

CHAPTER 141

PRIVATE TRADE SCHOOLS

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141.01 DEFINITIONS. Subdivision 1. **Terms.** The following terms, when used in sections 141.01 to 141.10, shall have the meanings ascribed to them in this section.

Subd. 2. Private trade school. "Private trade school" means a school maintained or classes conducted for the purpose of teaching, for profit or for a tuition charge, any trade, technical, mechanical or industrial occupation, but shall not include: private schools engaged exclusively in the teaching of business subjects; schools engaged in teaching medical technology; colleges authorized by the laws of Minnesota to grant degrees; schools of nursing; public schools; private trade schools which are exempt from taxation under Mason's Minnesota Supplement 1940, Section 2394-5(H) of the Minnesota State Income Tax Laws; private schools which are exempt from taxation under the Constitution of Minnesota, Section 1, Article IX; schools exclusively engaged in training physically handicapped persons for the State of Minnesota; schools engaged in giving instruction by correspondence; schools already or hereafter licensed by duly constituted boards under provisions of Minnesota laws; or schools and educational programs conducted by firms, corporations or persons for the training of their own employees, for which no fee is charged.

Subd. 3. Solicitor. "Solicitor" means a person who solicits business for a private trade school, or who offers to sell or sells any instruction or course of instruction by a private trade school. Private trade school as used in this subdivision includes those located within and without the State of Minnesota.

Subd. 4. Person. "Person" means any individual, association, partnership, or corporation, and includes any receiver, referee, trustee, executor, or administrator.

Subd. 5. Commissioner. "Commissioner" means commissioner of education.

Subd. 6. Board. "Board" means state board for vocational education.

[1943 c. 234 s. 1]

141.02 MINIMUM STANDARDS. The following minimum standards for private trade schools are hereby established, and no license shall be granted hereunder unless the board shall determine—

(a) That the school applying for a license has a sound financial structure with sufficient resources for its proper use and support.

(b) That the school has satisfactory training facilities with sufficient tools and equipment and the necessary number of work stations to adequately train the number of students proposed to be enrolled.

(c) That there are a sufficient number of qualified instructors sufficiently trained by experience and education to give the training contemplated.

(d) That the advertising and representations made on behalf of the school to prospective students shall be truthful and free from misrepresentation and fraud.

(e) That the charge made for instruction shall be reasonable based upon the service rendered.

(f) That the premises and conditions under which the students work or study shall be sanitary and healthful and safe, according to modern standards.

[1943 c. 234 s. 2]

141.03 RULES AND REGULATIONS. The board shall, with the advice of the commissioner and of the state advisory committee of such board as prescribed in the state vocational plan for trade and industrial education, make rules and regu-

lations to carry out the intent and purposes of sections 141.01 to 141.10. Such rules and regulations shall be effective when filed in the office of the secretary of state and amendments thereof shall be effective 20 days after being so filed.

[1943 c. 234 s. 3]

141.04 LICENSE REQUIRED. No private trade school shall be operated by any person, or persons, firm, corporation, or by any private organization unless a license is first secured from the commissioner, who is empowered to issue it upon compliance with the terms and provisions of sections 141.01 to 141.10. Application shall be made to the commissioner upon a form prescribed and furnished by him and shall be accompanied by an application fee of \$25. A license shall not be issued to any school until the commissioner has approved it as meeting the minimum standards and requirements as provided herein.

[1943 c. 234 s. 4]

141.05 FEES, BONDS. If the license is granted, it shall be issued upon the payment of an additional fee of \$25 and the filing with the commissioner of a surety bond to the State of Minnesota in the sum of \$1,000. The bond shall be conditioned for the faithful performance of all agreements and contracts with students, as disclosed by the application for license, and the compliance with sections 141.01 to 141.10. Every license shall expire on December 31 following the date of issuance.

[1943 c. 234 s. 5]

141.06 PERMITS FOR SOLICITORS. Subdivision 1. **Required.** Every solicitor, before engaging in such business, shall first procure a permit from the commissioner.

Subd. 2. **Applications, fees.** A permit shall only be issued upon written application to the commissioner. The application shall be upon a form prescribed and furnished by the commissioner and shall be accompanied by \$10, the fee for such permit. If the application is granted, the permit shall not be issued until the applicant has filed with the commissioner a continuous surety bond to the state of Minnesota in the penal sum of \$1,000, conditioned for the faithful performance of all contracts and agreements with students by the solicitor and the employing private trade school, as disclosed by the application for the permit, and for the compliance by the solicitor with sections 141.01 to 141.10 and all rules and regulations prescribed under sections 141.01 to 141.10. Every permit shall expire on December 31 following the date of issuance.

[1943 c. 234 s. 6]

141.07 REVOCATION OR EXTENSION OF PERMITS OR LICENSES. Subdivision 1. Licenses or permits may be revoked. A license or permit issued under sections 141.01 to 141.10 may be revoked by the board for cause upon notice and hearing.

Subd. 2. Commissioner may suspend permits or licenses. Upon the filing with the board of charges against the holder of a license or permit issued under sections 141.01 to 141.10, the commissioner may suspend such license or permit pending determination thereof.

[1943 c. 234 s. 7]

141.08 UNLAWFUL DESIGNATIONS. It is unlawful for any private trade school operating within the state of Minnesota to apply to itself, either as a part of its name or in any other manner, the designation of "college" or "university," unless certificated by the commissioner that the school meets appropriate standards and is entitled to such designation.

[1943 c. 234 s. 8]

141.09 FEES TO BE PAID INTO STATE TREASURY. All of the fees collected under the provisions of sections 141.01 to 141.10 shall be payable to the general revenue fund of the state of Minnesota.

[1943 c. 234 s. 10]

141.10 VIOLATION. Any person who violates any provisions of sections 141.01 to 141.10 shall be guilty of a misdemeanor.

[1943 c. 234 s. 9]

141.11 AGENTS AND TRADE REPRESENTATIVES. Subdivision 1. **Subject to provisions of trade school act.** Every solicitor, agent or representative who solicits business in Minnesota for a private correspondence school conducted for the purpose of teaching by correspondence for profit or a tuition charge any

trade, technical, mechanical, industrial occupation, or business subject, or who offers to sell or sells any instruction or course of instruction by such a school shall, before engaging in soliciting business in Minnesota for a private correspondence school, first procure a permit from the commissioner of education.

Subd. 2. **Permit.** A permit shall only be issued upon written application to the commissioner, accompanied by \$2 the fee for such permit, and a continuous surety bond to the State of Minnesota in the penal sum of \$1,000, conditioned for the faithful performance of all contracts and agreements with students by the solicitor and the employing private correspondence school. Every permit shall expire on the 31st day of December following the date of issuance.

Subd. 3. **Revocations.** A license or permit issued hereunder may be revoked by the board for vocational education for cause upon notice and hearing.

Subd. 4. **Violations.** Any person who violates any provision of this section is guilty of a misdemeanor.

Subd. 5. **Fees paid into general revenue fund.** All fees collected under the provisions of this section shall be payable to the general revenue fund of the state.

[1943 c. 542 s. 1; 1945 c. 588]