enforcement agency who is licensed by the Minnesota board of peace officer standards and training, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota state patrol and Minnesota conservation officers.

Sec. 3. Minnesota Statutes 1982, section 609.487, subdivision 4, is amended to read:

Subd. 4. **FLEEING AN OFFICER; DEATH; BODILY INJURY.** Whoever flees or attempts to flee by means of a motor vehicle a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer, and who in the course of fleeing causes the death of a human being not constituting murder or manslaughter or any bodily injury to any person other than himself may be sentenced to imprisonment as follows:

(a) If the course of fleeing results in death, to imprisonment for not more than ten years or to payment of a fine of not more than $10,000, or both; or

(b) If the course of fleeing results in great bodily harm, to imprisonment for not more than five years or to payment of a fine of not more than $5,000, or both; or

(c) If the course of fleeing results in substantial bodily harm, to imprisonment for not more than three years or to payment of a fine of not more than $3,000, or both.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment.

Approved April 23, 1984

CHAPTER 446 — H.F.No. 1562

An act relating to labor; providing for the prompt payment of commissions to commission salespersons who leave or lose their job; providing civil penalties for nonprompt payment; providing that wages can be promptly paid through the mail at the request of the employee or salesperson; amending Minnesota Statutes 1982, sections 181.13; and 181.14; proposing new law coded in Minnesota Statutes, chapter 181.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 181.13, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

181.13 **PENALTY FOR FAILURE TO PAY WAGES PROMPTLY.**

When any person, firm, company, association, or corporation employing labor within this state discharges a servant or employee ~~from his employment~~, the wages or commissions actually earned and unpaid at the time of ~~such~~ the discharge shall become immediately due and payable upon demand of ~~such~~ the employee~~,~~ ~~at the usual place of payment, and~~. If the employee's earned wages and commissions are not paid within 24 hours after such demand, whether ~~such~~ the employment was by the day, hour, week, month, or piece or by commissions, ~~such~~ the discharged employee may charge and collect the amount of his or her average daily earnings at the rate agreed upon in the contract of employment, for such period, not exceeding 15 days, after the expiration of the 24 hours, as the employer is in default, until full payment or other settlement, satisfactory to the discharged employee, is made. The wages and commissions must be paid at the usual place of payment unless the employee requests that the wages and commissions be sent to him or her through the mails. If, in accordance with a request by the employee, the employee's wages and commissions are sent to the employee through the mail, the wages and commissions shall be deemed to have been paid as of the date of their postmark for the purposes of this section.

Sec. 2. Minnesota Statutes 1982, section 181.14, is amended to read:

181.14 **NOTICE TO BE GIVEN; SETTLEMENT OF DISPUTES.**

When any such employee, not having a contract for a definite period of service, quits or resigns his or her employment, the wages or commissions earned and unpaid at the time ~~of such quitting or resignation~~ the employee quits or resigns shall become due and payable within five days thereafter~~,~~ ~~at the usual place of payment, and~~. Any ~~such~~ employer failing or refusing to pay such wages or commissions, after they ~~so~~ become due, upon the demand of ~~such~~ the employee, ~~at such place of payment,~~ shall be liable to ~~such~~ the employee from the date of ~~such~~ the demand for an additional sum equal to the amount of ~~his~~ the employee's average daily earnings provided in the contract of employment, for every day, not exceeding 15 days in all, until such payment or other settlement satisfactory to the employee is made~~;~~ ~~provided, that~~. If any employee having such a contract gives not less than five days' written notice to ~~his~~ the employer of his or her intention to quit ~~such employment~~, the wages or commissions of the employee giving ~~such~~ notice may be demanded and shall become due ~~at the usual place of payment~~ 24 hours after ~~he so~~ the employee quits or resigns ~~and payment thereof may be demanded accordingly~~, and the penalty herein provided shall apply ~~in such case~~ from the date of ~~such~~ demand~~;~~ ~~provided, that~~. If the employer disputes the amount of wages or commissions claimed by ~~such~~ the employee under the provisions of this section or section 181.13, and the employer ~~in such case~~ makes a legal tender of the amount which ~~he~~ the employer in good faith claims to be due, ~~he~~ the employer shall not be liable for any sum greater than the amount so tendered and interest thereon at the legal rate, unless, in an

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action brought in a court having jurisdiction, ~~such~~ the employee recovers a greater sum than the amount so tendered with ~~such~~ interest thereon; and if, in ~~such~~ the suit, the employee fails to recover a greater sum than that so tendered, with interest ~~as aforesaid~~, ~~he~~ the employee shall pay the cost of ~~such~~ the suit, otherwise the cost ~~thereof~~ shall be paid by the employer~~;~~ ~~provided, that~~. In cases where ~~such~~ the discharged or quitting employee was, during his or her employment, entrusted with the collection, disbursement, or handling of money or property, the employer shall have ten secular days after the termination of the employment to audit and adjust the accounts of ~~such~~ the employee before ~~his~~ the employee's wages or commissions shall become due and payable, and the penalty herein provided shall apply in such case only from the date of demand made after the expiration of ~~such~~ the period allowed for ~~such~~ audit and adjustment~~;~~ ~~and~~. If, upon such audit and adjustment of the accounts of ~~such~~ the employee, it is found that any money or property entrusted to ~~him~~ the employee by ~~his~~ the employer has not been properly accounted for or paid over to the employer, as provided by the terms of the contract of employment, ~~such~~ the employee shall not be entitled to the benefit of sections 181.13 to 181.17, but the claim for unpaid wages or commissions of such employee, if any, shall be disposed of as provided by existing law. Wages and commissions paid under this section shall be paid at the usual place of payment unless the employee requests that the wages and commissions be sent to him or her through the mails. If, in accordance with a request by the employee, the employee's wages and commissions are sent to the employee through the mail, the wages and commissions shall be deemed to have been paid as of the date of their postmark for the purposes of this section.

Sec. 3. **[181.145] PROMPT PAYMENT OF COMMISSIONS TO COMMISSION SALESPERSONS.**

Subdivision 1. **DEFINITIONS.** For the purposes of this section, "commission salesperson" means a person who is paid on the basis of commissions for sales and who is not covered by sections 181.13 and 181.14 because he or she is an independent contractor. For the purposes of this section, the phrase "commissions earned through the last day of employment" means commissions due for services or merchandise which have actually been delivered to and accepted by the customer by the final day of the salesperson's employment.

Subd. 2. **PROMPT PAYMENT REQUIRED.** (a) When any person, firm, company, association, or corporation employing a commission salesperson in this state terminates the salesperson, or when the salesperson resigns his or her position, the employer shall promptly pay the salesperson, at the usual place of payment, his or her commissions earned through the last day of employment or be liable to the salesperson for the penalty provided under subdivision 3 in addition to any earned commissions unless the employee requests that the commissions be sent to him or her through the mails. If, in accordance with a request by the employee, the employee's commissions are sent to the employee

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through the mail, the commissions shall be deemed to have been paid as of the date of their postmark for the purposes of this section.

(b) If the employer terminates the salesperson or if the salesperson resigns giving at least five days written notice, the employer shall pay the salesperson's commissions earned through the last day of employment on demand no later than three working days after the salesperson's last day of work.

(c) If the salesperson resigns without giving at least five days written notice, the employer shall pay the salesperson's commissions earned through the last day of employment on demand no later than six working days after the salesperson's last day of work.

(d) Notwithstanding the provisions of paragraphs (b) and (c), if the terminated or resigning salesperson was, during his or her employment, entrusted with the collection, disbursement, or handling of money or property, the employer has ten working days after the termination of employment to audit and adjust the accounts of the salesperson before the salesperson can demand his or her commissions earned through the last day of employment. In such cases, the penalty provided in subdivision 3 shall apply only from the date of demand made after the expiration of the ten working day audit period.

Subd. 3. **PENALTY FOR NONPROMPT PAYMENT.** If the employer fails to pay the salesperson his or her commissions earned through the last day of employment on demand within the applicable period as provided under subdivision 2, the employer shall be liable to the salesperson, in addition to his or her earned commissions, for a penalty for each day, not exceeding 15 days, which the employer is late in making full payment or satisfactory settlement to the salesperson for the commissions earned through the last day of employment. The daily penalty shall be in an amount equal to one-fifteenth of the salesperson's commissions earned through the last day of employment which are still unpaid at the time that the penalty will be assessed.

Subd. 4. **AMOUNT OF COMMISSION DISPUTED.** (a) When there is a dispute concerning the amount of the salesperson's commissions earned through the last day of employment or whether the employer has properly audited and adjusted the salesperson's account, the penalty provided in subdivision 3 shall not apply if the employer pays the amount it in good faith believes is owed the salesperson for commissions earned through the last day of employment within the applicable period as provided under subdivision 2; except that, if the dispute is later adjudicated and it is determined that the salesperson's commissions earned through the last day of employment were greater than the amount paid by the employer, the penalty provided in subdivision 3 shall apply.

(b) If a dispute under this subdivision is later adjudicated and it is determined that the salesperson was not promptly paid commissions earned through the last day of employment as provided under subdivision 2, the employer shall pay reasonable attorney's fees incurred by the salesperson.

Subd. 5. **COMMISSIONS EARNED AFTER LAST DAY OF EMPLOYMENT.** Nothing in this section shall be construed to impair a commission salesperson from collecting commissions on merchandise ordered prior to the last day of employment but delivered and accepted after termination of employment. However, the penalties prescribed in subdivision 3 apply only with respect to the payment of commissions earned through the last day of employment.

Approved April 23, 1984

CHAPTER 447 — H.F.No. 1338

An act relating to elections; clarifying certain provisions relating to voting machines; amending Minnesota Statutes 1982, section 123.32, subdivision 7; and Minnesota Statutes 1983 Supplement, section 204C.24, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 206; repealing Minnesota Statutes 1982, sections 206.01 to 206.23; and Minnesota Statutes 1983 Supplement, sections 206.08, subdivision 3; 206.09; 206.11; 206.19, subdivision 1; and 206.21, subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

LEVER AND ELECTRONIC VOTING METHODS

Section 1. **[206.55] MINNESOTA ELECTION LAW APPLIES.**

The use of lever voting machines and electronic voting systems is governed by sections 1 to 29 and by all other provisions of the Minnesota election law which are not inconsistent with sections 1 to 29.

Sec. 2. **[206.56] DEFINITIONS.**

Subdivision 1. **SCOPE.** The definitions in chapter 200 and in this section apply to sections 1 to 29.

Subd. 2. **AUTOMATIC TABULATING EQUIPMENT.** "Automatic tabulating equipment" includes apparatus necessary to automatically examine and count votes designated on ballot cards, and data processing machines which can be used for counting ballots and tabulating results.

Subd. 3. **BALLOT.** "Ballot" includes ballot strips, ballot cards, ballot booklets, and paper ballots.

Subd. 4. **BALLOT BOOKLET.** "Ballot booklet" means the material which contains the titles of offices, names of candidates, party designation in a partisan primary or election, and a statement of any question accompanied by the

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