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Sec. 4. DUTIES OF PEACE OFFICER TRAINING BOARD. By August 1, 1978, the peace officer training board shall notify every peace officer employed in this state of the provisions of this act.

Sec. 5. EFFECTIVE DATE. Sections 1 to 3 are effective August 1, 1978. Section 4 is effective the day following final enactment.

Approved April 5, 1978.

CHAPTER 737-H.F.No.37

[Coded]

An act relating to commerce; requiring individually marked prices on certain retail merchandise; providing exceptions; providing penalties.

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

Section 1. **[325.835] RETAIL MERCHANDISE; PRICE MARKING.** Subdivision 1. In any store primarily engaged in the sale of grocery products at retail using an electronic or magnetic scanner to read the price of grocery products presented for checkout, every canned, bottled, boxed or bagged item of merchandise sold or offered for sale at retail shall have the selling price in arabic numerals clearly affixed to each item by a stamp, tag, label or other conspicuous marking device when electronically or magnetically scanned for checkout unless the price of the item is conspicuously displayed where the item is shelved and the store provides a means by which the customer may mark individual items. If a grocery product is canned, bottled, boxed or bagged, but sold in quantities of more than one in the containers in which the product came from the manufacturer or distributor, the price may be marked on the outer containers rather than on each individual item.

Subd. 2. Subdivision 1 does not apply to:

- (a) Food items intended to be consumed on or about the retail premises;
- (b) Grocery products sold by a store primarily engaged in the sale of grocery products at retail which are under three cubic inches in size, weigh less than three ounces, and are priced under 30 cents;
- (c) Grocery products sold by a store primarily engaged in the sale of grocery products offered for a period of seven days or less on sale in good faith at a price below the price such merchandise is usually sold for in the store, provided that the sale price is clearly indicated to the consumer by conspicuous sign or otherwise, located at or near the point of sale of such merchandise;

Changes or additions indicated by underline deletions by strikeout

(d) Cigarettes, cigars, tobacco and tobacco products with a retail price of \$1 or less;

(e) Items actually sold through vending machines; and

(f) Any type of grocery product sold by a store primarily engaged in the sale of grocery products which is not marked in accordance with the uniform products code or any similar marking system designed to be scanned by electronic or magnetic checkout equipment.

Subd. 3. In addition to the exemptions allowed in subdivision 2, a retailer may choose to not individually price mark not more than 25 classes of items or individual items which classes or items shall be set forth on a list posted in a conspicuous place in the retail store, and may choose to not individually price mark not more than 25 additional classes of items or individual items which are advertised or featured at a reduced price.

Sec. 2. ~~[325.836]~~ **PENALTIES.** (a) Knowingly and willfully failing to have a clearly readable price indicated on more than six individual items of the same commodity shall constitute a petty misdemeanor and each commodity not priced in compliance with this act shall constitute a separate violation. Each day that a violation continues shall also constitute a separate violation;

(b) Notwithstanding any other provision of law, any person may bring an action to enjoin a violation of this act.

Sec. 3. ~~[325.837]~~ **LOCAL ORDINANCE PRE-EMPTED.** No subordinate unit of government may adopt or enforce any rule or ordinance requiring individually marked prices on retail merchandise other than that contained in this act.

Approved April 5, 1978.

CHAPTER 738-H.F.No.338

[Coded in Part]

An act relating to civil actions; limiting ad damnum clauses; establishing rules for punitive damages; authorizing costs and attorney fees to be awarded when one party acts in bad faith; modifying rules of comparative fault, contribution, and joint liability; codifying a useful life defense; requiring notice of possible claims; establishing a statute of limitations for certain strict liability actions and for actions based on the application of pesticides; amending Minnesota Statutes 1976, Sections 541.05; 541.07; 604.01, Subdivision 1, and by adding a subdivision; and Chapters 544, by adding a section; 549, by adding sections; and 604, by adding sections.

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

Section 1. Minnesota Statutes 1976, Section 541.05, is amended to read:

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