

## CHAPTER 325E

## REGULATION OF TRADE PRACTICES

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**325E.026 UNAUTHORIZED USE OF UTILITY METERS.**

Subdivision 1. **Definitions.** When used in this section, the terms defined in section 216B.02 have the same meanings. Other terms used in this section have the following meanings:

(a) "Bypassing" means the act of attaching, connecting, or otherwise affixing a wire, cord, socket, pipe, hose, motor, or other instrument or device to utility or customer-owned facilities or equipment so that service provided by the utility is transmitted, supplied, or used without passing through a meter authorized by the utility for measuring or registering the amount of service provided.

(b) "Tampering" means damaging, altering, adjusting, or obstructing the operation of a meter or submeter provided by a utility for measuring or registering the amount of electricity, natural gas, or other utility service passing through the meter.

(c) "Unauthorized connection" means the physical connection or physical reconnection of utility service by a person without the authorization or consent of the utility.

(d) "Unauthorized metering" means removing, installing, connecting, reconnecting, or disconnecting a meter, submeter, or metering device for service by a utility, by a person other than an authorized employee or agent of the utility.

(e) "Utility" means a public utility defined in section 216B.02, subdivision 4; a municipal utility; or a cooperative electric association organized under chapter 308.

Subd. 2. **Civil actions; remedies.** A utility may bring a civil action for damages against a person who: (1) deliberately commits, authorizes, attempts, solicits, aids, or abets bypassing, tampering, unauthorized connection, or unauthorized metering that results in damages to the utility; or (2) knowingly receives service provided as a result of bypassing, tampering, unauthorized connection, or unauthorized metering. The utility may recover double the costs of the service provided; the costs and expenses for investigation, disconnection, reconnection, service calls, equipment, and employees; and the trial costs and witness fees.

Subd. 3. **Damages to benefit ratepayers.** Damages recovered under this section in excess of the actual damages sustained by a public utility regulated by the commission must be taken into account by the commission and applied for the benefit of the public utility's ratepayers in establishing utility rates.

Subd. 4. **Additional remedies.** The remedies provided in this section are supplemental and additional to other remedies or powers conferred by law and not in limitation of other civil or criminal statutory or common law remedies.

**History:** 1987 c 272 s 1

**325E.11 COLLECTION FACILITIES; NOTICE.**

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

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

(2) provide a collection tank at the point of sale for the deposit and collection of used motor oil and post a notice of the availability of the tank.

(b) A notice under paragraph (a) shall be posted on or adjacent to the motor oil

display itself, be at least 8-1/2 inches by 11 inches in size, contain the universal recycling symbol with the following language:

- (1) "It is illegal to put used oil in the garbage.";
- (2) "Recycle your used oil."; and
- (3) (i) "There is a collection tank here for your used oil."; or
- (ii) "The nearest collection tank for used oil is located at (name of business and address)."

(c) The division of weights and measures under the department of public service shall enforce compliance of this section as provided in 239.54.

**History:** 1987 c 348 s 37

## LEAD ACID BATTERIES

### 325E.115 LEAD ACID BATTERIES; COLLECTION FOR RECYCLING.

Subdivision 1. **Collection; notice.** (a) A person selling lead acid batteries at retail or offering lead acid batteries for retail sale in this state shall:

- (1) accept, at the point of transfer, lead acid batteries from customers; and
- (2) post written notice, which must be at least 8-1/2 inches by 11 inches in size and must contain the universal recycling symbol and the following language:
  - (i) "It is illegal to put a motor vehicle battery in the garbage.";
  - (ii) "Recycle your used batteries."; and
  - (iii) "State law requires us to accept motor vehicle batteries for recycling."

(b) Any person selling lead acid batteries at wholesale or offering lead acid batteries for sale at wholesale must accept, at the point of transfer, lead acid batteries from customers.

Subd. 2. **Compliance; management.** The division of weights and measures under the department of public service shall enforce compliance of subdivision 1 as provided in section 239.54. The director of the pollution control agency shall inform persons governed by subdivision 1 of requirements for managing lead acid batteries.

**History:** 1987 c 348 s 38

## AUTOMATIC DIALING-ANNOUNCING DEVICES

### 325E.26 DEFINITIONS.

Subdivision 1. **Scope.** The terms used in sections 325E.26 to 325E.30 have the meanings given them in this section.

Subd. 2. **Automatic dialing-announcing device.** "Automatic dialing-announcing device" means a device that selects and dials telephone numbers and that, working alone or in conjunction with other equipment, disseminates a prerecorded or synthesized voice message to the telephone number called.

Subd. 3. **Caller.** "Caller" means a person, corporation, firm, partnership, association, or legal or commercial entity who attempts to contact, or who contacts, a subscriber in this state by using a telephone or a telephone line.

Subd. 4. **Commercial telephone solicitation.** "Commercial telephone solicitation" means any unsolicited call to a residential subscriber when the person initiating the call has not had a prior business or personal relationship with the subscriber, and when the purpose of the call is to solicit the purchase or the consideration of purchase of goods or services by the subscriber. Commercial telephone solicitation does not include calls initiated by organizations listed in section 290.21, subdivision 3, clauses (a) to (e).

Subd. 5. **Subscriber.** "Subscriber" means a person who has subscribed to telephone service from a telephone company or the other persons living or residing with the subscribing person.

**History:** 1987 c 294 s 1

**325E.27 USE OF PRERECORDED OR SYNTHESIZED VOICE MESSAGES.**

A caller shall not use or connect to a telephone line an automatic dialing-announcing device unless: (1) the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or (2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered. This section and section 325E.30 do not apply to (1) messages from school districts to students, parents, or employees, (2) messages to subscribers with whom the caller has a current business or personal relationship, or (3) messages advising employees of work schedules.

**History:** 1987 c 294 s 2

**325E.28 REQUIREMENTS ON AUTOMATIC DIALING-ANNOUNCING DEVICES.**

A caller shall not use an automatic dialing-announcing device unless the device is designed and operated so as to disconnect within ten seconds after termination of the telephone call by the subscriber.

**History:** 1987 c 294 s 3

**325E.29 MESSAGE REQUIREMENTS.**

Where the message is immediately preceded by a live operator, the operator must, at the outset of the message, disclose:

- (1) the name of the business, firm, organization, association, partnership, or entity for which the message is being made;
- (2) the purpose of the message;
- (3) the identity or kinds of goods or services the message is promoting; and
- (4) if applicable, the fact that the message intends to solicit payment or commitment of funds.

**History:** 1987 c 294 s 4

**325E.30 TIME OF DAY LIMIT.**

A caller shall not use an automatic dialing-announcing device nor make any commercial telephone solicitation before 9:00 a.m. or after 9:00 p.m.

**History:** 1987 c 294 s 5

**325E.31 REMEDIES.**

A person who is found to have violated sections 325E.27 to 325E.30 is subject to the penalties and remedies, including a private right of action to recover damages, as provided in section 8.31.

**History:** 1987 c 294 s 6