

## CHAPTER 168

MOTOR VEHICLES; REGISTRATION;  
TAXATION; SALES; DEALERS

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## 168.011 DEFINITIONS.

*[For text of subs 1 to 11, see M.S.1982]*

Subd. 12. **Truck-tractor.** "Truck-tractor" means:

(a) a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn; and

(b) a motor vehicle designed and used primarily for drawing other vehicles used exclusively for transporting motor vehicles and capable of carrying motor vehicles on its own structure.

*[For text of subs 13 to 29, see M.S.1982]*

**History:** 1983 c 198 s 1

## 168.012 VEHICLES EXEMPT FROM LICENSE FEES.

Subdivision 1. Vehicles owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, the state, or any political subdivision thereof, or vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from such institutions, shall be exempt from the provision of this chapter requiring payment of tax or registration fees. Vehicles owned by the federal government, municipal fire apparatus, police patrols and ambulances, the general appearance of which is unmistakable, shall not be required to register or display number plates. Vehicles used in general police work, arson investigations, and passenger vehicles, station wagons, and buses owned or operated by the department of corrections shall be registered and shall display passenger vehicle classification license number plates which shall be furnished by the registrar at cost. All other motor vehicles shall be registered and display tax exempt number plates which shall be furnished by the registrar at cost. All vehicles required to display tax exempt number plates shall have the name of the state department or public subdivision on the vehicle plainly printed on both sides thereof in letters not less than 2-1/2 inches high, one inch wide and of a three-eighths inch stroke; except that each state hospital and institution for the mentally ill and mentally retarded may have one vehicle without the required printing on the sides of the vehicle. Such printing shall be in a color giving a marked contrast with that of the part of the vehicle on which it is placed and shall be done with a good quality of paint that will endure throughout the term of the registration. The printing must be on a part of the vehicle itself and not on a removable plate or placard of any kind and shall be kept clean and

visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision. The owner of any such vehicle desiring to come under the foregoing exemption provisions shall first notify the chief of the state patrol who shall provide suitable seals and cause the same to be affixed to any such vehicle.

[For text of subs 1a to 10, see M.S.1982]

History: 1983 c 363 s 2

### 168.013 RATE OF TAX.

[For text of subs 1 to 1c, see M.S.1982]

Subd. 1d. **Trailers.** On trailers the annual tax is based on total gross weight and is 30 percent of the Minnesota base rate prescribed in subdivision 1e, when the gross weight is 15,000 pounds or less, and when the gross weight of a trailer is more than 15,000 pounds, the tax for the first eight years of vehicle life is 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life the tax is 75 percent of the Minnesota base rate prescribed by subdivision 1e, but in no event less than \$5, provided, that the tax on trailers with a total gross weight of 3,000 pounds or less is payable biennially.

Farm trailers with a gross weight in excess of 10,000 pounds and as described in section 168.011, subdivision 17, are taxed as farm trucks as prescribed in subdivision 1c.

Subd. 1e. **Trucks; tractors; combinations; exceptions.** On trucks and tractors except those in this chapter defined as farm trucks, and urban trucks, and on truck-tractor and semitrailer combinations except those defined as farm combinations and urban combinations and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

### MINNESOTA BASE RATE SCHEDULE

Scheduled taxes include five percent surtax provided for in subdivision 14

TOTAL GROSS WEIGHT		TAX
IN POUNDS		
A	0 - 1,500	\$ 15
B	1,501 - 3,000	20
C	3,001 - 4,500	25
D	4,501 - 6,000	35
E	6,001 - 9,000	45
F	9,001 - 12,000	70
G	12,001 - 15,000	105
H	15,001 - 18,000	145
I	18,001 - 21,000	190
J	21,001 - 27,000	270
K	27,001 - 33,000	360
L	33,001 - 39,000	470

	TOTAL GROSS WEIGHT IN POUNDS	TAX
M	39,001 - 45,000	\$ 590
N	45,001 - 51,000	710
O	51,001 - 57,000	860
P	57,001 - 63,000	1010
Q	63,001 - 69,000	1180
R	69,001 - 73,280	1320
S	73,281 - 78,000	1520
T	78,001 - 81,000	1620

For each vehicle with a gross weight in excess of 81,000 pounds an additional tax of \$50 is imposed for each ton or fraction thereof in excess of 81,000 pounds, subject to subdivision 12.

Truck-tractors except those herein defined as farm and urban truck-tractors and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of the truck-tractor and any semitrailer or semitrailers which the applicant proposes to combine with the truck-tractor. In addition, to the gross weight tax imposed on the truck-tractor, each semitrailer shall be taxed a fee of \$10 for a one-year period or \$50 for a five-year period whichever the applicant elects.

Commercial zone trucks include only trucks, truck-tractors, and semitrailer combinations which are:

(1) used by an authorized local cartage carrier operating under a permit issued under section 221.296 and whose gross transportation revenue consists of at least 60 percent obtained solely from local cartage carriage, and are operated solely within an area composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by section 221.011, subdivision 17; or,

(2) operated by an interstate carrier registered under section 221.61 or 221.62, or by an authorized local cartage carrier or other carrier receiving operating authority under chapter 221, and operated solely within a zone exempt from regulation by the interstate commerce commission pursuant to United States Code, title 49, section 10526(b).

The license plates issued for commercial zone vehicles shall be plainly marked. A person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the penalty therefor, shall have the registration of the vehicle as a commercial zone vehicle revoked by the registrar and shall be required to reregister the vehicle at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax shall be refunded during the balance of the registration year.

On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during the first eight years of vehicle life shall be 75 percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax shall be 50 percent of the Minnesota base rate schedule, except as otherwise provided in this subdivision. On commercial zone trucks, during the ninth and succeeding years of vehicle life, the tax shall be:

(a) for the 1982 registration year, 35 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the 1983 registration year, 40 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the 1984 registration year, 45 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the 1985 registration year, and each succeeding year, 50 percent of the tax imposed in the Minnesota base rate schedule.

On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this subdivision, the tax for the first eight years of vehicle life shall be 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life, the tax shall be 75 percent of the Minnesota base rate prescribed by this subdivision, except as otherwise provided in this subdivision.

On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this subdivision, during each of the first eight years of vehicle life the tax shall be:

(a) for the registration year 1982, 83 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the registration year 1983, 89 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the registration year 1984, 95 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the registration year 1985, and each succeeding year, 100 percent of the tax imposed in the Minnesota base rate schedule.

*[For text of subds 1f to 19, see M.S.1982]*

Subd. 20. **Federal heavy vehicle use tax; proof of payment.** No person may register a motor vehicle that, along with the trailers and semitrailers customarily used with the same type of motor vehicle, has a taxable gross weight of at least 33,000 pounds and is subject to the use tax imposed by the Internal Revenue Code of 1954, section 4481, unless proof of payment of the use tax, if required and in a form as may be prescribed by the secretary of the treasury, is presented.

**History:** 1983 c 198 s 2,3; 1983 c 371 s 1

### 168.021 LICENSE PLATES FOR PHYSICALLY HANDICAPPED PERSONS.

Subdivision 1. **Special plates; application for issuance.** When a motor vehicle registered under section 168.017, or a self-propelled motor vehicle with a manufacturer's rated capacity of 2,000 pounds or less, or a self-propelled recreational vehicle, is owned or primarily operated by a physically handicapped person, the owner may apply for and secure from the registrar of motor vehicles two license number plates with attached emblems, one plate to be attached to the

front, and one to the rear of the vehicle. Application for issuance of these plates must be made at the time of renewal or first application for registration.

*[For text of subd 1a, see M.S.1982]*

Subd. 2. **Design of plates; furnishing by registrar.** The registrar of motor vehicles shall design and furnish two license number plates with attached emblems to each such owner. The emblem shall bear the internationally accepted wheelchair symbol, as designated in section 16.8632, approximately three inches square. The emblem shall be of such size as to be visible plainly from a distance of 50 feet. Applicants eligible for these special plates shall pay the motor vehicle registration fee authorized by law less a credit of \$1 for each month registered.

*[For text of subds 3 to 7, see M.S.1982]*

**History:** 1983 c 117 s 1; 1983 c 216 art 1 s 27

### 168.022 REFUNDS; MANDATORY REFUND OR REPLACEMENT LAWS.

Subdivision 1. **Entitlement to refund.** If a manufacturer of motor vehicles is required by section 325F.665, subdivision 3, to refund the tax imposed by this chapter, the tax shall be refunded to the manufacturer as provided in this section.

Subd. 2. **Amount of refund.** The amount of the refund shall be the tax paid by the purchaser pursuant to this chapter less one-twelfth of the annual tax for the vehicle for each calendar month or fraction of a calendar month between the date of registration and the date the purchase price is refunded.

Subd. 3. **Application.** The refund shall be paid to the manufacturer upon written application to the registrar of motor vehicles with proof of compliance with this section as the registrar may require.

Subd. 4. **Payment out of highway user fund.** Payment of any refund pursuant to this section shall be made out of the highway user fund and the amounts necessary to pay the refunds are appropriated out of the highway user fund.

**History:** 1983 c 342 art 20 s 1

### 168.092 TEMPORARY VEHICLE PERMITS.

Subdivision 1. The motor vehicle registrar may issue a permit to a person purchasing a new or used motor vehicle in this state for the purpose of allowing the purchaser a reasonable time to register the vehicle and pay fees and taxes due on the transfer. The permit is valid for a period of 21 days. The permit must be in a form as the registrar may determine and, whenever practicable must be posted upon the left side of the inside rear window of the vehicle. Each permit is valid only for the vehicle for which issued.

*[For text of subd 2, see M.S.1982]*

**History:** 1983 c 68 s 1

### 168.105 CLASSIC MOTORCYCLES.

Subdivision 1. **Definition.** A "classic motorcycle" is a motorcycle that is at least 20 years old, original in appearance, and owned solely as a collector's item and used in a classic motorcycle club activity, exhibition, tour, parade, or similar use. A classic motorcycle may not be used for general transportation purposes.

Subd. 2. **Affidavit for registration and taxation.** A classic motorcycle must be listed for taxation and registration by executed affidavit stating (1) the name and

address of the owner, (2) the name and address of the person from whom purchased, (3) the make of the classic motorcycle, (4) the year and number of the model, (5) the manufacturer's identification number, (6) that the motorcycle is owned and operated solely as a collector's item and not used for general transportation purposes, and (7) that the owner has one or more motor vehicles with regular license plates.

When the registrar is satisfied that the affidavit is true, correct, and complete and that the owner has paid a \$10 tax, the registrar shall list the vehicle for taxation and registration and shall issue special number plates.

**Subd. 3. License plates.** The registrar shall issue number plates of the same size as standard motorcycle license plates and inscribed "collector" and "Minnesota" with the registration number but without a date. The plates are valid without renewal as long as the classic motorcycle exists and may be issued for the applicant's use only for the classic motorcycle. The registrar may revoke the plates for noncompliance with this subdivision.

**Subd. 4. Duplicate plates.** If the classic motorcycle plates are lost, defaced, or destroyed, the registrar shall issue duplicate plates upon receiving and filing the owner's sworn statement setting forth the circumstances of loss, defacement, or destruction, together with any defaced plates and a payment of a \$2 fee. The registrar shall then note on his records the issue of the new plates and shall proceed as he deems necessary and advisable to cancel and call in the original plates.

**Subd. 5. Original plates.** Instead of being issued special classic motorcycle plates, a classic motorcycle registered under this section may display original Minnesota number plates issued in the same year as the model year of the motorcycle on which they are displayed. The number of the original plates must be provided to the registrar.

Original Minnesota number plates may not be used if the number on the original plate is identical to the number on a current collector's plate issued by the registrar.

A person currently using classic motorcycle plates issued under this section, shall return those plates to the registrar before substituting original plates.

The registrar may charge a fee for registering the number on original plates.

**Subd. 6. Issuance.** The registrar shall begin issuing classic motorcycle plates on January 1, 1984, and thereafter.

**History:** 1983 c 173 s 1

## 168.12 LICENSE PLATES.

*[For text of subd 1, see M.S.1982]*

**Subd. 2. Amateur radio station licensee; special license plates.** Any applicant who is an owner or joint owner of a passenger automobile, van or pickup truck, or a self-propelled recreational vehicle, and a resident of this state, and who holds an official amateur radio station license, or a citizens radio service class D license, in good standing, issued by the Federal Communications Commission shall upon compliance with all laws of this state relating to registration and the licensing of motor vehicles and drivers, be furnished with license plates for the motor vehicle, as prescribed by law, upon which, in lieu of the numbers required for identification under subdivision 1, shall be inscribed the official amateur call letters of the applicant, as assigned by the Federal Communications Commission. The applicant shall pay in addition to the registration tax required by law, the sum of \$10

for the special license plates, and at the time of delivery of the special license plates the applicant shall surrender to the registrar the current license plates issued for the motor vehicle. This provision for the issue of special license plates shall apply only if the applicant's vehicle is already registered in Minnesota so that the applicant has valid regular Minnesota plates issued for that vehicle under which to operate it during the time that it will take to have the necessary special license plates made. If the applicant owns or jointly owns more than one motor vehicle of the type specified in this subdivision he may apply for special plates for each of not more than two vehicles, and, if each application complies with this subdivision, the registrar shall furnish the applicant with the special plates, inscribed with the official amateur call letters and other distinguishing information as the registrar considers necessary, for each of the two vehicles. And the registrar may make reasonable regulations governing the use of the special license plates as will assure the full compliance by the owner and holder of the special plates, with all existing laws governing the registration of motor vehicles, the transfer and the use thereof. When the ownership of a motor vehicle for which special license plates have been furnished by the registrar, changes from one person to another, the special license plates herein authorized shall be promptly removed from the motor vehicle by the seller and returned to the registrar, at which time the seller or the buyer of the motor vehicle shall be entitled to receive license plates for the motor vehicle as provided in section 168.15.

**Subd. 2a. Personalized license plates.** Personalized license plates must be issued to an applicant for registration of a passenger automobile, van, or pickup truck, motorcycle, or self-propelled recreational vehicle, upon compliance with the laws of this state relating to registration of the vehicle and upon payment of a fee of \$100 in addition to the registration tax required by law for the vehicle. In lieu of the numbers assigned as provided in subdivision 1, personalized license plates must have imprinted on them a series of not more than six numbers and letters in any combination. When an applicant has once obtained personalized plates, the applicant shall have a prior claim for similar personalized plates in the next succeeding year that plates are issued if application is made for them at least 30 days before the first date that registration can be renewed. The commissioner of public safety shall adopt rules in the manner provided by chapter 14, regulating the issuance and transfer of personalized license plates. No words or combination of letters placed on personalized license plates may be used for commercial advertising, be of an obscene, indecent, or immoral nature, or be of a nature that would offend public morals or decency. The call signals or letters of a radio or television station are not commercial advertising for the purposes of this subdivision.

Notwithstanding the provisions of subdivision 1, personalized license plates issued under this subdivision may be transferred to another motor vehicle owned or jointly owned by the applicant, upon the payment of a fee of \$5, which must be paid into the state treasury and credited to the highway user tax distribution fund. The registrar may by regulation provide a form for notification.

Notwithstanding any law to the contrary, if the personalized license plates are lost, stolen, or destroyed, the applicant may apply and shall receive duplicate license plates bearing the same combination of letters and numbers as the former personalized plates upon the payment of a \$5 fee.

The fee prescribed for personalized license plates must be paid only in those years in which the number plate itself is issued, and must not be payable in a year in which a year plate, tab, or sticker is issued in lieu of a number plate.

Fees from the sale of permanent and duplicate personalized license plates must be paid into the state treasury and credited to the highway user tax distribution fund.

*[For text of subd 2b, see M.S.1982]*

Subd. 2c. **National guard; special license plate.** The registrar shall issue special license plates to any applicant who is a regularly enlisted or commissioned member of the Minnesota national guard, other than an inactive or retired member, and is an owner or joint owner of a passenger automobile, station wagon, or van or pickup truck included within the definition of a passenger automobile upon payment of a fee of \$10, payment of the registration tax required by law, and compliance with other laws of this state relating to registration and licensing of motor vehicles and drivers. The adjutant general shall design these special plates subject to the approval of the registrar. No applicant shall be issued more than two sets of plates for vehicles owned or jointly owned by the applicant. The adjutant general shall estimate the number of special plates that will be required and submit the estimate to the registrar.

Special plates issued under this subdivision may only be used during the period that the owner or joint owner of the vehicle is an active member of the Minnesota national guard as specified in this subdivision. When the person to whom the special plates were issued is no longer an active member of the Minnesota national guard, the special plates must be removed from the vehicle and returned to the registrar. Upon return of the special plates, the owner or purchaser of the vehicle is entitled to receive regular plates for the vehicle without cost for the remainder of the registration period for which the special plates were issued. While the person is an active member of the Minnesota national guard, plates issued pursuant to this subdivision may be transferred to another motor vehicle owned or jointly owned by that person upon payment of a fee of \$5.

All fees collected under the provisions of this subdivision shall be paid into the state treasury and credited to the highway user tax distribution fund.

The registrar may adopt rules under the Administrative Procedure Act to govern the issuance and use of the special plates authorized by this subdivision.

*[For text of subds 3 to 5, see M.S.1982]*

**History:** 1983 c 19 s 1,2; 1983 c 195 s 1; 1983 c 318 s 1

### **168.124 SPECIAL LICENSE PLATES FOR CONGRESSIONAL MEDAL OF HONOR RECIPIENTS.**

Subdivision 1. **Issuance and design.** The registrar of motor vehicles shall issue special license plates bearing the inscription "MEDAL OF HONOR" to an applicant who is a recipient of the congressional medal of honor and upon the applicant's compliance with the laws of this state relating to the registration and licensing of motor vehicles and drivers. The special license plates must be of a design and size determined by the registrar. Only one set of plates bearing the inscription "MEDAL OF HONOR" may be issued for each qualified applicant.

Subd. 2. **Application.** Application for issuance of these plates may be made only at the time of renewal or first application for registration.

Subd. 3. **No fee.** The registrar shall issue a set of medal of honor plates to qualified applicants free of charge and the plates must be replaced by the department without charge if they become damaged. In addition, no fee may be



charged for a subsequent year when tabs or stickers are issued for that motor vehicle on which the special medal of honor plates are placed.

Subd. 4. **Transfer.** Despite the provisions of section 168.12, subdivision 1, medal of honor plates issued under this section may be transferred to another personal motor vehicle owned or jointly owned by the medal of honor recipient upon notification to the registrar of motor vehicles.

Subd. 5. **Motor vehicle; special definition.** For purposes of this section, "motor vehicle" means a vehicle for personal use, not used for commercial purposes, and may include a passenger automobile, station wagon, pickup truck, motorcycle, or recreational vehicle.

Subd. 6. **When issued.** The registrar of motor vehicles shall begin issuing medal of honor plates for the calendar year 1984 and thereafter.

**History:** 1983 c 267 s 1

### 168.126 COMMUTER VANS; REGISTRATION, LICENSE PLATES.

Subdivision 1. **Unique registration category.** A unique vehicle registration category is established for vehicles known as commuter vans, as defined in section 221.011, subdivision 22, paragraph (1).

Subd. 2. **License plates.** The registrar shall issue special license plates for a commuter van as defined in section 221.011, subdivision 22, paragraph (1), upon the applicant's compliance with the laws of Minnesota relating to registration and licensing of motor vehicles and drivers.

Subd. 3. **Eligibility criteria; commissioner of public safety.** The commissioner of public safety, in cooperation with the commissioner of transportation, shall establish criteria and procedures governing applications for and issuance of plates permitted by this section. The criteria and procedures may include:

- (1) certification of vehicle use as a commuter van;
- (2) provision for transfer of special license plates; and
- (3) deposit of fees for the registration, sale, and transfer of commuter vans.

The special plate must be designed to specifically identify the vehicle as a commuter van.

**History:** 1983 c 311 s 2

### 168.46 ARREST; BOND TO APPEAR.

Any person taken into custody because of any violation of any of the provisions of this chapter, shall be taken before any judge in any city or county, and is entitled to an immediate hearing. If the hearing cannot be had, the person shall be released on giving his personal undertaking to appear and answer for the violation at a time or place then designated, secured (1) by a deposit of a sum of money not exceeding \$25, or (2)(a) if the person taken into custody is the owner, by leaving the motor vehicle, or (b) if the person taken into custody is not the owner, by leaving the motor vehicle, with a written consent given at the time by the owner, who must be present, with the judge.

**History:** 1983 c 359 s 10

### 168.65 VIOLATIONS.

[For text of subd 1, see M.S.1982]

Subd. 2. **Appeal.** If after a public hearing, upon due notice, the registrar of motor vehicles determines that any owner or operator of intercity buses has violated any term or provisions of sections 168.61 to 168.65 or willfully furnished false information or reports, the registrar shall cancel all number plates and all special identification plates or certificates issued to the owner or operator of intercity buses. The intercity buses, during such calendar year, shall not operate upon the streets and highways of the state unless the owner's or operator's entire fleet of intercity buses is then registered in the state of Minnesota and the motor vehicle taxes paid on them for the full calendar year in which the offense occurs. Any determination by the registrar of motor vehicles is subject to appeal in accordance with chapter 14.

**History:** 1983 c 247 s 67

### **168.67 SALES FINANCE COMPANIES; LICENSES, FEES, REFUNDS.**

(a) No person shall engage in the business of a sales finance company in this state without a license therefor as provided in sections 168.66 to 168.77 provided, however, that no bank, trust company, savings bank, savings and loan association, or credit union, whether state or federally chartered, industrial loan and thrift company, or small loan company authorized to do business in this state shall be required to obtain a license under sections 168.66 to 168.77.

(b) The application for a license shall be in writing, under oath and in the form prescribed by the administrator. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners, or, if a corporation or association, of the directors, trustees and principal officers, and other pertinent information the administrator requires.

(c) The licensee fee for the fiscal year beginning July 1 and ending June 30 of the following year, or any part thereof shall be the sum of \$150 for the principal place of business of the licensee, and the sum of \$75 for each branch of the licensee, maintained in this state. Any licensee who proves to the satisfaction of the administrator, by affidavit or other proof satisfactory to the administrator, that during the 12 calendar months of the immediately preceding fiscal year, for which his license has been paid that he has not held retail installment contracts exceeding \$15,000 in amount, shall be entitled to a refund of that portion of each license fee paid in excess of \$25. The administrator shall certify to the commissioner of finance that the licensee is entitled to a refund, and payment thereof shall be made by the state treasurer. The amount necessary to pay for the refundment of the license fee is appropriated out of the general fund. All license fees received by the administrator under sections 168.66 to 168.77 shall be deposited with the state treasurer.

(d) Each license shall specify the location of the office or branch and must be conspicuously displayed there. In case the location be changed, the administrator shall endorse the change of location on the license.

(e) Upon the filing of such application, and the payment of the fee, the administrator shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of sections 168.66 to 168.77 for a period which shall expire the last day of June next following the date of its issuance. The license shall not be transferable or assignable. No

licensee shall transact any business provided for by sections 168.66 to 168.77 under any other name.

**History:** 1983 c 230 s 3

### 168.68 SUSPENSION OR REVOCATION OF LICENSE.

(a) A license may be suspended or revoked by the administrator on the following grounds:

- (1) material misstatement in application for license;
- (2) intentional failure to comply with any provision of sections 168.66 to 168.77 relating to retail installment contract;
- (3) defrauding any retail buyer to the buyer's damage;
- (4) fraudulent misrepresentation, circumvention or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof required to be stated or furnished to the retail buyer under sections 168.66 to 168.77.

(b) If a licensee is a firm, association or corporation, it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed firm, association or corporation, or any member of a licensed partnership, has so acted or failed to act as would be cause for suspending or revoking a license to such part as an individual. Each licensee shall be responsible for the acts of any or all of his employees while acting as his agent, if the licensee after actual knowledge of his act retained the benefits, proceeds, profits or advantages accruing from the acts or otherwise ratified the acts.

(c) No license shall be suspended or revoked except after hearing. The administrator shall give the licensee at least ten days' written notice, in the form of an order to show cause, of the time and place of the hearing by certified mail addressed to the principal place of business in this state of the licensee. The notice shall contain the grounds of complaint against the licensee. Any order suspending or revoking the license shall recite the grounds upon which it is based. The order shall be entered upon the records of the administrator and shall not be effective until after 30 days' written notice thereof given after such entry forwarded by certified mail to the licensee at such principal place of business. No revocation, suspension or surrender of any license shall impair or affect the obligation of any lawful retail installment contract acquired previously thereto by the licensee.

(d) Within 30 days after the service of notice of any order of suspension or revocation of a license, the licensee aggrieved may appeal from the order to the district court for the county in which the principal place of business of the licensee in this state is located, by service of a written notice of appeal upon the administrator, and filing it with proof of service with the clerk of the court to which the appeal is taken, within five days. The district court has jurisdiction over the appeal. It shall be entered upon the records of the court and tried according to the rules of civil procedure in so far as they are applicable. Upon service of a notice of appeal upon him, the administrator shall file with the clerk of the district court to which the appeal is taken a certified copy of the order appealed from and of the order to show cause upon which it was based. Unless otherwise ordered by the court, the documents filed shall frame the issues to be determined upon the appeal. The court shall determine, de novo, all questions, both of fact and of law, touching upon the legality and reasonableness of the determination of the administrator, and shall render such judgment as shall be lawful and just. Pending final judgment on the appeal, the order appealed from shall be stayed. Upon motion of

the licensee or the administrator, the appeal shall be tried ahead of all other actions pending before the court except criminal cases. Appeals may be taken as in other civil cases.

**History:** 1983 c 247 s 68

### 168.72 TIME PRICE DIFFERENTIALS.

Subdivision 1. (a) The time price differential authorized by sections 168.66 to 168.77 in a retail installment sale may not exceed the following rates:

Class 1. Any motor vehicle designated by the manufacturer by a year model of the same or not more than one year prior to the year in which the sale is made - \$8 per \$100 per year.

Class 2. Any motor vehicle designated by the manufacturer by a year model of two or three years prior to the year in which the sale is made - \$11 per \$100 per year.

Class 3. Any motor vehicle not in Class 1 or Class 2 - \$13 per \$100 per year plus a flat charge of \$3 for each retail installment sale.

(b) The time price differential must be computed on the principal balance as determined under section 168.71, clause (b) and must be computed at the rate indicated on contracts payable in successive monthly installment payments substantially equal in amount extending for a period of one year. For purposes of this subdivision and section 168.73, contracts payable in successive monthly installment payments include those where the first installment is scheduled for not less than 15 days nor more than one month and 15 days from the date of the contract. On contracts providing for installment payments extending for a period less than or greater than one year, the time price differential must be computed proportionately.

(c) When a retail installment contract provides for unequal or irregular installment payments, the time price differential is at the effective rate provided in clause (a) hereof, having due regard for the irregular schedule of payment.

(d) The time price differential is inclusive of all charges incident to investigating and making the contract, and for the extension of the credit provided for in the contract and no fee, commission, expense or other charge whatsoever may be taken, received, reserved or contracted for except as provided in sections 168.66 to 168.77.

Subd. 2. (a) The time price differential authorized by sections 168.66 to 168.77 in a retail installment sale for a class 1 motor vehicle as defined by subdivision 1, which is sold between April 4, 1980 and July 31, 1985, shall not exceed \$10 per \$100 per year.

(b) This subdivision supersedes the provisions of subdivision 1, clause (a), regarding the lawful time price differential rate for class 1 motor vehicles, from April 4, 1980 until July 31, 1985. A motor vehicle retail installment sale contract that provides for a time price differential authorized by this subdivision continues to be enforceable in accordance with its terms until the indebtedness is fully satisfied.

*[For text of subs 3 and 4, see M.S.1982]*

**History:** 1983 c 250 s 29; 1983 c 350 s 1