

CHAPTER 325F

CONSUMER PROTECTION; PRODUCTS AND SALES

325F.665 New motor vehicle warranties; manufacturer's duty to repair, refund, or replace.

325F.692 Fraudulent telephone services; billing.
325F.70 Remedies.
325F.91 Prohibited practices.

325F.665 NEW MOTOR VEHICLE WARRANTIES; MANUFACTURER'S DUTY TO REPAIR, REFUND, OR REPLACE.

[For text of subs 1 to 6, see M.S.1994]

Subd. 7. Effect and admissibility of decision by informal dispute settlement mechanism. The decision issued in an informal dispute settlement mechanism required by this section is nonbinding on the parties involved, unless otherwise agreed by the parties. Any party, upon application, may remove the decision to district court for a trial de novo. If the manufacturer is aggrieved by the decision of the informal dispute settlement mechanism, an application to remove the decision must be filed in the district court within 30 days after the date the decision is received by the parties. If the application to remove is not made within 30 days, then the district court shall, upon application of a party, issue an order confirming the decision. A written decision issued by an informal dispute settlement mechanism, and any written findings upon which the decision is based, are admissible as nonbinding evidence in any subsequent legal action and are not subject to further foundation requirements.

[For text of subs 8 and 9, see M.S.1994]

Subd. 10. Limitation on actions. A civil action brought under this section must be commenced within three years of the date of original delivery of the new motor vehicle to a consumer; except that, if the consumer applies to an informal dispute settlement mechanism within three years of the date of original delivery of a new motor vehicle to a consumer, and if the consumer is aggrieved by the decision of the informal dispute settlement mechanism, then any civil action brought under this section must be commenced within six months after the date of the final decision by the mechanism.

[For text of subs 11 to 13, see M.S.1994]

History: 1995 c 49 s 1,2

325F.692 FRAUDULENT TELEPHONE SERVICES; BILLING.

[For text of subd 1, see M.S.1994]

Subd. 2. Unauthorized information service charges; liability. A telephone service subscriber is not responsible for information service charges for calls made by minors or vulnerable adults as defined in section 626.5572, subdivision 2, unless expressly authorized by the subscriber or spouse.

Subd. 3. Billing; segregated charges; notice. (a) A telephone company or independent telephone company, as defined in section 237.01, or any other entity that serves as the billing agent for information service charges shall, to the extent it has knowledge, list the charges for information services separately from charges for local and long distance telephone service charges on each telephone service subscriber's billing statement, regardless of whether an information service customer initiated a call to access the information service or whether the information service provider initiated a call to the customer to allow the customer access to the information service. It is fraud under section 325F.69 to knowingly identify information service charges as telephone charges. A common carrier is liable for fraud under this subdivision only if it knowingly participates in the misidentification.

(b) A bill or the portion of a telephone bill for information services must contain the following language printed in at least ten-point bold type or typewritten in capital letters in a color or shade that readily contrasts with the background:

“YOU HAVE THE RIGHT TO DISPUTE CHARGES FOR INFORMATION SERVICE CALLS. AS A TELEPHONE SERVICE SUBSCRIBER, YOU ARE NOT LEGALLY RESPONSIBLE FOR INFORMATION SERVICE CHARGES INCURRED BY MINORS OR VULNERABLE ADULTS WITHOUT YOUR CONSENT. NEITHER A LONG DISTANCE COMPANY NOR YOUR LOCAL TELEPHONE COMPANY MAY DISCONNECT YOUR SERVICE BECAUSE YOU REFUSE TO PAY AN INFORMATION SERVICE CHARGE.”

The notice required by this paragraph can be provided in conjunction with other required notices.

[For text of subds 4 to 10, see M.S.1994]

History: 1995 c 185 s 5; 1995 c 229 art 4 s 15

325F.70 REMEDIES.

[For text of subd 1, see M.S.1994]

Subd. 2. **Service of process.** Service of process shall be as in any other civil suit, except that where a defendant in such action is a natural person or firm residing outside the state, or is a foreign corporation, service of process may also be made by personal service outside the state, or in the manner provided by section 5.25, or in such manner as the court may direct. Process is valid if it satisfies the requirements of due process of law, whether or not defendant is doing business in Minnesota regularly or habitually.

History: 1995 c 128 art 1 s 16

325F.91 PROHIBITED PRACTICES.

[For text of subd 1, see M.S.1994]

Subd. 2. [Repealed, 1995 c 202 art 3 s 22]

[For text of subd 3, see M.S.1994]