

A term of a dealership agreement either expressed or implied that is inconsistent with the terms of sections 1 to 5 is void and unenforceable and does not waive any rights that are provided to a person by sections 1 to 5.

Sec. 5. [325E.0684] REMEDIES.

If an equipment manufacturer violates sections 1 to 5, an equipment dealer may bring an action against the manufacturer in a court of competent jurisdiction for damages sustained by the dealer as a consequence of the manufacturer's violation, together with the actual costs of the action, including reasonable attorney's fees. The dealer also may be granted injunctive relief against unlawful termination, cancellation, nonrenewal, or substantial change of competitive circumstances. The remedies in this section are in addition to any other remedies permitted by law.

Sec. 6. EFFECTIVE DATE; APPLICABILITY.

Sections 1 to 5 are effective the day after final enactment and apply to all dealership agreements now in effect that have no expiration date and that are continuing contracts and all other contracts entered into, amended, or renewed on or after that date. A contract in effect on the day of final enactment, which by its terms will terminate on a date after that date and which is not renewed, is governed by the law as it existed before the day of final enactment.

Presented to the governor May 23, 1989

Signed by the governor May 26, 1989, 4:56 p.m.

CHAPTER 268—H.F.No. 1764

An act relating to transportation; changing distribution of highway user taxes; authorizing use of state park road account to improve and maintain city streets and town roads that provide immediate access to state parks and campgrounds; increasing motor vehicle license tax on older vehicles; appropriating money; amending Minnesota Statutes 1988, sections 161.081; 161.082, subdivision 2a; 162.06, subdivision 5; 162.081, subdivision 1; 168.013, subdivision 1a; and 297B.09, subdivision 1.

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

Section 1. Minnesota Statutes 1988, section 161.081, is amended to read:

161.081 HIGHWAY USER TAX, DISTRIBUTION OF PORTION OF PROCEEDS.

Pursuant to article 14, section 5, of the constitution, five percent of the net highway user tax distribution fund is set aside, and apportioned as follows:

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

(1) ~~54~~ 28 percent to the trunk highway fund;

(2) ~~44~~ 64 percent to a separate account in the county state-aid highway fund to be known as the county turnback account, which account in the state treasury is hereby created;

(3) 8 percent to a separate account in the municipal state-aid street fund to be known as the municipal turnback account, which account in the state treasury is hereby created.

Sec. 2. Minnesota Statutes 1988, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. An amount equal to ~~20~~ 25 percent of the county turnback account must be expended, within counties having two or more towns, on town road bridge structures that are 10 feet or more in length and on town road culverts that replace existing town road bridges. In addition, if the present bridge structure is less than ten feet in length but a hydrological survey indicates that the replacement bridge structure or culvert must be ten feet or more in length, then the bridge or culvert is eligible for replacement funds. The expenditures on bridge structures and culverts may be on a matching basis, and if on a matching basis, not more than 90 percent of the cost of a bridge structure or culvert may be paid from the county turnback account.

An amount equal to ~~37~~ 47.5 percent of the county turnback account must be set aside as a town road account and distributed as provided in section 162.081.

Sec. 3. Minnesota Statutes 1988, section 162.06, subdivision 5, is amended to read:

Subd. 5. **STATE PARK ROAD ACCOUNT.** After deducting for administrative costs and for the disaster account and research account as heretofore provided from the remainder of the total sum provided for in subdivision 1, there shall be deducted a sum equal to the three-quarters of one percent of the remainder. The sum so deducted shall be set aside in a separate account and shall be used for (1) the establishment, location, relocation, construction, reconstruction, and improvement of those roads included in the county state-aid highway system under Minnesota Statutes 1961, section 162.02, subdivision 6, which border and provide substantial access to an outdoor recreation unit as defined in section 86A.04 or which provide access to the headquarters of or the principal parking lot located within such a unit, and (2) the reconstruction, improvement, repair, and maintenance of county roads, city streets, and town roads that provide immediate access to public lakes, rivers, state parks, and state campgrounds. Roads described in clause (2) are not required to meet county state-aid highway standards. At the request of the commissioner of natural resources the counties wherein such roads are located shall do such work as requested in the same manner as on any county state-aid highway and shall be reimbursed for such construction, reconstruction, or improvements from the

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amount set aside by this subdivision. Before requesting a county to do work on a county state-aid highway as provided in this subdivision, the commissioner of natural resources must obtain approval for the project from the county state-aid screening board. The screening board, before giving its approval, must obtain a written comment on the project from the county engineer of the county requested to undertake the project. Before requesting a county to do work on a county road, city street, or a town road that provides ~~immediate~~ access to a public lake, a river, a state park, or a state campground, the commissioner of natural resources shall obtain a written comment on the project from the county engineer of the county requested to undertake the project. Any sums paid to counties or cities in accordance with this subdivision shall reduce the money needs of said counties or cities in the amounts necessary to equalize their status with those counties or cities not receiving such payments. Any balance of the amount so set aside, at the end of each year shall be transferred to the county state-aid highway fund.

Sec. 4. Minnesota Statutes 1988, section 162.081, subdivision 1, is amended to read:

Subdivision 1. **ACCOUNT CREATED.** A town road account is created in the county state-aid highway fund, consisting of ~~37 percent~~ of the amounts transferred from the county turnback account as provided in section 161.082.

Sec. 5. Minnesota Statutes 1988, section 168.013, subdivision 1a, is amended to read:

Subd. 1a. **PASSENGER AUTOMOBILES; AMBULANCES; HEARSESES.** (a) On passenger automobiles as defined in section 168.011, subdivision 7, ambulances, and hearses, except as otherwise provided, the tax shall be \$10 plus an additional tax equal to 1.25 percent of the base value; ~~except that on pickup trucks the tax shall be:~~

(a) for the ~~1982~~ registration year, \$10 plus an additional tax equal to ~~75~~ percent of base value;

(b) for the ~~1983~~ registration year and each succeeding year, \$10 plus an additional tax equal to ~~1.25~~ percent of base value.

(b) Subject to the classification provisions herein, "base value" means the manufacturer's suggested retail price of the vehicle including destination charge as reflected on the price listing affixed to the vehicle in conformity with United States Code, title 15, sections 1231 to 1233 (Public Law Number 85-506) or otherwise suggested by the manufacturer or determined by the registrar if no suggested retail price exists, and shall not include the cost of each accessory or item of optional equipment separately added to the vehicle and the suggested retail price.

(c) If unable to determine the base value because the vehicle is specially constructed, or for any other reason, the registrar may establish such value upon

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the cost price to the purchaser or owner as evidenced by a certificate of cost but not including Minnesota sales or use tax or any local sales or other local tax.

(d) The registrar shall classify every vehicle in its proper base value class as follows:

FROM	TO
\$ 0	\$199.99
200	399.99

and thereafter a series of classes successively set in brackets having a spread of \$200 consisting of such number of classes as will permit classification of all vehicles.

(e) The base value for purposes of this section shall be the middle point between the extremes of its class.

(f) The registrar shall establish the base value, when new, of every passenger automobile, ambulance and hearse registered prior to the effective date of Extra Session Laws 1971, chapter 31, using list price information published by the manufacturer or any nationally recognized firm or association compiling such data for the automotive industry. If unable to ascertain the base value of any registered vehicle in the foregoing manner, the registrar may use any other available source or method. The tax on all previously registered vehicles shall be computed upon the base value thus determined taking into account the depreciation provisions of Extra Session Laws 1971, chapter 31.

(g) Except as provided in paragraph (h), the annual additional tax computed upon the base value as provided herein, during the first year and second years of vehicle life shall be computed upon 100 percent of the base value; for the second year third and fourth years, 90 percent of such value; for the third year fifth and sixth years, 75 percent of such value; for the fourth year seventh year, 60 percent of such value; for the fifth year, 45 percent of such value; for the sixth year, 35 percent of such value; for the seventh year, 30 percent of such value; for the eighth year, 20 40 percent of such value; for the ninth year, 15 30 percent of such value; for the tenth year, ten percent of such value; for the 11th and each succeeding year, the sum of \$13; provided that for registrations renewed on or after January 1, 1982, the annual additional tax for the 11th and each succeeding year of vehicle life shall be \$13; for registrations renewed on or after January 1, 1983, the annual additional tax shall be \$18; for registrations renewed on or after January 1, 1984, the annual additional tax shall be \$22; and for registrations renewed on or after January 1, 1985, the annual additional tax shall be \$25.

In no event shall the annual additional tax be less than \$13 for any registration renewed after January 1, 1982, nor less than \$18 for any registration renewed after January 1, 1983, \$22 for any registration renewed after January 1, 1984, and \$25 for any registration renewed after January 1, 1985.

(h) The annual additional tax under paragraph (g) on a motor vehicle on

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which the first annual tax was paid before the effective date of this section must not exceed the tax that was paid on that vehicle the year before.

Sec. 6. Minnesota Statutes 1988, section 297B.09, subdivision 1, is amended to read:

Subdivision 1. **GENERAL FUND SHARE.** (a) Money collected and received under this chapter must be deposited in the state treasury and credited to the general fund. The amounts collected and received shall be credited as provided in this subdivision, and transferred from the general fund on July 15 and January 15 of each fiscal year. The commissioner of finance must make each transfer based upon the actual receipts of the preceding six calendar months and include the interest earned during that six-month period. The commissioner of finance may establish a quarterly or other schedule providing for more frequent payments to the transit assistance fund if the commissioner determines it is necessary or desirable to provide for the cash flow needs of the recipients of money from the transit assistance fund.

(b) Thirty percent of the money collected and received under this chapter after June 30, 1988, and before July 1, 1991, must be ~~deposited in~~ transferred to the highway user tax distribution fund and the transit assistance fund for apportionment as follows: 75 percent must be ~~credited~~ transferred to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund, and the remaining 25 percent of the money must be ~~credited~~ transferred to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state and to the regional transit board.

(c) Thirty Five percent of the money collected and received under this chapter after June 30, 1989 and before July 1, 1991, must be transferred as follows: 75 percent must be transferred to the trunk highway fund and 25 percent must be transferred to the transit assistance fund.

(d) Thirty-five percent of the money collected and received under this chapter after June 30, 1991, must be deposited in the trunk highway fund and the transit assistance fund for apportionment transferred as follows: 75 percent must be ~~credited~~ transferred to the trunk highway fund and ~~the remaining~~ 25 percent must be ~~credited~~ transferred to the transit assistance fund.

(~~d~~) (e) The distributions under this subdivision to the highway user tax distribution fund until June 30, 1991, and to the trunk highway fund thereafter, must be reduced by the amount necessary to fund the appropriation under section 41A.09, subdivision 1. For the fiscal years ending June 30, 1988, and June 30, 1989, the commissioner of finance, before making the transfers required on July 15 and January 15 of each year, shall estimate the amount required to fund the appropriation under section 41A.09, subdivision 1, for the six-month period for which the transfer is being made. The commissioner shall then reduce the amount transferred to the highway user tax distribution fund by the amount of that estimate. The commissioner shall reduce the estimate for any

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six-month period by the amount by which the estimate for the previous six-month period exceeded the amount needed to fund the appropriation under section 41A.09, subdivision 1, for that previous six-month period. If at any time during a six-month period in those fiscal years the amount of reduction in the transfer to the highway user tax distribution fund is insufficient to fund the appropriation under section 41A.09, subdivision 1 for that period, the commissioner shall transfer to the general fund from the highway user tax distribution fund an additional amount sufficient to fund the appropriation for that period, but the additional amount so transferred to the general fund in a six-month period may not exceed the amount transferred to the highway user tax distribution fund for that six-month period.

Sec. 7. APPROPRIATIONS.

Subdivision 1. HIGHWAY DEVELOPMENT. \$60,900,000 is appropriated from the funds indicated to the commissioner of transportation for highway development, to be available for the fiscal year ending June 30 in the years indicated, as follows:

	<u>1990</u>	<u>1991</u>
<u>(a) Trunk highways</u>	<u>\$ 5,800,000</u>	<u>\$17,600,000</u>
<u>This appropriation is from the trunk highway fund and is for highway development.</u>		
<u>(b) Trunk highways</u>	<u>\$ 1,000,000</u>	<u>\$ 3,100,000</u>
<u>This appropriation is from the trunk highway fund and is for program delivery.</u>		
<u>(c) County state aid</u>	<u>\$11,500,000</u>	<u>\$18,100,000</u>
<u>This appropriation is from the county state-aid highway fund and is available until spent.</u>		
<u>(d) Municipal state aids</u>	<u>\$ 900,000</u>	<u>\$ 2,900,000</u>
<u>This appropriation is from the municipal state-aid street fund and is available until spent.</u>		

Sec. 8. EFFECTIVE DATE.

Sections 1 to 4, 6, and 7 are effective July 1, 1989. Section 5 is effective January 1, 1990, for registration year 1990 and subsequent years.

Presented to the governor May 23, 1989

Signed by the governor May 25, 1989, 6:23 p.m.

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