State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **1016**

1.1 　　　　　　　　　　　　　　A bill for an act

1.2 　　relating to environment; establishing certified salt applicator program; limiting
1.3 　　liability; authorizing rulemaking; proposing coding for new law in Minnesota
1.4 　　Statutes, chapter 116.

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

1.6 　　Section 1. **[116.2025] VOLUNTARY SALT APPLICATOR CERTIFICATION**

1.7 　**PROGRAM.**

1.8 　　Subdivision 1. **Definitions.** For the purpose of this section, the following terms have

1.9 　the meanings given:

1.10 　　(1) "commercial applicator" means an individual who applies or supervises others who

1.11 　apply salt for hire, but does not include a municipal, state, or other government employee;

1.12 　and

1.13 　　(2) "salt" means sodium chloride, calcium chloride, magnesium chloride, or any other

1.14 　substance containing chloride.

1.15 　　Subd. 2. **Voluntary certification program; best management practices.** The

1.16 　commissioner of the Pollution Control Agency must establish a program to allow commercial

1.17 　applicators of salt to obtain certification as a water-friendly applicator. The commissioner

1.18 　must develop a training program that promotes best management practices that use the least

1.19 　amount of salt while ensuring safe conditions on surfaces traveled by pedestrians and

1.20 　vehicles. The commissioner must certify a commercial applicator that has completed the

1.21 　program as a water-friendly applicator for a period to be determined by the commissioner.

1.22 　The commissioner must develop additional training or requirements for renewing the

1.23 　certification. Notwithstanding section 16A.1283, the commissioner may charge a fee to

2.1 commercial applicators to recover the costs of developing and administering this section.

2.2 The commissioner must post the best management practices developed under this section

2.3 on the agency's Web site.

2.4 Subd. 3. **Liability.** (a) A commercial applicator certified under this section or the owner,

2.5 occupant, or lessee of land maintained by a commercial applicator certified under this section

2.6 is not liable for damages arising from insufficiencies or hazards on any premises owned,

2.7 occupied, maintained, or operated by the applicator, owner, occupant, or lessee, even with

2.8 actual notice thereof, when the hazards are caused solely by snow or ice, and the commercial

2.9 applicator's, owner's, occupant's, or lessee's failure or delay in removing or mitigating the

2.10 hazards is the result of implementation, absent gross negligence or reckless disregard of the

2.11 hazard, of the best management practices developed by the commissioner under this section.

2.12 Commercial applicators certified under this section and owners, occupants, or lessees of

2.13 land maintained by a certified commercial applicator who adopt the best management

2.14 practices are presumed to be acting pursuant to the best management practices in the absence

2.15 of proof to the contrary.

2.16 (b) To receive the liability protection provided in paragraph (a), the commercial applicator

2.17 or the owner, occupant, or lessee of land must keep a written record describing the road,

2.18 parking lot, and property maintenance practices used. The written record must include the

2.19 type and rate of application of de-icing materials used, the dates of treatment, and the weather

2.20 conditions for each event requiring de-icing. The records must be kept for three years.

2.21 Subd. 4. **Penalty.** The commissioner may revoke or decline to renew the certification

2.22 of a commercial applicator who violates this section or rules adopted under this section.

2.23 Subd. 5. **Rulemaking.** The commissioner may adopt rules necessary to implement this

2.24 section.