

offer to renew the policy. No change in a surcharge plan may be applied retroactively.

**Subd. 5. LIMITATION ON CHARGEABLE TRAFFIC VIOLATIONS.** No traffic violation is chargeable to a driver unless the driver is convicted of, or forfeits bail for, the offense, or the driver's license is revoked pursuant to section 169.123. If a surcharge is applied because bail is forfeited and if the driver is later acquitted of the offense, the insurer shall rebate the surcharge.

**Subd. 6. PENALTY.** Failure to comply with this section constitutes a violation of section 70A.04 and is subject to the penalties prescribed in section 70A.21.

**Subd. 7. COMMISSIONER MAY PROMULGATE RULES.** The commissioner may promulgate rules reasonably necessary to carry out and make effective this section.

Approved March 22, 1982

#### CHAPTER 542 — H.F.No. 788

*An act relating to courts; conciliation courts; authorizing actions to recover amounts lost due to worthless checks in the county of issuance and where the plaintiff resides; revising various time limits; amending Minnesota Statutes 1980, Section 487.30, by adding a subdivision; 488A.12, Subdivision 3; 488A.14, Subdivision 4; 488A.16, Subdivisions 2, 5, and 6; 488A.17, Subdivisions 2 and 3; 488A.29, Subdivision 3; 488A.31, Subdivision 4; 488A.33, Subdivision 2; 488A.34, Subdivision 12; and Minnesota Statutes 1981 Supplement, Section 488A.34, Subdivision 2.*

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

Section 1. Minnesota Statutes 1980, Section 487.30, is amended by adding a subdivision to read:

**Subd. 4. JURISDICTION; WORTHLESS CHECKS.** The conciliation court has jurisdiction to determine a civil action commenced by a plaintiff, resident of the county, to recover the amount of a worthless check issued in the county within the meaning of section 609.535, notwithstanding that the defendant or defendants are not residents of the county provided that the notice of nonpayment or dishonor required by section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check or other order of payment of money may commence a conciliation court action in the county where the worthless check was issued to recover the amount of the check. This subdivision does not apply to a check or

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other order for payment of money that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The conciliation court clerk shall attach a copy of the dishonored check or other order for payment of money to the summons before it is issued.

Sec. 2. Minnesota Statutes 1980, Section 488A.12, Subdivision 3, is amended to read:

Subd. 3. **JURISDICTION.** (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1000. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of clause (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of clause (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff, a resident of Hennepin county, to recover the amount of a worthless check issued in the county within the meaning of section 609.535, notwithstanding that the defendant or defendants are not residents of Hennepin county provided that the notice of nonpayment or dishonor required by section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check or other order of payment of money may commence a conciliation court action in the county where the worthless check was issued to recover the amount of the check. This clause does not apply to a check or other order for payment of money that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check or other order for payment of money to the summons before it is issued.

Sec. 3. Minnesota Statutes 1980, Section 488A.14, Subdivision 4, is amended to read:

Subd. 4. **HEARING, DATE; SUMMONS.** When an action has been properly commenced, the clerk shall set a date for court hearing and advise the plaintiff of the date set. The clerk shall promptly summon the defendant by mail

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or by personal service in the manner ~~then~~ provided for personal service of a summons of ~~said~~ the municipal court. The summons shall state the amount and nature of the claim; ~~shall~~, require the defendant to appear at the hearing; ~~shall~~, specify that if he does not appear judgment by default will be entered against him for the relief demanded and ~~shall~~ summarize the requirements for filing a counterclaim. Unless otherwise ordered by a judge, the hearing date shall be not less than ~~ten~~ 15 days from the date of mailing or service of the summons.

Sec. 4. Minnesota Statutes 1980, Section 488A.16, Subdivision 2, is amended to read:

Subd. 2. **ENTRY OF JUDGMENT.** The clerk shall enter judgment forthwith as ordered by the court, dating the judgment entry the same date as notice is mailed to the parties. Unless: (1) otherwise ordered by a judge, (2) payment has been made in full, (3) removal to municipal court has been perfected or (4) an order vacating the prior order has been filed, the judgment so entered by the clerk becomes finally effective ~~ten~~ 20 days after the mailing of notice.

Sec. 5. Minnesota Statutes 1980, Section 488A.16, Subdivision 5, is amended to read:

Subd. 5. **VACATION OF ORDER FOR JUDGMENT WITHIN TEN TWENTY DAYS.** When a default judgment or a judgment of dismissal on the merits has been ordered for failure to appear, the judge, within ~~ten~~ 20 days after notice thereof was mailed, may vacate the order for judgment ex parte and grant a new hearing, if the defaulting party shows lack of notice, mistake, inadvertence, or excusable neglect as the cause of his failure to appear. Absolute or conditional costs not exceeding \$25 to the other party may be ordered as a prerequisite to that relief. The clerk shall notify the other party by mail of the new hearing date.

Sec. 6. Minnesota Statutes 1980, Section 488A.16, Subdivision 6, is amended to read:

Subd. 6. **VACATION OF JUDGMENT AFTER TEN TWENTY DAYS.** When a defendant shows that he did not receive a summons before the hearing within sufficient time to permit a defense and that he did not receive notice of the order for default judgment within sufficient time to permit him to make application for relief within ~~ten~~ 20 days or shows other good cause within six months from the date of entry of judgment, a judge may vacate a default judgment with or without payment of absolute or conditional costs. The clerk shall notify the parties by mail of the new hearing date.

Sec. 7. Minnesota Statutes 1980, Section 488A.17, Subdivision 2, is amended to read:

Subd. 2. **PROCEDURE FOR REMOVAL OF CAUSE.** No cause shall be so removed ~~unless all of the following acts are performed~~ by the aggrieved

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party unless all of the following acts are performed within ~~ten~~ 20 days after the date the clerk mailed to him notice of the order for judgment:

(a) ~~Serve~~ Serving on the opposing party or his attorney a demand for removal of the cause to the municipal court for trial de novo stating whether trial by a jury of six persons or by the court without a jury is demanded. Service shall be made upon a party by mail or by personal service in accordance with the provisions for personal service of a summons in the municipal court or shall be made upon the party's attorney in accordance with the provisions for service of a notice of motion upon an attorney in the municipal court. The demand shall show the office address of the attorney for each party and the residence address of each party who does not have an attorney.

(b) ~~File~~ Filing with the clerk of conciliation court the original demand for removal and proof of service thereof. If the opposing party or his attorney cannot be found and service of the demand ~~be is~~ made within the ~~ten~~ 20 day period, the aggrieved party may file with the clerk within the ~~ten~~ 20 day period the original and a copy of the demand, together with an affidavit by himself or his attorney showing that due and diligent search has been made and that the *opposing party or his attorney cannot be found and*. *The filing of this affidavit shall serve in lieu of making service and filing proof of service.* When ~~such~~ an affidavit is filed, the clerk shall mail the copy of the demand to the opposing party at his last known residence address.

(c) ~~File~~ Filing with the clerk of conciliation court an affidavit by the aggrieved party or his attorney stating that the removal is made in good faith and not for the purpose of delay.

(d) ~~Pay~~ Paying to the clerk of conciliation court \$2 when the demand is for trial by court, plus \$5 additional or \$7 when the demand is for trial by a jury of six persons.

Sec. 8. Minnesota Statutes 1980, Section 488A.17, Subdivision 3, is amended to read:

Subd. 3. **LIMITED REMOVAL OF CAUSE, PROCEDURE.** (a) When a motion for vacation of a judgment or an order for judgment under subdivision 5 or 6 of section 488A.16 has been denied, the aggrieved party may demand limited removal to the municipal court of the county of Hennepin for hearing de novo of his motion. The demand for limited removal and notice of the hearing de novo must be served by the aggrieved party on the other party in accordance with the provisions of subdivision 2(a) of this section ~~and~~. The original demand and notice, with proof of service, must be filed with the clerk of conciliation court within ~~ten~~ 20 days after the motion has been denied, or the original and one copy of the demand and notice, together with an affidavit similar to that required by subdivision 2(b) of this section must be filed with the clerk of conciliation court within ~~said ten-day~~ the 20 day period. When ~~such~~ an affidavit

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is filed, the clerk shall ~~then~~ mail the copy of the demand and notice to the other party at his last known residence address. The aggrieved party shall pay a fee of \$2 to the clerk of conciliation court for filing the demand and notice ~~and~~. This fee shall not be recoverable as a disbursement. The notice shall set a date for hearing de novo at a special term of the municipal court not less than ten days nor more than thirty days subsequent to the date of filing the original demand and notice.

(b) The clerk of conciliation court thereupon shall pay over to the municipal court the \$2 fee and ~~shall~~ file in municipal court the removal demand and notice together with all orders, affidavits, and other papers filed in conciliation court. The clerk of municipal court shall then place the cause on the special term calendar of the municipal court for hearing on the date specified in the notice.

(c) A municipal judge, other than the conciliation judge who denied the motion, shall hear the motion de novo at special term and may deny the motion, without allowance of costs, or grant the motion, with or without the allowance of absolute or conditional costs. At the hearing de novo the municipal judge shall consider the entire file of the conciliation court together with any subsequent affidavits of showing made by either party.

(d) The clerk of municipal court shall send a copy of the order made after the de novo hearing to both parties and return the file to the clerk of conciliation court.

Sec. 9. Minnesota Statutes 1980, Section 488A.29, Subdivision 3, is amended to read:

Subd. 3. **JURISDICTION.** (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1000. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

(c) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff, resident of Ramsey county, to recover the amount of a worthless check issued in the county within the meaning of section 609.535, notwithstanding that the defendant or defendants are not residents of Ramsey county provided that the notice of nonpayment or dishonor required by section 609.535, subdivision 3, is sent to the maker or drawer as specified therein

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and the notice states that the payee or holder of the check or other order of payment of money may commence a conciliation court action in the county where the worthless check was issued to recover the amount of the check. This clause does not apply to a check or other order for the payment of money that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check or other order for payment of money to the summons before it is issued.

Sec. 10. Minnesota Statutes 1980, Section 488A.31, Subdivision 4, is amended to read:

Subd. 4. **HEARING, DATE; SUMMONS.** When an action has been commenced, the administrator shall set a date for court hearing and advise the plaintiff of the date set. *The administrator shall promptly summon the defendant by mail. The summons shall state the amount and nature of the claim; shall, require the defendant to appear at the hearing; shall, specify that if he does not appear judgment by default will be entered against him for the relief demanded and shall summarize the requirements for filing a counterclaim. Unless otherwise ordered by a judge, the hearing date shall be not less than ten 15 days from the date of mailing or service of the summons.*

Sec. 11. Minnesota Statutes 1980, Section 488A.33, Subdivision 2, is amended to read:

Subd. 2. **ENTRY OF JUDGMENT.** The administrator shall enter judgment ~~forthwith~~ as ordered by the court, dating the judgment entry the same date as notice is mailed to the parties. Unless: (1) otherwise ordered by a judge, (2) payment has been made in full, (3) removal to municipal court has been perfected or (4) an order vacating the prior order has been filed, the judgment so entered by the administrator becomes final ~~ten~~ 20 days after the mailing of notice.

Sec. 12. Minnesota Statutes 1981 Supplement, Section 488A.34, Subdivision 2, is amended to read:

Subd. 2. **PROCEDURE FOR REMOVAL OF CAUSE.** No cause shall be so removed ~~unless all the following acts are performed~~ by the aggrieved party unless all of the following acts are performed within 20 days after the date the administrator mailed ~~to~~ him notice of the order for judgment:

(a) ~~Serve~~ Serving on the opposing party or his attorney a demand for removal of the cause to the municipal court for trial de novo stating whether trial by a jury of six persons or by the court without a jury is demanded. Service shall be made upon a party by mail or by personal service in accordance with the provisions for personal service of a summons in the municipal court or shall be made upon the party's attorney in accordance with the provisions for service of a notice of motion upon an attorney in the municipal court. The demand shall

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show the office address of the attorney for each party and the residence address of each party who does not have an attorney.

(b) ~~File~~ Filing with the administrator of conciliation court the original demand for removal and proof of service thereof. If the opposing party or his attorney cannot be found and service of the demand be is made within the 20 day period, the aggrieved party may file with the administrator within the 20 day period the original and a copy of the demand, together with an affidavit by himself or his attorney showing that due and diligent search has been made and that the opposing party or his attorney cannot be found and. The filing of this affidavit shall serve in lieu of making service and filing proof of service. When such an affidavit is filed, the administrator shall mail the copy of the demand to the opposing party at his last known address.

(c) ~~File~~ Filing with the administrator of conciliation court an affidavit by the aggrieved party or his attorney stating that the removal is made in good faith and not for the purpose of delay.

(d) Pay Paying to the administrator of conciliation court the fee set by the board of Ramsey County commissioners when the demand is for trial by court, plus \$6 additional when the demand is for trial by a jury of six. The above fee is not payable by the county.

Sec. 13. Minnesota Statutes 1980, Section 488A.34, Subdivision 12, is amended to read:

Subd. 12. **LIMITED REMOVAL OF CAUSE, PROCEDURE.** (a) When a motion for vacation of a judgment or an order for judgment under section 488A.33, subdivisions 5 or 8, has been denied, the aggrieved party may demand limited removal to the municipal court for hearing de novo of his motion. The demand for limited removal and notice of the hearing de novo must be served by the aggrieved party on the other party in accordance with the provisions of subdivision 2, clause (a), and. The original demand and notice, with proof of service, must be filed with the administrator of conciliation court within ~~ten~~ 20 days after the motion has been denied, or the original and one copy of the demand and notice, together with an affidavit similar to that required by subdivision 2, clause (b), must be filed with the administrator of conciliation court within ~~said ten~~ the 20 day period. When such an affidavit is filed, the administrator shall ~~then~~ mail the copy of the demand and notice to the other party at his last known residence address. The aggrieved party shall pay a fee of \$3 to the clerk of conciliation court for filing the demand and notice and. This fee shall not be recoverable as a disbursement. The notice shall set a date for hearing de novo at a special term of the municipal court not less than ten days nor more than 30 days subsequent to the date of filing the original demand and notice.

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(b) The administrator of conciliation court thereupon shall pay over to the municipal court the \$3 fee and shall file in municipal court the removal demand and notice together with all orders, affidavits, and other papers filed in conciliation court. The administrator of municipal court shall then place the cause on the special term calendar of the municipal court for hearing on the date specified in the notice.

(c) A municipal judge, other than the conciliation judge who denied the motion, shall hear the motion de novo at special term and may deny the motion, without allowance of costs, or grant the motion, with or without the allowance of absolute or conditional costs. At the hearing de novo the municipal judge shall consider the entire file of the conciliation court together with any subsequent affidavits of showing made by either party.

(d) The administrator of municipal court shall send a copy of the order made after the de novo hearing to both parties and return the file to the administrator of conciliation court.

Approved March 22, 1982

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#### CHAPTER 543 — S.F.No. 818

*An act relating to game and fish; altering requirements for taking and possession; increasing the deer license habitat amount; prescribing requirements for carrying and use of firearms and ammunition; prescribing penalties; restricting the season on cougar; restricting the taking of bear; removing a license fee for beaver; establishing nonresident fees for bobcat, fox, coyote and Canada lynx, allowing tagging for fur bearing animals; clarifying the trout stamp requirement; permitting certain fish to be bought or sold by private hatcheries; clarifying the transportation of firearms; clarifying the use of mechanical harvesting devices for wild rice; restricting the taking of certain muskellunge in certain areas of the state; amending Minnesota Statutes 1980, Sections 84.111, by adding a subdivision; 97.48, Subdivision 24; 97.4841, Subdivision 2; 97.49, Subdivision 1a; 98.45, Subdivision 1; 98.46, Subdivisions 21 and 26; 98.47, Subdivision 7; 98.52, Subdivision 1; 99.27, Subdivision 1; 100.27, Subdivision 1; 100.29, Subdivisions 3, 5 and 9; 101.42, Subdivision 7 and by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 97.4842, Subdivision 1; 98.46, Subdivisions 4 and 14; and 98.50, Subdivision 5; repealing Minnesota Statutes 1980, Sections 98.46, Subdivision 20; and 101.42, Subdivision 10.*

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

Section 1. Minnesota Statutes 1980, Section 84.111, is amended by adding a subdivision to read:

Subd. 5. Notwithstanding the provisions of subdivisions 1 to 3, any person holding fee title to all property surrounding a body of public waters may

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