

CHAPTER 168

MOTOR VEHICLES

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*Am 1943-336-1
Am 1943-602-*

168.01 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subdivision 2. **Application for registration, listing for taxation.** "Application for registration" shall have the same meaning as "listing for taxation," and when a motor vehicle is registered it is also listed.

Subdivision 3. **Trucks classified and taxed.** Trucks used for transporting things other than passengers shall be classified and taxed as set forth in subdivisions 4, 5, and 6.

Subdivision 4. **Class T trucks.** Class T trucks include all trucks, tractors, truck-tractors, semi-trailers, and trailers used exclusively by the owner of such truck to transport agricultural, horticultural, dairy, and other farm products including live stock, produced by the owner of the truck, from the farm to market, and to transport property and supplies to the farm of the owner, and trucks used in rendering occasional accommodation service for others in transporting farm products from a farm to market or supplies to a farm, or a farmers' cooperative even though the same be paid for, where such truck is owned by a person not engaged in the transportation business.

Subdivision 5. **Class X trucks.** Class X trucks include all trucks, tractors, truck-tractors, semi-trailers, and trailers used exclusively in transporting property within the zone circumscribed by a line running parallel to the corporate limits of any city or village or contiguous cities and/or villages and 35 miles distant therefrom. The permitted zone of operation shall be a zone in which the post-office

address of the licensee is located unless at the time of application for license he designates some other zone. The post-office address of the owner, or the zone selected for operation shall be stenciled by the owner in a conspicuous place on his motor vehicle. The X truck may be used by the owner thereof outside the zone for the purpose of transporting agricultural, horticultural, dairy, and other farm products, including live stock produced by the owner of the truck, from the farm to market and to transport property and supplies to the farm of the owner of the truck. Class X trucks may also be used by the owner thereof outside of the zone for the purpose of transporting logs and other forest products, including logs, pulpwood, tie cuts, sawed or hewed ties, bolts, firewood, rough unsurfaced lumber, square timbers, piling, mining timber, lagging, posts, and poles, from the point where such products are produced to an assembly yard or railhead in the same county or contiguous county when such transportation constitutes a first haul of such products, and also includes hauling property, equipment, and supplies to the place where the production is to be performed, or materials used in highway construction, or contractors' outfits to the place where work is to be performed and/or vehicles used exclusively as service or repair cars going to or from the place rendering aid and assistance to the disabled motor vehicle. The situs of an X truck may be changed by the owner thereof on application.

Subdivision 6. **Class Y trucks.** Class Y trucks include all trucks, tractors, truck-tractors, semi-trailers, and trailers not included under Class T or Class X.

Subdivision 7. **Commercial passenger transportation.** "Commercial passenger transportation" means the carriage of passengers for hire between points not wholly within the limits of the same city, village, or borough; provided that bus lines operating wholly within two or more contiguous cities, villages, or boroughs, or between a city and a village, or villages contiguous thereto, and local bus lines carrying passengers from a railroad station from or to places in the vicinity thereof shall not be construed to be engaged in commercial passenger transportation.

Subdivision 8. **Highway.** A "highway" is any public thoroughfare for vehicles, including streets in cities, villages, and boroughs.

Subdivision 9. **Motor vehicle.** "Motor vehicle" means any self-propelled vehicle not operated exclusively upon railroad tracks, and any vehicle propelled or drawn by a self-propelled vehicle.

Subdivision 10. **Owner.** "Owner" means any person, firm, association, or corporation owning or renting a motor vehicle, or having the exclusive use thereof, under a lease or otherwise, for a period of greater than 30 days.

Subdivision 11. **Tractor.** "Tractor" means any motor vehicle designed or used for drawing other vehicles but having no provision for carrying loads independently.

Subdivision 12. **Truck-tractor.** "Truck-tractor" means any 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.

Subdivision 13. **Trailer.** "Trailer" means any vehicle designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

Subdivision 14. **Semi-trailer.** "Semi-trailer" means a vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight or that of its load rests upon and is carried by the towing vehicle.

Subdivision 15. **Truck.** "Truck" means any motor vehicle designed or used principally for carrying things other than passengers and includes a motor vehicle to which has been added a cabinet box, platform, rack, or other equipment for the purpose of carrying merchandise other than the person or effects of the passenger.

Subdivision 16. **Unloaded weight.** "Unloaded weight" means the actual weight of the vehicle fully equipped without a load.

Subdivision 17. **Gross weight.** "Gross weight" means 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.

Subdivision 18. **Registrar.** "Registrar" means the registrar of motor vehicles designated in this chapter.

Subdivision 19. **Sworn statement.** "Sworn statement" means any statement required by or made pursuant to the provisions of this chapter, made under oath administered by an officer authorized to administer oaths.

Subdivision 20. **Dealer.** "Dealer" means any person, firm, or corporation regularly engaged in the business of manufacturing, or selling, purchasing, and generally dealing in new and unused motor vehicles having an established place of business for the sale, trade, and display of new and unused motor vehicles and having in its, his, or their possession new and unused motor vehicles for the purpose of sale or trade.

[1921 c. 461 s. 1; 1925 c. 299 s. 1; 1927 c. 165 s. 1; 1929 c. 432; 1931 c. 217 s. 1; 1933 c. 344 s. 1; 1941 c. 465] (2672)

168.02 VEHICLES EXEMPT FROM MOTOR VEHICLE LICENSE. Vehicles owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, the state, or any political subdivision 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 chapter requiring payment of tax or registration fees, but all such vehicles except those owned by the federal government, municipal fire apparatus, police patrols and ambulances, the general appearance of which is unmistakable, shall be registered as herein required and display tax exempt number plates furnished by the registrar at cost. 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 political subdivision owning such vehicle shall be plainly printed on both sides thereof in letters not less than 2½ inches high, one inch wide and of a ⅜ inch stroke and shall be in a color giving a marked contrast with that of the part of the vehicle on which it is placed and shall be done with a good quality of paint that will endure throughout the term of the registration. The printing must be on a part of the vehicle itself and not on a removable plate or placard of any kind and shall be kept clean and visible at all times.

The owner of any such vehicle, desiring to come under the foregoing exemption provisions shall first notify the chief of the state trunk highway patrol, who shall provide suitable seals and cause the same to be affixed to any such vehicle. Tractors used solely for agricultural purposes, farm tractors used by retail dealers in farm implements in the transportation of implements of husbandry to or from a farm, whether such implements of husbandry are being drawn on their own wheels or on a trailer or semi-trailer, tractors drawing threshing machinery or for road work other than hauling material, implements of husbandry temporarily moved upon the highway, road rollers and trailers of not more than two wheels with a gross weight of load and vehicle not exceeding 3,000 pounds used only with pleasure vehicles and not employed in the transportation of passengers or property for hire shall not be taxed as motor vehicles using the public streets and highways and shall be exempt from the provisions of this chapter, except that all trailers thus exempt shall be registered, as herein required, and display identification plates furnished by the registrar at cost. Motor vehicles, which are used only for the purpose of carrying sawing machines, well-drilling machines, feed grinders, and corn 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 but shall be listed for taxation as personal property as provided by law. Motor vehicles, which are used only for the purpose of carrying sawing machines, well-drilling machines, or corn shellers permanently attached to them shall not be subject to the registration tax, as herein provided, but shall be listed for 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 chapter, requiring registration payment of tax and penalties for non-payment thereof; provided, that the owner of any such vehicle shall first file his verified written application with the registrar, correctly describing such vehicle. Nothing herein shall be construed as repealing or modifying Laws 1929, Chapter 361, or Laws 1939, Chapters 217 and 220.

[1921 c. 461 s. 2; 1923 c. 418 s. 2; 1931 c. 39 s. 1; 1933 c. 298; 1939 c. 349; 1941 c. 237; 1941 c. 360 s. 1] (2673)

168.03 FIRE APPARATUS OWNED BY FARMERS' COOPERATIVE ASSOCIATIONS EXEMPT. All motor vehicle apparatus owned by a farmers' cooperative

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association or by a body of farmers and used solely in the extinguishment of fire in the community in which it is so owned and employed shall be exempt from taxation. Any tax heretofore accruing to the state upon a vehicle of the class and used for the purpose herein set forth is hereby abated. The registrar, upon application of the owner of such motor vehicle fire apparatus, shall register the same and issue a preexemption plate for use thereon.

[1925 c. 111] (2673-1)

45-458-1
168.031 CERTAIN MOTOR VEHICLES EXEMPT. The motor vehicle of any person who engages in active service in time of war or other emergency declared by proper authority in any of the military or naval forces of the United States shall be exempt from the motor vehicle registration tax during the period of such active service and for 40 days immediately thereafter if the owner has filed with the registrar of motor vehicles a written application for exemption with such proof of military service as the registrar may have required and if the motor vehicle is not operated on a public highway within the state.

[1941 c. 7 s. 1]

168.032 REFUNDMENT IN CERTAIN CASES. If such person shall have paid the tax for the year in which he enters upon such active service he shall surrender to the registrar when he applies for the exemption the number plates issued upon the registration. Upon proper application and surrender of the number plates, the registrar shall refund to the applicant from the motor vehicle license suspense fund the portion of the tax paid proportionate to the portion of the year during which the motor vehicle will not be used on any highway of the state.

[1941 c. 7 s. 2]

168.033 MAY PAY PROPORTIONATE PART OF TAX. If such person shall not have paid the tax for the year in which he enters upon such active service, the registrar shall not accept his application until he has registered his motor vehicle and paid the portion of the tax with penalties, if any, proportionate to the portion of the year up to the date of application.

[1941 c. 7 s. 3]

168.034 OPERATION OF MOTOR VEHICLES BY SOLDIERS AND SAILORS. Any person who is engaged in active service in time of war or other emergency declared by proper authority in any of the military or naval forces of the United States, and who owns and is duly licensed under the laws of another state to operate a motor vehicle upon the highways thereof, may operate such motor vehicle personally or by his authorized driver upon the streets and highways of townships, villages, and cities in this state, subject to the following conditions and limitations:

(1) That the exemptions provided by sections 168.034 to 168.039, as therein limited, shall be operative as to a motor vehicle owned by such member of the army or navy only during the remainder of the year for which such motor vehicle is licensed in such other state;

(2) That any such motor vehicle so operated in this state by any such member at all times shall carry and display all number plates or like insignia required by the laws of the state in which such motor vehicle is registered;

(3) That such motor vehicle owner shall file with the registrar such proof of military or naval service as the registrar may have required;

(4) That such motor vehicle owner shall first file with the registrar in this state an instrument in writing, subscribed by him and duly acknowledged before a notary public or other officer with like authority, setting forth the name and address of the owner and of each person having any interest in such motor vehicle, the name and address of the person from whom such motor vehicle was purchased or acquired, the name of the manufacturer and of the motor vehicle if it has a name, the year when manufactured, the serial number or other number and model identifying such motor vehicle, the weight in pounds of such motor vehicle, and the number of cylinders of the motor engine. This written instrument shall also contain substantially the following:

"The undersigned owner of the above described motor vehicle hereby consents and agrees that the use and operation of this motor vehicle inside the state of Minnesota shall always be subject to all the laws, ordinances, rules, and regulations applicable to like operation thereof by a citizen and resident of the state of Minnesota, except as it may be expressly provided otherwise by the laws of Minnesota. The undersigned owner hereby consents to be sued, or otherwise proceeded against,

either civilly or criminally, at any place in Minnesota where the above described motor vehicle is operated, upon any claim or cause of action arising from such operation, in the same manner as a Minnesota citizen and resident owner and operator of a like motor vehicle might be sued or proceeded against in like circumstances. In any such civil proceedings, legal process and other notices or papers may be served upon the undersigned owner of the above described motor vehicle by depositing a copy thereof in the United States mail, properly enveloped, sealed, postage prepaid, and addressed to the undersigned owner at his above stated address or at such other address as he may have later filed in writing supplementary to this agreement. Such service shall be deemed personal service and have the same force and effect as like process or notice served personally upon a motor vehicle owner residing in and being a citizen of the state of Minnesota."

[1941 c. 275 s. 1]

168.035 REGISTRAR TO ISSUE CERTIFICATES. As soon as any motor vehicle owner entitled to the privileges extended in sections 168.034 to 168.039 shall have complied with the provisions thereof the registrar of motor vehicles shall issue to him a certificate stating that he is entitled to operate such motor vehicle within this state during the time authorized thereunder; but subject to suspension, revocation, or cancellation for any cause that would justify similar action with respect to any motor vehicle license or registration issued to any citizen or resident of this state. Such certificate shall be prima facie evidence that the motor vehicle therein described may be lawfully operated in this state. When any change shall have been made in the ownership, or foreign license or number plates, of any motor vehicle operating in this state under a certificate, as above provided, the certificate shall be void and, within seven days thereafter, be surrendered to the registrar of motor vehicles.

[1941 c. 275 s. 2]

168.036 VEHICLES WITHOUT CERTIFICATE MAY BE SEIZED. Any foreign motor vehicle being operated at any time without such certificate or other lawful authorization shall be subject to seizure and the driver thereof to arrest by any law-enforcing officer of this state; and, upon conviction of such driver for operating in this state without license, such motor vehicle may be sold in the same manner as on execution sale for debt and the proceeds may be applied to satisfy any penalty or fine imposed and to pay any costs or expenses incurred in connection with such arrest, seizure, and sale.

[1941 c. 275 s. 3]

168.037 FALSE STATEMENTS A FELONY. Any person who files any statement or written instrument required in sections 168.034 to 168.039, knowing that the same is false or fraudulent in whole or in part, shall be guilty of a felony; and such felony shall be deemed to have been committed at the time when and place where such false or fraudulent statement was filed in this state.

[1941 c. 275 s. 4]

168.038 REGISTRAR MAY PROMULGATE RULES. The registrar may promulgate such rules and regulations, from time to time, as may be reasonably necessary to accomplish the purpose of sections 168.034 to 168.039.

[1941 c. 275 s. 5]

168.039 APPLICATION. Sections 168.034 to 168.039 apply only to passenger motor vehicles which are not used in transporting persons or property for hire.

[1941 c. 275 s. 6]

168.05 GROSS EARNINGS TAX NOT TO APPLY. The tax on basis of gross earnings paid by such company shall be in lieu of all other taxes upon its property as now provided by law, except motor vehicles using the public highways of this state.

[1929 c. 361 s. 2] (2673-3)

168.053 CERTAIN TRANSPORTATION COMPANIES MUST HAVE DRIVE-AWAY IN TRANSIT LICENSE. Any person, firm, or corporation engaged in the business of transporting motor vehicles, not his own, by delivering, by drive-away or towing methods, either singly or by means of the full method, the saddle mount method, the tow-bar method, or any other combination thereof, and under their own power, new vehicles over the highways of the state from the manufacturer or any other point of origin, to any point of destination, within or without the state, shall make application to the registrar for a drive-away in transit license. This application for annual license shall be accompanied by a registration fee of \$250.00 and contain

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such information as the registrar may require. Upon the filing of the application and the payment of the fee, the registrar shall issue to each drive-away operator a general distinguishing number, which number must be carried and displayed by each motor vehicle in like manner as is now provided by law for vehicles while being operated upon public highways and such number shall remain on the vehicle from the manufacturer, or any point of origin, to any point of destination within or beyond the state. Additional plates bearing the same distinguishing number desired by any drive-away operator may be secured from the registrar of motor vehicles upon the payment of a fee of \$2.00 for each set of additional license plates. Any person, firm, or corporation engaging in the business as a drive-away operator, of transporting and delivering by means of full mount method, the saddle mount method, the tow-bar method, or any combination thereof, and under their own power, new motor vehicles, who fails or refuses to file or cause to be filed an application, as is required by law, and to pay the fees therefor as the law requires, shall be found guilty of violating the provisions of sections 168.053 to 168.057; and, upon conviction, fined not less than \$50.00, and not more than \$100.00, and all costs of court. Each day so operating without securing the license and plates as required therein shall constitute a separate offense within the meaning thereof.

[1941 c. 213 s. 1]

168.054 LIABILITY INSURANCE POLICY FILED. Any person pulling or towing any vehicle designed, equipped, or intended to operate under its own power, the pulling or towing being accomplished by another vehicle when operating upon any public highway of the state, shall, before such pulling or towing, file with the registrar a liability insurance policy or bond covering public liability and property damage, issued by some insurance or bonding company, or insurance carrier authorized to do business in the state, which policy or bond shall be approved by the registrar and be for not less than \$10,000 for public liability and not less than \$5,000 for property damage.

[1941 c. 213 s. 2]

168.055 SAFETY CHAINS TO BE USED; SPEED LIMIT. In pulling or towing such motor vehicles, at least two safety chains shall be used in addition to tow bars and all sets shall be not less than 500 feet apart and no person shall operate such vehicle in excess of 35 miles per hour.

[1941 c. 213 s. 3]

168.056 VIOLATION A MISDEMEANOR. Any person violating the provisions of this section shall be guilty of a misdemeanor. The provisions of sections 168.053 to 168.057 shall not apply where such vehicle is being towed as a temporary movement for the purpose of making repairs, or for the purpose of pulling or towing such vehicle from one point to another point for the purpose of making repairs, or on repossessed cars being towed by an agent or employee of any person or bona fide finance company in the state where such towing is incidental to the repossession of such vehicle.

[1941 c. 213 s. 4]

168.057 FEES TO BE PAID INTO STATE TREASURY. All fees derived from sections 168.053 to 168.057 shall be paid into the state treasury and credited to the trunk highway sinking fund.

[1941 c. 213 s. 5]

168.06 RATE OF TAX. Subdivision 1. *Ann. 1943-602-2*
Ann. 1943-362 **How computed.** Motor vehicles, except as set forth in section 168.02, using the public streets or highways in the state shall be taxed in lieu of all other taxes thereon, except wheelage taxes, so-called, which may be imposed by any borough, city, or village, as provided by law, and shall be privileged to use the public streets and highways, on the basis and at the rates for each calendar year, as follows:

(1) Motor vehicles for carrying passengers and hearses...2.2 per cent of value.

Provided, that the minimum tax on all passenger motor vehicles under 2,000 pounds weight except as hereinafter provided shall be...\$5.00 and the minimum tax on all passenger motor vehicles 2,000 pounds and over in weight shall be...\$7.50.

(2) The tax on Class T trucks with carrying capacity of less than 2,000 pounds, shall be 1.2 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.

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.

The minimum tax on all Class T and Class X trucks and tractors of one ton and under manufacturers' rated carrying or hauling capacity shall be \$7.50 except that the minimum tax, on trucks converted from passenger vehicles, including those converted by the factory or a dealer by adding a pickup box to a passenger vehicle before it was used as a passenger vehicle, shall be the same as the minimum on the passenger vehicle from which they were converted and the minimum tax on all trucks and tractors of over one ton and under two tons manufacturers' rated carrying or hauling capacity used only as permitted under Class T shall be \$10.00 and the minimum tax on trucks and tractors of over one ton and under two tons manufacturers' rated carrying or hauling capacity used only as permitted under Class X shall be \$15.00 and the minimum tax on all trucks and tractors of two tons or over and under three tons manufacturers' rated carrying or hauling capacity shall be \$30.00 and the minimum tax on all trucks and tractors of three tons or over and under four tons manufacturers' rated carrying or hauling capacity shall be \$60.00 and the minimum tax on all trucks and tractors of four tons or over and under five tons manufacturers' rated carrying or hauling capacity shall be \$85.00 and the minimum tax on all trucks and tractors of five tons and over and under six tons manufacturers' rated carrying or hauling capacity shall be \$125.00 and the minimum tax on all trucks and tractors of six tons and over manufacturers' rated carrying or hauling capacity shall be \$150.00 and the minimum tax on trailers and semi-trailers shall be \$2.00 for each ton or fraction thereof of such capacity.

(3) The tax on Class X trucks shall be 3.4 per cent on the base value.

(4) The tax on Class Y trucks used in intrastate commerce shall be as provided in subdivision 2 hereof.

The tax on Class Y trucks used exclusively in interstate commerce shall be as provided in subdivision 4 hereof.

(5) Buses and carriers of passengers for hire engaged in commercial passenger transportation, other than taxicabs and vehicles engaged in livery business, shall pay an annual gross weight use tax which on a new vehicle for the first and second years shall be four times the tax paid by a Y truck of the same gross weight and this tax shall be determined in the manner provided for Class Y trucks as set forth in subdivisions 2 and 3 hereof, for the third and fourth years of the life of such vehicle the tax shall be three times the tax paid on a Y truck of the same gross weight as the bus, for the fifth year of the life of such vehicle the tax shall be two times the tax paid on Y trucks of the same gross weight as the bus, for the sixth year of the life of such vehicle the tax shall be one and one-half times the tax paid on Y trucks of the same gross weight as the bus; for every year of the life of the vehicle after the sixth year the minimum tax on all commercial passenger buses of over 25 passenger seating capacity shall be \$350.00 and on those of 25 passenger and less and over five passenger seating capacity, other than taxicabs and vehicles engaged in livery business, shall be \$250.00. This section shall not apply to vehicles for the year 1939 on which the tax has been paid.

(6) Motorcycles without side car...\$3.00. Motorcycles, side car additional...\$2.00.

(7) 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 \$2.00 for each additional ton or fraction thereof.

(8) 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 per cent per annum can be counted, 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 168.32, was being manufactured on August first preceding the year for which the tax is levied, shall be the manufacturers' list price of such similar or corresponding model in effect on such August first. The base price for taxation of a motor vehicle of which no such similar or corresponding model was manufactured until after such August first shall be the manufacturers' list price

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at the factory when the vehicle taxed was first manufactured. The base price for taxation of a motor vehicle of which no such similar or corresponding model has been manufactured since a time prior to such August first shall be the price fixed by the registrar as a reasonable manufacturers' list price at the factory, on such August first if such vehicle has been then manufactured at prevailing costs.

After the first year of vehicle life the base value for taxation purposes shall be reduced as follows: ten per cent the second year, and 15 per cent the third and each succeeding year thereafter, but in no event shall such tax be reduced below the minimum.

When a motor vehicle first becomes subject to taxation during the calendar year for which the tax is paid, the tax on it shall be for the remainder of that year prorated on a monthly basis, one-twelfth of the annual tax for each calendar month, counting the month during which it becomes subject to the tax as the first month of such remainder.

Subdivision 2. **Class Y trucks.** The tax on a tractor, or truck-tractor, shall be determined by the actual unloaded weight of the vehicle. The tax on a semi-trailer, trailer, or truck shall be based on the gross weight of such vehicle. The gross weight shall be the actual unloaded weight of the vehicle, plus the weight of the maximum load which the applicant has elected to carry in such vehicle and for which such vehicle has been licensed. This tax shall be known as a "gross weight use tax." The gross weight use tax on each vehicle shall be as follows:

Where the gross weight of the vehicle is 6,000 pounds or less, \$25.00.

Where the gross weight of the vehicle is over 6,000 pounds and less than 20,000 pounds the tax shall be \$25.00 plus an additional tax of \$15.00 for each 2,000 pounds of weight or major part thereof in excess of 6,000 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 for each ton, or major part thereof, in excess of 20,000 pounds.

Where the gross weight of the vehicle is over 30,000 pounds, the tax shall be \$330.00 plus an additional tax of \$75.00 for each 2,000 pounds, or major part thereof, in excess of 30,000 pounds.

Subdivision 3. **Contents of application; cancelation of certificate.** The applicant for a Y license shall state in writing upon oath, among other things, the unloaded weight for such vehicle and the maximum load which the applicant proposes to carry thereon and such vehicle shall be licensed to carry as the maximum legal load the loadweight so selected, and no vehicle shall exceed such licensed loadweight by more than 1,000 pounds. The gross weight of the vehicle for which such license tax is paid shall be stenciled in a conspicuous place on the vehicle by the owner thereof and the weight of a tractor or truck-tractor shall be likewise stenciled in a conspicuous place thereon.

The registrar shall cancel the certificate of registration or license plate issued by him upon conviction of the owner or driver of such vehicle for transporting a gross weight exceeding the authorized gross weight by more than 1,000 pounds unless such owner within 30 days after such conviction shall apply to increase the authorized gross weight on such vehicle to a level equal to or greater than the gross weight being transported at the time of his conviction and shall pay the necessary additional tax for such increase.

The tax imposed on Class Y trucks in each instance shall be increased 50 per cent on a motor vehicle not equipped wholly with pneumatic tires.

Subdivision 4. **License; computation of tax.** 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 province in the dominion of Canada, unless such vehicle has been registered and a license plate of a distinctive color issued therefor by the registrar of motor vehicles, and shall have stenciled thereon the unloaded weight. This section shall not apply to a motor vehicle exclusively engaged in transporting commerce from a state, or from any province in the dominion of Canada, exclusively upon the streets of any city or village in the state of Minnesota. The applicant shall pay therefor 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 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 com-

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bination 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, or a tractor and trailer, shall be determined by adding together the unloaded weight of both the truck-tractor and semi-trailer or 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 directly 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 not to exceed 3 tons.....	¼ c per mi.
Vehicle or combination of vehicles having an unloaded weight of 3 tons and not exceeding 4 tons.....	½ c per mi.
Vehicle or combination of vehicles having an unloaded weight of 4 tons and not exceeding 5 tons.....	¾ c per mi.
Vehicle or combination of vehicles having an unloaded weight of 5 tons and not exceeding 6 tons.....	1 c per mi.
Vehicle or combination of vehicles having an unloaded weight of 6 tons and not exceeding 7 tons.....	1 ¼ c per mi.
Vehicle or combination of vehicles having an unloaded weight of 7 tons and not exceeding 8 tons.....	2 c per mi.
Vehicle or combination of vehicles having an unloaded weight of 8 tons and not exceeding 9 tons.....	2 ½ c per mi.
Vehicle or combination of vehicles having an unloaded weight of 9 to 10 tons.....	3 c per mi.
Any vehicle or combination of vehicles having an unloaded weight of more than 10 tons.....	4 c per mi.

The owner of any motor vehicle subject to tax provided for in this section may, if he so elects, pay as a tax on any such vehicle the tax provided for in subdivision 2 of this section in lieu of the tax herein provided.

Subdivision 5. Reports. The registrar shall furnish to the owner of such vehicle appropriate blank forms on which to report the miles which such motor vehicle travels on the highways of this state. The owner of such vehicle shall file with the registrar daily reports of such mileage traveled in Minnesota, if any, and shall keep such other records and furnish such information as the registrar may require. The registrar is authorized to require that any tractor, truck-tractor, semi-trailer, trailer, or truck be equipped with a mechanical device approved by him to register the miles traveled by such motor vehicle, and such motor vehicle, including all appliances and all the books and records of the owner, shall be subject to inspection at any time by the registrar.

The owner of every motor vehicle subject to the truck-mile tax shall, on or before the 15th of each month, pay to the registrar of motor vehicles the truck-mile tax due and payable for the preceding month. At the time of the payment of such tax, such owner shall file with the registrar under oath upon a form prescribed by the registrar, a report showing the truck miles operated during the preceding month and such other information as may be required. If the vehicle was not operated over the highways of this state during such month, the report should so state.

The registrar shall not issue a license plate under this section to a contract carrier or common carrier for motor vehicles operated as such in interstate commerce under the terms of this chapter until and unless such owner of such motor vehicle engaged as a common carrier or contract carrier, shall have first fully complied with the terms of sections 222.18 to 222.39 and shall have first obtained from the railroad and warehouse commission the requisite permit by paying the fee therefor and depositing the public liability policy or bond as provided by sections 222.18 to 222.39.

The registrar shall likewise not issue a license plate to the owner of a motor vehicle engaged as a common carrier or contract carrier until the owner of the motor vehicle so engaged has submitted and presented to the registrar satisfactory evidence as to such owner's compliance with the terms and conditions of sections

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222.18 to 222.39 relating to the permit from the railroad and warehouse commission, and the payment of the fee therein and the depositing of public liability insurance or bond as required by sections 222.18 to 222.39.

Every owner of a motor vehicle subject to the provisions of subdivisions 4 and 5 hereof shall deposit with the registrar the sum of \$50.00 for each and every motor vehicle required to be registered hereunder as security that the owner of the motor vehicle will pay the tax due hereunder and make such reports as required herein or as may be required by the registrar. The combination of a truck-tractor and semi-trailer 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.

Any common carrier or contract carrier operating a motor vehicle or motor vehicles in interstate commerce subject to the provisions of this chapter may file with the registrar, in lieu of this deposit of \$50.00, a surety bond in a sum not less than \$200.00 conditioned that such common carrier or contract carrier will pay all taxes due hereunder for the operation of the motor vehicle or vehicles in the service of the common carrier or contract carrier on the public highways of Minnesota, and will make such reports as required herein or as may be required by the registrar.

If the owner of such motor vehicle or such common carrier 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 shall promptly, upon the expiration of the ten-day period, declare a forfeiture of the whole of the \$50.00 deposit for each motor vehicle or such bond to the state and should the sum of \$50.00 or the penalty of such bond be insufficient to fully pay the truck-mile tax then due, an action shall be brought in the name of the State of Minnesota to recover the deficiency thereof.

If the owner of such vehicle shall fail to file the required reports or pay the tax within the time required, the registrar shall also cancel and take up the license plate issued on such vehicle and notify the railroad and warehouse commission of such action.

Subdivision 6. 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 cost and maintenance of highways upon pleasure passenger automobiles; that the imposition of such unjust taxes, both on liquid motor fuel used and for such highway construction and maintenance costs, has made it necessary and just that the taxation of such heavy motor vehicles be increased as here provided for, and a proportionate reduction made in the taxes imposed on passenger automobiles.

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Subdivision 7. Reduction or abatement of taxes. Motor vehicles not subject to taxation as provided in section 168.02, but subject to taxation as personal property within the state of Minnesota, shall be assessed and valued at 33 $\frac{1}{3}$ per cent of the full and true value thereof and to be taxed at the rate and in the manner provided by law for the taxation of ordinary personal property. If the person against whom any tax has been levied on the ad valorem basis because of any motor vehicle shall, during the calendar year for which such tax is levied, be also taxed under the provisions of this chapter, then and in that event, upon proper showing, the commissioner of taxation shall grant to the person against whom the ad valorem tax was levied, such reduction or abatement of assessed valuation or taxes as was occasioned by the so-called ad valorem tax imposed. If the ad valorem tax upon any automobile has been assessed against a dealer in new and unused motor vehicles, and the tax imposed by this chapter for the required period is thereafter paid by the owner, then and in that event, upon proper showing, the commissioner of taxation, upon the application of the dealer, shall grant to such dealer against whom the ad valorem tax was levied such reduction or abatement of assessed valuation or taxes as was occasioned by the so-called ad valorem tax imposed.

Subdivision 8. Registration. The owner of every motor vehicle not exempted by section 168.02 or by section 168.28, shall, so long as it is subject to taxation within the state, list and register the same and pay the tax herein provided annually; provided, however, that any dealer in motor vehicles to whom dealer's plates shall have been issued, as herein provided, shall, upon due application on the date set

for the annual renewal of registration and payment of tax, be entitled to withhold the tax upon any motor vehicle held by him solely for the purpose of sale or demonstrating or both and upon which the tax as a user of the public highways, shall become due, until the motor vehicle shall be sold or let for hire to a person not such a dealer, or until used upon the public highways, but no longer than until October first, following, when the whole tax shall become immediately payable with all arrears.

Subdivision 9. Tax, who may pay. Any act required herein of an owner may be performed in his behalf by a duly authorized agent. Any person having a lien upon, or claim to, any motor vehicle may pay any tax due thereon to prevent the penalty for delayed registration from accruing, but the registration certificate and number plates shall not be issued until legal ownership is definitely determined.

Subdivision 10. Proceeds of tax credited to trunk highway sinking fund. The proceeds of the tax imposed on motor vehicles under this chapter shall be collected by the registrar of motor vehicles and paid into the state treasury and credited to the trunk highway sinking fund.

Subdivision 11. Municipalities not to impose tax. No borough, village, or city shall impose any tax or license fee or bond of any kind for the operation of any motor vehicle operated upon trunk highways in this state on interurban or inter-village routes and engaged as a common carrier of passengers or freight for hire through any such borough, village, or city.

[1921 c. 461 s. 3; 1923 c. 418 s. 3; 1925 c. 299 s. 2; 1929 c. 330 s. 1; 1931 c. 58; 1931 c. 167; 1933 c. 344 s. 2; 1935 c. 161 s. 1; 1935 c. 310; 1937 c. 346 s. 1; 1939 c. 353 s. 1; 1939 c. 388; 1941 c. 12; 1941 c. 515 s. 1] (2674)

168.08 TAXATION OF CERTAIN MOTOR VEHICLES. Motor vehicles using the public streets and highways of this state, and owned by companies paying taxes under gross earnings system of taxation, shall be registered and taxed as provided for the registration and taxation of motor vehicles by this chapter, notwithstanding the fact that earnings from such vehicles may be included in the earnings of such companies upon which such gross earnings taxes are computed, and all provisions of this chapter are hereby made applicable to the enforcement and collection of the tax herein provided for.

[1921 c. 360 s. 1] (2674-4)

168.09 REGISTRATION OF MOTOR VEHICLES; OPERATION WITHOUT REGISTRATION FORBIDDEN; PURCHASERS OF NEW VEHICLES. No motor vehicle, except as is exempted by section 168.02, shall use or be operated upon the public streets or highways of the state in any calendar year until it shall have been registered, as hereinafter required, and the motor vehicle tax and fees herein provided shall have been duly paid and the number plates issued therefor shall be duly displayed on such vehicle. No motor vehicle, except as provided by section 168.02, which shall for any reason not be subject to taxation as herein provided, shall use or be operated upon the public streets or highways of this state until it shall have been duly registered, as herein provided, and shall duly display number plates as required by the provisions of this chapter, except that the purchaser of a new motor vehicle may operate his motor vehicle without plates, provided that:

(1) Such purchaser shall secure from a person appointed by the registrar for that purpose a permit so to operate his motor vehicle, of which permit such person shall keep a record, on a blank provided by the registrar for that purpose;

(2) The person granting such permit shall forward a copy thereof to the registrar, together with the purchaser's application for registration of the motor vehicle and his payment of the tax;

(3) The purchaser shall display upon the windshield of the motor vehicle the permit issued to him by the officer;

(4) After the fifteenth day after it was first issued, or immediately on such day before that time as the purchaser shall receive his regular plates from the registrar, the permit shall be void.

[1921 c. 461 s. 4; 1923 c. 418 s. 4; 1927 c. 88] (2675)

168.10 LISTING OF MOTOR VEHICLES. **Subdivision 1. Application for registration.** Every owner of any motor vehicle in this state, not exempted by section 168.02 or section 168.26, shall as soon as he shall become the owner thereof and thereafter during the period October 1 to December 31 each year, both dates inclusive, 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 information as the registrar may require. The owner 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 wilfully and knowingly made in regard thereto shall be deemed perjury and punished accordingly. 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 chapter, imposed upon the manufacturer.

Subdivision 2. Application for new motor vehicle. Upon the installation of any new motor or 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 the motor vehicle by such change has become subject, and shall apply for a revision of the registration made.

Subdivision 3. Offenses. It shall be unlawful for any person:

(1) To display or cause to be displayed or to have in his possession any canceled, revoked, suspended or fraudulently obtained or stolen registration plates;

(2) To lend his registration plates to any person or knowingly to permit the use thereof by another;

(3) To display or represent as one's own any registration plates not issued to him; provided, however, this shall not apply to any legal change of ownership of the motor vehicle to which the plates are attached;

(4) To fail or refuse to surrender to the department upon its lawful demand any registration plates which have been revoked, canceled, 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 a fraud in any such application.

Subdivision 4. Violations. It shall be a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other laws of this state declared to be a felony or gross misdemeanor.

[1921 c. 461 s. 5; 1923 c. 418 s. 5; 1937 c. 431 s. 1; 1941 c. 515 s. 2] (2676)

168.11 REGISTRAR SHALL ISSUE REGISTRATION CERTIFICATE. The registrar shall file such application and, upon approval thereof and upon payment of the motor vehicle tax, as herein provided, together with all arrears and penalties, if any, and upon the delivery to him of the duly endorsed registration certificate of the former owner, as hereinafter provided, or proof of loss provided in lieu thereof, shall assign to it a distinctive number and issue to the owner a registration certificate, which shall contain the name, place of residence, with street and number, if in a city, and post-office address of the owner, a specific description of the vehicle, and the number assigned, together with a place on the face of the certificate in which the owner shall, immediately upon receipt thereof, place his signature and, on the reverse side thereof, an assignment and notice of sale or termination of ownership, with places for the signatures of both seller and purchaser, and a place for assignment of his credit for the tax. The registration certificate shall be retained by the owner until expiration or surrender, as herein provided. In the case of listing and registration by manufacturers' agents or dealers of motor vehicles not using the public highways, no registration certificate shall be issued, but a duplicate of such list may be retained by the dealer or manufacturer as the registration certificate. When in administering this chapter convenience or necessity requires, the registration certificate may also be called or referred to as the registration card.

[1921 c. 461 s. 6; 1923 c. 418 s. 6] (2677)

168.12 REGISTRAR SHALL FURNISH NUMBER PLATES. The registrar, upon such approval and payment, shall also issue to the applicant such number plates, bearing the abbreviation of the state name and the number assigned, as are

required by law. Such plates, or some distinguishing part thereof, shall be of a different color or shade each year, and there shall be marked contrast between the color of the plates and the numerals, and letters thereon, and the plates shall be so lettered or spaced or distinguished as to suitably indicate the classification of the vehicle, according to the regulations of the registrar. In lieu of the issue of new number plates, the registrar may furnish, on each annual renewal of registration, a year plate to distinguish the year of registration and classification of the vehicle, and shall furnish therewith screws or other means of attachment to the number plate. This plate shall bear the identical number shown on the number plates to which it is to be attached, and the calendar year for which it is issued, and it shall be valid only for such year. The number herein provided for may be a combination of a letter or sign with numbers. After being issued for use upon a motor vehicle no number plate or number shall be transferred to another vehicle during the same calendar year, unless the vehicle for which the same was theretofore issued shall have been permanently lost, destroyed, or removed from the state.

[1921 c. 461 s. 7; 1923 c. 418 s. 7] (2678)

168.13 REGISTRAR TO REGISTER ONLY ON PROOF OF OWNERSHIP. The registrar shall approve no application and issue no number plates for any motor vehicle, except such as may have come direct from the manufacturer, or from another state, unless and until the registration certificate theretofore issued or proof of loss thereof by sworn statement shall be delivered to the registrar, and he shall satisfy himself from his records that all taxes and fees due hereunder shall have been paid, and endorsements upon the certificate or sworn proof of loss, in writing, signed by the seller and purchaser, shall furnish proof that the applicant for registration is paying or receiving credit for the tax upon the vehicle of which he is the rightful possessor; or, in case such certificate or proof is not available, the registrar, or his deputy, shall satisfy himself of such fact by personal view of the motor vehicle serial and motor numbers and by proof of the claim of ownership thereof.

Motor vehicles brought into Minnesota from other states shall not be registered or have number plates issued therefor until such registration certificate or other evidence of title as may reasonably be required from the registrant within that state be surrendered to the registrar in the same manner as certificates of this state, or in lieu thereof, such view and evidence of the chain of ownership be had as will assure the payment of the proper tax so long as the motor vehicle shall be in the state.

[1921 c. 461 s. 8; 1923 c. 418 s. 8] (2679)

168.14 EXPIRATION OF CERTIFICATE. The registered owner's right to the registration certificate provided for herein and the right to use the number plates issued therewith shall expire upon the termination of ownership of any person in the motor vehicle for which the same was issued, and in any event at midnight on December 31st of the year for which issued.

[1921 c. 461 s. 9; 1923 c. 418 s. 9; 1941 c. 515 s. 3] (2680)

168.15 RIGHTS AS TO REGISTRATION CERTIFICATES AND NUMBER PLATES. Upon the transfer of ownership, destruction, theft, dismantling as such, or the permanent removal by the owner thereof from this state of any motor vehicle registered in accordance with the provisions of this chapter, the right of the owner of such vehicle to use the registration certificate and number plates assigned such vehicle shall expire, and such certificate and any existing plates shall be, by such owner, forthwith returned, with transportation prepaid, to the registrar with a signed notice of the date and manner of termination of ownership, giving the name and post-office address, with street and number, if in a city, of the person to whom transferred. When the ownership of a motor vehicle shall be transferred to another who shall forthwith register the same in his name, the registrar may permit the manual delivery of such plates to the new owner of such vehicle. When any person seeks to become the owner by gift, trade, or purchase of any vehicle for which a registration certificate has been theretofore issued under the provisions of this chapter, he shall join with the registered owner in transmitting with his application the registration certificate, with the assignment and notice of sale duly executed upon the reverse side thereof, or, in case of loss of such certificate, with such proof of loss by sworn statement, in writing, as shall be satisfactory to the registrar. Upon the transfer of any motor vehicle by a manufacturer or dealer, for use within the state, whether by sale, lease, or otherwise, such manufacturer or dealer shall, within seven days after such transfer, file with the registrar a notice or report

containing the date of such transfer, a description of such motor vehicles, and the name, street and number of residence, if in a city, and the post-office address of the transferee, and shall transmit therewith the transferee's application for registration thereof.

Upon the transfer of any automobile engine or motor, except a new engine or motor, transferred with intent that the same be installed in a new automobile, and whether such transfer be made by a manufacturer or dealer, or otherwise, and whether by sale, lease or otherwise, the transferor shall, within two days after such transfer, file with the registrar a notice or report containing the date of such transfer and a description, together with the maker's number of the engine or motor, and the name and post-office address of the purchaser, lessee, or other transferee.

[1921 c. 461 s. 10; 1923 c. 418 s. 10; 1927 c. 89] (2681)

168.16 REFUNDS. After the tax upon any motor vehicle shall have been paid for any year, refund shall be made only for errors made in computing the tax or fees and for the error on the part of an owner who may in error have registered a motor vehicle that was not before, nor at the time of such registration, nor at any time thereafter during the current past year, subject to such tax in this state; provided, that after more than two years after such tax was paid no refund shall be made for any tax paid on any vehicle exempted from taxation by reason of non-use, as provided by section 168.02. Such refundment shall be made from any fund in possession of the registrar and shall be deducted from his monthly report to the state auditor. A detailed report of such refundment shall accompany the report. The former owner of a transferred vehicle by an assignment, in writing, endorsed upon his registration certificate and delivered to the registrar within the time provided herein, may sell and assign to the new owner thereof the right to have the tax paid by him accredited to such new owner who duly registers such vehicle. Any owner whose vehicle shall be destroyed or permanently removed from the state shall be entitled to deduct from any tax which shall become thereafter due during the same year from such owner upon another vehicle one-half the annual tax theretofore paid on such vehicle. If the motor vehicle is permanently destroyed or removed from the state before July first, and one-quarter of the annual tax theretofore paid on such vehicle if it is permanently destroyed or removed from the state after June thirtieth but before October first. No refund shall be made if the vehicle is not permanently destroyed or removed from the state until after September 30.

If in registering a motor vehicle from the tax on which the registrant may justly claim an allowance because of a tax previously paid by him in the same year upon another motor vehicle, destroyed or permanently removed from the state after such payment, the registrant shall fail to take advantage of this provision for such reduction, he shall be entitled to a cash refund in the amount of the allowance which he might have been allowed if he had applied for it at the time of the registration of such second vehicle, and the registrar may make such refund in accordance with the provisions of this section.

⊖ [1921 c. 461 s. 11; 1923 c. 418 s. 11; 1931 c. 174; 1935 c. 142 s. 1] (2682)

168.17 REGISTRATIONS SUBJECT TO SUSPENSION. All registrations and issue of number plates shall be subject to amendment, suspension, modification or revocation by the registrar summarily for any violation of or neglect to comply with the provisions of this chapter. In any case where the proper registration of a motor vehicle is dependent upon procuring information entailing such delay as to unreasonably deprive the owner of the use of his motor vehicle, the registrar may issue a tax receipt and plates conditionally. In any case when the registrar for cause has revoked a registration, he shall have authority to demand the return of the number plates and registration certificates, and, if necessary, to seize the number plates issued for such registration.

[1921 c. 461 s. 12; 1923 c. 418 s. 12] (2683)

168.18 RECIPROCAL PERMISSION TO NON-RESIDENT AUTO OWNERS. Any resident of any state, District of Columbia, Canadian province or other foreign power, who owns and is duly licensed under the laws of his own state or country to operate a motor vehicle upon the highways thereof, may also operate such motor vehicle personally or by his authorized driver upon the streets and highways of townships, boroughs, villages, and cities in this state, subject to the following conditions and limitations:

(1) Upon condition that the exemptions provided by this chapter, as hereinafter limited, shall be operative as to a motor vehicle owned by a non-resident only to the

extent that under the laws of the state or Canadian province of his residence (or that under the laws of the District of Columbia or other foreign power if that is his residence) like exemptions and privileges are granted to motor vehicles registered under the laws and owned by residents of Minnesota.

(2) Upon condition that any such motor vehicle so operated in this state by any such non-resident at all times shall carry and display all license number plates or like insignia required by the laws of the home state or country of said non-resident.

(3) Upon condition that such non-resident motor vehicle owner shall first file with the registrar of motor vehicles in this state an instrument, in writing, subscribed by him and duly acknowledged before a notary public or other officer with like authority, setting forth the name and address of the owner and of each person having any interest in such motor vehicle, the name and address of the person from whom such motor vehicle was purchased or acquired, the name of the manufacturers and of the motor vehicle, if it has a name, the year when manufactured, the serial number or other number and model identifying such motor vehicle, the weight in pounds of such motor vehicle, and the number of cylinders of the motor engine. This written instrument shall also contain substantially the following:

"The undersigned owner of the above described motor vehicle hereby consents and agrees that the use and operation of said motor vehicle inside the state of Minnesota shall always be subject to all the laws, ordinances, rules and regulations applicable to like operation thereof by a citizen and resident of the state of Minnesota, except as it may be expressly provided otherwise by the laws of Minnesota. The undersigned owner hereby consents to be sued or otherwise proceeded against, either civilly or criminally, at any place in Minnesota where the above described motor vehicle is operated, upon any claim or cause of action arising from such operation in the same manner as a Minnesota citizen and resident owner and operator of a like motor vehicle might be sued or proceeded against in like circumstances. In any such civil proceedings, legal process and other notices or papers may be served upon the undersigned owner of the above described motor vehicle by depositing a copy thereof in the United States mails, properly enveloped, sealed, postage prepaid, and addressed to the undersigned owner at his above stated address, or at such other address as he may have later filed, in writing, supplementary to this agreement. Such service shall be deemed personal service, and shall have the same force and effect as like process or notice served personally upon a motor vehicle owner residing in and being a citizen of the state of Minnesota."

[1927 c. 94 s. 1; 1931 c. 220 s. 1; 1935 c. 355 s. 1; 1937 c. 97 s. 1; 1941 c. 149; 1941 c. 535] (2684-1)

168.19 REGISTRAR OF MOTOR VEHICLES TO ISSUE PERMIT. As soon as any non-resident motor vehicle owner entitled to the privileges herein extended shall have complied with the provisions hereof, the registrar shall issue to him a certificate stating that he is entitled to operate such motor vehicle within this state for and during such time as he continues to own such motor vehicle with license to operate the same in his own state or country; subject, nevertheless, to suspension, revocation, or cancelation for any cause that would justify similar action with respect to any motor vehicle license or registration issued to any citizen or resident of this state. Within seven days from the date when any change shall have been made in the ownership, or foreign license or number plates, of any motor vehicle operating in this state under a certificate as above provided, said certificate shall be surrendered to the registrar and such change shall be noted thereon, or a new certificate issued under the same conditions as the original. Such certificate shall be prima facie evidence that the motor vehicle therein described may be lawfully operated in this state.

Any foreign motor vehicle operating at any time without such certificate shall be subject to seizure and the driver thereof to arrest by any law enforcing officer of this state; and, upon conviction of such driver for operating in this state without license, such motor vehicle may be sold in the same manner as on execution sale for debt and the proceeds may be applied to satisfy any penalty or fine imposed and to pay any costs or expenses incurred in connection with such arrest, seizure, and sale.

[1927 c. 94 s. 2; 1931 c. 220 s. 2; 1935 c. 355 s. 2] (2684-2)

168.20 PENALTIES FOR FRAUDULENT REGISTRATION. Any person who files any statement or written instrument hereinabove required, knowing that the same is false or fraudulent, in whole or in part, shall be guilty of a felony; and such

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felony shall be deemed to have been committed at the time when and place where such false or fraudulent statement was filed in this state.

[1927 c. 94 s. 3; 1931 c. 220 s. 3] (2684-3)

168.21 REGISTRAR TO PROMULGATE RULES. The registrar may promulgate such rules and regulations from time to time as may be reasonably necessary to accomplish the purpose of this chapter.

[1927 c. 94 s. 4; 1931 c. 220 s. 4] (2684-4)

168.22 SUBORDINATE TO TREATIES. The provisions of this enactment relating to motor vehicle traffic between Minnesota and Canadian provinces shall be subordinate to all the laws, treaties, agreements, and policies of the respective national governments primarily controlling the international boundary line; and all privileges extended by this chapter to Canadian motor vehicle owners shall be deemed abridged accordingly, and shall not be substantially greater than the privileges available to similarly situated Minnesota motor vehicle owners operating across the international boundary line.

[1927 c. 94 s. 5; 1931 c. 220 s. 5] (2684-5)

168.23 LIMITATIONS. Sections 168.18 to 168.23 shall not apply 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 regularly employed therein under contract for a term of six months or more, nor to a passenger motor vehicle used to haul for hire except such a vehicle that may be owned and registered in another state, the District of Columbia, or any Canadian province, and chartered for an occasional trip into or through Minnesota without taking on any additional passengers in this state.

The reciprocity provision of sections 168.18 to 168.23 shall not apply to trucks, tractors, truck-tractors, semi-trailers, and combinations of such vehicles engaged in transporting property for hire. The reciprocal provisions of sections 168.18 to 168.23 shall apply to the owner of a truck exclusively used in transporting agricultural, horticultural, dairy, and other farm products, including live stock, which the owner of the truck has produced or raised and such truck is used to transport such products from the farm to market and to transport property and supplies to the farm of the owner and trucks used in rendering occasional accommodation service for others in transporting farm products, including live stock, from a farm to market or supplies to the farm even though the same may be paid for where such vehicle is owned by a person not engaged in the transportation business. "Occasional" shall be construed to mean a special, individual round trip not to exceed two such trips a month for any one such vehicle. The reciprocal provisions of sections 168.18 to 168.23 shall apply to a truck for hire engaged in the transportation of live stock and farm products; provided, that such reciprocal provisions shall apply to only one truck owned or operated by any person or corporation; and, provided, that such truck does not use the highways of this state more than twice in any week and does not travel on the highways of Minnesota from the state line for a greater distance than 50 miles. For the proper enforcement of this section the registrar may require such truck transporting live stock for hire to carry a plate to be furnished by the registrar for a fee of \$2.00, and the owner or operator to file such reports as may be necessary to compel a compliance with this section.

Every non-resident, including any foreign corporation carrying on business, except as herein provided, within this state and owning and regularly operating in such business any motor vehicle within this state shall be required to register each such vehicle and pay the same tax and penalties, if any, therefor as is required with reference to like vehicles owned by residents of Minnesota.

The reciprocity privileges provided by sections 168.18 to 168.23 shall apply also to a motor vehicle exclusively engaged in transporting commerce from a state or from any province in the Dominion of Canada exclusively upon the streets of any city or village in the state.

[1927 c. 94 s. 6; 1931 c. 220 s. 6; 1935 c. 355 s. 3; 1941 c. 382] (2684-6)

168.24 APPLICATION. Laws 1933, Chapter 344, shall not be construed as in any manner changing or modifying any act passed at the 1933 session of the legislature that relates solely to taxation of passenger motor vehicles or to Class T trucks.

[1933 c. 344 s. 5] (2684-7a)

168.25 SECRETARY OF STATE AS AGENT FOR SERVICE OF PROCESS ON NON-RESIDENTS USING OR OPERATING MOTOR VEHICLES ON STATE

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HIGHWAYS. The use and operation by a non-resident, or his agent, of a motor vehicle upon and over the highways of the state shall be deemed an appointment by such non-resident of the secretary of state 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 such use or operation shall be a signification of his agreement that any such process in any action against him which is so served shall be of the same legal force and validity as if served upon him personally. Service of such process shall be made by serving a copy thereof upon the secretary of state or by filing such copy in his office, together with payment of a fee of \$2.00, and such service shall be sufficient service upon the non-resident; provided, that notice of such service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at his last known address and that the plaintiff's affidavit of compliance with the provisions of this chapter are attached to the summons. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend any such action, not exceeding 90 days from the date of the filing of the action in such court. The fee of \$2.00 paid by the plaintiff to the secretary of state at the time of service of such proceedings shall be taxed in his costs if he prevails in the suit. The secretary of state shall keep a record of all such processes so served, which shall show the day and hour of such service.

[1927 c. 409 s. 1] (2684-8)

168.26 MANUFACTURERS NOT USING HIGHWAYS NEED NOT REGISTER. Manufacturers within the state of motor vehicles which shall not use the public highways, and manufacturers or dealers distributing motor vehicles which shall not have used the public highways in the state and are not for sale in the state from points in this state to other states, shall be exempt from the provisions of this chapter requiring the listing and registration thereof.

[1921 c. 461 s. 14; 1923 c. 418 s. 14] (2685)

168.27 MANUFACTURERS AND DEALERS IN MOTOR VEHICLES. Subdivision 1. **License.** No person, copartnership or corporation shall engage in the business, either exclusively or in addition to any other occupation, of selling motor vehicles, new or used, or shall offer to sell, solicit or advertise the sale of motor vehicles, new or used, without first having acquired a license therefor as herein-after provided. Application for such license and renewal thereof, shall be made to the registrar of motor vehicles, shall be in writing, and duly verified by oath. The applicant shall submit such information as the registrar may require, upon blanks provided by the registrar for such purpose. No application shall be granted nor a license issued to anyone, until and unless the applicant shall furnish proof satisfactory to the registrar of the following:

(1) That the applicant has an established place of business; (An established place of business when used in sections 168.01, 168.02, 168.06, 168.09 to 168.17, and 168.26 to 168.36, means a permanent enclosed building or structure either owned in fee or leased at which a permanent business of bartering, trading and selling of motor vehicles will be carried on as such in good faith and not for the purpose of evading sections 168.01, 168.02, 168.06, 168.09 to 168.17, and 168.26 to 168.36, and at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business at such place and shall not mean residence, tents, temporary stands, or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement);

(2) That if the applicant desires to sell, solicit or advertise the sale of new and unused motor vehicles, he must have a bona fide contract or franchise in effect with a manufacturer or distributor of the motor vehicle, or motor vehicles, he proposes to deal in; (He shall also have adequate space in the building or structure wherein his business is conducted for the display of motor vehicle or vehicles and shall also provide for the repair and servicing of motor vehicles and the storage of parts and accessories in the city or village where his business is located and conducted, such service may be provided through contract with bona fide operators actually engaged in such services).

Subdivision 2. **Premises for display of motor vehicles.** If a license is granted, the licensee may be permitted to use unimproved lots and premises for sale,

storage, and display of motor vehicles. Such unimproved lots and premises must be located within the county of the established place of business of the applicant.

If the applicant desires to set up an established place of business in more than one county in this state, he shall secure separate license for each county. No license for such additional county shall be issued until the registrar shall have been furnished with proof that the applicant has an established place of business in such additional county and has otherwise complied with the requirements of sections 168.01, 168.02, 168.06, 168.09 to 168.17, and 168.26 to 168.36 for securing of license in the initial county.

If the licensee desires to remove from the established place of business occupied when the license is granted, to a new location, he shall first secure from the registrar permission to do so. He shall be required to furnish proof satisfactory to the registrar that the premises to which he proposes to remove conform to the requirements of subdivision 1 hereof.

Subdivision 3. Licenses, when to be granted. The registrar shall grant or deny the application for such license within 60 days after the filing of the application. If the application is granted, the registrar shall license the applicant as a motor vehicle dealer for the remainder of the calendar year, and issue a certificate of license therefor as the registrar may provide upon which shall be placed a distinguishing number of identification of such dealer. Each application for such license, and application for the renewal thereof, shall be accompanied by the sum of \$20.00, which shall be paid into the state treasury and credited to the general revenue fund. Such license, unless sooner revoked, as hereinafter provided, shall, upon the furnishing of proof as in the initial application herein provided for, satisfactory to the registrar, be renewed by the registrar annually upon application by the dealer and upon the making of all listings, registrations, notices, and reports required by the registrar, and upon the payment of all taxes, fees, and arrears due from such dealer.

Subdivision 4. Revocation of licenses. Such license may be revoked by the registrar of motor vehicles upon proof satisfactory to him of either of the following:

- (1) Violations of any of the provisions of this chapter;
- (2) Violation of or refusal to comply with the requests and order of the registrar;
- (3) Failure to make or provide to the registrar all listings, notices, and reports required by him;
- (4) Failure to pay to the registrar all taxes, fees, and arrears due from and by such dealer;
- (5) Failure to duly apply for renewal of license provided for herein;
- (6) Revocation of previous license, of which the records of the registrar relating thereto shall be prima facie evidence of such previous revocation;
- (7) Failure of continued occupancy of an established place of business;
- (8) Sale of a new and unused current model motor vehicle other than the make of motor vehicle described in the franchise or contract filed with the original application or renewal thereof, without permission from the registrar;
- (9) Sale of a new and unused current model motor vehicle to anyone except for consumer use, or to a dealer duly licensed to sell the same make of motor vehicle; or
- (10) Material misstatement or misrepresentation in application for license or renewal thereof.

Subdivision 5. Number plates may have distinguishing number. The registrar shall issue to every motor vehicle dealer, upon a request from such motor vehicle dealer licensed as provided in subdivision 1 hereof, one pair of number plates displaying a general distinguishing number upon the payment of \$5.00 to the registrar. The registrar shall also issue to such motor vehicle dealer such additional pair of such number plates as the motor vehicle dealer may request, upon the payment of such motor vehicle dealer to the registrar of the sum of \$5.00 for each additional pair. Motor vehicles, new and used, bearing such number plates owned by such motor vehicle dealer, may be driven upon the streets and highways of this state by such motor vehicle dealer, or any employee of such motor vehicle dealer, for demonstration purposes, or for any purpose incident to the usual and customary conduct and operation of his business, in which he has been licensed under this section to engage. Motor vehicles, new or used, owned by such motor vehicle dealer and bearing such number plates, may be driven upon the streets and

highways for demonstration purposes by any prospective buyer thereof for a period of 48 hours. Any motor truck, new or used, owned by such motor vehicle dealer and bearing the motor vehicle dealer's number plates may be driven upon the streets and highways of this state, for demonstration purposes by any prospective buyer for a period of seven days. Upon the delivery of such motor vehicle or motor truck, new or used, to the prospective buyer for demonstration purposes, the motor vehicle dealer shall deliver to the prospective buyer a card or certificate giving the name and address of the motor vehicle dealer, the name and address of such prospective buyer, and the date and hour of such delivery. Such card or certificate shall be in such form as the registrar may provide to the motor vehicle dealer for such purpose, and shall be carried by such prospective buyer while driving the motor vehicle or motor truck.

Subdivision 6. Application for number. Every licensed dealer in motor vehicles 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 the dealer such number of pairs of such plates as the dealer may request, upon the payment by the dealer to the registrar of the sum of \$2.00 per pair. Such plates shall be known as "in transit" plates. The registrar may issue such "in transit" plates, upon the payment of the sum of \$2.00 to the registrar, to dealers duly licensed in other states or provinces upon information furnished him in such manner as he may prescribe, and which satisfies him that persons or companies applying therefor are duly licensed dealers under the laws of such states or provinces.

Subdivision 7. Notice or complaint. 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 at the time and place fixed therein before the registrar or authorized deputy, and show cause why his license should not be revoked.

The registrar shall, at the time and place fixed in the notice, proceed to hear and determine the matter on its merits. If the registrar shall find the existence of any of the causes for revocation as set forth in subdivision 4 and determine that the licensee's license should be revoked, he shall make a written order to that effect, and a copy of such order shall be served upon such licensee in the manner provided by law for the service of summons in a civil action. Upon such revocation, if it be a motor vehicle dealer, he shall immediately return to the registrar all number plates, including any "in transit" plates, in his possession.

Subdivision 8. Appeals to district court. 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 the 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 the district court shall have jurisdiction over the appeal and the same shall be entered upon the records of the district court and be tried therein according to the rules relating to the trial of civil actions in so far as the same are applicable. The complainant before the registrar, if there was one, otherwise the registrar shall be designated as the complainant, and the dealer complained of shall be designated as the defendant. No further pleadings than those filed before the registrar shall be necessary. The findings of fact of the registrar shall be prima facie evidence of the matters therein stated, and the order shall be prima facie reasonable, and the burden of proof upon all issues raised by the appeal shall be on the appellant. If the court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed and the order enforced as provided by law. If it shall be determined that the order is unlawful or unreasonable it shall be vacated and set aside. Such appeal shall not stay or supersede the order appealed from unless the court, upon an examination of the order and the return made on the 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 the rights to have the merits of such controversy reviewed by a court, and there shall thereafter be no trial of the merits or reexamination of the facts by any district court to which application may be made from a writ to enforce the same.

Subdivision 9. Appeals to supreme court. Any party to an appeal or other proceeding in the district court under the provisions of sections 168.01, 168.02, 168.06, 168.09 to 168.17, and 168.26 to 168.36 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.

Subdivision 10. Enforcement. The registrar is hereby authorized to enforce this chapter and he may also appoint under his hand a sufficient number of persons amongst his several employees, the additional employees not to exceed three in number, to act as inspectors and investigators and who when so appointed, shall have full authority to enforce this chapter. Before entering upon their official duties, the oath of appointment of each of the additional employees shall be filed in the office of the secretary of state. The registrar, his inspectors or investigators, when traveling or otherwise pursuing their duties outside the office of the registrar, shall be paid for their actual expenses incurred out of the same funds as other employees of the registrar of motor vehicles.

Subdivision 11. Testimonial powers. The registrar shall have, and is hereby granted full authority to issue subpoenas requiring the attendance of witnesses before him, 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 the registrar shall be guilty of contempt, as in proceedings in district courts of the state and may be punished in like manner.

Subdivision 12. Violations. Any person, copartnership, 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 chapter shall be guilty of a misdemeanor.

[1921 c. 461 s. 15; 1923 c. 418 s. 15; 1931 c. 217 s. 2; 1935 c. 143 s. 1; 1935 c. 271; 1939 c. 209; 1941 c. 176 s. 1] (2686)

168.28 ALL MACHINES MUST BE REGISTERED; EXCEPTIONS. Every motor vehicle (except those exempted in section 168.02) shall be deemed to be one using the public streets and highways and hence as such subject to taxation under this act if such motor vehicle has since April 23, 1921, used such public streets or highways, or shall actually use them, or if it shall come into the possession of an owner other than as a manufacturer, dealer, warehouseman, mortgagee or pledgee. New and unused motor vehicles in the possession of a dealer solely for the purpose of sale, and used or second-hand motor vehicles which have not theretofore used the public streets or highways of this state which are in the possession of a dealer solely for the purpose of sale and which are duly listed as herein provided, shall not be deemed to be vehicles using the public streets or highways. The driving or operating of a motor vehicle upon the public streets or highways of this state by a motor vehicle dealer or any employee of such motor vehicle dealer for demonstration purposes or for any purpose incident to the usual and customary conduct and operation of his business in which he has been licensed under section 168.27 to engage, or solely for the purpose of moving it from points outside or within the state to the place of business or storage of a licensed dealer within the state or solely for the purpose of moving it from the place of business of a manufacturer, or licensed dealer within the state to the place of business or residence of a purchaser outside the state, shall not be deemed to be using the public streets or highways in the state within the meaning of this chapter or of the Constitution of the State of Minnesota, Article 16, and shall not be held to make the motor vehicle subject to taxation under this chapter as one using the public streets or highways, if during such driving or moving the dealer's plates herein provided for shall be duly displayed upon such vehicle.

[1921 c. 461 s. 16; 1923 c. 418 s. 16; 1941 c. 176 s. 2] (2687)

168.29 DUPLICATE PLATES. In the event of the defacement, loss or destruction of any number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances of the defacement, loss,

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destruction or theft of the number plates, together with any defaced plates and the payment of the fee of \$2.00, shall issue a new set of plates especially designed for that purpose by the registrar and so marked and numbered that they can be readily distinguished from the originals. The registrar shall then note on his records the issue of such new number plates and shall proceed in such manner as he may deem advisable to cancel and call in the original plates so as to insure against their use on another motor vehicle. Duplicate registration certificates, plainly marked as duplicates, may be issued in like cases upon the payment of a 25-cent fee.

[1921 c. 461 s. 17; 1923 c. 418 s. 17] (2688)

168.30 TRANSFER OF OWNERSHIP. Every owner or transferor 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, not exceeding two days, and if such delay shall continue for 30 days thereafter, then 50 cents per month for each month or fraction thereof, not exceeding four months of such delay; and every owner or person charged with the duty to register a motor vehicle or pay any tax hereunder who fails to register the same and pay such tax as herein provided before the tax becomes delinquent shall, before he shall be entitled to complete his registration, as herein provided, pay to the registrar, a like fee for his delay after the tax has become delinquent. A filing with, or delivery to the registrar of any application, notice, certificate, or plates, as required by this chapter, shall be construed to be within the requirements of this chapter if made to the registrar or his deputy at an office maintained therefor, or if deposited in the mail or with a 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 chapter provides for such filing or delivery.

[1921 c. 461 s. 19; 1923 c. 418 s. 19; 1929 c. 330 s. 2; 1931 c. 17 s. 1; 1933 c. 245; 1941 c. 515 s. 6] (2689)

168.31 Date payable. Subdivision 1. **Time payable.** The tax required under this chapter to be paid upon a motor vehicle for each calendar year shall become due as soon as such vehicle shall first use the public streets or highways in this state, and upon January first thereafter each year. Taxes due upon January first shall become payable upon October first preceding the calendar year for which they are assessed and shall be payable upon transfer of ownership in the vehicle occurring during the period October first to December thirty-first, both dates inclusive. Every owner or person charged with the duty to register a motor vehicle or pay any tax hereunder who fails or delays to register the motor vehicle and pay such tax on or before November fifteenth preceding the calendar year for which the tax is assessed shall, if such motor vehicle is registered and a tax paid within two days thereafter, pay to the registrar a fee of 25 cents for each day of delay; and, if such motor vehicle is registered thereafter and prior to December first following, an additional fee of 50 cents; and, if the motor vehicle is registered thereafter and prior to January first following, an additional fee of 50 cents. Taxes for the current year shall become delinquent upon the expiration of seven days after the same became due, unless paid.

Subdivision 2. **Instalments.** If the tax assessed under section 168.06, subdivision 2, amounts to more than \$200.00, the amount thereof in excess of \$200.00 may be paid in two equal instalments in the year for which such vehicle is licensed, the due date of the first instalment shall be on the first day of April of the year for which the tax is assessed and of the second instalment shall be on the first day of July of the year for which the tax is assessed. The registrar shall issue no registration certificate until the full amount of the tax has been paid. In lieu of such registration certificate, the registrar shall issue to the owner a receipt for instalments paid, which receipt shall be displayed upon the windshield of the vehicle as evidence that under the provisions of this section the vehicle may be operated on the streets and highways of this state.

Subdivision 3. **Refunds.** For the annual tax paid on any vehicle before the calendar year for which that tax was assessed, the owner of the vehicle who paid the tax shall be entitled to full refund if such vehicle is permanently destroyed or removed from the state before the calendar year for which the tax was paid or if

it is not used at all during the calendar year for which the tax was paid, and the owner makes affidavit concerning the non-use as provided by section 168.02.

Subdivision 4. **Tax a personal obligation.** All taxes imposed under the provisions of this chapter 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, or for the enforcement of the tax lien thereon hereby declared, or both, 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.

[1921 c. 461 s. 19; 1923 c. 418 s. 19; 1933 c. 344 s. 3; 1941 c. 515 s. 4] (2690)

168.32 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 August, 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 August first 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 that has been manufactured by him. Upon each change in such price, carrying capacity, or weight, and upon the manufacture of each new model thereafter, such manufacturer shall in like manner file a new statement setting forth such change. Models shall be deemed similar if substantially alike and of the same make. Models shall be deemed to be corresponding models, for the purpose of taxation under section 168.06, if of the same make and having approximately the same weight and type of body and chassis and the same style and size of motor. The registrar may refuse to register any new or first-hand vehicle in this state unless the manufacturer thereof has furnished to the registrar the sworn statement herein provided, for the model of the motor vehicle that is offered for registration. Such list price, rated carrying capacity, and listed weight of the vehicle, as set forth in the manufacturer's statement, shall be the price, weight, or carrying capacity on which the tax of a motor vehicle shall be computed under section 168.06 unless grossly at variance with fact. In all instances in which there have been added to a complete vehicle additional parts, equipment or accessories not included in the factory list price upon which the tax is computed in accordance with the requirements of section 168.06, the reasonable cost thereof, if amounting in the aggregate to more than \$50.00, shall be added to the list price upon which the tax is computed. Such added parts, equipment or accessories to the extent in value of \$50.00 shall be exempt from taxation. The registrar shall have authority to fix the value, carrying capacity, and weight of any rebuilt or foreign car or any car on which a record of the list price, carrying capacity, or weight is not available in his office.

[1921 c. 461 s. 21; 1923 c. 418 s. 21; 1925 c. 299 s. 5; 1929 c. 330 s. 3; 1941 c. 515 s. 5] (2692)

168.33 SECRETARY OF STATE TO BE REGISTRAR. Subdivision 1. **Duties.** The secretary of state shall be the registrar of motor vehicles of the state of Minnesota, and it shall be his duty to exercise all the powers granted to and perform all the duties imposed upon him by this chapter. The secretary of state, in his discretion, may employ not to exceed eight persons as inspectors, to obtain information and report to the registrar regarding motor vehicles subject to taxation under this chapter upon which the tax has not been paid, and to present suitable complaints to courts of competent jurisdiction.

Subdivision 2. **Powers.** The registrar shall have the power to appoint, hire and discharge and fix the compensation of the necessary employees, as may be required to enable him to properly carry out the duties imposed upon him by the provisions of this chapter. Before entering upon the discharge of his duties, each deputy and each employee having the charge of handling any money or number plates shall give bond to the state in the sum of at least \$2,000, or in such larger amount as the

registrar may fix, conditioned upon the faithful discharge of his duties. Premiums on such bonds shall be paid by the state from money provided for the maintenance of the registrar's office.

The registrar shall have the power to appoint, and at pleasure remove, a deputy registrar for each city of the first class, and for such other cities and villages as public interest and convenience may require. Each such deputy, before entering upon the discharge of his duties, shall qualify with the requirements imposed for the qualifying of registrar, except that the amount of the bond required to be given by the deputy shall be \$10,000, or such larger sum as the registrar, from time to time, shall require. Each deputy registrar appointed hereunder shall keep and maintain, in a convenient public place within the city for which he is appointed, a registration and motor vehicle tax collection bureau, to be approved by the registrar, for the registration of motor vehicles and the collection of motor vehicle taxes thereon. He shall keep such records and make such reports to the registrar as that officer, from time to time, may require. He shall charge and receive for each application presented a filing fee of 25 cents, and shall report daily to the registrar all registrations made and taxes and fees collected by him, together with remittance of the amount so collected. The registrar, in the order of appointment of each deputy hereunder, shall designate the amount to be paid annually to each such deputy as compensation for his services, the services of his employees and the expense of the bureau maintenance, which amounts shall be fixed and determined or have the approval of the executive council endorsed thereon, and the amounts provided for shall be paid semimonthly by the registrar from the amount of the filing fees collected and remitted by such deputy, as herein provided; but the amount so paid shall not in any case exceed the total amount of filing fees so collected and remitted. The amounts received by the registrar under the provisions hereof shall be paid by him into the state treasury daily, weekly, or at such other intervals as may be determined by the order of the executive council. Supplies, accounting machines and office space required to enable the registrar to properly carry out the duties imposed upon him by the provisions of this chapter may be rented or purchased, as provided by existing law. The provisions of this section shall not be held or construed to modify, limit, or restrict any of the provisions of Laws 1925, Chapter 426.

Subdivision 3. Record. The registrar shall keep a suitable record of all motor vehicles registered in his office, indexed, according to registration number, according to name of owner, according to make of car and number of motor, and according to such other information as he shall deem advisable. Duplicates of the certificate of registration shall be used, until a more efficient system is evolved, to make the registration number and owners indexes herein required, and such other copies as are desirable. He may furnish to any one applying therefor transcripts of such records for not less than the cost of preparing the same; provided, that any sums in excess of such cost received by the registrar for furnishing such transcripts shall be paid by him into the state treasury. He shall also furnish copies thereof, without charge, to the chiefs of police of the cities of Minneapolis, St. Paul, and Duluth.

Subdivision 4. Record of cars not using highways. The registrar shall keep a record of all motor vehicles listed for taxation or registered, other than those using the public streets or highways, according to the name of the owner only.

Subdivision 5. Synopsis of laws; report. The registrar shall prepare a brief synopsis of this chapter, and such other matter dealing with regulations in the use of motor vehicles as he may deem advisable, and furnish a copy of same to any person upon application. He shall prepare, before December first, preceding any regular legislative session, a report to the legislature containing such information and recommendations as he may deem advisable.

Subdivision 6. Forms for applications furnished registers of deeds. The registrar shall furnish, from time to time, to the register of deeds of each county in the state forms for listing and for applications for registration, as provided herein, and shall, before January first in each year, furnish to the register of deeds of each county, and to such others as he shall deem advisable, charts or lists setting forth the tax to which each motor vehicle is subject. The registrar shall immediately destroy all number plates surrendered to him which are unsuitable for further issue, and shall cancel all certificates so surrendered.

[1921 c. 461 s. 22; 1923 c. 418 s. 22; 1927 c. 340 s. 1; 1939 c. 259] (2693)

168.34 DUTIES OF REGISTRAR; INFORMATION BUREAU; REPORTS OF STOLEN VEHICLES; COMPLETION OF REGISTRATION; REGISTRATION SYSTEM. The registrar shall maintain in his office an information bureau to immediately answer such questions, through personal inquiry, telephone, or letter, as may be answered from his files, and, when authorized by an inquirer to telegraph collect, shall so answer. Sheriffs and police departments shall promptly report stolen motor vehicles and motor vehicles recovered, on forms provided by the registrar, and each month the registrar shall print and send a list of such motor vehicles to such officials and to the motor vehicle department in each of the several states. Initial applications for registration shall be checked against the list. Registrations shall be completed with the utmost dispatch, in such manner as to render the most efficient service to the public, on the same day that the application is received, except as provided in section 168.14. The telephone and telegraph shall be immediately used in all cases where reverse or collect charges are authorized. The registrar, or any deputy or employee, shall not be liable to any person for mistake or negligence in the giving of information not wilfully calculated to injure such person. The registration system shall be so conducted, and the requirements thereof so construed, as to furnish to the public immediate, accurate information as to any single car about which the inquiry may be made, and to furnish the registrar a means of checking back during any year to determine that all motor vehicles subject to taxation and licensing have had the proper tax or fee paid thereon. The mail or carriers by express may be used for any notice for delivery required of the registrar.

[1921 c. 461 s. 23; 1923 c. 418 s. 23; 1925 c. 299 s. 3] (2694)

168.35 INTENT TO ESCAPE TAX. Any person who shall, with intent to escape payment of any tax on a motor vehicle, as herein provided, delay or neglect to properly list and apply to register the same, or, with intent to prevent the payment or collection of the proper tax, fee, or lien thereon, violate or neglect to comply with any of the provisions of this chapter, shall be guilty of a gross misdemeanor.

[1921 c. 461 s. 24; 1923 c. 418 s. 24] (2695)

168.36 USE OF CERTAIN CARS PROHIBITED. Subdivision 1. **Misdemeanor.** Any person who shall use or cause any motor vehicle to be used or operated in violation of the provisions of this chapter or while a certificate of registration of a motor vehicle issued to him is suspended or revoked, or who shall knowingly deliver a motor vehicle to another to be used or operated in violation of this chapter, or who shall violate any of the provisions thereof, shall be guilty of a misdemeanor. The possession of a motor vehicle the original engine number of which has been destroyed, removed, altered, covered or defaced shall be prima facie evidence that the same is stolen property. Registration shall be refused such motor vehicles. If the registrar is satisfied on the sworn statements of the applicant that the applicant is the legal owner, a special engine number preceded by the letters "MINN." shall be assigned such motor vehicle. Upon certificate by a peace officer that the number has been properly stamped on the engine the motor vehicle may thereafter be registered as are other motor vehicles.

Subdivision 2. **Certain acts, misdemeanors.** Any person who shall loan or use any number plate or registration certificate upon or in connection with any motor vehicle except the one for which the same was duly issued, or upon any such motor vehicle after such certificate or plates, or the right to use the same, have expired, or any person who shall retain in his possession or shall fail to surrender, as herein provided, any such number plate or registration certificate shall be guilty of a misdemeanor. Any person who manufactures, buys, sells, uses or displays motor vehicle license number plates, motor vehicle registration certificates, or tax receipts issued by this state or any other state, territory or district in the United States, without proper authority from such state, territory or district of the United States, shall be guilty of a misdemeanor, and, upon conviction thereof, punished by a fine of not less than \$25.00, nor more than \$100.00, or by confinement of not less than 15, nor more than 90, days, or by both such fine and imprisonment.

Subdivision 3. **Alterations, misdemeanors.** Any person who shall deface or alter any registration certificate or number plate or retain the same in his possession after it has been defaced or altered shall be guilty of a misdemeanor.

[1921 c. 461 ss. 25, 26, 27; 1923 c. 418 ss. 25, 26, 27; 1925 c. 299 s. 4] (2696) (2697) (2698)

168.37 PLATES; SIZE; FORM. These number plates shall be substantially of the following size and form: A plate or placard of metal, enamel, or other suitable material, approximately five and five-eighths inches wide and approximately 12 inches long, 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 number and the word "Minnesota" in characters three-fourths of an inch high. Motor-cycles 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.

[1911 c. 365 s. 10; 1921 c. 472 s. 2; 1927 c. 326; 1939 c. 213] (2703)

168.38 LICENSE PLATES, BIDS FOR; NOTICE. All number plates required by law shall be secured by the registrar of motor vehicles pursuant to notice and call for bids therefor, such notice to state the quality of material desired in such plates, the specifications thereof, and the amount or number desired, and such notice shall be published for three successive days each in a daily newspaper published in St. Paul and Minneapolis, the first publication to be not less than 20 days prior to the time of opening bids. Each bid shall be accompanied by a certified check on a state or national bank of this state for \$1,000, or such less sum as is equal to ten per cent of the amount of the bid, payable to the state treasurer, the amount of such check to be forfeited to the state in case the successful bidder fails to enter into contract and furnish bond within ten days after awarding contract. The lowest and best bid shall be accepted by the commissioner of administration, and he shall enter into a contract with the successful bidder in accordance with such notice and such plans and such bids, provided that he may reject any and all bids. Whenever any penal institution, reformatory or training school of the state of Minnesota shall, through the body having charge thereof, show to the commissioner of administration that it is ready and equipped to manufacture for the state any number plates of the type and within the time required, and for a cost not in excess of the lowest bid obtainable therefor, he may reject all bids and enter into an agreement with such body, in lieu of the contract herein provided, for the furnishing of such plates, and may waive the provisions hereof for deposit of certified check and for giving bond; otherwise such successful bidder shall, within ten days, file with the secretary of state a bond for the amount of such bid, payable to the state and to be approved as to form by the attorney general, sureties to be approved by the secretary of state, and conditioned for the faithful fulfillment of the terms of such contract by such successful bidder.

[1911 c. 365 s. 12½; 1921 c. 472 s. 3] (2704)

168.39 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 chapter, except that a non-resident chauffeur, registered under the 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 assigned to him as such chauffeur in the country, state, territory or district of his residence, shall be exempt from such license requirements. No person, whether licensed or not, who is an habitual user of narcotics or who is under the influence of intoxicating liquors or narcotics, shall drive any vehicle upon any highway.

The term "chauffeur," as used in sections 168.39 to 168.45, means and includes:

- (1) Every person, including the owner, who operates a motor vehicle while it is in use as a carrier of persons or property for hire;
- (2) Every person who is employed for the principal purpose of operating a passenger vehicle;
- (3) Every employee who, in the course of his employment, operates upon the streets or highways a truck, tractor, or truck-tractor belonging to another, with the exception of those light cars classified as trucks which are only used to carry tools, repairs, or light materials used by the driver in his employment, and trucks

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registered in the "T" class when operated by members of the family of the owner; and

(4) Every person who drives a school bus transporting school children.

[1911 c. 365 s. 19; 1915 c. 33 s. 4; 1929 c. 433 s. 1; 1939 c. 426 s. 1] (2712-1)

Am
8/18/35
713-133-1

168.40 SECRETARY OF STATE TO ESTABLISH CHAUFFEUR LICENSES DIVISION. 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; shall conduct examinations of applicants for such licenses at such times and places as he shall designate, and shall issue licenses only to such applicants as shall be found to have a practical 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 any deputy registrar not serving on a stated salary when so appointed shall be allowed and paid 50 cents 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.

[1929 c. 433 s. 2; 1931 c. 196; 1939 c. 426 s. 2] (2712-2)

168.41 BADGES PROVIDED. The secretary of state shall provide every person licensed hereunder with a suitable badge to be worn by him attached conspicuously upon the outside of his clothing at all times while he is engaged in service as a chauffeur, and no licensed 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.

[1929 c. 433 s. 3; 1939 c. 426 s. 3] (2712-3)

Am
943-493-1

168.42 EXPIRATION OF LICENSES. All chauffeurs' licenses issued hereunder shall expire at midnight on December thirty-first of the year for which they are issued, but may be renewed without examination; but no renewal of a license issued before November first in any 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, that such license may be renewed at any time within 30 days after the expiration thereof without examination, upon payment of the regular license fee and an additional charge of \$1.00 as a penalty.

[1929 c. 433 s. 4; 1935 c. 327; 1939 c. 426 s. 4] (2712-4)

Am
713-493-2

168.43 APPLICATIONS FOR EXAMINATION; FEE. Applications for examination and license hereunder shall be in writing upon such forms, contain such needed information as the secretary of state may prescribe, and be accompanied by the payment of an examination and license fee of \$1.50, except that the fee for a renewal license shall be \$1.00. 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 payment of salaries and expenses in connection with sections 168.39 to 168.45 is hereby appropriated. No fees, except over-payments, 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 reexamination without additional fee to a person who has been refused a license on a previous application. Refunds of over-payments shall be made in the manner provided by law for making refunds and paid out of the chauffeurs' license fund. 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.

[1929 c. 433 s. 5; 1939 c. 426 s. 5; 1941 c. 427 s. 1] (2712-5)

Am
143-331-1

168.44 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 a municipal traffic ordinance, 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 for 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. If a licensed chauffeur is convicted in this state of a major offense, revocation by the secretary of state of his chauffeur's license shall be mandatory. For the purposes of this section, the term "major offense" shall be used to refer to any of the following offenses:

- (1) Manslaughter resulting from the operation of a motor vehicle;
- (2) Driving a vehicle while under the influence of intoxicating liquor or narcotic drug;
- (3) 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;
- (4) Forfeiture of bail upon three charges of reckless driving all within the preceding 12 months; or
- (5) Failure of a driver of a motor vehicle involved in an accident to stop and disclose his identity at the scene of an accident resulting in the death or injury of a person.

When a person is brought before any court charged with a "major offense," whether the charge be under state law or municipal ordinance, the court shall, before accepting a plea of guilty or entertaining a judgment of conviction pursuant thereto, inform the defendant that upon conviction not only will he be liable to a penalty, but the chauffeur's license that he may have must be revoked. When in any court a licensed chauffeur is convicted of any violation of the highway traffic regulation act, or a municipal traffic ordinance, the court shall promptly report such conviction to the secretary of state together with any recommendations that the court may wish to make with reference to the chauffeur's license. When the offense of which the licensed chauffeur is convicted is a "major offense" the court shall, as a part of the penalty, order the convicted chauffeur to return his chauffeur's badge promptly to the secretary of state. Failure on the part of a chauffeur to return the badge promptly to the secretary of state as ordered by the court shall constitute "contempt of court." The revocation of a chauffeur's license upon his conviction of a "major offense" shall be for a period of three, six, nine, or 12 months, the length of the period to be in each particular case as recommended by the court on the basis of the seriousness of the offense and the interest of public safety and welfare.

When at least three months of a period for which a chauffeur's license has been revoked have elapsed, and if the chauffeur's livelihood depends upon his employment as a licensed chauffeur, the secretary of state may, upon recommendation by the court in which the chauffeur was convicted, issue a limited license to such chauffeur on condition that proof of financial responsibility covering the vehicle or vehicles to be operated shall be filed in accordance with the provisions of the financial responsibility act. 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 reexamination as to the chauffeur's qualifications. Such license may be limited to the operation of particular vehicles, to particular classes of 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, for the information of 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. Such a limited chauffeur's license may also be issued by the secretary of state when in his judgment the privileges of a chauffeur should be limited in that manner because of convictions of other than major offenses against traffic laws or ordinances or other conditions pertaining to the chauffeur's qualifications.

[1929 c. 433 s. 6; 1939 c. 426 s. 6; 1941 c. 427 s. 2] (2712-6)

168.45. VIOLATION A MISDEMEANOR. Any person who shall violate any of the provisions of sections 168.39 to 168.45 shall be guilty of a misdemeanor.

[1939 c. 426 s. 7] (2712-7)

168.46. ARREST; UNDERTAKING TO APPEAR. In case any person shall be taken into custody because of any violation of any of the provisions of this chapter, he shall forthwith be taken before any magistrate or justice of the peace in any city, village, or county, and be entitled to an immediate hearing; and, if such hearing cannot be had, be released on giving his personal undertaking to appear and answer

for such violation at such time or place as shall then be indicated, secured by a deposit of a sum of money not exceeding \$25.00, or in lieu thereof, in case the person taken into custody is the owner, by leaving the motor vehicle, and in case the person taken into custody is not the owner, by leaving the motor vehicle, with a written consent given at the time by the owner, who must be present with such judicial officer.

[1911 c. 365 s. 20] (2713)

168.47 VEHICLE, DAMAGING OR TAMPERING WITH; MISDEMEANOR. 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 the state any glass, tacks, nails or other articles tending to injure automobile tires, shall be guilty of a misdemeanor.

[1911 c. 365 s. 22; 1915 c. 33 s. 5; 1939 c. 119] (2715)

168.48 TAKING AND REMOVING MOTOR VEHICLE WITHOUT CONSENT; PENALTY. Any person who enters any warehouse, garage, or building of any kind and takes and removes therefrom, for his own use or that of others, any automobile or motor vehicle, without the knowledge and consent, expressed or implied, of the owner thereof, shall be guilty of a felony; and, upon conviction thereof, shall be punished accordingly.

The fact that such automobile or motor vehicle was voluntarily returned to its original place by the party taking the same, before or after the owner discovers such removal, or the fact that the party taking the same was then and there in the employ of the owner of such property, shall not be deemed a defense in the prosecution of such offender.

[1911 c. 365 s. 25] (2717)

168.49 UNAUTHORIZED OPERATION OF MOTOR VEHICLE; FELONY. 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.

[1919 c. 72 s. 1; 1921 c. 384 s. 1; 1939 c. 50] (2717-1)

168.50 NON-RESIDENT DEALERS IN MOTOR VEHICLES MUST REGISTER VEHICLES AND PAY TAX. Every dealer in used or second-hand motor vehicles who is a non-resident of the state, or who does not have a permanent place of business in this state, and every person, firm, or corporation who brings any used, or second-hand, motor vehicle into the state for the purpose of sale or re-sale, except as a trade-in on a new motor vehicle or as a trade-in on another used or second-hand car of greater value when the vehicle so brought into this state for the purpose of sale or re-sale, shall, within ten days from the date of entry of the motor vehicle into the limits of the state, file with the registrar, on a blank provided by him, a listing for taxation and application for the registration of such vehicle, and pay the motor vehicle tax thereon, as provided by law. The registration and payment of tax shall be made in the same manner as is now provided by law for the registration of motor vehicles previously registered in another state. Applicant shall, before the used or second-hand motor vehicle is put upon a used car lot for sale or offered for sale, or sold, execute a bond, with a surety company duly authorized to do business in the state as surety thereon, payable to the State of Minnesota, for the use and benefit of the purchaser and his vendees, conditioned to pay all loss, damages, and expenses that may be sustained by the purchaser, or vendees, that may be occasioned by reason of the failure of the title of such vendor or by reason of any fraudulent misrepresentations or breaches of warranty as to freedom from liens, quality, condition, use, or value of the motor vehicle being so sold. The bond shall be in the full amount of the sale price of such motor vehicle, but in no event to exceed the sum of \$1,000, and be filed with the registrar by the vendor and be approved by him as to the amount, form, and as to the solvency of the surety, and for which service by the registrar of motor vehicles the vendor shall pay a fee of

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\$5.00 for each bond so filed and approved, which fees shall be paid into the state treasury to the credit of the general revenue fund. The bond shall carry a provision that no suit or action thereon shall be brought or maintained unless the same be instituted within one year from the date of the execution of the bond.

[1939 c. 284 s. 1] (2684-9)

168.51 MUST DELIVER CERTIFICATE TO PURCHASER. Every person, firm, or corporation, upon the sale and delivery of any used, or second-hand, motor vehicle, shall, within 24 hours thereof, deliver to the vendee, and endorsed according to law, a registration certificate issued for the motor vehicle by the registrar of motor vehicles.

[1939 c. 284 s. 2] (2684-10)

168.52 SELLER NOT TO MAINTAIN ACTION UNLESS VEHICLE IS REGISTERED. No action, nor right of action, to recover any such motor vehicle, nor any part of the selling price thereof, shall be maintained in the courts of this state by any dealer or vendor, his successors or assigns, in any case wherein such vendor or dealer shall have failed to comply with the terms and provisions of sections 168.50 to 168.53; and, in addition thereto, such vendor or dealer, upon conviction for the violation of any of the provisions of sections 168.50 to 168.53 shall be guilty of a misdemeanor. This section shall not apply to the holder of a note or notes representing a portion of the purchase price of such motor vehicle when the owner thereof was and is a bona fide purchaser of the note or notes, before maturity, for value and without knowledge that the vendor of such vehicle has not complied with sections 168.50 to 168.53.

[1939 c. 284 s. 3] (2684-11)

168.53 DEFINITIONS. The terms "dealer" and "vendor," as used in sections 168.50 to 168.53, shall be construed to include every 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 any such dealer, as fully as if the same had been expressly set out in sections 168.50 to 168.53, except that no agent, representative, or consignee of such dealer or vendor shall be required to make and file the required bond if such dealer or vendor for whom such agent, representative, or consignee acts, fully complies, in each instance, with the provisions of sections 168.50 to 168.53.

[1939 c. 284 s. 4] (2684-12)