

340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 7. CITY OF BRAINERD.

The city of Brainerd may issue five on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 8. CITY OF COON RAPIDS; LIQUOR LICENSES.

The city of Coon Rapids may issue six on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 9. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor April 3, 2002

Signed by the governor April 5, 2002, 12:56 p.m.

CHAPTER 319—H.F.No. 2706

An act relating to traffic regulations; modifying traffic laws relating to emergency vehicles; imposing misdemeanor penalty for intentionally obstructing emergency vehicle during emergency duty; making clarifying changes; amending Minnesota Statutes 2000, sections 169.03, subdivision 2; 169.20, subdivision 5a; Minnesota Statutes 2001 Supplement, section 169.20, subdivision 5.

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

Section 1. Minnesota Statutes 2000, section 169.03, subdivision 2, is amended to read:

Subd. 2. **STOPS.** The driver of any authorized emergency vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety, but may proceed cautiously past such red or stop sign or signal after sounding siren and displaying red lights, except that a law enforcement vehicle responding to an emergency call shall sound its siren or display at least one lighted red light to the front.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2001 Supplement, section 169.20, subdivision 5, is amended to read:

New language is indicated by underline, deletions by strikeout.

Subd. 5. **EMERGENCY VEHICLE; PENALTIES.** (a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such the vehicle and, ~~except where as otherwise not required by law provided in paragraph (b),~~ when the driver is giving audible signal by siren, the driver of each other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection, and shall stop and remain in this position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. The driver of another vehicle on a one-way roadway shall drive to the closest edge or curb and stop.

(b) The driver of an authorized emergency vehicle escorting the movement of a an oversize or overweight vehicle or load ~~which is oversize or overweight~~ need not sound an audible signal by siren but shall exhibit the light required by this paragraph (a). The driver of each other vehicle then shall yield the right-of-way, as required by this paragraph (a), to the emergency vehicle escorting the oversize or overweight vehicle or load ~~which is oversize or overweight.~~

(c) Upon the approach of an authorized emergency vehicle the driver of each streetcar shall immediately stop the car clear of any intersection and keep it in this position and keep the doors and gates of the streetcar closed until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(e) ~~A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of paragraph (a) within the four-hour period following the termination of the emergency incident.~~

(d) This subdivision ~~shall~~ does not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the highways.

(e) A driver who fails to comply with paragraph (a), (b), or (c) is guilty of a petty misdemeanor and may be penalized according to section 169.89.

(f) A driver who intentionally obstructs an emergency vehicle or otherwise intentionally fails to comply with paragraph (a), (b), or (c) is guilty of a misdemeanor.

Sec. 3. Minnesota Statutes 2000, section 169.20, subdivision 5a, is amended to read:

Subd. 5a. **ARREST; CITATION; PROBABLE CAUSE.** (a) A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 5, paragraph (a), (b), or (f), within the four-hour period following the termination of the emergency incident or a receipt of a report under paragraph (c). The arrest may be made even though the violation was not committed in the presence of the peace officer.

(b) A peace officer may issue a citation in lieu of arrest to the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has failed to

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yield the right-of-way to an emergency vehicle operated the vehicle in violation of subdivision 5.

(c) Although probable cause may be otherwise satisfied by other evidentiary elements or factors, probable cause is sufficient for purposes of this subdivision when a member of the crew of an authorized emergency vehicle responding to an emergency incident makes a timely report of the violation of subdivision 5 and provides a description of the vehicle used to commit the offense and the vehicle's license plate number. For the purposes of an arrest under paragraph (a), "timely" means that the report must be made within a four-hour period following the termination of the emergency incident.

Presented to the governor April 3, 2002

Signed by the governor April 5, 2002, 12:59 p.m.

CHAPTER 320—S.F.No. 3322

An act relating to the metropolitan council; providing for the external use of existing service capacity; modifying the depreciation rate when assuming ownership of existing facilities; repealing obsolete rules; amending Minnesota Statutes 2000, sections 473.129, by adding a subdivision; 473.511, subdivision 4; repealing Minnesota Rules, parts 5900.0100; 5900.0200; 5900.0300; 5900.0400; 5900.0500; 5900.0600; 5900.0700; 5900.0800; 5900.0900; 5900.1000; 5900.1100; 5900.1200; 5900.1300; 5900.1400; 5900.1500; 5900.1600; 5900.1700; 5900.1800; 5900.1900; 5900.2000; 5900.2100; 5900.2200; 5900.2300; 5900.2400; 5900.2500; 5900.2600; 5900.2700; 5900.2800; 5900.2900; 5900.3000; 5900.3100; 5900.3200; 5900.3300; 5900.3400; 5900.3500; 5900.3600; 5900.3700; 5900.3800; 5900.3900; 5900.4000; 5900.4100; 5900.4200; 5900.4300; 5900.4400; 5900.4500; 5900.4600; 5900.4700; 5900.4800; 5900.4900; 5900.5000; 5900.5100; 5900.5200; 5900.5300; 5900.5400; 5900.5500; 5900.5600; 5900.5700; 5900.5800; 5900.5900; 5900.6000; 5900.6100; 5900.6200; 5900.6300; 5900.6400; 5900.6500; 5900.6800; 5900.6900; 5900.7000; 5900.7100; 5900.7200; 5900.7300; 5900.7400; 5900.7500.

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

Section 1. Minnesota Statutes 2000, section 473.129, is amended by adding a subdivision to read:

Subd. 11. EXTERNAL USE OF EXISTING SERVICE CAPACITY. For purposes of this subdivision, "service capacity" means an existing service or operation carried out by the council as authorized by law, or existing council real or personal property, for which the council on a temporary basis has capacity available for use outside the council. Notwithstanding other law, the council may enter into arrangements to provide service capacity to other governmental entities or the private sector on the terms and conditions it considers appropriate. In providing service capacity, the council: (1) may not commit to providing the service capacity for a period in excess of five years; and (2) must receive compensation for providing the service capacity in at least an amount sufficient to recover the actual costs of providing the service

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