

Sections 6, 9 to 13, 15, 19, 21 and 22 are effective the day following final enactment.

Approved June 2, 1987

CHAPTER 366—H.F.No. 943

An act relating to the attorney general; creating a consumer education account; providing for its administration; appropriating money; amending Minnesota Statutes 1986, section 8.31, subdivisions 2b, 3, and by adding subdivisions.

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

Section 1. Minnesota Statutes 1986, section 8.31, subdivision 2b, is amended to read:

Subd. 2b. **ASSURANCE OF DISCONTINUANCE.** The attorney general may accept an assurance of discontinuance of any act or practice the attorney general deems to be in violation of the laws referred to in subdivision 1 from any person the attorney general alleges is engaging in, or has engaged in, the act or practice. The assurance may include a stipulation for the performance, provision or payment by the alleged violator of any remedies allowable under ~~subdivision 3a~~ this section. Any assurance shall be in writing and shall be filed with and subject to the approval of the district court of the county in which the alleged violator resides or has a principal place of business or in Ramsey county. An assurance shall not be considered an admission of a violation for any purpose. Failure to comply with the assurance of discontinuance shall be punishable as contempt.

For the purposes of this subdivision the term "person" has the meaning specified in section 325F.68.

Sec. 2. Minnesota Statutes 1986, section 8.31, is amended by adding a subdivision to read:

Subd. 2c. CONSUMER EDUCATION ACCOUNT. If a court of competent jurisdiction finds that a sum recovered under this section for the benefit of injured persons cannot reasonably be distributed to the victims, because the victims cannot readily be located or identified, or because the cost of distributing the money would outweigh the benefit to the victims, then the court may order that the money be paid into a consumer education account. All sums recovered must be deposited into the state treasury and credited to the consumer education account. The money credited to the account may be expended only as appropriated by law for the following purposes:

(1) to prepare and distribute educational materials to inform the public regarding consumer protection laws and consumer rights;

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

(2) to underwrite educational seminars and other forms of educational projects for the benefit of consumers and businesses;

(3) to contract for or conduct educational or research projects in the field of consumer protection, to further the purposes of the laws referred to in subdivision 1; and

(4) to assist the commissioner of education in establishing curriculum guidelines for elementary and secondary schools in the areas of consumer protection and consumer literacy.

Sec. 3. Minnesota Statutes 1986, section 8.31, subdivision 3, is amended to read:

Subd. 3. **INJUNCTIVE RELIEF.** In addition to the penalties provided by law for violation of the laws referred to in subdivision 1, specifically and generally, whether or not injunctive relief is otherwise provided by law, the courts of this state are vested with jurisdiction to prevent and restrain violations of those laws ~~and~~, to require the payment of civil penalties, to require payment into a consumer education account, and to appoint administrators as provided in section 4. On becoming satisfied that any of those laws has been or is being violated, or is about to be violated, the attorney general shall be entitled, on behalf of the state; (a) to sue for and have injunctive relief in any court of competent jurisdiction against any such violation or threatened violation without abridging the penalties provided by law; and (b) to sue for and recover for the state, from any person who is found to have violated any of the laws referred to in subdivision 1, a civil penalty, in an amount to be determined by the court, not in excess of \$25,000. All sums recovered by the attorney general under this section shall be deposited in the general fund of the state treasury, but sums recovered and deposited pursuant to section 2 must be credited to a consumer education account as provided in section 2.

Sec. 4. Minnesota Statutes 1986, section 8.31, is amended by adding a subdivision to read:

Subd. 3c. ADMINISTRATORS. The courts of this state are vested with jurisdiction to appoint an administrator in actions brought by the attorney general under this section, for purposes of (1) monitoring, maintaining, or winding up the affairs of a business, or (2) collecting, administering, and distributing judgments obtained by the attorney general for the benefit of persons. Upon the order of a court having jurisdiction over the matter, reasonable fees and expenses may be paid to the administrator out of any sums recovered under this section or administered by the administrator.

Sec. 5. **APPROPRIATION.**

\$20,000 is appropriated from the consumer education account for the purposes of this act to be available until June 30, 1989.

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