

## CHAPTER 171

## DRIVERS' LICENSE ACT

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**171.01 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. **Vehicle.** Every device in, upon, or by which any person or property is or may be transported or drawn upon any highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Subdivision 3. **Motor vehicle.** Every vehicle which is self-propelled and any vehicle propelled or drawn by a self-propelled vehicle, and not deriving its power from overhead wires.

Subdivision 4. **Farm tractor.** Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing-machines and other implements of husbandry.

Subdivision 5. **Person.** Every natural person, firm, copartnership, association, or corporation.

Subdivision 6. **Driver.** Every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway.

Subdivision 7. **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 carrier of persons or property for hire.

Subdivision 8. **Owner.** Any person, firm, copartnership, association, or corporation who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter.

Subdivision 9. **Non-resident.** Every person who is not a resident of this state.

Subdivision 10. **Street or highway.** The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purpose of vehicular traffic.

Subdivision 11. **Commissioner.** The commissioner of highways of the state of Minnesota, acting directly or through his duly authorized agents.

Subdivision 12. **Department.** The department of highways of the state, acting directly or through its duly authorized officers and agents.

Subdivision 13. **Conviction.** The term "conviction" means a final conviction either after trial or upon a plea of guilty; also a forfeiture of cash or collateral deposited to guarantee a defendant's appearance in court, which forfeiture has not been vacated, is equivalent to a conviction.

[1939 c. 401 ss. 1, 15, par. (c)] (2720-142) (2720-145a)

**171.02 MOTOR VEHICLE DRIVERS' LICENSE.** No person, except those hereinafter expressly exempted, shall operate or drive any motor vehicle upon any street

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or highway in this state unless he has a valid license as a driver under the provisions of this chapter.

[1939 c. 401 s. 2] (2720-143)

43-331-2 171.03 WHO ARE EXEMPT. The following persons are exempt from license hereunder:

- (1) Persons licensed as chauffeurs under the laws of the state of Minnesota;
- (2) Any person while driving or operating a motor vehicle in the service of the army, navy, or marine corps of the United States;
- (3) Any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway;
- (4) A non-resident who is at least 15 years of age and who has in his immediate possession a valid driver's license issued to him in his home state or country may operate a motor vehicle in this state only as a driver;
- (5) Any non-resident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver only, for a period of not more than 90 days in any calendar year, if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such non-resident.

[1939 c. 401 s. 3] (2720-144)

171.04 WHO MAY NOT RECEIVE DRIVERS' LICENSE. The department shall not issue a driver's license hereunder:

- (1) To any person who is under the age of 15 years; nor to any person under 18 years unless the application for license is approved by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a person under the age of 18 has no living father, mother or guardian, the license shall not be issued to such person unless his application therefor is approved by his employer;
- (2) To any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the safety responsibility act;
- (3) To any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the safety responsibility act and if otherwise qualified;
- (4) To any person who is an habitual drunkard as determined by competent authority or is addicted to the use of narcotic drugs;
- (5) To any person who has previously been adjudged insane, inebriate, epileptic, or feeble-minded unless the department is satisfied that such person is competent to operate a motor vehicle with safety to persons or property;
- (6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;
- (7) To any person who is required under the provisions of the safety responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof;
- (8) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;
- (9) To any person when, in the opinion of the commissioner, such person is afflicted with or suffering from such physical or mental disability or disease as will affect such person in a manner to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways; nor to a person who is unable to read and understand official signs regulating, warning, and directing traffic.

[1939 c. 401 s. 4; 1941 c. 517] (2720-144a)

171.05 INSTRUCTION PERMITS. Any person who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a driver's license under this chapter, may apply for an instruction permit and the department shall issue such permit entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of 60 days, but such person must be accompanied by a licensed driver or chauffeur who is actually occupying a seat beside the driver.

[1939 c. 401 s. 5] (2720-144b)

**171.06 APPLICATIONS FOR INSTRUCTION PERMITS; FORMS; FEES.**

Subdivision 1. **Forms of application.** Every application for an instruction permit or for a driver's license or for a duplicate license or for a renewal of a driver's license shall be made upon a form furnished by the department, and every such application shall be accompanied by the fee prescribed in subdivision 2 hereof.

Subdivision 2. **Fees.** The fee for an instruction permit shall be 35 cents. The fee for a driver's license shall be 35 cents. The fee for a restricted license shall be 35 cents. The fee for a duplicate license shall be 35 cents.

Subdivision 3. **Contents of application.** Every application shall state the full name, date of birth, sex, and residence address of the applicant and briefly describe the applicant, and shall state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and his ability to operate a motor vehicle with safety as may be required by the commissioner. Such application shall be in the form prepared by the commissioner.

Subdivision 4. **Application may be filed with clerk of district court.** Any applicant for an instruction permit, a driver's license, restricted license, or duplicate license may file his application with a clerk of the district court. Such clerk shall and he is hereby authorized to receive and accept such application. To cover all expense involved in receiving, accepting, or forwarding to the department applications and fees, the clerk of the district court shall retain ten cents of the fee collected with each application; provided, that in all counties of this state where the clerk of the district court receives a stated salary and no fees, the ten cents allowed to be retained by the clerk of the district court shall be paid into the county treasury and credited to the general revenue fund of the county. The clerk of court shall forward all applications and fees, less the amount herein allowed to be retained for expense, to the department within 15 days of the receipt by him. The clerks of the district courts may appoint agents to assist in accepting applications, but the clerks shall require every such agent to forward to the clerk by whom he is appointed all applications accepted and fees collected by him. The clerks of court shall be responsible for the acts of agents appointed by them and for the forwarding to the department of all applications accepted and all fees collected by such agents and by themselves.

[1939 c. 401 s. 6] (2720-144c)

**171.07 DEPARTMENT TO ISSUE LICENSES.** The department shall, upon the payment of the required fee, issue to every applicant qualifying therefor a license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and a space upon which the licensee shall write his usual signature with pen and ink. No license shall be valid until it has been so signed by the licensee.

[1939 c. 401 s. 7] (2720-144d)

**171.08 LICENSEE TO HAVE LICENSE IN POSSESSION.** Every licensee shall have his license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice of the peace, a peace officer, an authorized representative of the department, or by an officer authorized by law to enforce the laws relating to the operation of motor vehicles on public streets and highways, and the licensee shall, upon request of any such officer, write his name in the presence of such officer in order that the identity of the licensee may be determined.

[1939 c. 401 s. 8] (2720-144e)

**171.09 COMMISSIONER MAY IMPOSE RESTRICTIONS.** The commissioner shall have the authority, when good cause appears, to impose restrictions suitable to the licensee's driving ability or such other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. The commissioner may, upon receiving satisfactory evidence of any violation of the restrictions of such license, suspend or revoke the same, but the licensee shall be entitled to a hearing, as provided herein.

It shall be unlawful for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

[1939 c. 401 s. 9] (2720-144f)

**171.10 DUPLICATE LICENSES.** In the event that an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed, or

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becomes illegible, the person to whom the same was issued shall obtain a duplicate thereof, furnishing proof satisfactory to the department that such permit or license has been lost or destroyed or has become illegible, and make payment of the required fee.

[1939 c. 401 s. 10] (2720-144g)

*Jan 14 1943 610-2*  
**171.11 CHANGE OF ADDRESS.** When any person, after applying for or receiving a driver's license, shall change his permanent domicile from the address named in such application or in the license issued to him, or shall change his or her name by marriage or otherwise, such person shall, within 15 days thereafter, make application for a duplicate driver's license upon a form furnished by the department; such application for duplicate license shall show both the licensee's old address and his new address, or his former name and new name, as the case may be. Such application for a duplicate license, upon change of address or change of name, shall be accompanied by all certificates of driver's license then in the possession of the applicant, together with the required fee.

[1939 c. 401 s. 11] (2720-144h)

*Jan 14 1943 610-3*  
**171.12 FILING.** Subdivision 1. Licenses filed in alphabetical order. The department shall file every application for a license received by it and shall maintain suitable indices containing, in alphabetical order:

- (1) All applications denied, and on each thereof the reason for such denial;
- (2) All applications granted; and
- (3) The name of every person whose license has been suspended or revoked by the department, and after each such name the reasons for such action.

**Subdivision 2. Accident reports and abstracts of court records of conviction filed.** The department shall file all accident reports and abstracts of court records of convictions received by it under the laws of this state and its political subdivisions, and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and the revocation, suspension, or limitation of licenses.

**Subdivision 3. Applications and records, when destroyed.** The department may cause the application for drivers' licenses and instruction permits, and records in connection therewith, to be destroyed one year after the period for which issued, except that the driver's record pertaining to revocations, suspensions, convictions, and accidents shall be cumulative and kept for a period of at least five years.

[1939 c. 401 s. 12] (2720-144i)

**171.13 EXAMINATION; PENALTY FOR REFUSAL TO TAKE.** The commissioner may in his discretion require an examination by such agencies as he may direct of any applicant for an instruction permit or driver's license, or of any licensed driver, to determine incompetency, physical or mental disability or disease, or any other condition which might affect such applicant or driver from exercising reasonable and ordinary control over a motor vehicle. If as a result of such examination the commissioner has reason to believe that such applicant or driver is an unsafe person to operate a motor vehicle upon the public highways, he may refuse to grant such applicant a license, or he may cancel the driver's license of such person. The commissioner shall forthwith notify such person by order in writing of such refusal to grant such license or cancelation thereof.

For failure or refusal of any applicant or licensee to submit to such examinations as may be required by the commissioner, the commissioner may refuse to grant such applicant a license, or he may cancel the driver's license of such licensee.

[1939 c. 401 s. 13] (2720-144j)

**171.14 MAY CANCEL LICENSES.** The commissioner shall have authority to cancel any driver's license upon determination that the licensee was not entitled to the issuance thereof hereunder, or that the licensee failed to give the required or correct information in his application, or committed any fraud or deceit in making such application.

Upon such cancelation, the licensee shall immediately surrender the license so canceled to the department.

[1939 c. 401 s. 14] (2720-144k)

**171.15 NON-RESIDENT PERMITS.** The privilege of driving a motor vehicle on the highways of this state given to a non-resident hereunder shall be subject to

the suspension or revocation by the commissioner in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

The commissioner is further authorized, upon receiving a record of conviction in this state of a non-resident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

[1939 c. 401 s. 15] (2720-145)

**171.16 COURTS TO REPORT TO COMMISSIONER.** Every court, including district, municipal, and justice of the peace courts, having jurisdiction over offenses committed under any law of this state regulating the operation of motor vehicles on streets or highways, shall forward to the department, within ten days, a record of the conviction or plea of guilty or forfeiture of bail of any person in the court for a violation of any such laws, except parking violations, and may recommend the suspension of the driver's license of the person so convicted, and the commissioner is hereby authorized to suspend such license as recommended by such court, without a hearing as provided herein.

Every court having jurisdiction over offenses committed under any city or village ordinance regulating the operation of motor vehicles on streets or highways shall forward to the department, within ten days, a record of the conviction or plea of guilty or forfeiture of bail of any person in the court for a violation of any of the ordinances, except parking ordinances, and may recommend the suspension of the driver's license of the person so convicted, and the commissioner is hereby authorized to suspend such license as recommended by such court, without a hearing.

When any person is convicted of any offense for which this chapter makes mandatory the revocation of the driver's license of such person by the department, or when any person is convicted of any offense for which the court in which such conviction is had recommends the suspension of the driver's license of such person, the court in which such conviction is had shall require the surrender to it of all driver's licenses then held by the person so convicted, and the court shall thereupon forward the same, together with a record of such conviction, to the department.

When any judge of a juvenile court, or any of its duly authorized agents, shall determine formally or informally that any person under the age of 18 years has violated any of the provisions of any law of this state, or ordinances of political subdivisions thereof, regulating the operation of motor vehicles on streets and highways, except parking violations, such judge, or duly authorized agent, shall immediately report such determination to the department and may recommend the suspension of the driver's license of such person, and the commissioner is hereby authorized to suspend such license, without a hearing.

[1939 c. 401 s. 16, *except par. (c)*] (2720-145a)

**171.17 REVOCATION OF LICENSES.** The department shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses:

- (1) Manslaughter or criminal negligence resulting from the operation of a motor vehicle;
- (2) Operating a motor vehicle while under the influence of intoxicating liquor or narcotic drug;
- (3) Any felony in the commission of which a motor vehicle was used;
- (4) Failure to stop and disclose identity and render aid, as required under the laws of this state, in the event of a motor vehicle accident resulting in the death or personal injury of another;
- (5) Perjury or the making of a false affidavit or statement to the department under any law relating to the ownership or operation of a motor vehicle;
- (6) Conviction, plea of guilty, or forfeiture of bail not vacated, upon three charges of careless or reckless driving, or illegal speeding committed within a period of 12 months;
- (7) Conviction of an offense in another state which, if committed in this state, would be grounds for the revocation of the driver's license;

When any judge of a juvenile court, or any of its duly authorized agents, shall determine, formally or informally, that any person under the age of 18 years has committed any offense defined in this section, such judge, or duly authorized agent, shall immediately report such determination to the department, and the commissioner shall immediately revoke the license of that person.

When any person shall be committed to any institution as an inebriate by a court of competent jurisdiction, the court or clerk thereof shall immediately notify the commissioner of such action, and the commissioner shall forthwith revoke the driver's license of such person.

[1939 c. 401 s. 17] (2720-145b)

**171.18 SUSPENSION OF LICENSES.** The commissioner shall have authority to and may suspend the license of any driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

- (1) Has committed an offense for which mandatory revocation of license is required upon conviction; or
- (2) Has been involved as a negligent driver in any accident resulting in the death or personal injury of another, or serious property damage; or
- (3) Is an habitually reckless or negligent driver of a motor vehicle; or
- (4) Is an habitual violator of the traffic laws; or
- (5) Is incompetent to drive a motor vehicle; or
- (6) Has permitted an unlawful or fraudulent use of such license; or
- (7) Has committed an offense in another state which, if committed in this state, would be grounds for suspension.

Upon suspending the license of any person, as hereinbefore in this section authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post-office a notice addressed to the licensee at his last known address, with postage prepaid thereon, and the licensee's written request shall afford him an opportunity for a hearing within not to exceed 20 days after receipt of such request in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner, or his duly authorized agent, may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license. The department shall not suspend a license for a period of more than one year.

[1939 c. 401 s. 18] (2720-145c)

**171.19 PETITION FOR REINSTATEMENT OF LICENSES.** Any person whose driver's license has been refused, revoked, suspended, or canceled by the commissioner may file a petition for a hearing in the matter in the district court in the county wherein such person shall reside and, in the case of a non-resident, in the district court in any county, and such court is hereby vested with jurisdiction, and it shall be its duty, to set the matter for hearing upon 15 days' written notice to the commissioner, and thereupon to take testimony and examine into the facts of the case to determine whether the petitioner is entitled to a license or is subject to revocation, suspension, cancelation, or refusal of license, under the provisions of this chapter, and shall render judgment accordingly. The petition shall be heard by the court without a jury and may be heard in or out of term. The commissioner may appear in person, or by his agents or representatives, and may present his evidence upon the hearing by affidavit by himself, his agents, or representatives. The petitioner may present his evidence by affidavit, except that the petitioner must be present in person at such hearing for the purpose of cross-examination. In the event the department shall be sustained in these proceedings, the petitioner shall have no further right to make further petition to any court for the purpose of obtaining a driver's license until after the expiration of one year after the date of such hearing.

[1939 c. 401 s. 19] (2720-145d)

**171.20 LICENSES MUST BE SURRENDERED.** The commissioner, upon suspending or revoking a license, shall require that all license certificates issued to the licensee shall be surrendered to and be retained by the department, except that at the end of a period of suspension the license certificate shall be returned to the licensee. Upon demand for surrender of a license by the commissioner, the licensee shall immediately forward the license certificates to the department.

Any resident or non-resident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended, revoked, or canceled, as provided in this chapter, shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such

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suspension, or after such revocation until a new license is obtained when and as permitted under this chapter.

[1939 c. 401 s. 20] (2720-145e)

**171.21 COPIES OF RECORDS AS EVIDENCE.** Copies of any of the files or records of the department certified by the commissioner as being true copies shall be received in evidence in any court in this state with the same force and effect as the originals.

[1939 c. 401 s. 21] (2720-145f)

**171.22 UNLAWFUL ACTS.** It shall be unlawful for any person:

(1) To display, or cause or permit to be displayed, or have in his possession, any canceled, revoked, suspended, fictitious, or fraudulently altered driver's license; or

(2) To lend his driver's license to any other person or knowingly permit the use thereof by another; or

(3) To display or represent as one's own any driver's license not issued to him; or

(4) To fail or refuse to surrender to the department, upon its lawful demand, any driver's license which has been suspended, revoked, or canceled; or

(5) To use a false or fictitious name in any application for a driver's license, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application.

[1939 c. 401 s. 22] (2720-145g)

**171.23 SHALL NOT RENT MOTOR VEHICLE TO UNLICENSED DRIVER.**

No person shall rent or lease a motor vehicle to any other person unless the latter person is then duly licensed hereunder, or, in the case of a non-resident, then duly licensed under the law of the state or country of his residence, except a non-resident whose home state or country does not require that a driver be licensed.

[1939 c. 401 s. 24] (2720-145i)

**171.24 VIOLATIONS, MISDEMEANORS; EXCEPTIONS.** Any person whose driver's license or driving privilege has been canceled, suspended, or revoked, as provided in this chapter, and who shall operate any motor vehicle upon the streets or highways in this state while such license or privilege is canceled, suspended, or revoked shall be guilty of a misdemeanor.

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

[1939 c. 401 ss. 23, 25] (2720-145h) (2720-145j)

**171.25 ENFORCEMENT.** The commissioner shall be charged with the responsibility for the administration and execution of this chapter.

Any duties required of or powers conferred on the commissioner under the provisions of this chapter may be done and performed or exercised by any of his duly authorized agents.

[1939 c. 401 ss. 26, 27] (2720-145k) (2720-146)

**171.26 MONEYS PAID INTO STATE TREASURY.** All money received under the provisions of this chapter shall be paid into the state treasury and credited to an operators' license fund and the entire amount or so much thereof as shall be necessary for the expense of the administration of this chapter is hereby appropriated for that purpose.

[1939 c. 401 s. 28] (2720-146a)

**171.27 LICENSEES NOT REQUIRED TO OBTAIN NEW LICENSES.** Persons who are now duly licensed as drivers by the State of Minnesota shall not be required to obtain a new license under this chapter unless and until their permanent domiciles are changed.

[1939 c. 401 s. 29] (2720-146b)

**171.28 DRIVERS' LICENSE LAW.** This chapter may be cited as the drivers' license law.

[1939 c. 401 s. 30] (2720-146c)