

vertical surface of the shelter. The benches shall not be placed or maintained on the portion of the highway or street prepared and maintained for vehicle traffic.

The council of any city may, by public negotiation or bid, grant franchises for the construction, operation or maintenance of bus shelters and benches on streets and highways within the city. The franchises shall be granted subject to terms and conditions as the city may prescribe, including the payment of compensation to the city. This provision does not preclude the requirement for obtaining permits from the appropriate road authority having jurisdiction for construction within the limits of any trunk highway, county highway, or county state-aid highway.

On streets and highways outside of cities, the road authority may, by public negotiation or bid, grant franchises for the construction, operation or maintenance of bus shelters and benches on streets and highways within the road authority's jurisdiction. The franchises shall be granted subject to terms and conditions as the road authority may prescribe, including the payment of compensation to the road authority.

Approved May 30, 1979.

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#### CHAPTER 276—H.F.No.360

*An act relating to commerce; extending an exception for certain loans from the usury laws; amending Minnesota Statutes 1978, Section 334.01, Subdivision 2.*

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

Section 1. Minnesota Statutes 1978, Section 334.01, Subdivision 2, is amended to read:

Subd. 2. A contract for the loan or forbearance of money, goods, or things in action, in the amount of \$100,000 or more, shall be exempt from the provisions of ~~this section~~ chapter 334 and the interest for such an indebtedness shall be at the rate of \$6 upon \$100 for a year, unless a different rate is contracted for in writing. ~~This subdivision expires July 31, 1979. A contract for a loan or forbearance made on or before July 31, 1979 at a rate of interest not in excess of the rate of interest authorized by this subdivision at the time the loan or forbearance was made shall continue to be enforceable in accordance with its terms until the indebtedness is fully satisfied.~~

Approved May 30, 1979.

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#### CHAPTER 277—H.F.No.451

*An act relating to parking privileges for handicapped persons; defining terms; extending the uses, in relation to parking privileges, of the special license plates issued to physically*

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*handicapped persons and clarifying the meaning of unauthorized use of those plates; recognizing parking certificates, insignia or license plates issued to handicapped persons by other jurisdictions; modifying the criteria for posted signs designating handicapped parking spaces; imposing penalties; amending Minnesota Statutes 1978, Sections 168.021, Subdivisions 3 and 5, and by adding a subdivision; 169.345; and 169.346, Subdivisions 1, as amended, 2 and 3.*

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

Section 1. Minnesota Statutes 1978, Section 168.021, is amended by adding a subdivision to read:

Subd. 1a. SCOPE OF PRIVILEGE. If any physically handicapped person parks a vehicle displaying license plates described in this section or any person parks such a vehicle while transporting a physically handicapped person, that person shall be entitled to courtesy in the parking of the vehicle and be relieved of any liability with respect to parking except as provided in sections 169.32 and 169.34; provided that any municipal governing body may, by ordinance, prohibit parking on any street or highway for the purpose of creating a fire lane, or to provide for the accommodation of heavy traffic during morning and afternoon rush hours and the privileges extended to handicapped persons shall not apply on streets or highways where and at the time parking is prohibited. The license plates specified in this section shall also serve to identify vehicles properly parked in designated handicapped parking spaces, as provided in section 169.346.

Sec. 2. Minnesota Statutes 1978, Section 168.021, Subdivision 3, is amended to read:

Subd. 3. UNAUTHORIZED USE OF PLATE. A person who appropriates or uses the plate provided in this section upon a motor vehicle other than as authorized by this section is guilty of a gross misdemeanor. This subdivision does not preclude a person who is not physically handicapped from operating a vehicle upon which these plates are displayed where he is the owner of the vehicle and permits its operation by a physically handicapped person, or where he operates the vehicle with the consent of the owner who is physically handicapped. A non-handicapped driver is not entitled to the parking privileges provided in this section and in section 169.346 unless he is transporting a physically handicapped person.

Sec. 3. Minnesota Statutes 1978, Section 168.021, Subdivision 5, is amended to read:

Subd. 5. DEFINITIONS. For the purposes of this section, a "physically handicapped person" is hereby defined as means a person who has sustained an amputation or suffered the permanent loss of use of one leg or both legs material disability of either or both arms or legs, or who has been otherwise disabled in any manner, rendering it difficult and burdensome for the person to walk.

Sec. 4. Minnesota Statutes 1978, Section 169.345, is amended to read:

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**169.345 PARKING PRIVILEGES FOR PHYSICALLY HANDICAPPED.**

Subdivision 1. **SCOPE OF PRIVILEGE.** Any physically handicapped person who displays prominently upon the ~~automobile~~ vehicle parked by him or under his direction and for his use, the distinguishing certificate ~~or insignia~~ specified in this section shall be entitled to courtesy in the parking of ~~such automobile~~ the vehicle and be relieved of any liability with respect to parking except as provided in sections 169.32 and 169.34; provided that any municipal governing body may, by ordinance, prohibit parking on any street or highway for the purpose of creating a fire lane, or to provide for the accommodation of heavy traffic during morning and afternoon rush hours and the privileges extended to such handicapped persons shall not apply on streets or highways *where and at such time parking is prohibited.* The certificate specified in this section shall also serve to identify vehicles properly parked in designated handicapped parking spaces as provided in section 169.346.

Subd. 2. **DEFINITIONS.** For the purpose of this section physically handicapped as employed herein shall include means any person who has sustained an amputation or material disability of either or both arms or legs, or who has been otherwise disabled in any manner rendering it difficult and burdensome for him to walk.

Subd. 3. **IDENTIFYING CERTIFICATE.** The ~~motor vehicles~~ division of driver and vehicle services in the department of public safety shall issue without charge a special identifying certificate ~~or insignia~~ for a marked motor vehicle to any physically handicapped applicant upon submission by the applicant of a certificate by a qualified physician to the division that he is a physically handicapped person within the meaning of subdivision 2.

The commissioner of public safety shall determine the form, size and promulgate rules and regulations governing their issuance and use necessary to carry out the provisions of this section. The physician's certificate shall specify whether the disability is permanent or temporary, and if temporary, the opinion of the physician as to the duration of the disability. The commissioner may issue special identifying certificates ~~or insignia~~ to temporarily physically handicapped persons for limited periods of time.

Subd. 4. **REVOCACTION, PENALTY.** If the police of the state or any city, or other local government shall find that ~~such~~ the certificate ~~or insignia~~ is being improperly used, they ~~may~~ shall report to the ~~motor vehicles~~ division of driver and vehicle services in the department of public safety any ~~such~~ violation and the commissioner of public safety may, in his discretion, remove the privilege.

~~It is unlawful and punishable as hereinafter provided for any person who is not physically handicapped to exercise the privilege granted a physically handicapped person under subdivision 1.~~

Sec. 5. Minnesota Statutes 1978, Section 169.346, Subdivision 1, as amended by Laws 1979, Chapter 31, Section 3, is amended to read:

**169.346 PARKING FOR PHYSICALLY HANDICAPPED; PROHIBITIONS; PENALTIES.** Subdivision 1. No person shall park a motor vehicle in a parking space

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designated and reserved for the physically handicapped, on either private or public property, or exercise the parking privilege provided in section 169.345, unless:

(a) That person is a physically handicapped in a manner rendering it difficult, dangerous or impossible for the person to walk; the person was operating the vehicle under the direction of a person who is physically handicapped in this manner person as defined in section 169.345, subdivision 2 , or the person was operating the vehicle while is transporting such a physically handicapped persons person ; and

(b) The vehicle visibly displays the certificate or ~~insignia~~ license plate issued to physically handicapped persons or the certificate issued to persons transporting physically handicapped persons by the department of public safety pursuant to sections 169.345, subdivision 3, or 168.021 or if the vehicle visibly displays an equivalent certificate, insignia or license plate issued by another state or one of its political subdivisions .

Sec. 6. Minnesota Statutes 1978, Section 169.346, Subdivision 2, is amended to read:

Subd. 2. Handicapped parking spaces shall be designated and identified by the posting of signs incorporating the international symbol of access in white on blue and indicating that the parking space is reserved for the handicapped with vehicles displaying the required certificate license plates or insignia . The posting of signs shall be in accordance with the state building code established by rule of the commissioner of administration pursuant to section 16.25, when the location of the parking spaces on public or private lands is within the purview of the state building code; and in accordance with the manual on uniform traffic control devices adopted by the commissioner of transportation pursuant to section 169.06, when the parking spaces are on streets and highways. Spaces which have been clearly identified for handicapped parking by signs which are not in compliance with the design standards as set forth in this subdivision shall also be deemed designated and reserved for the physically handicapped for the purposes of this section. A sign posted for the purpose of this section shall be visible from inside a vehicle parked in the space and shall be kept clear of snow or other obstructions which block its visibility.

Sec. 7. Minnesota Statutes 1978, Section 169.346, Subdivision 3, is amended to read:

Subd. 3. Any person who violates the provisions of subdivision 1 shall be fined \$10 is guilty of a petty misdemeanor and shall be fined not less than \$15 nor more than \$100. This subdivision shall be enforced in the same manner as parking ordinances or regulations are enforced in the governmental subdivision in which the violation occurs. A handicapped person charged with violating subdivision 1 because he parked in a handicapped parking space without the required certificate or insignia shall not be convicted if he produces in court or prior to the court appearance the required certificate or insignia and demonstrates that he was entitled to the certificate or insignia at the time of arrest or tagging.

Sec. 8. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved May 30, 1979.

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