

ARTICLE 8

Section 1. EFFECT OF CHANGES.

The legislature intends the changes in the language of the laws amended by this act to be exclusively changes in style. No change is intended to alter or shall be construed by a court or other authority to alter the meaning of a law.

If a section is amended by this act and also by another act adopted in 1989 and the amendments cannot be edited together in the next publication of Minnesota Statutes, the amendment by this act shall be without effect.

Presented to the governor May 18, 1989

Signed by the governor May 19, 1989, 11:00 p.m.

CHAPTER 198—H.F.No. 268

An act relating to commerce; clarifying legislative intent regarding unfair practices under a franchise agreement; amending Minnesota Statutes 1988, sections 80C.14, subdivision 1; and 80C.21.

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

Section 1. Minnesota Statutes 1988, section 80C.14, subdivision 1, is amended to read:

Subdivision 1. **PROHIBITION.** No person, whether by means of a term or condition of a franchise or otherwise, shall engage in any unfair or inequitable practice in contravention of such rules as the commissioner may adopt defining as to franchises the words "unfair and inequitable." For the purpose of rules defining the words "unfair and inequitable," the commissioner may specifically recognize classifications of franchises including but not limited to the classifications of motor vehicle fuel franchises, motor vehicle franchises, hardware franchises, and franchises which require that the franchisee make an initial, unfinanced investment in excess of \$200,000. A violation of this section is enjoined by a court of competent jurisdiction. Irreparable harm to the franchisee will be presumed if there is a violation of this section by a person who is required to register under section 80C.02, but who fails to do so.

A temporary injunction may be granted under this section without requiring the posting of any bond or security. A bond or security is required if a temporary restraining order is granted.

Sec. 2. Minnesota Statutes 1988, section 80C.21, is amended to read:

80C.21 WAIVERS VOID.

New language is indicated by underline, deletions by ~~strikeout~~.

Any condition, stipulation or provision, including any choice of law provision, purporting to bind any person who, at the time of acquiring a franchise is a resident of this state, or, in the case of a partnership or corporation, organized or incorporated under the laws of this state, or purporting to bind a person acquiring any franchise to be operated in this state to waive compliance or which has the effect of waiving compliance with any provision of sections 80C.01 to 80C.22 or any rule or order thereunder is void.

Sec. 3. INTENT.

Sections 1 and 2 are a restatement and clarification of the legislative intent of sections 80C.14, subdivision 1, and 80C.21, and must not be construed as a modification of existing law.

Sec. 4. EFFECTIVE DATE.

Sections 1 to 3 are effective the day following final enactment.

Presented to the governor May 18, 1989

Signed by the governor May 19, 1989, 11:05 p.m.

CHAPTER 199—S.F.No. 1502

An act relating to game and fish; regulating the time when fish houses may be on the ice; amending Minnesota Statutes 1988, section 97C.355, subdivision 7.

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

Section 1. Minnesota Statutes 1988, section 97C.355, subdivision 7, is amended to read:

Subd. 7. **DATES AND TIMES HOUSES MAY REMAIN ON ICE.** (a) After February 28, a fish house or dark house may not be on the ice between 12:00 a.m. and ~~7:00 a.m.~~ one hour before sunrise. A fish house or dark house on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by order, extend the date beyond February 28 for any part of international boundary waters. Copies of the order must be conspicuously posted on the shores of the waters as prescribed by the commissioner.

(b) A conservation officer must confiscate a fish house or dark house in violation of paragraph (a). The officer may remove, burn, or destroy the house. The officer shall seize the contents of the house and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner.

New language is indicated by underline, deletions by ~~strikeout~~.