

## CHAPTER 231

## WAREHOUSES

231.01	Definitions.	231.19	Repealed.
231.11	Schedule of rates; storing household goods.	231.20	Repealed.
231.12	Change of rates; storing household goods.	231.21	Repealed.
231.13	Charging more or less than the published rate; storing household goods.	231.22	Repealed.
231.14	Discrimination in rates; storing household goods.	231.23	Repealed.
231.17	Bonds of warehouse operators.	231.25	Repealed.
231.18	Claims against a bond.	231.26	Repealed.
		231.27	Repealed.
		231.29	Repealed.
		231.30	Repealed.
		231.31	Repealed.
		231.33	Repealed.

**231.01 DEFINITIONS.**

*[For text of subds 1 to 8, see M.S.1992]*

**Subd. 9. Household goods.** "Household goods" means:

(a) personal effects and property used or to be used in a dwelling if it is part of the equipment or supply of the dwelling;

(b) furniture, fixtures, equipment, and the property of business places and institutions, public or private, when a part of the stock, equipment, supplies, or property of such establishments. It does not mean the storage of property of a business concern in the usual course of its business activities;

(c) articles which, because of their unusual nature or value, require specialized handling and equipment customarily employed in moving household goods.

**History:** 1993 c 212 s 1

**231.11 SCHEDULE OF RATES; STORING HOUSEHOLD GOODS.**

In order to insure nondiscriminatory rates and charges for all depositors of household goods, the commissioner shall establish a collective rate-making procedure which will insure the publication and maintenance of just and reasonable rates and charges under uniform, reasonably related rate structures. These procedures shall provide for the joint consideration, initiation, and establishment of rates and charges, and shall assure that the respective revenues and expenses of warehouse operators engaged in warehouse services for household goods are ascertained. Any participating warehouse operator party to a collectively mandated rate or charge has the right to petition the commissioner for the establishment of a rate or charge which deviates from the collectively set rate. Upon receiving the commissioner's approval, that warehouse operator may proceed to establish the requested rate or charge. All warehouse operators subject to rate regulation under this chapter must comply with the commissioner's rate-making procedures. No warehouse operator shall undertake to perform any service or store any household goods until a schedule of rates has been filed and published in accordance with this chapter. In case of emergency, however, a service or storage not specifically covered by the schedules filed, may be performed or furnished at a reasonable rate, which must then be promptly filed, and which is subject to review in accordance with this chapter.

**History:** 1993 c 212 s 2

**231.12 CHANGE OF RATES; STORING HOUSEHOLD GOODS.**

Unless the department otherwise orders, no warehouse operator storing household goods may change any rate except after ten days' notice to the department and to the public pursuant to this section. Notice shall be given by filing with the department and keeping open for public inspection new schedules or supplements stating plainly the

changes to be made in the schedules then in force and the time when the changes will go into effect. The department for good cause shown, may, after hearing, allow changes without requiring the ten days' notice by an order specifying the changes to be made, the time when they shall take effect, and the manner in which they shall be filed and published.

**History:** 1993 c 212 s 3

### **231.13 CHARGING MORE OR LESS THAN THE PUBLISHED RATE; STORING HOUSEHOLD GOODS.**

Except as specified in sections 231.11 and 231.12, no warehouse operator storing household goods shall have, demand, collect, or receive, a greater or less or different compensation for any service rendered or for storing any household goods than the rates applicable to such service or storage, as specified in the schedules of rates on file with the commissioner and in effect at the time.

When a warehouse operator shall have had household goods in store for such a period that the storage charges thereon accumulated are more than such household goods would bring at a forced sale, the department, upon written application and proof thereof, may authorize such warehouse operator to compromise such charges for a sum not less than the amount which such household goods would bring at such forced sale.

**History:** 1993 c 212 s 4

### **231.14 DISCRIMINATION IN RATES; STORING HOUSEHOLD GOODS.**

Except as herein otherwise specified, no warehouse operator storing household goods, or any officer, agent, or employee thereof, shall, directly or indirectly, by remittance, rebate, or any device, inducement, or other means, suffer or permit any corporation or person to obtain any service, or the storage of any household goods at less than the rates then established and in force as shown by the schedule of rates filed and in effect at the time. No person or corporation shall, directly or indirectly, by any device, inducement, or means, either with or without the consent or connivance of a warehouse operator storing household goods, or any of the officers, agents, or employees thereof, obtain, or seek to obtain, any service, or the storage of any household goods at less than the rates then established and in force therefor. Any warehouse operator storing household goods, or the officers, agents, or employees thereof, or any person acting for or employed by it, or transacting business with it, or any other person, who shall violate any provision of this section, shall be guilty of a gross misdemeanor; and, upon conviction, subject to imprisonment not exceeding one year or to a fine not exceeding \$3,000, or both.

**History:** 1993 c 212 s 5

### **231.17 BONDS OF WAREHOUSE OPERATORS.**

Every warehouse operator applying for and receiving a license from the department, as provided for in this chapter, shall file with the department, acceptable to the department, a surety bond to the state of Minnesota. Such bonds shall be in an amount to be determined by the department as reasonable for the applicant but shall not be less than \$10,000.

The commissioner shall, after a study of the existing bonding structure and after consultation with the warehousing industry, adopt rules for bonding. The rules must be adopted by April 1, 1994.

The bond shall be conditioned for the faithful discharge of all duties as a warehouse operator operating under this chapter, and full compliance with the laws of the state and rules and orders of the department relative thereto. Failure to maintain the bond as required shall void the license.

The bond must be continuous until canceled. To cancel a bond, the surety must provide 90 days' written notice of the bond's termination date to the licensee and the department.

In lieu of the bond required by this section, the applicant may deposit with the state treasurer cash; a certified check; a cashier's check; a postal, bank, or express money order; assignable bonds or notes of the United States; or an assignment of bank savings account or investment certificate or an irrevocable bank letter of credit as defined in section 336.5-103, in the same amount as would be required for a bond.

**History:** 1993 c 212 s 6

### 231.18 CLAIMS AGAINST A BOND.

**Subdivision 1. Filing a claim.** A depositor claiming to be damaged by the breach of an agreement to store general merchandise and household goods must file a claim with the department within 180 days of the date of breach.

**Subd. 2. Form of claim.** All claims must be in writing, must state the facts upon which the claim is based, must include any supporting evidence, and must be signed by the claimant. The supporting evidence may consist of, but is not limited to, a bill of lading, a warehouse receipt, a contract form, correspondence, or photographs.

**Subd. 3. Where to file.** All claims must be filed at the following address: Minnesota Department of Agriculture, Grain Licensing and Auditing Division, 316 Grain Exchange Building, Minneapolis, Minnesota 55415.

**Subd. 4. Bond limitations.** The bonds are not cumulative from one year to the next. A claim against the bond may only be made against the bond in effect at the time the agreement is breached. A bond is not liable for claims filed after 180 days from the date of the breach of the bond.

**Subd. 5. Public notice of a claim.** Upon determining that a depositor has filed a valid claim, the department shall publish notice of the claim in the official county newspaper of the county in which the licensee's place of business is located.

The notice must state that a claim against the bond of a licensee has been filed with the department, the name and address of the licensee, that any additional claims should be filed with the department, the bond disbursement date, and where the claims should be filed.

The public notice of the claim must appear for three consecutive days in newspapers with a daily circulation and for two consecutive publications in newspapers published less than daily.

**Subd. 6. Bond disbursement.** (a) Upon expiration of the claim filing period, the department shall promptly determine the validity of all claims filed and notify the claimants of the determination. An aggrieved party may appeal the department's determination by requesting, within 15 days, that the department initiate a contested case proceeding. In the absence of such a request, or following the issuance of a final order in a contested case, the surety company shall issue payment promptly to those claimants entitled to payment.

(b) If a warehouse operator has become liable to more than one depositor by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all depositors entitled to the protection of the bond, the proceeds of the bond shall be apportioned among the bona fide claimants.

**History:** 1993 c 212 s 7

<b>231.19</b>	[Repealed, 1993 c 212 s 8]
<b>231.20</b>	[Repealed, 1993 c 212 s 8]
<b>231.21</b>	[Repealed, 1993 c 212 s 8]
<b>231.22</b>	[Repealed, 1993 c 212 s 8]
<b>231.23</b>	[Repealed, 1993 c 212 s 8]
<b>231.25</b>	[Repealed, 1993 c 212 s 8]
<b>231.26</b>	[Repealed, 1993 c 212 s 8]
<b>231.27</b>	[Repealed, 1993 c 212 s 8]

<b>231.29</b>	[Repealed, 1993 c 212 s 8]
<b>231.30</b>	[Repealed, 1993 c 212 s 8]
<b>231.31</b>	[Repealed, 1993 c 212 s 8]
<b>231.33</b>	[Repealed, 1993 c 212 s 8]