

CHAPTER 73—S.F.No. 446

An act relating to commerce; restraint of trade; repealing price markup provisions in the sales discrimination law; amending Minnesota Statutes 1994, section 325D.06; and repealing Minnesota Statutes 1994, section 325D.08.

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

Section 1. Minnesota Statutes 1994, section 325D.06, is amended to read:

325D.06 INAPPLICABLE SALES.

The provisions of section 325D.01, subdivisions 2 to 6, and sections 325D.04 and 325D.05 shall not apply to any sale made:

(1) In closing out in good faith the owner's stock, or any part thereof, for the purpose of discontinuing trade in any such stock or commodity, and in case of the sale of seasonal goods or merchandise where style is the paramount feature or to the bona fide sale of perishable goods to prevent loss to the vendor by spoilage or depreciation, provided notice is given to the public thereof;

(2) When the goods are damaged or deteriorated in quality, and notice is given to the public thereof;

(3) By an officer acting under the orders of any court;

(4) In an endeavor made in good faith to meet the legal prices of a competitor selling the same commodity, articles, goods, wares, or merchandise in the same locality or trade area.

The price of a retail competitor which is less than eight percent above the manufacturer's published list price less published trade discounts where the manufacturer publishes a list price, or in the absence of such a list price less than eight percent above the actual current delivered invoice or replacement cost without deducting customary cash discounts plus the amount of any excise or sales tax shall be prima facie evidence that it is not a legal price, within the meaning of this section.

The price of a wholesale or subjobbing competitor to a retailer, which is less than two percent above the manufacturer's published list price less published trade discounts where the manufacturer publishes a list price, or in the absence of such a list price less than two percent above the actual current delivered invoice or replacement cost without deducting customary cash discounts plus the amount of any excise or sales tax shall be prima facie evidence that it is not a legal price, within the meaning of this section.

Any retailer, wholesaler, subjobber or vending machines operator may request the attorney general to ascertain and disclose to the person making the request, the current manufacturer's published list price less published trade discounts on any commodity, article, goods, wares, or merchandise, and it shall then be the duty of the attorney general, within 48 hours of such request, to

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

ascertain and disclose to the person making such request, the current manufacturer's published list price less published trade discounts.

Failure to make such request by any person before reducing price on any commodity, article, goods, wares, or merchandise below cost shall be prima facie evidence of not acting in good faith within the meaning of this paragraph.

Sec. 2. **REPEALER.**

Minnesota Statutes 1994, section 325D.08, is repealed.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment.

Presented to the governor April 18, 1995

Signed by the governor April 19, 1995, 2:18 p.m.

CHAPTER 74—S.F.No. 172

An act relating to motor vehicles; providing for issuance of manufacturer test plates; amending Minnesota Statutes 1994, section 168.012, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 168; and 297B.

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

Section 1. Minnesota Statutes 1994, section 168.012, is amended by adding a subdivision to read:

Subd. 5a. VEHICLES USED FOR TESTING. Motor vehicles operated for testing under section 168.25 are not subject to registration taxes under this chapter.

Sec. 2. **[168.25] VEHICLES USED FOR TESTING.**

Subdivision 1. PLATES. The registrar shall, on request, issue to a first-stage manufacturer of motor vehicles one or more manufacturer test plates that display a general distinguishing number. The fee for each of the first four plates is \$40 per calendar year, of which \$25 must be paid to the registrar and the remaining \$15 is payable as sales tax on motor vehicles under section 297B.035. For each additional plate, the manufacturer shall pay the registrar a fee of \$10 and a tax on motor vehicles under section 297B.035 of \$15 per calendar year. The registrar shall deposit the tax in the state treasury to be credited under section 297B.09.

Subd. 2. PERMITTED USES. A motor vehicle owned by a first-stage manufacturer and bearing the number plate issued under subdivision 1 may be operated on public streets and highways by the manufacturer or an employee or agent of the manufacturer, for the purpose of conducting specialized cold weather testing, and for transportation to and from a bona fide cold weather testing station.

New language is indicated by underline, deletions by strikeout.