

Trunk Highway No. 10; thence northwesterly along Trunk Highway No. 10 to the junction with Trunk Highway No. 59; thence northerly along Trunk Highway No. 59 to the junction with Trunk Highway No. 2; thence westerly along Trunk Highway No. 2 to the junction with Trunk Highway No. 32; thence northerly along Trunk Highway No. 32 to the junction with Trunk Highway No. 11; thence northeast along Trunk Highway No. 11 to the east line of Range 43W to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior.

In all cases where gross weights in an amount less than in this subdivision set forth are fixed, limited or restricted on any highway or bridge by or pursuant to any other section of this chapter such lesser gross weight as so fixed, limited or restricted shall not be exceeded and in such case shall control instead of the gross weight in this subdivision set forth.

Approved May 26, 1977.

CHAPTER 280—H.F.No.829

An act relating to landlord and tenant; establishing period for which interest is payable on security deposit; providing a measure of damages for the improper withholding of security deposits and the improper withholding of rent payments; amending Minnesota Statutes 1976, Section 504.20, Subdivisions 2, 3, 4, 7 and 7a.

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

Section 1. Minnesota Statutes 1976, Section 504.20, Subdivision 2, is amended to read:

Subd. 2. **LANDLORD AND TENANT; SECURITY DEPOSIT; INTEREST.** Any ~~such~~ deposit of money shall not be considered received in a fiduciary capacity within the meaning of section 82.17, subdivision 7, but shall be held by the landlord for the tenant who is party to ~~such the~~ agreement and shall bear simple interest at the rate of five percent per annum noncompounded, computed from the first day of the next month following the full payment of ~~such the~~ deposit to the last day of the month of ~~termination of the tenancy in which the landlord, in good faith, complies with the requirements of subdivision 3 or to the date upon which judgment is entered in any civil action involving the landlord's liability for the deposit, whichever date is earlier.~~ Any interest amount less than \$1 shall be excluded from the provisions of this section.

Sec. 2. Minnesota Statutes 1976, Section 504.20, Subdivision 3, is amended to read:

Subd. 3. Every landlord shall, within ~~two~~ three weeks after termination of the tenancy and receipt of the tenant's mailing address or delivery instructions, return ~~such the~~ deposit to the tenant, with interest thereon as above provided, or furnish to the tenant a written statement showing the specific reason for the withholding of the deposit or any portion thereof. It shall be sufficient compliance with the time requirement of this

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subdivision if the deposit or written statement required by this subdivision is placed in the United States mail as first class mail, postage prepaid, in an envelope with a proper return address, correctly addressed according to the mailing address or delivery instructions furnished by the tenant, within the time required by this subdivision. The landlord may withhold from ~~such~~ the deposit only ~~such~~ amounts as are reasonably necessary:

(a) To remedy tenant defaults in the payment of rent or of other funds due to the landlord pursuant to an agreement; or

(b) To restore the premises to their condition at the commencement of the tenancy, ordinary wear and tear excepted.

In any action concerning ~~such~~ the deposit, the burden of proving, by a fair preponderance of the evidence, the reason for withholding all or any portion of ~~such~~ the deposit shall be on the landlord.

Sec. 3. Minnesota Statutes 1976, Section 504.20, Subdivision 4, is amended to read:

Subd. 4. Any landlord who fails to provide a written statement within ~~two~~ three weeks of termination of the tenancy and receipt of the tenant's mailing address or delivery instructions, as required in subdivision 3, shall ~~forfeit all rights to withhold any portion of such deposit be liable to the tenant for damages in an amount equal to the portion of the deposit withheld by the landlord and interest thereon as provided in subdivision 2, as a penalty, in addition to the portion of the deposit wrongfully withheld by the landlord and interest thereon.~~

Sec. 4. Minnesota Statutes 1976, Section 504.20, Subdivision 7, is amended to read:

Subd. 7. The bad faith retention by a landlord of ~~such~~ the deposit, the interest thereon, or any portion thereof, in violation of this section shall subject the landlord to punitive damages not to exceed \$200 in addition to ~~any actual the damages provided in subdivision 4.~~ Failure by If the landlord to provide the written statement required by has failed to comply with the provisions of subdivision 3 and to return, his retention of the deposit shall be presumed to be in bad faith unless he returns such the deposit within two weeks after the commencement of any action for the recovery of such the deposit shall be presumed to be a bad faith retention by the landlord of such deposit.

Sec. 5. Minnesota Statutes 1976, Section 504.20, Subdivision 7a, is amended to read:

Subd. 7a. No tenant may withhold payment of all or any portion of rent for the last payment period of a residential rental agreement, except an oral or written month to month residential rental agreement concerning which neither the tenant nor landlord has served a notice to quit, on the grounds that ~~such~~ the deposit should serve as payment for the rent. Withholding all or any portion of rent for the last payment period of the residential rental agreement creates a rebuttable presumption that the tenant withheld the last payment on the grounds that ~~such~~ the deposit should serve as payment for the rent. Violation of this subdivision after written demand and notice of this subdivision shall

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subject the tenant to damages of twice the deposit and forfeiture of any interest due on the deposit in addition to any actual damages Any tenant who remains in violation of this subdivision after written demand and notice of this subdivision shall be liable to the landlord for damages in an amount equal to the portion of the deposit which the landlord is entitled to withhold under subdivision 3 other than to remedy the tenant's default in the payment of rent, plus interest on the deposit as provided in subdivision 2, as a penalty, in addition to the amount of rent withheld by the tenant in violation of this subdivision .

Approved May 26, 1977.

CHAPTER 281—H.F.No.914

An act relating to human services; providing certain services to juveniles; clarifying the authority of the juvenile court; amending Minnesota Statutes 1976, Sections 260.311, Subdivisions 1, 3 and 5; and 402.02, Subdivision 2.

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

Section 1. Minnesota Statutes 1976, Section 260.311, Subdivision 1, is amended to read:

260.311 HUMAN SERVICES; JUVENILES; CORRECTIONAL SERVICES; PROBATION OFFICERS. Subdivision 1. **APPOINTMENT; JOINT SERVICES; STATE SERVICES.** If a county or group of counties has established a human services board pursuant to chapter 402, the juvenile court may appoint one or more probation officers as necessary to perform court services, and the human services board shall appoint persons as necessary to provide correctional services within the authority granted in chapter 402. In all counties of more than 200,000 population, which have not organized pursuant to chapter 402, the juvenile court shall appoint one or more persons of good character to serve as probation officers during the pleasure of the court. All other counties shall provide probation services to county courts in one of the following ways:

(1) The court, with the approval of the county boards, may appoint one or more salaried probation officers to serve during the pleasure of the court;

(2) Two or more county courts or county court districts through their county boards may jointly appoint common salaried probation officers to serve in the several counties;

(3) A county may request the commissioner of corrections to furnish probation services to its county court in accordance with the provisions of this section, and the commissioner of corrections shall furnish such services to any county that fails to provide its own probation officer by one of the two procedures listed above;

(4) All probation officers serving the juvenile courts on July 1, 1972 shall continue to serve in the county or counties they are now serving.

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