

(d) A person who is preparing for the practice of psychology under supervision in accordance with board statutes and rules may be designated as a "psychological intern," "psychological trainee," or by other terms clearly describing the person's training status.

(e) Former licensees who are completely retired from the practice of psychology may represent themselves using the descriptions in paragraph (a), clauses (1) and (2), but shall not represent themselves or allow themselves to be represented as current licensees of the board.

(f) Nothing in this section shall be construed to prohibit the practice of school psychology by a person licensed in accordance with chapters 122A and 129.

Presented to the governor April 26, 1999

Signed by the governor April 27, 1999, 11:20 a.m.

CHAPTER 110—S.F.No. 1041

An act relating to agriculture; changing and clarifying provisions of the warehouse law; amending Minnesota Statutes 1998, sections 231.01; 231.04; 231.08; 231.09; 231.11; 231.12; 231.13; 231.14; 231.15; 231.16; 231.17; 231.18, subdivisions 1 and 6; 231.24; 231.28; 231.34; 231.36; 231.37; 231.38; and 231.39; proposing coding for new law in Minnesota Statutes, chapter 231; repealing Minnesota Statutes 1998, sections 231.02; 231.03; 231.05; 231.06; 231.07; 231.10; 231.15; and 231.35.

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

Section 1. Minnesota Statutes 1998, section 231.01, is amended to read:

231.01 DEFINITIONS.

Subdivision 1. **DEPARTMENT SCOPE.** The word "department," as used in this chapter, means the Minnesota state department of agriculture. The definitions in this section apply to this chapter.

Subd. 2. **COMMISSIONER.** The term "Commissioner," as used in this chapter, means the commissioner of agriculture.

Subd. 3. **PERSON COMPENSATION.** The term "person," as used in this chapter, includes any individual, firm, or copartnership. "Compensation" means any remuneration, recompense, indemnification, requital, or satisfaction assessed, collected, or received for the storage or warehousing of goods, wares, or merchandise of another by a warehouse operator.

Subd. 4. **CORPORATION.** The term "Corporation," as used in this chapter, includes any corporation, company, association, joint stock company, or association.

Subd. 5. **WAREHOUSE OPERATOR DEPARTMENT.** The term "warehouse operator," as used in this chapter, means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual, their trustees, assignees, or receivers appointed by any court, controlling, operating, or manag-

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

ing within this state directly or indirectly, any building or structure, or any part thereof, or any buildings or structures, or any other property, and using the same for the storage or warehousing of goods, wares, or merchandise for compensation, or who shall hold itself out as being in the storage or warehouse business, or as offering storage or warehouse facilities, or advertise for, solicit or accept goods, wares, or merchandise for storage for compensation, but shall not include persons, corporations, or other parties operating storage facilities containing minerals, ores, or rock products such as, but not limited to, aggregates, clays, railroad ballast, iron ore, copper ore, nickel ore, limestone, coal, and salt or operating grain or cold storage warehouses, or storing on a seasonal basis boats, boating accessories, recreational vehicles or recreational equipment or facilities in which the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to written contract between the landlord and tenant. "Department" means the department of agriculture.

Subd. 6. **SERVICE HOUSEHOLD GOODS.** The term "service," as used in this chapter, is used in its broadest sense and includes not only the use and occupancy of space for storage purposes, but also any labor expended, and the use of any equipment, apparatus, and appliances or any drayage or other facilities, employed, furnished, or used in connection with the storage of goods, wares, and merchandise, subject to the provisions of this chapter. "Household goods" means:

(1) personal effects and property used or to be used in a dwelling if it is part of the equipment or supply of the dwelling;

(2) furniture, fixtures, equipment, and the property of business places and institutions, public or private, when a part of the stock, equipment, supplies, or property of such establishments. It does not mean the storage of property of a business concern in the usual course of its business activities;

(3) articles which, because of their unusual nature or value, require specialized handling and equipment customarily employed in moving household goods.

Subd. 7. **RATE HOUSEHOLD GOODS WAREHOUSE OPERATOR.** The term "rate," as used in this chapter, includes every individual or joint rate, charge, or other compensation of every warehouse operator, either for storage or for any other service furnished in connection therewith, or any two or more such individual or joint rates, charges, or other compensations of any warehouse operator, or any schedule or tariff thereof, and any rule, regulation, charge, practice, or contract relating thereto. "Household goods warehouse operator" means an individual, corporation, partnership, or any other business association or their trustees, assignees, or receivers appointed by a court who control, operate, or manage, directly or indirectly, a building or structure or any part of a building or structure in this state used for the storage or warehousing of household goods for compensation. "Household goods warehouse operator" does not include persons, corporations, or other parties operating storage facilities for storage on a seasonal basis of boats, boating accessories, recreational vehicles, or recreational equipment, or facilities in which the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to written contract between the landlord and tenant.

Subd. 8. **COMPENSATION RATE.** The term "compensation," as used in this chapter, means any remuneration, recompense, indemnification, requital, or satisfaction assessed, collected, or received for the storage or warehousing of goods, wares, or mer-

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

ehandise of another by a warehouse operator. "Rate" includes every individual or joint rate, charge, or other compensation of a household goods warehouse operator, either for storage or for any other service furnished in connection with storage; any schedule or tariff of rates, charges, or compensation of a household goods warehouse operator; and any rule, regulation, charge, practice, or contract relating to the rates, charges, or compensation.

Subd. 9. HOUSEHOLD GOODS SERVICE. "Household goods" means:

(a) personal effects and property used or to be used in a dwelling if it is part of the equipment or supply of the dwelling;

(b) furniture, fixtures, equipment, and the property of business places and institutions, public or private, when a part of the stock, equipment, supplies, or property of such establishments. It does not mean the storage of property of a business concern in the usual course of its business activities;

(c) articles which, because of their unusual nature or value, require specialized handling and equipment customarily employed in moving household goods. "Service" is used in its broadest sense and includes not only the use and occupancy of space for storage purposes, but also any labor expended, and the use of any equipment, apparatus, and appliances or any drayage or other facilities employed, furnished, or used in connection with the storage of goods, wares, and merchandise subject to this chapter.

Subd. 10. WAREHOUSE OPERATOR. "Warehouse operator" means a corporation, company, association, joint stock company or association, firm, partnership, or individual and their trustees, assignees, or receivers appointed by any court, that directly or indirectly controls, operates, or manages within this state one or more buildings or structures, any part thereof of a building or structure, or any other property which is used for the storage or warehousing of goods, wares, business or other records, or merchandise for compensation, or who holds itself out as being in the storage or warehouse business or as offering storage or warehouse facilities, or who advertises for, solicits, or accepts goods, wares, business or other records, or merchandise for storage for compensation. "Warehouse operator" does not include household goods warehouse operators or persons, corporations, or other parties operating storage facilities containing minerals, ores, or rock products such as, but not limited to, aggregates, clays, railroad ballast, iron ore, steel, aluminum, copper ore, nickel ore, limestone, coal, and salt or operating grain warehouses, or storing on a seasonal basis boats, boating accessories, recreational vehicles, or recreational equipment or facilities in which the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to written contract between the landlord and tenant or provided by a railroad or common carrier.

Sec. 2. [231.035] INSPECTION AUTHORITY.

The commissioner or the commissioner's designee may, upon presentation of appropriate credentials and during regular working hours or at other reasonable times, inspect premises including equipment and stored goods subject to and for reasons relating to the commissioner's enforcement and licensing authority; request information from persons with information relevant to an inspection; and inspect relevant papers and records relating to the storage of goods.

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

Sec. 3. Minnesota Statutes 1998, section 231.04, is amended to read:

231.04 DEPARTMENT TO ENFORCE WAREHOUSE LAW.

It is hereby made a ~~duty~~ of The department to ~~shall~~ see that the provisions of the constitution and the statutes of this state affecting warehouse operators or household goods warehouse operators, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed, that violations thereof are promptly prosecuted, and that penalties due the state therefor are recovered and collected; and, to this end, it may sue in the name of the state.

Sec. 4. Minnesota Statutes 1998, section 231.08, is amended to read:

231.08 WHAT IS REQUIRED OF WAREHOUSE OPERATORS AND HOUSEHOLD GOODS WAREHOUSE OPERATORS.

Subdivision 1. **TO FURNISH INFORMATION.** Every warehouse operator and household goods warehouse operator shall furnish all information required by the department to ~~carry into effect the provisions of~~ administer this chapter and make specific answers to all questions submitted by the department, under oath; ~~and if such.~~ A warehouse operator or household goods warehouse operator which is a corporation, ~~it~~ shall answer under the oath of one of its duly authorized officers.

~~Every~~ A warehouse operator or household goods warehouse operator shall obey and comply with ~~each and every requirement of~~ every order, decision, direction, or rule made or prescribed by the department in the matters specified in this chapter; and do everything necessary or proper to secure the compliance with and the observance of the same, by all its officers, agents, and employees.

Subd. 2. **RIGHTS NOT LIMITED.** Nothing in this chapter shall be construed as limiting the rights of any warehouse operator or household goods warehouse operator to lease or let for any storage purpose any ~~floor~~ portion of a building or any portion thereof. Any warehouse operator who ~~so~~ leases any portion or portions of a warehouse shall first file with the department a schedule showing the rates for such spaces and the ~~monthly rental per square foot or per cubic foot.~~

Sec. 5. Minnesota Statutes 1998, section 231.09, is amended to read:

231.09 OBLIGATION TO ISSUE UNIFORM RECEIPTS.

~~Every~~ A warehouse operator receiving goods in store shall issue for all ~~such~~ the goods a receipt embodying the terms of such receipts as authorized by article 7 of the Uniform Commercial Code. Receipts or records of storage in electronic form are acceptable.

Sec. 6. Minnesota Statutes 1998, section 231.11, is amended to read:

231.11 SCHEDULE OF RATES; STORING HOUSEHOLD GOODS.

In order to ~~insure~~ ensure nondiscriminatory rates and charges for all depositors of household goods, the commissioner shall establish a collective rate-making procedure which will ~~insure~~ ensure the publication and maintenance of just and reasonable rates and charges under uniform, reasonably related rate structures. These procedures ~~shall~~ must provide for the joint consideration, initiation, and establishment of rates and charges; ~~and shall assure~~ ensure that the respective revenues and expenses of household goods ware-

New language is indicated by underline, deletions by strikeout.

house operators engaged in warehouse services for household goods are ascertained. Any participating household goods warehouse operator party to a collectively mandated rate or charge has the right to petition the commissioner for the establishment of a rate or charge which deviates from the collectively set rate. Upon receiving the commissioner's approval, that household goods warehouse operator may proceed to establish the regulated rate or charge. All household goods warehouse operators subject to rate regulation under this chapter must comply with the commissioner's rate-making procedures. No household goods warehouse operator shall undertake to perform any service or store any household goods until a schedule of rates has been filed and published in accordance with this chapter. In case of emergency, however, a service or storage not specifically covered by the schedule filed, may be performed or furnished at a reasonable rate, which must then be promptly filed, and which is subject to review in accordance with this chapter.

Sec. 7. Minnesota Statutes 1998, section 231.12, is amended to read:

231.12 CHANGE OF RATES; STORING HOUSEHOLD GOODS.

Unless the department otherwise orders, no household goods warehouse operator storing household goods may change any rate except after ten days' notice to the department and to the public pursuant to this section. Notice shall be given by filing with the department and keeping open for public inspection new schedules or supplements stating plainly the changes to be made in the schedules then in force and the time when the changes will go into effect. The department for good cause shown, may, after hearing, allow changes without requiring the ten days' notice by an order specifying the changes to be made, the time when they shall take effect, and the manner in which they shall be filed and published.

Sec. 8. Minnesota Statutes 1998, section 231.13, is amended to read:

231.13 CHARGING MORE OR LESS THAN THE PUBLISHED RATE; STORING HOUSEHOLD GOODS.

Except as specified in sections 231.11 and 231.12, no household goods warehouse operator storing household goods shall have, demand, collect, or receive, a greater or less rate than the rates applicable to such that service or storage, as specified in the schedules of different compensation for any service rendered or for storing any household goods or for storing household goods shall have, demand, collect, or receive, a greater or less rate than the rates applicable to such that service or storage, as specified in the schedules of

When a household goods warehouse operator shall have had household goods in store for such a period so long that the storage charges thereon accumulated on them are more than such the household goods would bring at a forced sale, the department, upon written application and proof thereof, may authorize such the household goods warehouse operator to compromise such the charges for a sum not less than the amount which such the household goods would bring at such a forced sale.

Sec. 9. Minnesota Statutes 1998, section 231.14, is amended to read:

231.14 DISCRIMINATION IN RATES; STORING HOUSEHOLD GOODS.

Except as herein otherwise specified, no household goods warehouse operator storing household goods, or any officer, agent, or employee thereof, shall, directly or indirectly, by remittance, rebate, or any device, inducement, or other means, suffer or permit

any corporation or person to obtain any service, or the storage of any household goods at less than the rates then established and in force as shown by the schedule of rates filed and in effect at the time. No person or corporation shall, directly or indirectly, by any device, inducement, or means, either with or without the consent or connivance of a household goods warehouse operator storing household goods, or any of the officers, agents, or employees thereof, obtain, or seek to obtain, any service, or the storage of any household goods at less than the rates then established and in force therefor. Any household goods warehouse operator storing household goods, or the officers, agents, or employees thereof, or any person acting for or employed by it, or transacting business with it, or any other person, who ~~shall violate any provision of~~ violates this section, ~~shall be~~ is guilty of a gross misdemeanor; and is, upon conviction, subject to imprisonment not exceeding one year or to a fine not exceeding \$3,000, or both.

Sec. 10. Minnesota Statutes 1998, section 231.15, is amended to read:

231.15 DEPARTMENT TO FIX RATES AND RULES; STORAGE OF HOUSEHOLD GOODS.

When if the department after a hearing upon its own motion, or upon complaint finds that the rates demanded, observed, charged, or collected by any warehouse operator a household goods warehouse operator for or in connection with any service or storage of goods, wares, or merchandise, or in connection with such service or storage, are unjust, unreasonable, discriminatory, preferential, or in any wise in violation of any provision of law otherwise illegal, the department shall determine the just and reasonable rates to be thereafter effective and in force in such for that household goods warehouse operator and fix the same rates by an order, which shall determine when such the rates shall go into effect. Before making any an order is issued under the provisions of this section, the household goods warehouse operator shall have an opportunity to be heard upon reasonable notice to be determined by the department.

Sec. 11. Minnesota Statutes 1998, section 231.16, is amended to read:

231.16 WAREHOUSE OPERATOR OR HOUSEHOLD GOODS WAREHOUSE OPERATOR TO OBTAIN LICENSE.

Every person desiring to engage in the business of A warehouse operator, before engaging therein, shall or household goods warehouse operator must be licensed annually by, and shall be under the supervision and subject to the inspection of, the department. The department shall prescribe the form of the written application. in the form prescribed by the department shall be made to the department for license, specifying the city in which it is proposed to carry on the business of warehousing, the location, size, character, and equipment of the buildings or premises to be used by the warehouse operator, the kind of goods, wares, and merchandise intended to be stored therein, the name of the person or corporation operating the same, and of each member of the firm or officer of the corporation, and any other facts necessary to satisfy the department that the property proposed to be used is suitable for warehouse purposes and that the warehouse operator making the application is qualified to carry on the business of warehousing. Should If the department decide that the building or other property proposed to be used as a warehouse is suitable for the proposed purpose and that the applicants are entitled to a license, notice of the decision shall be given the interested parties and, upon the applicants filing approves the license application and the applicant files with the department the necessary bond, in

New language is indicated by underline, deletions by strikeout.

the case of household goods warehouse operators, or proof of warehouse operators legal liability insurance coverage in an amount of \$50,000 or more, as provided for in this chapter, the department shall ~~issue the license provided for~~, upon payment of the license fee, as required in this section provided. A warehouse operator or household goods warehouse operator to whom a license is issued shall pay for the ~~license~~ a fee based on the storage capacity of the warehouse as follows:

Storage capacity in square feet	
<u>Building square footage used for public storage</u>	
(1) 5,000 or less	\$ 80
(2) 5,001 to 10,000	\$155
(3) 10,001 to 20,000	\$250
(4) 20,001 to 100,000	\$315
(5) 100,001 to 200,000	\$410
(6) over 200,000	\$470

Fees collected under this chapter shall must be paid into the grain buyers and storage fund established in section 232.22.

The license shall must be renewed annually on or before July 1, and always upon payment of the full license fee, ~~as provided for required in this section for such renewal;~~ and. No license shall be issued for any portion of a year for less than the full amount of the license fee, ~~as provided for required in this section~~. Each license obtained under this chapter shall must be publicly displayed in the main office of the place of business of the warehouse operator or household goods warehouse operator to whom it is issued. The license shall ~~authorize~~ authorizes the warehouse operator or household goods warehouse operator to carry on the business of warehousing only in the one city or town named in the application and in the buildings therein described. The department, without requiring an additional bond and license, may issue permits from time to time to any warehouse operator already duly licensed under the provisions of this chapter to operate an additional warehouse in the same city or town for which the original license was issued during the term thereof, upon the filing an application for a permit in the form prescribed by the department.

A license may be refused for good cause shown and revoked by the department for violation of law or of any rule adopted by it ~~prescribed~~ the department, upon notice and after hearing.

Sec. 12. Minnesota Statutes 1998, section 231.17, is amended to read:

231.17 BONDS OF WAREHOUSE OPERATORS; LEGAL LIABILITY INSURANCE.

Every warehouse operator applying for and receiving a license from the department, ~~as provided for in under this chapter~~, shall file with the department, acceptable to the department, a surety bond to the state of Minnesota. ~~Such Bonds shall must be in an the amount to be determined by the department as reasonable for the applicant but shall not be less than of \$10,000.~~

The commissioner shall, after a study of the existing bonding structure and after consultation with the warehousing industry, adopt rules for bonding. The rules must be adopted by April 1, 1994.

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

The bond shall must be conditioned for the faithful discharge of all duties as a household goods warehouse operator operating under this chapter; and full compliance with the laws of the state and rules and orders of the department relative thereto. Failure to maintain the bond as required shall void the license.

The bond must be continuous until canceled. To cancel a bond, the surety must provide 90 days' written notice of the bond's termination date to the licensee and the department.

In lieu of the bond required by this section, the applicant may deposit with the state treasurer cash; a certified check; a cashier's check; a postal, bank, or express money order; assignable bonds or notes of the United States; or an assignment of bank savings account or investment certificate or an irrevocable bank letter of credit as defined in section 336.5-103, in the same amount as would be required for a bond.

In lieu of the bond required by this section, a warehouse operator that does not provide for the storage of household goods may provide proof of legal liability insurance coverage in the amount of \$50,000 or more. A warehouse operator must notify the department with written notice of the cancellation of the policy. If the policy is terminated without notification to the department, the warehouse operator is subject to penalties under section 231.39.

Sec. 13. Minnesota Statutes 1998, section 231.18, subdivision 1, is amended to read:

Subdivision 1. **FILING A CLAIM.** A depositor claiming to be damaged by the breach of an agreement to store ~~general merchandise and~~ household goods must file a claim with the department within 180 days of the date of breach.

Sec. 14. Minnesota Statutes 1998, section 231.18, subdivision 6, is amended to read:

Subd. 6. **BOND DISBURSEMENT.** (a) Upon expiration of the claim filing period, the department shall promptly determine the validity of all claims filed and notify the claimants of the determination. An aggrieved party may appeal the department's determination by requesting, within 15 days, that the department initiate a contested case proceeding. In the absence of such a request, or following the issuance of a final order in a contested case, the surety company shall issue payment promptly to those claimants entitled to payment.

(b) If a household goods warehouse operator has become liable to more than one depositor by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all depositors entitled to the protection of the bond, the proceeds of the bond shall be apportioned among the bona fide claimants.

Sec. 15. Minnesota Statutes 1998, section 231.24, is amended to read:

231.24 COMPLAINT THAT RATE IS UNREASONABLE; DUTY OF DEPARTMENT.

Upon verified complaint of any person or of any corporation that any rates of a household goods warehouse operator are unjust, unreasonable, discriminatory, preferential, or in any way in violation of law, the department shall proceed to investigate the matters alleged in such complaint; and, for the purposes of such investigation, they may require the attendance of witnesses and the production of books, papers, and documents. If,

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

upon the hearing, such rates are found to be unjust, unreasonable, discriminatory, preferential, or in any way in violation of law, the department shall make an order, stating wherein the same are so unjust, unreasonable, discriminatory, preferential, or in any way in violation of law, and make rates which shall be substituted for those as to which complaint is made. Rates so made by the department shall be deemed prima facie reasonable in all courts, and shall be in full force during the pendency of any appeal or other proceedings to review the action of the department in establishing the same.

Sec. 16. Minnesota Statutes 1998, section 231.28, is amended to read:

231.28 FAILURE TO OBEY ORDER OR LAW.

~~When any~~ If a warehouse operator shall fail or household goods warehouse operator fails to obey any law of this state, or any order of the department, the department may, upon verified petition alleging such failure, apply to the district court of the county in which the warehouse operator's principal place of business is located, for the enforcement of such law or order, or other appropriate relief. The court, upon such notice as it may direct, shall hear such matter as in case of an appeal from an order. On the hearing, the findings of fact upon which the order is based shall be prima facie evidence of the merits therein stated, and the court may grant any provisional or other relief, ordinary or extraordinary, legal or equitable, which the nature of the case may require, and may impose a fine of not more than \$50 for each day's failure to obey any writ, process, or order of the court, in addition to all other penalties or forfeitures provided by law. A temporary mandatory or restraining order may be made in such proceedings, notwithstanding any undetermined issue of fact, upon such terms as to security as the court may direct.

Sec. 17. Minnesota Statutes 1998, section 231.34, is amended to read:

231.34 ACTION ON BOND IN THE NAME OF THE STATE.

~~When any one~~ If a licensed to do business as a public household goods warehouse operator fails to perform a duty, or violates any of the provisions of this chapter, any person or corporation injured by such failure or violation may, with the consent of the department and the attorney general, bring an action in the name of the state, but to the person's or corporation's own use, in any court of competent jurisdiction on the bond of such the household goods warehouse operator. In such action the person or corporation in whose behalf the action is brought shall file with the court a satisfactory bond for costs, and the state shall not be liable for any costs.

Sec. 18. Minnesota Statutes 1998, section 231.36, is amended to read:

231.36 FALSIFICATION OR DESTRUCTION OF ACCOUNTS.

Any person who shall willfully make any false entry in the account or in any record or memorandum kept by a warehouse operator or household goods warehouse operator, or who shall willfully destroy, mutilate, alter, or by any other means or device, falsify a record of any such account, record, or memorandum, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of the warehouse operator or household goods warehouse operator, or shall keep any accounts or records with the intent to evade the provisions of this chapter, ~~shall be is~~ guilty of a gross misdemeanor; and, upon conviction, is subject to imprisonment not exceeding one year or to a fine not exceeding \$3,000, or both.

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

Sec. 19. Minnesota Statutes 1998, section 231.37, is amended to read:

231.37 PENALTY FOR DIVULGENCE OF INFORMATION.

Any officer or employee of the department who divulges to any person, other than a member of the department, any fact or information coming to the knowledge of the officer or employee during the course of an inspection, examination, or investigation of any accounts, records, memoranda, books, or papers of a warehouse operator or household goods warehouse operator, except insofar as may be authorized by the department, or by a court of competent jurisdiction, or a judge thereof, shall be ~~is~~ guilty of a gross misdemeanor; and, upon conviction, is subject to imprisonment not exceeding one year or to a fine not exceeding \$3,000, or to both.

Sec. 20. Minnesota Statutes 1998, section 231.38, is amended to read:

231.38 PENALTY FOR TRANSACTING BUSINESS WITHOUT A LICENSE.

Any person who shall transact the business of a warehouse operator or household goods warehouse operator, except for the purpose of winding up the same under the supervision of the department, without first procuring a license and giving a bond or providing proof of insurance as provided for in this chapter and any licensed warehouse operator or household goods warehouse operator who shall operate any warehouse without obtaining the permit herein provided for or who shall continue to transact such business after such license has expired or the required insurance has lapsed or such bond may have become void or found insufficient security for the penal sum in which it is executed by the department approving the same shall be ~~is~~ guilty of a gross misdemeanor; and, upon conviction, shall be fined in a sum not less than \$100 nor more than \$3,000 for each and every day such the business is carried on before the license or permit, as the case may be, is issued or after the expiration of such license or permit or after receiving notice from the department that such the insurance has lapsed or bond has become void or has been found insufficient security; and the operation of such warehouse operator or household goods warehouse operator may be enjoined upon complaint of the department before a court of competent jurisdiction.

A warehouse operator or household goods warehouse operator has 30 days after a license or permit has expired or insurance has lapsed or bond become void or been found insufficient before the penalty in this section applies.

Sec. 21. Minnesota Statutes 1998, section 231.39, is amended to read:

231.39 PERSONS VIOLATING ACT OR ORDER; PENALTY.

Any warehouse operator or household goods warehouse operator and each person who, either individually or acting as an officer, agent, or employee of a warehouse operator or household goods warehouse operator, violates or fails to comply with any provisions of this chapter, or fails to observe, obey, or comply with any order, decision, rule, direction, or requirement or any part or portion thereof of the department made or issued under authority of this chapter or who procures, aids, or abets any warehouse operator or household goods warehouse operator in the violation of this chapter or in the failure to observe, obey, or comply with this chapter or any such order, decision, rule, direction, or requirement or any part or portion thereof in a case in which a penalty is not otherwise provided for in this chapter is guilty of a gross misdemeanor; and, upon conviction, shall

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

be punished by a fine not exceeding \$3,000 or by imprisonment not exceeding one year or by both such fine and imprisonment.

Each violation of the provisions of this chapter, or of any order, decision, rule, direction, or requirement of the department, or any part or portion thereof, by any warehouse operator or household goods warehouse operator is a separate and distinct offense.

In construing and enforcing the provisions of this chapter relating to penalties, the act, omission, or failure of any officer, agent, or employee of any warehouse operator or household goods warehouse operator, acting within the scope of official duties or employment, shall in each case be and be deemed to be the act, omission, or failure of such warehouse operator or household goods warehouse operator.

Sec. 22. REPEALER.

Minnesota Statutes 1998, sections 231.02; 231.03; 231.05; 231.06; 231.07; 231.10; 231.15; and 231.35, are repealed.

Presented to the governor April 26, 1999

Signed by the governor April 27, 1999, 11:25 a.m.

CHAPTER 111—H.F.No. 1125

An act relating to crime prevention; authorizing local correctional agencies rather than courts to impose local correctional fees for offenders under the supervision and control of the local agency; requiring a report; amending Minnesota Statutes 1998, sections 244.18, subdivisions 3, 4, and 5; and 609.102, subdivision 2; repealing Minnesota Statutes 1998, section 609.102, subdivisions 3 and 4.

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

Section 1. Minnesota Statutes 1998, section 244.18, subdivision 3, is amended to read:

Subd. 3. **FEE COLLECTION.** The chief executive officer of a local correctional agency may impose and collect local correctional fees ~~assessed under section 609.102.~~ The local correctional agency may collect the fee at any time while the offender is under sentence or after the sentence has been discharged. The agency may use any available civil means of debt collection in collecting a local correctional fee.

Sec. 2. Minnesota Statutes 1998, section 244.18, subdivision 4, is amended to read:

Subd. 4. **EXEMPTION FROM FEE.** ~~The local correctional agency shall waive payment of a local correctional fee if so ordered by the court under section 609.102. If the court fails to waive the fee,~~ The chief executive officer of the local correctional agency may waive payment of the fee if the officer determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee. Instead of waiving the fee, the local correctional agency may require the offender to perform community work service as a means of paying the fee.

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