

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 3298

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DATE	D-PG	OFFICIAL STATUS
03/29/2016	5320	Introduction and first reading Referred to Environment and Energy

1.1A bill for an act

1.2relating to environment; establishing certified salt applicator program; limiting

1.3liability; authorizing rulemaking; proposing coding for new law in Minnesota

1.4Statutes, chapter 116.

1.5BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6Section 1. **[116.2025] VOLUNTARY SALT APPLICATOR CERTIFICATION**

1.7**PROGRAM.**

1.8Subdivision 1. **Definitions.** For the purpose of this section, the following terms

1.9have the meanings given:

1.10(1) "commercial applicator" means an individual who applies or supervises others

1.11who apply salt for hire, but does not include a municipal, state, or other government

1.12employee; and

1.13(2) "salt" means sodium chloride, calcium chloride, magnesium chloride, or any

1.14other substance containing chloride.

1.15Subd. 2. **Voluntary certification program; best management practices.** The

1.16commissioner of the Pollution Control Agency shall establish a program to allow

1.17commercial applicators of salt to obtain certification as a water-friendly applicator. The

1.18commissioner shall develop a training program that promotes best management practices

1.19that use the least amount of salt while ensuring safe conditions on surfaces traveled by

1.20pedestrians and vehicles. The commissioner shall certify a commercial applicator that has

1.21completed the program as a water-friendly applicator for a period of time to be determined

1.22by the commissioner. The commissioner shall develop additional training or requirements

1.23for renewing the certification. Notwithstanding section 16A.1283, the commissioner

1.24may charge a fee to commercial applicators to recover the costs of developing and

administering this section. The commissioner shall post the best management practices developed under this section on the agency's Web site.

Subd. 3. Liability. (a) A commercial applicator certified under this section or the owner, occupant, or lessee of land maintained by a commercial applicator certified under this section is not liable for damages arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by the applicator, owner, occupant, or lessee, even with actual notice thereof, when the hazards are caused solely by snow or ice, and the commercial applicator's, owner's, occupant's, or lessee's failure or delay in removing or mitigating the hazards is the result of implementation, absent gross negligence or reckless disregard of the hazard, of the best management practices developed by the commissioner under this section. Commercial applicators certified under this section and owners, occupants, or lessees of land maintained by a certified commercial applicator who adopt the best management practices are presumed to be acting pursuant to the best management practices in the absence of proof to the contrary.

(b) To receive the liability protection provided in paragraph (a), the commercial applicator or the owner, occupant, or lessee of land must keep a written record describing the road, parking lot, and property maintenance practices used. The written record must include the type and rate of application of de-icing materials used, the dates of treatment, and the weather conditions for each event requiring de-icing. The records must be kept for three years.

Subd. 4. Penalty. The commissioner may revoke or decline to renew the certification of a commercial applicator who violates this section or rules adopted under this section.

Subd. 5. Rulemaking. The commissioner may adopt rules necessary to implement this section.