

## CHAPTER 411—H.F.No. 1841

*An act relating to consumer protection; regulating membership travel contracts; providing a right to cancel; prescribing penalties; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325G.*

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

Section 1. [325G.50] MEMBERSHIP TRAVEL CONTRACTS; CANCELLATION.

Subdivision 1. DEFINITIONS. For purposes of subdivision 2, the following terms have the meanings given them:

(a) "Membership travel contract" means an agreement offered or sold in this state evidencing a buyer's right to make travel arrangements from or through a membership travel operator and includes a membership that provides for this use.

(b) "Membership travel operator" means a person offering or selling membership travel contracts paid for by a fee or periodic payments.

(c) "Travel arrangements" means travel reservations or accommodations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation, or hotel or other lodging accommodations for members.

Subd. 2. BUYER'S RIGHT TO CANCEL. In addition to other rights the buyer may have, the buyer may cancel a membership travel contract until midnight of the third business day after the day on which the contract was signed by the buyer.

To be effective, a notice of cancellation must be given by the buyer in writing to the membership travel operator at the operator's address. This address must be included in the membership travel contract. The notice, if given by mail, is effective upon deposit in a mailbox, properly addressed to the operator and postage prepaid. The notice is sufficient if it shows, by any form of written expression, the buyer's intention not to be bound by the membership travel contract.

Cancellation is without liability on the part of the buyer and the buyer is entitled to a refund, within ten days after notice of cancellation is given, of the entire consideration paid for the contract. Rights of cancellation may not be waived or otherwise surrendered.

Subd. 3. NOTICE TO MEMBERS. A copy of the contract must be delivered to the buyer at the time the contract is signed. The contract must be in writing, must be signed by the buyer, must designate the date on which the buyer signed the contract, and must state, clearly and conspicuously in bold face type of a minimum size of 14 points, the following:

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

"MEMBERS' RIGHT TO CANCEL

If you wish to cancel this contract, you may cancel by delivering or mailing a written notice to the membership travel operator. The notice must say that you do not wish to be bound by the contract and must be delivered or mailed before midnight of the third business day after you sign this contract. The notice must be delivered or mailed to: (Insert name and mailing address of membership travel operator). If you cancel, the membership travel operator will return, within ten days of the date on which you give notice of cancellation, any payments you have made."

Subd. 4. CANCELLATION AT ANY TIME. A contract which does not contain the notice specified in subdivision 3 may be canceled by the buyer at any time by giving notice of cancellation by any means.

Sec. 2. [325G.51] PENALTIES; REMEDIES.

A person who violates section 1 is subject to the penalties and remedies provided in section 8.31.

Presented to the governor April 3, 1990

Signed by the governor April 6, 1990, 11:05 a.m.

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CHAPTER 412—H.F.No. 1673

*An act relating to occupations and professions; regulating the practice of pharmacy; amending Minnesota Statutes 1988, sections 151.01, subdivisions 3 and 11; 151.13, subdivision 1; and Minnesota Statutes 1989 Supplement, section 151.34.*

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

Section 1. Minnesota Statutes 1988, section 151.01, subdivision 3, is amended to read:

Subd. 3. PHARMACIST. The term "pharmacist" means a natural person licensed by the state board of pharmacy to prepare, compound, dispense, and sell drugs, medicines, chemicals, and poisons an individual with a currently valid license issued by the board of pharmacy to practice pharmacy.

Sec. 2. Minnesota Statutes 1988, section 151.01, subdivision 11, is amended to read:

Subd. 11. PERSON. The term "person" ~~includes every individual, copartnership, corporation, or association~~ means an individual, firm, partnership, company, corporation, trustee, association, agency, or other public or private entity.

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