

# MINNESOTA STATUTES 1975 SUPPLEMENT

## 168B.10 ABANDONED MOTOR VEHICLES

has been entered into without prior notice to and request for bids from all persons duly licensed by the agency pursuant to section 168B.10, subdivision 2; (b) does not provide for a full performance bond; or (c) does not provide for total collection and transportation of abandoned motor vehicles, except that the agency may approve a contract covering solely collection or transportation of abandoned motor vehicles where the agency determines total collection and transportation to be impracticable and where all other requirements herein have been met and the unit of government, after proper notice and request for bids, has not received any bid for total collection and transportation of abandoned motor vehicles.

[1975 c 223 s 3]

[For text of subds 2 to 4, see M.S.1974]

### 168B.101 Agency responsibility.

The agency may contract with others or use its own personnel to study programs for the control of motor vehicle waste, abandoned motor vehicles, or other scrap metal, or any combination of these; or to develop public informational material and programs relating to the proper disposal of motor vehicle waste, abandoned motor vehicle or other scrap metal.

[1975 c 223 s 4]

## CHAPTER 169. HIGHWAY TRAFFIC REGULATION

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### 169.01 Definitions.

[For text of subds 1 to 3, see M.S.1974]

**Subd. 4. Motorcycle.** "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and bicycles with motor attached, but excluding a tractor.

[1975 c 29 s 2]

[For text of subds 5 to 59, see M.S.1974]

### 169.06 Signs, signals, markings.

[For text of subds 1 to 4, see M.S.1974]

**Subd. 5. Traffic-control signals.** Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red, and Yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication:

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield

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the right of way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time such signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

### (b) Steady yellow indication:

(1) Vehicular traffic facing a circular yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection, except for the continued movement allowed by any green arrow indication simultaneously exhibited.

(2) Pedestrians facing a circular yellow signal, unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Vehicular traffic facing a steady yellow arrow signal is thereby warned that the protected vehicular movement permitted by the corresponding prior green arrow indication is being terminated.

### (c) Steady red indication:

(1) Vehicular traffic facing a circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until a green indication is shown, except as follows: (i) the driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or stop signal, and with the intention of making a right turn may make such right turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right of way to pedestrians and other traffic lawfully proceeding as directed by the signal at said intersection; or (ii) the driver of a vehicle on a one-way street which intersects another one-way street on which traffic moves to the left shall stop in obedience to a red or stop signal and may then make a left turn into said one-way street, unless an official sign has been erected prohibiting the movement, but shall yield the right of way to pedestrians and other traffic proceeding as directed by the signal at said intersection.

(2) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing a steady red signal alone shall not enter the roadway.

(3) Vehicular traffic facing a steady red arrow signal, with the intention of making a movement indicated by the arrow, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain

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standing until a permissive signal indication is displayed.

(d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except those which can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(e) When a traffic-control signal indication or indications placed to control a certain movement or lane are so identified by placing a sign near the indication or indications, no other traffic-control signal indication or indications within the intersection shall control vehicular traffic for such movement or lane.

[1975 c 49 s 1]

(NOTE: This subdivision is effective January 1, 1976.)

[For text of subds 6 to 8, see M.S.1974]

### 169.121 Motor vehicle drivers under influence of drugs or alcoholic beverages.

Subdivision 1. It shall be a misdemeanor for any person described in clauses (a), (b), (c) or (d) to drive, operate or be in actual physical control of any vehicle within this state:

(a) A person who is under the influence of an alcoholic beverage or narcotic drug;

(b) A person who is an habitual user of narcotic drugs or who is under the influence of a controlled substance which impairs the ability to drive;

(c) A person who is under the influence of a combination of any two or more of the elements named in clauses (a) and (b) hereof;

(d) A person whose blood contains 0.10 percent or more by weight of alcohol.

When a police officer has reason to believe from the manner in which a driver is driving, operating, or actually controlling, or has driven, operated, or actually controlled, a vehicle that such driver may be violating this subdivision he may require the driver to provide a sample of his breath for an immediate preliminary screening test or analysis before an arrest is made, using a device approved by the commissioner for this purpose. The results of such a preliminary screening test or analysis shall be used only for the purpose of guiding the officer in deciding whether an arrest should be made, and shall not be used as evidence in any court action.

The driver of any motor vehicle shall furnish such a sample of his breath when required to do so. The provisions of section 169.123, shall apply to any driver who refuses to furnish a sample of his breath; provided that the license or permit of a driver shall not be revoked pursuant to section 169.123, subdivision 4, for refusal to provide a sample of his breath for preliminary screening purposes, if he submits to a blood, breath or urine test to determine the alcoholic content of his blood pursuant to section 169.123, subdivision 2. Another test may be required of the driver following the screening test pursuant to the provisions of this chapter, which shall be admissible evidence in accordance therewith.

Nothing in this subdivision authorizing such preliminary screening test or analysis shall be construed as changing, limiting, or otherwise modifying the procedures, safeguards, and other provisions of sections 169.121 to 169.123 or ordinances in conformity therewith.

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or who is in actual physical control of any vehicle in the manner prohibited by this subdivision upon the ice of any

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lake, stream, or river, including but not limited to the ice of any boundary water.

[1975 c 370 s 1]

[For text of subds 2 to 6, see M.S.1974]

### 169.14 Speed restrictions.

[For text of subds 1 to 4, see M.S.1974]

**Subd. 5. Zoning within local areas.** When local authorities believe that the existing speed limit upon any street or highway, or part thereof, within their respective jurisdictions and not a part of the trunk highway system is greater or less than is reasonable or safe under existing conditions, they may request the commissioner to authorize, upon the basis of an engineering and traffic investigation, the erection of appropriate signs designating what speed is reasonable and safe, and the commissioner may authorize the erection of appropriate signs designating a reasonable and safe speed limit thereat, which speed limit shall be effective when such signs are erected. Any speeds in excess of these speed limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that any speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful. Alteration of speed limits on streets and highways shall be made only upon authority of the commissioner except as provided in subdivision 5a.

**Subd. 5a. Speed zoning in school zones.** Local authorities may establish a school speed limit within a school zone upon the basis of an engineering and traffic investigation as prescribed by the commissioner of highways. The establishment of a school speed limit on any trunk highway shall be with the consent of the commissioner of highways. Such school speed limits shall be in effect when children are present, going to or leaving school during opening or closing hours or during school recess periods. The school speed limit shall not be lower than 20 miles per hour and shall not be more than 15 miles per hour below the established speed limit on an affected street or highway if the established speed limit is 40 miles per hour or greater. The school speed limit shall be effective upon the erection of appropriate signs designating the speed and indicating the beginning and end of the reduced speed zone. Any speed in excess of such posted school speed limit is unlawful. All such signs shall be erected by the local authorities on those streets and highways under their respective jurisdictions and by the commissioner of highways on trunk highways.

For the purpose of this subdivision, "school zone" means that section of a street or highway which abuts the grounds of a school where children have access to the street or highway from the school property or where an established school crossing is located provided the school advance sign prescribed by the manual on uniform traffic control devices adopted by the commissioner of highways pursuant to section 169.06 is in place.

[For text of subds 7 to 9, see M.S.1974]

**Subd. 10. Radar; speedalyzer devices; standards of evidence.** In any prosecution in which the rate of speed of a motor vehicle is relevant, evidence of the speed as indicated on radar or other speedalyzer devices is admissible in evidence, subject to the following conditions:

- (a) The officer operating the device has sufficient training to properly operate the equipment;
- (b) The officer testifies as to the manner in which the device was set up

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and operated;

(c) The device was operated with minimal distortion or interference from outside sources; and

(d) The device was tested by an accurate and reliable external mechanism, method, or system at the time it was set up.

*Records of tests made of such devices and kept in the regular course of operations of any law enforcement agency are admissible in evidence without further foundation as to the results of the tests. The records shall be available to a defendant upon demand. Nothing in this subdivision shall be construed to preclude or interfere with cross examination or impeachment of evidence of the rate of speed as indicated on the radar or speedalyzer device.*

[1975 c 53 s 1; 1975 c 363 s 1,2]

### 169.734 Wheel devices on automobiles.

Every passenger automobile shall have fenders, or other devices, that are designed to prevent, as far as practicable, water, dirt, or other material being thrown up and to the rear by the wheels of the vehicle.

[1975 c 68 s 2]

### 169.743 Bug deflectors.

Bug deflectors shall be permitted but not required on motor vehicles. No bug deflector shall be sold, offered for sale, or used which is composed of other than non-illuminated, transparent material. No person shall operate any motor vehicle equipped with a bug deflector having more than three inches of material extending above the leading edge at the hood.

[1975 c 68 s 1]

### 169.85 Weighing; penalty.

Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest public scales in the event such scales are within five miles. Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale. When any weigh station upon a trunk highway or interstate highway is open and signs giving notice of that fact are posted in accordance with section 169.06 and are not posted more than one mile from the weigh station, the driver of every vehicle or combination of vehicles registered for or weighing in excess of 11,000 pounds, except buses registered in this state, shall comply with the direction of the signs and submit the vehicle to weighing and inspection at the weigh station.

When an officer, upon weighing a vehicle and load, as above provided, determines that the weight on any axle exceeds the lawful gross weight as prescribed by section 169.83, by 2,000 pounds or more, or when the weight on any group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight as prescribed by section 169.83, by 4,000 pounds or more and in all cases when the weight is unlawful on any axle or group of consecutive axles on any road restricted in accordance with section 169.87, he may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter. All material so unloaded shall be cared for by the owner or driver of such vehicle at the risk of such owner or driver.

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Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing as required herein, or who fails or refuses, when directed by an officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section, shall be guilty of a misdemeanor.

[1975 c 68 s 3]

### 169.974 Motorcycles, motor scooters and motor bikes.

[For text of subd 1, see M.S.1974]

**Subd. 2. License requirements.** No person shall operate a motorcycle on any street or highway after September 30, 1968, unless he has a valid standard driver's license with a two-wheeled vehicle endorsement as provided by law. No such two-wheeled vehicle endorsement shall be issued after July 1, 1969, unless the person applying therefor has in possession a valid two-wheeled vehicle instruction permit as provided herein, has passed a written examination and road test administered by the department of public safety for such endorsement, and, after September 1, 1970, in the case of applicants under 18 years of age, shall present a certificate or other evidence of having successfully completed an approved two-wheeled vehicle driver's safety course in this or another state, in accordance with such regulations as the commissioner of public safety shall promulgate. A two-wheeled vehicle instruction permit shall be issued to any person over 16 years of age, who is in possession of a valid driver's license, and who has passed a written examination for such permit and has paid such fee as the commissioner of public safety shall prescribe. A two-wheeled vehicle instruction permit shall be effective for 45 days, and may be renewed under rules to be prescribed by the commissioner of public safety.

No person who is operating by virtue of a two-wheeled vehicle instruction permit shall:

- (a) Carry any passengers on the streets and highways of this state on the motorcycle which he is operating;
- (b) Drive the motorcycle at night time;
- (c) Drive the motorcycle on a freeway.

Notwithstanding the provisions of this subdivision, the commissioner of public safety may, however, issue a special motorcycle permit, restricted or qualified in such manner as he shall deem proper, to any person demonstrating a need therefor and unable to qualify for a standard driver's license.

[For text of subd 3, see M.S.1974]

**Subd. 4. Equipment for operators and passengers.** (a) When operating a motorcycle on the streets and highways of this state, the operator and passenger, if any, shall wear protective headgear that complies with standards established by the commissioner of public safety; and no person shall operate a motorcycle unless he is wearing an eye-protective device of a type approved by the commissioner, except when the motorcycle is equipped with a wind screen.

(b) The provisions of this subdivision shall not apply to persons during their participation in a parade for which parade a permit or other official authorization has been granted by a local governing body or other governmental authority or to persons riding within an enclosed cab.

**Subd. 5. Driving rules.** (a) An operator of a motorcycle shall ride only upon

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a permanent and regular seat which is attached to the vehicle for such purpose. No other person shall ride on a motorcycle; except that passengers may ride upon a permanent and regular operator's seat if designed for two persons, or upon additional seats attached to the vehicle to the rear of the operator's seat, or in a sidecar attached to the vehicle; provided, however, that the operator of a motorcycle shall not carry passengers in a number in excess of the designed capacity of the motorcycle or sidecar attached to it. No passenger shall be carried in a position that will interfere with the safe operation of the motorcycle or the view of the operator.

(b) No person shall ride upon any motorcycle as a passenger unless, when sitting astride his seat, he can reach the foot rests with both feet.

(c) No person, except passengers of sidecars or drivers and passengers of three-wheeled motorcycles, shall operate or ride upon a motorcycle except while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(d) No person shall operate a motorcycle while carrying packages, bundles, or articles which prevent him from keeping both hands on the handlebars.

(e) No person shall operate a motorcycle between lanes of moving or stationary vehicles headed in the same direction, nor shall any person drive a motorcycle abreast of or overtake or pass another vehicle within the same traffic lane, except that motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane.

(f) All motor vehicles including motorcycles are entitled to the full use of a traffic lane and no motor vehicle shall be driven or operated in such a manner so as to deprive any motorcycle of the full use of a traffic lane.

(g) Every person operating a motorcycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to a motor vehicle as provided by law, except as to those provisions which by their nature can have no application.

(h) Clause (e) of this subdivision shall not apply to police officers in the performance of their official duties.

(i) No person shall operate a motorcycle on a street or highway unless the headlight or headlights are lighted at all times the motorcycle is so operated.

[1975 c 29 s 3-5]

## CHAPTER 171. DRIVERS LICENSES AND DRIVER TRAINING SCHOOLS

Sec.		Sec.	
171.01	Definitions.	171.12	Filing.
171.042	Driver's license for medical reasons.	171.321	Qualifications of school bus drivers.
	[New]		
171.07	Department to issue license and non-qualification certificates; anatomical gift indication.		

### 171.01 Definitions.

[For text of subds 1 to 16, see M.S.1974]