

CHAPTER 165

FERRIES

165.01 FERRIES; LICENSE

HISTORY. 1867 c 26 s 8.

CHAPTER 166

ROADS OR CARTWAYS JOINTLY CONSTRUCTED OR IMPROVED

NOTE: Excepted from the Rules of Civil Procedure insofar as inconsistent or in conflict therewith.

166.01 PETITION FOR CARTWAYS

A cartway to connect with a state highway and located on the town line of four towns may be obtained by following the provisions of sections 163.15 and 163.17. It may also be obtained if the proceedings are under sections 166.01 to 166.06. The latter is preferable. All four towns must join in the petition. OAG Sept. 19, 1952 (377-B-10).

166.09 TOWNS, VILLAGES, AND ADJOINING COUNTIES MAY JOINTLY BUILD OR IMPROVE ROADS OR STREETS

Where a town line road was established by two towns under G.S. 1894, Sections 1824-1827, and each town agrees to maintain a portion thereof, each has the burden of maintaining the part agreed upon. OAG Sept. 18, 1951 (379-C-8-C).

CHAPTER 168

MOTOR VEHICLES

168.01 DEFINITIONS

Repealed, 1949 c 694 s 5.

Cases relating to repealed section.

Taxation of vehicles. 33 MLR 47.

Evidence was insufficient to overcome a son's prima facie ownership of automobile arising from registration thereof under motor vehicle law in son's name, and presumption of gift to son by father arising from payment of purchase price of automobile by father and transfer of title to and delivery thereof to son, and hence father could not interpose defense of ownership in proceeding by state to forfeit automobile which son had used in spotlighting deer. State v One Oldsmobile, 227 M 280, 35 NW(2d) 525.

The legal owner of an automobile is "owner" and held liable under the owner's vicarious-liability section of the safety responsibility act, and the owner of a car who

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permitted her father during her absence to use her automobile was "owner" within the statute and liable under the doctrine of respondeat superior for any damage caused by negligence of the father in the operation of the car. *Aasen v Aasen*, 228 M 1, 36 NW(2d) 27.

In construing the constitutionality of a legislative act the intent of the legislature must be ascertained from the language of the entire act read in the light of the object in view. The same tax can be sustained as property tax against one taxpayer, as privilege tax against another, and as combination property and privilege tax against a third. Every presumption is in favor of the constitutionality of the act. It is inherent in the exercise of the power to tax that a legislature is free to select the subject of taxation and to grant exemptions. The legislature likewise has a wide discretion in classifying property for the purpose of taxation provided its classifications are based upon differences which furnish a reasonable ground for the resulting distinctions between the several classes. *Hassler v Engberg*, 233 M 487, 48 NW(2d) 343.

A witness engaged in selling and servicing automobiles since 1914, and who had worked on a great many wrecked automobiles and participated in or supervised their repair, was qualified after examining photographs of automobiles involved in a collision to state his opinion as to the part of defendant's automobile that collided with plaintiff's truck. Whether a sufficient violation has been laid to qualify a witness as an expert is a question for the trial court. The fact that the opinion of an expert bears directly on the issue is to be determined by the jury, does not render it inadmissible. *Woyak v Konieske*, 237 M 213, 54 NW(2d) 649.

A farmer who suffered fatal injuries when his tractor collided with a barn and overturned was within the provisions of a policy insuring the farmer against death or injury through accidental means while operating an "automobile." *Koser v American Casualty Co.*, 162 Pa. Supp. 63, 56 AT(2d) 301.

168.011 DEFINITIONS

HISTORY. 1949 c 694 s 1; 1951 c 574 s 1, 2; 1953 c 275 s 1; 1953 c 291 s 1.

The manufacturer and dealer of new and unused trailers, licensed to do business in several states including Minnesota, may bring into Minnesota on its highways for purposes of sale new and unused trailers bearing Minnesota dealers' number plates, but such manufacturer cannot use foreign dealers' plates. OAG Dec. 7, 1951 (632-C).

A hot-rod racing car, towed by a private automobile upon the state highways, is a motor vehicle and is subject to motor vehicle taxation. OAG Aug. 5, 1952 (632-E).

A private motor vehicle towed by a private automobile upon the highways is a motor vehicle and is subject to taxation. OAG May 22, 1953 (632-E).

City buses of "C" have no authority to operate to terminous in "V" under registration in the "YB" class. Buses operating between "C" and "V" are inter-city buses within the meaning of the definition and the registration to be used thereon would be "IC" buses. OAG May 31, 1949 (632-E-17).

Under the "Urban" classification in registering truck-tractors and semi-trailers, where the truck-tractors are used interchangeably with all semi-trailers the tax on the truck-tractors is computed in combination with the heaviest trailer proposed to be used with the truck-tractor. OAG Nov. 8, 1949 (632-E-33).

For tax purposes a low-slung heavy semi-trailer used in conjunction with a truck-tractor for transporting tanks comprising a part of construction machinery, is not an "equipment dolly" within the meaning of section 168.011. OAG April 29, 1952 (632-E-33).

A person, not a farmer, is not entitled to registration in "farm truck" class under the provisions of Laws 1949, Chapter 694, Section 1, Subdivision 17. OAG Aug. 1, 1949 (632-E-34).

A passenger automobile used exclusively for making deliveries cannot be licensed as a truck. OAG Nov. 9, 1949 (632-E-34).

A truck owned by a firm hauling corn and peas to a cannery during the canning season for periods from two to five weeks is an occasional hauling within the meaning of section 168.011. OAG May 26, 1953 (632-E-34).

168.012 VEHICLES EXEMPT FROM LICENSE FEES

HISTORY. 1949 c 694 s 2; 1951 c 690 s 1.

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 are exempt from motor vehicle taxation. This provision applies to all contractors coming within the wording of the act. It includes motorized construction equipment of all kinds. To be exempt it must be motorized construction equipment owned and operated by a contractor. As to whether the truck or other equipment is used for transportation of materials on the highway and therefore not included in the right of exemption is a question of fact. OAG July 8, 1949 (168-E-12).

Fees required to be paid by occupied trailer coaches in trailer coach parks are not in lieu of motor vehicle or personal property taxes, and where the required fees imposed upon the occupied trailer coach are not collected from the occupants by licensee of the trailer coach park the latter's license may be revoked. OAG Nov. 30, 1951 (238-I).

A motor vehicle owned by a village and used exclusively for village purposes is exempt from taxation. OAG Nov. 30, 1950 (632-A-14).

Where a motor vehicle owned by a Minnesota resident is domiciled in a foreign state and it is legally licensed in that foreign state, the owner of such vehicle is entitled to a reciprocity permit regardless of whether the state wherein the vehicle is domiciled would or would not allow reciprocal privileges. OAG Aug. 10, 1951 (632-C).

Trailers owned by the department of conservation and used by game wardens in their general police work are eligible for the issuance of the seal provided for in section 168.012. The application by the department of conservation should show the intended police use. OAG Aug. 9, 1950 (632-E-3).

A school bus owned by a church of private educational institution which uses the same for transporting pupils of an independent school district and is paid therefor is not entitled to motor vehicle tax exemption. OAG April 2, 1951 (632-E-12).

A trailer mounted portable air compressor, owned by a concern engaged in construction work is contractor's construction equipment and exempt from motor vehicle taxation. OAG May 28, 1951 (632-E-12).

Motor vehicles of the housing and redevelopment authority of the city of St. Paul are exempt. OAG Oct. 2, 1951 (632-E-12).

Motor vehicles owned and used by the federal reserve bank are exempt from motor vehicle taxation. The functions of the federal reserve bank are an exertion of the federal government's sovereign powers. OAG Nov. 17, 1952 (632-E-12).

Whether a low-boy semi-trailer known as an "equipment dolly" is exempt under the provisions of Laws 1949, Chapter 694, Section 1, Subdivision 16, is a question of fact and when towed by a truck-tractor both pieces are exempt, if used only for construction work and in transporting the owner's construction machinery. OAG July 9, 1949 (637-E-33).

168.013 RATE OF TAX

HISTORY. 1949 c 694 s 3; 1951 c 123 s 1, 2; 1951 c 575 s 1; 1951 c 576 s 1; 1953 c 58 s 1; 1953 c 737 s 1; 1953 c 770 s 1.

The police powers a municipality may exercise must be authorized by the legislature. A statute which prohibits municipalities from imposing a tax or license fee for the operation of motor vehicles on its streets, if the owner or operator holds a certificate or permit to operate such vehicles issued in connection with the statute, and which provides that the statute shall not apply to vehicles transporting persons for hire, which are operated exclusively within the municipality, is not unconstitutional as constituting class legislation or discriminatory legislation. City of Duluth v Northland Greyhound Lines, 236 M 260, 52 NW(2d) 774.

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Section 168.013, subdivision 1, and section 168.28, enacted under Minnesota Constitution, Article XVI, Section 3, relating to taxation of motor vehicles, indicates a legislative intent for a definite plan to exempt new and unused motor vehicles in possession of and held for sale by a licensed dealer from motor vehicle tax provided for thereunder. New automobiles in the possession of a licensed dealer for the purpose of sale which, prior to May 1 in any one year, use the public streets and highways only for purposes incidental to the business of the dealers are exempt from the motor vehicle tax under section 168.28 and subject to the personal property tax provided for in chapter 273 and section 168.013, subdivision 5. Cars purchased by plaintiff from other dealers and driven on the streets from one show room to another prior to May 1, 1950, were not subject to the motor vehicle tax but are subject to the personal property tax. *W. R. Stephens Co. v Haveland*, 236 M 430, 53 NW(2d) 220.

Any person, other than certain dealers, against whom a tax has been levied on his motor vehicle on an ad valorem basis shall, during the calendar year for which such tax is levied, be also taxed under the vehicle registration tax law; but upon proper showing the commissioner of taxation shall grant to the person against whom the ad valorem tax was levied an abatement of the entire ad valorem personal property tax upon the motor vehicle for that year. OAG Feb. 13, 1951 (421-C-25).

Where the owner or driver is found to have transported a gross weight exceeding the statutory authority he has a 30-day period within which to pay the additional tax and the registrar may cancel the certificate; and where a vehicle is involved in three violations of the gross weight law within one county a year, the license should be canceled. If a new owner in good faith acquires title to the vehicle the license should not be canceled. OAG April 14, 1950 (632-D).

Whether or not placing decalomania letters and numerals on a motor vehicle so as to show gross weight, for which the vehicle has been registered, is in conformity with section 168.013, subdivision 3, is a question of fact. OAG Nov. 27, 1951 (632-D).

Where the certificate of registration of a motor vehicle is canceled in conformity with section 168.013 the vehicle cannot be registered for the following year until it is re-registered and the tax is paid for the year in which the certificate of registration was canceled. OAG April 8, 1952 (632-D).

New and unused motor vehicles in the possession of a dealer solely for purposes of sale are under the provisions of section 168.28 and are exempt from registration because they are not being used on the public highway. The licensed dealer is not required to claim the exemption, and as owner of the vehicles he may register them and pay the registration tax. OAG Feb. 11, 1950 (632-E-5).

Whether a motorized crane is "contractors motorized construction equipment" and exempt under section 168.013 is a question of fact. If the motorized equipment is exclusively used by contractors it is exempt but if used for other purposes it is not exempt from motor vehicle taxation. OAG Feb. 17, 1950 (632-E-12).

House trailers licensed in North Dakota but owned and domiciled in Minnesota and using the highways of the state are subject to motor vehicle taxation. OAG Aug. 3, 1951 (632-E-33).

Under Laws 1949, Chapter 694, (coded as section 168.013) there was set up a new class for registering trucks, tractors and combinations of truck-tractors with semi-trailers, to be designated as "Urban" class. Such truck, licensed for Minneapolis, may operate into and through the campuses of the state university and agricultural college, experimental plots operated by them, and the state fair grounds. Such truck, as from St. Paul, may operate into the Ft. Snelling reservation. The registrar of motor vehicles is without authority to say that Minnesota trucks registered in the urban class cannot go from a border city in Minnesota to a border city in an adjoining state. An urban truck must take the more circuitous route to keep within the boundaries of contiguous villages even though a shorter route might be available crossing on unincorporated territory. OAG Oct. 27, 1949 (632-E-34).

Urban trucks cannot be operated outside of the municipality in which licensed except when being permanently removed from one municipality to another upon permit of the registrar of motor vehicles. OAG April 21, 1950 (632-E-34).

Conviction for operating with a greater gross weight than that for which a vehicle is registered requires the owner to register for a gross weight at least equal to that carried at the time of conviction. A truck-tractor semi-trailer unit with three axles is permitted under section 169.83 a maximum gross weight of 54,000 pounds. OAG May 22, 1950 (632-E-34).

The owner or operator of a "Y" truck may be convicted for carrying a gross load exceeding the authorized weight by 1,000 pounds; but his license cannot be revoked unless the weight carried exceeded the authorized weight by 2,000 pounds. OAG Oct. 24, 1949 (632-E-37).

168.014 OWNER'S RIGHT TO CERTIFICATE; EXPIRATION

HISTORY. 1949 c 694 s 4.

168.02 Repealed, 1949 c 694 s 5.

168.021 OPERATION BY PHYSICALLY HANDICAPPED PERSONS

HISTORY. 1953 c 152 s 1-6.

168.03 Repealed, 1949 c 694 s 5.

168.031 EXEMPTION FROM REGISTRATION; PERSONS IN ARMED FORCES, DISABLED VETERANS

HISTORY. 1941 c 7 s 1; 1943 c 458 s 1; 1951 c 248 s 1.

Laws 1951, Chapter 248, exempts from motor vehicle taxation a motor vehicle furnished to a disabled veteran by the federal government. If this vehicle is traded in by the disabled veteran for another, the second vehicle is not exempt from taxation. OAG June 23, 1951 (632-E-12).

Motor vehicles towards the purchase of which the federal government has contributed under USCA Title 38, Section 252, are exempt from motor vehicle tax. OAG Sept. 21, 1951 (632-E-12).

Where a vehicle owned by a person in the armed forces is exempt from motor vehicle taxation under section 168.031, as amended, it can only be operated on the streets and highways of Minnesota while the service man is in Minnesota on leave or furlough and such operation is then permitted under an exemption permit; no license plates are issued when a motor vehicle is so exempt from motor vehicle taxation; such vehicle operated in a foreign state is subject to the laws of such state, if any, regarding the operation of motor vehicles therein by members of the armed forces. OAG Nov. 16, 1951 (632-E-12).

The new provisions of Laws 1943, Chapter 628, Section 2, expired July 1, 1947, but the effectiveness of section 168.031 is not limited to the cessation of hostilities but to the expiration of the "time of war or other emergency." In the absence of specific provisions to the contrary, the period of war has been held to extend to the ratification of the treaty of peace or the proclamation of peace. The statute is still in effect. OAG Dec. 11, 1947 (835).

168.034 OPERATION OF MOTOR VEHICLES BY SOLDIERS AND SAILORS

A member of the armed forces in Minnesota under military orders may operate a motor vehicle duly licensed in another state without a Minnesota license. OAG Nov. 14, 1953 (310).

168.05 Unconstitutional.

168.054 LIABILITY INSURANCE POLICY

Filing of liability insurance policy. 33 MLR 45.

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168.06, 168.073, 168.075, 168.08 Repealed, 1949 c 694 s 5.

168.09 REGISTRATION; RE-REGISTRATION

HISTORY. 1903 c 356 s 5; 1911 c 365 s 2; 1921 c 461 s 4; 1923 s 418 s 4; 1927 c 88; 1945 c 14; 1949 c 130 s 1.

A private motor vehicle towed by a private automobile upon the highways is a motor vehicle and subject to taxation. OAG May 22, 1953 (632-E).

If a city ordinance of Faribault was otherwise valid, a sale of a lost or abandoned automobile found on the city streets could be made thereunder by a public officer who would deliver the certificate of sale to a purchaser. This certificate should enable him to obtain registration. OAG July 31, 1950 (632-E-29).

168.10 LISTING FOR TAXATION; REGISTRATION

HISTORY. 1921 c 461 s 5; 1923 c 418 s 5; 1925 c 416 s 2; 1937 c 436 s 1; 1941 c 515 s 2; 1951 c 211 s 1; 1953 c 88 s 1.

Facts determine what provision, if any, constitutes a violation of the motor vehicle and tax laws. One who uses a false or fictitious name or address on an application for a motor vehicle transfer may be violating Minnesota Statutes 1949, Section 168.10, Subdivision 3. OAG Feb. 10, 1953 (632-D).

Where the owner of a motor vehicle issued a worthless check in payment of the motor vehicle registration taxes, the registration and issued number plates may be canceled and their return demanded. Should the owner of the motor vehicle refuse to surrender the canceled plates the registration is in violation of sections 168.10 and 168.36. OAG June 7, 1951 (632-E-20).

168.12 LICENSE PLATES

HISTORY. 1903 c 356 s 5; 1911 c 365 s 8, 10; 1921 c 461 s 7; 1921 c 472 s 1; 1923 c 418 s 7; 1951 c 628 s 1.

The proceeds of the \$2.50 fee collected from the holder of an official amateur radio station license for a special license or number plates are deposited in the trunk highway sinking fund. OAG Nov. 6, 1951 (150-B).

License number plates are not sold and are merely evidence of the payment of a registered tax. The plates are not subject to the provisions of sections 325.45 and 325.46. OAG June 30, 1948 (385-B-3).

The registrar of motor vehicles may prescribe the use of different alphabet letters in combination with numerals on license plates to denote the class of registration of passenger automobiles. Letters similar in size to the numerals appear on the license plates. Such change in the size and form of the plates and such rearrangement of the words and figures thereon as may be necessary are authorized. OAG Dec. 1, 1953 (632-A-16).

168.13 PROOF OF OWNERSHIP

The registration of a motor vehicle is prima facie but not conclusive evidence that the person in whose name the automobile is registered is the owner thereof. State v Oldsmobile, 227 M 280, 35 NW(2d) 525.

There is nothing in the statutes prohibiting the licensing of a dealer to sell used cars at auction to dealers only; but care should be taken to see that used cars from out of the state have been properly registered in the foreign state, otherwise the purchaser might not be able to show proper registration when he applied for registration in Minnesota. OAG June 30, 1948 (632-A-7).

Where a motorcar is brought into this state from Michigan and the documents of the transactions which took place in Michigan indicates a break in the chain of title, the fact that the car bears a Tennessee registration does not cure the defect,

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and the Minnesota licensing authorities should require a Michigan registration certificate before issuing a Minnesota license. OAG Aug. 31, 1948 (632-B).

168.14 Repealed, 1949 c 694 s 5.

168.15 RIGHTS AS TO REGISTRATION CERTIFICATES AND NUMBER PLATES

Automobile certificate of title laws affecting ownership and encumbrance. 36 MLR 77.

Although the Minnesota automobile registration law operates similarly to the certificate of title laws of other states, Minnesota is not classed as a title state because its law is for tax purposes, lacks the elements of anti-theft provisions found in title states, and it does not call for any central recordation of liens by way of the registration certificate. 36 MLR 77.

Where the insured accepted a used trailer as a trade-in on the sale of a new trailer, even though the title registration card of the used trailer had not been transferred to the insured, the insured had the ownership of the trailer and was entitled to recover on a policy for a loss resulting from theft of the used trailer while it was in its possession. *Hanson v Homeland Ins. Co.*, 222 M 403, 45 NW(2d) 637.

A registration card signed only in blank by the person whose name appeared on the card and not in compliance with the statute, did not constitute such indicia of title in a dealer who had possession of the car for sale purposes as to estop the real owner from claiming title in the car as against a purported mortgage of the dealer, where the evidence was in conflict as to whether the dealer had the car in his possession at the time the purported mortgage was made and where it clearly appeared that the dealer's name was nowhere on the car. *Moberg v Commercial Credit Corp.*, 230 M 469, 42 NW(2d) 54.

168.16 REFUNDS

HISTORY. 1921 c 461 s 11; 1923 c 418 s 11; 1931 c 174 s 1; 1935 c 142 s 1; 1945 c 600 s 1; 1953 c 42 s 1.

A dealer in new and unused motor vehicles who voluntarily and intentionally registers a motor vehicle and pays the motor vehicle tax thereon in April of the calendar year is not entitled to a refund under the provisions of section 168.16, as amended, even though such vehicle dealer has not used the public streets or highways during the year for which it is registered and the tax is paid thereon. OAG March 16, 1953 (632-E-24).

168.163 Repealed, 1949 c 694 s 5.

168.165 REGISTRATION, CHANGING CLASS.

HISTORY. 1943 c 286 s 1; 1945 c 600 s 2; 1949 c 694 s 5; 1951 c 88 s 1; 1953 c 56 s 1.

When a truck was licensed in the "Y" class with a selected gross weight of 13,000 pounds as the maximum load, and the licensee and owner of the truck rented it to a user who operated with a gross weight of 20,000 pounds, the tax provided for in the third category became due and became a lien upon the motor vehicle. The owner of the truck assumes the risk that his renters may overload the truck. The owner is not forced to continue the registration of the truck in the higher tax bracket. OAG June 17, 1948 (632-A).

Unless the owner's license was converted to some other class of registration, an urban truck could not be operated outside of the community where licensed, except when being permanently removed from one municipality to another upon the permit of the registrar of motor vehicles. OAG April 21, 1950 (632-E-34).

The registrar of motor vehicles is vested with the discretion of permitting the conversion of motor vehicles from one registration class to another, but conversion

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should not be granted to a dealer or anyone who does not actually use the vehicle in the registration class to which the conversion is made. OAG Aug. 16, 1951 (634-D).

168.17 SUSPENSION OF REGISTRATION

Where the owner of a motor vehicle issued a worthless check in payment of the motor vehicle registration taxes, the registration and issued number plates may be canceled and their return demanded. Should the owner of the motor vehicle refuse to surrender the canceled plates the registration is in violation of sections 168.10 and 168.36. OAG June 7, 1951 (632-E-20).

168.18 Repealed, 1953 c 698 s 7.

Cases under repealed section.

Before a nonresident motorist may obtain reciprocal benefit privileges under sections 168.18 to 168.23, the nonresident owner "shall first file with the registrar of motor vehicles" the consent provided in section 168.18 (3). After transporting a load of motor vehicles from Illinois to Ely, Minnesota, the nonresident car was properly stopped and arrested when transporting cars from Duluth to the Twin Cities. OAG Dec. 2, 1947 (632-C).

Before a nonresident may obtain the benefits of reciprocity, the nonresident owner must file with the registrar of motor vehicles the consent provided in section 168.18. The reciprocity act extends to nonresident vehicle owners who have complied with the provisions of the act the same privileges that are enjoyed by Minnesota owners of like vehicles. OAG March 9, 1949 (632-C).

The lessor of a motor vehicle is eligible for a reciprocity permit and the lessee who is not licensee is ineligible for such permit. OAG April 27, 1950 (632-C).

A motor vehicle owned and used by an Iowa resident to commute to employment in Minnesota is exempt from Minnesota registration provided Iowa grant similar privileges to Minnesota residents. OAG Jan. 25, 1949 (632-C-7).

Dealer-owned foreign cars using public highways in the state for bringing such cars into the state for sale by auction are subject to Minnesota motor vehicle taxes; and are not exempt under the Reciprocity Act, section 168.18. OAG Sept. 12, 1952 (632-E-5).

Under the provisions of section 168.031 a vehicle owned by a person in the armed forces is exempt from motor vehicle taxation and can be operated on the streets and highways in Minnesota only while the serviceman is in the state on leave or furlough. OAG Nov. 16, 1951 (632-E-12).

168.181 NONRESIDENT OWNERS, RECIPROCITY AGREEMENTS OR ARRANGEMENTS; CONDITIONS AND LIMITATIONS

HISTORY. 1953 c 698 s 1.

168.19 Repealed, 1953 c 698 s 7.

168.191 VEHICLES DOMICILED IN FOREIGN STATE OWNED BY MINNESOTA RESIDENT

HISTORY. 1953 c 698 s 2.

168.20 Repealed, 1953 c 698 s 7.

168.201 DENIAL OR WITHDRAWAL OF BENEFITS OR PRIVILEGES

HISTORY. 1953 c 698 s 3.

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168.21 Repealed, 1953 c 698 s 7.

168.211 SUBJECT TO STATE LAWS GENERALLY

HISTORY. 1953 c 698 s 4.

168.22 Repealed, 1953 c 698 s 7.

168.221 COMMERCIAL VEHICLES; TAXES OR FEES

HISTORY. 1953 c 698 s 5.

168.23 Repealed, 1953 c 698 s 7.

168.231 TAX PROCEEDS, TRUNK HIGHWAY SINKING FUND

HISTORY. 1953 c 698 s 6.

168.25 Repealed, 1943 c 371 s 1.

168.27 MANUFACTURERS AND DEALERS

HISTORY. 1921 c 461 s 15; 1923 c 418 s 15; 1931 c 217 s 2; 1935 c 143 s 1; 1935 c 271 s 1; 1939 c 209 s 1; 1941 c 176 s 1; 1943 c 265 s 1; 1947 c 58 s 1; 1949 c 476 s 1; 1953 c 58 s 1.

Dealers in farm implements exempted from certain license fees. 33 MLR 45.

There is nothing in the statutes prohibiting the licensing of a dealer to sell used cars at auction to dealers only; but care should be taken to see that used cars from out of the state have been properly registered in the foreign state, otherwise the purchaser might not be able to show proper registration when he applied for registration in Minnesota. OAG June 30, 1948 (632-A-7).

A person acting as auctioneer for dealers selling automobiles to each other must have a dealer's license even though he owns none of the automobiles. OAG June 30, 1948 (632-A-7).

No one may engage in the business of selling motor vehicles without a license, and no license to sell new and unused motor vehicles may be issued to anyone unless he furnishes proof of a bona fide contract, or franchise, in effect with a manufacturer or distributor of the vehicles he proposes to deal in. OAG Nov. 2, 1949 (632-A-7).

An automobile dealer may engage in the business of selling new and used motor vehicles and is required to have a dealer's license. He is ineligible to acquire such license unless he has an established place of business and a franchise contract from a manufacturer or distributor of cars. OAG June 20, 1952 (632-A-7).

Assuming that the foreign state extends to dealers in Minnesota and prospective buyers in Minnesota the right to operate a foreign motor truck on a demonstration trip during seven days and that other provisions of sections 168.18 to 168.23 are met, foreign motor truck may operate in Minnesota during a seven day demonstration trip with a license. OAG July 12, 1948 (632-C).

Manufacturer and dealer of new and unused trailers licensed as a dealer and authorized to do business in several states including Minnesota may bring into Minnesota on its highways for the purposes of sale new and unused trailers bearing Minnesota dealer's number plates; he cannot use foreign dealer's plates for such purpose under the facts discussed. OAG Dec. 7, 1951 (632-C).

Under a motor vehicle dealer's license two establishments in the same county may be operated under the one license. If the business is run under two separate corporations, even if the ownership is identical, separate licenses must be obtained. OAG Jan. 2, 1948 (632-E-5).

168.28 VEHICLES SUBJECT TO TAX, EXCEPTIONS

HISTORY. 1921 c 461 s 16; 1923 c 418 s 16; 1941 c 176 s 22; 1953 c 43 s 2.

Section 168.013, subdivision 1, and section 168.28, enacted under Minnesota Constitution, Article XVI, Section 3, relating to taxation of motor vehicles, indicates a legislative intent for a definite plan to exempt new and unused motor vehicles in possession of and held for sale by a licensed dealer from motor vehicle tax provided for thereunder. New automobiles in the possession of a licensed dealer for the purpose of sale which, prior to May 1 in any one year, use the public streets and highways only for purposes incidental to the business of the dealers are exempt from the motor vehicle tax under section 168.28 and subject to the personal property tax provided for in chapter 273 and section 168.013, subdivision 5. Cars purchased by plaintiff from other dealers and driven on the streets from one show room to another prior to May 1, 1950, were not subject to the motor vehicle tax but are subject to the personal property tax. *W. R. Stephens Co. v Haveland*, 236 M 430, 53 NW(2d) 220.

The words "prior to its assessment or taxation as personal property" as used in Laws 1953, Chapter 315, requires a dealer or distributor of motor vehicles to register the same prior to May 1st if he is not to be subject to assessment or taxation of such vehicle as personal property. OAG May 11, 1953 (421-C-25).

A new motor vehicle in possession of a dealer solely for the purposes of sale is exempt from the motor vehicle taxation. When an entruster, under a trust receipt, takes possession of a motor vehicle from a dealer, he holds the same with the same rights and duties of a pledgee. But when he sells the motor vehicle to a user, and the vehicle is used upon the street, the usual tax must be paid. OAG Dec. 8, 1953 (632-A-21).

The manufacturer and dealer of new and unused trailers, licensed as a dealer in several states including Minnesota, may bring into Minnesota for the purpose of sale new and unused trailers bearing Minnesota dealers' number plates, but such manufacturer cannot use foreign dealers' plates for such purpose. OAG Dec. 7, 1951 (632-C).

Where in Wisconsin tax-exempt school bus was driven by the schoolboard clerk to a dealer in Minnesota and sold, a registration tax need not be paid. OAG April 23, 1948 (632-E-5).

Dealer-owned foreign cars using public highways in the state for bringing such cars into the state for sale by auction are subject to Minnesota motor vehicle taxes; and are not exempt under the Reciprocity Act, section 168.18. OAG Sept. 12, 1952 (632-E-5).

168.30 TRANSFER OF OWNERSHIP

The owner of a two wheel trailer with gross weight not exceeding 3,000 pounds, not used for hire or the transportation of passengers or property for hire and used with a passenger automobile is not subject to penalties under section 168.31 for late registration. Where such vehicle, however, is transferred to a new owner delayed registration of the transfer will result in the imposition of a penalty under section 168.30. OAG June 7, 1951 (632-E-33).

168.31 TAX, WHEN DUE AND PAYABLE

HISTORY. 1921 c 461 s 10; 1923 c 418 s 19; 1933 c 344 s 3; 1941 c 515 s 4; 1943 c 153 s 1; 1951 c 441 s 1; 1953 c 123 s 1.

When a truck was licensed in the "Y" class with a selected gross weight of 13,000 pounds as the maximum load, and the licensee and owner of the truck rented it to a user who operated with a gross weight of 20,000 pounds, the tax provided for in the third category became due and became a lien upon the motor vehicle. The owner of the truck assumes the risk that his renters may overload the truck. The owner is not forced to continue the registration of the truck in the higher tax bracket. OAG June 17, 1948 (632-A).

Where an installment of a motor vehicle license is not paid on time and the registration of the vehicle is revoked, unless the same is re-registered within ten days after mailed notice by the registrar of such revocation, the owner of the vehicle cannot claim as a credit any installment payments which he has made. If such re-registration is made within ten days after the notice of such revocation the owner may claim as a credit installments paid after the initial payments. OAG May 23, 1952 (632-E-20).

House trailers licensed in North Dakota but owned and domiciled in Minnesota and using the highways of the state are subject to motor vehicle taxation. OAG Aug. 3, 1951 (632-E-33).

168.32 MANUFACTURERS TO FILE STATEMENT

Taxation of vehicles. 33 MLR 47.

168.33 SECRETARY OF STATE TO BE REGISTRAR

HISTORY. 1921 c 461 s 22; 1923 c 418 s 22; 1927 c 340 s 1; 1939 c 259 s 1; 1949 c 131 s 1; 1949 c 132 s 1; 1951 c 384 s 1.

A registration fee of 25 cents applies to applications for transfer of registration, applications for duplicate certificates, applications for nonresident permits, and other similar applications required by statute. These fees must be accounted for, reported, and remitted. Many documents to be filed in the registration of a motor vehicle require signatures to be acknowledged. The acknowledgement of the signature is a part of the registration and is not included in the registration fee. There is no requirement in the statutes that the registrar as part of the duties of his office shall take acknowledgements; but if for the convenience of the public the deputy registrar, or one of his employees, is a notary and as such takes acknowledgements, the regular notarial fee as provided for in section 357.17 may be charged by the notary. Such fee would not be reported as a registration fee but would be retained by the notary as a fee for his services as notary. OAG Sept. 24, 1948 (385-B-2).

The offices of a village justice of the peace and deputy registrar of motor vehicles are not incompatible. OAG, Sept. 14, 1948 (358-D-3).

Motor vehicle inspectors have the same rights to enter upon private property for the purpose of inspecting vehicles and the same power of arrest as have private citizens but have no greater rights. OAG May 18, 1949 (632-A-16).

168.35 INTENT TO ESCAPE TAX

Where the owner of a motor vehicle issued a worthless check in payment of the motor vehicle registration taxes, the registration and issued number plates may be canceled and their return demanded. Should the owner of the motor vehicle refuse to surrender the canceled plates the registration is in violation of sections 168.10 and 168.36. OAG June 7, 1951 (632-E-20).

168.36 UNREGISTERED VEHICLES, USE

HISTORY. 1921 c 461 s 25-27; 1923 c 418 s 25-27; 1925 c 299 s 4; 1951 c 211 s 3.

Under the provisions of section 168.36 the act of a class "X" truck owner in operating outside his 35 mile zone is a misdemeanor. OAG Sept. 5, 1946 (632-E-6).

168.37 PLATES; SIZE, FORM

HISTORY. 1911 c 365 s 10; 1921 c 472 s 2; 1927 c 326 s 1; 1939 c 213 s 1; 1947 c 405 s 1; 1949 c 410 s 1.

The secretary of state has no statutory authority to prescribe the use in 1954 of reflectorized motor vehicle plates instead of the license plates required by the specifications and requisition which have heretofore been filed. OAG Nov. 19, 1953 (632-A-16).

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The registrar of motor vehicles may prescribe the use of different alphabet letters in combination with numerals on license plates to denote the class of registration of passenger automobiles. Letters similar in size to the numerals appear on the license plates. Such change in the size and form of the plates and such rearrangement of the words and figures thereon as may be necessary are authorized. OAG Dec. 1, 1953 (632-A-16).

168.39 CHAUFFEURS LICENSES

HISTORY. 1911 c 365 s 19; 1915 c 33 s 4; 1929 c 433 s 1; 1939 c 426 s 1; 1953 c 331 s 1.

A convict in the St. Cloud reformatory, acting as chauffeur, is not an employee, nor is the relation between the prisoner and the state one of employment. An inmate chauffeur or truck driver is not subject to the chauffeur license law. OAG Feb. 25, 1948 (625-I).

The act of starting the motor of a car while intoxicated is covered by the statute prohibiting the operation of a car while in an intoxicated condition. OAG Jan. 25, 1949 (632-B-2).

An employee driving a truck used to deliver builders' supplies to various locations is required to have a chauffeur's license. OAG June 22, 1949 (635-B).

A person carrying pupils of a school to athletic contests and is paid compensation for so doing is operating a motor vehicle for hire and must have a chauffeur's license. OAG Dec. 31, 1952 (635-H).

Volunteer village firemen whose employment is only casual at fires are not required to take out chauffeurs' licenses. OAG March 8, 1949 (635-I).

If city employees driving city vehicles fall within the definition of "chauffeur" as contained in section 168.39 (3) they must also have a chauffeurs license except those whose owners drive light cars classified as trucks which are only used to carry tools, repairs, or light materials used by the driver in his employment. OAG Dec. 14, 1949 (635-I).

State employees operating state owned trucks are required to have licenses as chauffeurs in accordance with sections 168.39 to 168.45. OAG Aug. 28, 1953 (635-I).

An employee driving a truck used to deliver merchandise of the employer is required to have a chauffeurs license even though less than one-half of his time is devoted to delivering and the balance of his time is devoted to clerical work. OAG July 8, 1952 (635-J).

168.40 CHAUFFEUR LICENSE DIVISION

HISTORY. 1929 c 433 s 2; 1931 c 196 s 1; 1939 c 426 s 2; 1943 c 5 s 1; 1943 c 135 s 1; 1951 c 78 s 1; 1953 c 215 s 1.

168.41 BADGES

HISTORY. 1929 c 433 s 3; 1939 c 426 s 3; 1953 c 215 s 2.

A licensed chauffeur while engaged in service as a chauffeur must at all times wear the badge issued to him. Under the provisions of section 168.45 failure to do so is a misdemeanor. OAG Aug. 4, 1952 (635-D).

168.413 BADGES, LOSS OR DESTRUCTION

HISTORY. 1953 c 377 s 3.

168.42 EXPIRATION OF LICENSE; RENEWAL

HISTORY. 1929 c 433 s 4; 1935 c 327 s 1; 1939 c 426 s 4; 1943 c 493 s 1; 1953 c 377 s 1.

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168.423 LICENSES, RENEWAL, MEMBERS OF ARMED FORCES

HISTORY. 1951 c 90 s 1, 2.

168.43 APPLICATION FOR EXAMINATION AND LICENSE; FEES; RE-FUNDS

HISTORY. 1929 c 433 s 5; 1939 c 426 s 5; 1941 c 427 s 1; 1943 c 493 s 2; 1953 c 377 s 2.

168.44 REVOCATION OF LICENSES

HISTORY. 1929 c 433 s 6; 1939 c 426 s 6; 1941 c 427 s 2; 1943 c 331 s 1; 1953 c 331 s 2.

168.46 ARREST; BOND TO APPEAR

Where a lost or abandoned car is found on the city streets, it may be condemned under a legal ordinance and sold by public officer who will deliver a certificate of sale to the purchaser which the purchaser may present in order to obtain registration of the vehicle. OAG July 31, 1950 (632-E-29).

168.50-168.53 Unconstitutional.

(State v Ernst, 209 M 586, 297 NW 24.)

CHAPTER 169

HIGHWAY TRAFFIC REGULATION

169.01 DEFINITIONS

HISTORY. 1895 c 151; 1903 c 356 s 1-7; 1909 c 251; 1911 c 365; 1912 c 7 s 1; 1913 c 235 s 65-69; 1917 c 119 s 22; 1917 c 320; 1917 c 475; 1919 c 391; 1921 c 396; 1921 c 472; 1923 c 440; 1925 c 336 s 8; 1925 c 416 s 1; 1927 c 412 s 1; 1929 c 158; 1929 c 390; 1929 c 407; 1931 c 128; 1931 c 402; 1933 c 220; 1933 c 252; 1935 c 224; 1935 c 389; 1937 c 464 s 1; Ex1937 c 38 s 1; 1939 c 430 s 1; 1947 c 204 s 1; 1947 c 428 s 1-4; 1949 c 90 s 1; 1949 c 247 s 1; 1951 c 114 s 1; 1951 c 331 s 1; 1953 c 289 s 1; 1953 c 303 s 1.

Regulation of traffic on highways. 33 MLR 44.

Loss of use of automobiles as a proper item of damages; measure of loss of use. 33 MLR 783.

Key of automobile left in ignition as proximate cause of injuries resulting from thief's negligence derived while in flight. 35 MLR 81.

Minnesota rules of the road. 35 MLR 357.

Rights and duties of motorists at intersections. 35 MLR 358.

Rights and duties of motorists on the road. 35 MLR 366.

Rights and duties of pedestrians at crosswalks. 35 MLR 369.

Plaintiff, who was walking in the street about six or eight feet from the south curb line of an east-west street prior to the time she entered an intersection, and who was struck by defendant's auto after she entered the intersection when approximately four feet from the southeast curb line thereof, was not contributorily negligent as a matter of law. Olson v Evert, 224 M 528, 28 NW(2d) 753.