

A bill for an act

relating to human services; changing day training and habilitation insurance provisions; setting liability limits; changing the age limit for operators of vehicles for hire; directing the commissioner to seek a federal waiver; amending Minnesota Statutes 2008, sections 171.322; 174.30, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 65B.

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

Section 1. **[65B.136] DAY TRAINING AND HABILITATION
TRANSPORTATION INSURANCE.**

Subdivision 1. **People who may drive provider's vehicles.** Notwithstanding section 171.322, an insurer may not prohibit a day training and habilitation transportation provider from utilizing any holder of a valid Class A drivers license under section 171.02 to drive the provider's vehicle.

Subd. 2. **People who may be transported by providers.** In order to efficiently transport as many clients as possible in a single vehicle, an insurer may not prohibit day training and habilitation providers from transporting clients of other providers.

Subd. 3. **Liability limits.** Day training and habilitation transportation providers under sections 252.40 to 252.46 have the same liability limits as the state as set forth in section 3.736, subdivision 4.

Subd. 4. **Insurer defined.** For purposes of this section, "insurer" means an insurer issuing or renewing a policy of private passenger vehicle insurance as defined in section 65B.001.

Sec. 2. Minnesota Statutes 2008, section 171.322, is amended to read:

**171.322 AGE LIMIT FOR OPERATOR OF VEHICLE FOR HIRE;
EXEMPTION.**

(a) No person under 18 years of age shall operate a motor vehicle while it is in use as a carrier of persons for hire, nor shall any person under 18 years of age drive a passenger carrying vehicle as a hired driver.

(b) A day training and habilitation provider under section 252.40 to 252.46 is not a carrier of persons for hire under this section or any other section.

Sec. 3. Minnesota Statutes 2008, section 174.30, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** (a) The operating standards for special transportation service adopted under this section do not apply to special transportation provided by:

(1) a common carrier operating on fixed routes and schedules;

(2) a volunteer driver using a private automobile;

(3) a school bus as defined in section 169.011, subdivision 71; or

(4) an emergency ambulance regulated under chapter 144.

(b) The operating standards adopted under this section only apply to providers of special transportation service who receive grants or other financial assistance from either the state or the federal government, or both, to provide or assist in providing that service; except that the operating standards adopted under this section do not apply to any day training and habilitation services provider under sections 252.40 to 252.46, nursing home licensed under section 144A.02, to any board and care facility licensed under section 144.50, or to any ~~day training and habilitation services~~, day care, or group home facility licensed under sections 245A.01 to 245A.19 unless the facility or program provides transportation to nonresidents on a regular basis and the facility receives reimbursement, other than per diem payments, for that service under rules promulgated by the commissioner of human services.

(c) Notwithstanding paragraph (b), the operating standards adopted under this section do not apply to any vendor of services licensed under chapter 245B that provides transportation services to consumers or residents of other vendors licensed under chapter 245B and transports 15 or fewer persons, including consumers or residents and the driver.

Sec. 4. **COMMISSIONER TO SEEK WAIVER.**

The commissioner of human services is directed to secure authorization from the Center for Medicare and Medicaid to permit day training and habilitation providers under Minnesota Statutes, sections 252.40 to 252.46, to be reimbursed their transportation per

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- 3.1 diem when their client is transported by another day training and habilitation provider
- 3.2 and separately pay that provider.