

*his authorized representative shall have authority to seal such pump, marketing line, pipe, or valve until it is made to conform to such requirement.*

Sec. 9 Minnesota Statutes 1953, Section 296.25 is amended to read:

**296.25 Violations, penalties.** Subdivision 1. Any person who fails to comply with any provisions of sections 296.01 to 296.49, or who makes any false statement in any report, record, or sales ticket required by sections 296.12, 296.14, 296.17, subdivision 5, 296.18, subdivision 2, 296.21, or 296.49, shall be guilty of a misdemeanor unless other penalties are expressly provided.

*Every person who is convicted of a violation of this subdivision shall be punished by imprisonment for not less than ten nor more than 90 days or by a fine of not less than \$25 nor more than \$100.*

Subd. 2. It is unlawful and punishable as provided by this subdivision for any person to operate a licensed motor vehicle on the public highways of this state on special fuel on which the excise tax provided by this chapter has not been paid or the liability therefor assumed by another person licensed under this chapter.

Every person who is convicted of a violation of this subdivision shall be punished by imprisonment for not less than ten nor more than 90 days or by a fine of not less than \$25 nor more than \$100. On a second conviction he shall be punished by imprisonment for not less than 30 nor more than 90 days or by a fine of \$100. On a third or subsequent conviction he shall be punished by imprisonment for not less than 90 days.

Sec. 10. This act shall take effect July 1, 1955.

Approved April 5, 1955.

---

CHAPTER 339—H. F. No. 836

[Coded in Part]

*An act relating to unfair sales and unfair competitive trade practices, providing for injunctive relief, damages and other remedies for violation thereof and establishing penalties therefor; amending Minnesota Statutes 1953, Sections 325.01 and 325.52.*

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

Section 1. Minnesota Statutes 1953, Section 325.01, Subdivision 5, is amended to read:

Subd. 5. **Cost.** The term "cost," as applied to the wholesale or retail vendor, means:

(1) The actual current delivered invoice or replacement cost, whichever is lower, *without deducting* customary cash discounts, *plus any excise or sales taxes imposed on such commodity, goods, wares or merchandise subsequent to the purchase thereof and prior to the resale thereof*, plus the cost of doing business at that location by the vendor;

(2) Where a manufacturer publishes a list price and discounts, in determining such "cost" the manufacturer's published list price then currently in effect, *less the published trade discount but without deducting the customary cash discount, plus any excise or sales taxes imposed on such commodity, goods, wares or merchandise subsequent to the purchase thereof and prior to the resale thereof*, plus the cost of doing business by the vendor shall be prima facie evidence of "cost."

Sec. 2. Minnesota Statutes 1953, Section 325.01, is amended by adding a new subdivision to read:

[Subd. 23.] **Trade discount.** *The term "trade discount" means all discounts made to the wholesale or retail vendee other than the customary cash discount.*

Sec. 3. Minnesota Statutes 1953, Section 325.01, is amended by adding a new subdivision to read:

[Subd. 24.] **Sub-jobber.** *The term "sub-jobber" means any person, partnership, firm, corporation or association other than a wholesaler or retailer, who or which buys any commodity, article, goods, wares, or merchandise from a wholesaler and sells such merchandise directly to retailers, thereby performing the selling and delivering functions of a wholesaler.*

Sec. 4. Minnesota Statutes 1953, Section 325.01, is amended by adding a new subdivision to read:

[Subd. 25.] **Vending machine operator.** *The term "vending machines operator" means any person, partnership, firm, corporation or association who or which owns, services and supplies ten or more merchandise vending machines placed in various locations for dispensing such merchandise to consumers.*

Sec. 5. Minnesota Statutes 1953, Section 325.52, is amended to read:

**325.52 Prima facie evidence, certain sales; injunctive relief.** Any sale made by the retail vendor at less than eight percent above the manufacturer's published list price, less his published *trade discounts*, where the manufacturer publishes a list price; or, in the absence of such a list price, at less than eight percent above the actual current delivered invoice or replacement cost, *without deducting customary cash discounts, plus, in either case, the amount of any excise or sales tax imposed on such merchandise subsequent to the purchase thereof and prior to the resale thereof*, for the purpose or with the effect of injuring competitors or destroying competition, shall be prima facie evidence of the violation of sections 325.02 to 325.07.

No prosecution shall be had nor any action at law for damages or injunctive relief shall lie where the vendor sells at a price not less than 15 percent above the manufacturer's published list price, less his published *trade discounts*, where the manufacturer publishes a list price; or, in the absence of such a list price, at not less than 15 percent above the current delivered invoice or replacement cost, *without deducting customary cash discounts, plus, in either case, the amount of any excise or sales tax imposed on such merchandise subsequent to the purchase thereof and prior to the resale thereof*.

Any sale made by a wholesale vender, or a sub-jobber at less than two percent above the manufacturer's published list price, less his published *trade discounts*, where the manufacturer publishes a list price; or, in the absence of such a list price, at less than two percent above the actual current delivered invoice or replacement cost, *without deducting customary cash discounts, plus, in either case, the amount of any excise or sales tax imposed on such merchandise subsequent to the purchase thereof and prior to the resale thereof*, for the purpose or with the effect of injuring competitors or destroying competition, shall be prima facie evidence of the violation of sections 325.02 to 325.07.

*Any sale made by a wholesaler to another wholesaler, sub-jobber or vending machines operator at less than the manufacturer's published list price less his published trade discounts, where the manufacturer publishes a list price; or, in the absence of such a list price, at less than the actual current delivered invoice or replacement cost, without deducting customary cash discounts, plus, in either case, the amount of any excise or sales tax imposed on such merchandise subsequent to the*

*purchase thereof and prior to the resale thereof, for the purpose or with the effect of injuring competitors or destroying competition, shall be prima facie evidence of the violation of sections 325.02 to 325.07.*

Approved April 5, 1955.

---

CHAPTER 340—H. F. No. 843

[Coded]

*An act relating to police officers; providing for the treatment of said police officers for tuberculosis contracted in the scope of their employment; and providing further benefits therefor.*

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

**Section 1. [251.051] Police officers contracting tuberculosis.** Any police officer of the state or of any county or municipal subdivision of the state whose duties within the scope of his employment as a police officer bring him in contact or did bring him in contact with persons afflicted with tuberculosis, which said police officer contracts or becomes ill from tuberculosis, shall be entitled to the medical care and compensation provided for by this chapter. "Contracts tuberculosis" shall be construed to mean the development of demonstrable tuberculosis in the police officer.

**Sec. 2. [251.052] Report of illness.** Whenever the head of any state, county, city, or village police department learns that any police officer employed by such department whose duties bring or did bring him in contact with any person suffering from tuberculosis while said police officer was in discharge of his duties within the scope of his employment, has contracted or become ill from tuberculosis while employed in such department, such head of the police department shall report such illness to the industrial commission. Copies of such report shall be sent to the director of the division of public institutions or to the director of the division of social welfare if a state police officer, to the county board if a county police officer, and to the governing body of the city or village if a municipal or village officer. The industrial commission, upon receiving such report shall mail to the head of the department blank forms to be filled out by such employee claiming the medical and sanatorium treatment and compensation hereinafter provided for. The industrial commission shall thereupon set the claim on for hearing and determination in the same