

Section 1. [176.1011] LOSS OF SMELL OR TASTE.

For personal injuries occurring after December 31, 1983, and before November 12, 1985, the permanent partial disability rating for total loss of taste shall be three percent of the whole body and for complete and total loss of smell shall be three percent of the whole body.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following its final enactment.

Approved May 11, 1987

CHAPTER 88—H.F.No. 1009

An act relating to transportation; providing for standards for special transportation service; requiring changes in the administration of special transportation service in the metropolitan area; amending Minnesota Statutes 1986, sections 174.30, subdivisions 1, 2, 4, 6, 7, and by adding subdivisions; 473.386, subdivisions 1, 2, 3, 4, and 6; repealing Minnesota Statutes 1986, section 473.386, subdivision 7.

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

Section 1. Minnesota Statutes 1986, section 174.30, subdivision 1, is amended to read:

Subdivision 1. **APPLICABILITY LIMITATIONS; BY TYPE OF PROVIDER; BY SOURCE OF FUNDS.** The operating standards for special transportation service adopted under this section do not apply to special transportation provided by:

- (a) A common carrier operating on fixed routes and schedules;
- (b) ~~A taxi;~~
- (e) A volunteer driver using a private automobile;
- (~~d~~) (c) A school bus as defined in section 169.01, subdivision 6; or
- (e) (~~d~~) An emergency ambulance regulated under chapter 144.

The operating standards adopted under this section only apply to providers of special transportation service who receive grants or other financial assistance from either the state or the federal government, or both, to provide or assist in providing that service; except that the operating standards adopted under this section do not apply to any nursing home licensed under section 144A.02, to any board and care facility licensed under section 144.50, or to any day care or group home facility licensed under sections 245.781 to 245.812 unless the facili-

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ty or program provides transportation to nonresidents on a regular basis and the facility receives reimbursement, other than per diem payments, for that service under rules promulgated by the commissioner of human services.

Sec. 2. Minnesota Statutes 1986, section 174.30, subdivision 2, is amended to read:

Subd. 2. **AUTHORITY TO ADOPT; PURPOSE AND CONTENT; RULEMAKING.** The commissioner of transportation shall adopt by rule standards for the operation of vehicles used to provide special transportation service which are reasonably necessary to protect the health and safety of individuals using that service. The commissioner, as far as practicable, consistent with the purpose of the standards, shall avoid adoption of standards that unduly restrict any public or private entity or person from providing special transportation service because of the administrative or other cost of compliance.

Standards adopted under this section ~~may~~ must include but are not limited to:

(a) Qualifications of drivers and attendants, including driver training requirements that must be met before a driver provides special transportation;

(b) Safety ~~equipment required for~~ of vehicles and necessary safety equipment;

(c) General requirements concerning inspection and maintenance of vehicles, replacement vehicles, standard vehicle equipment of vehicles, and specialized equipment necessary to ensure vehicle usability and safety for disabled persons; and

(d) Minimum insurance requirements.

The commissioner shall consult with the state council for the handicapped before making a decision on a variance from the standards.

Sec. 3. Minnesota Statutes 1986, section 174.30, is amended by adding a subdivision to read:

Subd. 2a. **VEHICLE AND EQUIPMENT SAFETY; PROVIDER RESPONSIBILITIES.** (a) Every special transportation service provider shall systematically inspect, repair, and maintain, or cause to be inspected, repaired, and maintained, the vehicles and equipment subject to the control of the provider. Each vehicle and its equipment must be inspected daily. A vehicle may not be operated in a condition that is likely to cause an accident or breakdown of the vehicle. Equipment, including specialized equipment necessary to ensure vehicle usability and safety for disabled persons, must be in proper and safe operating condition at all times.

(b) Each special transportation provider shall maintain the following records for each vehicle:

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(1) an identification of the vehicle, including make, serial number, and year, and, if the vehicle is not owned by the provider, the name and address of the person furnishing the vehicle;

(2) a schedule of inspection and maintenance operations to be performed;

(3) a record of inspections, repairs, and maintenance showing the date and nature;

(4) a lubrication record; and

(5) a record of tests conducted to ensure that emergency doors or windows and wheelchair lifts function properly.

Sec. 4. Minnesota Statutes 1986, section 174.30, subdivision 4, is amended to read:

Subd. 4. **CERTIFICATE OF COMPLIANCE VEHICLE AND EQUIPMENT INSPECTION; PROCEDURES.** (a) The commissioner shall inspect or provide for the inspection of vehicles at least annually. In addition to scheduled annual inspections and reinspections scheduled for the purpose of verifying that deficiencies have been corrected, unannounced inspections of any vehicle may be conducted. The commissioner shall provide for the unannounced inspection quarterly of at least five percent of the vehicles operated by providers certified by the commissioner.

(b) On determining that a vehicle or vehicle equipment is in a condition that is likely to cause an accident or breakdown, the commissioner shall require the vehicle to be taken out of service immediately. The commissioner of transportation shall issue an annual certificate of compliance for each vehicle used to provide special transportation service which complies with the standards adopted under this section. The commissioner shall issue a certificate of compliance to a vehicle subject to subdivision 3 only if the vehicle also complies with sections 299A.11 to 299A.18 require that vehicles and equipment not meeting standards be repaired and brought into conformance with the standards and shall require written evidence of compliance from the operator before allowing the operator to return the vehicle to service.

(c) The commissioner shall provide in the rules procedures for inspecting vehicles, removing unsafe vehicles from service, determining and requiring compliance and issuing the certificates. The procedures may include inspection of vehicles and examination of drivers, and reviewing driver qualifications.

Sec. 5. Minnesota Statutes 1986, section 174.30, is amended by adding a subdivision to read:

Subd. 4a. **CERTIFICATION OF SPECIAL TRANSPORTATION PROVIDERS.** The commissioner shall annually evaluate or provide for the evaluation of each provider of special transportation service regulated under this section and certify that the provider is in compliance with the standards under this section.

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Sec. 6. Minnesota Statutes 1986, section 174.30, subdivision 6, is amended to read:

Subd. 6. **PREEMPTION OF OTHER REQUIREMENTS.** Notwithstanding any other law, ordinance or resolution to the contrary, an operator of special transportation service that has been issued a current certificate of compliance under subdivision 4 ~~4a~~ for a ~~vehicle~~ vehicles used to provide that service is not required to obtain any other state or local permit, license or certificate as a condition of operating the ~~vehicle~~ vehicles for that purpose. This subdivision does not exempt any vehicle from the requirements imposed on vehicles generally as a condition of using the public streets and highways.

Sec. 7. Minnesota Statutes 1986, section 174.30, subdivision 7, is amended to read:

Subd. 7. **ENFORCEMENT.** No state agency, political subdivision or other public agency shall provide any capital or operating assistance to or reimbursement for ~~services rendered by any operator of~~ special transportation service unless ~~current certificates of compliance have been issued under subdivision 4 for the vehicles used by the operator to provide~~ operator providing the service has a current certificate of compliance issued under section 5.

Sec. 8. Minnesota Statutes 1986, section 473.386, subdivision 1, is amended to read:

Subdivision 1. **PROJECT SERVICE OBJECTIVES.** The transit board shall implement a ~~project to coordinate~~ special transportation service, as defined in section 174.29, in the metropolitan area. The ~~project service~~ has the following objectives:

(a) to provide greater access to transportation for the elderly, handicapped, and others with special transportation needs in the metropolitan area;

(b) to develop an integrated system of special transportation service providing transportation tailored to meet special individual needs in the most cost-efficient manner; and

(c) to use existing public ~~and~~, private, and private nonprofit providers of service wherever possible, to supplement rather than replace existing service, and to increase the productivity of all special transportation vehicles available in the area.

Sec. 9. Minnesota Statutes 1986, section 473.386, subdivision 2, is amended to read:

Subd. 2. **FINANCING; IMPLEMENTATION SERVICE CONTRACTS; MANAGEMENT AND; ADVISORY GROUPS COMMITTEE.** (a) The board shall contract for services necessary for the ~~project's operation~~ provision of special transportation. All transportation service provided through the project must be provided under a contract between the board and the provider which

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specifies the service to be provided, the standards that must be met, and the rates for ~~providing it~~ operating and providing special transportation services.

(b) The board shall establish management policies for the ~~project service~~ but shall contract with a service administrator for day-to-day administration and management of the service. The contract must delegate to the service administrator clear authority to administer and manage the delivery of the service pursuant to board management policies and must establish performance and compliance standards for the service administrator.

(c) The board shall ensure that the service administrator establishes a system for registering and expeditiously responding to complaints by users, informing users of how to register complaints, and requiring providers to report on incidents that impair the safety and well-being of users or the quality of the service. The board shall annually report to the commissioner of transportation and the legislature on complaints and provider reports, the response of the service administrator, and steps taken by the board and the service administrator to identify causes and provide remedies to recurring problems.

(d) Within 90 days following the effective date of this act, the board shall hold a public hearing on standards for provider eligibility, selection, performance, compliance, and evaluation; the terms of provider contracts and the contract with the service administrator and related contract management policies and procedures of the board; fare policies; service areas, hours, standards, and procedures; and similar matters relating to implementation of the service. Each year before renewing contracts with providers and the service administrator, the board shall provide an opportunity for the advisory committee, users, and other interested persons to testify before the board concerning providers, contract terms, and other matters relating to board policies and procedures for implementing the service.

(e) The board shall establish an advisory committee of ~~individuals representing the~~ The advisory committee must include elderly, and handicapped persons, and other users of special transportation service provided by the project, representatives of persons contracting to provide special transportation services for the project, and representatives of appropriate agencies for elderly and handicapped persons to advise the board on management policies for the ~~project service~~ service. At least half the committee members must be disabled or elderly persons or the representatives of disabled or elderly persons. Two of the appointments to the advisory committee shall be made by the state council for the handicapped in consultation with the chair of the regional transit board.

Sec. 10. Minnesota Statutes 1986, section 473.386, subdivision 3, is amended to read:

Subd. 3. **DUTIES OF BOARD.** In implementing the ~~project special transportation service~~ the board shall:

(a) encourage participation in the ~~project service~~ by public and, private, and

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~~private nonprofit~~ providers of special transportation ~~service~~ currently receiving capital or operating assistance from a public agency;

(b) contract with public ~~and~~, private, and private nonprofit providers that have demonstrated their ability to effectively provide service at a reasonable cost;

(c) encourage individuals using ~~service provided through the project~~ special transportation to use the type of service most appropriate to their particular needs;

(d) ensure that all persons providing special transportation service ~~through the project~~ receive equitable treatment in the allocation of the ridership;

(e) encourage shared rides to the greatest extent practicable;

(f) encourage public agencies that provide transportation to eligible individuals as a component of human services and educational programs to coordinate with ~~the project~~ this service and to allow reimbursement for ~~services~~ transportation provided through the project service at rates that reflect the public cost of providing ~~these services that transportation; and~~

(g) establish criteria to be used in determining individual eligibility for special transportation services;

(h) consult with the advisory committee in a timely manner before changes are made in the provision of special transportation services, including, but not limited to, changes in policies affecting the matters subject to hearing under section 9;

(i) provide for effective administration and enforcement of board policies and standards; and

(j) annually evaluate providers of special transportation service to ensure compliance with the standards established for the program.

Sec. 11. Minnesota Statutes 1986, section 473.386, subdivision 4, is amended to read:

Subd. 4. **COORDINATION REQUIRED.** The board may not grant any financial assistance to any recipient that proposes to use any part of the grant to provide special transportation service in the metropolitan area unless the program is coordinated with the ~~project~~ board's special transportation service in the manner determined by the board.

Sec. 12. Minnesota Statutes 1986, section 473.386, subdivision 6, is amended to read:

Subd. 6. **OPERATING AND SERVICE STANDARDS.** ~~A vehicle providing special transportation service which is subject to the operating standards adopted pursuant to section 174.30 may not be allowed to provide service~~

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through the project unless a current certificate of compliance has been issued to the vehicle. A person operating or assisting the operation of a vehicle may leave the vehicle to enter premises in order to help a passenger who does not require emergency ambulance service. Operators and assistants shall provide the help necessary for door-through-door service, including help in entering and leaving the vehicle and help through the exterior entrance and over any exterior steps at either departure or destination buildings, provided that both the steps and the wheelchair are in good repair. If an operator or assistant refuses help because of the condition of the steps or the wheelchair, the operator of the service shall send letters to the service administrator designated by the board and the, who shall notify the person denied service describing the corrective measures necessary to qualify for service.

Sec. 13. **REPEALER.**

Minnesota Statutes 1986, section 473.386, subdivision 7, is repealed.

Sec. 14. **APPLICATION.**

Sections 8 to 12 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Approved May 12, 1987

CHAPTER 89—S.F.No. 183

An act relating to snowmobiles; authorizing certain operators possessing a motor vehicle operator's license to cross a highway; amending Minnesota Statutes 1986, section 84.872.

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

Section 1. Minnesota Statutes 1986, section 84.872, is amended to read:

84.872 YOUTHFUL SNOWMOBILE OPERATORS; PROHIBITIONS.

Notwithstanding anything in section 84.87 to the contrary, no person under 14 years of age shall make a direct crossing of a trunk, county state aid, or county highway as the operator of a snowmobile, or operate a snowmobile upon a street or highway within a municipality. A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a trunk, county state aid, or county highway only if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner or a valid motor vehicle operator's license issued by the commissioner of public safety or the drivers license authority of another state. No person under the age of 14 years shall operate a snowmobile on any public land or water under the jurisdiction of the commissioner unless accompanied by one of the following listed persons on the same or an accompanying snowmobile, or on a device towed by the same or an

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