

## CHAPTER 271—S. F. No. 703

*An act to amend Mason's Minnesota Statutes of 1927, Section 2686, as amended by Laws 1931, Chapter 217, relating to motor vehicle dealers' licenses.*

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

**Section 1. Manufacturers and dealers numbers.**—Mason's Minnesota Statutes of 1927, Section 2686, as amended by Laws 1931, Chapter 217, is amended so as to read as follows:

"2686. (a) *No person, co-partnership or corporation shall engage in the business, either exclusively or in addition to any other occupation, of selling motor vehicles, new or used, or shall offer to sell, solicit or advertise the sale of motor vehicles, new or used, without first having acquired a license therefor as hereinafter provided.* The Registrar of Motor Vehicles is hereby authorized and empowered to issue licenses to motor vehicle dealers. *A motor vehicle dealer shall be defined as follows: Any person, co-partnership or corporation engaged in the business of manufacturing or selling new and unused motor vehicles, or used motor vehicles, or both, having an established place of business for the sale, trade, and display of such new and/or used motor vehicles, and having in its, his, or their possession new and/or used motor vehicles for the purposes of sale or trade. Said Registrar shall have no power or authority to grant or issue licenses to persons, co-partnerships or corporations unless his, its, or their business is conducted as set forth in the immediately preceding definition.* Applicants shall make application for such license, and for the renewal thereof, to said Registrar in writing, and shall submit such information as said Registrar may require, and upon blanks provided by the Registrar for such purpose. Upon proof satisfactory to the Registrar that the applicant is a dealer in motor vehicles as defined herein, said Registrar shall license such dealer for the remainder of the calendar year, and issue a certificate of license therefor as the Registrar may provide upon which shall be placed a distinguishing number of identification of such dealer. The applications for such license, and applications for the renewal thereof, shall be accompanied by the sum of \$20.00 which shall be paid into the State Treasury and credited to the General Revenue Fund. Such license, unless sooner revoked, as hereinafter provided, shall be renewed by the Registrar annually upon application by the dealer and upon the making of all listings, registrations, notices and reports required by the Registrar, and upon the payment of all taxes, fees, and arrears due from such dealer.

(b) Such license *shall* be revoked by the Registrar of Motor Vehicles upon proof satisfactory to him of either of the following:

(1) Violations of any of the provisions of Mason's Minnesota Statutes of 1927, *Sections 2672, and all acts amendatory thereof or supplementary thereto, Mason's Minnesota Statutes of 1927, Sections 2673 to 2683, inclusive, Mason's Minnesota Statutes of 1927, Section 2686, as amended by Laws 1931, Chapter 217, and as amended in this chapter, Mason's Minnesota Statutes of 1927, Section 2687, as amended in this chapter, and Mason's Minnesota Statutes of 1927, Sections 2688 to 2694, inclusive.*

(2) Violation of or refusal to comply with the requests and orders of the Motor Vehicle Registrar.

(3) Failure to make or provide to the Registrar all listings, notices and reports required by him.

(4) Failure to pay to the Registrar all taxes, fees and arrears due from and by such dealer.

(5) Failure to duly apply for renewal of license provided for herein.

(6) Revocation of previous license, of which the records of the Registrar relating thereto shall be prima facie evidence of such previous revocation.

(7) The fact that the licensee has ceased to engage in the business of a dealer as above defined. Exception: The operation of the business of a dealer as above defined by the administrator or executor of a licensed dealer is hereby exempted from the provisions of this sub-section.

(c) The Registrar shall issue to every dealer, upon a request from such dealer licensed as provided in sub-section (a) hereof, one pair of number plates displaying a general distinguishing number upon the payment of \$5.00 to the Registrar of Motor Vehicles. The Registrar shall also issue to such dealer such additional pairs of such number plates as said dealer may request, upon the payment by such dealer to the Registrar of the sum of \$5.00 for each additional pair. Motor vehicles, new and used, bearing such number plates owned by such dealer, may be driven upon the streets and highways of this state by such dealer, or any employee of such dealer, *for demonstration purposes, or for any purpose whatsoever, including the personal use of such dealer or his employee.* Motor vehicles, new or used, owned by such dealer

and bearing such number plates, may be driven upon the streets and highways for demonstration purposes by any prospective buyer thereof for a period of forty-eight hours. Any motor truck, new or used, owned by such dealer and bearing said dealer's number plates may be driven upon the streets and highways of this state, for demonstration purposes by any prospective buyer for a period of seven days. Upon the delivery of such motor vehicle or motor truck, new or used, to said prospective buyer for said demonstration purposes, said dealer shall deliver to said prospective buyer a card or certificate giving the name and address of said dealer, the name and address of such prospective buyer, and the date and hour of such delivery. Such card or certificate shall be in such form as the Registrar may provide to the dealer for such purpose, and shall be carried by such prospective buyer while driving said motor vehicle or motor truck.

(d) Every licensed dealer in motor vehicles, as above defined, may make application upon a blank provided by the Registrar for that purpose for a general distinguishing number for use upon all new motor vehicles being transported from the dealer's source of supply, or other place of storage, to his place of business, or to another place of storage, or from one dealer to another. A general distinguishing number shall be assigned by the Registrar to such dealer for such purpose, and the Registrar shall then issue to said dealer such number of pairs of such plates as the dealer may request, upon the payment by said dealer to said Registrar of the sum of \$2.00 per pair. Such plates shall be known as "in transit" plates. The Registrar may issue such "in transit" plates, upon the payment of the sum of \$2.00 to said Registrar, to dealers duly licensed in *other States or Provinces* upon information furnished him in such manner as he may prescribe, and which satisfies him that persons or companies applying therefor are duly licensed dealers under the laws of such States or Provinces.

(e) **Procedure for Revocation.**—The Registrar of Motor Vehicles, upon his own motion or upon the complaint of another, shall prepare and cause to be served upon the dealer complained of, a written notice or complaint setting forth, in substance, the violations charged, and shall require said dealer to appear at the time and place fixed therein before said Registrar or authorized deputy, and show cause why his license should not be revoked.

The Registrar shall, at the time and place fixed in said notice, proceed to hear and determine the matter on its merits. If the said Registrar shall find the existence of any of the causes for revocation as set forth in Section (b) above, and shall determine that said dealer's license should be revoked, he shall make a written order to that effect, and a copy of such order shall be served upon such dealer in the manner provided by law for the service of summons in a civil action. Upon such revocation, such dealer shall immediately return to the Registrar all number plates, including "in transit" plates, in his possession.

(f) **Procedure for Appeal.**—Any party or person aggrieved by such order of revocation may appeal therefrom to any District Court of the state within fifteen days after the service of a copy of such order upon the dealer complained of by the service of a written notice of appeal upon said Registrar. The person serving such notice of appeal shall, within five days after the service thereof, file the same, with proof of service thereof, with the Clerk of the Court to which such appeal is taken, and thereupon said District Court shall have jurisdiction over said appeal and the same shall be entered upon the records of said District Court and shall be tried therein according to the rules relating to the trial of civil actions insofar as the same are applicable. The complainant before the Registrar, if there was one, otherwise the Registrar of Motor Vehicles, shall be designated as the "Complainant", and the dealer complained of shall be designated as the "Defendant". No further pleadings than those filed before the Registrar shall be necessary. The findings of fact of the Registrar shall be prima facie evidence of the matters therein stated, and the order shall be prima facie reasonable, and the burden of proof upon all issues raised by the appeal shall be on the appellant. If said Court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed and the order enforced as provided by law. If it shall be determined that the order is unlawful or unreasonable it shall be vacated and set aside. Such appeal shall not stay or supersede the order appealed from unless the Court, upon an examination of said order, and the return made on said appeal, and after giving the defendant notice and opportunity to be heard, shall so direct. When no appeal is taken from such order, the parties affected thereby shall be deemed to have waived the right to have the merits of such controversy reviewed by a court, and there shall thereafter be no trial of the merits or re-examination of the facts by any dis-

trict court to which application may be made from a writ to enforce the same.

(g) Any party to an appeal or other proceeding in the District Court under the provisions of this Act may appeal from the final judgment, or from any final order therein, to the Supreme Court in the same cases and manner as in civil action.

(h) *Any person, co-partnership, or corporation, domestic or foreign, and any officer, or director, or employee of a corporation, domestic or foreign; who shall violate or neglect, fail or refuse to comply with any of the provisions of Mason's Minnesota Statutes of 1927, Section 2686, as amended by Laws 1931, Chapter 217, and as amended in this Chapter, shall be guilty of a misdemeanor."*

Approved April 24, 1935.

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#### CHAPTER 272—S. F. No. 754

*An act authorizing the renewal of the period of corporate existence of certain corporations whose period of duration has expired without the renewal thereof, and legalizing acts and contracts of such corporations made or done and performed subsequent to the expiration of the original period of existence of such corporations, and providing for the rights and remedies of non-assenting stockholders.*

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

**Section 1. Corporate existence renewed in certain cases.**  
—Any corporation heretofore organized under the laws of this state, for pecuniary profit, and social corporations, and corporations created under General Statutes of 1894, Chapter 34, Title 3, whose period of duration has expired less than twenty years prior to the passage of this act and the same has not been renewed and such corporation has continued to transact its business, may, by a majority vote of the voting power of the share-holders of such corporation, renew its corporate existence from the date of the expiration for a further definite term or perpetually from and after the term of its expired period of duration with the same force and effect as if renewed prior to the expiration of its term of existence, by taking the same proceedings and by paying into the state treasury the same incorporation fees as now provided by law for the renewal of the corporate existence of such corporations