

CHAPTER 427—H.F.No. 1408

An act relating to motor vehicles; providing for the proration of taxes on certain vehicles on the basis of the registration period; providing for the issuance and use of certain motor vehicle dealer plates; adjusting the bond provisions for certain dealers; authorizing dealers' licenses for the sale of motorized bicycles; specifying grounds for suspension and revocation of dealers' licenses; amending Minnesota Statutes 1978, Sections 168.013, Subdivision 2; and 168.27, Subdivisions 2, 12, 20, 22 and 24.

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

Section 1. Minnesota Statutes 1978, Section 168.013, Subdivision 2, is amended to read:

Subd. 2. **PRORATED FEES.** When a motor vehicle first becomes subject to taxation during the ~~calendar year~~ registration period for which the tax is paid, the tax shall be for the remainder of the ~~year period~~ prorated on a monthly basis, 1/12 of the annual tax for each calendar month or fraction thereof; provided, however, that for a vehicle having an annual tax of \$5 or less there shall be no reduction until on and after ~~July 4~~ September 1 when such annual tax shall be reduced one-half.

Sec. 2. Minnesota Statutes 1978, Section 168.27, Subdivision 2, is amended to read:

Subd. 2. **NEW MOTOR VEHICLE DEALER.** No person shall engage in the business of selling new motor vehicles or shall offer to sell, solicit or advertise the sale of new motor vehicles without first acquiring a new motor vehicle dealer license. A new motor vehicle dealer licensee shall be entitled thereunder to sell, broker, wholesale or auction and to solicit and advertise the sale, broker, wholesale or auction of new motor vehicles covered by his franchise and any used motor vehicles or to lease and to solicit and advertise the lease of new motor vehicles and any used motor vehicles and such sales or leases may be either for consumer use at retail or for resale to a dealer. Nothing herein shall be construed to require an applicant for a dealer license who proposes to deal in new and unused motor vehicle bodies to have a bona fide contract or franchise in effect with the manufacturer or distributor of any motor vehicle chassis upon which the new and unused motor vehicle body is mounted.

Sec. 3. Minnesota Statutes 1978, Section 168.27, Subdivision 12, is amended to read:

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

- (1) Violations of any of the provisions of this chapter;

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- (2) Violation of or refusal to comply with the requests and order of the registrar;
- (3) Failure to make or provide to the registrar all listings, notices, and reports required by him;
- (4) Failure to pay to the registrar all taxes, fees, and arrears due from and by such dealer;
- (5) Failure to duly apply for renewal of license provided for herein;
- (6) Revocation of previous license, of which the records of the registrar relating thereto shall be prima facie evidence of such previous revocation;
- (7) Failure of continued occupancy of an established place of business;
- (8) Sale of a new and unused current model motor vehicle other than the make of motor vehicle described in the franchise or contract filed with the original application or renewal thereof, without permission from the registrar;
- (9) Sale of a new and unused current model motor vehicle to anyone except for consumer use, or to a dealer duly licensed to sell the same make of motor vehicle;
- (10) Material misstatement or misrepresentation in application for license or renewal thereof;
- (11) Having advertised, printed, displayed, published, distributed, broadcast or televised or caused or permitted to be advertised, printed, displayed, published, distributed, broadcast or televised in any manner whatsoever, or having made orally any statement or representation with regard to the sale, lease or financing of motor vehicles which is false, deceptive or misleading;
- (12) Having been convicted of making a fraudulent sale, lease, transaction or repossession or having been convicted of violating any of the provisions of sections 325.78 to 325.79;
- (13) Having been convicted of violating the Minnesota odometer law, sections 325.821 to 325.824, or the federal odometer law, 15 U.S.C. Sections 1981 to 1991;
- (14) Having been convicted of violating the sale of motor vehicles on Sunday law, section 168.275; or
- (15) Having been convicted of receiving or selling stolen vehicles.

Sec. 4. Minnesota Statutes 1978, Section 168.27, Subdivision 20, is amended to read:

Subd. 20. **APPLICATION.** This section shall not apply to any person, copartnership, or corporation engaged in the business of selling vehicles designed to operate exclusively over snow, ~~motorized bicycles~~, motor scooters, motorized wheel chairs, utility trailers, farm wagons, farm trailers, farm tractors or other farm implements whether self-propelled or not, even though such wagons,

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trailers, tractors or implements may be equipped with a trailer hitch, or to any person licensed as a real estate broker or salesman pursuant to chapter 82, who engages in the business of selling, or who offers to sell, solicits or advertises the sale of mobile homes affixed to land, unless such person, copartnership or corporation shall also be engaged in the business of selling other motor vehicles or mobile homes within the provisions of this section. As used in this subdivision the terms ~~"motorized bicycle"~~ and term "utility trailer" shall have has the following meaning:

~~"Motorized bicycle" shall have the meaning given it in section 168.011, subdivision 27.~~

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

Sec. 5. Minnesota Statutes 1978, Section 168.27, Subdivision 22, is amended to read:

Subd. 22. **MOTORIZED BICYCLES, BOAT AND SNOWMOBILE TRAILERS.** Any person, copartnership or corporation having a permanent enclosed commercial building or structure either owned in fee or leased and engaged in the business, either exclusively or in addition to any other occupation, of selling motorized bicycles, boat trailers or snowmobile trailers, may apply to the registrar for a dealer's license. Upon payment of a \$10 fee the registrar shall license the applicant as a dealer for the remainder of the calendar year in which the application was received. Thereafter ~~such~~ the license may be renewed on or before the second day of January of each year by payment of a fee of \$10. The registrar shall issue to each ~~such~~ dealer, upon his request, dealer plates as provided in subdivision 16 upon payment of \$3 for each ~~such~~ plate, and ~~such~~ the plates may be used in the same manner and for the same purposes as is provided in ~~said~~ subdivision 16. Except for motorized bicycle dealers, the registrar shall also issue to ~~such~~ the dealer, upon his request, "in transit" plates as provided in subdivision 17 upon payment of a fee of \$2 for each ~~such~~ plate. This subdivision shall not be construed to abrogate any of the provisions of this section as the same relates to the duties, responsibilities and requirements of persons, copartnerships or corporations engaged in the business, either exclusively or in addition to other occupations, of selling motor vehicles or mobile homes.

Sec. 6. Minnesota Statutes 1978, Section 168.27, Subdivision 24, is amended to read:

Subd. 24. **BONDS.** All persons licensed hereunder shall keep in full force and effect a bond with a corporate surety to be approved by the registrar of motor vehicles in amounts as herein provided; in the case of boat or snowmobile trailer dealers in the amount of \$1,000; ~~in the case of motorcycle dealers in the amount of \$2,500;~~ and as to all other persons in the amount of \$10,000. The bond shall be conditioned on the faithful performance by the licensee of the obligations imposed by the laws of this state, including the conduct required of a licensee by

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this section, and the payment of all taxes, license fees and penalties. Said bond shall be for the benefit of the state of Minnesota and any transferor, seller, or purchaser of a motor vehicle for any monetary loss caused by failure of the licensee to meet the obligations enumerated above. Proceedings on the forfeiture of the bonds shall be commenced in the district court of the county wherein the business of the licensed person was carried on, or if in more than one county, the county in which the offense occurred.

Approved April 1, 1980

CHAPTER 428—H.F.No. 1732

An act relating to motor vehicle carriers; defining courier services carrier; providing the procedures for granting permits to courier services carriers; excluding courier service carriers from the term regular route common carrier; amending Minnesota Statutes 1978, Sections 221.011, Subdivision 9, and by adding a subdivision; and 221.121, by adding a subdivision.

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

Section 1. Minnesota Statutes 1978, Section 221.011, Subdivision 9, is amended to read:

Subd. 9. "Regular route common carrier" means any person who holds himself out to the public as willing to undertake for hire to transport by motor vehicle between fixed termini over a regular route upon the public highways passengers or property but ~~shall~~ does not include persons while engaged exclusively in the transportation of children to or from school; or persons while engaged exclusively in farming or in transporting agricultural, horticultural, dairy or farm products from farms to primary markets; or persons while engaged in transporting freight within any city or between contiguous cities when ~~such~~ the transportation is not under a common control, management or arrangement for a continuous carriage or shipment, to or from a point without ~~such~~ the city; or any person engaged in operating taxicabs or operating hotel buses from a depot or airport to a hotel; or any bona fide cooperative association whose membership is limited to bona fide farmers' cooperative associations and who performs transportation and does business only with and for ~~such~~ the associations, which business includes substantially other business than merely transportation; or any person holding a courier services carrier permit.

Sec. 2. Minnesota Statutes 1978, Section 221.011, is amended by adding a subdivision to read:

Subd. 25. "Courier services carrier" means any person who offers expedited door-to-door transportation of packages and articles less than 100 pounds in weight in vehicles with a manufacturer's nominal rating capacity not exceeding one ton.

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