

## CHAPTER 330

### AUCTIONEERS

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#### 330.01 AUCTIONEERS' LICENSES, TO WHOM GRANTED.

Subdivision 1. (a) The county auditor may license any person having the qualifications specified in clause (b) of this subdivision as an auctioneer. The license shall be issued by the auditor and shall authorize the licensee to conduct the business of an auctioneer in the state of Minnesota for the period of one year. It shall be recorded by the auditor in a book kept for that purpose. Before the license is issued the applicant shall pay into the county treasury a fee of \$20. The auditor shall, not later than the 15th day of the following month, transmit a copy of the license to the secretary of state together with \$10 of the fee, which shall be deposited in the general fund.

(b) A natural person is qualified to be licensed as an auctioneer if 18 years of age or over and a resident of the county of application for at least six months immediately preceding the date of application. No copartnership, association or corporation may be licensed as an auctioneer. However, nothing in this subdivision shall be construed as preventing auctioneers who are duly licensed in accordance with the provisions of this chapter, from combining in associations, copartnerships, or corporations, provided that each and every member of these associations or copartnerships and each and every person or agent conducting auction sales on behalf of these corporations is a duly licensed auctioneer as provided in this chapter. Nothing herein shall be construed to apply to the owner of property for at least six months selling it at an auction.

Subd. 2. [Repealed, 1965 c 874 s 10]

**History:** (7322) *RL s 2813; 1901 c 249; 1913 c 11 s 1; 1917 c 87 s 1; 1927 c 173; 1937 c 313 s 1; 1941 c 170; 1943 c 311 s 1; 1949 c 516 s 1; 1965 c 874 s 1; 1969 c 399 s 1; 1969 c 737 s 1; 1973 c 725 s 58; 3Sp1981 c 2 art 1 s 57; 1986 c 444*

#### 330.02 BOND.

Every auctioneer, before making sales, shall give a corporate surety bond to the county in a penal sum of not less than \$1,000 nor more than \$3,000 to be fixed by the treasurer and with sureties approved by the treasurer, conditioned that the auctioneer will pay all sums required by law and in all things conform to the laws relating to auctioneers. The treasurer, for approval, shall endorse the bond, and file it in the treasurer's office.

**History:** (7323) *RL s 2814; 1965 c 874 s 2; 1986 c 444*

#### 330.03 ACCOUNT OF SALES.

Every auctioneer shall keep an accurate account of all property sold, the names of the persons from whom the same was received and of those to whom it was sold, and the price.

**History:** (7324) *RL s 2815; 1986 c 444*

#### 330.04 FORFEITURE FOR RECEIVING GOODS FROM MINORS OR SERVANTS.

Any licensed auctioneer who shall receive property for sale from any minor or ser-

vant, knowing the person to be a minor or servant, shall forfeit to any person injured a sum not exceeding \$200.

*History: (7325) RL s 2816; 1986 c 444*

### **330.05 SALES IN UNAUTHORIZED PLACES; PENALTY.**

Any person occupying or having control of any building, who knowingly permits the sale of property at public auction in such building, or in any apartment or yard appertaining thereto, contrary to the provisions of this chapter, shall be guilty of a misdemeanor.

*History: (7326) RL s 2817*

### **330.06 UNLICENSED SALES.**

Any person who shall sell or attempt to sell, either directly or indirectly, or as the agent of a duly licensed auctioneer, any property at auction without being licensed as an auctioneer, as herein provided, shall be guilty of a misdemeanor; but the provisions of this chapter shall not extend to sales made by sheriffs, coroners, constables, collectors of taxes or sales of personal property under chattel mortgage or other lien.

*History: (7327) RL s 2818; 1943 c 297 s 1; 1986 c 444*

### **330.08 ADVERTISEMENTS.**

All advertisements of auction sales shall carry the name or names, address or addresses, and the license number or numbers of the auctioneer or auctioneers conducting said sales. The secretary of state shall prescribe a numbering system for such licenses, which shall be applied to all current licenses on or before September 1, 1969, and which shall provide a number for each license different from all others in the state, which shall be retained from year to year by each such licensee who shall reapply. The secretary of state shall notify each county auditor as to numbers assigned, the county auditor shall record the same and notify each licensee, and shall assign a number to each new licensee as directed by the secretary of state.

*History: 1965 c 874 s 3; 1969 c 737 s 2; 1986 c 444*

### **330.09 NOTIFICATION OF CHANGE OF ADDRESS.**

Notice in writing shall be given to the auditor of the county where licensed by each licensee of any change of address, whereupon the auditor shall issue a duplicate license showing the licensee's new address for which a fee of \$3 shall be paid into the county treasury. The auditor shall notify the secretary of state of a change in address. A change of address, without notification to the auditor, shall result in the automatic cancellation of any license theretofore issued after the expiration of 30 days from the date of such change of address.

*History: 1965 c 874 s 4; 1986 c 444*

### **330.10 WRITTEN CONTRACT WITH OWNER OR CONSIGNEE OF PROPERTY OR MERCHANDISE FROM TRANSIENT MERCHANTS.**

Subdivision 1. Prior to sale at public auction every auctioneer shall enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which the sale will be conducted.

Subd. 2. Prior to sale at public auction of any property received or acquired, directly or indirectly, from a transient merchant as defined in section 329.099, the auctioneer shall require proof that section 329.11 has been complied with by the transient merchant with respect to such property; and the auctioneer shall retain such proof for one year.

*History: 1965 c 874 s 5*

**330.11 APPLICATION BY NONRESIDENT.**

Subdivision 1. A resident of another state which issues auctioneers' licenses to citizens of the state of Minnesota on the same or similar basis as to citizens of such state may be licensed as an auctioneer in the state of Minnesota upon compliance with the laws of the state of Minnesota relating to auctioneers' licenses. Eligibility of a nonresident applicant shall be tested by reference to the law of the resident state, and in no case shall it be tested by reference to the law of some other state having reciprocity with the state of Minnesota in which the nonresident may qualify.

Subd. 2. A nonresident applicant must submit to the county auditor with the application a duly certified copy of the applicant's auctioneer's license, if one was issued by the resident state, and a copy of the state auction laws such as exist in the resident state, certified by the secretary of state or other authorized state official of such state, that the submitted copy is a true copy of the auction laws of such state, as they exist at the date of application, in order that the attorney general of the state of Minnesota may determine whether reciprocity exists.

If, subsequent to the issuance of a nonresident license, the laws of the state of such nonresident shall not be reciprocal with the state of Minnesota, it shall result in the automatic revocation of the nonresident auctioneer's license issued to any resident of such state under the provisions of this chapter.

Subd. 3. Every nonresident applicant shall file an irrevocable consent that suits and actions may be commenced against such applicant in any court of competent jurisdiction in this state by the service on the secretary of state of any summons, process, or pleadings authorized by the laws of the state of Minnesota. This consent shall stipulate that the service of such process or pleadings on the secretary of state shall be taken and held in all courts to be as valid and binding as if due service had been made upon the applicant in the state of Minnesota. In case any summons, process, or pleadings are served upon the secretary of state, it shall be by duplicate copies, one of which shall be retained in the office of the secretary of state, and the other to be forwarded immediately by certified mail to the address of the applicant, as shown by the records of the secretary of state, against whom the summons, process, or pleadings may be divested. A fee of \$35 must be paid to the secretary of state for each service.

*History: 1965 c 874 s 6; 1978 c 674 s 60; 1986 c 444; 1987 c 404 s 172; 1989 c 335 art 1 s 209*

**330.12 PENALTIES.**

Any person who violates the provisions of this chapter is guilty of a misdemeanor.

*History: 1965 c 874 s 8*

**330.13 EXCEPTIONS.**

The provisions of this chapter shall not apply to auction sales of registered or purebred livestock or auction sales conducted under the auspices of the Future Farmers of America, 4-H clubs, county agricultural societies, national, state or district shows and breed associations, except that the auctioneer conducting such auction shall be required to have a license as provided in this chapter.

*History: 1965 c 874 s 7*