

chises for cable communications and who are employed by or who knowingly have any financial interest in any cable communications company holding a franchise in the state, bidding on such franchise, or the cable communications company granted the franchise, or their subsidiaries, major equipment or program suppliers shall abstain from participation in the franchising of a cable communications ~~companies-~~ company or the administration of such franchise.

Sec. 17. **[375.165] COUNTY TRANSLATOR SYSTEMS; FUNDING.** Notwithstanding the provisions of Minnesota Statutes, Section 375.164, or any other law to the contrary, the county board of any county owning, operating or maintaining a translator system on the effective date of this act may singly or jointly with contiguous counties appropriate from the general revenue fund an amount necessary to fund the construction, acquisition, improvement maintenance and operations of a translator system either within or without the county for the purpose of receiving and transmitting television broadcasting signals. The county may singly or jointly with contiguous counties acquire, by gift, lease or purchase, any real estate or interest therein upon such terms or conditions, including contracts for fees, as it shall determine, either within or without the county, for the purpose of establishing, improving or operating a television translator system. No real estate located in another county may be acquired unless the county board of the county in which the real estate is located approves the proposed acquisition. The county may issue bonds in accordance with the provisions of Minnesota Statutes, Chapter 475, for the acquisition, construction or improvement of television translator systems and the acquisition of real estate therefor.

Sec. 18. **REPEALER.** Minnesota Statutes 1974, Section 238.09, Subdivision 2, is repealed.

Sec. 19. **EFFECTIVE DATE.** This act is effective on the day following its final enactment.

Approved April 13, 1976.

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## CHAPTER 250—H.F.No.955

[Coded in Part]

*An act relating to mobile homes; providing certain procedures for repossession of mobile homes; amending Minnesota Statutes 1974, Section 336.9-104.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[327.61] MOBILE HOME REPOSSESSION SECURITY ACT; CITATION.** Sections 1 to 7 may be cited as the mobile home repossession security act of 1975.

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Sec. 2. **[327.62] DEFINITIONS.** Subdivision 1. For the purposes of sections 1 to 7, unless the context clearly indicates otherwise, the terms defined in the uniform commercial code, as adopted in this state, and the terms defined in this section have the meanings given them.

Subd. 2. "Mobile home" means a mobile home, as defined in Minnesota Statutes, Section 327.31, Subdivision 6, which is located in this state, which is subject to a security interest or other valid encumbrance, and which is the principal residence of the mobile home's occupant.

Sec. 3. **[327.63] APPLICABILITY.** To the extent that the procedures established by sections 1 to 7 differ from the procedures established or authorized for repossession of a mobile home under the uniform commercial code of this state, the provisions of sections 1 to 7 shall supersede the code and shall govern the repossession of the mobile home.

Sec. 4. **[327.64] NOTICE OF DEFAULT; SERVICE AND RETURN.** Subdivision 1. When a default occurs under the terms of a security agreement covering a mobile home as collateral, and the secured party desires to repossess the mobile home, the secured party shall commence the repossession in a manner authorized by this section.

Subd. 2. A secured party may commence repossession of a mobile home by personally serving upon the occupant of the mobile home a notice or by sending a registered or certified letter to the last known address of the debtor under the security agreement, both setting forth the circumstances constituting the default under the security agreement and stating that the secured party will at the expiration of a 30 day period following receipt of the notice seek a court order removing the occupant from the mobile home and repossessing the mobile home, unless the debtor or the occupant acting on behalf of the debtor cures the default prior to that time and in the manner provided by section 6. If notice is mailed to a debtor in accordance with this subdivision, the secured party by affidavit shall set forth the circumstances causing the secured party to believe that the debtor could be reached at the address to which the notice was mailed. The affidavit shall state that the secured party has no reason to believe that the debtor might receive mailed notice at another address.

Sec. 5. **[327.65] COURT ORDER.** Upon expiration of the 30 day period specified in the notices required by section 4, a secured party may apply to a competent court of any jurisdiction within this state for an order directing the debtor to peacefully return full possession of the mobile home to the secured party. The application shall be accompanied by a copy of the security agreement entitling the secured party to repossession of the mobile home and by the affidavit required by section 4 if notice is mailed to the debtor. The action shall proceed in the same manner as other actions for repossessing personal property, and the notices required by section 4 shall not be considered as satisfying

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any of the notice requirements under those procedures. If the occupant of a mobile home does not comply with a court's order of repossession within five days of its issuance, the sheriff of the county in which the mobile home is located or his deputy shall remove the occupant and his possessions from the mobile home.

Sec. 6. [327.66] **CURE OF DEFAULT.** A debtor, or an occupant of a mobile home acting on behalf of a debtor, may within the 30 day period specified in the notices required by section 4, cure a default by tendering full payment of the sums then in arrears under the terms of the security agreement and by paying the reasonable costs, not to exceed the sum of \$15, incurred by the secured party to enforce the security agreement. Cure of a default in accordance with the provisions of this section shall suspend the secured party's right to seek repossession of the mobile home under the provisions of sections 1 to 7. If default arises under the security agreement because of damage to or other waste of the collateral committed or allowed by the debtor, a court may order repossession of the mobile home notwithstanding cure of the default.

Sec. 7. [327.67] **FILING OF ORDER.** A secured party shall, in the manner provided by the uniform commercial code of this state, record a certified copy of the court order returning possession of a mobile home to the secured party to perfect title to the mobile home in the secured party, except in cases of voluntary repossession.

Sec. 8. Minnesota Statutes 1974, Section 336.9-104, is amended to read:

**336.9-104 TRANSACTIONS EXCLUDED FROM ARTICLE.** This article does not apply

(a) to a security interest subject to any statute of the United States such as the Ship Mortgage Act, 1920, to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

(b) to a landlord's lien; or

(c) to a lien given by statute or other rule of law for services or materials except as provided in section 336.9-310 on priority of such liens; or

(d) to a transfer of a claim for wages, salary or other compensation of an employee; or

(e) to an equipment trust covering railway rolling stock; or

(f) to a sale of accounts, contract rights or chattel paper as part of a sale of the business out of which they arose, or an assignment of accounts, contract rights or chattel paper which is for the purpose of

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collection only, or a transfer of a contract right to an assignee who is also to do the performance under the contract; or

(g) to a transfer of an interest or claim in or under any policy of insurance; or

(h) to a right represented by a judgment; or

(i) to any right of setoff; or

(j) except to the extent that provision is made for fixtures in section 336.9-313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(k) to a transfer in whole or in part of any of the following: Any claim arising out of tort; any deposit, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization.

(l) except to the extent this article is not superseded by sections 1 to 7 of this act, to the repossession of a mobile home meeting the definition contained in section 1 of this act.

Approved April 13, 1976.

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#### CHAPTER 251—H.F.No.1056

*An act relating to crimes; prohibiting occupying or entering buildings without a claim of right or the owner's consent except in the case of an emergency; amending Minnesota Statutes 1974, Section 609.605.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 609.605, is amended to read:

609.605 **CRIMES; TRESPASSES AND OTHER ACTS.** Whoever intentionally does any of the following is guilty of a misdemeanor:

(1) Smokes in a building, area, or common carrier in which "no smoking" notices have been prominently posted, or when requested not to by the operator of the common carrier; or

(2) Trespasses or permits animals under his control to trespass upon a railroad track; or

(3) Permits domestic animals or fowls under his control to go upon the lands of another within a city; or

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