

**CHAPTER 211—S.F.No. 1039**

*An act relating to commerce; prohibiting tampering with clock-hour meters on farm tractors; prescribing a civil penalty and a private right of action; proposing coding for new law in Minnesota Statutes, chapter 325E.*

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

**Section 1. [325E.165] DEFINITION.**

For purposes of sections 325E.165 to 325E.167, "farm tractor" means a self-propelled vehicle that is designed primarily for pulling or propelling agricultural machinery and implements and used principally in the occupation or business of farming, including an implement of husbandry, as defined in section 169.01, subdivision 55, that is self-propelled.

**Sec. 2. [325E.166] CLOCK-HOUR METERS; PROHIBITED ACTS.**

Subdivision 1. **Tampering.** No person shall, with intent to defraud, knowingly tamper with, adjust, alter, change, set back, disconnect, or fail to connect the clock-hour meter of a farm tractor, or cause any of the foregoing to occur to a clock-hour meter of a farm tractor, so as to reflect fewer hours than the farm tractor has actually been in operation.

Subd. 2. **Operation with disconnected or nonfunctional meter.** No person shall, with intent to defraud, operate a farm tractor knowing that the clock-hour meter of the farm tractor is disconnected or nonfunctional.

Subd. 3. **Tampering device.** No person shall advertise for sale, sell, use, or install on any part of a farm tractor or on a clock-hour meter in a farm tractor a device that causes the clock-hour meter to register any hours of operation other than the true hours of operation that the clock-hour meter was designed to measure.

Subd. 4. **Disclosure.** No person shall sell or offer for sale or trade in a farm tractor with knowledge that the hours registered on the clock-hour meter have been altered so as to reflect fewer hours than the farm tractor has actually been in operation, without disclosing the fact to prospective purchasers.

Subd. 5. **Conspiracy.** No person shall conspire with another person to violate this section.

**Sec. 3. [325E.167] PENALTY; RIGHT OF ACTION.**

Subdivision 1. **Civil penalty.** A person who is found to have violated sections 325E.165 and 325E.166 is subject to the penalties in section 8.31.

Subd. 2. **Private right of action.** A person injured by a violation of sections 325E.165 and 325E.166 may recover the actual damages sustained together with costs and disbursements, including reasonable attorney fees. The court, in its discretion, may increase the award of damages to an amount not to exceed three times the actual damages sustained or \$1,500, whichever is greater.

Presented to the governor May 15, 2006

Signed by the governor May 16, 2006, 4:50 p.m.