

CHAPTER 156

VETERINARIANS

156.01 STATE VETERINARY EXAMINING BOARD

HISTORY. 1893 c 31 s 3-6; 1897 c 322 s 1; 1903 c 149 s 1, 2; 1907 c 419 s 1; 1937 c 119 s 1.

Employees of state boards are subject to the Civil Service Law. OAG April 2, 1952 (644-B).

The duties and compensation of the president of the State Veterinary Examining Board cannot be modified or the compensation increased or diminished by any rule or action of the board. The board has no authority to provide for a salary in addition to the per diem allowed by statutes. OAG Nov. 2, 1948 (465-A).

Laws 1949, Chapter 681 permits the paying of six cents per mile to members using their own automobile in going to and returning from meetings of the board. OAG Aug. 8, 1949 (980-A-15).

156.04 BOARD TO ISSUE LICENSE

HISTORY. 1893 c 31 s 7; 1897 c 322 s 2; 1903 c 149 s 2, 3; 1907 c 419 s 2, 4; 1937 c 119 s 4.

156.12 PRACTICE OF VETERINARY MEDICINE

HISTORY. 1893 c 31 s 7, 10; 1903 c 149 s 3; 1907 c 419 s 5; 1937 c 119 s 12.

156.13 PENALTIES, HOW RECOVERED

HISTORY. 1893 c 31 s 7; 1903 c 149 s 3; 1907 c 419 s 5; 1937 c 119 s 13.

156.14 FUNDS PAID TO STATE TREASURER FOR BENEFIT OF BOARD

HISTORY. 1893 c 31 s 7; 1937 c 119 s 14.

CHAPTER 157

HOTELS; REGULATION, PROTECTION

157.01 DEFINITIONS

Where a person receiving board and room is not related to the person furnishing them, and such services are accepted with knowledge that the person furnishing them cannot afford to give them gratuitously, a promise to pay for them is implied in fact. *Jacobson v Edman*, 233 M 476, 47 NW(2d) 103.

Inspections made of food offered or sold under Chapter 31 and of places enumerated in sections 31.28 and 31.29, while overlapping duties conferred upon the department of health under sections 157.01 to 157.14, are not necessarily in conflict. There is no conflict in the performance of the duties committed to each of the administrative agencies which would impair the conscientious performance thereof by either. OAG Nov. 29, 1948 (135-A-6).

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A refreshment place as defined in section 157.01, clause (4), includes a place where a vending machine is used to dispense ice-cold beverages by insertion of a coin in such machine. OAG June 10, 1948 (238-G).

To be within the provisions of an ordinance or statute relating to lodging houses, to be a lodging house the place must have at least five beds for hire. The statute designates beds and not the number of customers who might occupy the beds. OAG Feb. 18, 1948 (238-K).

Church, boy scout, and auxiliary organizations are not exempt from the licensing provisions of the act, and when conducting a restaurant business as defined in section 157.01 are required to obtain a license as required by section 157.03; and if the business conducted constitutes a restaurant, a license would be required for each location. OAG March 27, 1950 (238-J).

A residence converted into rooms to be rented out is a lodging house and as to the tenants, the law relating to lodging houses applies. OAG Nov. 1, 1949 (238-K).

Places occupied by Y.M.C.A., boy scouts, and other similar benevolent and charitable organizations are not resorts or hotels within the meaning of section 157.01 nor are these organizations subject to the boat license law. OAG June 14, 1948 (238-L).

157.03 LICENSES REQUIRED

NOTE: See as to the licensing of restaurants in villages, section 412.221.

Only one license is required for hotel, restaurant, resort, or combination where business is carried on by the same owner within the same enclosure, that is, the same occupied premises. OAG June 13, 1949 (238-J).

Church, boy scout, and auxiliary organizations are not exempt from the licensing provisions of the act, and when conducting a restaurant business as defined in section 157.01 are required to obtain a license as required by section 157.03; and if the business conducted constitutes a restaurant, a license would be required for each location. OAG March 27, 1950 (238-J).

A cottage located on lake or stream which is casually rented for private occupancy is not a resort within the meaning of section 157.01. OAG May 9, 1952 (238-J).

157.04 ANNUAL INSPECTION

HISTORY. 1905 c 343 s 1; 1911 c 206 s 1; 1913 c 569 s 4; 1919 c 499 s 4; 1945 c 537 s 3.

The health inspector performs his duty as inspector when inspections are made by agents of municipalities under agreement with the state department of health. OAG Oct. 22, 1947 (238).

Under the statute the hotel inspector "inspects or causes to be inspected" annually certain designated activities. This may be accomplished by agreement with municipalities to do their own inspection; but if the municipality neglects to properly inspect or fails to inspect at least annually, the state hotel inspector is not relieved from his duty. OAG Oct. 29, 1947 (238).

157.05 PLUMBING, LIGHTING, HEATING, VENTILATION

Where owner of property maintained therein ladies' rest room in basement thereof and stairway leading thereto, furnished light therefor at head of stairway, and otherwise undertook upkeep thereof for patrons of his tavern located on said property as well as for patrons of his tenants who occupied a portion thereof for restaurant purposes, jury might justifiably find that such owner had reserved control of such facilities and was liable to patrons of his tenants rightfully using the same for his failure to keep them in a reasonably safe condition. *Iverson v Quam*, 226 M 290, 32 NW(2d) 597.

Where evidence disclosed that door leading to stairway was marked with the word "Ladies," indicating that immediately behind such door a ladies' rest room

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was located for the convenience of patrons upon the premises, and no warning or designation indicated that such rest room was in the basement of such premises, or that a stairway leading down thereto commenced abruptly to the right of such entering doorway; and where plaintiff, after passing through such doorway, in the belief that she was going directly into the rest room, immediately proceeded to seek additional light, and while so engaged fell down the unlighted basement stairway, it could not be held as a matter of law that she was guilty of contributory negligence barring her right to recovery for injuries sustained as a result thereof. *Iverson v Quam*, 226 M 290, 32 NW(2d) 597.

A hotel is liable for injury to a guest caused by its failure to obey the hotel statute or to use ordinary care, but it is not deprived of the defense of contributory negligence; and where the hotel guest while in the shower well attempted in haste and without drying himself to seat himself upon the seat of the toilet bowl and the wooden seat which was hinged into a brittle part of the bowl broke loose causing the guest to fall and injure himself, the guest was not using the toilet in ordinary way or in the way it was designed or intended to be used and reckless haste and lack of care contributed to the accident and barred any right of recovery against the hotel. *St. Paul Hotel Co. v Lohm*, 196 F(2d) 233.

The law requires a window in a hotel sleeping room. The window must open as stated. Artificial ventilation, even though healthful and safe, is not permissible under the statutes. OAG Dec. 23, 1947 (238-D).

157.06 FIRE PROTECTION

HISTORY. 1883 c 133 s 3; 1911 c 206 s 1; 1913 c 569 s 6; 1919 c 499 s 6.

157.07 ADDITIONAL FIRE PROTECTION

HISTORY. 1883 c 133 s 3; 1911 c 206 s 1; 1913 c 569 s 7; 1919 c 499 s 7.

157.08 IRON STAIRWAYS FOR EXIT, AND OTHER PROVISIONS

Liability of restaurants for defective food. 34 MLR 156.

A shopkeeper is under legal obligation to keep and maintain his premises in reasonably safe condition for the use of all persons he expressly or impliedly invites to enter.

The state of the evidence in the instant case made the negligence of defendant and the contributory negligence of plaintiff questions for the determination of the jury. Since there is evidence to support its decision, the verdict must stand.

The doctrine of assumption of the risk requires an appreciation of the danger and acquiescence in it. Therefore, evidence that plaintiff upon entering defendant's premises observed the step from which she fell as she was departing presented, at most, a jury question on that issue. *Lincoln v Cambridge-Radisson Co.*, 235 M 20, 49 NW(2d) 1.

157.14 EXEMPTIONS FROM APPLICATION

HISTORY. 1903 c 301 s 1; 1905 c 343 s 1; 1911 c 206 s 1; 1913 c 569 s 1; 1919 c 499 s 1; 1935 c 77; 1935 c 274 s 1; Ex1936 c 36 s 1; 1943 c 104 s 1; 1945 c 587 s 1.

Where a hotel on June 30, 1947, was ready, willing and able to provide to guests who desired such services all customary hotel services, housing accommodations therein were decontrolled, notwithstanding that the hotel did not maintain in storage, complete furniture for accommodations of those guests who desired partially furnished or unfurnished accommodations and did not maintain standby maid and bell boy service for those guests who did not desire such service. *Woods v Benson Hotel Corp.*, 81 F. Supp. 46.

Twenty-one individuals who as a group in good faith purchased and became tenants in common of a 21-apartment building under a contract for a deed, for the purpose of acquiring living accommodations for themselves, were not a "co-

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operative corporation or association" within the provisions of the housing and rent act prohibiting action to recover possession or accommodations owned or leased by a "cooperative corporation or association" except under certain conditions. *Woods v Krizan*, 81 F. Supp. 121.

Cafeterias and restaurants operated by state or federal government are exempt from inspection and license. All other cafeterias and restaurants operated by the public and all private cafeterias and restaurants even though operated by a religious organization are subject to inspection. OAG Dec. 23, 1947 (238-J).

157.15 SAFETY OF BOATS USED FOR HIRE

HISTORY. 1945 c 306; 1949 c 655 s 1-3; 1951 c 23 s 1.

Section 157.15 relates only to boats rented for hire and the provisions of the section do not affect boats, the use of which is furnished free to a society or assembly of persons for charitable or benevolent purpose. OAG Sept. 30, 1947 (273-D-2).

Y.M.C.A., boy scouts, and other similar benevolent and charitable organizations are not resorts or hotels within the meaning of section 157.01, nor are these organizations subject to the boat license law. OAG June 14, 1948 (238-L).

A person who owns and leases a cottage and along with the cottage furnishes a boat for use to occupants thereof is subject to the boat license law. OAG June 14, 1948 (238-L).

Row boats, skiffs, canoes, or sailboats, in which inboard motors have been installed and which are rented or offered for rent or furnished with leased or rented coaches or hotel accommodations for use upon public waters are subject to the licensing and inspectional requirements of chapter 157. OAG April 27, 1953 (273-D-2).

CHAPTER 158

UNIVERSITY OF MINNESOTA HOSPITALS

158.01 ESTABLISHMENT

The county board has authority to provide hospitalization of indigent patients of the county who are afflicted with a malady which can probably be remedied by hospitalization and who are financially unable to pay their bills, but whether nursing care is a part of the hospitalization is a question of fact. OAG July 14, 1947 (1001-D).

Where a county board provides hospitalization in hospitals within the county and elsewhere, or within the state, to any person, pursuant to the provisions of the general hospitalization law, the hospital furnishing such hospitalization is restricted in its charges therefor in an amount not to exceed the full rates fixed and charged by the University Hospitals; but where a "poor person" is furnished hospitalization pursuant to the Poor Law, the hospital furnishing such hospitalization is not restricted in its charges therefor to the rates fixed and charged by the University Hospitals. OAG June 17, 1949 (339-G-2).

158.08 EXPENSES PAID BY COUNTIES

Where a pauper is hospitalized under the Poor Law the county of the pauper's settlement, where the county system prevails, is liable to the hospital for the reasonable value of the services rendered; but where an indigent person is hospitalized under the general hospital law the cost of such hospitalization should not exceed the amount fixed and charged by the Minneapolis General Hospital. OAG Nov. 28, 1951 (1001-D).