

(a) Up to ten percent may be provided for reimbursement to board approved skills courses in proportion to the number of students successfully completing the board's skills licensing examination.

(b) Assessments related to violations described in section ~~97.49, subdivision~~ § 97A.065, subdivision 2, are appropriated to provide peace officer training for persons employed by the commissioner of natural resources who are licensed under section 626.84, subdivision 1, clause (c), and who possess peace officer authority for the purpose of enforcing game and fish laws.

(c) The balance may be used to pay each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount must be used exclusively for reimbursement of the cost of in-service training required under this chapter and chapter 214.

Approved May 15, 1987

CHAPTER 150—S.F.No. 406

An act relating to commerce; regulating the distribution and sale of motor vehicles; limiting the granting or relocating of certain franchises; specifying the circumstances to be considered; removing certain regulations on nonrenewals; amending Minnesota Statutes 1986, section 80E.14, subdivisions 1 and 2; repealing Minnesota Statutes 1986, section 80E.10.

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

Section 1. Minnesota Statutes 1986, section 80E.14, subdivision 1, is amended to read:

Subdivision 1. **NOTIFICATION; PROTEST; HEARING.** In the event that a manufacturer seeks to enter into a franchise establishing an additional new motor vehicle dealership or relocating an existing new motor vehicle dealership within or into a relevant market area where the line make is then represented, the manufacturer shall, in writing, first notify each new motor vehicle dealer in this line make in the relevant market area of the intention to establish an additional dealership or to relocate an existing dealership within or into that market area. The relevant market area is a radius of ten miles around an existing dealership. Within 15 days of receiving the notice or within 15 days after the end of any appeal procedure provided by the manufacturer, the new motor vehicle dealership may commence a civil action in a court of competent jurisdiction pursuant to section 80E.17 challenging the establishing or relocating of the new motor vehicle dealership. An action brought under this section shall be placed on the calendar ahead of other civil actions to be heard and determined as expeditiously as possible. Thereafter the manufacturer shall not estab-

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lish or relocate the proposed new motor vehicle dealership unless the court has determined that there is good cause for permitting the establishment or relocation of the motor vehicle dealership.

For the purposes of this section, the reopening in a relevant market area of a new motor vehicle dealership within two miles of a location at which a former dealership of the same line make had been in operation within the previous two years shall not be deemed the establishment of a new motor vehicle dealership if the reopening is carried out in good faith and does not violate the provisions of section 80E.13, paragraph (i).

The relocation of an existing dealer within its area of responsibility as defined in the franchise agreement shall not be subject to this section, if the proposed relocation site is within five miles of its existing location and is not within a radius of five miles of an existing dealer of the same line make.

Sec. 2. Minnesota Statutes 1986, section 80E.14, subdivision 2, is amended to read:

Subd. 2. **GOOD CAUSE.** In determining whether good cause has been established for entering into or relocating an additional franchise for the same line make, the court shall take into consideration the existing circumstances, including, but not limited to:

(a) The extent, nature, and permanency of the investment of the proposed new dealership and the existing motor vehicle dealer in the relevant market area;

(b) The effect on the retail new motor vehicle business and the consuming public in the relevant market area;

(c) Whether it is injurious to existing new motor vehicle dealers in the relevant market area and the public welfare for an additional new motor dealership to be established;

(d) Whether the new motor vehicle dealers of the same line make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicles of the line make in the market area including the adequacy of motor vehicle sales and service facilities, equipment, supply of motor vehicle parts, and qualified service personnel;

(e) Whether the new motor vehicle dealers of the same line make in the relevant market area are providing adequate market penetration and representation; provided, that good cause shall not be shown solely by a desire for further market penetration;

(f) Whether the establishment of an additional new motor vehicle dealership would increase competition, and therefore be in the public interest; ~~and~~

(g) The growth or decline in population and new car registrations in the relevant market area;

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(h) The effect the proposed new dealership would have on the provision of stable, adequate, and reliable sales and service to purchasers of the same line make in the relevant market area; and

(i) The effect the proposed new dealership would have on the stability of existing franchises of the same line make in the relevant market area.

Sec. 3. **REPEALER.**

Minnesota Statutes 1986, section 80E.10, is repealed.

Approved May 15, 1987

CHAPTER 151—S.F.No. 494

An act relating to the Duluth airport authority; providing that authority employees hired after a certain date are not covered by any civil service system.

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

Section 1. Laws 1969, chapter 577, section 5, subdivision 3, is amended to read:

Subd. 3. Notwithstanding any of the provisions of this act, the authority shall have the power, in lieu of directly operating the Duluth airports, or any part thereof, to enter into management contracts with any persons, firms or corporations for the management of said airports, or any parts thereof, for such period or periods of time, and for such purposes, and under such compensation and other terms and conditions as shall be deemed advisable and proper by the authority and such persons, firms or corporations, subject to the approval, by resolution, of the city council.

All employees of the city of Duluth who, on the effective date of this act June 20, 1969, are employed at any of the Duluth airports shall continue, after the effective date of this act June 20, 1969, to be subject to the civil service classifications of the city of Duluth, and shall continue to be subject to the provisions of the public employees retirement act, Minnesota Statutes, Chapter 353, and to the provisions of Minnesota Statutes, Sections 197.45 through 197.47; ~~provided, however, that any executive director appointed by the authority after the effective date of this act shall not be under the civil service system of the city of Duluth, but shall be subject to the provisions of the public employees retirement act, Minnesota Statutes, Chapter 353, and to the provisions of Minnesota Statutes, Sections 197.45 through 197.47.~~ No employee hired after June 20, 1969, is subject to a civil service system, but is covered by chapter 353 and sections 197.455 and 197.46.

Sec. 2. **APPLICATION TO LEGAL ACTIONS.**

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