

No permit issued under the provisions of this Act shall be assigned, or transferred. The Commission may for a good cause upon not less than 10 days' notice to the holder thereof suspend or revoke such permit for any violation of any provision of this Act or any law of this State or any order or regulation of the Commission."

Section 4. **Law amended.**—That Laws 1933, Chapter 170, Section 18, be and the same hereby is amended so as to read as follows:

"Section 18. **Oath and bond of inspectors.**—That inspectors of the Commission, for the purpose of enforcing this Act but for no other purpose, shall have all the powers conferred by law upon *peace officers*, and it shall be the duty of the State Commissioner of Highways upon written request of the Commission to require the State Highway Patrol to assist in the enforcement of this Act. *Every inspector of the Commission, before entering upon his duties, shall take and subscribe the oath of office and furnish a bond to the state in the sum of \$2000.00 conditioned as provided by Section 905 Mason's Minnesota Statutes 1927 to be approved by and filed in the office of the Secretary of State.*"

Section 5. This Act shall take effect and be in force from and after its passage.

Approved April 24, 1937.

CHAPTER 412—S. F. No. 684

An act to prohibit and declare void certain contracts, conditions, agreements and understandings in connection with the sale or contract to sell motor vehicles by manufacturers or wholesale distributors thereof, and prohibiting the giving or payment of any thing or service of value by any manufacturer or wholesale distributor of motor vehicles to anyone engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles, and the acceptance or receipt thereof by any such person when competition in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles may be lessened or eliminated, or a monopoly created or tended to be created, and prohibiting from doing business in this state anyone engaged in the business of

financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles who so accepts or receives any thing or service of value from any manufacturer or wholesale distributor of motor vehicles, and prescribing penalties, forfeitures, and recoveries for the violation thereof.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Manufacturers not to control financing of motor vehicles.—It shall be unlawful for any person who is engaged, either directly or indirectly, in the manufacture or wholesale distribution of motor vehicles to sell or enter into a contract to sell motor vehicles to any person who is engaged or intends to engage in the business of selling such motor vehicles at retail in this State, on the condition or with an agreement or understanding, either express or implied, that such person so engaged in selling motor vehicles at retail shall in any manner finance the purchase or sale of any one or number of motor vehicles only with or through a designated person or class of persons or shall sell and assign the conditional sales contracts, chattel mortgages or leases arising from the sale of motor vehicles or any one or number thereof only to a designated person or class of persons, when the effect of the condition, agreement or understanding so entered into may be to lessen or eliminate competition, or create or tend to create a monopoly in the person or class of persons who are designated; by virtue of such condition, agreement or understanding to finance the purchase or sale of motor vehicles or to purchase such conditional sales contracts, chattel mortgages or leases, and any such condition, agreement or understanding is hereby declared to be void and against the public policy of this State.

Section 2. Acts to be prima facie evidence.—Any threat, statement or promise, expressed or implied, made to any person engaged in the business of selling motor vehicles at retail in this State by any person engaged, either directly or indirectly in the manufacture or distribution of motor vehicles, that such person will discontinue or cease to sell, or refuse to enter into a contract to sell, or will terminate a contract to sell motor vehicles, to such person who is so engaged in the business of selling motor vehicles at retail, unless such person finances the purchase or sale of any one or number of motor vehicles only with or through a designated person or class of persons or sells and assigns the conditional sales contracts, chattel mortgages, or leases arising from his retail sales of motor vehicles or any one or number thereof only to a designated person or class of persons shall be prima facie evidence of the fact that such person so engaged in the manufacture or distribution of motor vehicles has sold or intends to sell the same on the condition or with the agreement or understanding prohibited in Section 1 of this Act.

Section 3. **Same.**—Any threat, statement or promise, expressed or implied, made to any person engaged in the business of selling motor vehicles at retail in this State by any person, or any agent of any such person, who is engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles in this State, and/or any person, or any agent of any such person, who is engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles in this State, and is affiliated with or controlled by any person engaged, directly or indirectly in the manufacture or distribution of motor vehicles, that such person so engaged in such manufacture or distribution shall terminate his contract with or cease to sell motor vehicles to such person engaged in the sale of motor vehicles at retail in this State unless such person finances the purchase or sale of any one or number of motor vehicles only with or through a designated person or class of persons or sells and assigns the conditional sales contracts, chattel mortgages or leases arising from his retail sale of motor vehicles or any one or any number thereof only to such person so engaged in financing the purchase or sale of motor vehicles or in buying conditional sales contracts, chattel mortgages or leases on motor vehicles, shall be presumed to be made at the direction of and with the authority of such person so engaged in such manufacture or distribution of motor vehicles, and shall be prima facie evidence of the fact that such person so engaged in the manufacture or distribution of motor vehicles has sold or intends to sell the same on the condition or with the agreement or understanding prohibited in Section 1 of this Act.

Section 4. **What are unlawful acts.**—It shall be unlawful for any person who is engaged directly or indirectly in the manufacture or wholesale distribution of motor vehicles to pay or give or to contract to pay or give any thing of value or subsidy to any person, other than an automobile dealer or automobile distributor, who is engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail within this State or to discriminate in favor of or against any person, other than an automobile dealer or automobile distributor, engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail within the State, if the effect of such payment or contract to pay or give any thing of value or subsidy or discrimination may be to lessen or eliminate competition or to create or tend to create a monopoly in the person or class of persons who receive such thing of value or subsidy or who are benefited by such discrimination.

Section 5. **Same.**—It shall be unlawful for any person, other than an automobile dealer or automobile distributor, who is engaged in the business of financing the purchase or sale of motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail within this State to accept or receive or contract or agree to accept or receive either directly or indirectly any thing of value or subsidy or the benefit resulting from any discrimination as set forth in Section 4 of this Act from any person engaged directly or indirectly in the manufacture or wholesale distribution of motor vehicles if the effect of the acceptance or receipt of any such thing of value or subsidy or benefit may be to lessen or eliminate competition or to create or tend to create a monopoly in the person or class of persons who receives such thing of value or subsidy or who are thus benefited by such discrimination.

Section 6. **Same.**—It shall be unlawful for any person other than an automobile dealer or automobile distributor who hereinafter so accepts or receives either directly or indirectly any thing of value or subsidy or the benefit resulting from any discrimination as set forth in Section 5 of this Act or hereafter so contracts either directly or indirectly to receive any such thing of value or subsidy or benefit to thereafter finance or attempt to finance the purchase or sale of any motor vehicle or buy or attempt to buy any conditional sales contracts, chattel mortgages or leases on motor vehicles sold at retail in this State.

Section 7. **Attorney general to institute suit.**—For a violation of any of the provisions of this Act by any corporation or association mentioned herein, it shall be the duty of the Attorney General or the District Attorney of the proper county, to institute proper suits or quo warranto proceedings in any court of competent jurisdiction for the forfeiture of its charter rights, franchises or privileges and powers exercised by such corporation or association, and for the dissolution of the same under the general statutes of the State.

Section 8. **Foreign corporations may be prohibited from doing business in the state.**—Every foreign corporation, as well as every foreign association, exercising any of the powers, franchises or functions of a corporation in this State, violating any of the provisions of this Act, is hereby denied the right and prohibited from doing any business in this State, and it shall be the duty of the Attorney General to enforce this provision by bringing proper proceedings by injunction or otherwise. The Secretary of State shall be authorized to revoke the license of any such corporation or association heretofore authorized by him to do business in this State.

Section 9. **Violation a misdemeanor.**—Any person who shall violate any of the provisions of this Act, any person who is a

party to any agreement or understanding, or to any contract prescribing any condition prohibited by this Act, any employee, agent or officer of any such person who shall participate, in any manner, in making, executing, enforcing, performing or in urging, aiding or abetting in the performance of any such contract, condition, agreement or understanding and any person who shall pay or give or contract to pay or give any thing or service of value prohibited by this Act, and any person who shall receive or accept or contract to receive or accept any thing or service of value prohibited by this Act, shall be deemed guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00) or be imprisoned in a county jail not exceeding six months, or by both such fine and imprisonment. Each day's violation of this provision shall constitute a separate offense. The words "person", "employee", "agent" or "officer" as used in this Section shall not be construed to mean or apply to any person who is engaged or intends to engage in the business of selling motor vehicles at retail in this State, nor the employee, agent or officer of any person who is engaged or intends to engage in the business of selling motor vehicles at retail in this State.

Section 10. Contracts or agreements in violation of act void.—Any contract or agreement in violation of the provisions of this Act, shall be absolutely void and shall not be enforceable either in law or equity.

Section 11. Provisions cumulative.—The provisions hereof shall be held cumulative of each other and of all other laws in any way affecting them now in force in this State.

Section 12. May recover in civil action.—In addition to the criminal and civil penalties herein provided, any person who shall be injured in his business or property by any other person or corporation or association or partnership, by reason of anything forbidden or declared to be unlawful by this Act, may sue therefor in any court having jurisdiction thereof in the county where the defendant resides or is found, or any agent resides or is found, or where service may be obtained, without respect to the amount in controversy, and recover two-fold the damages by him sustained and the costs of suit. Whenever it shall appear to the court before which any proceedings under this Act may be pending, that the ends of justice require that other parties shall be brought before the court, the court may cause them to be made parties defendant and summoned, whether they reside in the county where such action is pending, or not.

Section 13. Definitions.—(a) The term "person", as used in this Act, means any individual, firm, corporation, partnership, association, trustee, receiver or assignee for the benefit of creditors.

(b) The terms "sell", "sold", "buy", and "purchase", as used in this Act, include exchange, barter, gift, and offer of contract to sell or buy.

Section 14. **Automobile dealers anti-coercion act.**—This Act shall be known and shall be cited as "Automobile Dealers' Anti-coercion Act."

Section 15. **Provisions severable.**—If any section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 16. This Act shall take effect and be in force from and after its passage.

Approved April 24, 1937.

CHAPTER 413—S. F. No. 655

An act to amend Section 1, Chapter 68, Laws 1917, as amended by Chapter 120, Laws 1917, Chapter 108, Laws 1923, Chapter 289, Laws 1925, Chapter 29, Laws 1929 and Section 13A of Chapter 388, Laws 1925, relating to elections and the method and procedure of voting by absent voters including elections in villages operating under the Australian ballot system, and authorizing voters absent on the day of certain elections from the election district in which they are residents or who by reason of illness or physical disability are unable to go to the polling place of such district to vote at such election.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Law amended.**—That Section 1 of Chapter 68, Laws 1917, as amended by Chapter 120, Laws 1917, Chapter 108, Laws 1923, Chapter 289, Laws 1925, and Chapter 29, Laws 1929 be, and the same is, hereby amended so as to read as follows:

"Sec. 1. Any person entitled to vote at any general election who is absent on the day such general election is held, from the election district in which he is entitled to vote, or who on such day is not absent from such election district but by reason of illness or physical disability is unable to go to the polling place of such district, may