

MINNESOTA STATUTES 1977 SUPPLEMENT

REGULATION OF MANUFACTURES AND SALES 325.8015

CHAPTER 319A. PROFESSIONAL CORPORATIONS ACT

Sec.
319A.02 Definitions.

319A.02 Definitions.

[For text of subd 1, see M.S.1976]

Subd. 2. "Professional service" means personal service rendered by a professional pursuant to a license or certificate issued to him by the state of Minnesota pursuant to sections 147.01 to 147.29, 148.01 to 148.101, 148.171 to 148.285, 148.52 to 148.62, 148.79 to 148.86, 150A.01 to 150A.12, 153.01 to 153.15, 156.001 to 156.14, 326.17 to 326.23, or 481.01 to 481.17, or a license or certificate issued to him by another state pursuant to similar laws.

[For text of subds 3 to 6, see M.S.1976]

[1977 c 256 s 3]

CHAPTER 325. REGULATION OF MANUFACTURES AND SALES

Sec.		Sec.	
325.248	Sale of beverage containers having detachable parts; penalty.	325.812	Repealed.
325.8015	Price fixing; production control; allocation of markets; collusive bidding; and concerted refusals to deal; discriminatory acts.	325.814	Definitions. [New]
325.8018	Penalties for violation.	325.815	Collection facilities; notice. [New]
325.811	Repealed.	325.816	Penalty. [New]
		325.946	Deficiency judgments; consumer transactions; definitions. [New]
		325.947	Restrictions on deficiency judgments. [New]

325.248 Sale of beverage containers having detachable parts; penalty.

Subdivision 1. No person shall sell or offer for sale in this state a carbonated soft drink, beer, other malt beverage, or tea in liquid form and intended for human consumption contained in an individual sealed metal container designed and constructed so that a part of the container is detached in the process of opening the container.

[For text of subd 2, see M.S.1976]

[1977 c 226 s 1]

325.8015 Price fixing; production control; allocation of markets; collusive bidding; and concerted refusals to deal; discriminatory acts.

[For text of subd 1, see M.S.1976]

Subd. 2. Without limiting section 325.8013, the following, when performed by a person within the jurisdiction of this state, and directly affecting business in this state (excluding any business employing, controlling, controlled by or under common control with such person), shall be deemed to restrain trade or commerce unreasonably and are unlawful:

(1) Requiring any United States person to be excluded from a business transaction on the basis of that person's sex, race, color, religion, ancestry or national origin or on the basis that the person conducts or has conducted business with persons of a particular race, sex, color, religion, ancestry or national origin, or on the basis that the person has done business in a particular country.

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(2) Giving, as part of any business transaction, any statement, certification or other document to the effect that the giver of the statement, certification or other document has complied with a policy imposed by any person, nation, or international organization requiring exclusion from any business transaction, or discrimination against, any United States person on the basis of his race, sex, color, religion, ancestry or national origin or on the basis that the person conducts or has conducted business with persons of a particular race, sex, color, religion, ancestry or national origin, or on the basis that the person has done business in a particular country.

(3) Granting, accepting or processing any letter of credit or other document which evidences the transfer of funds or credit, or entering into any contract for the exchange of goods or services, where the letter of credit, contract, or other document contains any provision which requires any person to discriminate against or to certify that he has not dealt with any other United States person on the basis of race, sex, color, religion, ancestry or national origin, or on the basis that the person conducts or has conducted business with persons of a particular race, sex, color, religion, ancestry or national origin, or on the basis that the person has done business in a particular country.

(4) As part of any business transaction, complying, or agreeing to comply, or certifying or giving other assurance that he complies or agrees to comply, with a policy imposed by another party requiring discrimination against, or refusal to deal with, any United States person, group of United States persons, or list of United States persons, on the basis of race, sex, color, religion, ancestry or national origin or on the basis that the person, group of persons or list of persons conducts or has conducted business with persons of a particular race, sex, color, religion, ancestry or national origin, or on the basis that the person has done business in a particular country.

Provided, however, that the provisions of subdivisions 2 and 3 shall not apply to (a) any letter of credit, contract, or other document which contains any provisions pertaining to a labor dispute or an unfair labor practice if the other provisions of such letter of credit, contract, or other document do not violate the provisions of subdivisions 2 and 3; (b) the requiring of association with a particular employer or a particular group as a requisite to obtaining group rates or discount on insurance, recreational activities, or other similar benefits; (c) any act which is an unfair discriminatory practice under section 363.01, subdivision 9 and for which a remedy is provided under chapter 363; (d) persons exempted or acts excepted from the provisions of chapter 363 pursuant to section 363.02; (e) any agreement, letter of credit, contract or other document which contains any specification as to the country of origin of goods or services sold in a business transaction, or as to the vessels to carry the goods, or the route by which the goods may be shipped, if the other provisions of such agreement, letter of credit, contract, or other document do not violate the provisions of subdivisions 2 and 3; (f) compliance by a person resident in a foreign country, or agreement by such person to comply, with the export laws of that country with respect to activities exclusively therein; provided further, however, that the mere ownership of an entity located outside the United States by a person within the jurisdiction of this state shall not make such entity a person within the jurisdiction of this state.

The exemption contained in section 325.8017, subdivision 2 shall not apply to actions made unlawful under this subdivision. Provided, however, that the provisions of this subdivision shall not apply to any action made lawful by legislation of the United States of America or executive order of the President of the United States of America which affirmatively preempts the provisions of subdivisions 2 and 3.

Subd. 3. Any agreement containing a written or verbal term providing that one or more parties to the agreement will violate the previous subdivision 2 is null

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and void, and no party to such an agreement may recover in an action for goods or money due by reason of such an agreement or by reason of money paid or goods shipped pursuant to such an agreement.

[1977 c 173 s 1]

NOTE: Laws 1977, Chapter 173, Section 1 is effective May 20, 1977 and contracts or agreements which are in existence on May 20, 1977 or acts required by such contracts or agreements, shall not be deemed in violation of Laws 1977, Chapter 173, unless they have not been brought into compliance with Laws 1977, Chapter 173, by December 31, 1978, pursuant to Laws 1977, Chapter 173, Section 3.

325.8018 Penalties for violation.

[For text of subd 1, see M.S.1976]

Subd. 2. Any person who is found to have willfully committed any of the acts enumerated in section 325.8015 shall be guilty of a felony and subject to a fine of not more than \$50,000 or imprisonment in the state penitentiary for not more than five years, or both.

[1977 c 173 s 2]

NOTE: Laws 1977, Chapter 173, Section 2 is effective May 20, 1977 and contracts or agreements which are in existence on May 20, 1977 or acts required by such contracts or agreements, shall not be deemed in violation of Laws 1977, Chapter 173, unless they have not been brought into compliance with Laws 1977, Chapter 173, by December 31, 1978, pursuant to Laws 1977, Chapter 173, Section 3.

325.811 [Repealed, 1977 c 381 s 26]

325.812 [Repealed, 1977 c 381 s 26]

325.814 Definitions.

Subdivision 1. For the purposes of section 325.815 and this section, the terms defined in this section have the meanings given them.

Subd. 2. "Motor oil" means petroleum based oil used as a lubricant in a motor vehicle as defined in section 168.011, subdivision 4.

Subd. 3. "Used motor oil" means motor oil which through use, storage or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

Subd. 4. "Person" means any individual, corporation, partnership, cooperative, association, firm, sole proprietorship, or other entity.

[1977 c 68 s 1]

325.815 Collection facilities; notice.

Any person selling at retail or offering motor oil for retail sale in this state shall:

(a) Post a notice indicating the nearest location, or a location within 10 miles of the point of sale, where used motor oil may be returned for recycling or reuse; or

(b) Provide a collection tank at the point of sale for the deposit and collection of used motor oil.

The notice of recycling location shall be posted on or adjacent to the motor oil display itself and shall be at least 8 1/2 inches by 11 inches in size. If a collection tank is available on the premises a sign of similar size shall be placed on or adjacent to the motor oil display informing the public that a collection tank is available, unless prohibited by local ordinance.

[1977 c 68 s 2]

325.816 Penalty.

Any person violating sections 325.814 to 325.816 shall be guilty of a petty misdemeanor.

[1977 c 68 s 3]

NOTE: Sections 325.814 to 325.816 are effective January 1, 1978, pursuant to Laws 1977, Chapter 68, Section 4.

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325.946 REGULATION OF MANUFACTURES AND SALES

325.946 Deficiency judgments; consumer transactions; definitions.

Subdivision 1. As used in section 325.947, the following terms shall have the meanings assigned to them.

Subd. 2. "Consumer credit transaction" means a sale of personal property, or a loan arranged to facilitate the purchase of personal property, in which (a) credit is granted by a seller or a lender who regularly engages as a seller or lender in credit transactions of the same kind; (b) the buyer is a natural person; (c) the personal property is purchased primarily for a personal, family or household purpose, and not for a commercial, agricultural, or business purpose; and (d) a security interest is retained by the seller or lender. It does not include a transaction pursuant to an open end credit plan authorized by sections 334.16 to 334.18.

Subd. 3. "Personal property" includes goods. It does not include real property, or personal property which is furnished or used, at the time of sale or subsequently, in the modernization, rehabilitation, repair, alteration, improvement or construction of real property so as to become a part thereof whether or not severable therefrom.

Subd. 4. "Seller or lender" includes an assignee of either.

[1977 c 180 s 1]

325.947 Restrictions on deficiency judgments.

Subdivision 1. If the seller or lender repossesses or voluntarily accepts surrender of personal property in which he has a security interest arising out of a consumer credit transaction and the aggregate amount of the credit extended in the transaction was \$3,000 or less, the buyer is not personally liable to the seller or lender for the unpaid balance of the debt arising from the consumer credit transaction, and the seller or lender is not obligated to resell the collateral.

Subd. 2. The buyer may be liable in damages to the seller or lender if the buyer has wrongfully damaged the collateral or wrongfully failed to make the collateral available to the seller or lender.

Subd. 3. If the seller or lender elects to bring an action against the buyer for a debt arising from a consumer credit transaction, when under this section he would not be entitled to a deficiency judgment if he repossessed the collateral, and obtains judgment (a) he may not repossess the collateral, and (b) the collateral is not subject to levy or sale on execution or similar proceedings pursuant to the judgment.

[1977 c 180 s 2]

CHAPTER 325A. INVENTION SERVICES

Sec.	Sec.
325A.01 Definitions. [New]	325A.06 Financial requirements. [New]
325A.02 Notice to customers. [New]	325A.07 Restriction on use of negotiable instruments. [New]
325A.03 Right of cancellation. [New]	325A.08 Records. [New]
325A.04 Mandatory contract form. [New]	325A.09 Remedies and enforcement. [New]
325A.05 Disclosures made prior to contract. [New]	325A.10 Citation. [New]

325A.01 Definitions.

Subdivision 1. As used in sections 325A.01 to 325A.10, the following terms shall have the meanings given:

Subd. 2. "Contract for invention development services" includes a contract by which an invention developer undertakes to develop or promote an invention for a customer.

Subd. 3. "Customer" means any natural person who is solicited by, inquires about, seeks the services of or enters into a contract with an invention developer for invention development services.