# CHAPTER 330

# AUCTIONEERS


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## 330.01 AUCTIONEERS' LICENSES, TO WHOM GRANTED.

Subdivision 1. **Generally.** (a) The county auditor may license any person having the qualifications specified in paragraph (b) as an auctioneer. The license shall be issued by the auditor and shall authorize the licensee to conduct the business of an auctioneer in the state of Minnesota for the period of one year. It shall be recorded by the auditor in a book kept for that purpose. The license must specify the county issuing the license and must contain a number that individually identifies the auctioneer holding the license. Before the license is issued the applicant shall pay into the county treasury a fee of $20.

(b) A natural person is qualified to be licensed as an auctioneer if 18 years of age or over and a resident of the county of application for at least six months immediately preceding the date of application. No copartnership, association or corporation may be licensed as an auctioneer. However, nothing in this subdivision shall be construed as preventing auctioneers who are duly licensed in accordance with the provisions of this chapter, from combining in associations, copartnerships, or corporations, provided that each and every member of these associations or copartnerships and each and every person or agent conducting auction sales on behalf of these corporations is a duly licensed auctioneer as provided in this chapter. Nothing herein shall be construed to apply to the owner of property for at least six months selling it at an auction.

Subd. 2. MS 1961 [Repealed, 1965 c 874 s 10]

**History:** *(7322) RL s 2813; 1901 c 249; 1913 c 11 s 1; 1917 c 87 s 1; 1927 c 173; 1937 c 313 s 1; 1941 c 170; 1943 c 311 s 1; 1949 c 516 s 1; 1965 c 874 s 1; 1969 c 399 s 1; 1969 c 737 s 1; 1973 c 725 s 58; 3Sp1981 c 2 art 1 s 57; 1986 c 444; 2004 c 251 s 14; 2005 c 32 s 1*

## 330.02 BOND.

Every auctioneer, before making sales, shall give a corporate surety bond to the county in a penal sum of not less than $1,000 nor more than $3,000 to be fixed by the treasurer and with sureties approved by the treasurer, conditioned that the auctioneer will pay all sums required by law and in all things conform to the laws relating to auctioneers. The treasurer, for approval, shall endorse the bond, and file it in the treasurer's office.

**History:** *(7323) RL s 2814; 1965 c 874 s 2; 1986 c 444*

## 330.025 CITY OR TOWN LICENSES.

Notwithstanding sections 412.221, subdivision 19, and 368.01, subdivision 11, or other law or provision of home rule charter to the contrary, a statutory or home rule charter city or town may not require a person licensed as an auctioneer by a county and bonded under this chapter to obtain an additional license or give

an additional bond in order to act as an auctioneer in the city or town. A statutory or home rule charter city or town may require an auctioneer who intends to conduct an auction in the city or town to submit proof of licensure and compliance with the bond requirements of this chapter at least 14 days before the date of the auction.

**History:** *1993 c 251 s 1*

**330.03 ACCOUNT OF SALES.**

Every auctioneer shall keep an accurate account of all property sold, the names of the persons from whom the same was received and of those to whom it was sold, and the price.

**History:** *(7324) RL s 2815; 1986 c 444*

**330.04 FORFEITURE FOR RECEIVING GOODS FROM MINORS OR SERVANTS.**

Any licensed auctioneer who shall receive property for sale from any minor or servant, knowing the person to be a minor or servant, shall forfeit to any person injured a sum not exceeding $200.

**History:** *(7325) RL s 2816; 1986 c 444*

**330.05 SALES IN UNAUTHORIZED PLACES; PENALTY.**

Any person occupying or having control of any building, who knowingly permits the sale of property at public auction in such building, or in any apartment or yard appertaining thereto, contrary to the provisions of this chapter, shall be guilty of a misdemeanor.

**History:** *(7326) RL s 2817*

**330.06 UNLICENSED SALES.**

Any person who shall sell or attempt to sell, either directly or indirectly, or as the agent of a duly licensed auctioneer, any property at auction without being licensed as an auctioneer, as herein provided, shall be guilty of a misdemeanor; but the provisions of this chapter shall not extend to sales made by sheriffs, coroners, collectors of taxes or sales of personal property under chattel mortgage or other lien.

**History:** *(7327) RL s 2818; 1943 c 297 s 1; 1986 c 444; 2005 c 10 art 2 s 4*

**330.08 ADVERTISEMENTS.**

All advertisements of auction sales shall carry the name or names, address or addresses, and the license number or numbers of the auctioneer or auctioneers conducting said sales.

**History:** *1965 c 874 s 3; 1969 c 737 s 2; 1986 c 444; 2004 c 251 s 15; 2005 c 32 s 2*

**330.09 NOTIFICATION OF CHANGE OF ADDRESS.**

Notice in writing shall be given to the auditor of the county where licensed by each licensee of any change of address, whereupon the auditor shall issue a duplicate license showing the licensee's new address for which a fee of $3 shall be paid into the county treasury. A change of address, without notification to the auditor, shall result in the automatic cancellation of any license theretofore issued after the expiration of 30 days from the date of such change of address.

**History:** *1965 c 874 s 4; 1986 c 444; 2004 c 251 s 16*

**330.10 WRITTEN CONTRACT WITH OWNER OR CONSIGNEE OF PROPERTY OR MERCHANDISE FROM TRANSIENT MERCHANTS.**

Subdivision 1. **Written contract.** Prior to sale at public auction every auctioneer shall enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which the sale will be conducted.

Subd. 2. **Property from transient merchant.** Prior to sale at public auction of any property received or acquired, directly or indirectly, from a transient merchant as defined in section 329.099, the auctioneer shall require proof that section 329.11 has been complied with by the transient merchant with respect to such property; and the auctioneer shall retain such proof for one year.

**History:** *1965 c 874 s 5*

**330.11 APPLICATION BY NONRESIDENT.**

Subdivision 1. **Reciprocity.** A resident of another state which issues auctioneers' licenses to citizens of the state of Minnesota on the same or similar basis as to citizens of such state may be licensed as an auctioneer in the state of Minnesota upon compliance with the laws of the state of Minnesota relating to auctioneers' licenses. Eligibility of a nonresident applicant shall be tested by reference to the law of the resident state, and in no case shall it be tested by reference to the law of some other state having reciprocity with the state of Minnesota in which the nonresident may qualify.

Subd. 2. **License and other state's laws.** A nonresident applicant must submit to the county auditor with the application a duly certified copy of the applicant's auctioneer's license, if one was issued by the resident state, and a copy of the state auction laws such as exist in the resident state, certified by the secretary of state or other authorized state official of such state, that the submitted copy is a true copy of the auction laws of such state, as they exist at the date of application, in order that the attorney general of the state of Minnesota may determine whether reciprocity exists.

If, subsequent to the issuance of a nonresident license, the laws of the state of such nonresident shall not be reciprocal with the state of Minnesota, it shall result in the automatic revocation of the nonresident auctioneer's license issued to any resident of such state under the provisions of this chapter.

Subd. 3. **Consent to suits and actions.** Every nonresident applicant shall file an irrevocable consent that suits and actions may be commenced against such applicant in any court of competent jurisdiction in this state by the service on the secretary of state of any summons, process, or pleadings authorized by the laws of the state of Minnesota. This consent shall stipulate that the service of such process or pleadings on the secretary of state shall be taken and held in all courts to be as valid and binding as if due service had been made upon the applicant in the state of Minnesota. In case any summons, process, or pleadings are served upon the secretary of state, it shall be according to section 5.25.

**History:** *1965 c 874 s 6; 1978 c 674 s 60; 1986 c 444; 1987 c 404 s 172; 1989 c 335 art 1 s 209; 1995 c 128 art 1 s 17*

**330.12 PENALTIES.**

Any person who violates the provisions of this chapter is guilty of a misdemeanor.

**History:** *1965 c 874 s 8*

**330.13 EXCEPTIONS.**

The provisions of this chapter shall not apply to auction sales of registered or purebred livestock or auction sales conducted under the auspices of the Future Farmers of America, 4-H clubs, county agricultural societies, national, state or district shows and breed associations, except that the auctioneer conducting such auction shall be required to have a license as provided in this chapter.

**History:** *1965 c 874 s 7*