

percent or more, in addition to any penalty imposed on him for the misdemeanor, shall have the reciprocity privileges on the vehicle involved if the same is being operated under reciprocity canceled by the registrar, or if the vehicle is not being operated under reciprocity, the certificate of registration on the vehicle so operated shall be canceled by the registrar and the registrar shall demand the return of the registration certificate and registration plates. The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed be paid.

(3) When the registration on a motor vehicle, trailer or semitrailer has been revoked by the registrar according to provisions of this section, such vehicle shall not be again operated on the highways of the state until it is registered or re-registered, as the case may be, and new plates issued, and the registration fee therefor shall be the annual tax for the total gross weight of the vehicle at the time of violation.

Approved May 25, 1979.

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**CHAPTER 214—H.F.No.521**

*An act relating to domestic abuse; authorizing judicial intervention to provide protection from domestic abuse; prescribing penalties.*

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

Section 1. **[518B.01] DOMESTIC ABUSE ACT.** Subdivision 1. **SHORT TITLE.** This section may be cited as the domestic abuse act.

Subd. 2. **DEFINITIONS.** As used in this section, the following terms shall have the meanings given them:

(a) "Domestic abuse" means: (i) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (ii) criminal sexual conduct, within the meaning of Minnesota Statutes, Sections 609.342, 609.343, 609.344, or 609.345, committed against a minor family or household member by an adult family or household member;

(b) "Family or household members" means spouses, parents and children, persons related by consanguinity, and persons jointly residing in the same dwelling unit.

Subd. 3. **COURT JURISDICTION.** An application for relief under this section may be filed in the court having jurisdiction over dissolution actions. In a jurisdiction which utilizes referees in dissolution actions, the court or judge may refer actions under this section to a referee to take and report the evidence therein in the same manner and subject to the same limitations as is provided in section 518.13. Actions under this section shall be given docket priorities by the court.

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

Subd. 4. **ORDER FOR PROTECTION.** There shall exist an action known as a petition for an order for protection in cases of domestic abuse.

(a) A petition for relief under this section may be made by any family or household member on behalf of himself or herself or on behalf of minor family or household members.

(b) A petition for relief shall allege the existence of domestic abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(c) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition or other action between the parties.

(d) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section by any person not represented by counsel.

(e) The court shall advise a petitioner under clause (d) of the right to file a motion and affidavit and to sue in forma pauperis pursuant to Minnesota Statutes, Section 563.01 and shall assist with the writing and filing of the motion and affidavit.

Subd. 5. **HEARING ON APPLICATION.** Upon receipt of the petition, the court shall order a hearing which shall be held not later than 14 days from the date of the order. Personal service shall be made upon the respondent not less than five days prior to the hearing. In the event that service cannot be made, the court may set a new date.

Subd. 6. **RELIEF BY THE COURT.** Upon notice and hearing, the court may provide relief as follows:

(a) Restrain any party from committing acts of domestic abuse;

(b) Exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;

(c) On the same basis as is provided in chapter 518, award temporary custody or establish temporary visitation with regard to minor children of the parties;

(d) On the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse;

(e) Provide counseling or other social services for the parties, if married, or if there are minor children;

(f) Order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or constable, as provided by this section.

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Any relief granted by the order for protection shall be for a fixed period not to exceed one year.

Subd. 7. **TEMPORARY ORDER.** Where an application under this section alleges an immediate and present danger of domestic abuse, the court may grant an ex parte temporary order for protection, pending a full hearing, and granting relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic abuse;

(b) Excluding any party from the dwelling they share or from the residence of the other except by further order of the court.

An ex parte temporary order for protection shall be effective for a fixed period not to exceed 14 days. A full hearing, as provided by this section, shall be set for not later than seven days from the issuance of the temporary order. The respondent shall be served forthwith, a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

Subd. 8. **SERVICE OF ORDER.** Any order issued under this section shall be personally served upon the respondent.

Subd. 9. **ASSISTANCE OF SHERIFF IN SERVICE OR EXECUTION.** When an order is issued under this section upon request of the petitioner, the court shall order the sheriff or constable to accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in execution or service of the order of protection.

Subd. 10. **RIGHT TO APPLY FOR RELIEF.** (a) A person's right to apply for relief shall not be affected by his or her leaving the residence or household to avoid abuse.

(b) The court shall not require security or bond of any party unless it deems necessary in exceptional cases.

Subd. 11. **MODIFICATION OF ORDER.** Upon application, notice to all parties, and hearing, the court may modify the terms of an existing order for protection.

Subd. 12. **REAL ESTATE.** Nothing in this section shall affect the title to real estate.

Subd. 13. **COPY TO LAW ENFORCEMENT AGENCY.** Upon the request of the petitioner, any order for protection granted pursuant to this section shall be forwarded by the clerk of court within 24 hours to the local law enforcement agency with jurisdiction over the residence of the applicant.

Each appropriate law enforcement agency shall make available to other law enforcement officers through a system for verification, information as to the existence and status of any order for protection issued pursuant to this section.

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Subd. 14. **VIOLATION OF AN ORDER FOR PROTECTION.** (a) Whenever an order for protection is granted pursuant to this section, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor.

(b) A violation of an order for protection shall also constitute contempt of court and be subject to the penalties therefor.

Subd. 15. Any testimony offered by a respondent in a hearing pursuant to this section is inadmissible in a criminal proceeding.

Subd. 16. **OTHER REMEDIES AVAILABLE.** Any proceeding under this section shall be in addition to other civil or criminal remedies.

Sec. 2. This act is effective the day after final enactment and shall apply to all acts of domestic abuse committed on or after that date.

Approved May 25, 1979.

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**CHAPTER 215—H.F.No.546**

*An act relating to insurance; prohibiting discrimination in the sale of automobile insurance solely on the basis of a disability; amending Minnesota Statutes 1978, Section 65B.13; repealing Minnesota Statutes 1978, Section 65B.131.*

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

Section 1. Minnesota Statutes 1978, Section 65B.13, is amended to read:

**65B.13 AUTOMOBILE INSURANCE, DISCRIMINATION IN AUTOMOBILE POLICIES FORBIDDEN.** No insurance company, or its agent, shall refuse to issue any standard policy of ~~automobile liability~~ motor vehicle insurance or make any discrimination in the acceptance of risks, in rates, premiums, dividends, or benefits of any kind, or by way of rebate:

(a) between persons of the same class, ~~not~~ or

(b) on account of race, or

(c) on account of physical handicap if the handicap is compensated for by special training, equipment, prosthetic device, corrective lenses, or medication and if the physically handicapped person;

(1) is licensed by the department of public safety to operate a motor vehicle in this state, and

(2) operates only vehicles which are equipped with auxiliary devices and equipment

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