

for court hearing. The judge may thereafter allow the filing of a written or oral counterclaim before or after hearing the merits of the claim and counterclaim. The judge may require the payment of absolute or conditional costs up to \$25 by the defendant as a condition of allowing late filing in the event that a continuance is requested by the plaintiff and is granted because of such late filing.

(e) If the defendant has a counterclaim arising out of the same transaction or occurrence which exceeds the jurisdiction of the court and the defendant files an affidavit, personally or through an attorney, with the court administrator not less than five days before the date set for court hearing showing that the defendant has filed with the court administrator of a specified other court of competent jurisdiction a summons and complaint seeking recovery from the plaintiff on the counterclaim and stating the nature and amount thereof, the court administrator shall strike the action from the calendar and so advise the plaintiff or the plaintiff's attorney by mail. If the plaintiff not less than 30 days nor more than three years after the filing of such an affidavit shall file an affidavit showing that the plaintiff has not been served with a summons in the other action or that the other action has been finally determined, the court administrator shall again set the cause for court hearing and summon the defendant in the same manner as for the initial hearing and the court shall proceed to hear and determine plaintiff's claim. If no such counter affidavit is filed by plaintiff within three years, the plaintiff's original claim is dismissed without prejudice without any further action by the court administrator or any judge. Prior to the expiration of this three-year period the plaintiff's original claim may be dismissed by plaintiff or by court order at a hearing upon motion of the defendant.

Approved May 20, 1987

CHAPTER 191—H.F.No. 1420

An act relating to public safety; allowing bureau of criminal apprehension to permit amateur radio operators to use radio equipment capable of receiving police emergency radio frequency; amending Minnesota Statutes 1986, section 299C.37, subdivision 1.

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

Section 1. Minnesota Statutes 1986, section 299C.37, subdivision 1, is amended to read:

Subdivision 1. (a) No person other than peace officers within the state ~~and~~, the members of the state patrol, and persons who hold an amateur radio license issued by the Federal Communications Commission, shall equip any motor vehicle with any radio equipment or combination of equipment, capable of receiving any radio signal, message, or information from any police emergency frequency, or install, use or possess the ~~same equipment~~ in such a motor vehicle

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

without ~~first obtaining permission to do so~~ from the superintendent of the bureau upon ~~such a form of application as prescribed by the superintendent may prescribe.~~ An amateur radio license holder is not entitled to exercise the privilege granted by this paragraph if the license holder has been convicted in this state or elsewhere of a crime of violence, as defined in section 624.712, subdivision 5, unless ten years have elapsed since the person has been restored to civil rights or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, "crime of violence" includes a crime in another state or jurisdiction that would have been a crime of violence if it had been committed in this state. Radio equipment installed, used, or possessed as permitted by this paragraph must be under the direct control of the license holder whenever it is used.

(b) Except as provided in paragraph (c), any person who is convicted of a violation of this subdivision shall, upon conviction for the first offense, be guilty of a misdemeanor, and for the second and subsequent offenses shall be guilty of a gross misdemeanor.

(c) An amateur radio license holder who exercises the privilege granted by paragraph (a) shall carry the amateur radio license in the motor vehicle at all times and shall present the license to a peace officer on request. A violation of this paragraph is a petty misdemeanor. A second or subsequent violation is a misdemeanor.

Approved May 20, 1987

CHAPTER 192—H.F.No. 1421

An act relating to insurance; regulating the formation and operation of risk retention groups; prescribing the powers and duties of the commissioner; defining terms; prescribing penalties; proposing coding for new law as Minnesota Statutes, chapter 60E.

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

Section 1. [60E.01] PURPOSE.

The purpose of this act is to regulate the formation and operation of risk retention groups in this state formed under the federal Liability Risk Retention Act of 1986.

Sec. 2. [60E.02] DEFINITIONS.

Subdivision 1. SCOPE. For the purposes of this act, the terms defined in this section have the meanings given them.

Subd. 2. COMMISSIONER. "Commissioner" means the commissioner of commerce in Minnesota or the commissioner, director, or superintendent of insurance in any other state.

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