

Subd. 4. LOCATION OF PARKING FACILITY; MINNEAPOLIS.
The county of Hennepin may build not more than one off-street parking facility within the city of Minneapolis. The facility shall be located in proximity to and primarily used for the Hennepin county medical center and juvenile justice facility. The amount of bonded indebtedness to be issued for the facility shall not exceed \$11,000,000. This section shall not limit the authority of Hennepin county to build off-street parking facilities outside of the city of Minneapolis.

Sec. 4. EFFECTIVE DATE.

This act is effective when approved by resolution adopted by a majority vote of all members of the board of county commissioners of Hennepin county, on the day after compliance with Minnesota Statutes, section 645.021, subdivision 3.

Approved June 1, 1983

CHAPTER 225 — S.F.No. 280

An act relating to commerce; establishing standards and procedures for the release of financial information; establishing procedures for opening checking accounts; providing for civil liability for issuance of dishonored checks; clarifying conciliation court jurisdiction for actions on dishonored checks; requiring release of certain account information to check holders and law enforcement authorities; amending Minnesota Statutes 1982, sections 487.30, subdivision 4; 488A.12, subdivision 3; 488A.29, subdivision 3; and 609.535; proposing new law coded in Minnesota Statutes, chapters 48 and 332; proposing new law coded as Minnesota Statutes, chapter 13A; repealing Minnesota Statutes 1982, section 48.511.

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

Section 1. [13A.01] DEFINITIONS.

Subdivision 1. SCOPE. For the purpose of this chapter, the following terms have the meanings given them.

Subd. 2. FINANCIAL INSTITUTION. "Financial institution" means any office of a bank, savings bank, industrial loan company, trust company, savings and loan, building and loan, credit union, or consumer finance institution, located in the state.

Subd. 3. FINANCIAL RECORD. "Financial record" means an original of, a copy of, or information known to have been derived from, any record held by a financial institution pertaining to a customer's relationship with the financial institution.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 4. GOVERNMENT AUTHORITY. "Government authority" means any agency or department of the state or a local unit of government, or any officer, employee, or agent of it.

Subd. 5. CUSTOMER. "Customer" means any natural person or authorized representative of that person who utilized or is utilizing any service of a financial institution, or for whom a financial institution is acting or has acted as a fiduciary, in relation to an account maintained in the person's name.

Subd. 6. LAW ENFORCEMENT INQUIRY. "Law enforcement inquiry" means a lawful investigation or official proceeding inquiring into a violation of, or failure to comply with, any criminal or civil statute or any rule or order issued pursuant to it.

Sec. 2. [13A.02] ACCESS TO FINANCIAL RECORDS BY GOVERNMENT AUTHORITIES PROHIBITED.

Subdivision 1. ACCESS BY GOVERNMENT. Except as authorized by this chapter, no government authority may have access to, or obtain copies of, or the information contained in, the financial records of any customer from a financial institution unless the financial records are reasonably described and:

- (1) the customer has authorized the disclosure;
- (2) the financial records are disclosed in response to a search warrant;
- (3) the financial records are disclosed in response to a judicial or administrative subpoena; or
- (4) the financial records are disclosed pursuant to section 609.535 or other statute or rule.

Subd. 2. RELEASE PROHIBITED. No financial institution, or officer, employee, or agent of a financial institution, may provide to any government authority access to, or copies of, or the information contained in, the financial records of any customer except in accordance with the provisions of this chapter.

Nothing in this chapter shall require a financial institution to inquire or determine that those seeking disclosure have duly complied with the requirements of this chapter, provided only that the customer authorization, search warrant, subpoena, or written certification pursuant to section 609.535, subdivision 6, or other statute or rule, served on or delivered to a financial institution shows compliance on its face.

Subd. 3. NOTICE TO CUSTOMER. Within 180 days after a government authority obtains access to the financial records of a customer pursuant to a search warrant or a judicial or administrative subpoena, it shall notify the customer of its action unless a delay of notice is obtained pursuant to section 3. The notice shall be sufficient to inform the customer of the name of the government authority or government authorities having had access to the records,

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the financial records to which access was obtained, and the purpose of the law enforcement inquiry, including transfers of financial records made pursuant to subdivision 5. Notice may be given by providing the customer with a copy of the search warrant or subpoena.

Subd. 4. DUTY OF FINANCIAL INSTITUTIONS. Upon receipt of a request for financial records made by a government authority, the financial institution shall, unless otherwise provided by law, proceed to assemble the records requested within a reasonable time and be prepared to deliver the records to the government authority upon receipt of the search warrant or subpoena required under this section.

Subd. 5. USE OF INFORMATION. Financial records originally obtained pursuant to this chapter may be transferred to another government authority provided the transferred records are pertinent and necessary to the receiving authority in initiating, furthering, or completing a law enforcement inquiry.

When financial records subject to this chapter are transferred to another government authority, the transferring authority shall include the name of the receiving authority and the financial records transferred in the notice required by subdivision 3 of this section or, if the transfer occurs after the notice has been sent to the customer, the transferring authority shall, upon written request by the customer, inform the customer of the name of the government authority to which the financial records were transferred.

Subd. 6. STATUS OF RECORDS. All financial records obtained by a government authority pursuant to this section are subject to the provisions of section 13.82, subdivision 5.

Sec. 3. [13A.03] DELAYED NOTICE.

Subdivision 1. APPLICATION. Upon application of the government authority, a customer notice pursuant to section 2, subdivision 3, may be delayed by order of an appropriate court if the judge finds that:

(1) the law enforcement inquiry being conducted is within the lawful jurisdiction of the government authority seeking the financial records;

(2) there is reason to believe that the records being sought are relevant to a legitimate law enforcement inquiry; and

(3) there is reason to believe that the notice will result in (i) endangering life or physical safety of any person; (ii) flight from prosecution; (iii) destruction of or tampering with evidence; (iv) intimidation of potential witnesses; or (v) otherwise seriously jeopardizing an investigation or official proceeding or unduly delaying a trial or ongoing official proceeding.

An application for delay must be made with reasonable specificity.

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Subd. 2. ORDER. If the court makes the findings required in subdivision 1, it shall enter an ex parte order granting the requested delay for a period not to exceed 180 days and an order prohibiting the financial institution from disclosing that records have been obtained. If the court finds that there is reason to believe that the notice may endanger the life or physical safety of any person, the court may specify that the delay be indefinite.

Extensions of the delay of notice of up to 90 days each may be granted by the court upon application.

Subd. 3. NOTICE. Upon expiration of the period of delay of notification under this section, the customer shall be served with a copy of the notice required by section 2, subdivision 3.

Sec. 4. [13A.04] EXCEPTIONS.

Subdivision 1. STATUTORY VIOLATIONS. Nothing in this chapter precludes any financial institution, or any officer, employee, or agent of a financial institution, from notifying a government authority that the institution, or officer, employee, or agent has information which may be relevant to a possible violation of any statute or rule and providing access to financial records relevant to the possible violation.

Subd. 2. RELEASE INCIDENT TO ANOTHER PROCEEDING. Nothing in this chapter precludes a financial institution, as an incident to perfecting a security interest, proving a claim in bankruptcy, or otherwise collecting on a debt owing either to the financial institution itself or in its role as a fiduciary, from providing copies of any financial record to any court or government authority.

Subd. 3. GOVERNMENT ASSISTANCE PROGRAMS. Nothing in this chapter precludes a financial institution, as an incident to processing an application for assistance to a customer in the form of a government loan, loan guaranty, or loan insurance agreement, or as an incident to processing a default on, or administering a government guaranteed or insured loan, from providing access to an appropriate government authority with any financial record necessary to permit the authority to carry out its responsibilities under a loan, loan guaranty, or loan insurance agreement.

Whenever a customer applies for participation in a government loan, loan guaranty, or loan insurance program, the government authority administering the program shall give the customer written notice of the authority's access rights under this subdivision. No further notification shall be required for subsequent access by that authority during the term of the loan, loan guaranty, or loan insurance agreement.

Financial records obtained pursuant to this subdivision may be used only for the purpose for which they were originally obtained.

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Subd. 4. OTHER EXCEPTIONS. Nothing in this chapter:

(a) prohibits the disclosure of any financial records or information which is not identified with or identifiable as being derived from the financial records of a particular customer;

(b) prohibits examination by or disclosure to the commissioner of banks of financial records or information in the exercise of his supervisory, regulatory, or monetary functions with respect to a financial institution;

(c) shall apply when financial records are sought by a government authority under the rules of civil or criminal procedure in connection with litigation to which the government authority and the customer are parties;

(d) shall apply when financial records are sought by a government authority in connection with a lawful proceeding, investigation, examination, or inspection directed at the financial institution in possession of the records or at a legal entity which is not a customer;

(e) shall apply to any subpoena or court order issued in connection with proceedings before a grand jury;

(f) shall apply to subpoenas issued in civil cases pursuant to the rules of civil procedure; or

(g) shall apply when a government authority is seeking only the name, address, account number, and type of account of any customer or ascertainable group of customers associated with a financial transaction or class of financial transaction.

Sec. 5. [48.512] PROCEDURES FOR OPENING CHECKING ACCOUNTS.

Subdivision 1. DEFINITIONS. For the purpose of this section the following terms have the meanings given:

(a) "Financial intermediary" means any person doing business in this state who offers transaction accounts to the public.

(b) "Transaction account" means a deposit or account established and maintained by a natural person or persons under an individual or business name for personal, household, or business purposes, on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instruments, payment orders of withdrawal, or other similar device for the purpose of making payments or transfers to third persons or others, including demand deposits or accounts subject to check, draft, negotiable order of withdrawal, share draft, or other similar item. A transaction account does not include the deposit or account of a partnership having more than three partners, the personal representative of an estate, the trustee of a trust or a limited partnership.

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Subd. 2. REQUIRED INFORMATION. Before opening or authorizing signatory power over a transaction account, a financial intermediary shall require one applicant to provide the following information on an application document signed by the applicant:

- (a) full name;
- (b) birth date;
- (c) address of residence;
- (d) address of current employment, if employed;
- (e) telephone numbers of residence and place of employment, if any;
- (f) social security number;

(g) driver's license or identification card number issued pursuant to section 171.07. If the applicant does not have a driver's license or identification card, the applicant may provide an identification document number issued for identification purposes by any state, federal, or foreign government if the document includes the applicant's photograph, full name, birth date, and signature;

(h) whether the applicant has had a transaction account at the same or another financial intermediary within 12 months immediately preceding the application, and, if so, the name of the financial intermediary;

(i) whether the applicant has had a transaction account closed by a financial intermediary without the applicant's consent within 12 months immediately preceding the application, and, if so, the reason the account was closed; and

(j) whether the applicant has been convicted of a criminal offense because of the use of a check or other similar item within 24 months immediately preceding the application.

A financial intermediary may require an applicant to disclose additional information.

An applicant who makes a false material statement that he does not believe to be true in an application document with respect to information required to be provided by this subdivision is guilty of perjury. The financial intermediary shall notify the applicant of the provisions of this paragraph.

Subd. 3. CONFIRM NO INVOLUNTARY CLOSING. Before opening or authorizing signatory power over a transaction account, the financial intermediary shall attempt to verify the information disclosed for subdivision 2, clause (i). The financial intermediary may not open or authorize signatory power over a transaction account if (i) the applicant had a transaction account closed by a financial intermediary without his consent because of his issuance of dishonored checks within 12 months immediately preceding the application, or (ii) the

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applicant has been convicted of a criminal offense because of the use of a check or other similar item within 24 months immediately preceding the application.

If the transaction account is refused, the reasons for the refusal shall be given to the applicant in writing.

Subd. 4. IDENTIFICATION IS REQUIRED. A financial intermediary shall not open or authorize signatory power over a transaction account if none of the applicants provides a driver's license, identification card, or identification document as required by subdivision 2. When a minor is the applicant and the minor does not have a driver's license or identification card issued pursuant to section 171.07, the identification requirements of subdivision 2, clause (g), and this subdivision are satisfied if the minor's parent or guardian provides identification of his own that meets the identification requirement. The financial intermediary may waive the identification requirement if the applicant has had another type of account with the financial intermediary for at least one year immediately preceding the time of application.

Subd. 5. NO LIABILITY. The requirements of this section do not impose any liability on financial intermediaries offering transaction accounts or, except as provided in subdivisions 3 and 4, limit a financial intermediary's discretion as to whether to grant or deny an application subject to this section.

WORTHLESS CHECK COLLECTIONS

Sec. 6. [332.50] CIVIL LIABILITY FOR ISSUANCE OF WORTHLESS CHECK.

Subdivision 1. DEFINITIONS. "Check" means a check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument.

"Credit" means an arrangement or understanding with the drawee for the payment of the check.

Subd. 2. ACTS CONSTITUTING. Whoever issues any check that is dishonored and is not paid within 30 days after mailing a notice of dishonor and a copy of sections 6 and 609.535 in compliance with subdivision 3, is liable to the holder for the amount of the check plus a civil penalty of up to \$100, interest at the rate payable on judgments pursuant to section 549.09 on the face amount of the check from the date of dishonor, reasonable attorney fees if the amount of the check is over \$1,250, and a service charge not exceeding \$15 if written notice of the service charge was conspicuously displayed on the premises when the check was issued.

This subdivision prevails over any provision of law limiting, prohibiting, or otherwise regulating service charges authorized by this subdivision.

Subd. 3. NOTICE OF DISHONOR REQUIRED. Notice of nonpayment or dishonor and a copy of sections 6 and 609.535 shall be sent by the payee

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or holder of the check to the drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed or written on the check. The issuance of a check with an address printed or written on it is a representation by the drawer that the address is the correct address for receipt of mail concerning the check. Failure of the drawer to receive a regular or certified mail notice sent to that address is not a defense to liability under this section, if the drawer has had actual notice for 30 days that the check has been dishonored.

An affidavit of service by mailing shall be retained by the payee or holder of the check.

Subd. 4. PROOF OF IDENTITY. The check is prima facie evidence of the identity of the drawer if the person receiving the check:

(a) records the following information about the drawer on the check, unless it is printed on the face of the check:

(1) name;

(2) home or work address;

(3) home or work telephone number; and

(4) identification number issued pursuant to section 171.07;

(b) compares the drawer's physical appearance, signature, and the personal information recorded on the check with the drawer's identification card issued pursuant to section 171.07; and

(c) initials the check to indicate compliance with these requirements.

Subd. 5. DEFENSES. Any defense otherwise available to the drawer also applies to liability under this section.

Sec. 7. Minnesota Statutes 1982, section 487.30, subdivision 4, is amended to read:

Subd. 4. JURISDICTION; WORTHLESS DISHONORED 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 dishonored check issued in the county ~~within the meaning of section 609.535, notwithstanding that even though~~ the defendant or defendants are not residents of the county ~~provided that, if~~ the notice of nonpayment or dishonor required by described in 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 dishonored check was issued to recover the amount of the check. This subdivision does not apply to a check ~~or other order for payment of money~~ that has been dishonored by a stop payment order.

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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. 8. Minnesota Statutes 1982, 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 \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of ~~clause paragraph~~ (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 paragraph~~ (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~~ dishonored check issued in the county ~~within the meaning of section 609.535, notwithstanding that even though~~ the defendant or defendants are not residents of Hennepin county ~~provided that, if~~ the notice of nonpayment or dishonor ~~required by described in~~ 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~~ dishonored 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. 9. Minnesota Statutes 1982, 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

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\$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of ~~elause~~ paragraph (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 ~~elause~~ paragraph (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~~ dishonored check issued in the county ~~within~~ the meaning of section 609.535, notwithstanding that even though the defendant or defendants are not residents of Ramsey county ~~provided that, if~~ the notice of nonpayment or dishonor ~~required by~~ described in 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~~ dishonored 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 1982, section 609.535, is amended to read:

609.535 ISSUANCE OF WORTHLESS DISHONORED CHECKS.

Subdivision 1. **DEFINITION DEFINITIONS.** For the purpose of this section, the following terms have the meanings given them.

(a) "Check" means a check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument.

(b) "Credit" means an arrangement or understanding with the drawee for the payment of the a check or other order for the payment of money to which this section applies.

Subd. 2. **ACTS CONSTITUTING.** Whoever issues any a check or other order for the payment of money which, at the time of issuance, he intends shall not be paid, is guilty of a misdemeanor. In addition, restitution may be ordered by the court.

Subd. 3. **PROOF OF INTENT.** Any of the following is evidence sufficient to sustain a finding that the person at the time he issued the check ~~or other order for the payment of money,~~ intended it should not be paid:

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(1) Proof that, at the time of issuance, he did not have an account with the drawee; ~~or~~

(2) Proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee and that he failed to pay the check ~~or other order~~ within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or

(3) Proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that he failed to pay the check ~~or other order~~ within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision.

Notice of nonpayment or dishonor and a copy of this section shall be sent by the payee or holder of the check to the maker or drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed on the check. Refusal by the maker or drawer of the check to accept certified mail notice or failure to claim certified or regular mail notice ~~shall~~ is not constitute a defense that notice was not received.

The notice may state that unless the check is paid in full within five business days after mailing of the notice of ~~non-payment~~ nonpayment or dishonor, the payee or holder of the check ~~or other order for the payment of money~~ will or may refer the matter to proper authorities for prosecution under this section.

An affidavit of service by mailing shall be retained by the payee or holder of the check.

Subd. 4. **PROOF OF LACK OF FUNDS OR CREDIT.** If the check ~~or other order for the payment of money~~ has been protested, the notice of protest ~~thereof~~ is admissible as proof of presentation, nonpayment, and protest, and is evidence sufficient to sustain a finding that there was a lack of funds or credit with the drawee.

Subd. 5. **EXCEPTIONS.** This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check or a check issued to a fund for employee benefits.

Subd. 6. **RELEASE OF ACCOUNT INFORMATION TO LAW ENFORCEMENT AUTHORITIES.** A drawee shall ~~not be liable in a civil or criminal proceeding for releasing~~ release the information specified below to any state, county, or local law enforcement or prosecuting authority which ~~first~~ certifies in writing that it is investigating or prosecuting a complaint against the drawer under this section or section 609.52, subdivision 2, clause (3)(a), and that 15 days have elapsed since the mailing of the notice of dishonor required by ~~subdivision~~ subdivisions 3 and 8. This subdivision applies to the following information relating to the drawer's account:

(1) Documents relating to the opening of the account by the drawer;

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(2) Correspondence between the drawer and the drawee relating to the status of the account Notices regarding nonsufficient funds, overdrafts, and the dishonor of any check drawn on the account within a period of six months of the date of request;

(3) Periodic statements mailed to the drawer by the drawee for the periods immediately prior to, during, and subsequent to the issuance of any check or other order for the payment of money which is the subject of the investigation or prosecution; or

(4) The last known home and business addresses and telephone numbers of the drawer.

The drawee shall release all of the information described in clauses (1) to (4) that it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee may impose a reasonable fee for the cost for furnishing this information to law enforcement or prosecuting authorities, not to exceed 15 cents per page.

A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision.

Subd. 7. RELEASE OF ACCOUNT INFORMATION TO PAYEE OR HOLDER. If there is a written request to a drawee from a payee or holder of a check or other order for the payment of money that has been dishonored other than by a stop payment order, which request is accompanied by a copy of the dishonored check or other order for payment of money, the A drawee is not liable in a civil or criminal proceeding for releasing shall release the information specified in clauses (1) and (2) to the payee or holder any of a check that has been dishonored who makes a written request for this information and states in writing that the check has been dishonored and that 30 days have elapsed since the mailing of the notice described in subdivision 8 and who accompanies this request with a copy of the dishonored check and a copy of the notice of dishonor.

The requesting payee or holder shall notify the drawee immediately to cancel this request if payment is made before the drawee has released this information.

This subdivision applies to the following information relating to the drawer's account:

(1) Whether at the time the check or other order for payment of money was issued or presented for payment the drawer had sufficient funds or credit with the drawee, and whether at that time the account was open, closed, or restricted for any reason and the date it was closed or restricted; and

(2) The last known home and business addresses address and telephone numbers number of the drawer. A drawee may be liable in a civil or criminal

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proceeding for releasing the business address or business telephone number of the drawer to the payee or holder.

The drawee shall release all of the information described in clauses (1) and (2) that it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee may require the person requesting the information to pay the reasonable costs, not to exceed 15 cents per page, of reproducing and mailing the requested information.

A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision.

Subd. 8. **NOTICE.** The provisions of subdivisions 6 and 7 are not applicable unless the notice to the maker or drawer required by subdivision 3 states that if the check or other order for the payment of money is not paid in full within five business days after mailing of the notice, the drawee may will be authorized to release information relating to the account to the payee or holder of the check or other order for the payment of money and may also release this information to law enforcement or prosecuting authorities.

Sec. 11. **REPEALER.**

Minnesota Statutes 1982, section 48.511, is repealed.

Sec. 12. **EFFECTIVE DATE.**

Sections 1 to 4 are effective January 1, 1984. Sections 5 to 11 are effective August 1, 1983.

Approved June 1, 1983

CHAPTER 226 — S.F.No. 297

An act relating to criminal justice; authorizing peace officers to make arrests based on probable cause in cases of domestic assault; requiring peace officers to notify victims of domestic assault of the legal remedies available; requiring written reports of alleged domestic violence incidents; requiring peace officer training; requiring service of certain orders for protection upon arrested persons; amending Minnesota Statutes 1982, sections 629.341; 629.72, by adding a subdivision; and Laws 1983, chapter 52, by adding a section.

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

Section 1. Minnesota Statutes 1982, section 629.341, is amended to read:

Subdivision 1. **ARREST.** Notwithstanding the provisions of section 629.34 or any other law or rule to the contrary, a peace officer may arrest without a warrant a person anywhere, including at his place of residence if the

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