

the same conditions as sales are made under said Chapter 386, the applicable provisions of which shall apply to sales made pursuant to this section.

Sec. 11. **Provisions severable.**—If any section or part of this act shall be declared to be unconstitutional or invalid for any reason, the remainder of this act shall not be affected thereby.

Approved April 15, 1939.

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CHAPTER 284—S. F. No. 599

*An act to regulate the business of selling used or second-hand motor vehicles by dealers.*

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

Section 1. **Non-resident dealers in motor vehicles must register vehicles and pay tax.**—Every dealer in used, or second-hand, motor vehicles who is a non-resident of the state of Minnesota or who does not have a permanent place of business in this state, and every person, firm or corporation who brings any used, or second-hand motor vehicle into the state of Minnesota for the purpose of sale or resale except as a trade-in on a new motor vehicle or as a trade-in on another used or second hand car of greater value when the vehicle so brought into this state for the purpose of sale or resale, shall within ten days from the date of entry of said motor vehicle into the limits of the state of Minnesota, file with the registrar of motor vehicles on a blank provided by him a listing for taxation and application for the registration of such vehicle, and shall pay the motor vehicle tax thereon as provided by law. Said registration and payment of tax shall be made in the same manner as is now provided by law for the registration of motor vehicles previously registered in another state. Applicant shall before said used or second-hand motor vehicle is put upon a used car lot for sale or offered for sale, or sold, execute a bond with a surety company duly authorized to do business in the state of Minnesota as a surety thereon, payable to the state of Minnesota for the use and benefit of the purchaser and his vendees, conditioned to pay all loss, damages and expenses that may be sustained by the purchaser, or vendees, that may be occasioned by reason of the failure of the title of such vendor or by reason of any fraudulent misrepresentations or breaches of warranty

as to freedom from liens, quality, condition, use or value of the motor vehicle being so sold. Said bond shall be in the full amount of the sale price of such motor vehicle but in no event to exceed the sum of \$1000 and shall be filed with the registrar of motor vehicles of the state of Minnesota by the vendor and be approved by him as to the amount, form and as to the solvency of the surety, and for which service by said registrar of motor vehicles, the vendor shall pay a fee of five dollars for each bond so filed and approved, which fees shall be paid into the state treasury to the credit of the general revenue fund. Said bond shall carry a provision that no suit or action thereon shall be brought or maintained unless the same be instituted within one year from the date of the execution of said bond.

**Sec. 2. Must deliver certificate to purchaser**—Every person, firm or corporation upon the sale and delivery of any used, or second-hand, motor vehicle shall, within 24 hours thereof, deliver to the vendee, and endorsed according to law, a registration certificate issued for said motor vehicle by the registrar of motor vehicles of the state of Minnesota.

**Sec. 3. Seller not to maintain action unless vehicle is registered.**—No action, nor right of action to recover any such motor vehicle, nor any part of the selling price thereof, shall be maintained in the courts of this state by any dealer or vendor, his successors or assigns, in any case wherein such vendor or dealer shall have failed to comply with the terms and provisions of this act, and in addition thereto, such vendor or dealer, upon conviction for the violation of any of the provisions of this act, shall be deemed guilty of a misdemeanor. Provided, however, that this section shall not apply to the holder of a note or notes representing a portion of the purchase price of such motor vehicle when the owner thereof was and is a bona fide purchaser of said note or notes, before maturity, for value and without knowledge that the vendor of such vehicle has not complied with this act.

**Sec. 4. Definitions.**—The terms "dealer" and "vendor" herein used shall be construed to include every individual, partnership, corporation or trust whose business in whole or in part, is that of selling new or used motor vehicles, or both, and likewise shall be construed to include every agent, representative, or consignee of any such dealer as defined above as fully as if same had been herein expressly set out, except that no agent, representative or consignee of such dealer or vendor shall be required to make and file the said bond if such

dealer or vendor for whom such agent, representative or consignee acts fully complies, in each instance, with the provisions of this act.

**Sec. 5. Provisions severable.**—If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation of the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

Approved April 17, 1939.

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CHAPTER 285—S. F. No. 671

*An act to amend Section 4 and Section 7 of Chapter 201 of the Session Laws of Minnesota for the year 1923 also known as Sections 5019 and 5022 respectively of Mason's Minnesota Statutes for 1927, authorizing the issuance of non-negotiable receipts.*

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

**Section 1. Law amended.**—That Section 4 of Chapter 201 of the Session Laws of Minnesota for the year 1923 also known as Section 5019 of Mason's Minnesota Statutes for 1927, be and the same is hereby amended so as to read as follows:

**"5019. Duties of warehousemen.**—Form of warehouse receipt—Every such warehouseman shall receive for storage and shipment so far as the capacity of his warehouse will permit, all grain in suitable condition for storage, tendered him in the usual course of business, without discrimination of any kind. All grain shall be inspected on receipt and stored with other grain of the same grade except as herein otherwise provided. At the time of the receipt of said grain, the warehouseman shall issue and deliver to the owner or consignee a warehouse receipt in the following form: