

CHAPTER 168

MOTOR VEHICLES

168.01 DEFINITIONS.

HISTORY. 1911 c. 365 s. 1; 1915 c. 33 s. 1; G.S. 1913 s. 2619; 1921 c. 461 s. 1; G.S. 1923 s. 2672; 1925 c. 299 s. 1; 1927 c. 165 s. 1; M.S. 1927 s. 2672; 1929 c. 432; 1931 c. 217 s. 1; 1933 c. 344 s. 1; M. Supp. s. 2672; 1941 c. 465; 1943 c. 536 s. 1; 1943 c. 602 s. 1; 1945 c. 15; 1945 c. 115 s. 1.

The defendant was properly convicted, although he was not blocking any traffic but was merely driving on a part of the street most convenient to him. He was driving a truck, and it being a slow moving vehicle should have kept the zone near the right curb. *State v Bussian*, 111 M 488, 127 NW 495.

The fire apparatus of a city while on its way to a fire is excepted from the speed regulations imposed by the motor vehicle act, although the fire be outside the city limits. *Hubert v Granzow*, 131 M 361, 154 NW 204.

A construction should be avoided which would result in inconvenience or absurdity. A policeman is not charged with a violation of the motor vehicle act because, while pursuing a lawbreaker to place him under arrest, he operates a motorcycle in a manner prohibited by the state. *Edberg v Johnson*, 149 M 395, 184 NW 12.

Laws 1921, Chapter 454, Section 1, providing that no wheelage tax may be imposed by a municipality "exceeding a sum equal to 20 per cent tax imposed by the state in lieu of all other taxes," means that the wheelage tax shall not exceed 20 per cent of the state tax, which on the same date was fixed on a basis of two per cent of value, and the statute is not void for uncertainty. *Fairley v City of Duluth*, 150 M 374, 185 NW 390.

Laws 1921, Chapter 461, took effect April 23, 1921. In requiring the owner of a motor vehicle who became the owner prior to July 31st to pay a tax for the entire calendar year, the legislature did not exceed its powers. The classification by which certain owners would pay one-half of the tax and other owners one-fourth of the tax, was constitutional. Separation of motor vehicles into classes according to the kind of vehicle, or the age of the vehicle, or the retail list price, does not violate the uniformity clause of the constitution. *Dons v Holm*, 152 M 529, 189 NW 418.

A motor truck owned by a resident of Wisconsin and used for commercial purposes, operating on a time schedule and over a regular route between points in Wisconsin and points in Minnesota, is subject to the motor vehicle tax imposed by Laws 1923, Chapter 418. *State v Oligney*, 162 M 302, 202 NW 893; *Hendricks v Maryland*, 235 US 610; *Kane v N.J.*, 242 US 160.

Under the charter, the city council of the city of St. Cloud may license and regulate the business of carrying packages on the highway by motor vehicles in the state. The state statute under which motor vehicles are taxed or licensed or registered does not conflict with the ordinance. *Jefferson Highway v City of St. Cloud*, 155 M 463, 193 NW 960.

It is within the exclusive province of the legislature to determine what distinction is necessary to warrant placing motor vehicles into classes for the purpose of taxation. Such classification, when made by the legislature, is binding upon the courts, unless clearly arbitrary. *McReavy v Holm*, 166 M 22, 206 NW 942.

Motor vehicles sold and used by corporations paying a gross earnings tax in the operation of their business, are not subject to the tax imposed by this chapter. *Amer. Ry. Exp. v Holm*, 169 M 323, 211 NW 467; *Amer. Ry. Exp. v Holm*, 173 M 72, 216 NW 542.

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A citizen of Minnesota who pays a tax on his automobile in another state is not entitled to free registration in this state. *State v. White*, 176 M 183, 222 NW 918.

Minnesota vehicle tax is both a property tax and a privilege tax. The elements of a property tax and privilege tax are inseparable, and each extends to the entire tax. It may be imposed as a privilege tax against non-residents using our highways, although their cars have not a situs for ordinary taxes as property. A member of the military forces of the United States stationed at Ft. Snelling is subject to the payment of the state motor vehicle tax. *State v. Storaasli*, 180 M 241, 230 NW 572; 283 US 57.

Defendant, a motor bus company, used the streets as a common carrier without a franchise. The city of St. Paul sued to recover license fees because the defendant so used the streets, that there was an implied promise to pay a license fee as named in the city charter. In the absence of express legislative authority which does not exist in this case, an action cannot be maintained to collect a license fee where a license has not been applied for or granted. *City of St. Paul v. Twin City Motor Bus Co.* 187 M 212, 245 NW 33.

Registration of a motor vehicle pursuant to this chapter does not establish and determine title to a vehicle registered, a parol evidence is admissible to show that the title is different from that appearing from the registration. *Bolton v. Owens*, 201 M 162, 275 NW 855; *Flaugh v. Egan*, 202 M 615, 279 NW 582.

Laws 1941, Chapter 548, Sections 13, 14, 19, 22, appropriating moneys from the trunk highway fund to the offices of state auditor and others, respectively, to defray expense in the instant case reasonably attributable to highway matters, is not violative of Minnesota Constitution, Article 16. The test whether an appropriation is toward a highway purpose is not whether each dollar appropriated is earmarked for each particular item of highway expense, but rather whether the charge upon the highway fund accurately reflects highway expenses, as borne by the four offices and departments, and does not exceed the amount of expense properly attributable to highway matters.

(The sections quoted in Laws 1941, Chapter 548, were a part of an appropriation bill which is fully executed and thereafter ineffective at the end of the biennium. Similar sections in the appropriation bills of 1943, and 1945, and as far as the first two are concerned, the payments have been for amounts mutually agreed upon.) *Corey v. King*, 214 M 535, 8 NW(2d) 614.

Each operator of an "X" truck must keep within the limit of his own zone as established by drawing parallel lines from the limits of his own city or village, or cities or villages contiguous thereto. 1934 OAG 630, May 11, 1934 (632E 36).

In construing the 35-mile zone, provision as applied to class "X" trucks, no distinction can be made between inbound and outbound movements. 1934 OAG 727, Jan. 29, 1934 (633a-13).

Motor vehicles used in transporting mail under contract with the federal government are not among the exemptions which permit class "X" trucks to be operated beyond the 35-mile zone, and must keep the 35-mile zone or be prepared to carry "Y" license plates. 1938 OAG 315, May 16, 1938 (632e-36).

A farmer in addition to his own use, may transport farm products for others and charge therefor and still come under class "T" where he is not engaged in transportation as a business. OAG Jan. 16, 1934.

Truck is entitled to "X" classification where the owner has a contract to deliver road culverts and also hauls cord wood, fence posts, or other raw forest products on first haul from forest where produced. OAG Feb. 2, 1934.

Truck owned by a cooperative live stock association may be registered in class "T", provided the association is not engaged in the transportation business. OAG Feb. 13, 1934.

Holdings relative to classification of school buses. OAG Feb. 15, 1934; OAG March 22, 1934.

Auxiliary wheels used in transportation should be registered as "semi trailers." OAG March 19, 1934; OAG June 17, 1937 (632e-35).

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As to whether or not pleasure motor vehicles used occasionally for the delivery of merchandise are subject to registration as trucks is a question of fact as to the amount of use. OAG July 2, 1934 (633j-1).

Where an ordinary farm tractor is used for hauling a farm wagon to a canning factory, the tractor must be registered as a class "T" truck, and the wagon a trailer. OAG Aug. 12, 1938, (632e-32).

Class "T" trucks had been included and motor vehicle used to deliver minnows. OAG June 6, 1939 (632E-35).

Where the federal government transferred certain vehicles to Federal Cartridge Corporation, the vehicles must be registered if in use more than 30 days. OAG July 31, 1944 (632a-21).

Uniformity of taxation of motor vehicles. 6 MLR 334.

State income tax. 12 MLR 683.

Taxation of motor vehicles. 16 MLR 84.

Statutory liability for owners for the negligence of persons operating automobiles with the owners consent. 21 MLR 827.

168.02 VEHICLES EXEMPT FROM MOTOR VEHICLE LICENSE.

HISTORY. 1921 c. 461 s. 2; 1923 c. 418 s. 2; G.S. 1923 s. 2673; M.S. 1927 s. 2673; 1931 c. 39 s. 1; 1933 c. 298; 1939 c. 349; M. Supp. s. 2673; 1941 c. 237; 1941 c. 360 s. 1; 1943 c. 628 s. 1.

A motor truck used by a citizen of Wisconsin in commercial freighting between points in Wisconsin and points in Minnesota is not exempt from the motor vehicle tax. That a portion of the route is a highway receiving federal aid, does not relieve the owner from the tax. *State v Oligney*, 162 M 302, 202 NW 893.

The tax upon motor vehicles is fixed with reference to the use made of public highways. Vehicles are prohibited from using the highways until the tax is paid and the tax therefore operates as a privilege tax. *Raymond v Holm*, 165 M 215, 206 NW 166.

Motor vehicles owned and used by corporations paying a gross earnings tax are exempt from the tax imposed by this chapter. *Amer. Ry. Exp. Co. v Holm*, 169 M 323, 211 NW 467.

An automobile owned by a soldier stationed at Ft. Snelling and used on the highways of the state outside of the reservation, is not exempt from taxation. *State v Storaasli*, 180 M 241, 340 NW 572, 283 US 57.

The secretary of state must satisfy himself that the owner of any motor vehicle desiring to come under the exemption relating to the highway patrol is entitled to the exemption. 1934 OAG 473, June 27, 1933 (632e-12).

Vehicles owned by Indians are not expressly exempted and if they use the highways of the state, within or without the limits of the reservation, are liable for the registration fee. 1934 OAG 486, Aug. 24, 1934.

A combination motor vehicle and feed grinder permanently attached to it, is subject to the motor vehicle tax and exempt from the personal property tax. 1938 OAG 310, Aug. 1, 1938 (632e-2).

A mailcarrier who operates beyond the 35-mile zone is required to have "Y" license plates. 1938 OAG 315, May 16, 1938 (632e-36).

Origin and legislative history relating to exemptions from the motor vehicle tax and time when the taxes are payable. 1940 OAG 322, Oct. 26, 1939 (632e-5).

Vehicles owned and used exclusively by educational institutions solely for transportation of pupils are exempt from the license tax. OAG Nov. 10, 1933; OAG April 3, 1934 (632e-12); OAG May 21, 1934 (632e-12).

Motor vehicles leased to the federal government for its official business are not exempt from the tax. OAG May 18, 1934 (632e-12).

A motor vehicle operated on private property only and not on any street or highway is exempt from the motor vehicle tax. OAG June 11, 1934 (632e-12).

Dog ambulance owned and used by humane society of St. Paul is not exempt from motor vehicle tax. 1938 OAG 12, April 5, 1937 (632e).

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Motor truck owned by county agricultural association is not exempt from motor vehicle tax. OAG May 23, 1938 (632e-12).

Discussion of the rights and privileges of federal armed forces. OAG Feb. 7, 1944 (310).

168.03 FIRE APPARATUS OWNED BY FARMERS' COOPERATIVE ASSOCIATIONS EXEMPT.

HISTORY. 1925 c. 111; M.S. 1927 s. 2673-1.

168.031 CERTAIN VEHICLES EXEMPT.

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

168.032 REFUNDMENT IN CERTAIN CASES.

HISTORY. 1941 c. 7 s. 2.

168.033. MAY PAY PROPORTIONATE PART OF TAX.

HISTORY. 1941 c. 7 s. 3.

168.034 OPERATION OF MOTOR VEHICLES BY SOLDIERS AND SAILORS.

HISTORY. 1941 c. 275 s. 1.

168.035 REGISTRAR TO ISSUE CERTIFICATES.

HISTORY. 1941 c. 275 s. 2.

168.036 VEHICLES WITHOUT CERTIFICATE MAY BE SEIZED.

HISTORY. 1941 c. 27 5s. 3.

168.037 FALSE STATEMENTS A FELONY.

HISTORY. 1941 c. 275 s. 4.

168.038 REGISTRAR MAY PROMULGATE RULES.

HISTORY. 1941 c. 275 s. 5.

168.039 APPLICATION.

HISTORY. 1941 c. 275 s. 6.

168.053 CERTAIN TRANSPORTATION COMPANIES MUST HAVE DRIVE-AWAY IN TRANSIT LICENSE.

HISTORY. 1941 c. 213 s. 1.

168.054 LIABILITY INSURANCE POLICY FILED.

HISTORY. 1941 c. 213 s. 2.

168.055 SAFETY CHAINS TO BE USED; SPEED LIMIT.

HISTORY. 1941 c. 213 s. 3.

168.056 VIOLATION A MISDEMEANOR.

HISTORY. 1941 c. 213 s. 4.

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168.057 FEES TO BE PAID INTO STATE TREASURY.

HISTORY. 1941 c. 213 s. 5.

168.06 RATE OF TAX.

HISTORY. 1921 c. 461 s. 3; 1923 c. 418 s. 3; G.S. 1923 s. 2674; 1925 c. 299 s. 2; M.S. 1927 s. 2674; 1929 c. 330 s. 1; 1931 c. 58; 1931 c. 167; 1933 c. 344 s. 2; 1935 c. 161 s. 1; 1935 c. 310; 1937 c. 346 s. 1; 1939 c. 353 s. 1 1939 c. 388; M. Supp. s. 2674; 1941 c. 12; 1941 c. 515 s. 1; 1943 c. 103 s. 1; 1943 c. 154 s. 1; 1943 c. 536 s. 2; 1943 c. 549 s. 1; 1943 c. 602 s. 2; 1945 c. 16 ss. 1, 2; 1945 c. 386.

An armored automobile engaged in transporting bank messengers carrying money, is not engaged in commercial passenger transportation, nor is it a truck or trailer, and consequently is not subject to the ten per cent license tax on its value; but to a tax of two and three fourths per cent only. *Sweeny Detec. Bureau v Holm*, 164 M 430, 205 NW 270.

It is the prerogative of the legislature to classify property for the purpose of taxation. Placing trucks engaged in commercial freighting on regular route schedules, and all other trucks using the public highways in another class, amounts to a legislative finding that there is sufficient difference to justify that classification, and the courts will not disturb the findings. *Raymond v Holm*, 165 M 215, 206 NW 166; *McReavy v Holm*, 166 M 22, 206 NW 942.

Motor buses carrying passengers for hire from the business center of Superior, Wisconsin, to the business center of Duluth, Minnesota, are not subject to a tax of ten per cent. *Wickman v Holm*, 166 M 26, 206 NW 705.

Under its charter, the city of St. Cloud may license and regulate the business of carrying passengers for hire by motor vehicles in the city. The state statute does not conflict with the ordinance. *Jefferson Highway v City of St. Cloud*, 155 M 463, 193 NW 960.

Laws 1921, Chapter 461, Section 16, providing for the taxation of motor vehicles once used on the public streets and highways on a more onerous basis than other personal property, does not contravene the Minnesota Constitution, Article 16, Section 3. *State v Peterson*, 159 M 269, 198 NW 1011.

Laws 1927, Chapter 12, providing for the taxing of motor vehicles of express companies, such tax to be in addition to the gross earnings tax, is invalid. *Amer. Ry. Exp. Co. v Holm*, 173 M 72, 216 NW 542.

A citizen of Minnesota must pay the annual vehicle tax on vehicle used on Minnesota highway, even though the vehicle is out of the state a major portion of the year. *State v White*, 176 M 183, 223 NW 918.

New and unused motor vehicles for sale in the hands of a dealer on May 1st which do not become users of the highways, are not subject to the motor vehicle tax but are taxable as personal property. If they are later sold, and the motor vehicle tax paid thereon, the dealer is not entitled to a reduction or abatement of his assessed ad valorem tax. *State ex rel v Minnesota Tax Commission*, 178 M 300, 227 NW 43.

This section is valid and does not offend any constitutional provision. *City of Minneapolis v Armson*, 188 M 167, 246 NW 660.

The Minneapolis ordinance regulating motor bus transportation of passengers for hire from points within the city to points without the city, and vice versa, and requiring a license therefor, was not nullified by Laws 1923, Chapter 418, Section 3(f), in so far as the ordinance requires a license. *State v Palmer*, 212 M 388, 3 NW(2d) 666.

Combination motor vehicle and feed grinder is exempt from the personal property tax. 1938 OAG 310, Aug. 1, 1938 (632e-2).

House trailers used for pleasure purposes only, and towed by the ordinary type of pleasure passenger motor vehicle, are subject to the tax provided for in Laws 1935, Chapter 161, Section 1, as motor vehicle for carrying passengers; and are taxable at the rate of two and two-tenths per cent of value. 1938 OAG 311, June 16, 1937 (632e8).

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Penalty regarding use of improper plates. 1938 OAG*312, June 15, 1938 (632a-16).

Importation from one state into another is a test of "interstate commerce." A contract for the carriage of goods from one state to another is an entire contract and is an interstate contract, and the carriage of goods under such contract is interstate commerce. 1938 OAG 313, April 19, 1938 (632e-14).

The base price for computing the motor vehicle registration tax of the motor vehicles listed in the statement of the respective manufacturers for the year 1938 is the price at which the manufacturers sell the motor vehicle listed as of Oct. 1, 1937, at the factory at retail. 1938 OAG 314, Nov. 4, 1937 (632a-25).

A truck of a cooperative creamery used only to go to the farms of the patrons to pick up the cream, may not be registered in the "T" class. OAG June 27, 1934 (632e-35).

The secretary of state must collect additional tax where the vehicle has paid the tax in full at the time of payment but a subsequent statute has increased the tax for that year. OAG April 25, 1935 (632d).

A vehicle never leaving the state but meeting incoming trucks from other states, and distributing merchandise which is unloaded directly to it, may be registered as engaged in transporting property in interstate commerce, and is entitled to registration in the truck mile tax class. OAG April 19, 1938 (632e-14).

Trucks used by a traveling circus may be registered in class "X". OAG June 8, 1938 (632e-36).

Buses not actually delivered prior to July 1st are subject to one-half tax. OAG Aug. 5, 1939 (632e).

A blanket bond may be used to cover a fleet of trucks but it should properly identify and describe each vehicle. Each vehicle must be valued at not less than \$200.00. OAG Dec. 14, 1933.

License for interstate motor buses. 8 MLR 170.

The validity of compulsory motor vehicle insurance act. 10 MLR 149.

Privilege or property tax. 10 MLR 447.

Double taxation of motor vehicles. 14 MLR 190.

Dates of registration; exemption from registration tax. 26 MLR 234.

168.073 APPLICATION; INTENT; REFUNDMENT OF TAX.

HISTORY. 1943 c. 103 ss. 2 to 4.

168.075 REGISTRATION OF MOTOR VEHICLES ENGAGED IN COMMERCIAL PASSENGER TRANSPORTATION.

HISTORY. 1943 c. 98.

168.08 TAXATION OF CERTAIN MOTOR VEHICLES.

HISTORY. 1933 c. 360 s. 1; M. Supp. c. 2674-4.

The 1,000 pounds tolerance applies to a semi-trailer. It does not apply to a truck-tractor. OAG Dec. 29, 1943 (632e-34).

Whether a truck is being used in interstate or intrastate commerce is a question of fact for the decision of the registrar, subject to court review. OAG Jan. 3, 1944 (632c-14).

Although trucks between St. Paul and Duluth cross a half-mile of Wisconsin territory, they are deemed to be engaged in intrastate commerce. OAG Jan. 17, 1944 (263e-14).

Cars in dealers hands are not taxable as personal property. OAG July 31, 1944 (632e).

Under laws 1943, Chapter 98, a meat packing plant is deemed to be a manufacturer of war materials. OAG Jan. 12, 1944 (632e-1).

168.09 REGISTRATION OF MOTOR VEHICLES; OPERATION WITHOUT REGISTRATION FORBIDDEN; PURCHASERS OF NEW VEHICLES.

HISTORY. 1903 c. 356 s. 5; R.L. 1905 s. 1273; 1911 c. 365 s. 2; G.S. 1913 s. 2620; 1921 c. 461 s. 4; 1923 s. 418 s. 4; G.S. 1923 s. 2675; 1927 c. 88; M.S. 1927 s. 2675.

Whether the tax imposed by Laws 1923, Chapter 418, is regarded as an ad valorem or a privilege tax, or as both, it cannot be escaped by non-resident owner of a motor truck used upon the highways of this state to transport goods in interstate commerce. *State v Oligney*, 162 M 302, 202 NW 893.

Motor vehicles owned and used by corporations paying a gross earnings tax are not subject to the tax imposed by this chapter. *American Ry. Exp. Co. v Holm*, 169 M 323, 211 NW 467.

A member of the military forces stationed at Ft. Snelling is subject to the payment of the motor vehicle tax on an automobile used by him on the highways of the state, for his convenience and pleasure. *State v Storaasli*, 180 M 241, 230 NW 572, 283 US 62.

A husband purchased an automobile, paid the purchase price and the upkeep. The title was registered in the name of his wife who signed a chattel mortgage securing the unpaid purchase price. The wife did not drive the car and cannot be held liable under the family automobile doctrine for the negligence of the husband in operating the car. *Cewe v Schuminski*, 182 M 126, 233 NW 805.

In the statutes requiring the registration of automobiles, there is nothing to prevent conditional sales contracts covering motor cars from the ordinary effect of the recording act. *Drew v Feuer*, 185 M 133, 240 NW 114.

A taxpayer cannot assign to the state moneys due him from the county in payment of the tax. Tax must be paid in cash. OAG July 22, 1930.

Validity of "compulsory motor vehicle insurance act." 10 MLR 150.

Effect of registration on title. 22 MLR 720.

168.10 LISTING ON MOTOR VEHICLES.

HISTORY. 1921 c. 461 s. 5; 1923 c. 418 s. 5; G.S. 1923 s. 2676; 1925 c. 416 s. 2; M.S. 1927 s. 2676; 1937 c. 431 s. 1; M. Supp. s. 2676; 1941 c. 515 s. 2.

Registration of an automobile under the state motor vehicle law is prima facie but not conclusive evidence of title in whose name the car is registered. But if there is evidence of other ownership, it presents a fact question for the jury. *Flaugh v Egan Chevrolet, Inc.* 202 M 615, 279 NW 582.

Motor vehicle registration. 26 MLR 234.

168.11 REGISTRAR SHALL ISSUE REGISTRATION CERTIFICATE.

HISTORY. 1921 c. 461 s. 6; 1923 c. 418 s. 6; G.S. 1923 s. 2677; M.S. 1927 s. 2677.

The judgment for the return of the automobile was right because there was no proper proof of ownership of it when taken from the possession of the defendant, who did not claim under the vendee in the conditional sales contract. *Iowa Guaranty v Kingery*, 181 M 477, 233 NW 18.

Registration of the motor vehicle pursuant to this chapter does not establish title to a vehicle. A parol evidence is admissible to show that the title is different from that appearing in the registration. *Bolton v Owens*, 201 M 162, 275 NW 855.

168.12 REGISTRAR SHALL FURNISH NUMBER PLATES.

HISTORY. 1903 c. 356 s. 5; R.L. 1905 s. 1274; 1911 c. 365 s. 8; 1913 s. 2626; 1921 c. 461 s. 7; 1921 c. 472 s. 1; 1923 c. 418 s. 7; G.S. 1923 ss. 2678, 2702; M.S. 1927 s. 2678.

168.13 REGISTRAR TO REGISTER ONLY ON PROOF OF OWNERSHIP.

HISTORY. 1921 c. 461 s. 8; 1923 c. 418 s. 8; G.S. 1923 s. 2679; M.S. 1927 s. 2679.

In this action of replevin the plaintiff failed to prove default under the conditional sales contract on which it based its right to possession. *Iowa Guaranty Mortgage Corp. v Kingery*, 181 M 477, 233 NW 18.

Laws 1939, Chapter 284, Section 1, requiring the filing of a surety company bond with the registrar of motor vehicles and the payment of a \$5.00 fee before offering for sale or placing on a used car lot for sale, any used or second-hand motor vehicle brought into this state, is a violation of the equal protection clause of the 14th Amendment and of the commerce clause of the Constitution of the United States, and of Minnesota Constitution, Article 1, Section 2. *State v Ernst*, 209 M 586, 297 NW 24.

Is a motor vehicle accident compensation act advisable? 4 MLR 3.

A lien for delinquent taxes may be enforced against a dealer who purchases the vehicle from the one who was record owner at time the tax became delinquent. OAG Feb. 2, 1938 (520h).

168.14 EXPIRATION OF CERTIFICATE.

HISTORY. 1921 c. 461 s. 9; 1923 c. 418 s. 9; G.S. 1923 s. 2680; M.S. 1927 s. 2680; 1941 c. 515 s. 3.

Classifications of registration dates and expirations. OAG June 15, 1938 (632a-16).

168.15 RIGHTS AS TO REGISTRATION CERTIFICATES AND NUMBER PLATES.

HISTORY. 1921 c. 461 s. 10; 1923 c. 418 s. 10; G.S. 1923 s. 2681; 1927 c. 89; M.S. 1927 s. 2681.

On July 9, 1920, the Virginia Automobile Company gave the plaintiff a writing in the form of a bill of sale, but without witnesses or acknowledgment. This was security for a debt. The register of deeds gave plaintiff a certificate of ownership, but the bill of sale was not filed in the manner provided by law. The oil company retained possession, and on Sept. 17, 1920, sold the car to the defendant, who took immediate possession. Defendant is protected as a good faith purchaser, and is the owner and entitled to possession. *Kelly v Reed*, 156 M 39, 194 NW 103.

The holder of a chattel mortgage on a motor vehicle also held the certificate of title. He made an unqualified assignment of the certificate to the mortgagors, and they obtained a new certificate showing them to be the owners. As against a subsequent good faith purchaser from the mortgagors, it is doubtful whether the mortgagee has any rights. *Walker v Fitzgerald*, 157 M 319, 196 NW 269, 197 NW 259.

This section requiring the registration of motor vehicles does not establish an exclusive method of transferring title. *Davis v Grossman*, 201 M 156, 275 NW 858; *Bolton v Owens*, 201 M 162, 275 NW 855.

Where an automobile was purchased by the wife with her own money, plus a turn-in of her husband's car credited on the account, the husband and wife being engaged in running a restaurant, and the license and registration in the name of the wife, ownership is deemed to be in the wife. *State v Buick Car*, 216 M 132, 12 NW (2d) 1.

Irrespective of whether plural owners are tenants in common or joint tenants, all must sign any transfer. OAG Aug. 4, 1944 (632a-21).

The registrar, in case of death of the owner of the car may determine the necessity for probate of the estate, and in certain instances may transfer the registration and license without probate. OAG Nov. 20, 1944 (632e-19).

Transfer of a "Y I" registration to a dealer. OAG April 22, 1938 (632e-37).

Effect of registration of title. 22 MLR 720.

168.16 REFUNDS.

HISTORY. 1921 c. 461 s. 11; 1923 c. 418 s. 11; G.S. 1923 s. 2682; M.S. 1927 s. 2682; 1931 c. 174; 1935 c. 142 s. 1; M. Supp. s. 2682; 1945 c. 600 s. 1.

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The plaintiff express company paid its property tax upon the gross earnings basis. It paid its motor vehicle tax to which it was not subject, as later held by *American Railway Express Co. v Holm*, 169 M 323. It is entitled to the refund provided by this section. *Amer. Ry. Exp. Co. v Holm*, 173 M 98, 216 NW 541.

One who paid his tax before the passage of a law exempting him from the tax paid, is not entitled to a refund except by legislative appropriation. OAG April 29, 1933.

One who paid the registration tax on an automobile and, before having used the car, presented it to the police department, is not entitled to a refund. OAG April 17, 1934 (632e-24).

Refund of registration tax, if erroneously collected on trucks not to be used within the state during the year, should be refunded. OAG April 28, 1934 (632e-24).

The owner of a truck is not entitled to a refund of that part of the tax paid in error due to mistake in computation of the gross weight of the truck. OAG June 27, 1934, (632e-24).

Laws passed by the legislature on Feb. 15th and approved by the governor on Feb. 16th extending time for payment of taxes, did not authorize the secretary of state to make refunds of penalties collected on Feb. 16th. OAG Feb. 23, 1937 (632e-24).

One who has a credit because of a tax paid on motor vehicles permanently removed from the state, may apply such credit on current tax due on other owned vehicles. OAG Sept. 6, 1938 (632e-4).

Where the owner paid a fee to convert a truck registration to another class, he is not entitled to refund if he changes his mind as to the classification, the registrar maintaining the change was correct. OAG May 12, 1944 (632c-24).

168.163 REFUND OF GROSS-WEIGHT USE TAX.

HISTORY. 1943 c. 285 s. 1.

168.165 CHANGE OF CLASS OF REGISTRATION.

HISTORY. 1943 c. 286 s. 1; 1945 c. 600 s. 2.

168.17 REGISTRATIONS SUBJECT TO SUSPENSION.

HISTORY. 1921 c. 461 s. 12; 1923 c. 418 s. 12; G.S. 1923 s. 2683; M.S. 1923 s. 2683.

A person whose driver's license has been suspended or revoked may pay the registration tax and register the vehicle, but is not entitled to license plates until he has complied with the financial responsibility act. OAG Oct. 8, 1934 (291f).

168.18 RECIPROCAL PERMISSION TO NON-RESIDENT AUTO OWNERS.

HISTORY. 1927 c. 94 s. 1; M.S. 1927 s. 2684-1; 1931 c. 220 s. 1; 1935 c. 355 s. 1; 1937 c. 97 s. 1; M. Supp. s. 2684-1; 1941 c. 149; 1941 c. 535.

In an action for replevin, the plaintiff failed to prove default under the conditional sales contract upon which it based its right of possession, and the finding of the lower court directing the return of the auto to the defendant, was suspended. *Iowa Guaranty v Kingery*, 181 M 477, 233 NW 18.

Reciprocal privilege applies to a foreign motor vehicle dealer so far as used for purposes other than selling or advertising. OAG Sept. 26, 1935 (632c).

A used vehicle which has not been operated during the year, may be driven out of the city by a non-resident. OAG Feb. 6, 1936 (632c).

The reciprocal provisions between Minnesota and Wisconsin apply to the registration tax but do not apply to a mileage tax. OAG Aug. 28, 1937 (632c-6).

A permit issued to a non-resident owner of a truck cannot be revoked on bare information that there was a violation of the game and fish laws. OAG Aug. 28, 1937 (632c-6).

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The reciprocity laws between Ohio and Minnesota do not relieve an Ohio citizen engaged in operating a drive-away location, from paying the usual Minnesota license. OAG June 28, 1944 (632e-24).

168.19 REGISTER OF MOTOR VEHICLES TO ISSUE PERMIT.

HISTORY. 1927 c. 94 s. 2; M.S. 1927 s. 2684-2; 1931 c. 220 s. 2; 1935 c. 355 s. 2; M. Supp. s. 2684-2.

The license was revoked following a conviction for driving while intoxicated. The driver moved to another state, purchased a car, and obtained a license. Held, that his permit under the reciprocity laws did not make him legally authorized to drive a motor vehicle in this state. 1938 OAG 288, Aug. 19, 1938 (291k).

168.20 PENALTIES FOR FRAUDULENT REGISTRATION.

HISTORY. 1927 c. 94 s. 3; M.S. 1927 s. 2684-3; 1931 c. 220 s. 3; M. Supp. s. 2684-3.

168.21 REGISTRAR TO PROMULGATE RULES.

HISTORY. 1927 c. 94 s. 4; M.S. 1927 s. 2684-4; 1931 c. 220 s. 4; M. Supp. s. 2684-4.

168.22 SUBORDINATE TO TREATIES.

HISTORY. 1927 c. 94 s. 5; M.S. 1927 s. 2684-5; 1931 c. 220 s. 5; M. Supp. s. 2684-5.

168.23 LIMITATIONS.

HISTORY. 1927 c. 94 s. 6; M.S. 1927 s. 2684-6; 1931 c. 220 s. 6; 1935 c. 355 s. 3; M. Supp. s. 2684-6; 1941 c. 382; 1943 c. 18 s. 1; 1943 c. 613 s. 1; 1945 c. 34.

The fact that North Dakota trucks are employed in a W P A project cannot classify them as entitled to any more extensive privileges than is accorded to privately owned trucks. OAG Sept. 23, 1936 (633g-2).

Where an owner advertises for passengers who will pay the expenses of the trip, including gasoline and oil, in exchange for transportation, he is in fact soliciting transportation of passengers for hire. OAG Dec. 7, 1936 (632a-23).

168.24 APPLICATION.

HISTORY. 1933 c. 344 s. 5; M. Supp. s. 2684-7.

168.26 MANUFACTURERS NOT USING HIGHWAYS NEED NOT REGISTER.

HISTORY. 1921 c. 461 s. 14; 1923 c. 418 s. 14; G.S. 1923 s. 2685; M.S. 1927 s. 2685.

New and unused motor vehicles in the hands of a dealer for sale on May 1st, which are not sold during the year and did not use the highways, are not subject to the motor vehicle tax but are taxable as personal property; but if sold after May 1st become subject to the motor vehicle tax and are entitled to a reduction or an abatement of the ad valorem tax. State ex rel v Minnesota Tax Comm. 178 M 300, 227 NW 43.

Outline as to dealers exemptions as to the time when taxes are payable. 1940 OAG 322, Oct. 26, 1939 (632e-5).

168.27 MANUFACTURERS AND DEALERS IN MOTOR VEHICLES.

HISTORY. 1921 c. 461 s. 15; 1923 c. 418 s. 15; G.S. 1923 s. 2686; M.S. 1927 s. 2686; 1931 c. 217 s. 2; 1935 c. 143 s. 1; 1935 c. 271; 1939 c. 209; M. Supp. s. 2686; 1941 c. 176 s. 1; 1943 c. 265 s. 1.

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Use of the word "vehicles" in plural does not mean that the dealer must have at least two cars on hand for sale. OAG Sept. 17, 1935 (632a-8).

One dealer's license is sufficient, although the dealer have more than one place of business. OAG Sept. 20, 1935 (632e-5).

The word "established place of business" may include a vacant lot, provided the occupancy seems permanent. OAG March 16, 1936 (632a-8).

An ordinance proposed by the city of Morris defining and licensing second-hand dealers would be invalid, because the power to enact such an ordinance has never been delegated to the city. 1938 OAG 60, Dec. 21, 1937 (59a-32).

County board has no authority to license or regulate dealers in second-hand automobiles. OAG March 17, 1938 (290).

This section refers to dealers. It prohibits unlicensed dealers. It does not touch upon unlicensed sales. OAG June 7, 1944 (632a-8).

Legislation relating to motor vehicle dealers, 24 MLR 257.

Legislation relating to motor vehicle dealers, 26 MLR 244.

168.28 ALL MACHINES MUST BE REGISTERED; EXCEPTIONS.

HISTORY. 1921 c. 461 s. 16; 1923 c. 418 s. 16; G.S. 1923 s. 2687; M.S. 1927 s. 2687; 1941 c. 176 s. 2.

Respondent purchased an automobile and paid a tax thereon in 1921. The fact that it was so registered makes the automobile taxable in the year 1922, although not used on the public highways that year. State v Peterson, 159 M 269, 198 NW 1011.

A Minnesota dealer who brings a foreign used car into the state for the purpose of sale, must register it. OAG April 25, 1939 (632a-8).

Buses purchased but not delivered and still in the hands of the manufacturer on July 1st, are subject only to one-half tax. OAG Aug. 5, 1939 (632e).

168.29 DUPLICATE PLATES.

HISTORY. 1921 c. 461 s. 17; 1923 c. 418 s. 17; G.S. 1923 s. 2688; M.S. 1927 s. 2688; 1943 c. 56 s. 1.

168.30 TRANSFER OF OWNERSHIP.

HISTORY. 1921 c. 461 s. 18; 1923 c. 418 s. 18; G.S. 1923 s. 2689; M.S. 1927 s. 2689; 1929 c. 330 s. 2; 1931 c. 17 s. 1; 1933 c. 245; M. Supp. s. 2689; 1941 c. 515 s. 6; 1943 c. 153 s. 2.

168.31 DATE PAYABLE.

HISTORY. 1921 c. 461 s. 19; 1923 c. 418 s. 19; G.S. 1923 s. 2690; M.S. 1927 s. 2690; 1933 c. 344 s. 3; M. Supp. s. 2690; 1941 c. 515 s. 4; 1943 c. 153 s. 1.

The legislature on Feb. 15th passed a bill which the governor approved on Feb. 16th, extending time for payment of taxes. The secretary of state would have no power to refund penalties collected on Feb. 16th. OAG Feb. 23, 1937 (632e-24).

A purchaser of a vehicle against which there is a lien for delinquent taxes, is obliged to pay the tax. OAG Feb. 2, 1938 (520h).

168.32 MANUFACTURERS TO FILE STATEMENT.

HISTORY. 1921 c. 461 s. 21; 1923 c. 418 s. 21; G.S. 1923 s. 2692; 1925 c. 299 s. 5; M.S. 1927 s. 2692; 1929 c. 330 s. 3; M. Supp. s. 2692; 1941 c. 515 s. 5.

Accessories included by the manufacturer in a retail sale at the factory are a part of the base price. OAG Nov. 4, 1937 (632a-25).

Where manufacturers' list price is not available, the registrar shall fix the value from any information available. OAG Nov. 20, 1944 (632e-1).

168.33 SECRETARY OF STATE TO BE REGISTRAR.

HISTORY. 1921 c. 461 s. 22; 1923 c. 418 s. 22; G.S. 1923 s. 2693; 1927 c. 340 s. 1; M.S. 1927 s. 2693; 1939 c. 259; M. Supp s. 2693.

Where the owner of the vehicle has paid the tax and subsequently a statute is passed increasing the tax for that year, it is the duty of the secretary of state to collect said tax. OAG April 25, 1935 (632d).

The charges relative to social security and similar items in re employees of deputy registrar do not concern the secretary of state. Whether the charges of these branch offices should be paid as an expense of maintenance rests with the executive council. OAG Aug. 3, 1944 (385d-2).

168.34 DUTIES OF REGISTRAR; INFORMATION BUREAU; REPORTS OF STOLEN VEHICLES; COMPLETION OF REGISTRATION; REGISTRATION SYSTEM.

HISTORY. 1921 c. 461 s. 23; 1923 c. 418 s. 23; G.S. 1923 s. 2694; 1925 c. 299 s. 3; M.S. 1927 s. 2694.

168.35 INTENT TO ESCAPE TAX.

HISTORY. 1921 c. 461 s. 24; 1923 c. 418 s. 24; G.S. 1923 s. 2695; M.S. 1927 s. 2695.

168.36 USE OF CERTAIN CARS PROHIBITED.

HISTORY. 1921 c. 461 ss. 25 to 27; 1923 c. 418 ss. 25 to 27; G.S. 1923 ss. 2696 to 2698; 1925 c. 299 s. 4; M.S. 1927 ss. 2696 to 2698.

A local police officer has power with respect to prosecution where vehicle bore improper license plates. OAG June 25, 1937 (847a-1).

168.37 PLATES; SIZE; FORM.

HISTORY. 1911 c. 365 s. 10; G.S. 1913 s. 2628; 1921 c. 472 s. 2; G.S. 1923 s. 2703; 1927 c. 326; M.S. 1927 s. 2703; 1939 c. 213; M. Supp. s. 2703.

Compulsory motor vehicle insurance act. 10 MLR 150.

168.38 LICENSE PLATES, BIDS FOR; NOTICE.

HISTORY. 1911 c. 365 s. 12½; G.S. 1913 s. 2631; 1921 c. 472 s. 3; G.S. 1923 s. 3; G.S. 1923 s. 2704; M.S. 1927 s. 2704.

168.39 CHAUFFEURS' LICENSES.

HISTORY. 1911 c. 365 s. 19; G.S. 1913 s. 2638; 1915 c. 33 s. 4; G.S. 1923 s. 2712; M.S. 1927 s. 2712-1; 1929 c. 433 s. 1; 1939 c. 426 s. 1; M. Supp s. 2712-1.

The fact that the driver has a driver's license under Laws 1933 Chapter 352 does not exempt him from obtaining a chauffeur's license. On the other hand, one who has a chauffeur's license need not obtain a driver's license. 1936 OAG 274, Oct. 24, 1935 (635d).

The term "chauffeur" should not be construed to include a father who transports his own children in his own motor to school, even though he or his children receive "isolated state aid." 1936 OAG 275, Nov. 16, 1935 (635d).

It was the apparent intent of the legislature to exempt chauffeurs from "drivers' license law" and "financial responsibility act." 1936 OAG 284, Oct. 17, 1935 (291f).

City employees engaged as drivers of the city fire trucks must have chauffeurs' licenses. 1940 OAG 145, Nov. 13, 1940 (635e).

A person employed by a mining company to operate a truck upon their own property and not upon the public highway, need not obtain a license. OAG May 2, 1938 (635d).

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Milk truck drivers employed for the purpose of selling and delivering milk, are not chauffeurs. OAG June 23, 1938 (635d).

Drivers of hearses and other funeral cars must procure chauffeurs' licenses. OAG Oct. 4, 1944 (635f).

Drug clerk only making an occasional delivery does not make of his auto, a delivery truck. OAG Oct. 11, 1944 (635f).

168.40 SECRETARY OF STATE TO ESTABLISH CHAUFFEUR LICENSES DIVISION.

HISTORY. 1929 c. 433 s. 2; 1931 c. 196; 1939 c. 426 s. 2; M. Supp. s. 2712-2; 1943 c. 5 s. 1; 1943 c. 135 s. 1; 1945 c. 355 s. 1.

168.401 RESTRICTED CHAUFFEURS' LICENSES.

HISTORY. 1943 c. 5 s. 1; 1943 c. 135 s. 2.

168.41 BADGES PROVIDED.

HISTORY. 1929 c. 433 s. 3; 1939 c. 426 s. 3; M. Supp. s. 2712-3.

168.42 EXPIRATION OF LICENSES.

HISTORY. 1929 c. 433 s. 4; 1935 c. 327; 1939 c. 426 s. 4; M. Supp. s. 2712-4; 1943 c. 493 s. 1.

168.43 APPLICATIONS FOR EXAMINATION; FEE.

HISTORY. 1929 c. 433 s. 5; 1939 c. 426 s. 5; M. Supp. s. 2712-5; 1941 c. 427 s. 1; 1943 c. 493 s. 2.

There is no refundment of fees paid into the chauffeurs' license fund. OAG Jan. 22, 1934.

168.44 REVOCATION OF LICENSES.

HISTORY. 1929 c. 433 s. 6; 1939 c. 426 s. 6; M. Supp. s. 2712-6; 1941 c. 427 s. 2; 1943 c. 331 s. 1.

Where a chauffeur's license is revoked and he makes a new application, the applicant must again qualify and must pay a fee of \$1.50, and the renewal of the license is discretionary with the secretary. OAG July 10, 1934 (635d).

When a chauffeur has been convicted by a court, and the court has reported to the secretary and included in the report the order of revocation, the secretary has power to revoke the license without a hearing. OAG May 20, 1938 (635d).

168.45 VIOLATION A MISDEMEANOR.

HISTORY. 1939 c. 426 s. 7; M. Supp. s. 2712-7.

168.46 ARREST; UNDERTAKING TO APPEAR.

HISTORY. 1911 c. 365 s. 20; G.S. 1913 s. 2639; G.S. 1923 s. 2713; M.S. 1927 s. 2713.

168.47 VEHICLE, DAMAGING OR TAMPERING WITH; MISDEMEANOR.

HISTORY. 1911 c. 365 s. 22; G.S. 1913 s. 2641; 1915 c. 33 s. 5; G.S. 1923 s. 2715; M.S. 1927 s. 2715; 1939 c. 119; M. Supp. s. 2715.

168.48 TAKING AND REMOVING MOTOR VEHICLE WITHOUT CONSENT; PENALTY.

HISTORY. 1911 c. 365 s. 25; G.S. 1913 s. 2644; G.S. 1923 s. 2717; M.S. 1927 s. 2717.

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168.49 UNAUTHORIZED OPERATION OF MOTOR VEHICLE; FELONY.

HISTORY. 1919 c. 72 s. 1; 1921 c. 384 s. 1; G.S. 1923 s. 2717-1; M.S. 1927 s. 2717-1; 1939 c. 50; M. Supp. s. 2717-1.

To constitute a theft within an insurance policy, there must be present a criminal intent to permanently deprive the owner of his property. This case does not warrant a finding of robbery or pilferage. *Repp v Am. Farmers Ins. Co.* 179 M 167, 228 NW 605.

Proof that a defendant owned an automobile which was operated on public street by its employee, who had the lawful possession of it, makes out a prima facie case when the operation was with the owner's consent. The evidence in this case did not overcome the prima facie case. *Schultz v Swift*, 210 M 533, 299 NW 7.

Whether an employee's act of entrusting his employer's motor vehicle to one who had previously performed services for the owner for the purpose of performing an act authorized by the owner, for which the employee rewarded the operator by giving him permission to use the motor vehicle for a personal purpose, was within the scope of the employee's authority expressed or implied, was properly a question for the jury. *Ballman v Brinker*, 211 M 322, 1 NW(2d) 365.

An airplane is not a motor vehicle. OAG Aug. 23, 1937 (494b-20).

168.50 NON-RESIDENT DEALERS IN MOTOR VEHICLES MUST REGISTER VEHICLES AND PAY TAX.

HISTORY. 1939 c. 284 s. 1; M. Supp. s. 2684-9.

Laws 1939, Chapter 284, Section 1, requiring the filing of the surety company bond with the registrar of motor vehicles, and the payment of a \$5.00 fee before offering for sale or placing on a used car lot for sale, a second-hand motor vehicle brought into this state for the purpose of sale or re-sale, is a violation of the equal protection clause of the 14th Amendment, and the commerce clause of the Constitution of the United States, and Minnesota Constitution, Article 1, Section 2. *State v Ernst*, 209 M 586, 297 NW 24, 31 F(2d) 435.

Filing of bond is part of the application for registration and is a condition precedent to registration and the issuance of number plates. OAG April 25, 1939 (632a-8).

An out of state car, repossessed by a Minnesota resident and brought into the state for sale or re-sale, must be registered. OAG May 25, 1939 (632a-7).