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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 347

01/26/2015 Authored by Liebling and Yarusso

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act  
1.2 relating to commerce; regulating certain sales on Sunday; removing statutory  
1.3 prohibitions against off-sale intoxicating liquor sales and the sales of certain  
1.4 motor vehicles; amending Minnesota Statutes 2014, sections 168.27, subdivision  
1.5 12; 340A.504, subdivision 4; repealing Minnesota Statutes 2014, sections  
1.6 168.275; 168.276.

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

1.8 Section 1. Minnesota Statutes 2014, section 168.27, subdivision 12, is amended to read:

1.9 Subd. 12. **Grounds for suspension and revocation.** (a) A license may be  
1.10 suspended or revoked by the registrar of motor vehicles upon proof satisfactory to the  
1.11 registrar of any of the following:

1.12 (1) violations of any of the provisions of this chapter or chapter 168A, 297B, 325E,  
1.13 or 325F;

1.14 (2) violation of or refusal to comply with the requests and order of the registrar;

1.15 (3) failure to make or provide to the registrar all listings, notices, and reports  
1.16 required by the registrar;

1.17 (4) failure to pay to the registrar all taxes, fees, and arrears due from and by such  
1.18 dealer;

1.19 (5) failure to duly apply for renewal of license provided for in this section;

1.20 (6) revocation of previous license, of which the records of the registrar relating to  
1.21 the revocation are prima facie evidence of the previous revocation;

1.22 (7) failure of continued occupancy of an established place of business;

1.23 (8) sale of a new and unused current model motor vehicle other than the make of  
1.24 motor vehicle described in the franchise or contract filed with the original application or  
1.25 renewal thereof, without permission from the registrar;

2.1 (9) sale of a new and unused current model motor vehicle to anyone except for  
2.2 consumer use, or to a dealer duly licensed to sell the same make of motor vehicle;

2.3 (10) material misstatement or misrepresentation in application for license or renewal;

2.4 (11) having advertised, printed, displayed, published, distributed, broadcast,  
2.5 or televised or caused or permitted to be advertised, printed, displayed, published,  
2.6 distributed, broadcast, or televised in any manner whatsoever, or having made orally any  
2.7 statement or representation with regard to the sale, lease, or financing of motor vehicles  
2.8 that is false, deceptive, or misleading;

2.9 (12) having been convicted of violating section 325F.69, or having been enjoined  
2.10 due to a violation of section 325F.69;

2.11 (13) having been convicted of violating the Minnesota Odometer Law, section  
2.12 325E.14, 325E.15, or 325E.16, or the federal odometer law, United States Code, title  
2.13 15, sections 1981 to 1991;

2.14 ~~(14) having been convicted of violating the sale of motor vehicles on Sunday law,~~  
2.15 ~~section 168.275;~~

2.16 ~~(15) having been convicted under section 609.53 of receiving or selling stolen~~  
2.17 ~~vehicles; or~~

2.18 ~~(16)~~ (15) having pleaded guilty, entered a plea of nolo contendere or no contest, or  
2.19 having been found guilty in a court of competent jurisdiction of any charge of failure to pay  
2.20 state or federal income or sales taxes or felony charge of forgery, embezzlement, obtaining  
2.21 money under false pretenses, theft by swindle, extortion, conspiracy to defraud, or bribery.

2.22 (b) With respect to paragraph (a), clauses (12), (13), (14), and (15), ~~and (16)~~, the  
2.23 registrar may suspend or revoke a license immediately upon receiving certification of  
2.24 conviction or permanent injunction. A hearing is required under subdivision 13 within 30  
2.25 days following a summary suspension or revocation under this paragraph, if a hearing is  
2.26 requested by the licensee.

2.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.28 Sec. 2. Minnesota Statutes 2014, section 340A.504, subdivision 4, is amended to read:

2.29 Subd. 4. **Intoxicating liquor; off-sale.** No sale of intoxicating liquor may be made  
2.30 by an off-sale licensee:

2.31 ~~(1) on Sundays;~~

2.32 ~~(2) before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;~~ Sunday.

2.33 ~~(3) on Thanksgiving Day;~~

2.34 ~~(4) on Christmas Day, December 25; or~~

2.35 ~~(5) after 8:00 p.m. on Christmas Eve, December 24.~~

3.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.2 Sec. 3. **REPEALER.**

3.3 Minnesota Statutes 2014, sections 168.275; and 168.276, are repealed effective the  
3.4 day following final enactment.

**168.275 SALE OF MOTOR VEHICLE ON SUNDAY FORBIDDEN.**

Any person who shall carry on or engage in the business of buying, selling, exchanging, dealing in or trading in new or used motor vehicles; or who shall open any place of business or lot wherein the person attempts to or does engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles; or who does buy, sell, exchange, deal or trade in new or used motor vehicles as a business on the first day of the week, commonly known and designated as Sunday, is guilty of a misdemeanor for the first offense, and a gross misdemeanor for each succeeding offense. This section does not apply to the sale of (1) trailers designed and used primarily to transport watercraft, as defined in section 86B.005, subdivision 18, (2) trailers designed and used primarily to transport all-terrain vehicles, as defined in section 84.92, subdivision 8, (3) trailers designed and used primarily to transport snowmobiles as defined in section 84.81, subdivision 3, or (4) utility trailers as defined in section 168.27, subdivision 20.

**168.276 SUSPENSION OR REVOCATION OF DEALER LICENSE.**

Every court having jurisdiction over offenses committed in violation of the provisions of section 168.275 hereof shall forward to the registrar of motor vehicles of this state within ten days following a conviction, a record thereof. If a person so convicted holds a license as a dealer for the sale of new or used motor vehicles under the provisions of section 168.27, upon the receipt by the registrar of motor vehicles of a second record of conviction of such dealer, the registrar of motor vehicles shall suspend such dealer's license for a period of 30 days, and upon receipt of a third record of conviction of any such dealer, the registrar of motor vehicles shall permanently revoke such dealer's license.