

date that the report was filed by: (1) filing with the court administrator a notice of the appeal; and (2) serving the notice of appeal by mail, as provided in this section. Service by mail is deemed effective upon deposit of the notice in the United States mail, by first class mail, with postage prepaid, and addressed to each person served at the address shown in the petitioner's affidavit of mailing required by section 117.115, subdivision 2. Proof of service by mail of a notice of appeal shall be filed with the court administrator promptly following the mailing of any notice of appeal. The notice of appeal shall specify the particular award or failure to award appealed from, the nature and amount of the claim, the land to which it relates, and grounds of the appeal, and if applicable, the notice required in section 117.086.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment. Section 1 applies to petitions filed on or after the effective date. Sections 2 and 3 are applicable to reports of commissioners filed on or after the effective date.

Presented to the governor April 28, 1995

Signed by the governor May 1, 1995, 2:48 p.m.

CHAPTER 107—H.F.No. 340

An act relating to commerce; motor vehicle sales and distribution; regulating the establishment and relocation of dealerships; amending Minnesota Statutes 1994, section 80E.14.

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

Section 1. Minnesota Statutes 1994, section 80E.14, is amended to read:

80E.14 LIMITATIONS ON ESTABLISHING OR RELOCATING DEALERSHIPS.

Subdivision 1. **NOTIFICATION; PROTEST; HEARING.** In the event that a manufacturer seeks to enter into a franchise establishing an additional new motor vehicle dealership or relocating an existing new motor vehicle dealership within or into a relevant market area where the line make is then represented, the manufacturer shall, in writing, first notify each new motor vehicle dealer in this line make in the relevant market area of the intention to establish an additional dealership or to relocate an existing dealership within or into that market area. The relevant market area is a radius of ten miles around an existing dealership. Within 15 days of receiving the notice or within 15 days after the end of any appeal procedure provided by the manufacturer, the new motor vehicle dealership may commence a civil action in a court of competent jurisdiction pursuant to section 80E.17 challenging the establishing or relocating of the new

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motor vehicle dealership. An action brought under this section shall be placed on the calendar ahead of other civil actions to be heard and determined as expeditiously as possible. Thereafter the manufacturer shall not establish or relocate the proposed new motor vehicle dealership unless the court has determined that there is good cause for permitting the establishment or relocation of the motor vehicle dealership.

For the purposes of this section, the reopening in a relevant market area of a new motor vehicle dealership within two miles of a location at which a former dealership of the same line make had been in operation within the previous two years shall not be deemed the establishment of a new motor vehicle dealership if the reopening is carried out in good faith and does not violate the provisions of section 80E.13, paragraph (i).

The relocation of an existing dealer within its area of responsibility as defined in the franchise agreement shall not be subject to this section, if the proposed relocation site is within five miles of its existing location and is not within a radius of five miles of an existing dealer of the same line make.

A manufacturer's establishment or approval of an additional new motor vehicle sales location by its line make dealer is considered the establishment of a new motor vehicle dealership subject to the requirements of this section.

Subd. 2. **GOOD CAUSE.** In determining whether good cause has been established for entering into or relocating an additional franchise for the same line make, the court shall take into consideration the existing circumstances, including, but not limited to:

(a) The extent, nature, and permanency of the investment of the proposed new dealership and the existing motor vehicle ~~dealer~~ dealers of the same line make in the relevant market area;

(b) The effect on the retail new motor vehicle business and the consuming public in the relevant market area;

(c) Whether it is injurious to existing new motor vehicle dealers of the same line make in the relevant market area and the public welfare for an additional new motor dealership to be established;

(d) Whether the new motor vehicle dealers of the same line make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicles of the line make in the market area including the adequacy of motor vehicle sales and service facilities, equipment, supply of motor vehicle parts, and qualified service personnel;

(e) Whether the new motor vehicle dealers of the same line make in the relevant market area are providing adequate market penetration and representation; provided, that good cause shall not be shown solely by a desire for further market penetration;

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(f) Whether the establishment of an additional new motor vehicle dealership would increase competition, and therefore be in the public interest;

(g) The growth or decline in population and new car registrations in the relevant market area;

(h) The effect the proposed new dealership would have on the provision of stable, adequate, and reliable sales and service to purchasers of the same line make in the relevant market area; and

(i) The effect the proposed new dealership would have on the stability of existing franchises of the same line make in the relevant market area.

Presented to the governor April 28, 1995

Signed by the governor May 1, 1995, 2:50 p.m.

CHAPTER 108—S.F.No. 830

An act relating to state lands; allowing the sale of certain state forest lands; requiring the commissioner of natural resources to convey certain land to the city of Akeley for public purposes; authorizing the sale of certain trust fund lands; authorizing the sale of tax-forfeited land in Todd county; authorizing the commissioner of transportation to acquire certain trust fund land; proposing coding for new law in Minnesota Statutes, chapter 89.

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

Section 1. [89.0211] SALE OF STATE FOREST LANDS ADJACENT TO PLATTED AREAS.

Notwithstanding section 89.021, the commissioner may sell state forest lands that are adjacent to areas platted under section 92.46 in accordance with the applicable procedures in chapter 92 or 94.

Sec. 2. CONVEYANCE TO THE CITY OF AKELEY.

(a) Notwithstanding Minnesota Statutes, sections 84.027, subdivision 10, and 94.09 to 94.16, the commissioner of natural resources shall convey the land described in paragraph (c) to the city of Akeley for no consideration.

(b) The conveyance must be in a form approved by the attorney general and must provide that the land reverts to the state if it ceases to be used for the purposes described in paragraph (d). If the land is pledged as security for a loan for these purposes, the right of reverter is waived in favor of the lender.

(c) The land to be conveyed is located in Hubbard county and is described as follows: Lots nine (9) and ten (10) in block five (5), and all of block six (6), of the Plat of Akeley Industrial Gardens.

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