

CHAPTER 170

SAFETY RESPONSIBILITY ACT.

NOTE: By virtue of Laws 1945, Chapter 285, Section 33, Sections 170.01 to 170.19 are superseded by Sections 170.21 to 170.58.

170.01 DEFINITIONS.

HISTORY. 1933 c. 351 ss. 1, 13; M. Supp. ss. 2720-101, 2720-113.

Fulton living in Chicago owned a large farm in Anoka County operated by Schultz, his foreman. Fulton's young son, visiting the farm but with no authority, loaned a trailer to his friend Tourangeau. An accident occurred and Selander, the injured party, brought action against the owner of the farm. Held, that Fulton was not liable because no one in authority had permitted the loan of the trailer and the failure of the foreman to endeavor to recover the trailer cannot be construed as an implied consent to the lending. *Selander v Fulton*, 195 M 310, 262 NW 874.

Adelord's use of Anna's motor car with her consent was not inconsistent, but in subordination to and in recognition of her ownership, as to persons injured by his negligent operation thereof as her agent under the safety responsibility act. *State v Buick Sedan*, 216 M 134, 12 NW(2d) 1.

Motor vehicle owners' vicarious liability statute. 26 MLR 728.

170.02 DRIVERS' LICENSE FORFEITED, WHEN.

HISTORY. 1933 c. 351 s. 2; 1937 c. 473 s. 1; M. Supp. s. 2720-102.

One whose driver's license has been canceled because of conviction on the charge of driving when intoxicated may not again be granted a driver's license by the court without showing ability to comply with the financial responsibility act. *Halverson v Elsberg*, 202 M 232, 277 NW 535.

Where a person is convicted for the first time of driving a vehicle upon a public highway while under the influence of intoxicating liquor and it is recommended by the trial court before which the conviction was had that such driver's license be not revoked, the commissioner of highways is without power to revoke the driver's license or to require such person to comply with the financial responsibility act. *Ausman v Hoffmann*, 208 M 13, 292 NW 421.

Section 169.12 construed with section 170.02 requires the commissioner of highways to revoke the license of a driver convicted on a first offense of driving a motor vehicle while intoxicated without the necessity of a recommendation by the court. *Martinka v Hoffman*, 214 M 346, 9 NW(2d) 13.

Where a driver's license has been suspended or revoked, the registrar may still collect the annual registration tax and register the vehicle but may not issue the license plates until the applicant has complied with the financial responsibility act. OAG Oct. 8, 1934 (291f).

Where a license is revoked following conviction for driving while intoxicated and the person removes from the state, purchases a car in another state and obtains a driver's license there, he is still guilty of violating the laws of Minnesota though he have a permit under the reciprocity laws. OAG Aug. 19, 1938 (291k).

It is compulsory upon the commissioner of highways or the head of the license bureau to revoke the driver's license on any of the grounds specified in this section. OAG Sept. 12, 1939 (291f).

170.03 DRIVERS' LICENSE SUSPENDED, WHEN.

HISTORY. 1933 c. 351 s. 3; M. Supp. s. 2720-103.

MINNESOTA STATUTES 1945 ANNOTATIONS

170.04 SAFETY RESPONSIBILITY ACT

1010

The purpose of Laws 1933, Chapter 351, was to provide for the establishment of financial responsibility by owner of motor vehicles for personal injuries resulting from the operation thereof. *Christensen v Hennepin Transportation*, 215 M 408, 10 NW(2d) 406.

Validity of statute revoking driver's license for non-payment of judgment arising out of operation of automobile. 22 MLR 264.

170.04 MOTOR VEHICLES OPERATED WITH PERMISSION OF OWNER.

HISTORY. 1933 c. 351 s. 4; M. Supp. s. 2720-104.

Fulton owned a farm in Anoka County, Schultz being his foreman. The owner's son, having no authority, loaned a trailer to Tourangeau who had an accident. The plaintiff sued the owner of the farm but could not recover because no one in authority had loaned or consented to the loan to Tourangeau, and the fact that the foreman did not immediately endeavor to recover the trailer cannot be construed as an implied consent to the lending. *Selander v Fulton*, 195 M 310, 262 NW 874.

Where plaintiff was injured at night by driving his automobile against the carcass of a horse which had just been killed in a collision with Foster's truck, the jury might well find that the negligent permitting of the horse at large was a proximate cause of the injury to plaintiff. *Woodell v Johnson*, 196 M 170, 264 NW 689.

Plaintiff, while a guest passenger in defendant's car then being operated by her husband, suffered injuries by reason of her husband's negligence in operating the car. Under this section the husband is deemed the agent of the owner, and the owner is liable to the plaintiff for the amount of her damage. Immunity of the husband from suit in tort on part of his wife does not inure to the benefit of the owner. *Miller v Tryholm*, 196 M 438, 265 NW 324.

Where Taylor rented a car from Gray to drive and found it in defective condition, his negligence in continuing to operate it upon a highway did not insulate the negligence of Gray who rented the car to him, and the renter of the car is liable. *Ferraro v Taylor*, 197 M 5, 265 NW 829.

The owner is liable for injury caused by the negligence of one using his car with permission whether such permission be expressed or implied. *Steinle v Beckwith*, 198 M 424, 270 NW 139.

Where an employee uses his employer's truck for the purposes outside the scope of his employment without more than an implied consent or permission to use it without such scope, this section does not impose a liability upon the employer. *Abbey v Northern States Power*, 199 M 41, 271 NW 122.

Defendant instructed his agent to take car to Eyota for demonstration purposes, but the employee instead went driving with a young woman, and during the driving a collision occurred. The employee was not acting within the scope of his employment, and the employer is not liable. *Ewer v Coppe*, 199 M 78, 271 NW 101.

It is competent to show that conveyance of title in this instance was given and accepted merely as security, and that the transferee is not the owner. *Holmes v Lilygren*, 201 M 44, 275 NW 416.

The evidence was not sufficient to sustain a jury finding that the car was being driven with the consent of the owners, express or implied, and the verdict was therefore properly directed in their favor. *Krahmer v Voss*, 201 M 272, 276 NW 218.

To impose liability on the owner of a motor vehicle for damages caused by a negligence of the person driving it, it must appear not only that the driver have the owner's consent to use the vehicle at the time he took it, but also that such consent existed at the time and place the accident occurred. *Patterson v Dunn*, 201 M 308, 276 NW 737.

The evidence sustains a finding that defendants consented to the operation of their car by another driver. *Marty v Nordby*, 201 M 469, 276 NW 739.

Whether the owner of a car consented to its being operated upon a public highway by another within the meaning of this section is a question of fact or of

MINNESOTA STATUTES 1945 ANNOTATIONS

1011

SAFETY RESPONSIBILITY ACT 170.04

fact and law, and such consent may be inferred from all the facts and circumstances of the case. *Koski v Muccilli*, 201 M 549, 277 NW 229.

The evidence conclusively shows that at the time and place the accident occurred involving a car owned by the defendant company it was not being driven with the company's consent, expressed or implied, and judgment notwithstanding the verdict was properly directed in the company's favor. *Ranthum v Sterling Motor Co.* 202 M 209, 277 NW 547.

The evidence sustains the verdict that the car owned by the defendant Murphy was being operated at the time of the accident by Rossow with the consent of Murphy, and the verdict for the plaintiff was upheld. *Neeson v Murphy*, 202 M 234, 277 NW 916.

The defendant company is responsible for the negligent operation of its car by an officer of the company having permission to use it for a fishing trip. *Santee v Haggart*, 202 M 361, 278 NW 520.

The owner's liability for the operation of his car upon the highway is predicated upon consent, and if the owner is the employer of the driver, the consent is to be determined not by the scope of the employment but by the consent actually given by the owner. *Flaugh v Egan*, 202 M 615, 279 NW 582.

Where the jury could reasonably have believed that defendant's employee had its consent to use its automobile for a stated occasion liability for defendant follows under this section of the statute, and if the use at the determinative moment was within the coverage of the consent and the occasion therefor. *Anderson v Standard Oil*, 204 M 337, 283 NW 571.

Where injury is caused to the bailor's reversionary interest in a chattel bailed, the bailee is liable to the bailor if the damage is done by his servants, and third persons are liable to the bailor if the damage is done by the evidence of said third party. Whether the defendant should be regarded as a bailee or a third person, whose servant caused injury to plaintiff's chattel bailed, is immaterial, since it would be liable under either view. *Wicklund v North Star Timber*, 205 M 595, 287 NW 7.

In an action to recover against the surviving partner for personal injuries suffered by plaintiffs, who were passengers in the truck owned by the partnership and negligently driven by one of the partners on a personal mission, the surviving partner under this section is liable since he consented to the personal use of the vehicle. *Kangas v Winquist*, 207 M 315, 291 NW 299.

Where plaintiff, an employee of a partnership of which defendant was a member, was injured in a collision between a truck owned and operated by the plaintiff and defendant's truck operated by another employee of the partnership, both drivers being engaged on partnership business and where neither party was insured in their individual capacity but both drivers and the partnership were insured under the compensation act held in common law action for damages based on negligence of defendant's driver, plaintiff's motion to strike from defendant's answer certain allegations in respect to plaintiff's election to take the benefits accruing under the compensation act was properly granted. *Gleason v Sing*, 210 M 253, 297 NW 720.

Proof that defendant owned an automobile which was operated on public streets by its employee who had lawful possession of it makes out a prima facie case that the operation was with its consent. The owner's mental reaction upon the discovery of a collision is relevant on the question whether the servant was operating the car with the master's consent. *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.

Neither the common law rule that a husband is not liable to his wife for personal tort, nor the partnership law, was modified by the safety responsibility act, and therefore neither the partners individually nor the partnership are liable for the injury of a wife of a partner caused by that partner's negligent driving

MINNESOTA STATUTES 1945 ANNOTATIONS

170.05 SAFETY RESPONSIBILITY ACT

1012

of a partnership car. *Belleson v Skilbeck*, 185 M 537, 242 NW 1; *Karalis v Karalis*, 213 M 31, 4 NW(2d) 632.

Contributory negligence of a husband operating upon a public highway an automobile, of which his wife was a co-owner and in which she was riding at the time of its collision with the truck of a third person, is not imputable to the wife merely because of such facts, either under the common law or the safety responsibility act in an action by her to recover damages for personal injuries against the third party because of his negligence. *Christensen v Hennepin Transportation Co.* 215 M 396, 10 NW(2d) 406; *Kane v Locke*, 216 M 173, 12 NW(2d) 495.

In the case at bar there is no evidence to support the contention that the driver of the car at the time of the accident was operating it with the implied consent of the owner. *Kayser v Jungbauer*, 217 M 140, 14 NW(2d) 337.

Proof that at the time of the accident the operator was in the employ of defendant and using a motor vehicle belonging to the latter gives rise to a rebuttable inference that defendant expressly or impliedly consented thereto; but inference of permission to operate a motor vehicle under section 170.04, does not relieve plaintiff of the burden of proving that the vehicle was being used with the permission of the owner at the time and place where the accident occurred. *Truman v United Products*, 217 M 155, 14 NW(2d) 120.

The federal court will take judicial notice that there are in effect in more than 20 states financial responsibility laws imposing responsibility upon motor vehicle owners for injuries caused by vehicle operators. The owner of an automobile who lends it to another is liable for negligence of operator, though the loan is unrelated to employment and is wholly a friendly accommodation. *Forrester v Jerman*, 90 F(2d) 412.

The court will take judicial notice that there are in effect in more than 20 states financial responsibility laws, imposing responsibility on motor vehicle owners for injuries caused by vehicle operators. *Forrester v Jerman*, 90 F(2d) 412.

Under an automobile liability policy covering use of automobile by a third party with permission of insured, insured's express permission to use of automobile for a given purpose does not imply permission for all purposes. *Liberty Mutual v Stilson*, 34 F. Supp. 887.

Power of state to make non-resident owner liable for negligence of borrower of car. 18 MLR 350.

Comparison with statutes similar to ours in other states. 19 MLR 241.

Proximate cause; shifting liability. 21 MLR 61.

Statutory liability of owners for the negligence of persons operating automobiles with the owners' consent. 21 MLR 823, 831.

Owners' consent obtained by fraud. 23 MLR 86.

Construction of "permission" in an omnibus coverage clause. 23 MLR 227.

Liability of original tort for injury caused by intervening criminal act. 24 MLR 679.

Liability of master when servant is commandeered. 25 MLR 244.

Motor vehicle owners vicarious liability statutes. 26 MLR 728.

Co-owners under owner's liability statutes. 28 MLR 282.

170.05 NON-RESIDENT OWNER TO BE RESPONSIBLE.

HISTORY. 1933 c. 351 s. 5; M. Supp. s. 2720-105.

Laws 1933, Chapter 351, Section 5, (Section 170.05) authorizing service of summons on the commissioner of highways in an action against a non-resident growing out of a motor vehicle accident on Minnesota highway does not impose an unreasonable burden on "interstate commerce". *Panzram v O'Donnell*, 48 F. Supp. 74.

In actions accruing on account of damages arising out of use of a motor vehicle by a non-resident motorist on our highways prior to March 1, 1934, service should be made on the secretary of state, and actions accruing after March 1, 1934, service should be made on the commissioner of highways. 1934 OAG 466, May 17, 1934 (632d).

MINNESOTA STATUTES 1945 ANNOTATIONS

1013

SAFETY RESPONSIBILITY ACT 170.17

The conditions under which chauffeurs' licenses are issued by the secretary of state are no concern of the commissioner of highways and therefore not of the drivers' license division. 1936 OAG 284, Oct. 17, 1935 (291f).

170.06 CERTIFICATE AS TO RESPONSIBILITY; BOND.

HISTORY. 1933 c. 351 s. 6; M. Supp. s. 2720-106.

Drivers license and safety responsibility acts were amended by Laws 1941, Chapters 517 and 552. These amendments took away the provisions for revocation of license only upon recommendation of the court, and put the law back where it was prior to 1939. 1942 OAG 160, June 6, 1941 (291-F).

170.07 COMMISSIONER OR TREASURER TO HOLD BOND.

HISTORY. 1933 c. 351 s. 7; M. Supp. s. 2720-107.

170.08 COMMISSIONER TO FURNISH RECORD.

HISTORY. 1933 c. 351 s. 8; M. Supp. s. 2720-108.

170.09 COMMISSIONER TO FURNISH INFORMATION.

HISTORY. 1933 c. 351 s. 9; M. Supp. s. 2720-109.

170.10 LICENSE TO BE RETURNED TO COMMISSIONER, WHEN.

HISTORY. 1933 c. 351 s. 10; M. Supp. s. 2720-110.

170.11 COMMISSIONER TO CANCEL BOND.

HISTORY. 1933 c. 351 s. 11; M. Supp. s. 2720-111.

170.12 FORGERY OF EVIDENCE OF ABILITY A FELONY.

HISTORY. 1933 c. 351 s. 12; M. Supp. s. 2720-112.

170.13 COPY OF POLICIES TO BE FILED WITH COMMISSIONER OF INSURANCE.

HISTORY. 1933 c. 351 s. 14; M. Supp. s. 2720-114.

The commissioner of insurance has no power to fix or regulate automobile insurance rates. OAG May 19, 1939 (250b).

170.14 PROVISIONS OF POLICY.

HISTORY. 1933 c. 351 s. 15; M. Supp. s. 2720-115.

170.15 RESERVE LIABILITY.

HISTORY. 1933 c. 351 s. 16; M. Supp. s. 2720-116.

This section gives the commissioner of insurance authority to approve rates for "motor vehicle liability policies", but does not give authority to approve rates for other types of liability policies. 1940 OAG 3, July 6, 1939 (249b).

170.16 SAFETY RESPONSIBILITY ACT.

HISTORY. 1933.c. 351 s. 17; M. Supp. s. 2720-117.

170.17 RULES AND REGULATIONS.

HISTORY. 1933 c. 351 s. 18; M. Supp. s. 2720-118.

170.18 SAFETY RESPONSIBILITY ACT

1014

170.18 NOT RESTRICTIVE.

HISTORY. 1933 c. 351 s. 19; M. Supp. s. 2720-119.

170.19 SUPPLEMENTAL.

HISTORY. 1933 c. 351 s. 21; M. Supp. s. 2720-121.

It is mandatory for the commissioner of highways to immediately revoke the driver's license of a person convicted for driving a motor vehicle upon the highways whether such conviction is by a municipal court, or justice of the peace under the municipal ordinance, or a district court under the statute. 1934 OAG 470, April 30, 1934 (291f).

NOTE: Sections 170.21 to 170.58 supersede Sections 170.01 to 170.19.

170.21 DEFINITIONS.

HISTORY. 1945 c. 285 s. 1.

170.22 RULES; REVIEW.

HISTORY. 1945 c. 285 s. 2.

170.23 ABSTRACTS; FEE; ADMISSIBLE IN EVIDENCE.

HISTORY. 1945 c. 285 s. 3.

170.24 SUSPENSION OF LICENSE FOR NEGLECT TO REPORT ACCIDENT.

HISTORY. 1945 c. 285 s. 4.

170.25 SUSPENSION OF LICENSE, WHEN; WHEN NOT APPLICABLE.

HISTORY. 1945 c. 285 s. 5.

170.26 REQUIREMENTS AS TO SECURITY AND SUSPENSION DO NOT APPLY. WHEN.

HISTORY. 1945 c. 285 s. 6.

170.27 RELEASE FROM SUSPENSION OR RENEWAL OF LICENSE.

HISTORY. 1945 c. 285 s. 7.

170.28 REQUIREMENTS OF ONE NOT LICENSED.

HISTORY. 1945 c. 285 s. 8.

170.29 COMMISSIONER MAY FIX, REDUCE, OR INCREASE REQUIREMENT.

HISTORY. 1945 c. 285 s. 9.

170.30 DEPOSIT OF SECURITY WITH STATE TREASURER; RELEASE.

HISTORY. 1945 c. 285 s. 10.

170.31 RECORD NOT ADMISSIBLE AS EVIDENCE.

HISTORY. 1945 c. 285 s. 11.

170.32 NOTICE OF FAILURE TO SATISFY JUDGMENT.

HISTORY. 1945 c. 285 s. 12.

MINNESOTA STATUTES 1945 ANNOTATIONS

1015

SAFETY RESPONSIBILITY ACT 170.47

170.33 SUSPENSION OF LICENSE; TEMPORARY RELEASE.

HISTORY. 1945 c. 285 s. 13.

170.34 SATISFACTION OF JUDGMENT.

HISTORY. 1945 c. 285 s. 14.

170.35 INSTALMENT PAYMENTS.

HISTORY. 1945 c. 285 s. 15.

170.36 REVOCATION OF LICENSE FOR REASONS OTHER THAN PROVISIONS OF THIS CHAPTER.

HISTORY. 1945 c. 285 s. 16.

170.37 PROOF OF FINANCIAL RESPONSIBILITY.

HISTORY. 1945 c. 285 s. 17.

170.38 PROOF BY SHOWING INSURANCE COVERAGE.

HISTORY. 1945 c. 285 s. 18.

170.39 NON-RESIDENT OWNER.

HISTORY. 1945 c. 285 s. 19.

170.40 MOTOR VEHICLE LIABILITY POLICY.

HISTORY. 1945 c. 285 s. 20.

170.41 NOTICE OF PROPOSED CANCELATION OF POLICY BY INSURER.

HISTORY. 1945 c. 285 s. 21.

170.42 OTHER LAWS REQUIRING INSURANCE.

HISTORY. 1945 c. 285 s. 22.

170.43 BOND AS REQUIRED BY SECTION 1, SUBDIVISION 10.

HISTORY. 1945 c. 285 s. 23.

170.44 DEPOSIT OF CASH WITH STATE TREASURER.

HISTORY. 1945 c. 285 s. 24.

170.45 EMPLOYMENT OR FAMILY CONNECTION IN LIEU OF PROOF OF FINANCIAL RESPONSIBILITY.

HISTORY. 1945 c. 285 s. 25.

170.46 RELEASE OF BOND OR DEPOSIT ON MAKING OTHER PROOF OF RESPONSIBILITY.

HISTORY. 1945 c. 285 s. 26.

170.47 PROCEDURE OF FAILURE OF PROOF ON FILE.

HISTORY. 1945 c. 285 s. 27.

MINNESOTA STATUTES 1945 ANNOTATIONS

170.48 SAFETY RESPONSIBILITY ACT

1016

170.48 CANCELATION OF BOND OR RETURN OF DEPOSIT.

HISTORY. 1945 c. 285 s. 28.

170.49 SEIZURE OR RETURN OF DRIVER'S LICENSE.

HISTORY. 1945 c. 285 s. 29.

170.50 GROSS MISDEMEANOR; MISDEMEANOR.

HISTORY. 1945 c. 285 s. 30.

170.51 FEDERAL, STATE, OR MUNICIPAL OWNERSHIP.

HISTORY. 1945 c. 285 s. 31.

170.52 WHO MAY BE SELF-INSURER.

HISTORY. 1945 c. 285 s. 32.

170.53 EFFECT ON CERTAIN LAWS.

HISTORY. 1945 c. 285 s. 33.

170.54 DRIVER DEEMED AGENT OF OWNER.

HISTORY. 1945 c. 285 s. 34.

170.55 NON-RESIDENT OWNER.

HISTORY. 1945 c. 285 s. 35.

170.56 NOT RETROACTIVE.

HISTORY. 1945 c. 285 s. 36.

170.57 MAY RELY ON OTHER PROCESS.

HISTORY. 1945 c. 285 s. 37.

170.58 CITATION.

HISTORY. 1945 c. 285's. 38.