

## CHAPTER 186

## UNFAIR PRACTICES AFFECTING PUBLIC HEALTH

186.01 Unfair competition and trade practices prohibited.

186.02 Application.

186.03 Rules.

186.04 Assessments for expense.

186.05 Orders of governor reviewed by district court.

186.06 District courts may restrain and prevent violation of rules.

186.07 Violation a misdemeanor.

186.08 Governor may appoint enforcement agents.

**186.01 UNFAIR COMPETITION AND TRADE PRACTICES PROHIBITED.**

Upon application to the governor for relief from unfair competition and unfair trade practices arising from competition essentially and preponderantly intrastate, resulting in unemployment, economic distress and disorganization of service trades engaged in rendering and performing personal services upon persons and licensed and regulated as such by the state, for the safeguard and protection of the public health from infection or contagion of communicable diseases, the governor, upon approval thereof, is hereby authorized, empowered and directed to investigate, ascertain, declare and prescribe reasonable rules or standards, to prevent such unfair competition and unfair trade practices, to establish standards of maximum hours of labor, minimum rates of pay and working conditions, whenever a variance therefrom would constitute unfair competition and unfair trade practices, to create trade areas with due regard to the proximity to state lines and differentiation between metropolitan and rural areas, and to make such provisions in relation to the enforcement thereof as the governor may from time to time determine. The term "personal services," as used in this chapter, shall not include the services of a person duly licensed or registered by the state of Minnesota to practice any of the healing arts.

**History:** (5705-31) 1937 c 235 s 1; 1985 c 248 s 70; 1986 c 444

**186.02 APPLICATION.**

Such application shall be made by not less than 65 percent of all persons, firms, and corporations engaged in such service trades in any municipality or subdivision of the state, or in any trade area created under the provisions of this chapter. Such rules or standards to prevent unfair competition and unfair trade practices shall be prescribed and approved by the governor after such reasonable public notice and hearing as the governor shall specify and on finding:

(1) That such rules or standards are not designed to promote monopolies or to eliminate or oppress such service trades and will not operate to discriminate against them and will tend to effectuate the policy of this chapter;

(2) That such rules or standards are not inequitable and the interests of the consumers and the general public will be protected; and

(3) That such rules or standards are necessary for the stabilization of the business of such service trades, the governor may, as a condition of approval of any such rules or standards, impose such conditions for the protection of consumers, competitors, employees, and others and in the furtherance of the public interest and provide such exceptions to and exemptions from the provisions of such rules or standards as in the governor's discretion are deemed necessary to effectuate the policy declared in this chapter.

**History:** (5705-32) 1937 c 235 s 2; 1985 c 248 s 70; 1986 c 444

**186.03 RULES.**

Upon the approval of any such rules or standards covering such service trades, all persons, firms, or corporations engaged in such trade or business shall, as to the trade or business carried on by them, be bound by such rules or standards adopted or

approved by the governor; subject to modification, amendment, or termination thereof as the governor may deem necessary to effectuate the purposes of this chapter.

**History:** (5705-33) 1937 c 235 s 3; 1985 c 248 s 70

#### **186.04 ASSESSMENTS FOR EXPENSE.**

Every rule or standard prescribed or approved by the governor shall contain provisions for assessing against and collecting from all persons, firms, and corporations, subject to the rules or standards, as employer or employee, on a fair and equitable basis therein set forth, assessments sufficient for expenses incurred in connection with the promulgation of the rules or standards, and administration, to be paid to the state treasurer and credited to the general fund, as may be prescribed. Expenses of promulgation and administration shall be paid from appropriations for that purpose.

**History:** (5705-34) 1937 c 235 s 4; 1977 c 455 s 80; 1985 c 248 s 70

#### **186.05 ORDERS OF GOVERNOR REVIEWED BY DISTRICT COURT.**

All orders of the governor prescribing, approving, disapproving, modifying, amending, or terminating rules or standards shall be subject to review by any district court of the state. In any such action, no injunction suspending the operation of the rule or standard, or any part thereof, during the pendency of the action shall be granted except upon the filing or approval by the court of a good and sufficient bond, running to the state and enforceable by the governor, on behalf of all parties in interest, conditioned for the payment of all damages, loss of profits and of wages which may be sustained by any employer or employee affected by reason of such suspension, in the event the validity of the rule or standard shall be finally sustained.

**History:** (5705-35) 1937 c 235 s 5; 1985 c 248 s 70

#### **186.06 DISTRICT COURTS MAY RESTRAIN AND PREVENT VIOLATION OF RULES.**

The district courts of the state are hereby vested with jurisdiction to prevent and restrain violation of any rule or standard to prevent unfair competition and unfair trade practices approved under this chapter and it shall be the duty of the county attorney of any county having jurisdiction to institute proceedings in equity to prevent and restrain such violations.

**History:** (5705-36) 1937 c 235 s 6; 1985 c 248 s 70

#### **186.07 VIOLATION A MISDEMEANOR.**

Any person who violates any of the provisions of this chapter, or who violates any duly adopted rule or standard, or who neglects, fails, or refuses to comply with any notice duly issued by the governor, or who fails, refuses, or neglects to perform any duty imposed upon the person by this chapter, shall be guilty of a misdemeanor and punished accordingly.

**History:** (5705-37) 1937 c 235 s 7; 1985 c 248 s 70; 1986 c 444

#### **186.08 GOVERNOR MAY APPOINT ENFORCEMENT AGENTS.**

The governor may designate or appoint such agents, deputies, commissioners, or any department of the state, to administer and enforce every order, rule, or standard prescribed or approved by the governor.

**History:** (5705-38) 1937 c 235 s 8; 1985 c 248 s 70; 1986 c 444