

Subd. 6. REINSTATED LICENSE. If the commissioner receives notice of the driver's attendance at a driver improvement clinic, attendance at counseling sessions, or participation in treatment for an alcohol problem the commissioner may, after 60 days of the revocation period have elapsed, reinstate the driver's license for the remainder of the revocation period. The commissioner shall not reinstate a license under this subdivision to a driver who has had a license revoked under sections 169.121, 169.123 or this act on a prior occasion during the preceding three year period for another incident.

Sec. 3. Minnesota Statutes 1974, Section 609.135, Subdivision 3, is amended to read:

Subd. 3. The court shall report to the commissioner of public safety any stay of imposition or execution granted in the case of a conviction for an offense in which a motor vehicle, as defined in section 169.01, subdivision 3, is used.

Sec. 4. **APPROPRIATION.** There is appropriated from the general fund to the department of public safety the sum of \$159,300 for the purpose of this act.

Approved April 20, 1976.

CHAPTER 342—H.F.No.2414

[Coded in Part]

An act relating to motor vehicles; defining terms; motor vehicle excise tax on vehicles purchased for resale; use of motor vehicles bearing motor vehicle dealer plates; providing for the licensure and regulation of certain motor vehicle dealers; prescribing penalties; appropriating money; amending Minnesota Statutes 1974, Sections 168.27; 297B.01, Subdivision 6; and Chapter 297B, by adding a section.

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

Section 1. Minnesota Statutes 1974, Section 297B.01, Subdivision 6, is amended to read:

Subd. 6. MOTOR VEHICLES; EXCISE ON VEHICLES PURCHASED FOR RESALE. "Use" shall mean the exercise by any person of any right or power over a motor vehicle incident to the ownership or possession of such a vehicle, except that it shall not include the sale or holding for sale of such a vehicle in the regular course of business. Any motor vehicle acquired for resale, owned for a period of less than six months by a dealer as defined in section 168.011, subdivision 21, and used in connection with the business of selling motor vehicles shall be considered property held for resale. The term shall not include ~~motor vehicles used as demonstrators or motor vehicles rented or~~

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leased.

Sec. 2. Minnesota Statutes 1974, Chapter 297B, is amended by adding a section to read:

[297B.035] MOTOR VEHICLES PURCHASED FOR RESALE OR USED BY DEALER. Subdivision 1. Except as provided in this section, motor vehicles purchased for resale in the ordinary course of business or used by any motor vehicle dealer, as defined in section 168.011, subdivision 21, which bear dealer plates as authorized by section 168.27, subdivision 16, shall be exempt from the provisions of this chapter.

Subd. 2. Motor vehicles which satisfy the definitions of subdivision 1, shall be taxed at a yearly rate of \$15 per set of dealer plates. This tax shall be paid when dealer plates are purchased and shall be deposited in the state treasury and credited to the general fund. This tax shall be in lieu of any other state sales, excise, or use tax.

Sec. 3. Minnesota Statutes 1974, Section 168.27, is amended to read:

168.27 MOTOR VEHICLE DEALERS. Subdivision 1. DEFINITIONS. For the purposes of this section, the following terms have the meanings given them:

(1) "Leasing motor vehicles" means furnishing a motor vehicle for a fee under a bailor-bailee relationship where no incidences of ownership are intended to be transferred other than the right to use the vehicle for a stated period of time.

(2) "Brokering motor vehicles" means arranging sales between willing buyers and sellers of motor vehicles and receiving a fee for said service.

(3) "Wholesaling motor vehicles" means selling new or used motor vehicles to dealers for resale to the public.

(4) "Auctioning motor vehicles" means arranging for and handling the sale of motor vehicles, not the property of the auctioneer, to the highest bidder.

(5) "Dealer" includes new motor vehicle dealers, used motor vehicle dealers, brokers, wholesalers, auctioneers and lessors of new or used motor vehicles.

Subd. 2. No person, copartnership or corporation shall engage in the business, either exclusively or in addition to any other occupation, of selling motor vehicles, new or used, or shall offer to sell, solicit or advertise the sale of motor vehicles, new or used, without first having acquired a license therefor as hereinafter provided. Application for such license and renewal thereof, shall be made to the registrar of mo-

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tor vehicles; shall be in writing, and duly verified by oath. The applicant shall submit such information as the registrar may require, upon blanks provided by the registrar for such purpose. No application shall be granted nor a license issued to anyone, until and unless the applicant shall furnish proof satisfactory to the registrar of the following:

(1) That the applicant has an established place of business; an established place of business when used in this section, means a permanent enclosed building or structure either owned in fee or leased at which a permanent business of bartering, trading and selling of motor vehicles will be carried on as such in good faith and not for the purpose of evading this section; and at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business at such place and shall not mean residence, tents, temporary stands, or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement;

(2) That if the applicant desires to sell, solicit or advertise the sale of both new and used motor vehicles, he must have a bona fide contract or franchise in effect with a manufacturer or distributor of the new motor vehicle, or new motor vehicles, he proposes to deal in; he shall also have adequate space in the building or structure wherein his business is conducted for the display of motor vehicles, not including house trailers, and, unless he proposes to engage only in the sale of house trailers, shall also provide for the repair and servicing of motor vehicles and the storage of parts and accessories in the city where his business is located and conducted, such service may be provided through contract with bona fide operators actually engaged in such services. But nothing herein contained shall require an applicant for a dealer's 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;

(3) That if the applicant desires only to sell, solicit or advertise the sale of used motor vehicles, he shall have adequate space for the display of motor vehicles either in the building or structure wherein his business is conducted or on a lot adjacent thereto. The registrar in his discretion may authorize the use of a building or lot for display purposes not adjacent to but in close proximity to the building wherein the business is conducted if such use is made in good faith and not for the purpose of evading the requirements of this section. **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, lease, broker, wholesale or auction and to solicit and advertise the sale, lease, broker, wholesale or auction of both new motor vehicles covered by his franchise and any used motor vehicles and such sales or leases may be either for consumer use at retail or for resale to a dealer.

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Subd. 2-3 . If a license is granted, the licensee may be permitted to use unimproved lots and premises for sale, storage, and display of motor vehicles. Such unimproved lots and premises must be located within the county of established place of business of the applicant.

If the applicant desires to set up an established place of business in more than one county in this state, he shall secure separate license for each county. No license for such additional county shall be issued until the registrar shall have been furnished with proof that the applicant has an established place of business in such additional county and has otherwise complied with the requirements of this section for securing of license in the initial county.

If the licensee desires to remove from the established place of business occupied when the license is granted, to a new location, he shall first secure from the registrar permission to do so. He shall be required to furnish proof satisfactory to the registrar that the premises to which he proposes to remove conform to the requirements of subdivision 1: USED MOTOR VEHICLE DEALER. No person shall engage in the business of selling used motor vehicles or shall offer to sell, solicit or advertise the sale of used motor vehicles without first acquiring a used motor vehicle dealer license. A used motor vehicle dealer licensee shall be entitled thereunder to sell, lease, broker, wholesale or auction and to solicit and advertise the sale, lease, broker, wholesale or auction of any used motor vehicles for consumer use at retail or for resale to a dealer.

Subd. 4. MOTOR VEHICLE LESSOR. No person shall engage in the business of leasing motor vehicles or shall offer to lease, solicit or advertise to lease motor vehicles without first acquiring a motor vehicle lessor license. A motor vehicle lessor licensee shall be entitled thereunder to lease or rent either by the hour, day or longer period for a fee and to solicit and advertise the lease or rental of motor vehicles.

Subd. 5. MOTOR VEHICLE BROKER. No person shall engage in the business of brokering motor vehicles by finding, offering to find, soliciting or advertising for prospective buyers of motor vehicles and charging the seller or buyer a fee for his service without first acquiring a motor vehicle broker license. A motor vehicle broker licensee shall be entitled thereunder to broker and to solicit and advertise the brokerage of used motor vehicles. Brokerage sales shall include sales by consignment and referral.

Subd. 6. MOTOR VEHICLE WHOLESALER. No person shall engage in the business of wholesaling motor vehicles to dealers for resale or shall offer to sell, solicit or advertise the sale of motor vehicles to dealers for resale without first acquiring a motor vehicle wholesaler license. A motor vehicle wholesaler licensee shall be entitled thereunder to sell, solicit or advertise the sale of motor vehicles at wholesale for resale.

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Subd. 7. MOTOR VEHICLE AUCTIONEER. No person shall engage in the business of auctioning motor vehicles for more than one owner at an auction or shall offer to sell, solicit or advertise the sale of motor vehicles at auction without first acquiring a motor vehicle auctioneer license. A motor vehicle auctioneer licensee shall be entitled thereunder to sell, solicit and advertise the sale of used motor vehicles belonging to others at auction.

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

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

Subd. 9. APPLICATION. Application for such license and renewal thereof shall be made to the registrar of motor vehicles, shall be in writing, and duly verified by oath. The applicant shall submit such information as the registrar may require to administer this section, on blanks provided by the registrar for such purpose.

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

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

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

(b) a bona fide contract or franchise in effect with a manufacturer or distributor of the new motor vehicle or new motor vehicles he proposes to deal in;

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

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

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(3) For a motor vehicle lessor, the following: a permanent enclosed commercial building on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

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

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

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

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

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

Subd. 2-11 . **LICENSES; WHEN GRANTED.** Upon the filing of an application for a license and the proper fee, the registrar shall be authorized, unless the application on its face appears to be invalid, to grant or deny the application for such license within 60 days after the filing of the application—a 90 day temporary license and during said 90 day period shall investigate the fitness of the applicant, inspect the site and make such other investigation as is necessary to insure compliance with the licensing law. The registrar may extend the temporary license 30 days. At the end of the period of investigation the license shall either be granted or denied . If the application is ~~granted~~ approved , the registrar shall license the applicant as a motor vehicle dealer for the remainder of the calendar year, and issue a certificate of license there-

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for as the registrar may provide upon which shall be placed a distinguishing number of identification of such dealer. Each initial application for such a license ; shall be accompanied by a fee of \$50 in addition to the annual fee. The annual fee shall be \$76. All initial fees and annual fees and application for the renewal thereof, shall be accompanied by the sum of \$44, which shall be paid into the state treasury and credited to the general fund. If the initial application is received by the registrar after July 1 of any year, the first annual fee shall be reduced by one-half. Such license, unless sooner revoked, as hereinafter provided, shall, upon the furnishing of proof as in the initial application herein provided for, satisfactory to the registrar, be renewed by the registrar annually upon application by the dealer and upon the making of all listings, registrations, notices, and reports required by the registrar, and upon the payment of all taxes, fees, and arrears due from such dealer.

Subd. 4-12 . **GROUND FOR SUSPENSION AND REVOCATION.** Such license may be suspended or revoked by the registrar of motor vehicles upon proof satisfactory to him of either of the following:

- (1) Violations of any of the provisions of this chapter;
- (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; or
- (10) Material misstatement or misrepresentation in application for ~~Changes or additions indicated by underline deletions by strikethrough~~

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 odometer law, sections 325.821 to 325.824;

(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.

Subd. 5. (a) The registrar shall issue to every motor vehicle dealer, upon a request from such motor vehicle dealer licensed as provided in subdivision 1, one or more pair of number plates displaying a general distinguishing number upon the payment of \$10 to the registrar. Motor vehicles, new or used, owned by such motor vehicle dealer and bearing such number plates, except vehicles leased to the user, held for hire, or customarily used by the dealer as a tow truck, service truck, or pickup truck, may be driven upon the streets and highways of this state by such motor vehicle dealer, or any employee of such motor vehicle dealer or by any member of the immediate family of such dealer or employee for either private or business purposes; or may be driven upon the streets and highways for demonstration purposes by any prospective buyer thereof for a period of 48 hours or in the case of a truck, truck-tractor, or semi-trailer, for a period of seven days.

(b) A new motor vehicle sold by such motor vehicle dealer and bearing the motor vehicle dealer's number plates may be driven upon the public streets and highways for a period of 72 hours by the buyer for either of the following purposes: (1) Removing the vehicle from this state for registration in another state; or (2) permitting the buyer to use the motor vehicle before he receives number plates pursuant to his own registration. Use of a new motor vehicle by the buyer under the provisions of clause (2) of the preceding sentence before he receives number plates pursuant to his own registration constitutes a use of the public streets or highways for the purpose of the time requirements for registration of motor vehicles. Upon the delivery of such new motor vehicle to the buyer or upon the delivery of such vehicle or motor truck, truck-tractor, or semi-trailer, new or used, to the prospective buyer for demonstration purposes, the motor vehicle dealer shall de-

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liver to the buyer or prospective buyer, as the case may be, a card or certificate giving the name and address of the motor vehicle dealer, the name and address of such buyer or prospective buyer, and the date and the hour of such delivery. Such card or certificate shall be in such form as the registrar may provide to the motor vehicle dealer for such purpose, and shall be carried by such buyer or prospective buyer while driving the motor vehicle or truck, truck-tractor, or semi-trailer.

Subd. 6. Every licensed dealer in motor vehicles may make application upon a blank provided by the registrar for that purpose for a general distinguishing number for use upon all new motor vehicles being transported from the dealer's source of supply, or other place of storage, to his place of business, or to another place of storage, or from one dealer to another. A general distinguishing number shall be assigned by the registrar to such dealer for such purpose, and the registrar shall then issue to the dealer such number of pairs of such plates as the dealer may request, upon the payment by the dealer to the registrar of the sum of \$2 per pair. Such plates shall be known as "in transit" plates. The registrar may issue such "in transit" plates, upon the payment of the sum of \$2 to the registrar, to dealers duly licensed in other states or provinces upon information furnished him in such manner as he may prescribe, and which satisfies him that persons or companies applying therefor are duly licensed dealers under the laws of such states or provinces.

Subd. 7-13 . **PROCEDURE FOR SUSPENSION AND REVOCATION; HEARING.** The registrar of motor vehicles, upon his own motion or upon the complaint of another, shall prepare and cause to be served upon the licensee complained of, a written notice or complaint setting forth, in substance, the violations charged, a statement of the deficiencies which exist and the corrective action necessary. Said notice shall include a statement that in the event corrective action is not taken, the dealer's license may be suspended or revoked. The notice ~~and~~ shall require the licensee to appear at the time and place fixed therein before the registrar or ~~authorized deputy-inspector~~ , and show cause why his license should not be suspended or revoked.

The registrar shall, at the time and place fixed in the notice, proceed to hear and determine the matter on its merits. All hearings shall be conducted in accordance with the provisions of chapter 15, except that the provisions of section 15.052, subdivision 3, shall not apply. The registrar is authorized to subpoena witnesses and administer oaths. If the registrar shall find the existence of any of the causes for suspension or revocation as set forth in subdivision 4-12 and determine that corrective action has not been taken and the licensee's license should be suspended or revoked, ~~he the registrar shall make issue~~ a written order ~~to that effect setting out his decision~~ , and a copy of such order shall be served upon such licensee in the manner provided by law for the service of summons in a civil action. If the registrar finds the dealer has violated any of the provisions of this section but that the nature of said violation or the circumstances thereof are such that

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a suspension of the license would be adequate, he may, instead of revoking the license suspend it for a period not exceeding 90 days. If he finds the violation does not justify a suspension only, he shall revoke the license. Upon ~~such a suspension or~~ revocation, if it be a new or used motor vehicle dealer, he said licensee shall immediately return to the registrar all number plates, including any "in transit" plates, in his possession and its dealer's license certificate .

Subd. 8-14 . **APPEAL TO DISTRICT COURT.** Any party or person aggrieved by such order of suspension, revocation or imposition of a penalty may appeal therefrom to any district court of the state within 15 days after the service of a copy of such order upon the dealer complained of by the service of a written notice of appeal upon the registrar. The person serving such notice of appeal shall, within five days after the service thereof, file the same, with proof of service thereof, with the clerk of the court to which such appeal is taken, and thereupon the district court shall have jurisdiction over the appeal and the same shall be entered upon the records of the district court and be tried therein according to the rules relating to the trial of civil actions in so far as the same are applicable. The complainant before the registrar, if there was one, otherwise the registrar shall be designated as the complainant, and the dealer complained of shall be designated as the defendant. No further pleadings than those filed before the registrar shall be necessary. The findings of fact of the registrar shall be prima facie evidence of the matters therein stated, and the order shall be prima facie reasonable, and the burden of proof upon all issues raised by the appeal shall be on the appellant. If the court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed and the order enforced as provided by law. If it shall be determined that the order is unlawful or unreasonable it shall be vacated and set aside. Such appeal shall not stay or supersede the order appealed from unless the court, upon an examination of the order and the return made on the appeal, and after giving defendant notice and opportunity to be heard, shall so direct. When no appeal is taken from such order, the parties affected thereby shall be deemed to have waived the rights to have the merits of such controversy reviewed by a court, and there shall thereafter be no trial of the merits or reexamination of the facts by any district court to which application may be made from a writ to enforce the same.

Subd. 9: Any party to an appeal or other proceeding in the district court under the provisions of this section may appeal from the final judgment, or from any final order therein, to the supreme court in the same cases and manner as in civil actions—seek judicial review pursuant to the provisions of chapter 15 .

Subd. 10-15 . **ENFORCEMENT.** The registrar is hereby authorized to enforce this section and he may also is directed to appoint under his hand a sufficient number of not less than seven persons amongst his several employees, the additional employees not to exceed three in number, to act as inspectors and investigators and who when so ap-

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pointed, shall have full authority to enforce this section throughout the state . Before entering upon their official duties, the oath of appointment of each of the additional employees shall be filed in the office of the secretary of state. The registrar, his inspectors or investigators, when traveling or otherwise pursuing their duties outside the office of the registrar, shall be paid for their actual expenses incurred out of the same funds as other employees of the registrar of motor vehicles. The inspectors shall assist licensees in compliance with laws governing licensees and administered hereunder.

Subd. 16. PLATES; DISTINGUISHING NUMBERS. (a) The registrar shall issue to every motor vehicle dealer, upon a request from such motor vehicle dealer licensed as provided in subdivisions 2 or 3, one or more pair of number plates displaying a general distinguishing number upon the payment of \$10 to the registrar. In addition the dealer shall pay a motor vehicle excise tax of \$15 annually for each pair of dealer plates purchased as required by section 2 of this act. The registrar shall deposit the tax in the state treasury and it shall be credited to the general fund. Motor vehicles, new or used, owned by such motor vehicle dealer and bearing such number plates, except vehicles leased to the user who is not an employee of the dealer during the term of the lease, held for hire, or customarily used by the dealer as a tow truck, service truck, or pickup truck, may be driven upon the streets and highways of this state by such motor vehicle dealer, or any employee of such motor vehicle dealer or by any member of the immediate family of such dealer or employee for either private or business purposes; or may be driven upon the streets and highways for demonstration purposes by any prospective buyer thereof for a period of 48 hours or in the case of a truck, truck-tractor, or semi-trailer, for a period of seven days.

(b) A new or used motor vehicle sold by such motor vehicle dealer and bearing the motor vehicle dealer's number plates may be driven upon the public streets and highways for a period of 72 hours by the buyer for either of the following purposes: (1) Removing the vehicle from this state for registration in another state, or (2) permitting the buyer to use the motor vehicle before he receives number plates pursuant to his own registration. Use of a motor vehicle by the buyer under the provisions of clause (2) of the preceding sentence before he receives number plates pursuant to his own registration constitutes a use of the public streets or highways for the purpose of the time requirements for registration of motor vehicles.

Subd. 17. APPLICATION. Every licensed dealer in motor vehicles may make application upon a blank provided by the registrar for that purpose for a general distinguishing number for use upon all new motor vehicles being transported from the dealer's source of supply, or other place of storage, to his place of business, or to another place of storage, or from one dealer to another. A general distinguishing number shall be assigned by the registrar to such dealer for such purpose, and the registrar shall then issue to the dealer such number of pairs of

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such plates as the dealer may request, upon the payment by the dealer to the registrar of the sum of \$2 per pair. Such plates shall be known as "in transit" plates. The registrar may issue such "in transit" plates, upon the payment of the sum of \$2 to the registrar, to dealers duly licensed in other states or provinces upon information furnished him in such manner as he may prescribe, and which satisfies him that persons or companies applying therefor are duly licensed dealers under the laws of such states or provinces.

Subd. ~~11-18~~ . **TESTIMONIAL POWERS.** The registrar shall have, and is hereby granted full authority to issue subpoenas requiring the attendance of witnesses before him, production of books, papers, and other documents, articles, or instruments, and compel the disclosure by such witnesses of all facts known to them relative to the matter under investigation, and shall have full authority to administer oaths and to take testimony. All parties disobeying the orders of subpoenas of the registrar shall be guilty of contempt, as in proceedings in district courts of the state and may be punished in like manner.

Subd. ~~12-19~~ . **VIOLATIONS.** Any person, copartnership, or corporation, domestic or foreign, and any officer, or director, or employee of a corporation, domestic or foreign, who shall violate or neglect, fail or refuse to comply with any of the provisions of this section shall be guilty of a misdemeanor.

Subd. ~~13-20~~ . **APPLICATION OF SECTION.** 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, 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 "utility trailer" shall have the following meaning:

"Motorized bicycle" means a motor powered vehicle consisting of an arrangement or combination of two wheels, one following the other, supported by a frame designed to be propelled by the feet acting upon pedals.

"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.

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Subd. ~~14-21~~ . **ACTS WHICH ARE UNLAWFUL.** It shall be unlawful for any manufacturer or distributor of motor vehicles, or for any officer, employee, agent or representative of such manufacturer or distributor:

(1) To induce or coerce or attempt to induce or coerce any retail dealer:

(a) To accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodity or commodities which shall not have been ordered by said retail dealer;

(b) To order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment;

(c) To enter into any agreement with such manufacturer or distributor or to do any other act by threatening to cancel any franchise or contractual agreement existing between such manufacturer or distributor and said retail dealer.

(2) To refuse to extend to a dealer the privilege of determining the mode or manner of available transportation facility which said dealer desires to be used or employed in making deliveries of new motor vehicles to him or it.

(3) To cancel or refuse to renew the franchise of any retail dealer or any contractual arrangement between such manufacturer or distributor and the retail dealer without just cause.

(4) To make any charge against a retail dealer for advertising or promotional advertising material without his prior consent.

Subd. ~~15-22~~ . **BOAT AND SNOWMOBILE TRAILERS.** Any person, copartnership or corporation having an established place of business as defined in this section and engaged in the business, either exclusively or in addition to any other occupation, of selling 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 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 5 of this section upon payment of \$3 for each such plate, and such plates may be used in the same manner and for the same purposes as is provided in said subdivision 5. The registrar shall also issue to such dealer, upon his request, "in transit" plates as provided in subdivision 6 of this section 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 exclu-

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sively or in addition to other occupations, of selling motor vehicles or mobile homes.

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

Subd. 24. BONDS. Each motorcycle dealer 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 the amount of \$2,500 to run to the state of Minnesota. All other 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 the amount of \$10,000. The bond shall be conditioned on the faithful performance by the licensee of the obligations imposed by the law, including the conduct required of a licensee by section 168.27, and the payment of all taxes, license fees and penalties. Said bond shall be for the benefit of the state of Minnesota and any 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.

Sec. 4. APPROPRIATIONS. There is appropriated from the general fund in the state treasury to the commissioner of public safety the sum of \$114,014 to carry out the provisions of this act.

Sec. 5. This act is effective the day following its final enactment.

Approved April 20, 1976.

CHAPTER 343—H.F.No.2489

[Coded in Part]

An act relating to motor vehicles; special permits for oversize and overweight vehicles; authorizing an annual permit for refuse compactor vehicles and prescribing maximum loads thereon; providing a fee therefor; redefining farm trucks; providing for graphic design license plates; appropriating money; amending Minnesota Statutes 1971, Section 168.011, Subdivision 17, as amended; and Minnesota Statutes 1974, Sections 168.12, by adding a subdivision; 169.86, Subdivision 5; repealing Minnesota Statutes 1974, Section 169.831.

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

Changes or additions indicated by underline deletions by ~~strikeout~~