

~~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 direction by some person appointed by him for that purpose, but the judge shall make no finding 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 transmit all the files and records of the proceedings with all the evidence taken to the presiding officer of the house by which the contest is to be tried judge trying the proceedings shall determine the contest, issue appropriate orders, and make written findings of fact and conclusions of law. Unless appealed to the supreme court, the judge shall, by the first day of the legislative session, transmit the findings, conclusions and orders to the chief clerk of the house of representatives or the secretary of the senate, as appropriate, together with the files and records of the proceedings. The provisions of this chapter shall not be construed as limiting the constitutional power of the legislature to be the judge of the election returns and eligibility of its own members.~~

Approved June 4, 1971.

CHAPTER 734—S.F.No.715

[Coded]

An act relating to the disposal and reuse of abandoned motor vehicles and other scrap metal; prescribing duties and powers of the Minnesota pollution control agency relating thereto; and providing fees for administration thereof; imposing a tax; providing a penalty; and repealing Minnesota Statutes 1969, Sections 345.15, Subdivision 2; and 471.196.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [168B.01] MOTOR VEHICLES; DISPOSAL AND REUSE OF ABANDONED VEHICLES; PURPOSE. Abandoned motor vehicles constitute a hazard to the health and welfare of the people of the state in that such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well being of children and other citizens. Abandoned motor vehicles and other scrap metals also constitute a

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blight on the landscape of the state and therefore a detriment to the environment. The abandonment and retirement of motor vehicles and other scrap metals constitutes a waste of a valuable source of useful metal. It is therefore in the public interest that the present accumulation of abandoned motor vehicles and other scrap metals be eliminated, that future abandonment of motor vehicles and other scrap metals be prevented, that the expansion of existing scrap recycling facilities be developed and that other acceptable and economically useful methods for the disposal of abandoned motor vehicles and other forms of scrap metal be developed.

Sec. 2. [168B.02] DEFINITIONS. Subdivision 1. As used in sections 1 to 13, the terms defined in this section have the meanings given to them in this section.

Subd. 2. "Abandoned motor vehicle" means a motor vehicle, as defined in Minnesota Statutes, Section 169.01, that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or has remained for a period of more than 48 hours on private property without consent of the person in control of such property or in an inoperable condition such that it has no substantial potential further use consistent with its usual functions unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to a unit of government or to a person duly licensed under section 10. A classic car or pioneer car, as defined in Minnesota Statutes, Section 168.10, shall not be considered an abandoned motor vehicle within the meaning of this act.

Subd. 3. "Agency" means the Minnesota pollution control agency.

Subd. 4. "Unit of government" includes a state department or agency, a special purpose district, and a county, city, village, borough, town or other municipality.

Subd. 5. "Vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

Sec. 3. [168B.03] VIOLATION. Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of such property, is guilty of a misdemeanor.

Sec. 4. [168B.04] CUSTODY OF ABANDONED VEHICLES. Units of government may take into custody and impound any abandoned motor vehicle.

Sec. 5. [168B.05] IMMEDIATE SALE. When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction, and shall not be subject to the notification, reclamation, or title provisions of this act.

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Sec. 6. [168B.06] NOTICE. Subdivision 1. When an abandoned motor vehicle does not fall within the provisions of section 5, the unit of government taking it into custody shall give notice of the taking within ten days. The notice shall set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor vehicle and the place where the vehicle is being held, shall inform the owner and any lienholders of their right to reclaim the vehicle under section 7, and shall state that failure of the owner or lienholders to exercise their right to reclaim the vehicle shall be deemed a waiver by them of all right, title, and interest in the vehicle and a consent to the sale of the vehicle at a public auction pursuant to section 8.

Subd. 2. The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lienholders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was abandoned. Published notices may be grouped together for convenience and economy.

Sec. 7. [168B.07] RIGHT TO RECLAIM. Subdivision 1. The owner or any lienholder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the unit of government taking it into custody upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 days after the date of the notice required by section 6.

Subd. 2. Nothing in this act shall be construed to impair any lien of a garagekeeper under the laws of this state, or the right of a lienholder to foreclose. For the purposes of this section "garagekeeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles.

Sec. 8. [168B.08] PUBLIC SALE. Subdivision 1. An abandoned motor vehicle taken into custody and not reclaimed under section 7 shall be sold to the highest bidder at public auction or sale, following reasonable published notice thereof. The purchaser shall be given a receipt in a form prescribed by the agency which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership.

Subd. 2. From the proceeds of the sale of an abandoned motor vehicle, the unit of government shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all notice and publication costs incurred pursuant to this act. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in the state treasury.

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Sec. 9. [168B.09] DISPOSAL OF VEHICLES NOT SOLD. Where no bid has been received for an abandoned motor vehicle, the unit of government may dispose of it pursuant to contract under section 10.

Sec. 10. [168B.10] CONTRACTS FOR DISPOSAL. Subdivision 1. A unit of government may contract with any qualified person for collection, storage, incineration, volume reduction, transportation, or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.

Subd. 2. The agency may issue a license to any person desiring to participate in such a contract who meets the requirements for solid waste disposers established by the agency pursuant to Minnesota Statutes, Section 116.07.

Subd. 3. Where a unit of government enters into a contract with a person duly licensed by the agency, the agency may review the contract to determine whether it conforms to the agency's plan for solid waste disposal. A contract that does so conform may be approved by the agency. Where a contract has been approved, the agency may reimburse the unit of government for the costs incurred under the contract.

Subd. 4. The agency may demand that a unit of government contract for the disposal of abandoned motor vehicles and other scrap metal pursuant to the agency's plan for solid waste disposal. Where the unit of government fails to so contract within 180 days of the demand, the agency, through the department of administration and on behalf of such unit of government, may contract with any person duly licensed by the agency for such disposal.

Sec. 11. [168B.11] TAX IMPOSED. There is hereby imposed a tax of \$1 on the transfer other than transfers for resale purposes of every motor vehicle, new or used, weighing more than 1,000 pounds, the title of which is transferred within this state. Such tax shall be collected by the motor vehicle registrar in a manner determined by him. Proceeds of such tax shall be paid into the state treasury. No registration plates or certificates shall be issued by the motor vehicle registrar for the ownership or operation of any motor vehicle subject to the \$1 transfer tax imposed by this section unless said tax shall be paid by the applicant to the motor vehicle registrar. Notwithstanding the foregoing, said tax shall not apply to: (1) vehicles which have been previously registered and the applicant for registration is the same person in whose name the registration had previously been issued; (2) vehicles subject to the conditions specified in Minnesota Statutes, Section 297A.25, Subdivision 1, clauses (j), (l), (m) and (n); (3) common carrier vehicles engaged in interstate commerce, licensed and operating pursuant to interstate commerce commission requirements; or (4) vehicles purchased or used by any person who was a resident of another state at the time of the purchase and who subsequently becomes a resident of Minnesota, provided the purchase occurred

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more than 60 days prior to the date such person moved his residence to the state of Minnesota.

Sec. 12. [168B.12] **LOCAL ORDINANCES.** Minnesota Statutes 1969, Sections 345.15, Subdivision 2; and 471.196 are repealed. Counties, cities, villages, boroughs, and towns are hereby authorized to adopt ordinances and regulate and control the matter subject to this act, so long as ordinances adopted pursuant to this act by such local units of government are not less stringent than the provisions of this act.

Sec. 13. [168B.13] **UNIFORM CONSTRUCTION.** The provisions of this act shall be uniform throughout the state and shall supersede any local law inconsistent herewith.

Sec. 14. **EFFECTIVE DATE.** This act takes effect upon enactment except that section 11 shall not take effect until January 1, 1972.

Approved June 4, 1971.

CHAPTER 735—S.F.No.1161

[Coded]

An act relating to county jails, regional jails and lockups, detention homes and facilities for the detention, care and treatment of delinquents; providing for state grants-in-aid to assist counties in the construction, rehabilitation and operation of such facilities.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [241.022] **COUNTIES; DETENTION FACILITIES; GRANTS-IN-AID TO COUNTIES.** Subdivision 1. **AUTHORIZATION TO MAKE GRANTS.** For the purpose of assisting counties to construct or rehabilitate local detention facilities and to assist groups of counties in the construction or rehabilitation of regional jails and lockups, work houses, or work farms, and detention and treatment facilities for adult offenders, youthful offenders, and delinquent children, and to aid such counties in developing and maintaining adequate programs and personnel for the education, training, treatment and rehabilitation of persons admitted to such institutions, the commissioner of corrections is hereby authorized and empowered, out of any money appropriated for the purposes of this act, to make grants to such counties. The commissioner may also receive grants of funds from the federal government or any other lawful source for the purpose of this act, and such funds are hereby appropriated annually to the commissioner.

Subd. 2. **MINIMUM STANDARDS.** The commissioner shall establish minimum standards for the construction, rehabilitation,

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