

CHAPTER 330—S.F.No. 5

An act relating to liquor; increasing the age for licensing, consumption, furnishing, purchasing, or possessing liquor or entering a licensed establishment; requiring information on alcohol and driving; providing that 25 percent of drivers license reinstatement fee is credited to the alcohol impaired driver education account; providing that records of liquor-related convictions of 18, 19, and 20-year-olds are confidential; providing that local governments may not presume intent to consume liquor; providing that persons under 21 may enter liquor establishments for certain purposes; prohibiting certain on-campus events sponsored by manufacturers, wholesalers, and retailers of alcoholic beverages; providing that persons born on or before September 1, 1967, are treated as 21-year-olds for purposes of the liquor laws; appropriating money; amending Minnesota Statutes 1984, sections 171.06, subdivision 3; and 171.13, by adding a subdivision; and Minnesota Statutes 1985 Supplement, sections 171.29, subdivision 2; 340A.301, subdivision 2; 340A.402; 340A.503; and 340A.507, by adding a subdivision.

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

Section 1. Minnesota Statutes 1984, section 171.06, subdivision 3, is amended to read:

Subd. 3. **CONTENTS OF APPLICATION.** Every application shall state the full name, date of birth, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and shall state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and his ability to operate a motor vehicle with safety as may be required by the commissioner. The application form shall contain a notification to the applicant of the availability of the donor document provided pursuant to section 171.07, subdivision 5, and shall contain spaces where the applicant must indicate a desire to receive or not to receive the donor document. The application shall be in the form prepared by the commissioner.

The application form must be accompanied by a pamphlet containing relevant facts relating to:

- (1) the effect of alcohol on driving ability;
- (2) the effect of mixing alcohol with drugs;
- (3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and
- (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

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

Sec. 2. Minnesota Statutes 1984, section 171.13, is amended by adding a subdivision to read:

Subd. 1b. DRIVER'S MANUAL. The commissioner shall include in each edition of the driver's manual published by the department a chapter relating to the effect of alcohol consumption on highway safety and on the ability of drivers to safely operate motor vehicles and a summary of the laws of Minnesota on operating a motor vehicle while under the influence of alcohol or a controlled substance.

Sec. 3. Minnesota Statutes 1985 Supplement, section 171.29, subdivision 2, is amended to read:

Subd. 2. (a) A person whose drivers license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before his drivers license is reinstated.

(b) A person whose drivers license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a \$150 fee before his or her drivers license is reinstated; to be credited as follows:

(1) 50 percent of this fee shall be credited to the trunk highway fund and 50;

(2) 25 percent shall be credited to a separate account to be known as the county probation reimbursement account. Money in this account is appropriated to the commissioner of corrections for the costs that counties assume under Laws 1959, chapter 698, of providing probation and parole services to wards of the commissioner of corrections. This money is provided in addition to any money which the counties currently receive under section 260.311, subdivision 5; and

(3) 25 percent shall be credited to a separate account to be known as the alcohol impaired driver education account. Money in the account is appropriated to the commissioner of education for grants to develop alcohol impaired driver education programs in elementary, secondary, and post-secondary schools. The state board of education shall establish guidelines for the distribution of the grants. The commissioner of education shall report to the legislature by January 15, 1988, on the expenditure of grant funds under this clause.

Sec. 4. Minnesota Statutes 1985 Supplement, section 340A.301, subdivision 2, is amended to read:

Subd. 2. **PERSONS ELIGIBLE.** Licenses under this section may be issued only to a person who:

- (1) is a citizen of the United States or a resident alien;
- (2) is of good moral character and repute;
- (3) is ~~19~~ 21 years of age or older;

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(4) has not had a license issued under this chapter revoked within five years of the date of license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; and

(5) has not been convicted within five years of the date of license application of a felony, or of a willful violation of a federal or state law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of alcoholic beverages.

Sec. 5. Minnesota Statutes 1985 Supplement, section 340A.402, is amended to read:

340A.402 PERSONS ELIGIBLE.

No retail license may be issued to:

- (1) a person not a citizen of the United States or a resident alien;
- (2) a person under ~~19~~ 21 years of age;
- (3) a person who within five years of the license application has been convicted of a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution, of intoxicating or nonintoxicating malt liquors;
- (4) a person who has had an intoxicating liquor or nonintoxicating liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; or
- (5) a person not of good moral character and repute.

Sec. 6. Minnesota Statutes 1985 Supplement, section 340A.503, is amended to read:

340A.503 PERSONS UNDER ~~19~~ 21; ILLEGAL ACTS.

Subdivision 1. **CONSUMPTION.** It is unlawful for any:

- (1) retail intoxicating liquor or nonintoxicating liquor licensee or bottle club permit holder under section 340A.414, to permit any person under the age of ~~19~~ 21 years to consume alcoholic beverages on the licensed premises; or
- (2) person under the age of ~~19~~ 21 years to consume any alcoholic beverages

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unless in the household of the person's parent or guardian and with the consent of the parent or guardian.

Subd. 2. **PURCHASING.** It is unlawful for any person:

(1) to sell, barter, furnish, or give alcoholic beverages to a person under ~~19~~ 21 years of age, except that a parent or guardian of a person under the age of ~~19~~ 21 years may give or furnish alcoholic beverages to that person solely for consumption in the household of the parent or guardian;

(2) under the age of ~~19~~ 21 years to purchase or attempt to purchase any alcoholic beverage; or

(3) to induce a person under the age of ~~19~~ 21 years to purchase or procure any alcoholic beverage.

Subd. 3. **POSSESSION.** It is unlawful for a person under the age of ~~19~~ 21 years to possess any alcoholic beverage with the intent to consume it at a place other than the household of the person's parent or guardian. Possession at a place other than the household of the parent or guardian is prima facie evidence of intent to consume it at a place other than the household of the parent or guardian.

Subd. 4. **ENTERING LICENSED PREMISES.** (a) It is unlawful for a person under the age of ~~19~~ 21 years to enter an establishment licensed for the sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing or having served or delivered any alcoholic beverage.

(b) Notwithstanding section 340A.509, no ordinance enacted by a statutory or home rule charter city may prohibit a person 18, 19, or 20 years old from entering an establishment licensed under this chapter to:

(1) perform work for the establishment, including the serving of alcoholic beverages, unless otherwise prohibited by section 340A.412, subdivision 10;

(2) consume meals; and

(3) attend social functions that are held in a portion of the establishment where liquor is not sold.

Subd. 5. **MISREPRESENTATION OF AGE.** It is unlawful for a person under the age of ~~19~~ 21 years to misrepresent his or her age for the purpose of purchasing alcoholic beverages.

Subd. 6. **PROOF OF AGE.** Proof of age for purchasing or consuming alcoholic beverages may be established only by a valid drivers license or Minnesota identification card, or in the case of a foreign national, by a valid passport.

Subd. 7. RECORD OF VIOLATION. If a person who is 18, 19, or 20 years old is convicted of a violation under this section, none of the records of the

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court, including legal records, shall be open to public inspection or their contents disclosed except by order of the court.

Sec. 7. Minnesota Statutes 1985 Supplement, section 340A.507, is amended by adding a subdivision to read:

Subd. 4. CAMPUS CONTESTS RESTRICTED. No manufacturer, wholesaler, or retailer of alcoholic beverages, whether holding a license in Minnesota or not, may conduct, sponsor, or contribute financially to events or activities that are held on the campuses or other property of a post-secondary institution of learning, and involve the consumption or sale of alcoholic beverages. This subdivision does not affect on-campus, licensed retailers of alcoholic beverages.

Sec. 8. CERTAIN PERSONS EXCEPTED.

A person who was born on or before September 1, 1967, may continue to purchase and consume alcoholic beverages and shall be treated for purposes of Minnesota Statutes, chapter 340A, as a person who is 21 years old.

Sec. 9. EFFECTIVE DATE.

Sections 1, 2, and 4 to 8 are effective September 1, 1986. Section 3 is effective July 1, 1987.

Approved March 17, 1986

CHAPTER 331—H.F.No. 2317

An act relating to corporations; providing for the resignation of registered agents of foreign corporations; amending Minnesota Statutes 1984, section 303.10, by adding a subdivision.

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

Section 1. Minnesota Statutes 1984, section 303.10, is amended by adding a subdivision to read:

Subd. 3. RESIGNATION OF AGENT. A registered agent of a foreign corporation may resign by filing with the secretary of state a signed written notice of resignation, including a statement that a signed copy of the notice has been given or mailed to the corporation at its principal office in the state or country under the laws of which it is organized. The appointment of the agent terminates 30 days after the notice is filed with the secretary of state.

Approved March 17, 1986

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