

the court may affirm, reverse, or modify the order of the commissioner. Pending final disposition of any such appeal the order of the commissioner shall be stayed.

Sec. 14. Evasions. Subdivision 1. The maximum rents and other requirements provided in this act shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or by tying agreement, or otherwise.

Subd. 2. Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations.

Sec. 15. Federal rent control renders act inoperative. The establishment of rent control areas and the establishment of maximum rents therein and of regulations and orders relating thereto shall not be or become operative so long as rent control therein established by federal officers and agencies pursuant to the Emergency Price Control Act of 1942, as amended, or any other act of the Congress providing for rent control, is in force and effect, whether or not by the terms of federal law or by administrative regulation or order, it is limited or confined to, or excepts any rent control area or region, or any type, category or classification of housing accommodations heretofore or hereafter subjected to control of rents, or housing accommodations heretofore or hereafter constructed, or whether or not any rent control area or part of an area have become decontrolled pursuant to the terms of federal law.

Approved April 16, 1951.

CHAPTER 400—H. F. No. 191

[Coded as sections 340.97, 340.971, 340.972, 340.973, 340.974, 340.975, 340.976, 340.977, 340.978]

An act relating to minimum off-premise retail prices for the sale to consumers of distilled liquor and wine.

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

[340.97] Section 1. **Declaration of policy.** It is the declared policy of the state that it is necessary to regulate and control the manufacture, sale and distribution within the state of distilled liquor and wine for the purpose of fostering and promoting temperance in their consumption and respect for and obedience to the law. In order to eliminate price wars which unduly stimulate the sale and consumption of distilled liquor and wine, disrupt the orderly sale and distribution thereof, and tend to destroy the statutory plan for location of off-premises liquor stores in neighborhood communities which most effectively serves public convenience and advantage, it is hereby declared as the policy of the state that the sale of distilled liquor and wine should be subjected to certain restrictions, prohibitions and regulations. The necessity for the enactment of the provisions of this section is, therefore, declared as a matter of legislative determination.

[340.971] Sec. 2. **Definitions.** Unless the language or the context in this act clearly indicates that a different meaning is intended, the words, terms, and phrases hereinafter defined shall be given the meanings subjoined to them.

“Brand Owner” shall mean the manufacturer, or producer of distilled liquor and wine, or other person who actually owns the brand name.

“Off-Sale Retailer” shall mean any off-sale licensee or any municipal liquor store.

“Wholesaler” shall mean the authorized distributor, licensed in the state, duly appointed by the brand owner.

“Minimum Price” shall mean the minimum retail selling price to the consumer as designated by the brand owner or his authorized wholesaler or agent.

“Commissioner” shall mean the Liquor Control Commissioner.

“Consumer” means any person who may purchase distilled liquor or wine for beverage purposes.

“Distilled Liquor” means intoxicating liquor in which the alcoholic contents are produced principally by distillation process and sold for beverage purposes.

“Wine” means wine as defined by Commissioner’s Regulation No. 14 and the United States Internal Revenue Act as amended in 1937 and the United States Internal Revenue Regulation No. 7.

[340.972] Sec. 3. Schedule of prices. No brand owner, or wholesaler of distilled liquor or wine shall sell, offer for sale, solicit any order for or advertise any distilled liquor or wine, the container of which bears a label stating the brand or the name of the owner or producer, unless a schedule of minimum consumer resale prices for each such brand of distilled liquor and wine shall first have been filed with the liquor control commissioner, and such schedule is then in effect, except that written permission thereof may be granted by the commissioner to off-premises retailers for good cause shown and for reasons not inconsistent with the purposes of this act and under such terms and conditions as prescribed by the commissioner.

[340.973] Sec. 4. Schedule, by whom filed. (a) Such schedule shall be filed with the commissioner by:

- (1) the brand owner if licensed by the commissioner; or
- (2) the licensed wholesaler who is the exclusive distributor of a brand label, or
- (3) the licensed wholesaler who has been authorized by the brand owner to file price schedules, or
- (4) the wholesaler when such wholesaler is the brand owner, or
- (5) any person who may be the registered owner of a brand label of distilled liquor or wine.

(b) Such schedule shall be in writing duly verified, and

filed in the number of copies and in the form required by the commissioner, and shall contain with respect to each brand, the brand or trade name, capacity of the container, nature of contents, age and proof where stated on the label, percentage and type of spirits where stated on the label, the minimum consumer resale price of a bottle and/or a case, but not a multiple of a bottle price or case price or a fraction of a case price. Such prices shall be uniform throughout the state.

(c) The first schedule shall be filed on or before June 1st, 1951, and the prices thereon shall become effective on July 1st, 1951. Subsequent schedules shall be filed thereafter according to regulations provided by the commissioner; but shall be filed not less than thirty days before they become effective.

(d) Provided, however, nothing contained herein shall require any brand owner or wholesaler to file a schedule of minimum consumer resale prices for any brand of distilled liquor or wine offered for sale or sold to on-premise retailers under a brand which is owned exclusively by such brand owner or wholesaler and is sold by such brand owner or wholesaler exclusively to retailers for consumption on the premises.

[340.974] Sec. 5. Minimum consumer retail price list. Within ten days after the filing of such schedules the commissioner shall make them, or a composite thereof, available for inspection. Each manufacturer or wholesaler shall retain in his licensed premises a copy of his filed schedule. The commissioner may if he deems necessary require that such schedules be published. Publication in either a legal newspaper or a trade publication, approved by the Commissioner, shall be compliance with any requirement that such schedule be published. The commissioner shall, as soon as practicable, after the 10th day of the month in which such schedules are filed, compile and furnish to each manufacturer or wholesaler of liquor and wine and to each off-sale retailer a list to be designated "minimum consumer retail price list". Such schedule as then in effect shall be kept available at all licensed "off-sale" premises so that they can be readily inspected by customers upon request.

[340.975] Sec. 6. No sales at less than retail list price. No off-sale retailer authorized to sell distilled liquor or wine at retail for off-premises consumption shall sell, offer to sell,

or advertise any distilled liquor or wine at a price less than the minimum consumer resale price then in effect, unless written permission of the commissioner is granted under the terms of this act.

[340.976] Sec. 7. **Rules.** The commissioner is hereby authorized to promulgate rules which are necessary,

(a) to carry out the purposes of this act and to prevent its circumvention by any off-sale retailer through offering or giving of any rebate, allowance, free goods, discount or any other thing or service of value;

(b) to permit or require the withdrawal of, an addition to, a deletion from, or an amendment of any schedule or a modification of prices therein, not inconsistent with the purposes of this act, and when necessary to avoid practical difficulties, or unnecessary hardships to any brand owner, wholesaler or licensee affected by this section, or because of acts or circumstances beyond the control of such brand owner, wholesaler or licensee, and under such terms and conditions as are necessary to carry out the purposes of this act;

(c) to permit the sale at a price less than the minimum consumer resale price of distilled liquor or wine which is damaged or deteriorated in quality, or the close-out of a brand for the purpose of discontinuing its sale, under such terms and conditions as are necessary to carry out the purposes of his act;

(d) to permit the sale by off-sale retailer of a brand of liquor or wine for which a schedule of minimum consumer resale prices has not been and cannot be filed, whenever necessary to avoid practical difficulties or unnecessary hardships to any off-sale retailer affected by this act or because of acts or circumstances beyond the control of such off-sale retailer, and under such terms and conditions as designated by the commissioner.

[340.977] Sec. 8. **Violations.** [Subdivision 1.] Any licensee or municipal liquor store under Chapter 340 who violates the provisions of this act, or who aids, conspires, or joins such violation shall be guilty of a misdemeanor.

Sec. 9. [Subd. 2] **Penalties.** Upon conviction for the violation of any provision of this act or of any rule duly promulgated under this act the commissioner shall suspend, cancel or revoke any off-sale retailers license or any municipal authorization to operate as follows: for a first offense, not exceeding ten days suspension of license or operating authority; for a second offense, not exceeding thirty days suspension of license or operating authority; and for a third offense, the commissioner may suspend, cancel or revoke the license or operating authority and in addition, for such offense, the commissioner may recover, as provided in Minnesota Statutes, Section 340.12, the penal sum of the bond filed by the off-sale retailer.

[340.978] Sec. 10. **Fees.** Commencing July 1st, 1951, every off-sale retailer, including municipal liquor stores, shall pay an annual fee of \$10.00 to the Commissioner for the purpose of defraying the expenses incurred by the Commissioner in carrying out the provisions of this act relating to the filing of price lists and the publication thereof, including employment of necessary personnel; and it shall be a violation of this act and punishable as such for any off-sale retailer including municipal liquor stores to sell any intoxicating liquor or wines at off-sale without first paying said annual fee. The fees so collected and received by the Commissioner shall be paid into the General Revenue Fund of the state.

Sec. 11. This act shall take effect upon passage.

Approved April 16, 1951.

CHAPTER 401—H. F. No. 663

An act relating to motor vehicles, providing for the regulation and taxation thereof; amending Minnesota Statutes 1949, Section 168.31, Subdivision 6.

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

Section 1. Minnesota Statutes 1949, Section 168.31, Subdivision 6, is amended to read as follows:

168.31 Subd. 6. **Instalments.** If the tax assessed