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State of Minnesota

Printed Page No. 320

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 4188

03/12/2026 Authored by Koegel
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy
04/07/2026 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to commerce; modifying various consumer protections for insurance and
1.3 financial products; prohibiting virtual-currency kiosks; modifying various
1.4 provisions governing securities broker-dealers and broker-dealers' agents; making
1.5 technical changes to various provisions governed or administered by the Department
1.6 of Commerce; modifying and adding provisions governing unclaimed property;
1.7 providing penalties; amending Minnesota Statutes 2024, sections 46.044,
1.8 subdivision 1; 48.195; 49.37; 53B.69, subdivision 10; 58.14, subdivisions 3, 4, 5,
1.9 by adding a subdivision; 58.18, subdivision 4; 58B.02, by adding subdivisions;
1.10 58B.03, subdivisions 10, 11; 58B.051; 58B.06, subdivisions 4, 6; 60A.13,
1.11 subdivisions 1, 6; 72A.061, subdivision 5; 72A.18, subdivision 2, by adding
1.12 subdivisions; 72A.20, subdivision 2, by adding a subdivision; 80A.50; 80A.69;
1.13 80C.12, subdivision 1; 80G.01, subdivision 5a; 239.761, subdivisions 7, 8, 9, 10,
1.14 11, 12, 13, 14, 16, 17; 239.77, subdivision 1; 296A.01, subdivisions 7, 8, 14, 19,
1.15 22, 26, 28, 35; 325E.21, subdivisions 1b, 2c; 332.32; 345.31, by adding a
1.16 subdivision; 345.43, by adding a subdivision; Minnesota Statutes 2025 Supplement,
1.17 sections 41A.09, subdivision 2a; 58B.02, subdivision 8a; 80A.66; 239.761,
1.18 subdivisions 3, 4, 5, 6; 296A.01, subdivisions 20, 23, 24; proposing coding for
1.19 new law in Minnesota Statutes, chapters 53B; 58; 80A; 82B; 82C; 345; repealing
1.20 Minnesota Statutes 2024, sections 48.158; 53B.69, subdivisions 3b, 3c; 53B.75,
1.21 subdivisions 1, 2, 3, 4, 5.

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

1.23 ARTICLE 1
1.24 CONSUMER PROTECTION

1.25 Section 1. Minnesota Statutes 2024, section 53B.69, subdivision 10, is amended to read:

1.26 Subd. 10. Virtual currency kiosk. "Virtual currency kiosk" means an electronic terminal
1.27 acting as a mechanical agent or a person acting on behalf of the virtual currency kiosk
1.28 operator to enable the virtual currency kiosk operator to facilitate the exchange of virtual
1.29 currency for money, bank credit, or other virtual currency, including but not limited to by
1.30 (1) connecting directly to a separate virtual currency exchanger that performs the actual

2.1 virtual currency transmission, or (2) drawing upon the virtual currency in the possession of  
2.2 the electronic terminal's operator.

2.3 **Sec. 2. [53B.751] VIRTUAL CURRENCY KIOSKS; PROHIBITION.**

2.4 **Subdivision 1. Virtual currency kiosks prohibited.** (a) Beginning August 1, 2026, a  
2.5 person is prohibited from installing, operating, maintaining, or making available for use a  
2.6 virtual currency kiosk.

2.7 (b) On or before December 31, 2026, a virtual currency kiosk operator must remove the  
2.8 virtual currency kiosk from any location where the virtual currency kiosk is visible or  
2.9 accessible to the public.

2.10 **Subd. 2. Payout.** (a) On or before December 31, 2026, a virtual currency kiosk operator  
2.11 that conducts virtual currency transactions exclusively through a virtual currency kiosk  
2.12 must pay out any money or virtual currency held for or owed to a new or existing customer  
2.13 that exists as a result of virtual currency kiosk transactions.

2.14 (b) A new or existing customer may elect, at any time before December 31, 2026, to  
2.15 receive a payout under this subdivision:

2.16 (1) in United States dollars, in an amount equal to the market value of the customer's  
2.17 virtual currency plus any fiat currency; or

2.18 (2) to a virtual currency wallet designated by the customer.

2.19 (c) A virtual currency kiosk operator must make a payout under this subdivision in the  
2.20 manner elected by a new or existing customer under paragraph (b). If a new or existing  
2.21 customer elects the option under paragraph (b), clause (2), the virtual currency kiosk operator  
2.22 must transfer the full amount of the money and virtual currency being held for or owed to  
2.23 the new or existing customer to the customer's designated virtual currency wallet within 30  
2.24 days of the date the customer submits the payout request.

2.25 (d) A payout to a new or existing customer must be recorded on the applicable blockchain.  
2.26 A virtual currency kiosk operator must retain proof that a transfer was made and must make  
2.27 retained proof available to the commissioner upon request.

2.28 **Subd. 3. Exception.** A virtual currency kiosk operator is not required to make a payout  
2.29 under subdivision 2 if the operator maintains, at all times, other lawful means for new and  
2.30 existing customers to access, transfer, redeem, or otherwise transact a customer's money or  
2.31 virtual currency that exists as a result of virtual currency kiosk transactions.

2.32 **EFFECTIVE DATE.** This section is effective August 1, 2026.

3.1 Sec. 3. **[58.131] RESIDENTIAL MORTGAGE LOAN SERVICING STANDARDS.**

3.2 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have  
3.3 the meanings given.

3.4 (b) "Authorized representative" means a person, including but not limited to an attorney,  
3.5 employee, or agent of a government agency, not-for-profit housing counseling organization,  
3.6 or legal services organization, designated by a borrower in a written authorization signed  
3.7 by the borrower or in any other form of verifiable authorization to share information and  
3.8 communicate with a servicer on behalf of the borrower.

3.9 (c) "Clearly and conspicuously" means the statement, representation, or term being  
3.10 disclosed is displayed in a size, color, and contrast and is presented in a manner that makes  
3.11 the statement readily noticed and understood by an ordinary consumer.

3.12 (d) "Government-sponsored enterprise" means the Federal National Mortgage Association  
3.13 and the Federal Home Loan Mortgage Corporation.

3.14 (e) "Real Estate Settlement Procedures Act" or "RESPA" means the Real Estate  
3.15 Settlement Procedures Act of 1974, United States Code, title 12, section 2601, et seq., and  
3.16 regulations adopted pursuant to RESPA, also known as Regulation X, Code of Federal  
3.17 Regulations, title 12, part 1024, as amended.

3.18 (f) "Third-party provider" means any person or entity retained by or on behalf of the  
3.19 servicer, including but not limited to foreclosure firms, law firms, foreclosure trustees, other  
3.20 agents, independent contractors, subsidiaries, and affiliates, that provides insurance,  
3.21 foreclosure, bankruptcy, mortgage servicing including loss mitigation, or other products or  
3.22 services in connection with servicing a mortgage loan.

3.23 (g) "Transferee servicer" means a servicer that has agreed to obtain the right to service  
3.24 a mortgage loan pursuant to an agreement or understanding.

3.25 (h) "Transferor servicer" means a servicer that has agreed to, or been informed that the  
3.26 servicer must, transfer the right to service a mortgage loan to another servicer.

3.27 Subd. 2. General requirements. (a) A violation of an applicable state law or  
3.28 administrative rule, a federal law or regulation, or a state or federal program is a violation  
3.29 of this section.

3.30 (b) In addition to complying with this section, a servicer must comply with:

3.31 (1) other applicable sections of this chapter;

4.1 (2) other applicable state law, including but not limited to chapters 46A, 47, 580, 581,  
4.2 and 582;

4.3 (3) applicable sections of RESPA;

4.4 (4) the federal Servicemembers Civil Relief Act, United States Code, title 50, section  
4.5 501, et seq.; and

4.6 (5) other applicable federal laws and implementing regulations, as amended, including  
4.7 but not limited to:

4.8 (i) the Gramm-Leach-Bliley Act, Public Law 106-102;

4.9 (ii) the Truth-in-Lending Act, United States Code, title 15, section 1601, et seq.; and

4.10 (iii) the Fair Credit Reporting Act, United States Code, title 15, sections 1681 to 1681x.

4.11 Subd. 3. **Servicing and ownership transfers or sales.** (a) When acquiring servicing  
4.12 rights from a transferor servicer, a transferee servicer must:

4.13 (1) continue processing loan modification requests and honoring trial and permanent  
4.14 modifications; and

4.15 (2) designate the homeowner as a third-party intended beneficiary in any subsequent  
4.16 contract for transfer or sale, unless doing so violates another state law or a  
4.17 government-sponsored enterprise's modification program requirements.

4.18 (b) When transferring or selling loan servicing with pending modification requests or  
4.19 trial or permanent modifications, a transferor servicer must:

4.20 (1) inform the transferee servicer if a loan modification is pending;

4.21 (2) obligate the transferee servicer to (i) accept and continue processing loan modification  
4.22 requests, and (ii) honor trial and permanent loan modification agreements; and

4.23 (3) designate the homeowner as a third-party intended beneficiary in any contract for  
4.24 transfer or sale, unless doing so violates state law or a government-sponsored enterprise's  
4.25 modification program requirements.

4.26 Subd. 4. **Payment processing and fees.** (a) A servicer must comply with section 47.59,  
4.27 subdivision 9a, regarding prompt crediting of payments, if the borrower has provided  
4.28 sufficient information to credit the account. A servicer must apply the payment as specified  
4.29 in the loan documents.

5.1 (b) A servicer may enter into a written contract with the borrower that allows the servicer  
5.2 to hold certain types of money, or money sent by a certain method, for a period of time until  
5.3 the money is available before crediting the money to the borrower's account.

5.4 (c) A servicer must notify the borrower if a payment is received, not credited, and placed  
5.5 in a suspense account. The servicer must send the notification to the borrower within ten  
5.6 business days by United States mail to the borrower's last known address. The notification  
5.7 must identify (1) the reason the payment was not credited or treated as credited to the  
5.8 account, and (2) any actions the borrower must take to make the residential mortgage loan  
5.9 current. If a servicer provides monthly or more frequent statements that include the  
5.10 information under this paragraph, the servicer is not required to provide the information in  
5.11 an additional notice. If this paragraph conflicts with the requirements of an applicable  
5.12 bankruptcy court order, compliance with the bankruptcy court requirements constitutes  
5.13 compliance with this paragraph or paragraph (d).

5.14 (d) When a suspense account contains enough money to make a full payment, a servicer  
5.15 must apply the payment to the mortgage on the date the full amount became available in  
5.16 the suspense account.

5.17 (e) A servicer must assess an incurred fee to a borrower's account within 45 days of the  
5.18 date the fee was incurred. A servicer must clearly and conspicuously explain the fee in a  
5.19 statement mailed to the borrower at the borrower's last known address no more than 30 days  
5.20 after the date the fee is assessed. If a servicer provides monthly or more frequent statements  
5.21 that include the information under this paragraph, the servicer is not required to provide the  
5.22 information in an additional notice.

5.23 Subd. 5. **Contracting with third-party providers.** A servicer must adopt written policies  
5.24 and procedures governing the oversight of third-party providers, including but not limited  
5.25 to foreclosure trustees, foreclosure firms, subservicers, agents, subsidiaries, and affiliates.  
5.26 A servicer must maintain the policies and procedures as part of the servicer's books and  
5.27 records and must provide the policies and procedures to the commissioner upon request.

5.28 Subd. 6. **Maintenance of the escrow account.** (a) If a servicer collects escrow amounts  
5.29 held for the borrower to pay insurance, taxes, or other charges with respect to the property,  
5.30 the servicer must collect and make all payments from the escrow account. To the extent the  
5.31 servicer has control, the servicer must ensure that no late penalties are assessed or other  
5.32 negative consequences result for the borrower.

5.33 (b) At least annually or upon the borrower's request, a servicer must inform the borrower  
5.34 in writing regarding the amount of reserve required in an escrow account. The notice must

6.1 advise the borrower of any fees the borrower incurs (1) for not maintaining the reserve  
6.2 amount, or (2) if the servicer advances escrow amounts on the borrower's behalf and  
6.3 subsequently collects the escrow amounts from the borrower.

6.4 (c) A servicer may enter into a written agreement with the borrower that specifies the  
6.5 servicer is not required to make escrow payments unless money is available in the escrow  
6.6 account. An agreement under this paragraph must include language that provides notice to  
6.7 the borrower that the borrower is responsible to pay the escrow amounts if an amount  
6.8 sufficient to pay the escrow amounts is not maintained in the escrow account.

6.9 (d) A servicer must notify the borrower within ten business days of the date a change is  
6.10 made to the escrow account that modifies the borrower's escrow payment amount. A change  
6.11 requiring notification includes but is not limited to hazard insurance premiums, a reduction  
6.12 in the required reserve amount for the account, or a change in the property's tax assessment.  
6.13 A change resulting from a borrower's regularly scheduled payment is not a change requiring  
6.14 notification.

6.15 Subd. 7. **Borrower requests for information.** (a) A servicer must make a reasonable  
6.16 attempt to comply with a borrower's request for information, including a request for  
6.17 information about loss mitigation, regarding the residential mortgage loan account and must  
6.18 respond to a dispute initiated by the borrower about the loan account. A reasonable attempt  
6.19 under this subdivision includes but is not limited to:

6.20 (1) maintaining written or electronic records of each written request for information  
6.21 involving the borrower's account until the residential mortgage loan is paid in full, sold, or  
6.22 otherwise satisfied; and

6.23 (2) providing a written statement to the borrower within 30 business days of the date a  
6.24 written request is received from the borrower or by following the response timelines provided  
6.25 by a loss mitigation program. A borrower's request must include the borrower's name and  
6.26 account number, if any, a statement that the account is or may be in error, and sufficient  
6.27 detail regarding the information sought by the borrower to permit the servicer to comply.

6.28 (b) At a minimum, a servicer must provide the following information in response to a  
6.29 borrower request received under this subdivision:

6.30 (1) whether the account is current or, if the account is not current, an explanation  
6.31 regarding the default and the date the account entered default;

6.32 (2) the current balance due on the residential mortgage loan, including the principal due;  
6.33 the amount of money, if any, held in a suspense account; the amount of the escrow balance

7.1 known to the servicer, if any; and whether any escrow deficiencies or shortages are known  
7.2 to the servicer;

7.3 (3) the identity, address, and other relevant information about the current holder, owner,  
7.4 or assignee of the residential mortgage loan; and

7.5 (4) the telephone number and mailing address of an individual servicer representative  
7.6 with the information and authority to answer questions and resolve disputes.

7.7 (c) A servicer must promptly correct errors and refund fees assessed to the borrower  
7.8 resulting from an error the servicer made.

7.9 (d) If the content of a servicer's response meets the requirements under RESPA for a  
7.10 response to a qualified written request, the servicer has complied with this subdivision. A  
7.11 servicer deemed compliant with this subdivision under this paragraph must separately  
7.12 comply with paragraph (c).

7.13 (e) In addition to the statement described under paragraph (a), clause (2), a borrower  
7.14 may request more detailed information from a servicer. A servicer that receives a request  
7.15 under this paragraph must provide the information to the borrower within 15 business days  
7.16 of the date a written request from the borrower is received. A borrower's request must  
7.17 include the borrower's name and account number, if any, a statement that the account is or  
7.18 may be in error, and sufficient detail to the servicer regarding information sought by the  
7.19 borrower. If requested by the borrower, a statement provided under this paragraph must  
7.20 also include:

7.21 (1) a copy of the original note or, if the original note is unavailable, an affidavit of lost  
7.22 note that includes all endorsements; and

7.23 (2) a statement that (i) identifies and itemizes all fees and charges assessed under the  
7.24 loan servicing transaction, (ii) provides a full payment history that identifies in a clear and  
7.25 conspicuous manner all the debits, credits, applications, and disbursements of all payments  
7.26 received from or for the benefit of the borrower, and (iii) identifies other activity on the  
7.27 residential mortgage loan, including escrow account activity and suspense account activity,  
7.28 if any.

7.29 (f) For purposes of a borrower request made under paragraph (e) the account history  
7.30 period must cover, at a minimum, the two-year period before the date the request for  
7.31 information is received. If the servicer has not serviced the residential mortgage loan for  
7.32 the entire two-year period, the servicer must provide the information back to the date on  
7.33 which the servicer began servicing the residential mortgage loan and must identify the

8.1 previous servicer, if known. If a servicer claims delinquent or outstanding sums are owed  
8.2 on the residential mortgage loan prior to the two-year period or the period during which the  
8.3 servicer has serviced the residential mortgage loan, the servicer must provide an account  
8.4 history beginning with the month that the servicer claims any outstanding sums are owed  
8.5 on the residential mortgage loan up to the date the request for the information is received.

8.6 (g) If the borrower requests a statement under paragraph (e), a servicer must provide the  
8.7 statement free of charge. A borrower is entitled to only one free statement annually under  
8.8 this paragraph. If a borrower requests more than one statement annually, a servicer may  
8.9 charge \$30 for the second and each subsequent statement.

8.10 Subd. 8. **Borrower complaints and inquiries.** (a) A servicer must establish and maintain:

8.11 (1) procedures and systems to respond to and resolve borrower complaints and inquiries  
8.12 in a manner that complies with this section;

8.13 (2) a customer service department staffed by trained personnel to whom a borrower may  
8.14 direct complaints and inquiries; and

8.15 (3) a toll-free telephone number or collect calling service that enables a borrower to  
8.16 speak, during regular business hours, with a live person trained to answer inquiries and  
8.17 instruct borrowers how to file written complaints.

8.18 (b) Each welcome packet, periodic statement, including as applicable either the monthly  
8.19 mortgage statement or annual coupon book that is provided to a borrower, and website  
8.20 maintained by a servicer must clearly and conspicuously state:

8.21 (1) an address to which borrowers may direct complaints and inquiries;

8.22 (2) the toll-free telephone number or collect calling services provided by the servicer;

8.23 (3) whether the servicer is licensed with the commissioner; and

8.24 (4) that a borrower may file a complaint and obtain information about the servicer by  
8.25 contacting the Department of Commerce. The information provided under this clause must  
8.26 include the department's current telephone contact information and website.

8.27 (c) A servicer must establish and maintain a process that enables borrowers to escalate  
8.28 complaints or pending loss mitigation matters for a supervisory-level review.

8.29 Subd. 9. **Servicing prohibitions; fair dealing duty.** (a) In addition to the prohibitions  
8.30 and standards of conduct under sections 58.12, subdivision 1, paragraph (b), and 58.13,  
8.31 subdivision 1, a servicer is prohibited from:

9.1 (1) engaging in unfair, deceptive, or abusive business practices, or misrepresenting or  
9.2 omitting any material information, in connection with servicing a mortgage loan, including  
9.3 but not limited to misrepresenting the amount, nature, or terms of a fee, payment due, or  
9.4 payment claimed due on the loan, the servicing agreement's terms and conditions, or the  
9.5 borrower's obligations under the loan;

9.6 (2) requiring money to be remitted by a method that is more costly to the borrower than  
9.7 a bank, certified check, or attorney's check from an attorney's account; or

9.8 (3) refusing to communicate with the borrower's authorized representative if the  
9.9 authorized representative provides the servicer with a written authorization, including by  
9.10 electronic transmission, signed by the borrower that affirms the authorized representative  
9.11 may act on behalf of the borrower. A servicer may adopt procedures, excluding collecting  
9.12 the representative's Social Security number, that are reasonably related to verifying that the  
9.13 representative is in fact authorized to act on behalf of the borrower.

9.14 (b) A servicer must act in good faith and deal fairly in the servicer's dealings with a  
9.15 borrower in connection with servicing a borrower's mortgage loan. For purposes of this  
9.16 paragraph, acting in good faith and dealing fairly includes but is not limited to the duty to:

9.17 (1) safeguard and account for any payment made by the borrower or any money belonging  
9.18 to the borrower;

9.19 (2) follow reasonable and lawful instructions from the borrower that are consistent with  
9.20 the underlying note and mortgage;

9.21 (3) act with reasonable skill, care, and diligence;

9.22 (4) consider alternatives to foreclosure when a borrower (i) demonstrates that the borrower  
9.23 is in imminent risk of delinquency on the mortgage loan as a result of a financial hardship,  
9.24 or (ii) has experienced a financial hardship and is unable to maintain the payment at the  
9.25 current payment amount required under the mortgage loan or make delinquent payments;  
9.26 and

9.27 (5) structure loan modifications to result in payments that are reasonably affordable and  
9.28 sustainable for the borrower at the time the modification is made.

9.29 Subd. 10. **Notices; mailings; evidence of receipt.** (a) A notification, mailing, or other  
9.30 correspondence from a mortgage servicer or third-party provider to a borrower must be  
9.31 provided via first class mail and email if the borrower has provided an email address for  
9.32 notice or communication purposes.

10.1 (b) A servicer must provide a mailing address, facsimile number, email address, and a  
10.2 method to facilitate file transfers via the Internet to produce documents requested from the  
10.3 borrower. An option to transfer files via the Internet must allow both the borrower and  
10.4 servicer to view the documents sent and confirm the date the documents were sent for 60  
10.5 months after the date the documents were produced to the servicer.

10.6 (c) A servicer must provide a detailed description of all items received and the items'  
10.7 expiration dates from a borrower within five business days of the date an item was received  
10.8 via any medium described under this subdivision.

10.9 (d) A servicer is prohibited from rejecting documentation from a borrower or potential  
10.10 borrower as incomplete without providing the borrower with details regarding which specific  
10.11 portion of the documentation is incomplete.

10.12 Sec. 4. Minnesota Statutes 2024, section 58.14, subdivision 3, is amended to read:

10.13 Subd. 3. **Documentation and resolution of complaints.** A licensee or exempt person  
10.14 must investigate and attempt to resolve complaints made regarding acts or practices subject  
10.15 to the provisions of this chapter. A servicer must comply with section 58.131, subdivisions  
10.16 6 and 7. If a complaint is received in writing, the licensee or exempt person must maintain  
10.17 a file containing all materials relating to the complaint and subsequent investigation for a  
10.18 period of 60 months.

10.19 Sec. 5. Minnesota Statutes 2024, section 58.14, subdivision 4, is amended to read:

10.20 Subd. 4. **Trust account records for mortgage originators.** A residential mortgage  
10.21 originator or servicer shall keep and maintain for 60 months a record of all trust funds,  
10.22 sufficient to identify the transaction, date and source of receipt, and date and identification  
10.23 of disbursement.

10.24 Sec. 6. Minnesota Statutes 2024, section 58.14, subdivision 5, is amended to read:

10.25 Subd. 5. **Record retention.** A licensee or exempt person must keep and maintain for 60  
10.26 months the business records, including email communications, telephone recordings,  
10.27 incomplete documentation, and advertisements, regarding residential mortgage loans applied  
10.28 for, originated, or serviced in the course of its business.

11.1 Sec. 7. Minnesota Statutes 2024, section 58.14, is amended by adding a subdivision to  
11.2 read:

11.3 Subd. 6. Telephone recordings. A person acting as a residential mortgage loan servicer  
11.4 that services at least 500 residential mortgage loans secured by property in Minnesota must:

11.5 (1) record a telephone conversation with a borrower and a borrower's representatives;  
11.6 and

11.7 (2) maintain the recording of the conversation for 60 months after the date the recording  
11.8 is made, as provided under subdivision 5.

11.9 Sec. 8. Minnesota Statutes 2024, section 58.18, subdivision 4, is amended to read:

11.10 Subd. 4. **Exemption.** This section does not apply to a residential mortgage loan originated  
11.11 by a federal or state chartered bank, savings bank, or credit union, unless the residential  
11.12 mortgage loan originated by a federal or state chartered bank, savings bank, or credit union  
11.13 is serviced by a residential mortgage servicer, as defined under section 58.02, subdivision  
11.14 20.

11.15 Sec. 9. Minnesota Statutes 2024, section 58B.02, is amended by adding a subdivision to  
11.16 read:

11.17 Subd. 4a. **Income-driven repayment program.** "Income-driven repayment program"  
11.18 means the Income-Contingent Repayment Plan, the Income-Based Repayment Plan, the  
11.19 Income-Sensitive Repayment Plan, the Pay As You Earn Plan, the Revised Pay As You  
11.20 Earn Plan, and any other state, federal, or private student loan repayment plan that is  
11.21 calculated based on a borrower's income and for which a borrower's income may include  
11.22 the borrower's household income for purposes of evaluating eligibility under section 58B.06,  
11.23 subdivision 5.

11.24 Sec. 10. Minnesota Statutes 2025 Supplement, section 58B.02, subdivision 8a, is amended  
11.25 to read:

11.26 Subd. 8a. **Lender.** "Lender" means an entity engaged in the business of securing, making,  
11.27 or extending student loans. Lender does not include, ~~to the extent that state regulation is~~  
11.28 ~~preempted by federal law:~~

11.29 (1) a bank, savings banks, savings and loan association, or credit union;

11.30 (2) a wholly owned subsidiary of a bank or credit union;

12.1 (3) an operating subsidiary where each owner is wholly owned by the same bank or  
12.2 credit union;

12.3 (4) the United States government, through Title IV of the Higher Education Act of 1965,  
12.4 as amended, and administered by the United States Department of Education;

12.5 (5) an agency, instrumentality, or political subdivision of Minnesota;

12.6 (6) a regulated lender organized under chapter 56, except that a regulated lender must  
12.7 file the annual report required for lenders under section 58B.03, subdivision 10; or

12.8 (7) a person who is not in the business of making student loans and who makes no more  
12.9 than three student loans, with the person's own funds, during any 12-month period.

12.10 Sec. 11. Minnesota Statutes 2024, section 58B.02, is amended by adding a subdivision to  
12.11 read:

12.12 Subd. 10. **Written communication.** "Written communication" means a written  
12.13 correspondence that is made by a borrower and is transmitted by mail, facsimile, or  
12.14 electronically through an email address or Internet website that the student loan servicer  
12.15 designates to receive communications from a borrower and enables the student loan servicer  
12.16 to identify the borrower's name and account. Written communication does not include a  
12.17 notice on a payment medium supplied by a student loan servicer.

12.18 Sec. 12. Minnesota Statutes 2024, section 58B.03, subdivision 10, is amended to read:

12.19 Subd. 10. **Annual report.** (a) ~~Beginning~~ On or before March 15, 2025 each year, a  
12.20 student loan lender that secures, makes, or extends student loans in Minnesota must submit  
12.21 a report to the commissioner on the form the commissioner provides. The report must include  
12.22 for the previous calendar year:

12.23 (1) a list of all schools attended by borrowers who received a student loan from the  
12.24 student loan lender and resided within Minnesota at the time of the transaction and whose  
12.25 debt is still outstanding, including student loans used to refinance an existing debt;

12.26 (2) the total outstanding dollar amount owed by borrowers residing in Minnesota who  
12.27 received student loans from the student loan lender;

12.28 (3) the total number of student loans owed by borrowers residing in Minnesota who  
12.29 received student loans from the student loan lender;

12.30 (4) the total outstanding dollar amount and number of student loans owed by borrowers  
12.31 who reside in Minnesota, associated with each school identified under clause (1);

13.1 (5) the total dollar amount of student loans provided by the student loan lender to  
13.2 borrowers who resided in Minnesota in the prior calendar year;

13.3 (6) the total outstanding dollar amount and number of student loans owed by borrowers  
13.4 who resided in Minnesota, associated with each school identified under clause (1), that were  
13.5 provided in the prior calendar year;

13.6 (7) the rate of default for borrowers residing in Minnesota who obtained student loans  
13.7 from the student loan lender, if applicable;

13.8 (8) the rate of default for borrowers residing in Minnesota who obtained student loans  
13.9 from the student loan lender associated with each school identified under clause (1), if  
13.10 applicable;

13.11 (9) the range of initial interest rates for student loans provided by the student loan lender  
13.12 to borrowers who resided in Minnesota in the prior calendar year;

13.13 (10) the total number of borrowers who received student loans identified under clause  
13.14 (9), and the percentage of borrowers who received each rate identified under clause (9);

13.15 (11) the total dollar amount and number of student loans provided in the prior calendar  
13.16 year by the student loan lender to borrowers who resided in Minnesota at the time of the  
13.17 transaction and had a cosigner for the student loans;

13.18 (12) the total dollar amount and number of student loans provided by the student loan  
13.19 lender to borrowers residing in Minnesota used to refinance a prior student loan or federal  
13.20 student loan in the prior calendar year;

13.21 (13) the total dollar amount and number of student loans for which the student loan  
13.22 lender had sued to collect from a borrower residing in Minnesota in the prior calendar year;

13.23 (14) a copy of any model promissory note, agreement, contract, or other instrument used  
13.24 by the student loan lender in the previous year to substantiate that a borrower owes a new  
13.25 debt to the student loan lender; and

13.26 (15) any other information considered necessary by the commissioner to assess the total  
13.27 size and status of the student loan market and well-being of borrowers in Minnesota.

13.28 (b) In addition to annual reports, the commissioner may require additional regular or  
13.29 special reports as the commissioner deems necessary to properly supervise student loan  
13.30 lenders under this chapter.

13.31 (c) The commissioner of commerce must share data collected under this subdivision  
13.32 with the commissioner of higher education.

14.1 Sec. 13. Minnesota Statutes 2024, section 58B.03, subdivision 11, is amended to read:

14.2 Subd. 11. **Annual report from student loan servicers.** (a) ~~Beginning~~ On or before  
14.3 March 15, 2025 ~~each year~~, a student loan servicer that services student loans in Minnesota  
14.4 must submit a report to the commissioner on the form the commissioner provides. The  
14.5 report must include for the previous calendar year:

14.6 (1) a list of any outstanding student loans owed by borrowers who reside in Minnesota  
14.7 that are serviced by the student loan servicer;

14.8 (2) the total outstanding dollar amount and number of student loans that are serviced by  
14.9 the student loan servicer and owed by borrowers who reside in Minnesota;

14.10 (3) the total dollar amount and number of student loans owed by borrowers who resided  
14.11 in Minnesota that were serviced by the student loan servicer in the prior calendar year;

14.12 (4) the rate of default for student loans owed by borrowers who reside in Minnesota that  
14.13 are serviced by the student loan servicer, if applicable;

14.14 (5) the range of interest rates for student loans serviced by the student loan servicers to  
14.15 borrowers who resided in Minnesota in the prior calendar year;

14.16 (6) the total outstanding dollar amount and number of student loans that were serviced  
14.17 by the student loan servicer and owed by borrowers residing in Minnesota to refinance a  
14.18 prior student loan or federal student loan; and

14.19 (7) any other information considered necessary by the commissioner to assess the total  
14.20 size and status of the student loan market and well-being of borrowers in Minnesota.

14.21 (b) In addition to annual reports, the commissioner may require additional regular or  
14.22 special reports as the commissioner deems necessary to properly supervise student loan  
14.23 servicers under this chapter.

14.24 (c) The commissioner of commerce must share data collected under this subdivision  
14.25 with the commissioner of higher education.

14.26 Sec. 14. Minnesota Statutes 2024, section 58B.06, subdivision 4, is amended to read:

14.27 Subd. 4. **Transfer of student loan.** (a) If a borrower's student loan servicer changes  
14.28 pursuant to the sale, assignment, or transfer of the servicing, the original student loan servicer  
14.29 must: protect the borrower from negative consequences resulting from the sale, assignment,  
14.30 transfer, system conversion, or payment the borrower makes to the original loan servicer  
14.31 consistent with the original student loan servicer's policy. For purposes of this paragraph,  
14.32 "negative consequences" includes but is not limited to:

15.1 ~~(1) require the new student loan servicer to honor all benefits that were made available,~~  
15.2 ~~or which may have become available, to a borrower from the original student loan servicer~~  
15.3 ~~or are authorized under the student loan contract, including any benefits for which the student~~  
15.4 ~~loan borrower has not yet qualified unless that benefit is no longer available under the federal~~  
15.5 ~~or state laws and regulations; and negative credit reporting;~~

15.6 ~~(2) transfer to the new student loan servicer all information regarding the borrower, the~~  
15.7 ~~account of the borrower, and the borrower's student loan, including but not limited to the~~  
15.8 ~~repayment status of the student loan and the benefits described in clause (1). imposing late~~  
15.9 ~~fees that are not required by the promissory note; or~~

15.10 ~~(3) eligibility loss or denial for a benefit or protection established under federal law or~~  
15.11 ~~included in the loan contract.~~

15.12 ~~(b) The student loan servicer must complete the transfer under paragraph (a), clause (2),~~  
15.13 ~~less than 45 days from the date of the sale, assignment, or transfer of the servicing. If a~~  
15.14 ~~borrower's student loan servicer changes pursuant to the sale, assignment, or transfer of the~~  
15.15 ~~servicing, the original and new student loan servicer must provide a written notice to the~~  
15.16 ~~borrower subject to the transfer. The notice must be provided no less than 15 calendar days~~  
15.17 ~~before the transfer's effective date and must include:~~

15.18 ~~(1) the sale, assignment, or transfer's effective date;~~

15.19 ~~(2) the name, address, website, and toll-free telephone number for the original student~~  
15.20 ~~loan servicer's designated point of contact for the borrower to contact in order to obtain~~  
15.21 ~~answers to servicing inquiries;~~

15.22 ~~(3) the name, address, website, and toll-free telephone number for the new student loan~~  
15.23 ~~servicer's designated point of contact for the borrower to contact in order to obtain answers~~  
15.24 ~~to servicing inquiries;~~

15.25 ~~(4) the date the original student loan servicer stops accepting payments on the borrower's~~  
15.26 ~~student loan;~~

15.27 ~~(5) the date the new student loan servicer begins accepting payments on the borrower's~~  
15.28 ~~student loan;~~

15.29 ~~(6) information that indicates whether the borrower's authorization for recurring electronic~~  
15.30 ~~funds transfers, if applicable, is transferred to the new servicer. If a recurring electronic~~  
15.31 ~~funds transfer is not transferred, the transferee must provide information that explains how~~  
15.32 ~~the borrower may establish a new recurring electronic funds transfer with the new servicer;~~  
15.33 ~~and~~

16.1 (7) a statement that indicates the current loan balance, including the current unpaid  
16.2 amount of principal, interest, and fees.

16.3 ~~(c) A sale, assignment, or transfer of the servicing must be completed no less than seven~~  
16.4 ~~days from the date the next payment is due on the student loan. If a borrower's student loan~~  
16.5 ~~servicer changes pursuant to the sale, assignment, or transfer of the servicing, the original~~  
16.6 ~~student loan servicer must ensure all necessary information regarding a borrower, a borrower's~~  
16.7 ~~account, and a borrower's student loan accompanies a loan when the loan is transferred to~~  
16.8 ~~a new student loan servicer. The transfer of necessary information must occur within 45~~  
16.9 ~~calendar days of the sale, assignment, or transfer's effective date. For purposes of this~~  
16.10 ~~subdivision, "necessary information" includes but is not limited to:~~

16.11 (1) a schedule of all transactions credited or debited to the student loan account;

16.12 (2) a copy of the promissory note for the student loan;

16.13 (3) notes created by the student loan servicer's personnel that reflect communications  
16.14 with the borrower regarding the student loan account;

16.15 (4) a report of the data fields relating to the borrower's student loan account created by  
16.16 the student loan servicer's electronic systems in connection with servicing practices;

16.17 (5) copies or electronic records of information or documents the borrower provided to  
16.18 the student loan servicer;

16.19 (6) if applicable, usable data fields that contain information necessary to assess the  
16.20 borrower's eligibility for forgiveness, including public service loan forgiveness; and

16.21 (7) information necessary to compile a payment history.

16.22 ~~(d) A new student loan servicer must adopt policies and procedures to verify that the~~  
16.23 ~~original student loan servicer has met the requirements of paragraph (a) and implement~~  
16.24 ~~policies and procedures to verify that the original student loan servicer meets the requirements~~  
16.25 ~~of paragraph (c).~~

16.26 Sec. 15. Minnesota Statutes 2024, section 58B.06, subdivision 6, is amended to read:

16.27 Subd. 6. **Records.** A student loan servicer must maintain ~~adequate~~ complete and accurate  
16.28 records, including of all written communication and telephone recordings, for each student  
16.29 loan. The records must be maintained for not less than at least two years following the final  
16.30 payment on the student loan or the sale, assignment, or transfer of the servicing.

17.1 Sec. 16. Minnesota Statutes 2024, section 72A.18, subdivision 2, is amended to read:

17.2 Subd. 2. **Person.** "Person" means any individual, corporation, association, partnership,  
17.3 reciprocal exchange, interinsurer, Lloyds insurer, fraternal benefit society, or any other legal  
17.4 entity, engaged in the business of insurance, including an agent, a solicitor, ~~or~~ an adjuster  
17.5 ~~and~~, or an insurance lead generator. For the purposes of sections 72A.31 and 72A.32 "person"  
17.6 shall in addition mean any person, firm or corporation even though not engaged in the  
17.7 business of insurance.

17.8 Sec. 17. Minnesota Statutes 2024, section 72A.18, is amended by adding a subdivision to  
17.9 read:

17.10 Subd. 3. **Insurance lead generator.** (a) "Insurance lead generator" means a person who  
17.11 uses a lead-generating device to:

17.12 (1) publicize the availability of what is or what purports to be an insurance product or  
17.13 service that the person is not licensed to sell directly to a customer;

17.14 (2) identify a customer who may be interested in learning more about an insurance  
17.15 product; or

17.16 (3) sell or transmit customer information to an insurer or producer for the purposes of  
17.17 subsequent contact or sales activity.

17.18 (b) For the purposes of sections 72A.17 to 72A.32, insurance lead generator does not  
17.19 include an insurer, as defined under section 72A.201, subdivision 3, clause (9), or an  
17.20 insurance producer, as defined under section 60K.31, subdivision 6.

17.21 Sec. 18. Minnesota Statutes 2024, section 72A.18, is amended by adding a subdivision to  
17.22 read:

17.23 Subd. 4. **Lead-generating device.** "Lead-generating device" means communication  
17.24 directed to the public that, regardless of the communication's form, content, or stated purpose,  
17.25 is intended to result in compiling or qualifying a list containing names and other personal  
17.26 information to solicit Minnesota residents to purchase what is or what purports to be an  
17.27 insurance product or service.

17.28 Sec. 19. Minnesota Statutes 2024, section 72A.18, is amended by adding a subdivision to  
17.29 read:

17.30 Subd. 5. **Recording.** "Recording" means documenting a sale or verifying a call, including  
17.31 a virtual technology call, to market an insurance product or service.

18.1 Sec. 20. Minnesota Statutes 2024, section 72A.20, subdivision 2, is amended to read:

18.2 Subd. 2. **False information and advertising generally.** Making, publishing,  
18.3 disseminating, circulating, or placing before the public, or causing, directly or indirectly,  
18.4 to be made, published, disseminated, circulated, or placed before the public, in a newspaper,  
18.5 magazine, email, Internet advertisement or posting, or other publication, or in the form of  
18.6 a notice, circular, pamphlet, letter, electronic posting of any kind, or poster, or over any  
18.7 radio station, or using the Internet or other electronic means, or in any other way, an  
18.8 advertisement, announcement, or statement, containing any assertion, representation, or  
18.9 statement with respect to the business of insurance, or with respect to any person in the  
18.10 conduct of the person's insurance business, which is untrue, deceptive, or misleading, shall  
18.11 constitute an unfair method of competition and an unfair and deceptive act or practice.

18.12 Sec. 21. Minnesota Statutes 2024, section 72A.20, is amended by adding a subdivision to  
18.13 read:

18.14 Subd. 2a. **Failure to maintain certain records.** An insurance lead generator must  
18.15 maintain books, records, documents, and other business records in a manner that ensures  
18.16 data regarding complaints and marketing are accessible and retrievable for examination by  
18.17 the insurance commissioner. An insurance lead generator must maintain data under this  
18.18 subdivision for at least the current calendar year and the two preceding years.

18.19 Sec. 22. Minnesota Statutes 2024, section 80G.01, subdivision 5a, is amended to read:

18.20 Subd. 5a. **Minnesota transaction.** "Minnesota transaction" means a bullion product  
18.21 transaction conducted:

18.22 (1) by a dealer ~~that is incorporated, registered, domiciled, or otherwise located in~~  
18.23 ~~Minnesota;~~

18.24 (2) by a dealer representative at a location in Minnesota;

18.25 (3) between a dealer and a consumer ~~who lives in Minnesota;~~ or

18.26 (4) between a dealer and a Minnesota consumer when the transaction involves:

18.27 (i) delivering or shipping a bullion product to an address in Minnesota; or

18.28 ~~(ii) delivering to or shipping from a precious metal depository on behalf of a Minnesota~~  
18.29 ~~resident; or~~

19.1 ~~(iii)~~ (ii) making payment to a consumer or receiving a payment from a consumer at an  
19.2 address in Minnesota, unless the transaction occurs when the consumer is at a business  
19.3 location outside of Minnesota.

19.4 Sec. 23. **[82B.081] NOTICE TO COMMISSIONER.**

19.5 Subdivision 1. **Change of application information.** A licensee must provide notice to  
19.6 the commissioner if the information in the license application filed with the commissioner  
19.7 changes. The notice must be provided in writing or another format prescribed by the  
19.8 commissioner within ten days of the date the change occurs. For purposes of this subdivision,  
19.9 an information change requiring notice includes but is not limited to a change with respect  
19.10 to the licensee's personal name, trade name, address, or business location.

19.11 Subd. 2. **Civil judgment.** The licensee must notify the commissioner of a final adverse  
19.12 decision or court order, whether or not the decision or order is appealed, resulting from a  
19.13 proceeding in which the licensee was named as a defendant and the final adverse decision  
19.14 relates to fraud or misrepresentation. The notice must be provided in writing or another  
19.15 format prescribed by the commissioner within ten days of the date the final adverse decision  
19.16 or court order is issued.

19.17 Subd. 3. **Disciplinary action.** The licensee must notify the commissioner of a disciplinary  
19.18 action involving the licensee, including but not limited to a suspension or revocation of the  
19.19 licensee's real property appraiser license or another occupational license issued by Minnesota  
19.20 or another jurisdiction. The notice must be provided in writing or another format prescribed  
19.21 by the commissioner within ten days of the date the disciplinary action occurs.

19.22 Subd. 4. **Criminal offense.** The licensee must notify the commissioner if the licensee  
19.23 is charged with, is adjudged guilty of, or enters a plea of guilty or nolo contendere to a  
19.24 felony charge or a gross misdemeanor charge that alleges fraud, misrepresentation, or a  
19.25 similar violation of a real property appraiser licensing law. The notice must be provided in  
19.26 writing or another format prescribed by the commissioner within ten days of the date the  
19.27 charge, judgment, or plea occurs.

19.28 Sec. 24. **[82C.031] NOTICE TO COMMISSIONER.**

19.29 Subdivision 1. **Change of application information.** A licensee must provide notice to  
19.30 the commissioner if the information in the license application filed with the commissioner  
19.31 changes. The notice must be provided in writing or another format prescribed by the  
19.32 commissioner within ten days of the date the change occurs. For purposes of this subdivision,

20.1 an information change requiring notice includes but is not limited to a change with respect  
20.2 to the licensee's personal name, trade name, address, or business location.

20.3 Subd. 2. **Civil judgment.** The licensee must notify the commissioner of a final adverse  
20.4 decision or court order, whether or not the decision or order is appealed, resulting from a  
20.5 proceeding in which the licensee was named as a defendant and the final adverse decision  
20.6 relates to fraud or misrepresentation. The notice must be provided in writing or another  
20.7 format prescribed by the commissioner within ten days of the date the final adverse decision  
20.8 or court order is issued.

20.9 Subd. 3. **Disciplinary action.** The licensee must notify the commissioner of a disciplinary  
20.10 action involving the licensee, including but not limited to a suspension or revocation of the  
20.11 licensee's real property appraisal management company license issued by another jurisdiction.  
20.12 The notice must be provided in writing or another format prescribed by the commissioner  
20.13 within ten days of the date the disciplinary action occurs.

20.14 Subd. 4. **Criminal offense.** The licensee must notify the commissioner if the licensee  
20.15 is charged with, is adjudged guilty of, or enters a plea of guilty or nolo contendere to a  
20.16 felony charge or a gross misdemeanor charge that alleges fraud, misrepresentation, or a  
20.17 similar violation of a real property appraisal management company licensing law. The notice  
20.18 must be provided in writing or another format prescribed by the commissioner within ten  
20.19 days of the date the charge, judgment, or plea occurs.

20.20 Sec. 25. Minnesota Statutes 2024, section 325E.21, subdivision 1b, is amended to read:

20.21 Subd. 1b. **Purchase or acquisition record required.** (a) Every scrap metal dealer,  
20.22 including an agent, employee, or representative of the dealer, shall create a record written  
20.23 in English, using an electronic record program at the time of each purchase or acquisition  
20.24 of scrap metal or a motor vehicle. The record must include:

20.25 (1) a complete and accurate account or description, including the weight if customarily  
20.26 purchased by weight, of the scrap metal or motor vehicle purchased or acquired;

20.27 (2) the date, time, and place of the receipt of the scrap metal or motor vehicle purchased  
20.28 or acquired and a unique transaction identifier;

20.29 (3) a photocopy or electronic scan of the seller's:

20.30 (i) proof of identification including the identification number if the seller is an individual;

20.31 or

- 21.1        (ii) certificate of authority to transact business in Minnesota and business tax identification  
21.2        number, if the seller is an entity;
- 21.3        (4) the amount paid and the number of the check or electronic transfer used to purchase  
21.4        or acquire the scrap metal or motor vehicle;
- 21.5        (5) the license plate number and description of the vehicle used by the person when  
21.6        delivering the scrap metal or motor vehicle, including the vehicle make and model, and any  
21.7        identifying marks on the vehicle, such as a business name, decals, or markings, if applicable;
- 21.8        (6) a statement signed by the seller, under penalty of perjury as provided in section  
21.9        609.48, attesting that the scrap metal or motor vehicle is not stolen and is free of any liens  
21.10       or encumbrances and the seller has the right to sell it;
- 21.11       (7) a copy of the receipt, which must include at least the following information: the name  
21.12       and address of the dealer, the date and time the scrap metal or motor vehicle was received  
21.13       by the dealer, an accurate description of the scrap metal or motor vehicle, and the amount  
21.14       paid for the scrap metal or motor vehicle;
- 21.15       (8) the identity or identifier of the employee completing the transaction; and
- 21.16       (9) if the seller is attempting to sell copper metal, a photocopy or electronic scan of the  
21.17       seller's:
- 21.18       (i) current license to sell scrap metal copper issued by the commissioner under subdivision  
21.19       2c; or
- 21.20       (ii) the documentation used to support the seller being deemed to hold a license to sell  
21.21       scrap metal copper under subdivision 2c, paragraph (f), clauses (1) to (3).
- 21.22       (b) The record, as well as the scrap metal or motor vehicle purchased or acquired, shall  
21.23       at all reasonable times be open to the inspection of any properly identified law enforcement  
21.24       officer.
- 21.25       (c) Except for the purchase or acquisition of detached catalytic converters or motor  
21.26       vehicles, no record is required for property purchased or acquired from merchants,  
21.27       manufacturers, salvage pools, insurance companies, rental car companies, financial  
21.28       institutions, charities, dealers licensed under section 168.27, or wholesale dealers, having  
21.29       an established place of business, or of any goods purchased or acquired at open sale from  
21.30       any bankrupt stock, but a receipt as required under paragraph (a), clause (7), shall be obtained  
21.31       and kept by the person, which must be shown upon demand to any properly identified law  
21.32       enforcement officer.

22.1 (d) The dealer must provide a copy of the receipt required under paragraph (a), clause  
22.2 (7), to the seller in every transaction.

22.3 (e) The commissioner of public safety and law enforcement agencies in the jurisdiction  
22.4 where a dealer is located may conduct inspections and audits as necessary to ensure  
22.5 compliance, refer violations to the city or county attorney for criminal prosecution, and  
22.6 notify the registrar of motor vehicles.

22.7 (f) Except as otherwise provided in this section, a scrap metal dealer or the dealer's agent,  
22.8 employee, or representative may not disclose personal information concerning a customer  
22.9 without the customer's consent unless the disclosure is required by law or made in response  
22.10 to a request from a law enforcement agency. A scrap metal dealer must implement reasonable  
22.11 safeguards to protect the security of the personal information and prevent unauthorized  
22.12 access to or disclosure of the information. For purposes of this paragraph, "personal  
22.13 information" is any individually identifiable information gathered in connection with a  
22.14 record under paragraph (a).

22.15 Sec. 26. Minnesota Statutes 2024, section 325E.21, subdivision 2c, is amended to read:

22.16 Subd. 2c. **License required for scrap metal copper sale.** (a) Beginning January 1,  
22.17 2025, a person is prohibited from engaging in the sale of scrap metal copper unless the  
22.18 person has a valid license issued by the commissioner under this subdivision.

22.19 (b) On the first Friday of the months of April and October of each calendar year, from  
22.20 8:00 a.m. to 5:00 p.m., a scrap metal dealer may purchase up to \$25 of scrap metal copper  
22.21 from individuals who do not have an approved license to sell scrap metal copper under this  
22.22 subdivision. All other requirements of subdivision 1b apply and must be documented by  
22.23 the scrap metal dealer on the dates specified in this paragraph.

22.24 (c) A seller of scrap metal copper may apply to the commissioner on a form prescribed  
22.25 by the commissioner.

22.26 (1) The application form for an individual must include, at a minimum:

22.27 ~~(1)~~ (i) the name, permanent address, telephone number, and date of birth of the applicant;  
22.28 and

22.29 ~~(2)~~ (ii) an acknowledgment that the applicant obtained the copper by lawful means in  
22.30 the regular course of the applicant's business, trade, or authorized construction work.

22.31 (2) The application form for an entity must include, at a minimum:

23.1 (i) the name, legal entity type, principal business address, telephone number, and date  
23.2 of formation of the entity; and

23.3 (ii) an acknowledgment that the applicant obtained the copper by lawful means in the  
23.4 regular course of the applicant's business, trade, or authorized construction work.

23.5 (d) Each application must be accompanied by a nonrefundable fee of \$250.

23.6 (e) Within 30 days of the date an application is received, the commissioner may require  
23.7 additional information or submissions from an applicant and may obtain any document or  
23.8 information that is reasonably necessary to verify the information contained in the application.  
23.9 Within 90 days after the date a completed application is received, the commissioner must  
23.10 review the application and issue a license if the applicant is deemed qualified under this  
23.11 section. The commissioner may issue a license subject to restrictions or limitations. If the  
23.12 commissioner determines the applicant is not qualified, the commissioner must notify the  
23.13 applicant and must specify the reason for the denial.

23.14 (f) A person is deemed to hold a license to sell scrap metal copper if the person holds  
23.15 one of the following:

23.16 (1) a license to perform work pursuant to chapter 326B or section 103I.501;

23.17 (2) a document, certificate, or card of competency issued by a municipality to perform  
23.18 work in a given trade or craft in the building trades. The document, certificate, or card must  
23.19 state that the individual is authorized to sell scrap metal copper. This clause is effective  
23.20 January 1, 2025; or

23.21 (3) a Section 608 Technician Certification issued by the United States Environmental  
23.22 Protection Agency.

23.23 (g) A license issued under this subdivision is valid for one year. To renew a license, an  
23.24 applicant must submit a completed renewal application on a form prescribed by the  
23.25 commissioner and a renewal fee of \$250. The commissioner may request that a renewal  
23.26 applicant submit additional information to clarify any new information presented in the  
23.27 renewal application. A renewal application submitted after the renewal deadline must be  
23.28 accompanied by a nonrefundable late fee of \$500.

23.29 (h) The commissioner may deny a license renewal under this subdivision if:

23.30 (1) the commissioner determines that the applicant is in violation of or noncompliant  
23.31 with federal or state law; or

24.1 (2) the applicant fails to timely submit a renewal application and the information required  
24.2 under this subdivision.

24.3 (i) In lieu of denying a renewal application under paragraph (g), the commissioner may  
24.4 permit the applicant to submit to the commissioner a corrective action plan to cure or correct  
24.5 deficiencies.

24.6 (j) The commissioner may suspend, revoke, or place on probation a license issued under  
24.7 this subdivision if:

24.8 (1) the applicant engages in fraudulent activity that violates state or federal law;

24.9 (2) the commissioner receives consumer complaints that justify an action under this  
24.10 subdivision to protect the safety and interests of consumers;

24.11 (3) the applicant fails to pay an application license or renewal fee; or

24.12 (4) the applicant fails to comply with a requirement established in this subdivision.

24.13 (k) This subdivision does not apply to transfers by or to an auctioneer who is in  
24.14 compliance with chapter 330 and acting in the person's official role as an auctioneer to  
24.15 facilitate or conduct an auction of scrap metal.

24.16 (l) The commissioner must enforce this subdivision under chapter 45.

24.17 Sec. 27. Minnesota Statutes 2024, section 332.32, is amended to read:

24.18 **332.32 EXCLUSIONS.**

24.19 (a) The term "collection agency" does not include banks when collecting accounts owed  
24.20 to the banks and when the bank will sustain any loss arising from uncollectible accounts,  
24.21 abstract companies doing an escrow business, real estate brokers, public officers, persons  
24.22 acting under order of a court, lawyers, trust companies, insurance companies, credit unions,  
24.23 savings associations, loan or finance companies unless they are engaged in asserting,  
24.24 enforcing or prosecuting unsecured claims which have been purchased from any person,  
24.25 firm, or association when there is recourse to the seller for all or part of the claim if the  
24.26 claim is not collected.

24.27 (b) The term "collection agency" ~~shall~~ does not include a trade association performing  
24.28 services authorized by section 604.15, subdivision 4a, but the trade association in performing  
24.29 the services may not engage in any conduct that would be prohibited for a collection agency  
24.30 under section 332.37.

25.1 (c) The term "collection agency" does not include a residential mortgage servicer licensed  
25.2 under chapter 58 or a student loan servicer licensed under chapter 58B if the residential  
25.3 mortgage servicer or student loan servicer is engaging in activities subject to licensure under  
25.4 chapter 58 or 58B, as applicable.

25.5 Sec. 28. **REPEALER.**

25.6 (a) Minnesota Statutes 2024, section 53B.75, subdivisions 1, 2, 3, and 5, are repealed.

25.7 (b) Minnesota Statutes 2024, sections 53B.69, subdivisions 3b and 3c; and 53B.75,  
25.8 subdivision 4, are repealed.

25.9 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2026. Paragraph (b) is effective  
25.10 January 17, 2027.

## 25.11 **ARTICLE 2**

### 25.12 **TECHNICAL CHANGES**

25.13 Section 1. Minnesota Statutes 2025 Supplement, section 41A.09, subdivision 2a, is amended  
25.14 to read:

25.15 Subd. 2a. **Definitions.** For the purposes of this section, the terms defined in this  
25.16 subdivision have the meanings given them.

25.17 (a) "Ethanol" means fermentation ethyl alcohol derived from agricultural products,  
25.18 including potatoes, cereal grains, cheese whey, and sugar beets; forest products; or other  
25.19 renewable resources, including residue and waste generated from the production, processing,  
25.20 and marketing of agricultural products, forest products, and other renewable resources, that:

25.21 (1) meets all of the specifications in ASTM specification ~~D4806-21a~~ D4806; and

25.22 (2) is denatured as specified in Code of Federal Regulations, title 27, parts 20 and 21.

25.23 (b) "Ethanol plant" means a plant at which ethanol is produced.

25.24 (c) "Commissioner" means the commissioner of agriculture.

25.25 (d) "Rural economic infrastructure" means the development of activities that will enhance  
25.26 the value of agricultural crop or livestock commodities or by-products or waste from farming  
25.27 operations through new and improved value-added conversion processes and technologies,  
25.28 the development of more timely and efficient infrastructure delivery systems, and the  
25.29 enhancement of marketing opportunities. "Rural economic infrastructure" also means land,  
25.30 buildings, structures, fixtures, and improvements located or to be located in Minnesota and

26.1 used or operated primarily for the processing or the support of production of marketable  
26.2 products from agricultural commodities or wind energy produced in Minnesota.

26.3 Sec. 2. Minnesota Statutes 2024, section 46.044, subdivision 1, is amended to read:

26.4 Subdivision 1. **Issuance and conditions.** An application for a bank charter must be  
26.5 granted if (1) the applicants are of good moral character and financial integrity, (2) there is  
26.6 a reasonable public demand for this bank in this location, (3) the probable volume of business  
26.7 in this location is sufficient to ~~insure~~ ensure and maintain the solvency of the new bank and  
26.8 the solvency of the then existing bank or banks in the locality without endangering the safety  
26.9 of any bank in the locality as a place of deposit of public and private money, (4) the  
26.10 commissioner of commerce is satisfied that the proposed bank will be properly and safely  
26.11 managed, and (5) the commissioner is satisfied that the capital funds required pursuant to  
26.12 section 48.02 are available and the commissioner may accept any reasonable demonstration  
26.13 including subscription agreements supported by current financial statements. If the application  
26.14 does not satisfy the requirements of this subdivision, it must be denied. In case of the denial  
26.15 of the application, the commissioner of commerce shall specify the grounds for the denial.  
26.16 A person aggrieved may obtain judicial review of the determination in accordance with  
26.17 chapter 14.

26.18 Sec. 3. Minnesota Statutes 2024, section 48.195, is amended to read:

26.19 **48.195 INTEREST RATES; USURY LIMIT FOR DEPOSITORY INSTITUTIONS.**

26.20 Notwithstanding any law to the contrary, a bank, savings bank, savings association, or  
26.21 credit union organized under the laws of this state, or a national bank or federally chartered  
26.22 savings bank, savings association, or credit union, doing business in this state, may charge  
26.23 on any loan or discount made or upon any note, bill or other evidence of debt, except an  
26.24 extension of credit made pursuant to section 48.185, interest at a rate of not more than 4-1/2  
26.25 percent in excess of the discount rate, including any surcharge thereon, on 90-day commercial  
26.26 paper in effect at the Board of Governors of the Federal Reserve Bank ~~located in the Ninth~~  
26.27 ~~Federal Reserve District~~ System.

26.28 Sec. 4. Minnesota Statutes 2024, section 49.37, is amended to read:

26.29 **49.37 STOCKHOLDERS TO APPROVE; CERTIFICATE OF CONSOLIDATION**  
26.30 **OR MERGER.**

26.31 (a) Either before or after the consolidation or merger agreement has been approved by  
26.32 the commissioner of commerce, it must be submitted to the stockholders of each corporation

27.1 at a meeting thereof called, and it does not become binding upon the corporation until it has  
27.2 been approved at each of the meetings required by this section by the vote or ballot of the  
27.3 stockholders, holding at least a majority of the amount of stock of the respective corporations,  
27.4 or a higher percentage as may be required by the certificate of incorporation of the  
27.5 corporations. Proof of the holding of these meetings and the results thereof must be submitted  
27.6 to the commissioner of commerce.

27.7 (b) After the agreement called for by sections 49.33 to 49.41 has been approved by the  
27.8 stockholders of the respective corporations and by the commissioner of commerce, the ~~latter~~  
27.9 ~~shall~~ commissioner of commerce must issue a certificate reciting that the corporations have  
27.10 complied with the provisions of sections 49.34 to 49.41 and declaring the consolidation or  
27.11 merger of these corporations and the name of the consolidated or surviving corporation, the  
27.12 amount of capital stock thereof, the names of the first board of directors, and the place of  
27.13 business of the consolidated or surviving corporation, which must be within the city where  
27.14 any of the constituent corporations have been previously authorized to have their places of  
27.15 business.

27.16 (c) Upon the issuing of this certificate ~~and the filing of it for record in the Office of the~~  
27.17 ~~Secretary of State,~~ the incorporation is deemed to be complete in the case of the consolidation,  
27.18 and the assets of the constituent corporations merged into the survivor in the case of a  
27.19 merger, and the consolidated or surviving corporation shall, from the date of this certificate,  
27.20 have the term of corporate existence as may be specified in it, not exceeding the longest  
27.21 unexpired term of any constituent corporation. The certificate of the commissioner of  
27.22 commerce is prima facie evidence that all of the provisions of sections 49.34 to 49.41 have  
27.23 been complied with, and is conclusive evidence of the existence of the consolidated or  
27.24 surviving corporation.

27.25 Sec. 5. Minnesota Statutes 2024, section 58B.051, is amended to read:

27.26 **58B.051 REGISTRATION FOR LENDERS.**

27.27 (a) Beginning January 1, 2025, a lender must register with the commissioner as a lender  
27.28 before providing services in Minnesota. A lender must not offer or make a student loan to  
27.29 a resident of Minnesota without first registering with the commissioner as provided in this  
27.30 section.

27.31 (b) A registration application must include:

27.32 (1) the lender's name;

27.33 (2) the lender's address;

28.1 (3) the names of all officers, directors, owners, or other persons in control of an applicant,  
28.2 as defined in section 58B.02, subdivision 6; and

28.3 (4) any other information the commissioner requires ~~by rule~~.

28.4 (c) Registration issued or renewed expires December 31 of each year. A lender must  
28.5 renew the lender's registration on an annual basis.

28.6 (d) The commissioner may adopt and enforce:

28.7 (1) registration procedures for lenders, which may include using the Nationwide  
28.8 Multistate Licensing System and Registry;

28.9 (2) nonrefundable registration fees for lenders, which may include fees for using the  
28.10 Nationwide Multistate Licensing System and Registry, to be paid directly by the lender;

28.11 (3) procedures and nonrefundable fees to renew a lender's registration, which may include  
28.12 fees for the renewed use of Nationwide Multistate Licensing System and Registry, to be  
28.13 paid directly by the lender; and

28.14 (4) alternate registration procedures and nonrefundable fees for postsecondary education  
28.15 institutions that offer student loans.

28.16 Sec. 6. Minnesota Statutes 2024, section 60A.13, subdivision 1, is amended to read:

28.17 Subdivision 1. **Annual statements required.** Every insurance company, including  
28.18 fraternal benefit societies, and reciprocal exchanges, doing business in this state, shall file  
28.19 with the commissioner, ~~annually, on or before March 1,~~ the appropriate verified National  
28.20 Association of Insurance Commissioners' annual statement blank, on or before April 30 for  
28.21 all lines of insurance except health, which must be filed on or before May 31. The National  
28.22 Association of Insurance Commissioners' annual statement blank must be prepared in  
28.23 accordance with the association's instructions handbook and following those accounting  
28.24 procedures and practices prescribed by the association's accounting practices and procedures  
28.25 manual, unless the commissioner requires or finds another method of valuation reasonable  
28.26 under the circumstances. Another method of valuation permitted by the commissioner must  
28.27 be at least as conservative as those prescribed in the association's manual. All companies  
28.28 required to file an annual statement under this subdivision may also be required to file with  
28.29 the commissioner and the National Association of Insurance Commissioners a copy of their  
28.30 annual statement in an electronic form prescribed by the commissioner. All Minnesota  
28.31 domestic insurers required to file annual statements under this subdivision must also file  
28.32 quarterly statements with the commissioner for the first, second, and third calendar quarter  
28.33 on or before 45 days after the end of the applicable quarter, prepared in accordance with

29.1 the association's instruction handbook. All companies required to file quarterly statements  
 29.2 under this subdivision may also be required to file the quarterly statements with the  
 29.3 commissioner and the National Association of Insurance Commissioners in an electronic  
 29.4 form prescribed by the commissioner. In addition, the commissioner may require the filing  
 29.5 of any other information determined to be reasonably necessary for the continual enforcement  
 29.6 of these laws. The statement may be limited to the insurer's business and condition in the  
 29.7 United States unless the commissioner finds that the business conducted outside the United  
 29.8 States may detrimentally affect the interests of policyholders in this state. The statements  
 29.9 shall also contain a verified schedule showing all details required by law for assessment  
 29.10 and taxation. The statement or schedules shall be in the form and shall contain all matters  
 29.11 the commissioner may prescribe, and it may be varied as to different types of insurers so  
 29.12 as to elicit a true exhibit of the condition of each insurer.

29.13 Sec. 7. Minnesota Statutes 2024, section 60A.13, subdivision 6, is amended to read:

29.14 Subd. 6. **Company or agent cannot continue business unless statement is filed.** ~~No~~  
 29.15 A company shall transact is prohibited from transacting any new business in this state after  
 29.16 May August 31 in any year unless it shall have the company previously transmitted its  
 29.17 annual statement to the commissioner and filed a copy of its statement with the National  
 29.18 Association of Insurance Commissioners. The commissioner may by order annually require  
 29.19 that each insurer pay the required fee to the National Association of Insurance Commissioners  
 29.20 for the filing of annual statements, but the fee shall not be more than 50 percent greater than  
 29.21 the fee set by the National Association of Insurance Commissioners. Failure to file the  
 29.22 annual statement with the commissioner or the National Association of Insurance  
 29.23 Commissioners is a violation of section 72A.061, subdivision 1. The fee shall be based on  
 29.24 the relative premium volume of each insurer.

29.25 Sec. 8. Minnesota Statutes 2024, section 72A.061, subdivision 5, is amended to read:

29.26 Subd. 5. **Extensions.** The commissioner may grant an extension of any filing deadline  
 29.27 or requirement specified by this section, ~~on receiving, not less than ten days if the~~  
 29.28 commissioner receives a written request for an extension from the company before the date  
 29.29 of default, satisfactory evidence of imminent hardship to the company.

29.30 Sec. 9. Minnesota Statutes 2025 Supplement, section 239.761, subdivision 3, is amended  
 29.31 to read:

29.32 Subd. 3. **Gasoline.** (a) Gasoline that is not blended with biofuel must not be contaminated  
 29.33 with water or other impurities and must comply with ASTM specification ~~D4814-24a~~ D4814.

30.1 Gasoline that is not blended with biofuel must also comply with the volatility requirements  
30.2 in Code of Federal Regulations, title 40, part 1090.

30.3 (b) After gasoline is sold, transferred, or otherwise removed from a refinery or terminal,  
30.4 a person responsible for the product:

30.5 (1) may blend the gasoline with agriculturally derived ethanol as provided in subdivision  
30.6 4;

30.7 (2) shall not blend the gasoline with any oxygenate other than biofuel;

30.8 (3) shall not blend the gasoline with other petroleum products that are not gasoline or  
30.9 biofuel;

30.10 (4) shall not blend the gasoline with products commonly and commercially known as  
30.11 casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural  
30.12 gasoline; and

30.13 (5) may blend the gasoline with a detergent additive, an antiknock additive, or an additive  
30.14 designed to replace tetra-ethyl lead, that is registered by the EPA.

30.15 Sec. 10. Minnesota Statutes 2025 Supplement, section 239.761, subdivision 4, is amended  
30.16 to read:

30.17 Subd. 4. **Gasoline blended with ethanol; general.** (a) Gasoline may be blended with  
30.18 agriculturally derived, denatured ethanol that complies with the requirements of subdivision  
30.19 5.

30.20 (b) A gasoline-ethanol blend must:

30.21 (1) comply with the volatility requirements in Code of Federal Regulations, title 40, part  
30.22 1090;

30.23 (2) comply with ASTM specification ~~D4814-24a~~ D4814, or the gasoline base stock from  
30.24 which a gasoline-ethanol blend was produced must comply with ASTM specification  
30.25 ~~D4814-24a~~ D4814; and

30.26 (3) not be blended with casinghead gasoline, absorption gasoline, condensation gasoline,  
30.27 drip gasoline, or natural gasoline after the gasoline-ethanol blend has been sold, transferred,  
30.28 or otherwise removed from a refinery or terminal.

31.1 Sec. 11. Minnesota Statutes 2025 Supplement, section 239.761, subdivision 5, is amended  
31.2 to read:

31.3 Subd. 5. **Denatured ethanol.** Denatured ethanol that is to be blended with gasoline must  
31.4 be agriculturally derived and must comply with ASTM specification ~~D4806-21a~~ D4806.  
31.5 This includes the requirement that ethanol may be denatured only as specified in Code of  
31.6 Federal Regulations, title 27, parts 20 and 21.

31.7 Sec. 12. Minnesota Statutes 2025 Supplement, section 239.761, subdivision 6, is amended  
31.8 to read:

31.9 Subd. 6. **Gasoline blended with nonethanol oxygenate.** (a) A person responsible for  
31.10 the product shall comply with the following requirements:

31.11 (1) after July 1, 2000, gasoline containing in excess of one-third of one percent, in total,  
31.12 of nonethanol oxygenates listed in paragraph (b) must not be sold or offered for sale at any  
31.13 time in this state; and

31.14 (2) after July 1, 2005, gasoline containing any of the nonethanol oxygenates listed in  
31.15 paragraph (b) must not be sold or offered for sale in this state.

31.16 (b) The oxygenates prohibited under paragraph (a) are:

31.17 (1) methyl tertiary butyl ether, as defined in section 296A.01, subdivision 34;

31.18 (2) ethyl tertiary butyl ether, as defined in section 296A.01, subdivision 18; or

31.19 (3) tertiary amyl methyl ether.

31.20 (c) Gasoline that is blended with a nonethanol oxygenate must comply with ASTM  
31.21 specification ~~D4814-24a~~ D4814. Nonethanol oxygenates must not be blended into gasoline  
31.22 after the gasoline has been sold, transferred, or otherwise removed from a refinery or terminal.

31.23 Sec. 13. Minnesota Statutes 2024, section 239.761, subdivision 7, is amended to read:

31.24 Subd. 7. **Heating fuel oil.** Heating fuel oil must comply with ASTM specification  
31.25 ~~D396-12~~ D396.

31.26 Sec. 14. Minnesota Statutes 2024, section 239.761, subdivision 8, is amended to read:

31.27 Subd. 8. **Diesel fuel oil.** (a) When diesel fuel oil is not blended with biodiesel, it must  
31.28 comply with ASTM specification ~~D975-12a~~ D975.

32.1 (b) When diesel fuel oil is a blend of up to five volume percent biodiesel, the diesel  
32.2 component must comply with ASTM specification ~~D975-12a~~ D975 and the biodiesel  
32.3 component must comply with ASTM specification ~~D6751-11b~~ D6751.

32.4 Sec. 15. Minnesota Statutes 2024, section 239.761, subdivision 9, is amended to read:

32.5 Subd. 9. **Kerosene.** Kerosene must comply with ASTM specification ~~D3699-08~~ D3699.

32.6 Sec. 16. Minnesota Statutes 2024, section 239.761, subdivision 10, is amended to read:

32.7 Subd. 10. **Aviation gasoline.** Aviation gasoline must comply with ASTM specification  
32.8 ~~D910-11~~ D910.

32.9 Sec. 17. Minnesota Statutes 2024, section 239.761, subdivision 11, is amended to read:

32.10 Subd. 11. **Aviation turbine fuel, jet fuel.** Aviation turbine fuel and jet fuel must comply  
32.11 with ASTM specification ~~D1655-12~~ D1655.

32.12 Sec. 18. Minnesota Statutes 2024, section 239.761, subdivision 12, is amended to read:

32.13 Subd. 12. **Gas turbine fuel oil.** Fuel oil for use in nonaviation gas turbine engines must  
32.14 comply with ASTM specification ~~D2880-03~~ D2880.

32.15 Sec. 19. Minnesota Statutes 2024, section 239.761, subdivision 13, is amended to read:

32.16 Subd. 13. **E85.** A blend of ethanol and gasoline, containing not more than 85 percent  
32.17 ethanol, produced for use as a motor fuel in alternative fuel vehicles as defined in section  
32.18 296A.01, subdivision 5, must comply with ASTM specification ~~D5798-11~~ D5798.

32.19 Sec. 20. Minnesota Statutes 2024, section 239.761, subdivision 14, is amended to read:

32.20 Subd. 14. **M85.** A blend of methanol and gasoline, containing at least 70 percent methanol  
32.21 and not more than 85 percent methanol, produced for use as a motor fuel in alternative fuel  
32.22 vehicles as defined in section 296A.01, subdivision 5, must comply with ASTM specification  
32.23 ~~D5797-07~~ D5797.

32.24 Sec. 21. Minnesota Statutes 2024, section 239.761, subdivision 16, is amended to read:

32.25 Subd. 16. **Biodiesel fuel definition.** "Biodiesel fuel" means a renewable, biodegradable,  
32.26 mono alkyl ester combustible liquid that is derived from agricultural plant oils or animal  
32.27 fats and that meets American Society for Testing and Materials (ASTM) specification  
32.28 ~~D6751-11b~~ D6751 for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

33.1 Sec. 22. Minnesota Statutes 2024, section 239.761, subdivision 17, is amended to read:

33.2 Subd. 17. **Grade 82 unleaded aviation gasoline.** Grade 82 unleaded aviation gasoline  
33.3 must comply with ASTM specification ~~D6227-12~~ D6227.

33.4 Sec. 23. Minnesota Statutes 2024, section 239.77, subdivision 1, is amended to read:

33.5 Subdivision 1. **Biodiesel blend and fuel.** (a) "Biodiesel blend" is a blend of diesel fuel  
33.6 and biodiesel fuel between six percent and 20 percent for on-road and off-road diesel-fueled  
33.7 vehicle use. Biodiesel blend must comply with ASTM specification ~~D7467-10~~ D7467.

33.8 (b) "Biodiesel fuel" means a renewable, biodegradable, mono alkyl ester combustible  
33.9 liquid fuel that is derived from agricultural and other plant oils or animal fats and that meets  
33.10 American Society for Testing and Materials specification ~~D6751-11b~~ D6751 for Biodiesel  
33.11 Fuel (B100) Blend Stock for Distillate Fuels.

33.12 (c) Biodiesel produced from palm oil is not biodiesel fuel for the purposes of this section,  
33.13 unless the palm oil is contained within waste oil and grease collected within the United  
33.14 States or Canada.

33.15 Sec. 24. Minnesota Statutes 2024, section 296A.01, subdivision 7, is amended to read:

33.16 Subd. 7. **Aviation gasoline.** "Aviation gasoline" means any gasoline that is used to  
33.17 produce or generate power for propelling internal combustion engine aircraft.

33.18 Aviation gasoline includes any gasoline:

33.19 (1) is invoiced and billed by a producer, manufacturer, refiner, or blender to a distributor  
33.20 or dealer, by a distributor to a dealer or consumer, or by a dealer to consumer, as "aviation  
33.21 gasoline" that meets specifications in ASTM specification ~~D910-16~~ D910 or any other  
33.22 ASTM specification as gasoline appropriate for use in producing or generating power for  
33.23 propelling internal combustion engine aircraft; or

33.24 (2) sold to a dealer of aviation gasoline for dispensing directly into the fuel tank of an  
33.25 aircraft.

33.26 Sec. 25. Minnesota Statutes 2024, section 296A.01, subdivision 8, is amended to read:

33.27 Subd. 8. **Aviation turbine fuel and jet fuel.** "Aviation turbine fuel" and "jet fuel" mean  
33.28 blends of hydrocarbons derived from crude petroleum, natural gasoline, and synthetic  
33.29 hydrocarbons, intended for use in aviation turbine engines, and that meet the specifications  
33.30 in ASTM specification ~~D1655-12~~ D1655.

34.1 Sec. 26. Minnesota Statutes 2024, section 296A.01, subdivision 14, is amended to read:

34.2 Subd. 14. **Diesel fuel oil.** "Diesel fuel oil" means a petroleum distillate or blend of  
34.3 petroleum distillate and residual fuels that is intended for use as a motor fuel in internal  
34.4 combustion diesel engines and that meets ASTM specification ~~D975-11b~~ D975.

34.5 Sec. 27. Minnesota Statutes 2024, section 296A.01, subdivision 19, is amended to read:

34.6 Subd. 19. **E85.** "E85" means a petroleum product that is a blend of agriculturally derived  
34.7 denatured ethanol and gasoline or natural gasoline that contains not more than 85 percent  
34.8 ethanol by volume, but at a minimum must contain greater than 50 percent ethanol by  
34.9 volume. For the purposes of this chapter, the energy content of E85 will be considered to  
34.10 be 82,000 BTUs per gallon. E85 produced for use as a motor fuel in alternative fuel vehicles  
34.11 as defined in subdivision 5 must comply with ASTM specification ~~D5798-11~~ D5798.

34.12 Sec. 28. Minnesota Statutes 2025 Supplement, section 296A.01, subdivision 20, is amended  
34.13 to read:

34.14 Subd. 20. **Ethanol, denatured.** "Ethanol, denatured" means ethanol that is to be blended  
34.15 with gasoline, has been agriculturally derived, and complies with ASTM specification  
34.16 ~~D4806-21a~~ D4806. This includes the requirement that ethanol may be denatured only as  
34.17 specified in Code of Federal Regulations, title 27, parts 20 and 21.

34.18 Sec. 29. Minnesota Statutes 2024, section 296A.01, subdivision 22, is amended to read:

34.19 Subd. 22. **Gas turbine fuel oil.** "Gas turbine fuel oil" means fuel that contains mixtures  
34.20 of hydrocarbon oils free of inorganic acid and excessive amounts of solid or fibrous foreign  
34.21 matter, intended for use in nonaviation gas turbine engines, and that meets the specifications  
34.22 in ASTM specification ~~D2880-03~~ D2880.

34.23 Sec. 30. Minnesota Statutes 2025 Supplement, section 296A.01, subdivision 23, is amended  
34.24 to read:

34.25 Subd. 23. **Gasoline.** (a) "Gasoline" means:

34.26 (1) all products commonly or commercially known or sold as gasoline regardless of  
34.27 their classification or uses, except casinghead gasoline, absorption gasoline, condensation  
34.28 gasoline, drip gasoline, or natural gasoline that under the requirements of section 239.761,  
34.29 subdivision 3, must not be blended with gasoline that has been sold, transferred, or otherwise  
34.30 removed from a refinery or terminal; and

35.1 (2) any liquid prepared, advertised, offered for sale or sold for use as, or commonly and  
35.2 commercially used as, a fuel in spark-ignition, internal combustion engines, and that when  
35.3 tested by the Weights and Measures Division meets the specifications in ASTM specification  
35.4 ~~D4814-24a~~ D4814.

35.5 (b) Gasoline that is not blended with ethanol must not be contaminated with water or  
35.6 other impurities and must comply with both ASTM specification ~~D4814-24a~~ D4814 and  
35.7 the volatility requirements in Code of Federal Regulations, title 40, part 1090.

35.8 (c) After gasoline is sold, transferred, or otherwise removed from a refinery or terminal,  
35.9 a person responsible for the product:

35.10 (1) may blend the gasoline with agriculturally derived ethanol, as provided in subdivision  
35.11 24;

35.12 (2) must not blend the gasoline with any oxygenate other than denatured, agriculturally  
35.13 derived ethanol;

35.14 (3) must not blend the gasoline with other petroleum products that are not gasoline or  
35.15 denatured, agriculturally derived ethanol;

35.16 (4) must not blend the gasoline with products commonly and commercially known as  
35.17 casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural  
35.18 gasoline; and

35.19 (5) may blend the gasoline with a detergent additive, an antiknock additive, or an additive  
35.20 designed to replace tetra-ethyl lead, that is registered by the EPA.

35.21 Sec. 31. Minnesota Statutes 2025 Supplement, section 296A.01, subdivision 24, is amended  
35.22 to read:

35.23 Subd. 24. **Gasoline blended with nonethanol oxygenate.** "Gasoline blended with  
35.24 nonethanol oxygenate" means gasoline blended with ETBE, MTBE, or other alcohol or  
35.25 ether, except denatured ethanol, that is approved as an oxygenate by the EPA, and that  
35.26 complies with ASTM specification ~~D4814-24a~~ D4814. Oxygenates, other than denatured  
35.27 ethanol, must not be blended into gasoline after the gasoline has been sold, transferred, or  
35.28 otherwise removed from a refinery or terminal.

36.1 Sec. 32. Minnesota Statutes 2024, section 296A.01, subdivision 26, is amended to read:

36.2 Subd. 26. **Heating fuel oil.** "Heating fuel oil" means a petroleum distillate, blend of  
36.3 petroleum distillates and residuals, or petroleum residual heating fuel that meets the  
36.4 specifications in ASTM specification ~~D396-12~~ D396.

36.5 Sec. 33. Minnesota Statutes 2024, section 296A.01, subdivision 28, is amended to read:

36.6 Subd. 28. **Kerosene.** "Kerosene" means a refined petroleum distillate consisting of a  
36.7 homogeneous mixture of hydrocarbons essentially free of water, inorganic acidic and basic  
36.8 compounds, and excessive amounts of particulate contaminants and that meets the  
36.9 specifications in ASTM specification ~~D3699-08~~ D3699.

36.10 Sec. 34. Minnesota Statutes 2024, section 296A.01, subdivision 35, is amended to read:

36.11 Subd. 35. **M85.** "M85" means a petroleum product that is a liquid fuel blend of methanol  
36.12 and gasoline that contains at least 70 percent methanol and not more than 85 percent methanol  
36.13 by volume. For the purposes of this chapter, the energy content of M85 will be considered  
36.14 to be 65,000 BTUs per gallon. M85 produced for use as a motor fuel in alternative fuel  
36.15 vehicles, as defined in subdivision 5, must comply with ASTM specification ~~D5797-07~~  
36.16 D5797.

36.17 Sec. 35. **REPEALER.**

36.18 Minnesota Statutes 2024, section 48.158, is repealed.

36.19 **ARTICLE 3**  
36.20 **SECURITIES**

36.21 Section 1. Minnesota Statutes 2024, section 80A.50, is amended to read:

36.22 **80A.50 SECTION 302; FEDERAL COVERED SECURITIES; SMALL**  
36.23 **CORPORATE OFFERING REGISTRATION.**

36.24 (a) **Federal covered securities.**

36.25 (1) **Required filing of records.** With respect to a federal covered security, as defined  
36.26 in Section 18(b)(2) of the Securities Act of 1933 (15 U.S.C. Section 77r(b)(2)), that is not  
36.27 otherwise exempt under sections 80A.45 through 80A.47, a rule adopted or order issued  
36.28 under this chapter may require the filing of any or all of the following records:

36.29 (A) before the initial offer of a federal covered security in this state, all records that are  
36.30 part of a federal registration statement filed with the Securities and Exchange Commission

37.1 under the Securities Act of 1933 and a consent to service of process complying with section  
37.2 80A.88 signed by the issuer;

37.3 (B) after the initial offer of the federal covered security in this state, all records that are  
37.4 part of an amendment to a federal registration statement filed with the Securities and  
37.5 Exchange Commission under the Securities Act of 1933; and

37.6 (C) to the extent necessary or appropriate to compute fees, a report of the value of the  
37.7 federal covered securities sold or offered to persons present in this state, if the sales data  
37.8 are not included in records filed with the Securities and Exchange Commission.

37.9 (2) **Notice filing effectiveness and renewal.** A notice filing under subsection (a) is  
37.10 effective for one year commencing on the later of the notice filing or the effectiveness of  
37.11 the offering filed with the Securities and Exchange Commission. On or before expiration,  
37.12 the issuer may renew a notice filing by filing a copy of those records filed by the issuer with  
37.13 the Securities and Exchange Commission that are required by rule or order under this chapter  
37.14 to be filed. A previously filed consent to service of process complying with section 80A.88  
37.15 may be incorporated by reference in a renewal. A renewed notice filing becomes effective  
37.16 upon the expiration of the filing being renewed.

37.17 (3) **Notice filings for federal covered securities under section 18(b)(4)(D).** With  
37.18 respect to a security that is a federal covered security under Section 18(b)(4)(D) of the  
37.19 Securities Act of 1933 (15 U.S.C. Section 77r(b)(4)(D)), a rule under this chapter may  
37.20 require a notice filing by or on behalf of an issuer to include a copy of Form D, including  
37.21 the Appendix, as promulgated by the Securities and Exchange Commission, and a consent  
37.22 to service of process complying with section 80A.88 signed by the issuer not later than 15  
37.23 days after the first sale of the federal covered security in this state.

37.24 (4) **Stop orders.** Except with respect to a federal security under Section 18(b)(1) of the  
37.25 Securities Act of 1933 (15 U.S.C. Section 77r(b)(1)), if the administrator finds that there is  
37.26 a failure to comply with a notice or fee requirement of this section, the administrator may  
37.27 issue a stop order suspending the offer and sale of a federal covered security in this state.  
37.28 If the deficiency is corrected, the stop order is void as of the time of its issuance and no  
37.29 penalty may be imposed by the administrator.

37.30 (b) **Small corporation offering registration.**

37.31 (1) **Registration required.** A security meeting the conditions set forth in this section  
37.32 may be registered as set forth in this section.

38.1 (2) **Availability.** Registration under this section is available only to the issuer of securities  
38.2 and not to an affiliate of the issuer or to any other person for resale of the issuer's securities.  
38.3 The issuer must be organized under the laws of one of the states or possessions of the United  
38.4 States. The securities offered must be exempt from registration under the Securities Act of  
38.5 1933 pursuant to Rule 504 of Regulation D (15 U.S.C. Section 77c).

38.6 (3) **Disqualification.** Registration under this section is not available to any of the  
38.7 following issuers:

38.8 (A) an issuer subject to the reporting requirements of Section 13 or 15(d) of the Securities  
38.9 Exchange Act of 1934;

38.10 (B) an investment company;

38.11 (C) a development stage company that either has no specific business plan or purpose  
38.12 or has indicated that its business plan is to engage in a merger or acquisition with an  
38.13 unidentified company or companies or other entity or person;

38.14 (D) an issuer if the issuer or any of its predecessors, officers, directors, governors,  
38.15 partners, ten percent stock or equity holders, promoters, or any selling agents of the securities  
38.16 to be offered, or any officer, director, governor, or partner of the selling agent:

38.17 (i) has filed a registration statement that is the subject of a currently effective registration  
38.18 stop order entered under a federal or state securities law within five years before the filing  
38.19 of the small corporate offering registration application;

38.20 (ii) has been convicted within five years before the filing of the small corporate offering  
38.21 registration application of a felony or misdemeanor in connection with the offer, purchase,  
38.22 or sale of a security or a felony involving fraud or deceit, including, but not limited to,  
38.23 forgery, embezzlement, obtaining money under false pretenses, larceny, or conspiracy to  
38.24 defraud;

38.25 (iii) is currently subject to a state administrative enforcement order or judgment entered  
38.26 by a state securities administrator or the Securities and Exchange Commission within five  
38.27 years before the filing of the small corporate offering registration application, or is subject  
38.28 to a federal or state administrative enforcement order or judgment in which fraud or deceit,  
38.29 including, but not limited to, making untrue statements of material facts or omitting to state  
38.30 material facts, was found and the order or judgment was entered within five years before  
38.31 the filing of the small corporate offering registration application;

38.32 (iv) is currently subject to an order, judgment, or decree of a court of competent  
38.33 jurisdiction temporarily restraining or enjoining, or is subject to an order, judgment, or

39.1 decree of a court of competent jurisdiction permanently restraining or enjoining the party  
39.2 from engaging in or continuing any conduct or practice in connection with the purchase or  
39.3 sale of any security or involving the making of a false filing with a state or with the Securities  
39.4 and Exchange Commission entered within five years before the filing of the small corporate  
39.5 offering registration application; or

39.6 (v) is subject to a state's administrative enforcement order, or judgment that prohibits,  
39.7 denies, or revokes the use of an exemption for registration in connection with the offer,  
39.8 purchase, or sale of securities,

39.9 (I) except that clauses (i) to (iv) do not apply if the person subject to the disqualification  
39.10 is duly licensed or registered to conduct securities-related business in the state in which the  
39.11 administrative order or judgment was entered against the person or if the dealer employing  
39.12 the party is licensed or registered in this state and the form BD filed in this state discloses  
39.13 the order, conviction, judgment, or decree relating to the person, and

39.14 (II) except that the disqualification under this subdivision is automatically waived if the  
39.15 state securities administrator or federal agency that created the basis for disqualification  
39.16 determines upon a showing of good cause that it is not necessary under the circumstances  
39.17 to deny the registration.

39.18 **(4) Filing and effectiveness of registration statement.** A small corporate offering  
39.19 registration statement must be filed with the administrator. If no stop order is in effect and  
39.20 no proceeding is pending under section 80A.54, such registration statement shall become  
39.21 effective automatically at the close of business on the 20th day after filing of the registration  
39.22 statement or the last amendment of the registration statement or at such earlier time as the  
39.23 administrator may designate by rule or order. For the purposes of a nonissuer transaction,  
39.24 other than by an affiliate of the issuer, all outstanding securities of the same class identified  
39.25 in the small corporate offering registration statement as a security registered under this  
39.26 chapter are considered to be registered while the small corporate offering registration  
39.27 statement is effective. A small corporate offering registration statement is effective for one  
39.28 year after its effective date or for any longer period designated in an order under this chapter.  
39.29 A small corporate offering registration statement may be withdrawn only with the approval  
39.30 of the administrator.

39.31 **(5) Contents of registration statement.** A small corporate offering registration statement  
39.32 under this section shall be on Form U-7, including exhibits required by the instructions  
39.33 thereto, as adopted by the North American Securities Administrators Association, or such  
39.34 alternative form as may be designated by the administrator by rule or order and must include:

40.1 (A) a consent to service of process complying with section 80A.88;

40.2 (B) a statement of the type and amount of securities to be offered and the amount of  
40.3 securities to be offered in this state;

40.4 (C) a specimen or copy of the security being registered, unless the security is  
40.5 uncertificated, a copy of the issuer's articles of incorporation and bylaws or their substantial  
40.6 equivalents in effect, and a copy of any indenture or other instrument covering the security  
40.7 to be registered;

40.8 (D) a signed or conformed copy of an opinion of counsel concerning the legality of the  
40.9 securities being registered which states whether the securities, when sold, will be validly  
40.10 issued, fully paid, and nonassessable and, if debt securities, binding obligations of the issuer;

40.11 (E) the states (i) in which the securities are proposed to be offered; (ii) in which a  
40.12 registration statement or similar filing has been made in connection with the offering  
40.13 including information as to effectiveness of each such filing; and (iii) in which a stop order  
40.14 or similar proceeding has been entered or in which proceedings or actions seeking such an  
40.15 order are pending;

40.16 (F) a copy of the offering document proposed to be delivered to offerees; and

40.17 (G) a copy of any other pamphlet, circular, form letter, advertisement, or other sales  
40.18 literature intended as of the effective date to be used in connection with the offering and  
40.19 any solicitation of interest used in compliance with section 80A.46(17)(B).

40.20 (6) **Copy to purchaser.** A copy of the offering document as filed with the administrator  
40.21 must be delivered to each person purchasing the securities prior to sale of the securities to  
40.22 such person.

40.23 (c) **Offering limit.** Offers and sales of securities under a small corporate offering  
40.24 registration as set forth in this section are allowed up to the limit prescribed by Code of  
40.25 Federal Regulations, title 17, part 230.504 (b)(2), as amended.

40.26 (d) **Regulation A - Tier 2 filing requirements.**

40.27 (1) **Initial filing.** An issuer planning to offer and sell securities in Minnesota in an  
40.28 offering exempt under Tier 2 of federal Regulation A must, at least 21 calendar days before  
40.29 the date of the initial sale of securities in Minnesota, submit to the administrator:

40.30 (A) a completed Regulation A - Tier 2 offering notice filing form or copies of all the  
40.31 documents filed with the Securities Exchange Commission; and

41.1 (B) a consent to service of process on Form U-2, if consent to service of process is not  
41.2 provided in the Regulation A - Tier 2 offering notice filing form.

41.3 The initial notice filing made in Minnesota is effective for 12 months after the date the  
41.4 filing is made.

41.5 (2) **Renewal.** For each additional 12-month period in which the same offering is  
41.6 continued, an issuer conducting a Tier 2 offering under federal Regulation A may renew  
41.7 the notice filing by filing (i) the Regulation A - Tier 2 offering notice filing form marked  
41.8 "renewal," or (ii) a cover letter or other document requesting renewal. The renewal filing  
41.9 must be made on or before the date notice filing expires.

41.10 (3) **Amendment.** An issuer may increase the amount of securities offered in Minnesota  
41.11 by submitting a Regulation A - Tier 2 offering notice filing form or other document  
41.12 describing the transaction.

41.13 (e) Notice filing requirement for federal crowdfunding offerings. This paragraph  
41.14 applies to offerings made under Regulation Crowdfunding, Code of Federal Regulations,  
41.15 title 17, part 227, and sections 4(a)(6) and 18(b)(4)(C) of the Securities Act of 1933, United  
41.16 States Code, title 15, sections 77d(A)(6) and 77r(b)(4)(C).

41.17 (1) Initial filing. An issuer that (i) offers and sells securities in Minnesota in an offering  
41.18 exempt under federal Regulation Crowdfunding, and (ii) has a principal place of business  
41.19 in Minnesota or sells at least 50 percent of the offering's aggregate amount to Minnesota  
41.20 residents, must file with the administrator:

41.21 (A) a completed Uniform Notice of Federal Crowdfunding Offering form or copies of  
41.22 all documents filed with the Securities and Exchange Commission; and

41.23 (B) if the issuer is not filing on the Uniform Notice of Federal Crowdfunding Offering  
41.24 form, consent to service of process on Form U-2.

41.25 If the issuer's principal place of business is in Minnesota, the initial filing must be submitted  
41.26 with the administrator when the issuer makes the issuer's initial Form C filing concerning  
41.27 the offering with the Securities and Exchange Commission. If the issuer's principal place  
41.28 of business is not in Minnesota but Minnesota residents have purchased at least 50 percent  
41.29 of the aggregate amount of the offering, the filing must be submitted when the issuer becomes  
41.30 aware that the aggregate purchases made by Minnesota residents meets the threshold, but  
41.31 no later than 30 days after the date the offering is complete. The initial notice filing is  
41.32 effective for a 12-month period beginning on the date the initial filing is submitted to the  
41.33 administrator.

42.1 (2) **Renewal.** For each additional 12-month period in which a single offering is continued,  
42.2 an issuer conducting an offering under federal Regulation Crowdfunding may renew the  
42.3 issuer's notice filing by filing with the administrator on or before the date the current notice  
42.4 filing expires:

42.5 (A) a completed Uniform Notice of Federal Crowdfunding Offering form that is marked  
42.6 "renewal"; or

42.7 (B) a cover letter or other document requesting renewal.

42.8 (3) **Amendment.** An issuer may increase the amount of securities offered in Minnesota  
42.9 by submitting (i) a completed Uniform Notice of Federal Crowdfunding Offering form that  
42.10 is marked "amendment," or (ii) another document that describes the modified transaction.

42.11 Sec. 2. Minnesota Statutes 2025 Supplement, section 80A.66, is amended to read:

42.12 **80A.66 SECTION 411; POSTREGISTRATION REQUIREMENTS.**

42.13 (a) **Financial requirements.** Subject to Section 15(h) of the Securities Exchange Act  
42.14 of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the Investment Advisers Act of 1940  
42.15 (15 U.S.C. Section 80b-22), a rule adopted or order issued under this chapter may establish  
42.16 minimum financial requirements for broker-dealers registered or required to be registered  
42.17 under this chapter and investment advisers registered or required to be registered under this  
42.18 chapter.

42.19 (b) **Financial reports.** Subject to Section 15(h) of the Securities Exchange Act of 1934  
42.20 (15 U.S.C. Section 78o(h)) or Section 222(b) of the Investment Advisers Act of 1940 (15  
42.21 U.S.C. Section 80b-22), a broker-dealer registered or required to be registered under this  
42.22 chapter and an investment adviser registered or required to be registered under this chapter  
42.23 shall file such financial reports as are required by a rule adopted or order issued under this  
42.24 chapter. If the information contained in a record filed under this subsection is or becomes  
42.25 inaccurate or incomplete in a material respect, the registrant shall promptly file a correcting  
42.26 amendment.

42.27 (c) **Record keeping.** Subject to Section 15(h) of the Securities Exchange Act of 1934  
42.28 (15 U.S.C. Section 78o(h)) or Section 222 of the Investment Advisers Act of 1940 (15  
42.29 U.S.C. Section 80b-22):

42.30 (1) a broker-dealer registered or required to be registered under this chapter and an  
42.31 investment adviser registered or required to be registered under this chapter shall make and  
42.32 maintain the accounts, correspondence, memoranda, papers, books, and other records  
42.33 required by rule adopted or order issued under this chapter;

43.1 (2) broker-dealer records required to be maintained under paragraph (1) may be  
43.2 maintained in any form of data storage acceptable under Section 17(a) of the Securities  
43.3 Exchange Act of 1934 (15 U.S.C. Section 78q(a)) if they are readily accessible to the  
43.4 administrator; ~~and~~

43.5 (3) a broker-dealer must establish and maintain: (i) a set of written supervisory procedures  
43.6 that reasonably prevent and detect violations of chapter 80A; Minnesota Rules, chapter  
43.7 2876; or related orders issued by the commissioner; and (ii) a system to apply the procedures  
43.8 established under this clause. The procedures must designate by name or title a number of  
43.9 supervisory employees that is reasonable relative to the number of the broker-dealer's  
43.10 registered agents, offices, and transactions in Minnesota. A copy of the written procedures  
43.11 and the system to apply the procedures must be kept and maintained at each branch office  
43.12 affiliated with the broker-dealer. A broker-dealer may use electronic media in accordance  
43.13 with FINRA Rule 3110.11, or any successor federal law, to satisfy its obligation under this  
43.14 paragraph; and

43.15 ~~(3)~~ (4) investment adviser records required to be maintained under paragraph (d)(1) may  
43.16 be maintained in any form of data storage required by rule adopted or order issued under  
43.17 this chapter.

43.18 **(d) Records and reports of private funds.**

43.19 (1) **In general.** An investment adviser to a private fund shall maintain such records of,  
43.20 and file with the administrator such reports and amendments thereto, that an exempt reporting  
43.21 adviser is required to file with the Securities and Exchange Commission pursuant to SEC  
43.22 Rule 204-4, Code of Federal Regulations, title 17, section 275.204-4.

43.23 (2) **Treatment of records.** The records and reports of any private fund to which an  
43.24 investment adviser provides investment advice shall be deemed to be the records and reports  
43.25 of the investment adviser.

43.26 (3) **Required information.** The records and reports required to be maintained by an  
43.27 investment adviser, which are subject to inspection by a representative of the administrator  
43.28 at any time, shall include for each private fund advised by the investment adviser, a  
43.29 description of:

43.30 (A) the amount of assets under management;

43.31 (B) the use of leverage, including off-balance-sheet leverage, as to the assets under  
43.32 management;

43.33 (C) counterparty credit risk exposure;

- 44.1 (D) trading and investment positions;
- 44.2 (E) valuation policies and practices of the fund;
- 44.3 (F) types of assets held;
- 44.4 (G) side arrangements or side letters, whereby certain investors in a fund obtain more  
44.5 favorable rights or entitlements than other investors;
- 44.6 (H) trading practices; and
- 44.7 (I) such other information as the administrator determines is necessary and appropriate  
44.8 in the public interest and for the protection of investors, which may include the establishment  
44.9 of different reporting requirements for different classes of fund advisers, based on the type  
44.10 or size of the private fund being advised.
- 44.11 (4) **Filing of records.** A rule or order under this chapter may require each investment  
44.12 adviser to a private fund to file reports containing such information as the administrator  
44.13 deems necessary and appropriate in the public interest and for the protection of investors.
- 44.14 (e) **Audits or inspections.** The records of a broker-dealer registered or required to be  
44.15 registered under this chapter and of an investment adviser registered or required to be  
44.16 registered under this chapter, including the records of a private fund described in paragraph  
44.17 (d) and the records of investment advisers to private funds, are subject to such reasonable  
44.18 periodic, special, or other audits or inspections by a representative of the administrator,  
44.19 within or without this state, as the administrator considers necessary or appropriate in the  
44.20 public interest and for the protection of investors. An audit or inspection may be made at  
44.21 any time and without prior notice. The administrator may copy, and remove for audit or  
44.22 inspection copies of, all records the administrator reasonably considers necessary or  
44.23 appropriate to conduct the audit or inspection. The administrator may assess a reasonable  
44.24 charge for conducting an audit or inspection under this subsection.
- 44.25 (f) **Custody and discretionary authority bond or insurance.** Subject to Section 15(h)  
44.26 of the Securities Exchange Act of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the  
44.27 Investment Advisers Act of 1940 (15 U.S.C. Section 80b-22), a rule adopted or order issued  
44.28 under this chapter may require a broker-dealer or investment adviser that has custody of or  
44.29 discretionary authority over funds or securities of a customer or client to obtain insurance  
44.30 or post a bond or other satisfactory form of security in an amount of at least \$25,000, but  
44.31 not to exceed \$100,000. The administrator may determine the requirements of the insurance,  
44.32 bond, or other satisfactory form of security. Insurance or a bond or other satisfactory form  
44.33 of security may not be required of a broker-dealer registered under this chapter whose net

45.1 capital exceeds, or of an investment adviser registered under this chapter whose minimum  
45.2 financial requirements exceed, the amounts required by rule or order under this chapter.  
45.3 The insurance, bond, or other satisfactory form of security must permit an action by a person  
45.4 to enforce any liability on the insurance, bond, or other satisfactory form of security if  
45.5 instituted within the time limitations in section 80A.76(j)(2).

45.6 (g) **Requirements for custody.** Subject to Section 15(h) of the Securities Exchange Act  
45.7 of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the Investment Advisers Act of 1940  
45.8 (15 U.S.C. Section 80b-22), an agent may not have custody of funds or securities of a  
45.9 customer except under the supervision of a broker-dealer and an investment adviser  
45.10 representative may not have custody of funds or securities of a client except under the  
45.11 supervision of an investment adviser or a federal covered investment adviser. A rule adopted  
45.12 or order issued under this chapter may prohibit, limit, or impose conditions on a broker-dealer  
45.13 regarding custody of funds or securities of a customer and on an investment adviser regarding  
45.14 custody of securities or funds of a client.

45.15 (h) **Investment adviser brochure rule.** With respect to an investment adviser registered  
45.16 or required to be registered under this chapter, a rule adopted or order issued under this  
45.17 chapter may require that information or other record be furnished or disseminated to clients  
45.18 or prospective clients in this state as necessary or appropriate in the public interest and for  
45.19 the protection of investors and advisory clients.

45.20 (i) **Continuing education.** A rule adopted or order issued under this chapter may require  
45.21 an individual registered under section 80A.57 or 80A.58 to participate in a continuing  
45.22 education program approved by the Securities and Exchange Commission and administered  
45.23 by a self-regulatory organization, the North American Securities Administrators Association,  
45.24 or the commissioner.

45.25 (j) **Business continuity and succession plan.** An investment adviser registered or  
45.26 required to be registered under this chapter must establish, maintain, and enforce written  
45.27 policies and procedures relating to business continuity and succession planning. At a  
45.28 minimum, the policies and procedures under this paragraph must provide:

45.29 (1) a means to protect, back up, and recover books and records;

45.30 (2) an alternate method to provide notice to customers; key personnel; employees;  
45.31 vendors; service providers, including third-party custodians; and regulators, regarding issues  
45.32 pertaining to the investment adviser's business operations, including but not limited to  
45.33 significant business interruption, the death or unavailability of key personnel, other disruption  
45.34 to business activities, or ceasing business operations;

46.1 (3) a plan to relocate the office space for a principal place of business that is subject to  
46.2 a temporary or permanent loss;

46.3 (4) a plan to assign duties to qualified responsible persons if key personnel die or are  
46.4 otherwise unavailable; and

46.5 (5) a plan to otherwise minimize service disruption and client harm that might result  
46.6 from sudden and significant business interruption.

46.7 (k) **Physical security and cybersecurity policies and procedures.** An investment  
46.8 adviser registered or required to be registered under this chapter must establish, implement,  
46.9 update, and enforce written physical security and cybersecurity policies and procedures that  
46.10 are designed to ensure the confidentiality, integrity, and availability of physical and electronic  
46.11 records and information. The policies and procedures must be tailored to the investment  
46.12 adviser's business model and must take into account the investment adviser's business size,  
46.13 type of service provided, and number of locations.

46.14 (1) The physical security and cybersecurity policies and procedures must:

46.15 (A) protect against reasonably anticipated threats or hazards to the security or integrity  
46.16 of client records and information;

46.17 (B) ensure that the investment adviser protects confidential client records and information;  
46.18 and

46.19 (C) protect client records and information that, if released, might result in harm or  
46.20 inconvenience to the client.

46.21 (2) At a minimum, the physical security and cybersecurity policies and procedures must  
46.22 develop and implement:

46.23 (A) an organizational understanding to manage information security risk with respect  
46.24 to systems, assets, data, and capabilities;

46.25 (B) safeguards to ensure delivery of critical infrastructure services;

46.26 (C) actions and tools to identify when an information security event occurs;

46.27 (D) actions to take when an information security event is detected; and

46.28 (E) plans for security and system resilience, and to restore capabilities or services that  
46.29 are impaired due to an information security event.

46.30 (3) At the time a client engages an investment adviser and on an annual basis thereafter,  
46.31 an investment adviser must deliver to the client a privacy policy that is reasonably designed

47.1 to assist the client understand how the investment adviser collects and shares, to the extent  
47.2 permitted by state and federal law, nonpublic personal information. If information in the  
47.3 policy becomes materially inaccurate, the investment adviser must promptly update and  
47.4 deliver an amended privacy policy to the client.

47.5 (l) **Written confirmation.** A broker-dealer must promptly provide to the customer a  
47.6 written confirmation at or before completing a transaction in accordance with FINRA Rule  
47.7 2232, or any successor federal law. The confirmation must:

47.8 (1) describe the security purchased or sold, the date of the transaction, the price of the  
47.9 security purchased or sold, and any commission charged;

47.10 (2) indicate whether the broker-dealer acted for the broker-dealer's account, as an agent  
47.11 for a customer, as an agent for another person, or as an agent for both a customer and another  
47.12 person;

47.13 (3) if the broker-dealer is acting as an agent for a customer, include (i) the name of the  
47.14 person who purchased the security, (ii) the name of the person who sold the security, or (iii)  
47.15 a statement that the information in item (i) or (ii) is available to a customer on request if  
47.16 the broker-dealer knows the information or is able to ascertain the information with  
47.17 reasonable diligence;

47.18 (4) indicate whether the transaction was unsolicited; and

47.19 (5) indicate the name of the agent that executed the transaction.

47.20 A broker-dealer that complies with Securities and Exchange Commission Rule 10b-10,  
47.21 Code of Federal Regulations, title 17, part 240.10b-10, or article III, section 12, of the  
47.22 Financial Industry Regulatory Authority Rules of Fair Practice, complies with this paragraph.

47.23 (m) **Conditions; stipulations; provisions.** A broker-dealer is prohibited from entering  
47.24 into a contract with a customer if the contract contains a condition, stipulation, or provision  
47.25 that binds the customer to waive rights under chapter 80A; Minnesota Rules, chapter 2876;  
47.26 or an order issued by the commissioner. A condition, stipulation, or provision included in  
47.27 a contract subject to this paragraph is void.

47.28 (n) **Principal office; employment.** A broker-dealer whose principal office is located in  
47.29 Minnesota must have at least one registered person employed on a full-time basis at the  
47.30 principal office located in Minnesota. This paragraph does not apply to a broker-dealer  
47.31 engaged solely in offering and selling:

47.32 (1) interests in a direct participation program; or

48.1 (2) securities issued by open-end investment companies, face amount certificate  
48.2 companies, or unit investment trusts registered under the Investment Company Act of 1940,  
48.3 United States Code, title 15, sections 80a-1 to 80a-64.

48.4 Sec. 3. Minnesota Statutes 2024, section 80A.69, is amended to read:

48.5 **80A.69 SECTION 502; PROHIBITED CONDUCT IN PROVIDING INVESTMENT**  
48.6 **ADVICE.**

48.7 (a) **Fraud in providing investment advice.** It is unlawful for a person that advises  
48.8 others for compensation, either directly or indirectly or through publications or writings, as  
48.9 to the value of securities or the advisability of investing in, purchasing, or selling securities  
48.10 or that, for compensation and as part of a regular business, issues or promulgates analyses  
48.11 or reports relating to securities:

48.12 (1) to employ a device, scheme, or artifice to defraud another person; or

48.13 (2) to engage in an act, practice, or course of business that operates or would operate as  
48.14 a fraud or deceit upon another person.

48.15 (b) **Rules defining fraud.** A rule adopted under this chapter may define an act, practice,  
48.16 or course of business of an investment adviser or an investment adviser representative, other  
48.17 than a supervised person of a federal covered investment adviser, as fraudulent, deceptive,  
48.18 or manipulative, and prescribe means reasonably designed to prevent investment advisers  
48.19 and investment adviser representatives, other than supervised persons of a federal covered  
48.20 investment adviser, from engaging in acts, practices, and courses of business defined as  
48.21 fraudulent, deceptive, or manipulative.

48.22 (c) **Rules specifying contents of advisory contract.** A rule adopted under this chapter  
48.23 may specify the contents of an investment advisory contract entered into, extended, or  
48.24 renewed by an investment adviser.

48.25 Sec. 4. **[80A.691] BROKER-DEALERS; AGENTS; DISHONEST OR UNETHICAL**  
48.26 **BUSINESS PRACTICES.**

48.27 Subdivision 1. **Broker-dealers; standards and principles.** A broker-dealer must observe  
48.28 high standards of commercial honor and just and equitable principles of trade when  
48.29 conducting the broker-dealer's business. An act or practice that is contrary to the standards  
48.30 constitutes grounds for the administrator to deny, suspend, or revoke the broker-dealer's  
48.31 registration or to take other action authorized by statute. For purposes of this subdivision,  
48.32 an act or practice that is contrary to the standards includes:

49.1 (1) engaging in a pattern of unreasonable and unjustifiable delays with respect to: (i)  
49.2 delivering securities purchased by a customer; or (ii) upon request, paying free credit balances  
49.3 reflecting a customer's completed transactions;

49.4 (2) inducing trading in a customer's account that is excessive in size or frequency  
49.5 considering the account's financial resources and character;

49.6 (3) recommending that a customer purchase, sell, or exchange a security without  
49.7 reasonable grounds to believe the transaction or recommendation is suitable for the customer,  
49.8 based on: (i) a reasonable inquiry regarding the customer's investment objectives, financial  
49.9 situation, and needs; and (ii) other relevant information known by the broker-dealer;

49.10 (4) making a recommendation of any security transaction or investment strategy involving  
49.11 securities, including account recommendations, to a retail customer if the recommendation  
49.12 does not comply with the obligations set forth in Code of Federal Regulations, title 17,  
49.13 section 240.151-1;

49.14 (5) executing a transaction on behalf of a customer without the customer's authorization;

49.15 (6) exercising discretionary power to effect a transaction for a customer's account without  
49.16 first obtaining written discretionary authority from the customer, unless the discretionary  
49.17 power relates solely to the time the order is executed or the order's price;

49.18 (7) executing a transaction in a margin account without securing from the customer a  
49.19 properly executed written margin agreement promptly after the account's initial transaction;

49.20 (8) failing to segregate customers' free securities or securities held in safekeeping;

49.21 (9) hypothecating a customer's securities without having a lien on the customer's  
49.22 securities, unless the broker-dealer secures the customer's properly executed written consent  
49.23 promptly after the initial transaction, except as permitted by Securities and Exchange  
49.24 Commission regulations;

49.25 (10) entering into a transaction with or for a customer at a price that is not reasonably  
49.26 related to the security's current market price, or receiving an unreasonable commission or  
49.27 profit;

49.28 (11) failing to furnish to a customer purchasing securities in an offering, no later than  
49.29 the due date for the transaction's confirmation: (i) a final prospectus; or (ii) a preliminary  
49.30 prospectus and an additional document that, when combined with the preliminary prospectus,  
49.31 includes all of the information included in the final prospectus;

50.1 (12) charging an unreasonable or inequitable fee for services performed, including: (i)  
50.2 miscellaneous services that include but are not limited to collecting money due for principal,  
50.3 dividends or interest, exchanging or transferring securities, appraisals, safekeeping, or  
50.4 maintaining custody of securities; and (ii) other services related to the broker-dealer's  
50.5 securities business;

50.6 (13) offering to buy or sell a security at a stated price if the broker-dealer is not prepared  
50.7 to purchase or sell at the stated price and under the stated conditions at the time the offer  
50.8 to buy or sell is made;

50.9 (14) representing that a security is being offered to a customer "at the market" or at a  
50.10 price relevant to the market price, unless the broker-dealer knows or has reasonable grounds  
50.11 to believe a market for the security exists other than the market made, created, or controlled  
50.12 by: (i) the broker-dealer; (ii) a person for whom the broker-dealer is acting or with whom  
50.13 the broker-dealer is associated with respect to the security's distribution; or (iii) a person  
50.14 controlled by, controlling, or under common control with the broker-dealer;

50.15 (15) effecting a transaction in, or inducing the purchase or sale of, a security using a  
50.16 manipulative, deceptive, or fraudulent device, practice, plan, program, design, or contrivance,  
50.17 which includes but is not limited to:

50.18 (i) effecting a transaction in a security that involves no change in the security's beneficial  
50.19 ownership;

50.20 (ii) entering an order to purchase or sell a security with the knowledge that at least one  
50.21 other order for the same security that is substantially the same size, entered at substantially  
50.22 the same time, and for substantially the same price as the order has been or will be entered  
50.23 by or for the same or a different party to create (A) a false or misleading appearance of  
50.24 active trading in the security, or (B) a false or misleading appearance with respect to the  
50.25 market for the security. This item does not prohibit a broker-dealer from entering bona fide  
50.26 agency cross transactions for the broker-dealer's customers; or

50.27 (iii) effecting, alone or with another person, a series of transactions in a security that  
50.28 creates actual or apparent active trading in the security, or raises or reduces the price of the  
50.29 security, to induce others to purchase or sell the security;

50.30 (16) guaranteeing a customer against loss in: (i) a securities account the broker-dealer  
50.31 carries for the customer; (ii) a securities transaction effected by the broker-dealer; or (iii) a  
50.32 securities transaction effected by the broker-dealer with or for the customer;

51.1 (17) publishing or circulating, or causing to be published or circulated, a notice, circular,  
51.2 advertisement, newspaper article, investment service, or communication of any kind that  
51.3 purports to: (i) report a transaction as a purchase or sale of a security, unless the broker-dealer  
51.4 believes that the transaction was a bona fide purchase or sale of the security; or (ii) quote  
51.5 the bid price or asked price for a security, unless the broker-dealer believes the quote  
51.6 represents a bona fide bid for or offer of the security;

51.7 (18) using an advertising or sales presentation in a manner that is deceptive or misleading,  
51.8 including but not limited to distributing: (i) nonfactual data, material, or a presentation based  
51.9 on conjecture, unfounded claims, or unrealistic claims; or (ii) assertions in a brochure, flyer,  
51.10 or display using words, pictures, graphs, or other representations that are designed to  
51.11 supplement, detract from, supersede, or defeat a prospectus' or disclosure's purpose or effect;

51.12 (19) failing to disclose to a customer, before entering into a contract with or for a customer  
51.13 to purchase or sell a security, that the broker-dealer is controlled by, controlling, affiliated  
51.14 with, or under common control with the security's issuer. If a disclosure under this clause  
51.15 is not made in writing, the disclosure must be supplemented by giving or sending written  
51.16 disclosure before or at the time the transaction is completed;

51.17 (20) failing to make a bona fide public offering of all of the securities allotted to a  
51.18 broker-dealer for distribution, whether the securities are acquired as an underwriter, as a  
51.19 selling group member, or from a member participating in the distribution as an underwriter  
51.20 or selling group member;

51.21 (21) failing or refusing to: (i) furnish a customer, upon reasonable request, information  
51.22 the customer is entitled to; or (ii) respond to a formal written request or complaint;

51.23 (22) failing to pay and fully satisfy a final judgment or arbitration award resulting from  
51.24 an arbitration or court proceeding relating to an investment and initiated by the customer,  
51.25 unless: (i) the customer and broker-dealer, or broker-dealer's agent, agree in writing to an  
51.26 alternative payment arrangement; and (ii) the broker-dealer or broker-dealer's agent complies  
51.27 with the terms of the alternative payment arrangement;

51.28 (23) attempting to avoid paying a final judgment or arbitration award resulting from an  
51.29 arbitration or court proceeding relating to an investment and initiated by the customer,  
51.30 unless: (i) the customer and broker-dealer, or broker-dealer's agent, agree in writing to an  
51.31 alternative payment arrangement; and (ii) the broker-dealer or broker-dealer's agent complies  
51.32 with the terms of the alternative payment arrangement;

51.33 (24) failing to pay and fully satisfy a fine, civil penalty, order of restitution, order of  
51.34 disgorgement, or similar monetary payment obligation imposed upon the broker-dealer or

- 52.1 broker-dealer's agent by the Securities and Exchange Commission, a state or provincial  
52.2 securities or other financial services regulator, or a self-regulatory organization;
- 52.3 (25) accessing a client's account by using the client's unique identifying information,  
52.4 including but not limited to the client's username and password;
- 52.5 (26) in connection with soliciting a sale or purchase of an over-the-counter non-NASDAQ  
52.6 security, failing to promptly provide the most current prospectus or the most recently filed  
52.7 periodic report filed under Section 13 of the Securities Exchange Act of 1934, United States  
52.8 Code, title 15, section 78m, as amended, if the broker-dealer receives a request from a  
52.9 customer;
- 52.10 (27) marking an order ticket or confirmation as unsolicited if the transaction is solicited;
- 52.11 (28) for each month in which activity has occurred in a customer's account and no less  
52.12 frequently than once every three months regardless of whether customer account activity  
52.13 has occurred, failing to provide the customer with an account statement that, with respect  
52.14 to all over-the-counter non-NASDAQ equity securities in the account, contains a value for  
52.15 each security based on the closing market bid on a date certain. This clause applies only if  
52.16 the broker-dealer has been a market maker in the security at any time during the month in  
52.17 which the monthly or quarterly statement is issued; or
- 52.18 (29) failing to comply with an applicable provision of the Financial Industry Regulatory  
52.19 Authority conduct rules or an applicable fair practice or ethical standard promulgated by  
52.20 the Securities and Exchange Commission or a self-regulatory organization approved by the  
52.21 Securities and Exchange Commission.
- 52.22 Subd. 2. **Broker-dealer's agents; standards and principles.** A broker-dealer's agent  
52.23 must observe high standards of commercial honor and just and equitable principles of trade  
52.24 when conducting the broker-dealer's agent's business. An act or practice that is contrary to  
52.25 the standards constitutes grounds for the administrator to deny, suspend, or revoke the  
52.26 broker-dealer's agent's registration or to take other action authorized by statute. For purposes  
52.27 of this subdivision, an act or practice that is contrary to the standards includes:
- 52.28 (1) lending to or borrowing from a customer money or securities, or acting as a custodian  
52.29 for a customer's money, securities, or executed stock power, unless otherwise permissible  
52.30 under FINRA Rule 3240 or any successor federal law;
- 52.31 (2) effecting securities transactions that are not recorded on the regular books or records  
52.32 maintained by the broker-dealer the broker-dealer's agent represents, unless the transactions  
52.33 are authorized in writing by the broker-dealer before executing the transaction or exempt

53.1 as subscription-way transactions under Rule 17a-3 of the Securities Exchange Act of 1934  
 53.2 or any successor federal law;

53.3 (3) establishing or maintaining an account that contains fictitious information in order  
 53.4 to execute transactions that are otherwise prohibited;

53.5 (4) sharing directly or indirectly in profits or losses in a customer account without the  
 53.6 written authorization from the customer and the broker-dealer the broker-dealer's agent  
 53.7 represents;

53.8 (5) dividing or otherwise splitting the broker-dealer's agent's commissions, profits, or  
 53.9 other compensation from purchasing or selling securities with a person who is not also  
 53.10 registered as a broker-dealer's agent for the same broker-dealer or for a broker-dealer under  
 53.11 direct or indirect common control or unless otherwise allowed under Securities and Exchange  
 53.12 Commission rules, guidance, or authorization; or

53.13 (6) engaging in the conduct specified under subdivision 1, clause (2), (3), (4), (5), (6),  
 53.14 (7), (10), (11), (15), (16), (17), (18), (22), (23), (24), (25), (26), (27), (28), or (29).

53.15 Subd. 3. **Conduct specified not exclusive.** The conduct identified as a violation under  
 53.16 subdivisions 1 and 2 is not exclusive. A broker-dealer or broker-dealer's agent that engages  
 53.17 in other conduct, including but not limited to forgery, embezzlement, nondisclosure,  
 53.18 incomplete disclosure, misstatement of material facts, or manipulative or deceptive practices,  
 53.19 is also subject to denial, suspension, or revocation of registration.

53.20 Sec. 5. Minnesota Statutes 2024, section 80C.12, subdivision 1, is amended to read:

53.21 Subdivision 1. **Grounds.** The commissioner, with or without prior notice or hearing,  
 53.22 may issue a cease and desist order and may issue an order denying, suspending or revoking  
 53.23 any registration, amendment or exemption on finding any of the following:

53.24 ~~(a)~~ (1) that the applicant, registrant or franchisor or any officer, director, agent or  
 53.25 employee thereof or any other person has violated or failed to comply with any provision  
 53.26 of sections 80C.01 to 80C.22 or any rule or order of the commissioner;

53.27 ~~(b)~~ (2) that the offer, sale, or purchase of the franchise would constitute misrepresentation  
 53.28 to or deceit or fraud upon purchasers thereof, or has worked or tended to work a fraud upon  
 53.29 purchasers or would so operate;

53.30 ~~(c)~~ (3) that the applicant, registrant or franchisor or any officer, director, agent or  
 53.31 employee thereof or any other person is engaging or about to engage in false, fraudulent or  
 53.32 deceptive practices in connection with the offer and sale of a franchise;

54.1 ~~(d)~~ (4) that any person identified in a public offering statement has been: (i) convicted  
 54.2 of an offense or held liable in a civil action by final judgment described in section 80C.04,  
 54.3 subdivision 1, paragraph (e), clause ~~(5)~~ (1), has a civil or criminal action pending as described  
 54.4 in section 80C.04, subdivision 1, paragraph (e), clause (5), or is subject to an order, ~~or has~~  
 54.5 had a civil judgment entered against the person as described in section 80C.04, clause ~~(5)~~,  
 54.6 described in section 80C.04, subdivision 1, paragraph (e), clauses (2) to (4); and (ii) the  
 54.7 involvement of the person in the business of the applicant or franchisor creates a substantial  
 54.8 risk to prospective franchisees;

54.9 ~~(e)~~ (5) that the financial condition of the franchisor adversely affects or would adversely  
 54.10 affect the ability of the franchisor to fulfill its obligations under the franchise agreement;

54.11 ~~(f)~~ (6) that the franchisor's enterprise or method of business includes or would include  
 54.12 activities which are illegal where performed; or

54.13 ~~(g)~~ (7) that the method of sale or proposed method of sale of franchises or the operation  
 54.14 of the business of the franchisor or any term or condition of the franchise agreement or any  
 54.15 practice of the franchisor is or would be unfair or inequitable to franchisees.

#### 54.16 ARTICLE 4

#### 54.17 UNCLAIMED PROPERTY

54.18 Section 1. Minnesota Statutes 2024, section 345.31, is amended by adding a subdivision  
 54.19 to read:

54.20 Subd. 10. **Virtual currency.** "Virtual currency" means a digital representation of value  
 54.21 used as a medium of exchange, unit of account, or store of value that does not have legal  
 54.22 tender status recognized by the United States. Virtual currency does not include:

54.23 (1) software or protocols governing the transfer of the digital representation of value;

54.24 (2) game-related digital content; or

54.25 (3) a loyalty card or gift card.

54.26 Sec. 2. [345.382] FUNDS HELD FOR THE PREPAYMENT OF  
 54.27 FUNERAL-RELATED EXPENSES.

54.28 Funds on deposit or held in trust for the prepayment of a funeral or other funeral-related  
 54.29 expenses are presumed abandoned at the earliest of:

54.30 (1) three years after the date of death of the beneficiary;

55.1 (2) one year after the date the beneficiary has attained, or would have attained if living,  
55.2 the age of 105, if the holder does not know whether the beneficiary is deceased; or

55.3 (3) 30 years after the contract for prepayment was executed.

55.4 Sec. 3. **[345.383] EXEMPTION FOR CERTAIN PROPERTY HELD IN**  
55.5 **TAX-DEFERRED ACCOUNTS.**

55.6 Property held in a plan described in section 529 or 529A of the Internal Revenue Code,  
55.7 as amended, are exempt from the requirements of sections 345.31 to 345.60.

55.8 Sec. 4. **[345.384] VIRTUAL CURRENCY.**

55.9 (a) Virtual currency is presumed abandoned three years after the apparent owner's latest  
55.10 indication of interest in the virtual currency.

55.11 (b) For purposes of this section, an indication of an apparent owner's interest in virtual  
55.12 currency includes:

55.13 (1) a record communicated by the apparent owner to the holder or agent of the holder  
55.14 concerning the property or the account in which the property is held;

55.15 (2) an oral communication by the apparent owner to the holder or agent of the holder  
55.16 concerning the property or the account in which the property is held, if the holder or its  
55.17 agent contemporaneously makes and preserves a record of the fact of the apparent owner's  
55.18 communication;

55.19 (3) a distribution, or evidence of receipt of a distribution made by electronic or similar  
55.20 means; or

55.21 (4) activity directed by an apparent owner in the account in which the property is held,  
55.22 including accessing the account or information concerning the account, or a direction by  
55.23 the apparent owner to increase, decrease, or otherwise change the amount or type of virtual  
55.24 currency held in the account.

55.25 (c) An action by an agent or other representative of an apparent owner, other than the  
55.26 holder acting as the apparent owner's agent, is presumed to be an action on behalf of the  
55.27 apparent owner.

55.28 (d) A communication with an apparent owner by a person other than the holder or the  
55.29 holder's representative is not an indication of interest in the property by the apparent owner  
55.30 unless a record of the communication evidences the apparent owner's knowledge of a right  
55.31 to the property.

56.1 Sec. 5. Minnesota Statutes 2024, section 345.43, is amended by adding a subdivision to  
56.2 read:

56.3 Subd. 2b. **Virtual currency.** (a) If property reported to the commissioner is virtual  
56.4 currency, the holder must liquidate the virtual currency and remit the proceeds to the  
56.5 commissioner.

56.6 (b) The liquidation must occur anytime within 30 days before filing the report under  
56.7 section 345A.26. The owner does not have recourse against the holder or the commissioner  
56.8 to recover any gain in value that occurs after the liquidation of the virtual currency under  
56.9 this subdivision.

56.10 (c) If a holder cannot liquidate virtual currency and cannot otherwise cause virtual  
56.11 currency to be liquidated, the holder must promptly notify the commissioner in writing and  
56.12 explain the reasons the virtual currency cannot be liquidated. The commissioner has absolute  
56.13 and sole discretion to direct the holder to:

56.14 (1) transfer the virtual currency that cannot be liquidated to a custodian selected by the  
56.15 commissioner; or

56.16 (2) continue to hold the virtual currency until the commissioner or the holder determines  
56.17 that the virtual currency can be liquidated pursuant to this chapter.

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Article locations for H4188-1

ARTICLE 1	CONSUMER PROTECTION.....	Page.Ln 1.23
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ARTICLE 3	SECURITIES.....	Page.Ln 36.19
ARTICLE 4	UNCLAIMED PROPERTY.....	Page.Ln 54.16

#### **48.158 SETTLEMENT OF CHECKS AT LESS THAN PAR.**

No bank or trust company organized under the laws of this state shall settle any check drawn on it otherwise than at par. The provisions of this section shall not apply with respect to the settlement of a check sent to such bank or trust company as a special collection item. This section is in effect on and after November 1, 1968.

#### **53B.69 DEFINITIONS.**

Subd. 3b. **New customer.** "New customer" means a consumer transacting at a kiosk in Minnesota who has been a customer with a virtual currency kiosk operator for less than 72 hours. After a 72-hour period has elapsed from the day of first signing up as a customer with a virtual currency kiosk operator, the customer will be considered an existing customer and no longer subject to the new customer transaction limit described in section 53B.75, subdivision 5, paragraph (a).

Subd. 3c. **Existing customer.** "Existing customer" means a consumer transacting at a kiosk in Minnesota who has been a customer with a virtual currency kiosk operator for more than a 72-hour period. A new customer will automatically convert to an existing customer after the 72-hour period of first becoming a new customer. An existing customer is subject to the transaction limits described in section 53B.75, subdivision 5, paragraph (b).

#### **53B.75 VIRTUAL CURRENCY KIOSKS.**

Subdivision 1. **Disclosures on material risks.** (a) Before entering into an initial virtual currency transaction for, on behalf of, or with a person, the virtual currency kiosk operator must disclose in a clear, conspicuous, and easily readable manner all material risks generally associated with virtual currency. The disclosures must be displayed on the screen of the virtual currency kiosk with the ability for a person to acknowledge the receipt of the disclosures. The disclosures must include at least the following information:

(1) virtual currency is not legal tender, backed or insured by the government, and accounts and value balances are not subject to Federal Deposit Insurance Corporation, National Credit Union Administration, or Securities Investor Protection Corporation protections;

(2) some virtual currency transactions are deemed to be made when recorded on a public ledger, which may not be the date or time when the person initiates the transaction;

(3) virtual currency's value may be derived from market participants' continued willingness to exchange fiat currency for virtual currency, which may result in the permanent and total loss of a particular virtual currency's value if the market for virtual currency disappears;

(4) a person who accepts a virtual currency as payment today is not required to accept and might not accept virtual currency in the future;

(5) the volatility and unpredictability of the price of virtual currency relative to fiat currency may result in a significant loss over a short period;

(6) the nature of virtual currency means that any technological difficulties experienced by virtual currency kiosk operators may prevent access to or use of a person's virtual currency; and

(7) any bond maintained by the virtual currency kiosk operator for the benefit of a person may not cover all losses a person incurs.

(b) The virtual currency kiosk operator must provide an additional disclosure, which must be acknowledged by the person, written prominently and in bold type, and provided separately from the disclosures above, stating: "WARNING: LOSSES DUE TO FRAUDULENT OR ACCIDENTAL TRANSACTIONS ARE NOT RECOVERABLE AND TRANSACTIONS IN VIRTUAL CURRENCY ARE IRREVERSIBLE. VIRTUAL CURRENCY TRANSACTIONS MAY BE USED BY SCAMMERS IMPERSONATING LOVED ONES, THREATENING JAIL TIME, AND INSISTING YOU WITHDRAW MONEY FROM YOUR BANK ACCOUNT TO PURCHASE VIRTUAL CURRENCY."

Subd. 2. **Disclosures.** (a) A virtual currency kiosk operator must disclose all relevant terms and conditions generally associated with the products, services, and activities of the virtual currency kiosk operator and virtual currency. A virtual currency kiosk operator must make the disclosures in a clear, conspicuous, and easily readable manner. The disclosures under this subdivision must address at least the following:

(1) the person's liability for unauthorized virtual currency transactions;

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- (2) the person's right to:
    - (i) stop payment of a virtual currency transfer and the procedure to stop payment;
    - (ii) receive a receipt, trade ticket, or other evidence of a transaction at the time of the transaction; and
    - (iii) prior notice of a change in the virtual currency kiosk operator's rules or policies;
  - (3) under what circumstances the virtual currency kiosk operator, without a court or government order, discloses a person's account information to third parties; and
  - (4) other disclosures that are customarily provided in connection with opening a person's account.
- (b) Before each virtual currency transaction for, on behalf of, or with a person, a virtual currency kiosk operator must disclose the transaction's terms and conditions in a clear, conspicuous, and easily readable manner. The disclosures under this subdivision must address at least the following:
- (1) the amount of the transaction;
  - (2) any fees, expenses, and charges, including applicable exchange rates;
  - (3) the type and nature of the transaction;
  - (4) a warning that once completed, the transaction may not be reversed;
  - (5) a daily virtual currency transaction limit of no more than \$2,000;
  - (6) the difference in the virtual currency's sale price compared to the current market price; and
  - (7) other disclosures that are customarily given in connection with a virtual currency transaction.

**Subd. 3. Acknowledgment of disclosures.** Before completing a transaction, a virtual currency kiosk operator must ensure that each person who engages in a virtual currency transaction using the virtual currency operator's kiosk acknowledges receipt of all disclosures required under this section via confirmation of consent. Additionally, upon a transaction's completion, the virtual currency kiosk operator must provide a person with a physical receipt, or a virtual receipt sent to the person's email address or SMS number, containing the following information:

- (1) the virtual currency kiosk operator's name and contact information, including a telephone number to answer questions and register complaints;
- (2) the type, value, date, and precise time of the transaction, transaction hash, and each virtual currency address;
- (3) the fees charged;
- (4) the exchange rate;
- (5) a statement of the virtual currency kiosk operator's liability for nondelivery or delayed delivery;
- (6) a statement of the virtual currency kiosk operator's refund policy; and
- (7) any additional information the commissioner of commerce may require.

**Subd. 4. Refunds for new customers.** A virtual currency kiosk operator must issue a refund to a new customer for the full amount of all transactions made within the 72-hour new customer time period, as described in section 53B.69, subdivision 3b, upon request of the customer. In order to receive a refund under this subdivision, a customer must:

- (1) have been fraudulently induced to engage in the virtual currency transactions; and
- (2) within 14 days of the last transaction to occur during the 72-hour new customer time period, contact the virtual currency kiosk operator and a government or law enforcement agency to inform them of the fraudulent nature of the transaction.

**Subd. 5. Transaction limits.** (a) There is an established maximum daily transaction limit of \$2,000 for each new customer of a virtual currency kiosk.

(b) The maximum daily transaction limit of an existing customer shall be decided by each virtual currency kiosk operator in compliance with federal law.