

MINNESOTA PROGRAM OF ACTION

Adopted by
GOVERNOR'S MOTOR VEHICLE
AND TRAFFIC LAWS STUDY COMMITTEE

Duluth, Minnesota
August 22, 1958



Including Reports and Legislative Recommendations for Consideration
by the 1959 Legislature

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GOVERNOR'S MESSAGE

Another step forward in the modernizing of our state government has been made by the members of the Minnesota Motor Vehicle and Traffic Laws Study Committee. In this excellent report, which covers legislative recommendations in the field of motor vehicle registration and use, the committee has brought into focus those needed changes in Minnesota statutes which would bring our traffic and vehicle codes closer to uniformity with other states and within the immediate needs of our state.

The members of the committee have contributed much of their time and energy to the preparation of what is the first report of a continuing study of our traffic needs. Some of these recommendations are minor in nature in that they provide for better wordage, definition or up-dating existing statutes. Others are important as they may be new concepts in the enforcement of our traffic laws. Notwithstanding their comparative importance, I am in accord with all of these recommendations and urge their acceptance by everyone. These will be introduced into the 1959 legislature with my full support and, I hope, the support of all responsible citizens who are concerned with the conservation of life and property.

**ORVILLE L. FREEMAN
GOVERNOR
STATE OF MINNESOTA**

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To: Mr. A. V. Rohweder, President
Minnesota Safety Council

Dear Sir:

The Legislative Recommendations contained in this report are based upon study and analyses conducted for the past two years by the Minnesota Motor Vehicle and Traffic Laws Study Committee.

This Committee was organized for the purpose of initiating a fundamental and thorough study of all the state's laws relating to motor vehicles and highway traffic. These recommendations are considered important in meeting today's needs and are not attempts to include all necessary future changes. The Committee feels that a continuing study of laws and regulations affecting motor vehicle ownership and use is necessary, with a view to accomplishing that legislation which will most safely and efficiently meet traffic needs of both the present and the future.

As chairman of the Committee I wish to express my sincere thanks to members of the Whole Committee; to the Subcommittee which has been very cooperative in conducting this study, to the committee's consultants and study advisors, and to the study staff and its director who all contributed invaluablely to this study.

Sincerely yours,

George W. Lawson, Chairman
Minnesota Motor Vehicle and
Traffic Laws Study Committee

To: The Governor, Legislature and the
People of the State of Minnesota

I would like to submit for your consideration and support this report on Legislative Recommendations prepared by the Minnesota Motor Vehicle and Traffic Laws Study Committee of the Minnesota Safety Council. It is my earnest belief that this report speaks for itself and deserves priority consideration in view of rapidly changing conditions in the field of motor vehicle operations. In my opinion the committee has done a splendid job of analyzing and pin-pointing some of our most immediate legislative needs pertaining to motor vehicle and traffic laws.

The recommendations in this report are based upon the analysis of data collected in the overall study, and after checking on the best accepted practices in other states. The committee presented its report to the Minnesota Safety Council at its Summer Meeting in Duluth on August 22, 1958, and after appropriate discussion the recommendations were adopted unanimously.

I want to thank the Council's Study Committee for this report, which can be considered as an interim step in examining our motor vehicle and traffic laws. I also want to thank the departments and divisions of the state which rendered such a high degree of cooperation in making this report possible.

Respectfully submitted,

A. V. Rohweder, President
Minnesota Safety Council

**MINNESOTA MOTOR VEHICLE AND TRAFFIC LAWS
STUDY COMMITTEE**

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 ANTON WESTERHAUS, United Steel Workers of America, Duluth

* Indicates members of Study Subcommittee.

The Minnesota Motor Vehicle and Traffic Laws Study Committee was originally established by Governor Orville L. Freeman and President Arthur V. Rohweder of the Minnesota Safety Council on August 24, 1956. It is a continuing body devoted to constant study of all laws and regulations affecting Motor Vehicle ownership and use, with a view to accomplishing that legislation which will most safely and efficiently meet traffic needs of both the present and future.

FOREWORD

The growth and development of Minnesota has been due in large part to the growth of road traffic in reaching all parts of the state in times of peace and emergency. As the traffic picture expanded, the state established licensing and enforcement agencies to control motor vehicle ownership and use so that the public might receive maximum returns from investments in the motor vehicles and the roads on which they operate.

In the past, statutory and administrative controls relating to motor vehicle and traffic laws have primarily been devoted to correcting deficiencies and filling gaps to meet the more urgent immediate needs. Many of the state's laws were enacted in years when traffic problems were different from what they are today. Some of the laws have been outdated, because no one could anticipate how rapidly conditions were changing.

Most of Minnesota's motor vehicle statutes are based upon the original Motor Vehicle Code, but today many of them do not conform as closely as desirable to what is now considered the best practice in other states. Therefore, with the expansion projected for Minnesota highways in the next decade or so, it has become necessary to examine present motor vehicle regulations in the light of those predicted conditions.

Piece-meal amendment and correction of present apparent inadequacies in the motor vehicle laws obviously are not enough. On the contrary, if an answer is going to be found to the gap between road expansion and laws regulating motor vehicle operations on the roads, a more thorough and basic study of all pertinent laws is necessary. We must find out why the laws were enacted, how well they meet present needs, and what changes might be needed to make them adequate for the foreseeable future. By forecasting needs, appropriate action can be initiated to solve, or at least alleviate many of the problems before they become serious. Thus we can help to preserve the heavy public and private investments in highway transportation facilities as well as contribute to reduction of accidents and congestion.

A study of this nature is mainly concerned with the analysis of the individual functions of state government as applied to the ownership and use of motor vehicles rather than the analysis of units of government and administrative proceedings. Such an analysis should show the several functions as they relate to present and future needs involving statutory control, delegated authority and budgets. Expenditures anticipated for road improvement in Minnesota during the next ten years or more are gigantic compared with outlays in the past. Such huge investments call for sound statutory and administrative controls to make the investments wise and profitable ones.

Up to date laws are essential to effective handling of up to date traffic. This report is not intended to include all necessary future changes in statutory regulations. These recommendations cover only the immediate needs to take care of current deficiencies. Further studies of anticipated future needs will be covered in other reports upon completion of the longer range studies. It is hoped that these longer range studies will produce data which will be of aid to future legislators.

One of the basic principles of this study is that the departments and divisions directly involved in the functions of motor vehicle and traffic regulations are the ones best able to take part in the study. Their files, records and experiences afford the information needed to effect a thorough and basic analysis of motor vehicle functions as administered either all or in part by those various governmental units. This procedure has been followed throughout in this study. After careful analysis of the status and needs relating to each function, the recommendations were submitted first to the study subcommittee for review and finally to the whole committee for discussion and approval. The recommendations included in this report have been considered and approved by the committee.

It appears that Minnesota is attempting something not previously done on the same scale, and the state is attracting the attention of officials nationwide who are interested in the kind of study we are doing and how we are doing it. Projecting long range legislative proposals is perhaps something relatively new, but it is felt that such forecasting is entirely feasible. The planning of public works (including highways) has for many years been based upon projected needs. There seems no reason why similar techniques are not equally useful in anticipating legislative needs relating to the administration of motor vehicle and traffic functions.

Road facilities which accommodate the public safely, efficiently and economically call for statutory provisions which assure adequate control over motor vehicle ownership and use of those facilities. Adequate roads with adequate regulatory statutes go hand in hand in helping to save lives and reduce property destruction on the streets and highways.

MOTOR VEHICLE REGISTRATION AND TITLE

PARTIAL PAYMENT LAW

Under the present law an owner having a vehicle taxed in excess of \$200 annually may pay the amount in three installments, with the initial payment at least \$200 and the balance divided into two equal installments—one due April 1st and the other July 1st. At present, the tax for vehicles registered under this law ranges from \$750 to \$1,000 per year, compared with total annual tax of not more than \$600 when the law was enacted. If, as frequently happens, the vehicle is destroyed or removed from the state, or April 1st deadline payments are delinquent, the \$200 does not, in most cases, represent an amount sufficient to cover tax due for use of the highways from January 1st through April. Payments not made on time also entail investigation by our inspectors who attempt to collect the delinquent installments or take other appropriate action to protect the state's interest. In addition, it is believed an owner who fails to pay his installments on time or who issues a "bad" check in payment should be denied the privilege of partial payments for at least one year. Therefore, it is recommended that the first sentence of Chapter 168.31, Subd. 4 be deleted and the following substituted therefor:

Sub. 4 Installments—If the tax assessed under Section 168.013, Subd. 1 amounts to more than \$300 the owner may pay such tax in three installments. The owner shall tender with his application for registration an amount equal to $\frac{1}{3}$ of the total tax due plus any penalties or arrears, but in no event less than \$300. The remainder of the tax shall be paid in two equal installments in the year for which the vehicle is registered. The due date of the first installment shall be on the first day of April of the year for which the tax is assessed and the second installment shall be due on the first day of July of the year for which the tax is assessed.

Add the following to Section 168.31, Subd. 4:

The Registrar may deny installment payment privileges in the subsequent year to any owner who during the current year fails to pay installments due or fails to pay installments until after the due date or who tenders payment of installments due by check which was dishonored by the depository on which it was drawn because of insufficient funds on deposit or nonexistence of a deposit account.

EXEMPTION OF CERTAIN EQUIPMENT OR MACHINERY

The present law specifically exempts contractors construction machinery from the registration tax, but the language is not clear as to whether the machinery must be owned by a contractor or whether the exemption is to be extended to machinery of a type used by a construction contractor. It seems illogical to tax machinery of any type as a motor vehicle when such equipment is moved only incidentally on the highways in connection with the use for which it was designed. Normally the equipment is not designed for highway use but of necessity it must be moved on the highways to reach various job sites. It would seem that such machinery should be assessed

locally as personal property where it is principally used. The proposal would also include special mobile equipment. It may be necessary to define the meaning of special mobile equipment but this can be done in the same bill if this is deemed to be necessary. It is proposed, therefore, that the first paragraph of Section 168.012, Subd. 3 be deleted and the following substituted therefor:

Subd. 3 Contractors Equipment — Contractors construction equipment and other special mobile equipment but not including trucks and other equipment used for the transportation of materials on the highways, shall not be taxed as motor vehicles using the public streets and highways but shall be listed for taxation as personal property as provided by law.

CHAUFFEURS LICENSE DIVISION

Legislation should be proposed which would provide for the licensing of drivers, chauffeurs, and school bus drivers by one department, and for the integration of the laws relating thereto so as to eliminate confusion and duplication of records. Efforts were made to accomplish this at the past two legislative sessions, but the 1955 law was declared unconstitutional and the 1957 session did not consider the bill for enactment due to the time element. The following provision is needed to effect the transfer of the chauffeur licensing function from the Secretary of State to the Commissioner of Highways; and if that action is approved, it is recommended that Chapter 171 be completely rewritten so that administration of chauffeurs' and school bus drivers' licenses can be on a basis comparable to that of drivers' licenses.

All power and duties now vested in or imposed upon the Secretary of State relating to chauffeurs' and school bus drivers' licenses are transferred to, vested in and imposed upon the Commissioner of Highways. The duties of the Secretary of State in relation thereto are abolished.

COPY OF REGISTRATION CARD TO BE CARRIED IN TRUCK OR TRUCK-TRACTOR

With the ever-increasing movement of trucks in interstate travel, it is felt that the owner or driver of a truck should have some evidence in his possession showing the registration information pertinent to the vehicle operating for the most part under reciprocity. Such a requirement would make it easier for state enforcement personnel to know the registered gross weight of a vehicle when it passes over a scale. The committee believes that a copy of the original card should be carried in the vehicle, and therefore proposes the following be added as a subdivision to Section 168.11:

The Registrar, upon issuing a registration certificate to the owner of a truck or truck-tractor taxed under the provisions of M.S. 168.013, Subd. 1 (5) shall also issue a non-negotiable copy of such registration card. Such copy shall be carried in the driving compartment of the vehicle for which issued at all times for the use of enforcement agencies in checking ownership, registered gross weight and other information as deemed necessary.

DRIVE-AWAY LAW TO INCLUDE TRAILER TRANSPORTERS

Under the present law, enacted before the transportation of trailers became prevalent, a person or firm engaged in the business of transporting new trailers from the manufacturer to a dealer's place of business cannot use foreign state dealer's or transporter's plates nor can he be permitted to use Minnesota dealer plates. Transporters of motor-powered vehicles are permitted to move such vehicles under authority granted in the drive-away law which provides an annual fee of \$250 for issuance of plates at the rate of \$2 per set. This discrimination should be removed and transporters of trailers should be afforded the same privilege as transporters of motor-powered vehicles. It is, therefore, proposed that Section 168.053 be amended to read as follows:

168.053 Drive-Away in Transit License. Any person, firm or corporation engaged in the business of transporting new motor vehicles, not his own, over the highways of this State by delivering, by drive-away or towing methods, either singly or by means of full mount method, the saddle mount method, the tow-bar method, or any other combination thereof from the manufacturer or any other point of origin to any point or destination within or without the State shall be licensed by the Registrar as a drive-away contractor and pay an annual license fee of \$250. Such license shall expire on December 31st of the year for which issued. Upon the filing of the application and the payment of the fee, the registrar shall issue to each drive-away operator a general distinguishing number, which number must be carried and displayed by each motor vehicle in like manner as is now provided by law for vehicles while being operated upon public highways and such number shall remain on the vehicle from the manufacturer, or any point of origin, to any point of destination within or beyond the State. Additional plates bearing the same distinguishing number desired by any drive-away operator may be secured from the registrar of motor vehicles upon the payment of a fee of \$2.00 for each set of additional license plates. Any person, firm or corporation engaged in the business as a drive-away operator, of transporting and delivering by means of full mount method, the saddle mount method, the tow-bar method, or any combination thereof, new motor vehicles, not his own, over the highways of this State, who fails or refuses to file or cause to be filed an application, as is required by law, and to pay the fees therefor as the law requires, shall be found guilty of violating the provisions of Sections 168.053 to 168.057; and, upon conviction, fined not less than \$50, and not more than \$100, and all costs of court. Each day so operating without securing the license and plates as required therein shall constitute a separate offense within the meaning thereof.

NEW RESIDENTS

If a person takes up residence in Minnesota today his vehicle becomes subject to taxation immediately and the tax must be paid within 7 days to avoid penalty. Complaints are frequently registered by these new citizens

who feel that they should have more than 7 days before being required to obtain Minnesota plates. The following proposal would allow a grace period of a length now granted in many other states:

168.181 Nonresident Owners, Reciprocity Agreements or Arrangements: Conditions and Limitations. Subd. (7). Any non-resident owner of a passenger automobile, house trailer or passenger car utility trailer subject to taxation in this State who becomes a legal resident of this State or who, while temporarily residing in this State, accepts gainful employment expected to extend beyond a period of 6 months, shall be entitled to reciprocal privileges for the first 60 days in this State before registration of vehicle shall be required and tax paid.

CREATION OF A STATISTICAL SECTION IN THE MOTOR VEHICLE DIVISION

Creation of a statistical section does not require specific legislation, but would require recognition by the Legislature in the form of an appropriation to cover the necessary anticipated expenses. It is becoming increasingly apparent that some action should be taken to develop the type of motor vehicle statistical information now sought by many different persons, firms and governmental bodies. Information such as the number of vehicles registered in a certain city, county or other area, plus information as to the year model and types of vehicles located within limited areas is sought daily by various individuals and agencies. Such information cannot be worked out in a haphazard manner. The committee believes it important to have a person designated as a statistician in charge of developing the type of statistics most frequently requested. Statistical information developed can be of importance to the Highway Department, since it must make allocations for distribution of highway tax collections on vehicles registered by counties. The Legislature also frequently seeks information about domicile and use of vehicles. These are just two examples of the importance of this type of service.

CERTIFICATE OF TITLE LAW

We are the only state west of New York, except for Alabama, Georgia, Kentucky and Mississippi, without a certificate of title law; and at the present time such a law might deserve consideration. It is suggested that the Legislature give consideration as to whether or not a certificate of title law is needed in Minnesota.

SAFETY EDUCATION (SCHOOLS)

LICENSING OF SCHOOLS OF MOTOR VEHICLE OPERATION

The State Department of Education is charged with the responsibility of establishing standards for private trade schools conducting classes for the purpose of teaching, for a profit or for a tuition. Under the present law, schools of motor vehicle operation are not included. It is deemed desirable that such schools be brought under the control of the State Department of Education by amending Section 141.01, Subdivision 2, to include schools engaged in the instruction of motor vehicle operation as well as any trade, technical, mechanical or industrial occupation.

COMMERCIAL TRANSPORTATION REGULATIONS

LAWS TO BE AMENDED

Section 218.031, Subdivision 2 (4) should be amended to make reports furnished the Commission by the railway companies with regard to accidents at grade crossings confidential.

DRIVERS LICENSING — INCLUDING ACCIDENT RECORDS AND FINANCIAL RESPONSIBILITY

- A. Drivers Licensing
- B. Safety Responsibility
- C. Accident Records

A. DRIVERS LICENSING

1. Revocation of License

The present statute on revocations is inadequate, except as pertains to revocation for driving under the influence which carries a 30 days revocation after the first charge and a 90 days revocation after the second conviction. Since driving while under the influence is not the only basis for revocation, it is recommended that the following proposal be adopted to make the law concerning revocation much more effective and thus engender a healthy respect for it on the part of the driver who might otherwise be tempted to violate the law thinking he could get his license back merely by filing proof of financial responsibility.

171.18 **Revocation of Licenses.** The Commissioner shall have authority to provide for a mandatory wait of 30 days on a first revocation of license, for a minimum period of 90 days on a subsequent revocation, and of one year for a third or any subsequent revocation before the violator is issued a new license.

2. False Swearing

No penalty provisions are included in the present law in reference to false swearing, and any prosecution for such an offense would have to be brought upon general statutory grounds rather than specific ones. One of the important aspects of enacting the following legislative proposal would be that those having their applications notarized,

as well as parents who certify a youth's age would be impressed with the seriousness of such false verification.

171.22 Unlawful Acts. Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this chapter to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

3. Drivers License Possession

It is too easy for an individual to continue driving after suspension or revocation if he is entitled to keep licenses issued to him by other states, or possesses more than one Minnesota drivers license. At present there is no actual law against having two Minnesota drivers licenses. By making it illegal to have more than one license at any one time, there would be no question as to the legality of a license when an individual might have more than one license in his possession. Under the following proposal only the most recently issued license would be valid. Therefore, it is recommended that par. 1, Section 171.02 be deleted and the following substituted therefor:

171.02 Motor Vehicle Drivers License: No person, except those hereinafter expressly exempted shall drive any motor vehicle upon a highway in this State unless such person has a valid license as an operator or chauffeur under the provisions of this chapter. No person shall receive an operator's license unless and until he surrenders to the department all valid operator's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information that licensee is now licensed in new jurisdiction. No person shall be permitted to have more than one valid operator's license at any time.

4. Examination Upon License Renewal

There is no question that re-examination of applicants at renewal of driver's license is one of the best ways to detect those who are handicapped to the point where they should not be licensed, or to determine if inquiry should be made as to applicant's capability of driving. It is proposed, therefore, that the provisions of Section 171.13, Subd. 2 be repealed and the following substituted therefor:

171.13, Subd. 2. Renewal of License. (a) Every operator's license shall be renewable on or before its expiration upon application and payment of the required fee. The Commissioner may require an examination of the applicant as upon an original application.

5. Driving After Revocation

It is felt that Section 169.121, Subd. 4 as pertains to the phrase "violation of this section" be reworded to avoid ambiguities occurring when this law is adopted as local ordinances by reference. It is, therefore, proposed that this subdivision be deleted and the following substituted therefor:

169.121, Subd. 4. Every person who is convicted for a second time within three years of any previous conviction of the offense of driving under the influence of alcoholic beverage or narcotic drug or a combination of the two shall be punished by imprisonment for not less than 10 days nor more than 90 days, and his driver's license shall be revoked for not less than 90 days.

B. SAFETY RESPONSIBILITY ACT

1. Definition of License

At present there is no definition of a license in the drivers licensing law. It is only good legislative policy to define terms used, and adoption of the following recommendation would remove a great many ambiguities which arise when questions come up as to what is meant by the statute where it refers to a driving privilege or a driver's license. It is recommended, therefore, that Section 170.21, Subd. 4 be deleted and the following substituted therefor:

Section 170.21, Subd. 4. License to Operate a Motor Vehicle. Any operator's or chauffeur's license or any other license or permit to operate a motor vehicle issued under the laws of this State including:

- a. Any temporary license or instruction permit;
- b. The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;
- c. Any nonresident's operating privilege as defined herein.

2. Raising Insurance Requirement for Property Damage

Our current requirement of \$2,000 insurance requirement for property damage is unrealistic, since property damage these days can very easily run over that amount. Thus, although most insurance companies write their property damage policies in the amount of \$5,000, it is conceivable that a company could comply with the Safety Responsibility Act by writing one in the amount of \$2,000, and the public not adequately protected as a result. Therefore, the following recommendation is made:

Legislation be enacted amending Section 170.25, Subd. 3 to provide for \$5,000 accident coverage instead of \$2,000 as now provided for in this subdivision.

3. Cash Deposit Requirement

At present a person may show proof of future financial responsibility by depositing cash in the amount of \$11,000, whereas the state's present insurance requirement for the same kind of proof requires \$22,000 insurance. The net result is that the public is not adequately protected when only \$11,000 is deposited as proof of future financial responsibility. The following proposal is, therefore, made:

Legislation be enacted amending Section 170.44 to provide for \$25,000 cash deposit instead of \$11,000 as now provided for in this section.

4. Other Safety Responsibility Provisions

At present the filing of proof of financial responsibility is required for a period of five years, making Minnesota one of five states which require five-year filing of proof. All other states require a three-year filing. This proof term length could well be a subject for study by the Study Committee, since the current trend is toward a shorter term of proof.

C. ACCIDENT RECORDS

1. Drivers Involved in Fixture Damage Only

The law dealing with the responsibility of a driver involved in an accident resulting in damage to fixtures legally upon or adjacent to a highway does not make it mandatory for a driver to notify the owner of damage to such fixtures. In cases where such damage might occur, the owner might find it very difficult to track down the driver causing the damage. In order to correct this, the following recommendation should be adopted requiring the driver of any vehicle involved in such an accident to notify the owner of that property:

169.09, Subd. 5 **Notify Owner of Damaged Property.** The driver of any vehicle involved in an accident resulting only in damage to fixtures, or other property, legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his driver's or chauffeur's license, and make report of such accident when and as required by the provisions of this chapter.

2. Garage or Repair Shop Reports

In order more fully to gather accident reports, it is proposed that the present law be amended to require garages or repair shops to report vehicles which show evidence of having been involved in an accident of which a report must be made. It is felt that such a requirement would serve two definite purposes: 1) It would assist in locating drivers of vehicles involved in accidents who had not reported the accidents, and 2) It would increase the volume of reporting of accidents in those instances where law-enforcement agencies were not called in to investigate the accidents. The following amended version is proposed:

169.09, Subd. 12. **Garages to Report.** The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in this section, or struck by any bullet, shall report to the department within 24 hours after such motor vehicle is received, giving the serial or identification number, registration number, and the name and address of the owner or operator of such vehicle.

TRAFFIC LAW ENFORCEMENT

IMPLIED CONSENT LAW

Adoption of implied consent legislation undoubtedly would assist greatly in combating the drinking driver problem. An officer arresting a driver who is under the influence of intoxicating liquor can usually detect symptoms of intoxication such as alcoholic odor of breath, clumsiness of movement, abnormal speech and other such types of symptoms. However, there are 64 known pathological conditions associated with physical injury, illness and medication which cause symptoms the same as or similar to those observed in a person under alcoholic influence. Anyone of the pathological conditions can be, and sometimes is, used as a defense in driving while under the influence cases. Needless to say, such cases are exceedingly difficult to rebut. Convicting a person of driving while under the influence, therefore, can be difficult without evidence of the alcoholic content of his blood—especially when there is any possibility that the driver charged might have received a blow on the head in the accident. A chemical test is one of the best ways of establishing conclusive evidence of intoxication.

Section 169.121, Subd. 2 authorizes the use of chemical test evidence and describes how it is to be interpreted. This provision has been of value, but a chemical test can be made only on the consent of the arrested person. The implied consent legislation proposed would deem every person driving, operating or in actual physical control of a motor vehicle in this State to have given his consent to submit to a blood, breath, urine or saliva test for the purpose of determining the alcoholic content of his blood whenever he shall be arrested for any offense involving driving, operating or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor. Such a proposed law would include the following provisions:

1. A person cannot be directed to submit to the chemical test unless he has been arrested, and that arrest must be based upon reasonable grounds for believing such person was driving, operating or in actual physical control of a motor vehicle while he was under the influence of intoxicating liquor; and that unless these two conditions existed at the time the officer requested the chemical test specimen, no action could be taken against the driver for refusing to submit to a chemical test.
2. The driver's license or driving privilege would be suspended when the person arrested for driving while under the influence refuses to submit to a chemical test.
3. A person whose license or driving privilege is so suspended would have a period of 90 days within which to request a hearing before the Commissioner of Highways upon the reasonableness of his refusal to submit to the chemical test. If the person does not request a hearing within 90 days after the license or operating privilege is suspended, or if a hearing is held and the Commissioner rules against the person, his driver's license or operating privilege would be revoked.

The states of New York, Kansas, Idaho and Utah have adopted implied consent legislation. A similar measure, approved by the American Bar Association, has been drafted, approved and recommended for enactment in all states by the National Conference of Commissioners on Uniform State Laws. The New York statute has been held valid and constitutional by the New York State Supreme Court. Adoption of implied consent legislation would not in itself solve the drinking driver problem; it would, however, enable Minnesota law enforcement officers to deal more effectively with the present situation. That the drinking driver is a traffic problem is apparent from the fact that during 1957 some 10,000 persons were convicted of driving while under the influence of intoxicating liquor in Minnesota. Also, 5,654 of the 66,827 drivers involved in motor vehicle accidents attended by State law enforcement officers during 1957 had been drinking. Of these 5,654 drinking drivers, more than 40% were found to be under the influence of intoxicant liquor to a degree where their ability to operate a motor vehicle safely was definitely impaired.

ARRESTS UPON REASONABLE AND PROBABLE GROUNDS

Legislation is needed giving a police officer authority to make an arrest the same as for a felony when such an officer has reasonable and probable grounds to believe that the person to be arrested has committed certain offenses as outlined in the following proposal. All of the offenses, except negligent homicide, are misdemeanors, but they are the most serious misdemeanors which can be committed with a motor vehicle. It cannot be in the interest of justice generally, and traffic enforcement particularly, to permit any of these offenders to escape prosecution solely because the offense was not witnessed by an officer when there is other competent evidence of the violation and of the identity of the violator. Reasonable and probable grounds is not mere suspicion or conjecture, it is grounds upon which an ordinarily reasonable and prudent person would believe from the facts and information known to him that a certain violation was committed and that a certain person committed it. Therefore, the following recommendation is made:

Arrests for serious offenses. The authority of a police officer to make an arrest is the same as upon an arrest for a felony when such officer has reasonable and probable grounds to believe that the person arrested has committed any of the following offenses:

1. Negligent homicide;
2. Driving, or being in actual physical control of, a vehicle while under the influence of intoxicating liquor;
3. Driving a vehicle while under the influence of any narcotic drug, or driving a vehicle while under the influence of any other drug to a degree which renders the person incapable of safely driving a vehicle;
4. Failure to stop, or failure to give information, or failure to render reasonable assistance, in the event of an accident resulting in death or personal injuries, as prescribed in section 169.09;

5. Failure to stop, or failure to give information, in the event of an accident resulting in damage to a vehicle or to fixtures or other property legally upon or adjacent to a highway, or
6. Reckless driving.

INCREASE IN AUTHORIZED STRENGTH OF THE HIGHWAY PATROL

The committee endorses the forthcoming request of the Highway Patrol to the legislature to increase the authorized strength of the Highway Patrol to 444 uniformed personnel. This would be an increase of 114 over the present authorized strength of 330 persons. The National Safety Council, in its 1957 Inventory of Traffic Safety Activities report on Minnesota, recommended an authorized strength of 380 persons on the basis of the number of rural fatal accidents, 427 persons on the basis of rural vehicle miles traveled and 524 persons on the basis of the total number of miles of paved state trunk highways. The additional officers would provide greater coverage in general and would permit scheduling of more officers during the periods of higher accident frequency.

The committee feels that the rising accident mileage rates point up the need for an increase both in the individual enforcement effort and in the number of enforcement personnel. Included in the increase are 34 sergeants, 27 of whom would be assigned to field duty, making a total of 41 sergeants assisting the eight district captains in supervising field personnel. With a ratio of five sergeants to one captain, instead of the present average of 1 $\frac{3}{4}$ sergeants to one captain, each district captain would be relieved of many minor duties which in turn would allow him more time to devise and supervise the execution of plans on the district level.

The ratio of sergeants to patrol officers is equally important, and a higher ratio of sergeants to patrol officers would permit much closer supervision of the officers with attention directed toward increasing their proficiency.

TRAFFIC ENGINEERING

DEFINITIONS

The following terms and phrases are not now defined in the statutes. With the present programs of highway improvement, a clear understanding of the meaning of these terms becomes increasingly important. It is recommended that MSA Chapter 169 be amended by adding the following definitions.

1. **Controlled-Access Highway**—Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons having no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.
2. **Implement of Husbandry**—Every vehicle designated and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.
3. **Stand or Standing**—Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
4. **Stop**—When required means complete cessation from movement.
5. **Stop or Stopping**—When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.
6. **Urban District**—The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

RULES OF THE ROAD

Certain driving rules need revising to clarify the responsibility of a driver on multi-lane roads, at yield signs and in making left turns. Present law does not require slow moving vehicles to use the right lane of a multi-lane roadway. Also, pedestrian protection should be included as an obligation of the driver at yield signs. There appears to be considerable confusion as to the proper way of negotiating a left turn. The following proposed amendments to existing statutes will correct these deficiencies:

1. Add the following to 169.18-1:

Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

2. Amend 169.201 to read as follows:

Yield Right of Way. The driver of a vehicle approaching a YIELD RIGHT OF WAY sign shall slow to a speed that is reasonable for conditions of traffic and visibility, and stop if necessary, and yield the right of way to any pedestrian legally crossing the roadway on which he is driving, and to all vehicles on the intersecting street or highway which are so close as to constitute an immediate hazard.

3. Amend 169.19 Subdivision 1 (2) to read as follows:

Approach for a left turn on other than one-way roadways shall be made in that portion of the right half of the roadway nearest the center line thereof, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

RESTRICTED ACCESS

To properly control the use of access controlled highways it is desirable that the following provisions be added to Chapter 169 of the statutes:

1. **Restricted Access**—No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.
2. **Restriction on Use of Controlled-Access Roadway**—The Commissioner of Highways may by order, and local authorities may by ordinance, with respect to any controlled-access roadway under their respective jurisdictions prohibit the use of any such roadway by pedestrians, bicycle or other nonmotorized traffic or by any person operating a motor-driven cycle.

The Commissioner of Highways or the local authority adopting any such prohibitory regulation shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

SPEED CONTROL

Considerable confusion exists regarding the meaning of the various types of speed limits provided in existing statutes. Recent legislative enactments designed to strengthen these laws have apparently resulted in increased confusion and misunderstanding among a large segment of the driver population. It is believed that much better results and understanding will result if a single type of numerical limit were specified. This would not only reduce confusion but would result in a significant saving in costs of the special "absolute" signs required under present law.

It is recommended that Subdivisions 2, 4 and 5 of Section 169.15 MSA be amended to read as follows:

1. 169.14 Subd. 2. **Speed Limits**—Except when a special hazard exists that requires lower speed for compliance with subdivision 1 of this

section, the limits specified in this section or established as herein-after authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

- (1) Thirty miles per hour in any urban district;
- (2) Sixty miles per hour in other locations during the daytime;
- (3) Fifty-five miles per hour in such other locations during the nighttime.

Daytime means from a half hour before sunrise to a half hour after sunset. Nighttime means at any other hour.

2. 169.14 Subd. 4. **Speed Zoning—Trunk Highways**—When the Commissioner determines upon the basis of an engineering and traffic investigation that any speed set forth in this section is greater or less than is reasonable or safe under the conditions found to exist on any trunk highway or upon any part thereof, he may erect appropriate signs designating a reasonable and safe speed limit thereat, which speed limit shall be effective when such signs are erected. Any speeds in excess of such limits shall be unlawful.
3. 169.14 Subd. 5. **Speed Zoning—Not on Trunk Highways** — When local authorities believe that the existing speed limits upon any street or highway, or part thereof, within their respective jurisdictions and not a part of the trunk highway system is greater or less than is reasonable or safe under existing conditions, they may request the Commissioner to authorize, upon the basis of an engineering and traffic investigation, the erection of appropriate signs designating what speed is reasonable and safe, and the Commissioner may authorize the erection of appropriate signs designating a reasonable and safe speed limit thereat, which speed limit shall be effective when such signs are erected. Any speeds in excess of these speed limits shall be unlawful. Alteration of speed limits on streets and highways shall be made only upon authority of the Commissioner.

EQUIPMENT ON VEHICLES (REAR LIGHTS)

Many changes have taken place in vehicle design and vehicle equipment in recent years. For instance, many states are now requiring 2 tail lamps, 2 reflectors, and 2 stop lamps. In fact, practically all new vehicles manufactured in this country are factory-equipped with at least 2 each of these and including 2 backup lights. The present law is so worded that some have raised the question whether two such lamps are legal under Minnesota law. There appears to be no doubt as to the desirability and benefits of 2 lamps. It is recommended, therefore that Sections 169.50, 169.57, and 169.59 MSA be amended as follows:

1. 169.50 **REAR LAMPS.** Subd. 1. **Required.** Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail lamp, exhibiting a red light plainly visible from a distance of 500 feet to the rear. And further, every such above-mentioned vehicle, other than a truck

tractor, registered in this State and manufactured or assembled after January 1, 1960 shall be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as herein required, shall comply with the provisions of this section.

2. 169.50 Subd. 3. Reflector. On and after January 1, 1960, each new motor vehicle trailer, or semi-trailer, hereafter sold and each such vehicle hereafter operated on a highway, shall carry at the rear either as a part of the rear lamp or separately at least two reflectors. The reflectors shall be of a type approved by the Commissioner and shall be mounted as close as is practicable to the extreme left edge of the vehicle at a height not more than 60, nor less than 24, inches above the surface upon which the vehicle stands. Each such reflector shall be so designed and maintained as to be visible at night from all distances within 300 to 50 feet from the vehicle, except that on a commercial vehicle the reflectors shall be visible from all distances within 500 to 50 feet from the vehicle, when directly in front of a motor vehicle displaying lawfully lighted head lamps.
3. 169.57 VEHICLE SIGNALS. Subd. 1. Stop Lamps. (a) Any vehicle may be equipped and when required under this chapter, shall be equipped with at least 2 stop lamps on the rear which shall emit a red or yellow light and which shall be actuated upon application of the service (foot) brake and which may, but need not be, incorporated with the tail lamps and which shall be plainly visible and understandable from a distance of 100 feet to the rear during normal sunlight and at night.

(b) No person shall sell or offer for sale or operated on the highways any motor vehicle registered in this State and manufactured or assembled after January 1, 1960 unless it is equipped with at least two stop lamps meeting the requirements of this section, except that a motorcycle, motor-driven cycle or truck tractor manufactured or assembled after said date shall be equipped with at least one stop lamp meeting the requirements of this section.

4. 169.59 FENDER, COURTESY, AND BACK-UP LAMPS. Any vehicle may be equipped with not more than two side cowl or fender lamps, one on each side which shall emit a white light without glare.

Any vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof, which shall emit a white or yellow light without glare.

Any vehicle may be equipped with not more than 2 backup lamps, either separately or in combination with another lamp, except that no backup lamp shall be continuously lighted when the vehicle is in forward motion, nor shall it project a glaring light.

OPTIONAL EQUIPMENT ON VEHICLES

Minnesota Statutes, Section 169.56, are somewhat vague as to the requirements regarding various auxiliary lighting equipment except for stop lamps. The first paragraph of this section need not be changed except perhaps for labeling it as "Subdivision 1." It is recommended that the second paragraph be deleted and the following substituted therefor:

Subdivision 2. Fog Lamps—Any motor vehicle may be equipped with not to exceed 2 fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of 4 inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head-lamp beams as specified in Section 169.60.

Subdivision 3. Auxiliary Passing Lamps—Any motor vehicle may be equipped with not to exceed 2 auxiliary passing lamps mounted on the front at a height not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of section 169.60 shall apply to any combination of head lamps and auxiliary passing lamps.

Subdivision 4. Auxiliary Driving Lamps—Any motor vehicle may be equipped with not to exceed 2 auxiliary driving lamps mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of section 169.60 shall apply to any combination of head lamps and auxiliary driving lamps.

ADDITIONAL LIGHTING EQUIPMENT

The Uniform Vehicle Code now recognizes the use of flashing lights to warn the operators of other vehicles of special hazards such as disabled vehicles on the roadway, slow moving equipment, etc. Minnesota is one of only two or three states whose laws now prohibit such use. It appears that new Interstate Commerce Commission regulations now being considered will very likely make such use a requirement for vehicles operating under ICC regulations. Failure of Minnesota to recognize such use could create some very difficult problems of enforcement, especially with interstate traffic. It would seem prudent, therefore, for this State to recognize a system that is being encouraged in the majority of the other states. To accomplish this, it is necessary to add a new provision to the law and amend an existing section which now prohibits such use. This can be accomplished by the following amendments:

Delete Subdivision 3, Section 169.64 and substitute the following:

Flashing Lights—Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow removal equipment

or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing.

Amend 169.59 by adding the following subdivision:

Additional Lighting Equipment—Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this act. The lamps used to display such warnings to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warnings to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night.

VEHICLE BRAKE PERFORMANCE

MSA 169.67, Subdivision 5, provides certain performance requirements for vehicle brakes. Some of these requirements are entirely unrealistic and impossible for some legally operated vehicles. The state's law refers only to stopping distances from certain speeds. The equipment used to check brakes does not measure distance but rather maximum rate of deceleration. This has been recognized by most other states and many have provided for performance requirements that could be determined either on the basis of distance or of deceleration rate. This would seem to be highly desirable for this State. It is proposed, therefore, that Subdivision 5 of this section of the statutes be deleted except for the last paragraph, and that the following provisions be substituted therefor:

Performance Ability of Brakes—Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the service (foot) brake, shall be capable of (a) developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification, (b) decelerating in a stop from not more than 20 miles per hour at not less than the feet per second per second tabulated herein for its classification, and (c) stopping from a speed of 20 miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one per cent grade), dry, smooth, hard surface that is free from loose material.

Deceleration Table

1	2	3	4
Classification of Vehicles and Combinations	Braking Force as a Percentage of Gross Vehicle or Combination Weight	Deceleration In Feet Per Second	Brake System Application and Braking Distance In Feet
Passenger vehicles, not including buses	52.8%	17	25
Single-unit vehicles with a manufacturer's gross vehicle weight rating of less than 10,000 pounds..	43.5%	14	30
Single-unit, 2-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 or more pounds, and buses not having a manufacturer's gross vehicle weight rating	43.5%	14	40
All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds.....	43.5%	14	50

MOTOR VEHICLE INSPECTION

There is a growing interest and demand for periodic motor vehicle inspection in Minnesota. Proposals for legislation to govern such inspection was introduced at the previous legislative session, but the time element prevented consideration for passage. The state is at a point where it needs a periodic motor vehicle inspection program. The Committee, therefore, believes that such an inspection bill should be recommended to the legislature again at the next session.

PUBLIC INFORMATION AND SAFETY PROMOTION

Difficulties inherent in mass communications, combined with the fact that many different media vie for the public's attention, pose complex problems for an agency trying to reach the eyes and ears of the public with information essential to the public welfare. The Minnesota Highway Department, with its informational and safety promotion programs, has to remain cognizant of this situation; in addition, there is too limited acceptance of individual responsibility as the foundation of highway safety.

While the problem of creating and sustaining public interest in highway safety is admittedly difficult, it is by no means insuperable. It is believed that the promotion of highway safety can best be done through long range goals geared to 1) Giving the driver and pedestrian information needed to protect themselves from accidents, and encouraging adoption of the proper attitude in traffic and 2) Promoting a wider understanding of the enforcement, educational and engineering activities of the department, thus making possible the active public support necessary to the effectiveness of a highway safety program.

It is practically impossible to measure safety educational efforts, but the committee believes that these efforts have been some of the most important elements in the overall safety program, and ones needed to back up concrete measures of other highway department functions. No legislative proposals are made, as the present laws directly affecting functions of the Safety and Public Information divisions are believed to be adequate.

