

(3) The commissioner may not disapprove any zoning ordinance adopted by a county or local zoning authority that has the effect of establishing a business area unless the zoning ordinance would result in the loss to the state of federal highway funds.

Presented to the governor April 17, 1992

Signed by the governor April 27, 1992, 2:09 p.m.

CHAPTER 573—S.F.No. 2233

An act relating to natural resources; establishing liability standards for recipients of trail assistance program funds; exempting snowmobile testing activities from applicable speed limits under certain conditions; allowing the use of snowmobiles on certain conservation lands unless prohibited by rule of the commissioner of natural resources; allowing towing of persons with personal watercraft equipped with rearview mirrors; amending Minnesota Statutes 1990, sections 84.83, by adding a subdivision; 84.87, by adding a subdivision; and 84A.55, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 86B.313, subdivision 1.

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

Section 1. Minnesota Statutes 1990, section 84.83, is amended by adding a subdivision to read:

Subd. 4. PROVISIONS APPLICABLE TO FUNDING RECIPIENTS. Recipients of Minnesota trail assistance program funds must be afforded the same protection and be held to the same standard of liability as a political subdivision under chapter 466 for activities associated with the administration, design, construction, maintenance, and grooming of snowmobile trails.

Sec. 2. Minnesota Statutes 1990, section 84.87, is amended by adding a subdivision to read:

Subd. 2c. APPLICATION OF SPEED LIMITS TO TESTING ACTIVITIES. (a) A speed limit established by the commissioner in rules adopted under section 84.86 does not apply to a snowmobile that is being operated as part of a testing program established by a snowmobile manufacturer if:

(1) the snowmobile is operated for testing purposes by a driver employed by the snowmobile manufacturer;

(2) the snowmobile is clearly marked as a test machine; and

(3) the snowmobile is operated in compliance with all other applicable laws and rules.

(b) A card containing a photograph of the driver and identifying the driver as a test driver for the manufacturer must be in the driver's possession at all times when the snowmobile is being operated at a speed in excess of the limit established by the commissioner under section 84.86.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 3. Minnesota Statutes 1990, section 84A.55, is amended by adding a subdivision to read:

Subd. 7a. SNOWMOBILES ON CERTAIN LANDS. Unless specifically prohibited by a rule of the commissioner, snowmobiles may be operated on lands subject to this section that have been identified by the commissioner as wildlife management areas.

Sec. 4. Minnesota Statutes 1991 Supplement, section 86B.313, subdivision 1, is amended to read:

Subdivision 1. **GENERAL REQUIREMENTS.** In addition to requirements of other laws relating to watercraft, it is unlawful to operate or to permit the operation of a personal watercraft:

(1) without each person on board the personal watercraft wearing a United States Coast Guard approved Type I, II, III, or V personal flotation device;

(2) between sunset and 8:00 a.m.;

(3) within 100 feet of a shoreline, dock, swimmer, or swimming diving raft or a moored, anchored, or nonmotorized watercraft at greater than slow-no wake speed;

(4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other device unless:

(i) an observer is on board; or

(ii) the personal watercraft is equipped with factory-installed or factory specified replacement mirrors that are integrated into the body design of the watercraft and give the operator a wide field of vision to the rear;

(5) without the lanyard-type engine cutoff switch being attached to the person, clothing, or personal flotation device of the operator, if the personal watercraft is equipped by the manufacturer with such a device;

(6) if any part of the spring-loaded throttle mechanism has been removed, altered, or tampered with so as to interfere with the return-to-idle system;

(7) to chase or harass wildlife;

(8) through emergent or floating vegetation at other than a slow-no wake speed;

(9) in a manner that unreasonably or unnecessarily endangers life, limb, or property, including weaving through congested watercraft traffic, jumping the wake of another watercraft within 100 feet of the other watercraft; or

(10) in any other manner that is not reasonable and prudent.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 5. EFFECTIVE DATE.

Sections 2 and 4 are effective the day following final enactment.

Presented to the governor April 17, 1992

Signed by the governor April 27, 1992, 2:10 p.m.

CHAPTER 574—S.F.No. 651

An act relating to insurance; regulating utilization review services; providing standards and procedures; regulating appeals of determinations not to certify; regulating prior authorization of services; prescribing staff and program qualifications; proposing coding for new law as Minnesota Statutes, chapter 62M.

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

Section 1. [62M.01] CITATION, JURISDICTION, AND SCOPE.

Subdivision 1. POPULAR NAME. Sections 1 to 16 may be cited as the "Minnesota utilization review act of 1992."

Subd. 2. JURISDICTION. Sections 1 to 16 apply to any insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01; a health service plan licensed under chapter 62C; a health maintenance organization licensed under chapter 62D; a fraternal benefit society operating under chapter 64B; a joint self-insurance employee health plan operating under chapter 62H; a multiple employer welfare arrangement, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, section 1103, as amended; a third party administrator licensed under section 60A.23, subdivision 8, that provides utilization review services for the administration of benefits under a health benefit plan as defined in section 2; or any entity performing utilization review on behalf of a business entity in this state pursuant to a health benefit plan covering a Minnesota resident.

Subd. 3. SCOPE. Sections 2, 7, and 9, subdivision 4, apply to prior authorization of services. Nothing in sections 1 to 16 applies to review of claims after submission to determine eligibility for benefits under a health benefit plan.

Sec. 2. [62M.02] DEFINITIONS.

Subdivision 1. TERMS. For the purposes of sections 1 to 16, the terms defined in this section have the meanings given them.

Subd. 2. APPEAL. "Appeal" means a formal request, either orally or in writing, to reconsider a determination not to certify an admission, extension of stay, or other health care service.

New language is indicated by underline, deletions by ~~strikeout~~.