

MINNESOTA STATUTES 1975 SUPPLEMENT

382.153 COUNTY OFFICERS

lowest responsible bidder.

Subd. 2. In any county, in lieu of the individual bonds required to be furnished by county officers or by county employees, a schedule or position bond or undertaking may be given by county officers or by the employees of each county office or department, or a single corporate surety fidelity, schedule or position bond or undertaking covering all the officers and employees of any such county including officers and employees required by law to furnish an individual bond or undertaking may be furnished, in the respective amounts fixed by law, or by the person or board authorized by law to fix the same, conditioned substantially as provided in section 574.13, and upon a form to be prescribed by the commissioner of administration.

[1975 c 281 s 1]

382.28 Justices and constables.

In each election district established as provided by section 204A.08 there shall be elected at the general election two justices of the peace and two constables, whose term of office shall be two years. Any vacancy that may occur in either of such offices shall be filled by appointment by the county board.

[1975 c 5 s 134]

CHAPTER 384. COUNTY AUDITOR

Sec.

384.151 County auditors salaries, fees and clerk hire, counties under 75,000 inhabitants; appeals.

384.151 County auditors salaries, fees and clerk hire, counties under 75,000 inhabitants; appeals.

[For text of subd 1, see M.S.1974]

Subd. 2. [Repealed, 1975 c 301 s 16]

[For text of subds 3 to 8, see M.S.1974]

CHAPTER 385. COUNTY TREASURER

Sec.

385.373 County treasurers' salaries, counties under 75,000 inhabitants; appeals.

385.373 County treasurers' salaries, counties under 75,000 inhabitants; appeals.

[For text of subd 1, see M.S.1974]

Subd. 2. [Repealed, 1975 c 301 s 16]

[For text of subds 3 to 8, see M.S.1974]

CHAPTER 386. REGISTER OF DEEDS; ABSTRACTERS

Sec.

386.015 Salaries, fees, and budget; counties under 75,000 inhabitants; appeals.

386.19 Record books, indexes.

386.62 Certificate of registration required.

386.63 Abstracters board of examiners.

386.66 Bond or abstractor's liability insurance policy.

Sec.

386.68 Fees.

386.695 Investigation and subpoenas. [New]

386.696 Legal actions; injunctions. [New]

386.70 Denial, suspension and revocation of certificates; invalidating bonds.

386.71 Registered abstracters, access to public records.

386.015 Salaries, fees, and budget; counties under 75,000 inhabitants; appeals.

[For text of subds 1 and 2, see M.S.1974]

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REGISTER OF DEEDS; ABSTRACTERS 386.66

Subd. 3. [Repealed, 1975 c 301 s 16]

[For text of subds 4 to 8, see M.S.1974]

386.19 Record books, indexes.

The register of deeds shall keep suitable word for word records of all instruments left with him for record keeping. He shall keep an alphabetical index where he shall record, under the proper letter of the alphabet, the name of each grantor and grantee of any instrument left for record.

[1975 c 115 s 1]

386.62 Certificate of registration required.

No official, person, firm, association or corporation shall engage in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, without first obtaining a certificate of registration pursuant to the provisions of sections 386.61 to 386.76.

[1975 c 419 s 1]

386.63 Abstracters board of examiners.

Subdivision 1. There is hereby created an abstracters board of examiners whose duties it shall be to administer the provisions of sections 386.61 to 386.76. The board shall consist of seven members to be appointed by the governor. Four persons so appointed shall be residents of this state and actually engaged in the business of making abstracts of title to real estate for at least five years immediately preceding the time of their appointment, but no more than one such member shall be from a county containing a city of the first class. The fifth member of the board shall be an attorney at law admitted to practice in the state of Minnesota. The remaining members shall be public members as defined for purposes of Laws 1973, Chapter 638. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09.

[For text of subds 2 and 3, see M.S.1974]

Subd. 4. The board shall keep a full record of its proceedings, which shall be open to inspection at all reasonable times.

Subd. 5. [Repealed, 1975 c 136 s 77]

[1975 c 136 s 72,73]

[For text of subd 6, see M.S.1974]

386.66 Bond or abstractor's liability insurance policy.

Before a certificate of registration shall be issued, the applicant shall file with the board a bond or abstractor's liability insurance policy to be approved by the president or secretary-treasurer, running to the state of Minnesota in the penal sum of at least \$20,000 conditioned for the payment of such abstractor of any damages that may be sustained by or accrue to any person by reason of or on account of any error, deficiency or mistake arising wrongfully or negligently in any abstract, or continuation thereof, or in any certificate showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, made by and issued by such abstractor, provided however, that the aggregate liability of the surety to all persons under such bond shall in no event exceed the amount of such bond. In any county having more than 200,000 inhabitants the bond or insurance policy required herein shall be in the penal sum of at least \$50,000. Applicants having cash or securities or deposit with the state of Minnesota in an amount equal to the said bond or insurance policy shall be exempt from furnishing the bond or

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386.66 REGISTER OF DEEDS; ABSTRACTERS

an insurance policy herein required but shall be liable to the same extent as if a bond or insurance policy has been given and filed. The bond or insurance policy required hereunder shall be written by some surety or other company authorized to do business in this state issuing bonds or abstracters' liability insurance policies and shall be issued for a period of one or more years, and renewed for one or more years at the date of expiration as principal continues in business. The aggregate liability of such surety on such bond or insurance policy for all damages shall, in no event, exceed the sum of said bond or insurance policy.

[1975 c 419 s 2]

386.68 Fees.

For the services specified in sections 386.61 to 386.76 fees shall be charged applicants for registration hereunder, as follows: (1) for original certificate of registration pursuant to section 386.65, subdivision 2 and subdivision 3, payable with the application, \$50; (2) on annual renewals of certificate payable with any application for renewal, \$25; and (3) on an examination, payable at the time of application for examination, \$25.

[1975 c 419 s 3]

386.695 Investigation and subpoenas.

Subdivision 1. When it appears by reasonable evidence that any provision of sections 386.61 to 386.76 or any rule or order hereunder has been violated or is about to be violated, the board may make necessary public or private investigations within or outside this state to aid in the enforcement of sections 386.61 to 386.76. The board may also make necessary investigation incident to the promulgation of rules hereunder.

Subd. 2. The board may require or permit any person to file a statement in writing, under oath or otherwise as the board determines, as to all the facts and circumstances concerning the matter to be investigated.

Subd. 3. For the purpose of any investigation hearing or proceeding under sections 386.61 to 386.76, the board or any person designated by it may administer oaths or affirmations, and may subpoena witnesses, compel their attendance, take evidence, and compel the production of documents or other tangible items which the board deems relevant or material to the inquiry.

Subd. 4. Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the board may apply to the district court for an order for contempt.

[1975 c 419 s 4]

386.696 Legal actions; injunctions.

Whenever it appears to the board that any person has engaged or is about to engage in any act or practice constituting a violation of sections 386.61 to 386.76 or any rule or order hereunder, it may bring an action in the name of the state in the district court of the appropriate county to enjoin the acts or practices and to enforce compliance with sections 386.61 to 386.76 or any rule or order hereunder, or it may refer the matter to the attorney general. Upon a proper showing, a permanent or temporary injunction, restraining order, or other appropriate relief shall be granted.

[1975 c 419 s 5]

386.70 Denial, suspension and revocation of certificates; invalidating bonds.

Subdivision 1. The board may by order deny, suspend or revoke any certificate, may censure an abstracter holding a certificate or may hold and declare a bond or insurance policy insufficient and invalid if it finds (1) that the order is in the public interest, and (2) that the applicant or abstracter holding the certificate or, if the holder of the certificate is a firm or corporation, any officer, director, partner, employee or agent thereof:

(a) Has filed an application for a license which is incomplete in any material

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respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(b) Has engaged in a fraudulent, deceptive or dishonest practice;

(c) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the real estate business;

(d) Has failed to reasonably supervise his employees or agents so as to cause injury or harm to the public;

(e) Has been convicted of a felony;

(f) Has been habitually careless or inattentive to business;

(g) Has failed to employ competent abstracters; or

(h) Has violated or failed to comply with any provision of sections 386.61 to 386.76 or any rule or order hereunder.

Subd. 2. The board may promulgate rules and regulations further specifying and defining those actions and omissions which constitute fraudulent, deceptive or dishonest practices, and establishing standards of conduct for abstracters.

Subd. 3. The board shall issue an order requiring the abstractor holding a certificate or applicant for a certificate to show cause why the certificate should not be revoked or suspended, or the holder censured, or a bond or insurance policy declared insufficient and invalid, or the application denied. The order shall be calculated to give reasonable notice of the time and place for hearing thereon, and shall state the reasons for the entry of the order. All hearings shall be conducted in accordance with the provisions of chapter 15. After the hearing, the board shall enter an order making such disposition of the matter as the facts require. If the holder or applicant fails to appear at a hearing of which he has been duly notified, such person may be deemed in default, and the proceeding may be determined against him upon consideration of the order to show cause, the allegations of which may be deemed to be true.

Subd. 4. The board may delegate to a hearing examiner its authority to conduct a hearing. The examiner shall make proposed findings of fact and submit them to the board. The examiner shall have the same power as the board to compel the attendance of witnesses, to examine them under oath, to require the production of books, papers and other evidence, and to issue subpoenas and cause the same to be served and executed in any part of the state.

Subd. 5. Orders of the board shall be subject to judicial review pursuant to chapter 15.

Subd. 6. The board may promulgate rules of procedure concerning all hearings and other proceedings conducted pursuant to sections 386.61 to 386.76.

[1975 c 419 s 6]

386.71 Registered abstracters, access to public records.

Except as provided in Laws 1974, Chapter 435, Section 3.11 (c), registered abstracters shall have access during ordinary office hours to the public records in the office of the register of deeds in the county in which such abstractor is authorized to function, to make such memoranda, microfilm, photostats, photographs, or notations from the records thereof as may be necessary for the purpose of making or compiling abstracts, continuations thereof, or issuing certificates showing ownership of, or interest in, or liens upon any lands in the state, whether registered or not, and the compiling, posting, copying and keeping up their abstract books, indices, or other records necessary to carry on or perform the duties and functions of a registered abstractor, provided that such access during ordinary office hours shall in no manner hinder or interfere with the public officer in the performance of his official duties.

[1975 c 419 s 7]