

CHAPTER 168

MOTOR VEHICLES

<p>Sec. 168.011 Definitions 168.012 Vehicles exempt from motor vehicle license fees 168.013 Rate of tax 168.014 Owner's right to certificate; expiration 168.031 Personnel of armed forces 168.032 Refundment 168.033 May pay proportionate part of tax 168.034 Operation of motor vehicles by soldiers and sailors 168.035 Certificates issued 168.036 Vehicles without certificate 168.037 False statements a felony 168.038 Rules 168.039 Application 168.053 Drive-away in transit license 168.054 Liability insurance policy 168.055 Safety chains; speed limit 168.056 Violation a misdemeanor 168.057 Fees into state treasury 168.09 Registration; re-registration 168.10 Registration 168.11 Registration certificate 168.12 License plates 168.13 Proof of ownership 168.15 Rights as to registration certificates and number plates 168.16 Refunds 168.165 Changing class of registration 168.17 Suspension of registration 168.18 Nonresident owners; reciprocity</p>	<p>Sec. 168.19 Permits; nonresidents 168.20 Fraudulent registration 168.21 Rules 168.22 Treaties; reciprocity 168.23 Reciprocity limitations 168.26 Certain manufacturers need not register 168.27 Manufacturers and dealers 168.28 Vehicles subject to tax; exceptions 168.29 Duplicate plates 168.30 Transfer of ownership 168.31 Tax, when due and payable 168.32 Manufacturers to file statement 168.33 Secretary of state to be registrar 168.34 Information to be furnished 168.35 Intent to escape tax 168.36 Use of unregistered vehicles 168.37 Plates; size, form 168.38 License plates, manufacture 168.39 Chauffeurs' licenses 168.40 Chauffeur license division 168.41 Badges provided 168.42 Expiration of licenses 168.43 Applications for examination; fee 168.44 Revocation of licenses 168.45 Violation a misdemeanor 168.46 Arrest; bond to appear 168.47 Vehicle, damaging or tampering with 168.48 Taking and removing motor vehicle without consent 168.49 Unauthorized operation</p>
---	---

168.01, 168.02, 168.03 [Repealed, 1949 c 694 s 5]

NOTE: Sections 168.011, 168.012, 168.013 and 168.014, (1949 C. 694) take effect Oct. 1, 1949, for motor vehicle registrations and taxation for the year 1950 and subsequent years. Taxation and registration for the remainder of 1949 will be governed by the laws of 1947 and previous years.

168.011 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.

Subd. 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.

Subd. 3. **Highway.** A "highway" is any public thoroughfare for vehicles, including streets in cities, villages, and boroughs.

Subd. 4. **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 and includes vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires but not operated upon rails.

Subd. 5. **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.

Subd. 6. **Tax, fee.** "Tax" or "fee" means the annual tax imposed on motor vehicles in lieu of all other taxes thereon, except wheelage taxes, so-called, which may be imposed by any borough, city or village, and except gross earnings taxes paid by companies subject or made subject thereto. Such annual tax shall be deemed both a property tax and a highway use tax and shall be on the basis of the calendar year.

Subd. 7. **Passenger automobile.** "Passenger automobile" means any motor vehicle designed and used for the carrying of not more than eight persons, including vehicles known as station wagons, but excluding motorcycles.

Subd. 8. House trailer. "House trailer" means any trailer or semi-trailer designed and used for human living quarters, and shall not include bunk-houses, so-called, temporarily mounted on trailers. Such bunk-houses, exclusive of the trailer, shall be listed and taxed as personal property.

Subd. 9. (a) Bus. "Bus" means any motor vehicle designed and used for the carrying of more than eight persons.

(b) Intercity bus. "Intercity bus" means any bus operating as a common passenger carrier over regular routes and between fixed termini, but excluding all buses operating wholly within the limits of one city, village or borough, or wholly within two or more contiguous cities, villages and boroughs, or between contiguous cities and villages or boroughs and a terminus outside the corporate limits of such cities, villages or boroughs and not more than 20 miles distant measured along the fixed route from such corporate limits.

Subd. 10. Truck. "Truck" means any motor vehicle designed and used for carrying things other than passengers.

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

Subd. 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.

Subd. 13. Trailer. "Trailer" means any vehicle designed for carrying property or passenger on its own structure and for being drawn by a motor vehicle.

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

Subd. 15. Unloaded weight. "Unloaded weight" means the actual weight of the vehicle fully equipped without a load.

Subd. 16. Gross weight. "Gross weight" means the actual unloaded weight of the vehicle, either a truck or tractor, or the actual unloaded combined weight of a truck-tractor and semi-trailer, fully equipped for service, plus the weight of the maximum load which the applicant has elected to carry on such vehicle or combined vehicles. The term gross weight applied to a truck occasionally used for towing a trailer means the unloaded weight of the truck, fully equipped for service, plus the weight of the maximum load which the applicant has elected to carry on such truck but not including the weight of such part of the trailer and its load as may rest upon the truck. The term gross weight applied to buses means the weight of the vehicle fully equipped with all fuel tanks full of fuel, plus the weight of the passengers and their baggage computed at the rate of 150 pounds per seat, including that for the driver. The term gross weight applied to a truck-tractor used exclusively by the owner thereof for towing an equipment dolly for the sole use of transporting such owner's construction machinery shall be the actual weight of the truck-tractor alone; and the equipment dolly shall be separately licensed and taxed as a trailer as provided in 168.013, subdivision 1, paragraph 7. The term gross weight applied to a truck used as a truck-tractor transporting unfinished forest products as described in subdivision 17 shall be the unloaded weight of the truck plus the weight of the maximum load which the applicant has elected to carry on the truck, and the semi-trailer used in conjunction with such truck-tractor shall be separately licensed and taxed as a trailer as provided in 168.013, subdivision 1, paragraph 7.

Subd. 17. Farm truck. "Farm truck" means all single unit trucks, tractors, and trailers used by the owner thereof to transport agricultural, horticultural, dairy, and other farm products, including livestock, produced, or finished by the owner of the truck, from the farm to market, and to transport property and supplies to the farm of the owner. Trucks, tractors and trailers registered as "farm trucks" may be used by the owner thereof to occasionally transport unprocessed and raw farm products, not produced by the owner of the truck, from the place of production to market when such transportation constitutes the first haul of such products, and may be used by the owner thereof to transport logs, pulpwood and other raw and unfinished forest products from the place of production to an assembly yard or railhead when such transportation constitutes the first haul thereof. "Farm trucks" shall also include only single unit trucks, which, because of their construction, cannot be used for any other purpose and are used exclusively to transport milk and cream enroute from farm to an assembly point or place for final manufacture.

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

Subd. 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.

Subd. 20. **First year of life.** "First year of life" means the year of model designation of the vehicle, or, if there be no year of model designation it shall mean the year of manufacture.

Subd. 21. **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.

[1949 c 694 s 1]

168.012 VEHICLES EXEMPT FROM MOTOR VEHICLE LICENSE FEES. 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 provision 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 passenger vehicle 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 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. Such printing 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 or tractors, together with trailers or wagons thereto attached, occasionally hauling agricultural products or necessary commodities used on the farm from said farm to and from the usual market place of the owner, tractors for drawing threshing machinery and implements of husbandry temporarily moved upon the highway shall not be taxed as motor vehicles using the public streets and highways and shall be exempt from the provisions of this chapter.

Contractors motorized construction equipment, including tractors, motor graders, road rollers and self-loading power scrapers, but not including trucks and other equipment used for the transportation of materials on the highway, shall not be taxed as motor vehicles using the public streets and highways, and shall be exempt from the provisions of this chapter.

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.

All motor vehicle apparatus owned by a farmers' cooperative 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.

Motor vehicles which during any calendar year are not operated on a public highway shall be exempt from the provisions of this chapter requiring registration, payment of tax and penalties for nonpayment thereof, provided that the owner of any such vehicle shall first file his verified written application with the registrar, correctly describing the vehicle and certifying that it has not been and will not be operated upon a public highway. Motor vehicles whose domicile is in a foreign

MINNESOTA STATUTES 1949

1401

MOTOR VEHICLES 168.013

state and are legally licensed in that state and owned by a Minnesota resident shall be exempt from the provisions of this chapter and subject to the provisions of section 168.18. Provided, that this exemption does not conflict with any existing reciprocal agreement with the state in which the vehicle is domiciled.

[1949 c 694 s 2]

168.013 RATE OF TAX. Subdivision 1. **How computed.** Motor vehicles, except as set forth in section 2, 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 except gross earnings taxes paid by companies subject or made subject thereto, and shall be privileged to use the public streets and highways, on the basis and at the rate for each calendar year as follows:

1. On passenger automobiles, house trailers, ambulances, and hearses, except as otherwise provided, the tax during each the first three years of life shall be based on the manufacturer's shipping weight and graduated according to the following schedule:

Manufacturer's Shipping Weight	Tax
Under 2000 lbs.....	\$15.20
2000 to 2200 lbs., incl.	16.80
2201 to 2400 lbs., incl.	18.40
2401 to 2600 lbs., incl.	20.00
2601 to 2800 lbs., incl.	21.60
2801 to 3000 lbs., incl.	23.20
3001 to 3200 lbs., incl.	24.80
3201 to 3400 lbs., incl.	26.40
3401 to 3600 lbs., incl.	28.00
3601 to 3800 lbs., incl.	33.30
3801 to 4000 lbs., incl.	39.00
4001 to 4200 lbs., incl.	45.10
4201 to 4400 lbs., incl.	51.60
4401 to 4600 lbs., incl.	58.50
4601 to 4800 lbs., incl.	65.80
4801 to 5000 lbs., incl.	73.50
5001 lbs. and over	75.00

On passenger automobiles, house trailers, ambulances, and hearses, during each the fourth, fifth and sixth years of vehicle life the tax shall be 75 per cent of the foregoing scheduled tax but in no event less than \$15 per vehicle, during each of the seventh, eighth and ninth years of vehicle life the tax shall be 50 per cent of the foregoing scheduled tax but in no event less than \$12.50 per vehicle, and during each succeeding year of vehicle life the tax shall be 25 per cent of the foregoing scheduled tax but in no event less than \$10 per vehicle during the tenth to nineteenth years of vehicle life inclusive, and in no event less than \$7.50 per vehicle during the twentieth and succeeding years of vehicle life.

2. On trailers of not more than two wheels with a gross weight of load and vehicle not exceeding 3000 pounds, not for hire and used only by the owner thereof with passenger automobiles and not employed in the transportation of passengers or property for hire, the tax shall be \$1.00 per annum, or fraction thereof, payable biennially on or before July 1 of each even numbered year.

3. On motorcycles without side car, \$3.00; motor scooters and motorized bicycles, \$1.00. Motorcycles, side car additional, \$2.00.

4a. On farm trucks, excluding trailers, the tax during each the first three years of vehicle life shall be based on the unloaded weight of the vehicle, fully equipped, at the rate of 60 cents per hundred weight, computed by the registrar in increments of 200 lbs., but in no event less than \$20. During each the fourth, fifth and sixth year of vehicle life the tax shall be 80 per cent of the first year rate, but in no event less than \$16. During each the seventh, eighth and ninth years of vehicle life the tax shall be 60 per cent of the first year rate, but in no event less than \$12. During each the tenth and succeeding years of vehicle life the tax shall be 40 per cent of the first year rate, but in no event less than \$10 per vehicle, fully equipped. The registrar may require that each applicant for registration of a farm truck file with the application a scale ticket certified by the weighmaster of any public scale, or, if no public scale be available, certified by the proprietor of any scale tested and sealed under state authority, showing the unloaded weight of the vehicle, fully equipped.

4b. On farm trailers not listed for registration under paragraph 2, the tax shall be \$2.00 per ton, or fraction thereof, of the carrying capacity of the trailer.

5. On all trucks and tractors except those in this chapter classified as farm trucks and urban trucks, and on all truck-tractor and semi-trailer combinations, except those classified as urban combinations, and on all buses, except those described in paragraph 6, the tax during each of the first three years of vehicle life shall be based on the gross weight of the vehicle and graduated according to the following schedule:

(a) Where the gross weight of the vehicle is 6000 pounds or less, \$25. Where the gross weight of the vehicle is more than 6000 pounds, and not more than 8000 pounds, the tax shall be \$25 plus an additional tax of \$5 per ton for the ton or major portion in excess of 6000 pounds.

Where the gross weight of the vehicle is more than 8,000 pounds and not more than 20,000 pounds, the tax shall be \$30 plus an additional tax of \$10 per ton for each ton or major portion in excess of 8,000 pounds.

Where the gross weight of the vehicle is more than 20,000 pounds and not more than 24,000 pounds, the tax shall be \$90 plus an additional tax of \$15 per ton for each ton or major portion in excess of 20,000 pounds.

Where the gross weight of the vehicle is more than 24,000 pounds and not more than 28,000 pounds, the tax shall be \$120 plus an additional tax of \$25 per ton for each ton or major portion in excess of 24,000 pounds.

Where the gross weight of the vehicle is more than 28,000 pounds, the tax shall be \$170 plus an additional tax of \$30 per ton for each ton or major portion in excess of 28,000 pounds.

(b) During each the fourth, fifth and sixth years of vehicle life, the tax shall be 80 per cent of the foregoing scheduled tax but in no event less than \$20 per vehicle.

During each the seventh, eighth and ninth years of vehicle life, the tax shall be 60 per cent of the foregoing scheduled tax but in no event less than \$16 per vehicle.

During the tenth and succeeding years of vehicle life, the tax shall be 40 per cent of the foregoing scheduled tax but in no event less than \$12 per vehicle.

(c) All truck-tractors except those herein defined as urban trucks shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of such truck-tractor and any semi-trailer which the applicant proposed to combine with the truck-tractor. In addition to such gross weight tax imposed on the truck-tractor, each semi-trailer, except those herein defined as urban trucks, shall be taxed an annual flat fee of \$10.

(d) Urban trucks include only all trucks and all truck-tractors and semi-trailers used exclusively in transporting property within the corporate limits of any city, village or borough or contiguous cities and villages. The name of the city, village or borough in which the vehicle is licensed and the net unloaded weight, fully equipped, of the truck or combination shall be stenciled in a conspicuous place on each side of the cab of the truck-tractor so licensed and the vehicle shall not be operated outside the corporate limits of such city, village or borough or contiguous cities and villages; except that the registrar may, by special permit, authorize the permanent removal of such vehicle from a city, village or borough to another. The license plates issued therefor shall be plainly marked "URBAN." Such urban trucks and combinations shall be taxed on the basis of the net unloaded weight, fully equipped, of the truck or combination during each of the first three years of vehicle life at the rate of 80 cents per hundred weight, computed by the registrar in increments of 200 pounds, but in no event less than \$25. During each of the fourth, fifth and sixth years of vehicle life, the tax shall be 80 per cent of the foregoing scheduled tax but in no event less than \$20 per vehicle. During each of the seventh, eighth and ninth years of vehicle life, the tax shall be 60 per cent of the foregoing scheduled tax but in no event less than \$16 per vehicle. During the tenth and succeeding years of vehicle life, the tax shall be 40 per cent of the foregoing scheduled tax but in no event less than \$12 per vehicle. The registrar may require that each applicant for registration of an urban truck or combination file with the application a scale ticket certified by the weighmaster of any public scale, or, if no public scale be available, certified by the proprietor of any scale tested and sealed under state authority, showing the unloaded weight of the vehicle, fully equipped. Such tax shall be the full tax for the truck-tractor and semi-trailer and additional semi-trailers shall be taxed an annual flat fee of \$10.

6. On all intercity buses, the tax during each the first two years of vehicle life shall be based on the gross weight of the vehicle and graduated according to the following schedule:

Gross Weight of Vehicle	Tax
Under 6,000 lbs.	\$ 250
6,000 to 8,000 lbs., incl.	250
8,001 to 10,000 lbs., incl.	250
10,001 to 12,000 lbs., incl.	308
12,001 to 14,000 lbs., incl.	374
14,001 to 16,000 lbs., incl.	440
16,001 to 18,000 lbs., incl.	506
18,001 to 20,000 lbs., incl.	572
20,001 to 22,000 lbs., incl.	748
22,001 to 24,000 lbs., incl.	924
24,001 to 26,000 lbs., incl.	1,100
26,001 to 28,000 lbs., incl.	1,276
28,001 to 30,000 lbs., incl.	1,452
30,000 to 32,000 lbs., incl.	1,782

During each the third and fourth years of vehicle life, the tax shall be 75 per cent of the foregoing scheduled tax; during the fifth year of vehicle life, the tax shall be 50 per cent of the foregoing scheduled tax; during the sixth year of vehicle life, the tax shall be 37½ per cent of the foregoing scheduled tax; and during the seventh and each succeeding year of vehicle life, the tax shall be 25 per cent of the foregoing scheduled tax; provided that the annual tax paid in any year of its life for an intercity bus shall be not less than \$350 for a vehicle of over 25 passenger seating capacity and not less than \$250 for a vehicle of 25 passenger and less seating capacity.

7. Trailers, except farm trailers described in paragraph 4b and except two-wheel trailers described in paragraph 2, shall be taxed on the basis of \$4.00 per ton or fraction thereof of the carrying capacity of such trailer, but in any event not less than \$4.00 per vehicle. The maximum load at any time carried on any trailer shall be deemed prima facie the carrying capacity thereof.

8. Motor vehicles specially equipped for operation over snow and used exclusively for such purposes . . . \$3.00 if weighing one ton or less, and an additional \$2.00 for each additional ton or fraction thereof.

Subd. 2. **Pro-rated fees.** When a motor vehicle first becomes subject to taxation during the calendar year for which the tax is paid, the tax shall be for the remainder of the year pro-rated on a monthly basis, one-twelfth of the annual tax for each calendar month or fraction thereof.

Subd. 3. **Application; cancellation.** The applicant for a non-farm truck or truck-tractor semi-trailer license shall state in writing upon oath, among other things, the unloaded weight for such vehicle or combination and the maximum load which the applicant proposes to carry thereon and such vehicle or combination shall be licensed to carry as the maximum legal load the load-weight so selected and no vehicle or combination shall exceed such license load-weight 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 each side of the vehicle by the owner thereof in letters not less than 2½ inches high and 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 stenciling 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 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 2,000 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, provided that nothing herein shall be construed to require any owner or driver to increase the authorized gross weight to a level greater than the maximum gross weight permitted for such a vehicle under Minnesota Statutes 1945, Section 169.83, and provided further that the provisions of this

sentence shall not be applicable in instances where the vehicle involved already is licensed to carry the maximum gross weight permitted for such a vehicle under section 169.83. Notwithstanding any provisions of the foregoing sentence, the registrar shall cancel the certificate of registration issued by him upon the third or any subsequent conviction in any calendar year of the owner or driver of any vehicle of operating such vehicle with axle load exceeding the maximum lawful axle load by more than 2,500 pounds and the license plates issued thereon shall be taken up and returned to the registrar. Such vehicle shall not be again operated on the highway of the state until it be again registered and new plates issued the same as for an initial registration. The registration fee therefor shall be computed for the same full period as the canceled registration, notwithstanding that a portion of the period has elapsed at the time of conviction and cancellation.

Subd. 4. **Gross earnings tax system.** 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 are computed, and all provisions of this chapter are hereby made applicable to the enforcement and collection of the tax herein provided for.

Subd. 5. **Certain vehicles subject to personal property tax.** Motor vehicles not subject to taxation as provided in section 168.012, but subject to taxation as personal property within the state, shall be assessed and valued at 33 $\frac{1}{3}$ per cent of the true and full value thereof, provided, that 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 said ad valorem tax was levied, such reduction or abatement of assessed valuation of taxes as was occasioned by the so-called ad valorem tax imposed, and provided further that, if said ad valorem tax upon any motor vehicle 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 said dealer, shall grant to such dealer against whom said 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 such motor vehicle be registered and taxed under this chapter for a fractional part of the calendar year only, then such ad valorem tax shall be reduced in the percentage which such fractional part of the years bears to a full year.

Subd. 6. **Listing by dealers.** The owner of every motor vehicle not exempted by section 168.012 or by Minnesota Statutes 1945, 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.

Subd. 7. **Agents.** 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.

Subd. 8. **Proceeds 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.

Subd. 9. **Municipalities not to impose tax; exceptions.** No borough, village, or city shall impose any tax or license fee or bond of any kind for the operation of any motor vehicle on its streets if the person or company owning or operating such

vehicle holds a certificate or permit to operate such vehicle issued in accordance with the provisions of Minnesota Statutes 1945, Chapter 221, provided, that this section shall not apply to vehicles transporting persons for hire which are operated exclusively within any borough, village or city or contiguous cities, villages, or boroughs.

Subd. 10. Nothing in this section or in Minnesota Statutes 1941, Section 168.09, shall be construed to deny reciprocity provisions provided for by Minnesota Statutes 1941, Sections 168.18 to 168.23.

[1949 c 694 s 3]

168.014 OWNER'S RIGHT TO CERTIFICATE; EXPIRATION. 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 except as provided in section 168.013, subdivision 1, paragraph 2.

[1949 c 694 s 4]

168.031 PERSONNEL OF ARMED FORCES. 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, except by the owner while on furlough or leave of absence.

[1941 c 7 s 1; 1943 c 458 s 1]

168.032 REFUNDMENT. 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 CERTIFICATES ISSUED. 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. 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 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 [Held unconstitutional]

168.053 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 amount 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 and contain 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, and not more than \$100, 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. Any person pulling or towing any vehicle as provided in section 168.053 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 in the amount of \$10,000 because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of \$100,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$5,000 because of injury to or destruction of property of others in any one accident.

[1941 c 213 s 2; 1947 c 166 s 1]

168.055 SAFETY CHAINS; 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 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, 168.073, 168.075, 168.08 [Repealed 1949 c 694 s 5]

168.09 REGISTRATION; RE-REGISTRATION. Subdivision 1. 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.

Subd. 2. When a motor vehicle registered in Minnesota, has during the calendar year for which it is so registered, been re-registered for the following year, the display on such motor vehicle of the plates issued for such motor vehicle on its re-registration for the following year shall on and after November 1 of the calendar year in which it was so re-registered constitute compliance with subdivision 1 requiring display of plates.

[1921 c 461 s 4; 1923 c 418 s 4; 1927 c 88; 1945 c 14 s 1; 1949 c 130] (2675)

168.10 REGISTRATION. 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.

Subd. 2. **Application for new motor, or body change.** 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.

Subd. 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.

Subd. 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. 436 s. 1; 1941 c. 515 s. 2] (2676)

168.11 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 herein-after 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 LICENSE 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 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 Repealed. [1949 c 694 s 5]

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 indorsed 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 owner who duly registers such vehicle. Any owner whose vehicle shall be permanently 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 an amount equal to the unused portion of the tax paid upon the vehicle so destroyed or removed from the state, computed pro rata by the month, one-twelfth of the annual tax paid for each month of the year remaining after the month in which the vehicle was so destroyed or removed from the state.

In case the vehicle so permanently destroyed or permanently removed from the state is a truck, tractor, truck-tractor, trailer, semi-trailer, or bus, the owner, if he prefers, shall, upon application with the return of the registration plates and the registration certificate, be entitled to a cash refund in the amount of the unused portion of the tax paid on the vehicle computed pro rata by the month, one-twelfth

of the annual tax paid, for each month of the year remaining after the month in which the plates and certificate were returned to the registrar.

[1921 c. 461 s. 11; 1923 c. 418 s. 11; 1931 c. 174; 1935 c. 142 s. 1; 1945 c. 600 s. 1] (2682)

168.163 Repealed. [1949 c 694 s 5]

168.165 CHANGING CLASS OF REGISTRATION. Upon application by the owner, the registrar of motor vehicles may convert the registration of any truck, truck-tractor, trailer or semi-trailer, or bus, from one class of registration to any other class of registration, provided that the owner pays the difference between the unused portion of the tax previously paid and the tax for the remainder of the year in the new class, and the conversion fee herein provided, and surrenders the number plates and registration card thereof for the old class. If the unused portion of the tax paid for registration in the class from which conversion is made exceeds the tax for the remainder of the year in the class to which converted, the registrar shall refund the excess to the owner. In determining the unused portion of any tax under this section, the registrar shall count the remaining months of the tax year beginning with the first month after the month in which application for conversion is made, and shall count one-twelfth of the full year's tax for each remaining month. When any such motor vehicle has been registered in a class for a period of not less than three months, it may be converted to a lower tax-rate class upon payment of a conversion fee of \$2.00, which shall be deposited in the trunk highway sinking fund.

As used in this section the phrase "unused portion of the tax" means the portion of the annual tax already paid in any class to cover the months of the calendar year remaining after the month in which the conversion is made.

[1943 c 286 s 1; 1945 c 600 s 2; 1949 c 694 s 5]

168.17 SUSPENSION OF REGISTRATION. 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 NON-RESIDENT OWNERS; RECIPROCITY. 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 PERMITS; NON-RESIDENTS. 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 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. 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 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 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 RULES. The registrar may promulgate such rules and regulations from time to time as may be reasonably necessary to accomplish the purpose of sections 168.18 to 168.23.

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

168.22 TREATIES; RECIPROCITY. The provisions of sections 168.18 to 168.23 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 sections 168.18 to 168.23 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 RECIPROCITY 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.

Every non-resident, including any foreign corporation carrying on business except as herein provided within this state and owning and operating in such business any motor vehicle in intrastate commerce 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 motor vehicles exclusively used as school buses and not for hire.

[1927 c. 94 s. 6; 1931 c. 220 s. 6; 1935 c. 355 s. 3; 1941 c. 382; 1943 c. 18 s. 1; 1943 c. 613 s. 1; 1945 c. 34 s. 1] (2684-6)

168.25 [Repealed, 1943 c. 371 s. 1]

168.26 CERTAIN MANUFACTURERS 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. 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 hereinafter 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 this section, 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 this section, 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 vehicles, not including house trailers, 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.

Subd. 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 this section 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.

Subd. 3. Licenses, when 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.

Subd. 4. **Licenses; revocation.** 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.

Subd. 5. **Plates; distinguishing numbers.** 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.

Subd. 6. **Application.** 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

MINNESOTA STATUTES 1949

1415

MOTOR VEHICLES 168.27

\$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.

Subd. 7. **Revocation; hearing.** 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.

Subd. 8. **Appeal 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.

Subd. 9. **Appeal to supreme court.** Any party to an appeal or other proceeding in the district court under the provisions of this section 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 actions.

Subd. 10. **Enforcement.** The registrar is hereby authorized to enforce this section 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 section. 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.

Subd. 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.

Subd. 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 section shall be guilty of a misdemeanor.

Subd. 13. **Application of section.** This section shall not apply to any person, copartnership, or corporation exclusively engaged in the business of selling house trailers, and shall not apply to any person, copartnership, or corporation engaged in the business of selling farm wagons, farm trailers, farm tractors or other farm implements whether self-propelled or not, even though such wagons, trailers, tractors or implements may be equipped with a trailer hitch, unless such person, co-partnership or corporation shall also be engaged in the business of selling other motor vehicles within the provisions of this act.

[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; 1943 c 265 s 1; 1947 c 58 s 1; 1949 c 476] (2686)

168.28 VEHICLES SUBJECT TO TAX; 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, 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. Upon the return of defective number plates after the expiration of the manufacturer's guarantee thereof, the registrar upon the payment of a fee of 50 cents, may recondition such plates or issue duplicate plates in lieu thereof. 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; 1943 c. 56 s. 1] (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 continues more than 30 days thereafter, he shall pay to the registrar a fee of 50 cents per month for each additional month or fraction thereof, for not exceeding two months. The added fee for such failure or delay in reporting such transfer of ownership as required by law shall not be more than one-half the annual tax. A filing with, or delivery to the registrar of any application, notice, certificate or plates as required by this section shall be construed to be within the requirements of this section 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 section provides for such filing or delivery.

[1921 c. 461 s. 18; 1923 c. 418 s. 18; 1929 c. 330 s. 2; 1931 c. 17 s. 1; 1933 c. 245; 1941 c. 515 s. 6; 1943 c. 153 s. 2] (2689)

168.31 TAX, WHEN DUE AND PAYABLE. Subdivision 1. **Time payable.** The tax required under this chapter to be paid upon a motor vehicle for each calendar year becomes due when the vehicle first uses the public streets or highways in the state, and upon January 1 thereafter each year. Taxes due upon January 1 become payable upon October 1 preceding the calendar year for which they are assessed except those upon motor vehicles which shall first use the public streets and highways of this state between October 1 and the next following December 31. The tax that becomes due January 1 next following upon such motor vehicles becomes payable at the time the tax for the current year becomes payable.

Subd. 2. Every owner or person charged with the duty to register a motor vehicle or pay any tax payable hereunder on October 1, who fails or delays to register such motor vehicle and pay such tax on or before November 15 preceding the calendar year for which the tax is assessed shall, if the motor vehicle is registered and the tax paid on the first business day thereafter, pay to the registrar a fee of 25 cents for the delay; if the motor vehicle is registered and the tax is paid thereafter and prior to December 15 following, an additional fee of 25 cents, and, if the motor vehicle is registered and the tax is paid thereafter and before it becomes delinquent, 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.

Every owner or person charged with the duty to register a motor vehicle and pay any taxes hereunder who fails to register the same and pay such taxes 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 fee of 25 cents a day for each of the first two days that he delays, and if the delay continues so that there is a total delay in excess of 30 days, he shall pay to the registrar for the delay in excess of 30 days an additional fee of 50 cents per month or fraction thereof for not exceeding two months.

Subd. 3. If any owner or person charged with the duty to register the motor vehicle and pay the tax for the following year that became payable during the period October 1 to November 15, both days inclusive, fails to pay that tax on or before November 15, he shall pay to the registrar a fee of 25 cents for that delay and an additional fee of 25 cents if he fails or delays to pay that tax until the month of December.

Subd. 4. If any owner or person charged with the duty to register the motor vehicle and pay the tax for the following year that has become payable during the period November 16 to December 15, both dates inclusive, fails or delays to pay that tax within 15 days after it became payable he shall pay to the registrar a fee of 25 cents for such delay.

Subd. 5. The added fee for failure or delay in registering and paying the registration tax shall not be more than one-half the annual tax and in no event more than a total of \$2.50.

A filing with, or delivery to the registrar of any application, notice, certificate or plates as required by this section shall be construed to be within the requirements of this section 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 section provides for such filing or delivery.

Subd. 6. Instalments. If the tax assessed under section 168.06, subdivision 2, amounts to more than \$200, the amount thereof in excess of \$200 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.

Subd. 7. 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.

Subd. 8. 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; 1943 c. 153 s. 1] (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 shipping 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, 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 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.

On and after October 1, 1947, this act shall be in full force and effect for motor registrations for the year 1948 and subsequent years.

[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; 1947 c. 551 s. 4, 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.

Subd. 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. The filing fee of 25 cents he shall retain as his compensation unless otherwise designated by the registrar in his order of appointment, but the registration tax and any additional fees for delayed registration he has collected he shall deposit each day in an approved state depository to the credit of the state through the state treasurer. 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 amount shall be fixed and determined or have the approval of the executive council endorsed thereon. If the amount designated to be paid annually to such deputy as compensation for his services, the services of his employees, and the expense of the bureau maintenance is less than the total of the filing fees he collects, the amount so provided for shall be paid semi-monthly by the registrar from the amount of the filing fees collected and deposited by such deputy, as herein provided with respect to registration taxes he collects; but the amount so paid shall not in any case exceed the total amount of filing fees so collected and remitted. The amount 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.

Subd. 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 motor vehicle and the factory identification number for such makes as are so identified or according to the serial number of

such makes as are so identified until the manufacturers thereof adopt and use an identification number, 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 owner's 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.

Subd. 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.

Subd. 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.

Subd. 6. Application forms furnished. 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 INFORMATION TO BE FURNISHED. 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 UNREGISTERED VEHICLES. 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.

Subd. 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 nor more than \$100 or by confinement of not less than 15 nor more than 90 days or by both such fine and imprisonment.

Subd. 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 shall be the year of registration number and the word "Minnesota" in characters three-fourths of an inch high. Motorcycles shall be assigned plates of substantially the same design, but three inches wide and seven inches long, with such proportionate reduction in size of letters and numerals as may be necessary. Dealers' number plates shall be of substantially the same size and design as passenger vehicle and truck plates.

Subd. 2. There shall appear on the number plates issued for the year 1950 and each subsequent year thereafter the following: "10,000 Lakes." Such change in the size and form of the plates and such rearrangement of the words and figures thereon as may be necessary to best carry out the provisions of this subdivision are hereby authorized.

[1911 c. 365 s. 10; 1921 c. 472 s. 2; 1927 c. 326; 1939 c. 213; 1947 c. 405 s. 1; 1949 c. 410] (2703)

168.38 LICENSE PLATES, MANUFACTURE. 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 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)

168.40 CHAUFFEURS' LICENSE 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, and shall conduct examinations of applicants for such license at such times and places as he shall designate, and shall issue licenses only to such applicants as shall have attained the age of 18 years and 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; 1943 c 5 s 2; 1943 c 135 s 1] (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)

168.42 EXPIRATION OF LICENSES. All chauffeurs' licenses issued hereunder shall expire at midnight on December 31 of the year for which they are issued, but may be renewed without examination, if application for renewal is

made during the month of December. During January and February next following, any chauffeur licensed in Minnesota who has made such application for the renewal of his chauffeurs' license before January 1 may operate under the license issued to him for the preceding year until he receives his new chauffeur's license badge or is notified by the secretary of state that his license cannot be renewed.

[1929 c. 433 s. 4; 1935 c. 327; 1939 c. 426 s. 4; 1943 c. 493 s. 1] (2712-4)

168.43 APPLICATION FOR EXAMINATION; FEE. Applications for examination and license hereunder shall be in writing upon such forms and shall contain such needed information as the secretary of state may prescribe, and shall be accompanied by the payment of an examination and license fee of \$1.50. The fee for renewal of a chauffeur's license shall be \$1.00 if the application for renewal is made during the month of December; otherwise it shall be \$1.50. All fees collected pursuant to sections 168.39 to 168.45 shall be deposited in the general revenue fund. No fees, except overpayments and fees for renewals which are not allowed, that have been paid into the general revenue fund shall be refunded, but the secretary of state in his discretion, upon proper application within three months thereafter, may grant one re-examination without additional fee to a person who has been refused a license on a previous application. Refunds permitted by sections 168.39 to 168.45 shall be made in the manner provided by law for making refunds and paid out of the general revenue fund.

[1929 c. 433 s. 5; 1939 c. 426 s. 5; 1941 c. 427 s. 1; 1943 c. 493 s. 2] (2712-5)

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 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:

- (a) Manslaughter resulting from the operation of a motor vehicle;
- (b) Driving a motor vehicle, the operation of which requires a chauffeur's license, while under the influence of intoxicating liquor or narcotic drug;
- (c) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used;
- (d) Forfeiture of bail upon three charges of reckless driving all within the preceding 12 months;
- (e) 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.

Whenever 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. Whenever 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. Whenever 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 twelve 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 re-examination 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 the 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; 1943 c. 331 s. 1] (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; BOND 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, 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. 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. 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. 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)

168.50-168.53 [Held unconstitutional]