

applicant need not comply with section 327B.04, subdivision 4, paragraph (e). The holding of a limited dealer's license does not satisfy the requirement contained in section 327B.04, subdivision 4, paragraph (e), for the licensee or salespersons with respect to obtaining a dealer license.

The commissioner shall adopt rules under sections 14.22 to 14.28 to provide for issuing a limited dealer's license.

Sec. 2. EFFECTIVE DATE.

The rulemaking authority granted in section 1 is effective the day following final enactment.

Presented to the governor March 13, 1998

Signed by the governor March 16, 1998, 9:52 a.m.

CHAPTER 281—S.F.No. 1151

An act relating to probate; changing provisions on appointment of guardians and conservators; amending Minnesota Statutes 1996, section 525.591.

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

Section 1. Minnesota Statutes 1996, section 525.591, is amended to read:

525.591 SPECIAL GUARDIAN OR CONSERVATOR.

Subdivision 1. **PETITION.** Any A person may file a verified petition for a special guardian or conservator. The petition shall must contain:

- (a) (1) all of the information required in section 525.542;
- (b) (2) the reasons that the petitioner believes the proposed ward or conservatee is in need of a special guardian or conservator; and
- (c) (3) the reasons why the regular procedure for obtaining guardianship or conservatorship is not appropriate.

Subd. 2. **SPECIAL GUARDIAN OR CONSERVATOR HEARING ON APPLICATION; NOTICE.** Upon a clear showing of necessity, the court with notice may appoint a special guardian or conservator of the person or estate or both of any adult person designated in section 525.54, whether a petition for general guardianship or conservatorship has been filed or not. Upon receipt of a petition under this section, the court shall order a hearing to be held no later than 14 days from the date of the order and no sooner than 48 hours from the date of the order. Personal service notifying the proposed conservatee or ward of the scheduled hearing must be made immediately after receipt of a hearing date and at least 48 hours before the scheduled hearing date. Notice shall must be given in language which can be easily understood at least 24 hours prior to the hearing, and shall must contain the information required by section 525.55, subdivision 2, regarding the purpose of the hearing and the rights of the proposed ward or conservatee. A copy of the petition shall must be served with the notice.

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Subd. 2a. **EMERGENCY APPOINTMENT.** (a) The court may waive the 24 hour notice requirement and hearing requirements in subdivision 2 upon a showing that immediate and reasonably foreseeable and irreparable harm to the person or the person's estate will result from the 24 hour a 48-hour delay. The court must make findings of fact in its order that support such a showing. Only under those circumstances may the court appoint a special guardian or conservator without notice. Notice of the court's order shall an appointment must be given to personally served on the proposed ward or conservatee.

(b) An appointment without notice or hearing under paragraph (a) expires seven days after the court's order unless the petitioner has scheduled a hearing under subdivision 2, in which case the special conservatorship or special guardianship remains in effect until the hearing.

Subd. 2b. **ADULTS; SHOWING REQUIRED.** Only upon a clear showing of necessity may a court appoint any special guardian or special conservator of an adult person, as designated in section 525.54, whether or not a petition for general guardianship or conservatorship has been filed. In its order, the court must make specific findings of fact establishing the necessity of the appointment of the special guardian or conservator.

Subd. 3. **NO APPEAL.** There shall be no appeal from any order appointing or refusing to appoint a special guardian or conservator.

Subd. 4. **LIMITED POWERS.** The court shall grant to a special guardian or conservator only those powers necessary to provide for the demonstrated needs of the ward or conservatee. Subject to this limitation the court may grant any of as provided for in the powers enumerated and specified in section 525.56.

Subd. 5. **INVENTORY AND APPRAISAL.** Within 14 days after appointment, a special guardian or conservator of the estate shall file an inventory and appraisal of the personal property according to the requirements of sections 525.561 and 525.562. The court shall specify in its order the duration of the special guardianship or conservatorship. Except as otherwise provided in this section, the appointment of a special guardian or conservator may not exceed 30 days in duration. A county that is acting under section 626.557, subdivision 10, by petitioning for appointment of a special guardian or conservator on behalf of a vulnerable adult is not subject to this 30-day limit.

Subd. 6. **DURATION LIMITS; EXCEPTIONS.** If a petition is filed requesting appointment of a general guardian or conservator for a person for whom a special guardian or conservator has been appointed, but a final hearing on the petition cannot be held after proper notice within 30 days of the appointment of the special guardian or conservator because the petition becomes contested, a hearing date is not available within the time limit or other good cause exists, the appointment of the special guardian or conservator may be extended as provided in this subdivision. The court, on its own motion or upon request of the petitioner or the special guardian or conservator, may extend the appointment to the date of the hearing on the petition. At that time, if the court finds that grounds for appointment of the special guardian or conservator still exist, the court may further extend the appointment to the date of a final decision on the petition. If a special guardian or conservator is appointed for the sole purpose of representing the ward or conservatee in litigation or any other legal proceeding, other than the pending guardianship or conservatorship proceedings, the court may specify that the appointment will last until the litigation or proceeding is finally concluded.

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Subd. 7. **FINAL ACCOUNTING.** At the expiration of the time specified in the court's order, or upon the granting of letters of general guardianship or conservatorship, The power of a special guardian or conservator shall cease, ends and the special guardian or conservator shall proceed forthwith to must prepare a final accounting when one of the following events first occurs:

(1) the time specified for the special guardianship or conservatorship in the court order has expired; or

(2) a general guardian or conservator has been appointed for the ward or conservatee.

When If a special guardian or conservator has been appointed to protect the ward's or conservatee's interest in any matter wherein the interest of the general guardian or conservator appears to conflict with that of the ward or conservatee, or to protect the ward's or conservatee's interest upon suspension of an order of removal of a general guardian or conservator by appeal, the power of the special guardian or conservator shall not cease until terminated by the court.

Presented to the governor March 13, 1998

Signed by the governor March 16, 1998, 9:56 a.m.

CHAPTER 282—S.F.No. 2402

An act relating to commerce; prohibiting the unauthorized possession of, or damage to, merchandise pallets; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Section 1. [325F.795] UNAUTHORIZED POSSESSION OF MERCHANDISE PALLETS.

Subdivision 1. **DEFINITIONS.** (a) "Merchandise" means objects, wares, goods, or commodities.

(b) "Merchandise pallet" means a plastic carrier or plastic container, ranging in size from 36 inches to 54 inches with a forklift entry, used by a manufacturer or distributor to transport merchandise, which has a notice permanently affixed to it by the owner that does all of the following:

(1) identifies the company name of the owner of the pallet;

(2) notifies the public that the unauthorized possession of the pallet is a violation of state law; and

(3) lists a telephone number or address for the owner.

(c) With respect to possession of a merchandise pallet, "unauthorized person" includes anyone in possession of one or more merchandise pallets, except the following:

New language is indicated by underline, deletions by ~~strikeout~~.