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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **3577**

03/08/2018 Authored by Anselmo; Barr, R.; Haley; Smith; Fenton and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance
03/14/2018 Adoption of Report: Amended and re-referred to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act
1.2 relating to environment; establishing certified salt applicator program; limiting
1.3 liability; proposing coding for new law in Minnesota Statutes, chapter 116.

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

1.5 Section 1. **[116.2025] SALT APPLICATORS; VOLUNTARY CERTIFICATION**
1.6 **PROGRAM.**

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

1.9 (1) "commercial applicator" means an individual who applies or supervises others who
1.10 apply deicer for hire, but does not include a municipal, state, or other government employee;
1.11 and

1.12 (2) "deicer" means any substance used to melt snow and ice, or used for its anti-icing
1.13 effects, on surfaces traveled by pedestrians and vehicles.

1.14 Subd. 2. **Voluntary certification program; best management practices.** (a) The
1.15 commissioner of the Pollution Control Agency must support a training program that promotes
1.16 best management practices for deicer application and allows commercial applicators to
1.17 obtain certification as a water-friendly applicator. The commissioner must certify a
1.18 commercial applicator who has successfully completed the program as a water-friendly
1.19 applicator for a period to be determined by the commissioner.

1.20 (b) The commissioner must allow additional training under this section for those renewing
1.21 the certification after their initial training has expired.

2.1 (c) The commissioner must provide the training and testing module at locations statewide
2.2 and online.

2.3 (d) The commissioner must post the best management practices and a list of certified
2.4 commercial applicators on the agency's Web site.

2.5 Subd. 3. **Liability.** (a) A commercial applicator certified under this section or the owner,
2.6 occupant, or lessee of land maintained by a commercial applicator or an employee of that
2.7 owner, occupant, or lessee certified under this section is not liable for damages arising from
2.8 insufficiencies or hazards on any premises owned, occupied, maintained, or operated by
2.9 the applicator, owner, occupant, or lessee, even with actual notice thereof, when the hazards
2.10 are caused solely by snow or ice and the commercial applicator's, owner's, occupant's, or
2.11 lessee's failure or delay in removing or mitigating the hazards is the result of implementation,
2.12 absent negligence, of the best management practices developed by the commissioner under
2.13 this section. Commercial applicators certified under this section and owners, occupants, or
2.14 lessees of land maintained by a certified commercial applicator who adopt the best
2.15 management practices are presumed to be acting pursuant to the best management practices
2.16 in the absence of proof to the contrary.

2.17 (b) To receive the liability protection provided in paragraph (a), the commercial
2.18 applicator, the owner, occupant, or lessee of land, or an employee of that owner, occupant,
2.19 or lessee must have a current certification, pass an exam, and complete the winter
2.20 maintenance assessment tool requirements developed by the commissioner and must keep
2.21 a written record describing the road, parking lot, and property maintenance practices used.
2.22 The written record must include the type and rate of application of deicing materials used,
2.23 the dates of treatment, and the weather conditions for each event requiring deicing. The
2.24 records must be kept for a minimum of two years.

2.25 Subd. 4. **Penalty.** The commissioner may revoke or decline to renew the certification
2.26 of a commercial applicator who violates this section or rules adopted under this section.