

(b) The provisions of this subdivision shall not apply to persons during their participation in a parade for which parade a permit or other official authorization has been granted by a local governing body or other governmental authority or to persons riding within an enclosed cab.

Sec. 3. Minnesota Statutes 1976, Section 169.974, is amended by adding a subdivision to read:

Subd. 6. NEGLIGENCE; DAMAGES WITHOUT PROTECTIVE HEADGEAR. In an action to recover damages for negligence resulting in any head injury to an operator or passenger of a motorcycle, evidence of whether or not the injured person was wearing protective headgear of a type approved by the commissioner shall be admissible only with respect to the question of damages for head injuries. Damages for head injuries of any person who was not wearing protective headgear shall be reduced to the extent that those injuries could have been avoided by wearing protective headgear of a type approved by the commissioner. For the purposes of this subdivision "operator or passenger" means any operator or passenger regardless of whether that operator or passenger was required by law to wear protective headgear approved by the commissioner.

Sec. 4. Minnesota Statutes 1976, Section 169.974, is amended by adding a subdivision to read:

Subd. 7. NOISE LIMITS. After December 31, 1978, noise regulations adopted by the pollution control agency for motor vehicles pursuant to section 169.693 shall also apply to motorcycles.

Sec. 5. No later than November 15, 1979, the commissioner of public safety shall submit to the governor and the legislature a report analyzing the public safety, health and insurance implications and the societal costs of this act. The report shall include recommendations regarding the continuation or modification of this act.

Sec. 6. **EFFECTIVE DATE.** This act is effective upon final enactment.

Approved April 6, 1977.

CHAPTER 18—H.F.No.383

An act relating to agriculture; potato industry promotion; providing for an increase in the assessment levied; amending Minnesota Statutes 1976, Section 30.469.

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

Section 1. Minnesota Statutes 1976, Section 30.469, is amended to read:

30.469 AGRICULTURE; POTATOES; INDUSTRY PROMOTION ASSESSMENT. Commencing July 1, 1974 1977, an assessment at the rate of ~~+ 1/4~~ two

Changes or additions indicated by underline deletions by strikeout

cents per hundredweight shall be levied and imposed upon all potatoes grown or sold or delivered to a first handler in this state. The assessment shall not be imposed upon potatoes retained by growers to be used for seed purposes or for their own consumption.

(a) The assessment imposed by sections 30.461 to 30.477 and 30.479 shall be due upon any identifiable lot or quantity of potatoes.

(b) A first handler of potatoes shall file an application with the council on forms prescribed and furnished by the council which shall contain the name under which the handler is transacting business within the state, the place or places of business and location of loading and shipping places of agents of the first handler, the names and addresses of the several persons constituting a firm or partnership, and, if a corporation, the corporate name and the names and addresses of its principal officers and agents *within the state*. The council shall issue a certificate to the first handler and a first handler shall not sell or ship any potatoes until the certificate is furnished as required by this section.

(c) Each first handler of potatoes shall collect the assessment imposed by sections 30.461 to 30.477 and 30.479 by charging and collecting from the seller the assessment at the rate of $+ \frac{1}{4}$ two cents per hundredweight by deducting the assessment from the purchase price of all potatoes subject to the assessment and purchased by the first handler.

(d) Every first handler shall keep as a part of his permanent records a record of all purchases, sales, and shipments of raw potatoes, which records shall be open for examination by the commissioner at all reasonable times. Every first handler shall render a report to the council stating the quantity of potatoes received, sold, or shipped by him during the preceding calendar quarter, on forms to be furnished by the council. The report shall be due not later than 15 days after the end of the calendar quarter. The report shall contain such further information as the council shall prescribe. With the filing of the report, each first handler shall pay to the council an assessment at the rate of $+ \frac{1}{4}$ two cents per hundredweight upon all potatoes reported as purchased, sold, or shipped, as determined by the council.

All moneys levied and collected under sections 30.461 to 30.477 and 30.479 shall be paid to the area council having jurisdiction for deposit to the credit of that area, in a fund designated "Potato Fund", in a bank, or banks, or other depository, approved by the commissioner of banks and shall be disbursed by such officers and employees as may be approved by the commissioner of agriculture with the advice and consent of the area potato council. Such funds are to be used exclusively to carry out the intent and the purposes of sections 30.461 to 30.477 and 30.479 as it relates to that area.

Approved April 6, 1977.

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