

sor of statutes shall correct any references to any provision of Minnesota Statutes, chapter 136E, in this article, replacing the incorrect reference with the appropriate reference.

Sec. 30. **INSTRUCTION TO REVISOR.**

In Minnesota Statutes 1995 Supplement and subsequent editions, the revisor of statutes shall renumber as chapter 354D the professional and supervisory employee individual retirement account law that is currently coded as chapter 354C and shall appropriately revise any statutory cross-references in light of that recoding.

Sec. 31. **REPEALER.**

(a) Minnesota Statutes 1994, sections 354B.01; 354B.015; 354B.02; 354B.035; 354B.04; 354B.045; 354B.05; and 354B.15, are repealed.

(b) Laws 1990, chapter 570, article 3, sections 10 and 11, as amended by Laws 1992, chapter 420, section 1, and Laws 1993, chapter 239, article 2, section 7; Laws 1993, chapters 192, section 89, and 239, article 5, section 2; and Laws 1994, chapters 508, article 1, section 14; and 572, sections 11 and 12, are repealed.

(c) Minnesota Statutes 1994, sections 354B.06; 354B.07; 354B.08; 354B.085; and 354B.09, are repealed.

(d) Minnesota Statutes 1994, section 352D.02, subdivision 1a, is repealed.

Sec. 32. **EFFECTIVE DATE.**

Sections 1 to 31 are effective on July 1, 1995.

Presented to the governor May 8, 1995

Signed by the governor May 10, 1995, 10:17 a.m.

---

**CHAPTER 142—H.F.No. 927**

*An act relating to domestic abuse; eliminating hearing requirements in certain cases; providing for notices; amending Minnesota Statutes 1994, sections 13.99, by adding a subdivision; and 518B.01, subdivisions 4, 5, 7, and by adding a subdivision.*

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

Section 1. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 101c. DOMESTIC ABUSE PETITIONER'S RESIDENCE. Court

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

records on the location or residence of a petitioner in a domestic abuse proceeding are governed by section 518B.01, subdivision 3b.

Sec. 2. Minnesota Statutes 1994, section 518B.01, is amended by adding a subdivision to read:

Subd. 3b. INFORMATION ON PETITIONER'S LOCATION OR RESIDENCE. Upon the petitioner's request, information maintained by the court regarding the petitioner's location or residence is not accessible to the public and may be disclosed only to court personnel or law enforcement for purposes of service of process, conducting an investigation, or enforcing an order.

Sec. 3. Minnesota Statutes 1994, section 518B.01, subdivision 4, is amended to read:

Subd. 4. **ORDER FOR PROTECTION.** There shall exist an action known as a petition for an order for protection in cases of domestic abuse.

(a) A petition for relief under this section may be made by any family or household member personally or on behalf of minor family or household members.

(b) A petition for relief shall allege the existence of domestic abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(c) A petition for relief must state whether there is an existing order for protection in effect under this chapter governing both the parties and whether there is a pending lawsuit, complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B, or 518C. The court administrator shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A subsequent order in a separate action under this chapter may modify only the provision of an existing order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition for relief may be granted, regardless of whether there is a pending action between the parties.

(d) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

(e) The court shall advise a petitioner under paragraph (d) of the right to file a motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist with the writing and filing of the motion and affidavit.

(f) The court shall advise a petitioner under paragraph (d) of the right to serve the respondent by published notice under subdivision 5, paragraph (b), if the respondent is avoiding personal service by concealment or otherwise, and shall assist with the writing and filing of the affidavit.

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

(g) The court shall advise the petitioner of the right to seek restitution under the petition for relief.

(h) The court shall advise the petitioner of the right to request a hearing under subdivision 7, paragraph (c). If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing.

Sec. 4. Minnesota Statutes 1994, section 518B.01, subdivision 5, is amended to read:

Subd. 5. **HEARING ON APPLICATION; NOTICE.** (a) Upon receipt of the petition, the court shall order a hearing which shall be held not later than 14 days from the date of the order. If an ex parte order has been issued under subdivision 7 and a hearing requested, the time periods under subdivision 7 for holding a hearing apply. Personal service shall be made upon the respondent not less than five days prior to the hearing, if the hearing was requested by the petitioner. If the hearing was requested by the respondent after issuance of an ex parte order under subdivision 7, service of the notice of hearing must be made upon the petitioner not less than five days prior to the hearing. The court shall serve the notice of hearing upon the petitioner by mail in the manner provided in the rules of civil procedure for pleadings subsequent to a complaint and motions and shall also mail notice of the date and time of the hearing to the respondent. In the event that ~~personal~~ service cannot be completed in time to give the respondent or petitioner the minimum notice required under this paragraph, the court may set a new hearing date.

(b) Notwithstanding the provisions of paragraph (a), service on the respondent may be made by one week published notice, as provided under section 645.11, provided the petitioner files with the court an affidavit stating that an attempt at personal service made by a sheriff was unsuccessful because the respondent is avoiding service by concealment or otherwise, and that a copy of the petition and notice of hearing has been mailed to the respondent at the respondent's residence or that the residence is not known to the petitioner. Service under this paragraph is complete seven days after publication. The court shall set a new hearing date if necessary to allow the respondent the five-day minimum notice required under paragraph (a).

Sec. 5. Minnesota Statutes 1994, section 518B.01, subdivision 7, is amended to read:

Subd. 7. **TEMPORARY EX PARTE ORDER.** (a) Where an application under this section alleges an immediate and present danger of domestic abuse, the court may grant an ex parte ~~temporary~~ order for protection; ~~pending a full hearing~~; and granting relief as the court deems proper, including an order:

(1) restraining the abusing party from committing acts of domestic abuse;

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

(2) excluding any party from the dwelling they share or from the residence of the other except by further order of the court;

(3) excluding the abusing party from the place of employment of the petitioner or otherwise limiting access to the petitioner by the abusing party at the petitioner's place of employment; and

(4) continuing all currently available insurance coverage without change in coverage or beneficiary designation.

(b) A finding by the court that there is a basis for issuing an ex parte ~~temporary~~ order for protection constitutes a finding that sufficient reasons exist not to require notice under applicable court rules governing applications for ex parte ~~temporary~~ relief.

(c) Subject to paragraph (d), an ex parte temporary order for protection shall be effective for a fixed period not to exceed 14 days, except for good cause as provided under paragraph (e) set by the court, as provided in subdivision 6, paragraph (b), or until modified or vacated by the court pursuant to a hearing. Upon request, a full hearing, as provided by this section, shall be set for not later than seven days from the issuance of the temporary ex parte order, if a hearing is requested by the petitioner, or not later than ten days or earlier than eight days from receipt by the court of a request for a hearing by the respondent. Except as provided in paragraph (d), the respondent shall be personally served forthwith a copy of the ex parte order along with a copy of the petition and, if requested by the petitioner, notice of the date set for the hearing. If the petitioner does not request a hearing, an order served on a respondent under this subdivision must include a notice advising the respondent of the right to request a hearing, must be accompanied by a form that can be used by the respondent to request a hearing and must include a conspicuous notice that a hearing will not be held unless requested by the respondent within five days of service of the order.

(d) When Service is of the ex parte order may be made by published notice, as provided under subdivision 5, the petitioner may apply for an extension of the period of the ex parte order at the same time provided that the petitioner files the affidavit required under that subdivision. The court may extend the ex parte temporary order for an additional period not to exceed 14 days. The respondent shall be served forthwith a copy of the modified ex parte order along with a copy of the notice of the new date set for the hearing. If personal service is not made or the affidavit is not filed within 14 days of issuance of the ex parte order, the order expires. If the petitioner does not request a hearing, the petition mailed to the respondent's residence, if known, must be accompanied by the form for requesting a hearing and notice described in paragraph (c). Unless personal service is completed, if service by published notice is not completed within 28 days of issuance of the ex parte order, the order expires.

(e) If the petitioner seeks relief under subdivision 6 other than the relief described in paragraph (a), the petitioner must request a hearing to obtain the additional relief.

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

(f) Nothing in this subdivision affects the right of a party to seek modification of an order under subdivision 11.

Presented to the governor May 8, 1995

Signed by the governor May 10, 1995, 10:18 a.m.

---

### CHAPTER 143—H.F.No. 1048

*An act relating to commerce; regulating videotape distributions; requiring certain captioning for deaf or hard of hearing persons; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325I.*

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

#### Section 1. **[325I.05] VIDEO CAPTIONING.**

Subdivision 1. REQUIREMENT. A person may not in the ordinary course of business distribute a prerecorded videocassette tape or similar audio-visual material to a videotape seller or videotape service provider unless it is open-captioned or closed-captioned for the deaf and hard of hearing.

For purposes of this section, "videotape seller" and "videotape service provider" have the meanings given them in section 325I.01.

Subd. 2. ENFORCEMENT. A person who violates this section is subject to the penalties and remedies provided in section 8.31, except subdivision 3a.

Subd. 3. APPLICATION. This section applies to prerecorded videocassette tapes or similar audio-visual material that:

(1) is primarily produced for sale to educational institutions, training facilities, state or local government agencies, or medical facilities; and

(2) is released or rereleased on or after June 1, 1997, and more than 500 copies are produced in the release or rerelease; or

(3) is produced by a governmental entity for educational purposes.

Presented to the governor May 8, 1995

Signed by the governor May 10, 1995, 10:20 a.m.

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