CHAPTER 169

HIGHWAY TRAFFIC REGULATIONS

169.01 REGULATIONS.

Subdivision 28 amended by L. 1947 c. 204 s. 1.

Subdivision 29 amended by L. 1947 c. 428 s. 1.

Subdivision 31 amended by L. 1947 c. 428 s. 2.

Subdivision 36 amended by L. 1947 c. 428 s. 3.

Subdivision 49. History. 1947 c. 428 s. 4.

Subdivision 50. History. 1947 c. 428 s. 4.

Subdivision 51. History. 1947 c. 428 s. 4.

Registration or other records indicating ownership is not conclusive. Parol evidence may be admissible. Ownership is a question of fact for the jury. Holmes v Lilygren, 201 M 48, 275 NW 416; Flaugh v Egan, 202 M 621, 279 NW 582; Krinke v Timm, 211 M 510, 1 NW(2d) 866.

A motor vehicle proceeding on a two roadway highway, the roadways being separated by a parkway in the middle of which are street car tracks, is not entitled under section 169.20, subd. 1, providing "the driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway" to the right of way over street car at an intersection of the highway with a cross street, where the motor vehicle and the street car were proceeding in the same direction and the motor vehicle turned right at the intersection and crossed in front of the street car; this for the reason the motor vehicle did not enter the intersection at a different highway. O'Neill v Mpls. Street Ry., 213 M 514, 7 NW(2d) 665.

Relating to signals and intersections. Flitton v Daleki, 216 M 549, 13 NW(2d) 477; Rogers v Mpls. Street Ry. 218 M 454, 16 NW(2d) 516; Flaherty v Gt. Northern, 218 M 488, 16 NW(2d) 553; Travis v Collett, 218 M 592, 17 NW(2d) 68.

"Right of way" merely means a preference to one of two vehicles (or as between a vehicle and a pedestrian) asserting right of passage at the same place and at approximately the same time. It is a relative right. LeVasseur v Mpls. Street Ry., 221 M 205, 21 NW(2d) 526.

"Right of way" is "the privilege of the immediate use of the highway"; and where, as here, there are no traffic control signals, the driver is required to "yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk." Wright v Mpls. Street Ry., 222 M 105, 23 NW(2d) 352.

Where subjects are excepted from the field of regulations of the general law, local ordinances in respect to them are not in conflict. 1944 OAG 234, July 19, 1944 (989-B-1).

There is no provision authorizing volunteer firemen to use red lights or a siren on their cars unless permission to do so has been obtained from the chief of police, if within the city, or from the commissioner of highways, if outside the city. OAG July 1, 1947 (688-i).

The legislature in enacting L. 1947, c. 204, intended to give to the University the same power over the streets within the campus as are held by municipalities. The streets within the campus are now and always have been city streets and under city control. The streets are used by the public. The entire public is concerned. This power of control of the streets cannot be taken away from the city, and the

city has complete authority over vehicles operating on the streets within the campus. Any rules and regulations as to the campus streets must not be inconsistent with city ordinances in respect thereto. OAG Aug. 8, 1947 (618-a-2).

169.02 TRAFFIC LAWS.

Subdivision 1 amended by L. 1947 c. 204 s. 2.

Except as specifically provided in the highway traffic regulation act the common law prevails. A driver is not barred from recovery simply because he is not making a movement neither authorized nor forbidden by the act. Carlson v Peterson, 205 M 20, 284 NW 847.

The city of Minneapolis has governmental powers over streets, highways, lanes or alleys dedicated to the public, and within the university campus. This includes ways or places open to the use of the public as a matter of right for the purposes of vehicular traffic. Sheriffs or deputies and police officers have authority to make arrests and issue tags for violations. The province of the board of regents is executive. It has no power to define a crime or a penalty. OAG Sept. 2, 1947 (618-a-2).

Application of res ipsa loquitur as against drivers of two colliding automobiles. 25 MLR 117.

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

169.03 APPLICATION.

See, notes under section 160.01.

A road contractor, though not specifically subject to the provisions of the highway traffic regulation act, may nevertheless be held liable at common law for failing to observe the requirements of due care in his operations upon the highway. Hockenhull v Strom, 212 M 71, 2 NW(2d) 430.

A motorist stopping at and then entering a "thru" street at an intersection and making a left turn is not guilty of contributory negligence as a matter of law in case of a collision with a street car, where the street car was not so close at the time he entered the intersection as to constitute an immediate hazard and he did not discover there was danger of collision until too late. Tsiang v Mpls. Street Ry., 212 M 21, 4 NW(2d) 630.

169.04 LOCAL AUTHORITIES NOT RESTRICTED.

The city of Hutchinson through its council may enter into a contract for the purchase of parking meters under a conditional sales contract. See, Williams v Village of Kenyon, 187 M 161, 244 NW 558; Hendricks v City of Mpls., 207 M 151, 290 NW 428. OAG May 27, 1946 (59-a-53).

The highway traffic regulation act did not prevent the city from enacting an ordinance requiring fuel dealers to carry liability insurance as a condition precedent to the procuring of a license to carry on business. Sverkerson v City of Mpls., 204 M 388, 283 NW 555.

The power of the city of Minneapolis extends to the care and control of its streets, and it may regulate and even exclude the carrying on of a transportation business therein for private gain, or grant the privilege to some and exclude others, in harmony with its judgment of public convenience and necessity. State v Palmer, 212 M 388, 3 NW(2d) 666.

It was not error to read as a part of the instructions section 169.04 which authorizes local authorities within certain municipalities to designate certain highways as one-way roadways and to require all vehicles thereon to move in a certain specified direction. Where a statute is applicable, it is generally proper to read it. O'Neill v Mpls. St. Ry., 213 M 523, 7 NW(2d) 665.

Towns wishing to regulate parking on trunk highway opposite firehouse of voluntary fire department may do so with approval of the commissioner of highways. OAG July 8, 1947 (989-a-16).

169.06 TRAFFIC SIGNS, SIGNALS, MARKINGS.

Subdivision 5 amended by L. 1947 c. 428 s. 5.

Subdivision 6 amended by L. 1947 c. 428 s. 6.

Upon the case record, defendant's freedom from negligence, and the contributory negligence of the minor plaintiff do not appear as a matter of law, and the trial court erred in directing a verdict for the defendant. Himmel v Orliski, 221 M 192, 21 NW(2d) 606; Lowen v Pates, 219 M 566, 18 NW(2d) 455.

Effect of traffic signals upon rights and duties of pedestrians and motorists at controlled crossings. 13 MLR 721.

169.07 UNAUTHORIZED SIGNS PROHIBITED.

Cities and villages may regulate traffic upon trunk highways by ordinance not in conflict with the state law, but that power cannot be extended so as to encroach upon the authority given the commissioner of highways. A private party may not place stop and go signs in or upon a trunk highway without a permit so to do from the commissioner. Automatic Signal Co. v. Babcock, 166 M 416, 208 NW 132.

In erecting board for the placing of public notices it must be so placed as to not interfere with traffic or obstruct vision of travelers. OAG April 2, 1930 (396-A).

Dangerous condition near public highway; effect of the existence of condition before establishment of highway. 25 MLR 388.

169.09 ACCIDENTS.

Subdivision 1 amended by L. 1947 c. 428 s. 7.

Subdivision 4 amended by L. 1947 c. 428 s. 8.

Subdivision 6 amended by L. 1947 c. 428 s. 9.

Subdivision 7 amended by L. 1947 c. 428 s. 10.

Subdivision 13 amended by L. 1947 c. 114 s. 1.

In an action for personal injuries sustained by plaintiff when struck by an automobile while lawfully crossing a street within the designated confines of an intersection, the defendant's negligence and plaintiff's contributory negligence were fact issues for determination of the triers of fact. Hickock v Margolis, 221 M 480, 22 NW(2d) 850.

Testimony of a police officer based on memoranda taken in preparation of report to highway commissioner as required by section 169.09 was rightfully excluded by the trial court. Lowen v Pates, 219 M 566, 18 NW(2d) 455; Hickok v Margolis, 221 M 480, 22 NW(2d) 850.

Where in the trial of a civil action a sheriff is summoned into court by subpoena duces tecum, he may object to the production of any report he may have received from the bureau of criminal investigation as to condition of the car or accessories, on the ground that the report so received is by nature confidential. OAG June 13, 1945 (985-f).

Duty of motorists to anticipate negligent acts of pedestrians. 12 MLR 543.

Validity of ordinance requiring driver of vehicle involved in an accident to report same to police and identify himself. 13 MLR 150.

Sleeping of guest while riding in automobile as contributory negligence. 13 MLR 222.

Effect of non-suability of servant for tort upon liability of master; husband and wife. 17 MLR 450.

Res Ipsa Loquitur as affecting motor operation. 17 MLR 806.

Negligence in joint enterprise operation of motor vehicle. 23 MLR 666.

"Wilful and wanton negligence." 24 MLR 81.

The automobile guest and the rationale of assumption of risk. 27 MLR 323, 382, 429.

169.10 REPORTS TABULATED AND ANALYZED.

See, Lowen v Pates, 219 M 568, 18 NW(2d) 455.

169.11 CRIMINAL NEGLIGENCE.

Convictions under section 169.11. State v Cook, 212 M 495, 4 NW(2d) 323; State v Clow, 215 M 380, 10 NW(2d) 359.

The standards of conduct required by section 169.11 making it homicide to cause the death of a human being by operating or driving a vehicle "in a reckless or grossly negligent manner" satisfy the requirement of due process that a statute creating a crime must prescribe the standards of guilt that are reasonably ascertainable. As the statute sets forth the elements of the offense, an information in the language of the statute informs the accused of the crime charged with sufficient definiteness. State v Bolsinger, 221 M 154, 21 NW(2d) 483.

Where death is caused by criminal negligence in use of a motor vehicle defendant may be charged under section 169.11 or under 619.18(3). OAG June 20, 1946 (133-a-8).

Manslaughter by motorists. 22 MLR 755.

"Wilful and wanton negligence." 24 MLR 81.

Application of criminal negligence statute. 30 MLR 400.

169.12 PERSONS UNDER INFLUENCE OF DRUGS OR LIQUOR PROHIBITED FROM DRIVING VEHICLES.

Conviction under section 169.12. State v Kerr, 162 M 309, 202 NW 727; State v Graham, 176 M 164, 222 NW 909; State v Reilly, 184 M 266, 238 NW 492; State v Winberg, 196 M 135, 264 NW 578; State v Traver, 198 M 237, 269 NW 393.

The only defense is that the guest rider knew defendant to be under the influence of liquor and was guilty of contributory negligence in riding in the car. It was not error to exclude evidence of a doctor who examined defendant two hours after the collision. Vondrashek v Dignan, 200 M 532, 274 NW 609.

Evidence of defendant's talk and general conduct near in point of time to the commission of the offense charged is admissible as an aid to the jury in determining whether the driver of the motor vehicle was under the influence of intoxicating liquor. State v Murray, 223 M 297, 26 NW(2d) 364.

The drivers license and safety responsibility acts were amended by L. 1941, cc. 517 and 552. These amendments took away the provisions for revocation only upon recommendation of the court. L. 1939, c. 430, put the law back where it was prior to 1939. It should be noted that upon a second conviction of driving while under the influence of intoxicating liquor the revocation, under the provisions of L. 1941, c. 552, must stand for at least 90 days. 1942 OAG 160, June 6, 1941 (291-F).

Manslaughter by motorists. 22 MLR 755.

Statutes prohibiting operation of motor vehicles by intoxicated persons. 27 MLR 473.

169.13 RECKLESS DRIVING; PENALTY.

Where guest passenger on truck alighted to assist driver adjust board on the gravel box was injured by car approaching from the rear, question negligence and proximate cause was for the jury. Anderson v Johnson, 208 M 373, 294 NW 224.

Where driver of motor vehicle, in order to avoid collision with team and wagon driving without lights, turned so sharply that her car was overturned in a ditch, brought suit against the driver of the wagon, the fact that the wagon did not carry lights as prescribed by statute made a prima facie case for plaintiff. Smith v Carlson, 209 M 268, 296 NW 132.

The doctrine of res ipsa loquitur asserts that whenever a thing which produced an injury is shown to have been under the control and management of the defendant, and the occurrence is such as in the ordinary course does not happen if due care has been exercised, the fact of injury itself is deemed to afford sufficient evidence to support a recovery in the absence of explanation by defendant tending to show that the injury was not due to his lack of care. Klingman v Loew's, 209 M 449, 296 NW 528.

Whenever one person is by circumstances placed in such position with regard to another that every one in ordinary sense who did think would at once recognize that if he did not use ordinary care and skill in his own conduct with regard to those circumstances he would cause danger of injury to the person or property of another, a duty arises to use ordinary care and skill to avoid such danger. Roadman v Johnson, 210 M 59, 297 NW 166.

The negligence and contributory negligence of respective parties, both as to plaintiff's cause of action and defendant's counter-claim, were for the jury. Judgment notwithstanding verdict was properly denied. Corridan v Agranoff, 210 M 237, 297 NW 759.

An action to recover loss of earnings and medical, hospital, and nursing expenses resulting from personal injuries caused by the negligence of a wrongdoer who was instantly killed by the act of negligence is based on a cause of action for "injury to the person" which under the provisions of section 573.01 dies with the person. Eklund v Evans, 211 M 164, 300 NW 617.

Where one creates a dangerous situation on a public highway, his duty is to exercise a degree of care commensurate thereto in warning others. The evidence concerning this three-vehicle collision supports the jury's finding of appellant's negligence. Olson v Neubauer, 211 M 218, 300 NW 613.

Trial court was justified by evidence in finding that defendant Mock's violation of traffic rule which caused injuries, recovery for which resulted in judgment against both Mock and plaintiff herein, was a purposeful violation of the statute which deprives him and his insurer of the right to contribution. Kemerer v State Farm Mutual, 211 M 249, 300 NW 793.

It is not enough to absolve motorist from negligence, that he stops in obedience to a stop sign before entering a through highway and yields the right of way to other vehicles then on the intersection. The statute requires him to yield to other cars "approaching so closely on said through highway as to constitute an immediate hazard." Zickrick v Strathern, 211 M 329, 1 NW(2d) 134.

A driver of an automobile has the right to assume that the driver of another car will exercise due care by complying with the applicable provisions of law and that he may act upon that assumption until the contrary appears. The driver confronted by a sudden peril through no fault of his own should not be held negligent because he does not choose the best or safest way to escape, unless the choice involves hazards that no prudent person would have incurred under similar circumstances. Schmitt v Emery, 211 M 547, 2 NW(2d) 413; Winans v Sinanovski, 211 M 606, 2 NW(2d) 127.

A road contractor, although not subject to the provisions of the highway traffic act, may nevertheless be held liable at common law for failing to observe the requirements of due care in his operations upon the highway. Hockenhull v Strom, 212 M 71, 2 NW(2d) 430.

A normal boy in his sixteenth year was guilty of negligence as a matter of law in so driving a car that it collided with another parked on the street, the collision resulting from his inattention while picking up a lighted cigarette just dropped. Wineman v Carter, 212 M 298, 4 NW(2d) 83.

In head-on collision between truck and motor car the issues of defendant's negligence and decedent's contributory negligence were for the jury. Malmgren v Foldesi, 212 M 354, 3 NW(2d) 669.

Whether defendant's driving, in spite of plaintiff's cautionary remarks, required plaintiff's guest take other steps in interest of his own safety, should have been submitted to the jury. Hubenette v Ostby, 213 M 349, 6 NW(2d) 637.

Rule of res ipsa loquitur permits but does not compel an inference that defendant was negligent. Marsh v Henriksen, 213 M 501, 7 NW(2d) 387.

Emergency is an important factor in determining negligence and contributory negligence. The choice of action by a driver confronted by a sudden peril through no fault of his own, is not to be tested by inquiry whether it was the best or most effective under the circumstances, but rather by comparison with what reasonably might be expected of the average prudent driver under similar circumstances. Christensen v Hennepin Transportation, 215 M 395, 10 NW(2d) 406.

As a matter of law, it was not negligence for the proprietor of a filling station to leave a car parked with motor off but in gear in a filling station driveway, where there was no evidence to support a finding that he had reason to anticipate interference with the car by children or by unauthorized person. Kayser v Jungbauer, 217 M 140, 14 NW(2d) 337.

Where plaintiff was approaching an intersection with his view restricted but with the "Go" sign in his favor, the issue of whether he was guilty of contributory negligence in failing to maintain a proper lookout, and in failing to pull to the curb and stop upon the approach of an emergency vehicle was under the evidence presented a fact question for the jury. Travis v Collett, 218 M 592, 17 NW(2d) 68.

Plaintiff assumed the risk of injury from the known general hazards encountered by the party of which he was a member in going upon the ice of a lake on a fishing excursion. Landru v Stensrud, 219 M 227, 17 NW(2d) 322.

The word "reckless" means, as defined in section 169.13, either a wilful or wanton disregard for the safety of persons or property, which involves intentional conduct, but not intentional harm as a result thereof; and the words "grossly negligent" mean very great negligence or the want of even scant care, but not such reckless disregard of probable consequences as is equivalent to a wilful and intentional wrong. State v Bolsinger, 221 M 154, 21 NW(2d) 483.

Passenger, injured when automobile overturned after it struck loose gravel, has the burden to establish actionable negligence, and the fact that driver attempted to cross over from left to right side of highway is insufficient for jury on question of driver's negligence based on his handling of automobile and speed at time of accident. "Ordinary care" is that degree of care a reasonably prudent man would exercise under the circumstances. Liggett & Myers v DeParcq, 66 F(2d) 678.

Where negligence, if any, of plaintiff's son would be imputed to plaintiff, evidence presented a question for the jury as to whether plaintiff's son was guilty of negligence in driving at an excessive rate of speed or in following too closely behind defendant's machine which suddenly stopped on the pavement. Cram v Eveloff, 127 F(2d) 486.

Manslaughter by motorists. 22 MLR 755.

"Wilful and wanton" negligence. 24 MLR 81.

169.14 SPEED RESTRICTIONS.

Subdivision 4 amended by L. 1947 c. 428 s. 12.

Subdivision 5 amended by L. 1947 c. 428 s. 13.

Testimony being in conflict as to the facts, it was error for the trial judge to direct a verdict against plaintiff upon the ground of contributory negligence where the evidence could support a theory that in crossing a through highway plaintiff was exercising a statutory right of way. Neubarth v Fink, 210 M 55, 297 NW 171.

Trial judge did not abuse his discretion in permitting a witness to give his opinion of the speed of decedent's automobile about half a mile from the scene of the accident, where it appeared that witness watched car from a point of vantage almost until the collision. Johnson v Farrell, 210 M 351, 298 NW 256.

Statute requiring pedestrians to "walk near the left side of the roadway, giving way to oncoming traffic" applies to divided highways, so that a pedestrian struck while walking on the wrong lane, with rather than against traffic, is prima facie guilty of negligence. Wojtowicz v Belden, 211 M 461, 1 NW(2d) 409.

A motorist who by driving at high speed with defective brakes contributed to the predicament with which he was confronted was not entitled to have his case considered under the sudden emergency rule. Failure to comply with the statute requiring brakes be maintained in working order is prima facie evidence of negligence. Lee v Zaske, 213 M 244, 6 NW(2d) 793.

The rule of res ipsa loquitur permits but does not compel an inference that defendant was negligent. Marsh v Henriksen, 213 M 500, 7 NW(2d) 387.

In head-on collision between decedent's semi-trailer and defendant's automobile while the vehicles were on cement-paved trunk highway, question whether defendant's speed was negligent was for the jury. Weber v McCarthy, 214 M 76, 7 NW(2d) 681.

In collision between plaintiff's automobile and defendant's street car, and conflicting testimony as to speed of each, and as to opportunity for each to see, and the jury returned a verdict for plaintiff, motion by defendant for judgment non obstante should not have been granted. Solberg v Minneapolis Street Railway, 214 M 274, 7 NW(2d) 926.

Where there was conflicting evidence as to the speed and control of the street car, and indefiniteness and conflicting evidence as to the contributory negligence of decedent, it was for the jury to determine the fact issues. Deach v St. Paul City Railway, 215 M 171, 9 NW(2d) 735.

There was no error in the admission of the testimony of an expert as to the speed of the street car, nothwithstanding the fact he had not witnessed the accident, had never operated a street car, and was not familiar with the character of its brakes. Moeller v St. Paul City Railway, 218 M 353, 16 NW(2d) 289.

Emergency rule; special hazards existing by reason of weather conditions. Olson v Duluth, Missabe, 213 M 117, 5 NW(2d) 492.

Where as in the instant case, the evidence overwhelmingly preponderated in plaintiff's favor on the issue of defendant's negligence so that a directed verdict would have been justified, any claimed errors in the court's charge would not justify a new trial. Wilson v Davidson, 219 M 42, 17 NW(2d) 31.

It is erroneous to direct a verdict, based on a holding of contributory negligence as a matter of law, against a motorist, otherwise proceeding with due care, if the evidence is such that a jury might reasonably find therefrom that the steepness of the hill he was ascending on a highway concealed from him an unknown danger just beyond the crest of the hill. Mix v City of Mpls. 219 M 389, 18 NW(2d) 130.

If a street is discontinued or altered, it is the duty of the municipality to erect and maintain suitable signs or barriers to warn travelers of the fact; and, in the absence of anything to the contrary, travelers have a right to assume that a street which appears to be open and used for public travel has not been discontinued and is reasonably safe for travel. Mix v City of Mpls. 219 M 389, 18 NW(2d) 130.

In head-on collision evidence that defendant drove on wrong side of icy street at excessive speed sustained a verdict of his negligence; and the defense of contributory negligence is not effective against plaintiff if his actions did not contribute to or were not a material element in happening of the accident, regardless of extent of his negligence. Ranum v Swenson, 220 M 170, 19 NW(2d) 327.

Plaintiff auto driver was not guilty of contributory negligence as a matter of law where he exercised reasonable precautions and took reasonable measures to

bring his car to a stop upon discovery that operator of tractor-trailer, with which plaintiff collided, did not intend to bring his vehicle to a stop as required by law before entering an intersection. The fact that plaintiff's car skidded, 60 or 65 feet after he appplied brakes, did not constitute contributory negligence is a matter of law. Shockman v Union Transfer, 220 M 334, 19 NW(2d) 812.

Departure from due care constitutes a sufficiently definite standard of criminal responsibility. State v Bolsinger, 221 M 154, 21 NW(2d) 490.

Where driver of first south bound truck failed to signal intention to stop and make left turn, and driver of second southbound truck following the first truck reasonably close with result that second truck, to avoid running into first truck, suddenly swerved into lane for northbound traffic and collided head-on with truck driven by plaintiff's decedent, evidence supported finding that negligence of driver of southbound truck was concurrent and proximately caused the collision. Cooper v Hoeglund, 221 M 446, 22 NW(2d) 450.

Where a garage mechanic working on a stalled car may recover damages from a motorist who drives into him, depends largely upon the speed of the driven car, and the question as to whether it was such a rate of speed as to be negligent is for the jury. Bakken v Lewis, 223 M 329, 26 NW(2d) 478.

One slipping or falling on steps or street in alighting from street car, which had stopped and opened gates was not contributorily negligent as a matter of law in not observing truck approaching from rear before getting off or in assuming that it would stop; he having no occasion to anticipate he would fall nor that truck would be driven so close as to injure him. Wawin Coal Co. v Orr, 33 F(2d) 27.

Failure to stop within range of vision contributory negligence as a matter of law. 12 MLR 283; 22 MLR 877.

Effect of compliance with unconstitutional repealing statute on liability for violation of previous statute. 17 MLR 322.

Violation of statute as negligence per se. 19 MLR 686.

Minimum standard of knowledge; duty to know. 23 MLR 628.

169.15 DRIVERS NOT TO IMPEDE TRAFFIC.

A motorist who parked his car and trailer partially on the highway at night without a light or reflector on the trailer was guilty of negligence which was the proximate cause of injuries sustained by the garage mechanic who was working on the stalled car and who was struck by a passing car. Bakken v Lewis, 223 M 329, 26 NW(2d) 478.

169.17 EXCEPTIONS.

Amended by L. 1947, c. 428, s. 14.

Emergency vehicles are excepted under certain conditions from full compliance with the speed limitations. Rogers v Mpls. Street Railway, 218 M 454, 16 NW(2d) 516; Flaherty v Great Northern, 218 M 495, 16 NW(2d) 553; Nees v Mpls. Street Railway, 218 M 532, 16 NW(2d) 758; Travis v Collett, 218 M 592, 17 NW(2d) 68.

There is no provision authorizing volunteer firemen to use red lights or a siren on their cars unless permission to do so has been obtained from the chief of police, if within the city, or from the commissioner of highways, if outside the city. OAG July 1, 1947 (688-i).

169.18 RULES FOR DRIVING VEHICLES UPON ROADWAYS.

Amended by L. 1947, c. 428, s. 15.

In personal injury action arising out of auto collision, question of defendant's negligence and plaintiff's contributory negligence was for the jury. Jaenisch v

Vigen, 209 M 543, 297 NW 29; Malmgren v Foldesi, 212 M 354, 3 NW(2d) 669.

A driver of an automobile has the right to assume that the driver of another automobile will exercise due care by complying with applicable provisions of the law and that he may act upon that assumption until the contrary appears. Schmitt v Emery, 211 M 548, 2 NW(2d) 413.

Driver of an auto confronted by a sudden peril through no fault of his own should not be held negligent because he does not choose the best or safest way to escape, unless the choice involves hazards no ordinarily prudent person would have incurred under similar circumstances. Schmitt v Emery, 211 M 548, 2 NW(2d) 413.

Road contractor, though not subject to the provisions of the highway traffic regulation act, may nevertheless be held liable at common law for failing to observe the requirements of due care in his operations upon the highway. Hockenhull v Strom, 212 M 71, 2 NW(2d) 430.

A pedestrian is not guilty of contributory negligence as a matter of law for failure to look for an automobile approaching on the wrong side of the street, because ordinarily he has no reason to foresee or anticipate danger from that direction. Aide v Taylor, 214 M 220, 7 NW(2d) 757.

The phrase "each driver shall give to the other at least one-half of the main traveled portion of the roadway, as nearly as possible," construed under conditions where there is a deposit of sand and gravel on one side. Warren v Marsh, 215 M 620, 11 NW(2d) 528.

Rule as to undisputed physical facts in the determination as to whether or not a party was on his right side of the road. Reiter v Porter, 216 M 479, 13 NW(2d) 372.

Where pedestrian ran into street intersection in disregard of semaphor, and street car, already in intersection, stopped suddenly either to avoid injury to them or to permit them to board street car, thereby causing truck to collide with rear end of street car, the issue of proximate cause was for the jury. Nees v Mpls. St. Ry. 218 M 533, 16 NW(2d) 758.

Ordinances of the city of Fargo, North Dakota, when construed together, does not make it negligence as a matter of law for a pedestrian to cross a street within the city limits at a point other than the regular crosswalk formed by the intersection of streets. Smith v Barry, 219 M 182, 17 NW(2d) 324.

The evidence, together with matters in the record, made a prima facie case of negligence against the defendant. It was error to direct a verdict for defendant. Lowen v Pates, 219 M 568, 18 NW(2d) 455.

Where there was a head-on collision, evidence that defendant drove on wrong side of an icy street at excessive speed sustained a verdict finding him negligent. Ranum v Swenson, 220 M 170, 19 NW(2d) 327.

See, Cooper v Hoeglund, 221 M 446, 22 NW(2d) 450.

Where the driver of the first of two automobiles going in the same direction stops on a paved highway preparatory to making a left turn into another highway without giving a visible signal in violation of section 169.19, and the driver of the second automobile is following the first one more closely than is reasonable or prudent, in violation of section 169.18, and then turns into a lane on his left directly in the path of an oncoming automobile, in violation of section 169.18, and the second automobile and the oncoming one collide, the violations of statute by the drivers of the first and second automobiles justify a finding that they were guilty of negligence. Cooper v Hoeglund, 221 M 446, 22 NW(2d) 450.

Where automobile collided with oncoming motorcycle when automobile attempted to pass another automobile immediately after meeting vehicle which was traveling ahead of motorcycle, motorcyclist who in emergency attempted to escape by turning motorcycle to right and speeding up to get out of way of oncoming automobile was not guilty of contributory negligence as a matter of law. Stolte v Larkin, 110 F(2d) 226.

Manslaughter by motorists. 22 MLR 755.

169.19 TURNING AND STARTING; SIGNALS ON STOPPING AND TURNING.

Amended by L. 1947 c. 428 s. 16.
See, Cooper v Hoeglund, 221 M 446, 22 NW(2d) 450, under section 169.18.

169.20 RIGHT OF WAY.

Subd. 5, amended by L. 1947 c. 428 s. 17.

Evidence created fact questions as to defendant's negligence and plaintiff's contributory negligence. Behr v Schmidt, 206 M 378, 288 NW 722; Lee v Asmundson, 206 M 487, 289 NW 63; Dahl v Collette, 206 M 604, 289 NW 582; Ost v Ulring, 207 M 500, 292 NW 207; Salters v Uhler, 208 M 66, 292 NW 762; Hayward v Vollbrecht, 208 M 191, 293 NW 246; Fickling v Nassif, 208 M 538, 294 NW 848; Johnson v Farrell, 210 M 351, 298 NW 256; Ristow v Van Berg, 211 M 150, 300 NW 444; Odegard v Connolly, 211 M 342, 1 NW(2d) 137; Glynn v Krippner, 60 F(2d) 406.

When defendant in violation of the statute suddenly drove onto a public highway from a private driveway in violation of plaintiff's right of way and under circumstances showing a collision would result, he was guilty of negligence as a matter of law. Boerner v Wiemann, 206 M 548, 289 NW 562.

Contributory negligence, like negligence, becomes a question of law only when reasonable minds functioning judicially could not arrive at different conclusions. Kraus v Saffert, 208 M 224, 293 NW 253; Packar v Brooks, 211 M 99, 300 NW 400.

Requiring vehicular traffic facing a yellow signal following a green to stop also applies to the yellow-under green signal. Litman v Walso, 211 M 398, 1 NW(2d) 391.

Plaintiff automobile driver was not guilty of contributory negligence as a matter of law where he exercised reasonable precautions and took reasonable measures to bring his car to a stop immediately upon his discovery that operator of tractor-trailer, with which plaintiff collided, did not intend to bring his vehicle to a stop as required by law before entering an intersection. Fact that plaintiff's car skidded on slippery pavement 60 to 65 feet did not constitute contributory negligence as a matter of law. Question of plaintiff's contributory negligence was properly submitted to the jury. Shockman v Union Transfer, 220 M 334, 19 NW(2d) 812.

The intersectional right of way rule is not altered merely because vehicle approaching from right is on a highway only partially maintained and lightly used while vehicle approaching from left is on a paved and well traveled highway. Wilmes v Mihelich, 223 M 139, 25 NW(2d) 833.

A motorist approaching an intersection against a stop sign is charged with the duty of stopping at a point where he may observe approaching traffic on the protected highway and must yield the right of way to vehicles approaching thereon within the zone where they constitute an immediate hazard. Olson v Anderson, 224 M —, 28 NW(2d) 67.

The chauffeur in charge of the motor car was guilty of gross negligence in the operation of his automobile and this, and not the negligence of the street car company, was the proximate cause of plaintiff's injury. The motorman had no reasonable ground to believe that the chauffeur would not stop or turn his machine before the collision became inevitable. Mpls. St. Ry. v Odegaard, 182 F. 56.

Rules of the road; right of way at intersections. 8 MLR 449.

Duty of driver approaching intersection. 13 MLR 372.

Duty of a pedestrian crossing a street on a crosswalk. 17 MLR 451.

Flexibility of traffic rules. 19 MLR 679.

Proximate cause. 21 MLR 19.

169.21 PEDESTRIANS, RIGHTS, DUTIES.

Subd. 2, amended by L. 1947 c. 428 s. 18.

Subd. 5, amended by L. 1947 c. 428 s. 19.

Where plaintiff, a guest rider on a gravel truck, alighted to assist driver in adjusting part of truck and was run into by a car approaching from the rear of the truck, the finding for plaintiff is affirmed. Anderson v Johnson, 208 M 373, 294 NW 224.

Questions of negligence and contributory negligence are for the jury, including facts where emergency doctrine may be applicable. Schuman v Mpls. St. Ry. 209 M 334, 296 NW 174; Allerdyce v Martin, 210 M 366, 298 NW 363; Aide v Taylor, 214 M 212, 7 NW(2d) 757; Schindel v Klein, 215 M 73, 9 NW(2d) 342; Deach v St. P. City Ry. 215 M 171, 9 NW(2d) 735; Moeller v St. P. City Ry. 218 M 353, 16 NW(2d) 289; Norton v Connolly, 218 M 366, 16 NW(2d) 170; Hickok v Margolis, 221 M 480, 22 NW(2d) 850.

Motorist driving at high speed and with defective brakes which contributed to the situation with which he was confronted was not entitled to benefit of sudden emergency rule. Lee v Zaske, 213 M 244, 6 NW(2d) 793.

A pedestrian is not guilty of contributory negligence as a matter of law for failure to look for an automobile approaching from the wrong side of the street, because ordinarily he has no reason to foresee or anticipate danger from that direction. Aide v Taylor, 214 M 212, 7 NW(2d) 757.

Defendants urge as error the submission to the jury of sections 169.14, subdivision 3, and 169.21, subdivision 3, on the ground that they are inapplicable to street cars. No exception was taken to this part of the charge. Following Greene v Mathiowetz, 212 M 171, 3 NW(2d) 97, the reading of these statutes, even though inapplicable, absent any exception to the court's charge, did not constitute error. Moeller v St. P. City Ry. 218 M 361, 16 NW(2d) 289.

Negligence of motor driver striking pedestrian while passing wagon along road contractor's caravan was a question for the jury under evidence as to speed. It is a question for the jury where reasonable men in impartial exercise of judgment may honestly reach different conclusions. Lowen v Pates, 219 M 566, 18 NW(2d) 455; Engstrom v Delbitt, 58 F(2d) 137.

Testimony of police officer under the provisions of section 169.09, subd. 6, was rightfully excluded. (But see, L. 1947, c. 428, s. 9.) Lowen v Pates, 219 M 566, 18 NW(2d) 455.

One of the purposes of the statutes requiring a motor vehicle to have lights on at required times is to permit other travelers on the public highway to ascertain and determine its presence so they may guide their actions accordingly. Shockman v Union Transfer, 220 M 334, 19 NW(2d) 818.

Street car standing at intersection had no right of way over pedestrian, regardless of what its rights otherwise might be, nor could pedestrian acquire any right of way in crossing over the street car. Where an intersection is occupied by a standing vehicle, no right of way can be acquired against it for the reason that the standing vehicle's occupation of the roadway, however wrongful, is an accomplished fact eliminating all considerations which might otherwise give rise to a question of right of way. Wright v Mpls. St. Ry. 222 M 105, 23 NW(2d) 348.

The duty of a motorman in operating a street car is to exercise ordinary or reasonable care to avoid harm to others; and he must keep a reasonable lookout ahead so as to be able to take proper precautions to avoid accidents, and, before starting his car, must look to see that the track immediately ahead is clear. Wright v Mpls. St. Ry. 222 M 105, 23 NW(2d) 348.

"Right of way" rule is simply a rule of precedence as to which of two users of interseting highways shall have the immediate right of crossing first. The rule applies to street cars. Wright v Mpls. Street Ry. 222 M 105, 23 NW(2d) 348.

Where undisputed evidence disclosed that defendant entered intersection first from plaintiff's right and was almost entirely clear of plaintiff's lane of travel across

intersection when plaintiff's motorcycle collided with left rear fender of defendant's automobile, plaintiff's failure to yield the right of way constituted contributory negligence as a matter of law. Wilmes v Mihelich, 223 M 139, 25 NW(2d) 833.

The driver of a motor vehicle crossing a highway intersection is required to yield right of way to a vehicle approaching from his right where both are so close to intersection that there is danger of collision if both proceed. Wilmes v Mihelich, 223 M 139, 25 NW(2d) 833.

Defendant was found guilty of operating and driving his automibile on a public highway in a reckless and grossly negligent manner and so killed his wife who at the time was walking on the highway. State v Bolsinger, 221 M 154, 21 NW(2d) 484.

The highway traffic regulation act is a general and systematic revision of all traffic laws and repeals all pre-existing and irreconcilable city ordinances pertaining to the same subject matter or classification. Le Vasseur v Mpls. St. Ry. 221 M 205, 21 NW(2d) 522.

The statute requiring vehicles to stop at least ten feet to the rear of street car which has stopped to discharge or receive passenger applies to the operation and control of a street car approaching another street car stopped or about to stop. Le Vasseur v Mpls. St. Ry. 221 M 205, 21 NW(2d) 522.

Upon alighting from street car and in passing to the rear of the street car within ten feet thereof plaintiff had the right of way as to a following street car, but upon passing out of that area into the path of a street car approaching from opposite direction plaintiff lost the right of way. Le Vasseur v Mpls. St. Ry. 221 M 205, 21 NW(2d) 522.

169.211 BICYCLE, COASTER, ROLLER SKATES, SLED, TOY VEHICLES.

HISTORY. 1947 c. 428 s. 20.

169.24 TO STOP TEN FEET FROM STREET CARS.

In a negligence action arising out of a collision between plaintiff's auto and defendant's street car, growing out of the operation of defendant's street car on a Y while reversing the direction of a street car, and where speed of each vehicle was of essence, and evidence conflicting and the jury found for the plaintiff, it was error in the trial court to grant judgment for defendant non obstante. Solberg v Minneapolis Street Railway, 214 M 274, 7 NW(2d) 926.

The trial court, in directing a verdict for defendants, correctly followed the established rule that, under ordinary circumstances, a street railway company has no duty to warn or protect passengers leaving its street cars against obvious street dangers arising from the operation of vehicles thereon. Kieger v St. Paul Railway, 216 M 38, 11 NW(2d) 757.

Section 169.24 in requiring all vehicles to stop at least ten feet to the rear of the nearest running board or door of a streetcar, creates a restricted right of way area to the rear of the car, and between the car door or gates and the nearest curb, for the benefit of pedestrians. Le Vasseur v Minneapolis Street Railway, 221 M 205, 21 NW(2d) 524.

A motorist who negligently fails to stop ten feet behind a street car which has stopped to discharge passengers may be held liable for injuries sustained when the passenger is caught fast when the motorman suddenly closes the exit doors when the passenger is alighting and is struck by the motorist when the doors are opened and the passenger falls into the street. The negligence of the motorist does not relieve the street car company of liability under the circumstances described. Hall v Mpls. St. Ry. 223 M 243, 26 NW(2d) 178.

Auto, traveling alongside and parallel with street car, is not "approaching" it within the meaning of L. 1925, c. 416, s. 19. The act contemplates a motor car coming from behind the street car. Prince v Sandeen, 29 F(2d) 87.

One slipping or falling on steps or street in alighting from street car, which had stopped and opened its gates, was not contributory negligent as a matter of law in not observing truck approaching from rear before getting off or in assuming that it would stop, he having no occasion to anticipate that he would fall, or that the truck would be driven so close to the street car as to injure him. Wawin Coal Co. v Orr, 33 F(2d) 27.

169.25 NOT TO GO THROUGH SAFETY ZONES.

Where the driver of an automobile collides with an obstruction upon a highway because atmospheric or other conditions interfere with his ability to see it in time to avoid the collision, the presence of the obstruction upon the highway is a material element or substantial factor in the happening of a resulting collision with it and consequently a proximate cause of any resulting injury. Flaherty v Great Northern, 218 M 488, 16 NW(2d) 553.

169.27 DANGEROUS HIGHWAY; RAILROAD CROSSING TO BE MARKED.

Over an open railroad crossing, where the view of travelers on the highway is unobstructed and the crossing is protected by high "sawbuck" warning sign, automatic stop signs, and flashing red lights, a train speed of 50 miles per hour is, as a matter of law, not negligent. Engberg v Great Northern, 207 M 194, 290 NW 579.

Where automobile, stalled on railroad crossing, is struck and damaged by train after driver thereof has stopped it 70 feet back from nearest track, and would have passed over safely except that car stalled on tracks, the failure of the driver to stop again within 50 feet of the track did not constitute negligence as a matter of law in view of the provisions of section 169.96. Bryant v Northern Pacific, 221 M 577, 23 NW(2d) 175.

Compliance with statutory requirements with reference to installation and maintenance of crossing signs is minimum duty of a railroad, and ordinary care may require more, and unusual facts may render a crossing an exceptional or dangerous one requiring precautions in addition to those prescribed by statute or order of the railroad and warehouse commission. Duluth Co. v Zuck, 119 F(2d) 75.

169.30 THROUGH HIGHWAYS DESIGNATED.

Driver on an arterial street has right to assume that motor vehicle approaching from a side street will obey the statute and come to a stop, but he cannot fully rely on such assumption when confronted by obvious and imminent danger. Shockman v Union Transfer, 220 M 334, 19 NW(2d) 812.

169.32 STOPPING, STANDING, AND PARKING.

Plaintiff guest passenger on gravel truck alighted from truck parked on right side of road to assist driver in making an adjustment and was run into by a car approaching from the rear. The evidence sustains the jury's verdict for the plaintiff. Anderson v Johnson, 208 M 373, 294 NW 224.

Plaintiff's car skidded on the ice and stalled on the right of way encroaching on both alleys. He entered the right side to flag down assistance. The car following also skidded. The third car in trying to avoid the two stalled cars changed course sufficiently to strike plaintiff. The jury found for plaintiff and their verdict was sustained. Corridan v Agranoff, 210 M 237, 297 NW 759.

After dark two trucks, one disabled and the other a service car, blocked one lane of a trunk highway. In the hazard thus created, decedent, coming to the assistance of the truck drivers, was killed while standing in front of the service car in a collision between it and another car. Failure of the driver of the service truck to set out flares which he had available and the use of which are required by statute, was negligence, and its agency of proximate causation. Duff v Bemidji, 210 M 456, 299 NW 196.

Where through an emergency plaintiff's car was parked without lights and was damaged by defendant's car which collided with it, the jury's verdict for plaintiff was sustained. Cooperthwait v Todsen, 212 M 49, 2 NW(2d) 429.

The driver saw an automobile truck ahead of him, in broad daylight, at a distance of a quarter of a mile, and when 150 or 175 feet away he turned to talk to a passenger and so continued until he collided with the truck. This conduct was so culpable and negligent as to constitute a superseding, intervening cause of the collision, insulating any prior negligence in the improper parking of the truck. Medved v Doolittle, 220 M 352, 19 NW(2d) 788.

169.34 WHERE STOPS ARE PROHIBITED.

Where, as in the instant case, the street car projects over the crosswalk, and the accident occurred because motorman could not see approaching pedestrian when starting the car from his sitting position, it was the duty of the motorman to change his position so as to be sure there was no approaching pedestrian. Wright v Mpls. St. Ry. 222 M 105, 23 NW(2d) 349.

169.35 PARKING ON ROADWAY.

Amended by L. 1947 c. 428 s. 21.

A normal boy in his sixteenth year was guilty of negligence as a matter of law in so driving his automobile that it collided with another parked in the street, the collision being the result of his inattention while picking up a lighted cigarette he had just dropped. Wineman v Carter, 212 M 298, 4 NW(2d) 83.

169.43 SWINGING GATES, RACKS, OR PARTITIONS FORBIDDEN.

Amended by L. 1947 c. 428 s. 22.

A trucker may have a tail-gate of his truck projecting when transporting articles which are longer than the body of his truck; but not when the articles transported may be loaded in the body of the truck, in which situation he must of necessity limit his load so that he can close the tail-gate. State v Gettins, 205 M 185, 285 NW 533.

169.44 PASSING SCHOOL BUSES.

Amended by L. 1947 c. 428 s. 23.

169.45 DESIGN AND COLOR OF SCHOOL BUSES.

Amended by L. 1947 c. 428 s. 24.

169.47 VEHICLES WITH UNSAFE EQUIPMENT NOT TO BE DRIVEN ON HIGHWAY.

Whether law of Wisconsin where the accident occurred as a result of defect in steering mechanism of the truck, which collided with the automobile, or the Minnesota law wherein the truck owner purchased it from automobile dealer, controls in an action, latter and owner for injuries to occupants of the automobile, is unimportant in absence of different common law of such states. Egan v Bruner, 102 F(2d) 373.

169.48 VEHICLE LIGHTS.

One of the purposes of the statutes requiring a motor vehicle to have lights on at required times is to permit other travelers on the public highway to ascertain and determine its presence so they may guide their actions accordingly. The court properly submitted to the jury the question whether the absence of lights on defendant's vehicle may have been the proximate cause of the accident. Shockman v Union Transfer, 220 M 334, 19 NW(2d) 814.

The court properly submitted to the jury the question whether absence of lights on defendant's vehicle may have been the proximate cause of the accident, even though plaintiff driver testified that he observed the absence of lights for some time prior to the accident. Shockman v Union Transfer, 220 M 334, 19 NW(2d) 814.

169.50 REAR LIGHTS.

Amended by L. 1947 c. 428 s. 26.

See, Shockman v Union Transfer, 220 M 334, 19 NW(2d) 814.

169.53 LIGHTS FOR PARKED VEHICLES.

Amended by L. 1947 c. 428 s. 26.

Where plaintiff was hit by defendant's car and defendant claimed contributory negligence because plaintiff's vehicle was not properly lighted, it was a fact question for the jury, and the jury having found for plaintiff the court will not disturb the verdict. Erickson v Morrow, 206 M 58, 287 NW 628.

169.55 ANIMAL-DRAWN VEHICLES MUST HAVE LIGHTS.

Amended by L. 1947 c. 428 s. 27.

Where an autoist was obliged to make an abrupt left turn in order to avoid collision with a horse drawn wagon driving after dark without lights, and as a result of the emergency turn went into a ditch and suffered damage, the autoist has cause of action against the owner of the unlighted horse drawn wagon. Smith v Carlson, 209 M 268, 296 NW 132.

Judgment obtained against county by an autoist because at early dawn defendant was operating a snowplow which the jury found was without lights, and collision occurred. Smith v County of Ramsey, 218 M 325, 16 NW(2d) 169.

169.57 SIGNAL-LIGHTS.

Amended by L. 1947 c. 428 s. 28.

Failure to equip motor vehicle with a device constructed and located so as to give an adequate signal of intention to stop, as required by ordinance, is evidence of negligence. Christensen v Hennepin Transportation Co., 215 M 394, 10 NW(2d) 406.

169.61 COMPOSITE LIGHTS.

Whether lights conformed to the requirements of the statute, and whether the defective condition of the lights was the cause of the injury, were questions for the jury. Carlson v Peterson, 205 M 20, 284 NW 847.

169.64 CERTAIN LIGHTS PROHIBITED.

Amended by L. 1947 c. 428 s. 29.

There is no provision authorizing volunteer firemen to use red lights or a siren on their cars unless permission to do so has been obtained from the chief of police, if within the city, or from the commissioner of highways, if outside the city. OAG July 1, 1947 (688-i).

169.68 HORNS.

There is no provision authorizing volunteer firemen to use red lights or a siren on their cars unless permission to do so has been obtained from the chief of police, if within the city, or from the commissioner of highways, if outside the city. OAG July 1, 1947 (688-i).

169.71 WINDSHIELDS.

Amended by L. 1947 c. 428 s. 30.

169.72 SOLID RUBBER TIRES.

This section provides the authority under which bituminous paved roads may be protected from damage by tractors with lugs. OAG Sept. 25, 1945 (989-a-12).

169.74 SAFETY GLASS.

Amended by L. 1947 c. 428 s. 31.

169.75 CERTAIN VEHICLES TO HAVE AT LEAST THREE LIGHTS.

Amended by L. 1947 c. 428 s. 32.

Notwithstanding the negligence of the driver of the truck in parking without setting out the necessary signals, the negligence of the plaintiff was such as to constitute a superseding and intervening cause of the collision, insulating any prior negligence in the improper parking of the truck. Medved v Doolittle, 220 M 352, 19 NW(2d) 788.

See note, Medved v Doolittle, 220 M 352, 19 NW(2d) 788, under section 169.32.

169.77 ADJUSTING HEADLIGHTS.

Amended by L. 1947 c. 428 s. 33.

169.79 VEHICLES MUST BE REGISTERED.

Whether small signs affixed to the license plates violates the provisions of section 169.79, is a question of fact. 1944 OAG 288, Feb. 1, 1944 (632-A-16).

169.80 SIZE, WEIGHT, LOAD.

Drivers of school buses, the same as other drivers, are prohibited from violating restrictions imposed upon load limits on roads at certain seasons. OAG May 9, 1947 (989-A-12).

169.81 HEIGHT AND LENGTH OF VEHICLE AND LOAD.

A, a farmhand employed by B, who owned and operated a farm managed by C, was injured when caught by a low telephone wire and thrown from a load of baled straw owned by B, which was being hauled on a truck owned by D, used on B's farm, and operated by C with consent of D. It was error for the court to charge the jury that if they found that there was negligence on the part of C, such negligence was imputable to both B and D, so that the negligence of C would be the negligence of B, C, and D. Novotny v Bouley, 223 M 592, 27 NW(2d) 814.

169.87 RESTRICTIONS ON LOADS DURING CERTAIN SEASONS.

Amended by L. 1947 c. 505 s. 1.

A resolution by the county board is required to impose restrictions on load limits on posted highways. The authority cannot be delegated to the county highway engineer. OAG May 9, 1947 (989-A-12).

Drivers of school buses, the same as other drivers, are prohibited from violating restrictions imposed upon load limits on roads at certain seasons. OAG May 9, 1947 (989-A-12).

169.89 PENALTIES.

Amended by L. 1947 c. 428 s. 34.

169.90 OFFENSES.

Nature of permission required in family purpose doctrine use of automobile. 12 MLR 284.

169.91 ARRESTS.

Amended by L. 1947 c. 428 s. 35.

169.92 FAILURE TO APPEAR A MISDEMEANOR.

When the person charged fails to appear, a warrant should issue and he should be arrested on the original charge, and that having been disposed of, the offender may then be prosecuted under this section. OAG July 6, 1945 (266-b-24).

169.94 RECORD OF CONVICTION.

An oral plea of guilty to a violation of a state highway traffic regulation act, pleaded in justice court, is not admissible in evidence in a civil action. Warren v Marsh, 215 M 615, 11 NW(2d) 528.

169.96 INTERPRETATION AND EFFECT.

A prima facie case simply means one that prevails in the absence of evidence invalidating it. In a jury trial, if there is such evidence, the issue is for the jury.

Where the prima facie case is unopposed by evidence, a verdict must be directed. Wojtowicz v Belden, 211 M 465, 1 NW(2d) 409; Flitton v Daleki, 216 M 550, 13 NW(2d) 477; Schnore v Baldwin, 217 M 398, 14 NW(2d) 477; Rogers v Mpls. St. Ry. 218 M 454, 16 NW(2d) 516; Flom v St. P. City Ry. 218 M 474, 16 NW(2d) 551; Flaherty v Gt. Northern, 218 M 445, 16 NW(2d) 553; Nees v Mpls. St. Ry. 218 M 532, 16 NW(2d) 758.

The violation of the statute is only prima facie evidence of negligence; but a prima facie case imports negligence, and explanations are in order. Nees v Mpls. St. Ry. 218 M 532, 16 NW(2d) 758; Landeen v DeJung, 219 M 291, 17 NW(2d) 648.

The highway traffic regulation act is essentially a right of way statute, and purports, in the interest of uniformity, to be general and systematic revision of all traffic laws, and pursuant to section 645.39, constitutes a repeal of a preexisting and irreconcilable city ordinance pertaining to the same subject matter or classification. LeVasseur v Minneapolis St. Ry. 221 M 205, 21 NW(2d) 523.

Where automobile, stalled on railroad crossing, is struck and damaged by train after driver thereof has stopped it 70 feet back from nearest track, and would have passed on safely except that car stalled on tracks, the failure of the driver to stop again within 50 feet of the track did not constitute negligence as a matter of law in view of the provisions of section 169.96. Bryant v Northern Pacific, 221 M 577, 23 NW(2d) 175.