

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 2138

(SENATE AUTHORS: FATEH)

DATE
03/17/2021

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Introduction and first reading
Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; repealing the prohibition on obstructing highways;
1.3 amending Minnesota Statutes 2020, sections 160.2715; 609.74.

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

1.5 Section 1. Minnesota Statutes 2020, section 160.2715, is amended to read:

1.6 **160.2715 RIGHT-OF-WAY USE; MISDEMEANORS.**

1.7 (a) Except for the actions of the road authorities, their agents, employees, contractors,
1.8 and utilities in carrying out their duties imposed by law or contract, and except as herein
1.9 provided, it shall be unlawful to:

1.10 (1) obstruct any highway ~~or deposit~~ by depositing snow or ice ~~thereon~~ on it;

1.11 (2) plow or perform any other detrimental operation within the road right-of-way except
1.12 in the preparation of the land for planting permanent vegetative cover or as authorized under
1.13 section 160.232;

1.14 (3) erect a fence on the right-of-way of a trunk highway, county state-aid highway,
1.15 county highway, or town road, except to erect a lane fence to the ends of a livestock pass;

1.16 (4) erect or reconstruct driveway headwalls in or on the right-of-way of a highway or
1.17 road, except as may be allowed by permit from the road authority imposing reasonable
1.18 regulations as are necessary to prevent interference with the construction, maintenance, and
1.19 safe use of the highway or road and its appurtenances;

1.20 (5) dig any holes in any highway, except to locate markers placed to identify sectional
1.21 corner positions and private boundary corners;

- 2.1 (6) remove any earth, gravel, or rock from any highway;
- 2.2 (7) obstruct any ditch draining any highway or drain any noisome materials into any
2.3 ditch;
- 2.4 (8) place or maintain any building or structure within the limits of any highway;
- 2.5 (9) place or maintain any advertisement within the limits of any highway, except as
2.6 provided in section 160.27, subdivision 7;
- 2.7 (10) paint, print, place, or affix any advertisement or any object within the limits of any
2.8 highway, except as provided in section 160.27, subdivision 7;
- 2.9 (11) deface, mar, damage, or tamper with any structure, work, material, equipment,
2.10 tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance
2.11 on or along any highway;
- 2.12 (12) remove, injure, displace, or destroy right-of-way markers, or reference or witness
2.13 monuments, or markers placed to preserve section or quarter-section corners;
- 2.14 (13) improperly place or fail to place warning signs and detour signs as provided by
2.15 law;
- 2.16 (14) drive over, through, or around any barricade, fence, or obstruction erected for the
2.17 purpose of preventing traffic from passing over a portion of a highway closed to public
2.18 travel or to remove, deface, or damage any such barricade, fence, or obstruction.
- 2.19 (b) Any violation of this section is a misdemeanor.

2.20 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.21 applies to acts committed on or after that date.

2.22 Sec. 2. Minnesota Statutes 2020, section 609.74, is amended to read:

2.23 **609.74 PUBLIC NUISANCE.**

2.24 Whoever by an act or failure to perform a legal duty intentionally does any of the
2.25 following is guilty of maintaining a public nuisance, which is a misdemeanor:

- 2.26 (1) maintains or permits a condition which unreasonably annoys, injures or endangers
2.27 the safety, health, morals, comfort, or repose of any considerable number of members of
2.28 the public; or
- 2.29 (2) interferes with, obstructs, or renders dangerous for passage, any ~~public highway or~~
2.30 ~~right-of-way, or~~ waters used by the public; or

3.1 (3) is guilty of any other act or omission declared by law to be a public nuisance and for
3.2 which no sentence is specifically provided.

3.3 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.4 applies to acts committed on or after that date.