

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

Section 1. Minnesota Statutes 1984, section 609.2231, is amended to read:

609.2231 ASSAULT IN THE FOURTH DEGREE.

Subdivision 1. PEACE OFFICERS. Whoever assaults a peace officer licensed under section 626.845, subdivision 1, when that officer is effecting a lawful arrest or executing any other duty imposed upon him by law and inflicts demonstrable bodily harm is guilty of a felony and may be sentenced to imprisonment for not more than one year and a day or to payment of a fine of not more than \$3,000, or both.

Subd. 2. FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL. Whoever assaults a member of a municipal or volunteer fire department or emergency medical services personnel unit in the performance of his or her duties, or assaults an employee of the department of natural resources who is engaged in forest fire activities, and inflicts demonstrable bodily harm is guilty of a gross misdemeanor.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective August 1, 1985, and applies to crimes committed on or after that date.

Approved May 21, 1985

CHAPTER 186 — S.F.No. 547

An act relating to motor vehicles; exempting from certain franchising requirements those dealers who remodel or convert motor vehicles for medical purposes; prohibiting issuance of a motor vehicle dealer license to a person convicted of certain crimes; authorizing immediate revocation or suspension of motor vehicle dealer licenses upon conviction; removing an exception allowing a motor vehicle dealer to register a vehicle without a certificate of title; amending Minnesota Statutes 1984, sections 168.27, subdivisions 2, 11, 12, and 24; and 168A.02, subdivision 2.

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

Section 1. Minnesota Statutes 1984, section 168.27, subdivision 2, is amended to read:

Subd. 2. NEW MOTOR VEHICLE DEALER. (a) No person shall engage in the business of selling or arranging the sale of new motor vehicles or shall offer to sell, solicit, arrange or advertise the sale of new motor vehicles without first acquiring a new motor vehicle dealer license. A new motor vehicle

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dealer licensee shall be entitled thereunder to sell, broker, wholesale or auction and to solicit and advertise the sale, broker, wholesale or auction of new motor vehicles covered by his franchise and any used motor vehicles or to lease and to solicit and advertise the lease of new motor vehicles and any used motor vehicles and such sales or leases may be either for consumer use at retail or for resale to a dealer. Nothing herein shall be construed to require an applicant for a dealer license who proposes to deal in new and unused motor vehicle bodies to have a bona fide contract or franchise in effect with the manufacturer or distributor of any motor vehicle chassis upon which the new and unused motor vehicle body is mounted.

(b) The requirements pertaining to franchises do not apply to persons who remodel or convert motor vehicles for medical purposes. For purposes of this subdivision, "medical purpose" means certification by a licensed physician that remodeling or conversion of a motor vehicle is necessary to enable a handicapped person to use the vehicle.

Sec. 2. Minnesota Statutes 1984, section 168.27, subdivision 11, is amended to read:

Subd. 11. **LICENSES.** Upon the filing of an application for a license and the proper fee, the registrar is authorized, unless the application on its face appears to be invalid, to grant a 90 day temporary license and during said 90 day period shall investigate the fitness of the applicant, inspect the site and make such other investigation as is necessary to insure compliance with the licensing law. The registrar may extend the temporary license 30 days. At the end of the period of investigation the license shall either be granted or denied. The license must be denied if within the previous five years the applicant was enjoined due to a violation of section 325F.69 or convicted of violating sections 325E.14, 325E.15, 325E.16, or 325F.69, or convicted under section 609.53 of receiving or selling stolen vehicles, or convicted of violating United States Code, title 15, sections 1981 to 1991, as amended through December 31, 1984. If the application is approved, the registrar shall license the applicant as a motor vehicle dealer for the remainder of the calendar year, and issue a certificate of license therefor as the registrar may provide upon which shall be placed a distinguishing number of identification of such dealer. Each initial application for a license shall be accompanied by a fee of \$50 in addition to the annual fee. The annual fee shall be \$76. All initial fees and annual fees which shall be paid into the state treasury and credited to the general fund. If the initial application is received by the registrar after July 1 of any year, the first annual fee shall be reduced by one-half.

Sec. 3. Minnesota Statutes 1984, section 168.27, subdivision 12, is amended to read:

Subd. 12. **GROUND FOR SUSPENSION AND REVOCATION.** A license may be suspended or revoked by the registrar of motor vehicles upon proof satisfactory to him of any of the following:

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- (1) Violations of any of the provisions of this chapter;
- (2) Violation of or refusal to comply with the requests and order of the registrar;
- (3) Failure to make or provide to the registrar all listings, notices, and reports required by him;
- (4) Failure to pay to the registrar all taxes, fees, and arrears due from and by such dealer;
- (5) Failure to duly apply for renewal of license provided for herein;
- (6) Revocation of previous license, of which the records of the registrar relating thereto shall be prima facie evidence of such previous revocation;
- (7) Failure of continued occupancy of an established place of business;
- (8) Sale of a new and unused current model motor vehicle other than the make of motor vehicle described in the franchise or contract filed with the original application or renewal thereof, without permission from the registrar;
- (9) Sale of a new and unused current model motor vehicle to anyone except for consumer use, or to a dealer duly licensed to sell the same make of motor vehicle;
- (10) Material misstatement or misrepresentation in application for license or renewal thereof;
- (11) Having advertised, printed, displayed, published, distributed, broadcast or televised or caused or permitted to be advertised, printed, displayed, published, distributed, broadcast or televised in any manner whatsoever, or having made orally any statement or representation with regard to the sale, lease or financing of motor vehicles which is false, deceptive or misleading;
- (12) Having been convicted of ~~making a fraudulent sale, lease, transaction or repossession or having been convicted of violating any of the provisions of sections 325.78 to 325.79 violating section 325F.69, or having been enjoined due to a violation of section 325F.69;~~
- (13) Having been convicted of violating the Minnesota odometer law, ~~sections 325.821 to 325.824~~ section 325E.14, 325E.15, or 325E.16, or the federal odometer law, United States Code, title 15 U.S.C., Sections 1981 to 1991, as amended through December 31, 1984;
- (14) Having been convicted of violating the sale of motor vehicles on Sunday law, section 168.275; or
- (15) Having been convicted under section 609.53 of receiving or selling stolen vehicles.

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With respect to clauses (12), (13), and (15), the registrar may suspend or revoke a license immediately upon receiving certification of conviction or permanent injunction. A hearing is required under subdivision 13 within 30 days following a summary suspension or revocation under this paragraph, if a hearing is requested by the licensee.

Sec. 4. Minnesota Statutes 1984, section 168.27, subdivision 24, is amended to read:

Subd. 24. **BONDS.** All persons licensed hereunder shall keep in full force and effect a bond with a corporate surety to be approved by the registrar of motor vehicles in amounts as herein provided; in the case of boat, snowmobile trailer, or motorized bicycle dealers in the amount of \$5,000; and as to all other persons in the amount of \$25,000. The bond shall be conditioned on the faithful performance by the licensee of the obligations imposed by the laws of this state, including the conduct required of a licensee by this section and other sections governing the sale or transfer of motor vehicles, and the payment of all taxes, license fees and penalties. The bond shall be for the benefit of the state of Minnesota and any transferor, seller, or purchaser of a motor vehicle for any monetary loss caused by failure of the licensee to meet the obligations enumerated above. Proceedings on the forfeiture of the bonds shall be commenced in the district court of the county wherein the business of the licensed person was carried on, or if in more than one county, the county in which the offense occurred.

Sec. 5. Minnesota Statutes 1984, section 168A.02, subdivision 2, is amended to read:

Subd. 2. The department shall not register or renew the registration of a vehicle for which a certificate of title is required, ~~except in the name of a dealer~~, unless a certificate of title has been issued to the owner or an application therefor has been delivered to and approved by the department.

Sec. 6. EFFECTIVE DATE.

Sections 1 to 5 are effective the day following final enactment.

Approved May 23, 1985

CHAPTER 187 — S.F.No. 581

An act relating to commerce; authorizing certain investments in obligations of or guaranteed by the United States and certain other authorized securities; amending Minnesota Statutes 1984, sections 48.61, by adding a subdivision; 475.66, subdivision 3; 501.125, by adding a subdivision; and 501.66, subdivision 6.

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