

or denies the waiver variance. ~~A person~~ An individual who has been denied a waiver variance under this section is entitled to appeal the decision using a contested case hearing. The person individual must request a hearing within 30 days after receiving notice from the board service by regular mail that the request for a waiver variance has been denied. A deemed waiver variance under this paragraph continues until the appeal contested case proceeding has been resolved.

**Sec. 5. REVISOR'S INSTRUCTION.**

The revisor shall change the headnote to section 148.941 so that it reads: "DISCIPLINARY ACTION; INVESTIGATION; PENALTY FOR VIOLATION."

Presented to the governor May 9, 1997

Signed by the governor May 12, 1997, 11:00 a.m.

**CHAPTER 135—S.F.No. 1404**

*An act relating to motor vehicles; requiring vehicle buyer to notify registrar of motor vehicles of vehicle transfer within ten days; imposing fees and penalties; amending Minnesota Statutes 1996, sections 168.101, subdivision 2; and 168.15, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 168; repealing Minnesota Statutes 1996, section 168A.10, subdivision 6.*

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

Section 1. Minnesota Statutes 1996, section 168.101, subdivision 2, is amended to read:

Subd. 2. **UNLAWFUL TRANSFER TO MINOR.** Any person who knowingly sells or in any manner knowingly transfers title of a passenger automobile or truck to a person who is prohibited from owning a passenger automobile or truck under the provisions of subdivision 1 shall be guilty of a misdemeanor.

Subd. 2a. **FAILURE TO SEND TO REGISTRAR WITHIN TEN DAYS.** Any person who knowingly fails to mail in the application for registration or transfer with appropriate taxes and fees to the registrar of motor vehicles or otherwise fails to submit said forms and remittance to the registrar within 14 ten days following date of sale shall be guilty of a misdemeanor.

Sec. 2. Minnesota Statutes 1996, section 168.15, subdivision 1, is amended to read:

Subdivision 1. **TRANSFER OF OWNERSHIP.** Except as provided in subdivision 3, upon the transfer of ownership, destruction, theft, dismantling as such, or the permanent removal by the owner thereof from this state of any motor vehicle registered in accordance with the provisions of this chapter, the right of the owner of such vehicle to use the registration certificate and number plates assigned such vehicle shall expire, and such certificate and any existing plates shall be, by such owner, forthwith returned, with transportation prepaid, to the registrar with a signed notice of the date and manner of termination of ownership, giving the name and post office address, with street and number, if in a city, of the person to whom transferred. No fee may be charged for a return of plates under this section. When the ownership of a motor vehicle shall be transferred to another who

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shall forthwith register the same in the other's name, the registrar may permit the manual delivery of such plates to the new owner of such vehicle. When seeking to become the owner by gift, trade, or purchase of any vehicle for which a registration certificate has been theretofore issued under the provisions of this chapter, a person shall join with the registered owner in transmitting with the application the registration certificate, with the assignment and notice of sale duly executed upon the reverse side thereof, or, in case of loss of such certificate, with such proof of loss by sworn statement, in writing, as shall be satisfactory to the registrar. Upon the transfer of any motor vehicle by a manufacturer or dealer, for use within the state, whether by sale, lease, or otherwise, such manufacturer or dealer shall, within ~~seven~~ ten days after such transfer, file with the registrar a notice or report containing the date of such transfer, a description of such motor vehicles, and the name, street and number of residence, if in a city, and the post office address of the transferee, and shall transmit therewith the transferee's application for registration thereof.

### Sec. 3. **[168.301] VEHICLE TRANSFER DEADLINES; FEES; SANCTIONS.**

Subdivision 1. SURRENDER PLATES AND ASSIGN TAX PAID. On transferring a motor vehicle, the transferor shall surrender the registration plates and assign the registration tax paid to the credit of the transferee.

Subd. 2. TEN DAYS TO FILE. The transferee's rights to the transferred vehicle's registration plates and credit for taxes paid on the vehicle expire after ten days have elapsed from the date of transfer unless: (1) the transfer has been filed as provided under section 168A.10; or (2) the transferee is a dealer licensed under section 168.27, and is complying with section 168A.11.

Subd. 3. LATE FEE. In addition to any fee or tax otherwise authorized or imposed upon the transfer of title for a motor vehicle, the commissioner of public safety shall impose a \$2 additional fee for failure to deliver a title transfer within 14 days.

Subd. 4. REINSTATEMENT FEE. When the commissioner has suspended license plates on a vehicle because the transferee has failed to deliver the title certificate within ten days as provided in subdivision 1, the transferee shall pay a \$5 fee before the registration is reinstated.

Subd. 5. VERIFICATION OF COMPLIANCE. A person does not violate this section or section 168.09, subdivision 1, by reason of suspension, if the person provides verification from the registrar that the title transfer with fees and taxes were filed with the registrar prior to being cited for violating this section or the vehicle was purchased from a licensed Minnesota dealer. The verification of compliance must be presented to the appropriate law enforcement agency within seven days after being charged or to the court on or before the date set for appearance.

Subd. 6. REGISTRATION SUSPENSION. The commissioner of public safety may suspend the registration of any owner who violates this section.

### Sec. 4. **REPEALER.**

Minnesota Statutes 1996, section 168A.10, subdivision 6, is repealed.

Presented to the governor May 9, 1997

Signed by the governor May 12, 1997, 11:02 a.m.

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