
CHAPTER 235—S.F.No.303

An act relating to littering; imposing civil liability on the owner of a vehicle from which certain articles and materials are thrown, deposited, or dumped; prescribing procedures, civil damages, and penalties; amending Minnesota Statutes 1978, Chapter 169, by adding a section.

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

Section 1. Minnesota Statutes 1978, Chapter 169, is amended by adding a section to read:

[169.421] CIVIL LIABILITY FOR LITTERING. Subdivision 1. FINDING. The legislature finds that the cost of removal and disposal of litter from vehicles is an onerous burden upon the public, and that the criminal law is not always adequate in dealing with the problem. This requires the imposition of civil liability as provided in this section.

Subd. 2. DEFINITION. For purposes of this section, "owner" as to a vehicle means the owner of the vehicle, but in the case of a leased vehicle means the lessee.

Subd. 3. CIVIL LIABILITY IMPOSED. If any litter, including glass, nails, tacks, wire, cans, bottles, garbage, papers, refuse, trash, or any form of offensive matter is thrown, deposited, placed, or dumped from a vehicle upon any street or highway, public land, or upon private land without the consent of the owner of the land, a violation of this subdivision occurs and civil liability is imposed upon the owner of the vehicle. The driver and passengers riding in a vehicle are constituted as the agents of the owner of the vehicle for purposes of this subdivision. It is a defense to any action brought pursuant to this section that the vehicle was stolen. This section is not applicable to the owner of a vehicle transporting persons for hire or transporting school children.

Subd. 4. DAMAGES. Any person or governmental body injured by a violation of subdivision 3 may bring a civil action and recover as damages the actual costs of removal and disposal of the litter plus exemplary damages not to exceed \$100, together with costs and disbursements, including reasonable attorney's fees, as determined by the court.

Subd. 5. PROCEDURES. A civil action may be commenced as is any civil action or by the issuance of a citation to the owner of the vehicle by any law enforcement officer who has reason to believe that a violation has occurred. Actions commenced by the issuance of a citation by a law enforcement officer shall be tried by the prosecuting authority responsible for misdemeanor prosecutions in the jurisdiction where a violation occurs. Any damages recovered in an action brought by a public agency shall be deposited in the treasury of the jurisdiction trying the action and distributed as provided in section 487.33. Any county or county municipal court may establish a separate civil calendar for cases brought under this section.

Subd. 6. RELATIONSHIP TO CRIMINAL LAW; ELECTION OF REMEDIES. If an act is a violation of this section and of a statute or ordinance providing a criminal

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penalty, a public agency elects its remedy by commencing either an action under this section or a criminal prosecution, and the commencement of one type of action by a public agency is a bar to its bringing of the other.

Subd. 7. PAYMENT. Any county or county municipal court may establish a schedule of costs and civil damages, and procedures for payment, in cases brought by a public agency under which the defendant may consent to default judgment and make payment according to the schedule without making a personal appearance in court.

Subd. 8. CITATION. This section may be cited as the civil litter act.

Approved May 29, 1979.

CHAPTER 236—S.F.No.420

An act relating to agriculture; changing the eligibility requirements for a family farm security loan; changing the eligibility standards for payment adjustments received pursuant to a family farm security loan; allowing guarantees to purchasers of the mortgage executed by an original lender; amending Minnesota Statutes 1978, Sections 41.55; 41.56, by adding a subdivision; and 41.57, Subdivision 3.

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

Section 1. Minnesota Statutes 1978, Section 41.55, is amended to read:

41.55 **ELIGIBILITY.** A family farm security loan approval may be granted if the following criteria are satisfied:

(a) That the applicant is a resident of the state of Minnesota, or shows sufficient evidence that he intends to become a resident;

(b) That the applicant has sufficient education, training, or experience in the type of farming for which he wishes the loan and continued participation in a farm management program, approved by the commissioner, for the duration of the family farm security loan;

(c) That the applicant, his dependents and spouse have total net worth valued at less than ~~\$50,000~~ \$75,000 and has demonstrated a need for the loan;

(d) That the applicant intends to purchase farm land to be used by the applicant for agricultural purposes;

(e) That the applicant is credit worthy according to standards prescribed by the commissioner;

(f) That the seller has not acquired the farm land for purposes of obtaining the

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