

## CHAPTER 325F

CONSUMER PROTECTION; PRODUCTS  
AND SALES

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**325F.18 DUTY OF MANUFACTURER.**

*[For text of subd 1, see M.S.1980]*

Subd. 1a. For the purposes of this section "building materials" means any urea formaldehyde-containing material used in the construction or insulation of a housing unit, but does not include:

- (1) draperies, carpeting, furniture and furnishings not normally permanently affixed to a housing unit; and
- (2) noncellular insulation.

*[For text of subds 2 to 6, see M.S.1980]*

**History:** 1981 c 245 s 1

**325F.19 HOME INSULATION; CONSUMER PROTECTION; DEFINITIONS.**

*[For text of subds 1 and 2, see M.S.1980]*

Subd. 3. "Commissioner" means the commissioner of energy, planning and development.

*[For text of subds 4 and 5, see M.S.1980]*

Subd. 6. "Laboratory qualified to test thermal insulation" means an approved laboratory classified by the commissioner in consultation with industry members as passing an appropriate examination of ability to perform tests and continuing inspection or follow-up service according to specifications for manufacture and installation, also referred to as "testing laboratory".

*[For text of subds 7 to 9, see M.S.1980]*

**History:** 1981 c 356 s 201,202

**325F.20 SPECIFICATIONS FOR THE MANUFACTURE, LABELING, AND INSTALLATION OF INSULATION.**

Subdivision 1. The commissioner shall adopt rules pursuant to chapter 15 regarding quality, information, and product safety specifications for the manufacture, labeling, installation, and thermographing of insulation. The specifications

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and any amendments to them shall conform as far as is practical to federal standards or other standards generally accepted and in use throughout the United States. The standards, with modifications as may be deemed necessary, may be adopted by reference. The specifications adopted and any amendments shall be based on the application of scientific principles, approved tests, and professional judgment.

*[For text of subds 2 and 3, see M.S.1980]*

**History:** 1981 c 356 s 203

## 325F.21 TESTING OF INSULATION.

*[For text of subd 1, see M.S.1980]*

Subd. 2. The commissioner shall purchase from time to time unopened insulation packages which shall be sent to an approved testing laboratory to test for compliance with the specifications established under section 325F.20, subdivision 1.

**History:** 1981 c 356 s 204

## 325F.23 MARKING, LABELING, AND CONSUMER INFORMATION.

Subdivision 1. The outside of all containers and wrappings of insulation used or offered for sale in Minnesota shall have the following information printed legibly thereon in bold type not less than one-eighth inch high:

(a) Type (pneumatic or blown, pouring, batt, roll, blanket, board, cellular, or reflective);

(b) R value (to the nearest tenth) per inch at the recommended installation density;

(c) Required thickness in inches to obtain four or more commonly used R values and the corresponding coverage areas in square feet of the insulation in the container or wrapping;

(d) Expiration date and expected shelf life of all resins, catalysts, and foaming agents for all foam insulations, whether in powder, diluted or partially diluted state, on canister, drum, container, or package. For purposes of this section, "foam insulation" means products having an organic base or composed of vinyl or plastic material or both, which are manufactured or installed using a process involving a foaming agent, a resin, a catalyst and an air compressor, including but not limited to urea-formaldehyde, other urea-based foams, urethane foam, polyurethane foam, polystyrene foam, and isocyanurate foam.

(e) Name and address of the manufacturer of the insulation;

(f) A notation of those current specifications of the United States General Services Administration, the United States Department of Energy, the United States Department of Housing and Urban Development, the United States Consumer Product Safety Commission, the Federal Trade Commission and the commissioner with which the insulation complies;

(g) The net weight of the contents of the bag, package, or container.

*[For text of subd 2, see M.S.1980]*

**History:** 1981 c 356 s 205

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## 325F.24 ENFORCEMENT; PENALTIES.

*[For text of subds 1 to 3, see M.S.1980]*

Subd. 3a. Rules promulgated by the commissioner pursuant to sections 325F.20, subdivision 1, and 325F.21, subdivision 1 may be enforced by the commissioner pursuant to section 116H.15.

*[For text of subd 4, see M.S.1980]*

**History:** 1981 c 356 s 206

**325F.33** [Repealed, 1Sp1981 c 4 art 1 s 158]

## 325F.34 TESTIMONY; PRODUCTION OF BOOKS AND DOCUMENTS.

No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and documents in any case or proceedings instituted or brought under the provisions of sections 325F.25 to 325F.32, or in obedience to a subpoena, in any such case or proceedings, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, in any such case or proceedings, or in obedience to a subpoena, in any such case or proceedings.

**History:** 1Sp1981 c 4 art 1 s 159

## 325F.46 REMEDIES.

Subdivision 1. **Civil remedy.** Any person injured by a violation of sections 325F.43 to 325F.45 may bring a civil action and recover damages, together with costs and disbursements, including reasonable attorney's fees, and receive other equitable relief as determined by the court.

Subd. 2. **Criminal penalty.** Any person who knowingly violates the provisions of sections 325F.43 to 325F.45 shall be guilty of a misdemeanor.

Subd. 3. **Provisions.** The provisions of this section shall not be construed as restricting or precluding other remedies at law.

**History:** 1981 c 267 s 1

**325F.49** [Repealed, 1Sp1981 c 4 art 1 s 191]

**325F.50** [Repealed, 1Sp1981 c 4 art 1 s 191]

## 325F.60 INVOICE.

Subdivision 1. **Definition; requirements.** Notwithstanding the provisions of section 325F.56, subdivision 2, for the purpose of this section "repair" means work of any value performed under a manufacturer's warranty, a service contract, or an insurance policy; or any repair work performed for a total value of more than \$50, including the price of parts and materials, to restore a malfunctioning, defective, or worn motor vehicle, appliance, or dwelling place used primarily for personal, family, or household purposes and not primarily for business or agricultural purposes. "Repairs" do not include service calls or estimates. Upon completion of repairs, a shop shall provide the customer with a copy of a dated invoice for the repairs performed. If the customer receives a repaired motor vehicle or appliance without face to face contact with the shop, the shop shall mail the invoice to the customer within two business days after the shop has knowledge of removal of the item. The invoice shall contain the following information:

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- (a) The date of repair;
- (b) The name and address of the shop;
- (c) A description of all repairs performed;
- (d) An itemization of the charges for parts, materials, labor, tax, delivery, and any other charges assessed against the customer;
- (e) A notation specifying which parts, if any, are used, rebuilt, or reconditioned if that information is known by the shop;
- (f) A statement of any charge for a service call or for making an estimate;
- (g) A statement of the odometer reading at the time a motor vehicle is presented for repairs; and
- (h) A statement of the symptoms, as described by the customer, for which the repairs were sought.

Subd. 2. **Estimate as invoice.** A written estimate may be used as an invoice if the required invoice information is written on the face of the estimate.

**History:** 1981 c 134 s 1

## 325F.64 EXEMPTIONS.

Subdivision 1. **Insurance or service contracts.** Sections 325F.57 to 325F.59 and 325F.61 to 325F.66 shall not apply if an insurer or service contract company pays up to 90 percent of the charge for repairs or pays a charge for repairs above a deductible amount specified in an insurance agreement or service contract.

Subd. 2. **Free repairs.** Sections 325F.57 to 325F.59 and 325F.61 to 325F.66 shall not apply when repairs are performed free of charge to the customer under warranty.

**History:** 1981 c 134 s 2

## 325F.731 DEFINITIONS.

Subdivision 1. **Terms.** For the purposes of Laws 1981, Chapter 333, Sections 1 to 17, the following terms have the meanings given them.

Subd. 2. **Precious metal dealer.** "Precious metal dealer" means any natural person, partnership, or corporation, either as principal or agent, engaging in the business of buying secondhand items containing precious metal, including, but not limited to, jewelry, watches, eating utensils, candlesticks, and religious and decorative objects.

Subd. 3. **Precious metals.** "Precious metals" means silver, gold, and platinum.

Subd. 4. **Item containing precious metal.** "Item containing precious metal" means an item made in whole or in part of metal and containing more than one percent by weight of silver, gold or platinum.

**History:** 1981 c 333 s 1

## 325F.732 LICENSE.

Subdivision 1. **Requirement.** Except as provided for in subdivision 2, it is unlawful for a precious metal dealer to engage in or transact any business as such without having a valid license as provided in section 325F.733.

Subd. 2. **Scope.** The requirements of Laws 1981, Chapter 333, Sections 1 to 17 do not apply to the following:

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(1) Transactions at occasional "garage" or "yard" sales, or estate sales or farm auctions held at the decedent's residence, except that precious metal dealers must comply with the requirements of sections 325F.734 to 325F.742 for these transactions.

(2) Transactions regulated by chapter 80A.

(3) Transactions regulated by the Federal Commodity Futures Commission Act.

(4) Transactions involving the purchase of precious metal grindings, filings, slag, sweeps, scraps, or dust from an industrial manufacturer, dental lab, dentist, or agent thereof.

(5) Transactions involving the purchase of photographic film, such as lithographic and x-ray film, or silver residue or flake recovered in lithographic and x-ray film processing.

(6) Transactions involving coins, bullion, or ingots.

(7) Transactions in which the second hand item containing precious metal is exchanged for a new item containing precious metal and the value of the new item exceeds the value of the secondhand item, except that a natural person, partnership or corporation who is a precious metal dealer by engaging in a transaction which is not exempted by this section must comply with the requirements of sections 325F.734 to 325F.742.

(8) Transactions between precious metal dealers if both dealers are licensed under section 325F.733 or if the seller's business is located outside of the state and the item is shipped from outside the state to a dealer licensed under section 325F.733.

(9) Transactions in which the buyer of the secondhand item containing precious metal is engaged primarily in the business of buying and selling antiques, and the items are resold in an unaltered condition except for repair, and the items are resold at retail, and the buyer paid less than \$2,500 for secondhand items containing precious metals purchased within any period of 12 consecutive months.

**History:** 1981 c 333 s 2

## **325F.733 LICENSE; APPLICATION; TERMS AND CONDITIONS.**

**Subdivision 1. Application.** Any precious metal dealer desiring to engage in or transact business as such in any county of this state shall file an application for a license for that purpose with the auditor of the county in which he desires to do business. The applicant shall state his name, date of birth, resident address, and locations of the proposed principal place of business and branch offices within the county, and other locations within the county where the applicant intends to hold secondhand precious metals. If the person in charge of the business or a branch office is someone other than the applicant, his name, date of birth, and resident address shall be stated with the location or branches indicated. If the applicant is a corporation or partnership the name, date of birth and resident address of each officer and general partner shall be stated. Each application shall be kept by the auditor for a period of no less than three years and shall be available for inspection only by employees of the county auditor, the county attorney, the attorney general, or by a peace officer.

**Subd. 2. Fee.** Each applicant shall pay to the treasurer of the county a license fee in an amount determined by the board of county commissioners of the county to be necessary to cover the expenses of administering this licensing function.

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Subd. 3. **Business locations.** A precious metal dealer license shall authorize the precious metal dealer to transact business only at the location or locations designated in the license.

Subd. 4. **Term.** A precious metal dealer license shall be valid for a period of one year from the date of its issuance.

Subd. 5. **Branch offices.** Each branch office shall be operated under the same name as the principal office.

Subd. 6. **Posting of license.** Every precious metal dealer shall prominently post his license in a conspicuous location at his principal place of business and a copy of his license in a conspicuous location at each branch office.

Subd. 7. **Posting of prices; weighing.** Every precious metal dealer shall prominently post in a conspicuous place and in letters exceeding one inch in height the minimum prices per ounce or pennyweight that are currently being paid by the dealer for precious metals and a warning notice that unless otherwise informed, the prices offered are based on the meltdown value of the precious metal, rather than the value of the item in its existing form. Precious metal items shall be weighed in plain sight of the prospective seller on scales approved by the division of weights and measures of the department of public service in accordance with section 239.08.

Subd. 8. **Public record of licenses.** The county auditor shall keep a record of the licenses in a book provided for that purpose. The book shall contain the same information as required on the application for the license; provided, that the applicant's resident address and date of birth shall not be recorded. The book shall be open for public inspection.

**History:** 1981 c 333 s 3

## 325F.734 IDENTIFICATION OF SELLERS.

Every precious metal dealer shall require a seller of secondhand items containing precious metals to present to him at the time of the transaction an identification card of the seller containing a picture of the seller and his address.

**History:** 1981 c 333 s 4

## 325F.735 RECORDS REQUIRED.

Every precious metal dealer shall keep a book at his business location in which shall be clearly written in ink, in the English language, at the time of each transaction, or as close thereto as possible, the following information:

(1) An accurate description of every secondhand item containing precious metals bought, including the type of item, number of items, brand name of item, if any, engraving or other identifying features of the item, if any, and a description of any gems attached;

(2) The amount of money paid;

(3) The date of the transaction; and

(4) From the identification card containing a picture of the seller, the type of card presented and the serial number of the card, if any, and the name and address of the person selling the item. The book, as well as the item in the possession of the dealer, shall at all reasonable times be open to inspection by any police officer of the city wherein the business is located or the sheriff or any deputy sheriff of the county wherein the business is located.

**History:** 1981 c 333 s 5

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## **325F.736 REQUIRED HOLDING PERIOD.**

Every precious metal dealer shall keep in his possession at his business location or other location within the licensing county from the time of the transaction or as close thereto as possible, for a period of no less than 14 days, every secondhand item containing precious metal purchased by the dealer unless the item is purchased or consigned from another dealer licensed under section 325F.733. The item shall not be altered at the time of sale and shall remain unaltered during the required holding period.

**History:** 1981 c 333 s 6

## **325F.737 ADDITIONAL HOLDING PERIOD.**

The sheriff or his designee may by written notification require a precious metal dealer licensed in his county not to sell or alter a secondhand item containing precious metal if he has probable cause that the item is stolen. The item shall not be sold, altered, or removed from the licensed premises until authorized to be released in writing by the sheriff or his designee.

The chief of police or his designee may also exercise this same authority for licensed businesses, within his jurisdiction.

**History:** 1981 c 333 s 7

## **325F.738 TRADING.**

It is unlawful to trade or barter in a manner intended to avoid identification and recording of transactions under sections 325F.734 and 325F.735 and payment under section 325F.741.

**History:** 1981 c 333 s 8

## **325F.739 CERTAIN PURCHASES PROHIBITED.**

It is unlawful for a precious metal dealer to purchase a secondhand item containing precious metals from a person under 18 years of age unless the person is accompanied by his parent or guardian who is identified and whose identity is recorded in accordance with sections 325F.734 and 325F.735.

**History:** 1981 c 333 s 9

## **325F.741 PAYMENT BY CHECK.**

Payment by a precious metal dealer for the purchase of a secondhand item containing precious metal shall be made only by a check, draft, or other negotiable or non-negotiable instrument or order of withdrawal which is drawn against funds held by a financial institution.

**History:** 1981 c 333 s 10

## **325F.742 GOVERNMENTAL SUBDIVISIONS MAY REGULATE.**

The provisions of Laws 1981, Chapter 333, Sections 1 to 17 shall not be construed as prohibiting, or in any way limiting, or interfering with the right of any governmental subdivision of the state to regulate or license precious metal dealers within its jurisdiction in a manner more restrictive than Laws 1981, Chapter 333, Sections 1 to 17; provided, that transactions described in section 325F.732, subdivision 2, shall not be regulated in a manner inconsistent with Laws 1981, Chapter 333, Sections 1 to 17.

**History:** 1981 c 333 s 11

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## **325F.743 CRIMINAL PENALTY.**

Any person who violates any provision of Laws 1981, Chapter 333, Sections 1 to 17 is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$25,000, or both.

**History:** 1981 c 333 s 12

## **325F.744 CIVIL PENALTY.**

The attorney general or any county attorney may institute a civil action in the name of the state in the district court to revoke, deny or suspend for a period of time the license on the ground that the licensee has violated a provision of Laws 1981, Chapter 333, Sections 1 to 17. For this purpose, the attorney general or county attorney shall be invested with the additional powers contained in section 8.31. It is no defense to the action that the state has adequate remedies at law.

**History:** 1981 c 333 s 13