

state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area and shall establish priorities for acquisition and development. In preparing or amending the policy plan the council shall consult with and make maximum use of the expertise of the commission. The policy plan shall include a five year capital improvement program, which shall be revised periodically, and shall establish criteria and priorities for the allocation of funds for such acquisition and development. The legislature in each bonding measure shall designate an anticipated level of funding for this acquisition and development for each of the two succeeding bienniums.

Sec. 25. Minnesota Statutes 1982, section 473.436, subdivision 5, is amended to read:

Subd. 5. **BUS PURCHASES AND OTHER IMPROVEMENTS.** In addition to obligations outstanding on January 1, 1980 1983, the commission may issue certificates of indebtedness, bonds or other obligations in an amount not exceeding \$9,000,000 \$12,000,000 for the purposes of purchasing and rehabilitation of buses and related equipment, and constructing maintenance and other buildings, bus shelters and road related improvements.

Sec. 26. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved June 14, 1983

CHAPTER 345 — S.F.No. 61

An act relating to public safety and welfare; prohibiting reparation obligors from prorating the disability and income loss benefits on a daily basis; prohibiting unsafe operation of motorcycles; increasing penalties for failure to stop at the scene of certain accidents; defining persons responsible for a child's care under the child abuse reporting law; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; changing the definition of facility; clarifying the prosecutorial responsibility for certain crimes; amending Minnesota Statutes 1982, sections 65B.44, subdivision 3; 169.09, subdivisions 1, 3, 6, 7, and 14, and by adding a subdivision; 169.974, subdivision 5; 388.051, as amended; 388.18, subdivision 5, as amended; 487.25, subdivision 10, as amended; 488A.10, subdivision 11, as amended; and 626.556, subdivisions 1, 2, 4, 7, and 10, and by adding subdivisions.

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

Section 1. Minnesota Statutes 1982, section 65B.44, subdivision 3, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 3. **DISABILITY AND INCOME LOSS BENEFITS.** Disability and income loss benefits shall provide compensation for 85 percent of the injured person's loss of present and future gross income from inability to work proximately caused by the nonfatal injury subject to a maximum of \$200 per week. Loss of income includes the costs incurred by a self-employed person to hire substitute employees to perform tasks which are necessary to maintain his income, which he normally performs himself, and which he cannot perform because of his injury.

If the injured person is unemployed at the time of injury and is receiving or is eligible to receive unemployment benefits under chapter 268, but the injured person loses his eligibility for those benefits because of inability to work caused by the injury, disability and income loss benefits shall provide compensation for the lost benefits in an amount equal to the unemployment benefits which otherwise would have been payable, subject to a maximum of \$200 per week.

Compensation under this subdivision shall be reduced by any income from substitute work actually performed by the injured person or by income the injured person would have earned in available appropriate substitute work which he was capable of performing but unreasonably failed to undertake.

For the purposes of this section "inability to work" means disability which prevents the injured person from engaging in any substantial gainful occupation or employment on a regular basis, for wage or profit, for which he is or may by training become reasonably qualified. If the injured person returns to his employment and is unable by reason of his injury to work continuously, compensation for lost income shall be reduced by the income received while he is actually able to work. The weekly maximums may not be prorated to arrive at a daily maximum, even if the injured person does not incur loss of income for a full week.

Sec. 2. Minnesota Statutes 1982, section 169.09, subdivision 1, is amended to read:

Subdivision 1. **DRIVER TO STOP.** The driver of any vehicle involved in an accident resulting in bodily injury to or death of any person shall immediately stop the vehicle at the scene of the accident, or as close ~~thereto~~ to the scene as possible, but shall then return to and in every event, shall remain at, the scene of the accident until he has fulfilled the requirements of this chapter as to the giving of information. The stop shall be made without unnecessarily obstructing traffic.

Sec. 3. Minnesota Statutes 1982, section 169.09, subdivision 3, is amended to read:

Subd. 3. **DRIVER TO GIVE INFORMATION.** (a) The driver of any vehicle involved in an accident resulting in bodily injury to or death of any person, or damage to any vehicle which is driven or attended by any person, shall

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stop and give his name, address, date of birth and the registration number of the vehicle he is driving, and shall, upon request and if available, exhibit his driver's license or permit to drive to the person struck or the driver or occupant of or person attending any vehicle collided with, and, The driver also shall give ~~such~~ the information and upon request exhibit ~~such~~ the license or permit to any police officer at the scene of the accident or who is investigating the accident, and, The driver shall render reasonable assistance to any person injured in ~~such~~ the accident.

(b) If not given at the scene of the accident, the driver, within 72 hours thereafter, shall give upon request to any person involved in the accident or to a peace officer investigating the accident the name and address of the insurer providing automobile liability insurance coverage, and the local insurance agent for the insurer. ~~A driver who fails to provide the information requested pursuant to this clause is guilty of a petty misdemeanor.~~

Sec. 4. Minnesota Statutes 1982, section 169.09, subdivision 6, is amended to read:

Subd. 6. **NOTIFY POLICE OF PERSONAL INJURY.** The driver of a vehicle involved in an accident resulting in bodily injury to or death of any person shall, after compliance with the provisions of this section, by the quickest means of communication, give notice of ~~such~~ the accident to the local police department, if the accident occurs within a municipality, or to a state patrol officer if the accident occurs on a trunk highway, or to the office of the sheriff of the county.

Sec. 5. Minnesota Statutes 1982, section 169.09, subdivision 7, is amended to read:

Subd. 7. **ACCIDENT REPORT TO COMMISSIONER.** The driver of a vehicle involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of \$500 or more, shall forward a written report of the accident to the commissioner of public safety within ten days thereof. If, in the opinion of the commissioner of public safety, the original report of any driver of a vehicle involved in an accident of which report must be made as provided in this section is insufficient he may require the driver to file supplementary reports.

Sec. 6. Minnesota Statutes 1982, section 169.09, subdivision 14, is amended to read:

Subd. 14. **PENALTY PENALTIES.** ~~Except as provided in subdivision 3, clause (b), any person failing to comply with any of the requirements of this section, under the circumstances specified, shall be guilty of a misdemeanor.~~

(a) The driver of any vehicle who violates subdivision 1 or 6 and who caused the accident is punishable as follows:

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(1) If the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$5,000, or both; or

(2) If the accident results in substantial bodily injury to any person, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$3,000, or both.

(b) The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the accident or who violates subdivision 2 is guilty of a gross misdemeanor, and may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$1,000, or both.

(c) Any person who violates subdivision 3, clause (b) is guilty of a petty misdemeanor.

(d) Any person who violates subdivision 3, clause (a), or subdivision 4, 5, 7, 8, 10, 11, or 12 is guilty of a misdemeanor.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Sec. 7. Minnesota Statutes 1982, section 169.09, is amended by adding a subdivision to read:

Subd. 15. DEFENSE. It is an affirmative defense to prosecution under subdivisions 1, 2, and 6 that the driver left the scene of the accident to take any person suffering substantial bodily injury in the accident to receive emergency medical care if the driver of the involved vehicle gives notice to a law enforcement agency as required by subdivision 6 as soon as reasonably feasible after the emergency medical care has been undertaken.

Sec. 8. Minnesota Statutes 1982, section 169.974, subdivision 5, is amended to read:

Subd. 5. DRIVING RULES. (a) An operator of a motorcycle shall ride only upon a permanent and regular seat which is attached to the vehicle for such that purpose. No other person shall ride on a motorcycle; except that passengers may ride upon a permanent and regular operator's seat if designed for two persons, or upon additional seats attached to the vehicle to the rear of the operator's seat, or in a sidecar attached to the vehicle; provided, however, that the operator of a motorcycle shall not carry passengers in a number in excess of the designed capacity of the motorcycle or sidecar attached to it. No passenger shall be carried in a position that will interfere with the safe operation of the motorcycle or the view of the operator.

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(b) No person shall ride upon ~~any a~~ motorcycle as a passenger unless, when sitting astride ~~his~~ the seat, ~~he~~ the person can reach the foot rests with both feet.

(c) No person, except passengers of sidecars or drivers and passengers of three-wheeled motorcycles, shall operate or ride upon a motorcycle except while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(d) No person shall operate a motorcycle while carrying animals, packages, bundles, or articles other cargo which prevent ~~him~~ the person from keeping both hands on the handlebars.

(e) No person shall operate a motorcycle between lanes of moving or stationary vehicles headed in the same direction, nor shall any person drive a motorcycle abreast of or overtake or pass another vehicle within the same traffic lane, except that motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane.

(f) ~~All~~ Motor vehicles including motorcycles are entitled to the full use of a traffic lane and no motor vehicle shall may be driven or operated in ~~such~~ a manner so as to deprive ~~any a~~ motorcycle of the full use of a traffic lane.

(g) ~~Every~~ A person operating a motorcycle upon a roadway shall must be granted ~~all~~ of the rights and shall be is subject to ~~all~~ of the duties applicable to a motor vehicle as provided by law, except as to those provisions which by their nature can have no application.

(h) Clause (e) of this subdivision shall does not apply to police officers in the performance of their official duties.

(i) No person shall operate a motorcycle on a street or highway unless the headlight or headlights are lighted at all times the motorcycle is so operated.

Sec. 9. Minnesota Statutes 1982, section 388.051, as amended by Laws 1983, chapter 177, section 5, is amended to read:

388.051 DUTIES.

Subdivision 1. GENERAL PROVISIONS. The county attorney shall:

(a) Appear in all cases in which the county is a party;

(b) Give opinions and advice, upon the request of the county board or any county officer, upon all matters in which the county is or may be interested, or in relation to the official duties of the board or officer;

(c) Prosecute felonies, including the drawing of indictments found by the grand jury, and, to the extent prescribed by law, gross misdemeanors, misdemeanors, petty misdemeanors, and violations of municipal ordinances, charter provisions and rules or regulations;

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(d) Attend before the grand jury, give them legal advice and examine witnesses in their presence;

(e) Request the clerk of court to issue subpoenas to bring witnesses before the grand jury or any judge or judicial officer before whom he is conducting a criminal hearing;

(f) Attend any inquest at the request of the coroner; and

(g) Appear, when requested by the attorney general, for the state in any case instituted by the attorney general in his county or before the United States land office in case of application to preempt or locate any public lands claimed by the state and assist in the preparation and trial.

Subd. 2. SPECIAL PROVISION; GROSS MISDEMEANORS. In Anoka, Carver, Dakota, Hennepin, Scott, and Washington counties, the county attorney shall only prosecute gross misdemeanor violations of sections 290.53, subdivisions 4 and 8; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivisions 4 and 8; 297B.10; 609.255, subdivision 3; 609.377; 609.378; and 609.41.

Sec. 10. Minnesota Statutes 1982, section 388.18, subdivision 5, as amended by Laws 1983, chapter 177, section 7, is amended to read:

Subd. 5. BUDGET FOR OFFICE. The county board by resolution shall provide the budget for (1) the salary of the county attorney, any assistant county attorneys and employees in the county attorney's office; (2) the salary or other fees of any attorneys or firms of attorneys employed or engaged to prosecute misdemeanors, petty misdemeanors, gross misdemeanors, municipal ordinance violations, or municipal charter, rule or regulation violations, if any; (3) other expenses necessary in the performance of the duties of the office; and (4) the payment of premiums of any bonds required of the county attorney and any assistant county attorney or employee in the county attorney's office. The board is authorized to appropriate funds for those purposes.

Sec. 11. Minnesota Statutes 1982, section 487.25, subdivision 10, as amended by Laws 1983, chapter 177, section 9, is amended to read:

Subd. 10. PROSECUTING ATTORNEYS. Except as otherwise provided by law, violations of state law which are petty misdemeanors, misdemeanors, or violations of a municipal ordinance, charter provision, rule or regulation shall be prosecuted by the attorney of the municipality where the violation is alleged to have occurred. The municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other offenses shall be prosecuted by the county attorney of the county in which the alleged violation occurred.

In the counties of Anoka, Carver, Dakota, Scott, and Washington, violations of state law which are petty misdemeanors, misdemeanors, or gross

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misdemeanors except as provided in section 388.051, subdivision 2, or violations of a municipal ordinance, charter provision, rule, or regulation shall be prosecuted by the attorney of the municipality where the violation is alleged to have occurred. The municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other offenses shall be prosecuted by the county attorney of the county in which the alleged violation occurred.

Sec. 12. Minnesota Statutes 1982, section 488A.10, subdivision 11, as amended by Laws 1983, chapter 177, section 15, is amended to read:

Subd. 11. **PROSECUTING ATTORNEYS.** Except as otherwise provided in this subdivision and section 388.051, subdivision 2, the attorney of the municipality in which the violation is alleged to have occurred has charge of the prosecution of all violations of the state laws, including violations which are gross misdemeanors, and municipal charter provisions, ordinances, rules and regulations triable in the municipal court and shall prepare complaints for the violations. The county attorney has charge of the prosecution of a violation triable in municipal court and shall prepare a complaint for the violation:

(a) if he is specifically designated by law as the prosecutor for the particular violation charged; or

(b) if the alleged violation is of state law and is alleged to have occurred in a municipality or other subdivision of government whose population according to the most recent federal census is less than 2500 and whose governing body, or the town board in the case of a town, has accepted this paragraph by majority vote, and if the defendant is cited or arrested by a member of the staff of the sheriff of Hennepin county or by a member of the state patrol.

Paragraph (b) shall not apply to a municipality or other subdivision of government whose population according to the most recent federal decennial census is 2500 or more, regardless of whether or not it has previously accepted the paragraph.

Sec. 13. Minnesota Statutes 1982, section 626.556, subdivision 1, is amended to read:

Subdivision 1. **PUBLIC POLICY.** The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse; to strengthen the family and make the home, school, and community safe for children ~~through improvement of parental and guardian capacity for~~ by promoting responsible child care in all settings; and to provide, when necessary, a safe temporary or permanent home environment for physically or sexually abused children.

In addition, it is the policy of this state to require the reporting of suspected neglect, physical or sexual abuse of children in the home, school, and

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community settings; to provide for the voluntary reporting of abuse or neglect of children; to require the investigation of ~~such~~ the reports; and to provide protective and counseling services in appropriate cases.

Sec. 14. Minnesota Statutes 1982, section 626.556, subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by ~~the child's parents, guardian, or a person~~ responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345, or sections 609.364 to 609.3644. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Person responsible for the child's care" means a parent, guardian, teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, baby sitting, counseling, teaching, and coaching.

~~(b)~~ (c) "Neglect" means failure by a ~~parent, guardian or other person~~ responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to (i) mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, or (ii) impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter or medical care, a duty to provide that care.

~~(e)~~ (d) "Physical abuse" means:

(i) Any physical injury, inflicted by a ~~parent, guardian or other person~~ responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the child's history of injuries provided by a ~~parent, guardian or other person~~ responsible for the child's care.

(d) (e) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

(e) (f) "Facility" means a day care facility or a, residential facility as defined in section ~~245.782~~, agency, hospital, sanitorium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245.781 to 245.812.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(f) (g) "Operator" means an operator or agency as defined in section 245.782.

(h) "Commissioner" means the commissioner of public welfare.

Sec. 15. Minnesota Statutes 1982, section 626.556, subdivision 4, is amended to read:

Subd. 4. **IMMUNITY FROM LIABILITY.** Any person, including those voluntarily making reports and those required to make reports under subdivision 3, participating in good faith and exercising due care in the making of a report pursuant to this section shall ~~have~~ has immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

Any public or private school, facility as defined in subdivision 2, or the employee of any public or private school or facility who permits access by a local welfare agency and assists in good faith in an investigation pursuant to subdivision 10 has immunity from any liability, civil or criminal, that otherwise might result by reason of that action.

This subdivision does not provide immunity to any person for failure to make a required report or for committing neglect, physical abuse, or sexual abuse of a child.

Sec. 16. Minnesota Statutes 1982, section 626.556, subdivision 7, is amended to read:

Subd. 7. **REPORT.** An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 3 to report shall be followed as soon as possible by a report in writing to the appropriate police department, the county sheriff or local welfare agency. Any report shall be of sufficient content to identify the child, ~~the parent, guardian, or other any person believed to be responsible for his care~~ the abuse or neglect of the child if the person is known, the nature and extent of the ~~child's injuries~~ abuse or neglect and the name and address of the reporter. Written reports received by a police department or the county sheriff shall be forwarded immediately to the local welfare agency. The police department or the county sheriff may keep copies of reports received by them. Copies of written reports received by a local welfare department shall be forwarded immediately to the local police department or the county sheriff.

A written copy of a report maintained by personnel of agencies, other than welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential. An individual subject of the report may obtain access to the original report as provided by subdivision 11.

Sec. 17. Minnesota Statutes 1982, section 626.556, subdivision 10, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 10. **DUTIES OF LOCAL WELFARE AGENCY UPON RECEIPT OF A REPORT.** (a) If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, the local welfare agency shall immediately investigate and offer protective, social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) Authority of the local welfare agency responsible for investigating the child abuse report includes, but is not limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or any facility or other place where the alleged victim or other minors might be found and may take place outside the presence of the perpetrator or parent, legal custodian, or guardian. Except as provided in this clause, the parent, legal custodian, or guardian shall be notified, no later than the conclusion of the investigation, that this interview has occurred. Notwithstanding rule 49.02 of the Minnesota Rules of Procedure for Juvenile Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, notification of this interview be withheld from the parent, legal custodian, or guardian.

(c) When the local welfare agency determines that an interview should take place on school property, written notification must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. The notification shall be signed by the chairman of the county welfare board or his designee. The time, place, and manner of the interview on school premises shall be within the discretion of school officials. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is deemed necessary by agreement between the school officials and the local welfare agency. School officials shall not disclose to the parent, legal custodian, guardian, or perpetrator that a request to interview the child has been made until after the abuse investigation has been concluded. Every effort shall be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

(d) Where the perpetrator or a person responsible for the care of the alleged victim or other minor prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents, legal custodian, or guardian to produce the alleged victim or other minor for questioning by the

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

local welfare agency outside the presence of the perpetrator or any person responsible for the child's care at reasonable places and times as specified by court order.

(e) Before making an order under paragraph (d), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If a guardian ad litem is appointed, he shall be present at the hearing on the order to show cause.

(f) The commissioner and the local welfare agencies responsible for investigating reports have the right to enter facilities as defined in subdivision 2 and to inspect and copy the facility's records as part of the investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility under investigation that they are conducting an investigation, to disclose to the facility the names of the individuals under investigation for abusing or neglecting a child, and to provide the facility with a copy of the report and the investigative findings.

Sec. 18. Minnesota Statutes 1982, section 626.556, is amended by adding a subdivision to read:

Subd. 10a. ABUSE OUTSIDE THE FAMILY UNIT. If the report alleges neglect, physical abuse, or sexual abuse by a person responsible for the child's care functioning outside the family unit in a setting other than a facility as defined in subdivision 2, the local welfare agency shall immediately notify the appropriate law enforcement agency and shall offer appropriate social services for the purpose of safeguarding and enhancing the welfare of the abused or neglected minor.

Sec. 19. Minnesota Statutes 1982, section 626.556, is amended by adding a subdivision to read:

Subd. 10b. DUTIES OF COMMISSIONER; NEGLECT OR ABUSE IN A FACILITY. If the report alleges that a child in the care of a facility as defined in subdivision 2 is neglected, physically abused, or sexually abused by an individual in that facility, the commissioner shall immediately investigate. The commissioner shall arrange for the transmittal to him of reports received by local agencies and may delegate to a local welfare agency the duty to investigate reports. In conducting an investigation under this section, the commissioner has the powers and duties specified for local welfare agencies under this section.

Sec. 20. **EFFECTIVE DATE.**

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Section 1 is effective upon final enactment. Sections 9 to 12 are effective January 1, 1984. Sections 2 to 8 are effective August 1, 1983, and apply to violations committed on or after that date. The remaining sections of this act are effective August 1, 1983.

Approved June 14, 1983

CHAPTER 346 — S.F.No. 159

An act relating to occupations and professions; regulating chiropractic practice; providing for the management of expenditures and revenues of the board; providing grounds for revocation, suspension, or refusal to renew licenses; providing for the payment of costs of disciplinary proceedings; authorizing temporary license suspensions; providing rulemaking authority to the board; creating a legislative study commission; amending Minnesota Statutes 1982, sections 148.01; 148.06; 148.07, subdivision 2; 148.08, by adding a subdivision; and 148.10, subdivisions 1, 3, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1982, section 148.01, is amended to read:

148.01 CHIROPRACTIC.

Subdivision 1. For the purposes of sections 148.01 to 148.10, "chiropractic" is hereby defined as being the science of adjusting any abnormal articulations of the human body, especially those of the spinal column, for the purpose of giving freedom of action to impinged nerves that may cause pain or deranged function.

Subd. 2. The practice of chiropractic is hereby declared not to be the practice of medicine, surgery, or osteopathy.

Subd. 3. Chiropractic practice includes those noninvasive means of clinical, physical, and laboratory measures and analytical xray of the bones of the skeleton which are necessary to make a determination of the presence or absence of a chiropractic condition. The practice of chiropractic may include procedures which are used to prepare the patient for chiropractic adjustment or to complement the chiropractic adjustment. The procedures may not be used as independent therapies or separately from chiropractic adjustment. No device which utilizes heat or sound shall be used in the treatment of a chiropractic condition unless it has been approved by the Federal Communications Commission. No device shall be used above the neck of the patient. Any chiropractor who utilizes procedures in violation of this subdivision shall be guilty of professional miscon-

Changes or additions are indicated by underline, deletions by ~~strikeout~~.