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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3821

04/06/2016 Authored by Nash

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

1.1 A bill for an act  
1.2 relating to transportation; governing motor vehicle sales on a Sunday and at  
1.3 temporary locations under certain circumstances; amending Minnesota Statutes  
1.4 2014, sections 168.27, subdivision 10; 168.275.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 168.27, subdivision 10, is amended to read:

1.7 Subd. 10. **Place of business.** (a) All licensees under this section shall have an  
1.8 established place of business which shall include as a minimum:

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

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

1.15 (ii) a bona fide contract or franchise (A) in effect with a manufacturer or distributor  
1.16 of the new motor vehicles the dealer proposes to sell, broker, wholesale, or auction, or (B)  
1.17 in effect with the first-stage manufacturer or distributor of new motor vehicles purchased  
1.18 from a van converter or modifier which the dealer proposes to sell, broker, wholesale, or  
1.19 auction, or (C) in effect with the final-stage manufacturer of the new type A, B, or C motor  
1.20 homes which the dealer proposes to sell, broker, wholesale, or auction;

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

2.1 (iv) an area either indoors or outdoors to display motor vehicles that is owned or  
2.2 under lease by the licensee; and

2.3 (v) a sign readily viewable by the public that clearly identifies the dealership by name.

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

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

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

2.13 (iii) a sign readily viewable by the public that clearly identifies the dealership by  
2.14 name.

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

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

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

2.32 (6) For a motor vehicle broker, the following: a commercial office space where  
2.33 books, records, and files necessary to conduct business are kept and maintained with  
2.34 personnel available during normal business hours, or an automatic telephone answering  
2.35 service available during normal business hours. A sign, clearly identifying the motor  
2.36 vehicle broker by name and listing the broker's business hours, must be posted in a location

3.1 and manner readily viewable by a member of the public visiting the office space. The  
3.2 office space must be owned or under lease for a minimum term of one year by the licensee.

3.3 (7) For a limited used vehicle license holder, the following: a commercial office  
3.4 space where books, records, and files necessary to conduct nonprofit charitable activities  
3.5 are kept and maintained with personnel available during normal business hours, or an  
3.6 automatic telephonic answering service available during normal business hours. The  
3.7 office space must be owned or under lease for a minimum term of one year by the licensee.

3.8 (b) Except as provided in paragraphs (e) to (h):

3.9 (1) if a new or used motor vehicle dealer maintains more than one place of doing  
3.10 business in a county, the separate places must be listed on the application; and

3.11 (2) if additional places of business are maintained outside of one county, separate  
3.12 licenses must be obtained for each county.

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

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

3.24 (e) A new or used motor vehicle dealer may establish a temporary place of business  
3.25 outside the county where it maintains its licensed location to sell horse trailers exclusively  
3.26 without obtaining an additional license.

3.27 (f) A new or used motor vehicle dealer may establish a temporary place of business  
3.28 outside the county where it maintains its licensed location to sell recreational vehicles  
3.29 exclusively without obtaining an additional license if:

3.30 (1) the dealer establishes a temporary place of business for the sale of recreational  
3.31 vehicles not more than four times during any calendar year;

3.32 (2) each temporary place of business other than an official county fair or the  
3.33 Minnesota State Fair within the seven-county metropolitan area, as defined in section  
3.34 473.121, subdivision 2, is established jointly with at least four other recreational vehicle  
3.35 dealers;

4.1 (3) each temporary place of business other than an official county fair outside  
 4.2 the seven-county metropolitan area, as defined in section 473.121, subdivision 2, is  
 4.3 established jointly with at least one other recreational vehicle dealer;

4.4 (4) each establishment of a temporary place of business for the sale of recreational  
 4.5 vehicles is for no more than 12 consecutive days; and

4.6 (5) the dealer notifies the registrar of motor vehicles of each temporary place of  
 4.7 business for the sale of recreational vehicles.

4.8 (g) A used motor vehicle dealer may establish a temporary place of business outside  
 4.9 the county where it maintains its licensed location to sell motor vehicles without obtaining  
 4.10 an additional license if:

4.11 (1) it is for the purpose of engaging in sales of vehicles, including the business of  
 4.12 buying, selling, exchanging, dealing in, or trading in vehicles, at an automotive show as  
 4.13 provided under section 168.275, paragraph (c);

4.14 (2) sales are exclusively of motor vehicles that are eligible for plates under section  
 4.15 168.10, subdivision 1a, 1b, 1c, 1d, or 1h, or 168.105; and

4.16 (3) each establishment of a temporary place of business is for not more than five  
 4.17 consecutive days that include a Sunday.

4.18 (h) Paragraph (g) expires on July 31, 2019.

4.19 Sec. 2. Minnesota Statutes 2014, section 168.275, is amended to read:

4.20 **168.275 SALE OF MOTOR VEHICLE ON SUNDAY FORBIDDEN.**

4.21 (a) Any person who shall carry on or engage in the business of buying, selling,  
 4.22 exchanging, dealing in or trading in new or used motor vehicles; or who shall open any  
 4.23 place of business or lot wherein the person attempts to or does engage in the business of  
 4.24 buying, selling, exchanging, dealing or trading in new or used motor vehicles; or who  
 4.25 does buy, sell, exchange, deal or trade in new or used motor vehicles as a business on  
 4.26 the first day of the week, commonly known and designated as a Sunday, is guilty of a  
 4.27 misdemeanor for the first offense, and a gross misdemeanor for each succeeding offense.

4.28 (b) This section does not apply to the sale of:

4.29 (1) trailers designed and used primarily to transport watercraft, as defined in section  
 4.30 86B.005, subdivision 18<sub>2</sub>;

4.31 (2) trailers designed and used primarily to transport all-terrain vehicles, as defined  
 4.32 in section 84.92, subdivision 8<sub>2</sub>;

4.33 (3) trailers designed and used primarily to transport snowmobiles as defined in  
 4.34 section 84.81, subdivision 3<sub>2</sub>; or

4.35 (4) utility trailers as defined in section 168.27, subdivision 20.

5.1 (c) This section does not apply to the sale of a motor vehicle that is eligible for plates  
5.2 under section 168.10, subdivision 1a, 1b, 1c, 1d, or 1h, or 168.105 if:

5.3 (1) the person engaging in sales, including the business of buying, selling,  
5.4 exchanging, dealing in, or trading in vehicles, has the appropriate license as a dealer  
5.5 under section 168.27;

5.6 (2) the dealer engages in sales on a Sunday not more than four times in a calendar year;

5.7 (3) sales under this paragraph are at the location of and in conjunction with an  
5.8 automotive show having a primary purpose that is not the sale of motor vehicles;

5.9 (4) the dealer is authorized to engage in sales by the organizer or governing entity of  
5.10 the automotive show; and

5.11 (5) the dealer notifies the commissioner prior to each commencement of engaging in  
5.12 sales on a Sunday, in a manner as directed by the commissioner.

5.13 (d) Paragraph (c) expires on July 31, 2019.

5.14 Sec. 3. **REVISOR'S INSTRUCTION.**

5.15 The revisor of statutes shall renumber Minnesota Statutes, section 168.27,  
5.16 subdivision 10, paragraphs (e) to (h), as Minnesota Statutes, section 168.27, subdivision  
5.17 10a. The revisor shall also make any necessary cross-reference changes consistent with  
5.18 the renumbering.