

Sec. 12. EFFECTIVE DATE; APPLICATION.

This act is effective two days after final enactment and applies to any cause of action arising on or after that date.

Presented to the governor April 20, 1999

Signed by the governor April 23, 1999, 11:43 a.m.

CHAPTER 93—S.F.No. 1324

An act relating to motor vehicles; requiring commissioner of public safety to impose commercial driver's license disqualifications for violations of an out-of-service order; requiring commissioner of transportation to impose civil penalties for violations of an out-of-service order; amending Minnesota Statutes 1998, section 171.165, by adding a subdivision; and 221.036, subdivision 3.

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

Section 1. Minnesota Statutes 1998, section 171.165, is amended by adding a subdivision to read:

Subd. 4a. VIOLATION OF OUT-OF-SERVICE ORDER. (a) The commissioner shall disqualify a person from operating a commercial motor vehicle for not less than:

(1) 90 days nor more than one year if the operator is convicted of a first violation of an out-of-service order;

(2) one year nor more than five years if, during any ten-year period, the operator is convicted of two violations of out-of-service orders in separate incidents; and

(3) three years nor more than five years if, during any ten-year period, the operator is convicted of three or more violations of out-of-service orders in separate incidents.

(b) The commissioner shall notify the commissioner of transportation of each disqualification under this subdivision.

Sec. 2. Minnesota Statutes 1998, section 221.036, subdivision 3, is amended to read:

Subd. 3. AMOUNT OF PENALTY; CONSIDERATIONS. (a) The commissioner may issue an order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.041, subdivision 3; 221.081; 221.141; 221.151; or 221.171, or rules of the board or commissioner relating to motor carrier operations, insurance, or tariffs and accounting, identified during a single inspection, audit, or investigation.

(b) The commissioner may issue an order assessing a penalty up to a maximum of \$10,000 for all violations of section 221.033, subdivision 2b, or 221.035, and rules adopted under those sections, identified during a single inspection or audit.

(c) In determining the amount of a penalty, the commissioner shall consider:

(1) the willfulness of the violation;

(2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;

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

(3) the history of past violations, including the similarity of the most recent violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified;

(4) the economic benefit gained by the person by allowing or committing the violation; and

(5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

(d) The commissioner shall assess a penalty of not less than \$1,000 against a driver who is convicted of a violation of an out-of-service order. The commissioner shall assess a penalty of not more than \$10,000 against an employer who knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective April 1, 2000.

Presented to the governor April 20, 1999

Signed by the governor April 23, 1999, 11:46 a.m.

CHAPTER 94—S.F.No. 673

An act relating to health plans; regulating contract stacking; providing a remedy; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Section 1. [62Q.74] NETWORK SHADOW CONTRACTING.

Subdivision 1. DEFINITIONS. (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Category of coverage" means one of the following types of health-related coverage:

- (1) health;
- (2) no-fault automobile medical benefits; or
- (3) workers' compensation medical benefits.

(c) "Health care provider" or "provider" has the meaning given in section 148.01.

(d) "Network organization" means a preferred provider organization as defined in section 145.61, subdivision 4c; a managed care organization as defined in section 62Q.01, subdivision 5; or other entity that uses or consists of a network of health care providers; but does not include a nonprofit health service plan corporation operating under chapter 62C or its affiliates.

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