

vehicle first uses the public streets or highways in the state, and upon January 1 each year thereafter, except those vehicles which are taxed under section 168.017 and vehicles registered under 168.09, subdivision 3. Taxes due upon January 1 become payable upon November 15 preceding the calendar year for which they are assessed except those upon motor vehicles which shall first use the public streets and highways of this state between November 15 and the next following December 31. The tax required to register vehicles for the registration year March 1 to the last day of February ~~shall be~~ is due on March 1 and payable November 15 preceding. The tax that becomes due January 1 next following upon ~~such~~ those motor vehicles becomes payable at the time the tax for the current year becomes payable. Taxes due upon January 1 become delinquent after January 10 unless paid. Taxes due when the vehicle first uses the public streets or highways in the state shall become delinquent upon the expiration of seven days after the ~~same~~ tax became due unless paid. The tax required to register vehicles under the provisions of section 168.017 is due the first day of the month commencing the 12 month registration period and payable during the 45 days preceding the due date.

Approved May 11, 1981

CHAPTER 168 — S.F.No. 625

An act relating to landlords and tenants; permitting certain tenant remedies actions and certain actions in unlawful detainer to be done by nonattorneys; permitting termination of a residential lease upon the death of the tenant; extending the time between service of the summons in unlawful detainer proceedings and the return day; providing for a stay of the writ of restitution in unlawful detainer proceedings in cases of hardship; changing obsolete terms in certain landlord and tenant statutes; amending Minnesota Statutes 1980, Sections 481.02, Subdivision 3; 566.05; 566.06; and 566.09; proposing new law coded in Minnesota Statutes, Chapter 504.

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

Section 1. Minnesota Statutes 1980, Section 481.02, Subdivision 3, is amended to read:

Subd. 3. **WHAT PERMITTED ACTIONS.** The foregoing provisions of this section shall not prohibit:

(1) any one from drawing, without charge ~~for so doing~~, any document to which he, ~~or~~ a person whose employee he is ~~or~~, a firm ~~whereof~~ of which he is a member, or a corporation whose officer or employee he is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will; ~~and shall not prohibit~~

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(2) a person from drawing a will for another in an emergency wherein the imminence of death leaves insufficient time to have ~~the same~~ it drawn and its execution supervised by a licensed attorney at law; ~~and shall not prohibit~~

(3) any one, acting as broker for the parties or agent of one of the parties to a sale or trade or lease of property or to a loan, from drawing or assisting in drawing, with or without charge ~~therefor~~, ~~such papers as may be~~ incident to such ~~the~~ sale, trade, lease, or loan; ~~and shall not prohibit~~

(4) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of ~~such~~ the policies; ~~and shall not prohibit one such~~

(5) a licensed attorney at law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between ~~said~~ the corporations; ~~and shall not prohibit~~

(6) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment; ~~and shall not prohibit~~

(7) any person from conferring or cooperating with a licensed attorney at law of another in preparing any legal document, if ~~such~~ the attorney is not, directly or indirectly, in the employ of ~~such~~ the person or of any person, firm, or corporation represented by ~~such~~ the person; ~~and shall not prohibit~~

(8) any licensed attorney at law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or wherein it is interested personally or in a representative capacity, except wills or testamentary dispositions or instruments of trust serving purposes similar to those of a will, but any charge made for the legal work connected with preparing and drawing ~~such~~ the document shall not exceed the amount paid to and received and retained by ~~such~~ the attorney, and ~~such~~ the attorney shall not, directly or indirectly, rebate the ~~same~~ fee to or divide the ~~same~~ fee with ~~such~~ the ~~corporations~~ corporation; ~~and shall not prohibit~~

(9) any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions or any other conveyances except testamentary dispositions and instruments of trust; ~~and shall not prohibit~~

(10) a licensed attorney at law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom he is employed and by whom no compensation is, directly or indirectly, received for ~~such~~ the services; ~~and shall not prohibit~~

(11) any person or corporation engaged in the business of making collections from engaging or turning over to an attorney at law for the purpose

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of instituting and conducting suit or making proof of claim of a creditor in any case in which the attorney at law receives the entire compensation for ~~such the~~ work: ~~and shall not prohibit~~

(12) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers thereto, made by a licensed attorney at law, if no ~~such answer be~~ is accompanied or at any time preceded or followed by any charge for ~~such answer~~ it, any disclosure of any name of the maker of any answer, any recommendation of or reference to any one to furnish legal advice or services, or by any legal advice or service for ~~such the~~ periodical or any one connected with it or suggested by it, directly or indirectly;

(13) any authorized management agent of an owner of rental property used for residential purposes, whether the management agent is a natural person, corporation, partnership, limited partnership, or any other business entity, from commencing, maintaining, conducting, or defending in its own behalf any action in any court in this state to recover or retain possession of the property, except that the provision of this clause does not authorize a person who is not a licensed attorney at law to conduct a jury trial or to appear before a district court or the supreme court pursuant to an appeal; and

(14) any person from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any county or municipal court of this state pursuant to the provisions of section 566.175 or sections 566.18 to 566.33 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any county or municipal court of this state for the recovery of rental property used for residential purposes pursuant to the provisions of sections 566.02 or 566.03, subdivision 1, except that the provision of this clause does not authorize a person who is not a licensed attorney at law to conduct a jury trial or to appear before a district court or the supreme court pursuant to an appeal, and provided that, except for a nonprofit corporation, a person who is not a licensed attorney at law shall not charge or collect a separate fee for services rendered pursuant to this clause.

Sec. 2. [504.28] TERMINATION OF LEASE UPON DEATH OF LESSEE.

Subdivision 1. TERMINATION OF LEASE. Any party to a lease of residential premises other than a lease at will may terminate the lease prior to its expiration date in the manner provided in subdivision 2 upon the death of the lessee or, if there is more than one lessee, upon the death of all lessees.

Subd. 2. NOTICE. Either the lessor or the personal representative of the lessee's estate may terminate the lease upon at least two months' written notice, to be effective on the last day of a calendar month, and hand delivered

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or mailed by postage prepaid, first class United States mail, to the address of the other party. The lessor may comply with the notice requirement of this subdivision by delivering or mailing the notice to the premises formerly occupied by the lessee. The termination of a lease under this section shall not relieve the lessee's estate from liability either for the payment of rent or other sums owed prior to or during the notice period, or for the payment of amounts necessary to restore the premises to their condition at the commencement of the tenancy, ordinary wear and tear excepted.

Subd. 3. WAIVER PROHIBITED. Any attempted waiver by a lessor and lessee or lessee's personal representative, by contract or otherwise, of the right of termination provided by this section, and any lease provision or agreement requiring a longer notice period than that provided by this section, shall be void and unenforceable; provided, however, that the lessor and lessee or lessee's personal representative may agree to otherwise modify the specific provisions of this section.

Subd. 4. APPLICABILITY. The provisions of this section shall apply to leases entered into or renewed after the effective date of this section.

Sec. 3. Minnesota Statutes 1980, Section 566.05, is amended to read:

566.05 COMPLAINT AND SUMMONS.

The person complaining shall file a complaint with a justice of the peace the court, describing the premises of which possession is claimed, stating the facts which authorize the recovery, and praying for restitution thereof. The justice court shall thereupon issue a summons, commanding the person against whom such the complaint is made to appear before him the court on a day and at a place stated in such the summons named, which. The appearance shall not be not less than three seven, nor more than ten 14, days from the day of issuing the same summons. A copy of the complaint shall be attached to the summons, which shall state that it is so the copy is attached, and that the original has been filed.

Sec. 4. Minnesota Statutes 1980, Section 566.06, is amended to read:

566.06 SUMMONS; HOW SERVED.

The summons shall be served at least three seven days before the return day thereof by delivering a copy to the person against whom it is issued or if such person be a corporation, a minor under 14 years of age or a person under guardianship, by delivering a copy as provided in the case of a in the manner provided for service of a summons in a civil action in the district court; but, in case such If the person cannot be found in the county, the summons may be served on him at least six seven days before the its return day thereof, by leaving a copy thereof at his last usual place of abode with a member of his family, or a person of suitable age and discretion residing at such place there.

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or if he had no place of abode, by leaving a copy thereof upon the premises described in the complaint with a person of suitable age and discretion occupying the same or any part thereof. The summons may be served by the ~~sheriff or any constable of the county, by an agent or attorney of any named party to the action, or by any other person not named a party to the action.~~ In case If the defendant cannot be found in the county, of which the return of the sheriff or constable, shall be prima facie proof, and further that there is no person actually ~~occupying~~ occupies the premises described in the complaint, then upon the filing of an affidavit by of the plaintiff, or his attorney, in the court in which the action is brought stating that he believes (1) the defendant is not in this state, or cannot be found therein or on belief that the defendant is not in this state, and either that he has mailed (2) a copy of the summons has been mailed to the defendant at his last known address, or that such address is not if any is known to him the plaintiff, service of the summons may be made upon such the defendant by posting the summons in a conspicuous place on the premises for not less than one week and. If upon the return day the defendant, or his attorney, does not appear in court upon the return day in the action then, the trial thereof shall proceed.

Sec. 5. Minnesota Statutes 1980, Section 566.09, is amended to read:
566.09 JUDGMENT; FINE; EXECUTION.

If, upon the trial, the justice court or jury find finds for the plaintiff, the justice court shall immediately thereupon enter judgment that the plaintiff have restitution of the premises, and tax the costs for him. The justice court shall issue execution in favor of the plaintiff for such the costs, and also immediately issue a writ of restitution. No stay of the writ of restitution may be granted except upon a showing by the defendant that the restitution would work a substantial hardship upon the defendant. Upon a proper showing by the defendant of substantial hardship, the justice may stay the writ of restitution for a reasonable period not to exceed seven days, except that no stay of the writ of restitution shall extend later than three days prior to the date the rent is next due Upon a showing by the defendant that immediate restitution of the premises would work a substantial hardship upon him or his family, the court shall stay the writ of restitution for a reasonable period, not to exceed seven days. If the justice court or jury shall find finds for the defendant, he the court shall enter judgment for the defendant, tax the costs against the plaintiff, and issue execution therefor.

Sec. 6. INSTRUCTIONS TO REVISOR.

The revisor of statutes shall change the term "justice" or "justice of the peace" to "court" or another appropriate term wherever it appears in chapter 566.

Sec. 7. EFFECTIVE DATE.

This act shall be effective the day following its final enactment.

Approved May 11, 1981

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