

CHAPTER 170

SAFETY RESPONSIBILITY ACT

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**170.01 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. **Commissioner.** The commissioner of highways, acting directly or through his duly authorized officers and agents.

Subdivision 3. **Person.** "Person" includes individuals, partnerships, corporations, receivers, referees, trustees, executors, and administrators, and the owner of any motor vehicle as requisite; but shall not include the state or any political subdivision thereof.

Subdivision 4. **Motor vehicle.** "Motor vehicle" includes trailers, motor-cycles, tractors, and every vehicle which is self-propelled.

Subdivision 5. **Province.** Any province of the Dominion of Canada.

Subdivision 6. **Chauffeur.** Every person who is employed for the principal purpose of operating a motor vehicle, and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

Subdivision 7. **Motor vehicle liability policy.** A policy of liability insurance issued by an insurance carrier, authorized to transact business in this state, or issued by an insurance carrier authorized to transact business in the state or province in which the motor vehicle therein described is registered, or if none be described, then in the state in which the insured resides, to the person therein named as insured, which policy shall designate, by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is intended to be granted by such policy, and shall insure the insured named therein against the loss from the liability imposed upon such insured by the law for injury to or death of any person, other than such person or persons as may be covered, as respects such injury or death by any workmen's compensation law, or damage to property except property of others in charge of the insured or the insured's employees growing out of the maintenance, use or operation of any such motor vehicle within the continental limits of the United States or in the Dominion of Canada; or which policy shall, in the alternative, insure the person therein named as insured against loss from the liability imposed by law upon such insured for injury to or death of any person, other than such person or persons as may be covered as respects such injury or death by workmen's compensation law, or damage to property except property of others in charge of the insured or the insured's employees, or other agents, growing out of the maintenance, operation, or use by such insured of any motor vehicle, except a motor vehicle registered in the name of such insured, and occurring while such insured is personally in control, as driver or occupant, of such motor vehicle within the continental limits of the United States, or the Dominion of Canada, in either case, to the amount or limit of \$5,000, exclusive of interest and costs, on account of injury to or death of any person, and subject to the same limit, as respects injury to or death of one person, of \$10,000, exclusive of interest and costs, on account of any one accident resulting in injury to or death of more than one person; and of \$1,000 for damage to property of others, as herein provided, resulting from any one accident, or a binder pending the issuance of any such policy or an endorsement to

an existing policy, both as hereinafter provided; provided, that this section shall not be construed as preventing such insurance carrier from granting in a motor vehicle liability policy any lawful coverage in excess of or in addition to the coverage herein provided for, nor from embodying in such policy any agreements, provisions or stipulations not contrary to the provisions of this chapter and not otherwise contrary to law. Separate concurrent policies, whether issued by one or several carriers, covering, respectively, personal injury or death, as aforesaid, and property damage, shall be termed motor vehicle liability policy, within the meaning of this chapter.

[1933 c. 351 ss. 1, 13] (2720-101) (2720-113)

**170.02 DRIVERS' LICENSE FORFEITED, WHEN.** The right and permission of any person to operate a motor vehicle, and the license of any person to operate a motor vehicle, who shall, by final order or judgment of any court of competent jurisdiction, have been convicted of, or shall have forfeited any bond or collateral given for, a violation of any of the following offenses hereafter committed:

- (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) Conviction or forfeiture of bail upon three charges of reckless driving, all within the preceding 12 months;
- (5) Conviction of a driver of a motor vehicle involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident;
- (6) An offense in any other state or in any province of the Dominion of Canada, which, if committed in this state, would be in violation of any of the above specified provisions of the laws of this state;

Shall be revoked by the commissioner, and shall not at any time thereafter be renewed, nor shall such person be thereafter permitted or licensed to operate any motor vehicle until he shall have given proof of his ability to respond in damages for any liability thereafter incurred resulting from the ownership or operation of a motor vehicle and arising by reason of personal injury to or death of any one person in the amount of at least \$5,000, and subject to the aforesaid limit, for each person injured or killed, of at least \$10,000 for such injury to or death of two or more persons in any one accident, and for damage to property, of at least \$1,000, resulting from any one accident. Such proof, in these amounts, shall be furnished for each motor vehicle owned or registered by any such person. If any such person shall fail to furnish this proof, his right and permission to operate a motor vehicle and his license to operate a motor vehicle shall be and remain revoked and shall not at any time thereafter be renewed. If such person shall not be a resident of this state, the privilege of operating any motor vehicle in this state and the privilege of operation within the state of any motor vehicle owned by him shall be withdrawn and shall remain so withdrawn until he shall have furnished such proof. It shall be the duty of the clerk of the court, or of the court where it has no clerk, in which any such judgment or order is rendered or other such action taken, to forward immediately to the commissioner a certified copy or transcript thereof, and such certified copy shall be prima facie evidence of the conviction, plea, or forfeiture therein stated. In the event that such person appears to be a non-resident of this state, the commissioner shall transmit a copy of such certified copy or transcript, certified to by him, to the officer in charge of the issuance of the vehicle operators' licenses and registration certificates of the state or province of which such person appears to be a resident. If it shall be established to the satisfaction of the commissioner that any person, whether a resident or a non-resident of this state, who shall have been convicted, pleaded guilty, or forfeited bail or collateral, as aforesaid, was, upon the occasion of the offense upon which such conviction, plea, or forfeiture was based, a chauffeur, or motor vehicle operator, however designated, in the employ of the owner of the motor vehicle involved in such offense or a member of the immediate family or household of the owner of such motor vehicle, then, and in that event, if the person in whose name such motor vehicle is registered shall give proof of ability to respond in damages in accordance with the provisions of this chapter, which proof shall be accepted, such chauffeur or other person, as

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aforesaid, shall be relieved of the necessity of giving such proof in his own behalf. Such chauffeur or motor vehicle operator shall also furnish proof of financial responsibility, as in this chapter provided, for all motor vehicles registered in his name or owned by him.

[1933 c. 351 s. 2; 1937 c. 473 s. 1] (2720-102)

**170.03 DRIVERS' LICENSE SUSPENDED, WHEN.** The right and permission of any person to operate a motor vehicle, and the license of any person to operate a motor vehicle, in the event of his failure to satisfy every judgment which shall have become final by expiration, without appeal, of the time within which appeal might have been perfected or by final affirmance on appeal, rendered against him by a court of competent jurisdiction in this or any other state, or in the district court of the United States, for damages on account of personal injury or damages to property in excess of \$100.00, resulting from the ownership or operation hereafter of a motor vehicle, shall be forthwith suspended by the commissioner, upon receiving a certified copy or transcript of such final judgment from the court in which the same was rendered, showing such judgment or judgments to have been still unsatisfied more than 30 days after the same became final, and shall remain so suspended and shall not be renewed until such person gives proof of his ability to respond in damages for future accidents, as required by this chapter. It shall be the duty of the court in which any such judgment is rendered to forward immediately after the expiration of such 30 days to the commissioner a certified copy of such judgment or a transcript thereof. In the event the defendant is a non-resident, it shall be the duty of the commissioner to transmit to the officer in charge of the issuance of operators' permits or registration certificates of the state of which the defendant is a resident a certified copy of the judgment.

If any such motor vehicle owner or operator shall not be a resident of this state, the right, privilege, permission, and license of operating any motor vehicle within the state shall be withdrawn and withheld while any final judgment against him shall be unstayed and unsatisfied for more than 30 days and shall not again be renewed, nor shall any permit, operators' or chauffeurs' license be issued to him until every such judgment shall be stayed, satisfied, or discharged, as herein provided, and until he shall have given proof of his ability to respond in damages for future accidents, as required by section 170.02.

[1933 c. 351 s. 3] (2720-103)

**170.04 MOTOR VEHICLES OPERATED WITH PERMISSION OF OWNER.** When any motor vehicle shall be operated upon any public street or highway of this state by any person other than the owner with the consent of the owner, express or implied, the operator thereof shall, in case of accident, be deemed the agent of the owner of such motor vehicle in the operation thereof.

[1933 c. 351 s. 4] (2720-104)

**170.05 NON-RESIDENT OWNER TO BE RESPONSIBLE.** The use and operation by a non-resident, or his agent, of a motor vehicle upon and over the highways of the state shall be deemed an appointment by such non-resident of the commissioner 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 this 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 commissioner 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 continuance 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 commissioner at the time of service of such proceedings shall be taxed in his costs if he prevails in the suit. The commissioner

shall keep a record of all such processes so served which shall show the day and hour of such service.

[1933 c. 351 s. 5] (2720-105)

**170.06 CERTIFICATE AS TO RESPONSIBILITY; BOND.** Proof of ability to respond in damages when required by this chapter may be evidenced by the written certificate or certificates of any insurance carrier duly authorized to do business within the state that it has issued to, or for the benefit of, the person named therein a motor vehicle liability policy or policies, as defined in this chapter, which, at the date of the certificate or certificates, is in full force and effect, and designating therein by explicit description or by other appropriate reference all motor vehicles with respect to which coverage is granted by the policy certified to. The commissioner shall not accept any certificate or certificates unless the same shall cover all motor vehicles registered in the name of the person furnishing such proof. Additional certificates shall be required as a condition precedent to the registration of any additional motor vehicle in the name of such person required to furnish proof as aforesaid. The certificate or certificates shall certify that the motor vehicle liability policy or policies therein cited shall not be canceled or expire except as hereinafter provided. If such person be a non-resident, a certificate of an insurance carrier authorized to transact business in the state or province in which the motor vehicle described in such certificate is registered, if none be described, then in the state or province in which the insured resides, shall be accepted.

The commissioner shall be notified of the cancelation or expiration of any motor vehicle liability policy of insurance certified under the provisions of this chapter at least ten days before the effective date of such cancelation or expiration. In the absence of such notice of cancelation or expiration, the policy of insurance shall remain in full force and effect. Additional evidence of ability to respond in damages shall be furnished the commissioner at any time upon his demand.

Such proof may also be the bond of a surety company, duly authorized to do business within the state, or a bond with individual sureties, each owning unencumbered real estate, same to be scheduled in the bond, approved by the commissioner, which bond shall be conditioned for the payment of the amounts specified in section 170.02, and shall not be cancelable except after ten days' written notice to the commissioner. Such bond shall constitute a lien in favor of the state upon the real estate of any surety, which lien shall exist in favor of and be enforced by any holder of any final judgment on account of damage to property over \$100.00 in amount, or injury to any person or persons caused by the operation of such person's motor vehicle, upon the filing of notice to that effect by the commissioner in the office of the register of deeds in the county in the state where such real estate shall be located.

Such proof of ability to respond in damages may also be evidence presented to the commissioner of a deposit by such person with the state treasurer, who shall give his receipt therefor, of a sum of money or collateral the amount of which money or collateral shall be \$11,000. The treasurer shall not accept a deposit of money or collateral where any judgment or judgments, theretofore recovered against such person as a result of damages arising from the operation of any motor vehicle, shall not have been paid in full.

[1933 c. 351 s. 6] (2720-106)

**170.07 COMMISSIONER OR TREASURER TO HOLD BOND.** Such bond, money, or collateral shall be held by the commissioner or treasurer to satisfy, in accordance with the provisions of this chapter, any execution issued against such person in any suit arising out of damage caused by the operation of any motor vehicle owned or operated by such person. Money or collateral so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages, including injury to property, and personal injury or death, as a result of the operation of a motor vehicle. If a final judgment rendered against the principal on the surety or real estate bond shall not be satisfied within 30 days after its rendition, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action against the company or persons executing the bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed the bond.

[1933 c. 351 s. 7] (2720-107)

**170.08 COMMISSIONER TO FURNISH RECORD.** The commissioner shall, upon request, furnish any insurer, person, or surety company a certified abstract

of the operating record of any person subject to the provisions of this chapter, which abstract shall fully designate the motor vehicle registered in the name of such person and, if there shall be no record of any conviction of such person, as herein provided, the commissioner shall so certify. The commissioner shall collect for each such certificate the sum of \$1.00.

[1933 c. 351 s. 8] (2720-108)

**170.09 COMMISSIONER TO FURNISH INFORMATION.** The commissioner shall furnish any person who may have been injured in person or property by any motor vehicle, upon written request, with all information or record in his office pertaining to the evidence of the ability of any operator or owner of any motor vehicle to respond in damages.

[1933 c. 351 s. 9] (2720-109)

**170.10 LICENSE TO BE RETURNED TO COMMISSIONER, WHEN.** Any operator or any owner, whose operator's permit, permission, or license to operate a motor vehicle shall have been suspended, revoked, or withdrawn, as herein provided, or whose policy of insurance or surety bond shall have been canceled or terminated, or who shall neglect to furnish additional evidence of ability to respond in damages upon request of the commissioner, shall immediately return to the commissioner his operator's license. If any person shall fail to return to the commissioner his operator's license, the commissioner shall forthwith direct any sheriff or other official having police authority to secure possession thereof and return the same to the office of the commissioner. Any person failing to return such operator's license, and any person operating a motor vehicle in violation of any of the provisions of this chapter, shall be guilty of a misdemeanor.

[1933 c. 351 s. 10] (2720-110)

**170.11 COMMISSIONER TO CANCEL BOND.** The commissioner may cancel such bond or return such evidence of insurance, or the state treasurer may, with the consent of the commissioner, return such money or collateral to the person furnishing the same; provided, three years shall have elapsed since the filing of such evidence or the making of such deposit, during which period any such person shall not have been convicted of any of the offenses or violated any provisions of the motor vehicle laws specified in section 170.02; and, provided, no suit or judgment for damages arising from the ownership, maintenance, or operation of a motor vehicle shall then be outstanding or unsatisfied against such person. The commissioner may direct the return of any money or collateral to the person who furnished the same upon the acceptance and substitution of other evidence of his ability to respond in damages, or at any time after three years from the expiration of any registration or license issued to such person, or at any time in the event of the death or insanity of the person required to furnish such proof; provided, no written notice shall have been filed with the commissioner stating that such suit has been brought against such person by reason of the ownership, maintenance, or operation of a motor vehicle and upon the filing by such person with the commissioner of an affidavit that he has abandoned his residence in this state, or that he has made a bona fide sale of any and all motor vehicles owned by him, and does not intend to own or operate any motor vehicle in this state for a period of one or more years.

[1933 c. 351 s. 11] (2720-111)

**170.12 FORGERY OF EVIDENCE OF ABILITY A FELONY.** Any person who shall forge or, without authority, sign any evidence of ability to respond in damages, as required by this chapter or by the commissioner in the administration of this chapter, shall be guilty of a felony.

[1933 c. 351 s. 12] (2720-112)

**170.13 COPY OF POLICIES TO BE FILED WITH COMMISSIONER OF INSURANCE.** Except as herein otherwise provided, no motor vehicle liability policy shall be issued or delivered in this state until a copy of the form of policy shall have been on file with the commissioner of insurance for at least 30 days, unless sooner approved, in writing, by the commissioner of insurance, nor if within such period of 30 days the commissioner of insurance shall have notified the carrier, in writing, that in his opinion, specifying the reasons therefor, the form of policy does not comply with the laws of the state. The commissioner of insurance shall approve any form of policy which discloses the name, address and business of the insured, the coverage afforded by such policy, the premium charged therefor, the policy period, the limits of liability, and the agreement that the insurance thereunder is

provided in accordance with the coverage defined in this section and is subject to all the provisions of this chapter.

[1933 c. 351 s. 14] (2720-114)

**170.14 PROVISIONS OF POLICY.** Every such motor vehicle liability policy shall be subject to the following provisions, which need not be contained therein:

(1) The satisfaction by the insured of the final judgment for such loss or damage shall not be a condition precedent to the right of the carrier to make payment on account of such loss or damage;

(The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurance carrier for payments made on account of any accident, claim or suit involving a breach of terms, provisions, or conditions of the policy, and further, if the policy shall provide for limits in excess of the limits designated in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured. Any such policy may further provide for the prorating of the insurance thereunder with other applicable valid and collectible insurance);

(2) The policy, the written application, if any, and any rider or endorsement which shall not conflict with the provisions of this chapter, shall constitute the entire contract between the parties;

(3) The insurance carrier shall, upon the request of the insured, deliver to the insured for filing, or, at the request of the insured, shall file direct, with the commissioner, an appropriate certificate as set forth in section 170.06;

(4) Any carrier authorized to issue motor vehicle liability policies, as provided for in this chapter, may, pending the issue of such a policy, execute an agreement, to be known as a binder, or may, in lieu of such a policy, issue an endorsement to an existing policy; each of which shall be construed to provide indemnity or protection in like manner and to the same extent as such a policy.

[1933 c. 351 s. 15] (2720-115)

**170.15 RESERVE LIABILITY.** Any carrier, authorized to issue motor vehicle liability policies as provided for in this chapter, shall compute its reserve liability for financial statement purposes in the manner prescribed for this type of insurance in section 60.19 upon premiums derived from rates which have received the approval of the commissioner of insurance.

[1933 c. 351 s. 16] (2720-116)

**170.16 SAFETY RESPONSIBILITY ACT.** This chapter may be cited as the safety responsibility act.

[1933 c. 351 s. 17] (2720-117)

**170.17 RULES AND REGULATIONS.** The commissioner shall make rules and regulations necessary for the administration of this chapter.

[1933 c. 351 s. 18] (2720-118)

**170.18 NOT RESTRICTIVE.** Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for security upon the other processes provided by law.

[1933 c. 351 s. 19] (2720-119)

**170.19 SUPPLEMENTAL.** This chapter shall in no respect be considered as a repeal of any of the provisions of the state motor vehicle law, but shall be construed as supplemental thereto.

[1933 c. 351 s. 21] (2720-121)