

son. If any certified nurseryman or dealer has violated any provisions of the plant pest act, his filed certificate will be voided or his name will be stricken from the appropriate certified list.

Sec. 4. EFFECTIVE DATE. This act takes effect on the day following its final enactment.

Approved May 17, 1975.

CHAPTER 181—H.F.No.486

An act relating to franchises; providing exceptions as to certain motor vehicle and motor fuel franchises; amending Minnesota Statutes 1974, Section 80C.01, Subdivision 4.

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

Section 1. Minnesota Statutes 1974, Section 80C.01, Subdivision 4, is amended to read:

Subd. 4. **FRANCHISES; MOTOR VEHICLE AND MOTOR FUEL, EXCEPTIONS.** "Franchise" means a contract or agreement, either express or implied, whether oral or written, for a definite or indefinite period, between two or more persons:

(a) by which a franchisee is granted the right to engage in the business of offering or distributing goods or services using the franchisor's trade name, trademark, service mark, logotype, advertising, or other commercial symbol or related characteristics;

(b) in which the franchisor and franchisee have a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise; and

(c) for which the franchisee is required to pay, directly or indirectly, a franchise fee.

"Franchise" does not include any business which is operated under a lease on the premises of the lessor as long as such business is incidental to the business conducted by the lessor on such premises; including, without limitation, leased departments and concessions. Notwithstanding anything herein to the contrary, "franchise" shall include a contract, lease or other agreement whereby the franchisee is granted the right to market motor vehicles or motor vehicle fuel.

For the purposes of sections 80C.04, 80C.08, and 80C.13 through 80C.22 only, "franchise" shall include a contract, lease, or other agreement whereby the franchisee is granted the right to market (1) auto-

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mobiles, motorcycles, trucks, truck tractors, or self propelled motor homes or campers if the foregoing are designed primarily for the transportation of persons or property on the public highways or (2) motor vehicle fuel.

"Franchise" does not include any business which is operated under a lease on the premises of the lessor as long as such business is incidental to the business conducted by the lessor on such premises, including, without limitation, leased departments and concessions.

Sec. 2. EFFECTIVE DATE. This act is effective the day following final enactment.

Approved May 17, 1975.

CHAPTER 182—H.F.No.490

[Coded]

An act relating to hearing aids; providing a penalty; amending Minnesota Statutes 1974, Chapter 145, by adding a section; repealing Minnesota Statutes 1974, Section 145.43, Subdivision 3.

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

Section 1. Minnesota Statutes 1974, Chapter 145, is amended by adding a section to read:

[145.45] HEALTH; HEARING AIDS; PENALTIES; REMEDIES.
Subdivision 1. Any person who is found to have violated sections 145.43 to 145.45 is guilty of a misdemeanor.

Subd. 2. In addition to the penalties provided in subdivision 1, any person who is found to have violated sections 145.43 to 145.45 is subject to the penalties and remedies provided in section 325.79, subdivision 1.

Sec. 2. Minnesota Statutes 1974, Section 145.43, Subdivision 3, is repealed.

Approved May 17, 1975.

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