

# MINNESOTA STATUTES 1961

1633

MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.011

## CHAPTER 168

### MOTOR VEHICLES; REGISTRATION; TAXATION; SALES; DEALERS; CHAUFFEURS

Sec.		Sec.	
168.011	Definitions	168.29	Duplicate plates
168.012	Vehicles exempt from license fees	168.30	Transfer of ownership
168.013	Rate of tax	168.31	Tax, when due and payable
168.014	Owner's right to certificate; expiration	168.321	Manufacturers to file statement
168.021	Operation by physically handicapped person	168.33	Secretary of state to be registrar
168.031	Exemption from registration; persons in armed forces, disabled veterans	168.34	Information to be furnished
168.032	Refundment	168.35	Intent to escape tax
168.033	May pay proportionate part of tax	168.36	Unregistered vehicles, use
168.034	Operation of motor vehicles by soldiers and sailors	168.37	Plates; size, form
168.035	Certificates issued	168.381	Manufacture of motor vehicle license number plates, revolving fund
168.036	Vehicles without certificate	168.39	Chauffeurs licenses
168.037	False statements a felony	168.40	Chauffeur license division
168.038	Rules	168.41	Licenses; form, possession, and display; unlawful use
168.039	Application	168.413	Loss of licenses, duplicates
168.041	Impounding registration plates and certificates	168.42	Expiration of licenses; renewal
168.053	Drive-away in transit license	168.423	Licenses, renewal, members of armed forces
168.054	Liability insurance policy	168.43	Licenses; application, examination, fees, refunds, appropriation
168.055	Safety chains; speed limit	168.44	Licenses, revocation; limited licenses
168.056	Violation a misdemeanor	168.45	Violation a misdemeanor
168.057	Fees into state treasury	168.46	Arrest; bond to appear
168.09	Registration; re-registration	168.47	Vehicle, damaging or tampering with
168.10	Listing for taxation; registration	168.48	Taking and removing motor vehicle without consent
168.11	Registration certificate	168.49	Unauthorized operation
168.12	License plates	168.54	Motor vehicles, transfer of ownership
168.13	Proof of ownership	168.61	Intercity buses
168.15	Rights as to registration certificates and number plates	168.62	Registration
168.16	Refunds; appropriation	168.63	Registrar of motor vehicles, duties
168.165	Registration, changing class	168.64	Rules, requirements
168.17	Suspension of registration	168.65	Violations
168.181	Nonresident owners, reciprocity agreements or arrangements; conditions and limitations	168.66	Motor vehicle retail installment sales; definitions
168.183	Motor vehicles of certain nonresidents	168.67	Sales finance companies, licenses, fees, refunds
168.191	Vehicles domiciled in foreign state and owned by Minnesota resident	168.68	Suspension or revocation of license
168.201	Denial or withdrawal of benefits and privileges	168.69	Complaints alleging violation
168.211	Subjection to state laws generally	168.70	Testimonial powers of administrator
168.221	Commercial vehicles; taxes or fees	168.71	Retail installment contracts
168.231	Tax proceeds credited to highway user tax distribution fund	168.72	Time price differentials
168.26	Certain manufacturers need not register	168.73	Refund credits, allowance
168.27	Manufacturers and dealers	168.74	Extension of schedules, payment
168.274	Definitions	168.75	Violations
168.275	Sale of motor vehicles on Sunday forbidden	168.76	Severability clause
168.276	Suspension or revocation of licenses	168.77	Citation of act
168.28	Vehicles subject to tax; exceptions	168.81	Reports of storage of motor vehicle for 30 days made to bureau of criminal apprehension

#### 168.01 [Repealed, 1949 c 694 s 5]

**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, notwithstanding station wagons may be designed and used for the carrying of more than eight persons, but excluding motorcycles.

Subd. 8. **House trailer; mobile home.** (a) "House trailer" means any trailer or semi-trailer designed and used for human living quarters, and meeting all of the following qualifications:

- (1) Is not used as the residence of the owner or occupant;
- (2) Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities;
- (3) Is towed on the public streets or highways incidental to such recreational or vacation activities.

The term "house trailer" shall not include bunk-houses, so-called, temporarily mounted on trailers, and mobile homes. Such bunk-houses, exclusive of the trailer and mobile homes, shall be listed and taxed as personal property as provided by law.

(b) "Mobile home" means any trailer or semi-trailer which is designed, constructed, and equipped for use as a human dwelling place, living abode, or living quarters except house trailers.

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

(b) "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 school 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 100 pounds per passenger seating capacity, including that for the driver. The term gross weight applied to other buses means the weight of the vehicle fully equipped with all fuel tanks full of fuel, plus the weight of passengers and their baggage computed at the rate of 150 pounds per passenger seating capacity, including that for the driver. For bus seats designed for more than one passenger, but which are not divided so as to allot individual seats for the passengers that occupy them, allow two feet of its length per passenger to determine seating capacity. The term gross weight applied to a truck-tractor used exclusively by the owner thereof for towing an equipment dolly 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 section 168.013, subdivision 1, paragraph 7. The term "equipment dolly" as used in this subdivision means a heavy semi-trailer, low-slung, used solely by the owner thereof to transport his construction machinery, equipment, implements and other objects used on a construction project, but not to be incorporated in or to become a part of a completed project which dolly is so constructed as to permit heavy motorized construction machines which it may haul to be loaded on the dolly by driving the motorized construction machines upon it. The term gross weight applied to a truck-tractor or a truck used as a truck-tractor transporting unfinished forest products as described in section 168.011, subdivision 17, shall be the unloaded weight of the truck-tractor or converted truck plus the weight of the maximum load which the applicant has elected to carry on the truck, but in no case shall this be less than 21,000 pounds, whether hauling a semi-trailer or not, and the semi-trailer used for such hauling in conjunction with such truck-tractor or converted truck shall be registered and taxed separately as provided by section 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, and any other personal property owned by the farmer to whom the license for such truck is issued, 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, either farmer or logger who harvests and hauls forest products only, to transport logs, pulpwood, lumber, railroad ties 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, provided that the owner and operator of such vehicle transporting planed lumber shall have in his immediate possession a statement signed by the producer of such lumber designating the governmental subdivision, section and township where such lumber was produced and that this haul, indicating the date, is 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, and for transporting milk and cream from an assembly point to a place for final processing or manufacture. This section shall not be construed to mean that the owner or operator of any such truck cannot carry on his usual accommodation services for his patrons on regular return trips, such as butter, cream, cheese, and other dairy supplies.

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

# MINNESOTA STATUTES 1961

## 168.012 MOTOR VEHICLES; TAXATION; CHAUFFEURS

1636

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 purposes of sale or trade. "Dealer" also includes any person, firm or corporation regularly engaged in the business of manufacturing or selling, purchasing, and generally dealing in new and unused motor vehicle bodies, chassis mounted or not, and having an established place of business for the sale, trade and display of such new and unused motor vehicle bodies, and having in its, his or their possession new and unused motor vehicle bodies for the purposes of sale or trade.

Subd. 22. **Special mobile equipment.** "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, moving dollies and other machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls, scrapers, power shovels, drag lines, self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, truck mounted feed grinders or other motor vehicles designed for the transportation of persons or property to which machinery has been attached.

[1949 c 694 s 1; 1951 c 574 s 1, 2; 1953 c 275 s 1; 1955 c 352 s 1; 1955 c 600 s 1; 1957 c 175 s 1; 1959 c 178 s 1; 1959 c 258 s 1; 1959 c 562 s 1; 1959 c 627 s 1; 1961 c 340 s 1]

NOTE: For taxation of mobile homes, see section 273.13, subdivision 3.

**168.012 VEHICLES EXEMPT FROM LICENSE FEES.** Subdivision 1. 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.

NOTE: Game Warden Service motor vehicle markings, see ExLaws 1961 c 88 s 55; Central Motor Pool motor vehicle markings, see section 16.75, subd. 7.

Subd. 2. Implements of husbandry and tractors used solely for agricultural purposes or tractors, together with trailers or wagons thereto attached, occasionally

# MINNESOTA STATUTES 1961

1637

**MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.012**

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.

Subd. 3. Special mobile equipment shall not be taxed as motor vehicles using the public streets and highways, and shall be exempt from the provisions of this chapter.

Subd. 4. Bunkhouses, supply cars, shop cars, and other similar camp equipment mounted on trailers and used by highway construction contractors exclusively at construction camp sites shall not be taxed as motor vehicles using the public streets and highways and shall be exempt from the provisions of this chapter. Such trailers with such mounted bunkhouses, supply cars, shop cars, and other similar camp equipment thereon shall be listed and taxed as personal property.

Subd. 5. Motor vehicles, which are used only for the purpose of carrying sawing machines, well drilling machines, barn sprayers 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.

Subd. 6. All motor vehicle fire apparatus and ambulances operated without profit while owned by a farmers' cooperative association, a body of farmers, a volunteer fire department or association, or a group of citizens, and used solely for the extinguishment of fire in the community in which it is so owned and employed or, in the case of an ambulance used only for the benefit of the community in which it is owned or employed, shall be exempt from taxation.

Subd. 7. 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 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 168.191. Provided, that this exemption does not conflict with any existing reciprocal agreement with the state in which the vehicle is domiciled.

Subd. 8. Every passenger automobile or passenger car utility trailer duly registered in any foreign state, district, territory or country and displaying all license number plates or like insignia required by the laws of such state, district, territory or country shall be exempt from the provisions of this chapter during the first sixty days of residence of the owner in this state; provided, however, such vehicles shall become subject to the provisions of this chapter immediately upon transfer of the ownership of such vehicles or upon expiration of the registration.

Subd. 9. (a) Mobile homes shall not be taxed as motor vehicles using the public streets and highways and shall be exempt from the motor vehicle tax provisions of this chapter. Mobile homes shall be taxed as personal property. The provisions of Minnesota Statutes 1957, Section 272.02 or any other act providing for tax exemption shall be inapplicable to mobile homes. House trailers not used on the highway during any calendar year and not paying a motor vehicle tax shall be taxed as mobile homes.

(b) All mobile homes shall be registered as hereinafter provided and shall display number plates furnished by the registrar who for the purposes of this act shall be the secretary of state. The owner of each mobile home shall pay annually on or before January 10 a registration fee in the amount of \$3. If ownership changes during a year, or portion of a year, for which registration has been made, such change of ownership shall be recorded in the office of the registrar upon the payment of \$1. All conditions or requirements for filing a change of ownership shall be as provided in section 168.30. The registration fee of \$3 and fees for delayed filing of a change of ownership shall be deposited in the state treasury and credited to the highway user tax distribution fund. The \$1 charge to record a change of ownership shall be deposited in the state treasury and credited to the

# MINNESOTA STATUTES 1961

## 168.013 MOTOR VEHICLES; TAXATION; CHAUFFEURS

1638

transfer of ownership revolving fund. Any licensed dealer holding mobile homes for resale may have the option of paying a registration fee of \$15 for each such mobile home which shall exempt such mobile home from any other taxation or registration fee as long as said mobile home remains in the hands of the dealer for resale provided such \$15 fee is paid within fourteen days after the date it became subject to registration in the name of the dealer.

(c) A listing for taxation and application for registration shall be made to the secretary of state on a form to be provided by said officer and the applicant shall state under oath his name, address, location of mobile home, manufacturer's name or make of trailer, model, serial number, width, length, weight, and shall also furnish the name and number of the school district, the municipality, and the county in which the mobile home is parked or occupied, or where such mobile home will be parked when occupied. 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.

(d) The tax required to be paid under this act upon a mobile home for each calendar year becomes due when the mobile home is purchased or first moved into the state and upon January 1 thereafter each year. Taxes due upon January 1 become payable upon November 15 preceding the calendar year for which they are assessed. A mobile home bearing a valid, current year license plate issued by any state other than Minnesota is exempt from registration hereunder for a period of 150 days in any 12-month period, provided no person occupying such mobile home is employed in this state. When any person occupying a mobile home bearing a license plate issued by any state other than Minnesota accepts employment within this state, he shall within 30 days after the first day of such employment, register his mobile home as herein provided.

(e) Any owner who fails to register his mobile home as required by this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.

[1949 c 694 s 2; 1951 c 690 s 1; 1957 c 166 s 1; 1959 c 133 s 1; 1959 c 151 s 1; 1959 c 178 s 2, 3; 1959 c 562 s 2; 1961 c 340 s 2; 1961 c 621 s 1]

NOTE: For taxation of mobile homes, see section 273.13, subdivision 3.

**168.013 RATE OF TAX.** Subdivision 1. **Computation.** Motor vehicles, except as set forth in section 168.012, 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 801 lbs., incl. ....	\$ 5.00
801 to 2000 lbs., incl. ....	15.20
2001 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

# MINNESOTA STATUTES 1961

1639

MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.013

On passenger automobiles, house trailers, ambulances, and hearses weighing more than 800 pounds, during each the fourth, fifth and sixth years of vehicle life the tax shall be 75 percent of the foregoing scheduled tax but in no event less than \$15 per vehicle, during each the seventh, eighth and ninth years of vehicle life the tax shall be 50 percent 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 percent 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. For those vehicles weighing less than 800 pounds there shall be no reduction.

2. On trailers of not more than two wheels with a gross weight of load and vehicle not exceeding 3,000 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 per annum, or fraction thereof, payable biennially on or before July 1 of each even-numbered year.

3. On motorcycles without side car, \$3, motor scooters, motorized bicycles, and motorized wheel chairs, \$1. Motorcycles, side car additional, \$2.

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 percent 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 percent 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 percent 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 \$3 for the first five tons, or fraction thereof, of the load and trailer included, and \$2 per ton for each additional ton.

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, 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 6,000 pounds or less, \$25. Where the gross weight of the vehicle is more than 6,000 pounds, and not more than 8,000 pounds, the tax shall be \$25 plus an additional tax of \$5 per ton for the ton or major portion in excess of 6,000 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, tax shall be 80 percent of the foregoing scheduled tax but in no event less than \$20 per vehicle.

# MINNESOTA STATUTES 1961

## 168.013 MOTOR VEHICLES; TAXATION; CHAUFFEURS

1640

During each the seventh, eighth and ninth years of vehicle life, the tax shall be 60 percent 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 percent 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 percent 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 percent 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 percent 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. ....	\$125
6,000 to 8,000 lbs., incl. ....	125
8,001 to 10,000 lbs., incl. ....	125
10,001 to 12,000 lbs., incl. ....	150
12,001 to 14,000 lbs., incl. ....	190
14,001 to 16,000 lbs., incl. ....	210
16,001 to 18,000 lbs., incl. ....	225
18,001 to 20,000 lbs., incl. ....	260
20,001 to 22,000 lbs., incl. ....	300
22,001 to 24,000 lbs., incl. ....	350
24,001 to 26,000 lbs., incl. ....	400
26,001 to 28,000 lbs., incl. ....	450
28,001 to 30,000 lbs., incl. ....	500
30,001 and over ....	550

During each the third and fourth years of vehicle life, the tax shall be 75 percent of the foregoing scheduled tax; during the fifth year of vehicle life, the tax shall be 50 percent of the foregoing scheduled tax; during the sixth year of vehicle life, the tax shall be 37½ percent of the foregoing scheduled tax; and during the seventh and each succeeding year of vehicle life, the tax shall be 25 percent



# MINNESOTA STATUTES 1961

1641

**MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.013**

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 \$175 for a vehicle of over 25 passenger seating capacity and not less than \$125 for a vehicle of 25 passenger and less seating capacity.

On all intracity buses operated by an auto transportation company in the business of transporting persons for compensation as a common carrier and operating principally within the limits of cities having populations in excess of 200,000 inhabitants, the tax during each year of the vehicle life of each such bus shall be \$40; on all of such intracity buses operated principally in cities, villages or boroughs, having a population of less than 200,000 and more than 70,000 inhabitants, the tax during each year of vehicle life of each bus shall be \$10; and on all of such intracity buses operating principally in cities, villages or boroughs having a population of less than 70,000 inhabitants, the tax during each year of vehicle life of each bus shall be \$2.

On all other buses the tax during each of the first three years of the vehicle life shall be based on the gross weight of the vehicle and graduated according to the following schedule: Where the gross weight of the vehicle is 6,000 pounds or less, \$25. Where the gross weight of the vehicle is more than 6,000 pounds, and not more than 8,000 pounds, the tax shall be \$25 plus an additional tax of \$5 per ton for the ton or major portion in excess of 6,000 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.

During each of the fourth, fifth and sixth years of vehicle life, tax shall be 80 percent 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 percent 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 percent of the foregoing scheduled tax but in no event less than \$12 per vehicle.

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 per ton or fraction thereof of the carrying capacity of such trailer, but in any event not less than \$4 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 if weighing one ton or less, and an additional \$2 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; excess gross weights forbidden.** 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 of such vehicle or combination and the maximum load which the applicant proposes to carry thereon, the sum of which shall constitute the gross weight upon which the license tax shall be paid and the gross weight of no vehicle or combination of vehicles shall exceed the gross weight upon which the license tax has been paid 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

# MINNESOTA STATUTES 1961

## 168.013 MOTOR VEHICLES; TAXATION; CHAUFFEURS

1642

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 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 owner or driver of a vehicle upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight shall be guilty of a misdemeanor and be subject to fine according to the following schedule:

1. If the gross weight exceeds the selected gross weight for which the vehicle is registered by more than 1,000 pounds, but less than 2,000 pounds, the fine shall be not less than \$25 for each such offense.

2. If the gross weight exceeds the selected gross weight for which the vehicle is registered by 2,000 pounds or more, the fine shall be not less than \$50 for each such offense, and in addition to paying the fine the owner or driver shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight of which the owner or driver was convicted of carrying. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for such a vehicle under Minnesota Statutes 1949, Section 169.83, that additional amount shall nevertheless be paid into the highway fund, but the additional tax thus paid shall not be deemed to permit the vehicle to be operated with a gross weight in excess of the maximum legal weight as provided by Minnesota Statutes 1949, Section 169.83. Unless the owner within 30 days after such a conviction shall apply to increase the authorized weight and pay the additional tax as herein provided, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued by him on that registration.

3. If the axle load exceeds the lawful axle load as provided by section 169.83, by more than 2,500 pounds the fine shall be not less than \$75; if the axle load exceeds the lawful axle load by more than 3,500 pounds the fine shall be not less than \$95; and if axle load exceeds the lawful axle load by more than 5,000 pounds, or if the load on any group of consecutive axles spaced less than 6 feet apart exceeds the lawful axle load by more than 8,000 pounds, the fine shall be not less than \$95, and the registrar shall cancel the certificate of reciprocity on the vehicle involved if the same is being operated under reciprocity, or if the vehicle is not being operated under reciprocity, he shall cancel the certificate of registration on the vehicle so operated and demand the return of the registration certificate and registration plates.

4. When the registration on a motor vehicle has been revoked by the registrar according to the provisions of this section, such vehicle shall not be again operated on the highways of the state until it is registered or re-registered, as the case may be, and new plates issued, and the registration fee therefor shall be computed for the full calendar year in which the violation occurred, and on the basis of the gross weight of the vehicle at the time of violation.

**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 taxes 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 33⅓ percent of the true and full value thereof, provided, that if the person against whom any tax has been

# MINNESOTA STATUTES 1961

1643

## MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.013

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 highway user tax distribution 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 highway user tax distribution 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. [Obsolete]**

**Subd. 12. Gross weight, additional tax for excessive.** Whenever an owner has registered a vehicle and paid the tax as provided in section 168.013, subdivision 1, on the basis of a selected gross weight of the vehicle or the actual unloaded weight of the vehicle and thereafter such owner desires to operate such vehicle with a greater gross weight or a greater unloaded weight than that for which the tax has been paid, such owner shall be permitted to re-register such vehicle in the same class for which it was originally registered and pay the additional tax due thereon for the remainder of the calendar year for which such vehicle has been re-registered, the additional tax computed pro rata by the month, one-twelfth of the annual tax due for each month of the year remaining in the calendar year, beginning with the first day of the month in which such owner desires to operate the vehicle with the greater weight. In computing the additional tax as aforesaid, the owner shall be given credit for the unused portion of the tax previously paid computed pro rata by the month, one-twelfth of the annual tax paid for each month

# MINNESOTA STATUTES 1961

## 168.013 MOTOR VEHICLES; TAXATION; CHAUFFEURS

1644

of the year remaining in the calendar year beginning with the first day of the month in which such owner desires to operate the vehicle with the greater weight.

**Subd. 13. Reduction of registered gross weight.** Whenever a motor vehicle registered in the gross weight class is sold during the calendar year for which the tax has been paid, the registrar may upon application of the seller reduce the registered gross weight of such motor vehicle to a lower gross weight provided such application is also accompanied by an application of the buyer to register or transfer the registration of such motor vehicle. The seller making such application shall be entitled to a refund of the difference in tax between the higher and lower gross weights. However, the gross weight on such a vehicle shall not be reduced to a weight less than the unloaded weight of such vehicle. The refund given to the seller applying for reduced gross weight provided herein shall be computed pro rata by the month 1/12 of the annual tax paid for each month remaining in the year beginning with the month following the month such application for reduced gross weight was made less the tax due for the lower gross weight computed pro rata by the month 1/12 of the annual tax due for each month remaining in the year beginning with the month following the month such application for reduced gross weight was made. The buyer of a vehicle for which the seller has applied to reduce the gross weight shall immediately apply to register or transfer the vehicle to his name on the basis of his selected gross weight and shall pay such additional tax as may be due thereon for the remainder of the year **prorated** by the month 1/12 of the annual tax due for each month remaining in the calendar year beginning with the month following the month of such application with credit given for tax previously paid by the seller on the basis of the lower gross weight to which the registration was reduced. Whenever a vehicle registered in the gross weight class has been dismantled and scrapped in such manner that the same cannot again be used on the public streets and highways the requirement for transfer of ownership shall be waived and the owner may apply for reduced gross weight and shall be entitled to a refund of a portion of the registration tax theretofore paid on such vehicle and may make application to the registrar therefor in such form as the registrar may require, including evidence that said vehicle has been so dismantled and scrapped and surrender the license plates and certificate of registration to said registrar. Upon approving such application the registrar shall issue a refund to the owner to be computed as follows: the registrar shall subtract and retain from the current gross weight tax theretofore paid on such vehicle a sum equal to the unloaded weight tax applicable to such vehicle for that current year and refund to such owner a sum equal to 1/12 of the balance for each month of said current tax year beginning with the first month next following the receipt of such license plates and registration certificate. Nothing herein shall be construed to vary the terms or conditions of Minnesota Statutes, Section 168.013, Subdivision 3.

**Subd. 14. Increase of 5 percent.** Beginning in and for the first calendar year following the issuance and sale of bonds of the state of Minnesota under the provisions of the Constitution of the State of Minnesota, Article XVI, Section 4, and after July 1, 1957, under the provisions of the Constitution of the State of Minnesota, Article XVI, Section 12, the proceeds of the sale of which are to be used in the construction of bridges and approaches thereto forming a part of the trunk highway system, all motor vehicle taxes imposed by Minnesota Statutes, Section 168.013, Subdivision 1 shall be increased by 5 percent; such increased rate of tax shall remain in effect until and including the calendar year following the year in which all principal and interest on all of any such bonds shall be paid in full. Immediately upon the payment in full of all interest and principal on all of any such bonds, the state auditor shall certify that fact to the registrar of motor vehicles and the registrar shall, for the second calendar year and thereafter following his receipt of such certification, cease to collect motor vehicle taxes at the increased rate prescribed by this subdivision.

# MINNESOTA STATUTES 1961

1645

**MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.021**

**Subd. 15. Adjustment of tax.** Whenever the tax on any vehicle as computed under the provisions of this section is found to be indivisible by five, the registrar is authorized to adjust such tax to the nearest figure divisible by five.

**Subd. 16. Repair and servicing permit.** Upon the written application of the owner of a motor vehicle registered and taxed as an urban truck, a truck tractor, a semi-trailer, or any combination thereof in accordance with Minnesota Statutes, Section 168.013, the registrar may grant permission in writing to such owner to operate such vehicle to and from a repair shop or service station outside of its licensed zone of operation for the limited purpose of repair or servicing. The application and any permit issued under this subdivision shall state the location of the repair or servicing facility, together with such other information and subject to such conditions as the registrar may specify. Any motor vehicle operated under such a permit shall carry no load.

[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 374 s 1; 1953 c 737 s 1; 1955 c 352 s 2; 1955 c 605 s 1; 1955 c 749 s 1; 1957 c 60 s 1; 1957 c 176 s 1; 1957 c 875 s 1; 1957 c 961 s 1; 1959 c 154 s 1; 1961 c 282 s 1]

**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 31 of the year for which issued except as provided in section 168.013, subdivision 1, paragraph 2.

[1949 c 694 s 4]

**168.02 [Repealed, 1949 c 694 s 5]**

**168.021 OPERATION BY PHYSICALLY HANDICAPPED PERSONS.** Subdivision 1. **Identifying emblems; application for issuance.** Where a motor vehicle is operated by a physically handicapped person, the owner may apply for and secure from the registrar of motor vehicles two emblems, one to be attached to the front, and one to the rear license number plate of the vehicle. Application for issuance of these emblems shall be made on or before July 1, 1953, or where the person acquires the vehicle after such date, when he first applies for its registration.

**Subd. 2. Design of emblems; furnishing by registrar; fee.** The registrar of motor vehicles shall design and furnish two emblems to each such physically handicapped person. The emblem shall bear an appropriate letter or word designation indicating that the person who operates the vehicle is physically handicapped. The emblem shall be of such size as to be visible plainly from a distance of 50 feet. The registrar shall charge a fee of 50 cents for each emblem he furnishes.

**Subd. 3. Unauthorized use of emblem.** A person who appropriates or uses an emblem upon a motor vehicle other than as authorized by this section is guilty of a gross misdemeanor. This subdivision does not preclude a person who is not physically handicapped from operating a vehicle upon which these emblems are displayed where he is the owner of the vehicle and permits its operation by a physically handicapped person, or where he operates the vehicle with the consent of the owner who is physically handicapped.

**Subd. 4. Disposition of fees.** All fees collected from the sale of emblems under this section shall be deposited in the state treasury to the credit of the trunk highway sinking fund.

**Subd. 5. Definitions.** For the purposes of this section, a "physically handicapped person" is hereby defined as a person who has suffered the loss of one or both lower extremities or has suffered the loss or use thereof. "Loss of use" shall mean a functional disability of 50 percent or more of one or both lower extremities.

**Subd. 6. Drivers license law not affected.** Nothing in this section shall be construed to revoke, limit, or amend any of the terms of the drivers license law.

[1953 c 152 s 1-6]

# MINNESOTA STATUTES 1961

168.03 [Repealed, 1949 c 694 s 5]

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

The motor vehicle of any disabled war veteran, which vehicle has been furnished free by the United States government to and especially equipped for said disabled veteran, shall be exempt from the motor vehicle registration tax.

[1941 c 7 s 1; 1943 c 458 s 1; 1951 c 248 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:

# MINNESOTA STATUTES 1961

1647

MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.039

"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]

**168.041 IMPOUNDING REGISTRATION PLATES AND CERTIFICATES.**

Subdivision 1. When any person is convicted of driving a motor vehicle after the suspension or revocation of the drivers license or driving privileges of such person, the court shall require the registration plates and registration certificates of any motor vehicle involved in such violation owned by such person or registered in his name to be surrendered to the court. Upon surrender thereof the court shall issue a receipt therefor.

If the violator is not the owner of such motor vehicle, the court shall require the registration plates and the registration certificate of any motor vehicle used by the violator, with the permission of the owner who had knowledge of the fact that the violator's drivers license had been revoked or suspended prior to the commission of the offense, to be surrendered to the court.

Subd. 2. If any person is convicted of violating any law or municipal ordinance, except parking laws or ordinances, regulating the operation of motor vehicles on the streets or highways, and the record of such person so convicted shows a previous conviction for driving after suspension or revocation of his driver's license or driving privileges, the court may direct the commissioner of highways to suspend the driver's license of such person for not exceeding one year. The court may also require the registration plates and registration certificates of any motor vehicles owned by the violator or registered in his name to be surrendered to the court.

Subd. 3. If a person is convicted of any offense which makes mandatory the revocation of the drivers license of such person, or is convicted of driving a motor vehicle without having a valid driver's license in force, the court may require the registration plates and registration certificates of any motor vehicle owned by such person or any motor vehicles registered in his name to be surrendered to the court.

Subd. 4. Except as provided in subdivision 6 or subdivision 7, the court shall retain custody of the surrendered plates and certificates until such time as the drivers license of the violator has been reissued or reinstated.

Subd. 5. At the time of ordering the surrender of the registration plates and registration certificates of a violator or owner, the court shall notify the registrar of motor vehicles of that fact. Except as provided in subdivision 6 or subdivision 7, no new or duplicate registration plates or new registration certificates shall be issued to such violator or owner until his plates and certificates are returned to him by the court.

Subd. 6. Any such violator or owner may apply to the registrar of motor vehicles for new registration plates which shall bear a special series number which may be readily identified by traffic law enforcement officers. A fee of \$3 shall accompany the application. The registrar of motor vehicles shall forthwith notify the court of such application. The court may return the registration certificate of such violator or owner to the registrar of motor vehicles, together with its consent to the issuance of such registration plates to such violator or owner. Thereupon the registrar of motor vehicles shall issue such new registration plates. Until the drivers license of such violator is reinstated, any new registration plates issued to him or to an owner whose plates have been impounded shall bear a special series number.

Subd. 7. If an owner wishes to sell a motor vehicle during the time its registration plates and registration certificate are impounded or during the time its registration plates bear a special series number, he may apply to the court which impounded such plates and certificate, for consent to transfer title to the motor vehicle. If the court is satisfied that the proposed sale is in good faith and for a valid consideration, that the owner will thereby be deprived of the custody and control of the motor vehicle, and that the sale is not for the purpose of circumventing the provisions of this section, it may certify its consent to the registrar of motor vehicles and return the impounded registration plates and certificates. If during the time the



# MINNESOTA STATUTES 1961

1649

MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.054

registration plates and certificate of registration are impounded the title to said motor vehicle is transferred by the foreclosure of a chattel mortgage, the cancellation of a conditional sales contract, a sale upon execution, or by decree or order of a court of competent jurisdiction, the court shall order the license plates and registration certificate surrendered to the new owner and notify the registrar of motor vehicles of such action. The registrar of motor vehicles shall then transfer the registration plates and registration certificates to the new owner.

Subd. 8. Nothing contained in this section is intended to change or modify any provision of Minnesota Statutes, Chapter 168, with respect to the taxation of motor vehicles or the time within which the taxes thereon shall be paid.

Subd. 9. Any person who fails to surrender any impounded registration plates or registration certificates to the court upon demand or who operates any motor vehicle on a street or highway at a time when a court has ordered the surrender of its registration plates and registration certificate is guilty of a misdemeanor.

[1955 c 468 s 1-9; 1961 c 386 s 1, 2]

## 168.05 [Held unconstitutional]

**168.053 DRIVE-AWAY IN TRANSIT LICENSE.** Subdivision 1. 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 mount method, the saddle mount method, the tow-bar method, or any other combination thereof, and under their own power, 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 the 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 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, 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.

Subd. 2. Notwithstanding any provisions of subdivision 1 inconsistent herewith the provisions of sections 168.053 to 168.057 shall also apply to the delivery of new house trailers and semi-trailers by towing methods whether or not the power unit is a part of the combination being delivered.

[1941 c 213 s 1; 1959 c 153 s 1; 1961 c 38 s 1; 1961 c 554 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

# MINNESOTA STATUTES 1961

## 168.055 MOTOR VEHICLES; TAXATION; CHAUFFEURS

1650

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 CREDITED TO HIGHWAY USER TAX DISTRIBUTION FUND.** All fees derived from sections 168.053 to 168.057 shall be paid into the state treasury and credited to the highway user tax distribution fund.

[1941 c 213 s 5; 1957 c 60 s 2]

**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 168.012, 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 168.012, 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 15 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; 1957 c 714 s 1]  
(2675)

**168.10 LISTING FOR TAXATION REGISTRATION.** Subdivision 1. **Application.** (1) Except as provided in clause (2) of this subdivision, every owner of any motor vehicle in this state, not exempted by section 168.012 or section 168.26, shall as soon as he shall become the owner thereof and annually thereafter during the period November 15 to March 1 following, 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, the name and address of the person from whom purchased, make of motor vehicle, year and number of the model, manufacturer's identification number and serial number, type of body, the weight of the vehicle in pounds, for trailers only, its rated load carrying capacity and for buses only, its seating capacity, 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, unless he elects to pay registration tax thereon for a different gross weight or carrying capacity than for the previous registration. 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.

Registration shall be refused a motor vehicle if the original identification or serial number has been destroyed, removed, altered, covered or defaced. However, if the registrar is satisfied on the sworn statements of the owner or such other persons as he may deem advisable that the applicant is the legal owner, a special identification number in the form prescribed by the registrar shall be assigned such motor vehicle. When it has been determined that the number has been affixed to such vehicle in a manner prescribed by the registrar, the vehicle may thereafter be registered in the same manner as other motor vehicles. In the case of a new or rebuilt motor vehicle manufactured or assembled without an identification or serial number, the registrar may assign an identification number to such motor vehicle in the same manner as prescribed heretofore.

(2) Any motor vehicle manufactured prior to 1930 and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the registrar is satisfied that the affidavit is true and correct and the owner pays a \$6 tax, the registrar shall list such vehicle for taxation and registration and shall issue number plates.

The number plates so issued shall bear the inscription "Pioneer," "Minnesota" and the registration number but no date. The number plates are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for such vehicle. The registrar has the power to revoke said plates for failure to comply with this subdivision.

In the event of the defacement, loss or destruction of such number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances, together with any defaced plates and the payment of a \$1 fee, shall issue duplicate plates specially designed for that purpose. 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.

**Subd. 2. New body; application.** Upon the installation of a new body or the addition to 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, identification 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;

(6) To destroy, alter, remove, cover or deface the identification or serial number of any motor vehicle or to knowingly operate any motor vehicle the identification or serial number of which has been destroyed, altered, removed, covered or defaced without first making application for assignment of a special identification number as provided by law.

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; 1951 c 211 s 1, 2; 1953 c 88 s 1; 1955 c 59 s 1; 1957 c 714 s 2; 1959 c 74 s 1; 1959 c 315 s 1] (2676)

**168.11 REGISTRATION CERTIFICATE.** Subdivision 1. 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 hereinafter 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. When in administering this chapter convenience or necessity requires, the registration certificate may also be called or referred to as the registration card.

Subd. 2. In the case of motor vehicles taxed under the provisions of section 168.013, subdivision 1, (5) a non-negotiable copy of the registration card shall be issued. The owner or driver shall carry said copy in his immediate possession at all times when operating the vehicle and shall display the same upon demand of a peace officer, an authorized representative of the department or an officer authorized by law to enforce the laws relating to the operation of motor vehicles upon the public streets and highways. Nothing herein shall be construed to vary the terms or conditions of Minnesota Statutes, Section 168.013, Subdivision 3.

[1921 c 461 s 6; 1923 c 418 s 6; 1959 c 81 s 1] (2677)

**168.12 LICENSE PLATES.** Subdivision 1. **Number plates, visibility.** (a) The registrar, upon such approval and payment, issues to the applicant the number plates required by law, bearing an abbreviation of the state name and the number assigned. The number assigned may be a combination of a letter or sign with figures. The color of the plates and the color of the abbreviation of the state name and the number assigned shall be in marked contrast. The plates shall be lettered, spaced, or distinguished to suitably indicate the classification of the vehicle according to the regulations of the registrar. These number plates shall be so treated as to be at least 100 times brighter than the conventional painted number plates.

# MINNESOTA STATUTES 1961

1653

MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.12

When properly mounted on an unlighted vehicle, these number plates, when viewed from a vehicle equipped with standard headlights, shall be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet. The registrar shall furnish these number plates for a two-year period commencing January 1, 1956; subsequently on January 1 for such period as he determines. In any year during which these number plates are not furnished the registrar shall furnish for each annual registration a reflectorized year plate, tab, or sticker to designate the year of registration. This plate, tab, or sticker shall show the calendar year for which issued, and is valid only for that year. Unless the motor vehicle for which a number plate, number, tab, or sticker is issued, is permanently lost, is destroyed, or is removed from the state, no number plate, number, tab, or sticker may be transferred to another motor vehicle during the calendar year in which issued.

The provisions of clause (a) for the calendar years 1962, 1963, 1964, and 1965 shall only apply to license plates issued for trucks, tractors, truck-tractors, trailers and semi-trailers, buses and inter-city buses. For the calendar year 1966 the provisions of clause (b) shall apply to such vehicles in addition to other vehicles.

(b) The registrar, upon such approval and payment, issues to the applicant the number plates required by law, bearing an abbreviation of the state name and the number assigned. The number assigned may be a combination of a letter or sign with figures. The color of the plates and the color of the abbreviation of the state name and the number assigned shall be in marked contrast. The plates shall be lettered, spaced, or distinguished to suitably indicate the classification of the vehicle according to the regulations of the registrar. These number plates shall be so treated as to be at least 100 times brighter than the conventional painted number plates. When properly mounted on an unlighted vehicle, these number plates, when viewed from a vehicle equipped with standard headlights, shall be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet. The registrar shall furnish these number plates for a three year period commencing January 1, 1962. During the succeeding two years which these number plates are not furnished, the registrar shall furnish for each annual registration a reflectorized year plate, tab, or sticker to designate the year of registration. This plate, tab, or sticker shall show the calendar year for which issued, and is valid only for that year, and shall be affixed by applicant to the number plate. Unless the motor vehicle for which a number plate, number, tab, or sticker is issued, is permanently lost, is destroyed, or is removed from the state, no number plate, number, tab, or sticker may be transferred to another motor vehicle during the calendar year in which issued.

The provisions of clause (b) for the calendar years 1962, 1963, 1964, and 1965 shall apply to license plates issued for all motor vehicles except those covered by clause (a). For the calendar year 1966 and thereafter this clause shall apply to all motor vehicles.

**Subd. 2. Amateur radio station licensee, special license plates.** Any applicant who is an owner of a motor vehicle and a resident of this state, and who holds an official amateur radio station license, in good standing, issued by the Federal Communications Commission shall upon compliance with all laws of this state relating to registration and the licensing of motor vehicles and drivers, be furnished with license plates for such motor vehicle, as prescribed by law for passenger cars, upon which, in lieu of the numbers required for identification under subdivision 1, shall be inscribed the official amateur call letters of such applicant, as assigned by the Federal Communications Commission. The applicant shall pay in addition to the registration tax required by law, the sum of \$2.50 for such special license plates, and at the time of delivery of such special license plates the applicant shall surrender to the registrar the current license plates issued for such motor vehicle. This provision for the issue of special license plates shall apply only if the applicant's passenger automobile is already registered in Minnesota so that the applicant has valid regular Minnesota plates issued for that passenger automobile under which to operate it during the time that it will take to have the necessary special license plates made. And the registrar may make such reasonable regulations governing the use of such special license plates as will assure the full compliance by the owner and holder of such special plates, with all existing laws governing the registration of motor vehicles, the transfer and the use thereof. When the

ownership of the motor vehicle for which such special license plates have been furnished by the registrar, changes from one person to another, the special license plates herein authorized shall be promptly removed from the motor vehicle by the seller and returned to the registrar, at which time the seller or the buyer of such motor vehicle shall be entitled to receive license plates for such motor vehicle as provided in section 168.15.

**Subd. 3. Increase of fees and taxes.** All fees and taxes imposed upon any motor vehicle, any licensed dealer of motor vehicles, or any licensed drive-a-way contracts by sections 168.011 to 168.49, the payment of which is required as a condition to the issuance of any pair of number plates, numbers, tabs, or stickers are hereby increased in the sum of 25 cents. If a single number plate, number, tab, or sticker is issued, the tax or fee imposed is hereby increased in the sum of 25 cents.

**Subd. 4. Fee increase; tax exempt plates.** All fees imposed by sections 168.011 to 168.49 for the issuance of tax-exempt number plates or duplicate number plates are hereby increased in the sum of 25 cents. If a single number plate or single duplicate number plate is issued the tax or fee is increased in the sum of 25 cents.

[1921 c 461 s 7; 1923 c 418 s 7; 1951 c 628 s 1; 1955 c 396 s 1-3; Ex1961 c 5 s 1] (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

# MINNESOTA STATUTES 1961

1655

MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.165

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; APPROPRIATION.** After the tax upon any motor vehicle shall have been paid for any year, refund shall be made 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 reasons of nonuse as provided by section 168.012. 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 endorsed 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 upon filing a verified claim be entitled to a refund of 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 plates and certificate were returned to the registrar.

There is hereby appropriated to the persons entitled to such refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.

[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; 1957 c 895 s 1; 1959 c 157 s 6] (2682)

**168.163** [Repealed, 1949 c 694 s 5]

**168.165 REGISTRATION, CHANGING CLASS.** 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:

(a) The application for conversion is accompanied by a conversion fee of \$2, the amount of which shall be deposited to the credit of the trunk highway fund;

(b) If the annual tax in the new class of registration is higher than the annual tax in the class for which the vehicle has been registered, the owner pays the difference between the unused portion of the annual tax previously paid and the tax for the remainder of the year in the new class of registration. The tax in the new class and the unused portion of the tax previously paid shall be computed for the remainder of the year prorated on a monthly basis, one-twelfth of the annual tax for each calendar month or fraction thereof beginning with the month in which the application for conversion is made;

(c) If the annual tax in the new class of registration is lower than the annual tax in the class for which the vehicle has been registered, the state refunds the difference between the unused portion of the annual tax previously paid and the tax for the remainder of the year in the new class of registration. To determine the amount of refund, the tax in the new class and the unused portion of the tax previously paid shall be computed for the remainder of the year prorated on a monthly basis, one-twelfth of the annual tax for each calendar month beginning with the month following the month in which the application for conversion is

made. However, except where there has been a bona fide transfer of ownership of a motor vehicle, the registration of a vehicle shall not be converted to a lower rate registration class until it has been registered in the higher rate registration class without conversion for a period of at least three months;

(d) The owner shall surrender the plates and the registration certificate previously issued to him.

[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]

**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** [Repealed, 1953 c 698 s 7]

**168.181 NONRESIDENT OWNERS, RECIPROCITY AGREEMENTS OR ARRANGEMENTS; CONDITIONS AND LIMITATIONS.** Notwithstanding any provision of law to the contrary or inconsistent herewith the registrar of motor vehicles with the approval of the attorney general is hereby empowered to make agreements with the duly authorized representatives of the other states, District of Columbia, territories and possessions of the United States or arrangements with foreign countries or provinces exempting the residents of such other states, districts, territories and possessions and foreign countries or provinces using the public streets and highways of this state from the payment of any or all motor vehicle taxes or fees imposed by Minnesota Statutes, Chapter 168, subject to the following conditions and limitations:

(1) Upon condition that the exemption provided herein shall be operative as to a motor vehicle owned by a non-resident only to the extent that under the laws of the state, district, territory or possession or foreign country or province of his residence like exemptions 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 shall at all times carry and display all license number plates or like insignia required by the laws of the state, district, territory or possession or foreign country or province of his residence.

(3) Upon condition that the exemptions provided herein shall not apply to a passenger automobile or house trailer owned by a resident of any state, district, territory or possession or foreign country or province temporarily residing in this state while gainfully employed on the same job for a period of six months or more.

(4) Upon condition that the exemptions provided herein shall not apply to motor vehicles owned by non-residents including any foreign corporation and used for carrying on intrastate commerce within this state. Such non-resident or foreign corporation 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.

(5) Upon condition that the exemption provided herein shall not apply to a truck, tractor, truck-tractor, or semi-trailer, except two-wheeled trailers of less than 3,000 pounds carrying capacity; if

(a) The class of its registration does not permit to it a state-wide operation in the state of its registration, or if

(b) The registration fee or tax for which it is registered is computed on a mileage basis, or if



# MINNESOTA STATUTES 1961

1657

MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.201

(c) Its gross weight exceeds the gross weight for which it is registered in the state, district, territory or possession, or foreign country or province of its registration.

(6) Upon condition that non-resident owners of commercial vehicles, including trucks, truck-tractors, trailers, semi-trailers and buses domiciled in a foreign state, district, territory or possession or foreign country or province, and bringing such vehicles into the State of Minnesota for the purpose of doing interstate business shall be required to comply with all the laws and regulations as to payment of taxes applicable to like vehicles owned by Minnesota residents unless the state, district, territory or possession or foreign country or province grants full reciprocity privileges comparable to that extended by sections 168.181 to 168.231. In the event a state, district, territory or possession or foreign country or province is not fully reciprocal as to taxes or fees on commercial vehicles or buses operated in interstate commerce, then in that event such owners of foreign commercial vehicles or buses shall be required to pay a tax in an amount equal to the tax of whatever character assessed by such other state, district, territory or possession or foreign country or province against vehicles registered in Minnesota and operated in interstate commerce in that state, district, territory or possession or foreign country or province. It is further provided that such owners of foreign commercial vehicles and buses subject to registration under the provisions of this paragraph shall make application for a permit in which shall be set forth the conditions for operation of such vehicles in this state.

[1953 c 698 s 1]

**168.183 MOTOR VEHICLES OF CERTAIN NONRESIDENTS.** Subdivision 1. **Payment of taxes.** All trucks, truck-tractors, trailers and semi-trailers, which comply with all of the provisions of section 168.181 but are excluded from the exemptions provided therein solely because of the intrastate nature of their movement in this state, owned by nonresidents owning or operating circuses, carnivals or similar amusement attractions or concessions shall be required to comply with all laws and regulations as to the payment of taxes applicable to like vehicles owned by Minnesota residents but such nonresidents may make application to pay such tax for each vehicle proportionate to the number of months or fraction thereof such vehicles are in this state.

**Subd. 2. Contents of application.** The application shall contain such information and shall be executed in such manner as the registrar may require and shall include a complete itinerary of the applicant and shall be accompanied by such evidence of ownership as the registrar shall deem necessary.

**Subd. 3. Permit.** Upon payment of the required tax the registrar shall issue, in lieu of registration plates, a permit for each vehicle so taxed. The permit shall contain the name and address of the owner, the make, type, serial number and year model of the vehicle, the expiration date and any other information deemed necessary by the registrar. The permit must be carried in the vehicle at all times while being operated in this state.

[1957 c 88 s 1-3]

**168.19** [Repealed, 1953 c 698 s 7]

**168.191 VEHICLES DOMICILED IN FOREIGN STATE AND OWNED BY MINNESOTA RESIDENT.** The provisions of section 168.181 shall be operative as to motor vehicles actually domiciled in a foreign state, district, territory or possession or foreign country or province and legally licensed in that state, district, territory or possession or foreign country or province and owned by a Minnesota resident.

[1953 c 698 s 2]

**168.20** [Repealed, 1953 c 698 s 7]

**168.201 DENIAL OR WITHDRAWAL OF BENEFITS AND PRIVILEGES.** Such agreements or arrangements as limited by sections 168.181 and 168.191 may also provide for the denial or withdrawal of the benefits and privileges granted under such agreement or arrangement as to any person, corporation, or association of any kind if in the opinion of the registrar such person, corporation, or association should not be granted such benefits or privileges.

[1953 c 698 s 3]

# MINNESOTA STATUTES 1961

## 168.211 MOTOR VEHICLES; TAXATION; CHAUFFEURS

1658

**168.21** [Repealed, 1953 c 698 s 7]

**168.211 SUBJECTION TO STATE LAWS GENERALLY.** All vehicles operated in Minnesota pursuant to sections 168.181 to 168.231 shall be subject to all provisions of law applicable to vehicles owned or operated by Minnesota residents except to the extent that exemption is provided from said laws by such sections.

[1953 c 698 s 4]

**168.22** [Repealed, 1953 c 698 s 7]

**168.221 COMMERCIAL VEHICLES; TAXES OR FEES.** The registrar may promulgate such rules and regulations as may be necessary to accomplish the purpose of section 168.181, paragraph 6, as to the payment of partial taxes collectible under sections 168.181 to 168.231 and may waive any reciprocal agreement required thereunder with any state, district, territory, or possession or arrangements with foreign countries or provinces if under the laws of such state, district, territory, or possession or foreign country or province residents of Minnesota are privileged to operate motor vehicles upon the streets and highways of such state, district, territory, or possession or foreign country or province without the payment of taxes or fees of any character whatsoever.

[1953 c 698 s 5]

**168.23** [Repealed, 1953 c 698 s 7]

**168.231 TAX PROCEEDS CREDITED TO HIGHWAY USER TAX DISTRIBUTION FUND.** The proceeds of the tax imposed under the provisions of sections 168.181 to 168.231 shall be collected by the registrar of motor vehicles and paid into the state treasury and credited to the highway user tax distribution fund.

[1953 c 698 s 6; 1957 c 60 s 3]

**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 both new and used motor vehicles, he must have a bona fide contract or franchise in effect with a manufacturer or distributor of the new motor vehicle, or new 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. But nothing herein contained shall require an applicant for a dealer's license who proposes to deal in new and unused motor vehicle bodies to have a bona fide contract or franchise in effect with the manufacturer or distributor of any motor vehicle chassis upon which the new and unused motor vehicle body is mounted;

(3) That if the applicant desires only to sell, solicit or advertise the sale of used motor vehicles, he shall have adequate space for the display of motor vehicles either in the building or structure wherein his business is conducted or on a lot adjacent thereto. The registrar in his discretion may authorize the use of a building or lot for display purposes not adjacent to but in close proximity to the building wherein the business is conducted if such use is made in good faith and not for the purpose of evading the requirements of this section.

**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.

**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 \$35, 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, one pair of number plates displaying a general distinguishing number upon the payment of \$5 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 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.

A new motor vehicle sold by such motor vehicle dealer and bearing the motor vehicle dealer's number plates may be driven upon the public streets and highways for a period of 72 hours by the buyer for the purpose of removing the vehicle from this state for registration in another state. Upon the delivery of such new motor vehicle to the buyer or 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 buyer or prospective buyer, as the case may be, a card or certificate giving the name and address of the motor vehicle dealer, the name and address of such buyer or 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 buyer or 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 \$2 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 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, co-partnership, or corporation exclusively engaged in the business of selling house trailers, and shall not apply to any person, co-partnership, or corporation engaged in the business of selling motorized bicycles, motor scooters, motorized wheel chairs, boat trailers, utility trailers, 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 section. As used in this subdivision the terms "motorized bicycle" and "utility trailer" shall have the following meaning:

"Motorized bicycle" means a motor powered vehicle consisting of an arrangement or combination of two wheels, one following the other, supported by a frame designed to be propelled by the feet acting upon pedals.

"Utility trailer" means a motorless vehicle equipped with one or two wheels and having a carrying capacity of 2000 pounds or less and used for carrying property on its own structure while being drawn by a motor vehicle.

**Subd. 14. Acts which are unlawful.** It shall be unlawful for any manufacturer or distributor of motor vehicles, or for any officer, employee, agent or representative of such manufacturer or distributor:

(1) To induce or coerce or attempt to induce or coerce any retail dealer:

(a) To accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodity or commodities which shall not have been ordered by said retail dealer;

(b) To order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment;

(c) To enter into any agreement with such manufacturer or distributor or to do any other act by threatening to cancel any franchise or contractual agreement existing between such manufacturer or distributor and said retail dealer.

(2) To refuse to extend to a dealer the privilege of determining the mode or manner of available transportation facility which said dealer desires to be used or employed in making deliveries of new motor vehicles to him or it.

(3) To cancel or refuse to renew the franchise of any retail dealer or any contractual arrangement between such manufacturer or distributor and the retail dealer without just cause.

(4) To make any charge against a retail dealer for advertising or promotional advertising material without his prior consent.

[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 43 s 2; 1955 c 331 s 1; 1955 c 626 s 1; 1955 c 820 s 16; 1961 c 75 s 1; 1961 c 650 s 1] (2686)

**168.274 DEFINITIONS.** The following definitions shall apply for the words or terms used in sections 168.274 to 168.276 unless other meaning is clearly apparent from the language or context.

"Motor vehicle" means and includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

"New motor vehicle" means only newly manufactured motor vehicles and includes but is not limited to motorcycles, trailers, trucks, passenger cars and tractors.

"Used motor vehicle" means every motor vehicle, title to, or possession of, which has been transferred from the person who first acquired it from the manufacturer or dealer and has been so used as to become or is commonly known as second-hand within the ordinary meaning thereof, and includes every motor vehicle other than a new motor vehicle, including but not limited to motorcycles, trailers, tractors, trucks and passenger cars.

"Person" includes natural persons, firms, partnerships, corporations, associations or other artificial bodies, trustees, receiver and officers, employees, agents, and others acting for or on behalf of any person.

[1957 c 386 s 3]

**168.275 SALE OF MOTOR VEHICLES ON SUNDAY FORBIDDEN.** Any person who shall carry on or engage in the business of buying, selling, exchanging, dealing in or trading in new or used motor vehicles; or who shall open any place of business or lot wherein he attempts to or does engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles; or who does buy, sell, exchange, deal or trade in new or used motor vehicles as a business on the first day of the week, commonly known and designated as Sunday, is guilty of a misdemeanor for the first offense, and a gross misdemeanor for each succeeding offense. Such a person upon conviction for the first offense shall pay a fine not to exceed \$100 or be imprisoned for a period of not more than ten days; and for the second offense shall pay a fine not to exceed \$500 or be imprisoned for a period of not more than 30 days or both; and for the third or each subsequent offense shall pay a fine of not more than \$750 or be imprisoned for a period of not more than six months or both.

[1957 c 386 s 1]

# MINNESOTA STATUTES 1961

1663

MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.29

**168.276 SUSPENSION OR REVOCATION OF LICENSES.** Every court having jurisdiction over offenses committed in violation of the provisions of section 168.275 hereof shall forward to the registrar of motor vehicles of this state within ten days following a conviction, a record thereof. If a person so convicted holds a license as a dealer for the sale of new or used motor vehicles under the provisions of Minnesota Statutes, Section 168.27, upon the receipt by the registrar of motor vehicles of a second record of conviction of such dealer, the registrar of motor vehicles shall suspend such dealer's license for a period of 30 days, and upon receipt of a third record of conviction of any such dealer, the registrar of motor vehicles shall permanently revoke such dealer's license.

[1957 c 386 s 2]

**168.28 VEHICLES SUBJECT TO TAX, EXCEPTIONS** Every motor vehicle (except those exempted in section 168.012, and except those exempted in section 168.012 which are being towed upon the streets and highways and which shall not be deemed to be using the streets and highways within the meaning of this section) 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. Any dealer or distributor may register a motor vehicle prior to its assessment or taxation as personal property, and pay the license fee and tax thereon for the full calendar year as one using the public streets and highways, and thereafter such vehicle shall be deemed to be one using the public streets and highways and shall not be subject to assessment or taxation as personal property during the calendar year for which it is so registered, whether or not such vehicle shall actually have used the streets or highways.

[1921 c 461 s 16; 1923 c 418 s 16; 1941 c 176 s 2; 1953 c 315 s 1; 1961 c 611 s 1] (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 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 14 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 \$1 provided 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 14 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; 1961 c 121 s 1] (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 each year thereafter. Taxes due upon January 1 become payable upon November 15 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 November 15 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. Taxes due upon January 1 become delinquent after January 10 unless paid. Taxes due when the vehicle first uses the public streets or highways in the state shall become delinquent upon the expiration of seven days after the same became due unless paid.

Subd. 2. **Failure to make timely payment.** Every owner or person charged with the duty to re-register a motor vehicle and pay any taxes hereunder who fails to re-register the same and pay such taxes as herein provided before January 11, shall, before he shall be entitled to complete his re-registration as herein provided, pay a penalty to the registrar according to the following schedule:

On January 11 the sum of \$1

On January 21 an additional sum of \$1

On February 1 an additional sum of 50 cents

provided that if any owner or person does not file his application for re-registration until after March 31 and establishes by verified statements satisfactory to the registrar that such vehicle has not been operated during the calendar year to the date of application, the registrar shall waive the penalty assessed hereunder for failure to re-register before January 11.

Every owner or person charged with the duty to register a motor vehicle first using the public streets or highways in the state 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. **Penalties, limitations; filings.** The penalty for failure or delay in registering or re-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. 4. **Installments.** If the tax for a vehicle assessed under section 168.013 amounts to more than \$300, the owner may pay such tax by installments. The



# MINNESOTA STATUTES 1961

1665

## MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.321

owner shall tender with his application for registration one-third of the annual tax due or \$300, whichever is greater, plus any penalties or arrears. The remainder of the tax due shall be paid in two equal installments; the due date of the first installment shall be May 1 of the year for which the tax is assessed and the second installment shall be due on September 1 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 installments 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. If an owner of a vehicle fails to pay an installment within seven days after the due date thereof, the vehicle shall not use the public streets or highways in this state until the installment or installments of the tax remaining due on such vehicle shall have been paid in full for the licensed year together with penalties as hereinafter provided. If the balance of the tax due on the vehicle is not paid within seven days after the due date thereof, the owner, in addition to the balance of the tax, shall pay a penalty at the rate of fifty cents per day for the remainder of the month in which the balance of the tax becomes due and \$2 a month for each succeeding month or fraction thereof in which the balance of the tax remains unpaid. Upon the payment of the balance of the tax and the penalties, the registrar shall issue a registration certificate to the owner of the vehicle in the manner provided by law. The registrar shall deny installment payment privileges provided in this subdivision in the subsequent year to any owner on any or all vehicles of such owner who during the current year fails to pay any installment due within one month after the due date.

**Subd. 5. 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 168.012.

**Subd. 6. 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; 1951 c 401 s 1; 1953 c 123 s 1; 1957 c 714 s 3; 1961 c 170 s 1] (2690)

**168.32** [Repealed, 1961 c 120 s 2]

**168.321 MANUFACTURERS TO FILE STATEMENT.** The registrar may refuse to register any new vehicle unless the manufacturer thereof has filed the sworn statement herein provided for the model of the motor vehicle offered for registration. The registrar shall have authority to determine the weight of any vehicle on which the record of the manufacturer's shipping weight is not available in his office.

Every manufacturer of a motor vehicle sold or offered for sale within this state shall each year file with the registrar a sworn statement showing the various models manufactured, the manufacturer's shipping weights including the weight of automatic transmissions where such equipment is offered as optional equipment and not included in the shipping weight, the beginning serial or identification number of each model or series if manufactured on a yearly model basis, or if not manufactured on a yearly model basis, the formula or method used to determine the year of model, and such other information as the registrar deems necessary. Upon the introduction of any new models during the year, the manufacturer shall in like manner file a new statement setting forth the required information for

each new model.

The information furnished in the manufacturer's statement may be considered by the registrar as prima facie evidence of the facts contained therein.

[1961 c 120 s 1]

**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 of 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 50 cents, and shall report daily to the registrar all registrations made and taxes and fees collected by him. The filing fee of 50 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 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 s 1; 1949 c 131 s 1; 1949 c 132 s 1; 1951 c 384 s 1; 1957 c 82 s 1] (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 UNREGISTERED VEHICLES, USE.** 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.

**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 s 25-27; 1923 c 418 s 25-27; 1925 c 299 s 4; 1951 c 211 s 3] (2696, 2697, 2698)

**168.37 PLATES; SIZE, FORM.** Subdivision 1. 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** [Repealed, 1957 c 412 s 3]

**168.381 MANUFACTURE OF MOTOR VEHICLE LICENSE NUMBER PLATES, REVOLVING FUND.** Subdivision 1. All number plates required by law shall be manufactured by the state reformatory for men upon order from the registrar of motor vehicles, such order to state the quality of material desired in such plates, the specifications thereof, and the amount or number desired. Upon completion of any order the reformatory shall certify to the commissioner of administration the costs of material, labor, and any additional equipment purchased for fulfillment of such order and said commissioner shall upon approval allocate to the reformatory the sum so certified from the license plate revolving fund herein created. Upon certification of this payment by the commissioner of administration, the state auditor shall transfer an amount equal to the sum paid from the state trunk highway fund to the license plate revolving fund so that the unobligated balance in said fund at the end of each fiscal year shall not be less than \$1,000,000.

Subd. 2. There is hereby created in the state treasury a license plate revolving fund for the purpose of enabling the state reformatory for men to manufacture motor vehicle license plates upon order from the registrar of motor vehicles, which shall consist of any appropriation made therefor together with any moneys paid into said fund as provided by this section.

[1957 c 412 s 1, 2]

NOTE: See Extra Session Laws 1961. Chapter 88, Section 19.

**168.39 CHAUFFEURS NECESSITY FOR 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, licensed under the provisions of the law of the country, state, territory, province or district of his residence, operating such motor vehicle tem-

porarily within this state not more than 60 days in any one year, and while having in his immediate possession the license assigned to him as such chauffeur in the country, state, territory, province 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 168.44, 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 and

(4) Every person who drives a school bus transporting school children:

But does not include employees who, in the course of their employment, operate upon the streets or highways light trucks classified as pickups, panels and sedan deliveries which are used only to carry tools, repairs, light materials and equipment used by the driver in the furtherance of some other and principal occupation, crawler tractors, farm and industrial wheel type tractors, self-loading motor scrapers, front end loaders, motor graders, crawler mounted construction equipment, and farm trucks as defined by section 168.011, subdivision 17, operated by the owner or an immediate member of his family or an employee not primarily employed for the purpose of operating the farm truck.

[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; 1955 c 281 s 1; 1955 c 582 s 1; 1957 c 704 s 1] (2712-1)

**168.40 CHAUFFEUR LICENSE DIVISION.** Subdivision 1. **Establishment, powers, duties.** The secretary of state shall establish a chauffeur's license division in the motor vehicle department of his office for the purpose of ascertaining and determining the qualifications of applicants for chauffeur's licenses, and shall conduct examinations of applicants for such licenses 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.

**Subd. 2. School bus drivers, licenses, examinations.** No person shall drive a school bus unless having first obtained a school bus driver's license as herein provided. Every applicant who seeks a license to operate a school bus is required to take, in addition to the examination given other chauffeurs' license applicants, a physical examination. Any person whose physical examination discloses communicable diseases or mental or physical conditions of intermittent or continuing nature that might reasonably affect his ability to operate a school bus shall be denied a school bus driver's license. No school bus driver's license shall be issued to any person less than 18 years of age. In addition the tests for a school bus driver's license shall include knowledge of the operation of the particular equipment the applicant will handle and knowledge of the special laws and equipment and devices peculiar to school buses as well as the general knowledge of motor vehicle operation, equipment, laws and rules. The state board of education and the commissioner of highways shall jointly prescribe rules governing the taking of these examinations and may prescribe other rules for the purpose of determining the qualifications of such applicant.

In the preparation of examinations to be given school bus drivers, the registrar shall include any questions or other tests that the board of education may order, except that the application or examination required for renewal of a school bus

driver's license shall contain only such questions as may be necessary for the secretary of state to determine if the licensee is entitled to renew the license previously issued. The secretary of state shall issue a school bus driver's license or renewal thereof to such applicant who has qualified for such license under the provisions of this subdivision.

School bus driver's licenses shall expire on June 30, 1956, and shall thereafter be issued for the fiscal year ending on June 30 of each year; provided a physical examination may be required oftener upon demand of any school district from or to which such school bus driver shall be carrying passengers. Such extra examination shall be paid for by the district demanding it. Any licensed school bus driver may also operate a motor vehicle as a chauffeur.

For failure to pass such physical examination or for any of the grounds set forth in section 168.44, the school bus driver's license may be revoked, and in the manner set forth in section 168.44.

Subd. 3. [Obsolete]

[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; 1955 c 283 s 1] (2712-2)

**168.41 LICENSES; FORM, POSSESSION, AND DISPLAY; UNLAWFUL USE.**

Subdivision 1. The secretary of state shall, upon payment of the required fee, issue to every person licensed under sections 168.39 to 168.44 a license in a form prescribed by the secretary of state which shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and a space upon which the licensee shall write his usual signature with pen and ink. No license shall be valid until it has been so signed by the licensee. A distinctive separate type license shall be provided for school bus drivers, and no licensed chauffeur or school bus driver shall voluntarily permit another person to possess and use the license so provided, nor shall any person, while driving or operating a motor vehicle, use any license belonging to another.

Subd. 2. Every licensee shall have said license in his immediate possession at all times when operating as a chauffeur or school bus driver and shall display the same, upon demand of a justice of the peace, a peace officer, an authorized representative of the department, or by an officer authorized by law to enforce the laws relating to the operation of motor vehicles on public streets and highways, and the licensee shall, upon request of any such officer, write his name in the presence of such officer in order that the identity of the licensee may be determined.

Subd. 3. It shall be unlawful for any person:

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

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

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

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

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

[1929 c 433 s 3; 1939 c 426 s 3; 1953 c 215 s 2; 1955 c 281 s 2; 1959 c 179 s 1] (2712-3)

**168.413 LOSS OF LICENSES, DUPLICATES.** In the event of the loss or destruction of the original license the secretary of state, upon receiving a sworn statement from the licensee of such loss or destruction and the payment of the fee of \$1, shall issue a duplicate license.

[1953 c 377 s 3; 1955 c 281 s 3]

**168.42 EXPIRATION OF LICENSES; RENEWAL.** All chauffeurs licenses issued under sections 168.39 to 168.44 shall expire at midnight on March 31 of each year, but may be renewed without examination, if application for renewal is made during the month of February.

[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] (2712-4)

**168.423 LICENSES, RENEWAL, MEMBERS OF ARMED FORCES.** Subdivision 1. Any person who has served in the army, navy, or marine corps of the United States subsequent to December 7, 1941, and who has been honorably dis-

charged therefrom or who has been granted a furlough or leave of absence therefrom may, without payment of any fee or charge and without taking a physical examination except such as the secretary of state may deem necessary, renew his chauffeur's license for the current calendar year at any time within one year after his discharge or during his furlough or leave of absence by making a proper application therefor.

Subd. 2. An honorable discharge or an order from proper authority granting a furlough or leave of absence shall be prima facie evidence of the right to privileges extended by this section.

[1951 c 90 s 1, 2]

**168.43 LICENSES; APPLICATION, EXAMINATION, FEES, REFUNDS, APPROPRIATION.** Applications for examination and license under sections 168.39 to 168.44 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 \$3. The fee for renewal of a chauffeur's license shall be \$2, if the application for renewal is made during the month of February; otherwise it shall be \$2.50. The fee for renewal of a school bus driver's license shall be \$2. All fees collected pursuant to sections 168.39 to 168.44 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 168.44 shall be made in the manner provided by law for making refunds and paid out of the general revenue fund.

There is hereby appropriated to the persons entitled to such refund, from such moneys in the state treasury not otherwise appropriated, an amount sufficient to make the refund and payment.

[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; 1955 c 283 s 2; 1955 c 820 s 17; 1959 c 157 s 7] (2712-5)

NOTE: See OAG December 7, 1955.

**168.44 LICENSES, REVOCATION, LIMITED 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 other state or 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 license promptly to the secretary of state. Failure on the part of a

chauffeur to return the license 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 one, 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 one month of a period for which a chauffeur's license has been revoked has 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 condition and limitation 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 limited license issued by the secretary of state shall clearly indicate the limitations imposed and the chauffeur operating under such limited license shall have such license in his immediate possession at all times when operating as a chauffeur. 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 426 c 6; 1941 c 427 s 2; 1943 c 331 s 1; 1953 c 331 s 2; 1955 c 281 s 4; 1957 c 636 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)



# MINNESOTA STATUTES 1961

1673

MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.62

**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]

**168.54 MOTOR VEHICLES, TRANSFER OF OWNERSHIP.** Subdivision 1. The secretary of state shall establish a transfer of ownership division in his office to become effective July 1, 1955, to perform the duties relating to the transfer of ownership in motor vehicles as provided in Minnesota Statutes, Chapter 168.

Subd. 2. There is hereby created in the state treasury the transfer of ownership revolving fund to be used to employ personnel and pay other operating expenses of this division.

Subd. 3. There is hereby appropriated \$20,000 out of the general revenue fund of the state treasury to said transfer of ownership revolving fund to be used as herein provided. Notwithstanding any other provisions of this section or of any other law, the appropriations made in this subdivision shall be available for allotment, encumbrance and expenditure upon the passage of this section.

Subd. 4. On and after July 1, 1955, there is hereby imposed a fee of \$1 upon every transfer of ownership by the secretary of state of any motor vehicle for which a registration certificate has heretofore been issued under this chapter, except vehicles sold for the purposes of salvage or dismantling or permanent removal from the state.

To facilitate the collection of the fee imposed by this section, the registrar shall provide a "Transfer Filing Fee" stamp to any person upon payment of the required fee of \$1. Such stamp shall be affixed to each application for transfer of ownership before such application shall be accepted for recording. The stamps, in a design to be determined by the registrar, shall bear the words "Transfer Filing Fee, \$1" and shall be numbered serially. Stamps may be sold in advance in such quantities as the registrar may deem proper provided that payment in full of \$1 for each stamp sold is received at the time of the sale. Refund may be made upon return of any unused stamps or any used stamps where such use was not required by law. When a stamp has been returned for refund, such stamp shall be canceled and preserved. The registrar shall maintain records, inventories and controls necessary to account for and safeguard the sale, refund and use of all stamps.

Subd. 5. The proceeds of the fee imposed under the provisions of this section shall be collected by the secretary of state and paid into said revolving fund.

Subd. 6. The unobligated balances in excess of \$4,000 in said revolving fund as of June 30 of each fiscal year shall be cancelled into the general revenue fund.

[Ex 1955 c 5 s 1-6; 1957 c 159 s 1]

**168.61 INTERCITY BUSES.** Subdivision 1. The term "intercity bus" as used in sections 168.61 to 168.65 means a motor bus as defined in Minnesota Statutes, section 168.011, subdivision 9, which is owned or operated by either a resident or nonresident of Minnesota in interstate commerce under authority of the Interstate Commerce Commission or in combined interstate and intrastate commerce under authority of the Interstate Commerce Commission and the Railroad and Warehouse Commission of Minnesota, as a result of which operation such bus operates both within and without the territorial limits of the state of Minnesota.

Subd. 2. For the calendar year 1958 and during each year thereafter intercity buses shall be subject to registration and taxation as motor vehicles on an apportionment basis.

[1957 c 80 s 1]

**168.62 REGISTRATION.** Subdivision 1. An owner or operator of more than one intercity bus shall register a percentage of his intercity buses in Minnesota. The percentage of the intercity buses so registered shall be determined by dividing the total number of miles traveled by such intercity buses within the state of Minnesota by the total number of miles traveled by such intercity buses both within and without the state of Minnesota. Such percentage figure so arrived at is the percentage of intercity motor buses which the owner or operator thereof shall register in Minnesota. A fractional intercity bus shall be registered as one intercity bus. The number of intercity buses so registered in the state of Minne-

sota are deemed to be domiciled in Minnesota and subject to motor vehicle taxation in this state.

Subd. 2. When the number of intercity buses to be registered in Minnesota is determined as herein provided, the owner or operator thereof shall select the particular intercity buses to be so registered. The motor vehicle tax to be paid thereon for each calendar year shall be determined by the registrar of motor vehicles. He shall compute the amount of motor vehicle tax on each intercity bus of the owner or operator thereof as though all of such intercity buses were required to be registered in Minnesota. The amount so arrived at shall then be divided by the total number of intercity buses of such owner or operator to obtain the average motor vehicle tax due on an intercity bus registered in Minnesota. Such average tax shall be paid on each intercity bus registered in Minnesota in the same manner and at the same time as other motor vehicles using the streets and highways of Minnesota are taxed and the taxes paid thereon. The registrar of motor vehicles shall issue number plates for the intercity buses registered in Minnesota.

Subd. 3. At the same time that an owner or operator of intercity buses registers them in Minnesota and obtains number plates therefor, he shall apply for special identification plates or certificates for the remainder of his fleet of intercity buses. The registrar of motor vehicles shall design an appropriate plate or identification certificate for this purpose which shall be issued upon the payment of a fee of \$10.00 covering each intercity bus so identified. The proceeds of such fees shall be deposited to the credit of the highway user tax distribution fund. No intercity bus shall at any time be operated in the state of Minnesota without either Minnesota number plates or special identification plates or certificates issued as herein provided.

[1957 c 80 s 2; 1959 c 365 s 1]

**168.63 REGISTRAR OF MOTOR VEHICLES, DUTIES.** Subdivision 1. It shall be the duty of the registrar of motor vehicles to administer and to enforce the terms and conditions of sections 168.61 to 168.65.

Subd. 2. The registrar of motor vehicles shall determine the percentage of intercity buses to be registered in Minnesota by an owner or operator thereof. He shall determine the total number of miles traveled by each intercity bus within the state of Minnesota and the total number of miles such intercity bus traveled both within and without the state of Minnesota. In making such determinations he may use mileage records of operation of each owner or operator of intercity buses for such period of time as he deems appropriate and during which operation existed. If there are no operations in Minnesota for any period of time so as to determine the mileage records of operation he shall use such estimates as will fairly determine the percentage of intercity buses which any owner or operator thereof shall register in Minnesota.

Subd. 3. Whenever an owner or operator of intercity buses increases his fleet of intercity buses after the beginning of a calendar year in which a percentage of the fleet has been registered in Minnesota, he shall notify the registrar of motor vehicles thereof.

Subd. 4. Whenever the owner or operator of intercity buses substitutes an intercity bus in his fleet as a result of new purchase or otherwise, he shall likewise notify the registrar of motor vehicles thereof.

Subd. 5. At the close of each calendar year and not later than February 15th of the next succeeding year, beginning with 1959, the registrar of motor vehicles shall re-compute and re-determine the number of intercity buses required to have been registered in Minnesota for the prior year and the actual amount of tax liability for such previous year shall likewise be re-determined. Any additional tax which may be due by any owner or operator of intercity buses shall be paid forthwith. If it is determined as a result of such recomputation that there has been an overpayment of tax, the amount of such overpayment shall be credited to the amount of tax which may be due by the owner or operator of intercity buses in any subsequent year. In the event any owner or operator of intercity buses discontinues operations in Minnesota and has a tax credit due him as a result of overpayment of motor vehicle taxes for any year, the amount of such overpayment shall be refunded.

[1957 c 80 s 3]

**168.64 RULES, REQUIREMENTS.** The registrar of motor vehicles shall:

(a) Promulgate such rules and regulations as he may deem necessary in order

# MINNESOTA STATUTES 1961

1675

MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.66

to fully administer and carry out the terms and provisions of sections 168.61 to 168.65;

(b) Require owners and operators of intercity buses to furnish such information and to make and file such reports as he deems necessary in order to administer sections 168.61 to 168.65.

(c) Require re-computation of the percentage of intercity buses of any owner or operator at any time he has reason to believe that an insufficient number of such intercity buses of such owner or operator are registered in Minnesota. If as a result of any such re-computation, the registrar of motor vehicles determines that additional intercity buses should be registered in Minnesota, he shall require the owner or operator thereof to so register such additional buses and pay the taxes thereon in accordance with the standards required by this section. All intercity buses registered under the terms of this provision shall be registered for a full calendar year. All taxes computed on the percentage of intercity buses to be registered in the state of Minnesota shall likewise be computed on the basis of a full calendar year. If additional taxes are required to be paid by an owner or operator of intercity buses under this provision, such owner or operator shall also pay interest at the rate of six percent per annum on the amount so paid with interest computed from January 1st of the calendar year in which the taxes are due to the date of payment.

[1957 c 80 s 4]

**168.65 VIOLATIONS.** Subdivision 1. It shall be unlawful for any owner or operator of intercity buses to wilfully violate any provision of sections 168.61 to 168.65 or to wilfully furnish false information or reports to the registrar of motor vehicles which such registrar may require.

Subd. 2. If after a public hearing, upon due notice, the registrar of motor vehicles determines that any owner or operator of intercity buses has violated any term or provisions of sections 168.61 to 168.65 or wilfully furnished false information or reports, such registrar shall cancel all number plates and all special identification plates or certificates issued to such owner or operator of intercity buses and such intercity buses during such calendar year shall not operate upon the streets and highways of the state unless the owner's or operator's entire fleet of intercity buses is then registered in the state of Minnesota and the motor vehicle taxes paid thereon for the full calendar year in which the offense occurs. Any such determination by the registrar of motor vehicles shall be subject to judicial review by certiorari as provided by law.

[1957 c 80 s 5]

**168.66 MOTOR VEHICLE RETAIL INSTALLMENT SALES; DEFINITIONS.** Subdivision 1. For the purposes of sections 168.66 to 168.77 the terms defined in this section have the meanings given them.

Subd. 2. "Person" means an individual, partnership, corporation, association, and other group however organized.

Subd. 3. "Retail installment sale" means any sale evidenced by a retail installment contract wherein retail buyer agrees to buy and retail seller agrees to sell a motor vehicle at a time sale price payable in one or more installments.

Subd. 4. "Retail installment contract" means any agreement, entered into in this state, evidencing a retail installment sale of a motor vehicle, other than for the purpose of re-sale, pursuant to which title to, or a lien upon the motor vehicle is retained by the retail seller as security for the retail buyer's obligation. This term includes a mortgage, conditional sale contract, or any contract for the bailment or leasing of a motor vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to the time sale price of the motor vehicle and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of such motor vehicle.

Subd. 5. "Motor vehicle" means any device propelled or drawn by any power other than muscular power, in, upon, or by which any person or property is, or may be transported or drawn upon a highway, excepting building and road construction equipment not subject to motor vehicle registration fees, farm tractors, and agricultural machinery not designed primarily for highway transportation, but which may incidentally transport persons or property on a public highway.

Subd. 6. "Retail seller" or "seller" means a person who sells, or agrees to sell a motor vehicle under a retail installment contract to a retail buyer.

Subd. 7. "Retail buyer" or "buyer" means a person who buys or agrees to buy

a motor vehicle from a retail seller not for the purpose of re-sale and who executes a retail installment contract in connection therewith.

Subd. 8. "Sales finance company" means a person engaged, in whole or in part, in the business of purchasing retail installment contracts from one or more retail sellers. The term includes but is not limited to a bank, trust company, or industrial loan and thrift company, if so engaged. The term also includes a retail seller engaged, in whole or in part, in the business of creating and holding retail installment contracts. The term does not include the pledges of an aggregate number of such contracts to secure a bona fide loan thereon.

Subd. 9. "Cash sale price" means the price at which the seller would in good faith sell to the buyer, and the buyer would in good faith buy from the seller, the motor vehicle which is the subject matter of the retail installment contract, if such sale were a sale for cash, instead of a retail installment sale. The cash sale price may include any taxes, charges for delivery, servicing, repairing or improving the motor vehicle, including accessories and their installation, and any other charges agreed upon between the parties.

Subd. 10. "Time sale price" means the amount which the buyer contracts to pay under a retail installment contract.

Subd. 11. "Time price differential" means the amount by which the seller's total time sale price exceeds the aggregate of the cash sale price, the cost of any insurance and other benefits included in the retail installment contract and any other permissible cost or expense incidental to the retail installment sale.

Subd. 12. "Administrator" means the commissioner of banks of the state of Minnesota.

Subd. 13. Words in the singular include the plural and vice versa.

[1957 c 266 s 1; 1959 c 54 s 1; 1961 c 438 s 1]

**168.67 SALES FINANCE COMPANIES; LICENSES, FEES, REFUNDS.** (a)

No person shall engage in the business of a sales finance company in this state without a license therefor as provided in sections 168.66 to 168.77 provided, however, that no bank, trust company or national bank authorized to do business in this state shall be required to obtain a license under sections 168.66 to 168.77.

(b) The application for such license shall be in writing, under oath and in the form prescribed by the administrator. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners, or, if a corporation or association, of the directors, trustees and principal officers, and such other pertinent information as the administrator may require.

(c) The licensee fee for the fiscal year beginning July 1 and ending June 30 of the following year, or any part thereof shall be the sum of \$100 for the principal place of business of the licensee, and the sum of \$50 for each branch of the licensee, maintained in this state. Any licensee who proves to the satisfaction of the administrator, by affidavit or other proof satisfactory to said administrator, that during the twelve calendar months of the preceding fiscal year, for which his license has been paid that he has not held retail installment contracts exceeding \$15,000 in amount, shall be entitled to a refund of his license fee. The administrator shall certify to the state auditor that the licensee is entitled to such refund, and payment thereof shall be made by the state treasurer. The amount necessary to pay for the refundment of such license fee is hereby appropriated out of the general revenue fund. All license fees received by the administrator under sections 168.66 to 168.77 shall be paid over by him to the state treasurer.

(d) Each license shall specify the location of the office or branch and must be conspicuously displayed there. In case such location be changed, the administrator shall endorse the change of location on the license without charge.

(e) Upon the filing of such application, and the payment of said fee, the administrator shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of sections 168.66 to 168.77 for a period which shall expire the last day of June next following the date of its issuance. Such license shall not be transferable or assignable. No licensee shall transact any business provided for by sections 168.66 to 168.77 under any other name.

[1957 c 266 s 2; 1959 c 364 s 1; 1961 c 281 s 1]

**168.68 SUSPENSION OR REVOCATION OF LICENSE.** (a) A license may be suspended or revoked by the administrator on the following grounds:

# MINNESOTA STATUTES 1961

1677

## MOTOR VEHICLES; TAXATION; CHAUFFEURS 168.70

- (1) Material misstatement in application for license;
- (2) Intentional failure to comply with any provision of sections 168.66 to 168.77 relating to retail installment contract;
- (3) Defrauding any retail buyer to the buyer's damage;
- (4) Fraudulent misrepresentation, circumvention or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof required to be stated or furnished to the retail buyer under sections 168.66 to 168.77.

(b) If a licensee is a firm, association or corporation, it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed firm, association or corporation, or any member of a licensed partnership, has so acted or failed to act as would be cause for suspending or revoking a license to such part as an individual. Each licensee shall be responsible for the acts of any or all of his employees while acting as his agent, if such licensee after actual knowledge of his act retained the benefits, proceeds, profits or advantages accruing from said acts or otherwise ratified such acts.

(c) No license shall be suspended or revoked except after hearing thereon. The administrator shall give the licensee at least ten days' written notice, in the form of an order to show cause, of the time and place of such hearing by registered mail addressed to the principal place of business in this state of such licensee. The said notice shall contain the grounds of complaint against the licensee. Any order suspending or revoking such license shall recite the grounds upon which the same is based. The order shall be entered upon the records of the administrator and shall not be effective until after 30 days' written notice thereof given after such entry forwarded by registered mail to the licensee at such principal place of business. No revocation, suspension or surrender of any license shall impair or affect the obligation of any lawful retail installment contract acquired previously thereto by the licensee.

(d) Within 30 days after such service of notice of any order of suspension or revocation of a license, the licensee aggrieved may appeal from such order to the district court for the county in which the principal place of business of such licensee in this state is located, by service of a written notice of appeal upon the administrator, and filing the same with proof of such service with the clerk of the court to which the appeal is taken, within five days. The district court shall thereupon have jurisdiction over the appeal; and the same shall be entered upon the records of the court and tried according to the rules relating to the trial of civil actions in so far as the same are applicable. Upon service of such a notice of appeal upon him, the administrator shall forthwith file with the clerk of the district court to which the appeal is taken a certified copy of the order appealed from and of the order to show cause upon which the same was based; and unless otherwise ordered by the court the documents so filed shall frame the issues to be determined upon the appeal. The court shall determine, de novo, all questions, both of fact and of law, touching upon the legality and reasonableness of the determination of the administrator, and shall render such judgment as shall be lawful and just. Pending final judgment on such appeal, the order appealed from shall be stayed. Upon motion of the licensee or the administrator the appeal shall be tried ahead of all other actions pending before the court except criminal cases. Appeals to the supreme court may be taken as in other civil proceedings.

[1957 c 266 s 3]

**168.69 COMPLAINTS ALLEGING VIOLATION.** Any retail buyer having reason to believe that sections 168.66 to 168.77 relating to his retail installment contract has been violated may file with the administrator a written complaint setting forth the details of such alleged violation and the administrator, upon receipt of such complaint, may inspect the pertinent books, records, letters and contracts of the licensee and of the retail seller involved, relating to such specific written complaint.

[1957 c 266 s 4]

**168.70 TESTIMONIAL POWERS OF ADMINISTRATOR.** The administrator shall have power to issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before him in any matter over which he has jurisdiction, control or supervision pertaining to sections 168.66 to 168.77. The administrator shall have the power to administer oaths and affirmations to any person whose testimony is required.

If any person shall refuse to obey any such subpoena, or to give testimony, or to produce evidence as required thereby, any judge of any district court may, upon application and proof of such refusal, make an order for the issuance of a subpoena, or subpoena duces tecum, for the witness to appear before the administrator and to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of such court the clerk shall issue a subpoena, as directed, under the seal of said court, requiring the person to whom it is directed to appear at the time and place therein designated.

If any person served with any such subpoena shall refuse to obey the same, or to give testimony or to produce evidence as required thereby, the administrator may report such refusal to the court, and the court shall thereupon enforce obedience to the subpoena in the manner provided by law for enforcing obedience to subpoenas of the court.

[1957 c 266 s 5]

**168.71 RETAIL INSTALLMENT CONTRACTS.** (a) (1) Every retail installment contract shall be in writing, shall contain all the agreements of the parties, shall be signed by the retail buyer and seller, and a copy thereof shall be furnished to such retail buyer at the time of the execution of the contract.

(2) No provisions for confession of judgment or power of attorney therefor contained in any retail installment contract or contained in a separate agreement relating thereto, shall be valid or enforceable.

(3) The holder of a retail installment contract may, if the contract so provides, collect a delinquency and collection charge on each installment in arrears for a period not less than ten days in an amount not in excess of five percent of each installment or \$5, whichever is the less. In addition to such delinquency and collection charge, the retail installment contract may provide for the payment of attorneys' fees not exceeding 15 percent of the amount due and payable under such contract where such contract is referred to an attorney not a salaried employee of the holder of the contract for collection plus the court costs.

(4) Unless written notice has been given to the retail buyer of actual or intended assignment of a retail installment contract, payment thereunder or tender thereof made by the retail buyer to the last known holder of such contract shall be binding upon all subsequent holders or assignees.

(5) Upon written request from the retail buyer, the holder of the retail installment contract shall give or forward to the retail buyer a written statement of the dates and amounts of payments and the total amount unpaid under such contract. A retail buyer shall be given a written receipt for any payment when made in cash.

(b) The retail installment contract shall contain the following items:

(1) The cash sale price of the motor vehicle which is the subject matter of the retail installment contract;

(2) The amount of the retail buyer's down payment, whether made in money or goods, or partly in money or partly in goods;

(3) The difference between items one and two;

(4) The charge, if any, included in the transaction for any insurance and other benefits, specifying the types of coverage and benefits;

(5) Principal balance, which is the sum of item three and item four;

(6) The amount of the time price differential;

(7) The time balance payable by the retail buyer to the retail seller and the number of installment payments required and the amount of each installment expressed in dollars or percentages, and date of each payment necessary finally to pay the time balance which is the sum of item five and item six.

Provided, however, that said items one to seven inclusive need not be stated in the sequence or order set forth above and that additional items may be included which serve to explain the calculations involved in determining the stated time balance to be paid by the retail buyer.

(c) Every retail seller or sales finance company, if a charge for insurance on the motor vehicle is included in a retail installment contract shall within 30 days after execution of the retail installment contract send or cause to be sent to the retail buyer a policy or policies or certificate of insurance, which insurance shall be written by a company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance and the scope of the coverage and all the terms, exceptions, limitations, restrictions and conditions of

the contract or contracts of the insurance. The buyer of a motor vehicle under a retail installment contract shall have the privilege of purchasing such insurance from an agent or broker of his own selection and selecting an insurance company mutually acceptable to the seller and the buyer; provided, however, that the inclusion of the cost of the insurance premium in the retail installment contract when the buyer selects the agent, broker or company, shall be optional with the seller.

(d) Any sales finance company hereunder may purchase or acquire from any retail seller any retail installment contract on such terms and conditions as may be mutually agreed upon between them. No filing of the assignment, no notice to the retail buyer of the assignment, and no requirement that the retail seller shall be deprived of dominion over the payments hereunder or the goods covered thereby if repossessed by the retail seller shall be necessary to the validity of a written assignment of a retail installment contract as against creditors, subsequent purchasers, pledgees, mortgages and lien claimants of the retail seller.

(e) An acknowledgment by the retail buyer of the delivery of any such copy or notice as required in subsection (a) of this section contained in the body of the statement or contract shall be conclusive proof of delivery in any action or proceeding by or against any assignee of a retail installment contract.

[1957 c 266 s 6]

**168.72 TIME PRICE DIFFERENTIALS.** (a) The time price differential authorized by sections 168.66 to 168.77 in a retail installment sale shall not exceed the following rates:

Class 1. Any motor vehicle designated by the manufacturer by a year model of the same or not more than one year prior to the year in which the sale is made—\$8 per \$100 per year.

Class 2. Any motor vehicle designated by the manufacturer by a year model of two or three years prior to the year in which the sale is made—\$11 per \$100 per year.

Class 3. Any motor vehicle not in Class 1 or Class 2—\$13 per \$100 per year plus a flat charge of \$3 for each such retail installment sale.

(b) Such time price differential shall be computed on the principal balance as determined under section 168.71(b) and shall be computed at the rate indicated on contracts payable in successive monthly installment payments substantially equal in amount extending for a period of one year. On contracts providing for installment payments extending for a period less than or greater than one year, the time price differential shall be computed proportionately.

(c) When a retail installment contract provides for unequal or irregular installment payments, the time price differential shall be at the effective rate provided in subsection (a) hereof, having due regard for the irregular schedule of payment.

(d) The time price differential shall be inclusive of all charges incident to investigating and making the contract, and for the extension of the credit provided for in the contract and no fee, commission, expense or other charge whatsoever shall be taken, received, reserved or contracted for except as provided in sections 168.66 to 168.77.

[1957 c 266 s 7]

**168.73 REFUND CREDITS, ALLOWANCE.** Notwithstanding the provisions of any retail installment contract to the contrary, any retail buyer may pay in full at any time before maturity the debt of any retail installment contract and in so paying such debt shall receive a refund credit thereon for such anticipation of payments. The amount of such refund shall represent at least as great a proportion of the time price differential after first deducting from such time price differential an acquisition cost of \$15, as the sum of the periodic time balances after the month in which prepayment is made, bears to the sum of all the periodic time balances under the schedule of payments in the original contract.

Where the amount of the credit for anticipation of payment is less than \$1, no refund need be made.

[1957 c 266 s 8]

**168.74 EXTENSION OF SCHEDULES, PAYMENTS.** The holder of a retail installment contract, may, upon agreement with the retail buyer, extend the schedules due date, or defer the schedules payment of all or part of any installment payment or payments, or renew the balance of such contract. In any such case the

# MINNESOTA STATUTES 1961

## 168.75 MOTOR VEHICLES; TAXATION; CHAUFFEURS

1680

holder may restate the amount of the installments and the time schedule therefor, and collect as a refinance charge for such extension, deferment or renewal, a flat service fee not to exceed \$5 and a total additional charge not exceeding an amount equal to one percent per month simple interest on the respective descending balances computed from the date of such extension, deferment or renewal.

[1957 c 266 s 9]

**168.75 VIOLATIONS.** (a) Any person engaged in the business of a sales finance company in this state without a license therefor as provided in sections 168.66 to 168.77 shall be guilty of a gross misdemeanor and punished by a fine not exceeding \$500, or by imprisonment for a period not to exceed one year, or by both such fine and imprisonment in the discretion of the court.

(b) In case of an intentional failure to comply with any provision of sections 168.66 to 168.77, the buyer shall have a right to recover from the person committing such violation, to set off or counterclaim in any action by such person to enforce such contract an amount as liquidated damages, the whole of the contract due and payable, plus reasonable attorneys' fees.

(c) In case of a failure to comply with any provision of sections 168.66 to 168.77, other than a wilful failure, the buyer shall have a right to recover from the person committing such violation, to set off or counterclaim in any action by such person to enforce such contract an amount as liquidated damages equal to two times the time price differential, plus reasonable attorneys' fees.

[1957 c 266 s 10]

**168.76 SEVERABILITY CLAUSE.** If any provision of sections 168.66 to 168.77 or the application thereof to any person or circumstances is held unconstitutional, the remainder of sections 168.66 to 168.77 and the application of such provision to other persons or circumstances shall not be affected thereby.

[1957 c 266 s 11]

**168.77 CITATION OF ACT.** Sections 168.66 to 168.77 may be cited as "The Motor Vehicle Retail Installment Sales Act."

[1957 c 266 s 12]

**168.81 REPORTS OF STORAGE OF MOTOR VEHICLE FOR 30 DAYS MADE TO BUREAU OF CRIMINAL APPREHENSION.** Every operator of a structure or place where motor vehicles are stored shall report in writing to the bureau of criminal apprehension the fact that any motor vehicle has been continuously stored in such structure or place more than 30 days without having been removed therefrom when the owner thereof is not personally known to such operator and no contract exists between such operator and owner for such term storage. Such report shall be in form prescribed by such bureau, furnishing identification of such vehicle.

Any person violating this section shall be guilty of a misdemeanor.

[1957 c 872 s 1]