

or trustee in such easements and other less than fee simple interests in real estate to the same extent, as if such mortgage or deed of trust were duly recorded in the office of the register of deeds, or duly registered in the office of the registrar of titles, of the county or counties in which the real estate is situated, provided that the effectiveness of such filing will terminate at the same time as provided in section 300.112, subdivision 3, for the termination of the effectiveness of fixture filing.

Subd. 2. For the purposes of this section, any mortgage or deed of trust filed hereunder shall be deemed to contain a sufficient description to give notice of the rights and interests of the mortgagee or trustee in the easements and other less than fee simple interests in the real estate used for the transmission and distribution of gas, electric, or telephone service of the public utility if such mortgage or deed of trust states that the security includes rights of way of or transmission or distribution systems of or lines of the public utility, or all property owned by the public utility.

Subd. 3. Any mortgage or deed of trust filed before the effective date of this act along with, or as part of, the financing statements filed under Minnesota Statutes, Section 300.112, which comply with the provisions of this section, shall be deemed to have been filed under this section as of the effective date of this act.

Subd. 4. This section shall not apply to any real estate owned by a public utility in fee simple.

Sec. 2. This act takes effect the day following its final enactment.

Approved March 27, 1974.

CHAPTER 273—S.F.No.2161
[Coded in Part]

An act relating to mobile homes; providing for licensing and bonding of manufacturers and dealers and requirements for installation of mobile homes; providing penalties; amending Minnesota Statutes 1971, Sections 327.31, Subdivision 3, and by adding subdivisions; 327.32, Subdivision 5, and by adding a subdivision; 327.33, Subdivision 2; 327.34, Subdivisions 1 and 3, and by adding a subdivision; 168.011, Subdivision 4; 168.27, Subdivision 1; amending Minnesota Statutes 1971, Chapter 327 by adding a section.

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

Section 1. Minnesota Statutes 1971, Section 327.31, Subdivision 3, is amended to read:

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Subd. 3. **MOBILE HOMES; MANUFACTURERS AND DEALERS; LICENSING AND BONDING.** "Code" means the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect on May 21, 1971, or the provisions of the National Fire Protection Association and identified as NFPA 501B, and further revisions adopted by the commissioner.

Sec. 2. Minnesota Statutes 1971, Section 327.31, is amended by adding subdivisions to read:

Subd. 9. "Support system" means any device placed beneath a mobile home at the site of occupancy for the purpose of providing support.

Subd. 10. "Ground anchoring system" is any device connected to a mobile home and designed for the purpose of securing the mobile home to the ground.

Subd. 11. "Mobile home installer" means any person who, within any consecutive twelve month period, installs for others three mobile homes at site of occupancy by making necessary service connections or attaching support systems or ground anchoring systems.

Subd. 12. "Installation seal" means a device or insignia issued by the commissioner to be displayed on the mobile home to evidence compliance with the commissioner's rules and regulations pertaining to support systems and ground anchoring systems.

Sec. 3. Minnesota Statutes 1971, Section 327.32, Subdivision 5, is amended to read:

Subd. 5. No mobile home which bears a seal as provided herein shall be required by any agency or political subdivision of this state to comply with any other building, plumbing, heating, or electrical code or any construction standards other than the code as defined in sections 327.31 to 327.34 nor be subject to any other state or local building inspection, except as the commissioner shall, by rule, provide in the case of alterations. No mobile home which bears an installation seal as provided herein shall be required by any agency or political subdivision of this state to comply with any support system or ground anchoring system standards other than those adopted and promulgated by the commissioner.

Sec. 4. Minnesota Statutes 1971, Section 327.32, is amended by adding a subdivision to read:

Subd. 6. After September 1, 1974, no person shall install or connect to any mobile home a support system or ground anchoring system which is in violation of any rules and regulations promulgated by the commissioner which pertain to support systems and ground anchoring

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systems. The commissioner shall issue installation seals to any dealer or mobile home installer upon application supported by such evidence as the commissioner deems necessary to establish that the seals will be affixed only to those mobile homes where the support system and ground anchoring system comply with the commissioner's rules and regulations.

Sec. 5. Minnesota Statutes 1971, Section 327.33, Subdivision 2, is amended to read:

Subd. 2. The commissioner shall by rule establish reasonable fees for seals ~~or~~, installation seals and inspection ~~or both~~ which are sufficient to cover all costs incurred in the administration of sections 327.31 to 327.34. All fees received by the commissioner shall be deposited in the state treasury and credited to the general fund.

Sec. 6. Minnesota Statutes 1971, Section 327.34, Subdivision 1, is amended to read:

327.34 **PENALTIES.** Subdivision 1. It shall be a misdemeanor for any person,

(a) to sell, or offer to sell, any mobile home manufactured after July 1, 1972 which does not comply with the code or if manufactured after July 1, 1972 which does not bear a seal as required by sections 327.31 to 327.34;

(b) to affix a seal or installation seal, or cause a seal or installation seal to be affixed, to any mobile home which does not comply with the code or the commissioner's rules and regulations pertaining to support systems and ground anchoring systems ;

(c) to alter a mobile home in a manner prohibited by sections 327.31 to 327.34;

(d) to fail to correct a code violation in a mobile home owned, manufactured, or sold by him within 90 days of being ordered to do so in writing by an authorized representative of the commissioner; or

(e) to interfere with, obstruct, or hinder any authorized representative of the commissioner in the performance of his duties ; ; or

(f) to fail to correct a violation in the installation of a support system or ground anchoring system in a mobile home owned, manufactured, or sold by him within 90 days of being ordered to do so in writing by an authorized representative of the commissioner.

Sec. 7. Minnesota Statutes 1971, Section 327.34, Subdivision 3, is amended to read:

Subd. 3. Seals and installation seals remain the property of the
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department of administration and may be removed by the commissioner from any mobile home which is in violation of the code.

Sec. 8. Minnesota Statutes 1971, Section 327.34, is amended by adding a subdivision to read:

Subd. 4. It shall be a misdemeanor for any manufacturer, dealer or mobile home installer to install in or connect to any mobile home at the site of occupancy a support system or ground anchoring system after September 1, 1974, which does not comply with the commissioner's rules and regulations or to install a support system or ground anchoring system without affixing an installation seal to the mobile home immediately upon completion of installation.

Sec. 9. Minnesota Statutes 1971, Section 168.011, Subdivision 4, is amended to read:

Subd. 4. **MOTOR VEHICLE.** "Motor vehicle" means any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires but not operated upon rails, except snowmobiles and mobile homes .

Sec. 10. Minnesota Statutes 1971, Section 168.27, Subdivision 1, is amended to read:

168.27 MANUFACTURERS AND DEALERS. Subdivision 1. **LICENSE.** No person, copartnership or corporation shall engage in the business, either exclusively or in addition to any other occupation, of selling motor vehicles ~~or mobile homes~~ , new or used, or shall offer to sell, solicit or advertise the sale of motor vehicles ~~or mobile homes~~ , new or used, ~~without first having acquired a license therefor as herein-after provided.~~ Application for such license and renewal thereof, shall be made to the registrar of motor vehicles, shall be in writing, and duly verified by oath. The applicant shall submit such information as the registrar may require, upon blanks provided by the registrar for such purpose. No application shall be granted nor a license issued to anyone, until and unless the applicant shall furnish proof satisfactory to the registrar of the following:

(1) That the applicant has an established place of business; an established place of business when used in this section, means a permanent enclosed building or structure either owned in fee or leased at which a permanent business of bartering, trading and selling of motor vehicles ~~or mobile homes~~ will be carried on as such in good faith and not for the purpose of evading this section, and at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business at such place and shall not mean residence, tents, temporary stands, or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement;

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(2) That if the applicant desires to sell, solicit or advertise the sale of both new and used motor vehicles ~~or mobile homes~~, he must have a bona fide contract or franchise in effect with a manufacturer or distributor of the new motor vehicle ~~or mobile home~~, or new motor vehicles ~~or mobile homes~~, he proposes to deal in; he shall also have adequate space in the building or structure wherein his business is conducted for the display of motor vehicles, not including house trailers ~~and mobile homes~~, and, unless he proposes to engage only in the sale of house trailers ~~or mobile homes~~, shall also provide for the repair and servicing of motor vehicles and the storage of parts and accessories in the city or village where his business is located and conducted, such service may be provided through contract with bona fide operators actually engaged in such services. But nothing herein contained shall require an applicant for a dealer's license who proposes to deal in new and unused motor vehicle bodies to have a bona fide contract or franchise in effect with the manufacturer or distributor of any motor vehicle chassis upon which the new and unused motor vehicle body is mounted;

(3) That if the applicant desires only to sell, solicit or advertise the sale of used motor vehicles, he shall have adequate space for the display of motor vehicles either in the building or structure wherein his business is conducted or on a lot adjacent thereto. The registrar in his discretion may authorize the use of a building or lot for display purposes not adjacent to but in close proximity to the building wherein the business is conducted if such use is made in good faith and not for the purpose of evading the requirements of this section.

Sec. 11. Minnesota Statutes 1971, Chapter 327, is amended by adding a section to read:

[327.181] MANUFACTURERS AND DEALERS. Subdivision 1. LICENSE. No person, copartnership or corporation shall engage in the business, either exclusively or in addition to any other occupation, of selling or manufacturing mobile homes, new or used, or shall offer to sell, solicit or advertise the sale of mobile homes, new or used, without first having acquired a license therefor as hereinafter provided. Application for such license and renewal thereof, shall be made to the commissioner, shall be in writing, and duly verified by oath. The applicant shall submit such information as the commissioner may require, upon blanks provided by the commissioner for such purpose. No application shall be granted nor a license issued to anyone, until and unless the applicant shall furnish proof satisfactory to the commissioner of the following:

(1) That the applicant has an established place of business; an established place of business when used in this section, means a permanent enclosed building or structure either owned in fee or leased at which a permanent business of bartering, trading and selling of mobile homes will be carried on as such in good faith and not for the pur-

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pose of evading this section, and at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business at such place and shall not mean residence, tents, temporary stands, or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement;

(2) That if the applicant desires to sell, solicit or advertise the sale of both new and used mobile homes, he must have a bona fide contract or franchise in effect with a manufacturer or distributor of the new mobile home he proposes to deal in;

(3) That the applicant has secured a surety bond executed by the applicant as principal and issued by a surety company admitted to do business in this state, which shall be in the amount of \$10,000, and be conditioned upon the faithful compliance by the applicant with all of the laws and rules and regulations of this state pertaining to such business. Any third party sustaining injuries within the terms of the bond may proceed against the principal and surety without making the state a party to such proceedings. Provided, however, that the aggregate liability of the surety to all such persons for all such losses or damages shall in no event, exceed the amount of such bond.

Subd. 2. PREMISES FOR DISPLAY OF MOBILE HOMES. If a license is granted, the licensee may be permitted to use unimproved lots and premises for sale, storage, and display of mobile homes.

If the licensee desires to remove from the established place of business occupied when the license is granted, to a new location, he shall first secure from the commissioner permission to do so. He shall be required to furnish proof satisfactory to the commissioner that the premises to which he proposes to remove conform to the requirements of subdivision 1.

Subd. 3. LICENSES, WHEN GRANTED. The commissioner shall grant or deny the application for such license within 60 days after the filing of the application. If the application is granted, the commissioner shall license the applicant as a mobile home dealer for the remainder of the calendar year, and issue a certificate of license therefor as the commissioner may provide upon which shall be placed a distinguishing number of identification of such dealer. Each application for such license, and application for the renewal thereof, shall be accompanied by the sum of \$44, which shall be paid into the state treasury and credited to the general fund. Such license, unless sooner revoked, as hereinafter provided, shall, upon the furnishing of proof as in the initial application herein provided for, satisfactory to the commissioner, be renewed by the commissioner annually upon application by the dealer and upon the making of all listings, registrations, notices, and reports required by the commissioner, and upon the payment of all taxes, fees, and arrears due from such dealer.

Subd. 4. LICENSES; REVOCATION. Such license may be revoked

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by the commissioner upon proof satisfactory to him of either of the following:

- (1) Violations of any of the provisions of this chapter;
- (2) Violation of or refusal to comply with the requests and order of the commissioner;
- (3) Failure to make or provide to the commissioner all listings, notices, and reports required by him;
- (4) Failure to pay to the commissioner 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 commissioner relating thereto shall be prima facie evidence of such previous revocation;
- (7) Failure of continued occupancy of an established place of business;
- (8) Sale of a new and unused current model mobile home other than the make of mobile home described in the franchise or contract filed with the original application or renewal thereof without permission from the commissioner;
- (9) Sale of a new and unused current model mobile home to anyone except for consumer use, or to a dealer duly licensed to sell the same make of mobile home; or
- (10) Material misstatement or misrepresentation in application for license or renewal thereof.

Subd. 5. REVOCATION; HEARING. The commissioner, upon his own motion or upon the complaint of another, shall prepare and cause to be served upon the licensee complained of, a written notice or complaint setting forth, in substance, the violations charged, and shall require the licensee to appear at the time and place fixed therein before the commissioner or authorized deputy, and show cause why his license should not be revoked.

The commissioner shall, at the time and place fixed in the notice, proceed to hear and determine the matter on its merits. If the commissioner shall find the existence of any of the causes for revocation as set forth in subdivision 4 and determine that the licensee'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 licensee in the manner provided by law for the service of summons in a civil action. Upon

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such revocation, if it be a mobile home dealer, he shall immediately return to the commissioner all number plates, including any "in transit" plates, in his possession.

Subd. 6. APPEALS. The provisions of Minnesota Statutes, Chapter 15, shall apply to appeals from an order by the commissioner.

Sec. 12. Except as otherwise specifically provided, the effective date of this act is January 1, 1975.

Approved March 27, 1974.

CHAPTER 274—S.F.No.2177
[Coded]

An act relating to welfare; prohibiting restriction of foster homes by zoning; providing for notice to affected municipalities and political subdivisions; amending Minnesota Statutes 1971, Section 257.101, by adding subdivisions.

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

Section 1. Minnesota Statutes 1971, Section 257.101, is amended by adding a subdivision to read:

Subd. 6. WELFARE; ZONING; FOSTER FAMILY HOMES AND DAY CARE CENTERS. Notwithstanding any law to the contrary, no municipality or other political subdivision may enact zoning ordinances which prohibit the use of a single family dwelling in a residential area as a foster family home or as a facility for family day care of five or less children, including the provider's children, so long as the facility meets requirements for licensure pursuant to this and all applicable local and state health and safety regulations.

Sec. 2. Minnesota Statutes 1971, Section 257.101, is amended by adding a subdivision to read:

Subd. 7. Notwithstanding any law to the contrary, the commissioner of public welfare shall, at least 30 days before issuing a license under this section to any facility, notify the affected municipality or political subdivision of the facility's application.

Sec. 3. [245.821] **NOTICE OF ESTABLISHMENT OF FACILITIES FOR TREATMENT, HOUSING OR COUNSELING OF HANDICAPPED PERSONS.** Subdivision 1. Notwithstanding any law to the contrary, no private or public facility for the treatment, housing, or counseling of more than five mentally retarded, physically disabled, mentally ill, chemically or otherwise dependent persons, nor any correctional facility for more than five persons, shall be established with-

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