1940 Supplement

To

Mason's Minnesota Statutes 1927

(1927 to 1940)
(Superseding Mason's 1931, 1934, 1936 and 1938 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.

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1940
duties and obligations as are by this act vested in or imposed upon the corporation referred to in Section 2 of this act. Every municipality in which such an armory may be constructed as provided in Section 12 of this act, and every governing body of and every other governmental agency in every such municipality, shall have like powers and privileges and be subject to like duties and obligations as are by this act vested in or imposed upon the respective cities, governing bodies, and other governmental agencies referred to in Sections 1 to 11 of this act, inclusive. All the provisions of this act relating to the construction of armories in the cities referred to in Section 1 of this act and to all other matters connected therewith, and for such purposes the term "city" as used in Sections 1 to 11, inclusive, of this act shall be construed to refer to the municipalities referred to in Section 12 of this act, and the terms "commission" and "corporation" as used in Sections 1 to 11, inclusive, of this act, shall be construed to refer to the commission and corporation referred to in Section 13 of this act; provided, however, as follows:

(a) The total cost to the corporation of each armory constructed as provided in Section 12 of this act, including the site, building, and equipment, shall not exceed $75,000.00 for each unit of the national guard or naval militia to be quartered therein, and the total amount of bonds issued on account of each such armory shall not exceed the amount of such cost.

(b) The adjutant general may pay under the provisions of subdivision (d) of Section 5 of this act on account of each armory constructed as provided in Section 12 of this act an amount not exceeding $2,000.00 per year for each unit of the national guard or naval militia quartered in such armory.

(c) The corporation created under Section 13 of this act shall have like powers and privileges and be subject to like duties and obligations as are by this act vested in or imposed upon the respective cities, governing bodies, and other governmental agencies referred to in Sections 1 to 11 of this act, inclusive. All the provisions of this act relating to the construction of armories in the cities referred to in Section 1 of this act and to all other matters connected therewith, and for such purposes the term "city" as used in Sections 1 to 11, inclusive, of this act shall be construed to refer to the municipalities referred to in Section 12 of this act, and the terms "commission" and "corporation" as used in Sections 1 to 11, inclusive, of this act, shall be construed to refer to the commission and corporation referred to in Section 13 of this act; provided, however, as follows:

(d) The treasurer of the corporation created under Section 13 of this act shall give a bond to the corporation in such sum and with such surety as the corporation may determine, conditioned in like manner as the bonds of treasurers of public bodies, to be approved and filed as the corporation may determine.

(e) The corporation created under Section 13 of this act may designate one or more state or national banks as depositories of its funds, and may provide, upon such conditions as the corporation may determine, that the treasurer of the corporation shall be exempt from personal liability for loss of funds deposited in any such depository due to the insolvency of such depositories or omissions of such depositories. (Laws 1913, c. 358, s. 14; Laws 1923, c. 332, s. 8; Mar. 11, 1935, c. 40, ss. 2.)

(f) Act Apr. 20, 1933, cited, adds sections 12, 13 and 14 to Act 1931, c. 358. The enacting part provides that the words "this act" shall be deemed to refer to the amended act as amended.


NAVAL MILITIA

2520. Naval Militia not to exceed eight companies.
The Naval Militia shall consist of not to exceed eight divisions or companies and a squadron of air service, organized into such number of battalions as shall be necessary to meet the national situation as may require. (88, c. 355; '85, c. 34, s. 11; '09, c. 389, s. 11; G. S. c. 13, s. 5472; '16, c. 353, s. 11; Apr. 25, 1929, c. 296.)

(e) The corporation created under Section 13 of this act may designate one or more state or national banks as depositories of its funds, and may provide, upon such conditions as the corporation may determine, that the treasurer of the corporation shall be exempt from personal liability for loss of funds deposited in any such depository due to the insolvency of such depositories or omissions of such depository. (Added as §14, Laws 1931, c. 358, by Act Apr. 20, 1933, c. 332, s. 8; Mar. 11, 1935, c. 40, s. 2.)

WAR RECORDS


CHAPTER 13

ROADS

GENERAL HIGHWAY ACT

2549. Scope of act.
175M683, 227N1873; note under §2554.
A village approving plans of construction by state highway commissioner of a trunk highway upon a village street and authorizing a change of grade according to such plan, makes itself liable for the damage caused by such change, in the absence of any express assumption of such liability by the state. 178M144, 226NW352.

Followed in Foss v. M., 178M430, 227NW357.
State cannot reimburse county out of trunk highway fund for expenditures for which an armory is built by county and later designated and taken over by state as trunk highway. State v. Babcock. 186M132, 226NW193.

Where "state rural highway" was established and continued as §14, Laws 1931, c. 358, by Act Apr. 20, 1933, cited, adds sections 12, 13 and 14 to Act 1931, c. 358. The enacting part provides that the words "this act" shall be deemed to refer to the amended act as amended.


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WAR RECORDS


CHAPTER 13

ROADS

3. "County roads."
Order that portion of road within county should be set aside by the county for "opening and maintenance" and that such road be within the county, the duty of opening the road, and upon the towns through which the road passes the duty of maintaining same. Op. Atty. Gen. Mar. 27, 1931.

4. "Town roads."
Petitioner for whose primary benefit a cartway was established cannot treat it as a strictly private way, and cannot keep the public off it. Op. Atty. Gen. June 10, 1925.


2548. "Road" and "Highway" defined.

Where road extending into two counties over bridge across river, forming boundary between counties, was designated as a state aid road by both counties, each was charged with one-half of the cost of the construction of the road within its territorial limits and no more, though county may expend money, if it desires, in the maintenance of bridge or road in another county. Op. Atty. Gen. Aug. 18, 1930.

Cartways may not be established between two parcels of land where it would not connect with a public road. Op. Atty. Gen. (277a-1), Sept. 28, 1924.


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2544. Width of Roads.
Land taken for a public cartray is taken for a public purpose although the one to whose land the cartray was taken in possession of a public highway. 175M182, 211NW257. A road on county line remained open for entire width, though only part of width was constructed. Op. Atty. Gen., June 21, 1932.

2545. Width of bridges and culverts.—Any bridge or culvert, or approaches thereto, on any road hereafter constructed, except cartrays, shall be at least twenty (20) feet wide; and when such bridge in its construction or repair shall be raised three feet or more above the level of the bank on which it is located, a fully cantilevered pier, then such bridge and approaches shall be at least twenty-four (24) feet wide and provided with substantial railings. (As amended Apr. 20, 1939, c. 314.)

2546. Width and clearance of railroad bridges.—Whenever any railroad company shall hereafter construct or substantially reconstruct a bridge over a public highway, the same shall be constructed so as to leave a clear opening for the highway at least twenty-eight (28) feet wide and at least fourteen (14) feet clear space from the surface of the highway to the top of the bridge. Provided, however, that the requirement for the clear opening for the highway may be modified by the Commissioner of Highways upon plans approved by him. (As amended Apr. 21, 1939, c. 393.)

Negligence of railroad in failing to comply with this statute is a sufficient title to support an application for an injunction. Atty. Gen. (107c-4), Nov. 2, 1934.

A railroad company owes a common-law duty to provide overhead or underground crossing when reasonably necessary for public travel upon a highway. Murphy v. G., 189M10D, 248NW715. See Dun. Dig. 8120.

A railroad company which constructs an overhead bridge, with a clear opening (14 feet) which is approved by highway commissioner, does not have duty of caring for a reflector placed upon such bridge to warn a traveler on highway. Murphy v. G., 189M109, 248NW715. See Dun. Dig. 8129, 8131.

Whether driver of automobile striking middle pier of railroad bridge on which there was a defective reflector was guilty of contributory negligence, held for jury. Murphy v. G., 189M109, 248NW715. See Dun. Dig. 8129, 8131.

Proximate cause of accident was skidding of car and not unlighted position of pier, following railroad. Lusk v. Great Northern R. Co., 171M466, 214NW763. Lundstrom v. G., 294M624, 261NW465. See Dun. Dig. 8131.

2547. Width and clearance of railroad bridges.—Any bridge hereafter constructed on any public highway shall be at least twenty-four (24) feet wide and the approaches thereto shall be at least twenty-eight (28) feet wide and the grade of such approach shall not exceed five (5) percentum, with a center pier of at least twenty-eight (28) feet wide and at least fourteen (14) feet clear space from the surface of the highway to the top of the bridge. Provided, however, that the requirement for the width of the bridge and for the width of the approach may be modified by the Commissioner of Highways upon plans approved by him. (As amended Apr. 21, 1939, c. 392.)

2549. Trunk highways.
A legislative plan of construction by state highway commissioner of a trunk highway upon a village street and authorizing a change of grade according to the discretion of the state highway commissioner itself liability for the damage caused in abutting property by such change, in the absence of assurance of such liability in the statute, 178M114, 226NW398.

Followed in Feen v. M., 175M430, 211NW657.

Change of course consequent for highway purposes is a sufficient title to support an application for an injunction. In re Jackson, 189M67, 248NW751. See Dun. Dig. 4155, 4157, 4180.

Supervision and control by highway commissioner over trunk highways is a sufficient title to support an application for an injunction. Otten v. B., 188M366, 270NW133. See Dun. Dig. 6452.

Where county under plan approved by state highway department constructed underpass under trunk highway for use of an individual, county was not liable for injury caused by a defect in said underpass, and not for false impression caused by a defect in said underpass, in which a pedestrian fell in the night time, the ice company was not liable, being under no duty to take precautions or protective measures for safety of traveling public. Id. See Dun. Dig. 8647.

A borough has no legal authority or power to grant privilege to individuals of installing gasoline curb pump on state trunk highway, and a village would be liable for any injuries to persons resulting from a cause which one who was in exercise of due care. Op. Atty. Gen. (236c-1), Jan. 6, 1935.

Where highway department takes over part of city street in which a street railway is operating, a renewal of franchise is a matter to be settled as between commissioner of highways, city and street railway. Op. Atty. Gen. (1362-17), July 27, 1928.

2550. State aid roads.


2551. County roads.

It is duty of town to construct and maintain approved bridge or bridge approved by this act, and such bridge in its construction or repair shall be at least twenty (20) feet wide; and when such bridge in its construction or repair shall be raised three feet or more above the level of the bank on which it is located, a fully cantilevered pier, then such bridge and approaches shall be at least twenty-four (24) feet wide and provided with substantial railings. (As amended Apr. 20, 1939, c. 314.)

Negligence of town in maintaining highways is exercising a governmental function and is not liable to private parties for negligence of employees occurring during the performance of such work. Op. Atty. Gen., Mar. 27, 1931.

Where county board established a road in a town in 1908 and township did a little grading but never completed road, it is now the duty of the county and not the township to complete such road, notwithstanding Laws 1913, c. 235, and R. L. 1905, §1168. Op. Atty. Gen. (386a-11), Sept. 26, 1924.

County is not liable for injuries to truck driver sustained on account of defects in county bridge. Op. Atty. Gen. (107b-6), Nov. 14, 1933.


County would be liable for negligence of WPA workman burning grass on county highway, permitting fire to spread to property of abutting owner, if county was in control of the project. Op. Atty. Gen. (844-5), June 8, 1936.


County was liable to telephone company for negligence of its employees in setting fire to poles while burning weeds on county aid road. Op. Atty. Gen. (125a-29), June 20, 1928.

2552. Town roads.

There is no state aid road in town, but where the town can compel another to maintain its half of a town line road where there has been no agreement for the division of the road for purpose of maintenance, the only remedy is the maintain road. Op. Atty. Gen., June 27, 1939.

If the town board, acting in good faith, replaces a culvert or bridge 14 ft. wide by a cement culvert 48 in. in diameter, the members of the board are not personally liable for injury to surrounding property by want of availability of the drainage system being changed, or for damages for any injury resulting. Op. Atty. Gen., July 19, 1938.

Where county board advertised for bids for graveling a highway as a county road, when in fact a town road, it was without authority to proceed with the contract and was not justified in refunding moneys for returning to the contractor to execute the contract. Op. Atty. Gen., Sept. 8, 1920.

Where county board awarded contract for construction of road, and electors of town have voted the amount required of them, county board cannot thereafter withdraw. Op. Atty. Gen., May 11, 1921.
Such assistant shall, before entering upon the performance of his official duties, give bond to the state to be approved by the governor in the penal sum of ten thousand dollars conditioned for the faithful performance of his duties. If a surety company bond is given, the premium thereon may be paid from the funds available for the payment of the expenses of the highway department; provided, however, that the amount of such premium so paid shall be approved as to amount by the state treasurer. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of the said assistant in the performance of his official duties, may maintain an action on such bond for the recovery of damages so sustained.

The commissioner of highways is hereby authorized to employ such skilled and unskilled help and employees as may be necessary for the performance of his duties and do any other acts as may be prescribed by the laws of the state. The total amount paid for the employment of such help and employees shall not exceed the sum of One Hundred and Fifty Thousand ($150,000) Dollars per annum. None of such help or employees shall be required to possess any other qualifications than may be prescribed by the commissioner of highways.

The commissioner of highways, assistant, and such help and employees as may be so appointed or employed shall constitute and be known as the highway department.

Each of such help and employees as may be determined and designated by the commissioner of highways shall, before entering upon the duties of his office or employment, give bond to the state in such penal sum as may be determined upon by the commissioner of highways, to be approved by the governor and conditioned for the faithful performance of his duties. If a surety company bond is given, the premium thereon may be paid from the trunk highway fund. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of said help or employees in the performance of his official duties may maintain an action on his bond for the recovery of the damages so sustained.


The cost of constructing town roads is imposed upon townships, but the town board has control over all town roads including those in an unincorporated community. Op. Atty. Gen., Apr. 28, 1933.

The county is not liable for a death of a farmer in an adjoining field caused by blasting a stump. If its officers or agents were negligent, the claim of the farmer's estate is subject to the direction and orders of the commissioner of highways. Op. Atty. Gen., Mar. 1, 1933.

buildings, necessary for the storing and housing of such material, machinery, tools and supplies; and in carrying out the provisions of this article, the trunk highway fund, to which Article 16 of the constitution of the state, is hereby authorized to expend out of trunk highway funds such portions thereof as may be available for the purposes herein provided, and there is hereby appropriated, annually, from such fund for the carrying out of said purposes on the trunk highway system, the compensation of all persons employed and the purchase of the necessary road material, tools, machinery and supplies for the construction and maintenance of said trunk highway system and for the compensation of all persons employed and the necessary expenses incurred in the execution of such work, such expenditures to be made as provided in this act. The Commissioner of Highways shall continue under the provisions of Chapter 426, Laws of 1925 as amended [§53-36]. Where any trunk highway runs to any interstate water forming the boundary between Minnesota and any other state and there connects with any interstate bridge across such boundary, or runs into any city or village situated on such water boundary and intersects any street thereof add such a structure, the portion of such trunk highway and any such bridge with the limits of this state shall be considered as a part of such trunk highway system except where any such bridge is owned by a private person or corporation or is operated as toll bridge and said commissioner is authorized and directed to cooperate with the duly authorized authorities of such adjoining state in the maintenance, repair, construction and removal of any such bridge. (As amended April 17, 1937, c. 262, §4.)

Sub. 2. On the first Tuesday of April of each year it shall be the duty of the commissioner of highways, state auditor and state treasurer following the transfer to the trunk highway fund of any surplus remaining in the trunk highway sinking fund, as provided in this act, to set aside from the total sum in said fund—

1. The proportion of expense of the highway department to be borne by the trunk highway fund authorized by section 12 of this act, not to exceed One Hundred Fifty Thousand ($150,000) Dollars.

2. The proportion of the trunk highway fund provided by this act to be set aside for maintenance.

3. Such sum as may be found necessary for the payment of interest and principal of such trunk highway bonds of the State of Minnesota or bonds issued by the State of Minnesota to take up maturing county bonds or county bonds assumed by the state under Article 16 of the constitution.

4. Such sum as may be necessary to equal the total sum of the federal aid received from the United States Government for road purposes in Minnesota.

Any sum remaining in the trunk highway fund after the sums before mentioned together with the sum set aside to meet the government aid, and the total amount received as government aid, excepting such portion of government aid as shall be required to make contracts on the trunk highway system with adjoining states, shall constitute the portion of trunk highway fund available for construction purposes for that year. The highway commissioner is hereby authorized to expend during the ensuing year for hard surface construction on the trunk highway fund not to exceed 20 per cent of such construction fund, provided that the commissioner of highways, may, in his discretion, if the provisions of federal aid are mandatory requirements, as a condition precedent to receiving such aid, use an additional amount from such fund not to exceed, in any event, an additional thirteen and one-third per cent from such construction fund in any one year. The remainder of such construction fund shall be used by the commissioner in accordance with the provisions of Section 12 of this act.

Article 16 of the constitution of the state, is hereby amended, in order to coordinate the markings of the various existing routes, together with new routes
which hereby are or may be added, and in order to avoid duplication in numbers used on interstate routes, the Commissioner of Highways is authorized to revise and consolidate the markings and design of the routes within the system from time to time, provided that whenever the Commissioner of Highways does so revise the marking and/or numbering he shall prepare a map showing the existing routes and identifying numbers and also the routes and identifying numbers or design of the revised system. That said map shall be authenticated by a certificate of the Commissioner of Highways certifying the same as being the map showing the revised markings under the provisions of this Act. Said map shall thereafter be filed in the office of the Secretary of State and a duplicate thereof shall be filed in the office of the Commissioner of Highways. Said map shall thereafter govern the identification of the several routes or portions thereof in the trunk highway system and all proceedings, records and accounts thereafter shall be governed accordingly. Proceedings pending and under way at the time such map is filed shall cite both the old and new identifications. (As amended Apr. 22, 1932, c. 600, §5.)

Sub. 6. The Commissioner of Highways may construct the work or any part thereof, incidental to the construction and maintenance of the trunk highways by labor employed therefor or by contract. In cases of emergency, the Commissioner of Highways shall first advertise for bids for contracts and if no satisfactory bids are received, he shall have the right to reject all bids and re-advertise or do the work by labor employed therefor. When work is to be let under contract he shall publish a notice to that effect in case of emergency requiring immediate action, or contracts for three successive weeks prior to the date such bids are to be received, in such local newspaper or other periodicals as may be deemed advisable, provided that in case of emergency requiring immediate action, contracts may be awarded without published notice.

Emergency shall be defined as the doing of such work on the highways of the State of Minnesota as is necessary for immediate action in order to maintain existing highways in a passable condition. Provided, no emergency shall be declared to exist except upon the written authority of the highway commissioner or his deputy. (As amended Apr. 26, 1932, c. 440, §1; Apr. 18, 1938, c. 276.)

Sub. 7-17. * * * *

Sub. 18. (a) The Commissioner of Highways is hereby authorized to employ and designate not to exceed 108 persons during the calendar year 1939 and to exceed said numbers to the extent of the provisions of the laws relating to the protection of and use of trunk highways, who shall have upon all trunk highways the same powers with respect to the enforcement of laws relating to crimes, as sheriffs, constables, and police officers have within their respective jurisdictions, so far as may be necessary for the protection of life and property upon such trunk highways. Under instructions and regulations of the Commissioner of Highways, said employees shall cooperate with all sheriffs and other police officers, and to that end are authorized to exercise the powers herein conferred upon all trunk highways and, for the purpose of continuing pursuit from such trunk highways of offenders thereon, upon all public highways connecting and traversing such trunk highways, provided that said employees shall have no power or authority, other than that of arrest, with strikes or industrial disputes. Employees thus employed and designated shall subscribe an oath and furnish a bond running to the State of Minnesota, said bond to be approved and filed in the office of the Secretary of State. (As amended Apr. 27, 1935, c. 204; Apr. 22, 1939, c. 301.)

(b) All fines, from traffic law violations, collected from persons apprehended or arrested by such employees, shall be paid into the state treasury and shall be credited to a separate fund hereby established, and said fund shall first be paid to counties all costs and expenses incurred by them in the prosecution and punishment of persons so arrested and for which such counties have not been reimbursed by the payment of such costs and expenses by the municipality or corporation, the act or omission of which is the cause of said fund as shall be necessary for the making of such reimbursement is hereby appropriated therefor. Such payment shall be made by the state treasurer upon the claim of the county verified by the county auditor. On the first day of each calendar month the moneys remaining in such fund shall be credited to that part of the trunk highway fund which is set apart for maintenance purpose; and so much of said maintenance fund as shall be necessary for the salaries paid to such employees is hereby appropriated for that purpose.

(c) Each such employee shall receive a salary of not less than $150.00 per month and shall receive an annual raise of $5.00 per month for each succeeding year of employment, such term of employment to be computed from commencement of employment by such individual employee, except that the salary of no employee shall exceed the sum of $180.00 per month. Each one of not to exceed eight assistant supervisors shall receive a salary of not less than $150.00 per month and shall receive an annual raise of $5.00 per month for each succeeding year of service, the term of employment of such assistant supervisors to be computed from commencement of employment of such individual assistant supervisor; and no salary or of no such assistant supervisor shall exceed the sum of $2400.00 per year. The salary of one chief supervisor shall be in such amounts as may be fixed by the Commissioner of Highways, but not to exceed $1600.00 per year. (Added by Act Apr. 24, 1929, c. 355, §1; Mar. 7, 1931, c. 44, §1; Apr. 27, 1932, c. 304; Feb. 17, 1937, c. 30, §1.)

Sub. 19. Whenever a state trunk highway route is necessary for immediate action in order to properly connect the designated objectives it is advisable to construct and maintain said highway across a portion of adjoining state, the Commissioner of Highways is authorized to expend trunk highway funds therefor in the same manner as other expenditures for trunk highway purposes are made. (Added by Act Apr. 22, 1933, c. 440, §5.)

Sub. 20. The Commissioner of Highways is authorized to cooperate with state, county, town, city, village, or municipalities, the United States Government, or any duly constituted agency, bureau or department thereof in supervising construction, maintenance and/or improvements of public highways within the state of Minnesota.

The Commissioner of Highways is authorized when requested by the United States Government, or any agency, bureau or department thereof, to act in disbursing and accounting for federal and other funds for such public highways or projects, provided that the total cost of such projects has been made available by the United States Government, or any duly constituted agency or bureau thereof or obligated by any other agency, either public or private in whose behalf the work is undertaken. (Added by Act Mar. 12, 1935, c. 42, §1; Apr. 2, 1937, c. 135, §1; Apr. 20, 1939, c. 313.)

Explanatory note.—The title and enacting clause of Laws 1937, c. 304; 1939, c. 301, and the provisions of the Act in regard to the powers herein conferred upon all trunk highways and, for the purpose of continuing pursuit from such trunk highways of offenders thereon, upon all public highways connecting and traversing such trunk highways, provided that said employees shall have no power or authority, other than that of arrest, with strikes or industrial disputes, Employees thus employed and designated shall subscribe an oath and furnish a bond running to the State of Minnesota, said bond to be approved and filed in the office of the Secretary of State. (As amended Apr. 27, 1935, c. 204; Apr. 22, 1939, c. 301.)

(b) All fines, from traffic law violations, collected from persons apprehended or arrested by such employees, shall be paid into the state treasury and shall be credited to a separate fund hereby established, and said fund shall first be paid to counties all costs and expenses incurred by
nebota shall have a claim against the county, city, village, borough, town or school district, requesting such snow removal to reimburse the trunk highway fund, and the commissioner of highways may order such work and pay for same and may require by court to pay to plaintiffs, taxpayers, out of funds recovered and saved to state, reasonable and necessary expenditures and attorneys' fees incurred by such plaintiffs in carrying on litigation. Re- 
g. M. 1937, c. 546, § 24. See Dun. Dig. 854. 3. Allowance of $60,000 to attorney saving the state and taxpayers $250,000 was not excessive. Id.

Where state intervenes and joins plaintiffs in suits in equity by taxpayers to cancel contracts for paying of state trunk highway fund, and action is brought by county for such contracts, and for purpose of recovering for state moneys illegally paid out or to be paid out under such contracts, state sues in its own name and may be required by court to pay to plaintiffs, taxpayers, out of funds recovered and saved to state, reasonable and necessary expenditures and attorneys' fees incurred by such plaintiffs in carrying on litigation. Re- 

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2554-1/4d. Charges to be made in writing.—The charge or charges against any such state employe shall be made in writing and signed and sworn to by the person making the same, which written charge or charges shall be filed with the commissioner of highways. Upon the filing of the same, if the commissioner shall be of the opinion that such charge or charges constitute a ground for suspension, demotion or discharge, he shall order a hearing to be had thereon, and fix a time for such hearing. Otherwise, he shall dismiss such charge or charges. At least ten days before the time appointed for such hearing, written notice specifying the charge or charges filed and stating the name of the person making the charge or charges shall be served on said employe personally or by leaving a copy thereof at the usual place of abode of such employe, with some person of suitable age and discretion, then residing therein. If the said commissioner of highways orders a hearing, he may suspend such employe pending his decision to be made after such hearing. (Act Apr. 24, 1935, c. 254, §3.)

2554-1/4e. Commissioner may compel attendance of witnesses.—The commissioner of highways shall have power to compel the attendance of all such witnesses as he may see fit, who failed to appear for trial, should be paid to the state treasurer. Op. Atty. Gen., 1938, 254, 38. See State ex rel. Wilbur v. County, 192, 247 NW 12. See Dun. Dig. 487a, 500. See §2554-1 rather than §53-10. Id.

2554-1/4f. Right of appeal.—Any such state employe who is so suspended, demoted or dismissed may have such decision or determination of the commissioner of highways reviewed by a writ of certiorari in the district court of the county in which such state employe resides. If such decision or determination of the commissioner of highways is reversed by the district court, and such decision or determination of the commissioner of highways is set aside, then the state employe shall be reinstated in his position and the commissioner of highways shall pay to the state employe so suspended or dismissed out of the funds of the highways department, and of the county in which such employe resides, any remuneration withheld from him pending the determination of the charge or charges or as may be directed by the court. If upon any such hearing the said commissioner of highways shall find the charge or charges made against such state employe not to be true or shall dismiss such charges after such hearing, the said state employe shall be reinstated in his position and the said state employe shall receive all remuneration withheld from him pending the determination of the charge or charges or as may be directed by the court.
of way purposes, or may quitclaim to any person the fee title to any lands owned by the state for trunk highway right of way purposes, but no longer needed for such purposes; provided, however, that whenever less than the entire easement or part of the fee title of any such land owned by the state is to be relinquished, the consideration paid therefor shall be not a less proportion of the consideration paid therefor by the state than the proportion of the area or estate of the part so to be relinquished and quitclaimed bears to the area or estate of the entire easement or estate.

Section applies uniformly to all cities throughout the state, and city of Pipestone, operating under home rule charter, may do paying and pay for it out of general fund. Op. Atty. Gen. (376c-14), Apr. 15, 1936.

City of Pipestone under its charter may issue bonds to carry out agreement with the state highway commissioner for improvement of street without vote of electors, but resolution authorizing bonds must receive 4/5 vote of all members of council. Op. Atty. Gen. (54a-23), Feb. 5, 1937.


2554-1. Logging railroads across highways.

This act is valid. Otterstetter v. S., 142M442, 174NW396; Town of Kinghurst v. L., 174M305, 219NW172.

2559. State road and bridge fund—Appportion.

Sub. 1. For the purpose of state aid in the construction and improvement of public highways, there shall hereafter be levied annually on all taxable property of the state a tax of one mill on each dollar of valuation, to be collected in the same manner as other state taxes, and the money so raised, together with all other accruing income therefrom, shall be used for the construction, improvement and maintenance of public highways within the state, and for the payment of expenses incurred in the internal improvement land fund, or that may hereafter accrue to said fund, and all funds accruing to the state road and bridge fund, however provided, shall constitute the general state road and bridge fund.

Sub. 2. On or before the first Tuesday in April of each year, the commissioner of highways, the state treasurer and the state auditor shall estimate the amount which will be required for the state aid road and bridge fund during the next fiscal year and at first setting aside therefrom an amount not exceeding $50,000 for a reserve maintenance fund, to be expended as hereafter provided, shall apportion the balance of the state road and bridge fund among the different counties of the state and the commissioner of highways shall immediately send a statement of such apportionment to the state auditor and to the county auditor of each county, and shall apportion to each county for expenditure during such year the amount so apportioned to each county shall be paid to the county auditor of each of said counties out of the state road and bridge fund in the manner provided in this act. Sub. 3. Not less than one per cent nor more than three per cent of the state road and bridge fund available in any year and remaining after setting aside the funds hereinbefore provided for, shall be apportioned to each county.

Sub. 4. The amount so apportioned to each of the counties as hereinbefore provided shall be expended by the county board of each county in constructing, improving and maintaining county aid and state aid roads therein in conformity with the provisions of law now existing governing such expenditure on county aid and state aid roads, provided that at least 40 per cent of the money so apportioned to each county shall be used for the maintenance of state aid road and bridges therein.

Sub. 5. That any state aid heretofore apportioned to any county, but not yet paid over to such county, shall be paid to such county when and as soon as said state aid shall become due and payable under existing law notwithstanding any provision in this act, Sec. 3, c. 323, §18, Feb. 16, 1929, c. 22; Apr. 1, 1933, c. 148.
Evidence does not show road to have been designated a state-aid road under §2560, so as to be immune to town assessment under §2559. Peterson v. B., 193M465, 272NW291. See Dun. Dig. 8456.

A city may be reimbursed by a county out of special state aid for the same satisfactory and that the work has been done in substantial compliance with the plans and specifications therefor, and the contract therefor, if any, shall certify the same to the state auditor who shall issue a warrant for the state's share thereof drawn by said respective paying officer or officers of said county, but in no case shall said warrant, with all other warrants, exceed the amounts allotted to such county. Provided that every county which has constructed or improved any state rural highway pursuant to Laws 1911, Chapter 264 [Mason's Minn. St., 1927, §2620-14, note], and has issued its bonds to provide funds for the payment of the cost thereof, which during any year fails to avail itself of any funds allotted to it out of the general state road and bridge fund by the construction, improvement or maintenance of state aid roads, and shall also submit a detailed report from the highway engineer showing all such details concerning the same as may be required by the commissioner of highways.

On receipt thereof the said commissioner of highways shall proceed to examine such reports, and if he finds the same satisfactory and that the work has been done in substantial compliance with the plans and specifications therefor, and the contract therefor, if any, he shall certify the same to the state auditor who shall issue a warrant for the state's share thereof drawn by said respective paying officer or officers of said county, but in no case shall said warrant, with all other warrants, exceed the amounts allotted to such county.

Provided that every county which has constructed or improved any state rural highway pursuant to Laws 1911, Chapter 264 [Mason's Minn. St., 1927, §2620-14, note], and has issued its bonds to provide funds for the payment of the cost thereof, which during any year fails to avail itself of any funds allotted to it out of the general state road and bridge fund by the construction, improvement or maintenance of state aid roads within such county. Whenever any such county shall make any such payment the auditor thereof shall certify the fact of such payment, the date and amount thereof to the state auditor who shall thereupon issue and transmit to the treasurer of such county a warrant for such amount. The proceeds of such warrant shall be placed by the county in a county fund and shall be disbursed in the same manner as other county funds are disbursed but only for the payment of the cost of constructing and maintaining state aid roads.

Provided, that the State Auditor shall not issue any such warrant to said county until the Commissioner of Highways shall certify to said State Auditor that said county is entitled to receive any such payment out of said state-aid road and bridge fund, for the purpose of financing a bridge or bridge project. If the Commissioner of Highways proper information, the County Auditor of any such county shall certify the fact of such payment, the date and amount thereof, to said Commissioner of Highways in the same manner as to the State Auditor.

2564-1. Interstate bridges connecting state trunk highway system with systems of adjoining states—Purpose of law.

Acquisition by certain cities of toll bridges across interstate waters. Laws 1939, c. 216.

2564-15. Bridges over stream forming state boundary—Municipalities may unite. —Counties, towns, cities and villages bordering upon streams of water which form the boundary line of this state may construct and maintain bridges or any stream the same as if such stream was wholly within the limits of the county, town, city or village constructing the same; and any such local subdivision

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within which such bridge may be desired may singly
or in conjunction with other such subdivisions unite
in the construction and maintenance of said bridge
with any one or more of the local subdivisions in the
adjoining state or province into which any such bridge
may extend; provided, that in such construction and
maintenance of all such subdivisions the credit due
in no wise be infringed. ('07, c. 399, §1.)
Omitted from 1923 and 1927 compilations as not of
general application.

§2564-16. Bridges over navigable river forming state
boundary—Appropriation by county board of not over
one-half of the cost thereof. Whenever one-half or
more of the resident taxpayers of any county, whose county
line is the boundary line of a state, as appears by the last
assessment roll of such county, shall petition the
board of county commissioners of such county,
praying for an appropriation to build a bridge across
any navigable river on the line of any such county,
the board of county commissioners of such county,
praying for an appropriation to build a bridge across
any navigable river on the line of such county,
shall in the manner in which it is proposed to pay for such
bridge, and the time when it will be completed,
such petition to be duly verified by the affidavits of
the one-half or more, as the case may be, of the
remaining one-half or more, as the case may be, of the
estimated cost and the necessity
thereof to accommodate the general traveling public,
the manner in which it is proposed to pay for such
bridge, and the time when it will be completed,
such petition to be duly verified by the affidavits of
any one or more of the local subdivisions in the
adjoining state or province into which any such bridge
may extend; provided, that in such construction and
maintenance of all such subdivisions the credit due
in no wise be infringed. ('07, c. 399, §1.)
Omitted from 1923 and 1927 compilations as not of
general application.

§2564-17. Same—Committee to confer with neighboring
state or municipality, etc.—If the remaining one
half of the cost of such bridge shall be made up by
an appropriation from any neighboring state or by a
municipality in this state, to be expended under a
commission or through any other agency, the board of
county commissioners shall appoint a committee from
its own number, or from any other or other
municipal agency, confer with its members and
advise and assist in the accomplishment of such
improvement in the best possible manner, and when
the work is completed and approved jointly by such
agency and committee, which approval shall be in
writing and duly reported to such board and recorded
in the minutes thereof, to direct the county auditor to draw
his warrant upon the treasurer in favor of the contractor for the
amount due him from such county. (’09, c. 425, §3.)

§2564-18. Same—Bonds, when may be issued—Tax
levy.—When one-half or such other proportion as
may be, of the cost of such improvement shall be
provided for by any municipality within this state, it
shall be lawful for such municipality to make a
special tax levy for such purpose, and such tax shall
be sufficient to defray the necessary expenditure in the
construction of such bridge, and when the same shall be completed and
accepted, the share of the cost thereof shall be borne by
such municipality shall be paid out of the general
fund by orders drawn in the usual form and manner. (’09, c. 425, §2.)

§2564-19. Same—Not more than one wagon
bridge—Limit of cost.—Not more than one wagon
bridge across a navigable river in each county shall be
built under this article, and the total cost of such bridge
shall in no case exceed the sum of fifty thousand
dollars. (’09, c. 425, §4.)

§2564-20. Designation of state aid parkways—powers of county board.—The County Board of any
county may, with the consent of the board of the
Commissioner of Highways and the Commissioner of
Conservation, designate any established road or specified portion
thereof, including portions lying within an established
public park or public recreational area, in its county,
as a state aid parkway, with the approval of the
board and the Treasurer in favor of the contractor for the
construction of such road, and when the same shall be completed and
necessary expenditure in the construction of such
bridge, and when the same shall be completed and
accepted, the share of the cost thereof to be borne by
such municipality shall be paid out of the general
fund by orders drawn in the usual form and manner. (’09, c. 425, §2.)

§2564-21. Same—Constructed under state aid road
laws.—State Aid Parkways shall be constructed, re-
constructed, improved and maintained in the same
manor and under the same laws as State Aid roads
and may be constructed or re-constructed, improved and
maintained pursuant to the Laws of 1921, Chapter
233, Section 9, the same being Mason's Minnesota
Statutes of 1927, Section 2550; and said laws are hereby made a part of this
Act. (Act Jan. 9, 1934, Ex. Ses., c. 61, §1; Apr. 61, 1939, c. 357.)

What constitutes "public recreational center" is ques-
tion in fact not to be determined by attorney general.

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2565. Powers of County Board.**************

Sub. 2. The county board of any county may appropriate from its road and bridge fund to a town, village, or city of the third or fourth class in its county money for the maintenance of roads, streets, or bridges therein, and such appropriations may be directly expended by the county board, upon such roads, streets, or bridges as shall be designated by the governing body of such towns, villages, boroughs or cities of the third or fourth class; provided, that in counties having a population of two hundred twenty-five thousand (225,000) inhabitants or over, such county board may appropriate money from time to time in accordance with the provisions of Chapter 51, Laws 1915, as amended by Chapter 209, Laws of 1919. Provided, further, that no town, village, or city of the third or fourth class shall receive an appropriation hereunder exceeding twenty per cent of the annual tax levy for road and bridge purposes paid by such town, village, or city of third or fourth class. (21, c. 323, §24; ’23, c. 435, §4; Apr. 13, 1929, c. 179.)

Act authorizing county board of certain counties to pay actual personal or property damages sustained by reason of negligence of county highway engineer or contractor in leaving any road in a dangerous condition for public travel. Laws 1921, c. 41.


Section 2.—Tax levy.

Cited in connection with holding that Laws 1927, c. 57, invalid. 171 Minn. 504, 223 N.W. 582.

Moneys in road and bridge fund raised pursuant to §2565, subd. 5, may be transferred or borrowed from such fund only at the same time that the county, town, villages, and cities in which such towns, villages or cities are held for a specific purpose imposed by law, and any dam or retaining works connected therewith, up to $100,000. Laws 1924, c. 356, §7. Provided that the county board is not restricted to the use of $200,000 to aid such towns, villages or cities in construction of roads designated as county aid roads and in the maintenance of bridge or road in another county. Laws 1923, c. 201, §10.

Section 3.—Registration of unemployed.


County board may appropriate funds for removal of snow from town road which may be expended either by the town, village, or city whose assessed valuation exceeds $500.00 per capita. Laws 1927, c. 320, §18, subd. 7, provided that the county board determines there is a surplus in such fund beyond needs of current year by unanimous action. Op. Atty. Gen. (107b-16, Sept. 28, 1934.


Sub. 2.


Section 2.—Tax levy.

Cited in connection with holding that Laws 1927, c. 47, invalid. 171 Minn. 504, 223 N.W. 582.

Moneys in road and bridge fund raised pursuant to §2565, subd. 5, may be transferred or borrowed from such fund only at the same time that the county, town, villages, and cities in which such towns, villages or cities are held for a specific purpose imposed by law, and any dam or retaining works connected therewith, up to $100,000. Laws 1924, c. 356, §7. Provided that the county board is not restricted to the use of $200,000 to aid such towns, villages or cities in construction of roads designated as county aid roads and in the maintenance of bridge or road in another county. Laws 1923, c. 201, §10. Provided, further, that no town, village, or city of the third or fourth class, or city of the county, such sums of money as are available and which it deems advisable to aid such towns, villages, boroughs or cities of the third or fourth class in the construction and maintenance of roads, streets or bridges therein, and such appropriations may be directly expended by the county board, upon such roads, streets or bridges as shall be designated by the governing body of such towns, villages, boroughs or cities of the third and fourth class; provided, that in counties having a population of two hundred twenty-five thousand (225,000) inhabitants or over, such county board may appropriate money from time to time in accordance with the provisions of Chapter 51, Laws 1915, as amended by Chapter 209, Laws of 1919. Provided, further, that no town, village, or city of the third or fourth class shall receive an appropriation hereunder exceeding twenty per cent of the annual tax levy for road and bridge purposes paid by such town, village, or city of third or fourth class. (21, c. 323, §24; ’23, c. 435, §4; Apr. 13, 1929, c. 179.)

Section 2.—Tax levy.

Cited in connection with holding that Laws 1927, c. 17, invalid. 171 Minn. 504, 223 N.W. 582.

Moneys in road and bridge fund raised pursuant to §2565, subd. 5, may be transferred or borrowed from such fund only at the same time that the county, town, villages, and cities in which such towns, villages or cities are held for a specific purpose imposed by law, and any dam or retaining works connected therewith, up to $100,000. Laws 1924, c. 356, §7. Provided that the county board is not restricted to the use of $200,000 to aid such towns, villages or cities in construction of roads designated as county aid roads and in the maintenance of bridge or road in another county. Laws 1923, c. 201, §10. Provided, further, that no town, village, or city of the third or fourth class, or city of the county, such sums of money as are available and which it deems advisable to aid such towns, villages, boroughs or cities of the third or fourth class in the construction and maintenance of roads, streets or bridges therein, and such appropriations may be directly expended by the county board, upon such roads, streets or bridges as shall be designated by the governing body of such towns, villages, boroughs or cities of the third and fourth class; provided, that in counties having a population of two hundred twenty-five thousand (225,000) inhabitants or over, such county board may appropriate money from time to time in accordance with the provisions of Chapter 51, Laws 1915, as amended by Chapter 209, Laws of 1919. Provided, further, that no town, village, or city of the third or fourth class shall receive an appropriation hereunder exceeding twenty per cent of the annual tax levy for road and bridge purposes paid by such town, village, or city of third or fourth class. (21, c. 323, §24; ’23, c. 435, §4; Apr. 13, 1929, c. 179.)

Act authorizing county board of certain counties to pay actual personal or property damages sustained by reason of negligence of county highway engineer or contractor in leaving any road in a dangerous condition for public travel. Laws 1921, c. 41.

erating body of any such towns, villages and cities of the second or fourth class therein. (Act Apr. 26, 1931, c. 264, §1.)

County may not add five per cent "handling charge" to actual cost of work done in village, unless it repre-

Village council is to select streets, bridges, etc., upon which money appropri-

2565-5. County boards may levy annual tax on unorganized territory for road and bridge purposes not to exceed fifteen mills on the dollar.—The county boards of the several counties in which there may be situated any territory not organized for township purposes or with which said territory is so taxed to create such fund. Provided, however, that such fund, in any county having not less than thirty-five nor more than forty congressional townships and having an assessed valuation of not less than sixteen million dollars or more than one hundred and five full and fractional townships and having an assessed valuation of not less than three million dollars nor more than five million dollars, exclusive of moneys and credits taxed under the provisions of Chapter 2565, shall be expended in the adjoining organized or unorganized township, or portion thereof. Provided, further, that such fund in any county having not less than fifteen nor more than one hundred and five full and fractional townships and having an assessed valuation of not less than one million dollars nor more than five million dollars, exclusive of moneys and credits, may be expended in any organized or unorganized township or portion thereof in such county upon resolution by the county board. (15, c. 44, §4; '19, c. 528, §1; July 14, 1937, Sp. Ses., c. 30.)

The fund authorized by this act shall be used in the unorganized township, or portion thereof, to create a fund, not to exceed, as to property in such unorganized terri-

2565-6. County boards may levy annual tax on unorganized territory for road and bridge purposes not to exceed fifteen mills on the dollar.—The county boards of the several counties in which there may be situated any territory not organized for township purposes are hereby authorized to, and they may in their discretion, annually levy a tax for road and bridge purposes on all the real and personal property in such unorganized territory, exclusive of moneys and credits taxed under the provisions of Chapter 2565, exceeding fifteen mills on the dollar of the assessed value of such property. Such tax, if levied, shall be additional to the tax which the counties are authorized to levy for county road and bridge purposes. (15, c. 44, §1.)

Omitted from 1923 and 1927 compilations as being local or special.


2565-7. Duty of auditor in extending the tax levy.—If any county board deems it desirable to levy such a tax on such property, it may at the time it levies the county taxes, by resolution reciting such fact, determine the amount so to be levied in each congressional township of such unorganized territory for the then current year. It shall be the duty of the auditor to extend such tax so levied upon the tax books of the county, at the same time and in the same manner as other taxes for county purposes are extended, as to property in such unorganized territory, and the same shall be collected and the payment thereof enforced at the same time and in the same manner as other county taxes, and such provisions concerning penalties for non-payment of tax at the time prescribed by law (15, c. 44, §2.)

2565-8. Collected amount to be set apart as a separate road and bridge fund.—Such tax, when collected, shall be set apart in separate funds in the county treasury; such funds shall be designated in such a manner as to describe each thereof as the road and bridge fund for the congressional township the property of which is so taxed to create such fund. (15, c. 44, §3.)

2565-9. Expenditure of fund in adjoining or other townships authorized.—Such fund shall be expended under the direction of the county board for the construction, improvement, maintenance and repair of roads and bridges in the congressional township the property of which was so taxed to create such fund. Provided, however, that such fund, in any county having not less than thirty-five nor more than forty congressional townships and having an assessed valuation of not less than sixteen million dollars or more than one hundred and five full and fractional townships and having an assessed valuation of not less than one million dollars nor more than five million dollars, exclusive of moneys and credits, may be expended in any adjoining organized or unorganized township, or portion thereof, upon a petition being presented to the county board, signed by a majority of the resi-
dents thereof, upon a petition being presented to the county board, signed by a majority of the resi-
dents of any such township, and said petition shall name the township from which said petition emanates, requesting that all or part of said money so collected in said unorganized township, shall be expended in the adjoining organ-
ized or unorganized township, or portion thereof.

Provided, further, that such fund in any county having not less than fifteen nor more than one hundred and five full and fractional townships and having an assessed valuation of not less than three million dollars nor more than five million dollars, exclusive of moneys and credits, may be expended in any organized or unorganized township or portion thereof in such county upon resolution by the county board. (15, c. 44, §4; '19, c. 528, §1; July 14, 1937, Sp. Ses., c. 30.)

The fund authorized by this act shall be used in the unorganized township, or portion thereof, to create a fund, not to exceed, as to property in such unorganized terri-

2565-10. Tax levy.—The tax above provided for may be levied on all or a part of the unorganized territory in any county, provided, however, that no part of such organized territory less than a congres-
sional township shall be so taxed. (15, c. 44, §5; '19, c. 528, §2.)

2569. County highway engineer.

Sub. 1. The county board of each county shall appoint and employ as hereinafter provided a county highway engineer, who shall have charge of the high-

way work of the county and the forces employed therein, and who shall make and prepare all surveys, estimates, plans and specifications which are required of him. Such county highway engineer may be re-

moved by the county board during the term of office for which he is appointed, only for incompetency or mis-
conduct shown after a hearing on charges upon stated charges. The burden of proving incom-
petency or misconduct shall rest upon the party alleging the same.

Sub. 2. Such county highway engineer may be selected from a list of eligible, competent highway engineers which list shall be submitted by the com-

missioner of highways to the county board when a vacancy exists. He shall be appointed at the first meeting of the county board in May of the year in which the term of office shall expire, and shall be appointed for a term of two years, provided, that when a new county highway engineer is appointed he may be appointed for one year only, and thereafter his appointment shall be made as hereinbefore set forth. The county highway engineer shall be the authorized agent of the state of Minnesota, and must have resided therein for not less than three years immediately preceding the date of his appointment. The salary of the county highway engineer shall be fixed by the county board and be payable the same as other county officers are paid. His salary shall not be reduced during his term of office, provided, however, that the salary of the county highway engineer may be re-

duced in the same proportion as the salary of the county board in such county.

Sub. 3. The county highway engineer shall devote his entire time to his official duties, and shall before entering upon the duties of his office, give bond to the state in the penal sum of $2,000, to be approved and filed in the same manner as are the bonds of the other county officers. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of said county highway engineer in the performance of his official duties, may maintain an action on his bond for the recovery of the damages so sustained.

Sub. 4. The county highway engineer shall pre-

pare and submit to the county board at its regular meetings in July, a report of all expenditures and work done since the last report, and an estimate of probable expenditures for the balance of the year. He shall also prepare and submit, prior to the time the levy for county road and bridge purposes is made, a recommendation with estimates of cost, of work which he considers necessary or advisable for the following year.

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Sub. 5. Within 30 days after the completion of a construction job and once each with one other time, he shall submit a report thereof to the county board and to the commissioner of highways, and shall submit such other reports as the rules and regulations of the commissioner of highways shall require.

Prior to January 1, 1935, the county highway engineer shall prepare a complete report covering the highway work of the county, and submit one copy to the county board and one copy to the commissioner of highways.

In cases where any other engineer or surveyor is now charged by law with duties in connection with, and supervision of road or highway work for the county he is hereby relieved at the expiration of his present term, and the county highway engineer at that time is hereby empowered with, and shall assume such duties, provided that the duties of the county highway engineer as specified in this section shall be performed by the county surveyor in all counties in the state having a population of not less than 225,000 or more than 400,000, and in counties with less than $400,000 inhabitants. OD.


1934.

Salary of engineer may be increased during his term of appointment. Op. Atty Gen., (122b), May 9, 1938.

Office of county highway engineer and that of surveyor are incompatible and may not be occupied by the same person. Op. Atty Gen., (122b).

Offices of county highway engineer and county surveyor are incompatible, and approval and the payment of any county engineer bond by one who has already qualified as county surveyor constitutes an election to vacate latter office. Op. Atty Gen., (122b).


2569-3. Same.—Bond.

Engineer may be required to furnish new bond for each term for which he is appointed. Op. Atty Gen., Mar. 17, 1934.

2569-7. Same.—Road and highway duties of other county engineers or surveyors transferred to.

Act Apr. 5, 1933, c. 165, authorized organized towns with more than 12,000 population, assessed valuation of over $7,000,000 and over 200 miles of town roads, to create department of highway engineers.

2571. Power of town board.

Act Ex. Ses., Dec. 27, 1933, c. 25, authorizes supervisors of townships having assessed valuation of over $5,000,000, assessed valuation of over $7,000,000, and 200 miles of town roads, to create department of highway engineers. He疑问 Laws 1933, c. 155. Omitted as local.

Where discretion of town supervisors with respect to the opening of a road has been exercised in an arbitrary and capricious manner, the court may exercise control, but it must be made to appear that there are not only available funds but also sufficient available funds to do whatever else may, in the reasonable judgment of the court, be needful on the other town roads. 179M34, 220NW165.

Lack of proof of proper attendance by members of town boards did not preclude recovery for construction and repair of a town line road. Lindgren v. T., 187M31, 244NW70. See Dun. Dig. 1904.

Under Laws Extra Session 1923-1924, c. 28, §1, town board of town coming within act may employ an attorney upon a monthly or yearly basis with a stipulated monthly salary. Op. Atty Gen. (444a-1), Apr. 29, 1934.

Department of conservation should first get proper permission from local town boards before exercising discretion to clear right of way or develop road bed in connection with emergency conservation work. Op. Atty Gen. (277a-4), Apr. 16, 1935.

Electors have no authority to set aside funds from tax levy to be made in future years for purpose of purchasing road equipment, but such funds may be transferred to county for that purpose. 175M34, 220NW165.

A county highway engineer under §2569 la not within jurisdiction of county highway engineer bond by one who has already qualified as county surveyor constitutes an election to vacate latter office. Op. Atty Gen., (122b).

2571-3. Transfer of funds validated.—Where the Board of County Commissioners, in any county containing any unorganized townships in which a tax has been levied and collected for dragging roads in such unorganized townships and which has been transferred such funds to the ditch funds and applied the same in payment of road benefits assessed against said townships on account of ditches, such action of the Board of County Commissioners is legal and valid.

2572. Town bonds for paving.

Ordinarily graveling a road is not a "permanent improvement" within this section for which bonds may be issued, but such graveling may be of such a character as to come within the statute. Op. Atty Gen., May 14, 1936.
Taxes on real property for town roads, bridge, and park purposes may be levied by the town board. The maximum levy for bridges and roads may not exceed four mills without vote of the people. If the voters of a town direct that roads within the town be divided into as many road districts as may be directed by the voters, the town board shall divide the town into as many road districts as there shall be voters in the town at the annual town meeting, the town board, in the sum of two hundred and fifty ($250.00) dollars, conditioned for the faithful discharge of his duties and to return to the faithful discharge of his duties and to return to the town all the property of the town which may come into his custody. The overseer, if appointed, shall hold office at the pleasure of the town board.

Provided, that such road overseer shall have no jurisdiction over county roads in any county which may have or hereafter may have a population of one hundred fifty thousand (150,000) inhabitants.

Whenever any public road in a town becomes obstructed or unsafe from any cause, the overseer shall immediately repair such road, and render his account therefor to the town board, in case of a town or county road, and to the county board in case of a state aid road. (As amended Apr. 22, 1937, c. 353, §1.)


Whether a road overseer may be appointed for the unexpired term and re-elected shall be deemed to have been levied and collected for road and bridge purposes within the meaning of any law limiting the amount of taxes which may be levied or voted at the annual town meeting.
Provided, that in towns having a assessed valuation of not less than one million nor more than eight million dollars ($8,000,000.00) and which otherwise qualifies under the laws of 1933 ([§1108-4 to 1108-15]), the amount of such tax so levied and collected shall not be deemed to have been levied and collected for road and bridge purposes within the meaning of any law limiting the amount of tax that may be levied or levied at any annual town meeting. (As amended Apr. 24, 1937, c. 402, §1.)


The decision of a county board to vacate a portion of a road in a county shall be subject to appeal in the same manner as a decision of a township board to vacate a portion of a road. See Dun. Dig. 8474(8).

To alter state aid road additional easements may be acquired under Laws 1911, c. 155, and petition and hearing as provided by §2582, but decision authorizing change in location must be made by joint action of county board and commission of highways. Op. Atty. Gen., Feb. 14, 1932.

A special road on county line remained open for entire width, though only part of width was constructed. Op. Atty. Gen., June 21, 1923.

In 1893 an order was made in regular proceedings establishing a county road on a section line, and as made and traveled deviated from established part of way, because of a grove of trees planted by an abutting owner, was on section line, the passage of time and use of the highway, but abutting owner should be given 10 days' notice of intent to remove trees. Op. Atty. Gen. (2291), Oct. 30, 1926.

Where "state rural highway" was established and continued under Laws 1911, c. 264, and was later designated as a temporary trunk highway and was turned back to the county by state board, it could not revert to its former status of "state rural highway" but became a county road that could not be turned back to the town to be treated once again as a county road by state under either §2582 or §2586, and procedure relating to assessment of damages in either case is prescribed in either case is prescribed in §2587. Id. See Dun. Dig. 8483.

County board may act under this section for purposes of establishing county road over land forfeited to the state for nonpayment of taxes, but if road runs through any state park or state forest, consent of the state must be obtained. Op. Atty. Gen. (377b-4, Dec. 20, 1932).


Attempted vacation proceedings were void where county board did not cause consent of village council to be obtained. Op. Atty. Gen., May 26, 1933.


If road is to be established in unorganized township, a petition must be made to the county board, unless such petition is for county highway purposes on tax forfeited lands, but county should resort to eminent domain. Op. Atty. Gen. (377b-3), Apr. 12, 1930.

County board desiring to establish road more than four rods wide should proceed under §5282 and not under §3237 et seq., no statute limiting roads to four rods in width. Op. Atty. Gen. (317N), May 25, 1939.

Persons entitled to compensation in eminent domain—mail carrier and mortgagee. 17MinnLawRev992.


A county board denying a petition for the vacation of a county road at one meeting may not reconsider it at another meeting. Op. Atty. Gen., July 23, 1931.

Tow town levy for town road drainage is subject to maximum limitations in §2573(b) and §2580(a). Op. Atty. Gen. (615a), Feb. 9, 1937.


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the county which is not accessible to the general pub-
lic by reason of the fact that there is no public high-
way leading up to the same, and (b) that the estab-
lishment and opening of a certain road of not more
than one mile in length and sixty-six feet in width
would connect such lake or navigable stream with a
public highway and would afford the general public
a means of access to such lake or stream, it may be
the duty of such board, if after an investigation
it finds the statement in the petition to be true, to
adopt a resolution establishing a public highway not
more than one mile long nor sixty-six feet wide, at
some location to be designated by it, so as to con-
nect such lake or stream with some previously estab-
lished and traveled highway, and to that end the
several county boards shall have power to acquire
any land, or any easement or interest therein deemed
necessary, including the right to acquire the fee
of the land to the width of the road only at the point
where the road meets the lake by purchase, gift or
condemnation proceedings. (Act Apr. 9, 1929, c.
14.)

County may establish road to lake shore. Op. Atty.
Gen., Aug. 15, 1933.

It may establish a road not longer than one mile
to connect a meandered lake or navigable stream with
(377c-7), March 23, 1939.

2583. Establishment, alteration, or vacation by town
boards.


Procedure by town board for vacation of certain
town roads in counties having 21,000 to 26,000
population, assessed valuation, exclusive of moneys and
credits, of $12,000,000 to $15,000,000, and 30 to 52 town-
ships, see Dal. Dig. 482, 8954.

Evidence sustains finding that owner of land, through
which town board laid a public road, waived service of
notice by appearing specially and objecting to jurisdic-
tion of board, but participating in proceedings and pre-
senting manner in which road would be a detriment and
damage to his farm. Peterson v. H., 1939M455, 272NW391.

See Dun. Dig. 482, 8954.

Evidence does not show road to have been designated
a state-aid road under §2585, so as to be immune to town
board vacation of town road. Id.

Facts found held not to show that by inaction town
town board had denied a petition for road within one
year prescribed by the statute. Id. See 8454.

The 20 day term for filing final order under subd. 6,
July 23, 1925.

Town board has right to make settlement with land-
owners for damages without making final order, but this
is limited to cases where road is established on petition

Procedure by town board for vacation of town road,

Where petition to town board for vacation of town road
was denied merely because it did not contain the
requisite number of signers, there was no denial of the
petition on its merits, and a new petition may be filed

Where town road was established along a section line
and inhabitants thereof brought action in the near future,
on action on the part of the town board is necessary to
use the land until the road is actually constructed.

To acquire right of way to road by outright purchase and

Sources to this section provide an additional method of petitioning town board.


A township may lawfully establish a town road pur-
suant to §2583, or a cartway pursuant to §2585(1), for a
distance less than that authorized by the statute from
town highway to a shore of a lake that is not meandered.

A township may not alter or create county road designated

A township may construct a road upon a proper petition
(377b-7), March 23, 1939.

A township road established as a two roads road and
maintained as a public road for 30 years could not be
vacated into a four roads road, following procedure
June 26, 1939.

Subd. 1.


Gen. (377a-7), Mat. 25, 1935.

Subd. 2.

§2585(3).

Trials or parties affected are not entitled to recover

Subd. 3.

Requirement for filing award of damages within five
days is directory, and not mandatory, and failure to file
within five days does not invalidate proceedings. Op.

It is mandatory that order be filed within 20 days of
date in order to become effective. Op. Atty. Gen. (376c-
1), Sept. 28, 1934.

Procedings are of no effect where board failed to
maim and file order establishing road, or where said
order is not pre-

Property owner owning lands on both sides of section
line not entitled to any compensation for construct and
maintain cattle pass at expense of town. Id.

Subd. 4.

173M672, 218NW115; note under §2585.

2584. Dedication of land for road.

Common-law dedication, see §2550.

April 14, 1929.

Road vacated did not become public road because
landowners conveyed by quitclaim deed, and several farmers used road for thirty years, without supervision
by municipality. It not appearing that town board ac-

A public highway may still be created by common law

2585. Cartways.

Sub. 1. Any town board may establish a cartway
both two roads wide and not more than three roads
wide on petition of not less than five voters, freeholders
of the town, filed with the town clerk, and after due
notice to other interested parties, as provided in this act
establishing town roads. The cost and expense thereof and the award and land
laid therefor, shall be paid by the town, as
is the case of town roads, and a record of such
cartway shall be filed in the town clerk's office.

Subd. 2. If all persons for the approval of the voters, after due
notice, at the annual town meeting such petition for allocation of funds, then the town board
shall accept conveyances. (As amended Apr. 14, 1937, c.
208, §1.)

Sub. 3. Any town board may expend road or bridge funds upon a legally established cartway the same as for
any public road, but not more than one-half of the
public interests require it. Provided, however, that
where any town board has refused to allocate funds
for the upkeep of a cartway, then upon the petition of
taxpayers of the town requesting the same and
present for the approval of the voters, after due
notice, at the annual town meeting such petition for allocation of funds, then the town board
shall expend road and bridge funds for such cartway.

2586. Question whether a public highway should be vacated
in a case where a majority of the property owners
cannot be disturbed unless it acts arbitrarily or against
and (377b-11), June 13, 1934.

A township may vacate township road which has been
rendered useless for public travel by reason of construc-
tion of a state highway, becoming liable for damages to
power company maintaining a line on such road. Op.

A township may construct a road upon a proper petition
Gen. (377b-7), March 23, 1939.

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acted arbitrarily. 173M448. 217NW499. 

the same at their own expense did not tend to show 

under 57250. 

that the principal benefit inures to one individual. The 

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1931. 

cannot keep the public off It. Op. Atty. Gen., June 10, 


12. 

Mar. 


way, held not excessive. Burns v. T., 186M588. 243NW 

Finding of a legal cartway, which owners of neither 

farm could obstruct, located over plaintiff's land, is not 

protection of true boundary line directly west thereof; 

such way being a mere easement over plaintiff's land and 

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highway, it being a question of fact that a one-rod road 

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2585-7. Damages.—The damages sustained by rea-

reason of establishing, altering or vacating any portage 

may be ascertained by the agreement of the owners 

and the County Board; and, unless such agreement is 

made, or the owners release in writing, all claim 

for damages, the same shall be assessed and awarded 

before such portage is opened, worked, used, altered 

or vacated. Every such agreement and release shall 

be filed with the county auditor and shall be final 

as to the matters therein contained. In ascertaining 

the damages, the same shall be assessed and awarded 

by the board, the board shall determine the money value 

of the benefits which the establishment, alteration or vaca-

tion, as the case may be, will confer, and deduct such 

value, if any, from the damages, if any, and award 

the difference, if any, as damages. (Act Apr. 22, 

1933, c. 424, §5.)

2585-8. Boards shall establish portage.—If the peti-

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2585-8. Boards shall establish portage.—If the peti-

tion for cartway must pay damages and town 


Petitioner for cartway may pay damages and town 

ing out and construction of such portage, in the case of the establishment of a new portage or the alteration of an existing portage or portages, and carrying into effect the vacation of an existing portage or portages, when such action is petitioned for. (Act Apr. 22, 1933, c. 424, \$6.)

2585-9. Damage to be paid by county.—All damages resulting from the establishment, alteration or vacation of a portage shall be paid by the county. (Act Apr. 22, 1933, c. 424, \$7.)

2585-10. Appeal to district court.—Any person aggrieved by the decision of a County Board establishing, altering or vacating any portage, or by any award of damages made by such County Board, may appeal therefrom to the district court of the county within 30 days after such award is made. (Act Apr. 22, 1933, c. 424, \$8.)

2585-11. May be altered or vacated.—A public portage may be altered or vacated in the same manner as it may be established. (Act Apr. 22, 1933, c. 424, \$9.)

2585-12. Cartways crossing township line.—Appointment of appraisers.—Whenever a petition praying that a cartway two rods wide is signed and presented to one of the judges of the district court of the county in which the land of the petitioner or petitioners is situated, praying for the establishment of such cartway from the land of such petitioner or petitioners over the land of another or others so as to connect with a public highway, where such cartway commences in one township and terminates in another township, such judge is hereby authorized to appoint three appraisers to examine the route of such proposed cartway, determine the cost of the construction thereof on and over lands other than that belonging to the petitioner or petitioners, and assess the damages, including the cost of the right of way, that may be caused to the lands of others on and over which said cartway is proposed to be established and laid out. (Act Apr. 21, 1939, c. 347, \$1.)

2585-13. Same.—Contents of petition.—Such petition shall be signed by the owner or owners of any tract of land more than 10 acres in area and which is improved and actually used and occupied as the exclusive place of residence by the owner or owners thereof for farming or agricultural purposes, and which has access to a public highway, and by the county in which the land of the petitioner or petitioners is located, and furnish due proof of such service, postmarked at the office of the clerk of each of the townships affected.

2585-14. Same.—Order on petition.—Upon the filing of such petition in the office of the clerk of the district court of the county the same shall be immediately presented to one of the district court judges thereof, who shall thereupon make and file an order appointing three disinterested freeholders who are not residents of any of the townships in or through which such proposed cartway is to be established and laid out; he shall in such order fix the time and place of the meeting of such appraisers, require that they shall make and subscribe oath to the faithful performance of their duties and cause the same to be filed in the office of the clerk of such court; require that they shall examine the route of such proposed cartway; determine and assess the damages on account of the establishment and opening of such cartway, including the value of the land taken for right of way separately in each township; and determine also the cost of the construction of such cartway on and over the lands of others that of that of the petitioner or petitioners, separately as to each township; and require that such appraisers shall make a full and complete report of their findings and assessments or awards to the judge of such court at a time and place specified in the order of their appointment, and in addition thereto that they shall also find and determine whether the route of such proposed cartway is practical and feasible and the least expensive of any route that may furnish an outlet from the tract of the owner or owners to a public highway. (Act Apr. 21, 1939, c. 347, \$3.)

2585-15. Same.—Notice.—Service.—The petitioner or petitioners shall cause personal service of such order, or the order of either of them, upon the county in which the proposed cartway is sought to be located and established at least ten days before the meeting of the appraisers, and also cause ten days' posted notice thereof to be given in each of the townships in which the proposed cartway is sought to be located and established, and file one copy thereof in the office of the township clerk of each of the townships in which any part of such cartway is proposed to be located, and furnish duplicate copies thereof to send, post and filing. (Act Apr. 21, 1939, c. 347, \$4.)

2585-16. Same.—Duty of appraisers.—That thereupon it shall be the duty of the said appraisers to proceed with the performance of their duties as required of them in and by the order of their appointment, and they shall hear all persons interested both for and against the establishment of such cartway and make report of their findings and assessments within the time and in the manner provided by the order of the court. (Act Apr. 21, 1939, c. 347, \$5.)

2585-17. Same.—Judge to order road constructed.—If upon the hearing of the report of such appraisers or the petition of any interested party the court shall order the establishment of such cartway, the district judge shall therefrom that the report of the appraisers is correct, and if such appraisers shall have determined by their report that the route of such proposed cartway is practical and feasible and the least expensive of any route that may furnish an outlet from the tract of the owner or owners to the public highway, he shall make an order establishing such cartway, and he shall order the same to be constructed by the respective townships in which such cartway is established as to that part of such cartway situated within each township, and order to the payment of the damages including the cost of the right of way to be paid by such townships for that part thereof assessed separately to lands in each township respectively, less one-third of such damages and cost of the right of way, which one-third shall be paid by the petitioner or petitioners. That a certified copy of such order, upon its becoming final as hereinafter provided, shall be filed in the office of the county auditor of such county, and in the office of the clerk of each of the townships affected. (Act Apr. 21, 1939, c. 347, \$6.)

2585-18. Same.—May demand jury trial.—That the owner of any land on or over which such cartway is established, may demand a jury trial as to the amount of damages including cost of right of way
awarded by the appraisers for the establishment of such cartway thereon or thereover, by filing in the office of the clerk of such court, within 10 days after the entry of such order, a written demand therefor, unless such owner deems himself aggrieved by the order establishing such highway, and furnishing to the county in which such proceedings are pending a bond in the sum of $250.00, conditioned that the defendant shall prosecute such proceedings to judgment, and in case the amount of the damages is not increased that he will pay all the costs and disbursements of the petitioner assessed as the result of such trial. That if no such demand is filed the order of such district court establishing such cartway shall become final 30 days after the entry of judgment on the verdict of the jury therein, unless the time shall be extended for cause by an order made and filed in the premises by the judge of such court. (Act Apr. 21, 1939, c. 347, §7.)

19356-19. Same.—Cost to be deposited with clerk of district court.—That the townships shall not be required to proceed with the construction of such cartway until there shall have been deposited in the office of the clerk of the district court, within 10 days after the entry of judgment on the verdict of the jury therein, the sum of $250.00, as a guarantee that the demandant shall prosecute such proceedings to judgment, and, in case the amount of the damages is not increased, that he will pay all the costs and disbursements of the petitioner assessed as the result of such trial. That if no such demand is filed the order of such district court establishing such cartway shall become final 30 days after the entry of judgment on the verdict of the jury therein, unless the time shall be extended for cause by an order made and filed in the premises by the judge of such court. (Act Apr. 21, 1939, c. 347, §7.)

2586. Section line roads.
If road is to be established in unorganized township, a petition must be filed by landowners, unless such road is on the township line. Op. Atty. Gen. (3770-10(d), Apr. 14, 1932), Dec. 20, 1935.
Roads may be established along section line in either unorganized or dissolved township under either §2582 or §2586, and procedure relating to assessment of damages in either case is found in §2582, while §2586 prescribes procedure relative to appeal in both cases. Op. Atty. Gen. (3770-10(d)), Dec. 20, 1935.
Original established right of way remains public property for highway purposes, and fact that road was not maintained exactly on section line for a few years did not prevent by-lining of road without payment of damages to adjoining owners. Op. Atty. Gen. (3770-10(d)), July 15, 1936.

2587. Roads on town line.
Two towns may agree to maintain jointly a bridge upon a part of the road assigned to one of them. 172M 259, 221NW 259.
Evidence held not to sustain a finding that an agreement was made for joint maintenance of a bridge. 175M 259, 221NW 259.
Record held to establish laying out of highway and its maintenance. Freeman v. F., 286NW 269. See Dun. Dig. §461.
Where a bridge on a town line road is washed out, the two townships by proper resolution may take such action as the circumstances will justify in order to prevent the expense of replacing the bridge depends on the agreement between the two towns, the surveyor being authorized by the user. Op. Atty. Gen. (3770-10(d)), July 15, 1936. Where townships agree upon maintenance of a township line road, the surveyor shall take a portion of the road maintained by one of the townships, the division must stand as it was before the taking over of the road by the state. In the absence of a new agreement between the townships, especially where the road is on a county line. Op. Atty. Gen., May 6, 1931.
Survey by county some years previous to petition for town line road to indicate the location of the county line and control. Op. Atty. Gen., May 12, 1932.
Signers of petition for town line road may be residents of either town, and must be voters residing within the county where the same is located. Op. Atty. Gen., May 12, 1932.


Town boards of two towns situated in adjoining counties have authority to establish a road between such towns on line between such counties and are authorized to maintain their proportionate shares, at least where there has been kept and preserved a road by such towns. Op. Atty. Gen. (377b-10(d)), Feb. 17, 1938.

2588. Appeal.
Punishment or judgment shall be vacated or confirmed by order of such district court, and in the event of a demand for a jury trial, such order shall become final 30 days after the entry of judgment on the verdict of the jury therein, unless the time shall be extended for cause by an order made and filed in the premises by the judge of such court. (Act Apr. 21, 1939, c. 347, §7.)

2589. Dedication by user.
When a road is established by user or common-law dedication, its width in absence of a statute is measured by the user. Op. Atty. Gen. (3770a-4), Aug. 26, 1935.
This section relates to dedication of roads by user and not to roads or streets laid out by order of town board, village or city council. Op. Atty. Gen. (377c), Nov. 15, 1935.

Whether a road is established by user property owner at any time before expiration of six-year period has a right to object to use of his property for highway purposes. Id.

Town boards of two towns situated in adjoining counties have authority to establish a road between such towns on line between such counties and are authorized to maintain their proportionate shares, at least where there have been kept and repaired for 15 years. Michigan v. Wisconsin, 154U 250, 75M 250. See Dun. Dig. §463.

When a permanent trunk highway is located by the Highway Commission, the主义思想 along the general location is not thereby vacated, but revert to the control of the county or town board as the case may be. 171M 259, 214NW 259.
On petition for change of highway the board has a reasonable discretion in varying the route of the road which the petition asks to have changed. Op. Atty. Gen., Feb. 6, 1939.

2590. Contracts for bridges and roads.
Township could not let a valid contract for work on bridge where price was $450.00 and specifications were on file with the town clerk when bids were called for, and there could not be a recovery, on a quesition meruit or demurrer, where the contractor was also the town board filed on execution of the contract. 172M 259, 214NW 259.
This section is applicable to the construction of county aid roads. Op. Att'y Gen., May 1, 1939

Where a town, without advertisement for bids, and without conformity to the offer of a contractor to improve a road, the contract was illegal, but there was a contract for services within the $500,00 limit. Op. Att'y Gen., May 19, 1919.

Great inconvenience to the public from the collapse of a bridge and delay in dispersing the statutory requirements of three weeks publication and receipt of bids under this section. Op. Att'y Gen., June 24, 1933.

County board having rejected all bids for seasonal culverts, it should reconsider them, but must advertise. Op. Att'y Gen., June 4, 1933.

Where two culverts are to be used as one conduit, county may purchase so as to meet the necessity of advertising for bids. Op. Att'y Gen., June 24, 1932.


In advertising for bids for bridge work, §2556, rather than §591, should be followed. Op. Att'y Gen. (125a-15), May 7, 1937.

This section relates only to work which is done by contract and has no application to work done by day labor, and if bridge is to be constructed by day labor and cost of labor and hire necessary machinery at a stipulated rate per hour, though no purchase of materials in excess of $500, it will not be necessary for county to advertise for bids. Id.

Mower County is not required to advertise for bids in purchasing necessary machinery at a stipulated rate per hour, though no purchase of materials in excess of $500 may not be made under terms of a contract for construction in excess of $500 may not be made under terms of a contract for construction in excess of $500 which is not necessarily advertised. Id.

Subdivision has no application to work done by day labor, if done when necessary for reasons of public safety. Id.

Sec. 5. Section relates only to work done by contract, and county board may have county road work done by day labor and hire necessary machinery at a stipulated rate per hour, though no purchase of materials in excess of $500 may be made under terms of a contract for construction in excess of $500 which is not necessarily advertised. Id.

The truth of the matters therein set forth. The chair- man of the board or the presiding officer thereof may administer oaths to witnesses and require them to testify under oath. ('21, c. 323, §67; '23, c. 349, §1; Act Feb. 19, 1929, c. 24, §1; Act Mar. 6, 1931, c. 40.) * * *

§2596-1. Counties may pay for gasoline, etc., under certain conditions.—Whenever gasoline and oil has been furnished to a contractor in the construction of a county road and such contractor is insolvent and the bonding company issuing such contractor's bond is in the hands of a receiver, the county constructing such road may in its discretion pay for such gasoline and oil in the same manner as other county claims, provided, however, that the provisions herein contained shall not be interpreted or construed as being mandatory in any manner or thing whatsoever upon the county board of such county. (Act Apr. 4, 1933, c. 154.)


Towns in the improvement and maintenance of public highways are without authority substantially to change or interfere with the operation of duly established drainage systems. 174M317, 219NW158.


2605. Bridges over state drainage ditches. Rebuilding of bridges is to be done by county over state or county ditches. Op. Att'y Gen., July 5, 1929.


It is duty of town to construct and maintain approaches to a bridge constructed on a county road under this section. Op. Att'y Gen. (642b-4), April 27, 1932.

Duty to construct and repair bridges on town roads rests with township, though county is authorized to appropriate money to towns in aid of construction and maintenance. Op. Att'y Gen. (377b-10(h)), June 2, 1938.

2607. Impassable roads—Complaint by freeholders. —Sub. 1. Whenever a complaint in writing to the county board of the county reciting that a described road in or on the line of a town therein is neglected by the town charged by law with its maintenance and repair, or that a legally established road in or on the line of the town has not been constructed or opened, when the cost of opening and constructing such legally established road shall not exceed the sum of $1000.00 per mile, and that reason of such neglect such road is not reasonably passable, and which said complaint may be signed by five or more freeholders of said town or of an adjoining town in said county, the county board shall by resolution fix a time and place when and where it will consider the complaint, and therefore the county auditor shall mail a copy of the complaint, together with a notice of the time and place when and where the county board will meet to consider the complaint, to the town clerk of the town, and shall inform the county board by resolution of the necessity of advertising for bids. Id.

There is no statutory provision by which one town can construct a bridge on a county road. Op. Atty. Gen. (377b-10(h)), June 2, 1938.

Where two culverts are to be used as one conduit, county may purchase so as to meet the necessity of advertising for bids. Id.

Section relates only to work done by contract, and county board may have county road work done by day labor and hire necessary machinery at a stipulated rate per hour, though no purchase of materials in excess of $500. Op. Atty. Gen. (377b-10(h)), June 2, 1938.


School may not provide transportation of children by roundabout roads and then collect from township fail- ing to keep township road in passable condition. Op. Atty. Gen. (377b-10(h)), Aug. 17, 1938.

Township may be compelled to keep roads in necessary repair, and reasonably passable. Id.

§2608. Seeding along highways. One not injured by obstruction In a manner different from injury to general public cannot sue. 179M475, 229 NW3D75.

Landowners and tenants are permitted to use their portion of right-of-way of a public road in so far as it does not lie within the corporate limits of a city or village. "On. Atty. Gen. (235-01), July 27, 1929.

Landowners and tenants are permitted to use their portion of right-of-way of a public road in so far as it does not lie within the corporate limits of a city or village. "On. Atty. Gen. (235-01), July 27, 1929.

§2609. Hedges and trees.—Sub. 1. (1) The town boards of supervisors, as to town and county roads, outside the corporate limits of cities and villages, the county boards as to state and county aid roads, and the commissioner of highways as to trunk highways, are hereby given the right and power to determine upon the necessity and order the cutting down of hedges and trees within the road limits after
appealing or bis attorney, and filing same with proof having given ten days' written notice to the owner or owners of the abutting land, and the time specified, the said board or commissioner of highways, or the county board, in case of such order is sustained, and by service of the said board or commissioner, respectively, shall also have power to properly mark or light dangerous places on the public highways, and take such measures as may be necessary to protect travel thereon. (21, c. 323, §16; Apr. 24, 1929, c. 329; Apr. 13, 1931, c. 163.)

Sub. (2) The said board or the commissioner of highways, or the county board of county commissioners, ordering or refusing to comply with such notice and order within the time specified, the said board or commissioner of highways, or the county board, shall determine whether such cutting down of hedges or trees within the limits of such roads in necessary, or that same would aid materially in keeping such roads in repair or free from snow, it shall notify the owner or owners of the abutting lands by written notice of such decision, and order the trees or hedges cut down within thirty days after such notice. If the said owner or owners fail or refuse to comply with such notice and order within the time specified, the said board or commissioner of highways, or the county board, shall order the cutting down of such hedges or trees, or order the said board or commissioner to properly mark or light dangerous places on the public highways, and take such measures as may be necessary to protect travel thereon. (21, c. 323, §16; Apr. 24, 1929, c. 329; Apr. 13, 1931, c. 163.)

Sub. (3) The town boards of supervisors and the county boards are hereby granted the further right and power to appropriate and pay out of their respective road and bridge fund, or from any other fund available, the cost of cutting down such trees and hedges and the removal or destruction of the same, if done at public expense, and the cost of marking or lighting dangerous places on said highways.

Sub. (4) Any person aggrieved by any determination of or order of a town board of supervisors or county board of county commissioners, ordering or refusing to order the cutting down or removal of such hedges or trees may appeal therefrom within thirty days after the filling of such order or determination to the District Court of the county, by filing with the clerk of such court a bond in the sum of not less than $250.00 approved by the Judge or by the court commissioner or auditor of such county, conditioned to pay all costs arising from such appeal, in case the determination or order is sustained, and by service upon the chairman of the town board, or upon the chairman of the county board, in case of such order made by a county board, of a notice of appeal stating briefly the grounds of appeal and signed by the party appealing or his attorney, and filing same with proof of service with the clerk of court of said county. Such appeal shall be entered upon the calendar for trial at the next general term of the court occurring more than 20 days after the appeal is perfected. Such appeal and matter shall be tried de novo in such court and either party shall be entitled to a jury trial upon demand. (21, c. 323, §16; Apr. 24, 1929, c. 329; Apr. 13, 1931, c. 163; Dec. 25, 1932, Ex. Sess., c. 19.)

Discretion of town board declaring necessity for cutting down or removing trees. Where county under plan approved by state highway department constructed underpass under trunk highway for use of an ice company, leaving open excavation on each side of paved portion of highway into which a desirous fell in the night time, the ice company was not liable, being under no duty to take precautions or preserve and keep tree thereon. Often v. Eh, 193M1556, 270NW133. See Dun. Dig. 8162.


This section applies only to the removal of trees from the right of way of an existing road, and has no application to the establishment of town roads under section 13, article 4, chapter 39, of the state constitution in the case of underpasses for subways and tunnels through highways, where the right of way for such underpass or tunnel is approved by the general assembly and the county board of the county in which it is located, if the road is a county road, or from the county board of the county in which it is located, if the road is a county state aid or county aid road, or from the commission of highways, if the road is a trunk highway, an approval of the place, the kind of tunnel, and the manner of its construction. Bridges over tunnels shall not be less than sixteen feet wide, properly protected with railings, and constructed of such materials as shall be agreed upon by the respective board or commissioner of highways, as the case may be, and, if, within one year after the construction of such bridge, the highway is not used for the purpose of highways, as the case may be, shall deem it or its appurtenances insecure, it may cause the same to be put in the proper condition at the expense of its owner, and, whenever said board or commissioner of highways shall deem the tunnel out of repair, it may cause the necessary repairs to be made at the expense of such owner. In either case the reasonable cost of such repairs shall be certified to the county auditor and by him assessed upon the land in the same manner as the road taxes. Provided, that when any public road is not on a section or sectional subdivision line, the owner of the lands on both sides of such road shall be permitted to construct an appropriate tunnel to be approved as aforesaid, which tunnel the owner shall maintain at his own expense for the first year and which shall be thereafter maintained by the town, county, or state, as the case may be. Provided further that whenever the board of county commissioners of any county, as to any county state aid or county aid road therein, or the town board of any town to any town road therein, shall determine that the construction of such a tunnel is necessary for the safety and welfare of the public, such board may cause such tunnel to be constructed and maintain at the expense of the county or town, the same or may contract with the abutting land owners for the equitable division of the cost of construction and maintenance thereof between such land
owners and the county or town. (21, c. 323, §70; Apr. 13, 1931, c. 147, §1.)

Under street. 179M495, 229NW794. 2612. Town and county boards to construct culverts.

This section is not applicable to a highway constructed along the banks of an established drain, and the town is not required to construct bridges over the drain to be accessible to the highway. Op. Atty. Gen., July 19, 1935.

An abutting owner is entitled to a suitable culvert and to have it kept in good condition at expense of town. Op. Atty. Gen., Aug. 28, 1933.

Where township reconstructs town road, it is required to furnish culvert and also make fill for driveway. Op. Atty. Gen. (143a-7), July 25, 1937.

Separation of private owners from highway by construction of ditch is an element of damage taken into consideration at time ditch is constructed, and cost of construction and maintenance must be borne by private landowners, except that burden will fall upon municipality that it is damaged or damaged at that purpose, and until exhaustion of the award. Op. Atty. Gen. (125a-41), July 30, 1937; Op. Atty. Gen. (642b-8), Aug. 16, 1937.


2612. Condemnation of gravel beds.

Act Mar. 9, 1930, c. 58, provides that counties having real and personal property of the value of $40,000,000 to $475,000,000, and of less than 5,000,000,000, population of 20,000 to 25,000, and 30 townships, may purchase or condemn land not exceeding 80 acres containing road surface material with right of way thereto.


2614. Special railroad rates for road materials.

Since commission considered distance factor, it was unnecessary for court to consider whether it is mandatory that distance be considered in fixing rates. State v. North Conn. R. R., 191M335, 254NW435. See Dun. Dig. 8082a.

2615. Obstruction of or damage to highways.

The construction and maintenance of a logging railroad across a highway under Mason's Minn. Stat., 1927, §2620-2, etc. is not an unlawful obstruction under this section. 179M305, 219NW172.

In action to recover damages by on-stumbling or tripping on door mat lying in sidewalk in front of defendant's property, it was proper to receive in evidence ordinances of the city making it unlawful to place on or in front of sidewalks. McCartney v. St. Paul, 181M555, 233NW465. See Dun. Dig. 658a.

In action for injuries in tripping over door mat in front of defendant's property, jury had right to draw from evidence that the mat was either put there by defendant or that he permitted it to remain there, and to find as a fact from the evidence. McCarthy v. St. Paul, 181M555, 233NW465. See Dun. Dig. 658a.

In action for injuries to motorist, colliding with unguarded concrete mixer placed in road to guard a sewer manhole, court properly held sufficient to sustain finding of negligence of defendant. Writer v. Diller, 219M365. Dun. Dig. 418b.

Owner of fee in a highway can use it in only a way that is compatible with public travel thereon. State v. Nelson, 183M87, 248NW751. See Dun. Dig. 4157.


Fishing or loitering on a bridge is not prohibited, but dangers incident there may be obviated possibly under this act. Op. Atty. Gen., Jan. 24, 1934.

If township cut brush along right of way and piled it on right of way along main traveled part of highway with result that snow accumulated in large quantities on adjoining land and thereby blocked a driveway to a farmhouse and thereby made it impossible to remove the brush and snow. Op. Atty. Gen., Jan. 21, 1934.

There is no other statutory provision requiring outlet of a private draining system emptying into ditch along a town road to be approved by the county board thereof, and such outlet or water emptying therefrom must not obstruct public highway or ditch. Op. Atty. Gen. (626h), Aug. 15, 1938.

2616. Moving buildings over roads.

Power company held not liable for injury to employee who climbed to the top of a road-building machine and came in contact with a power line. 179M305, 229NW322.

2617. Removal of snow.


In any county of this state now or hereafter having a total assessed valuation of all taxable property as fixed by the State Tax Commission of more than $220,000,000, and less than $375,000,000 exclusive of moneys and credits, and an area of less than 5,000 square miles, the board of county commissioners shall have authority to appropriate and expend upon any road, highway or bridge located upon or immediately adjacent to the boundary line between any city of the first class or any other city or village within such county, such sum or sums of money from the county road and bridge fund as said board shall deem proper for building, repairing or otherwise improving any road, highway or bridge along the construction and repairing of any bridge thereon. (25, c. 255, §1; Apr. 16, 1929, c. 189, §2.)

Sec. 1 of Act Apr. 15, 1929, c. 189, amends the title to Ch. 260, General Laws, to read as follows: "An act authorizing the board of county commissioners of counties of this state having a total assessed valuation of more than $220,000,000, and less than $375,000,000 exclusive of money and credits, and the area of less than 5,000 square miles, to appropriate and expend money from the county road and bridge fund upon any road, highway or bridge located upon or immediately adjacent to the boundary line between any city of the first class and any other city or village within such county, and to acquire by purchase or condemnation right-of-way therefor."

2620. Certain counties to improve roads outside of county. —That in any county of this state now or hereafter having a total assessed valuation of all taxable property as fixed by the State Tax Commission of more than $750,000,000, and less than $975,000,000 exclusive of moneys and credits, and an area of less than 5,000 square miles, the board of county commissioners shall have authority to appropriate and expend upon any road, highway or bridge located upon or immediately adjacent to the boundary line between any city of the first class and any other city or village within such county, such sum or sums of money from the county road and bridge fund as said board shall deem proper for building, repairing or otherwise improving any road, highway or bridge along the construction and repairing of any bridge thereon. (25, c. 255, §1; Apr. 16, 1929, c. 189, §2.)

Sec. 1 of Act Apr. 15, 1929, c. 189, amends the title to Ch. 260, General Laws, to read as follows: "An act authorizing the board of county commissioners of counties of this state having a total assessed valuation of more than $220,000,000, and less than $375,000,000 exclusive of money and credits, and the area of less than 5,000 square miles, to appropriate and expend money from the county road and bridge fund upon any road, highway or bridge located upon or immediately adjacent to the boundary line between any city of the first class and any other city or village within such county, and to acquire by purchase or condemnation right-of-way therefor."

2620-2. Same—Appropriations by county boards. —In any event said board of county commissioners shall determine to grade, pave or otherwise improve any road or highway, or construct or repair any bridge upon or immediately adjacent to the boundary line between any city of the first class and any other city or village within such county, and it shall be deemed that such improvement of such road, highway or bridge can be more economically and better done by the county board of county commissioners than if said board should undertake to build, repair or otherwise improve said road, highway or bridge, or to construct or repair any bridge thereon. Provided that if any such road, highway or bridge so improved is upon a bound-
any line between any city or village and a city of the first class operating under a home rule charter within such county, and such road, highway or bridge is partly within such city of the first class, the amount so appropriated by said county shall not exceed one-half the cost of any such improvement as estimated by the county highway engineer of any such county. (25, c. 255, §2; Apr. 15, 1929, c. 189, §2.)

2620-3. Same—Appropriations in special fund. Said amount so appropriated and paid to any city of the first class shall be set apart in a fund for the improvement of any such road, highway or bridge, or may be paid to any fund raised or to be raised under any proceeding authorized by the charter of any such city for improvement of any such road, highway or bridge, and shall be expended from such fund in the same manner as other funds therein. (25, c. 255, §3; Apr. 15, 1929, c. 189, §3.)

2620-4. Same—Appropriations not invalid.—Such appropriation shall not be declared invalid because the same shall be more or less than one-half the total cost of such improvement as finally determined. (25, c. 255, §4; Apr. 15, 1929, c. 189, §4.)

2620-5. Funding and payment of outstanding indebtedness. Act (2620-6 to 2620-15) does not violate Const. Art. 4, §133, 24, being remedial in character and intended to provide temporary relief for an unusual condition. 171 MinN 914.

2620-7. Same.—Tax levy to pay bonds. Ten-mill levy for road and bridge fund was lawfully made and was not for interest or principal due upon bonds issued pursuant to act. State v. Keyes, 183 MinN 246, 246 N 947. See Dun. Dig. 2226, 2226.

2620-9. County board to determine amount necessary.—Such county board shall annually, at its meeting on the first Monday in January in each succeeding year, determine the amount of funds which will be available during the current year for road and bridge purposes, from the proceeds of the tax levies made therefor and the proceeds of the levy and from state aid and from other sources known to be due and payable into the county treasury for such purposes during such year, and shall thereupon, at such meeting, make and spread on its minutes a definite budget of the expenditures made and to be made and indebtedness incurred and to be incurred for road and bridge purposes during such year, which expenditures and indebtedness shall in no case exceed the aggregate amount of revenues so determined to be available for such year, provided, however, that in counties having an area of 2500 square miles and an assessed valuation of more than $10,000,000.00 and less than $30,000,000.00, exclusive of moneys and credits when any item of new-road machinery, which will be available over a period of years, is purchased on bids, costing $4,000 and less than $6,000, that the payment thereof may, by the issuance of two warrants, be spread over a period of two years, one half of the aggregate amount as represented by one warrant to be charged to and paid out of the funds determined and available in the year such item is purchased and the balance as represented by the second warrant to be charged to and paid out of the funds determined and available for the following year, and provided further that if the cost of the such item of road machinery is in excess of $6,000, that the payment thereof may, by the issuance of three warrants, be spread over a period of three years, one third of the aggregate amount, as represented by one warrant, to be paid out of the funds determined and available for the year in which said item is purchased, one third of said aggregate amount as represented by the second warrant to be paid out of and charged to the funds available and determined for the following year and the balance of one third of the aggregate, as represented by the third warrant, to be paid out of and charged to the funds determined available for the second year following the date of such purchase; provided, further, that the total cost of all road machinery purchased under this act shall not exceed the sum of $75,000, and that no warrants, not payable in the year of their issuance, shall be issued subsequent to January 1, 1933. Such budget shall first allot, and there shall be first payable out of the receipts for such year, so much of the road and bridge floating indebtedness of the county, including amounts borrowed from any other fund or funds, as is not retired by the bond issue hereinbefore authorized, together with interest thereon. There shall then be allotted not less than one-fifth of the anticipated current tax collections annually for maintenance and not less than one-twentieth of the anticipated current tax collections annually for an emergency fund, and what remains may be allotted to be expended on new construction for the year, which allotment shall include the payment of any additional expenditures made or indebtedness incurred which shall cause to be diverted to other purposes any part of the amount herein required to be allotted for payment of outstanding indebtedness, for maintenance and emergency funds, nor which shall cause the expenditures made or indebtedness incurred by the county for all purposes aforesaid in any year to exceed the total revenues of the county for all purposes determined to be available for such year. The emergency fund may be used to pay for extraordinary repairs or replacements occasioned by emergency which could not be anticipated when the budget was made. (27, c. 147, §5; Apr. 25, 1931, c. 297, §1.)

2620-17. Definitions.—The words, "Town Road" and "Town Roads" shall mean those roads and cartways which have heretofore been or which hereafter may be established, constructed and improved under the authority of the several town boards, and also all roads lying wholly within one township and not within the limits of any city or village including roads therein established by use. (Apr. 15, 1929, c. 228, §1.)

2620-18. Town boards to alter, vacate and abandon roads.—The several town boards may alter, vacate and abandon any town road upon petition of the owners and occupants of all the land contiguous thereto. Said petition shall be filed with the town clerk and proceedings thereon by the town board shall be in conformity with the provisions of Section 2583 of Mason's Minnesota Statutes of 1927 as far as the same are applicable. (Act Apr. 13, 1933, c. 228, §2.)

2620-19. Inconsistent acts repealed.—All Laws, Acts or parts thereof inconsistent herewith are hereby repealed. (Act Apr. 13, 1933, c. 228, §3.)
2620-20. County Board may reimburse other municipalities in certain cases.—That the Board of County Commissioners of any county may, upon application when petitioned in writing therefor reimburse any borough, village or city of the fourth class for expenditures made by it subsequent to 1915 in the grading, construction or graveling of a street or road within the limits of said borough, village or city, which street or road was subsequently designated as a part of the State Aid Road system of that county, to an amount, however, of not to exceed $2,000 for any one municipality. (Act Feb. 15, 1935, c. 12, §1.)

2620-21. County board vested with discretion in determining whether to make reimbursement and amount of reimbursement. (Act Feb. 26, 1931, c. 87, and made to apply to bridges costing "more than $300." Laws 1931, c. 297, to make the act apply to counties having assessed valuation of over $28,000,000, and not more than $28,500,000, to build bridges costing less than $300 on certain roads. The act is repealed and re-enacted by Laws 1931, c. 297, to apply to bridges "more than $300.")

LOCAL AND SPECIAL ACTS

Laws 1929, c. 145, vacates road established by Sp. Laws 1928, c. 346, subsequent to April 10, 1921. Counties containing first class city in which is located more than 96% of taxable property according to assessments on May 1, 1929, law,.designates that county as a "county of primary importance." Counties not containing a first class city in which is located more than 96% of taxable property may petition the Board of State Aid Roads to authorize the expenditure of $500,000 for the acquisition and improvement of said highways, amount expended on trunk highways.

Laws 1929, c. 59, authorizes counties with population of not less than 2,300,000 to 2,400,000, total payment not to exceed $4,000.

Laws 1929, c. 247, provides for the issuance of trunk highway bonds in 1931 to amount of $2,650,000. The bond issue is a part of the trunk highway fund of municipalities and private persons and corporations for expense and damages incurred in connection with construction of roads.

Laws 1929, c. 142, authorizes commissioner to take effect from its "passage, approval and publication." Counties on University Avenue in St. Paul constitute an integral part of the street itself, and the county board is vested with discretion in determining whether to make reimbursement and amount of reimbursement. (Op. Atty. Gen., June 11, 1931.)

2620-22. Same—purpose of and restrictions on reimbursement.

Counties may not be reimbursed for the cost of acquiring rights-of-way, except where additional land is acquired and incident to the participant's reimbursement for permanent improvement for which reimbursement is claimed. (Op. Atty. Gen., June 11, 1931.)

2620-23. Reimbursement of counties by state, etc.

State cannot reimburse county out of trunk highway fund amount expended for right of way for new road built by county and later designated and taken over by state as trunk highway. State v. Babcock, 186M132, 245 NW474. See Dun. Dig. 8462.

2620-24. Same—purpose of and restrictions on reimbursement.

Counties may not be reimbursed for the cost of acquiring rights-of-way, except where additional land is acquired and incident to the permanent improvement for which reimbursement is claimed. (Op. Atty. Gen., June 11, 1931.)

2620-25. Reimbursement of counties by state for expenditures in permanently improving trunk highways subsequent to April 10, 1921.

State cannot reimburse county out of trunk highway fund amount expended for right of way for new road built by county and later designated and taken over by state as trunk highway. State v. Babcock, 186M132, 245 NW474. See Dun. Dig. 8462.


State cannot reimburse county out of trunk highway fund amount expended for right of way for new road built by county and later designated and taken over by state as trunk highway. State v. Babcock, 186M132, 245 NW474. See Dun. Dig. 8462.

2661 Trunk highway number 71.—There is hereby added to the Trunk Highway System and created and established hereby new routes as follows, to-wit:

Route No. 71. Beginning at a point on Route No. 27 in Little Falls, thence extending in a northeasterly direction to a point on Route No. 1 at or near Moose Lake; affording Little Falls, Onamia, Islo, McGrath and Moose Lake a reasonable means of communication each with the other and other places within the state. (Superseded by Act Apr. 22, 1933, c. 466, §1.)

2662-1. Trunk Highway No. 72 established.—There is hereby added to the Trunk highway system and created and established an additional route, to be known as Route No. 72, which shall begin at a point on Route No. 4 northeasterly of Bemidji and extend thence in a northerly direction to a point on Route No. 11 easterly of Bemidji, affording Bemidji, Lake Aelia, Park Rapids, and Zumbrota a reasonable means of communication each with the other and other places within the state. (Acts 1931, c. 41, §11.)

2662-2. Additional trunk highways created.—There is hereby added to the Trunk Highway System and created and established hereby new routes as follows, to-wit:

Route No. 73. Beginning at a point on Route No. 20 at or near Zumbrota, thence extending in an easterly direction to a point on Route No. 3; affording Zumbrota, Mazeppa, Zumbro Falls and Wahasha a reasonable means of communication each with the other and other places within the state.
westerly direction to a point on Route No. 9 at or near Spring Valley; affording Weaver, St. Charles, Chatfield and Spring Valley a reasonable means of communication each with the other and other places within the State.

Route No. 75. Beginning at a point on Route No. 3 in Winona, thence extending in a northeasterly direction to a point on the line between the states of Minnesota and Wisconsin.

Route No. 76. Beginning at a point on Route No. 6 at or near Pipestone, thence extending in a westerly direction to a point on Route No. 6 at or near Pipestone, thence extending in a westerly direction to a point on Route No. 6 at or near Pipestone, thence extending in a westerly direction to a point on the line between the States of Minnesota and South Dakota.

Route No. 90. Beginning at a point on Route No. 6 at or near Ivanhoe, thence extending in a westerly direction to a point on the line between the States of Minnesota and South Dakota.

Route No. 91. Beginning at a point on the line between the States of Minnesota and Iowa southerly of Adrian, thence extending in a northerly direction to a point on Route No. 83 as herein established at or near Russell; affording Adrian, Lake Wilson, and Russell a reasonable means of communication each with the other and other places within the State.

Route No. 92. Beginning at a point on Route No. 17 westerly of Currie, thence extending in an easterly direction to a point on Route No. 84; affording Currie and Jeffers a reasonable means of communication each with the other and other places within the State.

Route No. 93. Beginning at a point on Route No. 4 at or near Redwood Falls, thence extending in a southeasterly direction to a point on Route No. 70 at or near Sleepy Eye.

Route No. 94. Beginning at a point on Route No. 3 northerly of Hastings, thence extending in a southeasterly direction to a point on the line between the States of Minnesota and Wisconsin.

Route No. 95. Beginning at a point on Route No. 94 as herein established at Point Douglas, thence extending in a northerly direction through Bayport and Stillwater to a point on Route No. 46 at or near Taylors Falls.

Route No. 96. Beginning at a point on Route No. 95 as herein established at or near Stillwater, thence extending in a westerly direction to a point on Route No. 94 at or near Gaylord, thence extending in a northerly direction through Gaylord, Henderson, New Prague, Northfield, Caledonia, Hayfield, and Hayfield to a point on Route No. 9 at or near Hayfield; affording Hayfield, Chatfield, Stewartville, and Hayfield a reasonable means of communication each with the other and other places within the State.

Route No. 77. Beginning at a point on Route No. 43 at or near Wilson, thence extending in a southeasterly direction to a point on the line between the states of Minnesota and Iowa; affording Wilson, Houston and Caledonia a reasonable means of communication each with the other and other places within the State.

Route No. 78. Beginning at a point on Route No. 1 at or near Faribault, thence extending in a northerly direction to a point on the line between the States of Minnesota and South Dakota.

Route No. 79. Beginning at a point on Route No. 20 at or near Harmony, thence extending in a southerly direction to the line between the States of Minnesota and Iowa.

Route No. 80. Beginning at a point on Route No. 9 southerly of Wykoff, thence extending in an easterly direction to a point on Route No. 20 at or near Preston.

Route No. 81. Beginning at a point on Route No. 9 easterly of Austin, thence extending in a southeasterly direction to a point on Route No. 59 easterly of LeRoy.

Route No. 82. Beginning at a point on Route No. 40 or near Blooming Prairie, thence extending in a westerly direction to a point on Route No. 15; affording Blooming Prairie, Ellendale, Mapleton, and St. James a reasonable means of communication each with the other and other places within the State.

Route No. 83. Beginning at a point on Route No. 5 westerly of Mankato, thence extending in a northwesterly direction to a point on Route No. 15 southerly of New Ulm.

Route No. 84. Beginning at a point on Route No. 22 at or near Gaylord, thence extending in an easterly direction to a point on Route No. 3 westerly of Mankato, thence extending in an easterly direction to a point on Route No. 40, thence extending in a southerly direction to a point on Route No. 9 at or near Sleepy Eye, thence extending in a southerly direction to a point on Route No. 20 at or near Hayfield; affording Hayfield, Chatfield, Stewartville, and Hayfield a reasonable means of communication each with the other and other places within the State.

Route No. 85. Beginning at a point on Route No. 16 at or near Windom, thence extending in a southerly direction to a point on the line between the States of Minnesota and Iowa at or near Bigelow; affording Windom, Worthington, and Bigelow a reasonable means of communication each with the other and other places within the State.

Route No. 86. Beginning at a point on the line between the States of Minnesota and Iowa southerly of Lakefield, thence extending northerly through Lakefield to a point on Route No. 85 as herein established westerly of Windom.

Route No. 87. Beginning at a point on Route No. 9 westerly of Bigelow, thence extending in a southerly direction through Kiester to a point on the line between the States of Minnesota and Iowa.

Route No. 88. Beginning at a point on the line between the States of Minnesota and South Dakota, and Route No. 9, thence extending in a northeasterly direction to a point on Route No. 12 at or near Montevideo; affording Jasper, Pipestone, Marshall, and Montevideo a reasonable means of communication each with the other and other places within the State.

Route No. 89. Beginning at a point on Route No. 6 at or near Pipestone, thence extending in a westerly direction to a point on the line between the States of Minnesota and South Dakota.
Route No. 106. Beginning at a point on Route No. 8 in the westerly limits of the City of Duluth, thence extending in a southeasterly direction through Duluth to a point at the water's edge of St. Louise Bay and there terminating.

Route No. 107. Beginning at the present terminus of Route No. 10 on the westerly limits of the City of Minneapolis, thence extending in an easterly direction to a point on Route No. 104 as herein established.

Route No. 108. Beginning at the present terminus of Route No. 18 on the easterly limits of the City of St. Paul, thence extending in a westerly direction through the cities of St. Paul and Minneapolis to a point on the westerly limits of the City of Minneapolis, connecting with Route No. 12.

Route No. 45. Beginning at the present terminus of Route No. 45 on the easterly limits of the City of St. Paul, thence extending into St. Paul in a southerly direction to connect with Route No. 102 as herein established.

Route No. 110. Beginning at the present terminus of Route No. 50 on the westerly limits of the United States Military Reservation at Fort Snelling, thence extending in a northeasterly direction through the Military Reservation into the City of St. Paul to connect with Route No. 102 as herein established.

Route No. 112. Beginning at the present terminus of Route No. 52 on the southerly limits of the City of Minneapolis, thence extending into Minneapolis in a southeasterly direction to connect with Route No. 104 as herein established.

Route No. 113. Beginning at a point on the northerly limits of the City of St. Paul, thence extending in a southerly direction into St. Paul to connect with Route No. 104 as herein established.

Route No. 114. Beginning at the present terminus of Route No. 63 on the northerly and easterly limits of the City of Minneapolis, thence extending into Minneapolis in a southeasterly direction to connect with Route No. 105 as herein established.

Route No. 115. Beginning at a point on Route No. 112 as herein established in St. Paul thence extending in a northeasterly direction to a point on Route No. 1 southerly of Wescott.

Route No. 116. Beginning at a point on Route No. 194 as herein established in the City of Minneapolis, thence extending in a southerly direction to a point on Route No. 21 at or near Kenyon; affording Minneapolis, Mendota, Hampton, and Kenyon a reasonable means of communication each with the other and other places within the State.

Route No. 117. Beginning at a point on Route No. 100 as herein established easterly of New Prague, thence extending in a northeasterly direction and crossing Big River to a point on the westerly limits of the City of South St. Paul, thence extending in a northerly direction to a point on Route No. 1 at or near White Bear.

Route No. 118. Beginning at a point on Route No. 49 at or near Clara City, thence extending in a southerly direction to a point on Route No. 15 at or near Excelsior; affording Clara City, Hutchinson, and Excelsior a reasonable means of communication each with the other and other places within the State.

Route No. 119. Beginning at a point on Route No. 49 at or near Clara City, thence extending in an easterly direction to a point on Route No. 15 at or near Excelsior; affording Clara City, Hutchinson, and Excelsior a reasonable means of communication each with the other and other places within the State.

Route No. 120. Beginning at a point on Route No. 119 as herein established at or near St. Bonifacius, thence extending in a northeasterly direction to a point on Route No. 10.

Route No. 121. Beginning at a point on Route No. 22 at or near Gaylord, thence extending in a northeasterly direction to a point on Route No. 5; affording Gaylord, Norwood, and Victoria a reasonable means of communication each with the other and other places within the State.

Route No. 122. Beginning at a point on Route No. 5 in Mankato, thence extending in a northwesterly direction through Nicollet to a point on Route No. 22, southerly of Gaylord.

Route No. 123. Beginning at a point on Route No. 5 in Le Sueur, thence extending in a southeasterly direction to a point on Route No. 21.

Route No. 124. Beginning at a point on Route No. 29 at or near Wells, thence extending in a southeasterly direction to a point on Route No. 9 at or near Alden.

Route No. 125. Beginning at a point on Route No. 111 as herein established north of the Mississippi River, thence extending in a northerly direction to a point on Route No. 63.

Route No. 126. Beginning at a point on Route No. 104 as herein established in St. Paul at or near Rice City, thence extending in a northerly direction to a point on Route No. 64.

Route No. 127. Beginning at a point on Route No. 1 in the southerly portion of White Bear, thence extending in a northeasterly direction to a point on Route No. 1 near Bald Eagle Junction, this Route to be a substitute for the present location of Route No. 1 between said points.

Route No. 128. Beginning at the present terminus of Route No. 57 in Mantorville, thence extending in a northerly direction through Wanamingo to a point on Route No. 29.

Route No. 129. Beginning at a point on Route No. 24 at or near St. Cloud, thence extending in a southeasterly direction to a point on Route No. 110 as herein established northerly of Minneapolis; affording St. Cloud, Clearwater, and Monticello a reasonable means of communication each with the other and other places within the State.

Route No. 130. Beginning at a point on Route No. 5 northwesterly of Minneapolis, thence extending in a southerly direction to a point on Route No. 52.

Route No. 131. Beginning at a point on Route No. 27 at or near Randall, thence extending in an easterly direction to a point on Route No. 27.

Route No. 132. Beginning at a point on Route No. 27 at or near St. Cloud, thence extending in an easterly direction to a point on Route No. 45 at Taylors Falls, affording St. Paul, Prince, Cambridge and Taylors Falls a reasonable means of communication each with the other and other places within the State.

Route No. 133. Beginning at a point on Route No. 5 northerly of Braham, thence extending in an easterly direction to a point on the line between the States of Minnesota and Wisconsin.

Route No. 134. Beginning at a point on Route No. 5 southerly of Grassan, thence extending in a northerly direction to a point on Route No. 23.

Route No. 135. Beginning at a point on Route No. 28 westerly of Little Falls, thence extending in a westerly and southerly direction to a point on Route No. 3 at Osakis; affording Little Falls, Long Prairie, and Osakis a reasonable means of communication each with the other and other places within the State.

Route No. 136. Beginning at a point on Route No. 8 norwesterly of Bemidji, thence extending in a northerly direction to a point on Route No. 11 at or near Roseau.

Route No. 137. Beginning at a point on Route No. 18 northwesterly of Garrison, thence extending in a northerly direction to a point on Route No. 34 at or near Remer; affording Garrison, Deerwood, Crosby,
and Remer a reasonable means of communication each with the other and other places within the State.

Route No. 128. Beginning at a point on Route No. 15 east of the Great Northern Railway, thence extending in a northerly and northeasterly direction to a point on Route No. 2 easterly of the Great Northern Railway.

Route No. 129. Beginning at a point on Route No. 19 at or near Pine River, thence extending in a northerly direction to a point on Route No. 4.

Route No. 130. Beginning at a point on Route No. 11 at or near Sandstone, thence extending in a northerly direction to Lake of the Woods.

Route No. 141. Beginning at a point on Route No. 28 at or near Sauk Center, thence extending in a southerly direction to a point on Route No. 142 as herein established.

Route No. 142. Beginning at a point on Route No. 4 at or near Paynesville, thence extending in a northerly and northeasterly direction to a point on the line between the States of Minnesota and North Dakota; affording Paynesville, Glenwood, and Elbow Lake a reasonable means of communication each with the other and other places within the State.

Route No. 143. Beginning at a point on Route No. 10 westerly of Pennock, thence extending in a northerly direction to a point on Route No. 142 as herein established.

Route No. 144. Beginning at a point on Route No. 6 at or near Madison, thence extending in a northerly and northeasterly direction to a point on Route No. 142 as herein established at or near Barrett; affording Madison, Appleton, Morris, and Barrett a reasonable means of communication each with the other and other places within the State.

Route No. 145. Beginning at a point on Route No. 10 at or near Willmar, thence extending in a westerly direction to a point on Route No. 144 as herein established.

Route No. 146. Beginning at a point on Route No. 143 in a southerly direction through Maynard to a point on Route No. 12.

Route No. 147. Beginning at a point on Route No. 66 at or near Appleton, thence extending in a northerly direction to a point on Route No. 6.

Route No. 148. Beginning at a point on Route No. 6 at or near Ortonville, thence extending in a northerly direction to a point on Route No. 28.

Route No. 149. Beginning at a point on Route No. 12 at or near Hector, thence extending in a northerly and northeasterly direction to a point on Route No. 142 at or near Paynesville; affording Hector, Grove City, and Paynesville a reasonable means of communication each with the other and other places within the State.

Route No. 150. Beginning at a point on Route No. 24 southerly of Kimball, thence extending in a southerly direction to a point on Route No. 14 at or near Winthrop; affording Kimball, Hutchinson and Winthrop a reasonable means of communication each with the other and other places within the State.

Route No. 151. Beginning at a point on Route No. 10 at or near Herman, thence extending in a northerly direction to a point on Route No. 3 southerly of Breckenridge.

Route No. 152. Beginning at a point on Route No. 3 at or near Evangeline, thence extending in a northerly direction to a point on Route No. 6 southerly of Fergus Falls.

Route No. 153. Beginning at a point on Route No. 6 at or near Canby, thence extending in a westerly direction to a point on the line between the States of Minnesota and South Dakota.

Route No. 154. Beginning at a point on Route No. 12 southerly of Madison, thence extending in a westerly direction to a point on the line between the States of Minnesota and South Dakota.

Route No. 155. Beginning at a point on Route No. 104 as herein established in the City of Minne-
Route No. 181. Beginning at a point on Route No. 175 as herein established at or near Halstad, thence extending in a northeasterly direction to a point on the line between the States of Minnesota and North Dakota.

Route No. 177. Beginning at a point on Route No. 32 southerly of Red Falls, thence extending in a southerly direction to a point on Route No. 192.

Route No. 178. Beginning at a point on Route No. 6 near Crookston, thence extending in a southeasterly direction to a point on Route No. 177 as herein established at or near Fertile.

Route No. 179. Beginning at a point on Route No. 9 at or near Ada, thence extending in a southerly direction to a point on Route No. 64 at or near Barnesville.

Route No. 180. Beginning at a point on Route No. 153 as herein established at or near Ashby, thence extending in a northeasterly direction to a point on Route No. 181 as herein established at or near Otter Tail.

Route No. 181. Beginning at a point on Route No. 36 at or near Henning, thence extending in a northwesterly direction to a point on Route No. 2 at or near Perham.

Route No. 182. Beginning at a point on Route No. 39 at or near Lake Lizzie, thence extending in a westerly direction to a point on Route No. 94 at or near Barnesville.

Route No. 183. Beginning at a point on Route No. 36 east of Henning, thence extending in an easterly direction to a point on Route No. 2 at or near Staples.

Route No. 184. Beginning at a point on Route No. 49 at or near Deer Creek, thence extending in a northerly direction to a point on Route No. 2.

Route No. 185. Beginning at a point on Route No. 1 at Sandstone, thence extending in a northeasterly direction to a point on Route No. 103 as herein established in Duluth.

Route No. 186. Beginning at a point on Route No. 110 as herein established, thence extending in an easterly direction to a point on Route No. 185 as herein established at or near Askov, affording Isle, Pine County, and Askov a reasonable means of communication each with the other and other places within the State.

Route No. 187. Beginning at a point on Route No. 18 at or near Elk River, thence extending in a southerly direction to a point on Route No. 117 as herein established.

Route No. 188. Beginning at a point on Route No. 69 at Buffalo, thence extending in an easterly direction to a point on Route No. 110 as herein established.

Route No. 189. Beginning at a point on Route No. 5 southerly of Mora, thence extending in a southerly direction to a point on Route No. 132 as herein established.

Route No. 190. Beginning at a point on Route No. 6 at or near Wheaton, thence extending in a southerly direction to a point on Route No. 28 at or near Browns Valley.

Route No. 191. Beginning at a point on Route No. 120 at or near Hinckley, thence extending in an easterly direction to a point on the line between the States of Minnesota and Wisconsin.

Route No. 192. Beginning at a point on Route No. 1 at or near Motley, thence extending in a northerly direction to a point on Route No. 34 westerly of Walker.

Route No. 193. Beginning at a point on Route No. 2 at or near Motley, thence extending in a northerly direction to a point on Route No. 34 westerly of Walker.

Route No. 194. Beginning at a point on Route No. 117 as herein established at or near Mendota, thence extending in a northeasterly direction to a point on Route No. 102 as herein established.

Route No. 195. Beginning at a point on Route No. 1 at or near Albert Lea, thence extending in a southeasterly direction to a point on the line between the States of Minnesota and Iowa.

Route No. 196. Beginning at a point on Route No. 9 at or near Grand Rapids, thence extending in a northerly direction to a point on Route No. 160 as herein established; affording Grand Rapids and Big Fork a reasonable means of communication each with the other and other places within the State.

Route No. 197. Beginning at a point on Route No. 6 at or near New London, thence extending in a southerly direction to a point on Route No. 139 as herein established easterly of Backus.

Route No. 198. Beginning at a point on Route No. 9 at or near LaCrescent, thence extending in a southerly direction to a point on the line between the States of Minnesota and Iowa.

Route No. 199. Beginning at a point on Route No. 9 at or near Austin, thence extending in a southerly direction to a point on the line between the States of Minnesota and Iowa.

Route No. 200. Beginning at a point on Route No. 4 at or near Itasca State Park, thence extending in a westerly direction to a point on Route No. 30 at or near Waubon.

Route No. 201. Beginning at a point on Route No. 52, as herein established, near Waldorf, thence extending in a northwesterly direction to a point on Route No. 30 at or near Mankato.

Route No. 202. Beginning at a point on Route No. 11 at or near Eveleth, thence extending in a northeasterly direction to a point on Route No. 35 at Gilbert.

Route No. 203. Beginning at a point on Route No. 11 westerly of Duluth, thence extending in a southerly direction through Proctor and Duluth to the water's edge at St. Louis Bay, and there terminating.

Route No. 204. Beginning at a point on Route No. 11, westerly of Duluth, thence extending in a southerly direction to a point on Route No. 105, as herein established in Duluth.

Route No. 205. Beginning at a point on Route No. 54 easterly of Herman, thence extending in an easterly direction to a point on Route No. 29, at or near Alexandria.

Route No. 206. Beginning at a point on Route No. 39, at or near Pelican Rapids, thence extending in an easterly direction to a point on Route No. 181, as herein established; affording Perham a reasonable means of communication with the other and other places within the State.

Route No. 207. Beginning at a point on Route No. 2, at or near Frazee, thence extending in an easterly direction to a point on Route No. 4 at or near Menahga.

Route No. 208. Beginning at a point on Route No. 28, at or near Starbuck, thence extending in a northerly direction to a point on Route No. 3, at or near New London.

Route No. 209. Beginning at a point on Route No. 3, at or near Becker, thence extending in a northerly direction to a point on Route No. 18, at or near Brainerd, affording Becker, Foley, Gilman, Pierz and Brainerd a reasonable means of communication each with the other and other places within the State.

Route No. 210. Beginning at a point on Route No. 10 at or near Benson, thence extending in an easterly direction to a point on Route No. 4 at or near New London.

Route No. 211. Beginning at a point on Route No. 64 at or near Barnesville, thence extending in a southwesterly direction to a point on Route No. 3 at or near Breckendridge. (Act Apr. 22, 1933, c. 440, §1.)
WHEREAS, subsequent to the adoption of Article 16 of the Constitution of Minnesota at least 75 per cent of the total number of the miles of the routes embraced in the additional routes specifically described in said Article 16 of the Constitution of Minnesota have been constructed and permanently improved, and

WHEREAS, the funds available for the construction, improvement and maintenance of the additional routes of the highway system hereinafter set forth shall be added to said trunk highway system pursuant to the power and authority vested in the Legislature under said Article 16 of the State Constitution.

That the following described highway shall be known as the Colvill Memorial Highway:

Beginning at the intersection of University Avenue, and Highway No. 62, in Anoka County, thence southerly along University Avenue through Minneapolis, and thence southerly along University Avenue and Robert Street through St. Paul, thence southerly along South Robert Street through West St. Paul to a point at or near the northeast quarter-corner of Section 19, Township 27, Range 22, thence southeasterly and southerly to a point at or near the southeast Corner of Section 35, Township 113, Range 19, thence southerly, traversing in part the line between Rice and Goodhue Counties, to Trunk highway No. 20, thence southeasterly and said Highway to Trunk Highway No. 56, thence southerly on Trunk Highway No. 56 through Dodge Center to Trunk Highway No. 9, thence east on Trunk Highway No. 9 to the northwestern corner of Section 9, Township 96, Range 22, thence southeasterly and said Highway to Trunk Highway No. 66, thence southeasterly along Mower County State Aid Road "A" to a point on the Iowa State line at or near the center of Section 34, Township 101, Range 14. (April 22, 1933, c. 440, § 63.)
"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. Any vehicle designed or used for drawing other vehicles but having no provision for carrying loads is a "trailer." "Semi-trailer." Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load or as a part of the weight of the vehicle and load so drawn.

"Truck." 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, for the purpose of carrying merchandise other than the passenger or effects of the passenger.

"Unloaded weight." Shall mean the actual weight of the vehicle fully equipped without a load.

"Gross weight." Shall mean the actual unloaded weight of the vehicle, either a truck, tractor, truck-tractor, semi-trailer or trailer, fully equipped for service plus the weight of the maximum load which the applicant has elected to carry on such vehicle.

"Registrar." The registrar of motor vehicles designated 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 or their possession new and unused motor vehicles for sale or purchase, and includes a motor vehicle to which has been added the name and address of owner, prohibited by federal regulation.


"Zone." Where alleged title in a party appears to be part of an arrangement of the parties for purpose of doing interstate commerce within meaning of section and such arrangement is not permissible. Op. Atty. Gen., Feb. 6, 1934.

"Merchant." Any manufacturer and also hauls cord wood, fence posts or other raw forest products on first haul from forest where for portion of year they are used as farm trucks.


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

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to market was properly registered in Class X. Op. Atty. Gen. (632e-36), June 6, 1934.

Other pleasure motor vehicles used for delivery of merchandise are subject to registration as trucks is a question of fact to be determined from all facts sur- rounding each particular case. The "used" being the determining factor. Op. Atty. Gen. (632e-31), July 2, 1934.


A two-wheel utility trailer weighing 485 pounds and drawing one ton or more, may be registered as trailer used with a "pleasure" vehicle, and capable of hauling three-fourths of a ton or more, may be registered in the "Z" class at rate of 2.2% as trailer used with a "pleasure" vehicle. Tractors used solely for agricultural purposes, and capable of hauling three-fourths of a ton or more, may be registered in the "Y" or "X" or "T" class. Id.

A co-operative trucking association whose members are also co-operative associations, all of whose voting stock is owned by farmers, is entitled to register and operate its truck under a class "G" classification, providing it is not engaged in transportation services other than hauling farm products, and the vehicles operated thereunder are subject to tax as personal property as provided by law. Op. Atty. Gen. (632e-35), Aug. 29, 1937.


A motor vehicle registered in "Y", "X", or "T" class shall be plainly printed on both sides thereof. Motor vehicles, which are used only for the purpose of carrying sawing machinery, food graders and shellers temporarily attached to them, shall be subject to the registration tax as herein provided, but the machine so attached shall not be subject to this tax until it is listed for the personal property as provided by law. Motor vehicles which during any calendar year have not been operated on a public highway shall be exempt from the provisions of this Act requiring payment of tax and penalties for nonpayment thereof, provided that the owner of any such vehicle shall first file his verified written application with the Registrar of Motor Vehicles, coroborating that the said vehicle was not used for any other purpose than as provided by law. Nothing herein shall be construed as repealing or modifying Laws 1929, Chapter 361, §2673-2, or Laws 1931, Chapters 217, 220 to 224, 230 to 234, 235, §1, 414, §220, §240, §241, §242, §243, §244, §245, §246, §247, §248, §249, §250, §251, §252, §253, §254, §255.  6111, 7016.

Automobile owned by soldier stationed at Fort Shelley used solely in the transaction of official business by representatives of foreign pow- ers, by the federal government, the State or any political sub-division thereof, or vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from such institutions, shall be exempt from the provisions of this Act requiring payment of tax or registration fee, but all such vehicles except those owned by the Federal Government, municipal fire apparatus, police patrols and ambulances, the school, churches, and institutions which is unmistakable, shall be registered as herein required and shall display tax exempt number plates furnished by the registrar at cost, provided, however, in the case of vehicles used in general police work the pleasure vehicles classification license number plates shall be displayed and furnished by the registrar at cost; but the exemption herein provided shall not apply to any vehicles, except such vehicles used in general police work, unless the name of the State Department or the particular office to which the vehicle shall be plainly printed on both sides thereof. Provided, however, that the owner of any such vehi- cle, desiring to come under the foregoing exemption provisions shall first notify the Chief of the State Highway Patrol who shall provide suitable seals and cause the same to be affixed to any such vehicle. Tractors used solely for agricultural pur- poses, for drawing threshing machinery or for road work either in or out of the county shall be subject to taxation as personal property as provided by law. Motor vehicles which during any calendar year have not been operated on a public highway shall be exempt from the provisions of this Act requiring payment of tax and penalties for nonpayment thereof, provided that the owner of any such vehicle shall first file his verified written application with the Registrar of Motor Vehicles, corroborating that the said vehicle was not used for any other purpose than as provided by law. Nothing herein shall be construed as repealing or modifying Laws 1929, Chapter 361, §2673-2, or Laws 1931, Chapters 217, 220 to 224, 230 to 234, 235, §1, 414, §220, §240, §241, §242, §243, §244, §245, §246, §247, §248, §249, §250, §251, §252, §253, §254, §255.  6111, 7016.
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Under amendment by Laws 1933, c. 298, a church high-school bus is exempt from registration tax. Id. In "X" class the church bus may be operated without tax payment under Laws 1933, c. 298, but who paid tax before passage through the "X" class was not entitled to a refund without legislative appropriation. Id.

Thrus "during any calendar year" has reference to any 12-month period from January 1 to December 31. Id. If owner at beginning of year makes verified written application for exemption and same is granted by secretary of state on or before September 1 to determine to place vehicle in operation, he must pay tax for whole year. Id.

Second hand motor vehicles on hand for sale by liquidation or sale exclusively in used cars are entitled to avail themselves of provisions relating to exemption. Id.

Trucks being towed to and from railroad tracks are not being operated on a public highway. Op. Atty. Gen., June 27, 1933.

Where owner, not a farmer, registered truck for 1932 in "X" class but was not operated during that year and was not operated by the farmer in "X" class he is entitled to a class "T" registration. Op. Atty. Gen., June 27, 1933.

A carpenter who in 1932 had registered in "X" class truck converted from passenger vehicle by addition of box for carrying tools could have his vehicle registered under a class "T" registration where he took off the box on April 29, 1933. Id.

The vehicle must be in the possession of the owner on December 31 of the year that paid the tax. Id.

A church school bus, 1932, c. 298, applies to registration of motor vehicles for taxation for year 1933 and is not retroactive to any prior year. Op. Atty. Gen., Apr. 29, 1933. Where owner of truck converted from passenger vehicle by addition of box for carrying tools did not become subject to tax until April 29, 1933, second hand vehicles are entitled to exemption, though they were not operated during that year. Id.

"During any calendar year" has reference to 12-month period from January 1 to December 31. Id.

Owner of stored vehicle may file his verified written application for exemption at any time prior to judgment against him for non-payment of tax. Id.

One filing application for exemption but later in September deciding to use car must pay whole tax for year 1933 together with penalties. Id.

A vehicle not used since 1931 may not be registered for 1933 without having taxes and penalties for 1932 paid. Id.

Reference in Laws 1932, c. 298, to Laws 1929, c. 361, is of no effect, such act being held unconstitutional. Id.

A used vehicle which has not been operated on the highways during 1932 may not be registered in 1933 without paying judgment for taxes and penalties for year 1932. Id.


The vehicle was not operated during the calendar year and is not entitled to tax exemption. Id.

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A used vehicle which has not been operated on the highways during 1932 may not be registered in 1933 without paying judgment for taxes and penalties for year 1932. Id.


The vehicle was not operated during the calendar year and is not entitled to tax exemption. Id.
Two-wheel trailers of less than 1,000 pounds capacity, used only with pleasure vehicles and not employed in the transportation of passengers or goods for hire, shall not be subject to taxation as motor vehicles.

The tax on Class "T" trucks with carrying capacity of less than 2,000 pounds, shall be $2.50 per cent on the base value.

The tax on Class "T" trucks with carrying capacity of 2,000 pounds and less than 3,000 pounds, shall be 1.44 per cent on the base value.

The tax on Class "T" trucks with carrying capacity of 3,000 pounds and over, shall be 2.4 per cent on the base value.

Provided, however, that the tax on Class "T" trucks with carrying capacity of less than 3,000 pounds shall be 1.92 per cent on the base value during the first and second years of vehicle life.

Provided that the minimum tax on all passenger motor vehicles 2,000 pounds and over in weight shall be $7.50.

Motorcycles without side car, $2.00. Motorcycles, side car additional, $2.00.

Motor vehicles specially equipped for operation over snow and used exclusively for such purpose, $3.00 if weighing one ton or less, and an additional $1.00 per ton or fraction thereof.

Value until the end of the first calendar year of vehicle life construing the year of the model designation as the first year of such life shall be construed to mean the "base price for taxation" as hereinafter defined.

For the purpose of fixing a base price for taxation from which depreciation in value at a fixed percentage per annum can be computed, such price is defined as follows:

The base price for taxation of a motor vehicle of which a similar or corresponding model, as defined in Section 31 of this Act, was being manufactured on October 1 preceding the year for which the tax is levied, shall be the manufacturers' list price of such similar or corresponding model, as defined in Section 31 of this Act, from which tax was first manufactured.

Where the gross weight of the vehicle is over 30,000 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 30,000 pounds.

Where the gross weight of the vehicle is over 20,000 pounds and less than 30,000 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 20,000 pounds.

Where the gross weight of the vehicle is over 10,000 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 10,000 pounds.

Where the gross weight of the vehicle is over 5,000 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 5,000 pounds.

Where the gross weight of the vehicle is over 1,000 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 1,000 pounds.

Where the gross weight of the vehicle is over 250 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 250 pounds.

Where the gross weight of the vehicle is over 60 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 60 pounds.

Where the gross weight of the vehicle is over 100 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 100 pounds.

Where the gross weight of the vehicle is over 50 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 50 pounds.

Where the gross weight of the vehicle is over 150 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 150 pounds.

Where the gross weight of the vehicle is over 250 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 250 pounds.

Where the gross weight of the vehicle is over 350 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 350 pounds.

Where the gross weight of the vehicle is over 450 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 450 pounds.

Where the gross weight of the vehicle is over 550 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 550 pounds.

Where the gross weight of the vehicle is over 650 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 650 pounds.

Where the gross weight of the vehicle is over 750 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 750 pounds.

Where the gross weight of the vehicle is over 850 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 850 pounds.

Where the gross weight of the vehicle is over 950 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 950 pounds.

Where the gross weight of the vehicle is over 1050 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 1050 pounds.

Where the gross weight of the vehicle is over 1150 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 1150 pounds.

Where the gross weight of the vehicle is over 1250 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 1250 pounds.

Where the gross weight of the vehicle is over 1350 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 1350 pounds.

Where the gross weight of the vehicle is over 1450 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 1450 pounds.

Where the gross weight of the vehicle is over 1550 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 1550 pounds.

Where the gross weight of the vehicle is over 1650 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 1650 pounds.

Where the gross weight of the vehicle is over 1750 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 1750 pounds.

Where the gross weight of the vehicle is over 1850 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 1850 pounds.

Where the gross weight of the vehicle is over 1950 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 1950 pounds.
Vehicle or combination of vehicles having
an unloaded weight of 7 tons and not
exceeding 8 tons. .................. 2c per mi.
Vehicle or combination of vehicles having
an unloaded weight of 8 tons and not
exceeding 9 tons. .................. 3c per mi.
Vehicle or combination of vehicles having
an unloaded weight of 9 to 10 tons. .. 4c per mi.

Vehicle or combination of vehicles having
an unloaded weight exceeding the
authorized loadweight by more than
1000 pounds. No certificate
of registration and/or license plate shall
thereafter be issued to operate such vehicle
during such year except upon payment of a tax
based on the gross weight said vehicle was
transporting at the time such offense was committed and the tax so
to be paid shall be subject to a proportionate tax as provided herein.

The tax imposed on class Y trucks in each instance
shall be increased 50% on a motor vehicle not equip-
plished wholly with pneumatic tires.

(a)-3. No truck, tractor, truck-tractor, semi-trailer
or trailer shall be operated on the highways of this
state engaged exclusively in transporting property in
interstate commerce or between this state and any prov-
ce in the Dominion of Canada unless such vehicle
has been registered and a license plate of a distinct-
ive color issued therefor by the Registrar of Motor
Vehicles, and shall have stencilled thereon the un-
loaded weight. Provided, that this section shall not
apply to a motor vehicle exclusively engaged in trans-
porting commerce from a state or from any prov-
cince in the Dominion of Canada exclusively upon the streets
of any city or village in the State of Minnesota. The
applicant shall pay therefore a registration fee of
$5.00 for each such vehicle and, in addition thereto
a truck mile tax as compensation for the use of the
highways, which said tax shall be based upon the
unloaded weight of the vehicle and the distance that
such vehicle travels on the highways of this state.

The tax on each such motor vehicle or combination
of vehicles shall be ascertained by multiplying the
number of miles traveled by each of such vehicles
on the highways of this state by the rate per mile
as provided herein.

The tax on a combination of a truck-tractor and
semi-trailer and/or a tractor and trailer. The combined weight of the vehicles
so ascertained shall determine the unloaded weight
of such combination of vehicles for the purpose of
computing such tax. Where a trailer is not attached
division to a tractor it shall be subject to a truck mile
tax based on the unloaded weight of such trailer.

The truck mile tax shall be determined as follows:

Vehicle or combination of vehicles having
an unloaded weight of 3 tons and not
exceeding 4 tons. .................. ¾c per mi.
Vehicle or combination of vehicles having
an unloaded weight of 4 tons and not
exceeding 5 tons. .................. ½c per mi.
Vehicle or combination of vehicles having
an unloaded weight of 5 tons and not
exceeding 6 tons. .................. 1c per mi.
Vehicle or combination of vehicles having
an unloaded weight of 6 tons and not
exceeding 7 tons. .................. 1¾c per mi.

Vehicle or combination of vehicles having
an unloaded weight of 7 tons and not
exceeding 8 tons. .................. 2c per mi.
Vehicle or combination of vehicles having
an unloaded weight of 8 tons and not
exceeding 9 tons. .................. 3c per mi.
Vehicle or combination of vehicles having
an unloaded weight of 9 to 10 tons. .. 4c per mi.
Any vehicle or combination of vehicle having an un-
loaded weight of more than 10 tons. .. 4c per mi.
be required by the Registrar of Motor Vehicles. The combination of a truck-tractor and semi-trailer and/or a tractor and trailer, shall, for the purposes of such deposit of $50.00 herein provided for, be regarded and considered as one motor vehicle.

Provided further that any common or contract carrier shall fail to file the required reports and pay the tax, if any, within ten days after the required time for filing such reports, the Registrar of Motor Vehicles shall permit, by order, such carrier to operate a motor vehicle or such bond to the State and should said carrier fail to file the required reports and pay the tax, if any, within ten days after the required time for filing such reports, the action shall be brought in the name of the State of Minnesota to recover the deficiency thereof.

If the owner of such motor vehicle or such common carrier or contract carrier shall fail to file the report required to be filed by law for the construction of such highway and the motor vehicle or such bond to the State and should said owner fail to file the required reports and pay the tax, if any, within ten days after the required time for filing such reports, the action shall be brought in the name of the State of Minnesota to recover the deficiency thereof.

If the owner of such motor vehicle or such common carrier or contract carrier shall fail to file the report required to be filed by law for the construction of such highway and the motor vehicle or such bond to the State and should said owner fail to file the required reports and pay the tax, if any, within ten days after the required time for filing such reports, the action shall be brought in the name of the State of Minnesota to recover the deficiency thereof.

If the owner of such motor vehicle or such common carrier or contract carrier shall fail to pay the tax within the time required, the Registrar of Motor Vehicles shall also cancel and take up the license plate issued on such vehicle and notify the Railroad and Warehouse Commission of such action.

(a)-5. A Declaration of Tax Policy. It is hereby declared that the use of heavy motor vehicles on the highways has added and will add materially to the construction and maintenance cost of such highways; that the use of such heavy vehicles has resulted in the construction of more expensive highways than would have been required by passenger automobiles or farm-to-market trucks; that the operation of such heavy motor vehicles is imposing an unjust share of the tax within the time required, the Registrar of Motor Vehicles shall also cancel and take up the license plate issued on such vehicle and notify the Railroad and Warehouse Commission of such action.

(b) Motor Vehicles not subject to taxation as provided in the foregoing section, but subject to taxation as personal property within the State of Minnesota to the taxation of automobiles of dealers in new and unused motor vehicles, is imposing an unjust share of the tax within the time required, the Registrar of Motor Vehicles shall also cancel and take up the license plate issued on such vehicle and notify the Railroad and Warehouse Commission of such action.

Sec. 6 of Act Apr. 20, 1933, cited, provides that the act shall take effect Jan. 1, 1934. See §264-4a as to construction of act.


Trucks engaged in transporting property in interstate commerce must register in the X or T class and have unearned portion of Class "Y" tax refunded. Op. Atty. Gen. (632e-36), Aug. 18, 1935.

There is a permitted overload of 1000 pounds regardless of selected load and tax paid, but such overload must be carried during the year. The maximum could have been selected without increase in tax. Op. Atty. Gen., Jan. 1936.

If owner wishes to increase his permitted load, he may do so by paying only the additional taxes due on the increased weight. The newly added weight must be properly stenciled in a conspicuous place on his vehicle. Op. Atty. Gen. (632e-36), Sep. 15, 1935.

18. (a) Fifty per cent supertax for solid tires affects both the gross weight use tax (Y Intrastate) and the truck miles tax (T Intrastate). Id.

If a vehicle having a 1937 Y license is operated under the license in 1938, before application for registration in the X or T class may thereafter be issued for a Class "X" vehicle with a side car. Op. Atty. Gen., Apr. 18, 1936. 

October 1 dealer holding truck last registered in 1932 should pay tax at rate of 2.4% without issue of plates and not in "X" or "Y" class rate. Op. Atty. Gen., Apr. 19, 1936.

(a) October 1 dealer holding truck last registered in 1932 should pay tax at rate of 2.4% without issue of plates and not in "X" or "Y" class rate. Op. Atty. Gen., Apr. 19, 1936.

(b) (4) A blanket bond may be used to cover a fleet of trucks, but it should properly identify and describe each vehicle and its part of year, second half or fourth quarter. Id.

(c) October 1 dealer holding truck last registered in 1932 should pay tax at rate of 2.4% without issue of plates and not in "X" or "Y" class rate. Op. Atty. Gen., Apr. 19, 1936.
should be registered in "Y" class, and if not sold at all rates of 5.5% on October 1, 1928. Id.

Farmer owning two trucks registered in "Y" class, to be used for the carrying of stock, and pay $7.50 upon storing one for the year 1933. Op. Atty. Gen., Apr. 10, 1933.

In case the truck in possession of dealer is one that should be registered under minimum tax provisions, such truck shall be charged at rate of tax of such minimum provisions. Op. Atty. Gen., Apr. 20, 1933.

Passenger motor vehicles engaged in transportation of passengers other than those for hire are not subject to vehicle tax. Op. Atty. Gen., May 6, 1933.

Scher's 1932 Ford truck as family car and also to convey prisoners from place to place is not engaged in transportation of passengers for hire and is entitled to reduced rate. Op. Atty. Gen., May 31, 1933.

Filing required to transport owner's and his neighbor's children to school, children paying for gasoline in return for courtesy, is not engaged in transportation of passengers for hire.

Affidavit that converted Ford roadster was used only for personal use in going to and from cabin was insufficient to entitle owner to refund or to registration in "T" class. Op. Atty. Gen., Aug. 30, 1933.


1924-1/2 a. Certain refunds authorized. [Repealed.]

Consisted of Act Apr. 8, 1933, c. 161, §2.

Repealed by Act Apr. 17, 1935, c. 161, §3. See §2674-1/2 d.


1924-1/2 b. May be paid any time before April 30 without penalty. [Repealed.]

Consisted of Act Apr. 8, 1933, c. 161, §8.

Repealed by Act Apr. 17, 1935, c. 161, §1. See §2674-1/2 d.


1924-1/2 d. Refunds. — This act shall apply to and govern motor vehicle taxes for the year 1935, whether paid prior to or after the passage of this act, and in case any person shall have paid the tax upon a motor vehicle in excess of the amount required in Section 1 hereof, he shall be entitled to a refund of such excess, and the secretary of state is authorized to pay all such refunds. (Act Apr. 17, 1935, c. 161, §2.)

1924-1/2 d. Inconsistent acts repealed. — Laws 1933, Chapter 163, is hereby repealed, and all other acts and parts of acts inconsistent herewith, are hereby modified, amended or superseded so far as necessary to give full force and effect to the provisions of this act. (Act Apr. 17, 1935, c. 161, §3.)

1924-1 Companies, etc., paying gross earnings taxes required to pay motor vehicle taxes. This act is unconstitutional. 173M72, 216NW542. See 283US57, 51SCR354, aff'g 180M281, 230NW572. See Dun. Dig. 4167a, 5576d.

Wife was not liable for negligence of her husband in driving a car registered under the statutes, Sections 126, 233NW805. See Dun. Dig. 5338b.

The tax must be paid in cash and a county contractor who has failed to pay the tax cannot assign to the state a portion of the compensation due him from the county. Op. Atty. Gen., July 21, 1933.

1926. Owner shall list offenses. — (a) Every owner of any motor vehicle in this state, not exempted by Section 2 or Section 14 hereof, shall on or before February 15 of each year, and in every event as soon after January 1st as his shall become the owner thereof, file with the registrar on a blank provided by him, a listing for taxation and application for the registration of such vehicle, stating the name and address of the owner, and the nature of his ownership, the name and address of the person from whom purchased, name of manufacturer, name of motor vehicle, year manufactured, year and number of the model, engine and car number, type of body, the list price thereof at the factory, the weight of the vehicle in pounds, and its rated load carrying capacity or seating capacity, the number of cylinders, and such other informations as the registrar may require. The said listing shall make an oath or affirmation before some officer authorized by law to administer oaths or affirmations that the statements made are correct and true; and any false statement willfully and knowingly made in regard thereto shall be deemed perjury and punished accordingly; provided, however, that such listing for taxation and application for registration need not be sworn to when the applicant is listing the same vehicle for taxation and registration for the second or any succeeding time. The listing and application for registration by dealers or manufacturers' agents within the state, of motor vehicles received for sale or use within the state shall be accepted as compliance with the requirements of this act imposed upon the manufacturer.

(b) Upon the installation of any new motor for the addition or change of type of any body in or upon any registered motor vehicle, the owner shall file with the registrar a new application setting forth such change, together with the payment of any additional tax to which such motor vehicle by such change has become subject, and shall apply for a revision of the registration made.

(c) It shall be unlawful for any person to display or cause to be displayed or to have in his possession any cancelled, revoked, suspended or fraudulently obtained or stolen registration plate.
3. To display or represent as one's own any registration plates not issued to him, provided, however, the act shall take effect from its passage.

4. To fail or refuse to surrender to the department upon its lawful demand any registration plates which have been revoked, cancelled or suspended by proper authority.

5. To use a false or fictitious name or address or description of the motor vehicle, engine number or serial number in any application for registration of a motor vehicle or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit fraud in any such application.

(d) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other laws of this State declared to be a felony or gross misdemeanor. (As amended Apr. 29, 1937, c. 109, Sec. 1, and as amended Apr. 30, 1937, c. 109, Sec. 2.)

Section 2 of Act Apr. 26, 1937, cited, provides that the act shall take effect from its passage.

Act Mar. 20, 1937, c. 109, Sec. 15 as date for payment of tax for 1938.

Sec. 1. Where statement of car dealer in registration of a car that it was absolute owner of a car in possession of salesman was a persuasive admission that would credit claim of convicted for violation of the act, the statement under a conditional sale contract, as affecting liability of sales agency arising from such ownership. Flaug v. E., 202 M 162, 275 NW 852. See Dinn. Dig. 4368.

Sec. 2. Where statement of car dealer in registration of a car that it was absolute owner of a car in possession of salesman was a persuasive admission that would credit claim of convicted for violation of the act, the statement under a conditional sale contract, as affecting liability of sales agency arising from such ownership. Flaug v. E., 202 M 162, 275 NW 852. See Dinn. Dig. 4368.

Sec. 3. To use a false or fictitious name or address or description of the motor vehicle, engine number or serial number in any application for registration of a motor vehicle or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit fraud in any such application.

(d) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other laws of this State declared to be a felony or gross misdemeanor. (As amended Apr. 29, 1937, c. 109, Sec. 1, and as amended Apr. 30, 1937, c. 109, Sec. 2.)

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(d) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other laws of this State declared to be a felony or gross misdemeanor. (As amended Apr. 29, 1937, c. 109, Sec. 1, and as amended Apr. 30, 1937, c. 109, Sec. 2.)

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Sec. 1. Where statement of car dealer in registration of a car that it was absolute owner of a car in possession of salesman was a persuasive admission that would credit claim of convicted for violation of the act, the statement under a conditional sale contract, as affecting liability of sales agency arising from such ownership. Flaug v. E., 202 M 162, 275 NW 852. See Dinn. Dig. 4368.

Sec. 2. Where statement of car dealer in registration of a car that it was absolute owner of a car in possession of salesman was a persuasive admission that would credit claim of convicted for violation of the act, the statement under a conditional sale contract, as affecting liability of sales agency arising from such ownership. Flaug v. E., 202 M 162, 275 NW 852. See Dinn. Dig. 4368.

Sec. 3. To use a false or fictitious name or address or description of the motor vehicle, engine number or serial number in any application for registration of a motor vehicle or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit fraud in any such application.

(d) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other laws of this State declared to be a felony or gross misdemeanor. (As amended Apr. 29, 1937, c. 109, Sec. 1, and as amended Apr. 30, 1937, c. 109, Sec. 2.)

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One seeking change of classification from Y truck to X truck on ground of mistake in registration tax clearly show that his truck has not been operated outside of permitted thirty-five-mile zone at any time during the year. Op. Att'y Gen., Mar. 17, 1934.

One who paid registration tax on automobile which he used at police department to enforce traffic laws, while on combat campaign, before even having used the car during the year, was not entitled to refund. Op. Att'y Gen., Apr. 17, 1934.

On conversion of a registration from the X Class to the Y Class by owner of truck within state or between states paid for X registration and lower tax paid for Y registration can be made. Op. Att'y Gen. (§292-24), Apr. 24, 1934.

Refund of registration tax erroneously collected in running license plates on a truck which were not to be used within the state during the preceding year should be refunded. Op. Att'y Gen., May 19, 1934.

Registration for 1934 may be cancelled and refund of tax paid for motor vehicle destroyed by fire before having been used on streets and highways at any time during such year. Op. Att'y Gen. (§292-24), June 5, 1934.

Owner of truck is not entitled to a refund of portions of taxes paid for error in computing gross weight of certain truck and the tax paid therefor. Op. Att'y Gen., May 19, 1934.

Refund not to be made of tax paid by dealer for purpose of avoiding duplicate taxation, though vehicle was not used on highways until after July 5. Op. Att'y Gen. (§292-24), July 31, 1934.

Part of owner of vehicle to apply for and secure a permit as provided for in §272-27 was not an error within intent of §2582, and such owner is not entitled to refund because of necessity of obtaining permit for a particular year on an application made more than two years after the date of payment of taxes for such year. Op. Att'y Gen. (§292-24), May 22, 1935.

Credit accruing on tax paid on vehicle in gross-weight-use tax classifications on registration of another vehicle during same year in truck-mile tax classification, first truck having been destroyed. Op. Att'y Gen. (§292-24), Mar. 11, 1936.

Privately owned trucks bearing North Dakota license plates operating upon highways of the United States and property for hire are not entitled to any more extensions of time than their own trucks registered in private industry, and fact that such trucks are employed in a project cannot be classified as an emergency to allow refund to owner. Op. Att'y Gen. (§292-24), Feb. 21, 1935.

Reimbursement of Secretary of State of losses on uncollected forged and counterfeit money paid on motor vehicle registration. Feb. 17, 1935, c. 32.

Credit accruing on tax paid on vehicle in gross-weight-use tax classifications on registration of another vehicle during the same year in truck-mile tax classification, first truck having been destroyed. Op. Att'y Gen. (§292-24), Mar. 11, 1936.

Credit accruing on tax paid on vehicle in gross-weight-use tax classifications on registration of another vehicle during the same year in truck-mile tax classification, first truck having been destroyed. Op. Att'y Gen. (§292-24), May 22, 1935.
does not seem to have been the legislative intent to re- 
peal the part of the section not set out.

The judgment in replevin for a return was right be- 
because there was no proper owner of the ownership of the defendant who did not claim under the vendor in the conditional sale.

See Dun. Inv., 823, 1501.

Where resident of Minnesota moved to Iowa in De-

mber and applied for auto license but did not move 
in Minnesota until May and obtained a permit to 
operate car in Minnesota, she must register in Minne-


Reciprocal privileges may be interpreted to apply to a 
foreign motor vehicle dealer who wishes to operate a mo-
tor vehicle in Minnesota. 1933, c. 355, §1, indicates a legislative 
intent to accomplish the purpose of this Act.

Sec. 5 provides that the act shall take effect from Its 
passage.

Sec. 4 of Act Apr. 29, 1933, cited, repeals §2684-5, 2684-7.

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passage.

(27, c. 94, §4; Apr. 20, 1931, c. 220, §4.)

2684-5. Act to be subordinate to treaties. — The provi-
sions of this enactment relating to motor vehicle tra-
ffic between Minnesota and Canadian provinces shall 
be subordinate to all the laws, treaties, agree-
ments, and polices of the respective national govern-
ments primarily controlling said international bound-
ary line; and all privileges extended by this Act to 
Canadian motor vehicle owners shall be deemed 
abridged accordingly, and shall not be substantially 
more than the privileges available to similarly 
situated Minnesota motor vehicle owners operating 
across said international boundary line. (27, c. 94, 
§5; Apr. 20, 1931, c. 220, §6.)

2684-6. Application of act. — This Act shall not ap-
ply to a passenger motor vehicle owned by a resident 
of any State, District of Columbia, or any Canadian 
Province temporarily residing in this State while reg-
istered there under the laws of the State of minnesota. 
Sec. 4 of Act Apr. 29, 1933, cited, repeals §2684-5, 2684-7.

Every non-resident, including any foreign corpo-
ration carrying on business within this state, who 
regularly operates in Minnesota under reciprocal 
agreement without paying mileage tax, may be permitted to come 
into Minnesota under reciprocal agreement without pay-
ing mileage tax. (27, c. 94, §4; Apr. 20, 1931, c. 220, §5.)

Penalties for fraudulent registration. — Any person who 
files any statement or written in- 
formation with the registrar of motor vehicles which is 
same in false or fraudulent in whole or in part, 
shall be guilty of a felony; and such felony shall be 
doomed to have been committed at the time when and 
place at which such false or fraudulent statement was 
filed in this state. (27, c. 94, §3; Apr. 20, 1931, c. 220, §3.)

2684-7. Does not apply to non-resident. [Repealed.]

Amended Apr. 24, 1924, c. 262; Apr. 20, 1931, c. 220, 
§7; Apr. 20, 1923, c. 344, §4.

Sec. 5 provides that the act shall take effect from its 
passage.

2684-3. Penalties for fraudulent registration. — Any person who 
files any statement or written in- 
formation with the registrar of motor vehicles which is 
same in false or fraudulent in whole or in part, 
shall be guilty of a felony; and such felony shall be 
doomed to have been committed at the time when and 
place at which such false or fraudulent statement was 
filed in this state. (27, c. 94, §3; Apr. 20, 1931, c. 220, §3.)
Reciprocally the bond provisions apply to an Iowa congressman to their truck without charge to move their new stock household goods from Minnesota to Iowa, and to an Iowa house concern to coming to Minnesota to haul out house bought here. Op. Atty. Gen. (628c), May 29, 1926.

Reciprocally provisions do not apply to an Iowa bakery man. The owner of the line of variety fairs in Minnesota, or an Iowa wholesale house sending out its traveling salesman in Minnesota territory to take orders for its merchandise, nor a Texas carnival company playing in a line of county fairs in Minnesota using its own trucks to transport its equipment and personnel in going from fair to fair. Id.

Laws 1935, c. 265, §§, although purporting to amend §288a-6, indicates a legislative intent to amend this section. Id.

2884-7a. Application of act.—This Act shall not be construed as in any manner changing or modifying any Act passed at this session of the Legislature that relates solely to taxation of passenger motor vehicles or to Class "T" trucks. (Act Apr. 20, 1933, c. 344, § 5.)

2884-7b. Effective January 1, 1934.—This Act shall take effect and be in force from and after January 1, 1934. (Act Apr. 20, 1934, c. 344, §§.)

2884-8. Service of process on non-residents. Note.—This section and section 2720-105, appear to be in conflict, and this section is probably superseded in part.

The provision of this section as to service of process is not unconstitutional as denying due process of law, but the provision limiting the right to continuances is discriminatory against non-residents, and is invalid, but the invalidity of the latter provision does not affect the rest of the section. Jones v. Paxton, (DC-Minn), 27F(2d) 304.

This section is constitutional, and the word "process" is construed as including a summons, and the duties imposed upon the plaintiff may be performed by those who act for him, although there must be a strict compliance with the statutes. 177M90, 224NW694.

2884-9. Non-resident dealers in motor vehicles must register and pay tax.—Every dealer in used, or second-hand, motor vehicle in Minnesota, or an Iowa packing plant maintaining place of temporary storage in Minnesota from which meats are shipped on another line of registered livestock, or a wholesale house in Minnesota Territory to take orders for its merchandise, nor a Texas carnival company playing in a line of county fairs in Minnesota using its own trucks to transport its equipment and personnel in going from fair to fair. Id.

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This section is constitutional, and the word "process" is construed as including a summons, and the duties imposed upon the plaintiff may be performed by those who act for him, although there must be a strict compliance with the statutes. 177M90, 224NW694.

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individual, partnership, corporation or trust whose business in whole or in part, is that of selling new or used motor vehicles, or both, and likewise shall be construed to include every agent, representative, or consignee of such dealer or vendor shall be required to make and file the said bond if such dealer or vendor for whom such agent, representative or consignee acts fully complies, in each instance, with the provisions of this act.

(Act Apr. 17, 1939, c. 284, §4.)

2684-13. Provisions severable.—If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered. (Act Apr. 17, 1939, c. 284, §5.)

2686. Manufacturers and dealers in motor vehicles must be licensed.—(a) No person, co-partnership or corporation shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered. (Act Apr. 17, 1939, c. 284, §5.)

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motor vehicle or motor truck, new or used, to said prospective buyer for said demonstration purposes, said motor vehicle dealer shall deliver to said prospective buyer a card or certificate giving the name and address of said motor vehicle dealer, the name and address of said prospective buyer, and the date, time and place of delivery. Said card or certificate shall be in such form as the Registrar may provide to the motor vehicle dealer for such purpose, and shall be carried by such prospective buyer while demonstrating said motor vehicle or motor truck.

(f) 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 request, upon the payment by said dealer to said Registrar of the sum of two dollars per pair. Said plates shall be known as "in transit" plates. The registrar may issue such "in transit" plates, upon the payment of the sum of two dollars to said registrar, to dealers duly licensed in other States or Provinces upon information furnished him in substance, that persons or companies applying therefor are duly licensed dealers under the laws of such States or Provinces.

(g) The registrar of motor vehicles, upon his own motion or upon the complaint of another, shall prepare and cause to be served upon the licensee complained of, a written notice or complaint setting forth, in substance, the violations charged, and shall require the licensee to appear thereat, at the time and place therein fixed, and to 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 (d) above, and shall determine that the license of such dealer should be revoked, he shall make a written order to that effect, and a copy of such order shall be served upon such licensee in the manner provided by law for the service of summons in a civil action. Upon such revocation, if it be a misdemeanor, he shall immediately forthwith notify the registrar all number plates, including any "in transit" plates, in his possession.

(h) Any party or person aggrieved by such order of revocation may appeal therefrom to any district court of the state within 15 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 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 and unreasonable it shall be vacated and set aside.

Such appeal shall not stay or supersede the order appealed from. In any appeal of said order and the return made on said appeal, and after giving 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 their right to have the matters 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.

(i) 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.

(j) The registrar is hereby authorized to enforce this act and he may also appoint under his hand a sufficient number of persons amongst his several employees, said officers and employees, who may provide himself or himself, in substance, that persons or companies applying therefor are duly licensed dealers under the laws of such States or Provinces.

(k) The registrar shall have, and is hereby granted full authority to issue subpoenas requiring the attendance of witnesses, the production of books, papers and other documents, articles or instruments, and compel the disclosure by such witnesses of all facts known to them relative to the matter under investigation, and shall have full authority to administer oaths and to take testimony. All parties disobeying the orders of subpoenas of said registrar shall be guilty of contempt, as in proceedings in district courts of the state, and may be punished in the same manner.

(l) Any person, co-partnership, or corporation, domestic or foreign, and any officer, or director, or employee of a corporation, domestic or foreign, who shall violate or neglect, fail or refuse to comply with any of the provisions of this act shall be guilty of a misdemeanor.

(m) The provisions of this act are hereby declared to be severable. If one provision hereof shall be found by the decision of a court of competent jurisdiction to be invalid such decision shall not affect the validity of the other provisions of this act. (21, c. 461, §15; '23, c. 418, §15; Apr. 20, 1931, c. 217, §2; Apr. 11, 1935, c. 143, §1; Apr. 24, 1935, c. 271; Apr. 13, 1939, c. 209.)

Sec. 2 of Act Apr. 11, 1935, cited, provides that the act shall take effect from its passage.

A licensed dealer or his employee may not drive vehicles for the personal use of the owner or employer or for other than demonstration purposes. Op. Atty. Gen., Dec. 31, 1931.


It is obligatory upon a licensed dealer to purchase at least one set of dealer's plates. Op. Atty. Gen., Dec. 31, 1931.

Agent for foreign dealer may not come into state and sell vehicles for such dealer. Washington has acquired a license and has established a place of business and has sold with laws 1935, c. 290; §2. Op. Atty. Gen. (632a-6), June 10, 1935.

Use of word “vehicles” in plural in definition of a motor vehicle dealer does not demand that dealer must have at least two cars on hand for sale. Op. Att'y Gen. (632a-8), Sept. 17, 1935.

Dealer having more than one established place of business may only be under one license. Op. Att'y Gen. (632a-6), Sept. 30, 1935.

Statute sets up certain standards of qualification but does not explain what type of business is incidental or minor to their interest in some other business. Op. Att'y Gen. (632a-8), Mar. 16, 1935.

Statute contemplates that any person or motor vehicle dealers' licenses have in their possession motor vehicles for purpose of trade or sale. Id. 

Words “established place of business” do not necessarily mean a building and may include a vacant lot if the use thereof in excess of $200 may be paid in two equal installments in the year for which such vehicle is licensed, the due date of the first installment shall be the termination of one-half of the period for which such license is to run and of the second installment shall be 60 days prior to the expiration of such license. All taxes imposed under the provisions of this Act shall be deemed the personal obligation of the registered owner and the amount of such tax, including added penalties for the non-payment thereof, shall be a first lien upon the vehicle taxed, paramount and superior to all other liens thereon whether previously or subsequently accruing thereon; and in addition to any other remedy herein prescribed, the state shall have a right of action against the owner for the recovery of the amount of any delinquent tax thereon, including the penalties accruing because of the non-payment thereof, and in any court of competent jurisdiction. The county attorney of the county in which such motor vehicle is owned shall perform such service in the matter of the commencement and prosecution of such suit or in the prosecution of any other remedy for the enforcement of such tax as the Attorney General may require. (21, c. 461, §19; 23, c. 418, §19; Laws 1929, c. 330, §2; Feb. 17, 1931, c. 17, §1; Apr. 18, 1933, c. 217, §5.)

All machines must be registered—Exceptions. 

Sec. 6 of Act Apr. 20, 1933, cited, provides that the act shall take effect and be in force from and after January 1st, 1933, except the provisions of subsection (d) of Section 2 relating to “in transit” plates which shall be in force and effect from and after its passage. (Act Apr. 20, 1931, c. 217, §5.)

Carrier by express with postage or carriage charge prepaid, and properly addressed to the registrar within seven days after the transfer of ownership or other occurrence upon which this Act provides for such filing or delivery. (21, c. 461, §19; 23, c. 418, §19; Laws 1929, c. 330, §2; Feb. 17, 1931, c. 17, §1; Apr. 18, 1933, c. 217, §5.)

Sec. 2 of Act Feb. 17, 1931, c. 17, provides that the act shall take effect from and after its passage. 

There is no statutory authority for change of registration merely upon affidavit of compliance with §§628-2, 628-3, relating to repossession of cars under conditional sales contracts. Op. Att'y Gen. (G32a-8), Apr. 27, 1938.

2090. Date payable.—The tax required under this Act to be paid upon a motor vehicle shall become due as soon as such vehicle shall first be used on the public streets or highways in the state, and upon January 1st in each year thereafter. Taxes due upon January 1st shall be paid upon transfer of ownership in the vehicle, and in any event on or before February 15th and shall be delinquent after the 15th day of February. Taxes falling due between February 15th and December 31st shall become delinquent upon the expiration of three days after the same become due, unless paid. Provided, if the tax assessed under Section 6 (c) amounts to more than $200 the amount thereof in excess of $200 may be paid in two equal installments in the year for which such vehicle is licensed, the due date of the first installment shall be the termination of one-half of the period for which such license is to run and of the second installment shall be 60 days prior to the expiration of such license. All taxes imposed under the provisions of this Act shall be deemed the personal obligation of the registered owner and the amount of such tax, including added penalties for the non-payment thereof, shall be a first lien upon the vehicle taxed, paramount and superior to all other liens thereon whether previously or subsequently accruing thereon; and in addition to any other remedy herein prescribed, the state shall have a right of action against the owner for the recovery of the amount of any delinquent tax thereon, including the penalties accruing because of the non-payment thereof, and in any court of competent jurisdiction. The county attorney of the county in which such motor vehicle is owned shall perform such service in the matter of the commencement and prosecution of such suit or in the prosecution of any other remedy for the enforcement of such tax as the Attorney General may require. (21, c. 461, §19; 23, c. 418, §19; Apr. 20, 1933, c. 344, §3.)

Every owner or transferee of a motor vehicle who fails or delays for more than seven days to surrender the registration certificate and existing number plates as herein provided, before he shall be entitled to sell and assign his right to have the tax paid by him credited to the transferee as herein provided, shall, before he shall be entitled to complete his registration as herein provided, pay to the registrar, a fee of 25 cents for each day that such license is to run and of the second in excess of $200 may be paid in two equal installments in the year for which such vehicle is licensed, the due date of the first installment shall be the termination of one-half of the period for which such license is to run and of the second installment shall be 60 days prior to the expiration of such license. All taxes imposed under the provisions of this Act shall be deemed the personal obligation of the registered owner and the amount of such tax, including added penalties for the non-payment thereof, shall be a first lien upon the vehicle taxed, paramount and superior to all other liens thereon whether previously or subsequently accruing thereon; and in addition to any other remedy herein prescribed, the state shall have a right of action against the owner for the recovery of the amount of any delinquent tax thereon, including the penalties accruing because of the non-payment thereof, and in any court of competent jurisdiction. The county attorney of the county in which such motor vehicle is owned shall perform such service in the matter of the commencement and prosecution of such suit or in the prosecution of any other remedy for the enforcement of such tax as the Attorney General may require. (21, c. 461, §19; 23, c. 418, §19; Apr. 20, 1933, c. 344, §3.)

Transfer of ownership—Procedure—fees. 

Every owner or transferee of a motor vehicle who fails or delays for more than seven days to surrender the registration certificate and existing number plates as herein provided, before he shall be entitled to sell and assign his right to have the tax paid by him credited to the transferee as herein provided, shall pay to the registrar a fee of 25 cents for each day that such license is to run and of the second in excess of $200 may be paid in two equal installments in the year for which such vehicle is licensed, the due date of the first installment shall be the termination of one-half of the period for which such license is to run and of the second installment shall be 60 days prior to the expiration of such license. All taxes imposed under the provisions of this Act shall be deemed the personal obligation of the registered owner and the amount of such tax, including added penalties for the non-payment thereof, shall be a first lien upon the vehicle taxed, paramount and superior to all other liens thereon whether previously or subsequently accruing thereon; and in addition to any other remedy herein prescribed, the state shall have a right of action against the owner for the recovery of the amount of any delinquent tax thereon, including the penalties accruing because of the non-payment thereof, and in any court of competent jurisdiction. The county attorney of the county in which such motor vehicle is owned shall perform such service in the matter of the commencement and prosecution of such suit or in the prosecution of any other remedy for the enforcement of such tax as the Attorney General may require. (21, c. 461, §19; 23, c. 418, §19; Apr. 20, 1933, c. 344, §3.)

Any person entitled to compensation for mileage but to a reimbursement in proceedings to collect delinquent motor vehicle taxes where no collections are made. Op. Atty. Gen. (632a-25), Nov. 4, 1937.

Where executive council enters into compromise and settlement of judgment for license tax, it is duty of register to file an account with the clerk of court. Op. Atty. Gen. (532e-8), June 29, 1934.

Registrar has no authority to waive interest on judgments or to grant a reimbursement in proceedings to collect delinquent motor vehicle taxes, but under §2590, prosecutions of such proceedings may be continued by the county attorney upon approval by the attorney general. Op. Atty. Gen. (532e-7), Nov. 11, 1935.

Repeal of this section by Laws 1937, ch. 120, stopped all previous prosecutions for delinquent motor vehicle registration taxes, but under §2590, prosecutions of such proceedings may be continued by county attorney upon approval by attorney general. Op. Atty. Gen. (632e-7), May 10, 1937.

2692. Manufacturers to file statement.—Every manufacturer of a motor vehicle sold or offered for sale within this state, either by the manufacturer, distributor, dealer or any other person, shall, on or before the first day of October in each year, file in the office of the registrar a sworn statement showing the various models manufactured by him, and the retail list price, rated carrying capacity and manufacturer's shipping weight of each model being manufactured October 1 of that year; and shall also file with the registrar, in such form as manufacturers usually use for advertising, complete specifications of the construction of each model and also the length to vary with the number of digits in the number. On the body of such plate there shall be the distinctive registration number assigned to the vehicle in figures approximately three inches high, each stroke of which shall be of such width as will be most conducive to legibility. A letter or letters similar in size to the figures may be used as a part of the registration number at the beginning thereof to indicate class of registration. Below the registration number there shall be the year of registration and the word "Minnesota" in characters three-fourths of an inch high. Motorcycles shall be assigned plates of substantially the same design, but three inches wide and seven inches long with such proportionate reduction in size of letters and numerals as may be necessary. Dealers' number plates shall be of substantially the same size and design as passenger vehicle and truck plates. (As amended Apr. 12, 1939, c. 213, §1.)

2703-1. Same—Effective date of amending act.—This act shall be in effect for plates to be issued for the year 1940 and succeeding years. (Act Apr. 12, 1939, c. 213, §2.)

2705. Lights—Mufflers—Road rules—[Repealed].

2712. Board of automobile examiners, etc. Superseded by §§2712-1 to 2712-8.

2712-1. Chauffeurs' licenses.—No person shall drive a motor vehicle as a chauffeur upon any public highway in this state unless he be licensed by the secretary of state as provided by this act, except that a non-resident chauffeur, registered under the

2685. as amended.
provisions of the law of the country, state, territory or district of his residence, operating such motor vehicle temporarily within this state not more than 60 days in any one year, and while wearing the badge belonging to another, and only in case operation is principal purpose for which he is employed, and trucks registered as trackless trolley vehicles bearing improper license plate. Op. Atty. Gen. (635b), June 23, 1938.

City employee driving truck owned by city and connected with municipal light and power plant must have license. Op. Atty. Gen. (635b), June 11, 1935.

2712-2. Licensing of chauffeurs.—The secretary of state shall establish a chauffeurs' license division in the motor vehicle department of his office for the purpose of ascertaining and determining the qualifications of applicants for chauffeurs' licenses, and shall conduct examinations of applicants for such license at such times and places as he shall designate, and shall issue licenses only to such applicants as shall be found to have sufficient knowledge of the construction, mechanism and operation of motor vehicles and a sufficient knowledge of the traffic laws of this state, and other needful qualifications, to enable him to drive with safety, and he may appoint such examiners and other employees as may be necessary in the conduct of the license division so established. Any deputy registrar of motor vehicles may be appointed by the secretary of state to conduct chauffeurs' examinations and may make a record on a stated salary when so appointed shall be allowed and paid fifty cents ($0.50) for each examinee for the first examination given to such examinee by him under such appointment to be paid by the secretary of state out of the same fund and in the same manner that salaries are paid to other employees serving in the chauffeurs' license division of the Motor Vehicle Department, such payment to be in addition to the fees allowed to such deputy as provided by law for registering motor vehicles. (Act Apr. 26, 1929, c. 433, §2; Apr. 18, 1931, c. 198; Apr. 22, 1939, c. 426.)

2712-3. Shall provide badges.—The secretary of state shall provide badges for such chauffeurs as he shall designate. In the preparation of such badges, the design shall be such as to clearly show the words 'Chauffeurs' License' and the name of the state, and shall be made of durable material and shall be affixed to a belt, or worn on the arm or uniform, as he shall designate. A chauffeur must have a chauffeur's license even though he receives isolated state aid. Op. Atty. Gen. (635d), May 2, 1938.

2712-4. Shall expire on December 31 of each year.—All chauffeurs' licenses issued hereunder shall expire at midnight on December 31 of the year for which they are issued, but may be renewed without examination but not renewed for any offense committed before November 1, in any one year shall be granted unless application for such renewal is made during the month of November of the year for which the license was issued; provided, however, that upon request of any person not chauffeur shall voluntarily permit another person to possess and use the badge so provided, nor shall any person, while driving or operating a motor vehicle, use any license or badge belonging to another. (Act Apr. 26, 1929, c. 433, §3; Apr. 22, 1939, c. 426.)

2712-5. Applications for examination and license hereunder shall be in writing upon such forms and shall contain such sealed information as the secretary of state may prescribe, and shall be accompanied by the payment of an examination and license fee of one dollar and fifty cents, except that the fee for a renewal license shall be one dollar. The state treasurer shall maintain a separate fund known as a chauffeurs' license fund, in which all fees so received shall be credited, and the amount necessary for such purpose and for expenses in connection with this act is hereby appropriated. No fees that have been paid into this fund shall be refunded, but the secretary of state in his discretion, upon proper application within three months thereafter, may grant one re-examination without additional fee to a person who has been refused a license on a previous application. Any balance remaining in this fund at the end of the calendar year, after the payment of employees' salaries and other expenses of the license division shall be transferred to and deposited in the general fund. (Act Apr. 26, 1929, c. 433, §5; Apr. 22, 1939, c. 426.)

2712-6. Revocation of licenses.—For sufficient cause upon complaint and after hearing, or upon report of conviction by any court in this state of violation of any provision of the Highway Traffic Regulation Act, or upon report of conviction of any offense in any other State or in any Province of the Dominion of Canada, which, if committed in this State, would be cause of revocation, the Secretary of State may revoke the license of any chauffeur who, in the judgment of the secretary of state, should not be permitted to continue as a licensed chauffeur.

Any court in which the conviction is had, shall revoke the chauffeur's license upon the chauffeur's conviction of any of the following offenses:
(a) ManhuIster resulting from the operation of a motor vehicle;
(b) Driving a vehicle while under the influence of intoxicating liquor or narcotic drug;
(c) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used;
(d) Conviction of forfeiture of bail upon three charges of reckless driving all within the preceding twelve months;
(e) Conviction of a driver of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident.

Upon conviction of a licensed chauffeur of any other violation of provisions of the Highway Traffic regulation Act, or of a violation of any provision of this Act, the court in which such conviction is had may order that such chauffeur’s license be revoked forthwith.

A revocation of a chauffeur’s license by a court shall be for a period of three, six, nine or twelve months, the length of period to be determined in each particular case by the court on the basis of the seriousness of the offense and the interest of public safety and welfare.

If and when a court revokes a chauffeur’s license, the court shall require such chauffeur to surrender to the court his chauffeur’s badge and, when so surrendered, it to be returned to the secretary of state with the order of revocation and a synopsis of the proceedings.

When at least three months have elapsed of a longer period for which a chauffeur’s license has been revoked by court, and if the chauffeur’s livelihood depends upon his employment as a licensed chauffeur, the secretary of state may, upon recommendation by the court that revoked the license, issue a limited license to such chauffeur. The secretary of state in issuing such limited license may impose such conditions and limitations as in his judgment are necessary in the interest of public safety and welfare, including examination as to the chauffeur’s qualifications and proof of financial responsibility covering the vehicle or vehicles to be operated. Such license may be limited to the operation of particular vehicles, to the commission of such operation, and to particular conditions of traffic.

The badge issued as evidence of a limited chauffeur’s license shall be of a special design to distinguish it from the regular unlimited chauffeur’s license and the information of the enforcement officers, the chauffeur operating under such license shall carry on his person at all times when operating a motor vehicle a certificate issued by the secretary of state indicating the limitations of such license. (Act Apr. 26, 1929, c. 433, §§; Apr. 22, 1939, c. 426.)

Secretary of state has authority to issue a new license and badge upon payment of required fee of $1.50 to a chauffeur whose license was previously revoked during the year, but applicant must again qualify and renewal is discretionary with secretary. Op. Atty. Gen. (535d), July 19, 1924.

It is not necessary for secretary to call hearing before he issues a license when chauffeur has been convicted by a court of competent jurisdiction and secretary has report of court’s proceeding, including order of revocation. Op. Atty. Gen. (536d), May 20, 1938.

2712-7. Violation a misdemeanor. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor. (Act Apr. 26, 1929, c. 433, §7; Apr. 22, 1939, c. 426.)

2712-8. Inconsistent act repealed. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. (Act Apr. 26, 1929, c. 433, §§; Apr. 22, 1939, c. 423.)

Sec. 9 of Act Apr. 22, 1939, cited, provides that the act shall cease and desist from its past operation after this wreck is a matter for your consideration to be disposed of with all the other evidence in the case, counsel making no further suggestion or objection and taking no exception to any part of the charge, and there being no request by either party for any charge. State v. B., 184N576, 239NW772.

2715. Tampering with or damaging vehicle, etc. Any person who shall tamper with a motor vehicle without the permission of the owner, or who shall, without authority of the person in charge, climb upon or into any automobile, whether while the same is in motion or at rest, or hurl stones or any other missiles at the same, or the occupants thereof, or shall, while such motor vehicle is at rest and unattended, attempt to manipulate any of the levers, starting devices, brakes or machinery thereof, or set such motor vehicle in motion, or otherwise damage or interfere with the same, or shall place upon any street, avenue or highway of this state any glass, tacks, nails or other articles tending to injure automobile tires, shall be guilty of a misdemeanor. (As amended Mar. 21, 1939, c. 119.)

Person hiring young man to put emery dust and waste in tank of automobile convicted of violating the provisions of this section. State v. B., 184N576, 239NW772.

2717-1. Unauthorized driving, etc., of automobiles

Punishment. No person shall drive, operate or use a motor vehicle without the permission of the owner or of his agent in charge and control thereof. Any person so doing shall be guilty of a felony and punished therefor by imprisonment in the state prison for not more than five years or by imprisonment in the county jail for not exceeding one year or by a fine of not more than $500.00. (As amended Mar. 6, 1939, c. 50.)


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UNIFORM HIGHWAY TRAFFIC ACT

TITLE I—DEFINITION OF TERMS

2720-1. [Repealed.]


Similar provisions of Highway Traffic Regulation Act, see §2720-1.

A tractivity is a motor vehicle within this act. Johnson v. Mich., 14NM576, 281NW714.

(m). Owner lets vehicle and driver for hire, the hirer is liable for the negligence of the driver if he has exclusive control over him, but he may have control of the vehicle for certain purposes and maintain control over him for other purposes. 175M438, 221NW714.

TITLE II—OPERATION OF VEHICLES RULES ON THE ROAD

2720-2. [Repealed.]


Similar provisions of Highway Traffic Regulation Act, see §2720-176.

Whether defendant prosecuted for manslaughter was driving while intoxicated, held for jury. 175M51, 231NW 171.

An ordinance of the city of St. Paul providing for the prosecution of a person convicted of driving an automobile while under the influence of intoxicating liquor invalid. State v. Hughes, 182M144, 225NW784. See Dun. Dig. 4167b, 4165.

Evidence held to sustain conviction for driving automobile while intoxicated. State v. Reily, 184M56, 338NW492. See Dun. Dig. 4167.

Evidence held to sustain conviction for driving automobile while intoxicated. State v. Winberg, 185M35, 264NW658. See Dun. Dig. 4167.

In prosecution for driving while intoxicated there was no improper qualification of witness on which defendant could complain where counsel stated that court had failed to comment on defendant’s condition, made no mention of whether defendant was conscious after this wreck was a matter for your consideration to be disposed of with all the other evidence in the case, counsel making no further suggestion or objection and taking no exception to any part of the charge, and there being no request by either party for any charge. State v. Winberg, 185M35, 264NW658. See Dun. Dig. 4167.

Evidence held to sustain finding beyond reasonable doubt that defendant was driving automobile while intoxicated. State v. B., 184N576, 239NW772.

Passenger in truck driven by 15-year-old son with driver’s license held not guilty of contributory negligence.
injury to pedestrian upon sidewalk. 177M42, 224NW65.

Injury to pedestrian walking on shoulder of highway. 176M392, 227NW207.

Injury or death held not negligent as to a child who coasted from a terrace at the side of the street. Phillips v. K., 195M94, 258NW96. See Dun. Dig. 2474, 5233.

Negligence as to boy on bicycle, held not shown. 175M387, 225NW63.

In order to depend on the exercise of care by another when such care is accompanied by danger. 181M156, 233NW239. See Dun. Dig. 7022.

Evidence that defendant was not a passenger in truck. Gudbrandsen v. S., 195M220, 271NW381. See Dun. Dig. 4167.

Evidence charged with offense of operating a motor vehicle while under influence of intoxicating liquor in violation of city ordinance is not entitled to a jury trial in municipal court of St. Paul, though conviction involves a fine of $100 or imprisonment for 90 days, and incidentally involves revocation of driver's license, and although at the time of passage of ordinance, there existed a statute covering same subject matter which entitled violator to a jury trial. Gudbrandsen v. Parks, 195M220, 271NW381. See Dun. Dig. 2474, 5233.

In action for injury to pedestrian upon sidewalk, negligence in the operation of an automobile is determined by the act of the driver and his habits of driving so far as known to him, with such skill in operating the car as he actually possesses. Liggett & Myers Tob. Co. v. J., 195M362, 274NW609. See Dun. Dig. 4167.

Evidence held not sufficient to support issue of husband's intoxification to jury in action by wife for injuries automobile collision. Olson v. R., 195M485, 272NW381. See Dun. Dig. 4167.

Negligence as to a guest in an automobile collision. 181M504, 233NW309. See Dun. Dig. 4167.

Evidence held to show negligence of driver of automobile causing injury with intoxicated driver. Dreyer v. O., 285NW707. See Dun. Dig. 4167.

Evidence sustains finding that defendant was negligent in closing door of automobile when plaintiff was getting in at rear door, as a result of which plaintiff's hand was injured. Wildee v. W., 188M441, 247NW65.

Testimony of plaintiff in car that defendant did all he could to keep car on road when loose gravel was struck, held to absolve driver from negligence. White v. C., 188M386, 245NW63.

Injury to pedestrian walking on shoulder of highway. 176M392, 227NW207.

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It is law of Wisconsin that duty which automobile driver owes to a gratuitous passenger is only that of licensor to licensee. Congrove v. M., 196M6, 264NW14.

Evidence was not liable to guest for injury resulting from collision with car suddenly leaving opposing line of traffic. 194M121, 266NW70.

In action against automobile host, whether defendant was guilty of negligence in driving so that his wheels could not pass because of car rails and rut. De Paul v. K., 196M392, 265NW19. See Dun. Dig. 6975a.

Evidence held to justify application of this statute where passenger in taxicab was injured as a result of automobile coming from behind and striking a parked car. Spaulding v. H., 195M632, 265NW19. See Dun. Dig. 6975b.

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on to highway. Manos v. N., 196M347, 253NW835. See Dun. Dig. 417r.

In action by guest against host for injuries in three-car collision, negligence of host by column of Dohlen v. B., 198 M522, 227NW530. See Dun. Dig. 6975a.

Evidence of negligence in allowing running board of car to come into contact with plaintiff's body, held not to be sufficient to justify verdict in favor of injured passenger. Finney v. N., 196M544, 227NW530. See Dun. Dig. 6975a.

In gratuitous bailment, if lender of automobile knows of defects in it, rendering it dangerous for purpose for which it is ordinarily used, or which he is aware the bailee intends, he is bound to communicate information of such defects to the bailee, and if he fails to do so and passenger is injured, bailor is liable; but he is not liable for injuries due to defects of which he was not aware. Blon v. N., 199M177, 271NW476. See Dun. Dig. 6975a.

Statement in charge that passenger in automobile is not necessary, Md'g v. N., 200M437, 270NW602. See Dun. Dig. 6975a.

in action by passenger against host for injuries received in Wisconsin, Wisconsin law relative to rights, duties, and responsibilities of a guest passenger has not been applied where there is no charge of contributory negligence nor claim that accident was due to any defect in defendant's car that he was an unskilled driver. Barndt v. S., 262MS2, 277NW365. See Dun. Dig. 6975a.

Evidence of negligently caused injuries for which injured passenger was not held to be not misleading or improper. Vorndehok v. D., 200M 530, 274NW609. See Dun. Dig. 7026a.

In action by plaintiff, evidence held not to be sufficient to justify verdict in favor of injured passenger. Himmel v. G., 268NW384. See Dun. Dig. 4163, 6975a.

Where evidence as a matter of law shows that defendant was careless and negligently operated his automobile in which plaintiff was riding that it left road and overturned, plaintiff's verdict sustained. Wosner v. V., 267MS2, 276NW575. See Dun. Dig. 7026a.

A passenger who by agreement in advance shares with owner of an automobile expense of gasoline and oil, on his conduct to be considered exercise of due care. Id. See Dun. Dig. 7026a.

In action by guest, evidence held to sustain finding that host was guilty of negligence in a head-on collision, evidence that other car was driven by driver who did not know that he was confronted with an emergency and was not required to make it under similar conditions. Farwell v. S., 263MS2, 281NW526. See Dun. Dig. 4167b, 6983a, 5841.

Where plaintiff was using same with defendant's permission. Steinle v. P., 198M473, 257NW377. See Dun. Dig. 4288(25).

in action by wife against husband, and administrator may be held to sustain finding based upon fact that host was guilty of negligence in a head-on collision, evidence that other car was driven by driver who did not know that he was confronted with an emergency and was not required to make it under similar conditions. Farwell v. S., 198M473, 257NW377. See Dun. Dig. 4288(25).

An automobile driver may not claim benefit of rule justified a loss of control caused by emergency or traffic hazard when that condition is created by his own negligent acts, as when he travelled at high speed on icy pavement. Brus v. R., 201M303, 269NW101. See Dun. Dig. 4167o.

An automobile driver may not claim benefit of rule justified a loss of control caused by emergency or traffic hazard when that condition is created by his own negligent acts, as when he travelled at high speed on icy pavement. Brus v. R., 201M303, 269NW101. See Dun. Dig. 4167o.

There is a distinction between "emergency" and "distracting circumstances", though frequently same facts are susceptible of application both rules. Droyer v. V., 285NW707. See Dun. Dig. 7026.

There can be no "distracting circumstances" to excuse what is otherwise negligence unless there is also another observed danger from which attention may be distracted. Id. See Dun. Dig. 7026.

In action by employee of corporate defendant in personal injury action, to persons other than co-employees, and that employee had apparent authority to take guests and that plaintiff relied upon such authority. Dewar v. M., 253NW901, 281NW526. See Dun. Dig. 4167b, 6983a, 5841.

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In the Interest of the owner. Plaintiff's contributory negligence was a question for the Jury. 181M245, 232NW626. See Dun. Dig. 6843.

The evidence sustains findings of court that driver of automobile was a servant, but that, at the time of the accident involved, the car was not being operated in the scope of his employment for purposes personal to himself, 232NW626. See Dun. Dig. 5842.

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to negligent operation of his automobile while used by employe for his own pleasure. Lascheur v. D., 185M369, 226NW382. See Dun. Dig. 5834.

In action for death and evidenee held to sustain finding that driver of truck was servant of oil station owner though truck belonged to another employee. Waggoner v. G., 180M391, 231NW102. See Dun. Dig. 5834.

Contributory negligence of defendant automobile driver did not excuse plaintiff from exerting due care but was a circumstance for consideration of jury in determining plaintiff's negligence as a matter of law. Mechler v. M., 184M476, 240NW100. See Dun. Dig. 4171a.

Contributory negligence of defendant automobile driver did not excise plaintiff from exerting due care but was a circumstance for consideration of jury in determining plaintiff's negligence as a matter of law. Mechler v. M., 184M476, 240NW100. See Dun. Dig. 4171a.

Contributory negligence of defendant automobile driver did not excuse plaintiff from exerting due care but was a circumstance for consideration of jury in determining plaintiff's negligence as a matter of law. Mechler v. M., 184M476, 240NW100. See Dun. Dig. 4171a.
Whether deceased driver of automobile was guilty of contributory negligence in colliding with defendant's car, held not guilty. Vogel v. N., 196M359, 255NW360. See Dun. Dig. 4166.

Where there was evidence that a pedestrian, fatally injured while crossing a highway, was standing still, possibly waiting for defendants' motorcar to pass in front of him, and that truck suddenly turned toward him, so that his own, contributory negligence does not appear as matter of law. Hoppe v. N., 195M294, 251NW235. See Dun. Dig. 7035.

Where decedent, in attempting to cross a highway upon which automobiles were approaching from both directions, and under stress of excitement, stepped into path of nearest car, contributory negligence was for jury. Anderson v. K., 196M408, 254NW381. See Dun. Dig. 1145.

Where through negligence of another person is sudden, unexpected, so that plaintiff was without time to act with prudence, contributory negligence does not appear as matter of law. Soper v. K., 196M417, 254NW421. See Dun. Dig. 1145.

One need not anticipate negligence of another until he becomes aware of such negligence. Pearson v. N., 196M532, 256NW295. See Dun. Dig. 1145.

Whether filling station operator assumed risk or was guilty of contributory negligence in getting into a place of responsibility while repairing cars on highway held for jury. Guild v. M., 199M141, 271NW297. See Dun. Dig. 1146. Evidence made a jury issue of pleaded contributory negligence, in that, with knowledge that defendant had conducted his business in a hazardous manner, plaintiff guest was a passenger in truck. Guibrander v. P., 199M580, 271NW672. See Dun. Dig. 7016.

Automobile guest's act in placing hand upon door latch handle was not a material element in happening of accident, and contributable to collision by street car from rear, and defense of contributory negligence was contrary to evidence. Larson v. M., 199M501, 272NW562. See Dun. Dig. 7016.

An inexperienced driver as gratuitous bailee of an automobile owner is not liable for contributory negligence with respect to injury suffered by plaintiff passenger, where plaintiff caused by another. Blom v. M., 199M506, 272NW590. See Dun. Dig. 7019.

One cannot recover damages for an injury to common carrier except where contributary negligence of passengers or persons for whose benefit the car was operated, is shown. Where injury complained of is an injury to common carrier. Larson v. M., 199M504, 272NW616. See Dun. Dig. 7016.

Rule that a child is bound to use such reasonable care as one of his age and mental capacity is capable of using, and his failure to so is negligence, is applicable to a child 6 years and 3 months old. Carlson v. S., 200 M314, 273NW22. See Dun. Dig. 7016.

Wildfire or wanton negligence of a truck driver establishes liability irrespective of contributory negligence. Id. See Dun. Dig. 7016.

To hold a person's recovery barred by his own negligence, there must be a causal connection between act of negligence and cause of injury to plaintiff. Ehrler v. T., 200M322, 273NW706. See Dun. Dig. 7015.

A child under 7 years may be charged with contributory negligence. Id. See Dun. Dig. 7016.

Where injury complained of is caused by defendant's intentional invasion of plaintiff's right of unobstructed travel on a public highway, plaintiff's contributory negligence is no defense. Hanson v. H., 262M381, 279NW727. See Dun. Dig. 7016.

City employee picking up old block paving near car tracks had a right to assume that street cars would be driven through area with care commensurate to circumstances, and until he observed otherwise he had a right to rely upon gongs or whistles being sounded and upon cars being driven at such a rate of speed as to permit almost instantaneous stoppage thereof. Peterson v. C., 271NW956. See Dun. Dig. 7025.

Intoxication of a pedestrian does not constitute contributory negligence of itself, but an intoxicated person required to exercise some degree of care as that required of a sober person. Ostad v. F., 204M118, 223NW494. See Dun. Dig. 7026.

Contributory negligence found, while riding in automobile as contributory negligence. 17MinnLawRev232. See Dun. Dig. 7026.

Contributory negligence and causal relation and apportionment of damages. 21MinnLawRev41-45.

45. Imputed contributory negligence.

Negligence of driver does not bar recovery by passenger or guest when injured per se. 17MinnLawRev222. See Dun. Dig. 7016.

Negligence on part of automobile driver does not preclude recovery by passenger or guest when injured person was not himself contributorily negligent. Luck v. M., 191M602, 254NW609. See Dun. Dig. 7026.

Whether negligence of automobile driver, if any, can be imputed to plaintiff, held to depend upon whether plaintiff had control of driver's actions. Guile v. G., 192M524, 257NW418. See Dun. Dig. 7026.

Garage man and one assisting him merely as a matter of accommodation in removing horse from street. Where street was not engaged in a joint enterprise, and negligence of garage man in violating statute could not be imputed to person responsible for horses. Id. See Dun. Dig. 7026.

Authority of plaintiff to control driving of automobile is factor to be considered in determining contributory negligence, and only in this sense can driver's negligence be imputed to him. Wells v. G., 197M646, 268NW416. See Dun. Dig. 4166, 7035.

Negligence of driver of automobile was not imputable to automobile passenger, when driver was himself contributorily negligent. Partick v. M., 198M385, 263NW875. See Dun. Dig. 7026.

An instruction that if defendant's driver was negligent and his negligence caused injury, it did not matter that such negligence was apportioned to him. Id. See Dun. Dig. 7026.

One husband is driving his automobile with his wife as passenger, his negligence cannot be imputed to her on basis of joint enterprise, since she was wife jointly controlled, or had right to join in controlling, driving of automobile at time of collision. Id. See Dun. Dig. 7026.

An inference that husband is acting as agent or servant of his wife in driving automobile with his wife as passenger for medical attention does not arise from facts of marital relation alone, nor from fact that husband acted at wife's request.

There was no evidence of driver's negligence that could be imputed to plaintiff, hence no error in refusing to submit question of a joint enterprise to jury. Nelson v. G., 201M195, 275NW113. See Dun. Dig. 7027.


While ownership of the car or other instrumentality used is an important circumstance and leads to a strong inference that the passenger has been invited as a master of accommodation and as such has no right to control, yet this, is by no means a conclusive presumption, as affecting existence of a joint enterprise. Id. See Dun. Dig. 7027.

Parties cannot be said to been engaged in a joint enterprise, unless there be a community of interest in objects or purposes of undertaking, and an equal right to control and govern movement of each other with respect thereto. Id. See Dun. Dig. 7027.

54. Proximate cause.

Kinko v. U., 187M555, 246NW76. Standing of disabled car upon highway, held not proximate cause of injury to plaintiff. Id. See Dun. Dig. 7045.

In action for injuries to passengers in truck which left road and overturned, evidence held not to show that loose grease cap on spindle near front wheel and axle interfered with steering or caused truck to leave highway. Cullen v. F., 191M126, 275NW117. See Dun. Dig. 1257a.

Where two cars hit a third car but neither of first two cars hit other, held that driver of second car was not contributorily negligent, is not liable for injuries sustained by a passenger in first car, as first car was not a material element or a substantial factor in causing injury to passenger. Peterson v. F., 192M380, 256NW501. See Dun. Dig. 7027.

In action for death of passenger in automobile, evidence held to justify instructions that defendant's negligence was proximate cause of death. Albrecht v. P., 192M357, 273NW377. See Dun. Dig. 7026.

While automobile driver was negligent in striking horses while being led by deceased pedestrian, such negligence was proximate cause of death, as plaintiff was struck by car while passing by horse. Erickson v. K., 195M623, 262NW16. See Dun. Dig. 7038.

If automobile driver was negligent in striking horses, defendant's negligence was proximate cause of death. Id. See Dun. Dig. 7025.

Where plaintiff was injured at night by driving his automobile against curbs or a horse which had just been killed in a collision with a truck, jury might find plaintiff's injury was proximate cause of plaintiff's own negligence which was a cause in fact of injury to plaintiff. Wedei v. J., 194M170, 279NW807. See Dun. Dig. 1095.

Finding that fracture on right side of head of pedestrian was result of being struck by swinging gate on the road, held that plaintiff was not guilty of contributory negligence. Id. See Dun. Dig. 7026.

Whether husband was guilty of negligence in striking horses with automobile, held not guilty. Id. See Dun. Dig. 7026.
A wife riding as a passenger of her husband in his automobile have been anticipated, such intervening cause will not interrupt connection between original cause and injury. Schmidt v. R., 196 M 612, 265 N W 816. See Dun. Dig. 7011.

Negligence of one renting car in continuing to operate it upon highway after discovering defects in car is not such intervening cause of negligence of livery company of negligence in renting defective car. 10. See Dun. Dig. 7017 (72).


Negligence of plaintiff in climbing from left front fender to right front fender of a money truck collided with is not more than consistent with plaintiff's theory of how accident happened. Finney v. N., 198 M 548, 268 N W 854. See Dun. Dig. § 2720-3.

Evidence held not to require finding that lobar pneumonia, from which plaintiff's intestate died, was caused by collision, occurring over five weeks prior to pneumonia, which in case lacking evidence of matter of law. Honer v. N., 198 M 535, 268 N W 852. See Dun. Dig. § 2720-3.

Medical evidence held to sufficiently connect paralysis with fall received while entering cab. Finney v. N., 198 M 548, 268 N W 854. See Dun. Dig. § 2720-3.

Where injury is caused by concurrent negligence of two parties, it was error to strike out testimony that defendant was contributorily negligent as to relieve livery company of negligence in renting defective car. id. See Dun. Dig. § 2720-3.

Evidence held to sustain finding of negligence as to defendant who was in collision at point not an intersection. Hollander v. D., 181 M 576, 232 N W 816. See Dun. Dig. 4167n.

In actions by husband and wife for injuries suffered in automobile accident, verdict for defendants held supported by evidence. Evidence held not to support a verdict and judgment for defendant that plaintiff, in an automobile collision case, who was driving in a dense fog, on the wrong side of a trunk highway, from twenty to thirty miles an hour, without slackening of speed, in disregard of speed limits and for the purpose of avoiding accident, Salera v. S., 183 M 479, 237 N W 203. See Dun. Dig. 7006.

In automobile collision case, evidence held to sustain verdict that proximate cause of death was injury received in collision. Kieffer v. R., 184 M 200, 237 N W 213. See Dun. Dig. 7007.

The rate of speed of an automobile within four miles of the place of collision of an automobile and pedestrian is admissible as bearing upon the claim of speed at the time of the accident. Quinn v. S., 186 M 399, 238 N W 237. See Dun. Dig. 7007.

Evidence held to sustain finding that parking of truck in violation of this section was negligence and proximate cause of injury to occupant of another automobile going off of the highway. Ball v. G., 185 M 510, 240 N W 160. See Dun. Dig. 4167n.

Court erred in automobile case in charging that burden rested upon plaintiff to satisfy jury that she was not contributorily negligent. Naylor v. M., 185 M 514, 241 N W 764. See Dun. Dig. 7008.

Evidence not error to receive in evidence photographs for limited purpose of showing width of street and location of objects at place of accident which had remained unchanged, although some photographs inadvertently showed a guard constructed since accident. McKnight v. C., 186 M 446, 238 N W 76. See Dun. Dig. 7006.

Evidence held to sustain finding of negligence as to defendant who was in collision at point not an intersection. Hollander v. D., 181 M 576, 232 N W 816. See Dun. Dig. 4167n.

Negligence of one renting car in continuing to operate it upon highway after discovering defects in car is not such intervening cause of negligence of livery company of negligence in renting defective car. 10. See Dun. Dig. 7017 (72).

A guest passenger is required to exercise ordinary care to avoid accident. Salera v. S., 183 M 478, 237 N W 180. See Dun. Dig. 7007.

Evidence held not to support a verdict finding that horn on car was meant immediately to direct cause without interruption of any other efficient cause, was proper where there was abundant evidence to sustain finding of interruption of an efficient cause sufficient to insulate bus driver from contributory negligence of plaintiff by that it meant immediate direct cause without interruption of any other efficient cause, was proper where there was abundant evidence to sustain finding of interruption of an efficient cause sufficient to insulate bus driver from contributory negligence of plaintiff. Becker v. N., 200 M 272, 274 N W 700. See Dun. Dig. 7007.

Evidence held not to require finding that plaintiff in automobile accident, verdict for defendants held supported by evidence. Evidence held not to support a verdict and judgment for defendant that plaintiff, in an automobile collision case, who was driving in a dense fog, on the wrong side of a trunk highway, from twenty to thirty miles an hour, without slackening of speed, in disregard of speed limits and for the purpose of avoiding accident, Salera v. S., 183 M 479, 237 N W 203. See Dun. Dig. 7006.

In action for death of guest in automobile where his death was caused by collision with defective shock absorbers without oil. Id. See Dun. Dig. 7017 (72).

Evidence held to sustain finding of negligence as to defendant who was in collision at point not an intersection. Hollander v. D., 181 M 576, 232 N W 816. See Dun. Dig. 4167n.

In action by prospective purchaser of car. Injured when car was rolling away and colliding with a truck, evidence held too uncertain to warrant finding of negligence against operator of truck. Evidence held not to support a finding that horn on car was meant immediately to direct cause without interruption of any other efficient cause, was proper where there was abundant evidence to sustain finding of interruption of an efficient cause sufficient to insulate bus driver from contributory negligence of plaintiff. Becker v. N., 200 M 272, 274 N W 700. See Dun. Dig. 7007.

Evidence held not to show negligence of truck driver and negligence of owner of truck and owner of automobile. Kieffer v. R., 184 M 200, 237 N W 213. See Dun. Dig. 7007.

Evidence held to sustain finding of negligence of owner of automobile which was struck by defendant's car after it struck plaintiff. Smith v. T., 181 M 554, 233 N W 164. See Dun. Dig. 7007.

Evidence held to sustain finding of negligence against company which continued to operate defendant's automobile after it was known to be defective. Arvidson v. S., 183 M 446, 237 N W 12. See Dun. Dig. 7007.

Evidence held to sustain finding that parking of truck in violation of this section was negligence and proximate cause of injury to occupant of another automobile going off of the highway. Ball v. G., 185 M 105, 240 N W 100. See Dun. Dig. 4167n.
In automobile collision case, evidence of defendant's driver being convicted of offense while driving intoxicated was admissible. Milks v. H., 201 Minn 409, 224 NW 2d. See Dun. Dig. 4156 (62).

2. Automobile guest suing host has burden of establishing plaintiff's contributory negligence, 199 Minn 539, 271 NW 2d. See Dun. Dig. 4167 (60).

3. Carrier having discovered ground upon which it was liable, but not having informed defendant of such knowledge, held no negligence or contributory negligence as a matter of law, held properly refused. Timmerman v. M., 199 Minn 576, 271 NW 2d. See Dun. Dig. 4162.

4. Where driver of automobile was killed in a collision at a street intersection, with a street-car, presumption of negligence against defendant was rebutted by evidence which disclosed that a matter of law, he was not negligent committed to the jury. B. v. M., 200 Minn 233, 271 NW 2d. See Dun. Dig. 4156 (61).

In action for injuries suffered by car owner when he attempted to enter electric railway car, while it was several feet from ground on hydraulic hoist, court did not err in receiving plaintiff's testimony that at about that time he saw defendant large, yellow, electric railway car enter same car on same hoist at same elevation. Blazing v. K., 202 Minn 257, 271 NW 2d. See Dun. Dig. 3252, 3255. Admission by car owner of car which was killed was proper when plaintiff attempted to enter car on request of mechanic while it was being lowered on a hydraulic hoist, court not erring in excluding testimony that rules and instructions of garage condition strictly prohibited plaintiff from entering car when elevated on a hoist. Plaintiff, having no knowledge of such rules or instructions. Id. See Dun. Dig. 4156 (65).

Defendant has burden of establishing contributory negligence. Forsyth v. D., 205 Minn 477, 271 NW 2d. See Dun. Dig. 4172.

It was not error to receive in evidence testimony of a witness who did not see the collision as to speed of the defendant's automobile a second or two before accident and at a point a block from place of collision. Spencer v. J., 203 Minn 402, 281 NW 879. See Dun. Dig. 3232a.

In action for injuries to automobile in automobile collision, negligence held so overcome by testimony of eye witnesses as to hold defendant not liable. Romann v. B., 190 Minn 419, 252 NW 80. See Dun. Dig. 7032.

Burden to be admitted on new trial if evidence there produced is substantially same as on first trial. Guile v. G., 192 Minn 548, 257 NW 649. See Dun. Dig. 3358.

Where defendant, a common carrier of passengers, operated a bus and struck a pedestrian, held a presumption of due care of deceased automobile driver rebutted. Anderson v. K., 196 Minn 578, 264 NW 821. See Dun. Dig. 1296.

Defendants have burden of proving that evidence of negligence of driver in handling car after accident, was not administrative report made by officer called to scene of accident. Duffey v. C., 199 Minn 539, 271 NW 2d. See Dun. Dig. 7032.

5. In action by prospective purchaser of car, injured while driving car due to swaying and weaving and collision with tree, court did not err in admitting evidence of negligence of driver in handling car after accident, was not administrative report made by officer called to scene of accident. Duffey v. C., 199 Minn 540, 271 NW 2d. See Dun. Dig. 7032.


In action by guest for injuries in automobile accident evidence of negligence of driver in handling car after suddenly discovering loose gravel ahead, held insufficient to present a question for the jury. Delgatt & Myers Tob. Co. v. D. (CCAA), 66 Fed (2d) 678.

In personal injury action; evidence on the question of whether the corporate defendant had waived its rule against the carriage of passengers in its automobile by its independent contractor, held insufficient to present a question for the jury. Delgatt & Myers Tob. Co. v. D. (CCAA), 66 Fed (2d) 678.

In action for injuries to automobile in automobile collision, negligence held so overcome by testimony of eye witnesses as to hold defendant not liable. Romann v. B., 190 Minn 419, 252 NW 80. See Dun. Dig. 7032.

In an action by injured person for injuries suffered by car owner when he attempted to enter electric railway car, while it was several feet from ground on hydraulic hoist, court did not err in receiving plaintiff's testimony that at about that time he saw defendant large, yellow, electric railway car enter same car on same hoist at same elevation. Blazing v. K., 202 Minn 257, 271 NW 2d. See Dun. Dig. 3252, 3255. Admission by car owner of car which was killed was proper when plaintiff attempted to enter car on request of mechanic while it was being lowered on a hydraulic hoist, court not erring in excluding testimony that rules and instructions of garage condition strictly prohibited plaintiff from entering car when elevated on a hoist. Plaintiff, having no knowledge of such rules or instructions. Id. See Dun. Dig. 4156 (65).

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question for the jury. 181M249, 228NW43. See Dun. Dig. 6841.

Whether automobile guest was negligent in failing to warn defendant driver of approaching train or otherwise held for jury. 180M146, 208M354, 250NW363. See Dun. Dig. 7035, n. 35.

Contributory negligence of pedestrian crossing street between two intersections. Hanik v. L., 189M594, 250NW538. See Dun. Dig. 6847t.

Whether driver of automobile in which intestate was riding when killed was negligent held for jury. Harris v. R., 189M599, 250NW577. See Dun. Dig. 7010, n. 73.

In action against street railway for injuries in collision with automobile, negligence and contributory negligence held for defendant. Rost v. S., 190M503, 252NW202. See Dun. Dig. 6847o.

Whether automobile collision case, court must submit question of defendant's negligence to jury unless evidence conclusively establishes such negligence as matter of law. Ginty v. S., 190M514, 252NW386. See Dun. Dig. 4170a.

Evidence as to icy condition of street and an obstruction therein made it a jury question whether failure to stop at railroad crossing was proximate cause of accident. 181M217, 232NW43. See Dun. Dig. 7161.


In action by pedestrian struck by taxicab negligence of automobile driver and contributory negligence of pedestrian neglige held for jury. 180M694, 250NW503. See Dun. Dig. 6846, e. f.


Contributory negligence of driver striking pedestrian held for jury. 180M528, 239NW250. See Dun. Dig. 4171t.

Negligence and contributory negligence at highway intersection held for jury. Quilian v. E., 184M549, 239NW503. See Dun. Dig. 4164, e. f.

Negligence and contributory negligence of automobile held for jury. EASTER v. K., 184M222, 233NW538. See Dun. Dig. 4167, n. 4.

Where automobile was being driven on an extremely slippery tar or bitulithic paved road, it is a question for the jury whether the driver was guilty of negligence in throwing out his clutch and violently applying his brakes to prevent a collision with cattle on a steep descent. Jackson v. E., 184M399, 239NW503. See Dun. Dig. 4167b.

Contributory negligence of plaintiff struck by automobile held for jury. Rasmussen v. F., 184M514, 239NW503. See Dun. Dig. 6847o.

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Negligence and contributory negligence of automobile held for jury. EASTER v. K., 184M222, 233NW538. See Dun. Dig. 4167, n. 4.
In action by owner against garage for injuries suffered when he attempted to enter car while several feet from garage and car rolled backward, car employee恶意 negligent, contributory negligence, and assumption of risk. Bispinger v. K., 282M11, 276NW509. See Dun. Dig. 5841.

Where automobile was driven between 40 and 45 miles an hour, police estimate of speed of car in wheeling on a snow-covered, slippery, tar-surfaced highway evidence held not to warrant instruction as to proximate cause of injury. Klysk v. J., 203M102, 275NW25. See Dun. Dig. 6176.


Instructions as to proximate cause of injury in action by passenger against driver of auto held inadequate. Wiese v. K., 188M341, 247NW237. See Dun. Dig. 9747.

In action by pedestrian against driver of auto in collision held contributory negligence of plaintiff in evidence. Studebaker v. K., 193M101, 278NW81. See Dun. Dig. 9784.

It was not error to refuse to charge that negligence could not be found in falling to use due care to repair. Stoker v. M., 189M269, 238NW71. See Dun. Dig. 4168.

Negligence of motorist and contributory negligence of plaintiff in getting out on left side of car parked at night and taking off right hand curb, which was too high to permit opening of car door, held for jury. Judge v. E., 204M589, 248NW29. See Dun. Dig. 6275.

It cannot be concluded as a matter of common or judicial knowledge that deflation of a left rear tire could have contributed as a substantial factor, there would be no issue for jury. Id. See Dun. Dig. 7029.

Contributory negligence of bicycle rider six years and 10 months of age and negligency of other driver in driving vehicle in paved alley, held for jury. Id. See Dun. Dig. 6279.

It was not error to refuse to charge that automobile negligently operated was a substantial factor contributing to cause of plaintiff's injury. Id. See Dun. Dig. 7033.

In a collision between two automobiles in intersection of two highways, an instruction correctly defining negligence and contributory negligence and properly placing the burden of proof on defendant, and, as a summary of argument based upon host's admission that he made a 'startling and unreasonable decision to drive onto the shoulder of the highway' and prior conduct of host, was held erroneous. 186M13, 241NW237. See Dun. Dig. 9747.

In an action for injuries arising out of collision between bus and truck, involving also negligence of third party, evidence of such negligence. Carlson v. S., 200M177, 273NW81. See Dun. Dig. 4168.

Contributory negligence of passenger in automobile held not to warrant instruction as to proximate cause of injury. Id. See Dun. Dig. 7033.

In an action by pedestrian against driver of auto held contributory negligence of pedestrian in driving vehicle in paved alley, held for jury. Judge v. E., 204M589, 248NW29. See Dun. Dig. 6275.

Instruction in substance that if defendant truck driver was negligent proximately causing plaintiff's injury, plaintiff was free from contributory negligence and that conditions were "ordinary." Wiester v. K., 193M101, 278NW81. See Dun. Dig. 9784.

In a collision between two automobiles in intersection of two highways, an instruction correctly defining negligence and contributory negligence and properly placing the burden of proof on defendant, and, as a summary of argument based upon host's admission that he made a 'startling and unreasonable decision to drive onto the shoulder of the highway' and prior conduct of host, was held erroneous. 186M13, 241NW237. See Dun. Dig. 9747.

In action by guest against host, evidence held not to justify jury in finding driver negligent from mere fact that she drove on to freshly oiled half of road to avoid meeting a car traveling on dry half of roadway. Johnson v. C., 196M107, 276NW85. See Dun. Dig. 4168.

Question as to what constitutes proximate cause of an injury is usually one for jury; and, unless evidence is conclusive, is to be determined by them in exercise of practical common sense rather than by application of abstract rules. Kincaid v. L., 205M39, 280NW46. See Dun. Dig. 7011(33).

In action by guest against host, evidence held not to justify jury in finding driver negligent from mere fact that she drove on to freshly oiled half of road to avoid meeting a car traveling on dry half of roadway. Johnson v. C., 196M107, 276NW85. See Dun. Dig. 4168.

In action by passenger against driver of auto held contributory negligence of pedestrian in entering roadway and that conditions were "ordinary." Wiester v. K., 193M101, 278NW81. See Dun. Dig. 9784.

Negligence of motorist and contributory negligence of plaintiff in getting out on left side of car parked at night and taking off right hand curb, which was too high to permit opening of car door, held for jury. Judge v. E., 204M589, 248NW29. See Dun. Dig. 6275.

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In a collision between two automobiles in intersection of two highways, an instruction correctly defining negligence and contributory negligence and properly placing the burden of proof on defendant, and, as a summary of argument based upon host's admission that he made a 'startling and unreasonable decision to drive onto the shoulder of the highway' and prior conduct of host, was held erroneous. 186M13, 241NW237. See Dun. Dig. 9747.

In action by guest against host, evidence held not to justify jury in finding driver negligent from mere fact that she drove on to freshly oiled half of road to avoid meeting a car traveling on dry half of roadway. Johnson v. C., 196M107, 276NW85. See Dun. Dig. 4168.
10. Verdict. In action for death in automobile accident based upon alleged concurrent negligence of two defendants, verdict for plaintiff only, supported by evidence that one of defendants may have been negligent and identity of wrongdoer was not shown. Yager v. H., 187M471, 242 NW350. See Dun. Dig. 4167n.

In action against automobile livery company renting defective car and driver of such car, a verdict for defendant only, in face of detailed facts showing how carelessness in pole ran over by wrongdoer could have been injurious to plaintiff. Ferrero v. T., 197M52, 265NW239. See Dun. Dig. 4167e.

Motion of a defendant in a personal injury action for a directed verdict should be granted only in cases where evidence is clear with no possibility of more than one of defendants was negligent. Earnhardt v. H., 178M400, 227NW356. See Dun. Dig. 4167m.


Where no defect in brakes had been charged, it was not necessary to permit defendant to testify that brakes were in good condition after the accident. 170M449, 221NW715.


Negligence of bus driver in failing to sooner apply his brakes, negligent in failure to pay more attention to road, and assuming risk of accident. Quinn v. J., 203M402, 281NW879. See Dun. Dig. 4167e.

Contributory negligence of guest in automobile held for jury. Engholm v. N., 194M343, 251NW107, 266NW441. See Dun. Dig. 4167j.

Contributory negligence of bus driver in failing to see other automobile which was suddenly leaving road, and of automobile driver who passed the truck at a dangerous rate. 177M95, 224NW462.

Inaction for injuries by guest in automobile, whether guest's contributory negligence was a matter of law or a question of fact. 175M449, 221NW715.

Contributory negligence of guest in automobile held for jury. Engholm v. N., 184M349, 238NW796. See Dun. Dig. 4167o.

Where two automobiles collided at a street intersection and there was no fact issue as to assumption of risk. Kemper v. K., 193M313, 239NW832. See Dun. Dig. 4167e.

Contributory negligence of owner of car as a matter of law. Mecheil v. M., 184M475, 239NW902. See Dun. Dig. 4164f.

Negligence and contributory negligence at highway intersection held for jury. Quinn v. J., 184M475, 239NW902. See Dun. Dig. 4167e.

Where plaintiff claimed that injury occurred on crosswalk but was confronted with an emergency and was not negligent in failing to see or act to avert harm. 169M351, 233NW805. See Dun. Dig. 4167j.

Where plaintiff was badly injured and required prompt medical attention to save his life. Wedel v. J., 193M313, 265NW849. See Dun. Dig. 4167f.

Whether motorist running into carcas of dead horse in ditch and overturned when tire blew out. Negligence of truck driver in colliding with carcass of horse in the night time, truck In loose snow on highway, with his left wheels crowded by roadside which cut off view. Larson v. L., 204M880, 281NW509. See Dun. Dig. 4167e.

Whether driver drove his automobile at a speed of 20 or 25 miles per hour following about 35 or 40 feet behind a truck in loose snow on highway, with his left wheels crowded by clouds of snow blown into his path. Johnson v. R., 265NW536. See Dun. Dig. 4167e.


Contributory negligence of guest in an automobile held for jury. Tully v. F., 191M384, 239NW22. See Dun. Dig. 4167e.


An obstruction of the driver's view, including all obstructions which may cut off view, permanency, and may include temporary accumulations of snow and other material upon which held as well as permanent structures such as buildings, signs, or fences by roadside which cut off view. Larson v. L., 204M880, 281NW509. See Dun. Dig. 4167e.
In absence of exceptional circumstances it is not negligence as matter of law for a motorist to proceed into an intersection without stopping. Young v. G., 204M189, 285NW162. See Dun. Dig. 4167c.

While there is no traffic law directly requiring an automobile to slow up at highway intersection where there are no obstructions or traffic signs, it does not follow that a motorist may approach and enter an intersection heedlessly, at high speed, without looking to see if other cars are ahead of him, right-of-way rule not going to that extent. Guthrie v. B., 192M344, 265NW98. See Dun. Dig. 4167c.

Evidence held to justify finding that one driving on arterial was guilty of negligence in driving at an unreasonable rate of speed and striking a crossing arterial. Johnston v. S., 190M209, 261NW555. See Dun. Dig. 4167c.

Evidence not held to support a finding of contributory negligence as a matter of law for a motorist to proceed into an intersection in absence of sounding a siren. Hogle v. C., 187M429, 217NW123. See Dun. Dig. 4167c.

Evidence held to justify finding that one driving on arterial was guilty of negligence in driving at an unreasonable rate of speed and striking a crossing arterial. Johnston v. S., 190M209, 261NW555. See Dun. Dig. 4167c.

Evidence held to sustain finding of contributory negligence as matter of law. Findley v. B., 199M197, 271NW449. See Dun. Dig. 4167c.

Where no causal connection was shown between speed and accident, question of speed was properly withdrawn from jury. Drexton v. K., 199M185, 270NW688. See Dun. Dig. 4167c.

Speed in excess of that provided by statute cannot be a basis for a judgment of contributory negligence if the plaintiff was not an automobile driver. Duffey v. C., 193M680, 258NW75. See Dun. Dig. 424c.

Jury, and speed was not proximate cause of collision cf passenger in truck struck at intersection of trunk highways while driving on arterial with stop sign provided. Kunkel v. F., 197M107, 266NW441. See Dun. Dig. 4167c.

Passenger in truck struck at intersection of trunk highways while driving on arterial with stop sign provided. Kunkel v. F., 197M107, 266NW441. See Dun. Dig. 4167c.

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Evidence not held to support a finding of contributory negligence as a matter of law for a motorist to proceed into an intersection in absence of sounding a siren. Hogle v. C., 187M429, 217NW123. See Dun. Dig. 4167c.

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Evidence not held to support a finding of contributory negligence as a matter of law for a motorist to proceed into an intersection in absence of sounding a siren. Hogle v. C., 187M429, 217NW123. See Dun. Dig. 4167c.

Evidence held to sustain finding of contributory negligence as matter of law. Findley v. B., 199M197, 271NW449. See Dun. Dig. 4167c.

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Evidence held to justify finding that one driving on arterial was guilty of negligence in driving at an unreasonable rate of speed and striking a crossing arterial. Johnston v. S., 190M209, 261NW555. See Dun. Dig. 4167c.

Evidence not held to support a finding of contributory negligence as a matter of law for a motorist to proceed into an intersection in absence of sounding a siren. Hogle v. C., 187M429, 217NW123. See Dun. Dig. 4167c.

Evidence held to sustain finding of contributory negligence as matter of law. Findley v. B., 199M197, 271NW449. See Dun. Dig. 4167c.
This page contains legal textual content that is not in a clearly marked format. It appears to be an excerpt from a legal document, possibly a court case or a legal treatise. The content is related to the law regarding automobile collisions and the responsibilities of drivers. The text is dense and technical, typical of legal documents. Without a clear structure, it is challenging to extract meaningful information in a structured format. However, it is evident that the content involves legal arguments and legal precedents, which are typical in legal discussions and court cases. The text includes references to statutes, court decisions, and legal principles, indicating a detailed examination of legal questions related to automobile collisions. Without further context or a clearer format, it is difficult to summarize or extract specific information in a standard format.
plaintiff’s ward was injured. Fryklind v. J., 190M356, 2720-18.

Evidence as to icy condition of street and an obstruction thereon. Whether or not a pedes-
trian injured where car was stopped before reaching intersection. Pearson v. N., 184M659, 229NW902. See Dun. Dig. 4167b.

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trian injured where car was stopped before reaching intersection. Pearson v. N., 184M659, 229NW902. See Dun. Dig. 4167b.
Contributory negligence of driver in collision at street intersection held for jury. Lustvet v. K., 184M222, 238 NW30. See Dun. Dig. 4167-o.

Whether driver making left turn was guilty of contributory negligence. Eckel v. T., 176M193, 239NW950. See Dun. Dig. 4167-o.

Defendants held not to so indisputably have the right of way that plaintiff on that account was guilty of contributory negligence. Defenders held first in intersection to such extent as to justify plaintiff in assuming that driver of automobile was about to enter intersection. Slavik v. F., 182M220, 240NW227. See Dun. Dig. 4167-o.

Whether automobile driver who stopped momentarily at intersection and inched a little for effect looking to see if other cars were coming held to be guilty of contributory negligence as matter of law. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped at light which had just come on was prevented from obeying statute because he did not see it held to be contributory negligence as matter of law. Reynolds v. C., 192M39, 257NW252. See Dun. Dig. 4164a.

Whether automobile driver who stopped at intersection and began to proceed was guilty of contributory negligence for following in front of and being overtaken by other vehicles. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped at intersection to help load unobstructed street, was guilty of contributory negligence. Imler v. L., 193M36, 259NW249. See Dun. Dig. 4164a.

Whether automobile driver who stopped for effect at intersection was guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who when he approached intersection did not see any other vehicles held to be guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped for effect at intersection to look behind held guilty of contributory negligence as matter of law. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped at intersection for effect to look behind was guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped because he assumed that automobile in front was about to stop was guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped because he had to change gear and did not see any other cars coming was guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped at intersection for effect to look behind did so because of another car who was coming or because of other cars coming from right was guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped because he did not see any other cars held guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped at intersection for effect to look behind held guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped at intersection to change gear and did not see any other cars held guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped for effect at intersection to look behind, was guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped because he saw another car coming and could not see any other cars held guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.


Whether automobile driver who stopped at intersection to avoid collision was guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped at intersection for effect did so because of another car who was coming was guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped at intersection for effect to look behind did so because of another car who was coming was guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.


Whether automobile driver who stopped at intersection for effect to look behind did so because of another car who was coming was guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped at intersection for effect to look behind was guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.


Whether automobile driver who stopped at intersection to look was guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped at intersection to look held guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

Whether automobile driver who stopped at intersection to look held guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.

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Whether automobile driver who stopped at intersection to look held guilty of contributory negligence. Reynolds v. G., 190M237, 255NW217. See Dun. Dig. 4164a.
care unless and until he became aware of contrary. Duffey v. C., 193M386, 266NW145. See Dun. Dig. 4164e.

Whether defendant was negligent in collision at street intersection, held for jury. Kidd v. M., 193M167, 267NW264. See Dun. Dig. 4164e.

Motorist on the left upon entering intersection first had right of way, and unless it became apparent that driver would not so observe law and yield right of way, until and unless he became aware of contrary, that driver of truck approaching intersection had duty to yield right of way to motorist for whom he owed duty of care. Con- tague v. L., 194M546, 261NW188. See Dun. Dig. 4164e.

Driver's negligence and plaintiff's contributory negligence held not prejudicial to either party. Miller v. U., 195M319, 272NW362. See Dun. Dig. 4164e.

In action for death of wife in a collision at highway intersection, contributory negligence of plaintiff held for jury. Duncanason v. J., 193M347, 263NW252. See Dun. Dig. 4164e.

Evidence held sufficient to sustain findings that collision between gravel truck and automobile at intersection was not the proximate cause of injury or damage to plaintiff. Gritsman v. W., 196M139, 275NW972. See Dun. Dig. 4164e.

Driver first reaching intersection has right to assume that car or truck on other side of intersection had stopped, and plaintiff had not then the right of way. Overly v. T., 186M413, 265NW268. See Dun. Dig. 4164e.

Pedestrian all ready on intersection had right to assume within reasonable limits that automobile driver would obey law and yield right of way, until such time as he became aware of contrary, that driver would not do so. Deptula v. C., 200M234, 277NW270. See Dun. Dig. 4164e.

Evidence insufficient to establish right of way to plaintiff by way of a bridge. Where there was a stop sign, it should be assumed that driver was prepared to observe same law. Overly v. T., 186M413, 265NW268. See Dun. Dig. 4164e.

Evidence held insufficient to sustain finding of contributory negligence of pedestrian at intersection rested upon driver's negligence. Pedestrian fact that pedestrian had right of way did not absolve her from exercising ordinary care for her own safety. Id.

In a collision at a right-angle highway intersection between an automobile driven by plaintiff's husband and one driven by defendant, defendant's negligence as a contributory cause of collision was for jury. Kunkei v. P., 197M317, 268NW144. See Dun. Dig. 4164e.

Court erred in not giving to jury, at plaintiff's request, special instruction in which jury was told that defendant had right of way. Overly v. T., 186M413, 265NW268. See Dun. Dig. 4164e.

Error to refuse to read to jury Mason's Minn. St. 1927, §2726-3(a). Id.

Inaction for injuries to boy in collision where plaintiff's automobile entered it had right of way on crosswalk. Id. Motorcycle rider colliding with truck at intersection, court properly instructed that defendant had right to assume that passenger on street would not violate city ordinance respecting crossing and siding. Id.

In action for injuries to boy injured when alcid collided with rear part of car at intersection, both parties being concealed from one another by雪bank, court properly instructed that defendant had right to assume that he would not violate city ordinance respecting crossing and siding. Id.

In action for injuries to boy injured when alcid on proper crosswalk Is generally for jury. Hennek v. L., 203M154, 280NW187. See Dun. Dig. 4164e.

In a collision at a right-angle highway intersection, court properly instructed that defendant held right to assume that plaintiff's automobile until it was only 10 feet away, held, as matter of law, defendant negligent. Gritsman v. W., 196M139, 275NW972. See Dun. Dig. 4164e.

In action for damages to plaintiff in collision at intersection and speed at which to approach such intersection. In action for injuries to boy injured when alcid collided with rear part of car at intersection, both parties being concealed from one another by snowbank, court properly instructed that defendant had right to assume that passenger on street would not violate city ordinance respecting crossing and siding. Id.

Evidence as to operation of automobiles involved in collision at obstructed intersection in a city and as to character of damages to automobiles held to sustain finding of contributory negligence. Timmerman v. M., 199M376, 271NW979. See Dun. Dig. 4164e.

While motorist immediately before entering a high- way intersection, observed defendants' bus some 150 to 200 feet away, he approached intersection with caution, and was struck by bus when nearly across intersection, questions of negligence and contributory negligence were correctly submitted to jury. Ernst v. U., 195M319, 272NW362. See Dun. Dig. 4164e.

Evidence as to operation of automobiles involved in collision at a right-angle highway intersection, held that there was sufficient doubt of causal connection to submit case to jury. Butcher v. T., 200M135, 271NW976. See Dun. Dig. 4167f.

Motorist who claimed to have looked both to his right and left before entering an intersection, held that his view was not obstructed, there being no distracting circumstances, but who failed to observe defendants' auto- mobile until it was only 10 feet away, held, as matter of law, defendant negligent. Gritsman v. W., 196M139, 275NW972. See Dun. Dig. 4164e.

Where where two streets came together and intersected with a cross street, and traffic on the two streets was stopped by police officer, ordinary care required crew of street car, on signal to go, to observe traffic on left of street car. Evidence held sufficient to sustain finding that motorman was negligent in failing to maintain a proper intersection, by driving motor vehicle overhang of back of car damaged an automobile which could not not stop in time to avoid the collision and not to avoid injury in starting. Charles P. Anderson v. S., 203M115, 280NW187. See Dun. Dig. 4164e.

In a collision at a right-angle highway intersection, court properly instructed that defendant had right to assume that plaintiff's automobile was about to cross the intersection, and held not prejudicial to either party. Butcher v. T., 200M135, 271NW976. See Dun. Dig. 4164e.

In action for injuries to boy injured when alcid collided with rear part of car at intersection, both parties being concealed from one another by snowbank, court properly instructed that defendant had right to assume that passenger on street would not violate city ordinance respecting crossing and siding. Id.

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In action for injuries to boy injured when alcid collided with rear part of car at intersection, both parties being concealed from one another by snowbank, court properly instructed that defendant had right to assume that passenger on street would not violate city ordinance respecting crossing and siding. Id.
Fact that pedestrian was first upon crossing did not absolve him from duty of exercising ordinary care. 1d.

Where plaintiff alighted from his car, parked on right-hand side of a city street at an intersection, passed in front of his own car and into lane of southbound traffic which was coming toward him. As he was approaching from that direction, he was guilty of contributory negligence because he failed to keep a proper lookout and did not see the front part of the car before it came in contact with rear of his car. 193M153, 258NW721. See Dun. Dig. 4167h, 4168, 4173.

Driver may be found guilty of negligence in running down pedestrian. Plaintiff might have reasonably assumed that he would not, unless there was an intersection in view. Hogle v. C., 192M153, 258NW721. See Dun. Dig. 4167h, 4168, 4173.

After court in charge had limited negligence claimed by plaintiff to driver's failure to keep a proper lookout ahead, any subsequent reference to negligence could not have been understood by jury as admitting any other negligence than as first limited. 1d. See Dun. Dig. 7021.

Defendant's duty to exercise due care for his own safety in crossing a street does not require him as a matter of law to look more than once. 1d. See Dun. Dig. 7022.

It was a question for jury whether a proper lookout by driver would have disclosed plaintiff's presence. 1d. See Dun. Dig. 7023.

A defendant held not guilty of negligence, as a matter of law, for failure to yield right of way to an automobile which collided with his car as latter had just emerged from a private driveway and was stopped with its front wheels just over the edge of the highway; it appeared also that defendant had observed and was taking care to avoid collision with another car coming from opposite direction, which collision which occurred with him was going at a very high rate of speed and just before collision might have been deverted from collision, thereby preserving defendant's right of way. Le Barre v. S., 186M514, 241NW374. See Dun. Dig. 8926.

(b). An ambulance or police patrol car has no right of way over ordinary vehicles in absence of an audible signal and ordinary vehicle on a through highway had right of way over police patrol car acting as ambulance at an intersection in absence of sounding a siren. Hogle v. C., 193M326, 258NW721. See Dun. Dig. 4167h, 4168, 4173.

A driver driving abreast of moving street car, held not charged with notice that such street car was "about to stop" by the mere fact that it reduced its speed on approaching a crossing. Pierce v. Sanden (CCA8), 29F2d 87.

It was error to refuse to qualify an instruction that boy by passing street car on left violated law and was guilty of negligence, by stating that, if boy was ten feet in front of ambulence, his violation of statute could not be considered as contributing to his injury. Newton v. M., 186M439, 243NW916. See Dun. Dig. 4167h.

An ambulance or police patrol car has no right of way over ordinary vehicles in absence of an audible signal and ordinary vehicle on a through highway had right of way over police patrol car acting as ambulance at an intersection in absence of sounding a siren. Hogle v. C., 193M326, 258NW721. See Dun. Dig. 4167h, 4168, 4173.


Teamster driving across street and struck by street car held not guilty of contributory negligence. La Barre v. S., 186M514, 241NW374. See Dun. Dig. 8926.

(a). An ambulance or police patrol car has no right of way over ordinary vehicle on a through highway. La Barre v. S., 186M514, 241NW374. See Dun. Dig. 8926.

(b). An ambulance or police patrol car has no right of way over ordinary vehicle on a through highway. 1d. See Dun. Dig. 8926.

(2). An ambulance or police patrol car has no right of way over ordinary vehicle on a through highway. 1d. See Dun. Dig. 8926.

An ambulance or police patrol car has no right of way over ordinary vehicle on a through highway. La Barre v. S., 186M514, 241NW374. See Dun. Dig. 8926.

(3). An ambulance or police patrol car has no right of way over ordinary vehicle on a through highway. 1d. See Dun. Dig. 8926.

(4). An ambulance or police patrol car has no right of way over ordinary vehicle on a through highway. 1d. See Dun. Dig. 8926.
Precautions to be taken by motor trucks and busses when on a highway. Laws 1932, c. 252.

Court properly charged that it was negligence to park car on left side of road. 180M426, 221NW93. See Dun. Dig. 417a.

When free parking on left side of road with headlight signal was proximate cause of injury to another held for jury. 180M426, 221NW93. See Dun. Dig. 417a.

Where highway is tarred it must be left open for the required width on the paved portion. 180M416, 220NW70.

Defendant parking truck on highway at night without a lawful reason and negligent such truck, held for jury. 180M526, 230NW75. See Dun. Dig. 417a.

Negligence and contributory negligence, held for jury. 180M526, 230NW75. See Dun. Dig. 417a.

Driver of automobile going off of highway by reason of improper parking of a truck held guilty of negligence where another truck struck timbers, without any explanation of stoppage, held for jury. 180M526, 230NW75. See Dun. Dig. 417a.

Evidence held to justify finding of negligence in not leaving statutory clearance and in not setting out flare devices such as semaphores to municipalities. Turnpike and motorway over police patrol car acting as ambulance at an intersection held for jury. 180M252, 230NW776. See Dun. Dig. 417a.

Where deceased truck driver stopped truck to assist, held both negligent in not temporary leaving such vehicle in such position, mean that car must be disabled to extent that it is not reasonably practicable to move it as to leave fifteen feet for passage of other cars. Geisen v. L., 185M473, 242NW8. See Dun. Dig. 417a.


Car with condenser burned out was disabled as a matter of law. Geisen v. L., 185M1479, 214NW8.

§2720-25. [Repealed.]


§2720-26. [Repealed.]


§2720-27. [Repealed.]


§2720-28. [Repealed.]


§2720-29. [Repealed.]


§2720-30. [Repealed.]


§2720-31. [Repealed.]


A tractor at time of accident held "actually engaged in work upon the surface of a highway." Johnson v. E., 184M76, 239NW772.

The exception contained in section 2720-31 applies to all of the provisions of the Uniform Highway Traffic Act, including §2720-17. Johnson v. E., 184M76, 239NW772. See Dun. Dig. 412a.

An ambulance or police patrol car has no right of way over ordinary vehicles in absence of an audible signal, and ordinary vehicle on a through highway had right of way over police patrol car acting as ambulance at an intersection in absence of sounding a siren. Hogle v. C, 183M326, 268NW772. See Dun. Dig. 416h, 416j, 417a.

§2720-32. [Repealed.]

Repealed Apr. 26, 1937, c. 464, §144. Similar provisions of Highway Traffic Regulation Act, see §2720-158.

Ordinance prohibiting use of streets passing through school grounds in daytime, held no defense by village to action for injuries resulting from obstruction by chain, but presence of chain was not negligence as matter of law. 183M467, 231NW11. See Dun. Dig. 416a.

An ordinance of the city of St. Paul providing for the punishment of a person convicted of driving an automobile while under the influence of intoxicating liquor is valid. State v. Hughes, 182M144, 233NW874. See Dun. Dig. 416a.

Act leaves regulation of traffic by means of control devices such as semaphores to municipalities. Turnpike and motorway over police patrol car acting as ambulance at an intersection held for jury. 180M252, 230NW776. See Dun. Dig. 417a.

§2720-33
CH. 13—ROADS


City of Stillwater has authority to limit weight of commercial vehicles on such of its streets as are not trunk highways. Op. Atty. Gen. (60a-25), Aug. 16, 1935.

2720-33. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-219.

An ordinance of the city of St. Paul providing for the punishment of a person convicted of driving an automobile under the influence of intoxicating liquor is invalid. State v. Hughes, 182M144, 233NW874. See Dun. Dig. 4165.

TITLE III
THE SIZE, WEIGHT, CONSTRUCTION AND EQUIPMENT OF VEHICLES

2720-34. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-219.

2720-35. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-270 to 2720-272.

Court correctly charged that, if excessive width of truck did not cause or contribute to cause accident, then that fact was not material. Kouri v. Minn., 191M101, 255NW172. See Dun. Dig. 4167.

Instruction embodying statutory language was properly refused when evidence establishing contributory negligence of offending vehicle did not exceed authorized width, though there may have been a protruding plank. Ohad v. It., 197M483, 267NW490. See Dun. Dig. 4167.

2720-36. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-267.

2720-37. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-275.

Failure on part of owner of vehicle to apply for and continue to carry certificates authorizing the use of nonstandard vehicles, is excusable or justifiable if, without fault on part of an owner, a person having no knowledge of the facts could rest. Boyer v. J., 185M221, 240NW538. See Dun. Dig. 4167.

2720-38. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-267.

2720-39. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-275.

2720-40. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-267.


2720-41. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-261.

2720-42. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-274.

A driver who fails to have his headlights lighted when overtaking a pedestrian on a highway held only guilty of contributory negligence if, without fault on part of the pedestrian, he was contributory negligent in colliding with parked car as he came from rear. Martin v. T., 187M529, 246NW6. See Dun. Dig. 4167.

2720-42a. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-272.

2720-43. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-267.

Brakes of or negligence of driver in their application. Forseth v. D., 262M447, 275NW304. See Dun. Dig. 9774.

2720-44. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-267.

Failure to sound horn before overtaking pedestrian on highway held only upon which charge of negligence could rest. Boyer v. J., 185M221, 240NW538. See Dun. Dig. 4167.

Driver may be found guilty of negligence in running down pedestrian in act of diagonally crossing a street in direction by showing that pedestrian was visible, but driver failed to observe him, made a left turn cutting corner, and failed to sound reasonable warning in violation of statute. Reiter v. H., 262M104, 277NW665. See Dun. Dig. 4167.

2720-45. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-265.

Instruction as to negligence and contributory negligence with reference to this statute held erroneous. Moschler v. M., 184M476, 250NW605. See Dun. Dig. 4167.

2720-46. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-266.

2720-47. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-267.

An exception contained in §2720-31 applies to all of the provisions of the Uniform Highway Traffic Act, including §2720-47. Johnson v. B., 184M678, 239NW772. See Dun. Dig. 4167.

2720-48. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.

Laws 1929, c. 407, §4, amends this section by adding the following subdivision (g):

Failure of plaintiff to have his headlights lighted or to stop within the distance in which he could see an object ahead of him held not as a matter of law the proximate cause of injury from negligence of defendant in proceeding on wrong side of road. 181M469, 233NW710. See Dun. Dig. 4167.

There is no statute requiring persons leading animals on shoulders of paved highways to carry a light after dark. Ruth v. S., 196M525, 262NW563. See Dun. Dig. 4167.

2720-49. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.

Evidence sustains a finding that automobile was parked on highway without a rear light. Martin v. T., 187M539, 246NW6. See Dun. Dig. 4167.

Evidence did not require a finding that plaintiff was guilty of contributory negligence in colliding with parked car as he came from rear. Martin v. T., 187M528, 246NW6. See Dun. Dig. 4167.

Violation of this section and §§2720-24, 2720-25 may be excusable or justifiable if, without fault on part of the driver, automobile is compelled to be parked on highway without rear light. Martin v. T., 187M529, 246NW6. See Dun. Dig. 4167.

2720-50. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.

Whether failure to have headlights lighted was proximate cause of collision at intersection at which plaintiff had right of way held for jury. Krinke v. G., 187M639, 246NW6. See Dun. Dig. 4167.

Evidence sustains a finding that automobile was parked on highway without a rear light. Martin v. T., 187M539, 246NW6. See Dun. Dig. 4167.

A driver who fails to have his headlights lighted a half hour after sunset is guilty of negligence in striking a stalled truck. Orrvar v. M., 193M305, 248NW42. See Dun. Dig. 4167.

Driver with headlights tilted down so that he could see 20 feet ahead was guilty of contributory negligence in colliding with parked car as he came from rear. Martin v. T., 187M528, 246NW6. See Dun. Dig. 4167.

A driver who fails to have his headlights lighted a half hour after sunset is guilty of negligence in striking a stalled truck. Orrvar v. M., 193M305, 248NW42. See Dun. Dig. 4167.

Even though guest was negligent in riding in car operated without proper headlights required by statute,
In action for injuries growing out of collision with rear end of standing unlighted truck, negligence of defendant held for jury. Olson v. T., 188M571, 221NW283. See Dun. Dig. 416tc.

Whether negligence of driver of automobile colliding with rear of unlighted truck standing on highway, whether or not runner was guest, was contributorily negligent, held for jury. Olson v. P., 185M751, 240NW293. See Dun. Dig. 416tc.

In action for injuries to guest in automobile against operator of unlighted truck standing on highway, whether truck was driven negligently, held for jury. Olson v. P., 185M571, 240NW293. See Dun. Dig. 416tc.

It was question for jury whether her negligence or assumption of risk proximately contributed to or caused injury when car left highway. White v. C., 189M300, 245 NW229.

Defendant held negligent in parking truck without light in highway and liable for injuries and damage resulting from collision with car. Olson v. T., 183M79, 239NW630. See Dun. Dig. 7033(2).

For jury. Raths v. S., 195M225, 262NW563. See Dun. Dig. 4167c.

In action for death of a pedestrian killed while leading team of horses on shoulder of highway in the night time, negligence and contributory negligence held for jury. Raths v. S., 195M225, 262NW563. See Dun. Dig. 4167c.

If automobile driver was negligent in striking horses on shoulder while being led by deceased pedestrian, such negligence was proximate cause of death whether deceased was struck by car or was struck down by horses struck by car. See Dun. Dig. 4167c.

In action for death of a pedestrian killed while leading team of horses on right shoulder of highway in the night time, negligence and contributory negligence held for jury. Raths v. S., 195M225, 262NW563. See Dun. Dig. 4167c.

Contributory negligence of motorist colliding with concrete mixer left in highway to guard a partially constructed culvert, held for jury. Mechler v. M., 184M416, 233NW605. See Dun. Dig. 4167c.

Contributory negligence of one running into an unlighted truck held not guilty of contributory negligence as a matter of law. Mechler v. M., 184M416, 233NW605. See Dun. Dig. 4167c.

Driver of automobile on a dark drizzly night colliding with an unlighted truck held not guilty of contributory negligence as a matter of law. Mechler v. M., 184M416, 233NW605. See Dun. Dig. 4167c.

Driver of automobile on a dark drizzly night colliding with an unlighted truck held not guilty of contributory negligence as a matter of law. Mechler v. M., 184M416, 233NW605. See Dun. Dig. 4167c.

Contributory negligence of one participating in changing tires on automobile inexcusably parked near center of pavement without tail light was a contributing proximate cause of injury, held for jury. Olson v. X., 190M319, 243NW112. See Dun. Dig. 4167c.

Contributory negligence of one participating in changing tires on automobile inexcusably parked near center of pavement without tail light was a contributing proximate cause of injury, held for jury. Olson v. X., 190M319, 243NW112. See Dun. Dig. 4167c.

Evidence of failure to warn other travelers by means of flares of presence of disabled bus parked on highway, and of relief bus standing on pavement for a longer period than reasonably necessary to effect necessary repairs in which it was engaged, held to justify trial court in giving substance of this section with regard to having "parked" on highway at time of accident. Hartwell v. W., 192M84, 218NW249. See Dun. Dig. 4171a.

Evidence held to sustain finding of negligence on part of plaintiff in failing to get out of his car prior to residence of bus parked on highway. Twa v. N., 201M234, 275NW416. See Dun. Dig. 7037.

In action to recover damages for injuries received while plaintiff was being led by deceased pedestrian, such negligence was proximate cause of guest's injury, held for jury. Olson v. X., 190M319, 243NW112. See Dun. Dig. 4167c.

Evidence held sufficient to support any finding that defendant was guilty of contributory negligence. Tully v. F., 191M84, 253NW22. See Dun. Dig. 4167c, 4167o.

Driver of automobile on dark drizzly night colliding with unlighted concrete mixer left in highway to guard a partially constructed culvert held not guilty of contributory negligence as a matter of law. Mechler v. M., 184M416, 233NW605. See Dun. Dig. 4167c.

Evidence held sufficient to support any finding that defendant was guilty of contributory negligence. Tully v. F., 191M84, 253NW22. See Dun. Dig. 4167c, 4167o.

Failure to have bicycle equipped with lamps or reflectors was negligence as matter of law. Campbell v. S., 186M293, 243NW414. See Dun. Dig. 4167c.

In action for death of a pedestrian killed while leading team of horses on right shoulder of highway in the night time, negligence and contributory negligence held for jury. Raths v. S., 195M225, 262NW563. See Dun. Dig. 4167c.

Evidence held insufficient to support any finding that plaintiff was guilty of contributory negligence, held for jury. Olson v. X., 190M319, 243NW112. See Dun. Dig. 4167c, 4167o.

In action to recover damages for injuries received while plaintiff was being led by deceased pedestrian, such negligence was proximate cause of injury, held for jury. Olson v. X., 190M319, 243NW112. See Dun. Dig. 4167c.

Contributory negligence of one participating in changing tires on automobile inexcusably parked near center of pavement without tail light was a contributing proximate cause of injury, held for jury. Olson v. X., 190M319, 243NW112. See Dun. Dig. 4167c.

Similar provisions of Highway Traffic Regulation Act, see §§2702-294. [Repealed.]
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TITLE IV
HIGHWAY TRAFFIC SIGNS

2720-56. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-159.

2720-57. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-161.

2720-58. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-166.

2720-59. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-59.

TITLE V
PENALTIES

2720-60. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-281.

2720-61. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
This section is not void for uncertainty as to the meaning of the words "under the influence of intoxicating liquor." 176M164, 222NW909.

Instruction defining offense in words of statute, held insufficient. 175M164, 222NW909.

Admissibility and sufficiency of evidence. 176M164, 222NW909.

Injunction defining offense in words of statute, held sufficient. 175M164, 222NW909.

Admissibility and sufficiency of evidence. 176M164, 222NW909.

2720-62. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-279.

2720-63. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-63.

TITLE VI
PROCEDURE UPON ARREST, REPORTS

2720-66. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-279.

2720-67. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-299.

2720-68. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-59.

2720-69. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-70.

TITLE VII
EFFECT OF AND SHORT TITLE OF ACT

2720-65. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-281, 2720-286.

2720-66. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-281, 2720-286.

2720-67. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-281, 2720-286.

2720-68. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §§2720-281, 2720-286.

2720-69. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.

TAX ON GASOLINE, ETC., USED FOR MOTOR OR OTHER VEHICLES ON HIGHWAYS

2720-70. Definitions.

"Gasoline" includes all gasoline, distillate, benzine, naphtha, benzol, liberty fuel, and other volatile and inflammable liquids used or useful in producing or generating power for propelling motor or other vehicles used on the public highways of this state, but does not include the product commonly known as kerosene oils. For the purpose of calculating the tax imposed by this Act, the term "gasoline" as herein defined shall be construed to include any lubricating oil or other petroleum products inter-mixed with any of the said liquids although said lubricating oil or other petroleum products may not be used or useful in producing or generating power for propelling motor or other vehicles used on the public highways of this state. (As amended Jan. 1, 1934, Ex. Secs., c. 51, §1.)

(d) "Distributor" means and includes every person, partnership, company, joint stock company, corporation or association of persons, however organized, who brings or causes to be brought gasoline into this state or any other petroleum product by or through railroads, trucks, barges, tank cars, and tank vessels, for storage, sale, distribution, or use therein, and every person, partnership, company, joint stock company, corporation, or association of persons, however organized, who produces, refines, manufactures or compounds gasoline or any other petroleum products in this state for storage, sale, distribution or use therein. (As amended Apr. 22, 1933, c. 417, §1.)

Sec. 2 of Act Jan. 6, 1934, cited, provides that the act shall take effect from its passage.

Mixing of non-taxable petroleum products with taxable petroleum products prohibited. Laws 1939, c. 408.

The gasoline tax law does not permit a rebate or refund of taxes on gasoline used by county or other municipal subdivision of the state, except taxes paid on gasoline which is used for the purposes other than in a motor vehicle, such as gasoline used in road work other than hauling material. Op. Atty. Gen., May 28, 1931.


Gas used by department of rural credit to propell motor vehicles by its own power, and not for propelling other vehicle used on public highways is not exempt from tax. Op. Atty. Gen., Jan. 17, 1934.


Tax should be reimbursed to a person for gasoline consumed in a feed grinder mounted on a truck where same motor was used for propelling truck and operate feed grinder, being a "tractor used solely for agricultural purposes." Op. Atty. Gen. (324Q), Mar. 11, 1938.

2720-71. Excise tax on gasoline.—There is hereby imposed an excise tax of four cents per gallon on all gasoline used in producing or generating power for propelling motor vehicles used on the public highways of this state. Said tax shall be payable at the times, in the manner, and by the persons hereinafter specified, provided that one cent per gallon of said tax shall be effective only to September 1st, 1940, and on said date said tax shall revert to three cents per gallon. (25, c. 287, §2; Apr. 24, 1929, c. 510, §1; Apr. 23, 1937, c. 350.)


Gasoline sold by distributors and dealers upon which former three cents per gallon rate of tax has been imposed, and which tax has been or in due course will be credited to the auditor, shall not be subject to increased rate and may not be collected from consumer. Op. Atty. Gen. (324G), Apr. 23, 1937.

Tax levied by state is a sales tax within purview of federal highway act of June 18, 1936, and not an intonation tax, and such tax must be paid for gasoline used by
2720-74. Penalty and interest on non-payment of tax—Lien—Time of attachment.—In case any tax imposed hereunder is not paid when due, a penalty of ten per cent of the amount thereof shall immediately become due and payable. Interest on the tax and penalty at the rate of one per cent per month until the same is paid. The tax imposed hereunder and the penalties and interest thereon shall be a lien upon and singular the property, estate and effects of the distributor or person from whom it is due, and shall take precedence of all other claims and judgments against, and of all liens and encumbrances upon the property of, such distributor or person. The lien herein referred to shall attach to the aforesaid property from the date of the inspection of said gasoline. (As amended April 26, 1927, c. 476, §2.)

2720-75. Chief inspector to certify unpaid taxes to Attorney General.—(a) On or before the twenty-fifth day of each month, the chief oil inspector shall deliver to the attorney general a certified statement of the amount due from each person, partnership, association, corporation or licensee hereunder whose excise taxes are delinquent. The attorney general, or the county attorney of the county in which the delinquent licensee or taxpayer resides, may sue in the district court of Ramsey County, or of the county in which the delinquent licensee or taxpayer resides, for the amount of any such tax with interest, costs and disbursements. The judgment obtained in a civil action may be enforceable in such manner as the court may direct. The attorney general is entitled to reimbursement for all fees and other expenses incurred in connection with delinquent gasoline tax cases certified by oil inspection division. Op. Att'y Gen. (324g), Dec. 7, 1927.

2720-77. Reports by distributors, etc.—In a transaction involving sale of gasoline between two licensed distributors, it is duty of distributor who sells gasoline to pay tax. Op. Att'y Gen. (324), Apr. 28, 1936.

2720-78. Gasoline deemed intended for use in motor vehicles—Punitive relation of certain collects—Violation of duties—Embezzlement.—All gasoline inspected for unloading in this state and all gasoline produced in or brought into this state shall be deemed to be intended for use in motor vehicles in this state, and every person who pays the tax imposed by this act shall be deemed to have paid the same for and on behalf of the person using such gasoline in motor vehicles in this state. If the person directly or indirectly paying said tax shall not in fact use said gasoline in motor vehicles in this state, the person responsible for the collection of gasoline taxes by persons other than the chief oil inspector or his deputies for and in behalf of the State of Minnesota, shall be deemed to es-
establish a fiduciary relation, for the violation of which, in failure to make payment when due and payable, the person so authorized to collect gasoline taxes, shall be deemed guilty of embezzlement, and punished accordingly. (As amended Apr. 26, 1937, c. 476, §3.)

2720-79. Reimbursements in certain cases—penalties for false statement.—Any person who shall buy an use gasoline for any purpose other than use in motor vehicles or for use in machinery operated for the purpose of constructing, reconstructing or maintaining the public highways of this state, and who shall have paid any excise tax required by this act to be paid directly or indirectly through the amount of sales tax paid for gasoline on which excise tax is charged, or who shall collect, or cause to be paid to him or to any such purchase, shall be deemed guilty of embezzlement, and punished according to law.

No refunds may be made on gasoline used in machinery operated by machinery in the process of construction or reconstruction of highways, or in the process of maintaining and repairing the public highways of this state, and who shall have paid any excise tax required by this act to be paid directly or indirectly through the amount of sales tax paid for gasoline on which excise tax is charged, or who shall collect, or cause to be paid to him or to any

2720-79H. Distributors to report the amount on hand.—It shall be the duty of distributor and of every person who may use gasoline as a reflowable by or under the authority of the state, to report the number of gallons of gasoline in his possession at the time this act takes effect, and the inspector shall thereupon determine and certify as herein provided, the additional tax on account of such gasoline which is hereby imposed. (Act Apr. 19, 1929, c. 257, §2.)


Owner of truck operating under contract with United States to be paid tax on gasoline used by owner and entitled to refund on gasoline used. Op. Atty. Gen., Mar. 17, 1934.

Exemption from tax does not extend to state director of national emergency council who uses gasoline in an automobile which is driven from her home to place of employment. Op. Atty. Gen., (324k), June 14, 1934.


Question of what further proof should be submitted in support of claims for reimbursement may be met by adoption of rules and regulations under §2720-82, Id.

2720-81. Gasoline used in foreign or interstate commerce—Refunds.—Neither this act nor any of the provisions hereof shall apply to or be construed to apply to any gasoline used in foreign or interstate commerce, except in so far as the same may be permitted under the Constitution and the laws of the United States. No tax shall become due hereunder on account of gasoline used in foreign or interstate commerce, except in so far as the same may be permitted under the Constitution and the laws of the United States.
tank wagons or other types of transportation equipment, containers or facilities at such marine or pipeline terminal or tank farm for automatic and truck with the Chief Oil Inspector, a bond to cover any and all places of business within the State where petroleum products are distributed by the distributor or licensee. All licenses and bonds executed and delivered hereunder shall be for the duration of one year, ending May 31st. The bond herein required shall be in twice the amount of the monthly average of the amount of gasoline excise taxes paid by the applicant during the year immediately preceding. As to new applicants the amount of such bond shall be the amount of the estimated average amount of gasoline excise taxes anticipated to be paid by such applicant. If any licensee desires to be exempt from furnishing such bond as hereinafter provided he shall furnish an itinerary of the necessary financial statement and a bond in the amount of $1,000 signed by two or more responsible persons, with corporate sureties, conditioned as hereinafter set forth.

2720-88. [Repealed.] Repealed Apr. 22, 1933, c. 417, §5.

2720-85. [Repealed.] Repealed Apr. 22, 1933, c. 417, §3.

2720-86. Dealers must be licensed.—No person shall engage in or purport to be engaged in or hold himself out as being engaged in the business of buying or selling petroleum products as a distributor unless he shall be licensed to carry on such business by the Chief Oil Inspector. (Act Apr. 22, 1933, c. 417, §4.)

2720-87. Unlicensed dealers shall not be inspected.—No inspections shall be made for any person, partnership or corporation which shall apply therefor, and shall pay to the Chief Oil Inspector at the time of making application for license and annually thereafter a license fee of one dollar and further comply with the conditions herein provided, to-wit:

Chief Oil Inspector may issue regulations not inconsistent with law to assist in the enforcement of this act. Such regulations shall have the full force and effect of law when duly promulgated. The Chief Oil Inspector may exercise the authority vested in him under other laws to assist in the enforcement of this Act. (Act Apr. 22, 1933, c. 417, §4.)

2720-88. Licenses.—License to engage in the business of handling petroleum products as hereinabove referred to shall be issued by the Chief Oil Inspector to any responsible person, partnership, association or corporation which shall apply therefor, and shall pay to the Chief Oil Inspector at the time of making application for license and annually thereafter a license fee of one dollar and further comply with the conditions herein provided, to-wit:

Chief Oil Inspector may in such amount as hereinafter provided, the form to be fixed by the Chief Oil Inspector and approved by the Attorney General, be conditioned for the payment when due of all gasoline excise taxes, revenue inspection fees and penalties and accrued interest arising in the ordinary course of business or by reason of any delinquent monies which may become due the Chief Oil Inspector in the State of Minnesota and such bond to cover any and all places of business within the State where petroleum products are distributed by the distributor or licensee. All licenses and bonds executed and delivered hereunder shall be for the duration of one year, ending May 31st. The bond herein required shall be in twice the amount of the monthly average of the amount of gasoline excise taxes paid by the applicant during the year immediately preceding. As to new applicants the amount of such bond shall be the amount of the estimated average amount of gasoline excise taxes anticipated to be paid by such applicant. If any licensee desires to be exempt from furnishing such bond as hereinafter provided he shall furnish an itinerary of the necessary financial statement and a bond in the amount of $1,000 signed by two or more responsible persons, with corporate sureties, conditioned as hereinafter set forth.

2720-89. May require additional bonds.—The Chief Oil Inspector, whenever he is of the opinion that any bond heretofore given by any licensee is inadequate in amount as determined by the provisions of this Act, may require the licensee to give an additional bond in such amount as he may determine and direct the bond to be approved by the Chief Oil Inspector and conditioned as heretofore set forth. (Act Apr. 22, 1933, c. 417, §7; Apr. 26, 1937, c. 476, §4.)

2720-90. May make regulations.—The Chief Oil Inspector may issue regulations not inconsistent with law to assist in the enforcement of this act. Such regulations shall have the full force and effect of law when duly promulgated. The Chief Oil Inspector may exercise the authority vested in him under other laws to assist in the enforcement of this Act. (Act Apr. 22, 1933, c. 417, §8.)

2720-91. Penalty for violation.—Any person who fails or refuses to comply with any of the provisions of this Act shall be guilty of gross misdemeanor. (Act Apr. 22, 1933, c. 417, §10.) Former §2720-91 is renumbered §2720-92a.

2720-92a. Apportionment of gasoline tax funds.—All moneys accruing to the state road and bridge fund from taxes imposed on the use of gasoline under authority of Section 5 of Article 9 of the constitution shall be distributed and used in the manner and for
apportioned to any one county in any one year. In the
state road and bridge fund from such tax shall be
county is entitled under said apportionment out of
his warrant on the state road and bridge fund in
accrue during the current calendar year to the state
commissioner to apportion funds.—On or before the first
office of the county auditor. Such designation may
county auditor, which order shall be filed in the
construction of county or town road therein and any portion of a
roads.—The county board of each county is here-
change in numbering made by Laws 1933, c. 417.
Supplement. It is renumbered 2720-91 in Mason's 1931
Supplement. It is renumbered 2720-92d to conform to
change in numbering made by Laws 1933, c. 417.
County may issue warrants in anticipation of gasoline
2720-92c. State Auditor to draw his warrant.—
The state auditor shall on August 1 of each year draw
his warrant on the state road and bridge fund in
favor of each county for the amount to which
such county is entitled out of the receipts from such tax during the
first half of the current calendar year and shall on February 1 of
each year draw his warrant on the state road and bridge fund in favor of each county for the amount to which
such county is entitled out of the receipts from such tax during the
last half of the next preceding calendar year.
(Act Apr. 22, 1929, c. 233, § 5.)
2720-92d. Limitations of amount to each county.—
Not less than three-fourths of one per cent nor more than
three per cent of the moneys accruing to the
state road and bridge fund from such tax shall be
apportioned to any one county in any one year. In the
making of such apportionment regard shall be had to the
mileage of county and town roads and the traffic
conditions of the respective counties.
(Act Apr. 22, 1929, c. 233, § 4.)
This section was numbered 2720-90 in Mason's 1931
Supplement. It is renumbered 2720-92c to conform to
change in numbering made by Laws 1933, c. 417.
2720-92e. County board to designate county aid
roads.—The county board of each county is hereby
authorised to designate as a county aid road any
county or town road therein and any portion of a
county line or town line road with the construction and
maintenance of which such county or any town therein is charged, but no state aid road, except a
State Aid Parkway, shall be designated as a county
aid road. Such designation shall be evidenced by
resolution of the county board and by an order signed
by the chairman thereof and countersigned by the
county auditor, which order shall be filed in the
office of the county auditor. Such designation may
by resolution and order be revoked at any time.
All county aid roads shall be constructed, improved
and maintained by the county. A certified copy of the
resolution either designating or revoking a county
aid road shall be filed with the commissioner of
highways and the state auditor. The County Board of any
County may designate as a county aid road any road
situate in the unplatted portion of any village in
said county by a resolution adopted by unanimous
vote of such Board. Such designation may by reso-
bution and order adopted by a majority vote, be re-
voked at any time.
(Act Apr. 22, 1929, c. 233, § 5; Jan. 9, 1934, Ex. Sess., c. 60, § 1.)
This section was numbered 2720-92 in Mason's 1931
Supplement. It is renumbered 2720-92 to conform to
renumbering made by Laws 1933, c. 417.
Sec. 2 of Act Jan. 9, 1934, cited, provides that the act
shall take effect from the date of its passage.
A county has no right to designate a township on county board in designating a town road as a county aid road. Op.
Attorney Gen., Aug. 3, 1933.
Roads designated as county aid roads prior to passage of this act must be redesignated as such gasoline tax
roads at the option of the township board. The county may, in the year such taxes become delinquent, use at
least 50 per cent of the moneys so appropriated to
road recently established by township board along a
road currently established by the township board, or
designate a road recently established by township board along a
road recently established by the township board.
Municipalities in town road designated as county aid road, or parts of streets within the platted or
unplatted portion of any such village, and may appropriate such
designation. (Act Apr. 22, 1929, c. 283, § 6; Apr.
20, 1933, c. 225, § 1; Apr. 1, 1936, c. 96; Mar. 25, 1937, c. 111, § 1; Apr. 31, 1939, c. 366, § 1.)
Subject to limitations of the laws, 1939, c. 283, gasoline tax money may be used in buying grader and
Mason's 1927 Statutes, $255, relating to plans and specifications, is not applicable to this act. Op. Atty. Gen., May 1, 1927.


There is no legal objection to the county board fixing a reasonable rate for the use of its road machinery on county aid roads. The rate charged shall be with such amount and crediting same to the road and bridge accounts of the county. Op. Atty. Gen., May 19, 1930.

The provision requiring that county aid roads shall be constructed under the supervision and according to plans and specifications made by the county highway engineer are mandatory. Op. Atty. Gen., June 23, 1926.

Money from the road and bridge fund of a county may be used for reconstruction, improvement and maintenance of county aid roads. Op. Atty. Gen., Nov. 27, 1934.


A snow plow may be purchased out of moneys received by county representing proceeds of gasoline tax paid upon used of county aid roads, but this equipment cannot be used on state aid road or other roads except county aid roads. Op. Atty. Gen., Nov. 2, 1933.


Laws 1937, c. 111, amending §§2720-54 and 2720-65, is in conflict with Laws 1937, c. 111 (amending §2720-57), such chapter 366 must control and it is wrong for the county board to assign to the towns of the county any amount not to exceed remainder of appropriations in it or complying with §2720-94, any amount not exceeding maximum limits is entirely within discretion of county board as to how any distribution to township on basis of mileage of county and town roads and traffic needs and conditions. Op. Atty. Gen., Aug. 15, 1933.

County board is not authorized to designate as a county aid road, streets, or highways within unplotted portion of a village, and may not expend moneys apportioned to county in constructing or improving such streets or highways, except in counties having an assessed valuation of less than $750,000. Op. Atty. Gen. (377-4-1), Jan. 21, 1935.

2720-94a. Emergency act.—This act is hereby declared to be an emergency measure and shall be in force and effect until April 20, 1941. Every law now in force inconsistent herewith is hereby suspended until April 20, 1941. (Act Apr. 20, 1933, c. 325, §3; Mar. 11, 1935, c. 39; Apr. 6, 1937, c. 168, §1; Apr. 21, 1939, c. 366, §2.)

2720-94b. Disposition of gasoline tax.—Apportionment to cities and villages in certain cases.—That in any county of this state now or hereafter having an assessed valuation of less than $750,000, the population of not to exceed 36,000 inhabitants, the County Board of any such county may appropriate and pay, as hereinafter provided, out of any such county’s share of gasoline tax, to any city or village in any such county having within its corporate limits a public bridge crossing a navigable river, an amount not to exceed one per cent of the total principal amount of said gasoline tax allotment. Such annual appropriation as hereinafter provided, shall be made only for the purpose of retiring and paying serial bonds and interest due annually, issued by any such city or village prior to February 1st, 1919, to pay for the construction of any such bridge. Provided, however, that the total principal amount of said existing unpaid bonds issued for such purpose does not exceed the sum of $25,000. (Act Apr. 25, 1935, c. 299, §1.)

Sec. 2 of Act Apr. 25, 1935, cited, provides that the act shall take effect from its passage.

2720-95. Distribution of gasoline tax by county boards to townships.—The remainder of the moneys so apportioned to each town shall be divided among the townships of said county other than unorganized townships in the manner hereinafter set forth but subject to the provisions of Section 2571, Mason’s Minnesota Statutes, 1927, shall be determined by the direction of the county board then, or on before February 1st and August 1st of each year, the County Board in each of the counties of this state shall meet for the purpose of apportioning fifty per cent of the amount of such moneys as shall be represented in the State warrant issued by the State Auditor to such county and shall apportion said amount to the several townships throughout their county, basing such apportionment upon the mileage of the county and town roads, the traffic needs and conditions, and the cost of construction and maintenance of roads in the respective towns in said county; and the County Auditor of said county shall forthwith send the statement of such apportionment to the chairman of the Town Board and the town clerk of each of said townships showing the amount apportioned to each town of said county and shall also send his warrant for such amount to the town treasurer of each town. Such moneys allotted to towns shall be expended for construction and maintenance of the town roads within the respective towns under the supervision of the Town Board or an appointee of the Town Board may be expended under the supervision and according to plans and specifications made by the County Engineer if requested by the Town Board, who, in such case, shall act in a supervisory capacity as...
directed by the Town Boards in the construction or maintenance of such roads within such town as shall be specified by such Town Board, provided, however, that none of said moneys so allotted shall be expended for the construction or maintenance of roads or highways.

Provided further, that in the event the remainder of the monies so apportioned to each county is not distributed to the towns of any such county, the county board shall use and devote such remainder in the construction and maintenance of county aid roads in any such county in accordance with the provisions of Sections 6 and 7, Chapter 232, Laws 1929 as amended. (Laws 1929, c. 232, §8; Apr. 20, 1931, c. 221, §1; Apr. 23, 1937, c. 566, §2.)


While the voters of a township may consent to the amount of a tax levy for roads and bridges, the town board, if it has funds on hand authorized by the voters, may appropriate same under this section without a vote of the people. Op. Atty. Gen. June 30, 1930.


After townships have actually paid money into the county on account of cost of constructing county aid roads, the county board is powerless to refuse it. Op. Atty. Gen. Apr. 27, 1931.

Laws 1931, c. 221, amending this section cannot be given retroactive effect and applies only to county aid roads and to such subsequent to the approval of the act on Apr. 26, 1931. Op. Atty. Gen. May 12, 1931.


County board has authority to buy right of way and construct a new road as a county aid road along a section line and ask township to contribute full purchase price for right of way, providing it does not exceed 25% of the construction and maintenance, but it is not mandatory on town to contribute, in which case county board need not designate road as a county aid road. Op. Atty. Gen. (324d), Sept. 24, 1935.

Where township prior to enactment of Laws 1931, c. 221, had made 20% of the cost of construction of a county aid road, which was actually constructed after effective date of such act, it is not entitled to reimbursement from the county under laws 1931, c. 221. Op. Atty. Gen. (324d), Oct. 24, 1935.

Where township prior to passage of Laws 1931, c. 221, arranged with county to pay 25% of construction of highway, and no payment was made until after passage of that law, township is bound by its agreement. Op. Atty. Gen. (324d), Sept. 24, 1935.

Neither electors of a town nor town board has any thing directly to say as to what road or roads shall be designated by county board on which money is to be expended. Op. Atty. Gen. (324d-13a), Mar. 19, 1937.

Insofar as Laws 1937, c. 260 (amending §§2720-94 and 2720-95), is in conflict with Laws 1937, c. 111 (amending §2720-93), such chapter 111 must control and it is within discretion of county board to distribute to the towns of the county any amount not to exceed remainder of moneys left after complying with §2720-94 and such amount not exceeding maximum limits is entirely within discretion of county board. Op. Atty. Gen. (324d), Aug. 18, 1937.

It is duty of each town to accept its share of distribution of moneys so received so as to be used in construction and maintenance of county aid roads within the town. Op. Atty. Gen. (324d), Dec. 27, 1937.

County boards should base apportionment of money to townships upon mileage of county and town roads, the number of miles, and the amount of construction and maintenance in respective towns, and it is not mandatory for any county board, whether one county has more than another, to distribute more moneys, less than another town. Op. Atty. Gen. (324d), July 18, 1937.

It is within discretion of county board to distribute variable amounts of money. All moneys apportioned to county to be used in construction and maintenance of county aid roads within the town. Op. Atty. Gen. (324d), Dec. 27, 1937.

It is within discretion of county board to distribute variable amounts of money. All moneys apportioned to county to be used in construction and maintenance of county aid roads within the town. Op. Atty. Gen. (324d), Dec. 27, 1937.

It is mandatory upon county highway engineer to prepare plans and specifications when requested by town 


Cost of preparing plans and specifications by county highway engineer may not be charged against township.

It is not mandatory for county board to distribute $50 of amount of money apportioned to county from gasoline tax and any amount exceeding $50 be distributed to township. Op. Atty. Gen. (377b-5), Jan. 28, 1938.

In view of Laws 1932, c. 336, this section is in full force and effect and grants county board authority to turn over to township 50% of so-called gasoline tax money. Op. Atty. Gen. (324d), June 5, 1939.

Distribution of gas tax money within counties is discretionary, and county may refuse to make division in particular year.

While the county has wide discretion in apportioning money among townships, and its distribution of gas money would not be act of disapproval made by a court except for an abuse of discretion, its decision should not be made contingent upon any contribution by the towns. Op. Atty. Gen. (324d), June 14, 1939.

2720-95. Unorganized townships.—Unorganized townships shall for the purposes of this act be deemed to be towns, and the county board shall as to such unorganized townships perform the duties and functions of the town board of organized townships. (Act Apr. 22, 1929, c. 283, §8.)

2720-95. Unorganized townships.—Unorganized townships shall for the purposes of this act be deemed to be towns, and the county board shall as to such unorganized townships perform the duties and functions of the town board of organized townships. (Act Apr. 22, 1929, c. 283, §8.)

2720-96. Unorganized townships.—Unorganized townships shall for the purposes of this act be deemed to be towns, and the county board shall as to such unorganized townships perform the duties and functions of the town board of organized townships. (Act Apr. 22, 1929, c. 283, §8.)

FARM TRACTOR FUEL

FARM TRACTOR FUEL

2720-100. Definitions.—The words, terms and phrases in this act are for the purpose hereof as defined as follows:

(a) "Farm tractor fuel", by whatever name called, means and includes any liquid prepared, advertised, offered for sale, sold for use as or used for the generation of power for the propulsion of tractors, that when tested by the methods of the petroleum division of the bureau of mines, United States Government, and the American Society for Testing Material (A. S. T. M.) meets the following specifications:

1. Shall be free from water and suspended matter.
2. The initial boiling point shall not be lower than 225 degrees Fahrenheit.
3. When ten per cent has been recovered in the receiver the temperature shall not be lower than 275 degrees Fahrenheit.
4. When 95 per cent has been recovered in the receiver the temperature shall not be lower than 464 degrees Fahrenheit.
5. The end point shall not be higher than 546 degrees Fahrenheit.
6. The color of farm tractor fuel shall be not lighter than minus sixteen Saybolt. If the natural color of the product is less than this reading a sufficient quantity of suitable dye shall be added to give the required color as herein prescribed. (Act Mar. 31, 1939, c. 114, §1.)
2720-100a. Oil inspection division to make rules and regulations.—The oil inspection division of the department of agriculture, dairy and food, shall have the power and authority to make all reasonable rules and regulations necessary for the enforcement of this act. (Act Mar. 31, 1939, c. 114, §2.)

2720-100b. Farm tractor fuel to be inspected.—All farm tractor fuel, as defined herein, shall be subject to the laws of the state of Minnesota with reference to the inspection of petroleum products, and shall be subject to the same fees for inspection as is provided for in the inspection of gasoline and kerosene. (Act Mar. 31, 1939, c. 114, §3.)

2720-100c. Not to be subject to tax.—Farm tractor fuel, as herein defined, may be inshipped into and sold in the state of Minnesota and shall not be subject to the Minnesota state gasoline tax; provided, however, that when any such tractor fuel is used to propel any vehicle upon the highways of the state of Minnesota, or for use in machinery operated for the purpose of constructing, reconstructing, or maintaining the public highways, the product will then be considered gasoline for purposes of taxation and shall be taxed in accordance with existing laws and/or rules and regulations issued by the chief oil inspector. (Act Mar. 31, 1939, c. 114, §5.)

2720-100d. Blending prohibited.—Blending of this fuel with taxable petroleum products is prohibited. (Act Mar. 31, 1939, c. 114, §6.)

2720-100e. Violations—penalties.—Failure to comply with the provisions of this act shall be deemed a gross misdemeanor and also sufficient cause for cancellation of the distributor's license. (Act Mar. 31, 1939, c. 114, §7.)

2720-100f. Effective April 15, 1939.—This act shall take effect and be in force from and after April 15th, 1939. (Act Mar. 31, 1939, c. 114, §7.)

SAFETY RESPONSIBILITY ACT

2720-101. Definitions.—The following words as used in this Act shall have the following meanings:
(a) The singular shall include the plural; the masculine shall include the feminine and neuter as required.
(b) "Commissioner" shall mean Commissioner of Highways acting directly or through his duly authorized officers and agents.
(c) "Person" shall include individuals, partnerships, corporations, receivers, trustees, executors, administrators, and the owner of any motor vehicle as requisite; but shall not include the state or any political subdivision thereof.
(d) "Motor Vehicle" shall include trailers, motorcycles, tractors, and every vehicle which is self-propelled.
(e) "Province" means any province of the Dominion of Canada.
(f) "Chauffeur" every person who is employed for the principal purpose of operating a motor vehicle, and every person who drives a motor vehicle while in use as a public or common carrier of persons or property. (Act Apr. 21, 1933, c. 351, §4.)

2720-102. Drivers license forfeited when.—The right and permission of any person to operate a motor vehicle, and the license of any person to operate a motor vehicle, who shall be final order or judgment of any Court of competent jurisdiction have been convicted of, or shall have forfeited any bond or collateral given for, a violation of any of the following offenses hereafter committed; to-wit:
(a) Manslaughter resulting from the operation of a motor vehicle.
(b) Driving a vehicle while under the influence of intoxicating liquor or narcotic drug.
(c) Any crime punishable as a felony under the motor vehicle laws of this State or any other felony in the commission of which a motor vehicle is used.
(d) Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding twelve months.
(e) Conviction of a driver of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident.
(f) An offense in any other State or in any Province of the Dominion of Canada, which, if committed in this State, would be in violation, as aforesaid, of any of the above specified provisions of the laws of this State; shall be revocable by the commissioner, and shall not at any time thereafter be renewed, nor shall he be thereafter permitted or licensed to operate any motor vehicle until he shall have given proof of his ability to respond in damages for any liability thereafter incurred resulting from the ownership or operation of a motor vehicle and arising by reason of the said offense, the amount of which shall be not less than the greater of Five Thousand Dollars ($5,000.00) or the total amount of gross damages suffered, nor subject to the aforesaid limit for each person injured or killed of at least Ten Thousand Dollars ($10,000.00), for each injury to or death of two or more persons in any one accident, or the greater of Five Thousand Dollars ($5,000.00) resulting from any one accident. Such proof in said amounts shall be furnished for each motor vehicle owned or registered by any such person. If any such person fail to furnish said proof, his right and permission to operate a motor vehicle and his license to operate a motor vehicle shall be and remain revoked and shall not at any time thereafter be renewed. If such person shall not be a resident of this State the privilege of operating any motor vehicle in this State and the privilege of operation within the State of any motor vehicle owned by him shall be withdrawn and shall remain so withdrawn until he shall have furnished such proof. It shall be the duty of the Clerk of the Court, or of the Court where it has no clerk, in which any such judgment or order is rendered or other such action taken to forward immediately to the Commissioner a certified copy of such document, and such certificate shall be prima facie evidence of the conviction, plea or forfeiture therein stated. In the event that such person appears to be a non-resident of this State, the Commissioner shall transmit a copy of such certified or transcript thereof, and such certificate, in charge of the issuance of the vehicle operators licenses and registration certificates of the State or Province of which such person appears to be a resident; provided, however, that if it shall be established to the satisfaction of the Commissioner, that any person, whether a resident or non-resident of this State, who shall have been convicted, pleaded guilty or forfeited bail or collateral, as aforesaid, was, upon the occasion of the offense upon which such conviction, plea or forfeiture was based, certified to be in charge of a motor vehicle, operator, however designated, in the employ of the owner of the motor vehicle involved in such offense or a member of the immediate family or household of the owner of such motor vehicle and in that event, the person in whose name such motor vehicle is registered shall give proof of ability to respond in damages in accordance with the provisions of this Act, which proof shall be accepted, such chauffeur or other person, as aforesaid, shall be relieved of the necessity of giving such proof in his own behalf, provided further, however, that such chauffeur or motor vehicle operator shall also furnish proof of financial responsibility as in this Act provided for all motor vehicles registered in his name or owned by him. (Act Apr. 21, 1933, c. 361, §2; Apr. 26, 1937, c. 473, §1.)
The right and permission of any person to operate a motor vehicle and license of any person to operate a motor vehicle, shall be forthwith revived and restored to satisfactorily fulfill the conditions of the judgment which shall have become final by expiration, without appeal, of the time within which appeal might have been perfected or by final judgment on appeal, rendered against him by a court of competent jurisdiction in the United States, or in the District Court of the United States, for damages on account of personal injury or damages to property in excess of One Hundred ($100.00) Dollars, resulting from the ownership or operation of a motor vehicle by a non-resident of this state, is still compulsory upon the court in which the same was rendered, showing his ability to comply with this section. Op. Atty. Gen., (291fl, Oct. 8, 1934.

Where license is revoked following conviction for driving while under influence of intoxicating liquor and person convicted removes from state, and purchases a certificate of the State of which the defendant is a non-resident it shall be the duty of the Commissioner to transmit to the officer in charge of the office in which such certificate was issued, a copy of the judgment or a transcript thereof. In the event the license has been suspended or revoked, but it does not revoke driver's license for any of the grounds specified in this section. Op. Atty. Gen., (291fl, Sept. 12, 1939.

Lending of trailer on farm for convenience of borrower was not within apparent scope of authority of manager of farm. 165 M. 1007, 257 N. W. 496. See Dun. Dig. 5834a.

Where an employee uses his employer's truck for purposes outside scope of his employment without more than implied consent or permission to use it within such scope, an employer is not liable to make payment for damages resulting from such use. Zowin v. M., 202 M. 298, 277 N. W. 225. See Dun. Dig. 212.

Whereby driver of car that he had permission to use this parents on a brief visit, but was to have car back before dark, was uncontroverted, properly disposed by the employee with respect to an accident after dark while driver was on pleasure trip. Krahmer v. V., 201 M. 272, 276 N. W. 218. See Dun. Dig. 212.

Previous use of car on one occasion with express consent cannot be considered implied consent to use it for same or other purposes at a subsequent time. 102 M. 197, 264 N. W. 122. See Dun. Dig. 212.

Whereby driver could not appear, not only that operator had owner's consent to use vehicle at time he took it, but also that consent existed at time and place accident occurred. Patterson-Stocking, Inc. v. D., 261 M. 585, 276 N. W. 737. See Dun. Dig. 5834a.

Evidence held to sustain a finding that defendants contrived to operate an automobile without manager's consent and to make his presence on public highway by another is a question of fact of fact or of fact and law, and consent may be inferred from all facts and circumstances of case. Nossel v. M., 201 M. 449, 277 N. W. 225. See Dun. Dig. 5841.

Whereby owner of farm made effort to obtain return of farm trailer loaned by son of owner of farm with implied consent of owner and use of trailer by the borrower. Solander v. F., 195 M. 319, 262 N. W. 874. See Dun. Dig. 212.

Whereby owner of car to make effort to obtain return of farm trailer loaned by son of owner of farm with implied consent of owner and use of trailer by the borrower. Id. See Dun. Dig. 212.

Evidence held to sustain verdict based upon fact that operator of defendant's automobile at time of accident was driving same with defendant's permission. Latimer v. B., 195 M. 434, 270 N. W. 123. See Dun. Dig. 6576.

Evidence held not to sustain verdict that car which injured plaintiff was being driven with express or implied consent of owners. Id. See Dun. Dig. 212.

Wisconsin courts are required to take judicial notice of law, but not to apply it. Where license to drive car to hotel to show to his father, but instead went on a ride with friends, sales agency was not liable for his negligence while on ride. Roehrich v. H., 201 M. 586, 277 N. W. 274. See Dun. Dig. 212.

Evidence held to sustain a finding that defendants contrived to operate an automobile without manager's consent. Martin v. N., 201 M. 449, 276 N. W. 739. See Dun. Dig. 5876.

Whereby owner controlled car being operated upon a public highway by another is a question of fact of fact and law, and consent may be inferred from all facts and circumstances of case. Nossel v. M., 201 M. 449, 277 N. W. 225. See Dun. Dig. 5841.

Whereby owner of car was using same with defendant's permission. Steinle v. B., 198 M. 424, 270 N. W. 139. See Dun. Dig. 6976.

Evidence held to sustain verdict based upon fact that operator of defendant's automobile at time of accident was driving same with defendant's permission. Latimer v. B., 195 M. 434, 270 N. W. 123. See Dun. Dig. 6576.

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Evidence held to sustain verdict based upon fact that operator of defendant's automobile at time of accident was driving same with defendant's permission. Latimer v. B., 195 M. 434, 270 N. W. 123. See Dun. Dig. 6576.
Corporation is responsible for negligent operation of its car by an officer having permission to use it for a fishing trip. Santee v. H., 202 M. S. 26, 278 N. W. 63. See Dun. Dig. § 584a.

Since operating comprehends parking, consent to operate includes parking as well. Flaugher v. E., 202 M. S. 61. See Dun. Dig. § 584a.

Consent being present, consent of owner that he is liable because driver was an independent contractor and not an employee of such owner. See Dun. Dig. § 584a.

It is sufficient to charge owner with responsibility if it appears that automobile was operated upon highway with owner's consent. Id. See Dun. Dig. § 584a.

If owner's employer of driver is to be determined, not by scope of employment, but by consent actually given by owner. Id. See Dun. Dig. § 584a.

Where alleged title in a party is to be part of an arrangement between the parties for purposes other than business, and not by personal title, tiler of fact may look form to substance of transaction and say that semblance of ownership is not the reality. See Dun. Dig. § 4167a.

Registration is prima facie but not conclusive evidence of title in party in whose name car is registered; but if there is evidence of other ownership, it presents a fact question for jury. Id. See Dun. Dig. § 4167a.

Scope of the employment is not determinative, but test is whether use was within consent. Anderson v. S., 201 M. S. 122. See Dun. Dig. § 584a.

It was assumed that safety responsibility act did not apply to a collision on a logging road. Wicklund v. N., 201 N. W. 62. See Dun. Dig. § 584a.

Power of state to make non-resident owner liable for negligence of persons operating automobiles with owner's consent. 21 Minn Law Rev 185.

Cases on similar statutes in other states. 19 Minn Law Rev 231.

Statutory liability of owners for negligence of persons operating automobiles with owner's consent. 21 Minn Law Rev 185.

Owners' consent obtained by fraud. 23 Minn Law Rev 85.

Construction of "permission" in omnibus coverage clause. 23 Minn Law Rev 827.

§ 2720-105. Non-resident owner to be responsible.—
The use and operation by a non-resident or his agent of a motor vehicle upon and over the highways of this State shall be deemed an appointment by such non-resident of the Commissioner of the State of Minnesota, to be his true and lawful attorney upon whom may be served all legal processes in any action or proceeding against him, growing out of such use or operation of a motor vehicle over the highways of this State, resulting in damages or loss to person or property, and said use or operation shall be a manifestation of his agreement that any such process in any action against him which is based upon the same legal facts and having the same legal validity as if served upon him personally. Service of such process shall be made by serving a copy thereof upon the Commissioner or by filing such copy in his office, together with payment of a fee of $2.00 and such present service shall be deemed said non-resident; provided, that notice of such service and a copy of the process are within ten days thereafter sent by mail to the plaintiff at the last known address and that the plaintiff's affidavit of compliance with the provisions of this Act are attached to the summons.

The court in which the action is pending may order such continuance as may be necessary to afford the defendant reasonable opportunity to defend any such action, not exceeding ninety days from the date of the filing of the action in such court. The fee of two dollars paid by the plaintiff to the commissioner at the time of such proceeding shall not be taxed in his cost if he prevails in the suit. The said Commissioner shall keep a record of all such processes so served which shall show the day and hour of such service. (Act Apr. 21, 1933, c. 351, § 5.)

Notes: Conflicts with § 2648-8 and seems to supersede it in part.

§ 2720-106. Certificate as to responsibility—bond.—
Proof of ability to respond in damages when required by law to be evidenced by the written certificate or certificates of any insurance carrier duly authorized to do business within the State, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies as defined in this Act, which, at the date of said certificate or certificates, is in full force and effect, and designating therein by explicit description or by other appropriate reference all motor vehicles with respect to which coverage is granted by the policy certified to. The Commissioner shall not accept any certificate or certificates unless the same shall cover all motor vehicles registered in the name of the person furnishing such proof. Additional certificates as aforesaid shall be required as a condition precedent to the registration of any additional motor vehicle or motor vehicles in the name of such person required to furnish proof as aforesaid. Said certificate or certificates shall certify that the motor vehicle liability policy or policies thereunder have not been cancelled, nor released except as hereinafter provided. If such person be a non-resident, a certificate as aforesaid of an insurance carrier authorized to transact business in the State or Province in which the motor vehicle described in said certificate or certificates resides shall be accepted.

The Commissioner shall be notified of the cancellation or expiration of any motor vehicle liability policy of insurances issued under the provisions of this Act at least ten days before the effective date of such cancellation or expiration. In the absence of such notice of cancellation or expiration said policy of insurance shall remain in full force and effect. Additional evidence of ability to respond in damages shall be furnished the Commissioner at any time upon his demand.

Such proof may also be the bond of a surety company, duly authorized to do business within the State, or a bond with individual sureties, if a final judgment is against a non-resident owner, or persons causing injury, for damages arising from the operation of any motor vehicle, or injury to any person or persons caused by the operation of such person's motor vehicle, upon the filing of notice to that effect by the Commissioner in the office of the Register of Deeds in the county in the State where such real estate shall be located. Such proof of ability to respond in damages may also be evidence presented to the Commissioner of a defendant by such person in the form of an affidavit by the defendant that he shall give his receipt therefor, of a sum of money or collateral the amount of which money or collateral shall be Eleven Thousand ($11,000.00) Dollars. But the Treasurer shall not accept a deposit of money or collateral where any judgment or judgments, therefore recovered against such person as a result of damages arising from the operation of any motor vehicle, shall not have been paid in full. (Act Apr. 21, 1933, c. 351, § 6.)

§ 2720-107. Commissioner or treasurer to hold bond.—
Such bond, money or collateral shall be held by the Commissioner or Treasurer to satisfy, in accordance with the provisions of this Act any execution issued against such person in any suit arising out of damage caused by the operation of any motor vehicle owned or operated by such person. Money or collateral so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages, including injury to property, and personal injury or death, as a result of the operation of a motor vehicle or motor vehicles registered under the Act. The bond shall not be rendered against the principal on the surety or real estate bond shall not be satisfied within thirty days after its rendition, the judgment creditor may, for his own use and benefit and at his sole expense, bring
an action against the company or persons executing such bond, and thereupon it may proceed against any lien that may exist upon the real estate of a person who has executed said bond. (Act Apr. 21, 1933, c. 351, §7.)

2720-108. Commissioner to furnish record.—The Commissioner shall upon request furnish any insurer, person, or surety company a certified abstract of the operating record of any person subject to the provisions of this Act, which abstract shall directly designate the motor vehicle registered in the name of such person, and if there shall be no record of any conviction of such person as herein provided, the Commissioner shall so certify. The Commissioner shall furnish the same at cost, and charge the sum of One ($1.00) Dollar. (Act Apr. 21, 1933, c. 351, §8.)

2720-109. Commissioner to furnish information.—The Commissioner shall furnish any person who may have been injured in person or property by any motor vehicle, upon written request, with all information or record in his office pertaining to the evidence of the ability of any operator or owner of any motor vehicle to respond in damages. (Act Apr. 21, 1933, c. 351, §9.)

2720-110. License to be returned to commissioner, when.—Any operator or any owner, whose operator’s permit, permission or license to operate a motor vehicle shall have been suspended, revoked, or withdrawn as herein provided, or whose policy of insurance or surety bond shall have been cancelled or terminated, or who shall neglect to furnish additional evidence of ability to respond in damages upon request of the Commissioner shall immediately return to the Commissioner his operator’s license. If any person shall fail to return to said Commissioner his operator’s license, said Commissioner shall forthwith direct any sheriff or other official having police authority to secure possession thereof and to return the same to the office of the Commissioner. Any person failing to return such operator’s license, and any person operating a motor vehicle in violation of any of the provisions of this Act shall be guilty of a misdemeanor. (Act Apr. 21, 1933, c. 351, §10.)

2720-111. Commissioner to cancel bond.—The Commissioner may cancel such bond or return such evidence of insurance, or order the insurer may withdraw the consent of the Commissioner return such money or collateral to the person furnishing the same, provided three years shall have elapsed since the filing of such bond or the making of such deposit, during which period any such person shall not have been convicted of any of the offenses or violated any provisions of the Motor Vehicle Laws specified in Section 2 of this Act, and provided no suit or judgment for damages as aforesaid, arising in the ownership, maintenance, or operation after he of a motor vehicle shall then be outstanding or unsatisfied against such person. The Commissioner may direct the return of any money or collateral to the person who furnished the same upon the acceptance and substitution of other evidence of his ability to respond in damages, or at any time after three years from the expiration of any term of insurance or license to such person, or at any time in the event of the death or insanity of the person required to furnish such proof, provided no written notice shall have been given the Commissioner stating that such suit has been brought against such person by reason of the ownership, maintenance or operation of a motor vehicle and upon the filing by such person with the Commissioner of an affidavit that he has abandoned his residence in this State so that he has bona fide sale of any and all motor vehicles owned by him, and does not intend to own or operate any motor vehicle in this State for a period of one year. (Act Apr. 21, 1933, c. 351, §11.)


2720-112. Forgery a felony.—Any person who shall forge, or without authority sign any evidence of ability to respond in damages as required by this Act or by the Commissioner in the administration of this Act shall be guilty of a felony. (Act Apr. 21, 1933, c. 351, §12.)

2720-113. Motor vehicle liability policy.—"Motor vehicle liability policy," as used in this Act shall be taken to mean a policy of liability insurance issued by an insurance carrier, authorized to transact business in this State, or issued by an insurance carrier authorized to transact business in the State or Province in which the motor vehicle therein described is registered, or if none be described, then in the State in which the insured resides, to the person therein named as insured, which policy shall designate, by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is intended to be granted as preventing such insurance the insured named therein against the loss from the liability imposed upon such insured by the law for injury to or the death of any person, other than such person or persons as may be covered, as respects such injury or death by any workman’s compensation law, or damage to property except property of others in charge of the insured or the insured’s employees growing out of the maintenance, use or operation of any such motor vehicle within the continental limits of the United States of America or in the Dominion of Canada; or which policy shall, in the alternative, insure the person therein named as insured against loss from the liability imposed by law upon such insured for injury to or death of any person, other than such person or persons as may be covered as respects such injury or death by workmen’s compensation law, and or damage to property except property of others in charge of the insured or the insured’s employees, or other agents, growing out of the maintenance, operation or use by such insured of any motor vehicle, except a motor vehicle registered in the name of such insured, and occurring while such insured is personally in control, as driver or occupant, of such motor vehicle within the continental limits of the United States of America, or the Dominion of Canada, in either case, to the amount or limit of Five Thousand ($5,000.00) Dollars exclusive of interest and costs, on account of injury to or death of any person, subject to the same limit as respects injury to or death of any person ($10,000.00) Dollars exclusive of interest and costs, on account of any one accident resulting in injury to or death of more than one person: and of One Thousand ($1,000.00) Dollars for damage to property of others as herein provided resulting from any one accident or a binder pending the issuance of any such policy or an endorsement to an existing policy both as hereinafter provided; provided that this Section shall not be construed as preventing such insurance carrier from granting in a "Motor Vehicle Liability Policy" any lawful coverage in excess of or in addition to the coverage herein provided for nor from embodying in such policy any agreements, promises, or stipulations not contrary to the provisions of this Act and not otherwise contrary to law. And provided further that separate concurrent policies whether issued by one or several carriers, covering respectively (a) personal injury and property damage shall be termed "Motor Vehicle Liability Policy" within the meaning of this Act. (Act Apr. 21, 1933, c. 351, §13.)

2720-114. Copy of policies to be filed with commissioner of insurance.—Except as herein otherwise provided, no motor vehicle liability policy shall be issued or delivered in this State until a copy of the
form of policy shall have been on file with the Commissioner of Insurance for at least thirty (30) days, unless sooner approved in writing by the Commissioner of Insurance, nor if within said period of thirty (30) days the Commissioner of Insurance shall have notified the carrier in writing that, in his opinion specifying the reasons therefor the form of policy does not comply with the laws of the State. The Commissioner of Insurance shall approve any form of policy which discloses the name, address and burial place of the insured, the coverage afforded by such policy, the premium charged therefor, the policy period, the limits of liability and the agreement that the insurance thereunder is provided in accordance with the coverage defined in this Section and is subject to all the provisions of this Act. (Act Apr. 21, 1933, c. 351, §14.)

Commissioner of insurance has no authority to fix, approve, or regulate automobile insurance rates. Op. Atty. Gen. (250B), May 12, 1939.

2720-115. Provisions of policy.—Every such motor vehicle liability policy shall be subject to the following provisions, which need not be contained therein.

(a) The satisfaction by the insured of the final judgment for such loss or damage shall not be a condition precedent to the right of the carrier to make payment on account of such loss or damage.

(b) The policy, the written application, if any, and any rider or endorsement which shall not conflict with the provisions of this Act shall constitute the entire contract between the parties.

(c) The insurance carrier shall, upon the request of the insured, deliver to the insured for filing or at the request of the insured shall file direct, with the Commissioner, an appropriate certificate as set forth in Section 6 hereof.

(d) Any carrier authorized to issue motor vehicle liability policies as provided for in this Act, may, pending the issue of such a policy, execute an agreement against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured. Any such policy may further provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance.

2720-116. Reserve liability.—Any carrier authorized to issue motor vehicle liability policies as provided for in this Act, shall compute its reserve liability for financial statement purposes in the manner prescribed for this type of insurance in Section 3304. Mason's Minnesota Statutes of 1927, upon premiums derived from which have received the approval of the Commissioner of Insurance. (Act Apr. 21, 1933, c. 351, §16.)

Section 2720-116 gives commissioner of insurance authority to prescribe the type of “motors vehicle liability policies” in light of requisite reserves set out in §3304, but does not apply to approval of liability policies. Op. Atty. Gen. (249B-3), July 6, 1939.

2720-117. To be cited as Safety Responsibility Act.—This Act may be cited as the Safety Responsibility Act. (Act Apr. 21, 1933, c. 351, §17.)

2720-118. Commissioner to make rules and regulations necessary for the administration of this Act. (Act Apr. 21, 1933, c. 351, §18.)
one charged with offense of operating a motor vehicle while under influence of intoxicating liquor in violation of city ordinance is not entitled to a jury trial in municipal court of St. Paul, though conviction involves a fine of $100 or imprisonment for 30 days, and incidentally invalidates driver's license, and although at time of passage of ordinance, there existed a statute covering same subject matter which entitled violator to a jury trial. State v. Parks, 1935 M 203, 276 NW 233. See Dun. Dig. 2472, 2523. 


Where license is revoked following conviction for driving while under influence of intoxicating liquor and person involved, removes from state, and purchases a car in another state and obtains a driver's license there, he is at all times subsequent thereto guilty of violating laws of that state, though he may permit issuance of a reciprocal license. Op. Attv. Gen., (291k), Aug. 12, 1939. 

2720-122. Commissioner may suspend license. 

See §2720-145c. 

Financial responsibility act does not prevent registrar from registering and collecting annual registration tax for motor vehicle belonging to person whose driver's license has been suspended or revoked, but it does prohibit registrar from issuing license plates to such person until such time as he has established his financial responsibility. Op. Attv. Gen., (291f), Oct. 8, 1934. 

Commissioner upon suspending license may not issue a temporary license because suspending licensee is a poor driver or of ability to earn a livelihood. Op. Attv. Gen., (291f), Mar. 5, 1935. 

2720-154. Must notify licensee. 

See §2720-145(b), post. 

2720-155. May apply for new license after one year. 

One whose license has been canceled because of conviction on charge of driving while intoxicated may not again secure a contract of insurance without showing ability to comply with §2720-102. Halverson v. En. 200 M 252, 276 NW 585. See Dun. Dig. 4167a. 

2720-156. Temporary license to operate motor vehicle after suspension of license. 

See §2720-145(b), post. 

2720-156a. Fees to be paid into state treasury. 

See §2720-146a, post. 

2720-156b. Fees not to be charged under §976 of the statutes. 


2720-158. Commissioner may appoint agent. 

See §2720-146, post. 

2720-158a. Proxy license, other than as a proxy. 

See §2720-146d. 

DRIVERS LICENSE LAW 

2720-142. Definitions. —The following words and phrases when used in this act, shall for the purpose of this act, be given the meanings respectively ascribed to them in this section except those instances where the context clearly indicates a different meaning. 

(a) "Vehicle." Every device in, on, or by which any person or property is or may be transported or moved on a highway; farm tractor, or implement of husbandry temporarily over the highway to carry on farm operations; or any vehicle used as a conveyance for drawing water from an overhead wire. 

(b) "Motor Vehicle." Every vehicle which is self-propelled and any vehicle propelled or drawn by a self-propelled vehicle, and not deriving its power from overhead wires. 

(c) "Farm Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry. 

(d) "Person." Every natural person, firm, corporation, partnership, association or corporation. 

(e) "Chauffeur." Every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in uniform or on a contract or on behalf of another to deliver personal property or property for hire. 

(f) "Owner." Any person, firm, corporation, association or corporation who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease of which vehicle no purchase of personal property or property for hire. 

(g) "Conditional sale or lease." Any agreement, for the purposes of this act, wherein the conditional sales or lease of a motor vehicle is a matter which entitled violator to a jury trial. State v. Parks, 1935 M 203, 276 NW 233. See Dun. Dig. 2472, 2523. 


See §2720-145c. 

Financial responsibility act does not prevent registrar from registering and collecting annual registration tax for motor vehicle belonging to person whose driver's license has been suspended or revoked, but it does prohibit registrar from issuing license plates to such person until such time as he has established his financial responsibility. Op. Attv. Gen., (291f), Oct. 8, 1934. 

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2720-158. Commissioner may appoint agent. 

See §2720-146, post. 

2720-158a. Proxy license, other than as a proxy. 

See §2720-146d.
visions of the safety responsibility laws of this state
successfully passed such examination.

6. To any person who is required by this act to
take an examination, unless such person shall have
successfully passed such examination.

7. To any person who is required under the pro-
visions of the safety responsibility laws of this state
to deposit proof of financial responsibility and who
has not deposited such proof.

8. To any person when, in the opinion of the
commissioner, such person is afflicted with or suffer-
ing from such physical or mental disability or disease
as will affect such person in a manner to prevent him
from exercising reasonable and ordinary control over
a motor vehicle while operating the same upon the
highways; nor to a person who is unable to read and
understand official signs regulating, warning and di-
recting traffic. (Act Apr. 22, 1939, c. 401, §4.)

9. To any person when, in the opinion of the
commissioner, such person is afflicted with or suffer-
ing from such physical or mental disability or disease
as will affect such person in a manner to prevent him
from exercising reasonable and ordinary control over
a motor vehicle while operating the same upon the
highways; nor to a person who is unable to read and
understand official signs regulating, warning and di-
recting traffic. (Act Apr. 22, 1939, c. 401, §6.)

10. To any person who is required under the pro-
visions of the safety responsibility laws of this state
to deposit proof of financial responsibility and who
has not deposited such proof.

11. To any person when, in the opinion of the
commissioner, such person is afflicted with or suffer-
ing from such physical or mental disability or disease
as will affect such person in a manner to prevent him
from exercising reasonable and ordinary control over
a motor vehicle while operating the same upon the
highways; nor to a person who is unable to read and
understand official signs regulating, warning and di-
recting traffic. (Act Apr. 22, 1939, c. 401, §7.)

12. To any person when, in the opinion of the
commissioner, such person is afflicted with or suffer-
ing from such physical or mental disability or disease
as will affect such person in a manner to prevent him
from exercising reasonable and ordinary control over
a motor vehicle while operating the same upon the
highways; nor to a person who is unable to read and
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commissioner, such person is afflicted with or suffer-
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as will affect such person in a manner to prevent him
from exercising reasonable and ordinary control over
a motor vehicle while operating the same upon the
highways; nor to a person who is unable to read and
understand official signs regulating, warning and di-
recting traffic. (Act Apr. 22, 1939, c. 401, §9.)

14. To any person when, in the opinion of the
commissioner, such person is afflicted with or suffer-
ing from such physical or mental disability or disease
as will affect such person in a manner to prevent him
from exercising reasonable and ordinary control over
a motor vehicle while operating the same upon the
highways; nor to a person who is unable to read and
understand official signs regulating, warning and di-
recting traffic. (Act Apr. 22, 1939, c. 401, §10.)

15. To any person who is required under the pro-
visions of the safety responsibility laws of this state
to deposit proof of financial responsibility and who
has not deposited such proof.

16. To any person when, in the opinion of the
commissioner, such person is afflicted with or suffer-
ing from such physical or mental disability or disease
as will affect such person in a manner to prevent him
from exercising reasonable and ordinary control over
a motor vehicle while operating the same upon the
highways; nor to a person who is unable to read and
understand official signs regulating, warning and di-
recting traffic. (Act Apr. 22, 1939, c. 401, §11.)

17. To any person who is required under the pro-
visions of the safety responsibility laws of this state
to deposit proof of financial responsibility and who
has not deposited such proof.

18. To any person when, in the opinion of the
commissioner, such person is afflicted with or suffer-

and who has not at the time of making application
been restored to competency by judicial decree or re-

from a hospital for the insane or feeble-minded
upon a certificate of the superintendent that such per-
son is competent, nor then unless the department is
satisfied that such person is competent to operate a
motor vehicle with safety to persons or property.

6. To any person who is required by this act to
take an examination, unless such person shall have
successfully passed such examination.

7. To any person who is required under the pro-
visions of the safety responsibility laws of this state
to deposit proof of financial responsibility and who
has not deposited such proof.

8. To any person when, in the opinion of the
commissioner, such person is afflicted with or suffer-
ing from such physical or mental disability or disease
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21. To any person when, in the opinion of the
commissioner, such person is afflicted with or suffer-

22. To any person when, in the opinion of the
commissioner, such person is afflicted with or suffer-


2720-144. Licenses to be filed in alphabetical order. — (a) The department shall file every application for a license received by it and shall maintain suitable indices containing, in alphabetical order: (1) All applications denied and on each thereof the reason for such denial; (2) All applications granted; and (3) The name of every person whose license has been suspended or revoked by the department and after such name the reasons for such action. (b) The department shall also file all accident reports and abstracts of court records of convictions required by the laws of this state or by its political subdivision and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and the revocation, suspension or limitation of licenses. The department may cause the application for driver's licenses and instruction permits, and records in connection therewith, to be destroyed one year after the period for which issued, except that the driver's record pertaining to revocations, suspensions, convictions and accidents shall be cumulative and kept for a period of at least five years. (Act Apr. 22, 1939, c. 401, §12.)

2720-144A. May require examination.— (a) The commissioner may in his discretion, require an examination by such agencies as the commissioner may direct of any applicant for an instruction permit or driver's license, or of any licensed driver, to determine incompetence, physical or mental disability or disease, or any other condition which might affect such applicant or driver from exercising reasonable and ordinary control over a motor vehicle. If as a result of such examination the commissioner has reason to believe that such applicant or driver is an unsafe person to operate a motor vehicle upon the public highways, he may refuse to grant such applicant a license or he may cancel the driver's license of such person. The commissioner shall forthwith notify such person by order in writing of such refusal to grant such license or cancellation thereof. For failure or refusal of any applicant or licensees to submit to such examinations as may be required by the commissioner, the commissioner may refuse to grant such applicant a license or he may cancel the driver's license of such licensee. (Act Apr. 22, 1939, c. 401, §18.)

2720-144K. May cancel licenses.— (a) The commissioner shall have authority to cancel any driver's license upon determination that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application or committed any fraud or deceit in making such application. (b) Upon such cancellation, the license shall immediately surrender the license so cancelled to the department. (Act Apr. 22, 1939, c. 401, §14.)

2720-145. Non-resident permits.— (a) The privilege of operating a motor vehicle on the highways of this state given to a non-resident hereunder shall be subject to the suspension or revocation by the commissioner in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked. (b) The commissioner is further authorized, upon receiving a record of conviction in this state of a non-resident driver of a motor vehicle of any offense under the laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident. (Act Apr. 22, 1939, c. 401, §15.)

2720-145A. Courts to report to commissioner.— (a) Every court including district, municipal, and justice of the peace courts having jurisdiction over offenses committed under this act or any other law of this state regulating the operation of motor vehicles on streets or highways, shall forward to the department within ten (10) days a record of the conviction or plea of guilty or forfeiture of bail of any person in said court for a violation of any of said laws except parking violations, and may recommend the suspension of the driver's license of the person so convicted, and the commissioner is hereby authorized to suspend such license as recommended by such court, without a hearing as provided herein. (b) Every court having jurisdiction over offenses committed under any city or village ordinance regulating the operation of motor vehicles on streets or highways 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 said court for a violation of any of said ordinances, except parking violations, and may recommend the suspension of the driver's license of the person so convicted, and the commissioner is hereby authorized to suspend such license as recommended by such court, without a hearing. (c) For the purpose of this act the term "conviction", shall mean the final conviction either after trial or by verdict or plea of guilty. Also, for the purposes of this act a forfeiture of cash or collateral deposited to guarantee a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. (d) Whenever any person is convicted as herein defined of any offense for which this act makes mandatory the revocation of the driver's license of such person by the department, or when any person is convicted of any offense for which the court in which such conviction is had recommends the suspension of the driver's license of such person, the court in which such conviction is had shall require the surrender to it of all driver's licenses then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the department. (e) Whenever any judge of a juvenile court or any of its duly authorized agents shall determine formally or informally that any person under the age of 18 years has violated any of the provisions of this act or any other law of this state or ordinances of political subdivisions thereof regulating the operation of motor vehicles on streets and highways, except parking violations, such judge or duly authorized agent shall immediately report such determination to the department and may recommend the suspension of the driver's license of such person, and the commissioner is hereby authorized to suspend such license, without a hearing. (Act Apr. 22, 1939, c. 401, §16.)

See §2720-131, ante.

2720-145B. Revocation of licenses.— (a) The department forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses: (1) Manslaughter or criminal negligence resulting from the operation of a motor vehicle. (2) Operating a motor vehicle while under the influence of intoxicating liquor or narcotic drug. (3) Any felony in the commission of which a motor vehicle was used. (4) Failure to stop and disclose identity and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another. (5) Perjury or the making of a false affidavit or statement to the department under this act or under any other law relating to the ownership or operation of a motor vehicle.
§2720-145b. Petition for re-instatement of licenses.—Any resident or non-resident whose driver's license has been revoked, suspended or cancelled by the commissioner, may file a petition for a hearing in the matter in the district court in the county wherein such person shall reside, and in the case of a nonresident, in the district court in any county, and such court is hereby vested with jurisdiction, and it shall be the duty of the court to set the matter for hearing and to thereupon to take testimony and examine into the facts of the case to determine the grounds for revocation of the driver's license. The department shall not suspend a license for a period of more than one year. (Act Apr. 22, 1939, c. 401, §17.)

See §§2720-132, ante.

§2720-145c. Licenses must be surrendered.—The commissioner upon suspending or revoking a license shall require that all license certificates issued to the licensee shall be surrendered to and be retained by the department except that at the end of a period of suspension the license certificate shall be returned to the licensee. Upon demand for surrender of a license by the commissioner, the licensee shall immediately forward said license certificates to the department.

Any resident or non-resident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended, revoked, or cancelled, as provided in this act, shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension, or after such revocation until a new license is obtained when and as permitted under this act. (Act Apr. 22, 1939, c. 401, §20.)

§2720-145d. Petition for re-instatement of licenses.—Any resident or non-resident whose driver's license has been refused, revoked, suspended or cancelled by the commissioner may present his evidence upon said hearing by affidavit certified by the commissioner, as being true copies, and said licensee's written request shall afford him an opportunity for a hearing within not to exceed 60 days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license. The department shall not suspend a license for a period of more than one year. (Act Apr. 22, 1939, c. 401, §18.)

See §§2720-133, 2720-134, ante.

§2720-145e. Suspension of licenses.—(a) The commissioner shall have authority to and may suspend the license of any driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation of license is required upon conviction; or
(2) Has been involved as a negligent driver in any accident resulting in the death or personal injury of another or serious property damage; or
(3) Is an habitually reckless or negligent driver of a motor vehicle; or
(4) Is an habitual violator of the traffic laws; or
(5) Is incompetent to drive a motor vehicle; or
(6) Has permitted an unlawful or fraudulent use of such license; or
(7) Has committed an offense in another state which if committed in this state would be grounds for revocation of the driver's license.

(b) Conviction, plea of guilty or forfeiture of bail not vacated, upon three charges of careless or reckless driving, or illegal speeding committed within a period of 12 months, or upon any of its duly authorized agents determine formally for the revocation of the driver's license.

(c) Whenever any person shall be committed to any institution as an inebriate by a Court of Competent Jurisdiction the court or clerk thereof shall immediately notify the commissioner of such action and the Commissioner shall forthwith revoke the driver's license of such person. (Act Apr. 22, 1939, c. 401, §17.)

§2720-146a. Temporary suspensions.—(a) The Commissioner of Highways may file a petition for a hearing in the matter in the district court in the county wherein such person shall reside, and in the case of a nonresident, in the district court in any county, and such court is hereby vested with jurisdiction, and it shall be its duty to set the matter for hearing and to thereupon to take testimony and examine into the facts of the case to determine whether the petitioner is entitled to a license or is subject to revocation, suspension, cancellation, or refusal of license under the provisions of this act and shall render judgment accordingly. Said petition shall be heard by the court without a jury and may be heard in or out of term. The commissioner may appear in person or by his agents or representatives and may present his evidence upon said hearing by affidavit by himself, his agents or representatives. The petitioner may present his evidence by affidavit except that said petitioner must be present in person at such hearing for the purpose of cross-examination. If, and in the event the department shall be sustained in these proceedings the petitioner shall have no further right to make further petition to any court for the purpose of obtaining a driver's license until after the expiration of one year after the date of such hearing. (Act Apr. 22, 1939, c. 401, §19.)

See §§2720-135, ante.

This section differs from former section 2720-134 in making it possible for a person convicted of an offense in another state under §2720-102 to apply to a judge of district court for restoration of his license within the waiting period of one year formerly. Op. Atty. Gen. (291f), Sept. 12, 1939.

§2720-145f. Copies to be received in evidence.—Copies of any of the foregoing records or certificates certified by the commissioner, as being true copies, shall be received in evidence in any court in this state with the same force and effect as the originals. (Act Apr. 22, 1939, c. 401, §21.)

§2720-145g. Unlawful acts.—It shall be unlawful for any person:

(1) To display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious or fraudulently altered driver's license; or
(2) To lend his driver's license to any other person or knowingly permit the use thereof by another; or
(3) To display or represent as one's own any driver's license not issued to him; or
(4) To fail or refuse to surrender to the department upon its lawful demand any driver's license which has been suspended, revoked, or cancelled; or
(5) To use a false or fictitious name in any application for a driver's license or to knowingly present a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application. (Act Apr. 22, 1939, c. 401, §22.)

§2720-145h. Driving without license to be misdemeanor.—Any person whose driver's license or driving privilege has been revoked, suspended, fictitious or fraudulently altered as provided in this act, and who shall operate any motor vehicle upon the streets or highways in this state without a valid license, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $100.00, or by imprisonment in the state prison for not to exceed 6 months, or both. (Act Apr. 22, 1939, c. 401, §23.)
state while such license or privilege is cancelled, suspended or revoked shall be guilty of a misdemeanor.

(Act Apr. 22, 1939, c. 401, §23.)

See §2720-137, ante.

§2720-145. Shall not rent motor vehicle to unlicensed driver.—No person shall rent or lease a motor vehicle to any other person unless the latter person is the duly licensed hereunder or, in the case of a non-resident, then duly licensed under the law of the state or country of his residence except a nonresident whose home state or country does not require that a driver be licensed.

(Act Apr. 22, 1939, c. 401, §24.)

§2720-145j. Violations misdemeanor.—Exceptions.—It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other laws of this state declared to be a felony, or gross misdemeanor.

(Act Apr. 22, 1939, c. 401, §25.)

§2720-145k. Commissioner to enforce act.—The commissioner shall be charged with the responsibility for the administration and execution of this act.

(Act Apr. 22, 1939, c. 401, §26.)

See §2720-138, ante.

§2720-146. Agents of commissioner.—Any duties required of or powers conferred on the commissioner under the provisions of this act may be done and performed or exercised by any of his duly authorized agents.

(Act Apr. 22, 1939, c. 401, §27.)

See §2720-139, ante.

§2720-146a. Moneys to be paid into state treasury.—All money received under the provisions of this act shall be paid into the state treasury and shall be credited to an operator's license fund and the entire amount or so much thereof, as shall be necessary for the expense of the administration of this act, is hereby appropriated for that purpose.

(Act Apr. 22, 1939, c. 401, §28.)

See §2720-138, ante.

§2720-146b. Licensees not required to obtain new licenses.—Persons who are now duly licensed as drivers by the State of Minnesota shall not be required to obtain a new license under this act unless and until their permanent domiciles are changed.

(Act Apr. 22, 1939, c. 401, §29.)

§2720-146c. Driver's license law.—This act may be cited as the driver's license law.

(Act Apr. 22, 1939, c. 401, §30.)

§2720-146d. Provisions severable.—If any part or parts of this act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

(Act Apr. 22, 1939, c. 401, §31.)

See §2720-140, ante.

§2720-146e. Law repealed.—Chapter 352, Laws 1933 is hereby repealed. Any and all other acts or parts of acts inconsistent with the provisions of this act are hereby suspended and/or repealed in the measure necessary to give this act full force and effect.

(Act Apr. 22, 1939, c. 401, §32.)

HIGHWAY TRAFFIC REGULATION ACT

ARTICLE I

WORDS AND PHRASES DEFINED

§2720-151. Definitions.—The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this article.

"Vehicle." Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle." Every vehicle which is self-propelled and not deriving its power from overhead wires.

(3) "Motorcycle." Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor.

(4) "Authorized emergency vehicle." Vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the commissioner or the chief of police of an incorporated city, and equipped and identified according to law.

(5) "School bus." Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(6) "Truck tractor." Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(7) "Farm tractor." Every tractor designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(8) "Road tractor." Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(9) "Trailer." Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(10) "Semi-trailer." Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(11) "Pneumatic tire." Every tire in which compressed air is designed to support the load.

(12) "Solid tire." Every tire of rubber or other resistant material which does not depend upon compressed air for the support of the load.

(13) "Metal tire." Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

(14) "Railroad." A carrier of persons or property upon rails, other than street cars, operated upon stationary rails.

(15) "Railroad train." A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

(16) "Street car." A car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

(17) "Trackless trolley car." Every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails.

(18) "Explosive." Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or posing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

(19) "Flammable liquid." Any liquid which has a flash point of 70 degrees F., or less, as determined by a tagliabue or equivalent closed cup test device.
(20) "Commissioner." The commissioner of highways of this state, acting directly or thru his duly authorized officers and agents.
(21) "Department." The department of highways of this state, acting directly or thru its duly authorized officers and agents.
(22) "Person." Every natural person, firm, copartnership, association, or corporation.
(23) "Pedestrian." Any person afoot.
(24) "Driver." Every person who drives or is in actual physical control of a vehicle.
(25) "Owner." A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act. (As amended July 14, 1937, Sp. Ses., c. 38, §1.)
(26) "Police officer." Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
(27) "Local authority." Every county, municipal, and other local board or body having authority to regulate traffic or to make arrests for violations of local traffic regulations under the constitution and laws of this state.
(28) "Street or highway." The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right, for purposes of vehicular traffic.
(29) "Private road or driveway." Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.
(30) "Roadway." That portion of a highway improved, designed, or ordinarily used for vehicular travel.
(31) "One-way roadway." A street or roadway designated and sign-posted for one-way traffic and on which all vehicles are required to move in one indicated direction.
(32) "Sidewalk." That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
(33) "Laned highway." A highway the roadway of which is divided into three or more clearly marked lanes for vehicular traffic.
(34) "Thru highway." Every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this act.
(35) "Intersection." The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the two highways which join one another, at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
(36) "Crosswalk." (a) That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.
(b) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.
(37) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times set apart as a safety zone.
(38) "Business district." The territory contiguous to and including a highway when 50 per cent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business purposes.
owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision, except as to warning, turning and stopping signals and exceptions as are set forth in this act with reference to authorized emergency vehicles.

(b) The driver of any authorized emergency vehicle when responding to an emergency call Upon approaching a red or stop signal or any red or stop sign signal after sounding siren and displaying red lights.

(c) No driver of any authorized emergency vehicle shall assume any special privilege under this act except when such vehicle is operated in response to any emergency call or in the immediate pursuit of an actual or suspected violator of the law.

(d) The provisions of this act shall not apply to persons, teams, motor vehicles and other equipment actually engaged or involved in the roadway of a highway but shall apply to such persons and vehicles when travelling to or from such work.

(e) Street cars and trackless trolley cars, except where otherwise specifically provided, shall be governed by the same rules and regulations as provided in this act for vehicles and motor vehicles, only in so far as such regulations apply to speed, stopping at or passing through any traffic control devices and rights-of-way, and shall be entitled to the same rights and benefits of this act, as any vehicle or motor vehicle in the streets and highways of this state. (Apr. 26, 1937, c. 464, §6; July 14, 1937, Sp. Ses., c. 33, §1.)

Similar provisions of former law and annotations, see §2720-33.

2720-156. Bicycles and horse drawn vehicles to come under act.—Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this act applicable to the driver of a vehicle, except those provisions of this act which by their nature can have no application. (Apr. 26, 1937, c. 464, §6.)

2720-157. Uniform in application.—The provisions of this act shall be applicable and uniform through this state and in all local subdivisions and municipalities therein and no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this act unless expressly authorized herein. Local authorities may, however, adopt traffic regulations which are not in conflict with the provisions of this act. (Apr. 26, 1937, c. 464, §7.)

Similar provisions of former law and annotations, see §2720-34.

The commissioner shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this act for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials. (Ap. 26, 1937, c. 464, §10.)

2720-158. Not to restrict local authorities.—(a) The provisions of this act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and with the consent of the state, to make local traffic laws for the safety of the public in such part of such highways as are under their control outside the corporate limits of any city or village, as may be most appropriate. (Apr. 26, 1937, c. 464, §11; Apr. 21, 1939, c. 989c, §3.)

(b) No other authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the commissioner except by the latter's permission. (Apr. 26, 1937, c. 464, §11; Apr. 22, 1939, c. 413.)

Similar provisions of former law, see §2720-57.

5. Designating any highway as a thru highway and requiring that all vehicles stop before entering or leaving the same or designating such part of the highway as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersections;

6. Restricting the use of highways as authorized in Article XVI of this act.

(b) No ordinance or regulation enacted under subdivisions 4, 5, or 6 of this section shall be effective until signs giving notice of such local traffic regulations are posted upon and kept posted upon or at the entrances to the highway or part thereof affected as may be most appropriate. (Apr. 26, 1937, c. 464, §8; Apr. 21, 1939, c. 989c, §4.)

Similar provisions of former law and annotations, see §2720-32.

2720-160. Traffic signs, signals, and markings.—Traffic signs, signals, and markings. (a) The commissioner shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this act for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials. (Apr. 26, 1937, c. 464, §11.)

Similar provisions of former law and annotations, see §2720-58.

2720-161. Commissioner to place signs and traffic control devices on highways. (a) The commissioner shall place and maintain such traffic-control devices, conforming to the manual and specifications, upon all state trunk highways as he shall deem necessary to indicate and control the movement of vehicles in accordance with the provisions of this act or to regulate, warn, or guide traffic; provided, however, said commissioner may construct and maintain signs at the entrance of each city, village or borough, which signs shall have placed thereupon the name of the city, village or borough and the population thereof.

(b) No other authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the commissioner except by the latter's permission. (Apr. 26, 1937, c. 464, §11; Apr. 22, 1939, c. 413.)

Similar provisions of former law, see §2720-57.

5. Designating any highway as a thru highway and requiring that all vehicles stop before entering or leaving the same or designating such part of the highway as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersections;

6. Restricting the use of highways as authorized in Article XVI of this act.

(b) No ordinance or regulation enacted under subdivisions 4, 5, or 6 of this section shall be effective until signs giving notice of such local traffic regulations are posted upon and kept posted upon or at the entrances to the highway or part thereof affected as may be most appropriate. (Apr. 26, 1937, c. 464, §8; Apr. 21, 1939, c. 989c, §4.)

Similar provisions of former law and annotations, see §2720-32.

2720-160. Traffic signs, signals, and markings.—Traffic signs, signals, and markings. (a) The commissioner shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this act for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials. (Apr. 26, 1937, c. 464, §11.)

2720-161. Commissioner to place signs and traffic control devices on highways. (a) The commissioner shall place and maintain such traffic-control devices, conforming to the manual and specifications, upon all state trunk highways as he shall deem necessary to indicate and control the movement of vehicles in accordance with the provisions of this act or to regulate, warn, or guide traffic; provided, however, said commissioner may construct and maintain signs at the entrance of each city, village or borough, which signs shall have placed thereupon the name of the city, village or borough and the population thereof.

(b) No other authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the commissioner except by the latter's permission. (Apr. 26, 1937, c. 464, §11; Apr. 22, 1939, c. 413.)

Similar provisions of former law, see §2720-57.
Local authorities shall place and maintain traffic control devices in municipalities.—Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications. (Apr. 26, 1937, c. 464, §12.)

2720-163. All persons to observe traffic-control device.—No driver of a vehicle or motorman of a street car or pedestrian or person riding an animal or bicycle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this act, unless at the time directed otherwise by a police officer. (Apr. 26, 1937, c. 464, §13.)

2720-164. Colors for devices.—Whenever traffic is controlled by traffic-control signals exhibiting the words "Go" "Caution", or "Stop" or exhibiting different colored lights successively one at a time the following colors only shall be used and said terms and signals shall indicate as follows:

1. Green alone or "Go"
   - Vehicular traffic facing the signal may proceed straight thru or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.
   - Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
   - Yellow alone or "Caution" when shown following the green or "Go" signal.
   - Red alone or "Stop"
     1. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but vehicles within the intersection may be driven calmly thru the intersection.
     2. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.
   - Red with green arrow.
     1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk.
   - No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
   - (c) Red with yellow arrow.
     1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk.
   - No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
   - (e) The motorman of any street car shall obey the above signals as applicable to vehicles. (Apr. 26, 1937, c. 464, §14.)

2720-165. Flashing signs.—Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal).
   - When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal).
   - When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed thru the intersection or past such signal only with caution. (Apr. 26, 1937, c. 464, §15.)

2720-166. Placing of unauthorized signs prohibited.—(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection by property owners or lessees of signs giving useful directional information and of a type that cannot be mistaken for official signs.
   - (b) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highways is hereby empowered to remove the same or cause it to be removed without notice. (Apr. 26, 1937, c. 464, §15.)

Similar provisions of former law, see 52720-58.

2720-167. Unlawful to alter, deface, or remove signs.—No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. (Apr. 26, 1937, c. 464, §17.)

Similar provisions of former law, see 52720-59.

ARTICLE IV
ACCIDENTS

2720-168. Accidents.—(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled all requirements of this Act as to the giving of information. Every such stop shall be made without obstructing traffic more necessary.
   - (b) Any person failing to stop or to comply with said requirements under such circumstances shall upon conviction be punished by imprisonment for not less than ten days nor more than 90 days or by fine of not less than $10.00 nor more than $100.00.
   - (c) The commissioner shall revoke the driver's license of the person so convicted. (Apr. 26, 1937, c. 464, §18.)

Similar provisions of former law, see §2720-29 and §2720-32.

It is not mandatory upon a justice of the peace or judge of any court to secure possession of driver's license for purpose of forwarding it to commissioner of highways, but court in its sentence may require immediate surrender to court. Op. Att'y Gen. (1916), Aug. 19, 1928.
Revocation of license, §2712-6.

2720-169. Driver to stop at scene of accident.—The driver of any vehicle involved in an accident to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled all requirements of this Act as to the giving of information. Every such stop shall be made without obstructing traffic more necessary than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor. (Apr. 26, 1937, c. 464, §19.)

Similar provisions of former law, see §2720-29 and §2720-32.

2720-170. Shall give names and addresses.—The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person...
shall stop and give his name, address and the registration number of the vehicle he is driving and shall upon request and if available exhibit his driver's license or chauffeur's license which he is required to carry and which shows evidence of having been struck by any bullet, shall immediately report to the local police or sheriff and to the Commissioner within 24 hours after such motor vehicle is received, giving the engine number, registration number, make and model of the vehicle and the circumstances of such accident. Such report shall be made within five days after such death.

Subdivision 7. The person in charge of any garage or repair shop to which is brought any vehicle involved in an accident which shows evidence of having been struck by any bullet, shall immediately report to the local police or sheriff and to the Commissioner within 24 hours after such motor vehicle is received, giving the engine number, registration number, make and model of the vehicle and the circumstances of such accident. Such report shall be made within five days after such death.

Subdivision 8. All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the department for accident prevention purposes, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report or excerpts thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident has or has not been reported solely to prove a compliance or a failure to comply with the requirement that such report be made to the department. Disclosing any information contained herein is a misdemeanor.

Subdivision 9. Every accident report required to be made in writing shall be made on the appropriate form provided by the department. Disclosing any information contained herein is a misdemeanor.

ARTICLE V
CRIMINAL NEGLIGENCE, DRIVING WHILE INTOXICATED, AND RECKLESS DRIVING

2720-175. Criminal negligence defined.—(a) Any person who by operating or driving a vehicle of any kind in a reckless or grossly negligent manner causes a human being to be killed, under circumstances not constituting murder in the first degree, or manslaughter, is guilty of criminal negligence in the operation of a vehicle resulting in the death of a human being. (Apr. 26, 1937, c. 464, §20; Apr. 22, 1939, c. 430, §2.)

(b) A person convicted of the crime defined by subsection (a) hereof, shall be punished by imprisonment in the State Penal Institutions for a term not exceeding five years, or in the workhouse or county jail for not more than one year, or by a fine of not more than $1,000.00, or by both a fine and imprisonment in the State Penal Institutions or a fine and imprisonment in the workhouse or county jail.

(c) The commissioner shall revoke the driver's license and the secretary of state shall revoke the chauffeur's license of any person convicted of the crime of criminal negligence in the operation of a vehicle resulting in the death of a human being. (Apr. 26, 1937, c. 464, §23.)

2720-176. Persons under influence of drugs or liquor prohibited from driving vehicle.—(a) It is unlawful and punishable as provided in subdivision (b) of this section, any person who is under the influence of intoxicating liquor or narcotic drugs to drive or operate any vehicle within this state.

(b) Every person who is convicted of a violation of this section shall be punished by imprisonment for not less than ten days nor more than 90 days, or a fine of not less than $10.00 nor more than $100.00. Upon a second or subsequent conviction he shall be deemed by the court to have a aggravating or other official or other officer or any person under the influence of intoxicating liquor or narcotic drugs to drive or operate any vehicle within this state.

(c) Every person who is arrested for a violation of this section shall be held in custody pending the prosecution thereof, and shall not be released upon his personal recognizance or otherwise, until the proceeding is completed.

2720-177. Criminal negligence as duplicity.—Every person who is convicted of any crime under this article shall be deemed to have committed the crime of criminal negligence in the operation of a vehicle resulting in the death of a human being. (Apr. 26, 1937, c. 464, §22.)

2720-178. Filing accident reports.—Every person who has knowledge of an accident involving a motor vehicle and the circumstances of such accident, shall at once report the same to the local police officer, and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment. If it is apparent that such treatment is necessary or if such carrying is requested by the injured person. (Apr. 26, 1937, c. 464, §20; Apr. 22, 1939, c. 430, §2.)

Similar provisions of former law, see §2720-29.
revoked his driver's license when and as such revocation is recommended by the court before which such conviction was had. Upon a second or subsequent conviction of any person under this section, the commissioner shall revoke his driver's license. Any person whose driver's license has been revoked, refused, suspended or cancelled may file a petition for a hearing in the manner prescribed in the District Court in the county wherein such person is residing, for the purpose of having said license reinstated in the discretion of said District Court. (Apr. 26, 1937, c. 464, §26; Apr. 22, 1939, c. 430, §4.)

Similar provision of former law and annotations, see §2720-4.

This section, as amended by Laws 1939, c. 430, superseded Laws 1933, c. 451, §17(a). In so far as compulsory revocation of driver's licenses for driving while under influence of liquor or narcotics is involved in connection with prosecution under state laws, but revocation of a driver's license is still compulsory on convictions under an ordinance for the same offense. Op. Atty. Gen. (211f), May 12, 1939.

Laws 1939, c. 430, apparently attempted to modify effect of a conviction of driver while under influence of liquor, but did not fully accomplish that purpose for reason that Laws 1933, c. 251, (§2720-101 to §2720-125), is now reenacted or amended or referred to. Op. Atty. Gen. (211f), Sept. 12, 1939.

2720-177. What is reckless driving—penalty.-(a) Any person who drives in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than ten days nor more than 90 days or by a fine of not less than $10.00 nor more than $50.00, and upon a second or subsequent conviction shall be punished by imprisonment for not less than 30 days nor more than 90 days, or by a fine of not less than $25.00 nor more than $100.00. (Apr. 26, 1937, c. 464, §27; Apr. 22, 1939, c. 430, §5.)

Similar provisions of former law and annotations, see §2720-2.

ARTICLE VI

SPEED RESTRICTIONS

2720-178. Speed limitations.-(a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and the existing speed limit and any speed in excess thereof shall be unlawful.

1. 30 miles per hour in any municipality; 2. 60 miles per hour in other locations during the daytime.

(b) Where no special hazard exists the following speeds shall be lawful but any speeds in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that any speed limit within any municipality shall be the absolute speed limit and any speed in excess thereof shall be unlawful.

1. 30 miles per hour in any municipality; 2. 60 miles per hour in other locations during the daytime.

3. 50 miles per hour in such other locations during the nighttime.

Daytime means from a half hour before sunrise to a half hour after sunset except at any time when due to weather or other conditions there is not sufficient light to clearly discernible persons and vehicles at a distance of 500 feet. Nighttime means at any other hour or at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet.

The driver of every vehicle shall, consistent with the requirements drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason or weather or highway conditions.

(d) Whenever the commissioner shall determine upon the basis of an engineering and traffic investigation that any speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist on any trunk highway or upon any part thereof, said commissioner may erect appropriate signs designating a reasonable and safe speed limit thereof which shall be effective when such appropriate signs giving notice thereof are erected.

(e) Whenever local authorities within their respective jurisdiction shall have reason to believe that the existing speed limit upon any street or highway or part thereof is not a safe and reasonable speed limit system is greater or less than is reasonable or safe under existing conditions existing they may request the commissioner of highways to authorize, upon the basis of an engineering and traffic investigation, the erection of appropriate signs designating what speed is reasonable and safe, and the commissioner does hereby have authority to authorize the erection of such signs designating a reasonable and safe speed limit thereof which shall be effective when such appropriate signs giving notice thereof are erected by authority of the commissioner. Alteration of speed limits on streets and highways shall be made only upon authority of the commissioner.

(f) In every charge of violation of any speed regulation in this act the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed limit applicable within the district or at the location. The provisions of this act declaring speed limitation shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident. (Apr. 26, 1937, c. 464, §6; Apr. 22, 1939, c. 430, §6.)

Similar provisions of former law and annotations, see §2720-4.

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to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Police officers are hereby authorized to enforce this provision against drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be a misdemeanor. (Apr. 26, 1937, c. 464, §28.)

§2720-180. Speed on bridges.—(a) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is sign-posted as provided in this section.

(b) The commissioner upon request from any local authority shall, or upon his own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if he shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed or speeds possible under this act, the commissioner shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of 100 feet before each end of such structure.

(c) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said commissioner and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. (Apr. 26, 1937, c. 464, §30.)

Similar provisions of former law, see §2720-7.

§2720-181. Exceptions.—The speed limitations set forth in this article shall not apply to authorized emergency vehicles when responding to emergency calls providing the drivers thereof sound audible signal by siren, and two lighted red lights are displayed to the front. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others. (Apr. 26, 1937, c. 464, §31.)

ARTICLE VII

DRIVING ON RIGHT SIDE OF ROADWAY—OVER-TAKING AND PASSING, ETC.

§2720-182. Driving.—Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
2. When the right half of a roadway is closed to traffic while under construction or repair;
3. Upon a roadway divided into three or more lanes for traffic under the rules applicable thereon; or
4. Upon a roadway designated and sign-posted for one-way traffic as a one-way roadway.

Similar provisions of former law and annotations, see §2720-9.

The speed-on, as in other collision cases, question of negligence is one of fact for jury, where evidence shows that driver might have avoided collision by exercise of due care. Hinman v. G., 286 N.W.364. See Dun, Dug, 4163.

§2720-183. Shall pass on right side.—Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width of more than one line of traffic in each direction each driver shall give to the other at least one-half of the main traveled portion of the road-way as nearly as possible. (Apr. 26, 1937, c. 464, §33.)

Similar provisions of former law and annotations, see §2720-11.

§2720-184. Rules for passing.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible warning and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (Apr. 26, 1937, c. 464, §34.)

Similar provisions of former law and annotations, see §2720-12 and §2720-14.

§2720-185. Same.—(a) The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn, except as follows:

The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four or more lines of moving traffic when such movement can be made in safety. (Apr. 26, 1937, c. 464, §35.)

§2720-186. Same.—(a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and free of on-coming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(b) Except on a one-way roadway, no vehicle shall be driven on overtaking and passing another vehicle or at any other time, be driven to the left half of the roadway under the following condition:

1. When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 700 feet;
2. When approaching within 100 feet of any under pass or tunnel or when approaching within 100 feet of or traversing any intersection of railroad grade crossing;
3. Where official signs are in place prohibiting passing, or a distinctive center line is marked, which distinctive line also so prohibits passing as declared in the manual of traffic control devices adopted by the commissioner. (Apr. 26, 1937, c. 464, §36; Apr. 22, 1939, c. 430, §7.)

Similar provisions of former law and annotations, see §2720-19 and §2720-15.

§2720-187. One way highways.—(a) Upon a roadway designated and sign-posted for one-way traffic as a one-way roadway, a vehicle shall be driven only in the direction designated.

(b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (Apr. 26, 1937, c. 464, §37.)

§2720-188. Three-way roadways.—Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following rules in addition to all others contained herewith shall apply:

(a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved...
from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is not a one-way roadway and which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation. The left lane of a three lane roadway, which is not a one-way roadway, shall not be used for overtaking and passing another vehicle.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign. (Apr. 26, 1937, c. 464, §38.)

2720-160. Distance between vehicles.—(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the conditions of the highway. (b) No vehicle drawing an- other vehicle, or the driver of any motor truck, when traveling upon a roadway outside of a business or residence district shall not follow within 150 feet of another vehicle. The provisions of this subdivision shall not be construed to prevent overtaking and pass ing nor shall the same apply upon any lane specially designated for use by motor trucks. (Apr. 26, 1937, c. 464, §36.)

ARTICLE VIII
TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

2720-100. Signals.—The driver of a vehicle intend ing to turn at an intersection shall do so as follows: (a) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway. (b) Approach for a left turn on other one way roadways shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being en tered. (c) Approach for a left turn from a two-way road way into a one-way roadway shall be made in that portion of the right half of the roadway nearest the center line where it enters the intersection. A left turn from a one-way roadway into a two-way roadway shall be made by passing to the right of the center line of the roadway being entered upon leaving the intersection. (d) Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and there by require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs. (Apr. 26, 1937, c. 464, §§36, 38.)

ARTICLE IX
RIGHT-OF-WAY

2720-100. Right of way.—(a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle on the left which has entered the intersection from a different highway. (b) When two vehicles enter an intersection from different highways at approximately the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. (c) The foregoing rules are modified at thru highways and otherwise as hereinafter stated in this article. (d) The driver of any vehicle or street car traveling at an unlawful speed shall forfeit any right-of-way which he might otherwise have hereunder. (Apr. 26, 1937, c. 464, §§46.)

2720-107. Right-of-way at intersections.—The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, hav ing so yielded and having given a signal when and as
required by this act, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn. (Apr. 26, 1937, c. 464, §47.)

Similar provisions of former law and annotations, see §2720-18.

Plaintiff held chargeable with contributory negligence as a matter of law in that, in daylight, he drove his automobile into the intersection of two graveled and well-traveled highways without knowing that he was approaching a crossroad. Dyer v. O., 285 NW 707. See Name. Dick.

§2720-198. Thru highways.—(a) The driver of a vehicle shall stop as required by this act at the entrance to a thru highway and shall yield the right-of-way to other vehicles which have entered the intersection from said thru highway or which are approaching so closely as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said thru highway shall yield the right-of-way to the vehicles so proceeding into or across the thru highway.

(b) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto aloft not a part of a thru highway and shall proceed cautiously, yielding to vehicles not so privileged within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed. (Apr. 26, 1937, c. 464, §48.)

§2720-199. Driver entering highway shall yield right-of-way.—The driver of a vehicle entering or crossing a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway. (Apr. 26, 1937, c. 464, §49.)

Similar provisions of former law and annotations, see §2720-19.

§2720-200. Emergency vehicle to have right-of-way.—Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the highway, clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

§2720-200(b).—Upon the approach of an authorized emergency vehicle, as above stated, the motion of every street car and the operator of every trackless trolley car shall immediately stop such car clear of any intersection and keep it in such position and keep the doors and gates of the street car or trackless trolley car closed until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (Apr. 25, 1937, c. 464, §50; Apr. 22, 1939, c. 450, §9.)

(c) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highways. (Apr. 26, 1937, c. 464, §50.)

Similar provisions of former law and annotations, see §2720-20.

§2720-201. Funeral processions to have right-of-way.—Whenever any funeral procession identifies itself by using regular lights on all cars and by keeping all cars in close formation, the driver of every other vehicle, except an emergency vehicle, shall yield the right-of-way. (Apr. 26, 1937, c. 464, §51.)

ARTICLE X

PEDESTRIANS’ RIGHTS AND DUTIES

§2720-202. Pedestrians’ right and duties.—Pedestrians shall be subject to traffic-control signals at intersections as heretofore declared in this act, but all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article. (Apr. 26, 1937, c. 464, §52.)

§2720-203. Pedestrians to have right-of-way in certain cases.—(a) Where traffic-control signals are not in use or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this article.

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (c) It shall be unlawful for any person to drive a motor vehicle through a column of school children crossing a street or highway or past a member of a school safety patrol created in accordance with Chapter 23, Laws of 1933, §§2883-3 to 2883-5 while such member of a school safety patrol is directing the movement of children across a street or highway and while said school safety patrol member is holding his official signal in the stop position. (Apr. 26, 1937, c. 464, §53; Apr. 22, 1939, c. 450, §10.)

§2720-204. Pedestrians not crossing at crosswalks to yield right-of-way.—(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) Notwithstanding the provisions of this section every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. (Apr. 26, 1937, c. 464, §54.)

§2720-205. To cross on right half of crosswalks.—Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (Apr. 26, 1937, c. 464, §55.)

§2720-206. Not to solicit rides.—No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. (Apr. 26, 1937, c. 464, §56.)

Similar provisions of former law, see §2720-23.

§2720-207. Must walk on left side of roadway.—Pedestrians when walking along a roadway shall walk near the left side of the roadway, giving way to oncoming traffic. (Apr. 26, 1937, c. 464, §57.)

ARTICLE XI

STREET CARS AND SAFETY ZONES

§2720-208. Passing street cars.—(a) The driver of a vehicle shall not overtake and pass upon the left nor drive upon the left side of any street car proceeding in the same direction, whether such street car is actually in motion or temporarily at rest except:

1. When so directed by a police officer;
2. When upon a one-way street; or
3. When upon a street where the tracks are so located as to prevent compliance with this section.

The driver of any vehicle not permitted to overtake and pass upon the left of a street car which has stopped for the purpose of receiving or dis-
charging any passenger shall reduce speed and may proceed only upon exercising due caution for pedestrians and shall accord pedestrians the right-of-way when required by other sections of this act. (Apr. 26, 1937, c. 464, §58.)

Similar provisions of former law and annotations, see §2720-22.

2720-209. Shall stop ten feet from street cars. The driver of a vehicle overtaking upon the right any street car stopped or about to stop for the purpose of receiving or discharging any passenger shall stop such vehicle at least ten feet to the rear of the nearest running board or door of such street car and thereupon remain standing until all passengers have boarded such car or upon alighting have reached a place of safety, except that where a safety zone has been established a vehicle need not be brought to a stop before passing any such street car but may proceed past such car at a speed not greater than is reasonable and proper and with due caution for the safety of pedestrians. Provided the pedestrian going to and from a street car shall have the right-of-way over all vehicles and motor vehicles. (Apr. 26, 1937, c. 464, §55.)

Similar provisions of former law and annotations, see §2720-23.

ARTICLE XII
SPECIAL STOPS REQUIRED

2720-210. Shall not drive through safety zones. No vehicle shall at any time be driven thru a safety zone. (Apr. 26, 1937, c. 464, §60.) When such stop signs are erected the driver of any vehicle shall stop not less than ten feet from the nearest track of such railroad and shall not proceed until he can do so safely.

2720-211. Special stops. (a) Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal giving a warning of the immediate approach of a train, the driver of such vehicle shall stop not less than ten feet from the nearest track of such railroad and shall not proceed until he can do so safely.

(b) The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train. (Apr. 26, 1937, c. 464, §61.)

Similar provisions of former law, see §2720-5.

2720-212. Railroad and warehouse commission to mark dangerous crossings. The railroad and warehouse commission is hereby authorized to designate particularly dangerous highway grade crossings of railroads and to order stops. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than ten feet from the nearest track of such grade crossing and shall proceed only upon exercising due care. (Apr. 26, 1937, c. 464, §62.)

2720-213. Drivers of certain vehicles must stop. (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle not less than ten feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. (As amended July 14, 1937, Sp. Sess., c. 38, §1.)

(b) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

(c) This section shall not apply at street railway grade crossings within a business or residence district. (Apr. 26, 1937, c. 464, §63.)

2720-214. Crossing railroad tracks with certain equipment. (a) No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any track at a railroad grade crossing without first complying with this section.

(b) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than ten feet nor more than 50 feet from the nearest rail of such roadway and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(c) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. (Apr. 26, 1937, c. 464, §64.)

2720-215. Designation of thru highways. (a) The commissioner with reference to state trunk highways, and local authorities with reference to other highways under their jurisdiction may designate thru highways by erecting stop signs at entrances thereto or may designate any intersection as a stop intersection by erecting like signs at one or more entrances to such intersection; provided, that local authorities, with the consent of the commissioner may designate thru highways and/or stop intersections on state trunk highways.

(b) Every driver of a vehicle and every motorist of a street car shall stop at any such clearly marked stop line before entering an intersection except when directed to proceed by a police officer or traffic control signal. (Apr. 26, 1937, c. 464, §65; Apr. 22, 1939, c. 458, §11.)

Similar provisions of former law and annotations, see §2720-21.

2720-216. Shall stop before reaching sidewalks. The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or private driveway. (Apr. 26, 1937, c. 464, §65.)

ARTICLE XIII
STOPPING, STANDING AND PARKING

2720-217. Stopping, standing and parking. (a) Upon any highway or street in any business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of the highway when it is practical to stop, park, or so leave such vehicle off such part of said highway, but in every event a clear and unobstructed width of at least 20 feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of 200 feet in each direction upon such highway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. (Apr. 26, 1937, c. 464, §67.)

Similar provisions of former law and annotations, see §2720-24.

Section applies only to highways outside of a business or residence district. Bartley v. F., 285 NW 484. See Dun. Dig. 4171a.

In action for injuries received when crashing into rear of truck temporarily parked upon pavement, court properly refused instruction concerning disablement, fog,
or the emergency rule, there being no evidence warranting it. Johnson v. K., 285 NW 881. See Dun. Dig. 9776.

Similar provisions of former law, see §§2720-25 and 2720-34.

2720-218. Police officials may move cars.—(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended when parked on any street or highway or upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle and remove the same to the nearest convenient garage or other place of safety. (Apr. 26, 1937, c. 464, §68; Apr. 22, 1939, c. 430, §12.)

Similar provisions of former law and annotations, see §§2720-20, 2720-23.

Automobile abandoned on city street, owner being unknown, may be removed by city officials to a local garage for storage charges under unclaimed property statute or motor vehicle storage lien statute. Op. Atty. Gen. (632a), Dec. 2, 1937.

2720-219. Where stops are prohibited.—(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. On or within 10 feet of a fire hydrant;
5. On a crosswalk;
6. Within 20 feet of a crosswalk at an intersection;
7. Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
9. Within 50 feet of the nearest rail of a railroad crossing;
10. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station when 75 feet of said entrance is properly sign-posted;
11. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel, except as otherwise provided by ordinance;
14. At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.

(c) No person shall, for camping purposes, leave or park a house trailer on or within the limits of any highway or on any highway right-of-way, except where signs are posted designating the place as a camp site. (Apr. 26, 1937, c. 464, §69; July 14, 1937, Ex. Sess., c. 38, §1.)

(d) No person shall stop or park a vehicle on a street or highway when directed or ordered to proceed by any peace officer invested by law with authority to direct, control or regulate traffic. (Apr. 26, 1937, c. 464, §69; July 14, 1937, Ex. Sess., c. 38, §1; Apr. 22, 1939, c. 430, §13.)

Similar provisions of former law, see §§2720-25 and 2720-34.

2720-220. Parking on roadway.—Except where parking is permitted by local ordinance or there is an adjacent curb shall be so stopped or parked with the right-hand wheels of such vehicle parallel with and within 12 inches of the right-hand curb, provided that such exception shall only apply to a state trunk highway after approval by the commissioner. Otherwise upon all streets and highways every vehicle stopped or parked shall be so stopped or parked parallel with and to the right of the paved or improved or main traveled part of such street or highway. (Apr. 26, 1937, c. 464, §70; July 14, 1937, Ex. Sess., c. 38, §1; Apr. 22, 1939, c. 430, §14.)

2720-221. Brakes must be set.—No person driving or in charge of a motor vehicle shall permit it to stand unattended without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway. (Apr. 26, 1937, c. 464, §71.)

Similar provisions of former law and annotations, see §§2720-26.

2720-222. Restrictions on loads.—(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver or motorman's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle or street car shall ride in such position as to interfere with the driver's or motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle or street car. (Apr. 26, 1937, c. 464, §72.)

2720-223. To drive on right side of highways.—The driver of a motor vehicle traveling thru defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway, shall give audible warning with the horn of such motor vehicle. (Apr. 26, 1937, c. 464, §73.)

Similar provisions of former law, see §§2720-27.

2720-224. Coasting.—(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch depressed. (Apr. 26, 1937, c. 464, §74.)

Similar provisions of former law, see §§2720-28.

2720-225. Following fire apparatus.—The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (Apr. 26, 1937, c. 464, §75.)
2720-226. Must not cross fire hose.—No street car or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or street car track, to be used at any fire or alarm of fire, without the consent of the fire department official in command. (Apr. 26, 1937, c. 464, §74.)

2720-227. Refuse on highway.—(a) No person shall deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such highway. (b) Any person who drops or permits to be dropped upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed. (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. (Apr. 26, 1937, c. 464, §77.)

2720-228. Swinging gate, loading rack or partition on trucks prohibited.—No truck shall be operated on any highway with gate, loading rack, or partition carried in any manner on any part of the exterior of the truck, unless the top and bottom of such gate, loading rack, or partition be securely attached to the truck so as to prevent swinging or becoming loose. (Apr. 26, 1937, c. 464, §78; July 14, 1937, Sp. Sess., c. 38, §3.)

2720-229. Tail-board or tail-gate not to be left hanging.—No truck shall be driven or parked on any highway with tail-gate or tail-board hanging down or projecting from the vehicle except while such vehicle is being loaded or unloaded, and except when a load thereon extends beyond the tail-gate or tail-board, rendering impossible the closing thereof. (Apr. 26, 1937, c. 464, §79.)

A trucker may have tail-gate of his truck projecting from a highway so as to prevent swinging or becoming loose. (Apr. 26, 1937, c. 464, §78; July 14, 1937, Sp. Sess., c. 38, §3.)

2720-230. Tail-board or tail-gate not to be left hanging.—No truck shall be driven or parked on any highway with tail-gate or tail-board hanging down or projecting from the vehicle except while such vehicle is being loaded or unloaded, and except when a load thereon extends beyond the tail-gate or tail-board, rendering impossible the closing thereof. (Apr. 26, 1937, c. 464, §78; July 14, 1937, Sp. Sess., c. 38, §3.)

2720-231. Commissioner to govern design and color of school buses.—The commissioner shall adopt and enforce regulations not inconsistent with this act to govern the design, color and operation of all school buses used for the transportation of school children or children in care of any school district or private school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations. (Apr. 26, 1937, c. 464, §80.)

2720-232. Shall not hitch behind motor vehicles.—No person shall hitch a toboggan, hand sled, bicycle or other similar device onto any motor vehicle, street car or trackless trolley car while being used on a highway. (Apr. 26, 1937, c. 464, §82.)

2720-233. Certain vehicles forbidden on highway. — (a) It is a misdemeanor for any person to drive or cause to be driven on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this act, or which is equipped in any manner in violation of this act, or for any person to do any act forbidden or fail to perform any act required under this act. (b) The provisions of this act with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable. (Apr. 26, 1937, c. 464, §83; Apr. 22, 1939, c. 430, §16.)

2720-234. Vehicle lights.—(a) Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to said vehicles as hereinafter stated. (b) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the time stated in subdivision (a) of this section upon a straight level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated and unless otherwise specified the location of lamps and devices shall refer to the centers of such lamps or devices. (Apr. 26, 1937, c. 464, §84.)

2720-235. Head-lights.—(a) Every motor vehicle other than a motorcycle shall be equipped with two head lamps, no more, no less, one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this article. (b) Every motorcycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this article. (Apr. 26, 1937, c. 464, §85.)

Similar provisions of former law and annotations, see §2720-48.

Where defendant testified that his lights would reveal an object 106 feet ahead when car ran into plaintiff's car, plurality of opportunity to add to this distance but did not do so, it was proper to permit jury to determine whether his lights conformed to statutory standard and whether their failure to do so had causal connection with his failure to see plaintiff's car. Carlson v. P., 284 NW 472. See Atty. Gen. (C32a-22), Aug. 1, 1938.

2720-236. Rear-lights.—(a) Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles shall be equipped with a lighted rear lamp, exhibiting a red light plainly visible from a distance of 500 feet to the rear. On and after January 1, 1938, no person shall sell or operate any new motor vehicle, trailer or semi-trailer unless the rear lamp thereon shall be mounted and located on
the rear within 20 inches from extreme left edge and not less than 24 inches nor more than 60 inches from the surface upon which the vehicle stands unless the use or construction of the vehicle would make such location impracticable.

(b) Either such rear lamp or separate lamp shall be co-located and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. When the rear license plate is illuminated by an electric lamp other than the required rear lamp, said lamps shall be turned on or off only by the same control switch at all times whenever head lamps are lighted.

(c) On and after January 1, 1938, every new motor vehicle, trailer, or semi-trailer heretofore sold and every such vehicle heretofore operated on a highway, equipped as hereinbefore required, the vehicle or load, displaying a red light visible from a distance of 500 feet to the front and a lamp on the rear exhibiting a red light visible from a distance of 500 feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon any such vehicles when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to clearly reveal any person or object within a distance of 500 feet upon such highway. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. (Apr. 26, 1937, c. 464, §§88.)

Similar provisions of former law, see §2720-36.

§2720-237. Must be equipped within sixty days.—Within 60 days after the effective date of this act every motor vehicle or motor drawn vehicle driven or used for the transportation of passengers, shall display lighted lamps as required in this section.

1. Every such vehicle having a width including the load or object within 80 inches to the extreme outer edge of the vehicle, shall be equipped with four clearance lamps, two located on the front at opposite sides and not more than 6 inches from the extreme outer edge of the vehicle or load, displaying an amber light visible from a distance of 500 feet to the front of the vehicle and two located on the rear on opposite sides not more than 6 inches from the extreme outer edge of the vehicle or load, displaying a red light visible from a distance of 500 feet to the rear of the vehicle. The front clearance lamps shall be located at a height of not less than 24 inches above the head lamp centers. The rear clearance lamps shall be in addition to the rear lamp required hereinbefore required.

2. Every such vehicle or combination of such vehicles which exceeds 30 feet in overall length shall be equipped with at least four side marker lamps, one on each side near the front and one on each side near the rear, such lamps shall be of a height of not less than 24 inches above the surface upon which the vehicle stands. Said lamps near the front shall display a white or amber light and lamps near the rear shall display a red light, each visible from a distance of 500 feet to the side of the vehicle on which it is located. If the clearance lamps on the right and left sides of the vehicle as hereinbefore required display lights visible from a distance of 500 feet at right angles to the right and left side respectively of the vehicle, they shall be deemed to meet the requirements as to marker lamps, provided an additional marker lamp, white or amber, is displayed approximately midway between the above specified marker lamps. (Apr. 26, 1937, c. 464, §87.)

§2720-238. Lights and flags at end of load.—Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times when lighted lamps on vehicles are required in this act, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear of the load. The light or lantern required under this section shall be in addition to the rear light required upon every vehicle. At any time when no lights are required there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 16 inches square. (Apr. 26, 1937, c. 464, §§88.)

Similar provisions of former law, see §2720-36.

§2720-239. Lights for parked vehicles.—Whenever a vehicle is parked or stopped upon a highway or shoulder adjacent thereto, whether attended or unattended during the times when lighted lamps on vehicles are required in this act, such vehicle shall be equipped with one or more lamps located near the extreme outer edge of the vehicle which shall exhibit a white light on the roadway side visible from a distance of 500 feet to the front of such vehicle and a red light visible from a distance of 500 feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to clearly reveal any person or object within a distance of 500 feet upon such highway. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. (Apr. 26, 1937, c. 464, §§90.)

Similar provisions of former law and annotations, see §2720-54.

§2720-240. Bicycles must have lights.—Every bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 500 feet to the rear, except that an approved reflector meeting the minimum requirements of this act may be used in lieu of a red lamp. (Apr. 26, 1937, c. 464, §§90; Apr. 22, 1939, c. 430, §170.)

Similar provisions of former law and annotations, see §2720-241.

§2720-241. Horse drawn vehicles must have lights.—All vehicles, including animal-drawn vehicles and including those specifically excepted in this article with respect to equipment and not hereinbefore specifically required to be equipped with lamps, shall at the times when lighted lamps on vehicles are required in this act be equipped with one or more lighted lamps or lanterns projecting a white light visible from a distance of 500 feet to the front and to the rear, mounted on the roadway side of the vehicle, from which spot reflectors meeting the maximum requirements of this act may be used in lieu of the lights required in this section. (Apr. 26, 1937, c. 464, §91.)

§2720-242. May have spot lights.—(a) Any motor vehicle may be equipped with not to exceed two spot lamps, and every lighted lamp intended and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed on the road surface to the left of the center of the vehicle nor more than 300 feet ahead of the vehicle upon which said lamps are mounted.

(b) Any motor vehicle may be equipped with not to exceed three auxiliary driving lamps mounted on the front at a height of not more than 42 inches nor less than 12 inches above the level surface upon
which the vehicle stands, and every such auxiliary driving lamp or lamps shall meet the requirements and specifications set forth in this article. (Apr. 26, 1937, c. 464, §92.)

Similar provisions of former law, see §2720-49.

2720-244. Identification lights.—Any vehicle or combination of vehicles may be equipped with identification lamps on the front displaying three amber or white lights and identification lamps on the rear displaying any amber or white lights, and when so equipped the lights in each such group shall be evenly spaced not less than six nor more than 12 inches apart, along a horizontal line as near the top of the vehicle as practicable and said lights shall be visible from a distance of 500 feet to the front and rear respectively of the vehicle. (Apr. 26, 1937, c. 464, §18.)

Similar provisions of former law, see §2720-45.

2720-245. Fender lights.—(a) Any vehicle may be equipped with not more than two side cowl or fender lamps, one on each side which shall emit a white light without glare.

(b) Any vehicle may be equipped with not more than one running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare.

(c) Any vehicle may be equipped with a back-up lamp either separately or in combination with another lamp, except that no such back-up lamp shall be continuously lighted when the vehicle is in forward motion, nor shall it project a glaring light. (Apr. 26, 1937, c. 464, §94.)

2720-246. Must be equipped with lights after January 1, 1938.—On and after January 1, 1938, except as hereinafter provided, the head lamps, or the auxiliary lamps, or combinations thereof, on motor vehicles shall be so arranged that the driver may select at will between distributions of light providing for the illumination of the road ahead. The intensity of the beam shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet. (Apr. 26, 1937, c. 464, §95.)

2720-247. Composite lights.—(a) Whenever a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times when lights on vehicles are required in this act, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations.

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver, and in no case shall the high intensity portion of the beam be aimed higher than the level which is five inches below the level of the center of the lamp from which it comes at a distance of 25 feet ahead, and in no case higher than a level of 42 inches above the level upon which the vehicle stands at a distance of 75 and more feet ahead, except that a beam which is raised higher than these levels to the right of the prolongation of the extreme left side of the vehicle may be used for meeting other vehicles on relatively straight highways provided that no part of that portion of the beam which rises higher than these levels is projected to the left of the center of the highway except momentarily. (Apr. 26, 1937, c. 464, §97.)

Similar provisions of former law, and annotations, see §2720-50.

2720-248. Certain lights prohibited after January 1, 1938.—Head lamps arranged to provide a single distribution of light not supplemented by auxiliary lighting lamps shall be permitted on motor vehicles manufactured and sold prior to January 1, 1938, in lieu of multiple-beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The head lamps shall be so aimed that when the vehicle is fully loaded the portion of the beam shall be aimed higher than that portion which would be aimed when the vehicle is fully loaded none of the high intensity portion of the beam shall project higher than a level which is five inches below the level of the center of the lamp from which it comes at a distance of 25 feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet. (Apr. 26, 1937, c. 464, §98.)

2720-249. Number of lights.—(a) At all times when lighted lamps on vehicles are required in this act, at least two lighted head lamps shall be displayed one on each side at the front of every motor vehicle other than a motorcycle, provided that under adverse weather conditions two lighted auxiliary lamps one on each side at the front of the vehicle may be used in lieu of the lighted head lamps, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. (Apr. 26, 1937, c. 464, §99; Apr. 22, 1939, c. 430, §18.)

(b) Whenever a motor vehicle equipped with head lamps as herein required is equipped with any auxiliary lamps, spot lamps or any other lamps on the front thereof projecting a beam of light which is not greater than 300 candle power, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

(c) The maximum beam candle power from any combination of lamps used at any time for road lighting equipment manufactured and sold prior to January 1, 1938, in lieu of multiple-beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

Similar provisions of former law and annotations, see §2720-50.
lighting shall not exceed that authorized by the commissioner. (Apr. 26, 1937, c. 464, §99.)

2720-250. Certain lights prohibited.—(a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps or auxiliary lamps which projects a beam of light of an intensity greater than 300 candle power shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) No vehicle shall be equipped, nor shall any person drive or move any vehicle or equipment upon any highway with any lamp or device displaying a red light or any colored light other than those required or permitted in this act unless otherwise authorized by the commissioner. This section shall not apply to authorized emergency vehicles or road machinery.

Emergency vehicles shall be equipped with not less than two red lights to the front thereof which shall be lighted when on emergency trips but which shall not be lighted when using the highways at other times.

(c) Flashing lights are prohibited on vehicles, except as a means for indicating a turn or stop. (Apr. 26, 1937, c. 464, §100.)

Similar provisions of former law and annotations, see §2720-52.

2720-251. Commissioner to enforce provisions for lights.—The commissioner is hereby authorized and required to adopt and enforce standard specifications as to the amount, color and direction of light to be emitted by lighting devices for compliance with the requirements and limitations of this act. (Apr. 26, 1937, c. 464, §101.)

2720-252. Commissioner must approve lighting apparatus.—(a) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a vehicle, trailer or semi-trailer any lamp or device mentioned in this section which has been approved by the commissioner unless such lamp or device bears thereon the trade name and number under which it is approved so as to be legible when installed.

(b) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a vehicle, trailer or semi-trailer any lamp or device mentioned in this section unless said lamps are equipped with bulbs of a type approved by the commissioner having a rated candle power and are mounted and adjusted as to focus and aim in accordance with instructions of the commissioner. (Apr. 26, 1937, c. 464, §102.)

Similar provisions of former law, see §2720-52.

2720-253. Same.—1. The commissioner is hereby authorized to approve or disapprove lighting devices.

2. The commissioner is hereby required to approve or disapprove any lamp or device upon which approval is required in this act, within a reasonable time after such device has been submitted.

3. The commissioner is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

4. The commissioner is authorized to set and collect a reasonable fee for the testing and approval of lamps and devices upon which approval is required in this act. Such fee may be sufficient in amount to reimburse the department for all costs connected with such test and approval.

5. The commissioner upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by him.

6. The commissioner shall publish lists of all lamps and devices by name and type which have been approved by him, together with instructions as to the permissible candle power rating of the bulbs which he has determined for use therein and such other instructions as to adjustment as the commissioner may deem necessary. (Apr. 26, 1937, c. 464, §103.)

Similar provisions of former law, see §2720-52.

2720-254. Commissioner may hold hearings.—When the commissioner has reason to believe that an approved device as being sold commercially does not comply with the requirements of this act, he may, after giving 30 days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the commissioner shall determine whether said approved device meets the requirements of this act. If said device does not meet the requirements of this act he shall give notice to the person holding the certificate of approval for such device in this state.

If at the expiration of 90 days after such notice the person holding the certificate of approval for such device has failed to satisfy the commissioner that said approved device as sold or offered for sale is not in conformity with the requirements of this act, the commissioner shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and re-tested by an authorized testing agency and is found to meet the requirements of this act, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this act. The commissioner may at the time of the re-test purchase in the open market the device and submit it to the authorized testing agency for re-testing. If the device upon such re-test fails to meet the requirements of this act, the commissioner may refuse to renew the certificate of approval of such device. (Apr. 26, 1937, c. 464, §104.)

2720-255. Brakes.—1. Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If there be two separate means of applying the brakes, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

2. Every motorcycle, and bicycle with motor attached, when operated upon a highway shall be equipped with at least one brake, which may be operated by hand or foot.

3. Every trailer, semi-trailer or other vehicle of a gross weight of 1,500 pounds or more when drawn by a motor vehicle, and every tractor or self-propelled machine, when operated upon any highway, shall be equipped with brakes capable of stopping both vehicles within that distance required by law for vehicles equipped with wheel brakes, and except trailers or semi-trailers when used, by retail dealers, delivering implements of husbandry, providing the gross weight of such trailer or semi-trailer when drawn by a pleasure vehicle shall not exceed 3,000 pounds, or when drawn by a truck or tractor, shall not exceed 6,000 pounds. (Apr. 26, 1937, c. 464, §105; July 14, 1937, Sp. Sess., c. 38, §2; Apr. 22, 1939, c. 450, §19.)
4. Every new motor vehicle trailer, or semi-trailer heretofore sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motorcycle and except that any semi-trailer of less than 1,000 pounds gross weight need not be equipped with brakes; provided that a third wheel, of a swivel type, on a house trailer need not be equipped with brakes. (Apr. 26, 1937, c. 464, §105; July 14, 1937, Sp. Ses., c. 38, §2.)

Similar provisions of former law, see §2720-42.

2720-256. Same.—1. The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle or vehicles when traveling 20 miles per hour within a distance of 30 feet from a sign or other material where the grade does not exceed one per cent.

2. Under the above conditions the hand brake shall be adequate to stop such vehicle or vehicles within a distance of 55 feet and said hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated. (As amended July 14, 1937, Sp. Ses., c. 38, §1.)

3. Under the above conditions the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted hereunder, shall be adequate to stop the vehicle within a distance of 40 feet and the hand brake adequate to stop the vehicle within a distance of 55 feet.

4. All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this act.

5. All vehicle shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. (Apr. 26, 1937, c. 464, §106.)

2720-257. Horns.—(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) The horn shall be used with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this subdivision. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. All authorized emergency vehicles shall be equipped with a siren capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the department. Such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which case it may be used to warn pedestrians and other drivers of the approach thereof. (Apr. 26, 1937, c. 464, §107.)

Similar provisions of former law and annotations, see §2720-24.

2720-258. Mufflers.—Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive noise emissions and no person shall use or permit the use of any cutout, by-pass, or similar device upon a motor vehicle on a street or highway. Every motor vehicle shall at all times be equipped with such parts and equipment so arranged and kept in such state of repair as to prevent carbon monoxide gas from entering the interior of the vehicle. (Apr. 26, 1937, c. 464, §108; Apr. 22, 1939, c. 430, §20.)

Similar provisions of former law and annotations, see §2720-47.

2720-259. Rear view mirrors.—Every motor vehicle which is so constructed, loaded connected with another vehicle to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle. (Apr. 26, 1937, c. 464, §109.)

Similar provisions of former law and annotations, see §2720-45.

2720-260. Windshields.—(a) No person shall drive or operate any motor vehicle with a windshield cracked or discolored to an extent to limit or obscure proper vision or with any sign, poster or other non-transparent material upon the front windshield, side-windows, side or rear windows of such vehicle other than a certificate or other paper required to be so displayed by law.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(c) No person shall drive any motor vehicle with the windshield covered with steam or frost to such an extent as to prevent proper vision. (Apr. 26, 1937, c. 464, §§110 to 112.)

Similar provisions of former law, see §2720-46.

2720-261. Solid rubber tires.—(a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the tire. (Apr. 26, 1937, c. 464, §111.)

(b) No person shall operate or move on any highway any motor vehicle, trailer, or semi-trailer having any metal tire in contact with the roadway, except in case of emergency.

(c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protruberances of any material other than rubber which projects beyond the tread of the traction surface of the tire except that it shall be permissible to use farm machinery with tires having protruberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle which are required for safety because of any other conditions tending to cause a vehicle to skid.

(d) The commissioner and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this act. (Apr. 26, 1937, c. 464, §111.)

Similar provisions of former law, see §2720-41.

2720-262. Bumpers and reflectors.—All motor vehicles shall be equipped with front and rear bumpers or with front bumpers and with rear reflectors as herein provided and all trailers and semi-trailers weighing more than 1,500 pounds shall be equipped with rear bumpers or rear reflectors as herein provided. Such bumpers shall be securely attached to the frame thereof, and shall extend beyond the extreme front and rear points respectively of such vehicles. The center point of such bumpers shall be not more than 20 inches nor less than 14 inches from the ground when the vehicle is unloaded, provided that two rigid cross-bars may be attached to any bumper to extend it so that it will reach into a point within the required height from the ground. (Apr. 26, 1937, c. 464, §§112; Apr. 22, 1939, c. 430, §22.)
2720-263. Safety glass required.—(a) On and after six months from the adoption of this act no person shall sell any new motor vehicle nor shall any new motor vehicle be registered thereafter which is designed or used for the purpose of transporting passengers for compensation as a school bus unless such vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields.

(b) On and after one year from the adoption of this act no person shall sell any new motor vehicle nor shall any new motor vehicle be registered thereafter unless such vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields.

(c) The term "safety glass" shall mean any product composed of glass, or other material as may be approved by the commissioner, so manufactured, fabricated, or treated as substantially to prevent scattering and flying of the glass when struck or broken.

(d) All glass replacements in doors, windows, windshields or partitions of motor vehicles on or after one year from the adoption of this act shall be made with materials meeting the requirements of this act for safety glass if glass is used therefor. (Apr. 26, 1937, c. 464, §113.)

2720-264. Certain vehicles to have at least three lights.—(a) No person shall operate any but motor trucks or tractors except farm tractors upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle a sufficient number of yellow or orange colored reflectors or electric lanterns, or other signals capable of continuously producing three warning lights each visible from a distance of at least 500 feet for a period of at least 12 hours, except that a motor vehicle transporting flammables may carry reflectors in place of the other signals above mentioned.

Every such flare, lantern, signal, or reflector shall be of a type approved by the commissioner and he shall publish lists of those devices which he has approved as adequate for the purposes of this section. (Apr. 26, 1937, c. 464, §114; Apr. 22, 1939, c. 430, §23.)

(b) Whenever any motor truck or tractor or bus is disabled during the period when lighted lamps must be displayed on vehicles and such motor truck cannot immediately be repaired, a reflector may be placed upon the main traveled portion of a highway outside of a business district, the driver or other person in charge of such vehicle shall cause such flares, lanterns, or other signals to be lighted and placed as warning lights upon the highway, one at a distance of approximately 100 feet in advance of such vehicle, one at a distance of approximately 200 feet to the rear of the vehicle and the third upon the roadway shall be the vehicle, except that if the vehicle is transporting flammables three reflectors may be so placed in lieu of such other signals and no open burning flare shall be placed adjacent to any such last mentioned vehicle.

(c) No person shall at any time operate a motor truck or tractor upon a highway unless it carries flares or electric lanterns as herein required, but such flares or electric lanterns must be capable of producing a light and shall be displayed upon the roadway when and as required in this section.

(d) No person shall operate any motor truck or tractor upon a highway outside of a business or residence district unless there shall be carried in such vehicle a sufficient number of yellow or orange colored reflectors or electric lanterns so placed as to be visible from a distance of approximately 24 inches by 24 inches, which must be displayed at any time from a half hour before sunrise to a half hour after sunset under circumstances which would require the use of warning lights at night and in such manner and position governing the use of warning lights as prescribed herein. (Apr. 26, 1937, c. 464, §114.)

Similar provisions of former law and annotations, see §114c. 2720-265. Explosives.—Any person operating any vehicle transporting any explosives as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

(a) Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high.

(b) Every said vehicle shall be equipped with fire extinguishers of a type and number approved by the commissioner, filled and ready for immediate use and placed at a convenient point on the vehicle so used.

(c) The commissioner is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he shall deem advisable for the protection of the public. (Apr. 26, 1937, c. 464, §115.)

2720-266. Adjusting headlights.—(a) The commissioner is hereby authorized and required to designate, furnish instructions to and to supervise official stations for adjusting head lamps and auxiliary driving lamps to conform with the provisions of this act. When head lamps and auxiliary driving lamps have been adjusted and certified by the instructions issued by the commissioner a certificate of adjustment shall be issued to the driver of the motor vehicle on forms issued in duplicate by the commissioner showing date of issue, registration number of the motor vehicle, owner's name, make of vehicle and official designation of the adjusting station.

(b) The driver of any motor vehicle equipped with approved head lamps, auxiliary driving lamps, or signal lamps, who is arrested upon a charge that such lamps are improperly adjusted or are equipped with bulbs of a candlepower not approved for use therewith, shall be allowed 48 hours within which to bring such lamps into conformance with requirements of this act. It shall be a defense to any such charge that the person arrested produce in court or submit to the prosecuting attorney a certificate from an official adjusting station showing that within 48 hours after such arrest, such lamps have been made to conform with the requirements of this act. (Apr. 26, 1937, c. 464, §116.)

Similar provisions of former law, see §2720-53.

2720-267. Motor vehicle testing stations.—Every municipality in the state, regardless of how organized, shall have the power to establish and operate and maintain motor vehicle testing stations for the purpose of testing and inspecting motor vehicles using the public streets of any such municipality, to finance and pay for the same out of the proceeds of the collection of fees charged for such inspection. Any municipality may pass and by proper penalties enforce ordinances for said purpose and by such ordinances:

(a) Require the attendance of such motor vehicles at such testing station for the purpose of inspection, at such time as shall be deemed reasonable after due notice thereof shall have first been given to the owner of such motor vehicle or his agent: provided that any owner of five or more commercial vehicles having testing equipment and facilities meeting the requirements of the municipality may be exempted from the requirements of attendance at such testing station;

(b) Require the payment of inspection fees, but such fees shall not exceed the amount of 50 cents for any one inspection or one dollar for any one year;

(c) Provide for the issuance of an inspection certificate as often as the owner desires between compulsory inspection periods;

(d) Provide for the issuance of an inspection certificate and require the same to be displayed on the windshield of such motor vehicle in the lower right hand corner thereof, and in such manner as not to obstruct the driver's view;
(e) Prohibit the operation on the public streets of any motor vehicle which shall not have been submitted for inspection within a reasonable time after notice of such required inspection shall have been given to the owner of such motor vehicle or to the owner or agent of such motor vehicle to which such notice shall have been given, and such municipality of any motor vehicle which shall not have been submitted for inspection within a reasonable time after such notice shall be found to be in a faulty or unsafe condition or in violation of any city ordinance or state law, and now having a proper inspection certificate properly displayed. No inspection as herein provided shall be required of any owner of a vehicle who is not a resident of the municipality operating and maintaining said motor vehicle testing station.

In making any such inspection or tests, no additional or different mechanical requirements than those provided by state law shall be imposed upon or against a motor vehicle or the owner thereof, or his agent, in order to entitle such vehicle to an inspection certificate, but no such certificate shall be issued or attached to any vehicle until and unless such vehicle shall, upon such inspection, be found to comply with the terms of the state law. (Apr. 28, 1937, c. 464, §117.)


CH. 13—ROADS §2720-208. 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 for the current year only, as signed 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. (Apr. 26, 1937, c. 464, §118.)

Former law, see §2720-6.

ARTICLE XVI

SIZE, WEIGHT AND LOAD

§2720-209. Size, weight and load.—(a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this article or otherwise in violation of this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state; and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this article.

The provisions of this article governing size, weight, and load shall not apply to fire apparatus, or to implements of husbandry temporarily moved upon a highway, or to loads of loose hay or corn stalks if transported by a horse-drawn vehicle or drawn by a farm tractor to a vehicle operated under the terms of a special permit issued as herein provided. (Act Apr. 26, 1937, c. 464, §119; July 14, 1937, Sp. Ses., c. 46, §1, Feb. 18, 1939, c. 23, §1.)

Sec. 2 of Act July 14, 1937, cited, provides that the act shall take effect from its passage. (Apr. 26, 1937, c. 464, §120; Feb. 18, 1939, c. 23, §2; Apr. 22, 1939, c. 430, §24.)

Editorial note.—The title of Act Apr. 22, 1939, cited, omitted this section from the enumeration of sections to be amended.

Contributory negligence of a ten year old girl caught in the tongue of a horse-drawn thresher始建 by a farm tractor held for jury. Middaugh v. W., 203M456, 281NW818. See Dun. Dig. 7029.

§2720-270. Width of vehicle or load.—(a) The total outside width of any vehicle or the load thereon shall not exceed eight feet except that the outside width of a farm tractor shall not exceed nine feet and except as otherwise provided in this section.

(b) The total outside width of a trackless trolley car or passenger motor bus, operated exclusively in any city or village, or contiguous cities or villages, in this state shall not exceed nine feet.

(c) The total outside width of loads of forest products when loaded shall not exceed 10 feet, provided the load is securely bound with a chain attached to front and rear of the loading platform of the vehicle and the sides of each load are covered with woven wire securely fastened at front and rear so as to protect object pieces slipping on each other and to hold the load securely in place. (Apr. 26, 1937, c. 464, §120; Feb. 18, 1939, c. 23, §2; Apr. 22, 1939, c. 430, §24.)

Subdivision (c) was added by Act Feb. 18, 1939, cited.

Similar provisions of former law and annotations, see §2720-35.

§2720-271. Load on passenger vehicles.—No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. (Apr. 26, 1937, c. 464, §121.)

Similar provisions of former law and annotations, see §2720-35.

§2720-272. Height and length of vehicle and load.—(a) No vehicle unladen or with load shall exceed a height of 12 feet six inches.

(b) No vehicle shall exceed a length of 40 feet exclusive of the size of its unladen vehicle, or of the load thereon, or of any unit of a combination of vehicles, except as provided in this act, but in respect to night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps and marker lamps on both sides and upon the extreme ends of any projecting load to clearly mark the dimensions of such load. (Apr. 26, 1937, c. 464, §122; Apr. 22, 1939, c. 430, §25.)

(d) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with such a bumper. (Apr. 26, 1937, c. 464, §122.)

Simlar provisions of former law and annotations, see §2720-27c.

Contributory negligence of a ten year old girl catching ride on tongue of second wagon coupled together and drawing the load.—Middaugh v. W., 203M456, 281NW818. See Dun. Dig. 7029.

§2720-273. Loading of vehicles.—No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of
its load from dropping, sitting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway. (Apr. 26, 1937, c. 644, §128.)

2720-274. Weight of trailers.—(a) The unladen weight of any trailer other than a house trailer shall not exceed 2,000 pounds nor shall the gross weight of any house trailer, or any other trailer, including the weight of the trailer and the load, exceed 6,000 pounds, except when operated under special permit as herein provided in this act.

(b) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and said drawbar or other connection shall not exceed 15 feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

(c) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or other objects of structural nature which cannot

2720-275. Limit of weight upon vehicles.—The gross weight upon any wheel or axle of a vehicle shall not exceed the following:

1. No vehicle equipped with pneumatic tires and with axles spaced less than 8 feet apart and driven on any highway shall have maximum weight unladen or with load in excess of 9,000 pounds, or an axle weight in excess of 12,000 pounds.

2. No vehicle equipped with pneumatic tires and with axles spaced 8 feet or more apart and driven on any highway shall exceed the maximum weight unladen or with load in excess of 6,000 pounds, except when operated under special permit as herein provided in this act.

3. When a vehicle is equipped with solid rubber or cushion tires, 60 per cent of the weight permitted for wheels on vehicles equipped with pneumatic tires.

4. The provisions of this section shall not apply to vehicles operated exclusively in any city or village, or contiguous cities or villages in this state. (Apr. 26, 1937, c. 644, §125.)

2720-276. Limit of load over bridges.—Subject to the limitations upon wheel and axle loads prescribed in this act, the gross weight of any vehicle or combination of vehicles driven onto or over a bridge on any highway shall not exceed the safe capacity of said bridge, as may be indicated by warning posted on said bridge. (Apr. 26, 1937, c. 644, §126.)

2720-277. Weighing vehicles.—(a) Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the vehicle and load and such vehicle shall be stopped at the nearest public scales in the event such scales are within two miles.

(b) Whenever an officer upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this act. All material so unloaded shall be cared for by the owner or driver of such vehicle at the risk of such owner or driver.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this act, shall be guilty of a misdemeanor. (Apr. 26, 1937, c. 644, §127.)

2720-278. Special permits for moving vehicles.—(a) The commissioner with respect to highways under his jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this act or otherwise not in conformity with the provisions of this act upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which said party is responsible.

(b) The application for any such permit shall specifically describe the vehicle or vehicles and load to be moved and the particular highways for which permit to so use is requested, and the time of the trip for which such permit is requested.

(c) The commissioner or local authority is authorized to issue or withhold such permit at his discretion; or, if such permit is issued, to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and any such undertaking or other security may be deemed necessary to compensate for any injury to any roadway or road structure.

(d) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or other agent or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit. (Apr. 26, 1937, c. 644, §128.)

2720-279. Restrictions on loads during certain seasons.—(a) Local authorities with respect to highways under their jurisdiction may impose restrictions as to the weight of vehicles to be operated upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, whenever any said highway by reason of deterioration, or by reason of other conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) The local authority enacting any such prohibition or restriction shall erect or cause to be erected and maintained signs plainly indicating the prohibition or restriction at each end of that portion of any highway affected thereby, and the prohibition or restriction shall not be effective unless and until such signs are erected and maintained.

(c) Municipalities with respect to highways under their jurisdiction may also, by ordinance, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(d) The commissioner shall likewise have authority as hereinabove granted to local authorities to determine and to impose prohibitions or restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said commissioner, and such restrictions shall be effective when signs thereof are erected upon the highway or portion of any highway affected by such action. (Apr. 26, 1937, c. 644, §129.)

Similar provisions of former law and annotations, see §2720-37 and §2720-39.
2720-280. Shall be liable for damages.—(a) Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which said highway or structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operation, driving or moving any vehicle, object, or contrivance weighing in excess of the maximum weight in this act but authorized by a special permit issued as provided in this article.

(b) Whenever such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage.

(c) Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure. (Apr. 26, 1937, c. 464, §140.)

ARTICLE XVII PENALTIES

2720-281. Penalties.—(a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a gross misdemeanor or a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this act for which another penalty is not provided, shall be punished by a fine of not more than $100.00 or by imprisonment of not more than 90 days.

(c) Whenever a person is arrested for any violation of this act or any violation of a city or village ordinance regulating traffic, the court before whom such matter is heard shall determine the driver's record of such person from the commissioner before hearing or considering such matter and the expense incident to the procurement of such information shall be taxable as costs upon conviction. (Apr. 26, 1937, c. 464, §130.)

Similar provisions of former law, see §2720-60.

ARTICLE XVIII PARTIES, PROCEDURE UPON ARREST AND REPORTS IN CRIMINAL CASES

2720-282. Who may be guilty of offenses.—Every person, who commits, attempts to commit, conspires to commit, aids or abets in the commission of, any act declared herein to be a crime, whether individually or in connection with one or more other persons as principal, agent, or accessory, shall be guilty of such offense. Every person who falsely, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this act is likewise guilty of such offense. (Apr. 26, 1937, c. 464, §123.)

2720-283. Owner liable.—It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law. (Apr. 26, 1937, c. 464, §130.)

2720-284. Procedure upon arrest.—Whenever any person is arrested for any violation of this act punishable as a misdemeanor, the arrested person shall be immediately taken before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense, and every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this act or of any other law, shall be immediately taken before a magistrate within the county nearest or most accessible to the place of arrest. (Op. Atty. Gen. (266b-23), Mar. 29, 1933.)

2720-285. Officer to make report.—(a) Whenever a person is arrested for any violation of this act punishable as a misdemeanor, and such person is not immediately taken before a magistrate the arresting officer shall prepare in duplicate written notice to appear in court containing the name and address of such person, his driver's license or chauffeur's license number, the license of his vehicle, if any, the offense charged, and the time and place when and where such person shall appear in court.

(b) The place specified in said notice to appear must be before a magistrate within the town if there be a magistrate within said town, otherwise within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense.

(c) The arrested person in order to secure release, as provided in this section, must give his written promise to appear in court by signing in duplicate the written notice prepared by the arresting officer. The original of said notice shall be retained by said officers and the copy thereof delivered to the person arrested. Thereupon, said officer shall forthwith release the person arrested from custody. (Apr. 26, 1937, c. 464, §135; Apr. 22, 1939, c. 430, §29.)

Similar provisions of former law, see §63.

2720-286. Failure to appear a misdemeanor.—(a) Any person willfully violating his written promise to appear in court, given as provided in this article, is guilty of a misdemeanor provided he is found guilty of the charge upon which he was originally arrested.

(b) A written promise to appear in court may be compiled with by an appearance by counsel. (Apr. 26, 1937, c. 464, §130.)

Similar provisions of former law, see §2720-63.

2720-287. Arrest without warrant.—The foregoing provisions of this article shall govern all police officers in making arrests without a warrant for violations of this act for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade. (Apr. 26, 1937, c. 464, §127.)

2720-288. Records not admissible as evidence.—No record of the conviction of any person for any violation of this act shall be admissible as evidence in any court in any civil action. (Apr. 26, 1937, c. 464, §128.)

2720-289. Conviction not to affect credibility as a witness.—The conviction of a person upon a charge of violating any provision of this act or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any other civil or criminal proceeding. (Apr. 26, 1937, c. 464, §139.)

2720-290. Records of violations.—(a) Every magistrate or judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this act or of any other law, or city or village ordinance, regulating the operation of vehicles on highways.
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(b) Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this act or other law, or city or village ordinance, regulating the operation of vehicles on highways every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

(c) Said abstract must be made upon a form furnished by the department and shall include the name and address of the party charged, the driver's license number or chauffeur's license number of the person involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

(d) Every court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

(e) The failure, refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom. (Apr. 26, 1937, c. 464, §140.)

Similar provisions of former law, see §2720-64.

ARTICLE XIX

EFFECT OF AND SHORT TITLE OF ACT

§2720-291. Effect and interpretation of law.—(a) This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(b) In all civil actions, a violation of any of the provisions of this act by either or any of the parties to such action or actions shall not be negligence per se but shall be prima facie evidence of negligence only. (Apr. 26, 1937, c. 464, §141; Apr. 22, 1939, c. 430, §30.)

Similar provision of former law, see §2720-65.

§2720-292. Highway traffic regulation act.—This act may be cited as the Highway Traffic Regulation Act. (Apr. 26, 1937, c. 464, §142.)

§2720-293. Provisions severable.—If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional. (Apr. 26, 1937, c. 464, §143.)

Similar provisions of former law, see §2720-47.

§2720-294. Laws and inconsistent acts repealed.—Laws 1925, Chapter 336, Section 8; Laws 1927, Chapter 412; Laws 1929, Chapters 168, 390 and 407; Laws 1931, Chapters 225 and 252; Laws 1935, Chapters 224 and 389, are hereby repealed; and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency. (Apr. 26, 1937, c. 464, §144.)

CHAPTER 13A

Vessels Navigating Lakes and Rivers

MOTOR BOATS

§2740-1. Definition.—The words "motor boat" whose used in this act shall include every vessel propelled by machinery, except tug and/or tow boats propelled by steam and operated upon any lakes or waters constituting the boundary between the State of Minnesota and any other state. (Act Mar. 26, 1931, c. 88, §1.)

§2740-2. Speed of motor boats.—No motor boat under the provisions of this chapter shall be operated at a speed greater than is reasonable and proper having due regard to the safety of other boats and persons. (Act Mar. 26, 1931, c. 88, §3.)

§2740-3. Must have mufflers.—Every motor boat under the provisions of this chapter propelled by an internal combustion engine shall at all times be so equipped as to completely and effectually "muffle" and silence the sound of the explosions of such engine by diverting its exhaust under water, or otherwise. It shall be unlawful to operate any such motor boat so propelled by an internal combustion engine with the muffler or cut-out open on any navigable or public waters in this state other than international waters, waters constituting the boundary between the State of Minnesota and any other state, except while such motor boat is actually competing in a race licensed to be held by the council or other governing body of the city, village, or town adjacent or nearest to that portion of the body of water on which such race is to be held. (Act Mar. 26, 1931, c. 88, §4.)

§2740-5. Owner to report accidents.—Within 48 hours after a motor boat meets with an accident involving personal injury or loss of life, it shall be the duty of the owner or the person in charge of such motor boat to prepare a written report, setting forth the details of the casualty, which report shall be forwarded by mail or otherwise to the sheriff of the county in which the accident occurred. (Act Mar. 26, 1931, c. 88, §5.)

§2740-6. Inconsistent acts repealed.—All prior acts or parts of prior acts inconsistent with the provisions of this act are hereby repealed. (Act Mar. 26, 1931, c. 88, §6.)

§2740-7. Violation—penalties.—Any person who violates any section of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or imprisonment not exceeding thirty days, or both. (Act Mar. 26, 1931, c. 88, §7.)

§2740-8. Effective July 1, 1931.—This act shall take effect and be in force from and after July 1st, 1931. (Act Mar. 26, 1931, c. 88, §8.)

INSPECTION AND LICENSING

§2740-11. Intercounty commission: powers.—The County and Boards of Commissioners of any counties, which counties are contiguous to or have within their borders an inland lake having a water area of at least 250 square miles may by joint action

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