

Sec. 5. **EFFECTIVE DATE.** This act is effective July 1, 1978.

Approved April 5, 1978.

CHAPTER 752-H.F.No.1744

[Coded]

An act relating to mobility disabled persons; requiring installation and use of wheelchair securement devices in vehicles used for transporting wheelchair users; providing for inspection of wheelchair securement devices; requiring other safety measures in vehicles used for transporting wheelchair users; directing the commissioner of public safety to adopt rules and to approve devices required by the act; directing the state board of education to amend its rules for handicapped transportation; authorizing the admissibility of certain evidence in litigation; providing penalties.

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

Section 1. **[299A.11] VEHICLES TRANSPORTING WHEELCHAIR USERS; DEFINITIONS.** The following terms have the definitions given them for the purposes of sections 1 to 8:

(a) "Wheelchair securement device" or "securement device" means an apparatus installed in a motor vehicle for the purpose of securing an occupied wheelchair into a location in the vehicle and preventing movement of that wheelchair while the vehicle is in motion.

(b) "Operator" means any person, firm, partnership, corporation, service club, public or private agency, city, town or county. The provisions of this act shall not apply to any school bus as defined in Minnesota Statutes, Section 169.01, Subdivision 6, which is subject to regular school bus inspections pursuant to Minnesota Statutes, Section 169.451.

(c) "Transportation service" means the transportation by motor vehicle of any sick, injured, invalid, incapacitated, or handicapped individual while occupying a wheelchair, which transportation is offered or provided by any operator to the public or to its employees or in connection with any other service offered by the operator including schooling or nursing home, convalescent or child care services.

Sec. 2. **[299A.12] WHEELCHAIR SECUREMENT DEVICES.** Subdivision 1. Any vehicle used by an operator to provide transportation service shall be equipped with wheelchair securement devices which are approved by the commissioner of public safety as meeting the specifications of this subdivision. A wheelchair securement device shall prevent any forward, backward or lateral movement of an occupied wheelchair when the device is engaged and the vehicle is in motion, accelerating or braking, and shall attach to the frame of the wheelchair without damaging it. Wheelchair securement devices installed in any vehicle shall be maintained in working order.

Changes or additions indicated by underline deletions by ~~strikeout~~

Subd. 2. A vehicle used to provide transportation service shall carry only as many persons seated in wheelchairs as the number of securement devices approved by the commissioner of public safety as meeting the specifications of subdivision 1 with which the vehicle is equipped, and each occupied wheelchair shall be secured by such a securement device before the vehicle is set in motion.

Sec. 3. [299A.13] **ADDITIONAL SAFETY REQUIREMENTS.** Subdivision 1. Any vehicle used to provide transportation service shall be equipped with seat belts which are approved by the commissioner of public safety. The seat belts required by this subdivision shall be adequate to secure the occupant of a wheelchair who is being transported by the vehicle. These seat belts shall be used only to secure the person and shall not be used to secure the wheelchair. The seat belts shall meet all other applicable state and federal requirements for safety.

Subd. 2. When transportation service is provided to an individual in an electrically powered wheelchair, the main power switch of the wheelchair shall be placed in the "off" position at all times while the vehicle is in motion.

Sec. 4. [299A.14] **INSPECTION.** Subdivision 1. No person shall drive and no operator shall knowingly permit or cause a vehicle to be used for transportation service unless there is displayed thereon a certificate issued upon inspection by the commissioner of public safety as provided in this section.

Subd. 2. Inspection shall be made by personnel in the department of public safety assigned to the highway patrol. An operator of transportation services shall submit a vehicle for inspection after the installation of a wheelchair securement device in the vehicle and before using the vehicle for transportation service, but not later than one month after the date of installation. Evidence of the date of installation shall be provided by the operator at the inspection.

Subd. 3. The inspection shall be made to determine that the vehicle complies with the provisions of section 2, subdivision 1 and section 3, subdivision 1; that the securement device is in working order; and that the securement device is not in need of obvious repair. The inspection may include testing the use of a securement device while the vehicle is in motion.

Subd. 4. A certificate furnished by the commissioner shall be issued upon completion of inspection if the vehicle complies with the requirements set forth in subdivision 3. The certificate shall be affixed to the lower left corner of the windshield. It shall note compliance with this section, record the number of wheelchairs which may be simultaneously carried in the vehicle, and note the month and year in which the next inspection is required.

Subd. 5. Subsequent inspections shall be made annually. If additional securement devices are installed in a vehicle already equipped with a securement device, inspection is required as specified in subdivision 2.

Sec. 5. [299A.15] **AID AND LICENSES WITHHELD.** No agency of the state,
Changes or additions indicated by underline deletions by ~~strikeout~~

political subdivision or other public agency shall grant or approve any financial assistance to any operator for the purchase or operation of any vehicle used for transportation service or grant any permit or license otherwise required by law for operation of that service unless the operator of the transportation service complies with the provisions of sections 1 to 4.

Sec. 6. [299A.16] **EVIDENCE.** Proof of the installation or failure to install wheelchair securement devices, or proof of faulty installation of wheelchair securement devices, or proof of the maintenance or failure to properly maintain wheelchair securement devices, or proof of the use or failure to use wheelchair securement devices is *admissible in evidence in any litigation involving personal injuries or property damage* arising out of the use or operation of a vehicle providing transportation service. For the purposes of this section "wheelchair securement device" means such a device approved by the commissioner of public safety.

Sec. 7. [299A.17] **PENALTY.** For each failure to comply with any requirement of sections 2, 3 or 4 an operator is guilty of a misdemeanor.

Sec. 8. [299A.18] **RULES; APPROVAL OF DEVICES.** The commissioner of public safety shall, no later than July 1, 1979, adopt rules containing standards for wheelchair securement devices that meet the requirements of section 2, subdivision 1, and section 3, subdivision 1, and shall approve or disapprove of securement devices that meet those standards.

Sec. 9. [123.80] [Subd. 3.] **SCHOOL BUSES; AMENDMENT OF RULES.** Upon adoption of rules by the commissioner of public safety pursuant to section 8, the state board of education shall amend its rules relating to the transportation of handicapped students to ensure that the amended rules carry out the intent of this act.

Sec. 10. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved April 5, 1978.

CHAPTER 753-H.F.No.1760

[Not Coded]

An act relating to the city of Crystal; benefits payable by the firefighter's relief association; amending Laws 1969, Chapter 1088, Sections 1, 2, 4, 5, 6, 7, 8 and 10.

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

Section 1. Laws 1969, Chapter 1088, Section 1, is amended to read:

Section 1. **CRYSTAL, CITY OF; FIREFIGHTER'S RELIEF ASSOCIATION.** Notwithstanding the contrary provisions of Minnesota Statutes, Chapter 424, and other

Changes or additions indicated by underline deletions by strikeout