

CHAPTER 327

HOTELS, MOTELS, RESORTS, AND MANUFACTURED HOMES

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- 327.01 [Repealed, 1982 c 517 s 9]
- 327.02 [Repealed, 1982 c 517 s 9]
- 327.03 [Repealed, 1982 c 517 s 9]
- 327.04 [Repealed, 1982 c 517 s 9]
- 327.05 [Repealed, 1982 c 517 s 9]
- 327.06 [Repealed, 1982 c 517 s 9]
- 327.07 [Repealed, 1982 c 517 s 9]
- 327.08 [Repealed, 1982 c 517 s 9]
- 327.09 [Repealed, 1982 c 517 s 9]
- 327.091 [Repealed, 1982 c 517 s 9]
- 327.095 [Repealed, 1982 c 517 s 9]

HOTELS, MOTELS, AND RESORTS

327.10 LODGING ESTABLISHMENT OPERATOR, DUTIES.

Every person operating within this state a recreational camping area, lodging house, hotel or motel, or resort furnishing sleeping or overnight stopping accommodations for transient guests, shall provide and keep thereat a suitable guest register for the registration of all guests provided with sleeping accommodations or other overnight stopping accommodations thereat; and every such guest shall be registered therein. Upon the arrival of every such guest, the operator of the establishment shall require the guest to enter in such register, or enter for the guest therein, in separate columns provided in such register, the name and home address of the guest and every person, if any, with the guest as a member of the party; and if traveling by motor vehicle, the make of such vehicle, registration number, and other identify-

ing letters or characters appearing on the official number plate carried thereon, including the name of the state issuing such official plate. Such registration shall be kept in an accurate and orderly manner and retained for one year so that the same will be always accessible for inspection by the proper authorities.

**History:** (10536-5) 1937 c 186 s 1; 1951 c 428 s 16; 1969 c 427 s 1; 1981 c 365 s 9; 1986 c 444; 1993 c 286 s 27

### 327.11 GUEST, REGISTRATION.

Every person, upon arriving at any lodging house, recreational camping area, hotel or motel or other resort described in sections 327.10 to 327.13 and applying for guest accommodations therein of the character described in section 327.10, shall furnish to the operator or other attendant in charge of the establishment the registration information necessary to complete the registration in accordance with the requirements of section 327.10, and shall not be provided with accommodations unless and until such information shall be so furnished.

**History:** (10536-6) 1937 c 186 s 2; 1951 c 428 s 17; 1969 c 427 s 2; 1981 c 365 s 9; 1986 c 444; 1993 c 286 s 28

### 327.12 REGISTRATION RECORDS, INSPECTION.

The registration records provided for in sections 327.10 to 327.13 shall be open to the inspection of all law enforcement officers of the state and its subdivisions.

**History:** (10536-7) 1937 c 186 s 3

### 327.13 VIOLATION.

Every person who shall violate any of the provisions of sections 327.10 to 327.12 shall be guilty of a misdemeanor.

**History:** (10536-8) 1937 c 186 s 4

### 327.131 FRAUD.

A person who (1) obtains food, lodging, or other accommodations at a recreational camping area without paying for it, and with intent to defraud the owner or manager of the recreational camping area or (2) obtains credit at a recreational camping area by or through any false pretense, or by or through the aid, assistance, or influence of any baggage or effects in the possession and control of, but not actually belonging to, the person shall be guilty of a misdemeanor.

**History:** 1982 c 642 s 7; 1986 c 444

## MANUFACTURED HOME PARKS AND CAMPING AREAS

### 327.14 DEFINITIONS.

Subdivision 1. **Terms.** For the purposes of sections 327.10, 327.11, 327.14 to 327.28 the terms defined in this section have the meanings given them.

Subd. 2. **Manufactured home.** "Manufactured home" has the meaning specified in section 327.31, subdivision 6.

Subd. 3. **Manufactured home park.** "Manufactured home park" means any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

Subd. 4. **Municipality.** "Municipality" means any city, town or township in this state, however organized.

Subd. 5. **Primary license.** "Primary license" means the initial license issued to the first person, firm or corporation to establish and maintain, conduct or operate a manufactured home park or recreational camping area at any one location.

Subd. 6. **Annual license.** "Annual license" means a renewal license issued to the person, firm or corporation operating a previously licensed manufactured home park or recreational camping area.

Subd. 7. **Recreational camping vehicle.** "Recreational camping vehicle" when used in sections 327.14 to 327.28 includes the following:

(a) any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses;

(b) any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;

(c) any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and

(d) any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

Subd. 8. **Recreational camping area.** "Recreational camping area" means any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. "Recreational camping area" excludes:

(1) children's camps;

(2) industrial camps;

(3) migrant labor camps, as defined in Minnesota Statutes and state commissioner of health rules;

(4) United States forest service camps;

(5) state forest service camps;

(6) state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing; and

(7) temporary holding areas for self-contained recreational camping vehicles created by and adjacent to motor sports facilities, if the chief law enforcement officer of an affected jurisdiction determines that it is in the interest of public safety to provide a temporary holding area.

**History:** 1951 c 428 s 1; 1965 c 668 s 1-3; 1969 c 427 s 3-8; 1973 c 123 art 5 s 7; 1977 c 305 s 45; 1981 c 365 s 9; 1982 c 516 s 2; 1982 c 526 art 3 s 3; 1982 c 642 s 6; 1996 c 451 art 4 s 61

### 327.15 LICENSE FOR MANUFACTURED HOME PARK AND RECREATIONAL CAMPING AREA.

No person, firm or corporation shall establish, maintain, conduct or operate a manufactured home park or recreational camping area within this state without first obtaining a license therefor from the state department of health. Any person, firm, or corporation desiring to operate either a manufactured home park or a recreational camping area on the same site in connection with the other, need only obtain one license. A license shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122. The license shall state the number of manufactured home sites and recreational camping sites allowed according to state commissioner of health approval. No renewal license shall be issued if the number of sites specified in the application exceeds those of the original application unless the plans for expansion or the construction for expansion are first approved by the department of health. Any manufactured home park or recreational camping area located in more than one municipality shall be dealt with as two separate manufactured home parks or camping areas. The license shall be conspicuously displayed in the office of the manufactured home park or camping area. The license is not transferable as to place.

**History:** 1951 c 428 s 2; 1965 c 668 s 4; 1969 c 427 s 9; 1974 c 471 s 18; 1975 c 310 s 33; 1977 c 305 s 45; 1981 c 365 s 9

### 327.16 APPLICATION.

Subdivision 1. **Made to state department of health.** The application for license to operate and maintain a manufactured home park or recreational camping area shall be made to

the state department of health, at such office and in such manner as may be prescribed by that department.

**Subd. 2. Contents.** The applicant for a primary license or annual license shall make application in writing upon a form provided by the state department of health setting forth:

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation.

(2) A legal description of the site, lot, field, or tract of land upon which the applicant proposes to operate and maintain a manufactured home park or recreational camping area.

(3) The proposed and existing facilities on and about the site, lot, field, or tract of land for the proposed construction or alteration and maintaining of a sanitary community building for toilets, urinals, sinks, wash basins, slop-sinks, showers, drains, laundry facilities, source of water supply, sewage, garbage and waste disposal; except that no toilet facilities shall be required in any manufactured home park which permits only manufactured homes equipped with toilet facilities discharging to water carried sewage disposal systems; and method of fire and storm protection.

(4) The proposed method of lighting the structures and site, lot, field, or tract of land upon which the manufactured home park or recreational camping area is to be located.

(5) The calendar months of the year which the applicant will operate the manufactured home park or recreational camping area.

(6) Plans and drawings for new construction or alteration, including buildings, wells, plumbing and sewage disposal systems.

**Subd. 3. Fees; approval.** The application for the primary license shall be submitted with all plans and specifications enumerated in subdivision 2, and payment of a fee in an amount prescribed by the state commissioner of health pursuant to section 144.122 and shall be accompanied by an approved zoning permit from the municipality or county wherein the park is to be located, or a statement from the municipality or county that it does not require an approved zoning permit. The fee for the annual license shall be in an amount prescribed by the state commissioner of health pursuant to section 144.122. All license fees paid to the commissioner of health shall be turned over to the state treasury. The fee submitted for the primary license shall be retained by the state even though the proposed project is not approved and a license is denied.

When construction has been completed in accordance with approved plans and specifications the state commissioner of health shall promptly cause the manufactured home park or recreational camping area and appurtenances thereto to be inspected. When the inspection and report has been made and the state commissioner of health finds that all requirements of sections 327.10, 327.11, 327.14 to 327.28, and such conditions of health and safety as the state commissioner of health may require, have been met by the applicant, the state commissioner of health shall forthwith issue the primary license in the name of the state.

**Subd. 4. Sanitary facilities.** During the pendency of the application for such primary license any change in the sanitary or safety facilities of the intended manufactured home park or recreational camping area shall be immediately reported in writing to the state department of health through the office through which the application was made. If no objection is made by the state department of health to such change in such sanitary or safety facilities within 60 days of the date such change is reported, it shall be deemed to have the approval of the state department of health.

**Subd. 5. Permit.** When the plans and specifications have been approved, the state department of health shall issue an approval report permitting the applicant to construct or make alterations upon a manufactured home park or recreational camping area and the appurtenances thereto according to the plans and specifications presented.

Such approval does not relieve the applicant from securing building permits in municipalities that require permits or from complying with any other municipal ordinance or ordinances, applicable thereto, not in conflict with this statute.

**Subd. 6. Denial of construction.** If the application to construct or make alterations upon a manufactured home park or recreational camping area and the appurtenances thereto or a primary license to operate and maintain the same is denied by the state commissioner of

health, the commissioner shall so state in writing giving the reason or reasons for denying the application. If the objections can be corrected the applicant may amend the application and resubmit it for approval, and if denied the applicant may appeal from the decision of the state commissioner of health as provided in section 144.99, subdivision 10.

**History:** 1951 c 428 s 3; 1961 c 375 s 1; 1965 c 668 s 5-9; 1969 c 427 s 10; 1974 c 471 s 19,20; 1975 c 310 s 34; 1977 c 305 s 45; 1981 c 365 s 9; 1982 c 526 art 3 s 4; 1986 c 444; 1993 c 206 s 21; 1993 c 286 s 29

**327.17** [Repealed, 1959 c 562 s 1]

**327.18** [Repealed, 1993 c 206 s 25]

**327.19** [Repealed, 1965 c 668 s 14]

### **327.20 RULES.**

Subdivision 1. **Rules.** No domestic animals or house pets of occupants of manufactured home parks or recreational camping areas shall be allowed to run at large, or commit any nuisances within the limits of a manufactured home park or recreational camping area. Each manufactured home park or recreational camping area licensed under the provisions of sections 327.10, 327.11, 327.14 to 327.28 shall, among other things, provide for the following, in the manner hereinafter specified:

(1) A responsible attendant or caretaker shall be in charge of every manufactured home park or recreational camping area at all times, who shall maintain the park or area, and its facilities and equipment in a clean, orderly and sanitary condition. In any manufactured home park containing more than 50 lots, the attendant, caretaker, or other responsible park employee, shall be readily available at all times in case of emergency.

(2) All manufactured home parks shall be well drained and be located so that the drainage of the park area will not endanger any water supply. No waste water from manufactured homes or recreational camping vehicles shall be deposited on the surface of the ground. All sewage and other water carried wastes shall be discharged into a municipal sewage system whenever available. When a municipal sewage system is not available, a sewage disposal system acceptable to the state commissioner of health shall be provided.

(3) No manufactured home shall be located closer than three feet to the side lot lines of a manufactured home park, if the abutting property is improved property, or closer than ten feet to a public street or alley. Each individual site shall abut or face on a driveway or clear unoccupied space of not less than 16 feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet between the sides of adjacent manufactured homes including their attachments and at least three feet between manufactured homes when parked end to end. The space between manufactured homes may be used for the parking of motor vehicles and other property, if the vehicle or other property is parked at least ten feet from the nearest adjacent manufactured home position. The requirements of this paragraph shall not apply to recreational camping areas and variances may be granted by the state commissioner of health in manufactured home parks when the variance is applied for in writing and in the opinion of the commissioner the variance will not endanger the health, safety, and welfare of manufactured home park occupants.

(4) An adequate supply of water of safe, sanitary quality shall be furnished at each manufactured home park or recreational camping area. The source of the water supply shall first be approved by the state department of health.

(5) All plumbing shall be installed in accordance with the rules of the state commissioner of health and the provisions of the Minnesota Plumbing Code.

(6) In the case of a manufactured home park with less than ten manufactured homes, a plan for the sheltering or the safe evacuation to a safe place of shelter of the residents of the park in times of severe weather conditions, such as tornadoes, high winds, and floods. The shelter or evacuation plan shall be developed with the assistance and approval of the municipality where the park is located and shall be posted at conspicuous locations throughout the park. The park owner shall provide each resident with a copy of the approved shelter or evacuation plan, as provided by section 327C.01, subdivision 1c. Nothing in this paragraph re-

quires the department of health to review or approve any shelter or evacuation plan developed by a park. Failure of a municipality to approve a plan submitted by a park shall not be grounds for action against the park by the department of health if the park has made a good faith effort to develop the plan and obtain municipal approval.

(7) A manufactured home park with ten or more manufactured homes, licensed prior to March 1, 1988, shall provide a safe place of shelter for park residents or a plan for the evacuation of park residents to a safe place of shelter within a reasonable distance of the park for use by park residents in times of severe weather, including tornadoes and high winds. The shelter or evacuation plan must be approved by the municipality by March 1, 1989. The municipality may require the park owner to construct a shelter if it determines that a safe place of shelter is not available within a reasonable distance from the park. A copy of the municipal approval and the plan shall be submitted by the park owner to the department of health. The park owner shall provide each resident with a copy of the approved shelter or evacuation plan, as provided by section 327C.01, subdivision 1c.

(8) A manufactured home park with ten or more manufactured homes, receiving a primary license after March 1, 1988, must provide the type of shelter required by section 327.205, except that for manufactured home parks established as temporary, emergency housing in a disaster area declared by the President of the United States or the governor, an approved evacuation plan may be provided in lieu of a shelter for a period not exceeding 18 months.

(9) For the purposes of this subdivision, "park owner" and "resident" have the meaning given them in section 327C.01.

**Subd. 2. Health and safety.** The state department of health may prescribe such rules for the operation and maintenance of manufactured home parks or recreational camping areas and for safeguarding the health and safety of persons occupying licensed manufactured home parks and recreational camping areas as the department shall deem to be necessary and expedient. Such rules pertaining to health and safety shall have the force and effect of law.

**Subd. 3. Streets and roadways.** A manufactured home park owner shall maintain streets and roadways in the park so as to permit passage of emergency vehicles and normal resident travel.

**History:** 1951 c 428 s 7; 1965 c 668 s 11; 1969 c 427 s 12; 1977 c 305 s 45; 1979 c 264 s 1; 1981 c 365 s 9; 1982 c 526 art 3 s 5; 1985 c 248 s 70; 1987 c 195 s 1; 1993 c 206 s 22; 1993 c 286 s 30; 1994 c 592 s 2; 1997 c 203 art 2 s 29

### 327.205 SHELTER CONSTRUCTION STANDARDS.

The commissioner of administration shall adopt, by rule, minimum standards for the construction of low cost manufactured home park storm shelters by March 1, 1988. All shelters constructed after March 1, 1988, shall be constructed in accordance with these standards.

**History:** 1987 c 195 s 2

327.21 [Repealed, 1965 c 668 s 14]

327.22 [Repealed, 1961 c 375 s 5]

### 327.23 CONSTRUCTION OF TERMS; MUNICIPAL PARKS.

**Subdivision 1. State parks.** Nothing in sections 327.10, 327.11, 327.14 to 327.28 should be construed to include any of the state parks in Minnesota.

**Subd. 2. Manufactured home park.** The term "manufactured home park" shall not be construed to include manufactured homes, buildings, tents or other structures temporarily maintained by any individual or company on premises associated with a work project and used exclusively to house labor or other personnel occupied in such work project. The state department of health may by rule prescribe such sanitary facilities as it may deem necessary to provide for the sanitation of such structures and the safety of the occupants thereof.

**Subd. 3. Municipal parks.** Any manufactured home park or recreational camping area owned or operated by any municipality or political subdivision of this state shall meet all

sanitary and safety provisions of sections 327.10, 327.11, 327.14 to 327.28, shall be inspected as herein provided, pay all fees, and make all reports, as herein required of a licensee.

**History:** 1951 c 428 s 10; 1961 c 375 s 2; 1965 c 668 s 12; 1969 c 427 s 13, 14; 1981 c 365 s 9; 1985 c 248 s 70; 1991 c 287 s 1

### 327.24 ENFORCEMENT.

Subdivision 1. [Repealed, 1993 c 206 s 25]

Subd. 2. [Repealed, 1993 c 206 s 25]

Subd. 3. **Private remedies.** Any person injured or threatened with injury by a violation of sections 327.14 to 327.28 or of the rules of the department of health applicable to manufactured home parks may bring a private action in any court of competent jurisdiction.

**History:** 1951 c 428 s 11; 1965 c 668 s 13; 1969 c 427 s 15; 1981 c 365 s 9; 1982 c 526 art 3 s 6; 1985 c 248 s 70

### 327.25 OPERATION, PART OF YEAR.

If any applicant for a manufactured home park license desires to operate such manufactured home park only during the months from May 1 to October 1, the applicant shall pay the above mentioned annual license fee. If in the opinion of the state department of health the sanitary and facility requirements herein contained are too rigid for the seasonal manufactured home parks, the department may in writing or by rule modify such requirements as circumstances may permit and require.

**History:** 1951 c 428 s 12; 1961 c 375 s 3; 1969 c 427 s 16; 1981 c 365 s 9; 1985 c 248 s 70; 1986 c 444

### 327.26 LOCAL AUTHORITY OVER PARKS AND CAMPING AREAS.

Subdivision 1. **Local licenses prohibited.** No municipality may impose any license (1) upon any licensed manufactured home park or recreational camping area, or (2) upon any occupant of a licensed manufactured home park.

Subd. 2. **Local law enforcement.** Any municipality which enacts or has enacted laws or ordinances relating to the safety and protection of persons and property is empowered to enforce the laws or ordinances within any manufactured home park or recreational camping area located in the municipality, notwithstanding the fact that the park or area may constitute private property.

**History:** 1951 c 428 s 13; 1969 c 427 s 17; 1973 c 123 art 5 s 7; 1982 c 526 art 3 s 7; 1993 c 286 s 31

### 327.27 REGULATORY PROVISIONS.

Subdivision 1. **Fire extinguishers.** Each manufactured home owner shall provide each manufactured home with a fire marshal approved type extinguisher, kept in constant usable condition. No manufactured home may be parked more than three days without a usable fire extinguisher in the manufactured home.

Subd. 2. **State speed limit.** Except as provided in subdivision 2a, it shall be unlawful for any type vehicle to travel at a rate in excess of ten miles per hour while within the limits of a manufactured home park or recreational camping area. The ten miles per hour limit shall be clearly posted throughout the manufactured home park or recreational camping area, and may be enforced by the municipality in which the park or area is located.

Subd. 2a. **Local speed limit.** A municipality may, by ordinance, set and enforce in a manufactured home park a speed limit which is higher than ten miles per hour but which is not higher than 30 miles per hour. The local speed limit shall be clearly posted throughout the manufactured home park.

Subd. 3. [Repealed, 1969 c 427 s 22]

Subd. 4. **Certain practices prohibited.** No animal washing, car washing, or other slop creating practices shall be carried on in any building, structure or other place not designated for such purposes. No pets or domesticated animals shall be allowed to enter the buildings containing the sanitary or washing facilities for the manufactured home park.

**History:** 1951 c 428 s 14; 1969 c 427 s 18-20; 1981 c 365 s 9; 1982 c 526 art 3 s 8, 9

**327.28 UNLAWFUL PARKING OF MANUFACTURED HOMES.**

Where a licensed manufactured home park is reasonably available in the general area it shall be unlawful for any person to occupy any manufactured home located elsewhere than in a licensed manufactured home park unless adequate sanitary and water facilities are provided for occupants' use 24 hours each day. This section shall not apply to manufactured homes parked under section 327.23, subdivision 2.

**History:** 1951 c 428 s 15; 1959 c 562 s 4; 1961 c 375 s 4; 1969 c 427 s 21; 1981 c 365 s 9

**327.29** [Repealed, 1981 c 19 s 1]

**MANUFACTURED HOME BUILDING CODE****327.31 DEFINITIONS.**

Subdivision 1. **Terms.** Unless clearly indicated otherwise by the context, the terms defined by this section have the meanings given them.

Subd. 2. **Authorized representative.** "Authorized representative" means any person, firm or corporation, or employee thereof, approved or hired by the commissioner to perform inspection services.

Subd. 3. **Manufactured Home Building Code.** "Manufactured Home Building Code" means, for manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect on May 21, 1971, or the provisions of the National Fire Protection Association and identified as NFPA 501B, and further revisions adopted by the commissioner.

"Manufactured Home Building Code" means, for manufactured homes constructed after June 14, 1976, the manufactured home construction and safety standards promulgated by the United States Department of Housing and Urban Development which are in effect at the time of the manufactured home's manufacture.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of administration.

Subd. 5. **Dealer.** "Dealer" means any person engaged in the sale, leasing, or distribution of a manufactured home primarily to persons who purchase or lease for other than resale.

Subd. 6. **Manufactured home.** "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter.

Subd. 7. **Person.** "Person" means a person, partnership, corporation or other legal entity.

Subd. 8. **Seal.** "Seal" means a device or insignia issued by the commissioner to be displayed on the manufactured home to evidence compliance with the Manufactured Home Building Code.

Subd. 9. **Support system.** "Support system" means any foundation system or other structural method used for the purpose of supporting a manufactured home at the site of occupancy.

Subd. 10. **Anchoring system.** "Anchoring system" means any method used for the purpose of securing the manufactured home to a foundation system or the ground.

Subd. 11. **Manufactured home installer.** "Manufactured home installer" means any person, firm, or corporation that installs or repairs a manufactured home for others at the site of occupancy.

Subd. 12. **Installation seal.** "Installation seal" means a device or insignia issued by the commissioner to a manufactured home installer to be displayed on the manufactured home to



evidence compliance with the commissioner's rules pertaining to manufactured home installations.

Subd. 13. **Label.** "Label" means the approved form of certification required by the secretary or its agents to be affixed to each transportable section of each manufactured home manufactured for sale, after June 14, 1976, to a purchaser in the United States.

Subd. 14. **Manufacturer.** "Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for sale.

Subd. 15. **Purchaser.** "Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

Subd. 16. **Distributor.** "Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

Subd. 17. **Installation.** "Installation" of a manufactured home means assembly, at the site of occupancy, of all portions of a manufactured home, connection of the manufactured home to existing utility connections and installation of support and/or anchoring systems.

Subd. 18. **Secretary.** "Secretary" means the secretary of the United States Department of Housing and Urban Development or the head of any successor agency with responsibility for enforcement of federal laws relating to manufactured homes.

Subd. 19. **Manufactured home accessory structure.** "Manufactured home accessory structure" means a factory built building or structure which is an addition or supplement to a manufactured home and, when installed, becomes a part of the manufactured home.

Subd. 20. **Foundation system.** "Foundation system" means a permanent foundation constructed in conformance with the State Building Code.

**History:** 1971 c 409 s 1; 1973 c 370 s 1; 1974 c 273 s 1,2; 1981 c 365 s 1; 1993 c 9 s 5

### 327.32 CODE COMPLIANCE.

Subdivision 1. **Requirement.** No person shall sell, or offer for sale, in this state, any manufactured home manufactured after July 1, 1972, manufacture any manufactured home in this state or park any manufactured home manufactured after July 1, 1972, in any manufactured home park in this state unless the manufactured home complies with the Manufactured Home Building Code and:

(a) Bears a seal issued by the commissioner, and is, whenever possible, accompanied by a certificate by the manufacturer or dealer, both evidencing that it complies with the Manufactured Home Building Code; or

(b) If manufactured after June 14, 1976, bears a label as required by the secretary.

Subd. 2. **Seals.** The commissioner shall issue seals for any manufactured home manufactured after July 1, 1972, and prior to June 15, 1976, to any person upon application supported by evidence the commissioner deems necessary to establish that the seals will be affixed only to manufactured homes which comply with the Manufactured Home Building Code.

Subd. 3. **Alterations.** No person shall alter any manufactured home to which a seal or label has been affixed if the alteration causes the manufactured home to be in violation of the Manufactured Home Building Code. The commissioner may make rules regarding alterations and permits therefor.

Subd. 4. **Exception.** Notwithstanding the provisions of subdivision 1, a manufactured home dwelling unit bearing a label issued by the secretary shall not be required to bear a seal of this state. Upon a showing that another state provides for the sealing of manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, upon compliance with standards which are at least equal to those provided in the Manufactured Home Building Code, the commissioner shall, by rule, provide that a seal affixed under the authority of that state has the same effect as a seal affixed under authority of this state, and thereafter any manufactured home which bears the seal of that state shall not be required to bear the seal of this state as provided in subdivision 1. The commissioner may make any rule contingent upon the other state granting reciprocal effect to seals affixed under authority of this state.

**Subd. 5. Effect of compliance.** No manufactured home which bears a seal or label as provided in this section shall be required by any agency or political subdivision of this state to comply with any other building, plumbing, heating, or electrical code or any construction standards other than the Manufactured Home Building Code nor be subject to any other state or local building inspection, except as the commissioner shall, by rule, provide in the case of alterations, manufactured home accessory structures and installations, or except as otherwise provided by federal or state law. No manufactured home installation or manufactured home accessory structure shall be required by any agency or political subdivision of this state to comply with any installation standards other than those adopted and promulgated by the commissioner. Nothing in this section shall be construed to inhibit the application of zoning, subdivision, architectural, or esthetic requirements pursuant to chapter 462.

**Subd. 6. Prohibition.** No person shall install any manufactured home or manufactured home accessory structure in violation of any rule promulgated by the commissioner. The commissioner shall issue installation seals to any manufactured home installer upon application supported by evidence the commissioner deems necessary to establish that the seals will be affixed only to those manufactured homes where the installation complies with the commissioner's rules. No person shall install a manufactured home in a manufactured home park as defined in section 327.14, subdivision 3, which is located within a governmental subdivision which has enacted an ordinance requiring that manufactured homes within its jurisdiction be secured by an anchoring system, unless the manufactured home is secured by an anchoring system which complies with the commissioner's rules.

**Subd. 7. Enforcement.** All jurisdictions enforcing the State Building Code, in accordance with sections 16B.59 to 16B.73, shall undertake or provide for the administration and enforcement of the manufactured home installation rules promulgated by the commissioner.

**Subd. 8. Evidence of compliance.** Each manufacturer, distributor, and dealer shall establish and maintain records, make reports, and provide information as the commissioner or the secretary may reasonably require to be able to determine whether the manufacturer, distributor, or dealer has acted or is acting in compliance with sections 327.31 to 327.35, and shall, upon request of a person duly designated by the commissioner or the secretary, permit that person to inspect appropriate books, papers, records, and documents relevant to determining whether that manufacturer, distributor, or dealer has acted or is acting in compliance with sections 327.31 to 327.35, and the National Manufactured Home Construction and Safety Standards Act of 1974, United States Code, title 42, section 5401, et seq., as amended, or other applicable federal or state law.

**History:** 1971 c 409 s 2; Ex1971 c 48 s 27; 1974 c 273 s 3,4; 1981 c 365 s 2; 1984 c 544 s 89; 1994 c 465 art 1 s 43

### 327.33 ADMINISTRATION

**Subdivision 1. Inspections.** The commissioner shall, through the department's inspectors or through a designated recognized inspection service acting as authorized representative of the commissioner perform sufficient inspections of manufacturing premises and manufactured homes to ensure compliance with sections 327.31 to 327.35. The commissioner shall have the exclusive right to conduct inspections, except for the inspections conducted or authorized by the secretary.

**Subd. 2. Fees.** The commissioner shall by rule establish reasonable fees for seals, installation seals and inspections which are sufficient to cover all costs incurred in the administration of sections 327.31 to 327.35. The commissioner shall also establish by rule a monitoring inspection fee in an amount that will comply with the secretary's fee distribution program. This monitoring inspection fee shall be an amount paid by the manufacturer for each manufactured home produced in Minnesota. The monitoring inspection fee shall be paid by the manufacturer to the secretary. The rules of the fee distribution program require the secretary to distribute the fees collected from all manufactured home manufacturers among states approved and conditionally approved based on the number of new manufactured homes whose first location after leaving the manufacturer is on the premises of a distributor, dealer or purchaser in that state. All money collected by the commissioner through fees prescribed by sections 327.31 to 327.36 shall be deposited in the state government special revenue fund

and is appropriated to the commissioner for the purpose of administering and enforcing the Manufactured Home Building Code under sections 327.31 to 327.36.

**Subd. 3. Administration and enforcement rules.** The commissioner may adopt other rules as may be necessary to administer and enforce sections 327.31 to 327.35. The rules shall, to the extent practicable, be uniform with those adopted by other states. All rules shall be adopted in the manner prescribed by sections 14.001 to 14.69.

**Subd. 4. Installation rules.** The commissioner shall adopt rules governing the installation of manufactured homes, and shall include them in the State Building Code. The rules may include a list of specific safety items to be inspected at the time of installation.

**Subd. 5. Accessory structures rules.** The commissioner shall adopt rules governing the construction and installation of manufactured home accessory structures including, but not limited to, rules relating to the certification of prefabricated manufactured home accessory structures. Upon showing that another state provides for certification of prefabricated manufactured home accessory structures manufactured in compliance with standards at least equal to those established by the commissioner, the commissioner may by rule provide that any structure bearing certification affixed under the authority of that state shall not be required to bear the certification of this state.

**Subd. 6. Authorization as agency.** The commissioner shall apply to the secretary for approval of the commissioner as the administrative agency for the regulation of manufactured homes under the rules of the secretary. The commissioner may make rules for the administration and enforcement of department responsibilities as a state administrative agency including, but not limited to, rules for the handling of citizen's complaints. All money received for services provided by the commissioner or the department's authorized agents as a state administrative agency shall be deposited in the general fund. The commissioner is charged with the adoption, administration, and enforcement of the Manufactured Home Construction and Safety Standards, consistent with rules and regulations promulgated by the United States Department of Housing and Urban Development. The commissioner may adopt the rules, codes, and standards necessary to enforce the standards promulgated under this section. The commissioner is authorized to conduct hearings and presentations of views consistent with regulations adopted by the United States Department of Housing and Urban Development and to adopt rules in order to carry out this function.

**Subd. 7. Employees.** The commissioner may appoint such employees within the department of administration as deemed necessary for the administration of sections 327.31 to 327.35.

**History:** 1971 c 409 s 3; 1974 c 273 s 5; 1981 c 365 s 3; 1982 c 424 s 130; 1985 c 248 s 70; 1986 c 444; 1987 c 384 art 2 s 1; 1990 c 422 s 10; 1994 c 465 art 1 s 44; 1997 c 202 art 2 s 43

### 327.34 PENALTIES.

**Subdivision 1. Generally.** It shall be a misdemeanor for any person,

(a) to sell, lease, or offer to sell or lease, any manufactured home manufactured after July 1, 1972 which does not comply with the Manufactured Home Building Code or which does not bear a seal or label as required by sections 327.31 to 327.34, unless the action is subject to the provisions of section 327.35;

(b) to affix a seal or label, or cause a seal or label to be affixed, to any manufactured home which does not comply with the Manufactured Home Building Code unless the action is subject to the provisions of section 327.35;

(c) to alter a manufactured home manufactured after July 1, 1972, in a manner prohibited by sections 327.31 to 327.34;

(d) to fail to correct a Manufactured Home Building Code violation in a manufactured home manufactured after July 1, 1972, which is owned, manufactured, or sold by that person, within 40 days of being ordered to do so in writing by an authorized representative of the commissioner, unless the correction is subject to the provisions of section 327.35; or

(e) to interfere with, obstruct, or hinder any authorized representative of the commissioner in the performance of duties relating to manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976.

Subd. 2. [Repealed, 1981 c 365 s 11]

Subd. 3. **Removal of seals.** Manufactured home seals remain the property of the department of administration and may be removed by the commissioner from any manufactured home which is in violation of the Manufactured Home Building Code.

Subd. 3a. **Failure to comply with installation rules.** No person may install a manufactured home or manufactured home accessory structure at a site of occupancy which does not comply with the rules of the commissioner or the laws of this state relating to manufactured home installation or manufactured home accessory structures. A violation of this subdivision is a misdemeanor.

Subd. 4. **Failure to affix installation seal.** It shall be a misdemeanor for any manufactured home installer to install any manufactured home at the site of occupancy without affixing installation seals to the manufactured home immediately upon completion of installation.

**History:** 1971 c 409 s 4; 1974 c 273 s 6-8; 1981 c 365 s 4-7; 1986 c 444; 1994 c 465 art 1 s 45

### 327.35 VIOLATIONS; MANUFACTURED HOMES MANUFACTURED AFTER JUNE 14, 1976.

Subdivision 1. **Civil penalty.** Any person who violates any provision of this section is liable to the state of Minnesota for a civil penalty of not to exceed \$1,000 for each offense. Each violation involving a separate manufactured home or involving a separate failure or refusal to allow or perform any act required by this section constitutes a separate offense, except that the maximum civil penalties for any related series of violations occurring within one year from the date of the first violation may not exceed \$1,000,000.

Subd. 2. **Willful violations.** Any individual or a director, officer, or agent of a corporation who knowingly and willfully violates any provision of this section in a manner which threatens the health or safety of any purchaser shall be fined not more than \$3,000 or imprisoned not more than one year, or both.

Subd. 3. **General prohibition.** No person shall manufacture for sale, lease, sell, offer for sale or lease, or introduce or deliver into the state of Minnesota any manufactured home manufactured after June 14, 1976, which does not comply with the manufactured home construction and safety standards promulgated by the secretary. This subdivision does not apply:

(a) To any sale or offer for sale made after the first purchase of a manufactured home in good faith for purposes other than resale;

(b) To any person who establishes that there was no reason to know in the exercise of due care that a manufactured home is not in conformity with applicable federal manufactured home construction and safety standards;

(c) To any person, who prior to first purchase, holds a certificate issued by the manufacturer or importer of the manufactured home certifying that the manufactured home conforms to all applicable federal manufactured home construction and safety standards, unless the person knows that the manufactured home does not conform; or

(d) To any manufactured home intended solely for export, and so labeled or tagged on the manufactured home itself and on the outside of the container, if any, in which it is to be exported.

Subd. 4. **Access for information gathering.** No person shall fail or refuse to permit the commissioner or an authorized agent access at any reasonable time to or the copying of records, or fail to make reports available or provide information, or fail or refuse to permit reasonable entry or inspection at any reasonable time of any manufactured home manufactured after June 14, 1976 or reasonable inspection of any related records pertaining to the manufactured home.

Subd. 5. **Notice of defects.** No manufacturer, dealer, or distributor shall fail to notify the purchaser of any manufactured home manufactured after June 14, 1976, of any defect in the manufactured home which the manufacturer, dealer, or distributor determines, in good faith, constitutes a violation of any federal manufactured home construction and safety standard or

constitutes an imminent safety hazard to the purchaser of the manufactured home, within a reasonable time after the manufacturer, dealer, or distributor discovers the defect.

**Subd. 6. Compliance with final order.** No person shall fail to comply with a final order issued under the requirements of the federal Manufactured Home Construction and Safety Standards Act of 1974, United States Code, title 42, section 5401, et seq., as amended.

**Subd. 7. Issuance of labels.** No person shall fail to issue a label if required to do so under the rules adopted by and pursuant to the federal Manufactured Home Construction and Safety Standards Act of 1974, United States Code, title 42, section 5401, et seq., as amended. No person shall issue a label to the effect that a manufactured home conforms to all applicable federal manufactured home construction and safety standards if that person in the exercise of due care has reason to know that the labeling is false or misleading in any material respect.

**History:** 1981 c 365 s 8; 1984 c 628 art 3 s 11; 1986 c 444

### 327.36 APPLICATION TO LOCAL OFFICIAL CONTROLS.

For purposes of local land use controls adopted before August 1, 1981, pursuant to chapters 462, 394, and 366 or special law, mobile homes shall be defined to include the term "manufactured homes" as used in sections 327.31 to 327.34, 327.35 and this section.

**History:** 1981 c 365 s 10

327.41 [Repealed, 1982 c 526 art 2 s 20]

327.42 [Repealed, 1982 c 526 art 2 s 20]

327.43 [Repealed, 1982 c 526 art 2 s 20]

327.44 [Repealed, 1982 c 526 art 2 s 20]

327.441 [Repealed, 1982 c 526 art 2 s 20]

327.45 [Repealed, 1982 c 526 art 2 s 20]

327.451 [Repealed, 1982 c 526 art 2 s 20]

327.452 [Repealed, 1982 c 526 art 2 s 20]

327.46 [Repealed, 1982 c 526 art 2 s 20]

327.47 [Repealed, 1982 c 526 art 2 s 20]

327.51 [Repealed, 1982 c 526 art 1 s 14]

327.52 [Repealed, 1982 c 526 art 1 s 14]

327.53 [Repealed, 1982 c 526 art 1 s 14]

327.54 [Repealed, 1982 c 526 art 1 s 14]

327.55 [Repealed, 1982 c 526 art 1 s 14]

327.551 [Repealed, 1982 c 526 art 1 s 14]

327.552 [Repealed, 1982 c 526 art 1 s 14]

327.553 Subdivision 1. [Repealed, 1982 c 526 art 1 s 14]

Subd. 2. [Repealed, 1982 c 526 art 1 s 14]

Subd. 3. [Repealed, 1982 c 526 art 1 s 14]

Subd. 4. [Repealed, 1982 c 526 art 1 s 14]

327.554 [Repealed, 1982 c 526 art 1 s 14]

327.56 [Repealed, 1982 c 526 art 1 s 14]

### MANUFACTURED HOME REPOSSESSION SECURITY ACT

#### 327.61 CITATION.

Sections 327.61 to 327.67 may be cited as the Manufactured Home Repossession Security Act of 1975.

**History:** 1976 c 250 s 1; 1981 c 365 s 9

**327.62 DEFINITIONS.**

Subdivision 1. For the purposes of sections 327.61 to 327.67, unless the context clearly indicates otherwise, the terms defined in the Uniform Commercial Code, as adopted in this state, and the terms defined in this section have the meanings given them.

Subd. 2. "Manufactured home" means a manufactured home, as defined in section 327.31, subdivision 6, which is located in this state, which is subject to a security interest or other valid encumbrance, and which is the principal residence of the manufactured home's occupant; provided, that when used in section 327.63, subdivision 2, the term also includes a manufactured home which is not the principal residence of the occupant.

**History:** 1976 c 250 s 2; 1982 c 526 art 3 s 10

**327.63 APPLICABILITY.**

Subdivision 1. **U.C.C. and chapter 565.** To the extent that the procedures established by sections 327.61 to 327.67 differ from the procedures established or authorized for repossession of a manufactured home under the Uniform Commercial Code of this state, the provisions of sections 327.61 to 327.67 shall supersede the code and shall govern the repossession of the manufactured home. The procedures established by sections 327.61 to 327.67 must be satisfied before a secured party may take any action pursuant to chapter 565.

Subd. 2. **Improvements to real property.** Affixing a manufactured home to real estate does not extinguish an otherwise valid security interest in the home. A manufactured home which is affixed to real estate while not encumbered by a valid security interest shall be treated as an improvement to real estate and sections 327.61 to 327.67 shall not apply to it. If real estate to which an unencumbered manufactured home has been affixed as an improvement is subject to proceedings under section 559.21 or chapter 580 or 581, the presence of the home on the real estate does not necessitate any changed or additional procedures.

**History:** 1976 c 250 s 3; 1981 c 365 s 9; 1982 c 526 art 3 s 11; 1994 c 444 s 1

**327.64 NOTICE OF DEFAULT; SERVICE AND RETURN.**

Subdivision 1. When a default occurs under the terms of a security agreement covering a manufactured home as collateral, and the secured party desires to repossess the manufactured home, the secured party shall commence the repossession in a manner authorized by this section.

Subd. 2. A secured party may commence repossession of a manufactured home by personally serving upon the occupant of the mobile home a notice and, if the occupant is not the debtor, by sending a registered or certified letter to the last known address of the debtor under the security agreement, both setting forth the circumstances constituting the default under the security agreement and stating that the secured party will at the expiration of a 30-day period following receipt of the notice seek a court order removing the occupant from the manufactured home and repossessing the manufactured home, unless the debtor or the occupant acting on behalf of the debtor cures the default prior to that time and in the manner provided by section 327.66. If notice is mailed to a debtor in accordance with this subdivision, the secured party by affidavit shall set forth the circumstances causing the secured party to believe that the debtor could be reached at the address to which the notice was mailed. The affidavit shall state that the secured party has no reason to believe that the debtor might receive mailed notice at another address.

**History:** 1976 c 250 s 4; 1981 c 365 s 9; 1994 c 444 s 2

**327.65 COURT ORDER.**

Except in cases of voluntary repossession, upon expiration of the 30-day period specified in the notices required by section 327.64, a secured party must apply to the district court in the county in which the manufactured home is located for an order pursuant to chapter 565 directing the seizure and delivery of the manufactured home. The application shall be accompanied by a copy of the security agreement entitling the secured party to repossession of the manufactured home and by the affidavit required by section 327.64 if notice is mailed to the debtor. The notices required by section 327.64 shall not be considered as satisfying any of the notice requirements under chapter 565.

**History:** 1976 c 250 s 5; 1982 c 526 art 3 s 12; 1994 c 444 s 3

**327.66 CURE OF DEFAULT.**

A debtor, or an occupant of a manufactured home acting on behalf of a debtor, may within the 30 day period specified in the notices required by section 327.64, cure a default by tendering full payment of the sums then in arrears under the terms of the security agreement, or by otherwise remedying the default, and by paying the reasonable costs, not to exceed the sum of \$15, incurred by the secured party to enforce the security agreement. Cure of a default in accordance with the provisions of this section shall suspend the secured party's right to seek repossession of the manufactured home under the provisions of sections 327.61 to 327.67.

**History:** 1976 c 250 s 6; 1982 c 526 art 3 s 13

**327.67 FILING OF ORDER.**

A secured party shall, in the manner provided by the Uniform Commercial Code of this state, record a certified copy of the court order returning possession of a manufactured home to the secured party to perfect title to the manufactured home in the secured party, except in cases of voluntary repossession.

**History:** 1976 c 250 s 7; 1981 c 365 s 9

**HOTELS****327.70 DEFINITIONS.**

Subdivision 1: **Terms.** For the purposes of sections 327.70 to 327.76, the terms defined in this section have the meanings given them.

Subd. 2. **Guest.** "Guest" means a person who is registered at a hotel and to whom a bedroom is assigned. The term "guest" includes members of the guest's family who accompany the guest.

Subd. 3. **Hotel.** "Hotel" means a hotel, motel, resort, boarding house, bed and breakfast, furnished apartment house or other building, which is kept, used or advertised as, or held out to the public to be, a place where sleeping or housekeeping accommodations are supplied for pay to guests for transient occupancy.

Subd. 4. **Innkeeper.** "Innkeeper" means an owner or operator of a hotel.

Subd. 5. **Transient occupancy.** "Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, if the unit occupied is the sole residence of the guest, the occupancy is not transient. There is a rebuttable presumption that, if the unit occupied is not the sole residence of the guest, the occupancy is transient.

Subd. 6. **Valuables.** "Valuables" includes money, bank notes, bonds, precious stones, jewelry, ornaments, watches, securities, transportation tickets, photographic cameras, checks, drafts, and other negotiable instruments, business papers, documents, and other papers, and other articles of value.

**History:** 1982 c 517 s 1; 1993 c 151 s 1

**327.71 INNKEEPER LIABILITY FOR THE PERSONAL PROPERTY OF GUESTS.**

Subdivision 1. **Valuables.** No innkeeper who has in the establishment a fireproof, metal safe or vault, in good order and fit for the custody of valuables, and who keeps a copy of this subdivision clearly and conspicuously posted at or near the front desk and on the inside of the entrance door of every bedroom, shall be liable for the loss of or injury to the valuables of a guest unless: (1) the guest has offered to deliver the valuables to the innkeeper for custody in the safe or vault; and (2) the innkeeper has omitted or refused to take the valuables and deposit them in the safe or vault for custody and to give the guest a receipt for them. Except as otherwise provided in subdivision 6, the liability of an innkeeper for the loss of or injury to the valuables of a guest shall not exceed \$1,000. No innkeeper shall be required to accept valuables for custody in the safe or vault if their value exceeds \$1,000, unless the acceptance is in writing.

**Subd. 2. Property in baggage room.** No innkeeper shall be liable for the loss of or damage to baggage, parcels, packages or wearing material of a guest that has been delivered to the innkeeper for custody elsewhere than in the room assigned to the guest, or in the hotel safe or vault, unless the innkeeper has given the guest a check or receipt in writing evidencing the delivery. Except as otherwise provided in subdivision 6, the liability of an innkeeper for the loss of or damage to property delivered to the innkeeper for custody under this subdivision shall not exceed \$1,000.

**Subd. 3. Large items of special value.** No innkeeper shall be liable for the loss of or damage to baggage or other receptacles of a guest, containing property of special value, and not suitable to be placed in the hotel safe or vault unless: (1) the property is delivered to the innkeeper for custody; (2) the guest, prior to the loss or damage, has filed with the innkeeper a written inventory of the property and its approximate value; (3) the innkeeper has been given an opportunity to inspect the property and to check it against the inventory; and (4) the innkeeper has given the guest a check or receipt evidencing the delivery. The liability of an innkeeper for the loss of or damage to property delivered for custody under this subdivision shall not exceed the actual value of the receptacle and its contents or the amount of the actual injury to the receptacle and its contents.

**Subd. 4. Property in assigned room.** Except as otherwise provided in subdivision 6, no innkeeper shall be liable in an amount exceeding \$1,000 for the loss of or damage to personal property of a guest that is contained in the bedroom registered to the guest.

**Subd. 5. Abandoned property.** Except as otherwise provided in subdivision 6, no innkeeper shall be liable for the loss of or damage to valuables or personal property of a guest that the guest has allowed to remain in the hotel after the relationship of innkeeper and guest has ceased, or that the guest has forwarded to the hotel before the relationship of innkeeper and guest has begun. If the valuables or personal property remain at the hotel for a period of at least ten days without having been claimed by the owner, the innkeeper has the right to deposit them in a storage warehouse, and to take a warehouse receipt in the name of the owner. An innkeeper who deposits valuables or personal property of a guest in a storage warehouse shall hold the warehouse receipt for the owner, and deliver it to the owner upon demand and upon payment of the costs of storage. The innkeeper may also dispose of abandoned, unclaimed property in the manner provided in sections 345.01 to 345.07.

**Subd. 6. Fault or negligence of innkeeper.** An innkeeper who, intentionally or negligently, causes the loss of or damage to valuables or property delivered for custody as provided in subdivisions 1 and 2, to property contained in the assigned room of a guest as provided in subdivision 4, or to abandoned valuables or property not delivered to a storage warehouse provided in subdivision 5, shall be liable to the guest for either the actual value of the valuables or the property, or the amount of the actual injury to the valuables or the property.

**History:** 1982 c 517 s 2; 1986 c 444

### 327.72 OVERSTAYING GUESTS.

A guest who intentionally continues to occupy an assigned room in a hotel beyond the scheduled departure date without the prior written approval of the innkeeper shall be deemed to be a trespasser.

**History:** 1982 c 517 s 3

### 327.73 UNDESIRABLE GUESTS; EJECTION OF, AND REFUSAL TO ADMIT.

**Subdivision 1. Innkeeper's right to eject.** (a) An innkeeper may remove or cause to be removed from a hotel a guest or other person who:

(1) refuses or is unable to pay for accommodations or services;

(2) while on the premises of the hotel acts in an obviously intoxicated or disorderly manner, destroys or threatens to destroy hotel property, or causes or threatens to cause a disturbance;

(3) the innkeeper reasonably believes is using the premises for the unlawful possession or use of controlled substances by the person in violation of chapter 152, or using the premises for the consumption of alcohol by a person under the age of 21 years in violation of section 340A.503;



(4) the innkeeper reasonably believes has brought property into the hotel that may be dangerous to other persons, such as firearms or explosives;

(5) violates any federal, state, or local laws, ordinances, or rules relating to the hotel; or

(6) violates a rule of the hotel that is clearly and conspicuously posted at or near the front desk and on the inside of the entrance door of every guest room.

(b) If the guest has paid in advance, the innkeeper shall tender to the guest any unused portion of the advance payment at the time of removal.

**Subd. 2. Refusal of admission.** (a) An innkeeper may refuse to admit or refuse service or accommodations to a person who:

(1) while on the premises of the hotel acts in an obviously intoxicated or disorderly manner, destroys or threatens to destroy hotel property, or causes or threatens to cause a public disturbance;

(2) the innkeeper reasonably believes is seeking accommodations for the unlawful possession or use of controlled substances in violation of chapter 152 or the use of the premises for the consumption of intoxicating liquor by a person under the age of 21 years in violation of section 340A.503; or

(3) the innkeeper reasonably believes is bringing property into the hotel that may be dangerous to other persons, such as firearms or explosives.

(b) An innkeeper also may refuse to admit or refuse service or accommodations to a person who refuses or is unable to pay for the accommodations or services. An innkeeper may require the prospective guest to demonstrate an ability to pay. An innkeeper may require a parent or guardian of a minor to accept liability for the proper charges for the minor's accommodation, board, room, lodging, and any damages to the guest room or its furniture or furnishings caused by the minor, and provide a credit card to cover the charges. When the parent or guardian cannot provide a credit card, the innkeeper may require the parent or guardian to make an advance cash deposit to cover the charges for the guest room, plus a cash damage deposit in an amount not exceeding \$100 for payment of any additional charges by the minor or any damages to the guest room or its furniture or furnishings. The innkeeper shall refund the damage deposit to the extent it is not used to cover any reasonable charges or damages.

(c) An innkeeper may limit the number of persons who may occupy a particular guest room in the hotel.

**Subd. 3. Penalty.** A guest or person who remains or attempts to remain in a hotel after having been requested to leave for the reason or reasons specified in this section is guilty of a misdemeanor.

**Subd. 4. Discrimination prohibited.** Notwithstanding the above, the removal of or the refusal to admit a guest or person under this section shall not be based on a discriminatory reason otherwise deemed unlawful by section 363.03, subdivision 3 or 10.

**History:** 1982 c 517 s 4; 1993 c 151 s 2,3

### 327.731 LIABILITY; NOTICE.

**Subdivision 1. Liability.** (a) A person who negligently or intentionally causes damage to the hotel or any furniture or furnishings within the hotel, is liable for damages sustained by the innkeeper, including the hotel's loss of revenue resulting from the inability to rent or lease rooms while the damage is being repaired.

(b) A person who negligently or intentionally causes injury to any person or damage to any personal property of the person on the hotel premises is liable for the injury or damage.

(c) A parent or guardian of a minor also is liable for acts of the minor described in paragraphs (a) and (b), if the parent or guardian provides a credit card or an advance cash deposit under section 327.73, subdivision 2, paragraph (b).

**Subd. 2. Notice required.** An innkeeper shall keep a copy of section 327.73 and this section clearly and conspicuously posted at or near the front desk and on the inside of the entrance door of every guest room.

**History:** 1993 c 151 s 4

**327.74 SETTING FIRE TO HOTEL BELONGINGS.**

Subdivision 1. **Penalty.** A person in a hotel who, by smoking or attempting to light or smoke cigarettes, cigars, pipes, or other smoking material, in any manner in which lighters or matches are used, negligently sets fire to a part of the building, or any furniture or furnishings within the building, so as to endanger life or property in any way or to any extent, is guilty of a gross misdemeanor.

Subd. 2. **Notice required.** In every sleeping room of every hotel, a notice shall be posted in a conspicuous place, advising the occupant of the provisions of this section.

**History:** 1982 c 517 s 5; 1993 c 151 s 5

**327.742 SMOKING IN DESIGNATED NONSMOKING ROOMS.**

Subdivision 1. **Smoking prohibited.** No person shall smoke cigarettes, cigars, pipes, or other smoking material in a hotel sleeping room designated nonsmoking.

Subd. 2. **Penalty.** A person who violates this section is guilty of a petty misdemeanor. Upon conviction, the court may require a person who violates this section to reimburse the innkeeper for actual costs, not to exceed \$100, incurred to restore the room to its previolation condition.

Subd. 3. **Notice.** Innkeepers shall post signs conspicuously in all nonsmoking sleeping rooms stating that smoking is not permitted and advising occupants of the provisions of this section.

**History:** 1993 c 66 s 1

**327.75 FRAUD; PROOF OF FRAUD.**

Subdivision 1. **Fraud.** A person who obtains food, lodging or other accommodations at any hotel or restaurant without paying therefor, with intent to defraud the owner or manager, or who obtains credit for food, lodging, or other accommodations at any hotel or restaurant, with intent to defraud the owner or manager, is guilty of a misdemeanor.

Subd. 2. **Proof of fraud.** Prima facie evidence of the fraudulent intent referred to in subdivision 1 includes:

- (a) proof that the person obtained the services or credit for the services by false pretense, or by false or fictitious show or pretense of baggage or other property;
- (b) proof that the person refused or neglected to pay for the services upon demand;
- (c) proof that the person gave in payment of the services negotiable paper on which payment was refused;
- (d) proof that the person absconded without offering to pay for the services; or
- (e) proof that the person surreptitiously removed or attempted to remove baggage owned by that person.

**History:** 1982 c 517 s 6; 1986 c 444

**327.76 INNKEEPER'S LIEN.**

Subdivision 1. **Lien created.** An innkeeper shall have a lien upon the valuables, baggage or other property of a guest brought into the innkeeper's hotel, for the proper charges due on account of the guest's accommodation, board, room and lodging, for all money paid out for or advanced to the guest, for extras furnished to the guest at the guest's written request, and for the costs of enforcing the lien. The innkeeper's lien right is in addition to the innkeeper's right to recover payment from the guest under other legal or equitable theories or causes of action. However, possession of the valuables, baggage or other property subject to the lien may be taken, and the lien enforced, only in the manner provided in subdivisions 2 and 3.

Subd. 2. **Possession prior to final judgment.** The lien created in subdivision 1 may be enforced only after final judgment in an action brought to recover the charges and moneys. During the pendency of the proceeding, the plaintiff may take possession of the valuables, baggage or other property upon an order issued by the court, if it appears to the court from an affidavit filed by or on behalf of the plaintiff that the valuables, baggage or other property is about to be destroyed, substantially devalued or removed from the premises. Ten days' writ-

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ten notice of the hearing on the motion for the order shall be served on the defendant and shall inform the defendant that affidavits may be filed and testimony presented on behalf of the defendant, and that if the defendant fails to appear the plaintiff will apply to the court for the order. The plaintiff shall file a bond approved by the court conditioned for the return of the property to the defendant, if a return be adjudged, and for the payment to defendant of any sum adjudged against the plaintiff. The bond shall be in the amount fixed by the court. Upon an order issued by the court, the plaintiff shall have the right to take possession of the valuables, baggage or other property pending final judgment in the plaintiff's action to recover charges or moneys owed.

**Subd. 3. Final judgment; sale.** If final judgment is entered by the court for the defendant on the merits of the action, the plaintiff shall return possession of the valuables, baggage or other property to the defendant and pay to the defendant costs incurred by the defendant in defending against the plaintiff's claim. If final judgment is entered by the court in favor of the plaintiff, and if the judgment is not satisfied within 30 days, the valuables, baggage or other property subject to the innkeeper's lien may be sold at public auction to satisfy the lien, the costs of the action to enforce the lien, and the costs of sale. The sale shall be made by a sheriff or constable upon the notice and in the manner provided for in sections 550.18 to 550.20.

**History:** 1982 c 517 s 7; 1986 c 444