

CHAPTER 212—H.F.No. 2017

An act relating to insurance; regulating the joint underwriting association; modifying coverage; amending Minnesota Statutes 2002, section 62F.04, by adding a subdivision.

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

Section 1. Minnesota Statutes 2002, section 62F.04, is amended by adding a subdivision to read:

Subd. 2a. **HIGHER LIMITS FOR LONG-TERM CARE PROVIDERS.** In addition to the policies described in subdivision 2, the association may issue policies to long-term care providers who are members of an activated class with limits not to exceed \$2,000,000 for each claimant under one policy and \$4,000,000 for all claimants under one policy in any one year, provided that the association finds that the applicant needs the higher limits in order to conduct its business. Prudent business practice or mere desire to have higher limits is not a sufficient standard for the association to issue such policies.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor May 14, 2004

Signed by the governor May 18, 2004, 4:15 p.m.

CHAPTER 213—H.F.No. 1645

An act relating to museums and archives repositories; regulating loans to and abandoned property of museums and archives repositories; providing a process for establishing ownership of property loaned to museums and archives repositories; proposing coding for new law in Minnesota Statutes, chapter 345.

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

Section 1. **[345.70] MINNESOTA MUSEUM PROPERTY ACT.**

Subdivision 1. DEFINITIONS. (a) As used in this section, the terms defined in this subdivision have the meanings given them.

(b) "Archives repository" means a nonprofit organization or a public agency whose primary functions include selecting, preserving, and making available records of historical or enduring value, and that is open to the public on a regular basis. Archives repository does not include a public library.

(c) "Loan" means the placement of property with a museum or archives repository that is not accompanied by a transfer of title of the property to the museum or archives repository and for which there is some record that the owner intended to retain title to

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the property. Loan does not include transfers between museums, between archives repositories, or between museums and archives repositories unless the transferring institution specifically provides in writing that the transfer is a loan under this section.

(d) "Museum" means a nonprofit organization or a public agency that is operated primarily for the purpose of collecting, cataloging, preserving, or exhibiting property of educational, scientific, historic, cultural, or aesthetic interest and that is open to the public on a regular basis. Museum does not include a public library.

(e) "Property" means personal property.

Sec. 2. [345.71] LOANS OF PROPERTY TO A MUSEUM OR ARCHIVES REPOSITORY.

Subdivision 1. OWNERSHIP RECORDS. Each museum or archives repository shall keep accurate records of all property on loan to the museum or archives repository, including the name and address of the owner, if known, and the beginning and ending date of the loan period. At the time that a person makes a loan to a museum or archives repository, the museum or archives repository shall give the owner of the property a copy of this section. If a museum or archives repository is notified of a change in the ownership of any property loaned to a museum or archives repository, the museum or archives repository shall inform the new owner of the provisions of the loan agreement and shall send the new owner a copy of this section. Not less than 90 days before a museum or archives repository changes its address or dissolves, the museum or archives repository shall notify all owners of that change of address or dissolution. If a museum or archives repository becomes the owner of property under section 345.72 or 345.73, the museum or archives repository shall maintain any records that the museum or archives repository has regarding the property for not less than two years after the date on which the museum or archives repository becomes the owner of the property.

Subd. 2. CHANGE IN ADDRESS OR OWNERSHIP. The owner of property loaned to a museum or archives repository shall provide the museum or archives repository with written notice of any change of the owner's address, of the owner's designated agent, of the designated agent's address, and of the name and address of the new owner if there is a change in the ownership of the property loaned to the museum or archives repository.

Sec. 3. [345.72] ACQUIRING TITLE TO ABANDONED PROPERTY.

Subdivision 1. ACQUISITION. Property loaned to a museum or archives repository whose loan has an expiration date is abandoned when there has not been written contact between the owner and the museum or archives repository for at least seven years after that expiration date. If the loan has no expiration date, the property is abandoned when there has not been written contact between the owner and the museum or archives repository for at least seven years after the museum or archives repository took possession of the property.

Subd. 2. NOTICE. (a) If a museum or archives repository wishes to acquire title to abandoned property, the museum or archives repository shall, not less than 60 days

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after property is abandoned under subdivision 1, send a notice by certified mail with return receipt requested to the owner's last known address. The notice shall contain all of the following:

(1) a statement that the loan is terminated and that the property is abandoned;

(2) a description of the property;

(3) a statement that the museum or archives repository will become the owner of the property if the present owner does not submit a written claim to the property to the museum or archives repository within 60 days after receipt of the notice; and

(4) a statement that the museum or archives repository will make arrangements with the owner to return the property to the owner or dispose of the property as the owner requests if the owner submits a written claim to the property to the museum or archives repository within 60 days after receipt of the notice.

(b) The notice in paragraph (a) shall be substantially in the following form:

NOTICE OF ABANDONMENT OF PROPERTY

To:..... (name of owner)

..... (address of owner)

Please be advised that the loan agreement is terminated for the following property (describe the property in sufficient detail to identify the property):

.....

.....

The above described property that you loaned to (name and address of museum or archives repository) will be considered abandoned by you and will become the property of (name of museum or archives repository) if you fail to submit to the museum or archives repository a written claim to the property within 60 days after receipt of this notice.

If you do submit a written claim to the property within 60 days after receipt of this notice, (name of museum or archives repository) will arrange to return the property to you or dispose of the property as you request. The cost of returning the property to you or disposing of the property is your responsibility unless you have made other arrangements with the museum or archives repository.

.....
.....

(name of person to contact at museum or archives repository and address of museum or archives repository)

Subd. 3. PUBLICATION. If the notice sent by the museum or archives repository under subdivision 2 is returned to the museum or archives repository undelivered, the museum or archives repository shall give notice of the abandoned property by publication, and the organization's Web site, if applicable, containing the following:

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- (1) the name and last known address of the present owner;
- (2) a description of the property;
- (3) a statement that the property is abandoned and that the museum or archives repository will become the owner of the property if no person can prove their ownership of the property;
- (4) a statement that a person claiming ownership of the property shall notify the museum or archives repository in writing of that claim within 60 days after publication of the last legal notice; and
- (5) the name and mailing address of the person who may be contacted at the museum or archives repository if a person wants to submit a written claim to the property.

Subd. 4. **CLAIMS FOR THE PROPERTY.** (a) If the museum or archives repository receives a timely written claim for the property from the owner or the owner's agent in response to the notice sent under subdivision 2 or 3, the museum or archives repository shall return the property to the owner or dispose of the property as the owner requests. The owner shall advise the museum or archives repository in writing as to how the property shall be disposed of or returned to the owner. Costs of returning the property or disposing of the property shall be the responsibility of the owner unless the owner and the museum or archives repository have made other arrangements.

(b) If the museum or archives repository receives a timely written claim for the property from a person other than the person who loaned the property to the museum or archives repository in response to the notice sent under subdivision 2 or 3, the museum or archives repository shall, within 60 days after receipt of the written claim, determine if the claim is valid. A claimant shall submit proof of ownership with the claim. If more than one person submits a timely written claim, the museum or archives repository may delay its determination of ownership until the competing claims are resolved by agreement or legal action. If the museum or archives repository determines that the claim is valid, or if the competing claims are resolved by agreement or judicial action, the museum or archives repository shall return the property to the claimant submitting the valid claim or dispose of the property as the valid claimant requests. Costs of returning the property or disposing of the property shall be the responsibility of the valid claimant.

(c) If the museum or archives repository does not receive a timely written claim to the property or if the museum or archives repository determines that no valid timely claim to the property was submitted, the museum or archives repository becomes the owner of the property. The museum or archives repository becomes the owner of the property on the day after the period for submitting a written claim ends or on the day after the museum or archives repository determines that no valid timely written claim was submitted. The museum or archives repository owns the property free from all claims.

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Sec.4. [345.73] ACQUIRING TITLE TO UNDOCUMENTED PROPERTY.

Subdivision 1. ACQUISITION. Property in the possession of a museum or archives repository which the museum or archives repository has reason to believe may be on loan and, for which the museum or archives repository does not know the owner, or have any reasonable means of determining the owner, becomes the property of the museum or archives repository if no person has claimed the property within seven years after the museum or archives repository took possession of the property. The museum or archives repository becomes the owner of the property on the day after the seven-year period ends, and after following the notification process outlined in subdivision 2, free from all claims.

Subd. 2. NOTIFICATION. The museum or archives repository that wishes to acquire title to undocumented property described in subdivision 1 shall provide public notice in the manner described in section 345.72.

Subd. 3. PRESUMPTION OF GIFT TO MUSEUM. Effective August 1, 2004, property that: (1) is found in or on property controlled by the museum; (2) is from an unknown source; and (3) might reasonably be assumed to have been intended as a gift to the museum, is conclusively presumed to be a gift to the museum if ownership of the property is not claimed by a person within 90 days of its discovery.

Sec. 5. [345.74] CONSERVATION OF MUSEUM PROPERTY.

Subdivision 1. PROTECTION OF LOANED PROPERTY. Unless there is a written loan agreement to the contrary, a museum may apply conservation measures to property on loan to the museum without the lender's permission or formal notice if action is required to protect the property on loan or other property in the custody of the museum, or the property on loan is a hazard to the health and safety of the public or the museum staff, and either:

(1) the museum is unable to reach the lender at the lender's last known address within three days before the time the museum determines action is necessary; or

(2) the lender does not respond or will not agree to the protective measures the museum recommends and does not terminate the loan and retrieve the property within three days.

Subd. 2. LIEN. If a museum applies conservation measures to property under this section, or with the agreement of the lender, unless the agreement provides otherwise, the museum acquires a lien on the property in the amount of the costs incurred by the museum.

Subd. 3. LIABILITY. The museum is not liable for injury to or loss of the property if the museum:

(1) had a reasonable belief at the time the action was taken that the action was necessary to protect the property on loan or other property in the custody of the museum, or that the property on loan was a hazard to the health and safety of the public or the museum staff; and

(2) exercised reasonable care in the choice and application of conservation measures.

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Sec. 6. TITLE.

This act shall be known as "The Minnesota Museum Property Act."

Presented to the governor May 15, 2004

Signed by the governor May 19, 2004, 9:45 a.m.

CHAPTER 214—S.F.No. 1115

An act relating to telecommunications; regulating third-party billing on telecommunications bills; modifying provisions for alternative forms of regulation of telephone companies; amending Minnesota Statutes 2002, sections 237.766; 237.773, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Section 1. [237.665] PROHIBITION AGAINST BILLING FOR UNAUTHORIZED CHARGES.

(a) A telephone company or telecommunications carrier providing local service shall not include on a customer's bill a charge for goods or services on behalf of a third-party service provider unless the third-party service provider has obtained the customer's prior express authorization to include such charges on the customer's bill.

(b) If a customer of a telephone company or telecommunications carrier notifies the telephone company or telecommunications carrier that an unauthorized charge from a third-party service provider has been included on the customer's bill, then the telephone company or telecommunications carrier shall remove the unauthorized charge. The telephone company or telecommunications carrier shall credit to the customer any amounts paid for the unauthorized charges that were billed by the telephone company or telecommunications carrier during the six months prior to the customer's complaint, unless the third-party service provider can produce within 14 calendar days of the complaint evidence to the customer and the telephone company or the telecommunications carrier of prior express authorization by the customer.

(c) A third-party service provider meets the prior express authorization requirements of this section only if it obtains or receives a customer's written authorization in the form of a letter of agency, a customer's oral authorization verified by an independent third party, or a copy of an e-mail notice of verification as described in clause (3).

(1) If the third-party service provider obtains the customer's written authorization in the form of a letter of agency, it must be a separate or easily separable document. The sole purpose of the letter of agency shall be to authorize a charge for goods or services to appear on the customer's telephone bill. The letter of agency must be of sufficient size to be clearly legible and must contain clear and unambiguous language

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