

1944 Supplement  
To  
**Mason's Minnesota Statutes, 1927**  
and  
**Mason's 1940 Supplement**

Containing the text of the acts of the 1941 and 1943 Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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permit. If the application is granted, the permit shall not be issued until the applicant has filed with the commissioner a continuous surety bond to the state of Minnesota in the penal sum of \$1,000.00, conditioned for the faithful performance of all contracts and agreements with students by the solicitor and the employing private trade school, as disclosed by the application for the permit, and for the compliance by the solicitor with this Act and all rules and regulations prescribed hereunder. Every permit shall expire on the 31st day of December following the date of issuance. (Act Mar. 30, 1943, c. 234, §6.) [141.06]

**5887-86. Commissioner may extend permits or licenses.**—Upon the filing with the board of charges against the holder of a license or permit issued hereunder, the commissioner may suspend such license or permit pending determination thereof. (Act Mar. 30, 1943, c. 234, §7.) [141.07]

**5887-87. Certain designations unlawful.**—It is unlawful for any private trade school operating within the State of Minnesota to apply to itself, either as a part of its name or in any other manner, the designation of "college" or "university", unless certificated by the commissioner that the school meets appropriate standards and is entitled to such designation. (Act Mar. 30, 1943, c. 234, §8.) [141.08]

**5887-88. Violation a misdemeanor.**—Any person who violates any provisions of this Act shall be guilty

of a misdemeanor. (Act Mar. 30, 1943, c. 234, §9.) [141.09]

**5887-89. Fees to be paid into State Treasury.**—All of the fees collected under the provisions of this Act shall be payable to the general revenue fund of the State of Minnesota. (Act Mar. 30, 1943, c. 234, §10.) [141.10]

**5887-90. Effective July 1, 1943.**—This Act shall be effective July 1, 1943, except that applications for a license or permit hereunder may be made at any time prior thereto. (Act Mar. 30, 1943, c. 234, §11.)

**5887-91. Agents and trade representatives of trade schools subject to provisions of trade school act.**—Every solicitor, agent or representative who solicits business for a private trade school as defined by Laws 1943, Chapter 234, engaged in teaching by correspondence any trade, technical, mechanical, or industrial occupation, or who offers to sell or sells any instruction or course of instruction by such a school shall be subject to the provisions for the licensing and regulation of solicitors employed by private trade schools prescribed in Laws 1943, Chapter 234, relating to private trade schools, providing for the licensing and regulation thereof and of solicitors therefor and imposing penalties for violations of that act. (Act Apr. 20, 1943, c. 542, §1.) [141.11]

Those correspondence schools which are not trade schools within the definition of §5887-80 are not subject to this section. Op. Atty. Gen. (1701), Nov. 17, 1943.

## CHAPTER 35A

### Collection Agencies

**5888. To file bond with secretary of state—Conducting agency, etc.**

Evidence held insufficient to sustain conviction of member of partnership operating a collection agency to defraud a debtor by false representations as to amounts due. *State v. Burns*, 215M182, 9NW(2d)518. See Dun. Dig. 1566b.

Collection agencies are not licensed by the state but need only file a bond. Op. Atty. Gen., (828G), April 10, 1940.

A justice of the peace must file a bond before engaging in collection agency business, but need not be licensed under any state law. *Id.*

Applies to all who hold themselves out as a collection agency, even an attorney adopting a trade name, but one as agent may do business for several persons under their respective names without complying with the statute, as where a bookkeeper for several firms makes collections for them, using their letterheads and statements. Op. Atty. Gen. (828), Dec. 12, 1941.

Neither commissioner of banks nor any other board or officer has supervision over collection agency, and persons defrauded are left to their ordinary remedies at law. Op. Atty. Gen. (828C), Mar. 20, 1942.

**5889. Amount and conditions of bond.**—Said bond shall be in the sum of five thousand dollars (\$5,000.00) and shall provide that the person, partnership, association or corporation giving the same shall, upon written demand, pay and turn over to or for the person, partnership, association or corporation for whom any account, bill or other indebtedness is taken for collection the proceeds of such collection in accordance

with the terms of the agreement upon which such amount, bill or other indebtedness was received for collection. Said bond shall also provide that the person, partnership, association or corporation giving the same shall, upon written demand, and within ten (10) days after such demand give the person, partnership, association or corporation for whom any account, note, bill or other indebtedness, or evidence thereof, is taken for collection, a statement verified by affidavit, of all monies or things received or collected thereon, such statement showing also the amounts retained or claimed as collection or service charges on each separate item upon which any collection shall have been made; and if so demanded, shall also within said time return, subject to any lien for expenditures or services, all such accounts or statements thereof, notes, bills or other evidence of indebtedness to the person, partnership, association or corporation from whom any of the same shall have been received for collection. Said bond shall be in such form as the attorney general shall prescribe. (As amended Act Apr. 24, 1941, c. 407, §1.)

Legislature did not intend to permit one collection agency bond to cover three partnership names, even though each is composed of same partners. Op. Atty. Gen. (828B), Jan. 31, 1942.

There is no state board or officer empowered to discipline a bonded collection agency for unlawful practices engaged in by it, but victims are left to their ordinary remedies at law. Op. Atty. Gen. (828C), Feb. 10, 1942.

## CHAPTER 36

### Protection against Fire and Regulation of Hotels and Restaurants

#### HOTELS, THEATERS AND OTHER BUILDINGS

**5903. Definitions.**—Every building or structure or enclosure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public

to be an enclosure where sleeping accommodations are furnished to the public whether with or without meals and furnishing accommodations for periods of less than one week shall for the purpose of this act be deemed an hotel.