

until and unless the applicant ~~shall furnish~~ furnishes 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 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; provided that the owner of a licensed mobile home park who resides in or adjacent to the park may use his residence as the established place of business required by this section, unless prohibited by local zoning ordinance;

(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~~ the 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~~ the bond.

Sec. 2. This act is effective the day following final enactment.

Approved April 3, 1980

CHAPTER 442—S.F.No. 1842

An act relating to agriculture; clarifying definition of warehouseman; requiring denaturing and labeling of certain foods; adopting certain federal food regulations; changing certain procedures; amending Minnesota Statutes 1978, Section 31.02; and Minnesota Statutes, 1979 Supplement, Sections 31.101, Subdivision 8; and 231.01, Subdivision 5.

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

Section 1. Minnesota Statutes 1978, Section 31.02, is amended to read:

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

31.02 PROHIBITED ACTS. The following acts set out in this section and the causing of such acts within this state are prohibited.

(a) The manufacture, sale, or delivery, holding or offering for sale of any food that is adulterated or misbranded;

(b) The adulteration or misbranding of any food;

(c) The receipt in commerce of any food that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise;

(d) The distribution in commerce of a consumer commodity, as defined in section 31.01, subdivision 20, if such commodity is contained in a package, or if there is affixed to that commodity a label, which does not conform to the provisions of law and of regulations promulgated pursuant to section 31.101; provided, however, that this prohibition shall not apply to persons engaged in business as wholesale or retail distributors of consumer commodities except to the extent that such persons are engaged in the packaging or labeling of such commodities, or prescribe or specify by any means the manner in which such commodities are packaged or labeled;

(e) The sale, delivery for sale, holding for sale, or offering for sale of any article in violation of section 31.131;

(f) The dissemination of any false advertisement;

(g) The refusal to permit entry or inspection, or to permit the taking of a sample, or to permit access to or copying of any record as authorized by section 31.04;

(h) The giving of a guaranty or undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of the person residing in the state of Minnesota from whom he received in good faith the food;

(i) The removal or disposal of a detained or embargoed article in violation of section 31.05;

(j) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food if such act is done while such article is held for sale and results in such article being adulterated or misbranded;

(k) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of section 31.101 or of the federal act; ~~and~~

(l) The using by any person to his own advantage, or revealing, other than to the commissioner or his authorized representative or to the courts when relevant in any judicial proceeding of any information acquired under authority of the Minnesota food law concerning any method or process which as a trade secret is entitled to protection; and

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(m) The identification or sale as food for human consumption of any product which has previously been labeled or otherwise identified as animal food or seed which has received a seed treatment.

Sec. 2. [31.095] DENATURING AND LABELING. All food originally designated as food for human consumption which is diverted to animal food channels or to seed must be denatured and labeled in compliance with animal food and seed laws and regulations.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 31.101, Subdivision 8, is amended to read:

Subd. 8. Applicable federal regulations including recodification contained in Code of Federal Regulations, Title 21, Chapter 1, Parts 0-1299, Food and Drugs, in effect April 1, ~~1978~~ 1980, and not otherwise adopted herein, also are adopted as food regulations of this state. Such regulations may be amended by the commissioner in accordance with the administrative procedure act.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 231.01, Subdivision 5, is amended to read:

Subd. 5. **WAREHOUSEMAN.** The term "warehouseman," as used in this chapter, means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual, their trustees, assignees, or receivers appointed by any court, controlling, operating, or managing within this state directly or indirectly, any building or structure, or any part thereof, or any buildings or structures, or any other property, and using the same for the storage or warehousing of goods, wares, or merchandise for compensation, or who shall hold himself out as being in the storage or warehouse business, or as offering storage or warehouse facilities, or advertise for, solicit or accept goods, wares, or merchandise for storage for compensation, but shall not include persons, corporations, or other parties operating grain or cold storage warehouses, or storing on a seasonal basis boats, boating accessories, recreational vehicles or recreational equipment or facilities in which the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to written contract between the landlord and tenant.

Sec. 5. In the next and all subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute "department of agriculture" for "department of public service" wherever that term appears in chapters 223, 229, 231, 232, 233, 234, 235 and 236.

Approved April 3, 1980

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