

MAC

Gender Revision of 1986

Volume 4

Revising
Minnesota Statutes
Chapters 160 – 240

160*#085S

1 160.085 PROPOSED ACQUISITIONS BY STATE AND COUNTY ROAD
 2 AUTHORITIES; FILING FOR RECORD.
 3 Subdivision 1. In order to facilitate the acquisition of
 4 right-of-way required for highways, state and county road
 5 authorities may file for record in the office of the county
 6 recorder or registrar of titles in the county in which
 7 right-of-way is to be acquired, such orders or resolutions, as
 8 required by law, in the form of maps or plats showing
 9 right-of-way by course distance, bearing and arc length, and
 10 other rights or interests in land to be acquired as the road
 11 authority determines necessary. Said map or plat shall show by
 12 outline all tracts or parcels of land affected by the proposed
 13 acquisition. The map or plat shall be certified by the
 14 commissioner of transportation or ~~his~~ the commissioner's
 15 designated assistant and any registered land surveyor in the
 16 employ of the state as to trunk highways. The map or plat shall
 17 be certified as to county state-aid highways and county highways
 18 by the ~~chairman chair~~ of the county board or the county engineer
 19 or ~~his~~ the engineer's designated assistant, and by a registered
 20 land surveyor in the employ of the county. The map or plat so
 21 certified is entitled to record without compliance with the
 22 provisions of chapter 505. Any amendments, alterations,
 23 rescissions or vacations of such orders, resolutions, maps or
 24 plats so filed shall be entitled to record in like manner. The
 25 recorder or registrar may make suitable notations on the
 26 appropriate map or plat affected by an amendment, alteration,
 27 rescission or vacation to direct the attention of anyone
 28 examining the record to the proper map or plat.

29 No change for subd 1a to 3

160*#10S

30 160.10 ROADS ON MINERAL LANDS.
 31 No change for subd 1 to 3
 32 Subd. 4. CONSTRUCTION OF RELOCATED ROAD. The owner
 33 or lessee may choose to construct the relocated road with ~~his~~
 34 the owner's or lessee's own forces or by contract, or he may
 35 elect to have the construction done in whole or in part by the
 36 road authority. The owner or lessee and the road authority
 37 shall enter into an agreement setting forth the respective
 38 responsibilities of each in accord with the provisions of this
 39 section.

40 No change for subd 5 to 8

160*#14S

41 160.14 MARKING BOUNDARIES OF HIGHWAYS.
 42 Subdivision 1. PLACING MARKING DEVICES. Road
 43 authorities may place and shall thereafter preserve and maintain
 44 suitable monuments or other marking devices in such manner as to
 45 clearly indicate the boundary lines of highways. The
 46 commissioner is authorized to engage the services of registered
 47 land surveyors to perform land survey work as required for
 48 location or re-establishment of section corners, establishment
 49 of the boundary of highway right-of-way together with boundary
 50 monumentation. If the commissioner employs and engages a
 51 registered land surveyor for such work the land surveyor shall
 52 be in responsible charge of the work performed by ~~his~~ the
 53 surveyor's employees in connection with the assignment. The
 54 location of the boundary markings may be described by course
 55 distance and bearing or delineated in the same manner on a plat
 56 or map showing location of said marking devices and filed with
 57 the county recorder or registrar of titles in the county where
 58 the highways are located.

59 No change for subd 2

60 Subd. 3. RESERVATION OF RIGHTS OF ABUTTING OWNERS.
 61 Within one year after the notice, any abutting owner may serve
 62 upon the road authority signed written objections to the highway
 63 boundaries as marked, specifying wherein ~~he~~ the owner believes
 64 the boundaries as marked to be in error. A copy thereof
 65 executed in accordance with section 507.24 shall be filed with
 66 the county recorder in the county where the highway is located.
 67 The service and filing of the objections shall preserve the
 68 rights of the abutting owner in and to the land in controversy
 69 until the boundaries of the highway are judicially determined or
 70 until agreed to by the abutting owner and the road authority.

71 No change for subd 4

160*#16S

1 160.16 WARNING SIGNS AND DETOUR SIGNS.

2 No change for subd 1

3 Subd. 2. CONTRACTOR TO PLACE DETOUR SIGNS. The
4 contractor, ~~foreman~~ lead supervisor, or person in charge of work *
5 or repairs on any public road shall, when the doing of the work
6 or repairs necessitates the closing of a part of the road to
7 traffic, post signs stating that the road is under repair and
8 describing the direction and distance of the detour necessary to
9 avoid the part of the road being repaired. The signs shall be
10 posted at the intersection of the road under repair with the
11 road to be traveled while detouring and at appropriate intervals
12 along the road.

13 No change for subd 3

160*#20S

14 160.20 DRAINAGE.

15 Subdivision 1. CONNECTING DRAINS TO HIGHWAY DRAINS.
16 When the course of natural drainage of any land runs to a
17 highway, the owner of the land shall have the right to enter *
18 upon the highway for the purpose of connecting ~~his~~ a drain or
19 ditch with any drain or ditch constructed along or across the *
20 highway, but before making the connections ~~he~~, shall first
21 obtain a written permit for the connections from the road
22 authority having jurisdiction. The connections shall be made in
23 accordance with specifications set forth in the permits. The
24 road authority shall have power to prescribe and enforce
25 reasonable rules and regulations with reference to the
26 connections. The highway shall be left in as good condition in
27 every way as it was before the connection was made.

28 No change for subd 2 to 4

160*#22S

29 160.22 TREES.

30 No change for subd 1 to 7a

31 Subd. 8. DISPOSITION OF TIMBER AND WOOD. Upon
32 written notice of a determination to cut and remove the trees
33 and hedges, the road authority may proceed to cut and remove the
34 same. The timber and wood so cut and removed shall belong to
35 the abutting owners, and the road authority shall cause the wood
36 and timber to be placed upon the abutting owner's property
37 adjacent to the highway, doing no unnecessary damage to such
38 property. In case the abutting owner notifies the road
39 authority that ~~he~~ the owner does not want the timber or wood, *
40 the road authority shall dispose of the wood and timber in such
41 manner as it deems proper.

42 No change for subd 9

43 Subd. 10. EXCEPTION; TOWN ROADS. Trees, hedges and
44 other shrubs or plants within the limits of any town road and
45 not acquired by the town as provided in subdivision 3, may be
46 cut and removed without regard to the provisions of subdivisions
47 5 and 6 when they interfere with the maintenance or
48 reconstruction of the road or with the safety and convenience of
49 the public; provided that the town gives written notice to the
50 abutting owner of its intention to cut and remove 14 days before
51 taking such action and the abutting owner does not request a
52 hearing during that period. The notice shall plainly advise the
53 abutting owner of ~~his~~ the right to a hearing. If the abutting *
54 owner requests a hearing within the time required the town shall
55 proceed in accordance with subdivisions 5 and 6, and this
56 subdivision shall not apply. The timber and wood cut pursuant
57 to this subdivision shall be disposed of in accordance with
58 subdivision 8.

160*#25S

59 160.25 TUNNELS UNDER HIGHWAYS.

60 Subdivision 1. PERMIT TO CONSTRUCT. The road
61 authorities may permit any owner or lessee of land abutting both
62 sides of a highway to tunnel under the highway for such purposes
63 as the owner or lessee deems desirable in utilizing the lands.
64 The tunnel and appurtenances thereto shall be constructed and
65 maintained so as not to endanger or unduly inconvenience the
66 public in the use of the highway and, except as hereinafter
67 provided, shall be constructed by and at the expense of the *
68 owner or lessee ~~at his expense~~. *

69 No change for subd 2 to 4

160*#26S

70 160.26 MOVING BUILDINGS OVER HIGHWAYS.

71 No change for subd 1 to 2

72 Subd. 4. COST OF REMOVING FENCES, POLES. No person,

1 firm, or corporation shall be required to displace or
2 temporarily remove ~~his-or-its~~ the fences, poles, wires, cables, *
3 or other appurtenances of that person, firm, or corporation to *
4 permit the moving of any building or structure upon, along, or
5 across the road or street, nor shall guard rails and
6 appurtenances placed upon the road or street be displaced or
7 moved for like reason until the reasonable cost of the
8 displacement, removal, and replacement shall have been paid or
9 tendered.

10 No change for subd 5

160*#262S

11 160.262 RECREATIONAL VEHICLE LANES.

12 No change for subd 1

13 Subd. 2. Each county and municipality including towns
14 having statutory city powers may adopt the model standards to
15 govern highways under its jurisdiction and may adapt them to
16 local circumstances. Such local regulations shall be submitted
17 to the commissioner of transportation who shall approve them
18 within 60 days after receipt ~~if-he-finds~~ upon finding that they *
19 meet the minimum standards established pursuant to this section.
20 Approved local regulations shall qualify the submitting unit of
21 government for state or state approved funding of recreational
22 vehicle lane projects undertaken pursuant to such regulations.

23 No change for subd 3

160*#276S

24 160.276 TRAVEL INFORMATION FRANCHISE PROGRAM.

25 No change for subd 1 to 2

26 Subd. 3. The program may also include franchises for the
27 construction, operation and maintenance of additional
28 information structures by and at the expense of the franchisee *
29 ~~at-his-expense~~ on state owned lands within safety rest or *
30 tourist information center areas. All structures constructed by
31 the franchisee shall meet or exceed specifications prescribed by
32 the commissioner of transportation and shall satisfy the
33 requirements of the state building code for accessibility by the
34 physically handicapped. All structures shall be designed to
35 enhance their site and shall be aesthetically compatible with
36 the natural environment.

37 No change for subd 4

160*#281S

38 160.281 TOURIST INFORMATION CENTER IN SOUTH DAKOTA.

39 Subdivision 1. AUTHORITY TO ACQUIRE SITE. The
40 commissioner of transportation is authorized to enter into an
41 agreement with appropriate officials of the federal government
42 and the state of South Dakota, to acquire by gift or purchase
43 for trunk highway uses and purposes such land in the state of
44 South Dakota as ~~he~~ the commissioner may deem necessary for use *
45 as a site for and to construct and operate thereon a combination
46 rest area and tourist information center, which center shall be
47 located not more than one mile west of the Minnesota-South
48 Dakota state lines, along the eastbound lane of Interstate 90.

49 No change for subd 2 to 4

160*#80S

50 160.80 SIGN FRANCHISE PROGRAM.

51 No change for subd 1 to 5

52 Subd. 6. ADVISORY COMMITTEE. The commissioner shall
53 appoint a committee of at least one representative of each of
54 the four industries eligible for signing under this section and
55 at least three representatives of the department of
56 transportation, for the purpose of advising ~~him~~ the commissioner *
57 on the sign franchise program.

161*#07S

58 161.07 MANNER OF PAYMENTS.

59 No change for subd 1

60 Subd. 2. PAYMENT. The copy of the abstracts
61 delivered to the commissioner of finance shall be accompanied by
62 the original voucher or vouchers, together with the proof of
63 claim for each item included in such abstracts. If there be
64 sufficient money in the proper fund, the commissioner of finance
65 shall issue ~~his~~ a warrant upon the state treasurer for the gross *
66 amount shown by such abstract. The state treasurer shall
67 deliver checks to the several persons entitled thereto as shown
68 by such abstracts, and ~~he~~ shall preserve in ~~his~~ the treasurer's *
69 office a record of each check and remittance showing the date of
70 each issue, the name of the payee and any other facts tending to
71 evidence its payment.

161*#084S

1 161.084 SURPLUS IN TURNBACK FUNDS.
 2 ~~If on determining at any time the commissioner determines~~ *
 3 that there are surplus funds in either the county or municipal
 4 turnback account that are not needed for the purposes specified
 5 herein, ~~he~~ the commissioner shall notify the commissioner of *
 6 finance in writing of such determination, and such surplus
 7 funds, in the amount specified by the commissioner, shall be
 8 transferred to the county state-aid highway fund, or the
 9 municipal state-aid street fund, as the case may be, and
 10 apportioned as provided by law.

161*#10S

11 161.10 INVESTIGATIONS; RECOMMENDATIONS; REPORTS.
 12 When practicable the commissioner shall investigate and
 13 determine the location of road material in the state, ascertain
 14 the most approved methods of construction and improvement of
 15 roads, investigate the most approved laws in relation to roads
 16 in other states and hold public meetings throughout the state
 17 when deemed advisable. On or before November 15 on each
 18 even-numbered year ~~he~~ the commissioner shall make a printed *
 19 report to the governor and the legislature stating the
 20 condition, management, and financial transactions of ~~his~~ the *
 21 transportation department, including a statement of the expense *
 22 incurred in maintaining such department; the number of miles of
 23 roads built or improved during the preceding two fiscal years
 24 and their cost; the general character and location of material
 25 suitable for road construction; the general character and needs
 26 of the roads of the state; the name, location, size, and
 27 description of each state trail, state water access site, and
 28 state rest area established by ~~him~~ the commissioner since ~~his~~ *
 29 the last report; and recommend such legislation as ~~he~~ the *
 30 commissioner deems advisable. The report shall be transmitted *
 31 by the governor to the legislature.

161*#14S

32 161.14 NAMES AND DESIGNATIONS OF CERTAIN HIGHWAYS.
 33 No change for subd 1 to 8
 34 Subd. 9. YELLOWSTONE TRAIL. The highway now marked
 35 and known as Trunk Highway No. 212 from the Wisconsin state line
 36 to the South Dakota state line is hereby named and designated as
 37 the "Yellowstone Trail," and the commissioner of transportation
 38 shall adopt a suitable marking design with which ~~he~~ the *
 39 commissioner shall mark or blaze said highway to carry out the *
 40 purposes of this subdivision.
 41 Subd. 10. SIOUX TRAIL. The following route is named
 42 and designated the "Sioux Trail:"
 43 Beginning at a point in Mendota at or near the Mendota
 44 Bridge over the Mississippi River; thence extending
 45 southwesterly along Legislative Route No. 117 to its junction
 46 with Legislative Route No. 187; thence extending westerly along
 47 Legislative Route No. 187 to its junction with Constitutional
 48 Route No. 5 in Shakopee; thence extending southwesterly along
 49 Constitutional Route No. 5 to Mankato; thence extending
 50 southwesterly along Constitutional Route No. 5 to its junction
 51 with Legislative Route No. 83; thence extending northwesterly
 52 along Legislative Route No. 83 to its junction with
 53 Constitutional Route No. 15; thence extending northerly along
 54 Constitutional Route No. 15 across the Minnesota River to its
 55 junction with Nicollet County State-Aid Highway No. 21; thence
 56 extending northwesterly along Nicollet County State-Aid Highway
 57 No. 21 to Nicollet County State-Aid Highway No. 29 near Fort
 58 Ridgely State Memorial Park; thence extending northwesterly
 59 along Nicollet County State-Aid Highway No. 29 to Renville
 60 County State-Aid Highway No. 5 at the Renville County line;
 61 thence extending northwesterly along Renville County State-Aid
 62 Highway No. 5 to Renville County Highway No. 51 at or near
 63 Franklin; thence extending northwesterly along Renville County
 64 Highway No. 51 to Constitutional Route No. 14 easterly of Morton;
 65 thence extending along Constitutional Route No. 14 to its
 66 junction with Constitutional Route No. 4 at Morton; thence
 67 extending northwesterly along Constitutional Route No. 4 at its
 68 junction with Renville County State-Aid Highway No. 15; thence
 69 extending northwesterly along Renville County State-Aid Highway
 70 No. 15 to its junction with Renville County State-Aid Highway
 71 No. 10; thence extending northerly along Renville County
 72 State-Aid Highway No. 10 to its junction with Renville County
 73 Highway No. 52; thence extending along Renville County Highway

1 No. 52 to Chippewa County Highway No. 40 at the Chippewa County
2 line; thence extending northwesterly along Chippewa County
3 Highway No. 40 to its junction with Constitutional Route No. 12
4 at Granite Falls; thence extending northwesterly along
5 Constitutional Route No. 12 to its junction with Constitutional
6 Route No. 66 at Montevideo; thence extending northwesterly along
7 Constitutional Route No. 66 to its junction with Legislative
8 Route No. 147 at or near Appleton; thence extending
9 northwesterly along Legislative Route No. 147 to its junction
10 with Constitutional Route No. 6; thence extending northwesterly
11 along Constitutional Route No. 6 to Ortonville.

12 The commissioner of transportation shall adopt a suitable
13 marking design with which ~~he~~ the commissioner shall mark or *
14 blaze the specified portions of the trunk highway routes
15 heretofore described over which the Sioux Trail is located, and
16 the counties of Nicollet, Renville, and Chippewa shall mark or
17 blaze their respective highways heretofore described with the
18 same marking design adopted by the commissioner of
19 transportation.

20 No change for subd 11

21 Subd. 12. HIAWATHA PIONEER TRAIL. (1) The following
22 route is named and designated the "Hiawatha Pioneer Trail":

23 Beginning at Trunk Highway No. 61 on the boundary line
24 between the states of Minnesota and Wisconsin; thence
25 northwesterly on Trunk Highway No. 61 to junction with Trunk
26 Highway No. 12 in St. Paul; thence westerly and southwesterly on
27 Trunk Highways No. 12 and No. 5 to Fort Snelling; thence
28 southwesterly on Trunk Highway No. 3 to Faribault; thence
29 westerly on Trunk Highway No. 99 to St. Peter; thence southerly
30 on Trunk Highway No. 22 to Mankato; thence westerly on Trunk
31 Highway No. 68 to Sleepy Eye; thence northerly on Trunk Highway
32 No. 4 to Fairfax; thence westerly on Trunk Highway No. 19 to
33 junction with Trunk Highway No. 67; thence northerly on Trunk
34 Highway No. 67 to Granite Falls; thence southwesterly on Trunk
35 Highway No. 23 to junction with Trunk Highway No. 14; thence
36 westerly on Trunk Highway No. 14 to Lake Benton; thence
37 southerly on Trunk Highway No. 75 to Pipestone; thence easterly
38 on Trunk Highway No. 30 to Slayton; thence southerly on Trunk
39 Highway No. 59 to Worthington; thence easterly on Trunk Highway
40 No. 16 to Jackson; thence southerly on Trunk Highway No. 71 to
41 the boundary line between the states of Minnesota and Iowa.

42 (2) The route of the "Hiawatha Pioneer Trail" designated in
43 clause (1) of this subdivision is the main route of the trail.
44 The following routes are named and designated as the alternate
45 southern route and the alternate northern route of the "Hiawatha
46 Pioneer Trail."

47 The alternate southern route is described as follows:

48 Commencing at the junction of Trunk Highway No. 61, on the
49 main route, and Trunk Highway No. 14, north and west of Winona,
50 thence westerly on Trunk Highway No. 14 to Owatonna; thence
51 northerly on Trunk Highway No. 3 to Faribault, and connecting to
52 the main route.

53 The alternate northern route is described as follows:

54 Commencing at the junction of Trunk Highway No. 12, on the
55 main route, and Trunk Highway No. 10 in the city of St. Paul;
56 thence northerly on Trunk Highway No. 10 to Little Falls, to
57 junction Trunk Highway No. 371; thence northerly on Trunk
58 Highway No. 371 to Brainerd and junction with Trunk Highway No.
59 18; thence easterly on Trunk Highway No. 18 to Garrison and
60 junction with Trunk Highway No. 169; thence southerly on Trunk
61 Highway No. 169 to junction with Trunk Highway No. 65; thence
62 northerly on Trunk Highway No. 65 to Jacobsen, and junction with
63 Trunk Highway No. 34; thence easterly on Trunk Highway No. 34 to
64 junction with Trunk Highway No. 2; thence easterly and southerly
65 on Trunk Highway No. 2 to Duluth and junction with Trunk Highway
66 No. 23; thence southerly and westerly on Trunk Highway No. 23 to
67 Sandstone and junction of Trunk Highway No. 61, thence southerly
68 on Trunk Highway No. 61 to North Branch and junction with Trunk
69 Highway No. 95; thence easterly and southerly on Trunk Highway
70 No. 95 to Stillwater and junction with Trunk Highway No. 212;
71 thence southerly and westerly to Trunk Highway No. 12 on the
72 main route in the city of St. Paul.

73 (3) The commissioner of transportation shall adopt a
74 suitable marking design with which ~~he~~ the commissioner shall *
75 mark or blaze the highways heretofore described over which the
76 "Hiawatha Pioneer Trail" is located.

1 No change for subd 12a to 21

161*#1419S

2 161.1419 MISSISSIPPI RIVER PARKWAY COMMISSION,

3 No change for subd 1 to 2

4 Subd. 3. The commission may hold meetings and hearings at
5 such time and places as it may designate to accomplish the
6 purposes set forth in this section and may subpoena witnesses
7 and records. It shall select a chairman chair, a vice-chairman *
8 vice-chair, and such other officers from its membership as it *
9 deems necessary. The commission shall appoint a secretary who
10 shall also serve as a commission member.

11 No change for subd 4

12 Subd. 5. The commissioner of transportation shall
13 designate one employee of the department of transportation who
14 is an engineer or who has engineering experience and the
15 commissioner of natural resources shall appoint one staff member *
16 ~~of-his-staff~~ who shall advise with and assist the commission in *
17 carrying out its functions and duties.

18 No change for subd 6 to 8

161*#142S

19 161.142 GREAT RIVER ROAD.

20 Subd. 2. LOCATION; CONSTRUCTION; IMPROVEMENT;
21 MAINTENANCE; ACQUISITION OF LAND. The commissioner of
22 transportation shall establish and locate the route or routes of
23 the Great River Road and shall thereafter construct,
24 reconstruct, improve and may maintain same. ~~He~~ The commissioner *
25 may acquire by purchase, gift or eminent domain proceedings, in *
26 fee or such lesser estate as ~~he~~ the commissioner may determine,
27 all lands and properties needed in laying out, establishing,
28 constructing, reconstructing, and improving the Great River Road
29 in Minnesota.

30 No change for subd 3

31 Subd. 4. ACCEPTANCE OF FEDERAL FUNDS; COOPERATION WITH
32 FEDERAL AGENCIES. The commissioner of transportation may
33 accept any federal funds made available to the state of
34 Minnesota for expenditure on the Great River Road. ~~He~~ The *
35 commissioner may cooperate with the federal government or any *
36 federal agency in the establishment, construction,
37 reconstruction and improvement of the Great River Road to the
38 end that the state will obtain all federal funds available for
39 expenditure on the Great River Road in Minnesota. ~~He~~ The *
40 commissioner may act as agent for any other department of state, *
41 public corporation, or political subdivision of the state in
42 accepting federal aid in their behalf for the purposes expressed
43 in subdivisions 2 to 7, and may distribute any federal aid
44 received by the department to other departments of the state,
45 public corporations or political subdivisions of the state.

46 No change for subd 5 to 7

161*#15S

47 161.15 SPECIFIC LOCATION; LIMITATION ON DEVIATIONS.

48 The commissioner may specifically and definitely locate all
49 of the routes of the trunk highway system, but in so locating
50 same, ~~he~~ the commissioner shall not deviate from the starting *
51 points or terminals as set forth in the route description; nor
52 shall there be any deviation from the various cities named in
53 the routes through which such routes shall pass.

161*#16S

54 161.16 TEMPORARY TRUNK HIGHWAYS; DEFINITELY LOCATED
55 TRUNK HIGHWAYS; VACATION AND REVERSION.

56 Subdivision 1. TEMPORARY TRUNK HIGHWAYS. Until such
57 time as the commissioner definitely locates and constructs the
58 several routes of the trunk highway system, ~~he~~ the commissioner *
59 shall select practicable existing roads along the general *
60 location of such routes ~~which-he~~ and shall maintain them for the
61 benefit of the traveling public. Such roads shall be known as
62 temporary trunk highways. The road authority which had
63 jurisdiction over such road shall, thereupon, be relieved of
64 responsibilities thereto; provided, however, if the definite
65 location of the route shall be other than the location of the
66 temporary trunk highway, the portion of the temporary locations
67 which is not included in the definite location shall, upon
68 notice of the commissioner, revert to the road authority unless
69 the same lies within the corporate limits of a city, in which
70 case it shall become a street of the city, provided that when
71 the portion of the temporary location, which is not included in
72 the definite location lies within a city having a population of

1 less than 5,000, that portion shall revert to the county if it
2 meets the criteria for a county state-aid highway.

3 Subd. 2. DESIGNATION AND LOCATION BY ORDER. The
4 commissioner shall by order or orders designate such temporary
5 trunk highways, and ~~when he has determined~~ on determining the *
6 definite location of any trunk highway or portion thereof, the
7 same shall also be designated by order or orders. The definite
8 location of such highway or portion thereof may be in the form
9 of a map or plat showing the lands and interests in lands
10 required for trunk highway purposes. Formal determination or
11 order if by map or plat, shall be certified by the commissioner
12 of transportation on said map or plat. The commissioner may, by
13 similar order or orders, change the definite location of any
14 trunk highway between the fixed termini, as fixed by law, when
15 such changes are necessary in the interest of safety and
16 convenient public travel. The commissioner shall file certified
17 copies of such orders with the county auditor of the county
18 wherein such highways are located. Such certified copies shall
19 become permanent records and shall not be removed from the
20 office or offices wherein filed.

21 Subd. 3. PUBLIC HEARING. When the county board of
22 any county requests a public hearing in regard to the definite
23 location or a change in the definite location of any trunk
24 highway within its boundaries, the commissioner shall hold such
25 hearing in such county before making ~~his~~ a determination in such *
26 matters.

27 No change for subd 4 to 5

28 Subd. 6. VACATION. When the definite location of
29 any trunk highway takes the place of and serves the same purpose
30 as any portion of an existing road, however established, the
31 commissioner may make an order vacating such portion of the
32 road. A copy of the order shall be served upon the owners and
33 occupants of the lands on which is located the portion of the
34 road so vacated. A copy of the order, together with proof of
35 service, or affidavit of publication if the owners are unknown
36 or reside outside the state, shall be filed with the county
37 auditor of the county in which such lands lie. Any person
38 claiming to be damaged by the vacation may appeal at any time
39 within 30 days after the service of the order to the district
40 court of the county for a determination of ~~his~~ damages, by *
41 serving notice of the appeal on the commissioner and filing same
42 with proof of service in the office of the clerk of the district
43 court. The appeal shall be tried in the same manner as an
44 appeal from an award in proceedings in eminent domain.

161*#17S

45 161.17 APPROVAL OF PLANS.

46 Subd. 2. INTERSTATE SYSTEM. It is hereby declared
47 that construction of the interstate system of highways will
48 vitally affect the future development of the cities through
49 which these routes pass and such municipalities should have an
50 important role in the development of this highway system; that
51 on the other hand the future planning and programming of
52 construction projects over a period of years is necessary to
53 take maximum advantage of federal aid and to build a unified and
54 coordinated interstate system; that excessive delay in local
55 approval of plans for construction of one segment may seriously
56 impede completion of the entire system and adversely affect
57 other municipalities along the interstate routes; that the
58 mutual exchange of information and close cooperation between the
59 department and local governing bodies should be encouraged by
60 improved administrative processes for securing orderly review of
61 plans and the resolution of differences over interstate routes
62 and projects; and that the provisions of subdivision 1 for local
63 approval of trunk highway plans must be modified for the
64 interstate highway system in the light of these various
65 considerations. Before ~~the commissioner proceeds~~ proceeding *
66 with the preparation of the final plans for the construction,
67 reconstruction, or improvement of any route on the interstate
68 system lying within any city, ~~he~~ the commissioner shall submit *
69 to its governing body preliminary plans covering the route
70 location. The preliminary plans shall be submitted as part of a
71 report containing such supporting data that the commissioner
72 deems helpful to the governing body in appraising the plans
73 submitted.

74 Any public hearing on location of an interstate route held
75 in compliance with federal requirements shall be held at least

1 one month after submission to the governing body of the report
 2 provided for in this subdivision. After the public hearing,
 3 ~~when the commissioner has prepared~~ and on preparing final plans,
 4 ~~he the commissioner~~ shall submit the final plans to the
 5 governing body for approval. If the governing body does not
 6 approve the final plans within three months after submitted, the
 7 commissioner may refer the plans to (1) the Twin Cities
 8 Metropolitan Area Planning Commission, if the project is within
 9 the area of its jurisdiction, or (2) the municipal advisory
 10 committee on state-aid rules and regulations established under
 11 section 162.09, subdivision 2, if the project is elsewhere in
 12 the state. If a member of the advisory committee is from the
 13 municipality concerned ~~he that member~~ shall be excused. If the
 14 plans are so referred, the commission or committee shall give
 15 the commissioner and the governing body ample opportunity to
 16 present the case for or against approval of the plans so
 17 referred. Not later than three months after such hearings and
 18 independent study as it deems desirable, it shall approve or
 19 disapprove such plans, making such additional recommendations
 20 consistent with state and federal requirements as it deems
 21 appropriate, and it shall submit a written report containing its
 22 findings and recommendations to the commissioner and the
 23 governing body. The commissioner shall not proceed with the
 24 proposed construction, reconstruction, or improvement except in
 25 accordance with plans approved by the governing body or, if
 26 referred to the commission or committee, until after the
 27 commission or committee has made its report, and then only after
 28 the governing body has had an additional 90 days within which to
 29 consider the plans originally submitted or such modified plans
 30 as may be submitted to it by the commissioner following the
 31 report of the commission or committee. If within such 90-day
 32 period, the governing body does not approve the plans submitted
 33 to it, and if the commissioner then wishes to proceed with the
 34 project according to plans differing substantially from the
 35 plans recommended by the commission or committee in its report,
 36 ~~he the commissioner~~ shall, before proceeding with the project,
 37 file a written report with the commission or committee and the
 38 governing body stating fully ~~his~~ the reasons for doing so.
 39 Whenever plans are referred to the Twin Cities Metropolitan Area
 40 Planning Commission, the commission shall be reimbursed from the
 41 trunk highway fund for actual and necessary expenses incurred by
 42 the commission in staff work incident to consideration of plans
 43 and action thereon by the commission. Whenever plans are
 44 referred to the advisory committee on rules and regulations,
 45 members of the committee shall be paid their necessary expenses
 46 to the same extent and in the same manner as for its duties in
 47 considering the commissioner's rules and regulations.

161*#173S

48 161.173 SUBMISSION OF CORRIDOR PROPOSAL.

49 The commissioner shall submit to the governing body of each
 50 municipality wherein a trunk highway is proposed to be
 51 constructed or improved, and to the governing body of each
 52 municipality adjacent to any such municipality, a report
 53 containing: a statement of the need for this proposed
 54 construction or improvement, a description of alternate routes
 55 which were considered by the commissioner and an explanation of
 56 the advantages and disadvantages in the selection of any route
 57 considered. The report shall also contain for each alternate,
 58 the following information: general alignment and profile,
 59 approximate points of access, highway classification, an
 60 approximate cost estimate, relation to existing and planned
 61 regional and local development and to other transportation
 62 routes and facilities, and a statement of the expected general
 63 effect on present and future use of the property within the
 64 corridor. Where a state trunk highway is proposed to be
 65 constructed or improved within the metropolitan area, a copy of
 66 the report shall also be submitted to the metropolitan council
 67 and the regional transit board established by chapter 473. In
 68 all areas of the state a copy of the report shall be sent to
 69 established regional, county and municipal planning commissions
 70 in the area affected by the highway project. Not less than 45
 71 nor more than 90 days, or as otherwise mutually agreed, after
 72 the report has been submitted, the commissioner shall hold a
 73 public hearing on the proposed highway construction or
 74 improvement at such time and place within any municipality
 75 wherein a portion of the proposed construction or improvement is

*
 *
 *
 *
 *
 *

1 located, as the commissioner shall determine. Not less than 30
2 days before the hearing the commissioner shall mail notice
3 thereof to the governing body of each municipality or agency
4 entitled to receive a copy of the report, and shall cause notice
5 of the hearing to be published at least once each week for two
6 successive weeks in a newspaper or newspapers having general
7 circulation in such municipalities, the second publication to be
8 not less than five days before the date of the hearing. The
9 notice shall state the date, time, place and purpose of the
10 hearing, shall describe the proposed or actual general location
11 of the highway to be constructed or improved, and shall state
12 where the report may be inspected prior to the hearing by any
13 interested person. The hearing shall be conducted by the
14 commissioner or ~~his~~ the commissioner's designee, and shall be *
15 transcribed and a record thereof mailed to each municipality or
16 agency entitled to receive a copy of the report. All interested
17 persons shall be permitted to present their views on the
18 proposed highway construction or improvement. The hearing may
19 be continued as often as necessary. Within 120 days after the
20 hearing is completed, the governing body of each municipality or
21 agency entitled to receive a copy of the report shall submit to
22 the commissioner its approval or disapproval of the report. If
23 all or any part of the report is disapproved, the municipality
24 or agency shall state the reasons for such disapproval and
25 suggested changes in the report. The commissioner shall, before
26 preparing additional plans for the proposed highway construction
27 or improvement, submit to the governing body of each
28 municipality or agency disapproving the report, a statement
29 accepting or rejecting any suggested changes and the reasons for
30 ~~his~~ acceptance or rejection. *

161*#174S

31 161.174 SUBMISSION OF LAYOUT PLANS.

32 The commissioner shall submit to the governing body of each
33 municipality wherein a highway is proposed to be constructed or
34 improved, a proposed layout plan for the highway construction or
35 improvement containing: the proposed location, elevation, width
36 and geometrics of the construction or improvement, together with
37 a statement of the reasons therefor. Said plan shall also
38 contain: approximate right-of-way limits; a tentative schedule
39 for right-of-way acquisition, if known; proposed access points;
40 frontage roads; separation structures and interchanges; location
41 of utilities, when known; landscaping, illumination, a tentative
42 construction schedule, if known; and the estimated cost of the
43 construction or improvement. The commissioner shall submit more
44 than one layout plan. Each such plan shall also be submitted to
45 the metropolitan council and the regional transit board if any
46 portion of the proposed highway construction or improvement is
47 located in the metropolitan area. In all areas of the state a
48 copy of the layout plan shall be sent to established regional,
49 county and municipal planning commissions in the area affected
50 by the highway project. Not less than 90 nor more than 120 days
51 after said plan has been submitted, the commissioner shall hold
52 a public hearing on the proposed highway construction or
53 improvement at such time and place within any municipality
54 wherein a portion of the construction or improvement is located,
55 as the commissioner shall determine. The hearing shall be
56 noticed, held and conducted in the manner provided in section
57 161.173, except that the commissioner shall mail notice of the
58 hearing only to those municipalities and agencies entitled to
59 receive a copy of the layout plan. The hearing shall be
60 transcribed and a record thereof made available to each
61 municipality or agency entitled to receive a copy of said plan.
62 Within 180 days after the hearing is completed, the commissioner
63 shall formally adopt a layout plan. A copy of the layout plan
64 as adopted shall be submitted to each municipality or agency
65 entitled to receive a copy of the proposed plan, together with
66 the reasons for any change in the plan as presented at the
67 hearing. Within 120 days after the receipt of the adopted
68 layout plan, each such municipality or agency shall submit to
69 the commissioner its approval or disapproval of the layout plan
70 and the reasons for such disapproval, and proposed alternatives,
71 which may include a recommendation of no highway. Such
72 alternatives submitted by a municipality located within the
73 metropolitan area shall, upon request of the municipality, be
74 reviewed by the metropolitan council in order to determine
75 whether such alternatives are likely to meet minimum federal

1 requirements. The metropolitan council is authorized to provide
 2 whatever assistance it deems advisable to the submitting
 3 municipality in order to assist it in arriving at an alternative
 4 which meets minimum federal requirements. If said plan or any
 5 part thereof is not disapproved within such period, the
 6 commissioner may proceed to prepare final construction plans and
 7 specifications for the highway construction or improvement
 8 consistent with the adopted layout plan, and may acquire the
 9 necessary right-of-way. If the layout plan or any part thereof
 10 is disapproved by any municipality or agency, and the
 11 commissioner determines to proceed with the plan without
 12 modifications, ~~he~~ the commissioner shall proceed in the manner
 13 provided in section 161.175. ~~if-the-commissioner-determines~~ On
 14 determining to proceed with the plan with modifications, ~~he~~ the
 15 commissioner shall submit the modified layout plan to the
 16 municipalities and agencies entitled to receive the original
 17 layout plan in the manner described above, for approval or
 18 disapproval by each such municipality or agency within 60 days
 19 after receipt of the modified layout plan. If the modified
 20 layout plan or any part thereof is not disapproved by any
 21 municipality or agency within 60 days after its receipt, the
 22 commissioner may proceed to prepare final construction plans and
 23 specifications consistent with the modified layout plan, and may
 24 acquire the necessary right-of-way. If the modified plan is
 25 disapproved by any municipality and the commissioner determines
 26 to proceed with the plan without additional modification, ~~he~~ the
 27 commissioner shall proceed in the manner provided in section
 28 161.175. If the layout plan is disapproved, either as
 29 originally submitted or as modified and the commissioner does
 30 not act pursuant to section 161.175, within one year from the
 31 date of the completion of the hearing, any objecting
 32 municipality entitled to receive a copy of the layout plan by
 33 virtue of this section may invoke the appellate procedure
 34 pursuant to section 161.175, in the same manner as the same
 35 might be invoked by the commissioner. In the event the
 36 appellate procedure is invoked by either the commissioner or the
 37 municipality, the commissioner shall hold a public hearing prior
 38 to the appointment of an appeal board. Such hearing shall be
 39 limited to the proposed alternative layout plans.

*
*
*
*
*
*

161*#175S

40 161.175 APPEAL BOARD.
 41 Upon the request of the commissioner an appeal board shall
 42 be appointed. One of the members shall be selected by the
 43 governor and one by the governing body of the municipality
 44 involved. If more than one municipality is involved in the
 45 proposal the governing bodies of the municipalities involved
 46 shall appoint one member. This appointment shall be made by
 47 resolutions of the governing bodies of said municipalities which
 48 resolutions shall be submitted to the governor. When the
 49 governor has received resolutions from a majority of the
 50 municipalities involved designating the same person, said person
 51 shall be deemed appointed. If a majority of the municipalities
 52 which must include all disapproving municipalities have not
 53 agreed on the same person and submitted such resolutions to the
 54 governor within 60 days after receipt of the commissioner's
 55 request for an appeal board by the commissioner, then the chief
 56 justice of the supreme court shall appoint such member upon
 57 application by the commissioner upon five days notice to all
 58 municipalities involved. The two members so selected shall
 59 select a third member. If they cannot agree on a third member
 60 within 30 days after the last member was appointed, then the
 61 chief justice of the supreme court shall appoint the third
 62 member upon application of the commissioner after five days
 63 notice to the first two members. The three persons so selected
 64 and appointed shall serve as a highway appeal board and as such
 65 board they shall choose a chairman chair from among their
 66 members and they shall have such duties and exercise such powers
 67 as are hereinafter provided. Members of the board shall not be
 68 employees or consultants of any counties, the state of
 69 Minnesota, or any of the municipalities involved in the proposal.

*

161*#176S

70 161.176 POWERS OF APPEAL BOARD.
 71 Subdivision 1. The highway appeal board shall, on notice
 72 to the commissioner and the affected municipalities, hold an
 73 appeal hearing on the entire highway layout plan as proposed by
 74 the commissioner, and alternates consistent with minimum federal

1 requirements that are presented by the disapproving
 2 municipalities. The board shall take into consideration all
 3 aspects of the proposal including highway design, economic
 4 development, aesthetics, urban and rural planning, agriculture,
 5 transportation planning, and all other factors concerning
 6 highways. After considering all the evidence in the record, the
 7 appeal board shall issue an order approving the commissioner's
 8 proposed highway layout plan or one of the alternatives. The
 9 appeal board shall be limited in its ruling to any previously
 10 submitted layout plan of the commissioner or an alternate
 11 presented by the community in response to the commissioner. A
 12 copy of the order and a memorandum setting forth the reasons
 13 therefor shall be filed with the secretary of state, and shall
 14 be mailed to the commissioner and each municipality or agency
 15 entitled to receive notice of the layout hearing. If the cost is
 16 not substantially in excess of ~~his~~ the programmed estimates for
 17 projects included in ~~his~~ the commissioner's current construction
 18 program the commissioner shall construct the plan approved by
 19 the board in accordance with the original program schedule.

20 Subd. 2. The ~~chairman~~ chair of the board, or any member
 21 thereof, shall have the power to subpoena witnesses; to
 22 administer oaths, and to compel the production of books,
 23 records, and other evidence. The rules of evidence and
 24 procedure for the trial of civil matters shall apply, but such
 25 rules may be modified by the board when it is deemed necessary.
 26 All evidence, including records and documents in the possession
 27 of the board of which it desires to avail itself, shall be
 28 offered and made a part of the record in the proceeding, and no
 29 other factual information or evidence shall be considered in the
 30 determination of the matter. Documentary evidence may be
 31 received in the form of copies or excerpts, or by incorporation
 32 by reference. The board shall cause a record of all proceedings
 33 before it to be made and filed with the ~~chairman~~ chair of the
 34 board. Copies thereof shall be made available upon such terms
 35 and conditions as the board shall prescribe.

36 No change for subd 3 to 4

161*#177S

37 161.177 CONSTRUCTION PLANS AND SPECIFICATIONS.

38 Not less than 120 days before the date specified by the
 39 commissioner for the receipt of construction bids for the
 40 construction or improvement of any state trunk highway within
 41 any municipality, the commissioner shall submit to the governing
 42 body of each municipality or agency entitled to receive a copy
 43 of the layout plan therefor under section 161.174, a copy of as
 44 complete a set of construction plans as is possible which will
 45 be issued to prospective bidders. All such plans shall be in
 46 accordance with the highway construction or improvement layout
 47 plan as approved under section 161.174, or section 161.176. If
 48 the construction plans are not in accordance with the layout
 49 plan as approved, the governing body of any municipality or
 50 agency entitled to receive notice of the hearing under section
 51 161.174, within 60 days after the receipt of such construction
 52 plans, may request the establishment of a highway appeal board
 53 as provided in section 161.175, and the highway appeal board
 54 shall approve the plans following the procedures outlined in
 55 that section, except that action and comment is limited to
 56 changes from or additions to the layout. Changes in design
 57 capacity required to accommodate increased traffic forecasts
 58 shall not be considered deviations from the layout. A copy of
 59 any plans prepared to affect any highway construction or
 60 improvement plan previously approved by the highway appeal
 61 board, shall also be sent to the ~~chairman~~ chair of the board.
 62 If the construction plans are not in accordance with the layout
 63 plan approved by the board under section 161.176, the board,
 64 within 60 days after the receipt of such plans, shall issue its
 65 order directing the commissioner to withhold any advertisement
 66 for construction bids until the plans are revised to comply with
 67 the plan approved by the board, or are approved by the board.
 68 If no municipality or agency requests the establishment of a
 69 highway appeal board, or the highway appeal board does not issue
 70 its order, as provided above, the commissioner may proceed to
 71 advertise for construction bids.

161*#202S

72 161.202 REPLACEMENT OF PUBLIC LANDS.

73 No change for subd 1

74 Subd. 2. REPLACEMENT OF ACQUIRED PUBLIC LANDS.

1 Whenever it has been determined that the commissioner of
 2 transportation is to acquire any public lands for the
 3 construction or improvement of a federally-aided state trunk
 4 highway, including urban extensions thereof, he the commissioner *
 5 may, and in the case of parks shall, upon the request of the
 6 affected agency, authorize the affected agency to replace the
 7 same within a reasonable time by gift, purchase, or condemnation
 8 if granted the power of eminent domain by law. The replacement
 9 lands to be acquired by the affected agency shall be designated
 10 in an agreement entered into between any affected agencies and
 11 the commissioner. Such replacement lands shall be a functional
 12 replacement which shall consist of but not be limited to land
 13 substantially equal in acreage, use, interest, or estate in the
 14 lands to be acquired from the affected agency. If the parties
 15 are unable to agree on the designation of the replacement lands,
 16 the parties may agree to submit to an arbiter or the district
 17 court the issue of which replacement lands proposed by the
 18 parties is a functional replacement for the lands to be acquired
 19 from the affected agency. After the completion of the
 20 acquisition of the replacement lands by the affected agency the
 21 cost of replacement shall be ascertained and paid by the state
 22 from any funds available for the acquisition of lands.

23 No change for subd 3 to 5

161*#203S

24 161.203 RIGHTS PRESERVED; EFFECTIVE DATE.

25 Nothing in section 161.202 shall be construed to amend,
 26 alter, or in any manner modify the rights, duties or obligations
 27 of any party to any litigation instituted on or before July 1,
 28 1969 without ~~his~~ the party's consent. Such litigation only *
 29 concerns the proposed acquisition by the department of park
 30 lands in areas known as Minnehaha Park, Wilson Park, and North
 31 Mississippi Park located in the city of Minneapolis. Laws 1969,
 32 Chapter 968 becomes effective on July 1, 1969.

161*#21S

33 161.21 STUDIES.

34 Subdivision 1. The commissioner may make or cause to be
 35 made such studies and investigations as he the commissioner *
 36 deems necessary for the purpose of determining the most
 37 advantageous location and design of trunk highways from the
 38 standpoint of both present and future traffic needs, and in
 39 making such determinations he the commissioner may take into *
 40 consideration the probable future development of both urban and
 41 rural areas and the effect of such development on future traffic
 42 needs as indicated by such studies and investigations and the
 43 location and design with respect to recreational vehicle lane
 44 establishment.

45 No change for subd 2

161*#22S

46 161.22 APPRAISERS.

47 The commissioner may employ full time appraisers on a
 48 salary basis, and ~~he~~ may employ appraisers on a fee basis, for *
 49 the purpose of ascertaining or estimating the costs of lands and
 50 properties needed for highway purposes. Appraisers may also be
 51 employed to make estimates whenever federal law or federal rules
 52 and regulations require estimates as a prerequisite to obtaining
 53 federal aid.

161*#23S

54 161.23 EXCESS ACQUISITION.

55 Subdivision 1. ACQUISITION OF ENTIRE TRACT.

56 ~~Whenever the commissioner of transportation determines~~ On *
 57 determining that it is necessary to acquire any interest in a *
 58 part of a tract or parcel of real estate for trunk highway *
 59 purposes, he the commissioner of transportation may acquire in *
 60 fee, with the written consent of the owner or owners thereof, by
 61 purchase, gift, or condemnation the whole or such additional
 62 parts of such tract or parcel as he the commissioner deems to be *
 63 in the best interests of the state. Any owner or owners
 64 consenting to such excess acquisition may withdraw ~~his or their~~ *
 65 the consent at any time prior to the award of commissioners in *
 66 the case of condemnation proceedings, or at any time prior to
 67 payment in the case of purchase. In the event of withdrawal the
 68 commissioner shall dismiss from the condemnation proceedings the
 69 portion of the tract in excess of what is needed for highway
 70 purposes.

71 Subd. 2. CONVEYANCE OF EXCESS. ~~if the commissioner~~ *

72 ~~of transportation acquires~~ On acquiring real estate in excess of *

1 what is needed for trunk highway purposes as authorized in
 2 subdivision 1, ~~he~~ the commissioner of transportation shall, *
 3 within one year after the completion of the construction,
 4 reconstruction, or improvement of the highway for which a
 5 portion of the real estate was needed and required, convey and
 6 quitclaim the excess real estate to the highest responsible
 7 bidder, after receipt of sealed bids following mailed notice to
 8 adjacent landowners and published notice of the sale for three
 9 successive weeks in a newspaper or trade journal of general
 10 circulation in the territory from which bids are likely to be
 11 received. All bids may be rejected and new bids received upon
 12 like advertisement. The deed may contain restrictive clauses
 13 limiting the use of such real estate in the interests of safety
 14 and convenient public travel when the commissioner finds that
 15 the restrictions are reasonably necessary.

16 No change for subd 2a

17 Subd. 3. LEASING. The commissioner may lease for the
 18 term between the acquisition and sale thereof and for a fair
 19 rental rate and upon such terms and conditions as ~~he~~ the *
 20 commissioner deems proper, any excess real estate acquired under *
 21 the provisions of this section, and any real estate acquired in
 22 fee for trunk highway purposes and not presently needed
 23 therefor. All rents received from the leases shall be paid into
 24 the state treasury. Seventy percent of the rents shall be
 25 credited to the trunk highway fund. The remaining 30 percent
 26 shall be paid to the county treasurer where the real estate is
 27 located, and shall be distributed in the same manner as real
 28 estate taxes. This subdivision does not apply to real estate
 29 leased for the purpose of providing commercial and public
 30 service advertising pursuant to franchise agreements as provided
 31 in sections 160.276 to 160.278.

32 No change for subd 4 to 5

161*#24S

33 161.24 CHANGES REQUIRED BY CONSTRUCTION OF TRUNK HIGHWAY.

34 No change for subd 1 to 2

35 Subd. 3. DETOURS DURING CONSTRUCTION. When On *
 36 determining, during construction, reconstruction, or maintenance *
 37 of a trunk highway, ~~the commissioner determines~~ that it is *
 38 impractical to provide crossovers within the trunk highway
 39 limits for local highways or city streets designated for and
 40 carrying traffic of five tons or more per axle, and ~~the~~ *
 41 ~~commissioner determines~~ that it is necessary to provide a detour *
 42 outside the limits of the trunk highway for traffic using such
 43 local highways or streets to meet local traffic needs, ~~he~~ the *
 44 commissioner may, upon request of the local road authority, *
 45 expend trunk highway funds on the most practical detour to the
 46 extent necessary to provide a route reasonably adequate to carry
 47 such detoured traffic. ~~He~~ The commissioner may provide *
 48 temporary traffic control devices on such detours as ~~he~~ the *
 49 commissioner deems necessary. *

50 No change for subd 4 to 6

161*#25S

51 161.25 TEMPORARY TRUNK HIGHWAY DETOUR AND TEMPORARY
 52 TRUNK HIGHWAY HAUL ROAD.

53 ~~When the commissioner determines~~ On determining, for the *
 54 purpose of constructing or maintaining any trunk highway, that
 55 any public street or highway is necessary for a detour or haul
 56 road, the commissioner may designate by order any such street or
 57 highway as a temporary trunk highway detour or as a temporary
 58 trunk highway haul road, and ~~he~~ shall thereafter maintain the *
 59 same as a temporary trunk highway until ~~he~~ the commissioner *
 60 revokes the designation. Prior to revoking the designation the
 61 commissioner shall restore such streets or highways to as good
 62 condition as they were prior to the designation of same as
 63 temporary trunk highways. Upon revoking the designations such
 64 streets or highways shall revert to the subdivision charged with
 65 the care thereof at the time it was taken over as a temporary
 66 trunk highway.

161*#29S

67 161.29 TOLL BRIDGE MAY BE PART OF TRUNK HIGHWAY SYSTEM.

68 ~~When the commissioner determines~~ On determining that it is *
 69 in the best interests of the public and necessary in the
 70 location, construction, improvement, or maintenance of any trunk
 71 highway, ~~he~~ the commissioner may designate by order as a part of *
 72 the trunk highway system any toll bridge situated wholly within
 73 the state, and ~~he~~ may acquire by purchase, gift, or *

1 condemnation, as provided by law, the necessary rights or
2 easement in, to, or over any such toll bridge as will enable the
3 public to use the bridge for highway traffic free of toll.

161*#30S

4 161.30 MARKING DESIGN.

5 Subdivision 1. COMMISSIONER TO ADOPT. The
6 commissioner shall adopt a suitable marking design with which he
7 the commissioner shall mark or blaze the trunk highway routes,
8 and as the definite final location of each route is opened to
9 traffic the markings shall be changed to such location.

*
*

10 Subd. 2. REVISION AND CONSOLIDATION OF MARKING AND

11 NUMBERING OF ROUTES. In order to coordinate the markings of
12 the various existing routes, together with the new routes which
13 have been or may be added, and in order to avoid duplication in
14 numbers used on interstate routes, the commissioner may revise
15 and consolidate the marking and numbering of the routes within
16 the system from time to time. ~~When the commissioner does so~~
17 revise Upon revising the marking or numbering he the
18 commissioner shall prepare a map showing the existing routes and
19 identifying numbers and the routes and identifying numbers or
20 design of the revised system. This map shall be authenticated
21 by a certificate of the commissioner certifying the same as
22 being the map showing the revised markings under the provisions
23 of this section. This map and certificate shall be filed in the
24 office of the commissioner and thereafter shall govern the
25 identification of the several routes or portions thereof in the
26 trunk highway system and all proceedings, records, and accounts
27 thereafter shall be governed accordingly. Proceedings pending
28 and under way at the time such map is filed shall cite both the
29 old and the new identifications.

*
*
*

161*#31S

30 161.31 MAPS AND PAMPHLETS.

31 No change for subd 1

32 Subd. 2. PAMPHLETS. The commissioner may print and
33 distribute pamphlets containing information pertaining to the
34 trunk highway system. The pamphlets shall be limited to
35 information as to the location and use of trunk highway routes,
36 the location and proper use of traffic interchanges, speed laws
37 and traffic restrictions, the meaning and use of traffic control
38 devices and directional signs, and other information that will
39 contribute to safer and more convenient use of trunk highways
40 through increased knowledge and better understanding of the
41 traveling public. ~~He~~ The commissioner may use other means of
42 communication to disseminate such information when such other
43 means are more practical and efficient.

*

161*#32S

44 161.32 MANNER OF CONDUCTING WORK ON TRUNK HIGHWAY.

45 Subdivision 1. ADVERTISEMENT FOR BIDS. The
46 commissioner may conduct the work or any part thereof incidental
47 to the construction and maintenance of the trunk highways by
48 labor employed therefor or by contract. In cases of
49 construction work, the commissioner shall first advertise for
50 bids for contracts, and if no satisfactory bids are received, he
51 may either reject all bids and readvertise, or do the work by
52 labor employed therefor. Except as hereinafter provided, when
53 work is to be done under contract, ~~he~~ the commissioner shall
54 advertise for bids once each week for three successive weeks
55 prior to the date such bids are to be received. The
56 advertisement for bids shall be published in a newspaper or
57 other periodical of general circulation in the state. The plans
58 and specifications for the proposed work shall be on file in the
59 commissioner's office prior to the first call for bids.

*
*

60 No change for subd 2

61 Subd. 3. EMERGENCIES. In the case of emergency,
62 contracts may be let without advertising for bids. Emergency is
63 defined as a condition on a trunk highway that necessitates
64 immediate work in order to keep such highway open for travel.
65 No such contract shall be let without advertising for bids
66 except upon the written authority of the commissioner or ~~his~~ the
67 commissioner's deputy.

*
*

68 No change for subd 4 to 6

161*#322S

69 161.322 PAYMENT OF INTEREST TO CONTRACTORS.

70 When any contract for the construction, improvement, or
71 repair of any trunk highway has been entered into by the
72 commissioner of transportation of the state of Minnesota, and

1 the work provided for in the contract has been in all things
 2 completed to the satisfaction of the commissioner or ~~his~~ the *
 3 commissioner's agent except for the release of sureties, in *
 4 accordance with the contract, by the person with whom the
 5 commissioner has contracted, herein termed the contractor,
 6 unless final estimate for the work is made within 90 days after
 7 the contractor has so completed the work, ~~he~~ the contractor *
 8 shall be entitled to receive interest at the rate equal to the
 9 monthly index of long term United States bond yields for the
 10 month prior to the month in which this obligation is incurred
 11 from the date of the expiration of that 90 day period upon all
 12 amounts finally determined to be due ~~him~~ the contractor which *
 13 were not paid prior to the expiration of that period, to be paid
 14 in the same manner as, and at the time of, the final payment
 15 under the contract. The 90 day requirement, and the interest
 16 provisions provided for herein, shall not apply if delay is
 17 caused by the contractor; nor shall the 90 day requirement apply
 18 to contracts over two million dollars if the contract provides
 19 specifically for a different period of time in which to make
 20 such final estimate.

161*#34S

21 161.34 CLAIMS AGAINST THE STATE ARISING OUT OF CONTRACT.
 22 Subdivision 1. WAIVER OF IMMUNITY. When a
 23 controversy arises out of any contract for the construction or
 24 repair of state trunk highways entered into by the commissioner
 25 or by ~~his~~ the commissioner's authority, in respect to which *
 26 controversy a party to the contract would be entitled to redress
 27 against the state, either in a court of law or equity if the
 28 state were suable, and when no claim against the state for the
 29 same redress has heretofore been made, the state hereby waives
 30 immunity from suit in connection with such controversy and
 31 confers jurisdiction on the district courts of the state to hear
 32 and try the controversy in the manner provided for the trial of
 33 causes in the district courts. Only a party to the contract
 34 shall have the right to bring action against the state.

35 Subd. 2. WHEN ACTION MAY BE COMMENCED. No such
 36 action shall be maintained unless commenced within 90 days after
 37 the plaintiff has been furnished by the state with a final
 38 estimate under ~~his~~ the plaintiff's contract, or, at the election *
 39 of the plaintiff, within six months after the work provided for
 40 under ~~his~~ that contract shall have been in all things completed. *
 41 No change for subd 3 to 4

161*#36S

42 161.36 FEDERAL AID.
 43 No change for subd 1
 44 Subd. 2. FEDERAL AID, ACCEPTANCE; COMMISSIONER AS
 45 AGENT. The commissioner may accept federal moneys and other
 46 moneys, either public or private, for and in behalf of the state
 47 of Minnesota or any governmental subdivision thereof, for the
 48 construction, improvement, or maintenance of roads and bridges
 49 upon such terms and conditions as are or may be prescribed by
 50 the laws of the United States and any rules or regulations made
 51 thereunder, and is authorized to act as an agent of any
 52 governmental subdivision of the state of Minnesota upon the
 53 request of such subdivision in accepting the moneys in its
 54 behalf for road or bridge purposes, in acquiring right of way
 55 therefor, and in contracting for the construction, improvement,
 56 or maintenance of roads or bridges financed either in whole or
 57 in part by federal moneys. The governing body of any such
 58 subdivision is authorized to designate the commissioner as its
 59 agent for such purposes and to enter into an agreement with ~~him~~ *
 60 the commissioner prescribing the terms and conditions of the *
 61 agency in accordance herewith and with federal laws, rules and
 62 regulations.

63 Subd. 3. COMMISSIONER AS AGENT IN CERTAIN CASES. The
 64 commissioner may act as the agent of any political subdivision
 65 of the state as provided herein for the construction of roads
 66 and bridges toward the construction of which no federal aid is
 67 available in the event that the construction adjoins, is
 68 connected, or in the judgment of the commissioner can be best
 69 and most economically performed in connection with construction
 70 upon which federal aid is available and upon which ~~he~~ the *
 71 commissioner is then acting as agent. *

72 No change for subd 4 to 5

73 Subd. 6. NO PERSONAL LIABILITY CREATED. Nothing in
 74 this section shall be construed as creating any personal

1 liability upon the commissioner or in any way authorizing ~~him~~ *
 2 the commissioner to create any liability on the part of the *
 3 state of Minnesota when ~~he-is~~ acting as the agent of any *
 4 governmental subdivision thereof, or when ~~he-is~~ acting at the *
 5 request of the United States.

161*#39S

6 161.39 AID TO OTHER ROAD AUTHORITIES AND STATE
 7 DEPARTMENTS.

8 No change for subd 1

9 Subd. 2. ADDITIONAL WORK. If so requested ~~he~~ the *
 10 assisting road authority may examine the whole or any part of *
 11 the highway or street system under the jurisdiction of the road
 12 authority and recommend changes, alterations, or additions
 13 thereto that ~~he~~ the assisting road authority deems to be in the *
 14 public interest and in the interest of safety and convenient
 15 public travel. The commissioner may make surveys, studies,
 16 investigations, and perform work and services as are necessary
 17 in carrying out such requests.

18 No change for subd 3 to 6

161*#434S

19 161.434 RIGHT OF WAYS OF INTERSTATE AND TRUNK HIGHWAYS;
 20 LIMITED LAND USE.

21 The commissioner may also make such arrangements and *
 22 agreements as ~~he~~ the commissioner deems necessary in the public *
 23 interest for the limited use of land owned as interstate or
 24 trunk highway right-of-way, which use shall be for highway
 25 purposes, including aesthetic purposes, but not including the
 26 erection of permanent buildings, except buildings or structures
 27 erected for the purpose of providing information to travelers
 28 through commercial and public service advertising pursuant to
 29 franchise agreements as provided in sections 160.276 to
 30 160.278. The commissioner shall secure the approval of the
 31 appropriate federal agency where such approval is required.

161*#44S

32 161.44 RELINQUISHMENT OF LANDS OWNED IN FEE.

33 No change for subd 1 to 2

34 Subd. 3. CONVEYANCE WHEN REMAINDER OF TRACT NO LONGER
 35 OWNED BY VENDOR OR SURVIVING SPOUSE. If the lands were part
 36 of a larger tract and the remainder of the tract is no longer
 37 owned by the person or ~~his~~ the person's surviving spouse from *
 38 whom the lands were acquired, the lands shall be offered for
 39 conveyance to the person owning the remaining tract in the same
 40 manner and on the same terms as provided in subdivision 2.

41 Subd. 4. CONVEYANCE WHEN REMAINDER OF TRACT HAS BEEN
 42 DIVIDED INTO SMALLER TRACTS. If the lands were part of a
 43 larger tract and if the tract has been platted or divided into
 44 smaller tracts and sold, the commissioner may offer the lands to
 45 the owners of the smaller tracts or lots abutting upon the lands
 46 in the same manner and on the same terms as provided in
 47 subdivision 2, or ~~he~~ the commissioner may proceed to sell the *
 48 lands to the highest responsible bidder as provided in
 49 subdivisions 5 and 6.

50 Subd. 5. CONVEYANCE TO HIGHEST BIDDER IN CERTAIN
 51 CASES. If the larger tract has been platted into lots or
 52 divided into smaller tracts and the commissioner elects to
 53 proceed under this subdivision, or if the lands constituted an
 54 entire tract and the person from whom the lands were acquired
 55 and ~~his~~ the person's spouse are deceased, or if the offers as *
 56 provided for are not accepted and the amount of money not
 57 tendered within the time prescribed, the lands may be sold and
 58 conveyed to the highest responsible bidder upon three weeks
 59 published notice of such sale in a newspaper or other periodical
 60 of general circulation in the general area where the lands are
 61 located. All bids may be rejected and new bids received upon
 62 like advertisement.

63 Subd. 6. PUBLIC AUCTION. In lieu of the
 64 advertisement for sale and conveyance to the highest responsible
 65 bidder, such lands may be offered for sale and sold at public
 66 auction to the highest responsible bidder. Such sale shall be
 67 made after publication of notice thereof in a newspaper of
 68 general circulation in the area where the property is located
 69 for at least two successive weeks and such other advertising as
 70 the commissioner may direct. If the sale is made at public
 71 auction a duly licensed auctioneer may be retained to conduct
 72 such sale, ~~his~~ the auctioneer's fees for such service to be paid *
 73 from the proceeds, and there is appropriated from such proceeds

1 an amount sufficient to pay such fees.

2 No change for subd 6a to 11

161*#441S

3 161.441 LAND ACQUISITION AGREEMENTS WITH OTHER
4 GOVERNMENTAL AUTHORITIES.

5 Subdivision 1. AUTHORITY. Whenever the commissioner
6 of transportation has knowledge that lands are being acquired,
7 or are about to be acquired, by a political subdivision of the
8 state, another state agency, or other governmental authority
9 including but not limited to bodies corporate such as public
10 housing authorities created by statute, and he determines that a *
11 portion of such lands to be acquired, or lands contiguous
12 thereto, are needed presently or in the future for trunk highway *
13 purposes, he the commissioner may, if-he-deems on deeming it to
14 be in the best interests of the state, enter into land
15 acquisition agreements, as hereinafter provided, with such
16 political subdivision, state agency, or governmental authority.
17 Power is hereby conferred upon the commissioner of
18 transportation, and upon political subdivisions, state agencies,
19 and governmental authorities to enter into, and carry out to
20 final conclusion in accordance with the terms thereof, such land
21 acquisition agreements, each with the other, for the purpose of
22 acquiring lands for their particular public purpose.

23 No change for subd 2 to 3

162*#02S

24 162.02 COUNTY STATE-AID HIGHWAY SYSTEM.

25 No change for subd 1 to 3a

26 Subd. 4. LOCATION AND ESTABLISHMENT. The county
27 boards of the several counties shall by resolution and subject
28 to the concurrence of the commissioner locate and establish a
29 system of county state-aid highways in accordance with the rules
30 and regulations made and promulgated by the commissioner. It
31 shall be the duty of the commissioner to review each system
32 considering the availability of funds and the desirability of
33 each system in relation to an integrated and coordinated system
34 of highways. After review the commissioner shall by written
35 order approve each system or any part thereof which in his the *
36 commissioner's judgment is feasible and desirable. A certified *
37 copy of the order shall be filed with the county auditor and the
38 county engineer.

39 No change for subd 5 to 8

40 Subd. 9. COMMISSIONER'S POWER. When it shall be
41 made to appear to the commissioner that the county board of any
42 county has refused to locate and establish a county state-aid
43 highway which in the opinion of the commissioner is necessary to
44 provide an integrated and coordinated highway system, the
45 commissioner may, until the county state-aid highway is located
46 and established, withhold from the county so much of the
47 county's share of the county state-aid highway fund as he the *
48 commissioner deems advisable. *

49 No change for subd 10 to 12

162*#06S

50 162.06 ACCRUALS TO COUNTY STATE-AID HIGHWAY FUND.

51 Subdivision 1. ESTIMATE. On or before the second
52 Tuesday of January of each year the commissioner shall estimate
53 the probable sum of money that will accrue to the county
54 state-aid highway fund during the first six months of each year
55 ending June 30. To such estimated amounts he the commissioner *
56 shall add the sum of money already accrued in the county
57 state-aid highway fund for the last preceding six month period
58 ending December 31 of each year. The total of such sums except
59 for deductions to be first made as provided herein shall be
60 apportioned to the several counties as hereinafter provided.

61 No change for subd 2

62 Subd. 3. DISASTER ACCOUNT. After deducting
63 administrative costs as provided in subdivision 2, the
64 commissioner shall set aside a sum of money as is necessary to
65 provide for the calendar year a disaster account of \$300,000.
66 This sum shall be used to provide aid to any county encountering
67 disasters or unforeseen events affecting its county state-aid
68 highway system, and resulting in an undue and burdensome
69 financial hardship. Any county desiring aid by reason of such
70 disaster or unforeseen event shall request the aid in the form
71 required by the commissioner. Upon receipt of the request the
72 commissioner shall appoint a board consisting of three county
73 engineers and three county commissioners from counties other

1 than the requesting county. The board shall investigate the
 2 matter and report its findings and recommendations in writing to
 3 the commissioner. Final determination of the amount of aid, if
 4 any, to be paid to the county from the disaster account shall be
 5 made by the commissioner. ~~If-the-commissioner-determines~~ Upon
 6 determining to aid any such county he the commissioner shall
 7 certify to the commissioner of finance the amount of the aid,
 8 and the commissioner of finance shall thereupon issue a warrant
 9 in that amount payable to the county treasurer of the county.
 10 Money so paid shall be expended on the county state-aid highway
 11 system in accordance with the rules and regulations of the
 12 commissioner.

13 No change for subd 4 to 5

162*#08S

14 162.08 ALLOCATION OF APPORTIONMENTS.

15 Subdivision 1. ALLOCATION. ~~When-the-commissioner~~
 16 ~~has-determined~~ Upon determining the sum of money to be
 17 apportioned to each county as hereinbefore provided, he the
 18 commissioner shall allocate a percentage of such sum for
 19 expenditure solely on those portions of each county's county
 20 state-aid highways located within cities having a population of
 21 less than 5,000, according to the last federal decennial census,
 22 or, if incorporated during the ten-year period between federal
 23 decennial censuses, according to their incorporation census.
 24 The percentage so allocated shall equal the percentage that the
 25 total needs of the county state-aid highway system in such
 26 cities bears to the total county state-aid highway needs in each
 27 county. Money so allocated shall be set apart and credited to
 28 the municipal account of each county.

29 Subd. 2. STATEMENT. ~~As-soon-as-the-commissioner-has~~
 30 ~~determined~~ Upon determining the amount of money to be
 31 apportioned to each of the counties, and ~~as-soon-as-he-has~~
 32 ~~determined-of-such-amount~~ the sum of such amount to be allocated
 33 for expenditure on those county state-aid highways located
 34 within cities having a population of less than 5,000, he the
 35 commissioner shall forthwith send a statement of the amount to
 36 the commissioner of finance, and the county auditor and county
 37 engineer of each county. The amounts so apportioned and
 38 allocated to each county shall be paid by the state to the
 39 treasurer of each county out of the county state-aid highway
 40 fund as hereinafter provided, and in accordance with rules and
 41 regulations made and promulgated by the commissioner not
 42 inconsistent herewith.

43 Subd. 3. AID TO TOWNSHIPS. Any county having within
 44 its boundaries organized town governments may, by resolution,
 45 allocate to the towns within its boundaries so much of the money
 46 apportioned to it under the provisions of sections 162.01 to
 47 162.181, that it deems necessary to aid the townships in the
 48 construction of town roads. The resolution shall set forth the
 49 amount of money or the percentage of its apportionment that the
 50 county has allocated to the towns. A certified copy of the
 51 resolution shall be forwarded to the commissioner on or before
 52 the second Tuesday of January of each year. Upon receipt of
 53 such resolution and ~~as-soon-as-he-has-determined~~ upon
 54 determining the amount of money to be apportioned to the county,
 55 the commissioner shall certify to the commissioner of finance
 56 the amount of money, as set forth in the resolution, that is to
 57 be paid out of the county's apportionment for distribution to
 58 the towns. The commissioner of finance shall thereupon issue a
 59 warrant in that amount payable to the county treasurer, and the
 60 proceeds thereof shall be distributed by the county to the
 61 towns. All money so allocated and distributed shall be used by
 62 the towns solely for the construction of town roads. Each
 63 county board so allocating such funds may devise a formula
 64 taking into account each town's levy for road and bridge
 65 purposes, its mileage of town roads and population outside the
 66 corporate limits of all cities within the township, and such
 67 other factors as the county board shall deem advisable as a
 68 means of dividing the allocation among the several towns in
 69 order that such division among the towns be as equitable as
 70 possible. No part of the money allocated for expenditure solely
 71 within cities having a population of less than 5,000 shall be
 72 allocated or distributed to the towns. The commissioner of
 73 transportation shall maintain a permanent record of the
 74 allocations of county state-aid highway funds to the townships
 75 in each county. In making the annual apportionments of county

1 state-aid highway funds, he the commissioner shall reduce the *
 2 money needs of said counties in the amounts necessary to
 3 equalize their status with those counties not making such
 4 township allotments.

5 No change for subd 4 to 5

6 Subd. 6. ADVANCES OF CITY FUNDS; FINANCING. Any
 7 city having a population of less than 5,000 may, by agreement
 8 with the county pursuant to section 162.17, subdivision 2, and
 9 under rules and regulations of the commissioner and with ~~his~~ the *
 10 commissioner's consent, use available funds for the purpose of *
 11 accelerating construction of any portion of the county state-aid
 12 highway system within its limits. To finance such construction,
 13 the city may issue its obligations to the same extent and in the
 14 same manner as for financing construction of any other street.
 15 By such agreement, the county may pledge itself to use any part
 16 of one or more future allotments to its municipal account to
 17 reimburse the city for all or any portion of the money so spent
 18 by the city, not including interest on obligations issued to
 19 finance the project. A copy of the agreement shall be filed
 20 with the commissioner. Thereafter, as allotments are credited
 21 annually to the municipal account of the county, the
 22 commissioner shall certify to the commissioner of finance that
 23 payments to the county may be made in the amounts and at the
 24 times specified in the agreement within the limits of the
 25 amounts so credited. The county shall pay funds so received to
 26 the city in accordance with the terms of the agreement.

27 No change for subd 7 to 9

28 Subd. 10. PROJECT APPROVAL, REPORTS. When the
 29 county board of any county determines to do any construction
 30 work on a county state-aid highway or other road eligible for
 31 the expenditure of state aid funds within the county, and
 32 desires to expend on such work a portion of the money
 33 apportioned or allocated to it out of the county state-aid
 34 highway fund, the county shall first obtain approval of the
 35 project by the commissioner. Thereafter the county engineer
 36 shall make such reports in such manner as the commissioner
 37 requires under ~~his~~ rules and regulations of the commissioner. *
 38 Upon receipt of satisfactory reports, the commissioner shall
 39 certify to the commissioner of finance the amount of money that
 40 is eligible to be paid from the county's apportionment or
 41 allocation for the work under contract or actually completed.
 42 The commissioner of finance shall thereupon issue a warrant in
 43 that amount payable to the county treasurer. In no event shall
 44 the warrant with all other warrants issued exceed the amount
 45 apportioned and allocated to the county.

46 No change for subd 11

162*#081S

47 162.081 TOWN ROAD ACCOUNT.

48 No change for subd 1 to 2

49 Subd. 3. APPORTIONMENT. ~~When the commissioner~~ *
 50 ~~determines~~ Upon determining the amount of money to be *
 51 apportioned to each county under section 162.07, ~~he the~~ *
 52 commissioner shall also determine the amounts in the town road *
 53 account to be apportioned under subdivision 2. The
 54 apportionment under subdivision 2 must be included in the
 55 statement sent to the commissioner of finance and the county
 56 auditor and county engineer of each county under section 162.08,
 57 subdivision 2. The amounts so apportioned and allocated to each
 58 county from the town road account must be paid by the state to
 59 the treasurer of each county at the same time that payments are
 60 made under section 162.08, subdivision 2.

61 No change for subd 4

162*#09S

62 162.09 MUNICIPAL STATE-AID STREET SYSTEM.

63 No change for subd 1 to 5

64 Subd. 6. ESTABLISHMENT. The governing bodies of
 65 such cities shall by resolution and subject to the concurrence
 66 of the commissioner locate and establish a system of municipal
 67 state-aid streets in accordance with the rules and regulations
 68 of the commissioner. A certified copy of the resolution shall
 69 be transmitted to the commissioner. Upon receipt of the
 70 resolution it shall be the duty of the commissioner to review
 71 each system, considering the availability of funds and the
 72 desirability of each system in relation to an integrated and
 73 coordinated system of highways. After review, the commissioner
 74 shall, by written order, approve each system or any portion

1 thereof which in ~~his~~ the commissioner's judgment is feasible and *
 2 desirable. A certified copy of the order shall be filed with
 3 the clerk and the engineer of the city.

4 No change for subd 7 to 10

162*#12S

5 162.12 ACCRUALS TO MUNICIPAL STATE-AID STREET FUND.

6 Subdivision 1. ESTIMATE OF ACCRUALS. On or before
 7 the second Tuesday of January of each year the commissioner
 8 shall estimate the probable sum of money that will accrue to the
 9 municipal state-aid street fund during the first six months of
 10 each year ending June 30. To the estimated amount ~~he the~~ *
 11 commissioner shall add the sum of money already accrued in the *
 12 municipal state-aid street fund for the last preceding six-month
 13 period ending December 31. The total of such sums, except for
 14 deductions to be first made as provided herein, shall be
 15 apportioned by the commissioner to the cities having a
 16 population of 5,000 or more as hereinafter provided.

17 No change for subd 2

18 Subd. 3. DISASTER ACCOUNT. After deducting
 19 administrative costs as provided in subdivision 2, the
 20 commissioner shall set aside each year a sum of money equal to
 21 two percent of the remaining money in the municipal state-aid
 22 street fund to provide for a disaster account; provided, that
 23 the total amount of money in the disaster account shall never
 24 exceed five percent of the total sums to be apportioned to the
 25 cities having a population of 5,000 or more. The disaster
 26 account shall be used to provide aid to any such city
 27 encountering disaster or unforeseen event affecting the
 28 municipal state-aid street system of the city, and resulting in
 29 an undue and burdensome financial hardship. Any such city
 30 desiring aid by reason of such disaster or unforeseen event
 31 shall request aid in the form required by the commissioner.
 32 Upon receipt of the request the commissioner shall appoint a
 33 board consisting of three engineers and three members of the
 34 governing bodies of the cities from cities other than the
 35 requesting city. The board shall investigate the matter and
 36 report its findings and recommendations in writing to the
 37 commissioner. Final determination of the amount of aid, if any,
 38 to be paid to the city from the disaster account shall be made
 39 by the commissioner. ~~if the commissioner determines~~ Upon *
 40 determining to aid the city, ~~he the commissioner~~ shall certify *
 41 to the commissioner of finance the amount of aid, and the
 42 commissioner of finance shall thereupon issue a warrant in that
 43 amount payable to the fiscal officer of the city. Money so paid
 44 shall be expended on the municipal state-aid street system in
 45 accordance with rules and regulations of the commissioner.

46 No change for subd 4

162*#14S

47 162.14 APPORTIONMENT TO CITIES.

48 Subdivision 1. STATEMENT. ~~As soon as the~~ *
 49 ~~commissioner has determined~~ Upon determining the amount of money *
 50 to be apportioned to each of the cities having a population of
 51 5,000 or more, ~~he the commissioner~~ shall forthwith send a *
 52 statement of the amount to the commissioner of finance and to
 53 the clerk and engineer of each such city. The amount so
 54 apportioned to each city shall be paid by the state to the
 55 fiscal officer of the city out of the municipal state-aid street
 56 fund as hereinafter provided and in accordance with rules and
 57 regulations promulgated by the commissioner, not inconsistent
 58 herewith.

59 No change for subd 2 to 6

163*#051S

60 163.051 COUNTY WHEELAGE TAXES; COLLECTION; DISTRIBUTION;
 61 COUNTY ROAD AND BRIDGE LEVIES.

62 No change for subd 1

63 Subd. 2. COLLECTION OF TAX. The wheelage tax levied
 64 by any metropolitan county, if made collectible by the state
 65 registrar of motor vehicles, shall be certified by the county
 66 auditor to the registrar not later than August 1 in the year
 67 before the calendar year or years for which the tax is levied,
 68 and the registrar shall collect such tax with the motor vehicle
 69 taxes on the affected vehicles for such year or years. Every
 70 owner and every operator of such a motor vehicle shall furnish
 71 to the registrar all information requested by ~~him the~~ *
 72 registrar. No state motor vehicle tax on any such motor vehicle *
 73 for any such year shall be received or deemed paid unless the

1 applicable wheelage tax is paid therewith. The proceeds of the
2 wheelage tax levied by any metropolitan county, less any amount
3 retained by the registrar to pay costs of collection of the
4 wheelage tax, shall be paid to the state treasurer and deposited
5 in the state treasury to the credit of the county wheelage tax
6 fund of each metropolitan county.

7 No change for subd 2a

8 Subd. 3. DISTRIBUTION OF TAX. On or before April 1
9 in 1972 and each subsequent year, the commissioner of finance
10 shall issue ~~his~~ a warrant in favor of the treasurer of each *
11 metropolitan county for which the registrar has collected a
12 wheelage tax in the amount of such tax then on hand in the
13 county wheelage tax fund. There is hereby appropriated from the
14 county wheelage tax fund each year, to each metropolitan county
15 entitled to payments authorized by this section, sufficient
16 moneys to make such payments.

17 No change for subd 4 to 7

163*#07S

18 163.07 COUNTY HIGHWAY ENGINEER.

19 Subdivision 1. APPOINTMENT. The county board of
20 each county shall appoint and employ, as hereinafter provided, a
21 county highway engineer who shall have charge of the highway
22 work of the county and the forces employed thereon, and who
23 shall make and prepare all surveys, estimates, plans, and
24 specifications which are required of ~~him~~ the engineer. The *
25 county highway engineer may be removed by the county board
26 during the term of office for which ~~he~~-~~is~~ appointed only for *
27 incompetency or misconduct shown after a hearing upon due notice
28 and upon stated charges. The burden of proving incompetency or
29 misconduct shall rest upon the party alleging the same.

30 Subd. 2. QUALIFICATIONS, SALARY AND TERM. The
31 county highway engineer shall be a registered highway or civil
32 engineer, registered under the laws of the state of Minnesota.
33 ~~He~~ The county highway engineer may be selected from a list of *
34 eligible registered highway engineers prepared by the
35 commissioner of transportation. The list shall be submitted by
36 the commissioner of transportation to any county board
37 requesting same. The county board may appoint a new county
38 engineer for a term of only one year. All reappointments shall
39 be for a term of four years, and shall be made in May of the
40 year in which the term expires. The county highway engineer
41 shall be a citizen and resident of this state. ~~His~~ The county *
42 highway engineer's salary shall be fixed by the county board and *
43 shall be payable the same as other county officers are
44 paid. ~~His~~ The salary shall not be reduced during ~~his~~ the county *
45 highway engineer's term of office. *

46 No change for subd 2a

47 Subd. 3. LEAVE OF ABSENCE FROM STATE SERVICE. Any
48 registered professional engineer employed by the state when
49 properly certified by the commissioner of transportation may be
50 employed as an engineer on a full time basis for any city,
51 county, or any other governmental agency, and during the period
52 of such employment and for the purposes of such employment ~~he~~, *
53 may be granted leave of absence from the state service,
54 notwithstanding any limitation on leaves of absence contained in
55 the civil service act.

56 No change for subd 4

57 Subd. 5. PROMOTIONAL EXAMINATION. The commissioner
58 of transportation may certify any city or county highway
59 engineer that ~~he~~ the commissioner may deem qualified to the *
60 commissioner of employee relations as eligible to take any
61 specific promotional examination held for civil engineer or
62 civil engineering aid as classified by the state civil service
63 commission. The service rating of such engineer shall include
64 past service with the state and as city or county highway
65 engineer, if ~~he~~ the engineer had prior service with the state *
66 transportation department as a supervisory engineer.

67 Subd. 6. DUTIES. The county highway engineer shall
68 devote ~~his~~ the entire time to ~~his~~ official duties and, before *
69 entering upon the duties of ~~his~~ office, give bond to the state *
70 in the penal sum of \$29,000, to be approved and filed in the
71 same manner as are the bonds of the other county officers. All
72 premiums for the bond shall be paid by the county. The state,
73 the several governmental subdivisions thereof, or any person
74 damaged by any wrongful act or omission of the county highway
75 engineer in the performance of ~~his~~ official duties may maintain *

1 an action on ~~his~~ the bond for the recovery of the damages so *
2 sustained.

3 Subd. 7. REPORTS. The county highway engineer shall
4 prepare and submit to the county board annually a full and
5 complete report covering all county highway work, and ~~he~~ shall *
6 prepare and submit such other reports relating to the county
7 highway system as the county board directs.

8 Subd. 8. Repealed, 1969 c 304 s 2
9 No change for subd 9

163*#09S

10 163.09 PAYMENTS.
11 No change for subd 1

12 Subd. 2. METHOD. The payroll shall be prepared by
13 the county engineer either monthly or semi-monthly as directed
14 by the county board. ~~It~~ The county highway engineer shall be *
15 ~~certified-by-the-county-highway-engineer~~ certify it as being *
16 true and correct and shall ~~be-presented-by-him~~ present it to the *
17 county auditor for payment. It shall thereupon be lawful for
18 the county auditor and county treasurer to pay the claims as set
19 forth in the payroll without allowance therefor by the county
20 board. Upon presentation to the county auditor of the
21 payroll, ~~he~~ the auditor shall forthwith issue to the several *
22 claimants whose names appear therein ~~his~~ a warrant in payment of *
23 their respective claims.

163*#10S

24 163.10 PAYMENT; HENNEPIN COUNTY.
25 No change for subd 1

26 Subd. 2. METHOD. The ~~foreman~~ lead supervisor in *
27 charge of each crew shall transmit daily to the county auditor a
28 report showing the name of each person working under ~~his~~ *
29 supervision of the lead supervisor, the number of hours, and *
30 character or kind of work performed by each, together with the
31 rate of pay of each. From these cards the county auditor shall
32 make a payroll for each crew in such form as may be approved by
33 the state auditor. The payroll shall be verified by the ~~foreman~~ *
34 lead supervisor from whose daily reports the same shall have *
35 been compiled. These payrolls shall then be presented to the
36 county board for allowance or disallowance. On the allowance of
37 a payroll by the county board, the county auditor shall
38 forthwith issue to the several claimants whose names appear
39 therein, ~~his~~ warrants in payment of their respective claims. *

163*#11S

40 163.11 ESTABLISHMENT, ALTERATION, VACATION, REVOCATION.
41 No change for subd 1 to 3

42 Subd. 4. VACATION. When a newly established,
43 relocated, or altered county highway is opened for travel which
44 takes the place of and serves the same purpose as any portion of
45 another county highway, the county board may vacate any such
46 portion of the other highway by resolution. The board shall
47 cause personal service of the resolution to be made upon each
48 occupant of land through which the vacated portions passed and
49 shall also post notice of the resolution for at least ten days.
50 A copy of the resolution together with proof of service and
51 affidavit of posting shall be filed in the county auditor's
52 office. Within 30 days after the service, any person claiming
53 to be damaged by the vacation may appeal to the district court
54 of the county for a determination of ~~his~~ damages by serving *
55 notice of the appeal upon the county board and filing same with
56 proof of service in the office of the clerk of the district
57 court. The appeal shall state the nature and the amount of
58 damages claimed. It shall be tried in the same manner as an
59 appeal from an award in eminent domain proceedings.

60 No change for subd 5 to 7

163*#15S

61 163.15 BRIDGES ACROSS DIVERSION CHANNELS.

62 Whenever any county has been authorized by the commissioner
63 of natural resources to divert the channel of a navigable stream
64 for the purpose of improving a county road and the board of
65 commissioners of such county has by resolution ordered diversion
66 of the navigable stream across private property so that the
67 stream and the channel thereof when so diverted deprives the
68 owner of the private property of access to the county road, the
69 owner of the private property may grant to the county a
70 perpetual easement for road purposes across ~~his~~ that private *
71 property commencing at a point 50 feet distant from the
72 relocated or diversion channel, thence crossing the relocated or

1 diversion channel and intersecting the county road so to be
 2 improved; and the road easement shall extend for a distance of
 3 two rods on each side of the center line thereof and be and
 4 remain a public road. The county shall forthwith establish and
 5 construct a highway upon the strip of land pursuant to law,
 6 build a suitable bridge, including approaches thereto, across
 7 the channel, and at public expense thenceforth maintain the road
 8 and bridge so established in a safe condition so as to afford
 9 the owner of the private property access to the improved county
 10 road.

163*#16S

11 163.16 IMPASSABLE ROADS.

12 No change for subd 1

13 Subd. 2. HEARING ON COMPLAINT. At the designated
 14 time and place the county board shall consider the complaint and
 15 hear and consider such testimony as may be offered by the
 16 officers of the town and the complainants relative to the
 17 matters set forth in the complaint. The chairman chair of the *
 18 county board, or the presiding officer thereof, may administer
 19 oaths to witnesses and require them to testify under oath. The
 20 county board may drive over the road and make such further
 21 investigations as it deems necessary.

22 No change for subd 3 to 4

164*#05S

23 164.05 TOWN ROAD DRAINAGE TAX.

24 No change for subd 1 to 2

25 Subd. 3. PETITION. When a petition signed by ten or
 26 more freeholders and voters of a town shall be presented to the
 27 town clerk at least 20 days before the time of holding the
 28 annual town meeting, praying that the question of authorizing
 29 the town board to levy and assess a town road drainage tax be
 30 submitted to the voters of such town, the town clerk shall
 31 include in his the notice of such annual town meeting a notice *
 32 that such question will be voted on at such meeting. Such
 33 question shall be voted on by ballot and it shall be the duty of
 34 the clerk to provide at the expense of the town a suitable
 35 number of ballots, which may be printed or written or partly
 36 printed and partly written, in substantially the following form:

37 "Shall the town board be authorized to levy and assess a
 38 Town Road Drainage Tax?

39 (Yes ..) (No ..)"

40 No change for subd 4

164*#07S

41 164.07 ESTABLISHMENT, ALTERATION, OR VACATION.

42 No change for subd 1 to 10

43 Subd. 11. ORDER. The order establishing, altering
 44 or vacating any road shall be recorded by the town clerk, and a
 45 copy thereof certified as true and correct by the town clerk
 46 shall be forthwith filed for record with the county recorder or
 47 registrar of titles of the county within which the land and
 48 premises are located. The certified copy of the order shall be
 49 first presented to the county auditor who shall enter the same
 50 in his the transfer records and note upon the certified copy *
 51 over his the auditor's official signature, the words "entered in
 52 the transfer record." The order or a certified copy shall be *
 53 received in all courts as competent evidence of the facts
 54 therein contained and be prima facie evidence of the regularity
 55 of the proceedings prior to the making thereof, except upon the
 56 hearing of an appeal.

57 No change for subd 12

164*#08S

58 164.08 CARTWAYS.

59 No change for subd 1 to 2

60 Subd. 3. MAINTENANCE COSTS. When a cartway is not
 61 maintained by the town, one or more of the private property
 62 owners who own land adjacent to a cartway or one or more of the
 63 private property owners who has no access to his-or-her the
 64 owner's land except by way of the cartway may maintain the *
 65 cartway. The cost of maintenance shall be equitably divided *
 66 among all of the private property owners who own land adjacent
 67 to the cartway and all of the private property owners who have
 68 no access to their land except by way of the cartway. The
 69 following factors may be taken into consideration when
 70 determining an equitable share of maintenance expenses: the
 71 frequency of use, the type and weight of the vehicles or
 72 equipment, and the distance traveled on the cartway to the

1 individual's property. The town board may determine the
 2 maintenance costs to be apportioned to each private property
 3 owner if the private property owners cannot agree on the
 4 division of the costs. The town board's decision may be
 5 appealed within 30 days to the county court of the county in
 6 which the cartway is located. Private property owners who pay
 7 the cost of maintenance shall have a civil cause of action
 8 against any of the private property owners who refuse to pay
 9 their share of the maintenance cost.

164*#15S

10 164.15 DEDICATION OF LAND FOR ROAD.

11 No change for subd 1

12 Subd. 2. BRIDGE OVER LAKE. Any person owning land
 13 to exceed 40 acres constituting part of an island within any
 14 meandered lake may at ~~his own~~ personal expense erect a bridge *
 15 across such portion of the lake as may separate ~~his~~ the person's *
 16 land from the nearest town road on shore, provided the structure
 17 shall not interfere with the use of that part of the lake for
 18 the passage of such water craft as would otherwise pass that
 19 point. Before proceeding with the construction of the bridge,
 20 proper plans and specifications therefor shall be prepared and
 21 submitted to and approved by the town board of the town in which
 22 the bridge is to be constructed. If public waters are involved,
 23 the plans shall first be approved by the commissioner of natural
 24 resources. Upon the completion of the bridge in accordance with
 25 the plans and specifications, the town board shall approve the
 26 same and endorse its approval upon the plans and specifications
 27 therefor; and thereupon the same shall be filed in the office of
 28 the clerk of the town in which the bridge is located and the
 29 bridge shall thereupon become a part of the town road and open
 30 to the use of the public as such.

165*#03S

31 165.03 STRENGTH OF BRIDGES.

32 No change for subd 1 to 2

33 Subd. 3. The county engineer shall maintain a complete
 34 inventory record of all bridges as set forth in subdivision 2(b)
 35 with the inspection reports thereof:---He, and shall certify *
 36 annually, to the commissioner of transportation that inspections
 37 have been made. A report of the inspections shall be filed
 38 annually, on or before February 15th of each year, with the
 39 county auditor or township clerk, or the governing body of the
 40 municipality. The report shall contain recommendations for the
 41 correction of, or legal posting of load limits on any bridge or
 42 structure that is found to be understrength or unsafe.

43 Subd. 4. The city engineer shall maintain a complete
 44 inventory record of all bridges as set forth in subdivision 2(c)
 45 with the inspection reports thereof:---He, and shall certify *
 46 annually, to the commissioner of transportation that inspections
 47 have been made. A report of the inspections shall be filed
 48 annually, on or before February 15th of each year, with the
 49 governing body of the municipality. The report shall contain
 50 recommendations for the correction of, or legal posting of load
 51 limits on any bridge or structure that is found to be
 52 understrength or unsafe.

53 No change for subd 5 to 6

165*#04S

54 165.04 BRIDGES, CULVERTS; WIDTHS.

55 No change for subd 1

56 Subd. 2. EXTRAORDINARY REPAIR OR IMPROVEMENTS. ~~if~~ *
 57 ~~the commissioner deems~~ Upon finding it practical to do so, he *
 58 the commissioner may make extraordinary repairs or improvements *
 59 on existing trunk highway bridges less than 24 feet wide between
 60 curbs without widening such bridges. Counties and
 61 municipalities may make extraordinary repairs or improvements on
 62 major existing bridges less than 24 feet wide between curbs,
 63 without widening such bridges, if the plans for such
 64 extraordinary repairs or improvements are first approved by the
 65 commissioner. A major bridge shall mean a bridge which,
 66 together with its approaches, is at least 75 feet in length.

67 No change for subd 3

165*#05S

68 165.05 RAILROAD BRIDGES OVER HIGHWAYS.

69 Subdivision 1. WIDTH. Any railroad bridge hereafter
 70 constructed or substantially reconstructed over a public highway
 71 including city streets, shall be constructed so as to leave a
 72 clear opening for the highway at least four feet wider than the

1 surfaced portion of the highway, but in no event less than 28
 2 feet wide; provided that the requirement that the clear opening
 3 for the highway be at least four feet wider than the surfaced
 4 portion of the highway may be modified by the commissioner in
 5 accordance with plans approved by ~~him~~ the commissioner. *

6 No change for subd 2

165*#06S

7 165.06 HIGHWAY BRIDGES AND APPROACHES OVER RAILROAD.
 8 Subdivision 1. WIDTH OF BRIDGE. The clear roadway
 9 width between curbs on any bridge hereafter constructed on any
 10 public highway, including city streets, over the tracks of any
 11 railroad shall be at least four feet wider than the surface
 12 portion of the highway, but in no event less than 28 feet;
 13 provided that the requirement that the width of the bridge be at
 14 least four feet wider than the surface portion of the highway
 15 may be modified by the commissioner in accordance with the plans
 16 approved by ~~him~~ the commissioner; further provided that in the *

17 case of bridges hereafter constructed on any town road over the
 18 tracks of any railroad the minimum width shall be 20 feet.
 19 Subd. 2. APPROACHES. The approaches to the bridge
 20 shall be at least eight feet wider than the surfaced portion of
 21 the roadway, but not less than 32 feet wide, and the grade of
 22 the approach shall not exceed five feet rise in 100 feet,
 23 provided that the requirement that the grade of the approach may
 24 be modified by the commissioner in accordance with plans
 25 approved by ~~him~~ the commissioner; provided that in the case of *

166*#02S

29 166.02 NOTICE OF APPLICATION.
 30 Any person intending to apply for a ferry license shall
 31 give two weeks' posted notice of such intention, stating therein
 32 as nearly as possible the points between which ~~he~~ the applicant *
 33 proposes to operate such ferry, and file such notice, with proof
 34 of posting, with the auditor of the county in which the ferry is
 35 situated at least ten days prior to presenting the presentation *
 36 ~~of-his~~ application; but no notice of an application for a *
 37 renewal of a license shall be required.

166*#03S

38 166.03 LICENSE; REQUISITES.
 39 On proof of the posting and filing of such notice, and on
 40 being satisfied that the applicant is a suitable person, that a
 41 ferry is necessary at the point specified, and that such point
 42 is not within half a mile of any other established ferry, the
 43 county board may grant the license applied for for a period
 44 specified therein, not exceeding ten years. All licenses so
 45 granted shall be sealed with the seal of the county board,
 46 signed by ~~its-chairman~~ the chair, and attested by the auditor. *

166*#04S

47 166.04 LICENSEE TO GIVE BOND.
 48 Before receiving such license, the applicant shall give
 49 bond to the county, to be approved by the county board, in a
 50 penal sum of not less than \$500, conditioned that ~~he~~ the *
 51 applicant: will keep the ferry in proper condition for use and *
 52 attend the same at all times fixed by law for operating it; ~~that~~ *
 53 ~~he~~ will neither demand nor take illegal tolls; and ~~that-he~~ will *
 54 faithfully perform all other duties ~~enjoined-upon-him~~ imposed by *
 55 law. Such bond shall be filed with the county auditor.

166*#05S

56 166.05 LICENSE FEE.
 57 The county board shall fix the fee for a ferry license at
 58 such sum as it may deem reasonable, but not less than \$5 nor
 59 more than \$200 per annum. The licensee shall pay the license
 60 fee yearly in advance to the county treasurer, taking duplicate
 61 receipts therefor, ~~one-of-which-he-shall~~ and file one of the *
 62 duplicates with the county auditor within ten days from its *
 63 date. All ferries shall be deemed situated in the county where
 64 the ferry house is situated, and the license fee shall be
 65 required only in such county.

166*#07S

66 166.07 EQUIPMENT AND ATTENDANCE.
 67 Every licensed ~~ferryman~~ ferry operator shall provide and *
 68 keep sufficient and safe boats in good repair for the conveyance
 69 of persons and property, and a sufficient number of hands to
 70 manage them and give proper attendance from daylight until

1 dark. ~~He~~ The ferry operator shall attend at any hour of the *
 2 night, when called upon, for the purpose of conveying the United
 3 States mail, or any person desiring, with or without a team or
 4 vehicle, to cross on the ferry. When the stream is impassable
 5 by reason of high-water, wind, storm, or drift ice, or when it
 6 is frozen over, no damage shall be recovered for failure or
 7 refusal to carry persons or property across such stream.

166*#08S

8 166.08 TOLLS; PENALTIES FOR OVERCHARGE.

9 The county board shall establish at each ferry the tolls
 10 for passengers, horses, carriages, and other things there
 11 transported. Every ~~ferryman~~ ferry operator who neglects to keep *
 12 such boats and give such attendance, as provided for in this
 13 chapter, or demands or receives more than the amount designated
 14 by the county board, shall forfeit \$20 and be liable for all
 15 damages caused thereby, either or both of which may be recovered
 16 by an action on ~~his~~ the ferry operator's bond. *

166*#09S

17 166.09 NOT APPLICABLE TO FERRIES IN CITIES.

18 The provisions of this chapter relating to ferries shall
 19 not apply to any stream so far as the same is bordered by any
 20 city. The council of such city shall have the sole right to
 21 grant ferry licenses across such stream as far as the same
 22 borders thereon, and to make and enforce such regulations for
 23 such ferries, ferry licenses, and fees as it may deem proper,
 24 except that such licenses shall not be granted for a longer term
 25 than ten years. This section shall not be so construed as to
 26 abridge the rights of the county board in any county other than
 27 the one in which such city is situated. Every ~~ferryman~~ ferry *
 28 operator licensed by a council hereunder shall have the same *
 29 rights and be subject to the same liabilities as those licensed
 30 by county boards.

168*#011S

31 168.011 DEFINITIONS.

32 No change for subd 1 to 15

33 Subd. 16. GROSS WEIGHT. "Gross weight" means the
 34 actual unloaded weight of the vehicle, either a truck or
 35 tractor, or the actual unloaded combined weight of a
 36 truck-tractor and semitrailer or semitrailers, or of the
 37 truck-tractor, semitrailer and one additional semitrailer, fully
 38 equipped for service, plus the weight of the maximum load which
 39 the applicant has elected to carry on such vehicle or combined
 40 vehicles. The term gross weight applied to a truck used for
 41 towing a trailer means the unloaded weight of the truck, fully
 42 equipped for service, plus the weight of the maximum load which
 43 the applicant has elected to carry on such truck, including the
 44 weight of such part of the trailer and its load as may rest upon
 45 the truck. The term gross weight applied to school buses means
 46 the weight of the vehicle fully equipped with all fuel tanks
 47 full of fuel, plus the weight of the passengers and their
 48 baggage computed at the rate of 100 pounds per passenger seating
 49 capacity, including that for the driver. The term gross weight
 50 applied to other buses means the weight of the vehicle fully
 51 equipped with all fuel tanks full of fuel, plus the weight of
 52 passengers and their baggage computed at the rate of 150 pounds
 53 per passenger seating capacity, including that for the driver.
 54 For bus seats designed for more than one passenger, but which
 55 are not divided so as to allot individual seats for the
 56 passengers that occupy them, allow two feet of its length per
 57 passenger to determine seating capacity. The term gross weight
 58 applied to a truck, truck-tractor or a truck used as a
 59 truck-tractor used exclusively by the owner thereof for
 60 transporting unfinished forest products or used by the owner
 61 thereof to transport agricultural, horticultural, dairy and
 62 other farm products including livestock produced or finished by
 63 the owner of the truck and any other personal property owned by
 64 the farmer to whom the license for such truck is issued, from
 65 the farm to market, and to transport property and supplies to
 66 the farm of the owner, as described in subdivision 17, shall be
 67 the actual weight of the truck, truck-tractor or truck used as a
 68 truck-tractor or the combined weight of the truck-tractor and
 69 semitrailer plus the weight of the maximum load which the
 70 applicant has elected to carry on such vehicle or combined
 71 vehicles and shall be licensed and taxed as provided by section
 72 168.013, subdivision 1c. The term gross weight applied to a
 73 truck-tractor or a truck used as a truck-tractor used

1 exclusively by the owner, or by a for hire carrier hauling
 2 exclusively for one owner, for towing an equipment dolly shall
 3 be the actual weight of the truck-tractor or truck used as a
 4 truck-tractor plus the weight of such part of the equipment
 5 dolly and its load as may rest upon the truck-tractor or truck
 6 used as a truck-tractor, and shall be licensed separately and
 7 taxed as provided by section 168.013, subdivision 1e, and the
 8 equipment dolly shall be licensed separately and taxed as
 9 provided in section 168.013, subdivision 1d, which is applicable
 10 for the balance of the weight of the equipment dolly and the
 11 balance of the maximum load the applicant has elected to carry
 12 on such combined vehicles. The term "equipment dolly" as used
 13 in this subdivision means a heavy semitrailer used solely by the
 14 owner, or by a for hire carrier hauling exclusively for one
 15 owner, to transport ~~his~~ the owner's construction machinery,
 16 equipment, implements and other objects used on a construction
 17 project, but not to be incorporated in or to become a part of a
 18 completed project. The term gross weight applied to a wrecker
 19 defined in section 169.01, subdivision 52, means the weight of
 20 the wrecker fully equipped for service, including the weight of
 21 the crane, winch and other equipment to control the movement of
 22 a towed vehicle, but does not include the weight of a wrecked or
 23 disabled vehicle towed or drawn by the wrecker.

24 Subd. 17. FARM TRUCK. "Farm truck" means all single
 25 unit trucks, truck-tractors, tractors, semitrailers, and
 26 trailers used by the owner thereof to transport agricultural,
 27 horticultural, dairy, and other farm products, including
 28 livestock, produced or finished by the owner of the truck, and
 29 any other personal property owned by the farmer to whom the
 30 license for the truck is issued, from the farm to market, and to
 31 transport property and supplies to the farm of the owner.
 32 Trucks, truck-tractors, tractors, semitrailers, and trailers
 33 registered as "farm trucks" may be used by the owner thereof to
 34 occasionally transport unprocessed and raw farm products, not
 35 produced by the owner of the truck, from the place of production
 36 to market when the transportation constitutes the first haul of
 37 the products, and may be used by the owner thereof, either
 38 farmer or logger who harvests and hauls forest products only, to
 39 transport logs, pulpwood, lumber, chips, railroad ties and other
 40 raw and unfinished forest products from the place of production
 41 to an assembly yard or railhead when the transportation
 42 constitutes the first haul thereof, provided that the owner and
 43 operator of the vehicle transporting planed lumber shall have in
 44 ~~his~~ immediate possession a statement signed by the producer of
 45 the lumber designating the governmental subdivision, section and
 46 township where the lumber was produced and that this haul,
 47 indicating the date, is the first haul thereof. The licensed
 48 vehicles may also be used by the owner thereof to transport, to
 49 and from timber harvesting areas, equipment and appurtenances
 50 incidental to timber harvesting, and gravel and other road
 51 building materials for timber haul roads.

52 "Farm trucks" shall also include only single unit trucks,
 53 which, because of their construction, cannot be used for any
 54 other purpose and are used exclusively to transport milk and
 55 cream enroute from farm to an assembly point or place for final
 56 manufacture, and for transporting milk and cream from an
 57 assembly point to a place for final processing or manufacture.
 58 This section shall not be construed to mean that the owner or
 59 operator of the truck cannot carry on ~~his~~ usual accommodation
 60 services for ~~his~~ patrons on regular return trips, such as
 61 butter, cream, cheese, and other dairy supplies.

62 No change for subd 18 to 20

63 Subd. 21. DEALER. "Dealer" means any person, firm,
 64 or corporation regularly engaged in the business of
 65 manufacturing, or selling, purchasing, and generally dealing in
 66 new and unused motor vehicles having an established place of
 67 business for the sale, trade, and display of new and unused
 68 motor vehicles and having in ~~its, his, or their~~ possession new
 69 and unused motor vehicles for the purposes of sale or trade.
 70 "Dealer" also includes any person, firm or corporation regularly
 71 engaged in the business of manufacturing or selling, purchasing,
 72 and generally dealing in new and unused motor vehicle bodies,
 73 chassis mounted or not, and having an established place of
 74 business for the sale, trade and display of such new and unused
 75 motor vehicle bodies, and having in ~~its, his, or their~~ possession
 76 new and unused motor vehicle bodies for the purposes of sale or

1 trade.

2 No change for subd 22 to 33

168*#012S

3 168.012 VEHICLES EXEMPT FROM LICENSE FEES.

4 No change for subd 1 to 6

5 Subd. 7. Motor vehicles which during any calendar year, or
 6 in the case of a vehicle registered pursuant to section 168.017,
 7 during the registration period there provided for, are not
 8 operated on a public highway shall be exempt from the provisions
 9 of this chapter requiring registration, payment of tax and
 10 penalties for nonpayment thereof, provided that the owner of any
 11 such vehicle shall first file ~~his~~ a verified written application *
 12 with the commissioner of public safety, correctly describing the
 13 vehicle and certifying that it has not been and will not be
 14 operated upon a public highway. Motor vehicles whose domicile
 15 is in a foreign state and are legally licensed in that state and
 16 owned by a Minnesota resident shall be exempt from the
 17 provisions of this chapter and subject to the provisions of
 18 section 168.191. Provided, that this exemption does not
 19 conflict with any existing reciprocal agreement with the state
 20 in which the vehicle is domiciled.

21 No change for subd 8 to 11

168*#013S

22 168.013 RATE OF TAX.

23 No change for subd 1

24 Subd. 1a. PASSENGER AUTOMOBILES; AMBULANCES; HEARSEs.

25 On passenger automobiles as defined in section 168.011,
 26 subdivision 7, ambulances, and hearses, except as otherwise
 27 provided, the tax shall be \$10 plus an additional tax equal to
 28 1.25 percent of the base value, except that on pickup trucks the
 29 tax shall be:

30 (a) for the 1982 registration year, \$10 plus an additional
31 tax equal to .75 percent of base value;

32 (b) for the 1983 registration year and each succeeding
33 year, \$10 plus an additional tax equal to 1.25 percent of base
34 value.

35 Subject to the classification provisions herein, "base
 36 value" means the manufacturer's suggested retail price of the
 37 vehicle including destination charge as reflected on the price
 38 listing affixed to the vehicle in conformity with 15 U.S.C. 1231
 39 to 1233 (Public Law 85-506) or otherwise suggested by the
 40 manufacturer or determined by the registrar if no suggested
 41 retail price exists, and shall not include the cost of each
 42 accessory or item of optional equipment separately added to the
 43 vehicle and the suggested retail price.

44 If ~~the registrar is~~ unable to determine the base value *
 45 because the vehicle is specially constructed, or for any other *
 46 reason, ~~he~~ the registrar may establish such value upon the cost *
 47 price to the purchaser or owner as evidenced by a certificate of
 48 cost but not including Minnesota sales or use tax or any local
 49 sales or other local tax.

50 The registrar shall classify every vehicle in its proper
51 base value class as follows:

52 FROM	TO	
	\$ 0	\$199.99
	200	399.99

55 and thereafter a series of classes successively set in
56 brackets having a spread of \$200 consisting of such number of
57 classes as will permit classification of all vehicles.

58 The base value for purposes of this section shall be the
59 middle point between the extremes of its class.

60 The registrar shall establish the base value, when new, of
 61 every passenger automobile, ambulance and hearse registered
 62 prior to the effective date of Extra Session Laws 1971, Chapter
 63 31, using list price information published by the manufacturer
 64 or any nationally recognized firm or association compiling such
 65 data for the automotive industry. If ~~the registrar is~~ unable to *
 66 ascertain the base value of any registered vehicle in the *
 67 foregoing manner, ~~he~~ the registrar may use any other available *
 68 source or method. The tax on all previously registered vehicles
 69 shall be computed upon the base value thus determined taking
 70 into account the depreciation provisions of Extra Session Laws
 71 1971, Chapter 31.

72 The annual additional tax computed upon the base value as
73 provided herein, during the first year of vehicle life shall be
74 computed upon 100 percent of the base value; for the second

1 year, 90 percent of such value; for the third year, 75 percent
2 of such value; for the fourth year, 60 percent of such value;
3 for the fifth year, 45 percent of such value; for the sixth
4 year, 35 percent of such value; for the seventh year, 30 percent
5 of such value; for the eighth year, 20 percent of such value;
6 for the ninth year, 15 percent of such value; for the tenth
7 year, 10 percent of such value; for the eleventh and each
8 succeeding year, the sum of \$13; provided that for registrations
9 renewed on or after January 1, 1982, the annual additional tax
10 for the eleventh and each succeeding year of vehicle life shall
11 be \$13, for registrations renewed on or after January 1, 1983,
12 the annual additional tax shall be \$18, for registrations
13 renewed on or after January 1, 1984, the annual additional tax
14 shall be \$22, and for registrations renewed on or after January
15 1, 1985, the annual additional tax shall be \$25.

16 In no event shall the annual additional tax be less than
17 \$13 for any registration renewed after January 1, 1982, nor less
18 than \$18 for any registration renewed after January 1, 1983, \$22
19 for any registration renewed after January 1, 1984, and \$25 for
20 any registration renewed after January 1, 1985.

21 No change for subd 1b to 6

22 Subd. 7. AGENTS. Any act required herein of an
23 owner may be performed in ~~his~~ the owner's behalf by a duly *
24 authorized agent. Any person having a lien upon, or claim to,
25 any motor vehicle may pay any tax due thereon to prevent the
26 penalty for delayed registration from accruing, but the
27 registration certificate and number plates shall not be issued
28 until legal ownership is definitely determined.

29 No change for subd 8 to 9

30 Subd. 12. GROSS WEIGHT, ADDITIONAL TAX FOR EXCESSIVE.

31 Whenever an owner has registered a vehicle and paid the tax
32 as provided in subdivisions 1 to 1g, on the basis of a selected
33 gross weight of the vehicle and thereafter such owner desires to
34 operate such vehicle with a greater gross weight than that for
35 which the tax has been paid, such owner shall be permitted to
36 re-register such vehicle by paying the additional tax due
37 thereon for the remainder of the calendar year for which such
38 vehicle has been re-registered, the additional tax computed pro
39 rata by the month, one-twelfth of the annual tax due for each
40 month of the year remaining in the calendar year, beginning with
41 the first day of the month in which such owner desires to
42 operate the vehicle with the greater weight. In computing the
43 additional tax as aforesaid, the owner shall be given credit for
44 the unused portion of the tax previously paid computed pro rata
45 by the month, one-twelfth of the annual tax paid for each month
46 of the year remaining in the calendar year beginning with the
47 first day of the month in which such owner desires to operate
48 the vehicle with the greater weight. An owner will be permitted
49 one reduction of gross weight or change of registration per
50 year, which will result in a refund. This refund will be
51 pro-rated monthly beginning with the first day of the month
52 after such owner applies to amend ~~his~~ the registration. *
53 The application for amendment shall be accompanied by a fee of \$3,
54 and all fees shall be deposited in the highway user tax
55 distribution fund. Provided, however, the owner of a vehicle
56 may re-register the vehicle for a weight of more than 81,000
57 pounds for one or more 30-day periods. For each 30-day period,
58 the additional tax shall be equal to one-twelfth of the
59 difference between the annual tax for the weight at which the
60 vehicle is registered and re-registered. When a vehicle is
61 re-registered in accordance with this provision, a distinctive
62 windshield sticker provided by the commissioner of public safety
63 shall be permanently displayed.

64 Subd. 13. Repealed, 1973 c 218 s 9

65 Subd. 14. INCREASE OF TAX RATE. Beginning in and
66 for the first calendar year following the issuance and sale of
67 bonds of the state of Minnesota under the provisions of the
68 Constitution of the State of Minnesota, Article 14, Section 4,
69 and after July 1, 1957, under the provisions of the Constitution
70 of the State of Minnesota, Article 14, Section 11, the proceeds
71 of the sale of which are to be used in the construction of
72 bridges and approaches thereto forming a part of the trunk
73 highway system, all motor vehicle taxes imposed by Minnesota
74 Statutes, Section 168.013, Subdivisions 1 to 1g shall be
75 increased by 5 percent; such increased rate of tax shall remain
76 in effect until and including the calendar year following the

1 year in which all principal and interest on all of any such
 2 bonds shall be paid in full. Immediately upon the payment in
 3 full of all interest and principal on all of any such bonds, the
 4 commissioner of finance shall certify that fact to the registrar
 5 of motor vehicles and the registrar shall, for the second
 6 calendar year and thereafter following ~~his~~ receipt of such *
 7 certification, cease to collect motor vehicle taxes at the
 8 increased rate prescribed by this subdivision.

9 No change for subd 15 to 20

168*#021S

10 168.021 LICENSE PLATES FOR PHYSICALLY HANDICAPPED
 11 PERSONS.

12 No change for subd 1 to 2

13 Subd. 3. UNAUTHORIZED USE OF PLATE. A person who
 14 appropriates or uses the plate provided in this section upon a
 15 motor vehicle other than as authorized by this section is guilty
 16 of a gross misdemeanor. This subdivision does not preclude a
 17 person who is not physically handicapped from operating a
 18 vehicle upon which these plates are displayed where ~~he~~ the *
 19 person is the owner of the vehicle and permits its operation by *
 20 a physically handicapped person, or where ~~he~~ the person operates *
 21 the vehicle with the consent of the owner who is physically
 22 handicapped. A non-handicapped driver is not entitled to the
 23 parking privileges provided in this section and in section
 24 169.346 unless ~~he-its~~ transporting a physically handicapped *
 25 person.

26 No change for subd 4 to 7

168*#032S

27 168.032 REFUNDMENT.

28 If such person shall have paid the tax for the year ~~in~~ *
 29 ~~which-he-enters~~ when entering upon such active service ~~he~~ the *
 30 person shall surrender to the registrar ~~when-he-applies~~ on *
 31 applying for the exemption the number plates issued upon the *
 32 registration. Upon proper application and surrender of the
 33 number plates, the registrar shall refund to the applicant from
 34 the motor vehicle license suspense fund the portion of the tax
 35 paid proportionate to the portion of the year during which the
 36 motor vehicle will not be used on any highway of the state.

168*#033S

37 168.033 MAY PAY PROPORTIONATE PART OF TAX.

38 If such person shall not have paid the tax for the year ~~in~~ *
 39 ~~which-he-enters~~ when entering upon such active service, the *
 40 registrar shall not accept ~~his~~ the application until ~~he~~ the *
 41 person has registered ~~his~~ the motor vehicle and paid the portion *
 42 of the tax with penalties, if any, proportionate to the portion
 43 of the year up to the date of application.

168*#04S

44 168.04 MILITARY PERSONNEL; EXEMPTIONS.

45 No change for subd 1

46 Subd. 2. LICENSED BY THE ARMED FORCES. The
 47 provisions of this chapter, requiring the registration and
 48 taxation of motor vehicles and the display of license number
 49 plates shall not apply to a motor vehicle operated by the owner
 50 or ~~his~~ authorized agent while the owner is engaged in active *
 51 service in the armed forces of the United States, subject to the
 52 following conditions and limitations:

53 (1) That such vehicle is properly registered with, and
 54 displays the license number plates of, the armed forces of the
 55 United States in a foreign country;

56 (2) That such vehicle is used only for personal
 57 transportation or for transportation of the owner or authorized
 58 agent's personal property;

59 (3) That such vehicle shall be subject to all provisions of
 60 law applicable to vehicles owned by Minnesota residents except
 61 to the extent that exemption from said law is provided by this
 62 section;

63 (4) That the exemption provided by this subdivision shall
 64 be valid only for a period of 30 days after a vehicle has
 65 arrived in this state.

168*#041S

66 168.041 IMPOUNDING REGISTRATION PLATES AND CERTIFICATES.

67 Subdivision 1. When any person is convicted of driving a
 68 motor vehicle after the suspension or revocation of the drivers
 69 license or driving privileges of such person, the court shall
 70 require the registration plates and registration certificates of
 71 any motor vehicle involved in such violation owned by such

1 person or registered in ~~his~~ that person's name to be surrendered *
2 to the court. Upon surrender thereof the court shall issue a
3 receipt therefor.

4 If the violator is not the owner of such motor vehicle, the
5 court shall require the registration plates and the registration
6 certificate of any motor vehicle used by the violator, with the
7 permission of the owner who had knowledge of the fact that the
8 violator's drivers license had been revoked or suspended prior
9 to the commission of the offense, to be surrendered to the court.

10 Subd. 2. If any person is convicted of violating any law
11 or municipal ordinance, except parking laws or ordinances,
12 regulating the operation of motor vehicles on the streets or
13 highways, and the record of such person so convicted shows a
14 previous conviction for driving after suspension or revocation
15 of ~~his~~ the person's driver's license or driving privileges, the *
16 court may direct the commissioner of public safety to suspend
17 the driver's license of such person for not exceeding one year.
18 The court may also require the registration plates and
19 registration certificates of any motor vehicles owned by the
20 violator or registered in ~~his~~ the violator's name to be *
21 surrendered to the court.

22 Subd. 3. If a person is convicted of any offense which
23 makes mandatory the revocation of the drivers license of such
24 person, or is convicted of driving a motor vehicle without
25 having a valid driver's license in force, the court may require
26 the registration plates and registration certificates of any
27 motor vehicle owned by such person or any motor vehicles
28 registered in ~~his~~ that person's name to be surrendered to the *
29 court.

30 No change for subd 4

31 Subd. 5. At the time of ordering the surrender of the
32 registration plates and registration certificates of a violator
33 or owner, the court shall notify the registrar of motor vehicles
34 of that fact. Except as provided in subdivision 6 or
35 subdivision 7, no new or duplicate registration plates or new
36 registration certificates shall be issued to such violator or
37 owner until ~~his~~ the surrendered plates and certificates are *
38 returned to ~~him~~ the violator or owner by the court. *

39 Subd. 6. Any such violator or owner may apply to the
40 registrar of motor vehicles for new registration plates which
41 shall bear a special series number which may be readily
42 identified by traffic law enforcement officers. A fee of \$5
43 shall accompany the application. The registrar of motor
44 vehicles shall forthwith notify the court of such application.
45 The court may return the registration certificate of such
46 violator or owner to the registrar of motor vehicles, together
47 with its consent to the issuance of such registration plates to
48 such violator or owner. Thereupon the registrar of motor
49 vehicles shall issue such new registration plates. Until the
50 drivers license of such violator is reinstated, any new
51 registration plates issued to ~~him~~ the violator or to an owner *
52 whose plates have been impounded shall bear a special series
53 number.

54 Subd. 7. If an owner wishes to sell a motor vehicle during
55 the time its registration plates and registration certificate
56 are impounded or during the time its registration plates bear a
57 special series number, ~~he~~ the owner may apply to the court which *
58 impounded such plates and certificate, for consent to transfer
59 title to the motor vehicle. If the court is satisfied that the
60 proposed sale is in good faith and for a valid consideration,
61 that the owner will thereby be deprived of the custody and
62 control of the motor vehicle, and that the sale is not for the
63 purpose of circumventing the provisions of this section, it may
64 certify its consent to the registrar of motor vehicles and
65 return the impounded registration plates and certificates. If
66 during the time the registration plates and certificate of
67 registration are impounded the title to said motor vehicle is
68 transferred by the foreclosure of a chattel mortgage, the
69 cancelation of a conditional sales contract, a sale upon
70 execution, or by decree or order of a court of competent
71 jurisdiction, the court shall order the license plates and
72 registration certificate surrendered to the new owner and notify
73 the registrar of motor vehicles of such action. The registrar
74 of motor vehicles shall then transfer the registration plates
75 and registration certificates to the new owner.

76 No change for subd 8 to 9

168*#053S

1 168.053 DRIVE-AWAY IN TRANSIT LICENSE.
 2 Subdivision 1. Any person, firm, or corporation engaged in
 3 the business of transporting motor vehicles, ~~not his own~~ owned *
 4 by another, by delivering, by drive-away or towing methods, *
 5 either singly or by means of the full mount method, the saddle
 6 mount method, the tow-bar method, or any other combination
 7 thereof, and under their own power, vehicles over the highways
 8 of the state from the manufacturer or any other point of origin,
 9 to any point of destination, within or without the state, shall
 10 make application to the registrar for a drive-away in transit
 11 license. This application for annual license shall be
 12 accompanied by a registration fee of \$250 and contain such
 13 information as the registrar may require. Upon the filing of
 14 the application and the payment of the fee, the registrar shall
 15 issue to each drive-away operator a general distinguishing
 16 number, which number must be carried and displayed on the power
 17 unit consistent with section 169.79 and such number shall remain
 18 on the vehicle while being operated within the state.
 19 Additional plates bearing the same distinguishing number desired
 20 by any drive-away operator may be secured from the registrar of
 21 motor vehicles upon the payment of a fee of \$2 for each set of
 22 additional license plates. Any person, firm, or corporation
 23 engaging in the business as a drive-away operator, of
 24 transporting and delivering by means of full mount method, the
 25 saddle mount method, the tow-bar method, or any combination
 26 thereof, and under their own power, motor vehicles, who fails or
 27 refuses to file or cause to be filed an application, as is
 28 required by law, and to pay the fees therefor as the law
 29 requires, shall be found guilty of violating the provisions of
 30 sections 168.053 to 168.057; and, upon conviction, fined not
 31 less than \$50, and not more than \$100, and all costs of court.
 32 Each day so operating without securing the license and plates as
 33 required therein shall constitute a separate offense within the
 34 meaning thereof.
 35 No change for subd 2

168*#09S

36 168.09 REGISTRATION; REREGISTRATION.
 37 Subdivision 1. No motor vehicle, except as is exempted by
 38 section 168.012, shall use or be operated upon the public
 39 streets or highways of the state in any calendar year until it
 40 is registered, as provided in this section, and the motor
 41 vehicle tax and fees as provided in this chapter are paid and
 42 the number plates issued for the motor vehicle are displayed on
 43 the vehicle. No motor vehicle, except as provided by section
 44 168.012, which shall for any reason not be subject to taxation
 45 as provided in this chapter, shall use or be operated upon the
 46 public streets or highways of this state until it is registered,
 47 as provided in this section, and shall display number plates as
 48 required by the provisions of this chapter, except that the
 49 purchaser of a new motor vehicle may operate ~~his~~ that motor *
 50 vehicle without plates if the permit authorized by section *
 51 168.091 or 168.092 is displayed.
 52 No change for subd 2 to 6

168*#091S

53 168.091 TEMPORARY VEHICLE PERMITS FOR NONRESIDENTS.
 54 No change for subd 1
 55 Subd. 2. The registrar may issue a quantity of permits in
 56 booklet form to licensed dealers upon payment of the proper fee
 57 for each permit contained in said booklet. When ~~the dealer~~ *
 58 ~~issues~~ issuing a permit, ~~he~~ the dealer shall immediately forward *
 59 to the registrar information on forms supplied by the registrar
 60 showing to whom the permit was issued, the vehicle description,
 61 date of issue and expiration, and such other information as the
 62 registrar may require.
 63 No change for subd 3

168*#092S

64 168.092 TEMPORARY VEHICLE PERMITS.
 65 No change for subd 1
 66 Subd. 2. The registrar may issue a quantity of permits in
 67 booklet form to licensed dealers. When ~~the dealer issues~~ *
 68 issuing a permit, ~~he~~ the dealer shall immediately forward to the *
 69 registrar information on forms supplied by the registrar showing
 70 to whom the permit was issued, the vehicle description, date of
 71 issue and expiration, and such other information as the
 72 registrar may require.

168*#10S

1 168.10 REGISTRATION; CLASSIC CARS.

2 Subdivision 1. APPLICATION. Except as provided in
3 subdivisions 1a, 1b, 1c, 1d and 1g, every owner of any motor
4 vehicle in this state, not exempted by section 168.012 or
5 168.26, shall as soon as ownership of a motor vehicle is
6 acquired and annually thereafter during the period provided in
7 section 168.31, file with the commissioner of public safety on a
8 blank provided by ~~him~~ the commissioner a listing for taxation *
9 and application for the registration of such vehicle, stating
10 the first, middle and last names, the dates of birth, and
11 addresses of all owners thereof who are natural persons, the
12 full names and addresses of all other owners, the name and
13 address of the person from whom purchased, make of motor
14 vehicle, year and number of the model, manufacturer's
15 identification number or serial number, type of body, the weight
16 of the vehicle in pounds, for trailers only, its rated load
17 carrying capacity and for buses only, its seating capacity, and
18 such other information as the commissioner may require. Any
19 false statement wilfully and knowingly made in regard thereto
20 shall be deemed perjury and punished accordingly. The listing
21 and application for registration by dealers or manufacturers'
22 agents within the state, of motor vehicles received for sale or
23 use within the state shall be accepted as compliance with the
24 requirements of this chapter, imposed upon the manufacturer.

25 Registration shall be refused a motor vehicle if the
26 original identification or serial number has been destroyed,
27 removed, altered, covered or defaced. However, if the
28 commissioner is satisfied on the sworn statements of the owner
29 or owners or such other persons as ~~he~~ the commissioner may deem *
30 advisable that the applicant is the legal owner, a special
31 identification number in the form prescribed by the commissioner
32 shall be assigned to the motor vehicle. When it has been
33 determined that the number had been affixed to such vehicle in a
34 manner prescribed by the commissioner, the vehicle may
35 thereafter be registered in the same manner as other motor
36 vehicles. In the case of a new or rebuilt motor vehicle
37 manufactured or assembled without an identification or serial
38 number, the commissioner may assign an identification number to
39 the motor vehicle in the same manner as prescribed heretofore.

40 No change for subd 1a to 1b

41 Subd. 1c. COLLECTOR'S VEHICLE, COLLECTOR LICENSE.

42 Any motor vehicle, including any truck, that is at least 20
43 model years old and manufactured after 1935, or any motor
44 vehicle of a defunct make defined as any car or truck originally
45 licensed as a separate identifiable make as designated by the
46 division of motor vehicles, and owned and operated solely as a
47 collector's vehicle, shall be listed for taxation and
48 registration as follows: An affidavit shall be executed stating
49 the name and address of the person from whom purchased and of
50 the new owner, the make of the motor vehicle, year and number of
51 the model, the manufacturer's identification number and that the
52 vehicle is owned and operated solely as a collector's item and
53 not for general transportation purposes. The owner must also
54 prove that ~~he-or-she~~ the owner also has one or more vehicles *
55 with regular license plates. If the registrar is satisfied that
56 the affidavit is true and correct and the owner pays a \$25 tax,
57 the registrar shall list the vehicle for taxation and
58 registration and shall issue number plates.

59 The number plates issued shall bear the inscription
60 "Collector," "Minnesota" and the registration number, but no
61 date. The number plates are valid without renewal as long as
62 the vehicle is in existence and shall be issued for the
63 applicant's use only for the vehicle. The registrar has the
64 power to revoke the plates for failure to comply with this
65 subdivision.

66 Subd. 1d. COLLECTORS VEHICLES, STREET ROD LICENSE.

67 Any modernized motor vehicle manufactured prior to the year 1949
68 or designed and manufactured to resemble such vehicle shall be
69 listed for taxation and registration as follows:

70 An affidavit shall be executed stating the name and address
71 of the person from whom purchased and of the new owner, the make
72 of the motor vehicle, year number of model, and the
73 manufacturer's identification number. The affidavit shall
74 further state that the vehicle is owned and operated solely as a
75 street rod and not for general transportation purposes. The

1 owner must also prove that ~~he or she~~ the owner has one or more
2 vehicles with regular license plates. If the registrar is
3 satisfied that the affidavit is true and correct and the owner
4 pays a \$25 tax, the registrar shall list such vehicle for
5 taxation and registration and shall issue number plates.

6 The number plates issued shall bear the inscription "Street
7 Rod", "Minnesota" and the registration number but no date. The
8 number plates are valid without renewal as long as the vehicle
9 is in existence and shall be issued for the applicant's use only
10 for such vehicle. The registrar has the power to revoke such
11 plates for failure to comply with this subdivision.

12 Subd. 1e. OUTDOOR STORAGE. Pioneer, classic,
13 collector vehicles, or street rods, licensed or unlicensed,
14 operable or inoperable, may be stored in compliance with local
15 government zoning and ordinances on their owners' property,
16 provided that the vehicles and any outdoor storage areas they
17 may require are maintained in such a manner that they do not
18 constitute a health or environmental hazard and are screened
19 from ordinary public view by means of a fence, shrubbery,
20 rapidly growing trees or other appropriate means. The
21 appropriate local agency or authority may inform an owner of ~~his~~ *
22 the owner's failure to comply with these requirements, and may *
23 order the vehicles removed from the outdoor storage area if the
24 owner fails to comply with these requirements within 20 days
25 after the warning.

26 No change for subd 1f to 2

27 Subd. 3. OFFENSES. It shall be unlawful for any
28 person:

29 (1) To display or cause to be displayed or to ~~have-in-his~~ *
30 possession possess any canceled, revoked, suspended or *
31 fraudulently obtained or stolen registration plates;

32 (2) To lend ~~his~~ the person's registration plates to any *
33 person another or knowingly to permit the use thereof by another; *

34 (3) To display or represent as ~~one's~~ the person's own any *
35 registration plates not issued to ~~him~~ that person; provided, *
36 however, this shall not apply to any legal change of ownership *
37 of the motor vehicle to which the plates are attached;

38 (4) To fail or refuse to surrender to the department upon
39 its lawful demand any registration plates which have been
40 revoked, canceled, or suspended by proper authority;

41 (5) To use a false or fictitious name or address or
42 description of the motor vehicle, identification number, or
43 serial number in any application for registration of a motor
44 vehicle or to knowingly make a false statement or to knowingly
45 conceal a material fact or otherwise commit a fraud in any such
46 application;

47 (6) To destroy, alter, remove, cover or deface the
48 identification or serial number of any motor vehicle or to
49 knowingly operate any motor vehicle the identification or serial
50 number of which has been destroyed, altered, removed, covered or
51 defaced without first making application for assignment of a
52 special identification number as provided by law.

53 No change for subd 4

168*#101S

54 168.101 OWNERSHIP AND REGISTRATION OF PASSENGER
55 AUTOMOBILES OR TRUCKS BY PERSONS UNDER THE AGE OF 18;
56 PROHIBITIONS.

57 Subdivision 1. Except as provided in this subdivision it
58 is unlawful for a person under the age of 18 to own a passenger
59 automobile or truck. A person who is under the age of 18 may
60 own a passenger automobile or truck only if any of the following
61 conditions exist:

62 (1) The person has completed a driver training course
63 approved by the commissioner of public safety and has attained
64 the age of 17;

65 (2) The person is a high school graduate and has attained
66 the age of 17;

67 (3) The person is an employed, emancipated minor who holds
68 a Minnesota drivers license;

69 (4) The person, before January 1, 1964, owns a passenger
70 automobile or truck which is registered in ~~his~~ the person's name *
71 with the registrar of motor vehicles;

72 (5) The person became the owner of the passenger automobile
73 or truck which ~~he~~ the person seeks to register in Minnesota *
74 while a resident of a foreign state, district, territory, or
75 country, and which passenger automobile or truck is duly

1 registered in ~~his~~ the person's name in such foreign state, *
2 district, territory, or country.

3 Subd. 2. Any person who knowingly sells or in any manner
4 knowingly transfers title of a passenger automobile or truck to
5 a person who is prohibited from owning a passenger automobile or
6 truck under the provisions of subdivision 1 shall be guilty of a
7 misdemeanor. Any person who knowingly fails to mail in the
8 application for registration or transfer to the registrar of
9 motor vehicles or otherwise fails to submit said forms to ~~him~~ *
10 the registrar within 14 days following date of sale shall be *
11 guilty of a misdemeanor.

12 Subd. 3. The registrar of motor vehicles shall refuse to
13 register a passenger automobile or truck unless the owner
14 submits to the registrar, at the time the owner files ~~his~~ the *
15 first application for registration or transfer of a passenger *
16 automobile or truck, a written and verified statement that ~~he~~ *
17 the owner is 18 years of age or over or, if under the age *
18 18, ~~that he~~ is permitted by the provisions of subdivision 1 to *
19 own a passenger automobile or truck. The statement of an
20 applicant under the age of 18 also shall set forth the number of
21 the applicant's drivers license, or if the applicant has no
22 drivers license ~~he~~ the applicant shall so state. The applicant *
23 shall make an oath or affirmation before an officer authorized
24 by law to administer oaths and affirmations that the statements
25 made are correct and true. The registrar may prescribe a form
26 for the statement required by this subdivision, which form the
27 registrar may make a part of the application for registration or
28 transfer.

29 Subd. 4. A person who violates the provisions of this
30 section is guilty of a misdemeanor. The commissioner of public
31 safety shall suspend, for not less than one year, the drivers
32 license of a person who, while under the age of 18,
33 misrepresents ~~his~~ the person's age on the statement required by *
34 subdivision 3.

35 No change for subd 5

168*#11S

36 168.11 REGISTRATION CERTIFICATE.

37 Subdivision 1. The registrar shall file such application
38 and, upon approval thereof and upon payment of the motor vehicle
39 tax, as herein provided, together with all arrears and
40 penalties, if any, and upon the delivery to ~~him~~ the registrar of *
41 the duly endorsed registration certificate of the former owner,
42 as hereinafter provided, or proof of loss provided in lieu
43 thereof, shall assign to it a distinctive number and issue to
44 the owner a registration certificate, which shall contain the
45 name, place of residence, with street and number, if in a city,
46 and post-office address of the owner, a specific description of
47 the vehicle, and the number assigned, together with a place on
48 the face of the certificate in which the owner shall,
49 immediately upon receipt thereof, place ~~his~~ the owner's *
50 signature and, on the reverse side thereof, an assignment and
51 notice of sale or termination of ownership, with places for the
52 signatures of both seller and purchaser, and a place for
53 assignment of ~~his~~ the credit for the tax. The registration *
54 certificate shall be retained by the owner until expiration or
55 surrender, as herein provided. When in administering this
56 chapter convenience or necessity requires, the registration
57 certificate may also be called or referred to as the
58 registration card.

59 Subd. 2. In the case of motor vehicles taxed under the
60 provisions of section 168.013, subdivision 1e, a non-negotiable
61 copy of the registration card shall be issued. The owner or
62 driver shall carry said copy in ~~his~~ immediate possession at all *
63 times when operating the vehicle and shall display the same upon
64 demand of a peace officer, and authorized representative of the
65 department or an officer authorized by law to enforce the laws
66 relating to the operation of motor vehicles upon the public
67 streets and highways. Nothing herein shall be construed to vary
68 the terms or conditions of section 168.013, subdivision 3.

69 Subd. 3. If the registrar fails to mail to the registered
70 owner of a motor vehicle a notification of renewal for the motor
71 vehicle at least 30 days before the expiration of the vehicle's
72 registration, and all past due taxes and fees have been paid,
73 the registrar must provide at no charge a written statement to
74 that effect to the registered owner at the owner's request. The
75 registrar must retain in ~~his-or-her~~ the registrar's files a *

1 record sufficient to demonstrate whether any owner of a
2 registered motor vehicle has been notified by mail of the
3 renewal of the registration.

168*#12S

4 168.12 LICENSE PLATES.

5 No change for subd 1

6 Subd. 2. AMATEUR RADIO STATION LICENSEE; SPECIAL

7 LICENSE PLATES. Any applicant who is an owner or joint owner
8 of a passenger automobile, van or pickup truck, or a
9 self-propelled recreational vehicle, and a resident of this
10 state, and who holds an official amateur radio station license,
11 or a citizens radio service class D license, in good standing,
12 issued by the Federal Communications Commission shall upon
13 compliance with all laws of this state relating to registration
14 and the licensing of motor vehicles and drivers, be furnished
15 with license plates for the motor vehicle, as prescribed by law,
16 upon which, in lieu of the numbers required for identification
17 under subdivision 1, shall be inscribed the official amateur
18 call letters of the applicant, as assigned by the Federal
19 Communications Commission. The applicant shall pay in addition
20 to the registration tax required by law, the sum of \$10 for the
21 special license plates, and at the time of delivery of the
22 special license plates the applicant shall surrender to the
23 registrar the current license plates issued for the motor
24 vehicle. This provision for the issue of special license plates
25 shall apply only if the applicant's vehicle is already
26 registered in Minnesota so that the applicant has valid regular
27 Minnesota plates issued for that vehicle under which to operate
28 it during the time that it will take to have the necessary
29 special license plates made. If ~~the applicant owns~~ owning or
30 jointly owns owning more than one motor vehicle of the type
31 specified in this subdivision ~~he, the applicant~~ may apply for
32 special plates for each of not more than two vehicles, and, if
33 each application complies with this subdivision, the registrar
34 shall furnish the applicant with the special plates, inscribed
35 with the official amateur call letters and other distinguishing
36 information as the registrar considers necessary, for each of
37 the two vehicles. And the registrar may make reasonable
38 regulations governing the use of the special license plates as
39 will assure the full compliance by the owner and holder of the
40 special plates, with all existing laws governing the
41 registration of motor vehicles, the transfer and the use thereof.

*
*
*

42 Despite any contrary provision of subdivision 1, the
43 special license plates issued under this subdivision may be
44 transferred to another motor vehicle upon the payment of a fee
45 of \$5. The fee must be paid into the state treasury and
46 credited to the highway user tax distribution fund. The
47 registrar must be notified of the transfer and may prescribe a
48 form for the notification.

49 No change for subd 2a to 5

168*#13S

50 168.13 PROOF OF OWNERSHIP.

51 The registrar shall approve no application and issue no
52 number plates for any motor vehicle, except such as may have
53 come direct from the manufacturer, or from another state, unless
54 and until the registration certificate theretofore issued or
55 proof of loss thereof by sworn statement shall be delivered to
56 the registrar, ~~and he who~~ shall satisfy-himself be satisfied
57 from ~~his~~ the records that all taxes and fees due hereunder shall
58 have been paid, and endorsements upon the certificate or sworn
59 proof of loss, in writing, signed by the seller and purchaser,
60 shall furnish proof that the applicant for registration is
61 paying or receiving credit for the tax upon the vehicle of
62 which ~~he~~ the applicant is the rightful possessor; or, in case
63 such certificate or proof is not available, the registrar,
64 or ~~his~~ the registrar's deputy, shall satisfy-himself be
65 satisfied of such fact by personal view of the motor vehicle
66 serial and motor numbers and by proof of the claim of ownership
67 thereof.

*
*
*
*
*

68 Motor vehicles brought into Minnesota from other states
69 shall not be registered or have number plates issued therefor
70 until such registration certificate or other evidence of title
71 as may reasonably be required from the registrant within that
72 state be surrendered to the registrar in the same manner as
73 certificates of this state, or in lieu thereof, such view and
74 evidence of the chain of ownership be had as will assure the

1 payment of the proper tax so long as the motor vehicle shall be
2 in the state.

168*#15S

3 168.15 RIGHTS AS TO REGISTRATION CERTIFICATES AND NUMBER
4 PLATES.

5 Upon the transfer of ownership, destruction, theft,
6 dismantling as such, or the permanent removal by the owner
7 thereof from this state of any motor vehicle registered in
8 accordance with the provisions of this chapter, the right of the
9 owner of such vehicle to use the registration certificate and
10 number plates assigned such vehicle shall expire, and such
11 certificate and any existing plates shall be, by such owner,
12 forthwith returned, with transportation prepaid, to the
13 registrar with a signed notice of the date and manner of
14 termination of ownership, giving the name and post-office
15 address, with street and number, if in a city, of the person to
16 whom transferred. No fee may be charged for a return of plates
17 under this section. When the ownership of a motor vehicle shall
18 be transferred to another who shall forthwith register the same
19 in ~~his~~ the other's name, the registrar may permit the manual *
20 delivery of such plates to the new owner of such vehicle. *
21 When ~~any person seeks~~ seeking to become the owner by gift, *
22 trade, or purchase of any vehicle for which a registration *
23 certificate has been theretofore issued under the provisions of *
24 this chapter, ~~he~~ a person shall join with the registered owner *
25 in transmitting with ~~his~~ the application the registration *
26 certificate, with the assignment and notice of sale duly *
27 executed upon the reverse side thereof, or, in case of loss of
28 such certificate, with such proof of loss by sworn statement, in
29 writing, as shall be satisfactory to the registrar. Upon the
30 transfer of any motor vehicle by a manufacturer or dealer, for
31 use within the state, whether by sale, lease, or otherwise, such
32 manufacturer or dealer shall, within seven days after such
33 transfer, file with the registrar a notice or report containing
34 the date of such transfer, a description of such motor vehicles,
35 and the name, street and number of residence, if in a city, and
36 the post-office address of the transferee, and shall transmit
37 therewith the transferee's application for registration thereof.

38 Upon the transfer of any automobile engine or motor, except
39 a new engine or motor, transferred with intent that the same be
40 installed in a new automobile, and whether such transfer be made
41 by a manufacturer or dealer, or otherwise, and whether by sale,
42 lease or otherwise, the transferor shall, within two days after
43 such transfer, file with the registrar a notice or report
44 containing the date of such transfer and a description, together
45 with the maker's number of the engine or motor, and the name and
46 post-office address of the purchaser, lessee, or other
47 transferee.

168*#16S

48 168.16 REFUNDS; APPROPRIATION.

49 After the tax upon any motor vehicle shall have been paid
50 for any year, refund shall be made for errors made in computing
51 the tax or fees and for the error on the part of an owner who
52 may in error have registered a motor vehicle that was not
53 before, nor at the time of registration, nor at any time
54 thereafter during the current past year, subject to tax in this
55 state, provided that after more than two years after the tax was
56 paid no refund shall be made for any tax paid on any vehicle
57 exempted from taxation by reasons of nonuse as provided by
58 section 168.012. The refundment shall be made from any fund in
59 possession of the registrar and shall be deducted from ~~his~~ the *
60 registrar's monthly report to the commissioner of finance. A *
61 detailed report of the refundment shall accompany the report. *
62 The former owner of a transferred vehicle by an assignment in *
63 writing endorsed upon ~~his~~ the registration certificate and *
64 delivered to the registrar within the time provided herein may *
65 sell and assign to the new owner thereof the right to have the *
66 tax paid by ~~him~~ the former owner accredited to the owner who *
67 duly registers the vehicle. Any owner at the time of such *
68 occurrence, whose vehicle shall be permanently destroyed, or *
69 sold to the federal government, the state, or political *
70 subdivision thereof, shall upon filing a verified claim be *
71 entitled to a refund of the unused portion of the tax paid upon *
72 the vehicle, computed as follows:

73 (1) If the vehicle is registered under the calendar year
74 system of registration, the refund is computed pro rata by the

1 month, one-twelfth of the annual tax paid for each month of the
2 year remaining after the month in which the plates and
3 certificate were returned to the registrar;

4 (2) In the case of a vehicle registered under the monthly
5 series system of registration, the amount of the refund is equal
6 to the sum of the amounts of the license fee attributable to
7 those months remaining in the licensing period after the month
8 in which the plates and certificate were returned to the
9 registrar.

10 There is hereby appropriated to the persons entitled to a
11 refund, from the fund or account in the state treasury to which
12 the money was credited, an amount sufficient to make the refund
13 and payment.

168*#17S

14 168.17 SUSPENSION OF REGISTRATION.

15 All registrations and issue of number plates shall be
16 subject to amendment, suspension, modification or revocation by
17 the registrar summarily for any violation of or neglect to
18 comply with the provisions of this chapter. In any case where
19 the proper registration of a motor vehicle is dependent upon
20 procuring information entailing such delay as to unreasonably
21 deprive the owner of the use of ~~his~~ the motor vehicle, the *
22 registrar may issue a tax receipt and plates conditionally. In *
23 any case when ~~the registrar for cause has revoked~~ revoking a *
24 registration for cause, ~~he~~ the registrar shall have authority to *
25 demand the return of the number plates and registration
26 certificates, and, if necessary, to seize the number plates
27 issued for such registration.

168*#181S

28 168.181 NONRESIDENT OWNERS, RECIPROCITY AGREEMENTS OR
29 ARRANGEMENTS; CONDITIONS AND LIMITATIONS.

30 Subdivision 1. Notwithstanding any provision of law to the
31 contrary or inconsistent herewith the registrar of motor
32 vehicles with the approval of the attorney general is hereby
33 empowered to make agreements with the duly authorized
34 representatives of the other states, District of Columbia,
35 territories and possessions of the United States or arrangements
36 with foreign countries or provinces exempting the residents of
37 such other states, districts, territories and possessions and
38 foreign countries or provinces using the public streets and
39 highways of this state from the payment of any or all motor
40 vehicle taxes or fees imposed by chapter 168, subject to the
41 following conditions and limitations:

42 (1) Upon condition that the exemption provided herein shall
43 be operative as to a motor vehicle owned by a nonresident only
44 to the extent that under the laws of the state, district,
45 territory or possession or foreign country or province of ~~his~~ *
46 residence like exemptions are granted to motor vehicles
47 registered under the laws and owned by residents of Minnesota.

48 (2) Upon condition that any such motor vehicle so operated
49 in this state by any such nonresident shall at all times carry
50 and display all license number plates or like insignia required
51 by the laws of the state, district, territory or possession or
52 foreign country or province of ~~his~~ residence. *

53 (3) Upon condition that the exemptions provided herein
54 shall not apply to a passenger automobile or house trailer owned
55 by a resident of any state, district, territory or possession or
56 foreign country or province temporarily residing in this state
57 while gainfully employed on the same job for a period of six
58 months or more.

59 (4) Upon condition that the exemptions provided herein
60 shall not apply to motor vehicles owned by nonresidents
61 including any foreign corporation and used for carrying on
62 intrastate commerce within this state. Such nonresident or
63 foreign corporation shall be required to register each such
64 vehicle and pay the same tax and penalties if any therefor as is
65 required with reference to like vehicles owned by residents of
66 Minnesota.

67 (5) Upon condition that the exemption provided herein shall
68 not apply to a truck, tractor, truck-tractor, or semi-trailer,
69 except two-wheeled trailers of less than 3,000 pounds carrying
70 capacity; if

71 (a) The class of its registration does not permit to it a
72 state-wide operation in the state of its registration, or if

73 (b) The registration fee or tax for which it is registered
74 is computed on a mileage basis, or if

1 (c) Its gross weight exceeds the gross weight for which it
 2 is registered in the state, district, territory or possession,
 3 or foreign country or province of its registration.
 4 (6) Upon condition that nonresident owners of commercial
 5 vehicles, including trucks, truck-tractors, trailers,
 6 semi-trailers and buses domiciled in a foreign state, district,
 7 territory or possession or foreign country or province, and
 8 bringing such vehicles into the state of Minnesota for the
 9 purpose of doing interstate business shall be required to comply
 10 with all the laws and regulations as to payment of taxes
 11 applicable to like vehicles owned by Minnesota residents unless
 12 the state, district, territory or possession or foreign country
 13 or province grants full reciprocity privileges comparable to
 14 that extended by sections 168.181 to 168.231. In the event a
 15 state, district, territory or possession or foreign country or
 16 province is not fully reciprocal as to taxes or fees on
 17 commercial vehicles or buses operated in interstate commerce,
 18 then in that event such owners of foreign commercial vehicles or
 19 buses shall be required to pay a tax in an amount similar to the
 20 tax of whatever character assessed by such other state,
 21 district, territory or possession or foreign country or province
 22 against vehicles registered in Minnesota and operated in
 23 interstate commerce in that state, district, territory or
 24 possession or foreign country or province. It is further
 25 provided that such owners of foreign commercial vehicles and
 26 buses subject to registration under the provisions of this
 27 paragraph shall make application for a permit in which shall be
 28 set forth the conditions for operation of such vehicles in this
 29 state.

30 Subd. 2. Agreements made pursuant to this section may also
 31 include exemption from taxes or fees on a vehicle owned by a
 32 person, firm, or corporation licensed as a motor vehicle dealer
 33 or motor vehicle manufacturer in another state or country when
 34 such vehicle is operated displaying the dealer plates or
 35 manufacturer plates issued to such dealer or manufacturer by the
 36 jurisdiction of ~~his~~ residence; provided, however, that such
 37 operation is not for the purpose of soliciting the sale of *
 38 vehicles within this state other than at an auction conducted by
 39 a motor vehicle auctioneer licensed under section 168.27.
 40 Greater privileges shall not be granted to such dealer or
 41 manufacturer than permitted by the laws of the jurisdiction of
 42 ~~his~~ residence. Nothing contained herein shall be construed to *
 43 apply to or vary the terms and conditions of sections 168.053 to
 44 168.057.

168*#187S

45 168.187 INTERSTATE REGISTRATION AND RECIPROCITY.

46 No change for subd 1 to 15

47 Subd. 16. NEW FLEETS. The initial application for
 48 proportional registration of a fleet shall state the mileage
 49 data with respect to such fleet for the preceding year in this
 50 and other states. If no operations were conducted with such
 51 fleet during the preceding year, the application shall contain a
 52 full statement of the proposed method of operation and estimates
 53 of annual mileage in this and other states. The commissioner of
 54 public safety shall determine the in-state and total fleet miles
 55 to be used in computing the proportional registration fee for
 56 the fleet. The commissioner of public safety may adjust the
 57 estimate in the application if he the commissioner is not *
 58 satisfied with its correctness.

59 No change for subd 17

60 Subd. 18. REFUSAL OF PROPORTIONAL REGISTRATION. The
 61 commissioner of public safety may refuse proportional
 62 registration of vehicles based in another state if-he-finds on *
 63 finding that such other state does not grant similar *
 64 registration privileges to fleet vehicles based in this state
 65 and that such refusal is in the best interest of this state.

66 Subd. 19. PRESERVATION OF RECORDS AND AUDIT. Any
 67 owner whose application for proportional registration has been
 68 accepted shall preserve the records on which it is based for a
 69 period of four years following the date of its filing. Each
 70 acceptance shall be conditioned upon agreement of the owner to
 71 make such records available to the commissioner of public
 72 safety, at his the commissioner's request, for audit as to *
 73 accuracy of computations and payments and assessments of
 74 deficiencies or allowances for credit. If any owner fails to
 75 make records available to the commissioner of public safety upon

1 request or fails to maintain records from which ~~his~~ the owner's *
 2 true liability may be determined, the commissioner may, 30 days
 3 after a written demand for availability of records or
 4 notification of insufficient records, impose an arbitrary
 5 assessment of liability based on the commissioner's estimate of
 6 the true liability of such owner as determined from information
 7 furnished by the owner, information gathered by the commissioner
 8 at ~~his~~ the commissioner's own instance, information available to *
 9 the commissioner concerning operations by similar owners and
 10 such other pertinent information as may be available to the
 11 commissioner.

12 No change for subd 20 to 23

13 Subd. 24. ADMINISTRATIVE AGREEMENTS AND RULES. The
 14 commissioner of public safety may enter into agreements or
 15 arrangements with other states on behalf of this state for
 16 proportional registration of proratable vehicles in the manner
 17 provided in this section for the purpose of facilitating the
 18 administration thereof. In addition ~~he~~, the commissioner may *
 19 make arrangements or agreements with other states for the
 20 exchange of information for audit and enforcement activities in
 21 connection with such proportional registration. The
 22 registration of fleet vehicles under this section shall be
 23 subject to the rights, terms and conditions granted or contained
 24 in any applicable agreement or arrangement made by the
 25 commissioner under the authority of this section.

26 Subd. 25. APPEAL PROCEDURE. Any fleet owner
 27 operating under license and fee procedures of this section, upon
 28 disagreement with the commissioner of public safety in ~~his~~ the *
 29 commissioner's administration of this section, may petition in *
 30 writing to the commissioner stating clearly ~~his~~ the rationale *
 31 for disagreement with any procedure or decision. The
 32 commissioner shall rule on the reconsideration petition after a
 33 hearing held as a contested case pursuant to chapter 14.

168*#27S

34 168.27 MOTOR VEHICLE DEALERS; VIOLATIONS, PENALTIES.

35 No change for subd 1

36 Subd. 2. NEW MOTOR VEHICLE DEALER. (a) No person
 37 shall engage in the business of selling or arranging the sale of
 38 new motor vehicles or shall offer to sell, solicit, arrange or
 39 advertise the sale of new motor vehicles without first acquiring
 40 a new motor vehicle dealer license. A new motor vehicle dealer
 41 licensee shall be entitled thereunder to sell, broker, wholesale
 42 or auction and to solicit and advertise the sale, broker,
 43 wholesale or auction of new motor vehicles covered by ~~his~~ the *
 44 franchise and any used motor vehicles or to lease and to solicit
 45 and advertise the lease of new motor vehicles and any used motor
 46 vehicles and such sales or leases may be either for consumer use
 47 at retail or for resale to a dealer. Nothing herein shall be
 48 construed to require an applicant for a dealer license who
 49 proposes to deal in: (1) new and unused motor vehicle bodies;
 50 or (2) type A, B, or C motor homes as defined in section
 51 168.011, subdivision 25, to have a bona fide contract or
 52 franchise in effect with either the first-stage manufacturer of
 53 the motor home or the manufacturer or distributor of any motor
 54 vehicle chassis upon which the new and unused motor vehicle body
 55 is mounted. The modification or conversion of a new van-type
 56 vehicle into a multipurpose passenger vehicle which is not a
 57 motor home does not constitute dealing in new or unused motor
 58 vehicle bodies, and a person engaged in the business of selling
 59 these van-type vehicles must have a bona fide contract or
 60 franchise with the appropriate manufacturer under subdivision
 61 10. A van converter or modifier ~~may sell~~ who owns these *
 62 modified or converted van-type vehicles ~~which-he-owns~~ may sell *
 63 them at wholesale to new motor vehicle dealers having a bona *
 64 fide contract or franchise with the first-stage manufacturer of
 65 the vehicles.

66 (b) The requirements pertaining to franchises do not apply
 67 to persons who remodel or convert motor vehicles for medical
 68 purposes. For purposes of this subdivision, "medical purpose"
 69 means certification by a licensed physician that remodeling or
 70 conversion of a motor vehicle is necessary to enable a
 71 handicapped person to use the vehicle.

72 No change for subd 3 to 7

73 Subd. 8. EXEMPTIONS. (1) ~~Salesmen~~ Salespeople and *
 74 other employees of licensed dealers under this section shall not
 75 be required to obtain individual licenses.

1 (2) Isolated or occasional sales or leases of new or used
2 motor vehicles shall be exempt from the provisions of this
3 section.

4 No change for subd 9

5 Subd. 10. PLACE OF DOING BUSINESS. All licensees
6 under this section shall have an established place of business
7 which shall include as a minimum,

8 (1) For a new motor vehicle dealer, the following:

9 (a) a permanent enclosed commercial building on a permanent
10 foundation, owned or under lease by the licensee. The lease
11 shall be for a minimum term of one year. The building shall
12 contain office space where the books, records and files
13 necessary to conduct the business are kept and maintained with
14 personnel available during normal business hours;

15 (b) a bona fide contract or franchise (1) in effect with a
16 manufacturer or distributor of the new motor vehicles he the *
17 dealer proposes to sell, broker, wholesale or auction, or (2) in *
18 effect with the first-stage manufacturer or distributor of new
19 motor vehicles purchased from a van converter or modifier *
20 which he the dealer proposes to sell, broker, wholesale, or *
21 auction, or (3) in effect with the final stage manufacturer of *
22 the new type A, B or C motor homes which he the dealer proposes *
23 to sell, broker, wholesale, or auction;

24 (c) a facility for the repair and servicing of motor
25 vehicles and the storage of parts and accessories, not to exceed
26 ten miles distance from the principal place of business. Such
27 service may be provided through contract with bona fide
28 operators actually engaged in such services.

29 (2) For a used motor vehicle dealer the following: a
30 permanent enclosed commercial building on a permanent
31 foundation, owned or under lease by the licensee. The lease
32 shall be for a minimum term of one year. The building shall
33 contain office space for the books, records and files necessary
34 to conduct the business and maintained with personnel available
35 during normal business hours or automatic telephone answering
36 service during normal working hours.

37 (3) For a motor vehicle lessor, the following: a
38 commercial office space where the books, records and files
39 necessary to conduct the business are kept and maintained with
40 personnel available during normal business hours or an automatic
41 telephone answering service during normal business hours.

42 (4) For a motor vehicle broker, the following: a
43 commercial office space where the books, records and files
44 necessary to conduct the business are kept and maintained with
45 personnel available during normal business hours or an automatic
46 telephone answering service during normal business hours.

47 (5) For a motor vehicle wholesaler, the following: a
48 commercial office space where the books, records and files
49 necessary to conduct the business are kept and maintained with
50 personnel available during normal business hours or an automatic
51 telephone answering service during normal business hours.

52 (6) For a motor vehicle auctioneer, the following: a
53 permanent enclosed commercial building, within or without the
54 state, on a permanent foundation, owned or under lease by the
55 licensee. The lease shall be for a minimum term of one year.
56 The building shall contain office space where the books, records
57 and files necessary to conduct the business are kept and
58 maintained with personnel available during normal business hours
59 or an automatic telephone answering service during normal
60 business hours.

61 (7) If a new or used motor vehicle dealer maintains more
62 than one place of doing business in a county, the separate
63 places shall be listed on the application. If additional places
64 of business are maintained outside of one county, separate
65 licenses shall be obtained for each county.

66 (8) If a motor vehicle lessor, broker or auctioneer
67 maintains more than one permanent place of doing business,
68 either in one or more counties, the separate places shall be
69 listed in the application, but only one license shall be
70 required.

71 No change for subd 11

72 Subd. 12. GROUNDS FOR SUSPENSION AND REVOCATION. A
73 license may be suspended or revoked by the registrar of motor
74 vehicles upon proof satisfactory to him the registrar of any of *
75 the following:

76 (1) violations of any of the provisions of this chapter;

1 (2) violation of or refusal to comply with the requests and
2 order of the registrar;

3 (3) failure to make or provide to the registrar all
4 listings, notices, and reports required by ~~him~~ the registrar; *

5 (4) failure to pay to the registrar all taxes, fees, and
6 arrears due from and by such dealer;

7 (5) failure to duly apply for renewal of license provided
8 for herein;

9 (6) revocation of previous license, of which the records of
10 the registrar relating thereto shall be prima facie evidence of
11 such previous revocation;

12 (7) failure of continued occupancy of an established place
13 of business;

14 (8) sale of a new and unused current model motor vehicle
15 other than the make of motor vehicle described in the franchise
16 or contract filed with the original application or renewal
17 thereof, without permission from the registrar;

18 (9) sale of a new and unused current model motor vehicle to
19 anyone except for consumer use, or to a dealer duly licensed to
20 sell the same make of motor vehicle;

21 (10) material misstatement or misrepresentation in
22 application for license or renewal thereof;

23 (11) having advertised, printed, displayed, published,
24 distributed, broadcast or televised or caused or permitted to be
25 advertised, printed, displayed, published, distributed,
26 broadcast or televised in any manner whatsoever, or having made
27 orally any statement or representation with regard to the sale,
28 lease or financing of motor vehicles which is false, deceptive
29 or misleading;

30 (12) having been convicted of violating section 325F.69, or
31 having been enjoined due to a violation of section 325F.69;

32 (13) having been convicted of violating the Minnesota
33 odometer law, section 325E.14, 325E.15, or 325E.16, or the
34 federal odometer law, United States Code, title 15, sections
35 1981 to 1991, as amended through December 31, 1984;

36 (14) having been convicted of violating the sale of motor
37 vehicles on Sunday law, section 168.275; or

38 (15) having been convicted under section 609.53 of
39 receiving or selling stolen vehicles.

40 With respect to clauses (12), (13), and (15), the registrar
41 may suspend or revoke a license immediately upon receiving
42 certification of conviction or permanent injunction. A hearing
43 is required under subdivision 13 within 30 days following a
44 summary suspension or revocation under this paragraph, if a
45 hearing is requested by the licensee.

46 Subd. 13. SUSPENSION AND REVOCATION; HEARING. The
47 registrar of motor vehicles, upon ~~his~~ the registrar's own motion *
48 or upon the complaint of another, shall prepare and cause to be
49 served upon the licensee complained of, a written notice or
50 complaint setting forth, in substance, the violations charged, a
51 statement of the deficiencies which exist and any corrective
52 action deemed appropriate. Said notice shall include a
53 statement that in the event corrective action is deemed
54 appropriate and corrective action is not taken, the dealer's
55 license may be suspended or revoked. The notice shall require
56 the licensee to appear at the time and place fixed therein
57 before the registrar or inspector, and show cause why ~~his~~ the *
58 license should not be suspended or revoked.

59 The registrar shall, at the time and place fixed in the
60 notice, proceed to hear and determine the matter on its merits.
61 All hearings shall be conducted in accordance with the
62 provisions of chapter 14, except that the provisions of section
63 14.50, shall not apply. The registrar is authorized to subpoena
64 witnesses and administer oaths. If the registrar shall find the
65 existence of any of the causes for suspension or revocation as
66 set forth in subdivision 12 and determine that corrective action
67 has not been taken or that corrective action will not prevent
68 repetition of the violations charged or that the public interest
69 will not be served by corrective action and the licensee's
70 license should be suspended or revoked, the registrar shall
71 issue a written order setting out ~~his~~ the decision, and a copy *
72 of such order shall be served upon such licensee in the manner
73 provided by law for the service of summons in a civil action.
74 ~~If the registrar finds~~ On finding that the dealer has violated *
75 any of the provisions of this section but that the nature of
76 said violation or the circumstances thereof are such that a

1 suspension of the license would be adequate, ~~he~~ the registrar *
 2 may, instead of revoking the license suspend it for a period not *
 3 exceeding 90 days. ~~if he finds~~ On finding that the violation *
 4 does not justify a suspension only, ~~he~~ the registrar shall *
 5 revoke the license. Upon a suspension or revocation, if it be a
 6 new or used motor vehicle dealer, said licensee shall
 7 immediately return to the registrar all number plates, including
 8 any "in transit" plates, in its possession and its dealer's
 9 license certificate.

10 No change for subd 14

11 Subd. 15. ENFORCEMENT. The registrar is hereby
 12 authorized to enforce this section and ~~he~~ is directed to appoint *
 13 under ~~his~~ the registrar's hand not less than seven persons *
 14 amongst ~~his~~ the registrar's several employees, as inspectors and *
 15 investigators and who when so appointed, shall have full
 16 authority to enforce this section throughout the state. Before
 17 entering upon their official duties, the oath of appointment of
 18 each of the additional employees shall be filed in the office of
 19 the secretary of state. The registrar, ~~his~~ the registrar's *
 20 inspectors or investigators, when traveling or otherwise
 21 pursuing their duties outside the office of the registrar, shall
 22 be paid for their actual expenses incurred out of the same funds
 23 as other employees of the registrar of motor vehicles. The
 24 inspectors shall assist licensees in compliance with laws
 25 governing licensees and administered hereunder.

26 No change for subd 16 to 17

27 Subd. 18. TESTIMONIAL POWERS. The registrar shall
 28 have, and is hereby granted full authority to issue subpoenas
 29 requiring the attendance of witnesses before ~~him~~ the registrar, *
 30 production of books, papers, and other documents, articles, or *
 31 instruments, and compel the disclosure by such witnesses of all
 32 facts known to them relative to the matter under investigation,
 33 and shall have full authority to administer oaths and to take
 34 testimony. All parties disobeying the orders of subpoenas of
 35 the registrar shall be guilty of contempt, as in proceedings in
 36 district courts of the state and may be punished in like manner.

37 No change for subd 19

38 Subd. 20. APPLICATION. This section shall not apply
 39 to any person, copartnership, or corporation engaged in the
 40 business of selling vehicles designed to operate exclusively
 41 over snow, motor scooters, motorized wheel chairs, utility
 42 trailers, farm wagons, farm trailers, farm tractors or other
 43 farm implements whether self-propelled or not, even though such
 44 wagons, trailers, tractors or implements may be equipped with a
 45 trailer hitch, or to any person licensed as a real estate broker
 46 or ~~salesman~~ salesperson pursuant to chapter 82, who engages in *
 47 the business of selling, or who offers to sell, solicits or
 48 advertises the sale of manufactured homes affixed to land,
 49 unless such person, copartnership or corporation shall also be
 50 engaged in the business of selling other motor vehicles or
 51 manufactured homes within the provisions of this section. As
 52 used in this subdivision the term "utility trailer" has the
 53 following meaning:

54 "Utility trailer" means a motorless vehicle, other than a
 55 boat trailer or snowmobile trailer, equipped with one or two
 56 wheels and having a carrying capacity of 2000 pounds or less and
 57 used for carrying property on its own structure while being
 58 drawn by a motor vehicle.

59 Subd. 21. Repealed, 1981 c 59 s 20

60 Subd. 22. MOTORIZED BICYCLES, BOAT AND SNOWMOBILE
 61 TRAILERS. Any person, copartnership or corporation having a
 62 permanent enclosed commercial building or structure either owned
 63 in fee or leased and engaged in the business, either exclusively
 64 or in addition to any other occupation, of selling motorized
 65 bicycles, boat trailers or snowmobile trailers, may apply to the
 66 registrar for a dealer's license. Upon payment of a \$10 fee the
 67 registrar shall license the applicant as a dealer for the
 68 remainder of the calendar year in which the application was
 69 received. Thereafter the license may be renewed on or before the
 70 second day of January of each year by payment of a fee of \$10.
 71 The registrar shall issue to each dealer, upon ~~his~~ request of *
 72 the dealer, dealer plates as provided in subdivision 16 upon *
 73 payment of \$3 for each plate, and the plates may be used in the
 74 same manner and for the same purposes as is provided in
 75 subdivision 16. Except for motorized bicycle dealers, the
 76 registrar shall also issue to the dealer, upon ~~his~~ request of *

1 the dealer, "in transit" plates as provided in subdivision 17 *
 2 upon payment of a fee of \$2 for each plate. This subdivision
 3 shall not be construed to abrogate any of the provisions of this
 4 section as the same relates to the duties, responsibilities and
 5 requirements of persons, copartnerships or corporations engaged
 6 in the business, either exclusively or in addition to other
 7 occupations, of selling motor vehicles or manufactured homes.

8 Subd. 23. REGISTRAR MAY FILE CHARGES. The registrar
 9 or ~~his~~ the registrar's appointed inspectors may file charges *
 10 with the county attorney against any licensee who violates any
 11 of the provisions of this section, including but not limited to,
 12 the grounds for suspension or revocation set out in subdivision
 13 12. Any violation of this section is a misdemeanor.

14 No change for subd 24 to 25

168*#275S

15 168.275 SALE OF MOTOR VEHICLES ON SUNDAY FORBIDDEN.

16 Any person who shall carry on or engage in the business of
 17 buying, selling, exchanging, dealing in or trading in new or
 18 used motor vehicles; or who shall open any place of business or
 19 lot wherein ~~he~~ the person attempts to or does engage in the *
 20 business of buying, selling, exchanging, dealing or trading in
 21 new or used motor vehicles; or who does buy, sell, exchange,
 22 deal or trade in new or used motor vehicles as a business on the
 23 first day of the week, commonly known and designated as Sunday,
 24 is guilty of a misdemeanor for the first offense, and a gross
 25 misdemeanor for each succeeding offense. Such a person upon
 26 conviction for the first offense shall pay a fine not to exceed
 27 \$700 or be imprisoned for a period of not more than ten days;
 28 and for the second offense shall pay a fine not to exceed \$3,000
 29 or be imprisoned for a period of not more than 30 days or both;
 30 and for the third or each subsequent offense shall pay a fine of
 31 not more than \$3,000 or be imprisoned for a period of not more
 32 than six months or both.

168*#28S

33 168.28 VEHICLES SUBJECT TO TAX; EXCEPTIONS.

34 Every motor vehicle (except those exempted in section
 35 168.012, and except those exempted in section 168.012 which are
 36 being towed upon the streets and highways and which shall not be
 37 deemed to be using the streets and highways within the meaning
 38 of this section) shall be deemed to be one using the public
 39 streets and highways and hence as such subject to taxation under
 40 this act if such motor vehicle has since April 23, 1921, used
 41 such public streets or highways, or shall actually use them, or
 42 if it shall come into the possession of an owner other than as a
 43 manufacturer, dealer, ~~warehouseman~~ warehouse operator, mortgagee *
 44 or pledgee. New and unused motor vehicles in the possession of
 45 a dealer solely for the purpose of sale, and used or secondhand
 46 motor vehicles which have not theretofore used the public
 47 streets or highways of this state which are in the possession of
 48 a dealer solely for the purpose of sale and which are duly
 49 listed as herein provided, shall not be deemed to be vehicles
 50 using the public streets or highways. The driving or operating
 51 of a motor vehicle upon the public streets or highways of this
 52 state by a motor vehicle dealer or any employee of such motor
 53 vehicle dealer for demonstration purposes or for any purpose
 54 incident to the usual and customary conduct and operation of ~~his~~ *
 55 the business in which he has been licensed under section 168.27 *
 56 to engage, or solely for the purpose of moving it from points
 57 outside or within the state to the place of business or storage
 58 of a licensed dealer within the state or solely for the purpose
 59 of moving it from the place of business of a manufacturer, or
 60 licensed dealer within the state to the place of business or
 61 residence of a purchaser outside the state, shall not be deemed
 62 to be using the public streets or highways in the state within
 63 the meaning of this chapter or of the Constitution of the State
 64 of Minnesota, Article 14, and shall not be held to make the
 65 motor vehicle subject to taxation under this chapter as one
 66 using the public streets or highways, if during such driving or
 67 moving the dealer's plates herein provided for shall be duly
 68 displayed upon such vehicle. Any dealer or distributor may
 69 register a motor vehicle prior to its assessment or taxation as
 70 personal property, and pay the license fee and tax thereon for
 71 the full calendar year as one using the public streets and
 72 highways, and thereafter such vehicle shall be deemed to be one
 73 using the public streets and highways and shall not be subject
 74 to assessment or taxation as personal property during the

1 calendar year for which it is so registered, whether or not such
2 vehicle shall actually have used the streets or highways.

168*#29S

3 168.29 DUPLICATE PLATES.

4 In the event of the defacement, loss or destruction of any
5 number plates, the registrar, upon receiving and filing a sworn
6 statement of the vehicle owner, setting forth the circumstances
7 of the defacement, loss, destruction or theft of the number
8 plates, together with any defaced plates and the payment of the
9 fee of \$5 shall issue a new set of plates. The registrar shall
10 then note on ~~his~~ the registrar's records the issue of such new
11 number plates and shall proceed in such manner as ~~he~~ the
12 registrar may deem advisable to cancel and call in the original
13 plates so as to insure against their use on another motor
14 vehicle. Duplicate registration certificates plainly marked as
15 duplicates may be issued in like cases upon the payment of a \$1
16 fee.

*
*
*

168*#30S

17 168.30 TRANSFER OF OWNERSHIP.

18 Every owner or transferor of a motor vehicle who fails or
19 delays for more than 14 days to surrender the registration
20 certificate and existing number plates as herein provided,
21 before ~~he~~ the owner or transferor having paid the tax required
22 by this chapter shall be entitled to sell and assign ~~his~~ the
23 right to have the tax paid by ~~him~~ the owner or transferor
24 credited to the transferee as herein provided, shall pay to the
25 registrar a fee of \$1 provided the added fee for such failure or
26 delay in reporting such transfer of ownership as required by law
27 shall not be more than one-half the annual tax. A filing with,
28 or delivery to the registrar of any application, notice,
29 certificate or plates as required by this section shall be
30 construed to be within the requirements of this section if made
31 to the registrar or ~~his~~ a deputy registrar at an office
32 maintained therefor, or if deposited in the mail or with a
33 carrier by express with postage or carriage charge prepaid, and
34 properly addressed to the registrar within 14 days after the
35 transfer of ownership or other occurrence upon which this
36 section provides for such filing or delivery.

*
*
*

*

168*#31S

37 168.31 TAX, WHEN DUE AND PAYABLE.

38 No change for subd 1

39 Subd. 4. INSTALLMENTS. If the tax for a vehicle
40 assessed under section 168.013 or 168.187 amounts to more than
41 \$400, the owner may pay such tax by installments. The owner
42 shall tender with ~~his~~ the application for registration one-third
43 of the annual tax due or \$400, whichever is greater, plus any
44 penalties or arrears, plus a fee of \$10. Instead of this fee,
45 the applicant may furnish a bond, bank letter of credit, or
46 certificate of deposit approved by the registrar of motor
47 vehicles, for the total of the tax still due. The amount of the
48 bond, letter of credit, or certificate of deposit may include
49 any penalties which are assessed. The bond, letter of credit,
50 or certificate of deposit shall be for the benefit of the state
51 for monetary loss caused by failure of the vehicle owner to pay
52 delinquent license fees and penalties. The remainder of the tax
53 due shall be paid in two equal installments; the due date of the
54 first installment shall be the first day of the fifth month of
55 the registration period for which the tax is assessed and the
56 second installment shall be due on the first day of the ninth
57 month of the registration period for which the tax is assessed.
58 When the applicant elects to pay the administrative fee, the
59 registrar shall issue to the applicant validation stickers for
60 the installment paid. When the applicant elects to furnish a
61 bond, bank letter, or letter of deposit, the registrar shall
62 issue validation stickers for the registration year. If an
63 owner of a vehicle fails to pay an installment on or before the
64 due date thereof, the vehicle shall not use the public streets
65 or highways in this state until the installment or installments
66 of the tax remaining due on such vehicle shall have been paid in
67 full for the licensed year together with a penalty at the rate
68 of \$1 per day for the remainder of the month in which the
69 balance of the tax becomes due and \$4 a month for each
70 succeeding month or fraction thereof during which the balance of
71 the tax remains unpaid. Upon the payment of the balance of the
72 tax and the penalties, the registrar shall issue a registration
73 certificate to the owner of the vehicle in the manner provided

*

1 by law. The registrar shall deny installment payment privileges
2 provided in this subdivision in the subsequent year to any owner
3 on any or all vehicles of such owner who during the current year
4 fails to pay any installment due within one month after the due
5 date.

6 No change for subd 5 to 6

168*#321S

7 168.321 MANUFACTURERS TO FILE STATEMENT.

8 The registrar may refuse to register any new vehicle unless
9 the manufacturer thereof has filed the sworn statement herein
10 provided for the model of the motor vehicle offered for
11 registration. The registrar shall have authority to determine
12 the weight of any vehicle on which the record of the
13 manufacturer's shipping weight is not available in ~~his~~ the
14 office. *

15 Every manufacturer of a motor vehicle sold or offered for
16 sale within this state shall each year file with the registrar a
17 sworn statement showing the various models manufactured, the
18 manufacturer's shipping weights including the weight of
19 automatic transmissions where such equipment is offered as
20 optional equipment and not included in the shipping weight, the
21 beginning serial or identification number of each model or
22 series if manufactured on a yearly model basis, or if not
23 manufactured on a yearly model basis, the formula or method used
24 to determine the year of model, and such other information as
25 the registrar deems necessary. Upon the introduction of any new
26 models during the year, the manufacturer shall in like manner
27 file a new statement setting forth the required information for
28 each new model.

29 The information furnished in the manufacturer's statement
30 may be considered by the registrar as prima facie evidence of
31 the facts contained therein.

168*#33S

32 168.33 COMMISSIONER OF PUBLIC SAFETY TO BE REGISTRAR.

33 Subdivision 1. DUTIES. The commissioner of public
34 safety shall be the registrar of motor vehicles of the state of
35 Minnesota, and ~~it shall be his duty to~~ exercise all the powers
36 granted to and perform all the duties imposed ~~upon him~~ by this
37 chapter. The commissioner of public safety, ~~in his discretion,~~
38 may employ not to exceed eight persons as inspectors, to obtain
39 information and report to the registrar regarding motor vehicles
40 subject to taxation under this chapter upon which the tax has
41 not been paid, and to present suitable complaints to courts of
42 competent jurisdiction. *

43 Subd. 2. POWERS. The registrar shall have the power
44 to appoint, hire and discharge and fix the compensation of the
45 necessary employees, in the manner provided by law, as may be
46 required to enable ~~him~~ the registrar to properly carry out the
47 duties imposed ~~upon him~~ by the provisions of this chapter. As
48 of April 14, 1976, the registrar may appoint, and for cause
49 discontinue, a deputy registrar for any city as the public
50 interest and convenience may require, without regard to whether
51 the county auditor of the county in which the city is situated
52 has been appointed as the deputy registrar for the county or has
53 been discontinued as the deputy registrar for the county, and
54 without regard to whether the county in which the city is
55 situated has established a county license bureau which issues
56 motor vehicle licenses as provided in section 373.32. *

57 Effective August 1, 1976, the registrar may appoint, and
58 for cause discontinue, a deputy registrar for any city as the
59 public interest and convenience may require, if the auditor for
60 the county in which the city is situated chooses not to accept
61 appointment as the deputy registrar for the county or is
62 discontinued as a deputy registrar, or if the county in which
63 the city is situated has not established a county license bureau
64 which issues motor vehicle license as provided in section
65 373.32. Any person appointed by the registrar as a deputy
66 registrar for any city shall be a resident of the county in
67 which the city is situated. *

68 The registrar may appoint, and for cause discontinue, the
69 county auditor of each county as a deputy registrar. Upon
70 approval of the county board, the auditor, with the approval of
71 the director of motor vehicles, may appoint, and for cause
72 discontinue, the clerk or equivalent officer of each city or any
73 other person as a deputy registrar as public interest and
74 convenience may require, regardless of ~~his~~ the appointee's *

1 county of residence. Notwithstanding any other provision, a
2 person other than a county auditor or a director of a county
3 license bureau, who was appointed by the registrar before August
4 1, 1976, as a deputy registrar for any city, may continue to
5 serve as deputy registrar and may be discontinued for cause only
6 by the registrar. The county auditor who appointed the deputy
7 registrars shall be responsible for the acts of deputy
8 registrars appointed by him the auditor. Each such deputy,
9 before entering upon the discharge of his duties, shall take and
10 subscribe an oath to faithfully discharge his the duties and to
11 uphold the laws of the state. If a deputy registrar appointed
12 hereunder is not an officer or employee of a county or city,
13 such deputy shall in addition give bond to the state in the sum
14 of \$10,000, or such larger sum as may be required by the
15 registrar, conditioned upon the faithful discharge of his duties
16 as deputy registrar. A corporation governed by chapter 302A may
17 be appointed a deputy registrar. Upon application by an
18 individual serving as a deputy registrar and the giving of the
19 requisite bond as provided in subdivision 2 of this section,
20 personally assured by the individual or another individual
21 approved by the commissioner of public safety, a corporation
22 named in an application shall become the duly appointed and
23 qualified successor to the deputy registrar. Each deputy
24 registrar appointed hereunder shall keep and maintain, in a
25 convenient public place within the place for which he-is
26 appointed, a registration and motor vehicle tax collection
27 bureau, to be approved by the registrar, for the registration of
28 motor vehicles and the collection of motor vehicle taxes
29 thereon. He The deputy registrar shall keep such records and
30 make such reports to the registrar as that officer, from time to
31 time, may require. Such records shall be maintained at the
32 facility of the deputy registrar. The records and facilities of
33 the deputy registrar shall at all times be open to the
34 inspection of the registrar or his the registrar's agents. He
35 The deputy registrar shall report to the registrar by the next
36 working day following receipt all registrations made and taxes
37 and fees collected by him the deputy registrar. The filing fee
38 imposed pursuant to subdivision 7 shall be deposited in the
39 treasury of the place for which he-is appointed, or if such
40 deputy-is not a public official, he such deputy shall retain the
41 filing fee, but the registration tax and any additional fees for
42 delayed registration he the deputy registrar has collected he
43 the deputy registrar shall deposit by the next working day
44 following receipt in an approved state depository to the credit
45 of the state through the state treasurer. The place for which
46 the deputy registrar is appointed through its governing body
47 shall provide the deputy registrar with facilities and personnel
48 to carry out the duties imposed by this subdivision if such
49 deputy is a public official. In all other cases, the deputy
50 shall maintain a suitable facility for serving the public.

51 No change for subd 2a to 2b

52 Subd. 3. RECORD. The registrar shall keep a
53 suitable record of all motor vehicles registered in his the
54 registrar's office, indexed, according to registration number,
55 according to name of owner, according to make of motor vehicle
56 and the factory identification number for such makes as are so
57 identified or according to the serial number of such makes as
58 are so identified until the manufacturers thereof adopt and use
59 an identification number, and according to such other
60 information as he the registrar shall deem advisable.
61 Duplicates of the certificate of registration shall be used,
62 until a more efficient system is evolved, to make the
63 registration number and owner's indexes herein required, and
64 such other copies as are desirable. He The registrar may
65 furnish to any one applying therefor transcripts of such records
66 for not less than the cost of preparing the same; provided, that
67 any sums in excess of such cost received by the registrar for
68 furnishing such transcripts shall be paid by him the registrar
69 into the state treasury. He The registrar shall also furnish
70 copies thereof, without charge, to the chiefs of police of the
71 cities of Minneapolis, St. Paul, and Duluth.

72 No change for subd 4

73 Subd. 5. SYNOPSIS OF LAWS; REPORT. The registrar
74 shall prepare a brief synopsis of this chapter, and such other
75 matter dealing with regulations in the use of motor vehicles as
76 he the registrar may deem advisable, and furnish a copy of same

1 to any person upon application. He The registrar shall prepare, *
 2 on or before November 15, preceding any regular legislative
 3 session, a report to the legislature containing such information *
 4 and recommendations as ~~he~~ the registrar may deem advisable.

5 Subd. 6. APPLICATION FORMS FURNISHED. The registrar
 6 shall furnish, from time to time, to the county recorder of each
 7 county in the state forms for listing and for applications for
 8 registration, as provided herein, and shall, before January
 9 first in each year, furnish to the county recorder of each *
 10 county, and to such others as ~~he~~ the registrar shall deem *
 11 advisable, charts or lists setting forth the tax to which each
 12 motor vehicle is subject. The registrar shall immediately
 13 destroy all number plates surrendered to ~~him~~ the registrar which *
 14 are unsuitable for further issue, and shall cancel all
 15 certificates so surrendered.

16 No change for subd 7

168*#34S

17 168.34 INFORMATION TO BE FURNISHED.

18 The registrar shall maintain in ~~his~~ the registrar's office *
 19 an information bureau to immediately answer such questions,
 20 through personal inquiry, telephone, or letter, as may be *
 21 answered from ~~his~~ the registrar's files, and, when authorized by
 22 an inquirer to telegraph collect, shall so answer. Sheriffs and
 23 police departments shall promptly report stolen motor vehicles
 24 and motor vehicles recovered, on forms provided by the
 25 registrar, and each month the registrar shall print and send a
 26 list of such motor vehicles to such officials and to the motor
 27 vehicle department in each of the several states. Initial
 28 applications for registration shall be checked against the
 29 list. Registrations shall be completed with the utmost
 30 dispatch, in such manner as to render the most efficient service
 31 to the public, on the same day that the application is
 32 received. The telephone and telegraph shall be immediately used
 33 in all cases where reverse or collect charges are authorized.
 34 The registrar, or any deputy or employee, shall not be liable to
 35 any person for mistake or negligence in the giving of
 36 information not wilfully calculated to injure such person. The
 37 registration system shall be so conducted, and the requirements
 38 thereof so construed, as to furnish to the public immediate,
 39 accurate information as to any single car about which the
 40 inquiry may be made, and to furnish the registrar a means of
 41 checking back during any year to determine that all motor
 42 vehicles subject to taxation and licensing have had the proper
 43 tax or fee paid thereon. The mail or carriers by express may be
 44 used for any notice for delivery required of the registrar.

168*#36S

45 168.36 UNREGISTERED VEHICLES, USE.

46 Subdivision 1. MISDEMEANOR. Any person who shall
 47 use or cause any motor vehicle to be used or operated in
 48 violation of the provisions of this chapter or while a
 49 certificate of registration of a motor vehicle issued to ~~him~~ the *
 50 person is suspended or revoked, or who shall knowingly deliver a *
 51 motor vehicle to another to be used or operated in violation of
 52 this chapter, or who shall violate any of the provisions
 53 thereof, shall be guilty of a misdemeanor.

54 Subd. 2. CERTAIN ACTS, MISDEMEANORS. Any person who
 55 shall loan or use any number plate or registration certificate
 56 upon or in connection with any motor vehicle except the one for
 57 which the same was duly issued, or upon any such motor vehicle
 58 after such certificate or plates, or the right to use the same,
 59 have expired, or any person who shall retain in ~~his~~ possession *
 60 or shall fail to surrender, as herein provided, any such number
 61 plate or registration certificate shall be guilty of a
 62 misdemeanor. Any person who manufactures, buys, sells, uses or
 63 displays motor vehicle license number plates, motor vehicle
 64 registration certificates, or tax receipts issued by this state
 65 or any other state, territory or district in the United States,
 66 without proper authority from such state, territory or district
 67 of the United States, shall be guilty of a misdemeanor, and,
 68 upon conviction thereof, punished by a fine of not less than \$25
 69 nor more than \$100 or by confinement of not less than 15 nor
 70 more than 90 days or by both such fine and imprisonment.

71 Subd. 3. ALTERATIONS, MISDEMEANORS. Any person who
 72 shall deface or alter any registration certificate or number
 73 plate or retain the same in ~~his~~ possession after it has been *
 74 defaced or altered shall be guilty of a misdemeanor.

168*#37S

1 168.37 PLATE TABS OR STICKERS; MONTHLY REGISTRATION
2 SYSTEM.

3 Subd. 3. The registrar may rearrange the words and figures
4 on plates issued for vehicles under the monthly series system of
5 registration to provide space on the plates for tabs or stickers
6 which ~~he~~ the registrar shall issue to indicate the period of *
7 registration.

168*#381S

8 168.381 MANUFACTURE OF MOTOR VEHICLE LICENSE NUMBER
9 PLATES.

10 License number plates required by law may be manufactured
11 by the Minnesota correctional facility-St. Cloud, the Minnesota
12 correctional facility-Stillwater or other facility established
13 by law for the confinement of persons convicted of felony upon
14 order from the registrar of motor vehicles, such order to state
15 the quality of material desired in such plates, the
16 specifications thereof, and the amount or number desired.

17 Should the commissioner of corrections decide not to supply
18 the required quantity of license plates, or discontinue the
19 manufacture of plates, the commissioner of public safety is
20 authorized to seek other suppliers on a competitive basis.
21 Materials purchased to be used in the manufacture of such motor
22 vehicle number plates shall be tested as to conformance with
23 specifications established by the commissioner of public safety
24 in a privately operated laboratory service to be designated by
25 the commissioner. The cost of such laboratory shall be included
26 in the cost of materials purchased. The cost of delivery of
27 such number plates to the commissioner of public safety at
28 places which ~~he~~ the commissioner may designate shall be included *
29 in the expenses incurred in their manufacture. The commissioner
30 of public safety shall establish new or revised specifications
31 for the material and equipment used in the manufacture of number
32 plates ordered for manufacture after August 1, 1975, and may
33 from time to time revise such specifications, provided that such
34 specifications conform to the requirements of section 168.12.

35 In establishing new or revised specifications ~~he~~ the *
36 commissioner shall consult with and give consideration to the *
37 advice and recommendations of representatives of the Minnesota
38 state patrol, local police officers' associations and the county
39 sheriffs' association.

40 Moneys appropriated to the department of public safety to
41 procure the plates for any fiscal year or years shall be
42 available for allotment, encumbrance, and expenditure from and
43 after the date of the enactment of such appropriation.
44 Materials and equipment used in the manufacture of such number
45 plates are subject only to the approval of the commissioner of
46 public safety.

47 This section contemplates that moneys to be appropriated to
48 the department of public safety in order to carry out the terms
49 and provisions of this section will be appropriated by the
50 legislature from the highway user tax distribution fund.

168*#62S

51 168.62 REGISTRATION.

52 Subdivision 1. An owner or operator of more than one
53 intercity bus shall register a percentage of ~~his~~ those intercity *
54 buses of the owner or operator in Minnesota. The percentage of *
55 the intercity buses so registered shall be determined by
56 dividing the total number of miles traveled by such intercity
57 buses within the state of Minnesota by the total number of miles
58 traveled by such intercity buses both within and without the
59 state of Minnesota. Such percentage figure so arrived at is the
60 percentage of intercity motor buses which the owner or operator
61 thereof shall register in Minnesota. A fractional intercity bus
62 shall be registered as one intercity bus. The number of
63 intercity buses so registered in the state of Minnesota are
64 deemed to be domiciled in Minnesota and subject to motor vehicle
65 taxation in this state.

66 Subd. 2. When the number of intercity buses to be
67 registered in Minnesota is determined as herein provided, the
68 owner or operator thereof shall select the particular intercity
69 buses to be so registered. The motor vehicle tax to be paid
70 thereon for each calendar year shall be determined by the
71 registrar of motor vehicles:--He, who shall compute the amount *
72 of motor vehicle tax on each intercity bus of the owner or
73 operator thereof as though all of such intercity buses were

1 required to be registered in Minnesota. The amount so arrived
 2 at shall then be divided by the total number of intercity buses
 3 of such owner or operator to obtain the average motor vehicle
 4 tax due on an intercity bus registered in Minnesota. Such
 5 average tax shall be paid on each intercity bus registered in
 6 Minnesota in the same manner and at the same time as other motor
 7 vehicles using the streets and highways of Minnesota are taxed
 8 and the taxes paid thereon. The registrar of motor vehicles
 9 shall issue number plates for the intercity buses registered in
 10 Minnesota.

11 Subd. 3. At the same time that an owner or operator of
 12 intercity buses registers them in Minnesota and obtains number
 13 plates therefor, he the owner or operator shall apply for *
 14 special identification plates or certificates for the remainder *
 15 of ~~his~~ that fleet of intercity buses. The registrar of motor *
 16 vehicles shall design an appropriate plate or identification *
 17 certificate for this purpose which shall be issued upon the *
 18 payment of a fee of \$10.00 covering each intercity bus so *
 19 identified. The proceeds of such fees shall be deposited to the *
 20 credit of the highway user tax distribution fund. No intercity *
 21 bus shall at any time be operated in the state of Minnesota *
 22 without either Minnesota number plates or special identification *
 23 plates or certificates issued as herein provided.

168*#63S

24 168.63 REGISTRAR OF MOTOR VEHICLES, DUTIES.

25 No change for subd 1

26 Subd. 2. The registrar of motor vehicles shall determine
 27 the percentage of intercity buses to be registered in Minnesota
 28 by an owner or operator thereof. He The registrar shall *
 29 determine the total number of miles traveled by each intercity *
 30 bus within the state of Minnesota and the total number of miles *
 31 such intercity bus traveled both within and without the state of *
 32 Minnesota. In making such determinations he the registrar may *
 33 use mileage records of operation of each owner or operator of *
 34 intercity buses for such period of time as he the registrar *
 35 deems appropriate and during which operation existed. If there *
 36 are no operations in Minnesota for any period of time so as to *
 37 determine the mileage records of operation he the registrar *
 38 shall use such estimates as will fairly determine the percentage *
 39 of intercity buses which any owner or operator thereof shall *
 40 register in Minnesota.

41 ~~Subd. 3. Whenever an owner or operator of intercity buses~~ *
 42 ~~increases his~~ When increasing the fleet of intercity buses after *
 43 the beginning of a calendar year in which a percentage of the *
 44 fleet has been registered in Minnesota, he the owner or operator *
 45 of those intercity buses shall notify the registrar of motor *
 46 vehicles thereof. *

47 ~~Subd. 4. Whenever the owner or operator of intercity buses~~ *
 48 ~~substitutes~~ substituting an intercity bus in his the fleet as a *
 49 result of new purchase or otherwise, he the owner or operator of *
 50 intercity buses shall likewise notify the registrar of motor *
 51 vehicles thereof. *

52 Subd. 5. At the close of each calendar year and not later
 53 than February 15th of the next succeeding year, beginning with
 54 1959, the registrar of motor vehicles shall re-compute and
 55 re-determine the number of intercity buses required to have been
 56 registered in Minnesota for the prior year and the actual amount
 57 of tax liability for such previous year shall likewise be
 58 re-determined. Any additional tax which may be due by any owner
 59 or operator of intercity buses shall be paid forthwith. If it
 60 is determined as a result of such recomputation that there has
 61 been an overpayment of tax, the amount of such overpayment shall
 62 be credited to the amount of tax which may be due by the owner
 63 or operator of intercity buses in any subsequent year. In the
 64 event any owner or operator of intercity buses discontinues
 65 operations in Minnesota and has a tax credit due him as a result *
 66 of overpayment of motor vehicle taxes for any year, the amount *
 67 of such overpayment shall be refunded. Such sums as are *
 68 necessary to make the refunds herein are hereby appropriated *
 69 annually from the highway user tax distribution fund.

168*#64S

70 168.64 RULES, REQUIREMENTS.

71 The registrar of motor vehicles shall:

72 (a) Promulgate such rules and regulations as he the *
 73 registrar may deem necessary in order to fully administer and *
 74 carry out the terms and provisions of sections 168.61 to 168.65;

1 (b) Require owners and operators of intercity buses to
 2 furnish such information and to make and file such reports as ~~he~~ *
 3 the registrar deems necessary in order to administer sections *
 4 168.61 to 168.65.

5 (c) Require re-computation of the percentage of intercity
 6 buses of any owner or operator at any time ~~he~~ the registrar has *
 7 reason to believe that an insufficient number of such intercity *
 8 buses of such owner or operator are registered in Minnesota. If
 9 as a result of any such re-computation, the registrar of motor
 10 vehicles determines that additional intercity buses should be
 11 registered in Minnesota, ~~he~~ the registrar shall require the *
 12 owner or operator thereof to so register such additional buses
 13 and pay the taxes thereon in accordance with the standards
 14 required by this section. All intercity buses registered under
 15 the terms of this provision shall be registered for a full
 16 calendar year. All taxes computed on the percentage of
 17 intercity buses to be registered in the state of Minnesota shall
 18 likewise be computed on the basis of a full calendar year. If
 19 additional taxes are required to be paid by an owner or operator
 20 of intercity buses under this provision, such owner or operator
 21 shall also pay interest at the rate of six percent per annum on
 22 the amount so paid with interest computed from January 1st of
 23 the calendar year in which the taxes are due to the date of
 24 payment.

168*#67S

25 168.67 SALES FINANCE COMPANIES; LICENSES, FEES, REFUNDS.

26 (a) No person shall engage in the business of a sales
 27 finance company in this state without a license therefor as
 28 provided in sections 168.66 to 168.77 provided, however, that no
 29 bank, trust company, savings bank, savings and loan association,
 30 or credit union, whether state or federally chartered,
 31 industrial loan and thrift company, or licensee under the
 32 Minnesota Regulated Loan Act authorized to do business in this
 33 state shall be required to obtain a license under sections
 34 168.66 to 168.77.

35 (b) The application for a license shall be in writing,
 36 under oath and in the form prescribed by the administrator. The
 37 application shall contain the name of the applicant; date of
 38 incorporation, if incorporated; the address where the business
 39 is or is to be conducted and similar information as to any
 40 branch office of the applicant; the name and resident address of
 41 the owner or partners, or, if a corporation or association, of
 42 the directors, trustees and principal officers, and other
 43 pertinent information the administrator requires.

44 (c) The licensee fee for the fiscal year beginning July 1
 45 and ending June 30 of the following year, or any part thereof
 46 shall be the sum of \$150 for the principal place of business of
 47 the licensee, and the sum of \$75 for each branch of the
 48 licensee, maintained in this state. Any licensee who proves to
 49 the satisfaction of the administrator, by affidavit or other
 50 proof satisfactory to the administrator, that during the 12
 51 calendar months of the immediately preceding fiscal year, for
 52 which ~~his~~ the license has been paid that ~~he~~ the licensee has not *
 53 held retail installment contracts exceeding \$15,000 in amount,
 54 shall be entitled to a refund of that portion of each license
 55 fee paid in excess of \$25. The administrator shall certify to
 56 the commissioner of finance that the licensee is entitled to a
 57 refund, and payment thereof shall be made by the state
 58 treasurer. The amount necessary to pay for the refundment of
 59 the license fee is appropriated out of the general fund. All
 60 license fees received by the administrator under sections 168.66
 61 to 168.77 shall be deposited with the state treasurer.

62 (d) Each license shall specify the location of the office
 63 or branch and must be conspicuously displayed there. In case
 64 the location be changed, the administrator shall endorse the
 65 change of location on the license.

66 (e) Upon the filing of such application, and the payment of
 67 the fee, the administrator shall issue a license to the
 68 applicant to engage in the business of a sales finance company
 69 under and in accordance with the provisions of sections 168.66
 70 to 168.77 for a period which shall expire the last day of June
 71 next following the date of its issuance. The license shall not
 72 be transferable or assignable. No licensee shall transact any
 73 business provided for by sections 168.66 to 168.77 under any
 74 other name.

168*#68S

1 168.68 SUSPENSION OR REVOCATION OF LICENSE.

2 (a) A license may be suspended or revoked by the
3 administrator on the following grounds:

4 (1) material misstatement in application for license;

5 (2) intentional failure to comply with any provision of
6 sections 168.66 to 168.77 relating to retail installment
7 contract;

8 (3) defrauding any retail buyer to the buyer's damage;

9 (4) fraudulent misrepresentation, circumvention or
10 concealment by the licensee through whatever subterfuge or
11 device of any of the material particulars or the nature thereof
12 required to be stated or furnished to the retail buyer under
13 sections 168.66 to 168.77.

14 (b) If a licensee is a firm, association or corporation, it
15 shall be sufficient cause for the suspension or revocation of a
16 license that any officer, director or trustee of a licensed
17 firm, association or corporation, or any member of a licensed
18 partnership, has so acted or failed to act as would be cause for
19 suspending or revoking a license to such part as an individual.
20 Each licensee shall be responsible for the acts of any or all of
21 his the licensee's employees while acting as his the licensee's
22 agent, if the licensee after actual knowledge of his that
23 employee's act retained the benefits, proceeds, profits or
24 advantages accruing from the acts or otherwise ratified the acts.

25 (c) No license shall be suspended or revoked except after
26 hearing. The administrator shall give the licensee at least ten
27 days' written notice, in the form of an order to show cause, of
28 the time and place of the hearing by certified mail addressed to
29 the principal place of business in this state of the licensee.
30 The notice shall contain the grounds of complaint against the
31 licensee. Any order suspending or revoking the license shall
32 recite the grounds upon which it is based. The order shall be
33 entered upon the records of the administrator and shall not be
34 effective until after 30 days' written notice thereof given
35 after such entry forwarded by certified mail to the licensee at
36 such principal place of business. No revocation, suspension or
37 surrender of any license shall impair or affect the obligation
38 of any lawful retail installment contract acquired previously
39 thereto by the licensee.

40 (d) Within 30 days after the service of notice of any order
41 of suspension or revocation of a license, the licensee aggrieved
42 may appeal from the order to the district court for the county
43 in which the principal place of business of the licensee in this
44 state is located, by service of a written notice of appeal upon
45 the administrator, and filing it with proof of service with the
46 clerk of the court to which the appeal is taken, within five
47 days. The district court has jurisdiction over the appeal. It
48 shall be entered upon the records of the court and tried
49 according to the rules of civil procedure in so far as they are
50 applicable. Upon receiving service of a notice of appeal upon
51 him, the administrator shall file with the clerk of the district
52 court to which the appeal is taken a certified copy of the order
53 appealed from and of the order to show cause upon which it was
54 based. Unless otherwise ordered by the court, the documents
55 filed shall frame the issues to be determined upon the appeal.
56 The court shall determine, de novo, all questions, both of fact
57 and of law, touching upon the legality and reasonableness of the
58 determination of the administrator, and shall render such
59 judgment as shall be lawful and just. Pending final judgment on
60 the appeal, the order appealed from shall be stayed. Upon
61 motion of the licensee or the administrator, the appeal shall be
62 tried ahead of all other actions pending before the court except
63 criminal cases. Appeals may be taken as in other civil cases.

168*#69S

64 168.69 COMPLAINTS ALLEGING VIOLATION.

65 Any retail buyer having reason to believe that sections
66 168.66 to 168.77 relating to his the buyer's retail installment
67 contract has been violated may file with the administrator a
68 written complaint setting forth the details of such alleged
69 violation and the administrator, upon receipt of such complaint,
70 may inspect the pertinent books, records, letters and contracts
71 of the licensee and of the retail seller involved, relating to
72 such specific written complaint.

168*#70S

73 168.70 TESTIMONIAL POWERS OF ADMINISTRATOR.

74 The administrator shall have power to issue subpoenas to

1 compel the attendance of witnesses and the production of
 2 documents, papers, books, records and other evidence before ~~him~~ *
 3 the administrator in any matter over which ~~he~~ the administrator *
 4 has jurisdiction, control or supervision pertaining to sections
 5 168.66 to 168.77. The administrator shall have the power to
 6 administer oaths and affirmations to any person whose testimony
 7 is required.

8 If any person shall refuse to obey any such subpoena, or to
 9 give testimony, or to produce evidence as required thereby, any
 10 judge of any district court may, upon application and proof of
 11 such refusal, make an order for the issuance of a subpoena, or
 12 subpoena duces tecum, for the witness to appear before the
 13 administrator and to give testimony, and to produce evidence as
 14 required thereby. Upon filing such order in the office of the
 15 clerk of such court the clerk shall issue a subpoena, as
 16 directed, under the seal of said court, requiring the person to
 17 whom it is directed to appear at the time and place therein
 18 designated.

19 If any person served with any such subpoena shall refuse to
 20 obey the same, or to give testimony or to produce evidence as
 21 required thereby, the administrator may report such refusal to
 22 the court, and the court shall thereupon enforce obedience to
 23 the subpoena in the manner provided by law for enforcing
 24 obedience to subpoenas of the court.

168*#705S

168.705 EXAMINATIONS.

25 For the purpose of discovering violations of sections
 26 168.66 to 168.77 or securing information lawfully required by
 27 ~~him~~ the administrator hereunder, the administrator may, at any *
 28 time, either personally or by a person or persons duly *
 29 designated by ~~him~~ the administrator, investigate the conditional *
 30 sales contracts and business related to the conditional sales *
 31 contracts and examine the books, accounts, records, and files
 32 used therein, of every licensee and of every person who shall be
 33 engaged in the business of a sales finance company, whether the
 34 person shall act as principal or agent, or under or without the
 35 authority of sections 168.66 to 168.77. For that purpose, the
 36 administrator and ~~his~~ the administrator's duly designated *
 37 representative shall have free access to the offices and places *
 38 of business, books, accounts, papers, records, files, safes, and
 39 vaults of all these persons. The administrator and all persons *
 40 duly designated by ~~him~~ the administrator shall have authority to *
 41 require the attendance of and to examine, under oath, all *
 42 persons whomsoever whose testimony ~~he~~ the administrator may *
 43 require relative to the conditional sales contract or the *
 44 business or to the subject matter of any examination,
 45 investigation, or hearing.

46 The administrator shall make an examination of the affairs,
 47 business, office, and records of each licensee at least once
 48 every two calendar years. Each licensee shall pay to the
 49 administrator an amount as may be required under section 46.131,
 50 and the administrator may maintain an action for the recovery of
 51 the costs in any court of competent jurisdiction.
 52

168*#706S

168.706 BOOKS OF ACCOUNT; ANNUAL REPORT.

53 The licensee shall keep and use in ~~his~~ the licensee's *
 54 business such books, accounts, and records as will enable the *
 55 administrator to determine whether the licensee is complying
 56 with the provisions of sections 168.66 to 168.77 and with the
 57 rules and regulations lawfully made by the administrator
 58 hereunder. Every licensee shall preserve such books, accounts,
 59 and records, including cards used in the card system, if any,
 60 for at least two years after making the final entry on any
 61 conditional sale contract recorded therein.
 62

63 Each licensee shall annually on or before March 15 file a
 64 report to the administrator giving such relevant information as
 65 the administrator reasonably may require concerning the business
 66 and operations during the preceding calendar year of each
 67 licensed place of business, conducted by such licensee within
 68 the state. Such report shall be made under oath and shall be in
 69 the form prescribed by the administrator, who shall make and
 70 publish annually an analysis and recapitulation of such reports.

168*#71S

168.71 RETAIL INSTALLMENT CONTRACTS.

71 (a) (1) Every retail installment contract shall be in
 72 writing, shall contain all the agreements of the parties, shall
 73

1 be signed by the retail buyer and seller, and a copy thereof
2 shall be furnished to such retail buyer at the time of the
3 execution of the contract.

4 (2) No provisions for confession of judgment or power of
5 attorney therefor contained in any retail installment contract
6 or contained in a separate agreement relating thereto, shall be
7 valid or enforceable.

8 (3) The holder of a retail installment contract may, if the
9 contract so provides, collect a delinquency and collection
10 charge on each installment in arrears for a period not less than
11 ten days in an amount not in excess of five percent of each
12 installment or \$5, whichever is the less. In addition to such
13 delinquency and collection charge, the retail installment
14 contract may provide for the payment of attorneys' fees not
15 exceeding 15 percent of the amount due and payable under such
16 contract where such contract is referred to an attorney not a
17 salaried employee of the holder of the contract for collection
18 plus the court costs.

19 (4) Unless written notice has been given to the retail
20 buyer of actual or intended assignment of a retail installment
21 contract, payment thereunder or tender thereof made by the
22 retail buyer to the last known holder of such contract shall be
23 binding upon all subsequent holders or assignees.

24 (5) Upon written request from the retail buyer, the holder
25 of the retail installment contract shall give or forward to the
26 retail buyer a written statement of the dates and amounts of
27 payments and the total amount unpaid under such contract. A
28 retail buyer shall be given a written receipt for any payment
29 when made in cash.

30 (b) The retail installment contract shall contain the
31 following items:

32 (1) The cash sale price of the motor vehicle which is the
33 subject matter of the retail installment contract;

34 (2) The amount of the retail buyer's down payment, whether
35 made in money or goods, or partly in money or partly in goods;

36 (3) The difference between items one and two;

37 (4) The charge, if any, included in the transaction for any
38 insurance and other benefits, specifying the types of coverage
39 and benefits;

40 (5) Principal balance, which is the sum of item three and
41 item four;

42 (6) The amount of the time price differential;

43 (7) The time balance payable by the retail buyer to the
44 retail seller and the number of installment payments required
45 and the amount of each installment expressed in dollars or
46 percentages, and date of each payment necessary finally to pay
47 the time balance which is the sum of item five and item six.

48 Provided, however, that said items one to seven inclusive
49 need not be stated in the sequence or order set forth above and
50 that additional items may be included which serve to explain the
51 calculations involved in determining the stated time balance to
52 be paid by the retail buyer.

53 (c) Every retail seller or sales finance company, if a
54 charge for insurance on the motor vehicle is included in a
55 retail installment contract shall within 30 days after execution
56 of the retail installment contract send or cause to be sent to
57 the retail buyer a policy or policies or certificate of
58 insurance, which insurance shall be written by a company
59 authorized to do business in this state, clearly setting forth
60 the amount of the premium, the kind or kinds of insurance and
61 the scope of the coverage and all the terms, exceptions,
62 limitations, restrictions and conditions of the contract or
63 contracts of the insurance. The buyer of a motor vehicle under
64 a retail installment contract shall have the privilege of
65 purchasing such insurance from an agent or broker of his the
66 buyer's own selection and selecting an insurance company
67 mutually acceptable to the seller and the buyer; provided,
68 however, that the inclusion of the cost of the insurance premium
69 in the retail installment contract when the buyer selects the
70 agent, broker or company, shall be optional with the seller.

71 (d) Any sales finance company hereunder may purchase or
72 acquire from any retail seller any retail installment contract
73 on such terms and conditions as may be mutually agreed upon
74 between them.

75 (e) An acknowledgment by the retail buyer of the delivery
76 of any such copy or notice as required in subsection (a) of this

*
*

1 section contained in the body of the statement or contract shall
 2 be conclusive proof of delivery in any action or proceeding by
 3 or against any assignee of a retail installment contract.

168*#832S

4 168.832 LICENSE.

5 No person, firm or corporation shall engage in the motor
 6 bicycle business, either exclusively or in connection with any
 7 other occupation, without being licensed as provided in sections
 8 168.831 to 168.837. An applicant for a license or renewal shall
 9 apply to the commissioner of public safety in writing. The
 10 application shall be duly verified. The applicant shall submit
 11 such information as the commissioner of public safety may
 12 require, upon blanks supplied by ~~him~~ the commissioner, including *
 13 but not limited to the following: The name and address of the
 14 owner, the address of the business, the approximate number of
 15 motor bicycles to be used in the business, and the number on the
 16 state number plate of each motor bicycle. A license, unless
 17 revoked, continues in force through December 31 of each year.
 18 The annual license fee is \$25, which shall be deposited in the
 19 general fund of the state treasury. A separate license shall be
 20 obtained for each place of business. The licensee shall display
 21 the license in a prominent place on the premises.

168*#833S

22 168.833 INSURANCE REQUIRED.

23 No license shall be issued until the applicant obtains and
 24 files with the commissioner of public safety a policy of
 25 liability insurance by an insurance company authorized to do
 26 business under the laws of the state of Minnesota, to be kept in
 27 force for the remainder of the licensing year. The policy shall
 28 insure the applicant, ~~his~~ the applicant's renters, and lessees, *
 29 and the persons operating such motor bicycles against liability
 30 for loss in the sum of \$25,000 for injury to or death of any one
 31 person in any one accident, \$50,000 for injury to or death of
 32 more than one person in any one accident, and \$5,000 because of
 33 damage to or destruction of property in any one accident
 34 resulting from the negligent operation, use or defective
 35 condition of any motor bicycle belonging to the applicant. The
 36 policy shall contain a provision for a continuing liability
 37 thereunder for the term of the license to the full amount
 38 thereof, notwithstanding any recovery thereon. The policy also
 39 shall contain an endorsement to the effect that the liability
 40 under the policy is not affected by reason of any motor bicycle
 41 having been furnished to, or rented or leased by a minor, and
 42 further, that the commissioner of public safety shall be
 43 notified by letter at least ten days before the cancellation of
 44 the insurance policy. The policy shall also contain a provision
 45 providing for at least \$200 medical payments to cover the
 46 operator or passenger of such vehicle if personal injury results
 47 to the operator or passenger from its use.

168*#834S

48 168.834 LICENSEE'S DUTIES.

49 Subdivision 1. RENTAL TO LICENSED OPERATORS ONLY;
 50 PARENTAL CONSENT. A licensee shall not rent, lease, or
 51 furnish a motor bicycle to any person who is not licensed by the
 52 state of Minnesota to operate such a vehicle, or, in the case of
 53 a nonresident who is not duly licensed to operate such a vehicle
 54 under the law of the state or country of ~~his~~ residence. It is *
 55 unlawful to rent, lease, or furnish a motor bicycle to a person
 56 under the age of 18 years unless the person furnishes and leaves
 57 with the licensee a statement in writing showing the consent of
 58 the person's parent or guardian to the rental, lease, or
 59 furnishing of a motor bicycle to such person. Before renting,
 60 leasing, or furnishing a motor bicycle to a person the licensee
 61 shall make a permanent and legible record containing the name,
 62 address, and age of the person to whom the motor bicycle is
 63 leased, rented, or furnished, and shall record on this record
 64 the number and date of issue and expiration of the driver's
 65 license, together with any limitations noted thereon and the
 66 description of the person as set forth on the driver's license.
 67 The record so kept also shall identify the vehicle rented,
 68 leased, or furnished to the person by the number on the
 69 vehicle's state number plate.

70 Subd. 2. MAINTENANCE; OPERATING INSTRUCTIONS; SAFETY
 71 HELMETS. The licensee shall maintain in safe operating
 72 condition all motor bicycles rented, leased, or furnished by ~~him~~ *
 73 the licensee. The licensee, ~~his~~ the licensee's agent, or *

1 employee shall explain the operation, including but not limited
 2 to the controls, pedals, gears, and brakes, of the particular
 3 motor bicycle to be used by the person before the person uses
 4 it, unless the licensee, ~~his~~ the licensee's agent, or employee *
 5 is aware that the person knows how to operate the particular
 6 motor bicycle.

7 The licensee, ~~his~~ the licensee's agent or ~~his~~ employee *
 8 shall call to the attention of the user of such vehicle the
 9 precautionary measures that must be followed for the safety of
 10 the driver and the public and make available for each motor
 11 bicycle at least one sanitized safety helmet, or similar
 12 headgear, which shall be offered for use to the driver.

168*#842S

13 168.842 REGISTRATION AND TAXATION OF RENTAL TRUCKS.

14 An owner of rental trucks shall annually register a *
 15 percentage of ~~his~~ the owner's rental trucks in Minnesota. The
 16 number of rental trucks required to be registered in the state
 17 shall be determined by dividing the total number of miles
 18 traveled within the state during the next preceding calendar
 19 year by all rental trucks owned by an owner by the total number
 20 of miles traveled both within and without the state during the
 21 next preceding calendar year by all rental trucks owned by that
 22 owner and applying the percentage figure thus arrived at to the
 23 total number of rental trucks owned by that owner. The number
 24 of rental trucks thus determined shall be the number of rental
 25 trucks deemed to be domiciled within the state and subject to
 26 registration and taxation in a calendar year.

168*#843S

27 168.843 REGISTRATION AND TAXATION OF RENTAL TRAILERS.

28 An owner or operator of rental trailers shall annually
 29 register a percentage of ~~his~~ the rental trailers of that owner *
 30 or operator in Minnesota. The number of rental trailers *
 31 required to be registered in Minnesota shall be a number equal
 32 to the average number of rental trailers operated in and through
 33 the state during the preceding calendar year. The number of
 34 rental trailers thus determined shall be the number of rental
 35 trailers deemed to be domiciled within the state and subject to
 36 registration and taxation in a calendar year.

168*#844S

37 168.844 OTHER VEHICLES.

38 Upon registration of the number of rental trucks or rental
 39 trailers required by sections 168.841 to 168.846 to be
 40 registered in this state and upon payment of all registration
 41 fees, all rental trucks or rental trailers owned by an owner and
 42 identified as being a part of ~~his~~ the owner's fleet and *
 43 currently licensed in any state, territory, province, country or
 44 the District of Columbia shall be permitted to operate in this
 45 state in both interstate and intrastate commerce.

168A#01S

46 168A.01 DEFINITIONS.

47 No change for subd 1 to 4

48 Subd. 5. "Established place of business" means the place
 49 actually occupied either continuously or at regular periods by a
 50 dealer or manufacturer where ~~his~~ books and records of business *
 51 are kept and a large share of ~~his~~ business is transacted. *

52 No change for subd 6 to 24

168A#10S

53 168A.10 TRANSFER OF INTEREST BY OWNER.

54 Subdivision 1. If an owner transfers ~~his~~ interest in a *
 55 vehicle other than by the creation of a security interest, ~~he~~ *
 56 the owner shall at the time of the delivery of the vehicle *
 57 execute an assignment and warranty of title to the transferee in
 58 the space provided therefor on the certificate or as the
 59 department prescribes. With respect to motor vehicles subject
 60 to the provisions of section 325E.15, the transferor shall also,
 61 in the space provided therefor on the certificate or as the
 62 department prescribes, state the true cumulative mileage
 63 registered on the odometer or that the actual mileage is unknown
 64 if the odometer reading is known by the transferor to be
 65 different from the true mileage. The transferor shall cause the
 66 certificate and assignment to be mailed or delivered to the
 67 transferee or to the department.

68 Subd. 2. Except as provided in section 168A.11, the
 69 transferee shall, promptly after taking delivery ~~to-him~~ of the *
 70 vehicle, execute the application for a new certificate of title
 71 in the space provided therefor on the certificate or as the

1 department prescribes, and cause the certificate and application
2 to be mailed or delivered to the department.

3 Subd. 3. Upon request of the owner or transferee, a
4 secured party in possession of the certificate of title shall,
5 either deliver the certificate to the transferee for delivery to
6 the department, or upon receipt from the transferee of the
7 owner's assignment, the transferee's application for a new
8 certificate and the required fee, mail or deliver them to the
9 department. The delivery of the certificate does not affect the
10 rights of the secured party under ~~his~~ a security agreement. *

11 No change for subd 4

12 Subd. 5. Except as provided in section 168A.11 and as
13 between the parties, a transfer by an owner is not effective
14 until the provisions of this section have been complied with;
15 however, an owner who has delivered possession of the vehicle to
16 the transferee and has complied, or within 48 hours after such
17 delivery does comply, with the provisions of this section
18 requiring action by ~~him~~ the owner is not liable as owner for any
19 damages resulting from operation of the vehicle after the
20 delivery of the vehicle to the transferee. *

168A#11S

21 168A.11 PURCHASE OF VEHICLE BY DEALER.

22 Subdivision 1. If a dealer buys a vehicle and holds it for
23 resale and procures the certificate of title from the owner or
24 the secured party within ten days after taking delivery of the
25 vehicle ~~to-him~~, and complies with subdivision 2 hereof, he the
26 dealer need not apply for a certificate of title, but upon
27 transferring the vehicle to another person other than by the
28 creation of a security interest shall promptly execute the
29 assignment and warranty of title by a dealer, showing the names
30 and addresses of the transferee and of any secured party holding
31 a security interest created or reserved at the time of the
32 resale, and the date of the security agreement in the spaces
33 provided therefor on the certificate or as the department
34 prescribes. With respect to motor vehicles subject to the
35 provisions of section 325E.15, the dealer shall also, in the
36 space provided therefor on the certificate or as the department
37 prescribes, state the true cumulative mileage registered on the
38 odometer or that the exact mileage is unknown if the odometer
39 reading is known by the transferor to be different from the true
40 mileage. The dealer shall mail or deliver the certificate to
41 the department with the transferee's application for a new
42 certificate.

43 Subd. 2. ~~If~~ A dealer buys, on buying a vehicle which is
44 subject to an outstanding certificate of title, ~~he~~ shall at the
45 time of taking delivery of the vehicle ~~to-him~~ execute in
46 triplicate a purchase receipt for the vehicle in a form
47 designated by the department, and deliver one copy to the
48 seller. Within 48 hours thereafter the dealer shall mail or
49 deliver one copy of such receipt to the department. *

50 Subd. 3. Every dealer shall maintain for three years at an
51 established place of business a record in the form the
52 department prescribes of every vehicle bought, sold, or
53 exchanged ~~by-him~~, or received ~~by-him~~ for sale or exchange, which
54 shall be open to inspection by a representative of the
55 department or peace officer during reasonable business hours.
56 With respect to motor vehicles subject to the provisions of
57 section 325E.15, the record shall include either the true
58 mileage as stated by the previous owner or the fact that the
59 previous owner stated the actual cumulative mileage was unknown;
60 the record also shall include either the true mileage the dealer
61 stated upon transferring the vehicle or the fact the dealer
62 stated the mileage was unknown. *

168A#12S

63 168A.12 INTEREST PASSING BY OTHER THAN VOLUNTARY
64 TRANSFER.

65 Subdivision 1. If the interest of an owner in a vehicle
66 passes to another other than by voluntary transfer, the
67 transferee shall, except as provided in subdivision 2, promptly
68 mail or deliver to the department the last certificate of title,
69 if available, proof of the transfer, and ~~his~~ an application for
70 a new certificate in the form the department prescribes. *

71 Subd. 2. If the interest of the owner is terminated or the
72 vehicle is sold under a security agreement by a secured party
73 named in the certificate of title, the transferee shall promptly
74 mail or deliver to the department the last certificate of title,

1 if available, ~~his~~ an application for a new certificate in the *
 2 form the department prescribes, and an affidavit made by or on *
 3 behalf of the secured party that the interest of the owner was *
 4 lawfully terminated or the vehicle sold pursuant to the terms of *
 5 the security agreement. If the secured party succeeds to the *
 6 interest of the owner and holds the vehicle for resale, ~~he~~ the *
 7 secured party need not secure a new certificate of title *
 8 provided that ~~he-mails-or-delivers~~ a notice thereof in form *
 9 designated by the department is mailed or delivered by the *
 10 secured party to the department in duplicate within 48 hours a *
 11 ~~notice thereof in form designated by the department~~, but upon *
 12 transfer to another person the secured party shall promptly mail *
 13 or deliver to the transferee or the department the certificate, *
 14 affidavit, and other documents required to be sent to the *
 15 department by the transferee.

16 No change for subd 3

168A#13S

17 168A.13 FEES TO ACCOMPANY APPLICATIONS; DELIVERY OF
18 LICENSE PLATES AND REGISTRATION CARD.

19 No change for subd 1

20 Subd. 2. An application for the naming of a secured party *
 21 or ~~his~~ the party's assignee on a certificate of title shall be *
 22 accompanied by the required fee when mailed or delivered to the *
 23 department.

24 No change for subd 3

168A#17S

25 168A.17 SECURITY INTERESTS.

26 No change for subd 1

27 Subd. 2. PERFECTION. A security interest is *
 28 perfected by the delivery to the department of the existing *
 29 certificate of title, if any, an application for a certificate *
 30 of title containing the name and address of the secured party, *
 31 the date of ~~his~~ the secured party's security agreement and the *
 32 required fee. It is perfected as of the time of its creation if *
 33 the delivery is completed within ten days thereafter; otherwise *
 34 as of the time of the delivery.

35 Subd. 3. INTERESTS CREATED IN OTHER STATES. If a *
 36 vehicle is subject to a security interest when brought into this *
 37 state, the validity of the security interest is determined by *
 38 the law of the jurisdiction where the vehicle was when the *
 39 security interest attached, subject to the following:

40 (1) If the parties understood at the time the security *
 41 interest attached that the vehicle would be kept in this state *
 42 and it was brought into this state within 30 days thereafter for *
 43 purposes other than transportation through this state, then the *
 44 validity of the security interest in this state is determined by *
 45 the law of this state.

46 (2) If the security interest was already perfected under *
 47 the law of the jurisdiction where the vehicle was when the *
 48 security interest attached, the following rules apply:

49 (a) If the name of the secured party is shown on an *
 50 existing certificate of title issued by that jurisdiction, ~~his~~ *
 51 the party's security interest continues perfected in this state. *

52 (b) If the name of the secured party is not shown on an *
 53 existing certificate of title issued by that jurisdiction, the *
 54 security interest continues perfected in this state for four *
 55 months after a first certificate of title of the vehicle is *
 56 issued in this state, and also thereafter if within the four *
 57 month period it is perfected in this state. The security *
 58 interest may also be perfected in this state after the *
 59 expiration of the four month period; in that case perfection *
 60 dates from the time of perfection in this state.

61 (3) If the security interest was not perfected under the *
 62 law of the jurisdiction where the vehicle was when the security *
 63 interest attached, it may be perfected in this state; in that *
 64 case perfection dates from the time of perfection in this state.

65 (4) A security interest may be perfected under clause (2) *
 66 (b) or clause (3) of this subdivision, either as provided in *
 67 subdivision 2, or by the secured party delivering to the *
 68 department a notice of security interest in the form the *
 69 department prescribes, and the required fee.

168A#18S

70 168A.18 DUTIES OF PARTIES WITH RELATION TO SECURITY
71 INTEREST.

72 If an owner creates a security interest in a vehicle:

73 (1) The owner shall immediately execute the application in

1 the space provided therefor on the certificate of title, or on a
 2 separate form the department prescribes, to name the secured
 3 party on the certificate, showing the name and address of the
 4 secured party, and cause the certificate, application, and the
 5 required fee to be delivered to the secured party.

6 (2) The secured party shall immediately cause the
 7 certificate, application, and the required fee to be mailed or
 8 delivered to the department.

9 (3) Upon request of the owner or subordinate secured party,
 10 a secured party in possession of the certificate of title shall
 11 either mail or deliver the certificate to the subordinate
 12 secured party for delivery to the department, or upon receipt
 13 from the subordinate secured party of the owner's application,
 14 and the required fee, mail or deliver them to the department
 15 with the certificate. The delivery of the certificate does not
 16 affect the rights of the first secured party under his a
 17 security agreement. *

18 (4) Upon receipt of the certificate of title, application,
 19 and the required fee, the department shall either endorse on the
 20 certificate or issue a new certificate containing the name and
 21 address of the new secured party, and mail or deliver the
 22 certificate to the first secured party named in it.

168A#19S

23 168A.19 ASSIGNMENT OF SECURITY INTEREST.

24 Subdivision 1. A secured party may assign, absolutely or
 25 otherwise, his a security interest in the vehicle to a person
 26 other than the owner without affecting the interest of the owner
 27 or the validity of the security interest, but any person without
 28 notice of the assignment is protected in dealing with the
 29 secured party as the holder of the security interest and the
 30 secured party remains liable for any obligations as secured
 31 party until the assignee is named as secured party on the
 32 certificate. *

33 No change for subd 2

168A#20S

34 168A.20 SATISFACTION OF SECURITY INTEREST.

35 Subdivision 1. Upon the satisfaction of a security
 36 interest in a vehicle for which the certificate of title is in
 37 the possession of the secured party, he the secured party shall
 38 within 15 days execute a release of his security interest in the
 39 space provided therefor on the certificate or as the department
 40 prescribes, and mail or deliver the certificate and release to
 41 the next secured party named therein, or if none, to the owner
 42 or any person who delivers to the secured party an authorization
 43 from the owner to receive the certificate. The owner, other
 44 than a dealer holding the vehicle for resale, shall promptly
 45 cause the certificate and release, together with the required
 46 fee, to be mailed or delivered to the department, which shall
 47 release the secured party's rights on the certificate or issue a
 48 new certificate. *

49 Subd. 2. Upon the satisfaction of a security interest in a
 50 vehicle for which the certificate of title is in the possession
 51 of a prior secured party, the secured party whose security
 52 interest is satisfied shall within 15 days execute a release in
 53 the form the department prescribes and deliver the release to
 54 the owner or any person who delivers to the secured party an
 55 authorization from the owner to receive it. The secured party in
 56 possession of the certificate of title shall either deliver the
 57 certificate to the owner, or the person authorized by him the
 58 owner, for delivery to the department, or upon receipt of the
 59 release, mail or deliver it with the certificate to the
 60 department, which shall release the subordinate secured party's
 61 rights on the certificate or issue a new certificate. *

168A#21S

62 168A.21 DISCLOSURE OF SECURITY INTEREST.

63 A secured party named in a certificate of title shall upon
 64 written request of the owner or of another secured party named
 65 on the certificate disclose any pertinent information as to his
 66 the security agreement and the indebtedness secured by it. *

168A#29S

67 168A.29 FEES.

68 No change for subd 1

69 Subd. 2. If a person applies for an original or a new
 70 certificate of title to a vehicle, concurrently with an
 71 application for-transfer, as transferee, of registration of the
 72 vehicle to-himself, the fee prescribed in subdivision 1 shall be *

1 in lieu of the fee prescribed by section 168.54, with respect to
2 any transfer of ownership or registration of the vehicle to the
3 applicant.

4 No change for subd 3

168A#30S

5 168A.30 PENALTIES.

6 No change for subd 1

7 Subd. 2. A person is guilty of a misdemeanor who:

- 8 (1) With fraudulent intent permits another, not entitled
9 thereto, to use or have possession of a certificate of title;
10 (2) Willfully fails to mail or deliver a certificate of
11 title to the department within ten days after the time required
12 by sections 168A.01 to 168A.31;
13 (3) Willfully fails to deliver to ~~his~~ the transferee a
14 certificate of title within ten days after the time required by
15 sections 168A.01 to 168A.31;
16 (4) Commits a fraud in any application for a certificate of
17 title;
18 (5) Fails to notify the department of any fact as required
19 by sections 168A.01 to 168A.31; or
20 (6) Willfully violates any other provision of sections
21 168A.01 to 168A.31 except as otherwise provided in sections
22 168A.01 to 168A.31.

168C#04S

23 168C.04 REGISTRATION FEE.

24 Subdivision 1. The registration fee for bicycles shall be
25 \$3 until January 1, 1985, and shall be \$5 thereafter. These
26 fees shall be paid at the time of registration. The fees, and
27 any donations in excess of the fees must be deposited in the
28 general fund. Proof of purchase is required for registration.
29 Bicycles lacking proof of purchase may be registered if there is
30 no evidence that the bicycle is stolen. However, the
31 registration record must be marked to indicate that no proof of
32 purchase was provided. The registration is valid for three
33 calendar years. A person registering a bicycle may add an
34 additional amount to the registration fee, and all amounts so
35 added must be deposited in the same manner as registration
36 fees. A person registering a bicycle must at the time of
37 registration be informed that ~~he~~ a registrant may add an
38 additional amount to the fee and that all such additional
39 amounts will be used for the purposes specified in subdivision 2.

40 No change for subd 2 to 3

41 Subd. 4. Not later than March 1, 1985 the commissioner
42 shall report to the legislature on ~~his-expenditures~~ funds
43 expended under subdivision 2, paragraph (b) and accomplishments
44 in carrying out the purposes of that clause.

168C#06S

45 168C.06 NOTIFICATION OF CHANGE OF ADDRESS.

46 ~~Whenever Upon moving or change of address,~~ the owner of a
47 bicycle registered pursuant to Laws 1976, Chapter 199 ~~moves-or~~
48 ~~changes-address,~~ ~~he~~ shall notify the commissioner in writing of
49 the new address within 14 days.

168C#09S

50 168C.09 THEFT; PENALTY.

51 No change for subd 1 to 2

52 Subd. 3. Any person who knowingly sells or offers for sale
53 a bicycle registered under Laws 1976, Chapter 199 which is not
54 owned by ~~him~~ that person or a family member of-his-family is
55 guilty of theft and subject to punishment under section 609.52,
56 subdivision 3.

168C#11S

57 168C.11 DEPUTY REGISTRARS OF BICYCLES.

58 Subdivision 1. APPOINTMENT. Subject to the
59 provisions of subdivision 2, the commissioner shall appoint as
60 deputy registrars of bicycles any bicycle dealer, or agent or
61 employee thereof, or agent or employee of a nonprofit
62 organization promoting bicycling or in whose activities
63 bicycling plays an integral part, or an agent or employee
64 designated by a municipality that sells bicycles at public
65 auction who applies for appointment in a manner prescribed by
66 the commissioner; provided that concurrently there may be no
67 more than one deputy for each separate place of business of a
68 bicycle dealer. Deputy registrars of bicycles shall act as
69 agents of the commissioner and may accept registrations as
70 provided in Laws 1976, Chapter 199, except that no deputy
71 registrar of bicycles shall be required to register bicycles

1 sold by other bicycle dealers. The commissioner, deputy
 2 registrars of motor vehicles, and deputy registrars of bicycles
 3 may charge and retain an additional \$1 per registration granted
 4 for their services. In the case of a deputy registrar of motor
 5 vehicles, the \$1 shall be deposited in the treasury of the place
 6 for which ~~he the deputy registrar~~ is appointed, or if ~~the deputy~~
 7 ~~is~~ not a public official ~~he the deputy registrar~~ shall retain *
 8 the filing fee. Other registration fees collected by the *
 9 commissioner, deputy registrars of motor vehicles, and deputy
 10 registrars of bicycles shall be processed, accounted for, and
 11 transmitted to the state treasurer as required by the
 12 commissioner.

13 Subd. 2. DENIAL, SUSPENSION OR REVOCATION OF
 14 APPOINTMENTS. The commissioner, without prior notice or
 15 hearing, may issue an order denying, suspending or revoking any
 16 appointment made or applied for pursuant to this section ~~if he~~
 17 ~~finds upon finding~~ that the applicant or deputy registrar of *
 18 bicycles has violated or failed to comply with any provision of *
 19 Laws 1976, Chapter 199 or any rule adopted hereunder. Upon the
 20 entry of such an order the commissioner shall promptly serve a
 21 copy thereof on the applicant or deputy registrar of bicycles.
 22 The order shall state the reasons for its issuance and, in the
 23 case of a suspension or revocation of appointment, shall specify
 24 that upon the written request of the deputy registrar of
 25 bicycles the matter will be set for hearing within 15 days after
 26 the receipt of the request, provided that with the consent of
 27 the deputy registrar of bicycles a hearing may be held
 28 subsequent to the expiration of the period specified herein. If
 29 no hearing is requested, the order will remain in effect until
 30 it is modified or vacated by the commissioner. If a hearing is
 31 requested, the commissioner, after notice and hearing in
 32 accordance with the provisions of chapter 14, shall affirm,
 33 modify or vacate the order.

168C#13S

34 168C.13 REGISTRATION BY POLITICAL SUBDIVISIONS.

35 No change for subd 1

36 Subd. 2. Any political subdivision of the state which
 37 licensed or registered bicycles prior to March 1, 1977, may
 38 after such date, continue to maintain its licensing or
 39 registration records and may require the owner of record as of
 40 March 1, 1977, of any bicycle registered therewith on or prior
 41 to that date to notify the political subdivision ~~when he sells~~
 42 ~~upon selling~~ or otherwise ~~transfers~~ transferring ownership of *
 43 the bicycle. *

169*#01S

44 169.01 DEFINITIONS.

45 No change for subd 1 to 4a

46 Subd. 5. AUTHORIZED EMERGENCY VEHICLE. "Authorized
 47 emergency vehicle" means any of the following vehicles when
 48 equipped and identified according to law: (1) A vehicle of a
 49 fire department; (2) a publicly owned police vehicle or a
 50 privately owned vehicle used by a police officer for police work
 51 under agreement, express or implied, with the local authority to
 52 which ~~he the officer~~ is responsible; (3) a vehicle of a licensed *
 53 land emergency ambulance service, whether publicly or privately
 54 owned; (4) an emergency vehicle of a municipal department or a
 55 public service corporation, approved by the commissioner of
 56 public safety or the chief of police of a municipality; (5) any
 57 volunteer rescue squad operating pursuant to Laws 1959, Chapter
 58 53; (6) a vehicle designated as an authorized emergency vehicle
 59 upon a finding by the commissioner of public safety that
 60 designation of that vehicle is necessary to the preservation of
 61 life or property or to the execution of emergency governmental
 62 functions.

63 No change for subd 6 to 20

64 Subd. 21. COMMISSIONER. Unless stated otherwise,
 65 "commissioner" means the commissioner of transportation of this
 66 state. Regardless of the commissioner referred to, however, ~~he~~
 67 ~~the commissioner~~ is to be considered as acting directly or *
 68 through ~~his~~ the commissioner's duly authorized officers and *
 69 agents. *

70 No change for subd 22 to 47

71 Subd. 48. MOTOR VEHICLE DEALER. "Motor vehicle
 72 dealer" means any person engaged in the business of
 73 manufacturing or selling new and unused motor vehicles, or used
 74 motor vehicles, or both, having an established place of business

1 for the sale, trade, and display of such motor vehicles, and
2 having in his possession motor vehicles for the purpose of sale
3 or trade. *

4 No change for subd 49 to 68

169*#06S

5 169.06 SIGNS, SIGNALS, MARKINGS.

6 No change for subd 1

7 Subd. 2. PLACEMENT AND MAINTENANCE ON TRUNK HIGHWAYS.

8 The commissioner shall place and maintain such
9 traffic-control devices, conforming to the manual and
10 specifications, upon all state trunk highways as he the *
11 commissioner shall deem necessary to indicate and to carry out *
12 the provisions of this chapter or to regulate, warn, or guide
13 traffic. The commissioner may construct and maintain signs at
14 the entrance of each city, which sign shall have placed thereon
15 the name of the city and the population thereof. The
16 commissioner may construct and maintain other directional signs
17 upon the trunk highways and such signs shall be uniform. The
18 commissioner may authorize variations from the manual and
19 specifications for the purpose of investigation and research
20 into the use and development of traffic control devices. When
21 such authorized variation pertains to the regulation of traffic,
22 notice of the intended regulatory purpose shall be published in
23 a qualified newspaper of general circulation in the area where
24 the research is being conducted.

25 No other authority shall place or maintain any traffic
26 control device upon any highway under the jurisdiction of the
27 commissioner except by the latter's permission.

28 No change for subd 3 to 5

29 Subd. 6. PEDESTRIAN CONTROL SIGNALS. Whenever

30 special pedestrian-control signals exhibiting the words "Walk"
31 or "Don't Walk" are in place such signals shall indicate as
32 follows:

33 (a) "Walk", flashing or steady. Pedestrians facing such
34 signals may proceed across the roadway in the direction of the
35 signal and shall be given the right-of-way by the drivers of all
36 vehicles.

37 (b) "Don't Walk", flashing or steady. No pedestrian shall
38 start to cross the roadway in the direction of such signals, but
39 any pedestrian who has partially ~~completed-his-crossing~~ crossed *
40 on the "Walk" signal shall proceed to a sidewalk or safety
41 island while the "Don't Walk" signal is showing.

42 No change for subd 7 to 8

169*#08S

43 169.08 UNLAWFUL TO POSSESS, ALTER, DEFACE, OR REMOVE
44 SIGNS.

45 No person shall, without lawful authority, possess, or
46 attempt to or in fact alter, deface, injure, knock down, or
47 remove any official traffic-control device or any railroad sign
48 or signal or any inscription, shield, or insignia thereon, or
49 any other part thereof. A person who voluntarily notifies a law
50 enforcement agency that he the person is in possession of such *
51 an article, and who returns the article within ten days after
52 gaining possession thereof, shall not be subject to prosecution
53 for such possession.

169*#09S

54 169.09 ACCIDENTS.

55 Subdivision 1. DRIVER TO STOP. The driver of any
56 vehicle involved in an accident resulting in immediately
57 demonstrable bodily injury to or death of any person shall
58 immediately stop the vehicle at the scene of the accident, or as
59 close to the scene as possible, but shall then return to and in
60 every event, shall remain at, the scene of the accident until he *
61 the driver has fulfilled the requirements of this chapter as to *
62 the giving of information. The stop shall be made without
63 unnecessarily obstructing traffic.

64 Subd. 2. DRIVER TO STOP. The driver of any vehicle
65 involved in an accident to a vehicle which is driven or attended
66 by any person shall immediately stop such vehicle at the scene
67 of such accident, or as close thereto as possible, but shall
68 forthwith return to, and in every event shall remain at, the
69 scene of the accident until he the driver has fulfilled the *
70 requirements of this chapter as to the giving of information.
71 Every such stop shall be made without obstructing traffic more
72 than is necessary.

73 Subd. 3. DRIVER TO GIVE INFORMATION. (a) The driver

1 of any vehicle involved in an accident resulting in bodily
 2 injury to or death of any person, or damage to any vehicle which
 3 is driven or attended by any person, shall stop and give ~~his~~ the
 4 driver's name, address, date of birth and the registration
 5 number of the vehicle ~~he-is-driving~~ being driven, and shall,
 6 upon request and if available, exhibit ~~his~~ the driver's license
 7 or permit to drive to the person struck or the driver or
 8 occupant of or person attending any vehicle collided with. The
 9 driver also shall give the information and upon request exhibit
 10 the license or permit to any police officer at the scene of the
 11 accident or who is investigating the accident. The driver shall
 12 render reasonable assistance to any person injured in the
 13 accident.

*
*
*

14 (b) If not given at the scene of the accident, the driver,
 15 within 72 hours thereafter, shall give upon request to any
 16 person involved in the accident or to a peace officer
 17 investigating the accident the name and address of the insurer
 18 providing automobile liability insurance coverage, and the local
 19 insurance agent for the insurer.

20 No change for subd 4

21 Subd. 5. NOTIFY OWNER OF DAMAGED PROPERTY. The
 22 driver of any vehicle involved in an accident resulting only in
 23 damage to fixtures legally upon or adjacent to a highway shall
 24 take reasonable steps to locate and notify the owner or person
 25 in charge of such property of such fact and of ~~his~~ the driver's
 26 name and address and of the registration number of the
 27 vehicle ~~he-is-driving~~ being driven and shall, upon request and
 28 if available, exhibit ~~his~~ the driver's or chauffeur's license,
 29 and make report of such accident in every case. The report
 30 shall be made in the same manner as a report made pursuant to
 31 subdivision 7.

*
*
*

32 No change for subd 6

33 Subd. 7. ACCIDENT REPORT TO COMMISSIONER. The driver
 34 of a vehicle involved in an accident resulting in bodily injury
 35 to or death of any person or total property damage to an
 36 apparent extent of \$500 or more, shall forward a written report
 37 of the accident to the commissioner of public safety within ten
 38 days thereof. ~~If-in-the-opinion-of-the-commissioner-of-public~~
 39 ~~safety,~~ On determining that the original report of any driver of
 40 a vehicle involved in an accident of which report must be made
 41 as provided in this section is insufficient ~~he,~~ the commissioner
 42 of public safety may require the driver to file supplementary
 43 reports.

*
*
*
*

44 No change for subd 8 to 10

45 Subd. 11. CORONER TO REPORT DEATH. Every coroner or
 46 other official performing like functions shall report in writing
 47 to the department of public safety the death of any person
 48 within ~~his~~ the coroner's jurisdiction as the result of an
 49 accident involving a motor vehicle and the circumstances of the
 50 accident. The report shall be made within 15 days after the
 51 death.

*

52 In the case of drivers killed in motor vehicle accidents
 53 and of the death of pedestrians 16 years of age or older, who
 54 die within four hours after accident, the coroner or other
 55 official performing like functions shall examine the body and
 56 shall make tests as are necessary to determine the presence and
 57 percentage concentration of alcohol, and drugs if feasible, in
 58 the blood of the victim. This information shall be included in
 59 each report submitted pursuant to the provisions of this
 60 subdivision and shall be tabulated on a monthly basis by the
 61 department of public safety. This information may be used only
 62 for statistical purposes which do not reveal the identity of the
 63 deceased.

64 No change for subd 12

65 Subd. 13. ACCIDENT REPORTS CONFIDENTIAL. All written
 66 reports and supplemental reports required under this section to
 67 be provided to the department of public safety shall be without
 68 prejudice to the individual so reporting and shall be for the
 69 confidential use of the department of public safety and other
 70 appropriate state, federal, county and municipal governmental
 71 agencies for accident analysis purposes, except that the
 72 department of public safety or any law enforcement department of
 73 any municipality or county in this state shall, upon written
 74 request of any person involved in an accident or upon written
 75 request of the representative of ~~his-or-her~~ the person's estate,
 76 surviving spouse, or one or more surviving next of kin, or a

*

1 operating-privileges-revoked-by-the-commissioner-of-public safety as follows: *

2 (a) First offense: not less than 30 days; *

3 (b) Second offense in less than five years: not less than 90 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126;

4 (c) Third offense in less than five years: not less than one year, together with denial under section 171.04, clause (8), until rehabilitation is established in accordance with standards established by the commissioner;

5 (d) Fourth or subsequent offense on the record: not less than two years, together with denial under section 171.04, clause (8), until rehabilitation is established in accordance with standards established by the commissioner.

6 If the person convicted of violating this section is under the age of 18 years, the commissioner of public safety shall revoke the offender's driver's license or operating privileges until the offender reaches the age of 18 years or for a period of six months or for the appropriate period of time under clauses (a) to (d) for the offense committed, whichever is the greatest period.

7 For purposes of this subdivision, a juvenile adjudication under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them is an offense.

8 Whenever department records show that the violation involved personal injury or death to any person, not less than 90 additional days shall be added to the base periods provided above.

9 Any person whose license has been revoked pursuant to section 169.123 as the result of the same incident is not subject to the mandatory revocation provisions of clause (a) or (b).

10 No change for subd 5

11 Subd. 6. PRELIMINARY SCREENING TEST. When a peace officer has reason to believe from the manner in which a person is driving, operating, controlling, or acting upon departure from a motor vehicle, or has driven, operated, or controlled a motor vehicle, that the driver may be violating or has violated subdivision 1, ~~he~~ the officer may require the driver to provide a sample of ~~his~~ the driver's breath for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of this preliminary screening test shall be used for the purpose of deciding whether an arrest should be made and whether to require the tests authorized in section 169.123, but shall not be used in any court action except to prove that a test was properly required of a person pursuant to section 169.123, subdivision 2. Following the screening test additional tests may be required of the driver pursuant to the provisions of section 169.123.

12 The driver who refuses to furnish a sample of ~~his~~ the driver's breath is subject to the provisions of section 169.123 unless, in compliance with section 169.123, ~~he~~ the driver submits to a blood, breath or urine test to determine the presence of alcohol or a controlled substance. *

13 No change for subd 7 to 10

14 169*#122S

15 169.122 OPEN BOTTLE LAW; PENALTY.

16 No change for subd 1

17 Subd. 2. No person shall have in ~~his~~ possession on ~~his~~ the person while in a private motor vehicle upon a public highway, any bottle or receptacle containing intoxicating liquor or nonintoxicating malt liquor which has been opened, or the seal broken, or the contents of which have been partially removed. *

18 No change for subd 3 to 4

19 169*#123S

20 169.123 CHEMICAL TESTS FOR INTOXICATION.

21 No change for subd 1

22 Subd. 2. IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST. (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state consents, subject to the provisions of this section and section 169.121, to a chemical test of ~~his~~ that person's blood, breath, or urine for the purpose of determining the presence of alcohol or a *

1 controlled substance. The test shall be administered at the
 2 direction of a peace officer. The test may be required of a
 3 person when an officer has probable cause to believe the person
 4 was driving, operating, or in physical control of a motor
 5 vehicle in violation of section 169.121 and one of the following
 6 conditions exist: (1) the person has been lawfully placed under
 7 arrest for violation of section 169.121, or an ordinance in
 8 conformity with it; or (2) the person has been involved in a
 9 motor vehicle accident or collision resulting in property
 10 damage, personal injury, or death; or (3) the person has refused
 11 to take the screening test provided for by section 169.121,
 12 subdivision 6; or (4) the screening test was administered and
 13 recorded an alcohol concentration of 0.10 or more.

14 (b) At the time a test is requested, the person shall be
 15 informed:

16 (1) that Minnesota law requires the person to take a test
 17 to determine if the person is under the influence of alcohol or
 18 a controlled substance;

19 (2) that if testing is refused, the person's right to drive
 20 will be revoked for a minimum period of one year or, if the
 21 person is under the age of 18 years, for a period of one year or
 22 until ~~he or she~~ the person reaches the age of 18 years,
 23 whichever is greater; *

24 (3) that if a test is taken and the results indicate that
 25 the person is under the influence of alcohol or a controlled
 26 substance, the person will be subject to criminal penalties and
 27 the person's right to drive may be revoked for a minimum period
 28 of 90 days or, if the person is under the age of 18 years, for a
 29 period of six months or until ~~he or she~~ the person reaches the
 30 age of 18 years, whichever is greater; *

31 (4) that after submitting to testing, the person has the
 32 right to consult with an attorney and to have additional tests
 33 made by ~~a person~~ someone of ~~his~~ the person's own choosing; and *

34 (5) that if ~~he~~ the person refuses to take a test, the
 35 refusal will be offered into evidence against ~~him~~ the person at
 36 trial. *

37 (c) The peace officer who requires a test pursuant to this
 38 subdivision may direct whether the test shall be of blood,
 39 breath, or urine. However, if the officer directs that the test
 40 shall be of a person's blood or urine, the person may choose
 41 whether the test shall be of ~~his~~ blood or urine. *

42 No change for subd 2a to 2c

43 Subd. 3. MANNER OF MAKING TEST; ADDITIONAL TESTS.

44 Only a physician, medical technician, physician's trained mobile
 45 intensive care paramedic, registered nurse, medical technologist
 46 or laboratory assistant acting at the request of a peace officer
 47 may withdraw blood for the purpose of determining the presence
 48 of alcohol or controlled substance. This limitation does not
 49 apply to the taking of a breath or urine sample. The person
 50 tested has the right to have ~~a person~~ someone of ~~his~~ the
 51 person's own choosing administer a chemical test or tests in
 52 addition to any administered at the direction of a peace
 53 officer; provided, that the additional test sample on behalf of
 54 the person is obtained at the place where the person is in
 55 custody, after the test administered at the direction of a peace
 56 officer, and at no expense to the state. The failure or
 57 inability to obtain an additional test or tests by a person
 58 shall not preclude the admission in evidence of the test taken
 59 at the direction of a peace officer unless the additional test
 60 was prevented or denied by the peace officer. The physician,
 61 medical technician, physician's trained mobile intensive care
 62 paramedic, medical technologist, laboratory assistant or
 63 registered nurse drawing blood at the request of a peace officer
 64 for the purpose of determining alcohol concentration shall in no
 65 manner be liable in any civil or criminal action except for
 66 negligence in drawing the blood. The person administering a
 67 breath test shall be fully trained in the administration of
 68 breath tests pursuant to training given by the commissioner of
 69 public safety. *

70 Subd. 4. REFUSAL; REVOCATION OF LICENSE. If a person
 71 refuses to permit a test, none shall be given, but the peace
 72 officer shall report the refusal to the commissioner of public
 73 safety and the authority having responsibility for prosecution
 74 of misdemeanor offenses for the jurisdiction in which the acts
 75 occurred. A refusal to submit to an alcohol concentration test
 76 does not constitute a violation of section 609.50, unless the

1 refusal was accompanied by force or violence or the threat of
 2 force or violence. If a person submits to a test and the test
 3 results indicate an alcohol concentration of 0.10 or more, the
 4 results of the test shall be reported to the commissioner of
 5 public safety and to the authority having responsibility for
 6 prosecution of misdemeanor offenses for the jurisdiction in
 7 which the acts occurred.

8 Upon certification by the peace officer that there existed
 9 probable cause to believe the person had been driving,
 10 operating, or in physical control of a motor vehicle while under
 11 the influence of alcohol or a controlled substance and that the
 12 person refused to submit to a test, the commissioner of public
 13 safety shall revoke the person's license or permit to drive, or
 14 ~~his~~ nonresident operating privilege, for a period of one year. *
 15 If the person refusing to submit to testing is under the age of
 16 18 years, the commissioner shall revoke the person's license or
 17 permit to drive, or ~~his-or-her~~ nonresident operating privilege, *
 18 for a period of one year or until the person reaches the age of
 19 18 years, whichever is greater. Upon certification by the peace
 20 officer that there existed probable cause to believe the person
 21 had been driving, operating or in physical control of a motor
 22 vehicle while under the influence of alcohol or a controlled
 23 substance and that the person submitted to a test and the test
 24 results indicate an alcohol concentration of 0.10 or more, the
 25 commissioner of public safety shall revoke the person's license
 26 or permit to drive, or ~~his~~ nonresident operating privilege, for *
 27 a period of 90 days or, if the person is under the age of 18
 28 years, for a period of six months or until ~~he-or-she~~ the person *
 29 reaches the age of 18 years, whichever is greater.

30 If the person is a resident without a license or permit to
 31 operate a motor vehicle in this state, the commissioner of
 32 public safety shall deny to the person the issuance of a license
 33 or permit for the same period after the date of the alleged
 34 violation as provided herein for revocation, subject to review
 35 as hereinafter provided.

36 Subd. 5. NOTICE OF REVOCATION OR DETERMINATION TO DENY;
 37 REQUEST FOR HEARING. A revocation under subdivision 4 becomes
 38 effective at the time the commissioner of public safety or a
 39 peace officer acting on ~~his~~ behalf of the commissioner of public *
 40 safety notifies the person of the intention to revoke and of *
 41 revocation. The notice shall advise the person of the right to
 42 obtain administrative and judicial review as provided in this
 43 section. If mailed, the notice and order of revocation is
 44 deemed received three days after mailing to the last known
 45 address of the person.

46 No change for subd 5a

47 Subd. 5b. ADMINISTRATIVE REVIEW. At any time during
 48 a period of revocation imposed under this section a person may
 49 request in writing a review of the order of revocation by the
 50 commissioner of public safety. Upon receiving a request the
 51 commissioner or ~~his~~ the commissioner's designee shall review the *
 52 order, the evidence upon which the order was based, and any
 53 other material information brought to the attention of the
 54 commissioner, and determine whether sufficient cause exists to
 55 sustain the order. Within 15 days of receiving the request the
 56 commissioner shall report in writing the results of ~~his~~ the *
 57 review. The review provided in this subdivision is not subject
 58 to the contested case provisions of the administrative procedure
 59 act in sections 14.01 to 14.70.

60 The availability of administrative review for an order of
 61 revocation shall have no effect upon the availability of
 62 judicial review under this section.

63 Subd. 5c. PETITION FOR JUDICIAL REVIEW. Within 30
 64 days following receipt of a notice and order of revocation
 65 pursuant to this section, a person may petition the court for
 66 review. The petition shall be filed with the clerk of county or
 67 municipal court in the county where the alleged offense
 68 occurred, together with proof of service of a copy on the
 69 commissioner of public safety, and accompanied by the standard
 70 filing fee for civil actions. No responsive pleading shall be
 71 required of the commissioner of public safety, and no court fees
 72 shall be charged for ~~his~~ the appearance of the commissioner of *
 73 public safety in the matter. *

74 The petition shall be captioned in the name of the person
 75 making the petition as petitioner and the commissioner of public
 76 safety as respondent. The petition shall state with specificity

1 the grounds upon which the petitioner seeks rescission of the
2 order of revocation or denial.

3 The filing of the petition shall not stay the revocation or
4 denial. The reviewing court may order a stay of the balance of
5 the revocation if the hearing has not been conducted within 60
6 days after filing of the petition upon terms the court deems
7 proper. Judicial reviews shall be conducted according to the
8 rules of civil procedure.

9 Subd. 6. HEARING. A hearing under this section shall
10 be before a municipal or county judge, in any county in the
11 judicial district where the alleged offense occurred. The
12 hearing shall be to the court and may be conducted at the same
13 time and in the same manner as hearings upon pre-trial motions
14 in the criminal prosecution under section 169.121, if any. The
15 hearing shall be recorded. The commissioner of public safety
16 shall appear and be represented by the attorney general or
17 through the prosecuting authority for the jurisdiction involved.

18 The hearing shall be held at the earliest practicable date,
19 and in any event no later than 60 days following the filing of
20 the petition for review. The judicial district administrator
21 shall establish procedures to ensure efficient compliance with
22 the provisions of this subdivision. To accomplish this, the
23 administrator may, whenever possible, consolidate and transfer
24 review hearings among the county courts within the judicial
25 district.

26 The scope of the hearing shall be limited to the issues of:

27 (1) whether the peace officer had probable cause to believe
28 the person was driving, operating, or in physical control of a
29 motor vehicle while under the influence of alcohol or a
30 controlled substance, and whether the person was lawfully placed
31 under arrest for violation of section 169.121, or the person was
32 involved in a motor vehicle accident or collision resulting in
33 property damage, personal injury or death, or the person refused
34 to take a screening test provided for by section 169.121,
35 subdivision 6, or the screening test was administered and
36 recorded an alcohol concentration of 0.10 or more; and

37 (2) whether at the time of the request for the test the
38 peace officer informed the person of ~~his~~ the person's rights and *
39 the consequences of taking or refusing the test as required by
40 subdivision 2; and

41 (3) either (a) whether the person refused to permit the
42 test, or (b) whether a test was taken and the test results
43 indicated an alcohol concentration of 0.10 or more at the time
44 of testing, and whether the testing method used was valid and
45 reliable, and whether the test results were accurately evaluated.

46 It shall be an affirmative defense for the petitioner to
47 prove that, at the time of the refusal, ~~his~~ the petitioner's *
48 refusal to permit the test was based upon reasonable grounds.

49 Certified or otherwise authenticated copies of laboratory
50 or medical personnel reports, records, documents, licenses and
51 certificates shall be admissible as substantive evidence.

52 The court shall order either that the revocation be
53 rescinded or sustained and forward the order to the commissioner
54 of public safety. The court shall file its order within 14 days
55 following the hearing. If the revocation is sustained, the
56 court shall also forward the person's driver's license or permit
57 to the commissioner of public safety for ~~his~~ further action by *
58 the commissioner of public safety if the license or permit is *
59 not already in the commissioner's possession.

60 No change for subd 7

61 Subd. 8. NOTICE OF ACTION TO OTHER STATES. When it
62 has been finally determined that a nonresident's privilege to
63 operate a motor vehicle in this state has been revoked or
64 denied, the commissioner of public safety shall give information
65 in writing of the action taken to the official in charge of
66 traffic control or public safety of the state of the person's
67 residence and of any state in which ~~he~~ the person has a license. *

68 Subd. 9. Repealed, 1984 c 622 s 26

69 No change for subd 10

169*#126S

70 169.126 ALCOHOL PROBLEM ASSESSMENT.

71 No change for subd 1

72 Subd. 2. The assessment report shall contain an evaluation
73 of the convicted defendant concerning ~~his~~ the defendant's prior *
74 traffic record, characteristics and history of alcohol problems,
75 and amenability to rehabilitation through the alcohol safety

1 program. The assessment report shall include a recommendation
 2 as to a treatment or rehabilitation program for the defendant.
 3 The assessment report shall be classified as private data on
 4 individuals as defined in section 13.02, subdivision 12.

5 No change for subd 3 to 6

169*#1261S

6 169.1261 REINSTATEMENT OF DRIVING PRIVILEGES; NOTICE.

7 Upon expiration of any period of revocation under section
 8 169.121 or 169.123, the commissioner of public safety shall
 9 notify the person of the terms upon which ~~his~~ driving privileges *
 10 can be reinstated, which terms are: (1) successful completion
 11 of a driving test and proof of compliance with any terms of
 12 alcohol treatment or counseling previously prescribed, if any;
 13 and (2) any other requirements imposed by the commissioner and
 14 applicable to that particular case. The commissioner shall also
 15 notify the person that if driving is resumed without
 16 reinstatement of driving privileges, the person will be subject
 17 to criminal penalties.

169*#129S

18 169.129 AGGRAVATED VIOLATIONS; PENALTY.

19 Any person who drives, operates, or is in physical control
 20 of a motor vehicle, the operation of which requires a driver's
 21 license, within this state or upon the ice of any boundary water
 22 of this state in violation of section 169.121 or an ordinance in
 23 conformity with it before ~~his~~ the person's driver's license or *
 24 driver's privilege has been reinstated following its
 25 cancellation, suspension or revocation (1) because ~~he~~ the person *
 26 drove, operated, or was in physical control of a motor vehicle
 27 while under the influence of alcohol or a controlled substance
 28 or while ~~he~~ the person had an alcohol concentration of 0.10 or *
 29 more or (2) because ~~he~~ the person refused to take a test which *
 30 determines the presence of alcohol or a controlled substance
 31 when requested to do so by a proper authority, is guilty of a
 32 gross misdemeanor. Jurisdiction over prosecutions under this
 33 section is in the county court.

169*#14S

34 169.14 SPEED RESTRICTIONS.

35 No change for subd 1 to 3

36 Subd. 4. ESTABLISHMENT OF ZONES BY COMMISSIONER.

37 ~~When the commissioner determines~~ On determining upon the basis *
 38 of an engineering and traffic investigation that any speed set
 39 forth in this section is greater or less than is reasonable or
 40 safe under the conditions found to exist on any trunk highway or
 41 upon any part thereof, ~~he~~ the commissioner may erect appropriate *
 42 signs designating a reasonable and safe speed limit thereat,
 43 which speed limit shall be effective when such signs are
 44 erected. Any speeds in excess of such limits shall be prima
 45 facie evidence that the speed is not reasonable or prudent and
 46 that it is unlawful; except that any speed limit within any
 47 municipality shall be a maximum limit and any speed in excess
 48 thereof shall be unlawful. ~~Whenever the commissioner determines~~ *
 49 On determining upon that basis that a part of the trunk highway
 50 system outside a municipality should be a zone of maximum speed
 51 limit, ~~he~~ the commissioner may establish that part as such a *
 52 zone by erecting appropriate signs showing the beginning and end
 53 of the zone, designating a reasonable and safe speed therefor,
 54 which may be different than the speed set forth in this section,
 55 and that it is a zone of maximum speed limit. The speed so
 56 designated by ~~him~~ the commissioner within any such zone shall be *
 57 a maximum speed limit, and speed in excess of such limit shall
 58 be unlawful. ~~He~~ The commissioner may in the same manner from *
 59 time to time alter the boundary of such a zone and the speed
 60 limit therein or eliminate such zone.

61 No change for subd 5 to 7

62 Subd. 8. MINIMUM SPEEDS. ~~Where the commissioner~~ *
 63 ~~determines~~ On determining upon the basis of an engineering and *
 64 traffic investigation that a speed at least as great as, or in
 65 excess of, a specified and determined minimum is necessary to
 66 the reasonable and safe use of any trunk highway or portion
 67 thereof, ~~he~~ the commissioner may erect appropriate signs *
 68 specifying the minimum speed on such highway or portion
 69 thereof. The minimum speed shall be effective when such signs
 70 are erected. Any speeds less than the posted minimum speeds
 71 shall be prima facie evidence that the speed is not reasonable
 72 or prudent and that it is unlawful.

73 No change for subd 9 to 10

169*#141S

1 169.141 FUEL CONSERVATION; HIGHWAY SPEED REDUCTIONS;
2 PENALTY.

3 No change for subd 1

4 Subd. 2. Upon a finding by the governor, after due
5 consideration of available information and consultation with
6 such federal and state officials as ~~he~~ the governor deems *
7 appropriate, that it is necessary to reduce highway vehicular
8 speeds, the commissioner of transportation, with the approval of
9 the governor, shall, by order, designate the maximum allowable
10 speed of vehicles using the highways of this state. The order
11 shall be effective the day following the filing of a certified
12 copy thereof in the office of the secretary of state, and shall
13 remain in effect until rescinded by order of the commissioner of
14 transportation. Any speed in excess of the designated maximum
15 speed as contained in the order is unlawful, and the penalties
16 provided in section 169.89 apply.

17 No change for subd 3 to 4

169*#16S

18 169.16 SPEED ON BRIDGES.

19 No person shall drive a vehicle over any bridge or other
20 elevated structure constituting a part of a highway at a speed
21 which is greater than the maximum speed which can be maintained
22 with safety to such bridge or structure, when such structure is
23 sign-posted as provided in this section.

24 The commissioner, upon request from any local authority,
25 shall, or, upon ~~his~~ the commissioner's own initiative, may, *
26 conduct an investigation of any bridge or other elevated
27 structure constituting a part of a highway, and ~~if he shall~~ *
28 ~~thereupon find~~ on finding that such structure cannot with safety *
29 to itself withstand vehicles traveling at the speed otherwise
30 permissible under this chapter, the commissioner shall determine
31 and declare the maximum speed of vehicles which such structure
32 can withstand and cause or permit suitable signs stating such
33 maximum speed to be erected and maintained at a distance of 100
34 feet before each end of such structure.

35 Upon the trial of any person charged with a violation of
36 this section, proof of the determination of the maximum speed by
37 the commissioner and the existence of the signs shall constitute
38 conclusive evidence of the maximum speed which can be maintained
39 with safety to such bridge or structure.

169*#18S

40 169.18 DRIVING RULES.

41 No change for subd 1 to 2

42 Subd. 3. PASSING. The following rules shall govern
43 the overtaking and passing of vehicles proceeding in the same
44 direction, subject to the limitations, exceptions, and special
45 rules hereinafter stated:

46 (1) The driver of a vehicle overtaking another vehicle
47 proceeding in the same direction shall pass to the left thereof
48 at a safe distance and shall not again drive to the right side
49 of the roadway until safely clear of the overtaken vehicle;

50 (2) Except when overtaking and passing on the right is
51 permitted, the driver of an overtaken vehicle shall give way to
52 the right in favor of the overtaking vehicle on audible warning,
53 and shall not increase the speed of ~~his~~ the overtaken vehicle *
54 until completely passed by the overtaking vehicle;

55 No change for subd 4 to 10

169*#19S

56 169.19 TURNING AND STARTING.

57 Subdivision 1. TURNING AT INTERSECTION. The driver
58 of a vehicle intending to turn at an intersection shall do so as
59 follows:

60 (1) Both the approach for a right turn and a right turn
61 shall be made as close as practicable to the right-hand curb or
62 edge of the roadway;

63 (2) Approach for a left turn on other than one-way roadways
64 shall be made in that portion of the right half of the roadway
65 nearest the center line thereof, and after entering the
66 intersection the left turn shall be made so as to leave the
67 intersection to the right of the center line of the roadway
68 being entered. Whenever practicable the left turn shall be made
69 in that portion of the intersection to the left of the center of
70 the intersection;

71 (3) Approach for a left turn from a two-way roadway into a
72 one-way roadway shall be made in that portion of the right half

1 of the roadway nearest the center line thereof and by passing to
2 the right of such center line where it enters the intersection;

3 (4) A left turn from a one-way roadway into a two-way
4 roadway shall be made from the left hand lane and by passing to
5 the right of the center line of the roadway being entered upon
6 leaving the intersection;

7 (5) Where both streets or roadways are one way, both the
8 approach for a left turn and a left turn shall be made as close
9 as practicable to the left-hand curb or edge of the roadway;

10 (6) Local authorities in their respective jurisdictions may
11 cause markers, buttons, or signs to be placed within or adjacent
12 to intersections and thereby require and direct that a different
13 course from that specified in this section be traveled by
14 vehicles turning at an intersection, and when markers, buttons,
15 or signs are so placed no driver of a vehicle shall turn a
16 vehicle at an intersection other than as directed and required
17 by such markers, buttons, or signs;

18 (7) Whenever it is necessary for the driver of a motor
19 vehicle to cross a bicycle lane adjacent to ~~his~~ the driver's *
20 lane of travel to make a turn, the driver shall drive the motor
21 vehicle into the bicycle lane prior to making the turn, and
22 shall make the turn, yielding the right of way to any vehicles
23 approaching so close thereto as to constitute an immediate
24 hazard.

25 No change for subd 2 to 7

26 Subd. 8. HAND SIGNALS. When the signal is given by
27 means of the hand and arm the driver shall indicate ~~his~~ *
28 intention to start, stop, or turn by extending the hand and arm
29 from and beyond the left side of the vehicle in the following
30 manner and these signals shall indicate as follows:

31 (1) Left turn. -- Hand and arm extended horizontally.

32 (2) Right turn. -- Hand and arm extended upward, except
33 that a bicyclist or motorcyclist may extend the right hand and
34 arm horizontally to the right side of the bicycle or motorcycle.

35 (3) Stop or decrease speed. -- Hand and arm extended
36 downward.

169*#20S

37 169.20 RIGHT-OF-WAY.

38 Subdivision 1. APPROACHING UNCONTROLLED INTERSECTION.

39 When two vehicles enter an uncontrolled intersection from
40 different highways at approximately the same time the driver of
41 the vehicle on the left shall yield the right-of-way to the
42 vehicle on the right.

43 At an uncontrolled approach to a T-shaped intersection, the
44 driver required to turn shall yield to the cross traffic.

45 The driver of any vehicle traveling at an unlawful speed
46 shall forfeit any right of way which ~~he~~ the driver might *
47 otherwise have hereunder.

48 The foregoing rules are modified as hereinafter stated in
49 this section.

50 No change for subd 2 to 4

51 Subd. 5. EMERGENCY VEHICLE. Upon the immediate
52 approach of an authorized emergency vehicle equipped with at
53 least one lighted lamp exhibiting red light visible under normal
54 atmospheric conditions from a distance of 500 feet to the front
55 of such vehicle and, except where otherwise not required by law,
56 when the driver is giving audible signal by siren, the driver of
57 each other vehicle shall yield the right of way and shall
58 immediately drive to a position parallel to and as close as
59 possible to the right-hand edge or curb of the highway clear of
60 any intersection, and shall stop and remain in this position
61 until the authorized emergency vehicle has passed, except when
62 otherwise directed by a police officer. The driver of an
63 authorized emergency vehicle escorting the movement of a vehicle
64 or load which is oversize or overweight need not sound an
65 audible signal by siren but shall exhibit the light required by
66 this paragraph. The driver of each other vehicle then shall
67 yield the right of way, as required by this paragraph, to the
68 emergency vehicle escorting the vehicle or load which is
69 oversize or overweight.

70 Upon the approach of an authorized emergency vehicle the
71 ~~motorman~~ driver of each street car and the operator of each *
72 trackless trolley car shall immediately stop such car clear of
73 any intersection and keep it in this position and keep the doors
74 and gates of the street car or trackless trolley car closed
75 until the authorized emergency vehicle has passed, except when

1 otherwise directed by a police officer,
 2 This subdivision shall not operate to relieve the driver of
 3 an authorized emergency vehicle from the duty to drive with due
 4 regard for the safety of persons using the highways.

5 No change for subd 6

169*#201S

6 169.201 YIELD SIGN.
 7 The driver of a vehicle approaching a YIELD sign shall slow
 8 to a speed that is reasonable for conditions of traffic and
 9 visibility, and stop if necessary, and yield the right of way to
 10 any pedestrian legally crossing the roadway ~~on-which-he-is~~
 11 ~~driving~~, and to all vehicles on the intersecting street or
 12 highway which are so close as to constitute an immediate hazard.

169*#21S

13 169.21 PEDESTRIANS.

14 No change for subd 1

15 Subd. 2. RIGHTS IN ABSENCE OF SIGNALS. Where
 16 traffic-control signals are not in place or in operation the
 17 driver of a vehicle shall yield the right of way, slowing down
 18 or stopping if need be to so yield, to a pedestrian crossing the
 19 roadway within a crosswalk but no pedestrian shall suddenly
 20 leave a curb or other place of safety and walk or run into the
 21 path of a vehicle which is so close that it is impossible for
 22 the driver to yield. This provision shall not apply under the
 23 conditions as otherwise provided in this subdivision.

24 When any vehicle is stopped at a marked crosswalk or at any
 25 unmarked crosswalk at an intersection to permit a pedestrian to
 26 cross the roadway, the driver of any other vehicle approaching
 27 from the rear shall not overtake and pass the stopped vehicle.

28 It is unlawful for any person to drive a motor vehicle
 29 through a column of school children crossing a street or highway
 30 or past a member of a school safety patrol, while the member of
 31 the school safety patrol is directing the movement of children
 32 across a street or highway and while the school safety patrol
 33 member is holding ~~his~~ an official signal in the stop position.

34 No change for subd 3 to 5

169*#222S

35 169.222 OPERATION OF BICYCLES.

36 No change for subd 1 to 2

37 Subd. 3. CLINGING TO VEHICLES. ~~No-person~~ Persons
 38 riding upon any bicycle, coaster, roller skates, toboggan, sled,
 39 skateboard, or toy vehicle shall not attach the same or ~~himself~~
 40 themselves to any street car or vehicle upon a roadway.

41 No change for subd 4 to 5

42 Subd. 6. BICYCLE EQUIPMENT. (a) No person shall
 43 operate a bicycle at nighttime unless the bicycle or its
 44 operator is equipped with a lamp which shall emit a white light
 45 visible from a distance of at least 500 feet to the front and
 46 with a red reflector of a type approved by the department of
 47 public safety which is visible from all distances from 100 feet
 48 to 600 feet to the rear when directly in front of lawful lower
 49 beams of head lamps on a motor vehicle. No person may operate a
 50 bicycle at any time when there is not sufficient light to render
 51 persons and vehicles on the highway clearly discernible at a
 52 distance of 500 feet ahead unless the bicycle or its operator is
 53 equipped with reflective surfaces that shall be visible during
 54 the hours of darkness from 600 feet when viewed in front of
 55 lawful lower beams of head lamps on a motor vehicle.

56 The reflective surfaces shall include reflective materials
 57 on each side of each pedal to indicate their presence from the
 58 front or the rear and with a minimum of 20 square inches of
 59 reflective material on each side of the bicycle or its
 60 operator. Any bicycle equipped with side reflectors as required
 61 by regulations for new bicycles prescribed by the United States
 62 consumer product safety commission shall be considered to meet
 63 the requirements for side reflectorization contained in this
 64 subdivision.

65 (b) No person shall operate a bicycle unless it is equipped
 66 with a brake which will enable the operator to make the braked
 67 wheels skid on dry, level, clean pavement.

68 (c) No person shall operate upon a highway any bicycle
 69 equipped with handlebars so raised that the operator must
 70 elevate ~~his~~ the hands above the level of ~~his~~ the shoulders in
 71 order to grasp the normal steering grip area.

72 (d) No person shall operate upon a highway any bicycle
 73 which is of such a size as to prevent the operator from stopping

1 the bicycle, supporting it with at least one foot on the highway
2 surface and restarting in a safe manner.

3 No change for subd 7 to 10

169*#26S

4 169.26 SPECIAL STOPS AT RAILROADS.

5 When any person driving a vehicle approaches a railroad
6 grade crossing and a clearly visible electric or mechanical
7 signal device gives warning of the immediate approach of a
8 train, the driver of such vehicle shall stop not less than ten
9 feet from the nearest track of such railroad and shall not
10 proceed until ~~he can~~ safe to do so ~~safely~~. *

11 The driver of a vehicle shall stop and remain standing and
12 not traverse such a grade crossing when the crossing gate is
13 lowered or when a human ~~flagman~~ flagger gives or continues to
14 give a signal of the approach or passage of a train. *

169*#28S

15 169.28 CERTAIN VEHICLES TO STOP AT RAILROADS.

16 The driver of any motor vehicle carrying passengers for
17 hire, or of any school bus whether carrying passengers or not,
18 or of any vehicle carrying explosive substances or flammable
19 liquids, or liquid gas under pressure as a cargo or part of a
20 cargo, before crossing at grade any track or tracks of a
21 railroad, shall stop the vehicle not less than ten feet from the
22 nearest rail of the railroad and while so stopped shall listen
23 and look in both directions along the track for any approaching
24 train, and for signals indicating the approach of a train,
25 except as hereinafter provided, and shall not proceed until ~~he~~
26 can safe to do so ~~safely~~. *

27 No stop need be made at any crossing where a police officer
28 or a traffic-control signal directs traffic to proceed.

29 No stop need be made at a crossing on a rail line on which
30 service has been abandoned and where a sign erected in
31 conformance with section 169.06 and bearing the word "Exempt"
32 has been installed, unless directed otherwise by a ~~flagman~~
33 flagger. The installation or presence of an exempt sign shall
34 not relieve any driver of the duty to use due care. *

35 This section shall not apply at street railway grade
36 crossings within a business or residence district.

37 A school bus shall not be flagged across railroad grade
38 crossings except at those railroad grade crossings that the
39 local school administrative officer may designate.

169*#29S

40 169.29 CROSSING RAILROAD TRACKS WITH CERTAIN EQUIPMENT.

41 No person shall operate or move any caterpillar tractor,
42 steam shovel, derrick, roller, or any equipment or structure
43 having a normal operating speed of six or less miles per hour or
44 a vertical body or load clearance of less than nine inches above
45 the level surface of a roadway upon or across any tracks at a
46 railroad grade crossing without first complying with this
47 section.

48 Before making any crossing, the person operating or moving
49 any vehicle or equipment set forth in this section shall first
50 stop the same not less than ten, nor more than 50, feet from the
51 nearest rail of the railway, and while so stopped shall listen
52 and look in both directions along the track for any approaching
53 train and for signals indicating the approach of a train, and
54 shall not proceed until the crossing can be made safely.

55 No crossing shall be made when warning is given by
56 automatic signal or crossing gates or a ~~flagman~~ flagger or
57 otherwise of the immediate approach of a railroad train or car. *

58 No stop need be made at a crossing on a rail line on which
59 service has been abandoned and where a sign erected in
60 conformance with section 169.06 and bearing the word "Exempt"
61 has been installed, unless directed otherwise by a ~~flagman~~
62 flagger. The installation or presence of an exempt sign shall
63 not relieve any driver of the duty to use due care. *

169*#30S

64 169.305 CONTROLLED ACCESS REGULATIONS AND PENALTIES.

65 No change for subd 1

66 Subd. 2. Except for a driver of an authorized emergency
67 vehicle in the course of performing ~~his~~ duties, no driver of a
68 vehicle shall back the same upon the roadway or shoulder of any
69 controlled access highway. *

70 No change for subd 3

169*#342S

71 169.342 GOOD SAMARITAN; EXCEPTION TO STOPPING AND

1 PARKING.

2 A person who stops or parks ~~his~~ that person's motor vehicle *
 3 on any highway or street for the sole purpose of aiding another
 4 motorist who signals for assistance by raising the hood of the
 5 vehicle or displaying a flag, flare or similar signal is not in
 6 violation of any law, ordinance, or regulation prohibiting the
 7 stopping or parking of a motor vehicle, and no peace officer
 8 shall issue a traffic ticket therefor if:

9 (a) The motorist in distress is not already being given aid
 10 or assistance;

11 (b) The person takes reasonable safety precautions in
 12 stopping and parking ~~his~~ the vehicle, and conforms with other *
 13 laws regulating the stopping and parking of vehicles;

14 (c) The person is not in violation of traffic laws or
 15 regulations other than the prohibition against stopping and
 16 parking; and

17 (d) The person promptly leaves the scene if directed to
 18 leave by a peace officer.

19 This section does not apply to any person who stops or
 20 parks a vehicle next to an unattended vehicle.

169*#345S

21 169.345 PARKING PRIVILEGES FOR PHYSICALLY HANDICAPPED.

22 Subdivision 1. SCOPE OF PRIVILEGE. Any physically
 23 handicapped person who displays prominently upon the vehicle
 24 parked by ~~him~~ or under ~~his~~ the direction and for ~~his~~ the use *
 25 of the handicapped person, the distinguishing certificate *
 26 specified in this section shall be entitled to courtesy in the
 27 parking of the vehicle and be relieved of any liability with
 28 respect to parking except as provided in sections 169.32 and
 29 169.34; provided that any municipal governing body may, by
 30 ordinance, prohibit parking on any street or highway for the
 31 purpose of creating a fire lane, or to provide for the
 32 accommodation of heavy traffic during morning and afternoon rush
 33 hours and the privileges extended to such handicapped persons
 34 shall not apply on streets or highways where and at such time
 35 parking is prohibited. The certificate specified in this
 36 section shall also serve to identify vehicles properly parked in
 37 designated handicapped parking spaces as provided in section
 38 169.346.

39 Subd. 2. DEFINITIONS. For the purpose of this
 40 section physically handicapped means any person who has
 41 sustained an amputation or material disability of either or both
 42 arms or legs, or who has been otherwise disabled in any manner
 43 rendering it difficult and burdensome ~~for-him~~ to walk. *

44 Subd. 3. IDENTIFYING CERTIFICATE. (a) The division
 45 of driver and vehicle services in the department of public
 46 safety shall issue without charge a special identifying
 47 certificate for a marked motor vehicle to any physically
 48 handicapped applicant upon submission by the applicant of a
 49 certificate by a qualified physician to the division that ~~he~~ the *
 50 applicant is a physically handicapped person within the meaning *
 51 of subdivision 2. (b) Upon submission of satisfactory evidence
 52 that a motor vehicle is used for the purpose of transporting
 53 physically handicapped persons within the meaning of subdivision
 54 2, the division may issue without charge a special identifying
 55 certificate or insignia for the vehicle. The operator of the
 56 vehicle, when displaying the certificate or insignia, has the
 57 same parking privileges provided in subdivision 1 for the
 58 physically handicapped during the period the vehicle is in use
 59 for transporting physically handicapped persons.

60 The commissioner of public safety shall determine the form,
 61 size and promulgate rules and regulations governing their
 62 issuance and use necessary to carry out the provisions of this
 63 section. The physician's certificate shall specify whether the
 64 disability is permanent or temporary, and if temporary, the
 65 opinion of the physician as to the duration of the disability.
 66 The commissioner may issue special identifying certificates to
 67 temporarily physically handicapped persons for limited periods
 68 of time.

69 Subd. 4. REVOCATION, PENALTY. If the police of the
 70 state or any city, or other local government shall find that the
 71 certificate is being improperly used, they shall report to the
 72 division of driver and vehicle services in the department of
 73 public safety any violation and the commissioner of public
 74 safety may ~~in-his-discretion~~ remove the privilege. *

75 Subd. 5. Repealed, 1967 c 389 s 2

169*#346S

1 169.346 PARKING FOR PHYSICALLY HANDICAPPED; PROHIBITIONS;
2 PENALTIES.

3 No change for subd 1 to 2

4 Subd. 3. PENALTY. Any person who violates the
5 provisions of subdivision 1 is guilty of a petty misdemeanor and
6 shall be fined not less than \$25 nor more than \$100. This
7 subdivision shall be enforced in the same manner as parking
8 ordinances or regulations are enforced in the governmental
9 subdivision in which the violation occurs. Law enforcement
10 officers have the authority to tag vehicles parked on either
11 private or public property in violation of the provisions of
12 subdivision 1. A handicapped person charged with violating
13 subdivision 1 because ~~he~~ the person parked in a handicapped *
14 parking space without the required certificate or insignia shall *
15 not be convicted ~~if he produces~~ upon producing in court or prior *
16 to the court appearance the required certificate or insignia and
17 demonstrates ~~that he was entitled~~ entitlement to the certificate *
18 or insignia at the time of arrest or tagging.

169*#37S

19 169.37 OBSTRUCTING VIEW OF DRIVER.

20 No person shall drive a vehicle when it is so loaded, or
21 when there are in the front seat such number of persons,
22 exceeding three, as to obstruct the view of the driver to the
23 front or sides of the vehicle or as to interfere with the
24 driver's control over the driving mechanism of the vehicle.

25 No passenger in a vehicle or street car shall ride in such
26 position as to interfere with the driver's ~~or motorman's~~ view *
27 ahead or to the sides, or to interfere with ~~his~~ the driver's *
28 control over the driving mechanism of the vehicle or street car.

169*#40S

29 169.40 FIRE APPARATUS; FIRE STATIONS.

30 No change for subd 1

31 Subd. 2. No person shall drive a vehicle within 50 feet of
32 the driveway entrance to any fire station while fire apparatus
33 is being driven into the fire station unless ~~he is~~ on official *
34 business.

169*#469S

35 169.469 INJUNCTION.

36 No change for subd 1

37 Subd. 2. Whenever it appears to the satisfaction of the
38 attorney general that any party has sold or offered for sale or
39 is selling or offering for sale any such new motor vehicle or
40 new item of motor vehicle equipment in violation of this
41 section, ~~he~~ the attorney general may, in the name of the state, *
42 seek injunctive relief in any court of competent jurisdiction
43 against any such violation or threatened violation.

169*#58S

44 169.58 IDENTIFICATION LAMPS.

45 No change for subd 1

46 Subd. 2. Any motor vehicles operated by an active member
47 of a volunteer fire department authorized by or contracting with
48 any city, town, or township in this state and upon obtaining a
49 permit therefor from the commissioner of public safety may be
50 equipped with a lamp emitting a red light to the front of such
51 vehicle. The lens of such lamp shall be not more than three
52 inches in diameter. Such lamp shall be lighted only when the
53 member of the volunteer fire department is responding to an
54 emergency call in connection with ~~his~~ duties as a volunteer *
55 firefighter. The commissioner of public safety is hereby
56 authorized to issue permits on applications of a member of a
57 volunteer fire department properly certified to by the chief of
58 said volunteer fire department, and it shall be the duty of the
59 chiefs of all volunteer fire departments to notify the
60 commissioner of public safety immediately upon the termination
61 of such membership.

62 Subd. 3. The commissioner of public safety, upon
63 application therefor, may issue a permit to any certificated
64 volunteer ambulance driver authorizing the driver to equip any
65 privately owned motor vehicle operated by ~~him~~ the driver with a *
66 lamp emitting a red light to the front of the vehicle. The
67 lamps shall conform to specifications adopted by the
68 commissioner. The lamp shall be lighted only when the driver is
69 proceeding to the location of an ambulance in response to an
70 emergency call. The application shall be in the form prescribed
71 by the commissioner and shall contain verification satisfactory

1 to the commissioner of the applicant's status as a certificated
2 volunteer ambulance driver. Any permit issued shall expire
3 immediately upon termination of the permittee's employment as a
4 volunteer ambulance driver.

169*#65S

5 169.65 SPECIFICATIONS FOR LIGHTING AND OTHER DEVICES.

6 The commissioner of public safety is hereby authorized and
7 required to adopt and enforce standard specifications as to the
8 amount, color and direction of light to be emitted or reflected
9 by lighting devices and as to the general construction and
10 mounting on the vehicle for compliance with the requirements and
11 limitations of this chapter.

12 No person shall have for sale, sell, or offer for sale for
13 use upon or as a part of the equipment of a vehicle, trailer or
14 semi-trailer, or use upon any such vehicle, any head lamp,
15 auxiliary driving lamp, rear lamp, signal lamp, spot lamp,
16 clearance lamp, marker lamp or reflector, or parts of any of the
17 foregoing, unless of a type which has been submitted to and
18 approved by the commissioner of public safety and-approved-by
19 him. *
*
*

20 No person shall have for sale, sell, or offer for sale for
21 use upon or as a part of the equipment of a vehicle, trailer or
22 semi-trailer, or bicycle, or use upon any such vehicle, any lamp
23 or device mentioned in this section, which has been approved by
24 the commissioner of public safety unless such lamp or device
25 bears thereon the trademark or name and model designation all
26 permanently marked under which it is approved so as to be
27 legible when installed.

28 No person shall use upon any vehicle, trailer or
29 semi-trailer or bicycle any lamps mentioned in this section
30 unless such lamps are equipped with bulbs of a type approved by
31 the commissioner of public safety, having a rated candle power,
32 and are mounted and adjusted as to focus and aim in accordance
33 with instructions of the commissioner of public safety.

34 The commissioner of public safety is hereby authorized to
35 approve or disapprove lighting devices.

36 The commissioner of public safety is hereby required to
37 approve or disapprove any lighting device, of a type on which
38 approval is specifically required in this chapter, within a
39 reasonable time after such device has been submitted.

40 The commissioner of public safety is further authorized to
41 set up a procedure which shall be followed when any device is
42 submitted for approval.

43 The commissioner of public safety is authorized to set and
44 collect a reasonable fee for the testing and approval of all
45 types of devices upon which approval is required in this
46 chapter. Such fee may be sufficient in amount to reimburse the
47 department of public safety for all costs connected with such
48 test and approval.

49 The commissioner of public safety, upon approving any such
50 lamp or device, shall issue to the applicant a certificate of
51 approval, together with any instructions determined by him the
52 commissioner of public safety. *
*

53 The commissioner of public safety shall publish lists of
54 all lamps and devices by name and type which have been approved
55 by him the commissioner of public safety, together with *
56 instructions as to the permissible candlepower rating of the *
57 bulbs which he the commissioner of public safety has determined *
58 for use therein and such other instructions as to adjustment *
59 as he the commissioner of public safety may deem necessary. No *
60 person shall sell for use or use on any vehicle any reconverted *
61 lamp or any device redesigned for a use other than for which it
62 was originally approved unless authorized by the commissioner of
63 public safety.

169*#66S

64 169.66 HEARINGS ON SPECIFICATIONS.

65 ~~When-the-commissioner-of-public-safety-has~~ With reason to *
66 believe that an approved device which is being sold commercially *
67 does not comply with the requirements of this chapter, he the *
68 commissioner of public safety may, after giving 30 days' *
69 previous notice to the person holding the certificate of
70 approval for such device in this state, conduct a hearing upon
71 the question of compliance of the approved device. After the
72 hearing the commissioner of public safety shall determine
73 whether the approved device meets the requirements of this
74 chapter. If it does not meet the requirements of this

1 chapter, ~~he~~ the commissioner of public safety shall give notice *
2 to the person holding the certificate of approval for such
3 device in this state.

4 If, at the expiration of 90 days after such notice, the
5 person holding the certificate of approval for such device has
6 failed to satisfy the commissioner of public safety that the
7 approved device as thereafter to be sold meets the requirements
8 of this chapter, the commissioner of public safety shall suspend
9 or revoke the approval issued therefor until or unless such
10 device is resubmitted to and retested by an authorized testing
11 agency and is found to meet the requirements of this chapter,
12 and may require that all such devices sold since the
13 notification following the hearing be replaced with devices that
14 do comply with the requirements of this chapter. The
15 commissioner of public safety may at the time of the retest
16 purchase in the open market and submit to the testing agency one
17 or more sets of such approved devices, and if such device upon
18 such retest fails to meet the requirements of this chapter, the
19 commissioner of public safety may refuse to renew the
20 certificate of approval of such device.

169*#68S

21 169.68 HORNS.

22 Every motor vehicle when operated upon a highway shall be
23 equipped with a horn in good working order and capable of
24 emitting sound audible under normal conditions from a distance
25 of not less than 200 feet, but no horn or other warning device
26 shall emit an unreasonably loud or harsh sound or a whistle.
27 The driver of a motor vehicle shall, when reasonably necessary
28 to insure safe operation, give audible warning with ~~his~~ the *
29 horn, but shall not otherwise use such horn when upon a highway.

30 No vehicle shall be equipped with, nor shall any person use
31 upon a vehicle, any siren, whistle, or bell, except as otherwise
32 permitted in this section. It is permissible, but not required,
33 that any commercial vehicle be equipped with a theft alarm
34 signal device which is so arranged that it cannot be used by the
35 driver as an ordinary warning signal. All authorized emergency
36 vehicles shall be equipped with a siren capable of emitting
37 sound audible under normal conditions from a distance of not
38 less than 500 feet and of a type approved by the department of
39 public safety, but such siren shall not be used except when such
40 vehicle is operated in response to an emergency call or in the
41 immediate pursuit of an actual or suspected violator of the law,
42 in which latter events the driver of such vehicle shall sound
43 the siren when necessary to warn pedestrians and other drivers
44 of the approach thereof.

169*#685S

45 169.685 SEAT BELTS AND PASSENGER RESTRAINT SYSTEMS FOR
46 CHILDREN.

47 No change for subd 1 to 4

48 Subd. 5. (a) Every parent or legal guardian of a child
49 under the age of four years residing in this state, when
50 transporting the child on the streets and highways of this state
51 in a motor vehicle that is owned by the parent or guardian and
52 was equipped with factory-installed seat belts, shall equip and
53 install for use in the motor vehicle, according to the
54 manufacturer's instructions, a child passenger restraint system
55 meeting federal motor vehicle safety standards.

56 (b) No parent or legal guardian of a child under the age of *
57 four years residing in this state who is operating a motor *
58 vehicle on the streets and highways of this state may *
59 transport ~~his or her~~ the child under the age of four in a seat
60 of the motor vehicle that was equipped with a factory-installed
61 seat belt, unless the child is securely fastened in the child
62 passenger restraint system. Any parent or legal guardian who
63 violates the provisions of this subdivision is guilty of a petty
64 misdemeanor. No penalty under clause (a) of this subdivision
65 may be applied to a person who shows satisfactory evidence to
66 the county court or violations bureau, in person or by mail, of
67 having purchased or otherwise obtained the use of a child
68 restraint system meeting federal motor vehicle safety standards,
69 within 30 days of the violation. No fine may be imposed for a
70 violation which is not a second or subsequent violation within a
71 one-year period. A fine for a violation of this subdivision
72 which is a petty misdemeanor may not exceed \$25.

169*#72S

73 169.72 SURFACE OF TIRES; TIRES WITH METAL STUDS.

1 No change for subd 1

2 Subd. 3. The commissioner of transportation shall
 3 prescribe specifications and guidelines for an in-depth study or
 4 test of the damage, if any, that may be caused to the public
 5 roadways of this state from the use of pneumatic tires that have
 6 embedded in them wire or wire coils for improving traction on
 7 ice and snow. The cost of such study and test shall be paid for
 8 by others, and no part of the study shall be paid for out of
 9 state funds except as may be incidentally spent for preparing
 10 specifications and guidelines. The study or test, if it is to
 11 be effective for the purposes of this subdivision, shall be made
 12 in accordance with the specifications and guidelines of the
 13 commissioner of transportation, and the tires so studied and
 14 tested shall be so constructed that the percent of wire or wire
 15 coils in contact with the roadway will not exceed, during the
 16 first 1,000 miles of use or operation, 20 percent of the total
 17 tire area in contact with the roadway, and after the first 1,000
 18 miles of use or operation of such tires, the wire or wire coils
 19 in contact with the roadway will not exceed eight percent of the
 20 total tire area contact with the roadway. The commissioner of
 21 transportation shall promptly evaluate the results of the study,
 22 ~~and if he determines~~ on determining that the use of pneumatic
 23 tires embedded with wire or wire coils meeting the above test
 24 specifications as to percentage of wire or wire coils in contact
 25 with the roadway will not damage the streets and highways or
 26 that the use of such tires will only cause slight and tolerable
 27 damage to the streets and highways, ~~he shall, by order,~~
 28 authorize the use of such tires on the streets and highways of
 29 this state, specifying in such order the months during which the
 30 tires may be used. The metal wire or coils used in such tires
 31 shall be of a limited hardness so that the wire or coils shall
 32 wear at the same rate as the rubber in such tires. When the
 33 tire is at rest, the wire or coils shall not protrude beyond the
 34 rubber surface of the tire, or shall protrude only to such an
 35 insignificant amount as not to cause damage to the highway
 36 roadways beyond the tolerable limits set by the commissioner. A
 37 certified copy of the order shall be filed with the secretary of
 38 state prior to the date that such tires are authorized by the
 39 order to be used on the highways and streets. The use of such
 40 tires in accordance with, and during the times specified in, the
 41 commissioner's order shall be lawful notwithstanding the
 42 provisions of subdivision 1.

43 No change for subd 4

169*#77S

44 169.77 LAMP AND BRAKE ADJUSTING STATIONS.

45 Subdivision 1. OFFICIAL STATIONS. The commissioner
 46 of public safety shall designate, furnish instructions to and
 47 supervise official stations for adjusting head lamps and
 48 auxiliary lamps and official stations for testing brakes to
 49 conform with the provisions of this chapter. The commissioner
 50 of public safety shall cause inspections to be made of such
 51 stations and shall revoke and require the surrender of the
 52 certificate issued to a station ~~which he finds~~ on finding that
 53 it is not properly equipped or conducted. When head lamps and
 54 auxiliary lamps or brakes have been adjusted in conformity with
 55 the instructions issued by the commissioner of public safety a
 56 certificate of adjustment shall be issued to the driver of the
 57 motor vehicle on forms issued in duplicate by the commissioner
 58 of public safety showing date of issue, registration number of
 59 the motor vehicle, owner's name, make of vehicle, and official
 60 designation of the adjusting station.

61 No change for subd 2

169*#78S

62 169.78 MUNICIPAL INSPECTION STATIONS.

63 Every municipality in the state shall have the power to
 64 acquire, erect, establish, equip, operate, and maintain motor
 65 vehicle testing stations, for the purpose of testing and
 66 inspecting motor vehicles using the public streets of any such
 67 municipality, and to finance and pay for the same out of the
 68 proceeds of the collection of fees charged for such inspection.
 69 Any municipality may pass, and by proper penalties enforce,
 70 ordinances for these purposes, and by such ordinances:

71 (1) Require the attendance of such motor vehicles at such
 72 testing station for the purpose of inspection, at such time as
 73 shall be deemed reasonable, after due notice thereof shall first
 74 have been given to the owner of such motor vehicle or ~~his~~ the

1 owner's agent; provided, that any owner of five or more *
 2 commercial vehicles having testing equipment and facilities
 3 meeting the requirements of the municipality may be exempted
 4 from the requirements of attendance at such testing station;
 5 (2) Require the payment of inspection fees, but such fees
 6 shall not exceed the amount of 50 cents for any one inspection,
 7 or \$1 for any one year;

8 (3) Provide free inspections as often as the owner desires
 9 between compulsory inspection periods;

10 (4) Provide for the issuance of an inspection certificate
 11 and require the same to be displayed on the windshield of such
 12 motor vehicle in the lower right corner thereof, and in such
 13 manner as not to obstruct the driver's view;

14 (5) Prohibit the operation on the public streets of such
 15 municipality of any motor vehicle which shall not have been
 16 submitted for inspection within a reasonable time after notice
 17 of such required inspection shall have been given to the owner
 18 of such motor vehicle or ~~his~~ the owner's agent, or any motor *
 19 vehicle which shall be found to be in a faulty or unsafe
 20 condition or in violation of any city ordinance or state law,
 21 and now having a proper inspection certificate properly
 22 displayed.

23 No such inspection shall be required of the owner of a
 24 vehicle who is not a resident of the municipality operating and
 25 maintaining the motor vehicle testing station.

26 In making such inspection or tests, no additional or
 27 different mechanical requirements than those provided by state
 28 law shall be imposed upon or against a motor vehicle or the
 29 owner thereof, or ~~his~~ the owner's agent, in order to entitle *
 30 such vehicle to an inspection certificate, but no such
 31 certificate shall be issued or attached to any vehicle until and
 32 unless such vehicle shall, upon such inspection, be found to
 33 comply with the terms of the state law.

169*#81S

34 169.81 HEIGHT AND LENGTH LIMITATION.

35 No change for subd 1 to 4

36 Subd. 5. MANNER OF LOADING. No vehicle shall be
 37 driven or moved on any highway unless such vehicle is so
 38 constructed, loaded, or the load securely covered as to prevent
 39 any of its load from dropping, sifting, leaking, or otherwise
 40 escaping therefrom, except that sand may be dropped for the
 41 purpose of securing traction, or water or other substances may
 42 be sprinkled on a roadway in cleaning or maintaining such
 43 roadway. This subdivision shall not apply to motor vehicles
 44 operated by a farmer or ~~his~~ the farmer's agent when transporting *
 45 produce ~~he~~ the farmer has produced. *

46 Subd. 6. Repealed, 1967 c 215 s 2

47 Subd. 7. Repealed, 1983 c 198 s 15

48 No change for subd 8 to 10

169*#86S

49 169.86 SPECIAL PERMITS.

50 Subdivision 1. APPLICATION FOR PERMIT. The
 51 commissioner, with respect to highways under ~~his~~ the
 52 commissioner's jurisdiction, and local authorities, with respect *
 53 to highways under their jurisdiction, may, in their discretion,
 54 upon application in writing and good cause being shown therefor,
 55 issue a special permit, in writing, authorizing the applicant to
 56 move a vehicle or combination of vehicles of a size or weight of
 57 vehicle or load exceeding the maximum specified in this chapter,
 58 or otherwise not in conformity with the provisions of this
 59 chapter, upon any highway under the jurisdiction of the party
 60 granting such permit and for the maintenance of which such party
 61 is responsible.

62 No change for subd 1a to 2

63 Subd. 3. DISCRETION TO ISSUE OR WITHHOLD; CONDITIONS OF
 64 OPERATION; LIABILITY INSURANCE. The commissioner or local
 65 authority ~~is authorized to~~ may issue or withhold such permit ~~at~~ *
 66 ~~his discretion~~; or, if such permit is issued, ~~to~~ limit or *
 67 prescribe conditions of operation of such vehicle or vehicles,
 68 when necessary to assure against undue damage to the road
 69 foundations, surfaces or structures, and may require such
 70 undertaking or other security as may be deemed necessary to
 71 compensate for any injury or damage to any roadway or road
 72 structure, and in addition may require that the operator or
 73 owner of such vehicle or vehicles have in effect with respect to
 74 the operation of such vehicle or vehicles a policy of liability

1 insurance or bond affording substantially the same coverage with
2 respect to injury to persons and damage to property as is
3 required for proof of financial responsibility under the
4 no-fault automobile insurance act, sections 65B.14 and 65B.41 to
5 65B.71.

6 No change for subd 3a to 4

7 Subd. 5. FEES. The commissioner, with respect to
8 highways under ~~his~~ the commissioner's jurisdiction, may charge a *
9 fee for each permit issued. All such fees for permits issued by
10 the commissioner of transportation shall be deposited in the
11 state treasury and credited to the trunk highway fund. Except
12 for those annual permits for which the permit fees are specified
13 elsewhere in this chapter, the fees shall be:

14 (a) \$15 for each single trip permit.

15 (b) \$36 for each job permit. A job permit may be issued
16 for like loads carried on a specific route for a period not to
17 exceed two months. "Like loads" means loads of the same
18 product, weight and dimension.

19 (c) \$60 for an annual permit to be issued for a period not
20 to exceed 12 consecutive months. Annual permits may be issued
21 for:

22 (1) refuse compactor vehicles that carry a gross weight up
23 to but not in excess of 22,000 pounds on a single rear axle and
24 not in excess of 38,000 pounds on a tandem rear axle;

25 (2) motor vehicles used to alleviate a temporary crisis
26 adversely affecting the safety or well-being of the public;

27 (3) motor vehicles which travel on interstate highways and
28 carry loads authorized under subdivision 1a.

29 (d) \$120 for an oversize annual permit to be issued for a
30 period not to exceed 12 consecutive months. Annual permits may
31 be issued for:

32 (1) truck cranes;

33 (2) construction equipment, machinery, and supplies;

34 (3) manufactured homes;

35 (4) farm equipment when the movement is not made according
36 to the provisions of section 169.80, subdivision 1, paragraphs
37 (a) to (f);

38 (5) double-deck buses;

39 (6) commercial boat hauling.

40 (e) for vehicles which have axle weights exceeding the
41 weight limitations of section 169.825, an additional cost added
42 to the fees listed above. The additional cost is equal to the
43 product of the distance traveled times the sum of the overweight
44 axle group cost factors shown in the following chart:

45 Overweight Axle Group Cost Factors

46 Weight (pounds)	47 Cost Per Mile For Each Group Of:		
48 exceeding	Two consec-	Three consec-	Four consec-
49 weight limi-	utive axles	utive axles	utive axles
50 tations on	spaced within	spaced within	spaced with-
51 axles	8 feet or	9 feet or	in 14 feet
	less	less	or less
52 0-2,000	.100	.040	.036
53 2,001-4,000	.124	.050	.044
54 4,001-6,000	.150	.062	.050
55 6,001-8,000	Not permitted	.078	.056
56 8,001-10,000	Not permitted	.094	.070
57 10,001-12,000	Not permitted	.116	.078
58 12,001-14,000	Not permitted	.140	.094
59 14,001-16,000	Not permitted	.168	.106
60 16,001-18,000	Not permitted	.200	.128
61 18,001-20,000	Not permitted	Not permitted	.140
62 20,001-22,000	Not permitted	Not permitted	.168

63 The amounts added are rounded to the nearest cent for each
64 axle or axle group. The additional cost does not apply to
65 paragraph (c), clauses (1) and (3).

66 (f) As an alternative to paragraph (e), an annual permit
67 may be issued for overweight, or oversize and overweight,
68 construction equipment, machinery, and supplies. The fees for
69 the permit are as follows:

70 Gross Weight (pounds) of vehicle	Annual Permit Fee
71 90,000 or less	\$200.00
72 90,001 - 100,000	\$300.00
73 100,001 - 110,000	\$400.00
74 110,001 - 120,000	\$500.00
75 120,001 - 130,000	\$600.00
76 130,001 - 140,000	\$700.00

1 If the gross weight of the vehicle is more than 140,000
 2 pounds the permit fee is determined under paragraph (e).
 3 (g) for vehicles which exceed the width limitations set
 4 forth in section 169.80 by more than 72 inches, an additional
 5 cost equal to \$120 added to the amount in paragraph (a) when the
 6 permit is issued while seasonal load restrictions pursuant to
 7 section 169.87 are in effect.

8 No change for subd 6

169*#87S

9 169.87 SEASONAL LOAD RESTRICTIONS; DESIGNATION OF TRUCK
 10 ROUTES.

11 Subdivision 1. OPTIONAL POWER. Local authorities,
 12 with respect to highways under their jurisdiction, may prohibit
 13 the operation of vehicles upon any such highway or impose
 14 restrictions as to the weight of vehicles to be operated upon
 15 any such highway, whenever any such highway, by reason of
 16 deterioration, rain, snow, or other climatic conditions, will be
 17 seriously damaged or destroyed unless the use of vehicles
 18 thereon is prohibited or the permissible weights thereof reduced.

19 The local authority enacting any such prohibition or
 20 restriction shall erect or cause to be erected and maintained
 21 signs plainly indicating the prohibition or restriction at each
 22 end of that portion of any highway affected thereby, and the
 23 prohibition or restriction shall not be effective unless and
 24 until such signs are erected and maintained.

25 Municipalities, with respect to highways under their
 26 jurisdiction, may also, by ordinance, prohibit the operation of
 27 trucks or other commercial vehicles, or may impose limitations
 28 as to the weight thereof, on designated highways, which
 29 prohibitions and limitations shall be designated by appropriate
 30 signs placed on such highways.

31 The commissioner shall likewise have authority, as
 32 hereinabove granted to local authorities, to determine and to
 33 impose prohibitions or restrictions as to the weight of vehicles
 34 operated upon any highway under the jurisdiction of the
 35 commissioner, and such restrictions shall be effective when
 36 signs giving notice thereof are erected upon the highway or
 37 portion of any highway affected by such action.

38 When a local authority petitions the commissioner to
 39 establish a truck route for travel into, through, or out of the
 40 territory under its jurisdiction, the commissioner shall
 41 investigate the matter. If the commissioner determines from ~~his~~ *
 42 investigation that the operation of trucks into, through, or out
 43 of the territory involves unusual hazards because of any or all
 44 of the following factors; load carried, type of truck used, or
 45 topographic or weather conditions, the commissioner may ~~make~~ *
 46 his, by order designating, designate certain highways under *
 47 his the commissioner's jurisdiction as truck routes into, *
 48 through, or out of such territory. When these highways have
 49 been marked as truck routes pursuant to the order, trucks
 50 traveling into, through, or out of the territory shall comply
 51 with the order.

52 No change for subd 2 to 3

169*#871S

53 169.871 CIVIL PENALTY.

54 Subdivision 1. CIVIL LIABILITY. The owner or lessee
 55 of a vehicle that is operated with a gross weight in excess of a
 56 weight limit imposed under sections 169.825 and 169.832 to
 57 169.851 and 169.87 or a shipper who ships or tenders goods for
 58 shipment in a single truck or combination vehicle that exceeds a
 59 weight limit imposed under sections 169.825 and 169.832 to
 60 169.851 and 169.87 is liable for a civil penalty as follows:

61 (a) If the total gross excess weight is not more than 1,000
 62 pounds, one cent per pound for each pound in excess of the legal
 63 limit;

64 (b) If the total gross excess weight is more than 1,000
 65 pounds but not more than 3,000 pounds, \$10 plus five cents per
 66 pound for each pound in excess of 1,000 pounds;

67 (c) If the total gross excess weight is more than 3,000
 68 pounds but not more than 5,000 pounds, \$110 plus ten cents per
 69 pound for each pound in excess of 3,000 pounds;

70 (d) If the total gross excess weight is more than 5,000
 71 pounds but not more than 7,000 pounds, \$310 plus 15 cents per
 72 pound for each pound in excess of 5,000 pounds;

73 (e) If the total gross excess weight is more than 7,000
 74 pounds, \$610 plus 20 cents per pound for each pound in excess of

1 7,000 pounds.

2 Any penalty imposed upon a defendant under this subdivision
3 shall not exceed the penalty prescribed by this subdivision.
4 Any fine paid by the defendant in a criminal overweight action
5 that arose from the same overweight violation shall be applied
6 toward payment of the civil penalty under this subdivision. A
7 peace officer who cites a driver for a violation of the weight
8 limitations established by sections 169.81 to 169.851 and 169.87
9 shall give written notice to the driver that he the driver or
10 another may also be liable for the civil penalties provided
11 herein in the same or separate proceedings.

*

*

*

*

*

*

*

12 No change for subd 1a to 7

169*#88S

13 169.88 DAMAGES; LIABILITY.

14 Any person driving any vehicle, object, or contrivance upon
15 any highway or highway structure shall be liable for all damage
16 which the highway or highway structure may sustain as a result
17 of any illegal operation, driving, or moving of such vehicle,
18 object, or contrivance, or as a result of operation, driving or
19 moving any vehicle, object, or contrivance weighing in excess of
20 the maximum weight in this chapter but authorized by a special
21 permit issued as provided in sections 169.80 to 169.88.

22 When such driver is not the owner of such vehicle, object,
23 or contrivance, but is so operating, driving, or moving the same
24 with the express or implied permission of the owner, then the
25 owner and driver shall be jointly and severally liable for any
26 such damage.

27 Any person who by his willful acts or failure to exercise
28 due care, damages any road, street, or highway or highway
29 structure shall be liable for the amount thereof.

30 Damages under this section may be recovered in a civil
31 action brought by the authorities in control of such highway or
32 highway structure.

169*#89S

33 169.89 PENALTIES.

34 No change for subd 1

35 Subd. 2. PENALTY; JURY TRIAL. A person charged with
36 a petty misdemeanor is not entitled to a jury trial but shall be
37 tried by a judge without a jury. If convicted, he the person is
38 not subject to imprisonment but shall be punished by a fine of
39 not more than \$100.

40 No change for subd 3 to 4

41 Subd. 5. DRIVER IMPROVEMENT CLINICS; ATTENDANCE. In
42 conjunction with or in lieu of other penalties provided by law
43 for violation of this chapter or a municipal ordinance enacted
44 in conformance thereto, the trial court may in its judgment of
45 conviction order the convicted person to attend and
46 satisfactorily complete a course of study at an approved driver
47 improvement clinic. The commissioner of public safety may, upon
48 his-own the motion of the commissioner of public safety or upon
49 recommendation of the court, suspend, for a period of not to
50 exceed 30 days, the operator's license or permit or nonresident
51 operating privilege of any person who fails or refuses to comply
52 with an order to attend a driver improvement clinic. The
53 requirement of attendance at a driver improvement clinic is not
54 a fine, imprisonment, or sentence within the meaning of section
55 609.02. The court may not order a convicted person to attend a
56 driver improvement clinic which is located more than 35 miles
57 from the person's residence. For the purposes of this section
58 "an approved driver improvement clinic" means a clinic whose
59 curriculum and mode of instruction conform to standards
60 promulgated by the commissioner of public safety.

169*#91S

61 169.91 ARRESTS.

62 Subdivision 1. PROCEDURE. When any person is
63 arrested for any violation of any law or ordinance relating to
64 the operation or registration of vehicles punishable as a petty
65 misdemeanor, misdemeanor, gross misdemeanor, or felony, the
66 arrested person shall be taken into custody and immediately
67 taken before a judge within the county in which the offense
68 charged is alleged to have been committed and who has
69 jurisdiction over the offenses and is nearest or most accessible
70 with reference to the place where the arrest is made, in any of
71 the following cases:

72 (1) When a person arrested demands an immediate appearance
73 before a judge;

1 (2) When a person is arrested and charged with an offense
2 under this chapter causing or contributing to an accident
3 resulting in injury or death to any person;

4 (3) When the person is arrested upon a charge of negligent
5 homicide;

6 (4) When the person is arrested upon a charge of driving or
7 operating or being in actual physical control of any motor
8 vehicle while under the influence of intoxicating liquor or
9 drugs;

10 (5) When the person is arrested upon a charge of failure to
11 stop in the event of an accident causing death, personal
12 injuries, or damage to property;

13 (6) When there is reasonable cause for believing that the
14 person arrested may leave the state, except as provided in
15 subdivision 4;

16 (7) In any other event when the person arrested refused to
17 give ~~his-written~~ a promise in writing to appear in court, as
18 provided in subdivision 3. *

19 Subd. 2. Repealed, Ex1971 c 27 s 49

20 Subd. 3. NOTICE TO APPEAR. When a person is arrested
21 for any violation of any law or ordinance relating to motor
22 vehicles, their registration or their operation, or the use of
23 the highways, the arresting officer shall prepare a written
24 notice to appear in court. This place must be before a judge
25 within the county in which the offense charged is alleged to
26 have been committed who has jurisdiction and is nearest or most
27 accessible with reference to the place of arrest.

28 In order to secure release, if the arrested person is
29 eligible for release, without being taken into custody and
30 immediately taken before a judge, as provided in this section,
31 the arrested person must give ~~his-written~~ a promise in writing
32 to appear in court by signing the written notice prepared by the
33 arresting officer. The officer shall retain the original of the
34 notice and deliver the copy marked, "SUMMONS" to the person
35 arrested. The officer shall then release the person arrested
36 from custody. *

37 Subd. 4. RECIPROCAL AGREEMENTS. The commissioner of
38 public safety is empowered to enter into and carry out
39 reciprocal agreements with duly authorized representatives of
40 other states, districts, territories and possessions of the
41 United States and provinces of foreign countries having laws or
42 compacts authorizing the release of residents of party
43 jurisdictions upon personal recognizance following arrest for
44 violation of a law or ordinance relating to the operation of a
45 motor vehicle.

46 (a) When a reciprocal agreement is in effect, a law
47 enforcement officer observing a violation of any traffic
48 regulation by a resident of a party jurisdiction shall issue an
49 appropriate citation and shall not, subject to the provisions of
50 clause (b), require the nonresident to post bond or collateral
51 to secure appearance for trial but shall accept the
52 nonresident's personal recognizance, except the nonresident has
53 the right upon request to post bond or collateral in a manner
54 provided by law and in that case the provisions of this
55 subdivision do not apply.

56 (b) A nonresident shall not be entitled to be released on
57 ~~his~~ personal recognizance if immediate appearance before a judge
58 is required by subdivision 1 or the offense is: *

59 (1) One which, upon conviction, would result in the
60 revocation of a person's drivers license under the laws of this
61 state; or

62 (2) A violation of a highway weight limitation; or

63 (3) A violation of a law governing transportation of
64 hazardous materials; or

65 (4) Driving a motor vehicle without a valid driver's
66 license.

169*#92S

67 169.92 FAILURE TO APPEAR.

68 Subdivision 1. Any person wilfully violating ~~his~~ the
69 person's written promise to appear in court, given as provided
70 in sections 169.90 to 169.95, is guilty of a misdemeanor,
71 provided ~~he~~ the person is found guilty of the charge upon
72 which ~~he-was~~ originally arrested. A written promise to appear
73 in court may be complied with by an appearance by counsel. *

74 Subd. 2. When a nonresident is released upon ~~his-written~~ a
75 promise in writing to appear and ~~he~~ has not appeared in court or *

1 complied with other orders of the court regarding the appearance
2 or proceedings, the court shall notify the commissioner of
3 public safety of the nonappearance upon a form provided by the
4 commissioner.

5 Subd. 3. Upon receipt of notice from the court that the
6 nonresident did not appear in court following release from
7 custody upon ~~his-written~~ the nonresident's promise in writing to
8 appear, the commissioner of public safety shall forward a copy
9 of the report to the driver licensing authority of the state,
10 district, territory, possession or province of residence of the
11 person.

12 Subd. 4. (a) Upon receiving a report from the driver
13 licensing authority of a state, district, territory or
14 possession of the United States or a province of a foreign
15 country which has an agreement in effect with this state
16 pursuant to section 169.91 that a resident of this state or a
17 person licensed as a driver in this state did not appear in
18 court following written promise to appear in the party
19 jurisdiction, the commissioner of public safety shall notify the
20 driver that ~~his~~ the driver's license will be suspended unless
21 the commissioner receives notice within 30 days that the driver
22 has appeared in the appropriate court of the other
23 jurisdiction. If the commissioner does not receive notice of
24 the appearance of the Minnesota resident in the appropriate
25 court within 30 days of the date of the commissioner's notice to
26 the driver, the commissioner may suspend the person's driver's
27 license.

28 (b) The order of suspension shall indicate the reason for
29 the order and shall notify the person that ~~his~~ the person's
30 license shall remain suspended until ~~he~~ the person has furnished
31 evidence, satisfactory to the commissioner ~~that-he-has-complied,~~
32 of compliance with any order entered by the court.

33 (c) Suspension shall be ordered under this subdivision only
34 when the report from the other jurisdiction clearly identifies
35 the person arrested; describes the violation, specifying the
36 section of the traffic law, ordinance, rule or regulation
37 violated; indicates the location and date of the offense; and
38 describes the vehicle involved and its registration number.

169*#973S

39 169.973 REGULATION OF CLINICS; DIRECTOR.

40 Subdivision 1. The commissioner of public safety shall
41 supervise the administration and conduct of driver improvement
42 clinics. The commissioner of public safety shall promulgate
43 rules and regulations setting forth standards for the curriculum
44 and mode of instruction of driver improvement clinics and such
45 other matters as ~~he~~ the commissioner of public safety considers
46 necessary for the proper administration of such clinics. In the
47 preparation of such standards the commissioner of public safety
48 shall consult with the commissioner of education and state
49 associations of judges. A driver improvement clinic established
50 under Laws 1965, Chapter 711 shall conform to the standards
51 promulgated by the commissioner of public safety. The course of
52 study at a driver improvement clinic may not exceed a cumulative
53 total of nine hours with no single class session lasting more
54 than three hours.

55 No change for subd 2

169*#974S

56 169.974 MOTORCYCLES, MOTOR SCOOTERS AND MOTOR BIKES.

57 No change for subd 1

58 Subd. 2. LICENSE REQUIREMENTS. No person shall
59 operate a motorcycle on any street or highway ~~unless-he-has~~
60 without having a valid standard driver's license with a
61 two-wheeled vehicle endorsement as provided by law. No such
62 two-wheeled vehicle endorsement shall be issued unless the
63 person applying therefor has in possession a valid two-wheeled
64 vehicle instruction permit as provided herein, has passed a
65 written examination and road test administered by the department
66 of public safety for such endorsement, and, in the case of
67 applicants under 18 years of age, shall present a certificate or
68 other evidence of having successfully completed an approved
69 two-wheeled vehicle driver's safety course in this or another
70 state, in accordance with rules promulgated by the state board
71 of education for courses offered through the public schools, or
72 rules promulgated by the commissioner of public safety for
73 courses offered by a private or commercial school or institute.
74 The commissioner of public safety may waive the road test for

1 any applicant ~~if he determines~~ on determining that the applicant *
 2 possesses a valid license to operate a two-wheeled vehicle
 3 issued by a jurisdiction that requires a comparable road test
 4 for license issuance. A two-wheeled vehicle instruction permit
 5 shall be issued to any person over 16 years of age, who is in
 6 possession of a valid driver's license, who is enrolled in an
 7 approved two-wheeled vehicle driver's safety course, and who has
 8 passed a written examination for such permit and has paid such
 9 fee as the commissioner of public safety shall prescribe. A
 10 two-wheeled vehicle instruction permit shall be effective for 45
 11 days, and may be renewed under rules to be prescribed by the
 12 commissioner of public safety.

13 No person who is operating by virtue of a two-wheeled
 14 vehicle instruction permit shall:

15 (a) Carry any passengers on the streets and highways of
 16 this state on the motorcycle which ~~he~~ the person is operating; *

17 (b) Drive the motorcycle at night time;

18 (c) Drive the motorcycle on any highway marked by the
 19 commissioner as an interstate highway pursuant to title 23 of
 20 the United States Code; or

21 (d) Drive the motorcycle without wearing protective
 22 headgear that complies with standards established by the
 23 commissioner of public safety.

24 Notwithstanding the provisions of this subdivision, the
 25 commissioner of public safety may, however, issue a special
 26 motorcycle permit, restricted or qualified in such manner as ~~he~~ *
 27 the commissioner of public safety shall deem proper, to any *
 28 person demonstrating a need therefor and unable to qualify for a
 29 standard driver's license.

30 No change for subd 3

31 Subd. 4. EQUIPMENT FOR OPERATORS AND PASSENGERS. (a)
 32 No person under the age of 18 shall operate or ride a motorcycle
 33 on the streets and highways of this state, ~~unless he is~~ without *
 34 wearing protective headgear that complies with standards
 35 established by the commissioner of public safety; and no person
 36 shall operate a motorcycle ~~unless he is~~ without wearing an *
 37 eye-protective device except when the motorcycle is equipped
 38 with a wind screen.

39 (b) The provisions of this subdivision shall not apply to
 40 persons during their participation in a parade for which parade
 41 a permit or other official authorization has been granted by a
 42 local governing body or other governmental authority or to
 43 persons riding within an enclosed cab.

44 No change for subd 5 to 7

169*#98S

45 169.98 POLICE OR PATROL VEHICLES; SECURITY GUARD
 46 VEHICLES; MARKINGS AND COLORS.

47 No change for subd 1

48 Subd. 2. The commissioner of public safety may authorize
 49 the use of specially marked state patrol vehicles, that have
 50 only a marking composed of a shield on the right door with the
 51 words inscribed thereon "Minnesota State Patrol" for primary use
 52 in the enforcement of highway traffic regulations when in ~~his~~ *
 53 the judgment of the commissioner of public safety the use of *
 54 specially marked state patrol vehicles will contribute to the
 55 safety of the traveling public. The number of such specially
 56 marked state patrol vehicles used in the enforcement of highway
 57 traffic regulations shall not exceed ten percent of the total
 58 number of state patrol vehicles used in traffic law
 59 enforcement. All specially marked state patrol vehicles shall
 60 be operated by uniformed members of the state patrol and so
 61 equipped and operated as to clearly indicate to the driver of a
 62 car which is signaled to stop that the specially marked state
 63 patrol vehicle is being operated by the state patrol.

64 No change for subd 3 to 4

169*#99S

65 169.99 UNIFORM TRAFFIC TICKET.

66 Subdivision 1. Except as provided in subdivision 3, there
 67 shall be a uniform ticket issued throughout the state by the
 68 police and peace officers or by any other person for violations
 69 of this chapter and ordinances in conformity thereto. Such
 70 uniform traffic ticket shall be in the form and have the effect
 71 of a summons and complaint. There shall also be included on the
 72 uniform ticket a receipt in lieu of bail which, when signed by
 73 the defendant, shall be a guarantee by ~~him-of-his-appearance~~ the *
 74 defendant to appear in the court having jurisdiction over the *

1 matter. The uniform traffic ticket shall consist of four parts,
2 on paper sensitized so that copies may be made without the use
3 of carbon paper, as follows:

4 (1) the complaint, with reverse side for officer's notes
5 for testifying in court, driver's past record, and court's
6 action, printed on white paper;

7 (2) the abstract of court record for the department of
8 public safety, which shall be a copy of the complaint with the
9 certificate of conviction on the reverse side, printed on yellow
10 paper;

11 (3) the police record, which shall be a copy of the
12 complaint and of the reverse side of copy (1), printed on pink
13 paper;

14 (4) the summons, with, on the reverse side, such
15 information as the court may wish to give concerning the traffic
16 violations bureau, and a plea of guilty and waiver, printed on
17 off-white tag stock.

18 Subd. 1a. In every charge of a violation of any provision
19 of this chapter, the uniform traffic ticket shall contain a
20 blank or space wherein the officer shall specify his the *
21 officer's opinion as to whether or not an offense which is *
22 otherwise a petty misdemeanor was committed in a manner or under
23 circumstances so as to endanger or be likely to endanger any
24 person or property.

25 Subd. 2. The attorney general shall by rule or regulation
26 promulgated in the manner provided by law prescribe the detailed
27 form of the uniform traffic ticket, and shall revise the uniform
28 ticket on such subsequent occasions as he the attorney general *
29 deems necessary and proper to keep the uniform ticket in
30 conformity with highway traffic regulations. In the manner
31 provided by law the attorney general shall give notice to all
32 interested parties of a hearing to be held prior to the
33 promulgation of the uniform traffic ticket or any changes
34 therein. The uniform traffic ticket shall not be in mandatory
35 use throughout the state until 18 months after the attorney
36 general has first promulgated the uniform traffic ticket and the
37 attorney general shall enforce the uniformity of the promulgated
38 traffic ticket throughout the state.

39 No change for subd 3

170*#55S

40 170.55 SERVICE OF PROCESS; RESIDENTS; NONRESIDENTS;
41 COMMISSIONER OF PUBLIC SAFETY AS AGENT.

42 Subdivision 1. The use and operation by a resident of this
43 state or his the resident's agent, or by a nonresident or his *
44 the nonresident's agent of a motor vehicle within the state of *
45 Minnesota, shall be deemed an irrevocable appointment by such *
46 resident ~~when-he-has-been~~ if absent from this state continuously *
47 for six months or more following an accident, or by such
48 nonresident at any time, of the commissioner of public safety to
49 be his the resident's or nonresident's true and lawful attorney *
50 upon whom may be served all legal process in any action or
51 proceeding against him the resident or nonresident or his the *
52 executor, administrator, or personal representative of the *
53 resident or nonresident growing out of such use and operation of *
54 a motor vehicle within this state, resulting in damages or loss
55 to person or property, whether the damage or loss occurs on a
56 highway or on abutting public or private property. Such
57 appointment is binding upon the nonresident's executor,
58 administrator, or personal representative. Such use or
59 operation of a motor vehicle by such resident or nonresident is
60 a signification of his agreement that any such process in any *
61 action against him the resident or nonresident or his executor, *
62 administrator, or personal representative of the resident or *
63 nonresident which is so served, shall be of the same legal force *
64 and validity as if served upon him the resident or nonresident *
65 personally or on his the executor, administrator, or personal *
66 representative of the resident or nonresident. Service of such *
67 process shall be made by serving a copy thereof upon the
68 commissioner or by filing such copy in his the commissioner's *
69 office, together with payment of a fee of \$2, and such service
70 shall be sufficient service upon the absent resident or the
71 nonresident or his the executor, administrator, or personal *
72 representative of the resident or nonresident; provided that *
73 notice of such service and a copy of the process are within ten
74 days thereafter sent by mail by the plaintiff to the defendant
75 at his the defendant's last known address and that the *

1 plaintiff's affidavit of compliance with the provisions of this
2 chapter is attached to the summons.

3 Subd. 2. The court in which the action is pending may
4 order such continuance as may be necessary to afford the
5 defendant reasonable opportunity to defend any such action, not
6 exceeding 90 days from the date of filing of the action in such
7 court. The fee of \$2 paid by the plaintiff to the commissioner
8 at the time of service of such proceedings shall be taxed in ~~his~~ *
9 the plaintiff's cost if he the plaintiff prevails in the suit. *
10 The said commissioner shall keep a record of all such processes
11 so served which shall show the day and hour of such service.

171*#01S

12 171.01 DEFINITIONS.

13 No change for subd 1 to 10

14 Subd. 11. COMMISSIONER. The commissioner of public
15 safety of the state of Minnesota, acting directly or through ~~his~~ *
16 duly authorized agents.

17 No change for subd 12 to 21

171*#015S

18 171.015 DRIVER'S LICENSE DIVISION.

19 Subdivision 1. A division in the department of public
20 safety to be known as the driver's license division is hereby
21 created, under the supervision and control of a director. The
22 commissioner may place the director's position in the
23 unclassified service if the position meets the criteria
24 established in section 43A.08, subdivision 1a ~~and he.~~ The *
25 director shall be assigned the duties and responsibilities *
26 prescribed in this section.

27 No change for subd 2 to 6

171*#02S

28 171.02 LICENSE; SURRENDER OF OTHER LICENSES.

29 Subdivision 1. No person, except those hereinafter
30 expressly exempted, shall drive any motor vehicle upon any
31 street or highway in this state unless such person has a license
32 valid under the provisions of this chapter for the type or class
33 of vehicle being driven. No person shall receive a driver's
34 license unless and until ~~he~~ the person surrenders to the *
35 department all valid driver's licenses in ~~his~~ possession issued *
36 to ~~him~~ the person by any other jurisdiction. All surrendered *
37 licenses shall be returned by the department to the issuing
38 department together with information that licensee is now
39 licensed in new jurisdiction. No person shall be permitted to
40 have more than one valid driver's license at any time.

41 Subd. 2. VOLUNTEER FIREFIGHTERS; TRUCKS AND EMERGENCY
42 EQUIPMENT; MIDMOUNT AERIAL LADDER TRUCK. Drivers' licenses
43 shall be classified according to the types of vehicles which may
44 be driven by the holder of each type or class of license. The
45 commissioner may, as appropriate, subdivide the classes listed
46 in this subdivision and issue licenses classified accordingly.
47 No class of license shall be valid to operate a motorcycle or
48 school bus unless so endorsed. There shall be three general
49 classes of licenses as follows:

50 (a) Class C; valid for all farm trucks as defined in
51 section 168.011, subdivision 17, operated by the owner or an
52 immediate ~~member-of-his~~ family member or an employee not *
53 primarily employed for the purpose of operating the farm truck
54 or employed for the purpose of operating the farm truck during
55 harvest for the first, continuous transportation of agricultural
56 products from the place of production or on farm storage site to
57 any other location within 50 miles of the place of the
58 production or on farm storage site, fire trucks and emergency
59 fire equipment, regardless of the number of axles, and whether
60 or not in excess of 26,000 pounds GVW, driven or operated by
61 volunteer firefighters while on duty, and all single unit
62 two-axle vehicles not in excess of 26,000 pounds GVW including
63 vehicles with a temporary auxiliary axle as defined in section
64 169.67, subdivision 4. Holder may also tow trailers under
65 10,000 pounds GVW including house trailers. Buses as defined
66 under this chapter may not be driven by a holder of a class C
67 license. A person employed as a ~~tillerman~~ tiller operator by a *
68 fire department may drive the rear portion of a midmount aerial
69 ladder truck with a class C license.

70 (b) Class B; valid for all vehicles in class C and all
71 other single unit vehicles including buses.

72 (c) Class A; valid for any vehicle or combination thereof.

73 No change for subd 3

171*#03S

1 171.03 PERSONS EXEMPT.
2 The following persons are exempt from license hereunder:
3 (1) Any person in the employ or service of the United
4 States federal government while driving or operating a motor
5 vehicle owned by or leased to the United States federal
6 government;
7 (2) Any person while driving or operating any farm tractor,
8 or implement of husbandry temporarily operated or moved on a
9 highway;
10 (3) A nonresident who is at least 15 years of age and who
11 has in ~~his~~ immediate possession a valid driver's license issued *
12 to ~~him~~ the nonresident in ~~his~~ the home state or country may *
13 operate a motor vehicle in this state only as a driver;
14 (4) Any nonresident who is at least 18 years of age, whose
15 home state or country does not require the licensing of drivers
16 may operate a motor vehicle as a driver, only for a period of
17 not more than 90 days in any calendar year if the motor vehicle
18 so operated is duly registered for the current calendar year in
19 the home state or country of such nonresident;
20 (5) Any person who becomes a resident of the state of
21 Minnesota and who has in ~~his~~ possession a valid driver's license *
22 issued to ~~him~~ the person under and pursuant to the laws of some *
23 other state or province or by military authorities of the United
24 States may operate a motor vehicle as a driver, only for a
25 period of not more than 60 days after becoming a resident of
26 this state without being required to have a Minnesota driver's
27 license as provided in this chapter;
28 (6) Any person operating a snowmobile, as defined in
29 section 84.81.

171*#04S

30 171.04 PERSONS NOT ELIGIBLE FOR DRIVER'S LICENSES.
31 The department shall not issue a driver's license hereunder:
32 (1) To any person who is under the age of 16 years; to any
33 person under 18 years unless such person shall have successfully
34 completed a course in driver education, including both classroom
35 and behind-the-wheel instruction, approved by the state board of
36 education for courses offered through the public schools, or, in
37 the case of a course offered by a private, commercial driver
38 education school or institute, by the department of public
39 safety; except when such person has completed a course of driver
40 education in another state or has a previously issued valid
41 license from another state or country; nor to any person under
42 18 years unless the application of license is approved by either
43 parent when both reside in the same household as the minor
44 applicant, otherwise the parent having custody or with whom the
45 minor is living in the event there is no court order for
46 custody, or guardian having the custody of such minor, or in the
47 event a person under the age of 18 has no living ~~father, mother~~ *
48 parent or guardian, the license shall not be issued to such *
49 person unless ~~his~~ the application therefor is approved by ~~his~~ *
50 the person's employer. Driver education courses offered in any *
51 public school shall be open for enrollment to persons between
52 the ages of 15 and 18 years residing in the school district or
53 attending school therein. Any public school offering driver
54 education courses may charge an enrollment fee for the driver
55 education course which shall not exceed the actual cost thereof
56 to the public school and the school district. The approval
57 required herein shall contain a verification of the age of the
58 applicant;
59 (2) To any person whose license has been suspended during
60 the period of suspension except that a suspended license may be
61 reinstated during the period of suspension upon the licensee
62 furnishing proof of financial responsibility in the same manner
63 as provided in the Minnesota no-fault automobile insurance act;
64 (3) To any person whose license has been revoked except
65 upon furnishing proof of financial responsibility in the same
66 manner as provided in the Minnesota no-fault automobile
67 insurance act and if otherwise qualified;
68 (4) To any person who is a drug-dependent person as defined
69 in section 254A.02, subdivision 5;
70 (5) To any person who has been adjudged legally incompetent
71 by reason of mental illness, mental deficiency, or inebriation,
72 and has not been restored to capacity, unless the department is
73 satisfied that such person is competent to operate a motor
74 vehicle with safety to persons or property;

1 (6) To any person who is required by this chapter to take
2 an examination, unless such person shall have successfully
3 passed such examination;

4 (7) To any person who is required under the provisions of
5 the Minnesota no-fault automobile insurance act of this state to
6 deposit proof of financial responsibility and who has not
7 deposited such proof;

8 (8) To any person when the commissioner has good cause to
9 believe that the operation of a motor vehicle on the highways by
10 such person would be inimical to public safety or welfare;

11 (9) To any person when, in the opinion of the commissioner,
12 such person is afflicted with or suffering from such physical or
13 mental disability or disease as will affect such person in a
14 manner to prevent ~~him~~ the person from exercising reasonable and *
15 ordinary control over a motor vehicle while operating the same
16 upon the highways; nor to a person who is unable to read and
17 understand official signs regulating, warning, and directing
18 traffic.

171*#041S

19 171.041 RESTRICTED LICENSES FOR FARM WORK.

20 Notwithstanding any provisions of section 171.04, relating
21 to the age of an applicant to the contrary, the commissioner may
22 issue a restricted farm work license to operate a motor vehicle
23 to a person who has attained the age of 15 years but who is
24 under the age of 16 years and who, except for ~~his~~ age, is *
25 qualified to hold a driver's license. The restricted license
26 shall be issued solely for the purpose of authorizing the person
27 to whom the restricted license is issued to assist ~~his~~ the *
28 person's parents or guardians with farm work. A person holding *
29 such a restricted license may operate a motor vehicle only
30 during daylight hours and only within a radius of 20 miles
31 of ~~his~~ the parent's or guardian's farmhouse; however, in no case *
32 may a person holding such a restricted license operate a motor
33 vehicle in a city of the first class. An applicant for a
34 restricted license shall apply to the commissioner for the
35 license on forms prescribed by the commissioner. The
36 application shall be accompanied by a written verified statement
37 by the applicant's parent or guardian setting forth the
38 necessity for the license.

171*#042S

39 171.042 DRIVER'S LICENSE FOR MEDICAL REASONS.

40 Notwithstanding any provisions of section 171.04, relating
41 to the age of an applicant, the commissioner may issue a
42 driver's license to a person who has attained the age of 15
43 years but is under the age of 16 years, who, except for ~~his~~ age, *
44 is qualified to hold a driver's license and who needs to operate
45 a motor vehicle because of personal or family medical reasons.
46 Applicants shall apply to the commissioner for the license on
47 forms prescribed by the commissioner. The application shall be
48 accompanied by written verified statements by the applicant's
49 parent or guardian and by a doctor setting forth the necessity
50 for the license. The commissioner in issuing such license may
51 impose such conditions and limitations as in ~~his~~ the *
52 commissioner's judgment are necessary to the interests of the *
53 public safety and welfare.

171*#05S

54 171.05 INSTRUCTION PERMITS.

55 Subdivision 1. Any person who, except for ~~his~~ a lack of *
56 instruction in operating a motor vehicle, would otherwise be
57 qualified to obtain a Class C driver's license under this
58 chapter, may apply for an instruction permit and the department
59 shall issue such permit entitling the applicant, while having
60 such permit in ~~his~~ immediate possession, to drive a motor *
61 vehicle for which a Class C license is valid upon the highways
62 for a period of one year, but such person must be accompanied by
63 an adult licensed driver who is actually occupying a seat beside
64 the driver. Any license of a lower class may be used as an
65 instruction permit for a higher class for a period of six months
66 after passage of the written test or tests required for the
67 higher class and when the licensee is accompanied by and
68 receiving instruction from a holder of the appropriate higher
69 class license. A copy of the record of examination taken for
70 the higher class license must be carried by the driver while
71 using such lower class license as an instruction permit.

72 Subd. 2. Notwithstanding any provision in subdivision 1 to
73 the contrary, the department, upon application therefor, may

1 issue an instruction permit to an applicant who is 15 years of
 2 age and who is enrolled in an approved driver education program
 3 including behind the wheel training. Such an instruction permit
 4 holder who has the permit in ~~his~~ possession may operate a motor
 5 vehicle while receiving behind the wheel training in an approved
 6 driver education program, but only when accompanied by an
 7 authorized instructor who occupies the seat beside ~~him~~ the
 8 permit holder, or during and upon completion of the course while
 9 accompanied by a licensed parent or guardian or licensed adult
 10 driver authorized by the parent or guardian who also must occupy
 11 the seat beside the instruction permit holder.

171*#06S

12 171.06 LICENSES, PERMITS.

13 No change for subd 1 to 2a

14 Subd. 3. CONTENTS OF APPLICATION. Every application
 15 shall state the full name, date of birth, sex and residence
 16 address of the applicant, a description of the applicant in such
 17 manner as the commissioner may require, and shall state whether
 18 or not the applicant has theretofore been licensed as a driver;
 19 and, if so, when and by what state or country and whether any
 20 such license has ever been suspended or revoked, or whether an
 21 application has ever been refused; and, if so, the date of and
 22 reason for such suspension, revocation, or refusal, together
 23 with such facts pertaining to the applicant and ~~his~~ the
 24 applicant's ability to operate a motor vehicle with safety as
 25 may be required by the commissioner. The application form shall
 26 contain a notification to the applicant of the availability of
 27 the donor document provided pursuant to section 171.07,
 28 subdivision 5, and shall contain spaces where the applicant must
 29 indicate a desire to receive or not to receive the donor
 30 document. The application shall be in the form prepared by the
 31 commissioner.

32 Subd. 3a. MIDDLE NAME MAY-BE-MAIDEN-NAME. For the
 33 purposes of subdivision 3, and section 171.07, subdivision 1,
 34 the full name of a married applicant may include, at the option
 35 of the applicant, the applicant's family name prior to marriage
 36 instead of the applicant's given middle name, notwithstanding
 37 the middle name specified on the applicant's marriage
 38 certificate.

39 Subd. 4. APPLICATION, FILING: Any applicant for an
 40 instruction permit, a driver's license, restricted license, or
 41 duplicate license may file an application with a clerk of the
 42 district court or at a state office. The clerk or state office
 43 shall receive and accept the application. To cover all expenses
 44 involved in receiving, accepting, or forwarding to the
 45 department applications and fees, the clerk of the district
 46 court may retain a county fee of \$1 for each application for a
 47 Minnesota identification card, instruction permit, duplicate
 48 license, driver license, or restricted license. The amount
 49 allowed to be retained by the clerk of the district court shall
 50 be paid into the county treasury and credited to the general
 51 revenue fund of the county. The clerk of court shall forward
 52 all applications and fees, less the amount herein allowed to be
 53 retained for expense, to the department within 72 hours of the
 54 final day of any established reporting period. The clerks of
 55 the district courts may appoint agents to assist in accepting
 56 applications, but the clerks shall require every agent to
 57 forward to the clerk by whom ~~he~~ the agent is appointed all
 58 applications accepted and fees collected by ~~him~~ the agent,
 59 except that an agent may retain one-half of the \$1 county fee to
 60 cover ~~his~~ the agent's expenses involved in receiving, accepting
 61 or forwarding the applications and fees. The clerks of court
 62 shall be responsible for the acts of agents appointed by them
 63 and for the forwarding to the department of all applications
 64 accepted and those fees collected by agents and by themselves as
 65 are required to be forwarded to the department.

66 Subd. 5. Repealed, 1979 c 150 s 2

171*#07S

67 171.07 DEPARTMENT TO ISSUE LICENSE AND NONQUALIFICATION
68 CERTIFICATES; ANATOMICAL GIFT INDICATION.

69 Subdivision 1. LICENSE; CONTENTS. The department
 70 shall, upon the payment of the required fee, issue to every
 71 applicant qualifying therefor a license designating the type or
 72 class of vehicles ~~he~~ the applicant is authorized to drive as
 73 applied for, which license shall bear thereon a distinguishing
 74 number assigned to the licensee, the full name, date of birth,

1 residence address and permanent mailing address if different, a
 2 description of the licensee in such manner as the commissioner
 3 deems necessary, and a space upon which the licensee shall write
 4 ~~his~~ the usual signature and ~~his-or-her~~ the date of birth of
 5 the licensee with pen and ink. No license shall be valid until
 6 it has been so signed by the licensee. Except in the case of an
 7 instruction permit, every license shall bear thereon a colored
 8 photograph of the licensee. Every license issued to an
 9 applicant under the age of 19 shall be of a distinguishing color
 10 and plainly marked "provisional." The department shall use such
 11 process or processes in the issuance of licenses that prohibits
 12 as near as possible, the ability to alter or reproduce the
 13 licenses, or prohibit the ability to superimpose a photo on such
 14 licenses without ready detection. A license issued to an
 15 applicant of age 65 or over shall be plainly marked "senior" if
 16 requested by the applicant.

17 No change for subd 1a to 2

18 Subd. 3. Upon payment of the required fee the department
 19 shall issue to every applicant therefor a Minnesota
 20 identification card. The card must bear a distinguishing number
 21 assigned to the applicant, a colored photograph, the full name,
 22 date of birth, residence address, a description of the applicant
 23 in the manner as the commissioner deems necessary, and a space
 24 upon which the applicant shall write ~~his~~ the usual signature and
 25 ~~his~~ the date of birth of the applicant with pen and ink.

26 Each Minnesota identification card must be plainly marked
 27 "Minnesota identification card - not a driver's license." The
 28 fee for a Minnesota identification card issued to a person who
 29 is mentally retarded, as defined in section 252A.02, subdivision
 30 2, is 50 cents.

31 No change for subd 3a to 5

171*#08S

32 171.08 LICENSEE TO HAVE LICENSE IN POSSESSION.

33 Every licensee shall have ~~his~~ the license in ~~his~~ immediate
 34 possession at all times when operating a motor vehicle and shall
 35 display it upon demand of a peace officer, an authorized
 36 representative of the department, or an officer authorized by
 37 law to enforce the laws relating to the operation of motor
 38 vehicles on public streets and highways. No person charged with
 39 violating the possession requirement shall be convicted if ~~he~~
 40 the person produces in court or the office of the arresting
 41 officer a driver's license previously issued to ~~him~~ that person
 42 for the class of vehicle ~~which-he-was-driving~~ being driven which
 43 was valid at the time of ~~his~~ arrest or satisfactory proof that
 44 at the time of the arrest ~~he~~ the person was validly licensed for
 45 the class of vehicle ~~which-he-was-driving~~ being driven. The
 46 licensee shall also, upon request of any officer, write ~~his~~ the
 47 licensee's name in the presence of the officer to determine the
 48 identity of the licensee.

171*#09S

49 171.09 COMMISSIONER MAY IMPOSE RESTRICTIONS.

50 The commissioner shall have the authority, when good cause
 51 appears, to impose restrictions suitable to the licensee's
 52 driving ability or such other restrictions applicable to the
 53 licensee as the commissioner may determine to be appropriate to
 54 assure the safe operation of a motor vehicle by the licensee.
 55 The commissioner may, upon receiving satisfactory evidence of
 56 any violation of the restrictions of such license, suspend or
 57 revoke the same, but the licensee shall be entitled to a
 58 hearing, as provided herein.

59 It shall be unlawful for any person to operate a motor
 60 vehicle in any manner in violation of the restrictions imposed
 61 in a restricted license issued to ~~him~~ that person.

171*#10S

62 171.10 DUPLICATE LICENSES; VEHICLE ENDORSEMENT.

63 No change for subd 1

64 Subd. 2. ~~When~~ Any person, after applying for or receiving
 65 a driver's license and prior to the expiration year of the
 66 license, who wishes to have a motorcycle or school bus vehicle
 67 endorsement added to the license, ~~he~~ shall, after taking the
 68 necessary examination, apply for a duplicate license and make
 69 payment of the proper fee.

171*#11S

70 171.11 CHANGE OF DOMICILE OR NAME.

71 When any person, after applying for or receiving a driver's
 72 license, shall change ~~his~~ permanent domicile from the address

1 named in such application or in the license issued to ~~him~~ the *
 2 person, or shall change ~~his-er-her~~ a name by marriage or *
 3 otherwise, such person shall, within 30 days thereafter, make
 4 application for a duplicate driver's license upon a form
 5 furnished by the department; such application or duplicate
 6 license shall show both the licensee's old address and ~~his~~ new *
 7 address or ~~his~~ the former name and new name as the case may be. *
 8 Such application for a duplicate license, upon change of address
 9 or change of name, shall be accompanied by all certificates of
 10 driver's license then in the possession of the applicant
 11 together with the required fee.

171*#12S

12 171.12 FILING.
 13 No change for subd 1
 14 Subd. 2. ACCIDENT REPORTS AND ABSTRACTS OF COURT
 15 RECORDS OF CONVICTION FILED. The department shall file all
 16 accident reports and abstracts of court records of convictions
 17 received by it under the laws of this state and its political
 18 subdivisions, and in connection therewith maintain convenient
 19 records or make suitable notations in order that an individual
 20 record of each licensee showing the convictions of such licensee
 21 and the traffic accidents in which ~~he~~ the licensee has been *
 22 involved shall be readily ascertainable and available for the
 23 consideration of the department upon any application for renewal
 24 of license and the revocation, suspension, or limitation of
 25 licenses. No record shall be maintained of a conviction of any
 26 Minnesota resident for an offense committed while operating a
 27 vehicle as a chauffeur in any other state or Canadian province
 28 unless such state or province is one with which Minnesota
 29 engages in reciprocal reporting of convictions.
 30 No change for subd 3 to 5

171*#13S

31 171.13 EXAMINATION.
 32 Subdivision 1. APPLICANTS. Except as otherwise
 33 provided in this section, the commissioner shall examine each
 34 applicant for a driver's license by such agency as ~~he~~ the *
 35 commissioner directs. This examination must include a test of *
 36 applicant's eyesight; ability to read and understand highway
 37 signs regulating, warning, and directing traffic; knowledge of
 38 traffic laws; knowledge of the effects of alcohol and drugs on a
 39 driver's ability to operate a motor vehicle safely and legally;
 40 an actual demonstration of ability to exercise ordinary and
 41 reasonable control in the operation of a motor vehicle; and
 42 other physical and mental examinations as the commissioner finds
 43 necessary to determine the applicant's fitness to operate a
 44 motor vehicle safely upon the highways, provided, further
 45 however, no driver's license shall be denied an applicant on the
 46 exclusive grounds that the applicant's eyesight is deficient in
 47 color perception. Provided, however, that war veterans
 48 operating motor vehicles especially equipped for handicapped
 49 persons, shall, if otherwise entitled to a license, be granted
 50 such license. The commissioner shall make provision for giving
 51 these examinations either in the county where the applicant
 52 resides or at a place adjacent thereto reasonably convenient to
 53 the applicant.

54 Subd. 1a. WAIVER. The commissioner may waive the
 55 requirement that the applicant demonstrate ~~his~~ ability to *
 56 exercise ordinary and reasonable control in the operation of a *
 57 motor vehicle ~~if-he-determines~~ on determining that the applicant
 58 possesses a valid driver's license issued by a jurisdiction that
 59 requires a comparable demonstration for license issuance.

60 No change for subd 2

61 Subd. 3. EXAMINATION OF LICENSED DRIVER. The
 62 commissioner may require an examination by such agency as ~~he~~ the *
 63 commissioner directs of any licensed driver, to determine *
 64 incompetency, physical or mental disability or disease, or any
 65 other condition which might affect the driver from exercising
 66 reasonable and ordinary control over a motor vehicle, but no
 67 examination shall be required only for the reason that any
 68 licensed driver has attained a certain age. If as a result of
 69 the examination the commissioner believes that the driver is an
 70 unsafe person to operate a motor vehicle upon the public
 71 highways, ~~he~~ the commissioner may cancel the driver's license of *
 72 the person. The commissioner shall give the person written
 73 notice of the cancelation.

74 Subd. 4. PENALTY; FAILURE TO SUBMIT TO EXAMINATION.

1 If a licensee does not submit to any examination required under
2 the provisions of subdivision 3, the commissioner may cancel the
3 driver's license of the licensee. If such license is canceled,
4 the licensee shall immediately surrender to the department all
5 driver's license certificates in ~~his~~ possession. *

6 Subd. 5. FEE FOR VEHICLE ENDORSEMENT. Any person
7 applying to secure a motorcycle or school bus vehicle
8 endorsement on ~~his~~ the person's driver's license shall pay a
9 \$2.50 examination fee at the place of application. *

171*#131S

10 171.131 REPORTING TO COMMISSIONER.

11 No change for subd 1

12 Subd. 2. Any physician reporting in good faith and
13 exercising due care shall have immunity from any liability,
14 civil or criminal, that otherwise might result by reason of ~~his~~ - *
15 actions pursuant to this section. No cause of action may be
16 brought against any physician for not making a report pursuant
17 to this section.

171*#14S

18 171.14 CANCELLATION.

19 The commissioner shall have authority to cancel any
20 driver's license upon determination that the licensee was not
21 entitled to the issuance thereof hereunder, or that the licensee
22 failed to give the required or correct information in ~~his~~ the *
23 application, or committed any fraud or deceit in making such
24 application. The commissioner may also cancel the driver's
25 license of any person who, at the time of the cancellation,
26 would not have been entitled to receive a license under the
27 provisions of section 171.04. Upon cancellation the licensee
28 shall immediately surrender the license so canceled to the
29 department.

171*#16S

30 171.16 COURT MAY RECOMMEND SUSPENSION.

31 No change for subd 1 to 2

32 Subd. 3. SUSPENSION FOR FAILURE TO PAY FINE. When
33 any court reports to the commissioner that a person: (1) has
34 been convicted of violating a law of this state or an ordinance
35 of a political subdivision which regulates the operation or
36 parking of motor vehicles, (2) has been sentenced to the payment
37 of a fine or had a penalty assessment levied against ~~him-or-her~~ *
38 that person, or sentenced to a fine upon which a penalty *
39 assessment was levied, and (3) has refused or failed to comply
40 with that sentence or to pay the penalty assessment,
41 notwithstanding the fact that the court has determined that the
42 person has the ability to pay the fine or penalty assessment,
43 the commissioner shall suspend the driver's license of such
44 person for 30 days for a refusal or failure to pay or until
45 notified by the court that the fine or penalty assessment, or
46 both if a fine and penalty assessment were not paid, has been
47 paid.

48 Subd. 4. Repealed, 1973 c 698 s 8

49 No change for subd 5

171*#17S

50 171.17 REVOCATION.

51 The department shall forthwith revoke the license of any
52 driver upon receiving a record of such driver's conviction of
53 any of the following offenses:

54 (1) manslaughter or criminal vehicular operation resulting
55 from the operation of a motor vehicle;

56 (2) any violation of section 169.121 or 609.487;

57 (3) any felony in the commission of which a motor vehicle
58 was used;

59 (4) failure to stop and disclose identity and render aid,
60 as required under the laws of this state, in the event of a
61 motor vehicle accident resulting in the death or personal injury
62 of another;

63 (5) perjury or the making of a false affidavit or statement
64 to the department under any law relating to the ownership or
65 operation of a motor vehicle;

66 (6) except as this section otherwise provides, conviction,
67 plea of guilty, or forfeiture of bail not vacated, upon three
68 charges of violating, within a period of 12 months any of the
69 provisions of chapter 169, or of the rules, regulations, or
70 municipal ordinances enacted in conformance therewith for which
71 the accused may be punished upon conviction by imprisonment;

72 (7) conviction of an offense in another state which, if

1 committed in this state, would be grounds for the revocation of
2 the driver's license.

3 When any judge of a juvenile court, or any of its duly
4 authorized agents, shall determine, formally or informally, that
5 any person under the age of 18 years has committed any offense
6 defined in this section, such judge, or duly authorized agent,
7 shall immediately report such determination to the department,
8 and the commissioner shall immediately revoke the license of
9 that person.

10 Upon revoking the license of any person, as hereinbefore in
11 this chapter authorized, the department shall immediately notify
12 the licensee, in writing, by depositing in the United States
13 post office a notice addressed to the licensee at ~~his~~ the
14 licensee's last known address, with postage prepaid thereon.

*
*

171*#18S

15 171.18 SUSPENSION.

16 The commissioner shall have authority to and may suspend
17 the license of any driver without preliminary hearing upon a
18 showing by department records or other sufficient evidence that
19 the licensee:

20 (1) Has committed an offense for which mandatory revocation
21 of license is required upon conviction; or

22 (2) Has been convicted by a court of competent jurisdiction
23 for violation of a provision of the highway traffic regulation
24 act or an ordinance regulating traffic and where it appears from
25 department records that the violation for which ~~he~~ the licensee
26 was convicted contributed in causing an accident resulting in
27 the death or personal injury of another, or serious property
28 damage; or

*

29 (3) Is an habitually reckless or negligent driver of a
30 motor vehicle; or

31 (4) Is an habitual violator of the traffic laws; or

32 (5) Is incompetent to drive a motor vehicle as determined
33 and adjudged in a judicial proceeding; or

34 (6) Has permitted an unlawful or fraudulent use of such
35 license; or

36 (7) Has committed an offense in another state which, if
37 committed in this state, would be grounds for suspension; or

38 (8) Has committed a violation of section 171.22, clause
39 (4); or

40 (9) Has failed to appear in court as provided in section
41 169.92, subdivision 4.

42 Provided, however, that any action taken by the
43 commissioner under subparagraphs (2) and (5) shall conform to
44 the recommendation of the court when made in connection with the
45 prosecution of the licensee.

46 Upon suspending the license of any person, as hereinbefore
47 in this section authorized, the department shall immediately
48 notify the licensee, in writing, by depositing in the United
49 States post office a notice addressed to the licensee at ~~his~~ the
50 licensee's last known address, with postage prepaid thereon, and
51 the licensee's written request shall afford ~~him~~ the licensee an
52 opportunity for a hearing within not to exceed 20 days after
53 receipt of such request in the county wherein the licensee
54 resides, unless the department and the licensee agree that such
55 hearing may be held in some other county. Upon such hearing the
56 commissioner, or ~~his~~ duly authorized agent, may administer oaths
57 and issue subpoenas for the attendance of witnesses and the
58 production of relevant books and papers, and may require a
59 reexamination of the licensee. Upon such hearing the department
60 shall either rescind its order of suspension or, good cause
61 appearing therefor, may extend the suspension of such license or
62 revoke such license. The department shall not suspend a license
63 for a period of more than one year.

*
*
*

*

171*#181S

64 171.181 RESIDENT DRIVING PRIVILEGE.

65 Subdivision 1. ~~When the commissioner revokes~~ On revoking
66 or suspends suspending the driver license of a Minnesota
67 resident as a result of a foreign state conviction, ~~he~~ the
68 commissioner shall notify that foreign state when the driver
69 license is reinstated or a new license issued.

*
*
*
*

70 For the purposes of this section, "foreign state" means a
71 state as defined in section 171.01, subdivision 15, excluding
72 the state of Minnesota.

73 Subd. 2. Repealed, 1983 c 127 s 2

171*#182S

1 171.182 SUSPENSION; UNINSURED VEHICLES.
 2 No change for subd 1 to 4
 3 Subd. 5. STATEMENTS. A person whose license or
 4 nonresident's operating privileges has been suspended or has
 5 become subject to suspension because of an unsatisfied judgment
 6 may be relieved of the suspension by filing with the
 7 commissioner an affidavit stating that at the time of the
 8 accident giving rise to the judgment he the person was insured, *
 9 that the insurer is liable for the judgment, and the reason, if
 10 known, why the judgment has not been paid. The affidavit shall
 11 be accompanied by a copy of the insurance policy and other
 12 documents the commissioner requires to show that the loss,
 13 injury or damage giving rise to the judgment was covered by the *
 14 policy. If ~~the commissioner is~~ satisfied that the insurer was
 15 authorized to issue the policy and is liable for the judgment,
 16 at least to the extent and for the amounts required in this *
 17 chapter, he the commissioner shall not suspend the license, or
 18 reinstate the license if already suspended. *

171*#19S

19 171.19 PETITION FOR REINSTATEMENT OF LICENSES.
 20 Any person whose driver's license has been refused,
 21 revoked, suspended, or canceled by the commissioner, except
 22 where the license is revoked under section 169.123, may file a
 23 petition for a hearing in the matter in the district court in
 24 the county wherein such person shall reside and, in the case of
 25 a non-resident, in the district court in any county, and such
 26 court is hereby vested with jurisdiction, and it shall be its
 27 duty, to set the matter for hearing upon 15 days' written notice
 28 to the commissioner, and thereupon to take testimony and examine
 29 into the facts of the case to determine whether the petitioner
 30 is entitled to a license or is subject to revocation,
 31 suspension, cancelation, or refusal of license, under the
 32 provisions of this chapter, and shall render judgment
 33 accordingly. The petition shall be heard by the court without a
 34 jury and may be heard in or out of term. The commissioner may
 35 appear in person, or by ~~his~~ agents or representatives, and may *
 36 present ~~his~~ evidence upon the hearing by affidavit personally, *
 37 by ~~himself, his~~ agents, or by representatives. The petitioner *
 38 may present ~~his~~ evidence by affidavit, except that the *
 39 petitioner must be present in person at such hearing for the
 40 purpose of cross-examination. In the event the department shall
 41 be sustained in these proceedings, the petitioner shall have no
 42 further right to make further petition to any court for the
 43 purpose of obtaining a driver's license until after the
 44 expiration of one year after the date of such hearing.

171*#22S

45 171.22 UNLAWFUL ACTS.
 46 It shall be unlawful for any person:
 47 (1) To display, or cause or permit to be displayed, or have *
 48 in ~~his~~ possession, any canceled, revoked, suspended, fictitious,
 49 or fraudulently altered driver's license; or *
 50 (2) To lend ~~his~~ the person's driver's license to any other *
 51 person or knowingly permit the use thereof by another; or
 52 (3) To display or represent as one's own any driver's
 53 license not issued to ~~him~~ that person; or *
 54 (4) To fail or refuse to surrender to the department, upon
 55 its lawful demand, any driver's license which has been
 56 suspended, revoked, or canceled; or
 57 (5) To use a false or fictitious name or date of birth to
 58 any police officer or in any application for a driver's license,
 59 or to knowingly make a false statement, or to knowingly conceal
 60 a material fact, or otherwise commit a fraud in any such
 61 application; or
 62 (6) To alter any driver's license, or to counterfeit or
 63 make any fictitious license; or
 64 (7) To take any part of the driver's license examination
 65 for another or to permit another to take the examination for ~~him~~ *
 66 that person. *

171*#23S

67 171.23 SHALL NOT RENT MOTOR VEHICLE TO UNLICENSED DRIVER.
 68 No person shall rent or lease a motor vehicle to any other
 69 person unless the latter person is then duly licensed hereunder,
 70 or, in the case of a non-resident, then duly licensed under the
 71 law of the state or country of ~~his~~ residence, except a *
 72 non-resident whose home state or country does not require that a
 73 driver be licensed.

171*#25S

1 171.25 ENFORCEMENT.

2 The commissioner shall be charged with the responsibility
3 for the administration and execution of this chapter.4 Any duties required of or powers conferred on the
5 commissioner under the provisions of this chapter may be done
6 and performed or exercised by any of ~~his~~ duly authorized agents. *

171*#29S

7 171.29 REVOKED LICENSES; EXAMINATION FOR NEW LICENSES.

8 Subdivision 1. No person whose drivers license has been
9 revoked by reason of conviction, plea of guilty, or forfeiture
10 of bail not vacated, under section 171.17 or 65B.67, or revoked
11 under section 169.123 shall be issued another license unless and
12 until ~~he~~ that person shall have successfully passed an *
13 examination as required for an initial license.14 Subd. 2. (a) A person whose drivers license has been
15 revoked as provided in subdivision 1, except under section
16 169.121 or 169.123, shall pay a \$30 fee before ~~his~~ the person's *
17 drivers license is reinstated.18 (b) A person whose drivers license has been revoked as
19 provided in subdivision 1 under section 169.121 or 169.123 shall
20 pay a \$150 fee before ~~his-or-her~~ the person's drivers license is *
21 reinstated; 50 percent of this fee shall be credited to the
22 trunk highway fund and 50 percent shall be credited to a
23 separate account to be known as the county probation
24 reimbursement account. Money in this account is appropriated to
25 the commissioner of corrections for the costs that counties
26 assume under Laws 1959, chapter 698, of providing probation and
27 parole services to wards of the commissioner of corrections.
28 This money is provided in addition to any money which the
29 counties currently receive under section 260.311, subdivision 5.

171*#30S

30 171.30 LIMITED LICENSE.

31 Subdivision 1. ISSUANCE. In any case where a
32 person's license has been suspended under section 171.18 or
33 revoked under section 169.121, 169.123, or 171.17, the
34 commissioner may ~~at-his-own-discretion~~ issue a limited license *
35 to the driver including under the following conditions:36 (1) if the driver's livelihood or attendance at a chemical
37 dependency treatment or counseling program depends upon the use
38 of the driver's license; or39 (2) if attendance at a post-secondary institution of
40 education by an enrolled student of that institution depends
41 upon the use of the driver's license.42 The commissioner in issuing a limited license may impose
43 such conditions and limitations as in ~~his~~ the commissioner's *
44 judgment are necessary to the interests of the public safety and
45 welfare including re-examination as to the driver's
46 qualifications. The license may be limited to the operation of
47 particular vehicles, to particular classes and times of
48 operation and to particular conditions of traffic. The
49 commissioner may require that an applicant for a limited license
50 affirmatively demonstrate that use of public transportation or
51 carpooling as an alternative to a limited license would be a
52 significant hardship.53 The limited license issued by the commissioner shall
54 clearly indicate the limitations imposed and the driver
55 operating under the limited license shall have the license in
56 ~~his~~ possession at all times when operating as a driver. *57 In determining whether to issue a limited license, the
58 commissioner shall consider the number and the seriousness of
59 prior convictions and the entire driving record of the driver
60 and shall consider the number of miles driven by the driver
61 annually.62 Subd. 2. A limited license shall not be issued for a
63 period of 60 days to an individual ~~who-has-had-his~~ whose license *
64 or privilege has been revoked or suspended for commission of the *
65 following offenses:66 (a) Manslaughter or criminal negligence resulting from the
67 operation of a motor vehicle.68 (b) Any felony in the commission of which a motor vehicle
69 was used.70 (c) Failure to stop and disclose identity as required under
71 the laws of this state, in the event of a motor vehicle accident
72 resulting in the death or personal injury of another.

73 No change for subd 3

171*#32S

1 171.32 ACTION UPON INFORMATION RELATING TO BLINDNESS.
 2 Subdivision 1. The commissioner upon receipt of any such
 3 information shall take such action as ~~he~~ the commissioner deems *
 4 necessary to insure that each such person meets the accepted
 5 visual acuity standards required of all driver's license
 6 applicants and such further action as required by law or
 7 regulation. The driver's license of any person who has been
 8 classified as legally blind shall be immediately cancelled.
 9 Subd. 2. Any person who is notified that ~~his~~ the person's *
 10 driver's license may be cancelled because of a defect of visual
 11 acuity pursuant to the provisions of this section may demand and
 12 shall receive the standard visual acuity examination required of
 13 all driver's license applicants, or may be examined by a
 14 qualified physician of ~~his~~ the person's choice. *
 15 No change for subd 3

171*#33S

16 171.33 DRIVER TRAINING SCHOOLS; DEFINITIONS.
 17 No change for subd 1
 18 Subd. 2. "Instructor" means any person, whether acting ~~for~~ *
 19 ~~himself~~ as operator of a commercial driver training school or as *
 20 an employee of any such school, who teaches or supervises
 21 persons learning to drive motor vehicles or preparing to take an
 22 examination for a driver's license, and any person who
 23 supervises the work of any other instructor.
 24 No change for subd 3

171*#37S

25 171.37 INSPECTION AND EXAMINATION.
 26 The commissioner or ~~his~~ an authorized representative shall *
 27 inspect the school facilities and equipment of applicants and
 28 licensees and shall examine applicants for instructor's
 29 licenses. The commissioner shall issue or adopt such
 30 regulations and do all things necessary and proper to accomplish
 31 the purposes of this section.

171*#38S

32 171.38 ISSUANCE, RENEWAL, SUSPENSION, AND REVOCATION OF
 33 LICENSES.
 34 The commissioner may revoke or refuse to issue or renew a
 35 school or instructor's license in any case ~~where he finds on~~ *
 36 finding that the applicant or licensee has not complied with, or *
 37 has violated any of the provisions of sections 171.33 to 171.41
 38 or any regulation issued or adopted pursuant thereto. Any
 39 revoked license shall be returned to the commissioner by the
 40 licensee, and its holder cannot apply for a new license for a
 41 period as determined by the commissioner not to exceed one year
 42 from the date of such revocation.

173*#06S

43 173.06 RULES AND REGULATIONS RELATING TO PERMITS.
 44 Subdivision 1. The commissioner of transportation shall
 45 adopt and may modify, amend or repeal regulations governing the
 46 issuance of permits or renewals thereof for the erection and
 47 maintenance of advertising devices within scenic areas; provided
 48 that ~~he~~ the commissioner shall not adopt, modify, amend or *
 49 repeal any regulation that will impair any agreement with the
 50 federal government. The commissioner of transportation may
 51 limit the application of any regulation adopted by ~~him~~ the *
 52 commissioner to exclude or include in whole or in part, *
 53 specified areas within the scenic area based upon use, nature of
 54 the surrounding community, or such other factors as may make
 55 separate classification or regulation necessary or desirable.
 56 No change for subd 2

173*#07S

57 173.07 APPLICATIONS FOR PERMITS; CONTENTS; RENEWALS.
 58 Subdivision 1. Application for permits or renewals thereof
 59 for the placement and maintenance of advertising devices within
 60 scenic areas shall be on forms prescribed by the commissioner
 61 and shall contain such information as ~~he~~ the commissioner may *
 62 require. No advertising device shall be placed without the
 63 consent of the owner or occupant of the land, and adequate proof
 64 of such consent shall be submitted to the commissioner at the
 65 time application is made for such permits or renewals. There
 66 shall be furnished with each permit an identifying number which
 67 shall be affixed by the permit holder to the advertising device
 68 in accordance with rules and regulations of the commissioner of
 69 transportation.
 70 No change for subd 2

173*#13S

1 173.13 DEVICES ALONG INTERSTATE HIGHWAYS.

2 No change for subd 1 to 7

3 Subd. 8. There shall be submitted, together with the fee
4 for the annual renewal, a statement by the applicant that the
5 owner or occupant of the property has consented to the continued
6 use of ~~his~~ the property for such advertising device. *

7 No change for subd 9

8 Subd. 10. The commissioner may revoke any permit granted
9 herein for cause upon 30 days written notice of such hearing to
10 the permittee. Such notice and hearing and all regulations with
11 respect thereto shall be in accordance with chapter 14. The
12 commissioner within 10 days after hearing shall notify the
13 permittee what ~~he~~ the permittee must do to retain the permit and *
14 the permittee shall have 30 days therefrom in which to comply
15 with the order of the commissioner.

16 No change for subd 11

173*#14S

17 173.14 PERMIT IDENTIFICATION NUMBER.

18 Every permit issued by the commissioner of transportation
19 shall be assigned an identification number. The commissioner
20 shall also issue with each permit an identifying number which
21 shall be attached to the advertising device in a conspicuous
22 place by the permittee in accordance with rules and regulations
23 of the commissioner. The permittee shall also have ~~his~~ the
24 permittee's name plainly marked on each advertising device. *

173*#17S

25 173.17 REMOVAL OF DEVICES, TIME FOR REMOVAL;
26 COMPENSATION.

27 It is hereby declared that where in order to carry out the
28 provisions of this chapter it is necessary that property rights
29 be acquired, such acquisition is for a public purpose and is
30 necessary for a highway purpose. The commissioner of
31 transportation is authorized to acquire by purchase, gift or
32 condemnation all advertising devices and all property rights
33 pertaining thereto which are prohibited under the provisions of
34 this chapter, and any rules or regulations promulgated pursuant
35 thereto, provided that such advertising devices were in lawful
36 existence on June 8, 1971. In any such acquisition, purchase or
37 condemnation, just compensation shall be paid for:

38 (1) The taking from the owner of such sign, display or
39 device of all right, title, leasehold and interest in such sign,
40 display or device; and

41 (2) The taking from the owner of the real property on which
42 such advertising device is located immediately prior to its
43 removal or relocation, the right to erect and maintain thereon
44 advertising devices, and full compensation therefor, including
45 severance damage and damage to the remainder of the outdoor
46 advertising plant regardless of whether it is located on
47 property contiguous to or a part of that on which such sign is
48 located, shall be included in the amounts paid to the respective
49 owners. Provided, however, that no compensation shall be paid
50 for severance damage and damage to the remainder of the outdoor
51 advertising plant unless federal laws, or rules and regulations
52 promulgated by the United States Department of Transportation
53 provide for federal participation in the cost of such severance
54 damage and damage to the remainder of the outdoor advertising
55 plant.

56 (3) Compensation required herein shall be paid to the
57 person or persons entitled thereto. Notwithstanding any other
58 provisions of Laws 1971, Chapter 883, no advertising device
59 shall be required to be removed or relocated unless and until
60 the commissioner of transportation shall tender payment to the
61 owner of the advertising device and the owner of real property
62 upon which the same is located, in cash or check drawn on the
63 state treasury, of 100 percent of the amount of just
64 compensation required herein, as determined by the commissioner
65 of transportation; provided that the acceptance of said tendered
66 amount by the person or persons to be compensated shall be
67 without prejudice to ~~his-or-their~~ further rights to have just *
68 compensation finally determined in accordance with the
69 provisions of Laws 1971, Chapter 883, and to receive any greater
70 or additional amount under chapter 117.

71 (4) Notwithstanding any other provision of this chapter,
72 including section 173.20, no advertising device which was
73 lawfully erected shall be removed until all rights in the

1 property, personal or real, have been acquired by purchase,
 2 gift, or eminent domain proceedings under chapter 117, whether
 3 or not the advertising device is removed pursuant to this
 4 chapter or any other statute, ordinance, or regulation of any
 5 political subdivision of the state or local zoning authority.
 6 The Minnesota department of transportation with the
 7 assistance and cooperation of the department of energy and
 8 economic development shall make recommendations to the standing
 9 committees on transportation of both houses of the legislature
 10 by February 1, 1982 for a comprehensive directional signing
 11 program.

173*#18S

12 173.18 ADJUSTMENTS BETWEEN OWNERS AS TO SPACING.
 13 If two or more advertising devices erected before May 26,
 14 1965 are in violation of the spacing requirements as herein
 15 provided, the commissioner of transportation shall notify the
 16 owners of such devices and give such owners full opportunity to
 17 be heard. He The commissioner shall thereafter make a finding *
 18 as to the date of erection of each of the devices. The device
 19 or devices last erected shall be deemed nonconforming and shall
 20 be removed by the owner or owners not later than July 1, 1969.

174*#02S

21 174.02 COMMISSIONER; POWERS; DUTIES.

22 No change for subd 1 to 2

23 Subd. 3. DEPARTMENTAL ORGANIZATION. The
 24 commissioner shall organize the department in a manner
 25 recognizing the administrative and staffing needs of all modes
 26 of transportation within ~~his~~ the commissioner's jurisdiction, *
 27 and shall employ personnel as ~~he~~ the commissioner deems *
 28 necessary to discharge the functions of the department. The
 29 commissioner shall adopt an affirmative action plan for the
 30 department in order to insure that department hiring encourages
 31 the selection of members of groups of persons who because of
 32 unfair or unlawful discriminatory practices have in the past
 33 been denied equal employment opportunity. This plan need not be
 34 promulgated as a rule, but it shall be approved by the
 35 commissioner of employee relations. The plan shall provide that
 36 the affected groups of persons shall constitute at least the
 37 same proportional number of employees in the department as they
 38 constitute in the total employment in state government; provided
 39 that this limitation shall expire in respect to an affected
 40 group when the commissioner of employee relations certifies that
 41 members of that affected group are employed in the department in
 42 the same proportion as they constitute in the total employment
 43 in state government.

44 No change for subd 4

45 Subd. 5. COOPERATION. To facilitate the development
 46 of a unified and coordinated intrastate and interstate
 47 transportation system:

48 (a) The commissioner shall maintain close liaison,
 49 coordination and cooperation with the private sectors of
 50 transportation, the upper great lakes seaway development
 51 commission corporation, and any multi-state organization
 52 involved in transportation issues affecting the state;

53 (b) The commissioner shall participate in the planning,
 54 regulation and development of the port authorities of the state;
 55 and

56 (c) The commissioner or ~~his~~ the commissioner's designee *
 57 shall be a nonvoting, ex officio member of the metropolitan
 58 airports commission, as organized and established under sections
 59 473.601 to 473.679.

174*#04S

60 174.04 FINANCIAL ASSISTANCE; APPLICATIONS; DISBURSEMENT.

61 Subdivision 1. REVIEW OF APPLICATION. Any state
 62 agency which receives an application from a regional development
 63 commission, metropolitan council, public transit commission,
 64 airport commission, port authority or other political
 65 subdivision of the state for financial assistance for
 66 transportation planning, capital expenditures or operations to
 67 any state or federal agency, shall first submit the application
 68 to the commissioner of transportation. The commissioner shall
 69 review the application to determine whether it contains matters
 70 that substantially affect the statewide transportation plan and
 71 priorities. If the application does not contain such matters,
 72 the commissioner shall within 15 days after receipt return the
 73 application to the applicant political subdivision for

1 forwarding to the appropriate agency. If the application
 2 contains such matters, the commissioner shall review and comment
 3 on the application as being consistent with the plan and
 4 priorities. The commissioner shall return the application
 5 together with ~~his~~ comments within 45 days after receipt to the *
 6 applicant political subdivision for forwarding with the
 7 commissioner's comments to the appropriate agency.

8 No change for subd 2 to 3

174*#06S

9 174.06 TRANSFER OF POWERS.

10 No change for subd 1 to 7

11 Subd. 8. RECOMMENDATIONS FOR STATUTORY REVISIONS.

12 The commissioner shall submit, together with the proposals
 13 required by subdivision 7, specific recommendations of language
 14 to update all statutory sections which relate to the operation
 15 of ~~his~~ the department and are in need of revision. The *
 16 commissioner's report shall give special consideration to
 17 sections affecting rule-making and public hearings, to language
 18 or provisions rendered obsolete by passage of time, and to
 19 overall clarity and brevity of the statutes.

174*#10S

20 174.10 PROCEEDINGS BEFORE TRANSPORTATION REGULATION
 21 BOARD.

22 No change for subd 1

23 Subd. 2. In all matters over which the commissioner has
 24 regulatory, or enforcement authority, ~~he~~ the commissioner may *
 25 issue subpoenas and compel the attendance of witnesses and the
 26 production of all necessary papers, books, records, documents,
 27 and other evidentiary material. Any person failing or refusing
 28 to appear to testify regarding any matter about which ~~he~~ the *
 29 person may be lawfully questioned or to produce any papers, *
 30 books, records, documents, or other evidentiary materials in the
 31 matter to be heard, after having been required by a subpoena of
 32 the commissioner to do so may, upon application by the
 33 commissioner to the district court in any district, be ordered
 34 to comply therewith. An administrative law judge in a
 35 rule-making or contested case proceeding may, on behalf of the
 36 commissioner, issue subpoenas, administer oaths to witnesses,
 37 and take their affirmations. Depositions may be taken within or
 38 without the state by the commissioner or ~~his~~ the commissioner's *
 39 designee in the manner provided by law for the taking of
 40 depositions in civil actions. A subpoena or other process or
 41 paper may be served upon any person named therein, anywhere
 42 within the state by any officer authorized to serve subpoenas or
 43 other process or paper in civil actions, with the same fees and
 44 mileage and in the same manner as prescribed by law for service
 45 of process issued out of the district court of this state.

46 No change for subd 3 to 4

174*#17S

47 174.17 EVALUATION OF VALUE ENGINEERING PROPOSALS.

48 No change for subd 1

49 Subd. 2. Subject to the provisions of sections 174.15 to
 50 174.17 and the provisions of any other applicable law, if the
 51 commissioner of transportation determines, based upon the
 52 reports and recommendations of ~~his~~ the department, that adoption *
 53 of a value engineering proposal will result in direct and
 54 immediate savings in the construction project contract costs,
 55 the commissioner shall approve and authorize the adoption of the
 56 implementing supplemental agreement and the supplemental
 57 agreement shall be processed and adopted as otherwise provided
 58 by law.

174*#22S

59 174.22 DEFINITIONS.

60 No change for subd 1 to 7

61 Subd. 8. "Regular route transit" means transportation of
 62 passengers for hire by a motor vehicle or other means of
 63 conveyance by any person operating on a regular and continuing
 64 basis as a common carrier on fixed routes and schedules.
 65 "Regular route transit" does not include transportation of
 66 children to or from school or of passengers between a common
 67 carrier terminal station and a hotel or motel, transportation by
 68 common carrier railroad or common carrier railroads or by taxi,
 69 transportation furnished by a person solely for ~~his-or-its~~ that *
 70 person's employees or customers, or paratransit. *

71 No change for subd 9 to 13

174*#23S

1 174.23 GENERAL POWERS AND DUTIES.
2 No change for subd 1
3 Subd. 2. FINANCIAL ASSISTANCE. The commissioner
4 shall seek out and select eligible recipients of financial
5 assistance under sections 174.21 to 174.27. The commissioner
6 shall establish by rule the procedures and standards for review
7 and approval of applications for financial assistance submitted
8 to the commissioner pursuant to sections 174.21 to 174.27. Any
9 applicant shall provide to the commissioner any financial or
10 other information required by the commissioner to carry out ~~his~~ *
11 the commissioner's duties. The commissioner may require local *
12 contributions from applicants as a condition for receiving
13 financial assistance. Before the commissioner approves any
14 grant, the application for the grant shall be reviewed and
15 approved by the appropriate regional development commission only
16 for consistency with regional transportation plans and
17 development guides. If an applicant proposes a project within
18 the jurisdiction of a transit authority or commission or a
19 transit system assisted or operated by a city or county, the
20 application shall also be reviewed by that commission, authority
21 or political subdivision for consistency with its transit
22 programs, policies and plans. Any regional development
23 commission that has not adopted a transportation plan may review
24 but may not approve or disapprove of any application.
25 No change for subd 3 to 8
174*#31S
26 174.31 COORDINATION OF SPECIAL TRANSPORTATION SERVICE IN
27 THE METROPOLITAN AREA.
28 No change for subd 1
29 Subd. 2. FINANCING; IMPLEMENTATION; MANAGEMENT AND
30 ADVISORY GROUPS. The project shall be operated pursuant to
31 the rules governing and funded with money available under the
32 paratransit grant program. The commissioner shall not operate
33 the project but shall contract for services necessary for its
34 operation. All transportation service provided through the
35 project shall be provided under a contract between the
36 commissioner and the provider which specifies the service to be
37 provided and the rates for providing it. The commissioner shall
38 establish a committee to set management policies for the
39 project. The management policy committee shall include the
40 commissioner or ~~his~~ the commissioner's designee, representatives *
41 of persons contracting to provide services for the project, a
42 representative of the metropolitan council, a representative of
43 the metropolitan transit commission and at least two
44 representatives of the task force established to advise the
45 committee. The meetings of the management policy committee
46 shall be public and minutes of all meetings shall be taken,
47 preserved and made available for public inspection. The
48 commissioner shall establish an advisory task force of
49 individuals representing the elderly, handicapped and other
50 users of service provided by the project to advise the
51 management policy committee.
52 No change for subd 3 to 5
174A#01S
53 174A.01 ESTABLISHMENT; POWERS; MEMBERSHIP.
54 No change for subd 1 to 2
55 Subd. 3. CHAIRPERSON CHAIR. The governor shall *
56 appoint one of the board members chairperson chair. *
57 No change for subd 4 to 5
175*#001S
58 175.001 DEPARTMENT OF LABOR AND INDUSTRY.
59 No change for subd 1
60 Subd. 2. OATH. The commissioner before entering
61 upon the duties of ~~his~~ office, shall take the oath prescribed by *
62 law.
63 Subd. 3. Repealed, 1969 c 1129 art 8 s 17
64 Subd. 4. Repealed, 1977 c 305 s 46
65 No change for subd 5
175*#003S
66 175.003 TRANSFER OF EMPLOYEES.
67 All persons in the classified service employed by a
68 department the functions, powers and duties of which are
69 transferred by sections 175.001 to 175.006 to another
70 department, are hereby transferred to such other department
71 without loss to the employee of any rights the employee may have
72 acquired by reason of ~~his~~ employment at the time of the transfer. *

175*#17S

1 175.17 POWERS AND DUTIES, COMMISSIONER OF THE DEPARTMENT
2 OF LABOR AND INDUSTRY.

3 (1) The commissioner shall administer the laws relating to
4 workers' compensation and the laws governing employees of the
5 state, a county, or other governmental subdivisions who contract
6 tuberculosis;

7 (2) The commissioner shall adopt reasonable and proper
8 rules governing rules of practice before the workers'
9 compensation division in matters which are not before a
10 compensation judge;

11 (3) The commissioner shall collect, collate, and publish
12 statistical and other information relating to work under the
13 department's jurisdiction and make public reports ~~in his~~ *
14 judgment the commissioner judges necessary, including such other *
15 reports as may be required by law;

16 (4) The commissioner shall establish and maintain branch
17 offices as needed for the conduct of the affairs of the workers'
18 compensation division.

175*#20S

19 175.20 ENFORCEMENT.

20 The commissioner or ~~his~~ an authorized representative may *
21 enter and inspect places of employment, during normal working *
22 hours, and investigate facts, conditions, practices or matters *
23 as ~~he~~ the commissioner deems appropriate to enforce the laws *
24 within ~~his~~ the commissioner's jurisdiction. The commissioner *
25 or ~~his~~ an authorized representative may issue subpoenas, take *
26 testimony, compel the attendance of witnesses, and shall have *
27 authority to administer oaths and take testimony under oath, but *
28 no person shall be compelled to attend as a witness unless ~~he is~~ *
29 paid the fees provided for witnesses in the district court.

175*#24S

30 175.24 DUTIES OF EMPLOYERS AND OTHERS TO MAKE REPORTS;
31 PRESERVATION OF RECORDS.

32 On request of the department of labor and industry, and
33 within the time limited therein, every employer of labor, any
34 officer of a labor organization, or any person from whom the
35 department of labor and industry shall find it necessary to
36 gather information, shall make a certified report to the
37 department, upon blanks furnished by it, of all matters covered
38 by the request. The names of persons or concerns supplying such
39 information shall not be disclosed. Every notice, order, or
40 direction given by such department shall be in writing, signed
41 by an officer or inspector of such department, or a person
42 specially designated for the purpose, and be served by ~~him~~ the *
43 signer. Papers so served and all records and documents of the *
44 department are hereby declared public documents and shall not be
45 destroyed within two years after their return or receipt by such
46 department.

175*#27S

47 175.27 DISCLOSURE OF NAMES OF PERSONS GIVING
48 INFORMATION; REFUSAL TO TESTIFY; DENYING ADMISSION; PENALTY.

49 Any employee of the department of labor and industry who
50 shall disclose the names of any persons supplying information at
51 the request of such department shall be guilty of a
52 misdemeanor. Any person who, having been duly subpoenaed, shall
53 refuse to attend or testify in any hearing under the direction
54 of the department of labor and industry shall be guilty of a
55 misdemeanor. Any owner or occupant of any place of employment
56 who shall refuse to admit thereto any employee of the department
57 seeking entrance in the discharge of ~~his~~ the employee's duties, *
58 shall be guilty of a misdemeanor. Any person, firm, or *
59 corporation, or any of its officers or agents, who or which
60 shall refuse to file with the department such reports as are
61 required by it under the provisions of sections 175.24 to 175.27
62 shall be guilty of a misdemeanor.

175*#33S

63 175.33 PHYSICIANS TO REPORT CERTAIN CASES OF POISON TO
64 THE DEPARTMENT.

65 Every physician attending on or called in to visit a
66 patient whom ~~he~~ the physician believes to be suffering from *
67 poisoning from lead, phosphorus, arsenic, or mercury or their
68 compounds, or from anthrax, or from compressed air illness,
69 contracted as a result of the nature of the patient's
70 employment, shall send to the department of labor and industry a
71 notice stating the name and full postal address and place of

1 employment of the patient and the disease from which, in the
 2 opinion of the physician, the patient is suffering, with such
 3 other specific information as may be required by the department
 4 of labor and industry and which may be ascertained by the
 5 physician in the course of ~~his~~ duties. *

175*#34S

6 175.34 FAILURE TO REPORT.

7 ~~If~~ Any physician, when required by section 175.33 to send a
 8 notice, who fails forthwith to send the same, ~~he-shall-be is~~
 9 guilty of a misdemeanor; and, upon conviction, punished by a
 10 fine not exceeding \$10 or by imprisonment in the county jail for
 11 not exceeding ten days. *

175A#01S

12 175A.01 CREATION.

13 No change for subd 1 to 2

14 Subd. 3. OATH. Each judge of the workers'
 15 compensation court of appeals before entering upon the duties of
 16 ~~his~~ office, shall take the oath prescribed by law. *

175A#02S

17 175A.02 OFFICERS.

18 The judges of the workers' compensation court of appeals
 19 shall choose a chief judge from among their number. The chief
 20 judge shall appoint one of the judges to serve as the
 21 administrator, who shall be custodian of the court's files and
 22 records and shall coordinate and make hearing assignments. The
 23 judge who is appointed the administrator may delegate the duties
 24 of administrator to an employee chosen to be the assistant
 25 administrator. The clerk of district court in each county shall
 26 be the clerk of the workers' compensation court of appeals in
 27 that county. Filing fees and library fees deposited with the
 28 clerk of district court in ~~his~~ the capacity as clerk of the
 29 workers' compensation court of appeals and in cases originally
 30 commenced in district court and transferred to the workers'
 31 compensation court of appeals shall be retained by the clerk of
 32 district court. The workers' compensation court of appeals
 33 clerk in each county shall be subject to the supervision of the
 34 administrator in workers' compensation court of appeals matters. *

175A#03S

35 175A.03 POLITICAL NONPARTICIPATION.

36 Every judge of the workers' compensation court of appeals
 37 and every officer or employee of the workers' compensation court
 38 of appeals who by solicitation or otherwise exerts ~~his~~
 39 influence, directly or indirectly, to induce other officers or
 40 employees of the state to adopt ~~his~~ the inducer's political
 41 views, or to favor any particular person or candidate for
 42 office, or to contribute funds for campaign or political
 43 purposes, shall be removed from ~~his~~ office or position by the
 44 appointing authority ~~appointing-him~~. *

175A#07S

45 175A.07 POWERS.

46 Subdivision 1. PROCESS; PROCEDURES. The workers'
 47 compensation court of appeals shall keep such record of all its
 48 proceedings as it deems appropriate and shall issue necessary
 49 processes, writs, warrants, and notices which the workers'
 50 compensation court of appeals is required or authorized to
 51 issue. Notices and other documents required to be served or
 52 filed on the workers' compensation court of appeals shall be
 53 served on the administrator of the court or ~~his~~ the
 54 administrator's delegate. *

55 No change for subd 2 to 4

176*#011S

56 176.011 DEFINITIONS.

57 No change for subd 1

58 Subd. 2. CHILD. "Child" includes a posthumous
 59 child, a child entitled by law to inherit as a child of a
 60 deceased person, a child of a person adjudged by a court of
 61 competent jurisdiction to be the father of the child, and a
 62 stepchild, grandchild, or foster child who was a member of the
 63 family of a deceased employee at the time of ~~his~~ injury and
 64 dependent upon ~~him~~ the employee for support. *

65 Subd. 3. DAILY WAGE. "Daily wage" means the daily
 66 wage of the employee in the employment ~~in-which-he-was~~ engaged
 67 in at the time of injury but does not include tips and
 68 gratuities paid directly to an employee by a customer of the
 69 employer and not accounted for by the employee to the employer.
 70 If the amount of the daily wage received or to be received by

1 the employee in the employment ~~in which he was~~ engaged in at the *
 2 time of injury was irregular or difficult to determine, or if
 3 the employment was part time, the daily wage shall be computed
 4 by dividing the total amount the employee actually earned in
 5 such employment in the last 26 weeks, by the total number of
 6 days in which the employee actually performed any of the duties
 7 of such employment, provided further, that in the case of the
 8 construction industry, mining industry, or other industry where
 9 the hours of work are affected by seasonal conditions, the
 10 weekly wage shall not be less than five times the daily wage.
 11 Where board or allowances other than tips and gratuities are
 12 made to an employee in addition to wages as a part of the wage
 13 contract they are deemed a part of ~~his~~ earnings and computed at *
 14 their value to the employee. In the case of persons performing
 15 services for municipal corporations in the case of emergency,
 16 then the normal working day shall be considered and computed as
 17 eight hours, and in cases where such services are performed
 18 gratis or without fixed compensation the daily wage of the
 19 person injured shall, for the purpose of calculating
 20 compensation payable under this chapter, be taken to be the
 21 usual going wage paid for similar services in municipalities
 22 where such services are performed by paid employees. If, at the
 23 time of injury, the employee was regularly employed by two or
 24 more employers, the employee's earnings in all such employments
 25 shall be included in the computation of daily wage.

26 Subd. 4. COMMERCIAL BALER. "Commercial baler" means
 27 a person going from place to place baling hay or straw as a
 28 business, but does not include a farmer owning a baling machine
 29 not engaged in such business generally and doing ~~his~~ the *
 30 farmer's own baling and casually doing such work for other *
 31 farmers in the same community or exchanging work with another
 32 farmer.

33 Subd. 5. COMMERCIAL THRESHERMAN THRESHER. *
 34 "Commercial ~~thresherman~~ thresher" means a person going from *
 35 place to place threshing grain or shredding or shelling corn as
 36 a business, but does not include a farmer owning a threshing,
 37 shredding, or shelling machine not engaged in such business
 38 generally and doing ~~his~~ the farmer's own threshing, shredding, *
 39 or shelling and casually doing such work for other farmers in
 40 the same community or exchanging work with another farmer.

41 No change for subd 6 to 8

42 Subd. 9. EMPLOYEE. "Employee" means any person who
 43 performs services for another for hire including the following:
 44 (1) an alien;
 45 (2) a minor;
 46 (3) a sheriff, deputy sheriff, constable, marshal,
 47 police officer, firefighter, county highway engineer, *
 48 and peace officer while engaged in the enforcement of peace or
 49 in the pursuit or capture of any person charged with or
 50 suspected of crime and any person requested or commanded to aid
 51 an officer in arresting any person, or in retaking any person
 52 who has escaped from lawful custody, or in executing any legal
 53 process in which case, for purposes of calculating compensation
 54 payable under this chapter, the daily wage of the person
 55 requested or commanded to assist an officer or to execute a
 56 legal process shall be the prevailing wage for similar services
 57 where the services are performed by paid employees;

58 (4) a county assessor;

59 (5) an elected or appointed official of the state, or of
 60 any county, city, town, school district or governmental
 61 subdivision in it. An officer of a political subdivision
 62 elected or appointed for a regular term of office, or to
 63 complete the unexpired portion of a regular term, shall be
 64 included only after the governing body of the political
 65 subdivision has adopted an ordinance or resolution to that
 66 effect;

67 (6) an executive officer of a corporation, except an
 68 officer of a family farm corporation as defined in section
 69 500.24, subdivision 1, clause (c), or an executive officer of a
 70 closely held corporation who is referred to in section 176.012;

71 (7) a voluntary uncompensated worker, other than an inmate,
 72 rendering services in state institutions under the commissioner
 73 of human services and state institutions under the commissioner
 74 of corrections similar to those of officers and employees of
 75 these institutions, and whose services have been accepted or
 76 contracted for by the commissioner of human services or the

1 commissioner of corrections as authorized by law, shall be
2 employees. In the event of injury or death of the voluntary
3 uncompensated worker, the daily wage of the worker, for the
4 purpose of calculating compensation payable under this chapter,
5 shall be the usual going wage paid at the time of the injury or
6 death for similar services in institutions where the services
7 are performed by paid employees;

8 (8) a voluntary uncompensated worker engaged in peace time
9 in the civil defense program when ordered to training or other
10 duty by the state or any political subdivision of it, shall be
11 an employee. The daily wage of the worker for the purpose of
12 calculating compensation payable under this chapter, shall be
13 the usual going wage paid at the time of the injury or death for
14 similar services where the services are performed by paid
15 employees;

16 (9) a voluntary uncompensated worker participating in a
17 program established by a county welfare board shall be an
18 employee. In the event of injury or death of the voluntary
19 uncompensated worker, the wage of the worker, for the purpose of
20 calculating compensation payable under this chapter, shall be
21 the usual going wage paid in the county at the time of the
22 injury or death for similar services where the services are
23 performed by paid employees working a normal day and week;

24 (10) a voluntary uncompensated worker accepted by the
25 commissioner of natural resources who is rendering services as a
26 volunteer pursuant to section 84.089 shall be an employee. The
27 daily wage of the worker for the purpose of calculating
28 compensation payable under this chapter, shall be the usual
29 going wage paid at the time of injury or death for similar
30 services where the services are performed by paid employees;

31 (11) a member of the military forces, as defined in section
32 190.05, while in state active service, as defined in section
33 190.05, subdivision 5a. The daily wage of the member for the
34 purpose of calculating compensation payable under this chapter
35 shall be based on the member's usual earnings in civil life. If
36 there is no evidence of previous occupation or earning, the
37 trier of fact shall consider the member's earnings as a member
38 of the military forces;

39 (12) a voluntary uncompensated worker, accepted by the
40 director of the Minnesota historical society, rendering services
41 as a volunteer, pursuant to chapter 138, shall be an employee.
42 The daily wage of the worker, for the purposes of calculating
43 compensation payable under this chapter, shall be the usual
44 going wage paid at the time of injury or death for similar
45 services where the services are performed by paid employees;

46 (13) a voluntary uncompensated worker, other than a
47 student, who renders services at the Minnesota School for the
48 Deaf or the Minnesota Braille and Sight-Saving School, and whose
49 services have been accepted or contracted for by the state board
50 of education, as authorized by law, shall be an employee. In
51 the event of injury or death of the voluntary uncompensated
52 worker, the daily wage of the worker, for the purpose of
53 calculating compensation payable under this chapter, shall be
54 the usual going wage paid at the time of the injury or death for
55 similar services in institutions where the services are
56 performed by paid employees;

57 (14) a voluntary uncompensated worker, other than a
58 resident of the veterans home, who renders services at a
59 Minnesota veterans home, and whose services have been accepted
60 or contracted for by the commissioner of veterans affairs, as
61 authorized by law, is an employee. In the event of injury or
62 death of the voluntary uncompensated worker, the daily wage of
63 the worker, for the purpose of calculating compensation payable
64 under this chapter, shall be the usual going wage paid at the
65 time of the injury or death for similar services in institutions
66 where the services are performed by paid employees;

67 (15) a worker who renders in-home attendant care services
68 to a physically handicapped person, and who is paid directly by
69 the commissioner of human services for these services, shall be
70 an employee of the state within the meaning of this subdivision,
71 but for no other purpose;

72 (16) those students enrolled in and regularly attending the
73 medical school of the University of Minnesota, whether in the
74 graduate school program or the post-graduate program,
75 notwithstanding that the students shall not be considered
76 employees for any other purpose. In the event of the student's

1 injury or death, the weekly wage of the student for the purpose
 2 of calculating compensation payable under this chapter, shall be
 3 the annualized educational stipend awarded to the student,
 4 divided by 52 weeks. The institution in which the student is
 5 enrolled shall be considered the "employer" for the limited
 6 purpose of determining responsibility for paying benefits
 7 payable under this chapter;

8 (17) a faculty member of the University of Minnesota
 9 employed for the current academic year is also an employee for
 10 the period between that academic year and the succeeding
 11 academic year if:

12 (a) the faculty member has a contract or reasonable
 13 assurance of a contract from the University of Minnesota for the
 14 succeeding academic year; and

15 (b) the personal injury for which compensation is sought
 16 arises out of and in the course of activities related to the
 17 faculty member's employment by the University of Minnesota; and

18 (18) a worker who performs volunteer ambulance driver or
 19 attendant services is an employee of the political subdivision,
 20 nonprofit hospital, nonprofit corporation, or other entity for
 21 which the worker performs the services. The daily wage of the
 22 worker for the purpose of calculating compensation payable under
 23 this chapter is the usual going wage paid at the time of injury
 24 or death for similar services if the services are performed by
 25 paid employees; and

26 (19) a voluntary uncompensated worker, accepted by the
 27 commissioner of administration, rendering services as a
 28 volunteer at the department of administration. In the event of
 29 injury or death of the voluntary uncompensated worker, the daily
 30 wage of the worker, for the purpose of calculating compensation
 31 payable under this chapter, shall be the usual going wage paid
 32 at the time of the injury or death for similar services in
 33 institutions where the services were performed by paid employees.

34 In the event it is difficult to determine the daily wage as
 35 provided in this subdivision, then the trier of fact may
 36 determine the wage upon which the compensation is payable.

37 No change for subd 9a to 11

38 Subd. 11a. FAMILY FARM. "Family farm" means any farm
 39 operation which pays or is obligated to pay less than \$8,000 in
 40 cash wages, exclusive of machine hire, to farm laborers for
 41 services rendered during the preceding calendar year. For
 42 purposes of this subdivision, farm laborer does not include any
 43 spouse, parent or child, regardless of age, of a farmer employed
 44 by the farmer, or any executive officer of a family farm
 45 corporation as defined in section 500.24, subdivision 2, or any
 46 spouse, parent or child, regardless of age, of such an officer
 47 employed by that family farm corporation, or other farmers in
 48 the same community or members of their families exchanging work
 49 with the employer. Notwithstanding any law to the contrary, a
 50 farm laborer shall not be considered as an independent
 51 contractor for the purposes of this chapter; provided that a
 52 commercial baler or commercial ~~thresherman~~ thresher shall be *
 53 considered an independent contractor.

54 Subd. 12. FARM LABORER. "Farm laborer" does not *
 55 include an employee of a commercial ~~thresherman~~ thresher or
 56 commercial baler.

57 No change for subd 13 to 14

58 Subd. 15. OCCUPATIONAL DISEASE. "Occupational
 59 disease" means a disease arising out of and in the course of
 60 employment peculiar to the occupation in which the employee is
 61 engaged and due to causes in excess of the hazards ordinary of
 62 employment and shall include undulant fever. Ordinary diseases
 63 of life to which the general public is equally exposed outside
 64 of employment are not compensable, except where the diseases
 65 follow as an incident of an occupational disease, or where the
 66 exposure peculiar to the occupation makes the disease an
 67 occupational disease hazard. A disease arises out of the
 68 employment only if there be a direct causal connection between
 69 the conditions under which the work is performed and if the
 70 occupational disease follows as a natural incident of the work
 71 as a result of the exposure occasioned by the nature of the
 72 employment. An employer is not liable for compensation for any
 73 occupational disease which cannot be traced to the employment as
 74 a direct and proximate cause and is not recognized as a hazard
 75 characteristic of and peculiar to the trade, occupation,
 76 process, or employment or which results from a hazard to which

1 the worker would have been equally exposed outside of the
 2 employment. If immediately preceding the date of ~~his~~ *
 3 disablement or death, an employee was employed on active duty
 4 with an organized fire or police department of any municipality,
 5 as a member of the Minnesota state patrol, conservation officer
 6 service, state crime bureau, as a forest officer by the
 7 department of natural resources, or sheriff or full time deputy
 8 sheriff of any county, and ~~his~~ the disease is that of *
 9 myocarditis, coronary sclerosis, pneumonia or its sequel, and at *
 10 the time of ~~his~~ employment such employee was given a thorough *
 11 physical examination by a licensed doctor of medicine, and a
 12 written report thereof has been made and filed with such
 13 organized fire or police department, with the Minnesota state
 14 patrol, conservation officer service, state crime bureau,
 15 department of natural resources, or sheriff's department of any
 16 county, which examination and report negated any evidence of
 17 myocarditis, coronary sclerosis, pneumonia or its sequel, the
 18 disease is presumptively an occupational disease and shall be
 19 presumed to have been due to the nature of ~~his~~ employment. *

20 Subd. 16. PERSONAL INJURY. "Personal injury" means
 21 injury arising out of and in the course of employment and
 22 includes personal injury caused by occupational disease; but
 23 does not cover an employee except while engaged in, on, or about
 24 the premises where ~~his~~ the employee's services require his the *
 25 employee's presence as a part of such service at the time of the *
 26 injury and during the hours of such service. Where the employer
 27 regularly furnished transportation to ~~his~~ employees to and from *
 28 the place of employment such employees are subject to this
 29 chapter while being so transported, but shall not include an
 30 injury caused by the act of a third person or fellow employee
 31 intended to injure the employee because of personal reasons *
 32 ~~personal-to-him~~, and not directed against ~~him~~ the employee as an *
 33 employee, or because of ~~his~~ the employment. *

34 Subd. 17. PHYSICIAN. "Physician" means one
 35 authorized by law to practice ~~his~~ the medical profession within *
 36 one of the United States and in good standing in ~~his~~ the *
 37 profession, and includes surgeon. *

38 Subd. 18. WEEKLY WAGE. "Weekly wage" is arrived at
 39 by multiplying the daily wage by the number of days and
 40 fractional days normally worked in the business of the employer
 41 for the employment involved. If the employee normally works
 42 less than five days per week or works an irregular number of
 43 days per week, the number of days normally worked shall be
 44 computed by dividing the total number of days in which the
 45 employee actually performed any of the duties of ~~his~~ employment *
 46 in the last 26 weeks by the number of weeks in which the
 47 employee actually performed such duties, provided that the
 48 weekly wage for part time employment during a period of seasonal
 49 or temporary layoff shall be computed on the number of days and
 50 fractional days normally worked in the business of the employer
 51 for the employment involved. If, at the time of the injury, the
 52 employee was regularly employed by two or more employers, the
 53 employee's days of work for all such employments shall be
 54 included in the computation of weekly wage. Occasional overtime
 55 is not to be considered in computing the weekly wage, but if
 56 overtime is regular or frequent throughout the year it shall be
 57 taken into consideration. The maximum weekly compensation
 58 payable to an employee, or to ~~his~~ the employee's dependents in *
 59 the event of death, shall not exceed 66 2/3 percent of the
 60 product of the daily wage times the number of days normally
 61 worked, provided that the compensation payable for permanent
 62 partial disability under section 176.101, subdivision 3, and for
 63 permanent total disability under section 176.101, subdivision 4,
 64 or death under section 176.111, shall not be computed on less
 65 than the number of hours normally worked in the employment or
 66 industry in which the injury was sustained, subject also to such
 67 maximums as are specifically otherwise provided.

68 No change for subd 19 to 20

69 Subd. 21. HOUSEHOLD WORKER. "Household worker"
 70 means one who is a domestic, ~~repairman~~ repairer, groundskeeper, *
 71 or maintenance worker in, for, or about a private home or
 72 household, but the term shall not include independent
 73 contractors nor shall it include persons performing labor for
 74 which they may elect workers' compensation coverage under
 75 section 176.012.

76 No change for subd 22 to 26

176*#021S

1 176.021 APPLICATION TO EMPLOYERS AND EMPLOYEES.

2 Subdivision 1. LIABILITY FOR COMPENSATION. Except as
3 excluded by this chapter all employers and employees are subject
4 to the provisions of this chapter.

5 Every employer is liable for compensation according to the
6 provisions of this chapter and is liable to pay compensation in
7 every case of personal injury or death of ~~his~~ an employee *
8 arising out of and in the course of employment without regard to
9 the question of negligence. The burden of proof of these facts
10 is upon the employee.

11 If the injury was intentionally self-inflicted or the
12 intoxication of the employee is the proximate cause of the
13 injury, then the employer is not liable for compensation. The
14 burden of proof of these facts is upon the employer.

15 No change for subd 1a to 3

16 Subd. 3a. PERMANENT PARTIAL BENEFITS, PAYMENT.
17 Payments for permanent partial disability as provided in section
18 176.101, subdivision 3, shall be made in the following manner:

19 (a) If the employee returns to work, payment shall be made
20 by lump sum;

21 (b) If temporary total payments have ceased, but the
22 employee has not returned to work, payment shall be made at the
23 same intervals as temporary total payments were made;

24 (c) If temporary total disability payments cease because
25 the employee is receiving payments for permanent total
26 disability or because the employee is retiring or has retired
27 from the work force, then payment shall be made by lump sum;

28 (d) If the employee completes a rehabilitation plan
29 pursuant to section 176.102, but the employer does not furnish
30 the employee with work ~~he~~ the employee can do in ~~his~~ a
31 permanently partially disabled condition, and the employee is
32 unable to procure such work with another employer, then payment
33 shall be made by lump sum. *

34 No change for subd 3b to 5

35 Subd. 6. COMPENSATION UNDER CITY CHARTER. Where, in
36 any city operating under a home rule charter, a mode and manner
37 of compensation is provided by the charter which is different
38 from that provided by this chapter, and the amount of
39 compensation provided by the charter would, if taken thereunder,
40 exceed the amount the employee is entitled to under this chapter
41 for the same period, ~~he~~ the employee shall, in addition to ~~his~~ *
42 compensation under this chapter, receive under the charter an
43 amount equal to the excess in compensation provided by the *
44 charter over what ~~he~~ the employee is entitled to by this *
45 chapter; if the amount of compensation provided by the charter
46 would, if taken thereunder, be equal to or less than the amount
47 of compensation the employee is entitled to under this chapter
48 for the same period, ~~he~~ the employee shall take only under this *
49 chapter.

50 Subd. 7. PUBLIC OFFICER. If an employee who is a
51 public officer of the state or governmental subdivision
52 continues to receive the compensation of ~~his~~ office during a *
53 period when ~~he~~-~~is~~ receiving benefits under the workers' *
54 compensation law for temporary total or temporary partial
55 disability or permanent total disability and the compensation of
56 ~~his~~ office exceeds \$100 a year, the amount of that compensation *
57 attributable to the period for which benefits under the workers'
58 compensation law are paid shall be deducted from such benefits.
59 If an employee covered by the Minnesota state retirement system
60 receives total and permanent disability benefits pursuant to
61 section 352.113 or disability benefits pursuant to sections
62 352.95 and 352B.10, the amount of disability benefits shall be
63 deducted from workers' compensation benefits otherwise payable.
64 Notwithstanding the provisions of section 176.132, a deduction
65 under this subdivision does not entitle an employee to
66 supplemental benefits under section 176.132.

67 Subd. 8. AMOUNTS ADJUSTED. Amounts of compensation
68 payable by an employer or ~~his~~ an employer's insurer under this *
69 chapter may be rounded to the nearest dollar amount. An
70 employer or insurer who elects to make such adjustments shall do
71 so for all compensation payments under this chapter.

72 No change for subd 9

176*#031S

73 176.031 EMPLOYER'S LIABILITY EXCLUSIVE.

74 The liability of an employer prescribed by this chapter is

1 exclusive and in the place of any other liability to such
 2 employee, ~~his~~ personal representative, surviving spouse, parent, *
 3 any child, dependent, next of kin, or other person entitled to
 4 recover damages on account of such injury or death. If an
 5 employer other than the state or any municipal subdivision
 6 thereof fails to insure or self-insure ~~his~~ liability for *
 7 compensation to ~~his~~ injured employees and their dependents, an *
 8 injured employee, or ~~his~~ legal representatives or, if death *
 9 results from the injury, any dependent may elect to claim
 10 compensation under this chapter or to maintain an action in the
 11 courts for damages on account of such injury or death. In such
 12 action it is not necessary to plead or prove freedom from
 13 contributory negligence. The defendant may not plead as a
 14 defense that the injury was caused by the negligence of a fellow
 15 servant, that the employee assumed the risk of ~~his~~ employment, *
 16 or that the injury was due to the contributory negligence of the
 17 employee, unless it appears that such negligence was wilful on
 18 the part of the employee. The burden of proof to establish such
 19 wilful negligence is upon the defendant. For the purposes of
 20 this chapter the state and each municipal subdivision thereof is
 21 treated as a self-insurer when not carrying insurance at the
 22 time of the injury or death of an employee.

176*#041S

23 176.041 EXCLUDED EMPLOYMENTS; APPLICATION, EXCEPTIONS.

24 No change for subd 1

25 Subd. 2. EXTRA-TERRITORIAL APPLICATION. If an *
 26 employee who regularly performs the primary duties of ~~his~~ *
 27 employment within this state, or who is hired within this state,
 28 receives an injury while outside of this state in the employ of
 29 the same employer, the provisions of this chapter shall apply to
 30 such injury unless the transfer is normally considered to be
 31 permanent. If a resident of this state is transferred outside
 32 the territorial limits of the United States as an employee of a
 33 Minnesota employer, ~~he~~ the resident shall be presumed to be *
 34 temporarily employed outside of this state while so employed.

35 No change for subd 3

36 Subd. 4. OUT-OF-STATE EMPLOYMENTS. If an employee *
 37 who regularly performs the primary duties of ~~his~~ employment *
 38 outside of this state or is hired to perform the primary duties
 39 of ~~his~~ employment outside of this state, receives an injury *
 40 within this state in the employ of the same employer, such
 41 injury shall be covered within the provisions of this chapter if
 42 the employee chooses to forego any workers' compensation claim
 43 resulting from the injury that ~~he~~ the employee may have a right *
 44 to pursue in some other state.

45 Subd. 5. Repealed, 1974 c 486 s 6

46 No change for subd 6

176*#061S

47 176.061 THIRD PARTY LIABILITY.

48 No change for subd 1 to 4

49 Subd. 5. CUMULATIVE REMEDIES. If an injury or death *
 50 for which benefits are payable is caused under circumstances
 51 which created a legal liability for damages on the part of a
 52 party other than the employer, that party being then insured or
 53 self-insured in accordance with this chapter, and the provisions
 54 of subdivisions 1, 2, 3, and 4 do not apply, or the party other
 55 than the employer is not then insured or self-insured as
 56 provided by this chapter, legal proceedings may be taken by the
 57 employee or the employee's dependents in accordance with clause
 58 (a), or by ~~his~~ the employer, or by the attorney general on *
 59 behalf of the special compensation fund, in accordance with
 60 clause (b), against the other party to recover damages,
 61 notwithstanding the payment of benefits by the employer or the
 62 special compensation fund or their liability to pay benefits.

63 (a) If an action against the other party is brought by the
 64 injured employee or the employee's dependents and a judgment is
 65 obtained and paid or settlement is made with the other party,
 66 the employer or the special compensation fund may deduct from
 67 the benefits payable the amount actually received by the
 68 employee or dependents or paid on their behalf in accordance
 69 with subdivision 6. If the action is not diligently prosecuted
 70 or if the court deems it advisable in order to protect the
 71 interests of the employer or the special compensation fund, upon
 72 application the court may grant the employer or the special
 73 compensation fund the right to intervene in the action for the
 74 prosecution of the action. If the injured employee or the

1 employee's dependents or any party on their behalf receives
2 benefits from the employer or the special compensation fund or
3 institutes proceedings to recover benefits or accepts from the
4 employer or the special compensation fund any payment on account
5 of the benefits, the employer or the special compensation fund
6 is subrogated to the rights of the employee or the employee's
7 dependents or has a right of indemnity against a third party.
8 The employer or the attorney general on behalf of the special
9 compensation fund may maintain a separate action or continue an
10 action already instituted. This action may be maintained in the
11 name of the employee or the names of the employee's dependents,
12 or in the name of the employer, or in the name of the attorney
13 general on behalf of the special compensation fund, against the
14 other party for the recovery of damages. If the action is not
15 diligently prosecuted by the employer or the attorney general on
16 behalf of the special compensation fund, or if the court deems
17 it advisable in order to protect the interest of the employee,
18 the court, upon application, may grant to the employee or the
19 employee's dependents the right to intervene in the action for
20 the prosecution of the action. The proceeds of the action or
21 settlement of the action shall be paid in accordance with
22 subdivision 6.

23 (b) If an employer, being then insured, sustains damages
24 due to a change in workers' compensation insurance premiums,
25 whether by a failure to achieve a decrease or by a retroactive
26 or prospective increase, as a result of the injury or death of
27 an employee which was caused under circumstances which created a
28 legal liability for damages on the part of a party other than
29 the employer, the employer, notwithstanding other remedies
30 provided, may maintain an action against the other party for
31 recovery of the premiums. This cause of action may be brought
32 either by joining in an action described in clause (a) or by a
33 separate action. Damages recovered under this clause are for
34 the benefit of the employer and the provisions of subdivision 6
35 are not applicable to the damages.

36 (c) The third party is not liable to any person other than
37 the employee or the employee's dependents, or the employer, or
38 the special compensation fund, for any damages resulting from
39 the injury or death.

40 A co-employee working for the same employer is not liable
41 for a personal injury incurred by another employee unless the
42 injury resulted from the gross negligence of the co-employee or
43 was intentionally inflicted by the co-employee.

44 Subd. 6. COSTS, ATTORNEY FEES, EXPENSES. The
45 proceeds of all actions for damages or of a settlement of an
46 action under this section, except for damages received under
47 subdivision 5, clause (b) received by the injured employee or
48 the employee's dependents or by the employer or the special
49 compensation fund, as provided by subdivision 5, shall be
50 divided as follows:

51 (a) After deducting the reasonable cost of collection,
52 including but not limited to attorneys fees and burial expense
53 in excess of the statutory liability, then

54 (b) One-third of the remainder shall in any event be paid
55 to the injured employee or the employee's dependents, without
56 being subject to any right of subrogation.

57 (c) Out of the balance remaining, the employer or the
58 special compensation fund shall be reimbursed in an amount equal
59 to all benefits paid under this chapter to or on behalf of the
60 employee or the employee's dependents by the employer or special
61 compensation fund, less the product of the costs deducted under
62 clause (a) divided by the total proceeds received by the
63 employee or his dependents from the other party multiplied by
64 all benefits paid by the employer or the special compensation
65 fund to the employee or the employee's dependents. *

66 (d) Any balance remaining shall be paid to the employee or
67 the employee's dependents, and shall be a credit to the employer
68 or the special compensation fund for any benefits which the
69 employer or the special compensation fund is obligated to pay,
70 but has not paid, and for any benefits that the employer or the
71 special compensation fund is obligated to make in the future.

72 There shall be no reimbursement or credit to the employer
73 or to the special compensation fund for interest or penalties.

74 No change for subd 7 to 10

176*#081S

75 176.081 LEGAL SERVICES OR DISBURSEMENTS; LIEN; REVIEW.

1 No change for subd 1 to 2

2 Subd. 3. An employee who is dissatisfied with ~~his~~ attorney *
 3 fees, may file an application for review by the workers'
 4 compensation court of appeals. Such application shall state the
 5 basis for the need of review and whether or not a hearing is
 6 requested. A copy of such application shall be served upon the
 7 attorney for the employee by the court administrator and if a
 8 hearing is requested by either party, the matter shall be set
 9 for hearing. The notice of hearing shall be served upon known
 10 interested parties. The attorney for the employee shall be
 11 served with a notice of the hearing. The workers' compensation
 12 court of appeals shall have the authority to raise the question
 13 of the issue of the attorney fees at any time upon its own
 14 motion and shall have continuing jurisdiction over attorney fees.

15 Subd. 4. Repealed, 1985 c 234 s 22

16 No change for subd 5 to 7a

17 Subd. 8. Where compensation benefits are payable under
 18 this chapter, and a dispute exists between two or more employers
 19 or two or more insurers as to which is liable for payment, and
 20 litigation ensues to resolve such dispute, the employee shall be
 21 awarded against the party held liable for the benefits, the
 22 reasonable attorney fees, costs and disbursements ~~he incurs~~ *
 23 incurred to protect ~~his~~ the employee's rights, even if ~~he~~ the *
 24 employee is being voluntarily paid benefits by one of the *
 25 parties to the dispute.

26 No change for subd 9 to 11

176*#101S

27 176.101 COMPENSATION SCHEDULE.

28 No change for subd 1 to 3d

29 Subd. 3e. END OF TEMPORARY TOTAL COMPENSATION. (a)
 30 Ninety days after an employee has reached maximum medical
 31 improvement or 90 days after the end of an approved retraining
 32 program, whichever is later, the employee's temporary total
 33 compensation shall cease. This cessation shall occur at an
 34 earlier date if otherwise provided by this chapter.

35 (b) If at any time prior to the end of the 90-day period
 36 described in clause (a) the employee retires or the employer
 37 furnishes work to the employee that is consistent with an
 38 approved plan of rehabilitation and meets the requirements of
 39 section 176.102, subdivision 1, or, if no plan has been
 40 approved, that the employee can do in ~~his-or-her~~ the employee's *
 41 physical condition and that job produces an economic status as
 42 close as possible to that the employee would have enjoyed
 43 without the disability, or the employer procures this employment
 44 with another employer or the employee accepts this job with
 45 another employer, temporary total compensation shall cease and
 46 the employee shall, if appropriate, receive impairment
 47 compensation pursuant to subdivision 3b. This impairment
 48 compensation is in lieu of economic recovery compensation under
 49 subdivision 3a, and the employee shall not receive both economic
 50 recovery compensation and impairment compensation. Temporary
 51 total compensation and impairment compensation shall not be paid
 52 concurrently. Once temporary total compensation ceases no
 53 further temporary total compensation is payable except as
 54 specifically provided by this section.

55 (c) Upon receipt of a written medical report indicating
 56 that the employee has reached maximum medical improvement, the
 57 employer or insurer shall serve a copy of the report upon the
 58 employee and shall file a copy with the division. The beginning
 59 of the 90-day period shall commence on the day this report is
 60 served on the employee for the purpose of determining whether a
 61 job offer consistent with the requirements of this subdivision
 62 is made. A job offer may be made before the employee reaches
 63 maximum medical improvement.

64 (d) The job which is offered or procured by the employer or
 65 accepted by the employee under clause (b) does not necessarily
 66 have to commence immediately but shall commence within a
 67 reasonable period after the end of the 90-day period described
 68 in clause (a). Temporary total compensation shall not cease
 69 under this subdivision until the job commences.

70 (e) If the job offered under clause (a) is not the job the
 71 employee had at the time of injury it shall be offered in
 72 writing and shall state the nature of the job, the rate of pay,
 73 the physical requirements of the job, and any other information
 74 necessary to fully and completely inform the employee of the job
 75 duties and responsibilities.

1 The employee has 14 calendar days to accept or reject the
2 job offer. If the employee does not respond within this period
3 it is deemed a refusal of the offer. Where there is an
4 administrative conference to determine suitability under section
5 176.242, the period begins to run on the date of the
6 commissioner's decision.

7 (f) Self-employment may be an appropriate job under this
8 subdivision.

9 The commissioner shall monitor application of this
10 subdivision and may adopt rules to assure its proper application.

11 No change for subd 3f to 3s

12 Subd. 3t. MINIMUM ECONOMIC RECOVERY COMPENSATION.

13 (a) Economic recovery compensation pursuant to this section
14 shall be at least 120 percent of the impairment compensation the
15 employee would receive if that compensation were payable to the
16 employee.

17 (b) Where an employee has suffered a personal injury for
18 which temporary total compensation is payable but which produces
19 no permanent partial disability and the employee is unable to
20 return to ~~his~~ former employment for medical reasons attributable
21 to the injury, the employee shall receive 26 weeks of economic *
22 recovery compensation. This paragraph shall not be used to
23 determine monitoring period compensation under subdivision 3i
24 and shall not be a minimum for determining the amount of
25 compensation when an employee has suffered a permanent partial
26 disability.

27 No change for subd 3u to 3v

28 Subd. 4. PERMANENT TOTAL DISABILITY. For permanent
29 total disability, as defined in subdivision 5, the compensation
30 shall be 66 2/3 percent of the daily wage at the time of the
31 injury, subject to a maximum weekly compensation equal to the
32 maximum weekly compensation for a temporary total disability and
33 a minimum weekly compensation equal to the minimum weekly
34 compensation for a temporary total disability. This
35 compensation shall be paid during the permanent total disability
36 of the injured employee but after a total of \$25,000 of weekly
37 compensation has been paid, the amount of the weekly
38 compensation benefits being paid by the employer shall be
39 reduced by the amount of any disability benefits being paid by
40 any government disability benefit program if the disability
41 benefits are occasioned by the same injury or injuries which
42 give rise to payments under this subdivision. This reduction
43 shall also apply to any old age and survivor insurance
44 benefits. Payments shall be made at the intervals when the wage
45 was payable, as nearly as may be. In case an employee who is
46 permanently and totally disabled becomes an inmate of a public
47 institution, no compensation shall be payable during the period
48 of confinement in the institution, unless ~~he has~~ there is wholly *
49 dependent on ~~him~~ the employee for support some person named in *
50 section 176.111, subdivisions 1, 2 or 3, in which case the
51 compensation provided for in section 176.111, during the period
52 of confinement, shall be paid for the benefit of the dependent
53 person during dependency. The dependency of this person shall
54 be determined as though the employee were deceased.

55 No change for subd 4a

56 Subd. 5. TOTAL DISABILITY. The total and permanent
57 loss of the sight of both eyes, the loss of both arms at the
58 shoulder, the loss of both legs so close to the hips that no
59 effective artificial members can be used, complete and permanent
60 paralysis, total and permanent loss of mental faculties, or any
61 other injury which totally incapacitates the employee from
62 working at an occupation which brings ~~him~~ the employee an income *
63 constitutes total disability.

64 No change for subd 6 to 8

176*#102S

65 176.102 REHABILITATION.

66 No change for subd 1 to 1a

67 Subd. 2. ADMINISTRATORS. The commissioner shall hire
68 a director of rehabilitation services in the classified service.
69 The commissioner shall monitor and supervise rehabilitation
70 services, including, but not limited to, making determinations
71 regarding the selection and delivery of rehabilitation services
72 and the criteria used to approve qualified rehabilitation
73 consultants and rehabilitation vendors. The commissioner may
74 also make determinations regarding fees for rehabilitation
75 services, the fitness of qualified rehabilitation consultants

1 and vendors to continue to be approved under this section and
 2 has authority to discipline, by fine or otherwise, the
 3 consultants or vendors who act in violation of this chapter or
 4 rules adopted pursuant to this chapter. The commissioner may
 5 hire qualified personnel to assist in ~~his~~ the commissioner's
 6 duties under this section and may delegate ~~his~~ the duties and
 7 performance.

*
*

8 Subd. 3. REVIEW PANEL. There is created a
 9 rehabilitation review panel composed of the commissioner or a
 10 designee, who shall serve as an ex officio member and two
 11 members each from employers, insurers, rehabilitation, and
 12 medicine, one member representing chiropractors, and four
 13 members representing labor. The members shall be appointed by
 14 the commissioner and shall serve four-year terms which may be
 15 renewed. Compensation for members shall be governed by section
 16 15.0575. The panel shall select a ~~chairman~~ chair. The panel
 17 shall review and make a determination with respect to (a)
 18 appeals regarding eligibility for rehabilitation services,
 19 rehabilitation plans and rehabilitation benefits under
 20 subdivisions 9 and 11; (b) appeals on any other rehabilitation
 21 issue the commissioner determines under this section; and (c)
 22 appeals regarding fee disputes, penalties, discipline,
 23 certification approval or revocation of registration of
 24 qualified rehabilitation consultants and approved vendors. The
 25 panel shall continuously study rehabilitation services and
 26 delivery and develop and recommend rehabilitation rules to the
 27 commissioner.

*

28 The commissioner may appoint alternates for one-year terms
 29 to serve as a member when a member is unavailable. The number
 30 of alternates shall not exceed one labor member, one employer or
 31 insurer member, and one member representing medicine,
 32 chiropractic, or rehabilitation.

33 No change for subd 3a to 14

176*#111S

34 176.111 DEPENDENTS, ALLOWANCES.

35 No change for subd 1 to 2

36 Subd. 3. PERSONS WHOLLY SUPPORTED. A wife, child,
 37 husband, mother, father, grandmother, grandfather, grandchild,
 38 sister, brother, mother-in-law, father-in-law, wholly supported
 39 by a deceased worker at the time of ~~his~~ death and for a
 40 reasonable time prior thereto are considered ~~his~~ actual
 41 dependents of the deceased worker and compensation shall be paid
 42 to them in the order named.

*
*
*

43 Subd. 4. PERSONS PARTIALLY SUPPORTED. Any member of
 44 a class named in subdivision 3 who regularly derived ~~part-of-his~~
 45 partial support from the wages of a deceased worker at the time
 46 of ~~his~~ death and for a reasonable time prior thereto is
 47 considered ~~his~~ a partial dependent and compensation shall be
 48 paid to such dependents in the order named.

*
*
*
*

49 No change for subd 5 to 12

50 Subd. 14. PARENTS. If the deceased employee leave
 51 no ~~widow~~ surviving spouse or child ~~or-husband~~ entitled to any
 52 payment under this chapter, but leaves both parents wholly
 53 dependent on deceased, there shall be paid to such parents
 54 jointly 45 percent of the weekly wage at the time of the injury
 55 of the deceased. In case of the death of either of the wholly
 56 dependent parents the survivor shall receive 35 percent of the
 57 weekly wage thereafter. If the deceased employee leave one
 58 parent wholly dependent on the deceased, there shall be paid to
 59 such parent 35 percent of the weekly wage at the time of the
 60 injury of the deceased employee. The compensation payments
 61 under this section shall not exceed the actual contributions
 62 made by the deceased employee to the support of ~~his~~ the
 63 employee's parents for a reasonable time immediately prior to
 64 the injury which caused the death of the deceased employee.

*
*
*
*
*
*
*
*
*
*

65 Subd. 15. REMOTE DEPENDENTS. If the deceased
 66 employee leave no ~~widow~~ surviving spouse or child ~~or-husband~~ or
 67 parent entitled to any payment under this chapter, but leaves a
 68 grandparent, grandchild, brother, sister, mother-in-law, or
 69 father-in-law wholly dependent on ~~him~~ the employee for support,
 70 there shall be paid to such dependent, if but one, 30 percent of
 71 the daily wage at the time of injury of the deceased, or if more
 72 than one, 35 percent of the daily wage at the time of the injury
 73 of the deceased, divided among them share and share alike.

*
*

74 No change for subd 16 to 20

75 Subd. 21. DEATH, BENEFITS; COORDINATION WITH

1 GOVERNMENTAL SURVIVOR BENEFITS. The following provision shall
2 apply to any dependent entitled to receive weekly compensation
3 benefits under this section as the result of the death of an
4 employee, and who is also receiving or entitled to receive
5 benefits under any government survivor program:

6 The combined total of weekly government survivor benefits
7 and workers' compensation death benefits provided under this
8 section shall not exceed 100 percent of the weekly wage being
9 earned by the deceased employee at the time of the injury
10 causing his death; provided, however, that no state workers'
11 compensation death benefit shall be paid for any week in which
12 the survivor benefits paid under the federal program, by
13 themselves, exceed 100 percent of such weekly wage provided,
14 however, the workers' compensation benefits payable to a
15 dependent surviving spouse shall not be reduced on account of
16 any governmental survivor benefits payable to decedent's
17 children if the support of the children is not the
18 responsibility of the dependent surviving spouse.

19 For the purposes of this subdivision "dependent" means
20 dependent surviving spouse together with all dependent children
21 and any other dependents. For the purposes of this subdivision,
22 mother's insurance benefits received pursuant to 42 U.S.C., 402
23 (g), are benefits under a government survivor program.

176*#132S

24 176.132 SUPPLEMENTARY BENEFITS.

25 No change for subd 1

26 Subd. 2. AMOUNT. (a) The supplementary benefit
27 payable under this section shall be the difference between the
28 amount the employee receives on or after January 1, 1976, under
29 section 176.101, subdivision 1 or subdivision 4, and 65 percent
30 of the statewide average weekly wage as computed annually.

31 (b) In the event an eligible recipient is currently
32 receiving no compensation or is receiving a reduced level of
33 compensation because of a credit being applied as the result of
34 a third party liability or damages, the employer or insurer
35 shall compute the offset credit as if the individual were
36 entitled to the actual benefit or 65 percent of the statewide
37 average weekly wage as computed annually, whichever is greater.
38 If this results in the use of a higher credit than otherwise
39 would have been applied and the employer or insurer becomes
40 liable for compensation benefits which would otherwise not have
41 been paid, the additional benefits resulting shall be handled
42 according to this section.

43 (c) In the event an eligible recipient is receiving no
44 compensation or is receiving a reduced level of compensation
45 because of a valid agreement in settlement of a claim, no
46 supplementary benefit shall be payable under this section.
47 Attorney's fees shall be allowed in settlements of claims for
48 supplementary benefits in accordance with this chapter.

49 (d) In the event an eligible recipient is receiving no
50 compensation or is receiving a reduced level of compensation
51 because of prior limitations in the maximum amount payable for
52 permanent total disability or because of reductions resulting
53 from the simultaneous receipt of old age or disability benefits,
54 the supplementary benefit shall be payable for the difference
55 between the actual amount of compensation currently being paid
56 and 65 percent of the statewide average weekly wage as computed
57 annually.

58 (e) In the event that an eligible recipient is receiving
59 simultaneous benefits from any government disability program,
60 the amount of supplementary benefits payable under this section
61 shall be reduced by five percent. If the individual does not
62 receive the maximum benefits for which he the individual is
63 eligible under other governmental disability programs due to the
64 provisions of 42 U.S.C. 424a (d), this reduction shall not apply.

65 No change for subd 2a to 5

176*#135S

66 176.135 TREATMENT; APPLIANCES; SUPPLIES.

67 No change for subd 1 to 3

68 Subd. 4. CHRISTIAN SCIENCE TREATMENT. Any employee
69 electing to receive Christian Science treatment as provided in
70 subdivision 1 shall notify his the employer in writing of his
71 the election within 30 days after July 1, 1953, and any person
72 hereafter accepting employment shall give such notice at the
73 time he-accepts of accepting employment. Any employer may elect
74 not to be subject to the provisions for Christian Science

1 treatment provided for in this section by filing a written
2 notice of such election with the commissioner of the department
3 of labor and industry, in which event the election of the
4 employee shall have no force or effect whatsoever.

5 No change for subd 5

176*#1361S

6 176.1361 TESTIMONY OF PROVIDERS.

7 When a compensation judge or the workers' compensation
8 court of appeals has reason to believe that a medical or other
9 provider of treatment services has submitted false testimony or
10 a false report in any proceeding under this chapter, the
11 compensation judge or the workers' compensation court of appeals
12 shall refer the matter to an appropriate licensing body or other
13 professional certifying organization for review and
14 recommendations. Based upon their recommendation, the
15 commissioner may bar the provider from making an appearance, and
16 disallow the admission into evidence of written reports of the
17 provider, in any proceeding under this chapter for a period not
18 to exceed one year in the first instance and three years in the
19 second instance, and may permanently bar the provider from
20 appearance and ~~his~~ the provider's reports from admission in
21 evidence thereafter. *

176*#137S

22 176.137 REMODELING OF RESIDENCE; HANDICAPPED EMPLOYEES.

23 Subdivision 1. The employer shall furnish to an employee
24 who is permanently disabled because of a personal injury
25 suffered in the course of employment with that employer such
26 alteration or remodeling of ~~his~~ the employee's principal
27 residence as is reasonably required to enable the employee to
28 move freely into and throughout ~~his~~ the residence and to
29 otherwise adequately accommodate the disability. Any remodeling
30 or alteration shall be furnished only when the division or
31 workers' compensation court of appeals determines that the
32 injury is to such a degree that the employee is substantially
33 prevented from functioning within the principal residence. *

34 No change for subd 2 to 5

176*#141S

35 176.141 NOTICE OF INJURY.

36 Unless the employer has actual knowledge of the occurrence
37 of the injury or unless the injured worker, or a dependent or
38 someone in behalf of either, gives written notice thereof to the
39 employer within 14 days after the occurrence of the injury, then
40 no compensation shall be due until the notice is given or
41 knowledge obtained. If the notice is given or the knowledge
42 obtained within 30 days from the occurrence of the injury, no
43 want, failure, or inaccuracy of a notice shall be a bar to
44 obtaining compensation unless the employer shows ~~that-he-was~~
45 prejudiced prejudice by such want, defect, or inaccuracy, and
46 then only to the extent of the prejudice. If the notice is
47 given or the knowledge obtained within 180 days, and if the
48 employee or other beneficiary shows that ~~his~~ the employee's or beneficiary's
49 prior notice was due to ~~his~~ the employee's or beneficiary's
50 mistake, inadvertence, ignorance of fact or law, or inability,
51 or to the fraud, misrepresentation, or deceit of the employer
52 or ~~his~~ agent, then compensation may be allowed, unless the
53 employer shows ~~that-he-was-prejudiced~~ prejudice by failure to
54 receive the notice, in which case the amount of compensation
55 shall be reduced by a sum which fairly represents the prejudice
56 shown. Unless knowledge is obtained or written notice given
57 within 180 days after the occurrence of the injury no
58 compensation shall be allowed, except that an employee who is
59 unable, because of mental or physical incapacity, to give notice
60 to the employer within 180 days from the injury shall give the
61 prescribed notice within 180 days from the time the incapacity
62 ceases. *

176*#145S

63 176.145 SERVICE OF NOTICE, FORM.

64 The notice referred to in section 176.141 may be served
65 personally upon the employer, or upon any agent of the employer
66 upon whom a summons may be served in a civil action, or by
67 sending it by certified mail to the employer at the last known
68 residence or business place thereof within the state, and may be
69 substantially in the following form:

70 "NOTICE

71 You are hereby notified that an injury was received by
72 (Name), who was in your employment at (place)

1 , while engaged as (kind of work) , on
 2 or about the day of , 19.... , and who is
 3 now located at (give town, street, and number) ;
 4 that, so far as now known, the nature of the injury was
 5 , and that compensation may be claimed therefor.

6 Dated , 19.. (signed)
 7 (giving address)"

8 No variation from this form shall be material if the notice
 9 is sufficient to advise the employer that a certain employee, by
 10 name, received a specified injury in the course of his *
 11 employment on or about a specified time, at or near a certain
 12 place specified.

176*#151S

13 176.151 TIME LIMITATIONS.

14 The time within which the following acts shall be performed
 15 shall be limited to the following periods, respectively:

16 (1) Actions or proceedings by an injured employee to
 17 determine or recover compensation, three years after the
 18 employer has made written report of the injury to the
 19 commissioner of the department of labor and industry, but not to
 20 exceed six years from the date of the accident.

21 (2) Actions or proceedings by dependents to determine or
 22 recover compensation, three years after the receipt by the
 23 commissioner of the department of labor and industry of written
 24 notice of death, given by the employer, but not to exceed six
 25 years from the date of injury, provided, however, if the
 26 employee was paid compensation for the injury from which the
 27 death resulted, such actions or proceedings by dependents must
 28 be commenced within three years after the receipt by the
 29 commissioner of the department of labor and industry of written
 30 notice of death, given by the employer, but not to exceed six
 31 years from the date of death. In any such case, if a dependent
 32 of the deceased, or any one in his the dependent's behalf, gives *
 33 written notice of such death to the commissioner of the
 34 department of labor and industry, the commissioner shall
 35 forthwith give written notice to the employer of the time and
 36 place of such death. In case the deceased was a native of a
 37 foreign country and leaves no known dependent within the United
 38 States, the commissioner of the department of labor and industry
 39 shall give written notice of the death to the consul or other
 40 representative of the foreign country forthwith.

41 (3) In case of physical or mental incapacity, other than *
 42 minority, of the injured person or his dependents to perform or
 43 cause to be performed any act required within the time specified
 44 in this section, the period of limitation in any such case shall
 45 be extended for three years from the date when the incapacity
 46 ceases.

47 (4) In the case of injury caused by x-rays, radium,
 48 radioactive substances or machines, ionizing radiation, or any
 49 other occupational disease, the time limitations otherwise
 50 prescribed by Minnesota Statutes 1961, Chapter 176, and acts
 51 amendatory thereof, shall not apply, but the employee shall give
 52 notice to the employer and commence his an action within three *
 53 years after the employee has knowledge of the cause of such
 54 injury and the injury has resulted in disability.

176*#155S

55 176.155 EXAMINATIONS.

56 Subdivision 1. EMPLOYER'S PHYSICIAN. The injured *
 57 employee must submit himself to examination by the employer's
 58 physician, if requested by the employer, and at reasonable times
 59 thereafter upon the employer's request. The employee is entitled
 60 upon request to have his-own a personal physician present at any *
 61 such examination. Each party shall defray the cost of his *
 62 own that party's physician. Any report or written statement *
 63 made by the employer's physician as a result of an examination
 64 of the employee, regardless of whether the examination preceded
 65 the injury or was made subsequent to the injury, shall be made
 66 available, upon request and without charge, to the injured
 67 employee or his representative of the employee. *

68 Subd. 2. NEUTRAL PHYSICIAN. In each case of dispute
 69 as to the injury the commissioner of labor and industry, or in
 70 case of a hearing the compensation judge conducting the hearing,
 71 or the workers' compensation court of appeals if the matter is
 72 before it, may upon-its-own-or-his-own-motion,-or-upon with or *
 73 without the request of any interested party, made-in-compliance *
 74 with-the-rules-of-the-commissioner-of-labor-and-industry-and-the *

1 ~~workers+compensation-court-of-appeals-regulating-the-proper~~ *

2 ~~time-and-forms-for-such-request~~; designate a neutral physician *

3 from the list of neutral physicians developed by the

4 commissioner of labor and industry to make an examination of the

5 injured worker and report ~~his~~ the findings to the commissioner *

6 of labor and industry, compensation judge, or the workers' *

7 compensation court of appeals, as the case may be; provided that *

8 the request of the interested party must comply with the rules *

9 of the commissioner of labor and industry and the workers' *

10 compensation court of appeals regulating the proper time and *

11 forms for the request, and further provided that when an *

12 interested party requests, not later than 30 days prior to a

13 scheduled prehearing conference, that a neutral physician be

14 designated, the compensation judge shall make such a

15 designation. When a party has requested the designation of a

16 neutral physician prior to a prehearing conference, that party

17 may withdraw the request at any time prior to the hearing. The

18 commissioner of labor and industry, compensation judge, or the

19 workers' compensation court of appeals, as the case may be, may

20 request the neutral physician to answer any particular question

21 with reference to the medical phases of the case, including

22 questions calling for an opinion as to the cause and occurrence

23 of the injury insofar as medical knowledge is relevant in the

24 answer. A copy of the signed certificate of the neutral

25 physician shall be mailed to the parties in interest and either

26 party, within five days from date of mailing, may demand that

27 the physician be produced for purposes of cross-examination.

28 The signed certificate of a neutral physician is competent

29 evidence of the facts stated therein. The expense of the

30 examination shall be paid as ordered by the commissioner of

31 labor and industry, compensation judge, or the workers'

32 compensation court of appeals.

33 The commissioner of labor and industry shall develop and

34 maintain a list of neutral physicians available for designation

35 pursuant to this subdivision or section 176.391, subdivision 2.

36 No change for subd 3 to 5

176*#161S

37 176.161 ALIEN DEPENDENTS.

38 Subdivision 1. RESIDING OUTSIDE UNITED STATES. In

39 case a deceased employee for whose injury or death compensation

40 is payable leaves surviving ~~him~~ an alien dependent residing *

41 outside the United States the commissioner shall direct the

42 payment of all compensation due the dependent to be made to the

43 duly accredited consular officer of the country of which the

44 beneficiary is a citizen residing within the state, or to ~~his~~ a *

45 designated representative residing within the state; or, if the

46 commissioner believes that the interests of the dependent will

47 be better served and at any time prior to the final settlement

48 the dependent files with the commissioner a power of attorney

49 designating any other suitable person residing in this state to

50 act as attorney in fact in such proceedings, the commissioner

51 may appoint such person. If it appears necessary to institute

52 proceedings to enforce payment of compensation due the

53 dependent, the commissioner may permit the consular officer to

54 institute these proceedings. If during the pendency of these

55 proceedings, such power of attorney is filed by the alien

56 dependent, the commissioner shall then determine whether such

57 attorney in fact be substituted to represent such dependent or

58 if the consular officer or ~~his~~ a representative continue therein. *

59 The person so appointed may carry on proceedings to settle all

60 claims for compensation and receive for distribution to such

61 dependent all compensation arising under this chapter. The

62 settlement and distribution of the funds shall be made only on

63 the written order of the commissioner. The person so appointed

64 shall furnish a bond satisfactory to the commissioner, -

65 conditioned upon the proper application of the money received by *

66 ~~him~~. Before the bond is discharged, the person so appointed *

67 shall file with the commissioner a verified account of ~~his~~ *

68 receipts and disbursements of such compensation.

69 No change for subd 2 to 3

176*#175S

70 176.175 RIGHT TO COMPENSATION, AWARD.

71 Subdivision 1. PREFERRED CLAIM. The right to

72 compensation and all compensation awarded any injured employee

73 or for death claims to ~~his~~ dependents have the same preference *

74 against the assets of the employer as unpaid wages for labor.

1 This compensation does not become a lien on the property of
2 third persons by reason of this preference.

3 Subd. 2. NON-ASSIGNABILITY. No claim for
4 compensation owned by an injured employee or ~~his~~ dependents is *
5 assignable. Except as otherwise provided in this chapter, any *
6 claim for compensation owned by an injured employee or ~~his~~
7 dependents is exempt from seizure or sale for the payment of any
8 debt or liability.

176*#181S

9 176.181 INSURANCE.

10 No change for subd 1

11 Subd. 2. COMPULSORY INSURANCE; SELF-INSURERS. (1)

12 Every employer, except the state and its municipal subdivisions,
13 liable under this chapter to pay compensation shall insure
14 payment of compensation with some insurance carrier authorized
15 to insure workers' compensation liability in this state, or
16 obtain a written order from the commissioner of commerce
17 exempting the employer from insuring ~~his~~ liability for *
18 compensation and permitting ~~him-to-self-insure~~ self-insurance of *
19 the liability. The terms, conditions and requirements governing
20 self-insurance shall be established by the commissioner pursuant
21 to chapter 14. The commissioner of commerce shall also adopt,
22 pursuant to clause (2)(c), rules permitting two or more
23 employers, whether or not they are in the same industry, to
24 enter into agreements to pool their liabilities under this
25 chapter for the purpose of qualifying as group self-insurers.
26 With the approval of the commissioner of commerce, any employer
27 may exclude medical, chiropractic and hospital benefits as
28 required by this chapter. An employer conducting distinct
29 operations at different locations may either insure or
30 self-insure the other portion of ~~his~~ operations as a distinct *
31 and separate risk. An employer desiring to be exempted from *
32 insuring ~~his~~ liability for compensation shall make application *
33 to the commissioner of commerce, showing ~~his~~ financial ability *
34 to pay the compensation, whereupon by written order the *
35 commissioner of commerce, on deeming it proper, may make an *
36 exemption ~~as-he-deems-proper~~. The commissioner of commerce may *
37 require further statements of financial ability of the employer
38 to pay compensation. Upon ten days written notice the
39 commissioner of commerce may revoke ~~his~~ the order granting an *
40 exemption, in which event the employer shall immediately *
41 insure ~~his~~ the liability. As a condition for the granting of an *
42 exemption the commissioner of commerce may require the employer
43 to furnish security the commissioner of commerce considers
44 sufficient to insure payment of all claims under this chapter.
45 If the required security is in the form of currency or
46 negotiable bonds, the commissioner of commerce shall deposit it
47 with the state treasurer. In the event of any default upon the
48 part of a self-insurer to abide by any final order or decision
49 of the commissioner of labor and industry directing and awarding
50 payment of compensation and benefits to any employee or the
51 dependents of any deceased employee, then upon at least ten days
52 notice to the self-insurer, the commissioner of commerce may by
53 written order to the state treasurer require ~~him~~ the treasurer *
54 to sell the pledged and assigned securities or a part thereof *
55 necessary to pay the full amount of any such claim or award with
56 interest thereon. This authority to sell may be exercised from
57 time to time to satisfy any order or award of the commissioner
58 of labor and industry or any judgment obtained thereon. When
59 securities are sold the money obtained shall be deposited in the
60 state treasury to the credit of the commissioner of commerce and
61 awards made against any such self-insurer by the commissioner of
62 commerce shall be paid to the persons entitled thereto by the
63 state treasurer upon warrants prepared by the commissioner of
64 commerce and approved by the commissioner of finance out of the
65 proceeds of the sale of securities. Where the security is in
66 the form of a surety bond or personal guaranty the commissioner
67 of commerce, at any time, upon at least ten days notice and
68 opportunity to be heard, may require the surety to pay the
69 amount of the award, the payments to be enforced in like manner
70 as the award may be enforced.

71 (2)(a) No association, corporation, partnership, sole
72 proprietorship, trust or other business entity shall provide
73 services in the design, establishment or administration of a
74 group self-insurance plan under rules adopted pursuant to this
75 subdivision unless it is licensed to do so by the commissioner

1 of commerce. An applicant for a license shall state in writing
 2 the type of activities it seeks authorization to engage in and
 3 the type of services it seeks authorization to provide. The
 4 license shall be granted only when the commissioner of commerce
 5 is satisfied that the entity possesses the necessary
 6 organization, background, expertise, and financial integrity to
 7 supply the services sought to be offered. The commissioner of
 8 commerce may issue a license subject to restrictions or
 9 limitations, including restrictions or limitations on the type
 10 of services which may be supplied or the activities which may be
 11 engaged in. The license is for a two year period.

12 (b) To assure that group self-insurance plans are
 13 financially solvent, administered in a fair and capable fashion,
 14 and able to process claims and pay benefits in a prompt, fair
 15 and equitable manner, entities licensed to engage in such
 16 business are subject to supervision and examination by the
 17 commissioner of commerce.

18 (c) To carry out the purposes of this subdivision, the
 19 commissioner of commerce may promulgate administrative rules,
 20 including emergency rules, pursuant to sections 14.01 to 14.70.
 21 These rules may:

22 (i) establish reporting requirements for administrators of
 23 group self-insurance plans;

24 (ii) establish standards and guidelines to assure the
 25 adequacy of the financing and administration of group
 26 self-insurance plans;

27 (iii) establish bonding requirements or other provisions
 28 assuring the financial integrity of entities administering group
 29 self-insurance plans;

30 (iv) establish standards, including but not limited to
 31 minimum terms of membership in self-insurance plans, as
 32 necessary to provide stability for those plans;

33 (v) establish standards or guidelines governing the
 34 formation, operation, administration and dissolution of
 35 self-insurance plans; and

36 (vi) establish other reasonable requirements to further the
 37 purposes of this subdivision.

38 No change for subd 2a

39 Subd. 3. FAILURE TO INSURE, PENALTY. Any employer
 40 who fails to comply with the provisions of subdivision 2 to
 41 secure payment of compensation is liable to the state of
 42 Minnesota for a penalty of \$100, if the number of uninsured
 43 employees ~~in-his-employment~~ is less than five and for a penalty *
 44 of \$400 if the number of such uninsured employees ~~in-his~~ *
 45 ~~employment~~ is five or more. If the commissioner determines that *
 46 the failure to comply with the provisions of subdivision 2 was
 47 willful and deliberate, the employer shall be liable to the
 48 state of Minnesota for a penalty of \$500, if the number of
 49 uninsured employees ~~in-his-employment~~ is less than five, and for *
 50 a penalty of \$2,000 if the number of ~~his~~ uninsured employees is *
 51 five or more. If the employer continues ~~his~~ noncompliance, ~~he~~ *
 52 the employer is liable for five times the lawful premium for *
 53 compensation insurance for such employer for the period ~~he the~~ *
 54 employer fails to comply with such provisions, commencing ten *
 55 days after notice has been served upon ~~him the employer~~ by the *
 56 commissioner of the department of labor and industry by
 57 certified mail. These penalties may be recovered jointly or
 58 separately in a civil action brought in the name of the state by
 59 the attorney general in any court having jurisdiction. Whenever
 60 any such failure occurs the commissioner of the department of
 61 labor and industry shall immediately certify the fact thereof to
 62 the attorney general. Upon receipt of such certification the
 63 attorney general shall forthwith commence and prosecute such
 64 action. All penalties recovered by the state in any such action
 65 shall be paid into the state treasury and credited to the
 66 special compensation fund. If an employer fails to comply with
 67 the provisions of subdivision 2, to secure payment of
 68 compensation after having been notified of ~~his the employer's~~ *
 69 duty, the attorney general, upon request of the commissioner,
 70 may proceed against the employer in any court having
 71 jurisdiction for an order restraining ~~him the employer~~ from *
 72 having any person in ~~his~~ employment at any time when ~~he the~~ *
 73 employer is not complying with the provisions of subdivision 2. *

74 No change for subd 4

75 Subd. 5. INDEMNIFICATION. A political subdivision or
 76 association of political subdivisions which is self insured, may

1 be indemnified by the special compensation fund for payments for
2 which the political subdivision or association is liable under
3 this chapter. This indemnification shall be made only if all
4 other assets together with the interest earned thereon which
5 have been contributed by the subdivision pursuant to rules
6 adopted by the commissioner of commerce as provided for in this
7 section have been exhausted.

8 The state treasurer, as custodian of the fund, has a cause
9 of action for all moneys paid out or to be paid out if the
10 political subdivisions or association of subdivisions fail to
11 meet a repayment schedule which ~~he~~ the treasurer establishes at
12 the time the request for indemnification is granted. *

13 No change for subd 6 to 7

176*#183S

14 176.183 UNINSURED AND SELF-INSURED EMPLOYERS; BENEFITS
15 TO EMPLOYEES AND DEPENDENTS; LIABILITY OF EMPLOYER.

16 No change for subd 1 to 1a

17 Subd. 2. The commissioner of labor and industry, in
18 accordance with the terms of the order awarding compensation,
19 shall pay compensation to the employee or ~~his~~ the employee's
20 dependent from the special compensation fund. The commissioner
21 of labor and industry shall certify to the commissioner of
22 finance and to the legislature annually the total amount of
23 compensation paid from the special compensation fund under
24 subdivisions 1 and 1a. The commissioner of finance shall upon
25 proper certification reimburse the special compensation fund
26 from the general fund appropriation provided for this purpose.
27 The amount reimbursed shall be limited to the certified amount
28 paid under this section or the appropriation made for this
29 purpose, whichever is the lesser amount. Compensation paid
30 under this section which is not reimbursed by the general fund
31 shall remain a liability of the special compensation fund and
32 shall be financed by the percentage assessed under section
33 176.131, subdivision 10.

34 No change for subd 3 to 4

176*#185S

35 176.185 POLICY OF INSURANCE.

36 Subdivision 1. NOTICE OF COVERAGE, TERMINATION,
37 CANCELLATION. Within ten days after the issuance of a policy
38 of insurance covering the liability to pay compensation under
39 this chapter written by an insurer licensed to insure such
40 liability in this state, the insurer shall file notice of
41 coverage with the commissioner under regulations and on forms
42 prescribed by the commissioner. No policy shall be canceled by
43 the insurer within the policy period nor terminated upon its
44 expiration date until a notice in writing is delivered or mailed
45 to the insured and filed with the commissioner, fixing the date
46 on which it is proposed to cancel it, or declaring that the
47 insurer does not intend to renew the policy upon the expiration
48 date. A cancellation or termination is not effective until 30
49 days after written notice has been filed with the commissioner
50 in a manner prescribed by the commissioner unless prior to the
51 expiration of the 30-day period the employer obtains other
52 insurance coverage or an order exempting the employer from
53 carrying insurance as provided in section 176.181. Upon receipt
54 of the notice the commissioner shall notify the insured that the
55 insured must obtain coverage from some other licensed carrier
56 and that, if unable to do so, the insured shall request the
57 commissioner of commerce to require the issuance of a policy as
58 provided in section 79.251, subdivision 4. Upon a cancellation
59 or termination of a policy by the insurer the employer is
60 entitled to ~~have-a-policy~~ be assigned to-him a policy in
61 accordance with sections 79.251 and 79.252. Notice of
62 cancellation or termination by the insured shall be served upon
63 the insurer by written statement mailed or delivered to the
64 insurer. Upon receipt of the notice the insurer shall notify
65 the commissioner of the cancellation or termination and the
66 commissioner shall ask the employer for the reasons for the
67 cancellation or termination and notify the employer of the duty
68 under this chapter to insure the employer's employees.

69 No change for subd 2 to 3

70 Subd. 4. COMPULSORY PROVISIONS. Every insurance
71 policy which insures the payment of compensation shall contain
72 provisions declaring the following:

73 (1) Notice to or knowledge by the employer is notice to or
74 knowledge by the insurer.

1 (2) Jurisdiction of the employer for any purpose is
2 jurisdiction of the insurer.

3 (3) The insurer is bound by an award rendered against the
4 employer.

5 (4) The employee has an equitable lien upon any amount
6 which the insurer owes under the policy to the employer. Where
7 the employer is legally incapacitated or otherwise unable to
8 receive this amount and pay it over to the employee or ~~his~~ the *
9 employee's dependent, the insurer will pay the amount directly *
10 to the employee or ~~his~~ dependent. This payment by the insurer *
11 directly to the employee or ~~his~~ dependent discharges the *
12 obligation of the insurer to the employee, and the obligations *
13 of the insurer and the employer to the employee or ~~his~~ dependent. *

14 (5) The insolvency or bankruptcy of the employer does not
15 relieve the insurer from its obligation to pay compensation.

16 Subd. 5. AGREEMENT THAT EMPLOYEE PAY PART OF COST OF
17 INSURANCE. Subject to the provisions of subdivision 6, an
18 agreement between an employee and ~~his~~ employer under which the *
19 employee is to pay any part of the cost of insuring the *
20 employer's risk is void. An employer who makes a charge or *
21 deduction prohibited by this subdivision is guilty of a *
22 misdemeanor.

23 No change for subd 6

24 Subd. 7. NOTICE, EFFECT. Where an employer has
25 properly insured the payment of compensation to ~~his~~ an employee, *
26 and ~~he~~ posts a notice in conspicuous places about ~~his~~ the place *
27 of business stating that ~~he~~ there is so-insured insurance and *
28 by-whom the name of the insurer, and ~~he~~ files a copy of that *
29 notice with the commissioner of the department of labor and *
30 industry, the employee, or ~~his~~ the employee's dependent, shall *
31 proceed directly against the insurer. In such case but subject *
32 to subdivision 8, the employer is released from further *
33 liability in this respect.

34 Subd. 8. Repealed, 1977 c 342 s 28

35 Subd. 9. APPLICATION OF SECTION. Where an employer,
36 who has been exempted from the requirement ~~that he~~ to insure ~~his~~ *
37 liability for compensation under this chapter, insures any part *
38 of that liability, this section applies to such an employer to *
39 the extent that its provisions are applicable.

40 No change for subd 10

176*#191S

41 176.191 DISPUTE BETWEEN TWO OR MORE EMPLOYERS OR
42 INSURERS REGARDING LIABILITY.

43 No change for subd 1 to 3

44 Subd. 4. If the employee's medical expenses for a personal
45 injury are paid pursuant to any program administered by the
46 commissioner of human services, or ~~he~~ the employee receives *
47 subsistence or other payments pursuant to such a program, and it *
48 is subsequently determined that the injury is compensable
49 pursuant to this chapter, the workers' compensation insurer
50 shall reimburse the commissioner of human services for the
51 payments made, including interest at a rate of 12 percent a year.

52 Amounts paid to an injured employee pursuant to such a
53 program and attributable to the personal injury shall be
54 deducted from any settlement or award of compensation or
55 benefits under this chapter. The insurer shall attempt, with
56 due diligence, to ascertain whether payments have been made to
57 an injured employee pursuant to such a program prior to any
58 settlement or issuance of a binding award and shall notify the
59 commissioner when such payments have been made.

60 No change for subd 5 to 8

176*#195S

61 176.195 REVOCATION OF INSURER'S LICENSE.

62 No change for subd 1 to 1a

63 Subd. 2. COMMENCEMENT OF PROCEEDINGS. The
64 commissioner of commerce may act under subdivision 1 or
65 subdivision 1a upon ~~his~~ the commissioner's own motion, the *
66 recommendation of the commissioner of labor and industry, the
67 chief administrative law judge, or the workers' compensation
68 court of appeals, or the complaint of any interested person.

69 No change for subd '3

70 Subd. 4. NOTICE OF HEARING. Such commissioner shall
71 prescribe the method of procedure at the hearing, ~~and~~ its time *
72 and place, ~~---He shall,~~ and mail to all interested parties ten *
73 days notice of the hearing.

74 Subd. 5. FINDINGS OF FACTS, ORDER. Such

1 commissioner shall make findings of fact and enter an
2 appropriate order. ~~He~~ The commissioner shall file the findings
3 and order, and mail a copy of them to the commissioner of the
4 department of labor and industry, the complainant, and the
5 insurer.

6 Subd. 6. APPEAL TO DISTRICT COURT. If ~~he~~ the
7 insurer acts within ten days from the date ~~he~~ received of
8 receipt of a copy of the findings and order, the insurer may
9 appeal from an order revoking ~~his~~ the license. The appeal shall
10 be taken to the district court of the district in which the
11 office of the commissioner of commerce is located by serving a
12 written notice of appeal on such commissioner. Such
13 commissioner shall thereupon file a certified copy of ~~his~~ the
14 commissioner's findings and order with the clerk of the district
15 court. This certified copy is prima facie evidence of the facts
16 it states. When the certified copy has been filed with the
17 clerk, the court shall summarily hear and determine the
18 questions involved in the appeal.

19 No change for subd 7

176*#205S

20 176.205 PERSON DEEMED EMPLOYER.

21 Subdivision 1. FRAUDULENT DEVICE TO EVADE
22 RESPONSIBILITY TO WORKER. Subject to subdivision 2, a person
23 who creates or executes any fraudulent scheme, artifice, or
24 device to enable ~~him~~ the person to execute work without being
25 responsible to the worker under this chapter, is deemed an
26 "employer" and is subject to the liabilities which this chapter
27 imposes on employers.

28 No change for subd 2

29 Subd. 3. EXCEPTIONS. A person shall not be deemed a
30 contractor or subcontractor where:

31 (a) ~~he~~ the person performs ~~his~~ work upon another's
32 premises, with the other's tools or appliances, and under the
33 other's direction; or,

34 (b) ~~he~~ the person does what is commonly called "piece work;"
35 or,

36 (c) in any way the system of employment merely provides a
37 method of fixing the worker's wages.

38 No change for subd 4

176*#215S

39 176.215 SUBCONTRACTOR'S FAILURE TO COMPLY WITH CHAPTER.

40 No change for subd 1

41 Subd. 2. SUBROGATION. ~~Where~~ A person who has paid
42 compensation under this section, ~~he~~ is subrogated to the rights
43 of the injured employee against ~~his~~ the employee's immediate
44 employer, or any person whose liability for compensation payment
45 to the employee is prior to the liability of the person who paid
46 it.

47 No change for subd 3

176*#225S

48 176.225 ADDITIONAL AWARD AS PENALTY.

49 No change for subd 1 to 3

50 Subd. 4. HEARING BEFORE COMMISSIONER OF COMMERCE.

51 ~~When he has received~~ Upon receipt of a complaint filed under
52 subdivision 3, the commissioner of commerce shall hear and
53 determine the matter in the manner provided by this chapter. ~~If~~
54 ~~he finds~~ On finding that a charge made by the complaint is true,
55 the commissioner of commerce shall revoke the license of the
56 insurer to do business in this state. The insurer may appeal
57 from the action of the commissioner revoking ~~his~~ the license in
58 the manner provided in this chapter.

59 Subd. 5. PENALTY. Where the employer is guilty of
60 inexcusable delay in making payments, the payments which are
61 found to be delayed shall be increased by 10 percent.
62 Withholding amounts unquestionably due because the injured
63 employee refuses to execute a release of ~~his~~ the employee's
64 right to claim further benefits will be regarded as inexcusable
65 delay in the making of compensation payments. If any sum
66 ordered by the department to be paid is not paid when due, and
67 no appeal of the order is made, the sum shall bear interest at
68 the rate of 12 percent per annum. Any penalties paid pursuant
69 to this section shall not be considered as a loss or expense
70 item for purposes of a petition for a rate increase made
71 pursuant to chapter 79.

176*#231S

72 176.231 REPORT OF DEATH OR INJURY TO COMMISSIONER OF THE

1 DEPARTMENT OF LABOR AND INDUSTRY.
2 No change for subd 1
3 Subd. 2. INITIAL REPORT, WRITTEN REPORT. Where
4 subdivision 1 requires an injury to be reported within 48 hours,
5 the employer may make ~~his~~ an initial report by telephone, *
6 telegraph, or personal notice, and file a written report of the
7 injury within seven days from its occurrence or within such time
8 as the commissioner of labor and industry designates. All
9 written reports of injuries required by subdivision 1 shall
10 include the date of injury, amounts of payments made, if any,
11 and the date of the first payment. The reports shall be in
12 quadruplicate on a form designed by the commissioner, with two
13 copies to the commissioner and one to the insurer.

14 If an insurer or self insurer repeatedly fails to pay
15 benefits within three days of the due date, pursuant to section
16 176.221, the insurer or self insurer shall be ordered by the
17 commissioner to explain, in person, the failure to pay benefits
18 due in a reasonable time. If prompt payments are not thereafter
19 made, the commissioner shall refer the insurer or self insurer
20 to the commissioner of commerce for action pursuant to section
21 176.225, subdivision 4.

22 No change for subd 3 to 6

23 Subd. 7. MEDICAL REPORTS. If requested by the
24 division, a compensation judge, the workers' compensation court
25 of appeals, or any member or employee thereof an employer,
26 insurer, or employee shall file with the commissioner the
27 original or a verified copy of any medical report in ~~his~~ *
28 possession which bears upon the case and shall also file a
29 verified copy of the same report with the agency or individual
30 who made the request.

31 No change for subd 8 to 10

176*#241S

32 176.241 NOTICE TO DIVISION OF INTENTION TO DISCONTINUE
33 COMPENSATION PAYMENTS.

34 Subdivision 1. NECESSITY FOR NOTICE AND SHOWING;
35 CONTENTS. Subject to sections 176.242 and 176.243, where an
36 employee claims that the right to compensation continues, the
37 employer may not discontinue payment of compensation until the
38 employer provides the employee with notice in writing of ~~his~~ *
39 intention to do so, on a form prescribed by the commissioner,
40 together with a statement of facts clearly indicating the
41 reasons for the discontinuance. A copy of the notice shall be
42 provided to the division by the employer.

43 The notice to the employee and the copy to the division
44 shall state the date of intended discontinuance and the reason
45 for the action. The notice to the employee and the copy to the
46 division shall be accompanied by a statement of facts in support
47 of the discontinuance of compensation payments and whatever
48 medical reports are in the possession of the employer bearing on
49 the physical condition of the employee at the time of the
50 proposed discontinuance.

51 No change for subd 2 to 4

176*#253S

52 176.253 INSURER, EMPLOYER; PERFORMANCE OF ACTS.

53 Where this chapter requires an employer to perform an act,
54 the insurer of the employer may perform that act. Where the
55 insurer acts in behalf of the employer, the employer is
56 responsible for the authorized acts of the insurer and for any
57 delay, failure, or refusal of the insurer to perform the act.

58 This section does not relieve the employer from any penalty
59 or forfeiture which this chapter imposes on ~~him~~ the employer. *

176*#261S

60 176.261 EMPLOYEE OF COMMISSIONER OF THE DEPARTMENT OF
61 LABOR AND INDUSTRY MAY ACT FOR AND ADVISE A PARTY TO A
62 PROCEEDING.

63 When requested by an employer or an employee or ~~his~~ an *
64 employee's dependent, the commissioner of the department of *
65 labor and industry may designate one or more of the division *
66 employees to advise that party of ~~his~~ rights under this chapter,
67 and as far as possible to assist in adjusting differences
68 between the parties. The person so designated may appear in
69 person in any proceedings under this chapter as the
70 representative or adviser of the party. In such case, the party
71 need not be represented by an attorney at law.

176*#265S

72 176.265 REPORT TO LEGISLATURE.

1 The commissioner of the department of labor and industry
 2 shall observe in detail the operation of this chapter throughout
 3 the state. He The commissioner shall make a report to each
 4 session of the legislature concerning the operation of the
 5 chapter, proposing such changes as he the commissioner deems
 6 advisable to improve the law.

176*#271S

7 176.271 INITIATION OF PROCEEDINGS.

8 Subdivision 1. Unless otherwise provided by this chapter
 9 or by the commissioner of labor and industry, all proceedings
 10 before the division are initiated by the filing of a written
 11 petition on a prescribed form with the commissioner of labor and
 12 industry at his the commissioner's principal office.

13 No change for subd 2

176*#275S

14 176.275 FILING OF PAPERS.

15 The workers' compensation division and the workers'
 16 compensation court of appeals shall file any paper which has
 17 been delivered to it for filing immediately upon its receipt in
 18 the office of the commissioner of the department of labor and
 19 industry. The commissioner of the department of labor and
 20 industry shall file any paper which has been delivered to him
 21 the commissioner for filing immediately upon its receipt.

176*#295S

22 176.295 NONRESIDENT EMPLOYERS; FOREIGN CORPORATION.

23 Subdivision 1. AFFIDAVIT OF INABILITY TO OBTAIN
 24 SERVICE. Where an employee or his an employee's dependent
 25 has filed a petition for compensation with the commissioner of
 26 the department of labor and industry, and he is unable to make
 27 service of the petition and other notices on the employer
 28 because the latter is a nonresident or a foreign corporation,
 29 the petitioner may file an affidavit with the commissioner of
 30 the department of labor and industry stating that he the
 31 petitioner is so unable to make service.

32 Subd. 2. ACTION IN DISTRICT COURT. When he the
 33 petitioner has filed the affidavit with the commissioner of the
 34 department of labor and industry, the petitioner may bring an
 35 action against the employer in the district court located in the
 36 county in which the employee resided at the time of the injury
 37 or death. The action shall be brought and conducted in the same
 38 manner as are other civil actions in district court. The
 39 complaint shall state that a petition for compensation has been
 40 filed with the commissioner of the department of labor and
 41 industry, and shall be accompanied by a verified copy of the
 42 affidavit. The complaint shall also state the facts upon which
 43 the right to compensation or other relief is based.

44 No change for subd 3 to 4

176*#301S

45 176.301 DETERMINATION OF ISSUES.

46 Subdivision 1. TRIAL BY COURT; REFERENCE TO
 47 COMMISSIONER. When issue has been joined in the district
 48 court action, the court may try the action itself without a
 49 jury, or refer the matter to the commissioner. In the latter
 50 case, the commissioner shall refer the matter to the chief
 51 administrative law judge for assignment to a compensation
 52 judge. The compensation judge shall report his findings and
 53 decisions to the district court. The court may approve or
 54 disapprove such decision in the same manner as it approves or
 55 disapproves the report of a referee. The court shall enter
 56 judgment upon such decision.

57 No change for subd 2

176*#351S

58 176.351 TESTIMONIAL POWERS.

59 Subdivision 1. OATHS. The compensation judge to whom
 60 a petition has been assigned for hearing shall administer an
 61 oath to each witness. The commissioner may also administer an
 62 oath when required in the performance of his duties.

63 Subd. 2. SUBPOENAS. Upon-his-own-initiative, or upon
 64 Acting with or without the written request of an interested
 65 party, the commissioner or compensation judge before whom a
 66 hearing is held may issue a subpoena for the attendance of a
 67 witness or the production of such books, papers, records and
 68 documents as are material in the cause and are designated in the
 69 subpoena. The commissioner may also issue a subpoena for the
 70 attendance of a witness or the production of such books, papers,
 71 records, and documents as are material in the cause pending and

1 are designated in the subpoena.
 2 Subd. 2a. SUBPOENAS NOT PERMITTED. A member of the
 3 rehabilitation review panel or medical services board or an
 4 employee of the department who has conducted an administrative
 5 conference or hearing under section 176.102, 176.103, 176.135,
 6 176.136, 176.242, or 176.243, shall not be subpoenaed to testify
 7 regarding the conference, hearing, or concerning a mediation
 8 session. A member of the rehabilitation review panel, medical
 9 services board, or an employee of the department may be required
 10 to answer written interrogatories limited to the following
 11 questions:

12 (a) Were all statutory and administrative procedural rules
 13 adhered to in reaching the decision?

14 (b) If the answer to question (a) is no, what deviations
 15 took place?

16 (c) Did the person making the decision consider all the
 17 information presented ~~to him or her~~ prior to rendering a
 18 decision? *

19 (d) Did the person making the decision rely on information
 20 outside of the information presented at the conference or
 21 hearing in making the decision?

22 (e) If the answer to question (d) is yes, what other
 23 information was relied upon in making the decision?

24 In addition, for a hearing with a compensation judge and
 25 with the consent of the compensation judge, an employee of the
 26 department who conducted an administrative conference, hearing,
 27 or mediation session, may be requested to answer written
 28 interrogatories relating to statements made by a party at the
 29 prior proceeding. These interrogatories shall be limited to
 30 affirming or denying that specific statements were made by a
 31 party.

32 Subd. 3. ADVANCEMENT OF FEES AND COSTS. The person
 33 who applies for issuance of a subpoena shall advance the
 34 required service and witness fees. The commissioner shall pay
 35 for the attendance of witnesses who are subpoenaed by ~~him~~ the
 36 commissioner. The chief administrative law judge shall pay for
 37 the attendance of witnesses who are subpoenaed by a compensation
 38 judge. The fees are the same as the service and witness fees in
 39 civil actions in district court. *

40 No change for subd 4

176*#421S

41 176.421 APPEALS TO WORKERS' COMPENSATION COURT OF
 42 APPEALS.

43 Subdivision 1. TIME FOR TAKING; GROUNDS. When a
 44 petition has been heard before a compensation judge, within 30
 45 days after a party in interest has been served with notice of an
 46 award or disallowance of compensation, or other order affecting
 47 the merits of the case, ~~he~~ the party may appeal to the workers'
 48 compensation court of appeals on any of the following grounds: *

49 (1) the order does not conform with this chapter; or

50 (2) the compensation judge committed an error of law; or

51 (3) the findings of fact and order were unsupported by
 52 substantial evidence in view of the entire record as submitted;
 53 or

54 (4) the findings of fact and order were procured by fraud,
 55 or coercion, or other improper conduct of a party in interest.

56 No change for subd 2 to 4

57 Subd. 5. TRANSCRIPT; CERTIFICATION OF THE RECORD.

58 When the notice of appeal has been filed with the chief
 59 administrative law judge and the fee for the preparation of the
 60 record has been paid, the chief administrative law judge shall
 61 immediately order the preparation of a typewritten transcript of
 62 that part of the hearing delineated in the notice. The official
 63 reporter or other person designated by the chief administrative
 64 law judge who transcribes the proceedings shall certify to their
 65 correctness.

66 If the transcript is prepared by a person who is not an
 67 employee of the office of administrative hearings, upon
 68 completion of the transcript, the original shall be filed with
 69 the chief administrative law judge.

70 When the transcript has been completed and is on file with
 71 the chief administrative law judge, ~~he~~ the chief judge shall
 72 certify the record to the workers' compensation court of appeals
 73 and notify the commissioner of the certification. *

74 No change for subd 6 to 7

176*#451S

1 176.451 DEFAULTS.

2 Subdivision 1. APPLICATION TO DISTRICT COURT FOR
3 JUDGMENT. Where there has been a default of more than 30
4 days in the payment of compensation due under an award, the
5 employee, or ~~his~~ the employee's dependent, or other person *
6 entitled to the payment of money under the award, may apply to
7 the judge of any district court for the entry of judgment upon
8 the award.

9 No change for subd 2

10 Subd. 3. CLERK'S FEES. The clerk shall charge only *
11 25 cents for the entire service ~~he~~ the clerk performs under this
12 section.

13 Subd. 4. MATTERS FOR DETERMINATION; JUDGMENT. When *
14 ~~he~~ a judge hears the application for judgment upon the award,
15 the judge has authority to determine only the facts of the award
16 and the regularity of the proceedings upon which the award is
17 based. The judge shall enter judgment accordingly.

18 Judgment shall not be entered upon an award while an appeal
19 is pending.

20 No change for subd 5

176*#471S

21 176.471 REVIEW BY SUPREME COURT ON CERTIORARI.

22 Subdivision 1. TIME FOR SEEKING REVIEW; GROUNDS.

23 Where the workers' compensation court of appeals has made an *
24 award or disallowance of compensation or other order, ~~if~~ a party *
25 in interest who acts within 30 days from the date ~~he~~ the party *
26 was served with notice of the order, ~~he~~ may have the order *
27 reviewed by the supreme court on certiorari upon one of the
28 following grounds:

29 (1) the order does not conform with this chapter; or,

30 (2) the workers' compensation court of appeals committed
31 any other error of law; or,

32 (3) the findings of fact and order were unsupported by
33 substantial evidence in view of the entire record as submitted.

34 No change for subd 2 to 10

176*#501S

35 176.501 ATTORNEY GENERAL ACTS FOR WORKERS' COMPENSATION
36 COURT OF APPEALS.

37 Unless the workers' compensation court of appeals directs
38 otherwise, when an order of the workers' compensation court of
39 appeals is reviewed by the supreme court under this chapter, the
40 attorney general shall represent the workers' compensation court
41 of appeals. ~~He~~ The attorney general shall prepare and present *
42 such papers, briefs, and arguments as ~~he~~ the attorney general *
43 deems necessary to support the order under review.

176*#521S

44 176.521 SETTLEMENT OF CLAIMS.

45 Subdivision 1. VALIDITY. An agreement between an *
46 employee or ~~his~~ an employee's dependent and the employer or *
47 insurer to settle any claim, which is not upon appeal before the
48 workers' compensation court of appeals, for compensation under
49 this chapter is valid where it has been executed in writing and
50 signed by the parties and intervenors in the matter, and, where
51 one or more of the parties is not represented by an attorney,
52 the division or a compensation judge has approved the settlement
53 and made an award thereon. If the matter is upon appeal before
54 the workers' compensation court of appeals or district court,
55 the workers' compensation court of appeals or district court is
56 the approving body.

57 No change for subd 2 to 3

176*#541S

58 176.541 STATE DEPARTMENTS.

59 No change for subd 1

60 Subd. 2. DEFENSE OF CLAIM AGAINST STATE. When the *
61 commissioner of the department of labor and industry believes
62 that a claim against the state for compensation should be
63 contested, ~~he~~ the commissioner shall defend the state claim. *

64 Subd. 3. DUTIES OF ATTORNEY GENERAL. At any stage
65 in such a compensation proceeding, the attorney general may
66 assume the duty of defending the state. When the commissioner
67 of the department of labor and industry or a department of this
68 state requests the attorney general to assume the defense, ~~he~~ *
69 the attorney general shall do so. *

70 No change for subd 4 to 8

176*#571S

71 176.571 INVESTIGATIONS OF INJURIES TO STATE EMPLOYEES.

1 No change for subd 1
2 Subd. 2. FINDINGS OF FACT, PROPOSED ORDER. When the
3 commissioner of the department of labor and industry has
4 completed ~~his~~ an investigation, ~~he~~ the commissioner shall make *
5 findings of fact and shall enter an award or other order
6 which ~~he~~ the commissioner proposes to make relating to the *
7 liability of the state to pay compensation.
8 Subd. 3. COPIES OF FINDINGS AND PROPOSED ORDER,
9 MAILING. The commissioner of the department of labor and
10 industry shall mail a copy of ~~his~~ the findings and proposed *
11 order to the employee, the head of the department in which ~~he~~ *
12 the employee works, and the attorney general. *
13 No change for subd 4
14 Subd. 5. RECONSIDERATION OF ORDER. When an
15 objection has been filed under subdivision 4, the commissioner
16 of the department of labor and industry shall reconsider ~~his~~ a *
17 proposed order. Subject to subdivision 6, in making this
18 reconsideration, the commissioner of the department of labor and
19 industry may set aside or correct any finding or order, or both,
20 without the necessity of holding a formal hearing.
21 No change for subd 6 to 7
176*#581S
22 176.581 FINDINGS AND FINAL ORDER.
23 Subdivision 1. FILING OF CERTIFIED COPIES. The
24 commissioner of the department of labor and industry shall file
25 a certified copy of ~~his~~ the findings and final order with the *
26 attorney general and the commissioner of finance.
27 Subd. 2. PAYMENT OF COMPENSATION. Upon a warrant
28 prepared by the commissioner of the department of labor and
29 industry and approved by the commissioner of finance, and in
30 accordance with the terms of the order awarding compensation,
31 the state treasurer shall pay compensation to the employee or
32 ~~his~~ the employee's dependent. These payments shall be made from *
33 money appropriated for this purpose.
34 No change for subd 3
176*#602S
35 176.602 PAYMENTS FROM STATE COMPENSATION REVOLVING FUND.
36 The state treasurer shall only pay from the state
37 compensation revolving fund the awards of compensation and the
38 expenses of other benefits to an employee or ~~his~~ the employee's *
39 dependent.
176A#02S
40 176A.02 CREATION; PURPOSE; ORGANIZATION OF THE FUND.
41 No change for subd 1
42 Subd. 2. BOARD OF DIRECTORS. The board of directors
43 consists of seven members and the commissioner of labor and
44 industry who shall be an ex officio member. Each director shall
45 hold office until a successor is appointed and qualifies. Each
46 director shall represent a policyholder and may be an employee
47 of a policyholder. A policyholder may designate a person to
48 represent them on the board. The initial board of directors
49 shall be appointed by the governor and shall consist of seven
50 members, and the commissioner of labor and industry. Each
51 member of the initial board shall be either an employer or
52 employee. If the fund is operational and issuing policies upon
53 the expiration of the terms of the initial board and thereafter,
54 the governor shall appoint every other director until the
55 governor has made four appointments. The remaining three
56 directors shall be chosen by the fund's policyholders. In
57 addition to the commissioner, no more than one member of the
58 board shall be a representative of a governmental entity. At
59 least two members of the board shall represent private, for
60 profit, enterprises. No member of the board may represent or be
61 an employee of an insurance company.
62 The membership terms shall be as provided in section
63 15.0575. The membership compensation shall be set by the board.
64 The board shall annually elect a ~~chairman~~ chair from among *
65 its members and other officers it deems necessary for the
66 performance of its duties.
67 No change for subd 3 to 6
177*#23S
68 177.23 DEFINITIONS.
69 No change for subd 1 to 2
70 Subd. 3. "Commissioner" means the commissioner of labor
71 and industry or ~~his~~ authorized designee or representative. *
72 No change for subd 4 to 6

1 Subd. 7. "Employee" means any individual employed by an
 2 employer but does not include:
 3 (1) two or fewer specified individuals employed at any
 4 given time in agriculture on a farming unit or operation who are
 5 paid a salary;
 6 (2) any individual employed in agriculture on a farming
 7 unit or operation who is paid a salary greater than the
 8 individual would be paid if the individual worked 48 hours at
 9 the state minimum wage plus 17 hours at 1-1/2 times the state
 10 minimum wage per week;
 11 (3) an individual under 18 who is employed in agriculture
 12 on a farm to perform services other than corn detasseling or
 13 hand field work when one or both of that minor hand field
 14 worker's parents or physical custodians are also hand field
 15 workers;
 16 (4) for purposes of section 177.24, an individual under 18
 17 who is employed as a corn detasseler;
 18 (5) any staff member employed on a seasonal basis by a
 19 nonprofit organization for work in an organized children's
 20 resident or day camp operating under a permit issued under
 21 section 144.72;
 22 (6) any individual employed in a bona fide executive,
 23 administrative, or professional capacity, or a ~~salesman~~
 24 salesperson who conducts no more than 20 percent of his sales on
 25 the premises of the employer;
 26 (7) any individual who renders service gratuitously for a
 27 nonprofit organization;
 28 (8) any individual who serves as an elected official for a
 29 political subdivision or who serves on any governmental board,
 30 commission, committee or other similar body, or who renders
 31 service gratuitously for a political subdivision;
 32 (9) any individual employed by a political subdivision to
 33 provide police or fire protection services or employed by an
 34 entity whose principal purpose is to provide police or fire
 35 protection services to a political subdivision;
 36 (10) any individual employed by a political subdivision who
 37 is ineligible for membership in the public employees retirement
 38 association under section 353.01, subdivision 2b, clause (a),
 39 (b), (d), or (i);
 40 (11) any driver employed by an employer engaged in the
 41 business of operating taxicabs;
 42 (12) any individual engaged in babysitting as a sole
 43 practitioner;
 44 (13) for the purpose of section 177.25, any individual
 45 employed on a seasonal basis in a carnival, circus, or fair;
 46 (14) any individual under 18 working less than 20 hours per
 47 workweek for a municipality as part of a recreational program;
 48 (15) any individual employed by the state as a natural
 49 resource manager 1, 2, or 3 (conservation officer);
 50 (16) any individual in a position for which the United
 51 States Department of Transportation has power to establish
 52 qualifications and maximum hours of service under United States
 53 Code, title 49, section 304;
 54 (17) any individual employed as a seafarer. The term
 55 "seafarer" means a master of a vessel or any person subject to
 56 the authority, direction, and control of the master who is
 57 exempt from federal overtime standards under United States Code,
 58 title 29, section 213(b)(6), including but not limited to
 59 pilots, sailors, engineers, radio operators, firefighters,
 60 watchmen security guards, pursers, surgeons, cooks, and stewards;
 61 (18) any individual employed by a county in a single family
 62 residence owned by a county home school as authorized under
 63 section 260.094 if the residence is an extension facility of
 64 that county home school, and if the individual as part of his
 65 the employment duties resides at the residence for the purpose
 66 of supervising children as defined by section 260.015,
 67 subdivision 2; or
 68 (19) nuns, monks, priests, lay brothers, lay sisters,
 69 ministers, deacons, and other members of religious orders who
 70 serve pursuant to their religious obligations in schools,
 71 hospitals, and other nonprofit institutions operated by the
 72 church or religious order.

73 No change for subd 8 to 11

177*#24S

74 177.24 PAYMENT OF MINIMUM WAGES.

75 No change for subd 1 to 2

*
*
*
*
*

1 Subd. 3. SHARING OF GRATUITIES. For purposes of this
 2 chapter, any gratuity received by an employee or deposited in or
 3 about a place of business for personal services rendered by an
 4 employee is the sole property of the employee. No employer may
 5 require an employee to contribute or share a gratuity received
 6 by the employee with the employer or other employees or to
 7 contribute any or all of the gratuity to a fund or pool operated
 8 for the benefit of the employer or ~~his~~ employees. This section *
 9 does not prevent an employee from voluntarily and individually *
 10 sharing ~~his~~ gratuities with other employees. The agreement to
 11 share gratuities must be made by the employees free of any
 12 employer participation. The commissioner may require the
 13 employer to pay restitution in the amount of the gratuities
 14 diverted. If the records maintained by the employer do not
 15 provide sufficient information to determine the exact amount of
 16 gratuities diverted, the commissioner may make a determination
 17 of gratuities diverted based on available evidence and mediate a
 18 settlement with the employer.

19 No change for subd 4 to 5

177*#25S

20 177.25 OVERTIME.

21 Subdivision 1. COMPENSATION REQUIRED. No employer
 22 may employ an employee for a workweek longer than 48 hours,
 23 unless the employee receives compensation for employment in
 24 excess of 48 hours in a workweek at a rate of at least 1-1/2
 25 times the regular rate at which ~~he~~ the employee is employed. *
 26 The state of Minnesota or a political subdivision may grant time
 27 off at the rate of 1-1/2 hours for each hour worked in excess of
 28 48 hours in a week in lieu of monetary compensation. An
 29 employer does not violate the overtime pay provisions of this
 30 section by employing any employees for a workweek in excess of
 31 48 hours without paying the compensation for overtime employment
 32 prescribed (1) if the employee is employed under an agreement
 33 meeting the requirement of section 7(b)(2) of the Fair Labor
 34 Standards Act of 1938, as amended, or (2) if the employee is
 35 employed as a sugarbeet hand laborer on a piece rate basis,
 36 provided that the regular rate of pay received per hour of work
 37 exceeds the applicable wage provided in section 177.24,
 38 subdivision 1 by at least 40 cents.

39 Subd. 2. HEALTH CARE EXCEPTION. An employer who
 40 operates a health care facility does not violate subdivision 1
 41 if the employer and employee agree before performance of the
 42 work to accept a work period of 14 consecutive days in lieu of
 43 the workweek of seven consecutive days for the purpose of
 44 overtime compensation and if for the employment in excess of
 45 eight hours in any work day and in excess of 80 hours in the
 46 14-day period the employee receives compensation at a rate not
 47 less than 1-1/2 times the regular rate at which ~~he~~ the employee *
 48 is employed. *

49 Subd. 3. MOTOR VEHICLE SALESPERSONS SALESPEOPLE;
 50 MECHANICS. Subdivision 1 does not apply to any ~~salesman~~ *
 51 salesperson, parts ~~man~~ person, or mechanic primarily engaged in *
 52 selling or servicing automobiles, trailers, trucks, or farm *
 53 implements and paid on a commission or incentive basis, if
 54 employed by a nonmanufacturing establishment primarily engaged
 55 in selling the vehicles to ultimate purchasers.

56 No change for subd 4

177*#26S

57 177.26 DIVISION OF LABOR STANDARDS.

58 No change for subd 1 to 2

59 Subd. 3. EMPLOYEES; TRANSFER FROM DIVISION OF WOMEN AND
 60 CHILDREN. All persons employed by the department in the
 61 division of women and children are transferred to the division
 62 of labor standards. A transferred person does not lose rights
 63 acquired by reason of ~~his~~ employment at the time of transfer. *

177*#27S

64 177.27 POWERS AND DUTIES OF THE COMMISSIONER.

65 Subdivision 1. EXAMINATION OF RECORDS. The
 66 commissioner may enter during reasonable office hours or upon
 67 request and inspect the place of business or employment of any
 68 employer of employees working in the state, to examine and
 69 inspect books, registers, payrolls, and other records of any
 70 employer that in any way relate to wages, hours, and other
 71 conditions of employment of any employees. The commissioner may
 72 transcribe any or all of the books, registers, payrolls, and
 73 other records as ~~he~~ the commissioner deems necessary or *

1 appropriate and may question the employees to ascertain
2 compliance with sections 177.21 to 177.35. The commissioner may
3 investigate wage claims or complaints by an employee against an
4 employer if the failure to pay a wage may violate Minnesota law
5 or an order or rule of the department.

6 No change for subd 2 to 3

7 Subd. 4. COMPLIANCE ORDERS. The commissioner may
8 issue an order requiring an employer to comply with sections
9 177.21 to 177.35, 181.032, 181.101, 181.13, 181.14, 181.145, and
10 181.79, or with any rule promulgated under section 177.28. The
11 department shall serve the order upon the employer or ~~his~~ the *
12 employer's authorized representative in person or by certified *
13 mail at the employer's place of business. An employer who *
14 wishes to contest the order must file written notice of ~~his~~ *
15 objection to the order with the commissioner within ten days
16 after being served with the order. A public hearing must then
17 be held in accordance with sections 14.57 to 14.70.

18 No change for subd 5 to 6

177*#28S

19 177.28 POWER TO MAKE RULES.

20 No change for subd 1

21 Subd. 2. ADVISORY COMMITTEE. The commissioner shall *
22 appoint an advisory committee which ~~he~~ the commissioner shall *
23 consult about administrative rules. The committee must be
24 composed of an equal number of not more than three
25 representatives each of employers and employees and of not more
26 than three disinterested persons representing the public.

27 Subd. 3. RULES REQUIRED. The commissioner shall
28 adopt rules under sections 177.21 to 177.35 defining and
29 governing:

- 30 (1) ~~salesmen~~ salespeople who conduct no more than 20 *
31 percent of their sales on the premises of the employer;
- 32 (2) allowances as part of the wage rates for board,
33 lodging, and other facilities or services furnished by the
34 employer and used by the employees;
- 35 (3) bonuses;
- 36 (4) part-time rates;
- 37 (5) special pay for special or extra work;
- 38 (6) procedures in contested cases;
- 39 (7) other facilities or services furnished by employers and
40 used by employees; and
- 41 (8) other special items usual in a particular
42 employer-employee relationship.

43 Subd. 4. An employee who receives \$35 or more per month in
44 gratuities is a tipped employee. An employer is entitled to a
45 credit in an amount up to 20 percent of the minimum wage which a
46 tipped employee receives; except that effective January 1, 1985,
47 the credit is reduced to 15 percent; effective January 1, 1986,
48 the credit is reduced to ten percent; effective January 1, 1987,
49 the credit is reduced to five percent; and effective January 1,
50 1988, the credit is eliminated. The credit against the wages
51 due may not be taken unless at the time the credit is taken the
52 employer has received a signed statement for that pay period
53 from the tipped employee stating the amount of gratuities
54 received during that pay period that ~~he~~ the employee did receive *
55 and retain during that pay period all gratuities received ~~by him~~ *
56 in an amount equal to or greater than the credit applied against
57 the wages due by ~~his~~ the employer. The statements shall be *
58 maintained by the employer as a part of ~~his~~ business records. *
59 The employer may hold an employee's check until the signed
60 statement for that period, stating the amount of gratuities, is
61 received.

62 Subd. 5. RULES REGARDING HANDICAPPED. In order to
63 prevent curtailment of opportunities for employment, avoid undue
64 hardship, and safeguard the minimum wage rates under sections
65 177.24 and 177.25, the department shall also issue rules
66 providing for the employment of handicapped workers at wages
67 lower than the wage rates applicable under sections 177.24 and
68 177.25, under permits and for periods of time as specified
69 therein. The rules must provide for the employment of learners
70 and apprentices at wages lower than the wage rates applicable
71 under sections 177.24 and 177.25, under permits and subject to
72 limitations on number, proportion, length of learning period,
73 occupations, and other conditions as the department may
74 prescribe. The rules must provide that where a handicapped
75 person is performing or is being considered for employment where

1 ~~he-will-perform~~ work must be performed which is equal to work *
 2 performed by a nonhandicapped person, the handicapped person
 3 must be paid the same wage as a nonhandicapped person with
 4 similar experience and skill.

5 No change for subd 6

177*#32S

6 177.32 PENALTIES.
 7 No change for subd 1
 8 Subd. 2. FINE. An employer shall be fined not less
 9 than \$700 nor more than \$3,000 if convicted of discharging or
 10 otherwise discriminating against any employee because:
 11 (1) the employee has complained to ~~his~~ the employer or to *
 12 the department that ~~he-has-not-been-paid~~ wages have not been *
 13 paid in accordance with sections 177.21 to 177.35; *
 14 (2) the employee has instituted or will institute a
 15 proceeding under or related to sections 177.21 to 177.35; or
 16 (3) the employee has testified or will testify in any
 17 proceeding.

177*#33S

18 177.33 EMPLOYEES' REMEDIES.
 19 An employer who pays an employee less than the wages and
 20 overtime compensation to which the employee is entitled under
 21 sections 177.21 to 177.35 is liable to the employee for the full
 22 amount of the wages and overtime compensation, less any amount
 23 actually paid to the employee by the employer, for an additional
 24 equal amount as liquidated damages and for costs and reasonable
 25 attorney's fees allowed by the court. An agreement between the
 26 employee and the employer to work for less than the applicable
 27 wage rate is not a defense to the action. The action may be
 28 maintained in any court of competent jurisdiction by one or more
 29 employees ~~for-himself-or-themselves~~. *

177*#44S

30 177.44 HIGHWAY CONTRACTS; HOURS OF LABOR; WAGE RATES;
 31 PENALTY.
 32 Subdivision 1. HOURS, WAGES PERMITTED. A laborer or
 33 mechanic employed by a contractor, subcontractor, agent, or
 34 other person doing or contracting to do all or part of the work
 35 under a contract based on bids as provided in Minnesota Statutes
 36 1971, section 161.32, to which the state is a party, for the
 37 construction or maintenance of a highway, may not be permitted
 38 or required to work longer than the prevailing hours of labor
 39 unless the laborer or mechanic is paid for all hours in excess
 40 of the prevailing hours at a rate of at least 1-1/2 times ~~his~~ *
 41 the hourly basic rate of pay of the laborer or mechanic. ~~He~~ The *
 42 laborer or mechanic must be paid at least the prevailing wage *
 43 rate in the same or most similar trade or occupation in the area.

44 No change for subd 2 to 5

45 Subd. 6. PENALTIES. A contractor, subcontractor, or
 46 agent who violates this section is guilty of a misdemeanor and
 47 may be fined not more than \$300 or imprisoned not more than 90
 48 days or both. Each day that the violation continues is a
 49 separate offense.

50 Whoever induces a job applicant or employee on any project
 51 subject to this section to give up or forego any part of the
 52 wages to which ~~he-is~~ entitled under the contract governing the *
 53 project by threat not to employ, by threat of dismissal from
 54 employment, or by any other means may be fined not exceeding
 55 \$1,000 or imprisoned not more than one year or both.

56 Any employee under this section who knowingly permits the
 57 contractor or subcontractor to pay ~~him~~ less than the prevailing *
 58 wage rate set forth in the contract, or who gives up any part of
 59 the compensation to which ~~he-is~~ entitled under the contract, may *
 60 be fined not exceeding \$40 or imprisoned not more than 30 days
 61 or both. Each day any violation of this paragraph continues is
 62 a separate offense.

63 No change for subd 7

178*#02S

64 178.02 APPRENTICESHIP ADVISORY COUNCIL.
 65 Subdivision 1. MEMBERS. The commissioner of labor
 66 and industry, hereinafter called the commissioner, shall appoint
 67 an apprenticeship advisory council, hereinafter referred to as
 68 the council, composed of three representatives each from
 69 employer and employee organizations, and two representatives of
 70 the general public. The assistant commissioner of education
 71 responsible for vocational education or ~~his~~ designee shall be an *
 72 ex officio member of the council and shall serve in an advisory

1 capacity only.

2 No change for subd 2 to 4

178*#03S

3 178.03 DIVISION OF VOLUNTARY APPRENTICESHIP.

4 No change for subd 1 to 2

5 Subd. 3. DUTIES AND FUNCTIONS. The director, under
6 the supervision of the commissioner, and with the advice of the
7 apprenticeship advisory council, is authorized: to administer
8 the provisions of this chapter; to promote apprenticeship and
9 other forms of on the job training; to establish, in cooperation
10 with the apprenticeship advisory council and with the
11 apprenticeship committees, conditions and training standards for
12 the approval of apprenticeship programs and agreements, which
13 conditions and standards shall in no case be lower than those
14 prescribed by this chapter; to promote equal employment
15 opportunity in apprenticeship and other on the job training and
16 to establish a Minnesota Plan for Equal Employment Opportunity
17 in Apprenticeship which shall be consistent with standards
18 established under Title 29, Code of Federal Regulations, Part
19 30, as amended; to issue certificates of registration to
20 sponsors of approved apprenticeship programs; to act as
21 secretary of the apprenticeship advisory council; to approve, if
22 ~~in his~~ of the opinion ~~that~~ approval is for the best interest of
23 the apprentice, any apprenticeship agreement which meets the
24 standards established hereunder; to terminate any apprenticeship
25 agreement in accordance with the provisions of such agreement;
26 to keep a record of apprenticeship agreements and their
27 disposition; to issue certificates of completion of
28 apprenticeship; and to perform such other duties as the
29 commissioner deems necessary to carry out the intent of this
30 chapter; provided, that the administration and supervision of
31 supplementary instruction in related subjects for apprentices;
32 coordination of instruction on a concurrent basis with job
33 experiences, and the selection and training of teachers and
34 coordinators for such instruction shall be the function of state
35 and local boards responsible for vocational education. The
36 director shall have the authority to make wage determinations
37 applicable to the graduated schedule of wages and journeyman
38 wage rate for apprenticeship agreements, giving consideration to
39 the existing wage rates prevailing throughout the state, except
40 that no wage determination by the director shall alter an
41 existing wage provision for apprentices or journeymen that is
42 contained in a bargaining agreement in effect between an
43 employer and an organization of employees, nor shall the
44 director make any determination for the beginning rate for an
45 apprentice that is below the wage minimum established by federal
46 or state law.

*

47 No change for subd 4 to 5

178*#041S

48 178.041 RULE MAKING POWER.

49 Subdivision 1. The commissioner may, upon receipt of the
50 council's proposals, accept, adopt, and issue them by rule with
51 any modifications or amendments ~~he~~ the commissioner finds
52 appropriate. ~~He~~ The commissioner may refer them back to the
53 council with ~~his~~ recommendations for further study,
54 consideration and revision. ~~He may also issue~~ Additional
55 rules may be issued as ~~he~~ the commissioner may deem necessary.

*
*
*
*

56 No change for subd 2

178*#05S

57 178.05 APPRENTICESHIP COMMITTEES AND PROGRAMS.

58 No change for subd 1

59 Subd. 2. MEMBERS. (a) The total number of members on
60 a committee may range from four to twelve.

61 (b) In joint participation there shall be equal
62 representation of employers and employees.

63 (c) Members shall be selected by the group or groups they
64 represent subject to approval by the director.

65 (d) A committee may have as one of its employee
66 representatives, an active apprentice of record, provided that
67 ~~he or she~~ the apprentice has completed a minimum of 6,000 hours
68 of an apprenticeship term or has entered the fourth year of the
69 term.

*

70 No change for subd 3

178*#06S

71 178.06 APPRENTICE.

72 The term "apprentice," as used herein, means a person at

1 least 16 years of age who has entered into a written agreement,
2 hereinafter called an apprentice agreement, with a committee, an
3 employer, an association of employers, or an organization of
4 employees, which apprentice agreement provides for not less than
5 2,000 hours or one year of reasonably continuous employment for
6 such person and for ~~his~~ participation in an approved program of *
7 training through employment and through concurrent,
8 supplementary education in related subjects. Whenever a minimum
9 age exceeding 16 years is prescribed by federal or state law to
10 apply to workers in certain hazardous occupations, the minimum
11 age so prescribed shall be applicable to apprentices.

178*#07S

12 178.07 APPRENTICE AGREEMENTS.

13 Every apprentice agreement entered into under this chapter
14 shall contain:

15 (1) The names of the contracting parties;

16 (2) The date of birth, and information as to the race and
17 sex of the apprentice;

18 (3) A statement of the trade, craft, or business which the
19 apprentice is to be taught, and the time at which the
20 apprenticeship will begin and end;

21 (4) A statement showing the number of hours to be spent by
22 the apprentice in work and the number of hours to be spent in
23 concurrent, supplementary instruction in related subjects, which
24 instruction shall be not less than 144 hours during each year of
25 the apprenticeship term. The maximum number of hours of work
26 per week not including time spent in related and supplemental
27 instruction for any apprentice shall not exceed either the
28 number prescribed by law or the customary regular number of
29 hours per week for the employees of the company by which the
30 apprentice is employed. An apprentice may be allowed to work
31 overtime provided that the overtime work does not conflict with
32 ~~his-or-her~~ supplementary instruction course attendance. All *
33 time in excess of the number of hours of work per week as
34 specified in the apprenticeship agreement shall be considered
35 overtime. For overtime, the apprentice's rate of pay shall be
36 increased by the same percentage as the journeyman's rate of pay
37 for overtime is increased in the same industry or establishment;

38 (5) A statement setting forth a schedule of the processes
39 in the trade or industry divisions in which the apprentice is to
40 be taught and the approximate time to be spent at each process;

41 (6) A statement of the graduated scale of wages to be paid
42 the apprentice and whether the required school time shall be
43 compensated;

44 (7) A statement providing for a period of probation of not
45 more than 500 hours of employment and instruction extending over
46 not more than four months, during which time the apprentice
47 agreement shall be terminated by the director upon written
48 request of either party, and providing that after such
49 probationary period the apprentice agreement may be terminated
50 by the director by mutual agreement of all parties thereto, or
51 terminated by the director for good and sufficient reason;

52 (8) A provision that controversies or differences
53 concerning the terms of the apprentice agreement which cannot be
54 resolved by the parties thereto, or which are not covered by a
55 collective bargaining agreement, may be submitted to the
56 director for determination as provided for in section 178.09;

57 (9) A provision that an employer who is unable to fulfill
58 ~~his~~ an obligation under the apprentice agreement may, with the *
59 approval of the director, transfer such contract to any other
60 employer, provided that the apprentice consents and that such
61 other employer agrees to assume the obligations of the
62 apprentice agreement; and

63 (10) Such additional terms and conditions as may be
64 prescribed or approved by the director not inconsistent with the
65 provisions of this chapter.

178*#08S

66 178.08 DIRECTOR TO APPROVE APPRENTICE AGREEMENTS.

67 Every apprentice agreement is subject to approval by the
68 director and shall be signed by the committee, the employer, an
69 association of employers, or an organization of employees, and
70 by the apprentice, and if the apprentice is a minor, by a parent
71 or legal guardian. When a minor enters into an apprentice
72 agreement under this chapter for a period of training extending
73 into ~~his~~ majority the apprentice agreement shall likewise be *
74 binding for such a period as may be covered during the

1 apprentice's majority.

178*#09S

2 178.09 INVESTIGATIONS BY DIRECTOR.

3 Subdivision 1. COMPLAINT. Upon the complaint of any
4 interested person or upon ~~his~~ the director's own initiative the
5 director may investigate to determine if there has been a
6 violation of the terms of an apprentice agreement made under
7 this chapter. He The director may conduct such proceedings as
8 are necessary for that investigation and determination. All
9 such proceedings shall be on a fair and impartial basis and
10 shall be conducted according to rules promulgated under section
11 178.041.

12 Subd. 2. DETERMINATION; APPEAL. The determination of
13 the director shall be filed with the commissioner and written
14 notice shall be served on all parties affected by it. Any
15 person aggrieved by any determination or action of the director
16 may appeal to the commissioner. If no appeal is filed with the
17 commissioner within ten days of the date of service, the
18 director's determination shall become the order of the
19 commissioner. If an appeal is filed, the commissioner shall
20 appoint and convene a hearing board to be composed of three
21 members of the council, one member being a representative of an
22 employer organization, one representative being a member of an
23 employee organization, and one member representing the general
24 public. The board shall hold a hearing on the appeal after due
25 notice to the interested parties and shall submit to the
26 commissioner findings of fact and a recommended decision
27 accompanied by a memorandum of the reasons for it. Within 30
28 days after submission, the commissioner may adopt ~~as-his-own~~ the
29 recommended decision of the board, or disregard the recommended
30 decision of the board and prepare ~~his-own~~ a decision based on
31 the findings of fact and accompanied by ~~his~~ a memorandum of
32 reasons for that decision. Written notice of the commissioner's
33 determination and order shall be served on all parties affected
34 by it. Any person aggrieved or affected by any determination or
35 order of the commissioner may appeal from it to the district
36 court having jurisdiction at any time within 30 days after the
37 date of the order by service of a written notice of appeal on
38 the commissioner. Upon service of the notice of appeal, the
39 commissioner shall file with the clerk of the district court to
40 which the appeal is taken a certified copy of the order appealed
41 from, together with findings of fact on which it is based. The
42 person serving a notice of appeal shall, within five days after
43 its service, file it, with proof of service, with the clerk of
44 the court to which the appeal is taken. The district court
45 shall then have jurisdiction over the appeal and it shall be
46 entered in the records of the district court and tried de novo
47 according to the applicable rules. Any person aggrieved or
48 affected by any determination, order, or decision of the
49 district court may appeal as in other civil cases.

179*#01S

50 179.01 DEFINITIONS; MINNESOTA LABOR RELATIONS ACT.

51 No change for subd 1 to 3

52 Subd. 4. EMPLOYEE. "Employee" includes, in addition
53 to the accepted definition of the word, any employee whose work
54 has ceased because of any unfair labor practice, as defined in
55 section 179.12, on the part of the employer or because of any
56 current labor dispute and who has not obtained other regular and
57 substantially equivalent employment, but does not include any
58 ~~individual~~ individuals employed in agricultural labor or by ~~his~~
59 a parent or spouse or in domestic service of any person at ~~his~~
60 the person's own home.

61 No change for subd 5 to 11

62 Subd. 12. COMPETENT EVIDENCE. "Competent evidence"
63 means evidence admissible in a court of equity and such other
64 evidence other than hearsay as is relevant and material to the
65 issue and is of such character that it would be accepted by
66 reasonable ~~men~~ persons as worthy of belief.

67 No change for subd 13 to 15

68 Subd. 16. PROFESSIONAL STRIKEBREAKER. "Professional
69 strikebreaker" means any person who:

- 70 (a) ~~offers-himself~~ Makes an offer to an employer at whose
71 place of business a labor dispute is presently in progress ~~for~~
72 ~~the-purpose-of-employment-to-replace~~ to work as a replacement
73 for an employee or employees involved in such labor dispute; and
74 (b) During a period of five years immediately preceding

1 such offer, has, on more than one occasion, ~~offered-himself made~~ *
 2 an offer to employers for to work as a temporary employment-for *
 3 the-purpose-of-repiacing employee to personally replace *
 4 employees involved in labor disputes. For the purposes of this
 5 subdivision, "employment work" shall mean the rendering of *
 6 services for wages or other consideration. For the purposes of
 7 this subdivision, "offer" shall include arrangements made for or
 8 on behalf of employers by any person.

179*#03S

9 179.03 POLITICAL ACTIVITIES FORBIDDEN.
 10 Any mediator, under the provisions of sections 179.01 to
 11 179.17, who exerts ~~his~~ personal influence, directly or *
 12 indirectly, to induce any other person to adopt ~~his~~ the *
 13 mediator's political views, or to favor any particular candidate *
 14 for office, or to contribute funds for political purposes shall *
 15 forthwith be removed from ~~his~~ office or position by *
 16 the appointing authority ~~appointing-him~~; provided, that before *
 17 removal the director of mediation services shall be entitled to
 18 a hearing before the governor, and any other employee shall be
 19 entitled to a similar hearing before the director of mediation
 20 services.

179*#04S

21 179.04 EXPENSES; FEES. *
 22 Subdivision 1. The director of mediation services and ~~his~~ *
 23 employees, or any special mediator, shall be paid their actual *
 24 and necessary traveling and other expenses incurred in the *
 25 performance of their duties. Vouchers for such expenses shall *
 26 be itemized and sworn to by the person incurring the expense.
 27 No change for subd 2

179*#06S

28 179.06 COLLECTIVE BARGAINING AGREEMENTS.
 29 Subdivision 1. NOTICES. When any employee,
 30 employees, or representative of employees, or labor organization
 31 shall desire to negotiate a collective bargaining agreement, or
 32 make any change in any existing agreement, or shall desire any
 33 changes in the rates of pay, rules or working conditions in any
 34 place of employment, it shall give written notice to the
 35 employer of its demand, which notice shall follow the employer
 36 if the place of employment is changed, and it shall thereupon be
 37 the duty of the employer and the representative of employee or
 38 labor organization to endeavor in good faith to reach an
 39 agreement respecting such demand. An employer shall give a like
 40 notice to ~~his~~ employees, representative, or labor organizations *
 41 of any intended change in any existing agreement. If no *
 42 agreement is reached at the expiration of ten days after service
 43 of such notice, any employees, representative, labor
 44 organization, or employer may at any time thereafter petition
 45 the director of mediation services to take jurisdiction of the
 46 dispute and it shall be unlawful for any labor organization or
 47 representative to institute or aid in the conduct of a strike or
 48 for an employer to institute a lock-out, unless such petition
 49 has been served by the party taking such action upon the
 50 director and the other parties to the labor dispute at least ten
 51 days before the strike or lock-out becomes effective. Unless
 52 the strike or lock-out is commenced within 90 days from the date
 53 of service of the petition upon the director, it shall be
 54 unlawful for any of the parties to institute or aid in the
 55 conduct of a strike or lock-out without serving a new petition
 56 in the manner prescribed for the service of the original
 57 petition, provided that the 90-day period may be extended by
 58 written agreement of the parties filed with the director.
 59 A petition by the employer shall be signed by ~~him~~ the *
 60 employer or ~~his~~ a duly authorized officer or agent; and a *
 61 petition by the employees shall be signed by their
 62 representative or its officers, or by the committee selected to
 63 negotiate with the employer. In either case the petition shall
 64 be served by delivering it to the director in person or by
 65 sending it by certified mail addressed to ~~him~~ the director at *
 66 his the director's office. The petition shall state briefly the *
 67 nature of the dispute and the demands of the party who serves *
 68 it. Upon receipt of a petition, the director shall fix a time
 69 and place for a conference with the parties to the labor dispute
 70 upon the issues involved in the dispute, and ~~he~~ shall then take
 71 whatever steps ~~he~~ the director deems most expedient to bring *
 72 about a settlement of the dispute, including assisting in *
 73 negotiating and drafting a settlement agreement. It shall be

1 the duty of all parties to a labor dispute to respond to the
 2 summons of the director for joint or several conferences with
 3 ~~him~~ the director and to continue in such conference until
 4 excused by the director, not beyond the ten-day period
 5 heretofore prescribed except by mutual consent of the parties.

*

6 Subd. 2. DIRECTOR, POWERS AND DUTIES. The director
 7 may at the request of either party to a labor dispute render
 8 assistance in settling the dispute without the necessity of
 9 filing the formal petition referred to in subdivision 1. If the
 10 director takes jurisdiction of the dispute as a result of such a
 11 request, ~~he~~ the director shall then proceed as provided in
 12 subdivision 1.

*

179*#07S

13 179.07 LABOR DISPUTE AFFECTING PUBLIC INTERESTS;
 14 PROCEDURE.

15 If the dispute is in any industry, business, or institution
 16 affected with a public interest, which includes, but is not
 17 restricted to, any industry, business, or institution engaged in
 18 supplying the necessities of life, safety, or health, so that a
 19 temporary suspension of its operation would endanger the life,
 20 safety, health, or well-being of a substantial number of people
 21 of any community, the provisions of section 179.06 shall apply
 22 and the director of mediation services shall also notify the
 23 governor who may appoint a commission of three to conduct a
 24 hearing and make a report on the issues involved and the merits
 25 of the respective contentions of the parties to the dispute. If
 26 the governor decides to appoint a commission, ~~he~~ the governor
 27 shall so advise the director who shall immediately notify the
 28 parties to the labor dispute and also inform them of the date of
 29 the notification to the governor. The members of such
 30 commission shall on account of vocations, employment, or
 31 affiliations be representatives of employees, employers, and the
 32 public, respectively. Such report shall be filed with the
 33 governor not less than five days before the end of the 30-day
 34 period hereinafter provided and may be published as ~~he~~ the
 35 governor may determine in one or more legal newspapers in the
 36 counties where the dispute exists. If and when the governor
 37 shall notify the director of ~~his~~ the decision to appoint a
 38 commission, neither party to the dispute shall make any change
 39 in the situation affecting the dispute and no strike or lockout
 40 shall be instituted until 30 days shall have elapsed after the
 41 notification to the governor. In case the governor shall fail
 42 to appoint a commission within five days after the
 43 notification ~~to him~~, this limitation on the parties shall be
 44 suspended and inoperative. If the governor shall thereafter
 45 appoint a commission, no strike or lockout having been
 46 instituted in the meantime, the limitation shall again become
 47 operative, but in no case for more than the 30-day period. The
 48 30-day period may be extended by stipulation upon the record of
 49 the hearing before the commission or by written stipulation
 50 signed by the parties to the labor dispute and filed with the
 51 director. If so extended, the report of the commission shall be
 52 filed with the governor not less than five days before the end
 53 of the extended period.

*

*

*

*

*

179*#08S

54 179.08 POWERS OF COMMISSION APPOINTED BY GOVERNOR.

55 (1) The commission appointed by the governor pursuant to
 56 the provisions of sections 179.01 to 179.17 shall have the power
 57 to issue subpoenas requiring the attendance and testimony of
 58 witnesses and the production of evidence which relates to any
 59 matter involved in any such hearing, and may by its ~~chairman~~
 60 chair administer oaths and affirmations, and may examine
 61 witnesses. Such attendance of witnesses and the production of
 62 such evidence may be required from any place in the state at any
 63 designated place of hearing, but hearings shall be held in a
 64 county where the labor dispute has arisen or exists;

*

*

65 (2) In case of contumacy or refusal to obey a subpoena
 66 issued under clause (1), the district court of the state for the
 67 county where the proceeding is pending or in which the person
 68 guilty of such contumacy or refusal to obey is found, or
 69 resides, or transacts business, or application by the commission
 70 shall have jurisdiction to issue to such person an order
 71 requiring such person to appear before the commission, there to
 72 produce evidence as so ordered, or there to give testimony
 73 touching the matter under investigation or in question, and any
 74 failure to obey such order of the court may be punished by the

1 court as a contempt thereof;

2 (3) Any party to or party affected by the dispute may
3 appear before the commission in person or by attorney or by
4 their representative, and shall have the right to offer
5 competent evidence and to be heard on the issues before the
6 report is made.

7 Any commissioners so appointed shall be paid a per diem of
8 \$75 and their necessary expenses while serving.

179*#083S

9 179.083 JURISDICTIONAL CONTROVERSIES.

10 Whenever two or more labor organizations adversely claim
11 for themselves or their members jurisdiction over certain
12 classifications of work to be done for any employer or in any
13 industry, or over the persons engaged in or performing such work
14 and such jurisdictional interference or dispute is made the
15 ground for picketing an employer or declaring a strike or
16 boycott against ~~him~~ the employer, the director of mediation *
17 services shall certify that fact to the governor. Upon receipt *
18 of such certification the governor, ~~in his discretion~~, may
19 appoint a labor referee to hear and determine the jurisdictional
20 controversy. If the labor organizations involved in the
21 controversy have an agreement between themselves defining their
22 respective jurisdictions, or if they are affiliated with the
23 same labor federation or organization which has by its charters
24 granted to the contending organizations limited their
25 jurisdiction, the labor referee shall determine the controversy
26 in accordance with the proper construction of the agreement or
27 of the provisions of the charters of the contending
28 organizations. If there is no agreement or charter which
29 governs the controversy, the labor referee shall make such
30 decision as, in consideration of past history of the
31 organization, harmonious operation of the industry, and most
32 effective representation for collective bargaining, will best
33 promote industrial peace. If the labor organizations involved
34 in the controversy so desire, they may submit the controversy to
35 a tribunal of the federation or labor organization which has
36 granted their charters or to arbitration before a tribunal
37 selected by themselves, provided the controversy is so submitted
38 prior to the appointment by the governor of a labor referee to
39 act in the controversy. After the appointment of the labor
40 referee by the governor, or the submission of the controversy to
41 another tribunal as herein provided, it shall be unlawful for
42 any person or labor organization to call or conduct a strike or
43 boycott against the employer or industry or to picket any place
44 of business of the employer or in the industry on account of
45 such jurisdictional controversy.

179*#09S

46 179.09 ARBITRATION.

47 When a labor dispute arises which is not settled by
48 mediation such dispute may, by written agreement of the parties,
49 be submitted to arbitration on such terms as the parties may
50 specify, including among other methods the arbitration procedure
51 under the terms of sections 572.08 to 572.26 and arbitration
52 under the voluntary industrial arbitration tribunal of the
53 American arbitration association. If such agreement so provides,
54 the director of mediation services may act as a member of any
55 arbitration tribunal created by any such agreement and, if the
56 agreement so provides, the director may appoint one or more of
57 such arbitrators. Either or both of the parties to any such
58 agreement or any arbitration tribunal created under any such
59 agreement may apply to the director to have the tribunal
60 designated as a temporary arbitration tribunal and, if so
61 designated, the temporary arbitration tribunal shall have power
62 to administer oaths to witnesses and to issue subpoenas for the
63 attendance of witnesses and the production of evidence, which
64 subpoenas shall be enforced in the same manner as subpoenas
65 issued by the commission under section 179.08. Any such
66 temporary arbitration tribunal shall file with the director a
67 copy of its report, duly certified by its chairman chair. *

179*#11S

68 179.11 UNFAIR LABOR PRACTICES BY EMPLOYEES.

69 It shall be an unfair labor practice:

70 (1) For any employee or labor organization to institute a
71 strike if such strike is a violation of any valid collective
72 agreement between any employer and ~~his~~ its employees or labor *
73 organization and the employer is, at the time, in good faith

1 testimony under this chapter;
 2 (5) To spy directly or through agents or any other persons
 3 upon any activities of employees or their representatives in the
 4 exercise of their legal rights;
 5 (6) To distribute or circulate any blacklist of individuals
 6 exercising any legal right or of members of a labor organization
 7 for the purpose of preventing individuals so blacklisted from
 8 obtaining or retaining employment;
 9 (7) To engage or contract for the services of a person who
 10 is an employee of another if such employee is paid a wage which
 11 is less than is agreed to be paid by the engaging or contracting
 12 employer under an existing union contract for work of the same
 13 grade or classification;
 14 (8) Wilfully and knowingly to utilize any professional
 15 strikebreaker to replace an employee or employees involved in a
 16 strike or lockout at a place of business located within this
 17 state;
 18 (9) The violation of clauses (2), (4), (5), (6), (7), and
 19 (8) are hereby declared to be unlawful acts.

179*#15S

20 179.15 VIOLATORS NOT ENTITLED TO BENEFITS OF CERTAIN
 21 SECTIONS.

22 Any employer, employee, or labor organization who has
 23 violated any of the provisions of sections 179.01 to 179.17 with
 24 respect to any labor dispute shall not be entitled to any of the
 25 benefits of sections 179.01 to 179.17 respecting such labor
 26 disputes and such employer, employee, or labor organization
 27 shall not be entitled to maintain in any court of this state an
 28 action for injunctive relief with respect to any matters growing
 29 out of that labor dispute, until ~~he shall have in~~ good faith
 30 ~~made use is made~~ of all means available under the laws of the
 31 state of Minnesota for the peaceable settlement of the dispute.

*
*

179*#16S

32 179.16 REPRESENTATIVES FOR COLLECTIVE BARGAINING.

33 No change for subd 1

34 Subd. 2. CERTIFICATION OF GROUP REPRESENTATIVE BY

35 DIRECTOR. When a question concerning the representative of
 36 employees is raised by an employee, group of employees, labor
 37 organization, or employer the director of mediation services or
 38 any person designated by ~~him~~ the director shall, at the request
 39 of any of the parties, investigate such controversy and certify
 40 to the parties in writing, the name or names of the
 41 representatives that have been designated or selected. The
 42 director shall decide in each case whether, in order to insure
 43 to employees the full benefit of their right to
 44 self-organization and to collective bargaining and otherwise to
 45 effectuate the purpose of this chapter, the unit appropriate for
 46 the purpose of collective bargaining shall be the employer unit,
 47 craft unit, plant unit; provided, that any larger unit may be
 48 decided upon with the consent of all employers involved, and
 49 provided that when a craft exists, composed of one or more
 50 employees then such craft shall constitute a unit appropriate
 51 for the purpose of collective bargaining for such employee or
 52 employees belonging to such craft and a majority of such
 53 employees of such craft may designate a representative for such
 54 unit. Two or more units may, by voluntary consent, bargain
 55 through the same agent or agents with an employer or employers,
 56 their agent or agents. Supervisory employees shall not be
 57 considered in the selection of a bargaining agent. In any such
 58 investigation, the director may provide for an appropriate
 59 hearing, and may take a secret ballot of employees or utilize
 60 any other suitable method to ascertain such representatives, but
 61 the director shall not certify any labor organization which is
 62 dominated, controlled, or maintained by an employer. If the
 63 director has certified the representatives as herein
 64 provided, ~~he~~ the director shall not be required to again
 65 consider the matter for a period of one year unless it appears
 66 to ~~him~~ the director that sufficient reason exists.

*

*

*

67 Subd. 3. WITNESSES; POWERS OF DIRECTOR. In the
 68 investigation of any controversy concerning the representative
 69 of employees for collective bargaining, the director of
 70 mediation services shall have power to issue subpoenas requiring
 71 the attendance and testimony of witnesses and the production of
 72 evidence which relates directly to any matter involved in any
 73 such hearing, and the director or ~~his~~ representative may
 74 administer oaths and affirmations, and may examine witnesses.

*

1 Such attendance of witnesses and the production of such evidence
2 may be required from any place in the state at any designated
3 place of hearing, but hearings shall be held in a county where
4 the question has arisen or exists.

5 No change for subd 4

179*#18S

6 179.18 DEFINITIONS; MINNESOTA LABOR UNION DEMOCRACY ACT.

7 No change for subd 1 to 3

8 Subd. 4. EMPLOYEE. "Employee" includes, in addition
9 to the accepted definition of the word, any employee whose work
10 has ceased because of any unfair labor practice as defined in
11 section 179.12 on the part of the employer or because of any
12 current labor dispute and who has not obtained other regular and
13 substantially equivalent employment, but does not include any
14 ~~individual~~ individuals employed in agricultural labor or by his
15 a parent or spouse or in domestic service of any person at his
16 the person's own home.

*
*
*

17 No change for subd 5

18 Subd. 6. COMPETENT EVIDENCE. "Competent evidence"
19 means evidence admissible in a court of equity and such other
20 evidence other than hearsay as is relevant and material to the
21 issue and is of such character that it would be accepted by
22 reasonable ~~men~~ persons as worthy of belief.

*

179*#19S

23 179.19 ELECTION OF OFFICERS OF LABOR ORGANIZATION.

24 The officers of every labor organization shall be elected
25 for such terms, not exceeding four years, as the constitution or
26 bylaws may provide. The election shall be by secret ballot.
27 The constitution or bylaws may provide for multiple choice
28 voting, nomination by primaries or run-off elections, or other
29 method of election by which selection by a majority may be
30 obtained. In the absence of such provision, the candidate for
31 any office receiving the largest number of votes cast for that
32 office shall be declared elected. It is the duty of every labor
33 organization and the officers thereof to hold an election for
34 the purpose of electing the successor of every such officer
35 prior to the expiration of his a term. Any employee who is
36 elected to a full time position in a labor organization shall be
37 given a leave of absence for the duration of time he holds
38 holding such office, without losing his seniority or his
39 entitlement to any rights acquired as a result of his employment.

*
*
*
*

179*#22S

40 179.22 LABOR REFEREE.

41 There is hereby created an office, to be known as labor
42 referee. The governor may from time to time appoint labor
43 referees for particular disputes as hereinafter provided. Such
44 appointment shall be for the duration only of the particular
45 dispute. Such labor referees shall be paid a per diem of \$75
46 per day while so engaged, and their necessary expenses. When
47 approved by him the director, the director of mediation services
48 shall cause to be paid, from the appropriation to him the
49 director, the amount due to the labor referees for services and
50 expenses.

*
*
*

179*#23S

51 179.23 DIRECTOR TO CERTIFY VIOLATIONS TO GOVERNOR.

52 Subdivision 1. CERTIFICATION TO GOVERNOR. Whenever
53 it reasonably appears to the director of mediation services that
54 any labor organization has failed substantially to comply with
55 any of the requirements of sections 179.18 to 179.25, he the
56 director shall certify that fact to the governor and transmit to
57 the governor all the information he the director has received
58 with reference thereto.

*
*
*

59 Subd. 2. GOVERNOR MAY APPOINT A LABOR REFEREE. Upon
60 receipt of such certification by the director of mediation
61 services, the governor, within five days from the date of such
62 certification, shall appoint, if he the governor deems it
63 advisable, a labor referee to act in the dispute. If the
64 governor does not appoint a labor referee within five days, he
65 the governor shall so notify the director and return the files
66 to him the director, which shall close the dispute.

*
*
*
*

67 Subd. 3. QUALIFICATION OF LABOR REFEREE. Upon
68 receipt of notice of appointment as labor referee, such officer
69 shall qualify by taking his an oath of office and filing the
70 same in the office of the secretary of state. He The officer
71 shall also notify the director of mediation services in writing
72 of the date of filing such oath.

*
*

1 Subd. 4. NOTICE OF TIME AND PLACE OF HEARING.

2 Within ten days from the date of ~~his~~ appointment, the labor *
3 referee shall fix the time and place of hearing upon the
4 complaint and send notice thereof by certified mail to the labor
5 organization and to the officers thereof who are charged in the
6 complaint with dereliction of duties, the complainant and to
7 such other persons as may be named as parties to the dispute.

8 Subd. 5. APPEARANCE; EVIDENCE. Any party to or
9 party affected by the dispute may appear at the hearing before
10 the labor referee in person or by attorney or by other
11 representative, and shall have the right to offer competent
12 evidence and to be heard on the issues before any order herein
13 provided is made. When all evidence has been adduced and the
14 arguments heard, the labor referee shall prepare and file with
15 the director of mediation services within 30 days from the close
16 of testimony, ~~his~~ findings of fact and ~~his~~ an order sustaining *
17 or dismissing the charges. If the charges are sustained, such
18 labor organization is thereby disqualified from acting as the
19 representative of employees until such disqualification has been
20 removed as provided herein.

21 Subd. 6. REMOVAL OF DISQUALIFICATION BY LABOR
22 ORGANIZATION. Any labor organization which has been
23 disqualified from acting as a representative of employees
24 pursuant to subdivision 5 for failure to perform any duty
25 imposed upon it by sections 179.18 to 179.25 may remove such
26 disqualification by applying to the director of mediation
27 services and submitting proof of performance of the duty for the
28 non-performance of which the disqualification was imposed. Upon
29 receipt of such application, the director shall notify all
30 parties who participated in the hearing before the referee as
31 adversary parties by mail of the filing of such application. If
32 within 20 days after the mailing of such notice, written
33 objection to the removal of such disqualification is filed with
34 the director, ~~he~~ the director shall certify the dispute to the *
35 governor, and further proceedings shall thereupon be had in like
36 manner hereinbefore provided for the determination of disputes.
37 Thereupon the labor referee appointed for such proceedings shall
38 make and file ~~his~~ an order either confirming the prior order for *
39 disqualification or removing the disqualification, as the case
40 may require. If no objection is so filed, the director shall
41 make an order removing such disqualification.

42 No change for subd 7

179*#254S

43 179.254 CONSTRUCTION WORKERS INSURANCE BENEFIT FUNDS;
44 DEFINITIONS.

45 No change for subd 1 to 2

46 Subd. 3. "Construction worker" means any laborer or *
47 tradesman member of a trade who is employed in the building or *
48 construction industry and who is engaged in, but not limited to,
49 any of the following occupations: carpenters, electricians,
50 plumbers, bricklayers, masons, steamfitters, pipefitters, iron
51 workers, sheet metal workers, cement finishers, laborers,
52 operating engineers, lathers, plasterers, painters, pipe
53 coverers, and glasiers.

54 No change for subd 4

179*#255S

55 179.255 PAYMENTS INTO HOME BENEFIT FUND.

56 Whenever a construction worker who is a member of a benefit
57 fund works temporarily in a location such that contributions are
58 made by or for ~~him~~ the worker into another benefit fund, the *
59 trustees of the fund, or their agent, shall pay all such moneys
60 to the trustees of the fund to which the construction worker is
61 a member, except that such payment shall not exceed the rate of
62 contribution to the fund in which the construction worker is a
63 member. Payments may be made by check and shall be made
64 promptly and regularly, at least once every 30 days. Each such
65 payment from the trustees of one fund to the trustees of another
66 shall be accompanied by a written statement including the name,
67 address, and social security number of each construction worker
68 for whom payment is made, the amount being paid for each worker,
69 and the number of hours of work for which payment is being made.

179*#256S

70 179.256 NOTIFICATION.

71 Whenever a construction worker may qualify for the
72 reimbursement of benefit payments to ~~his~~ a home benefit fund as *
73 described in section 179.255, the trustees of the benefit fund

1 of which ~~he~~ the worker is a member, or their agent, shall so *
 2 notify the trustees of the benefit fund to which payments will
 3 be made during the temporary period of work. Such notification
 4 shall be made promptly in writing and shall include the name,
 5 address, and social security number of the construction worker
 6 and the starting date of ~~his~~ the temporary period of work. *

179*#28S

7 179.28 RECOVERY FOR TORT.

8 Any employer injured through commission of any unlawful act
 9 as provided in section 179.27 shall have a cause of action
 10 against any employees, representative of employees, or labor
 11 organization committing such unlawful act, and shall recover in
 12 a civil action all damages sustained by ~~him~~ the employer from *
 13 such injury.

179*#38S

14 179.38 ARBITRATION MANDATORY.

15 In the event of the existence of any labor dispute which
 16 cannot be settled by negotiation between the charitable hospital
 17 employers and their employees, either such employers or
 18 employees may petition and avail themselves of the provisions of
 19 sections 179.01 to 179.17, insofar as sections are not
 20 inconsistent with the provisions of sections 179.35 to 179.39.
 21 If such dispute is not settled within ten days after submission
 22 to mediation, any unsettled issue of maximum hours of work,
 23 minimum hourly wage rates, and other conditions of employment
 24 concerning union security shall, upon service of written notice
 25 by either party upon the other party and the director of
 26 mediation services, be submitted to the determination of a board
 27 of arbitrators whose determination shall be final and binding
 28 upon the parties. The board of arbitrators shall be selected
 29 and proceed in the following manner, unless otherwise agreed
 30 between the parties: the employers shall appoint one
 31 arbitrator, the employees shall appoint one arbitrator, and the
 32 two arbitrators so chosen shall appoint a third arbitrator who
 33 shall act as ~~chairman~~ chair and who shall receive reasonable *
 34 compensation for ~~his~~ the work; but if said arbitrators are *
 35 unable to agree upon the appointment of such third arbitrator
 36 within five days after submission to arbitration, the governor
 37 shall submit five names to the parties and the parties shall
 38 select the third arbitrator, who shall act as ~~chairman~~ chair, *
 39 from the five submitted by the governor. The selection of the
 40 third arbitrator shall be by the process of elimination, with
 41 the parties taking turns at striking names from the list of five
 42 submitted by the governor, until only one name remains. If the
 43 parties are unable to agree with respect to which party shall
 44 take the first turn for the purpose of striking a name, it shall
 45 be decided by the flip of a coin. Each party shall be
 46 responsible for compensating the arbitrator of their choice, and
 47 the parties shall share equally the compensation paid to the
 48 third arbitrator. The board of arbitrators shall serve as a
 49 temporary arbitration tribunal and shall have the powers
 50 provided for commissioners under section 179.08. The board of
 51 arbitrators shall make its determination with all due diligence
 52 and shall file a copy of its report with the director of
 53 mediation services.

179*#41S

54 179.41 SECONDARY BOYCOTT DEFINED.

55 As used in sections 179.40 to 179.47, the term "secondary
 56 boycott" means any combination, agreement, or concerted action;
 57 (a) to refuse to handle goods or to perform services for an
 58 employer because of a labor dispute, agreement, or failure of
 59 agreement between some other employer and ~~his~~ its employees or a *
 60 bona fide labor organization, or
 61 (b) to cease performing or to cause any employees to cease
 62 performing any services for an employer, or to cause loss or *
 63 injury to such employer or to ~~his~~ its employees, for the purpose
 64 of inducing or compelling such employer to refrain from doing
 65 business with, or handling the products of, any other employer
 66 because of a dispute, agreement, or failure of agreement between
 67 the latter and ~~his~~ its employees or a labor organization, or *
 68 (c) to cease performing or to cause any employer to cease
 69 performing any services for another employer, or to cause any
 70 loss or injury to such other employer, or to ~~his~~ its employees, *
 71 for the purpose of inducing or compelling such other employer to
 72 refrain from doing business with, or handling the products of,
 73 any other employer because of an agreement, dispute, or failure

1 of agreement between the latter and ~~his~~ its employees or a labor *
 2 organization.

179*#42S

3 179.42 UNLAWFUL ACT AND UNFAIR LABOR PRACTICE.

4 It is an unlawful act and an unfair labor practice for any
 5 person or organization to combine with another, to cause loss or
 6 injury to an employer, to refuse to handle or work on particular
 7 goods or equipment or perform services for an employer, or to
 8 withhold patronage, or to induce, or to attempt to induce,
 9 another to withhold patronage or other business intercourse, for
 10 the purpose of inducing or coercing such employer to persuade or
 11 otherwise encourage or discourage ~~his~~ its employees to join or *
 12 to refrain from joining any labor union or organization or for
 13 the purpose of coercing such employer's employees to join or
 14 refrain from joining any labor union or organization.

179*#46S

15 179.46 LIMITATIONS; FEDERAL ACT.

16 Nothing in sections 179.40 to 179.47 shall be construed as
 17 requiring any person to work or perform services against ~~his~~ the *
 18 person's will for any other person, nor to prohibit a strike, *
 19 picketing or bannering which is otherwise lawful under the
 20 statutes and laws of this state; nothing in sections 179.40 to
 21 179.47 shall be construed to apply to the refusal by an employee
 22 to enter upon the premises of an employer other than ~~his~~ the *
 23 employee's own employer when the employees of such other *
 24 employer are engaged in a strike which is not an unfair labor
 25 practice, but does not include any person subject to the Federal
 26 Railway Labor Act as amended from time to time.

179*#60S

27 179.60 INTERFERING WITH EMPLOYEE OR MEMBERSHIP IN UNION.

28 It shall be unlawful for any person, company, or
 29 corporation, or any agent, officer, or employee thereof, to
 30 coerce, require, or influence any person to enter into any
 31 agreement, written or verbal, not to join, become, or remain a
 32 member of any lawful labor organization or association, as a
 33 condition of securing or retaining employment with such person,
 34 firm, or corporation. It shall be unlawful for any person,
 35 company, or corporation, or any officer or employee thereof, to
 36 coerce, require, or influence any person to contribute or pay to
 37 any person, company, or corporation, or any officer or employee
 38 thereof, any sum of money or other valuable thing for the sole
 39 purpose of securing or retaining employment with such person,
 40 firm, or corporation. It shall be unlawful for any two or more
 41 corporations or employers to combine, to agree to combine, or
 42 confer together for the purpose of interfering with any person
 43 in procuring, or in preventing ~~him~~ the person from procuring, *
 44 employment, or to secure the discharge of any employee by
 45 threats, promises, circulating blacklists, or any other means
 46 whatsoever. It shall be unlawful for any company or
 47 corporation, or any agent or employee thereof, to blacklist any
 48 discharged employee, or by word or writing seek to prevent,
 49 hinder, or restrain a discharged employee, or one who has
 50 voluntarily left its employ, from obtaining employment
 51 elsewhere. Every person and corporation violating any of the
 52 foregoing provisions shall be guilty of a misdemeanor.

179A#03S

53 179A.03 DEFINITIONS.

54 No change for subd 1 to 11

55 Subd. 12. PRINCIPAL. "Principal" and "assistant
 56 principal" means any person so licensed by the state board of
 57 education who devotes more than 50 percent of ~~his-or-her~~ the *
 58 time to administrative or supervisory duties.

59 No change for subd 13 to 19

179A#05S

60 179A.05 PUBLIC EMPLOYMENT RELATIONS BOARD; POWERS AND
 61 DUTIES.

62 Subdivision 1. MEMBERSHIP. The public employment
 63 relations board is established with five members appointed by
 64 the governor. Two members shall be representative of public
 65 employees; two shall be representative of public employers; and
 66 one shall be representative of the public at large. Public
 67 employers and employee organizations representing public
 68 employees may submit for consideration names of persons
 69 representing their interests. The board shall select one of its
 70 members to serve as chairman chair for a term beginning May 1 *
 71 each year.

1 No change for subd 2
 2 Subd. 3. RULES, MEETINGS. The board shall adopt
 3 rules governing its procedure and shall hold meetings as
 4 prescribed in those rules. The ~~chairman~~ chair shall preside at *
 5 meetings of the board.

6 No change for subd 4 to 7

179A#12S

7 179A.12 EXCLUSIVE REPRESENTATION; ELECTIONS;
 8 DECERTIFICATION.

9 No change for subd 1 to 11

10 Subd. 12. BAR TO RECONSIDERATION. When the director
 11 certifies an exclusive representative, ~~he~~ the director shall not *
 12 consider the question again for a period of one year, unless the
 13 exclusive representative is decertified by a court of competent
 14 jurisdiction, or by the director.

179A#13S

15 179A.13 UNFAIR LABOR PRACTICES.

16 No change for subd 1

17 Subd. 2. EMPLOYERS. Public employers, their agents
 18 and representatives are prohibited from:

19 (1) interfering, restraining, or coercing employees in the
 20 exercise of the rights guaranteed in sections 179A.01 to 179A.25;

21 (2) dominating or interfering with the formation,
 22 existence, or administration of any employee organization or
 23 contributing other support to it;

24 (3) discriminating in regard to hire or tenure to encourage
 25 or discourage membership in an employee organization;

26 (4) discharging or otherwise discriminating against an
 27 employee because ~~he~~ the employee has signed or filed an *
 28 affidavit, petition, or complaint or given any information or
 29 testimony under sections 179A.01 to 179A.25;

30 (5) refusing to meet and negotiate in good faith with the
 31 exclusive representative of its employees in an appropriate unit;

32 (6) refusing to comply with grievance procedures contained
 33 in an agreement;

34 (7) distributing or circulating any blacklist of
 35 individuals exercising any legal right or of members of a labor
 36 organization for the purpose of preventing blacklisted
 37 individuals from obtaining or retaining employment;

38 (8) violating rules established by the director regulating
 39 the conduct of representation elections;

40 (9) refusing to comply with a valid decision of a binding
 41 arbitration panel or arbitrator;

42 (10) violating or refusing to comply with any lawful order
 43 or decision issued by the director or the board; or

44 (11) refusing to provide, upon the request of the exclusive
 45 representative, all information pertaining to the public
 46 employer's budget both present and proposed, revenues and other
 47 financing information. In the executive branch of state
 48 government, this clause shall not be considered contrary to the
 49 budgetary requirements of sections 16A.10 and 16A.11.

50 No change for subd 3

179A#16S

51 179A.16 INTEREST ARBITRATION.

52 No change for subd 1 to 3

53 Subd. 4. CONSTRUCTION OF ARBITRATION PANEL. The
 54 board shall provide the parties to the interest arbitration a
 55 list of seven arbitrators. In submitting names of arbitrators
 56 to the parties, the board shall try to include names of persons
 57 from the geographical area in which the public employer is
 58 located. The parties shall, under the direction of the ~~chairman~~ *
 59 chair of the board, alternately strike names from the list of *
 60 arbitrators until only three names remain, or if requested by
 61 either party, until only a single arbitrator remains. If the
 62 parties are unable to agree on who shall strike the first name,
 63 the question shall be decided by the flip of a coin. The
 64 arbitrator or arbitrators remaining after the striking procedure
 65 constitute the arbitration panel.

66 No change for subd 5 to 8

179A#19S

67 179A.19 ILLEGAL STRIKES.

68 No change for subd 1 to 3

69 Subd. 4. REAPPOINTMENT. A public employee who
 70 knowingly participates in a strike in violation of this section
 71 and whose employment has been terminated under this section may
 72 subsequently be appointed or reappointed, employed or

1 reemployed, but the employee shall be on probation for two years
 2 with respect to the civil service status, tenure of employment,
 3 or contract of employment to which ~~he-or-she~~ the employee was
 4 previously entitled. *

5 Subd. 5. COMPENSATION. No employee is entitled to
 6 any daily pay, wages, reimbursement of expenses, or per diem for
 7 the days on which ~~he-or-she~~ the employee engaged in a strike. *

8 Subd. 6. HEARINGS. Any public employee is entitled
 9 to request the opportunity to establish that ~~he-or-she~~ the *
 10 employee did not violate this section. The request shall be *
 11 filed in writing with the officer or body having the power to
 12 remove the employee, within ten days after notice of termination
 13 is served upon the employee. The employing officer or body
 14 shall within ten days commence a proceeding at which the
 15 employee shall be entitled to be heard for the purpose of
 16 determining whether the provisions of this section have been
 17 violated by the public employee. If there are contractual
 18 grievance procedures, laws or rules establishing proceedings to
 19 remove the public employee, the hearing shall be conducted in
 20 accordance with whichever procedure the employee elects. The
 21 election shall be binding and shall terminate any right to the
 22 alternative procedures. The same proceeding may include more
 23 than one employee's employment status if the employees' defenses
 24 are identical, analogous, or reasonably similar. The
 25 proceedings shall be undertaken without unnecessary delay.

26 Any person whose termination is sustained in the
 27 administrative or grievance proceeding may appeal in accordance
 28 with chapter 14.

29 No change for subd 7

179A#20S

30 179A.20 CONTRACTS.

31 No change for subd 1 to 3

32 Subd. 4. GRIEVANCE PROCEDURE. All contracts shall
 33 include a grievance procedure which shall provide compulsory
 34 binding arbitration of grievances including all disciplinary
 35 actions. If the parties cannot agree on the grievance
 36 procedure, they shall be subject to the grievance procedure
 37 promulgated by the director under section 179A.04, subdivision
 38 3, clause (h).

39 Employees covered by civil service systems created under
 40 chapter 43A, 44, 375, 387, 419, or 420, by a home rule charter
 41 under chapter 410, or by Laws 1941, chapter 423, may pursue a
 42 grievance through the procedure established under this section.
 43 When the grievance is also within the jurisdiction of appeals
 44 boards or appeals procedures created by chapter 43A, 44, 375,
 45 387, 419, or 420, by a home rule charter under chapter 410, or
 46 by Laws 1941, chapter 423, the employee may proceed through the
 47 grievance procedure or the civil service appeals procedure, but
 48 once a written grievance or appeal has been properly filed or
 49 submitted by the employee or on the employee's behalf with ~~his~~ *
 50 the employee's consent the employee may not proceed in the *
 51 alternative manner.

52 This section does not require employers or employee
 53 organizations to negotiate on matters other than terms and
 54 conditions of employment.

55 No change for subd 5 to 6

179A#22S

56 179A.22 STATE AND ITS EMPLOYEES; NEGOTIATIONS.

57 No change for subd 1 to 2

58 Subd. 3. DUTIES. In all negotiations between the
 59 state and exclusive representatives the state shall be
 60 represented by the commissioner of employee relations or ~~his~~ the *
 61 commissioner's representative. The attorney general, and each *
 62 appointing authority shall cooperate with the commissioner of
 63 employee relations in conducting negotiations and shall make
 64 available any personnel and other resources necessary to enable
 65 the commissioner to conduct effective negotiations.

66 No change for subd 4

179A#25S

67 179A.25 INDEPENDENT REVIEW.

68 It is the public policy of the state of Minnesota that
 69 every public employee should be provided with the right of
 70 independent review, by a disinterested person or agency, of any
 71 grievance arising out of the interpretation of or adherence to
 72 terms and conditions of employment. When such review is not
 73 provided under statutory, charter, or ordinance provisions for a

1 civil service or merit system, the governmental agency may
 2 provide for such review consistent with the provisions of law or
 3 charter. If no other procedure exists for the independent
 4 review of such grievances, the employee may present ~~his~~ the
 5 grievance to the public employment relations panel under
 6 procedures established by the board.

180*#01S

7 180.01 APPOINTMENT.

8 The board of commissioners of any county in this state,
 9 where there are at least five mines situate and in operation, is
 10 hereby authorized and directed, on or before the first day of
 11 July, 1905, to appoint an inspector of mines, who shall hold
 12 office for the term of three years or until ~~his~~ a successor is
 13 appointed and qualified, and in addition thereto may appoint one
 14 assistant inspector for every 20 mines as the board may
 15 determine for the purpose of discharging the duties hereinafter
 16 prescribed; to fix the compensation and traveling expenses of
 17 such inspector or any assistant inspector and provide for the
 18 payment of the same, and to remove such inspector or any
 19 assistant inspector and appoint another in ~~his~~ place when in the
 20 judgment of the board the best interests of the owners and
 21 employees of such mines may so require.

180*#02S

22 180.02 QUALIFICATIONS, SALARY, OATH, BOND.

23 Each inspector of mines and assistant shall be at least 25
 24 years of age, a citizen of the state, and a resident of the
 25 county wherein ~~he-is~~ appointed, of good moral character and
 26 temperate habits. Previous to ~~his~~ appointment ~~he~~ the inspector
 27 shall have had practical experience as a miner or otherwise
 28 engaged as an employee in mines of the state at least six years,
 29 or a mining engineer having had previous to ~~his~~ appointment at
 30 least two years of practical experience in iron mines and iron
 31 mining and having had at least one year of such experience in
 32 this state. ~~He~~ The inspector shall not while in office in any
 33 way be interested as an owner, operator, agent, stockholder, or
 34 engineer of any mine. ~~He~~ The inspector shall ~~make-his-residence~~
 35 live or have ~~his~~ an office in the mining district of the county
 36 for which ~~he-is~~ appointed. The salary of each inspector of
 37 mines and assistant shall be such sum as shall be fixed by the
 38 county board not exceeding \$7,500 per annum, and ~~he~~ shall be
 39 allowed actual traveling expenses not to exceed \$1,200 in any
 40 one year. ~~He~~ The inspector shall file with the county auditor
 41 an itemized account of ~~his~~ expenses every three months, verified
 42 by ~~his~~ affidavit, showing that they have been incurred in the
 43 discharge of ~~his~~ official duties. Before entering upon the
 44 discharge of the duties of ~~his~~ office, ~~he~~ the inspector shall
 45 take an oath before some person authorized by law to administer
 46 oaths ~~that-he-will~~ to support the Constitution of the United
 47 States and the Constitution of the state of Minnesota, and
 48 that ~~he~~ the inspector will faithfully, impartially, and to the
 49 best of ~~his~~ ability discharge the duties of ~~his~~ office, and file
 50 a certificate of ~~his~~ having done so in the office of the county
 51 auditor. ~~He~~ The inspector shall give bond, payable to the
 52 county board, in the penal sum of \$5,000, with sufficient
 53 sureties to be approved by the county board, conditioned that ~~he~~
 54 the inspector will faithfully discharge the duties of ~~his~~ office
 55 and this bond shall be filed with the county auditor.

180*#03S

56 180.03 DUTIES.

57 Subdivision 1. The duties of the inspector of mines shall
 58 be to visit in person or by ~~one-of-his~~ assistants all the
 59 working mines of ~~his~~ the inspector's county at least once every
 60 90 days and oftener if requested so to do as hereinafter
 61 provided, and closely inspect the mines so visited and condemn
 62 all such places where ~~he-shall-find-that~~ the employees are in
 63 danger from any cause, whether resulting from careless mining or
 64 defective machinery or appliances of any nature~~-he~~. The
 65 inspector shall compel the erection of a partition between all
 66 shafts where hoisting of ore is performed, and where there are
 67 ladder ways, where ~~men~~ workers must ascend or descend going to
 68 and from their work. In case the inspector of mines shall find
 69 that a place is dangerous from any cause, as aforesaid, it shall
 70 be ~~his~~ the inspector's duty immediately to order ~~the-men~~ those
 71 engaged in the work at that place to quit work, and notify the
 72 superintendent, agent, or person in charge to secure the place
 73 from the existing danger, which notification or order shall be

1 in writing, clearly define the limits of the dangerous place,
 2 and specify the work to be done or change to be made to render
 3 the same secure, ordinary mine risks excepted. It shall be the
 4 duty of the inspector of mines to order the person, persons, or
 5 corporation working any mine, or the agent,
 6 superintendent, ~~foreman~~ lead supervisor, or other person having *
 7 immediate charge of the working of any mine, to furnish all
 8 shafts, open pits, caves, and chutes of such mine where danger
 9 exists with some secure safeguard at the top of the shaft, open
 10 pit, cave, or chute, so as to guard against accidents by persons
 11 falling therein or by material falling down the same, also a
 12 covering overhead on all the carriages on which persons ascend
 13 or descend up and down the shaft, if in ~~his~~ the inspector's *
 14 judgment it shall be practicable and necessary for the purpose
 15 of safety.

16 No change for subd 2 to 3

17 Subd. 4. Upon written application, the county mine
 18 inspector may exempt from the requirements of subdivision 2, any
 19 abandoned excavation, open pit, or shaft which is provided with
 20 fencing, barriers, appropriate signs, or combinations of them,
 21 in a manner that is reasonably similar to the standards set
 22 forth in subdivision 2, or which in ~~his~~ the inspector's judgment *
 23 does not constitute a safety hazard.

180*#04S

24 180.04 REQUIRING EMPLOYEES TO WORK AFTER ORDER TO QUIT;
 25 LIABILITY OF EMPLOYER.

26 If any person is required to continue work in any place in
 27 which the inspector of mines has ordered employees to quit work,
 28 as aforesaid, except to do such work as may have been by ~~him~~ the *
 29 inspector required to be done in order to render such place *
 30 safe, ordinary risks of mining excepted; the persons or
 31 corporations so requiring employees to work in such place shall
 32 be liable for all accidents causing injury or death to any
 33 employee arising by reason of such place not having been
 34 repaired or changed as required by the inspector.

180*#05S

35 180.05 INSPECTOR, POWERS; OWNER, DUTIES.

36 It shall be lawful for the inspector of mines or assistant
 37 inspector to enter, examine, and inspect any and all mines and
 38 machinery belonging thereto at all reasonable times by day or by
 39 night, but so as not to obstruct or hinder the necessary
 40 workings of such mines, and it shall be the duty of the owner,
 41 operator, or agent of every such mine, upon the request of the
 42 inspector of mines, or assistant inspector to furnish for ~~his~~ *
 43 inspection, all maps, drawings, and plans of the mine, together *
 44 with the plans of all contemplated changes in the manner of *
 45 working the mine or any part thereof; to furnish ~~him-with~~ some *
 46 suitable person, as ~~he~~ the inspector may desire, who shall be *
 47 chosen from a list containing at least three candidates,
 48 submitted by a majority of employees of the mine, to
 49 accompany ~~him~~ the inspector through the mine, or any part *
 50 thereof, and to furnish ~~him~~ suitable ladders and other necessary *
 51 appliances to make a proper inspection and to furnish upon
 52 request the inspector of mines with all necessary facilities for
 53 such entry, examination, and inspection, and if the owner,
 54 operator, or agent refuse to permit such inspection or to
 55 furnish the necessary facilities for such entry, examination,
 56 and inspection, and continue so to refuse or permit, after
 57 written request thereof made by the inspector of mines, such
 58 refusal or neglect shall be deemed a gross misdemeanor, and,
 59 upon conviction thereof, such owner, operator, or agent shall be
 60 punished by a fine of not less than \$500 nor more than \$3,000
 61 for each offense.

180*#06S

62 180.06 SALARY AND EXPENSES.

63 The salary and expenses of the inspector of mines shall be
 64 paid out of the treasury of the county for which ~~he-is~~ appointed *
 65 by vouchers similar to those used by other county officials.
 66 The board of county commissioners shall furnish the inspector of
 67 mines with necessary books, stationery, and supplies.

180*#07S

68 180.07 INSPECTION REQUESTED, EXAMINATION.

69 When 20 or more persons working in any mine or place where
 70 mining is done, or the owner, operator, or agent of any mine, or
 71 the certified collective bargaining agent for the employees of
 72 said mine, shall notify the inspector of mines in writing that

1 his services are needed ~~he~~ the inspector shall immediately make *
 2 an inspection thereof and examine as to the necessary
 3 precautions and general safety of the mines and see that all the
 4 provisions of this chapter are observed and strictly carried out.

180*#08S

5 180.08 ACCIDENTS; NOTICE, INVESTIGATION.

6 When by reason of any accident in any mine loss of life or
 7 serious personal injury shall occur it shall be the duty of the
 8 manager or superintendent of the mine, and in ~~his~~ their absence *
 9 the person or officer under ~~him~~ them in charge of the mine, to *
 10 give notice thereof forthwith to the inspector of mines, stating *
 11 the particulars of such accident, and the inspector shall, if ~~he~~ *
 12 the inspector deems it necessary from the facts reported, go *
 13 immediately to the scene of such accident and make such
 14 suggestions and render such assistance as ~~he~~ the inspector may *
 15 deem necessary in the premises and personally investigate the
 16 cause of such accident and take such steps as ~~he~~ the inspector *
 17 may deem necessary for the safety of the employees of such mine
 18 and to prevent accident of a like or similar nature. The
 19 inspector shall be accompanied by three persons appointed by the
 20 manager or other person in charge of the mine and by three
 21 persons appointed by a majority of the employees of the mine to
 22 serve in such cases.

180*#10S

23 180.10 REMOVAL OF FENCE; GUARD.

24 Any ~~workman~~ worker, employee, or other person who shall *
 25 open, remove, or disturb any fence, guard, barrier, or rail and
 26 not close or replace or have the same closed or replaced again
 27 around or in front of any shaft, test pit, chute, excavation,
 28 cave, or land liable to cave, injure, or destroy, whereby
 29 accident, injury, or damage results, either to the mine or those
 30 at work therein, or to any other person, shall be guilty of a *
 31 misdemeanor. A ~~workman~~ worker, employee, or other person who,
 32 in regard to any fence, guard, barrier, or rail, does any of the
 33 acts prohibited by section 609.52, commits theft of the fence,
 34 guard, barrier, or rail may be sentenced as provided in section
 35 609.52.

180*#11S

36 180.11 ANNUAL REPORT.

37 It shall be the duty of the inspector of mines to make and
 38 file no later than March first each year with the auditor of the
 39 county for which ~~he-is~~ appointed, and with the department of *
 40 labor and industry, a full and complete report of all ~~his~~ acts, *
 41 proceedings, and doings hereunder for each year ending December
 42 31, stating therein among other things the number of visits and
 43 inspections made, the number of mines in operation, the number
 44 not in operation, the names of the mines, where located, the
 45 owners, lessees, or managers, the names of the officers, the
 46 quantity of ore shipped, the number of ~~men~~ workers employed, the *
 47 average wages for different kinds of work, the number of
 48 accidents, fatal or otherwise, the cause of such accidents, and
 49 such other information in relation to the subject of mines and
 50 mining inspection as ~~he~~ the inspector may deem of proper *
 51 interest and beneficial to the mining interests of the state.

180*#12S

52 180.12 VIOLATIONS.

53 No change for subd 1

54 Subd. 2. Any person who is in immediate charge of the
 55 working of any mine who fails to carry out any order of the
 56 inspector, issued pursuant to section 180.03 or who permits,
 57 directs, or authorizes any person to work in a manner which
 58 violates the provisions of section 180.04 shall upon finding by
 59 the district court of the county where the mine is situated that
 60 the order of the inspector was not unjust or unreasonable or an
 61 abuse of ~~his~~ discretion be guilty of a gross misdemeanor, and *
 62 upon conviction thereof, shall be punished as provided in
 63 section 609.03. Each time an order of the inspector issued
 64 under section 180.04 is not complied with, shall constitute a
 65 separate offense. Each offense shall be prosecuted by the
 66 county attorney of the county in which the offense took place.

180*#13S

67 180.13 NEGLECT OF INSPECTOR.

68 Any inspector of mines appointed hereunder failing to
 69 comply with the requirements of this chapter shall be guilty of
 70 a gross misdemeanor; and, upon conviction thereof, fined not
 71 less than \$100 nor more than \$3,000 and be dismissed from

1 office, and the board of commissioners shall remove ~~him~~ the *
 2 inspector from office for neglect of duty, drunkenness, *
 3 incompetency, malfeasance in office, or other good cause.

181*#01S

4 181.01 WAGES OF MINORS; TO WHOM PAID.
 5 Any parent or guardian claiming the wages of a minor in
 6 service shall so notify ~~his~~ the employer and, if ~~he fails to~~ *
 7 failing to do so, payment to the minor of wages so earned shall *
 8 be valid.

181*#03S

9 181.03 CERTAIN ACTS RELATING TO PAYMENT OF WAGES
 10 UNLAWFUL.
 11 Any person, firm, corporation, or association who or which,
 12 directly or indirectly and with intent to defraud, causes any
 13 employee to give a receipt for wages for a greater amount than
 14 that actually paid to the employee for services rendered or
 15 directly or indirectly demands or receives from any employee any
 16 rebate or refund from the wages to which the employee is
 17 entitled under ~~his~~ contract of employment with such employer, or *
 18 in any manner makes or attempts to make it appear that the wages
 19 paid to any employee were greater than the amount actually paid
 20 to the employee shall be guilty of a misdemeanor.

181*#031S

21 181.031 EMPLOYERS NOT TO ACCEPT CONSIDERATION FOR
 22 SECURING EMPLOYMENT.
 23 Any employer, or any manager, superintendent, foreman lead *
 24 supervisor, or other representative of any employer, who, *
 25 directly or indirectly, demands or accepts from any employee any
 26 part of such employee's wages or other consideration, or any
 27 gratuity, in consideration of giving to or securing, or
 28 assisting in securing, for any employee any employment with such
 29 employer shall be guilty of a misdemeanor.

181*#063S

30 181.063 ASSIGNMENT OF WAGES, PUBLIC EMPLOYEES.
 31 Any officer or employee of a county, town, city, or school
 32 district, or any department thereof, has the same right to sell,
 33 assign, or transfer ~~his~~ salary or wages as is now possessed by *
 34 any officer of or person employed by any corporation, firm, or
 35 person.

181*#08S

36 181.08 PUBLIC SERVICE CORPORATIONS; PAYMENT OF WAGES,
 37 REQUIREMENTS.
 38 All public service corporations doing business within this
 39 state are required to pay their employees at least semimonthly
 40 the wages earned by them to within 15 days of the date of such
 41 payment, unless prevented by inevitable casualty. Such wages
 42 less any voluntarily authorized payroll deduction set out in
 43 section 181.06 shall be paid in cash, or by checks convertible
 44 into cash at full face value thereof, without any service,
 45 exchange, discount, float or other charges, at a bank designated
 46 by such public service corporation located in any city in which
 47 the employee to whom the check is issued is employed or into *
 48 which such employee is required to go in the performance of ~~his~~ *
 49 work for the company issuing the same. It shall be the duty of
 50 the corporation to make necessary arrangements with a bank for
 51 the cashing of these checks without such charges, or to
 52 reimburse any employee who has paid such charges upon request.
 53 When an employee shall be discharged ~~his~~ wages shall be paid to *
 54 ~~him~~ at the time of ~~his~~ discharge or whenever ~~he~~ the employee *
 55 shall demand the same thereafter; allowing a reasonable time
 56 within which to compute wages due and to make authorized and
 57 other deductions required by law.

181*#09S

58 181.09 RECOVERY OF WAGES, COSTS.
 59 When any public service corporation neglects or refuses to
 60 pay its employees, as prescribed by section 181.08, the wages
 61 may be recovered by action without further demand. Costs of \$10
 62 shall be allowed to the plaintiff and included in ~~his~~ the *
 63 judgment, in addition to ~~his~~ disbursements allowed by law. *

181*#10S

64 181.10 WAGES PAID EVERY 15 DAYS.
 65 Every person, firm, corporation, or association employing
 66 any person to labor or perform service on any project of a
 67 transitory nature, such as the construction, paving, repair, or
 68 maintenance of roads or highways, sewers or ditches, clearing
 69 land, or the production of forest products or any other work

1 which requires the employee to change ~~his~~ the employee's place *
 2 of abode, shall pay the wages or earnings of such person at
 3 intervals of not more than 15 days, and payments thereof shall
 4 be made at the place of employment or in close proximity thereto.

181*#11S

5 181.11 DISCHARGED EMPLOYEE MUST BE PAID WITHIN 24 HOURS.
 6 When any such transitory employment as is described in
 7 section 181.10 which requires an employee to change ~~his~~ the *
 8 employee's place of abode while performing the service required *
 9 by the employment is terminated, either by the completion of the
 10 work or by the discharge or quitting of the employee, the wages
 11 or earnings of such employee in such employment shall be paid
 12 within 24 hours and, if not then paid, the employer shall pay ~~to~~ *
 13 the employee-his employee's reasonable expenses of remaining in *
 14 the camp or elsewhere away from ~~his~~ home while awaiting the *
 15 arrival of payment of ~~his~~ wages or earnings and, if such wages *
 16 or earnings are not paid within three days after the termination
 17 of such employment for any cause, the employer shall, in
 18 addition, pay to the employee the average amount of ~~his~~ the *
 19 employee's daily earnings in such employment from the time of *
 20 the termination of the employment until payment has been made in
 21 full, but not for a longer period of time than 15 days.

181*#13S

22 181.13 PENALTY FOR FAILURE TO PAY WAGES PROMPTLY.
 23 When any person, firm, company, association, or corporation
 24 employing labor within this state discharges a servant or
 25 employee, the wages or commissions actually earned and unpaid at
 26 the time of the discharge shall become immediately due and
 27 payable upon demand of the employee. If the employee's earned
 28 wages and commissions are not paid within 24 hours after such
 29 demand, whether the employment was by the day, hour, week,
 30 month, or piece or by commissions, the discharged employee may
 31 charge and collect the amount of ~~his-or-her~~ the employee's *
 32 average daily earnings at the rate agreed upon in the contract
 33 of employment, for such period, not exceeding 15 days, after the
 34 expiration of the 24 hours, as the employer is in default, until
 35 full payment or other settlement, satisfactory to the discharged
 36 employee, is made. In the case of a public employer where
 37 approval of expenditures by a governing board is required, the
 38 24-hour period for payment shall not commence until the date of
 39 the first regular or special meeting of the governing board
 40 following discharge of the employee. The wages and commissions
 41 must be paid at the usual place of payment unless the employee
 42 requests that the wages and commissions be sent ~~to-him-or-her~~ *
 43 through the mails. If, in accordance with a request by the
 44 employee, the employee's wages and commissions are sent to the
 45 employee through the mail, the wages and commissions shall be
 46 deemed to have been paid as of the date of their postmark for
 47 the purposes of this section.

181*#14S

48 181.14 NOTICE TO BE GIVEN; SETTLEMENT OF DISPUTES.
 49 When any such employee, not having a contract for a
 50 definite period of service, quits or resigns ~~his-or-her~~ *
 51 employment, the wages or commissions earned and unpaid at the
 52 time the employee quits or resigns shall become due and payable
 53 within five days thereafter. Any employer failing or refusing
 54 to pay such wages or commissions, after they become due, upon
 55 the demand of the employee, shall be liable to the employee from
 56 the date of the demand for an additional sum equal to the amount
 57 of the employee's average daily earnings provided in the
 58 contract of employment, for every day, not exceeding 15 days in
 59 all, until such payment or other settlement satisfactory to the
 60 employee is made. If any employee having such a contract gives
 61 not less than five days' written notice to the employer of ~~his~~ *
 62 ~~or-her~~ intention to quit, the wages or commissions of the *
 63 employee giving notice may be demanded and shall become due 24
 64 hours after the employee quits or resigns, and the penalty
 65 herein provided shall apply from the date of demand. If the
 66 employer disputes the amount of wages or commissions claimed by
 67 the employee under the provisions of this section or section
 68 181.13, and the employer makes a legal tender of the amount
 69 which the employer in good faith claims to be due, the employer
 70 shall not be liable for any sum greater than the amount so
 71 tendered and interest thereon at the legal rate, unless, in an
 72 action brought in a court having jurisdiction, the employee
 73 recovers a greater sum than the amount so tendered with interest

1 thereon; and if, in the suit, the employee fails to recover a
 2 greater sum than that so tendered, with interest, the employee
 3 shall pay the cost of the suit, otherwise the cost shall be paid
 4 by the employer. In cases where the discharged or quitting
 5 employee was, during ~~his-or-her~~ employment, entrusted with the
 6 collection, disbursement, or handling of money or property, the
 7 employer shall have ten secular days after the termination of
 8 the employment to audit and adjust the accounts of the employee
 9 before the employee's wages or commissions shall become due and
 10 payable, and the penalty herein provided shall apply in such
 11 case only from the date of demand made after the expiration of
 12 the period allowed for audit and adjustment. If, upon such
 13 audit and adjustment of the accounts of the employee, it is
 14 found that any money or property entrusted to the employee by
 15 the employer has not been properly accounted for or paid over to
 16 the employer, as provided by the terms of the contract of
 17 employment, the employee shall not be entitled to the benefit of
 18 sections 181.13 to 181.17, but the claim for unpaid wages or
 19 commissions of such employee, if any, shall be disposed of as
 20 provided by existing law. Wages and commissions paid under this
 21 section shall be paid at the usual place of payment unless the
 22 employee requests that the wages and commissions be sent to ~~him~~
 23 ~~or-her~~ the employee through the mails. If, in accordance with a
 24 request by the employee, the employee's wages and commissions
 25 are sent to the employee through the mail, the wages and
 26 commissions shall be deemed to have been paid as of the date of
 27 their postmark for the purposes of this section.

181*#145S

28 181.145 PROMPT PAYMENT OF COMMISSIONS TO COMMISSION
 29 SALESPERSONS SALESPEOPLE.

30 Subdivision 1. DEFINITIONS. For the purposes of this
 31 section, "commission salesperson" means a person who is paid on
 32 the basis of commissions for sales and who is not covered by
 33 sections 181.13 and 181.14 because ~~he-or-she~~ the person is an
 34 independent contractor. For the purposes of this section, the
 35 phrase "commissions earned through the last day of employment"
 36 means commissions due for services or merchandise which have
 37 actually been delivered to and accepted by the customer by the
 38 final day of the salesperson's employment.

39 Subd. 2. PROMPT PAYMENT REQUIRED. (a) When any
 40 person, firm, company, association, or corporation employing a
 41 commission salesperson in this state terminates the salesperson,
 42 or when the salesperson resigns ~~his-or-her~~ that position, the
 43 employer shall promptly pay the salesperson, at the usual place
 44 of payment, ~~his-or-her~~ commissions earned through the last day
 45 of employment or be liable to the salesperson for the penalty
 46 provided under subdivision 3 in addition to any earned
 47 commissions unless the employee requests that the commissions be
 48 sent to ~~him-or-her~~ the employee through the mails. If, in
 49 accordance with a request by the employee, the employee's
 50 commissions are sent to the employee through the mail, the
 51 commissions shall be deemed to have been paid as of the date of
 52 their postmark for the purposes of this section.

53 (b) If the employer terminates the salesperson or if the
 54 salesperson resigns giving at least five days written notice,
 55 the employer shall pay the salesperson's commissions earned
 56 through the last day of employment on demand no later than three
 57 working days after the salesperson's last day of work.

58 (c) If the salesperson resigns without giving at least five
 59 days written notice, the employer shall pay the salesperson's
 60 commissions earned through the last day of employment on demand
 61 no later than six working days after the salesperson's last day
 62 of work.

63 (d) Notwithstanding the provisions of paragraphs (b) and
 64 (c), if the terminated or resigning salesperson was, during ~~his~~
 65 ~~or-her~~ employment, entrusted with the collection, disbursement,
 66 or handling of money or property, the employer has ten working
 67 days after the termination of employment to audit and adjust the
 68 accounts of the salesperson before the salesperson can demand
 69 ~~his-or-her~~ commissions earned through the last day of
 70 employment. In such cases, the penalty provided in subdivision
 71 3 shall apply only from the date of demand made after the
 72 expiration of the ten working day audit period.

73 Subd. 3. PENALTY FOR NONPROMPT PAYMENT. If the
 74 employer fails to pay the salesperson ~~his-or-her~~ commissions
 75 earned through the last day of employment on demand within the

1 applicable period as provided under subdivision 2, the employer
 2 shall be liable to the salesperson, in addition to ~~his-or-her~~ *
 3 earned commissions, for a penalty for each day, not exceeding 15
 4 days, which the employer is late in making full payment or
 5 satisfactory settlement to the salesperson for the commissions
 6 earned through the last day of employment. The daily penalty
 7 shall be in an amount equal to one-fifteenth of the
 8 salesperson's commissions earned through the last day of
 9 employment which are still unpaid at the time that the penalty
 10 will be assessed.

11 No change for subd 4 to 5

181*#15S

12 181.15 WHEN EMPLOYEE NOT ENTITLED TO BENEFITS.

13 No such servant or employee who ~~secretes-or-absents-himself~~ *
 14 hides or stays away to avoid receiving payment ~~to-him~~, or *
 15 refuses to receive the same when fully tendered, shall be
 16 entitled to any benefit under sections 181.13 to 181.17 for such *
 17 time as he so ~~avoids~~ avoiding payment; provided, when any number *
 18 of employees enter upon a strike the wages due such striking
 19 employees at the time of entering upon such strike shall not
 20 become due until the next regular pay day after the commencement
 21 of such strike.

181*#28S

22 181.28 LOCOMOTIVE ENGINEERS, HOURS.

23 Locomotive engineers and ~~firemen~~ fire tenders shall not be *
 24 required to serve as such for more than 14 consecutive hours.
 25 At least nine hours, or as many hours less as are asked for by
 26 these engineers or ~~firemen~~ fire tenders, shall be allowed for *
 27 rest before being again required to go on duty. Nothing herein
 28 shall permit any such engineer or ~~fireman~~ fire tender to desert *
 29 ~~his~~ a locomotive when, by reason of accident or of delay caused *
 30 by the elements, another cannot immediately be procured ~~to-take~~ *
 31 ~~his-place~~ as a replacement, nor prohibit ~~him~~ them, in any case, *
 32 from serving longer than 14 hours if ~~he~~ they so ~~desires~~ desire. *
 33 Every superintendent or other officer or employer of a railway
 34 company who shall order or require any service in violation of
 35 this section shall be guilty of a misdemeanor, and such company
 36 shall be liable to any engineer or ~~fireman~~ fire tender for *
 37 injuries sustained ~~by-him~~ in consequence of such violation. *

181*#29S

38 181.29 CERTAIN RAILROAD EMPLOYEES, HOURS.

39 It shall be unlawful for any railroad company within the
 40 state, or any of its officers or agents, to require or permit
 41 any employee engaged in or connected with the movement of any
 42 rolling stock, engine, or train, to remain on duty more than 16
 43 consecutive hours, or to require or permit any such employee who
 44 has been on duty 16 consecutive hours to perform any further
 45 service without having had at least eight hours' rest, or to
 46 require or permit any such employee to be on duty at any time to
 47 exceed 16 hours in any consecutive 24 hours. This section shall
 48 not apply to work performed in the protection of life or
 49 property in cases of accident, wreck, or other unavoidable
 50 casualty, and it shall not apply to the time necessary for
 51 ~~trainmen~~ train workers to reach a resting place when an *
 52 accident, wreck, washout, snow blockade, or other unavoidable
 53 cause has delayed their train.

181*#52S

54 181.52 INTERFERENCE WITH EMPLOYMENT.

55 No individual, corporation, member of any firm, or any
 56 agent, officer, or employee of any of them, shall contrive or
 57 conspire to prevent any person from obtaining or holding any
 58 employment, or discharge, or procure or attempt to procure the
 59 discharge of, any person from employment, by reason of ~~his~~ the *
 60 person having engaged in a strike. *

181*#53S

61 181.53 CONDITIONS PRECEDENT TO EMPLOYMENT NOT REQUIRED.

62 No person, whether acting directly or through an agent, or
 63 as the agent or employee of another, shall require as a
 64 condition precedent to employment any written statement as to
 65 the participation of the applicant in a strike, or as to ~~his~~ a *
 66 personal record, save ~~as~~ to ~~his~~ conviction of a public offense, *
 67 for more than one year immediately preceding the date of ~~his~~ *
 68 application therefor; nor shall any person, acting in any of the
 69 aforesaid capacities, use or require blanks or forms of
 70 application for employment in contravention of this section.

181*#54S

1 181.54 COMMISSIONER OF HUMAN SERVICES, SAFETY INSPECTION
2 WORK.

3 The commissioner of human services is hereby authorized and
4 empowered to expend out of any relief funds available therefor
5 such sums of money which in ~~his~~ the commissioner's judgment may *
6 be necessary for safety inspection work required by law for the
7 protection of employees engaged upon such state and federal
8 projects as may be designated by ~~him~~ the commissioner. *

181*#58S

9 181.58 SURVIVING SPOUSE PAID WAGES DUE.

10 For the purposes of this section the word "employer"
11 includes every person, firm, partnership, corporation, the state
12 of Minnesota, all political subdivisions, and all municipal
13 corporations.

14 If, at the time of the death of any person, ~~his~~ an employer *
15 is indebted to ~~him~~ the person for work, labor, or services *
16 performed, and no executor or administrator of ~~his~~ the person's *
17 estate has been appointed, such employer shall, upon the request
18 of the surviving spouse, forthwith pay this indebtedness, in
19 such an amount as may be due, not exceeding the sum of \$3,000,
20 to the surviving spouse. The employer may in the same manner
21 provide for payment to the surviving spouse of accumulated
22 credits under the vacation or overtime plan or system maintained
23 by the employer. The employer shall require proof of claimant's
24 relationship to decedent by affidavit, and require claimant to
25 acknowledge receipt of such payment in writing. Any payments
26 made by the employer pursuant to the provisions of this section
27 shall operate as a full and complete discharge of the employer's
28 indebtedness to the extent of the payment, and no employer shall
29 thereafter be liable therefor to the decedent's estate or the
30 decedent's executor or administrator thereafter appointed. Any
31 amounts so received by a spouse shall be considered in
32 diminution of the allowance to the spouse under section 525.15.

181*#65S

33 181.65 PENALTIES.

34 Any person, firm, association, or corporation violating any
35 provision of section 181.64 and this section shall be guilty of
36 a misdemeanor. Any person who shall be influenced, induced, or
37 persuaded to enter or change ~~his~~ a employment or change ~~his~~ a *
38 place of employment through or by means of any of the things *
39 prohibited in section 181.64, shall have a right of action for *
40 the recovery of all damages ~~that he shall have~~ sustained in *
41 consequence of the false or deceptive representations, false *
42 advertising, or false pretenses used to induce ~~him~~ the person to *
43 enter into or change ~~his~~ a place of employment, against any *
44 person, firm, association, or corporation directly or indirectly *
45 causing such damage; and, in addition to all such actual damages
46 such person may have sustained, shall have the right to recover
47 such reasonable attorneys' fees as the court shall fix, to be
48 taxed as costs in any judgment recovered.

181*#66S

49 181.66 EQUAL PAY FOR EQUAL WORK LAW; DEFINITIONS.

50 No change for subd 1 to 2

51 Subd. 3. "Employee" means an individual who, otherwise
52 than as co-partner of the employer or as an independent
53 contractor, renders personal service wholly or partly in this
54 state to an employer who pays or agrees to pay such individual
55 at a fixed rate. However, where services are rendered only
56 partly in this state, an individual is not an employee unless
57 ~~his~~ a contract of employment has been entered into, or payments *
58 thereunder are ordinarily made or to be made within this state.

59 No change for subd 4 to 6

181*#67S

60 181.67 WAGE DISCRIMINATION BASED ON SEX; PROTECTION OF
61 EMPLOYEES INVOLVED IN PROCEEDING.

62 Subdivision 1. No employer shall discriminate between
63 employees on the basis of sex by paying wages to employees at a
64 rate less than the rate ~~at which he~~ the employer pays wages to *
65 employees of the opposite sex for equal work on jobs the
66 performance of which requires equal skill, effort, and
67 responsibility, and which are performed under similar working
68 conditions, except where such payment is made pursuant to a
69 seniority system, a merit system, a system which measures
70 earnings by quantity or quality of production, or a differential
71 based on any other factor other than sex. Provided, that an
72 employer who is paying a wage rate differential in violation of

1 sections 181.66 to 181.71 shall not, in order to comply with the
2 provisions of sections 181.66 to 181.71, reduce the wage rate of
3 any employee.

4 No change for subd 2

181*#68S

5 181.68 ACTIONS; LIMITATIONS, DAMAGES, ATTORNEY FEES,
6 PARTIES, COMPROMISES.

7 Subdivision 1. Any employee whose compensation is at a
8 rate that is in violation of section 181.67 has a right of
9 action against ~~his~~ an employer for the recovery of the amount of
10 the unpaid wages to which the employee is entitled for the one
11 year period preceding the commencement of the action, and an
12 amount up to the amount of these unpaid wages may be levied at
13 the discretion of the court as exemplary damages.

14 No change for subd 2 to 4

181*#73S

15 181.73 MIGRANT LABOR; HEALTH INSURANCE.

16 Subdivision 1. Any person, association, organization, or
17 other group employing five or more persons, full time, part time
18 or otherwise, who come within the definition of recruited
19 migrant laborers as hereafter defined and who are employed or
20 are recruited to be employed in the processing of agricultural
21 produce other than as field labor, shall provide at ~~his~~ or its
22 expense health care insurance during the period of employment or
23 for illness or injury incurred while employed. Such health care
24 insurance shall be in accordance with such regulations as the
25 commissioner of economic security may prescribe by rule or
26 regulation for each such recruited migrant laborer who is not a
27 resident of Minnesota and who does not have health care
28 insurance meeting the requirements of the rules and regulations
29 promulgated by the commissioner of economic security.

30 No change for subd 2

31 Subd. 3. For the purposes of this section, a recruited
32 migrant laborer is a migrant laborer who is offered some type of
33 housing or transportation expense by an employer as an
34 inducement to ~~his~~ employment or anticipated employment.

181*#74S

35 181.74 FAILURE OF EMPLOYER TO PAY BENEFITS OR WAGE
36 SUPPLEMENTS, PENALTY.

37 Subdivision 1. Any employer required under the provisions
38 of an agreement to which ~~he~~ the employer is a party to pay or
39 provide benefits or wage supplements to employees or to a third
40 party or fund for the benefit of employees, and who refuses to
41 pay the amount or amounts necessary to provide such benefits or
42 furnish such supplements within 60 days after such payments are
43 required to be made under law or under agreement, is guilty of a
44 gross misdemeanor. If such employer is a corporation, any
45 officer who intentionally violates the provisions of this
46 section shall be guilty of a gross misdemeanor. The institution
47 of bankruptcy proceedings according to law shall be a defense to
48 any criminal action under this section.

49 No change for subd 2

181*#75S

50 181.75 POLYGRAPH TESTS OF EMPLOYEES OR PROSPECTIVE
51 EMPLOYEES PROHIBITED.

52 Subdivision 1. PROHIBITION, PENALTY. No employer or
53 agent thereof shall directly or indirectly solicit or require a
54 polygraph, voice stress analysis, or any test purporting to test
55 the honesty of any employee or prospective employee. No person
56 shall sell to or interpret for an employer or ~~his~~ the employer's
57 agent a test that ~~he~~ the person knows has been solicited or
58 required by an employer or ~~his~~ agent to test the honesty of an
59 employee or prospective employee. An employer or agent or any
60 person knowingly selling, administering, or interpreting tests
61 in violation of this section is guilty of a misdemeanor. If an
62 employee requests a polygraph test any employer or agent
63 administering the test shall inform ~~him~~ the employee that taking
64 the test is voluntary.

65 No change for subd 2

66 Subd. 3. INJUNCTIVE RELIEF. In addition to the
67 penalties provided by law for violation of this section,
68 specifically and generally, whether or not injunctive relief is
69 otherwise provided by law, the courts of this state are vested
70 with jurisdiction to prevent and restrain violations of this
71 section and to require the payment of civil penalties. Whenever
72 it shall appear to the satisfaction of the attorney general that

1 this section has been or is being violated, ~~he~~ the attorney *
 2 general shall be entitled, on behalf of the state, to sue for *
 3 and have injunctive relief in any court of competent
 4 jurisdiction against any such violation or threatened violation
 5 without abridging other penalties provided by law.
 6 No change for subd 4

181*#78S

7 181.78 AGREEMENTS; TERMS RELATING TO INVENTIONS.
 8 Subdivision 1. Any provision in an employment agreement
 9 which provides that an employee shall assign or offer to assign
 10 any of ~~his~~ the employee's rights in an invention to ~~his~~ the *
 11 employer shall not apply to an invention for which no equipment,
 12 supplies, facility or trade secret information of the employer
 13 was used and which was developed entirely on the employee's own
 14 time, and (1) which does not relate (a) directly to the business
 15 of the employer or (b) to the employer's actual or demonstrably
 16 anticipated research or development, or (2) which does not
 17 result from any work performed by the employee for the
 18 employer. Any provision which purports to apply to such an
 19 invention is to that extent against the public policy of this
 20 state and is to that extent void and unenforceable.

21 No change for subd 2

22 Subd. 3. If an employment agreement entered into after
 23 August 1, 1977 contains a provision requiring the employee to
 24 assign or offer to assign any of ~~his~~ the employee's rights in *
 25 any invention to ~~his~~ an employer, the employer must also, at the *
 26 time the agreement is made, provide a written notification to
 27 the employee that the agreement does not apply to an invention
 28 for which no equipment, supplies, facility or trade secret
 29 information of the employer was used and which was developed
 30 entirely on the employee's own time, and (1) which does not
 31 relate (a) directly to the business of the employer or (b) to
 32 the employer's actual or demonstrably anticipated research or
 33 development, or (2) which does not result from any work
 34 performed by the employee for the employer.

181*#79S

35 181.79 WAGES DEDUCTIONS FOR FAULTY WORKMANSHIP, LOSS,
 36 THEFT OR DAMAGE.

37 Subdivision 1. No employer shall make any deduction,
 38 directly or indirectly, from the wages due or earned by any
 39 employee, who is not an independent contractor, for lost or
 40 stolen property, damage to property, or to recover any other
 41 claimed indebtedness running from employee to employer, unless
 42 the employee, after the loss has occurred or the claimed
 43 indebtedness has arisen, voluntarily authorizes the employer in
 44 writing to make the deduction or unless the employee is held
 45 liable in a court of competent jurisdiction for the loss or
 46 indebtedness. Such authorization shall not be admissible as
 47 evidence in any civil or criminal proceeding. Any authorization
 48 for a deduction shall set forth the amount to be deducted from
 49 the employee's wages during each pay period.

50 A deduction may not be in excess of the amount established
 51 by law as subject to garnishment or execution on wages.

52 Any agreement entered into between an employer and an
 53 employee contrary to this section shall be void. This section
 54 shall not apply to the following:

55 (a) in cases where a contrary provision in a collective
 56 bargaining agreement exists;

57 (b) any rules established by an employer for employees who
 58 are commissioned ~~salespersons~~ salespeople, where the rules are *
 59 used for purposes of discipline, by fine or otherwise, in cases
 60 where errors or omissions in performing their duties exist; or

61 (c) in cases where an employee, prior to making a purchase
 62 or loan from the employer, voluntarily authorizes in writing
 63 that the cost of the purchase or loan shall be deducted from the
 64 employee's wages, at regular intervals or upon termination of
 65 employment.

66 No change for subd 2

181*#81S

67 181.81 DISMISSAL FOR AGE; PROHIBITION; EXCEPTIONS;
 68 REMEDIES.

69 Subdivision 1. (a) It is unlawful for any employer, public
 70 or private, excluding the United States government and any of
 71 its instrumentalities, to refuse to hire or employ, or to
 72 discharge, dismiss, reduce in grade or position, or demote any
 73 individual on the grounds that the individual has reached an age

1 of less than 70, except in cases where federal statutes or rules
 2 or other state statutes, not including special laws compel or
 3 specifically authorize such action. Nothing in this section
 4 shall prohibit compulsory retirement of employees who have
 5 attained 70 years of age or more; provided further that nothing
 6 in this section shall prohibit compulsory retirement of an
 7 employee who has attained at least 65 years of age and who for
 8 the two year period immediately before retirement is employed in
 9 an executive or a high policy making position if that employee
 10 is entitled to an immediate non-forfeitable annual retirement
 11 benefit from a pension, profit sharing, savings or deferred
 12 compensation plan of an employer, or any combination of these
 13 benefits which totals in the aggregate at least \$27,000. If the
 14 retirement benefit is in a form other than a straight life
 15 annuity, the equivalent annualized payment value of the benefit
 16 shall be actuarially determined according to rules promulgated
 17 by the commissioner of labor and industry. Pilots and flight
 18 crew members shall not be subject to the provisions of this
 19 section or section 363.02, subdivision 6, but shall be retired
 20 from this employment pursuant to standards contained in
 21 regulations promulgated by the federal aviation administration
 22 for airline pilots and flight officers and are subject to the
 23 bona fide occupational requirements for these employees as
 24 promulgated by the federal aviation administration.

25 (b) Prior to June 1, 1982 every employer shall notify an
 26 employee in writing at least 90 days but no more than 120 days
 27 prior to the employee's 65th birthday of the option to continue
 28 employment beyond that date. The notice shall state in a
 29 conspicuous manner that the employee shall respond to the notice
 30 within 30 days of the employee's desire to continue employment
 31 beyond the employee's 65th birthday. Every employer shall post
 32 in a conspicuous place a notice written or approved by the
 33 commissioner of labor and industry stating that the mandatory
 34 retirement age is age 70. Employment shall continue for as long
 35 as the employee desires or until the employer demonstrates that
 36 the employee no longer can meet the bona fide requirements,
 37 consistently applied, for the job or position or until the
 38 employee reaches the compulsory retirement age established by
 39 the employer. When an employer intends to terminate an employee
 40 who is 65 years of age or older earlier than age 70 on the
 41 ground that he the employee no longer can meet the bona fide
 42 requirements for the job or position he the employer shall give
 43 the employee 30 days notice of his that intention. *
 *
 *

44 (c) If there exists a date on which the accrual of pension
 45 benefits or credits, or the contributions therefor by the
 46 employee or the employer, or the employee's employment related
 47 health and welfare benefits or insurance coverages are
 48 diminished or eliminated by virtue of the employee attaining a
 49 certain age, the employer shall notify the employee of the
 50 changes at least 90 but not more than 120 days prior to the
 51 effective date of the change. This section, in and of itself,
 52 shall not be construed to require any change in the employer
 53 contribution levels of any pension or retirement plan, or to
 54 require any employer to increase an employer's or employee's
 55 payments for the provision of insurance benefits contained in
 56 any employee benefit or insurance plan.

57 No change for subd 2

181*#83S

58 181.83 CORN DETASSELERS; TERMINATION OF EMPLOYMENT.

59 Upon termination by the employer of employment to perform
 60 corn detasseling, or injury to, or illness of the employee, the
 61 employer shall provide transportation to the terminated, injured
 62 or ill individual ~~to return him~~ from the place of work to the
 63 location at which he the employee was picked up on the day of
 64 termination, injury or illness. The employer shall pay a
 65 terminated, injured or ill individual at the individual's usual
 66 rate of pay during the time period between when the individual
 67 was terminated, injured or became ill, and when the employer
 68 returned the individual to the location at which he the employee
 69 was picked up. *

181*#87S

70 181.87 PAYMENT TERMS.

71 No change for subd 1 to 2

72 Subd. 3. GUARANTEED HOURS. The employer shall
 73 guarantee to each recruited migrant worker a minimum of 70 hours
 74 pay for work in any two successive weeks and, should the pay for

1 hours actually offered by the employer and worked by the migrant
 2 worker provide a sum of pay less than the minimum guarantee, the
 3 employer shall pay the migrant worker the difference within
 4 three days after the scheduled payday for the pay period
 5 involved. Payment for the guaranteed hours shall be at the
 6 hourly wage rate, if any, specified in the employment statement,
 7 or the federal minimum wage, whichever is higher. Any pay in
 8 addition to the hourly wage rate specified in the employment
 9 statement shall be applied against the guarantee. This
 10 guarantee applies for the minimum period of employment specified
 11 in the employment statement beginning with the date on which
 12 employment is to begin as specified in the employment statement.
 13 The date on which employment is to begin may be changed by the
 14 employer by written, telephonic, or telegraphic notice to the
 15 migrant worker, at ~~his~~ the worker's last known address, no later
 16 than ten days prior to the previously stated beginning date. *
 17 The migrant worker shall contact the recruiter to obtain the
 18 latest information regarding the date upon which employment is
 19 to begin no later than five days prior to the previously stated
 20 beginning date. This guarantee shall be reduced, when there is
 21 no work available for a period of seven or more consecutive days
 22 during any two week period subsequent to the commencement of
 23 work, by five hours pay for each such day, when the
 24 unavailability of work is caused by climatic conditions or an
 25 act of God, provided that the employer pays the migrant worker,
 26 on the normal payday, the sum of \$5 for each such day.

27 Subd. 4. WORKER FIRED OR QUILTS. If the migrant
 28 worker quits or is fired for cause prior to the completion of
 29 the operation for which ~~he was~~ hired, the migrant worker is *
 30 entitled to no further guarantee under subdivision 3 from that
 31 employer. If the migrant worker quits or is fired for cause
 32 before the completion of a two week pay period, ~~he~~ the worker is *
 33 entitled to no guarantee for that period. *

34 No change for subd 5 to 7

181*#89S

35 181.89 CIVIL ACTIONS.

36 Subdivision 1. MAY BRING ACTION. Any migrant worker
 37 claiming to be aggrieved by a violation of sections 181.86 to
 38 181.88 may bring a civil action for damages and injunctive
 39 relief against ~~his~~ the worker's employer. *

40 Subd. 2. JUDGMENT; DAMAGES. If the court finds that
 41 any defendant has violated the provisions of sections 181.86 to
 42 181.88, the court shall enter judgment for the actual damages
 43 incurred by the plaintiff or the appropriate penalty as provided
 44 by this subdivision, whichever is greater. The court may also
 45 award court costs and a reasonable attorney's fee. The
 46 penalties shall be as follows:

47 (1) Whenever the court finds that an employer has violated
 48 the record keeping requirements of section 181.88, \$50;

49 (2) Whenever the court finds that an employer has recruited
 50 a migrant worker without providing a written employment
 51 statement as provided in section 181.86, subdivision 1, \$250;

52 (3) Whenever the court finds that an employer has recruited
 53 a migrant worker after having provided a written employment
 54 statement, but finds that the employment statement fails to
 55 comply with the requirement of section 181.86, subdivision 1 or
 56 section 181.87, \$250;

57 (4) Whenever the court finds that an employer has failed to
 58 comply with the terms of an employment statement which ~~he~~ the
 59 employer has provided to a migrant worker or has failed to *
 60 comply with any payment term required by section 181.87, \$250; *

61 (5) Whenever the court finds that an employer has failed to
 62 pay wages to a migrant worker within a time period set forth in
 63 section 181.87, subdivision 2 or 3, \$250; and

64 (6) Whenever penalties are awarded, they shall be awarded
 65 severally in favor of each migrant worker plaintiff and against
 66 each defendant found liable.

181A#03S

67 181A.03 DEFINITIONS.

68 No change for subd 1 to 3

69 Subd. 4. "Commissioner" means the commissioner of the
 70 department or ~~his~~ designees. *

71 No change for subd 5 to 7

181A#05S

72 181A.05 EMPLOYMENT CERTIFICATES.

73 Subdivision 1. Any minor 14 or 15 years of age who wishes

1 to work on school days during school hours shall first secure an
 2 employment certificate. The certificate shall be issued only by
 3 the school district superintendent, ~~his~~ the superintendent's
 4 agent, or some other person designated by the board of
 5 education. The employment certificate shall be issued only for
 6 a specific position with a designated employer and shall be
 7 issued only in the following circumstances:

8 (1) If a minor is to be employed in an occupation not
 9 prohibited by regulations promulgated under section 181A.09 and
 10 as evidence thereof presents a signed statement from ~~his~~ the
 11 prospective employer; and

12 (2) If the parent or guardian of the minor consents to the
 13 employment; and

14 (3) If the issuing officer believes the minor is physically
 15 capable of handling the job in question and further believes the
 16 best interests of the minor will be served by permitting ~~him~~ the
 17 minor to work.

18 No change for subd 2

19 Subd. 3. If the issuing officer is in doubt about whether
 20 the proposed employment is in accordance with these provisions,
 21 ~~he~~ the officer shall consult with the division before issuing
 22 the certificate.

23 No change for subd 4 to 5

181A#06S

24 181A.06 AGE CERTIFICATES.

25 Subdivision 1. Every employer shall require proof of the
 26 age of any minor employee or prospective employee by requiring
 27 the minor to submit an age certificate, a copy of ~~his~~ the
 28 minor's birth certificate, or a copy of ~~his~~ the minor's driver's
 29 license. Upon the request of a minor, an age certificate shall
 30 be issued by or under the authority of the school superintendent
 31 of the district in which the applicant resides.

32 Superintendents, principals, or headmasters of independent or
 33 parochial schools shall issue age certificates to minors who
 34 attend such schools.

35 Subd. 2. The age certificate shall show the age of the
 36 minor, the date of ~~his~~ birth, the date of issuance of the
 37 certificate, the name and position of the issuing officer, the
 38 name, address, and description of the minor, and what evidence
 39 was accepted as proof of age. The age certificate shall also
 40 show the name of the employer, the proposed occupation, and
 41 shall state that a separate employment certificate is required
 42 for minors under 16 to work on regular school days during school
 43 hours. It shall be signed by the issuing officer and by the
 44 minor in ~~his~~ the officer's presence.

45 No change for subd 3

46 Subd. 4. The employer shall keep an age certificate
 47 ~~received-by-him~~ for the duration of the minor's employment and
 48 shall keep on file all age certificates, copies of birth
 49 certificates or copies of drivers' licenses presented to the
 50 employer pursuant to subdivision 1, where they may be readily
 51 examined by an agent of the division of labor standards.

181A#07S

52 181A.07 EXEMPTIONS.

53 No change for subd 1 to 3

54 Subd. 4. Any minor employed to do home chores, to babysit
 55 or employed by ~~his-parents~~ a parent shall be exempt from all
 56 provisions of sections 181A.01 to 181A.12.

57 Subd. 5. The commissioner may grant exemptions from any
 58 provisions of sections 181A.01 to 181A.12 for an individual
 59 minor if ~~he~~ the commissioner finds that such an exemption would
 60 be in the best interest of the minor involved. Such exemptions
 61 shall be granted only in accordance with the established
 62 regulations of the department.

63 No change for subd 6

181A#08S

64 181A.08 POWERS AND DUTIES OF THE DEPARTMENT.

65 Subdivision 1. The commissioner, ~~his~~ an authorized
 66 representative, or any truant officer may enter and inspect the
 67 place of business or employment and may interview any employees,
 68 of any employer of employees in any occupation in the state, all
 69 for the purpose of ascertaining whether any minors are employed
 70 contrary to the provisions of sections 181A.01 to 181A.12. Such
 71 authorized persons may require that employment certificates, age
 72 certificates, and lists of minors employed shall be produced for
 73 their inspection.

1 Subd. 2. The commissioner or ~~his~~ an authorized *
 2 representative may issue an order requiring an employer to
 3 comply with the provisions of sections 181A.01 to 181A.12 or
 4 with any regulations promulgated under the provisions of section
 5 181A.09. Any such order shall be served by the department upon
 6 the employer or ~~his~~ an authorized representative in person or by *
 7 certified mail at the employers place of business. If an
 8 employer wishes to contest the order for any reason, ~~he~~ the *
 9 employer shall file written notice of ~~his~~ objection with the *
 10 commissioner within ten days after service of said order upon
 11 said employer. Thereafter, a public hearing shall be held in
 12 accordance with the provisions of sections 14.57 to 14.70, and
 13 such regulations consistent therewith as the commissioner shall
 14 make.

15 Subd. 3. The commissioner or ~~his~~ an authorized *
 16 representative may apply to any court of competent jurisdiction
 17 for an order restraining the violation of an order issued by the
 18 commissioner pursuant to subdivision 2, or for an order
 19 enjoining and restraining violations of this chapter or
 20 regulations adopted pursuant to section 181A.09.

181A#09S

21 181A.09 POWER TO MAKE REGULATIONS.

22 Subdivision 1. The commissioner shall make, revise and
 23 promulgate such regulations, including definitions of terms, as
 24 ~~he~~ the commissioner shall deem appropriate to carry out the *
 25 purposes of sections 181A.01 to 181A.12 and to prevent the
 26 circumvention or evasion thereof.

27 Subd. 2. The commissioner shall, by regulation, establish
 28 a list of those occupations which ~~he~~ the commissioner finds to *
 29 be particularly hazardous for the employment of children, or
 30 detrimental to their health or well-being.

31 No change for subd 3

181A#12S

32 181A.12 PENALTIES.

33 Subdivision 1. FINES; PENALTY. Any employer who
 34 hinders or delays the department or its authorized
 35 representative in the performance of its duties under sections
 36 181A.01 to 181A.12 or refuses to admit the commissioner or ~~his~~ *
 37 an authorized representative to any place of employment or *
 38 refuses to make certificates or lists available as required by
 39 sections 181A.01 to 181A.12, or otherwise violates any
 40 provisions of sections 181A.01 to 181A.12 or any rules issued
 41 pursuant thereto shall be assessed a fine to be paid to the
 42 commissioner for deposit in the general fund. The fine may be
 43 recovered in a civil action in the name of the department
 44 brought in the district court of the county where the violation
 45 is alleged to have occurred or the district court where the
 46 commissioner has an office. Fines are in the amounts as follows:

47 (a) employment of minors under the age of 14	
48 (each employee)	\$ 50
49 (b) employment of minors under the age of 16	
50 during school hours while school is in session	
51 (each employee)	50
52 (c) employment of minors under the age of 16	
53 before 7:00 a.m. (each employee)	50
54 (d) employment of minors under the age of 16	
55 after 9:00 p.m.	
56 (each employee)	50
57 (e) employment of minors under the age of 16	
58 over eight hours a day (each employee)	50
59 (f) employment of minors under the age of 16	
60 over 40 hours a week (each employee)	50
61 (g) employment of minors under the age of 18	
62 in occupations hazardous or	
63 detrimental to their well-being as defined	
64 by rule (each employee)	100
65 (h) employment of minors under the age of 16	
66 in occupations hazardous or	
67 detrimental to their well-being as defined	
68 by rule (each employee)	100
69 (i) minors under the age of 18 injured in	
70 hazardous employment (each employee)	500
71 (j) minors employed without proof of age	
72 (each employee)	5

73 An employer who refuses to make certificates or lists
 74 available as required by sections 181A.01 to 181A.12 shall be

1 assessed a \$500 fine.

2 An employer who engages in repeated violations of sections
3 181A.01 to 181A.12 is also guilty of a gross misdemeanor.

4 No change for subd 2

181B#02S

5 181B.02 DEFINITIONS.

6 No change for subd 1 to 9

7 Subd. 10. "Accrued portion of the normal retirement
8 benefit" with respect to employees with ten or more years of
9 covered service means the larger of either the present value of
10 the pension benefit which the employee has earned prior to
11 cessation under the terms of the pension plan itself or the
12 present value of the normal retirement benefit to which the
13 employee would be entitled under the plan as in effect on the
14 date of the cessation if ~~he~~ the employee continued to earn
15 pension credits based on the covered service ~~he~~ which would have
16 accumulated had ~~he~~ the employee continued as a plan participant
17 until normal retirement age or if ~~he~~ the employee continued to
18 earn annually until normal retirement age the same rate of
19 compensation as that which ~~he~~ had been ~~earning~~ earned prior to
20 cessation, upon which ~~his~~ a pension credit would have been
21 computed under the plan at the rate specified by the plan for
22 the years subsequent to the cessation, multiplied by a fraction
23 not to exceed one, the numerator of which is the total number
24 of ~~his~~ years of covered service as of the date of cessation, and
25 the denominator of which is the total number of years ~~he~~ the
26 employee would have had in covered service in such plan as of
27 normal retirement age if ~~he~~ the employee had continued to be an
28 active participant in the plan until attaining such age.

*
*
*
*
*
*
*
*
*
*

29 With respect to employees with less than ten years of
30 covered service, the defining term means the present value of
31 the total amount of pension benefits which have been vested on
32 or prior to the date of cessation. Where the above formulas are
33 inapplicable or inequitable the defined term means that portion
34 of the normal retirement benefit to which the commissioner
35 determines actuarially the employee should be entitled based on
36 the covered service of the employee, as of the date of the
37 cessation.

38 No change for subd 11 to 17

181B#03S

39 181B.03 PENSION REFUNDING CHARGE, VESTED BENEFITS PRIOR
40 TO PENSION BENEFITS PROTECTION ACT.

41 Every employer who hereafter ceases to operate a place of
42 employment or a pension plan within this state shall owe to ~~his~~
43 employees covered by sections 181B.01 to 181B.17 a pension
44 funding charge which shall be equal to the present value of the
45 total amount of vested pension benefits based upon covered
46 service occurring before April 10, 1974 of such employees of the
47 employer who have completed ten or more years of any covered
48 service under the pension plan of the employer and whose vested
49 pension benefits have been or will be forfeited because of the
50 employer's ceasing to operate a place of employment or a pension
51 plan, less the amount of such vested pension benefits which are
52 compromised or settled to the satisfaction of the commissioner
53 as provided in sections 181B.01 to 181B.17.

*

181B#04S

54 181B.04 NONVESTED BENEFITS PRIOR TO ACT.

55 Every employer who hereafter ceases to operate a place of
56 employment or a pension plan within this state shall owe to ~~his~~
57 employees covered by sections 181B.01 to 181B.17 a pension
58 funding charge which shall be equal to the present value of the
59 total amount of nonvested pension benefits based upon service
60 occurring before April 10, 1974 of such employees of the
61 employer who have completed ten or more years of any covered
62 service under the pension plan of the employer and whose
63 nonvested pension benefits have been or will be forfeited
64 because of the employer's ceasing to operate a place of
65 employment or a pension plan, less the amount of such nonvested
66 pension benefits which are compromised or settled to the
67 satisfaction of the commissioner as provided in sections 181B.01
68 to 181B.17.

*

181B#05S

69 181B.05 VESTED BENEFITS UNDER ACT.

70 Every employer who hereafter ceases to operate a place of
71 employment or a pension plan within this state shall owe to ~~his~~
72 employees covered by sections 181B.01 to 181B.17 a pension

*

1 funding charge which shall be equal to the present value of the
 2 total amount of vested pension benefits based upon covered
 3 service occurring after April 10, 1974 of such employees of the
 4 employer who have completed ten or more years of any covered
 5 service under the pension plan of the employer and whose vested
 6 pension benefits have been or will be forfeited because of the
 7 employer's ceasing to operate a place of employment or a pension
 8 plan, less the amount of such vested pension benefits which are
 9 compromised or settled to the satisfaction of the commissioner
 10 as provided in sections 181B.01 to 181B.17.

181B#06S

11 181B.06 NONVESTED BENEFITS UNDER ACT.

12 Every employer who hereafter ceases to operate a place of
 13 employment or a pension plan within this state shall owe to ~~his~~ *
 14 employees covered by sections 181B.01 to 181B.17 a pension
 15 funding charge which shall be equal to the present value of the
 16 total amount of nonvested pension benefits based upon covered
 17 service occurring after April 10, 1974 of such employees of the
 18 employer who have completed ten or more years of any covered
 19 service under the pension plan of the employer and whose
 20 nonvested pension benefits have been or will be forfeited
 21 because of the employer's ceasing to operate a place of
 22 employment or a pension plan, less the amount of such nonvested
 23 pension benefits which are compromised or settled to the
 24 satisfaction of the commissioner as provided in sections 181B.01
 25 to 181B.17.

181B#09S

26 181B.09 INVESTIGATION BY COMMISSIONER.

27 Upon receipt of such notification, or upon ~~his-own~~ the *
 28 commissioner's initiative when such notification is not given as *
 29 required, the commissioner shall cause an investigation to be
 30 made of the employer to determine the number of employees who
 31 have completed ten or more years of covered service under the
 32 pension plan of the employer and whose nonvested or vested
 33 pension benefits have been or will be forfeited by such
 34 cessation, the number of employees whose vested pension benefits
 35 have been or will be forfeited by such cessation, the amounts of
 36 such nonvested or vested pension benefits, if any, of such
 37 employees, and any other facts or circumstances concerning the
 38 employer, ~~his~~ employees and the pension plan for such employees *
 39 as may be necessary or useful to the commissioner to carry
 40 out ~~his~~ duties and responsibilities under sections 181B.01 to *
 41 181B.17. The investigation, insofar as practicable, shall be
 42 conducted at the employer's place of business during normal
 43 business hours. The employer shall cooperate fully with the
 44 commissioner in such investigation, and shall make available
 45 to ~~him~~ the commissioner any books, records or other information *
 46 necessary or useful to such investigation. To aid in such
 47 investigations, the commissioner is authorized to administer
 48 oaths and affirmations and to issue subpoenas to compel the
 49 attendance of witnesses or the production of books, records or
 50 other documents. The commissioner may seek, through the
 51 attorney general ~~acting-on-his-behalf~~, orders from any court of *
 52 competent jurisdiction to compel an employer to comply with the
 53 provisions of sections 181B.01 to 181B.17 and to punish
 54 disobedience of any subpoena issued pursuant to sections 181B.01
 55 to 181B.17.

181B#10S

56 181B.10 DETERMINATION OF AMOUNT OF BENEFITS; AGREEMENTS
 57 AS TO BENEFITS.

58 As part of the investigation of an employer, the
 59 commissioner shall determine the amount of nonvested and vested
 60 pension benefits which have been compromised or settled to ~~his~~ *
 61 the commissioner's satisfaction. Nonvested and vested pension *
 62 benefits may be compromised or settled by voluntary agreement
 63 between the employer and individual employees which is mutually
 64 understood by both parties to be a complete and final
 65 satisfaction of the employer's obligations regarding such
 66 benefits, provided that both parties are made fully aware of
 67 their rights and obligations under sections 181B.01 to 181B.17
 68 prior to the making of such voluntary agreement. Before any
 69 such settlement can be made it must be approved by the
 70 commissioner. The commissioner shall not approve any settlement
 71 that is not fair and equitable. Further, for all settlements
 72 entered into by the employer the relationship between the
 73 present value of the compromised pension credits and the value

1 of the settlement must be as constant as is practicable.

181B#12S

2 181B.12 PURCHASE OF PREPAID DEFERRED ANNUITY.

3 The amount certified by the commissioner as due and payable
4 to the employees shall be paid to the employees by the employer
5 through the purchase of a prepaid deferred annuity payable to
6 the employee when ~~he reaches~~ normal retirement age is reached or *
7 to ~~his~~ a beneficiary upon the employee's death. Such purchase *
8 shall be made through a trust authorized by the United States
9 Internal Revenue Service to make such purchases in a manner
10 which exempts from federal income taxation the money used to
11 purchase the annuity and all income earned by such annuity up to
12 the date of the distribution of the annuity amount. In no event
13 shall the amount of annuity to be distributed at normal
14 retirement age exceed the amount of the accrued normal
15 retirement benefit.

181B#14S

16 181B.14 ACTS CONSTITUTING TERMINATION.

17 For the purposes of sections 181B.01 to 181B.17, the
18 employment of any employee involuntarily terminated within one
19 year of the date an employer ceases to operate a place of
20 employment or a pension plan within this state, or within such
21 longer period as prescribed by the commissioner when ~~he the~~ *
22 commissioner determines that an employer is attempting to evade *
23 the provisions of sections 181B.01 to 181B.17, shall be deemed
24 to have been terminated because of the employer's ceasing to
25 operate its place of employment or a pension plan, unless the
26 employer can conclusively show that the termination was
27 attributable to some other cause.

182*#65S

28 182.65 CITATION AND LEGISLATIVE PURPOSE.

29 No change for subd 1 to 1a

30 Subd. 2. The legislature finds that the burden on
31 employers and employees of this state resulting from personal
32 injuries and illnesses arising out of work situations is
33 substantial; that the prevention of these injuries and illnesses
34 is an important objective of the government of this state; that
35 the greatest hope of attaining this objective lies in programs
36 of research and education, and in the earnest cooperation of
37 government, employers and employees; and that a program of
38 regulation and enforcement is a necessary supplement to these
39 more basic programs.

40 The legislature declares it to be its purpose and policy
41 through the exercise of its powers to assure so far as possible
42 every ~~working-man-and-woman~~ worker in the state of Minnesota *
43 safe and healthful working conditions and to preserve our human
44 resources by

45 (a) Authorizing the occupational safety and health advisory
46 council to advise, consult with or recommend on any matters
47 relating to the Minnesota occupational safety and health plan to
48 the commissioner of labor and industry and the state
49 commissioner of health and by authorizing the commissioner of
50 labor and industry to promulgate and enforce mandatory
51 occupational safety and health standards applicable to employers
52 and employees in the state of Minnesota;

53 (b) Encouraging employers and employees to increase their
54 efforts to reduce the number of occupational safety and health
55 hazards at their places of employment, and to stimulate
56 employers and employees to institute new and to perfect existing
57 programs for providing safe and healthful working conditions;

58 (c) Providing that employers and employees have separate
59 but dependent responsibilities and rights with respect to
60 achieving safe and healthful working conditions;

61 (d) Providing for research in the field of occupational
62 safety and health; including the psychological factors involved,
63 and by developing innovative methods, techniques, and approaches
64 for dealing with occupational safety and health problems;

65 (e) Exploring ways to discover latent diseases,
66 establishing causal connections between diseases and work in
67 environmental conditions, and conducting other research relating
68 to health problems, in recognition of the fact that occupational
69 health standards present problems often different from those
70 involved in occupational safety;

71 (f) Utilizing advances already made by federal laws and
72 regulations providing safe and healthful working conditions;

73 (g) Providing criteria which will assure insofar as

1 practicable that no employee will suffer diminished health,
 2 functional capacity, or life expectancy as a result of ~~his~~ work *
 3 experience;

4 (h) Providing an effective enforcement program which shall
 5 include a prohibition against giving advance notice of an
 6 inspection and sanctions for any individual violating this
 7 prohibition;

8 (i) Providing for appropriate reporting procedures with
 9 respect to occupational safety and health, which procedures will
 10 help achieve the objectives of this chapter and accurately
 11 describe the nature of the occupational safety and health
 12 problem;

13 (j) Encouraging joint labor-management efforts to reduce
 14 injuries and diseases arising out of employment;

15 (k) Providing consultation to employees and employers which
 16 will aid them in complying with their responsibilities under
 17 this chapter where such consultation does not interfere with the
 18 effective enforcement of this chapter;

19 (l) Providing for training programs to increase the number
 20 and competence of personnel engaged in the field of occupational
 21 safety and health.

182*#651S

22 182.651 DEFINITIONS.
 23 No change for subd 1
 24 Subd. 2. "Commissioner" means the commissioner of labor
 25 and industry or ~~his~~ a duly designated representative. *
 26 No change for subd 3 to 9
 27 Subd. 10. "Place of employment" means any factory, plant,
 28 foundry, construction site, farm workplace, premises, vehicle or
 29 any other work environment where any employee is during the
 30 course of ~~his~~ employment. *
 31 No change for subd 11 to 19

182*#653S

32 182.653 RIGHTS AND DUTIES OF EMPLOYERS.
 33 No change for subd 1
 34 Subd. 2. Each employer shall furnish to each of ~~his~~ its *
 35 employees conditions of employment and a place of employment
 36 free from recognized hazards that are causing or are likely to
 37 cause death or serious injury or harm to ~~his~~ its employees. *
 38 No change for subd 3
 39 Subd. 4. Each employer shall refrain from any unreasonable
 40 restraint on the right of the commissioner or ~~his~~ an authorized *
 41 representative of the commissioner to inspect the employer's *
 42 place of business. Each employer shall assist the commissioner,
 43 or ~~his~~ an authorized representative of the commissioner, in the *
 44 performance of inspection duties by supplying or by making
 45 available information dealing with injury reports, general
 46 safety records, and other records required under this chapter,
 47 and any necessary personnel or necessary inspection aids.
 48 No change for subd 4a to 6
 49 Subd. 7. Any employer is entitled, under section 182.668,
 50 to protection of ~~his~~ trade secrets and other legally privileged *
 51 communications.

182*#654S

52 182.654 RIGHTS AND DUTIES OF EMPLOYEES.
 53 No change for subd 1
 54 Subd. 2. Each employee shall comply with occupational
 55 safety and health standards and all rules, regulations, and
 56 orders issued pursuant to this chapter which are applicable to
 57 ~~his~~ the employee's own actions and conduct. *
 58 No change for subd 3
 59 Subd. 4. Each employee or ~~his~~ an authorized representative *
 60 shall be notified by ~~his~~ an employer of any application for a *
 61 temporary order granting the employer a variance from any
 62 provision of this chapter or standard or regulation promulgated
 63 pursuant to this chapter.
 64 Subd. 5. The employee representative shall be given the
 65 opportunity to participate in any hearing which concerns an
 66 application by ~~his~~ an employer for a variance from a standard *
 67 promulgated under this chapter.
 68 Subd. 6. Any employee who may be adversely affected by a
 69 standard or variance issued pursuant to section 182.655 may file
 70 a petition stating ~~his~~ a position with regard to proposed *
 71 standard or variance with the commissioner.
 72 No change for subd 7 to 8
 73 Subd. 9. No employee shall be discharged or in any way

1 discriminated against because such employee has filed any
 2 complaint or instituted or caused to be instituted any
 3 proceeding or inspection under or related to this chapter or has
 4 testified or is about to testify in any such proceeding or
 5 because of the exercise by such employee on behalf of himself *
 6 the employee or others of any right afforded by this chapter. *
 7 Discriminatory acts are subject to the sanctions contained in
 8 section 182.669.

9 No change for subd 10 to 11

182*#655S

10 182.655 OCCUPATIONAL SAFETY AND HEALTH STANDARDS.

11 No change for subd 1 to 4

12 Subd. 5. Any employer may apply to the commissioner for a
 13 temporary order granting a variance from a standard or any
 14 provision thereof promulgated under this section. Such
 15 temporary order shall be granted only if the employer files an
 16 application which meets the requirements of subdivision 7 and
 17 establishes that:

18 (a) He It is unable to comply with a standard by its *
 19 effective date because of unavailability of professional or
 20 technical personnel or of materials and equipment needed to come
 21 into compliance with the standard or because necessary
 22 construction or alteration of facilities cannot be completed by
 23 the effective date;

24 (b) He It is taking all available steps to safeguard his *
 25 employees against the hazards covered by the standard; and

26 (c) He It has an effective program for coming into *
 27 compliance with the standard as quickly as practicable.

28 No change for subd 6

29 Subd. 7. An application for a temporary order under this
 30 section shall contain:

31 (a) A specification of the standard or portion thereof from
 32 which the employer seeks a variance;

33 (b) A representation by the employer, supported by
 34 representations from qualified persons having first hand
 35 knowledge of the facts represented, that he it is unable to *
 36 comply with the standard or portion thereof and a detailed
 37 statement of the reasons therefor;

38 (c) A statement of the steps being taken and which will be
 39 taken, with specific dates, to protect employees against the
 40 hazards covered by the standard;

41 (d) A statement of when he it expects to be able to comply *
 42 with the standard and what steps he it has taken and what-steps
 43 he will take, with specific dates, to come into compliance with *
 44 the standard; and *

45 (e) A certification that he it has informed his employees *
 46 of the application by giving a copy thereof to their authorized
 47 representative, posting a statement giving a summary of the
 48 application and specifying where a copy may be examined at the
 49 place or places where notices to employees are normally posted,
 50 and by other appropriate means, and that he it has informed his *
 51 employees of their right to petition the commissioner for a
 52 hearing.

53 Subd. 8. Any affected employer may apply to the
 54 commissioner for a rule or order for a permanent variance from a
 55 standard promulgated under this section. Affected employees
 56 shall be given a notice of each such application and an
 57 opportunity to participate in a hearing. The commissioner shall
 58 issue such rule or order if he the commissioner determines on *
 59 the record, after opportunity for an inspection where
 60 appropriate and a hearing, that the proponent of the variance
 61 has demonstrated by a preponderance of the evidence that the
 62 conditions, practices, means, methods, operations or processes
 63 used or proposed to be used by an employer will provide
 64 employment and places of employment to his employees which are *
 65 as safe and healthful as those which would prevail if he *
 66 completed there was compliance with the standard. The rule or *
 67 order so issued shall prescribe the conditions the employer must
 68 maintain, and the practices, means, methods, operations and
 69 processes which he it must adopt and utilize. Such a rule or *
 70 order may be modified or revoked upon application by an *
 71 employer, employees, or by the commissioner on his the *
 72 commissioner's own motion, in the manner prescribed for its *
 73 issuance under this subdivision at any time after six months
 74 from its issuance.

75 Subd. 9. The commissioner is authorized to grant a

1 variance from any standard or portion thereof whenever ~~he~~ the *
 2 commissioner determines that such variance is necessary to *
 3 permit an employer to participate in an experiment approved
 4 by ~~him~~ the commissioner or the United States secretary of labor *
 5 or the United States secretary of health, education and welfare,
 6 designed to demonstrate or validate new and improved techniques
 7 to safeguard the health and safety of workers.

8 No change for subd 10 to 14

182*#656S

9 182.656 OCCUPATIONAL SAFETY AND HEALTH ADVISORY COUNCIL.
 10 Subdivision 1. An occupational safety and health advisory
 11 council consisting of 12 members appointed by the commissioner
 12 of labor and industry is created to advise the department. The
 13 council members shall be chosen so that three shall represent
 14 management; three shall represent labor; three shall represent
 15 occupational safety and health professions; and three shall
 16 represent the general public.

17 The commissioner of labor and industry shall designate one
 18 of the public members as chairman chair. The members shall be *
 19 selected upon the basis of their experience and competence in
 20 the field of occupational safety and health. The commissioner
 21 of labor and industry and the state commissioner of health shall
 22 be ex officio members and the commissioner of labor and industry
 23 shall serve as secretary of the council. The council shall
 24 elect from its members, by a concurring vote of not less than
 25 six members, other officers as necessary to carry out the duties
 26 thereof.

27 Subd. 2. Repealed, 1975 c 315 s 26

28 Subd. 3. A majority of the council members constitutes a
 29 quorum. The council shall meet at the call of its chairman *
 30 chair, or upon request of any six members. A tape recording of *
 31 the meeting with the tape being retained for a one-year period
 32 will be available upon the request and payment of costs to any
 33 interested party. The council shall expire and the terms,
 34 compensation, and removal of members shall be as provided in
 35 section 15.059.

182*#659S

36 182.659 INSPECTIONS.

37 No change for subd 1

38 Subd. 2. In making ~~his~~ inspections and investigations *
 39 under this chapter the commissioner shall have the power to
 40 administer oaths, certify as to official acts, take and cause to
 41 be taken depositions of witnesses, issue subpoenas, and compel
 42 the attendance of witnesses and production of papers, books,
 43 documents, records and testimony. In case of failure of any
 44 person to comply with any subpoena lawfully issued, or on the
 45 refusal of any witness to produce evidence or to testify to any
 46 matter regarding which ~~he~~ the person may be lawfully *
 47 interrogated, the district court shall, upon application of the
 48 commissioner, compel obedience proceedings for contempt, as in
 49 the case of disobedience of the requirements of a subpoena
 50 issued by the court or a refusal to testify therein.

51 Subd. 3. Subject to regulations issued by the
 52 commissioner, a representative of the employer and a
 53 representative authorized by ~~his~~ employees shall be given an *
 54 opportunity to accompany the commissioner during the physical
 55 inspection of any workplace under subdivision 1 for the purpose
 56 of aiding such inspection. The authorized representative of
 57 employees shall also be given the opportunity to participate in
 58 any conference or discussion held prior to or during any such
 59 inspection. Where there is no authorized employee
 60 representative, the commissioner shall consult with a reasonable
 61 number of employees concerning matters of health and safety in
 62 the workplace. No employee as a consequence of aiding such
 63 inspection shall lose any privilege or payment that ~~he~~ the *
 64 employee would otherwise earn, such loss being a discriminatory *
 65 act subject to the sanctions contained in section 182.669.

66 Subd. 4. Any employee or representative of employees who
 67 believes that a violation of a safety or health standard exists
 68 that threatens physical harm, or that an imminent danger exists,
 69 may request an inspection by giving notice to the commissioner
 70 of such violation or danger. Any such notice shall be reduced
 71 to writing, shall set forth with reasonable particularity the
 72 grounds for the notice, and shall be signed by the employee or
 73 representative of employees. A copy of the notice shall be
 74 provided the employer or ~~his~~ agent no later than the time of the *

1 inspection, except that, upon the request of the person giving
 2 such notice, ~~his~~ the employee's name and the names of individual *
 3 employees referred to therein shall not appear in such copy or
 4 on any record published, released, or made available pursuant to
 5 section 182.663, subdivision 4. If upon receipt of such
 6 notification the commissioner determines that there are
 7 reasonable grounds to believe that such violation or danger
 8 exists, ~~he~~ the commissioner shall make a special inspection in *
 9 accordance with the provisions of this section as soon as
 10 practicable, to determine if such danger or violation exists.
 11 An inspection conducted pursuant to a complaint may cover all of
 12 the premises of the employer and shall not be limited to that
 13 portion of the premises specified in the notice. If the
 14 commissioner determines that there are no reasonable grounds to
 15 believe that such a violation or danger exists ~~he~~ the *
 16 commissioner shall notify the employee or representative of *
 17 employees in writing of such determination. Upon such
 18 notification the employee or the employee representative may
 19 request the commissioner to reconsider ~~his~~ the determination. *
 20 Upon receiving such request the commissioner shall review ~~his~~ *
 21 the determination. *

22 No change for subd 5

23 Subd. 6. Upon the refusal of an owner, operator, or agent
 24 in charge to permit entry as specified in this chapter 732, the
 25 commissioner may apply for an order in the district court in the
 26 county in which ~~he was refused~~ entry was refused, which compels *
 27 the employer to permit the commissioner to enter and inspect the
 28 place of employment. *

29 No change for subd 7 to 8

182*#661S

30 182.661 ENFORCEMENT.

31 Subdivision 1. If, after an inspection or investigation,
 32 the commissioner issues a citation under section 182.66, ~~he~~ the *
 33 commissioner shall notify the employer by certified mail of the *
 34 penalty, if any, proposed to be assessed under section 182.666
 35 and that the employer has 15 working days within which to notify
 36 the commissioner in writing that ~~he~~ the employer wishes to *
 37 contest the citation, proposed assessment of penalty, or the
 38 period of time fixed in the citation given for correction of
 39 violation. A copy of the citation and the proposed assessment
 40 of penalty shall also be mailed to the bargaining representative
 41 and, in the case of the death of an employee, to the next of kin
 42 if requested and designated representative of the employee if
 43 known to the department of labor and industry. If within 15
 44 working days from the receipt of the notice issued by the
 45 commissioner the employer fails to notify the commissioner in
 46 writing that ~~he~~ the employer intends to contest the citation or *
 47 proposed assessment of penalty, and no notice contesting either
 48 the citation, the type of violation, proposed penalty, or the
 49 time fixed for abatement in the citation is filed by any
 50 employee or representative of employees under subdivision 3
 51 within such time, the citation and assessment, as proposed,
 52 shall be deemed a final order of the board and not subject to
 53 review by any court or agency.

54 Subd. 2. If the commissioner has reason to believe that an
 55 employer has failed to correct a violation for which a citation
 56 has been issued within the period permitted for its correction,
 57 which period shall not begin to run until the entry of a final
 58 order by the board in case of any review proceedings under this
 59 section initiated by the employer in good faith and not solely
 60 for delay or avoidance of penalties, the commissioner shall
 61 notify the employer by certified mail of such failure and of the
 62 penalty proposed to be assessed under section 182.666 by reason
 63 of such failure, and that the employer has 15 working days
 64 within which to notify in writing the commissioner that ~~he~~ the *
 65 employer wishes to contest the commissioner's notification or *
 66 the proposed assessment of penalty. If, within 15 working days
 67 from the receipt of notification issued by the commissioner, the
 68 employer fails to notify in writing the commissioner that ~~he~~ the *
 69 employer intends to contest the notification or proposed *
 70 assessment of penalty, the notification and assessment, as
 71 proposed, shall be deemed a final order of the board and not
 72 subject to review by any court or agency.

73 No change for subd 2a

74 Subd. 3. If an employer notifies the commissioner that ~~he~~ *
 75 the employer intends to contest the citation or the proposed *

1 assessment of penalty or the employee or the employee
 2 representative notifies the commissioner that ~~he~~ the employee *
 3 intends to contest the time fixed for abatement in the citation
 4 issued under section 182.66, the citation, the type of alleged
 5 violation, the proposed penalty, or notification issued under
 6 subdivisions 1 or 2, the board shall conduct a hearing in
 7 accordance with the applicable provisions of chapter 14, for
 8 hearings in contested cases. The rules of procedure prescribed
 9 by the board shall provide affected employees or representatives
 10 of affected employees an opportunity to participate as parties
 11 to hearings under this subdivision.

12 No change for subd 4

182*#662S

13 182.662 PROCEDURES TO COUNTERACT SERIOUS AND IMMINENT
 14 DANGERS.

15 Subdivision 1. If an inspector finds any condition or
 16 practice in any place of employment which presents a substantial
 17 probability that the condition or practice could result in death
 18 or serious physical harm, ~~he~~ the inspector shall issue an order, *
 19 after consultation either by phone or in person with the
 20 commissioner and upon the commissioner's recommendation, which
 21 prohibits the employment or continuing operational process until
 22 such steps as may be necessary are taken to correct or remove
 23 the situation. This order shall not be effective for a period
 24 longer than three days.

25 No change for subd 2 to 4

26 Subd. 5. Whenever and as soon as an inspector concludes
 27 that conditions or practices described in subdivision 1 exist in
 28 any place of employment, ~~he~~ the inspector shall inform the *
 29 affected employees and employers of the danger and that ~~he~~ the *
 30 inspector is recommending to the commissioner that relief be *
 31 sought.

32 No change for subd 6

182*#663S

33 182.663 STATISTICS AND RECORDKEEPING.

34 No change for subd 1

35 Subd. 2. Each employer shall make, keep and preserve, and
 36 make available to the commissioner such records regarding ~~his~~ *
 37 the employer's activities relating to this chapter as the *
 38 commissioner may prescribe by regulations as necessary or
 39 appropriate for the enforcement of this chapter or for the
 40 development of information regarding the causes and prevention
 41 of occupational accidents and illnesses. The records which the
 42 commissioner shall require the employer to make, keep and
 43 preserve shall be at least as effective as those required by the
 44 United States Department of Labor.

45 No change for subd 3 to 5

182*#664S

46 182.664 OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD.

47 Subdivision 1. There is hereby created the occupational
 48 safety and health review board, consisting of three members to
 49 be appointed by the governor. The governor shall designate one
 50 member to serve as ~~chairman~~ chair. The review board members *
 51 shall be chosen so that one shall represent management; one
 52 shall represent labor; and one shall represent the general
 53 public. The members shall be chosen from persons qualified by
 54 education, training or experience to carry out the functions of
 55 the board. Service on such board for a term shall not render a
 56 person ineligible for reappointment.

57 No change for subd 1a to 2

58 Subd. 3. The review board or its appointed administrative
 59 law judges may hold hearings at places of convenience to the
 60 parties concerned. The powers of the board in the conduct of
 61 hearings, including the power to administer oaths and subpoena
 62 persons, may be exercised on its behalf by a member, members or
 63 an administrative law judge appointed by the board ~~chairman~~ *
 64 chair. The board may administer oaths and subpoena persons, *
 65 including parties, as witnesses and may compel them to produce
 66 documentary evidence for hearings. A notice stating the time
 67 and place of the hearing must be given ten days in advance of
 68 such a hearing to the parties and copies of the notice of such
 69 hearing shall be posted by the employer at such places as the
 70 board shall require. The hearings shall be open to the public
 71 and the records of hearings shall be maintained and available
 72 for examination. The hearing shall be conducted in compliance
 73 with rules contained in chapter 14. The rules of the board

1 shall provide affected employers, employees or their
 2 representatives an opportunity to participate as parties
 3 provided they file notice at least five days before the start of
 4 the hearing.

5 No change for subd 4 to 5

182*#666S

6 182.666 PENALTIES.

7 No change for subd 1

8 Subd. 2. Any employer who has received a citation for a
 9 serious violation of ~~his~~ its duties under section 182.653, or *
 10 any standard, rule, or order promulgated under the authority of
 11 this chapter, shall be assessed a fine not to exceed \$1,000 for
 12 each such violation.

13 Subd. 3. Any employer who has received a citation for a
 14 violation of ~~his~~ its duties under section 182.653, subdivisions *
 15 2 to 4, where such violation is specifically determined not to
 16 be of a serious nature as provided in section 182.651,
 17 subdivision 12, may be assessed a fine of up to \$1,000 for each
 18 such violation.

19 No change for subd 4 to 7

182*#667S

20 182.667 CRIMINAL PENALTIES.

21 No change for subd 1 to 2

22 Subd. 3. Any person who gives advance notice of any
 23 inspection to be conducted under the authority of this chapter,
 24 without the consent of the commissioner or ~~his~~ designees shall, *
 25 upon conviction, be assessed a fine of up to \$3,000 or by
 26 imprisonment for not more than six months or by both.

182*#669S

27 182.669 DISCRIMINATION.

28 Subdivision 1. Any employee ~~who believes that he~~ *
 29 ~~has believed to have~~ been discharged or otherwise discriminated *
 30 against by any person because such employee has exercised any
 31 right authorized under the provisions of sections 182.65 to
 32 182.674, may, within 30 days after such alleged discrimination
 33 occurs, file a complaint with the commissioner alleging the
 34 discriminatory act. Upon receipt of such complaint, the
 35 commissioner shall cause such investigation to be made as ~~he~~ the *
 36 commissioner deems appropriate. If upon such investigation the *
 37 commissioner determines that a discriminatory act was committed *
 38 against an employee ~~he~~ the commissioner shall refer the matter *
 39 to the office of administrative hearings for a hearing before an
 40 administrative law judge pursuant to the provisions of chapter
 41 14. The administrative law judge may order rehiring of the
 42 employee, reinstatement of ~~his~~ the employee's former position, *
 43 fringe benefits, seniority rights, back pay, recovery of
 44 compensatory damages, and reasonable attorney fees, or other
 45 appropriate relief. Nothing in this section precludes an
 46 employee from bringing an action for relief under this section
 47 or any other provision of law.

48 Subd. 2. Repealed, 1975 c 343 s 2

49 Subd. 3. Repealed, 1975 c 343 s 2

50 Subd. 4. Repealed, 1975 c 343 s 2

51 Subd. 5. Repealed, 1975 c 343 s 2

52 Subd. 6. Repealed, 1975 c 343 s 2

182*#67S

53 182.67 ADMINISTRATIVE AUTHORITY.

54 No change for subd 1 to 2

55 Subd. 3. The commissioner shall designate a liaison
 56 officer from ~~his~~ the department whose duty it shall be to insure *
 57 the maximum possible consistency in procedures and to insure
 58 minimum duplication between the department and the other
 59 agencies that may be involved in occupational safety and health.

183*#352S

60 183.352 ELEVATOR OPERATORS.

61 The owner, manager, or lessee of any building in which
 62 there is installed a passenger or freight elevator, as
 63 hereinafter defined, shall designate a competent person or
 64 competent persons regularly to operate such elevator; provided,
 65 however, that any such owner, manager or lessee may arrange with
 66 one or more tenants of such building to designate one or more of
 67 ~~his-or~~ their employees regularly to operate such elevator. No *
 68 person not so designated shall operate any such elevator and no
 69 person shall employ or permit a person not so designated to
 70 operate any such elevator. The foregoing prohibitions shall not
 71 apply during any period of time when any such elevator is being

1 constructed, installed, inspected, repaired or maintained.

183*#411S

2 183.411 STEAM FARM TRACTION ENGINES; SHOW BOILERS AND
3 ENGINES.

4 No change for subd 1 to 2

5 Subd. 3. LICENSES. A license to operate steam farm
6 traction engines, portable and stationary show engines and
7 portable and stationary show boilers shall be issued to an
8 applicant who:

9 (a) is 18 years of age or older;

10 (b) has two licensed second class, grade A engineers or
11 steam traction engineers, or any combination thereof, cosign ~~his~~ *
12 the application; attesting to ~~his~~ the applicant's competence in *
13 operating said devices;

14 (c) passes a written test for competence in operating said
15 devices; and

16 (d) pays the required fee.

17 A license shall be valid for the lifetime of the licensee.

18 A one time fee set by the commissioner pursuant to section
19 16A.128, shall be charged for the license.

20 Subd. 4. EXEMPTION. Any licensed steam engineer may
21 operate steam farm traction engines, portable and stationary
22 show engines and portable and stationary show boilers, subject
23 to the apparatus and horsepower restrictions set forth in ~~his~~ *
24 the license, without obtaining a license under subdivision 3. *

183*#50S

25 183.50 INSPECTION OF BOILERS AND PRESSURE VESSELS.

26 The owner or manager of a boiler or pressure vessel shall
27 allow inspectors full access thereto. Every engineer operating
28 a boiler shall assist the inspector in the examination, and
29 point out any known defects in the boilers, steam engines or
30 turbines in ~~his~~ the engineer's charge. *

183*#51S

31 183.51 EXAMINATIONS; CLASSIFICATIONS; QUALIFICATIONS.

32 No change for subd 1 to 13

33 Subd. 14. CURRENT BOILER OPERATORS. Any person
34 operating a boiler other than a steam boiler on April 15, 1982
35 shall be qualified for application for the applicable class
36 license upon presentation of an affidavit furnished by an
37 inspector and sworn to by ~~his~~ the person's employer or a chief *
38 engineer. The applicant must have at least the number of years
39 of actual experience specified for the class of license
40 requested and pass the appropriate examination.

41 No change for subd 15

183*#52S

42 183.52 REVOCATION OF LICENSE.

43 The chief boiler inspector or ~~his~~ representative may issue *
44 cease and desist orders to any person found to be in violation
45 of sections 183.375 to 183.62 or the rules adopted thereunder,
46 or for otherwise operating or allowing a boiler or pressure
47 vessel to be operated under unsafe or dangerous conditions, and
48 may petition for enforcement of the order in the district
49 court. The department may also suspend or revoke the license of
50 any engineer for a violation.

183*#54S

51 183.54 BOILER INSPECTOR TO DELIVER CERTIFICATES; PAYMENT
52 OF INSPECTION FEES.

53 No change for subd 1 to 2

54 Subd. 3. FAILURE TO PAY FEE. If the owner or lessee
55 of any boiler or pressure vessel, which boiler or pressure
56 vessel has been duly inspected, refuses to pay the required fee
57 within 30 days from the date of the inspection, the chief boiler
58 inspector, or ~~his~~ deputy, may seal the boiler or pressure vessel *
59 until the fee is paid.

184*#21S

60 184.21 DEFINITIONS.

61 No change for subd 1 to 9

62 Subd. 10. CHARACTER. "Character" includes
63 components of an applicant's ability to be an agent; such as,
64 ~~his~~ moral character, education, business integrity, fiscal *
65 integrity, training and knowledge of the employment business,
66 capability of staff, and the extent of ~~his~~ participation in *
67 operating the agency.

68 No change for subd 11

184*#22S

69 184.22 LICENSES REQUIRED.

1 Subdivision 1. INDIVIDUALS; SEPARATE LOCATIONS. No
 2 person shall engage in the business of or act as an employment
 3 agent or counselor unless ~~he first obtains~~ a license from the
 4 department is first obtained. Each separate location for the
 5 business of an employment agency or for employment counseling
 6 shall have a separate agency license and a licensed manager who
 7 shall have immediate control of only one location.

*
*

8 Subd. 2. EXEMPTIONS. Except as otherwise
 9 specifically provided, the provisions of sections 184.21 to
 10 184.41 do not apply to any person, firm, corporation,
 11 partnership, or association engaged in the business of a
 12 management consultant, management search consultant or personnel
 13 consulting firm (hereafter "search firm") if: (1) the search
 14 firm is retained by, acts on behalf of and is only compensated
 15 by the employer, pursuant to a written or oral agreement
 16 specifying the position to be filled; (2) in no instance will
 17 any individual candidate who is identified, appraised or
 18 recommended by the search firm for employment become liable in
 19 whole or in part to pay a fee of any kind, directly or
 20 indirectly, on account of any service performed by the search
 21 firm; (3) in no instance does the search firm or its agents
 22 solicit, persuade or induce any individual to terminate ~~his-er~~
 23 ~~her~~ employment with an employer with whom the search firm has
 24 placed that individual; and (4) the search firm does not carry
 25 on any other activity that comes within the definition of
 26 employment agency as hereinbefore defined. Each search firm
 27 shall file annually with the commissioner a sworn statement
 28 indicating whether or not it has conducted its business during
 29 the past year in a manner consistent with the above provisions,
 30 exempting search firms from regulation as employment agencies.
 31 The statement must include, in addition to other information the
 32 commissioner by rule requires, a representation as to whether
 33 the search firm has placed any advertisements in the "help
 34 wanted" columns of newspapers published in Minnesota. If the
 35 commissioner at any time has reason to believe that the search
 36 firm has not conducted its business in a manner consistent with
 37 the above four conditions, the commissioner may inspect the
 38 relevant records of the search firm for the purpose of
 39 confirming whether the search firm has maintained its exempt
 40 status during the year. If it is determined, either by written
 41 admission by the search firm or by a finding of fact in a court
 42 of law or by a hearing officer pursuant to chapter 14, that any
 43 of the four conditions were not met, the search firm shall
 44 thereafter be considered an employment agency and be subject to
 45 the provisions of sections 184.21 to 184.41. If an employment
 46 agency offers services which are the same or similar to those
 47 offered by a search firm, or if a search firm offers services
 48 which are the same or similar to those offered by an employment
 49 agency, the person or entity offering these combined employment
 50 agency and search firm services shall identify itself to the
 51 public by displaying the name in which it is registered with the
 52 commission as a licensed employment agency; provided, that no
 53 registered search firm may offer licensed employment agency
 54 services at the same location.

*
*

55 No change for subd 3 to 5

184*#26S

56 184.26 APPLICATION; LICENSING.

57 Subdivision 1. Every applicant for an employment agent's
 58 license or a renewal thereof shall file with the department a
 59 written application stating the name and address of the
 60 applicant, the street and number of the building in which the
 61 business of the employment agent is to be conducted, the name of
 62 the person who is to have the general management of the office,
 63 the name under which the business of the office is to be carried
 64 on, whether or not the applicant is pecuniarily interested in
 65 any other business of a like nature and, if so, where. Such
 66 application shall also state whether the applicant is the only
 67 person pecuniarily interested in the business to be carried on
 68 under the license, and shall be signed by the applicant and
 69 sworn to before a notary public and shall identify anyone
 70 holding over 20 percent interest in the agency or receiving any
 71 percentage of the profits. If the applicant is a corporation,
 72 the application shall state the names and addresses of the
 73 officers and directors of the corporation, and shall be signed
 74 and sworn to by the president and secretary thereof. If the
 75 applicant is a partnership, the application shall also state the

1 names and addresses of all partners therein, and shall be signed
2 and sworn to by all of them. The application shall also state
3 whether or not the applicant is, at the time of making
4 application, or has at any previous time been engaged in or
5 interested in, or employed by anyone engaged in the business of
6 an employment agent, either in this state or any other, and, if
7 so, when and where. Every applicant for a license to engage in
8 the business of an employment agent shall, at the time of making
9 application for said license, file with the department a
10 schedule of the fees or charges to be collected by such
11 employment agency for any services rendered, together with all
12 rules and regulations that may in any way affect the fees
13 charged or to be charged for any service. Such fees and such
14 rules or regulations may thereafter be changed by filing an
15 amended or supplemental schedule showing such charges, with the
16 department. Such schedule of fees and charges shall contain all
17 information concerning financing the payment of the same
18 including the rate of interest charged as well as any other
19 service or carrying charges or costs. It shall be unlawful for
20 any employment agency to charge, demand, collect, or receive a
21 greater compensation for any service performed ~~by him~~ than is *
22 specified in such schedule filed with the department.

23 Subd. 2. Every applicant for a license for counselor or a
24 renewal thereof shall file with the department a written
25 application stating the name and address of the applicant, the
26 kind of license desired, the name of the employment agency by
27 whom such applicant will be employed if granted a license, the
28 address where such agency conducts its business, whether or not
29 the applicant is pecuniarily interested in the business of the
30 employment agency by which ~~he~~ the applicant shall be employed or *
31 of any other employment agency and if so the name and address of
32 such agency or agencies as well as a description of such
33 interest. The application shall also state whether or not the
34 applicant is at the time of making application or has at any
35 previous time been engaged or interested in or employed by an
36 employment agency either in this state or any other and if so
37 when and where.

38 No change for subd 3 to 4

39 Subd. 5. As a prerequisite to the granting of an
40 employment agent's license to any firm, partnership,
41 corporation, or association, an applicant therefor shall
42 designate which of its members, shareholders, officers or
43 directors are or shall be actively engaged in the business of
44 the employment agency who, upon compliance with the terms of
45 sections 184.21 to 184.40 shall, upon issuance of said
46 employment agent's license, be entitled to perform all of the
47 acts of an employment agent contemplated by sections 184.21 to
48 184.40.

49 Each such member, shareholder, director, or officer so
50 designated, however, must make application for an employment
51 agency manager's license, which application shall accompany the
52 application for the employment agent's license for the firm,
53 partnership, corporation, or association and be filed with the
54 department at the same time as the application of the firm,
55 partnership, corporation, or association for a license.

56 In the event any person becomes an active designated
57 member, shareholder, officer, or director of a firm,
58 partnership, corporation, or association after the issuance of
59 an employment agent's license thereto, ~~he~~ the person shall as a *
60 prerequisite to becoming such an active member, or shareholder,
61 officer, or director procure an employment agency manager's
62 license as herein provided.

184*#28S

63 184.28 EXAMINATION.

64 Subdivision 1. Every applicant for an employment agency
65 manager's license or a counselor's license shall, before the
66 department ~~issue~~ issues a license ~~to him~~, be required to take *
67 and successfully complete a written examination conducted by the
68 department or its authorized representative of such nature and
69 scope as will be sufficient in the judgment of the department to
70 establish the competency of the applicant to operate and conduct
71 an employment agency or to perform services as a counselor for
72 such agency. The examination for a license to manage an
73 employment agency shall be more exacting and shall require a
74 higher standard of knowledge as to the fundamentals of operating
75 an employment agency and of the law and regulations pertaining

1 thereto, than that for a counselor's license. No examination
 2 shall be required for the renewal of any license unless such
 3 license has theretofore been revoked or suspended. Provided,
 4 however, that any licensee having been licensed to conduct an
 5 employment agency or as a counselor in the state of Minnesota
 6 who shall fail to renew ~~his~~ the license within 90 days after the *
 7 date of expiration may be required by the department to again
 8 take an examination.

9 No change for subd 2

184*#33S

10 184.33 ISSUANCE OR REFUSAL TO ISSUE; REVOCATION OR
 11 SUSPENSION.

12 Subdivision 1. The department shall issue a license as an
 13 employment agent, employment agency manager or counselor to any
 14 person who qualifies for such license under the terms of
 15 sections 184.21 to 184.40. The department may refuse to issue
 16 an employment agency license whenever, after due investigation,
 17 the department finds that the character of the applicant makes
 18 ~~him~~ the applicant unfit to be an employment agent, or when the *
 19 premises for conducting the business of an employment agent is
 20 found upon investigation to be unfit for such use. No agency
 21 license shall be issued to any person, firm, corporation or
 22 association that has, within the past three years, been
 23 convicted in any court of fraud or felony. No license shall be
 24 issued to any attorney whose license to practice law has been
 25 suspended or revoked, for a period of three years after the date
 26 of such suspension or revocation. The department may refuse to
 27 issue a license to any person or may suspend or revoke the
 28 license of any employment agent, employment agency manager or
 29 counselor when it finds that any of the following conditions
 30 exist:

31 (a) That the employment agent or counselor has violated any
 32 condition of the bond required by sections 184.21 to 184.40;

33 (b) That the person, employment agent or counselor has
 34 personally engaged in a fraudulent, deceptive, or dishonest
 35 practice;

36 (c) That the person, employment agent or counselor has
 37 violated any provisions of sections 184.21 to 184.40;

38 (d) That the person, employment agent or counselor has been
 39 legally adjudicated incompetent and has not been restored to
 40 capacity.

41 No change for subd 2

184*#34S

42 184.34 PROCEDURE FOR THE SUSPENSION OR REVOCATION OF A
 43 LICENSE.

44 No change for subd 1

45 Subd. 2. In all other cases the department may not refuse
 46 to issue a license or suspend or revoke a license under section
 47 184.33 unless it furnishes the person, employment agent or
 48 counselor with a written statement of the charges ~~against-him~~ *
 49 and affords ~~him~~ an opportunity to be heard on the charges. He *
 50 ~~shall-be-given~~ At least ten days written notice of the date and *
 51 time of the hearing shall be given. The notice shall be sent by *
 52 certified mail to the address of the person as shown on ~~his~~ the *
 53 application for license or it may be served in the manner in
 54 which a summons is served in civil cases commenced in the
 55 district court.

56 Subd. 3. At the time and place fixed for the hearing the
 57 department shall hold such hearing and thereafter make its order
 58 either dismissing the charges or refusing, suspending or
 59 revoking the license. At the hearing the accused shall have the
 60 right to appear personally and by counsel and to cross examine
 61 witnesses ~~against-him~~, and to produce evidence and witnesses in *
 62 ~~his~~ defense, and shall have the right to have witnesses *
 63 subpoenaed, which subpoena shall be issued by the commissioner.

64 No change for subd 4

184*#36S

65 184.36 PLACES OF BUSINESS.

66 Subdivision 1. No employment agent shall open, conduct, or
 67 maintain an employment agency at any other place than that
 68 specified in the license without first obtaining the consent of
 69 the department. Such consent may be withheld for any reason for
 70 which an original application might have been rejected, if such
 71 place has been mentioned therein. If such consent is given, it
 72 shall be endorsed upon the license and, if such license is
 73 renewed, such other place shall be substituted for the place

1 originally named in the license. So long as any employment
 2 agent shall continue to act as such under ~~his~~ a license ~~he~~ the
 3 agent shall maintain and keep open an office or place of
 4 business at the place specified in the license.

5 No change for subd 2

184*#38S

6 184.38 RULES GOVERNING AGENCIES.

7 No change for subd 1 to 5

8 Subd. 6. (a) No employment agent or search firm shall send
 9 out any applicant for employment without having obtained a job
 10 order, and if no employment of the kind applied for existed at
 11 the place to which the applicant was directed, the employment
 12 agent or search firm shall refund to the applicant, within 48
 13 hours of demand, any sums paid by the applicant for
 14 transportation in going to and returning from the place.

15 (b) Nothing in this chapter shall be construed to prevent
 16 an employment agent or search firm from directing an applicant
 17 to an employer where the employer has previously requested ~~that~~
 18 ~~he-be-accorded~~ interviews with applicants of certain types and
 19 qualifications, even though no actual vacancy existed in the
 20 employer's organization at the time the applicant was so
 21 directed; nor shall it prevent the employment agent or search
 22 firm from attempting to sell the services of an applicant to the
 23 employer even though no order has been placed with the
 24 employment agent or search firm; provided, that prior to
 25 scheduling an interview with an employer, when no opening
 26 currently exists with that employer, the applicant is clearly
 27 informed that no opening exists at that time.

28 Subd. 7. No employment agent shall, ~~by-himself~~
 29 individually, or by ~~his~~ an agent or agents, solicit, persuade,
 30 or induce any employee to leave any employment in which the
 31 employment agent or ~~his~~ agents ~~has~~ of the employment agent have
 32 placed the employee, nor shall any agent, ~~by-himself~~
 33 individually or through any ~~of-his~~ agents, persuade or induce or
 34 solicit any employer to discharge any employee.

35 No change for subd 8 to 15

36 Subd. 16. Every employment agent shall notify the
 37 department within 10 days of any change in the address where
 38 such agent conducts ~~his~~ business, and ~~he~~ shall notify the
 39 department within 10 days when ~~he~~ the employment agent can no
 40 longer be reached at the last business address given ~~by-him~~ to
 41 the department.

42 Subd. 17. Except for applicant information given in the
 43 course of normal agency or firm operations, no employment agent
 44 or search firm shall voluntarily sell, give, or otherwise
 45 transfer any files, records, or other information relating to
 46 ~~his~~ its employment agency or search firm applicants and
 47 employers to any person other than a licensed employment agent
 48 or registered search firm or a person who agrees to obtain an
 49 employment agency license or register as a search firm. Every
 50 employment agent or search firm who ceases to engage in the
 51 business of or act as an employment agent or search firm shall
 52 notify the department of such fact within 30 days thereof, and
 53 shall advise the department as to the disposition of all files
 54 and other records relating to ~~his~~ its employment agency or
 55 search firm business.

56 No change for subd 18 to 20

184A#12S

57 184A.12 ISSUANCE; REFUSAL; REVOCATION; SUSPENSION.

58 The department shall issue a license as an entertainment
 59 agent, to a person who qualifies for the license under the terms
 60 of sections 184A.04 to 184A.10. The department may refuse to
 61 issue an entertainment agency license when, after due
 62 investigation, the department finds that the ~~character-of-the~~
 63 applicant ~~makes-him~~ is of unfit character to be an entertainment
 64 agent, or when the premises for conducting the business of an
 65 entertainment agent is found upon investigation to be unfit for
 66 this use. No agency license shall be issued to a person, firm,
 67 corporation, or association that has, within the past three
 68 years, been convicted of fraud or felony. No license shall be
 69 issued to an attorney whose license to practice law has been
 70 suspended or revoked, for a period of three years after the date
 71 of the suspension or revocation. The department may refuse to
 72 issue a license to a person or may suspend or revoke the license
 73 of a entertainment agent when it finds that any of the following
 74 conditions exist:

1 (a) the entertainment agent has violated a condition of the
 2 bond required by section 184A.10;
 3 (b) the person or entertainment agent has personally
 4 engaged in a fraudulent, deceptive, or dishonest practice;
 5 (c) the person or entertainment agent has violated any
 6 provisions of sections 184A.02 to 184A.19; or
 7 (d) the person or entertainment agent has been legally
 8 adjudicated incompetent and has not been restored to capacity.
 9 This section shall not be construed to relieve a person
 10 from civil liability or from criminal prosecution under the laws
 11 of this state. A violation of this section shall be treated as
 12 a violation of section 325F.69.

184A#13S

13 184A.13 PROCEDURE FOR SUSPENSION OR REVOCATION.

14 No change for subd 1

15 Subd. 2. OTHER CASES. In all other cases the
 16 department may not refuse to issue a license or suspend or
 17 revoke a license unless it furnishes the person or entertainment
 18 agent with a written statement of the charges ~~against him~~ and *
 19 affords ~~him~~ an opportunity to be heard on the charges. ~~He shall~~ *
 20 ~~be given~~ At least ten days' written notice of the date and time *
 21 of the hearing shall be given. The notice shall be sent by *
 22 certified mail to the address of the person as shown on his the *
 23 application for license or it may be served in the manner in
 24 which a summons is served in civil cases commenced in the
 25 district court.

26 Subd. 3. HEARING. At the hearing, the person or
 27 entertainment agent whose license application or continuance is
 28 in question shall have the right to appear personally and be
 29 represented by counsel and to cross-examine witnesses ~~against~~ *
 30 ~~him~~ and to produce evidence and witnesses in his defense of the *
 31 charges, and shall have the right to have witnesses subpoenaed, *
 32 which subpoena shall be issued by the commissioner.

184A#14S

33 184A.14 APPEAL TO DISTRICT COURT.

34 If the department refuses to grant a license, or suspends
 35 or revokes a license that has been granted, the applicant shall
 36 have the right of appeal to the district court of the county of
 37 the applicant's residence. If the applicant is not a resident
 38 of the state, ~~he may~~ the appeal may be to the district court for *
 39 Ramsey county. The court shall advance cases on their calendars
 40 for early disposition. In counties having continuous sessions
 41 of court, the cases shall be heard within 20 days after appeal
 42 is perfected. Appeal shall be perfected by the service of a
 43 written notice of appeal upon the commissioner of labor and
 44 industry within 60 days after notice to the applicant of the
 45 department's action.

184A#18S

46 184A.18 AGENCY CONDUCT.

47 No change for subd 1

48 Subd. 2. STRIKE OR LOCKOUT. No entertainment agent
 49 shall fail to state in an advertisement, proposal, or contract
 50 for employment, that there is a strike or lockout at the place
 51 of proposed employment if he the agent has knowledge that this *
 52 condition exists.

53 No change for subd 3 to 4

54 Subd. 5. SERVICE ON DEPARTED LICENSEE. When a
 55 licensee has departed from the state with intent to defraud
 56 creditors or to avoid service of summons in an action brought
 57 under sections 184A.01 to 184A.20, service shall be made upon
 58 the surety as prescribed in the rules of civil procedure. A
 59 copy of the summons shall be mailed to the licensee at the last
 60 known post office address of his the licensee's residence and *
 61 also at the place where the business of the entertainment agency
 62 was conducted as shown by the records of the department.
 63 Service is complete as to the licensee, after mailing, at the
 64 expiration of the time prescribed by the rules of civil
 65 procedure for service of summons in the particular court in
 66 which suit is brought.

185*#01S

67 185.01 EMPLOYEES PERMITTED TO ORGANIZE.

68 It shall not be unlawful for ~~working-men-and-women~~ workers *
 69 to organize themselves into, or carry on, labor unions for the
 70 purpose of lessening the hours of labor or increasing the wages
 71 or bettering the conditions of the members of such organizations
 72 or carrying out their legitimate purposes as freely as they

1 could do if acting singly.

185*#02S

2 185.02 RESTRAINING ORDER OR INJUNCTION, WHEN NOT ISSUED.

3 No restraining order or injunction shall be granted by any
4 court of this state, or any judge thereof, in any case between
5 an employer and employee, or between employees, or between
6 persons employed and persons seeking employment, involving or
7 growing out of a dispute concerning terms or conditions of
8 employment except after notice and a hearing in court and shown
9 to be necessary to prevent irreparable injury to property or to
10 a property right of the party making the application, for which
11 injury there is no adequate remedy at law, and such property or
12 property right must be described with particularity in the
13 application, which must be in writing and sworn to by the
14 applicant or by ~~his~~ the applicant's agent or attorney; provided,
15 that a temporary restraining order may be issued without notice
16 and hearing upon a proper showing that violence is actually
17 being caused or is imminently probable on the part of the person
18 or persons sought to be restrained; and, provided, that in such
19 restraining order all parties to the action shall be similarly
20 restrained.

*

185*#05S

21 185.05 INDICTMENT, WHEN NOT TO BE RETURNED.

22 No person shall be indicted, prosecuted, or tried in any
23 court of this state for entering into or carrying on any
24 arrangement, agreement, or combination between themselves made
25 with a view of lessening the number of hours of labor or
26 increasing wages or bettering the condition of ~~working-men~~
27 workers, or for any act done in pursuance thereof, unless such
28 act is in itself forbidden by law if done by a single individual.

*

*

185*#08S

29 185.08 PUBLIC POLICY DECLARED.

30 In the interpretation of the provisions of sections 185.07
31 to 185.19 and in determining the jurisdiction and authority of
32 the courts of the state, as such jurisdiction and authority are
33 therein defined and limited, the public policy of this state is
34 hereby declared as follows.

35 Whereas, under prevailing economic conditions, developed
36 with the aid of governmental authority for owners of property to
37 organize in the corporate and other forms of ownership
38 association, the individual unorganized worker is commonly
39 helpless to exercise actual liberty of contract and to protect
40 ~~his~~ freedom of labor, and thereby obtain acceptable terms and
41 conditions of employment, wherefore, though ~~he~~ workers should be
42 free to decline to associate with ~~his-fellows~~ other workers, it
43 is necessary that ~~he~~ workers have full freedom of association,
44 self-organization, and designation of representatives of ~~his~~ the
45 workers own choosing, to negotiate the terms and conditions
46 of ~~his~~ employment, and that ~~he~~ a worker shall be free from the
47 interference, restraint, or coercion of employers of labor, or
48 their agents, in the designation of such representatives or in
49 self-organization or in other concerted activities for the
50 purpose of collective bargaining or other mutual aid or
51 protection; therefore, the following definitions of, and
52 limitations upon, the jurisdiction and authority of the courts
53 of the state, are hereby enacted.

*

*

*

*

*

*

*

185*#09S

54 185.09 CERTAIN ACTS NOT ENFORCEABLE.

55 Any undertaking or promise such as is described in this
56 section, or any other undertaking or promise in conflict with
57 the public policy declared in section 185.08, is hereby declared
58 to be contrary to the public policy of the state, shall not be
59 enforceable in any court of the state, and shall not afford any
60 basis for the granting of legal or equitable relief by any
61 court, including specifically the following:

62 Every undertaking or promise hereafter made, whether
63 written or oral, express or implied, constituting or contained
64 in any contract or agreement of hiring or employment between any
65 individual firm, company, association, or corporation, and any
66 employee or prospective employee of the same, whereby

67 (1) Either party to such contract or agreement undertakes
68 or promises not to join, become or remain a member of, any labor
69 organization or of any employer organization; or

70 (2) Either party to such contract or agreement undertakes
71 or promises ~~that-he-will~~ to withdraw from an employment relation
72 in the event that ~~he~~ the party joins, becomes or remains a

*

*

1 member of, any labor organization or of any employer
2 organization.

185*#13S

3 185.13 LIMITED JURISDICTION OF COURT IN CERTAIN CASES.

4 No court of the state shall have jurisdiction to issue a
5 temporary or permanent injunction in any case involving or
6 growing out of a labor dispute, except after hearing the
7 testimony of witnesses in open court, with opportunity for
8 cross-examination, in support of the allegations of a complaint
9 made under oath, and testimony in opposition thereto, if
10 offered, and except after findings of fact by the court, to the
11 effect:

12 (1) That unlawful acts have been threatened and will be
13 committed unless restrained, or have been committed and will be
14 continued unless restrained, but no injunction or temporary
15 restraining order shall be issued on account of any threat or
16 unlawful act excepting against the person or persons,
17 association, or organization making the threat or committing the
18 unlawful act, or actually authorizing or ratifying the same
19 after actual knowledge thereof;

20 (2) That substantial and irreparable injury to
21 complainant's property will follow;

22 (3) That as to each item of relief granted greater injury
23 will be inflicted upon complainant by the denial of relief than
24 will be inflicted upon defendants by the granting of relief;

25 (4) That complainant has no adequate remedy at law; and

26 (5) That the public officers charged with the duty to
27 protect complainant's property have failed to furnish adequate
28 protection.

29 Such hearing shall be held after due and personal notice
30 thereof has been given, in such manner as the court shall
31 direct, to all known persons against whom relief is sought, and
32 also to the chief of those public officials of the county and
33 city within which the unlawful acts have been threatened or
34 committed, charged with the duty to protect complainant's
35 property. If complainant shall also allege that, unless a
36 temporary restraining order shall be issued without notice, a
37 substantial and irreparable injury to complainant's property
38 will be unavoidable, such a temporary restraining order may be
39 issued upon testimony under oath, sufficient, if sustained, to
40 justify the court in issuing a temporary injunction upon a
41 hearing after notice. Such a temporary restraining order shall
42 be effective until hearing and decision on the petition for a
43 temporary injunction unless theretofore revoked by the court,
44 which hearing shall be held within ten days after issuance of a
45 temporary restraining order unless defendants ask for additional
46 time. Any temporary restraining order so issued shall become
47 void at the expiration of this period of ten days unless
48 renewed. No temporary restraining order or temporary injunction
49 shall be issued except on condition that complainant shall first
50 file an undertaking with adequate security, in an amount to be
51 fixed by the court sufficient to recompense those enjoined for
52 any loss, expense, or damage caused by the improvident or
53 erroneous issuance of such order or injunction, including all
54 reasonable costs, together with a reasonable attorney's fee, and
55 expense of defense against the order or against the granting of
56 any injunctive relief sought in the same proceeding and
57 subsequently denied by the court.

58 The undertaking herein mentioned shall be understood to
59 signify an agreement entered into by the complainant and the
60 surety upon which a decree may be rendered in the same suit or
61 proceeding against the complainant and surety, upon a hearing to
62 assess damages, of which hearing complainant and surety shall
63 have reasonable notice, the complainant and surety submitting
64 themselves to the jurisdiction of the court for that purpose.
65 Nothing herein contained shall deprive any party having a claim
66 or cause of action under or upon such undertaking from electing
67 to pursue his-ordinary a remedy by suit at law or in equity. *

185*#15S

68 185.15 COURT TO CERTIFY PROCEEDINGS ON APPEAL.

69 When any court of the state shall issue or deny any
70 temporary injunction in a case involving or growing out of a
71 labor dispute, the court shall, upon the request of any party to
72 the proceedings, and on his the party filing the usual bond for
73 costs, forthwith certify, as in ordinary cases, the record of
74 the case for appeal. *

185*#18S

1 185.18 DEFINITIONS.
 2 No change for subd 1 to 2
 3 Subd. 3. PERSONS PARTICIPATING OR INTERESTED IN LABOR
 4 DISPUTE. A person or association shall be held to be a
 5 person participating or interested in a labor dispute if relief
 6 is sought against ~~him-or-it~~ the person or association, and if he
 7 ~~or-it~~ the person or association is engaged in the same industry,
 8 trade, craft, or occupation in which such dispute occurs, or has
 9 a direct or indirect interest therein, or is a member, officer,
 10 or agent of any association composed in whole or in part of
 11 employers or employees engaged in such industry, trade, craft,
 12 or occupation.

13 No change for subd 4 to 5

185*#19S

14 185.19 APPLICATION OF SECTIONS 185.07 TO 185.18.
 15 Sections 185.07 to 185.18 shall not be held to apply to
 16 ~~police~~ police officers or firefighters or any other public
 17 officials charged with duties relating to public safety.

186*#01S

18 186.01 UNFAIR COMPETITION AND TRADE PRACTICES PROHIBITED.
 19 Upon application to the governor for relief from unfair
 20 competition and unfair trade practices arising from competition
 21 essentially and preponderantly intrastate, resulting in
 22 unemployment, economic distress and disorganization of service
 23 trades engaged in rendering and performing personal services
 24 upon persons and licensed and regulated as such by the state,
 25 for the safeguard and protection of the public health from
 26 infection or contagion of communicable diseases, the governor,
 27 upon approval thereof, is hereby authorized, empowered and
 28 directed to investigate, ascertain, declare and prescribe
 29 reasonable rules, regulations, or standards, to prevent such
 30 unfair competition and unfair trade practices, to establish
 31 standards of maximum hours of labor, minimum rates of pay and
 32 working conditions, whenever a variance therefrom would
 33 constitute unfair competition and unfair trade practices, to
 34 create trade areas with due regard to the proximity to state
 35 lines and differentiation between metropolitan and rural areas,
 36 and to make such provisions in relation to the enforcement
 37 thereof as ~~he~~ the governor may from time to time determine. The
 38 term "personal services," as used in this chapter, shall not
 39 include the services of a person duly licensed or registered by
 40 the state of Minnesota to practice any of the healing arts.

186*#02S

41 186.02 APPLICATION.
 42 Such application shall be made by not less than 65 percent
 43 of all persons, firms, and corporations engaged in such service
 44 trades in any municipality or subdivision of the state, or in
 45 any trade area created under the provisions of this chapter.
 46 Such rules, regulations, or standards to prevent unfair
 47 competition and unfair trade practices shall be prescribed and
 48 approved by the governor after such reasonable public notice and
 49 hearing as ~~he~~ the governor shall specify and ~~if-he-finds~~ on
 50 finding:

51 (1) That such rules, regulations, or standards are not
 52 designed to promote monopolies or to eliminate or oppress such
 53 service trades and will not operate to discriminate against them
 54 and will tend to effectuate the policy of this chapter;

55 (2) That such rules, regulations, or standards are not
 56 inequitable and the interests of the consumers and the general
 57 public will be protected; and

58 (3) That such rules, regulations, or standards are
 59 necessary for the stabilization of the business of such service
 60 trades, the governor may, as a condition of approval of any such
 61 rules, regulations, or standards, impose such conditions for the
 62 protection of consumers, competitors, employees, and others and
 63 in the furtherance of the public interest and provide such
 64 exceptions to and exemptions from the provisions of such rules,
 65 regulations, or standards as in ~~his~~ the governor's discretion
 66 are deemed necessary to effectuate the policy declared in this
 67 chapter.

186*#07S

68 186.07 VIOLATION A MISDEMEANOR.
 69 Any person who violates any of the provisions of this
 70 chapter, or who violates any duly adopted rule, regulation, or
 71 standard, or who neglects, fails, or refuses to comply with any

1 notice duly issued by the governor, or who fails, refuses, or
 2 neglects to perform any duty imposed upon ~~him~~ the person by this *
 3 chapter, shall be guilty of a misdemeanor and punished
 4 accordingly.

186*#08S

5 186.08 GOVERNOR MAY APPOINT ENFORCEMENT AGENTS.

6 The governor may designate or appoint such agents,
 7 deputies, commissioners, or any department of the state, to
 8 administer and enforce every order, rule, regulation, or
 9 standard prescribed or approved by ~~him~~ the governor. *

190*#02S

10 190.02 GOVERNOR TO BE COMMANDER-IN-CHIEF; RULES AND
 11 REGULATIONS; STAFF.

12 The governor shall be the commander-in-chief of the
 13 military forces, except so much thereof as may be in the actual
 14 service of the United States, and may employ the same for the
 15 defense or relief of the state, the enforcement of its law, and
 16 the protection of life and property therein.

17 ~~He~~ The governor shall make and publish regulations, not *
 18 inconsistent with law, and enforce all the provisions of the
 19 Military Code.

20 ~~He~~ The governor may appoint a staff, consisting of an *
 21 adjutant general and six aides-de-camp of field grade who shall
 22 be detailed from the national guard.

190*#025S

23 190.025 FRESH PURSUIT.

24 Subdivision 1. ENTRY INTO OTHER STATES. In case the
 25 United States is at war or in case of any other emergency
 26 declared by the president or the congress of the United States
 27 or by the governor or the legislature of this state, any
 28 organization, unit, or detachment of the military forces of this
 29 state, by direction of the governor and upon order of the
 30 officer in immediate command thereof, may continue in fresh
 31 pursuit of insurrectionists, saboteurs, enemies, or enemy forces
 32 beyond the borders of this state into another state until they
 33 are apprehended or captured by such organization, unit, or
 34 detachment, or until the military or police forces of such other
 35 state or the forces of the United States have had a reasonable
 36 opportunity to take up the pursuit or to apprehend or capture
 37 the persons pursued, provided such other state shall have given
 38 authority by law for such pursuit by such forces of this state.
 39 Except as otherwise provided by law, any person who shall be
 40 apprehended or captured in another state by any of the forces of
 41 this state shall without unnecessary delay be surrendered to the
 42 military or police forces of the state in which ~~he~~ the person is *
 43 taken or to the United States, but such surrender shall not
 44 constitute a waiver by this state of its right to extradite or
 45 prosecute such person for any crime committed in this state.

46 No change for subd 2 to 3

190*#05S

47 190.05 DEFINITIONS.

48 No change for subd 1 to 5c

49 Subd. 6. The term "enlisted ~~man member~~" includes *
 50 enlisted ~~men-of~~ members in the army national guard, ~~airmen~~ *
 51 ~~of and~~ the air national guard, ~~and-enlisted-women-of-either~~ *
 52 ~~service-or-both~~. *

53 No change for subd 7

190*#06S

54 190.06 MILITIA; MEMBERS; EXEMPTIONS.

55 Subdivision 1. COMPOSITION. The militia shall
 56 consist of all able-bodied male citizens of the state and all
 57 other able-bodied males, resident therein, who have or shall
 58 have declared their intention to become citizens of the United
 59 States, when so authorized by federal law, who shall be 18 or
 60 more years of age, and, except as otherwise provided, not more
 61 than 45 years of age; provided, that the governor may, when
 62 ~~he~~ the governor deems it necessary for the defense of the state, *
 63 extend the maximum age for militia service to not more than 64
 64 years.

65 No change for subd 2 to 3

66 Subd. 4. EXEMPTIONS FROM MILITARY DUTY. The
 67 officers, judicial and executive, of the government of the
 68 United States and of the states; persons in the military or
 69 naval service of the United States; custom house clerks, persons
 70 employed by the United States in the transmission of the mail;
 71 artificers and ~~workmen~~ workers employed in the armories, *

1 arsenals, and navy yards of the United States; pilots and
 2 mariners actually employed in the sea service of any citizen or
 3 merchant within the United States, shall all be exempt from
 4 militia duty without regard to age, and all persons who because
 5 of religious beliefs shall claim exemption from military service
 6 if the conscientious holding of such belief by such person shall
 7 be established under such regulations as the President of the
 8 United States shall prescribe, shall be exempt from militia
 9 service in a combatant capacity; but no person so exempted shall
 10 be exempt from militia service in any capacity that the
 11 President of the United States shall declare to be non-combatant.

190*#07S

12 190.07 APPOINTMENT; QUALIFICATIONS; RANK.

13 There shall be an adjutant general of the state who shall
 14 be appointed by the governor, who shall be a staff officer, who
 15 at the time of appointment shall be a commissioned officer of
 16 the National Guard of this state, with not less than ten years
 17 military service in the armed forces of this state or of the
 18 United States, at least three of which shall have been
 19 commissioned and who shall have reached the grade of a field
 20 officer.

21 ~~He~~ The adjutant general shall hold rank equal to that of *
 22 the highest rank authorized for the army and air national guard
 23 in the table of organization for units allotted to the state by
 24 the department of the army, or the department of the air force,
 25 or by both such departments, through the national guard bureau.
 26 However, ~~he~~ the adjutant general shall not be appointed to the *
 27 rank of major general ~~unless-he-has~~ without having 20 years *
 28 service in the national guard, of which 2 years has been in the
 29 rank of brigadier general.

30 ~~He~~ The adjutant general shall hold office as provided by *
 31 United States Code, title 32, section 314, as amended through
 32 the date of appointment, and shall not be removed from office
 33 except upon withdrawal of federal recognition or as otherwise
 34 provided by the military laws of this state.

190*#08S

35 190.08 MILITARY STAFF; ACTIVE DUTY ORDERS; PAY AND
 36 ALLOWANCES.

37 No change for subd 1 to 4

38 Subd. 5. In addition to the officers, warrant officers,
 39 and enlisted ~~men~~ members ordered to active service the adjutant *
 40 general may employ such civilian administrative, clerical,
 41 maintenance, and caretaker personnel as are necessary for
 42 administration of the military department.

43 Subd. 6. The adjutant general shall receive the pay and
 44 allowances provided by law for an officer of similar rank and
 45 length of service in the armed forces of the United States. All *
 46 other officers, warrant officers, and enlisted ~~men~~ members in
 47 active service on the staff of the adjutant general shall
 48 receive the pay and allowances prescribed for personnel of
 49 similar grade and length of service in the armed forces of the
 50 United States subject to the following provisions: (1) The
 51 adjutant general by general orders may limit for pay purposes
 52 the grade authorized for any staff position, and (2)
 53 Enlisted ~~men~~ members may be paid the additional pay authorized *
 54 by section 192.51, subdivision 2.

190*#09S

55 190.09 POWERS, DUTIES.

56 The adjutant general shall be the chief of staff to the
 57 commander-in-chief and the administrative head of the military
 58 department. ~~He~~ The adjutant general shall have an office in the *
 59 capitol and keep it open during the usual business hours.

60 ~~He~~ The adjutant general shall have custody of all military *
 61 records, correspondence, and other military documents. ~~He~~ The *
 62 adjutant general shall be the medium of military correspondence *
 63 with the governor and perform all other duties pertaining to ~~his~~ *
 64 that office prescribed by law. ~~He~~ The adjutant general shall *
 65 make an annual report to the governor, at such time as the
 66 governor may require, of all the transactions of ~~his~~ the *
 67 military affairs department, setting forth the number, strength *
 68 and condition of the national guard, and such other matters
 69 as ~~he-may-deem~~ deemed important,--~~He~~ and shall make and transmit *
 70 to the federal government the returns required by the laws of
 71 the United States. ~~He~~ The adjutant general shall, whenever *
 72 necessary, cause the military code, orders and regulations of
 73 the state to be printed and distributed to the commissioned

1 officers and the several organizations of the national guard- *
 2 He and shall cause to be prepared and issued all necessary *
 3 books, blanks and notices required to carry into full effect the
 4 provisions of the military code. All such books and blanks
 5 shall be and remain the property of the state.

6 The seal now used in the office of the adjutant general
 7 shall be the seal of his that office and shall be delivered by *
 8 him to his the successor in that office. All orders issued from *
 9 his the adjutant general's office shall be authenticated with *
 10 his that seal. The adjutant general shall attest all *
 11 commissions issued to military officers. He The adjutant *
 12 general will superintend the preparation of all returns and *
 13 reports required by the United States from the state on military
 14 matters.

15 The adjutant general shall designate an assistant adjutant
 16 general to serve as deputy adjutant general to perform the
 17 duties of the adjutant general during periods when the adjutant
 18 general is absent or unable to perform his that officer's duties. *
 19 In the absence of all of the above, the senior officer of the
 20 national guard, shall perform the duties prescribed for the
 21 adjutant general.

22 The flags and colors carried by Minnesota troops in the
 23 Civil War, Indian Wars, Spanish-American War, Mexican Border
 24 Campaign, the first World War, and subsequent wars shall be
 25 preserved in the capitol under the especial care of the adjutant
 26 general. They shall be suitably encased and marked, and, so far
 27 as the adjutant general may deem it consistent with their
 28 safety, shall at all times be publicly displayed.

190*#096S

29 190.096 BATTLE FLAGS; REPAIR.

30 Subdivision 1. AUTHORITY TO REPAIR. Notwithstanding
 31 the provisions of Minnesota Statutes 1961, chapters 16 and 43,
 32 the adjutant general may contract for the repair, restoration,
 33 and preservation of regimental battle flags, standards, and
 34 guidons with persons or corporations skilled in such repair,
 35 restoration, and preservation, upon terms or conditions he the *
 36 adjutant general deems proper, subject to the approval of the *
 37 commissioner of administration.

38 Subd. 2. SURRENDER. Notwithstanding the provisions
 39 of section 190.09, the adjutant general may, for the purposes of
 40 this section, surrender the immediate custody and control of
 41 regimental battle flags, standards, and guidons under conditions
 42 and safeguards he the adjutant general deems necessary and *
 43 proper, for such time as is reasonably necessary for their
 44 restoration, after which they shall at once be again properly
 45 stored or displayed. The adjutant general shall provide
 46 adequate storage and display space for flags, standards, and
 47 guidons which have been repaired and restored.

190*#11S

48 190.11 CAMP GROUNDS AND MILITARY RESERVATIONS.

49 The adjutant general shall have charge of the camp grounds
 50 and military reservations of the state and shall be responsible
 51 for the protection and safety thereof, and promulgate
 52 regulations for the maintenance of order thereon, for the
 53 enforcement of traffic rules and for all other lawful
 54 regulations as may be ordered for the operation, care and
 55 preservation of existing facilities and installations on all
 56 state military reservations.

57 He The adjutant general shall keep in repair all state *
 58 buildings, and other improvements thereon, including water pipes
 59 laid by the state on highways leading thereto and of all *
 60 military property connected with the grounds--He and may make *
 61 such further improvements thereon as the good of the service
 62 requires.

63 Private property may be acquired by condemnation, upon the
 64 application of the adjutant general, for camp ground, rifle
 65 range, and other military purposes. All damages, cost, and
 66 expense incurred in condemning such property shall be paid by
 67 the state treasurer, upon certificate of the adjutant general
 68 and warrant of the commissioner of finance, from any unexpended
 69 balance of the military fund after meeting the demands of the
 70 national guard.

190*#13S

71 190.13 RECORDS OF VETERANS' WAR SERVICE.

72 ~~The adjutant general shall keep compiled~~ From the original *
 73 muster rolls in his the office, and such additional sources as *

1 he the adjutant general can command, the adjutant general shall *
 2 keep a compilation of a complete alphabetical list of the *
 3 Minnesota volunteers in the Civil War and shall compile and
 4 maintain individual records of every Minnesota resident who
 5 served or participated in the Civil War, Spanish-American War,
 6 Philippine War, Mexican Border service, Indian Wars, and the
 7 first World War. He The adjutant general shall compile and *
 8 maintain individual records of all members of the Minnesota
 9 national guard who served in the second World War and subsequent
 10 wars and conflicts and include therein the military history of
 11 each ~~man~~ member as it may be obtainable. *

190*#25S

12 190.25 LANDS FOR TRAINING ARMED FORCES.

13 Subdivision 1. The adjutant general is hereby authorized
 14 to acquire in the name of the state by purchase, gift, or
 15 condemnation, all lands which he the adjutant general may deem *
 16 necessary, including lands already devoted to a public use, for
 17 military training purposes, adjacent to or in the vicinity of
 18 the military field training center at Camp Ripley, or at any
 19 other suitable place in this state, subject to the limitations
 20 of funds appropriated and available.

21 No change for subd 2 to 3

22 Subd. 4. The adjutant general is authorized, whenever
 23 military training purposes require, to close and obliterate any
 24 and all public roads or highways established over and upon any
 25 of the lands acquired under the authority of this section. In
 26 order to accomplish prescribed military training at the Camp
 27 Ripley Military Reservation, the adjutant general may
 28 temporarily close any road or highway adjacent to the Camp
 29 Ripley Military Reservation with the concurrence of the road
 30 authorities. Prior to closing any road or highway he the *
 31 adjutant general shall erect suitable signs and barriers in *
 32 ample time so as to minimize any inconvenience to the traveling
 33 public.

191*#05S

34 191.05 GOVERNOR MAY CALL MILITIA.

35 Whenever he the governor deems it necessary for any purpose *
 36 authorized by the state constitution or by law, may by public
 37 proclamation call out the militia or such part or number thereof *
 38 as he the governor may designate for military duty in the *
 39 service of the state, and may provide for the enrollment,
 40 assembly, and muster into service by voluntary enlistment or by *
 41 draft, as he the governor may determine, of the militiamen *
 42 militia so called out. For that purpose the governor may make *
 43 orders and regulations and enforce the same, appoint all
 44 necessary officers and fix their compensation, and may require
 45 all proper public officers to perform such duties as he the *
 46 governor may direct. *

191*#06S

47 191.06 ENLISTMENT.

48 Subdivision 1. PERIOD. Militiamen Militia members *
 49 called out for duty shall be mustered at once into the service
 50 of the state for such period as the governor shall direct, not
 51 exceeding the duration of the war or other occasion for which
 52 they were called out and for six months thereafter.

53 No change for subd 2 to 5

54 Subd. 6. GOVERNOR MAY ORGANIZE FORCES. Without
 55 limiting any power otherwise conferred on the governor, whenever
 56 any part of the national guard of this state has been or is
 57 about to be called or ordered into active federal service, and
 58 until such service or the occasion therefor has terminated and
 59 all units of the national guard engaged therein have been
 60 relieved therefrom and have returned and become available for
 61 duty within the state, the governor may organize from the
 62 militia and maintain within the state such forces as he the *
 63 governor deems necessary. *

191*#07S

64 191.07 DESERTER.

65 Every militiaman militia member who, being accepted as a *
 66 volunteer or duly drafted, fails without reasonable excuse to
 67 report for muster as lawfully required, shall be considered and
 68 treated as a deserter.

191*#08S

69 191.08 CONSTRUCTION OF LAWS 1943, CHAPTER 108.

70 Nothing in Laws 1943, Chapter 108, shall be construed as
 71 authorizing the military forces of the state or any part thereof

1 to be called, ordered, or in any manner inducted as such into
 2 the military service of the United States, except the national
 3 guard and other forces expressly made subject to such service by
 4 state or federal law; but no person shall by reason of ~~his~~ *
 5 enlistment or commission in the military forces of the state be
 6 thereby exempted from military service under any law of the
 7 United States.

192*#01S

8 192.01 MINNESOTA NATIONAL GUARD.

9 The Minnesota national guard consists of the regularly
 10 enlisted militia within the ages prescribed by federal law and
 11 regulations, organized, armed, and equipped as hereinafter
 12 provided, and of commissioned officers and warrant officers
 13 within the ages and having the qualifications prescribed by
 14 federal law and regulations. "National guard" applies only to
 15 militia organized as provided for in the military code and
 16 authorized by federal law and regulations relating to the
 17 national guard. The number of officers and enlisted ~~men~~ members *
 18 of the national guard shall be fixed from time to time and
 19 organized so as to meet the requirements of the federal laws.

192*#12S

20 192.12 IN COMPUTING COMMISSIONED SERVICE, THAT IN THE
 21 UNITED STATES ARMED FORCES SHALL BE CONSIDERED.

22 Service by any person in the armed forces of the United
 23 States in the time of war, insurrection, or rebellion, shall be
 24 considered as continuous service in the national guard for any
 25 and all purposes regarding privileges and exemptions provided by
 26 law for members of the national guard by enlistment or
 27 commission. The continuous service for an officer shall include
 28 only the time ~~he~~ the person was commissioned as an officer. *

192*#13S

29 192.13 SUPPLIES, HOW ISSUED; BOND.

30 Arms, accoutrements, ammunition and stores shall be issued
 31 to the proper officers of each organization, upon requisition as
 32 prescribed by federal law. The governor may require of the
 33 accountable officers, such bonds as ~~he~~ the governor deems *
 34 necessary, not to exceed \$5,000, for securing the care and
 35 safety of property so issued and shall allow them sufficient
 36 money to insure such property against fire when so required by
 37 the federal government. ~~He~~ The governor may also allow them *
 38 sufficient money to establish and maintain regimental depots,
 39 approved by ~~him~~ the governor and to pay for the transportation, *
 40 handling and care of such property which allowance shall be paid
 41 out of the moneys appropriated for the purchase of supplies for
 42 the guard. The adjutant general, with the approval of the
 43 governor, may obtain and pay for, out of the annual military
 44 appropriation, an adequate indemnity bond covering officers of
 45 the National Guard responsible for moneys and military property.

192*#18S

46 192.18 RETIREMENT.

47 Subdivision 1. Whenever the federal recognition of an
 48 officer or warrant officer of the national guard is withdrawn,
 49 ~~his~~ that officer's commission in the Minnesota national guard *
 50 shall be terminated, except that any officer or warrant officer
 51 who shall have served in the Minnesota national guard for a
 52 period of not less than 20 years and any officer or warrant
 53 officer who becomes disabled in line of duty while in the
 54 service of the state or of the United States and is thereby made
 55 incapable of performing ~~his~~ military duties may, ~~if he applies~~ *
 56 upon application therefor, be placed in a retired status *
 57 and ~~have his~~ that officer's name shall be placed on a roll in *
 58 the office of the adjutant general to be known as the "roll of
 59 retired officers."

60 Subd. 2. Any enlisted ~~man~~ member who completes not less *
 61 than 20 years of service in the national guard and is honorably *
 62 discharged and any enlisted ~~man~~ member of the Minnesota national *
 63 guard who becomes disabled in the line of duty while in the
 64 service of the state or of the United States and is thereby made
 65 incapable of performing ~~his~~ military duties may, ~~if he applies~~ *
 66 upon application therefor, be placed in retired status and ~~have~~ *
 67 ~~his~~ that enlisted member's name shall be placed on a roll in the *
 68 office of the adjutant general to be known as the "roll of
 69 retired enlisted ~~men~~ members."

70 Subd. 3. ~~An officer~~ Officers, warrant ~~officer~~ officers, or *
 71 enlisted ~~man~~ personnel in retired status shall be entitled to *
 72 wear, when not in conflict with federal law, on state and other *

1 occasions of ceremony, the uniform of the rank last held by ~~him~~ *
 2 those personnel. *

192*#205S

3 192.205 ENLISTMENTS.

4 Subdivision 1. PERIOD OF ENLISTMENTS. Except as
 5 otherwise provided by federal law or regulation for the national
 6 guard, original enlistments in the military forces shall be for
 7 a period of three years and subsequent enlistments for periods
 8 of one or three years. The governor may by order fix shorter
 9 period of enlistment or reenlistment for any of the military
 10 forces so far as not inconsistent with federal law. In the
 11 event of an emergency wherein the governor has called out any of
 12 the military forces, ~~he~~ the governor may by order extend for not *
 13 exceeding the duration of the emergency and 60 days thereafter
 14 the period of any enlistment in the forces called out which
 15 would otherwise expire.

16 No change for subd 2

17 Subd. 3. ORGANIZATION NOT TO BE ENLISTED AS UNIT.

18 No civil association, society, club, post, order, fraternity,
 19 brotherhood fraternal organization, union, league, or other *
 20 organized body shall be enlisted in the military forces as a
 21 unit.

22 No change for subd 4

192*#21S

23 192.21 DISCHARGES FOR ENLISTED MEN MEMBERS. *

24 An enlisted ~~man~~ member discharged from service in the *
 25 national guard shall receive a discharge in writing in such form
 26 and with such classification as is or shall be prescribed by
 27 federal law and in time of peace discharges may be given prior
 28 to the expiration of terms of enlistment under such regulations
 29 as the federal authorities may prescribe.

192*#23S

30 192.23 SERVICE MEDALS.

31 The commander-in-chief may, by general order, provide a *
 32 suitable mark of distinction for all officers and enlisted ~~men~~ *
 33 members who have served in the military forces for an aggregate
 34 period of five, ten, fifteen, and twenty years, respectively,
 35 and for like service thereafter; and medals to be awarded for
 36 valor, for distinguished service, and for good conduct. ~~He~~ The *
 37 commander-in-chief may authorize ~~the issuance, under regulations~~ *
 38 ~~to be prescribed by him,~~ and prescribe regulations for the *
 39 issuance of suitable marks of distinction to be awarded to *
 40 officers and enlisted ~~men~~ members who have served in the *
 41 military forces of the state during periods of war or other
 42 declared emergencies, provided that these shall not be awarded
 43 for service for which service medals or bars are authorized by
 44 federal authority.

192*#25S

45 192.25 EXEMPTION FROM PROCESS.

46 No member of the guard shall be arrested, or served with
 47 any summons, order, warrant or other civil process after having
 48 been ordered to any duty or while going to, attending or
 49 returning from any place to which ~~he~~ the member is required to *
 50 go for military duty; but nothing herein shall prevent ~~his~~ an *
 51 arrest by order of a military officer or for a felony or breach
 52 of the peace committed while not in the actual performance
 53 of ~~his-duty~~ assigned duties. The articles of equipment *
 54 personally owned by such members shall be exempt from seizure or
 55 sale for debt.

192*#26S

56 192.26 STATE AND MUNICIPAL OFFICERS AND EMPLOYEES NOT TO
 57 LOSE PAY WHILE ON MILITARY DUTY.

58 Subdivision 1. Subject to the conditions hereinafter
 59 prescribed, any officer or employee of the state or of any
 60 political subdivision, municipal corporation, or other public
 61 agency of the state who shall be a member of the national guard,
 62 or any other component of the militia of the state now or
 63 hereafter organized or constituted under state or federal law,
 64 or who shall be a member of the officers' reserve corps, the
 65 enlisted reserve corps, the naval reserve, the marine corps
 66 reserve, or any other reserve component of the military or naval
 67 forces of the United States now or hereafter organized or
 68 constituted under federal law, shall be entitled to leave of
 69 absence from ~~his~~ the public office or employment without loss of *
 70 pay, seniority status, efficiency rating, vacation, sick leave,
 71 or other benefits for all the time when ~~he-is~~ engaged with such *

1 organization or component in training or active service ordered
 2 or authorized by proper authority pursuant to law, whether for
 3 state or federal purposes, but not exceeding a total of 15 days
 4 in any calendar year. Such leave shall be allowed only in case
 5 the required military or naval service is satisfactorily
 6 performed, which shall be presumed unless the contrary is
 7 established. Such leave shall not be allowed unless the officer
 8 or employee (1) returns to ~~his~~ the public position immediately
 9 on being relieved from such military or naval service and not
 10 later than the expiration of the time herein limited for such
 11 leave, or (2) is prevented from so returning by physical or
 12 mental disability or other cause not due to ~~his~~ the officer's or
 13 employee's own fault, or (3) is required by proper authority to
 14 continue in such military or naval service beyond the time
 15 herein limited for such leave.

16 Subd. 2. Repealed, 1963 c 658 s 20

192*#261S

17 192.261 LEAVE OF ABSENCE.

18 Subdivision 1. LEAVE OF ABSENCE WITHOUT PAY.

19 Subject to the conditions hereinafter prescribed, any officer or
 20 employee of the state or of any political subdivision, municipal
 21 corporation, or other public agency of the state who engages in
 22 active service in time of war or other emergency declared by
 23 proper authority in any of the military or naval forces of the
 24 state or of the United States for which leave is not otherwise
 25 allowed by law shall be entitled to leave of absence from ~~his~~
 26 the officer's or employee's public office or employment without
 27 pay during such service, with right of reinstatement as
 28 hereinafter provided. Such leave of absence without pay,
 29 whether heretofore or hereafter, shall not extend beyond four
 30 years plus such additional time in each case as such an officer
 31 or employee may be required to serve pursuant to law. This
 32 shall not be construed to preclude the allowance of leave with
 33 pay for such service to any person entitled thereto under
 34 section 192.26. Nothing in this section contained shall affect
 35 any of the provisions or application of section 352.27 nor of
 36 section 192.26 to 192.264, or any laws amendatory thereof,
 37 insofar as such sections pertain to the state employees
 38 retirement association or its members.

39 Subd. 2. REINSTATEMENT. Except as otherwise
 40 hereinafter provided, upon the completion of such service such
 41 officer or employee shall be reinstated in the public position,
 42 which ~~he~~ was held at the time of entry into such service, or a
 43 public position of like seniority, status, and pay if such is
 44 available at the same salary which ~~he~~ the officer or employee
 45 would have received if ~~he~~ the leave had not been taken ~~such~~
 46 leave, upon the following conditions: (1) that the position has
 47 not been abolished or that the term thereof, if limited, has not
 48 expired; (2) that ~~he~~ the officer or employee is not physically
 49 or mentally disabled from performing the duties of such
 50 position; (3) that ~~he~~ the officer or employee makes written
 51 application for reinstatement to the appointing authority within
 52 90 days after termination of such service, or 90 days after
 53 discharge from hospitalization or medical treatment which
 54 immediately follows the termination of, and results from, such
 55 service; provided such application shall be made within one year
 56 and 90 days after termination of such service notwithstanding
 57 such hospitalization or medical treatment; (4) that ~~he~~ the
 58 officer or employee submits an honorable discharge or other form
 59 of release by proper authority indicating that ~~his~~ the officer's
 60 or employee's military or naval service was satisfactory. Upon
 61 such reinstatement the officer or employee shall have the same
 62 rights with respect to accrued and future seniority status,
 63 efficiency rating, vacation, sick leave, and other benefits as
 64 if ~~he~~ that officer or employee had been actually employed during
 65 the time of such leave. No officer or employee so reinstated
 66 shall be removed or discharged within one year thereafter except
 67 for cause, after notice and hearing; but this shall not operate
 68 to extend a term of service limited by law.

69 Subd. 3. SHALL FILE CERTIFICATE. Any public officer
 70 elected or appointed for a definite term who, before the
 71 expiration of such term, returns from military or naval service
 72 under leave of absence without pay under chapters 190 to 194, in
 73 lieu of making written application for reinstatement as
 74 hereinbefore provided, shall file in the same office where ~~his~~
 75 official the public officer's oath is filed within 45 days after

1 termination of such military or naval service a verified
2 certificate that ~~he~~ the public officer has complied with the *
3 conditions for reinstatement hereinbefore prescribed, and ~~he~~ *
4 that public officer shall thereupon be deemed to have *
5 resumed ~~his~~ that office, with all the rights and privileges *
6 granted by chapters 190 to 194; provided, that any false *
7 statement in such certificate shall be ground for ~~his~~ removal. *

8 Subd. 4. PERSONS ENGAGED IN ACTIVE SERVICE NOT
9 DISQUALIFIED FOR BEING CANDIDATE FOR PUBLIC OFFICE. No
10 person who is engaged in active service in any of the military
11 or naval forces of the state or of the United States within or
12 without the state shall thereby be disqualified from being a
13 candidate for or from being elected or appointed to any public
14 office within the state if ~~he~~ that person is otherwise eligible *
15 therefor. A person who is elected or appointed to any such
16 office who at the commencement of the term thereof is engaged in
17 any such active military or naval service shall not thereby be
18 disqualified from assuming and holding such office if ~~he-is~~ *
19 otherwise eligible therefor and if ~~his~~ that person's military or *
20 naval service is not constitutionally or legally incompatible *
21 therewith. Such person, if prevented by ~~his~~ military or naval *
22 duties from taking office in person, may file ~~his~~ an oath of *
23 office, ~~also-his~~ and a bond, if required, by mail or other means *
24 of transmittal, and shall thereupon be deemed to have assumed *
25 office, subject to all the provisions of sections 192.26 to
26 192.264, so far as applicable.

27 Subd. 5. ACTIVE DUTY FOR TRAINING, INACTIVE DUTY
28 TRAINING; REEMPLOYMENT RIGHTS. (a) Any public officer or
29 employee who is a member of the military forces who is ordered
30 to an initial period of active duty for training of not less
31 than three consecutive months shall, upon application for
32 reemployment within 31 days after that member's (1) ~~his~~ release *
33 from that active duty for training after satisfactory service, *
34 or (2) ~~his~~ discharge from hospitalization incident to that *
35 active duty for training, or one year after ~~his~~ a scheduled *
36 release from that training, whichever is earlier, be entitled to *
37 all reemployment rights and benefits provided by section
38 192.261. Any person restored to a position in accordance with
39 the provisions of this clause shall not be discharged from the
40 position without cause within six months after that restoration.

41 (b) Any public officer or employee not covered by section
42 192.26, or by clause (a) of this subdivision shall, upon
43 request, be granted a leave of absence ~~by-his-employer~~ from *
44 public employment for the period required to perform active duty *
45 for training or inactive duty training in the military forces. *
46 Upon ~~his~~ release from a period of active duty for training or *
47 inactive duty training, or upon ~~his~~ discharge from *
48 hospitalization incident to that training, the officer or *
49 employee shall be permitted to return to ~~his~~ the previously held *
50 position with the same seniority, status, rate of pay, and *
51 vacation as ~~he-would-have-had~~ if ~~he~~ the officer or employee had *
52 not been absent for those purposes. ~~He~~ The officer or employee *
53 shall report for work at the beginning of ~~his~~ the next regularly *
54 scheduled working period after expiration of the last calendar *
55 day necessary to travel from the place of training to the place *
56 of employment following ~~his~~ release from active duty, or within *
57 a reasonable time thereafter if delayed return is due to factors *
58 beyond the employee's control. Failure to report for work at
59 the next regularly scheduled working period shall make the
60 employee subject to the conduct rules of the employer pertaining
61 to explanations and discipline with respect to absence from
62 scheduled work. If that employee is hospitalized incident to
63 active duty for training or inactive duty training, ~~he~~ that *
64 employee shall be required to report for work (1) at the *
65 beginning of ~~his~~ the next regularly scheduled work period after *
66 expiration of the time necessary to travel from the place of
67 discharge from hospitalization to the place of employment, (2)
68 within a reasonable time thereafter if delayed return is due to
69 factors beyond the employee's control, or (3) within one year
70 after ~~his~~ the release from active duty for training or inactive *
71 duty training, whichever is earlier. If an employee covered by *
72 this clause is not qualified to perform the ~~duties-of-his~~ *
73 position's duties by reason of disability sustained *
74 during active duty for training or inactive duty training, but *
75 is qualified to perform the duties of any other position in the
76 employ of the employer or ~~his~~ a successor in interest, ~~he~~ that *

1 employee shall be restored by that employer or ~~his~~ a successor *
 2 in interest to another position, the duties of which ~~he~~ that *
 3 employee is qualified to perform and which will provide ~~him~~ like *
 4 seniority, status, and pay, or the nearest approximation thereof *
 5 consistent with the circumstances in ~~his~~ the particular case. *
 6 For the purpose of this paragraph, the terms "active duty for
 7 training" and "inactive duty for training" shall have the
 8 meanings subscribed to them by the United States Code Annotated,
 9 Title 38, Part III, Chapter 43, Sections 2021 to 2026.

10 (c) Any employee not covered by clause (a) shall be
 11 considered as having been on leave of absence during the period
 12 required to report for the purpose of being inducted into,
 13 entering or determining by a preinduction or other examination
 14 ~~his~~ the employee's physical fitness to enter the military forces. *
 15 ~~Upon his rejection~~ If rejected, upon completion of ~~his~~ the *
 16 preinduction or other examination, or upon ~~his~~ discharge from *
 17 hospitalization incident to that rejection or examination, the *
 18 employee shall be permitted to return to ~~his~~ the employee's *
 19 position in accordance with the provisions of clause (b).

20 No change for subd 6

192*#262S

21 192.262 OFFICERS AND EMPLOYEES TO PRESERVE PENSION AND
 22 RETIREMENT RIGHTS.
 23 Any public officer or employee receiving leave of absence
 24 under sections 192.26 to 192.264 and having rights in any state,
 25 municipal, or other public pension, retirement, or relief system
 26 shall retain all such rights accrued up to the time of taking
 27 such leave, and shall have all rights subsequently accruing
 28 under such system as if ~~he had been~~ actually employed during the *
 29 time of such leave; provided, that so far as any increase in the
 30 amount of money benefits accruing with respect to the time of
 31 such leave is dependent upon the payment of any contributions or
 32 assessments, the right to such increase shall be conditioned
 33 upon the payment of such contributions or assessments within
 34 such reasonable time after the termination of such leave and
 35 upon such terms as the authorities in charge of such system may
 36 prescribe.

192*#263S

37 192.263 VACANCIES TO BE FILLED TEMPORARILY.
 38 In any case where a public officer or employee is absent
 39 with leave under the provisions of sections 192.26 to 192.264
 40 and where it is necessary in the public interest to provide for
 41 the performance of the duties of ~~his~~ the position during such *
 42 absence, the authority having power to fill a vacancy in the
 43 position may appoint a substitute, to be known as acting
 44 incumbent, who shall qualify as required for the regular
 45 incumbent, shall receive the same compensation as fixed by law,
 46 otherwise such compensation as may be fixed by proper authority,
 47 and shall have all the powers and perform all the duties of the
 48 position until the return of the regular incumbent; provided,
 49 that this shall not preclude the making of any other provision
 50 for the discharge of the duties of the position which may be
 51 otherwise authorized by law.

192*#27S

52 192.27 NOT LIABLE FOR ACTS PERFORMED UNDER ORDERS.
 53 The commanding officer of any of the military forces
 54 engaged in the suppression of an insurrection, the dispersion of
 55 a mob or the enforcement of the laws shall exercise ~~his~~ *
 56 discretion as to the propriety of firing upon or otherwise *
 57 attacking any mob or other unlawful assembly; and, if ~~he~~ that *
 58 officer exercises ~~his~~ honest judgment thereon, ~~he~~ the officer *
 59 shall not be liable in either a civil or a criminal action for *
 60 any act done while on such duty. No officer or enlisted ~~man~~ *
 61 member shall be held liable in either a civil or a criminal *
 62 action, for any act done under lawful orders and in the *
 63 performance of ~~his~~ duty. *

192*#28S

64 192.28 PROHIBITING THE FIRING OF BLANK CARTRIDGES UPON
 65 ANY UNLAWFUL ASSEMBLAGE.
 66 No officer in charge of personnel, under any pretense or in *
 67 compliance with any order, shall direct or permit ~~his men or~~ *
 68 ~~any of them~~ to fire blank cartridges upon any mob or unlawful *
 69 assemblage, under penalty of dishonorable dismissal from the *
 70 service.

192*#29S

71 192.29 GOVERNOR TO APPOINT COUNSEL.

1 If a suit or proceeding shall be commenced in any court by
2 any person against any officer of the military forces for any
3 act done by such officer in ~~his~~ an official capacity in the
4 discharge of any duty under the Military Code, or against any
5 soldier acting under the authority or order of any such officer,
6 or by virtue of any warrant, issued by ~~him~~ that officer pursuant
7 to law, it shall be the duty of the governor, upon the
8 recommendation of the attorney general, to appoint counsel to
9 defend such person. The costs and expenses of any such defense
10 shall be paid out of the appropriation for the maintenance of
11 the national guard.

192*#30S

12 192.30 SECURITY FOR COSTS.

13 Any person bringing an action or proceeding against a
14 military officer of the state for any act done in the course of
15 ~~his~~ official duty, or against any person acting under the order
16 or authority of such officer, shall give security for the costs,
17 disbursements and reasonable attorney's fees incurred by the
18 state or defendant in defending the same, in the same manner and
19 subject to the same regulations, so far as applicable, as in the
20 case of a non-resident plaintiff. And if the plaintiff fails to
21 recover, such attorney's fees may be taxed with the costs and
22 disbursements and judgment therefor be entered against ~~him~~ the
23 plaintiff and ~~his~~ the sureties on the bond.

192*#33S

24 192.33 ACTION FOR DAMAGES.

25 Any person injured as a result of a violation of section
26 192.32 may bring an action to recover ~~his~~ actual damages, costs,
27 and, in addition thereto, exemplary damages.

192*#34S

28 192.34 DISCRIMINATION WITH RESPECT TO EMPLOYMENT.

29 It shall be unlawful for any employer to discharge any
30 person from employment because of membership in the military or
31 naval forces of the United States, of this state, or any other
32 state, or to hinder or prevent any person from performing any
33 military service that person may be called upon to perform by
34 proper authority, or to dissuade any person from enlistment in
35 the military service by threat or injury, in case that person
36 shall so enlist, in respect to ~~his~~ that person's employment,
37 trade or business. Any person violating any of the provisions
38 of this section shall be deemed guilty of a gross misdemeanor.

192*#35S

39 192.35 INTERFERENCE WITH PERFORMANCE OF MILITARY DUTIES.

40 Any person who interrupts, molests, or insults by abusive
41 words or behavior, or obstructs any officer or soldier of the
42 national guard while on duty, either parade, drill meeting for
43 military improvement or other military duty may be immediately
44 put and kept under guard until the duty is concluded, by the
45 officer in command. Such officer may turn ~~him~~ the person over
46 to any peace officer of the city or place where such drill
47 parade or meeting is being held and such peace officer shall
48 thereupon deliver such offender for examination and trial before
49 any court having jurisdiction. Any person violating the
50 provisions of this section shall be guilty of a misdemeanor.

192*#351S

51 192.351 INTERFERENCE WITH PERFORMANCE OF MILITARY DUTIES
52 WHILE IN ACTIVE SERVICE.

53 Any person who intentionally obstructs, hinders, or
54 prevents any officer or soldier of the national guard from
55 performing ~~his~~ duties while on active service may be arrested by
56 an officer or soldier present. Such officer or soldier shall
57 turn ~~him~~ the person over to any peace officer of the city or
58 place in which such active service is taking place and such
59 peace officer may thereupon deliver such offender for
60 examination and trial before any court having jurisdiction. Any
61 person violating the provisions of this section shall be guilty
62 of a gross misdemeanor.

192*#36S

63 192.36 CERTAIN ACTS FELONIES.

64 Any officer or ~~soldier member~~ who refuses to account for
65 and to surrender up any moneys or any uniforms or equipment or
66 other military property for which ~~he~~ the officer or member is
67 responsible or accountable, or who shall appropriate the same
68 to ~~his-own~~ personal use, or who shall knowingly make a false
69 payroll or sign a false certificate which is the basis for the
70 payment of moneys under the military code, or who shall aid or

1 abet another in any of these acts, shall be guilty of a felony
2 and punished as the criminal laws of the state may direct.

192*#38S

3 192.38 ILLNESS, INJURY, OR DEATH OF MEMBER OF MILITARY
4 FORCES; COMPENSATION.

5 Subdivision 1. TEMPORARY EMERGENCY RELIEF. If any
6 officer or enlisted ~~man~~ member of the military forces is wounded *
7 or otherwise disabled, dies from disease contracted or injuries
8 received, or is killed while in state active service as defined *
9 in section 190.05, subdivision 5a, ~~he~~ the officer or member, or *
10 in the case of ~~his~~ death his the officer's or member's dependent *
11 spouse, child, or parent, may be provided with immediate
12 temporary relief as necessary in cases of severe hardship, in an
13 amount to be determined by the adjutant general and approved by
14 the governor. All payments under this subdivision shall be made
15 from appropriations for the maintenance of the state military
16 forces. The adjutant general shall notify the workers'
17 compensation commission of any payments made pursuant to this
18 subdivision and the amount of it shall be subtracted from any
19 award made by the commission.

20 Subd. 2. ASSISTANCE TO CLAIMANTS. To the extent
21 information is available ~~to him~~, the adjutant general shall *
22 provide information to a person seeking a benefit from the state
23 or federal government or instituting a claim before a
24 legislative commission on claims or federal claims commission
25 arising from loss, damage, or destruction of property or for
26 injury or death incurred or sustained by a member of the
27 military forces.

192*#40S

28 192.40 GOVERNOR TO APPOINT U.S. PROPERTY AND DISBURSING
29 OFFICER.

30 The governor, pursuant to federal authority, shall appoint,
31 designate, or detail subject to the approval of the secretary of
32 defense, the adjutant general, or an officer of the national
33 guard who shall be regarded as property and disbursing officer
34 for the United States. ~~He~~ The officer appointed shall receipt *
35 and account for all funds and property belonging to the United
36 States in possession of the National Guard of this state and
37 shall make such returns and reports concerning the same as may
38 be required by the secretary of defense. ~~He~~ The officer *
39 appointed shall render, through the defense department, such *
40 accounts of federal funds entrusted to ~~him~~ that officer for *
41 disbursement as may be required by the treasury department.

42 ~~Before entering upon the performance of his duties as~~ The *
43 property and disbursing officer ~~he~~ shall, before entering upon *
44 the performance of duties, be required to give good and *
45 sufficient bond to the United States, the amount thereof to be
46 determined by the secretary of defense, for the faithful
47 performance of ~~his~~ assigned duties and for the safe-keeping and *
48 proper disposition of the federal property and funds entrusted
49 to ~~his~~ the care of that officer. *

50 This property and disbursing officer may also be the
51 quartermaster of the state.

192*#41S

52 192.41 STATE QUARTERMASTER AND PROPERTY OFFICER.

53 The state quartermaster shall be the property officer of
54 the state and as such shall have charge of and be accountable
55 for, under the adjutant general, all the state military property
56 and shall make such property returns and reports on the same as
57 the governor may direct. ~~He~~ The quartermaster shall be under *
58 bond to the state to such amount as the governor may deem
59 necessary.

192*#43S

60 192.43 DISTRIBUTION OF EQUIPMENT.

61 Subdivision 1. The commanding officer of a company
62 receiving clothing or equipment for the use of ~~his~~ the command *
63 shall distribute the same to the members of ~~his~~ the command, *
64 taking receipts and requiring the return of each article at such
65 time and place as ~~he~~ the commanding officer shall direct. *

66 Subd. 2. Legal fines or forfeitures and the value of any
67 articles of uniform, arms or equipment, whether state or
68 federal, issued to any officer or enlisted ~~man~~ member which ~~he~~ *
69 ~~fails-to-return~~ is not returned on demand by proper authority *
70 and for the loss of or damage to which ~~he~~ the officer or member *
71 has been held responsible by a report of survey or other proper
72 proceeding, shall be deducted from such officer's or

1 enlisted ~~man's~~ member's pay in the manner provided for in *
 2 federal or state orders or regulations. Deduction from federal
 3 pay and allowances may only be made in the manner prescribed by
 4 federal law or regulation.

192*#435S

5 192.435 UNIFORM RETAINED, WHEN.
 6 Subdivision 1. AUTHORIZATION TO ADJUTANT GENERAL.
 7 The adjutant general is authorized to permit members of the
 8 state guard and its auxiliaries who have served a term of
 9 enlistment of two years or more, and at the conclusion of such
 10 service, to retain the articles of the uniform normally issued
 11 to such personnel. Such articles of the uniform shall not
 12 include field equipment, arms, or ammunition. The adjutant
 13 general ~~at-his-discretion~~ may sell to personnel of the state *
 14 guard at cost price, less fair wear and tear, such arms and
 15 ammunition as is not required for other purposes.

16 No change for subd 2

192*#46S

17 192.46 RIFLE PRACTICE; COMPETITIONS.
 18 The governor may establish special camps for advanced
 19 instructions in rifle and gun practice to be attended by *
 20 officers and ~~men~~ members who have attained a prescribed standard
 21 of marksmanship and who are selected for the purpose under
 22 suitable rules. From the participants who develop unusual
 23 proficiency therein, rifle and gun teams may be formed, which,
 24 with the approval of the adjutant general, may compete with like
 25 teams in national, interstate or state competitions under rules *
 26 approved by ~~him~~ the adjutant general. The pay and allowance of
 27 officers while attending such practice or competition shall be *
 28 at the rate prescribed for active service. In order to make it
 29 possible for enlisted ~~men~~ members of the national guard to *
 30 attend interstate and national rifle competitions, the adjutant
 31 general may pay to such enlisted ~~men~~ members detailed as members *
 32 of any such team the same pay as is allowed for second
 33 lieutenants of the national guard for duty at encampments. No
 34 more than \$5,000 shall be expended in any one year for all the
 35 purposes of this section.

192*#47S

36 192.47 ENCAMPMENTS, DRILLS.
 37 The commander-in-chief may order the military forces or any
 38 part thereof into camp each year for such period as ~~he~~ the *
 39 commander-in-chief may direct, and shall also provide for their *
 40 participation in encampments or field maneuvers at such places
 41 as may be designated by the federal government pursuant to any
 42 act of congress. ~~He~~ The commander-in-chief may ~~in-his~~ *
 43 discretion, order such organization as ~~he~~ the commander-in-chief *
 44 may deem proper, to parade for purposes of drill, review, or
 45 escort duty and prescribe all regulations and requirements
 46 therefor.

192*#49S

47 192.49 PAY AND ALLOWANCES OF OFFICERS AND ORGANIZATIONS.
 48 No change for subd 1
 49 Subd. 2. UNIFORMS TO BE SUPPLIED. When expedient, *
 50 the adjutant general may issue to commissioned officers from
 51 time to time any available articles of uniform and equipment
 52 suitable for field work, ~~when he believes it expedient.~~ *
 53 Articles so issued shall be charged to the officer and that *
 54 officer shall ~~be-accounted~~ account for ~~by-him~~ them as provided *
 55 in regulations.

56 No change for subd 3

192*#52S

57 192.52 EXPENSES OF MILITARY FORCES ORDERED TO ACTIVE
 58 DUTY.
 59 In all cases where any of the military forces are called
 60 into active service by the governor and where no funds otherwise
 61 appropriated are available therefor, or where the appropriated
 62 funds, if any, are insufficient, the pay rolls of officers and
 63 enlisted ~~men~~ members and expense bills shall be audited by the *
 64 commissioner of finance, the commissioner of administration and
 65 the adjutant general, and paid upon their certificate out of the
 66 general fund, and the necessary sums are hereby appropriated.
 67 No payment shall be made pursuant to this section until the
 68 commissioner of finance has reported the amount of the proposed
 69 payment to the committee on finance of the senate and the
 70 committee on appropriations of the house of representatives.

192*#55S

1 192.55 PAYMENTS TO BE MADE THROUGH ADJUTANT GENERAL.
 2 All pay and allowances and necessary expenses for any of
 3 the military forces shall, when approved by the adjutant
 4 general, be paid by commissioner of finance's warrants issued to
 5 the several officers and enlisted men members entitled thereto;
 6 provided, that upon the request of the adjutant general,
 7 approved by the governor, the sum required for any such pay or
 8 allowances and necessary expenses shall be paid by commissioner
 9 of finance's warrant to the adjutant general, who shall
 10 immediately pay and distribute the same to the several officers
 11 or enlisted men members entitled thereto or to their commanding
 12 officers or to a finance officer designated by the adjutant
 13 general. The receipt of any such commanding officer or finance
 14 officer for any such payment shall discharge the adjutant
 15 general from liability therefor. Every commanding officer or
 16 finance officer receiving any such payment shall, as soon as
 17 practicable, pay and distribute the same to the several officers
 18 or enlisted men members entitled thereto. The officer making
 19 final payment shall, as evidence thereof, secure the signature
 20 of the person receiving the same upon a payroll or other proper
 21 voucher.

192*#66S

22 192.66 DESERTION.
 23 Desertion in the military forces shall be as defined in the
 24 Minnesota code of military justice. But if any soldier enlisted
 25 member is known to have removed from the state, and, through
 26 ignorance or neglect, has failed to apply for discharge, his a
 27 discharge may be requested by his that enlisted member's
 28 immediate commanding officer.

192*#67S

29 192.67 OFFENDERS; TRANSFER TO CIVIL AUTHORITIES.
 30 When any felony is committed by any officer or enlisted
 31 person member of the military forces while on duty status other
 32 than active state duty, he the officer or enlisted member shall
 33 be turned over by his superior officers to the proper civil
 34 authorities of the county or municipality in which the offense
 35 occurred for punishment for such crime, but such trial and
 36 punishment by the civil authorities shall not preclude trial and
 37 additional punishment or dismissal from the service by
 38 court-martial for any military offense resulting from the
 39 commission of said crime.

192*#68S

40 192.68 COURTS, COMPENSATION; DISPOSITION OF FINES.
 41 No change for subd 1 to 2
 42 Subd. 3. Civil officers and guardsmen national guard
 43 members executing the warrants or process of a military court
 44 shall receive as compensation therefor the fees allowed by law
 45 for like service in the civil courts, which fees are to be taxed
 46 by such court and, in summary cases, paid out of the military
 47 fund of the company of which the accused is a member. All fees
 48 and expenses of trial in general and special courts-martial
 49 cases and the fees of jailors in all cases for the keep of
 50 prisoners shall be paid by the adjutant general out of the funds
 51 appropriated for the maintenance of the national guard. No fees
 52 shall be allowed or paid to such officers unless an itemized
 53 statement thereof is endorsed on and forthwith returned with
 54 such warrant or process to the court issuing the same.

192*#85S

55 192.85 CIVIL OFFICERS SHALL BE GUILTY OF MISDEMEANORS
 56 FOR REFUSAL TO ACT.
 57 Any sheriff, constable, jailer, marshal or other civil
 58 officer named in the military code, who shall neglect or refuse
 59 to obey, execute or return the lawful warrant or other process
 60 of a military court, or make a false return thereon, shall be
 61 guilty of a misdemeanor and in addition to the penalties
 62 attaching thereto, shall forfeit \$50 for each offense or neglect
 63 of duty, the same to be recovered in civil action against such
 64 officer and his the official sureties by the adjutant general
 65 for the benefit of the maintenance fund of the National Guard.

192A#025S

66 192A.025 JURISDICTION TO TRY CERTAIN PERSONNEL.
 67 Subdivision 1. Each person discharged from the state
 68 military forces who is later charged with having fraudulently
 69 obtained his the discharge is, subject to section 192A.235,
 70 subject to trial by court-martial on that charge and is after
 71 apprehension subject to this code while in the custody of the

1 military for that trial. Upon conviction of that charge ~~he~~ the *
 2 person is subject to trial by court-martial for all offenses *
 3 under this code committed before the fraudulent discharge.

4 No change for subd 2

192A#03S

5 192A.03 DISMISSAL OF COMMISSIONED OFFICER.

6 Subdivision 1. ~~If~~ Any commissioned officer, dismissed by *
 7 order of the governor, ~~makes~~ may make a written application for *
 8 trial by court-martial, setting forth, under oath, that ~~he has~~ *
 9 ~~been wrongfully dismissed~~, the dismissal was wrongful. The *
 10 governor, as soon as practicable, shall convene a general *
 11 court-martial to try that officer on the charges on which ~~he~~ the *
 12 officer was dismissed. A court-martial so convened has *
 13 jurisdiction to try the dismissed officer on those charges, *
 14 and ~~he~~ the officer shall be considered to have waived the right *
 15 to plead any statute of limitations applicable to any offense *
 16 with which ~~he~~ the officer is charged. The court-martial may, as *
 17 part of its sentence, adjudge the affirmance of the dismissal, *
 18 but if the court-martial acquits the accused or if the sentence *
 19 adjudged, as finally approved or affirmed, does not include *
 20 dismissal, the adjutant general shall substitute for the *
 21 dismissal ordered by the governor a form of discharge authorized *
 22 for administrative issue.

23 No change for subd 2

24 Subd. 3. If a discharge is substituted for a dismissal *
 25 under this code, the governor alone may reappoint the officer to *
 26 such commissioned grade and with such rank as, in the opinion of *
 27 the governor, that former officer would have attained had ~~he not~~ *
 28 ~~been dismissed~~ there been no dismissal. The reappointment of *
 29 such a former officer may be made only if a vacancy is available *
 30 under applicable tables of organization. All time between the *
 31 dismissal and the reappointment shall be considered as actual *
 32 service for all purposes.

33 Subd. 4. If an officer is discharged from the organized *
 34 militia by administrative action or by board proceedings under *
 35 law, or is dropped from the rolls by order of the governor, ~~he~~ *
 36 the officer has no right to trial under this section. *

192A#04S

37 192A.04 JUDGE ADVOCATES AND LEGAL OFFICERS.

38 No change for subd 1

39 Subd. 2. The adjutant general may appoint as many *
 40 assistant state judge advocates as ~~he~~ the adjutant general *
 41 considers necessary. To be eligible for appointment, assistant *
 42 state judge advocates must be officers of the state military *
 43 forces and members of the bar of the highest court of the state. *

44 Subd. 3. The state judge advocate or ~~his assistants~~ *
 45 assistant state judge advocates shall make frequent inspections *
 46 in the field in supervision of the administration of military *
 47 justice.

48 Subd. 4. Repealed, 1978 c 552 s 48

49 Subd. 5. Repealed, 1978 c 552 s 48

192A#045S

50 192A.045 APPREHENSION.

51 No change for subd 1 to 2

52 Subd. 3. If any person subject to this code misses a *
 53 movement to, or is absent without official leave from, annual *
 54 field training or active state duty, such person may be *
 55 apprehended and delivered to ~~his~~ the person's commanding officer. *
 56 Apprehension may be made by military police personnel or by any *
 57 civil peace officer pursuant to a warrant issued by a military *
 58 judge upon a finding of probable cause.

59 No change for subd 4

192A#05S

60 192A.05 APPREHENSION OF DESERTERS.

61 Any civil officer having authority to apprehend offenders *
 62 under the laws of the United States or of a state, territory, *
 63 commonwealth, or possession, or the District of Columbia may *
 64 summarily apprehend a deserter from the state military forces *
 65 and deliver ~~him~~ the deserter into the custody of the state *
 66 military forces. If an offender is apprehended outside the *
 67 state, ~~his~~ the offender's return to the area must be in *
 68 accordance with normal extradition procedures or reciprocal *
 69 agreement.

192A#055S

70 192A.055 IMPOSITION OF RESTRAINT.

71 Subdivision 1. Arrest is the restraint of a person by an

1 order, not imposed as a punishment for an offense, directing him *
 2 the person to remain within certain specified limits. *

3 Confinement is the physical restraint of a person.

4 Subd. 2. An enlisted member may be ordered into arrest or
 5 confinement by any commissioned officer by an order, oral or
 6 written, delivered in person or through other persons subject to
 7 this code or through any person authorized by this code to
 8 apprehend persons. A commanding officer may authorize warrant
 9 officers, petty officers, or noncommissioned officers to order
 10 enlisted members of ~~his~~ the authorizing officer's command or *
 11 subject to ~~his~~ the authorizing officer's authority into arrest *
 12 or confinement.

13 Subd. 3. A commissioned officer or a warrant officer may
 14 be ordered apprehended or into arrest or confinement only by a
 15 commanding officer to whose authority he the commissioned *
 16 officer or warrant officer is subject, by an order, oral or *
 17 written, delivered in person or by another commissioned
 18 officer. The authority to order such persons apprehended or
 19 into arrest or confinement may not be delegated.

20 No change for subd 4 to 5

192A#06S

21 192A.06 RESTRAINT OF PERSONS CHARGED WITH OFFENSES.

22 Any person subject to this code charged with an offense
 23 under this code may be ordered into arrest or confinement, as
 24 circumstances may require; but when charged only with an offense
 25 normally tried by a summary court-martial, such person shall not
 26 ordinarily be placed in confinement. When Any person subject to *
 27 this code ~~is~~ placed in arrest or confinement prior to trial, *
 28 ~~immediate-steps-shall-be-taken-to-inform-him~~ shall immediately *
 29 be informed of the specific wrong of which he the person is *
 30 accused and to-try-him-or-to-dismiss shall be tried or shall *
 31 have the charges and-release-him dismissed and shall be released. *

192A#065S

32 192A.065 CONFINEMENT IN JAILS.

33 Persons confined other than in a guardhouse, whether
 34 before, during, or after trial by a military court, shall be
 35 confined in civil jails, penitentiaries, or prisons designated
 36 by the governor or by such person as he the governor may *
 37 authorize to act.

192A#07S

38 192A.07 REPORTS AND RECEIVING OF PRISONERS.

39 Subdivision 1. No provost marshal, commander of a guard,
 40 master at arms, warden, keeper, or officer of a city or county
 41 jail or any other jail, penitentiary, or prison designated under
 42 section 192A.065 may refuse to receive or keep any prisoner
 43 committed to ~~his~~ the charge of that official, when the *
 44 committing person furnishes and signs a statement, ~~signed-by~~ *
 45 ~~him~~, of the offense charged against the prisoner. *

46 Subd. 2. Every commander of a guard, master at arms,
 47 warden, keeper, or officer of a city or county jail or of any
 48 other jail, penitentiary, or prison designated under section
 49 192A.065, to whose charge a prisoner is committed, shall, within
 50 24 hours after that commitment or as soon as he the person is *
 51 relieved from guard, report to the commanding officer of the
 52 prisoner the name of the prisoner, the offense charged
 53 against ~~him~~ the prisoner, and the name of the person who ordered *
 54 or authorized the commitment.

192A#075S

55 192A.075 PUNISHMENT PROHIBITED BEFORE TRIAL.

56 Subject to section 192A.305, no person, while being held
 57 for trial or the result of trial, may be subjected to punishment
 58 or penalty other than arrest or confinement upon the charges
 59 pending ~~against-him~~, nor shall the arrest or confinement imposed *
 60 ~~upon-him~~ be any more rigorous than the circumstances require to *
 61 insure ~~his~~ that person's presence, but he that person may be *
 62 subjected to minor punishment during that period for infractions
 63 of discipline.

192A#08S

64 192A.08 DELIVERY OF OFFENDERS TO CIVIL AUTHORITIES.

65 No change for subd 1

66 Subd. 2. When delivery under this section is made to any
 67 civil authority of a person undergoing sentence of a
 68 court-martial, the delivery, if followed by conviction in a
 69 civil tribunal, interrupts the execution of the sentence of the
 70 court-martial, and the offender after having answered to the
 71 civil authorities for ~~his~~ the offense shall, upon the request of *

1 competent military authority, be returned to military custody
2 for the completion of ~~his~~ the sentence. *

192A#085S

3 192A.085 COMMANDING OFFICER'S NONJUDICIAL PUNISHMENT.

4 Subdivision 1. Under such regulations as the governor may
5 prescribe any commanding officer may, in addition to or in lieu
6 of admonition or reprimand, impose one of the following
7 disciplinary punishments for minor offenses without the
8 intervention of a court-martial:

9 (1) Upon an officer of ~~his~~ the command: *

10 (a) Withholding of privileges for not more than two
11 consecutive weeks;

12 (b) Restriction to certain specified limits, with or
13 without suspension from duty, for not more than two consecutive
14 weeks; or

15 (c) If imposed by the governor, the commanding officer of a
16 force of the state military forces, or the commanding general of
17 a division, a forfeiture of not more than 15 days pay or a fine
18 in an equivalent amount.

19 (2) Upon other military personnel of ~~his~~ the command: *

20 (a) Withholding of privileges for not more than two
21 consecutive weeks;

22 (b) Restriction to certain specified limits, with or
23 without suspension from duty, for not more than two consecutive
24 weeks;

25 (c) Extra duties for not more than 14 days, which need not
26 be consecutive, and for not more than two hours per day,
27 holidays included;

28 (d) Reduction to next inferior grade if the grade from
29 which demoted was established by the command or an equivalent or
30 lower command;

31 (e) If imposed upon a person attached to or embarked in a
32 vessel, confinement for not more than seven consecutive days; or

33 (f) A forfeiture of not more than four days pay or a fine
34 in an equivalent amount.

35 No change for subd 2 to 3

36 Subd. 4. A person punished under this section who
37 considers ~~his~~ the punishment unjust or disproportionate to the
38 offense may, through the proper channel, appeal to the next
39 superior authority. The appeal shall be promptly forwarded and
40 decided, but the person punished shall not in the meantime be
41 required to undergo the punishment adjudged. The officer who
42 imposes the punishment, ~~his~~ the successor in command, and
43 superior authority may suspend, set aside, or remit any part or
44 amount of the punishment and restore all rights, privileges, and
45 property affected. Before acting on an appeal from a punishment
46 of a fine or forfeiture of pay or reduction in grade, the
47 authority who is to act on the appeal shall refer the matter
48 to ~~his~~ the authority's judge advocate for ~~his~~ advice and counsel. *

49 No change for subd 5 to 7

192A#10S

50 192A.10 JURISDICTION OF GENERAL COURTS-MARTIAL.

51 Subject to section 192A.095 general courts-martial have
52 jurisdiction to try persons subject to this code for any offense
53 made punishable by this code and may, under such limitations as
54 the governor may prescribe, adjudge any of the following
55 punishments:

56 (1) A reprimand;

57 (2) A fine of not more than \$200;

58 (3) Forfeiture of not more than 48 days pay;

59 (4) Dismissal, bad conduct discharge, or dishonorable
60 discharge;

61 (5) Reduction in rank of an enlisted ~~man~~ member to any
62 lower enlisted rank including the lowest enlisted rank; *

63 (6) Confinement of not more than six months; or

64 (7) Any combination of these punishments.

192A#105S

65 192A.105 JURISDICTION OF SPECIAL COURTS-MARTIAL.

66 Subject to section 192A.095 special courts-martial have
67 jurisdiction to try persons subject to this code, except
68 commissioned officers, for any offense for which they may be
69 punished under this code. A special court-martial may adjudge
70 the following punishments:

71 (1) A reprimand;

72 (2) A fine of not more than \$100;

73 (3) Forfeiture of not more than 24 days pay;

- 1 (4) Reduction in rank of an enlisted ~~man~~ member to any *
 2 lower enlisted rank including the lowest enlisted grade;
 3 (5) A bad conduct discharge;
 4 (6) Confinement of not more than 90 days; or
 5 (7) Any combination of these punishments.

192A#11S

6 192A.11 JURISDICTION OF SUMMARY COURTS-MARTIAL.

7 No change for subd 1

8 Subd. 2. No person with respect to whom summary
 9 courts-martial have jurisdiction may be brought to trial before
 10 a summary court-martial if ~~he~~ that person objects thereto, *
 11 unless under section 192A.085 ~~he~~ that person has been permitted *
 12 and has elected to refuse punishment under that section. If
 13 objection to trial by summary court-martial is made by an
 14 accused who has not been permitted to refuse punishment under
 15 section 192A.085, trial shall be ordered by special or general
 16 court-martial, as may be appropriate.

17 Subd. 3. A summary court-martial may adjudge the following
 18 punishments:

- 19 (1) A reprimand;
 20 (2) A fine of not more than \$25;
 21 (3) Forfeiture of not more than 12 days pay;
 22 (4) Reduction in rank of an enlisted ~~man~~ member to any *
 23 lower enlisted rank including the lowest enlisted grade;
 24 (5) Confinement of not more than 15 days;
 25 (6) Any combination of these punishments.

192A#145S

26 192A.145 WHO MAY SERVE ON COURTS-MARTIAL.

27 No change for subd 1 to 2

28 Subd. 3. (1) Any enlisted member of the state military
 29 forces who is not a member of the same unit as the accused is
 30 eligible to serve on general and special courts-martial for the
 31 trial of any enlisted member who may lawfully be brought before
 32 such courts for trial, but ~~he~~ the enlisted member shall serve as *
 33 a member of a court only if, before the conclusion of a session
 34 called by the military judge, under section 192A.215 of this
 35 code prior to trial or, in the absence of such a session, before
 36 the court is assembled for the trial of the accused, the accused
 37 personally has requested in writing that enlisted members serve
 38 on it. After such a request the accused may not be tried by a
 39 general or special court-martial the membership of which does
 40 not include enlisted members in a number comprising at least one
 41 third of the total membership of the court, unless eligible
 42 members cannot be obtained on account of physical conditions or
 43 military exigencies. If such members cannot be obtained, the
 44 court may be convened and the trial held without them, but the
 45 convening authority shall make a detailed written statement, to
 46 be appended to the record, stating why they could not be
 47 obtained.

48 (2) In this section the word "unit" means any regularly
 49 organized body of the state military forces not larger than a
 50 company, a squadron, or a body corresponding to one of them.

51 Subd. 4. (1) When it can be avoided, no person subject to
 52 this code may be tried by a court-martial any member of which is
 53 junior to ~~him~~ the person being tried in rank or grade. *

54 (2) When convening a court-martial, the convening authority
 55 shall detail as members thereof such members as in ~~his~~ the *
 56 convening authority's opinion are best qualified for the duty by *
 57 reason of age, education, training, experience, length of
 58 service, and judicial temperament. No member is eligible to
 59 serve as a member of a general or special court-martial when ~~he~~ *
 60 the member is the accuser or a witness for the prosecution or *
 61 has acted as investigating officer or as counsel in the same
 62 case.

192A#15S

63 192A.15 MILITARY JUDGE SYSTEM.

64 No change for subd 1 to 2

65 Subd. 3. The military judge to be detailed to a
 66 court-martial shall be designated by the adjutant general, or
 67 ~~his~~ the adjutant general's designee, for detail by the convening *
 68 authority. A military judge may be detailed generally to act as
 69 summary court officer.

70 Subd. 4. No person is eligible to act as a military judge
 71 in a case if ~~he~~ that person is the accuser or a witness for the *
 72 prosecution or has acted as investigating officer or counsel in
 73 the same case.

1 Subd. 5. The military judge of a general or special
2 court-martial may not consult with the members of the court
3 except in the presence of the accused, trial counsel and defense
4 counsel, nor may ~~he~~ the military judge vote with the members of
5 the court. *

192A#155S

6 192A.155 DETAIL OF TRIAL COUNSEL AND DEFENSE COUNSEL.

7 Subdivision 1. For each general and special court-martial
8 the authority convening the court shall detail trial counsel and
9 defense counsel, and such assistants as ~~he-considers~~ considered
10 appropriate. No person who has acted as investigating officer,
11 military judge, or court member in any case may act later as
12 trial counsel, assistant trial counsel, or, unless expressly
13 requested by the accused, as defense counsel or assistant
14 defense counsel in the same case. No person who has acted for
15 the prosecution may act later in the same case for the defense,
16 nor may any person who has acted for the defense act later in
17 the same case for the prosecution.

18 No change for subd 2

192A#165S

19 192A.165 ABSENT AND ADDITIONAL MEMBERS.

20 No change for subd 1 to 3

21 Subd. 4. No person is eligible to act as a military judge
22 in a case if ~~he~~ that person is the accuser, a witness for the
23 prosecution, a counsel, or has acted as investigating officer in
24 the same case. *

192A#17S

25 192A.17 CHARGES AND SPECIFICATIONS.

26 Subdivision 1. Charges and specifications shall be signed
27 by a person subject to this code under oath before a person
28 authorized by this code to administer oaths and shall state:

29 (1) That the signer has personal knowledge of, or has
30 investigated, the matters set forth therein; and

31 (2) That they are true in fact to the best of ~~his~~ the
32 signer's knowledge and belief. *

33 Subd. 2. Upon the preferring of charges the proper
34 authority shall take immediate steps to determine what
35 disposition should be made thereof in the interest of justice
36 and discipline, and the person accused shall be informed of the
37 charges ~~against-him~~ as soon as practicable. *

192A#175S

38 192A.175 COMPULSORY SELF-INCRIMINATION PROHIBITED.

39 Subdivision 1. No person subject to this code may compel
40 any person to ~~incriminate-himself~~ make self-incriminating
41 statements or acts or to answer any question the answer to which
42 may tend to ~~incriminate-him~~ be self-incriminating. *

43 Subd. 2. No person subject to this code may interrogate or
44 request any statement from an accused or a person suspected of
45 an offense without first informing ~~him~~ that person:

46 (1) of the nature of the accusation ~~and-advising-him-that~~
47 ~~he-does-not-have-to-make-any~~;

48 (2) ~~that no~~ statement regarding the offense ~~of-which-he-is~~
49 ~~accused-or-suspected~~ need be made; and *

50 (3) that any statement ~~made-by-him~~ the person makes may be
51 used as evidence against ~~him~~ the person in a trial by
52 court-martial. *

53 Subd. 3. No person subject to this code may compel any
54 person to make a statement or produce evidence before any
55 military tribunal if the statement or evidence is not material
56 to the issue and may tend to ~~degrade-him~~ be degrading. *

57 Subd. 4. No statement obtained from any person in
58 violation of this section, or through the use of coercion,
59 unlawful influence, or unlawful inducement may be received in
60 evidence against ~~him~~ that person in a trial by court-martial. *

192A#18S

61 192A.18 INVESTIGATION.

62 Subdivision 1. No charge or specification may be referred
63 to a general court-martial for trial until a thorough and
64 impartial investigation of all the matters set forth therein has
65 been made. The convening authority shall request ~~his~~ the unit's
66 judge advocate to appoint an investigating officer. The
67 investigating officer shall be a member of the state military
68 forces. This investigation shall include inquiry as to the
69 truth of the matter set forth in the charges, and consideration
70 of the form of charges.

71 Subd. 2. The accused shall be advised of the charges

1 ~~against-him~~ and of ~~his~~ the right to be represented at that *
 2 investigation by counsel. Upon ~~his-own~~ the accused's request *
 3 military counsel shall be provided without cost, or, if ~~he~~ the *
 4 accused prefers, ~~he-may-retain~~ civilian counsel of ~~his-own~~ the *
 5 accused's choice may be retained at ~~his~~ the accused's own *
 6 expense. At that investigation full opportunity shall be given *
 7 to the accused to cross examine adverse witnesses ~~against-him~~ if *
 8 they are available and to present ~~anything he-may-desire~~ in his *
 9 own the accused's behalf, either in defense or mitigation, and *
 10 the investigating officer shall examine available witnesses *
 11 requested by the accused. If the charges are forwarded after *
 12 the investigation, they shall be accompanied by a report *
 13 containing the substance of the testimony taken on both sides *
 14 and a recommendation as to the disposition which should be made *
 15 of the case in the interest of justice and discipline. A copy *
 16 thereof shall be given to the accused.

17 Subd. 3. If an investigation of the subject matter of an *
 18 offense has been conducted before the accused is charged with *
 19 the offense, and if the accused was present at the investigation *
 20 and afforded the opportunities for representation, cross *
 21 examination, and presentation prescribed in subdivision 2, no *
 22 further investigation of that charge is necessary under this *
 23 section unless it is demanded by the accused after he-is being *
 24 informed of the charge. A demand for further investigation *
 25 entitles the accused to recall witnesses for further cross *
 26 examination and to offer any new evidence in ~~his-own~~ behalf of *
 27 the accused.

28 No change for subd 4

192A#185S

29 192A.185 FORWARDING OF CHARGES.

30 When a person is held for trial by general court-martial *
 31 the commanding officer shall, within eight days after the *
 32 accused is ordered into arrest or confinement, if practicable, *
 33 forward the charges, together with the investigation and allied *
 34 papers, to the governor. If that is not practicable, ~~he~~ the *
 35 commanding officer shall report in writing to the governor the *
 36 reasons for delay.

192A#19S

37 192A.19 ADVICE OF STATE JUDGE ADVOCATE AND REFERENCE FOR *
 38 TRIAL.

39 Subdivision 1. Before directing the trial of any charge by *
 40 general court-martial, the convening authority shall refer it to *
 41 the state judge advocate for consideration and advice. ~~The~~ *
 42 ~~convening-authority-may-not-refer~~ A charge may not be referred *
 43 to a general court-martial for trial unless ~~he~~ the convening *
 44 authority has found that the charge alleges an offense under *
 45 this code and is warranted by evidence indicated in the report *
 46 of the investigation.

47 No change for subd 2

192A#195S

48 192A.195 SERVICE OF CHARGES.

49 The trial counsel to whom court-martial charges are *
 50 referred for trial shall cause to be served upon the accused a *
 51 copy of the charges upon which trial is to be had. In time of *
 52 peace no person may, ~~against-his~~ over objection, be brought to *
 53 trial, or be required to participate either ~~by-himself~~ alone or *
 54 with counsel in a session called by a military judge under *
 55 section 192A.215 in a general court-martial case within a period *
 56 of five days after ~~the~~ service of charges ~~upon-him~~ or in a *
 57 special court-martial within a period of three days after ~~the~~ *
 58 service of the charges ~~upon-him~~.

192A#20S

59 192A.20 GOVERNOR MAY PRESCRIBE RULES.

60 The procedure, including modes of proof, in cases before *
 61 military courts and other military tribunals may be prescribed *
 62 by the governor by regulations, which shall, so far as ~~he~~ the *
 63 governor considers practicable, apply the principles of law and *
 64 the rules of evidence generally recognized in the trial of *
 65 criminal cases in the courts of the state, but which may not be *
 66 contrary to or inconsistent with this code.

192A#205S

67 192A.205 UNLAWFULLY INFLUENCING ACTION OF COURT.

68 Subdivision 1. No authority convening a general, special, *
 69 or summary court-martial nor any other commanding officer may *
 70 censure, reprimand, or admonish the court or any member, *
 71 military judge or counsel thereof, with respect to the findings

1 or sentence adjudged by the court, or with respect to any other
 2 exercise of ~~its-or-his~~ functions in the conduct of the *
 3 proceeding. No person subject to this code may attempt to
 4 coerce or, by any unauthorized means, influence the action of
 5 the court-martial or any other military tribunal or any member
 6 thereof, in reaching the findings or sentence in any case, or
 7 the action of any convening, approving, or reviewing authority
 8 with respect to ~~his~~ judicial acts. The foregoing provisions of *
 9 this subdivision shall not apply with respect to (1) general
 10 instructional or informational courses in military justice if
 11 such courses are designed solely for the purpose of instructing
 12 members of a command in the substantive and procedural aspects
 13 of courts-martial, or (2) to statements and instructions given
 14 in open court by the military judge or counsel.

15 Subd. 2. In the preparation of an effectiveness, fitness,
 16 or efficiency report or any other report or document used in
 17 whole or in part for the purpose of determining whether a member
 18 of the state military forces is qualified to be advanced in
 19 grade, or in determining the assignment or transfer of such a
 20 member or in determining whether such member should be retained
 21 on any type of duty or status, no person subject to this code
 22 may, in preparing any such report (1) consider or evaluate the
 23 performance of duty of any such member as a member of a
 24 court-martial, or (2) give a less favorable rating or evaluation
 25 of any member because of the zeal with which such member, as
 26 counsel, represented any accused before a court-martial. This
 27 section shall not apply to evaluations made by a judge advocate
 28 on the performance of ~~his~~ that judge advocate's own staff. *

192A#21S

29 192A.21 DUTIES OF TRIAL COUNSEL AND DEFENSE COUNSEL.

30 No change for subd 1

31 Subd. 2. The accused has the right to be represented ~~in~~ *
 32 ~~his-defense~~ before a general or special court-martial by *
 33 civilian counsel if provided by ~~him~~ the accused, or by military *
 34 defense counsel detailed under section 192A.155. Should the *
 35 accused have civilian counsel of ~~his~~ the accused's own *
 36 selection, the defense counsel, and assistant defense counsel,
 37 if any, who were detailed shall, if the accused so desires, act
 38 as ~~his~~ associate defense counsel; otherwise they shall be *
 39 excused by the military judge.

40 Subd. 3. In every court-martial proceeding, the defense
 41 counsel may, in the event of conviction, forward for attachment
 42 to the record of proceedings a brief of such matters ~~he~~ the *
 43 defense counsel feels should be considered in behalf of the *
 44 accused on review, including any objection to the contents of
 45 the record which ~~he~~ that defense counsel considers appropriate. *

46 Subd. 4. An assistant trial counsel of a general
 47 court-martial may, under the direction of the trial counsel or
 48 when ~~he~~ the assistant trial counsel is qualified to be a trial *
 49 counsel as required by section 192A.155, perform any duty
 50 imposed by law, regulation, or the custom of the service upon
 51 the trial counsel of the court. An assistant trial counsel of a
 52 special court-martial may perform any duty of the trial counsel.

53 Subd. 5. An assistant defense counsel of a general or
 54 special court-martial may, under the direction of the defense
 55 counsel or when ~~he~~ the assistant defense counsel is qualified to *
 56 be the defense counsel as required by section 192A.155 perform
 57 any duty imposed by law, regulation, or the custom of the
 58 service upon counsel for the accused.

192A#235S

59 192A.235 STATUTE OF LIMITATIONS.

60 No change for subd 1 to 3

61 Subd. 4. Periods in which the accused was absent from
 62 territory in which the state has the authority to apprehend ~~him~~ *
 63 the accused, or in the custody of civil authorities, or in the *
 64 hands of the enemy, shall be excluded in computing the period of
 65 limitation prescribed in this section.

192A#24S

66 192A.24 FORMER JEOPARDY.

67 Subdivision 1. No person may, without ~~his~~ that person's *
 68 consent, be tried a second time in any military court of the
 69 state for the same offense.

70 No change for subd 2 to 3 .

192A#245S

71 192A.245 PLEAS OF THE ACCUSED.

72 Subdivision 1. If an accused after arraignment makes an

1 irregular pleading, or after a plea of guilty sets up matter
 2 inconsistent with the plea, or if it appears that ~~he~~ the accused
 3 has entered the plea of guilty improvidently or through lack of
 4 understanding of its meaning and effect, or if ~~he~~ the accused
 5 fails or refuses to plead, a plea of not guilty shall be entered
 6 in the record, and the court shall proceed as though ~~he~~ the
 7 accused had pleaded not guilty.

8 No change for subd 2

192A#255S

9 192A.255 REFUSAL TO APPEAR OR TESTIFY.

10 Subdivision 1. REFUSAL TO APPEAR. Any person not
 11 subject to this code who:

12 (1) has been duly subpoenaed to appear as a witness or to
 13 produce books and records before a military court or before any
 14 military or civil officer designated to take a deposition to be
 15 read in evidence before a court;

16 (2) has been duly paid or tendered the fees and mileage of
 17 a witness at the rates allowed to witnesses attending the
 18 district court of the state; and

19 (3) willfully neglects or refuses to appear, or refuses to
 20 qualify as a witness or to testify or to produce any evidence
 21 which that person has been legally subpoenaed to produce;
 22 is guilty of an offense against the state and a military
 23 court may punish ~~him~~ that person in the same manner as the civil
 24 courts of the state.

192A#275S

25 192A.275 VOTING AND RULINGS.

26 No change for subd 1 to 2

27 Subd. 3. Before a vote is taken on the findings, the
 28 military judge of a court-martial shall, in the presence of the
 29 accused and counsel, instruct the members of the court as to the
 30 elements of the offense and charge them:

31 (1) That the accused must be presumed to be innocent until
 32 ~~his~~ guilt is established by legal and competent evidence beyond
 33 reasonable doubt;

34 (2) That in the case being considered, if there is a
 35 reasonable doubt as to the guilt of the accused, the doubt must
 36 be resolved in favor of the accused and ~~he~~ the accused must be
 37 acquitted;

38 (3) That if there is a reasonable doubt as to the degree of
 39 guilt the finding must be in a lower degree as to which there is
 40 no reasonable doubt; and

41 (4) That the burden of proof of establishing the guilt of
 42 the accused beyond reasonable doubt is upon the state.

43 No change for subd 4

192A#29S

44 192A.29 RECORD OF TRIAL.

45 Subdivision 1. Each general and special court-martial
 46 shall keep a verbatim record of the proceedings and testimony in
 47 each case brought before it, and the record shall be
 48 authenticated by the signature of the military judge. If the
 49 record cannot be authenticated by the military judge by reason
 50 of ~~his~~ the military judge's death, disability, or absence, it
 51 shall be authenticated by the signature of the trial counsel or
 52 by that of a member if the trial counsel is unable to
 53 authenticate it by reason of ~~his~~ the trial counsel's death,
 54 disability, or absence. In a court-martial consisting of only a
 55 military judge, the record shall be authenticated by the court
 56 reporter under the same conditions which would impose such a
 57 duty on a member under this subdivision. If the proceedings
 58 have resulted in an acquittal of all charges and specifications
 59 or, if not affecting an officer, in a sentence not including
 60 discharge and not in excess of that which may otherwise be
 61 adjudged by a special court-martial, the record shall contain
 62 such matters as may be prescribed by regulations of the
 63 governor. A copy of the record of the proceedings of each
 64 general and special court-martial shall be given to the accused
 65 as soon as it is authenticated.

66 No change for subd 2

192A#305S

67 192A.305 EFFECTIVE DATE OF SENTENCES.

68 No change for subd 1 to 3

69 Subd. 4. On application by an accused who is under
 70 sentence to confinement that has not been ordered executed, the
 71 convening authority or, if the accused is no longer under ~~his~~
 72 the convening authority's jurisdiction, the officer exercising

1 similar court-martial convening authority over the command to
 2 which the accused is currently assigned, may in ~~his~~ the *
 3 convening authority's sole discretion defer service of a *
 4 sentence to confinement. The deferment shall terminate when the
 5 sentence is ordered executed. The deferment may be rescinded at
 6 any time by the officer who granted it or, if the accused is no
 7 longer under ~~his~~ that officer's jurisdiction, by the officer *
 8 exercising similar court-martial jurisdiction over the command
 9 to which the accused is currently assigned.

192A#31S

10 192A.31 EXECUTION OF CONFINEMENT.

11 No change for subd 1 to 2

12 Subd. 3. The keepers, officers, and wardens of city or
 13 county jails and of other jails, penitentiaries, or prisons
 14 designated by the governor, or by such persons as ~~he~~ the *
 15 governor may authorize to act under section 192A.065, shall *
 16 receive persons ordered into confinement before trial and
 17 persons committed to confinement by a military court and shall
 18 confine them according to law. No such keeper, officer, or
 19 warden may require payment of any fee or charge for so receiving
 20 or confining a person, except as provided by law.

192A#315S

21 192A.315 EXECUTION OF SENTENCE; SUSPENSION OR DEFERMENT
 22 OF SENTENCE.

23 Except as provided in sections 192A.12 and 192A.345 a
 24 court-martial sentence, unless suspended, may be ordered
 25 executed by the convening authority when it is approved ~~by him~~. *
 26 ~~He~~ The convening authority shall approve the sentence or such *
 27 part, amount, or commuted form of the sentence as ~~he~~ the *
 28 convening authority sees fit, and may suspend or defer the *
 29 execution of the sentence as approved by ~~him~~ the convening *
 30 authority. *

192A#325S

31 192A.325 GENERAL COURT-MARTIAL RECORDS.

32 The convening authority shall refer the record of each
 33 general court-martial to the state judge advocate, who shall
 34 submit ~~his~~ a written opinion thereon to the convening authority. *
 35 If the final action of the court has resulted in an acquittal of
 36 all charges and specifications, the opinion shall be limited to
 37 questions of jurisdiction.

192A#335S

38 192A.335 REHEARINGS.

39 Subdivision 1. If the convening authority disapproves the
 40 findings and sentence of a court-martial ~~he~~ the convening *
 41 authority may, except where there is lack of sufficient evidence *
 42 in the record to support the findings, order a rehearing. In
 43 such a case ~~he~~ the convening authority shall state the reasons *
 44 for disapproval. If ~~he~~ disapproves the findings and sentence are *
 45 disapproved and does-not-order a rehearing is not ordered, ~~he~~ *
 46 shall-dismiss the charges shall be dismissed by the convening *
 47 authority. *

48 Subd. 2. Each rehearing shall take place before a
 49 court-martial composed of members not members of the
 50 court-martial which first heard the case. Upon a rehearing the
 51 accused may not be tried for any offense of which ~~he~~ the accused *
 52 was found not guilty by the first court-martial, and no sentence
 53 in excess of or more severe than the original sentence may be
 54 imposed, unless the sentence is based upon a finding of guilty
 55 of an offense not considered upon the merits in the original
 56 proceedings, or unless the sentence prescribed for the offense
 57 is mandatory.

192A#34S

58 192A.34 APPROVAL BY THE CONVENING AUTHORITY.

59 In acting on the findings and sentence of a court-martial
 60 the convening authority may approve only such findings of
 61 guilty, and the sentence or such part or amount of the sentence,
 62 as ~~he~~ finds found to be correct in law and fact and as ~~he~~ in his *
 63 the discretion determines-should of the commanding authority is *
 64 determined to be approved. Unless ~~he~~ indicates indicated *
 65 otherwise, approval of the sentence is approval of the findings
 66 and sentence.

192A#345S

67 192A.345 REVIEW OF RECORDS; DISPOSITION.

68 No change for subd 2

69 Subd. 4. The state judge advocate shall review the record
 70 of trial in each case sent ~~to him for review~~ as provided under *

1 subdivision 2. If the final action of the court-martial has
2 resulted in an acquittal of all charges and specifications, the
3 opinion of the state judge advocate is limited to questions of
4 jurisdiction.

5 Subd. 5. The state judge advocate shall take final action
6 in any case reviewable by ~~him~~ the state judge advocate. *

7 Subd. 6. In a case reviewable by the state judge advocate
8 under this section, the state judge advocate may act only with
9 respect to the findings and sentence as approved by the
10 convening authority. ~~He~~ The state judge advocate may affirm *
11 only such findings of guilty, and the sentence or such part or
12 amount of the sentence, as ~~he~~ the state judge advocate finds *
13 correct in law and fact and determines, on the basis of the
14 entire record, should be approved. In considering the
15 record, ~~he~~ the state judge advocate may weigh the evidence, *
16 judge the credibility of witnesses, and determine controverted
17 questions of fact, recognizing that the trial court saw and
18 heard the witnesses. ~~If-the-state-judge-advocate-sets~~ On
19 setting aside the findings and sentence, ~~he-may,~~ except where *
20 the setting aside is based on lack of sufficient evidence in the
21 record to support the findings, the state judge advocate may
22 order a rehearing. ~~If-he-sees~~ On setting aside the findings and
23 sentence ~~and-does-not-order~~ without ordering a rehearing, ~~he~~ the
24 state judge advocate shall order that the charges be dismissed. *

25 Subd. 7. In a case reviewable by the state judge advocate
26 under this section, ~~he~~ the state judge advocate shall instruct *
27 the convening authority to act in accordance with ~~his~~ the state
28 judge advocate's decision on the review. If ~~he~~ the state judge
29 advocate has ordered a rehearing but the convening authority
30 finds a rehearing impracticable, ~~he-may-dismiss~~ the charges may
31 be dismissed by the convening authority. *

32 No change for subd 8

192A#355S

33 192A.355 REVIEW COUNSEL.

34 No change for subd 1 to 2

35 Subd. 3. ~~If-provided-by-him,~~ An accused entitled to be so *
36 represented may be represented by civilian counsel before the
37 reviewing authority, before the staff judge advocate and before
38 the state judge advocate if the counsel is provided by the
39 accused. *

192A#36S

40 192A.36 VACATION OF SUSPENSION.

41 Subdivision 1. Before the vacation of the suspension of a
42 special court-martial sentence which as approved includes a
43 bad-conduct discharge, or of any general court-martial sentence,
44 the officer having special court-martial jurisdiction over the
45 probationer shall hold a hearing on the alleged violation of
46 probation. The probationer shall be represented at the hearing
47 by counsel if ~~he~~ the probationer so desires. *

48 No change for subd 2 to 3

192A#375S

49 192A.375 RESTORATION.

50 No change for subd 1

51 Subd. 2. If a previously executed sentence of dishonorable
52 or bad-conduct discharge is not imposed on a new trial, the
53 governor shall substitute therefor a form of discharge
54 authorized for administrative issuance unless the accused is to
55 serve out the remainder of ~~his~~ the accused's enlistment. *

56 Subd. 3. If a previously executed sentence of dismissal is
57 not imposed on a new trial, the governor shall substitute
58 therefor a form of discharge authorized for administrative
59 issue, and the commissioned officer dismissed by that sentence
60 may be reappointed by the governor alone to such commissioned
61 grade and with such rank as in the opinion of the governor that
62 former officer would have attained had ~~he~~ the officer not been *
63 dismissed. The reappointment of such a former officer may be
64 made if a position vacancy is available under applicable tables
65 of organization. All time between the dismissal and
66 reappointment shall be considered as service for all purposes.

192A#385S

67 192A.385 PERSONS TO BE TRIED OR PUNISHED.

68 No person may be tried or punished for any offense provided
69 for in sections 192A.39 to 192A.605 unless it was committed
70 while ~~he~~ that person was in a duty status. *

192A#39S

71 192A.39 PRINCIPALS.

1 Any person subject to this code who:
2 (1) Commits an offense punishable by this code, or aids,
3 abets, counsels, commands, or procures its commission; or
4 (2) Causes an act to be done which if directly performed by
5 him that person would be punishable by this code; *
6 is a principal.

192A#395S
7 192A.395 ACCESSORY AFTER THE FACT.
8 Any person subject to this code who, knowing that an
9 offense punishable by this code has been committed, receives,
10 comforts, or assists the offender in order to hinder or prevent
11 his the offender's apprehension, trial, or punishment shall be *
12 punished as a court-martial may direct.

192A#415S
13 192A.415 SOLICITATION.
14 Subdivision 1. Any person subject to this code who
15 solicits or advises another or others to desert in violation of
16 section 192A.43 or mutiny in violation of section 192A.475
17 shall, if the offense solicited or advised is attempted or
18 committed, be punished with the punishment provided for the
19 commission of the offense, but if the offense solicited or
20 advised is not committed or attempted he the person shall be *
21 punished as a court-martial may direct.
22 Subd. 2. Any person subject to this code who solicits or
23 advises another or others to commit an act of misbehavior before
24 the enemy in violation of section 192A.50 or sedition in
25 violation of section 192A.475 shall, if the offense solicited or
26 advised is committed, be punished with the punishment provided
27 for the commission of the offense, but if the offense solicited
28 or advised is not committed he the person shall be punished as a *
29 court-martial may direct.

192A#42S
30 192A.42 FRAUDULENT ENLISTMENT, APPOINTMENT, OR
31 SEPARATION.
32 Any person who:
33 (1) Procures his that person's own enlistment or *
34 appointment in the state military forces by knowingly false *
35 representation or deliberate concealment as to his that person's *
36 qualifications for that enlistment or appointment and receives *
37 pay or allowances thereunder; or *
38 (2) Procures his that person's own separation from the *
39 state military forces by knowingly false representation or *
40 deliberate concealment as to his that person's eligibility for *
41 that separation; *
42 shall be punished as a court-martial may direct.

192A#425S
43 192A.425 UNLAWFUL ENLISTMENT, APPOINTMENT, OR SEPARATION.
44 Any person subject to this code who effects an enlistment
45 or appointment in or a separation from the state military forces
46 of any person who is known to him that person to be ineligible *
47 for that enlistment, appointment, or separation because it is *
48 prohibited by law, regulation, or order shall be punished as a *
49 court-martial may direct.

192A#43S
50 192A.43 DESERTION.
51 Subdivision 1. Any member of the state military forces who:
52 (1) Without authority goes or remains absent from his that *
53 member's unit, organization, or place of duty with intent to *
54 remain away therefrom permanently; *
55 (2) Quits his that member's unit, organization, or place of *
56 duty with intent to avoid hazardous duty or to shirk important *
57 service; or *
58 (3) Without being regularly separated from one of the state
59 military forces enlists or accepts an appointment in the same or
60 another one of the state military forces, or in one of the armed
61 forces of the United States, without fully disclosing the fact
62 that he that member has not been regularly separated; *
63 is guilty of desertion. *
64 Subd. 2. Any commissioned officer of the state military
65 forces who, after tender of his the officer's resignation and *
66 before notice of its acceptance, quits his the post or proper *
67 duties without leave and with intent to remain away therefrom *
68 permanently is guilty of desertion. *
69 No change for subd 3

192A#435S
70 192A.435 ABSENCE WITHOUT LEAVE.

1 Any person subject to this code who, without authority:
 2 (1) Fails to go to ~~his~~ that person's appointed place of
 3 duty at the time prescribed;
 4 (2) Goes from that place; or
 5 (3) ~~Absents-himself~~ Is absent or remains absent from ~~his an~~
 6 assigned unit, organization, or place of duty at which ~~he~~ the
 7 person is required to be at the time prescribed;
 8 shall be punished as a court-martial may direct.

*
*
*

192A#44S

9 192A.44 MISSING MOVEMENT.
 10 Any person subject to this code who through neglect or
 11 design misses the movement of a ship, aircraft, or unit with
 12 which ~~he~~ the person is required in the course of duty to move
 13 shall be punished as a court-martial may direct.

*

192A#45S

14 192A.45 DISRESPECT TOWARDS SUPERIOR COMMISSIONED OFFICER.
 15 Any person subject to this code who behaves with disrespect
 16 towards ~~his~~ that person's superior commissioned officer shall be
 17 punished as a court-martial may direct.

*

192A#455S

18 192A.455 ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR
 19 COMMISSIONED OFFICER.
 20 Any person subject to this code who:
 21 (1) Strikes ~~his~~ that person's superior commissioned officer
 22 or draws or lifts up any weapon or offers any violence
 23 against ~~him~~ that superior commissioned officer while ~~he~~ that
 24 officer is in the execution of ~~his-office~~ official duties; or
 25 (2) Willfully disobeys a lawful command of ~~his~~ that
 26 person's superior commissioned officer;
 27 shall be punished as a court-martial may direct.

*
*
*
*

192A#46S

28 192A.46 INSUBORDINATE CONDUCT TOWARD WARRANT OFFICER,
 29 NONCOMMISSIONED OFFICER, OR PETTY OFFICER.
 30 Any warrant officer or enlisted member who:
 31 (1) Strikes or assaults a warrant officer, noncommissioned
 32 officer, or petty officer while that officer is in the execution
 33 of ~~his-office~~ official duties;
 34 (2) Willfully disobeys the lawful order of a warrant
 35 officer, noncommissioned officer, or petty officer; or
 36 (3) Treats with contempt or is disrespectful in language or
 37 deportment toward a warrant officer, noncommissioned officer, or
 38 petty officer while that officer is in the execution of ~~his~~
 39 office official duties;
 40 shall be punished as a court-martial may direct.

*
*
*

192A#465S

41 192A.465 FAILURE TO OBEY ORDER OR REGULATION.
 42 Any person subject to this code who:
 43 (1) Violates or fails to obey any lawful general order or
 44 regulation;
 45 (2) Having knowledge of any other lawful order issued by a
 46 member of the state military forces which it is ~~his~~ the person's
 47 duty to obey, fails to obey the order; or
 48 (3) Is derelict in the performance of ~~his~~ duties;
 49 shall be punished as a court-martial may direct.

*
*

192A#47S

50 192A.47 CRUELTY AND MALTREATMENT.
 51 Any person subject to this code who acts cruelly,
 52 oppressively or maltreats any person subject to ~~his~~ the person's
 53 orders shall be punished as a court-martial may direct.

*

192A#475S

54 192A.475 MUTINY OR SEDITION.
 55 Subdivision 1. Any person subject to this code who:
 56 (1) With intent to usurp or override lawful military
 57 authority refuses, in concert with any other person, to obey
 58 orders or otherwise do ~~his~~ that person's duty or creates any
 59 violence or disturbance is guilty of mutiny;
 60 (2) With intent to cause the overthrow or destruction of
 61 lawful civil authority, creates, in concert with any other
 62 person, revolt, violence, or other disturbance against that
 63 authority is guilty of sedition;
 64 (3) Fails to do ~~his~~ the utmost to prevent and suppress a
 65 mutiny or sedition being committed in ~~his~~ that person's
 66 presence, or fails to take all reasonable means to inform ~~his~~ a
 67 superior commissioned officer or commanding officer of a mutiny
 68 or sedition which ~~he~~ that person knows or has reason to believe
 69 is taking place is guilty of a failure to suppress or report a

*
*
*
*
*

1 mutiny or sedition.

2 No change for subd 2

192A#485S

3 192A.485 RELEASING PRISONER WITHOUT PROPER AUTHORITY.

4 Any person subject to this code who, without proper
5 authority, releases any prisoner committed to his that person's
6 charge, or who through neglect or design suffers any such
7 prisoner to escape, shall be punished as a court-martial may
8 direct, whether or not the prisoner was committed in strict
9 compliance with law. *

192A#50S

10 192A.50 MISBEHAVIOR BEFORE THE ENEMY.

11 Any person subject to this code who before or in the
12 presence of the enemy:

13 (1) Runs away;

14 (2) Shamefully abandons, surrenders, or delivers up any
15 command, unit, place, or military property which it is his the
16 person's duty to defend; *

17 (3) Through disobedience, neglect, or intentional
18 misconduct endangers the safety of any such command, unit,
19 place, or military property;

20 (4) Casts away his the person's arms or ammunition; *

21 (5) Is guilty of cowardly conduct; *

22 (6) Quits his a place of duty to plunder or pillage; *

23 (7) Causes false alarms in any command, unit, or place
24 under control of the armed forces of the United States or the
25 state military forces;

26 (8) Willfully fails to do his the utmost to encounter,
27 engage, capture, or destroy any enemy troops, combatants,
28 vessels, aircraft, or any other thing which it is his that
29 person's duty so to encounter, engage, capture, or destroy; or *

30 (9) Does not afford all practicable relief and assistance
31 to any troops, combatants, vessels, or aircraft of the armed
32 forces belonging to the United States or their allies, to the
33 state, or to any other state, when engaged in battle;
34 shall be punished as a court-martial may direct. *

192A#51S

35 192A.51 IMPROPER USE OF COUNTERSIGN.

36 Any person subject to this code who in time of war
37 discloses the parole or countersign to any person not entitled
38 to receive it, or who gives to another who is entitled to
39 receive and use the parole or countersign a different parole or
40 countersign from that which, to his that person's knowledge, he
41 the person was authorized and required to give, shall be
42 punished as a court-martial may direct. *

192A#52S

43 192A.52 CAPTURED OR ABANDONED PROPERTY.

44 No change for subd 1

45 Subd. 2. Any person subject to this code who:

46 (1) Fails to carry out the duties prescribed in subdivision
47 1;

48 (2) Buys, sells, trades, or in any way deals in or disposes
49 of captured or abandoned property, whereby he that person
50 receives or expects any profit, benefit, or advantage to-himself
51 personally or to another directly or indirectly connected
52 with himself that person; or *

53 (3) Engages in looting or pillaging;

54 shall be punished as a court-martial may direct. *

192A#53S

55 192A.53 MISCONDUCT OF A PRISONER.

56 Any person subject to this code who, while in the hands of
57 the enemy in time of war:

58 (1) For the purpose of securing favorable treatment by his
59 that person's captors acts without proper authority in a manner
60 contrary to law, custom, or regulation, to the detriment of
61 others of whatever nationality held by the enemy as civilian or
62 military prisoners; or *

63 (2) While in a position of authority over such persons
64 maltreats them without justifiable cause;

65 shall be punished as a court-martial may direct. *

192A#56S

66 192A.56 DRUNK ON DUTY; SLEEPING ON POST; LEAVING POST
67 BEFORE RELIEF.

68 Any person subject to this code who is found drunk on duty
69 or sleeping upon his an assigned post, or who leaves his that
70 post before he-is being regularly relieved, shall be punished as *

1 a court-martial may direct.

192A#59S

2 192A.59 FRAUDS AGAINST THE GOVERNMENT.

3 Any person subject to this code:

4 (1) Who, knowing it to be false or fraudulent

5 (a) makes any claim against the United States, the state,
6 or any officer thereof; or

7 (b) presents to any person in the civil or military service
8 thereof, for approval or payment, any claim against the United
9 States, the state, or any officer thereof;

10 (2) Who, for the purpose of obtaining the approval,
11 allowance, or payment of any claim against the United States,
12 the state, or any officer thereof

13 (a) makes or uses any writing or other paper knowing it to
14 contain any false or fraudulent statements;

15 (b) makes any oath to any fact or to any writing or other
16 paper knowing the oath to be false; or

17 (c) forges or counterfeits any signature upon any writing
18 or other paper, or uses any such signature knowing it to be
19 forged or counterfeited;

20 (3) Who, having charge, possession, custody, or control of
21 any money or other property of the United States or the state
22 furnished or intended for the armed forces of the United States
23 or the state military forces, knowingly delivers to any person
24 having authority to receive it any amount thereof less than that
25 for which ~~he~~ that person receives a certificate or receipt; or

26 (4) Who, being authorized to make or deliver any paper
27 certifying the receipt of any property of the United States or
28 the state furnished or intended for the armed forces of the
29 United States or the state military forces, makes or delivers to
30 any person such writing without having full knowledge of the
31 truth of the statements therein contained and with intent to
32 defraud the United States or the state;

33 shall, upon conviction, be punished as a court-martial may
34 direct.

192A#595S

35 192A.595 LARCENY AND WRONGFUL APPROPRIATION.

36 Subdivision 1. Any person subject to this code who
37 wrongfully takes, obtains, or withholds, by any means, from the
38 possession of the owner or of any other person or from the state
39 or United States any money, personal property, or article of
40 value of any kind:

41 (1) With intent permanently to deprive or defraud another
42 person or the state or United States of the use and benefit of
43 property or to appropriate it to ~~his-own~~ personal use or the use
44 of any person other than the owner, steals that property and is
45 guilty of larceny; or

46 (2) With intent temporarily to deprive or defraud another
47 person or the state or United States of the use and benefit of
48 property or to appropriate it to ~~his-own~~ personal use or the use
49 of any person other than the owner, is guilty of wrongful
50 appropriation.

51 No change for subd 2

192A#60S

52 192A.60 CONDUCT UNBECOMING AN OFFICER ~~AND-A-GENTLEMAN~~.

53 Any commissioned officer who is convicted of conduct
54 unbecoming an officer ~~and-a-gentleman~~ shall be punished as a
55 court-martial may direct.

192A#615S

56 192A.615 AUTHORITY TO ADMINISTER OATHS.

57 No change for subd 1 to 2

58 Subd. 3. The signature without seal of any such person
59 together with the title of ~~his~~ the person's office, is prima
60 facie evidence of ~~his~~ the authority to administer oaths.

192A#62S

61 192A.62 SECTIONS TO BE EXPLAINED.

62 Sections 192A.02, 192A.025, 192A.045 to 192A.085, 192A.145,
63 192A.155, 192A.205, 192A.295, 192A.385 to 192A.595, and 192A.62
64 to 192A.63 shall be carefully explained to every enlisted member
65 at the time of ~~his~~ the member's enlistment or transfer or
66 induction into, or at the time of ~~his~~ the member's order to duty
67 in or with any of the state military forces or within 30 days
68 thereafter. They shall also be explained annually to each unit
69 of the state military forces. A complete text of this code and
70 of the regulations prescribed by the governor thereunder shall
71 be made available to any member of the state military forces,

1 upon ~~his~~ the member's request, for ~~his~~ personal examination. *

192A#625S

2 192A.625 COMPLAINTS OF WRONGS.

3 Any member of the state military forces ~~who-believes~~ *

4 himself having a belief of being wronged by ~~his~~ a commanding *

5 officer, and who, upon due application to that commanding *

6 officer, is refused redress, may complain to any superior

7 commissioned officer, who shall forward the complaint to the

8 governor or adjutant general.

192A#63S

9 192A.63 REDRESS OF INJURIES TO PROPERTY.

10 Subdivision 1. Whenever complaint is made to any

11 commanding officer that willful damage has been done to the

12 property of any person or that ~~his~~ property has been wrongfully *

13 taken by members of the state military forces, ~~he~~ the commanding *

14 officer may, subject to such regulations as the governor may *

15 prescribe, convene a board to investigate the complaint. The

16 board shall consist of from one to three commissioned officers

17 and, for the purpose of that investigation, it has power to

18 summon witnesses and examine them upon oath or affirmation, to

19 receive depositions or other documentary evidence, and to assess

20 the damages sustained against the responsible parties. The

21 assessment of damages made by the board is subject to the

22 approval of the commanding officer, and in the amount approved

23 by ~~him~~ the commanding officer shall be charged against the pay *

24 of the offenders. The order of the commanding officer directing

25 charges herein authorized is conclusive, except as provided in

26 subdivision 3, on any disbursing officer for the payment by ~~him~~ *

27 the commanding officer to the injured parties of the damages so *

28 assessed and approved.

29 No change for subd 2

30 Subd. 3. Any person subject to this code who is accused of

31 causing willful damage to property has the right to be

32 represented by counsel, to summon witnesses ~~in-his-behalf~~, and *

33 to cross examine ~~those-appearing-against-him--He-has-the-right~~ *

34 of adverse witnesses, and to appeal to the next higher commander. *

192A#645S

35 192A.645 PAYMENT OF FINES AND DISPOSITION THEREOF.

36 Fines imposed by a military court may be paid to it or to

37 an officer executing its process. The amount of such a fine may

38 be noted upon any state roll or account for pay of the

39 delinquent and deducted from any pay or allowance due or

40 thereafter to become due ~~him~~ the delinquent, until the fine is *

41 liquidated. Any sum so deducted shall be turned in to the

42 military court which imposed the fine. The proceeds of all such

43 fines shall be disposed of in accordance with section 192.68.

44 All moneys so deposited with the adjutant general are

45 appropriated for the purposes stated.

192A#66S

46 192A.66 DELEGATION OF AUTHORITY BY THE GOVERNOR.

47 Except for the power in sections 192A.115 and 192A.13, the *

48 ~~governor-may-delegate-any~~ authority vested in ~~him~~ the governor *

49 under this code may be delegated, and ~~may-provide~~ provisions *

50 made for the subdelegation of any such authority, ~~except-the~~ *

51 ~~power-given-him-by-sections-192A-115-and-192A-13.~~ *

193*#142S

52 193.142 MINNESOTA STATE ARMORY BUILDING COMMISSION.

53 Subdivision 1. CORPORATION CREATED; OFFICERS. For

54 the purpose of constructing armories as provided by section

55 193.141, there shall be created a corporation to be known as the

56 "Minnesota State Armory Building Commission." The members and

57 governing body of such corporation shall be the adjutant general

58 and not less than two officers of the line of the national guard

59 of the state above the grade of lieutenant colonel, to be

60 selected and appointed by the adjutant general. The adjutant

61 general shall be ~~chairman~~ chair of such commission. Such *

62 commission shall elect a secretary and a treasurer from the

63 members thereof other than the adjutant general. The treasurer

64 of the corporation shall give a security bond to the corporation

65 in such sum as the corporation may determine, conditioned in

66 like manner to the bonds of treasurers of public bodies, to be

67 approved and filed as the corporation may determine.

68 Subd. 2. FILING; OFFICERS; MEMBERS; VACANCY. Upon

69 the filing with the secretary of state of a certificate by the

70 adjutant general naming the persons authorized to compose such

71 commission and corporation, and declaring them to be constituted

1 a commission and corporation hereunder, such persons shall
 2 forthwith become and be such commission and corporation without
 3 further proceeding. In case of a vacancy in the membership of
 4 such commission and corporation, the remaining members, provided
 5 there are not less than two, shall have power to act and to
 6 elect such temporary officers of the commission as may be
 7 necessary during the existence of the vacancy. In case at any
 8 time there shall not be at least two qualified officers of the
 9 national guard in addition to the adjutant general eligible to
 10 serve as members of such commission, the adjutant general may
 11 appoint a member or members of such commission from the
 12 lieutenant colonels of the line of the national guard of the
 13 state, so as to provide not more than two members of such
 14 commission in addition to ~~himself~~ the adjutant general. *
 15 membership of the members last so appointed shall automatically
 16 terminate upon the appointment and qualification of an officer
 17 of the national guard eligible under subdivision 1, to serve as
 18 a member of such commission, provided the total membership be
 19 not thereby reduced to less than three including the adjutant
 20 general. In case of a vacancy in the office of the adjutant
 21 general, or in case of the incapacity of the adjutant general to
 22 act as a member and chairman chair of such commission, the *
 23 officer who is appointed or authorized according to law to
 24 exercise the powers of the adjutant general for the time being,
 25 shall during the existence of such vacancy or incapacity act as
 26 a member and chairman chair of such commission and have all the *
 27 powers and duties herein vested in or imposed upon the adjutant
 28 general as a member and chairman chair of such commission. The *
 29 adjutant general shall certify to the secretary of state all
 30 changes in the membership of the commission, but failure ~~on his~~ *
 31 part to do so shall not affect the authority of any new member *
 32 of the commission or the validity of any act of the commission
 33 after the accession of a new member.

34 Subd. 3. TRUSTEE IN CERTAIN CASES. In case at any
 35 time all or all but one of the line officers of the national
 36 guard who are members of the commission or who are eligible to
 37 serve as such are in active service outside the state, or where
 38 for any other reason there are not at least two qualified line
 39 officers of the national guard available within the state to
 40 serve as members of the commission, the adjutant general, or in
 41 case of ~~his~~ incapacity or of a vacancy in that office, the *
 42 officer who is appointed or authorized according to law to
 43 exercise the powers of the adjutant general for the time being,
 44 shall become trustee of the commission and shall have all the
 45 powers and perform all the duties of the commission and its
 46 officers so long as such conditions exist. Upon the occurrence
 47 of such conditions the officer becoming trustee shall file with
 48 the Secretary of State a certificate reciting the circumstances
 49 and declaring that ~~he~~ that officer assumes office as such *
 50 trustee, and thereupon shall be deemed to have qualified as
 51 such, with all the authority hereby conferred. Any change in
 52 such office shall be likewise certified by the officers
 53 succeeding as trustee. Upon the termination of such conditions,
 54 the adjutant general or ~~his~~ an authorized substitute shall *
 55 certify the circumstances in like manner, with the names of the
 56 officers then authorized by law to compose the commission, and
 57 thereupon such officers shall constitute the commission, and the
 58 authority of the trustee shall terminate.

59 No change for subd 4

193*#143S

60 193.143 STATE ARMORY BUILDING COMMISSION, POWERS.

61 Such corporation, subject to the conditions and limitations
 62 prescribed in sections 193.141 to 193.149, shall possess all the
 63 powers of a body corporate necessary and convenient to
 64 accomplish the objectives and perform the duties prescribed by
 65 sections 193.141 to 193.149, including the following, which
 66 shall not be construed as a limitation upon the general powers
 67 hereby conferred:

68 (1) To acquire by lease, purchase, gift or condemnation
 69 proceedings all necessary right, title and interest in and to
 70 the lands required for a site for a new armory and all other
 71 real or personal property required for the purposes contemplated
 72 by the military code and to hold and dispose of the same,
 73 subject to the conditions and limitations herein prescribed;
 74 provided that any such real or personal property or interest
 75 therein may be so acquired or accepted subject to any condition

1 which may be imposed thereon by the grantor or donor and agreed
2 to by such corporation not inconsistent with the proper use of
3 such property by the state for armory or military purposes as
4 herein provided.

5 (2) To exercise the right of eminent domain in the manner
6 provided by chapter 117, for the purpose of acquiring any
7 property which such corporation is herein authorized to acquire
8 by condemnation; provided, that the corporation may take
9 possession of any such property so to be acquired at any time
10 after the filing of the petition describing the same in
11 condemnation proceedings; provided further, that this shall not
12 preclude the corporation from abandoning the condemnation of any
13 such property in any case where possession thereof has not been
14 taken.

15 (3) To construct and equip new armories as authorized
16 herein; to pay therefor out of the funds obtained as hereinafter
17 provided and to hold, manage, and dispose of such armory,
18 equipment, and site as hereinafter provided. The total amount
19 of bonds issued on account of such armories shall not exceed the
20 amount of the cost thereof; provided also, that the total bonded
21 indebtedness of the commission shall not at any time exceed the
22 aggregate sum of \$4,500,000.

23 (4) To sue and be sued.

24 (5) To contract and be contracted with in any matter
25 connected with any purpose or activity within the powers of such
26 corporations as herein specified; provided, that no officer or
27 member of such corporation shall be personally interested,
28 directly or indirectly, in any contract in which such
29 corporation is interested.

30 (6) To employ any and all professional and non-professional
31 services and all agents, employees, ~~workmen~~ workers and servants *
32 necessary and proper for the purposes and activities of such
33 corporation as authorized or contemplated herein and to pay for
34 the same out of any portion of the income of the corporation
35 available for such purposes or activities. The officers and
36 members of such corporation shall not receive any compensation
37 therefrom, but may receive their reasonable and necessary
38 expenses incurred in connection with the performance of their
39 duties; provided however, that whenever the duties of any member
40 of the commission require ~~his~~ full time and attention the *
41 commission may compensate ~~him~~ the member therefor at such rates *
42 as it may determine.

43 (7) To borrow money and issue bonds for the purposes and in
44 the manner and within the limitations herein specified, and to
45 pledge any and all property and income of such corporation
46 acquired or received as herein provided to secure the payment of
47 such bonds, subject to the provisions and limitations herein
48 prescribed, and to redeem any such bonds if so provided therein
49 or in the mortgage or trust deed accompanying the same.

50 (8) To use for the following purposes any available moneys
51 received by such corporation from any source as herein provided
52 in excess of those required for the payment of the cost of such
53 armory and for the payment of any bonds issued by the
54 corporation and interest thereon according to the terms of such
55 bonds or of any mortgage or trust deed accompanying the same:

56 (a) To pay the necessary incidental expenses of carrying on
57 the business and activities of the corporation as herein
58 authorized;

59 (b) To pay the cost of operating, maintaining, repairing,
60 and improving such new armories;

61 (c) If any further excess moneys remain, to purchase upon
62 the open market at or above or below the face or par value
63 thereof any bonds issued by the corporation as herein
64 authorized; provided, that any bonds so purchased shall
65 thereupon be canceled.

66 (9) To adopt and use a corporate seal.

67 (10) To adopt all needful bylaws, rules, and regulations
68 for the conduct of business and affairs of such corporation and
69 for the management and use of all armories while under the
70 ownership and control of such corporation as herein provided,
71 not inconsistent with the use of such armory for armory or
72 military purposes.

73 (11) Such corporation shall issue no stock.

74 (12) No officer or member of such corporation shall have
75 any personal share or interest in any funds or property of the
76 corporation or be subject to any personal liability by reason of

1 any liability of the corporation.

2 (13) The Minnesota state armory building commission created
3 under section 193.142 shall keep all moneys and credits received
4 by it as a single fund, to be designated as the "Minnesota State
5 Armory Building Commission Fund," with separate accounts for
6 each armory; and the commission may make transfers of moneys
7 from funds appertaining to any armory under its control for use
8 for any other such armory; provided such transfers shall be made
9 only from moneys on hand, from time to time, in excess of the
10 amounts required to meet payments of interest or principal on
11 bonds or other obligations appertaining to the armory to which
12 such funds pertain and only when necessary to pay expenses of
13 operation, maintenance and debt service of such other armory;
14 provided further, no such transfer of any moneys paid for the
15 support of any armory by the municipality in which such armory
16 is situated shall be made by the commission.

17 (14) The corporation created under section 193.142 may
18 designate one or more state or national banks as depositories of
19 its funds, and may provide, upon such conditions as the
20 corporation may determine, that the treasurer of the corporation
21 shall be exempt from personal liability for loss of funds
22 deposited in any such depository due to the insolvency or other
23 acts or omissions of such depository.

24 (15) The governor is empowered to apply for grants of
25 money, equipment and materials which may be made available to
26 the states by the federal government for leasing, building and
27 equipping armories for the use of the military forces of the
28 state which are reserve components of the armed forces of the
29 United States, whenever he the governor is satisfied that the
30 conditions under which such grants are offered by the federal
31 government, are for the best interests of the state and are not
32 inconsistent with the laws of the state relating to armories,
33 and to accept such grants in the name of the state. The
34 Minnesota state armory building commission is designated as the
35 agency of the state to receive such grants and to use them for
36 armory purposes as prescribed in this chapter, and by federal
37 laws, and regulations not inconsistent therewith.

193*#145S

38 193.145 FUNDS FOR CONSTRUCTION OF ARMORY; TAX LEVY.

39 No change for subd 1 to 3

40 Subd. 4. PAYMENTS BY ADJUTANT GENERAL. In addition
41 to the payments by the state under subdivision 3, the adjutant
42 general is hereby authorized to pay to such corporation, out of
43 any moneys which may from time to time be appropriated to and
44 for ~~his~~ the military department and not appropriated or set
45 apart for any other specific purpose, the sum of not less than
46 \$3,000 per year for each unit of the national guard quartered in
47 such armory when only one such unit is so quartered, and the sum
48 of not less than \$2,000 per year for each additional unit when
49 more than one such unit is so quartered, and may bind ~~himself~~
50 ~~and-his-successors-in-office~~ the office of the adjutant general,
51 both currently and in the future, by agreement to such
52 corporation to make such payments in a specific amount or
53 amounts out of such appropriations for a period of not more than
54 40 years.

55 No change for subd 5

193*#146S

56 193.146 ISSUANCE OF BONDS.

57 No change for subd 1 to 2

58 Subd. 3. EXECUTION. Such bonds shall be signed by
59 the adjutant general, as ~~chairman~~ chair, attested by the
60 secretary, and counter-signed by the treasurer of such
61 corporation, and the interest coupons to be thereto attached
62 shall be executed and authenticated by the printed, engraved, or
63 lithographed facsimile signatures of such ~~chairman~~ chair and
64 secretary.

65 No change for subd 4

193*#29S

66 193.29 CONTROL OF NEW ARMORY.

67 No change for subd 1 to 2

68 Subd. 3. JOINT BOARDS. In all cases in which more
69 than one company or other unit of the military forces shall
70 occupy the same armory, the armory board shall consist of three
71 officers assigned to the units or organizations quartered
72 therein. The adjutant general shall designate by order from
73 time to time the representatives of each unit quartered therein

1 to comprise the armory board for each armory, ~~and he may~~ *
 2 change. In the discretion of the adjutant general, the *
 3 membership of the board may be changed from time to time, ~~in his~~ *
 4 discretion, so as to give the several organizations quartered *
 5 therein proper representation on the board.

6 No change for subd 4

193*#30S

7 193.30 COMMANDING OFFICERS OF ARMORY BOARD.

8 The senior officer on each armory board shall be the *
 9 chairman chair, and the junior officer thereof shall be the *
 10 recorder. A record of the proceedings of the board shall be *
 11 kept, and all motions offered, whether seconded or not, shall be *
 12 put to a vote and the result recorded. In the case of a tie *
 13 vote the adjutant general, upon the request of any member, shall *
 14 decide. The governor may make and alter rules and regulations *
 15 for the government of armory boards, officers, and other persons *
 16 having charge of armories, arsenals, or other military property *
 17 of the state.

193*#31S

18 193.31 SENIOR OFFICER TO CONTROL DRILL HALL.

19 The senior officer of any company or other organization *
 20 assembling at an armory for drill or instruction shall have *
 21 control of the drill hall or other portion of the premises used *
 22 therefor during such occupancy, subject to the rules prescribed *
 23 for its use and the orders of ~~his~~ that officer's superior. Any *
 24 person who intrudes contrary to ~~his~~ orders, or who interrupts, *
 25 molests, or insults any troops so assembled, or who refuses to *
 26 leave the premises when properly requested so to do, shall be *
 27 guilty of a misdemeanor. Nothing in this section shall prevent *
 28 reasonable inspection of the premises by the proper municipal *
 29 officer, or by the lessor thereof in accordance with the terms *
 30 of the lease.

193*#34S

31 193.34 USE OF ARMORIES BY PATRIOTIC AND SERVICE MEN'S *
 32 MEMBER'S ORGANIZATIONS. *

33 The use of armories for the regular meetings or functions *
 34 of those patriotic societies or recognized military service *
 35 Men's members organizations holding charters from Congress or *
 36 incorporated in this state shall be granted by the armory board *
 37 or officer in charge of any armory at such times and under such *
 38 circumstances as not to interfere with the use of the armory for *
 39 military purposes by the company or companies quartered therein, *
 40 subject to the armory rules and regulations as are in force *
 41 governing the use of such armories.

196*#02S

42 196.02 COMMISSIONER OF VETERANS AFFAIRS.

43 Subdivision 1. APPOINTMENT; QUALIFICATIONS. The *
 44 department shall be under the supervision and control of a *
 45 commissioner of Veterans' Affairs who shall be appointed by the *
 46 governor under the provisions of section 15.06. No person shall *
 47 be eligible to receive appointment as commissioner unless ~~he~~ *
 48 that person has the following qualifications: *

49 (1) Residence in the state of Minnesota;

50 (2) Citizenship in the United States;

51 (3) Veteran of the armed forces of the United States as

52 defined in section 197.447.

53 No change for subd 2

54 Subd. 3. DEPUTY COMMISSIONER. The commissioner may *
 55 designate one ~~of his employees~~ employee as deputy commissioner, *
 56 who shall have the qualifications prescribed in this section, *
 57 and may revoke such status at any time, regardless of the civil *
 58 service status of such employee and without affecting such *
 59 status. The deputy may exercise all the powers of the *
 60 commissioner, subject to ~~his~~ the commissioner's direction and *
 61 control.

196*#05S

62 196.05 DUTIES OF COMMISSIONER.

63 The commissioner shall:

64 (1) Act as the agent of a resident of the state having a *
 65 claim against the United States for benefits arising out of or *
 66 by reason of service in the armed forces and prosecute the claim *
 67 without charge;

68 (2) Act as custodian of veterans' bonus records;

69 (3) Administer the laws relating to the providing of bronze *
 70 flag holders at veterans' graves for memorial purposes;

71 (4) Administer the laws relating to recreational or rest

- 1 camps for veterans so far as applicable to state agencies;
- 2 (5) Administer the state soldiers' welfare fund and
- 3 veterans' relief fund and other funds appropriated for the
- 4 payment of bonuses or other benefits to veterans or for the
- 5 rehabilitation of veterans;
- 6 (6) Cooperate with national, state, county, municipal, and
- 7 private social agencies in securing to veterans and their
- 8 dependents the benefits provided by national, state, and county
- 9 laws, municipal ordinances, or public and private social
- 10 agencies;
- 11 (7) Provide necessary assistance where other adequate aid
- 12 is not available to the dependent family of a veteran while the
- 13 veteran is hospitalized and after the veteran is released for as
- 14 long a period as is necessary as determined by the commissioner;
- 15 (8) Act as the guardian of the estate for a minor or an
- 16 incompetent person receiving moneys from the United States
- 17 government when requested to do so by an agency of the United
- 18 States of America provided sufficient personnel are available;
- 19 (9) Cooperate with United States governmental agencies
- 20 providing compensation, pensions, insurance, or other benefits
- 21 provided by federal law, by supplementing the benefits
- 22 prescribed therein, when conditions in an individual case make
- 23 it necessary;
- 24 (10) Assist in implementing state laws, rights and
- 25 privileges relating to the re-employment of veterans upon their
- 26 separation from the armed forces;
- 27 (11) Contact, at times as ~~he~~ the commissioner deems proper, *
- 28 war veterans, as defined in section 197.447, who are confined in
- 29 a public institution; investigate the treatment accorded those
- 30 veterans and report annually to the governor the results of the
- 31 investigations; and the heads of the public institutions shall
- 32 permit the commissioner, or ~~his~~ the commissioner's *
- 33 representative, to visit any veteran; and, if the commissioner,
- 34 or ~~his~~ the commissioner's representative requests any *
- 35 information relative to any veteran and ~~his~~ the veteran's *
- 36 affairs, the head of the institution shall furnish it;
- 37 (12) Other powers as may be authorized and necessary to
- 38 carry out the provisions of chapters 196, 197 and 198.

196*#051S

- 39 196.051 GUARDIANSHIP.
- 40 No change for subd 1
- 41 Subd. 2. BONDING. Notwithstanding section 525.551 or
- 42 other law, the commissioner is not required to file a bond when
- 43 ~~he-acts~~ acting as guardian pursuant to authority granted by *
- 44 section 196.051.
- 45 Subd. 3. FUNDS. The commissioner may commingle the
- 46 funds of persons who are under ~~his~~ the commissioner's *
- 47 guardianship pursuant to authority granted by section 196.051.
- 48 The commissioner shall keep complete and accurate accounts
- 49 showing each transaction that occurs with respect to the funds
- 50 of each person under ~~his~~ the commissioner's guardianship. *
- 51 No change for subd 4

196*#06S

- 52 196.06 ANNUAL REPORT.
- 53 Subdivision 1. TO GOVERNOR. The commissioner shall
- 54 make an annual written report to the governor giving:
- 55 a. An account of all moneys received and disbursed;
- 56 b. A description of the work done;
- 57 c. Administrative improvements;
- 58 d. Activities of the department;
- 59 e. The number of veterans who have, during the past year,
- 60 received relief in any form;
- 61 f. The number of veterans on relief rolls;
- 62 g. The number of claims presented on behalf of veterans,
- 63 and the disposition thereof;
- 64 h. The recommendations ~~he~~ the commissioner may deem *
- 65 necessary for the active performance of the duties and purposes
- 66 of the department.
- 67 No change for subd 2

196*#08S

- 68 196.08 FILES AND RECORDS CONFIDENTIAL.
- 69 The contents of, and all files, records, reports, papers
- 70 and documents pertaining to, any claim for the benefits of Laws
- 71 1943, Chapter 420, whether pending or adjudicated, shall be
- 72 deemed confidential and privileged and no disclosure thereof
- 73 shall be made, without the consent in writing of the claimant

1 who has not been adjudicated incompetent, except as follows:
 2 a. To said claimant personally, ~~his~~ a duly appointed *
 3 guardian, ~~his~~ an attorney in fact, or ~~his~~ a duly authorized *
 4 representative, and as to personal matters concerning-himself *
 5 ~~alone~~, when, in the judgment of the commissioner, such *
 6 disclosure would not be injurious to the physical or mental
 7 health of the claimant.
 8 b. To the representatives of veterans' organizations
 9 recognized by the United States government, not exceeding five
 10 from each such veterans' organizations, and when such
 11 representatives have been duly certified as such by the state
 12 department of any such veterans' organizations in the state of
 13 Minnesota.
 14 c. In any court in the state of Minnesota which has
 15 jurisdiction of the parties to, and subject matter of, an action
 16 or proceeding therein pending, as found by said court, when
 17 required to be produced by the process of such court, and then
 18 only in open court, as evidence, in such action or proceeding
 19 after a judge thereof shall have ruled the same to be relevant
 20 and competent evidence in such action or proceeding according to
 21 the laws and statutes of said state.

196*#11S

22 196.11 CERTAIN POWERS OF ADJUTANT GENERAL TRANSFERRED.
 23 All powers and duties now imposed by law upon the adjutant
 24 general with reference to war veterans and the Soldiers' Welfare
 25 Director are hereby transferred to the commissioner of veterans
 26 affairs and shall hereafter be exercised, performed, and
 27 administered by ~~him~~ the commissioner of veteran's affairs. *

196*#14S

28 196.14 EMPLOYMENT OF PERSONS ENTITLED TO VETERANS'
 29 PREFERENCE.
 30 The commissioner, ~~whenever-he-deems-it-practicable~~ shall *
 31 employ persons entitled to preference under section *
 32 43A.11 whenever the commissioner deems it practicable. Upon *
 33 request by the commissioner, the commissioner of employee
 34 relations shall certify for appointment to positions in the
 35 department from the appropriate eligible list only those persons
 36 entitled to preference under section 43A.11. Otherwise
 37 employment in the department shall be governed by the provisions
 38 of the state civil service act.

196*#22S

39 196.22 POWERS AND DUTIES OF THE COMMISSIONER.
 40 Subdivision 1. AGENT ORANGE INFORMATION PROGRAM. The
 41 commissioner shall establish and maintain an Agent Orange
 42 information program. The commissioner shall:
 43 (1) provide information regarding epidemiological, genetic,
 44 and other scientific studies proposed, underway, or completed
 45 that pertain to adverse health conditions which may be
 46 associated with exposure to chemical agents, including Agent
 47 Orange;
 48 (2) monitor and report on the activities and policies of
 49 the United States government relating to the exposure of
 50 veterans to chemical agents, including Agent Orange; and
 51 (3) respond, within ~~his~~ the commissioner's powers and *
 52 duties under chapters 196 and 197, to other issues of concern to
 53 veterans relating to exposure to chemical agents, including
 54 Agent Orange.

55 No change for subd 2 to 4

56 Subd. 5. COMMUNICATION OF VETERANS CONCERNS. Within *
 57 ~~his~~ the commissioner's powers and duties under chapters 196 and *
 58 197, the commissioner shall take any action appropriate to
 59 represent the concerns of veterans related to exposure to
 60 chemical agents, including Agent Orange, to appropriate
 61 officials and representatives of the United States government.

197*#02S

62 197.02 FUNDS USED FOR CARE AND MAINTENANCE OF DISABLED
 63 SOLDIERS.
 64 The commissioner of veterans affairs, the board,
 65 superintendent, commission, or other administrative body in
 66 charge of any such hospital, sanatorium, or institution shall
 67 retain and pay into the funds of such institution for and on
 68 account of such ex-service persons for whose care, maintenance,
 69 and treatment an allowance is collected, as provided in section
 70 197.01, from the United States government or any agency of the
 71 United States government, out of the moneys so collected, only
 72 the average gross per capita cost of maintaining and supporting

1 inmates in any such hospital, sanatorium or other institution
 2 and any special or extra expenditures or disbursements made for
 3 or in connection with the care and maintenance of such
 4 ex-service persons, and shall retain in a separate fund and
 5 shall pay to the commissioner of veterans affairs as hereinafter
 6 provided, for and on account of the state soldiers' welfare fund
 7 established in section 197.03, the excess of such amounts so
 8 collected over and above such gross per capita maintenance cost
 9 and disbursements and expenditures. The proper officer of each
 10 of said institutions shall keep in a book prepared for that
 11 purpose a daily record of the ex-service persons actually
 12 residing there and domiciled in such institution, and shall make
 13 monthly reports thereof to the commissioner of veterans affairs.

14 The governing board, commission, or administrative head of
 15 any such institution shall, on or before the tenth day of every
 16 month, transmit to the commissioner of veterans affairs the
 17 excess of such amounts so collected over and above such gross
 18 per capita costs and disbursements and ~~he~~ the commissioner shall *
 19 pay into the state soldiers' welfare fund the sums so received
 20 from any such institution, and the excess of the sums collected
 21 by it as herein provided for from the United States government
 22 or any agency thereof, in excess over and above such gross per
 23 capita maintenance cost and disbursements.

197*#03S

24 197.03 STATE SOLDIERS' WELFARE FUND CREATED.

25 There is created a state soldiers' welfare fund to aid and
 26 assist any citizen of Minnesota or resident alien residing in
 27 Minnesota who served in the military or naval forces of the
 28 United States, in securing compensation, hospitalization,
 29 medical treatment, insurance or other relief or benefits to
 30 which ~~he~~ the server may be entitled from the United States or *
 31 any other government or state and for the emergency relief,
 32 hospitalization, treatment and maintenance of all such persons
 33 who were bona fide residents of the state at the time their need
 34 arose and ~~his~~ their dependents as hereinafter provided. *

197*#05S

35 197.05 FUND, HOW EXPENDED.

36 The state soldiers' welfare fund shall be administered by
 37 the commissioner of veterans affairs and shall be used to locate
 38 and investigate the facts as to any citizen of Minnesota or
 39 resident alien residing in Minnesota who served in the military
 40 or naval forces of the United States and who is indigent or
 41 suffering from any disability whether acquired in the service or
 42 not; to assist the person and ~~his~~ the person's dependents as *
 43 hereinafter provided in establishing and proving any just *
 44 claim ~~he~~ the person may have against the United States
 45 government, or any other government or state for compensation,
 46 insurance, relief, or other benefits; to provide emergency
 47 hospitalization, treatment, maintenance, and relief for any
 48 person suffering from disability who was a bona fide resident of
 49 the state at the time ~~his~~ the need arose and ~~his~~ the person's *
 50 dependents, as hereinafter provided; and to cooperate with other
 51 state, municipal, and county officials and civic or civilian
 52 agencies or organizations in carrying out the provisions of
 53 sections 197.01 to 197.07.

54 The fund is appropriated to be used in the manner
 55 determined by the commissioner of veterans affairs for these
 56 purposes.

197*#06S

57 197.06 SOLDIERS' WELFARE AGENT.

58 The commissioner of veterans affairs shall have charge of
 59 activities as provided in this section, and may employ
 60 assistants and incur other expenses as may be necessary for the
 61 administration of the state soldiers' welfare fund and carrying
 62 out the provisions of sections 197.01 to 197.07. No expense
 63 shall be incurred under the provisions of sections 197.01 to
 64 197.07 in excess of the moneys available to the state soldiers'
 65 welfare fund.

66 The duties and powers of the commissioner of veterans
 67 affairs, in addition to those provided elsewhere by law, shall
 68 be to:

- 69 (1) Administer the state soldiers' welfare fund;
- 70 (2) Cooperate with national, state, county, municipal and
 71 private social agencies in securing to former soldiers and their
 72 dependents the benefits provided by national, state, and county
 73 laws, municipal ordinances, or public and private social

1 agencies;

2 (3) Establish and provide assistance to a former soldier
3 who is in need of hospitalization but unable to accept it
4 because the acceptance would imperil ~~his~~ the soldier's current *
5 employment in order to insure employment after hospitalization;

6 (4) Provide necessary assistance where other adequate aid
7 is not available to the dependent family of a former soldier
8 while the soldier is being hospitalized and afterwards during
9 such period as is necessary;

10 (5) Cooperate with United States government agencies
11 providing compensation, pensions, insurance or other benefits
12 provided by federal law, by supplementing the benefits
13 prescribed by federal law, when exceptional conditions in an
14 individual case make it necessary; and

15 (6) Establish and provide employment, placement, and
16 advisement service for disabled veterans as cannot be furnished
17 by cooperation with other free public employment agencies.

197*#07S

18 197.07 SOLDIERS' WELFARE FUND DEPOSITED IN STATE
19 TREASURY.

20 The soldiers' welfare fund shall be deposited in the state
21 treasury and paid out only in such vouchers as may be authorized
22 and approved by the commissioner of veterans affairs in the same
23 manner and under the same restrictions as are now provided by
24 law for the disbursement of funds by ~~him~~ the commissioner. *

197*#131S

25 197.131 BOARD OF GOVERNORS OF BIG ISLAND VETERANS CAMP.
26 Subdivision 1. CREATION AND MEMBERSHIP. The board of
27 governors of the Big Island Veterans Camp - Lake Minnetonka
28 supervises and manages the camp. The board consists of eight
29 members. Two members each are appointed by the state level
30 organization of the American Legion, the Disabled American
31 Veterans, the Military Order of the Purple Heart, and the
32 Veterans of Foreign Wars provided that at least two appointees
33 are Vietnam veterans. The commissioner of veterans affairs or
34 the commissioner's designee may attend and participate in an
35 advisory capacity at any of the board meetings. The term of
36 each member of the board is two years or until the appointment
37 and qualification of a successor. The board selects a
38 chairperson chair and secretary from its membership who serve *
39 terms of one year.

40 No change for subd 2

197*#132S

41 197.132 POWERS AND DUTIES.

42 The board of governors of the Big Island Veterans Camp -
43 Lake Minnetonka establishes policies for the proper management
44 of the camp. The board may contract for services needed to
45 operate the camp including the services of a manager, may hire
46 employees, and may make other expenditures for the procurement
47 of materials, services, or equipment necessary for the operation
48 of the camp. Expenditures are made upon the approval of the
49 chairperson chair. The board must prepare an annual report *
50 detailing a complete report of financial transactions, usage
51 levels, and other activities regarding the management and
52 operation of the camp. Copies of the annual reports must be
53 submitted to each appointing organization and to the
54 commissioner of veterans affairs. The board may accept
55 donations, contributions, gifts, and bequests of real or
56 personal property that may be made for the maintenance or
57 operation of the camp.

58 The board shall make the camp available to veterans using
59 the following priorities:

60 (1) qualified disabled veterans and their dependents;
61 (2) qualified veterans, their dependents, and widows *
62 surviving spouses of qualified veterans who were campers prior *
63 to the deed transfer; and

64 (3) qualified veterans, their dependents, and widows *
65 surviving spouses of qualified veterans. *

66 The camp must be operated as a family camp for the rest and
67 relaxation of veterans and their dependents rather than as a
68 program-oriented camp.

69 The board must publicize the camp to the greatest extent
70 possible to make the camp's facilities known to Minnesota
71 veterans.

72 The board is not a state agency. The board shall purchase
73 liability and related insurance sufficient to indemnify the

1 state against all claims arising from the conduct or management
2 of the activities conducted by the board, its agents, or
3 contractors.

197*#46S

4 197.46 VETERANS PREFERENCE ACT; REMOVAL FORBIDDEN; RIGHT
5 OF MANDAMUS.

6 Any person whose rights may be in any way prejudiced
7 contrary to any of the provisions of this section, shall be
8 entitled to a writ of mandamus to remedy the wrong. No person
9 holding a position by appointment or employment in the several
10 counties, cities, towns, school districts and all other
11 political subdivisions in the state, who is a veteran separated
12 from the military service under honorable conditions, shall be
13 removed from such position or employment except for incompetency
14 or misconduct shown after a hearing, upon due notice, upon
15 stated charges, in writing.

16 Any veteran who has been notified of the intent to
17 discharge ~~him~~ the veteran from an appointed position or
18 employment pursuant to this section shall be notified in writing *
19 of such intent to discharge and of ~~his~~ the veteran's right to *
20 request a hearing within 60 days of receipt of the notice of
21 intent to discharge. The failure of a veteran to request a
22 hearing within the provided 60-day period shall constitute a
23 waiver of ~~his~~ the right to a hearing. Such failure shall also *
24 waive all other available legal remedies for reinstatement.

25 Request for a hearing concerning such a discharge shall be
26 made in writing and submitted by mail or personal service to the
27 employment office of the concerned employer or other appropriate
28 office or person.

29 In all governmental subdivisions having an established
30 civil service board or commission, or merit system authority,
31 such hearing for removal or discharge shall be held before such
32 civil service board or commission or merit system authority.
33 Where no such civil service board or commission or merit system
34 authority exists, such hearing shall be held by a board of three
35 persons appointed as follows: one by the governmental
36 subdivision, one by the veteran, and the third by the two so
37 selected. In the event the two persons so selected do not
38 appoint the third person within ten days after the appointment
39 of the last of the two, then the judge of the district court of
40 the county wherein the proceeding is pending, or if there be
41 more than one judge in said county then any judge in chambers,
42 shall have jurisdiction to appoint, and upon application of
43 either or both of the two so selected shall appoint, the third
44 person to the board and the person so appointed by the judge
45 with the two first selected shall constitute the board. The
46 veteran may appeal from the decision of the board upon the
47 charges to the district court by causing written notice of
48 appeal, stating the grounds thereof, to be served upon the
49 governmental subdivision or officer making the charges within 15
50 days after notice of the decision and by filing the original
51 notice of appeal with proof of service thereof in the office of
52 the clerk of the district court within ten days after service
53 thereof. Nothing in section 197.455 or this section shall be
54 construed to apply to the position of private secretary,
55 teacher, superintendent of schools, or one chief deputy of any
56 elected official or head of a department, or to any person
57 holding a strictly confidential relation to the appointing
58 officer. The burden of establishing such relationship shall be
59 upon the appointing officer in all proceedings and actions
60 relating thereto.

61 All officers, boards, commissions, and employees shall
62 conform to, comply with, and aid in all proper ways in carrying
63 into effect the provisions of section 197.455 and this section
64 notwithstanding any laws, charter provisions, ordinances or
65 rules to the contrary. Any wilful violation of such sections by
66 officers, officials, or employees is a misdemeanor.

197*#481S

67 197.481 ENFORCEMENT.

68 No change for subd 1 to 2

69 Subd. 3. SUBPOENAS. The commissioner shall have
70 free access to relevant records of all parties and may issue
71 subpoenas for and compel the attendance of witnesses and the
72 giving of testimony and the production of books, records,
73 accounts, documents and papers; and may administer oaths to
74 witnesses. If any person shall fail or refuse to appear or

1 testify regarding that upon which ~~he~~ the person may be lawfully *
2 interrogated, or produce any books, records, accounts, documents
3 or papers relevant in the matter under consideration, after
4 having been lawfully required by subpoena, any judge of the
5 district court in any county of the state where the subpoena was
6 made returnable, on application of the commissioner, shall
7 compel obedience or punish disobedience as for contempt as in
8 the case of disobedience of a similar subpoena issued by such
9 court.

10 Subd. 4. HEARING. The commissioner shall hold a
11 hearing on the petition of any party within 20 days of serving,
12 or being served with the petition. The veteran may demand an
13 opportunity to be heard at a time set by the commissioner. A
14 party who fails to demand such hearing within 20 days shall be
15 heard only by permission of the commissioner, except that if any
16 party demands to be heard all parties shall have the right to be
17 heard. A hearing hereunder shall be conducted and orders issued
18 in accord with sections 14.57 to 14.60 and 14.62, at the office
19 of the commissioner or at a place ~~he~~ the commissioner designates. *
20 The commissioner shall notify all parties, by mail, of the time
21 and place of the hearing.

22 Subd. 5. PERSONNEL. The commissioner may appoint a
23 hearing officer to act in ~~his~~-~~stead~~ the commissioner's place and *
24 to employ such other personnel as are necessary to investigate
25 facts in cases brought under this section.

26 No change for subd 6 to 8

197*#49S

27 197.49 INSURANCE BENEFITS OF DECEASED TO PASS TO NEXT OF
28 KIN ON DISAPPEARANCE OF SPOUSE OF VETERAN.

29 When a resident of the state shall have died intestate when
30 serving in the military or naval forces of the United States of
31 America during the world war, and whose spouse shall have
32 deserted ~~him~~ the resident prior to ~~his~~ enlistment, and the *
33 whereabouts of the spouse shall have been unknown for a period
34 of 20 years or more last past, then such spouse shall be *
35 presumed to have pre-deceased ~~him~~ the resident, and any and all *
36 benefits due and payable to ~~his~~ the resident's estate under and *
37 by virtue of any war risk insurance act or acts amendatory
38 thereto shall descend to the next of kin as of the date of the
39 death of any such enlisted person, and such estate shall be
40 distributed as provided by the laws of the state for the
41 distribution of the estate of persons dying intestate.

197*#58S

42 197.58 STATE TO PROVIDE SPACE FOR VETERAN ORGANIZATIONS.

43 The commissioner of administration shall set apart space in
44 the state veterans service building, for the use of
45 congressionally chartered veterans organizations and their
46 auxiliaries, incorporated, or when incorporated, under the laws
47 of the state. The commissioner shall honor requests for space
48 from the veterans organizations on a first come, first served
49 basis until all available space is occupied. The commissioner
50 of administration shall give priority to utilizing space in the
51 veterans service building for the department of veterans'
52 affairs and veterans organizations and their auxiliaries. Such
53 space shall be under the charge of the Minnesota state commander
54 of the department of Minnesota of the veteran organization
55 assigned thereto, and such person as ~~he~~ the commander may in *
56 writing designate, and shall be used for the purpose of keeping
57 therein records, archives, trophies, supplies, and other veteran
58 property of the organization and as its general headquarters
59 office for the department of Minnesota.

197*#59S

60 197.59 HAWKING OR PEDDLING; EXEMPTION FROM LICENSE FEES;
61 MUNICIPAL LICENSING; PENALTY FOR UNLAWFUL ISSUANCE OF LICENSE.

62 No license fee or other charge provided by any law of the
63 state shall be required by any veteran for the privilege of
64 hawking or peddling goods and merchandise, not prohibited by law
65 or ordinance, in the county where ~~he~~ the veteran has established *
66 a bona fide residence, solely upon ~~his~~ the veteran's own *
67 account. Nothing herein contained prevents any city, or other
68 municipality from levying and collecting such license fees for
69 hawking or peddling within its corporate limits. Upon
70 application therefor, accompanied by proof of such discharge, to
71 any clerk or other officer authorized to issue such license, the
72 same shall forthwith be granted. Every such clerk or other
73 officer issuing such license shall ascertain that the applicant

1 is entitled thereto; and any such clerk or other officer issuing
2 a license to any person who is not entitled to receive one under
3 the provisions of this section shall be guilty of a
4 misdemeanor. Every violation hereof is a misdemeanor, the
5 minimum punishment whereof is a fine of \$10.

197*#60S

6 197.60 VETERANS SERVICE OFFICERS; APPOINTMENT;
7 COMPENSATION.

8 Subdivision 1. The county board of any county except Clay
9 county, or the county boards of any two or more counties acting
10 pursuant to the provisions of section 197.602, shall appoint a
11 veterans service officer and shall provide necessary clerical
12 help, office space, equipment, and supplies for him the officer, *
13 together with reimbursement for mileage and other traveling *
14 expenses necessarily incurred in the performance of his duties; *
15 and may appoint one or more assistant veterans service officers
16 who shall have the qualifications prescribed in section 197.601.
17 The county board of Clay county may appoint a veterans service
18 officer and assistant veterans service officers as provided in
19 this subdivision. Subject to the direction and control of the *
20 veterans service officer, the assistant veterans service officer *
21 may exercise all the powers, and shall perform the duties, of *
22 the veterans service officer, ~~subject to his direction and~~ *
23 ~~control~~, and shall be subject to all the provisions of sections *
24 197.60 to 197.606 relating to a veterans service officer. Every
25 county officer and agency shall cooperate with the veterans
26 service officer and shall provide him the officer with *
27 information necessary in connection with the performance of his *
28 duties.

29 No change for subd 2 to 3

30 Subd. 4. In each county employing a veterans service
31 officer, the county board may levy a tax annually sufficient to
32 defray the estimated cost of all salaries and expenses
33 necessarily incident to the performance by the veterans service
34 officer of his duties during the succeeding year, and to make up *
35 any deficiency in the fund raised for that purpose during the
36 preceding year in any county which has a population of 150,000
37 or less. The tax so levied may be levied in excess of and over
38 and above all taxing limitations, including, but not restricted
39 to, limitations based upon population or mill rates.

197*#601S

40 197.601 QUALIFICATIONS OF VETERANS SERVICE OFFICERS.

41 No person shall be appointed a veterans service officer
42 under sections 197.60 to 197.606 ~~unless he has~~ without the *
43 following qualifications:

- 44 (1) Residence in the state of Minnesota;
- 45 (2) Citizenship in the United States;
- 46 (3) Veteran as defined in section 197.447;
- 47 (4) Education and training for the duties of veterans
48 service officer;
- 49 (5) Knowledge of the law and the regulations and rulings of
50 the United States Veterans Administration applicable to cases
51 before it and the administration thereof.

197*#602S

52 197.602 JOINT ACTION BY TWO OR MORE COUNTIES.

53 The county boards of two or more contiguous counties may
54 make a written agreement, executed on behalf of the several *
55 county boards by the respective ~~chairmen~~ chairs and secretaries *
56 thereof, whereby the counties may jointly employ a veterans
57 service officer. The agreement shall specify the compensation
58 to be paid to the veterans service officer, the amount thereof *
59 to be paid by each county, the number of days per month to be
60 worked ~~by him~~ in each county, the percentage of the total amount *
61 of compensation to be paid by each county, the amount of travel
62 and other expenses to be paid by each county, and such other
63 terms and conditions as may be agreed upon by the counties.

197*#603S

64 197.603 DUTIES.

65 Subdivision 1. It shall be the duty of the veterans
66 service officer to aid all residents of the governmental
67 subdivision by which ~~he~~ the officer is employed in securing *
68 benefits provided by law on account of the service of any person *
69 in the armed forces of the United States, from which ~~he~~ the *
70 person has a discharge other than dishonorable. The veterans *
71 service officer shall aid all veterans who are residents of the *
72 governmental subdivision by which ~~he~~ the officer is employed, *

1 regardless of the nature of discharge, in securing counseling or
 2 treatment concerning alcohol and drug dependency and abuse.
 3 Subd. 2. Pursuant to chapter 13 the veterans service
 4 officer is the responsible authority with respect to all records
 5 in ~~his~~ the officer's custody. The data on clients' applications *
 6 for assistance is private data on individuals, as defined in
 7 section 13.02, subdivision 12.

197*#604S

8 197.604 UNLAWFUL TO PAY FEE.
 9 Subdivision 1. It shall be unlawful for any person to pay
 10 any veterans service officer or any employee under ~~him~~ the *
 11 officer or for any veterans service officer or employee *
 12 under ~~him~~ the officer to receive any fee directly or indirectly *
 13 for any service rendered in securing any benefit referred to in
 14 section 197.603.

15 No change for subd 2

197*#63S

16 197.63 VITAL STATISTICS RECORDS, CERTIFIED COPIES.
 17 No change for subd 1
 18 Subd. 2. PAYMENT OF FEES. When the salary of the
 19 officer issuing a certified copy under this section consists in
 20 whole or in part of fees authorized by law, ~~such officer shall~~ *
 21 ~~be paid the legal fee therefor by~~ the officer's governmental *
 22 ~~subdivision of which he is an officer~~ shall pay the officer the *
 23 legal fee therefor, and the governing body thereof is authorized *
 24 and directed to order such payment made from the general revenue
 25 funds thereof.

197*#752S

26 197.752 EDUCATIONAL ASSISTANCE-POW/MIA DEPENDENTS.
 27 Any dependent of a prisoner of war or a person missing in
 28 action, upon being duly accepted for enrollment in any Minnesota
 29 public post-secondary institution, shall be allowed to attend
 30 the institution to obtain a bachelors degree or certificate of
 31 completion, ~~for so long as he is~~ while eligible, free of tuition *
 32 or charge. A dependent who enrolls as an undergraduate in any
 33 private Minnesota post-secondary institution shall be entitled
 34 to payment by the state of tuition and fees at a rate not to
 35 exceed \$250 per year for so long as the dependent is eligible to
 36 attend the institution and is working toward a bachelors degree
 37 or certificate of completion.

38 "Prisoner of war" and "persons missing in action" for
 39 purposes of this section mean any person who was a resident of
 40 the state at the time the person entered service of the United
 41 States Armed Forces, or whose official residence is within the
 42 state, and who, while serving in the United States Armed Forces
 43 has been declared to be a prisoner of war, or to be a person
 44 missing in action as established by the Secretary of Defense
 45 after August 1, 1958.

46 "Dependent" for purposes of this section means the spouse
 47 of a prisoner of war or person missing in action, or any child
 48 born before or during the period of time ~~his~~ the child's parent *
 49 served as a prisoner of war or was declared a person missing in
 50 action, or any child legally adopted or in the legal custody of
 51 the parent prior to and during the time the parent served as a
 52 prisoner of war or was declared to be a person missing in
 53 action. Once a person qualifies as a dependent under the terms
 54 and provisions of this section there shall be no situation such
 55 as the return of the spouse or parent or the reported death of
 56 the spouse or parent that will remove the dependent from
 57 provisions or benefits of this section.

197*#78S

58 197.78 STATE EDUCATIONAL PROGRAMS UNAVAILABLE THROUGH
 59 FEDERAL PROGRAMS.

60 Subdivision 1. The state board of education shall foster
 61 and support educational programs for the benefit of veterans to
 62 assure that no Minnesotan shall be deprived of ~~his~~ earned *
 63 veterans benefits by virtue of the unavailability of programs
 64 for which the veteran is entitled to enroll and receive
 65 subsistence, tuition, and other benefits under federal
 66 programs. It shall be the responsibility of the state board to
 67 measure the demand for veterans service educational programs
 68 based on the criteria mandated by federal veterans benefits laws
 69 and to authorize, promote, and make grants within appropriated
 70 amounts to assure such program availability.

71 Subd. 2. Repealed, 1979 c 335 s 18

197*#971S

197.971 VIETNAM VETERANS BONUS, DEFINITIONS.

No change for subd 1

Subd. 2. "Applicant" means a veteran or his veteran's guardian, or a beneficiary or his beneficiary's guardian, or a next of kin or his next of kin's guardian, eligible for adjusted compensation payments, who has filed an application therefor with the commissioner.

No change for subd 3 to 7

Subd. 8. "Honorable service" means such service in the armed forces as is evidenced by

- 1. An honorable discharge; or
- 2. A general discharge under honorable conditions; or
- 3. In the case of an officer, a certificate of honorable service; or

4. In the case of a veteran who has not been discharged, a certificate from appropriate service authority that his the veteran's service was honorable.

Subd. 9. "Resident" means a person who was a resident of the state of Minnesota at the time of induction into the armed forces and had been a resident of this state during the six months immediately preceding his induction. The rules for determining residency with regard to voter eligibility shall govern the determination of residency for purposes of sections 197.971 to 197.986.

No change for subd 10 to 12

197*#972S

197.972 ADJUSTED COMPENSATION.

Each veteran who became eligible for the Vietnam Expeditionary Medal or the Vietnam Service Medal as the result of service between July 1, 1958 and July 27, 1973 shall be paid adjusted compensation by the state of Minnesota. The amount of the compensation paid to a veteran eligible for these medals shall be \$300 plus \$15 for each month or major fraction of a month of active duty served by the veteran between July 1, 1958 and July 27, 1973. The maximum payment of adjusted compensation for these veterans shall be \$600.

All other veterans who served on active duty during the period between August 5, 1964 and January 27, 1973 shall be paid adjusted compensation by the state of Minnesota in an amount equal to \$15 for each month or major fraction of a month service on active duty during this period. The maximum payment to these veterans shall be \$300 and the minimum payment shall be \$100.

Any veteran who was a prisoner of war or missing in action or the next of kin of any veteran who is missing in action shall receive the sum of \$1,000 in lieu of all other payments. If the veteran is deceased, payment shall be made to his the veteran's beneficiary. The beneficiary of a veteran who died from service connected causes which arose during the period of time in which the veteran could become eligible for adjusted compensation, shall receive the sum of \$1,000 in lieu of all other payments. No payment shall be made to any veteran or beneficiary or next of kin who has an application pending for, or received, or is eligible to receive, a similar payment from another state.

197*#973S

197.973 APPLICATIONS.

Subdivision 1. Each veteran or his veteran's beneficiary or next of kin entitled to adjusted compensation may make application therefor to the commissioner, which shall be made upon a form prescribed by the commissioner and verified by the applicant; provided that if the veteran be incompetent or his the veteran's beneficiary or next of kin be a minor or an incompetent application shall be made by his a guardian. Each application shall be accompanied by such evidence of honorable service during the period of service, and such other information and evidence, all as the commissioner may require.

No change for subd 2

197*#974S

197.974 ALLOWANCES.

Subdivision 1. Upon submission of proof satisfactory to the commissioner that an applicant is entitled to payment under sections 197.971 to 197.986, the commissioner shall compute the amount of the adjusted compensation and pay the same to the person entitled thereto. Payment of the adjusted compensation shall not be made by the commissioner until the expiration of the time for demanding a review, unless the applicant shall file with the commissioner an acceptance, in writing, of the amount

1 of adjusted compensation due the applicant as determined by the
2 commissioner. The filing of the acceptance shall be a waiver of
3 the applicant of his the right of review. If a demand for *
4 review is made by the applicant, the commissioner shall not pay *
5 any adjusted compensation to him the applicant until the board *
6 has made its order.

7 No change for subd 2

197*#977S

8 197.977 APPEALS.

9 ~~Whenever the commissioner has determined~~ On determining the *
10 amount of adjusted compensation to be due an applicant, or that *
11 the claim of any applicant be disallowed, he the commissioner *
12 shall promptly notify the applicant thereof. Any applicant *
13 aggrieved by any determination of the commissioner may demand of *
14 the commissioner that the claim be reviewed by a board. Any *
15 demand for review shall be filed with the commissioner, in *
16 writing, within 60 days after the commissioner has mailed notice *
17 to the applicant of his the determination. Upon receipt of a *
18 demand for review, the commissioner shall certify the demand, *
19 together with all files and records relating to the claim, to a *
20 board. Unless a demand for review as hereinabove provided is *
21 filed with the commissioner by an applicant, all orders, *
22 decisions and acts of the commissioner with reference to the *
23 claim of the applicant shall be final and conclusive upon the *
24 applicant. After the expiration of the review boards as provided *
25 in section 197.978, subdivision 4, the orders, decisions, and *
26 acts of the commissioner subsequent to the expiration shall be *
27 appealable to district court as a contested case pursuant to *
28 sections 14.63 to 14.70.

197*#978S

29 197.978 BOARD OF REVIEW.

30 Subdivision 1. The governor is authorized to appoint a *
31 board and such additional boards as may be recommended to him *
32 the governor by the commissioner. Each board shall consist of *
33 three veterans, one of whom shall be designated as chairman *
34 chair at the time of appointment. Each member shall hold office *
35 at the pleasure of the governor. Each board shall sit during *
36 such times and at such places as may be determined by the *
37 commissioner. Each member of a board shall be paid as *
38 compensation \$35 per day and subsistence and traveling expenses, *
39 while actually engaged in his duties as a board member. *

40 Subd. 2. When a determination of the commissioner comes *
41 before a board for review, the board is empowered to examine and *
42 determine the claim of the applicant for adjusted compensation. *
43 The board may hold public hearings and an applicant shall have *
44 the right to a public hearing if he the applicant so requests. *
45 The board may conduct its own investigations and may require any *
46 applicant to submit evidence in support of his the claim. *

47 Subd. 3. Upon receipt from the commissioner of the files *
48 and records relating to the claim of an applicant, the board *
49 shall fix a time and place for hearing thereon, shall notify the *
50 applicant thereof, and shall inquire ~~of him~~ whether he the *
51 applicant desires a public hearing. At the hearing upon the *
52 claim of the applicant for adjusted compensation, the board *
53 shall consider the results of its investigations, if any, the *
54 evidence submitted by the applicant in support of his the claim, *
55 and as soon thereafter as possible make its order granting or *
56 disallowing the claim of the applicant, and, if the claim is *
57 granted, fixing the amount to which the applicant is entitled. *
58 The decision and order of the board shall be final and *
59 conclusive. The board shall mail copies of said order to the *
60 applicant and to the commissioner. The commissioner, upon *
61 receipt of an order of the board allowing a claim, shall *
62 forthwith pay the same.

63 No change for subd 4

197*#979S

64 197.979 NOTICES.

65 All notices and correspondence to the applicant shall be *
66 directed to him the applicant by mail at the address listed in *
67 his the application, and all notices and correspondence to the *
68 commissioner shall be addressed to him the commissioner at his *
69 the commissioner's office in the city of St. Paul. *

197*#981S

70 197.981 RULES AND REGULATIONS.

71 The commissioner is authorized to adopt such rules and *
72 regulations as he the commissioner deems necessary to carry out *

1 commissioner shall cause such of ~~his~~ the resident's personal *
 2 estate as may be left in ~~his~~ the resident's possession to be *
 3 disposed of pursuant to ~~his~~ the resident's will, if any. All *
 4 property of the deceased resident of the home not so bequeathed
 5 by will, and remaining at the home, unclaimed, for one year
 6 after ~~his~~ the resident's death, shall be inventoried, appraised, *
 7 and sold, and the proceeds thereof paid into the state treasury
 8 to the credit of the Minnesota veterans home endowment, bequest
 9 and devises fund.

198*#231S

10 198.231 PERSONAL PROPERTY OF DISCHARGED RESIDENTS.
 11 Personal property of discharged residents of the veterans
 12 home that remains unclaimed for one year after ~~his-or-her~~ *
 13 discharge may be inventoried, appraised, and sold. The proceeds
 14 from the sale must be deposited into the state treasury.
 15 Proceeds from the sale of personal property and any funds held
 16 on behalf of the resident in the member's depository accounts
 17 must be credited to a separate state account and disposed of in
 18 accordance with sections 345.41 to 345.43.

198*#265S

19 198.265 DEPOSITORY ACCOUNTS.
 20 The commissioner may accept moneys from residents for safe
 21 keeping purposes to be returned to such residents on demand.
 22 Sufficient money shall be retained at the home to satisfy normal
 23 demand withdrawal requests of the residents and other
 24 anticipated needs. Residents' deposits shall otherwise be
 25 deposited in the state treasury to a separate investment account
 26 provided by the commissioner of finance, which shall be invested
 27 by the state board of investment in accordance with section
 28 11A.21. Residents' moneys on deposit in this account may be
 29 placed in this account only after the member has signed an
 30 agreement that ~~he~~ the resident is willing to have the money in *
 31 an account that does not draw interest directly to the
 32 resident ~~himself~~ personally. *

33 There is annually appropriated from the account established
 34 by this section a sufficient amount to return to the Minnesota
 35 veterans home, upon written request, sufficient money to satisfy
 36 the demand of residents for the return of their money and other
 37 requirements.

38 The interest earned from the investment of the deposits is
 39 annually appropriated to the commissioner from the account
 40 established by this section to be used by the commissioner only
 41 for the direct benefit of the residents of the home, and the
 42 interest shall be available to the home not less than twice each
 43 year.

198*#32S

44 198.32 VETERANS HOME; COMPLAINTS; RESIDENT'S RIGHTS.
 45 Subdivision 1. RESIDENT'S RIGHTS. A resident of the
 46 Minnesota veterans home has the right to complain and otherwise *
 47 exercise ~~his~~ freedom of expression and assembly which is
 48 guaranteed by amendment I of the United States Constitution.
 49 The administrator of the home shall inform each resident in
 50 writing at the time of admission of ~~his~~ the right to complain to *
 51 the administrator about home accommodations and services. A
 52 notice of the right to complain shall be posted in the home.
 53 The administrator shall also inform each resident of ~~his~~ the *
 54 right to complain to the commissioner of veterans affairs. Each
 55 resident of the home shall be encouraged and assisted,
 56 throughout ~~his~~ the period of stay in the home, to understand and *
 57 exercise ~~his~~ the rights of freedom of expression and assembly as *
 58 a resident and as a citizen, and, to this end, ~~he~~ the resident *
 59 may voice grievances and recommend changes in policies and
 60 services to home staff, other residents, and outside
 61 representatives of ~~his~~ the resident's choice, free from *
 62 restraint, interference, coercion, discrimination, or reprisal,
 63 including retaliatory eviction. A resident of the home may not
 64 be denied any tenant rights available ~~to-him~~ under chapter 566, *
 65 including the right to recover possession of the premises.

66 Subd. 2. RETALIATION PROHIBITED. The administrator
 67 may not retaliate against any resident who exercises ~~his~~ the *
 68 right to voice grievances by evicting the resident. There shall
 69 be a rebuttable presumption that any eviction within 45 days of
 70 the exercise by a resident of ~~his~~ the right to voice grievances *
 71 is retaliatory.

198*#33S

72 198.33 PRIVACY OF RESIDENTS; SEARCH AND SEIZURE LIMITED

1 TO CRIMINAL WARRANT.

2 Subdivision 1. SEARCHES PROHIBITED. A-resident *
3 Residents of the Minnesota veterans home has have the right to a *
4 legitimate expectation of privacy in his-person their persons *
5 and property against unreasonable searches and seizures. A
6 search of a resident's room or property may be conducted only
7 when necessary to protect the residents from weapons, illegal
8 drugs, or alcohol, if possession is prohibited by the
9 commissioner, and is subject to the following:

10 (a) Prior to conducting a search of a resident's room or
11 property, the administrator shall provide written authorization
12 to conduct the search. This authorization must identify the
13 resident whose room or property is to be searched, state the
14 nature of the risk to the health or safety of that resident or
15 to other individuals in the home, set forth the facts which
16 establish that the risk exists and the source of those facts,
17 and particularly describe the area to be searched and the
18 property to be seized. A separate authorization must be
19 completed for each resident whose room or property is to be
20 searched.

21 (b) The resident shall be informed of the reasons *
22 necessitating a search of his the room or property and shall be *
23 present during the conduct of the search if the resident *
24 requests to be present. A copy of the administrator's
25 authorization must be given to the resident.

26 (c) If property or other items are taken, a written receipt
27 describing the property or items taken must be given to the
28 resident.

29 (d) The provisions of this section do not restrict the
30 entry by employees of the home into a resident's room or into
31 areas where the personal possessions of residents are stored for
32 the purpose of providing care or services to the resident or for
33 housekeeping and maintenance purposes. The provisions of this
34 section do not apply to inspections conducted by governmental
35 agencies for the purpose of assessing compliance with state or
36 federal laws and regulations.

37 (e) Unauthorized searches or seizures by employees of the
38 Minnesota veterans home may be grounds for dismissal.

39 Subd. 2. WAIVER PROHIBITED. The Minnesota veterans
40 home may not require a resident to waive protection against
41 unreasonable searches and seizures as a condition of eligibility
42 for admission or continuing residence at the home. A search
43 conducted under a waiver obtained in violation of this section
44 is an unlawful search and seizure and the person aggrieved may
45 move the district court for return of his the property under *
46 section 626.21.

200*#031S

47 200.031 DETERMINATION OF RESIDENCE.

48 Residence shall be determined in accordance with the
49 following principles, so far as they may be applicable to the
50 facts of the case:

51 (a) The residence of an individual is in the precinct where
52 the individual's home is located, from which the individual has
53 no present intention of moving, and to which, whenever the
54 individual is absent, he the individual intends to return; *

55 (b) An individual does not lose residence if he the
56 individual leaves his home to live temporarily in another state
57 or precinct; *

58 (c) An individual does not acquire a residence in any
59 precinct of this state if he the individual is living there only
60 temporarily, without the intention of making that precinct his
61 home; *

62 (d) If an individual goes into another state or precinct
63 with the intention of making it his home or files an affidavit
64 of residence there for election purposes, he the individual
65 loses his residence in his the former precinct; *

66 (e) If an individual moves to another state with the
67 intention of living there for an indefinite period, he the
68 individual loses his residence in this state, notwithstanding
69 any intention to return at some indefinite future time; *

70 (f) Except as otherwise provided in this section, an
71 individual's residence is located in the precinct where his the
72 individual's family lives, unless his the individual's family is
73 living in that precinct only temporarily; *

74 (g) If an individual's family lives in one precinct and the
75 individual lives or does business in another, the individual's

1 residence is located in the precinct where ~~his~~ the individual's *
 2 family lives, unless ~~he~~ the individual establishes a home in the *
 3 other precinct and intends to remain there, with or without ~~his~~ *
 4 the individual's family; *

5 (h) The residence of a single individual is in the precinct
 6 where ~~he~~ the individual lives and usually sleeps; *

7 (i) The mere intention to acquire a new residence, is not
 8 sufficient to acquire a new residence, unless the individual
 9 moves to that location; moving to a new location is not
 10 sufficient to acquire a new residence unless the individual
 11 intends to remain there;

12 (j) The residence of an individual who is working
 13 temporarily in any precinct of this state is in the precinct
 14 where ~~his~~ the individual's permanent home is located; *

15 (k) The residence of an individual who is living
 16 permanently in a soldiers' home or nursing home is in the
 17 precinct where the home is located.

201*#014S

18 201.014 ELIGIBILITY TO VOTE.
 19 No change for subd 1 to 2
 20 Subd. 3. PENALTY. Any individual who votes ~~when-he~~ *
 21 ~~knows-he~~ who knowingly is not eligible to vote is guilty of a *
 22 felony.

201*#016S

23 201.016 RESIDENCE REQUIREMENTS FOR VOTING; PENALTY.
 24 Subdivision 1. DETERMINATION OF RESIDENCE; PENALTY.
 25 An eligible voter may vote only in the precinct in which ~~he~~ the *
 26 voter maintains residence. The residence of a voter shall be *
 27 determined in accordance with section 200.031. Any individual *
 28 who votes in a precinct knowing that ~~he~~ the individual does not *
 29 maintain residence in that precinct is guilty of a felony.
 30 No change for subd 2

201*#054S

31 201.054 METHODS OF REGISTERING; PENALTY.
 32 No change for subd 1
 33 Subd. 2. PROHIBITIONS; PENALTY. No individual shall
 34 intentionally:
 35 (a) Cause or attempt to cause ~~his~~ the individual's name to *
 36 be registered in any precinct if ~~he~~ the individual is not *
 37 eligible to vote;
 38 (b) Cause or attempt to cause ~~his~~ the individual's name to *
 39 be registered for the purpose of voting in more than one *
 40 precinct, or in any precinct in which ~~he~~ the individual does not *
 41 maintain residence;
 42 (c) Misrepresent ~~his~~ the individual's identity when *
 43 attempting to register to vote; or
 44 (d) Aid, abet, counsel, or procure any other individual to
 45 violate this subdivision.
 46 A violation of this subdivision is a felony.

201*#056S

47 201.056 SIGNATURE OF REGISTERED VOTER; MARKS ALLOWED.
 48 An individual who is unable to write ~~his~~ the individual's *
 49 name shall be required to sign a registration card by making ~~his~~ *
 50 the individual's mark. If the individual registers in person, *
 51 the clerk or election judge accepting the registration shall
 52 certify the mark by signing the individual's name. If the
 53 individual registers by mail, the mark shall be certified by
 54 having a voter registered in the individual's precinct sign the
 55 individual's name and ~~his~~ the voter's own name and give ~~his~~ the *
 56 voter's own address. *

201*#061S

57 201.061 REGISTRATION ON OR BEFORE ELECTION DAY.
 58 No change for subd 1 to 2
 59 Subd. 3. ELECTION DAY REGISTRATION. An individual
 60 who is eligible to vote may register on election day by
 61 appearing in person at the polling place for the precinct in
 62 which the individual maintains residence, by completing a
 63 registration card, making an oath in the form prescribed by the
 64 secretary of state and providing proof of residence. An
 65 individual may prove residence for purposes of registering by:
 66 (1) showing ~~his~~ a drivers license or Minnesota *
 67 identification card issued pursuant to section 171.07;
 68 (2) showing any document approved by the secretary of state
 69 as proper identification; or
 70 (3) having a voter who is registered to vote in the
 71 precinct sign an oath in the presence of the election judge

1 vouching that ~~he~~ the voter personally knows that the individual
 2 is a resident of the precinct. A voter who has been vouched for
 3 on election day may not sign a proof of residence oath vouching
 4 for any other individual on that election day.

5 A county or municipality may require that an election judge
 6 responsible for election day registration initial each completed
 7 registration card.

8 Subd. 4. REGISTRATION BY ELECTION JUDGES; PROCEDURES.

9 Registration at the polling place on election day shall be
 10 conducted by the election judges. The election judge who
 11 registers an individual at the polling place on election day
 12 shall not handle that voter's ballots at any time prior to the
 13 opening of the ballot box after the voting ends. Registration
 14 cards and forms for oaths shall be available at each polling
 15 place. If an individual who registers on election day proves
 16 residence by oath of a registered voter, the form containing the
 17 oath shall be attached to the individual's registration card
 18 until ~~his~~ the individual's address is verified by the county
 19 auditor. Registration cards completed on election day shall be
 20 forwarded to the county auditor who shall add the name of each
 21 voter to the registration system unless the information
 22 forwarded is substantially deficient. A county auditor who
 23 finds an election day registration substantially deficient shall
 24 give written notice to the individual whose registration is
 25 found deficient. An election day registration shall not be
 26 found deficient solely because the individual who provided proof
 27 of residence was ineligible to do so.

28 No change for subd 5 to 7

201*#071S

29 201.071 REGISTRATION CARDS.

30 No change for subd 1 to 2

31 Subd. 3. DEFICIENT REGISTRATION. No registration is
 32 deficient if it contains the voter's name, address, date of
 33 birth, prior registration if any and signature. The absence of
 34 a zip code number does not cause the registration to be
 35 deficient. The election judges shall request an individual to
 36 correct a registration card if it is deficient or illegible. No
 37 eligible voter may be prevented from voting unless ~~his~~ the
 38 voter's registration card is deficient or ~~he~~ the voter is duly
 39 and successfully challenged in accordance with sections 201.195
 40 or 204C.12.

41 A registration card accepted prior to August 1, 1983, is
 42 not deficient for lack of date of birth. The county or
 43 municipality may attempt to obtain the date of birth for a
 44 registration card accepted prior to August 1, 1983, by a request
 45 to the voter at any time except at the polling place. Failure
 46 by the voter to comply with this request does not make the card
 47 deficient.

48 No change for subd 4 to 6

201*#091S

49 201.091 REGISTERED VOTER LISTS; REPORTS; REGISTRATION
 50 PLACES.

51 No change for subd 1 to 2

52 Subd. 2a. If the responsibility for maintaining the
 53 duplicate registration file has been delegated by the county
 54 auditor in accordance with section 201.081, subdivision 2, the
 55 official maintaining the duplicate registration file shall
 56 deliver the original voter registration cards to the county
 57 auditor within 30 days after the primary election and within 60
 58 days after a general election. Within 60 days after ~~he-receives~~
 59 receiving the original voter registration cards after a general
 60 election the county auditor shall send back the corrected list
 61 of registered voters to the official maintaining the duplicate
 62 registration file.

63 No change for subd 2b to 8

201*#12S

64 201.12 PROPER REGISTRATION, VERIFICATION BY MAIL,
 65 CHALLENGES.

66 No change for subd 1

67 Subd. 2. CHALLENGES. Upon return of the notice by
 68 the postal service, the county auditor or ~~his~~ the auditor's
 69 staff shall personally ascertain the name and address of that
 70 individual. If the individual is no longer at the address
 71 recorded in the original registration file, the county auditor
 72 shall affix the word "challenged" to the duplicate registration
 73 card. Any individual challenged in accordance with this

1 subdivision shall comply with the provisions of section 204C.12,
2 before being allowed to vote.

201*#121S

3 201.121 ENTRY OF NAMES; MAILED NOTICE.

4 No change for subd 1 to 2

5 Subd. 3. POST-ELECTION SAMPLING. Within ten days
6 after an election, the county auditor shall send the notice
7 required by subdivision 2 to a random sampling of the
8 individuals registered on election day. The random sampling
9 shall be determined in accordance with the rules of the
10 secretary of state. As soon as practicable after the election,
11 the county auditor shall mail the notice required by subdivision
12 2 to all other individuals registered on election day. If a
13 notice is returned as not deliverable, the county auditor shall
14 attempt to determine the reason for the return. ~~if-the~~ A county
15 auditor who does not receive or obtain satisfactory proof of ~~the~~
16 an individual's eligibility to vote, ~~he~~ shall immediately notify
17 the county attorney and the secretary of state.

*
*
*

201*#14S

18 201.14 CLERK OF DISTRICT COURT, REPORT CHANGES OF NAMES.

19 The clerk of district court in each county shall report
20 monthly to the county auditor the name and address of each
21 individual, 18 years of age or over, who maintains residence in
22 that county and whose name was changed during the month
23 preceding the date of the report, by marriage, divorce or any
24 order or decree of the court. Upon receipt of the report, the
25 county auditor shall notify by mail each registered voter whose
26 name was changed that it will be necessary ~~for-him~~ to
27 re-register under the changed name in order to vote.

*

201*#195S

28 201.195 CHALLENGES.

29 Subdivision 1. PETITION; HEARING. Upon petition
30 filed with the county auditor, any voter registered within a
31 county may challenge the eligibility or residence of any other
32 voter registered within that county. The petition shall state
33 the grounds for challenge and be accompanied by an affidavit
34 stating that the challenge is based on the challenger's personal
35 knowledge. Within five days after receipt of the petition, the
36 county auditor shall set a date for a hearing on the challenge
37 and notify the challenger by mail. A copy of the petition and
38 notice of the hearing shall be served on the challenged voter by
39 the county auditor in the same manner as in a civil action. The
40 hearing shall be held before the county auditor or ~~his~~ the
41 auditor's designee who shall then make findings and affirm or
42 dismiss the challenge.

*
*

43 No change for subd 2 to 3

201*#221S

44 201.221 RULES.

45 No change for subd 1 to 2

46 Subd. 3. PROCEDURES FOR DUPLICATE REGISTRATION FILE.

47 The secretary of state shall prescribe the form of the duplicate
48 registration file so that a duplicate card contains spaces for
49 the voter's name, address, telephone number, and signature, and
50 space to indicate whether the voter has voted in a given
51 election. The secretary of state shall prescribe procedures for
52 transporting the duplicate registration files to the election
53 judges for use on election day.

54 The secretary of state shall prescribe an alternate form of
55 the duplicate registration file for counties and cities which
56 make the election authorized by section 201.071, subdivision 5.
57 The alternate form shall not require a duplicate card or voter's
58 signature. Information contained in the duplicate registration
59 file shall include the voter's name, address, month and day of
60 birth, last registration (if any), and a record of the vote
61 history for the previous four years of elections. The secretary
62 of state shall prescribe the form for the duplicate registration
63 file to be used on election day in the polling place and the
64 file shall include the name, address, month and day of birth,
65 and a space for the voters to sign the file when they vote. He
66 The secretary of state shall prescribe the form for a county or
67 municipality to request the day and month of birth from
68 currently registered voters. The county or municipality shall
69 not request the day and month of birth from currently registered
70 voters by any communication other than the prescribed form and
71 the form shall clearly indicate that a currently registered
72 voter does not lose ~~his-or-her~~ registration status by failing to

*
*

*

1 provide ~~his-or-her~~ the day and month of birth. The secretary of *
 2 state shall prescribe procedures for transporting the duplicate
 3 registration files to the judges on election day. In accordance
 4 with section 204B.40, the county auditor and the clerk of any
 5 municipality shall retain the prescribed duplicate registration
 6 file used on the date of election for one year following the
 7 election.

8 Subd. 4. COUNTY RULES. The county auditor of each
 9 county may adopt rules which delegate to municipal officials in
 10 that county the duties assigned to county auditors by this
 11 chapter. If Delegation by the county auditor delegates of the *
 12 duty to accept registrations, ~~that delegation~~ does not relieve *
 13 him the county auditor of the duty to accept registrations. *
 14 When a municipal official is delegated duties given to the
 15 county auditor by this chapter, the governing body of the
 16 municipality shall immediately provide the necessary funds,
 17 equipment and facilities, establish a place of registration and
 18 put the registration plan into operation without delay.

201*#27S

19 201.27 VIOLATIONS, PENALTY.

20 No change for subd 1

21 Subd. 2. KNOWLEDGE OF VIOLATION. A deputy, clerk,
 22 employee or other subordinate of a county auditor or municipal
 23 clerk who has knowledge or reason to believe that a violation of
 24 this chapter has occurred shall immediately transmit a report of
 25 ~~his~~ the knowledge or belief to the county auditor or municipal *
 26 clerk, together with any possessed evidence of the violation *
 27 ~~coming-into-his-possession~~. Any county auditor or municipal *
 28 clerk who has knowledge or reason to believe that a violation of
 29 this chapter has occurred shall immediately transmit a report
 30 of ~~his~~ the knowledge or belief to the county attorney of the *
 31 county where the violation is thought to have occurred, together
 32 with any possessed evidence of the violation ~~coming-into-his~~ *
 33 possession. The county auditor or municipal clerk shall also *
 34 immediately send a copy of the report to the secretary of
 35 state. A violation of this subdivision is a misdemeanor.

36 No change for subd 3

201*#275S

37 201.275 INVESTIGATIONS; PROSECUTIONS.

38 A county attorney receiving a report of a possible
 39 violation of this chapter shall immediately and diligently
 40 inquire into the facts of the possible violation. If there are
 41 reasonable grounds for instituting a prosecution, the county
 42 attorney shall present the charge, together with all the
 43 evidence that ~~he~~ the county attorney can procure, to the grand *
 44 jury of the county. A county attorney who fails or refuses to
 45 faithfully perform any duty imposed by this chapter is guilty of
 46 a misdemeanor and upon conviction shall forfeit ~~his~~ the county *
 47 attorney's office. *

202A#11S

48 202A.11 PARTY NAME.

49 Subdivision 1. CHANGE. Any major political party may
 50 change its name by complying with the following conditions:
 51 The state central committee of the party may call a
 52 convention, and shall state in its call that a convention is
 53 called for a certain time and place, for the purpose of changing
 54 the name of the party to some specific name given in the call.
 55 The convention shall be held not less than 70 days before the
 56 state primary, and the change shall be agreed upon by resolution
 57 of a majority of the convention. A copy of the resolution
 58 determining the change of the name, certified by the chairman *
 59 chair and secretary of the convention, shall be filed with the *
 60 secretary of state within five days after the holding of the
 61 convention. Thereafter the political party shall be known by the
 62 new name called for by the resolution, and the party under its
 63 new name shall have all the rights that it had under its former
 64 name.

65 No change for subd 2

202A#12S

66 202A.12 STATE CONVENTION, AUTHORITY OF.

67 No change for subd '1 to 3

68 Subd. 4. CONSTITUTION, FILING. The chairman chair *
 69 of the state central committee of each party shall file with the
 70 secretary of state a copy of the party's constitution and all
 71 amendments to the constitution as they are enacted.

202A#13S

1 202A.13 COMMITTEES, CONVENTIONS.

2 The rules of each major political party shall provide that
 3 for each congressional district and each county or legislative
 4 district a convention shall be held at least once every state
 5 general election year. Each major political party shall also
 6 provide for each congressional district and each county or
 7 legislative district an executive committee consisting of a
 8 chairman chair and such other officers as may be necessary. The *
 9 party rules may provide for only one executive committee and one
 10 convention where any county and congressional district have the
 11 same territorial limits.

202A#135S

12 202A.135 LEAVE TIME FROM EMPLOYMENT; PARTY OFFICERS;
13 DELEGATES TO PARTY CONVENTIONS.

14 ~~Upon-giving~~ If an employee gives at least ten days written *
 15 notice to ~~his~~ the employer, ~~an~~ the employee may be absent *
 16 ~~himself~~ from ~~his~~ work to attend any meeting of the state central *
 17 committee or executive committee of a major political party if *
 18 the employee is a member of the committee, or ~~to~~ may attend any *
 19 convention of major political party delegates including meetings *
 20 of official convention committees if the employee is a delegate *
 21 or alternate delegate to that convention. An employee who gives *
 22 proper notice as provided in this section shall suffer no *
 23 penalty or deduction from ~~his~~ salary or wages on account of ~~his~~ *
 24 absence other than a deduction in salary or wages for the actual *
 25 time of ~~his~~ absence from employment. A violation of this *
 26 section by an employer is a misdemeanor.

202A#14S

27 202A.14 PRECINCT CAUCUS.

28 No change for subd 1

29 Subd. 2. CAUCUS CALL. The chairman chair of the *
 30 county or legislative district executive committee, whichever is *
 31 provided for by party rules, shall issue the call for the *
 32 precinct caucus at least 20 days before the time set for holding *
 33 the caucus, and the call shall contain the following:

34 (a) Name of party;

35 (b) Precinct number;

36 (c) Date caucus is to be held;

37 (d) Place caucus is to be held;

38 (e) Hours during which caucus shall be held;

39 (f) Statutory rules governing the caucus;

40 (g) A statement of business to be conducted including the *
 41 election of a chairman chair and such other officers as may be *
 42 provided by party rules, and the election of delegates to county *
 43 or district conventions;

44 (h) Number of delegates to be elected;

45 (i) Name of the county or legislative district chairman *
 46 chair issuing the call; *

47 (j) Name of the present precinct chairman chair or other *
 48 person who will be the convener of the caucus; *

49 (k) A space for entering the names of the officers and *
 50 delegates elected by the caucus.

51 Subd. 3. NOTICE. The county or legislative district *
 52 chairman chair shall give at least six days' published notice of *
 53 the holding of the precinct caucus, stating the place, date, and *
 54 time for holding the caucus; ~~He,~~ and shall deliver the same *
 55 information to the county auditor at least 20 days before the *
 56 precinct caucus. The county auditor shall make this information
 57 available to persons who request it.

202A#16S

58 202A.16 CAUCUS, WHO MAY PARTICIPATE AND VOTE.

59 No change for subd 1 to 2

60 Subd. 3. In case the right of a person to participate at *
 61 the caucus is challenged, the question of ~~his~~ the right to *
 62 participate shall be decided by a vote of the whole caucus. A *
 63 person so challenged may not vote on the question of ~~his~~ the *
 64 person's right to participate. *

65 No change for subd 4

202A#17S

66 202A.17 CAUCUS, BUSINESS.

67 Each precinct caucus shall elect a chairman chair and such *
 68 other officers as may be provided by party rules, and the proper *
 69 number of delegates to congressional district, county, or *
 70 legislative district conventions as determined by the party's *
 71 call. The caucus may also discuss party policies, candidates,
 72 and any other business as prescribed by party rules.

202A#18S

1 202A.18 CAUCUS, PROCEDURE.

2 Subdivision 1. The convener shall be the temporary

3 ~~chairman~~ chair of the caucus. *

4 No change for subd 2 to 3

5 Subd. 4. Upon completion of the counting of votes the

6 ~~chairman~~ chair shall announce the names of persons who are *

7 elected, and ~~he~~ shall certify the names to the ~~chairman~~ chair of *

8 the county or legislative district executive committee and to

9 the ~~chairman~~ chair of the state central committee. *

10 No change for subd 5

202A#19S

11 202A.19 CAUCUS, SCHOOL SCHEDULE PREEMPTION, EXCUSAL FROM
12 EMPLOYMENT TO ATTEND.

13 No change for subd 1

14 Subd. 2. Every employee who is entitled to attend a major

15 political party precinct caucus is entitled, after giving the

16 employer at least ten days written notice, to be absent himself *

17 from ~~his~~ work for the purpose of attending the caucus during the *

18 time for which the caucus is scheduled without penalty or

19 deduction from ~~his~~ salary or wages on account of ~~his~~ the absence *

20 other than a deduction in salary for the time ~~he-absented~~

21 himself of absence from ~~his~~ employment. *

22 No change for subd 3 to 6

203B#02S

23 203B.02 GENERAL ELIGIBILITY REQUIREMENTS.

24 Subdivision 1. UNABLE TO GO TO POLLING PLACE. Any

25 eligible voter who reasonably ~~anticipates-he-will~~ expects to be *

26 unable to go to the polling place on election day in the

27 precinct where the individual maintains residence because of

28 absence from the precinct, illness, disability, religious

29 discipline, observance of a religious holiday, or service as an

30 election judge in another precinct may vote by absentee ballot

31 as provided in sections 203B.04 to 203B.15.

32 No change for subd 2 to 3

203B#13S

33 203B.13 ABSENTEE BALLOT COUNTING BOARDS.

34 No change for subd 1 to 3

35 Subd. 3a. DUPLICATE REGISTRATION FILES. If the

36 election judges of an absentee ballot counting board are

37 authorized to receive, examine, and validate absentee ballots,

38 the county auditor or city clerk shall remove from the duplicate

39 registration files the cards of all persons who have applied for

40 absentee ballots at the election and deliver them to the

41 election judges of the absentee ballot counting board along with

42 the applications for absentee ballots. When a duplicate

43 registration card has been removed from the file for this

44 purpose it shall be replaced with a notification to the election

45 judges that the voter's card has been removed and directing them

46 to contact the election judges of the absentee ballot counting

47 board if that voter should ~~present-himself~~ appear at the polling *

48 place for the purpose of ~~casting-his-vote~~ voting in person. If *

49 contacted by the judges of the precinct, the election judges of

50 the absentee ballot counting board shall examine the duplicate

51 registration card of the voter to determine if ~~his~~ an absentee *

52 ballot has been cast. They shall notify the precinct election

53 judges of their findings and, if the absentee ballot has not yet

54 been cast, the voter shall be allowed to ~~cast-his~~ vote in *

55 person. The election judges of the absentee ballot counting

56 board shall make a notation on the duplicate registration card

57 that the voter has voted and no absentee ballot shall be counted

58 for that voter.

59 No change for subd 4

204B#06S

60 204B.06 FILING FOR PRIMARY; AFFIDAVIT OF CANDIDACY.

61 Subdivision 1. FORM OF AFFIDAVIT. An affidavit of

62 candidacy shall state the name of the office sought and shall

63 state that the candidate:

64 (a) Is an eligible voter;

65 (b) Has no other affidavit on file as a candidate for any

66 other office at the same primary or next ensuing general

67 election; and

68 (c) Is, or will be on assuming the office, 21 years of age

69 or more, and will have maintained residence in the district from

70 which ~~he~~ the candidate seeks election for 30 days before the *

71 general election.

1 An affidavit of candidacy for partisan office shall also
2 state the name of the candidate's political party or political
3 principle, stated in three words or less.

4 Subd. 2. MAJOR PARTY CANDIDATES. A candidate who
5 seeks the nomination of a major political party for a partisan
6 office shall state on the affidavit of candidacy that he the *
7 candidate either participated in that party's most recent *
8 precinct caucus or ~~that he~~ intends to vote for a majority of *
9 that party's candidates at the next ensuing general election.

10 Subd. 3. Repealed, 1983 c 253 s 26

11 No change for subd 4 to 7

204B#07S

12 204B.07 NOMINATING PETITIONS.

13 Subdivision 1. FORM OF PETITION. A nominating
14 petition may consist of one or more separate pages each of which
15 shall state:

16 (a) The office sought;

17 (b) The candidate's name and residence address, including
18 street and number if any; and

19 (c) The candidate's political party or political principle
20 expressed in not more than three words. No candidate who files
21 for a partisan office by nominating petition shall use the term
22 "nonpartisan" as a statement of his political principle or the *
23 name of his the candidate's political party. A candidate who *
24 files by nominating petition to fill a vacancy in nomination for
25 a nonpartisan office pursuant to section 204B.13, shall not
26 state any political principle or the name of any political party
27 on the petition.

28 No change for subd 2 to 6

204B#12S

29 204B.12 WITHDRAWAL OF CANDIDATES.

30 Subdivision 1. BEFORE PRIMARY. A candidate may
31 withdraw his name from the primary ballot by filing an affidavit *
32 of withdrawal with the same official who received the affidavit
33 of candidacy. The affidavit shall request that official to
34 withdraw the candidate's name from the ballot and shall be filed
35 no later than three days after the last day for filing for the
36 office.

37 Subd. 2. Repealed, 1983 c 303 s 24

38 No change for subd 3

204B#13S

39 204B.13 VACANCY IN NOMINATION.

40 No change for subd 1

41 Subd. 2. PARTISAN OFFICE; NOMINATION BY PARTY

42 COMMITTEE. A vacancy in nomination of a major political party
43 may be filled by filing a nomination certificate not later than
44 four days before the general election with the same official who
45 received the affidavits of candidacy for that office.

46 The nomination certificate shall be prepared under the
47 direction of and executed by the chairman chair and secretary of *
48 the proper committee of that political party. The chairman *
49 chair and secretary when filing the certificate shall attach an *
50 affidavit stating that the newly nominated candidate has been
51 selected by that committee and that the individuals signing the
52 certificate and making the affidavit are the chairman chair and *
53 secretary of the committee.

54 No change for subd 3 to 4

204B#14S

55 204B.14 ELECTION PRECINCTS.

56 No change for subd 1 to 2

57 Subd. 3. BOUNDARY CHANGES; PROHIBITIONS; EXCEPTION.

58 During the period from January 1 in any year ending in seven to
59 January 1 in any year ending in two, no changes may be made in
60 the boundaries of any election precinct except as provided in
61 this subdivision. If a city annexes an unincorporated area
62 located in the same county as the city and adjacent to the
63 corporate boundary, the annexed area may be included in an
64 election precinct immediately adjacent to it.

65 A municipality or county may establish new election
66 precincts lying entirely within the boundaries of any existing
67 precinct and shall assign names to the new precincts which
68 include the name of the former precinct.

69 During a year ending in one, the council of each home rule
70 charter city which elects councilmen its council members by *
71 wards and which has a city election in the year ending in one or
72 which has a general city election before March 15 in a year

1 ending in two may change precinct boundaries for the purpose of
2 reapportioning wards. As soon as possible after legislative
3 apportionment, and prior to the next election, cities shall
4 rearrange the precincts so that no precinct lies in more than
5 one legislative district.

6 No change for subd 4 to 7

204B#195S

7 204B.195 TIME OFF FROM WORK TO SERVE AS ELECTION JUDGE.

8 An individual who is selected to serve as an election judge
9 pursuant to section 204B.21, subdivision 2 may, after giving his
10 an employer at least ten days' written notice, be absent himself
11 from his a place of work for the purpose of serving as an
12 election judge. An employer may not penalize an employee for
13 that absence other than a deduction in salary for the time he
14 absented-himself the employee was absent from his the place of
15 employment.

*
*
*
*
*

204B#20S

16 204B.20 ELECTION BOARD; CHAIRMAN CHAIR; DUTIES.

17 The election judges appointed to serve in an election
18 precinct shall constitute the election board for that precinct.
19 The appointing authority shall designate one of the election
20 judges in each precinct to serve as the chairman chair of the
21 election board. The chairman chair shall assign specific duties
22 to the election judges of that precinct as necessary or
23 convenient to complete forms, obtain signatures, and perform all
24 the other duties required of election judges.

*
*
*
*

204B#21S

25 204B.21 APPOINTMENT OF ELECTION JUDGES.

26 Subdivision 1. APPOINTMENT LISTS; DUTIES OF POLITICAL
27 PARTIES AND COUNTY AUDITOR. On July 1 in a year in which
28 there is an election for a partisan political office, the county
29 or legislative district chairmen chairs of each major political
30 party, whichever is designated by the state party, shall prepare
31 a list of eligible voters to act as election judges in each
32 election precinct in the county or legislative district.
33 The chairmen chairs shall furnish the lists to the county
34 auditor of the county in which the precinct is located.

*
*
*

35 By July 15, the county auditor shall furnish to the
36 appointing authorities a list of the appropriate names for each
37 election precinct in the jurisdiction of the appointing
38 authority. Separate lists shall be submitted by the county
39 auditor for each major political party.

40 No change for subd 2

204B#23S

41 204B.23 VACANCIES AMONG ELECTION JUDGES.

42 A vacancy on an election board occurs when any election
43 judge who is a member of that board:

44 (a) Fails to arrive at the polling place within 30 minutes
45 after the time when the polling place is scheduled to open;

46 (b) Becomes unable to perform the duties of the office
47 after assuming those duties; or

48 (c) For any reason fails or refuses to perform the duties
49 of the office as assigned by the chairman chair of the election
50 board.

*

51 When a vacancy occurs, the remaining election judges of the
52 precinct shall elect an individual to fill the vacancy subject
53 to the provisions of section 204B.19. When possible the
54 election judges shall elect individuals who have been trained as
55 election judges pursuant to section 204B.25. The oath signed by
56 the new election judge shall indicate that the new election
57 judge was elected to fill a vacancy.

204B#28S

58 204B.28 CLERKS; ELECTION SUPPLIES; DUTIES.

59 Subdivision 1. TRAINING PROGRAM FOR ELECTION OFFICIALS.

60 Before each state primary, each county auditor shall conduct
61 a training program for local election officials. The county
62 auditor may require the municipal clerks and the chairmen chairs
63 of the election boards in the county to meet for this training
64 program before the election at a time and place set by the
65 county auditor. The training program shall include instruction
66 in election procedures and the duties of municipal clerks and
67 election judges. The chairmen chairs of the election boards
68 shall be compensated by the municipalities for the incidental
69 expenses incurred by them to attend a training program.

*
*
*

70 Subd. 2. ELECTION SUPPLIES; DUTIES OF COUNTY AUDITORS
71 AND CLERKS. Except as otherwise provided for absentee ballots

1 in section 204B.35, subdivision 4, the county auditor shall
2 complete the preparation of the election materials for which ~~he~~ *
3 the auditor is responsible at least one week before every state *
4 primary and state general election. At any time after all
5 election materials are available from the county auditor but not
6 later than one week before the election each municipal clerk
7 shall secure from the county auditor:

8 (a) The forms that are required for the conduct of the
9 election;

10 (b) Any printed voter instruction materials furnished by
11 the secretary of state;

12 (c) Any other instructions for election officers; and

13 (d) A sufficient quantity of the official ballots, ballot
14 boxes, registration files, envelopes for ballot returns, and
15 other supplies and materials required for each precinct in order
16 to comply with the provisions of the Minnesota election law.
17 The county auditor may furnish the election supplies to the
18 municipal clerks in the same manner as the supplies are
19 furnished to precincts in unorganized territory pursuant to
20 section 204B.29, subdivision 1.

204B#30S

21 204B.30 UNOFFICIAL BALLOTS.

22 When no official or substitute ballots are ready at the
23 time when voting is scheduled to begin or if the supply is
24 exhausted before the voting ends, the election judges shall
25 contact the municipal clerk and, at ~~his~~ the clerk's direction, *
26 shall prepare unofficial ballots, printed or written as nearly
27 as practicable in the form of the official ballots, which
28 ballots may be used until official or substitute ballots are
29 available. When unofficial ballots are prepared and used in any
30 precinct, the election judges shall note that fact on the
31 summary statement of the returns for that precinct and specify
32 the number of unofficial ballots that were cast.

204B#34S

33 204B.34 NOTICE OF ELECTION.

34 Subdivision 1. STATE ELECTIONS. At least 15 days
35 before any state primary or state general election the municipal
36 clerk shall post in ~~his~~ the clerk's office a notice stating the *
37 officers to be nominated or elected, the location of each
38 polling place in the municipality, and the hours for voting. An
39 optional provision of the notice may include municipal officers
40 to be nominated or elected. The county auditor shall post a
41 similar notice in ~~his~~ the auditor's office including information *
42 concerning any polling places in unorganized territory in the
43 county. The governing body of a municipality or county may
44 publish this notice in addition to posting it. Failure to give
45 the notice required in this section shall not invalidate a state
46 primary or state general election.

47 No change for subd 2 to 3

204B#35S

48 204B.35 PREPARATION OF BALLOTS.

49 No change for subd 1

50 Subd. 2. MANNER OF PREPARATION. Ballots shall be
51 prepared in a manner that enables the voters to understand which
52 questions are to be voted upon and the identity and number of
53 candidates to be voted for in each office and to designate their
54 choices easily and accurately. The name of a candidate shall
55 not appear on a ballot in any way that gives the candidate an
56 advantage over ~~his~~ an opponent except as otherwise provided by *
57 law.

58 No change for subd 3 to 4

204B#36S

59 204B.36 BALLOTS; FORM.

60 No change for subd 1

61 Subd. 2. CANDIDATES AND OFFICES. The name of each
62 candidate shall be printed at a right angle to the length of the
63 ballot. At a general election the name of the political party
64 or the political principle of each candidate for partisan office
65 shall be printed above or below the name of the candidate. The
66 name of a political party or a political principle shall be
67 printed in capital and lower case letters of the same type, with
68 the capital letters at least one-half the height of the capital
69 letters used for names of the candidates. At a general
70 election, blank lines shall be printed below the name of the
71 last candidate for each office, or below the title of the office
72 if no candidate has filed for that office, so that a voter may

1 write in the names of individuals whose names are not on the
2 ballot. One blank line shall be printed for each officer of
3 that kind to be elected. At a primary election, no blank lines
4 shall be provided for writing in the names of individuals whose
5 names do not appear on the primary ballot.

6 On the left side of the ballot at the same level with the
7 name of each candidate and each blank line shall be printed a
8 square in which the voter may designate ~~his~~ a vote by a mark (X). *
9 Each square shall be the same size. Above the first name on
10 each ballot shall be printed the words, "Put an (X) in the
11 square opposite the name of each candidate you wish to vote
12 for." At the same level with these words and directly above the
13 squares shall be printed a small arrow pointing downward.
14 Directly underneath the official title of each office shall be
15 printed the words "Vote for one" (or more, according to the
16 number to be elected).

17 No change for subd 3 to 4

18 Subd. 5. DESIGNATION OF INCUMBENT; JUDICIAL OFFICES.

19 If a chief justice, associate justice, or judge is a candidate
20 to succeed ~~himself~~ again, the word "incumbent" shall be printed *
21 after ~~his~~ that judge's name as a candidate. *

204B#41S

22 204B.41 VACANCY IN NOMINATION; CHANGING BALLOTS.

23 When a vacancy in nomination is filled pursuant to section
24 204B.13, after the ballots have been printed, the officer in
25 charge of preparing the ballots shall prepare and distribute a
26 sufficient number of separate paper ballots which shall be
27 headed with the words "OFFICIAL SUPPLEMENTAL BALLOT". This
28 ballot shall contain the title of the office for which the
29 vacancy in nomination has been filled and the names of all the
30 candidates nominated for that office. The ballot shall conform
31 to the provisions governing the printing of other official
32 ballots as far as practicable. The title of the office and the
33 names of the candidates for that office shall be blotted out or
34 stricken from the regular ballots by the election judges. The
35 official supplemental ballot shall be given to each voter when
36 ~~he~~ the voter is given the regular ballot or is directed to the *
37 voting machine. Regular ballots shall not be changed nor shall
38 official supplemental ballots be prepared as provided in this
39 section during the three calendar days before an election.
40 Absentee ballots that have been mailed prior to the preparation
41 of official supplemental ballots shall be counted in the same
42 manner as if the vacancy had not occurred. Official
43 supplemental ballots shall not be mailed to absent voters to
44 whom ballots were mailed before the official supplemental
45 ballots were prepared.

204B#44S

46 204B.44 ERRORS AND OMISSIONS; REMEDY.

47 Any individual may file a petition in the manner provided
48 in this section for the correction of any of the following
49 errors, omissions or wrongful acts which have occurred or are
50 about to occur:

51 (a) An error or omission in the placement or printing of
52 the name or description of any candidate on any official ballot;

53 (b) Any other error in preparing or printing any official
54 ballot;

55 (c) Failure of the ~~chairman~~ chair or secretary of the *
56 proper committee of a major political party to execute or file a
57 certificate of nomination;

58 (d) Any wrongful act, omission, or error of any election
59 judge, municipal clerk, county auditor, canvassing board or any
60 of its members, the secretary of state, or any other individual
61 charged with any duty concerning an election.

62 The petition shall describe the error, omission or wrongful
63 act and the correction sought by the petitioner. The petition
64 shall be filed with any judge of the supreme court in the case
65 of an election for state or federal office or any judge of the
66 district court in that county in the case of an election for
67 county or municipal office. The petitioner shall serve a copy
68 of the petition on the officer, board or individual charged with
69 the error, omission or wrongful act, and on any other party as
70 required by the court. Upon receipt of the petition the court
71 shall immediately set a time for a hearing on the matter and
72 order the officer, board or individual charged with the error,
73 omission or wrongful act to correct the error or wrongful act or
74 perform the duty or show cause why-he-should for not do doing *

1 so. The court shall issue its findings and a final order for
 2 appropriate relief as soon as possible after the hearing.
 3 Failure to obey the order is contempt of court.

204C#06S

4 204C.06 CONDUCT IN AND NEAR POLLING PLACES.

5 Subdivision 1. LINGERING NEAR POLLING PLACE. An
 6 individual shall be allowed to go to and from the polling place
 7 for the purpose of voting without unlawful interference. No
 8 voters or other individuals shall congregate in any number
 9 within 100 feet of a polling place. No one, either inside a
 10 polling place or within 100 feet of the entrance to it, shall
 11 ask a voter how ~~he-or-she~~ the voter intends to vote or has voted *
 12 on any office or question on the ballot. No one except an
 13 election official or an individual who is waiting to register or
 14 to vote shall stand within 50 feet of the entrance to a polling
 15 place.

16 No change for subd 2 to 7

204C#07S

17 204C.07 CHALLENGERS.

18 Subdivision 1. PARTISAN ELECTIONS. At an election to
 19 fill partisan offices, the ~~chairman~~ chair of an authorized *
 20 committee of each major political party may appoint by written
 21 certificate voters from that political party to act as
 22 challengers of voters at the polling place for each precinct.
 23 Only one challenger from each major political party for each
 24 precinct shall be allowed to remain in the polling place at one
 25 time.

26 No change for subd 2 to 4

204C#10S

27 204C.10 PERMANENT REGISTRATION; COMPLETION OF VOTER
 28 CERTIFICATES; VERIFICATION OF REGISTRATION.

29 Subdivision 1. An individual seeking to vote shall print
 30 ~~his~~ the individual's name and address on a certificate which *
 31 states that the individual is at least 18 years of age, a
 32 citizen of the United States, has resided in Minnesota for 20
 33 days immediately preceding the election, certifies ~~that-he~~ *
 34 resides residence at the address shown, is not under *
 35 guardianship of the person, has not been found by a court of law
 36 to be legally incompetent to vote or convicted of a felony
 37 without having civil rights restored, is registered and has not
 38 already voted in the election. The individual shall then sign
 39 the certificate.

40 An election judge shall compare the signature on the
 41 voter's certificate with the signature as it appears on the
 42 duplicate registration card and the address with the address on
 43 the duplicate registration card. If the election judge is
 44 satisfied that the signatures are the same, the election judge
 45 shall initial the certificate and record the fact of voting on
 46 the back of the duplicate registration card. The initialed
 47 certificate shall be handed to the voter, who shall deliver it
 48 to the election judge in charge of ballots as proof of the right
 49 to vote.

50 Subd. 2. Subdivision 1 does not apply to voting in
 51 counties or municipalities which make the election authorized by
 52 section 201.071, subdivision 5. In lieu of the certificate
 53 required by subdivision 1, an applicant shall sign the duplicate
 54 registration file in the space provided next to ~~his~~ the *
 55 applicant's name in the file. In lieu of the signature *
 56 comparison required by subdivision 1, a judge may, before the
 57 applicant signs the duplicate registration file, request ~~that~~ *
 58 ~~the-applicant-give-his~~ the applicant's name, address, and day *
 59 and month of birth. After the applicant signs the registration *
 60 file, the judge shall give the applicant a voter's receipt. The
 61 voter shall deliver the voter's receipt to the judge in charge
 62 of ballots as proof of ~~his~~ the voter's right to vote, and *
 63 thereupon the judge shall hand to the voter the ballot. The
 64 judges shall destroy the voters' receipts at the end of the day.

204C#12S

65 204C.12 CHALLENGES TO VOTERS; PENALTY.

66 Subdivision 1. MANNER OF CHALLENGING. An election
 67 judge shall, and an authorized challenger or other voter may,
 68 challenge an individual whom ~~he~~ the person knows or reasonably *
 69 believes is not an eligible voter.

70 No change for subd 2

71 Subd. 3. DETERMINATION OF RESIDENCE. In determining
 72 the legal residence of a challenged individual, the election

1 judges shall be governed by the principles contained in section
 2 200.031. If the challenged individual's answers to the
 3 questions show ~~that he is not eligible~~ ineligibility to vote in *
 4 that precinct, ~~he~~ the individual shall not be allowed to vote. *
 5 If the individual has marked ballots but not yet deposited them *
 6 in the ballot boxes before the election judges determine ~~that he~~ *
 7 ~~is not eligible~~ ineligibility to vote in that precinct, the *
 8 marked ballots shall be placed unopened with the spoiled
 9 ballots. If the answers to the questions fail to show that the
 10 individual is not eligible to vote in that precinct and the
 11 challenge is not withdrawn, the election judges shall verbally
 12 administer the oath on the voter certificate to the individual.
 13 After taking the oath and completing and signing the voter
 14 certificate, the challenged individual shall be allowed to vote.

15 No change for subd 4 to 5

204C#14S

16 204C.14 UNLAWFUL VOTING; PENALTY.
 17 No individual shall intentionally:
 18 (a) Misrepresent ~~his~~ the individual's identity in applying *
 19 for a ballot, depositing a ballot in a ballot box or attempting
 20 to vote by means of a voting machine or electronic voting system;
 21 (b) Vote more than once at the same election;
 22 (c) Put a ballot in a ballot box for any illegal purpose;
 23 (d) Give more than one ballot of the same kind and color to
 24 an election judge to be placed in a ballot box;
 25 (e) Aid, abet, counsel or procure another to go into any
 26 precinct for the purpose of voting in that precinct, knowing
 27 that the other individual is not eligible to vote in that
 28 precinct; or
 29 (f) Aid, abet, counsel or procure another to do any act in
 30 violation of this section.
 31 A violation of this section is a felony.

204C#15S

32 204C.15 ASSISTANCE TO VOTERS:
 33 Subdivision 1. INTERPRETERS; PHYSICAL ASSISTANCE IN
 34 MARKING BALLOTS. A voter who ~~states~~ claims under oath ~~that he~~ *
 35 ~~is in a need of for~~ assistance because ~~he cannot of~~ *
 36 inability to read English or ~~is physically unable~~ physical *
 37 inability to mark a ballot may obtain the aid of two election *
 38 judges who are members of different major political parties.
 39 The election judges shall mark the ballots as directed by the
 40 voter and in as secret a manner as circumstances permit. If the
 41 voter is deaf or cannot speak English or understand it when it
 42 is spoken, the election judges may select two individuals who
 43 are members of different major political parties to act as
 44 interpreters. The interpreters shall take an oath similar to
 45 that taken by election judges, and shall assist the individual
 46 in marking the ballots. A voter in need of assistance may
 47 alternatively obtain the assistance of any individual the voter
 48 chooses. The individual who assists the voter shall take an
 49 oath ~~that he or she is eligible~~ of eligibility to do so. Only *
 50 the following persons may not provide assistance to a voter:
 51 the voter's employer, an agent of the voter's employer, an
 52 officer or agent of the voter's union, or a candidate for
 53 election. The person who assists the voter shall, unaccompanied
 54 by an election judge, retire with that voter to a booth and mark
 55 the ballot as directed by the voter. No person who assists
 56 another voter as provided in the preceding sentence shall mark
 57 the ballots of more than three voters at one election. Before
 58 the ballots are deposited, the voter may show them privately to
 59 an election judge to ascertain that they are marked as the voter
 60 directed. An election judge or other individual assisting a
 61 voter shall not in any manner request, persuade, induce, or
 62 attempt to persuade or induce the voter to vote for any
 63 particular political party or candidate. The election judges or
 64 other individuals who assist the voter shall not reveal to
 65 anyone the name of any candidate for whom the voter has voted or
 66 anything that took place while assisting the voter.
 67 Subd. 2. OUTSIDE THE POLLING PLACE. An individual
 68 who is unable to enter a polling place where paper ballots or an
 69 electronic voting system are used may register and vote without
 70 leaving ~~his~~ a motor vehicle. Two election judges who are *
 71 members of different major political parties shall assist the
 72 voter to register and to complete a voter's certificate and
 73 shall provide the necessary ballots. The voter may request
 74 additional assistance in marking ballots as provided in

1 subdivision 1.

2 Subd. 2a. LEVER MACHINE PRECINCTS. An individual who
3 is unable to enter a polling place where a lever voting system
4 is used may register and vote without leaving ~~his~~ a motor *
5 vehicle. Two election judges who are members of different
6 political parties shall assist the voter to register. They
7 shall provide the voter with the necessary ballots, a ballot
8 envelope and an absentee ballot return envelope, which shall be
9 completed by the voter, returned to the election judge, and
10 processed pursuant to section 203B.12.

11 An individual who is unable to enter a voting machine booth
12 in a precinct where a lever voting system is used shall be
13 provided with the necessary ballots, a ballot envelope, and an
14 absentee ballot return envelope, which shall be completed by the
15 voter and returned to the election judge and processed pursuant
16 to section 203B.12.

17 No change for subd 3

204C#18S

18 204C.18 BALLOTS; SECRECY.

19 Subdivision 1. PARTY PREFERENCES; PROTECTION OF
20 SECRECY. The election judges shall make no entry or notation
21 in the election register or anywhere else showing the political
22 party to which a voter belongs or for which political party ~~he~~ *
23 the voter voted. No election judge shall knowingly permit *
24 anyone in the polling place to make such an entry or notation.

25 No change for subd 2

204C#28S

26 204C.28 ELECTION NIGHT; DUTIES OF COUNTY AUDITORS AND
27 MUNICIPAL CLERKS.

28 Subdivision 1. COUNTY AUDITOR. Every county auditor
29 shall remain at ~~his~~ the auditor's office to receive delivery of *
30 the returns, to permit public inspection of the summary
31 statements, and to tabulate the votes until all have been
32 tabulated and the results made known, or until 24 hours have
33 elapsed since the end of the hours for voting, whichever occurs
34 first. The county auditor shall file all envelopes containing
35 ballots in a safe place with seals unbroken. If the envelopes
36 were previously opened by proper authority for examination or
37 recount, the county auditor shall have the envelopes sealed
38 again and signed by the individuals who made the inspection or
39 recount. The envelopes may be opened by the county canvassing
40 board if necessary to procure election returns that the election
41 judges inadvertently may have sealed in the envelopes with the
42 ballots. In that case, the envelopes shall be sealed again and
43 signed in the same manner as otherwise provided in this
44 subdivision.

45 Subd. 2. CLERKS. The clerk of every first, second,
46 and third class city shall remain at ~~his~~ the clerk's office to *
47 receive delivery of returns, or until 24 hours have elapsed
48 since the end of the hours for voting, whichever occurs first.
49 The clerk of every first class city shall keep a book in which,
50 in the presence of the election judges or other individuals who
51 deliver the returns, the clerk shall make a record of all
52 materials delivered, the time of delivery, and the names of the
53 election judges or other individuals who made delivery. The
54 book shall be retained in the clerk's office for the same period
55 as the ballots as provided in section 204B.40.

204C#31S

56 204C.31 CANVASSING BOARDS; MEMBERSHIP.

57 Subdivision 1. COUNTY CANVASSING BOARD. The county
58 canvassing board shall consist of the county auditor, the clerk
59 of the district court, the mayor or ~~chairman~~ chair of the town *
60 board of the county's most populous municipality, and two
61 members of the county board selected by the board from its
62 members who are not candidates at the election. If one of these
63 individuals fails to appear at the meeting of the canvassing
64 board and in the absence of any selection by the county board
65 from among its own members, the county auditor shall appoint an
66 eligible voter of the county who is not a public official or a
67 candidate for public office to fill the vacancy. Three members
68 constitute a quorum.

69 No change for subd 2

204C#39S

70 204C.39 CORRECTION OF OTHER OBVIOUS ERRORS.

71 No change for subd 1

72 Subd. 2. INSPECTION; TIME; PLACE. The county auditor

1 shall schedule a meeting of the county canvassing board at ~~his~~ *
 2 the auditor's office as soon as practicable after the court *
 3 issues an order under subdivision 1 and shall give sufficient
 4 advance notice of the meeting to the affected candidates. The
 5 board, in the presence of all the candidates for the office or
 6 their representatives shall inspect the ballots and returns,
 7 correct any error and proceed further in accordance with the
 8 order of the court.

9 Preparation of the county canvassing board report with
 10 respect to other offices on the ballot shall not be delayed
 11 because of an inspection required by this section.

12 No change for subd 3 to 4

204C#41S

13 204C.41 NEGLECT OF DUTY; OTHER OFFENSES BY ELECTION
 14 OFFICIALS; PENALTY.

15 An election officer or other individual required by law to
 16 safely keep and produce ballots on election day ~~the ballots~~ *
 17 ~~entrusted to him~~ or to perform any other act, who intentionally *
 18 fails or refuses to perform the act required, or who is required
 19 by law to abstain from any act, and intentionally does the act,
 20 or who in either of these cases is guilty of fraud, corruption,
 21 partiality or misbehavior in conducting or aiding in the conduct
 22 of an election, or in counting or making returns of votes, or
 23 who wrongfully refuses to make or deliver a certificate of
 24 election, or who falsely or corruptly performs any required act,
 25 for which a punishment has not been otherwise expressly provided
 26 for by law, is guilty of a felony.

204D#04S

27 204D.04 BALLOT PREPARATION.

28 No change for subd 1

29 Subd. 2. INSTRUCTIONS TO PRINTER; PRINTER'S BOND.

30 The official charged with the preparation and distribution of
 31 the ballots shall prepare instructions to the printer for
 32 rotation of the names of candidates, for layout of the ballot
 33 and for providing the ballots in groups of 50. The instructions
 34 shall be approved by the legal advisor of the official before
 35 delivery to the printer. Before a contract is awarded for
 36 printing ballots, the printer shall furnish a sufficient bond in
 37 an amount not less than \$1000 nor more than \$5000, conditioned
 38 on printing the ballots in conformity with the Minnesota
 39 election law and the instructions delivered ~~to him~~. The *
 40 official responsible for printing the ballots shall set the
 41 amount of the bond.

204D#07S

42 204D.07 PLACING NAMES ON BALLOTS.

43 Subdivision 1. DUTIES OF COUNTY AUDITOR. Except as
 44 provided in subdivisions 2 and 3, the county auditor shall place
 45 on the appropriate state primary ballot the name of each
 46 candidate who has properly filed an affidavit of candidacy with
 47 ~~him~~ the auditor and of each candidate certified by the secretary *
 48 of state pursuant to section 204D.06.

49 No change for subd 2 to 3

204D#09S

50 204D.09 SAMPLE PRIMARY BALLOTS.

51 At least two weeks before the state primary the county
 52 auditor shall prepare a sample state partisan primary ballot and
 53 a sample state and county nonpartisan primary ballot for public
 54 inspection. The names of all of the candidates to be voted for
 55 in the county shall be placed on the sample ballots, with the
 56 names of the candidates for each office arranged alphabetically
 57 according to the surname. Only one sample state partisan
 58 primary ballot and one sample state and county nonpartisan
 59 ballot shall be prepared for any county. The county auditor
 60 shall post the sample ballots in a conspicuous place in ~~his~~ the *
 61 auditor's office and shall cause them to be published at least *
 62 one week before the state primary in at least one newspaper of
 63 general circulation in the county.

204D#11S

64 204D.11 STATE GENERAL ELECTION BALLOTS; CANDIDATES;
 65 OFFICIAL IN CHARGE; RULES; REIMBURSEMENT.

66 Subdivision 1. WHITE BALLOT; RULES; REIMBURSEMENT.

67 The names of the candidates for all partisan offices voted on at
 68 the state general election shall be placed on a single ballot
 69 printed on white paper which shall be known as the "white
 70 ballot." This ballot shall be prepared by the county auditor
 71 subject to the rules of the secretary of state. The state shall

1 contribute to the cost of preparing the white ballot and the
 2 envelopes required for the returns of that ballot. The
 3 secretary of state shall adopt rules for preparation and time of
 4 delivery of the white ballot and for establishing a basis for
 5 distributing to the counties the money appropriated by the state
 6 for white ballot costs. The appropriation shall be available
 7 both years of the biennium and shall be used for all state
 8 general and special elections. The secretary of state shall
 9 report to the chairmen chairs of the senate finance and house
 10 appropriations committees on all money used for special
 11 elections. *

12 No change for subd 2 to 6

204D#15S

13 204D.15 PINK BALLOT; FORM; DISTRIBUTION; SAMPLE BALLOT.

14 No change for subd 1 to 2

15 Subd. 3. SAMPLE PINK BALLOT. Four weeks before the
 16 state general election the secretary of state shall file sample
 17 copies of the pink ballot in his the secretary of state's office *
 18 for public inspection. Three weeks before the state general
 19 election the secretary of state shall mail sample copies of the
 20 pink ballot to each county auditor. Each auditor shall post the
 21 sample ballot in a conspicuous place in the auditor's office.

204D#16S

22 204D.16 SAMPLE GENERAL ELECTION BALLOTS; POSTING;
 23 PUBLICATION.

24 Two weeks before the state general election the county
 25 auditor shall prepare sample copies of the white and canary
 26 ballots and shall post copies of these sample ballots and a
 27 sample of the pink ballot in his the auditor's office for public *
 28 inspection. No earlier than 15 days and no later than two days
 29 before the state general election the county auditor shall cause
 30 the sample white and canary ballots to be published in at least
 31 one newspaper of general circulation in the county.

204D#22S

32 204D.22 WRIT OF ELECTION.

33 No change for subd 1

34 Subd. 2. POSTING OF WRIT. Immediately upon receipt
 35 of the writ, the secretary of state shall send a certified copy
 36 of the writ by certified mail to the county auditor of each
 37 county in which candidates to fill the vacancy are to be voted
 38 upon. The county auditor shall post a copy of the writ in his *
 39 the auditor's office at least five days before the close of the *
 40 time for filing affidavits of candidacy for the special election.

41 No change for subd 3 to 4

204D#25S

42 204D.25 SPECIAL ELECTION BALLOTS.

43 Subdivision 1. FORM. Except as provided in
 44 subdivision 2, the county auditor shall prepare separate ballots
 45 for a special primary and special election as required by
 46 sections 204D.17 to 204D.27. The ballots shall be headed
 47 "Special Primary Ballot" or "Special Election Ballot" as the
 48 case may be, followed by the date of the special primary or
 49 special election. Immediately below the title of each office to
 50 be filled shall be printed the words "To fill vacancy in term
 51 expiring", with the date of expiration of the term
 52 and any other information that is necessary to distinguish the
 53 office from any other office to be voted upon at the same
 54 election. Otherwise the form of the ballots shall comply as far
 55 as practicable with the laws relating to ballots for state
 56 primaries and state general elections. The county auditor shall
 57 post a sample of each ballot in his the auditor's office as soon *
 58 as prepared and not later than four days before the special
 59 primary or special election. Publication of the sample ballot
 60 for a special primary or special election is not required.

61 No change for subd 2

204D#27S

62 204D.27 SPECIAL ELECTION RETURNS.

63 No change for subd 1 to 4

64 Subd. 5. CANVASS; SPECIAL PRIMARY; STATE CANVASSING
 65 BOARD. Not later than four days after the returns of the
 66 county canvassing boards are certified to the secretary of
 67 state, the state canvassing board shall complete its canvass of
 68 the special primary. The secretary of state shall then promptly
 69 certify to the county auditors the names of the nominated
 70 individuals and notify each nominee of his the nomination. *
 71 No change for subd 6 to 11

205*#07S

1 205.07 CITY GENERAL ELECTION.
 2 Subdivision 1. DATE. The municipal general election
 3 in each statutory city shall be held on the first Tuesday after
 4 the first Monday in November in every even-numbered year; except
 5 that the governing body of a statutory city may, by ordinance
 6 passed at a regular meeting held before September 1 of any year,
 7 elect to hold the election on the first Tuesday after the first
 8 Monday in November in each odd-numbered year. A city which was
 9 a village on January 1, 1974 and before that date provided for a
 10 system of biennial elections in the odd-numbered year shall
 11 continue to hold its elections in that year until changed in
 12 accordance with this section. When a city changes its elections
 13 from one year to another, and does not provide for the
 14 expiration of terms by ordinance, the term of an incumbent
 15 expiring at a time when no municipal election is held in the
 16 months immediately prior to expiration is extended until the
 17 date for taking office following the next scheduled municipal
 18 election. If the change results in having three ~~councilmen~~
 19 council members to be elected at a succeeding election, the two
 20 individuals receiving the highest vote shall serve for terms of
 21 four years and the individual receiving the third highest number
 22 of votes shall serve for a term of two years. To provide an
 23 orderly transition to the odd or even year election plan, the
 24 governing body of the city may adopt supplementary ordinances
 25 regulating initial elections and officers to be chosen at the
 26 elections and shortening or lengthening the terms of incumbents
 27 and those elected at the initial election so as to conform as
 28 soon as possible to the regular schedule provided in section
 29 412.02, subdivision 1. Whenever the time of the municipal
 30 election is changed, the city clerk immediately shall notify in
 31 writing the county auditor and secretary of state of the change
 32 of date. Thereafter the municipal general election shall be
 33 held on the first Tuesday after the first Monday in November in
 34 each odd-numbered or even-numbered year until the ordinance is
 35 revoked and notification of the change is made.
 36 Subd. 2. Repealed, 1976 c 44 s 70

205*#17S

37 205.17 BALLOTS.
 38 No change for subd 1 to 4
 39 Subd. 5. STATUTORY CITIES; VACANCIES. In statutory
 40 cities, the names of candidates to fill vacancies at a special
 41 election held as provided in section 412.02, subdivision 2a,
 42 shall be placed on the municipal primary and general election
 43 ballots. The names of candidates to fill a vacancy in the
 44 office of ~~councilman~~ council member in a statutory city shall be
 45 listed under the separate heading "Special election
 46 for ~~councilman~~ council member to fill vacancy in term expiring
 47, " with the date of expiration of the term and any other
 48 information necessary to distinguish the office. Under the
 49 heading for the office of mayor in a special election shall be
 50 the words "To fill vacancy in term expiring"

205*#84S

51 205.84 WARDS IN CERTAIN CITIES.
 52 Subdivision 1. GENERAL PROVISIONS. In a statutory
 53 city electing ~~councilmen~~ council members by wards, wards shall
 54 be as equal in population as practicable and each ward shall be
 55 composed of compact, contiguous territory. Each ~~councilman~~
 56 council member shall be a resident of the ward for which ~~he is~~
 57 elected, but a change in ward boundaries does not disqualify
 58 a ~~councilman~~ council member from serving for the remainder
 59 of ~~his~~ a term.
 60 Subd. 2. REDEFINING WARD BOUNDARIES. The governing
 61 body of the city may by ordinance redefine ward boundaries after
 62 a municipal general election. The council shall hold a public
 63 hearing on the proposed ordinance before its adoption. One
 64 week's published notice of the hearing shall be given. Within
 65 six months after the official certification of each federal
 66 decennial or special census, the governing body of the city
 67 shall either confirm the existing ward boundaries as conforming
 68 to the standards of subdivision 1 or redefine ward boundaries to
 69 conform to those standards. If the governing body of the city
 70 fails to take either action within the time required, no further
 71 compensation shall be paid to the mayor or ~~councilmen~~ council
 72 member until the wards of the city are either reconfirmed or
 73 redefined as required by this section. An ordinance

1 establishing new ward boundaries shall apply to the first
2 election held at least six months after adoption of the
3 ordinance.

206*#56S

4 206.56 DEFINITIONS.

5 No change for subd 1 to 9

6 Subd. 10. OPERATING LEVER. "Operating lever" means
7 the lever on a lever voting machine which the voter must move to
8 the right in order to close the curtains of the machine and
9 unlock the machine for voting, and which the voter must move to
10 the left in order to open the curtains of the machine and record
11 ~~his~~ a vote. *

12 No change for subd 11 to 15

206*#57S

13 206.57 EXAMINATION OF NEW VOTING SYSTEMS.

14 Subdivision 1. EXAMINATION AND REPORT BY SECRETARY OF
15 STATE; APPROVAL. A vendor of a lever voting machine or
16 electronic voting system may apply to the secretary of state to
17 examine the machine or system and to report as to its compliance
18 with the requirements of law and as to its accuracy, durability,
19 efficiency, and capacity to register the will of voters. The
20 secretary of state or a designee shall examine the machine or
21 system submitted and file a report on it in the office of the
22 secretary of state. Examination is not required of every
23 individual machine or counting device, but only of each type of
24 lever voting machine or electronic voting system before its
25 adoption, use, or purchase and before its continued use after
26 significant changes have been made in an approved machine or
27 system.

28 If the report of the secretary of state or ~~his~~ the
29 secretary's designee concludes that the kind of machine or
30 system examined complies with the requirements of sections
31 206.55 to 206.87 and can be used safely, the machine or system
32 shall be deemed approved by the secretary of state, and may be
33 adopted and purchased for use at elections in this state. A
34 voting machine or system not approved by the secretary of state
35 may not be used at an election in this state. The secretary of
36 state may adopt permanent and emergency rules consistent with
37 sections 206.55 to 206.87 relating to the examination and use of
38 voting machines and electronic voting systems. *

39 No change for subd 2 to 3

206*#63S

40 206.63 PAPER BALLOTS TO BE AVAILABLE.

41 When lever voting machines or an electronic voting system
42 are used in an election, a reasonable supply of paper ballots
43 and ballot boxes must be maintained by the official charged with
44 providing ballot strips or ballot booklets and ballot cards for
45 a polling place where lever voting machines or an electronic
46 voting system is used. If one or more of the voting machines or
47 marking devices in a polling place fails to function during the
48 election, the official in charge of elections may dispatch paper
49 ballots and ballot boxes to the polling place in the quantity
50 the official deems necessary to avoid undue delay occasioned by
51 the machine or marking device failure. If paper ballots are
52 used in an election pursuant to this section, they must be
53 handled, counted, and canvassed in the same manner as absentee
54 ballots. When notification of machine or marking device failure
55 is received, the official in charge of supplying ballots shall
56 notify the county headquarters of the major political parties
57 with an office in the county or the county chairmen chairs of
58 the major political parties without delay and before paper
59 ballots are distributed. *

206*#68S

60 206.68 LEVER VOTING MACHINES.

61 A lever voting machine adopted by a county or municipality
62 must be constructed to automatically register and count all
63 votes cast; to insure every voter an opportunity to vote in
64 secret; to conceal the number of votes for each candidate and
65 upon each question during the hours of voting; to permit a voter
66 to vote once and only once for all the candidates and upon all
67 the questions for whom or upon which ~~he~~ the voter is legally
68 entitled to vote; to permit a voter to vote by means of devices
69 connected with the mechanism of the machine for any person for
70 any office elective by the voters of the voter's precinct at an
71 election, even if the person's name does not appear upon the
72 machine as a candidate for the office; to prevent a voter from *

1 voting for more than one person for an office, unless the voter
 2 is lawfully entitled to vote for more than one person, and in
 3 that event to limit the voter to the number to be elected to the
 4 office; to prevent a primary voter from voting for the
 5 nomination of candidates of more than one party, or for a person
 6 whose name is not on the primary ballot; and to prevent a voter
 7 from voting for a candidate or upon a proposed question for whom
 8 or upon which the voter is not lawfully entitled to vote. Lever
 9 voting machines may be used which are not constructed to permit
 10 a voter to change from one party to another in a party primary
 11 or to retract a write-in vote. In these cases the voter must
 12 follow the procedure provided in section 206.74, subdivision 2
 13 in order to change a vote.

206*#70S

14 206.70 CUSTODIAN OF MACHINES.

15 No change for subd 1

16 Subd. 2. VOTING MACHINE KEYS. The custodians shall
 17 keep secure all keys to voting machines. A public official who
 18 by law is authorized to have custody of a voting machine may
 19 have the keys to a machine which is in his the official's *
 20 custody. Election officials entrusted with keys for election
 21 purposes may not retain them longer than necessary to accomplish
 22 these purposes. It is unlawful for an unauthorized person to
 23 possess the keys of a voting machine.

206*#72S

24 206.72 INSTRUCTIONS TO JUDGES AND VOTERS.

25 Subdivision 1. TRAINING FOR ELECTION JUDGES. Not
 26 more than 30 days before the primary or before the general
 27 election if no primary is held at which a lever voting machine
 28 is to be used, the official in charge of elections shall conduct
 29 a meeting or meetings to instruct election judges about the
 30 operation of the lever voting machine and the duties of election
 31 judges when lever voting machines are used. Each election judge
 32 serving in a precinct where lever voting machines are used shall
 33 attend at least one meeting prior to either the primary or the
 34 general election in which the judge is to serve, and shall
 35 receive a certificate showing ~~that he has attended~~ attendance at *
 36 an instruction meeting and ~~has been found qualified~~ a finding of *
 37 qualification to serve. Each judge who attends an instruction *
 38 meeting and qualifies and serves at an election shall receive at
 39 least \$1 for the time spent in receiving instruction, plus
 40 transportation costs for going to and from the meeting, which
 41 shall be paid at the same time and in the same manner as the
 42 payment for serving on election day. A training certificate may
 43 only be issued to an individual who has attended an instruction
 44 meeting and has been found qualified to serve as an election
 45 judge. No one is eligible to serve as judge who has not
 46 received a training certificate. In case of emergency, when an
 47 insufficient number of certified judges is available, election
 48 judges may be appointed to conduct the election who have not
 49 received the required certificate.

50 No change for subd 2

206*#73S

51 206.73 OFFICIALS TO PREPARE LEVER MACHINES FOR USE.

52 The official in charge of elections shall examine all lever
 53 voting machines before they are sent out to the polling places
 54 to see that all the registering counters are set at zero (000),
 55 to lock all voting machines so that the counting mechanism
 56 cannot be operated, to seal each voting machine with a numbered
 57 seal, and to make a written record of the seal.

58 Before the voting machines are prepared for an election,
 59 written notices must be mailed to the chairman chair of the *
 60 county committee of each political party, if the name of *
 61 the chairman chair is on file with the county auditor, stating *
 62 when and where the voting machines will be prepared, and at
 63 which times and places one representative of each political
 64 party, designated by the chairman chair of the county committee *
 65 of the party, may be present to see that the machines are
 66 properly prepared and placed in condition for use at the
 67 election. In nonpartisan primaries and elections each candidate
 68 may designate one representative who shall have the same powers
 69 as the political party representatives.

70 When the machines have been prepared for the election, it
 71 is the duty of the custodians and the political party or the
 72 candidate representatives at their discretion, to make a
 73 certificate in writing, which must be filed in the office of the

1 official in charge of elections in the municipality, stating the
2 serial number of each machine, whether or not all registering
3 counters have been set at zero (000), the number registered on
4 the protective counter, and the number on the metal seal with
5 which the machine is sealed.

206*#74S

6 206.74 LEVER VOTING MACHINES ON ELECTION DAY.

7 Subdivision 1. PREPARATION OF MACHINES. The election
8 judges shall meet at the polling place at least one hour before
9 the time for opening the polls. Not later than one hour before
10 the polls open, the keys to the voting machines shall be
11 delivered to one of the judges in a sealed envelope on which is
12 recorded the location and number of the voting machine, the
13 number of the seal, and the number registered on the protective
14 counter as reported by the custodian. The election judges shall
15 examine the envelope containing the keys to determine that it
16 has not been opened and to ascertain that the number registered
17 on the protective counter and the numbers on the seals with
18 which the machine is sealed correspond with the numbers recorded
19 on the envelope containing the keys. If the envelope appears to
20 have been opened, if the numbers do not agree, if the numbered
21 metal seal is broken or has been tampered with, or if any other
22 discrepancy is found, the election judges shall immediately
23 notify the custodian or other authorized person, who shall come
24 to the polling place, reexamine the machine and, if it is found
25 to be so, certify that it is in order, ~~if he finds it to be so~~.
26 If the numbers on the seals and on the protective counter agree
27 with the numbers on the envelope, the judges shall open the door
28 concealing the registering counters, carefully examine every
29 counter to see that it registers zero (000) and allow the
30 challengers to examine them. If the machine is equipped with a
31 device for printing, embossing, or photographing the registering
32 counters, in lieu of opening the machine, the election judges
33 shall operate it to produce a printed, embossed, or photographed
34 record in order to determine that every counter registers zero
35 (000). The judges shall allow the challengers to examine the
36 record. The election judges shall then compare the ballot
37 strips on the voting machine with the summary statements
38 furnished, to determine that the names and numbers, and letters,
39 if any, on the ballot strips agree with the summary statement.
40 The judges shall then sign a certificate showing the delivery of
41 the keys in a sealed envelope, the number on the seal or seals,
42 the number registered on the protective counter, that all the
43 registering counters are set at zero (000), and that the ballot
44 strips are properly placed in the machine.

45 Subd. 2. CHANGING PARTY CHOICE OR RETRACTING VOTE. A
46 voter at a primary who has entered the voting machine booth, set
47 the primary lever of a major political party to release the
48 candidates of the party for voting, and turned down levers over
49 the names of candidates, but has not yet recorded votes for any
50 candidates, ~~may, if he wishes,~~ enter the primary of a different
51 major political party by so informing the election judges. In a
52 general election, a voter who has cast a write-in vote may
53 retract it by informing the judges. In either case all the
54 judges shall go to the machine and shall see that all voting
55 levers have been returned to the unvoted position or that any
56 write-in vote has been removed, crossed out, or erased, so that
57 no votes may be cast for any candidates or on any questions.
58 The voter shall then be permitted to return the operating lever
59 to its original position and start from the beginning. A change
60 from one major political party to another in a primary or the
61 retraction of a write-in vote in a general election shall be
62 noted by the election judges. In each of these cases all the
63 election judges shall sign a certificate stating what was done,
64 and the certificate shall be included with the official returns
65 of the primary.

66 Subd. 3. ASSISTANCE IN PREPARING BALLOTS. When a
67 voter states under oath that the voter cannot read English or is
68 physically unable to operate the voting machine, the voter may
69 call for aid from two election judges of different major
70 political party affiliation, who shall prepare the voter's
71 ballot on the machine as the voter desires in as secret a manner
72 as circumstances permit. If a voter states that the voter
73 cannot speak the English language or understand it when spoken,
74 the judges may select two persons from different major political
75 parties to act as interpreters. The interpreters shall take an

*
*

*

1 oath similar to that taken by the judges and shall assist the
 2 voter in voting. ~~if the~~ A voter who prefers, ~~he~~ may call to
 3 ~~his~~ for aid from another voter of the same precinct, who,
 4 unaccompanied by a judge, may retire with the voter to the
 5 voting booth and prepare the voter's ballot on the voting
 6 machine ~~for him~~; but no person shall prepare the ballot of more
 7 than three voters at one election. Before registering ~~his~~ a
 8 vote the voter may show ~~his~~ the ballot, as prepared for
 9 recording, privately to a judge to ascertain that it is prepared
 10 as directed. No judge or other person assisting a voter shall
 11 in any manner request, persuade, induce, or attempt to persuade
 12 the voter to vote for or against a particular political party,
 13 candidate, or question but shall only prepare the ballot as
 14 requested, and shall not reveal to any one the name of any
 15 candidate for whom the voter has voted, or anything that took
 16 place while the judge or other person assisted the voter.

17 No change for subd 4 to 6

206*#81S

18 206.81 ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.

19 The secretary of state may license an electronic voting
 20 system for experimental use at an election prior to its approval
 21 for general use. Experimental use shall be observed by the
 22 secretary of state or ~~his~~ the secretary's designee and the
 23 results observed shall be considered at any subsequent
 24 proceedings for approval for general use. The secretary of
 25 state may adopt rules consistent with sections 206.55 to 206.87
 26 relating to experimental use. The extent of experimental use
 27 shall be determined by the secretary of state.

206*#82S

28 206.82 PREPARATION OF ELECTRONIC VOTING SYSTEM PROGRAMS
 29 AND PLANS.

30 Subdivision 1. PROGRAM. A program for use in an
 31 election conducted by means of an electronic voting system shall
 32 be prepared at the direction of the county auditor or municipal
 33 clerk who is responsible for the conduct of the election and
 34 shall be independently verified by a competent person designated
 35 by that official. The term "competent person" as used in this
 36 section means a person who can demonstrate ~~that he is a~~
 37 knowledgeable knowledge as a computer programmer and who is
 38 other than and wholly independent of any person operating or
 39 employed by the counting center or the corporation or other
 40 preparer of the program. A test deck prepared by a competent
 41 person shall be used for independent verification of the
 42 program; it shall test the maximum digits used in totaling the
 43 returns and shall be usable by insertion during the tabulation
 44 process as well as prior to tabulation. The secretary of state
 45 shall adopt rules further specifying test procedures.

46 No change for subd 2

206*#84S

47 206.84 METHODS OF USING ELECTRONIC VOTING SYSTEMS.

48 No change for subd 1 to 3

49 Subd. 4. WRITE-IN BALLOTS. If write-in space is not
 50 provided on the ballot card, a separate write-in ballot, which
 51 may be in the form of a paper ballot, card, or envelope in which
 52 the voter places ~~his~~ a ballot card after voting, must be
 53 provided when write-in voting is authorized so that voters may
 54 write in the names of persons whose names are not on the ballot.

55 No change for subd 5 to 7

206*#85S

56 206.85 OFFICIALS IN CHARGE OF COUNTING.

57 Subdivision 1. DUTIES OF RESPONSIBLE OFFICIAL. The
 58 official in charge of elections in a municipality where an
 59 electronic voting system is used must:

60 (a) be present or personally represented throughout the
 61 counting center proceedings;

62 (b) be responsible for acquiring sufficient facilities and
 63 personnel to ensure timely and lawful processing of votes;

64 (c) be responsible for the proper training of all personnel
 65 participating in counting center proceedings and deputize all
 66 personnel who are not otherwise election judges;

67 (d) maintain actual control over all proceedings and be
 68 responsible for the lawful execution of all proceedings in the
 69 counting center whether or not by experts ~~or laymen~~;

70 (e) be responsible for assuring the lawful retention and
 71 storage of ballots and read-outs; and

72 (f) arrange for observation by the public and by

1 candidates' representatives of counting center procedures by
 2 publishing the exact location of the counting center in a legal
 3 newspaper at least once during the week preceding the week of
 4 election and in the newspaper of widest circulation once on the
 5 day preceding the election, or once the week preceding the
 6 election if the newspaper is a weekly.

7 The official may make arrangements with news reporters
 8 which permit prompt reporting of election results but which do
 9 not interfere with the timely and lawful completion of counting
 10 procedures.

11 No change for subd 2

208*#03S

12 208.03 NOMINATION OF PRESIDENTIAL ELECTORS.

13 Presidential electors for the several major political
 14 parties of this state shall be nominated by delegate conventions
 15 called and held under the supervision of the respective state
 16 central committees of the parties of this state. The names of
 17 the persons nominated as presidential electors shall be
 18 certified to the secretary of state by the ~~chairperson~~ chair of *
 19 the convention for the office of presidential elector on or
 20 before primary election day.

209*#02S

21 209.02 ELECTION CONTESTS.

22 Subdivision 1. CONTEST, WHO MAY INSTITUTE, GROUNDS.

23 Any voter, including a candidate, may contest the nomination or
 24 election of any person for whom ~~he~~ the voter had the right to *
 25 vote, who is declared nominated or elected to the senate or the
 26 house of representatives of the United States, to a state,
 27 county, legislative, or municipal, or district court office, or
 28 the declared result of a constitutional amendment or other
 29 question voted upon at an election by proceeding as provided in
 30 this chapter. The contest may be brought over an irregularity
 31 in the conduct of an election or canvass of votes or on the
 32 grounds of deliberate, serious, and material violations of the
 33 provisions of the Minnesota election law.

34 No change for subd 2

35 Subd. 3. NOTICE OF CONTEST, FILING, SERVICE. The

36 notice of contest shall be filed within seven days after the
 37 canvass is completed, except that if the contest relates to a
 38 primary, the time for filing the notice of contest shall be
 39 limited to five days. Within the same period copies thereof
 40 shall be served upon the candidate whose election is contested
 41 and upon the official authorized to issue the certificate of
 42 election. When the contest relates to a constitutional
 43 amendment or other question to be voted for statewide or to a
 44 question to be voted for in more than one county, the secretary
 45 of state shall be designated the contestee, and a copy of the
 46 notice of contest shall be served upon ~~him~~ the secretary of *
 47 state within seven days, or five days in the case of a primary, *
 48 after the canvass is completed. When the contest relates to a
 49 question that affects a single county or a single municipality,
 50 the county auditor or the clerk of the municipality, as the case
 51 may be, shall be designated the contestee, and a copy of the
 52 notice of contest shall be served upon ~~him~~ the auditor or clerk *
 53 within seven days, or five days in the case of a primary, after
 54 the canvass is completed. In all cases where the contest
 55 relates to an irregularity in the conduct of the election or
 56 canvass of votes a copy of the notice of contest shall also be
 57 served within seven days, or five days in the case of a primary,
 58 after the canvass is completed upon the county auditor of the
 59 county in which the irregularity is said to have existed.

60 Subd. 4. NOTICE OF CONTEST, HOW SERVED. Service of

61 the notice of contest shall be made in the same manner as
 62 provided for the service of summons in civil actions. In all
 63 cases one copy of the notice shall be furnished the official
 64 authorized to issue the certificate of election at the time of
 65 service ~~upon him~~, and one copy shall be sent by certified mail *
 66 to the ~~contestee-at-his~~ contestee's last known address. *

67 Subd. 4a. NOTICE OF CONTEST, CERTAIN LEGISLATIVE

68 CONTESTS, HOW SERVED. In legislative contests, notice of
 69 contest shall be filed and served as provided in subdivisions 2
 70 to 4, except that the clerk of district court with whom the
 71 notice, and answer, if any, has been filed shall, within three
 72 days of receipt of each, submit by certified mail one copy
 73 thereof to the chief justice of the supreme court. Upon receipt
 74 of the notice of contest, the chief justice shall, within five

1 days, submit to the parties a list of all the district judges in
 2 the state, having stricken any judges involved in a trial with
 3 which serving as judge in the election contest would interfere
 4 and having stricken the name of any judge whose health precludes
 5 service as judge in the election contest. The parties shall
 6 within two days after receiving the list of judges meet together
 7 and, in cases where an unfair campaign practice is alleged, by
 8 alternating strikes remove the names of all judges until but one
 9 remains who shall then proceed to hear the contest in the manner
 10 provided in section 209.10. In cases where no unfair campaign
 11 practice is alleged, the parties shall follow the same procedure
 12 using only the names of judges of the judicial district or
 13 districts covering the area served by the contested office. The
 14 judge shall, within 15 days after notice has been filed, convene
 15 at an appropriate place within the county, or, if the district
 16 includes all or portions of more than one county, a county
 17 within the legislative district and hear testimony of the
 18 parties, under the ordinary rules of evidence for civil
 19 actions. If the contestant does not proceed within the time
 20 provided for herein ~~his~~ the action shall be dismissed and the
 21 judge shall transmit a copy of ~~his~~ the order for dismissal to
 22 the chief clerk of the house of representatives or the secretary
 23 of the senate, as appropriate.

24 No change for subd 5

25 Subd. 6. CONTEST OF NOMINATION. If a nomination is
 26 contested, the court shall decide which candidate was nominated,
 27 and that ~~candidate shall be entitled to have his~~ candidate's
 28 name shall be printed on the official ballots.

29 No change for subd 7 to 8

209*#03S

30 209.03 CONTESTEE, ANSWER.

31 When the notice of contest questions only which of the
 32 parties to the contest received the highest number of votes
 33 legally cast at the election, the contestee need not file an
 34 answer. For all other election contests or in any contest in
 35 which the contestee desires to offer testimony on points not
 36 specified in contestant's notice, ~~he~~ the contestee shall file
 37 and serve on the contestant an answer to the notice of contest.
 38 The answer shall so far as practicable, conform to the rules for
 39 pleading in civil actions. If the contest relates to a primary
 40 service of the answer shall be made within the time fixed by the
 41 court, but not exceeding five days after service of contestant's
 42 notice upon ~~him~~ the contestee; if the contest relates to a
 43 general election, service of the answer shall be made within
 44 seven days after service of contestant's notice upon ~~him~~ the
 45 contestee. Service of the answer shall be made in the same
 46 manner as provided for service of an answer in civil actions or
 47 in such manner as the court may by order direct. Any other
 48 notices shall be served in such manner and within such times as
 49 the court may by order direct.

209*#05S

50 209.05 CONTEST, GUARD OF BALLOTS.

51 In any election, upon demand made of the custodian of the
 52 ballots and upon notice to the opposing party, a continuous
 53 visual guard over the ballots at all hours of the day and night
 54 may be kept by a candidate until the expiration of the time for
 55 instituting contests, and in case of a contest it may be kept by
 56 any party thereto. The guard may be maintained either by the
 57 candidate or other party himself personally or by each of their
 58 duly authorized agents not exceeding two for each party at any
 59 one time. In event of such demand, the custodian of the ballots
 60 shall appoint some suitable person as guard over the ballots
 61 during such hours as ~~he~~ the custodian shall deem necessary in
 62 order to prevent leaving the same in the sole custody of the
 63 candidate or other party or the agents of one of them.

209*#06S

64 209.06 CONTEST, RECOUNT OF BALLOTS.

65 Subdivision 1. RECOUNT, APPOINTMENT OF INSPECTORS.

66 After a contest has been instituted, either party may have the
 67 ballots inspected before preparing for trial. The party
 68 applying for such inspection shall file with the clerk of
 69 district court in which the contest is brought a verified
 70 petition, stating that ~~he~~ the party cannot properly prepare ~~his~~
 71 the party's case for trial without an inspection of such ballots
 72 and designating the precincts in which ~~he~~ the party desires to
 73 have ballots inspected, and thereupon a judge of the court

1 wherein the trial of such case is pending shall appoint three
 2 persons for a legislative, county, municipal, district court or
 3 other office not specifically provided for herein, or for any
 4 question voted upon at a county or municipal election, one
 5 selected by each of the parties and a third by those two by whom
 6 such inspection shall be made. In case either party neglects or
 7 refuses to name an inspector, ~~he~~ the inspector shall be named by *
 8 such judge. The compensation of inspectors shall be the same as
 9 for referees, unless otherwise stipulated.

10 Subd. 2. RECOUNT, BOND, TAXING OF COSTS. The party
 11 applying for the inspection shall file with the clerk of
 12 district court a bond in the sum of \$250 if the contest be
 13 within a single county; otherwise the bond shall be in a sum to
 14 be fixed by the court in its discretion, with such sureties as
 15 shall be approved by the court, and conditioned that ~~he~~ the *
 16 party will pay the costs and expenses of such in case ~~he fails~~ *
 17 of failure to maintain ~~his~~ the contest. If the contestee *
 18 succeeds, costs of the contest shall be taxed against the
 19 contestant. If the contestant succeeds, costs of the contest
 20 shall be taxed against the contestee, except that if the
 21 contestee loses because of an error in the counting of ballots
 22 or canvass of the returns or by reason of any other irregularity
 23 in the election procedure, costs shall be taxed, in the
 24 discretion of the judge, upon those municipalities responsible
 25 for errors which resulted in the reversal of the prior results
 26 of the election.

27 Subd. 3. RECOUNT OF BALLOTS, STATEWIDE ELECTION. If
 28 the contest relates to a state office or to the declared result
 29 of a constitutional amendment or other question voted upon at a
 30 statewide election, the party applying for the inspection shall
 31 designate the precincts in the counties in which ~~he~~ the party *
 32 desires the inspection to be made; and the court shall order the
 33 appointment of as many sets of three inspectors as may be
 34 necessary to expeditiously count and inspect the ballots, and
 35 the ballots shall be inspected in the office of the county
 36 auditor who is the legal custodian of the ballots in question.
 37 The inspectors in a state contest shall be selected in the
 38 manner provided in subdivision 1.

39 No change for subd 4

209*#09S

40 209.09 APPEALS.

41 When an appeal is taken from the determination of the
 42 district court in any contest instituted under this chapter, the
 43 party appealing shall file in the district court a bond in a
 44 sum, not less than \$500, and with such sureties, as shall be
 45 approved by the judge, conditioned for the payment of all costs
 46 incurred by the respondent in case appellant fails on ~~his~~ the *
 47 appeal. The notice of appeal shall be served and filed no later
 48 than ten days in case of a general election and no later than
 49 five days in case of a primary after the entry of the
 50 determination of the district court in the contest. The return
 51 of the appeal shall be made, certified, and filed in the court
 52 of appeals or, in the case of a contest relating to the office
 53 of state representative or senator, in the supreme court as soon
 54 as practicable and in any event within 15 days after service of
 55 notice of appeal. The appeal may be brought on for hearing in
 56 the court at any time when it is in session, upon such notice
 57 from either party, as the court may determine. The notice may
 58 be served during term time or in vacation; and it may be heard
 59 and determined summarily by the court. The appeal from a
 60 determination of an election contest relating to the office of
 61 state senator or representative shall take precedence over all
 62 other business on the supreme court docket, and shall be
 63 disposed of with all convenient dispatch. A copy of the
 64 decision shall be forwarded to the chief clerk of the house of
 65 representatives or the secretary of the senate, as appropriate.

209*#10S

66 209.10 CONTEST OF LEGISLATIVE OFFICE.

67 No change for subd 1

68 Subd. 2. LEGISLATIVE CONTEST, HEARING, PROCEDURE.

69 In hearing the contest, the house or senate shall proceed as
 70 follows:

71 (a) At the time appointed, the parties shall be called,
 72 and, if they appear, their appearance shall be recorded;

73 (b) If the presiding officer be a party, a speaker pro tem
 74 shall be elected to preside;

(c) The contestant's evidence shall be submitted first, followed by that of the contestee, and the contestant shall open the argument, and close the same after the contestee has been heard;

(d) The vote upon the contest shall be viva voce, any member may offer reasons for ~~the~~ an intended vote ~~he-intends-to give~~, and a majority of the votes given shall decide; but no party to the contest shall vote upon any question relative thereto; and

(e) The clerk or secretary shall enter the proceedings in the journal.

209*#12S

209.12 FEDERAL LEGISLATIVE OFFICES.

When the contest relates to the office of senator or a member of the house of representatives of the United States, the only question to be tried by the court, notwithstanding any other provision of law, shall be the question as to which of the parties to the contest received the highest number of votes legally cast at the election, and as to who is entitled to receive the certificate of election. The judge trying the proceedings shall make findings of fact and conclusions of law upon the question so tried. Further evidence upon the points specified in the notices, including but not limited to the question as to the right of any person to nomination or office on the ground of deliberate, serious, and material violation of the provisions of the Minnesota election law, shall be taken and preserved by the judge trying the contest, or under ~~his~~ the judge's direction by some person appointed by ~~him~~ the judge for that purpose, but the judge shall make no findings or conclusion thereon. After the time for appeal has expired, or in case of an appeal, after the final judicial determination of the contest, upon application of either of the parties to the contest, the clerk of the district court shall, without unnecessary delay, certify and carefully seal and immediately forward all the files and records of the proceedings with all the evidence taken, by mail or by express, addressed to the presiding officer of the senate or of the house of representatives as the case may be of the United States, Washington, District of Columbia; and shall also endorse upon the envelope or container in which the same are transmitted the name of the case in which the same were taken, together with the name of the party in whose behalf the same were taken, and shall subscribe such endorsement.

210A#01S

210A.01 DEFINITIONS.

No change for subd 1 to 4

Subd. 5. "Filing office", when used with reference to any candidate, shall be construed to mean the officer who is authorized by law to issue a certificate of nomination or election to such candidate if ~~he-be~~ the candidate is successful. If there be no officer authorized to issue such certificate of nomination or election, then such term shall be construed to mean the clerk of the town or city in which such candidate resides.

No change for subd 6 to 9

210A#02S

210A.02 FALSE CLAIM OF PARTY SUPPORT.

No person or candidate shall knowingly, either ~~by-himself~~ personally or by any other person, while such candidate is seeking a nomination or election, make, directly or indirectly, a false claim stating or implying that the candidate has the support or endorsement of any major political party, or unit thereof, or of any organization, when in fact the candidate does not have such support or endorsement.

210A#07S

210A.07 UNDUE INFLUENCE ON VOTERS PROHIBITED.

No election judge, officer, or any other person shall directly or indirectly ~~by-himself~~, personally or through any other person ~~in-his-behalf~~, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict ~~by-himself~~, personally or through any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any individual in order to induce or compel or attempt to induce or compel that individual to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, nor

1 shall by abduction, duress, or any fraudulent contrivance,
 2 impede or prevent the free exercise of the franchise of any
 3 voter at any primary or election, or compel, induce, or prevail
 4 upon any elector to give or to refrain from giving his a vote at
 5 any primary or election. *

210A#08S

6 210A.08 SOLICITATION OF CONTRIBUTIONS PROHIBITED.

7 No person shall demand, solicit, ask, or invite any payment
 8 or contribution to any religious, charitable, or other causes or
 9 organizations, supposedly to be primarily for the public good,
 10 from any candidate for nomination or election, or to subscribe
 11 for the support of any club, or organization, or to buy tickets
 12 to any entertainment or ball or to pay for space in any book,
 13 program, periodical, or publication, nor shall such demand or
 14 solicitation be made upon any committee. This shall not apply
 15 to the solicitation of any business advertisement in periodicals
 16 in which the candidate was a regular contributor, prior to his *
 17 candidacy, nor to ordinary business advertisements, nor to
 18 regular payments of any organization, religious, charitable, or *
 19 otherwise, of which he the candidate was a member, or to which *
 20 he the candidate was a contributor for more than six months *
 21 before his candidacy, nor to any ordinary contributions at *
 22 church services.

210A#081S

23 210A.081 POLITICAL ACTIVITIES PROHIBITED BY EMPLOYEES OF
 24 POLITICAL SUBDIVISIONS.

25 No officer, agent, clerk, or employee of any political
 26 subdivision shall, directly or indirectly, during his hours of *
 27 employment solicit or receive funds or at any time use his *
 28 authority or official influence to compel any officer or
 29 employee in the classified service to apply for membership in or
 30 become a member of any organization, or to pay or promise to pay
 31 any assessment, subscription, or contribution, or to take part
 32 in any political activity. Any person who violates any
 33 provision of this section shall be guilty of a misdemeanor, and *
 34 shall be punished accordingly, and ~~if~~ any officer or employee in *
 35 the classified service ~~is~~ found guilty of violating any *
 36 provision of this section, ~~he~~ is automatically separated from *
 37 the service. No political subdivision may impose or enforce any
 38 additional limitations on the political activities of its
 39 employees.

210A#09S

40 210A.09 INDUCING OR REFRAINING A PERSON AS A CANDIDATE;
 41 TIME OFF FOR PUBLIC OFFICE MEETINGS.

42 Subdivision 1. No person shall pay, or promise to reward
 43 another in any manner or form for the purpose of inducing him *
 44 the other person to be or refrain from or cease being a *
 45 candidate, and no person shall solicit or receive any payment,
 46 promise, or reward from another for such purpose.

47 Subd. 2. Any person elected to a public office shall be
 48 permitted time off from his regular employment to attend *
 49 meetings of his the public office. No retaliatory action may be *
 50 taken by the employer for absences necessary for the employee to
 51 attend the meetings. Such time off may be without pay, with
 52 pay, or made up with other hours, as agreed between the employee
 53 and employer. When an employee takes time off without pay, the
 54 employer shall make an effort to allow the employee to make up
 55 the time with other hours when the employee is available.

210A#091S

56 210A.091 PUBLIC OFFICIAL, NAME.

57 Every person elected to public office may use the name
 58 given in his the person's affidavit of candidacy or nominating *
 59 petition in transacting official business in the ensuing term of
 60 office.

210A#10S

61 210A.10 SOLICITING NEAR POLLING PLACES PROHIBITED.

62 It shall be unlawful for any person within any polling
 63 place or within 100 feet of the building in which any polling
 64 place is situated on the day of any primary or election to ask,
 65 solicit, or in any manner try to induce or persuade any voter on
 66 such primary or election day to vote for or refrain from voting
 67 for any candidate or the candidates of any major political party
 68 or organization, or any measure submitted to the people; and,
 69 ~~upon conviction thereof, he shall be punished by~~ carries a fine *
 70 of not less than \$5 nor more than \$100 for the first offense,
 71 and for the second and each subsequent offense occurring on the

1 same or different election days, ~~he shall be punished by~~ a fine *
 2 as aforesaid or ~~by~~ imprisonment in the county jail for not less *
 3 than five nor more than 30 days or ~~by~~ both such fine and *
 4 imprisonment.

210A#14S

5 210A.14 MAY NOT INFLUENCE EMPLOYEES.
 6 No person being an employer or acting for or in behalf of
 7 any employer shall give, distribute or cause to be given or *
 8 distributed to any of ~~his~~ the person's employees, any printed or *
 9 written matters containing any threat, notice or information, or *
 10 make any threat, verbal or otherwise, that in case any
 11 particular ticket or a major political party or organization or
 12 candidate shall be elected or not elected or any measure
 13 referred to a vote of the people shall be adopted or not
 14 adopted, work in ~~his~~ the place of employment or establishment *
 15 will cease, in whole or in part, or ~~his~~ the place of employment *
 16 or establishment will be closed up, or the salaries or wages of *
 17 the workmen workers or employees be reduced, or other threats, *
 18 expressed or implied, intended or calculated to influence the *
 19 political opinion or action of ~~his-workmen~~ workers or employees. *

210A#141S

20 210A.141 REFUSING EMPLOYEE ELECTION PRIVILEGES; PENALTY.
 21 No person acting as principal or as an official or agent of
 22 another, shall directly or indirectly refuse, abridge or in any
 23 manner interfere with the election privileges or immunities of
 24 an employee of that person or ~~his~~ the employee's principal. A *
 25 violation of this section is a misdemeanor.

210A#15S

26 210A.15 MAY NOT PROMISE APPOINTMENTS.
 27 No person shall, in order to aid or promote ~~his~~ the *
 28 person's nomination or election, directly or *
 29 indirectly, ~~himself,~~ personally or through any other person, *
 30 appoint or promise to appoint any person, or secure or promise
 31 to secure or aid in securing the appointment, nomination, or
 32 election of any person to any public or private position or
 33 employment, or to any position of honor, trust, or emolument.
 34 Nothing herein contained shall prevent a candidate from stating
 35 publicly ~~his~~ a preference for or support of any other candidate *
 36 for any office to be voted for at the same primary or election;
 37 nor prevent a candidate, for any office in which the person
 38 elected will be charged with the duty of participating in the
 39 election or the nomination of any person as a candidate for any
 40 office, from publicly stating or pledging ~~his~~ a preference for *
 41 or support of any person for such office or nomination.

210A#19S

42 210A.19 UNLAWFUL EXPENDITURES; PENALTY.
 43 Subdivision 1. TREATING BY CANDIDATES PROHIBITED.
 44 Every person or candidate for nomination or election to a public *
 45 office, who, either ~~by-himself~~ personally or by any other *
 46 person, directly or indirectly, gives, provides, or pays wholly
 47 or in part, or promises to pay wholly or in part, the expenses
 48 of giving or providing any meat, drink, or other entertainment
 49 or provisions, clothing, liquors, cigars or tobacco to or for
 50 any person for the purpose of or with the intent to influence
 51 that person or any other person to give or refrain from
 52 giving ~~his~~ a vote at the primary or election to or for any *
 53 candidate or measure before the people shall be guilty of a
 54 misdemeanor.

55 Subd. 2. ACCEPTANCE BY ELECTORS PROHIBITED. No
 56 elector shall accept any such meat, drink, entertainment,
 57 provision, clothing, liquor, cigars or tobacco, and such
 58 acceptance shall be a ground of challenge to ~~his~~ the elector's *
 59 vote and of rejecting ~~his~~ the elector's vote on a contest. *

210A#20S

60 210A.20 MAKING OF WAGERS PROHIBITED.
 61 Any candidate who, before or during any primary or election
 62 campaign, makes any bet or wager of anything of pecuniary value,
 63 or in any manner becomes a party to any such bet or wager on the
 64 result of the primary or election in ~~his~~ the candidate's *
 65 electoral district, in any part thereof, or on any event or
 66 contingency relating to any pending primary or election, or who
 67 provides money or other valuable thing to be used by any person
 68 in betting or wagering upon the results of any pending primary
 69 or election, shall be guilty of violation of sections 210A.01 to
 70 210A.44. Any person who, for the purpose of influencing the
 71 result of any primary or election, makes any bet or wager of

1 anything of pecuniary value on the result of such primary or
 2 election, in ~~his~~ the person's electoral district or any part *
 3 thereof, or of any pending primary or election, or on any event
 4 or contingency relating thereto, shall be guilty of a violation
 5 of sections 210A.01 to 210A.44 and, in addition thereto, any
 6 such act shall be a ground of challenge against ~~his~~ the person's *
 7 right to vote.

210A#23S

8 210A.23 MAY AUTHORIZE DISBURSEMENTS BY CAMPAIGN
 9 COMMITTEE.

10 Any candidate may delegate to ~~his~~ a personal campaign *
 11 committee or to any party committee of ~~his~~ a party in a signed *
 12 writing ~~duly-subscribed-by-him~~, the expenditure of any portion *
 13 of the total disbursements which are authorized to be incurred
 14 by ~~him~~ the candidate or on ~~his~~ the candidate's behalf by the *
 15 provisions of sections 210A.01 to 210A.44, but the total of all
 16 disbursements by ~~himself~~ the candidate and ~~by-his~~ personal *
 17 campaign committee in ~~his~~ the candidate's behalf shall not *
 18 exceed in the aggregate the amounts in sections 210A.01 to
 19 210A.44 specified, except as provided herein.

210A#25S

20 210A.25 DISBURSEMENTS BY CANDIDATE.

21 No candidate shall make any disbursement for political
 22 purposes except under ~~his~~ the candidate's personal direction *
 23 which for any purpose shall be considered ~~his~~ the candidate's *
 24 act, through ~~his~~ the candidate's party committee, or through a *
 25 personal campaign committee, whose authority to act shall be
 26 filed, as provided in sections 210A.01 to 210A.44.

210A#26S

27 210A.26 MUST FILE VERIFIED STATEMENT OF EXPENDITURES.

28 No change for subd 1

29 Subd. 2. FILING STATEMENTS, INFORMATION REQUIRED.

30 The statement of any candidate and the statement of ~~his~~ the *
 31 candidate's personal campaign committee shall be filed with the *
 32 filing officer of such candidate. The statement of every state
 33 committee and of every congressional committee shall be filed
 34 with the secretary of state. The statement of every party
 35 committee for a legislative district shall be filed with the
 36 filing officer of the candidate for senator or representative in
 37 such legislative district. The statement of every other party
 38 committee shall be filed in the office of the county auditor of
 39 the county within which, or for a subdivision within which, such
 40 disbursements were made. Each statement shall give in full
 41 detail:

42 (a) Every sum of money and all property, and every other
 43 thing of value, received by such candidate or committee during
 44 such period from any source whatsoever which ~~he~~ the candidate or *
 45 ~~it~~ committee uses or has used, or is at liberty to use for *
 46 political purposes, together with the name of every person or
 47 source from which each was received and the date when each was
 48 received, together with the total amount received from all
 49 sources in any amount or manner;

50 (b) Every promise or pledge of money, property, or other
 51 thing of value, received by such candidate or committee during
 52 such period, the proceeds of which ~~he~~ the candidate uses or has *
 53 used, or is at liberty to use for political purposes, together
 54 with the names of the persons by whom each was promised or
 55 pledged, the special purposes for which each was promised or
 56 pledged, and the date when each was so promised or pledged,
 57 together with the total amount promised or pledged from all
 58 sources in any amounts or manner;

59 (c) Every disbursement by such candidate or committee for
 60 political purposes during such period, together with the name of
 61 every person to whom the disbursement is made, the specific
 62 purpose for which each was made, and the date when each was
 63 made, together with the total amount of disbursements made in
 64 any amounts or manner; and

65 (d) Every obligation, expressed or implied, to make any
 66 disbursement incurred by such candidate or committee for
 67 political purposes during such period, together with the names
 68 of the person or persons to or with whom each such obligation
 69 has been incurred, the specific purposes for which each was
 70 made, and the date when each was incurred, together with the
 71 total amount of such obligations made in any amounts or manner.

72 No change for subd 3 to 6

210A#28S

1 210A.28 NAMES OF CANDIDATES SHALL NOT BE PRINTED ON
2 BALLOT UNLESS STATEMENT IS FILED.

3 The name of a candidate chosen at a primary, or otherwise,
4 shall not be printed on the official ballot for the ensuing
5 general election, unless there has been filed by or on behalf of
6 the candidate and by ~~his~~ the candidate's personal campaign
7 committee, if any, the statements of accounts and expenses
8 relating to nomination required by sections 210A.01 to 210A.44.

*

210A#30S

9 210A.30 FAILURE OF TREASURER TO KEEP ACCOUNTS; PENALTY.
10 Every such treasurer or other person who receives any money
11 to be applied to the purposes aforesaid, who fails to keep a
12 correct book of account containing all the statements and
13 details required by law, with intent to conceal the receipt or
14 disbursement of any sum of money received or disbursed ~~by him or~~
15 ~~by any other person~~, or the purpose for which the same was
16 received or disbursed, or to conceal the existence of any unpaid
17 debt or obligation, or the amount thereof, or to whom the same
18 is due, in detail, or who shall mutilate, deface, or destroy
19 such book with like intent, shall be guilty of a misdemeanor.

*

*

210A#31S

20 210A.31 FAILURE BY CANDIDATE TO FILE STATEMENT; PENALTY.
21 Every candidate for nomination or election to any elective
22 office except governor, lieutenant governor, attorney general,
23 secretary of state, state treasurer, state auditor, state
24 senator and state representative, who intentionally fails to
25 make and file the verified statement of moneys contributed,
26 disbursed, expended, or promised ~~by him,~~ personally or by any
27 other person, committee, or organization for ~~him~~ the candidate,
28 so far as ~~he~~ the candidate can learn, in the manner, within the
29 time, and with the details required by sections 210A.01 to
30 210A.44, or who enters upon the duties of any such office, or
31 receives any salary or emolument therefrom, with knowledge that
32 such statement has not been filed, and every officer who issues
33 a commission or certificate of election to any person with
34 knowledge that such statement has not been so filed, is guilty
35 of a gross misdemeanor.

*

*

*

210A#33S

36 210A.33 PERSONAL CAMPAIGN COMMITTEES.
37 Any candidate may select a single personal campaign
38 committee to consist of one or more persons. Before any
39 personal campaign committee shall make any disbursement in
40 behalf of any candidate, or shall incur any obligation,
41 expressed or implied, to ~~make any disbursement in his behalf~~ do
42 so, such candidate shall file with the filing officer of such
43 candidate a written statement signed by such candidate, setting
44 forth that such personal campaign committee has been appointed
45 and giving the name and address of each member thereof and of
46 the secretary thereof. If the campaign committee consists of
47 only one person, such person shall be deemed the secretary
48 thereof. Any candidate may revoke the selection of any member
49 of such personal campaign committee by a revocation in writing
50 which, with proof of personal service on the member whose
51 selection is so revoked, shall be filed with the filing officer
52 of such candidate. Such candidate may fill the vacancy thus
53 created in the manner in which an original appointment is made.
54 In civil actions and proceedings brought under sections 210A.01
55 to 210A.44, the acts of every member of such personal campaign
56 committee shall be presumed to be with the knowledge and
57 approval of the candidate until it has been clearly proved that
58 the candidate did not have knowledge of and approve the same,
59 and that, in the exercise of reasonable care and diligence, ~~he~~
60 the candidate could not have had knowledge of and opportunity to
61 disapprove the same.

*

*

*

*

210A#34S

62 210A.34 CORPORATIONS NOT TO CONTRIBUTE TO POLITICAL
63 CAMPAIGN; PERMITTED ACTIVITIES; REPORTS; PENALTIES.
64 Subdivision 1. It shall be unlawful for any corporation
65 doing business in this state to make any contribution or to
66 offer, consent or agree to make any contribution, directly or
67 indirectly, of any money, property, free service of its officers
68 or employees or thing of value to any major political party,
69 organization, committee or individual to promote or defeat the
70 candidacy of any person for nomination, election, or appointment
71 to any political office. For the purpose of this subdivision,
72 "contribution" includes an expenditure to promote or defeat the

1 election or nomination of any candidate to any political office
 2 which is made with the authorization or expressed or implied
 3 consent of, or in cooperation or in concert with, or at the
 4 request or suggestion of a candidate, ~~his~~ or the candidate's
 5 principal campaign committee or ~~his~~ agent. *

6 Subd. 1a. It shall be unlawful for any corporation doing
 7 business in this state to make any independent expenditure or to
 8 offer, consent or agree to make any independent expenditure to
 9 promote or defeat the candidacy of any person for nomination,
 10 election or appointment to any political office. For the
 11 purpose of this subdivision, "independent expenditure" means an
 12 expenditure which is not made with the authorization or
 13 expressed or implied consent of, or in cooperation or concert
 14 with, or at the request or suggestion of, a candidate, ~~his~~ or
 15 the candidate's principal campaign committee or ~~his~~ agent. *

16 No change for subd 1b to 8 *

210A#37S

17 210A.37 COUNTY ATTORNEY TO INQUIRE INTO VIOLATIONS;
 18 PENALTIES.

19 If the county attorney of the county shall be notified by
 20 any officer or other person of any violation of any of the
 21 provisions of sections 210A.01 to 210A.44, ~~it~~ the county
 22 attorney shall ~~be his duty~~ forthwith to diligently inquire into
 23 the facts of such violation, and if there be reasonable ground
 24 for instituting a prosecution, it shall be the duty of such
 25 county attorney to present the charge, with all the evidence
 26 which ~~he~~ can ~~procure~~ be procured, to the grand jury of such
 27 county. If any county attorney shall fail or refuse to
 28 faithfully perform any duty imposed upon ~~him~~ the county attorney
 29 by the provisions of sections 210A.01 to 210A.44, ~~he~~ the county
 30 attorney shall be guilty of a misdemeanor; and, on conviction
 31 thereof, shall forfeit ~~his~~ the office. It shall be the duty of
 32 the county attorney, under the penalty of forfeiture of ~~his~~ the
 33 office, to prosecute any and all persons guilty of any violation
 34 of the provisions of sections 210A.01 to 210A.44, the penalty of
 35 which is fine or imprisonment, or both, or removal from office.
 36 Any citizen may employ an attorney to assist the county attorney
 37 to perform ~~his~~ duties under the provisions of sections 210A.01
 38 to 210A.44, and such attorney shall be recognized by the county
 39 attorney and the court as associate counsel in the proceeding;
 40 and no prosecution, action, or proceeding shall be dismissed
 41 without notice to, or against the objection of, such associate
 42 counsel until the reasons of the county attorney for such
 43 dismissal, together with the objections thereto of the associate
 44 counsel, shall have been filed in writing, argued by counsel,
 45 and fully considered by the court, with such limitation as to
 46 the time of filing such reasons and objections as the court may
 47 impose. *

210A#38S

48 210A.38 VIOLATIONS BY UNAUTHORIZED PERSON NOT TO FORFEIT
 49 NOMINATION.

50 When upon the trial of any action or proceedings under the
 51 provisions of sections 210A.01 to 210A.44, it shall appear from
 52 the evidence that the offense complained of was not committed by
 53 or with the knowledge or consent of the candidate, ~~or with his~~
 54 knowledge or consent, or was committed without ~~his~~ the
 55 candidate's sanction or connivance, and that all reasonable
 56 means were taken by such candidate at such election, or were
 57 taken by or on behalf of the candidate, or that the offenses
 58 complained of were trivial or unimportant, and that in all
 59 respects ~~his~~ the candidacy and election were free from all
 60 offensive or illegal acts, or that any act or omission of any
 61 candidate complained of arose from accidental miscalculation or
 62 from some other reasonable cause of like nature, and in any case
 63 did not arise from any want of good faith, and under the
 64 circumstances it seems to the court to be unjust that the
 65 candidate ~~shall~~ forfeit ~~his~~ the nomination, position, or office,
 66 then the nomination or election of such candidate shall not by
 67 reason of such offense complained to be void, nor shall the
 68 candidate be removed from nor deprived of ~~his~~ the nomination,
 69 position, or office. *

210A#40S

70 210A.40 JUDGMENTS; TO WHOM TRANSMITTED.

71 If any person shall in a criminal action be judged to have
 72 been guilty of any violation of the provisions of sections
 73 210A.01 to 210A.44 while a candidate for any office under the

1 constitution or laws of the state, or under any ordinance of any
 2 municipality therein, other than the office of state senator or
 3 member of the house of representatives, the court shall, after
 4 entering the adjudication of guilty, enter a supplemental
 5 judgment, declaring such person to have forfeited the office in
 6 the conduct of the campaign for the nomination or election to
 7 which ~~he~~ the person was guilty of such violation, and shall *
 8 transmit to the filing officer of such candidate a transcript of
 9 such supplemental judgment, and thereupon such office shall be
 10 deemed vacant and shall be filled as provided by law.

11 If any person shall, in a criminal action, be adjudicated
 12 guilty of any violation of the provisions of sections 210A.01 to
 13 210A.44, committed while ~~he-was~~ a candidate for the office of *
 14 state senator, member of the house of representatives, United *
 15 States senator, or representative in Congress, or while ~~he-was~~ a *
 16 member of the personal campaign committee of any such candidate,
 17 the court, after entering such adjudication, shall forthwith
 18 transmit to the presiding officer of the legislative body as a
 19 member of which such officer was a candidate when such violation
 20 occurred, a certificate setting forth such adjudication of
 21 guilty.

210A#41S

22 210A.41 MAY EMPLOY COUNSEL.

23 Nothing contained in sections 210A.01 to 210A.44 shall
 24 prevent any candidate from employing counsel ~~to represent him~~ *
 25 for representation in any action or proceeding, affecting ~~his~~ *
 26 rights as a candidate, nor from paying all costs and
 27 disbursements necessary incidental thereto. No sum so paid or
 28 incurred shall be deemed a part of the campaign expenses of any
 29 such candidate.

210A#42S

30 210A.42 PENALTIES FOR VIOLATION.

31 Any person violating any provisions of sections 210A.01 to
 32 210A.44, except as otherwise provided herein, shall, upon
 33 conviction thereof, be guilty of a gross misdemeanor; and no
 34 person so convicted shall be permitted to take or hold office to
 35 which ~~he~~ the person was elected, if any, or receive the *
 36 emoluments thereof.

210A#43S

37 210A.43 DENIAL OF ACCESS BY POLITICAL CANDIDATES TO
 38 MULTIPLE UNIT DWELLINGS.

39 No change for subd 1 to 2

40 Subd. 3. INJUNCTION. Any candidate who is denied
 41 access personally or with accompanying workers ~~he-accompanies~~ *
 42 any multiple unit dwelling in violation of subdivision 1 shall
 43 be entitled to sue for and have injunctive relief in any court
 44 of competent jurisdiction against all persons involved in any
 45 violation of subdivision 1, to prevent and restrain violations
 46 thereof without alleging or proving actual damages or that an
 47 adequate remedy at law does not exist, so that injunctive relief
 48 can be obtained promptly without awaiting injury or actual
 49 damage. Such injunctive relief shall not abridge or be in lieu
 50 of any other remedy or penalty provided by law, provided the
 51 court shall specifically exclude from the injunction any
 52 resident of the multiple unit facilities specified in
 53 subdivision 1 who shall have indicated orally or in writing to
 54 the candidate, ~~his~~ the candidate's representative or the court *
 55 that ~~he~~ the resident does not want to be contacted by said *
 56 candidate.

57 No change for subd 4

214*#001S

58 214.001 POLICY.

59 No change for subd 1 to 2

60 Subd. 3. If the legislature finds after evaluation of the
 61 factors identified in subdivision 2 that it is necessary to
 62 regulate an occupation not heretofore credentialed or regulated,
 63 then regulation should be implemented consistent with the policy
 64 of this section, in modes in the following order:

65 (a) Creation or extension of common law or statutory causes
 66 of civil action, and the creation or extension of criminal
 67 prohibitions;

68 (b) Imposition of inspection requirements and the ability
 69 to enforce violations by injunctive relief in the courts;

70 (c) Implementation of a system of registration whereby
 71 practitioners who will be the only persons permitted to use a
 72 designated title are listed on an official roster after having

1 met predetermined qualifications; or

2 (d) Implementation of a system of licensing whereby a
3 practitioner must receive recognition by the state ~~that he has~~ *
4 of having met predetermined qualifications, and persons not so *
5 licensed are prohibited from practicing.

6 Two or more of these modes may be simultaneously
7 implemented if necessary and appropriate.

214*#04S

8 214.04 SERVICES.

9 Subdivision 1. The commissioner of administration with
10 respect to the board of electricity, the commissioner of
11 education with respect to the board of teaching, the
12 commissioner of public safety with respect to the board of
13 private detective and protective agent services, and the board
14 of peace officer standards and training, and the commissioner of
15 revenue with respect to the board of assessors, shall provide
16 suitable offices and other space, joint conference and hearing
17 facilities, examination rooms, and the following administrative
18 support services: purchasing service, accounting service,
19 advisory personnel services, consulting services relating to
20 evaluation procedures and techniques, data processing,
21 duplicating, mailing services, automated printing of license
22 renewals, and such other similar services of a housekeeping
23 nature as are generally available to other agencies of state
24 government. Investigative services shall be provided the boards
25 by employees of the office of attorney general. The
26 commissioner of health with respect to the health related
27 licensing boards and the ~~chairman~~ chair of the department of *
28 commerce with respect to the remaining nonhealth related *
29 licensing boards shall provide the above facilities and services
30 at a central location for the health related and remaining
31 nonhealth related licensing boards. The legal and investigative
32 services for the boards shall be provided by employees of the
33 attorney general assigned to the departments servicing the
34 boards. Notwithstanding the foregoing, the attorney general
35 shall not be precluded by this section from assigning other
36 attorneys to service a board if necessary in order to insure
37 competent and consistent legal representation. Persons
38 providing legal and investigative services shall to the extent
39 practicable provide the services on a regular basis to the same
40 board or boards.

41 No change for subd 2

42 Subd. 3. The executive secretary of each health related
43 and non-health related board shall be the chief administrative
44 officer for the board but ~~he~~ shall not be a member of the *
45 board. ~~He~~ The executive secretary shall maintain the records of *
46 the board, account for all fees received by it, supervise and
47 direct employees servicing the board, and perform other services
48 as directed by the board. The executive secretaries and other
49 employees of the following boards shall be hired by the board,
50 and the executive secretaries shall be in the unclassified civil
51 service:

52 dentistry;
53 medical examiners;
54 nursing;
55 pharmacy;
56 accountancy;
57 architecture, engineering, land surveying and landscape
58 architecture;
59 barber examiners;
60 cosmetology;
61 electricity;
62 teaching; and
63 peace officer standards and training.

64 The executive secretaries serving the remaining boards
65 shall be hired by those boards, and shall be in the unclassified
66 civil service except for part-time executive secretaries, who
67 are not required to be in the unclassified service. Boards not
68 requiring a full-time executive secretary may employ such
69 services on a part-time basis. To the extent practicable the
70 sharing of part-time executive secretaries by boards being
71 serviced by the same department is encouraged. Persons
72 providing services to those boards not listed in this
73 subdivision, except executive secretaries of the boards and
74 employees of the attorney general, shall be classified civil
75 service employees of the department servicing the board. To the

1 extent practicable the commissioner shall insure that staff
2 services are shared by the boards being serviced by the
3 department. If necessary, a board may hire part-time, temporary
4 employees to administer and grade examinations.

5 No change for subd 4

214*#09S

6 214.09 MEMBERSHIP; COMPENSATION; REMOVAL; VACANCIES.

7 No change for subd 1 to 3

8 Subd. 4. REMOVAL; VACANCIES. A member may be
9 removed by the appointing authority at any time (1) for cause
10 after notice and hearing, (2) if the board fails to prepare and
11 submit the report required by section 214.07, or (3) after
12 missing three consecutive meetings. The ~~chairman~~ chair of the *
13 board shall inform the appointing authority of a member missing
14 the three consecutive meetings. After the second consecutive
15 missed meeting and before the next meeting, the secretary of the
16 board shall notify the member in writing that ~~he~~ the member may *
17 be removed ~~if-he-misses~~ for missing the next meeting. In the *
18 case of a vacancy on the board, the appointing authority shall
19 appoint a person to fill the vacancy for the remainder of the
20 unexpired term.

214*#10S

21 214.10 COMPLAINTS; INVESTIGATION AND HEARING.

22 Subdivision 1. RECEIPT OF COMPLAINT. The executive
23 secretary of a board, a board member or any other person who
24 performs services for the board who receives a complaint or
25 other communication, whether oral or written, which complaint or
26 communication alleges or implies a violation of a statute or
27 rule which the board is empowered to enforce, shall promptly
28 forward the substance of the communication on a form prepared by
29 the attorney general to the designee of the attorney general
30 responsible for providing legal services to the board. Before
31 proceeding further with the communication, the designee of the
32 attorney general may require the complaining party to state ~~his~~ *
33 the complaint in writing on a form prepared by the attorney *
34 general. Complaints which relate to matters within the
35 jurisdiction of another governmental agency shall be forwarded
36 to that agency by the executive secretary. An officer of that
37 agency shall advise the executive secretary of the disposition
38 of that complaint. A complaint received by another agency which
39 relates to a statute or rule which a licensing board is
40 empowered to enforce shall be forwarded to the executive
41 secretary of the board to be processed in accordance with this
42 section. No complaint alleging a matter within the jurisdiction
43 of the board shall be dismissed by a board unless at least two
44 board members have reviewed the matter.

45 Subd. 2. INVESTIGATION AND HEARING. The designee of
46 the attorney general providing legal services to a board shall *
47 evaluate the communications forwarded ~~to-him~~ by the board or its *
48 members or staff. If the communication alleges a violation of
49 statute or rule which the board is to enforce, the designee is
50 empowered to investigate the facts alleged in the
51 communication. In the process of evaluation and investigation,
52 ~~he~~ the designee shall consult with or seek the assistance of the *
53 executive secretary or, if the board determines, a member of the
54 board who has been ~~designated~~ appointed by the board to assist *
55 the designee. ~~He~~ The designee may also consult with or seek the *
56 assistance of any other qualified persons who are not members of
57 the board who the designee believes will materially aid in the
58 process of evaluation or investigation. The executive secretary
59 or the consulted board member may attempt to correct improper
60 activities and redress grievances through education, conference,
61 conciliation and persuasion, and in these attempts ~~he~~ may be *
62 assisted by the designee of the attorney general. If the
63 attempts at correction or redress do not produce satisfactory
64 results in the opinion of the executive secretary or the
65 consulted board member, or if after investigation the designee
66 providing legal services to the board, the executive secretary
67 or the consulted board member believes that the communication
68 and the investigation suggest illegal or unauthorized activities
69 warranting board action, ~~he~~ the person having the belief shall *
70 inform the executive secretary of the board who shall schedule a
71 disciplinary hearing in accordance with chapter 14. Before ~~the~~ *
72 ~~designee-of-the-attorney-general-or-the-executive-secretary-may~~ *
73 direct directing the holding of a disciplinary hearing, ~~he~~ the *
74 executive secretary or the designee of the attorney general *

1 shall have considered the recommendations of the consulted board
 2 member. Before scheduling a disciplinary hearing, the executive
 3 secretary must have received a verified written complaint from
 4 the complaining party. A board member who was consulted during
 5 the course of an investigation may participate at the hearing
 6 but may not vote on any matter pertaining to the case. The
 7 executive secretary of the board shall promptly inform the
 8 complaining party of the final disposition of the complaint.
 9 Nothing in this section shall preclude the board from
 10 scheduling, on its own motion, a disciplinary hearing based upon
 11 the findings or report of the board's executive secretary, a
 12 board member or the designee of the attorney general assigned to
 13 the board. Nothing in this section shall preclude a member of
 14 the board or its executive secretary from initiating a complaint.

15 No change for subd 2a

16 Subd. 3. DISCOVERY; SUBPOENAS. In all matters
 17 pending before it relating to its lawful regulation activities,
 18 a board may issue subpoenas and compel the attendance of
 19 witnesses and the production of all necessary papers, books,
 20 records, documents, and other evidentiary material. Any person
 21 failing or refusing to appear or testify regarding any matter
 22 about which he the person may be lawfully questioned or produce *
 23 any papers, books, records, documents, or other evidentiary
 24 materials in the matter to be heard, after having been required
 25 by order of the board or by a subpoena of the board to do so
 26 may, upon application to the district court in any district, be
 27 ordered to comply therewith; provided that in matters to which
 28 the peace officers standards and training board is a party,
 29 application shall be made to the district court having
 30 jurisdiction where the event giving rise to the matter
 31 occurred. The chairman chair of the board acting on behalf of *
 32 the board may issue subpoenas and any board member may
 33 administer oaths to witnesses, or take their affirmation.
 34 Depositions may be taken within or without the state in the
 35 manner provided by law for the taking of depositions in civil
 36 actions. A subpoena or other process or paper may be served
 37 upon any person named therein, anywhere within the state by any
 38 officer authorized to serve subpoenas or other process or paper
 39 in civil actions, with the same fees and mileage and in the same
 40 manner as prescribed by law for service of process issued out of
 41 the district court of this state. Fees and mileage and other
 42 costs shall be paid as the board directs.

43 No change for subd 4 to 5

44 Subd. 6. PEACE OFFICERS STANDARDS AND TRAINING BOARD;
 45 SETTLEMENT, HEARING. Notwithstanding the provisions of
 46 subdivision 2 to the contrary, upon a finding pursuant to
 47 subdivision 5 that further board action is warranted, the
 48 executive director of the peace officers standards and training
 49 board shall make every effort to resolve grievances or rectify
 50 improper activities through education, conference, conciliation
 51 and persuasion of appropriate parties.

52 The executive director shall report to the board the
 53 results of his attempts to resolve grievances and rectify *
 54 improper activities pursuant to the preceding paragraph. The
 55 board shall review these results and order further action,
 56 including a license revocation hearing to be held in accordance
 57 with chapter 14, if deemed necessary. The executive director
 58 shall promptly notify the complainant and the subject of the
 59 complaint of the final disposition of the matter by the board.

60 No change for subd 7 to 8

214*#13S

61 214.13 HUMAN SERVICES OCCUPATIONS.

62 No change for subd 1

63 Subd. 2. OTHER AGENCY'S COMMENT. Before promulgating
 64 any rules regulating a specific occupation under this section,
 65 the commissioner shall determine whether a substantial number of
 66 persons in that occupation will be employed by an employer who
 67 is regulated by or funded through another state agency. If the
 68 commissioner so determines, then he the commissioner must submit *
 69 the proposed rules to the head or governing board of that agency
 70 for review and comment: The agency shall review the rules to
 71 insure compliance with laws which are administered or enforced
 72 by that agency. Agency comment shall be forwarded to the
 73 commissioner within 90 days of receiving the proposed rules.
 74 After receipt of agency comment, the commissioner may proceed to
 75 promulgate the rules.

1 No change for subd 3
 2 Subd. 4. The commissioner of health shall wherever
 3 possible delegate the administration of regulation activities to
 4 a health-related licensing board with the concurrence of that
 5 board. If the commissioner of health delegates this function,
 6 the licensing board may regularly bill the commissioner of
 7 health for the cost of performing this function. The licensing
 8 board may directly set and charge fees in accordance with the
 9 provisions of section 214.06. The commissioner of health may
 10 establish an advisory council to advise ~~him~~ the commissioner or *
 11 the appropriate health-related licensing board on matters
 12 relating to the registration and regulation of an occupation. A
 13 council shall have seven members appointed by the commissioner
 14 of which five are members of the registered occupation or
 15 related registered or licensed occupations, and two are public
 16 members. A council shall expire, and the terms, compensation
 17 and removal of members shall be as provided in section 15.059.
 18 No change for subd 5 to 7

214*#141S

19 214.141 ADVISORY COUNCIL; MEMBERSHIP.
 20 There is established a human services occupations advisory
 21 council to assist the commissioner of health in formulating
 22 policies and rules pursuant to section 214.13. The commissioner
 23 shall determine the council's duties and shall establish
 24 procedures for its proper functioning, including, but not
 25 limited to, methods for selecting temporary members and methods
 26 of communicating recommendations and advice to the commissioner
 27 for ~~his~~ consideration. The council shall consist of no more *
 28 than 15 members. Thirteen members shall be appointed by the
 29 commissioner, one of whom the commissioner shall designate as
 30 chairman chair. The members shall be selected as follows: four *
 31 members shall represent currently licensed or registered human
 32 services occupations; two members shall represent human services
 33 occupations which are not currently registered; two members
 34 shall represent licensed health care facilities, which can
 35 include a health maintenance organization as defined in section
 36 62D.02; one member shall represent the higher education
 37 coordinating board; one member shall represent the state
 38 planning agency; one member shall represent a third party payor
 39 to health care costs; and two members shall be public members as
 40 defined by section 214.02.

41 In cases in which the council has been charged by the
 42 commissioner to evaluate an application submitted under the
 43 provisions of section 214.13, the commissioner may appoint to
 44 the council as temporary voting members, for the purpose of
 45 evaluating that application alone, one or two representatives
 46 from among the appropriate licensed or registered human services
 47 occupations or from among the state agencies that have been
 48 identified under section 214.13, subdivision 2. In determining
 49 whether a temporary voting member or members should be appointed
 50 and which human services occupations or state agencies should be
 51 represented by temporary voting members, the commissioner shall
 52 attempt to systematically involve those who would be most
 53 directly affected by a decision to credential a particular
 54 applicant group and who are not already represented on the
 55 council. The terms of temporary voting members shall not exceed
 56 12 months. The terms of the other council members, and the
 57 compensation and removal of all members, shall be as provided in
 58 section 15.059.

216*#10S

59 216.10 ATTORNEYS; PROCEEDINGS IN NAME OF STATE.
 60 The attorney general shall be ex officio attorney for the
 61 public utilities commission--~~He~~ and shall institute and *
 62 prosecute all actions which the commission shall order brought
 63 and render the commissioners all advice, counsel, and assistance
 64 necessary for the proper performance of their duties. The
 65 county attorney of any county in which an action is pending,
 66 prosecuted, or defended by direction of the commission shall aid
 67 in the prosecution or defense thereof until final determination
 68 when requested by the commission. When necessary the commission
 69 may employ additional counsel to assist the attorney general.
 70 All actions or proceedings instituted by the commission
 71 shall be brought in the name of the state.

216*#13S

72 216.13 PROCEEDINGS BEFORE COMMISSION; HOW COMMENCED.
 73 Proceedings before the commission against any such carrier

1 or public warehouseman warehouse operator shall be instituted by *
 2 complaint, verified as a pleading in a civil action, stating in
 3 ordinary language the facts constituting the alleged omission or
 4 offense. The parties to such proceedings shall be termed,
 5 respectively, "complainant" and "respondent."

216*#14S

6 216.14 NOTICE TO RESPONDENT.

7 Upon filing such complaint, if there appear reasonable
 8 grounds for investigating such matter, the commission shall
 9 issue an order directed to and requiring such carrier or *
 10 ~~warehouseman-requiring-him~~ warehouse operator to grant the *
 11 relief demanded or show cause by answer within 20 days from the
 12 service of such notice why such relief should not be granted.
 13 Such order, together with a copy of the complaint, shall
 14 forthwith be served upon the respondent.

216*#15S

15 216.15 ANSWER.

16 The respondent may file and serve by mail upon the
 17 complainant, within 20 days after service of the order, an
 18 answer alleging that it has already granted the relief demanded
 19 or setting up any matter of defense. If the answer allege the
 20 granting of the relief the complainant shall within 20 days
 21 reply admitting or denying such allegation. If ~~he~~ the *
 22 complainant fails to reply or admits the allegation, the *
 23 proceeding shall be dismissed.

216A#03S

24 216A.03 COMMISSION.

25 Subdivision 1. MEMBERS. As of January 1, 1975 the
 26 public utilities commission shall consist of five members, three
 27 of whom shall be the members then serving, who shall continue to
 28 serve for the balance of their elective or appointive terms.
 29 There shall be two additional commissioners appointed by the
 30 governor with the advice and consent of the senate, one for a
 31 term expiring December 31, 1975, and one for a term expiring
 32 December 31, 1977. Thereafter the terms of all subsequent
 33 members of the commission shall be six years and until their
 34 successors have been appointed and qualified. Each commissioner
 35 shall be appointed by the governor by and with the advice and
 36 consent of the senate. Not more than three commissioners shall
 37 belong to the same political party. The governor ~~in-his~~ *
 38 ~~selection-of~~ when selecting commissioners shall give *
 39 consideration to persons learned in the law or persons who have
 40 engaged in the profession of engineering, public accounting or
 41 property and utility valuation as well as being representative
 42 of the general public.

43 No change for subd 1a

44 Subd. 3. CHAIRMAN CHAIR. The commission shall *
 45 elect the chair from one of their number chairman at the meeting *
 46 of the commission in the second week in January of each year for
 47 a term of one year.

48 If a vacancy occurs in the position of chairman chair, the *
 49 commission shall elect a new chairman chair to complete the *
 50 unexpired term.

51 Subd. 3a. POWERS AND DUTIES OF THE CHAIRMAN CHAIR. *

52 The chairman chair shall be the principal executive officer of *
 53 the commission. ~~He~~ and shall preside at meetings of the *
 54 commission. The chairman chair shall organize the work of the *
 55 commission and may make assignments to commission members,
 56 appoint committees and give direction to the commission staff
 57 through the executive secretary subject to the approval of the
 58 commission.

59 Subd. 4. OATH. Before entering upon the duties of *
 60 ~~his~~ office, each commissioner shall take and file with the *
 61 secretary of state the following oath:

62 "I do solemnly swear that I will support the constitution
 63 of the United States, the constitution of this state; that I
 64 will faithfully discharge my duties as commissioner of the
 65 public utilities commission according to the best of my ability;
 66 and that I am not in the employ of or holding any official
 67 relation to or pecuniarily interested in any individual
 68 proprietorship, firm, copartnership, corporation or association,
 69 the activities of which are wholly or partially subject to
 70 regulation by the public utilities commission; nor do I serve on
 71 or under any committee of any political party."

72 No change for subd 5

216A#035S

1 216A.035 CONFLICT OF INTEREST.

2 No person ~~during-his-term-of-membership-on~~, while a member
3 of the public utilities commission, shall receive any
4 significant portion of ~~his~~ income directly or indirectly from
5 any public utility. No person shall be eligible to be appointed
6 as a member of the public utilities commission ~~unless-and-until~~
7 ~~he-divests-himself-of~~ without having divested any significant
8 interest in, or ~~abandons~~ having abandoned any employment with, a
9 utility.

10 No person who is an employee of the public service
11 department shall participate in any manner in any decision or
12 action of the commission where ~~he~~ that person has a direct or
13 indirect financial interest. Each commissioner or employee of
14 the public service department who is in the general
15 professional, supervisory, or technical units established in
16 section 179A.10 or who is a professional, supervisory, or
17 technical employee defined as confidential in section 179A.03,
18 subdivision 4, or who is a management classification employee
19 and whose duties are related to public utilities or
20 transportation regulation shall report to the ethical practices
21 board annually before April 15 any interest ~~he-has~~ in an
22 industry or business regulated by the commission.

216A#05S

23 216A.05 FUNCTIONS AND POWERS.

24 No change for subd 1

25 Subd. 2. POWERS GENERALLY. The commission shall, to
26 the extent prescribed by law:

27 (1) Investigate the management of all ~~warehousemen~~
28 warehouse operators and telegraph companies, the manner in which
29 their businesses are conducted and the adequacies of the
30 services which they are affording to the public, and make all
31 appropriate orders relating to the continuation, termination or
32 modification of all services and facilities with a view to
33 properly promoting the security and convenience of the public.

34 (2) Review and ascertain the reasonableness of tariffs of
35 rates, fares and charges, or any part or classification thereof,
36 and prescribe the form and manner of filing, posting and
37 publication thereof.

38 (3) Prescribe uniform systems of keeping and rendering
39 accounts and the time within which such systems shall be adopted.

40 (4) Order the issuance of franchises, permits or
41 certificates of convenience and necessity.

42 No change for subd 3 to 4

43 Subd. 5. HEARINGS UPON PETITIONS. With respect to
44 those matters within its jurisdiction the commission shall
45 receive, hear and determine all petitions filed with it in
46 accordance with the rules of practice and procedure promulgated
47 by the commission, and may investigate, hold hearings and make
48 determinations upon its own motion to the same extent, and in
49 every instance, in which it may do so upon petition. Upon
50 receiving petitions filed pursuant to sections 221.061, 221.081,
51 221.121, subdivision 1, 221.151, 221.296, and 221.55, the
52 commission shall give notice of the filing of the petition to
53 representatives of associations or other interested groups or
54 persons who have registered their names with the executive
55 secretary for that purpose and to whomever ~~he~~ the executive
56 secretary deems to be interested in the petition. The
57 commission may grant or deny the request of the petition 30 days
58 after notice of the filing has been fully given. If the
59 commission receives a written objection and a notice of intent
60 to appear at a hearing to object to the petition from any person
61 within 20 days of the notice having been fully given, the
62 request of the petition shall be granted or denied only after a
63 contested case hearing has been conducted on the petition,
64 unless the objection is withdrawn prior to the hearing. The
65 commission may elect to hold a contested case hearing if no
66 objections to the petition are received. If a timely objection
67 is not received, or if received and withdrawn, and the request
68 of the petition is denied without hearing, the petitioner may
69 request within 30 days of receiving the notice of denial, and
70 shall be granted, a contested case hearing on the petition.

71 No change for subd 6

216A#06S

72 216A.06 DIRECTOR.

73 Subdivision 1. ESTABLISHMENT OF OFFICE, APPOINTMENT.

74 The office of director of the department of public service is

1 hereby established. ~~He~~ The director shall be appointed by the *
2 governor under the provisions of section 15.06.
3 Subd. 2. Repealed, 1977 c 305 s 46

216A#07S
4 216A.07 DIRECTOR; POWERS AND DUTIES.
5 Subdivision 1. ADMINISTRATIVE DUTIES. The director
6 shall be the executive and administrative head of the public
7 service department. ~~He~~ and shall have and possess all the *
8 rights and powers and perform all the duties relating to the
9 administrative function of the department as set forth in this
10 chapter. The director may:
11 (1) Prepare all forms or blanks for the purpose of
12 obtaining information which ~~he~~ the director may deem necessary *
13 or useful in the proper exercise of ~~his~~ the authority and duties *
14 of the director in connection with regulated businesses; *
15 (2) Prescribe the time and manner within which forms or
16 blanks shall be filed with the department;
17 (3) Inspect at all reasonable times, and copy the books,
18 records, memoranda and correspondence or other documents and
19 records of any person relating to any regulated business; and
20 (4) Cause the deposition to be taken of any person
21 concerning the business and affairs of any business regulated by
22 the department. Information sought through said deposition
23 shall be for a lawfully authorized purpose and shall be relevant
24 and material to the investigation or hearing before the
25 commission. Information obtained from said deposition shall be
26 used by the department only for a lawfully authorized purpose
27 and pursuant to powers and responsibilities conferred upon the
28 department. Said deposition is to be taken in the manner
29 prescribed by law for taking depositions in civil actions in the
30 district court.
31 No change for subd 2 to 3
32 Subd. 4. INVESTIGATIONS. The director may, on ~~his~~ *
33 the director's own initiative, investigate any matter subject to *
34 the jurisdiction of the department or commission.
35 No change for subd 5

216B#10S
36 216B.10 ACCOUNTING SYSTEM.
37 No change for subd 1 to 3
38 Subd. 4. The commission may require any public utility to
39 file annual reports in the form and content, having regard for
40 the provisions of this section, as the commission may require,
41 and special reports concerning any matter about which the
42 commission is authorized to inquire or to keep itself informed.
43 The commission may require the reports to be verified. The
44 basic financial statements in the annual report of a public
45 utility may, at the direction of the public utilities
46 commission, be examined by an independent certified public
47 accountant and ~~his~~ the accountant's opinion thereof included in *
48 the annual report filed with the commission.
49 No change for subd 5

216B#165S
50 216B.165 ENERGY AUDITS.
51 Subdivision 1. A customer who asks a public utility to
52 perform an energy audit of ~~his~~ the customer's residence pursuant *
53 to 42 United States Code 8211 et seq. shall pay no more than \$10
54 of the administrative and general expenses associated with the
55 audit. The remainder of the administrative and general expenses
56 of operating a program of energy audits pursuant to 42 United
57 States Code 8211 et seq., including those associated with
58 program audits, list distribution, customer billing services,
59 arranging services and post-installation inspections shall be
60 treated as current operating expenses of providing utility
61 service and shall be charged to all ratepayers of the public
62 utility in the same manner as other current operating expenses
63 of providing utility service.
64 No change for subd 2

216B#23S
65 216B.23 LAWFUL RATES; REASONABLE SERVICE.
66 No change for subd 1 to 2
67 Subd. 3. A copy of the order shall be served upon the
68 person against whom it runs or ~~his~~ the person's attorney, and *
69 notice thereof shall be given to the other parties to the
70 proceedings or their attorneys.

216B#28S
71 216B.28 SUBPOENA; WITNESSES; FEES; AND MILEAGE.

1 The commission and each commissioner, or the secretary of
 2 the commission may issue subpoenas and all necessary processes
 3 in proceedings pending before it; and each process shall extend
 4 to all parts of the state and may be served by any person
 5 authorized to serve processes of courts of record. Each witness
 6 who shall appear before the commission, or at a hearing before
 7 one of the individuals designated by it as provided in section
 8 216B.15, or whose deposition is taken, shall receive for ~~his~~ *
 9 attendance the fees and mileage now provided for witnesses in
 10 civil cases in courts of record.

216B#29S

11 216B.29 OATHS; CONTEMPT; EXAMINER'S POWERS.
 12 The commission and each of the commissioners or authorized
 13 examiner, for the purpose mentioned in Laws 1974, Chapter 429,
 14 may administer oaths and examine witnesses. In case of failure
 15 on the part of any person to comply with any subpoena, or in the
 16 case of the refusal of any witness to testify concerning any
 17 matter on which ~~he~~ the witness may be interrogated lawfully, any *
 18 court of record of general jurisdiction or a judge thereof, on
 19 application of the commission, may compel obedience by
 20 proceedings for contempt as in the case of disobedience of the
 21 requirements of a subpoena issued from the court or a refusal to
 22 testify therein.

216B#31S

23 216B.31 TESTIMONY AND PRODUCTION OF RECORDS; PERJURY.
 24 No person shall be excused from testifying or from
 25 producing any book, document, paper, or account in any
 26 investigation, or inquiry by, or hearing before, the commission
 27 or any commissioner, or person designated by it to conduct
 28 hearings, when ordered to do so, upon the ground that the
 29 testimony or evidence, book, document, paper, or account
 30 required ~~of him~~ may tend to incriminate him the person or *
 31 subject him the person to penalty or forfeiture; but no person *
 32 shall be prosecuted, punished, or subjected to any forfeiture or
 33 penalty for or on account of any act, transaction, matter, or *
 34 thing concerning which ~~he~~ the person shall have been compelled
 35 under oath to testify or produce documentary evidence; provided,
 36 that no person so testifying shall be exempt from prosecution or *
 37 punishment for any perjury committed ~~by him~~ in ~~his~~ testimony. *

216B#421S

38 216B.421 HOMESTEAD; OPTION OF ELECTRIC SERVICE.
 39 Subdivision 1. MULTIPLE SERVICE AREAS; CUSTOMER
 40 ELECTION. Notwithstanding the establishment of assigned
 41 service areas for electric utilities provided for in section
 42 216B.39, when a customer requires electric service for buildings
 43 or other structures located on land constituting ~~his~~ the *
 44 customer's homestead and the buildings or structures are located *
 45 within more than one assigned service area, the customer may *
 46 elect to contract for or purchase ~~his~~ the customer's entire *
 47 electric service requirements from either of the electric *
 48 utilities providing ~~him with~~ the customer with electric *
 49 service. An electric utility may extend its facilities through
 50 the assigned service area of another electric utility if the
 51 extension is necessary to facilitate the electric utility
 52 connecting a customer who elects to purchase or contract for
 53 service from it pursuant to this section.

54 No change for subd 2

216B#58S

55 216B.58 ACTS; OMISSION; FAILURE; CONSTRUCTION THEREOF.
 56 In construing and enforcing the provision of Laws 1974,
 57 Chapter 429 relating to penalties, the act, omission, or failure
 58 of any officer, agent or employee of any person acting within
 59 the scope of ~~his~~ official duties of employment shall in every *
 60 case be deemed to be also the act, omission, or failure of that
 61 person.

216B#64S

62 216B.64 ATTORNEY GENERAL TO REPRESENT COMMISSION AND
 63 DEPARTMENT.
 64 The attorney general of the state shall, upon request of
 65 the commission or department, represent and appear for the
 66 commission or department in all actions and proceedings
 67 involving any question under Laws 1974, Chapter 429, and shall
 68 aid in any investigation or hearing had under the provisions of
 69 Laws 1974, Chapter 429. The attorney general shall perform all
 70 duties and services in connection with Laws 1974, Chapter 429
 71 and the enforcement thereof as the commission or department may

1 require. He The attorney general shall also bring all actions *
2 to collect penalties herein provided.

218*#031S

3 218.031 COMMON CARRIERS, DUTIES.

4 Subdivision 1. Except as otherwise directed or authorized,
5 it shall be the duty of every common carrier:

6 (1) To prescribe in the first instance, and to publish upon
7 not less than 20 days' public notice in the case of new or
8 increased rates or ten days' public notice in the case of
9 reduced rates, in such manner as may be required by the
10 commissioner and law, all schedules of rates and charges and
11 classifications thereof, together with the rules governing the
12 same, and minimum weights for transportation of freight articles
13 between points or stations in the state, and terminal and
14 switching charges. A new or changed contract rate shall become
15 effective in accordance with the provisions of United States
16 Code, title 49, section 10713. The board may, for good cause,
17 reduce the notice period specified in this clause.

18 (2) To comply with every duly authorized rule, regulation
19 or directive of the commissioner or board except as the same may
20 be stayed, pending appeal therefrom.

21 (3) To put into effect and observe all schedules of rates
22 and charges and classifications and any amendments or changes
23 therein duly ordered by the board, except as the same may be
24 stayed, pending appeal.

25 (4) To maintain as may be directed by the commissioner for
26 public inspection at stations and depots all schedules showing
27 all classifications, rates and charges for transportation of
28 freight currently in force applying from such station. Such
29 schedules shall state the places between which property will be
30 carried and show the classification of freight, the distance
31 tariff, a table of distances between stations, any terminal
32 charges and any rules or regulations in any way affecting the
33 aggregate of such rates and charges.

34 (5) Upon request of an owner or consignor of freight to the
35 initial company, whenever the initial line does not reach the
36 place of destination, or the distance from the place of origin
37 to destination may be shortened, to transfer such freight to a
38 connecting line without change in cars if in carload lots,
39 except such change be free of charge to the shipper and
40 receiver; and to transfer with or without change in cars of less
41 than carload lots at a reasonable joint through rate agreed upon
42 by the connecting carriers or prescribed by the board, not
43 greater than the maximum rates allowed by law, provided any
44 unloading and reloading which is necessary shall be at cost and
45 the charge for such transfer included in the joint rate.

46 (6) To provide the same switching, transfer and handling
47 facilities for local as for interstate traffic.

48 (7) Upon written demand of the owner, to construct,
49 maintain and operate side tracks and reasonable facilities
50 connecting with any grain warehouse, dock, wharf, mill, coal
51 yard, quarry, brick or lime kiln, sand or gravel pit, crushed
52 rock or concrete plant or manufactory as may be required by the
53 board, and on such terms as may be agreed upon, or, on failure
54 of agreement, as may be prescribed by the board.

55 (8) To issue receipts or bills of lading covering all
56 property received for transportation from any point in the state
57 to any other point in the state, and to respond for any loss,
58 damage or injury to such property caused by it or any carrier to
59 whom such property may be delivered or over whose line it may
60 pass.

61 (9) To refund all overcharges for freight, baggage or
62 express, and pay for any loss, damage or injury to property
63 while in its possession, within 90 days after the filing of a
64 claim for such over-charge, loss or damage.

65 (10) To keep its accounts so as to show, as far as
66 practicable, the earnings derived from, and the expenses
67 incurred in, handling intrastate business in such form as the
68 commissioner shall prescribe, including the separation of
69 accounts for each operating division, wholly or partly within
70 the state. Such accounts shall show the total cost of operating
71 through trains and the total cost of operating the local or
72 distributing trains of each operating division, wholly or partly
73 within the state, during the fiscal year to be fixed by the
74 commissioner, the total number of tons of revenue and nonrevenue
75 freight, the number of tons of each carried one mile on the

1 through trains and on the local trains, respectively, the number
 2 of tons and ton miles of revenue and nonrevenue freight carried
 3 on through or local trains which are exclusively intrastate, and
 4 the gross tons and ton miles made by through and local trains on
 5 each division. The accounts shall show the total revenue and
 6 nonrevenue train and engine miles and the total revenue and
 7 nonrevenue car miles (the nonrevenue car miles to be shown
 8 loaded and empty separately) produced by such railroad in the
 9 state in each operating division, the number of each of the
 10 above train, engine and car mileage produced in handling the
 11 through trains and in handling the local trains, the total
 12 locomotive miles produced in switching on each division and such
 13 further information related to the income or cost of intrastate
 14 business as the commissioner may require. The commissioner may
 15 require such accounts to be kept with reference to the
 16 intrastate passenger business of each carrier and the train, car
 17 and engine mileage incurred in such business in this state as ~~he~~
 18 the commissioner may deem necessary.

*
*

19 (11) During pendency of any litigation, when rates
 20 prescribed by the board have not been put into effect, to keep a
 21 correct account of every charge made by it for any services to
 22 which such rates apply in excess of the rates prescribed,
 23 showing in each case the difference between the amount actually
 24 charged and the amount allowed to be charged, the date of the
 25 transaction, the stations between which the business was carried
 26 and the names and addresses of the consignor and consignee, and
 27 to report such information in full to the board on its request.

28 No change for subd 2 to 9

29 Subd. 10. Any common carrier which shall do or cause to be
 30 done any unlawful act, or fail to perform any duty prescribed,
 31 or violate any duly established order, rule or directive of the
 32 commissioner or board, or which shall aid or abet in the
 33 performance of any unlawful act or in the failure to perform any
 34 such duty, shall be liable in damages to any person injured
 35 thereby, and that person, if ~~he~~ that person recovers, shall be
 36 allowed, in addition to damages, reasonable attorneys' fees,
 37 together with costs and disbursements.

*

218*#041S

38 218.041 DUTIES OF TRANSPORTATION REGULATION BOARD AND
 39 COMMISSIONER.

40 No change for subd 1 to 5

41 Subd. 6. The commissioner may:

42 (1) Subpoena books, papers or accounts kept by any
 43 regulated business within or without the state, or compel
 44 production of verified copies;

45 (2) Prepare all forms or blanks for the purpose of
 46 obtaining information which the commissioner may deem necessary
 47 or useful for the proper exercise of ~~his-or the board's~~
 48 authority and duties of the commissioner or the board in
 49 connection with regulated businesses, and prescribe the time and
 50 manner within which the blanks and forms shall be completed and
 51 filed;

*
*

52 (3) Inspect, at all reasonable times, and copy the books,
 53 records, memoranda, correspondence or other documents and
 54 records of any business under ~~his~~ the commissioner's
 55 jurisdiction;

*

56 (4) Examine, under oath, any officer, agent or employee of
 57 a business under ~~his~~ the commissioner's jurisdiction concerning
 58 its business and affairs; and

*

59 (5) Prescribe rules, duly promulgated in accordance with
 60 chapter 14, relating to rates, care in handling and other
 61 livestock transportation matters.

62 No change for subd 7 to 8

218*#071S

63 218.071 RULES AND ORDERS OF COMMISSIONER AND BOARD;
 64 OFFENSES AND PENALTIES.

65 No change for subd 1

66 Subd. 2. Unless a different penalty or punishment is
 67 specifically prescribed, any person, firm or corporation who
 68 performs any unlawful act, or fails to perform any duty imposed
 69 ~~upon-him~~ by this chapter, or to obey any valid and final order,
 70 rule or directive of the commissioner or board, or who assists
 71 and aids therein, shall be guilty of a misdemeanor, and, if the
 72 violation be a continuing one, ~~then-he~~ shall be guilty of a new
 73 offense for each day of such continuance, and for each offense
 74 shall be punished by a fine of one hundred dollars (\$100).

*
*

1 No change for subd 3 to 4

219*#072S

2 219.072 ESTABLISHMENT OF NEW GRADE CROSSINGS.

3 The establishment of all new grade crossings must be
4 approved by the commissioner. When establishment of a new grade
5 crossing is desired, either by the public officials having the
6 necessary authority or by the railroad company, and the public
7 officials and the railroad company cannot agree as to need,
8 location, or type of warning devices required, either party may
9 file a petition with the commissioner setting forth the facts
10 and submitting the matter for determination. The commissioner,
11 after notice as ~~she-or-he~~ the commissioner deems reasonable, *
12 shall conduct a hearing and issue an order determining the
13 matters submitted.

219*#19S

14 219.19 ADDITIONAL WARNING SIGNS PROVIDED.

15 At each grade crossing where, because of the conditions
16 surrounding it, the reasonable protection to life and property
17 necessitates placing additional warning signs on the highway
18 farther from the crossing than the home crossing signs, approach
19 warning signs must be installed. The commissioner may designate
20 grade crossings requiring additional signs on either or both
21 sides of the crossing. ~~When-the-commissioner-designates~~ Upon *
22 designating a crossing as requiring additional protection, ~~she~~ *
23 ~~or-he~~ the commissioner shall notify the road authority having *
24 the care of the highway. The road authority, within 30 days
25 after notification, shall furnish and maintain uniform signs in
26 the appropriate places on the highway on either or both sides of
27 the grade crossings.

219*#35S

28 219.35 CROSSINGS AND DRAINS.

29 Persons owning lands abutting upon a railroad may
30 construct, at their own expense, crossings under, over, or
31 across the railroad and drains under and across the railroad at
32 places and in ways that do not obstruct or impair the use of the
33 railroad. These crossings and drains must be maintained and
34 kept in repair by the railroad company. Before constructing
35 them, the owner of the land shall serve on the nearest station
36 agent of the company a notice, stating in detail the work which
37 the landowner desires to perform, and the company may construct
38 that work; but the crossings and drains may not be opened for
39 the use of the landowner until ~~she-or-he~~ the landowner pays the *
40 reasonable cost of construction.

219*#46S

41 219.46 UNLAWFUL STRUCTURES; CLEARANCES.

42 Subdivision 1. STRUCTURES. (a) On and after April
43 16, 1913, it is unlawful for a common carrier or any other
44 person, on a standard gauge road on its line or a standard gauge
45 sidetrack, for use in any traffic mentioned in section 219.45:

46 (1) to erect or reconstruct and maintain an adjoining
47 warehouse, coal chute, stock pen, pole, mail crane, standpipe,
48 hog drencher, or any permanent or fixed structure or obstruction
49 within eight feet of the centerline of the track or sidetrack;

50 (2) in excavating, to allow an adjoining embankment of
51 earth or natural rock to remain within eight feet of the center
52 line of the track or sidetrack; or

53 (3) to erect or reconstruct overhead wires, bridges,
54 viaducts or other obstructions passing over or above its tracks
55 at a height less than 21 feet, measured from the top of the
56 track rail.

57 (b) If after May 1, 1943, overhead structures or platforms
58 or structures designed only to be used in the loading or
59 unloading of cars are rebuilt or remodeled, then these overhead
60 structures must be built with an overhead clearance of not less
61 than 22 feet from the top of the rail. These structures or
62 platforms must be built with a side clearance of not less than
63 8-1/2 feet from the center line of the track unless by order the
64 commissioner may provide otherwise.

65 (c) Sections 219.45 to 219.53 do not apply to yards and
66 terminals of depot companies or railway companies used only for
67 passenger service. If 'personal injury is sustained by an
68 employee of a depot company or railway company used only for
69 passenger service, by reason of noncompliance with sections
70 219.45 to 219.53, that employee, or in case of the employee's
71 death, ~~his-or-her~~ the personal representative, has the rights, *
72 privileges, and immunities enumerated in section 219.53.

1 (d) On and after May 1, 1943, it is unlawful for a common
2 carrier or any other person, on a standard gauge road on its
3 line or a standard gauge sidetrack or spur, for use in any
4 traffic mentioned in section 219.45:

5 (1) to erect or construct and maintain an adjoining
6 warehouse, coal chute, stock pen, pole, mail crane, standpipe,
7 hog drencher, or any permanent or fixed structure or obstruction
8 within 8-1/2 feet of the centerline of the track;

9 (2) in excavating, to allow an adjoining embankment of
10 earth or natural rock to remain within 8-1/2 feet of the center
11 line of the track or sidetrack; or

12 (3) to erect or construct overhead wires, bridges,
13 viaducts, or other obstructions passing over or above its tracks
14 at a height less than 22 feet, measured from the top of the
15 track rail.

16 No change for subd 2 to 7

219*#561S

17 219.561 TRACK MOTOR CARS; EQUIPMENT.

18 No change for subd 1

19 Subd. 2. WINDSHIELDS AND TOPS. Upon request of the
20 section ~~foreman~~ lead supervisor in any section operated by a *
21 railroad referred to in subdivision 1, a track motor car must be
22 equipped within 90 days with a windshield and top wide and high
23 enough to reasonably protect the employees from weather.

24 However, a railroad company is not required in any one year to
25 equip more than an additional 25 motor cars with that equipment.

26 No change for subd 3

219*#77S

27 219.77 RAILROAD EMPLOYER LIABILITY.

28 A company, person, or corporation, owning or operating as a
29 common carrier or otherwise a steam railroad or railway in the
30 state, is liable in damages to an employee suffering injury
31 while engaged in that employment; or, in case of death of the
32 employee, to ~~his-or-her~~ the personal representative for the *
33 benefit of the surviving spouse and children of the employee;
34 and if none, then to the employee's parents; and if none, then
35 to the next of kin dependent upon the employee, for injury or
36 death resulting in whole or in part from the negligence of the
37 officers, agents, or employees of the employer, or by reason of
38 a defect or insufficiency in its cars, engines, appliances,
39 machinery, track, roadbed, works, boats, wharves, or other
40 equipment due to the employer's negligence.

219*#81S

41 219.81 CONTRARY CONTRACTS DECLARED VOID.

42 Any contract, rule, regulation, or device whatever, the
43 purpose or intent of which is to enable an employer to escape
44 liability created by sections 219.77 to 219.83, is to that
45 extent void. In an action brought against the employer under or
46 by virtue of sections 219.77 to 219.83, the employer may set off
47 any sum ~~she-or-he~~ the employer has contributed or paid to any *
48 insurance, relief, benefit, or indemnity that may have been paid
49 to the injured employee, or to the persons entitled to it on
50 account of the injury or death for which the action was brought.

219*#82S

51 219.82 SURVIVAL OF RIGHT OF ACTION.

52 A right of action given by sections 219.77 to 219.83 to a *
53 person suffering injury survives to ~~his-or-her~~ the personal
54 representative for the benefit of the surviving spouse and
55 children of the employee; and if none, then of the employee's
56 parents; and if none, then of the next of kin dependent upon the
57 employee, but in such cases there shall be only one recovery for
58 the same injury.

221*#011S

59 221.011 DEFINITIONS.

60 No change for subd 1 to 8

61 Subd. 9. "Regular route common carrier" means a person who *
62 holds ~~himself~~ out to the public as willing, for hire, to
63 transport passengers or property by motor vehicle between fixed
64 termini over a regular route upon the public highways.

65 No change for subd 10

66 Subd. 11. "Irregular route common carrier" means a person *
67 who holds ~~himself~~ out to the public as willing to transport
68 property from place to place over highways for hire but who does
69 not operate between fixed termini or over a regular route or on
70 regular time schedules. Irregular route common carrier does not
71 include taxis and limousine services transporting passengers and

1 their luggage.

2 No change for subd 12 to 21

3 Subd. 23. "Household goods" means personal effects and
4 property used or to be used by the owner in ~~his~~ the owner's *
5 dwelling; furniture, fixtures, equipment and property of
6 business places and institutions, public or private, when a part
7 of the stock, equipment, supplies or property of such
8 establishments.

9 No change for subd 24 to 31

221*#021S

10 221.021 OPERATION CERTIFICATE OR PERMIT REQUIRED.

11 No person shall operate as a motor carrier or advertise or
12 otherwise hold ~~himself~~ out as a motor carrier without a *
13 certificate or permit in full force and effect. A certificate
14 or permit may be suspended or revoked upon conviction of
15 violating a provision of sections 221.011 to 221.296 or an
16 order, rule, or regulation of the commissioner or board
17 governing the operation of motor carriers, and upon a finding by
18 the court that the violation was wilful. The board may, for
19 good cause after a hearing, suspend or revoke a permit for a
20 violation of a provision of sections 221.011 to 221.296 or an
21 order, rule, or regulation of the commissioner or board issued
22 under this chapter.

221*#071S

23 221.071 ISSUANCE OF CERTIFICATE TO REGULAR ROUTE COMMON
24 CARRIER OR PETROLEUM CARRIER.

25 Subdivision 1. CONSIDERATIONS; TEMPORARY CERTIFICATES;
26 AMENDING. If the board finds from the evidence that the
27 petitioner is fit and able to properly perform the services
28 proposed and that public convenience and necessity require the
29 granting of the petition or a part of the petition, it shall
30 issue a certificate of public convenience and necessity to the
31 petitioner. In determining whether a certificate should be
32 issued, the board shall give primary consideration to the
33 interests of the public that might be affected, to the
34 transportation service being furnished by a railroad which may
35 be affected by the granting of the certificate, and to the
36 effect which the granting of the certificate will have upon
37 other transportation service essential to the communities which
38 might be affected by the granting of the certificate. The board
39 may issue a certificate as applied for or issue it for a part
40 only of the authority sought and may attach to the authority
41 granted terms and conditions as in its judgment public
42 convenience and necessity may require. If the petitioner is
43 seeking authority to operate regular-route transit service
44 wholly within the seven-county metropolitan area with operating
45 assistance provided by the regional transit board, the board
46 shall consider only whether the petitioner is fit and able to
47 perform the proposed service. The operating authority granted
48 to such a petitioner must be the operating authority for which
49 the petitioner is receiving operating assistance from the
50 regional transit board. A carrier receiving operating
51 assistance from the regional transit board may amend ~~his~~ the *
52 certificate to provide for additional routes by filing a copy of
53 the amendment with the board, and approval of the amendment by
54 the board is not required if the additional service is provided
55 with operating assistance from the regional transit board.

56 The board may grant a temporary certificate, ex parte,
57 valid for a period not exceeding 180 days, upon a showing that
58 no regular route common carrier or petroleum carrier is then
59 authorized to serve on the route sought, that no other petition
60 is on file with the board covering the route, and that a need
61 for the proposed service exists.

62 A certificate issued to a regular route common carrier or
63 petroleum carrier may be amended by the board on ex parte
64 petition and payment of a \$25 fee to the commissioner, to grant
65 an additional or alternate route if there is no other means of
66 transportation over the proposed additional route or between its
67 termini, and the proposed additional route does not exceed ten
68 miles in length.

69 No change for subd '2

221*#101S

70 221.101 ADDITIONAL AUTHORITY TO PETROLEUM CARRIERS.

71 In addition to the specific authority granted to petroleum
72 carriers, every petroleum carrier holding a certificate as such
73 may transport petroleum products from an origin point ~~he~~ the *

1 carrier is not authorized to serve when the needs of the *
 2 shippers ~~he~~ the carrier serves because of seasonal failure of *
 3 supplies require service from such origin point, upon securing
 4 permission from the board, provided that this provision shall
 5 not include the right to enlarge the carrier's destination area.

221*#121S

6 221.121 PETITION; HEARING; ISSUANCE; RENEWAL.
 7 No change for subd 1 to 4
 8 Subd. 5. LIVESTOCK CARRIERS. A person desiring to
 9 operate as a livestock carrier shall file a petition with the
 10 board specifying the kind of permit desired, the name and
 11 address of the petitioner and the names and addresses of the
 12 officers, if a corporation, and other information as the board
 13 may require.
 14 The board shall issue the permit upon compliance with laws
 15 and rules relating to the permit unless it finds that
 16 petitioner's vehicles do not meet the safety standards
 17 prescribed by the commissioner or that petitioner is not fit and
 18 able to conduct the proposed operations. A permit issued under
 19 this act must be renewed upon compliance with the provisions of
 20 this act and the rules of the board and commissioner. A
 21 livestock carrier, on the return trip after hauling livestock
 22 and delivering the livestock, may transport other commodities or
 23 property to the carrier's headquarters area. The livestock
 24 carrier may transport supplies and equipment used in farm work
 25 from ~~his~~ the carrier's headquarters area to any point in the *
 26 state or from any point in the state to ~~his~~ the headquarters *
 27 area.

28 No change for subd 6 to 7

221*#131S

29 221.131 PERMITS; TERMS, FEES, IDENTIFICATION CARDS.
 30 Subdivision 1. PERMIT RENEWAL. Permits issued under
 31 section 221.121 are effective for a 12-month period. Each
 32 permit must be renewed annually and each permit holder shall
 33 have one annual renewal date encompassing all of the permits
 34 held by ~~him~~ the holder. *
 35 Subd. 2. PERMIT CARRIERS; ANNUAL VEHICLE REGISTRATION.
 36 The permit holder shall pay an annual registration fee of \$20
 37 on each vehicle, including pickup and delivery vehicles,
 38 operated by ~~him~~ the holder under authority of the permit during *
 39 the 12-month period or fraction of the 12-month period.
 40 Trailers and semi-trailers used by a permit holder in
 41 combination with power units may not be counted as vehicles in
 42 the computation of fees under this section if the permit holder
 43 pays the fees for power units. The commissioner shall furnish a
 44 distinguishing annual identification card for each vehicle or
 45 power unit for which a fee has been paid. The identification
 46 card must at all times be carried in the vehicle or power unit
 47 to which it has been assigned. An identification card may be
 48 reassigned to another vehicle or power unit without fee by the
 49 commissioner upon application of the permit holder. An
 50 identification card issued under the provisions of this section
 51 is valid only for the period for which the permit is effective.
 52 The name and residence of the permit holder must be stenciled or
 53 otherwise shown on the outside of both doors of each registered
 54 vehicle operated under the permit. A fee of \$3 is charged for
 55 the replacement of an unexpired identification card that has
 56 been lost or damaged.

57 No change for subd 3 to 6

221*#151S

58 221.151 PERMITS ASSIGNABLE OR TRANSFERABLE.
 59 Subdivision 1. PETITION. Permits, except livestock
 60 permits, issued under section 221.121 may be assigned or
 61 transferred but only upon the order of the board approving the
 62 transfer or assignment after notice and hearing.
 63 The proposed seller and buyer or lessor and lessee of a
 64 permit, except for livestock carrier permits, shall file a joint
 65 notarized petition with the board setting forth the name and
 66 address of the parties, the identifying number of the permit,
 67 and the description of the authority which the parties seek to
 68 sell or lease, a short statement of the reasons for the proposed
 69 sale or lease, a statement of outstanding claims of creditors
 70 which are directly attributable to the operation to be conducted
 71 under the permit, a copy of the contract of sale or lease, and a
 72 financial statement with a balance sheet and an income
 73 statement, if existent, of the buyer or lessee. If it appears

1 to the board, after notice to interested parties and a hearing,
2 from the contents of the petition, from the evidence produced at
3 the hearing, and from the department's records, files, and
4 investigation that the approval of the sale or lease of the
5 permit will not adversely affect the rights of the users of the
6 service and will not have an adverse effect upon other competing
7 carriers, the board may make an order granting the sale or
8 lease. Provided, however, that the board shall make no order
9 granting the sale or lease of a permit to a person or
10 corporation or association which holds a certificate or permit
11 other than local cartage carrier permit from the board under
12 this chapter or to a common carrier by rail.

13 Provided further that the board shall make no order
14 approving the sale or lease of a permit if the board finds that
15 the price paid for the sale or lease of a permit is
16 disproportionate to the reasonable value of the permit
17 considering the assets and goodwill involved. The board shall
18 approve the sale or lease of a permit only after a finding that
19 the transferee is fit and able to conduct the operations
20 authorized under the permit and that the vehicles ~~he~~ the
21 transferee proposes to use in conducting the operations meet the
22 safety standards of the commissioner. In determining the extent
23 of the operating authority to be conducted by the transferee
24 under the sale or lease of the permit, the past operations of
25 the transferor within the two-year period immediately preceding
26 the transfer must be considered. Only such operating authority
27 may be granted to the transferee as was actually exercised by
28 the transferor under ~~his~~ the transferor's authority within the
29 two-year period immediately preceding the transfer as evidenced
30 by bills of lading, company records, operation records, or other
31 relevant evidence.

32 If an authority to operate as a permit carrier is held by a
33 corporation, a sale, assignment, pledge, or other transfer of
34 the stock interest in the corporation which will accomplish a
35 substantial or material change or transfer of the majority
36 ownership of the corporation, as exercised through its
37 stockholders, must be reported in the manner prescribed in the
38 rules of the board within 90 days after the sale, assignment,
39 pledge, or other transfer of stock. The board shall then make a
40 finding whether or not the stock transfer does, in fact,
41 constitute a sale, lease, or other transfer of the permit of the
42 corporation to a new party or parties and, if they so find, then
43 the continuance of the permit issued to the corporation may only
44 be upon the corporation's complying with the standards and
45 procedures otherwise imposed by this section.

46 Subd. 2. MS 1974 Repealed, 1973 c 710 s 2; 1974 c 406 s
47 93

48 Subd. 2. EX PARTE TRANSFER. The board shall allow a
49 bona fide transfer of a permit, except a livestock carrier
50 permit, ex parte without hearing if the transferee of the permit
51 is in fact a member or members of the transferor's immediate
52 family. For the purpose of this subdivision immediate family
53 consists only of the lawful spouse, adult child or children,
54 brother, or sister of the transferor. Provided further that the
55 immediate family as defined in this subdivision does not include
56 a person under legal disability or a member of the family
57 regardless of relationship who holds any other permit or
58 certificate under this chapter either as an individual or in
59 partnership or as owner of an interest in a corporation holding
60 a permit or a certificate under this chapter.

61 Provided further that the transfer under this subdivision
62 must include:

63 (1) transfer to a corporation the stock of which is wholly
64 owned by the transferor or ~~the~~ immediate family members ~~of-his~~
65 immediate-family;

66 (2) transfer to a partnership or partner consisting solely
67 of the immediate family as defined in this subdivision.

68 Provided further that the transfer of a permit under this
69 subdivision must comply with the standards set forth in this
70 section based upon the contents of the petition of petitioners,
71 pertinent information available to the board and the department,
72 and their records and files. No determination of the extent of
73 the operating authority previously exercised is required.

74 If it appears to the board that the petition and exhibits
75 do not reasonably comply with the standards set forth in this
76 section, then after notice to interested parties and the

1 petitioners, the board shall assign the matter for hearing to
2 determine compliance with this section. A user of the service,
3 competing carrier, or interested party shall have the right to
4 file a protest on the transfer as provided in this subdivision
5 by filing a sworn statement with the board within six months
6 from the effective date of the transfer, whereupon the board
7 shall assign the matter for hearing and the continuance of the
8 permit may only be upon the transferee's compliance with the
9 standards and procedures otherwise imposed by this section.

221*#171S

10 221.171 COMPENSATION OF PERMIT CARRIERS FIXED BY
11 SCHEDULES OF RATES AND CHARGES.

12 Subdivision 1. COMPENSATION FIXED. No permit carrier
13 shall charge or receive a greater, lesser, or different
14 compensation for the transportation of persons or property or
15 for related service, than the rates and charges named in the
16 carrier's schedule on file and in effect with the commissioner
17 including any rate fixed by the board under section 221.161; nor
18 shall a permit carrier refund or remit in any manner or by any
19 device, directly or indirectly, the rates and charges required
20 to be collected by ~~him~~ the carrier under ~~his~~ the carrier's
21 schedules or under the rates, if any, fixed by the board. *

22 No change for subd 2

221*#241S

23 221.241 TRANSPORT FOR HIRE OF FOOD FOR HUMAN CONSUMPTION.

24 No motor carrier engaged in either intrastate or interstate
25 commerce shall transport for hire food for human consumption in
26 any motor vehicle which ~~he~~ the carrier uses for the
27 transportation of livestock, unless such motor vehicle has been
28 cleaned. *

221*#251S

29 221.251 OVERCHARGES REFUND.

30 No change for subd 1

31 Subd. 2. Every claim against a motor carrier doing
32 business in this state for an overcharge due to difference in
33 weight or inapplicable rate, or for loss, damage, or injury to
34 property while in its possession, must be adjusted and paid
35 within 90 days after the filing of the claim with the agent of
36 the carrier delivering the freight, baggage, or express, unless
37 the delivering carrier protests the validity of the claim in
38 writing to the claimant within a 90-day period. Settlement of
39 claims with the claimant is the responsibility of the carrier
40 delivering the freight, baggage, or express to its ultimate
41 destination. No claim may be filed until after the arrival of a
42 shipment, or of some part of it, at the point of destination, or
43 until after the lapse of a reasonable time for its arrival. For
44 this purpose, a claim, when filed, must consist of:

45 (a) an original bill of lading or shipping receipt;

46 (b) a paid freight bill;

47 (c) a bill of claimant; and

48 (d) an original invoice or certified copy when necessary.

49 True copies of any of these documents may be used and, in
50 case of absence, an explanation must be attached. The carrier
51 shall acknowledge the filing of a claim, or letters, papers, or
52 documents purporting to be a claim, within ten days after
53 receipt and, if the claim as filed does not comply with the
54 above requirements, the carrier shall inform the claimant and
55 advise ~~him~~ the claimant of what may be required to complete the
56 claim. *

57 No change for subd 3

221*#271S

58 221.271 LIABILITY.

59 Any person which shall do or cause to be done any unlawful
60 act as herein provided, or fail to perform any duty prescribed,
61 or violate any duly established order, rule or directive of the
62 commissioner or board, or which shall aid or abet in the
63 performance of any unlawful act or in the failure to perform any
64 such duty, shall be liable in damages to any person injured
65 thereby, and such person, if ~~he~~ the person recovers, shall be
66 allowed, in addition to damages, reasonable attorneys' fees,
67 together with costs and disbursements. *

221*#296S

68 221.296 LOCAL CARTAGE CARRIERS.

69 No change for subd 3 to 7

70 Subd. 8. PERMITS TRANSFERABLE. Permits, issued under
71 the provisions of this section may be transferred but only upon

1 the order of the board approving same after notice and hearing.
 2 The proposed seller and buyer of a permit, shall file a
 3 joint verified petition with the board setting forth the legal
 4 name and address of the parties, the permit number and the
 5 description of the authority which the parties seek to sell, a
 6 verified statement of the reasons for the proposed sale, a
 7 verified statement of all outstanding claims of creditors which
 8 are attributable to the business conducted under said permit, a
 9 copy of the contract of sale and financial statement with
 10 balance sheet and income statement, if existent, of the buyer
 11 and the seller. After notice to interested parties and a
 12 hearing the board shall not make an order approving and allowing
 13 the sale unless the board finds that the buyer is fit and able
 14 to conduct the business authorized under said permit, that the
 15 vehicles ~~he~~ the buyer proposes to use in conducting such *
 16 business meet the safety standards of the board, that the price
 17 paid for the purchase of the permit is not disproportionate to
 18 the reasonable value of the permit considering all assets and
 19 good will sold, that the proposed sale is in the best interest
 20 of the shipping public, and that the seller has legally engaged
 21 in the transportation of property or freight for hire on a
 22 meaningful basis as determined by the board within the two year
 23 period immediately preceding the sale as proven by accurate and
 24 complete bills of lading, company records, operation records, or
 25 other relevant evidence. For purposes of determining said two
 26 year period, any divesting of interest or control shall be
 27 deemed the date of the sale and the board shall look to the
 28 substance of the transaction rather than the form. Any
 29 agreement for the transfer or sale of a permit shall be reported
 30 and filed with the board within 30 days of such agreement.

31 If any authority to operate as a local cartage carrier, is
 32 held by a corporation, any sale, assignment, pledge or other
 33 transfer of such stock interest in the corporation which will
 34 accomplish a substantial or material change or transfer of the
 35 majority ownership of said corporation, as exercised through its
 36 stockholders, shall be reported in the manner prescribed by the
 37 rules of the board within 30 days after said sale, assignment,
 38 pledge or other transfer of stock. The board shall then make a
 39 finding whether or not said stock transfer does, in fact,
 40 constitute a sale, or other transfer of the permit of said
 41 corporation to a new party or parties and, if they so find, then
 42 the continuance of the permit issued to said corporation shall
 43 only be upon the corporation's complying with the standards and
 44 procedures otherwise imposed by this section.

45 The board shall allow a bona fide transfer of a permit, ex
 46 parte without hearing where the transferee of said permit is in
 47 fact a member or members of the transferor's immediate family.
 48 For the purpose of this paragraph immediate family shall consist
 49 only of the lawful spouse, adult child or children, brother or
 50 sister of the transferor. A transfer pursuant to this paragraph
 51 shall include:

52 (1) transfer to a corporation the stock of which is wholly
 53 owned by the transferor or ~~the~~ immediate family members of his *
 54 immediate-family. *

55 (2) transfer to a partnership or partner consisting solely
 56 of the immediate family as defined in this paragraph.

221*#67S

57 221.67 SERVICE OF PROCESS.

58 The use of any of the public highways of this state for the
 59 transportation of persons or property for compensation by a
 60 motor carrier in interstate commerce shall be deemed an
 61 irrevocable appointment by the carrier of the secretary of state
 62 to be ~~his~~ the carrier's true and lawful attorney upon whom may *
 63 be served all legal process in any action or proceeding brought *
 64 under this chapter against ~~him~~ the carrier or ~~his~~ the carrier's *
 65 executor, administrator, personal representative, heirs,
 66 successors or assigns. This use is a signification of agreement
 67 by the interstate motor carrier that any process in any action
 68 against ~~him~~ the carrier or ~~his~~ the carrier's executor, *
 69 administrator, personal representative, heirs, successors, or
 70 assigns which is so served shall be of the same legal force and
 71 validity as if served upon ~~him~~ the carrier personally. Service *
 72 shall be made by serving a copy thereof upon the secretary of
 73 state or by filing a copy in ~~his~~ the office of the secretary of *
 74 state, together with payment of a fee of \$15, and the service *
 75 shall be sufficient service upon the absent motor carrier if

1 notice of the service and a copy of the process are within ten
2 days thereafter sent by mail by the plaintiff to the defendant
3 at ~~his~~ the defendant's last known address and the plaintiff's
4 affidavit of compliance with the provisions of this section and
5 sections 221.60, 221.65, and 221.68 is attached to the summons.

221*#71S

6 221.71 COMMUTER VANS; DRIVER LIABILITY.
7 Subdivision 1. Notwithstanding any other law to the
8 contrary, the services performed by a driver of a commuter van
9 shall be deemed to be those of an independent contractor and not
10 those of an employee acting within ~~his~~ the scope of employment,
11 unless provided in writing to the contrary.

12 No change for subd 2

222*#07S

13 222.07 LIABILITY OF RAILROAD CORPORATION LEASING TO
14 FOREIGN CORPORATION.

15 Any railroad corporation organized under the laws of this
16 state, which heretofore may have leased, or which hereafter may
17 lease, its tracks and right of way to a foreign railroad
18 corporation shall continue liable to any person injured in ~~his~~ his
19 person or property in consequence of the negligent operation
20 over such right of way of the trains of such leasing company to
21 the same extent as if operated by such Minnesota corporation as
22 the owner thereof.

222*#29S

23 222.29 CONTRACTOR'S BOND; LIABILITY OF COMPANY.

24 Any railway contracting for the construction or repair of
25 its road shall take from the contractor a sufficient bond,
26 conditioned that ~~he~~ the contractor will pay all laborers,
27 mechanics, and other persons performing any part of the work,
28 all just debts due them or incurred in carrying on such work,
29 which bond or a certified copy thereof shall be filed with the
30 county recorder of each county where any part of the work is
31 done. All persons to whom such contractor shall be indebted for
32 any such work, and such railway company in case it shall have
33 paid any debt, claim, or demand as hereinafter provided, may
34 bring an action on such bond for the price of such work or
35 amount of such payment. If the contractor giving the bond shall
36 fail to pay any indebtedness for such work or services; or, if
37 any railway company shall fail to take and file such bond, such
38 company shall be liable for the amount of all such debts
39 incurred by such contractor under or pursuant to such contract.
40 Such laborers, mechanics, or other persons shall give the notice
41 and take the action prescribed in section 222.30.

222*#30S

42 222.30 LIABILITY OF COMPANY AFTER NOTICE.

43 When a contractor or subcontractor employed by a railway
44 company in the construction or repair of its railway shall be
45 indebted to any laborer or mechanic for services rendered, such
46 railway company shall be liable to pay such laborer or mechanic
47 the amount of such debt, provided ~~he~~ the laborer or mechanic
48 shall have given notice of ~~his~~ the claim to such company within
49 60 days after the debt accrued. Such notice shall be in
50 writing, specify the particular nature and amount of the debt,
51 claim, or demand, and be delivered to the secretary or chief
52 engineer of such company, or to the engineer in charge of the
53 construction or repairing of that portion of the road upon which
54 such labor was performed, either personally or by leaving the
55 same at the office or usual place of business of such secretary
56 or engineer; but no action shall be maintained against any
57 railway company under the foregoing provisions unless the same
58 shall be commenced within 60 days after the service of notice as
59 aforesaid.

222*#32S

60 222.32 ALTERATIONS AND EXTENSIONS OF ROUTE; BRANCHES.

61 Any railroad company existing in whole or in part under the
62 laws of this state or authorized to own and operate a railroad
63 in this state may, by an affirmative vote of at least two-thirds
64 of its directors, empower its president and chief engineer to
65 designate the route of any extension or branch of its road, and
66 of any alteration of its line or route, but before making or
67 building any such extension or branch or alteration, or
68 condemning any land therefor, the president and chief engineer
69 of the railroad company shall in writing, by map, courses and
70 distances, or otherwise, designate the route thereof and, after
71 having certified to the correctness thereof, file such writing

1 so certified with the secretary of the railroad company, who
2 shall record the same in a book to be ~~by-him~~ kept for such *
3 purposes, and the railroad company shall obtain a copy of that
4 record, duly certified by its president and secretary and
5 attested by its seal, and file such certified copy with the
6 secretary of state, to be ~~by-him~~ recorded, and thereupon such *
7 corporation shall have the same right to make any and all such
8 alterations and to build any and all such extensions and
9 branches as it would have if it had been authorized so to do by
10 its charter or articles of incorporation.

222*#58S

11 222.58 INSURANCE OF LOANS.

12 No change for subd 1

13 Subd. 2. ELIGIBILITY REQUIREMENTS. A loan is
14 eligible for insurance under this section under the following
15 conditions:

16 (a) The loan shall be in an original principal amount,
17 bear an interest rate, contain complete amortization provisions,
18 and have a maturity satisfactory under such terms as the
19 commissioner may prescribe by rule.

20 (b) The proceeds of the loan shall be used solely for

21 (i) participation in contracts for capital investment
22 loans for rail line rehabilitation, or

23 (ii) capital improvement projects designed to improve rail
24 service or reduce the economic impact of discontinuance of rail
25 service. The projects may include but are not limited to
26 construction or improvement of short segments of rail line such
27 as side track, team track, and connections between existing
28 lines; and construction and improvement of loading, unloading,
29 storage, and transfer facilities of the rail user.

30 (c) The loan agreement shall contain such terms and
31 provisions with respect to any other matters as the commissioner
32 may, ~~in his discretion,~~ prescribe. *

33 (d) The borrower provides a personal guarantee and
34 collateral for the loan which is acceptable to the commissioner
35 as sufficient security to protect the interests of the state.

36 No change for subd 3

37 Subd. 4. PROCEDURES UPON DEFAULT. Except as
38 provided in subdivision 5, the provisions of this subdivision
39 shall apply upon default. Within 90 days of a default on a
40 loan, the lender shall send notice to the borrower stating that
41 the commissioner must be notified if the default continues for
42 another 90 days, and the consequences of that default. The
43 lender shall send a copy of the notice to the commissioner. The
44 lender and the borrower may agree to take any steps reasonable
45 to assure the fulfillment of the loan obligation.

46 After 180 days from the initial default, if the borrower
47 has not made arrangements to meet ~~his~~ the obligation, the lender *
48 shall file a claim with the commissioner, identifying the loan
49 and the nature of the default. Upon the lender's assignment,
50 transfer, and delivery to the commissioner, within 210 days of
51 the initial default, all rights and interests arising under the
52 loan and any other security interests securing the loan, the
53 commissioner shall pay to the lender from the account an amount
54 equal to the outstanding unpaid principal indebtedness at the
55 time of default less ten percent, plus interest at six percent
56 per annum from the date of default. The failure of the borrower
57 to make any payment under or as provided by any loan insured
58 under this section shall be considered a default under the loan.

59 No change for subd 5 to 6

222*#61S

60 222.61 EMERGENCY RULEMAKING AUTHORITY.

61 The commissioner may exercise emergency rulemaking
62 authority as provided in sections 14.29 to 14.36, to implement
63 the provisions of sections 222.55 to 222.62. The commissioner
64 shall solicit information and opinions from outside ~~his~~ the *
65 department as provided in section 15.0412, subdivision 6, before
66 adopting these rules. Notwithstanding the provisions of section
67 15.0412, subdivision 5, rules adopted pursuant to this section
68 shall be effective until permanent rules are adopted pursuant to
69 chapter 15 or until October 1, 1979, whichever occurs first.

222*#63S

70 222.63 ABANDONED RIGHT-OF-WAY; STATE RAIL BANK.

71 No change for subd 1 to 2c

72 Subd. 3. PUBLIC AND AGENCY PARTICIPATION. If the
73 commissioner desires to acquire, dispose of or utilize any

1 right-of-way which ~~he is authorized to acquire or has~~ is *
 2 permitted to be or has been acquired pursuant to authorization *
 3 under subdivision 2, ~~he~~ the commissioner shall publish a notice *
 4 of the proposed action in the state register and in at least one
 5 newspaper of general circulation in each area where the
 6 right-of-way is located. If any person objects in writing to the
 7 proposed action within 30 days of publication of notice the
 8 commissioner shall proceed in the manner provided for a
 9 contested case. If no written objection is received the
 10 commissioner may take the proposed action only after holding a
 11 public meeting to seek public comment on the action. At least
 12 one hearing or meeting required under this subdivision shall be
 13 held in the area where the right-of-way is located.

14 Subd. 4. DISPOSITION PERMITTED. The commissioner
 15 ~~may, in his discretion,~~ lease any rail line or right-of-way held *
 16 in the state rail bank or enter into an agreement with any
 17 person for the operation of any rail line or right-of-way for
 18 any of the purposes set forth in subdivision 2 in accordance
 19 with a fee schedule to be developed by the commissioner in
 20 consultation with the advisory task force established in section
 21 222.65. The commissioner may after consultation convey any rail
 22 line or right-of-way, for consideration or for no consideration
 23 and upon other terms as the commissioner may determine to be in
 24 the public interest, to a governmental subdivision of the state
 25 having power by law to utilize it for any of the purposes set
 26 forth in subdivision 2.

27 No change for subd 5 to 8

223*#16S

28 223.16 DEFINITIONS.

29 No change for subd 1 to 10

30 Subd. 11. PRODUCER. "Producer" means a person who
 31 grows grain on land ~~that he owns or leases~~ owned or leased by *
 32 the person. *

33 No change for subd 12 to 16

223*#17S

34 223.17 LICENSES; BONDING; CLAIMS; DISBURSEMENTS.

35 No change for subd 1 to 3

36 Subd. 4. BOND. Before a grain buyer's license is
 37 issued, the applicant for the license must file with the
 38 commissioner a bond in a penal sum prescribed by the
 39 commissioner but not less than the following amounts:

40 (a) \$10,000 for grain buyers whose gross annual purchases
 41 are \$100,000 or less;

42 (b) \$20,000 for grain buyers whose gross annual purchases
 43 are more than \$100,000 but not more than \$750,000;

44 (c) \$30,000 for grain buyers whose gross annual purchases
 45 are more than \$750,000 but not more than \$1,500,000;

46 (d) \$40,000 for grain buyers whose gross annual purchases
 47 are more than \$1,500,000 but not more than \$3,000,000; and

48 (e) \$50,000 for grain buyers whose gross annual purchases
 49 exceed \$3,000,000. A grain buyer who has filed a bond with the
 50 commissioner prior to July 1, 1983 is not required to increase
 51 the amount of the bond to comply with this section until July 1,
 52 1984. The commissioner may postpone an increase in the amount
 53 of the bond until July 1, 1985, if a licensee demonstrates that
 54 the increase will impose undue financial hardship on the
 55 licensee, and that producers will not be harmed as a result of
 56 the postponement. The commissioner may impose other
 57 restrictions on a licensee whose bond increase has been
 58 postponed. The amount of the bond shall be based on the most
 59 recent financial statement of the grain buyer filed under
 60 subdivision 6.

61 A first-time applicant for a grain buyer's license after
 62 July 1, 1983 shall file a \$20,000 bond with the commissioner.
 63 This bond shall remain in effect for the first year of ~~his~~ the *
 64 license. Thereafter, the licensee shall comply with the
 65 applicable bonding requirements contained in clauses (a) to (e).

66 In lieu of the bond required by this subdivision the
 67 applicant may deposit with the state treasurer cash, a certified
 68 check, a cashier's check, a postal, bank, or express money
 69 order, assignable bonds or notes of the United States, or an
 70 assignment of a bank savings account or investment certificate
 71 or an irrevocable bank letter of credit as defined in section
 72 336.5-103, in the same amount as would be required for a bond.

73 No change for subd 5 to 5a

74 Subd. 6. FINANCIAL STATEMENTS. For the purpose of

1 fixing or changing the amount of a required bond or for any
 2 other proper reason, the commissioner shall require an annual
 3 financial statement from a licensee which has been prepared in
 4 accordance with generally accepted accounting principles and
 5 which meets the following requirements:

6 (a) The financial statement shall include, but not be
 7 limited to the following: (1) a balance sheet; (2) a statement
 8 of income (profit and loss); (3) a statement of retained
 9 earnings; (4) a statement of changes in financial position; and
 10 (5) a statement of the dollar amount of grain purchased in the
 11 previous fiscal year of the grain buyer.

12 (b) The financial statement shall be accompanied by a
 13 compilation report of the financial statement which is prepared
 14 by a grain commission firm or a management firm approved by the
 15 commissioner or by an independent public accountant, in
 16 accordance with standards established by the American Institute
 17 of Certified Public Accountants.

18 (c) The financial statement shall be accompanied by a
 19 certification by the chief executive officer or ~~his~~ the chief
 20 executive officer's designee of the licensee, under penalty of *
 21 perjury, that the financial statement accurately reflects the *
 22 financial condition of the licensee for the period specified in
 23 the statement.

24 Only one financial statement must be filed for a chain of
 25 warehouses owned or operated as a single business entity, unless
 26 otherwise required by the commissioner. Any grain buyer having
 27 a net worth in excess of \$500,000,000 need not file the
 28 financial statement required by this subdivision but must
 29 provide the commissioner with a certified net worth statement.
 30 All financial statements filed with the commissioner are private
 31 or nonpublic data as provided in section 13.02.

32 Subd. 6a. SUSPENSION, REVOCATION, OR REFUSAL TO ISSUE
 33 LICENSE. (a) If a license applicant or a licensee fails to
 34 furnish financial statements the commissioner may refuse to
 35 issue or renew the license or may suspend the license.

36 (b) The commissioner may refuse to issue or renew a license
 37 or may suspend a license ~~if he determines~~ upon determining, *
 38 based upon the financial statement filed under this section or *
 39 other financial information obtained by ~~him~~ the commissioner,
 40 that the applicant or licensee is not financially able to
 41 properly perform the services and operate the business for which
 42 the license is issued.

43 (c) When a license is suspended the licensee shall
 44 surrender the license to the commissioner. An applicant or
 45 licensee may request an administrative hearing subject to
 46 chapter 14 within 15 days after the commissioner suspends a
 47 license or refuses to issue or renew a license under clause (b)
 48 to determine whether the license should be issued, renewed, or
 49 revoked. If no request is made within 15 days after suspension,
 50 the commissioner shall revoke the license.

51 No change for subd 7

52 Subd. 8. BOND DISBURSEMENT. (a) The bond required
 53 under subdivision 4 shall provide for payment of loss caused by
 54 the grain buyer's failure to pay, upon the owner's demand, the
 55 purchase price of grain sold to the grain buyer in the manner
 56 provided by subdivision 5, including loss caused by failure to
 57 pay within the time required. The bond shall be conditioned
 58 upon the grain buyer being duly licensed as provided herein.

59 (b) The commissioner shall promptly determine the validity
 60 of all claims filed ~~with him~~ and notify the claimants of the *
 61 determination. An aggrieved party may appeal the commissioner's
 62 determination by requesting, within 15 days, that the
 63 commissioner initiate a contested case proceeding. In the
 64 absence of such a request, or following the issuance of a final
 65 order in a contested case, the surety company shall issue
 66 payment promptly to those claimants entitled to payment. The
 67 commissioner may apply to the district court for an order
 68 appointing a trustee or receiver to manage and supervise the
 69 operations of the grain buyer in default. The commissioner may
 70 participate in any resulting court proceeding as an interested
 71 party.

72 (c) If a grain buyer has become liable to more than one
 73 producer by reason of breaches of the conditions of the bond and
 74 the amount of the bond is insufficient to pay the entire
 75 liability to all producers entitled to the protection of the
 76 bond, the proceeds of the bond shall be apportioned among the

1 bona fide claimants.

2 (d) The bond shall not be cumulative from one licensing
3 period to the next. The maximum liability of the bond shall be
4 its face value for the licensing period.

5 No change for subd 9

223*#177S

6 223.177 PURCHASE BY VOLUNTARY EXTENSION OF CREDIT
7 CONTRACTS.

8 Subdivision 1. INDICATION OF INTENTION. Every grain
9 buyer who intends to purchase grain by voluntary extension of
10 credit contracts shall indicate ~~his~~ the intention to do so *
11 annually to the commissioner on a form provided by the
12 commissioner.

13 No change for subd 2 to 7

14 Subd. 8. RECORDS. A grain buyer shall keep
15 sufficiently detailed books and records of voluntary extension
16 of credit contracts and evidences of grain, rights in grain, and
17 the proceeds from the sale of grain so as to clearly show
18 compliance with this section. The commissioner or ~~his~~ the *
19 commissioner's authorized agent may inspect these books and *
20 records to determine whether grain buyers are complying with the
21 provisions of this chapter, and for this purpose the
22 commissioner may enter upon any public or private premises
23 during regular business hours.

223*#18S

24 223.18 PENALTY.

25 A person buying grain without first obtaining a grain
26 buyer's license is guilty of a misdemeanor. Each day of
27 operation without a grain buyer's license constitutes a separate
28 offense. In case of license revocation, no new license shall be
29 granted to the person whose license was revoked nor to anyone
30 either directly or indirectly engaged with ~~him~~ the person in the *
31 licensed business for two years. A grain dealer who withholds *
32 records from the commissioner, keeps or files records ~~which he~~ *
33 ~~knows~~ knowing them to be false, alters records fraudulently, or *
34 presents records to the commissioner ~~any records which he knows~~ *
35 knowing them to be false, is guilty of a gross misdemeanor. *

226*#02S

36 226.02 INTEREST IN WAREHOUSE; CERTIFIED COPY.

37 Before issuing any such certificate, ~~he~~ the person shall *
38 file with the county recorder of the county where the warehouse *
39 is located a written declaration, stating ~~his~~ name and *
40 residence, that ~~he~~ the person intends controlling a warehouse *
41 for the storage and sale of such commodities, a correct
42 description of the warehouse, its location, and the name of any
43 other person in any way interested therein. It shall be signed,
44 acknowledged, and recorded in a book kept for that purpose, and
45 a certified copy thereof shall be filed with the clerk of the
46 city or town wherein such business is conducted and kept in the
47 same manner as chattel mortgages are required to be filed and
48 kept, and the party making the declaration shall be indexed as
49 the vendor, and the public as the vendee.

226*#03S

50 226.03 STATEMENT PRINTED ON BACK.

51 Every such certificate issued shall have printed on the
52 back thereof a statement that the party issuing it has complied
53 with the law, and give the book, page, and place where the
54 record of such declaration may be found, and the day of filing.
55 Such certificate, when so issued and delivered, shall transfer
56 to the holder the title to the commodities therein described,
57 shall be assignable by endorsement, and thereupon shall be prima
58 facie evidence of title to such commodities in the endorsee. It
59 shall be registered by the party issuing the same in a book kept
60 for that purpose, which shall show the date, number and name of
61 party to whom issued, the kind and quantity of the commodities,
62 and any brands or marks thereon, and be open to inspection by
63 any person holding any outstanding certificate in force, ~~his~~ or *
64 the person's agent or attorney; and when the commodity specified *
65 therein has been delivered, or it has in any other manner become
66 inoperative, that fact, with the date of such delivery or other
67 termination of liability, shall be entered in the register in
68 connection with the entry of its issuance.

226*#04S

69 226.04 PROPERTY IN WAREHOUSE.

70 No person shall issue such warehouse certificate unless the
71 property therein described is actually in the warehouse; and it

1 shall remain there until otherwise ordered by the holder of the
2 certificate, subject to the conditions of the contract between
3 the warehouseman warehouse operator and the person to whom such *
4 certificate was issued, or ~~his~~ the person's assigns, as to the *
5 time of its remaining therein; and no second certificate shall
6 be issued for the same property or any part thereof while the
7 first is outstanding and in force, nor shall the property be
8 sold, encumbered, shipped, transferred, or removed by
9 the warehouseman warehouse operator without the written consent *
10 of the certificate holder.

227*#50S
11 227.50 RECEIPT; ISSUE; GOODS NOT RECEIVED; PENALTY.
12 A warehouseman warehouse operator, or any officer, agent, *
13 or servant of a warehouseman warehouse operator, who issues or *
14 aids in issuing a receipt knowing that the goods for which such
15 receipt is issued have not been actually received by such *
16 warehouseman the warehouse operator, or are not under ~~his~~ the *
17 actual control of the warehouse operator at the time of issuing *
18 such receipt, shall be guilty of a crime; and, upon conviction,
19 punished for each offense by imprisonment not exceeding five
20 years or by a fine not exceeding \$10,000, or by both.

227*#51S
21 227.51 RECEIPT; ISSUE; CONTAINING FALSE STATEMENT;
22 PENALTY.
23 A warehouseman warehouse operator, or any officer, agent, *
24 or servant of a warehouseman warehouse operator, who *
25 fraudulently issues or aids in fraudulently issuing a receipt
26 for goods knowing that it contains any false statement, shall be
27 guilty of a crime; and, upon conviction, punished for each
28 offense by imprisonment not exceeding one year or by a fine not
29 exceeding \$3,000, or by both.

227*#52S
30 227.52 RECEIPT; DUPLICATE; NOT SO MARKED; ISSUE.
31 A warehouseman warehouse operator, or any officer, agent, *
32 or servant of a warehouseman warehouse operator, who issues or *
33 aids in issuing a duplicate or additional negotiable receipt for
34 goods knowing that a former negotiable receipt for the same
35 goods or any part of them is outstanding and uncanceled, without
36 plainly placing upon the face thereof the word "duplicate"
37 except in the case of a lost, stolen or destroyed receipt after
38 proceedings as provided for by law, shall be guilty of a crime;
39 and, upon conviction, punished for each offense by imprisonment
40 not exceeding five years or by a fine of not exceeding \$10,000,
41 or by both.

227*#53S
42 227.53 RECEIPTS ISSUED FOR WAREHOUSEMAN'S WAREHOUSE *
43 OPERATOR'S GOODS WHICH DO NOT STATE THAT FACT. *
44 Where there are deposited with or held by a warehouseman *
45 warehouse operator goods ~~of which he is owner,~~ owned by that *
46 operator either solely or jointly or in common with others, such *
47 warehouseman and if the warehouse operator, or any of ~~his~~ the *
48 operator's officers, agents, or servants, ~~who,~~ knowing this *
49 ownership, issues or aids in issuing a negotiable receipt for
50 such goods which does not state such ownership, that person *
51 shall be guilty of a crime; and, upon conviction, punished for
52 each offense by imprisonment not exceeding one year or by a fine
53 not exceeding \$3,000, or by both.

227*#54S
54 227.54 DELIVERY OF GOODS WITHOUT OBTAINING NEGOTIABLE
55 RECEIPT.
56 A warehouseman warehouse operator, or any officer, agent, *
57 or servant of a warehouseman warehouse operator, who delivers *
58 goods out of the possession of such warehouseman warehouse *
59 operator, knowing that a negotiable receipt the negotiation of *
60 which would transfer the right to the possession of such goods
61 is outstanding and uncanceled, without obtaining the possession
62 of such receipt at or before the time of such delivery, shall,
63 except in cases where such delivery of goods is permitted by
64 law, be guilty of a crime; and, upon conviction, punished for
65 each offense by imprisonment not exceeding one year or by a fine
66 not exceeding \$3,000, or by both.

227*#55S
67 227.55 NEGOTIATION OF RECEIPT FOR MORTGAGED GOODS.
68 Any person who deposits goods ~~to which he has not~~ without *
69 having title to the goods, or upon which there is a lien or *
70 mortgage, and who takes for such goods a negotiable

1 receipt ~~which-he-afterwards-negotiates~~, later negotiating it for *
 2 value with intent to deceive and without disclosing ~~his~~ the want *
 3 of title or the existence of the lien or mortgage shall be *
 4 guilty of a crime; and, upon conviction, punished for each *
 5 offense by imprisonment not exceeding one year or by a fine not *
 6 exceeding \$3,000, or by both.

228*#48S

7 228.48 NEGOTIATION OF BILL FOR MORTGAGED GOODS.
 8 Any person who ships goods ~~to-which-he-has-not~~ without *
 9 having title to the goods, or upon which there is a lien or *
 10 mortgage, and who takes for such goods a negotiable bill ~~which~~ *
 11 he and afterwards negotiates the bill for value with intent to *
 12 deceive and without disclosing ~~his~~ the want of title or the *
 13 existence of the lien or mortgage, shall be guilty of a crime; *
 14 and, upon conviction, punished for each offense by imprisonment *
 15 not exceeding one year or by a fine not exceeding \$3,000, or by *
 16 both.

231*#01S

17 231.01 DEFINITIONS.

18 No change for subd 1 to 4

19 Subd. 5. WAREHOUSEMAN WAREHOUSE OPERATOR. The term *
 20 "warehouseman warehouse operator," as used in this chapter, *
 21 means and includes every corporation, company, association, *
 22 joint stock company or association, firm, partnership, or *
 23 individual, their trustees, assignees, or receivers appointed by *
 24 any court, controlling, operating, or managing within this state *
 25 directly or indirectly, any building or structure, or any part *
 26 thereof, or any buildings or structures, or any other property, *
 27 and using the same for the storage or warehousing of goods, *
 28 wares, or merchandise for compensation, or who shall hold *
 29 himself itself out as being in the storage or warehouse *
 30 business, or as offering storage or warehouse facilities, or *
 31 advertise for, solicit or accept goods, wares, or merchandise *
 32 for storage for compensation, but shall not include persons, *
 33 corporations, or other parties operating grain or cold storage *
 34 warehouses, or storing on a seasonal basis boats, boating *
 35 accessories, recreational vehicles or recreational equipment or *
 36 facilities in which the party storing goods rents and occupies *
 37 space as a tenant and the entire risk of loss is with the tenant *
 38 pursuant to written contract between the landlord and tenant.

39 No change for subd 6

40 Subd. 7. RATE. The term "rate," as used in this *
 41 chapter, includes every individual or joint rate, charge, or *
 42 other compensation of every warehouseman warehouse operator, *
 43 either for storage or for any other service furnished in *
 44 connection therewith, or any two or more such individual or *
 45 joint rates, charges, or other compensations of any warehouseman *
 46 warehouse operator, or any schedule or tariff thereof, and any *
 47 rule, regulation, charge, practice, or contract relating thereto.

48 Subd. 8. COMPENSATION. The term "compensation," as *
 49 used in this chapter, means any remuneration, recompense, *
 50 indemnification, requital, or satisfaction assessed, collected, *
 51 or received for the storage or warehousing of goods, wares, or *
 52 merchandise of another by a warehouseman warehouse operator.

231*#02S

53 231.02 SUPERVISION OVER WAREHOUSEMEN WAREHOUSE OPERATORS.

54 The department shall have general supervision of all *
 55 warehousemen warehouse operators doing business and shall keep *
 56 itself informed as to the manner and method in which their *
 57 business is conducted. It shall examine such business and keep *
 58 itself informed as to its general condition, capitalization, *
 59 rates and other charges, its rules and regulations, and the *
 60 manner in which the plants, equipment, and other property owned, *
 61 leased, controlled, or operated, are constructed, managed, *
 62 conducted, and operated, not only with reference to the *
 63 adequacy, security, and accommodation afforded to the public by *
 64 their service, but also in respect to the compliance with the *
 65 provisions of this chapter or with the orders of the department.

231*#03S

66 231.03 DEPARTMENT; MAY INSPECT BOOKS, PROPERTY, AND *
 67 EXAMINE AGENTS OF WAREHOUSEMEN WAREHOUSE OPERATORS.

68 The department, each commissioner, and each officer and *
 69 person employed by the department, has the right, at any and at *
 70 all times, to inspect the papers, books, accounts and documents, *
 71 plant, equipment, or other property of any warehouseman *
 72 warehouse operator; and the department, each commissioner, and *

1 any officer of the department authorized to administer oaths,
2 shall have the power to examine, under oath, any officer, agent,
3 or employee of such warehouseman warehouse operator in relation *
4 to any matter within the jurisdiction of the department;
5 provided, that any person, other than a commissioner, demanding
6 such inspection shall produce, under the seal of the
7 department, ~~his~~ the authority to make such inspection; and, *
8 provided, that a written record of the testimony or statement so
9 given, under oath, shall be made and filed with the department.
10 Information so obtained shall be not admitted in evidence or
11 used in any proceedings except in proceedings provided for in
12 this chapter.

231*#04S

13 231.04 DEPARTMENT TO ENFORCE WAREHOUSE LAW.

14 It is hereby made a duty of the department to see that the
15 provisions of the constitution and the statutes of this state
16 affecting warehousemen warehouse operators, the enforcement of *
17 which is not specifically vested in some other officer or
18 tribunal, are enforced and obeyed, that violations thereof are
19 promptly prosecuted, and that penalties due the state therefor
20 are recovered and collected; and, to this end, it may sue in the
21 name of the state.

231*#05S

22 231.05 ACCOUNTS.

23 The department shall have the power to compel every
24 warehouseman warehouse operator to keep and maintain accurate, *
25 complete, and comprehensive accounts, including records of
26 service furnished and commissions paid, as well as accounts of
27 earnings and expenses, and it may examine and audit such
28 accounts from time to time. Such accounts shall provide for
29 forms showing all sources of income, the amounts due and
30 received from each source, and the amounts expended and for each
31 purpose, distinguishing clearly all payments for operating
32 expenses from those for new construction, extensions, additions,
33 repairs, or replacements, and for balance sheets showing assets
34 and liabilities.

35 The department may require every warehouseman warehouse *
36 operator engaged, directly or indirectly, in any business other *
37 than the warehouse business to keep separately, in like manner
38 and form, the accounts of all such other business, and the
39 department may provide for the examination and inspection of the
40 books, accounts, papers, and records of such other business,
41 insofar as may be necessary to enforce any provisions of this
42 chapter. The department shall have the power to inquire as to,
43 and prescribe the apportionment of capitalization, earnings,
44 debts and expenses, fairly and justly to be awarded or borne by
45 the ownership, operation, management or control of such
46 warehouse as distinguished from such other business.

231*#06S

47 231.06 APPRECIATION AND DEPRECIATION ACCOUNTS.

48 The department shall have the power, after a hearing, to
49 require all warehousemen warehouse operators to keep such *
50 accounts as will adequately reflect appreciation, depreciation,
51 or obsolescence. The department may, from time to time,
52 ascertain and determine and, by order, fix the proper and
53 adequate rate of appreciation or depreciation of the property of
54 each warehouseman warehouse operator, and each *
55 warehouseman warehouse operator shall conform ~~his~~ the *
56 appreciation and depreciation accounts to the rate so
57 ascertained, determined, and fixed.

231*#07S

58 231.07 ACCOUNTS TO BE KEPT IN STATE.

59 Each warehouseman warehouse operator shall have and *
60 maintain an office in the city in which it has its principal
61 place of business and keep in this office all such books,
62 accounts, papers, records, and memoranda as shall be ordered by
63 the department to be kept within the state. The address of such
64 office shall be filed with the department. No books, accounts,
65 papers, records, or memoranda ordered to be kept within the
66 state shall at any time be removed from the state except on such
67 conditions as may be prescribed by the department.

231*#08S

68 231.08 WHAT IS REQUIRED OF WAREHOUSEMEN WAREHOUSE *
69 OPERATORS. *

70 Subdivision 1. TO FURNISH INFORMATION. Every
71 warehouseman warehouse operator shall furnish all information *

1 required by the department to carry into effect the provisions
 2 of this chapter and make specific answers to all questions
 3 submitted by the department, under oath; and if
 4 such warehouseman warehouse operator is a corporation, it shall *
 5 answer under the oath of one of its duly authorized officers.

6 Every warehouseman warehouse operator shall obey and comply *
 7 with each and every requirement of every order, decision,
 8 direction, rule, or regulation made or prescribed by the
 9 department in the matters specified in this chapter; and do
 10 everything necessary or proper to secure the compliance with and
 11 the observance of the same, by all its officers, agents, and
 12 employees.

13 Subd. 2. RIGHTS NOT LIMITED. Nothing in this
 14 chapter shall be construed as limiting the rights of any
 15 warehouseman warehouse operator to lease or let for any storage *
 16 purpose any floor of ~~his~~ a building or any portion thereof. Any *
 17 warehouseman warehouse operator who so leases any portion or *
 18 portions of ~~his~~ a warehouse shall first file with the department *
 19 a schedule showing ~~his~~ the rates for such spaces and the monthly *
 20 rental per square foot or per cubic foot.

231*#09S

21 231.09 OBLIGATION TO ISSUE UNIFORM RECEIPTS.
 22 Every warehouseman warehouse operator receiving goods in *
 23 store shall issue for all such a receipt embodying the terms of
 24 such receipts as authorized by article 7 of the uniform
 25 commercial code.

231*#10S

26 231.10 GENERAL DUTIES OF WAREHOUSEMEN WAREHOUSE *
 27 OPERATORS. *

28 All rates made, demanded, or received by any warehouseman *
 29 warehouse operator for any service rendered or to be rendered *
 30 shall be just and reasonable. Every unjust or unreasonable rate *
 31 demanded or received for such service is hereby prohibited and
 32 declared unlawful.

33 Every warehouseman warehouse operator licensed under this *
 34 chapter shall receive, store and forward all property offered
 35 for storage by any person or corporation impartially and at as
 36 low a rate of charge and in a manner and on terms, and in
 37 quantities as favorable to the party offering such property
 38 as ~~he~~ the warehouse operator at the same place receives, stores, *
 39 and forwards, in the ordinary course of business, property of
 40 like description and in similar quantities offered by any other
 41 person or corporation.

231*#11S

42 231.11 SCHEDULE OF RATES.
 43 In order to insure nondiscriminatory rates and charges for

44 all depositors, the commissioner shall establish a collective
 45 rate-making procedure which will insure the publication and
 46 maintenance of just and reasonable rates and charges under
 47 uniform, reasonably related rate structures. These procedures
 48 shall provide for the joint consideration, initiation, and
 49 establishment of rates and charges, and shall assure that the
 50 respective revenues and expenses of warehousemen warehouse *
 51 operators engaged in warehouse services are ascertained. Any *
 52 participating warehouseman warehouse operator party to a *
 53 collectively mandated rate or charge has the right to petition
 54 the commissioner for the establishment of a rate or charge which
 55 deviates from the collectively set rate. Upon receiving the
 56 commissioner's approval, that warehouseman warehouse operator *
 57 may proceed to establish the requested rate or charge. All *
 58 warehousemen warehouse operators subject to rate regulation *
 59 under this chapter must comply with the commissioner's
 60 rate-making procedures. No warehouseman warehouse operator *
 61 shall undertake to perform any service, or store any goods,
 62 wares, or merchandise, until a schedule of rates has been filed
 63 and published in accordance with this chapter. In case of
 64 emergency, however, a service or storage not specifically
 65 covered by the schedules filed, may be performed or furnished at
 66 a reasonable rate, which must then be promptly filed, and which
 67 is subject to review in accordance with this chapter.

231*#12S

68 231.12 CHANGE OF RATES.
 69 Unless the department otherwise orders, no warehouseman *
 70 warehouse operator may change any rate except after ten days' *
 71 notice to the department and to the public pursuant to this
 72 section. Notice shall be given by filing with the department

1 and keeping open for public inspection new schedules or
 2 supplements stating plainly the changes to be made in the
 3 schedules then in force and the time when the changes will go
 4 into effect. The department for good cause shown, may, after
 5 hearing, allow changes without requiring the ten days' notice by
 6 an order specifying the changes to be made, the time when they
 7 shall take effect, and the manner in which they shall be filed
 8 and published.

231*#13S

9 231.13 CHARGING MORE OR LESS THAN THE PUBLISHED RATE.

10 Except as specified in sections 231.11 and 231.12, no
 11 warehouseman warehouse operator shall have, demand, collect, or *
 12 receive, a greater or less or different compensation for any
 13 service rendered or for storing any goods, wares, or merchandise
 14 than the rates applicable to such service or storage, as
 15 specified in the schedules on file and in effect at the time.

16 When a warehouseman warehouse operator shall have had goods *
 17 in store for such a period that the storage charges thereon
 18 accumulated are more than such goods would bring at a forced
 19 sale, the department, upon written application and proof
 20 thereof, may authorize such warehouseman warehouse operator to *
 21 compromise such charges for a sum not less than the amount which
 22 such goods would bring at such forced sale.

231*#14S

23 231.14 DISCRIMINATION IN RATES.

24 Except as herein otherwise specified, no warehouseman *
 25 warehouse operator, or any officer, agent, or employee thereof, *
 26 shall, directly or indirectly, by remittance, rebate, or any
 27 device, inducement, or other means, suffer or permit any
 28 corporation or person to obtain any service, or the storage of
 29 any goods, wares, or merchandise, at less than the rates then
 30 established and in force as shown by the schedule filed and in
 31 effect at the time. No person or corporation shall, directly or
 32 indirectly, by any device, inducement, or means, either with or
 33 without the consent or connivance of a warehouseman warehouse *
 34 operator, or any of the officers, agents, or employees thereof, *
 35 obtain, or seek to obtain, any service, or the storage of any
 36 goods, wares, or merchandise, at less than the rates then
 37 established and in force therefor. Any warehouseman warehouse *
 38 operator, or the officers, agents, or employees thereof, or any *
 39 person acting for or employed by it, or transacting business
 40 with it, or any other person, who shall violate any provision of
 41 this section, shall be guilty of a gross misdemeanor; and, upon
 42 conviction, subject to imprisonment not exceeding one year or to
 43 a fine not exceeding \$3,000, or both.

231*#15S

44 231.15 DEPARTMENT TO FIX RATES AND REGULATIONS.

45 When the department after a hearing upon its own motion, or
 46 upon complaint finds that the rates demanded, observed, charged,
 47 or collected by any warehouseman warehouse operator for any *
 48 service or storage of goods, wares, or merchandise, or in
 49 connection with such service or storage, are unjust,
 50 unreasonable, discriminatory, preferential, or in any wise in
 51 violation of any provision of law the department shall determine
 52 the just and reasonable rates to be thereafter effective and in
 53 force in such warehouse and fix the same by an order, which
 54 shall determine when such rates shall go into effect. Before
 55 making any order under the provisions of this section,
 56 the warehouseman warehouse operator shall have an opportunity to *
 57 be heard upon reasonable notice to be determined by the
 58 department.

231*#16S

59 231.16 WAREHOUSEMAN WAREHOUSE OPERATOR TO OBTAIN LICENSE. *

60 Every person desiring to engage in the business of *
 61 warehouseman warehouse operator, before engaging therein, shall *
 62 be licensed annually by, and shall be under the supervision and
 63 subject to the inspection of, the department. Written
 64 application in the form prescribed by the department shall be
 65 made to the department for license, specifying the city in which
 66 it is proposed to carry on the business of warehousing, the
 67 location, size, character, and equipment of the buildings or
 68 premises to be used by the warehouseman warehouse operator, the *
 69 kind of goods, wares, and merchandise intended to be stored
 70 therein, the name of the person or corporation operating the
 71 same, and of each member of the firm or officer of the
 72 corporation, and any other facts necessary to satisfy the

1 department that the property proposed to be used is suitable for
 2 warehouse purposes and that the warehouseman warehouse operator *
 3 making the application is qualified to carry on the business of
 4 warehousing. Should the department decide that the building or
 5 other property proposed to be used as a warehouse is suitable
 6 for the proposed purpose and that the applicants are entitled to
 7 a license, notice of the decision shall be given the interested
 8 parties and, upon the applicants filing with the department the
 9 necessary bond, as provided for in this chapter, the department
 10 shall issue the license provided for, upon payment of the
 11 license fee, as in this section provided. A
 12 warehouseman warehouse operator to whom a license is issued *
 13 shall pay for the license a fee based on the storage capacity of
 14 the warehouse as follows:

15 Storage capacity in square feet

16 (1) 5,000 or less	\$ 80
17 (2) 5,001 to 10,000	\$155
18 (3) 10,001 to 20,000	\$250
19 (4) 20,001 to 100,000	\$315
20 (5) 100,001 to 200,000	\$410
21 (6) over 200,000	\$470

22 Fees collected under this chapter shall be paid into the
 23 grain buyers and storage fund established in section 232.22.

24 The license shall be renewed annually on or before July 1,
 25 and always upon payment of the full license fee, as provided for
 26 in this section for such renewal; and no license shall be issued
 27 for any portion of a year for less than the full amount of the
 28 license fee, as provided for in this section. Each license
 29 obtained under this chapter shall be publicly displayed in the
 30 main office of the place of business of the warehouseman
 31 warehouse operator to whom it is issued. The license shall *
 32 authorize the warehouseman warehouse operator to carry on the *
 33 business of warehousing only in the one city or town named in *
 34 the application and in the buildings therein described. The
 35 department, without requiring an additional bond and license,
 36 may issue permits from time to time to any
 37 warehouseman warehouse operator already duly licensed under the *
 38 provisions of this chapter to operate an additional warehouse in
 39 the same city or town for which ~~his~~ the original license was *
 40 issued during the term thereof, upon ~~his~~ the filing an *
 41 application for a permit in the form prescribed by the
 42 department.

43 License may be refused for good cause shown and revoked by
 44 the department for violation of law or of any rule or regulation
 45 by it prescribed, upon notice and after hearing.

231*#17S

46 231.17 BONDS OF WAREHOUSEMEN WAREHOUSE OPERATORS. *

47 Every warehouseman warehouse operator applying for and *
 48 receiving a license from the department, as provided for in this
 49 chapter, shall file with the department, acceptable to the
 50 department, a surety bond to the state of Minnesota. Such bonds
 51 shall be in an amount to be determined by the department as
 52 reasonable for the applicant but shall not be less than \$10,000
 53 and shall be conditioned for the faithful discharge of all
 54 duties as a warehouseman warehouse operator operating under this *
 55 chapter, and full compliance with the laws of the state and
 56 rules, regulations, and orders of the department relative
 57 thereto. Failure to maintain the bond as required shall void
 58 the license.

231*#18S

59 231.18 PROCEEDINGS BEFORE THE DEPARTMENT; HOW COMMENCED. *

60 Proceedings before the department against any warehouseman *
 61 warehouse operator shall be instituted by complaint, verified as *
 62 pleadings in a civil action, stating in ordinary language the
 63 facts constituting the alleged omission or offense. The parties
 64 to such proceeding shall be termed, respectively, complainant
 65 and respondent.

231*#19S

66 231.19 NOTICE TO RESPONDENT. *

67 Upon filing such complaint, if there appear reasonable *
 68 grounds for investigating such matter, the department shall
 69 issue an order, directed to such warehouseman warehouse *
 70 operator, requiring ~~him~~ the warehouse operator to grant the *
 71 relief demanded, or show cause by answer within 20 days from the
 72 service of such notice, why such relief should not be granted.
 73 Such order, together with a copy of the complaint, shall

1 forthwith be served upon the respondent.

231*#25S

2 231.25 INVESTIGATION WITHOUT COMPLAINT; NOTICE.

3 The department shall upon its own motion investigate any
4 matter relating to the management of a business by any *
5 warehouseman-of-his-business warehouse operator or the *
6 reasonableness of all rates whenever in its judgment the public
7 interest so requires. If any such rates are found unreasonable
8 or discriminatory, the department shall find what is reasonable
9 under the circumstances, and may make new schedules of any or
10 all rates under consideration in such investigation, and its
11 order shall fix the date when such rates shall go into effect.
12 Before making any order under the provisions of this section,
13 the warehouseman warehouse operator shall have an opportunity to *
14 be heard upon such notice as the department shall deem
15 reasonable. The rates established under the proceedings
16 instituted under this section shall be in force during the
17 pendency of any appeal or other proceedings to review the action
18 of the department.

231*#26S

19 231.26 APPEALS TO THE DISTRICT COURT.

20 Any party to a proceeding before the department, or any
21 party affected by any order thereof, may appeal therefrom to the
22 district court of the county in which the principal place of
23 business of the respondent is located; or, in case the order is
24 made in a proceeding commenced by the department on its own
25 motion without complaint, to the district court of any county in
26 which the warehouseman-has-his warehouse operator's principal *
27 place of business is located, at any time within 30 days after *
28 service of a copy of such order on the parties of record, as in
29 this chapter provided, by service of a written notice of appeal
30 on the department or on its secretary. Upon service of the
31 notice of appeal, the department, by its secretary, shall
32 forthwith file with the clerk of the district court to which the
33 appeal is taken a certified copy of the order appealed from,
34 together with the findings of fact on which the same is based.

231*#27S

35 231.27 PROCEEDINGS ON APPEAL; ORDERS NOT APPEALED FROM.

36 The appellant serving such notice of appeal shall, within
37 five days after service thereof, file the same with proof of
38 service, with the clerk of the court to which the appeal is
39 taken, and thereupon the district court shall have jurisdiction
40 over the appeal, and the same shall be tried therein, according
41 to the rules relating to a trial of civil actions, so far as the
42 same are applicable. The complainant before the department, if
43 there is one (otherwise the state of Minnesota), shall be
44 designated as the complainant in the district court, and the
45 warehouseman warehouse operator as the defendant. No further *
46 pleadings than those filed before the department shall be
47 necessary. Such findings of fact shall be prima facie evidence
48 of the matters therein stated, and the order shall be prima
49 facie reasonable, and the burden of proof upon all issues raised
50 by the appeal shall be on the appellant. If the court shall
51 determine that the order appealed from is lawful and reasonable,
52 it shall be affirmed, and the order enforced as provided by
53 law. If it shall be determined that the order is unlawful or
54 unreasonable, it shall be vacated and set aside. Such appeal
55 shall not supersede the order appealed from, unless the court,
56 upon an examination of the order and the return made on the
57 appeal and after giving the respondent notice and opportunity to
58 be heard, shall so direct. If such appeal is not taken, such
59 order shall be final and it shall thereupon be the duty of
60 the warehouseman warehouse operator affected to adopt and *
61 publish the rates therein prescribed and abide by the order of
62 the department. When no appeal is taken from an order, as
63 herein provided, the parties affected by such order shall be
64 deemed to have waived the right to have the merits of such
65 controversy reviewed by a court and there shall be no trial of
66 the merits or reexamination of the facts of any controversy in
67 which the order was made by any district court to which
68 application may be made for the writ to enforce the same.

231*#28S

69 231.28 FAILURE TO OBEY ORDER OR LAW.

70 When any warehouseman warehouse operator shall fail to obey *
71 any law of this state, or any order of the department, the
72 department may, upon verified petition alleging such failure,

1 apply to the district court of the county in which
 2 the ~~warehouseman-has-his~~ warehouse operator's principal place of
 3 business is located, for the enforcement of such law or order,
 4 or other appropriate relief. The court, upon such notice as it
 5 may direct, shall hear such matter as in case of an appeal from
 6 an order. On the hearing, the findings of fact upon which the
 7 order is based shall be prima facie evidence of the merits
 8 therein stated, and the court may grant any provisional or other
 9 relief, ordinary or extraordinary, legal or equitable, which the
 10 nature of the case may require, and may impose a fine of not
 11 more than \$50 for each day's failure to obey any writ, process,
 12 or order of the court, in addition to all other penalties or
 13 forfeitures provided by law. A temporary mandatory or
 14 restraining order may be made in such proceedings,
 15 notwithstanding any undetermined issue of fact, upon such terms
 16 as to security as the court may direct.

231*#30S

17 231.30 INCRIMINATING QUESTIONS.

18 In any proceeding under any law relating to
 19 warehousemen warehouse operators, the court at its discretion
 20 may require a witness to answer any question, although ~~his~~ the
 21 answer may tend to convict ~~him~~ the witness of a crime, but no
 22 person so compelled to answer shall thereafter be liable to any
 23 prosecution for such crime.

231*#31S

24 231.31 COUNSEL FEES MAY BE ALLOWED.

25 In any proceeding in district court under the provisions of
 26 any law relating to warehousemen warehouse operators, either by
 27 appeal or otherwise, the court may order the payment by either
 28 party of such counsel fees and disbursements as it deems just
 29 and reasonable.

231*#34S

30 231.34 ACTION ON BOND IN THE NAME OF THE STATE.

31 When any one licensed to do business as a public
 32 warehouseman warehouse operator fails to perform ~~his~~ a duty, or
 33 violates any of the provisions of this chapter, any person or
 34 corporation injured by such failure or violation may, with the
 35 consent of the department and the attorney general, bring an
 36 action in the name of the state, but to ~~his-or-their~~ the
 37 person's or corporation's own use, in any court of competent
 38 jurisdiction on the bond of such warehouseman warehouse operator.
 39 In such action the person or corporation in whose behalf the
 40 action is brought shall file with the court a satisfactory bond
 41 for costs, and the state shall not be liable for any costs.

231*#36S

42 231.36 FALSIFICATION OR DESTRUCTION OF ACCOUNTS.

43 Any person who shall wilfully make any false entry in the
 44 account or in any record or memorandum kept by a
 45 warehouseman warehouse operator, or who shall wilfully destroy,
 46 mutilate, alter, or by any other means or device, falsify a
 47 record of any such account, record, or memorandum, or who shall
 48 wilfully neglect or fail to make full, true, and correct entries
 49 in such accounts, records, or memoranda, of all facts and
 50 transactions appertaining to the business of the warehouseman
 51 warehouse operator, or shall keep any accounts or records with
 52 the intent to evade the provisions of this chapter, shall be
 53 guilty of a gross misdemeanor; and, upon conviction, subject to
 54 imprisonment not exceeding one year or to a fine not exceeding
 55 \$3,000, or both.

231*#37S

56 231.37 PENALTY FOR DIVULGENCE OF INFORMATION.

57 Any officer or employee of the department who divulges to
 58 any person, other than a member of the department, any fact or
 59 information coming to ~~his~~ the knowledge of the officer or
 60 employee during the course of an inspection, examination, or
 61 investigation of any accounts, records, memoranda, books, or
 62 papers of a warehouseman warehouse operator, except insofar
 63 as he may be authorized by the department, or by a court of
 64 competent jurisdiction, or a judge thereof, shall be guilty of a
 65 gross misdemeanor; and, upon conviction, subject to imprisonment
 66 not exceeding one year or to a fine not exceeding \$3,000, or to
 67 both.

231*#38S

68 231.38 PENALTY FOR TRANSACTING BUSINESS WITHOUT A
69 LICENSE.

70 Any person who shall transact the business of a

1 warehouseman warehouse operator, except for the purpose of *
 2 winding up the same under the supervision of the department,
 3 without first procuring a license and giving a bond as provided *
 4 for in this chapter and any licensed warehouseman warehouse *
 5 operator who shall operate any warehouse without obtaining the *
 6 permit herein provided for or who shall continue to transact
 7 such business after such license has expired or such bond may
 8 have become void or found insufficient security for the penal
 9 sum in which it is executed by the department approving the same
 10 shall be guilty of a gross misdemeanor; and upon conviction
 11 fined in a sum not less than \$100 nor more than \$3,000 for each
 12 and every day such business is carried on before the license or
 13 permit, as the case may be, is issued or after the expiration of
 14 such license or permit or after receiving notice from the
 15 department that such bond has become void or has been found
 16 insufficient security; and the operation of such warehouseman *
 17 warehouse operator may be enjoined upon complaint of the *
 18 department before a court of competent jurisdiction.

231*#39S

19 231.39 PERSONS VIOLATING ACT OR ORDER; PENALTY.

20 Any warehouseman warehouse operator and each person who, *
 21 either individually or acting as an officer, agent, or employee *
 22 of a warehouseman warehouse operator, violates or fails to *
 23 comply with any provisions of this chapter, or fails to observe,
 24 obey, or comply with any order, decision, rule, regulation,
 25 direction, or requirement or any part or portion thereof of the
 26 department made or issued under authority of this chapter or who
 27 procures, aids, or abets any warehouseman warehouse operator in *
 28 his the violation of this chapter or in his the failure to *
 29 observe, obey, or comply with this chapter or any such order,
 30 decision, rule, regulation, direction, or requirement or any
 31 part or portion thereof in a case in which a penalty is not
 32 otherwise provided for in this chapter is guilty of a gross
 33 misdemeanor; and upon conviction shall be punished by a fine not
 34 exceeding \$3,000 or by imprisonment not exceeding one year or by
 35 both such fine and imprisonment.

36 Each violation of the provisions of this chapter, or of any
 37 order, decision, rule, regulation, direction, or requirement of
 38 the department, or any part or portion thereof, by any
 39 warehouseman warehouse operator is a separate and distinct *
 40 offense.

41 In construing and enforcing the provisions of this chapter
 42 relating to penalties, the act, omission, or failure of any
 43 officer, agent, or employee of any warehouseman warehouse *
 44 operator, acting within the scope of his official duties or *
 45 employment, shall in each case be and be deemed to be the act,
 46 omission, or failure of such warehouseman warehouse operator. *

232*#24S

47 232.24 SCHEDULE OF INSPECTION, FINANCIAL REPORTS.

48 No change for subd 1 to 2

49 Subd. 3. INSPECTION, SAMPLING. The commissioner or
 50 his the commissioner's authorized agent shall sample, inspect, *
 51 and grade grains received or distributed from grain warehouses *
 52 at such time and place and to such an extent as he the *
 53 commissioner may deem necessary to determine whether sampling, *
 54 inspection, and grading conducted by the warehouse operator
 55 conforms with the standards set by the board of grain
 56 standards. The commissioner may obtain any additional
 57 information he the commissioner deems necessary and is *
 58 authorized to enter upon any public or private premises during
 59 regular business hours in order to carry out the provisions of
 60 this subdivision.

232*#25S

61 232.25 PENALTY.

62 A person who violates the provisions of sections 232.20 to
 63 232.25 is guilty of a misdemeanor. The department may, if it
 64 finds after a hearing that any of the provisions of sections
 65 232.20 to 232.25 have been violated by a person holding a
 66 license to operate a public grain warehouse, suspend or revoke
 67 the license. In case of revocation, no new license shall be
 68 granted to the person whose license was revoked nor to any one
 69 either directly or indirectly engaged with-him in the licensed *
 70 business for two years.

233*#01S

71 233.01 DEFINITIONS.

72 No change for subd 1

1 Subd. 2. WAREHOUSEMAN WAREHOUSE OPERATOR. Wherever *
 2 the term "warehouseman warehouse operator" is used in this *
 3 chapter it shall be construed to mean and include the party,
 4 parties, copartnership, association, or corporation engaged in
 5 the operation of a "public terminal warehouse," as defined in
 6 this section.

7 Subd. 3. PUBLIC TERMINAL WAREHOUSE. The term
 8 "public terminal warehouse" wherever used in this chapter shall
 9 be construed to mean and include all elevators or warehouses
 10 located within the switching limits of St. Paul, Minneapolis,
 11 and Duluth, or other points in the state, which are now, or
 12 hereafter may be, designated as terminal points in which grain
 13 not belonging to the warehouseman warehouse operator is received *
 14 for storage, whether for hire or without charge, and shall
 15 include all warehouses where grain stored for different owners
 16 is mixed with the grain of other owners and where the identity
 17 of the different lots or parcels is not preserved, and shall
 18 include all warehouses where grain other than that of
 19 the warehouseman warehouse operator is stored in separate bins *
 20 and the identity thereof preserved.

21 Sections 233.03 and 233.04, and sections 233.06 and 233.09,
 22 insofar as relates to the requirements therein, in respect to
 23 grade and dockage, and wherever requirements in respect to the
 24 same occur in sections 233.06 and 233.09, shall not apply to any
 25 such warehouse which is used and operated exclusively for
 26 cleaning, drying, cooling, mixing, and conditioning for the
 27 market, grain belonging to others and storing such grain until
 28 disposed of by the owner thereof, in which warehouse the grain
 29 of each owner or depositor is stored in separate bins or tanks
 30 and is kept separate from the grain of every other owner or
 31 depositor, and no grain belonging to such warehouseman warehouse *
 32 operator is received, handled, or stored. *

33 In all cases where such grain is delivered to a terminal
 34 elevator the receipt shall be issued in the name of the owner,
 35 or his owner's agent, unless otherwise ordered in writing. *

36 No change for subd 4

233*#03S

37 233.03 DUTIES OF WAREHOUSEMEN A WAREHOUSE OPERATOR. *

38 Every warehouseman warehouse operator shall receive for *
 39 storage and shipment as far as warehouse capacity will permit,
 40 all grain in suitable condition for storage, tendered in the
 41 usual course of business, without discrimination of any kind.
 42 All grain shall be inspected on receipt and stored with other
 43 grain of the same grade except as herein otherwise provided. At
 44 the time of the receipt of the grain, the warehouseman warehouse *
 45 operator shall issue and deliver to the owner or consignee a *
 46 warehouse receipt, authorized by the department, in the
 47 following form:

48 Warehouse Receipt No.....
 49 Elevator Co.
 50, Minn., 19.....
 51 The Elevator
 52 Company has received in store in its elevator known
 53 as
 54 situated at
 55 Minnesota, for storage from
 56 owner, bushels of
 57 which has been duly
 58 inspected by a duly authorized inspector of grain
 59 appointed by the department of agriculture of
 60 Minnesota, or licensed by the Secretary of
 61 Agriculture of the United States, and has been
 62 graded by the inspector as No.
 63 and is that grade. This grain, or an equal amount of
 64 grain of the same kind and grade, is deliverable upon
 65 the return of this receipt properly endorsed by the
 66 owner above named and the payment of all lawful
 67 charges; in case of grain stored separately in a
 68 special bin, at the request of the owner or consignee,
 69 the identity of the grain will be preserved while in
 70 store and the grain will be delivered as a separate
 71 lot or parcel, in accordance with the law, upon
 72 surrender of the receipt. Loss by fire, heating or
 73 the elements is at the owner's risk.

74 Countersigned by
 75

1 Secretary
 2 The Elevator Company
 3 conducts this elevator as a public terminal warehouse
 4 and receives and stores therein grain of others for
 5 hire.
 6 bushels grade.

7
 8 By

9 STUB RECORD
 10 Initial Car No. Bushels
 11 Receipt No..... 19....
 12 Received in store from
 13
 14 Bushels.... Lbs.... Grade....

15 Car No. Bushels Car No. Bushels
 16 The receipts shall be consecutively numbered and delivered
 17 to the owner immediately upon receipt of each lot or parcel of
 18 grain, giving the true and correct grade and weight thereof.
 19 The manner of receipt of the grain shall be stated in the
 20 receipt, and with the number and distinctive mark of each car,
 21 and the name of each barge or other vessel. The failure to
 22 issue a receipt as directed or the issuance of any warehouse
 23 receipt differing in form or language from that prescribed shall
 24 be a misdemeanor; provided that a warehouse receipt at the
 25 request of the owner or consignee, may provide for delivery of
 26 the grain represented thereby to the depositor, or any other
 27 specified person, and may have printed or stamped thereon the
 28 words "non-negotiable."

233*#04S

29 233.04 GRAIN REDELIVERED ON WAREHOUSE RECEIPT.
 30 Upon return of the receipt for grain not stored in separate
 31 bins to the proper warehouseman warehouse operator, properly *
 32 endorsed, and upon payment or tender of all advances and legal
 33 charges, grain of the same grade and quantity named therein
 34 shall be delivered to the holder of such receipt within 24 hours
 35 after facilities for receiving the same have been provided. The
 36 identical grain, if stored in separate bins, shall be so
 37 delivered. ~~if such warehouseman shall fail so~~ A warehouse *
 38 operator who fails to deliver it, he shall be is liable to the *
 39 owner in damages at the rate of one cent a bushel for each day's
 40 delay, unless ~~he shall deliver~~ the property is delivered to the *
 41 several owners in the order of demand, as rapidly as it can be *
 42 done by ordinary diligence. If the warehouseman warehouse *
 43 operator shall fail so to deliver such grain, the person *
 44 entitled thereto may recover the same, if kept in separate bins,
 45 or the same amount of grain of like grade, if stored with other
 46 grain, or the value thereof, in a civil action; and
 47 such warehouseman warehouse operator shall also be guilty of *
 48 theft.

233*#05S

49 233.05 WAREHOUSEMAN WAREHOUSE OPERATOR NOT TO SELL *
 50 WITHOUT AUTHORITY FROM OWNER.
 51 No warehouseman warehouse operator shall sell or otherwise *
 52 dispose of or deliver out of store any grain stored in his the *
 53 warehouse without the express authority of its owner and the
 54 return of the storage receipt except as herein provided, nor mix
 55 together grain of different grades in store, nor select grain of
 56 different qualities, but of the same grade, for storage or
 57 delivery, nor ~~shall he in any way~~ tamper with grain of others *
 58 while in his the operator's possession or custody with the *
 59 purpose of securing any personal profit to himself or a profit *
 60 for any other person, or attempt to deliver grain of one grade *
 61 for that of another. Any person violating any provision of this
 62 section shall be punished by a fine of not more than \$3,000 or
 63 imprisonment in the Minnesota correctional facility-Stillwater
 64 for not more than five years or both.

233*#06S

65 233.06 GRAIN STORED IN SEPARATE BINS.
 66 At the request of the owner or consignee, such warehouseman *
 67 warehouse operator shall store any grain of the same owner or *
 68 consignee, in separate bins, which grain shall then bear the
 69 name of the owner or consignee. The warehouseman warehouse *
 70 operator shall issue to the owner or consignee, distinguishing *
 71 whether owner or consignee, a warehouse receipt or receipts for
 72 all or any part of such grain. Every such receipt shall give
 73 the name of the owner or consignee and state the amount, kind

1 and grade of grain for which the receipt is issued, and that the
 2 grain of such owner or consignee is stored separately from the
 3 grain of any other owner or consignee. The warehouseman
 4 warehouse operator shall, on presentation and surrender of the
 5 warehouse receipt bearing the proper endorsement of the person
 6 to whom it was issued, deliver to the person surrendering the
 7 receipt such amounts of the same grain as may be demanded and of
 8 the same grade as called for by receipt. The warehouseman
 9 warehouse operator, at the request of the owner or consignee,
 10 shall clean, dry, mix or otherwise improve the condition or
 11 value of such grain, and it shall be delivered separately from
 12 the grain of any other owner or consignee upon the order of the
 13 owner or consignee, in accordance with the terms of the
 14 warehouse receipt issued therefor and endorsed by such owner or
 15 consignee; provided, that such special bin receipt, at the
 16 request of the owner or consignee, may have printed or stamped
 17 thereon the words "non-negotiable" and the delivery of the
 18 identical grain described therein shall be a sufficient delivery
 19 and satisfaction of such receipt.

233*#08S

20 233.08 LICENSE.

21 No public terminal warehouse shall be operated or receive
 22 grain for storage, either to be mixed with the grain of other
 23 parties of like grade, or in separate bins, until the owners or
 24 parties in charge and operating the warehouse shall first obtain
 25 a license from the department authorizing the warehouseman
 26 warehouse operator to operate a warehouse under the provisions
 27 of this chapter. All licenses issued or renewed annually shall
 28 expire at midnight on the 30th day of June next following the
 29 date of issuance or renewal. Before any license shall be
 30 issued, written application shall be made to the department for
 31 license specifying the kind of warehouse, the nature of its
 32 construction, its capacity and location, the name of the firm or
 33 corporation operating the same and each member of the firm or
 34 officer of the corporation and other facts as the department may
 35 require shall be contained in the application. The application
 36 shall be acted upon with reasonable dispatch by the department;
 37 and, if no reason exists for refusing the same, a license may be
 38 issued upon the payment of the fee set by the commissioner. The
 39 amount of the fee shall be set to cover the costs of
 40 administering and enforcing this chapter. A license shall be
 41 granted only upon the warehouseman warehouse operator furnishing
 42 to the department a bond to the state of Minnesota, to be
 43 approved by the department, in a penal sum to be fixed by the
 44 department but not less than \$50,000 for each warehouse, which
 45 shall be conditioned for the faithful discharge of the duties of
 46 warehouseman warehouse operator and full compliance with all the
 47 laws of the state and rules of the department relative to the
 48 operation of public terminal warehouses and for the delivery to
 49 parties storing grain in such warehouses under the terms of this
 50 chapter of the grain or an equal amount of the same kind and
 51 grade so stored or the payment therefor of the value of the
 52 grain in case of failure to make the delivery. The license may
 53 be revoked by the department for violation of the law or any
 54 rule or regulation prescribed by the department, but shall only
 55 be revoked upon a written notice or complaint specifying the
 56 charges and after a hearing had before the department. A
 57 license may be refused to any warehouseman warehouse operator
 58 whose license has been revoked within the preceding year. If a
 59 warehouseman warehouse operator applies for a license for more
 60 than one warehouse in the same county, but one bond need be
 61 furnished but the same shall in all cases be in proportion to
 62 the capacity of all warehouses.

63 Fees collected under this chapter shall be paid into the
 64 grain buyers and storage fund established in section 232.22.

233*#09S

65 233.09 STATEMENT OF GRAIN IN WAREHOUSE; REPORTS.

66 Every terminal warehouseman warehouse operator shall post
 67 conspicuously in ~~his~~ the operator's business office, on or
 68 before Tuesday morning of each week, a statement of the amount
 69 of grain of each kind and grade in store in ~~his~~ the warehouse at
 70 the close of business on the preceding Saturday and render a
 71 like statement, verified by ~~him~~ the operator or ~~his~~ a bookkeeper
 72 having personal knowledge of the facts, to the warehouse
 73 registrar of the department. ~~He~~ The operator shall also make a
 74 daily statement to the registrar of the amount of each kind and

1 grade of such grain received in store in his the warehouse the *
 2 preceding day; the amount shipped or delivered, and the
 3 warehouse receipt canceled on such delivery, stating the number
 4 of each receipt and the amount, kind, and grade of grain shipped
 5 or delivered thereon; the amount, kind, and grade of grain
 6 delivered for which no warehouse receipt was issued and how and
 7 when the same was received, the aggregate of such reported
 8 cancelation and delivery of unreceipted grain corresponding in
 9 amount, grade, and kind with the shipments and deliveries
 10 reported; and at the same time report the receipts canceled upon
 11 issue of new ones, with the number of each such receipt canceled
 12 and that issued in its place. He The operator shall also *
 13 furnish the registrar any further information regarding receipts
 14 issued or canceled necessary for correct record of all such
 15 receipts and of grain received and delivered and make a further
 16 verified statement to the department of the condition and
 17 management of any terminal warehouse under his the operator's *
 18 control, at such times and in such form as the department may
 19 require.

233*#10S

20 233.10 PUBLICATION OF RATES; CHARGES FOR HANDLING AND
 21 STORING GRAIN.

22 Every warehouseman warehouse operator operating a "public *
 23 terminal warehouse" located within the switching limits of St.
 24 Paul, Minneapolis, Duluth or other terminal point pursuant to
 25 section 233.01, subdivision 3, shall annually, during the first
 26 week in July, publish in some newspaper, daily if there be one,
 27 published in the place where his the warehouse is situated, a *
 28 schedule of storage rates for the ensuing year, which shall not
 29 be increased during such year, and no discrimination in rates
 30 shall be made by any such warehouseman warehouse operator. The *
 31 charges for receiving, handling and delivering grain at such
 32 warehouse and the charges for storing grain in such warehouse
 33 shall be fixed by the department, subject to the provisions of
 34 Minnesota Statutes 1969, Chapter 15.

233*#11S

35 233.11 INSPECTION.

36 Every person having an interest in any grain stored in any
 37 such warehouse, and every state grain inspector, shall have the
 38 right to examine at all times during ordinary business hours any
 39 grain so stored, and all parts of such warehouse; and every such
 40 warehouseman; his warehouse operator and the operator's agents *
 41 and servants, shall furnish proper facilities for such *
 42 examination.

233*#22S

43 233.22 WITHHOLDING GRAIN.

44 The owner or consignee of grain consigned to a terminal
 45 warehouse may have the same withheld from storage and delivered
 46 to him-or-his-order or at the direction of the owner or *
 47 consignee by giving notice to the carrier in possession thereof, *
 48 and to the warehouseman warehouse operator to whom such grain *
 49 was consigned, and paying all charges that may be a lien thereon.
 50 Such grain shall be removed within 24 hours after the car or
 51 boat containing the same is placed in a proper and convenient
 52 place for unloading. If the grain be delivered contrary to such
 53 notice, such warehouseman warehouse operator, and the carrier so *
 54 delivering the same, shall be jointly and severally liable to
 55 the owner for double its value.

233*#23S

56 233.23 UNAUTHORIZED STORAGE.

57 No contract, agreement, understanding, or combination shall
 58 be entered into between any public warehouseman warehouse *
 59 operator and any common carrier or other person for the delivery *
 60 of any grain at any public warehouse contrary to the direction
 61 of the owner, nor shall any grain be so delivered or received.

233*#33S

62 233.33 POLICE PROTECTION.

63 Subdivision 1. PROTECTION TO GRAIN. All railroad
 64 companies, warehousemen warehouse operators and millers *
 65 operating at the terminal points of this state shall furnish
 66 ample and sufficient police protection at all of their several
 67 terminal yards and on their terminal tracks to securely protect
 68 all cars containing grain, while the same are in their
 69 possession, shall prohibit and restrain all unauthorized
 70 persons, whether under the guise of samplers, sweepers, or under
 71 any other pretext whatever, from entering or loitering in or

1 about their respective railroad yards or tracks and from
 2 entering any cars of grain under their control, or removing
 3 grain therefrom, and shall employ and detail such number
 4 of watchmen security guards as may be necessary for the purpose *
 5 of carrying out the provisions of this section.

6 Subd. 2. VIOLATIONS AND PENALTIES. Any railroad
 7 company, warehouseman warehouse operator or miller operating at *
 8 any terminal point of this state, who shall fail to comply with
 9 the provisions of this section, and any unauthorized person, who
 10 shall remove grain from a car before said car is unloaded, or
 11 who shall sweep or remove any grain from a car after it is
 12 unloaded at any terminal point in this state, shall be guilty of
 13 a misdemeanor.

234*#04S

14 234.04 MAY APPOINT SUPERVISORY BOARDS.

15 The department is authorized to appoint such local
 16 supervisory boards for any county or counties which it may deem
 17 necessary for the purpose of supervising generally and under the
 18 direction of the department, grain in storage, the issuance of
 19 certificates against such grain and carrying out of the purposes
 20 and enforcing the provisions of this chapter.

21 Such boards shall consist of not less than three nor more
 22 than seven members, each of whom shall be a producer of grain in
 23 the state and a resident thereof. Each member, upon
 24 appointment, shall qualify by taking oath similar to that
 25 required of public officials and shall continue in office until
 26 ~~his~~ a successor is appointed by the department, which shall also *
 27 have authority to fill any vacancies arising by reason of the
 28 resignation, death, or removal by it of any such member or
 29 members.

30 Each such board shall select such officers, keep such
 31 records, and perform such duties as the department may prescribe.

234*#07S

32 234.07 BOND OF SEALER.

33 Each sealer shall furnish bond for the faithful performance
 34 of ~~his~~ all duties in such amount as shall be determined by the *
 35 department, but in no event shall such bond be in an amount less
 36 than \$1,000. The bonds and sureties thereon shall, in every
 37 case, be subject to approval of the department and be deposited
 38 with it, and in case it is not a personal bond the premium
 39 thereon shall be paid by the department out of the funds
 40 collected under this chapter. ~~He~~ The sealer shall also qualify *
 41 by taking oath similar to that required of public officials.

234*#08S

42 234.08 DUTIES OF SEALER.

43 It shall be the duty of the sealer under the direction of
 44 the department to:

45 (1) Supervise the storage of grain;
 46 (2) Ascertain the amount stored by each owner who shall
 47 desire to ~~avail-himself~~ take advantage of the privileges of this *
 48 chapter;

49 (3) Determine so far as possible upon the basis prescribed
 50 in the rules and regulations issued hereunder the exact grade
 51 and quantity thereof;

52 (4) Ascertain, prior to the issuance of any certificate,
 53 that the bin, crib, granary, or other receptacle in which the
 54 grain is stored is satisfactory for the storage of such grain
 55 and that such receptacle conforms to the regulations applicable
 56 thereto promulgated by the department.

57 ~~He~~ The sealer shall, before delivering certificate to the *
 58 owner, ascertain that there are no other certificates
 59 outstanding upon the grain and seal the granary, crib, bin, or
 60 other receptacle in which the grain is stored in the manner
 61 hereinafter provided, and thereafter make periodic inspections
 62 of the granaries, cribs, bins, or other receptacles so sealed at
 63 such times and in such manner as the department may determine;
 64 but in no event less frequently than at 90-day intervals,
 65 rendering to the department with reference to subsequent
 66 inspection, as to the owner when requested, report or affidavit
 67 in such form as may be required in regard to the amount and
 68 condition of the grain under seal and the condition of the
 69 structure within which it is stored.

234*#11S

70 234.11 CERTIFICATES.

71 Certificates shall be upon forms to be prepared and
 72 furnished by the department and every certificate must embody

1 within its written or printed terms:
2 (1) The date and consecutive number thereof;
3 (2) A particular description of the granary, crib, bin, or
4 other receptacle in which the grain is stored and of the
5 premises on which it is located;
6 (3) Description of the grain as may be required by the
7 regulations issued hereunder;
8 (4) Name of the owner or owners, whether ownership is sole,
9 joint, or in trust, and in case of tenants, the date of the
10 expiration of the lease;
11 (5) Statement that no other certificates are outstanding on
12 the grain represented thereby;
13 (6) Statement whether grain will be delivered to bearer, to
14 a specified person, or to a specified person or ~~his~~ the person's *
15 order, and at what place it will be delivered;
16 (7) Facsimile signature of each of the members of the
17 department and counter signature of the sealer;
18 (8) Statement of any loans or other indebtedness which in
19 any manner constitutes a lien, whether statutory or contractual,
20 including both mortgage and landlord's lien upon the grain;
21 (9) Form of waivers of liens.

234*#12S
22 234.12 OWNER TO EXERCISE REASONABLE CARE.
23 No term or condition shall be inserted in any certificate,
24 whether negotiable or otherwise, which shall in any manner
25 purport to relieve the owner from exercising that degree of care
26 in the safekeeping of the grain in storage which a reasonably
27 prudent man person would exercise with regard to similar *
28 property ~~of-his-own~~ that person owns. *

234*#15S
29 234.15 OWNER TO DELIVER DUPLICATE.
30 ~~When-the~~ An owner who negotiates the original certificate *
31 ~~he~~ shall at the same time deliver to the assignee the duplicate *
32 or the receipt of the county recorder for the same. Such
33 assignee may file the duplicate in the office of the county
34 recorder of the county in which the grain is located which
35 duplicate shall remain in the custody of the county recorder,
36 except as hereinafter provided.

234*#16S
37 234.16 DUPLICATE FILED WITH COUNTY RECORDER.
38 When a duplicate is filed in the office of the county
39 recorder, ~~he~~ the recorder shall index the same in the chattel *
40 mortgage index or other suitable index book showing date of the
41 certificate, the number thereof, to whom issued, kind, quantity,
42 and location of the grain. ~~He~~ The recorder shall collect 35 *
43 cents for each certificate indexed. The filing and indexing of
44 such certificate shall impart the same notice as the filing and
45 indexing of a chattel mortgage.

234*#17S
46 234.17 ASSIGNMENTS MAY BE FILED.
47 When the owner or holder of a certificate makes written
48 assignment thereof the county recorder shall on request of the
49 assignee enter a copy of such assignment upon the duplicate in
50 ~~his~~ the recorder's office and enter upon the index book the date *
51 of the assignment, the names of the assignor and the
52 assignee. ~~He~~ The recorder shall collect 25 cents for each *
53 assignment entered.

234*#22S
54 234.22 FEES FOR SEALER.
55 In the exercise of ~~his~~ the power and functions ~~as of~~ an *
56 officer of the peace in connection with the provisions of this
57 chapter, the sealer is entitled to the same fees as are provided
58 by law for the performance of similar duties.

234*#27S
59 234.27 UNIFORM COMMERCIAL CODE TO APPLY.
60 All the provisions of article 7 of the uniform commercial
61 code, relative to the negotiation, transfer, sale, or
62 endorsement of warehouse receipts, shall, so far as possible,
63 apply to the negotiation, transfer, sale, or endorsement of the
64 certificates provided for herein.
65 For the purpose of application of the uniform commercial
66 code:
67 (a) A certificate authorized by the department which
68 evidences the storing of grain under the provisions of this
69 chapter is a document of title as defined in section 336.1-201,
70 clause (15); and

1 (b) A person who has title to and possession of any grain
 2 stored under the provisions of this chapter is a warehouseman
 3 warehouse operator as defined in section 336.7-102, clause
 4 (1)(h).

235*#05S

5 235.05 CARRIERS' RECEIPTS; PENALTY FOR FAILURE TO GIVE.
 6 Every common carrier transporting grain shall give the
 7 shipper on request a receipt for the number of pounds of grain
 8 received from him the shipper and deliver such quantity to the
 9 consignee or proper connecting carrier, less loss from
 10 transportation, not to exceed 60 pounds to each car.

11 Such carrier shall forfeit to the state for each refusal to
 12 give such receipt not less than \$10 nor more than \$50 and for
 13 each failure to deliver the proper quantity of grain not less
 14 than \$50 nor more than \$100.

235*#07S

15 235.07 DELIVERY FOR STORAGE A BAILMENT.

16 The delivery of grain to any warehouseman warehouse
 17 operator for storage, although it be mingled with that of
 18 others, or shipped or removed from the original place of
 19 storage, shall be deemed a bailment, and not a sale.

235*#10S

20 235.10 UNLAWFUL DISCRIMINATION IN SALE OR PURCHASE OF
 21 GRAIN.

22 Any person, firm, copartnership, or corporation engaged in
 23 the business of buying grain, either for himself itself or
 24 others, who shall, with the intention of creating a monopoly or
 25 destroying the business of a competitor, discriminate between
 26 different sections, localities, communities, or cities of this
 27 state, by purchasing such grain at a higher price or rate in one
 28 locality than is paid for grain of same grade and condition by
 29 the purchaser in another locality after making due allowance for
 30 the difference, if any, in actual cost of transportation from
 31 the locality of purchase, to the locality of manufacture, use,
 32 or distribution, shall be deemed guilty of unfair discrimination;
 33 and upon conviction thereof punished by a fine not exceeding
 34 \$700 or by imprisonment in the county jail not to exceed six
 35 months.

236*#01S

36 236.01 DEFINITIONS.

37 No change for subd 1 to 3

38 Subd. 4. "Grain bank receipt" means a non-negotiable
 39 receipt issued to the owner of the grain or his the owner's
 40 agent.

41 No change for subd 5

236*#02S

42 236.02 GRAIN BANK LICENSING; BONDING OF APPLICANTS.

43 Any person who (1) operates an establishment which
 44 processes grain into feed and (2) is licensed to buy grain as a
 45 public or private local grain warehouseman warehouse operator
 46 under section 232.02 may obtain a license to operate a grain
 47 bank. No person may conduct a grain bank without a grain bank
 48 license.

49 A grain bank license shall be obtained from the department,
 50 which is hereby authorized to issue such a license upon
 51 compliance by the applicant with the bond requirements of
 52 sections 236.01 to 236.09. Such grain bank license shall be in
 53 addition to the license to buy grain as a public or private
 54 local grain warehouseman warehouse operator and shall empower
 55 the licensee to conduct a grain bank in accordance with sections
 56 236.01 to 236.09.

57 Every grain bank license shall expire at midnight on the
 58 30th day of June each year. A license shall be required for
 59 each location where a grain bank is operated. Such licenses
 60 shall be revocable by the department for cause upon notice and
 61 hearing. All licenses and rules regulating the operation of the
 62 grain bank shall be posted in a prominent and easily accessible
 63 place in the grain bank. The license fee shall be set by the
 64 commissioner in an amount sufficient to cover the costs of
 65 administering and enforcing this chapter.

66 Fees collected under this chapter shall be paid into the
 67 grain buyers and storage fund established in section 232.22.

68 No license shall be issued for the operation of a grain
 69 bank until the applicant has filed with the department a bond in
 70 such sum as the department may prescribe, which sum shall not be
 71 less than \$1,500 for each license and shall at all times be in

1 sufficient sum to protect the holders of outstanding grain bank
 2 receipts. Such bonds shall be filed annually and cover the
 3 period of the grain bank license. Such bonds shall run to the
 4 state of Minnesota and shall be for the benefit of all persons
 5 storing grain in such grain bank. They shall be conditioned
 6 upon the faithful performance by the grain bank operator of all
 7 the provisions of the law relating to the operation of grain
 8 banks by such grain bank operator, and the rules and regulations
 9 of the department relative thereto. The department is
 10 authorized to require such increases in the amounts of such
 11 bonds from time to time as it deems necessary for the protection
 12 of grain bank receipt holders. The surety of such bonds shall
 13 be a corporate surety company authorized to transact business in
 14 the state of Minnesota. Any person for whose benefit the bond
 15 is given may commence an action thereof in their own name in
 16 district court. Any person who is granted a grain bank license
 17 at more than one location may, with the department's approval,
 18 file one bond covering all locations in such total amount as the
 19 department may require under sections 236.01 to 236.09 and the
 20 rules and regulations made pursuant to sections 236.01 to
 21 236.09. Any person, firm or corporation licensed as a public
 22 local grain warehouseman warehouse operator and bonded under the *
 23 provisions of section 232.13 may include liability for
 24 outstanding non-negotiable grain bank receipts under the
 25 coverage of such bond in lieu of securing a separate grain bank
 26 bond as provided in this section.

236*#04S

27 236.04 CHARGES.

28 Grain for which a grain bank receipt is issued shall be
 29 received and stored for processing. Storage charges shall be
 30 paid by the owner at rates prescribed by section 232.06,
 31 subdivision 1, and acts amendatory thereof, from ten days after
 32 the date on which the grain is delivered to the grain bank until
 33 the date the grain or processed grain represented by a grain
 34 bank receipt is redelivered to the owner of the grain. Storage
 35 charges shall be computed and recorded at the time of the
 36 redelivery of grain or processed grain to the owner or at time
 37 of sale by the owner. If grain evidenced by a grain bank
 38 receipt is not processed or is not sold to the operator of the
 39 grain bank, the owner thereof or ~~his~~ the owner's authorized *
 40 agent may obtain redelivery of grain of the kind, quantity, and
 41 grade shown on the grain bank receipt which evidences such *
 42 grain, if the owner or ~~his~~ the authorized agent pays to the *
 43 grain bank operator a delivery charge in an amount prescribed
 44 for delivery charges in public local warehouses by section
 45 232.06, subdivision 1, and acts amendatory thereof. Nothing in
 46 sections 236.01 to 236.09, however, shall authorize the storage
 47 of grain or the issuance of a grain bank receipt for any grain
 48 which is not intended, when received at the grain bank, to be
 49 redelivered to the owner of the grain or ~~his~~ an authorized agent *
 50 as a part of mixed or as otherwise processed feeds within a
 51 reasonable time after such receipt.

237*#081S

52 237.081 SUMMARY INVESTIGATIONS OF INADEQUATE SERVICE.

53 No change for subd 1 to 4

54 Subd. 5. A copy of such order shall be served upon the
 55 person against whom it runs or ~~his~~ the person's attorney, and *
 56 notice thereof shall be given to the other parties to the
 57 proceedings or their attorneys.

237*#11S

58 237.11 INSPECTION OF BOOKS OF TELEPHONE COMPANIES IN
 59 CASE OF FAILURE TO MAKE REPORTS.

60 Every telephone company subject to the provisions of this
 61 chapter, wherever organized, shall keep an office in this state,
 62 and make such reports to the department as it shall from time to
 63 time require. All books, records, and files and all of its
 64 property shall be at all times subject to inspection by the
 65 department. It shall close its accounts and take therefrom a
 66 balance sheet on December 31 of each year, and on or before May
 67 1 following, such balance sheet, together with such other
 68 information as the department shall require, verified by an
 69 officer of the telephone company, shall be filed with the
 70 department.

71 In the event that any telephone company shall fail to file
 72 its annual report, as provided by this section, the department
 73 is authorized to make such an examination of the books, records,

1 and vouchers of the company as is necessary to procure the
 2 necessary data for the annual report and cause the same to be
 3 prepared. The expense of procuring this data and preparing this
 4 report shall be paid by the telephone company failing to report,
 5 and the amount paid shall be credited by the state treasurer to
 6 funds ~~in-his-hands~~ appropriated for the expense of the
 7 department. *

8 The department is authorized to force collection of such
 9 sum by an action at law in the name of the department.

237*#42S

10 237.42 DELIVERY OF MESSAGE.

11 When the party to whom a message is addressed resides or
 12 does business within the corporate limits of any city where a
 13 telegraph office is situated, the same shall be promptly
 14 delivered at ~~his~~ the party's place of residence or business, if
 15 the same is known or can with reasonable diligence be
 16 ascertained. Otherwise ~~he~~ the party shall be notified by the
 17 first mail where it can be found. *

237*#44S

18 237.44 LIABILITY FOR DAMAGES.

19 If any person or corporation owning or operating a
 20 telegraph line wholly or partly within the state shall fail to
 21 transmit any message within a reasonable time, or to exercise
 22 due diligence to that end, after its reception, or shall fail to
 23 deliver any message to the party to whom it is addressed within
 24 a reasonable time after its arrival at the place of destination,
 25 ~~he-or-it~~ the person or corporation shall be liable in a civil
 26 action at the suit of the party injured for all damages
 27 sustained by reason of such neglect or omission. The company
 28 delivering the message shall state plainly thereon the exact
 29 time when it was received at the original point for transmission. *

237*#47S

30 237.47 ALARM TRANSMISSION TELEPHONE DEVICES; REGULATIONS.

31 No change for subd 1 to 2

32 Subd. 3. Whenever the sheriff, police chief, or fire chief
 33 has knowledge of the use of any such attachment or device not
 34 operated or maintained in accordance with the provisions of this
 35 section ~~he~~, that official may order its removal. *

36 No change for subd 4

239*#002S

37 239.002 PURPOSE AND POLICY.

38 In recognition of the facts that (1) only about one dozen
 39 countries in the world have not yet adopted or begun to
 40 implement the metric system of weights and measures; (2) the
 41 United States is one, and the only major industrialized nation,
 42 of that remaining number; (3) the secretary of commerce of the
 43 United States, pursuant to a two-year study under the Metric
 44 Study Act of 1968, has recommended that the United States now
 45 begin a deliberate change to the metric system; (4) economists
 46 and other students of international trade recognize the pressing
 47 necessity of such a change if this country is to maintain and
 48 improve ~~her~~ its rightful place in the world trade community; and
 49 (5) as the continued economic growth of this state and its local
 50 industry is inextricably linked with the ability of the United
 51 States to hold and competitively serve foreign export markets,
 52 it is, therefore, declared to be in the best interest of the
 53 state of Minnesota and ~~her~~ its citizens that this state now
 54 begin the gradual but deliberate implementation of the metric
 55 system of weights and measures. *

239*#08S

56 239.08 INSPECTING, TESTING, SEALING; INCORRECT WEIGHTS,
 57 MEASURES.

58 The division or any of its employees shall have power to
 59 inspect and test all weights, scales, beams, and measures of
 60 every kind, instruments and mechanical devices for measurement,
 61 and tools, appliances, or accessories connected with any or all
 62 such instruments for measurement that are kept, offered, or
 63 exposed for sale, or sold, or used, or employed within this
 64 state by any person in determining the size, quantity, extent,
 65 area, or measurement of quantities, things, produce, articles
 66 for distribution or consumption, offered or submitted by any
 67 person for sale, hire, or reward; and it shall as often as
 68 necessary, see that the weights, measures, and all apparatus
 69 used in the state are correct. In the general performance of
 70 this duty the division, or any of its employees, may enter or go
 71 into and upon any stand, place, building, or premises to stop

1 any vendor or any dealer and require ~~him~~ the person, if *
 2 necessary, to proceed to some place which the scaler may specify
 3 for the purpose of making proper tests. Scales, weights,
 4 measures, or weighing or measuring instruments that are found,
 5 upon inspection, to correspond with the standards in the
 6 possession of the division shall be sealed with proper devices
 7 to be approved by the department. Any employee shall condemn,
 8 seize, and destroy incorrect weights, measures, or weighing or
 9 measuring devices which, in the judgment of the division cannot
 10 be satisfactorily repaired, and such as are incorrect and yet
 11 may be repaired, shall be marked as "condemned for repair," in
 12 the manner to be prescribed by the division. The owners or
 13 users of any scales, weights, measures, or weighing or measuring
 14 instruments which have been so disposed of shall have the same
 15 repaired or corrected within 30 days, and the same shall not be
 16 used or disposed of in any way without the consent of the
 17 division.

239*#09S

18 239.09 SPECIAL ~~POLICEMEN~~ POLICE OFFICERS. *

19 The division and all authorized employees under the
 20 provisions of sections 239.01 to 239.10 are hereby made special
 21 ~~police~~ police officers and are authorized and empowered to *
 22 arrest, without formal warrant, any violator of the statute in
 23 relation to weights and measures, and to seize for use as
 24 evidence and without formal warrant, any false weight, measure,
 25 or weighing or measuring device or package or kind of commodity
 26 found to be used, retained, or offered or exposed for sale or
 27 sold in violation of law.

239*#23S

28 239.23 OFFENSES; PENALTIES.

29 Any person who shall offer or expose for sale, sell or use,
 30 or ~~have-in-his-possession~~ possess a false scale, weight or *
 31 measure, or weighing or measuring device, or any weight or
 32 measure or weighing or measuring device which has not been
 33 sealed as provided by sections 239.01 to 239.10, or use the same
 34 in the buying or selling of any commodity or thing; or who shall
 35 dispose of any condemned weight, measure, or weighing or
 36 measuring device, or remove any tag placed thereon by any
 37 authorized employee of the division, or sell or offer or expose
 38 for sale less than the quantity ~~he-represents~~ represented; or *
 39 sell or offer or expose for sale any such commodities in the
 40 manner contrary to law; or sell or offer for sale or ~~have-in-his~~ *
 41 ~~possession~~ possess for the purpose of selling, any device or *
 42 instrument to be used to, or calculated to, falsify any weight
 43 or measure, or refuse to pay any fee charged for testing and
 44 sealing or condemning any scale, weight, or measure, or weighing
 45 or measuring device, shall be guilty of a misdemeanor.

239*#24S

46 239.24 HINDERING OFFICIAL; PENALTY.

47 Any person hindering, impeding, or restricting in any way
 48 any employee of the division while in the performance of ~~his~~ *
 49 official duty shall be guilty of a misdemeanor.

239*#25S

50 239.25 OBSTRUCTION OF INSPECTION.

51 Every person, association, or corporation that refuses to
 52 allow entrance upon or into ~~his-or~~ its premises, building, *
 53 stand, or place for the purpose of inspection as prescribed in
 54 section 239.12, or that shall use, employ, keep, sell, or offer
 55 or expose for sale any such meters, mechanical devices, or
 56 measures in violation of section 239.12 shall be guilty of a
 57 misdemeanor and each violation thereof shall constitute a
 58 separate offense.

239*#38S

59 239.38 SEALING.

60 Every person who shall buy, sell, or dispose of any goods
 61 or commodities by an unsealed weight, measure, or scale kept by
 62 ~~him~~ the person, or shall knowingly use any such weight, measure, *
 63 or scale which has been sealed, but is incorrect, shall be
 64 guilty of a misdemeanor; but no contract of sale shall thereby
 65 be rendered void.

239*#53S

66 239.53 USING FALSE WEIGHTS AND MEASURES.

67 Every person who shall injure or defraud another by using,
 68 with knowledge that the same is false, a false weight, measure,
 69 or other apparatus for determining the quantity of any commodity
 70 or article of merchandise, or by knowingly delivering less than

1 the quantity ~~he represents~~ represented; or who shall retain in *
 2 ~~his possession~~ any weight or measure, knowing it to be false, *
 3 unless it appears beyond a reasonable doubt that it was so
 4 retained without intent to use it, or permit it to be used in
 5 violation of the foregoing provisions of this section; or who
 6 shall knowingly mark or stamp false or short weights or false
 7 tare on any cask or package, or knowingly sell or offer for sale
 8 any cask or package so marked, shall be guilty of a misdemeanor.

240*#02S

9 240.02 RACING COMMISSION.
 10 Subdivision 1. COMMISSION CREATED. A Minnesota
 11 racing commission is established with the powers and duties
 12 specified in Laws 1983, chapter 214. The commission consists of
 13 nine members appointed by the governor with the advice and
 14 consent of the senate. Not more than five of the members may
 15 belong to the same political party. The governor shall
 16 designate the chairman chair of the commission. Of the members *
 17 first appointed, three are for terms expiring June 30, 1985,
 18 three are for terms expiring June 30, 1987, and three are for
 19 terms expiring June 30, 1989. After the expiration of the
 20 initial term, appointments are for terms of six years. An
 21 appointment to fill a vacancy in an unexpired term is for the
 22 remainder of the term and is with the advice and consent of the
 23 senate.

24 Subd. 2. QUALIFICATIONS. A member of the commission
 25 must have been a resident of Minnesota for at least five years
 26 before appointment, and must have a background and experience as
 27 would qualify for membership on the commission. A member must,
 28 before taking ~~his or her~~ a place on the commission, file a bond *
 29 in the principal sum of \$100,000 payable to the state,
 30 conditioned upon the faithful performance of ~~his or her~~ duties. *
 31 No ~~commission member~~ commissioner, nor any member of ~~his or her~~ *
 32 the commissioner's immediate family, may hold a license issued *
 33 by the commission or have a direct or indirect financial
 34 interest in a corporation, partnership, or association which
 35 holds a license issued by the commission.

36 No change for subd 3 to 7

240*#04S

37 240.04 EMPLOYEES.
 38 Subdivision 1. EXECUTIVE DIRECTOR. The commission
 39 shall appoint an executive director, who is its chief
 40 administrative officer and who serves at its pleasure in the
 41 unclassified service. ~~He~~ The executive director shall perform *
 42 the following duties:
 43 (a) take and preserve records of all proceedings before the
 44 commission, maintain its books, documents, and records, and make
 45 them available for public inspection as the commission directs;
 46 (b) if so designated by the commission, act as a hearing
 47 officer in hearings which need not be conducted under the
 48 administrative procedure act to conduct hearings, receive
 49 testimony and exhibits, and certify the record of proceedings to
 50 the commission;
 51 (c) act as the commission's chief personnel officer and
 52 supervise the employment, conduct, duties, and discipline of
 53 commission employees; and
 54 (d) perform other duties as directed by the commission.

55 No change for subd 1a

56 Subd. 2. DIRECTOR OF PARI-MUTUELS. The commission
 57 may employ a director of pari-mutuels who serves in the
 58 unclassified service at the commission's pleasure. ~~He~~ The *
 59 director of pari-mutuels shall perform the following duties: *

60 (a) supervise all forms of pari-mutuel betting on horse
 61 racing in the state;
 62 (b) inspect all machinery;
 63 (c) make reports on pari-mutuel betting as the commission
 64 directs;
 65 (d) subject to commission approval, appoint assistants to
 66 perform duties the commission designates; and
 67 (e) perform other duties as directed by the commission.

68 If no director of pari-mutuels is appointed ~~his~~ the duties *
 69 of that office are assigned to the executive director. The *
 70 commission may contract with outside services or personnel to
 71 assist the executive director in the performance of these duties.

72 Subd. 3. DIRECTOR OF RACING SECURITY. The commission
 73 may appoint a director of racing security to serve in the
 74 unclassified service at the commission's pleasure. The director

1 of racing security shall enforce all laws and commission rules
 2 relating to the security and integrity of racing. He The *
 3 director of racing security and all other persons designated by *
 4 the commission as security officers have free and open access to
 5 all areas of all facilities the commission licenses and may
 6 search without a search warrant any part of a licensed racetrack
 7 and the person of any licensee of the commission on the
 8 premises. The director of racing security may order a licensee
 9 to take, at the licensee's expense, security measures he *
 10 ~~determines~~ necessary to protect the integrity of racing, but the *
 11 order may be appealed to the commission. Nothing in this
 12 chapter prohibits law enforcement authorities and agents from
 13 entering, in the performance of their duties, a premises
 14 licensed under Laws 1983, chapter 214.

15 If no director of racing security is appointed ~~his~~ the *
 16 duties of that office are assigned to the executive director. *
 17 The commission may contract with outside services or personnel
 18 to assist the executive director in the performance of these
 19 duties.

20 Subd. 4. VETERINARIAN. The commission may appoint a
 21 veterinarian who must be a doctor of veterinary medicine and who
 22 serves at its pleasure in the unclassified service. He The *
 23 veterinarian shall, while employed by the commission, perform *
 24 the following duties:

25 (a) supervise the formulation, administration, and
 26 evaluation of all medical tests the commission's rules require
 27 or authorize;

28 (b) advise the commission on all aspects of veterinary
 29 medicine relating to its powers and duties; and

30 (c) supervise all personnel involved in medical testing,
 31 subject to the supervision of the executive director.

32 If no veterinarian is appointed, ~~his~~ the duties of that *
 33 office may be assigned to the executive director. The *
 34 commission may contract with outside personnel to assist the
 35 executive director in the performance of these duties.

36 The commission may require that a licensee reimburse it for
 37 the costs of services provided by assistant veterinarians.

38 No change for subd 5 to 7

240*#05S

39 240.05 LICENSES; CLASSES.

40 No change for subd 1

41 Subd. 2. FORMS. All application forms for licenses
 42 must contain a statement to the effect that by accepting a
 43 license from the commission a licensee consents to having ~~his~~ *
 44 property or person subject to inspection at any time by the
 45 director of racing security or by security officers designated
 46 by the commission.

47 No change for subd 3

240*#08S

48 240.08 OCCUPATION LICENSES.

49 No change for subd 1 to 2

50 Subd. 3. INVESTIGATIONS. The commission shall
 51 investigate each applicant for a class C license to the extent
 52 it deems necessary, and may request the assistance of and may
 53 reimburse the bureau of criminal apprehension in investigating
 54 applicants. The commission may by rule require that an
 55 applicant be fingerprinted or furnish ~~his~~ the applicant's *
 56 fingerprints. Investigations must be conducted and their costs
 57 paid in the manner prescribed by section 240.06, subdivision 3.
 58 The commission may cooperate with national and international
 59 organizations and agencies in conducting investigations. The
 60 commission may by rule provide for examining the qualifications
 61 of an applicant for the license being applied for ~~which-he-is~~ *
 62 applying. The commission has access to all criminal history *
 63 data compiled by the bureau of criminal apprehension on class C
 64 applicants and licensees.

65 No change for subd 4 to 5

240*#13S

66 240.13 PARI-MUTUEL BETTING.

67 No change for subd 1 to 4

68 Subd. 5. PURSES. 'From the amounts deducted from all
 69 pari-mutuel pools by a licensee, an amount equal to not less
 70 than five percent of all money in all pools must be set aside by
 71 the licensee and used for purses for races conducted by ~~him~~ the *
 72 licensee. The commission may by rule provide for the *
 73 administration and enforcement of this subdivision.

1 No change for subd 6 to 8

240*#14S

2 240.14 RACING DAYS.

3 No change for subd 1 to 3

4 Subd. 4. RESCINDING OF RACING DAYS. The commission
5 may, after a public hearing, rescind one or more racing days
6 assigned to a licensee if it determines that the licensee has
7 not met or will not meet the terms of ~~his~~ the license. A day or
8 days so rescinded may be reassigned to another licensee. *

240*#16S

9 240.16 STEWARDS.

10 Subdivision 1. POWERS AND DUTIES. All horse races
11 run at a licensed racetrack must be presided over by a board of
12 three stewards, who must be appointees of the commission or
13 persons approved by it. The commission shall designate one
14 steward as ~~chairman~~ chair. At least two stewards for all races
15 either shall be employees of the commission who shall serve in
16 the unclassified service, or shall be under contract with the
17 commission to serve as stewards. The commission may delegate
18 the following duties and powers to a board of stewards:

19 (a) to ensure that races are run in accordance with the
20 commission's rules;

21 (b) to supervise the conduct of racing to ensure the
22 integrity of the sport;

23 (c) to settle disputes arising from the running of horse
24 races, and to certify official results;

25 (d) to impose on licensees, for violation of law or
26 commission rules, fines not exceeding \$500 and license
27 suspensions not exceeding 30 days;

28 (e) to recommend to the commission where warranted
29 penalties in excess of those in clause (d);

30 (f) to otherwise enforce the laws and rules of racing; and

31 (g) to perform other duties and have other powers assigned
32 by the commission.

33 No change for subd 2 to 6

240*#21S

34 240.21 RIGHT OF INSPECTION.

35 The commission and its representatives have the right to
36 inspect the licensed premises of a licensee and to examine ~~his~~
37 the licensee's books and other records at any time without a
38 search warrant. *

240*#25S

39 240.25 PROHIBITED ACTS.

40 No change for subd 1 to 3

41 Subd. 4. TAMPERING WITH HORSES. No person may:

42 (a) on the premises of a licensed racetrack use, ~~have-in~~
43 ~~his-possession~~ possess, or knowingly assist another person in
44 using a battery or buzzer, electrical or mechanical, or other
45 device or appliance, which can be used to affect a horse's
46 racing condition or performance, other than an ordinary whip;

47 (b) affect or attempt to affect the racing condition or
48 performance of a horse at a race or workout through the use of a
49 drug or medication in violation of the commission's rules; or

50 (c) use any method, injurious or otherwise, to affect a
51 horse's racing condition or performance at a race or workout in
52 violation of the commission's rules.

53 No change for subd 5 to 7

240*#27S

54 240.27 EXCLUSION OF CERTAIN PERSONS.

55 No change for subd 1

56 Subd. 2. HEARING; APPEAL. An order to exclude a
57 person from any or all licensed racetracks in the state must be
58 made by the commission at a public hearing of which the person
59 to be excluded must have at least five days' notice. If ~~the~~
60 ~~person-is~~ present at the hearing, he the person must be
61 permitted to show cause why he the exclusion should not be
62 excluded ordered. An appeal of the order may be made in the
63 same manner as other appeals under section 240.20. *

64 No change for subd 3 to 4

65 Subd. 5. EXCLUSIONS BY RACETRACK. The holder of a
66 license to conduct racing may eject and exclude from its
67 premises any licensee or any other person who is in violation of
68 any state law or commission rule or order or who is a threat to
69 racing integrity or the public safety. A person so excluded
70 from racetrack premises may appeal ~~his~~ the exclusion to the
71 commission and must be given a public hearing on ~~his~~ the appeal *

1 ~~if-he-so-requests~~ upon request. At the hearing ~~he~~ the person *
 2 must be given the opportunity to show cause why ~~he~~ the exclusion *
 3 should not ~~be-so-excluded~~ have been ordered. If the commission *
 4 after the hearing finds that the integrity of racing and the
 5 public safety do not justify the exclusion, it shall order the
 6 racetrack making the exclusion to reinstate or readmit the
 7 person. An appeal of a commission order upholding the exclusion
 8 is governed by section 240.20.

240*#28S

9 240.28 CONFLICT OF INTEREST.

10 Subdivision 1. FINANCIAL INTEREST. No person may
 11 serve on the commission or be employed by it who has an interest
 12 in any corporation, association, or partnership which holds a
 13 license from the commission or which holds a contract to supply
 14 goods or services to a licensee or at a licensed racetrack,
 15 including concessions contracts. No member or employee of the
 16 commission may own, wholly or in part, or have an interest in a
 17 horse which races at a licensed racetrack in Minnesota. No
 18 member or employee of the commission may have a financial
 19 interest in or be employed in a profession or business which
 20 conflicts with the performance of ~~his~~ duties as a member or *
 21 employee.

22 Subd. 2. BETTING. No member or employee of the
 23 commission may bet or cause a bet to be made on a race at a
 24 licensed racetrack while serving on or being employed by the
 25 commission. No person appointed or approved by the commission
 26 as a steward may bet or cause a bet to be made at a licensed
 27 racetrack during a racing meeting at which ~~he~~ the person is *
 28 serving as a steward. The commission shall by rule prescribe
 29 such restrictions on betting by its licensees as it deems
 30 necessary to protect the integrity of racing.

31 No change for subd 3