

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 1832

(SENATE AUTHORS: DIBBLE and Skoe)

DATE	D-PG	OFFICIAL STATUS
03/18/2015	965	Introduction and first reading Referred to Transportation and Public Safety
05/21/2016	7284	Chief author stricken, shown as co-author Skoe Chief author added Dibble See HF2014

1.1

A bill for an act

1.2

relating to transportation; providing for appeal process for denial or revocation

1.3

of driveway permit by commissioner of transportation; amending Minnesota

1.4

Statutes 2014, section 160.18, by adding a subdivision.

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

1.6

Section 1. Minnesota Statutes 2014, section 160.18, is amended by adding a

1.7

subdivision to read:

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Subd. 4. **Appeal.** (a) The denial or revocation of a driveway permit under

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subdivision 3 by the commissioner of transportation may be appealed under the provisions

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of the Administrative Procedure Act relating to contested cases. Upon receipt of an

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appeal by an individual, the commissioner shall, before issuing the order and notice

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of a contested case hearing required by chapter 14, try to resolve the dispute through

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conference or conciliation. If the parties consent, the commissioner may refer the matter

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to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue

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the order and notice of hearing.

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(b) In an appeal of a driveway permit denial or revocation under subdivision 3, the

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commissioner of transportation has the burden of proof, by clear and convincing evidence,

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to show that the denial or revocation of the permit is necessary to prevent interference

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with the construction, maintenance, and safe use of the highway and its appurtenances.