

CHAPTER 171

DRIVERS' LICENSE ACT

171.01 DEFINITIONS.

HISTORY. 1933 c. 352 ss. 1, 9; 1939 c. 401 ss. 1, 15; M. Supp. ss. 2720-123, 2720-131, 2720-142, 2720-145a.

One whose driver's license has been canceled because of conviction on the charge of driving a motor vehicle while intoxicated may not again be granted a driver's license by the court without the driver 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 while under the influence of liquor and it is recommended by the trial court that such person's 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.

Executive and administrative officers cannot relieve parties from complying with a law or ordinance. Exclusion from insurance coverage of driving which is prohibited by law is not unreasonable and void. An insurance policy from which liability is excluded while the car is driven by a person violating any law as to driving license does not cover an accident occurring while the automobile is driven by one who does not have a driver's license. *Giacomo v State Farm*, 203 M 185, 280 NW 653.

There is no provision in our statutes authorizing the issuance of a restricted driver's license. 1936 OAG 286, March 5, 1935 (291f).

When a license is revoked, it exists no more. A former licensee is in the same category as any other person not having a driver's license and will remain in that status until he petitions the district court after one year from the date of revocation, and obtains a new license. 1938 OAG 288, Aug. 19, 1938 (291k).

171.02 MOTOR VEHICLE DRIVER'S LICENSE.

HISTORY. 1933 c. 352 s. 2; 1939 c. 401 s. 2; M. Supp. ss. 2720-124, 2720-143.

171.03 WHO ARE EXEMPT.

HISTORY. 1933 c. 352 s. 3; 1939 c. 401 s. 3; M. Supp. ss. 2720-125, 2720-144; 1943 c. 331 s. 2.

The driver of the bus transporting pupils to the Minnesota School for the Deaf must have both a driver's license and a chauffeur's license. 1936 OAG 274, Oct. 24 1935 (635d).

Rights and privileges of persons in the armed forces relating to motor cars. OAG. Feb. 7, 1944 (310).

171.04 WHO MAY NOT RECEIVE DRIVER'S LICENSE.

HISTORY. 1933 c. 352 s. 6; 1939 c. 401 s. 4; M. Supp. ss. 2720-128, 2720-144a; 1941 c. 517.

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

Laws 1941, Chapter 552, Section 1, requires the commissioner of highways to revoke the license of a driver convicted on a first offense of driving a motor vehicle

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while intoxicated without the necessity of a recommendation by the court. *Marinka v Hoffman*, 214 M 347, 9 NW(2d) 13.

Laws 1941, Chapters 517 and 552 took away the provisions for revocation only on court recommendation, and returned the law to what it was prior to 1939. 1942 OAG 160, June 6, 1941 (291-F).

When conviction for driving without a license is had under an ordinance, the fine is payable to the city treasurer. OAG Aug. 4, 1944 (199b-4 (291f)).

171.05 INSTRUCTION PERMITS.

HISTORY. 1939 c. 401 s. 5; M. Supp. s. 2720-144b.

171.06 APPLICATIONS FOR INSTRUCTION PERMITS; FORMS; FEES.

HISTORY. 1939 c. 401 s. 6; M. Supp. s. 2720-144c.

Relative to fees of the clerk of the district court in issuing drivers' licenses. 1934 OAG 225, Jan. 15, 1934 (291b).

The clerk of the district court should not receive applications for drivers' licenses from non-residents. He may supply applications to them and suggest that they apply for their licenses at the drivers' license division, 1279 University Avenue, St. Paul. 1934 OAG 467, July 23, 1934 (229i).

In counties where the salary of the clerk of the district court is on a fee basis, the clerk may retain all fees collected by him in connection with issuance of automobile drivers' licenses, and he need not report such fees to the county board. OAG Jan. 15, 1934.

171.07 DEPARTMENT TO ISSUE LICENSES.

HISTORY. 1939 c. 401 s. 7; M. Supp. s. 2720-144d.

171.08 LICENSEE TO HAVE LICENSE IN POSSESSION.

HISTORY. 1933 c. 352 s. 8; 1939 c. 401 s. 8; M. Supp. ss. 2720-130, 2720-144e.

171.09 COMMISSIONER MAY IMPOSE RESTRICTIONS.

HISTORY. 1939 c. 401 s. 9; M. Supp. s. 2720-144f.

171.10 DUPLICATE LICENSES.

HISTORY. 1939 c. 401 s. 10; M. Supp. s. 2720-144g.

171.11 CHANGE OF ADDRESS.

HISTORY. 1939 c. 401 s. 11; M. Supp. s. 2720-144h; 1943 c. 610 s. 2.

171.12 FILING.

HISTORY. 1939 c. 401 s. 12; M. Supp. s. 2720-144i; 1943 c. 610 s. 3.

171.13 EXAMINATION; PENALTY FOR REFUSAL TO TAKE.

HISTORY. 1939 c. 401 s. 13; M. Supp. s. 2720-144j.

171.14 MAY CANCEL LICENSES.

HISTORY. 1939 c. 401 s. 14; M. Supp. s. 2720-144k.

171.15 NON-RESIDENT PERMITS.

HISTORY. 1933 c. 352 s. 7; 1939 c. 401 s. 15; M. Supp. ss. 2720-129, 2720-145.

171.16 COURTS TO REPORT TO COMMISSIONER.

HISTORY. 1933 c. 352 s. 9; 1939 c. 401 s. 16; M. Supp. ss. 2720-131, 2720-145a.

Although the legislature removed the provision for recommendation by the court for revocation of a license in the event of a conviction for drunken driving, it left in the statute the provision for recommendation by the trial court of suspension of license on conviction of other traffic offenses. There is a clear distinction between suspension and revocation of a license. *Martinka v Hoffman*, 214 M 353, 9 NW(2d) 13.

171.17 REVOCATION OF LICENSES.

HISTORY. 1933 c. 352 s. 10, 1939 c. 401 s. 17; M. Supp. ss. 2720-132, 2720-145b.

Special Laws 1889, Chapter 351, Section 7, providing that the judge of the municipal court of St. Paul shall hear and dispose of cases involving violations of the city ordinance in a summary manner is construed to mean without jury trial, and the fact that at the time that the ordinance was passed there existed a statute covering the same subject matter as the ordinance and that persons charged with violating the statute were entitled to a jury trial does not affect the result. *Conolly v Parks*, 199 M 622, 273 NW 233.

Where the court on conviction of a person guilty of driving while intoxicated recommends that the driver's license be not revoked, the commissioner of highways has no power to revoke the driver's license or to require compliance with the financial responsibility act. *Ausman v Hoffmann*, 208 M 13, 292 NW 421.

A city cannot enact an ordinance providing for revocation of a drivers license issued under state law. 1938 OAG 32, Jan. 27, 1938 (59a).

Where a license is revoked and the convicted person moves to another state and purchases a car and obtains a drivers license in the other state, he is still guilty of violating the laws of the state though he has a permit under the reciprocity laws. OAG Aug. 19, 1938 (291k).

171.18 SUSPENSION OF LICENSES.

HISTORY. 1933 c. 352 ss. 5, 11, 12; 1939 c. 401 s. 18; M. Supp. ss. 2720-127, 2720-133, 2720-134, 2720-145c.

Commissioner may not issue a restricted license. OAG March 5, 1935 (291f).

Financial responsibility act does not prevent registrar from collecting the annual registration tax and registering the vehicle, but the licensee is not entitled to license plates until he has complied with the financial responsibility act. OAG Oct. 8, 1934 (291f).

171.19 PETITION FOR REINSTATEMENT OF LICENSES.

HISTORY. 1933 c. 352 s. 13; 1939 c. 401 s. 19; M. Supp. ss. 2720-135, 2720-145d.

171.20 LICENSES MUST BE SURRENDERED.

HISTORY. 1939 c. 401 s. 20; M. Supp. s. 2720-145e.

171.21 COPIES OF RECORDS AS EVIDENCE.

HISTORY. 1939 c. 401 s. 21; M. Supp. s. 2720-145f.

171.22 UNLAWFUL ACTS.

HISTORY. 1939 c. 401 s. 22; M. Supp. s. 2720-145g.

171.23 SHALL NOT RENT MOTOR VEHICLE TO UNLICENSED DRIVER.

HISTORY. 1939 c. 401 s. 24; M. Supp. s. 2720-145i.

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171.24 VIOLATIONS, MISDEMEANORS; EXCEPTIONS.

HISTORY. 1933 c. 352 s. 15; 1939 c. 401 ss. 23, 25; M. Supp. ss. 2720-137, 2720-145h, 2720-145j; 1943 c. 331 s. 3.

171.25 ENFORCEMENT.

HISTORY. 1933 c. 352 ss. 4, 17; 1939 c. 401 ss. 26, 27; M. Supp. ss. 2720-126, 2720-139, 2720-145k, 2720-146.

171.26 MONEYS PAID INTO STATE TREASURY.

HISTORY. 1933 c. 352 s. 16; 1939 c. 401 s. 28; M. Supp. ss. 2720-138, 2720-146a; 1943 c. 610 s. 4.

171.27 LICENSEES NOT REQUIRED TO OBTAIN NEW LICENSES.

HISTORY. 1939 c. 401 s. 29; M. Supp. s. 2720-146b; 1943 c. 610 s. 1.

171.28 DRIVERS LICENSE LAW.

HISTORY. 1939 c. 401 s. 30; M. Supp. s. 2720-146c.