

[169.342] TRAFFIC REGULATIONS; GOOD SAMARITAN; EXCEPTION TO STOPPING AND PARKING PROHIBITION. A person who stops or parks his motor vehicle on any highway or street for the sole purpose of aiding another motorist who signals for assistance by raising the hood of the vehicle or displaying a flag, flare or similar signal is not in violation of any law, ordinance, or regulation prohibiting the stopping or parking of a motor vehicle, and no peace officer shall issue a traffic ticket therefor if:

(a) The motorist in distress is not already being given aid or assistance;

(b) The person takes reasonable safety precautions in stopping and parking his vehicle, and conforms with other laws regulating the stopping and parking of vehicles;

(c) The person is not in violation of traffic laws or regulations other than the prohibition against stopping and parking; and

(d) The person promptly leaves the scene if directed to leave by a peace officer.

This section does not apply to any person who stops or parks a vehicle next to an unattended vehicle.

Sec. 2. EFFECTIVE DATE. This act is effective the day following its final enactment.

Approved May 19, 1977.

CHAPTER 168—H.F.No.621

[Coded in Part]

An act relating to motor vehicles; defining terms; clarifying certain motor vehicle dealer licensing requirements; prohibiting brokerage sales of new motor vehicles by motor vehicle brokers; preempting local bonding requirements; amending Minnesota Statutes 1976, Section 168.27, Subdivisions 1, 4, 5, 8, 13, 16, 22, 24 and by adding a subdivision.

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

Section 1. Minnesota Statutes 1976, Section 168.27, Subdivision 1, is amended to read:

168.27 MOTOR VEHICLE DEALERS; VIOLATIONS, PENALTIES. Subdivision 1. **DEFINITIONS.** For the purposes of this section, the following terms have the meanings given them:

(1) "Leasing motor vehicles" means furnishing a motor vehicle for a fee under a bailor-bailee relationship where no incidences of ownership are intended to be transferred other than the right to use the vehicle for a stated period of time.

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(2) "Brokering motor vehicles" means arranging sales between willing buyers and sellers of motor vehicles and receiving a fee for said service.

(3) "Wholesaling motor vehicles" means selling new or used motor vehicles to dealers for resale to the public.

(4) "Auctioning motor vehicles" means arranging for and handling the sale of motor vehicles, not the property of the auctioneer, to the highest bidder.

(5) "Dealer" includes new motor vehicle dealers, used motor vehicle dealers, brokers, wholesalers, auctioneers and lessors of new or used motor vehicles.

(6) "Commercial building" means a building adapted to commercial use and located in an area zoned for commercial or other less restrictive nonresidential use by the governmental unit in which it is located.

Sec. 2. Minnesota Statutes 1976, Section 168.27, Subdivision 4, is amended to read:

Subd. 4. **MOTOR VEHICLE LESSOR.** No person shall engage in the business of leasing motor vehicles or shall offer to lease, solicit or advertise to lease motor vehicles without first acquiring a motor vehicle lessor license. A motor vehicle lessor licensee shall be entitled thereunder to lease or rent either by the hour, day or longer period for a fee and to solicit and advertise the lease or rental of motor vehicles. A motor vehicle lessor having leased motor vehicles, may sell the vehicles upon their return to the lessor after termination or expiration of the lease without obtaining a used motor vehicle dealer license.

Sec. 3. Minnesota Statutes 1976, Section 168.27, Subdivision 5, is amended to read:

Subd. 5. **MOTOR VEHICLE BROKER.** No person shall engage in the business of brokering motor vehicles by finding, offering to find, soliciting or advertising for prospective buyers of used motor vehicles and charging the seller or buyer a fee for his service without first acquiring a motor vehicle broker license. A motor vehicle broker licensee shall be entitled thereunder to broker and to solicit and advertise the brokerage of used motor vehicles only. Brokerage sales shall include sales by consignment and referral. Except as provided in subdivision 2, brokerage sales of new motor vehicles are prohibited.

Sec. 4. Minnesota Statutes 1976, Section 168.27, Subdivision 8, is amended to read:

Subd. 8. **EXEMPTIONS.** (1) Salesmen and other employees of licensed dealers under this section shall not be required to obtain individual licenses.

(2) Isolated or occasional sales or leases of new or used motor vehicles shall be exempt from the provisions of this section.

Sec. 5. Minnesota Statutes 1976, Section 168.27, Subdivision 13, is amended to read:

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Subd. 13. **SUSPENSION AND REVOCATION; HEARING.** The registrar of motor vehicles, upon his own motion or upon the complaint of another, shall prepare and cause to be served upon the licensee complained of, a written notice or complaint setting forth, in substance, the violations charged, a statement of the deficiencies which exist and the any corrective action necessary deemed appropriate. Said notice shall include a statement that in the event corrective action is deemed appropriate and corrective action is not taken, the dealer's license may be suspended or revoked. The notice shall require the licensee to appear at the time and place fixed therein before the registrar or inspector, and show cause why his license should not be suspended or revoked.

The registrar shall, at the time and place fixed in the notice, proceed to hear and determine the matter on its merits. All hearings shall be conducted in accordance with the provisions of chapter 15, except that the provisions of section 15.052, subdivision 3, shall not apply. The registrar is authorized to subpoena witnesses and administer oaths. If the registrar shall find the existence of any of the causes for suspension or revocation as set forth in subdivision 12 and determine that corrective action has not been taken or that corrective action will not prevent repetition of the violations charged or that the public interest will not be served by corrective action and the licensee's license should be suspended or revoked, the registrar shall issue a written order setting out his decision, and a copy of such order shall be served upon such licensee in the manner provided by law for the service of summons in a civil action. If the registrar finds the dealer has violated any of the provisions of this section but that the nature of said violation or the circumstances thereof are such that a suspension of the license would be adequate, he may, instead of revoking the license suspend it for a period not exceeding 90 days. If he finds the violation does not justify a suspension only, he shall revoke the license. Upon a suspension or revocation, if it be a new or used motor vehicle dealer, said licensee shall immediately return to the registrar all number plates, including any "in transit" plates, in its possession and its dealer's license certificate.

Sec. 6. Minnesota Statutes 1976, Section 168.27, Subdivision 16, is amended to read:

Subd. 16. **PLATES, DISTINGUISHING NUMBERS.** (a) The registrar shall issue to every motor vehicle dealer, upon a request from such motor vehicle dealer licensed as provided in subdivisions 2 or 3, one or more pair of number plates displaying a general distinguishing number upon the payment of \$10 to the registrar. In addition the dealer shall pay a motor vehicle excise tax of \$15 annually for each pair of dealer plates purchased as required by section 297B.035. The registrar shall deposit the tax in the state treasury and it shall be credited to the general fund. Motor vehicles, new or used, owned by such motor vehicle dealer and bearing such number plates, except vehicles leased to the user who is not an employee of the dealer during the term of the lease, held for hire, or customarily used by the dealer as a tow truck, service truck, or parts pickup truck, may be driven upon the streets and highways of this state by such motor vehicle dealer, or any employee of such motor vehicle dealer or by any member of the immediate family of such dealer or employee for either private or business purposes; or may be driven upon the streets and highways for demonstration purposes by any prospective buyer thereof for a period of 48 hours or in the case of a truck, truck-tractor, or semi-trailer, for a period of seven days.

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(b) A new or used motor vehicle sold by such motor vehicle dealer and bearing the motor vehicle dealer's number plates may be driven upon the public streets and highways for a period of 72 hours by the buyer for either of the following purposes: (1) Removing the vehicle from this state for registration in another state, or (2) permitting the buyer to use the motor vehicle before he receives number plates pursuant to his own registration. Use of a motor vehicle by the buyer under the provisions of clause (2) of the preceding sentence before he receives number plates pursuant to his own registration constitutes a use of the public streets or highways for the purpose of the time requirements for registration of motor vehicles.

Sec. 7. Minnesota Statutes 1976, Section 168.27, Subdivision 22, is amended to read:

Subd. 22. **BOAT AND SNOWMOBILE TRAILERS.** Any person, copartnership or corporation having ~~an established place of business as defined in this section a permanent enclosed commercial building or structure either owned in fee or leased~~ and engaged in the business, either exclusively or in addition to any other occupation, of selling boat trailers or snowmobile trailers, may apply to the registrar for a dealer's license. Upon payment of a \$10 fee the registrar shall license the applicant as a dealer for the remainder of the calendar year in which the application was received. Thereafter such license may be renewed on or before the second day of January of each year by payment of a fee of \$10. The registrar shall issue to each such dealer, upon his request, dealer plates as provided in subdivision 5 16 upon payment of \$3 for each such plate, and such plates may be used in the same manner and for the same purposes as is provided in said subdivision 5 16. The registrar shall also issue to such dealer, upon his request, "in transit" plates as provided in subdivision 6 17 upon payment of a fee of \$2 for each such plate. This subdivision shall not be construed to abrogate any of the provisions of this section as the same relates to the duties, responsibilities and requirements of persons, copartnerships or corporations engaged in the business, either exclusively or in addition to other occupations, of selling motor vehicles or mobile homes.

Sec. 8. Minnesota Statutes 1976, Section 168.27, Subdivision 24, is amended to read:

Subd. 24. **BONDS.** ~~Each motorcycle dealer licensed hereunder shall keep in full force and effect a bond with a corporate surety to be approved by the registrar of motor vehicles in the amount of \$2,500 to run to the state of Minnesota. All other persons licensed hereunder shall keep in full force and effect a bond with a corporate surety to be approved by the registrar of motor vehicles in amounts as herein provided; in the case of boat or snowmobile trailer dealers in the amount of \$1,000; in the case of motorcycle dealers in the amount of \$2,500; and as to all other persons in the amount of \$10,000. The bond shall be conditioned on the faithful performance by the licensee of the obligations imposed by the law, including the conduct required of a licensee by this section, and the payment of all taxes, license fees and penalties. Said bond shall be for the benefit of the state of Minnesota and any purchaser of a motor vehicle for any monetary loss caused by failure of the licensee to meet the obligations enumerated above. Proceedings on the forfeiture of the bonds shall be commenced in the district court of the county wherein the business of the licensed person was carried on, or if in more than one county, the county~~

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in which the offense occurred.

Sec. 9. Minnesota Statutes 1976, Section 168.27, is amended by adding a subdivision to read:

Subd. 25. PREEMPTION OF LOCAL ORDINANCES. It is the intent and purpose of this section to establish a uniform statewide system of bonding motor vehicle dealers and the provisions of this section shall supersede and preempt all bonding requirements imposed by any local government unit.

Sec. 10. This act is effective on the day following final enactment.

Approved May 19, 1977.

CHAPTER 169—H.F.No.685

[Not Coded]

An act relating to the city of Hibbing; authorizing an increase in the service pensions of certain retired firemen; amending Laws 1935, Chapter 192, Section 1, as amended, by adding a subdivision.

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

Section 1. Laws 1935, Chapter 192, Section 1, as amended by Laws 1951, Chapter 48, Section 1; Laws 1955, Chapter 294, Section 1; Laws 1959, Chapter 208, Section 1; Laws 1967, Chapter 816, Section 1; Laws 1969, Chapter 686, Section 1; and Laws 1971, Chapter 614, Section 1, is amended by adding a subdivision to read:

Subd. 1a. HIBBING, CITY OF; SERVICE PENSIONS; INCREASE IN CERTAIN PENSIONS. The Hibbing firemen's relief association shall pay to any retired fireman who retired prior to May 28, 1971, \$100 per month in addition to any service pension payable pursuant to subdivision 1.

Sec. 2. From and after the effective date of this act, neither the city of Hibbing nor the firemen's relief association in the city of Hibbing shall qualify for state fire aid pursuant to Minnesota Statutes, Chapter 69, nor shall the commissioner of insurance certify such association to the county auditor as provided in Minnesota Statutes, Section 69.021, unless the provisions of Laws 1971, Chapter 614, Section 2, are complied with. Such compliance shall be determined by the commissioner of insurance, and the association shall include the information needed for such determination with its annual financial report required by Minnesota Statutes, Section 69.051.

Sec. 3. This act is effective upon approval by the Hibbing city council and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 19, 1977.

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