

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 4097

(SENATE AUTHORS: KLEIN)

DATE	D-PG	OFFICIAL STATUS
02/22/2024	11710	Introduction and first reading Referred to Commerce and Consumer Protection
04/02/2024	13115a 13329	Comm report: To pass as amended Second reading
04/04/2024	13397a 13412	Special Order: Amended Third reading Passed
04/18/2024	13936 13937 14450	Returned from House with amendment Senate not concur, conference committee of 5 requested Senate conferees Klein; Seeberger; Frenztz; Dahms; Rasmusson
04/24/2024	14454	House conferees Stephenson; Kotyza-Witthuhn; Kraft; Cha; O'Driscoll
05/15/2024	17061C 17193 17194 17195	Conference committee report, delete everything Motion to reject CC report, did not prevail Senate adopted CC report and repassed bill Third reading
05/17/2024	17730	House adopted SCC report and repassed bill

1.1 A bill for an act

1.2 relating to commerce; adding and modifying various provisions related to insurance;

1.3 regulating financial institutions; modifying provisions governing financial

1.4 institutions; providing for certain consumer protections and privacy; modifying

1.5 provisions governing commerce; making technical changes; establishing civil and

1.6 criminal penalties; authorizing administrative rulemaking; requiring reports;

1.7 amending Minnesota Statutes 2022, sections 45.011, subdivision 1; 47.20,

1.8 subdivision 2; 47.54, subdivisions 2, 6; 48.24, subdivision 2; 58.02, subdivisions

1.9 18, 21, by adding a subdivision; 58.04, subdivisions 1, 2; 58.05, subdivisions 1,

1.10 3; 58.06, by adding subdivisions; 58.08, subdivisions 1a, 2; 58.10, subdivision 3;

1.11 58.115; 58.13, subdivision 1; 58B.02, subdivision 8, by adding a subdivision;

1.12 58B.03, by adding a subdivision; 58B.06, subdivisions 4, 5; 58B.07, subdivisions

1.13 1, 3, 9, by adding subdivisions; 58B.09, by adding a subdivision; 60A.201, by

1.14 adding a subdivision; 67A.01, subdivision 2; 67A.14, subdivision 1; 80A.61;

1.15 80A.66; 80C.05, subdivision 3; 82B.021, subdivision 26; 82B.094; 82B.095,

1.16 subdivision 3; 82B.13, subdivision 1; 82B.19, subdivision 1; 115C.08, subdivision

1.17 2; 239.791, by adding a subdivision; 325F.03; 325F.04; 325F.05; 325G.24;

1.18 325G.25, subdivision 1; 340A.101, subdivision 13; 340A.404, subdivision 2;

1.19 340A.412, by adding a subdivision; 507.071; Minnesota Statutes 2023 Supplement,

1.20 sections 53B.28, subdivisions 18, 25; 53B.29; 53B.69, by adding subdivisions;

1.21 80A.50; 239.791, subdivision 8; 325E.80, subdivisions 1, 5, 6, 7; 332.71,

1.22 subdivisions 2, 4, 5, 7; 332.72; 332.73, subdivision 1; 332.74, subdivisions 3, 5;

1.23 Laws 2022, chapter 86, article 2, section 3; Laws 2023, chapter 57, article 2,

1.24 sections 7; 8; 9; 10; 11; 12; 13; 14; 15; proposing coding for new law in Minnesota

1.25 Statutes, chapters 53B; 58; 65A; 325F; 325G; 332; 507; 513; proposing coding

1.26 for new law as Minnesota Statutes, chapters 46A; 60M; repealing Minnesota

1.27 Statutes 2022, sections 45.014; 58.08, subdivision 3; 82B.25; 325G.25, subdivision

1.28 1a; 332.3351; Minnesota Statutes 2023 Supplement, sections 53B.58; 332.71,

1.29 subdivision 8.

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

2.2

ARTICLE 1

2.3

INSURANCE POLICY

2.4 Section 1. Minnesota Statutes 2022, section 60A.201, is amended by adding a subdivision
2.5 to read:

2.6 Subd. 6. Coverage deemed unavailable. Coverage for a risk that was referred to a
2.7 surplus lines broker by a Minnesota licensed insurance producer who is not affiliated with
2.8 that surplus lines broker shall be deemed unavailable from a licensed insurer.

2.9 Sec. 2. Minnesota Statutes 2022, section 67A.01, subdivision 2, is amended to read:

2.10 Subd. 2. **Authorized territory.** (a) A township mutual fire insurance company may be
2.11 authorized to write business in up to nine adjoining counties in the aggregate at the same
2.12 time. If policyholder surplus is at least \$500,000 as reported in the company's last annual
2.13 financial statement filed with the commissioner, the company may, if approval has been
2.14 granted by the commissioner, be authorized to write business in ten or more counties in the
2.15 aggregate at the same time, subject to a maximum of ~~20~~ 30 adjoining counties, in accordance
2.16 with the following schedule:

2.17	Number of Counties	Surplus Requirement
2.18	10	\$500,000
2.19	11	600,000
2.20	12	700,000
2.21	13	800,000
2.22	14	900,000
2.23	15	1,000,000
2.24	16	1,100,000
2.25	17	1,200,000
2.26	18	1,300,000
2.27	19	1,400,000
2.28	20	1,500,000
2.29	<u>21</u>	<u>1,600,000</u>
2.30	<u>22</u>	<u>1,700,000</u>
2.31	<u>23</u>	<u>1,800,000</u>
2.32	<u>24</u>	<u>1,900,000</u>
2.33	<u>25</u>	<u>2,000,000</u>
2.34	<u>26</u>	<u>2,100,000</u>

3.1	<u>27</u>	<u>2,200,000</u>
3.2	<u>28</u>	<u>2,300,000</u>
3.3	<u>29</u>	<u>2,400,000</u>
3.4	<u>30</u>	<u>2,500,000</u>

3.5 (b) In the case of a merger of two or more companies having contiguous territories, the
 3.6 surviving company in the merger may transact business in the entire territory of the merged
 3.7 companies; however, the territory of the surviving company in the merger ~~may not be larger~~
 3.8 ~~than 20~~ must be approved by the commissioner and may not be in excess of 30 counties,
 3.9 provided the company complies with the additional reporting requirements stipulated in
 3.10 paragraph (g).

3.11 (c) Notwithstanding paragraph (b), a policy issued by a constituent company to the
 3.12 merger may remain effective, without respect to the policy being issued in a county outside
 3.13 the territory of the surviving company, until the policy:

3.14 (1) expires or is terminated by the policy's terms; or

3.15 (2) is terminated or annulled and canceled in accordance with section 67A.18.

3.16 The surviving company must not amend or renew a policy issued in a county outside the
 3.17 surviving company's territory.

3.18 ~~(e)~~ (d) A township mutual fire insurance company may write new and renewal insurance
 3.19 on property in cities within the company's authorized territory having a population less than
 3.20 25,000. A township mutual fire insurance company may continue to write new and renewal
 3.21 insurance once the population increases to 25,000 or greater provided that amended and
 3.22 restated articles are filed with the commissioner along with a certification that such city's
 3.23 population has increased to 25,000 or greater.

3.24 ~~(d)~~ (e) A township mutual fire insurance company may write new and renewal insurance
 3.25 on property in cities within the company's authorized territory with a population of 25,000
 3.26 or greater, but less than 150,000, if approval has been granted by the commissioner. No
 3.27 township mutual fire insurance company shall insure any property in cities with a population
 3.28 of 150,000 or greater.

3.29 ~~(e)~~ (f) If a township mutual fire insurance company provides evidence to the
 3.30 commissioner that the company had insurance in force on December 31, 2007, in a city
 3.31 within the company's authorized territory with a population of 25,000 or greater, but less
 3.32 than 150,000, the company may write new and renewal insurance on property in that city
 3.33 provided that the company files amended and restated articles by July 31, 2010, naming
 3.34 that city.

4.1 (g) If a surviving company of a merger writes in more than 20 counties, that company
 4.2 must report to the commissioner the following items on a quarterly basis:

4.3 (1) income statement;

4.4 (2) balance sheet;

4.5 (3) insurance in force; and

4.6 (4) number of policies.

4.7 Sec. 3. Minnesota Statutes 2022, section 67A.14, subdivision 1, is amended to read:

4.8 Subdivision 1. **Kinds of property; property outside authorized territory.** (a) Township
 4.9 mutual fire insurance companies may insure qualified property. Qualified property means
 4.10 dwellings, household goods, appurtenant structures, farm buildings, farm personal property,
 4.11 churches, church personal property, county fair buildings, community and township meeting
 4.12 halls and their usual contents.

4.13 (b) Township mutual fire insurance companies may extend coverage to include an
 4.14 insured's secondary property if the township mutual fire insurance company covers qualified
 4.15 property belonging to the insured. Secondary property means any real or personal property
 4.16 that is not considered qualified property for a township mutual fire insurance company to
 4.17 cover under this chapter. The maximum amount of coverage that a township mutual fire
 4.18 insurance company may write for secondary property is 25 percent of the total limit of
 4.19 liability of the policy issued to an insured covering the qualified property.

4.20 (c) A township mutual fire insurance company may insure any real or personal property,
 4.21 including qualified or secondary property, subject to the limitations in subdivision 1,
 4.22 paragraph (b), located outside the limits of the territory in which the company is authorized
 4.23 by its certificate or articles of incorporation to transact business, if the company is already
 4.24 covering qualified property belonging to the insured, inside the limits of the company's
 4.25 territory. For purposes of this paragraph, qualified property inside the limits of the company's
 4.26 territory includes qualified property outside the territory of the surviving company to a
 4.27 merger for the duration of the policy insuring the qualified property if the qualified property
 4.28 was qualified property inside the territory of a constituent company to the merger.

4.29 (d) A township mutual fire insurance company may insure property temporarily outside
 4.30 of the authorized territory of the township mutual fire insurance company.

5.1 Sec. 4. Minnesota Statutes 2022, section 507.071, is amended to read:

5.2 **507.071 TRANSFER ON DEATH DEEDS.**

5.3 Subdivision 1. **Definitions.** For the purposes of this section the following terms have
5.4 the meanings given:

5.5 (a) "Beneficiary" or "grantee beneficiary" means a person or entity named as a grantee
5.6 beneficiary in a transfer on death deed, including a successor grantee beneficiary.

5.7 (b) "County agency" means the county department or office designated to recover medical
5.8 assistance benefits from the estates of decedents.

5.9 (c) "Grantor owner" means an owner, whether individually, as a joint tenant, or as a
5.10 tenant in common, named as a grantor in a transfer on death deed upon whose death the
5.11 conveyance or transfer of the described real property is conditioned. Grantor owner does
5.12 not include a spouse who joins in a transfer on death deed solely for the purpose of conveying
5.13 or releasing statutory or other marital interests in the real property to be conveyed or
5.14 transferred by the transfer on death deed.

5.15 (d) "Owner" means a person having an ownership or other interest in all or part of the
5.16 real property to be conveyed or transferred by a transfer on death deed either at the time the
5.17 deed is executed or at the time the transfer becomes effective. Owner does not include a
5.18 spouse who joins in a transfer on death deed solely for the purpose of conveying or releasing
5.19 statutory or other marital interests in the real property to be conveyed or transferred by the
5.20 transfer on death deed.

5.21 (e) "Property" and "interest in real property" mean any interest in real property located
5.22 in this state which is transferable on the death of the owner and includes, without limitation,
5.23 an interest in real property defined in chapter 500, a mortgage, a deed of trust, a security
5.24 interest in, or a security pledge of, an interest in real property, including the rights to
5.25 payments of the indebtedness secured by the security instrument, a judgment, a tax lien,
5.26 both the seller's and purchaser's interest in a contract for deed, land contract, purchase
5.27 agreement, or earnest money contract for the sale and purchase of real property, including
5.28 the rights to payments under such contracts, or any other lien on, or interest in, real property.

5.29 (f) "Recorded" means recorded in the office of the county recorder or registrar of titles,
5.30 as appropriate for the real property described in the instrument to be recorded.

5.31 (g) "State agency" means the Department of Human Services or any successor agency.

5.32 (h) "Transfer on death deed" means a deed authorized under this section.

6.1 Subd. 2. **Effect of transfer on death deed.** A deed that conveys or assigns an interest
6.2 in real property, to a grantee beneficiary and that expressly states that the deed is only
6.3 effective on the death of one or more of the grantor owners, transfers the interest to the
6.4 grantee beneficiary upon the death of the grantor owner upon whose death the conveyance
6.5 or transfer is stated to be effective, but subject to the survivorship provisions and requirements
6.6 of section 524.2-702. Until a transfer on death deed becomes effective, it has no effect on
6.7 title to the real property described in the deed, but it does create an insurable interest in the
6.8 real property in favor of the designated grantee beneficiary or beneficiaries for purposes of
6.9 insuring the real property against loss or damage that occurs on or after the transfer on death
6.10 deed becomes effective. A transfer on death deed must comply with all provisions of
6.11 Minnesota law applicable to deeds of real property including, but not limited to, the
6.12 provisions of sections 507.02, 507.24, 507.34, 508.48, and 508A.48. If a spouse who is
6.13 neither a grantor owner nor an owner joins in the execution of, or consents in writing to,
6.14 the transfer on death deed, such joinder or consent shall be conclusive proof that upon the
6.15 transfer becoming effective, the spouse no longer has or can claim any statutory interest or
6.16 other marital interest in the interest in real property transferred by the transfer on death deed.
6.17 However, such transfer shall remain an interest as identified in section 256B.15 for purposes
6.18 of complying with and satisfying any claim or lien as authorized by subdivision 3.

6.19 Subd. 3. **Rights of creditors and rights of state and county under sections 246.53,**
6.20 **256B.15, 256D.16, 261.04, and 514.981.** The interest transferred to a beneficiary under a
6.21 transfer on death deed after the death of a grantor owner is transferred subject to all effective
6.22 conveyances, assignments, contracts, mortgages, deeds of trust, liens, security pledges,
6.23 judgments, tax liens, and any other matters or encumbrances to which the interest was
6.24 subject on the date of death of the grantor owner, upon whose death the transfer becomes
6.25 effective including, but not limited to, any claim by a surviving spouse who did not join in
6.26 the execution of, or consent in writing to, the transfer on death deed, and any claim or lien
6.27 by the state or county agency authorized by sections 246.53, 256B.15, 256D.16, 261.04,
6.28 and 514.981, if other assets of the deceased grantor's estate are insufficient to pay the amount
6.29 of any such claim. A beneficiary to whom the interest is transferred after the death of a
6.30 grantor owner shall be liable to account to the state or county agency with a claim or lien
6.31 authorized by section 246.53, 256B.15, 256D.16, 261.04, or 514.981, to the extent necessary
6.32 to discharge any such claim remaining unpaid after application of the assets of the deceased
6.33 grantor owner's estate, but such liability shall be limited to the value of the interest transferred
6.34 to the beneficiary. To establish compliance with this subdivision and subdivision 23, the
6.35 beneficiary must record a clearance certificate issued in accordance with subdivision 23 in
6.36 each county in which the real property described in the transfer on death deed is located.

7.1 Subd. 4. **Multiple grantee beneficiaries.** A transfer on death deed may designate multiple
7.2 grantee beneficiaries to take title as joint tenants, as tenants in common or in any other form
7.3 of ownership or tenancy that is valid under the laws of this state. If a grantee joint tenant
7.4 dies before the grantor owner upon whose death the transfer occurs and no successor
7.5 beneficiary for the deceased grantee is designated in the transfer on death deed, the surviving
7.6 joint tenants are the successors and no interest lapses.

7.7 Subd. 5. **Successor grantee beneficiaries.** A transfer on death deed may designate one
7.8 or more successor grantee beneficiaries or a class of successor grantee beneficiaries, or
7.9 both. If the transfer on death deed designates successor grantee beneficiaries or a class of
7.10 successor grantee beneficiaries, the deed shall state the condition under which the interest
7.11 of the successor grantee beneficiaries would vest.

7.12 Subd. 6. **Multiple joint tenant grantors.** If an interest in real property is owned as joint
7.13 tenants, a transfer on death deed executed by all of the owners and, if required by section
7.14 507.02, their respective spouses, if any, that conveys an interest in real property to one or
7.15 more grantee beneficiaries transfers the interest to the grantee beneficiary or beneficiaries
7.16 effective only after the death of the last surviving grantor owner. If the last surviving joint
7.17 tenant owner did not execute the transfer on death deed, the deed is ineffective to transfer
7.18 any interest and the deed is void. An estate in joint tenancy is not severed or affected by the
7.19 subsequent execution of a transfer on death deed and the right of a surviving joint tenant
7.20 owner who did not execute the transfer on death deed shall prevail over a grantee beneficiary
7.21 named in a transfer on death deed unless the deed specifically states that it severs the joint
7.22 tenancy ownership.

7.23 Subd. 7. **Execution by attorney-in-fact.** A transfer on death deed may be executed by
7.24 a duly appointed attorney-in-fact pursuant to a power of attorney which grants the
7.25 attorney-in-fact the authority to execute deeds.

7.26 Subd. 8. **Recording requirements and authorization.** A transfer on death deed is valid
7.27 if the deed is recorded in a county in which at least a part of the real property described in
7.28 the deed is located and is recorded before the death of the grantor owner upon whose death
7.29 the conveyance or transfer is effective. Notwithstanding the definition of recorded under
7.30 subdivision 1, if the real property is registered property, a transfer on death deed that was
7.31 recorded incorrectly or incompletely is valid if the deed was recorded before the death of
7.32 the grantor owner in the office of the county recorder or the registrar of titles in a county
7.33 in which at least part of the real property is located, and is memorialized on the certificate
7.34 of title after death. A transfer on death deed is not effective for purposes of section 507.34,
7.35 508.47, or 508A.47 until the deed is properly recorded in the county in which the real

8.1 property is located. When a transfer on death deed is presented for recording, no certification
8.2 by the county auditor as to transfer of ownership and current and delinquent taxes shall be
8.3 required or made and the transfer on death deed shall not be required to be accompanied
8.4 by a certificate of real estate value. A transfer on death deed that otherwise satisfies all
8.5 statutory requirements for recording may be recorded and shall be accepted for recording
8.6 in the county in which the property described in the deed is located. If any part of the property
8.7 described in the transfer on death deed is registered property, the registrar of titles shall
8.8 accept the transfer on death deed for recording only if at least one of the grantors who
8.9 executes the transfer on death deed appears of record to have an ownership interest or other
8.10 interest in the real property described in the deed. No certification or approval of a transfer
8.11 on death deed shall be required of the examiner of titles prior to recording of the deed in
8.12 the office of the registrar of titles.

8.13 Subd. 9. **Deed to trustee or other entity.** A transfer on death deed may transfer an
8.14 interest in real property to the trustee of an inter vivos trust even if the trust is revocable, to
8.15 the trustee of a testamentary trust or to any other entity legally qualified to hold title to real
8.16 property under the laws of this state.

8.17 Subd. 10. **Revocation or modification of transfer on death deed.** (a) A transfer on
8.18 death deed may be revoked at any time by the grantor owner or, if there is more than one
8.19 grantor owner, by any of the grantor owners. A revocation revokes the transfer on death
8.20 deed in its entirety. To be effective, the revocation must be recorded in a county in which
8.21 at least a part of the real property is located before the death of the grantor owner or owners
8.22 who execute the revocation. Notwithstanding the definition of recorded under subdivision
8.23 1, if the real property is registered property, a revocation that was recorded incorrectly or
8.24 incompletely is effective if it was recorded before the death of the grantor owner in the
8.25 office of the county recorder or the registrar of titles in a county in which at least part of
8.26 the real property is located, and is memorialized on the certificate of title after death. The
8.27 revocation is not effective for purposes of section 507.34, 508.47, or 508A.47 until the
8.28 revocation is properly recorded in a county in which the real property is located.

8.29 (b) If a grantor owner conveys to a third party, subsequent to the recording of the transfer
8.30 on death deed, by means other than a transfer on death deed, all or a part of such grantor
8.31 owner's interest in the property described in the transfer on death deed, no transfer of the
8.32 conveyed interest shall occur on such grantor owner's death and the transfer on death deed
8.33 shall be ineffective as to the conveyed or transferred interests, but the transfer on death deed
8.34 remains effective with respect to the conveyance or transfer on death of any other interests

9.1 described in the transfer on death deed owned by the grantor owner at the time of the grantor
9.2 owner's death.

9.3 (c) A transfer on death deed is a "governing instrument" within the meaning of section
9.4 524.2-804 and, except as may otherwise be specifically provided for in the transfer on death
9.5 deed, is subject to the same provisions as to revocation, revival, and nonrevocation set forth
9.6 in section 524.2-804.

9.7 Subd. 11. **Antilapse; deceased beneficiary; words of survivorship.** (a) Except when
9.8 a successor grantee beneficiary is designated in the transfer on death deed for the grantee
9.9 beneficiary who did not survive the grantor owner, if a grantee beneficiary who is a
9.10 grandparent or lineal descendant of a grandparent of the grantor owner fails to survive the
9.11 grantor owner, the issue of the deceased grantee beneficiary who survive the grantor owner
9.12 take in place of the deceased grantee beneficiary. If they are all of the same degree of kinship
9.13 to the deceased grantee beneficiary, they take equally. If they are of unequal degree, those
9.14 of more remote degree take by right of representation.

9.15 (b) For the purposes of this subdivision, words of survivorship such as, in a conveyance
9.16 to an individual, "if he or she survives me," or, in a class gift, to "my surviving children,"
9.17 are a sufficient indication of intent to condition the conveyance or transfer upon the
9.18 beneficiary surviving the grantor owner.

9.19 (c) When issue of a deceased grantee beneficiary or members of a class take in place of
9.20 the named grantee beneficiary pursuant to subdivision 5 or paragraph (a) or (b) or when a
9.21 beneficiary dies and has no issue under paragraph (a), an affidavit of survivorship stating
9.22 the names and shares of the beneficiaries or stating that a deceased beneficiary had no issue
9.23 is not conclusive and a court order made in accordance with Minnesota probate law
9.24 determining the beneficiaries and shares must also be recorded.

9.25 Subd. 12. **Lapse.** If all beneficiaries and all successor beneficiaries, if any, designated
9.26 in a transfer on death deed, and also all successor beneficiaries who would take under the
9.27 antilapse provisions of subdivision 11, fail to survive the grantor owner or the last survivor
9.28 of the grantor owners if there are multiple grantor owners, if the beneficiary is a trust which
9.29 has been revoked prior to the grantor owner's death, or if the beneficiary is an entity no
9.30 longer in existence at the grantor owner's death, no transfer shall occur and the transfer on
9.31 death deed is void.

9.32 Subd. 13. **Multiple transfer on death deeds.** If a grantor owner executes and records
9.33 more than one transfer on death deed conveying the same interest in real property or a
9.34 greater interest in the real property, or conveying part of the property in the earlier transfer

10.1 on death deed, the transfer on death deed that has the latest acknowledgment date and that
10.2 is recorded before the death of the grantor owner upon whose death the conveyance or
10.3 transfer is conditioned is the effective transfer on death deed and all other transfer on death
10.4 deeds, if any, executed by the grantor owner or the grantor owners are ineffective to transfer
10.5 any interest and are void, except that if the later transfer on death deed included only part
10.6 of the land of the earlier deed, the earlier deed is effective for the lands not included in the
10.7 subsequent deed, absent language to the contrary in the subsequent deed.

10.8 Subd. 14. **Nonademption; unpaid proceeds of sale, condemnation, or insurance;**
10.9 **sale by conservator or guardian.** If at the time of the death of the grantor owner upon
10.10 whose death the conveyance or transfer is stated to be effective, the grantor owner did not
10.11 own a part or all of the real property described in the transfer on death deed, no conveyance
10.12 or transfer to the beneficiary of the nonowned part of the real property shall occur upon the
10.13 death of the grantor owner and the transfer on death deed is void as to the nonowned part
10.14 of the real property, but the beneficiary shall have the same rights to unpaid proceeds of
10.15 sale, condemnation or insurance, and, if sold by a conservator or guardian of the grantor
10.16 owner during the grantor owner's lifetime, the same rights to a general pecuniary devise, as
10.17 that of a specific devisee as set forth in section 524.2-606.

10.18 Subd. 15. **Nonexoneration.** Except as otherwise provided in subdivision 3, a conveyance
10.19 or transfer under a transfer on death deed passes the described property subject to any
10.20 mortgage or security interest existing at the date of death of the grantor owner, without right
10.21 of exoneration, regardless of any statutory obligations to pay the grantor owner's debts upon
10.22 death and regardless of a general directive in the grantor owner's will to pay debts.

10.23 Subd. 16. **Disclaimer by beneficiary.** A grantee beneficiary's interest under a transfer
10.24 on death deed may be disclaimed as provided in sections 524.2-1101 to 524.2-1116, or as
10.25 otherwise provided by law.

10.26 Subd. 17. **Effect on other conveyances.** This section does not prohibit other methods
10.27 of conveying property that are permitted by law and that have the effect of postponing
10.28 ownership or enjoyment of an interest in real property until the death of the owner. This
10.29 section does not invalidate any deed that is not a transfer on death deed and that is otherwise
10.30 effective to convey title to the interests and estates described in the deed that is not recorded
10.31 until after the death of the owner.

10.32 Subd. 18. **Notice, consent, and delivery not required.** The signature, consent or
10.33 agreement of, or notice to, a grantee beneficiary under a transfer on death deed, or delivery

11.1 of the transfer on death deed to the grantee beneficiary, is not required for any purpose
11.2 during the lifetime of the grantor owner.

11.3 Subd. 19. **Nonrevocation by will.** A transfer on death deed that is executed,
11.4 acknowledged, and recorded in accordance with this section is not revoked by the provisions
11.5 of a will.

11.6 Subd. 20. **Proof of survivorship and clearance from public assistance claims and**
11.7 **liens; recording.** An affidavit of identity and survivorship with a certified copy of a record
11.8 of death as an attachment may be combined with a clearance certificate under this section
11.9 and the combined documents may be recorded separately or as one document in each county
11.10 in which the real estate described in the clearance certificate is located. The affidavit must
11.11 include the name and mailing address of the person to whom future property tax statements
11.12 should be sent. The affidavit, record of death, and clearance certificate, whether combined
11.13 or separate, shall be prima facie evidence of the facts stated in each, and the registrar of
11.14 titles may rely on the statements to transfer title to the property described in the clearance
11.15 certificate, except in cases where a court order is required pursuant to the provisions of
11.16 subdivision 11, paragraph (c).

11.17 Subd. 21. **After-acquired property.** Except as provided in this subdivision, a transfer
11.18 on death deed is not effective to transfer any interest in real property acquired by a grantor
11.19 owner subsequent to the date of signing of a transfer on death deed. A grantor owner may
11.20 provide by specific language in a transfer on death deed that the transfer on death deed will
11.21 apply to any interest in the described property acquired by the grantor owner after the signing
11.22 or recording of the deed.

11.23 Subd. 22. **Anticipatory alienation prohibited.** The interest of a grantee beneficiary
11.24 under a transfer on death deed which has not yet become effective is not subject to alienation;
11.25 assignment; encumbrance; appointment or anticipation by the beneficiary; garnishment;
11.26 attachment; execution or bankruptcy proceedings; claims for alimony, support, or
11.27 maintenance; payment of other obligations by any person against the beneficiary; or any
11.28 other transfer, voluntary or involuntary, by or from any beneficiary.

11.29 Subd. 23. **Clearance for public assistance claims and liens.** Any person claiming an
11.30 interest in real property conveyed or transferred by a transfer on death deed, or the person's
11.31 attorney or other agent, may apply to the county agency in the county in which the real
11.32 property is located for a clearance certificate for the real property described in the transfer
11.33 on death deed. The application for a clearance certificate and the clearance certificate must
11.34 contain the legal description of each parcel of property covered by the clearance certificate.

12.1 The county agency shall provide a sufficient number of clearance certificates to allow a
 12.2 clearance certificate to be recorded in each county in which the real property described in
 12.3 the transfer on death deed is located. The real property described in the clearance certificate
 12.4 is bound by any conditions or other requirements imposed by the county agency as specified
 12.5 in the clearance certificate. If the real property is registered property, a new certificate of
 12.6 title must not be issued until the clearance certificate is recorded. If the clearance certificate
 12.7 shows the continuation of a medical assistance claim or lien after issuance of the clearance
 12.8 certificate, the real property remains subject to the claim or lien. If the real property is
 12.9 registered property, the clearance certificate must be carried forward as a memorial in any
 12.10 new certificate of title. The application shall contain the same information and shall be
 12.11 submitted, processed, and resolved in the same manner and on the same terms and conditions
 12.12 as provided in section 525.313 for a clearance certificate in a decree of descent proceeding,
 12.13 except that a copy of a notice of hearing does not have to accompany the application. The
 12.14 application may contain a statement that the applicant, after reasonably diligent inquiry, is
 12.15 not aware of the existence of a predeceased spouse or the existence of a claim which could
 12.16 be recovered under section 246.53, 256B.15, 256D.16, 261.04, or 514.981. If the county
 12.17 agency determines that a claim or lien exists under section 246.53, 256B.15, 256D.16,
 12.18 261.04, or 514.981, the provisions of section 525.313 shall apply to collection, compromise,
 12.19 and settlement of the claim or lien. A person claiming an interest in real property transferred
 12.20 or conveyed by a transfer on death deed may petition or move the district court, as
 12.21 appropriate, in the county in which the real property is located or in the county in which a
 12.22 probate proceeding affecting the estate of the grantor of the transfer on death deed is pending,
 12.23 for an order allowing sale of the real property free and clear of any public assistance claim
 12.24 or lien but subject to disposition of the sale proceeds as provided in section 525.313. On a
 12.25 showing of good cause and subject to such notice as the court may require, the court without
 12.26 hearing may issue an order allowing the sale free and clear of any public assistance claim
 12.27 or lien on such terms and conditions as the court deems advisable to protect the interests of
 12.28 the state or county agency.

12.29 Subd. 24. **Form of transfer on death deed.** A transfer on death deed may be substantially
 12.30 in the following form:

12.31 **Transfer on Death Deed**

12.32 I (we) (grantor owner or owners and spouses, if any, with
 12.33 marital status designated), grantor(s), hereby convey(s) and quitclaim(s) to
 12.34 (grantee beneficiary, whether one or more) effective (check
 12.35 only one of the following)

13.1 on the death of the grantor owner, if only one grantor is named above, or on the
 13.2 death of the last of the grantor owners to die, if more than one grantor owner is named
 13.3 above, or

13.4 on the death of (name of grantor owner)

13.5 (must be one of the grantor owners named above), the
 13.6 following described real property:

13.7 (Legal description)

13.8 If checked, the following optional statement applies:

13.9When effective, this instrument conveys any and all interests in the described real
 13.10 property acquired by the grantor owner(s) before, on, or after the date of this
 13.11 instrument.

13.12
 13.13 (Signature of grantor(s))

13.14 (acknowledgment)

13.15 Subd. 25. **Form of instrument of revocation.** An instrument of revocation may be
 13.16 substantially in the following form:

13.17 Revocation of Transfer on Death Deed

13.18 The undersigned hereby revokes the transfer on death deed recorded on, ...,
 13.19 as Document No. (or in Book of, Page) in the office of the
 13.20 (County Recorder) (Registrar of Titles) of County, Minnesota, affecting real
 13.21 property legally described as follows:

13.22 (legal description)

13.23 Dated:
 13.24

13.25 Signature

13.26 (acknowledgment)

13.27 Subd. 26. **Jurisdiction.** In counties where the district court has a probate division, the
 13.28 application of subdivision 11 or other issues of interpretation or validity of the transfer on
 13.29 death deed, and actions to enforce a medical assistance lien or claim against real property
 13.30 described in a transfer on death deed and any matter raised in connection with enforcement
 13.31 shall be determined in the probate division. ~~Notwithstanding any other law to the contrary,~~
 13.32 ~~the provisions of section 256B.15 shall apply to any proceeding to enforce a medical~~
 13.33 ~~assistance lien or claim under chapter 524 or 525.~~ In other counties, the district court shall

14.1 have jurisdiction to determine any matter affecting real property purporting to be transferred
14.2 by a transfer on death deed. Notwithstanding any other law to the contrary, the provisions
14.3 of section 256B.15 shall apply to any proceeding to enforce a medical assistance lien or
14.4 claim under chapter 524 or 525.

14.5 Sec. 5. **[507.072] PROPERTY INSURANCE FOR GRANTEE BENEFICIARIES**
14.6 **OF TRANSFER ON DEATH DEEDS.**

14.7 Subdivision 1. **Definitions.** (a) For purposes of this section, the following definitions
14.8 apply unless the context indicates otherwise.

14.9 (b) "Grantee beneficiary" has the meaning given in section 507.071, subdivision 1.

14.10 (c) "Insurance policy" means an insurance policy governed by chapter 65A.

14.11 (d) "Transfer on death deed" means a deed described in section 507.071.

14.12 (e) "Grantor owner" has the meaning given in section 507.071, subdivision 1.

14.13 (f) "Extended coverage" or "temporary extended coverage" means insurance coverage
14.14 continuing beyond the death of the named insured.

14.15 Subd. 2. **Insurance policy to include grantee beneficiary.** An insurer providing an
14.16 insurance policy on real property transferred by a transfer on death deed shall provide
14.17 temporary extended coverage on the real property to the designated grantee beneficiary for
14.18 a period commencing on the date of death of the grantor owner and ending when the grantee
14.19 beneficiary replaces the insurance policy on the insured property with an insurance policy
14.20 or the expiration of the time limitations set forth in subdivision 4, whichever occurs first.

14.21 Subd. 3. **Notice to the insurer.** To obtain temporary extended coverage for a transfer
14.22 on death deed as provided in this section, the grantor owner must notify the insurer of the
14.23 existence of a transfer on death deed. The notice shall include the names and contact
14.24 information of all designated grantee beneficiaries.

14.25 Subd. 4. **Coverage extended.** The coverage extended under this section applies only
14.26 with respect to the insurance policy insuring the real property of the grantor owner. The
14.27 period of extended coverage shall not exceed 30 days from the date of the grantor owner's
14.28 death or the expiration date of the insurance policy, whichever is less. An insurer is not
14.29 required to provide notice to the grantee beneficiary for cancellation of coverage following
14.30 the shorter of the 30 days or expiration date of the policy or the placement of replacement
14.31 insurance coverage.

15.1 Subd. 5. **Proof demanded; policy conditions.** Before making any payment for a claim
15.2 under this section, the insurer may require proof that the claimant is a grantee beneficiary
15.3 under a transfer on death deed, the transfer on death deed was recorded as provided in
15.4 section 507.071, and that an affidavit of survivorship and death certificate of the grantor
15.5 owner was recorded as provided in section 507.071. The grantee beneficiary shall comply
15.6 with the conditions of the policy.

15.7 Subd. 6. **Insurable interest.** A grantee beneficiary does not hold an insurable interest
15.8 in the real property described in a transfer on death deed prior to the death of the grantor
15.9 owner. Any claim on the insured real property described in a transfer on death deed initiated
15.10 before the death of the grantor owner or the death benefits associated with the policy prior
15.11 to the death of the grantor owner shall be settled with the estate of the grantor owner, not
15.12 with the grantee beneficiary. A grantee beneficiary is not entitled to recover benefits under
15.13 an insurance policy extended as provided in this section in an amount greater than the grantee
15.14 beneficiary's insurable interest at the time of loss or damage. A grantee beneficiary is not
15.15 entitled to any amounts paid out in prior claims on the property. If the transfer on death
15.16 deed designates multiple grantee beneficiaries, nothing in this section requires the insurer
15.17 to pay an amount for loss or damage to the insured real property that exceeds the amount
15.18 that would be owed to the grantor owner if the grantor owner was living at the time of loss
15.19 or damage.

15.20 Subd. 7. **Warnings on transfer on death deeds.** (a) On or after August 1 of the year
15.21 of the effective date of this section, a transfer on death deed shall contain the following
15.22 warnings in substantially the following form:

15.23 "Warning to Grantor Owner: Temporary extended coverage of any fire and casualty
15.24 insurance policy on the property under Minnesota Statutes, chapter 65A, exists only if the
15.25 grantor owner has given notice to the insurer under Minnesota Statutes, section 507.072,
15.26 subdivision 3, including the existence of a transfer on death deed and the names and contact
15.27 information of all designated grantee beneficiaries. Any temporary extended coverage
15.28 terminates on the earliest of (1) 30 days after the date of the grantor owner's death, (2) the
15.29 expiration date of the policy, or (3) upon placement of a replacement insurance policy.

15.30 Warning to Grantee Beneficiary: A grantee beneficiary shall not presume insurance
15.31 coverage continues after the death of the grantor owner. Upon the death of the grantor
15.32 owner, the grantee beneficiary should determine whether the provisions of Minnesota
15.33 Statutes, section 507.072, apply and consult with an insurance agent or attorney."

16.1 (b) The failure to include warnings in a transfer on death deed in accordance with this
 16.2 subdivision shall not invalidate the transfer on death deed or affect recording of the transfer
 16.3 on death deed.

16.4 Sec. 6. **EFFECTIVE DATE.**

16.5 Sections 4 and 5 are effective on the day following final enactment and apply to insurance
 16.6 policies issued or renewed in Minnesota on or after August 1, 2024. Sections 4 and 5 do
 16.7 not apply to insurance policies issued or renewed prior to August 1, 2024, or to transfer on
 16.8 death deeds recorded prior to that date unless the grantor owner provides the notice specified
 16.9 by section 5, subdivision 3.

16.10 **ARTICLE 2**

16.11 **FINANCIAL INSTITUTIONS**

16.12 Section 1. **[46A.01] DEFINITIONS.**

16.13 Subdivision 1. **Terms.** For the purposes of this chapter, the terms defined in this section
 16.14 have the meanings given them.

16.15 Subd. 2. **Authorized user.** "Authorized user" means any employee, contractor, agent,
 16.16 or other person who: (1) participates in a financial institution's business operations; and (2)
 16.17 is authorized to access and use any of the financial institution's information systems and
 16.18 data.

16.19 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of commerce.

16.20 Subd. 4. **Consumer.** (a) "Consumer" means an individual who obtains or has obtained
 16.21 from a financial institution a financial product or service that is used primarily for personal,
 16.22 family, or household purposes, or is used by the individual's legal representative. Consumer
 16.23 includes but is not limited to an individual who:

16.24 (1) applies to a financial institution for credit for personal, family, or household purposes,
 16.25 regardless of whether the credit is extended;

16.26 (2) provides nonpublic personal information to a financial institution in order to obtain
 16.27 a determination whether the individual qualifies for a loan used primarily for personal,
 16.28 family, or household purposes, regardless of whether the loan is extended;

16.29 (3) provides nonpublic personal information to a financial institution in connection with
 16.30 obtaining or seeking to obtain financial, investment, or economic advisory services, regardless

17.1 of whether the financial institution establishes a continuing advisory relationship with the
 17.2 individual; or

17.3 (4) has a loan for personal, family, or household purposes in which the financial institution
 17.4 has ownership or servicing rights, even if the financial institution or one or more other
 17.5 institutions that hold ownership or servicing rights in conjunction with the financial institution
 17.6 hires an agent to collect on the loan.

17.7 (b) Consumer does not include an individual who:

17.8 (1) is a consumer of another financial institution that uses a different financial institution
 17.9 to act solely as an agent for, or provide processing or other services to, the consumer's
 17.10 financial institution;

17.11 (2) designates a financial institution solely for the purposes to act as a trustee for a trust;

17.12 (3) is the beneficiary of a trust for which the financial institution serves as trustee; or

17.13 (4) is a participant or a beneficiary of an employee benefit plan that the financial
 17.14 institution sponsors or for which the financial institution acts as a trustee or fiduciary.

17.15 Subd. 5. **Continuing relationship.** (a) "Continuing relationship" means a consumer:

17.16 (1) has a credit or investment account with a financial institution;

17.17 (2) obtains a loan from a financial institution;

17.18 (3) purchases an insurance product from a financial institution;

17.19 (4) holds an investment product through a financial institution, including but not limited
 17.20 to when the financial institution acts as a custodian for securities or for assets in an individual
 17.21 retirement arrangement;

17.22 (5) enters into an agreement or understanding with a financial institution whereby the
 17.23 financial institution undertakes to arrange or broker a home mortgage loan, or credit to
 17.24 purchase a vehicle, for the consumer;

17.25 (6) enters into a lease of personal property on a nonoperating basis with a financial
 17.26 institution;

17.27 (7) obtains financial, investment, or economic advisory services from a financial
 17.28 institution for a fee;

17.29 (8) becomes a financial institution's client to obtain tax preparation or credit counseling
 17.30 services from the financial institution;

18.1 (9) obtains career counseling while: (i) seeking employment with a financial institution
18.2 or the finance, accounting, or audit department of any company; or (ii) employed by a
18.3 financial institution or department of any company;

18.4 (10) is obligated on an account that a financial institution purchases from another financial
18.5 institution, regardless of whether the account is in default when purchased, unless the
18.6 financial institution does not locate the consumer or attempt to collect any amount from the
18.7 consumer on the account;

18.8 (11) obtains real estate settlement services from a financial institution; or

18.9 (12) has a loan for which a financial institution owns the servicing rights.

18.10 (b) Continuing relationship does not include situations where:

18.11 (1) the consumer obtains a financial product or service from a financial institution only
18.12 in isolated transactions, including but not limited to: (i) using a financial institution's
18.13 automated teller machine to withdraw cash from an account at another financial institution;
18.14 (ii) purchasing a money order from a financial institution; (iii) cashing a check with a
18.15 financial institution; or (iv) making a wire transfer through a financial institution;

18.16 (2) a financial institution sells the consumer's loan and does not retain the rights to service
18.17 the loan;

18.18 (3) a financial institution sells the consumer airline tickets, travel insurance, or traveler's
18.19 checks in isolated transactions;

18.20 (4) the consumer obtains onetime personal or real property appraisal services from a
18.21 financial institution; or

18.22 (5) the consumer purchases checks for a personal checking account from a financial
18.23 institution.

18.24 Subd. 6. **Customer.** "Customer" means a consumer who has a customer relationship
18.25 with a financial institution.

18.26 Subd. 7. **Customer information.** "Customer information" means any record containing
18.27 nonpublic personal information about a financial institution's customer, whether the record
18.28 is in paper, electronic, or another form, that is handled or maintained by or on behalf of the
18.29 financial institution or the financial institution's affiliates.

18.30 Subd. 8. **Customer relationship.** "Customer relationship" means a continuing relationship
18.31 between a consumer and a financial institution under which the financial institution provides

19.1 to the consumer one or more financial products or services that are used primarily for
19.2 personal, family, or household purposes.

19.3 Subd. 9. **Encryption.** "Encryption" means the transformation of data into a format that
19.4 results in a low probability of assigning meaning without the use of a protective process or
19.5 key, consistent with current cryptographic standards and accompanied by appropriate
19.6 safeguards for cryptographic key material.

19.7 Subd. 10. **Federally insured depository financial institution.** "Federally insured
19.8 depository financial institution" means a bank, credit union, savings and loan association,
19.9 trust company, savings association, savings bank, industrial bank, or industrial loan company
19.10 organized under the laws of the United States or any state of the United States, when the
19.11 bank, credit union, savings and loan association, trust company, savings association, savings
19.12 bank, industrial bank, or industrial loan company has federally insured deposits.

19.13 Subd. 11. **Financial product or service.** "Financial product or service" means any
19.14 product or service that a financial holding company could offer by engaging in a financial
19.15 activity under section 4(k) of the Bank Holding Company Act of 1956, United States Code,
19.16 title 12, section 1843(k). Financial product or service includes a financial institution's
19.17 evaluation or brokerage of information that the financial institution collects in connection
19.18 with a request or an application from a consumer for a financial product or service.

19.19 Subd. 12. **Financial institution.** "Financial institution" means a consumer small loan
19.20 lender under section 47.60, a person owning or maintaining electronic financial terminals
19.21 under section 47.62, a trust company under chapter 48A, a loan and thrift company under
19.22 chapter 53, a currency exchange under chapter 53A, a money transmitter under chapter 53B,
19.23 a sales finance company under chapter 53C, a regulated loan lender under chapter 56, a
19.24 residential mortgage originator or servicer under chapter 58, a student loan servicer under
19.25 chapter 58B, a credit service organization under section 332.54, a debt management service
19.26 provider or person providing debt management services under chapter 332A, or a debt
19.27 settlement service provider or person providing debt settlement services under chapter 332B.

19.28 Subd. 13. **Information security program.** "Information security program" means the
19.29 administrative, technical, or physical safeguards a financial institution uses to access, collect,
19.30 distribute, process, protect, store, use, transmit, dispose of, or otherwise handle customer
19.31 information.

19.32 Subd. 14. **Information system.** "Information system" means a discrete set of electronic
19.33 information resources organized to collect, process, maintain, use, share, disseminate, or
19.34 dispose of electronic information, as well as any specialized system, including but not

20.1 limited to industrial process controls systems, telephone switching and private branch
20.2 exchange systems, and environmental controls systems, that contains customer information
20.3 or that is connected to a system that contains customer information.

20.4 Subd. 15. **Multifactor authentication.** "Multifactor authentication" means authentication
20.5 through verification of at least two of the following factors:

20.6 (1) knowledge factors, including but not limited to a password;

20.7 (2) possession factors, including but not limited to a token; or

20.8 (3) inherence factors, including but not limited to biometric characteristics.

20.9 Subd. 16. **Nonpublic personal information.** (a) "Nonpublic personal information"
20.10 means:

20.11 (1) personally identifiable financial information; or

20.12 (2) any list, description, or other grouping of consumers, including publicly available
20.13 information pertaining to the list, description, or other grouping of consumers, that is derived
20.14 using personally identifiable financial information that is not publicly available.

20.15 (b) Nonpublic personal information includes but is not limited to any list of individuals'
20.16 names and street addresses that is derived in whole or in part using personally identifiable
20.17 financial information that is not publicly available, including account numbers.

20.18 (c) Nonpublic personal information does not include:

20.19 (1) publicly available information, except as included on a list described in paragraph
20.20 (a), clause (2);

20.21 (2) any list, description, or other grouping of consumers, including publicly available
20.22 information pertaining to the list, description, or other grouping of consumers, that is derived
20.23 without using any personally identifiable financial information that is not publicly available;
20.24 or

20.25 (3) any list of individuals' names and addresses that contains only publicly available
20.26 information, is not derived in whole or in part using personally identifiable financial
20.27 information that is not publicly available, and is not disclosed in a manner that indicates
20.28 that any individual on the list is the financial institution's consumer.

20.29 Subd. 17. **Notification event.** "Notification event" means the acquisition of unencrypted
20.30 customer information without the authorization of the individual to which the information
20.31 pertains. Customer information is considered unencrypted for purposes of this subdivision
20.32 if the encryption key was accessed by an unauthorized person. Unauthorized acquisition is

21.1 presumed to include unauthorized access to unencrypted customer information unless the
 21.2 financial institution has reliable evidence showing that there has not been, or could not
 21.3 reasonably have been, unauthorized acquisition of customer information.

21.4 Subd. 18. **Penetration testing.** "Penetration testing" means a test methodology in which
 21.5 assessors attempt to circumvent or defeat the security features of an information system by
 21.6 attempting to penetrate databases or controls from outside or inside a financial institution's
 21.7 information systems.

21.8 Subd. 19. **Personally identifiable financial information.** (a) "Personally identifiable
 21.9 financial information" means any information:

21.10 (1) a consumer provides to a financial institution to obtain a financial product or service;

21.11 (2) about a consumer resulting from any transaction involving a financial product or
 21.12 service between a financial institution and a consumer; or

21.13 (3) a financial institution otherwise obtains about a consumer in connection with providing
 21.14 a financial product or service to the customer.

21.15 (b) Personally identifiable financial information includes:

21.16 (1) information a consumer provides to a financial institution on an application to obtain
 21.17 a loan, credit card, or other financial product or service;

21.18 (2) account balance information, payment history, overdraft history, and credit or debit
 21.19 card purchase information;

21.20 (3) the fact that an individual is or has been a financial institution's customer or has
 21.21 obtained a financial product or service from the financial institution;

21.22 (4) any information about a financial institution's consumer, if the information is disclosed
 21.23 in a manner that indicates that the individual is or has been the financial institution's
 21.24 consumer;

21.25 (5) any information that a consumer provides to a financial institution or that a financial
 21.26 institution or a financial institution's agent otherwise obtains in connection with collecting
 21.27 on or servicing a credit account;

21.28 (6) any information a financial institution collects through an Internet information
 21.29 collecting device from a web server; and

21.30 (7) information from a consumer report.

21.31 (c) Personally identifiable financial information does not include:

22.1 (1) a list of customer names and addresses for an entity that is not a financial institution;
 22.2 and

22.3 (2) information that does not identify a consumer, including but not limited to aggregate
 22.4 information or blind data that does not contain personal identifiers, including account
 22.5 numbers, names, or addresses.

22.6 Subd. 20. **Publicly available information.** (a) "Publicly available information" means
 22.7 any information that a financial institution has a reasonable basis to believe is lawfully made
 22.8 available to the general public from:

22.9 (1) federal, state, or local government records;

22.10 (2) widely distributed media; or

22.11 (3) disclosures to the general public that are required under federal, state, or local law.

22.12 (b) Publicly available information includes but is not limited to:

22.13 (1) with respect to government records, information in government real estate records
 22.14 and security interest filings; and

22.15 (2) with respect to widely distributed media, information from a telephone book, a
 22.16 television or radio program, a newspaper, or a website that is available to the general public
 22.17 on an unrestricted basis. A website is not restricted merely because an Internet service
 22.18 provider or a site operator requires a fee or a password, provided that access is available to
 22.19 the general public.

22.20 (c) For purposes of this subdivision, a financial institution has a reasonable basis to
 22.21 believe that information is lawfully made available to the general public if the financial
 22.22 institution has taken steps to determine: (1) that the information is of the type that is available
 22.23 to the general public; and (2) whether an individual can direct that the information not be
 22.24 made available to the general public and, if so, that the financial institution's consumer has
 22.25 not directed that the information not be made available to the general public. A financial
 22.26 institution has a reasonable basis to believe that mortgage information is lawfully made
 22.27 available to the general public if the financial institution determines the information is of
 22.28 the type included on the public record in the jurisdiction where the mortgage would be
 22.29 recorded. A financial institution has a reasonable basis to believe that an individual's
 22.30 telephone number is lawfully made available to the general public if the financial institution
 22.31 has located the telephone number in the telephone book or the consumer has informed the
 22.32 financial institution that the telephone number is not unlisted.

23.1 Subd. 21. **Qualified individual.** "Qualified individual" means the individual designated
 23.2 by a financial institution to oversee, implement, and enforce the financial institution's
 23.3 information security program.

23.4 Subd. 22. **Security event.** "Security event" means an event resulting in unauthorized
 23.5 access to, or disruption or misuse of: (1) an information system or information stored on an
 23.6 information system; or (2) customer information held in physical form.

23.7 Subd. 23. **Service provider.** "Service provider" means any person or entity that receives,
 23.8 maintains, processes, or otherwise is permitted access to customer information through the
 23.9 service provider's provision of services directly to a financial institution that is subject to
 23.10 this chapter.

23.11 **Sec. 2. [46A.02] SAFEGUARDING CUSTOMER INFORMATION; STANDARDS.**

23.12 Subdivision 1. **Information security program.** (a) A financial institution must develop,
 23.13 implement, and maintain a comprehensive information security program.

23.14 (b) The information security program must: (1) be written in one or more readily
 23.15 accessible parts; and (2) contain administrative, technical, and physical safeguards that are
 23.16 appropriate to the financial institution's size and complexity, the nature and scope of the
 23.17 financial institution's activities, and the sensitivity of any customer information at issue.

23.18 (c) The information security program must include the elements set forth in section
 23.19 46A.03 and must be reasonably designed to achieve the objectives of this chapter, as
 23.20 established under subdivision 2.

23.21 Subd. 2. **Objectives.** The objectives of this chapter are to:

23.22 (1) ensure the security and confidentiality of customer information;

23.23 (2) protect against any anticipated threats or hazards to the security or integrity of
 23.24 customer information; and

23.25 (3) protect against unauthorized access to or use of customer information that might
 23.26 result in substantial harm or inconvenience to a customer.

23.27 **Sec. 3. [46A.03] ELEMENTS.**

23.28 Subdivision 1. **Generally.** In order to develop, implement, and maintain an information
 23.29 security program, a financial institution must comply with this section.

23.30 Subd. 2. **Qualified individual.** (a) A financial institution must designate a qualified
 23.31 individual responsible for overseeing, implementing, and enforcing the financial institution's

24.1 information security program. The qualified individual may be employed by the financial
24.2 institution, an affiliate, or a service provider.

24.3 (b) If a financial institution designates an individual employed by an affiliate or service
24.4 provider as the financial institution's qualified individual, the financial institution must:

24.5 (1) retain responsibility for complying with this chapter;

24.6 (2) designate a senior member of the financial institution's personnel to be responsible
24.7 for directing and overseeing the qualified individual's activities; and

24.8 (3) require the service provider or affiliate to maintain an information security program
24.9 that protects the financial institution in a manner that complies with the requirements of
24.10 this chapter.

24.11 Subd. 3. **Security risk assessment.** (a) A financial institution must base the financial
24.12 institution's information security program on a risk assessment that:

24.13 (1) identifies reasonably foreseeable internal and external risks to the security,
24.14 confidentiality, and integrity of customer information that might result in the unauthorized
24.15 disclosure, misuse, alteration, destruction, or other compromise of customer information;
24.16 and

24.17 (2) assesses the sufficiency of any safeguards in place to control the risks identified
24.18 under clause (1).

24.19 (b) The risk assessment must be made in writing and must include:

24.20 (1) criteria to evaluate and categorize identified security risks or threats the financial
24.21 institution faces;

24.22 (2) criteria to assess the confidentiality, integrity, and availability of the financial
24.23 institution's information systems and customer information, including the adequacy of
24.24 existing controls in the context of the identified risks or threats the financial institution
24.25 faces; and

24.26 (3) requirements describing how:

24.27 (i) identified risks are mitigated or accepted based on the risk assessment; and

24.28 (ii) the information security program addresses the risks.

24.29 (c) A financial institution must periodically perform additional risk assessments that:

24.30 (1) reexamine the reasonably foreseeable internal and external risks to the security,
24.31 confidentiality, and integrity of customer information that might result in the unauthorized

25.1 disclosure, misuse, alteration, destruction, or other compromise of customer information;
25.2 and

25.3 (2) reassess the sufficiency of any safeguards in place to control the risks identified
25.4 under clause (1).

25.5 Subd. 4. **Risk control.** A financial institution must design and implement safeguards to
25.6 control the risks the financial institution identifies through the risk assessment under
25.7 subdivision 3, including by:

25.8 (1) implementing and periodically reviewing access controls, including technical and,
25.9 as appropriate, physical controls to:

25.10 (i) authenticate and permit access only to authorized users to protect against the
25.11 unauthorized acquisition of customer information; and

25.12 (ii) limit an authorized user's access to only customer information that the authorized
25.13 user needs to perform the authorized user's duties and functions or, in the case of a customer,
25.14 to limit access to the customer's own information;

25.15 (2) identifying and managing the data, personnel, devices, systems, and facilities that
25.16 enable the financial institution to achieve business purposes in accordance with the business
25.17 purpose's relative importance to business objectives and the financial institution's risk
25.18 strategy;

25.19 (3) protecting by encryption all customer information held or transmitted by the financial
25.20 institution both in transit over external networks and at rest. To the extent a financial
25.21 institution determines that encryption of customer information either in transit over external
25.22 networks or at rest is infeasible, the financial institution may secure the customer information
25.23 using effective alternative compensating controls that have been reviewed and approved by
25.24 the financial institution's qualified individual;

25.25 (4) adopting: (i) secure development practices for in-house developed applications
25.26 utilized by the financial institution to transmit, access, or store customer information; and
25.27 (ii) procedures to evaluate, assess, or test the security of externally developed applications
25.28 the financial institution uses to transmit, access, or store customer information;

25.29 (5) implementing multifactor authentication for any individual that accesses any
25.30 information system, unless the financial institution's qualified individual has approved in
25.31 writing the use of a reasonably equivalent or more secure access control;

25.32 (6) developing, implementing, and maintaining procedures to securely dispose of
25.33 customer information in any format no later than two years after the last date the information

26.1 is used in connection with providing a product or service to the customer which relates,
26.2 unless: (i) the information is necessary for business operations or for other legitimate business
26.3 purposes; (ii) is otherwise required to be retained by law or regulation; or (iii) if targeted
26.4 disposal of the information is not reasonably feasible due to the manner in which the
26.5 information is maintained;

26.6 (7) periodically reviewing the financial institution's data retention policy to minimize
26.7 the unnecessary retention of data;

26.8 (8) adopting procedures for change management; and

26.9 (9) implementing policies, procedures, and controls designed to: (i) monitor and log the
26.10 activity of authorized users; and (ii) detect unauthorized access to, use of, or tampering with
26.11 customer information by authorized users.

26.12 Subd. 5. **Testing and monitoring.** (a) A financial institution must regularly test or
26.13 otherwise monitor the effectiveness of the safeguards' key controls, systems, and procedures,
26.14 including the controls, systems, and procedures that detect actual and attempted attacks on,
26.15 or intrusions into, information systems.

26.16 (b) For information systems, monitoring and testing must include continuous monitoring
26.17 or periodic penetration testing and vulnerability assessments. Absent effective continuous
26.18 monitoring or other systems to detect on an ongoing basis any changes in information
26.19 systems that may create vulnerabilities, a financial institution must conduct:

26.20 (1) annual penetration testing of the financial institution's information systems, based
26.21 on relevant identified risks in accordance with the risk assessment; and

26.22 (2) vulnerability assessments, including systemic scans or information systems reviews
26.23 that are reasonably designed to identify publicly known security vulnerabilities in the
26.24 financial institution's information systems based on the risk assessment, at least every six
26.25 months, whenever a material change to the financial institution's operations or business
26.26 arrangements occurs, and whenever the financial institution knows or has reason to know
26.27 circumstances exist that may have a material impact on the financial institution's information
26.28 security program.

26.29 Subd. 6. **Internal policies and procedures.** A financial institution must implement
26.30 policies and procedures to ensure that the financial institution's personnel are able to enact
26.31 the financial institution's information security program by:

26.32 (1) providing the financial institution's personnel with security awareness training that
26.33 is updated as necessary to reflect risks identified by the risk assessment;

27.1 (2) utilizing qualified information security personnel employed by the financial institution,
 27.2 an affiliate, or a service provider sufficient to manage the financial institution's information
 27.3 security risks and to perform or oversee the information security program;

27.4 (3) providing information security personnel with security updates and training sufficient
 27.5 to address relevant security risks; and

27.6 (4) verifying that key information security personnel take steps to maintain current
 27.7 knowledge of changing information security threats and countermeasures.

27.8 **Subd. 7. Provider oversight.** A financial institution must oversee service providers by:

27.9 (1) taking reasonable steps to select and retain service providers that are capable of
 27.10 maintaining appropriate safeguards for the customer information at issue;

27.11 (2) requiring by contract the financial institution's service providers to implement and
 27.12 maintain appropriate safeguards; and

27.13 (3) periodically assessing the financial institution's service providers based on the risk
 27.14 the service providers present and the continued adequacy of the service providers' safeguards.

27.15 **Subd. 8. Information security program; evaluation; adjustment.** A financial institution
 27.16 must evaluate and adjust the financial institution's information security program to reflect:

27.17 (1) the results of the testing and monitoring required under subdivision 5; (2) any material
 27.18 changes to the financial institution's operations or business arrangements; (3) the results of
 27.19 risk assessments performed under subdivision 3, paragraph (c); or (4) any other circumstances
 27.20 that the financial institution knows or has reason to know may have a material impact on
 27.21 the financial institution's information security program.

27.22 **Subd. 9. Incident response plan.** A financial institution must establish a written incident
 27.23 response plan designed to promptly respond to and recover from any security event materially
 27.24 affecting the confidentiality, integrity, or availability of customer information the financial
 27.25 institution controls. An incident response plan must address:

27.26 (1) the goals of the incident response plan;

27.27 (2) the internal processes to respond to a security event;

27.28 (3) clear roles, responsibilities, and levels of decision making authority;

27.29 (4) external and internal communications and information sharing;

27.30 (5) requirements to remediate any identified weaknesses in information systems and
 27.31 associated controls;

28.1 (6) documentation and reporting regarding security events and related incident response
 28.2 activities; and

28.3 (7) evaluation and revision of the incident response plan as necessary after a security
 28.4 event.

28.5 Subd. 10. **Annual report.** (a) A financial institution must require the financial institution's
 28.6 qualified individual to report at least annually in writing to the financial institution's board
 28.7 of directors or equivalent governing body. If a board of directors or equivalent governing
 28.8 body does not exist, the report under this subdivision must be timely presented to a senior
 28.9 officer responsible for the financial institution's information security program.

28.10 (b) The report made under this subdivision must include the following information:

28.11 (1) the overall status of the financial institution's information security program, including
 28.12 compliance with this chapter and associated administrative rules; and

28.13 (2) material matters related to the financial institution's information security program,
 28.14 including but not limited to addressing issues pertaining to: (i) the risk assessment; (ii) risk
 28.15 management and control decisions; (iii) service provider arrangements; (iv) testing results;
 28.16 (v) security events or violations and management's responses to the security event or
 28.17 violation; and (vi) recommendations for changes in the information security program.

28.18 Subd. 11. **Business continuity; disaster recovery.** A financial institution must establish
 28.19 a written plan addressing business continuity and disaster recovery.

28.20 Sec. 4. **[46A.04] EXCEPTIONS AND EXEMPTIONS.**

28.21 (a) The requirements under section 46A.03, subdivisions 3; 5, paragraph (a); 9; and 10,
 28.22 do not apply to financial institutions that maintain customer information concerning fewer
 28.23 than 5,000 consumers.

28.24 (b) This chapter does not apply to credit unions or federally insured depository
 28.25 institutions.

28.26 Sec. 5. **[46A.05] ALTERATION OF FEDERAL REGULATION.**

28.27 (a) If an amendment to Code of Federal Regulations, title 16, part 314, results in a
 28.28 complete lack of federal regulations in the area, the version of the state requirements in
 28.29 effect at the time of the amendment remain in effect for two years from the date the
 28.30 amendment becomes effective.

29.1 (b) During the time period under paragraph (a), the department must adopt replacement
29.2 administrative rules as necessary and appropriate.

29.3 **Sec. 6. [46A.06] NOTIFICATION EVENT.**

29.4 Subdivision 1. **Notification requirement.** (a) Upon discovering a notification event as
29.5 described in subdivision 2, if the notification event involves the information of at least 500
29.6 consumers, a financial institution must notify the commissioner without undue delay, but
29.7 no later than 45 days after the date the event is discovered. The notice must be made (1) in
29.8 a format specified by the commissioner, and (2) electronically on a form located on the
29.9 department's website.

29.10 (b) The notice must include:

29.11 (1) the name and contact information of the reporting financial institution;

29.12 (2) a description of the types of information involved in the notification event;

29.13 (3) if possible to determine, the date or date range of the notification event;

29.14 (4) the number of consumers affected or potentially affected by the notification event;

29.15 (5) a general description of the notification event; and

29.16 (6) a statement (i) disclosing whether a law enforcement official has provided the financial
29.17 institution with a written determination indicating that providing notice to the public regarding
29.18 the breach would impede a criminal investigation or cause damage to national security, and
29.19 (ii) if a written determination described under item (i) was provided to the financial
29.20 institution, providing contact information that enables the commissioner to contact the law
29.21 enforcement official. A law enforcement official may request an initial delay of up to 45
29.22 days following the date that notice was provided to the commissioner. The delay may be
29.23 extended for an additional period of up to 60 days if the law enforcement official seeks an
29.24 extension in writing. An additional delay may be permitted only if the commissioner
29.25 determines that public disclosure of a security event continues to impede a criminal
29.26 investigation or cause damage to national security.

29.27 Subd. 2. **Notification event treated as discovered.** A notification event must be treated
29.28 as discovered on the first day when the event is known to a financial institution. A financial
29.29 institution is deemed to have knowledge of a notification event if the event is known to any
29.30 person, other than the person committing the breach, who is the financial institution's
29.31 employee, officer, or other agent.

30.1 **Sec. 7. [46A.07] COMMISSIONER'S POWERS.**

30.2 (a) The commissioner has the power to examine and investigate the affairs of any covered
 30.3 financial institution to determine whether the financial institution has been or is engaged in
 30.4 any conduct that violates this chapter. This power is in addition to the powers granted to
 30.5 the commissioner under section 46.01.

30.6 (b) If the commissioner has reason to believe that a financial institution has been or is
 30.7 engaged in conduct in Minnesota that violates this chapter, the commissioner may take
 30.8 action necessary or appropriate to enforce this chapter.

30.9 **Sec. 8. [46A.08] CONFIDENTIALITY.**

30.10 Subdivision 1. **Financial institution information.** (a) Any documents, materials, or
 30.11 other information in the control or possession of the department that are furnished by a
 30.12 licensee or a licensee's employee or agent acting on behalf of a financial institution pursuant
 30.13 to section 46A.06 or that are obtained by the commissioner in an investigation or examination
 30.14 pursuant to section 46A.07: (1) are classified as confidential, protected nonpublic, or both;
 30.15 (2) are not subject to subpoena; and (3) are not subject to discovery or admissible in evidence
 30.16 in any private civil action.

30.17 (b) Notwithstanding paragraph (a), clauses (1) to (3), the commissioner is authorized to
 30.18 use the documents, materials, or other information in the furtherance of any regulatory or
 30.19 legal action brought as a part of the commissioner's duties.

30.20 Subd. 2. **Certain testimony prohibited.** Neither the commissioner nor any person who
 30.21 received documents, materials, or other information while acting under the authority of the
 30.22 commissioner is permitted or required to testify in a private civil action concerning
 30.23 confidential documents, materials, or information subject to subdivision 1.

30.24 Subd. 3. **Information sharing.** In order to assist in the performance of the commissioner's
 30.25 duties under sections 46A.01 to 46A.08, the commissioner may:

30.26 (1) share documents, materials, or other information, including the confidential and
 30.27 privileged documents, materials, or information subject to subdivision 1, with other state,
 30.28 federal, and international regulatory agencies, with the Conference of State Bank Supervisors,
 30.29 the Conference of State Bank Supervisors' affiliates or subsidiaries, and with state, federal,
 30.30 and international law enforcement authorities, provided that the recipient agrees in writing
 30.31 to maintain the confidentiality and privileged status of the document, material, or other
 30.32 information;

31.1 (2) receive documents, materials, or information, including otherwise confidential and
 31.2 privileged documents, materials, or information, from the Conference of State Bank
 31.3 Supervisors, the Conference of State Bank Supervisors' affiliates or subsidiaries, and from
 31.4 regulatory and law enforcement officials of other foreign or domestic jurisdictions, and
 31.5 must maintain as confidential or privileged any document, material, or information received
 31.6 with notice or the understanding that the document, material, or information is confidential
 31.7 or privileged under the laws of the jurisdiction that is the source of the document, material,
 31.8 or information;

31.9 (3) share documents, materials, or other information subject to subdivision 1 with a
 31.10 third-party consultant or vendor, provided the consultant agrees in writing to maintain the
 31.11 confidentiality and privileged status of the document, material, or other information; and

31.12 (4) enter into agreements governing the sharing and use of information that are consistent
 31.13 with this subdivision.

31.14 Subd. 4. **No waiver of privilege or confidentiality; information retention.** (a) The
 31.15 disclosure of documents, materials, or information to the commissioner under this section
 31.16 or as a result of sharing as authorized in subdivision 3 does not result in a waiver of any
 31.17 applicable privilege or claim of confidentiality in the documents, materials, or information.

31.18 (b) A document, material, or information disclosed to the commissioner under this section
 31.19 about a cybersecurity event must be retained and preserved by the financial institution for
 31.20 five years.

31.21 Subd. 5. **Certain actions public.** Nothing in sections 46A.01 to 46A.08 prohibits the
 31.22 commissioner from releasing final, adjudicated actions that are open to public inspection
 31.23 pursuant to chapter 13 to a database or other clearinghouse service maintained by the
 31.24 Conference of State Bank Supervisors, the Conference of State Bank Supervisors' affiliates,
 31.25 or the Conference of State Bank Supervisors' subsidiaries.

31.26 Subd. 6. **Classification, protection, and use of information by others.** Documents,
 31.27 materials, or other information in the possession or control of the Conference of State Bank
 31.28 Supervisors or a third-party consultant pursuant to sections 46A.01 to 46A.08: (1) are
 31.29 classified as confidential, protected nonpublic, and privileged; (2) are not subject to subpoena;
 31.30 and (3) are not subject to discovery or admissible in evidence in a private civil action.

31.31 Sec. 9. Minnesota Statutes 2022, section 47.20, subdivision 2, is amended to read:

31.32 Subd. 2. **Definitions.** For the purposes of this section the terms defined in this subdivision
 31.33 have the meanings given them:

32.1 (1) "Actual closing costs" mean reasonable charges for or sums paid for the following,
32.2 whether or not retained by the mortgagee or lender:

32.3 (a) Any insurance premiums including but not limited to premiums for title insurance,
32.4 fire and extended coverage insurance, flood insurance, and private mortgage insurance, but
32.5 excluding any charges or sums retained by the mortgagee or lender as self-insured retention.

32.6 (b) Abstracting, title examination and search, and examination of public records.

32.7 (c) The preparation and recording of any or all documents required by law or custom
32.8 for closing a conventional or cooperative apartment loan.

32.9 (d) Appraisal and survey of real property securing a conventional loan or real property
32.10 owned by a cooperative apartment corporation of which a share or shares of stock or a
32.11 membership certificate or certificates are to secure a cooperative apartment loan.

32.12 (e) A single service charge, which includes any consideration, not otherwise specified
32.13 herein as an "actual closing cost" paid by the borrower and received and retained by the
32.14 lender for or related to the acquisition, making, refinancing or modification of a conventional
32.15 or cooperative apartment loan, and also includes any consideration received by the lender
32.16 for making a borrower's interest rate commitment or for making a borrower's loan
32.17 commitment, whether or not an actual loan follows the commitment. The term service charge
32.18 does not include forward commitment fees. The service charge shall not exceed one percent
32.19 of the original bona fide principal amount of the conventional or cooperative apartment
32.20 loan, except that in the case of a construction loan, the service charge shall not exceed two
32.21 percent of the original bona fide principal amount of the loan. That portion of the service
32.22 charge imposed because the loan is a construction loan shall be itemized and a copy of the
32.23 itemization furnished the borrower. A lender shall not collect from a borrower the additional
32.24 one percent service charge permitted for a construction loan if it does not perform the service
32.25 for which the charge is imposed or if third parties perform and charge the borrower for the
32.26 service for which the lender has imposed the charge.

32.27 (f) Charges and fees necessary for or related to the transfer of real or personal property
32.28 securing a conventional or cooperative apartment loan or the closing of a conventional or
32.29 cooperative apartment loan paid by the borrower and received by any party other than the
32.30 lender.

32.31 (2) "Contract for deed" means an executory contract for the conveyance of real estate,
32.32 the original principal amount of which is less than \$300,000. A commitment for a contract
32.33 for deed shall include an executed purchase agreement or earnest money contract wherein
32.34 the seller agrees to finance any part or all of the purchase price by a contract for deed.

33.1 (3) "Conventional loan" means a loan or advance of credit, other than a loan or advance
33.2 of credit made by a credit union or made pursuant to section 334.011, to a noncorporate
33.3 borrower in an original principal amount of less than ~~\$100,000~~ or equal to the conforming
33.4 loan limit established by the Federal Housing Finance Agency under the Housing and
33.5 Recovery Act of 2018, Public Law 110-289, secured by a mortgage upon real property
33.6 containing one or more residential units or upon which at the time the loan is made it is
33.7 intended that one or more residential units are to be constructed, and which is not insured
33.8 or guaranteed by the secretary of housing and urban development, by the administrator of
33.9 veterans affairs, or by the administrator of the Farmers Home Administration, and which
33.10 is not made pursuant to the authority granted in subdivision 1, clause (3) or (4). The term
33.11 mortgage does not include contracts for deed or installment land contracts.

33.12 (4) "Cooperative apartment loan" means a loan or advance of credit, other than a loan
33.13 or advance of credit made by a credit union or made pursuant to section 334.011, to a
33.14 noncorporate borrower in an original principal amount of less than \$100,000, secured by a
33.15 security interest on a share or shares of stock or a membership certificate or certificates
33.16 issued to a stockholder or member by a cooperative apartment corporation, which may be
33.17 accompanied by an assignment by way of security of the borrower's interest in the proprietary
33.18 lease or occupancy agreement in property issued by the cooperative apartment corporation
33.19 and which is not insured or guaranteed by the secretary of housing and urban development,
33.20 by the administrator of veterans affairs, or by the administrator of the Farmers Home
33.21 Administration.

33.22 (5) "Cooperative apartment corporation" means a corporation or cooperative organized
33.23 under chapter 308A or 317A, the shareholders or members of which are entitled, solely by
33.24 reason of their ownership of stock or membership certificates in the corporation or
33.25 association, to occupy one or more residential units in a building owned or leased by the
33.26 corporation or association.

33.27 (6) "Forward commitment fee" means a fee or other consideration paid to a lender for
33.28 the purpose of securing a binding forward commitment by or through the lender to make
33.29 conventional loans to two or more credit worthy purchasers, including future purchasers,
33.30 of residential units, or a fee or other consideration paid to a lender for the purpose of securing
33.31 a binding forward commitment by or through the lender to make conventional loans to two
33.32 or more credit worthy purchasers, including future purchasers, of units to be created out of
33.33 existing structures pursuant to chapter 515B, or a fee or other consideration paid to a lender
33.34 for the purpose of securing a binding forward commitment by or through the lender to make
33.35 cooperative apartment loans to two or more credit worthy purchasers, including future

34.1 purchasers, of a share or shares of stock or a membership certificate or certificates in a
34.2 cooperative apartment corporation; provided, that the forward commitment rate of interest
34.3 does not exceed the maximum lawful rate of interest effective as of the date the forward
34.4 commitment is issued by the lender.

34.5 (7) "Borrower's interest rate commitment" means a binding commitment made by a
34.6 lender to a borrower wherein the lender agrees that, if a conventional or cooperative
34.7 apartment loan is made following issuance of and pursuant to the commitment, the
34.8 conventional or cooperative apartment loan shall be made at a rate of interest not in excess
34.9 of the rate of interest agreed to in the commitment, provided that the rate of interest agreed
34.10 to in the commitment is not in excess of the maximum lawful rate of interest effective as
34.11 of the date the commitment is issued by the lender to the borrower.

34.12 (8) "Borrower's loan commitment" means a binding commitment made by a lender to a
34.13 borrower wherein the lender agrees to make a conventional or cooperative apartment loan
34.14 pursuant to the provisions, including the interest rate, of the commitment, provided that the
34.15 commitment rate of interest does not exceed the maximum lawful rate of interest effective
34.16 as of the date the commitment is issued and the commitment when issued and agreed to
34.17 shall constitute a legally binding obligation on the part of the mortgagee or lender to make
34.18 a conventional or cooperative apartment loan within a specified time period in the future at
34.19 a rate of interest not exceeding the maximum lawful rate of interest effective as of the date
34.20 the commitment is issued by the lender to the borrower; provided that a lender who issues
34.21 a borrower's loan commitment pursuant to the provisions of a forward commitment is
34.22 authorized to issue the borrower's loan commitment at a rate of interest not to exceed the
34.23 maximum lawful rate of interest effective as of the date the forward commitment is issued
34.24 by the lender.

34.25 (9) "Finance charge" means the total cost of a conventional or cooperative apartment
34.26 loan including extensions or grant of credit regardless of the characterization of the same
34.27 and includes interest, finders fees, and other charges levied by a lender directly or indirectly
34.28 against the person obtaining the conventional or cooperative apartment loan or against a
34.29 seller of real property securing a conventional loan or a seller of a share or shares of stock
34.30 or a membership certificate or certificates in a cooperative apartment corporation securing
34.31 a cooperative apartment loan, or any other party to the transaction except any actual closing
34.32 costs and any forward commitment fee. The finance charges plus the actual closing costs
34.33 and any forward commitment fee, charged by a lender shall include all charges made by a
34.34 lender other than the principal of the conventional or cooperative apartment loan. The finance
34.35 charge, with respect to wraparound mortgages, shall be computed based upon the face

35.1 amount of the wraparound mortgage note, which face amount shall consist of the aggregate
35.2 of those funds actually advanced by the wraparound lender and the total outstanding principal
35.3 balances of the prior note or notes which have been made a part of the wraparound mortgage
35.4 note.

35.5 (10) "Lender" means any person making a conventional or cooperative apartment loan,
35.6 or any person arranging financing for a conventional or cooperative apartment loan. The
35.7 term also includes the holder or assignee at any time of a conventional or cooperative
35.8 apartment loan.

35.9 (11) "Loan yield" means the annual rate of return obtained by a lender over the term of
35.10 a conventional or cooperative apartment loan and shall be computed as the annual percentage
35.11 rate as computed in accordance with sections 226.5 (b), (c), and (d) of Regulation Z, Code
35.12 of Federal Regulations, title 12, part 226, but using the definition of finance charge provided
35.13 for in this subdivision. For purposes of this section, with respect to wraparound mortgages,
35.14 the rate of interest or loan yield shall be based upon the principal balance set forth in the
35.15 wraparound note and mortgage and shall not include any interest differential or yield
35.16 differential between the stated interest rate on the wraparound mortgage and the stated
35.17 interest rate on the one or more prior mortgages included in the stated loan amount on a
35.18 wraparound note and mortgage.

35.19 (12) "Person" means an individual, corporation, business trust, partnership or association
35.20 or any other legal entity.

35.21 (13) "Residential unit" means any structure used principally for residential purposes or
35.22 any portion thereof, and includes a unit in a common interest community, a nonowner
35.23 occupied residence, and any other type of residence regardless of whether the unit is used
35.24 as a principal residence, secondary residence, vacation residence, or residence of some other
35.25 denomination.

35.26 (14) "Vendor" means any person or persons who agree to sell real estate and finance
35.27 any part or all of the purchase price by a contract for deed. The term also includes the holder
35.28 or assignee at any time of the vendor's interest in a contract for deed.

35.29 Sec. 10. Minnesota Statutes 2022, section 47.54, subdivision 2, is amended to read:

35.30 Subd. 2. **Approval order.** (a) If no objection is received by the commissioner within
35.31 15 days after the publication of the notice, the commissioner ~~shall issue an order~~ must
35.32 provide written consent approving the application without a hearing if ~~it is found~~ the
35.33 commissioner finds that ~~(a):~~ (1) the applicant bank meets current industry standards of

36.1 capital adequacy, management quality, and asset condition, ~~(b); (2)~~ the establishment of the
 36.2 proposed detached facility ~~will improve~~ improves the quality or increase the availability of
 36.3 banking services in the community to be served; ~~and (c) (3)~~ the establishment of the proposed
 36.4 detached facility ~~will~~ does not have an undue adverse effect upon the solvency of existing
 36.5 financial institutions in the community to be served.

36.6 ~~Otherwise, (b)~~ The commissioner ~~shall~~ must deny ~~the~~ an application that does not meet
 36.7 the criteria under paragraph (a), clauses (1) to (3).

36.8 (c) Any proceedings for judicial review of ~~an order of~~ written consent provided by the
 36.9 commissioner ~~issued~~ under this subdivision without a contested case hearing shall be
 36.10 conducted pursuant to the provisions of the Administrative Procedure Act relating to judicial
 36.11 review of agency decisions, sections 14.63 to 14.69, and the scope of judicial review in
 36.12 such proceedings shall be as provided therein. Nothing herein shall be construed as requiring
 36.13 the commissioner to conduct a contested case hearing if no written objection is timely
 36.14 received by the commissioner from a bank within three miles of the proposed location of
 36.15 the detached facility.

36.16 Sec. 11. Minnesota Statutes 2022, section 47.54, subdivision 6, is amended to read:

36.17 Subd. 6. **Expiration and extension of order approval.** If a facility is not activated
 36.18 within 18 months from the date ~~of the order approval is granted under subdivision 2~~, the
 36.19 approval ~~order~~ automatically expires. Upon a request of ~~made by~~ the applicant ~~prior to~~
 36.20 before the automatic expiration date of the order approval expires, the commissioner may
 36.21 grant reasonable extensions of time to the applicant to activate the facility as the
 36.22 commissioner deems necessary. The extensions of time shall not exceed a total of an
 36.23 additional 12 months. If the commissioner's order approval is the subject of an appeal in
 36.24 accordance with chapter 14, the time period referred to in this section ~~for activation of to~~
 36.25 activate the facility and any extensions shall begin begins when all appeals or rights of
 36.26 appeal from the commissioner's order approval have concluded or expired.

36.27 Sec. 12. Minnesota Statutes 2022, section 48.24, subdivision 2, is amended to read:

36.28 Subd. 2. **Loan liabilities.** Loans not exceeding 25 percent of such capital and surplus
 36.29 made upon first mortgage security on improved real estate in any state in which the bank
 36.30 or a ~~branch established under section 49.411~~ detached facility of the bank is located, or in
 36.31 any state adjoining a state in which the bank or a ~~branch established under section 49.411~~
 36.32 detached facility of the bank is located, shall not constitute a liability of the maker of the
 36.33 notes secured by such mortgages within the meaning of the foregoing provision limiting

37.1 liability, but shall be an actual liability of the maker. These mortgage loans shall be limited
 37.2 to, and in no case exceed, 50 percent of the cash value of the security covered by the
 37.3 mortgage, except mortgage loans guaranteed as provided by the Servicemen's Readjustment
 37.4 Act of 1944, as now or hereafter amended, or for which there is a commitment to so guarantee
 37.5 or for which a conditional guarantee has been issued, which loans shall in no case exceed
 37.6 60 percent of the cash value of the security covered by such mortgage. For the purposes of
 37.7 this subdivision, real estate is improved when substantial and permanent development or
 37.8 construction has contributed substantially to its value, and agricultural land is improved
 37.9 when farm crops are regularly raised on such land without further substantial improvements.

37.10 Sec. 13. Minnesota Statutes 2023 Supplement, section 53B.28, subdivision 18, is amended
 37.11 to read:

37.12 Subd. 18. **Money transmission.** (a) "Money transmission" means:

37.13 (1) selling or issuing payment instruments to a person located in this state;

37.14 (2) selling or issuing stored value to a person located in this state; or

37.15 (3) receiving money for transmission from a person located in this state.

37.16 (b) ~~Money includes payroll processing services.~~ Money transmission does not include
 37.17 the provision solely of online or telecommunications services or network access.

37.18 Sec. 14. Minnesota Statutes 2023 Supplement, section 53B.28, subdivision 25, is amended
 37.19 to read:

37.20 Subd. 25. **Payroll processing services.** "Payroll processing services" means ~~receiving~~
 37.21 ~~money for transmission pursuant to a contract with a person to deliver~~ delivering wages or
 37.22 salaries, ~~make~~ making payment of payroll taxes to state and federal agencies, ~~make~~ making
 37.23 payments relating to employee benefit plans, ~~or make~~ making distributions of other authorized
 37.24 deductions from wages or salaries, or transmitting money on behalf of an employer in
 37.25 connection with transactions related to employees. The term payroll processing services
 37.26 ~~does not include~~ includes an employer performing payroll processing services on the
 37.27 employer's own behalf or on behalf of the employer's affiliate, ~~or a~~ and professional
 37.28 employment organization ~~subject to regulation under other applicable state law~~ organizations.

37.29 Sec. 15. Minnesota Statutes 2023 Supplement, section 53B.29, is amended to read:

37.30 **53B.29 EXEMPTIONS.**

37.31 This chapter does not apply to:

38.1 (1) an operator of a payment system, to the extent the operator of a payment system
38.2 provides processing, clearing, or settlement services between or among persons exempted
38.3 by this section or licensees in connection with wire transfers, credit card transactions, debit
38.4 card transactions, stored-value transactions, automated clearing house transfers, or similar
38.5 funds transfers;

38.6 (2) a person appointed as an agent of a payee to collect and process a payment from a
38.7 payor to the payee for goods or services, other than money transmission itself, provided to
38.8 the payor by the payee, provided that:

38.9 (i) there exists a written agreement between the payee and the agent directing the agent
38.10 to collect and process payments from payors on the payee's behalf;

38.11 (ii) the payee holds the agent out to the public as accepting payments for goods or services
38.12 on the payee's behalf; and

38.13 (iii) payment for the goods and services is treated as received by the payee upon receipt
38.14 by the agent so that the payor's obligation is extinguished and there is no risk of loss to the
38.15 payor if the agent fails to remit the funds to the payee;

38.16 (3) a person that acts as an intermediary by processing payments between an entity that
38.17 has directly incurred an outstanding money transmission obligation to a sender, and the
38.18 sender's designated recipient, provided that the entity:

38.19 (i) is properly licensed or exempt from licensing requirements under this chapter;

38.20 (ii) provides a receipt, electronic record, or other written confirmation to the sender
38.21 identifying the entity as the provider of money transmission in the transaction; and

38.22 (iii) bears sole responsibility to satisfy the outstanding money transmission obligation
38.23 to the sender, including the obligation to make the sender whole in connection with any
38.24 failure to transmit the funds to the sender's designated recipient;

38.25 (4) the United States; a department, agency, or instrumentality of the United States; or
38.26 an agent of the United States;

38.27 (5) money transmission by the United States Postal Service or by an agent of the United
38.28 States Postal Service;

38.29 (6) a state; county; city; any other governmental agency, governmental subdivision, or
38.30 instrumentality of a state; or the state's agent;

38.31 (7) a federally insured depository financial institution; bank holding company; office of
38.32 an international banking corporation; foreign bank that establishes a federal branch pursuant

39.1 to the International Bank Act, United States Code, title 12, section 3102, as amended or
39.2 recodified from time to time; corporation organized pursuant to the Bank Service Corporation
39.3 Act, United States Code, title 12, sections 1861 to 1867, as amended or recodified from
39.4 time to time; or corporation organized under the Edge Act, United States Code, title 12,
39.5 sections 611 to 633, as amended or recodified from time to time;

39.6 (8) electronic funds transfer of governmental benefits for a federal, state, county, or
39.7 governmental agency by a contractor on behalf of the United States or a department, agency,
39.8 or instrumentality thereof, or on behalf of a state or governmental subdivision, agency, or
39.9 instrumentality thereof;

39.10 (9) a board of trade designated as a contract market under the federal Commodity
39.11 Exchange Act, United States Code, title 7, sections 1 to 25, as amended or recodified from
39.12 time to time; or a person that in the ordinary course of business provides clearance and
39.13 settlement services for a board of trade to the extent of its operation as or for a board;

39.14 (10) a registered futures commission merchant under the federal commodities laws, to
39.15 the extent of the registered futures commission merchant's operation as a merchant;

39.16 (11) a person registered as a securities broker-dealer under federal or state securities
39.17 laws, to the extent of the person's operation as a securities broker-dealer;

39.18 (12) an individual employed by a licensee, authorized delegate, or any person exempted
39.19 from the licensing requirements under this chapter when acting within the scope of
39.20 employment and under the supervision of the licensee, authorized delegate, or exempted
39.21 person as an employee and not as an independent contractor;

39.22 (13) a person expressly appointed as a third-party service provider to or agent of an
39.23 entity exempt under clause (7), solely to the extent that:

39.24 (i) the service provider or agent is engaging in money transmission on behalf of and
39.25 pursuant to a written agreement with the exempt entity that sets forth the specific functions
39.26 that the service provider or agent is to perform; and

39.27 (ii) the exempt entity assumes all risk of loss and all legal responsibility for satisfying
39.28 the outstanding money transmission obligations owed to purchasers and holders of the
39.29 outstanding money transmission obligations upon receipt of the purchaser's or holder's
39.30 money or monetary value by the service provider or agent; ~~or~~

39.31 (14) payroll processing services providers; or

40.1 ~~(14)~~ (15) a person exempt by regulation or order if the commissioner finds that (i) the
40.2 exemption is in the public interest, and (ii) the regulation of the person is not necessary for
40.3 the purposes of this chapter.

40.4 Sec. 16. Minnesota Statutes 2022, section 58.02, is amended by adding a subdivision to
40.5 read:

40.6 Subd. 15a. **Nationwide Multistate Licensing System and Registry.** "Nationwide
40.7 Multistate Licensing System and Registry" has the meaning given in section 58A.02,
40.8 subdivision 8.

40.9 Sec. 17. Minnesota Statutes 2022, section 58.02, subdivision 18, is amended to read:

40.10 Subd. 18. **Residential mortgage loan.** "Residential mortgage loan" means a loan secured
40.11 primarily by either: (1) a mortgage, deed of trust, or other equivalent security interest on
40.12 residential real ~~property~~ estate; or (2) certificates of stock or other evidence of ownership
40.13 interest in and proprietary lease from corporations, partnerships, or other forms of business
40.14 organizations formed for the purpose of cooperative ownership of residential real ~~property~~
40.15 estate.

40.16 Sec. 18. Minnesota Statutes 2022, section 58.02, subdivision 21, is amended to read:

40.17 Subd. 21. **Residential real estate.** "Residential real estate" means real property located
40.18 in Minnesota upon which a dwelling, as defined in United States Code, title 15, section
40.19 1602(w), is constructed or is intended to be constructed, whether or not the owner occupies
40.20 the real property.

40.21 Sec. 19. Minnesota Statutes 2022, section 58.04, subdivision 1, is amended to read:

40.22 Subdivision 1. **Residential mortgage originator licensing requirements.** (a) No person
40.23 shall act as a residential mortgage originator, or make residential mortgage loans without
40.24 first obtaining a license from the commissioner according to the licensing procedures
40.25 provided in this chapter.

40.26 (b) A licensee must be either a partnership, limited liability partnership, association,
40.27 limited liability company, corporation, or other form of business organization, and must
40.28 have and maintain a surety bond in the amounts prescribed under section 58.08.

40.29 (c) The following persons are exempt from the residential mortgage originator licensing
40.30 requirements:

41.1 (1) a person who is not in the business of making residential mortgage loans and who
41.2 makes no more than three such loans, with its own funds, during any 12-month period;

41.3 (2) a financial institution as defined in section 58.02, subdivision 10;

41.4 (3) an agency of the federal government, or of a state or municipal government;

41.5 (4) an employee or employer pension plan making loans only to its participants;

41.6 (5) a person acting in a fiduciary capacity, such as a trustee or receiver, as a result of a
41.7 specific order issued by a court of competent jurisdiction;

41.8 (6) a person who is a bona fide nonprofit organization that meets all the criteria required
41.9 by the federal Secure and Fair Enforcement Licensing Act in Regulation H, adopted pursuant
41.10 to Code of Federal Regulations, title 12, part 1008, subpart B, section 1008.103 (e)(7)(ii);

41.11 ~~(6)~~ (7) a person exempted by order of the commissioner; or

41.12 ~~(7)~~ (8) a manufactured home dealer, as defined in section 327B.01, subdivision 7 or 11b,
41.13 or a manufactured home salesperson, as defined in section 327B.01, subdivision 19, that:

41.14 (i) performs only clerical or support duties in connection with assisting a consumer in
41.15 filling out a residential mortgage loan application but does not in any way offer or negotiate
41.16 loan terms, or hold themselves out as a housing counselor;

41.17 (ii) does not receive any direct or indirect compensation or gain from any individual or
41.18 company for assisting consumers with a residential mortgage loan application, in excess of
41.19 the customary salary or commission from the employer in connection with the sales
41.20 transaction; and

41.21 (iii) discloses to the borrower in writing:

41.22 (A) if a corporate affiliation with a lender exists;

41.23 (B) if a corporate affiliation with a lender exists, that the lender cannot guarantee the
41.24 lowest or best terms available and the consumer has the right to choose their lender; and

41.25 (C) if a corporate affiliation with a lender exists, the name of at least one unaffiliated
41.26 lender.

41.27 (d) For the purposes of this subdivision, "housing counselor" means an individual who
41.28 provides assistance and guidance about residential mortgage loan terms including rates,
41.29 fees, or other costs.

41.30 (e) The disclosures required under paragraph (c), clause ~~(7)~~ (8), item (iii), must be made
41.31 on a one-page form prescribed by the commissioner and developed in consultation with the

42.1 Manufactured and Modular Home Association. The form must be posted on the department's
42.2 website.

42.3 Sec. 20. Minnesota Statutes 2022, section 58.04, subdivision 2, is amended to read:

42.4 Subd. 2. **Residential mortgage servicer licensing requirements.** (a) Beginning August
42.5 1, 1999, no person shall engage in activities or practices that fall within the definition of
42.6 "servicing a residential mortgage loan" under section 58.02, subdivision 22, without first
42.7 obtaining a license from the commissioner according to the licensing procedures provided
42.8 in this chapter.

42.9 (b) The following persons are exempt from the residential mortgage servicer licensing
42.10 requirements:

42.11 (1) a person licensed as a residential mortgage originator;

42.12 (2) an employee of one licensee or one person holding a certificate of exemption based
42.13 on an exemption under this subdivision;

42.14 (3) a person servicing loans made with its own funds, if no more than three such loans
42.15 are made in any 12-month period;

42.16 (4) a financial institution as defined in section 58.02, subdivision 10;

42.17 (5) an agency of the federal government, or of a state or municipal government;

42.18 (6) an employee or employer pension plan making loans only to its participants;

42.19 (7) a person acting in a fiduciary capacity, such as a trustee or receiver, as a result of a
42.20 specific order issued by a court of competent jurisdiction; ~~or~~

42.21 (8) a person who is a bona fide nonprofit organization that meets all the criteria required
42.22 by the federal Secure and Fair Enforcement Licensing Act in Regulation H, Code of Federal
42.23 Regulations, title 12, part 1008, subpart B, section 1008.103 (e)(7)(ii); or

42.24 ~~(8)~~ (9) a person exempted by order of the commissioner.

42.25 Sec. 21. Minnesota Statutes 2022, section 58.05, subdivision 1, is amended to read:

42.26 Subdivision 1. **Exempt person.** (a) An exempt person, as defined by section 58.04,
42.27 subdivision 1, paragraph (c), and subdivision 2, paragraph (b), is exempt from the licensing
42.28 requirements of this chapter, but is subject to all other provisions of this chapter.

42.29 (b) Paragraph (a) does not apply to an institution covered under section 58.04, subdivision
42.30 4, even if the institution is otherwise an exempt person.

43.1 Sec. 22. Minnesota Statutes 2022, section 58.05, subdivision 3, is amended to read:

43.2 Subd. 3. **Certificate of exemption.** ~~A person~~ (a) The following persons must obtain a
 43.3 certificate of exemption from the commissioner to qualify as an exempt person under section
 43.4 58.04, subdivision 1, paragraph (c); (1) a financial institution under section 58.04,
 43.5 subdivision 1, paragraph (c), clause (2); (2) a bona fide nonprofit organization under section
 43.6 58.04, subdivision 1, paragraph (c), clause (6); or (3) a person exempted by order of the
 43.7 commissioner under section 58.04, subdivision 1, paragraph (c), clause (6); or (7).

43.8 (b) The following persons must obtain a certificate of exemption from the commissioner
 43.9 to qualify as an exempt person under section 58.04, subdivision 2, paragraph (b); ~~as:~~ (1) a
 43.10 financial institution under section 58.04, subdivision 2, paragraph (b), clause (4); (2) a bona
 43.11 fide nonprofit organization under section 58.04, subdivision 2, paragraph (b), clause (8); or
 43.12 (3) a person exempted by order of the commissioner under clause ~~(8)~~ (9).

43.13 Sec. 23. Minnesota Statutes 2022, section 58.06, is amended by adding a subdivision to
 43.14 read:

43.15 Subd. 5. **Background checks.** In connection with an application for a residential mortgage
 43.16 loan originator or servicer license, any person in control of an applicant must, at a minimum,
 43.17 provide the Nationwide Multistate Licensing System and Registry information concerning
 43.18 the person's identity, including:

43.19 (1) fingerprints for submission to the Federal Bureau of Investigation and a governmental
 43.20 agency or entity authorized to receive the information for a state, national, and international
 43.21 criminal history background check; and

43.22 (2) personal history and experience in a form prescribed by the Nationwide Multistate
 43.23 Licensing System and Registry, including the submission of authorization for the Nationwide
 43.24 Multistate Licensing System and Registry and the commissioner to obtain:

43.25 (i) an independent credit report obtained from a consumer reporting agency described
 43.26 in United States Code, title 15, section 1681a(p); and

43.27 (ii) information related to administrative, civil, or criminal findings by a governmental
 43.28 jurisdiction.

43.29 Sec. 24. Minnesota Statutes 2022, section 58.06, is amended by adding a subdivision to
 43.30 read:

43.31 Subd. 6. **Requesting and distributing criminal information; agency.** For the purposes
 43.32 of this section and in order to reduce the points of contact the Federal Bureau of Investigation

44.1 may have to maintain for purposes of subdivision 5, clauses (1) and (2), the commissioner
 44.2 may use the Nationwide Multistate Licensing System and Registry as a channeling agent
 44.3 to request information from and distribute information to the United States Department of
 44.4 Justice or any governmental agency.

44.5 Sec. 25. Minnesota Statutes 2022, section 58.06, is amended by adding a subdivision to
 44.6 read:

44.7 **Subd. 7. Requesting and distributing noncriminal information; agency.** For the
 44.8 purposes of this section and in order to reduce the points of contact the commissioner may
 44.9 have to maintain for purposes of subdivision 5, clause (2), the commissioner may use the
 44.10 Nationwide Multistate Licensing System and Registry as a channeling agent to request and
 44.11 distribute information from and to any source, as directed by the commissioner.

44.12 Sec. 26. Minnesota Statutes 2022, section 58.08, subdivision 1a, is amended to read:

44.13 **Subd. 1a. Residential mortgage originators.** (a) An applicant for a residential mortgage
 44.14 originator license must file with the department a surety bond in the amount of ~~\$100,000~~
 44.15 \$125,000, issued by an insurance company authorized to do so in this state. The bond must
 44.16 cover all mortgage loan originators who are employees or independent agents of the applicant.
 44.17 The bond must be available for the recovery of expenses, fines, and fees levied by the
 44.18 commissioner under this chapter and for losses incurred by borrowers as a result of a
 44.19 licensee's noncompliance with the requirements of this chapter, sections 325D.43 to 325D.48,
 44.20 and 325F.67 to 325F.69, or breach of contract relating to activities regulated by this chapter.

44.21 (b) The bond must be submitted with the originator's license application and evidence
 44.22 of continued coverage must be submitted with each renewal. Any change in the bond must
 44.23 be submitted for approval by the commissioner, within ten days of its execution. The bond
 44.24 or a substitute bond shall remain in effect during all periods of licensing.

44.25 (c) Upon filing of the mortgage call report as required by section ~~58A.17~~ 58.141, a
 44.26 licensee shall maintain or increase ~~its~~ the licensee's surety bond to reflect the total dollar
 44.27 amount of the closed residential mortgage loans originated in this state in the preceding
 44.28 year according to the table in this paragraph. A licensee may decrease ~~its~~ the licensee's
 44.29 surety bond according to the table in this paragraph if the surety bond required is less than
 44.30 the amount of the surety bond on file with the department.

44.31	Dollar Amount of Closed Residential	Surety Bond Required
44.32	Mortgage Loans	
44.33	\$0 to \$5,000,000 <u>\$10,000,000</u>	\$100,000 <u>\$125,000</u>

45.1	\$5,000,000.01 <u>\$10,000,000.01 to \$10,000,000</u>	
45.2	<u>\$25,000,000</u>	\$125,000 <u>\$150,000</u>
45.3	\$10,000,000.01 <u>\$25,000,000.01 to</u>	
45.4	\$25,000,000 <u>\$100,000,000</u>	\$150,000 <u>\$200,000</u>
45.5	Over \$25,000,000 <u>\$100,000,000</u>	\$200,000 <u>\$300,000</u>

45.6 For purposes of this subdivision, "mortgage loan originator" has the meaning given the
45.7 term in section 58A.02, subdivision 7.

45.8 Sec. 27. Minnesota Statutes 2022, section 58.08, subdivision 2, is amended to read:

45.9 Subd. 2. **Residential mortgage servicers.** (a) A residential mortgage servicer licensee
45.10 shall continuously maintain a surety bond or irrevocable letter of credit in an amount not
45.11 less than ~~\$100,000~~ \$125,000 in a form approved by the commissioner, issued by an insurance
45.12 company or bank authorized to do so in this state. The bond or irrevocable letter of credit
45.13 must be available for the recovery of expenses, fines, and fees levied by the commissioner
45.14 under this chapter, and for losses or damages incurred by borrowers or other aggrieved
45.15 parties as the result of a licensee's noncompliance with the requirements of this chapter,
45.16 sections 325D.43 to 325D.48, and 325F.67 to 325F.69, or breach of contract relating to
45.17 activities regulated by this chapter.

45.18 (b) The bond or irrevocable letter of credit must be submitted with the servicer's license
45.19 application and evidence of continued coverage must be submitted with each renewal. Any
45.20 change in the bond or letter of credit must be submitted for approval by the commissioner,
45.21 within ten days of its execution. The bond or a substitute bond must remain in effect during
45.22 all periods of a license.

45.23 (c) Upon filing the mortgage call report under section 58.141, a licensee must maintain
45.24 or increase the licensee's surety bond to reflect the total dollar amount of unpaid principal
45.25 balance for residential mortgage loans serviced in Minnesota during the preceding quarter
45.26 according to the table in this paragraph. A licensee may decrease the licensee's surety bond
45.27 according to the table in this paragraph if the surety bond required is less than the amount
45.28 of the surety bond on file with the department.

45.29	<u>Dollar Amount of Unpaid Principal Balance</u>	<u>Surety Bond Required</u>
45.30	<u>for Serviced Residential Mortgage Loans</u>	
45.31	<u>\$0 to \$10,000,000</u>	<u>\$125,000</u>
45.32	<u>\$10,000,000.01 to \$50,000,000</u>	<u>\$200,000</u>
45.33	<u>Over \$50,000,000</u>	<u>\$300,000</u>

46.1 Sec. 28. Minnesota Statutes 2022, section 58.10, subdivision 3, is amended to read:

46.2 Subd. 3. **Consumer education account; money credited and appropriated.** (a) The
 46.3 consumer education account is created in the special revenue fund. Money credited to this
 46.4 account may be appropriated to the commissioner ~~for the purpose of making~~ to: (1) make
 46.5 grants to programs and campaigns designed to help consumers avoid being victimized by
 46.6 unscrupulous lenders and mortgage brokers; and (2) pay for expenses the commissioner
 46.7 incurs to provide outreach and education related to affordable housing and home ownership
 46.8 education. The commissioner must give preference shall be given for grants to programs
 46.9 and campaigns designed by coalitions of public sector, private sector, and nonprofit agencies,
 46.10 institutions, companies, and organizations.

46.11 (b) A sum sufficient is appropriated annually from the consumer education account to
 46.12 the commissioner to make the grants described in paragraph (a).

46.13 Sec. 29. Minnesota Statutes 2022, section 58.115, is amended to read:

46.14 **58.115 EXAMINATIONS.**

46.15 The commissioner has under this chapter the same powers with respect to examinations
 46.16 that the commissioner has under section 46.04. In addition to the powers under section
 46.17 46.04, the commissioner may accept examination reports prepared by a state agency that
 46.18 has comparable supervisory powers and examination procedures. The authority under section
 46.19 49.411, subdivision 7, applies to examinations of institutions under this chapter.

46.20 Sec. 30. Minnesota Statutes 2022, section 58.13, subdivision 1, is amended to read:

46.21 Subdivision 1. **Generally.** (a) No person acting as a residential mortgage originator or
 46.22 servicer, including a person required to be licensed under this chapter, and no person exempt
 46.23 from the licensing requirements of this chapter under section 58.04, except as otherwise
 46.24 provided in paragraph (b), shall:

46.25 (1) fail to maintain a trust account to hold trust funds received in connection with a
 46.26 residential mortgage loan;

46.27 (2) fail to deposit all trust funds into a trust account within three business days of receipt;
 46.28 commingle trust funds with funds belonging to the licensee or exempt person; or use trust
 46.29 account funds for any purpose other than that for which they are received;

46.30 (3) unreasonably delay the processing of a residential mortgage loan application, or the
 46.31 closing of a residential mortgage loan. For purposes of this clause, evidence of unreasonable

47.1 delay includes but is not limited to those factors identified in section 47.206, subdivision
47.2 7, paragraph (d);

47.3 (4) fail to disburse funds according to its contractual or statutory obligations;

47.4 (5) fail to perform in conformance with its written agreements with borrowers, investors,
47.5 other licensees, or exempt persons;

47.6 (6) charge a fee for a product or service where the product or service is not actually
47.7 provided, or misrepresent the amount charged by or paid to a third party for a product or
47.8 service;

47.9 (7) fail to comply with sections 345.31 to 345.60, the Minnesota unclaimed property
47.10 law;

47.11 (8) violate any provision of any other applicable state or federal law regulating residential
47.12 mortgage loans including, without limitation, sections 47.20 to 47.208 and 47.58;

47.13 (9) make or cause to be made, directly or indirectly, any false, deceptive, or misleading
47.14 statement or representation in connection with a residential loan transaction including,
47.15 without limitation, a false, deceptive, or misleading statement or representation regarding
47.16 the borrower's ability to qualify for any mortgage product;

47.17 (10) conduct residential mortgage loan business under any name other than that under
47.18 which the license or certificate of exemption was issued;

47.19 (11) compensate, whether directly or indirectly, coerce or intimidate an appraiser for
47.20 the purpose of influencing the independent judgment of the appraiser with respect to the
47.21 value of real estate that is to be covered by a residential mortgage or is being offered as
47.22 security according to an application for a residential mortgage loan;

47.23 (12) issue any document indicating conditional qualification or conditional approval for
47.24 a residential mortgage loan, unless the document also clearly indicates that final qualification
47.25 or approval is not guaranteed, and may be subject to additional review;

47.26 (13) make or assist in making any residential mortgage loan with the intent that the loan
47.27 will not be repaid and that the residential mortgage originator will obtain title to the property
47.28 through foreclosure;

47.29 (14) provide or offer to provide for a borrower, any brokering or lending services under
47.30 an arrangement with a person other than a licensee or exempt person, provided that a person
47.31 may rely upon a written representation by the residential mortgage originator that it is in
47.32 compliance with the licensing requirements of this chapter;

48.1 (15) claim to represent a licensee or exempt person, unless the person is an employee
48.2 of the licensee or exempt person or unless the person has entered into a written agency
48.3 agreement with the licensee or exempt person;

48.4 (16) fail to comply with the record keeping and notification requirements identified in
48.5 section 58.14 or fail to abide by the affirmations made on the application for licensure;

48.6 (17) represent that the licensee or exempt person is acting as the borrower's agent after
48.7 providing the nonagency disclosure required by section 58.15, unless the disclosure is
48.8 retracted and the licensee or exempt person complies with all of the requirements of section
48.9 58.16;

48.10 (18) make, provide, or arrange for a residential mortgage loan that is of a lower investment
48.11 grade if the borrower's credit score or, if the originator does not utilize credit scoring or if
48.12 a credit score is unavailable, then comparable underwriting data, indicates that the borrower
48.13 may qualify for a residential mortgage loan, available from or through the originator, that
48.14 is of a higher investment grade, unless the borrower is informed that the borrower may
48.15 qualify for a higher investment grade loan with a lower interest rate and/or lower discount
48.16 points, and consents in writing to receipt of the lower investment grade loan;

48.17 For purposes of this section, "investment grade" refers to a system of categorizing
48.18 residential mortgage loans in which the loans are distinguished by interest rate or discount
48.19 points or both charged to the borrower, which vary according to the degree of perceived
48.20 risk of default based on factors such as the borrower's credit, including credit score and
48.21 credit patterns, income and employment history, debt ratio, loan-to-value ratio, and prior
48.22 bankruptcy or foreclosure;

48.23 (19) make, publish, disseminate, circulate, place before the public, or cause to be made,
48.24 directly or indirectly, any advertisement or marketing materials of any type, or any statement
48.25 or representation relating to the business of residential mortgage loans that is false, deceptive,
48.26 or misleading;

48.27 (20) advertise loan types or terms that are not available from or through the licensee or
48.28 exempt person on the date advertised, or on the date specified in the advertisement. For
48.29 purposes of this clause, advertisement includes, but is not limited to, a list of sample mortgage
48.30 terms, including interest rates, discount points, and closing costs provided by licensees or
48.31 exempt persons to a print or electronic medium that presents the information to the public;

48.32 (21) use or employ phrases, pictures, return addresses, geographic designations, or other
48.33 means that create the impression, directly or indirectly, that a licensee or other person is a

49.1 governmental agency, or is associated with, sponsored by, or in any manner connected to,
49.2 related to, or endorsed by a governmental agency, if that is not the case;

49.3 (22) violate section 82.77, relating to table funding;

49.4 (23) make, provide, or arrange for a residential mortgage loan all or a portion of the
49.5 proceeds of which are used to fully or partially pay off a "special mortgage" unless the
49.6 borrower has obtained a written certification from an authorized independent loan counselor
49.7 that the borrower has received counseling on the advisability of the loan transaction. For
49.8 purposes of this section, "special mortgage" means a residential mortgage loan originated,
49.9 subsidized, or guaranteed by or through a state, tribal, or local government, or nonprofit
49.10 organization, that bears one or more of the following nonstandard payment terms which
49.11 substantially benefit the borrower: (i) payments vary with income; (ii) payments of principal
49.12 or interest are not required or can be deferred under specified conditions; (iii) principal or
49.13 interest is forgivable under specified conditions; or (iv) where no interest or an annual
49.14 interest rate of two percent or less is charged in connection with the loan. For purposes of
49.15 this section, "authorized independent loan counselor" means a nonprofit, third-party
49.16 individual or organization providing home buyer education programs, foreclosure prevention
49.17 services, mortgage loan counseling, or credit counseling certified by the United States
49.18 Department of Housing and Urban Development, the Minnesota Home Ownership Center,
49.19 the Minnesota Mortgage Foreclosure Prevention Association, AARP, or NeighborWorks
49.20 America;

49.21 (24) make, provide, or arrange for a residential mortgage loan without verifying the
49.22 borrower's reasonable ability to pay the scheduled payments of the following, as applicable:
49.23 principal; interest; real estate taxes; homeowner's insurance, assessments, and mortgage
49.24 insurance premiums. For loans in which the interest rate may vary, the reasonable ability
49.25 to pay shall be determined based on a fully indexed rate and a repayment schedule which
49.26 achieves full amortization over the life of the loan. For all residential mortgage loans, the
49.27 borrower's income and financial resources must be verified by tax returns, payroll receipts,
49.28 bank records, or other similarly reliable documents.

49.29 Nothing in this section shall be construed to limit a mortgage originator's or exempt
49.30 person's ability to rely on criteria other than the borrower's income and financial resources
49.31 to establish the borrower's reasonable ability to repay the residential mortgage loan, including
49.32 criteria established by the United States Department of Veterans Affairs or the United States
49.33 Department of Housing and Urban Development for interest rate reduction refinancing loans
49.34 or streamline loans, or criteria authorized or promulgated by the Federal National Mortgage
49.35 Association or Federal Home Loan Mortgage Corporation; however, such other criteria

50.1 must be verified through reasonably reliable methods and documentation. The mortgage
 50.2 originator's analysis of the borrower's reasonable ability to repay may include, but is not
 50.3 limited to, consideration of the following items, if verified: (1) the borrower's current and
 50.4 expected income; (2) current and expected cash flow; (3) net worth and other financial
 50.5 resources other than the consumer's equity in the dwelling that secures the loan; (4) current
 50.6 financial obligations; (5) property taxes and insurance; (6) assessments on the property; (7)
 50.7 employment status; (8) credit history; (9) debt-to-income ratio; (10) credit scores; (11) tax
 50.8 returns; (12) pension statements; and (13) employment payment records, provided that no
 50.9 mortgage originator shall disregard facts and circumstances that indicate that the financial
 50.10 or other information submitted by the consumer is inaccurate or incomplete. A statement
 50.11 by the borrower to the residential mortgage originator or exempt person of the borrower's
 50.12 income and resources or sole reliance on any single item listed above is not sufficient to
 50.13 establish the existence of the income or resources when verifying the reasonable ability to
 50.14 pay;

50.15 (25) engage in "churning." As used in this section, "churning" means knowingly or
 50.16 intentionally making, providing, or arranging for a residential mortgage loan when the new
 50.17 residential mortgage loan does not provide a reasonable, tangible net benefit to the borrower
 50.18 considering all of the circumstances, including the terms of both the new and refinanced
 50.19 loans, the cost of the new loan, and the borrower's circumstances; In order to demonstrate
 50.20 a reasonable, tangible net benefit to the borrower, the circumstances must be documented
 50.21 in writing and must be signed by the borrower and lender three days before the closing date.
 50.22 The written analysis must, with respect to the prior loan and the new loan, document the:
 50.23 (i) origination date; (ii) loan amount; (iii) loan balance; (iv) loan term; (v) loan program;
 50.24 (vi) type of loan; (vii) interest rate; (viii) monthly amount of principal and interest paid; (ix)
 50.25 monthly amount of private mortgage insurance paid; (x) loan purpose; (xi) loan origination
 50.26 cost; (xii) cash to borrower, if applicable; and (xiii) time to recoup the loan cost, if applicable,
 50.27 expressed in months;

50.28 (26) the first time a residential mortgage originator orally informs a borrower of the
 50.29 anticipated or actual periodic payment amount for a first-lien residential mortgage loan
 50.30 which does not include an amount for payment of property taxes and hazard insurance, the
 50.31 residential mortgage originator must inform the borrower that an additional amount will be
 50.32 due for taxes and insurance and, if known, disclose to the borrower the amount of the
 50.33 anticipated or actual periodic payments for property taxes and hazard insurance. This same
 50.34 oral disclosure must be made each time the residential mortgage originator orally informs
 50.35 the borrower of a different anticipated or actual periodic payment amount change from the

51.1 amount previously disclosed. A residential mortgage originator need not make this disclosure
 51.2 concerning a refinancing loan if the residential mortgage originator knows that the borrower's
 51.3 existing loan that is anticipated to be refinanced does not have an escrow account; or

51.4 (27) make, provide, or arrange for a residential mortgage loan, other than a reverse
 51.5 mortgage pursuant to United States Code, title 15, chapter 41, if the borrower's compliance
 51.6 with any repayment option offered pursuant to the terms of the loan will result in negative
 51.7 amortization during any six-month period.

51.8 (b) Paragraph (a), clauses (24) through (27), do not apply to a state or federally chartered
 51.9 bank, savings bank, or credit union, an institution chartered by Congress under the Farm
 51.10 Credit Act, or to a person making, providing, or arranging a residential mortgage loan
 51.11 originated or purchased by a state agency or a tribal or local unit of government. This
 51.12 paragraph supersedes any inconsistent provision of this chapter.

51.13 Sec. 31. **[58.141] REPORTS AND UNIQUE IDENTIFIER.**

51.14 **Subdivision 1. Mortgage call reports.** A residential mortgage originator or servicer
 51.15 must submit reports of condition to the Nationwide Multistate Licensing System and Registry.
 51.16 Reports submitted under this subdivision must be in the form and contain the information
 51.17 required by the Nationwide Multistate Licensing System and Registry.

51.18 **Subd. 2. Report to Nationwide Multistate Licensing System and Registry.** Subject
 51.19 to section 58A.14, the commissioner must regularly report violations of this chapter, as well
 51.20 as enforcement actions and other relevant information, to the Nationwide Multistate Licensing
 51.21 System and Registry.

51.22 **Subd. 3. Unique identifier; display.** The unique identifier of any person originating a
 51.23 residential mortgage loan must be clearly displayed on all residential mortgage loan
 51.24 application forms, solicitations, or advertisements, including business cards or websites,
 51.25 and any other documents the commissioner establishes by rule or order.

51.26 Sec. 32. **[60M.01] DEFINITIONS.**

51.27 **Subdivision 1. Terms.** For the purposes of this chapter, the terms defined in this section
 51.28 have the meanings given.

51.29 **Subd. 2. Bail bond.** "Bail bond" is an instrument that is the tool utilized to guarantee
 51.30 the appearance of an individual and secure the monetary requirement of the bond.

52.1 Subd. 3. **Bail bond agency.** "Bail bond agency" means an agency contracted by a surety
52.2 to supervise or otherwise manage the bail bond business written in Minnesota by producers
52.3 appointed by the surety.

52.4 Subd. 4. **Commissioner.** "Commissioner" means the commissioner of commerce.

52.5 Subd. 5. **Department.** "Department" means the Department of Commerce.

52.6 Subd. 6. **Depositor.** "Depositor" means:

52.7 (1) an individual that has paid money to a surety, bail bond agency, or producer as
52.8 premium or premium towards a bail bond product transaction, as defined in section 60M.02;
52.9 or

52.10 (2) an individual that deposited money, property, or assets with a surety, bail bond
52.11 agency, or producer to be held as collateral or used towards the liability of a bail bond
52.12 product transaction, as defined in section 60M.03.

52.13 Subd. 7. **Negotiate.** "Negotiate" means the act of conferring directly with or offering
52.14 advice directly to a purchaser or prospective purchaser of a particular insurance contract
52.15 concerning any of the substantive benefits, terms, or conditions of the contract, if the person
52.16 engaged in the act either sells insurance or obtains insurance from insurers for purchasers.

52.17 Subd. 8. **Net premium.** "Net premium" means a bond's premium, less any commission
52.18 agreed to in advance and in writing between a producer and the surety or bail bond agency.

52.19 Subd. 9. **Personal information.** "Personal information" has the meaning given in section
52.20 72A.491, subdivision 17.

52.21 Subd. 10. **Principal.** "Principal" is an individual who has engaged with a bail bond
52.22 agency or producer to arrange for the individual's bail bond to be posted on the individual's
52.23 behalf, securing the individual's release pretrial on a bail bond.

52.24 Subd. 11. **Privileged information.** "Privileged information" has the meaning given in
52.25 section 72A.491, subdivision 19.

52.26 Subd. 12. **Producer.** "Producer" means a person that is licensed to write bail bonds, has
52.27 been approved by the state court administrator's office, is a contractor or employee for a
52.28 bail bond agency, and is appointed by a surety to execute or countersign bail bonds for the
52.29 surety in connection with judicial proceedings.

52.30 Subd. 13. **Sell.** "Sell" means to exchange a bail bond product for money on behalf of a
52.31 surety company.

53.1 Subd. 14. **Surety.** "Surety" means a domestic, foreign, or alien insurance company that
53.2 is licensed to transact surety business in Minnesota under section 60A.06.

53.3 Sec. 33. **[60M.02] PREMIUMS.**

53.4 Subdivision 1. **Premiums; generally.** (a) Regardless of whether a producer is an
53.5 employee or an independent contractor, a producer must charge the approved, filed rate of
53.6 the surety being used to post a bail bond. Except as provided in subdivision 2 or in a situation
53.7 where cash bail is set by the court under subdivision 5, the rate charged must not be less
53.8 than the surety's filed rate.

53.9 (b) A producer is prohibited from providing a premium rebate.

53.10 (c) A producer may charge travel or other related fees, provided the producer complies
53.11 with section 60K.46, subdivision 2.

53.12 Subd. 2. **Minimum premium.** A producer must charge a minimum premium of \$100.
53.13 Any premium amount must be included in the surety's rate filing with the commissioner.

53.14 Subd. 3. **Bail bonds less than \$10,000.** (a) A producer is prohibited from posting a bail
53.15 bond with a penal sum of \$10,000 or less unless the producer has:

53.16 (1) received at least 50 percent of the total premium owed under the surety's rate filing;

53.17 (2) provided the depositor with a receipt that indicates the premium paid; and

53.18 (3) if the full premium is not collected before posting the bond, a signed promissory
53.19 note must be obtained requiring the unpaid premium in full within four months of the date
53.20 the bond is posted.

53.21 (b) A promissory note issued under paragraph (a), clause (3), must be made on a surety
53.22 or bail bond agency form as approved by the commissioner. The maximum annual interest
53.23 rate allowed on a promissory note under this subdivision is six percent. A promissory note
53.24 may authorize collection of the actual costs incurred to collect the premium, including
53.25 reasonable attorney fees, in the event of a default.

53.26 Subd. 4. **Bail bonds greater than \$10,000.** (a) A producer is prohibited from posting
53.27 a bail bond with a penal sum greater than \$10,000 unless the producer has:

53.28 (1) received at least 30 percent of the total premium owed under the surety's rate filing;

53.29 (2) provided the depositor with a receipt that indicates the premium paid; and

54.1 (3) if the full premium is not collected before posting the bond, a signed promissory
54.2 note must be obtained requiring the unpaid premium in full within 12 months of the date
54.3 the bond is posted.

54.4 (b) A promissory note issued under paragraph (a), clause (3), must be made on a surety
54.5 or bail bond agency form as approved by the commissioner. The maximum annual interest
54.6 rate allowed on a promissory note under this subdivision is six percent. A promissory note
54.7 may authorize collection of the actual costs incurred to collect the premium, including
54.8 reasonable attorney fees, in the event of a default.

54.9 Subd. 5. **Alternative premium structure.** (a) A bail bond agency or producer may
54.10 include an alternative premium structure as part of the bail bond agency or producer's surety
54.11 rate filing submitted to the commissioner.

54.12 (b) If a court sets cash bail at 15 percent or less of the bond's penal amount, a surety,
54.13 bail bond agency, or producer may charge an alternative premium that is as low as one-half
54.14 of the cash bail amount set by the court. An alternative premium charged under this
54.15 subdivision is subject to the minimum premium requirement under subdivision 2.

54.16 (c) A bail bond agency or producer is required to obtain from the court documentation
54.17 indicating the cash bail amount set by the court and must maintain the documentation in
54.18 the bond file.

54.19 (d) A bail bond agency and producer must maintain a log of all bonds where an alternative
54.20 premium was charged under this subdivision.

54.21 (e) Subdivisions 3 and 4 apply to the payment of an alternative premium structure under
54.22 this subdivision.

54.23 Subd. 6. **Late payments.** If a payment, including a minimum monthly payment, that is
54.24 required under a promissory note executed pursuant to subdivision 3 or 4 is more than 90
54.25 days late, the bail bond agency or producer must, within 20 days of the date a payment
54.26 becomes 90 days late:

54.27 (1) for amounts owed that are \$2,500 or less, assign the debt to a Minnesota-licensed
54.28 debt collector; or

54.29 (2) for amounts owed that are greater than \$2,500:

54.30 (i) file a civil action against the delinquent premium payer; and

54.31 (ii) make all reasonable efforts to:

54.32 (A) serve a summons and complaint;

55.1 (B) enter judgment, unless the matter is settled while the action is pending; and

55.2 (C) enforce the judgment, which may be satisfied by assigning the debt to a licensed
55.3 debt collector.

55.4 Subd. 7. **Form of payment.** A surety, bail bond agency, or producer may only accept
55.5 cash, money orders, checks, wire transfers, electronic funds transfers, debit cards, prepaid
55.6 cash cards, or credit cards as a premium payment method. Any balance owed must be
55.7 evidenced by a promissory note, as provided under subdivision 3 or 4.

55.8 Subd. 8. **Premium trust account.** (a) A payment made to or received by the producer,
55.9 bail bond agency, or surety must be deposited into a premium trust account that is maintained
55.10 by the producer, bail bond agency, or surety within seven business days.

55.11 (b) A premium trust account must be used only for premium payments and travel or
55.12 other related fees authorized under subdivision 1, paragraph (c). A producer, bail bond
55.13 agency, or surety is prohibited from depositing any other money into a premium trust
55.14 account.

55.15 (c) A deposit into a premium trust account must be accompanied by a deposit slip that:

55.16 (1) separately designates the principal; and

55.17 (2) lists the power of attorney number of the bond for which the payment is being
55.18 collected.

55.19 (d) Money may be withdrawn from a premium trust account only to:

55.20 (1) pay the net premium to the surety or bail bond agency;

55.21 (2) pay a surety or bail bond agency any build-up fund or escrow account required by
55.22 a contract executed by the producer and the surety or bail bond agency;

55.23 (3) pay or reimburse travel or other related fees authorized under subdivision 1, paragraph
55.24 (c);

55.25 (4) pay or reimburse the producer any fees or charges deducted electronically by credit
55.26 card processing vendors, provided the fees and charges comply with section 60K.46,
55.27 subdivision 2; and

55.28 (5) distribute any excess amounts to the operating account.

56.1 Sec. 34. **[60M.03] COLLATERAL.**

56.2 **Subdivision 1. Collateral generally.** When collateral is accepted, the producer, surety,
56.3 or bail bond agency must provide a written and numbered receipt to the depositor. The
56.4 receipt must:

56.5 (1) contain the date; depositor's name and address; bail bond agency's name and address;
56.6 surety's name and address; defendant's name; bond amount; and cash amount or a detailed
56.7 description of the collateral, if the collateral is not cash; and

56.8 (2) be signed by:

56.9 (i) the producer, surety, or bail bond agency; and

56.10 (ii) the depositor.

56.11 **Subd. 2. Collateral received; transfer; control.** (a) Except as otherwise provided under
56.12 paragraph (b), a producer or bail bond agency must transfer all cash and noncash collateral
56.13 that the producer or bail bond agency receives to the surety.

56.14 (b) A surety may, at the surety's discretion, permit: (1) a producer to transfer all cash
56.15 and noncash collateral that the producer receives to the bail bond agency; and (2) the bail
56.16 bond agency to retain possession and control over the cash and noncash collateral without
56.17 transferring the cash and noncash collateral to the surety. If a surety exercises the surety's
56.18 discretion under this paragraph, the bail bond agency assumes the surety's responsibilities
56.19 and responsibilities under this section. A producer is prohibited from retaining possession
56.20 or control of cash or noncash collateral beyond the time periods established in this section.

56.21 **Subd. 3. Cash collateral trust account.** (a) All cash collateral must be deposited into
56.22 a cash collateral account maintained by a surety or bail bond agency as provided in
56.23 subdivision 2, paragraph (b), within seven business days of the date the cash collateral is
56.24 received.

56.25 (b) All checks, money orders, wire transfers, or similar money transfer for collateral
56.26 must be made payable to the bail bond agency and deposited into the surety's or bail bond
56.27 agency's collateral account within ten business days of the date the payment was received.

56.28 (c) When required by law, a bail bond agency or producer must: (1) file an IRS Form
56.29 8300 and informational notice; and (2) retain a copy of the filed IRS Form 8300 and
56.30 informational notice in the bail bond agency's or producer's files.

56.31 **Subd. 4. Separate cash collateral account.** At the surety's discretion, the surety or a
56.32 bail bond agency may maintain a separate cash collateral trust account. A cash collateral

57.1 trust account may be an interest-bearing account or a noninterest-bearing account. If the
57.2 separate cash collateral trust account is an interest-bearing account, the interest earned is
57.3 for the benefit of the depositor.

57.4 Subd. 5. **Surety liable.** The surety is liable to return any cash or noncash collateral that
57.5 a producer or bail bond agency collects, less any amounts owed under subdivision 9,
57.6 paragraph (b), even if the collected collateral is not transferred to the surety.

57.7 Subd. 6. **Prohibitions.** (a) A surety, bail bond agency, or producer is prohibited from
57.8 collecting cash collateral in excess of the bond's penal sum. A surety, bail bond agency, or
57.9 producer is prohibited from collecting physical collateral that may be considered
57.10 unreasonably higher than the excess of the bond's penal sum, based upon fair market value,
57.11 less any outstanding liabilities or lien at the time of the transaction.

57.12 (b) A surety, bail bond agency, or producer is prohibited from using collateral for personal
57.13 benefit or gain.

57.14 (c) A surety, bail bond agency, or producer is prohibited from taking a quitclaim deed
57.15 on real property as collateral for a bond.

57.16 Subd. 7. **Collateral log.** (a) A bail bond agency or producer must maintain a collateral
57.17 log that includes:

57.18 (1) the power of attorney number;

57.19 (2) the principal's name;

57.20 (3) the depositor's name;

57.21 (4) the cash collateral amount, including whether the cash collateral is being held in an
57.22 interest-bearing account;

57.23 (5) if the collateral is noncash collateral, a detailed description of the collateral;

57.24 (6) the date the collateral was taken; and

57.25 (7) the dates the collateral was sent to the surety, returned to the depositor, liquidated,
57.26 or applied to a loss or cost incurred by the producer, bail bond agency, or surety.

57.27 (b) For purposes of paragraph (a), an indemnity agreement does not constitute collateral
57.28 and is not required to be included in the collateral log. For purposes of paragraph (a), clause
57.29 (7), the amount of a loss incurred must be listed separately from other costs in the collateral
57.30 log.

58.1 Subd. 8. **Mortgages and deeds of trust.** (a) A mortgage or deed of trust taken as
58.2 collateral for a bond must name the surety as a mortgagee. At the discretion of the surety,
58.3 a bail bond agency may be named as the mortgagee in lieu of the surety being named as the
58.4 mortgagee.

58.5 (b) A producer is prohibited from being named as a mortgagee for a mortgage or deed
58.6 of trust taken as collateral for a bond.

58.7 Subd. 9. **Return of collateral.** (a) A surety or bail bond agency that controls the collateral
58.8 must return cash and noncash collateral to the depositor named in the collateral receipt
58.9 within 21 days of the date the depositor provides the surety or bail bond agency with written
58.10 proof that the bond has been discharged.

58.11 (b) If the depositor owes the surety, bail bond agency, or producer a premium; is liable
58.12 for a loss or expense related to a breach of the bond; or is liable pursuant to the terms of an
58.13 indemnity or other agreement, the surety or bail bond agency may retain from the collateral
58.14 all money required to satisfy the depositor's debts.

58.15 (c) If all of the depositor's debts secured by collateral are satisfied, the surety or bail
58.16 bond agency must provide documentation to release any liens, security interests, mortgages,
58.17 or other security interests that were filed or obtained in relation to the collateral. The
58.18 documentation must be provided within 21 days of the date the depositor provides the surety
58.19 or bail bond agency with written proof that the bond has been discharged.

58.20 Subd. 10. **Bond or indemnity agreement; breach.** If a bond or indemnity agreement
58.21 is breached and the surety, bail bond agency, or producer suffers a loss, the surety or bail
58.22 bond agency that controls the collateral must send to the depositor written notice that notifies
58.23 the depositor that the surety or bail bond agency intends to liquidate noncash collateral. The
58.24 written notice must be sent by certified mail to the depositor's last known address at least
58.25 30 days before the date the surety or bail bond agency liquidates the noncash collateral.

58.26 Subd. 11. **Compliance with Minnesota law.** Any action taken to enforce or foreclose
58.27 on cash or noncash collateral must comply with Minnesota law.

58.28 Subd. 12. **Collateral documentation; audit and inspection.** (a) All collateral and related
58.29 documentation held in trust by the surety or bail bond agency must be made available for
58.30 immediate audit and inspection by the department.

58.31 (b) All collateral and related documentation held in trust by the bail bond agency must
58.32 be made available for immediate audit and inspection by the surety.

59.1 Sec. 35. [60M.04] PRODUCER AUDITS.

59.2 Subdivision 1. Premium audits. (a) By April 30 each year, a surety must audit each
59.3 licensed bail bond producer's bonds written during the previous calendar year to ensure the
59.4 licensed bail bond producer has complied with this subdivision.

59.5 (b) The premium audits must include a review of an adequate sample of bonds written
59.6 by each bail bond producer. A review sample is adequate if it consists of the lesser of: (1)
59.7 20 percent of the bonds written by the bail bond producer; (2) 24 bonds; or (3) all of the
59.8 bonds written by the bail bond producer, if the bail bond producer wrote fewer than 12
59.9 bonds during the previous calendar year. The audit sample must include the four largest
59.10 bonds written by the bail bond producer and four bonds that charged an alternative premium
59.11 under section 60M.02, subdivision 5, if applicable. Of the remaining bonds audited and to
59.12 the extent the quantity of bonds supports the percentages, 50 percent must be randomly
59.13 selected bonds with a penal sum that is \$10,000 or less, and 50 percent must be randomly
59.14 selected bonds with a penal sum that is greater than \$10,000.

59.15 (c) The premium audit must be conducted at the producer's office or the bail bond
59.16 agency's office, depending on which entity maintains the physical records. The surety must
59.17 not disclose to the producer or bail bond agency, or anyone affiliated with the surety or bail
59.18 bond agency, which files the surety intends to audit until the surety's on-site audit of the
59.19 producer begins.

59.20 (d) For each bond audited, the surety must confirm that:

59.21 (1) the proper premium was charged and collected, including a review of the premium
59.22 account statements and deposit slips;

59.23 (2) a proper premium receipt is in the producer's file;

59.24 (3) if the full premium was not paid before the bond was posted, a proper promissory
59.25 note was executed; and

59.26 (4) if the premium was not paid as required, the producer complied with section 60M.02,
59.27 subdivision 6.

59.28 (e) An annual premium audit under this section must also include a follow-up review
59.29 of each bond audited the previous year for which full premium had not yet been collected
59.30 at the time the audit occurred. For each bond subject to a follow-up review, the surety must:

59.31 (1) review the premium account and deposit slips to confirm that the full premium was
59.32 collected; or

60.1 (2) if full payment of the premium was not received, confirm that the producer complied
 60.2 with section 60M.02, subdivision 6.

60.3 (f) A bail bond agency or producer is prohibited from acting on behalf of the surety to
 60.4 conduct the bail bond agency's or producer's own bail bond agency or producer audits.

60.5 Subd. 2. **Collateral audits.** (a) By April 30 each year, a surety must audit each licensed
 60.6 bail bond producer's bonds written during the previous calendar year to ensure the licensed
 60.7 bail bond producer has complied with this subdivision.

60.8 (b) A collateral audit under this subdivision must include confirmation that:

60.9 (1) a collateral log was maintained;

60.10 (2) a cash collateral account exists;

60.11 (3) the balance of the cash collateral indicated on the collateral log is identical to the
 60.12 amount held in the collateral trust account; and

60.13 (4) a collateral receipt exists for collateral collected, as represented by a sampling of the
 60.14 lesser of: (i) 20 percent of all bonds secured by collateral; or (ii) 12 bonds that were secured
 60.15 by collateral.

60.16 Subd. 3. **Audits report.** (a) By May 31 each year, a surety must prepare a report of the
 60.17 audits conducted under this section during that year. The report must include:

60.18 (1) a list of the bonds audited under subdivision 1 for each producer, including the power
 60.19 of attorney number used for each audited bond and whether full premium payment was
 60.20 made by the date the audit occurred;

60.21 (2) a list of the bonds included in a follow-up review of the previous year's audit,
 60.22 including whether full premium payment was collected by the date the audit occurred;

60.23 (3) the compliance certifications required under section 60M.07, subdivision 4; and

60.24 (4) details regarding any violations discovered during the audit or a statement that no
 60.25 violations were discovered, as applicable.

60.26 (b) The annual report under this subdivision must be maintained for a period of at least
 60.27 36 months from the date the report is complete. Annual reports must be submitted to the
 60.28 commissioner by June 30 each year.

60.29 Sec. 36. **[60M.05] SOLICITATION.**

60.30 Subdivision 1. **Solicitation generally.** (a) A producer is prohibited from, in or on the
 60.31 grounds of a jail, prison, or other location where an incarcerated person is confined, or in

61.1 or on the grounds of a court unless requested by the principal, a potential indemnitor, or the
61.2 legal counsel of a principal:

61.3 (1) approaching, enticing, inviting, or soliciting a person to use a bail bonds's services;

61.4 (2) distributing, displaying, or wearing an item that advertises a bail bonds's services;

61.5 (3) no producer or bail bond agency is permitted to solicit by calling or leaving messages
61.6 for principals on jail phones or any other messaging devices available to principals, while
61.7 in custody; or

61.8 (4) no producer or bail bond agency is permitted to place money on the canteen or books
61.9 of any individual held in custody.

61.10 (b) Notwithstanding paragraph (a), clause (3), permissible print advertising in a jail is
61.11 limited to:

61.12 (1) a listing in a telephone directory; and

61.13 (2) posting the producer's or bail bond agency's name, address, and telephone number
61.14 in a designated location within the jail, as approved by the jail.

61.15 Subd. 2. **Identification; marketing material.** A producer is prohibited from wearing
61.16 or displaying any information, other than identification approved by the surety or bail bond
61.17 agency, which constitutes marketing material that a surety or bail bond agency must approve
61.18 and maintain under Minnesota Rules, chapter 2790. A producer is prohibited from displaying
61.19 any information constituting marketing material in or on the property or grounds of: (1) a
61.20 jail, prison, or other location where incarcerated people are confined; or (2) a court.

61.21 Subd. 3. **Other prohibited conduct.** (a) A producer is prohibited from loitering in or
61.22 about the courthouse, jail, or any other place where individuals are held in custody.

61.23 (b) A producer is prohibited from making unauthorized and unsolicited cold calls without
61.24 having first spoken with the principal.

61.25 (c) A producer is prohibited from soliciting a bond to a person by recorded or electronic
61.26 communication, or by live telephone contact, unless the producer otherwise complies with
61.27 applicable state and federal law, including but not limited to:

61.28 (1) the National Do Not Call Registry under Code of Federal Regulations, title 16, part
61.29 310; and

61.30 (2) the Telephone Consumer Protection Act of 1991, Code of Federal Regulations, title
61.31 47, part 64.1200.

62.1 (d) A surety, bail bond agency, or producer is prohibited from obtaining a credit check
 62.2 on a person unless the person has authorized the surety, bail bond agency, or producer to
 62.3 do so in writing. The surety, bail bond agency, or producer must retain the written
 62.4 authorization provided by the person subject to the credit check.

62.5 Subd. 4. **Compliance with other law.** (a) A surety, bail bond agency, and producer
 62.6 must comply with all federal and state privacy laws related to information provided to a
 62.7 producer during the application process and during bond underwriting by a bond principal,
 62.8 indemnitor, or other person.

62.9 (b) A surety, bail bond agency, and producer must comply with sections 60K.46,
 62.10 subdivision 6; 72A.494; 72A.496, subdivision 1; 72A.501; and 72A.502, subdivision 1.

62.11 (c) A surety, bail bond agency, and producer must receive preauthorization before
 62.12 collecting and disclosing personal or privileged information about an applicant or proposed
 62.13 insured, and must provide all notices otherwise required by Minnesota law.

62.14 (d) A surety, bail bond agency, and producer must otherwise comply with all applicable
 62.15 Minnesota law.

62.16 Subd. 5. **Insurance transaction.** The act of soliciting, underwriting, negotiating, or
 62.17 selling a bail bond constitutes an insurance transaction.

62.18 Sec. 37. **[60M.06] UNLICENSED INDIVIDUALS; NO REBATES OR PAYMENT.**

62.19 (a) With the exception of a contracted bail enforcement agent offering a reward for
 62.20 information that assists in the location and apprehension of a principal under section 629.63,
 62.21 a surety, bail bond agency, or producer is prohibited from paying a fee or commission, or
 62.22 otherwise giving or promising anything of value, to: (1) a jailer, police officer, peace officer,
 62.23 or any other person who has the power to arrest or hold an individual in custody; or (2) a
 62.24 judge, public official, or public employee.

62.25 (b) A surety, bail bond agency, or producer is prohibited from paying a fee or rebate, or
 62.26 otherwise giving or promising anything of value, to the individual seeking the producer's
 62.27 services or the individual seeking the producer's services on another individual's behalf.

62.28 (c) A surety, bail bond agency, or producer is prohibited from paying a fee or commission,
 62.29 or otherwise giving or promising anything of value, to a person for selling, soliciting, or
 62.30 negotiating a bail bond if the person is not properly licensed as a producer.

63.1 (d) A surety, bail bond agency, or producer is prohibited from paying a fee, rebate, or
 63.2 commission, or otherwise giving or promising anything of value, to an inmate for referring
 63.3 business or for any other reason related to soliciting, negotiating, or selling a bail bond.

63.4 Sec. 38. [60M.07] OTHER PROVISIONS.

63.5 Subdivision 1. **Compliance with standards of conduct.** A producer must comply with
 63.6 the Minnesota Court Administrator's Office's bail bond procedures and standards of conduct,
 63.7 including but not limited to while in or on the property of courts, jails, or other detention
 63.8 facilities in Minnesota. A surety or bail bond agency must require the surety or bail bond
 63.9 agency's producers to affirm that the producer complies with any changes to the bail bond
 63.10 procedures and standards of conduct as the changes are posted to the Minnesota state court
 63.11 website or the Minnesota Court Administrator's Office's website.

63.12 Subd. 2. **No waiver.** A producer is prohibited from soliciting or accepting a waiver of
 63.13 any requirement under this chapter.

63.14 Subd. 3. **Record maintenance.** (a) A bail bond agency and producer must maintain the
 63.15 following records on each bond for at least seven years after the date the bond is terminated:

63.16 (1) power of attorney;

63.17 (2) premium receipts;

63.18 (3) the promissory note for unpaid premium, if any;

63.19 (4) the cash bond amount set by the court, if an amount less than the filed rate is accepted
 63.20 for the premium;

63.21 (5) all documents related to any lawsuit filed to collect the premium;

63.22 (6) indemnity agreements;

63.23 (7) collateral receipts, if any;

63.24 (8) proof that collateral was returned, if any;

63.25 (9) proof of bond exoneration or forfeiture payment;

63.26 (10) all records relating to liquidating and converting collateral, including fees or costs;
 63.27 and

63.28 (11) proof of any expenses incurred or losses paid by the surety, bail bond agency, or
 63.29 producer.

64.1 (b) A bail bond agency and producer must maintain all premium account, collateral
64.2 account, and operating account bank records, including deposit slips, for at least seven years
64.3 after the records are made available.

64.4 (c) All records that a bail bond agency or producer maintain under this chapter must be
64.5 kept in the bail bond agency or producer's office or storage location, as applicable. If a bail
64.6 bond agency or producer's relationship with a surety is terminated, the information and
64.7 documentation must be immediately transferred to:

64.8 (1) the bail bond agency, if the producer is terminated; or

64.9 (2) the surety, if the bail bond agency is terminated.

64.10 (d) A bail bond agency and producer's records must be available for the commissioner
64.11 or the surety to inspect, with or without notice.

64.12 Subd. 4. **Compliance certification.** (a) During the surety's annual audit of a producer,
64.13 the producer must sign a compliance certification form that attests to the producer's
64.14 compliance with this chapter during the previous calendar year.

64.15 (b) Before a producer is appointed by a surety and at each license renewal thereafter, a
64.16 producer must sign an affidavit of compliance form in which the producer acknowledges
64.17 the producer is familiar and continually complies with the requirements under this chapter.
64.18 The surety must retain completed affidavits and send requested affidavits to the commissioner
64.19 within ten days of the date an affidavit is requested.

64.20 (c) The commissioner must establish the compliance certification and affidavit of
64.21 compliance forms for use under this subdivision.

64.22 Subd. 5. **Producer termination; notice.** (a) If a producer's relationship with a surety is
64.23 voluntarily or involuntarily terminated due to a violation of this chapter or because the
64.24 surety determined the producer violated this chapter during an annual audit, the surety must,
64.25 within 30 days of the date the producer is terminated, provide the commissioner with the
64.26 terminated producer's name and the reason the producer was terminated.

64.27 (b) Another surety is prohibited from appointing a producer subject to a termination
64.28 under paragraph (a) unless the department approves the appointment.

64.29 Subd. 6. **Access to information.** A surety, bail bonds agency, and producer are considered
64.30 a government associated entity and are allowed to apply and be granted access to the
64.31 Minnesota Government Access system under the Court Access Rules.

65.1 Subd. 7. Surrender of a principal for bail revocation. The courts, jails, and sheriff
 65.2 offices in Minnesota must comply with section 629.63, allowing for a principal to be
 65.3 surrendered and received by the jail of the county that the bail bond was originated from
 65.4 and to be held in custody until the principal can have a court hearing where the surety, bail
 65.5 bond agency, or producer can give evidence and make motion for the revocation and
 65.6 discharge of the bail bond.

65.7 Subd. 8. Forfeiture timing requirement. The court must order a bail bond forfeited
 65.8 and send notice to the surety, bail bond agency, or producer no later than 30 days from the
 65.9 date of a principal failing to appear at a scheduled hearing. If a court fails to forfeit a bail
 65.10 bond within 30 days of a principal failing to appear or fail to send notice within seven days
 65.11 of the forfeiture to the surety, bail bond agency, or producer, the court must allow for a
 65.12 reinstatement and discharge of the bail bond without penalty. If a court fails to take action
 65.13 against the bail bond within 30 days of a principal failing to appear at a hearing, the court
 65.14 must allow for revocation and discharge without penalty.

65.15 Sec. 39. Minnesota Statutes 2023 Supplement, section 80A.50, is amended to read:

65.16 **80A.50 SECTION 302; FEDERAL COVERED SECURITIES; SMALL**
 65.17 **CORPORATE OFFERING REGISTRATION.**

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

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

65.23 (A) before the initial offer of a federal covered security in this state, all records that are
 65.24 part of a federal registration statement filed with the Securities and Exchange Commission
 65.25 under the Securities Act of 1933 and a consent to service of process complying with section
 65.26 80A.88 signed by the issuer;

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

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

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

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

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

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

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

66.25 (2) **Availability.** Registration under this section is available only to the issuer of securities
66.26 and not to an affiliate of the issuer or to any other person for resale of the issuer's securities.
66.27 The issuer must be organized under the laws of one of the states or possessions of the United
66.28 States. The securities offered must be exempt from registration under the Securities Act of
66.29 1933 pursuant to Rule 504 of Regulation D (15 U.S.C. Section 77c).

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

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

67.1 (B) an investment company;

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

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

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

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

67.16 (iii) is currently subject to a state administrative enforcement order or judgment entered
67.17 by a state securities administrator or the Securities and Exchange Commission within five
67.18 years before the filing of the small corporate offering registration application, or is subject
67.19 to a federal or state administrative enforcement order or judgment in which fraud or deceit,
67.20 including, but not limited to, making untrue statements of material facts or omitting to state
67.21 material facts, was found and the order or judgment was entered within five years before
67.22 the filing of the small corporate offering registration application;

67.23 (iv) is currently subject to an order, judgment, or decree of a court of competent
67.24 jurisdiction temporarily restraining or enjoining, or is subject to an order, judgment, or
67.25 decree of a court of competent jurisdiction permanently restraining or enjoining the party
67.26 from engaging in or continuing any conduct or practice in connection with the purchase or
67.27 sale of any security or involving the making of a false filing with a state or with the Securities
67.28 and Exchange Commission entered within five years before the filing of the small corporate
67.29 offering registration application; or

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

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

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

68.10 **(4) Filing and effectiveness of registration statement.** A small corporate offering
68.11 registration statement must be filed with the administrator. If no stop order is in effect and
68.12 no proceeding is pending under section 80A.54, such registration statement shall become
68.13 effective automatically at the close of business on the 20th day after filing of the registration
68.14 statement or the last amendment of the registration statement or at such earlier time as the
68.15 administrator may designate by rule or order. For the purposes of a nonissuer transaction,
68.16 other than by an affiliate of the issuer, all outstanding securities of the same class identified
68.17 in the small corporate offering registration statement as a security registered under this
68.18 chapter are considered to be registered while the small corporate offering registration
68.19 statement is effective. A small corporate offering registration statement is effective for one
68.20 year after its effective date or for any longer period designated in an order under this chapter.
68.21 A small corporate offering registration statement may be withdrawn only with the approval
68.22 of the administrator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69.27 **The initial notice filing made in Minnesota is effective for 12 months after the date the**
69.28 **filing is made.**

69.29 **(2) Renewal.** For each additional 12-month period in which the same offering is
69.30 continued, an issuer conducting a Tier 2 offering under federal Regulation A may renew
69.31 the notice filing by filing (i) the Regulation A - Tier 2 offering notice filing form marked

70.1 "renewal," or (ii) a cover letter or other document requesting renewal. The renewal filing
 70.2 must be made on or before the date notice filing expires.

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

70.6 Sec. 40. Minnesota Statutes 2022, section 80A.61, is amended to read:

70.7 **80A.61 SECTION 406; REGISTRATION BY BROKER-DEALER, AGENT,**
 70.8 **FUNDING PORTAL, INVESTMENT ADVISER, AND INVESTMENT ADVISER**
 70.9 **REPRESENTATIVE.**

70.10 (a) **Application for initial registration by broker-dealer, agent, investment adviser,**
 70.11 **or investment adviser representative.** A person shall register as a broker-dealer, agent,
 70.12 investment adviser, or investment adviser representative by filing an application and a
 70.13 consent to service of process complying with section 80A.88, and paying the fee specified
 70.14 in section 80A.65 and any reasonable fees charged by the designee of the administrator for
 70.15 processing the filing. The application must contain:

70.16 (1) the information or record required for the filing of a uniform application; and

70.17 (2) upon request by the administrator, any other financial or other information or record
 70.18 that the administrator determines is appropriate.

70.19 (b) **Amendment.** If the information or record contained in an application filed under
 70.20 subsection (a) is or becomes inaccurate or incomplete in a material respect, the registrant
 70.21 shall promptly file a correcting amendment.

70.22 (c) **Effectiveness of registration.** If an order is not in effect and a proceeding is not
 70.23 pending under section 80A.67, registration becomes effective at noon on the 45th day after
 70.24 a completed application is filed, unless the registration is denied. A rule adopted or order
 70.25 issued under this chapter may set an earlier effective date or may defer the effective date
 70.26 until noon on the 45th day after the filing of any amendment completing the application.

70.27 (d) **Registration renewal.** A registration is effective until midnight on December 31 of
 70.28 the year for which the application for registration is filed. Unless an order is in effect under
 70.29 section 80A.67, a registration may be automatically renewed each year by filing such records
 70.30 as are required by rule adopted or order issued under this chapter, by paying the fee specified
 70.31 in section 80A.65, and by paying costs charged by the designee of the administrator for
 70.32 processing the filings.

71.1 (e) **Additional conditions or waivers.** A rule adopted or order issued under this chapter
71.2 may impose such other conditions, not inconsistent with the National Securities Markets
71.3 Improvement Act of 1996. An order issued under this chapter may waive, in whole or in
71.4 part, specific requirements in connection with registration as are in the public interest and
71.5 for the protection of investors.

71.6 (f) **Funding portal registration.** A funding portal that has its principal place of business
71.7 in the state of Minnesota shall register with the state of Minnesota by filing with the
71.8 administrator a copy of the information or record required for the filing of an application
71.9 for registration as a funding portal in the manner established by the Securities and Exchange
71.10 Commission and/or the Financial Institutions Regulatory Authority (FINRA), along with
71.11 any rule adopted or order issued, and any amendments thereto.

71.12 (g) **Application for investment adviser representative registration.**

71.13 (1) The application for initial registration as an investment adviser representative pursuant
71.14 to section 80A.58 is made by completing Form U-4 (Uniform Application for Securities
71.15 Industry Registration or Transfer) in accordance with the form instructions and by filing
71.16 the form U-4 with the IARD. The application for initial registration must also include the
71.17 following:

71.18 (i) proof of compliance by the investment adviser representative with the examination
71.19 requirements of:

71.20 (A) the Uniform Investment Adviser Law Examination (Series 65); or

71.21 (B) the General Securities Representative Examination (Series 7) and the Uniform
71.22 Combined State Law Examination (Series 66);

71.23 (ii) any other information the administrator may reasonably require.

71.24 (2) The application for the annual renewal registration as an investment adviser
71.25 representative shall be filed with the IARD.

71.26 (3)(i) The investment adviser representative is under a continuing obligation to update
71.27 information required by Form U-4 as changes occur;

71.28 (ii) An investment adviser representative and the investment adviser must file promptly
71.29 with the IARD any amendments to the representative's Form U-4; and

71.30 (iii) An amendment will be considered to be filed promptly if the amendment is filed
71.31 within 30 days of the event that requires the filing of the amendment.

72.1 (4) An application for initial or renewal of registration is not considered filed for purposes
 72.2 of section 80A.58 until the required fee and all required submissions have been received
 72.3 by the administrator.

72.4 (5) The application for withdrawal of registration as an investment adviser representative
 72.5 pursuant to section 80A.58 shall be completed by following the instructions on Form U-5
 72.6 (Uniform Termination Notice for Securities Industry Registration) and filed upon Form U-5
 72.7 with the IARD.

72.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

72.9 Sec. 41. Minnesota Statutes 2022, section 80A.66, is amended to read:

72.10 **80A.66 SECTION 411; POSTREGISTRATION REQUIREMENTS.**

72.11 (a) **Financial requirements.** Subject to Section 15(h) of the Securities Exchange Act
 72.12 of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the Investment Advisers Act of 1940
 72.13 (15 U.S.C. Section 80b-22), a rule adopted or order issued under this chapter may establish
 72.14 minimum financial requirements for broker-dealers registered or required to be registered
 72.15 under this chapter and investment advisers registered or required to be registered under this
 72.16 chapter.

72.17 (b) **Financial reports.** Subject to Section 15(h) of the Securities Exchange Act of 1934
 72.18 (15 U.S.C. Section 78o(h)) or Section 222(b) of the Investment Advisers Act of 1940 (15
 72.19 U.S.C. Section 80b-22), a broker-dealer registered or required to be registered under this
 72.20 chapter and an investment adviser registered or required to be registered under this chapter
 72.21 shall file such financial reports as are required by a rule adopted or order issued under this
 72.22 chapter. If the information contained in a record filed under this subsection is or becomes
 72.23 inaccurate or incomplete in a material respect, the registrant shall promptly file a correcting
 72.24 amendment.

72.25 (c) **Record keeping.** Subject to Section 15(h) of the Securities Exchange Act of 1934
 72.26 (15 U.S.C. Section 78o(h)) or Section 222 of the Investment Advisers Act of 1940 (15
 72.27 U.S.C. Section 80b-22):

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

72.32 (2) broker-dealer records required to be maintained under paragraph (1) may be
 72.33 maintained in any form of data storage acceptable under Section 17(a) of the Securities

73.1 Exchange Act of 1934 (15 U.S.C. Section 78q(a)) if they are readily accessible to the
73.2 administrator; and

73.3 (3) investment adviser records required to be maintained under paragraph (d)(1) may
73.4 be maintained in any form of data storage required by rule adopted or order issued under
73.5 this chapter.

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

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

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

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

73.18 (A) the amount of assets under management;

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

73.21 (C) counterparty credit risk exposure;

73.22 (D) trading and investment positions;

73.23 (E) valuation policies and practices of the fund;

73.24 (F) types of assets held;

73.25 (G) side arrangements or side letters, whereby certain investors in a fund obtain more
73.26 favorable rights or entitlements than other investors;

73.27 (H) trading practices; and

73.28 (I) such other information as the administrator determines is necessary and appropriate
73.29 in the public interest and for the protection of investors, which may include the establishment
73.30 of different reporting requirements for different classes of fund advisers, based on the type
73.31 or size of the private fund being advised.

74.1 (4) **Filing of records.** A rule or order under this chapter may require each investment
74.2 adviser to a private fund to file reports containing such information as the administrator
74.3 deems necessary and appropriate in the public interest and for the protection of investors.

74.4 (e) **Audits or inspections.** The records of a broker-dealer registered or required to be
74.5 registered under this chapter and of an investment adviser registered or required to be
74.6 registered under this chapter, including the records of a private fund described in paragraph
74.7 (d) and the records of investment advisers to private funds, are subject to such reasonable
74.8 periodic, special, or other audits or inspections by a representative of the administrator,
74.9 within or without this state, as the administrator considers necessary or appropriate in the
74.10 public interest and for the protection of investors. An audit or inspection may be made at
74.11 any time and without prior notice. The administrator may copy, and remove for audit or
74.12 inspection copies of, all records the administrator reasonably considers necessary or
74.13 appropriate to conduct the audit or inspection. The administrator may assess a reasonable
74.14 charge for conducting an audit or inspection under this subsection.

74.15 (f) **Custody and discretionary authority bond or insurance.** Subject to Section 15(h)
74.16 of the Securities Exchange Act of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the
74.17 Investment Advisers Act of 1940 (15 U.S.C. Section 80b-22), a rule adopted or order issued
74.18 under this chapter may require a broker-dealer or investment adviser that has custody of or
74.19 discretionary authority over funds or securities of a customer or client to obtain insurance
74.20 or post a bond or other satisfactory form of security in an amount of at least \$25,000, but
74.21 not to exceed \$100,000. The administrator may determine the requirements of the insurance,
74.22 bond, or other satisfactory form of security. Insurance or a bond or other satisfactory form
74.23 of security may not be required of a broker-dealer registered under this chapter whose net
74.24 capital exceeds, or of an investment adviser registered under this chapter whose minimum
74.25 financial requirements exceed, the amounts required by rule or order under this chapter.
74.26 The insurance, bond, or other satisfactory form of security must permit an action by a person
74.27 to enforce any liability on the insurance, bond, or other satisfactory form of security if
74.28 instituted within the time limitations in section 80A.76(j)(2).

74.29 (g) **Requirements for custody.** Subject to Section 15(h) of the Securities Exchange Act
74.30 of 1934 (15 U.S.C. Section 78o(h)) or Section 222 of the Investment Advisers Act of 1940
74.31 (15 U.S.C. Section 80b-22), an agent may not have custody of funds or securities of a
74.32 customer except under the supervision of a broker-dealer and an investment adviser
74.33 representative may not have custody of funds or securities of a client except under the
74.34 supervision of an investment adviser or a federal covered investment adviser. A rule adopted
74.35 or order issued under this chapter may prohibit, limit, or impose conditions on a broker-dealer

75.1 regarding custody of funds or securities of a customer and on an investment adviser regarding
75.2 custody of securities or funds of a client.

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

75.8 (i) **Continuing education.** A rule adopted or order issued under this chapter may require
75.9 an individual registered under section 80A.57 or 80A.58 to participate in a continuing
75.10 education program approved by the Securities and Exchange Commission and administered
75.11 by a self-regulatory organization.

75.12 **EFFECTIVE DATE.** This section is effective January 1, 2025.

75.13 Sec. 42. Minnesota Statutes 2022, section 80C.05, subdivision 3, is amended to read:

75.14 Subd. 3. **Escrow or impoundment of fees and other funds by commissioner.** If the
75.15 commissioner finds that the applicant has failed to demonstrate that adequate financial
75.16 arrangements have been made to fulfill obligations to provide real estate, improvements,
75.17 equipment, inventory, training or other items included in the offering, the commissioner
75.18 may by rule or order require the escrow ~~or~~, impoundment, or deferral of franchise fees and
75.19 other funds paid by the franchisee or subfranchisor until no later than the time of opening
75.20 of the franchise business.

75.21 Sec. 43. Minnesota Statutes 2022, section 82B.021, subdivision 26, is amended to read:

75.22 Subd. 26. **Standards of professional practice.** "Standards of professional practice"
75.23 means the version of the uniform standards of professional appraisal practice of the
75.24 ~~Appraisers Appraisal Standards Board of the Appraisal Foundation in effect as of January~~
75.25 ~~1, 1991, or other version of these standards the commissioner may by order designate on~~
75.26 the date the appraiser signs the appraisal report.

75.27 Sec. 44. Minnesota Statutes 2022, section 82B.094, is amended to read:

75.28 **82B.094 SUPERVISION OF TRAINEE REAL PROPERTY APPRAISERS.**

75.29 (a) A certified residential real property appraiser or a certified general real property
75.30 appraiser, in good standing, may engage a trainee real property appraiser to assist in the

76.1 performance of real estate appraisals, provided that the certified residential real property
76.2 appraiser or a certified general real property appraiser:

76.3 (1) has been licensed in good standing as either a certified residential real property
76.4 appraiser or a certified general real property appraiser for the three-year period immediately
76.5 preceding the individual's application to become a supervisor;

76.6 (2) has completed a ~~six-hour~~ course, approved in advance by the commissioner and
76.7 provided by an education provider approved by the commissioner, that is specifically oriented
76.8 to the requirements and responsibilities of supervisory appraisers and trainee appraisers. ~~A~~
76.9 ~~course approved by the commissioner for the purposes of this section must be given the~~
76.10 ~~course title "Minnesota Supervisor/Trainee Appraiser Course";~~

76.11 (3) has not been the subject of any license or certificate suspension or revocation or has
76.12 not been prohibited from supervising activities in this state or any other state within the
76.13 three years immediately preceding the individual's application to become a supervisor;

76.14 (4) has no more than three trainee real property appraisers working under supervision
76.15 at any one time;

76.16 (5) actively and personally supervises the trainee real property appraiser, which includes
76.17 ensuring that research of general and specific data has been adequately conducted and
76.18 properly reported, application of appraisal principles and methodologies has been properly
76.19 applied, that the analysis is sound and adequately reported, and that any analyses, opinions,
76.20 or conclusions are adequately developed and reported so that the appraisal report is not
76.21 misleading;

76.22 (6) discusses with the trainee real property appraiser any necessary and appropriate
76.23 changes that are made to a report, involving any trainee appraiser, before it is transmitted
76.24 to the client. Changes not discussed with the trainee real property appraiser that are made
76.25 by the supervising appraiser must be provided in writing to the trainee real property appraiser
76.26 upon completion of the appraisal report;

76.27 (7) accompanies the trainee real property appraiser on the inspections of the subject
76.28 properties and drive-by inspections of the comparable sales on all appraisal assignments
76.29 for which the trainee will perform work until the trainee appraiser is determined to be
76.30 competent, in accordance with the competency rule of USPAP for the property type;

76.31 (8) accepts full responsibility for the appraisal report by signing and certifying that the
76.32 report complies with USPAP; and

77.1 (9) reviews and signs the trainee real property appraiser's appraisal report or reports or
 77.2 if the trainee appraiser is not signing the report, states in the appraisal the name of the trainee
 77.3 and scope of the trainee's significant contribution to the report.

77.4 (b) The supervising appraiser must review and sign the applicable experience log required
 77.5 to be kept by the trainee real property appraiser.

77.6 (c) The supervising appraiser must notify the commissioner within ten days when the
 77.7 supervision of a trainee real property appraiser has terminated or when the trainee appraiser
 77.8 is no longer under the supervision of the supervising appraiser.

77.9 (d) The supervising appraiser must maintain a separate work file for each appraisal
 77.10 assignment.

77.11 (e) The supervising appraiser must verify that any trainee real property appraiser that is
 77.12 subject to supervision is properly licensed and in good standing with the commissioner.

77.13 **EFFECTIVE DATE.** This section is effective January 1, 2026.

77.14 Sec. 45. Minnesota Statutes 2022, section 82B.095, subdivision 3, is amended to read:

77.15 Subd. 3. **Conformance to Appraisal Qualifications Board criteria.** (a) The
 77.16 requirements to obtain and maintain a trainee real property appraiser, licensed real property
 77.17 appraiser, certified residential real property appraiser, or certified general real property
 77.18 appraiser license are the education, examination, and experience requirements established
 77.19 by the Appraiser Qualifications Board of the Appraisal Foundation and published in the
 77.20 most recent version of the Real Property Appraiser Qualification Criteria.

77.21 (b) An applicant must complete the applicable education and experience requirements
 77.22 before taking the required examination.

77.23 **EFFECTIVE DATE.** This section is effective January 1, 2026.

77.24 Sec. 46. Minnesota Statutes 2022, section 82B.13, subdivision 1, is amended to read:

77.25 Subdivision 1. **Trainee real property appraiser.** As a prerequisite for licensing as a
 77.26 trainee real property appraiser, an applicant must present evidence satisfactory to the
 77.27 commissioner that the person has successfully completed a ~~six-hour~~ course that is specifically
 77.28 oriented to the requirements and responsibilities of supervisory appraisers and trainee
 77.29 appraisers. ~~A course approved by the commissioner for the purposes of this subdivision~~
 77.30 ~~must be given the course title "Minnesota Supervisor/Trainee Appraiser Course." This~~ The

78.1 course under this subdivision must not be counted toward qualifying education to upgrade
 78.2 to a higher level appraiser license.

78.3 **EFFECTIVE DATE.** This section is effective January 1, 2026.

78.4 Sec. 47. Minnesota Statutes 2022, section 82B.19, subdivision 1, is amended to read:

78.5 Subdivision 1. **License renewals.** (a) The commissioner must determine that a licensed
 78.6 real estate appraiser has met the continuing education requirements of this chapter before
 78.7 the commissioner renews a license. This determination must be based on, for a resident
 78.8 appraiser, course completion records uploaded electronically in a manner prescribed by the
 78.9 commissioner and, for a nonresident appraiser, course completion records presented by
 78.10 electronic transmission or uploaded electronically in a manner prescribed by the
 78.11 commissioner.

78.12 ~~The basic continuing education requirement for renewal of a license is the completion~~
 78.13 ~~by the applicant either as a student or as an instructor, during the immediately preceding~~
 78.14 ~~term of licensing, of at least 30 classroom hours of instruction in courses or seminars that~~
 78.15 ~~have received the approval of the commissioner. Classroom hour credit must not be accepted~~
 78.16 ~~for courses of less than two hours. As part of the continuing education requirements of this~~
 78.17 ~~section, the commissioner must require that all real estate appraisers successfully complete~~
 78.18 ~~the seven-hour national USPAP update course every two years. If the applicant's immediately~~
 78.19 ~~preceding term of licensing consisted of six or more months, but fewer than 24 months, the~~
 78.20 ~~applicant must provide evidence of completion of 15 hours of instruction during the license~~
 78.21 ~~period. The credit hours required under this section may be credited to a person for distance~~
 78.22 ~~education courses that meet Appraiser Qualifications Board criteria. An approved prelicense~~
 78.23 ~~education course may be taken for continuing education credit.~~

78.24 ~~(b) The 15-hour USPAP course cannot be used to satisfy the requirement to complete~~
 78.25 ~~the seven-hour national USPAP update course every two years.~~

78.26 **EFFECTIVE DATE.** This section is effective January 1, 2026.

78.27 Sec. 48. Minnesota Statutes 2022, section 115C.08, subdivision 2, is amended to read:

78.28 Subd. 2. **Imposing fee.** The board shall notify the commissioner of revenue if the
 78.29 unencumbered balance of the fund falls below \$4,000,000, and within ~~60~~ 90 days after
 78.30 receiving notice from the board, the commissioner of revenue shall impose the fee established
 78.31 in subdivision 3 on the use of a tank for four calendar months, with payment to be submitted
 78.32 with each monthly distributor tax return.

79.1 Sec. 49. **RULEMAKING.**

79.2 The commissioner of commerce must adopt rules to conform with the changes made in
 79.3 Minnesota Statutes, sections 80A.66 and 80C.05 with respect to investment advisor
 79.4 registration continuing education and franchise fees deferral, respectively. The commissioner
 79.5 of commerce may use the good cause exemption under Minnesota Statutes, section 14.388,
 79.6 subdivision 1, clause (3), to amend the rule under this section, and Minnesota Statutes,
 79.7 section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

79.8 Sec. 50. **RULEMAKING.**

79.9 The commissioner of commerce must amend Minnesota Rules, part 2675.2170, to comply
 79.10 with the changes made in this act. The commissioner of commerce may use the good cause
 79.11 exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend
 79.12 the rule under this section. Minnesota Statutes, section 14.386, does not apply, except as
 79.13 provided under Minnesota Statutes, section 14.388.

79.14 Sec. 51. **REPEALER.**

79.15 (a) Minnesota Statutes 2022, sections 45.014; and 58.08, subdivision 3, are repealed.

79.16 (b) Minnesota Statutes 2022, section 82B.25, is repealed.

79.17 (c) Minnesota Statutes 2023 Supplement, section 53B.58, is repealed.

79.18 **EFFECTIVE DATE.** Paragraph (b) is effective January 1, 2026.

79.19 Sec. 52. **EFFECTIVE DATE.**

79.20 Sections 1 and 2 are effective August 1, 2024, and apply to loans executed on or after
 79.21 that date.

79.22 **ARTICLE 3**79.23 **COMMERCIAL REGULATION AND CONSUMER PROTECTION**

79.24 Section 1. Minnesota Statutes 2022, section 45.011, subdivision 1, is amended to read:

79.25 Subdivision 1. **Scope.** As used in chapters 45 to 80C, 80E to 83, 155A, 216C, 332, 332A,
 79.26 332B, 345, and 359, and sections 81A.22 to 81A.37; 123A.21, subdivision 7, paragraph
 79.27 (a), clause (23); 123A.25; 325D.30 to 325D.42; 326B.802 to 326B.885; 386.62 to 386.78;
 79.28 471.617; ~~and 471.982;~~ and 513.80, unless the context indicates otherwise, the terms defined
 79.29 in this section have the meanings given them.

80.1 Sec. 2. Minnesota Statutes 2023 Supplement, section 53B.69, is amended by adding a
80.2 subdivision to read:

80.3 Subd. 3a. **Transaction hash.** "Transaction hash" means a unique identifier made up of
80.4 a string of characters that act as a record of and provides proof that the transaction was
80.5 verified and added to the blockchain.

80.6 Sec. 3. Minnesota Statutes 2023 Supplement, section 53B.69, is amended by adding a
80.7 subdivision to read:

80.8 Subd. 3b. **New customer.** "New customer" means a consumer transacting at a kiosk in
80.9 Minnesota who has been a customer with a virtual currency kiosk operator for less than 96
80.10 hours. After the 96-hour period has elapsed from the day of first signing up as a customer
80.11 with a virtual currency kiosk operator, the customer is considered an existing customer and
80.12 no longer subject to the new customer transaction limit described in this act.

80.13 Sec. 4. Minnesota Statutes 2023 Supplement, section 53B.69, is amended by adding a
80.14 subdivision to read:

80.15 Subd. 3c. **Existing customer.** "Existing customer" means a consumer transacting at a
80.16 kiosk in Minnesota who has been a customer with a virtual currency kiosk operator for more
80.17 than a 96-hour period. A new customer automatically converts to an existing customer after
80.18 the 96-hour period has elapsed. An existing customer is subject to the transaction limits
80.19 described in this act.

80.20 Sec. 5. Minnesota Statutes 2023 Supplement, section 53B.69, is amended by adding a
80.21 subdivision to read:

80.22 Subd. 6a. **Virtual currency address.** "Virtual currency address" means an alphanumeric
80.23 identifier representing a destination for a virtual currency transfer that is associated with a
80.24 virtual currency wallet.

80.25 Sec. 6. Minnesota Statutes 2023 Supplement, section 53B.69, is amended by adding a
80.26 subdivision to read:

80.27 Subd. 10. **Virtual currency kiosk.** "Virtual currency kiosk" means an electronic terminal
80.28 acting as a mechanical agent of the virtual currency kiosk operator to enable the operator
80.29 to facilitate the exchange of virtual currency for money, bank credit, or other virtual currency,
80.30 including but not limited to by (1) connecting directly to a separate virtual currency exchanger

81.1 that performs the actual virtual currency transmission, or (2) drawing upon the virtual
81.2 currency in the possession of the electronic terminal's operator.

81.3 Sec. 7. Minnesota Statutes 2023 Supplement, section 53B.69, is amended by adding a
81.4 subdivision to read:

81.5 Subd. 11. **Virtual currency wallet.** "Virtual currency wallet" means a software
81.6 application or other mechanism providing a means for holding, storing, and transferring
81.7 virtual currency.

81.8 Sec. 8. Minnesota Statutes 2023 Supplement, section 53B.69, is amended by adding a
81.9 subdivision to read:

81.10 Subd. 12. **Virtual currency kiosk operator.** "Virtual currency kiosk operator" means
81.11 a corporation, limited liability company, limited liability partnership, foreign entity, or any
81.12 other person or entity qualified to do business in the state of Minnesota and that operates a
81.13 virtual currency kiosk within the state of Minnesota.

81.14 Sec. 9. Minnesota Statutes 2023 Supplement, section 53B.69, is amended by adding a
81.15 subdivision to read:

81.16 Subd. 13. **Virtual currency kiosk transaction.** "Virtual currency kiosk transaction"
81.17 means a transaction conducted or performed, in whole or in part, by electronic means via
81.18 a virtual currency kiosk. Virtual currency kiosk transaction also means a transaction made
81.19 at a virtual currency kiosk to purchase currency with fiat currency or to sell virtual currency
81.20 for fiat currency.

81.21 Sec. 10. [53B.75] **VIRTUAL CURRENCY KIOSKS.**

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

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

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

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

82.7 (4) there is no assurance that a person who accepts virtual currency as payment today
82.8 will do so in the future;

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

82.11 (6) virtual currency transactions are irreversible and are used by scammers, including
82.12 those impersonating loved ones, threatening jail time, stating your identity is stolen, and
82.13 insisting you withdraw money from your bank account and purchase cryptocurrency;

82.14 (7) the nature of virtual currency means that any technological difficulties experienced
82.15 by the virtual currency kiosk operator may prevent access to or use of a person's virtual
82.16 currency; and

82.17 (8) any bond maintained by the licensee for the benefit of a person may not cover all
82.18 losses the persons incur.

82.19 (b) The virtual currency kiosk operator must provide an additional disclosure, which
82.20 must be acknowledged by the person, written prominently and in bold type, and provided
82.21 separately from the disclosures above, stating: "WARNING: LOSSES DUE TO
82.22 FRAUDULENT OR ACCIDENTAL TRANSACTIONS ARE NOT RECOVERABLE
82.23 AND TRANSACTIONS IN VIRTUAL CURRENCY ARE IRREVERSIBLE."

82.24 Subd. 2. **Disclosures.** (a) A virtual currency kiosk operator must disclose all relevant
82.25 terms and conditions generally associated with the products, services, and activities of the
82.26 operator and virtual currency. A virtual currency kiosk operator must make the disclosures
82.27 in clear, conspicuous, and legibly written English, displayed on a separate screen from other
82.28 disclosures and information, in bold-face sans serif font in a size in line with other texts
82.29 displayed. These disclosures must address at least the following:

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

82.31 (2) the person's right to:

82.32 (i) stop payment of a virtual currency transfer and the procedure to stop the payment;

83.1 (ii) receive a receipt, trade ticket, or other evidence of a transaction at the time of
83.2 transaction; and

83.3 (iii) prior notice of a change in the rules or policies of the operator;

83.4 (3) under what circumstances the operator will, without a court or government order,
83.5 disclose a person's account information to third parties; and

83.6 (4) other disclosures that are customarily provided in connection with the opening of a
83.7 person's account.

83.8 (b) Before each virtual currency transaction for, on behalf of, or with a person, the virtual
83.9 currency kiosk operator must disclose the transaction's terms and conditions in clear,
83.10 conspicuous, and legibly written English, displayed on a separate screen from other
83.11 disclosures and information, in bold-face sans serif font in a size in line with other texts
83.12 displayed. These disclosures must address at least the following:

83.13 (1) the amount of the transaction;

83.14 (2) any fees, expenses, and charges, including applicable exchange rates;

83.15 (3) the type and nature of the transaction;

83.16 (4) a warning that, once completed, the transaction may not be undone;

83.17 (5) a daily virtual currency transaction limit of no more than \$2,000 for new customers;

83.18 (6) the difference in the virtual currency's sale price versus the current market price; and

83.19 (7) other disclosures that are customarily given in connection with a virtual currency
83.20 transaction.

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

83.28 (1) the operator's name and contact information, including a telephone number to answer
83.29 questions and register complaints;

83.30 (2) the type, value, date, and precise time of the transaction, transactional hash, and each
83.31 virtual currency address;

- 84.1 (3) the fees charged;
- 84.2 (4) the exchange rate;
- 84.3 (5) a statement of the operator's liability for nondelivery or delayed delivery;
- 84.4 (6) a statement of the operator's refund policy; and
- 84.5 (7) any additional information the commissioner of commerce may require.

84.6 Subd. 4. **New customer hold.** The first transaction of a new customer must be subject
 84.7 to a 48-hour holding period in which the customer may reverse and cancel their transaction
 84.8 for a full refund.

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

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

84.13 Sec. 11. Minnesota Statutes 2022, section 58B.02, subdivision 8, is amended to read:

84.14 Subd. 8. **Student loan.** "Student loan" means a government, commercial, or foundation
 84.15 ~~loan~~ extension of credit for actual costs paid for tuition and reasonable education and living
 84.16 expenses.

84.17 Sec. 12. Minnesota Statutes 2022, section 58B.02, is amended by adding a subdivision to
 84.18 read:

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

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

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

84.24 (3) an operating subsidiary where each owner is wholly owned by the same bank or
 84.25 credit union.

85.1 Sec. 13. Minnesota Statutes 2022, section 58B.03, is amended by adding a subdivision to
85.2 read:

85.3 Subd. 10. **Annual report.** (a) Beginning March 15, 2025, a student loan servicer that
85.4 secures, makes, or extends student loans in Minnesota must report to the commissioner on
85.5 the form the commissioner provides:

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

85.9 (2) the total outstanding dollar amount owed by borrowers residing in Minnesota who
85.10 received student loans from the student loan servicer;

85.11 (3) the total number of student loans owed by borrowers residing in Minnesota who
85.12 received student loans from the student loan servicer;

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

85.15 (5) the total dollar amount of student loans provided by the student loan servicer to
85.16 borrowers who resided in Minnesota in the prior calendar year;

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

85.20 (7) the rate of default for borrowers residing in Minnesota who obtained student loans
85.21 from the student loan servicer, if applicable;

85.22 (8) the rate of default for borrowers residing in Minnesota who obtained student loans
85.23 from the student loan servicer associated with each school identified under clause (1), if
85.24 applicable;

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

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

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

86.1 (12) the total dollar amount and number of student loans provided by the student loan
86.2 servicer to borrowers residing in Minnesota used to refinance a prior student loan or federal
86.3 student loan in the prior calendar year;

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

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

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

86.12 (b) A student loan servicer that acquires or assumes student loans in Minnesota must
86.13 report to the commissioner on the form the commissioner provides:

86.14 (1) a list of all schools attended by borrowers residing in Minnesota who used, for
86.15 attendance, any outstanding student loans assumed or acquired by the student loan servicer;

86.16 (2) the total outstanding dollar amount and number of student loans that have been
86.17 acquired or assumed by the student loan servicer and owed by borrowers who reside in
86.18 Minnesota;

86.19 (3) the total outstanding dollar amount and number of student loans owed by borrowers
86.20 who reside in Minnesota that have been assumed or acquired by the student loan servicer,
86.21 associated with each school identified under clause (1);

86.22 (4) the total dollar amount and number of student loans owed by borrowers who resided
86.23 in Minnesota that were acquired or assumed by the student loan servicer in the prior calendar
86.24 year;

86.25 (5) the total dollar amount and number of student loans that were acquired or assumed
86.26 by the student loan servicer and owed by borrowers who resided in Minnesota in the prior
86.27 year, associated with each school identified under clause (1);

86.28 (6) the rate of default for student loans acquired or assumed by the student loan servicer,
86.29 if applicable;

86.30 (7) the rate of default for student loans acquired or assumed by the student loan servicer
86.31 associated with each school identified under clause (1), if applicable;

87.1 (8) the total outstanding dollar amount and number of student loans owed by borrowers
87.2 residing in Minnesota who had a cosigner for the student loans, if applicable;

87.3 (9) the total outstanding dollar amount and number of student loans that were acquired
87.4 or assumed by the student loan servicer and owed by borrowers residing in Minnesota to
87.5 refinance a prior student loan or federal student loan;

87.6 (10) the total dollar amount and number of student loans for which the student loan
87.7 servicer had sued to collect from borrowers residing in Minnesota in the prior calendar year;
87.8 and

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

87.11 (c) The commissioner of commerce shall share data collected under this subdivision
87.12 with the commissioner of higher education.

87.13 Sec. 14. Minnesota Statutes 2022, section 58B.06, subdivision 4, is amended to read:

87.14 Subd. 4. **Transfer of student loan.** (a) If a borrower's student loan servicer changes
87.15 pursuant to the sale, assignment, or transfer of the servicing, the original student loan servicer
87.16 must:

87.17 (1) require the new student loan servicer to honor all benefits that were made available,
87.18 or which may have become available, to a borrower from the original student loan servicer
87.19 or is authorized under the student loan contract, including any benefits for which the student
87.20 loan borrower has not yet qualified unless that benefit is no longer available under the federal
87.21 or state laws and regulations; and

87.22 (2) transfer to the new student loan servicer all information regarding the borrower, the
87.23 account of the borrower, and the borrower's student loan, including but not limited to the
87.24 repayment status of the student loan and the benefits described in clause (1).

87.25 (b) The student loan servicer must complete the transfer under paragraph (a), clause (2),
87.26 less than 45 days from the date of the sale, assignment, or transfer of the servicing.

87.27 (c) A sale, assignment, or transfer of the servicing must be completed no less than seven
87.28 days from the date the next payment is due on the student loan.

87.29 (d) A new student loan servicer must adopt policies and procedures to verify that the
87.30 original student loan servicer has met the requirements of paragraph (a).

88.1 Sec. 15. Minnesota Statutes 2022, section 58B.06, subdivision 5, is amended to read:

88.2 Subd. 5. **Income-driven repayment.** (a) A student loan servicer must evaluate a borrower
88.3 for eligibility for an income-driven repayment program before placing a borrower in
88.4 forbearance or default.

88.5 (b) A student loan servicer must provide the following information on the student loan
88.6 servicer's website:

88.7 (1) a description of any income-driven repayment programs available under the student
88.8 loan contract or federal or state laws and regulations; and

88.9 (2) information on the policies and procedures the student loan servicer implements to
88.10 facilitate the evaluation of student loan income-driven repayment program requests, including
88.11 accurate information regarding any options that may be available to the borrower through
88.12 the promissory note or that may have been marketed to the borrower through marketing
88.13 materials.

88.14 Sec. 16. Minnesota Statutes 2022, section 58B.07, subdivision 1, is amended to read:

88.15 Subdivision 1. **Misleading borrowers.** A student loan servicer must not directly or
88.16 indirectly employ any scheme, device, or artifice to attempt to defraud or mislead a borrower.

88.17 Sec. 17. Minnesota Statutes 2022, section 58B.07, subdivision 3, is amended to read:

88.18 Subd. 3. **Misapplication of payments.** A student loan servicer must not knowingly or
88.19 negligently misapply student loan payments to the outstanding balance of a student loan.

88.20 Sec. 18. Minnesota Statutes 2022, section 58B.07, subdivision 9, is amended to read:

88.21 Subd. 9. **Incorrect information regarding student loan ~~forgiveness~~ loans.** (a) A
88.22 student loan servicer must not misrepresent the availability of student loan forgiveness for
88.23 which the servicer has reason to know the borrower is eligible. This includes but is not
88.24 limited to student loan forgiveness programs specific to military borrowers, borrowers
88.25 working in public service, or borrowers with disabilities.

88.26 (b) A student loan servicer must not provide incorrect information related to forbearance.
88.27 If a student loan servicer suggests placing a borrower in forbearance in lieu of a repayment
88.28 program that would result in savings to the borrower and the borrower relies on this
88.29 information, the student loan servicer shall be subject to the penalties provided under section
88.30 58B.09.

89.1 Sec. 19. Minnesota Statutes 2022, section 58B.07, is amended by adding a subdivision to
89.2 read:

89.3 Subd. 11. **Property.** A student loan servicer must not obtain property by fraud or
89.4 misrepresentation.

89.5 Sec. 20. Minnesota Statutes 2022, section 58B.07, is amended by adding a subdivision to
89.6 read:

89.7 Subd. 12. **Customer service.** A student loan servicer must not allow a borrower to
89.8 remain on hold during an individual call for more than two hours unless the student loan
89.9 servicer returns the borrower's phone call within 24 hours of the two hours expiring. A
89.10 student loan servicer must not allow a call on hold to automatically lapse or end upon
89.11 reaching a duration of two hours to satisfy this requirement.

89.12 Sec. 21. Minnesota Statutes 2022, section 58B.07, is amended by adding a subdivision to
89.13 read:

89.14 Subd. 13. **Abusive acts or practices.** A student loan servicer must not engage in abusive
89.15 acts or practices when servicing a student loan in this state. An act or practice is abusive in
89.16 connection with the servicing of a student loan if that act or practice:

89.17 (1) materially interferes with the ability of a borrower to understand a term or condition
89.18 of a student loan; or

89.19 (2) takes unreasonable advantage of any of the following:

89.20 (i) a lack of understanding on the part of a borrower of the material risks, costs, or
89.21 conditions of the student loan;

89.22 (ii) the inability of a borrower to protect the interests of the borrower when selecting or
89.23 using a student loan or feature, term, or condition of a student loan; or

89.24 (iii) the reasonable reliance by the borrower on a student loan servicer to act in the
89.25 interests of the borrower.

89.26 Sec. 22. Minnesota Statutes 2022, section 58B.07, is amended by adding a subdivision to
89.27 read:

89.28 Subd. 14. **Violations.** A violation of this section is an unlawful practice under section
89.29 325D.44.

90.1 Sec. 23. Minnesota Statutes 2022, section 58B.09, is amended by adding a subdivision to
90.2 read:

90.3 Subd. 4. **Private right of action.** (a) A borrower who suffers damage as a result of the
90.4 failure of a student loan servicer to comply with this chapter may bring an action on a
90.5 borrower's own behalf and on behalf of a similarly situated class of persons against that
90.6 student loan servicer to recover or obtain:

90.7 (1) actual damages, except that the total award of damages must be at least \$500 per
90.8 plaintiff, per violation;

90.9 (2) an order enjoining the methods, acts, or practices;

90.10 (3) restitution of property;

90.11 (4) punitive damages;

90.12 (5) reasonable attorney fees; and

90.13 (6) any other relief that the court deems proper.

90.14 (b) In addition to any other remedies provided by this subdivision or otherwise provided
90.15 by law, if a student loan servicer is shown, by a preponderance of the evidence, to have
90.16 engaged in conduct that substantially interferes with a borrower's right to an alternative
90.17 payment arrangement; loan forgiveness, cancellation, or discharge; or any other financial
90.18 benefit established under the terms of a borrower's promissory note or under the Higher
90.19 Education Act of 1965, United States Code, title 20, section 1070a, et seq., a borrower is
90.20 entitled to damages of at least \$1,500 per plaintiff, per violation.

90.21 (c) At least 45 days before bringing an action for damages or injunctive relief under this
90.22 chapter, a borrower must:

90.23 (1) provide written notice to the student loan servicer alleged to have violated this chapter
90.24 regarding the nature of the alleged violations; and

90.25 (2) demand that the student loan servicer correct and remedy the method, act, or practice
90.26 identified in the notice under clause (1).

90.27 (d) The notice required by this subdivision must be sent by certified or registered mail,
90.28 return receipt requested, to the student loan servicer's address on file with the Department
90.29 of Commerce or to the student loan servicer's principal place of business in Minnesota.

90.30 (e) An action for damages or injunctive relief brought by a borrower only on the
90.31 individual borrower's behalf must not be maintained under paragraph (a) upon a showing
90.32 by a student loan servicer that an appropriate correction and remedy is given, or is agreed

91.1 to be given within a reasonable time, to the borrower within 30 days after the notice is
91.2 received.

91.3 (f) An action for damages brought by a borrower on both the borrower's behalf and on
91.4 behalf of a similarly situated class of persons must not be maintained under paragraph (a)
91.5 upon a showing by a student loan servicer alleged to have employed or committed a method,
91.6 act, or practice declared unlawful if:

91.7 (1) all borrowers similarly situated have been identified or a reasonable effort to identify
91.8 other borrowers has been made;

91.9 (2) all borrowers identified have been notified that, upon the borrower's request, the
91.10 student loan servicer must make the appropriate correction and remedy;

91.11 (3) the correction and remedy requested by the borrower has been given or is given
91.12 within a reasonable amount of time; and

91.13 (4) the student loan servicer has ceased from engaging, or if immediate cessation is
91.14 impossible or unreasonably expensive under the circumstances, the student loan servicer
91.15 ceases to engage within a reasonable amount of time, in the method, act, or practice.

91.16 (g) An attempt to comply with a demand described in paragraph (c) by a student loan
91.17 servicer that receives the demand is construed as an offer to compromise and is inadmissible
91.18 as evidence under Minnesota Rules of Evidence, rule 408. An attempt to comply with a
91.19 demand is not an admission of engaging in an act or practice declared unlawful by paragraph
91.20 (a). Evidence of compliance or attempts to comply with this section may be introduced by
91.21 a defendant to establish good faith or to show compliance with paragraph (a).

91.22 (h) An award of damages must not be given in an action based on a method, act, or
91.23 practice in violation of paragraph (a) if the student loan servicer alleged to have employed
91.24 or committed that method, act, or practice:

91.25 (1) proves by a preponderance of the evidence that the violation was not intentional and
91.26 resulted from a bona fide error, notwithstanding the use of reasonable procedures adopted
91.27 to avoid that error; and

91.28 (2) makes an appropriate correction, repair, replacement, or other remedy under
91.29 paragraphs (e) and (f).

91.30 (i) The commissioner must administer and enforce this section and must adopt rules and
91.31 issue orders consistent with the authority under this section.

92.1 Sec. 24. [65A.3025] CONDOMINIUM AND TOWNHOUSE POLICIES;
 92.2 COORDINATION OF BENEFITS FOR LOSS ASSESSMENT.

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

92.5 (b) "Association" has the meaning given in section 515B.1-103, clause (4).

92.6 (c) "Unit owner" has the meaning given in section 515B.1-103, clause (37).

92.7 (d) "Assessable loss" means a covered loss under the terms of the policy applicable
 92.8 under subdivision 2, paragraphs (a) and (b).

92.9 Subd. 2. Loss assessment. (a) If a loss assessment is charged by an association to an
 92.10 individual unit owner the insurance policy in force at the time of the assessable loss must
 92.11 pay the loss assessment, subject to the limits provided in the policy, notwithstanding any
 92.12 policy provisions regarding when loss assessment coverage accrues, and subject to any
 92.13 other terms, conditions, and exclusions in the policy, if the following conditions are met:

92.14 (1) the unit owner at the time of the assessable loss is the owner of the property listed
 92.15 on the policy at the time the loss assessment is charged;

92.16 (2) if the insurance policy in force at the time of the assessable loss provides loss
 92.17 assessment coverage; and

92.18 (3) a loss assessment and the event or occurrence which triggers a loss assessment shall
 92.19 be considered a single loss for underwriting and rating purposes.

92.20 (b) If a loss assessment is charged by an association to an individual unit owner the
 92.21 insurance policy in force at the time the loss assessment is charged must pay the assessment,
 92.22 subject to the limits provided in the policy, notwithstanding any policy provisions regarding
 92.23 when loss assessment coverage accrues, and subject to any other terms, conditions, and
 92.24 exclusions in the policy, if the following conditions are met:

92.25 (1) the unit owner at the time of the loss assessment is charged is different than the unit
 92.26 owner at the time of the assessable loss; and

92.27 (2) the insurance policy in force at the time the loss assessment is charged provides loss
 92.28 assessment coverage.

92.29 (c) For a loss assessment under paragraph (b), an insurer may require evidence
 92.30 documenting that the transfer of ownership occurred prior to the assessment before the
 92.31 insurer affords coverage.

93.1 Sec. 25. Minnesota Statutes 2023 Supplement, section 239.791, subdivision 8, is amended
93.2 to read:

93.3 Subd. 8. **Disclosure; reporting.** (a) A refinery or terminal, shall provide, at the time
93.4 gasoline is sold or transferred from the refinery or terminal, a bill of lading or shipping
93.5 manifest to the person who receives the gasoline. For oxygenated gasoline, the bill of lading
93.6 or shipping manifest must include the identity and the volume percentage or gallons of
93.7 oxygenate included in the gasoline, and it must state: "This fuel contains an oxygenate. Do
93.8 not blend this fuel with ethanol or with any other oxygenate." For nonoxygenated gasoline,
93.9 the bill or manifest must state: "This fuel is not oxygenated. It must not be sold at retail in
93.10 Minnesota." This subdivision does not apply to sales or transfers of gasoline between
93.11 refineries, between terminals, or between a refinery and a terminal.

93.12 (b) A delivery ticket required under section 239.092 for biofuel blended with gasoline
93.13 must state the volume percentage of biofuel blended into gasoline delivered through a meter
93.14 into a storage tank used for dispensing by persons not exempt under subdivisions 10 to 14
93.15 ~~and~~, 16, and 17.

93.16 (c) On or before the 23rd day of each month, a person responsible for the product must
93.17 report to the department, in the form prescribed by the commissioner, the gross number of
93.18 gallons of intermediate blends sold at retail by the person during the preceding calendar
93.19 month. The report must identify the number of gallons by blend type. For purposes of this
93.20 subdivision, "intermediate blends" means blends of gasoline and biofuel in which the biofuel
93.21 content, exclusive of denaturants and other permitted components, is greater than ten percent
93.22 and no more than 50 percent by volume. This paragraph only applies to a person who is
93.23 responsible for selling intermediate blends at retail at more than ten locations. A person
93.24 responsible for the product at fewer than ten locations is not precluded from reporting the
93.25 gross number of intermediate blends if a report is available.

93.26 (d) All reports provided pursuant to paragraph (c) are nonpublic data, as defined in
93.27 section 13.02, subdivision 9.

93.28 Sec. 26. Minnesota Statutes 2022, section 239.791, is amended by adding a subdivision
93.29 to read:

93.30 Subd. 17. **Bulk delivery of premium grade gasoline; exemption.** (a) A person
93.31 responsible for the product may offer for sale, sell, or deliver a bulk delivery of unleaded
93.32 premium grade gasoline, as defined in section 239.751, subdivision 4, that is not oxygenated
93.33 in accordance with subdivision 1 if the conditions in paragraphs (b) to (d) are met.

94.1 (b) Nonoxygenated gas is only for use in vehicles that qualify for an exemption under
 94.2 subdivision 12, paragraph (a).

94.3 (c) No more than one bulk fuel storage tank on the premises may be used for storage of
 94.4 the nonoxygenated gasoline.

94.5 (d) The bulk fuel delivery is 500 gallons or less.

94.6 Sec. 27. Minnesota Statutes 2023 Supplement, section 325E.80, subdivision 1, is amended
 94.7 to read:

94.8 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms in this subdivision
 94.9 have the meanings given.

94.10 (b) "Essential consumer good or service" means a good or service that is vital and
 94.11 necessary for the health, safety, and welfare of the public, including without limitation:
 94.12 food; water; fuel; gasoline; shelter; construction materials; transportation; health care
 94.13 services; pharmaceuticals; and medical, personal hygiene, sanitation, and cleaning supplies.

94.14 (c) "Restoration and mitigation services provider" means a person or business that
 94.15 provides a service to prevent further damage to property following a fire, smoke, water, or
 94.16 storm event. Services include but are not limited to boarding up property, water extraction,
 94.17 drying, smoke or odor removal, cleaning, and personal property inventory, removal, and
 94.18 storage.

94.19 (d) "Seller" means a manufacturer, supplier, wholesaler, distributor, or retail seller of
 94.20 goods and services.

94.21 (e) "Tree trimmer" means a person registered under section 18G.07.

94.22 ~~(d)~~ (f) "Unconscionably excessive price" means a price that represents a gross disparity
 94.23 compared to the seller's average price of an essential good or service, offered for sale or
 94.24 sold in the usual course of business, in the 60-day period before an abnormal market
 94.25 disruption is declared under subdivision 2. None of the following is an unconscionably
 94.26 excessive price:

94.27 (1) a price that is substantially related to an increase in the cost of manufacturing,
 94.28 obtaining, replacing, providing, or selling a good or service;

94.29 (2) a price that is no more than 25 percent above the seller's average price during the
 94.30 60-day period before an abnormal market disruption is declared under subdivision 2;

94.31 (3) a price that is consistent with the fluctuations in applicable commodity markets or
 94.32 seasonal fluctuations; or

95.1 (4) a contract price, or the results of a price formula, that was established before an
 95.2 abnormal market disruption is declared under subdivision 2.

95.3 Sec. 28. Minnesota Statutes 2023 Supplement, section 325E.80, subdivision 5, is amended
 95.4 to read:

95.5 Subd. 5. **Prices and rates.** Upon the occurrence of a weather event classified as a severe
 95.6 thunderstorm pursuant to the criteria established by the National Oceanic and Atmospheric
 95.7 Administration, a residential building contractor, tree trimmer, or restoration and mitigation
 95.8 services provider operating within the geographic region impacted by the weather event
 95.9 and repairing damage caused by the weather event shall not:

95.10 (1) charge an unconscionably excessive price for labor in comparison to the market price
 95.11 charged for comparable services in the geographic region impacted by the weather event;
 95.12 or

95.13 (2) charge an insurance company a rate that exceeds what the residential building
 95.14 contractor, tree trimmer, or restoration and mitigation services provider would otherwise
 95.15 ~~charges members~~ charge a member of the general public.

95.16 Sec. 29. Minnesota Statutes 2023 Supplement, section 325E.80, subdivision 6, is amended
 95.17 to read:

95.18 Subd. 6. **Civil penalty.** A person who is found to have violated ~~this section~~ subdivision
 95.19 4 is subject to a civil penalty of not more than \$1,000 per sale or transaction, with a maximum
 95.20 penalty of \$25,000 per day. No other penalties may be imposed for the same conduct
 95.21 regulated under ~~this section~~ subdivision 4.

95.22 Sec. 30. Minnesota Statutes 2023 Supplement, section 325E.80, subdivision 7, is amended
 95.23 to read:

95.24 Subd. 7. **Enforcement authority.** (a) The attorney general may investigate and bring
 95.25 an action using the authority under section 8.31 against a seller ~~or~~, residential building
 95.26 contractor, tree trimmer, or restoration and mitigation services provider for an alleged
 95.27 violation of this section.

95.28 (b) Nothing in this section creates a private cause of action in favor of a person injured
 95.29 by a violation of this section.

96.1 Sec. 31. Minnesota Statutes 2022, section 325F.03, is amended to read:

96.2 **325F.03 FLAME RESISTANT PUBLIC ASSEMBLY TENTS.**

96.3 No person, firm or corporation shall establish, maintain or operate any circus, side show,
 96.4 carnival, tent show, theater, skating rink, dance hall, or a similar exhibition, production,
 96.5 engagement or offering or other place of assemblage in or under which ~~ten~~ 15 or more
 96.6 persons may gather for any lawful purpose in any tent, awning or other fabric enclosure
 96.7 unless such tent, awning or other fabric enclosure, and all auxiliary tents, curtains, drops,
 96.8 awnings and all decorative materials, are made from a nonflammable material or are treated
 96.9 and maintained in a flame resistant condition. This section ~~shall~~ does not apply to tents
 96.10 designed or manufactured for camping, backpacking, mountaineering, or children's play;
 96.11 tents used to conduct committal services on the grounds of a cemetery; nor to tents, awnings
 96.12 or other fabric enclosures erected and used within a sound stage, or other similar structural
 96.13 enclosure which is equipped with an overhead automatic sprinkler system.

96.14 Sec. 32. Minnesota Statutes 2022, section 325F.04, is amended to read:

96.15 **325F.04 FLAME RESISTANT TENTS AND SLEEPING BAGS.**

96.16 No person, firm, or corporation may sell or offer for sale or manufacture for sale in this
 96.17 state any tent subject to section 325F.03 unless all fabrics or pliable materials in the tent
 96.18 are durably flame resistant. ~~No person, firm or corporation may sell or offer for sale or~~
 96.19 ~~manufacture for sale in this state any sleeping bag unless it meets the standards of the~~
 96.20 ~~commissioner of public safety for flame resistancy.~~ Tents and sleeping bags subject to
 96.21 section 325F.03 shall be conspicuously labeled as being durably flame resistant.

96.22 Sec. 33. Minnesota Statutes 2022, section 325F.05, is amended to read:

96.23 **325F.05 RULES.**

96.24 The commissioner of public safety shall act so as to have effective rules concerning
 96.25 standards for ~~nonflammable, flame resistant and durably flame resistant~~ flame resistant materials and for
 96.26 labeling requirements ~~by January 1, 1976~~ under sections 325F.03 and 325F.04. In order to
 96.27 comply with sections 325F.03 and 325F.04 all materials and labels must comply with the
 96.28 rules adopted by the commissioner. The commissioner has general rulemaking power to
 96.29 otherwise implement sections 325F.03 to 325F.07.

97.1 Sec. 34. [325F.078] SALES OF AEROSOL DUSTERS CONTAINING 1,1-
97.2 DIFLUOROETHANE (DFE).

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

97.5 (b) "Aerosol duster" means a product used to clean electronics and other items by means
97.6 of an aerosol sprayed from a pressurized container.

97.7 (c) "Behind-the-counter" means placement by a retailer of a product to ensure that
97.8 customers do not have direct access to the product before a sale is made, requiring the seller
97.9 to deliver the product directly to the buyer.

97.10 (d) "DFE" or "1,1-difluoroethane" means a chemical with a Chemicals Abstract Service
97.11 Registry Number of 75-37-6.

97.12 Subd. 2. Requirements for retail sale. A retailer must only sell an aerosol duster that
97.13 contains DFE:

97.14 (1) from behind the counter;

97.15 (2) to a purchaser who presents valid evidence that the purchaser is at least 21 years of
97.16 age; and

97.17 (3) in a quantity that complies with the purchasing limit established in subdivision 3.

97.18 Subd. 3. Purchasing limit. (a) A retailer is prohibited from selling more than three cans
97.19 of an aerosol duster containing DFE to a customer in a single transaction.

97.20 (b) A retailer is prohibited from selling aerosol dusters containing DFE through same
97.21 day pick up services or same day delivery services.

97.22 Subd. 4. Exemption. (a) Subdivisions 2 and 3 do not apply to a business purchasing
97.23 aerosol dusters online.

97.24 (b) Office wholesalers can sell more than three cans of aerosol dusters containing DFE
97.25 to a business they have a contract with.

97.26 Subd. 5. Labeling. (a) An aerosol duster manufactured after May 31, 2025, must not be
97.27 sold in this state unless the aerosol duster clearly warns against the dangers of intentionally
97.28 misusing duster aerosol products.

97.29 (b) The font size of this warning shall be the same or larger than other warning language.
97.30 The font color and background of the label must be in contrasting colors.

97.31 (c) The label on each can of aerosol duster containing DFE must contain the following:

98.1 (1) the words "DANGER: DEATH! Breathing this product to get high can kill you!";
98.2 and

98.3 (2) the poison control phone number, 1-800-222-1222.

98.4 (d) In order to comply with paragraph (a), a label may include, but is not limited to the
98.5 words:

98.6 (1) "Deliberate misuse by concentrating and inhaling the contents can be harmful or
98.7 fatal!"; and

98.8 (2) "Intentional misuse by deliberately concentrating and inhaling the vapors can be
98.9 harmful or fatal!".

98.10 (e) The safety symbols and color standards of the label described in this section must
98.11 conform with the ANSI Z535 safety signage standards guidelines established by the American
98.12 National Standards Institute.

98.13 Subd. 6. **Violations.** (a) A person who violates subdivision 2 or 3 is guilty of a
98.14 misdemeanor.

98.15 (b) It is an affirmative defense to a charge under subdivision 2, clause (2), if the defendant
98.16 proves by a preponderance of the evidence that the defendant reasonably and in good faith
98.17 relied on proof of age as described in section 340A.503, subdivision 6.

98.18 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to purchases
98.19 of aerosol dusters made on or after that date.

98.20 Sec. 35. **[325F.676] TICKET SALES.**

98.21 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
98.22 the meanings given.

98.23 (b) "Commissioner" means the commissioner of commerce.

98.24 (c) "Entertainment" means all forms of entertainment, including but not limited to
98.25 theatrical or operatic performances, concerts, motion pictures, entertainment at fairgrounds,
98.26 amusement parks, athletic competitions and other sports, and all other forms of diversion,
98.27 recreation, or show.

98.28 (d) "Internet domain name" means a globally unique, hierarchical reference to an Internet
98.29 host or service, which is assigned through a centralized Internet naming authority and which
98.30 is composed of a series of character strings separated by periods with the rightmost string
98.31 specifying the top of the hierarchy.

99.1 (e) "Online ticket marketplace" means the administrator of a website or other electronic
99.2 service, including an agent, employee, or assignee of such administrator, that sells tickets
99.3 or maintains a platform to facilitate the sale of tickets.

99.4 (f) "Operator" means a person, including an agent, employee, or assignee of such person,
99.5 who:

99.6 (1) owns, operates, or controls a place of entertainment;

99.7 (2) produces entertainment; or

99.8 (3) sells a ticket to a place of entertainment for original sale.

99.9 (g) "Person" means a party, individual, partnership, association, corporation, or other
99.10 legal entity.

99.11 (h) "Place of entertainment" means an entertainment facility, including but not limited
99.12 to an amphitheater, theater, stadium, arena, racetrack, museum, amusement park, venue,
99.13 club, or other place where performances, concerts, exhibits, athletic games, contests, or
99.14 other forms of entertainment are held. For the purposes of this section, place of entertainment
99.15 does not include movie theaters.

99.16 (i) "Ticket reseller" means a person that offers or sells tickets for resale after the original
99.17 sale to an entertainment event located in this state and includes an operator to the extent
99.18 that the operator offers or sells tickets for resale. Sales by a ticket reseller includes sales by
99.19 any means, including but not limited to in-person, or by telephone, mail, delivery service,
99.20 facsimile, Internet, email, or other electronic means. A ticket reseller does not include a
99.21 person that purchases a ticket solely for their own use or the use of their invitees, employees,
99.22 or agents.

99.23 (j) "URL" means a uniform resource locator for a website on the Internet.

99.24 Subd. 2. **Disclosures.** (a) An operator, ticket reseller, or online ticket marketplace must,
99.25 at all times during the ticket listing and purchasing process, disclose in an easily readable
99.26 and conspicuous manner and in dollars:

99.27 (1) the total cost of the ticket, inclusive of all fees and surcharges that must be paid in
99.28 order to purchase the ticket;

99.29 (2) the portion of the ticket price that represents a service charge; and

99.30 (3) any other fee or surcharge to the purchaser.

99.31 (b) The disclosure of subtotals, fees, charges, and all other components of the total price
99.32 must not be false or misleading, and shall not be presented more prominently or in the same

100.1 or larger size than the total price. The disclosure of subtotals, fees, charges, and all other
100.2 components of the total price may be displayed in a way that allows the purchaser to hide
100.3 or minimize the itemized list. The price of a ticket must not increase with respect to a
100.4 particular person after the ticket is first displayed to such person, excluding reasonable fees
100.5 for the delivery of nonelectronic tickets based on the delivery method selected by the
100.6 purchaser and any additional purchases made by the purchaser, which must be disclosed
100.7 prior to accepting payment.

100.8 (c) A ticket reseller and online ticket marketplace must disclose in an easily readable
100.9 and conspicuous manner on its website or electronic service:

100.10 (1) that the website or electronic service is owned or operated by a ticket reseller or
100.11 online ticket marketplace and that the price of a resale ticket offered for sale may be higher
100.12 or lower than the original purchase price;

100.13 (2) that the purchaser is responsible for checking with the place of entertainment for
100.14 information on changes to the event or cancellations prior to the event's start time; and

100.15 (3) the refund policy of the ticket reseller or online ticket marketplace.

100.16 A ticket reseller or online ticket marketplace must require a purchaser to confirm having
100.17 read the disclosures required by this paragraph before completing a transaction.

100.18 (d) A ticket reseller or online ticket marketplace must provide proof of purchase to the
100.19 purchaser that must include all event and ticket information within 24 hours of the purchase,
100.20 including:

100.21 (1) that the purchaser is responsible for checking with the place of entertainment for
100.22 information on changes to the event or cancellations prior to the event's start time; and

100.23 (2) the refund policy of the ticket reseller or online ticket marketplace.

100.24 (e) An online ticket marketplace must not use any combination of text, images, trademark,
100.25 copyright, web designs, or Internet addresses that is identical or substantially similar to text,
100.26 images, trademark, copyright, web designs, or Internet addresses associated with a place of
100.27 entertainment without the written permission of the place of entertainment duly authorized
100.28 to provide such permission. This paragraph does not prohibit an online ticket marketplace
100.29 from using text containing the name of a place of entertainment or of an event in order to
100.30 describe the location of the event or the event itself. This paragraph does not prohibit an
100.31 online ticket marketplace from providing information or images identifying the specific
100.32 seat or area the purchaser will occupy in the place of entertainment.

101.1 (f) The obligations of paragraphs (a) to (d) do not apply to any person, unless the person
101.2 engaged in annual aggregate transactions that were equal to or greater than \$5,000.

101.3 Subd. 3. **Prohibitions.** (a) A ticket reseller or online ticket marketplace must not:

101.4 (1) sell or offer to sell more than one copy of the same ticket to a place of entertainment;

101.5 (2) employ another person directly or indirectly to wait in line to purchase tickets for
101.6 the purpose of reselling the tickets if the practice is prohibited or if the place of entertainment
101.7 has posted a policy prohibiting the practice;

101.8 (3) sell or offer to sell a ticket without first informing the person of the location of the
101.9 place of entertainment and the ticket's assigned seat, including but not limited to the seat
101.10 number, row, and section number of the seat;

101.11 (4) sell or offer to sell a ticket for which there is no assigned seat without first informing
101.12 the person of the general admission area to which the ticket corresponds; or

101.13 (5) advertise, offer for sale, or contract for the sale of a ticket before the ticket has been
101.14 made available to the public, including via presale, without first obtaining permission from
101.15 the place of entertainment, and having actual or constructive possession of such ticket,
101.16 unless the ticket reseller owns the ticket pursuant to a season ticket package purchased by
101.17 the ticket reseller.

101.18 (b) A person must not use or cause to be used an Internet domain name or subdomain
101.19 thereof in an operator, ticket reseller, or online ticket marketplace website's URL that contains
101.20 any of the following, unless acting on behalf of the place of entertainment, event, or person
101.21 scheduled to perform or appear at the event:

101.22 (1) the name of a place of entertainment;

101.23 (2) the name of an event, including the name of a person scheduled to perform or appear
101.24 at the event; or

101.25 (3) a name substantially similar to those described in clause (1) or (2).

101.26 (c) A person must not:

101.27 (1) circumvent any portion of the process for purchasing a ticket on the Internet or for
101.28 admission to a place of entertainment, including but not limited to security or identity
101.29 validation measures or an access control system; or

101.30 (2) disguise the identity of a purchaser for the purpose of purchasing a number of tickets
101.31 for admission to a place of entertainment that exceeds the maximum number of tickets
101.32 allowed for purchase by a person.

102.1 (d) A person must not sell a ticket obtained in violation of paragraph (c) if the person:

102.2 (1) participated in or had the ability to control the conduct committed in violation of
 102.3 paragraph (c); or

102.4 (2) knew that the ticket was acquired in violation of paragraph (c).

102.5 (e) An operator, online ticket marketplace, or ticket reseller must not sell a ticket unless:

102.6 (1) the ticket is in the possession or constructive possession of the operator, online ticket
 102.7 marketplace, or ticket reseller; or

102.8 (2) the operator, online ticket marketplace, or ticket reseller has a written contract with
 102.9 the place of entertainment to obtain the ticket.

102.10 (f) Pursuant to United States Code, title 15, section 45c, circumvention of a security
 102.11 measure, access control system, or other technological control measure used by an online
 102.12 ticket marketplace to enforce posted event ticket purchasing limits or to maintain the integrity
 102.13 of posted online ticket purchasing order rules is prohibited.

102.14 Subd. 4. **Commissioner data requests; data practices.** (a) Upon request by the
 102.15 commissioner, an online ticket marketplace must disclose to the commissioner information
 102.16 about technology and methods used in an alleged violation of subdivision 3, paragraph (f).
 102.17 Data collected or maintained by the commissioner under this subdivision are civil
 102.18 investigative data under section 13.39, and the commissioner may share with the attorney
 102.19 general any not public data, as defined in section 13.02, subdivision 8a, received under this
 102.20 subdivision.

102.21 (b) The commissioner may enforce this section under section 45.027.

102.22 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to tickets
 102.23 sold on or after that date.

102.24 Sec. 36. **[325F.782] DEFINITIONS.**

102.25 Subdivision 1. **Scope.** For purposes of sections 325F.782 to 325F.7822, the following
 102.26 terms have the meanings given.

102.27 Subd. 2. **Minor.** "Minor" means an individual who is younger than 21 years of age.

102.28 Subd. 3. **Vapor product.** "Vapor product" means a noncombustible product that employs
 102.29 a heating element, power source, electronic circuit, or other electronic, chemical, or
 102.30 mechanical means, regardless of shape or size, that can be used to produce vapor from
 102.31 nicotine or any other substance, and the use or inhalation of which simulates smoking. Vapor

103.1 product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic
 103.2 pipe, or similar product or device. Vapor product also includes a vapor cartridge or other
 103.3 container of nicotine or other substance in a solution or other form that is intended to be
 103.4 used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe,
 103.5 or similar product or device.

103.6 Sec. 37. **[325F.7821] PROHIBITION ON DECEPTIVE VAPOR PRODUCTS.**

103.7 A person or entity must not market, promote, label, brand, advertise, distribute, offer
 103.8 for sale, or sell a vapor product by:

103.9 (1) imitating a product that is not a vapor product, including but not limited to:

103.10 (i) a food or brand of food commonly marketed to minors, including but not limited to
 103.11 candy, desserts, and beverages;

103.12 (ii) school supplies commonly used by minors, including but not limited to erasers,
 103.13 highlighters, pens, and pencils; and

103.14 (iii) a product based on or depicting a character, personality, or symbol known to appeal
 103.15 to minors, including but not limited to a celebrity; a character in a comic book, movie,
 103.16 television show, or video game; and a mythical creature;

103.17 (2) attempting to conceal the nature of the vapor product from parents, teachers, or other
 103.18 adults; or

103.19 (3) using terms for, describing, or depicting any product described in clause (1).

103.20 Sec. 38. **[325F.812] CELLULAR TELEPHONE CASES.**

103.21 Subdivision 1. **Certain cellular telephone cases; prohibition.** A person is prohibited
 103.22 from purchasing, possessing, importing, manufacturing, selling, holding for sale, or
 103.23 distributing a cellular telephone case, stand, or cover that is a facsimile of or reasonably
 103.24 appears to be a firearm, including but not limited to a pistol or revolver.

103.25 Subd. 2. **Enforcement.** This section may be enforced by the attorney general under
 103.26 section 8.31, but a court may not impose a civil penalty of more than \$500 for a violation
 103.27 of this section.

104.1 Sec. 39. Minnesota Statutes 2022, section 325G.24, is amended to read:

104.2 **325G.24 RIGHT OF CANCELLATION.**

104.3 Subdivision 1. Right of cancellation. (a) Any person who has elected to become a
104.4 member of a club may unilaterally cancel such membership, in the person's exclusive
104.5 discretion, by giving ~~written~~ notice of cancellation at any time before midnight of the third
104.6 business day following the date on which membership was attained. ~~Notice of cancellation~~
104.7 ~~may be given personally or by mail.~~

104.8 (b) If given by mail, the notice is effective upon deposit in a mailbox, properly addressed
104.9 and postage prepaid. ~~Notice of cancellation need not take a particular form and is sufficient~~
104.10 ~~if it indicates, by any form of written expression, the intention of the member not to be~~
104.11 ~~bound by the contract.~~

104.12 (c) Cancellation under this subdivision shall be without liability on the part of the member
104.13 and the member shall be entitled to a refund, within ten days after notice of cancellation is
104.14 given, of the entire consideration paid for the contract. ~~Rights of cancellation may not be~~
104.15 ~~waived or otherwise surrendered.~~

104.16 Subd. 2. Right of member unilateral termination. (a) Any person who has elected to
104.17 become a member of a club may unilaterally terminate such membership, in the person's
104.18 exclusive discretion, by giving notice of termination at any time.

104.19 (b) If given by mail, the notice is effective upon deposit in a mailbox, properly addressed,
104.20 and postage prepaid.

104.21 (c) A club must not impose a termination fee or any other liability on the member for
104.22 termination under this subdivision.

104.23 (d) Termination under this subdivision is effective at the end of the membership term
104.24 in which the member provides the notice of termination. If membership is at-will without
104.25 a defined membership term, then termination under this subdivision is effective immediately,
104.26 unless the member indicates a future effective date of termination, in which event the date
104.27 indicated by the member is the effective date of termination.

104.28 (e) If a member provides notice of termination at any time before midnight of the third
104.29 business day following the date on which membership was attained, the club must treat the
104.30 notice as a notice of cancellation under subdivision 1, unless the member specifically
104.31 provides for a future termination effective date.

104.32 Subd. 3. Notice requirements. (a) A club must accept a notice of cancellation or notice
104.33 of termination that has been given:

105.1 (1) verbally, including but not limited to personally or over the telephone to customer
 105.2 or account service members;

105.3 (2) in writing, including but not limited to via mail, email, or an online message through
 105.4 the club's website directed to customer or account service members;

105.5 (3) through a termination election as described in section 325G.60; or

105.6 (4) in any other manner or medium by which the member initially accepted membership
 105.7 to the club and that is no more burdensome to the member than was the initial acceptance.

105.8 (b) The process to cancel must be stated clearly and be easily accessible and completed
 105.9 with ease.

105.10 Subd. 4. **No waiver.** A right of cancellation or right of termination under this section
 105.11 may not be waived or otherwise surrendered.

105.12 Sec. 40. Minnesota Statutes 2022, section 325G.25, subdivision 1, is amended to read:

105.13 Subdivision 1. **Form and content.** A copy of every contract shall be delivered to the
 105.14 member at the time the contract is signed. Every contract must be in writing, must be signed
 105.15 by the member, must designate the date on which the member signed the contract and must
 105.16 state, clearly and conspicuously in boldface type of a minimum size of 14 points, the
 105.17 following:

105.18 "MEMBERS' RIGHT TO CANCEL"

105.19 "If you wish to cancel this contract, you may cancel in-person, over the phone, by
 105.20 delivering or mailing a written notice to the club, via email or an online message through
 105.21 the club's website, through the "termination election" provided on the club's website (if
 105.22 applicable) and as described in Minnesota Statutes, section 325G.60, or in any other manner
 105.23 or medium by which you initially accepted membership to the club. The notice must ~~say~~
 105.24 ~~that you do not wish to be bound by the contract and must be delivered or mailed~~ be provided
 105.25 to the club before midnight of the third business day after you sign this contract. ~~The notice~~
 105.26 ~~must be delivered or mailed to: (Insert name and mailing address of club).~~ If you cancel,
 105.27 the club will return, within ten days of the date on which you give notice of cancellation,
 105.28 any payments you have made."

105.29 "MEMBERS' RIGHT TO UNILATERAL TERMINATION"

105.30 "You may unilaterally terminate this contract in your exclusive discretion at any time.
 105.31 If you terminate, your membership will terminate at the end of the membership term in
 105.32 which you provided the club with notice of termination. If your membership is at-will

106.1 without a defined membership term, then your membership will terminate immediately,
 106.2 unless you indicate a future effective date of termination. If you wish to terminate this
 106.3 contract, you may terminate in-person, over the phone, by delivering or mailing a written
 106.4 notice to the club, via email or an online message through the club's website, through the
 106.5 "termination election" provided on the club's website (if applicable) and as described in
 106.6 Minnesota Statutes, section 325G.60, or in any other manner or medium by which you
 106.7 initially accepted membership to the club. The club may not impose a termination fee or
 106.8 any other liability on you for termination."

106.9 "NOTICE INFORMATION"

106.10 "If you wish to provide notice of cancellation or notice of termination to the club:

106.11 In-person or by mail, the applicable address is: [Insert name and mailing address of
 106.12 club];

106.13 Over the phone, the applicable phone number is: [Insert phone number of club];

106.14 Via email, the applicable email address is: [Insert email address of club];

106.15 On the club's website, the applicable website address is: [Insert address, if applicable]."

106.16 **Sec. 41. [325G.38] HANDHELD ELECTRONIC DEVICES; DISCLOSURES.**

106.17 If a retail establishment offers consumers the use of handheld electronic devices that
 106.18 require payment for games or other entertainment, the handheld electronic device must
 106.19 display a disclosure. The disclosure must be provided to the consumer before a game or
 106.20 entertainment is purchased and must:

106.21 (1) require the user to affirm that the user is 18 years of age or older; and

106.22 (2) include, in at least ten-point font and larger than all other type viewable on the screen
 106.23 at that time, the payment amount required.

106.24 **Sec. 42. [325G.56] DEFINITIONS.**

106.25 Subdivision 1. **Scope.** For purposes of sections 325G.56 to 325G.62, the terms defined
 106.26 in this section have the meanings given them.

106.27 Subd. 2. **Automatic renewal.** "Automatic renewal" means a plan or arrangement in
 106.28 which a subscription or purchasing agreement is automatically renewed at the end of a
 106.29 definite term for a subsequent term.

107.1 Subd. 3. **Clear and conspicuous.** "Clear and conspicuous" means in larger type than
107.2 the surrounding text, or in contrasting type, font, or color to the surrounding text of the same
107.3 size, or set off from the surrounding text of the same size by symbols or other marks, in a
107.4 manner that calls attention to the language. In the case of an audio disclosure, "clear and
107.5 conspicuous" means in a volume and cadence sufficient to be readily audible and
107.6 understandable.

107.7 Subd. 4. **Consumer.** "Consumer" means any individual who seeks or acquires, by
107.8 purchase or lease, any goods, services, money, or credit for personal, family, or household
107.9 purposes. Consumer includes but is not limited to a member as defined in section 325G.23,
107.10 unless the context clearly indicates otherwise.

107.11 Subd. 5. **Continuous service.** "Continuous service" means a plan or arrangement in
107.12 which a subscription or purchasing agreement continues until the consumer terminates the
107.13 agreement.

107.14 Subd. 6. **Indefinite subscription agreement.** "Indefinite subscription agreement" means
107.15 a subscription or purchasing agreement:

107.16 (1) between a seller and a consumer in Minnesota; and

107.17 (2) subject to automatic renewal or continuous service.

107.18 Indefinite subscription agreements include but are not limited to contracts, as defined in
107.19 section 325G.23, subject to automatic renewal or continuous service.

107.20 Subd. 7. **Offer terms.** "Offer terms" means the following disclosures:

107.21 (1) that the indefinite subscription agreement will continue until the consumer terminates
107.22 the agreement;

107.23 (2) the description of the cancellation policy that applies to the indefinite subscription
107.24 agreement;

107.25 (3) the recurring charges that will be charged to the consumer's credit or debit card or
107.26 payment account with a third party as part of the plan or arrangement and that the amount
107.27 of the charge may change, if that is the case, and the amount to which the charge will change,
107.28 if known;

107.29 (4) the length of the automatic renewal term or that the service is continuous, unless the
107.30 length of the term is definite and chosen by the consumer; and

107.31 (5) the minimum purchase obligation, if any.

108.1 Subd. 8. **Seller.** "Seller" means a seller, lessor, licensor, or professional who advertises,
108.2 solicits, or engages in consumer transactions, or a manufacturer, distributor, or licensor who
108.3 advertises and sells, leases, or licenses goods or services to be resold, leased, or sublicensed
108.4 by other persons in consumer transactions. Seller includes but is not limited to a club as
108.5 defined in section 325G.23, unless the context clearly indicates otherwise.

108.6 Sec. 43. **[325G.57] REQUIREMENTS FOR AUTOMATIC RENEWAL OR**
108.7 **CONTINUOUS SERVICE.**

108.8 Subdivision 1. **Notices upon offer.** A seller making an offer for an indefinite subscription
108.9 agreement must, before the consumer accepts the offer, present the offer terms in a clear
108.10 and conspicuous manner to the consumer and in visual proximity, or in the case of an offer
108.11 conveyed by voice, in temporal proximity, to the offer's proposal.

108.12 Subd. 2. **Confirmation upon consumer consent.** A seller making an offer for an
108.13 indefinite subscription agreement must, in a timely manner after the consumer accepts the
108.14 offer, provide the consumer with confirmation of the consumer's acceptance of the offer,
108.15 in a manner that is capable of being retained by the consumer, that includes the following:

108.16 (1) the offer terms;

108.17 (2) if the offer includes a free trial, information on how to cancel the free trial before
108.18 the consumer pays or becomes obligated to pay for any goods or services in connection
108.19 with the free trial; and

108.20 (3) options for termination of the indefinite subscription agreement, which options must
108.21 be easy to use, cost-effective, and timely for all consumers:

108.22 (i) if a seller makes offers for an indefinite subscription agreement through an online
108.23 website, a termination election as set forth in section 325G.60; and

108.24 (ii) if a consumer enters into the indefinite subscription agreement through any means
108.25 other than a toll-free telephone number, an email address, or a postal address, then an option
108.26 substantially similar to, as easy to use, and as accessible as the initial means of consumer
108.27 acceptance of the agreement.

108.28 A communication of the required information through email is sufficient to meet the
108.29 requirements of this subdivision.

108.30 Subd. 3. **Material changes.** Upon a material change in the terms of the indefinite
108.31 subscription agreement, the seller must provide to the consumer in a timely manner, and in
108.32 any case prior to the implementation of the material change, a clear and conspicuous notice

109.1 of the material change and provide information regarding how to terminate the agreement
109.2 in a manner that is capable of being retained by the consumer. A material change in the
109.3 terms of an indefinite subscription agreement in violation of this subdivision is void and
109.4 unenforceable.

109.5 Subd. 4. **Free trials.** A seller making an offer for an indefinite subscription agreement
109.6 that includes a free trial lasting more than 30 days must, no fewer than five days and no
109.7 more than 30 days before the end of any such free trial, notify the consumer of the consumer's
109.8 option to cancel the free trial before the end of the trial period to avoid an obligation to pay
109.9 for the goods or services.

109.10 Subd. 5. **Periodic notice of continuous service.** (a) If an indefinite subscription
109.11 agreement is subject to continuous service, the seller must give the consumer written notice
109.12 of the continuous service at least once per calendar year via mail or email.

109.13 (b) The notice required under this subdivision must include the terms of the service and
109.14 how to terminate or manage the service.

109.15 Sec. 44. **[325G.58] PROHIBITED CONDUCT.**

109.16 Subdivision 1. **Definition; agreement.** For purposes of this section, "agreement" means
109.17 an indefinite subscription agreement, as defined in section 325G.56, and a contract, as
109.18 defined in section 325G.23.

109.19 Subd. 2. **Charges prior to effective date.** A seller must not charge the consumer's credit
109.20 or debit card or the consumer's account with a third party in connection with an agreement
109.21 before the agreement has been duly authorized by the seller and consumer and made effective.

109.22 Subd. 3. **Right of first refusal.** An agreement must not require the consumer to permit
109.23 the seller to match any offer the consumer has received. A provision in an agreement that
109.24 violates this subdivision is void and unenforceable.

109.25 Subd. 4. **No abusive tactics or offers upon notice.** (a) A seller that has received a notice
109.26 of cancellation or notice of termination of an agreement from a consumer cannot:

109.27 (1) make any misrepresentation or undertake any unfair or abusive tactic to delay,
109.28 unreasonably delay, or avoid the cancellation or termination of the agreement; or

109.29 (2) make or provide additional benefits, contract modifications, gifts, or similar offers
109.30 to the consumer until the seller has obtained permission from the consumer, granted by the
109.31 consumer after notice of cancellation or termination was given to the seller, for the seller
109.32 to engage in any such activity.

110.1 (b) A seller can only seek a consumer's permission under this paragraph once per
110.2 cancellation or termination attempt. A consumer's grant of permission under this paragraph
110.3 is limited to the immediate cancellation or termination attempt and does not apply to
110.4 subsequent attempts.

110.5 Subd. 5. **Exceptions.** This section does not prohibit a seller from:

110.6 (1) asking the consumer the reasons for cancellation or termination, provided that a
110.7 consumer is not required to answer as a condition of cancellation or termination;

110.8 (2) informing the consumer that there may be consequences of cancelling or terminating
110.9 the subscription; or

110.10 (3) verifying the identity of the consumer.

110.11 Sec. 45. **[325G.59] CONSUMER'S RIGHT TO TERMINATE.**

110.12 Subdivision 1. **Termination of agreement subject to automatic renewal.** A consumer
110.13 may terminate an indefinite subscription agreement subject to automatic renewal at any
110.14 time by following the procedure set forth in the confirmation described in section 325G.57,
110.15 subdivision 2. A termination under this subdivision is effective at the end of the term in
110.16 which notice of termination is provided by the consumer, unless the consumer specifies a
110.17 termination date occurring at the end of a subsequent term, in which event the termination
110.18 is effective as of the date specified by the consumer, if the option is available.

110.19 Subd. 2. **Termination of agreement subject to continuous service.** (a) A consumer
110.20 may terminate an indefinite subscription agreement subject to continuous service at any
110.21 time by following the procedure set forth in the confirmation described in section 325G.57,
110.22 subdivision 2. A termination under this subdivision must take effect no later than 31 days
110.23 from the date of a verified consumer's notice of termination unless the consumer specifies
110.24 a future termination date, in which event the termination is effective as of such date.

110.25 (b) This subdivision does not require a seller to provide an option to set a future
110.26 termination date.

110.27 Subd. 3. **Termination in absence of confirmation or notice.** If the seller fails to provide
110.28 either the confirmation required under section 325G.57, subdivision 2, or a notice required
110.29 by section 325G.57, subdivision 5, the consumer may terminate the indefinite subscription
110.30 agreement by any reasonable means at any time, including but not limited to by mail, email,
110.31 telephone, an online option, a termination election under section 325G.60, or the means by
110.32 which the consumer entered into the agreement, at no cost to the consumer.

111.1 Sec. 46. [325G.60] TERMINATION ELECTION REQUIREMENT.

111.2 Subdivision 1. Definition; agreement. For purposes of this section, "agreement" means
111.3 an indefinite subscription agreement, as defined in section 325G.56, and a contract, as
111.4 defined in section 325G.23.

111.5 Subd. 2. Termination election required. (a) If a seller has a website with profile or
111.6 subscription management capabilities, then such website must include a termination election
111.7 on the website. The termination election must be clear and conspicuous on the website and
111.8 must use plain language to convey that any consumer may use the termination election to
111.9 terminate the agreement at any time. The termination election must only require a consumer
111.10 to input information that is necessary to process the termination. The termination election
111.11 must include a checkbox, submission button, or similarly common and simple mechanism
111.12 for the member to indicate a desire to terminate the agreement.

111.13 (b) For purposes of this section, "termination election" means a simple and easily
111.14 accessible means for a consumer to quickly provide notice of termination, and that does not
111.15 include undue complexity, confusion, or misrepresentation by the seller.

111.16 Sec. 47. [325G.61] UNCONDITIONAL GIFTS.

111.17 Any good, including but not limited to any ware, merchandise, or product, is an
111.18 unconditional gift to the consumer if a seller sends the good under an indefinite subscription
111.19 agreement without first obtaining the consumer's affirmative consent to the agreement in
111.20 accordance with section 325G.57. The consumer may use or dispose of the good in any
111.21 manner without any obligation to the seller, including but not limited to any obligation
111.22 relating to shipping of the good.

111.23 Sec. 48. [325G.62] EXEMPTION.

111.24 Sections 325G.56 to 325G.61 do not apply to:

111.25 (1) contracts governed by another state or federal statute or regulation specifically
111.26 intended to regulate automatic renewal or continuous service;

111.27 (2) any licensee as defined in section 60A.985, subdivision 8, and any affiliate of such
111.28 a licensee as defined in section 60D.15, subdivision 2;

111.29 (3) an individual or business licensed by the Department of Labor and Industry as a
111.30 technology system contractor or power limited technician as defined in section 326B.31;

112.1 (4) any service provided by a business or its affiliate where either the business or its
 112.2 affiliate is licensed or regulated by the Public Utilities Commission, the Federal
 112.3 Communications Commission, or the Federal Energy Regulatory Commission; or

112.4 (5) any person or entity registered or licensed with the Financial Industry Regulatory
 112.5 Authority, the Securities and Exchange Commission, or under the Minnesota Securities
 112.6 Act.

112.7 Sec. 49. **[332.3352] WAIVER OF LICENSING AND REGISTRATION.**

112.8 The commissioner of commerce may, by order, waive the licensing and registration
 112.9 requirements of this chapter for a nonresident collection agency and its affiliated collectors
 112.10 if: (1) a written reciprocal licensing agreement is in effect between the commissioner and
 112.11 the licensing officials of the collection agency's home state; and (2) the collection agency
 112.12 is licensed in good standing in that state.

112.13 Sec. 50. Minnesota Statutes 2023 Supplement, section 332.71, subdivision 2, is amended
 112.14 to read:

112.15 Subd. 2. **Coerced debt.** (a) "Coerced debt" means all or a portion of debt in a debtor's
 112.16 name that has been incurred as a result of:

112.17 (1) the use of the debtor's personal information without the debtor's knowledge,
 112.18 authorization, or consent;

112.19 (2) the use or threat of force, intimidation, undue influence, ~~harassment~~, fraud, deception,
 112.20 coercion, or other similar means against the debtor; or

112.21 (3) economic abuse perpetrated against the debtor.

112.22 (b) Coerced debt does not include secured debt.

112.23 **EFFECTIVE DATE.** This section is effective January 1, 2025.

112.24 Sec. 51. Minnesota Statutes 2023 Supplement, section 332.71, subdivision 4, is amended
 112.25 to read:

112.26 Subd. 4. **Debtor.** "Debtor" means a person who (1) is a victim of domestic abuse,
 112.27 ~~harassment~~ economic abuse, or sex or labor trafficking, and (2) owes coerced debt.

112.28 **EFFECTIVE DATE.** This section is effective January 1, 2025.

113.1 Sec. 52. Minnesota Statutes 2023 Supplement, section 332.71, subdivision 5, is amended
113.2 to read:

113.3 Subd. 5. **Documentation.** "Documentation" means ~~a writing that identifies a debt or a~~
113.4 ~~portion of a debt as coerced debt, describes the circumstances under which the coerced debt~~
113.5 ~~was incurred, and takes the form of:~~

113.6 (1) a police report;

113.7 (2) a Federal Trade Commission identity theft report;

113.8 (3) an order in a dissolution proceeding under chapter 518 that declares that one or more
113.9 debts are coerced; or

113.10 (4) a sworn written certification.

113.11 **EFFECTIVE DATE.** This section is effective January 1, 2025.

113.12 Sec. 53. Minnesota Statutes 2023 Supplement, section 332.71, subdivision 7, is amended
113.13 to read:

113.14 Subd. 7. **Economic abuse.** "Economic abuse" means behavior in the context of a domestic
113.15 relationship that controls, restrains, restricts, impairs, or interferes with the ability of a ~~victim~~
113.16 ~~of domestic abuse, harassment, or sex or labor trafficking~~ debtor to acquire, use, or maintain
113.17 economic resources, including but not limited to:

113.18 (1) withholding or restricting access to, or the acquisition of, money, assets, credit, or
113.19 financial information;

113.20 (2) interfering with the victim's ability to work and earn wages; or

113.21 (3) exerting undue influence over a person's financial and economic behavior or decisions.

113.22 **EFFECTIVE DATE.** This section is effective January 1, 2025.

113.23 Sec. 54. Minnesota Statutes 2023 Supplement, section 332.72, is amended to read:

113.24 **332.72 COERCED DEBT PROHIBITED.**

113.25 (a) A person is prohibited from causing another person to incur coerced debt.

113.26 (b) A person who causes another person to incur a coerced debt in violation of this
113.27 section is civilly liable to the creditor for the amount of the debt, or portion thereof,
113.28 determined by a court to be coerced debt, plus the creditor's reasonable attorney fees and
113.29 costs, provided the creditor follows the procedures under section 332.74, subdivision 3,
113.30 paragraph (b).

114.1 **EFFECTIVE DATE.** This section is effective January 1, 2025.

114.2 Sec. 55. Minnesota Statutes 2023 Supplement, section 332.73, subdivision 1, is amended
114.3 to read:

114.4 Subdivision 1. **Notification.** (a) Before taking an affirmative action under section 332.74,
114.5 a debtor must, by certified mail, notify a creditor that the debt or a portion of a debt on
114.6 which the creditor demands payment is coerced debt and request that the creditor cease all
114.7 collection activity on the coerced debt. The notification and request must be in writing and
114.8 include documentation. If not already included in documentation, the notification must
114.9 include a signed statement that includes:

114.10 (1) an assertion that the debtor is a victim of domestic abuse, economic abuse, or sex or
114.11 labor trafficking;

114.12 (2) a recitation of the facts supporting the claim that the debt is coerced; and

114.13 (3) if only a portion of the debt is claimed to be coerced debt, an itemization of the
114.14 portion of the debt that is claimed to be coerced debt.

114.15 (b) The creditor, within 30 days of the date the notification and request is received, must
114.16 notify the debtor in writing of the creditor's decision to either immediately cease all collection
114.17 activity or continue to pursue collection. If a creditor ceases collection but subsequently
114.18 decides to resume collection activity, the creditor must notify the debtor ten days prior to
114.19 the date the collection activity resumes.

114.20 ~~(b) If a creditor ceases collection but subsequently decides to resume collection activity,~~
114.21 ~~the creditor must notify the debtor ten days prior to the date the collection activity resumes.~~

114.22 (c) A debtor must not proceed with an action under section 332.74 until the 30-day
114.23 period provided under paragraph (a) has expired.

114.24 **EFFECTIVE DATE.** This section is effective January 1, 2025.

114.25 Sec. 56. Minnesota Statutes 2023 Supplement, section 332.74, subdivision 3, is amended
114.26 to read:

114.27 Subd. 3. **Relief.** (a) If a debtor shows by a preponderance of the evidence that the debtor
114.28 has been aggrieved by a violation of section 332.72 and the debtor has incurred coerced
114.29 debt, the debtor is entitled to one or more of the following:

114.30 (1) a declaratory judgment that the debt or portion of a debt is coerced debt;

115.1 (2) an injunction prohibiting the creditor from (i) holding or attempting to hold the debtor
 115.2 liable for the debt or portion of a debt, or (ii) enforcing a judgment related to the coerced
 115.3 debt; and

115.4 (3) an order dismissing any cause of action brought by the creditor to enforce or collect
 115.5 the coerced debt from the debtor or, if only a portion of the debt is established as coerced
 115.6 debt, an order directing that the judgment, if any, in the action be amended to reflect only
 115.7 the portion of the debt that is not coerced debt.

115.8 (b) If the court orders relief for the debtor under paragraph (a), the court, after the
 115.9 creditor's motion has been personally served on the person who violated section 332.72, or
 115.10 if personal service cannot be made, after service by United States mail to the last known
 115.11 address of the person who violated section 332.72 and one-week published notice under
 115.12 section 645.11, shall must issue a judgment in favor of the creditor against the person in
 115.13 the amount of the debt or a portion thereof.

115.14 (c) This subdivision applies regardless of the judicial district in which the creditor's
 115.15 action or the debtor's petition was filed.

115.16 **EFFECTIVE DATE.** This section is effective January 1, 2025.

115.17 Sec. 57. Minnesota Statutes 2023 Supplement, section 332.74, subdivision 5, is amended
 115.18 to read:

115.19 Subd. 5. **Burden.** In any affirmative action taken under subdivision 1 or any affirmative
 115.20 defense asserted in subdivision 4, the debtor bears the burden to show by a preponderance
 115.21 of the evidence that the debtor incurred coerced debt. There is a presumption that the debtor
 115.22 has incurred coerced debt if the person alleged to have caused the debtor to incur the coerced
 115.23 debt has been ~~criminally convicted, entered a guilty plea, or entered an Alford plea under~~
 115.24 of or received a stay of adjudication for a violation of section 609.27, 609.282, 609.322, or
 115.25 609.527.

115.26 **EFFECTIVE DATE.** This section is effective January 1, 2025.

115.27 Sec. 58. **[513.80] RESIDENTIAL REAL ESTATE SERVICE AGREEMENTS;**
 115.28 **UNFAIR SERVICE AGREEMENTS.**

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

115.31 (b) "County recorder" has the meaning given in section 13.045, subdivision 1.

116.1 (c) "Person" means natural persons, corporations both foreign and domestic, trusts,
 116.2 partnerships both limited and general, incorporated or unincorporated associations,
 116.3 companies, business entities, and any other legal entity or any other group associated in fact
 116.4 although not a legal entity or any agent, assignee, heir, employee, representative, or servant
 116.5 thereof.

116.6 (d) "Record" or "recording" means placement of a document or instrument in the official
 116.7 county public land records.

116.8 (e) "Residential real property" means real property that is located in Minnesota occupied,
 116.9 or intended to be occupied, by one to four families as their residence.

116.10 (f) "Service agreement" means a contract under which a person agrees to provide real
 116.11 estate broker services as defined in section 82.55, subdivision 19, in connection with the
 116.12 purchase or sale of residential real property.

116.13 (g) "Service provider" means an individual or entity that provides services to a person
 116.14 pursuant to a service agreement.

116.15 Subd. 2. **Unfair service agreements; prohibition.** (a) A service agreement subject to
 116.16 this section is unfair and prohibited if any part of the agreement provides an exclusive right
 116.17 to a service provider for a term in excess of one year after the time the service agreement
 116.18 is entered into and:

116.19 (1) purports to run with the land or to be binding on future owners of interests in the real
 116.20 property;

116.21 (2) allows for assignment of the right to provide service without notice to and consent
 116.22 of the residential real property's owner, including a contract for deed vendee;

116.23 (3) is recorded or purports to create a lien, encumbrance, or other real property security
 116.24 interest; or

116.25 (4) contains a provision that purports to automatically renew the agreement upon its
 116.26 expiration.

116.27 (b) The following are not unfair service agreements under this section:

116.28 (1) a home warranty or similar product that covers the cost of maintaining a major home
 116.29 system or appliance for a fixed period;

116.30 (2) an insurance contract;

116.31 (3) a mortgage loan or a commitment to make or receive a mortgage loan;

- 117.1 (4) an option or right of refusal to purchase a residential real property;
- 117.2 (5) a declaration of any covenants, conditions, or restrictions created in the formation
- 117.3 of a homeowners association, a group of condominium owners, or other common interest
- 117.4 community or an amendment to the covenants, conditions, or restrictions;
- 117.5 (6) a maintenance or service agreement entered by a homeowners association in a
- 117.6 common interest community;
- 117.7 (7) a security agreement governed by chapter 336 that relates to the sale or rental of
- 117.8 personal property or fixtures; or
- 117.9 (8) a contract with a gas, water, sewer, electric, telephone, cable, or other utility service
- 117.10 provider.
- 117.11 (c) This section does not impair any lien right granted under Minnesota law or that is
- 117.12 judicially imposed.
- 117.13 Subd. 3. **Recording prohibited.** (a) A person is prohibited from:
- 117.14 (1) presenting or sending an unfair service agreement or notice or memorandum of an
- 117.15 unfair service agreement to any county recorder to record; or
- 117.16 (2) causing an unfair service agreement or notice or memorandum of an unfair service
- 117.17 agreement to be recorded by a county recorder.
- 117.18 (b) If a county recorder records an unfair service agreement, the county recorder does
- 117.19 not incur liability.
- 117.20 (c) If an unfair service agreement is recorded, the recording does not create a lien or
- 117.21 provide constructive notice to any third party, bona fide purchaser, or creditor.
- 117.22 Subd. 4. **Unfair service agreements unenforceable.** A service agreement that is unfair
- 117.23 under this section is unenforceable and does not create a contractual obligation or relationship.
- 117.24 Any waiver of a consumer right, including a right to trial by jury, in an unfair service
- 117.25 agreement is void.
- 117.26 Subd. 5. **Unfair service agreements; solicitation.** Encouraging any consumer to enter
- 117.27 into an unfair service agreement by any service provider constitutes:
- 117.28 (1) an unfair method of competition; and
- 117.29 (2) an unfair or deceptive act or practice under section 82.81, subdivision 12, paragraph
- 117.30 (c), and section 325F.69.

118.1 Subd. 6. Enforcement authority. (a) This section may be enforced by the attorney
118.2 general under section 8.31, except that any private cause of action brought under subdivision
118.3 7 is subject to the limitation under subdivision 7, paragraph (d).

118.4 (b) The commissioner of commerce may enforce this section with respect to a service
118.5 provider's real estate license.

118.6 Subd. 7. Remedies. (a) A consumer that is party to an unfair service agreement related
118.7 to residential real property or a person with an interest in the property that is the subject of
118.8 that agreement may bring an action under section 8.31 or 325F.70 in district court in the
118.9 county where the property is located.

118.10 (b) If an unfair service agreement or a notice or memorandum of an unfair service
118.11 agreement is recorded against any residential real property, any judgment obtained under
118.12 this section, after being certified by the clerk having custody of the unfair service agreement
118.13 or notice or memorandum of the unfair service agreement, may be recorded and indexed
118.14 against the real property encumbered or clouded by the unfair service agreement.

118.15 (c) The remedies provided under this section are not exclusive and do not reduce any
118.16 other rights or remedies a party may have in equity or in law.

118.17 (d) No private action may be brought under this section more than six years after the
118.18 date the term printed in the unfair service agreement expires.

118.19 **Sec. 59. REPEALER.**

118.20 (a) Minnesota Statutes 2022, sections 325G.25, subdivision 1a; and 332.3351, are
118.21 repealed.

118.22 (b) Minnesota Statutes 2023 Supplement, section 332.71, subdivision 8, is repealed.

118.23 **EFFECTIVE DATE.** Paragraph (b) is effective January 1, 2025.

118.24 **Sec. 60. EFFECTIVE DATE.**

118.25 (a) Sections 12 to 25 are effective August 1, 2024.

118.26 (b) Sections 42, 43, and 45 to 52 are effective August 1, 2025, and apply to contracts
118.27 entered into, modified, or renewed on or after that date.

119.1

ARTICLE 4

119.2

LIQUOR

119.3 Section 1. Minnesota Statutes 2022, section 340A.101, subdivision 13, is amended to
119.4 read:

119.5 Subd. 13. **Hotel.** "Hotel" is an establishment where food and lodging are regularly
119.6 furnished to transients and which has:

119.7 (1) a dining room serving the general public at tables and having facilities for seating
119.8 at least 30 guests at one time; ~~and~~ or

119.9 (2) guest rooms in the following minimum numbers: in first class cities, 50; in second
119.10 class cities, ~~25~~ 15; in all other cities and unincorporated areas, 10.

119.11 Sec. 2. Minnesota Statutes 2022, section 340A.404, subdivision 2, is amended to read:

119.12 Subd. 2. **Special provision; city of Minneapolis.** (a) The city of Minneapolis may issue
119.13 an on-sale intoxicating liquor license to the Guthrie Theater, the Cricket Theatre, the
119.14 Orpheum Theatre, the State Theatre, and the Historic Pantages Theatre, notwithstanding
119.15 the limitations of law, or local ordinance, or charter provision relating to zoning or school
119.16 or church distances. The licenses authorize sales on all days of the week to holders of tickets
119.17 for performances presented by the theaters and to members of the nonprofit corporations
119.18 holding the licenses and to their guests.

119.19 (b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland
119.20 Associates, a Minnesota cooperative, for use by a restaurant on the premises owned by 510
119.21 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter
119.22 provision.

119.23 (c) The city of Minneapolis may issue an on-sale intoxicating liquor license to Zuhrah
119.24 Shrine Temple for use on the premises owned by Zuhrah Shrine Temple at 2540 Park Avenue
119.25 South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter
119.26 provision relating to zoning or school or church distances.

119.27 (d) The city of Minneapolis may issue an on-sale intoxicating liquor license to the
119.28 American Association of University Women, Minneapolis branch, for use on the premises
119.29 owned by the American Association of University Women, Minneapolis branch, at 2115
119.30 Stevens Avenue South in Minneapolis, notwithstanding limitations of law, or local
119.31 ordinances, or charter provisions relating to zoning or school or church distances.

120.1 (e) The city of Minneapolis may issue an on-sale wine license and an on-sale 3.2 percent
120.2 malt liquor license to a restaurant located at 5000 Penn Avenue South, and an on-sale wine
120.3 license and an on-sale malt liquor license to a restaurant located at 1931 Nicollet Avenue
120.4 South, notwithstanding any law or local ordinance or charter provision.

120.5 (f) The city of Minneapolis may issue an on-sale wine license and an on-sale malt liquor
120.6 license to the Brave New Workshop Theatre located at 3001 Hennepin Avenue South, the
120.7 Theatre de la Jeune Lune, the Illusion Theatre located at 528 Hennepin Avenue South, the
120.8 Hollywood Theatre located at 2815 Johnson Street Northeast, the Loring Playhouse located
120.9 at 1633 Hennepin Avenue South, the Jungle Theater located at 2951 Lyndale Avenue South,
120.10 Brave New Institute located at 2605 Hennepin Avenue South, the Guthrie Lab located at
120.11 700 North First Street, and the Southern Theatre located at 1420 Washington Avenue South,
120.12 notwithstanding any law or local ordinance or charter provision. The license authorizes
120.13 sales on all days of the week.

120.14 (g) The city of Minneapolis may issue an on-sale intoxicating liquor license to University
120.15 Gateway Corporation, a Minnesota nonprofit corporation, for use by a restaurant or catering
120.16 operator at the building owned and operated by the University Gateway Corporation on the
120.17 University of Minnesota campus, notwithstanding limitations of law, or local ordinance or
120.18 charter provision. The license authorizes sales on all days of the week.

120.19 (h) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Walker
120.20 Art Center's concessionaire or operator, for a restaurant and catering operator on the premises
120.21 of the Walker Art Center, notwithstanding limitations of law, or local ordinance or charter
120.22 provisions. The license authorizes sales on all days of the week.

120.23 (i) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie
120.24 Theater's concessionaire or operator for a restaurant and catering operator on the premises
120.25 of the Guthrie Theater, notwithstanding limitations of law, local ordinance, or charter
120.26 provisions. The license authorizes sales on all days of the week.

120.27 (j) The city of Minneapolis may issue an on-sale wine license and an on-sale malt liquor
120.28 license to the Minnesota Book and Literary Arts Building, Inc.'s concessionaire or operator
120.29 for a restaurant and catering operator on the premises of the Minnesota Book and Literary
120.30 Arts Building, Inc. (dba Open Book), notwithstanding limitations of law, or local ordinance
120.31 or charter provision. The license authorizes sales on all days of the week.

120.32 (k) The city of Minneapolis may issue an on-sale intoxicating liquor license to a restaurant
120.33 located at 5411 Penn Avenue South, notwithstanding any law or local ordinance or charter
120.34 provision.

121.1 (l) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Museum
121.2 of Russian Art's concessionaire or operator for a restaurant and catering operator on the
121.3 premises of the Museum of Russian Art located at 5500 Stevens Avenue South,
121.4 notwithstanding any law or local ordinance or charter provision.

121.5 (m) The city of Minneapolis may issue an on-sale intoxicating liquor license to the
121.6 American Swedish Institute or to its concessionaire or operator for use on the premises
121.7 owned by the American Swedish Institute at 2600 Park Avenue South, notwithstanding
121.8 limitations of law, or local ordinances, or charter provision relating to zoning or school or
121.9 church distances.

121.10 (n) Notwithstanding any other law, local ordinance, or charter provision, the city of
121.11 Minneapolis may issue one or more on-sale intoxicating liquor licenses to the Minneapolis
121.12 Society of Fine Arts (dba Minneapolis Institute of Arts), or to an entity holding a concessions
121.13 or catering contract with the Minneapolis Institute of Arts for use on the premises of the
121.14 Minneapolis Institute of Arts. The licenses authorized by this subdivision may be issued
121.15 for space that is not compact and contiguous, provided that all such space is included in the
121.16 description of the licensed premises on the approved license application. The licenses
121.17 authorize sales on all days of the week.

121.18 (o) The city of Minneapolis may issue an on-sale intoxicating liquor license to Norway
121.19 House or to its concessionaire or operator for use on the premises owned by Norway House
121.20 at 913 East Franklin Avenue, notwithstanding limitations of law, or local ordinances, or
121.21 charter provision relating to zoning or school or church distances.

121.22 (p) Notwithstanding any other law, including section 340A.504, subdivision 3, relating
121.23 to seating requirements, local ordinance, or charter provision, the city of Minneapolis may
121.24 issue one or more on-sale intoxicating liquor licenses to any entity holding a concessions
121.25 or catering contract with the Minneapolis Park and Recreation Board for use on ~~the~~
121.26 Minneapolis Park and Recreation Board premises ~~of the Downtown Commons Park, the~~
121.27 ~~Minneapolis Sculpture Garden, or at Boom Island Park~~. The licenses authorized by this
121.28 subdivision may be used for space specified within the park property, provided all such
121.29 space is included in the description of the licensed premises on the approved license
121.30 application. The licenses authorize sales on the dates on the approved license application.

121.31 **EFFECTIVE DATE.** This section is effective upon approval by the Minneapolis City
121.32 Council and compliance with Minnesota Statutes, section 645.021.

122.1 Sec. 3. Minnesota Statutes 2022, section 340A.412, is amended by adding a subdivision
122.2 to read:

122.3 Subd. 12a. **Transfers of wine.** (a) Notwithstanding the provisions of subdivision 12,
122.4 the holder of an off-sale intoxicating liquor license may transfer wine from one licensed
122.5 premises to another provided that:

122.6 (1) the license for the transferring and receiving premises are held by the same licensee;

122.7 (2) the licensee notifies the wholesaler from whom the wine was purchased and the
122.8 Division of Alcohol and Gambling Enforcement of the Division of Public Safety, in writing,
122.9 at least three business days before the transfer is made, the specific product and quantity of
122.10 product being transferred;

122.11 (3) only one transfer is made from a licensed premises in a three-month period; and

122.12 (4) each transfer of wine must not exceed 75 cases of wine. Each case is limited to 12
122.13 bottles of wine.

122.14 (b) A licensee that is delinquent beyond the 30-day period in section 340A.318 is
122.15 prohibited from transferring wine under this subdivision.

122.16 (c) Transfers of wine must only occur within the state of Minnesota.

122.17 **EFFECTIVE DATE.** This section is effective August 1, 2024.

122.18 Sec. 4. Laws 2022, chapter 86, article 2, section 3, is amended to read:

122.19 Sec. 3. **CITY OF ST. PAUL; LICENSE AUTHORIZED.**

122.20 Notwithstanding Minnesota Statutes, section 340A.412, subdivision 4, the city of St.
122.21 Paul may issue a temporary on-sale malt liquor license to the Thai Cultural Council of
122.22 Minnesota or to a person or entity holding a concessions contract with the Thai Cultural
122.23 Council of Minnesota. The license may authorize the sale of malt liquor on the grounds of
122.24 the State Capitol for both days of the Minnesota Songkran Festival. All provisions of
122.25 Minnesota Statutes, section 340A.404, subdivision 10, not inconsistent with this section,
122.26 apply to the license authorized by this section.

122.27 **EFFECTIVE DATE.** This section is effective upon approval by the St. Paul City
122.28 Council and compliance with Minnesota Statutes, section 645.021.

123.1 **Sec. 5. SPORTS AND EVENT CENTER LICENSE; EAGAN.**

123.2 Notwithstanding Minnesota Statutes, chapter 340A, or any other local law or ordinance
 123.3 to the contrary, the city of Eagan may issue up to three on-sale intoxicating liquor licenses
 123.4 to the owner of a multiuse sports and event center located on property in the city of Eagan,
 123.5 legally described as Outlot A, Viking Lakes 3rd Addition, or as may be described hereafter
 123.6 due to subdivision or replatting, or to any facility operator, concessionaire, catering operator,
 123.7 or other third-party food and beverage vendor for the center under contract with the owner.
 123.8 A license issued under this section may be issued for a space that is not compact and
 123.9 contiguous, provided that the licensed premises shall only be the space described in the
 123.10 approved license. A license issued under this section authorizes sales on all days of the
 123.11 week. The provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section,
 123.12 apply to a license issued under this section.

123.13 **EFFECTIVE DATE.** This section is effective upon approval by the Eagan City Council
 123.14 and compliance with Minnesota Statutes, section 645.021.

123.15 **Sec. 6. SPECIAL LIQUOR LAW; CITY OF LITCHFIELD.**

123.16 Notwithstanding Minnesota Statutes, section 624.701, the city of Litchfield may issue
 123.17 an on-sale license under Minnesota Statutes, section 340A.404, subdivision 1, paragraph
 123.18 (d), for sales at town ball games played at a ballpark on school grounds.

123.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

123.20 **Sec. 7. SPECIAL LIQUOR LAW; CITY OF WATKINS.**

123.21 Notwithstanding Minnesota Statutes, section 624.701, the city of Watkins may issue an
 123.22 on-sale license under Minnesota Statutes, section 340A.404, subdivision 1, paragraph (d),
 123.23 for sales at town ball games played at a ballpark on school grounds, provided the board of
 123.24 Independent School District No. 463, Eden Valley-Watkins, adopts a resolution approving
 123.25 the issuance of the license. The provisions of Minnesota Statutes, section 624.701, do not
 123.26 apply to the school grounds or buildings for a license issued under this section.

123.27 **Sec. 8. SPECIAL LIQUOR LAW; CITY OF ROCHESTER.**

123.28 Notwithstanding Minnesota Statutes, section 340A.404, the city of Rochester may issue
 123.29 an on-sale wine license and an on-sale malt liquor license for beverage sales at a soccer
 123.30 field, indoor soccer complex, or stadium located on property in the city of Rochester for
 123.31 the purposes of soccer games and any other events at the soccer field, indoor soccer complex,
 123.32 or stadium to the following:

- 124.1 (1) a person who is the owner of a soccer club;
- 124.2 (2) a person holding a concessions or management contract with the owner;
- 124.3 (3) a nonprofit organization that has established a soccer club; or
- 124.4 (4) an agent of the nonprofit organization.
- 124.5 A license issued under this section authorizes sales on all days of the week to persons
- 124.6 attending soccer games and any other events at the soccer field, indoor soccer complex, or
- 124.7 stadium.

ARTICLE 5

MEDICAL SUPPLEMENT IMPLEMENTATION DELAY

124.10 Section 1. Laws 2023, chapter 57, article 2, section 7, the effective date, is amended to

124.11 read:

124.12 **EFFECTIVE DATE.** This section is effective August 1, ~~2025~~ 2026, and applies to

124.13 policies offered, issued, or renewed on or after that date.

124.14 Sec. 2. Laws 2023, chapter 57, article 2, section 8, the effective date, is amended to read:

124.15 **EFFECTIVE DATE.** This section is effective August 1, ~~2025~~ 2026, and applies to

124.16 policies offered, issued, or renewed on or after that date.

124.17 Sec. 3. Laws 2023, chapter 57, article 2, section 9, the effective date, is amended to read:

124.18 **EFFECTIVE DATE.** This section is effective August 1, ~~2025~~ 2026, and applies to

124.19 policies offered, issued, or renewed on or after that date.

124.20 Sec. 4. Laws 2023, chapter 57, article 2, section 10, the effective date, is amended to read:

124.21 **EFFECTIVE DATE.** This section is effective August 1, ~~2025~~ 2026, and applies to

124.22 policies offered, issued, or renewed on or after that date.

124.23 Sec. 5. Laws 2023, chapter 57, article 2, section 11, the effective date, is amended to read:

124.24 **EFFECTIVE DATE.** This section is effective August 1, ~~2025~~ 2026, and applies to

124.25 policies offered, issued, or renewed on or after that date.

125.1 Sec. 6. Laws 2023, chapter 57, article 2, section 12, the effective date, is amended to read:

125.2 **EFFECTIVE DATE.** This section is effective August 1, ~~2025~~ 2026, and applies to
125.3 policies offered, issued, or renewed on or after that date.

125.4 Sec. 7. Laws 2023, chapter 57, article 2, section 13, the effective date, is amended to read:

125.5 **EFFECTIVE DATE.** This section is effective August 1, ~~2025~~ 2026, and applies to
125.6 policies offered, issued, or renewed on or after that date.

125.7 Sec. 8. Laws 2023, chapter 57, article 2, section 14, the effective date, is amended to read:

125.8 **EFFECTIVE DATE.** This section is effective August 1, ~~2025~~ 2026, and applies to
125.9 policies offered, issued, or renewed on or after that date.

125.10 Sec. 9. Laws 2023, chapter 57, article 2, section 15, the effective date, is amended to read:

125.11 **EFFECTIVE DATE.** This section is effective August 1, ~~2025~~ 2026, and applies to
125.12 policies offered, issued, or renewed on or after that date.

45.014 SEAL OF DEPARTMENT OF COMMERCE.

The commissioner of commerce shall devise a seal for official use as the seal of the Department of Commerce. The seal must be capable of being legibly reproduced under photographic methods. A description of the seal, and a copy of it, must be filed in the Office of the Secretary of State.

53B.58 PAYROLL PROCESSING SERVICES; DISCLOSURES.

(a) A licensee that provides payroll processing services must:

(1) issue reports to clients detailing client payroll obligations in advance of the payroll funds being deducted from an account; and

(2) make available worker pay stubs or an equivalent statement to workers.

(b) Paragraph (a) does not apply to a licensee providing payroll processing services if the licensee's client designates the intended recipients to the licensee and is responsible for providing the disclosures required by paragraph (a), clause (2).

58.08 BONDS; LETTERS OF CREDIT.

Subd. 3. **Exemption.** Subdivision 2 does not apply to mortgage originators or mortgage servicers who are approved as seller/servicers by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

82B.25 VALUATION BIAS.

Subdivision 1. **Definition.** For the purposes of this section, "valuation bias" means to explicitly, implicitly, or structurally select and apply data to an appraisal methodology or technique in a biased manner that harms a protected class, as defined by the Fair Housing Act of 1968, as amended.

Subd. 2. **Education.** A real property appraiser shall provide to the commissioner evidence of satisfactory completion of a continuing education course on the valuation bias of real property. An appraiser licensed after September 1, 2021, must complete the course required by this section prior to the appraiser's first license renewal.

325G.25 CONTRACT REGULATION.

Subd. 1a. **Alternative cancellation notice.** In lieu of the notice of cancellation required by subdivision 1, the seller may provide notice in a manner which conforms to applicable federal law or regulation or section 325G.08 so long as the notice provides the information required by subdivision 1.

332.3351 EXEMPTION FROM LICENSURE.

A collection agency shall be exempt from the licensing and registration requirements of this chapter if all of the following conditions are met:

(1) the agency is located in another state that regulates and licenses collection agencies, but does not require a Minnesota collection agency to obtain a license to collect debts in the agency's state if the agency's collection activities are limited in the same manner;

(2) the agency's collection activities are limited to collecting debts not incurred in this state from consumers located in this state; and

(3) the agency's collection activities in Minnesota are conducted by means of interstate communications, including telephone, mail, electronic mail, or facsimile transmission.

332.71 DEFINITIONS.

Subd. 8. **Harassment.** "Harassment" has the meaning given in section 609.748.