

ment fund. Upon the termination of his employment annuity payments shall be resumed and there shall be no change in the amount of such annuity because of such employment.

Approved April 14, 1945.

CHAPTER 285—S. F. No. 562

An act for the promotion of safety of travel, minimizing of accidents on public highways and relating to the giving of proof of financial responsibility and security by owners and drivers of motor vehicles; repealing Minnesota Statutes 1941, Chapter 170.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Definitions.** Subdivision 1. The following words and phrases, when used in this act, shall, for the purpose of this act, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

Subd. 2. "Commissioner" means the commissioner of highways of the State of Minnesota acting directly or through his authorized agents.

Subd. 3. "Judgment" means any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state of the United States, upon a cause of action arising out of ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

Subd. 4. "License" means any license, temporary instruction permit or temporary license issued under the law of this State pertaining to the licensing of persons to operate motor vehicles.

Subd. 5. "Motor Vehicle" means every self-propelled vehicle which is designed for use upon a highway, including

trailers and semi-trailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers.

Subd. 6. "Non-resident" means every person who is not a resident of this State.

Subd. 7. "Non-resident's operating privilege" means the privilege conferred upon a non-resident by the laws of this state pertaining to the operation in this state by him of a motor vehicle, or the use of a motor vehicle owned by him.

Subd. 8. "Driver" means every person who is in actual physical control of a motor vehicle whether or not licensed as a driver under the laws of this state.

Subd. 9. "Owner" means a person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this act.

Subd. 10. "Proof of Financial Responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of \$5,000 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 \$10,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$1,000 because of injury to or destruction of property of others in any one accident.

Subd. 11. "State" means any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

Sec. 2. Rules; review. Subdivision 1. The commissioner shall have the powers and perform the duties imposed upon him by this act and may make rules and regulations necessary therefor and shall provide for hearings upon request of any person aggrieved by his final orders under this act.

Subd. 2. Any person aggrieved by a final order of the commissioner under this act may review such order by certiorari in Ramsey County or the county of such person's residence in the manner provided by law. The issuance of a writ

of certiorari shall not suspend the order of the commissioner unless a stay thereof shall be allowed by the court pending final determination of the matter.

Sec. 3. Abstracts; fee; admissible in evidence. The commissioner shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this act, and, if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the commissioner shall so certify. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident. A fee of \$1.00 shall be paid for each such abstract.

Sec. 4. Suspension of license for neglect to report accident. The commissioner may suspend the license, or any non-resident's operating privilege, of any person who wilfully fails, refuses or neglects to make report of a traffic accident as required by the laws of this State.

Sec. 5. Suspension of license, when; when not applicable. Subdivision 1. The commissioner shall, within 60 days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$50.00 suspend the license of each driver and owner of each vehicle in any manner involved in such accident, and if such driver or owner is a non-resident the privilege of operating a motor vehicle within this state unless such driver or owner shall deposit security as provided in sections 9 and 10 hereof in a sum which shall be sufficient in the judgment of the commissioner to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such driver or owner; provided notice of such suspension shall be sent by the commissioner to such driver and owner not less than ten days prior to the effective date of such suspension and shall state the amount required as security.

Subd. 2. This section shall not apply under the conditions stated in section 6 or to any of the following:

(1) To such driver or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident, affording substantially the same coverage as is required for proof of financial responsibility under this act.

(2) To such driver, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles, affording substantially the same coverage as is required for proof of financial responsibility under this act.

(3) To such driver or owner if the liability of such driver or owner for damages resulting from such accident is, in the judgment of the commissioner, covered by any other form of liability insurance policy or bond; or

(4) To the driver or owner of any motor vehicle if such owner is at the time of such accident qualified as a self-insurer under section 32.

Subd. 3. No such policy or bond shall be effective under this section unless issued by an insurance carrier or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance carrier or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the commissioner to accept service, on its behalf, of notice or process in any action upon such policy or bond arising out of such accident; provided, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$5,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than \$10,000 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$1,000 because of injury to or destruction of property of others in any one accident. Upon receipt of notice of such accident, the insurance carrier or surety company which issued such policy or bond shall furnish for filing with the commissioner a written notice that such policy or bond was in effect at the time of such accident.

Sec. 6. Requirements as to security and suspension do not apply, when. The requirements as to security and suspension in section 5 shall not apply:

(1) To the driver or the owner of a motor vehicle involved in an accident wherein no injury or damage was

caused to the person or property of any one other than such driver or owner;

(2) To the driver or the owner of a motor vehicle if at the time of the accident the vehicle was stopped, standing or parked and whether attended or unattended, except that the requirements of this act shall apply in the event the commissioner determines that any such stopping, standing or parking of the vehicle was illegal or that the vehicle was not equipped with lighted lamps or illuminating devices when and as required by the laws of this state and that any such violation contributed to the accident;

(3) To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission;

(4) If, prior to the date that the commissioner would otherwise suspend license or non-resident's operating privilege under section 5, there shall be filed with the commissioner evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a confession of judgment, payable when and in such instalments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in instalments, with respect to all claims for injuries or damages resulting from the accident.

Sec. 7. Release from suspension or renewal of license. The license or non-resident's operating privilege suspended as provided in section 5 shall remain so suspended and shall not be renewed nor shall any such license be issued to such person until

(1) Such person shall deposit or there shall be deposited on his behalf the security required under section 5; or

(2) One year shall have elapsed following the date of such accident and evidence satisfactory to the commissioner has been filed with him that during such period no action for damages arising out of such accident has been instituted; or

(3) Evidence satisfactory to the commissioner has been filed with him of a release from liability, or a final adjudication of non-liability, or a confession of judgment, or a duly acknowledged written agreement, in accordance with Section

6, Subdivision 4; provided, in the event there shall be any default in the payment of any instalment under any confession of judgment, then upon notice of such default, the commissioner shall forthwith suspend the license or non-resident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid; and provided further, that in the event there shall be any default in the payment of any instalment under any duly acknowledged written agreement, then, upon notice of such default, the commissioner shall forthwith suspend the license or non-resident's operating privilege of such person defaulting which shall not be restored unless and until such person deposits and thereafter maintains security as required under section 5 in such amount as the commissioner may then determine, or one year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this state.

Sec. 8. Requirements of one not licensed. In case the driver or the owner of a motor vehicle involved in an accident within this state has no license, he shall not be allowed a license until he has complied with the requirements of this act to the same extent that would be necessary if, at the time of the accident, he had held a license.

Sec. 9. Commissioner may fix, reduce, or increase requirement. The security required under this act shall be in such form and amount as the commissioner may require but in no case in excess of the limits specified in section 5 in reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person in whose behalf the deposit is made and, at any time while such deposit is in the custody of the commissioner or state treasurer, the person depositing it may, in writing, amend the specification of the person on whose behalf the deposit is made to include an additional person; provided, that a single deposit of security shall be applicable only on behalf of a person required to furnish security because of the same accident.

The commissioner may reduce or increase the amount of security ordered in any case if, in his judgment, the amount ordered is excessive or inadequate. In case the security originally ordered has been deposited the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of section 10.

Sec. 10. Deposit of security with state treasurer; release.

Subdivision 1. Security deposited in compliance with the requirements of this act shall be placed by the commissioner in the custody of the state treasurer and shall be applied as in subdivision 2 hereof only to the payment of a judgment rendered against the person on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under Section 7, Clause 3, and such deposit or any balance thereof shall be returned to the depositor or his personal representative, when evidence satisfactory to the commissioner has been filed with him that there has been a release from liability, or a final adjudication of non-liability, or a confession of judgment, or a duly acknowledged agreement, in accordance with Section 6, Clause 4, or whenever, after the expiration of one year from the date of the accident, or within one year after the date of deposit of any security under Section 7, Clause 3, the commissioner shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid. Upon certification by the commissioner the state treasurer shall return any security deposited with him under the provisions of this act to the person entitled thereto.

Subd. 2. Such deposit shall be held by the state treasury to satisfy, in accordance with the provisions of this act, any execution on a judgment issued against the person for whom such deposit was made, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle in the accident which resulted in the requirement for the deposit of such security. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

Sec. 11. Record not admissible as evidence. Neither the report required, the action taken by the commissioner pursuant to this act, the findings, if any, of the commissioner upon which action is based, nor the security filed as provided in this act shall be referred to in any way, nor be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

Sec. 12. Notice of failure to satisfy judgment. When any person fails within 30 days to satisfy any judgment, it

shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state, to forward to the commissioner immediately after the expiration of said 30 days, a certified copy of such judgment and affidavit of identification.

If the judgment debtor named in any certified copy of a judgment reported to the commissioner is a non-resident, the commissioner shall transmit a certified copy of the judgment to the official in charge of the issuance of drivers' licenses of the state of which the judgment debtor is a resident.

Sec. 13. Suspension of license; temporary release. Subdivision 1. The commissioner, upon receipt of a certified copy of a judgment, shall forthwith suspend the license or any non-resident's operating privilege, of any person against whom such judgment was rendered except as hereinafter otherwise provided in this section and in section 15.

Subd. 2. If the judgment creditor consents in writing, in such form as the commissioner may prescribe, that the judgment debtor be allowed license or non-resident's operating privilege, the same may be allowed by the commissioner, in his discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any instalments thereof prescribed in section 15, provided the judgment debtor furnishes proof of financial responsibility.

Subd. 3. Any person whose license or non-resident's operating privilege has been suspended or is about to be suspended or shall become subject to suspension under the provisions of this act may be relieved from the effect of such judgment as hereinbefore prescribed in this act by filing with the commissioner an affidavit stating that at the time of the accident upon which such judgment has been rendered the affiant was insured, that the insurer is liable to pay such judgment, and the reason, if known, why such insurance carried has not paid such judgment. Such person shall also file the original policy of insurance or a copy thereof, if available, and such other documents as the commissioner may require to show that the loss, injury, or damage for which such judgment was rendered, was covered by such policy of insurance. If the commissioner is satisfied from such papers that such insurer was authorized to issue such policy of insurance at the time and place of issuing such policy and that such insurer is liable to pay such judgment, at least to the extent and for the amounts required in this act, the commissioner shall

not suspend such license or non-resident's operating privilege, or if already suspended shall reinstate them.

Subd. 4. A license or non-resident's operating privilege shall remain suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in sections 13 and 15 of this act.

Subd. 5. A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this act.

Sec. 14. Satisfaction of judgment. Subdivision 1. Judgments herein referred to shall, for the purpose of this act only, be deemed satisfied:

(1) When \$5,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(2) When, subject to such limit of \$5,000 because of bodily injury to or death of one person, the sum of \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(3) When \$1,000 has been credited upon any judgment or judgments rendered in excess of that amount because of damage to or destruction of property of others as a result of any one accident.

Subd. 2. Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

Sec. 15. Instalment payments. Subdivision 1. A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in instalments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the instalments.

Subd. 2. The commissioner shall not suspend a license, or a non-resident's operating privilege, suspended following

non-payment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in instalments, and while the payment of any said instalment is not in default.

Subd. 3. In the event the judgment debtor fails to pay any instalment as specified by such order, then upon notice of such default, the commissioner shall forthwith suspend the license, or non-resident's operating privilege, of the judgment debtor until such judgment is satisfied as provided in this act.

Sec. 16. Revocation of license for reasons other than provisions of this chapter. Subdivision 1. Whenever the commissioner under any other law of this state, revokes the license of any person, such license shall remain revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, unless and until he shall give and thereafter maintain proof of financial responsibility.

Subd. 2. If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, no license shall be thereafter issued to such person until he shall give and thereafter maintain proof of financial responsibility.

Subd. 3. Whenever the commissioner revokes a non-resident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

Sec. 17. Proof of financial responsibility. Proof of financial responsibility when required under this act may be given by filing:

- (1) A certificate of insurance as provided in section 18 or section 19; or
- (2) A bond as provided in section 23; or
- (3) A certificate of deposit of money or securities as provided in section 24.

Sec. 18. Proof by showing insurance coverage. Subdivision 1. Proof of financial responsibility may be furnished by filing with the commissioner the written certificate of any insurance carrier duly authorized to do business in this state

certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is an operator's policy.

Subd. 2. When a certificate is filed showing that a policy or policies have been issued covering certain described motor vehicles or a limited operators policy but not insuring such person when operating all other motor vehicles, the commissioner shall designate suitable restriction upon the drivers license of such person authorizing the operation of only such vehicles as are covered by the certificate. It shall be unlawful for such person to operate any motor vehicle not covered by such certificate. In the event a person desires to be relieved of the foregoing restriction and to be permitted to operate any motor vehicle, he may have such restriction removed upon filing a certificate showing that there has been issued to him a motor vehicle liability policy insuring him against liability arising out of the use of any motor vehicle.

Sec. 19. Non-resident owner. Subdivision 1. The non-resident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the commissioner a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate is registered, or if such non-resident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this act, and the commissioner shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

(1) Said insurance carrier shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;

(2) Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

Subd. 2. If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings

or agreements, the commissioner shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

Sec. 20. Motor vehicle liability policy. Subdivision 1. A "motor vehicle liability policy" as said term is used in this act shall mean an owner's or an operator's policy of liability insurance, certified as provided in section 18 or section 19 as proof of financial responsibility, and issued, except as otherwise provided in section 19, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

Subd. 2. Such owner's policy of liability insurance

(1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

(2) Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: \$5,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, \$10,000 because of bodily injury to or death of two or more persons in any one accident, and \$1,000 because of injury to or destruction of property of others in any one accident.

Subd. 3. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle, either unlimited, or limited by excluding certain classes or types of motor vehicles, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

Subd. 4. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this act as respects

bodily injury and death or property damage, or both, and is subject to all the provisions of this act.

Subd. 5. Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

Subd. 6. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(1) The liability of the insurance carrier with respect to the insurance required by this act shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

(2) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(3) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision 2, clause 2, of this section for the accident out of which such claim arose.

(4) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this act shall constitute the entire contract between the parties.

Subd. 7. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this act. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

Subd. 8. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this act.

Subd. 9. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

Subd. 10. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

Subd. 11. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Sec. 21. Notice of proposed cancelation of policy by insurer. When an insurance carrier has certified a motor vehicle liability policy under section 18 or section 19, the insurance so certified shall not be cancelled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the commissioner, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

Sec. 22. Other laws requiring insurance. Subdivision 1. This act does not apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform to the requirements of this act, may be certified as proof of financial responsibility under this act.

Subd. 2. This act shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.

Sec. 23. Bond as required by Section 1, Subdivision 10. Subdivision 1. Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate not exempt from execution of a value twice the amount of such bond, which real estate shall be scheduled in the bond approved by a judge

of a court of record, and recorded in the office of the register of deeds of each county in which such real estate is situate, which said bond shall be conditioned for payment of the amounts specified in Section 1, Subdivision 10. Such bond shall be filed with the commissioner and shall not be cancellable except after ten days' written notice to the commissioner. Such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist for the benefit of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such bond is recorded.

Subd. 2. If such a judgment rendered against the principal on such bond shall not be satisfied within 60 days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in his own name against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond.

Sec. 24. Deposit of cash with state treasurer. Subdivision 1. Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him \$11,000 in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of \$11,000. The state treasurer shall not accept any such deposit and issue a certificate therefor and the commissioner shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

Subd. 2. Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this act, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of damage to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

Sec. 25. Employment or family connection in lieu of proof of financial responsibility. Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the commissioner shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The commissioner shall designate the restrictions imposed by this section on the face of such person's license.

Sec. 26. Release of bond or deposit on making other proof of responsibility. Subdivision 1. The commissioner shall consent to the cancellation of any bond or certificate of insurance, or the commissioner shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this act.

Subd. 2. The commissioner shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the commissioner.

Sec. 27. Procedure of failure of proof on file. Whenever any proof of financial responsibility filed under the provisions of this act no longer fulfills the purposes for which required, the commissioner, shall for the purpose of this act, require other proof as required by this act and shall suspend the license or the non-resident's operating privilege upon failure to file such other proof as required.

Sec. 28. Cancellation of bond or return of deposit. Subdivision 1. The commissioner shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the commissioner shall direct and the state treasurer shall return to the person entitled thereto any money or securities

deposited pursuant to this act as proof of financial responsibility, or the commissioner shall waive the requirement of filing proof, in any of the following events:

(1) At any time after five years from the date such proof was required when, during the five-year period preceding the request, the commissioner has not received record of a conviction or a forfeiture of bail which would require the revocation of the license, or non-resident's operating privilege of the person by or for whom such proof was furnished; or

(2) The death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(3) The surrender of his license to the commissioner by the person who has given proof.

Subd. 2. The commissioner shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the commissioner.

Subd. 3. Whenever any person whose proof has been cancelled or returned under clause 3 of this section applies for a license within a period of five years from the date proof was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such five-year period.

Sec. 29. Seizure or return of driver's license. Any person whose license is suspended as herein provided, or whose policy of insurance or bond, when required under this act, is cancelled or terminated, or who neglects to furnish other proof upon request of the commissioner shall immediately return his license to the commissioner. If any person fails to return to the commissioner the license as provided herein, the commissioner shall forthwith direct any peace officer to secure possession thereof and to return the same to the commissioner.

Sec. 30. Gross misdemeanor; misdemeanor. Subdivision 1. It is a gross misdemeanor for any person whose license or non-resident's operating privilege has been suspended or revoked under this act to drive any motor vehicle upon any highway except as permitted under this act during such suspension or revocation.

Subd. 2. It is a gross misdemeanor for any person to forge or, without authority, sign any notice provided for under section 5 that a policy or bond is in effect, or any evidence of proof of financial responsibility, or to file or offer for filing any such notice or evidence of proof of financial responsibility, or to file or offer for filing any such notice or evidence of proof knowing or having reason to believe that it is forged or signed without authority.

Subd. 3. It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a gross misdemeanor or a felony.

Sec. 31. Federal, state, or municipal ownership. This act does not apply with respect to any motor vehicle owned and operated by the United States, this state or any political subdivision of this state or any municipality therein.

Sec. 32. Who may be self-insurer. Subdivision 1. Any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the commissioner as provided in subdivision 2 of this section.

Subd. 2. The commissioner may, upon the application of any person, issue a certificate of self-insurance when he is satisfied that such person is possessed and will continue to be possessed of ability to pay any judgment obtained against him.

Subd. 3. Upon not less than five days' notice and a hearing pursuant to such notice, the commissioner may cancel a certificate of self-insurance if he is satisfied that such person is not possessed or will not continue to be possessed of ability to pay any judgment obtained against him. Failure to pay any judgment within 30 days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

Sec. 33. Effect on certain laws. This act is not a repeal of the Highway Traffic Regulation Act or the Drivers License Law but is supplementary thereto.

Minnesota Statutes 1941, Chapter 170, is hereby superseded except as to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this state, occurring prior to the effective date of this act.

Sec. 34. Driver deemed agent of owner. Whenever any motor vehicle, after this act becomes effective, shall be operated upon any public street or highway of this state, by any person other than the owner, with the consent of the owner, express or implied, the operator thereof shall in case of accident, be deemed the agent of the owner of such motor vehicle in the operation thereof.

Sec. 35. Non-resident owner. The use and operation by a non-resident or his agent of a motor vehicle upon and over the highways of the state of Minnesota, shall be deemed an appointment by such non-resident of the commissioner to be his true and lawful attorney upon whom may be served all legal processes in any action or proceeding against him, growing out of such use or operation of a motor vehicle over the highways of this state, resulting in damages or loss to person or property, and said use or operation shall be a signification of his agreement that any such process in any action against him which is so served, shall be of the same legal force and validity as if served upon him personally. Service of such process shall be made by serving a copy thereof upon the commissioner or by filing such copy in his office, together with payment of a fee of \$2.00 and such service shall be sufficient service upon the said non-resident; provided, that notice of such service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at his last known address and that the plaintiff's affidavit of compliance with the provisions of this act is attached to the summons.

The court in which the action is pending may order such continuance as may be necessary to afford the defendant reasonable opportunity to defend any such action, not exceeding 90 days from the date of filing of the action in such court. The fee of \$2.00 paid by the plaintiff to the commissioner at the time of service of such proceedings shall be taxed in his cost if he prevails in the suit. The said commissioner shall keep a record of all such processes so served which shall show the day and hour of such service.

Sec. 36. Not retroactive. This act shall not apply with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this state, or city or village ordinances occurring prior to the effective date of this act.

Sec. 37. **May rely on other process.** Nothing in this act shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

Sec. 38. **Citation.** This act may be cited as the Safety Responsibility Act.

Sec. 39. **Effective.** This act shall take effect on the 1st day of July, 1945.

Approved April 16, 1945.

CHAPTER 286—H. F. No. 215

An act relating to firemen's relief associations in cities of the first class, amending Minnesota Statutes 1941, Section 69.47.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Minnesota Statutes 1941, Section 69.47, is amended to read as follows :

69.47. **War service included in period of service.** Any applicant for a service pension who subsequent to his entry into the service of such fire department *leaves the active service of such fire department to serve* in the military forces of the United States in any war or national emergency, or having during such war or emergency *left the active service of such fire department to enter* the employment of the government of the United States and in such service rendered fire prevention services during such war or emergency and has returned after his honorable discharge from such service, and, *within six months after such discharge, either applied for reinstatement in or resumed active duty in said fire department,* the period of his absence in such service of the United States shall be counted in computing the period of service hereinbefore provided for, but during such period of military or fire prevention service he shall not be considered as an active member of his association.

Approved April 13, 1945.