

CHAPTER 170

SAFETY RESPONSIBILITY

Sections 170.01 to 170.19 were superseded by sections 170.21 to 170.58. See Annotations to Minnesota Statutes, Volume I, for notes relating to L. 1933, c. 351, coded as sections 170.01 to 170.19.

Minnesota Law Review articles on the general subject of safety responsibility are particularly applicable to the repealed sections.

Automobile compensation act. 4 MLR 1.

Validity of compulsory motor vehicle insurance act. 10 MLR 148.

Rationale of L. 1933, c. 352. 18 MLR 64.

Falling asleep while driving as wilful and wanton negligence. 18 MLR 218.

Statutory right to impose liability upon non-resident owner for negligence of borrower of car. 18 MLR 350.

Basis for inference that negligent driver was acting for car owner. 19 MLR 241.

Effect of nonsuability of agent for tort upon liability of principal. 20 MLR 566.

Proximate cause; shifting responsibility. 21 MLR 61.

Liability and compensation for automobile accidents. 21 MLR 123.

Statutory liability of owners for the negligence of persons operating automobiles with owner's consent. 21 MLR 823.

Liability of surgeon for negligence of assistants. 21 MLR 861.

Validity of statute revoking driver's license for non-payment of judgment arising out of operation of automobile. 22 MLR 264.

Statutory liability of owners for the negligence of persons operating automobiles with the owner's consent. When consent obtained by fraud. 23 MLR 86, 24 MLR 271.

Interpretation of "permission" in omnibus coverage clause. 23 MLR 227.

Minimum standard of knowledge; duty to know. 23 MLR 628.

Proximate cause; negligence; standard of conduct. 24 MLR 679.

Liability of master when servant is commandeered; dual employment. 25 MLR 244.

Government responsibility for torts; vicarious liability. 26 MLR 728.

Automobile accidents; Minnesota Bar Association report. 27 MLR 103.

Status of co-owners under owner's liability statutes. 28 MLR 282.

170.21 DEFINITIONS.

A remedial statute and to be liberally construed. *Christensen v Hennepin Transportation Co.* 215 M 396, 16 NW(2d) 406.

170.36 REVOCATION OF LICENSE FOR REASONS OTHER THAN PROVISIONS OF THIS CHAPTER.

Revocation for first conviction for driving while under the influence of intoxicating liquor under the 1933 act. *Halverson v Elsberg*, 202 M 232, 277 NW 535; *Martinka v Hoffman*, 214 M 346, 9 NW(2d) 13.

170.40 MOTOR VEHICLE LIABILITY POLICY.

Where original automobile indemnity policy excluded injury to any relative of the insured, but renewal certificate made limit of insurer's liability subject to terms of standard policy "as now issued," and this excluded injuries to certain enumerated blood and marriage connections not including sister-in-law, injury to insured's sister-in-law was not excluded from coverage. Preferred Accident v Onali, 43 F.Supp. 227, 125 F(2d) 580.

170.50 GROSS MISDEMEANOR; MISDEMEANOR.

Amended by L. 1947 c. 549 s. 1.

Driving after suspension under provisions of chapter 171 is a misdemeanor; and driving after suspension under provisions of section 170.50 may be a misdemeanor or gross misdemeanor depending upon the law under which his license is suspended. OAG July 18, 1945 (632-A-12); OAG Aug. 6, 1945 (291-K).

170.51 FEDERAL, STATE, OR MUNICIPAL OWNERSHIP.

Drivers of automobiles in state business whether their own or state owned must furnish proof of financial responsibility. OAG June 27, 1945 (632-A-12).

170.54 DRIVER DEEMED AGENT OF OWNER.

In discharging the burden of proving that the owner consented to the use of his motor vehicle so as to charge him under the safety responsibility act, the plaintiff is aided by a prima facie case which arises from proof that at the time of the accident the operator was using a motor vehicle belonging to the defendant. Ballman v Brinker, 211 M 323, 1 NW(2d) 365.

Evidence that father furnished price of three cars bought and registered by his adult children, all living under the parental roof; that he furnished gasoline for them; and that he had permission to use the cars when he wished to do so was sufficient to sustain a verdict depending upon the finding that father was owner of the car which was the cause of the plaintiff's injury. Krinke v Timm, 211 M 510, 1 NW(2d) 866.

Neither the common law rule that a husband is not liable to his wife for personal tort, nor of the partnership law, was modified by the safety responsibility act of 1933; and neither the partners individually, nor the partnership, are liable for the injuries of the wife of a partner caused by that partner's negligent driving of the partnership car. Karalis v Karalis, 213 M 31, 4 NW(2d) 632.

A, a farmhand employed by B, who owned and operated a farm managed by C, was injured when caught by a low telephone wire and thrown from a load of baled straw owned by B, which was being hauled on a truck owned by D, used on B's farm, and operated by C with consent of D. It was error for the court to charge the jury that if they found that there was negligence on the part of C, such negligence was imputable to both B and D, so that the negligence of C would be the negligence of B, C, and D. Novotny v Bouley, 223 M 592, 27 NW(2d) 814.

170.55 NON-RESIDENT OWNER.

There being nothing in the language chosen by the legislature to indicate that it was intended to impede plaintiff's right to designate the place of trial against a non-resident defendant, the plaintiff may, in conformity with section 542.09, lay the venue "in the county" he chooses. Claseman v Fenney, 211 M 266, 300 NW 818.