

es have been performed or that the goods or materials have been furnished is not required as a prerequisite to payment of the claim.

Approved April 22, 1984

CHAPTER 417 — H.F.No. 1824

An act relating to transportation; authorizing vending machines in rest areas, tourist information centers and weigh stations on certain highways; providing for installation of drain tile along or across highways; delineating debt collection authority of the department of transportation; providing for the erection of certain signs by counties; permitting restaurants to be included on specific service signs; providing for the clustering and spacing of specific service signs; directing the commissioner of transportation to establish a sign franchise program for the placement of advertising logos on the right-of-way of certain highways; authorizing road authorities to assist each other; redefining "directional signs" for purposes of outdoor advertising control and directing the commissioner of transportation to develop uniform standards for them; reducing a fee; repealing a restriction on the authority of the commissioner of transportation to expend money to acquire or condemn advertising devices; amending Minnesota Statutes 1982, sections 160.08, subdivision 7; 160.20, subdivision 3, and by adding a subdivision; 160.28, by adding a subdivision; 160.283, subdivision 3; 160.285; 160.292; 160.293, subdivisions 1 and 3; 160.295, subdivisions 2 and 3; 161.20, subdivision 4; 161.39, subdivisions 1, 5, and 6; 169.01, by adding a subdivision; 169.14, subdivision 2, and by adding a subdivision; 173.02, subdivision 6; and 173.13, subdivision 7; Minnesota Statutes 1983 Supplement, section 173.13, subdivision 4; and Laws 1983, chapter 293, section 2, subdivision 4; proposing new law coded in Minnesota Statutes, chapters 160 and 173.

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

Section 1. Minnesota Statutes 1982, section 160.08, subdivision 7, is amended to read:

Subd. 7. **NO COMMERCIAL ESTABLISHMENT WITHIN RIGHT-OF-WAY.** No commercial establishment, including but not limited to automotive service stations, for serving motor vehicle users shall be constructed or located within the right-of-way of, or on publicly-owned or publicly-leased land acquired or used for or in connection with, a controlled access highway; except that (1) structures may be built within safety rest and tourist information center areas and; (2) space within state owned buildings in those areas may be leased for the purpose of providing information to travelers through commercial and public service advertising pursuant to under franchise agreements as provided in sections 160.276 to 160.278; (3) advertising signs may be erected within the right-of-way of interstate or controlled-access trunk highways by franchise agreements under section 12; and (4) vending machines may be placed in rest areas, tourist information centers, or weigh stations constructed or located within trunk highway rights-of-way.

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

Sec. 2. Minnesota Statutes 1982, section 160.20, subdivision 3, is amended to read:

Subd. 3. **INSTALLATION OF DRAIN TILE ALONG OR ACROSS HIGHWAY RIGHT-OF-WAY.** (a) When the course of natural drainage of any land runs to a highway, the owner of the land who has been granted a permit as provided in this subdivision 4 may install drain tile along or across the highway right-of-way along the general course of the natural drainageway, provided further that there will be no diversion of drainage waters away from the natural receiving drainageway immediately downstream from the highway. Any installation shall be made in accordance with specifications set forth in the permit and any rules that apply to the installations. When any installation is made pursuant to this subdivision the highway shall be left in as good condition in every respect as it was before the installation was made.

(b) Any road authority may accept applications for permits for installation of drain tile along or across the right-of-way of a highway under its jurisdiction. The road authority may adopt reasonable rules for the installations and may require a bond before granting any permit. Permits for installation along a highway right-of-way shall insure that the length of the installation is restricted to the minimum necessary to achieve the desired agricultural benefits. No permit shall allow any open trenches to be left on the right-of-way after installation of drain tile is completed. A road authority that grants a permit for drain tile installation shall not be responsible for any damage to that installation resulting from the action of the authority or any other permittee utilizing the right-of-way.

(c) Any person who installs drain tile along or across a highway right-of-way without obtaining a permit as provided in this subdivision is guilty of a misdemeanor.

(d) The commissioner shall take no action pursuant to this subdivision which will result in the loss of any federal aid for highway construction in this state.

(e) For the purpose of this subdivision "highway" means any highway as defined in this chapter which is located outside the corporate limits of any home rule charter or statutory city.

Sec. 3. Minnesota Statutes 1982, section 160.20, is amended by adding a subdivision to read:

Subd. 4. **CONDITIONS.** (a) A road authority may accept applications for permits for installation of drain tile along or across the right-of-way under its jurisdiction. The road authority may adopt reasonable rules for the installations and may require a bond before granting a permit. Permits for installation along a highway right-of-way must ensure that the length of the installation is restricted to the minimum necessary to achieve the desired agricultural benefits. A permit

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must not allow open trenches to be left on the right-of-way after installation of the drain tile is completed. A road authority that grants a permit for tile drain installation is not responsible for damage to that installation resulting from the action of the authority or any other permittee utilizing the right-of-way.

(b) A person who installs drain tile along or across a highway right-of-way without obtaining a permit as provided in this section is guilty of a misdemeanor.

(c) The commissioner shall take no action under this section which will result in the loss of federal aid for highway construction in the state.

(d) For the purpose of this section, "highway" means any highway as defined in section 160.02 which is located outside the corporate limits of a home rule charter or statutory city.

Sec. 4. Minnesota Statutes 1982, section 160.28, is amended to read:

160.28 PLANS FOR REST AREAS, TOURIST INFORMATION CENTERS AND WEIGH STATIONS; VENDING FACILITIES.

The provisions of Subdivision 1. Any other law to the contrary notwithstanding, the commissioner of transportation is hereby authorized to cause to be prepared plans and specifications and detailed designs for the construction of buildings and facilities for rest areas, tourist information centers in combination with rest areas, and weigh stations when ~~he~~ the commissioner deems ~~such~~ these buildings and facilities to be necessary in the interest of safety and convenient public travel on highways.

Subd. 2. VENDING MACHINES. Any other law to the contrary notwithstanding, the commissioner may contract for or authorize the placement of vending machines in rest areas, tourist information centers, and weigh stations on marked interstate highways 35 and 94 for the purpose of dispensing nonalcoholic drinks, candy, potato chips, popcorn, peanuts, cookies, or gum. The commissioner shall only place vending machines operated under United States Code, title 20, sections 107 to 107e and as provided in section 248.07.

Sec. 5. Minnesota Statutes 1982, section 160.283, subdivision 3, is amended to read:

Subd. 3. For the purposes of sections 160.283 to 160.285 the term "resort" shall be as defined in ~~Minnesota Statutes 1969~~, section 157.01 or a golf course, restaurant, or motel as defined in section 157.01 or recreational camping area as defined in section 327.14, subdivision 8.

Sec. 6. Minnesota Statutes 1982, section 160.285, is amended to read:

160.285 COUNTY PARTICIPATION.

Subdivision 1. Any county of this state is authorized to expend county road and bridge funds for the purchase of ~~such~~ signs under section 160.283 ~~from~~

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

the department of transportation, and for the erection of such signs along or adjacent to highways under their jurisdiction or along and adjacent to town roads within the county. A certified copy of the resolution of the board of county commissioners authorizing the purchase of a specified number of such signs shall be forwarded to the department of transportation, provided that the cost of such the signs to the counties shall must be 100 percent of the actual cost to the department of transportation for the purchase of the signs. The counties may sell the signs to any person, provided that the sale price shall be 75 percent of the cost of such signs to the county reimbursed by the requestor.

Subd. 2. Any county participating shall Counties may erect such and maintain these signs at its own the expense as it deems necessary of the requestor on those county state-aid highways, county highways and town roads designated in section 160.283, subdivision 2 provided that such these signs shall be erected in a manner acceptable to the department of transportation and shall not be erected closer than 500 feet from trunk highways forming a part of the interstate system as provided in section 173.16, subdivision 4, clause (4), or closer than 300 feet from other trunk highways as provided in section 173.16, subdivision 4, clause (5).

Subd. 3. All money received from the purchase of signs from any county shall must be deposited in the state treasury and credited to a special account to be known as the local sign account. All money in such account is appropriated to the department of transportation for use in carrying out the provisions of sections 160.283 to 160.285 the trunk highway fund.

Sec. 7. Minnesota Statutes 1982, section 160.292, is amended to read:

160.292 INFORMATION SIGNS FOR RESORTS AND RECREATIONAL CAMPING AREAS; DEFINITIONS.

Subdivision 1. For the purposes of sections 160.292 to 160.296 the terms defined in this section have the meanings given them.

Subd. 2. "Specific service sign" means a rectangular sign panel not greater than 1-1/2 feet by six feet displaying a motel, restaurant, resort or recreational camping area business name and, where appropriate, the direction to and distance to the camping area, motel, restaurant, or resort.

Subd. 3. "Specific service sign assembly" means a combination of specific service sign panels not to exceed four panels to be placed within the right of way on appropriate approaches to an intersection.

Subd. 4. "Specific service sign cluster" means a grouping of specific service sign assemblies not exceeding two in number on appropriate approaches to an intersection.

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

Subd. 5. "Nonfreeway type highway" means all roadways with crossing traffic at grade intersections except the roadway may have an isolated interchange.

Subd. 6. "Resort" has the meaning given it in section 157.01.

Subd. 7. "Motel" has the meaning given to the word "hotel" in section 157.01.

Subd. 7a. "Restaurant" has the meaning given it in section 157.01.

Subd. 8. "Recreational camping area" has the meaning given it in section 327.14, subdivision 8.

Subd. 9. "Local road" means any nontrunk highway.

Subd. 10. "Specific service" means restaurants, motels, resorts or recreational camping areas that provide sleeping accommodations for the recreational traveler.

Sec. 8. Minnesota Statutes 1982, section 160.293, subdivision 1, is amended to read:

Subdivision 1. **PURPOSE.** Specific service signs are to be used to create and implement a system of signing for the purpose of displaying motel, restaurant, resort and recreational camping area information to the traveling public on nonfreeway type trunk highways in rural areas.

Sec. 9. Minnesota Statutes 1982, section 160.293, subdivision 3, is amended to read:

Subd. 3. **NUMBER OF TRUNK HIGHWAY INTERSECTIONS.** A specific service sign for a restaurant, motel, resort or recreational camping area is limited to one intersection on the trunk highway system.

Sec. 10. Minnesota Statutes 1982, section 160.295, subdivision 2, is amended to read:

Subd. 2. **DISTANCE TO SPECIFIC SERVICE.** A specific service sign may be placed on a nonfreeway type road if the specific service is located within ~~ten~~ 15 miles of the qualifying site.

Sec. 11. Minnesota Statutes 1982, section 160.295, subdivision 3, is amended to read:

Subd. 3. **MOTEL, RESTAURANT, AND RESORT WARRANT.** Motels, restaurants, and resorts served by the specific service signing shall be licensed by the state department of health as required by section 157.03.

Sec. 12. **[160.80] SIGN FRANCHISE PROGRAM.**

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

Subdivision 1. COMMISSIONER MAY ESTABLISH PROGRAM. The commissioner of transportation may establish a sign franchise program for the purpose of providing on the right-of-way of interstate and controlled-access trunk highways specific information on gas, food, camping, and lodging, for the benefit of the motoring public.

Subd. 2. FRANCHISES. The commissioner may, by public negotiation or bid, grant one or more franchises to qualified persons to erect and maintain, on the right-of-way of interstate and controlled-access trunk highways, signs informing the motoring public of gas, food, lodging, and camping facilities. A franchisee shall furnish, install, maintain, and replace signs for the benefit of advertisers who provide gas, food, lodging, and camping facilities for the general public, and lease advertising space on the signs to operators of these facilities.

Subd. 3. COSTS. All costs incurred under the program established by this section must be paid under agreements negotiated between a franchisee and an advertiser or advertisers, unless otherwise provided in the contract between the commissioner and the franchisee.

Subd. 4. CONTRACT REQUIREMENTS. All contracts made by the commissioner with a franchisee must provide for:

(1) a requirement that the franchisee obtain liability insurance in an amount the commissioner determines, jointly insuring the state and the franchisee against all liability for claims for damages occurring wholly or in part because of the franchise; and

(2) reasonable standards for the size, design, erection, and maintenance of service information signs and the advertising logos thereon.

The commissioner may require additional terms and conditions, including but not limited to provisions on the renewal and termination of the agreement, and in the event of termination the rights of the state and franchisee relative to the franchisee's advertising contracts.

Subd. 5. RESTRICTIONS. The commissioner shall take no action under this section which will result in the loss to the state of any federal highway construction funds.

Subd. 6. ADVISORY COMMITTEE. The commissioner shall appoint a committee of at least one representative of each of the four industries eligible for signing under this section and at least three representatives of the department of transportation, for the purpose of advising him on the sign franchise program.

Sec. 13. Minnesota Statutes 1982, section 161.20, subdivision 4, is amended to read:

Subd. 4. DEBT COLLECTION. The commissioner shall make reasonable and businesslike efforts to collect money owed to the department for licenses,

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fines, penalties, and permit fees or arising from damages to state-owned property and or other causes related to trunk highways the activities of the department of transportation. When a debt has been reduced to a money judgment, the commissioner may contract for debt collection services for the purpose of collecting the judgment. The commissioner may enter into an agreement with the commissioner of public safety for the purpose of using debt collection services authorized by this subdivision when civil penalties relating to the use of highways have been reduced to money judgment. Money received as full or partial payment shall be deposited in to the trunk highway appropriate fund. When money is collected through contracted services, the commissioner may make payment for the service from the money collected. The amount necessary for payment of contractual collection costs is appropriated from the trunk highway fund to which money so collected is deposited.

Sec. 14. Minnesota Statutes 1982, section 161.39, subdivision 1, is amended to read:

Subdivision 1. **TECHNICAL AND ENGINEERING ASSISTANCE, SURVEYS AND, PLANS, AND MAINTENANCE.** Upon the request of any another road authority, any road authority including the commissioner and the road authority of any city, the commissioner township, or county may provide technical and engineering advice, assistance and supervision to the requesting road authority; and may make surveys and prepare plans for the location, construction, and reconstruction of and perform maintenance on any highway, street, road, or bridge under the jurisdiction of the requesting road authority.

Sec. 15. Minnesota Statutes 1982, section 161.39, subdivision 5, is amended to read:

Subd. 5. **PAYMENT FOR SERVICES.** The cost of the work or services performed under the provisions of this section shall be paid by the road authority, department or agency for which the work or services were performed. All money received or expended therefor shall be credited or debited to the trunk highway fund.

Sec. 16. Minnesota Statutes 1982, section 161.39, subdivision 6, is amended to read:

Subd. 6. **AGREEMENTS REGARDING SERVICES.** The road authorities, including road authorities of cities, townships, counties, state departments, or agencies may enter into agreements with the commissioner setting forth the work or services to be performed by the commissioner or the road authority under the provisions of this section and providing for the method of reimbursement to or from the trunk highway fund of the cost thereof.

Sec. 17. Minnesota Statutes 1982, section 173.02, subdivision 6, is amended to read:

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

Subd. 6. Directional and other official signs and notices shall mean:

(a) "Official signs and notices" mean signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal or state law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local governmental agencies or nonprofit historical societies may be considered official signs.

(b) "Public utility signs" mean warning signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

(c) "Service club and religious notices" mean signs and notices, not exceeding eight square feet in advertising area, whose erection is authorized by law, relating to meetings and location of nonprofit service clubs or charitable associations, or religious services.

(d) "Directional signs" means ~~publicly owned~~ signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, ~~education~~ scientific, educational, and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. To qualify for directional signs, privately owned attractions must be nationally or regionally known, and of outstanding interest to the traveling public.

(e) All definitions in this subdivision are intended to be in conformity with the national standards for directional and other official signs.

Sec. 18. [173.081] DIRECTIONAL SIGNS.

The commissioner of transportation shall develop uniform standards for directional signs erected under this chapter. The standards must provide for the size, lighting, spacing, design, colors, and maintenance of the signs. The standards must provide that:

(1) no pictorial or photographic representations be placed on the signs;
(2) directional signs facing the same direction of travel may not be placed less than one mile apart;

(3) signs located adjacent to an interstate highway must be within 75 miles of the described activity, and those located adjacent to other trunk highways must be within 50 miles of the described activity; and

(4) not more than one directional sign for the same activity and facing the same direction of travel may be erected along a single marked highway approaching the activity.

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

The standards may provide eligibility criteria, including visitor capacity, parking capacity, days and hours of operation, and annual and daily average attendance, for attractions qualifying for directional signs.

The commissioner shall take no action under this section which would result in the loss to the state of federal highway construction funds.

Sec. 19. Minnesota Statutes 1983 Supplement, section 173.13, subdivision 4, is amended to read:

Subd. 4. The annual fee for each such permit or renewal thereof shall be as follows:

- (1) If the advertising area of the advertising device does not exceed 50 square feet, the fee shall be \$20.
- (2) If the advertising area exceeds 50 square feet but does not exceed 300 square feet, the fee shall be \$40.
- (3) If the advertising area exceeds 300 square feet, the fee shall be \$80.
- (4) No fee shall be charged for a permit for ~~directional and other~~ official signs and notices as they are defined in section 173.02.

Sec. 20. Minnesota Statutes 1982, section 173.13, subdivision 7, is amended to read:

Subd. 7. A penalty of ~~two times~~ equal to one-half the annual fee shall be charged upon failure to pay the annual permit fee for renewal on or before August 1 of each year.

Sec. 21. Laws 1983, chapter 293, section 2, subdivision 4, is amended to read:

Subd. 4. Technical Services	28,573,600	28,158,500
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The amounts that may be expended from this appropriation for each activity are as follows:

Engineering Services

\$ 18,024,800	\$ 17,629,100
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This appropriation includes \$1,400,000 each year for the purpose of delivery of an expanded highway development program. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Engineering Development

\$ 6,890,400	\$ 6,872,600
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\$75,000 the first year and \$75,000 the second year is for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. Expenditures from this account are subject to the approval of the commissioner of finance. Reimbursements shall be deposited in the trunk highway fund. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

State Aid Technical Assistance

\$ 656,000 \$ 656,000

The variance committee shall be continued during the biennium ending June 30, 1985.

Electronic Communications

\$ 1,796,400 \$ 1,794,900

Environmental Services

\$ 1,206,000 \$ 1,205,900

For the fiscal biennium ending June 30, 1985, the commissioner shall spend no money to acquire or condemn outdoor advertising devices as defined in Minnesota Statutes, chapter 173.

Sec. 22. INSTRUCTIONS TO REVISOR.

The revisor of statutes shall, in the next and subsequent editions of Minnesota Statutes, delete the headnote "INTERSTATE HIGHWAYS" from the beginning of chapter 173.

Sec. 23. Minnesota Statutes 1982, section 169.01, is amended by adding a subdivision to read:

Subd. 67. ALLEYWAY. "Alleyway" means a private or public passage or way located in a municipality and which (1) is less than the usual width of a street, (2) may be open to but is not designed primarily for general vehicular traffic, (3) intersects or opens to a street, and (4) is primarily used for the ingress and egress or other convenience of two or more owners of abutting real properties.

Sec. 24. Minnesota Statutes 1982, section 169.14, subdivision 2, is amended to read:

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

Subd. 2. **SPEED LIMITS.** Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

- (1) 30 miles per hour in an urban district;
- (2) 65 miles per hour in other locations during the daytime;
- (3) 55 miles per hour in such other locations during the nighttime;
- (4) 10 miles per hour in alleys.

"Daytime" means from a half hour before sunrise to a half hour after sunset, except at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet. "Nighttime" means at any other hour or at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet.

Sec. 25. Minnesota Statutes 1982, section 169.14, is amended by adding a subdivision to read:

Subd. 5c. SPEED ZONING IN ALLEYWAYS. Local authorities may regulate speed limits for alleyways as defined in section 169.01 based on their own engineering and traffic investigations. Alleyway speed limits established at other than 10 miles per hour shall be effective when proper signs are posted.

Sec. 26. **EFFECTIVE DATE.**

Sections 1 to 26 are effective the day following final enactment.

Approved April 22, 1984

CHAPTER 418 — H.F.No. 1819

An act relating to health; requiring that hearing aid sellers give buyers a right to cancel their purchase; amending Minnesota Statutes 1982, section 145.43, by adding a subdivision; repealing Minnesota Statutes 1982, sections 145.43, subdivision 2; and 145.44.

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

Section 1. Minnesota Statutes 1982, section 145.43, is amended by adding a subdivision to read:

Subdivision 1a. [30-DAY GUARANTEE AND BUYER RIGHT TO CANCEL.] No person shall sell a hearing aid in this state unless:

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