

## CHAPTER 168

## MOTOR VEHICLE REGISTRATION, TAXATION, SALE

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## 168.011 DEFINITIONS.

*[For text of subs 1 to 8, see M.S.1996]*

**Subd. 9. Bus; intercity bus.** (a) "Bus" means (1) every motor vehicle designed for carrying more than 15 passengers including the driver and used for transporting persons, (2) every motor vehicle that is (i) designed for carrying more than ten passengers including the driver, (ii) used for transporting persons, and (iii) owned by a nonprofit organization and not operated for hire or for commercial purposes, or (3) every motor vehicle certified by the department of transportation as a special transportation service provider vehicle and receiving reimbursement as provided in section 256B.0625, subdivision 17.

(b) "Intercity bus" means any bus operating as a common passenger carrier over regular routes and between fixed termini, but excluding all buses operating wholly within the limits of one city, or wholly within two or more contiguous cities, or between contiguous cities and a terminus outside the corporate limits of such cities, and not more than 20 miles distant measured along the fixed route from such corporate limits.

*[For text of subs 10 to 22, see M.S.1996]*

**Subd. 25. Recreational equipment.** (a) "Recreational equipment" means travel trailers including those which telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, and converted buses that provide temporary human living quarters. A vehicle is considered to provide temporary living quarters if it:

- (1) is not used as the residence of the owner or occupant;
- (2) is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities; and
- (3) is self-propelled or towed on the public streets or highways incidental to the recreational or vacation activities.

(b) For the purposes of this subdivision, a motor home means a unit designed to provide temporary living quarters, built into as an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van. A motor home must contain permanently installed independent life support systems which meet the American National Standards Institute standard number A119.2 for recreational vehicles and provide at least four of the following facilities, two of which must be from the systems listed in clauses (1), (5), and (6): (1) cooking facility with liquid propane gas supply, (2) refrigerator, (3) self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, (4) heating or air conditioning separate from the vehicle engine, (5) a potable water supply system including a sink with faucet either self-contained or with connections for an external source, and (6) separate 110–125 volt electrical power supply. For purposes of this subdivision, "permanently installed" means built into or attached as an integral part of a chassis or van, and de-

signed not to be removed except for repair or replacement. A system which is readily removable or held in place by clamps or tie downs is not permanently installed.

(c) Motor homes include but are not limited to, the following:

(1) Type A Motor Home — a raw chassis upon which is built a driver's compartment and an entire body that provides temporary living quarters as defined in this paragraph;

(2) Type B Motor Home — a van-type vehicle that conforms to the motor home definition in this paragraph and has been completed or altered by the final stage manufacturer; and

(3) Type C Motor Home — an incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters as defined in this paragraph.

(d) Slip in campers are mounted into a vehicle commonly known as a pickup truck, in the pickup box, either by bolting through the floor of the pickup box or by firmly clamping to the side of the pickup box. The vehicle may not be registered as a recreational vehicle.

*[For text of subs 26 to 36, see M.S.1996]*

**History:** 1997 c 159 art 2 s 11; 1997 c 250 s 1

### **168.012 VEHICLES EXEMPT FROM LICENSE FEES.**

Subdivision 1. (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from such institutions;

(3) vehicles used solely in driver education programs at nonpublic high schools;

(4) vehicles owned by nonprofit charities and used exclusively to transport disabled persons for educational purposes;

(5) vehicles owned and used by honorary consul; and

(6) ambulances owned by ambulance services licensed under section 144E.10, the general appearance of which is unmistakable.

(b) Vehicles owned by the federal government, municipal fire apparatus including fire suppression support vehicles, police patrols and ambulances, the general appearance of which is unmistakable, shall not be required to register or display number plates.

(c) Unmarked vehicles used in general police work, liquor investigations, arson investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the department of corrections shall be registered and shall display appropriate license number plates which shall be furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the department of corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a department of corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the departments of revenue and labor and industry, fraud unit, in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates which shall be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of revenue or the commissioner of labor and industry. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the purposes authorized by this section.

(e) Unmarked vehicles used by the division of disease prevention and control of the department of health must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and

renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of health. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the division of disease prevention and control.

(f) All other motor vehicles shall be registered and display tax-exempt number plates which shall be furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax-exempt number plates shall have the name of the state department or political subdivision, or the nonpublic high school operating a driver education program, on the vehicle plainly displayed on both sides thereof in letters not less than 2-1/2 inches high and one-half inch wide; except that each state hospital and institution for the mentally ill and mentally retarded may have one vehicle without the required identification on the sides of the vehicle, and county social service agencies may have vehicles used for child and vulnerable adult protective services without the required identification on the sides of the vehicle. Such identification shall be in a color giving contrast with that of the part of the vehicle on which it is placed and shall endure throughout the term of the registration. The identification must not be on a removable plate or placard 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 or to a nonpublic high school driver education program.

*[For text of subs 1a to 1d, see M.S.1996]*

**Subd. 2. Farm vehicles.** Implements of husbandry, as defined in section 168A.01, subdivision 8, and tractors used solely for agricultural purposes or tractors, together with trailers or wagons thereto attached, occasionally hauling agricultural products or necessary commodities used on the farm from said farm to and from the usual market place of the owner, tractors for drawing threshing machinery and implements of husbandry temporarily moved upon the highway, shall not be taxed as motor vehicles using the public streets and highways and shall be exempt from the provisions of this chapter.

*[For text of subs 2a to 12, see M.S.1996]*

**History:** 1997 c 143 s 3; 1997 c 199 s 14

### 168.018 QUARTERLY REGISTRATION OF FARM TRUCKS.

The owner of (1) any farm truck as defined in section 168.011, subdivision 17, or (2) a truck owned by a retailer who is engaged in the intrastate transportation of fertilizer or agricultural chemicals directly to a farm for on-farm use within a radius of 50 miles of the retailer's business location, may elect to register and license the truck only for one or more quarters of a registration year, at a tax of one-fourth of the annual tax on the vehicle plus \$5 for each quarterly registration. The owner may not apply for quarterly registration or renewal until seven days before the selected quarter or concurrent quarters. The expiration date of a registration shall be displayed on the license plate in such a manner as the registrar shall direct. No truck registered on a quarterly basis shall be operated on the public streets and highways more than ten days beyond the end of the quarter for which it is registered unless the registration has been renewed for another quarter or for the remainder of the registration year.

For purposes of this section registration quarters shall begin on March 1, June 1, September 1, and December 1.

**History:** 1997 c 159 art 2 s 12

### 168.019 FEE IMPOSED.

**Subdivision 1. Fee imposed; designation.** A fee of three percent of the charge for the rental of a vehicle subject to the tax imposed by section 297A.135 is imposed for the purpose of reimbursing lessors for the cost of registering vehicles under this chapter. The fee may be designated on the statement of charges presented by the lessor to the customer as "a fee imposed by the state of Minnesota for the registration of rental cars."

**Subd. 2. Payment of excess fees.** By March 31 of the year following the end of a calendar year during which a lessor has imposed a fee under subdivision 1, the lessor shall report to

the commissioner of revenue, in the form required by the commissioner, the amount of the fee collected. If the amount of the fee collected during the previous year exceeds the amount of motor vehicle registration taxes paid under this chapter during the same period, the lessor shall remit the excess to the commissioner of revenue at the time the report is submitted. The commissioner of revenue shall annually transfer to the highway user tax distribution fund an amount equal to the fees collected in excess of the motor vehicle registration taxes paid.

**History:** 1997 c 190 s 1

### 168.042 ADMINISTRATIVE IMPOUNDMENT OF PLATES.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Violator" means a person who was driving, operating, or in physical control of the motor vehicle when the violation occurred.

(c) "Violation" includes:

(1) a violation of section 169.121, subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h); 169.121, subdivision 1a; or 169.123; or a conforming ordinance from this state or a conforming statute or ordinance from another state; that results in the revocation of a person's driver's license or driving privileges:

(i) within five years of a prior impaired driving conviction or a prior license revocation; or

(ii) within 15 years of two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents;

(2) a violation of section 169.121, subdivision 1, clause (f), or section 169.121, subdivision 3, paragraph (c), clause (4);

(3) a violation of section 169.129; and

(4) a violation of section 171.24 by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (9).

(d) "Prior impaired driving conviction" has the meaning given it in section 169.121, subdivision 3.

(e) "Prior license revocation" has the meaning given it in section 169.121, subdivision 3.

Subd. 2. **Violation; issuance of impoundment order.** The commissioner shall issue a registration plate impoundment order when:

(1) a person's driver's license or driving privileges are revoked for a violation; or

(2) a person is arrested for or charged with a violation described in subdivision 1, paragraph (c), clause (3) or (4).

The order shall require the impoundment of the registration plates of the self-propelled motor vehicle involved in the violation and all self-propelled motor vehicles owned by, registered, or leased in the name of the violator, including self-propelled motor vehicles registered jointly or leased in the name of the violator and another. An impoundment order shall not be issued for the registration plates of a rental vehicle as defined in section 168.041, subdivision 10, or a vehicle registered in another state.

*[For text of subd 3, see M.S.1996]*

Subd. 4. **Peace officer as agent for notice of impoundment.** On behalf of the commissioner, a peace officer issuing a notice of intent to revoke and of revocation for a violation shall also serve a notice of intent to impound and an order of impoundment. On behalf of the commissioner, a peace officer who is arresting a person for or charging a person with a violation described in subdivision 1, paragraph (c), clause (3) or (4), shall also serve a notice of intent to impound and an order of impoundment. If the vehicle involved in the violation is accessible to the officer at the time the impoundment order is issued, the officer shall seize the registration plates subject to the impoundment order. The officer shall destroy all plates seized or impounded under this section. The officer shall send to the commissioner copies of

the notice of intent to impound and the order of impoundment and a notice that registration plates impounded and seized under this section have been destroyed.

*[For text of subs 5 to 8, see M.S.1996]*

**Subd. 9. Administrative review.** At any time during the effective period of an impoundment order, a person may request in writing a review of the impoundment order by the commissioner. On receiving a request, the commissioner or the commissioner's designee shall review the order, the evidence upon which the order was based, and any other material information brought to the attention of the commissioner, and determine whether sufficient cause exists to sustain the order. The commissioner shall report in writing the results of the review within 15 days of receiving the request. The review provided in this subdivision is not subject to the contested case provisions of the Administrative Procedure Act in sections 14.01 to 14.69. As a result of this review, the commissioner may authorize the issuance at no cost of new registration plates to the registered owner of the vehicle if the registered owner's license or driving privileges were not revoked as a result of the violation.

Review under this subdivision shall take place, if possible, at the same time as any administrative review of the person's license revocation under section 169.123, subdivision 5b.

*[For text of subd 10, see M.S.1996]*

**Subd. 11. Rescission of revocation; dismissal of charges or acquittal; issuance of new plates. If:**

(1) the driver's license revocation that is the basis for an impoundment order is rescinded;

(2) the charges for the violation have been dismissed with prejudice; or

(3) the violator has been acquitted of the violation;

then the registrar of motor vehicles shall issue new registration plates for the vehicle at no cost, when the registrar receives an application that includes a copy of the order rescinding the driver's license revocation, the order dismissing the charges, or the judgment of acquittal.

**Subd. 11a. Charge for reinstatement of registration plates in certain situations.** When the registrar of motor vehicles reinstates a person's registration plates after impoundment for reasons other than those described in subdivision 11, the registrar shall charge the person \$25. Money raised under this subdivision must be paid into the state treasury and credited to the highway user tax distribution fund.

*[For text of subs 12 to 15, see M.S.1996]*

**History:** 1997 c 12 art 3 s 4; 1Sp1997 c 2 s 14-19

## **168.0422 STOPS OF VEHICLES BEARING SPECIAL SERIES PLATES.**

A peace officer who observes the operation of a motor vehicle within this state bearing special series registration plates issued under section 168.041, subdivision 6, or 168.042, subdivision 12, may stop the vehicle for the purpose of determining whether the driver is operating the vehicle lawfully under a valid driver's license.

**History:** 1Sp1997 c 2 s 20

## **168.10 REGISTRATION; COLLECTOR VEHICLES.**

*[For text of subd 1, see M.S.1996]*

**Subd. 1a. Collector's vehicle, pioneer license.** Any motor vehicle manufactured prior to 1936 and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the registrar is satisfied that the affidavit is true and correct and the owner pays a

\$25 tax, the registrar shall list such vehicle for taxation and registration and shall issue a single number plate.

The number plate so issued shall bear the inscription "Pioneer," "Minnesota" and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence. The registrar has the power to revoke said plate for failure to comply with this subdivision.

**Subd. 1b. Collector's vehicle, classic car license.** Any motor vehicle manufactured between and including the years 1925 and 1948, and designated by the registrar of motor vehicles as a classic car because of its fine design, high engineering standards, and superior workmanship, and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the registrar is satisfied that the affidavit is true and correct and that the motor vehicle qualifies to be classified as a classic car, and the owner pays a \$25 tax, the registrar shall list such vehicle for taxation and registration and shall issue a single number plate.

The number plate so issued shall bear the inscription "Classic Car," "Minnesota," and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence. The registrar has the power to revoke said plate for failure to comply with this subdivision.

The following cars built between and including 1925 and 1948 are classic:

|                    |   |
|--------------------|---|
| A.C.               |   |
| Adler              |   |
| Alfa Romeo         |   |
| Alvis              | Speed 20, 25, and 4.3 litre.  |
| Amilcar            |   |
| Aston Martin       |   |
| Auburn             | All 8-cylinder and 12-cylinder models.  |
| Audi               |   |
| Austro-Daimler     |   |
| Avions Voisin 12   |   |
| Bentley            |   |
| Blackhawk          |   |
| B.M.W.             | Models 327, 328, and 335 only.  |
| Brewster           |   |
| (Heart-front Ford) |   |
| Bugatti            |   |
| Buick              | 1931 through 1942: series 90 only.  |
| Cadillac           | All 1925 through 1935.<br>All 12's and 16's.<br>1936-1948: Series 63, 65, 67,<br>70, 72, 75, 80, 85 and 90 only.<br>1938-1947: 60 special only.<br>1940-1947: All 62 Series.  |
| Chrysler           | 1926 through 1930: Imperial 80.<br>1929: Imperial L.<br>1931 through 1937: Imperial Series CG,<br>CH, CL, and CW.<br>All Newports and Thunderbolts.<br>1934 CX.<br>1935 C-3.<br>1936 C-11.<br>1937 through 1948: Custom Imperial,<br>Crown Imperial Series C-15, C-20, C-24,<br>C-27, C-33, C-37, and C-40. |

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|------------------|--|
| Cord             |  |
| Cunningham       |  |
| Dagmar           | Model 25–70 only.  |
| Daimler          |  |
| Delage           |  |
| Delahaye         |  |
| Doble            |  |
| Dorris           |  |
| Duesenberg       |  |
| du Pont          |  |
| Franklin         | All models except 1933–34 Olympic Sixes.   |
| Frazer Nash      |  |
| Graham           | 1930–1931: Series 137.   |
| Graham–Paige     | 1929–1930: Series 837.   |
| Hispano Suiza    |  |
| Horch            |  |
| Hotchkiss        |  |
| Invicta          |  |
| Isotta Fraschini |  |
| Jaguar           |  |
| Jordan           | Speedway Series 'Z' only.  |
| Kissel           | 1925, 1926 and 1927: Model 8–75.<br>1928: Model 8–90, and 8–90 White Eagle.<br>1929: Model 8–126, and 8–90 White Eagle.<br>1930: Model 8–126.<br>1931: Model 8–126.                    |
| Lagonda          |  |
| Lancia           |  |
| La Salle         | 1927 through 1933 only.  |
| Lincoln          | All models K, L, KA, and KB.<br>1941: Model 168H.<br>1942: Model 268H.   |
| Lincoln          |  |
| Continental      | 1939 through 1948.   |
| Locomobile       | All models 48 and 90.<br>1927: Model 8–80.<br>1928: Model 8–80.<br>1929: Models 8–80 and 8–88.   |
| Marmon           | All 16–cylinder models.<br>1925: Model 74.<br>1926: Model 74.<br>1927: Model 75.<br>1928: Model E75.<br>1930: Big 8 model.<br>1931: Model 88, and Big 8.                               |
| Maybach          |  |
| McFarlan         |  |
| Mercedes Benz    | All models 2.2 litres and up.  |
| Mercer           |  |
| M.G.             | 6–cylinder models only.  |
| Minerva          |  |
| Nash             | 1931: Series 8–90.<br>1932: Series 9–90,<br>Advanced 8, and Ambassador 8.<br>1933–1934: Ambassador 8.  |
| Packard          | 1925 through 1934: All models.<br>1935 through 1942: Models 1200,<br>1201, 1202, 1203, 1204, 1205, 1207,<br>1208, 1400, 1401, 1402, 1403, 1404,<br>1405, 1407, 1408, 1500, 1501, 1502, |

|                    |   |
|--------------------|---|
|                    | 1506, 1507, 1508, 1603, 1604, 1605,<br>1607, 1608, 1705, 1707, 1708, 1806,<br>1807, 1808, 1906, 1907, 1908, 2006,<br>2007, and 2008 only.<br>1946 and 1947: Models 2106 and<br>2126 only. |
| Peerless           | 1926 through 1928: Series 69.<br>1930–1931: Custom 8.<br>1932: Deluxe Custom 8.   |
| Pierce Arrow       |   |
| Railton            |   |
| Renault            | Grand Sport model only.   |
| Reo                | 1930–1931: Royale Custom 8, and<br>Series 8–35 and 8–52 Elite 8.<br>1933: Royale Custom 8.  |
| Revere             |   |
| Roamer             | 1925: Series 8–88, 6–54e, and 4–75.<br>1926: Series 4–75e, and 8–88.<br>1927–1928: Series 8–88.<br>1929: Series 8–88, and 8–125.<br>1930: Series 8–125.                                   |
| Rohr               |   |
| Rolls Royce        |   |
| Ruxton             |   |
| Salmson            |   |
| Squire             |   |
| Stearns Knight     |   |
| Stevens Duryea     |   |
| Steyr              |   |
| Studebaker         | 1929–1933: President, except model 82.  |
| Stutz              |   |
| Sunbeam            |   |
| Talbot             |   |
| Triumph            | Dolomite 8 and Gloria 6.  |
| Vauxhall           | Series 25–70 and 30–98 only.  |
| Voisin             |   |
| Wills Saint Claire |   |

No commercial vehicles such as hearses, ambulances, or trucks are considered to be classic cars.

**Subd. 1c. Collector's vehicle, collector license.** Any motor vehicle, including any truck, that is at least 20 model years old and manufactured after 1935, or any motor vehicle of a defunct make defined as any car or truck originally licensed as a separate identifiable make as designated by the division of motor vehicles, and owned and operated solely as a collector's vehicle, shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the person from whom purchased and of the new owner, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. The owner must also prove that the owner also has one or more vehicles with regular license plates. If the registrar is satisfied that the affidavit is true and correct and the owner pays a \$25 tax, the registrar shall list the vehicle for taxation and registration and shall issue a single number plate.

The number plate issued shall bear the inscription "Collector," "Minnesota" and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence. The registrar has the power to revoke the plate for failure to comply with this subdivision.



Subd. 1d. **Collector's vehicle, street rod license.** Any modernized motor vehicle manufactured prior to the year 1949 or designed and manufactured to resemble such vehicle shall be listed for taxation and registration as follows:

An affidavit shall be executed stating the name and address of the person from whom purchased and of the new owner, the make of the motor vehicle, year number of model, and the manufacturer's identification number. The affidavit shall further state that the vehicle is owned and operated solely as a street rod and not for general transportation purposes. The owner must also prove that the owner has one or more vehicles with regular license plates. If the registrar is satisfied that the affidavit is true and correct and the owner pays a \$25 tax, the registrar shall list such vehicle for taxation and registration and shall issue a single number plate.

The number plate issued shall bear the inscription "Street Rod", "Minnesota" and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence. The registrar has the power to revoke such plate for failure to comply with this subdivision.

*[For text of subs 1e to 4, see M.S.1996]*

**History:** 1997 c 240 s 1-4

### **168.101 OWNERSHIP AND REGISTRATION OF PASSENGER AUTOMOBILES OR TRUCKS BY PERSONS UNDER THE AGE OF 18; PROHIBITIONS.**

*[For text of subd 1, see M.S.1996]*

Subd. 2. **Unlawful transfer to minor.** Any person who knowingly sells or in any manner knowingly transfers title of a passenger automobile or truck to a person who is prohibited from owning a passenger automobile or truck under the provisions of subdivision 1 shall be guilty of a misdemeanor.

Subd. 2a. **Failure to send to registrar within ten days.** Any person who fails to mail in the application for registration or transfer with appropriate taxes and fees to the registrar of motor vehicles or otherwise fails to submit said forms and remittance to the registrar within ten days following date of sale shall be guilty of a misdemeanor.

*[For text of subs 3 and 4, see M.S.1996]*

**History:** 1997 c 135 s 1

### **168.12 LICENSE PLATES.**

*[For text of subs 1 to 2d, see M.S.1996]*

Subd. 2e. **Volunteer ambulance attendants; special plates.** (a) The registrar shall issue special license plates to an applicant who is a volunteer ambulance attendant as defined in section 144E.35, subdivision 2, and who owns or jointly owns a motor vehicle taxed as a passenger automobile. The registrar shall issue the special plates on payment of the registration tax required by law for the vehicle, compliance with all other applicable laws relating to registration and licensing of motor vehicles and drivers, and payment of an additional fee of \$10. The registrar shall not issue more than one set of these plates to each qualified applicant.

(b) A person may use special plates issued under this subdivision only during the period that the person is a volunteer ambulance attendant. When the person to whom the special plates were issued ceases to be a volunteer ambulance attendant, or when ownership of the vehicle is transferred, the person shall remove the special plates from the vehicle and return them to the registrar. On return of the plates, the owner of the vehicle, or new owner in case of a transferred vehicle, is entitled to receive regular license plates for the vehicle without cost for the rest of the registration period for which the special plates were issued. Special plates issued under this subdivision may be transferred to another vehicle owned by the volunteer ambulance attendant on payment of a fee of \$5.

(c) The fees specified in this subdivision must be paid into the state treasury and deposited in the highway user tax distribution fund.

(d) The commissioner may adopt rules governing the design, issuance, and sale of the special plates authorized by this subdivision.

*[For text of subs 2f and 5, see M.S.1996]*

**History:** 1997 c 199 s 14

### **168.1235 VETERANS SERVICE ORGANIZATIONS; SPECIAL LICENSE PLATE STICKERS.**

**Subdivision 1. General requirements; fees.** (a) On payment of a fee of \$10 for each set of two license plates, or for a single plate in the case of a motorcycle plate, payment of the registration tax required by law, and compliance with other laws relating to the registration and licensing of a passenger automobile, pickup truck, van, self-propelled recreational equipment, or motorcycle, as applicable, the registrar shall issue a special license plate sticker for each plate to an applicant who is a member of a congressionally chartered veterans service organization and is an owner or joint owner of a passenger automobile, pickup truck, van, self-propelled recreational equipment, or motorcycle.

(b) The additional fee of \$10 is payable at the time of initial application for the special license plate stickers and when the license plates must be replaced or renewed. An applicant must not be issued more than two sets of special license plate stickers for vehicles listed in paragraph (a) and owned or jointly owned by the applicant.

(c) The commissioner of veterans affairs shall determine what documentation is required by each applicant to show that the applicant is a member of a congressionally chartered veterans service organization and is entitled to the special license plate stickers.

**Subd. 2. Design.** (a) The commissioner of veterans affairs, after consultation with each of the congressionally chartered veterans service organizations, shall design the special license plate stickers, subject to the approval of the registrar. The emblem, symbol, or other pictorial representation on the sticker must be at least as large as the letters and numerals on the plate and the registrar shall allow for plates with spaces for the stickers in place of a numeral or letter.

(b) Each congressionally chartered veterans service organization must arrange for any applicable rules of the national organization to be changed or copyrights to be released before the commissioner may issue special license plate stickers to members of any particular service organization under this section.

**Subd. 3. Number estimated.** The commissioner of veterans affairs shall estimate the number of special plate stickers that will be required and submit the estimate to the registrar.

**Subd. 4. Plate transfers.** Notwithstanding section 168.12 or other law to the contrary, on payment of a fee of \$5, the special plate stickers issued under subdivision 1, may be transferred to other license plates on a passenger automobile, pickup truck, van, motorcycle, or self-propelled recreational equipment owned or jointly owned by the person to whom the stickers were issued.

**Subd. 5. Fees credited.** Fees collected under this section must be paid into the state treasury and credited to the highway user tax distribution fund.

**History:** 1997 c 159 art 2 s 13

### **168.129 SPECIAL COLLEGIATE LICENSE PLATES.**

**Subdivision 1. General requirements and procedures.** The commissioner of public safety shall issue special collegiate license plates to an applicant who:

- (1) is an owner or joint owner of a passenger automobile, pickup truck, or van;
- (2) pays a fee determined by the commissioner to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;

(5) contributes at least \$25 annually to the scholarship account established in subdivision 6; and

(6) complies with laws and rules governing registration and licensing of vehicles and drivers.

*[For text of subs 2 to 7, see M.S.1996]*

**History:** 1997 c 7 art 1 s 78

### 168.1291 SPECIAL LICENSE PLATES; DESIGN.

**Subdivision 1. Definition.** For purposes of this section "special license plates" means license plates issued under sections 168.12, subdivisions 2b to 2e; 168.123; 168.1235; 168.129; and 168.1292.

**Subd. 2. Design of special license plates.** The commissioner shall design a single special license plate that will contain a unique number and a space for a unique symbol. The commissioner shall design a unique symbol related to the purpose of each special license plate. Any provision of sections 168.12, subdivisions 2b to 2e; 168.123; 168.129; and 168.1292 that requires the placement of a specified letter or letters on a special license plate applies to those license plates only to the extent that the commissioner includes the letter or letters in the design. Where a law authorizing a special license plate contains a specific requirement for graphic design of that license plate, that requirement applies to the appropriate unique symbol the commissioner designs.

**Subd. 3. Issuance of special license plates with unique symbols.** Notwithstanding section 168.12, subdivisions 2b to 2e; 168.123; 168.129; or 168.1292, beginning with special license plates issued in calendar year 1996 the commissioner shall issue each class of special license plates permanently marked with specific designs under those laws only until the commissioner's supply of those license plates is exhausted. Thereafter the commissioner shall issue under those laws only the license plate authorized under subdivision 2, with the appropriate unique symbol attached.

**Subd. 4. Fees.** Notwithstanding section 168.12, subdivisions 2b to 2e; 168.123; 168.129; or 168.1292, the commissioner shall charge a fee of \$10 for each set of license plates issued under this section.

**Subd. 5. Application.** This section does not apply to a special motorcycle license plate designed by the registrar under section 168.123, subdivision 1, clause (2).

**History:** 1997 c 159 art 2 s 14; 1997 c 226 s 42

### 168.1296 SPECIAL CRITICAL HABITAT LICENSE PLATES.

**Subdivision 1. General requirements and procedures.** (a) The registrar shall issue special critical habitat license plates to an applicant who:

- (1) is an owner or joint owner of a passenger automobile, pickup truck, or van;
- (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;

(5) contributes a minimum of \$30 annually to the Minnesota critical habitat private sector matching account established in section 84.943; and

(6) complies with laws and rules governing registration and licensing of vehicles and drivers.

(b) The critical habitat license application form must clearly indicate that the annual contribution specified under paragraph (a), clause (5), is a minimum contribution to receive the license plate and that the applicant may make an additional contribution to the account.

*[For text of subs 2 to 6, see M.S.1996]*

**History:** 1997 c 226 s 43

### 168.15 RIGHTS AS TO REGISTRATION CERTIFICATES AND NUMBER PLATES.

**Subdivision 1. Transfer of ownership.** Except as provided in subdivision 3, upon the transfer of ownership, destruction, theft, dismantling as such, or the permanent removal by

the owner thereof from this state of any motor vehicle registered in accordance with the provisions of this chapter, the right of the owner of such vehicle to use the registration certificate and number plates assigned such vehicle shall expire, and such certificate and any existing plates shall be, by such owner, forthwith returned, with transportation prepaid, to the registrar with a signed notice of the date and manner of termination of ownership, giving the name and post office address, with street and number, if in a city, of the person to whom transferred. No fee may be charged for a return of plates under this section. When the ownership of a motor vehicle shall be transferred to another who shall forthwith register the same in the other's name, the registrar may permit the manual delivery of such plates to the new owner of such vehicle. When seeking to become the owner by gift, trade, or purchase of any vehicle for which a registration certificate has been theretofore issued under the provisions of this chapter, a person shall join with the registered owner in transmitting with the application the registration certificate, with the assignment and notice of sale duly executed upon the reverse side thereof, or, in case of loss of such certificate, with such proof of loss by sworn statement, in writing, as shall be satisfactory to the registrar. Upon the transfer of any motor vehicle by a manufacturer or dealer, for use within the state, whether by sale, lease, or otherwise, such manufacturer or dealer shall, within ten days after such transfer, file with the registrar a notice or report containing the date of such transfer, a description of such motor vehicles, and the name, street and number of residence, if in a city, and the post office address of the transferee, and shall transmit therewith the transferee's application for registration thereof.

*[For text of subs 2 and 3, see M.S.1996]*

**History:** 1997 c 135 s 2

#### **168.16 REFUNDS; APPROPRIATION.**

After the tax upon any motor vehicle shall have been paid for any year, refund shall be made for errors made in computing the tax or fees and for the error on the part of an owner who may in error have registered a motor vehicle that was not before, nor at the time of registration, nor at any time thereafter during the current past year, subject to tax in this state as provided by section 168.012. Unless otherwise provided in this chapter, a claim for a refund of an overpayment of registration tax must be filed within 3-1/2 years from the date of payment. The refundment shall be made from any fund in possession of the registrar and shall be deducted from the registrar's monthly report to the commissioner of finance. A detailed report of the refundment shall accompany the report. The former owner of a transferred vehicle by an assignment in writing endorsed upon the registration certificate and delivered to the registrar within the time provided herein may sell and assign to the new owner thereof the right to have the tax paid by the former owner accredited to the owner who duly registers the vehicle. Any owner at the time of such occurrence, whose vehicle is declared by an insurance company to be a total loss due to flood damage, permanently destroyed, or sold to the federal government, the state, or political subdivision thereof, and any owner who sells a rental motor vehicle and transfers the license plates issued to that motor vehicle under section 168.15, subdivision 3, shall upon filing a verified claim be entitled to a refund of the unused portion of the tax paid upon the vehicle, computed as follows:

(1) if the vehicle is registered under the calendar year system of registration, the refund is computed pro rata by the month, 1/12 of the annual tax paid for each month of the year remaining after the month in which the plates and certificate were returned to the registrar;

(2) in the case of a vehicle registered under the monthly series system of registration, the amount of the refund is equal to the sum of the amounts of the license fee attributable to those months remaining in the licensing period after the month in which the plates and certificate were returned to the registrar.

There is hereby appropriated to the persons entitled to a refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment. Refunds under this section to licensed motor vehicle lessors must be made annually in a manner the registrar determines.

**History:** 1997 c 250 s 2

**168.187 INTERSTATE REGISTRATION AND RECIPROCITY.**

*[For text of subs 1 to 19, see M.S.1996]*

Subd. 20. **Joint or reciprocal audits.** The commissioner of public safety may make arrangements with the commissioner of transportation and with agencies of other states administering motor vehicle registration laws for joint or reciprocal audits of any owner.

*[For text of subs 21 to 26, see M.S.1996]*

**History:** 1997 c 230 s 1

**168.27 MOTOR VEHICLE DEALERS; VIOLATIONS, PENALTIES.**

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings given them:

(1) "Leasing motor vehicles" means furnishing a motor vehicle for a fee under a bailor-bailee relationship where no incidences of ownership are intended to be transferred other than the right to use the vehicle for a stated period of time.

(2) "Brokering motor vehicles" means arranging sales or leases between buyers and sellers, or lessees and lessors, of motor vehicles and receiving a fee for those services.

(3) "Wholesaling motor vehicles" means selling new or used motor vehicles to dealers for resale to the public.

(4) "Auctioning motor vehicles" means arranging for and handling the sale of motor vehicles, not the property of the auctioneer, to the highest bidder.

(5) "Dealer" includes licensed new motor vehicle dealers, used motor vehicle dealers, motor vehicle brokers, wholesalers, auctioneers, lessors of new or used motor vehicles, scrap metal processors, used vehicle parts dealers, and salvage pools.

(6) "Commercial building" means a permanent, enclosed building that is on a permanent foundation and connected to local sewer and water facilities or otherwise complying with local sanitary codes, is adapted to commercial use, and conforms to local government zoning requirements. "Commercial building" may include strip office malls or garages if a separate entrance and a separate address are maintained and the dealership is clearly identified as a separate business.

(7) "Commercial office space" means office space occupying all or part of a commercial building.

(8) "Horse trailer" is a trailer designed and used to carry horses and other livestock, which has not more than three axles and a maximum gross weight capacity of not more than 24,000 pounds.

(9) "Isolated or occasional sales or leases" means the sale or lease of not more than five motor vehicles in a 12-month period, exclusive of pioneer or classic motor vehicles as defined in section 168.10, subdivisions 1a and 1b, or sales by a licensed auctioneer selling motor vehicles at an auction if, in the ordinary course of the auctioneer's business, the sale of motor vehicles is incidental to the sale of other real or personal property.

(10) "Used motor vehicle" means a motor vehicle for which title has been transferred from the person who first acquired it from the manufacturer, distributor, or dealer. A new motor vehicle will not be considered a used motor vehicle until it has been placed in actual operation and not held for resale by an owner who has been granted a certificate of title on the motor vehicle and has registered the motor vehicle in accordance with this chapter and chapters 168A and 297B, or the laws of the residence of the owner.

(11) "New motor vehicle" means a motor vehicle other than described in paragraph (10).

(12) "Junked vehicle" means a vehicle that is declared unrepairable under section 168A.151.

(13) "Motor vehicle" has the meaning given it in section 168.011, subdivision 4, and also includes a park trailer as defined in section 168.011, subdivision 8.

(14) "Motor vehicle broker" means a person who arranges the sale of a motor vehicle between a buyer and a seller, or the lease of a motor vehicle between a lessee and a lessor, for which service the broker receives a fee.

**Subd. 2. New motor vehicle dealer.** (a) No person shall engage in the business of selling new motor vehicles or shall offer to sell, solicit, deliver, or advertise the sale of new motor vehicles without first acquiring a new motor vehicle dealer license. A new motor vehicle dealer licensee shall be entitled thereunder to sell, broker, wholesale, or auction and to solicit and advertise the sale, broker, wholesale, or auction of new motor vehicles covered by the franchise and any used motor vehicles or to lease and to solicit and advertise the lease of new motor vehicles and any used motor vehicles and such sales or leases may be either for consumer use at retail or for resale to a dealer. A new motor vehicle dealer may engage in the business of buying or otherwise acquiring vehicles for dismantling the vehicles and selling used parts and remaining scrap materials under chapter 168A, except that a new motor vehicle dealer may not purchase a junked vehicle from a salvage pool, insurance company, or its agent unless the dealer is also licensed as a used vehicle parts dealer. Nothing herein shall be construed to require an applicant for a dealer license who proposes to deal in: (1) new and unused motor vehicle bodies; or (2) type A, B, or C motor homes as defined in section 168.011, subdivision 25, to have a bona fide contract or franchise in effect with either the first-stage manufacturer of the motor home or the manufacturer or distributor of any motor vehicle chassis upon which the new and unused motor vehicle body is mounted. The modification or conversion of a new van-type vehicle into a multipurpose passenger vehicle which is not a motor home does not constitute dealing in new or unused motor vehicle bodies, and a person engaged in the business of selling these van-type vehicles must have a bona fide contract or franchise with the appropriate manufacturer under subdivision 10. A van converter or modifier who owns these modified or converted van-type vehicles may sell them at wholesale to new motor vehicle dealers having a bona fide contract or franchise with the first-stage manufacturer of the vehicles.

(b) The requirements pertaining to franchises do not apply to persons who remodel or convert motor vehicles for medical purposes. For purposes of this subdivision, "medical purpose" means certification by a licensed physician that remodeling or conversion of a motor vehicle is necessary to enable a disabled person to use the vehicle.

(c) A new motor vehicle dealer shall not deliver a manufacturer's or importer's certificate of origin for a passenger automobile, pickup truck, or van requiring a certificate of title pursuant to chapter 168A to any person in conjunction with the sale of a vehicle except to the department, another new motor vehicle dealer licensed to sell the same line or make, or a person whose primary business is picking up and delivering motor vehicle title documents.

(d) If a new motor vehicle dealer agrees to sell or lease a new motor vehicle using the services of a motor vehicle broker, the new motor vehicle dealer may not refuse to deliver possession of the vehicle to the buyer or lessee. This paragraph does not require delivery unless all arrangements have been properly completed for payment, insurance required by law, titling, transfer, and registration of the new vehicle and any trade-in vehicle. Delivery may take place at or away from the dealership.

*[For text of subs 3 to 4, see M.S.1996]*

**Subd. 5a. Consignment sales.** No person may solicit, accept, offer for sale, or sell motor vehicles for consignment sale unless licensed as a new or used motor vehicle dealer, a motor vehicle wholesaler, or a motor vehicle auctioneer. This requirement does not apply to a licensed auctioneer selling motor vehicles at an auction if, in the ordinary course of the auctioneer's business, the sale of motor vehicles is incidental to the sale of other real or personal property. Incidental means up to a total of ten but no more than ten percent of the items in the posted auction bill are motor vehicles.

*[For text of subs 6 and 7, see M.S.1996]*

**Subd. 7a. Motor vehicle broker.** (a) No person shall engage in the business of brokering motor vehicles without first acquiring a motor vehicle broker's license. A motor vehicle broker shall provide each buyer or lessee with a written disclosure stating whether the motor vehicle broker receives a fee from the dealers with whom the broker does business. The new or used motor vehicle dealer shall be the seller of record in all such transactions. The motor vehicle dealer may pay the motor vehicle broker a fee for brokering services rendered. A motor vehicle broker may:

(1) advertise and solicit the brokering of new motor vehicles. A motor vehicle broker shall not advertise or make any representations which state, imply, or suggest that the motor vehicle broker itself sells vehicles, is authorized to sell vehicles, or obtains vehicles directly from the motor vehicle manufacturer. All advertising or other solicitations by a motor vehicle broker shall disclose that sales of new motor vehicles are arranged through franchised motor vehicle dealers;

(2) negotiate or quote the sale price or lease terms of motor vehicles;

(3) prepare and deliver documents necessary to the transaction;

(4) accept a down payment not to exceed \$500, but otherwise may not accept payment in full or in part for a motor vehicle unless the payment is in the form of a negotiable instrument payable to the vehicle dealer;

(5) accompany a motor vehicle purchaser or lessee at the time of delivery by the selling dealer of a new motor vehicle; and

(6) be present when warranties and safety features are described by the selling dealer in conjunction with the delivery of a new motor vehicle.

(b) A motor vehicle broker shall not:

(1) engage in the business of selling new or used motor vehicles as described in subdivisions 2 and 3;

(2) execute contracts or official documents for the sale or lease of a new motor vehicle;

(3) describe a new vehicle's warranties or safety features in conjunction with the delivery of a new motor vehicle;

(4) display motor vehicles available for sale or lease; or

(5) perform any dealer preparation of new motor vehicles.

All dealer preparation shall be performed only by a licensed new motor vehicle dealer.

This subdivision does not apply to licensed motor vehicle lessors and shall not be construed to restrict licensed motor vehicle lessors from brokering motor vehicle leases or otherwise engaging in the leasing of motor vehicles in accordance with subdivisions 1 and 4.

*[For text of subs 8 and 9, see M.S.1996]*

**Subd. 10. Established place of business.** All licensees under this section shall have an established place of business which shall include as a minimum:

(1) For a new motor vehicle dealer, the following:

(a) a commercial building owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours. Dealership business hours must be conspicuously posted on the place of doing business and readily viewable by the public;

(b) a bona fide contract or franchise (1) in effect with a manufacturer or distributor of the new motor vehicles the dealer proposes to sell, broker, wholesale, or auction, or (2) in effect with the first-stage manufacturer or distributor of new motor vehicles purchased from a van converter or modifier which the dealer proposes to sell, broker, wholesale, or auction, or (3) in effect with the final stage manufacturer of the new type A, B, or C motor homes which the dealer proposes to sell, broker, wholesale, or auction;

(c) a facility for the repair and servicing of motor vehicles and the storage of parts and accessories, not to exceed ten miles distance from the principal place of business. Such service may be provided through contract with bona fide operators actually engaged in such services;

(d) an area either indoors or outdoors to display motor vehicles which is owned or under lease by the licensee; and

(e) a sign clearly identifying the dealership by name which is readily viewable by the public.

(2) For a used motor vehicle dealer, the following:

(a) a commercial building owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records,

and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or automatic telephone answering service during normal business hours. Dealership business hours must be conspicuously posted on the place of doing business and readily viewable by the public;

(b) an area either indoors or outdoors to display motor vehicles which is owned or under lease by the licensee; and

(c) a sign clearly identifying the dealership by name which is readily viewable by the public.

(3) For a motor vehicle lessor, the following: a commercial office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours. Business hours must be conspicuously posted on the place of doing business and readily viewable by the public. The office space must be owned or under lease for a minimum term of one year by the licensee.

(4) For a motor vehicle wholesaler, the following: a commercial office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours. The office space must be owned or under lease for a minimum term of one year by the licensee.

(5) For a motor vehicle auctioneer, the following: a permanent enclosed commercial building, within or without the state, on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(6) For a motor vehicle broker, the following: a commercial office space where books, records, and files necessary to conduct business are kept and maintained with personnel available during normal business hours, or an automatic telephone answering service available during normal business hours. Business hours must be conspicuously posted on the place of business and readily viewable by the public. A sign, clearly identifying the motor vehicle broker by name and viewable by the public, must be posted on the place of business. The office space must be owned or under lease for a minimum term of one year by the licensee.

(7) If a new or used motor vehicle dealer maintains more than one place of doing business in a county, the separate places shall be listed on the application. If additional places of business are maintained outside of one county, separate licenses shall be obtained for each county.

(8) If a motor vehicle lessor, wholesaler, auctioneer, or motor vehicle broker maintains more than one permanent place of doing business, either in one or more counties, the separate places shall be listed in the application, but only one license shall be required. If a lessor proposes to sell previously leased or rented vehicles or if a broker proposes to establish an office at a location outside the seven-county metropolitan area, as defined in section 473.121, subdivision 2, other than cities of the first class, the lessor or broker must obtain a license for each nonmetropolitan area county in which the lessor's sales are to take place or where the broker proposes to locate an office.

(9) If a motor vehicle dealer, lessor, wholesaler, or motor vehicle broker does not have direct access to a public road or street, any privately owned roadway providing access to a public road or street must be clearly identified and adequately maintained.

**Subd. 11. Licenses.** Application for license or notification of a change of location of a license must include a street address, not a post office box, and is subject to the registrar's approval. Upon the filing of an application for a license and the proper fee, the registrar is authorized, unless the application on its face appears to be invalid, to grant a 90-day temporary license and during said 90-day period shall investigate the fitness of the applicant, inspect the site and make such other investigation as is necessary to insure compliance with the licensing law. The registrar may extend the temporary license 30 days. At the end of the period of investigation the license shall either be granted or denied. The license must be denied if



within the previous ten years the applicant was enjoined due to a violation of section 325F.69 or convicted of violating section 325E.14, 325E.15, 325E.16, or 325F.69, or convicted under section 609.53 of receiving or selling stolen vehicles, or convicted of violating United States Code, title 15, sections 1981 to 1991, as amended through December 31, 1984, or pleaded guilty, entered a plea of nolo contendere or no contest, or has been found guilty in a court of competent jurisdiction of any charge of failure to pay state or federal income or sales taxes or felony charge of forgery, embezzlement, obtaining money under false pretenses, theft by swindle, extortion, conspiracy to defraud, or bribery. If the application is approved, the registrar shall license the applicant as a motor vehicle dealer for the remainder of the calendar year, and issue a certificate of license therefor as the registrar may provide upon which shall be placed a distinguishing number of identification of such dealer. Each initial application for a license shall be accompanied by a fee of \$50 in addition to the annual fee. The annual fee shall be \$100. All initial fees and annual fees shall be paid into the state treasury and credited to the general fund. If the initial application is received by the registrar after July 1 of any year, the first annual fee shall be reduced by one-half.

**Subd. 12. Grounds for suspension and revocation.** A license may be suspended or revoked by the registrar of motor vehicles upon proof satisfactory to the registrar of any of the following:

- (1) violations of any of the provisions of this chapter or chapter 168A, 297B, 325E, or 325F;
  - (2) violation of or refusal to comply with the requests and order of the registrar;
  - (3) failure to make or provide to the registrar all listings, notices, and reports required by the registrar;
  - (4) failure to pay to the registrar all taxes, fees, and arrears due from and by such dealer;
  - (5) failure to duly apply for renewal of license provided for herein;
  - (6) revocation of previous license, of which the records of the registrar relating thereto shall be prima facie evidence of such previous revocation;
  - (7) failure of continued occupancy of an established place of business;
  - (8) sale of a new and unused current model motor vehicle other than the make of motor vehicle described in the franchise or contract filed with the original application or renewal thereof, without permission from the registrar;
  - (9) sale of a new and unused current model motor vehicle to anyone except for consumer use, or to a dealer duly licensed to sell the same make of motor vehicle;
  - (10) material misstatement or misrepresentation in application for license or renewal thereof;
  - (11) having advertised, printed, displayed, published, distributed, broadcast or televised or caused or permitted to be advertised, printed, displayed, published, distributed, broadcast or televised in any manner whatsoever, or having made orally any statement or representation with regard to the sale, lease or financing of motor vehicles which is false, deceptive or misleading;
  - (12) having been convicted of violating section 325F.69, or having been enjoined due to a violation of section 325F.69;
  - (13) having been convicted of violating the Minnesota odometer law, section 325E.14, 325E.15, or 325E.16, or the federal odometer law, United States Code, title 15, sections 1981 to 1991, as amended through December 31, 1984;
  - (14) having been convicted of violating the sale of motor vehicles on Sunday law, section 168.275;
  - (15) having been convicted under section 609.53 of receiving or selling stolen vehicles;
- or
- (16) having pleaded guilty, entered a plea of nolo contendere or no contest, or having been found guilty in a court of competent jurisdiction of any charge of failure to pay state or federal income or sales taxes or felony charge of forgery, embezzlement, obtaining money under false pretenses, theft by swindle, extortion, conspiracy to defraud, or bribery.

With respect to clauses (12), (13), (15), and (16), the registrar may suspend or revoke a license immediately upon receiving certification of conviction or permanent injunction. A

hearing is required under subdivision 13 within 30 days following a summary suspension or revocation under this paragraph, if a hearing is requested by the licensee.

*[For text of subs 12a to 19, see M.S.1996]*

**Subd. 19a. Injunction.** The commissioner or a county attorney may institute a civil action in the name of the state in district court for an injunction prohibiting a violation of this section and for civil penalties not to exceed \$1,000 for each violation of subdivision 2, 3, 4, 5a, 6, 7, or 7a. The court, upon proper proof that the defendant has engaged in a practice prohibited by this section, may enjoin the future commission of that practice and award civil penalties for violations of subdivision 2, 3, 4, 5a, 6, 7, or 7a. It is not a defense to an action that the state may have adequate remedies at law. Service of process must be as in any other civil suit, except that where a defendant in the 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; in the manner provided by section 5.25; or as the court may direct. Process is valid if it satisfies the requirements of due process of law, whether or not the defendant is doing business in Minnesota regularly or habitually. Nothing in this subdivision limits the rights or remedies otherwise available to persons under common law or other statutes of this state.

*[For text of subs 20 to 23, see M.S.1996]*

**Subd. 24. Bonds.** All persons licensed hereunder shall keep in full force and effect a bond with a corporate surety to be approved by the registrar of motor vehicles in amounts as herein provided; in the case of boat trailer, snowmobile trailer, horse trailer or motorized bicycle dealers in the amount of \$5,000; and as to all other persons in the amount of \$50,000. The bond shall be conditioned on the faithful performance by the licensee of the obligations imposed by the laws of this state, including the conduct required of a licensee by this section and other sections governing the sale or transfer of motor vehicles, and the payment of all taxes, license fees, and penalties. The bond shall be for the benefit of the state of Minnesota and any transferor, seller, or purchaser of a motor vehicle for any monetary loss caused by failure of the licensee to meet the obligations enumerated above. Proceedings on the forfeiture of the bonds shall be commenced in the district court of the county wherein the business of the licensed person was carried on, or if in more than one county, the county in which the offense occurred. This subdivision does not apply to a used vehicle parts dealer or a scrap metal processor.

*[For text of subs 25 and 26, see M.S.1996]*

**History:** 1997 c 92 s 1–8; 1997 c 159 art 2 s 15

## **168.301 VEHICLE TRANSFER DEADLINES; FEES; SANCTIONS.**

**Subdivision 1. Surrender plates and assign tax paid.** On transferring a motor vehicle, the transferor shall surrender the registration plates and assign the registration tax paid to the credit of the transferee.

**Subd. 2. Ten days to file.** The transferee's rights to the transferred vehicle's registration plates and credit for taxes paid on the vehicle expire after ten days have elapsed from the date of transfer unless: (1) the transfer has been filed as provided under section 168A.10; or (2) the transferee is a dealer licensed under section 168.27, and is complying with section 168A.11.

**Subd. 3. Late fee.** In addition to any fee or tax otherwise authorized or imposed upon the transfer of title for a motor vehicle, the commissioner of public safety shall impose a \$2 additional fee for failure to deliver a title transfer within 14 days.

**Subd. 4. Reinstatement fee.** When the commissioner has suspended license plates on a vehicle because the transferee has failed to deliver the title certificate within ten days as provided in subdivision 1, the transferee shall pay a \$5 fee before the registration is reinstated.

**Subd. 5. Verification of compliance.** A person does not violate this section or section 168.09, subdivision 1, by reason of suspension, if the person provides verification from the registrar that the title transfer with fees and taxes were filed with the registrar prior to being

cited for violating this section or the vehicle was purchased from a licensed Minnesota dealer. The verification of compliance must be presented to the appropriate law enforcement agency within seven days after being charged or to the court on or before the date set for appearance.

**Subd. 6. Registration suspension.** The commissioner of public safety may suspend the registration of any owner who violates this section.

**History:** 1997 c 135 s 3

### 168.33 COMMISSIONER OF PUBLIC SAFETY IS REGISTRAR.

*[For text of subd 1, see M.S.1996]*

**Subd. 2. Powers regarding deputy registrars.** (a) The registrar may appoint, hire, and discharge and fix the compensation of the necessary employees, in the manner provided by law, as may be required to enable the registrar to properly carry out the duties imposed by this chapter. The registrar may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau which issues motor vehicle licenses as provided in section 373.32.

(b) The registrar may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, if the auditor for the county in which the city is situated chooses not to accept appointment as the deputy registrar for the county or is discontinued as a deputy registrar, or if the county in which the city is situated has not established a county license bureau which issues motor vehicle licenses as provided in section 373.32. A person appointed by the registrar as a deputy registrar for any statutory or home rule charter city must be a resident of the county in which the city is situated.

(c) The registrar may appoint, and for cause discontinue, the county auditor of each county as a deputy registrar. Upon approval of the county board, the auditor, with the approval of the director of motor vehicles, may appoint, and for cause discontinue, the clerk or equivalent officer of each statutory or home rule charter city or any other person as a deputy registrar as public interest and convenience may require, regardless of the appointee's county of residence. At the request of the governing body of a statutory or home rule charter city, the auditor shall appoint, and may for cause discontinue, the clerk or equivalent officer of a city, or another officer or employee of the city designated by the governing body, as a deputy registrar:

(1) if the city is a county seat or, if not, is larger than the seat of the county in which it is situated; and

(2) no office of a deputy registrar is situated within the city or within 15 miles of the city by the most direct public route.

(d) Notwithstanding any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any statutory or home rule charter city, may continue to serve as deputy registrar and may be discontinued for cause only by the registrar. The county auditor who appointed the deputy registrars is responsible for the acts of deputy registrars appointed by the auditor. Each deputy, before entering upon the discharge of duties, shall take and subscribe an oath to faithfully discharge the duties and to uphold the laws of the state. If a deputy registrar appointed under this subdivision is not an officer or employee of a county or statutory or home rule charter city, the deputy shall in addition give bond to the state in the sum of \$10,000, or a larger sum as may be required by the registrar, conditioned upon the faithful discharge of duties as deputy registrar.

(e) Until January 1, 2009, a corporation governed by chapter 302A may be appointed a deputy registrar. Upon application by an individual serving as a deputy registrar and the giv-

ing of the requisite bond as provided in this subdivision, personally assured by the individual or another individual approved by the commissioner of public safety, a corporation named in an application shall become the duly appointed and qualified successor to the deputy registrar. The appointment of any corporation as a deputy registrar expires January 1, 2009. A county board shall appoint, or the commissioner shall appoint if the county board declines to do so, an individual as successor to the corporation as a deputy registrar. The county board or commissioner shall appoint as the successor agent to a corporation whose appointment expires under this paragraph an officer of the corporation if the officer applies for appointment before July 1, 2009.

(f) Each deputy registrar appointed under this subdivision shall keep and maintain, in a convenient public place within or in close proximity to the place for which appointed, a registration and motor vehicle tax collection bureau, to be approved by the registrar, for the registration of motor vehicles and the collection of taxes on motor vehicles. The deputy registrar shall keep records and make reports to the registrar as the registrar, from time to time, may require. The records must be maintained at the facility of the deputy registrar. The records and facilities of the deputy registrar must at all times be open to the inspection of the registrar or the registrar's agents. The deputy registrar shall report to the registrar by the next working day following receipt all registrations made and taxes and fees collected by the deputy registrar. The filing fee imposed under subdivision 7 must be deposited in the treasury of the place for which appointed or, if not a public official, a deputy shall retain the filing fee, but the registration tax and any additional fees for delayed registration the deputy registrar has collected the deputy registrar shall deposit by the next working day following receipt in an approved state depository to the credit of the state through the state treasurer. The place for which the deputy registrar is appointed through its governing body must provide the deputy registrar with facilities and personnel to carry out the duties imposed by this subdivision if the deputy is a public official. In all other cases, the deputy shall maintain a suitable facility for serving the public.

*[For text of subs 2a to 8, see M.S.1996]*

**History:** 1997 c 250 s 3

#### **168.345 MOTOR VEHICLE REGISTRATIONS; INFORMATION; SURCHARGE.**

Subdivision 1. **Telephone information.** Information concerning motor vehicle registrations shall not be furnished on the telephone to any person except the personnel of law enforcement agencies and the personnel of governmental motor vehicle and registration offices.

*[For text of subs 2 to 4, see M.S.1996]*

**History:** 1997 c 250 s 4