

[609.85] CRIMES AND CRIMINALS; CRIMES AGAINST RAILROAD EMPLOYEES AND PROPERTY. (1) Whoever throws or deposits any type of debris or waste material on any railroad track or whoever causes damage or causes another person to damage, tamper, change or destroy any railroad track, switch, bridge, trestle, tunnel, signal or moving equipment used in providing rail services, with intention to cause injury, accident or derailment, is guilty of a felony.

(2) Whoever intentionally throws or deposits any type of debris or waste material on any railroad track or whoever intentionally causes damage or causes another person to damage, tamper, change or destroy any railroad track, switch, bridge, trestle, tunnel, signal or moving equipment used in providing rail services, which creates a reasonably foreseeable risk of any injury, accident or derailment, is guilty of a gross misdemeanor.

(3) Whoever intentionally shoots a firearm at any portion of a railroad train, car, caboose, engine or moving equipment so as to endanger the safety of another is guilty of a gross misdemeanor.

(4) Whoever intentionally throws, shoots or propels any stone, brick or other missile at any railroad train, car, caboose, engine or moving equipment, so as to endanger the safety of another is guilty of a gross misdemeanor.

Approved May 20, 1977.

CHAPTER 180—S.F.No.147

[Coded in Part]

An act relating to commerce; limiting deficiency judgments in consumer transactions; restricting waiver of garnishment exemptions; amending Minnesota Statutes 1976, Section 550.37, Subdivision 4.

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

Section 1. **[325.946] CONSUMER CREDIT TRANSACTIONS; DEFICIENCY JUDGMENTS IN CONSUMER TRANSACTIONS, DEFINITIONS.** Subdivision 1. As used in section 2, the following terms shall have the meanings assigned to them.

Subd. 2. "Consumer credit transaction" means a sale of personal property, or a loan arranged to facilitate the purchase of personal property, in which (a) credit is granted by a seller or a lender who regularly engages as a seller or lender in credit transactions of the same kind; (b) the buyer is a natural person; (c) the personal property is purchased primarily for a personal, family or household purpose, and not for a commercial, agricultural, or business purpose; and (d) a security interest is retained by the seller or lender. It does not include a transaction pursuant to an open end credit plan authorized by Minnesota Statutes, Sections 334.16 to 334.18.

Subd. 3. "Personal property" includes goods. It does not include real property, or Changes or additions indicated by underline deletions by ~~strikeout~~

personal property which is furnished or used, at the time of sale or subsequently, in the modernization, rehabilitation, repair, alteration, improvement or construction of real property so as to become a part thereof whether or not severable therefrom.

Subd. 4. "Seller or lender" includes an assignee of either.

Sec. 2. [325.947] RESTRICTIONS ON DEFICIENCY JUDGMENTS IN CONSUMER CREDIT TRANSACTIONS. Subdivision 1. If the seller or lender repossesses or voluntarily accepts surrender of personal property in which he has a security interest arising out of a consumer credit transaction and the aggregate amount of the credit extended in the transaction was \$3,000 or less, the buyer is not personally liable to the seller or lender for the unpaid balance of the debt arising from the consumer credit transaction, and the seller or lender is not obligated to resell the collateral.

Subd. 2. The buyer may be liable in damages to the seller or lender if the buyer has wrongfully damaged the collateral or wrongfully failed to make the collateral available to the seller or lender.

Subd. 3. If the seller or lender elects to bring an action against the buyer for a debt arising from a consumer credit transaction, when under this section he would not be entitled to a deficiency judgment if he repossessed the collateral, and obtains judgment (a) he may not repossess the collateral, and (b) the collateral is not subject to levy or sale on execution or similar proceedings pursuant to the judgment.

Sec. 3. Minnesota Statutes 1976, Section 550.37, Subdivision 4, is amended to read:

Subd. 4. All wearing apparel, one watch, household furniture, utensils, household appliances, phonographs, radio and television receivers, and foodstuffs of the debtor and his family, not exceeding \$3,000 in value. The exemption provided by this subdivision may not be waived except with regard to purchase money security interests.

Sec. 4. EFFECTIVE DATE. Sections 1 and 2 shall be effective as to all consumer credit transactions entered into after July 1, 1977.

Approved May 20, 1977.

CHAPTER 181—S.F.No.191

[Coded in Part]

An act relating to adoption; authorizing release of birth information to adopted persons; requiring waiting period for objections from parents; amending Minnesota Statutes 1976, Sections 144.151, by adding subdivisions; 144.175, Subdivision 2; 260.241, by adding a subdivision; and Chapter 144, by adding a section.

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

Changes or additions indicated by underline deletions by ~~strikeout~~