

MINNESOTA CODE OF AGENCY RULES

RULES OF THE DEPARTMENT OF PUBLIC SAFETY

1982 Reprint



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Prepared by

THE OFFICE OF REVISOR OF STATUTES
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DEPARTMENT OF PUBLIC SAFETY

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MINNESOTA DEPARTMENT OF PUBLIC SAFETY**SAFETY ADMINISTRATION DIVISION****CHAPTER ONE: PRELIMINARY SCREENING BREATH TEST DEVICES**

SafAd 1 Purpose and Scope. The purpose of this regulation is to establish standards and minimum specifications for preliminary screening breath test devices, to be used pursuant to the provisions of Laws 1971, Chapter 893, Section 1.

SafAd 2 Definitions. For purposes of these rules and regulations, the following terms shall have these meanings:

(a) Blood-alcohol concentration. The percent by weight of alcohol in the blood, as defined by the number of grams of alcohol in 100 milliliters of blood.

(b) Screening device. A device, which by analysis of a sample of breath, will indicate whether the blood-alcohol concentration of an individual tested is greater or less than .10 percent by weight.

(c) Positive result. A test of an individual by means of a screening device which indicates a blood-alcohol concentration of .10 percent by weight or greater.

(d) Negative result. A test of an individual by means of a screening device which indicates a blood-alcohol concentration of less than .10 percent by weight.

(e) Commissioner. The Commissioner of Public Safety of the State of Minnesota.

(f) Manufacturer. A manufacturer; or dealer, distributor, or supplier of a screening device offered for sale to law enforcement agencies in the State of Minnesota.

SafAd 3 Minimum Standards and Specifications. All screening devices used pursuant to Laws 1971, Chapter 893, Section 1, shall meet the following minimum standards and specifications:

(a) Accuracy of the screening device shall remain consistent during a storage life of one year from the date of purchase, at storage temperatures ranging between -30°F. to 120°F.

(b) The reading of a screening device after a sample of breath is properly taken shall be ascertainable under reduced levels of illumination.

(c) Operation of the screening device must be simple, so that operators can be trained to use the screening device with four (4) hours or less of formal instruction.

(d) Each individual screening device must be packaged with a complete set of instructions as to how the device is to be properly used for taking and analyzing a sample of breath.

(e) When a sample of breath is properly taken from a person with an actual blood-alcohol concentration of 0.05 percent or less by weight, the screening device shall not indicate a positive result.

(f) When a sample of breath is properly taken from a person with an actual blood-alcohol concentration of 0.13 percent or greater by weight, the screening device shall not indicate a negative result.

(g) Other than as limited in subregulations (e) and (f) preceding, when a sample of breath is properly taken from a person with an actual blood-alcohol concentration of 0.06 percent to 0.12 percent by weight, the screening device shall not have a deviation greater than ± 0.02 percent blood-alcohol concentration.

(h) A screening device which is disposable after a single use, and which the accuracy will be affected by storage must be labelled with an expiration date.

SafAd 4 Application for Approval, Required Information. In each application submitted to the Commissioner for approval of a screening device, the following information shall be included:

(a) The name of the manufacturer, and the brand or trade name under which such screening device is to be marketed.

(b) The maximum and minimum temperature at which the screening device may be used, and still provide an accurate result of the blood-alcohol concentration.

(c) A description of the screening device, the theory under which it operates, and instructions for its use.

(d) A certification from a nationally recognized independent testing laboratory that the screening device meets the minimum specifications and standards as set out by SafAd 3.

SafAd 5 Application for Approval, Samples Required. Each application submitted to the Commissioner for approval of a screening device shall include:

(a) In the case of a screening device disposable after one (1) use, fifty (50) samples of such device for use by the Commissioner to verify that the information contained in the application for approval is correct.

(b) In the case of a screening device not disposable after one (1) use, one (1) such device with such disposable components or other materials sufficient to conduct fifty (50) tests of breath. Such screening device to be returned to the manufacturer after verification by the Commissioner of the information contained in the application.

SafAd 6 Certificate of Approval. When the manufacturer of a screening device has complied with the provisions of SafAd 4 and SafAd 5, and it appears to the satisfaction of the Commissioner that the screening device submitted complies with the minimum standards and specifications set out by SafAd 3, the Commissioner may issue a Certificate of Approval. The Commissioner shall act upon all applications within 60 days unless other arrangements are made with the manufacturer. The manufacturer shall

include in all shipments of his device a copy of or reference to the Department of Public Safety certificate of approval.

SafAd 7 Duration of Approval. Approval of a screening device issued pursuant to SafAd 6 shall remain in force and effect for a period of two (2) years; except that such approval may be revoked by the Commissioner when:

(a) The manufacturer changes the design or components of a screening device already approved. It shall be the duty of the manufacturer to inform the Commissioner of any changes in the components or design.

(b) It appears to the Commissioner that such screening device does not currently meet the minimum standards and specifications required by the provisions of SafAd 3.

SafAd 8 Recertification. If a Certificate of Approval issued pursuant to SafAd 6 expires or is revoked by the Commissioner, a new Certificate of Approval will be issued only after compliance by the manufacturer with the provisions of SafAd 4 and SafAd 5.

SafAd 9 and 10 reserved for future use.

(December 14, 1971)

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

SAFETY ADMINISTRATION DIVISION

CHAPTER TWO: ISSUANCE AND DISPLAY OF SCHOOL BUS INSPECTION CERTIFICATES

AR 1163
11 MCAR S 1.0020 Purpose and authority. The purpose of 11 MCAR SS 1.0020-1.0024 is to establish rules governing the issuance and display of school bus inspection certificates, consistent with the provisions of Minnesota Statutes, section 169.451, and to establish a point system to evaluate the effect on safety operation of any variance from law detected during school bus inspection, consistent with the mandate of the legislature.

11 MCAR S 1.0021 Definitions. For the purposes of 11 MCAR SS 1.0020-1.0024, the following terms shall have the meanings given them:

A. State patrol. "State patrol" means the Minnesota State Patrol, or an individual state trooper thereof or a State Patrol Law Compliance Representative II (LCR II) employed pursuant to Minnesota Statutes, section 299D.06.

B. Certificate. "Certificate" means a school bus inspection certificate required by the provisions of Minnesota Statutes, section 169.451, subdivision 2.

C. Temporary certificate. "Temporary certificate" means a distinctive certificate indicating a school bus was found to have deficiencies of a nature not substantially affecting safety of operation.

D. Rejection sticker. "Rejection sticker" means a sticker signifying the vehicle to which it is affixed is not to be used for school bus purposes. The size of the rejection sticker may not be larger than the inspection certificate.

11 MCAR S 1.0022 Issuance of certificate. The certificate shall be issued for an individual bus on an annual basis when the state patrol has inspected the vehicle and the inspection indicates that the school bus adequately complies with laws and rules relating to construction, design, equipment and color of school bus.

AR 103
11 MCAR S 1.0023 Display of certificate.

A. Certificate to be affixed. The certificate issued for each individual school bus shall be immediately affixed to the school bus by the inspecting state patrol trooper or LCR II.

B. Certificate must be current. Only the certificate that is valid for the current time period may be displayed.

C. Where displayed. The certificate shall be affixed in the lower left corner of the main windshield of the school bus.

D. Rejection sticker, display, removal. A rejection sticker shall be affixed to the lower left corner of the windshield of a school bus that fails a school bus inspection. The sticker shall be removed only upon authorization from a LCR II or trooper who has determined that the defects that caused the rejection have been corrected.

AR 163
11 MCAR S 1.0024 Method of inspection.

A. Scheduled inspection. All school buses shall be inspected for compliance with applicable laws and with rules of the State Board of Education as stated in rules EDU 240-265 of the State Board of Education.

B. Other inspections. In addition to scheduled annual inspections and reinspections scheduled for the purpose of verifying that deficiencies have been corrected, a trooper or LCR II may conduct an unannounced inspection of any school bus at the location where the bus is kept when not in operation. This paragraph shall not be construed to limit the right or duty of any law enforcement officer to inspect any vehicle upon reasonable cause.

C. Point system, passing scores. The point system contained in E. shall be used to assess the safety operation of all types of school buses. Each bus will start with 100 points and each defect shall be cause for points to be deducted in accordance with point values established in E.

1. Any school bus with an inspection score of 96 to 100 shall be identified by affixing a distinctive school bus inspection certificate to the windshield. Where an inspection score of 96 is achieved, no inspection certificate shall be affixed to the bus at the next annual inspection unless the inadequacies from the previous inspection have been corrected.

2. Any school bus with an inspection score of 80 to 95 points shall pass the inspection and receive a temporary bus inspection certificate of contrasting color or design or both. This temporary certificate will be valid for 14 days following inspection and all defects must be corrected. Pending reinspection and certification of the bus by a trooper or LCR II, a bus bearing a temporary certificate may be used to transport pupils beyond the 14-day period if the inspection sheet is signed by the owner or his designee certifying that all of the defects are corrected. The signed inspection sheet shall be carried in the first aid kit in the bus.

D. Non-passing scores. Any school bus with less than 80 points shall be deemed unsafe for the transportation of school children. Any school bus which fails the inspection shall not be used to transport school children until the defects are corrected and an inspection certificate is issued and affixed to the bus. Pending reinspection and certification of the bus by a trooper or LCR II, a bus bearing a rejection sticker may be used to transport pupils if the inspection sheet is signed by the owner or his designee certifying that all of the defects are

corrected. The signed inspection sheet shall be carried in the first aid kit in the bus.

E. Point system. In accordance with C., defects in the equipment of a school bus listed in the left column will cause the number of points specified in the right column to be deducted from the starting score of 100.

Equipment Defect	Points
1. Tires, front	each 25
2. Tires, rear	each 25
3. Exhaust	
a. Inadequate pipe	25
b. Leak in system	5
4. Muffler defective	5
(treat like leak in system)	
5. School bus color	
a. Not basic yellow or orange	25
b. Improper trim color	2
6. Required lettering	
a. No school bus sign (type I & II)	25
b. Stop at railway crossing (type III only)	25
c. Other lettering-nicknames	2
7. Stop arm (octagonal)	25
a. Reflective material cracked, scratched, or separated	5
b. Optional lamps on stop arm	2
8. Cross over mirror	
a. Missing or inoperable	25
b. If only line of vision is distorted, flaking or cracked	5
9. Headlamps out of adjustment	5
(allow mechanic time to adjust)	
10. Headlamp out	5
a. Both low beams out	25
b. One low beam out or either or both high beams out	each 5
11. Dimmer switch inoperable	5
12. Turn signals inoperable	25
13. Eight lamp warning lamp system	
a. Lamp system not working	25
b. Eight lamp indicator malfunctioning	10
14. Indicator lamps	
a. High beam	2
b. Turn signals	5
15. Clearance lamps or optional white strobe lamp	each 1
16. Rear lamps	
a. One out	5
b. Both out	25
17. Stop lamps (minimum of 2 required)	
a. Not working	each 15
b. auxiliary stop lamp not working	each 2
18. Back-up lamps	5

19.	Brakes-service (foot)	
	a. Not working	25
	b. Hose blistered but no fluid leakage	each hose 5
20.	Brakes-emergency (auxiliary)	25
21.	Defective or no warning horn	25
22.	Rear view mirror	
	a. Interior	15
	b. Exterior	25
	c. Slight crack, discolored or flaking	5
23.	Windshield wipers (not working at all)	25
	a. Wiper blade only	5
	b. One speed not working on left side or the right side not working	10
24.	Windshield glass	10
25.	Steering	25
	a. One king pin bad (more than 1/2 inch)	15
	b. Two king pins bad (more than 1/2 inch)	25
26.	Driver seat belt, missing or not usable	25
27.	Entrance door, out of adjustment	5
28.	Interior lamps	
	a. Stepwell	2
	b. Other interior lamps (mention only)	0
29.	First aid kit	
	a. Missing	25
	b. Short supply-per unit missing	1
30.	Fire extinguisher, missing or in inoperable range	15
31.	Flags and flares (electric or reflector) (for up to three missing)	5
32.	Side glass and rear glass-each defect	5
33.	Loose objects interior	each 2
34.	Seats loose (floor mount)	each 5
35.	Seat condition	each 2
36.	Bus interior (cleanliness)	2
37.	Carbon monoxide	25
38.	Emergency exit, inoperable	25
	a. Emergency lettering missing	2
	b. Bad door gasket	5
39.	Speedometer	10
40.	Suspension, main leaf	25
	a. Other than main leaf, 25 percent or more of the remaining leaves broken	25
	b. Other than main leaf, less than 25 percent broken	10
	c. Loose or leaking shocks	10
41.	Wheels	25
	a. One stud nut missing if less than 20 percent of stud nuts on wheel	10
	b. 20 percent or more of stud nuts are missing on wheel	25
42.	Body condition	2
	a. Hazardous protuberance or sharp edge	25
	b. Two cross members bad, must be replaced	2
	c. Cross members rusted, to be written up	0
43.	Drive shaft guard	25

44.	Frame	25
45.	Defroster fan or heaters in excess of one in multiple heater buses	each 5
46.	Battery	10
47.	Body mounting	10
48.	Fuel system	10

MINNESOTA DEPARTMENT OF PUBLIC SAFETY
SAFETY ADMINISTRATION DIVISION
CHAPTER THREE: TESTING PROCEDURES AND
INSTRUMENTATION, MOTOR VEHICLE NOISE LIMITS

SafAd 30 Purpose and Scope. The purpose of this regulation is to establish minimum standards for testing procedures and instrumentation to be utilized by law enforcement personnel in the enforcement of the provisions of Minnesota Statutes 1972, Section 169.691.

SafAd 31 Definitions. For purposes of this regulation, the following terms shall have the meanings ascribed to them:

(a) **Measuring Site.** A public street or highway, paved with an asphalt or concrete surface which is free of loose materials or standing water, in an area open and free from large reflective surfaces such as signboards, buildings, solid fences, hillsides, or other parked vehicles; which is to be utilized to measure the vehicle noise of motor vehicles operating upon such street or highway.

(b) **Officer.** A member of the Minnesota Highway Patrol or any peace officer of a municipality, county, or other governmental subdivision which has authority to enact laws or ordinances regulating the operation of motor vehicles; or, any person employed by a municipality, county, or other subdivision of government, who has authority pursuant to any statute, rule, ordinance, regulation or charter provision, to enforce laws relating to maximum noise limits in the operation of motor vehicles within such jurisdiction.

(c) **Measuring Instruments.** Electronic equipment designed to be utilized to measure levels of sound, and give a value to such levels in decibels (hereinafter dB(A)); and such other supportive equipment such as microphones, meters, or a portable power source.

SafAd 32 Preparation of Measuring Site and Measuring Instruments

(a) **Microphone.** The microphone used to pick up the vehicle noise to be measured by the measuring instrument shall be placed on a tripod or

other firm support at least four feet above the ground. It shall be located a minimum of fifty feet from the center of the lane of the street or highway on which the monitored vehicles will travel, measured at an angle of 90° from such lane center. The microphone shall be positioned so that it is at an angle of 90° to the path of the vehicle monitored; the surface of the ground between the vehicle path and microphone shall be free of standing water, or vegetation over six inches in height.

(b) Measuring Instrument. The measuring instrument shall be positioned away from the location of the microphone so that the operator of such instrument's body does not interfere with the level of sound received by the microphone.

(c) Calibration. The measuring instrument utilized shall be checked as to its accuracy before, during half hour intervals, and after its use as a law enforcement device, by comparison of the reading obtained on such instrument when a known quantity of sound in dB(A) is measured by the instrument.

(d) The sound level reading for determining compliance with Section 169.691 shall be the highest reading obtained as the vehicle or combination of vehicles passes through the measuring site. Sound level readings shall be recorded for vehicles which are in lanes of travel with centerlines at or beyond 50 feet and which produce noise levels exceeding the statutory limits.

SafAD 33 Monitoring Procedures

(a) An officer who operates a measuring instrument shall be trained in the use of such equipment.

(b) No measurement shall be made when the ambient noise level due to sources other than the vehicle being monitored, including wind effects, is not at least ten dB(A) lower than the average level of vehicle noise being measured.

(c) No measurement shall be made when the wind velocity is greater than twelve miles per hour.

Safd 34-36 Reserved for future use.
(June 30, 1972)

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

SAFETY ADMINISTRATION DIVISION

CHAPTER FOUR: NOISE LIMITS OF NEW MOTOR VEHICLES PRIOR TO THEIR SALE AND USE IN MINNESOTA

SafAd 37 Purpose and Scope

(a) Purpose. This regulation establishes test procedures to verify compliance, by manufacturers of motor vehicles, with the motor vehicle noise limits for new motor vehicles, pursuant to Laws 1971, Chapter 563, Section 2.

(b) **Scope.** The scope of this regulation is intended to be consistent with the provisions of Laws 1971, Chapter 563, Section 2, which amends Minnesota Statutes, Chapter 169 by adding new section 169.692.

SafAd 38 Definitions. For purposes of these regulations, the following terms shall have the meanings ascribed to them:

(a) **SAE.** The Society of Automotive Engineers.

(b) **SAE Standard or Recommended Practice.** A "standard" or "recommended practice" as published by the Society of Automotive Engineers on an annual basis in a publication entitled *SAE Handbook*.

(c) **Commissioner.** Commissioner of the Minnesota Department of Public Safety.

(d) **Manufacturer.** Manufacturer of new motor vehicles, including automobiles, trucks, motorcycles and buses.

(e) **Department.** Department of Public Safety of the State of Minnesota.

SafAd 39 Testing Procedures for Vehicles of Less than 6,000 Pounds Gross Vehicle Weight Rating and Motorcycles. A motor vehicle having a gross vehicle weight rating of less than 6,000 pounds, or a vehicle meeting the definition of a motorcycle as defined in the Highway Traffic Regulation Act, shall be tested for noise level according to procedures set forth in SAE Standard J986a, as published in the 1972 SAE Handbook.

SafAd 40 Testing Procedures for Vehicles having a Gross Vehicle Weight Rating of 6,000 Pounds or Greater. A motor vehicle having a gross vehicle weight rating of 6,000 pounds or greater shall be tested for noise level according to procedures set forth in SAE Standard J366a, as published in the 1972 SAE Handbook.

SafAd 41-45 Reserved for future use.
(October 5, 1972)

MINNESOTA DEPARTMENT OF PUBLIC SAFETY**SAFETY ADMINISTRATION DIVISION****CHAPTER FIVE: REQUIREMENTS FOR THE APPROVAL OF
MOTORCYCLIST'S PROTECTIVE HEADGEAR PRIOR TO
ITS SALE AND USE IN MINNESOTA**

AR 194
11 MCAR S 1.0046 Purpose and statutory authority. The purpose of 11 MCAR SS 1.0046-1.0048 is to establish minimum standards for design and construction of protective headgear to be worn by operators and passengers of motorcycles as required by Minnesota Statutes, section 169.974, subdivisions 2, clause (d) and 4.

11 MCAR S 1.0047 Minimum standards for design and construction. Protective headgear required to be worn by operators or passengers of motorcycles shall be designed and constructed so as to equal or exceed the specifications contained in Standard No. 218 of the Federal Motor Vehicle Safety Standards as published in Code of Federal Regulations, title 49, section 571.218 (1980). Protective headgear meeting this standard is deemed approved by the commissioner of public safety.

✓ 11 MCAR S 1.0048 Markings and identification.

A. Markings required. The manufacturer shall mark helmets with the standard to which the helmet has been tested; the trade mark or manufacturer's name or initials; and the model designation.

B. Marking methods. The manufacturer shall mark the helmet shell or a permanently attached part of the helmet by permanent molding, stamping, branding, engraving, or etching.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY**SAFETY ADMINISTRATION DIVISION****CHAPTER SIX: RULES AND REGULATIONS TO IMPLEMENT A
STATEWIDE PLAN FOR A COORDINATED SYSTEM OF
POLICE RADIO COMMUNICATIONS.****SafAd 56 Purpose and Scope**

(a) Purpose. The purpose of this regulation is to establish rules to implement the creation of a statewide plan for a coordinated system of police radio communications.

(b) Scope. The scope of this regulation is intended to be consistent with the provisions of Laws 1971, Chapter 149, Section 1.

SafAd 57 Statewide Plan — Frequency Allocation

(a) General. A police agency within the State of Minnesota, except police agencies of the United States Government, shall utilize those frequencies assigned to that agency in the **Statewide Plan for a Coordinated System of Police Radio Communication**, adopted by the Commissioner of Public Safety, November 27, 1972; and filed with the Secretary of State as "Commissioner's Order Number 24", dated November 27, 1972.

(b) Statewide Common Emergency Frequency. The statewide common emergency frequency for use by all police agencies is 155.475MHz.

SafAd 58 Use of Statewide Common Emergency Frequency

(a) Type of Communication Permitted. The statewide common emergency frequency shall be used primarily for emergency communications between police agencies only. For purposes of this rule, the term "emergency" means a set of circumstances resulting from natural disaster, accident, civil disorder, national emergency, criminal activity which requires coordination and cooperation between various police agencies to protect lives and property. Routine interagency exchanges of information and communications regarding activity where life and property are not immediately endangered are not emergency communications for purposes of this rule. The common emergency channel may be used on a secondary basis to provide communications to any itinerant police vehicle when said vehicle is beyond communication range of its base station and no other communication medium is readily available. This secondary use shall not cause harmful interference to the primary use of the channel.

(b) Type of Transmitter. The State of Minnesota will grant special use authority to any police agency to operate mobile transmitters on 155.475MHz. Any police agency, with the approval of the Commissioner of Public Safety, may operate a base station transmitter on 155.475MHz if the following circumstances exist:

(1) The police agency has twenty-four hour dispatching on its other assigned frequencies, with fully trained communications personnel; or,

(2) The Commissioner of Public Safety determines that such base station transmitter is necessary to further the purposes of the **Statewide Plan for a Coordinated System of Police Radio Communication**.

(c) Application for authorization to operate mobile units and/or base stations on the Minnesota Police Emergency Radio Network (155.475MHz) should be made to the Commissioner of Public Safety on a form provided by him which is attached hereto as exhibit A and made a part hereof.

(d) Sanction for Violations. A police agency which uses 155.475MHz for purposes other than emergency communications is subject to revocation of its special use authorization by the Commissioner of Public Safety.

SafAd 59-64 Reserved for Future Use.

(March 26, 1973)

EXHIBIT "A"

**STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
SPECIAL USE AUTHORIZATION
MINNESOTA EMERGENCY RADIO NETWORK
FREQUENCY 155.475MHz**

THIS AGREEMENT, made between the State of Minnesota, through its Commissioner of Public Safety [hereinafter "State"] and

[hereinafter "police agency"] WITNESSETH THAT:

WHEREAS: The rules and regulations of the Federal Communications Commission [hereinafter FCC] provide that the radio frequency of 155.475MHz is reserved for use by the State; and,

WHEREAS: The rules and regulations of the FCC provide that in certain instances the State may allow local police agencies to transmit or receive on the frequency of 155.475MHz if given special use authorization by the State; and,

WHEREAS: The State has adopted a statewide plan for a coordinated system of police radio communication, which provides for use of the frequency of 155.475MHz for emergency communications between police agencies; and,

WHEREAS: The State has determined that it would be of mutual benefit to the parties hereto to grant special use authorization to the police agency to transmit and receive communications on a frequency of 155.475MHz;

IT IS THEREFORE AGREED between the parties as follows:

1. The police agency is authorized by the State to transmit and receive radio communications on the frequency of 155.475.
2. Communications by the police agency, or any persons under its control, on the frequency of 155.475MHz, shall be:
 - a. Accomplished with federally licensed mobile and base transmitters.
 - b. For emergency purposes only, consistent with the requirements of SafAd 56 through 64, Rules and Regulations of the Commissioner of Public Safety, State of Minnesota.
 - c. Accomplished in a manner consistent with the Rules and Regulations of the FCC.

d. Accomplished in a manner, as far as feasible, consistent with standards of uniform police radio communication language and procedure as established by the Association of Police Communication Officers, provided that plain language shall be used in lieu of the "Ten" signals.

3. The authority granted by this agreement is effective from the date of execution by the parties hereto.

4. The authority granted by this agreement may be revoked at any time by the State if the police agency, or any persons under its control, willfully violates the provisions of the Agreement.

5. A revocation of the authority granted by this Agreement will be made in writing and be effective upon receipt by the police agency.

Dated this _____ day of _____, 19_____.

STATE OF MINNESOTA

By:

By: Its Commissioner of Public Safety.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

SAFETY ADMINISTRATION DIVISION

**CHAPTER SEVEN: METHOD OF IDENTIFICATION AND SIGNALS
FOR SCHOOL SAFETY PATROL IN MINNESOTA**

SafAd 65 Purpose and Scope

(a) Purpose. The purpose of this regulation is to establish the method of identification and signals for school safety patrol, including equipment standards and proper usage procedures.

(b) The scope of this regulation is intended to be consistent with the provisions of Minnesota Statutes (1971), Section 126.15.

SafAd 66 School Safety Patrol Flag and Pole. Each school safety patrol flag shall meet the following standards:

(a) The flag shall be blaze orange in color with an octagonal of yellow bearing the word "STOP" in black letters.

(b) The flag shall be 24 inches in width at the bottom.

(c) The inside edge of the flag shall be 21 inches in length.

(d) The outside edge of the flag shall be 27 inches in length.

(e) The octagonal center of yellow shall measure at least 9½ inches from side to side and the black letters of the word "STOP" shall be in a block type at least 3 inches in height.

(f) The letters of the word "SCHOOL" appearing above the word "STOP" shall be in block type at least 1½ inches in height.

(g) The letters of the word "PATROL" appearing below the word "STOP" shall be in block type at least 1½ inches in height.

(h) The octagon shall be affixed to the flag in such a manner that the bottom side of the octagon and the word "STOP" shall be parallel with the ground when the pole is held at a 45 degree upward angle, as illustrated on the drawing attached to and made part of this regulation.

(i) The octagonal yellow field shall be centered equidistantly from the sides and bottom of the flag.

(j) Both sides of the flag shall be identical.

(k) Retro-reflective material may be applied to the flag if the school administrator deems such application is necessary and feasible. If reflectorized, such application must be accomplished in conformance with the following specifications:

(1) Two, 3/4 inch strips of retro-reflective silver tape shall be either pressed on or sewn on both sides of the flag.

(2) The top strip shall be placed three inches from the top (pole) edge of the flag; and the bottom strip shall be placed three inches from the bottom (opposite) edge of the flag. Both strips shall be centered equidistantly from the sides, and must be a minimum of eight inches in length.

(l) The flag shall be attached to a lightweight pole with a minimum

length of five feet. Weights may be attached to the bottom of the flag to hold it in a vertical position in windy weather in order to be visible to the approaching drivers.

SafAd 67 Equipment Worn by Patrol Member

(a) The Sam Browne belt, vest, or sash with pole socket worn by a school safety patrol member shall be made of leather, web, or plastic material. When possible, this equipment shall be worn over outer garments while on duty. Color may be white or blaze orange.

(b) The school safety patrol badge may be worn by each patrol member while on duty. This badge shall be attached to the Sam Browne belt, vest, or sash in such position as to be plainly visible.

SafAd 68 Position and Procedure at Street Intersection or Crossing

(a) The patrol member shall stand on the road shoulder or curb (not in the roadway) where he shall observe approaching traffic from all directions.

(b) The patrol member shall instruct the children to remain in place until he sees a break or lull in traffic. During this time, except when actually issuing directions to the children, he shall stand erect and at attention with the flag staff resting on the ground in a vertical position at the right of his right foot. In this latter position he will more readily be observed by drivers of approaching vehicles.

(c) When a lull occurs in traffic the patrol member shall raise the flag vertically upward for a period of four seconds, to alert any oncoming traffic.

(d) When the lanes of roadway are clear of traffic the patrol member shall extend the flag into his traffic lane at an angle of approximately 45 degrees upward. This will be the signal for the children to start crossing the street. Holding the flag at a 45 degree angle will place it above the heads of the children. If two patrol members are used at one intersection, each member shall make a quarter turn in the direction of the oncoming traffic on his side of the street or road.

(e) While children are crossing the street in a column, the patrol member shall keep his position watching or facing approaching traffic.

(f) If his view of traffic is obstructed by parked cars, the patrol member may step into the street a sufficient distance to obtain a clear view, but not more than one pace beyond the fender line of the parked cars. After the children have completed crossing the street, the patrol member shall return to his position on the shoulder or curb.

(g) Under no circumstances shall the flag ever be waved or misused in any manner.

(h) There shall be one or more patrol members at each crossing. When two are used, one patrol member shall operate as sender on the side from which the children gather, and the other shall take a similar position on the opposite side of the roadway and operate as the receiver.

(i) At least two patrol members shall be used at a particular crossing when, in the opinion of local law enforcement officials, traffic is such that more than one patrol member is needed for the safety of the school children.

(j) Patrol members shall continually watch oncoming traffic while children

are crossing the roadway and be constantly alert for danger. They shall stand between the children and approaching traffic.

SafAd 69 Procedure at Railroad Crossings

(a) The patrol flag shall never be used at railroad crossings.

(b) The patrol member shall direct children to remain at least a distance of twenty feet from the nearest railroad track until he has completed his inspection to see if there are any approaching trains. When there are no approaching trains, he shall direct the children to cross the tracks and shall remain at his position until all have crossed.

SafAd 70 School Bus Safety Patrol Procedures

(a) School bus crossing at railroad tracks: patrol members shall motion the bus across the railroad tracks in the following manner:

(1) Patrol members shall take a position so as to have a clear view of the railroad track in both directions.

(2) If a train is approaching the crossing, the patrol member shall not cross the tracks but shall face the bus at a safe distance from the tracks and give the signal for the bus not to proceed by holding up both hands above his head.

(3) When the railroad track is clear and safe for crossing, the patrol member shall cross the tracks and signal, with a forward motion of his up-raised arm, for the driver to proceed across the tracks to a point at least 2½ bus lengths beyond the tracks, where the patrol member shall re-enter the bus.

(b) Crossing roadways from a school bus.

(1) The driver of a school bus is responsible for the safety of the children, and the presence of a school bus safety patrol member in no way relieves him of such responsibility.

(2) In directing pupils across the roadway after alighting from the bus, the patrol member shall escort the pupils to a position at least 10 feet in front of the bus. When he has ascertained that there is no approaching traffic, he shall step out one pace beyond the fender line of the bus and extend his flag into the opposite lane at a 45 degree angle and direct the pupils to proceed across the roadway.

(3) The patrol member shall not escort each pupil across the roadway, but shall remain at his post near the front of the bus.

(4) Crossing the roadway behind the bus shall never be permitted.

SafAd 71 Police Officer, Traffic Signal Control

(a) At intersections where traffic is controlled by a police officer, a traffic signal, or both, the patrol member shall direct the crossing of the children in conformity with the direction of the signal or the police officer.

(b) At intersections where there is no regular traffic control, the traffic may be sufficiently heavy to require the special assignment of a police

officer at times when children are going to and from school. When this is done, the patrol member should cooperate with police officers.

Repealed: 75K 1857 6-27-83
SafAd 72 Repeal

The provisions of Minnesota Highway Regulation 6, previously adopted, are hereby repealed.

SafAd 73 Effective Dates

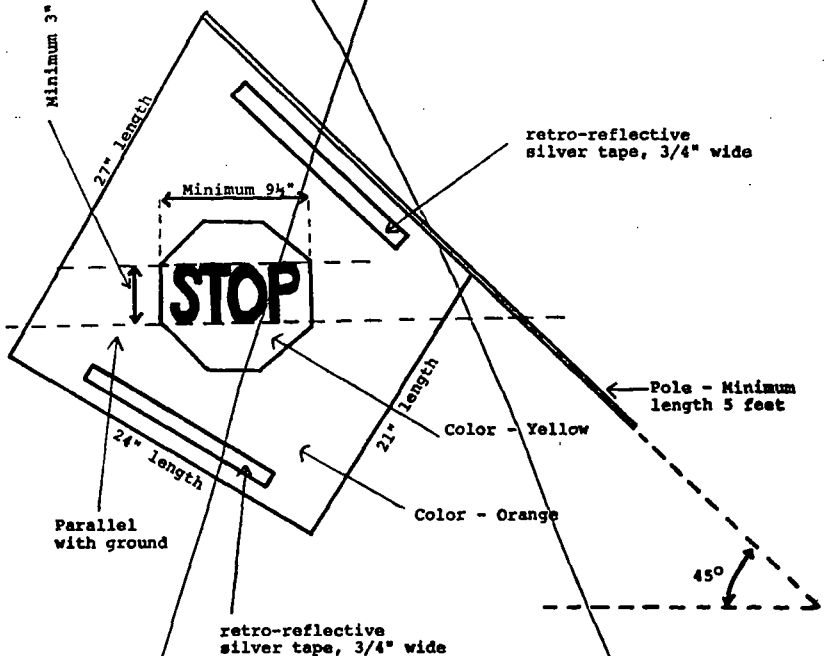
(a) The provisions of this regulation are effective upon adoption and filing with the Secretary of State and the Commissioner of Administration, except as provided in (b) and (c) below.

(b) Except for the provisions of (c) below, school safety patrol equipment presently being used which is in conformity with the repealed regulation may continue to be used until replaced. All equipment purchased after January 1, 1974, shall be in compliance with this regulation.

(c) All flags which are now reflectorized may be continued in use until worn out, or three years from July 1, 1976, whichever comes sooner. All retro-reflective materials applied to flags after July 1, 1976, must be in compliance with these specifications as set forth in SafAd 66 (k).

SafAd 74-79 Reserved for future use.

(March 4, 1976)



Octagon is sample for illustration purposes only.
 Size and exact placement not drawn to scale.

AR39
11 MCAR S 1.0080 General requirement. Satisfactory completion of a school bus driver's examination shall be required of every person required by Minnesota Statutes, section 171.321 to have a school bus endorsement to operate a motor vehicle used in the transportation of children to or from public, private or parochial schools and school related activities, and owned by a government agency, a private or parochial school corporation or agency, or a private person, firm, association or corporation.

11 MCAR S 1.0081 Tests. The test or examination required for an initial school bus driver's endorsement on a Minnesota driver's license shall include a written test and a road test.

A. Written test. The written test shall be based on the provisions of the "Highway Traffic Regulations Act" and driver license laws and rules relating to school bus operation prescribed by the State Board of Education, and a general knowledge of the operation of school buses, including knowledge of the equipment, devices, and laws peculiar to school buses. The written test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 has been obtained, the commissioner of public safety shall weight each portion of the test with regard to the criticalness of the specific factor being tested in relation to overall driving safety.

B. Road test.

1. The road test shall be given in a school bus. There are two separate classes of endorsement: one for a school bus with a capacity of 16 passengers or fewer, the other for a school bus with a capacity of over 16 passengers. An endorsement issued to an applicant taking the test in the smaller bus will be restricted to a bus of that size. An endorsement issued to an applicant taking the test in the larger bus will be unrestricted.

2. The road test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 has been obtained, the commissioner of public safety shall weight each portion of the test with regard to the criticalness of the specific factor being tested in relation to overall driving safety.

11 MCAR S 1.0082 Physical examination.

✓ A. Physician's certificate. An applicant for a school bus driver's endorsement shall be in good physical and mental health, be able-bodied and free from communicable disease. As evidence of his physical fitness and mental alertness, the applicant shall submit to a physical examination by a reputable physician designated by the local school authorities; and the physician's certificate of physical fitness and mental alertness

shall accompany the application for school bus driver's endorsement when presented to the Department of Public Safety.

B. Disqualification. Any school bus driver applicant, whose physical examination discloses communicable diseases or mental or physical conditions of intermittent or continuing nature that might reasonably affect his ability to operate a school bus, shall be denied a school bus driver's endorsement. One or more of the following deficiencies will disqualify the applicant for a school bus driver's endorsement:

1. Eyesight. Visual acuity less than 20/40 (Snellen) in either eye without lenses or by correction with lenses; total form field of vision in the horizontal meridian less than 140 degrees in either eye (drivers requiring correction by lenses shall wear properly prescribed lenses at all times when driving).

2. Hearing. Hearing less than 30 db (10/20) in the better ear, with or without a hearing aid.

3. Inebriates or users of narcotics or drugs which may impair driving ability.

4. Coronary disease. Any indication of coronary or heart ailment likely to interfere with safe driving. Electrocardiogram is required when other findings indicate desirability.

5. Blood pressure over 160/90.

6. Lungs. Failure to have a satisfactory Mantoux or chest x-ray as required by Minnesota Health Department rules 7 MCAR SS 1.327-1.328.

7. Any communicable disease as listed in Minnesota Health Department rules 7 MCAR S 1.316 and 7 MCAR S 1.326.

8. Loss of foot, leg, hand or arm, or other structural defect or limitation of movement likely to interfere with safe driving.

9. Any mental, nervous, organic, or functional disease likely to interfere with safe driving.

10. Diabetes unless controlled by diet or oral medication only.

11. Epilepsy or other episodic (Paroxysmal) periods of unconsciousness.

12. Use of any medication which the examining physician determines is likely to interfere with safe driving.

13. Applicant not of good general health.

C. Form of physician's certificate. The certificate to be

used by the physician for reporting the physical condition of the applicant shall be one prescribed by the Department of Public Safety and may be obtained from that office or any driver examining station.

D. Periodic reexamination. Each school bus driver is required to take and pass a physical examination every two years prior to his birthday in order to retain his school bus driver endorsement. The Department of Public Safety will send physical examination certificates to school bus drivers. A school bus driver shall return the certificate, completed by the examining physician, along with a \$2 processing fee, on or before his birthday to the Department of Public Safety. Failure to pass and return the physical examination shall result in cancellation of the school bus driver endorsement from the Minnesota driver license.

E. Additional examinations. A physical examination may be required oftener upon demand of any school district from or to which such school bus driver shall be transporting school children. Such extra examination shall be paid for by the district demanding it.

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11 MCAR S 1.0083 Driver background check. Before issuing a school bus driver's endorsement the Department of Public Safety shall determine whether the applicant has been convicted of a crime involving moral turpitude and shall also conduct a background check on the applicant's driving record.

11 MCAR S 1.0084 Requirements, renewal of driver license and school bus endorsement.

A. Requirements. Every four years a school bus driver applying for the renewal of his driver license and school bus endorsement shall pass a written examination containing only such material as the commissioner of public safety deems necessary to determine if the licensee is entitled to retain the endorsement previously issued.

B. Noncompliance. Failure to comply with any of the requirements of this rule shall result in the cancellation or denial of the school bus driver's endorsement.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

SAFETY ADMINISTRATION DIVISION

CHAPTER NINE: COLORS AND MARKINGS FOR MOTOR VEHICLES USED PRIMARILY TO ENFORCE TRAFFIC REGULATIONS BY A POLICE DEPARTMENT, HIGHWAY PATROL OR PEACE OFFICER

SafAd 90 Purpose. The purpose of this regulation is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minnesota Statutes 1971, Section 169.98.

SafAd 91 All motor vehicles which are primarily used in the enforcement of highway traffic regulations by any police department, highway patrol, sheriff's department or peace officer, purchased subsequent to January 1, 1970 shall have the uniform colors and markings provided herein:

(a) Any such motor vehicle used by the Minnesota Highway Patrol shall be maroon in color and may have additional trim in gold color except that both front doors shall be white in color. All identification markings on front door panels shall be of a color in contrast to white.

(b) Any such motor vehicle used by a police department, sheriff's department or peace officer other than as described in paragraph (a) above, shall be brown, white, gold, yellow, black, blue, green or any shade or combination thereof and may have additional trim in a contrasting color. All police or sheriff identification markings on front door panels shall be of a color in contrast to the basic color of the door.

(c) All such motor vehicles shall have the words, "Police", "Highway Patrol", or "Sheriff", whichever is applicable, displayed on the rear of such vehicle in a color in contrast to the basic color of the vehicle. All such words shall be in block print and the lettering shall be not less than two and one-half inches high, one inch wide, and have a three-eighths inch brush stroke.

(d) Any such motor vehicle shall display on both front door panels an identifying shield or emblem of a contrasting color to the basic color of the vehicle. Such shield or emblem shall be not less than 12 inches in width and not less than 15 inches high. The identity of the governmental subdivision may be displayed on such shield or emblem. If not, then the identity must be displayed as in paragraph (e) below.

(e) Any such motor vehicle not displaying an identifying shield or emblem as described in paragraph (d) above, shall display on both front door panels the words, "Police", "Highway Patrol", or "Sheriff", whichever is applicable and shall have displayed on both front door panels, in words, the identity of the agency concerned. All such words shall be in block print and the lettering shall be not less than two and one-half inches high, one inch wide

and have a three-eighths inch brush stroke. The lettering shall be of a color in contrast to the basic color of the front door panels of such motor vehicle.

(f) Any such motor vehicle may, except where is is required by any rules or regulations prescribed by the commissioner of public safety, display a shield or emblem as described in paragraph (d) above or lettering as described in paragraph (e) above on any additional portion of such vehicle. The color of such shield, emblem or lettering shall be of a color in contrast to the basic color of the portion of the vehicle whereon it is displayed.

SafAd 92 Private motor vehicles when temporarily used as described in SafAd 91 and only while being so used, shall be equipped with removable covers for the door panels. Such covers shall be displayed on both front doors and shall display thereon the identifying shield, emblem, or lettering as described in SafAd 91 paragraph (d) or (e).

SafAd 93 Repeal. The provisions of Highway Regulation 3, previously adopted, are hereby repealed.

SafAd 94-95 Reserved for future use.

(September 26, 1973)

**DEPARTMENT OF PUBLIC SAFETY
SAFETY ADMINISTRATION DIVISION**

Chapter Ten: 11 MCAR §§ 1.0096 - 1.0103 Standards of Training for Persons Administering and Interpreting Chemical Tests for Intoxication.

§ 1.0096 Purpose and scope. The purpose of these rules is to establish minimum standards of training for persons administering and interpreting a chemical test for intoxication at the direction of a peace officer, pursuant to the provisions of Minn. Stat. § 169.123 (1974), and Laws of 1976 ch. 341, § 2.

§ 1.0097 Definitions. For the purposes of these rules, the following terms shall have the meanings ascribed to them:

A. Administer. The collection of a specimen of blood, breath, or urine, from a person for the purpose of analyzing such specimen to determine the alcoholic content of the person's blood.

B. Commissioner. The Commissioner of Public Safety of the State of Minnesota.

C. Peace Officer. A person described by the provisions of Minn. Stat. § 169.123, subd. 1 (1974).

D. Interpret. To derive a blood-alcohol content reading from analysis of a sample of blood, breath, or urine.

§ 1.0098 Persons who administer blood tests. Only a person who has been trained and is employed in the capacity of a physician, registered nurse, medical technologist, medical technician, or laboratory assistant may administer a blood test.

§ 1.0099 Persons who administer breath tests. Any person, who has satisfactorily completed a course of formal classroom instruction in the use of an instrument specially manufactured to analyze a specimen of breath to determine the alcoholic content of the blood, may administer a breath test at the direction of a peace officer. The course of instruction must be approved by the Commissioner. After completion of the described course such person may be required to periodically demonstrate, to the Commissioner or his duly authorized and acting agents, his competence to satisfactorily operate such instrument.

§ 1.0100 Persons who administer urine tests. Any person may administer a urine test.

§ 1.0101 Prior regulation repealed. The provisions of Highway Regulation 2 previously adopted are hereby repealed.

§ 1.0102 Persons who interpret blood or urine tests. Any person who meets the educational and occupational standards set forth below may interpret blood or urine tests:

A. Educational qualifications. A bachelor's or higher degree in chemistry, biochemistry, biology, biological sciences, pharmacology, criminalistics, toxicology or medical technology.

B. Occupational qualifications. Full-time employment or self-employment as a criminalist, crime laboratory analyst, toxicologist, pathologist, chemist, biochemist, medical technologist, medical laboratory technician or medical laboratory assistant.

§ 1.0103 Methods of analyzing blood or urine samples. Blood and urine samples shall be tested for alcohol using only procedures approved and certified to be a valid and reliable testing procedure by the Laboratory Director, Forensic Toxicology Services, Bureau of Criminal Apprehension, Department of Public Safety, State of Minnesota, based upon one of the following quantitative methods:

A. Gas Chromatography

B. Alcohol Dehydrogenase Reaction

C. Micro-diffusion

D. Oxidation of distillate with potassium dichromate or other approved oxidizing agents.

DEPARTMENT OF PUBLIC SAFETY SAFETY ADMINISTRATION DIVISION

CHAPTER ELEVEN: RULES AND REGULATIONS ESTABLISHING STANDARDS FOR COURSES OF INSTRUCTION FOR PEACE OFFICERS UNDER CHAPTER 454 LAWS OF 1961.

SafAd 106 Purpose and Scope

(a) **Purpose.** The purpose of this regulation is to carry out the mandate of the legislature and to effectuate that mandate as set forth in the laws of Minnesota 1961, Chapter 454, Section 1, with reference to a prescribed course of instruction in a school for instruction of persons in law enforcement conducted by the University of Minnesota or a similar course considered equivalent by the Commissioner of Public Safety.

(b) **Scope.** The scope of this regulation is confined within the framework of and consistent with the Laws of Minnesota 1961, Chapter 454, Section 1.

SafAd 107 Definitions

(a) **Peace Officer.** Peace Officer shall mean a state highway patrol officer or full time peace officer of any municipality, or sheriff, or fulltime deputy sheriff of any county.

(b) **Course of Instruction.** Course of instruction shall mean formal class or classes not necessarily given at one location or in a single, contiguous period of time.

SafAd 108 Standards for Courses of Instruction. For the purposes of Chapter 454, Laws of Minnesota 1961, a course of instruction for peace officers shall be considered equivalent by the Commissioner of Public Safety if:

(a) It is conducted by a municipal, county, state or federal government agency or a college or university, accredited by one of the six regional accrediting associations.

(b) It includes not less than 80 hours of instruction in general police work and specific instruction in the laws, techniques, and the peace officer's responsibilities in the enforcement of the provisions of the Highway Traffic Regulation Act.

SafAd 109-112 Reserved for Future Use

(Transferred to Dept. of Public Safety from Dept. of Highways, Chapter 1129, Laws of 1969)

CHAPTER TWELVE: RULES AND REGULATIONS FOR SIRENS ON AUTHORIZED EMERGENCY VEHICLES PROMULGATED PURSUANT TO MINNESOTA STATUTES 1957, SECTION 169.68.

SafAd 113 Purpose and Scope

(a) Purpose. The purpose of this regulation is to carry out the mandate of the legislature and to effectuate that mandate as set forth in the Minnesota Statutes 1957, Section 169.68.

(b) Scope. The scope of this regulation is confined within the framework of and consistent with the Minnesota Statutes 1957, Section 169.68.

SafAd 114 Approved Sirens

(a) Type of Sirens. The following types of sirens are established:

(1) Type I—High performance siren approved for outside mounting or mounting behind a grill or under the hood of an emergency vehicle.

(2) Type II—Medium performance siren approved for outside mounting only.

(b) Approved sirens. The sirens listed in Table 1 and Table 2 are approved as to type.

(1) See Table 1 for Mechanical Sirens.

(2) See Table 2 for Electronic Sirens.

(c) Conditionally approved sirens. Any siren listed in Table 3 which is in good condition, and which was installed on an authorized emergency vehicle prior to the date of adoption of this regulation, and which is currently in use on that vehicle, is approved for use on such vehicle. Such sirens (except engine-driven sirens) must be mounted on the outside of the vehicle as required herein for Type II sirens. Such sirens shall not otherwise be installed on any other authorized emergency vehicle unless it is submitted for approval and is found to meet the test requirements set forth in paragraph SafAd 115(g).

SafAd 115 Approval of Additional Sirens. Sirens not listed in this regulation will be considered for approval as follows:

(a) Letter of Application. A letter of application, including specifications or a description of the siren, shall be submitted to the Commissioner of Public Safety, State Highway Building, St. Paul, Minnesota 55155. Applications for electronic sirens shall list the speaker manufacturer and manufacturer's model number for horn and driver unit.

(b) Samples. One siren of each type or model for which approval is desired, complete with cable, switch and instruction sheets shall be delivered, freight or express prepaid, to the above address. The siren will be returned by railway express collect after the tests have been completed.

(c) Identification. The siren shall be marked with the trademark or name and the model designation. Such markings shall be readily visible and legible from the outside of the siren when it is properly mounted on the vehicle.

(d) **Waiver of Sample.** Submittal of a photostat copy of a test report from the California Highway Patrol, or a test report from an independent testing laboratory approved by the Department, showing compliance with the minimum sound level output requirements of SafAd 115 (g), may be considered in lieu of a sample.

(e) **Fee.** A check payable to the Commissioner of Public Safety in the amount of \$25.00 shall be submitted for each siren to be tested.

(f) **Supplements.** Supplements to Table 1 and Table 2 will be issued periodically listing sirens approved under this paragraph.

(g) **Test requirements**

(1) Sound level measuring equipment conforming to Standards of the American Standards Association will be used to determine the sound level output of the siren. The siren will be mounted in the open, away from large reflecting objects, with due regard given to wind and background noises. The minimum sound level output measured at 100 feet from the siren shall be as follows:

A — Type I

- | | |
|-------------------------------------|-------------|
| 1. In the axis..... | 95 Decibels |
| 2. At 45 degrees from the axis..... | 90 Decibels |
| 3. At 90 degrees from the axis..... | 85 Decibels |

B — Type II

- | | |
|-------------------------------------|-------------|
| 1. In the axis..... | 85 Decibels |
| 2. At 45 degrees from the axis..... | 80 Decibels |
| 3. At 90 degrees from the axis..... | 80 Decibels |

(2) The fundamental frequency should be in the range of 800 to 1000 cycles per second.

SafAd 116-119 Reserved for Future Use

(Transferred to Dept. of Public Safety from Dept. of Highways, Chapter 1129, Laws of 1969)

**TABLE 1
MECHANICAL SIRENS**

MANUFACTURER	MODEL-MARKINGS	TYPE
American Fire Equipment Co. 11 Mission Street San Francisco 5, California	DICTATOR D8 D8B D8BH D8H	I I I I
B & M Siren Manufacturing Co. 763 East Pico Boulevard Los Angeles 21, California (Motor numbers M-1 through M-9 may be included with model number on B & M sirens, depending on type of motor used and year of manufacture.)	B & M C-B & M-8 CS8 CS8B E-B & M-8 Highway Special Motorcycle Rear Wheel Drive SC8 SC8B S8 S8B Friction Drive 8FA (8" diameter only)	I I I I II I I I I I I
Cam Manufacturing Co. Ross, California	CAM 3 3B 4 70 104	I I I I I
W. S. Darley & Company 2810 Washington Boulevard Chicago 12, Illinois	CHAMPION C389 F591	II II
Federal Laboratories, Inc. 185 - 41st Street Pittsburgh, Pennsylvania	FEDERAL LABORATORIES 35A 35B 53A 53B 53D 54 85A 85B 85C 85D 85E 85EB 86A 86B 100A 100B 100C 100D 100E	II II I II I II II II II II II II II II I II I II I

TABLE 1 (Continued)
MECHANICAL SIRENS

[illegible]

TABLE 1 (Continued)
MECHANICAL SIRENS

MANUFACTURER	MODEL-MARKINGS	TYPE
Federal Sign & Signal Corp. or Federal Enterprises, Inc.—Cont.	FEDERAL SIGN AND SIGNAL EP EPH Q1A Q1B Q2A Q2B WG WGH WL WLH XG XL Y YH	II II I I I I II II II II II II II II
Harley-Davidson Motorcycle Co. Milwaukee 1, Wisconsin	HARLEY-DAVIDSON 58 Motorcycle Rear Wheel Drive	II II
Hedberg Manufacturing Co. 321 West Reed Street San Jose, California	HEDBERG 1WSLR 2WSLR 8RLR Engine Drive Motorcycle Rear Wheel Drive	II II I I II
Mars Signal Light Co. 4322 West Chicago Avenue Chicago 51, Illinois	MARS G-1G G-1GB	I I
North American Signal Co. P. O. Box 216 Wilmette, Illinois (Formerly Manufactured By The Pyle-National Co.)	SIREN-MASTER 1136 PYLE 710 720	I II II
The Seagrave Corporation Columbus 7, Ohio	SEAGRAVE Twin Blast	I

TABLE 1 (Continued)
MECHANICAL SIRENS

MANUFACTURER	MODEL-MARKINGS	TYPE
The Sireno Company, Inc. 214 William Street New York 38, New York	SIRENO 7 10 C-52 ED-1 ED-10 F-52 J-1-8 M-1 R-5 R-5-R R-6 R-6-R RJ-1-8 RV-9 SJ-8 SV-9 V-9	I I I I I I I I II II II II I I I I
Sterling Siren Fire Alarm Co., Inc. Rochester 8, New York	STERLING 20 Freerolling 20 Jr. Sirenlite 30 Freerolling 30 Sirenlite	II II I I

TABLE 2
ELECTRONIC SIRENS

Manufacturer	Model-Markings	Speaker Markings	Type
Associated Designers 223 West Second Street Los Angeles 12, California	SIROVOX 452A 453 MK II 657 MK IV 659 MK IV 659	Not marked MODEL 1 B 8 SIROVOX MK II 657 SIROVOX RE-30 SIROVOX RE-50	II II II I I
Dazl-Lite Products or Dominator Corp. Kansas City, Missouri	DOMINATOR ES50	DOMINATOR S-50F	I
Federal Sign & Signal Corp. or Federal Enterprises, Inc. 8700 South State Street Chicago, Illinois	FEDERAL PA-1 PA-1 PA-1 PA-1 PA-1 PA-2 PA-2 PA-2 PA-2 PA-2 PA-2	FEDERAL PDCJ FEDERAL SA-24 FEDERAL CP-24 FEDERAL CJ-24 UNIVERSAL MM-2L FEDERAL PDCJ FEDERAL SA-24 FEDERAL CP-24 FEDERAL CJ-24 UNIVERSAL MM-2L	II I II I II II I II I I I
Fyr-Fyter Co. 132-140 Hawthorne St. San Francisco, California or Electronic Engineering Ent.	PENETRATOR 12PT30 12PT30 12PT30 12PT50	12SP30 A9SP30 A14SP30 A9SP30	II I I I
General Electric Co. Nela Park Cleveland 12, Ohio	G. E. 4EZ6A1	UNIVERSITY MM2L	II
Selectronics, Inc. 1600 Adams St. St. Helena, California	SELECTRONIC 17A 17B 25S 625S	SELECTRONIC 17A SELECTRONIC 17B UNIVERSITY MA-25 UNIVERSITY MA-25	II II I I
Winsby-Fleming Co. 4802 East 14th St. Oakland 1, California	WINSBY-FLEMING 17A 17B	WINSBY-FLEMING 17A WINSBY-FLEMING 17B	II II

TABLE 3
CONDITIONALLY APPROVED SIRENS

MANUFACTURER	MODEL-MARKINGS
Art Burnside Company	ABCO B
Bell Machinery & Industrial Supplies	BELL-EVANS Freewheeling
B & M Siren Manufacturing Co.	B & M 6 - F - A Friction Drive
Cam Manufacturing Co.	CAM 2 F Freewheeling
C.A.M. Siren & Mfg. Co.	C.A.M. 2 3 4 DICTATOR D8P DICTATOR JUNIOR JD6B JD6BH JD6P Automobile Friction Motorcycle Friction
Capital Signal Co.	CAP 2 3
Dozier Manufacturing	DYNO-O-SIREN U. L. Friction Drive
Duncan Siren Co.	DUNCAN 1 2 3 4
E. D. Bullard Co.	BULLARD $\frac{1}{4}$ F.W. $\frac{1}{2}$ F.W. $\frac{1}{4}$ H.A. $\frac{1}{2}$ H.A. $\frac{1}{4}$ H.D. Motorcycle Friction SIRACODE D8A

TABLE 3 (Continued)
CONDITIONALLY APPROVED SIRENS

MANUFACTURER	MODEL-MARKINGS
Federal Electric Co.	FEDERAL 66 77 78 C2 C3 C6 E W Z
Federal Laboratories, Inc.	FEDERAL LABORATORIES 35 45 48 53 85 100 101
Glen W. Nagle	NAGLE N-5
H.O.R. Company, Inc.	H.O.R. A-1 Belt Driven A-2 Belt Driven Si-Rex Commander, Senior
J. N. Hedberg	HEDBERG 1 Long Roll 2 Long Roll 3 Long Roll 3R Long Roll 3½R Long Roll 1 Semi-Long Roll 2 Semi-Long Roll 1 Friction 2 Friction B1 Motorcycle Friction Rear B2 Motorcycle Friction Rear F1 Motorcycle Friction Front F2 Motorcycle Friction Front F3 Motorcycle Friction Front
The Seagrave Corporation	SEAGRAVE D Rite-O-Way

TABLE 3 (Continued)
CONDITIONALLY APPROVED SIRENS

MANUFACTURER	MODEL-MARKINGS
<p>The Sireno Company, Inc.</p> <p>(Letter "A" with Models M, R and ED indicates Freerolling.)</p>	<p>SIRENO</p> <p>11</p> <p>51</p> <p>ED, Municipal Only</p> <p>ED-1, Municipal Only</p> <p>F-1 Motorcycle Friction</p> <p>FH Motorcycle Friction</p> <p>M</p> <p>M-1</p> <p>M-4</p> <p>M-5</p> <p>R2A</p>
<p>Sterling Siren Fire Alarm Co., Inc.</p>	<p>STERLING</p> <p>12</p> <p>B Motorcycle Electric</p> <p>J Motorcycle Front Wheel Drive</p> <p>S Freerolling</p>

CHAPTER THIRTEEN: RULES, REGULATIONS AND SPECIFICATIONS CONCERNING BEFORE SALE APPROVALS OF MOTOR VEHICLE LIGHTING DEVICES AND OTHER SAFETY EQUIPMENT FOR USE IN CONNECTION WITH VEHICLES, TRAILERS AND SEMI-TRAILERS.

SafAd 120 Submittal Procedure and Requirements. The following procedure shall be followed when any equipment or device is submitted for approval:

(a) **Original equipment.** The vehicle manufacturer, or his supplier, shall submit to the Commissioner of Public Safety a written request for approval of the lamp or device. With the request the following shall be supplied:

(1) Identification of the make and model, or models, of vehicle for which the lamp or device is designed.

(2) A test report from a recognized testing laboratory approved by the Commissioner, showing compliance with the appropriate specifications and regulations as specified herein. In cases where there may be delays in obtaining completed test reports from approved laboratories, the manufacturer may submit with his request for approval a test report from his own laboratory indicating compliance with appropriate specifications. In such cases, a certificate of approval will be issued subject to cancellation without further hearing if the applicant fails to supply the required test report from an approved laboratory within 90 days after issuance of the certificate.

(3) All test reports submitted must include a description of the lamp or device, giving all major component parts and the materials used, over-all shape and dimensions, types of assembly, means of mounting, dimensions, shape, and color of lenses, and a clear photograph or photographs of the lamp or device and its component parts. Picture and description must be such that lamp or device may be readily identified and its construction verified upon comparison.

(4) A check payable to the Commissioner of Public Safety covering the fee for state certification. (See schedule of required fees, SafAd 121.)

(b) **"After-market" equipment.** The manufacturer or his representative shall submit to the Commissioner of Public Safety a written request for approval of the lamp or device. The following items shall be supplied with the request for approval:

(1) Two standard production samples of the lamp or device.

(2) A test report, from a recognized testing laboratory approved by the Commissioner, showing compliance with the appropriate specifications and regulations specified herein.

(3) A set of installation or mounting instructions when applicable.

(4) A set of aiming instructions when applicable.

(5) A check payable to the Commissioner of Public Safety covering the fee for state certification. (See schedule of required fees, SafAd 121).

(c) **Safety glass**

(1) Requests for approval of safety glass shall be submitted in accordance with the requirements set forth above for original equipment items, except that it will not be necessary to supply information as to make and model of vehicle on which the glass is to be installed.

(2) The request shall be accompanied by eight copies or facsimiles of the manufacturer's identification marking as it appears on the finished product. Such facsimiles shall include any index marking specified by A.S.A. Size of facsimile should be approximately the size of the marking on the finished product.

(d) Sealed lighting units (sealed beam optical units). Requests for approval of sealed lighting units shall be submitted in accordance with the requirements set forth above for "After-Market" equipment.

(e) Listing of approved motor vehicle equipment. Items of equipment will be dropped from the "List of Approved Motor Vehicle Equipment" five (5) years from January 1 following date of approval, unless the manufacturer request further listing, in which case he shall submit a test report or other proof that the item as then being manufactured meets the then current specifications.

SafAd 121 Fee Schedule

(a) The fees herein listed are set and fixed as being a reasonable fee for the testing and approval of lighting devices and equipment.

Single Function Lamps, Replacement Lenses, Optical Units, Safety Glazing Materials, Warning Signal Switches	\$25.00 Ea.
Multiple Function (Combination) Lamps.....	35.00 Ea.
Headlamp Beam Semi-Automatic Switching Devices (Automatic Dimmers)	35.00 Ea.
Turn Signal Operating Units.....	35.00 Ea.
Flares—Electric, Fuel-Burning and Reflector.....	35.00 Ea.
Trailer Couplings and Hitches.....	35.00 Ea.

(b) Checks shall be made payable to the Commissioner of Public Safety.

SafAd 122 Glossary. The following words and phrases, when used in the following rules, regulations, and specifications, shall, for the purpose of these rules, regulations, and specifications, have the meanings respectively ascribed to them in this glossary, except in those instances where the context clearly indicates a different meaning. Wherever used in these rules, regulations, and specifications, the abbreviations contained in this glossary shall stand for and have the meanings respectively ascribed to them in this glossary.

(a) Abbreviations

- | | |
|------------|---------------------------------------|
| (1) A.S.A. | American Standards Association |
| (2) C.P. | Candle Power |
| (3) I.C.C. | Interstate Commerce Commission |
| (4) S.A.E. | Society of Automotive Engineers, Inc. |

(b) After-Market. The term "After-Market" shall be construed to mean any equipment or device manufactured for a vehicle as an accessory for

installation after delivery. The term "After-Market" shall not be construed to mean any new equipment or device regularly installed on or furnished for any vehicles by the vehicle manufacturer or replacements of such original equipment supplied by the vehicle manufacturer.

(c) **Auxiliary lamps.** Auxiliary lamps are devices on a motor vehicle used to supplement the headlamps in providing general illumination ahead of the vehicle. They include those lamps sold commercially as driving lamps, passing lamps, road lamps, adverse weather lamps, or fog lamps. (Limitation on use of auxiliary lamps, Minnesota Statutes 1957, Sec. 169.56, as amended by Chap. 521, Minnesota Laws of 1959.)

(1) An auxiliary driving lamp is a unit used to supplement the upper or country beam from the headlamps.

(2) The auxiliary passing lamp is a unit used to supplement the lower or traffic beam from the headlamps.

(3) Adverse weather lamps are lamps which may be used in lieu of or to supplement the headlamps to provide illumination under conditions of rain, snow, dust or fog.

(4) A fog lamp is an adverse weather lamp.

(d) **Back-up lamp.** A back-up lamp is a lamp used to furnish general illumination to the rear of a vehicle when it is in rearward motion. (Limitation on use of back-up lamps, Minnesota Statutes 1957, Sec. 169.59, as amended by Chap. 521, Minnesota Laws of 1959, and Minnesota Statutes 1957, Sec. 169.64.)

(e) **Bicycle lamps.** A bicycle headlamp is an electric lamp used to provide general illumination ahead of the bicycle and also to serve as a warning light to approaching motorists. A bicycle tail lamp is an electric lamp used to mark the rear of a bicycle. (Necessity for and requirements concerning bicycle lamps, Minnesota Statutes 1957, Sec. 169.221.)

(f) **Bulb.** A bulb is an incandescent lamp used as a source of light.

(g) **Clearance and marker lamps.**

(1) Clearance lamps are lamps used on the left and right side of the front and rear of a vehicle which show to the front and rear, respectively, to mark the width of the vehicle.

(2) Marker lamps are lamps used on the left and right side, near the front and rear of a vehicle, which show to the side to mark the sides of a vehicle.

(3) A combination clearance and marker lamp is a single lamp which fulfills the requirements of both a clearance lamp and a side marker lamp. (Statutory requirements for use and mounting of clearance and marker lamps, Minnesota Statutes 1957, Sec. 169.51.)

(h) **Flares—(electric, fuel burning, reflector).** A flare is a device used in sets of three capable of displaying a warning light or reflecting a warning to the driver of an approaching vehicle that beyond the first light or reflector there is a hazard and that he must proceed with caution.

(1) An electric flare or electric warning lantern is a device capable of displaying an electric light, either flashing or steady burning.

(2) A liquid burning flare is a device, usually consisting of a vessel with a wick, capable of displaying a warning light.

(3) A reflector flare is a device consisting of at least two reflector surfaces on each side of the reflector and, by means of reflected light from the approaching vehicle, serves as a warning device. (Necessity for and use of flares, Minnesota Statutes 1957, Sec. 169.75.)

(i) Front combination lamps. A front combination lamp is a lamp so constructed and mounted that it serves two or more of the following functions:

- (1) front parking lamp,
- (2) front turn signal lamp, or
- (3) fog lamp.

(j) Headlamp. A headlamp is a major lighting device used to provide illumination ahead of the vehicle. (Requirements for headlamps, Minnesota Statutes 1957, Sec. 169.49, 169.60 and 169.61.)

(k) Headlamp—beam semi-automatic switching devices. A headlamp beam semi-automatic switching device means any device which will permit the lights from an approaching vehicle to automatically switch the lights on the vehicle equipped with the device from high beam to low beam and which may permit the beam to return automatically to high beam after the vehicle or vehicles have passed.

(l) Identification lamps. Identification lamps are groups of three lights in a horizontal row, spaced not less than six nor more than twelve inches apart, measured from center to center of lens, mounted near the top of the center of the front and rear of the permanent structure of the vehicle, which show to the front and rear, respectively, to identify a certain type of vehicle. (Use and required mounting of identification lamps, Minnesota Statutes 1957, Sec. 169.58.)

(m) License plate lamp. A license plate lamp is a lamp used to illuminate the license plate on the rear of a vehicle. It may be combined with either or both the stop lamp or tail lamp. (Provisions concerning rear lamps, Minnesota Statutes 1957, Sec. 169.50.)

(n) Lighting device. A lighting device is any device mounted on a vehicle to furnish illumination or to mark or identify a vehicle or to serve as a signal or warning either by self-illumination or by reflected light. Interior lighting devices, such as dome, dash and map lights intended only for interior illumination placed inside the vehicle and which are not intended to serve as a signal or to be seen by persons outside the vehicle, are not considered lighting devices within the scope of these regulations. (Lighting Devices, Minnesota Statutes 1957, Sec. 169.65.)

(o) Optical unit. A sealed beam optical unit is an integral and indivisible optical assembly consisting of a lens, reflector and light source.

(p) Original equipment. Original equipment means any equipment or device which the vehicle manufacturer regularly installs or builds into a vehicle, or replacements of any such original equipment supplied by the vehicle manufacturer. Original equipment shall also be construed to mean

any optional equipment or device supplied by the manufacturer of the vehicle and for which provision has been made in the original design of the vehicle.

(q) **Parking lamp.** A parking lamp is a low candle power lamp used to mark a parked car. It may be incorporated with some other lamp or may be separate. (Provision concerning parking lamps, Minnesota Statutes 1957, Sec. 169.53 as amended by Minnesota Laws of 1959, Chap. 96.)

(r) **Rear combination lamps.** A rear combination lamp is a lamp so constructed and mounted that it serves two or more of the following functions:

- (1) back-up lamp,
- (2) license plate lamp,
- (3) reflector,
- (4) stop lamp,
- (5) tail lamp or turn signal.

(s) **Reflex reflectors.** Reflex reflectors are devices used on a vehicle to give warning of the presence of the vehicle to an approaching driver by reflected light from the lamps of the approaching vehicle. (Use of reflector, Minnesota Statutes 1957, Sec. 169.50 as amended by Chap. 215, and Chap. 521, Minnesota Laws of 1959.)

(t) **Safety glazing material.** Safety glazing material means glazing material so constructed, treated, or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by the glazing materials when cracked or broken. (Use of safety glass, Minnesota Statutes 1957, Sec. 169.74.)

(u) **School bus stop warning lamps.** The school bus stop warning lamp is a lamp producing a flashing red light and used in connection with the school bus stop arm to warn approaching drivers that the bus is being loaded or unloaded. (Use of school bus stop warning lamps, Minnesota Statutes 1957, Sec. 169.44.)

(v) **Spot lamps.** A spot lamp is a light-projecting device located outside the motor vehicle with means for aiming it in any desired direction. Such lamps are not intended as substitutes for head or auxiliary lamps, but for use in emergencies and under conditions where a concentrated, controllable light beam is advantageous. (Limitation on use of and mounting of spot lamps, Minnesota Statutes 1957, Sec. 169.56 as amended by Chap. 521, Minnesota Laws 1959.)

(w) **Stop signal lamps.** Stop lamps are lamps giving a steady warning light to the rear of a vehicle to indicate the intention of the operator of a vehicle to diminish speed or stop. The stop lamp may be combined with some other lamp on the rear of the vehicle. (Use of and requirements concerning stop signal lamps, Minnesota Statutes 1957, Sec. 169.57 as amended by Chap. 521, Minnesota Laws of 1959.)

(x) **Tail lamp (rear lamp).** A tail lamp is a lamp used to mark the rear of a vehicle. It may be combined with another lamp on the rear of the

vehicle. (Mounting requirements, Minnesota Statutes 1957, Sec. 169.50 as amended by Chap. 521, Minnesota Laws of 1959.)

(y) Turn signal lamp. A turn signal lamp is a lamp used to indicate the direction in which a turn is to be made. (Requirements and use of turn signals, Minnesota Statutes 1957, Sec. 169.57.)

(z) Turn signal operating unit. An operating unit is that part of a turn signal system by which the operator of a vehicle causes the signal lamps to function.

(aa) Turn signal system. A turn signal system consists of a turn signal operating unit, a flasher unit, and two or more turn signal lamps.

(bb) Warning signal switch. A warning signal switch is a device used by the operator of a vehicle to cause certain lamps to flash simultaneously as a warning of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing. (Limitation on use of such warning signals, Chap. 521 of Minnesota Laws of 1959.)

SafAd 123 Minnesota Specifications for Lamps and Devices

(a) General. All lamps and lighting devices, and parts thereof shall comply with the "SAE Standards" and "SAE Recommended Practices" appearing in the then current edition of the "SAE Handbook", published by the Society of Automotive Engineers, Inc., 29 West 39th Street, New York 18, New York, which are applicable to the lamp or device being submitted for approval, provided such standards are consistent with Minnesota statutory requirements.

(b) Model designation. Each individual device or equipment shall have a model designation. Devices or equipment which are substantially different in optical or mechanical construction, even though such devices or equipment may serve the same functions, shall bear distinctive model designations.

(c) Identification. The device or equipment shall be marked with the trade-mark or name and the model designation, in letters and numerals at least $\frac{1}{8}$ inch in height. The manufacturer's initials will be acceptable as the name; and trade-marks which include letters shall have at least one letter $\frac{1}{8}$ inch or more in height. The approval markings shall be readily visible and legible from the outside of the device or equipment when it is properly mounted on the vehicle; except that required markings on built-in headlamp and auxiliary lamp sub-bodies using sealed beam units, and on built-in turn signal operating units, may be on the inside. Markings other than those which are required may be of any size or in any location. The required markings shall be permanently die-stamped or molded in both the body and lens except that the body markings may be stamped in indelible ink or painted in a location protected from abrasion and weathering if it is not feasible to die-stamp or mold them on the body. In such cases the lens markings shall still be molded in the lens and shall be visible from the outside. Safety glass shall be marked according to current A.S.A. Specifications.

NOTE: No raised or indented marking or identification shall be so placed as to interfere with the proper seating of surfaces where a tight seal is desirable.

(d) Construction

(1) Lamps shall be so constructed that bulb or lens replacements and aiming adjustments may conveniently be made by one person with ordinary hand tools.

(2) The lamp or device shall be so constructed that there will be no unreasonable personal hazard to the mechanic servicing the unit.

(3) Lamp mountings shall be so arranged that the aim of the lamp will not be disturbed under ordinary conditions of service. The range of aiming adjustment for any lamp requiring aim shall be that set forth under "Sealed Beam Headlamp Testing Specifications" in the current S.A.E. Handbook.

(4) Lamps shall be so constructed that an optical unit or bulb can be replaced without disturbing the aim of the lamps.

(5) Rims or trim rings and lens retaining rings: The means of fastening split or solid rims shall be readily accessible. Where snap or lock rings are used, a section or end shall be bent or kicked up or other means be provided for easy removal.

(6) Gaskets shall be constructed of a durable material which will retain its shape and resiliency. Gasket shoulders and lands shall be properly designed to obtain an adequately sealed housing.

(7) The electrical wiring shall be securely connected and shall be protected from abrasion by sharp edges.

(8) Signal lamps shall be so designed that no chromed or polished surfaces of the lamp will be located where sunlight will be reflected so as to distract from the visibility of the signal lamp to the operator of any approaching vehicle.

(e) Specifications for individual devices. In addition to complying with "S.A.E. Standards" and "S.A.E. Recommended Practices", Minnesota Statutes, and the above Minnesota Specifications as to identification and construction, the following requirements for individual devices must be met:

(1) Back-up lamps. The color of the lens may be white, amber, or red.

(2) Bicycle lamps. Maximum intensity above horizontal shall be 250 CP. The lamp housings shall be constructed so that bulb and battery replacements can readily be made. The headlamp shall project a distinct beam of light of uniform pattern.

(3) Flares, electric. The electric flare when placed on the highway shall not tip or slide in a 40-mile wind. Three sample flares as regularly marketed and sold shall be placed in a freezing compartment and chilled at a temperature of minus 20 degrees Fahrenheit for a period of 12 hours after which they shall be placed in operation for a 12-hour period. Failure of two of the three samples to operate or to meet the intensity requirements of "S.A.E. Standard" for Electric Emergency Lanterns during the test shall be an automatic rejection.

(4) Flares, reflector. The reflector flare shall be designed for two-direction visibility. A minimum of two reflecting surfaces shall be provided on each side of the unit. The minimum effective diameter of each reflecting

surface shall be $2\frac{3}{4}$ inches. The standard or case which supports the unit when placed on the highway shall be of such construction that the reflector flare will not be turned, tipped, or slide in a 40-mile wind. The reflecting surface, when the unit is placed on the road surface, shall be at a sufficient height so that the reflector will be visible for a minimum distance of 1,000 feet on level ground. Aggregate C.P. in axis shall be 12 C.P. minimum. The C.P. at all other test points shall be not less than twice that of the current S.A.E. specifications for Class "A" red reflectors.

(5) Front combination lamps. The requirements for each individual function must be met independently of any other function.

(6) Rear combination lamps. The requirements for each individual function must be met independently of any other function.

(7) Reflex reflectors. Reflex reflectors mounted on the front or on the sides near the front of a vehicle shall reflect a white or amber color. Reflectors mounted on the rear or on the sides near the rear of a vehicle shall reflect a red color. Reflectors will be classified into two groups: Class A shall include only those reflectors meeting the Class A visual test requirements of the S.A.E. Standard for Reflex Reflectors. Class B shall include those reflectors meeting the Class B visual test of the S.A.E. Standard. Where maximum statutory requirements for visibility are specified, only reflectors meeting the S.A.E. Standards for Class A reflectors will be approved. Reflex reflectors for use on bicycles shall meet the Class B Photometric requirements.

(8) Replacement lenses. Lenses designed to be marketed as alternate replacements shall be tested with the lamp for which they are designed and shall meet the applicable specifications.

(9) Safety Glazing material. Safety glazing material shall comply with the specifications of A.S.A. current at the time of application.

(10) School bus stop warning lamps. For requirements for School Bus Stop Warning Lamps, see specifications available from the State Commissioner of Education.

(11) Spot lamps. Spot lamps shall be mechanically and electrically controlled from the inside of the vehicle, except those designed for use as utility lights and mounted on public utilities and service vehicles.

(12) Turn signal system. Turn signal units shall meet the Class A, Type I, or Class B requirements of the S.A.E. Standard for Turn Signal Units, shall be used as specified for the appropriate class, and shall be installed as recommended in the Standard. Turn signal operating units shall be used as specified in the S.A.E. Standard for Turn Signal operating units in accordance with the class for which it is approved.

(13) Trailer hitches. Passenger Car Trailer hitches shall comply with the current S.A.E. Recommended Practice or Standard. Tow-Bars and Saddle Mounts (Drive-Away Operations), and Fifth Wheel connections shall comply with specifications set forth in the I.C.C. Motor Carrier Safety Regulations.

(14) Warning signal switch. The warning signal switch may be incorporated as a part of a turn signal operating unit or may be a separate switch. Any switching device used for this purpose shall have incorporated as a part of the switch or as an accessory thereto, a visible or audible, or

both, means of giving a clear and unmistakable indication to the driver that the signal system is turned on. The visual indicator shall consist of one or two bright green or red lights, with a minimum area of each equivalent to a 3/16 inch diameter circle, and plainly visible to the driver.

SafAd 124-127 Reserved for Future Use

(Transferred to Dept. of Public Safety from Dept. of Highways, Chapter 1129, Laws of 1969)

CHAPTER FOURTEEN: REGULATIONS FOR OFFICIAL AUTO LAMP ADJUSTING STATIONS IN THE STATE OF MINNESOTA. PRESCRIBED PURSUANT TO MINNESOTA STATUTES 1967, SECTION 169.77.

SafAd 128 Designation of Station

(a) Stations will be classified as A or B as hereinafter defined.

(b) Application for designation as "Official Auto Lamp Adjusting Station" must be made upon a form which may be procured from the State Department of Public Safety, Highway Patrol Division, State Highway Building, St. Paul, Minnesota 55155.

(c) Each application must bear the endorsement of a State Highway Patrol Officer or by other persons acting for the Commissioner.

(d) Each application must bear the statement that the proposed station is suitable and that it is needed in that community.

(e) Certificate of Designation of Official Auto Lamp Adjusting Station will be granted to Stations which comply with these regulations or supplemental regulations which may be made from time to time. Such Certificate is subject to cancellation for just cause.

SafAd 129 Class A Specifications and Requirements for Station

(a) Class A stations shall be those equipped with approved mechanical or electrical testing devices. The equipment used shall be of a type which has been tested by the Commissioner of Public Safety and has been approved for use in official auto lamp adjusting stations. Such equipment shall be so constructed and installed that the device will rest on permanently fixed foundation plates, rails or other supports so arranged, leveled and spaced in relation to the vehicle to be checked that the same geometrical relationship is obtained and exists between the vehicle and the essential units of the device whenever the same is used for testing.

(b) Tests of equipment for approval will be made either in the testing laboratories designated by the Commissioner of Public Safety or in such other places as he may designate from time to time. A fee may be charged for the testing of any such mechanical or electrical equipment. The Commissioner of Public Safety shall have the right to refuse the approval of any mechanical or electrical testing equipment when in his judgment any such equipment fails to provide for reasonable and efficient testing and adjustment of lamps in compliance with the Highway Traffic Regulation Act.

(c) In addition to the approved mechanical or electrical equipment required, Class A stations may also install the standard equipment required of Class B stations.

(d) In the event a station is fully equipped and is approved to perform official auto lamp adjusting under the classification of both Class A and B stations, a certificate for both will be issued.

(e) Certified auto lamp adjusting in Class A stations must be performed by Class A certified adjusters only.

(f) The equipment shall be installed so that entrance and exit may be easily made by the average motor car operator and in accordance with special instructions pertaining to that particular type of Class A equipment.

(g) A list of approved Class A equipment may be obtained from the Highway Patrol.

SafAd 130 Class B Specifications and Requirements for Station

(a) Class B stations shall be those equipped with the approved testing screens.

(b) The testing space must be located in a building capable of being darkened during regular business hours, so as to permit testing of headlights. The light must be excluded to a reasonable degree. The room must be dark enough to permit projection of a clear pattern of the headlight beams on the screen. The testing space must have reasonable access for entrance and exit.

(c) The surface upon which the vehicle stands when the headlight test is being made must lie in one plane, and shall be of such material that it will retain its levelness, and must be of sufficient size to accommodate any ordinary motor vehicle. Stations where larger vehicles such as busses and trucks, are to be tested will require special provisions.

(d) A conspicuous stop line 4 inches wide shall be painted yellow in color or otherwise indicated on the testing floor surface at twenty-five (25) feet from the testing screen hereinafter specified. Cars being tested will stand with headlight lens directly above this line.

(e) Two conspicuous side guide lines at right angles to the stop line shall be painted or otherwise indicated at the sides of the position of the vehicle being tested. The color of these lines to be yellow.

(f) A headlight testing screen or surface must be provided which shall be at least 11' by 5'8" high.

(g) The testing screen must conform with specifications set by the Commissioner. Specifications are obtainable from the Highway Patrol.

(h) The testing screen shall be erected so that the bottom line shall be on a level with the surface upon which the vehicle being tested is standing.

(i) The surface of the screen shall be 25 feet from the lens of the headlamp being tested.

(j) The screen shall be in a perpendicular position to the surface upon which the vehicle being tested is standing.

(k) The screen shall be in a position parallel to the front stop line marked on the testing floor.

(l) The testing screen may be erected to be movable or stationary.

SafAd 131 General Requirements for Stations

(a) Adjusting stations must be equipped with suitable tools, sufficient for making the necessary tests, adjustments and repairs. These tools to include screw driver, socket wrenches, open end wrenches, 8' measuring rule, pliers, and such other tools as provided for efficient auto lamp work.

(b) In addition to the tools, darkening cloths for covering headlights, clean cloths for removing dirt and dust, and a stock of replacement bulbs must be available.

(c) A file or record case suitable for the purpose of keeping duplicate certificates of adjustment must be in use.

(d) A supply of blank "Certificates of Auto Lamp Adjustment", on form prescribed by the Commissioner of Public Safety must be on hand.

(e) The Certificate of Designation of Official Auto Lamp Adjusting Station, and the Certificates of Authority of Auto Lamp Adjusters must be posted in a conspicuous place within the testing space.

(f) Stations must at all times, when open for business, have a sign secured from the Commissioner of Public Safety displayed in front of the place of business.

(g) There shall be on duty, during regular business hours, at least one duly qualified Auto Lamp Adjuster, who has a Certificate of Authority from the Commissioner of Public Safety, and who shall make all tests and lamp adjustments, and who will issue the Certificate of Auto Lamp Adjustment to drivers of vehicles whose lamps have been tested or adjusted by him.

(h) The Certificate of Auto Lamp Adjustment shall be in triplicate, the original (white) certificate to be delivered to the driver, and the other copies to be issued and filed as per the instructions printed thereon.

(i) Official adjustments made in certified stations shall be made in accordance with instructions furnished Certified Auto Lamp Adjusters.

(j) Official Auto Lamp Adjusting Stations will be inspected from time to time by State Highway Patrol officers or other duly authorized agents of the Commissioner.

(k) A station will be subject to inspection at any time relative to general layout, tools, darkening equipment, stock of light replacements and certificates, by any duly authorized representative of the Commissioner.

(l) The Certificate of Designation of Official Auto Lamp Adjusting Station and the Certificate of Authority of Auto Lamp Adjusters may be revoked for cause at the designation of by the Commissioner of Public Safety and such revocation will cancel authority of the place of business to function as an Official Adjusting Station and for any adjuster employed therein to make adjustments as an Official Adjuster or to sign Certificates of Adjustment.

SafAd 132 Qualifications of Auto Lamp Adjuster

(a) The Auto Lamp Adjuster shall be a physically and mentally qualified person of good character, 18 years of age or older, with at least one year experience in automotive repair work or having satisfactorily completed an automotive mechanics course at a Vocational School designated by the Commissioner, who has been trained to test and adjust auto lamps on motor vehicles, and who has passed an examination in a school which has been designated for the training of such adjusters.

(b) Upon a report from such a designated school, that the applicant has the physical qualifications, is sufficiently trained, and has passed a satisfactory examination, a Certificate of Appointment as Auto Lamp Adjuster will be issued for a period of one year to such person. Auto Lamp Adjusters' appointments are subject to cancellation. Renewals will be granted upon application and examination.

(c) Official Auto Lamp Adjusters will be certified as Class A or B, or both. Class A adjusters shall be those who have satisfactorily completed the course of training covering the use of the Class B station equipment, and the mechanical or electrical equipment as approved for use in Class A stations. Class B adjusters shall be those who have satisfactorily completed the course of training covering the use of Class B station equipment. Class B certified adjusters who desire to be certified as Class A adjusters may do so by taking the special mechanical and electrical instruction provided by a designated Official Auto Lamp Adjustment training school.

(d) The length of training courses for certified adjusters is:

(1) Class B—Two full days of 8 hours each.

(2) Class A—Three full days of 8 hours each.

(e) The Dunwoody Institute in Minneapolis and Area Vocational Technical Schools offering automotive courses are designated as the official schools for the training of Auto Lamp Adjusters.

SafAd 133 Lamp Testing and Adjusting Fees. Fees for testing and adjusting the aim of auto head lamps shall be enumerated on an invoice provided the individual in the following manner:

(a) Fees shall be based upon a conspicuously posted retail customer labor rate for auto head lamp adjusting, with labor charges for each auto head lamp so aimed and tested recorded in tenths of an hour and charges therefore. However, fees for adjusting and testing auto head lamps shall not exceed six dollars (\$6.00).

(b) Fees for testing and adjusting auto head lamps shall not include repair or parts costs to or for any equipments involved.

(c) If said repair and parts costs are necessary to effect a remedy to the auto head lamp(s) such costs shall be invoiced separately from testing and adjustment fees.

(d) When repair and parts costs are involved, auto head lamps may be tested and adjusted without fee.

(e) Testing and adjustment fees shall not be subsumed within repair and parts costs.

(f) Adjusting shall mean: aiming the lamp or lamps and shall include testing (although no physical act is involved.)

SafAd 134-135 Reserved for Future Use

(Transferred to Dept. of Public Safety from Dept. of Highways, Chapter 1129, Laws of 1969)

**CHAPTER FIFTEEN: RULES, REGULATIONS AND SPECIFICATIONS
FOR HYDRAULIC BRAKE FLUIDS.**

SafAd 136 Application for Approval of Hydraulic Brake Fluid. The following procedure shall be followed when any hydraulic brake fluid is submitted for approval:

(a) A written request for approval of the hydraulic brake fluid shall be submitted to the Commissioner of Public Safety by the manufacturer or his representative. The owner of a trade name is deemed to be a manufacturer within the requirements of these regulations if the said owner actually packages and has control of the quality of the brake fluid so packaged.

(b) The written request shall be accompanied by:

(1) A test report from a recognized testing laboratory approved by the Commissioner, showing compliance with the specifications and regulations herein contained. In those instances where the Commissioner and the applicant agree that all of the tests will be made by the State of Minnesota the said test report will not be required. The test report shall contain a complete and full description (not chemical formula) of the fluid, the method of making the tests, and the results of the tests. The results of the tests and the specifications shall be shown in tabular form.

(2) A two quart sample of the fluid (or more if required by the Commissioner). The applicant shall certify that the sample is the same fluid as described in the test report and that the brake fluid submitted to a laboratory for test is a sample of the same fluid to be sold or offered for sale under the brand name and label specified for the samples.

(3) Four copies of all labels used on all containers. These may be original labels or photostats of the original labels.

(4) A check in the amount of \$20.00 made payable to the Commissioner of Public Safety to cover costs of inspection. In the event approval tests are to be made by the State of Minnesota on any hydraulic brake fluid by agreement between the Commissioner of Public Safety and the applicant, a fee fixed by the Commissioner will be charged to cover the cost of such tests, an estimate of the amount thereof to be furnished the applicant prior to the commencing of such tests.

SafAd 137 Physical Properties

(a) The hydraulic brake fluid shall conform to the specification numbered and described as "Hydraulic-Brake Fluid, Heavy-Duty Type (SAE 70R1)" appearing in the SAE Handbook for the year 1953 published and

issued by the Society of Automotive Engineers, Incorporated, 29 West 39th St., New York 18, New York, a copy of which may be obtained from said Society and a copy of which is on file in the office of the Department of Public Safety, and said specification is adopted herein by reference with the same force and effect as though fully set forth herein.

(b) In the event the formula or composition of an approved brake fluid is changed, the manufacturer shall promptly advise the Commissioner of such fact and submit to him proof that the changed formula or composition will meet SAE Specification 70R1.

SafAd 138 General Requirements

(a) Identification for Marketing. Each container in which hydraulic brake fluid is sold shall bear thereon a label or stencil showing the manufacturer's name, or other suitable identification, and the brand and type of hydraulic brake fluid. The label shall include a statement certifying that the fluid meets SAE Specification 70R1.

(b) Cancellation or suspension. If it is found that any hydraulic brake fluid which does not comply with these regulations is being illegally marketed under an approved brand name or type, the Commissioner shall cancel the Certificate of Approval covering said brand and type; provided, that the manufacturer shall be entitled to thirty days notice of such proposed cancellation of the Certificate during which time he shall have opportunity to explain the apparent violation and to submit proof that the brake fluid sold under his brand and type does in fact comply with these regulations.

(c) Effective date of regulations. Until July 1, 1954, the Commissioner may approve hydraulic brake fluids upon payment of fee and filing of affidavit (in lieu of the laboratory test report) stating that the fluid upon which approval is desired complies with SAE Specification 70R1. Any certificates of approval issued under this clause shall expire on July 1, 1954 unless the manufacturer has, on or before July 1, 1954, fully complied with these regulations.

SafAd 139-142 Reserved for Future Use

(Transferred to Dept. of Public Safety from Dept. of Highways, Chapter 1129, Laws of 1969)

CHAPTER SIXTEEN: RULES AND INSTRUCTIONS FOR OFFICIAL BRAKE ADJUSTING AND TESTING STATIONS.

SafAd 143 General Provision. Official Brake Adjusting and Testing Stations are established and appointed for the purpose of increasing safety on the highway. It is important that every official station properly instruct all employees in the helpful attitude that should be maintained toward the public and in the proper procedure of brake service work and adjustments. Continued supervision of all mechanics who are authorized to make inspections, repairs, and adjustments must be maintained to assure the public of uniformly high standards of workmanship.

SafAd 144 Application Instructions

(a) Application for designation as "Official Brake Adjusting and Testing Station" must be made upon a form which may be procured from the Minnesota Department of Public Safety, (Highway Patrol Division, Highway Building) St. Paul, Minnesota 55155.

(b) Upon receipt of completed application an inspection will be made. Approval or rejection will follow such inspection subject to the rules and regulations herein.

(c) Each application shall bear the statement that the proposed station is suitable.

(d) Stations will be classified as A or B Passenger Car and as A or B Truck and Bus stations as hereinafter defined.

(1) Passenger car stations are those with equipment, space, and service facilities to properly test, repair and adjust brakes on passenger cars and light trucks up to and including 1 ton but not to include any vehicle with power brake equipment.

(2) Truck and Bus stations are those with the equipment, space, and service facilities to properly test, repair and adjust brakes on trucks, buses, trailers, tractors, and truck tractors.

(3) Class A stations are those equipped with a brake tester or other testing devices approved by the Commissioner of Public Safety for use in Official Brake Adjusting and Testing Stations. Approved Testing devices shall be capable of indicating the stopping distance of the vehicle, the braking effort of each wheel and the percentage of equalization.

(4) Class B stations are those without brake testers but with adequate floor space or driveway space either inside or outside the building for making trial stops of the vehicle.

(e) Any Certificates of Designation of Official Brake Adjusting and Testing Station issued may be subsequently revoked for cause.

SafAd 145 General Requirements for Brake Stations

(a) Official Stations must have a sign secured from the Commissioner of Public Safety, displayed in front of the place of business. These signs are furnished at cost by the Commissioner of Public Safety.

(b) Each Official Brake Adjusting and Testing Station must have at least one automotive mechanic approved by the Commissioner of Public Safety and who is capable of adjusting brakes. Such approval shall be evidenced by a certificate naming such individual. In order to obtain such certificate he must meet the following qualifications for brake adjusters:

(1) The applicant for brake adjuster shall be of good character, over 21 years of age, with at least 4 years experience in general automotive repair work or 2 years specialized brake work. Evidence of experience shall be shown on the application form provided including certification by shop foreman, garage owner, or such other officials as indicated on the application form as acceptable.

(2) Each applicant must pass such examination both written and practical or manual as may be prescribed from time to time by the Commissioner of Public Safety. In the event any applicant shall fail to pass any such examination, he may, (but is not required to) take a course of training concerning the testing and adjusting of brakes on vehicles given by the Dunwoody Industrial Institute (818 Wayzata Boulevard, Minneapolis 3, Minnesota). If upon completion of said course and if said Dunwoody Institute shall report that said applicant has submitted proper application, has met the training requirements and has passed with a satisfactory mark and has satisfactorily passed an examination given by the Dunwoody Institute and an examination prescribed by the Commissioner of Public Safety at the conclusion of his course of training, a certificate of appointment as brake adjuster will be issued for one year. Training information may be obtained from the Department of Public Safety or Dunwoody Institute. Any applicant who fails to pass an examination is not precluded from taking further examination from time to time as they may be given.

(3) The length of training courses given by Dunwoody Institute for certified adjusters will not exceed:

Passenger Car—5 days of 8 hours each max. or night classes of equivalent hours

Truck and Bus—5 days of 8 hours each max. or night classes of equivalent hours

(4) Official Brake Adjusters will be certified as Passenger Car or as Truck and Bus Adjusters. Adjusters may have both a Passenger Car and a Truck and Bus classification.

(5) Renewals of the certificate of appointment as official brake adjuster may be granted upon application. Brake adjusters' appointments are subject to cancellation.

(c) The Certificate of Designation of Official Brake Adjusting and Testing Station and Certificate of Authority of Brake Adjusters must be posted in a conspicuous place within the testing space.

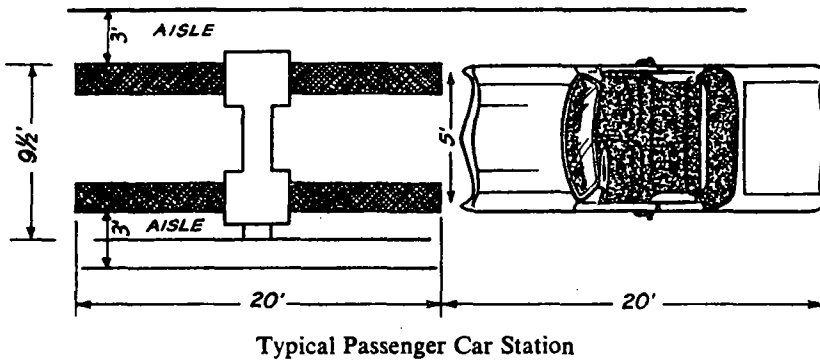
(d) Official brake adjusting and testing must be performed by the certified adjuster only or under his direct supervision. He is directly responsible for the quality of workmanship in both brake repairs and adjustments.

(e) The designated adjuster is the only person who may sign and issue the certificate of brake adjustment to drivers of vehicles whose brakes have been tested or adjusted.

(f) Official adjusting and testing stations must be equipped with suitable tools, sufficient for making the necessary tests, adjustments, and repairs.

(g) Space for brake testing.

(1) Class A Station must have at least 3 feet in the clear to each side of brake tester, a clear "run on" space in front of testers of not less than 20 feet for passenger car stations and 30 feet for truck stations, and the testing space shall be of sufficient area to allow for installation of equipment with the clearances provided for in this paragraph (g).



Typical Passenger Car Station

(2) Class B Station must have a testing space at least 12 feet wide and of sufficient length to bring vehicle up to speed of 20 mph and to safely stop the vehicle. If a decelerometer or other approved test device is used, less length will be needed, as test can be made at 10 mph or in some cases with vehicle at rest. Class B Station must also have at least one stall or work space sufficient to handle vehicles of legal size for which station is approved. Testing space and service stall must be kept orderly and clean and clearly defined.

(h) Test equipment must be installed in a manner satisfactory to the Commissioner of Public Safety.

(i) Brake Adjusting Fees. Charges for adjusting and repair work shall not exceed regular hourly rates or flat rates whichever is used by the shop.

(j) Official Brake Adjusting and Testing Stations will be inspected from time to time by State Highway Patrol officers or other duly authorized agents of the Commissioner of Public Safety

SafAd 146 Revocation of Station and Adjuster's Certificate

(a) The Certificate designating Official Brake Adjusting and Testing Stations and the Certificate of Authority of Brake Adjuster may be revoked for cause without notice by the Commissioner of Public Safety and such revocation will cancel authority for any place of business to function as an Official Brake Adjusting and Testing Station and for any adjuster to make adjustments as an Official Adjuster or to sign certificates of adjustment. When the Designation of Official Brake Adjusting and Testing Station has been revoked, he shall surrender such certificate to any duly authorized agent of the any unused adjustment certificate forms to any duly authorized agent of the Commissioner of Public Safety. When an adjuster's certificate has been revoked, he shall surrender such certificate to any duly authorized agent of the Commissioner of Public Safety. If such revocation was because of failure in an examination or lack of knowledge as to procedure in brake repair and adjustment or because the adjuster allowed his certificate to lapse, the adjuster may apply for reinstatement which reinstatement may be made providing the adjuster meets the qualifications of Brake Adjuster.

(b) A station may be cancelled for poor workmanship, unreasonable charges, or for any violation of these rules or regulations.

SafAd 147 Certificate of Brake Adjustment

(a) Official stations after satisfactorily repairing, adjusting, or testing the brakes on any vehicle are authorized to issue to the driver of the vehicle a Certificate of Brake Adjustment. The Commissioner of Public Safety will furnish at cost official forms of Certificate of Brake Adjustment to each official station upon request. These certificates of Brake Adjustment as completed must contain the following: date of issue, registration number of the motor vehicle, owner's name, make of vehicle, and official designation of the adjusting station. The forms of certificates furnished by the Commissioner of Public Safety will be in triplicate. They shall be signed by the certified official brake adjuster and after execution, the original thereof shall be delivered to the driver, a copy retained by the station, and a copy transmitted to the law enforcement agency which has given the driver a written notice to have his brakes adjusted or repaired.

(b) Each official station shall keep an adequate supply of certificates on hand.

(c) Certificates shall be issued in numerical order.

SafAd 148 Records

(a) Each official station shall keep both their used and unused books of certificates in numerical order in a file or cabinet convenient to the brake adjusting space. Used books shall be segregated from unused books.

(b) The station's copy of the certificate shall remain in the book.

(c) The station shall retain their copies of certificates of brake adjustment until such time as the duly authorized agent of the Commissioner of Public Safety has inspected the station and checked the certificates and has authorized the disposal thereof.

SafAd 149 Service Information. Whenever necessary, the Commissioner of Public Safety will issue bulletins and instructions dealing with brake operation, tolerances, service, and inspection procedure.

SafAd 150 Reserved for Future Use

(Transferred to Dept. of Public Safety from Dept. of Highways, Chapter 1129, Laws of 1969)

CHAPTER SEVENTEEN: RULES AND REGULATIONS FOR THE DESIGN AND MOUNTING OF SLOW MOVING VEHICLE EMBLEMS**SafAd 151 Purpose and Scope**

(a) **Purpose.** The purpose of this regulation is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Laws of Minnesota 1967, Chapter 309, with reference to standards and specifications for the design and position of mounting of slow moving vehicle emblems.

(b) **Scope.** The scope of this regulation is confined within the framework of and intended to be consistent with Laws of Minnesota 1967, Chapter 309.

SafAd 152 Definitions. For the purposes of these rules and regulations the terms shall have the meanings given them:

(a) **Slow moving vehicle.** All animal-drawn vehicles, implements of husbandry and other machinery, including all road construction machinery (except when used in actual construction and maintenance work as qualified by Laws of Minnesota 1967, Chapter 309, Section 1), which are designed for operation at a speed of twenty five (25) miles per hour or less. These vehicles are those which normally travel at rates of speed slower than regular vehicular traffic (Vehicles which have a maximum travel speed of less than twenty five (25) miles per hour).

(b) **Slow moving vehicle emblem.** The triangular multi-colored device used to identify slow moving vehicles.

(c) **SMV.** Abbreviation for slow moving vehicle.

(d) **SAE.** Abbreviation for Society of Automotive Engineers.

(e) **ASTM.** Abbreviation for American Society for Testing and Materials.

(f) **ASAE.** Abbreviation for American Society of Agricultural Engineers.

(g) **Portable emblem.** The SMV emblem when attached to the backing material specified in SafAd 154(d).

SafAd 153 Description of Slow Moving Vehicle Emblem. The SMV emblem consists of a fluorescent yellow-orange triangle with a dark red reflective border. The yellow-orange fluorescent triangle provides a brightly visible daylight identification. The reflective red border defines the shape of the fluorescent triangle in daylight and appears as a hollow red triangle when illuminated by motor vehicle headlights at night.

SafAd 154 Design Standards and Specifications

(a) **Dimensional requirements.** The size shall be as shown in Figure 1. Size of backing material for portable SMV emblems shall have the same geometric shape as the emblem and may be slightly larger in order to provide a margin of not more than one fourth ($\frac{1}{4}$) inch.

(b) **Color and reflectivity.**

(1) The spectrophotometric color values of the yellow-orange fluorescent material shall have a dominant wave length of 590-610 millimicrons and a purity of ninety-eight (98) percent before Exposure Test, SafAd 154(c). The dominant wave length of the fluorescent material after Exposure Test shall not change more than ten (10) percent.

(2) The dark red reflective material shall have minimum intensity values at each of the angles listed in Table 1 with all measurements conducted in accordance with photometric testing procedures for reflex-reflectors as specified in SAE Standard, J594, Reflex Reflectors, and using fifty (50) \pm five (5) sq. in. of reflective material. The maximum dimension of the test surface shall not be greater than one and one half (1.5) times the minimum dimension.

(3) After Exposure Test, SafAd 154(c), the minimum reflective intensity values for the reflective material shall not change more than twenty (20) percent from the values specified in Table 1, this regulation.

(c) **Exposure.** The fluorescent and reflective material shall show no appreciable discoloration, cracking, crazing, blistering, loss of durable bond, or dimensional change after exposure to the sun at an angle of forty five (45) degrees to horizontal and facing south per ASTM Standard D1014, Method of Conducting Exterior Exposure Tests of Paints on Steel, for appropriate test period as shown in Table 2.

(d) **Backing Material.** The backing material for portable SMV emblems shall be 0.040 inch minimum thickness aluminum sheet, twenty two (22) gauge (0.030 inch) minimum thickness mill-galvanized or coated sheet steel, or other material of equal strength, with the application surface clean and free of oil, grease, etc., so as to be receptive to a durable bond of the fluorescent and reflective materials. The backing material shall be free of burrs and corners shall be slightly rounded.

TABLE 1
MINIMUM REFLECTIVE INTENSITY VALUES

Divergence (Observation) Angle, Deg.	Incidence (Entrance) Angle, Deg.	Reflective Intensity, R*
0.2	0	10
0.2	15	7
0.2	30	5
0.5	0	5
0.5	15	4
0.5	30	2

*The reflective intensity (R) is computed from the equation:

$$R = \frac{(L_r) (d^2)}{(L_s) (A)}$$
 where:
 R = reflective intensity, candlepower per incident foot-candle per square foot
 L_r = illumination incident upon receiver at observation point, foot-candles
 L_s = illumination incident upon a plane perpendicular to the incident ray at the test specimen position, foot-candles
 d = distance from test specimen to source of illumination (100 ft. as specified in SAE Standard J594), feet
 A = area of test surface, square feet

TABLE 2
EXPOSURE TEST PERIODS

Location	Minimum Test Period, Months	
	Fluorescent	Reflective
Outside in Midwest or Outside in Miami, Florida	12 6	24 12

(e) The manufacturer of SMV emblems shall supply certified test reports showing compliance with the design standards and specifications upon request by the Commissioner of Public Safety.

SafAd 155 Standards and Specifications for Mounting

(a) The SMV emblem shall be mounted point up, as shown in Figure 1, in a plane perpendicular to the direction of travel. It shall be placed centrally at the rear of the vehicle, unobscured, and two (2) to six (6) feet above the ground measured to the lower edge of the emblem.

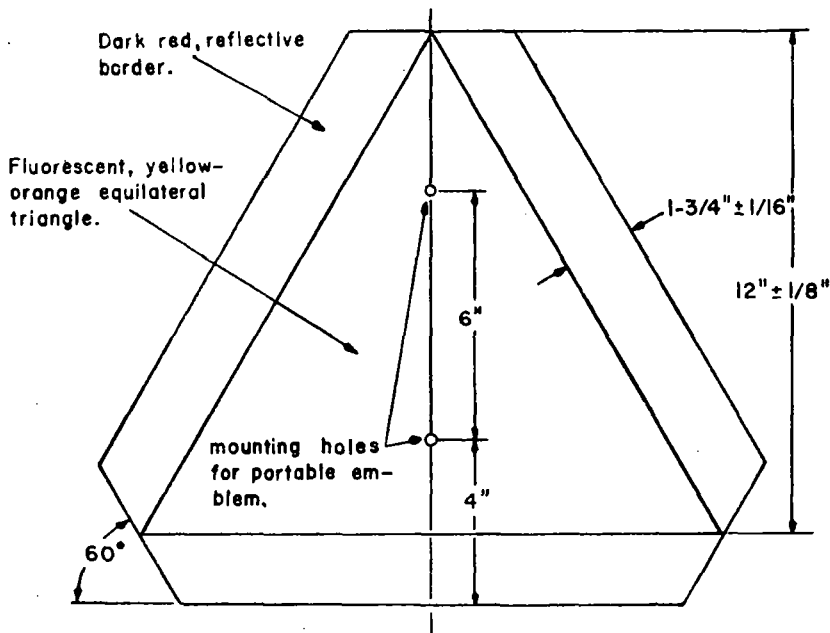
(b) The SMV emblem may be permanently attached to the vehicle or equipment when practical. Unless the SMV emblem is attached directly and permanently to the vehicle, it shall be mounted by using devices designed to hold the emblem in the position and location specified in SafAd 155(a). The SMV emblem mounting device referred to in Laws of Minnesota 1967, Chapter 309, Section 1, shall be the socket specified in the ASAE Standard S277 current at the time of manufacture or assembly of the SMV.

(c) The emblem shall not replace any other lamps, lights, reflectors, or warning devices required by law or regulation and is not to be used as a clearance marker for wide equipment.

SafAd 156-160 Reserved for Future Use

(Transferred to Dept. of Public Safety from Dept. of Highways, Chapter 1129, Laws of 1969)

FIGURE 1 — SMV EMBLEM



**CHAPTER EIGHTEEN: RULES AND REGULATIONS GOVERNING
THE OPERATION OF SNOWMOBILES
UPON STREETS AND HIGHWAYS.**

SafAd 161 Purpose and Scope

(a) Purpose. The purpose of this regulation is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Laws of Minnesota 1967, Chapter 876, with reference to the operation of snowmobiles upon the streets and highways of the State of Minnesota.

(b) Scope. The scope of this regulation is intended to be confined within the framework of and consistent with Laws of Minnesota 1967, Chapter 876.

SafAd 162 Method of Operation. Any snowmobile operated within the right of way limits of a street or highway:

(a) Shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle under any conditions of operation.

(b) Shall, when operated adjacent to a roadway during hours of darkness, be operated only in the direction of travel required of vehicles upon the traffic lane nearest to the snowmobile.

(c) Shall be equipped with at least one headlamp so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead during hours of darkness under normal atmospheric conditions. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming driver.

(d) Shall be equipped with at least one rear lamp exhibiting a red light plainly visible from a distance of five hundred (500) feet to the rear during hours of darkness under normal atmospheric conditions.

SafAd 163-165 Reserved for Future Use

(Transferred to Dept. of Public Safety from Dept. of Highways, Chapter 1129, Laws of 1969)

DEPARTMENT OF PUBLIC SAFETY
SAFETY ADMINISTRATION DIVISION

Chapter 19: Standards for Safe Operating Condition of Passenger Automobile Tires

§ 1.0166 Purpose and authority.

A. Purpose: The purpose of these rules is to establish minimum standards for the safe operating conditions of tires in use on passenger automobiles, station wagons and other highway-use motor vehicles using passenger automobile-type tires.

B. Authority: These rules are promulgated pursuant to the authority granted by Minn. Stat. 169.722 (1976).

§ 1.0167 Definitions. For the purposes of these rules, the following terms shall have meanings ascribed to them:

A. Bead. The part of the tire which is shaped to fit the wheel rim.

B. Cord. The strands forming the plies in the tires.

C. Groove. The space between two adjacent tread ribs.

D. Ply. A layer of rubber-coated parallel cords.

E. Sidewall. That portion of the tire between tread and bead.

F. Tie bar. A transverse rubber rib manufactured into some tire treads to give lateral stability to tread ribs.

G. Tread. That portion of the outer surface of the tire that is designed to come into contact with the road surface.

H. Tread design depth. The distance, measured near the centerline of the tire, from the base of the tread design to the top of the tread.

I. Tread rib. The tread section running circumferentially around the tire.

J. Tread wear indicator. Material molded during the manufacturing process into the bottom of tread grooves and designed to visibly disrupt the tread pattern when the tread design depth has worn to a depth of 2/32 of an inch.

§ 1.0168 Unsafe tires. A tire is unsafe and unlawful if one or more of the following conditions exists:

A. There is any part of the ply or cord exposed.

B. There is a separation which may be indicated by a bump or bulge of the sidewall, tread or ply.

C. There is a tread design depth of less than $\frac{2}{32}$ of an inch measured in the tread groove nearest the center of the tread at three (3) locations spaced approximately equally around the circumference of the tire, exclusive of tie bars or for those tires with tread wear indicators.

D. It is worn to the level of the tread wear indicators in any two tread grooves at three locations.

E. It is marked "not for highway use", or "for racing purposes only", or "unsafe for highway use"; or any similar marking indicating the tire is not designed for highway use.

F. The tread or sidewall has cracks, cuts, or snags deep enough to expose the body cords.

G. It has been regrooved or recut below the original tread design depth, except certain taxi cab tires which have additional under-tread rubber and are specifically identified as such by use of the word "regrooveable" molded on or into each sidewall of the tire.

**Minnesota Department of Public Safety
Safety Administration Division**

**CHAPTER TWENTY: REQUIREMENTS FOR APPROVAL OF
MOTORCYCLE OPERATOR EYE PROTECTIVE DEVICES**

SafAd 181 Purpose and Scope

A. The purpose of these rules is to prescribe the procedure for approval by the Commissioner of Public Safety of motorcycle operator eye protective devices.

B. The scope of these rules is intended to be consistent with the powers relative to eye protective devices conferred on the Commissioner of Public Safety by Minnesota Statutes 1974, Section 169.974, Subdivision 4, as amended by Laws 1975, Chapter 29, Section 4.

SafAd 182 Definitions. For purposes of these rules:

A. "AAMVA" means the American Association of Motor Vehicle Administrators.

B. "Commissioner" means the Commissioner of Public Safety for the State of Minnesota.

C. "VESC" means the Vehicle Equipment Safety Commission (which was created and exists under the Interstate Vehicle Equipment Safety Compact).

SafAd 183 Standards and Approval of Devices

A. The standard for motorcycle operator eye protective devices as incorporated in Vehicle Equipment Safety Commission Regulation VESC-8, adopted by the VESC August 5, 1971, is hereby incorporated by reference and made a part of these rules.

B. Motorcycle operator eye protective devices which are approved for use in Minnesota shall be of a type certified by the AAMVA as complying with the specifications of Regulation VESC-8 incorporated herein.

C. On and after the effective date of these rules, the Commissioner shall maintain a current list of specific eye protective devices which have been certified by the AAMVA as complying with Regulation VESC-8. Such list shall at all times be made available to any person upon request.

SafAd 184-187 Reserved for Future Use

(Cite 1 S.R. 210, August 16, 1976)

Department of Public Safety
Safety Administration Division

Chapter 21 : Standard for wheelchair securement devices.

11 MCAR § 1.0188 Purpose, authority and scope.

A. Purpose. The purpose of these rules is to establish minimum standards for approval of wheelchair securement devices in vehicles and approval of seat belt assemblies and anchorages used to protect persons in wheelchairs while transported in vehicles.

B. Authority. These rules are promulgated pursuant to the authority granted by Laws of 1978, ch. 752.

C. Scope.

1. These rules apply to the transportation by motor vehicle of any sick, injured, incapacitated or handicapped person while occupying a wheelchair, which transportation is offered or provided by an operator to the public or to its employees or in connection with any other service offered by the operator including schooling or nursing homes, convalescent or child care services.

2. These rules do not apply to any school bus subject to regular school bus inspection pursuant to Minn. Stat. § 169.451 nor do they apply to incidental transportation of an occupied wheelchair under circumstances other than as provided in Paragraph (1) above.

11 MCAR § 1.0189 Definitions. For the purpose of these rules, the following terms shall have the meanings ascribed to them:

A. Anchorage. The provision for transferring wheelchair securement loads to the vehicle structure.

B. Commissioner. The Commissioner of Public Safety or his duly authorized agent.

C. Interior paneling. Material used to finish the interior of a vehicle, not including the floor.

D. Occupant restraint. A seat belt assembly and/or upper torso restraint intended to hold the occupant of a wheelchair in a generally seated position during transportation by motor vehicle.

E. Wheelchair. A chair mounted on wheels to facilitate the mobility of a sick, injured, invalid or handicapped person in a generally seated position. The term includes a device generally recognized as a wheelchair even though equipped with reclining backrest or special apparatus. The term does not in-

clude any device not equipped with wheels, nor does it include an ambulance stretcher or cot whether equipped with wheels or not.

F. Operator. Any person, firm, partnership, corporation, service club, public or private agency, city, town or county.

G. Wheelchair securement device or securement device. An apparatus installed in a motor vehicle for the purpose of securing an occupied wheelchair into a location in the vehicle.

11 MCAR § 1.0190 Wheelchair securement.

A. An occupied wheelchair transported in a vehicle shall be secured with a securement device of sufficient strength to prevent forward, backward, lateral or vertical movement of the wheelchair when the device is engaged and the vehicle is in motion, accelerating or braking.

B. Each wheelchair securement device shall attach to the frame of the wheelchair without damaging the frame. "Damage" includes effects harmful to the strength, integrity or serviceableness of the wheelchair, but does not include minor dents, scratches or other cosmetic blemishes not materially affecting serviceableness.

C. A wheelchair securement device shall not be attached to a wheel of a wheelchair.

11 MCAR § 1.0191 Minimum standards. Each wheelchair securement device shall:

A. Attach to the wheelchair frame on at least three (3) points. The three (3) points of contact shall be spaced to provide effective securement. Alternatively, a securement device meeting all other requirements of these rules may attach to two widely spaced points on the wheelchair frame if the wheel tires or the wheelchair frame abuts an unyielding surface in a manner which meets the approval requirements of 11 MCAR § 1.0192.

B. Consist of at least two (2) webbing-type belts described in clause (1) or at least two (2) all-metal devices described in clause (2) or one or more of each such device.

1. Webbing-type devices shall be assemblies that meet or exceed Type 2 pelvic restraint seat belt requirements as specified in Section S4.2 (2) (b) of Federal Motor Vehicle Safety Standard No. 209, 49 Code of Federal Regulations, Part 571.209 (1977 edition) or be certified by the manufacturer that such device meets or exceeds assembly strength of 5,000 pounds in loop fashion or 2,500 pounds on each anchorage leg.

a. Certification may be the specification listed in catalogs or publications by the manufacturer.

b. All new construction of such securement devices and repairs to webbing shall conform with standards established by the manufacturer of the webbing.

2. All metal securement devices shall be of a design and construction which provides wheelchair securement strength at least equal to the strength of a webbing-type device comprised of three separate attachments and anchorages.

C. Be free of sharp edges, corners and jagged projections to minimize injury to persons in the event of unintentional contact.

D. Be capable of retraction, and be readily removable or otherwise suitably storable when not in use.

E. Be anchored to the vehicle at not less than two separate points with bolts, nuts and lock washers or self-locking nuts.

1. Bolts used shall be not less than 3/8 inch in diameter and of National Fine Thread S.A.E. grade 5 designation or equivalent.

2. Where anchorage bolts do not pierce the vehicle frame, subframe, bodypost or equivalent metal structure, a metal reinforcement plate or washer not less than 1/16 inches thick by 2-1/2 inches in diameter is required.

3. In no event shall interior paneling constitute anchorage for a point of securement.

4. A metal track, rail or similar device permitting attachment of the securement device at optional points thereon may be used to anchor the securement device, provided:

a. The track, rail or other device is secured to the vehicle in compliance with anchorage requirements of this rule.

b. The attachment of the securement device to the anchor point is by means of a positive attachment metal fitting.

F. The method or device which provides attachment of the securement device to the wheelchair frame and the method or device locking the securement device in the load-holding mode shall each be of a strength and design which will assure performance of their intended function until the securement device is intentionally released.

G. Buckles, anchorage fittings and other components essential to the functioning of the securement device shall be integrated into the securement device in accordance with recognized practices and in a manner which preserves the overall strength of the securement device.

11 MCAR § 1.0192 Approval procedure.

A. Application for approval of a wheelchair securement device shall be

made to the commissioner and shall be accompanied by the manufacturer's actual or proposed written installation instructions and photographs or drawings clearly depicting the construction of the device and its physical characteristics, including all mounting hardware.

B. The applicant shall furnish a vehicle with the securement device installed therein and demonstrate the device by attaching it to a wheelchair furnished by the applicant. The commissioner may load the wheelchair to 140 pounds and require the vehicle be accelerated, driven around corners and subjected to hard braking at speeds of thirty miles per hour or less. Movement of the wheelchair more than (1) inch in any direction, including vertically, during such test shall be grounds for refusal of approval. Measurement of movement shall be at the points where wheelchair wheels contact the floor. Damage to the wheelchair or any other property during such test shall be the responsibility of the applicant.

C. Upon determining that the securement device meets the requirements of these rules, the commissioner shall issue a certificate of approval authorizing use of the device.

D. The commissioner may revoke any approval granted hereunder upon a showing that the securement device does not meet a requirement of these rules.

E. Each wheelchair securement device shall be permanently labeled with the name, initials or trademark of the manufacturer and the model designation of the device. The label shall be readily visible and legible from the outside of the device when it is properly mounted to the vehicle and in use.

11 MCAR § 1.0193 Occupant restraint.

A. Each vehicle equipped with a wheelchair securement device shall be equipped with a Type 2 seat belt assembly with a detachable upper torso portion at each wheelchair position in the vehicle or, in the alternative, shall be equipped with a Type 1 pelvic restraint assembly and a length of Type 1 or Type 2 seat belt webbing, with buckle, adequate to encircle the chest of the wheelchair occupant and the backrest of the wheelchair.

B. Type 1 and Type 2 seat belt assemblies shall meet the requirements of Sections S 1 through S 4.4 of Federal Motor Vehicle Safety Standard No. 209, 49 Code of Federal Regulations, Part 571.209 (1977 edition).

C. Type 1 and Type 2 seat belt assemblies and the detachable upper torso restraint, if a detachable upper torso restraint is installed in lieu of using a length of seat belt webbing to encircle the chest of the occupant and the backrest of the wheelchair, shall be installed and anchored in accordance with Sections S 1 through S 4.3.2 of Federal Motor Vehicle Safety Standard No. 210, 49 Code of Federal Regulations, Part 571.210 (1977 edition).

11 MCAR § 1.0194 Securement. It shall be the responsibility of the driver of any vehicle equipped with a wheelchair securement device to:

A. Properly secure an occupied wheelchair prior to moving the vehicle unless the wheelchair occupant is capable of securing the device and does so.

B. Fasten the seat belt assembly, and upper torso restraint if so equipped, around the occupant of the wheelchair unless the occupant is capable of fastening same and does so. The driver shall not fasten the seat belt assembly or the upper torso restraint if the occupant or other responsible person advises the driver that to do so would aggravate a physical condition of the occupant. In the event the physical condition would be aggravated by the use of but one of the devices, the device which would have no effect on the physical condition shall be fastened in the required manner.

C. Retract, remove or otherwise store securement devices and seat belt assemblies when not in use to prevent tripping of persons and damage to devices.

11 MCAR § 1.0195 Inspection. The commissioner may order the removal or correction of any securement device upon determining that the device, without regard to date of installation:

A. Is not capable of sustaining loads imposed thereon in restraining an occupied wheelchair, or

B. The securement device permits excessive movement of an occupied wheelchair.

11 MCAR § 1.0196 Effective dates.

A. Wheelchair securement devices and occupant restraint systems installed in vehicles after December 31, 1979 must be of a type approved in accordance with these rules. After December 31, 1980, every vehicle included within the scope of these rules must be equipped with an approved wheelchair securement device and occupant restraint system at each wheelchair position.

B. From the effective date of these rules and until an approved wheelchair securement device is installed in a vehicle, no person shall transport an occupied wheelchair in a vehicle unless the wheelchair is secured to prevent forward, backward, lateral or vertical movement when the vehicle is in motion, accelerating or braking, and the occupant is restrained by at least one belt or strap.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

CAPITOL SECURITY DIVISION

CHAPTER ONE: PROTECTION OF STATE PROPERTY

CapSec 1 Purpose and Scope

(a) The purpose of these regulations is to protect the free, proper, and lawful access to, egress from and proper use of public property, and to protect the conduct of public business, free from interference, disruption or threat.

(b) These rules and regulations are promulgated pursuant to Minnesota Statutes 1971, Section 624.72, Subd. 3 and acts related thereto. The scope of these regulations is intended to be consistent with Minnesota Statutes 1971, Sections 624.72 and 299E.01.

(c) These rules and regulations apply to all designated property and all persons on designated property.

CapSec 2 Definitions

As used in these regulations the following terms and phrases shall have the meanings as ascribed below:

(a) Authorized Individuals. Persons empowered by state or local law or executive or legislative appointment to issue commands or directions to persons entering in or on designated property.

(b) Designated Property. All state buildings and property of the capitol area as defined by Minnesota Statutes 1971, Section 15.50, and other state owned or state leased buildings and property within the Twin Cities metropolitan area as the governor from time to time may designate.

(c) Emergency Authorities. Police, fire, and medical aid personnel and capitol security guards.

(d) Normal Working Hours. Where not otherwise expressly designated by the Commissioner of Administration, 8:00 a.m. to 5:00 p. m. Monday through Friday, and also for the Capitol building, 8:00 a. m. to 4:00 p.m. Saturday and Sunday.

CapSec 3 Enforcement Procedures and Responsibilities

(a) Recording Presence. All buildings shall be closed after normal working hours. Admission and presence in closed buildings will be limited to employees, emergency authorities, and persons having official business or attending approved public functions. Such persons may be required to sign the register and/or display identification documents when requested by the guard, watchman, or other authorized individual. During emergencies declared by the public officer supervising the particular building and approved thereafter by the Commissioner of Administration or the Commissioner of Public Safety, buildings may be limited to emergency authorities.

(b) Submit to Inspection. When the Commissioner of Administration or the Commissioner of Public Safety has so directed, persons in or on designated property may be required to submit to inspection any parcel, case, or bulky article of clothing that might be capable of concealing weapons, explosives, or other dangerous substances.

(c) Enforcement. These rules and regulations shall be enforced by the Commissioner of Administration on all designated property with the exception of security-related rules and regulations which, pursuant to Minnesota Statutes 1971, Section 299E.01, Subd. 3, shall be enforced by the Commissioner of Public Safety upon all capitol area property as defined by Minnesota Statutes 1971, Section 299.E01, Subd. 4.

CapSec 4 Prohibited Acts

The following acts in or on designated property are prohibited:

(a) Improper disposal of rubbish, spitting, creation of any hazard to persons or things, throwing of articles of any kind from a building, climbing upon any part of a building, and the willful destruction, damage, or removal of property

or any part thereof.

(b) Conduct prohibited by any other applicable law or ordinance.

(c) Conduct that creates loud and unusual noise, or that obstructs the usual use of entrances, foyers, corridors, offices, elevators, stairways, and parking lots, or that otherwise tends to impede or disturb public employees in the performance of their duties, or that otherwise impedes or disturbs the public in its access to designated property.

(d) The display or possession within buildings of signs, placards, or banners affixed or not affixed to a pole or stick within buildings that impedes or interferes with public employees in the performance of their duties, that impedes or disturbs the public in its access to designated property, or that obstructs the usual use of entrances, foyers, corridors, offices, elevators, stairways, and parking lots.

(e) With the exception of peace officers and other individuals obtaining the approval of the Commissioner of Administration or the Commissioner of Public Safety, carrying either openly or concealed, firearms, ammunition, or other dangerous or deadly weapons.

(f) Carrying explosives, either openly or concealed.

(g) Soliciting alms and contributions, commercial soliciting and vending of all kinds, and the display of private debts. This prohibition does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the Commissioner of Administration, or to authorized concessions, or to personal notices posted by employees on authorized bulletin boards.

(h) The presence of dogs and other animals, except seeing eye dogs, without the express prior approval of the Commissioner of Administration or his delegate.

CapSec 5 Penalties and Compliance with other Laws.

(a) Persons violating these rules and regulations are subject to prosecution and penalties as provided by Minnesota Statutes 1971, Section 624.72, Subd. 5

and other applicable laws.

(b) Nothing contained in these rules and regulations shall be construed to abrogate any Federal laws or regulations, applicable to any area in which designated property is situated.

CapSec 6-10 Reserved for future use

(June 12, 1974)

Public Safety Merit System

AR70 11 MCAR S 1.2090 Definitions.

A. Applicability. The following definitions apply to 11 MCAR SS 1.2090-1.2141, unless the context clearly requires another meaning:

1. Allocation. "Allocation" means the assignment of a position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work performed in the position.

2. Appointing authority. "Appointing authority" means the county board of commissioners, the town board, the mayor, or other officer or board authorized by statute or lawfully delegated authority to make appointments to positions under the merit system for civil defense.

3. Change in allocation. "Change in allocation" means the reclassification of a position resulting from significant sudden changes imposed by the appointing authority affecting the duties and responsibilities of a position.

4. Class. "Class" means one or more positions sufficiently similar in the duties performed, degree of supervision exercised or required, requirements of training, experience, or skill, and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation may be applied with equity to all of the positions.

5. Classified service. "Classified service" means all positions covered by 11 MCAR SS 1.2090-1.2141 as provided in 11 MCAR S 1.2091 E.

6. Commissioner of Public Safety or commissioner. "Commissioner of Public Safety" or "commissioner" means the administrative head of the state Department of Public Safety.

7. Council. "Council" means the merit system council.

8. County register. "County register" means the subregister established for a county from a statewide, competitive or promotional register containing the names of persons who have legal residence in the county or, in the event of a promotional examination, who are employed by the local agency.

9. Day. "Day" means calendar day except where otherwise specified in the specific rule.

10. Demotion. "Demotion" means a change by an employee from a position in one class to a position in another class with less responsible duties and a lower salary range.

11. Desirable qualifications. "Desirable qualifications" means the requirements of training and experience desired but not necessary to qualify for a given class of positions in the classification plan.

12. Disabled veteran. "Disabled veteran" means a veteran who is rated or certified as disabled, in accordance with the provisions of Minnesota Statutes, section 43A.11.

13. Dismissal. "Dismissal" means the termination of employment of an employee for cause.

14. Eligible or eligible person. "Eligible" or "eligible person" means any person whose name is on a register.

15. Emergency appointment. "Emergency appointment" means an appointment required by a state of emergency as described in 12 MCAR S 2.499 C.

16. Employee. "Employee" means any person employed by a local civil defense agency in a position covered by 11 MCAR S 1.2091 E. who is paid a salary or wage.

17. Exclusive representative. "Exclusive representative" has the meaning given in Minnesota Statutes, section 179.63, subdivision 6.

18. Facsimile. "Facsimile" means a replica. A facsimile of 11 MCAR S 1.2141 is a chart showing each of the salary rates adopted by an agency divided into monthly and hourly rates and either daily rates and bi-weekly or four-week rates if paid on this basis or the daily rate based on the number of working days in the month--20, 21, 22, or 23 days if paid on a monthly basis.

19. General adjustment. "General adjustment" means the merit system recommended salary adjustment based on a salary survey.

20. Intermittent employee. "Intermittent employee" means an employee who works whenever needed or on a schedule which cannot be predicted in advance.

21. Layoff. "Layoff" means the termination of employment because of shortage of funds or curtailment of services.

22. Layoff list. "Layoff list" means a list of permanent or probationary employees who have been laid off by reason of abolishment of their position, lack of funds, shortage of work or other reason beyond the control of the employee.

23. Limited-term appointment. "Limited-term appointment" means an appointment from a register for a period not to exceed six months as described in 12 MCAR S 2.499 D.

24. Local agency. "Local agency" means the organization created to carry out the functions and programs of the

jurisdiction's civil defense responsibilities.

25. Local civil defense authority. "Local civil defense authority" means the governing board, commission, council, or mayor under whose authority a county, town, or village, establishes a local civil defense agency.

26. Merit increase. "Merit increase" means a salary increase given to an individual employee based on meritorious job performance.

27. Military leave. "Military leave" means the leave of absence granted by state law to employees entering active duty in the armed forces of the state of Minnesota or the United States of America.

28. Minimum qualifications. "Minimum qualifications" means the requirements of training and experience necessary to qualify for a given class.

29. Original appointment. "Original appointment" means a regular appointment of an individual to a local civil defense staff through selection from an open-competitive register and is the beginning point of the probationary period and is sometimes referred to as probationary appointment.

30. Permanent employee. "Permanent employee" means an employee who has successfully completed a probationary period or who has attained permanent status upon the installation of the merit system.

31. Position. "Position" means a group of current duties and responsibilities assigned or delegated by competent authority requiring the full or part-time employment of one person.

32. Probationary employee. "Probationary employee" means an employee who is serving a probationary period in a class to which the employee has been appointed from an eligible list.

33. Probationary period. "Probationary period" means the first six-month working test period during which a new appointee is required to demonstrate his fitness for the position to which he is appointed by actual performance of the duties of the position.

34. Promotion. "Promotion" means a change of an employee from a position in one class to a position in another class with more responsible duties and a higher salary range.

35. Provisional appointment. "Provisional appointment" means an appointment of a person not on a register to fill a position pending the establishment of a register for the position in accordance with the provisions of 12 MCAR S 2.499 B.

36. Reallocation. "Reallocation" means the

reclassification of a position resulting from significant changes in the duties and responsibilities of the position that occur gradually over a period of time.

37. Reclassification. "Reclassification" means a change in the allocation or reallocation of a position to a higher, lower or equivalent class.

38. Reemployment list. "Reemployment list" means a list of former permanent or probationary employees who have been laid off or who have voluntarily separated from merit system employment in good standing and whose applications for reemployment in the merit system are submitted within one year of separation.

39. Register. "Register" means an officially established list of eligibles for a particular class.

40. Resignation. "Resignation" means the termination of employment made at the request of the employee.

41. Salary adjustment. "Salary adjustment" means an increase given to employees due to cost-of-living factors, going rates for similar jobs, or labor market conditions.

42. Salary increase. "Salary increase" means an increase granted to an employee on the basis of working out of class or due to unusual employment conditions and not based on job performance, cost-of-living factors, going rates for similar jobs or labor market conditions.

43. State agency. "State agency" means the governor acting through the State Department of Public Safety, Division of Civil Defense, which is responsible for the administration and supervision of the civil defense programs in the state of Minnesota.

44. Supervisor. "Supervisor" means the merit system supervisor.

45. Suspension. "Suspension" means an enforced leave of absence with or without pay, for disciplinary purposes or pending investigation of charges made against an employee.

46. Temporary employee. "Temporary employee" means an employee who has been appointed to a position from an eligible register but the appointment has a definite ending date.

47. Transfer. "Transfer" means the movement of an employee from one position to another in the same class or in another class having the same salary range and usually involving the performance of similar duties and requiring essentially the same qualifications of training and experience.

48. Veteran. "Veteran" means all persons defined as veterans by Minnesota Statutes, section 197.447.

49. Veteran's preference. "Veteran's preference" means the preference granted to veterans by Minnesota Statutes, section 43A.11.

B. 11 MCAR S 1.2091 B.2. provides that certain rules and regulations of the Minnesota merit system promulgated by the commissioner of Public Welfare shall be made a part of the rules applying to the merit system for civil defense. The following terminology, as used in Rules 12 MCAR S 2.493 through 12 MCAR S 2.510 and 500 through 6530, shall be interpreted as follows in these rules.

1. "County agency" shall be interpreted to mean the local agency as defined in 11 MCAR S 1.2090.

2. "County welfare board" shall be interpreted to mean the local civil defense authority as defined in 11 MCAR S 1.2090 of these rules.

3. "County welfare director" or "welfare director" shall be interpreted to mean the duly appointed administrative head of a local civil defense agency.

4. "Minnesota merit system" shall be interpreted to mean the merit system agency serving the civil defense program.

AR 10
11 MCAR S 1.2091 Statement of policy and means of effecting policy.

A. Objectives.

1. It is the declared aim of the governor and the State Department of Public Safety of the state of Minnesota to put into full force and effect the merit principles of personnel administration. To this end the merit system council, the merit system supervisor, and the Department of Public Safety shall work toward the objectives of:

a. Economy and effective service in the Minnesota civil defense program.

b. The proper classification of positions so that positions essentially alike in duties and responsibilities are treated alike, and positions not so alike are treated with due consideration of the nature and extent of the differences between them.

c. Fair and equal opportunity to all qualified citizens of the United States to compete for positions and promotions under the jurisdiction of the merit system solely on the basis of merit and fitness as ascertained through practical examinations.

d. Equitable pay scales for the various classes established on the basis of equal pay for equal work.

e. An attractive career service in civil defense employment within the state of Minnesota.

B. Adoption of the rules.

1. These rules have been adopted to accomplish the objectives stated in 11 MCAR S 1.2091 A. The rules have been promulgated by the governor of the state of Minnesota in accordance with Minnesota Statutes, section 12.22, subdivision 3, and in compliance with the provisions of Minnesota Statutes, chapter 15.

2. The following rules and regulations and related manual instructions of the Minnesota merit system promulgated by the commissioner of Public Welfare are hereby made a part of these rules and regulations and shall be construed in accordance with the definitions provided in 11 MCAR S 1.2090 B. of these rules.

3. Sections 12 MCAR S 2.495 through 12 MCAR S 2.510 of the Public Welfare manual have been adopted in accordance with chapter 15 of Minnesota Statutes and have the force and effect of law.

4. Sections IV-5000 through IV-6530 of the Public Welfare manual provide instructions to appointing authorities necessary to the implementation of the official rules and regulations. These sections are accorded similar status under these rules and regulations.

C. Amendment of the rules.

1. If and when it appears desirable in the interest of good administration, the governor, through the commissioner of Public Safety and with the advice and recommendations of the council, may amend these rules after compliance with the provisions of Minnesota Statutes, chapter 15. Amendments of the rules and regulations specified in 11 MCAR S 1.2091 B.2. shall be considered as amendments of these rules.

D. Editing of the rules.

1. Prior to issuing or reissuing sections of the merit system rules, the supervisor may make the following, and only the following, changes:

a. Changes to correct spelling or typographical errors.

b. Changes to correct grammatical construction, but such changes shall not alter the interpretation, intent, or purpose of the rule.

c. Changes to correct exact quotations of statutes, which are clearly identified as such by enclosure in quotation marks and by citation of statutory reference, when enactment of statutory amendments make such action necessary to make the quotations true and accurate.

d. Changes to renumber rules or rule references as necessary due to the adoption of new rules or the abolition of existing rules.

2. Such changes shall not be deemed to be amendments to the rules, and each shall be reported to the commissioner of Public Safety before release of the material. Any changes not approved by the commissioner of Public Safety shall be excluded from the material to be released.

E. Positions covered by these rules.

1. These rules shall apply to every position created under the jurisdiction of the local civil defense agencies for which any federal personnel funds are paid to the local jurisdiction except any part-time professional worker who is paid for the performance of professional services and who is not engaged in the performance of any administrative duties and any local civil defense director position in a jurisdiction in which the local officer or board and the commissioner determine that the position of local director shall not be subject to merit system coverage and the position has not previously been subject to such coverage.

F. Political activity.

1. No employee shall use his or her official authority or influence for purpose of interfering with or affecting the results of an election or nomination for office.

2. No employee shall directly coerce, attempt to coerce, command, or advise a merit system employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

3. No employee shall be a candidate in a partisan election for any public office which is obtained through a partisan election. Candidacy for political party office is not prohibited.

4. An employee continues to be covered by the Federal Hatch Act restrictions including all the restrictions listed in 11 MCAR S 1.2091 F.1. through 11 MCAR S 1.2091 F.5. while on annual leave, sick leave, leave without pay or administrative leave. Any employee shall resign from the service upon filing as a candidate for public office, except as provided in 11 MCAR S 1.2091 F.5.

5. Any employee may be a candidate in nonpartisan elections. These are elections in which none of the candidates is to be nominated or elected as representing a political party whose candidates for presidential elector received votes in the last presidential election.

6. All prohibitions of political activity provided in the Federal Hatch Act apply to employees under the merit system.

G. Prohibition against discrimination.

1. In general. No person shall be discriminated for or against in such matters as recruitment, examination, appointment, tenure, compensation, classification, or promotion, or in such matters as conditions, facilities, or privileges of employment because of race, color, creed, religion, national origin, physical disability where the disability does not interfere with the completion of assigned duties, age, marital status, status with regard to public assistance, or sex. Any person aggrieved by a violation of these prohibitions may file a complaint under the provisions of Minnesota Statutes, chapter 363.

2. Political opinions. No person shall be discriminated for or against as provided in 1. because of his political opinions or affiliations within the limitations imposed by F., nor shall discrimination occur because of any other non-merit factor. Any person aggrieved by a violation of a prohibited discrimination that does not come within the jurisdiction of Minnesota Statutes, chapter 363 may file a complaint with the merit system supervisor setting forth the basis of a belief that an act or threat or promise of an act of discrimination occurred and identifying by name and position the person alleged to have committed the act or threat or promise of an act of discrimination.

3. Investigations. The supervisor or a designated representative shall conduct an investigation of the alleged discrimination and shall report the complaint and the findings of the investigation to the merit system council at its next meeting. The complainant shall have the right to present a complaint personally to the council. The council shall order any further investigation or hearing as may be warranted prior to making its decision. If the council finds that discrimination has occurred, it shall take whatever action it deems warranted and within its authority to remedy the effect of any act or threat or promise of an act of discrimination and to prevent future discrimination.

H. Violations.

1. Violations of any of the provisions of these rules by an employee in the service shall be considered sufficient cause for the dismissal of such person.

2. Violations of 11 MCAR SS 1.2090-1.2141 by an appointing authority shall be brought to the attention of the appointing authority by the supervisor. The notice shall include remedial measures necessary to correct past violations and to ensure future compliance. In the event the appointing authority refuses to take corrective action, the supervisor shall inform the commissioner who shall deny or suspend all or part of state and federal administrative reimbursement funds, suspend services from the merit system, or require that other corrective action be taken.

3. An appointing authority may appeal any denial, suspension of administrative reimbursement, or suspension of services under 2. to the merit system council which shall, after a review of the record available to the commissioner, make its recommendation to the commissioner. The commissioner's decision shall be final.

AK70 11 MCAR S 1.2092 Organization.

A. Governor.

"The governor shall have authority to establish rules and regulations in accordance with the law for the proper and efficient operation and administration of the civil defense program including methods relating to the establishment and maintenance of personnel standards on a merit basis for all employees of local civil defense agencies, provided, however, that the governor shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods.

The governor may, by rule and regulation, cooperate with the federal government in any manner as may be necessary to qualify for federal aid to carry out the provisions herein expressed. The governor may, by rule and regulation, also cooperate with other political units or subdivisions in establishing and maintaining personnel standards on a merit basis." (Minnesota Statutes 1969, section 12.22, subdivision 3)

B. Provisions of rules to affect employees of jurisdictions with local civil service commissions. The authority to require methods of relating to the establishment and maintenance of personnel standards on a merit basis shall extend to all employees except as provided in 11 MCAR S 1.2091 E.; and these rules shall be applicable to such employees until such time as the local jurisdiction adopts and maintains rules and regulations affecting classification and compensation, examination and certification of eligibles, and other personnel standards that substantially conform to these rules and are so certified as conforming by the supervisor.

C. Merit system council.

1. The merit system council shall be the council appointed by the governor to serve as the council for the Minnesota merit system.

2. It shall be the duty of the council within the scope of these rules:

a. To establish general policies for the administration of merit examinations and the hearing of personnel appeals as provided in 12 MCAR S 2.508.

b. To hear such appeals or to appoint an appeal board

or to appoint a referee to hear such appeals on its behalf.

c. To consult with the merit system supervisor in formulating procedures for the purpose of insuring conformity with the rules and the policies of the council.

d. To review the classification and compensation plans and to make recommendations to the commissioner of Public Safety on their adoption and revision.

e. To make recommendations to the commissioner of Public Safety about internal personnel policies to insure conformity with the rules.

f. To promote public understanding of the purposes, policies, and practices of the merit system.

g. To review and make recommendations to the commissioner of Public Safety about amendments to the rules of the merit system.

3. Meetings of the council shall be held as often as necessary and practicable upon call of the chairman, of the supervisor, or of the commissioner of Public Safety. The commissioner of Public Safety shall have the right to be represented at all meetings of the council, but such representation shall be without voting power. The council shall adopt procedures for the conduct of its activities.

4. Each member of the council shall be paid \$50 per regular meeting, but no member shall be paid more than \$600 in any one calendar year for regular meetings. Each member of the council shall be paid \$50 per day when serving on an appeal or hearing board. In addition members whose residence is in excess of 50 miles of the place of meeting shall be compensated for travel expenses and, in an instance in which the meeting is scheduled for more than one day or when the hour of the beginning of the meeting, or the close of the meeting, does not allow coming from or returning to the place of residence within a reasonable time, for lodging and meals.

D. Merit system supervisor.

1. The merit system supervisor shall be the duly appointed supervisor of the Minnesota merit system.

2. In conformance with 11 MCAR SS 1.2090-1.2141, it shall be the duty of the merit system supervisor:

a. To develop and put into continuous effect policies and procedures for the administration of the merit system program as they relate to the preparation, administration, and scoring of examinations; the preparation, custody, and maintenance of registers of eligibles; the determination of availability of eligibles for appointment; the certification for appointments; and the determination of the adequacy of existing

registers.

b. To develop and administer the classification and compensation plans and to consult with the commissioner of Public Safety and with the council on the adoption and revision of such plans as they relate to the merit system program of recruitment and examination.

c. To maintain personnel records of all persons employed under the merit system program and records of all personnel action.

d. To promote public understanding of the purposes, policies, and practices of the merit system program and to develop and put into effect procedures for carrying out the personnel administration of the rules and regulations of the merit system.

e. To appoint staff members, including technicians, clerks, stenographers, and such other permanent or temporary employees as are necessary to carry out the provisions of 11 MCAR SS 1.2090-1.2141. The employees shall be chosen in accordance with the provisions of the Minnesota Department of Employee Relations rules.

f. To review, develop and propose amendments to existing merit system rules for consideration and recommendation by the merit system council and in accordance with the provisions of Minnesota Statutes, chapter 15.

g. To perform such other duties as are prescribed by 11 MCAR SS 1.2090-1.2141 or by the council.

11 MCAR S 1.2093 Classification plan.

A. Preparation and adoption.

1. The governor, through the commissioner of Public Safety shall formally adopt a comprehensive classification plan for all positions covered by 11 MCAR SS 1.2090-1.2141 which shall be published as part of the Public Safety merit system manual. The plan shall be based on investigation and analysis of the duties and responsibilities of positions and shall be so developed and maintained that all positions that are substantially similar in the kind, difficulty, and responsibility of work are included in the same class. Class titles established by the classification plan shall be used in all personnel and financial records of the Department of Public Safety and the local civil defense agency, as well as in all examination procedures.

2. The proposed classification plan and any subsequent amendments shall be submitted to the council for review and recommendation in relation to the merit system program of recruitment and examination.

B. Allocation of positions. Every position under the Minnesota merit system as provided in 11 MCAR S 1.2091 E. shall be allocated by the merit system supervisor to one of the appropriate classes established in the classification plan. No person shall be appointed or promoted to any position until it has been properly classified as herein provided. As additional classes are established or existing classes are abolished or changed, such necessary allocation or reallocation shall be made by the supervisor to new or existing classes as necessary.

C. Reclassification of positions. Whenever a position appears to be improperly allocated, the supervisor shall, upon his own initiative, or upon the request of an appointing authority or a permanent employee, investigate the duties of the position. Following the investigation the supervisor shall allocate the position to its proper class and notify the affected parties.

D. Incumbents of reclassified positions.

1. Appointment authorized. When a position is reclassified and it is determined to be a reallocation resulting from a significant change in the duties and responsibilities of the position occurring gradually over a period of time, the supervisor shall authorize an appointing authority to promote the incumbent of the reallocated position. Any employee promoted in accordance with this paragraph shall serve a probationary period in the higher class.

2. Eligibility. When a position is reclassified resulting from a change in allocation, the incumbent shall not be deemed eligible to continue in the position unless he is eligible for original appointment, promotion, transfer, or demotion to the new class of positions. If he is ineligible to continue in such a position, he may be transferred, promoted, or demoted by appropriate action of the appointing authority in accordance with such provisions of 11 MCAR SS 1.2090-1.2141 as may be deemed to be applicable. If ineligibility of a permanent or probationary incumbent of a reclassified position arises from the existence of an eligible register established from an examination that the incumbent did not take, he may be permitted to take the same or equivalent examination from which the existing register was established, provided that his name is not on the existing register, he did not take and fail the examination from which the existing register was established, and he was eligible to take the examination at the time it was given. The names of successful candidates examined under this rule shall be placed on the existing register in accordance with the score attained. In any case in which the incumbent is ineligible to continue in the position and he is not transferred, promoted, or demoted, the provisions of 11 MCAR SS 1.2090-1.2141 about layoff shall apply. Any transfer, promotion, demotion or layoff in accordance with these provisions must occur within 60 days of the notification of reclassification of the position.

3. Equivalent duties. The commissioner of Public Safety may authorize the reclassification of a position from one classification to a higher designated classification when the duties to be performed in the higher class are not significantly different from those performed in the lower class and where both classifications are in the same occupational grouping. Incumbents of positions so reclassified must meet the specified minimum qualifications for the higher designated class and promotions shall be made following a non-competitive promotional examination which shall include an evaluation by the appointing authority of the incumbents' ability to perform in the higher class.

4. Incumbent appointed after exam. If the incumbent examined in accordance with 3. successfully completes the examination process, the supervisor may certify only the name of the eligible incumbent to the appointing authority.

5. Probation prohibited. Notwithstanding the provisions of 12 MCAR S 2.500 B.1.a., an employee appointed under 4. shall not be required to serve a new probationary period in the higher classification.

E. Class specifications. The classification plan shall consist of written specifications for each class. Each specification shall include an appropriate class title, a description of the duties and responsibilities of the work, and the requirements of training, experience, and other qualifications.

F. Revision of plan. Existing classes may be abolished or changed, or new classes added, in accordance with A.

AR70 *insert new: ARA3925T →*
~~11 MCAR S 1.2094 Compensation plan.~~

~~A. Preparation and adoption.~~

~~1. Preparation of plan. The governor, through the commissioner of Public Safety, shall formally adopt and make effective a comprehensive compensation plan, 11 MCAR S 1.2140, for all classes of positions which shall apply to all agencies covered by the merit system, except as otherwise negotiated for employees in a bargaining unit in agencies where there is an exclusive representative or in those instances where the requirements of F.2.c. have been satisfied. The plan shall include salary ranges for the various classes, with the salary of each class consistent with the duties and responsibilities outlined in the class specifications. Minimum, intervening, and maximum rates of pay for each class shall be established to provide for salary advancement without change of duty, in recognition of meritorious service. The advice and suggestions of appointing authorities, prevailing salary rates for similar and competing types of employment in business and government, and other relevant factors shall be taken into consideration in developing the ranges.~~

2. Review by council. The proposed compensation plan, and any amendments thereto, shall be submitted to the council for review and recommendation. Upon review and recommendation and after compliance with the provisions of Minnesota Statutes, chapter 15, the governor, through the commissioner, shall formally adopt the compensation plan which shall be the official salary schedule of the Minnesota merit system, effective the date specified.

3. Salary plans. The comprehensive compensation plan adopted by the commissioner shall provide for separate alphabetically designated salary plans for different occupational groupings of classes reflecting progressively higher salary ranges except for those classes where a single range of rates is found to be appropriate. Plans shall be established as provided in 11 MCAR S 1.2140 as follows:

- a. Professional - A, B and C;
- b. Clerical - A, B and C.

B. Selection of salary ranges by local civil defense authority.

1. Adoption as official plan. Appointing authorities shall by resolution choose a salary plan for each occupational grouping of classes from among the plans listed in A.3. except where salaries are negotiated with an exclusive representative or 5. is applicable. The plans adopted shall become the official plans for the appointing authority until amended.

2. Selection of rates. Within the minimum and maximum salaries for classes in the adopted plans, appointing authorities shall designate by resolution the minimum, intervening and maximum salary rates to be paid for each class of positions used by the appointing authority. The supervisor shall be promptly notified of the rates selected by each appointing authority.

3. Plan amendments. The appointing authority may by resolution amend its official plan for one or more occupational groupings of classes. The supervisor shall be promptly notified of the amendment.

4. Incumbents. Salary rates for incumbents of positions shall be established in accordance with the provisions of F.2. and 3. on the basis of the plan adopted by the appointing authority as provided in A.3.

5. Nonrepresented employees. In agencies with an exclusive representative, the appointing authority may pay confidential, supervisory, and other personnel not covered by an exclusive representative who are in the same class as the employees who have an exclusive representative, the same rate of pay and salary ranges as negotiated for the class under D.1. In no case would this rule allow the appointing authority to reduce

the rate of pay of confidential, supervisory or other excluded employees.

C. Adjustment of the official salary schedule of the Minnesota merit system.

1. Consumer price index. The compensation plan provided in 11 MCAR S 1.2140 shall be adjusted for changes in the level of salary rates in business and government for similar and competing types of employment and for changes in the Twin City Consumer Price Index.

2. Biennial review of labor market. In every odd-numbered year the supervisor shall conduct a review of changes in the level of salary rates in the labor market since the time of the most recent adjustment of the compensation plan. This review shall utilize the data and findings of other labor market surveys and shall, to the extent possible, be based upon similar surveys and data used in previous reviews. The supervisor shall complete this study and report the findings to the Commissioner of Public Safety on or before July 31 of each odd-numbered year.

3. Plan amendments. From the results of this study, the supervisor shall propose amendments to the compensation plan in accordance with Minnesota Statutes, chapter 15, and as outlined in 11 MCAR S 1.2094 A. An amended compensation plan shall not be effective until the next succeeding January 1, or for those agencies on a bi-weekly or four-week payroll period on the beginning date of the first payroll period following the next succeeding January 1.

4. Biennial review of consumer price index. In every even-numbered year, the supervisor shall conduct a review of the changes in the consumer price index for urban wage earners and clerical workers for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics, new series index (1967=100). The supervisor shall recommend that all rates of pay in the professional and clerical salary schedules be adjusted by an amount equal to 80 percent of the increase between the consumer price index for June of the current year and the consumer price index for June of the preceding year. This amount shall be rounded to the nearest tenth of a percent and may not exceed nine percent. The new recommended monthly salary rates shall be rounded to the nearest whole dollar. The same percentage increase recommended by the supervisor for all rates of pay shall be recommended as a general salary adjustment for all incumbents of positions in the professional and clerical salary schedules. An amended compensation plan resulting from these recommendations shall not be effective until the next succeeding January 1, or for those agencies on a bi-weekly or four-week payroll period on the beginning date of the first payroll period following the next succeeding January 1.

5. Plan adjustments. The appointing authority may implement an adjusted compensation plan by adjusting the

salaries of the employees to the same numerically designated salary rate on the adjusted plan that the employees were paid under the former plan.

D. Negotiation of salary schedule.

1. Role of exclusive representative. In those agencies where employees have elected an exclusive representative the appointing authority and the exclusive representative may negotiate their own salary schedules for employees in the bargaining unit by class, with the salary for each consistent with the functions outlined in the class specifications. Minimum, intervening, and maximum rates of pay for each shall be established to provide for steps in salary advancement without change of duty in recognition of meritorious service. When a new classification not previously used in the agency is established in the middle of the contract period and the class falls within the bargaining unit and no provision exists in the contract for establishing those salaries, the appointing authority and the exclusive representative shall negotiate a salary schedule for the new classification within 60 days of the date of establishment of the classification.

2. Filing. A complete copy of the negotiated salary schedule must be filed with the supervisor within ten days after the signing of the contract or agreement. If the contract or agreement calls for succeeding increases in the salary schedule which change the original minimum and maximum salaries or intervening steps a new adjusted salary schedule must be filed with the supervisor within ten days after the effective date of any such succeeding adjustment.

E. Administration of the plan. In those agencies without an exclusive representative or where the collective bargaining agreement is silent regarding initial salaries, the entrance salary for any new employee shall normally be at the minimum rate of pay for the class to which the appointment is made. Requests to appoint above the minimum rate of pay may be made based on the exceptional qualifications of the candidate or the unavailability of candidates at the minimum rate, giving consideration to the salaries of current employees in the same classification. All candidates with similar exceptional qualifications must be offered the same rate of pay which shall be one of the established steps in the agency's adopted salary range for the class to which the appointment is made. The request, including reasons, must be submitted in writing by the appointing authority to the supervisor for prior approval.

F. Salary adjustments and increases.

1. Availability of funds. Before salary increases and adjustments are made in accordance with 11 MCAR SS 1.2090-1.2141 or in accordance with a negotiated collective bargaining agreement, the civil defense authority shall have in its records and carry in its minutes a definite statement that funds for this purpose are available.

2. Plan requirements. In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with a.-h.

a. If the rate of pay of an employee is below the minimum of the range prescribed for the employee's classification on the merit system compensation plan adopted by the appointing authority the rate shall be adjusted to that minimum.

b. If the rate of pay of an employee is at or above the new minimum salary adopted for the employee's class, the employee may receive the general merit system adopted adjustment and, if a class was adjusted to a greater extent than the general adopted adjustment, the class may receive the additional adjustment as provided in C.4. if the additional adjustment does not place the class salary over the new maximum adopted salary for the class.

c. If an appointing authority has determined that the general merit system adopted adjustment is inappropriate for its employees, it may grant a different adjustment; however, it must file with the supervisor the new salary steps by class and a salary conversion table as provided for in 11 MCAR S 1.2141. The adjustments shall at least place employees at the minimum salary and not over the maximum salary for their class on the salary plan adopted by the agency.

d. Employees at the maximum salary for their class may be granted salary adjustments over the maximum salary prescribed for their class, only if a merit system adjustment is adopted and only in the amount adopted for incumbents of that class.

e. If the rate of pay of an employee is higher than the maximum of the range prescribed for the employee's class the rate may remain the same as long as the employee retains the same classification.

f. If the rate of pay of an employee falls between the minimum and maximum of the salary range prescribed for the employee's class but does not correspond to any intervening steps in the range due to the adoption of a merit system general adjustment the rate may remain the same. In the case of subsequent merit increases the employee shall be placed on a step in the adopted salary range for the employee's class.

g. Employees at the maximum salary rate for their class may only be granted merit system adopted salary adjustments in the amount adopted for incumbents of that class. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system and the adjustment would place an employee's rate of pay above the maximum salary rate for the employee's class, the appointing authority by prior resolution may grant to an

employee the annual equivalent of the difference between the merit system adopted adjustments for incumbents and the agency adopted adjustment in the form of a single lump sum salary payment on the effective date of the general adjustment. The employee's base salary will remain at the maximum salary rate for the employee's class.

H. An appointing authority may propose a salary increase within the salary range after providing detailed written statements to the supervisor specifying the unusual employment conditions that make the action necessary and the interests of the agency that will be served by the action. The supervisor shall review each such proposal giving due consideration to the salary rates paid other employees in the same class in the agency and shall deny any request which does not assure equitable compensation for comparable work. Salary increases proposed in accordance with this paragraph are not based on employee performance or a general merit system adopted salary adjustment. The granting of the increase will not affect the employee's eligibility for subsequent merit increases or salary adjustments in accordance with merit system rules. If the unusual employment conditions justifying the increase are of a temporary nature the employee's salary shall be decreased to its previous level upon conclusion of those conditions, notwithstanding the provisions of H. or 12 MCAR S 2.508 D.

3. Recommended adjustment. The merit system general adjustment recommended for incumbents is eight percent for employees on the professional and clerical salary schedules.

4. Salary differentials. Intra-agency salary differentials between employees in the same class of positions, between employees in different classes of positions in the same occupational field, and between occupational fields in the same agency are recognized as important factors in the maintenance of satisfactory morale. If the general adjustments result in the reduction of the differential between employees in the same class of positions or between employees in different classes of positions in the same occupational field adjustments may be made that will, insofar as practicable, maintain differentials within the limits of the new plan. In maintaining differentials the appointing authority shall consider the length of service and quality of performance of the employee affected.

5. Collective bargaining agreements. In agencies where there is an exclusive representative and a negotiated salary schedule for employees in the bargaining unit adjustments in the rates of pay of employees shall follow the wording of the contract or agreement.

G. Merit increases.

1. Increases by step. Merit increases from the minimum on the official merit system compensation plan or on any negotiated salary schedules or on any salary schedules filed with the supervisor pursuant to F.2.c. shall be by successive

intervening steps of pay for the class with due consideration for length of service and quality of performance.

2. Eligible employees. In those agencies that have adopted a merit increase policy, an employee may be considered for a merit increase upon the satisfactory completion of the probationary period.

3. Annual review for merit increases. In those agencies that have adopted a merit increase policy, a merit increase for each employee not at the maximum salary for the employee's classification shall be considered at least once each 12-month period unless otherwise negotiated through a contract or agreement by the appointing authority and the exclusive representative. In the event an increase is not granted the reasons for the denial of the increase shall be reported in writing to the employee and to the merit system supervisor.

4. Restriction on frequency of increases. In those agencies that have adopted a merit increase policy, except as otherwise negotiated by the appointing authority and the exclusive representative, a merit increase shall not be granted until the employee has served at least six months at the rate of pay from which an increase is proposed. In cases of exceptionally meritorious service, a merit increase of more than one salary step in the range or at less than a six month interval may be permitted. The facts upon which each exceptional merit increase is based shall be recorded in the official minutes of the local civil defense authority and reported to the merit system supervisor.

5. Increases based on additional education. In those agencies that have adopted a merit increase policy, an extraordinary merit increase within the agency's salary range may be granted upon satisfactory completion of 15 additional credits in a field or fields pertinent to the employee's class. In each case the employee's transcript of coursework must accompany the proposed merit increase.

6. Lump sum payments. In those agencies that have adopted a merit increase policy, the appointing authority may grant an employee who meets all other agency eligibility requirements for a merit increase but whose salary is at or above the maximum rate of pay in the adopted salary range for his classification the annual equivalent of a one step merit increase in the form of a single lump sum payment in recognition of meritorious job performance. Appointing authorities, prior to the beginning of the year in which these merit increases are effective, must by resolution establish as official policy that these payments will be granted for meritorious job performance. The base salary of an employee receiving a lump sum merit increase shall remain at the rate attained immediately prior to the increase.

H. Salary decreases.

1. In general. Except as otherwise negotiated by an agency and the exclusive representative, a salary decrease within the range prescribed for the class may be made only for just cause. A permanent employee shall be notified of the intent to effect a reduction in pay and the reasons for the action at least ten calendar days prior to the date on which the reduction becomes effective. A copy of the notice shall be sent to the supervisor. A permanent employee whose salary is reduced may request a hearing as provided in 12 MCAR S 2.508 D.

2. Exemption. Collective bargaining agreement provisions whereby a salary adjustment or salary increase is negotiated for a set period of time do not fall within the provisions of 1.

1. Work out of class. If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and the work exceeds 15 consecutive work days the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a one step salary increase within his salary range. If the assignment is to a position in a classification at an equal or lower level the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work out of class assignment may be proposed only if the duration of the vacancy is anticipated to be less than six months. Approval of the assignments by the supervisor is required and must be received by the supervisor within five calendar days of the assignment. Upon completion of the work out of class assignment the employee's salary shall be reduced to its previous level, notwithstanding the provisions of H. or 12 MCAR S 2.508 D.

AR70
11 MCAR S 1.2117 Salary computation provisions for full and part-time employment, vacation and sick leave pay upon termination, partial pay periods, overtime pay and part payment from another source.

A. Pay periods. The length of pay periods is at the discretion of the appointing authority or may be negotiated when there is an exclusive representative.

B. Full-time and part-time employment.

1. All rates prescribed in 11 MCAR SS 1.2140 and 1.2141 shall be standard rates for full-time employees except as otherwise negotiated for employees in a bargaining unit in agencies where there is an exclusive representative or under the provisions of 11 MCAR S 1.2094 F.2.c. If employment in a position is on a part-time or intermittent basis, only the proportional part of the rate for the time actually employed shall be paid. The time may be paid on an hourly, working-day or proportion of a month basis. The agencies using 11 MCAR S 1.2140 shall use the table prepared in accordance with 11 MCAR S 1.2141 in computing the payment.

2. Those agencies with an exclusive representative who negotiate different salary schedules from those shown in 11 MCAR S 1.2140 under the provisions of 1. or those agencies operating under the provisions of 11 MCAR S 1.2094 F.2.c. shall file within ten days after the signing of the contract the schedules with the supervisor. Attached thereto, shall be a table similar in format, computation, and information to the table provided for in 11 MCAR S 1.2141. The table shall show monthly rates with appropriate conversion to hourly rates and to daily rates based on the number of working days and paid holidays in the month, and payment by payroll period for full-time work if the payment is made on other than a monthly basis.

C. Payment for less than a full payroll period. The amount of salary paid for a period less than a full payroll period to an employee shall be determined on the basis of the number of hours and days the employee worked in the payroll period. Agencies shall use the table provided for in 11 MCAR S 1.2141 in computing this salary. Those agencies with an exclusive representative who have negotiated different salary schedules and those agencies operating under the provisions of 11 MCAR S 1.2094 F.2.c. shall use their table prepared in accordance with 11 MCAR S 1.2141 in computing this salary.

D. Part payment from another source. When part of the compensation of a local civil defense employee regularly is paid from another source, such as a federal, state, city or county governmental department, or from a different fund or account outside the control of the local civil defense authority, the total salary from all governmental sources combined shall not exceed the amount payable at the maximum rate for the class of position involved on the compensation plan adopted by the agency.

E. Compensation for vacation or sick leave upon separation.

1. An employee, who has permanent status in the county in some class, who is separated from the agency shall be paid for accumulated, unused vacation leave in accordance with 12 MCAR S 2.504 B.3.d. on the basis of the appropriate daily or hourly rate as shown on the table prepared in accordance with 11 MCAR S 1.2141. This is illustrated by the following examples.

An employee who earns \$844 a month and is paid \$388 on a bi-weekly payroll (\$38.80 daily rate) works 8 days in the payroll period and terminates her employment. She has 11 days of vacation accumulated. Daily rate of \$38.80 X 19 days (8 regular working days plus 11 days of vacation) = \$737.20.

An employee who earns \$844 a month and is paid on a monthly basis works 8 days in the month which has 22 working days in it and terminates her employment. She has 11 days of vacation accumulated. Daily rate of \$38.36 (for 22 day month) X 19 days (8 regular working days plus 11 days of vacation) = \$727.70.

2. The amount of vacation pay due shall be added to the salary earned by the employee for time worked in the last pay

period of his/her employment and made in the form of a single lump sum payment.

3. Compensation for sick leave payment, in cases where such payment is made on termination, shall be in the same manner as for vacation leave under 11 MCAR S 1.2117 E.2.

F. Overtime compensation.

1. Except for the provisions of the Minnesota Fair Labor Standards Act, no additional compensation shall be paid for overtime, whether in the discharge of duties of the position or for the duties of another position, except in: (1) an emergency in which the local civil defense authority orders such overtime; or (2) when such overtime is otherwise approved in advance by the local civil defense authority or its designee; or (3) as may be otherwise negotiated. Rates of pay for this overtime work shall be decided by the local civil defense authority and it shall be discretionary with the local civil defense authority whether the employee shall have compensatory time off or overtime pay, except as provided in the Minnesota Fair Labor Standards Act and/or as modified through contractual agreement in those agencies where employees have an exclusive representative. When payment is made for overtime, the rate and the number of hours worked shall be shown in the "Remarks" column on the payroll report.

AR70 11 MCAR S 1.2118 Appointments, promotions, demotions, transfers, and reinstatements.

A. Appointment.

1. The entrance salary for the original appointment, provisional appointment, or emergency appointment of a new employee shall be at the minimum salary for the class of positions to which he is appointed, except when appointments are permitted above the minimum in accordance with 11 MCAR S 1.2094 E.

2. An employee who is provisionally employed at a rate of pay other than the minimum of the range prescribed for the class shall not be reduced in pay at the time of appointment from a register to the class.

B. Promotions.

1. The salary of an employee who is promoted shall be raised to the minimum rate of pay for the new class. If the salary before promotion falls within the range of the new class but not on any step within that range, the salary shall be adjusted to the next higher step.

2. Employees granted a salary increase after having been promoted may be permitted to retain that increase when returned to a lower class, if the salary does not exceed the maximum

salary for the lower class.

C. Demotions. An employee who is demoted, except one demoted in accordance with 11 MCAR S 1.2093 D., and whose salary is above the maximum rate for the lower class shall be reduced in salary to at least the maximum rate for the new class. If the former salary is within the salary range for the lower class the same salary may be continued. An employee whose position is reclassified downward in accordance with 11 MCAR S 1.2093 D. and remains in the same position may retain the former salary if it is above the maximum salary rate for the lower class but shall be ineligible to receive any further increases except those subsequently provided in the new classification.

D. Transfers. An employee who is transferred may be paid the same salary that he received prior to transfer. If an employee's salary prior to transfer falls within the salary range of the class to which he is transferring but not on a salary step in that range, the employee's salary may be increased to the next higher step in the range but it shall not be lowered.

E. Reinstatements. A former employee who is reinstated or reemployed may be paid the same salary rate that he last received in the same class of positions if it coincides with a step in the current salary range for the class, or if it does not coincide, at the next higher step.

AR 70
11 MCAR S 1.2119 County regulations.

A. 1. Any variation from the compensation plan adopted by the local civil defense authority shall be in accordance with the provisions of the merit system rules (see 11 MCAR S 1.2094 B).

insert new: ARO3925T
11 MCAR S 1.2140 Compensation plan (emergency services) - 1982

A. Professional

1. Plan A

a. Class of positions

	1	2	3	4	5	6	7	8
Administrative Officer	1299	1358	1420	1485	1549	1620	1696	1777
Asst. Civil Defense Director I	869	908	950	995	1039	1084	1136	1187
Asst. Civil Defense Director II	1039	1084	1136	1187	1241	1299	1358	1420

Asst. Civil Defense Director III	1241	1299	1358	1420	1485	1549	1620	1696
Asst. Civil Defense Director IV	1485	1549	1620	1696	1777	1854	1939	2026
Communications Officer	1136	1187	1241	1299	1358	1420	1485	1549
County Civil Defense Director I	1241	1299	1358	1420	1485	1549	1620	1696
County Civil Defense Director II	1420	1485	1549	1620	1696	1777	1854	1939
County Civil Defense Director III	1620	1696	1777	1854	1939	2026	2117	2213
County Civil Defense Director IV	2316	2421	2532	2645	2770	2897	3028	3161
Local Civil Defense Director I	995	1089	1084	1136	1187	1241	1299	1358
Local Civil Defense Director II	1136	1187	1241	1299	1358	1420	1485	1549
Local Civil Defense Director III	1299	1358	1420	1485	1549	1620	1696	1777
Local Civil Defense Director IV	1620	1696	1777	1854	1939	2026	2117	2213
Local Civil Defense Director V	2316	2421	2532	2645	2770	2897	3028	3161
Operations Officer	1299	1358	1420	1485	1549	1620	1696	1777
Public Information Officer	1299	1358	1420	1485	1549	1620	1696	1777
Radiological Defense Officer	1136	1187	1241	1299	1358	1420	1485	1549
Safety Services Coordinator	1299	1358	1420	1485	1549	1620	1696	1777

2 Plan B

a. Class of positions

	1	2	3	4	5	6	7	8
Administrative Officer	1358	1420	1485	1549	1620	1696	1777	1854

Asst. Civil Defense Director I	908	950	995	1039	1084	1136	1187	1241
Asst. Civil Defense Director II	1084	1136	1187	1241	1299	1358	1420	1485
Asst. Civil Defense Director III	1299	1358	1420	1485	1549	1620	1696	1777
Asst. Civil Defense Director IV	1549	1620	1696	1777	1854	1939	2026	2117
Communications Officer	1187	1241	1299	1358	1420	1485	1549	1620
County Civil Defense Director I	1241	1299	1358	1420	1485	1549	1620	1696
County Civil Defense Director II	1420	1485	1549	1620	1696	1777	1854	1939
County Civil Defense Director III	1620	1696	1777	1854	1939	2026	2117	2213
County Civil Defense Director IV	2316	2421	2532	2645	2770	2897	3028	3161
Local Civil Defense Director I	995	1039	1084	1136	1187	1241	1299	1358
Local Civil Defense Director II	1136	1187	1241	1299	1358	1420	1485	1549
Local Civil Defense Director III	1299	1358	1420	1485	1549	1620	1696	1777
Local Civil Defense Director IV	1620	1696	1777	1854	1939	2026	2117	2213
Local Civil Defense Director V	2316	2421	2532	2645	2770	2897	3028	3161
Operations Officer	1358	1420	1485	1549	1620	1696	1777	1854
Public Information Officer	1358	1420	1485	1549	1620	1696	1777	1854
Radiological Defense Officer	1187	1241	1299	1358	1420	1485	1549	1620
Safety Services Coordinator	1358	1420	1485	1549	1620	1696	1777	1854

3. Plan C

a. Class of positions

	1	2	3	4	5	6	7	8
Administrative Officer	1420	1485	1549	1620	1696	1777	1854	1939
Asst. Civil Defense Director I	950	995	1039	1084	1136	1187	1241	1299
Asst. Civil Defense Director II	1136	1187	1241	1299	1358	1420	1485	1549
Asst. Civil Defense Director III	1358	1420	1485	1549	1620	1696	1777	1854
Asst. Civil Defense Director IV	1620	1696	1777	1854	1939	2026	2117	2213
Communications Officer	1241	1299	1358	1420	1485	1549	1620	1696
County Civil Defense Director I	1241	1299	1358	1420	1485	1549	1620	1696
County Civil Defense Director II	1420	1485	1549	1620	1696	1777	1854	1939
County Civil Defense Director III	1620	1696	1777	1854	1939	2026	2117	2213
County Civil Defense Director IV	2316	2421	2532	2645	2770	2897	3028	3161
Local Civil Defense Director I	995	1039	1084	1136	1187	1241	1299	1358
Local Civil Defense Director II	1136	1187	1241	1299	1358	1420	1485	1549
Local Civil Defense Director III	1299	1358	1420	1485	1549	1620	1696	1777
Local Civil Defense Director IV	1620	1696	1777	1854	1939	2026	2117	2213
Local Civil Defense Director V	2316	2421	2532	2645	2770	2897	3028	3161
Operations Officer	1420	1485	1549	1620	1696	1777	1854	1939
Public Information Officer	1420	1485	1549	1620	1696	1777	1854	1939
Radiological Defense								

Officer 1241 1299 1358 1420 1485 1549 1620 1696

Safety Services
Coordinator 1420 1485 1549 1620 1696 1777 1854 1939

B. Clerical

1. Plan A

a. Class of positions

	1	2	3	4	5	6	7	8
Clerk I	616	645	676	704	734	766	801	839
Clerk II	704	734	766	801	839	877	917	959
Clerk III	784	821	857	895	937	982	1027	1073
Clerk-Typist I	645	676	704	734	766	801	839	877
Clerk-Typist II	704	734	766	801	839	877	917	959
Clerk-Typist III	784	821	857	895	937	982	1027	1073
Clerk-Steno I	676	704	734	766	801	839	877	917
Clerk-Steno II	766	801	839	877	917	959	1004	1049
Clerk-Steno III	821	857	895	937	982	1027	1073	1119

2. Plan B

a. Class of positions

	1	2	3	4	5	6	7
Clerk I	704	734	766	801	839	877	917
Clerk II	801	839	877	917	959	1004	1049
Clerk III	895	937	982	1027	1073	1119	1172
Clerk-Typist I	734	766	801	839	877	917	959
Clerk-Typist II	801	839	877	917	959	1004	1049
Clerk-Typist III	895	937	982	1027	1073	1119	1172
Clerk-Steno I	766	801	839	877	917	959	1004
Clerk-Steno II	877	917	959	1004	1049	1094	1147
Clerk-Steno III	937	982	1027	1073	1119	1172	1223

3. Plan C

a. Class of positions

	1	2	3	4	5	6	7
Clerk I	766	801	839	877	917	959	1004
Clerk II	877	917	959	1004	1049	1094	1147
Clerk III	982	1027	1073	1119	1172	1223	1281
Clerk-Typist I	801	839	877	917	959	1004	1049
Clerk-Typist II	877	917	959	1004	1049	1094	1147
Clerk-Typist III	982	1027	1073	1119	1172	1223	1281
Clerk-Steno I	839	877	917	959	1004	1049	1094
Clerk-Steno II	959	1004	1049	1094	1147	1198	1252
Clerk-Steno III	1027	1073	1119	1172	1223	1281	1340

AR40
 11 MCAR S 1.2141 Provisions for computing monthly, hourly, less-than-full-time, bi-weekly, and four week salary rates. The supervisor shall publish a salary conversion table as part of the Minnesota merit system manual. The table shall list all existing salary rates listed in 11 MCAR S 1.2140. For those salary rates, the supervisor shall calculate hourly, daily and payroll period salaries for each of the salary rates listed. This table shall be based on an eight-hour day, 40-hour week and 2088-hour year. Agencies with a normal work schedule which varies from an eight-hour day, 40-hour week or 2088-hour year or agencies with payroll periods other than once every two weeks, every four weeks, or every month, shall supply the supervisor with a salary conversion table.

See New →

Minnesota Department of Public Safety Bureau of Criminal Apprehension

Regulations for the Manufacture, Transportation, Storage, and Use of Explosives and Blasting Agents

CHAPTER ONE: GENERAL PROVISIONS AND DEFINITIONS.

BCA 1 Purpose and Scope. The purpose of these regulations is to adopt safety standards for the manufacture, transportation, storage and use of explosives and blasting agents. The scope of these regulations is intended to be consistent with Minnesota Statutes 1971, Section 299F.71 through 299F.83 (Session Laws 1971, Chapter 845).

BCA 2 Definitions. In these regulations the following words are used as defined below:

(a) **Approved.** Approved by the Superintendent or his authorized assistants.

(b) **Blasting Agent.** Any material or mixture, consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

NOTE 1. A No. 8 blasting cap is one containing 2 grams of a mixture of 80% mercury fulminate and 20% potassium chlorate, or a cap of equivalent strength.

NOTE 2. Nitro-Carbo-Nitrate. This term applies to any blasting agent which has been classified as nitro-carbo-nitrate under the Department of Transportation Regulations, and which is packaged and shipped in compliance with the regulations of the Department of Transportation.

(c) **Department of Transportation.** The United States Department of Transportation.

(d) **Explosive-Actuated Devices.** Any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices. Examples of explosive-actuated power devices are jet trappers and jet perforators.

(e) **Explosives.** Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the Department of Transportation. The term "Explosives" shall include all material which is classified as Class A, Class B and Class C explosives by the Department of Transportation, and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, detonating cord, instantaneous fuse, igniter cord, igniters, small arms ammunition, small arms ammunition primers, smokeless propellant, cartridges for propellant-actuated power devices and cartridges for industrial guns, and some special fireworks. (Commercial explosives are those explosives which are intended to be used in commercial

or industrial operations.) Certain chemicals and certain fuel materials may have explosive characteristics which are not specifically classified by the Department of Transportation and are not readily classified for coverage in the Code. Authoritative information should be obtained for such unclassified materials and action commensurate with their hazards, location, isolation and safeguards, should be taken. Classification of explosives is described by the Department of Transportation as follows:

(1) Class A Explosives. Possessing detonating or otherwise maximum hazard; such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, blasting caps, and detonating primers.

(2) Class B Explosives. Possessing flammable hazard, such as propellant explosives (including some smokeless propellants), photographic flash powders, black powder, and some special fireworks.

(3) Class C Explosives. Includes certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities.

(4) Forbidden or Not Acceptable Explosives. Explosives which are forbidden or not acceptable for transportation by common carriers, by rail freight, rail express, highway, or water in accordance with the regulations of the Department of Transportation.

(f) Highway. Any public street, public alley or public road.

(g) Inhabited Building. A building or structure regularly used in whole or part as a place of human habitation. The term "inhabited building" shall also mean any church, school, store, railway passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble, but excluding any building or structure occupied in connection with the manufacture, storage and use of explosives.

(h) Magazine. Any building or structure, other than an explosives manufacturing building, approved for the storage of explosives.

(i) Propellant-Actuated Devices. Any tool or special mechanized device or gas generator system which is actuated by a smokeless propellant or which releases and directs work through a smokeless propellant charge.

(j) Pyrotechnics. Any combustible or explosive composition or manufactured article designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

(k) Person. Any individual, firm, co-partnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee or personal representative thereof.

(l) Public Conveyance. Any railroad car, street car, ferry, cab, bus, airplane or other conveyance which carries passengers for hire.

(m) Railway. Any steam, electric, diesel, or other railroad or railway which carries passengers for hire on the particular line or branch in the vicinity where explosives are stored or where explosives manufacturing buildings are situated.

(n) Singular and Plural. Words used in the singular number shall include the plural and words used in the plural shall include the singular.

(o) **Small Arms Ammunition.** Any shotgun, rifle, pistol or revolver cartridge, and cartridge for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, spotting or pyrotechnic projectiles is excluded from this definition.

(p) **Small Arms Ammunition Primers.** Small percussion-sensitive explosive charges, encased in a cup, used to ignite propellant powder.

(q) **Smokeless Propellants.** Solid propellants, commonly called smokeless powders in the trade, used in small arms ammunition, cannon, rockets, propellant-actuated power devices, etc.

(r) **Special Industrial Explosive Devices.** Explosive-actuated power devices and propellant-actuated power devices.

(s) **Special Industrial Explosive Materials.** Shaped materials and sheet forms and various other extrusions, pellets and packages of high explosives, which include dynamite, Trinitrotoluene (TNT), pentaerythritoltertranitrate (PETN), cyclotrimethylene-trinitramine (RDX), and other similar compounds used for high-energy-rate forming, expanding and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

(t) **Superintendent.** The Superintendent of the Bureau of Criminal Apprehension of the Minnesota Department of Public Safety.

(u) **Vehicle.** Any self-propelled motor vehicle, truck, tractor, semi-trailer, or truck-full trailer used for the transportation of freight over public highways.

(v) **Water Gels or Slurry Explosives.** These comprise a wide variety of materials used for blasting. They all contain substantial proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder; and those which contain no ingredient classified as an explosive, which are sensitized with metals such as aluminum or other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the bore hole.

BCA 3 Applicability and Exemptions

(a) These regulations shall apply to the manufacture, keeping, having, storage, sale, transportation, and use of explosives, blasting agents, and pyrotechnics.

(b) These regulations shall not apply to the transportation of explosives or blasting agents when under the jurisdiction of and in compliance with the regulations of the Department of Transportation, the regulations of the United States Coast Guard and the Regulations of the Federal Aviation Agency and the Board of Transport Commissioners for Canada. They shall, however, apply to municipal supervision as to compliance with federal regulations within the jurisdiction of a municipality.

(c) These regulations shall not apply to the shipment, transportation and handling of military explosives by the Armed Forces of the United States, State Militia or the Armed Forces of Canada.

(d) These regulations shall not apply to the transportation and use of explosives or blasting agents in the normal and emergency operation of federal agencies such as the Bureau of Mines, the Federal Bureau of Investi-

gation, the Secret Service and equivalent Canadian governmental agencies. Also they shall not apply to recognized bomb technicians acting in an official capacity under emergency conditions.

(e) These regulations shall not apply to the sale and use (public display) of pyrotechnics commonly known as fireworks.

(f) The Superintendent shall have the power to grant exemption from these rules and regulations upon request in writing when such request shows that the enforcement of the rules and regulations will cause unnecessary hardship to the petitioner, provided that said request shall not be granted where the requested modification of these rules and regulations will constitute a distinct hazard to life or adjoining property. Such petition shall be in triplicate and state full particulars of such exemptions requested and when granted shall be attached to the notification of approval. Two copies of the request shall be retained by the Superintendent.

(g) The Superintendent or his designee, after acquiring necessary security clearance, shall have the power to conduct, during normal business hours, routine inspections of storage sites and use sites for such explosives as are herein regulated and the records required by these regulations to be kept by explosives dealers, to determine whether the sites and the records conform to these regulations. In addition, the Superintendent, his designee, or any duly authorized law enforcement official shall have the power to conduct such inspections at any time in connection with the investigation of a crime.

(h) The Superintendent or his authorized assistants may restrict the quantity of explosives or blasting agents that may be handled at any location (city, county, state or other area).

BCA 4 Repeal of Previous Regulations. The provisions of State Fire Marshal Regulations 351 through 395, previously adopted, are hereby repealed.

BCA 5 Explosives Manufacturing

(a) The manufacture of any explosive or explosive device including small arms ammunition, pyrotechnics, and blasting agents as herein defined shall be prohibited unless such manufacture is authorized by the Superintendent or his authorized assistants and is conducted in accordance with recognized safe practices satisfactory to the Superintendent or his authorized assistants. This shall not apply to hand loading of small arms ammunition prepared for personal use and not for resale.

(b) The manufacture of explosives or blasting agents shall be prohibited when such manufacture presents an undue hazard to life and property as determined by the Superintendent or his authorized assistants.

BCA 6 General Prohibitions

(a) No person shall store, handle, or transport explosives or blasting agents when such storage, handling and transportation of explosives or blasting agents constitutes an undue hazard to life and property.

(b) No person shall possess, keep, store, sell, or offer for sale, give away, use, transport, or dispose of in any manner any explosive or blasting agent except as provided in these regulations or by law, provided however that this limitation shall not apply to small arms ammunition and components, car-

tridges for propellant-actuated power devices, cartridges for industrial guns intended for personal use and not for resale, and railroad fuses.

(c) No person shall sell or give away any explosive or blasting agent to any unauthorized person, as defined in Minnesota Statutes 1971, 299F.77.

(d) No person shall physically sell, display or expose for sale any explosive or blasting agent on any highway, street, sidewalk, public way, or public place.

(e) Nothing in these regulations shall be construed to prohibit the use of explosives in the form prescribed by the Official United States Pharmacopeia.

(f) Government and industrial laboratories, laboratories of technical institutes, colleges, universities, and similar institutions may be permitted to keep, store and use explosives or blasting agents when confined to the purpose of scientific or technical instruction or research, provided the storage and use of explosives or blasting agents is for the purpose of scientific or technical instruction or research, and provided the storage and use of explosives or blasting agents is under experienced and competent supervision and not more than 15 pounds of explosives (exclusive of small arms ammunition, small arms ammunition primers and smokeless propellants) or blasting agents are kept on hand at any time in such laboratories. When additional quantities of explosives or blasting agents are required, application shall be made for a special ruling by the Superintendent or his authorized assistants.

CHAPTER TWO: STORAGE, TRANSPORTATION, AND USE OF EXPLOSIVES.

BCA 7 Storage of Explosives

(a) All Class A, Class B, and Class C explosives, special industrial explosives, and any newly developed and unclassified explosives shall be kept in magazines which meet the requirements of this section. This shall not be construed as applying to the following:

(1) Stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers in quantities of less than 1,000,000 and smokeless propellants in quantities of less than 750 pounds. (See Chapter 6).

(2) Explosive-actuated power devices when in quantities of less than 50 pounds net weight of explosive.

(3) Fuse lighters and fuse igniters.

(4) Safety fuse (safety fuse does not include detonating cord).

(b) Blasting caps, electric blasting caps, detonating primers and primed cartridges shall not be stored in the same magazine with other explosives.

(c) Ground around magazines shall slope away for drainage. The land surrounding magazines shall be kept clear of brush, dried grass, leaves, and other combustible materials for a distance of at least 25 feet.

(d) Magazines shall be as required in Title 27, Code of Federal Regulations, Commerce in Explosives, Part 181 — Department of Treasury, Section 181.182 through 181.200, which is herein adopted.

BCA 8 Transportation of Explosives, General Provisions

(a) In addition to all other applicable requirements set forth in these regulations, the transportation of explosives over all highways shall be in accordance with Department of Transportation regulations. The Department of Transportation regulations and changes lawfully on file and approved by the Department of Transportation are hereby adopted as a part of these regulations.

(b) Explosives shall not be transported through any prohibited vehicular tunnel, or subway, or over any prohibited bridge, roadway, or elevated highway.

(c) No person shall smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a vehicle transporting explosives; or drive, load or unload such vehicle in a careless or reckless manner.

(d) Explosives shall not be carried or transported in or upon a public conveyance or vehicle carrying passengers for hire.

(e) Explosives may be loaded into and transported in the following:

(1) Truck or automotive vehicle not transporting passengers.

(2) Truck with semitrailer

(3) Truck with full trailer.

(4) Truck tractor with semitrailer.

(5) Truck tractor with semitrailer and full trailer.

(f) Explosives shall not be transferred from one vehicle to another within any city, county, state or other area without informing the fire and police departments thereof. In the event of breakdown or collision, the local fire and police departments shall be promptly notified to help safeguard such emergencies. Explosives shall be transferred from the disabled vehicle to another only when proper and qualified supervision is provided. A qualified supervisor is any person except those excluded under Minnesota Statutes 1971, 299F.77.

(g) Blasting caps or electric blasting caps shall not be transported over the highways on the same vehicles with other explosives, except in compliance with Department of Transportation regulations.

(h) Any person who ships, transports, imports or causes to be carried across state lines, in any manner whatever into Minnesota any explosives shall be required to inform the Superintendent twenty-four (24) hours prior to such crossing of the state line of the fact of such crossing and in addition supply the Superintendent with the following information:

(1) Name and address of the shipper, importer, and transporter.

(2) Quantity of total shipment.

(3) Destination and amount of each consignment of the total shipment.

(4) Expected time of crossing state lines and expected time of destination arrival.

(i) In those cases where a person carries explosives across state lines on a regular schedule of at least once a week, the Superintendent may, in his discretion, allow such persons to comply with paragraph (h) of this section by submitting to the Superintendent a time-table of his usual and customary, regularly scheduled interstate transfers. Any deviations from that time-table will be required to be submitted to the Superintendent at least twenty-four (24) hours prior to such transfer.

(j) The provisions of BCA 8, 9, and 10 do not apply to the transportation of small arms ammunition and components, cartridges for propellant-actuated power devices, and small arms ammunition primers. (See Chapter 6).

BCA 9 Transportation Vehicles

(a) Vehicles while being used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moistureproof tarpaulin or other effective protection against moisture and sparks. All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other non-sparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

(b) Every vehicle while being used for transporting Class A or Class B explosives shall be marked or placarded on both sides, front and rear with the word "Explosives" in letters not less than four inches in height in con-

trasting colors. In addition to such marking or placarding, the vehicle may display, in such a manner that it will be readily visible from all directions, a red flag 18 inches x 30 inches, with the word "Explosives" painted, stamped, or sewed thereon in white letters, at least six inches in height.

(c) Every vehicle while being used for transporting explosives shall be equipped with at least one fire extinguisher of 20 pound dry chemical or equal.

(d) A vehicle while being used for transporting explosives shall be inspected prior to every loading of explosives to determine that it is in proper condition in all respects for handling and safe transportation of explosives and no vehicle shall be so used unless:

- (1) Fire extinguishers shall be filled and in working order.
- (2) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.
- (3) Chassis, motor, pan and underside of body shall be reasonably clean and free of excess oil and grease.
- (4) Fuel tank and feed line shall be secure and have no leaks.
- (5) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.
- (6) Tires shall be properly inflated and shall have no visible defects.

BCA 10 Operation of Transportation Vehicles

(a) Vehicles transporting explosives shall only be driven by and be in charge of a driver who is in possession of a valid motor vehicle operator's license, physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants or narcotics, and not less than 18 years of age. He shall be familiar with the traffic regulations, state laws, and the provisions of these regulations and shall be familiar with the operation of the vehicle used.

(b) Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended, on any public street adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble.

(c) Every vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. He shall have been made familiar with the vehicle he is assigned to attend, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(d) For the purpose of this section, a vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within his field of vision and can reach it quickly and without any kind of interference. "Attended" also means that the driver or attendant is awake, alert and not engaged in other duties or activities which may divert his attention from the vehicle, except for necessary communication with public officers, or representatives of the carrier, shipper or con-

signee, or except for necessary absence from the vehicle to obtain food or to provide for his physical comfort.

(e) An explosive-laden vehicle may be left unattended if parked within a securely fenced or walled area with all gates or entrances locked or guarded where parking of such vehicle is otherwise permissible, or at a magazine site established solely for the purpose of storing explosives.

(f) No spark-producing metal, spark-producing metal tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives complies with Department of Transportation regulations.

(g) Vehicles transporting explosives shall avoid congested areas and heavy traffic. Where routes through congested areas have been designated by local authorities such routes shall be followed.

(h) Delivery shall only be made to authorized persons and into authorized magazines or approved temporary storage or handling areas.

BCA 11 Use of Explosives, General Provisions

(a) The handling of explosives shall be performed by a person experienced in the use of explosives or by other employees under his direct supervision provided that such employees are at least 18 years of age.

(b) While explosives are being handled or used, smoking shall not be permitted and no one near the explosives shall possess matches, open light or other fire or flame producing devices. No person shall handle explosives while under the influence of intoxicating liquor or narcotics.

(c) Original containers or authorized containers shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(d) When the blasting is done in congested areas or in close proximity to a structure, railway, or highway or other installation that may be damaged, the blast shall be covered before firing with a mat constructed so that it is capable of preventing fragments from being thrown.

(e) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including, but not limited to, warning signals, flags, barricades, or woven wire mats to insure the safety of the general public and workmen.

(f) Blasting operations, except by special permission of the Superintendent or his authorized assistants, shall be conducted during daylight hours.

(g) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph and steam utilities, the blaster shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice. In an emergency this time limit may be waived by the local authority issuing the original permit.

(h) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters,

lightning, adjacent power lines, dust storms or other sources of extraneous electricity. These precautions shall include:

(1) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.

(2) The posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet of the blasting operation.

(3) Compliance with the latest recommendations of the Institute of Makers of Explosives with regard to blasting in the vicinity of radio transmitters or power lines.

BCA 12 Storage at Use Sites

(a) Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after burning has started.

(b) Containers of explosives shall not be left opened in any magazine or within 50 feet of any magazine. In opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either wood, fiber or rubber mallets shall be used. Non-sparking metallic slitters may be used for opening fiberboard cases.

(c) Explosives or blasting equipment that are obviously deteriorated or damaged shall not be used.

(d) No explosives shall be abandoned.

BCA 13 Loading of Explosives in Blast Holes

(a) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(b) Tamping shall be done only with wood or approved plastic rods without exposed metal parts, but non-sparking metal connectors may be used for jointed poles. Violent tamping shall be avoided.

(c) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives shall be immediately returned to an authorized location.

(d) Drilling shall not be started until all remaining butts of old holes are examined with a wooden stick for unexploded charges, and if any are found, they shall be refired before work proceeds.

(e) No person shall be allowed to deepen drill holes which contain explosives.

BCA 14 Initiation of Explosives Charges

(a) Only electric blasting caps shall be used for blasting operations in congested districts, or in highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous.

(b) When fuse is used, the blasting cap shall be securely attached to the safety fuse with a standard ring type cap crimper. All primers shall be assembled at least fifty feet from any magazine.

(c) Primers shall be made up only as required for each round of blasting.

(d) No blasting cap shall be inserted in the explosives without first making a hole in the cartridge for the cap with an approved punch of proper size or standard cap crimper.

(e) Explosives shall not be extracted from a hole that has once been charged or has misfired unless it is impossible to detonate safely the unexploded charge by insertion of a fresh additional primer.

(f) If there are any misfires while using cap and fuse, all persons shall remain away from the charge for at least 30 minutes. If electric blasting caps are used and a misfire occurs, this waiting period shall be 30 minutes. Misfires shall be handled under the direction of the person in charge of the blasting and all wires shall be carefully traced and search made for unexploded charges.

(g) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers or other instruments approved for this purpose.

(h) Only the person making lead wire connections in electrical firing shall fire the shot. All connections should be made from bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

BCA 15 Warning Required. Before a blast is fired, a suitable warning signal shall be given by the person in charge, who has made certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover, and that an adequate warning has been given.

BCA 16 Forbidden Explosives. Explosives forbidden or not acceptable for transportation by regulations of the Department of Transportation include, but are not limited to:

(a) Liquid Nitroglycerin.

(b) Dynamite (except gelatin dynamite) containing over 60% of liquid explosive ingredient.

(c) Nitrocellulose in a dry and uncompressed condition in quantity greater than 10 pounds net weight in one package.

(d) Fulminate of mercury in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.

(e) Explosive compositions that ignite spontaneously or undergo marked decomposition rendering the products or their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167° F. (75° C.)

(f) Explosives containing an ammonium salt and a chlorate.

(g) New explosives until approved by the Department of Transportation, except that a permit may be granted for transportation and possession for laboratory examination when under development by responsible research organizations.

(h) Explosives not packaged or marked in accordance with the requirements of the Department of Transportation.

(i) Explosives condemned by the Department of Transportation.

BCA 17 Sale and Disposition of Explosives

(a) All Class A, Class B, and Class C explosives, special industrial explosives, and any newly developed and unclassified explosives, shall not be sold or transferred in this state except as provided in this section. This paragraph shall not be construed to apply to the following commodities and items:

(1) Stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers and smokeless propellants. (See Chapter 6).

(2) Explosive-actuated power devices when in quantities of less than 50 pounds net weight of explosive.

(3) Fuse lighters and fuse igniter.

(4) Safety fuse (safety fuse does not include detonating cord) and 3/32 inch cannon fuses or matchlock fuses (slow match).

(b) No vendor, transferor, buyer, or transferee of explosives within this state may accept or deliver dynamite or other explosive in any quantity unless each carton or other usual primary container of such explosive is plainly labeled, stamped or marked with identification numbers and with the words, "Dangerous Explosives". It shall be unlawful for any person to use or have in his possession any explosives not marked as above provided. All unmarked explosives found in the possession of any person, may be confiscated, seized, or destroyed by the Superintendent or his designee, or duly constituted law enforcement officer.

(c) No vendor or transferor of explosives within this state may deliver explosives of any quantity to any other person unless he first obtains and records the following information:

(1) Date of transaction;

(2) Manufacturer of the explosives being transferred;

(3) The type of and any identification numbers on explosives being transferred;

(4) Quantity of explosives being transferred;

(5) Name and address of purchaser or transferee;

(6) User permit number;

(7) Signature of the transferee;

(d) All records of transactions shall be made available to the Superintendent on request. Also, the Superintendent may require that each person mail a copy of the record of each transaction made during the preceding week on Monday of each week.

(e) If the safety measures, provided by the purchaser or transferee pursuant to the requirements contained in these regulations, do not meet the minimum requirements, the vendor or transferor shall not transfer explosives to the purchaser or transferee.

BCA 18 Quantity Reports. Immediately upon the effective date of these regulations and thereafter on the first day of January of each year any person who stores explosives for commercial transference shall report to

the Superintendent the quantity of his stock of explosives as of that date, on forms provided by the Superintendent.

BCA 19 Report of Thefts. Any person who has explosives in his possession and who incurs a loss or theft of all or a portion thereof, immediately upon discovery of such loss or theft and in no event longer than twenty-four (24) hours from the time of discovery, shall inform the office of the Superintendent and the County Sheriff or the local Chief of Police of the loss or theft, the amount of explosives missing and the approximate time of the occurrence.

BCA 20 Jurisdiction of The Federal Bureau of Mines. To the extent that persons otherwise covered by the contents of these regulations are within the jurisdiction and governed by regulation of the Federal Bureau of Mines, the Superintendent has the discretion to exempt such persons from such provisions of these regulations, governing storage facilities, that he deems to be in conflict with the regulations of said Bureau of Mines. Such exemption once granted may at any time be revoked by the Superintendent. For the purpose of granting such exemption or revoking same, or for any other purpose, the Superintendent or his designee has the authority at any time to inspect the premises and facilities of such persons.

BCA 21-25 Reserved for Future Use

CHAPTER THREE: EXPLOSIVES AT PIERS, RAILWAY STATIONS AND CARS OR VESSELS NOT OTHERWISE SPECIFIED IN THESE REGULATIONS.

BCA 26 General Provisions

(a) Except in an emergency and with permission of the local authority having jurisdiction, no person shall have or keep explosives in a railway car unless said car and contents and methods of loading are in accordance with the Department of Transportation Regulations for the Transportation of Explosives.

(b) No person shall deliver any explosive to any carrier unless such explosive conforms in all respects, including marking and packing, to the Department of Transportation Regulations for the Transportation of Explosives.

(c) Every railway car containing explosives which has reached its destination, or is stopped in transit so as no longer to be in interstate commerce, shall have placards in accordance with Department of Transportation regulations.

(d) Within the jurisdiction any explosives at a railway facility, truck terminal, pier, wharf, harbor facility, or airport terminal, whether for delivery to a consignee, or forwarded to some other destination shall be kept in a safe place, isolated as far as practicable and in such manner that they can be easily and quickly removed.

BCA 27 Notifications

(a) When explosives are brought into the locality under the jurisdiction of these regulations, by any means of transportation, for delivery to an intermediate receiver, consignee's agent or consignee, or to be forwarded to some other destination, the carrier performing the shipment shall immediately notify the consignee, fire chief, port authorities, and such other authorities as may be designated, of the arrival of the explosives, and if said consignee does not receive and remove the said explosives from the possession of the carrier within 48 hours (Sundays and holidays excluded), after such notification, then the railway, trucking firm, vessel agent, or airline shall remove the said explosives from the jurisdiction to a properly permitted magazine or make a report to the Superintendent or his authorized assistants, who shall see that the said explosives are moved to a place of safety.

(b) Any person having been notified, as consignee, of a shipment of explosives being in the hands of any carrier, and within the jurisdiction, shall remove the said explosives within 48 hours (Sundays and holidays excluded) after receiving such notification to a place meeting the requirements of these regulations.

BCA 28 Designation of Facilities. The local authority having jurisdiction has the authority to and may designate the location for, and limit the quantity of, explosives which may be loaded, unloaded, reloaded, or temporarily retained at any facility within the jurisdiction.

BCA 29-30 Reserved for Future Use

CHAPTER FOUR: MIXING, STORAGE, AND TRANSPORTATION OF BLASTING AGENTS.

BCA 31 Blasting Agents. Unless otherwise set forth in this chapter, blasting agents shall be transported, stored, and used in the same manner as explosives.

BCA 32 Mixing of Blasting Agents

(a) Buildings or other facilities used for mixing blasting agents, shall be located, with respect to inhabited buildings, passenger railroads and public highways in accordance with the American Table of Distances.*

(1) Any ammonium nitrate stored at a closer distance to the blasting agent storage area than as provided in (2) below shall be added to the quantity of blasting agents to calculate the total quantity involved for application of the aforementioned table.

(2) Minimum intra-plant separation distances between mixing units and the ammonium nitrate storage areas and blasting agent storage areas shall be in conformity with the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents.*

(b) Buildings used for the mixing of blasting agents shall conform to the requirements of this section unless otherwise specifically approved by the Superintendent or his authorized assistants.

(1) Buildings should preferably be of noncombustible construction or sheet metal on wood studs.

(2) The layout of the mixing building shall be such as to provide physical separation between the finished product storage, and the mixing and packaging operation.

(3) Floors in storage areas and in the processing plant should be of concrete. Isolated fuel storage shall be provided to avoid contact between molten ammonium nitrate and fuel in case of fire.

(4) The building shall be well ventilated.

(5) Heat shall be provided exclusively from a unit outside the building.

(c) The design of the mixer should minimize the possibility of frictional heating, compaction, and especially, confinement. Open mixers are preferable to enclosed mixers. Bearings and gears should be protected against the accumulation of oxidizer dust. All surfaces should be accessible for cleaning. Mixing and packaging equipment should be constructed of materials compatible with the fuel-ammonium nitrate composition.

(d) The provisions of this section shall be considered when determining blasting agent compositions. The sensitivity of the blasting agent shall be determined by means of a No. 8 test blasting cap at regular intervals and after every change in formulation, or as may be requested by the Superintendent or his authorized assistants.

(1) Ammonium nitrate of small particle size, such as crushed prills or

*As revised and approved by the Institute of Makers of Explosives, November, 1971.

finer, may be more sensitive and hazardous than the ordinary prills and shall be handled with greater care.

(2) No liquid fuel with flash point lower than that of No. 2 Diesel Fuel Oil (125° minimum or legal) shall be used.

(3) Crude oil and crankcase oil shall not be used because they may contain light ends that offer increased vapor-explosion hazards or gritty particles that tend to sensitize the resulting blasting agent.

(4) If solid fuels are used, they shall be chosen so as to minimize dust-explosion hazard.

(5) Metal dusts (aluminum powder, etc.), peroxides, or chlorates shall not be used unless such operations are conducted in a manner approved by the Superintendent or his authorized assistants.

(6) Unusual compositions shall not be attempted except under the supervision of competent personnel equipped to determine the over-all hazard of the resulting compositions.

(e) All electrical switches, controls, motors, and lights, if located in the mixing room, shall conform to the requirements of Class II, Division 2 of the National Electrical Code,* otherwise they shall be located outside the mixing room. The frame of the mixer and all other equipment that may be used shall be electrically bonded and be provided with a continuous path to the ground.

(f) Washdown facilities shall be provided. An automatic water-deluge system with adequate capacity is recommended to protect mixers and the finished-explosives storage area in the plant. Floor shall be constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire. The floors and equipment of the mixing and packaging room shall be thoroughly cleaned daily to prevent accumulation of oxidizers or fuels or other sensitizers. The entire mixing and packaging plant shall be washed down periodically to prevent excessive accumulation of dust.

(g) Smoking or open flames shall not be permitted in or within 50 feet of any building or facility used for the mixing of blasting agents.

(h) Empty oxidizer bags shall be disposed of daily in a safe manner.

(i) Not more than one day's production of blasting agents or the limit determined by the American Table of Distances,** whichever is less, shall be permitted in or near the mixing and packaging plant or area. Larger quantities shall be stored in separate warehouses or magazines.

BCA 33 Storage of Blasting Agents and Supplies

(a) Blasting agents shall be stored in the manner set forth in this section, and BCA 7.

(1) Blasting agents when stored in conjunction with explosives, shall be stored in the manner set forth in BCA 7 for explosives. The mass of

*See references.

**As revised and approved by the Institute of Makers of Explosives, November, 1971.

blasting agents and one-half the mass of oxidizers shall be included when computing the total quantity of explosives for determining distance requirements.

(2) Blasting agents, when stored entirely separate from explosives, may be stored in the manner set forth in BCA 7, or in one story warehouses (without basements) which shall be noncombustible or fire-resistive, constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire, weather resistant, well ventilated, and equipped with a strong door kept securely locked except when open for business.

(3) Semi-trailer or full-trailer vans used for highway or on-site transportation of the blasting agents are satisfactory for temporarily storing these materials, provided they are located in accordance with the American Table of Distances* with respect to inhabited buildings, passenger railways and public highways, and according to the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents* with respect to one another. Trailers should be provided with substantial means of locking, and the trailer doors shall be kept locked, except during the time of placement and removal of stocks of blasting agents.

(b) Warehouses used for the storage of blasting agents separate from explosives shall be located as set forth in this section.

(1) Warehouses used for storage of blasting agents shall be located in accordance with the provisions of the American Table of Distances* with respect to inhabited buildings, passenger railways and public highways, and according to the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents* with respect to one another.

(2) If both blasting agents and ammonium nitrate are handled or stored within the distance limitations prescribed in BCA 32(a), one-half the mass of the ammonium nitrate shall be added to the mass of the blasting agent when computing the total quantity of explosives for determining the proper distance for compliance with the American Table of Distances.*

(c) Smoking, matches, open flames, spark producing devices and firearms shall be prohibited inside of or within 50 feet of any warehouse used for the storage of blasting agents. Combustible materials shall not be stored within 50 feet of warehouses used for the storage of blasting agents.

(d) The interior of warehouses used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates or nitrates shall not be stored in any warehouse used for blasting agents unless separated therefrom by a fire-resistive separation of not less than one hour resistance. The provisions of this section shall not prohibit the storage of blasting agents together with nonexplosive blasting supplies.

(e) Piles of ammonium nitrate and warehouses containing ammonium nitrate shall be adequately separated from readily combustible fuels.

(f) Caked ammonium nitrate, either in bags or in bulk, shall not be loosened by blasting.

*As revised and approved by the Institute of Makers of Explosives, November, 1971.

(g) Every warehouse used for the storage of blasting agents shall be under the supervision of a competent person who shall be not less than 18 years of age.

(h) The local authority having jurisdiction has the authority to and may designate the location for, and limit the quantity of blasting agents which may be loaded, unloaded, reloaded, or temporarily retained at any facility within the jurisdiction.

BCA 34 Transportation of Blasting Agents

(a) When blasting agents are transported in the same vehicle with explosives, all of the requirements of BCA 8 through 10 shall be complied with.

(b) Vehicles transporting blasting agents shall only be driven by and be in charge of a driver at least 18 years of age who is capable, careful, reliable and in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the State vehicle and traffic laws.

(c) No sparking metal, sparking metal tools, oils, matches, firearms, acids or other corrosive liquids shall be carried in the bed or body of any vehicle containing blasting agents.

(d) No persons shall be permitted to ride upon, drive, load or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants or narcotics.

(e) It is prohibited for any person to transport or carry any blasting agents upon any public conveyance carrying passengers for hire.

(f) Vehicles transporting blasting agents shall be in safe operating conditions at all times.

(g) When offering blasting agents for transportation on public highways, the packaging, marking and labeling of containers of blasting agents shall comply with the requirements of the Department of Transportation.*

(h) Vehicles while being used for transporting blasting agents on public highways shall be placarded in accordance with Department of Transportation regulations.*

(i) Vehicles while being used for transporting blasting agents shall be equipped with at least one 20 pound dry chemical fire extinguisher or equivalent.

BCA 35 Use of Blasting Agents. Persons using blasting agents shall comply with all of the applicable provisions of BCA 11 through BCA 15 of these regulations.

BCA 36-40 Reserved for Future Use

*See appendix.

CHAPTER FIVE: WATER GELS, OR SLURRY EXPLOSIVES.

BCA 41 General Provisions. Unless otherwise set forth in this chapter, water gels shall be transported, stored, and used in the same manner as explosives or blasting agents in accordance with the classification of the product.

BCA 42 Premixed Water Gels

(a) Premixed water gels containing a substance in itself classified as an explosive shall be classified as an explosive and manufactured, transported, stored, and used as specified for explosives in these regulations.

(b) Premixed water gels containing no substance in itself classified as an explosive and which are cap-sensitive as defined in BCA 2(b) shall be classified as an explosive and manufactured, transported, stored and used as specified for explosives in these regulations.

(c) Premixed water gels containing no substance in itself classified as an explosive and which are not cap-sensitive as defined in BCA 2(b) shall be classified as blasting agents and manufactured, transported, stored and used as specified for blasting agents in these regulations.

BCA 43 On-site-mixed Water Gels

(a) Ingredients for on-site-mixed water gels shall be stored as set forth in this section.

(1) Ingredients in themselves classified as Class A or Class B explosives shall be stored in conformity with BCA 7.

(2) Ingredients, other than ammonium nitrate, not themselves classified as explosives, shall be stored in warehouses which shall be noncombustible or fire-resistive.

(3) Prilled, grained, or granulated ammonium nitrate shall be stored in accordance with NFPA 490, Code for the Storage of Ammonium Nitrate, 1967 Edition. If ammonium nitrate is stored in the vicinity of explosives or blasting agents, the separation distances specified in BCA 7 of these regulations shall be observed.

(4) Liquid ammonium nitrate solutions shall be stored in tank cars, tank trucks, or permanent tanks in a location approved by the Superintendent or his authorized assistants. Spills or leaks which may contaminate combustible materials shall be cleaned up immediately.

(b) If electric power is used, it shall be furnished by cable from an outside source or by a self-contained motor generator. In the case of a self-contained power source, it shall be located at the end of the storage container opposite that at which the blasting agent is discharged. It shall have adequate capacity for the loads to be expected and be equipped with suitable overload protection devices.

(c) Electric wiring carrying voltages greater than 12 volts shall be in armored cable or in conduit and, if dry ingredients are employed, the wiring shall conform to the requirements of Class II, Division 2 of the current edition of the National Electrical Code, NFPA No. 70*. The materials pro-

*See appendix.

protecting the electric wiring must be of such composition that they will not be chemically attached by the ingredients being processed.

(d) Mixing equipment for on-site-mixed water gels shall comply with the requirements of this section.

(1) All electric motors, electrically operated proportioning devices, etc., shall be electrically bonded.

(2) All electric motors, electrically operated proportioning devices, etc., used for dry ingredients shall conform to the requirements of Class II, Division 2 of the current edition of the National Electrical Code, NFPA No. 70*.

(3) The entire loading and mixing equipment shall be cleaned daily to ensure against accumulations of ingredients.

BCA 44-45 Reserved for Future Use

*See references.

CHAPTER SIX: SMALL ARMS AMMUNITION, SMALL ARMS PRIMERS, AND SMOKELESS PROPELLANTS.

BCA 46 General Provisions

(a) In addition to all other applicable requirements of these regulations, the intrastate transportation of small arms ammunition, small arms ammunition primers and smokeless propellants shall be in accordance with current Department of Transportation regulations.

(b) The provisions of this chapter do not apply to in-process storage and intra-plant transportation during manufacture of small arms ammunition, small arms primers, and smokeless propellants.

BCA 47 Small Arms Ammunition

(a) No restrictions are imposed on truck or rail transportation of small arms ammunition other than those which are imposed by the Department of Transportation or by the presence of other hazardous materials.

(b) No quantity limitations shall be imposed on storage of small arms ammunition in warehouses, retail stores and other general occupancies, except those imposed by limitation of storage facilities and consistency with public safety.

(c) Small arms ammunition shall be separated from flammable liquids, flammable solids (as classified by the Department of Transportation) and oxidizing materials by a fire-resistive wall of one-hour rating or by a distance of 25 feet.

(d) Small arms ammunition shall not be stored together with Class A or Class B explosives (as defined by Department of Transportation regulations) unless the storage facility is adequate for this latter storage.*

BCA 48 Smokeless Propellants

(a) Quantities of smokeless propellants in shipping containers approved by the Department of Transportation not in excess of 25 pounds may be transported in a passenger vehicle.

(b) Quantities in excess of 25 pounds but not exceeding 50 pounds in a passenger vehicle shall be transported in a portable magazine having wooden walls of at least 1 inch nominal thickness.

(c) Transportation of quantities in excess of 50 pounds is prohibited in vehicles transporting passengers.

(d) Transportation of quantities in excess of 50 pounds in other than passenger vehicles shall be in accordance with Department of Transportation regulations, except that warning placards shall be prominently displayed when more than 250 pounds are being transported.

(e) All smokeless propellants shall be stored in Department of Transportation approved shipping containers.

(f) Smokeless propellants intended for personal use in quantities not to exceed 20 pounds may be stored in residences; quantities over 20 pounds,

*See "Commerce in Explosives," Part 181 of Title 27, Code of Federal Regulations, Internal Revenue Service.

but not to exceed 50 pounds, shall be stored in a wooden box or cabinet having walls of at least one inch nominal thickness.

(g) Not more than 20 pounds of smokeless propellants in containers of 1 pound maximum capacity, shall be displayed in commercial establishments. Commercial stocks of smokeless propellants over 20 pounds and not more than 100 pounds shall be stored in approved wooden boxes having walls of at least 1 inch nominal thickness. Not more than 50 pounds shall be permitted in any one box.

(h) Commercial stocks in quantities not to exceed 750 pounds shall be stored in storage cabinets having wooden walls of at least 1 inch nominal thickness. Not more than 400 pounds shall be permitted in any one cabinet.

(i) Quantities in excess of 750 pounds shall be stored in magazines constructed and located as specified in BCA 7.

BCA 49 Small Arms Ammunition Primers

(a) Small arms ammunition primers shall not be transported or stored except in the original shipping container approved by the Department of Transportation.

(b) Truck or rail transportation of small arms ammunition primers shall be in accordance with the Department of Transportation regulations.

(c) Not more than 25,000 small arms ammunition primers shall be transported in a passenger vehicle.

(d) Not more than 10,000 small arms ammunition primers may be stored in residences.

(e) Not more than 10,000 small arms ammunition primers may be displayed in commercial establishments.

(f) Small arms ammunition primers shall be separated from flammable liquids, flammable solids (as classified by the Department of Transportation) and oxidizing materials by a fire-resistive wall of one hour rating or by a distance of 25 feet.

(g) Quantities of small arms ammunition primers in excess of 1,000,000 shall be stored in magazines in accordance with BCA 7.

BCA 50-55 Reserved for Future Use

APPENDIX

(included as reference material only)

1. Federal Regulations

(a) United States Coast Guard Regulations*

Coast Guard Port Security Regulations (Title 33, Code of Federal Regulations, Parts 6 and 126) require that an owner or operator of a designated waterfront facility obtain a permit from the Captain of the Port before Class A explosives in any amount may be handled, loaded, discharged and transported on or over a waterfront facility. The facility operator is also required to notify the Coast Guard Captain of the Port when the quantities of Class B explosives in excess of one ton, or Class C explosives in excess of 10 tons are present on the facility. These safety measures are pursuant to Executive Order 10173 with its amendments, Regulations Relating to the Safeguarding of Vessels, Harbors, Ports and Waterfront facilities of the United States, enacted on August 9, 1950. Public Law 562 amended Section 4472 of the Revised Statutes (46 USC 170) by adding a new subsection 7(e). This pertinent subsection reads as follows:

“(e) The United States Coast Guard shall issue no permit or authorization for the loading or discharging to or from any vessel at any point or place in the United States, its territories or possessions (not including Panama Canal Zone) of any explosives unless such explosives, for which a permit is required by the regulations promulgated pursuant to this section, are packaged, marked, and labeled in conformity with regulations prescribed by the Department of Transportation under Section 835 of Title 18 of the United States Code, and unless such permit or authorization specifies that the limits as to maximum quantity, isolation and remoteness established by local, municipal, territorial, or State authorities of each port shall not be exceeded. Nothing herein contained shall be deemed to limit or restrict the shipment, transportation, or handling of military explosives by or for the Armed Forces of the United States.”

Approved July 16, 1952

Public Law 562 is applicable only to those explosives for which a permit is required by the Dangerous Cargo Regulations (46CFR-146.20-85, 146.20-87) which requires a permit for those explosives classed as Class A explosives. Code of Federal Regulations: Title 33 (Parts 6, 126) Protection and Security of Vessels, Harbors, and Waterfront Facilities.

Code of Federal Regulations: Title 46 (Subchapter N, Parts 146-147) Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels.

*Available from U.S. Government Printing Office, Washington, D.C.

(b) Interstate Commerce Commission Regulations*

Code of Federal Regulations: Title 49 (Parts 71-78) Transportation of Explosives and Other Dangerous Articles by Land and Water in Rail Freight Services and by Motor Vehicle (Highway).

Code of Federal Regulations: Title 49 (Parts 190-197) Motor Carrier Safety Regulations.

2. References

- (a) Quantity—Distance Limitations on Storage of Commercial Explosives. "American Table of Distances for Storage of Explosives," Institute of Makers of Explosives, Pamphlet No. 2, Revised Edition, November, 1971.
- (b) Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Electric Blasting Caps, Institute of Makers of Explosives, Pamphlet No. 20, March, 1971.
- (c) Fireworks Regulations. Minnesota Statutes Section 624.20.
- (d) "National Electrical Code," National Fire Protection Association, NFPA Volume 5, 1973-74.
- (e) "Blasters' Handbook," E. I. DuPont DeNemours & Company, Inc. Fifteenth Edition — 1969.
- (f) "Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents," Bureau of Mines, U.S. Department of Interior, Information Circular 8179, 1963.
- (g) "Commerce in Explosives," Part 181 of Title 27, Code of Federal Regulations, Internal Revenue Service.

Filed October 15, 1975

*Available from U.S. Government Printing Office, Washington, D.C.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY**DRIVER LICENSE DIVISION****(Supercedes DrivLic 1-25, dated October 5, 1971)****CHAPTER ONE: REQUIREMENTS FOR A TWO-WHEELED
VEHICLE DRIVER'S SAFETY COURSE****DrivLic 1 Purpose**

The purpose of this regulation is to carry out the mandate of the legislature and to effectuate that mandate as set forth in Minnesota Statutes 1971, Section 169.974, Subd. 2, as amended by Laws 1974, Chapter 133, with respect to regulation of curriculum and training required to satisfactorily complete a two-wheeled motor vehicle driver's safety course.

DrivLic 2 Scope

The scope of this regulation is intended to be confined within the framework of and consistent with Minnesota Statutes 1971, Section 169.974, Subd. 2, as amended by Laws 1974, Chapter 133.

DrivLic 4 Approval of Instructors Required

(a) Commercial driver training school instructors must be licensed as provided in Minnesota Statutes 1971, Section 171.35.

(b) Public and non public school instructors must be certified by the Department of Education.

(c) Instructors, as described in (a) and (b) above, must have a motorcycle endorsement on their standard driver license.

DrivLic 5 Driver Training Vehicle Requirements

Each vehicle used for driver training instruction shall comply with Federal and State motor vehicle requirements for the model year of the vehicle.

DrivLic 6 Driver Training Course of Instruction Requirements

(a) The motorcycle course of instruction shall consist of a minimum of

fourteen hours, exclusive of or in addition to course hours taken for applicant preparation for a standard driver license examination. Six of the fourteen hours referred to must be instruction while the student is astride and operating the motorcycle. Machines which simulate motorcycle driving may be used but may not be part of the 6 hours of astride the motorcycle training. In no event shall the six hours of instruction while the student is astride the motorcycle be conducted until the student has a standard driver license. Students wishing to take the motorcycle training course shall enroll for both the classroom and on-the-cycle portions of the course.

(b) The course of instruction shall include but not be limited to the following: history and familiarization with the motorcycle; laws and rules of the road; accident facts and statistics; psychology of motorcycle riding; motorcycle operation; motorcycle maintenance; proper riding habits and protective clothing; skill exercises including starting and stopping on a straight line; low speed right and left turns; travel in a circle at various speeds; figure eight exercises; stopping and starting at crosswalks and intersections; starting and leaving curbs; observance; intersections and corners; and general motorcycle control.

(c) Any school offering motorcycle instruction shall provide classroom and on-the-cycle training. The two portions of the training course may be concurrent or consecutive. Concurrent motorcycle instruction courses may be used only where driving ranges or other off street driving areas are available. The curriculum of instruction must be submitted to and approved by the Commissioner.

DrivLic 7 Certification of Course Completion

Upon satisfactory completion of the classroom phase of the motorcycle safety course and the student's enrollment in the on-the-cycle phase of the course, a certificate of enrollment may be issued by the certifying authority. Upon satisfactory completion of both phases of the training course a certificate of course completion may be issued by the certifying authority. The certificate forms are provided by the Department of Public Safety and must be presented to the Driver License Examiner at the time of application for a motorcycle instruction permit or endorsement. The student may also renew the motorcycle instruction permit, one time only, by presenting the certificate of course completion to the Driver License Examiner.

DrivLic 8-25 Reserved for future use

(March 12, 1975)

DEPARTMENT OF PUBLIC SAFETY DRIVER LICENSE DIVISION

CHAPTER TWO: DRIVER LICENSE VALID WITHOUT PHOTOGRAPH.

DrivLic 26 Purpose and Scope

(a) The purpose of this regulation is to provide for a method of identification on a driver's license in lieu of a photograph for persons with religious objections to being photographed.

(b) The scope of this regulation is intended to be consistent with Minnesota Statutes 1971, Section 171.071.

DrivLic 27 Issuance of Driver License Without Photograph

(a) Any person having religious objections to being photographed and to the use of a photograph as a means of identification may apply to the Director of Motor Vehicle Service for issuance of a driver license valid without photograph.

(b) In order to qualify for a driver license valid without photograph, an applicant must present to the Motor Vehicle Services Director a signed certificate or statement that the taking of a photograph and its use as identification violates the tenets and beliefs of his religion. The certificate or statement must accompany the regular application for driver license or renewal of license.

DrivLic 28 Specifications for Driver License Valid Without Photograph

The driver license issued to qualified applicants having religious objections to the use of a photograph shall be the same as the classified photo license, except, in the space normally occupied by the photograph of the licensee, the following shall appear:

VALID WITHOUT
PHOTO IN
COMPLIANCE WITH
M.S. § 171.071
AND MINN.
REGULATIONS
DrivLic 26-30

DrivLic 29-30 Reserved for Future Use

Filed October 7, 1974.

AR 122
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11 MCAR S 1.4031 Purpose and scope.

A. Purpose. The purpose of 11 MCAR SS 1.4031-1.4038 is to carry out the mandate of the Legislature and to effectuate that mandate as set forth in Minnesota Statutes, sections 171.33 to 171.41 with respect to the regulation and licensing of commercial driver training schools and instructors.

B. Scope. The scope of 11 MCAR SS 1.4031-1.4038 is intended to be confined within the framework of and consistent with Minnesota Statutes, sections 171.33 to 171.41.

11 MCAR S 1.4032 Definitions. For the purposes of 11 MCAR SS 1.4031-1.4038, the terms "commercial driver training school," "instructor," and "commissioner" shall have the same meanings given them in Minnesota Statutes, section 171.33. "Motorcycle," "truck-tractor," "truck," "school bus," "bus," "trailer," "semi-trailer," "driver" and "street or highway" have the respective meanings given them in Minnesota Statutes, section 169.01.

A. Location. "Location" means a designated site at which the business of a commercial driver training school is transacted and its records are kept.

B. Lesson. "Lesson" means a continuous period of time during which instruction is given in the proper operation of a motor vehicle, whether by lecture, tutoring, practice driving or otherwise. A one-hour lesson shall mean one hour of actual instruction.

11 MCAR S 1.4033 Driver training vehicle requirements.

A. Safety standards and equipment; exemptions. Each vehicle used for driver training instruction shall comply with all federal and state motor vehicle safety standards for the model year of the vehicle, and shall have the following equipment:

1. Dual control brakes.
2. Dual control clutch pedal, where applicable.
3. Outside rearview mirror on both sides of the vehicle; in addition a parabolic mirror not less than five inches in diameter on each side of trucks and truck-tractors.
4. Sunvisors for both the driver and the passenger.
5. Windshield washers, wipers, and defroster.
6. Seat belts for each occupant of the vehicle.
7. Tandem drive axles for all truck-tractors and tandem

axles for all semi-trailers.

8. Because of the nature of the vehicle and because the student driver is already an experienced licensed driver, buses, trucks, and truck-tractors are exempt from the requirement of dual control brakes and clutch pedal. Buses are exempt from the seat belt requirement.

B. Vehicle age; exemption. Except as otherwise provided in this paragraph, vehicles used for driver training purposes may not be more than four model years old. Because of the greater cost of the vehicle and the generally accepted procedures for maintenance and reconditioning or rebuilding, buses, trucks and truck-tractors may not be more than ten model years old. Semi-trailers are exempt from the age limitation but must pass the required vehicle inspection.

C. Vehicle list. A list of vehicles used for driver training shall be maintained and filed with the commissioner. It shall be the responsibility of the commercial driver training school to keep the vehicle list current at all times by submitting additions, deletions or revisions to the commissioner within ten days from the date such changes occur. Additional or replacement vehicles may be used for driver training purposes only after complying with E.

D. Marking. While being used for driving instruction, all vehicles must have signs conspicuously displayed on front and rear, with background and letters of contrasting colors stating "Student Driver." On vehicles used for Class C driver training, the lettering shall be at least two but not more than five inches in height. On vehicles used for Class A and Class B driver training, the lettering shall be at least ten inches in height. No other signs or advertising may be displayed without the approval of the commissioner.

E. Inspections. All vehicles used for driver training purposes must pass a vehicle inspection immediately after installation of dual control devices and every 12 months thereafter at a station designated by the commissioner. No new vehicle may be used for driver training until it passes inspection and a completed copy of the inspection form has been filed with the commissioner by the vehicle owner. Additional inspections may be requested by the commissioner. The inspection form must be filed by the vehicle owner within 30 days of the due date or use of the vehicle for driver training discontinued. The license of a commercial driver training school or instructor may be suspended at any time if a vehicle used for driver training purposes is not maintained in a safe operating condition or upon failure to comply with the above inspection requirements.

F. Commercial use. No bus, truck, truck-tractor or semi-trailer shall be used for commercial purposes during the training program unless there is incorporated in the approved driver training curriculum that:

1. A maximum of 50 percent of the total observation hours are to be devoted to commercial purposes;

2. All use for commercial purposes will take place during the last 50 percent of the total training program; and

3. Hazardous materials will not be transported. For the purposes of this paragraph hazardous materials include, but are not limited to, compressed gases and liquids, explosives and flammables, nuclear materials and industrial waste products.

11 MCAR S 1.4034 Driver training instruction requirements.

A. Curriculum. The curriculum of classroom and behind the wheel instruction must be submitted to the commissioner for his approval.

1. Schools offering Class A and Class B driver training must have a concurrent program consisting of at least 40 hours of classroom training, 60 hours of behind the wheel training and 60 hours of observation time for each student who takes training in a Class A vehicle. In addition, the schools may have a program which provides hourly training to increase the proficiency of persons who already know how to operate a Class A vehicle.

2. Bus driver training may not be given in a van or van type vehicle but must be given in a vehicle designed to carry more than 16 passengers and to transport them for compensation.

3. Training to operate a Class A type vehicle may not be given in a pick-up and trailer combination type vehicle but must be given in a vehicle which conforms to 11 MCAR S 1.4033 A.7. whose capacity is no less than 10,000 pounds.

4. Classroom training may be offered a student no more than three hours a day.

5. Behind the wheel training may be offered a student no more than two hours a day.

6. Commercial driver training schools are not subject to the above limitations when providing truck driver training but are limited to a total of eight hours training a day.

7. Class A driver training may not be offered to any student who is not at least 18 years of age and in possession of at least a Class C license. Class B driver training may not be offered to any student who is not at least 16 years of age and in possession of at least a Class C license.

B. Behind the wheel instruction.

1. Instruction may be offered on simulators and driving ranges as part of the curriculum for behind the wheel training.

The ratio of simulation and range time to on-street time and the minimum on-street driving time provided by multi-phase programs shall be consistent with public and private school programs, but there shall be no less than four hours of simulation to one on the street and no less than two hours of range time to one on the street. Total on-street time provided by a four-phase program may not be less than three hours.

2. Instruction shall not be given on actual routes used for state driver license road tests.

3. Instructors shall ensure that seat belts are used at all times by all persons while in the vehicle.

4. Instructors shall ensure that the student is in possession of a valid instruction permit or driver license from the student's home state or country, applicable to the class of vehicle in which instruction is being given.

5. Instructors must accompany applicants appearing for the state driver license road test whenever a driver training vehicle is to be used. The instructor must be employed by the commercial driver training school that owns or leases the vehicle.

6. Instruction may be given only by those instructors in possession of a valid and properly endorsed Minnesota driver license and an instructor's license applicable to the type of vehicle for which instruction is being given.

7. Instructors or commercial driver training schools shall not discourage students from practicing outside the school instruction course when permissible according to law.

8. Except for the training offered in Class A and B vehicles, neither a commercial school nor an instructor may give a student more than 30 hours of behind the wheel training without the written authorization of the commissioner.

C. Instruction of students under 18 years of age.

1. Commercial schools and instructors must provide driver training students under 18 years of age a minimum of 30 hours of approved classroom instruction and a minimum of six hours of behind the wheel instruction.

2. Behind the wheel instruction shall not be given until a written statement certifying satisfactory completion of classroom instruction has been provided to the commercial driver training school by the student. An authorized school operator or instructor may then complete a certificate of enrollment indicating when behind the wheel instruction will begin. The student must present this certificate to the Minnesota driver license examiner when applying for an instruction permit, which must be obtained before commencing behind the wheel instruction.

3. When behind the wheel instruction has been satisfactorily completed, the authorized school operator or instructor shall furnish the student a certificate of completion.

4. If the student is under 16 years of age and fails to continue or successfully complete the driver education course, including behind the wheel instruction, the authorized school operator or instructor shall immediately notify the Minnesota Department of Public Safety, Driver and Vehicle Services Division.

AR 122
11 MCAR S 1.4035 Driver training instructor requirements. An applicant for an instructor license must:

A. Be a resident of Minnesota.

B. Be at least 21 years of age.

C. Have been a licensed driver for three years, have a valid Minnesota driver license and have a satisfactory driving record free from any convictions which could be the basis for the suspension or revocation of an instructor license as set forth in 11 MCAR SS 1.4031-1.4038. The applicant must submit with his application a certified copy of his driving record dated not earlier than 30 days prior to the receipt of the application by the commissioner. The driving record must be free of any suspensions, revocations or cancellations as a result of violations, accidents, failure to show proper insurance or to pay fines or to comply with a department request for the previous five-year period.

D. Have a minimum of 50 clock hours of cycle riding experience to be a motorcycle instructor.

E. Be in good physical and mental health and submit a complete physical examination report on forms provided by the commissioner at the time of initial application and thereafter when requested by the commissioner. The report must be signed by a doctor of medicine licensed to practice in the state of Minnesota and submitted not later than 30 days following the examination.

F. Have normal peripheral vision and visual acuity of not less than 20/40 corrected. Instructors qualifying for classroom instruction are required to meet only those visual requirements necessary to be a licensed driver.

G. Shall not have been convicted of a gross misdemeanor or a felony.

H. Furnish the commissioner with one photograph and authorize an investigation to determine if the applicant has a criminal record.

I. Have a minimum of a high school education or the

equivalent, such as passing the Armed Forces or General Education Development tests.

J. Have satisfactorily completed a 40-hour course of driver and traffic safety education which is approved or supervised by the Minnesota Department of Public Safety. Teachers licensed by the Department of Education may elect to pass an equivalency test. In addition, motorcycle instructors must have had ten hours of approved motorcycle instructor training. Licensed instructors shall be required to complete driver and traffic safety education courses periodically when these courses are approved or supervised by the Minnesota Department of Public Safety. Simulator instructors shall have completed a course in simulation approved by the commissioner as having met standards of the Department of Education.

K. Pass a written and driver training road test which shall be developed and administered by the commissioner through his authorized representative. Such tests shall include: operation of a motor vehicle, traffic laws, road signs, rules and other material pertaining to and affecting the driver, traffic, motor vehicle and methods of teaching. Applicants who fail the road test portion will be reported to the commissioner and may be required to pass the regular Minnesota driver license examination. An applicant who fails on two occasions to pass the driver training instructor examination is not entitled thereafter to take the examination for a period of one year. The commissioner may periodically require licensed instructors to submit to a re-examination, consisting of all, or any part, of the tests specified in this rule, or a review of the instructor's teaching methods and ability while actually giving student instruction.

L. Comply with insurance and safety requirements as set forth in 11 MCAR S 1.4036 A.1. and 2., if he owns or provides the vehicle to be used for the purposes of commercial driver training instruction. In the event said insurance is cancelled, the instructor license certificate shall terminate automatically and must be surrendered to the commissioner within ten days unless the vehicle is immediately removed from the school's approved list as filed with the commissioner and other training vehicle arrangements are made for the instructor wherein all insurance requirements are satisfied. An instructor license terminated under the provisions of this rule will be reinstated in the event the instructor obtains adequate insurance coverage and notifies the Minnesota Department of Public Safety of that fact or when other training vehicle arrangements are verified by the school.

AR 122
11 MCAR S 1.4036 Commercial driver training school requirements.

A. Insurance and safety.

1. The licensee shall file with the commissioner evidence of liability insurance obtained from a company authorized to do

business in the State of Minnesota in the amounts of at least \$100,000 because of bodily injury to, or death of, any one person in any one accident; at least \$300,000 because of bodily injury to, or death of, two or more persons in any one accident; at least \$50,000 because of damage to, or destruction of, property of others in any one accident; at least \$20,000 for medical expenses; and at least the minimum amount of uninsured motorist coverage.

2. The licensee shall furnish evidence of such coverage to the commissioner stipulating that such insurance may not be cancelled or terminated, except upon ten days' prior written notice to the commissioner.

3. If the insurance is cancelled, the school license certificate shall terminate automatically. All vehicles used in the operation of the school may not thereafter be used for school purposes unless the school obtains adequate insurance coverage, notifies the commissioner of the coverage and the commissioner notifies the school in writing that the license has been reinstated. When vehicle insurance is provided by the instructor or lessor and it is cancelled the vehicle must immediately be removed from the school's approved list as filed with the commissioner or the school license certificate will terminate automatically. School certificates terminated under provisions of this paragraph must be surrendered to the commissioner within ten days.

4. The commercial driver training school owner or operator shall secure and submit with the application a continuous surety company bond in the principal sum of \$10,000 for the protection of the contractual rights of students, undertaken by a company authorized to do business in the State of Minnesota. The aggregate liability of the surety for all breaches of the bond shall not exceed the principal sum of \$10,000. The school shall furnish satisfactory evidence of such coverage to the commissioner. The concerned surety company may cancel said bond upon giving 30 days' written notice thereof to the commissioner. The surety company shall be relieved of all liability for any breach of any condition of the bond occurring after the effective date of cancellation.

B. Location of business.

1. No license shall be issued if the place of business or branch office is within 600 feet of any building where any part of the driver license examination is being administered. However, this requirement shall not apply to compel the discontinuance of an established or previously licensed commercial driver training school operating at the same location where business was being conducted before the driver license examination station was established.

2. No license shall be issued for conducting a commercial driver training school where the business is operated from a temporary stand, temporary address, mobile home or travel

trailer, a room or rooms in a hotel or through the exclusive facilities of a telephone answering service.

3. Commercial driver training schools shall be located in a non-residential building. However, this shall not apply to compel the discontinuance of a licensed commercial school not meeting this requirement as of the date of the adoption of this rule. If the school is moved to a new location or enlarged through the establishment of a branch office or if the commercial school is sold, the provisions of any new license issued shall require the licensee to be in conformance with B.

4. Commercial driver training schools offering Class A, Class B, or Class A and Class B training must provide a paved driving range of at least 90,000 square feet. If more than two motor vehicles are to be used on the driving range at any one time for truck driver training, an additional 45,000 square feet of driving range must be provided for each added motor vehicle, but the surface of the additional area need not be paved.

5. A commercial driver training school may not change its location without prior approval of the commissioner.

6. The location must be identified by a permanent, legible sign with the complete name of the commercial driver training school upon it.

7. The location of the school's principal place of business and branch office must have adequate office facilities, equipment and available classrooms of at least 300 square feet to meet the approval of the commissioner.

C. Business records. The following business records must be maintained:

1. Instruction record. A permanently bound book with consecutively numbered pages to record, in ink, for every person given lessons of any kind or any other services relating to classroom or behind the wheel instruction in the operation of a motor vehicle, name, address, date of birth, contract number, and date of first lesson and type of lessons.

2. Contract file. A file containing the original and subsequent contracts or renewal agreements entered into between the school and every person receiving lessons, instruction or other services relating to the operation of a motor vehicle.

3. Vehicle file. A current list of all vehicles used by the school for driver training purposes showing date and location of the most recent inspection.

4. The records described in 1., 2. and 3. shall be maintained in a business-like manner. Corrections shall be made by drawing or striking a single line through the error and making a new entry. Only standard abbreviations are to be used. The records shall be retained for a period of three years

after termination of instruction to the student by the school during which period they shall be subject to the inspection of the commissioner, or his authorized representative, at any time during reasonable business hours. The loss, mutilation or destruction of records which the school is herein required to maintain must be reported immediately to the commissioner by affidavit, stating the date such records were lost, destroyed or mutilated; the circumstances involving such loss, destruction or mutilation; the names of the law enforcement officer or fire department official to whom such loss was reported; and the date of such report.

D. Advertising. Commercial driver training schools shall not:

1. Publish, advertise or intimate that a driver license is guaranteed or assured, nor shall free lessons be advertised.

2. Duplicate or reproduce in whole or in part, for use in advertising or instruction, forms used by the Minnesota Department of Public Safety, Driver and Vehicle Services Division. Licensed commercial driver training schools may use in their advertising or on forms, contracts, and other materials, the phrase "This school is licensed by the state of Minnesota."

3. Use the word "state" in any sign or other medium of advertising, except as permitted in 2.

4. Advertise or intimate that an instructor or commercial driver training school license encompasses licensing by the Minnesota Department of Education.

5. Advertise the address of any location other than the licensed principal place of business or a licensed branch office.

6. Distribute any advertising material within 600 feet of any public or private high school or driver license examination station. This restriction shall not be construed to prohibit commercial driver training school instructors from appearing at driver test locations operated by the Department of Public Safety, Driver and Vehicle Services Division, with students who are scheduled for an examination, in vehicles of the commercial driver training school upon which appear signs or identification which may be required or are authorized in accordance with 11 MCAR SS 1.4031-1.4038.

E. Agreements and contracts.

1. All contracts between schools and students shall be on a form approved by the commissioner.

2. A person shall not be given lessons or any other service relating to instruction in motor vehicle operation unless and until a written contract has been executed between the school and the student.

3. Each school must file and maintain with the commissioner a list of those persons authorized on behalf of the school to execute contracts or renewal agreements, certificates of enrollment and completion. A complete signature record form must be filed with the commissioner for each person authorized to sign the above listed documents for the school.

4. No school shall represent or agree orally, in writing, or as part of an inducement to sign a contract or enroll for lessons to give instruction until a driver license is obtained, to offer premiums or provide discounts if a driver license is not obtained.

5. A contract shall be limited to a maximum of ten hours of behind the wheel instruction, except for Class A or Class B truck driver training courses which are provided for in 6. A contract shall be renewable only by mutual agreement in writing in a manner and form approved by the commissioner. At the expiration of the original contract and each subsequent contract or renewal agreement for behind the wheel instruction the instructor shall evaluate with the student the progress made and determine how much further training, if any, is necessary.

6. A contract for a review course in a Class A or Class B vehicle shall be limited to 20 hours of behind the wheel instruction. Contracts for complete training courses in Class A vehicles shall state that at least 40 hours of classroom training, 60 hours of behind the wheel training and 60 hours of observation time will be provided for each student. The supervisor and the instructor shall evaluate the progress made with each student enrolled in a Class A training course after 40 hours of training, and shall then determine if the student can successfully complete the course. If a determination is made that the student cannot successfully complete the course, the school shall notify the commissioner in writing and may continue training that student only if authorized to do so in writing.

7. Contracts shall not contain the term "No Refund."

F. Conduct with employees of the Minnesota Department of Public Safety. The owner, operator, partner, officer or authorized representative of a commercial driver training school, or any employee of any licensee, shall not influence, or attempt to influence, any decision of any employee of the Minnesota Department of Public Safety with respect to the licensing of any student of the school, or any other person; nor imply to his students or any other person, for any purpose, that he can influence, in any way, driver license examiners, or other employees of the Minnesota Department of Public Safety.

AR 122
11 MCAR S 1.4037 Licensing provisions.

A. Legal requirements. The issuance of all licenses will be subject to the applicant's conformance with Minnesota Statutes, sections 171.33 to 171.41 and all provisions of 11 MCAR SS

1.4031-1.4038.

B. Training school application; duplicate license. Application for a commercial driver training school or instructor license must be made on forms prescribed by the commissioner. All owners, partners, corporate directors or officers shall be named, with their titles, on each school application, which shall be signed by one of the corporate officers. Commercial driver training school applications must be accompanied by a schedule of maximum fees and charges. The schedules of fees and charges may be amended at any time by a licensee, provided that such changes in the fee schedules are filed with the commissioner at least ten days before they become effective. If the school changes location or the license is lost within the licensing year, a duplicate school license may be issued by the commissioner. The fee for issuance of each duplicate school license is \$25.

C. Instructor application; duplicate license. The application for an instructor license must be signed by the commercial driver training school licensee, when applicable, by whom he is employed or to be employed. The license shall be valid only while the instructor is in the employment of such licensee. When the employment of an instructor is terminated with such licensee, the license of the instructor shall be deemed invalid and must be surrendered to the commissioner within ten days. The school shall notify the commissioner in writing within five days of such termination. A duplicate license shall be issued by the commissioner for employment at another licensed school provided the applicant continues to be qualified hereunder. The fee for the issuance of a duplicate instructor license will be \$5.

D. License not transferable. The license of a commercial driver training school shall not be transferable. In the event of a change of ownership, application for a new license shall be required in the same manner as required for original license.

E. Display of license.

1. The license to operate a commercial driver training school shall be displayed in a conspicuous location in the licensee's principal place of business and each branch office.

2. An instructor shall display the instructor's license in the vehicle in which the instructor is instructing while giving instructions and shall produce this license upon request by a peace officer, an authorized representative of the Department of Public Safety or by an officer authorized to enforce the laws relating to the operation of motor vehicles on public streets and highways.

F. Replacement of license. If the instructor license is lost, mutilated or destroyed a duplicate will be issued upon proof of the facts and payment of a \$5 fee and, in the case of mutilation, upon surrender of such mutilated license. Proof

that a license has been lost or destroyed shall be submitted in the form of an affidavit stating the date the license was lost or destroyed and the circumstances involving the loss or destruction of the license.

G. Renewal of license. Applications for renewal of licenses must be submitted to the commissioner at least ten days prior to expiration but will not be accepted more than 30 days prior to the expiration date.

H. Suspension and revocation of license. The license of a commercial driver training school or instructor may be revoked, suspended or a renewal refused under any of the following conditions:

1. Whenever the licensee permitted fraud or engaged in fraudulent practices with reference to his license application or in the operation of the school or the conduct of his employment.

2. Whenever the commercial driver training school or instructor induces or countenances fraud or fraudulent practices on the part of any applicant for a driver license or instruction permit.

3. Whenever a commercial driver training school or an instructor advertises or implies that a driver license or instruction permit is guaranteed upon completion of the course of instruction.

4. Whenever the licensee is convicted of a crime, or of an offense which would be grounds for the revocation, suspension or cancellation of his driver license. Every instructor licensed to teach driver training must maintain a good driving record. Any licensed school operator or instructor who is convicted of a traffic violation or involved in a motor vehicle accident may be required to appear before the commissioner or his designated agent and show cause why such license should not be suspended or revoked. It shall be the duty of the instructor and the owner of the commercial driving school to notify the commissioner and the office of driver clinics and training of all such circumstances. After a hearing the commissioner shall notify the licensee of his decision within 30 days. If the license is suspended or revoked the licensee shall surrender his license to the commissioner within ten days. Failure to notify the commissioner of an accident or of a conviction for a traffic violation shall result in the suspension or revocation of the school's or the instructor's license, or both licenses if applicable and renewal of a license may be denied.

5. Whenever instruction is given to a person who does not have a valid instruction permit or driver license in his or her possession.

6. Whenever a certificate of enrollment or completion is signed by an authorized school operator or instructor and

information on the certificate is false.

7. Whenever there is evidence that intoxicating beverages were present or consumed on the school premises or in its training vehicles.

8. Whenever a student is overcharged, or the student is encouraged to continue indefinite instructions beyond the point the student is capable of passing the driver license examination or it can easily be determined that the student, for one reason or another, could never pass the examination. Any question about the competency of the student or the number of hours of instruction shall be referred in writing to the commissioner or his agent for clarification.

9. Whenever the commercial driver training school or instructor fails to comply with any of the rules established for the operation of commercial driver training schools and the training of students.

10. Whenever the instructor, the school or both fail to keep or are late for appointments repeatedly or without good reason.

11. Whenever the school, the instructor or both delay the start or completion of training.

12. Whenever the school, the instructor or both absent a student from school for training during school hours without school approval.

13. Whenever a school or instructor conducts business in a way that substantially departs from commonly accepted practices as used by other driver training schools and instructors.

I. Fees payable to commissioner. All fees for original, renewal, duplicate and replacement licenses shall be made payable to the Commissioner of Public Safety.

11 MCAR S 1.4038 Exemption.

A. Conditions for limited operations. An applicant for a license to operate a commercial driver training school for behind the wheel instruction only will not be required to conduct classroom instruction or furnish office space, providing the following conditions are met:

1. The commercial driver training school must have been in operation on the effective date of 11 MCAR SS 1.4031-1.4038, but not providing classroom instruction.

2. The applicant complies with all other requirements of 11 MCAR SS 1.4031-1.4038 as they apply to persons engaged in operation of a school conducting driver training instruction for

a fee, or instructing for a fee.

B. New license required. On and after the effective date of 11 MCAR SS 1.4031-1.4038, a licensee exempt under A. from providing classroom instruction and office space may not enlarge the school operations, employ additional instructors, relocate, sell, or make any corporate, business or other operational changes without obtaining a new license and complying with the provisions of 11 MCAR SS 1.4031-1.4038.

CHAPTER FOUR: RULES AND REGULATIONS ESTABLISHING STANDARDS AND ADMINISTRATION OF DRIVER IMPROVEMENT CLINICS UNDER CHAPTER 711, LAWS OF 1965.

DrivLic 41 Purpose and Scope

(a) Purpose. The purpose of this regulation is to carry out the mandate of the legislature and to effectuate that mandate as set forth in the Laws of Minnesota 1965, Chapter 711, with reference to the establishment and conduct of driver improvement clinics for traffic violators as directed by a trial court or the Commissioner of Public Safety, and others who may volunteer to attend.

(b) Scope. The scope of this regulation is intended to be confined within the framework of and consistent with the Laws of Minnesota 1965, Chapter 711.

DrivLic 42 Definitions

(a) Director. The person designated by the Commissioner of Public Safety who shall have the immediate responsibility of the administration of this program.

(b) Administrator. The person designated by the sponsor to administer the local program, to include registration, record keeping and reporting.

(c) Senior Instructor. The person designated by the sponsor to conduct or be responsible for the course of instruction.

(d) Instructor. That person selected by the senior instructor to assist in instruction.

(e) Association of Municipalities. Any association or organization of governmental units in Minnesota or any group of governmental units associated together for the purposes of the Driver Improvement Clinic Program.

(f) Regularly Established Safety Organization. An organization, committee of a Chamber of Commerce or other civic organization, or a safety committee of a community, recognized by the Minnesota Safety Council; also the Department of Public Safety.

(g) Satisfactorily Complete. Attendance at all periods of the particular course offered, in addition to an evaluation acceptable to the referring agency of the attitude and knowledge of the individual as determined by the senior instructor.

DrivLic 43 Method of Application. Any court, municipality, association of municipalities, or regularly established safety organization may make application for approval to operate a driver improvement clinic on such form or forms as determined by the Commissioner of Public Safety. The application shall include the following information plus any other as may be determined by the Commissioner:

(a) Designation of the local clinic administrator.

(b) Designation of the local clinic senior instructor.

(c) Outline of course curriculum.

- (d) Description of facilities provided for the conduct of the course.
- (e) Fees to be charged, and method of financial record keeping.
- (f) The application shall indicate that the immediate traffic trial court of the community has agreed to participate in the driver improvement clinic.

DrivLic 44 Method of Approval

(a) Upon receipt of an application from an authorized court, municipality, association of municipalities, or safety organization under Subd. 1, Section 2, Chapter 711, Minnesota Laws of 1965, for the approval of a driver improvement clinic, the director of the program shall review the information submitted and upon approval, the Commissioner of Public Safety shall issue a certificate of approval.

(b) When the Commissioner of Public Safety has evidence that an approved driver improvement clinic is operated contrary to the rules promulgated by the Commissioner under authority of Chapter 711, Laws of Minnesota 1965, he may notify the sponsoring organization of intent to withdraw that approval; or he may withdraw that approval in writing to the sponsoring organization whereupon the certificate of approval shall be returned.

DrivLic 45 Method of Operation

(a) No driver improvement clinic shall be operated or considered as such for the purposes of Chapter 711, Laws of Minnesota 1965 without a certificate of approval issued by the Commissioner of Public Safety.

(b) The operation of each clinic, including course content, methods of instruction and general conduct of the course, shall be the responsibility of the Senior Instructor as designated by the sponsor and approved by the Commissioner. The Senior Instructor shall be a driver-education instructor so certified by the Minnesota Department of Education, or in the alternative a person who, on the effective date of this regulation, is satisfactorily acting as a senior instructor in driver improvement clinic schools and has been so acting for a period of over two years.

(c) The course of study shall be not less than eight hours and may not exceed a total of nine hours with no single class lasting more than three hours. The course may consist of three sessions of three hours each, or four sessions of two hours each.

(d) The facility for operation, including meeting room, visual aids, location, lighting, and similar teaching conditions shall be approved by the director.

(e) The curriculum of the course shall include periods of instruction on the following subjects:

- (1) orientation and administration
- (2) the accident problem
- (3) highway traffic regulation act
- (4) driver license act
- (5) safety responsibility act

- (6) physics of driving
- (7) driver attitudes and responsibilities
- (8) safe driving practices
- (9) defensive driving

(f) Each Senior Instructor or an instructor designated by him shall attend any workshop set up by the Commissioner of Public Safety to develop curricula, share ideas and discuss methods of improvements of the course of instruction. Attendance at one such workshop within a 12-month period shall be deemed compliance with this requirement.

(g) All phases of operation, including administration, shall conform to Chapter 711, Laws of 1965, and these rules.

(h) Methods of reporting. The administrator of each driver improvement clinic shall keep such records of attendance which will enable him to report to each referring agency the completion or failure to complete the course by each individual enrolled. The administrator of each driver improvement clinic shall keep such financial records and make such reports of the financial condition of each operation for the determination by the Commissioner of Public Safety as to the reasonableness of tuition fees which may not exceed an average cost of the course. The Commissioner of Public Safety shall keep such records as he may determine as necessary for statistical, evaluation, and accident prevention purposes.

DrivLic 46-50 Reserved for Future Use

(Transferred to Dept. of Public Safety from Dept. of Highways, Chapter 1129, Laws of 1969.)

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11 MCAR S 1.4051 Purpose.

The purpose of these rules is to implement and provide effective administration of the provisions requiring and governing termination of a plan of reparation security as required by Minnesota Statutes, chapter 65B (1979 Supplement).

11 MCAR S 1.4052 Scope.

The scope of these rules is intended to be consistent with the provisions of Minnesota Statutes, section 65B.68 (1979 Supplement).

11 MCAR S 1.4053 Definitions.

For the purposes of these rules, the following terms shall have the meanings ascribed to them:

A. Commissioner. The commissioner of the Minnesota Department of Public Safety.

B. Owner. A person other than a lienholder or secured party who owns or holds legal title to a motor vehicle or motorcycle, or in the event that a motor vehicle or motorcycle is the subject of a security agreement or lease, having an initial term of six months or longer with option to purchase and the debtor or lessee is entitled to the immediate use or possession of the motor vehicle or motorcycle, then the debtor or lessee shall be deemed the owner.

C. Insurance Policy. A plan of reparation security as required by Minnesota Statutes, chapter 65B (1979 Supplement).

D. Reparation Obligor. An insurer or self-insurer as defined by Minnesota Statutes, section 65B.43.

11 MCAR S 1.4054 Every owner when applying for registration, reregistration, or transfer of ownership shall supply any information the commissioner reasonably requires to determine that the motor vehicle or motorcycle is covered by a plan of reparation security. Such information shall include but is not limited to the name and address of the owner, the name of the reparation obligor, the insurance policy number, and any other data the commissioner requires. In lieu of the information regarding reparation security, the owner may submit an affidavit, in a form prescribed by the commissioner, that the motor vehicle or motorcycle will not be used or operated.

11 MCAR S 1.4055 The owner shall provide such information as required by provisions of 11 MCAR S 1.4054 when the records of the department indicate that a required insurance policy is not

in effect or as circumstances indicate such information is necessary.

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11 MCAR S 1.4056 All reparation obligors shall comply with all written requests from the department to furnish information concerning the effective dates of an insurance policy.

11 MCAR S 1.4061 If department records indicate that any owner has ceased to maintain a required insurance policy, the commissioner shall suspend the registration certificate and license plates for the motor vehicle or motorcycle and may demand their immediate surrender by the owner. The commissioner may direct any peace officer to serve an order of suspension or revocation and secure any registration certificate and license plates not surrendered.

11 MCAR S 1.4062 Upon certification that the motor vehicle or motorcycle is covered by an insurance policy and application and payment of all applicable fees, the commissioner may issue a replacement registration certificate and license plates to the owner of a motor vehicle or motorcycle for which the registration certificate and license plates have been suspended.

Department of Public Safety
Driver and Vehicle Services Division

Chapter Seven: 11 MCAR §§ 1.4071-1.4076 Standards for reimbursing the counties for each presentence investigation conducted.

11 MCAR § 1.4071 Purpose and scope.

A. Purpose. The purpose of this rule is to carry out the mandate of the legislature as set forth in Minn. Stat. § 169.124 (1976), with reference to the promulgation of rules and standards for reimbursement to the counties.

B. Scope. The scope of this rule is intended to be confined within the framework and consistent with Minn. Stat. § 169.124 (1976).

11 MCAR § 1.4072 Definitions.

A. "Commissioner." The Commissioner of Public Safety.

B. "Presentence Investigation." An evaluation of the convicted defendant concerning his prior traffic records, characteristics and history of alcohol problems, and amenability to rehabilitation through the alcohol safety program.

C. "Department." The Department of Public Safety.

11 MCAR § 1.4073 Method of reporting. Any county conducting presentence investigations as required by Minn. Stat. § 169.124 shall be eligible for reimbursement by submitting reports of the investigation in the following manner:

A. A copy of the Report of Presentence Investigation DPS 36017 (5-77) shall be the only acceptable basis for reimbursement.

B. The report shall be accompanied by the notice of conviction when submitted to this office. Where a uniform traffic citation is used the certificate of conviction shall be attached to the report.

11 MCAR § 1.4074 Required elements of the report.

A. A clear indication that the investigation included consideration of the following items specified in Minn. Stat. § 169.124:

1. An evaluation of the defendant concerning prior traffic record.
2. Characteristics and history of alcohol problems.
3. Amenability to rehabilitation through alcohol safety programs.
4. A recommendation as to a treatment or rehabilitation program.

B. The full name, date of birth and driver license number of the convicted defendant who is the subject of the presentence investigation.

C. The name of the county in which the presentence investigation was held.

D. The date on which the presentence investigation was held.

E. The date of the offense which necessitated the presentence investigation.

F. The blood alcohol concentration at the time of arrest if available.

G. An indication of whether or not the defendant may have a drinking problem.

H. The final disposition of the case.

I. The name of the court designated agency conducting the presentence investigation.

11 MCAR § 1.4075 Reimbursement claims.

A. Claims for reimbursement for presentence investigations shall be made on forms provided by the department.

B. All claims must be submitted within 10 days after the end of the fiscal year.

11 MCAR § 1.4076 Effective date. *These rules are effective April 1, 1977.*

Department of Public Safety
Driver and Vehicle Services Division

Chapter Eight: 11 MCAR §§ 1.4081-1.4091 Standards for administration of driver licensing laws pertaining to alcohol-related revocations.

11 MCAR § 1.4081 Purpose and scope.

A. The purpose of these rules is to establish standards for effective administration of the driver licensing laws governing the revocation of license and related suspension periods, issuance of limited licenses, reinstatement of driving privileges and other actions taken with respect to alcohol-related or controlled-substance-related incidents under Minn. Stat. § 169.121, § 169.123 and other related statutes, pursuant to Minn. Stat. § 169.128 (Laws of 1978 ch. 727, section 8).

B. The scope of these rules is intended to be confined within the framework of and consistent with the provisions of Minn. Stat. ch. 169 and ch. 171.

11 MCAR § 1.4082 D.W.I. revocations.

A. Where there has been a conviction under Minn. Stat. § 169.121, § 169.129 or § 171.245, the license shall be revoked, and suspended for a period of time as indicated below, under authority of Minn. Stat. § 169.121 or § 171.17:

1. First offense. Revoked and suspended until 30 days after surrender of the license certificate to the commissioner.

2. Second offense within three years. Revoked and suspended until 90 days after surrender of the license certificate to the commissioner.

3. Third or subsequent offense within five years. Revoked and suspended until one year after surrender of the license certificate to the commissioner; and also denied under authority of Minn. Stat. § 171.04(8) until such time as the person demonstrates rehabilitation to the commissioner's satisfaction.

a. The first time, evidence of rehabilitation shall include not less than six months of total abstinence verified as may be prescribed by the commissioner, and successful completion of a chemical dependency treatment program acceptable to the commissioner or such alternative evidence as may be approved by the commissioner in the individual case, before any license or limited license is issued.

b. If a person has filed evidence of rehabilitation once and has resumed the use of alcohol or controlled substance, the required evidence of

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rehabilitation shall be as indicated in *a.* above, except that one year of verified total abstinence shall be required before any license or limited license is issued.

c. In any subsequent situation, rehabilitation shall be established as prescribed by the commissioner on a case-by-case basis.

d. Nothing in this rule shall be deemed to preclude the exercise of the commissioner's discretionary authority under Minn. Stat. § 171.04(8) in such other cases as may be appropriate under the circumstances.

4. Third offense on record in more than five years. The license shall be revoked and the matter referred to the chief driver evaluator for special review and a determination as to whatever additional action may be appropriate.

5. Fourth or subsequent offense on record. The license shall be revoked and suspended until one year after surrender of the license certificate to the commissioner; and also denied under Minn. Stat. § 171.04(8) until such time as rehabilitation has been established in accordance with paragraph 3, above.

B. Additional suspension time in certain cases:

1. If the offense involved an accident resulting in great bodily harm, an additional 60 days of suspension time shall be imposed and added to the basic period set forth above, subject to a maximum period of one year. For the purposes of this rule, "great bodily harm" as defined in Minn. Stat. § 609.02, subd. 8, means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

2. If the offense results in death to another person, an additional five months shall be added to the basic period set forth above, subject to a maximum period of one year. For the purposes of this rule, the presence of an accident report or other sufficient evidence in the files of the department of public safety shall be deemed sufficient to make this paragraph applicable.

3. If the person has had a prior suspension or revocation on the record within five years, the suspension period imposed on the last prior suspension or revocation may be added to the basic period set forth above, subject to a maximum period of one year.

11 MCAR § 1.4083 Court-issued revocation notice form.

A. When issued. Where a person is convicted of violating Minn. Stat. § 169.121, the court will serve notice of the coming revocation upon the person, under authority of Minn. Stat. § 169.121, subd. 7. Where a revocation proposed under Minn. Stat. § 169.123, has been sustained by the court, the

court will likewise serve notice of the coming revocation upon the person, under authority of Minn. Stat. § 169.123, subd. 6. This notice shall be given by use of a form prescribed by the commissioner.

B. Contents of notice form. While the wording and format of the notice form shall be subject to revision from time to time, the notice form shall contain the following:

1. Space in which to fill in the date on which the notice form is issued.
2. Space to fill in the first, middle and last name of the person; the person's current residential address, including city, state and ZIP Code; date of birth; driver license number, traffic ticket or case number; the person's height and weight; the class of license certificate held; and the restrictions listed on the license, if any.
3. A notice of revocation. Separate boxes to indicate whether the revocation is made under Minn. Stat. § 169.121 or 169.123. The notice of revocation under Minn. Stat. § 169.123 shall indicate that the revocation will take effect 30 days from the date on which the notice form is issued, and may contain boxes to indicate whether the revocation is for six months for refusing testing or for ninety days for failing the test.
4. An order of revocation. The form shall advise that upon the expiration of either ten or thirty days as indicated in paragraph 3, the same form shall be the actual revocation order. The form also shall advise that if proof of filing an appeal has been filed with the commissioner within the time specified, the revocation will be postponed until a final determination is made adverse to the person.
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4091 5. The form shall advise that the court is required to take all license certificates in the person's possession, but that if the person has a valid license, the court may issue a temporary license effective for either the ten-day or 30-day periods indicated in paragraph 3.
6. A temporary license. The entire form shall be valid as a temporary license, and a temporary license portion of the form shall indicate whether the temporary license is valid for ten days or thirty days. A space shall be provided for the court to indicate that no temporary license has been issued because the person did not have a valid license.
7. An affidavit for lost license. The form shall include space for a person to sign a statement that the license has been lost or destroyed for use in cases where the driver is unable to surrender the license.
8. Space for the signature of the issuing judge of county court or municipal court, together with the date of issuance.
9. Any additional information the commissioner may deem appropriate.

C. Forwarding to the commissioner. The issuing court shall forward the department's copy of the notice of revocation form to the commissioner within five days, together with any license certificate or certificates surrendered by the licensee.

11 MCAR § 1.4084 Departmental temporary license form.

A. When issued. In cases where a person has filed with the commissioner proof that a timely appeal has been filed from a conviction on a charge of violating Minn. Stat. § 169.121, upon application by the person a temporary license may be issued unless the driving privileges of that person are already suspended, revoked, cancelled or denied. In cases where the person has filed with the commissioner proof that a timely appeal has been filed from an order sustaining a proposed revocation under Minn. Stat. § 169.123, a temporary license may be similarly issued.

B. Contents of temporary license form. While the wording and format of the temporary license form shall be subject to revision from time to time, the form shall contain the following:

1. A serial number and space for the date of issuance.
2. Full name and address of the person, including residential address, city, state and ZIP Code.
3. Driver license number and date of birth.
4. Height and weight.
5. Restrictions, if any.
6. Traffic ticket number or case number of the matter during pendency of which the temporary license is issued.
7. Space for the signature of the driver evaluator issuing the temporary license.
8. A notice that it is valid for a period of 180 days or until the related judicial proceeding has been decided, whichever comes first.

C. Renewal of temporary license. In the event that the related judicial proceeding is not concluded within 180 days, additional temporary licenses may be issued upon application.

11 MCAR § 1.4085 Police-issued revocation notice form.

A. When issued. Where a person has refused to submit to testing when required to do so by a peace officer pursuant to Minnesota Statutes, section 169.123, or when the person has submitted to a test which has disclosed an alcohol concentration of .10 percent or more, the peace officer shall serve notice upon the person, as authorized by Minnesota Statutes, section 169.123, subdivision 5a of the proposed revocation under authority of Minnesota Statutes, section 169.123.

B. Contents of notice form. While the wording and format of the notice form shall be subject to revision from time to time, the notice form shall contain the following:

1. Date of issuance and name of law enforcement agency issuing the notice.

2. Traffic ticket or case number and the name of the court in which the related traffic charges, if any, are pending.

3. Full name and date of birth.

4. Driver license number, height and weight.

5. Full address, including residential address, city, state and ZIP Code.

6. Notice of proposed revocation under Minn. Stat. § 169.123. The notice portion of the form shall indicate whether the proposed revocation is to be for six months for refusing testing or 90 days for failing the test; and advise that the revocation will take effect 30 days after the date of issuance unless there has been a prior demand for hearing.

7. Information as to how a hearing must be requested.

8. An order of revocation. The form shall advise that if there has been no receipt of a request for hearing within the 30-day period indicated in paragraph 6, the same form will constitute a revocation order, and that if there has been a timely request for hearing, the revocation will be postponed until a final judicial determination is made adverse to the person.

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9. The form shall inform the person that the peace officer is required to take all license certificates in the person's possession and, if the person has a valid license, to issue a temporary license effective for the 30 day period indicated in paragraph 6.

10. A temporary license. The entire form shall be valid as a temporary license, and shall indicate what class license the person holds, as well as all restrictions noted on the license. A space shall be provided for the peace officer to indicate that no temporary license has been issued because the person did not have a valid license.

11. An affidavit for lost license. The form shall include space for a person to sign a statement that the license has been lost or destroyed, for use in cases where the driver is unable to surrender the license.

12. Space for the signature of the peace officer issuing the notice of revocation form, together with the business telephone number of the peace officer.

13. Any additional information which the commissioner may deem appropriate.

C. Forwarding to the commissioner. The issuing peace officer shall forward the department's copy of the notice of revocation form to the commissioner on the same or next business day, together with any license certificate or certificates surrendered by the person, copies of the implied Consent Law Peace Officer's Certificate and other reports pertaining to the incident.

11 MCAR § 1.4086 Departmental notice of proposed revocation.

A. When issued. In cases where a peace officer has not served notice of a proposed revocation as provided in 11 MCAR § 1.4085, the commissioner shall give notice of the proposed revocation of the person's driving privileges under authority of Minn. Stat. § 169.123, upon receipt of an Implied Consent Law Peace Officer's Certificate indicating that the person is subject to the sanction of the law.

B. Contents of notice. The notice shall advise the person whether the proposed revocation is for six months for refusing to submit to testing or for 90 days for failing the test. It shall advise the person that the revocation order will take effect thirty days after delivery of the notice of proposed revocation unless the person has filed a written request with the commissioner within that period. It shall advise the person as to the procedure for demanding a hearing, and may contain such additional information as the commissioner may deem advisable. The wording and format of the notice shall be subject to revision from time to time.

C. How given. The notice of proposed revocation shall be sent by certified mail to the last known address. If returned as undeliverable for any reason, notice shall be sent by first class mail to the last known address, and shall be deemed to have been delivered on the third day after mailing.

11 MCAR § 1.4087 Hearing requests - timelines. A demand for hearing under Minn. Stat. § 169.123 shall not be considered timely unless actually delivered to the commissioner and received by him within 30 days after notice of the proposed revocation has been given as provided by 11 MCAR §§ 1.4085 or 1.4086.

11 MCAR § 1.4088 Notice to other states.

A. When issued. In cases where the driving privileges of a non-resident are revoked under authority of Minn. Stat. §§ 169.121, 169.123 or 171.17, the commissioner shall forward a report of the action taken to the licensing authority of the non-resident's home jurisdiction and of any other state in which the person is known to hold a license.

11 MCAR § 1.4089 Limited licenses.

A. When issued. In cases where a peace officer has not served notice of a proposed revocation as provided in 11 MCAR § 1.4085, the commissioner shall give notice of the proposed revocation of the person's driving privileges under authority of Minnesota Statutes, section 169.123, upon receipt of an Implied Consent Law Peace Officer's Certificate indicating that the person is subject to the sanctions of the statute.

B. Revocations under Minn. Stat. § 169.123.

1. Limited licenses may be issued to qualified applicants under authority of Minn. Stat. § 169.123, subd. 9. Such licenses may be issued for employment purposes and for chemical dependency treatment or counseling programs as indicated in paragraph A. In addition, other types of driving may be authorized upon approval of the chief driver evaluator. Before a limited license may be issued the person must complete an alcohol problem assessment interview, either through the court or the department; must pass the complete driver license examination; and must make application for a new license, paying the fee required for the class of license involved. A re-examination fee will not be required.

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2. If the revocation relates to the third or subsequent violation within five years, no limited license may be issued. All driving privileges shall be denied under authority of Minnesota Statutes, section 171.04, clause (8) until such time as rehabilitation has been established as provided in 11 MCAR S 1.4082.

3. If the revocation relates to the fourth or subsequent violation on the licensee's record, no limited license may be issued. All driving privileges shall be denied under authority of Minn. Stat. § 171.04 (8) until such time as rehabilitation has been established as provided in 11 MCAR § 1.4082.

11 MCAR § 1.4090 Early reinstatement. Any person applying for early reinstatement pursuant to Minn. Stat. § 169.123, subd. 10, must provide written documentation satisfactory to the commissioner that the treatment or counseling program was recommended by the counselor conducting the alcohol problem assessment interview, and that the person has successfully completed the program.

11 MCAR § 1.4091 Effective date. These rules are effective October 2, 1978.

Chapter Nine:

Standards for Administration of Driver License Laws
Pertaining to Physical or Mental Qualifications

11 MCAR S 1.4092 Purpose and scope.

A. Purpose. This chapter sets out general standards for effective administration of the driver licensing statutes relating to the issuance, restriction or denial of driving privileges with respect to persons having physical or mental disabilities under Minnesota Statutes, sections 171.04; 171.13 and 171.14.

B. Scope. These rules are intended to be confined within the framework of, and consistent with, the provisions of chapter 171 of Minnesota Statutes.

C. Definitions. When used in these rules, the following phrase shall have the following meaning: "Good cause to believe" means grounds put forth in good faith which are not arbitrary, irrational, unreasonable or irrelevant and which are based on at least one of the following sources:

1. Written information from an identified person;
2. Facts supplied by the driver or applicant;
3. Facts of which the commissioner or his employees or agents have personal knowledge.

11 MCAR S 1.4093 Vision.

A. General. Every applicant shall submit to a vision screening or examination. The screening device, designed to screen 20/40 or better corrected vision, shall be of a type accepted by the American Medical Association. The purpose of the vision screening is:

1. To screen each applicant to guarantee that those individuals with substandard vision are required to take the necessary steps required to achieve the best vision possible.
2. To deny driving privileges to those whose vision is likely to interfere with the safe operation of motor vehicles in traffic.

B. Corrective lenses not required. Except as otherwise provided herein, no corrective lenses will be required where the applicant:

1. Scores 20/40 or better, with either one or both eyes, without corrective lenses;

2. Has one eye, but scores 20/40 or better, without corrective lenses; or

3. Has the recommendation of an eye specialist that corrective lenses not be worn. In these cases, the commissioner shall either require the applicant to be examined further, or impose suitable restrictions upon his driving privileges or both.

C. Corrective lens requirement. Corrective lenses shall be required in all cases when:

1. The applicant scores less than 20/40 with both eyes unassisted but scores 20/40 or better with corrective lenses;

2. The applicant submits a physician's statement, in a form as may be prescribed by the commissioner, indicating that the applicant scores 20/40 or better with either eye, or both eyes together, but where the physician recommends that the applicant wear corrective lenses; or

3. The applicant is blind in one eye and scores less than 20/40 with the other eye unassisted, but scores 20/40 or better with corrective lenses.

D. Vision examinations. Any applicant shall be required to submit a vision report from a physician in a form as prescribed by the commissioner when:

1. The applicant disagrees with the results of the screening conducted by any driver examiner;

2. The applicant has cataracts;

3. The driver examiner is unable to determine the extent of the applicant's vision;

4. Any court or police officer has recommended that the applicant's vision be examined;

5. The commissioner determines, in some other situation, when he has good cause to believe that an examination is warranted;

6. The applicant has strabismus; or

7. The applicant has double vision.

E. Vision restricted licenses. Applicants who score 20/50 or less corrected vision with either one usable eye or with two eyes shall, if otherwise eligible, be issued a restricted license to permit driving subject to the following restrictions:

1. Speed restrictions

20/50	---	55 miles per hour
20/60	---	50 miles per hour

20/70

45 miles per hour

When the applicant scores 20/80 to 20/100 corrected vision, the application will be referred to the Chief Evaluator who shall determine whether a restricted license can be issued and the kinds of restrictions which are necessary to ensure that the applicant does not pose an unreasonable safety risk to himself or others. When the applicant scores 20/100 or less corrected vision, or is known to be receiving assistance for the blind, all privileges shall be denied and any existing license cancelled under authority of Minnesota Statutes, sections 171.14 and 171.04, clause (9).

2. Restriction as to type of road. Any applicant subject to speed restrictions under paragraph E.1. may also be restricted to those roads having a maximum speed limit equal to the maximum speed limit imposed upon the applicant, if the commissioner determines that the restriction is necessary for the safety of the applicant and the public. Any person limited to a maximum speed of 45 m.p.h. or less shall be restricted from driving on any freeway, expressway, or limited access highway with a speed limit of more than 45 m.p.h.

3. Area restrictions. Any applicant who scores 20/50 or less corrected vision with both eyes may be restricted to driving within an area to be determined by the commissioner, if the commissioner determines that the restriction is necessary for the safety of the applicant and the public.

F. Other situations. Any vision readings or problems not covered by the above general standards shall be referred to the chief evaluator, who shall determine whether a restricted license can be issued and the kinds of restrictions which are necessary to ensure that the applicant does not pose an unreasonable safety risk to himself or others.

11 MCAR S 1.4094 Loss of consciousness or voluntary control.

A. General. This rule applies to all drivers and applicants for driving privileges who suffer from any paroxysmal disturbances of consciousness, including, but not limited to, epilepsy. Any person suffering from syncope of any cause, as well as any other type of periodic or episodic loss of consciousness or voluntary control, is included. This rule applies regardless of whether the driver or applicant has an "aura" or warning of imminent seizure or attack or whether the driver or applicant has only had nocturnal attacks, and no exceptions shall be made for such drivers or applicants.

B. Physician's report. When the commissioner has good cause to believe that a driver or applicant suffers from any of the periods of unconsciousness mentioned in A. above, a physician's report in such form as the commissioner may prescribe shall be required within 30 days or within such reasonable time that the person may require to obtain the report from the physician.

This report shall include a sworn statement from the driver or applicant as to the date of his last period of unconsciousness.

C. Criteria for cancellation. If this report is not filed, or, if upon review of the doctor's report the commissioner finds that the individual has suffered from periods of unconsciousness, with the last period of unconsciousness occurring within the last 12 months, all driving privileges shall be cancelled under the authority of Minnesota Statutes, section 171.14 and denied under authority of Minnesota Statutes, section 171.04, clause (9). The person shall not be issued any driving privileges until the commissioner finds that the person is competent to drive safely.

D. Criteria for reinstatement. For reinstatement the commissioner shall require a satisfactory doctor's report and a satisfactory sworn statement from the person stating the date of the last period of unconsciousness and that it occurred at least 12 months previously.

E. Review of driver's condition. Except as otherwise provided below, any driver suffering from medical conditions subject to this rule shall be required to submit an annual physician's statement in the form prescribed by the commissioner, with respect to his medical history, present situation, and the prognosis with respect to the applicant's ability to operate a motor vehicle with safety to himself and others.

1. When the commissioner has good cause to doubt the stability of the driver's condition, the commissioner shall require physician's statements every six months, or at such shorter intervals as recommended by the reporting physician.

2. After three successive annual physician's statements indicating no episodes of loss of voluntary control, while on medication, the commissioner shall require a physician's report every four years, unless the physician recommends more frequent reports.

3. When the physician's statement indicates that an episode of loss of voluntary control resulted from a change or removal of medication on the physician's orders, the commissioner will not cancel the privilege to drive. However, a physician's statement shall be required every six months until the person has been episode-free for not less than one year.

4. When the physician reports that there has been only one such episode, the procedure shall be as indicated in 3.

11 MCAR S 1.4095 Diabetes.

A. General. When the commissioner has good cause to believe that a driver or applicant has diabetes, or has experienced a loss of voluntary control due to either insulin reaction or

acidosis, a physician's report shall be required within 30 days or within such reasonable time that the person may require to obtain the report from the physician. If the physician's statement is not filed, or, if upon review of the report from the physician the commissioner finds that a person cannot drive safely, all driving privileges shall be cancelled under authority of Minnesota Statutes, section 171.14 and denied under authority of Minnesota Statutes, section 171.04, clause (9). The person shall not be issued any driving privileges until the commissioner finds that the person is competent to drive safely. For reinstatement, the commissioner shall require a satisfactory physician's report, demonstrating the individual is competent to drive safely.

B. Insulin control. When the driver or applicant uses insulin to control diabetes, a physician's statement shall be required annually in the form prescribed by the commissioner. If the person remains free of episodes of loss of voluntary control due to insulin reaction or acidosis, for a period of five years, the physician's report shall be required every two years, unless the physician recommends more frequent reports. If the person remains episode-free for three of these two-year review periods, the physician's report shall be required every four years unless the physician recommends more frequent reports. If there is an episode of loss of voluntary control, the physician's report shall be required every six months, until the person has been episode-free for one year.

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11 MCAR S 1.4096 Mental illness or deficiency.

A. For the purposes of this section, good cause to believe exists only if the commissioner has:

1. Information that a person has operated a vehicle in an unsafe manner, or
2. Information that a person lacks judgment and coordination to safely operate a vehicle based on competent medical authority, or
3. Facts supplied by the driver or applicant.

B. When the commissioner has good cause to believe that a person is mentally ill, incompetent or deficient, and that the mental illness, incompetency or deficiency will affect the person in a manner to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating it upon the highways, a physician's statement, in such form as the commissioner may prescribe, shall be required within 30 days or in such reasonable time that a person may require to obtain a physician's statement. If the physician's statement is not filed, or, if upon review of the report from the physician the commissioner finds that a person cannot drive safely, all driving privileges shall be cancelled under authority of Minnesota Statutes, section 171.14 and denied under authority of

Minnesota Statutes, section 171.04, clause (5) or (9). The person shall not be issued any driving privileges until the commissioner finds that the person is competent to drive safely.

C. For reinstatement, the commissioner shall require a satisfactory statement from any institution in which the person has been treated, from any treating physician, or from any competent authority demonstrating that the individual is competent to drive safely.

11 MCAR S 1.4097 Miscellaneous physical or mental conditions.

A. When the commissioner has good cause to believe that any of the situations listed in B. exist, and would adversely affect the driver's or applicant's ability to drive safely, a physician's statement in such form as the commissioner may prescribe, shall be required within 30 days, or in such reasonable time that a person may require to obtain a physician's statement. If the physician's statement is not filed, or, if upon review of the statement the commissioner finds that the person cannot drive safely, all driving privileges shall be cancelled under authority of Minnesota Statutes, section 171.13, subdivision 4, or Minnesota Statutes, section 171.14 and denied under authority of Minnesota Statutes, section 171.04, clause (9). The person shall not be issued any driving privileges until the commissioner finds that the person is competent to drive safely.

B. Situations covered by paragraph A. are:

1. Use of any medication, whether or not prescribed.
2. Any disease that raises reasonable doubts as to the person's ability to drive safely.
3. Use of alcohol or controlled substances.
4. Lack of physical control, such as that manifested by fainting or dizzy spells, blackouts or periods of unconsciousness.
5. Lack of physical endurance, such as that manifested by a person subject to fatigue, exhaustion, nervous tension, or adverse reaction to monotony.
6. Abnormal reflexes, such as those manifested by persons suffering from cerebral palsy, multiple sclerosis, Parkinson's disease, or similar conditions.

C. When the commissioner has good cause to doubt the adequacy of the driver's or applicant's ability to safely operate a vehicle under the conditions listed in D., a driver's license examination shall be required within 30 days or within such reasonable time that a person may need to obtain a driver's test. If the driver's test is not satisfactorily completed

within 30 days, or in such reasonable time as the person may require to obtain an examination, all driving privileges shall be cancelled under the authority of Minnesota Statutes, section 171.13 and denied under the authority of Minnesota Statutes, section 171.04. For reinstatement, the commissioner shall require proof of satisfactory completion of the driver's test.

D. Conditions covered by C. are:

1. Driving procedures;
2. Judgment of space, time and motion;
3. Physical strength to operate a vehicle's controls;
4. Physical condition to operate a vehicle.

11 MCAR S 1.4098 Other restricted licenses.

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A. Issuance. When a person has failed, after three attempts, to pass the driver's license examination, but can establish a genuine need to be able to drive, he may apply for a restricted license. All such applications shall be referred to the Chief Driver Evaluator. The applicant must undergo examination by an examining supervisor, who shall determine the risk involved, and forward his/her written recommendations, including, when applicable, suggested basic restrictions, to the chief driver examiner for forwarding to the chief driver evaluator. The chief driver evaluator shall review the entire record and determine whether any driving privileges may be authorized.

B. Cancellation. Any restricted licenses issued shall be subject to cancellation whenever the commissioner determines that the person has violated the restrictions imposed. The commissioner may notify local law enforcement agencies of the issuance of any special restricted license and of the restrictions involved. Any report of a violation of the restrictions shall be referred to the chief driver evaluator for consideration. Any conviction indicating a violation of the restrictions shall result in cancellation. After cancellation no driving privileges may be allowed until the commissioner determines that the licensee can be trusted to operate within the restrictions imposed. Any reinstatement may be conditioned upon compliance with additional restrictions for such period as the commissioner may direct.

11 MCAR S 1.4099 Medical review board.

A. Composition. A medical review board shall be established for each of the various general types of physical and mental qualifications dealt with by these rules. Each medical review board shall consist of one or more licensed physicians nominated by the state medical association. The physicians shall

preferably be specialists in the area to which the problem relates.

B. Variance.

1. When a person disagrees with the determination of the commissioner, he may apply, in writing, for a variance from 11 MCAR SS 1.4092-1.4098.

2. A variance from statutory standards shall not be granted. A variance, other than from statutory standards, shall be granted to any person who establishes, under the individual circumstances in that person's case, that the person can operate a motor vehicle safely, with reasonable and ordinary control, and without posing a danger inimical to public safety or welfare.

3. Any applicant applying for a variance shall have his treating physician or physicians provide the commissioner with a complete medical history relating to the condition in question, together with good medical reasons why a variance should be granted. The commissioner shall then forward to the appropriate medical review board all information submitted by the applicant together with the commissioner's records relating to the matter. Each physician on the review board shall review the file and make his recommendation to the chairman of the review board, who shall communicate the recommendation of the board, whether unanimous or divided, to the commissioner.

4. Upon receipt of the recommendation of the review board, the commissioner shall reconsider the application, take whatever action he then deems appropriate, and inform the driver or the applicant of his decision and of the reasons for the decision. This decision shall be reached and the applicant informed of the decision within 60 days of the request for a variance.

DEPARTMENT OF PUBLIC SAFETY
STATE FIRE MARSHAL DIVISION

Chapter Five: Flame Resistance Standards for Tents and Sleeping Bags.

§ 1.5060 Purpose and scope.

A. The purpose of these rules is to adopt minimum flame resistance standards and to establish certification and labeling requirements for camping tents, sleeping bags, and public assembly tents.

B. It is the intent of these rules to provide tests to determine whether all component fabric or fabrics are comparatively difficult to ignite and whether it is comparatively difficult to propagate flame beyond the area exposed to the source of ignition.

C. These rules are enacted pursuant to Laws of 1975, ch. 341 (Minn. Stat. §§ 325.331-325.335 (1975)).

§ 1.5061 Camping tents. The standard for flame resistance of camping tents shall be the Camping Products Association International Standard C.P.A.I. - 84, 1975 edition, and is hereby incorporated by reference and made part of Minnesota rules.

§ 1.5062 Sleeping bags. The standard for flame resistance of sleeping bags shall be the Camping Products Association International Standard C.P.A.I. - 75, 1976 edition, and is hereby incorporated by reference and made part of Minnesota rules.

§ 1.5063 Public assembly tents. The standard for flame resistance of public assembly tents shall be the small scale test requirements of National Fire Protection Association Standard N.F.P.A. No. 701, Flame Resistant Textiles, Films, 1975, adopted by N.F.P.A. at its annual meeting on May 15, 1975. The following sections of N.F.P.A. No. 701 apply to small scale test requirements and are hereby incorporated by reference and made part of Minnesota rules:

Test Apparatus and Materials

- 2-1 Pre-Conditioning Oven
- 2-2 Small Scale Test Apparatus
- 2-4 Test Specimens

Flame Test Procedures

- 3-1 Small Scale Test

Cleaning and Weathering Procedures

- 4-1 General Considerations
- 4-2 Application
- 4-3 Accelerated Dry Cleaning
- 4-4 Accelerated Laundering

- 4-5 Scrubbing
- 4-6 Accelerated Water Leaching
- 4-7 Accelerated Weathering
- Flame Resistance Requirements
- 5-1 Small Scale Test

APPENDIX A

CPAI - 75 A RATE-OF-BURN STANDARD FOR SLEEPING BAGS 1975

1. Scope.

1.1 **Scope.** This standard provides a test method and performance requirements for measuring the flammability, i.e. burn rate, of multi-component sleeping bags, and provides labeling requirements to facilitate the identification of products conforming to this specification.

1.2 **Application.** This standard is applicable to all sleeping bags.

2. Performance Requirements.

2.1 **Performance Requirements.** When subjected to the test described in Section 8 the average burn rate for a sample unit shall not exceed 6.0 inches per minute. No individual specimen shall have a burn rate of more than 8.0 inches per minute.

3. Labeling.

3.1 **Labeling.** Bags shall be labeled as conforming to CPAI - 75 Rate-of-Burn Standard for Sleeping Bags.

4. Specimens and Sampling.

4.1 **Specimen.** The specimen shall be taken from the bag as shown in Figure I and shall have a finished size of 12" x 14". In the event that it is impossible to cut an actual sample from a bag due to its construction, a 12" x 28" facsimile may be constructed and folded. All components shall be used in their correct positions and amounts.

4.2 **Sample Unit.** A sample unit shall consist of ten specimens, five to be subjected to three cycles of washing following the procedures recommended by the manufacturer. (Samples should be dried between washings and thoroughly dry before testing).

5. Conditions for Testing.

5.1 Ambient Conditions. Tests shall be conducted under ambient conditions. In the case of a dispute, tests shall be conducted under conditions of 55 percent maximum relative humidity and a temperature of $70^{\circ} \pm 2^{\circ}$ F., and specimens shall be in moisture equilibrium under the above conditions.

5.2 Draft. Tests shall be conducted in a draft-free environment.

6. Apparatus.

6.1 Test Cabinet. A test cabinet similar to that shown in Figure IV shall be used.

6.2 Support Frame. A support frame conforming to Figure II shall be used. It shall be constructed of 1/8" steel.

6.3 Hold-Down Plate. A hold-down plate conforming to Figure III shall be used. It shall be constructed of 1/8" steel.

6.4 Spacers and Clamps. A spacer and clamping arrangement shall be used which is capable of positioning the hold-down plate with its bottom surface one inch above the top surface of the support frame, so that it holds the test specimen at a one-inch thickness on the two sides and the back.

6.5 Thread. #50 white mercerized cotton thread.

6.6 Tape. Tape for fastening the thread to the frame. (Alternate methods of accomplishing this, such as small clips, may also be used.)

6.7 Weights. Weights for attachment to the timing threads. (See Note 9.1.)

6.8 Burner. A Bunsen burner with a tube of 3/8" inside diameter shall be used. The gas adjusting valve is set to provide a flame, with the tube vertical, 1-1/2" in height. The air inlet to the burner is closed.

6.9 Gas. The gas used shall be Matheson Manufactured Gas Type B or the equivalent.

6.10 Stop Watch. A stop watch or other timing device shall be used capable of measuring the burning time to 0.2 second.

7. Sample Preparation.

7.1 Compression. Samples shall be compressed to 1/2 their original loft for 24 hours prior to testing. (See Note 9.2.)

7.2 Re-Lofting. Following the 24 hour compression period, specimens shall be allowed a minimum of one hour to regain their loft before tests are conducted.

8. Procedure.

8.1 Mount the specimen horizontally on the support frame with the sewn sides and end held at a one-inch thickness by the U-shaped hold-down frame, spacers and clamps.

8.2 Attach two #50 White Mercerized Cotton Threads to one edge of the frame at points 1-1/2" and 11-1/2 inches back from the open end, i.e. with 10" in between, and stretch across the sample, attaching small weights to the overhanging ends of the threads. Timing will begin and end as the respective threads burn through and their weights drop.

8.3 With the flame adjusted as in Section 6.8 and the frame with mounted specimen in the test cabinet, position the burner so that the center of the burner tip is 3/4" below the center of the edge of the exposed end of the specimen.

8.4 Lower the door of the test cabinet.

8.5 Expose the sample to the flame for 30 seconds to force ignition. (See Note 9.3.)

8.6 Begin timing when the first weight drops and continue until the second weight drops or until the flaming stops.

8.7 Calculate the burn rate using the following formula:

$$B = 60 \times \frac{D}{T}$$

Where:

B = Burn rate in inches per minute

D = Distance the flame travels in inches, and

T = Time in seconds for the flame to travel D inches.

9. Notes.

9.1 Small clamp-type paper clips work well as weights.

9.2 An easy method of accomplishing this is to stack a number of specimens in a box and compress them all to half their original height under a board or plate held down by pins through the side of the box, etc.

9.3 The most reproducible results are produced when the fan in the hood is turned off, or down if a variable speed fan is used, during the 30-second ignition period. During this time it is desirable that the burner flame not flicker. Following the ignition period the fan should be turned back up to exhaust fumes, yet not cause a draft in the test cabinet.

Figure I Test Specimen.

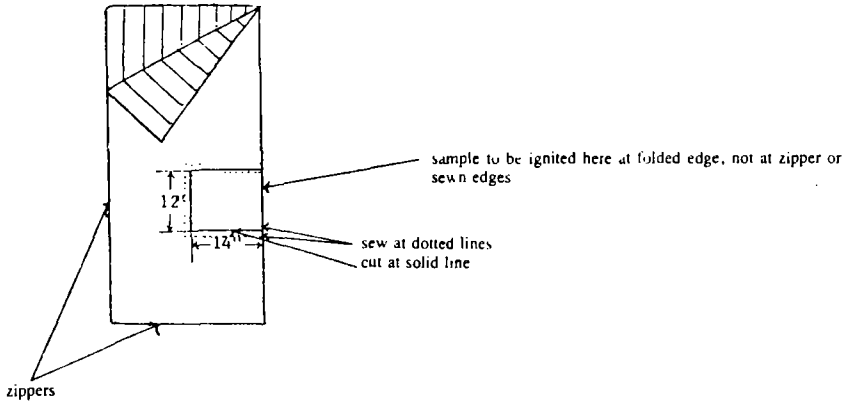


Figure H Support Frame.

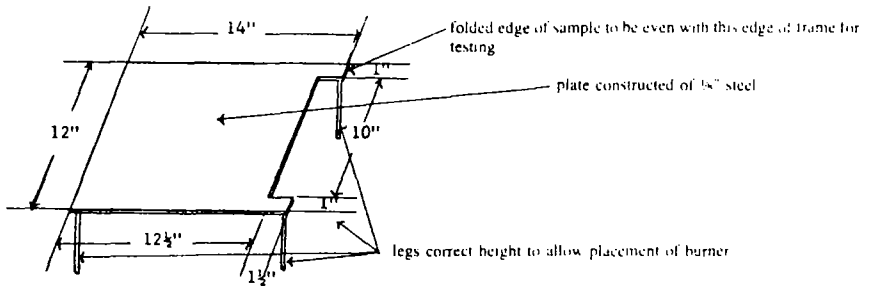


Figure III Hold-Down Plate.

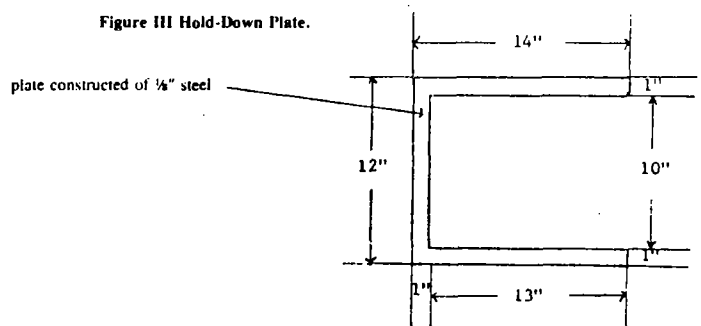
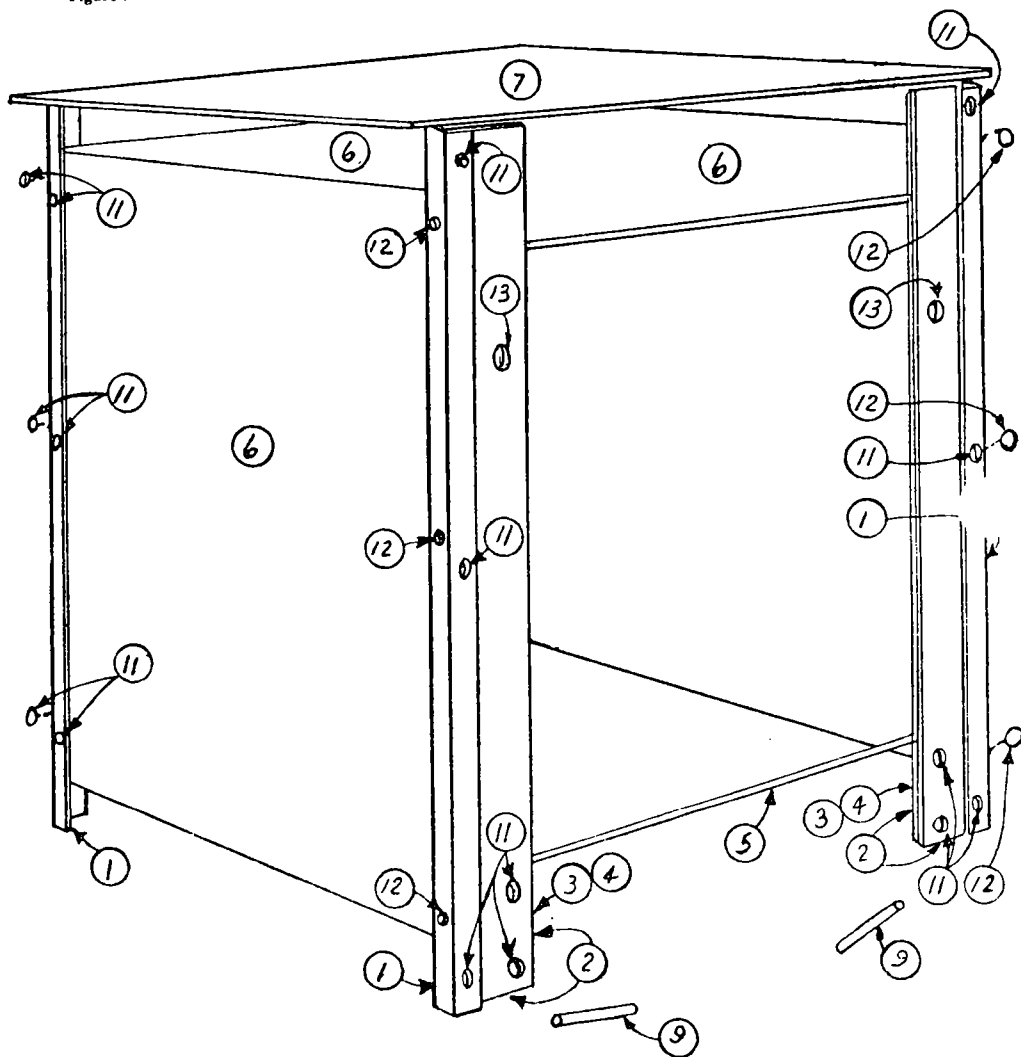


Figure IV Test Cabinet.



**CPAI - 75 Test Cabinet
Materials List**

All Items 1/8" Stainless
Except as Noted

<u>Item</u>	<u>No. Required</u>	<u>Description</u>
1.	4	Corner Angle, 1 x 28"
2.	4	Window Frame, 3 x 28"
3.	4	Frame Spacer, 1-3/4 x 4"
4.	4	Window Seat, 1-1/4 x 4"
5.	1	Window, Heat Resistant Glass, 3/16 x 20 x 20"
6.	3	Panel, 24 x 24"
7.	1	Top Plate, 24-1/2 x 26"
8.	2	Chain, 24"
9.	2	Window Stop Rods, 1/4 dia. x 4"
10.	4	S-Hooks
11.	22	Bolt w/nut, 1/4-20 x 3/4"
12.	6	Bolt w/nut, 10-24 x 1/2"
13.	2	Hole, 1/4 dia.

Notes: The window glass slides up and down; its edges are taped to avoid cuts; rubber tubing on top of seat acts as cushion.

**CPAI - 84
A SPECIFICATION FOR FLAME RESISTANT MATERIALS USED
IN CAMPING TENTAGE
1975**

1. Scope.

1.1 Scope. This standard provides performance requirements and test methods for evaluating the flame resistance of fabric and other pliable materials used in camping tentage. It also provides for certification of materials by suppliers and for labeling programs to caution the user against actions detrimental to flame retardant finishes, as well as to facilitate the identification of tentage as being constructed of flame resistant materials and to identify the manufacturer.

2. Definitions.

2.1 Camping Tentage: Any portable temporary shelter or structure designed to protect persons from the elements, all or a portion of the covering of which is made of fabric or other pliable materials. This includes, though not exclusively, the following: camping tents; play tents; recreational vehicle awnings; dining flies and canopies; fabric screen houses; add-a-room; ice fishing tents.

2.2 Material Classifications. All materials covered in this standard fall under one of the following definitions:

2.2.1 Flooring Material: Any pliable material used for flooring in camping tentage but excluding such things as rugs or carpets placed in the tent which are not an integral part of the item.

2.2.2 Wall and Top Material: Any pliable material used in camping tentage for other than flooring including walls, roofs, tops, doors, windows, screens, awnings, flies, and canopies.

2.3 Sample Unit. A sample unit shall consist of the following:

2.3.1 Flooring Material: Four individual specimens, no two specimens containing the same warp or fill yarns or filaments.

2.3.2 Wall and Top Material: Eight individual specimens, four taken from the warp and four from the fill direction of the test material. No two warp specimens shall contain the same warp years or filaments and no two fill specimens shall contain the same fill yarns or filaments.

3. Performance Requirements.

3.1 Flooring Material. When subjected to the test described in Section 6, no specimen from a sample unit of flooring material shall be damaged within 1.0 inch of the edge of the hole in the flattening frame.

3.2 Wall and Top Material. When subjected to the test described in Section 7, no specimen from a sample unit of wall and top material shall have an after-flame time (length of time a specimen continues to flame after removal of the test flame source) of more than 4.0 seconds; the average afterflame time for all specimens in a sample unit shall not exceed 2.0 seconds. The damaged length (distance from the bottom of the specimen to a point above which all material is sound) for the sample unit and individual specimens shall not exceed the values shown in Section 3.2.1. Portions or residues which break or drip from the test specimens shall not continue to flame after they reach the floor of the test cabinet.

3.2.1 Damaged Length. The maximum permissible damaged lengths for wall and top material shall be as follows:

Untreated Weight of Materials Being Tested Ounces Per Square Yard	Maximum Average Damaged Length for Sample Unit Inches	Maximum Damaged Length for an Individual Specimen Inches
Over 10	4.5	10.0
Over 8 but not over 10	5.5	10.0
Over 6 but not over 8	6.5	10.0
Over 4 but not over 6	7.5	10.0
Over 1.5 but not over 4	8.5	10.0
Not over 1.5	9.0	10.0

4. Certification and Labeling.

4.1 Material Certification. Each lot of flame resistant material supplied to a manufacturer of camping tentage shall be accompanied by a written certification from the supplier stating that it meets the flame retardance requirements of CPAI - 84 and giving the lot number and yardage therein.

4.2 Labeling of Camping Tentage. A label or labels shall be permanently affixed to each item of camping tentage containing the following information:

4.2.1 Certification: A statement that the materials used in the manufacture of the item meet the flame resistance requirements of CPAI - 84.

4.2.2 Manufacturer Identification: An identification of the manufacturer of the item, unless the item bears a private label, in which case, it shall identify the private labeler and shall also contain a code mark which will permit the seller of the item to identify the manufacturer thereof to the purchaser upon his request.

4.2.3 Code Number: A number enabling the manufacturer to identify from his records the suppliers and suppliers' lot numbers of the certified materials used in the item. The manufacturer shall also maintain records identifying the parties to whom he sold camping tentage. Further, he shall maintain records identifying items manufactured from lots of certified material. Records shall be maintained for 4 years.

4.2.4 Warning Label:

WARNING

KEEP ALL FLAME
AND HEAT SOURCES
AWAY FROM THIS
TENT FABRIC

This tent is made with flame resistant fabric which meets CPAI-84 specification. It is not fire proof. The fabric will burn if left in continuous contact with any flame source.

The application of any foreign substance to the tent fabric may render the flame resistant properties ineffective.

This warning label or its equivalent must be permanently affixed to the tent at one conspicuous location, and must contain block letters on a white background. The first paragraph of the body of the label must be placed in a conspicuous location on each carton containing the tent.

5. Conditioning.

5.1 Standard Conditions for Testing. Flame tests shall be performed under or upon immediate removal from Standard Atmospheric Conditions and on specimens in moisture equilibrium under Standard Atmospheric Conditions.

5.1.1 Standard Atmospheric Conditions. Standard Atmospheric Conditions for testing are 65 percent + 2 percent relative humidity at a temperature of $70^{\circ}\text{F.} \pm 2^{\circ}\text{F.}$ ($21.1^{\circ}\text{C.} \pm 1.1^{\circ}\text{C.}$)

5.1.2 Moisture Equilibrium. Moisture equilibrium is considered to have been reached when, after free exposure of the material to air in motion controlled at Standard Atmospheric Conditions as defined above, the change in weight of successive weighings made at intervals of 1 hour is no greater than 0.25 percent.

5.1.3 Preconditioning. In the event of dispute concerning the results of tests that may be affected by the moisture content, the material shall be preconditioned by being brought to moisture equilibrium with an atmosphere having a relative humidity of not over 10 percent and a temperature not over 125°F. (52°C.). The material shall then be brought to moisture equilibrium under Standard Atmospheric Conditions as defined above and then tested.

5.2 Leaching. Tests in Sections 6 and 7 shall be performed both before and after leaching.

5.2.1 Test Specimen. Test specimens to be leached shall be of the following dimensions:

5.2.1.1 Flooring Material. Each test specimen shall be a 9 inch by 9 inch ($\pm 1/16$ inch) section of the flooring material to be tested.

5.2.1.2 Wall and Top Material. Test specimens shall be rectangles of cloth $2\text{-}3/4$ inches by 12 inches ($\pm 1/16$ inch) with the long dimensions parallel to either the warp or filling directions of the material.

5.2.2 Apparatus.

5.2.2.1 Water container or tank of such shape and size that the specimen can be submerged therein with all surfaces of the specimen having full access to the water. For cloth specimens the container shall allow not less than $1/2$ gallon of water for each square foot of specimen. The water shall be changed by a continuous flow or by emptying and refilling so that there shall be at least six complete changes of water in a 72-hour period.

5.2.2.2 Means of maintaining water at a temperature of 60°F. to 70°F. (15.5°C. to 21.1°C.) and a pH of 6.0 to 8.0 during the test.

5.2.2.3 Means for holding the specimen submerged throughout the leaching period.

5.2.3 Procedure. The specimens shall be immersed in water at a temperature of 60°F. to 70°F. (15.5°C. to 21.1°C.) and a pH of 6.0 to 8.0 for 72 hours. The specimen shall then be removed, air-dried, and brought to Standard Atmospheric Conditions prior to further testing.

5.3 Accelerated Weathering. Tests in Sections 6 and 7 shall be performed both before and after accelerated weathering.

5.3.1 Test Specimen. Test specimens to be weathered shall be of the following dimensions:

5.3.1.1 Flooring Material. Each test specimen shall be a 9 inch by 9 inch ($\pm 1/16$ inch) section of the flooring material to be tested.

5.3.1.2 Wall and Top Material. Test specimens shall be rectangles of cloth 2-3/4 inches by 12 inches ($\pm 1/16$ inch) with the long dimensions parallel to either the warp or filling directions of the material.

5.3.2 Apparatus.

5.3.2.1 Vertical carbon arc mounted at the center of a vertical cylinder. The arc shall be designed to accommodate either two or three pairs of carbons but shall burn only one pair at a time, automatically transferring from one pair to another as the carbons are consumed. The carbons shall be Sunshine-cored and copper-coated, No. 22 for the upper pair and No. 13 for the lower pair. The arc shall be operated on 60 amperes and 50 volts across the arc for alternating current and on 50 amperes and 60 volts across the arc for direct current.

5.3.2.2 A rotating rack with holder in which the specimens are suspended vertically and normally to radiation from the arc with the center of the face of the specimen at a radial distance of approximately 18 inches from the arc.

5.3.2.3 Water-spray nozzles shall be mounted horizontally (the water-spray assembly vertically) in the test chamber inside the specimen rack and so placed that the water shall strike the specimens evenly over their entire length in the form of a fine spray in sufficient volume to cover specimens immediately on impact. The apparatus shall be so operated that the specimens are exposed to successive cycles of 102 minutes of light without spray and 18 minutes of light with spray.

5.3.2.4 Means for maintaining the required temperature of water in the spray.

5.3.2.5 Means for maintaining the required pressure of water entering the spray.

5.3.2.6 Means for delivering the required quantity of water per spray nozzle to the specimen.

5.3.2.7 Exhaust fan to ventilate the arc effectively.

5.3.2.8 Black panel thermometer unit for measuring the temperature within the machine. This unit shall consist of a metal panel to the base of which is attached the sensitive portion of a bimetallic dial-type thermometer. The entire base is then coated twice with long lasting baked enamel paint.

5.3.3 Procedure.

5.3.3.1 The rack shall rotate about the arc at a uniform speed of one revolution per minute.

5.3.3.2 The temperature of water in the spray shall be $80^{\circ} \pm 10^{\circ}\text{F.}$ ($26.7^{\circ} \pm 5.6^{\circ}\text{C.}$)

5.3.3.3 The pressure of the water entering the spray shall be 1 - 18 psi inclusive.

5.3.3.4 The quantity of water delivered to the specimen shall be .12 to .25 gallons, inclusive, per hour per spray nozzle.

5.3.3.5 The black panel temperature at the exposure plane of the specimen rack shall be $155^{\circ} \pm 10^{\circ}\text{F.}$ ($68^{\circ} \pm 5.7^{\circ}\text{C.}$) when measured in the following manner:

Before reading the temperature the machine shall be full of specimens and shall be in operation long enough for thermal equilibrium to be established. The black panel shall be mounted in the test-panel rack and readings taken at the point where water spray is not striking the panel.

5.3.3.6 The specimen shall be suspended on the rotating rack without tension and in such a way that the ends or corners cannot curl. The long dimension of the specimen shall be in the vertical position and shall be indicated on the reverse side of the cloth. No test portion of the specimen shall be over 7 inches about or below the horizontal plane of the arc.

5.3.3.7 The specimen shall be exposed to normal radiation from the arc for 100 hours.

5.3.3.8 At the end of the exposure period, the specimen shall be removed from the machine, allowed to dry, and brought to Standard Atmospheric Conditions prior to further testing.

6. Test Method, Flooring Material.

6.1 Test Specimen. Each test specimen shall be a 9 inch by 9 inch (\pm 1/16 inch) section of the flooring material to be tested.

6.2 Apparatus.

6.2.1 Test Chamber. The test chamber shall consist of an open top hollow cube made of noncombustible material with inside dimensions 12 x 12 x 12 inches and a minimum of 1/4 inch wall thickness. The flat bottom of the box shall be made of the same material as the sides and shall be easily removable. The sides shall be fastened together with screws or brackets and taped to prevent air leakage into the box during use.

6.2.2 Supporting Frame. A steel plate, 9 inches by 9 inches, 1/4 inch thick with an 8 inch diameter hole in its center and a 1 inch by 1 inch by 1/16 inch thick shim affixed to the underside of each corner is required to support the material above the floor of the chamber during the course of the test.

6.2.3 Flattening Frame. A steel plate 9 inches by 9 inches, 1/4 inch thick with an 8 inch diameter hole in its center is required to hold the flooring material flat during the course of the test.

6.2.4 Punch: A punch capable of making a 1/4 inch diameter hole in the center of the specimen of flooring material to be tested.

6.2.5 Standard Igniting Source: No. 1588 methenamine timed burning tablet or an equal tablet. These tablets shall be stored in a desiccator over a desiccant for 24 hours prior to use. (Small quantities of sorbed water may cause the tablets to fracture when first ignited. If a major fracture occurs, any results from that test shall be ignored, and it shall be repeated.)

6.2.6 Hood: A hood capable of being closed and having its draft turned off during each test and capable of rapidly removing the products of combustion following each test. The front or sides of the hood should be transparent to permit observation of the tests in progress.

6.2.7 Mirror: A small mirror mounted above the test chamber at an angle to permit observation of the specimen from outside of the hood.

6.3 Procedure.

6.3.1 Place the test chamber in the draft-protected environment (hood with draft off) with its bottom in place and the supporting frame centered in the bottom of the chamber, shimmed side down.

6.3.2 Punch a 1/4 inch diameter hole in the center of the specimen of flooring material to be tested.

6.3.3 Place the specimen on the supporting frame in the position in which it will be used, exercising care that the specimen is horizontal and flat. Place the flattening frame on the specimen and position a methenamine tablet on one

of its flat sides with its edge within 1/8 inch of the edge of the hole in the center of the specimen.

6.3.4 Ignite the tablet by touching a lighted match or an equivalent igniting source carefully to its top.

6.3.5 Continue each test until the last vestige of flame or glow disappears (this is frequently accompanied by a final puff of smoke) or the flaming or smoldering has approached within 1.0 inch of the edge of the hole in the flattening frame at any point. (Any test in which the tablet is extinguished by physical action of the specimen of flooring material shall be disregarded and the test repeated.)

6.3.6 When all combustion has ceased, ventilate the hood and measure the shortest distance between the edge of the hole in the flattening frame and the damaged area. Record the distance measured for each specimen.

6.3.7 Remove the specimen from the chamber and remove any burn residue from the floor of the chamber. Before proceeding to the next test, the floor must be cooled to normal room temperature or replaced with one that is at normal room temperature.

6.4 Report. The number of specimens of the four tested in which the damaged area does not extend to within 1.0 inch of the edge of the hole in the flattening frame shall be reported.

6.5 Notes.

6.5.1 The No. 1588 methenamine tablet may be procured from a local pharmacy or from Eli Lilly & Co., 740 S. Alabama, Indianapolis, Indiana 46206.

7. Test Method, Wall and Top Material.

7.1 Test Specimen. The test specimens shall be rectangles of cloth 2-3/4 inches by 12 inches ($\pm 1/16$ inch) with the long dimensions parallel to either the warp or filling directions of the material.

7.2 Apparatus

7.2.1 Cabinet: A cabinet and accessories, fabricated in accordance with the requirements specified in Figures A, B, and C. Galvanized sheet metal or other suitable metal shall be used. The entire inside back wall of the cabinet shall be painted black to facilitate the viewing of the test specimen and pilot flame.

7.2.2 Burner. The burner shall be equipped with a variable orifice to adjust the flame height, a barrel having a 3/8 inch inside diameter, and a pilot light.

7.2.2.1 The burner may be constructed by combining a 3/8 inch inside diameter barrel $3 \pm 1/4$ inches long from a fixed orifice burner with a base from a variable orifice burner.

7.2.2.2 The pilot light tube shall have a diameter of approximately 1/16 inch and shall be spaced 1/8 inch away from the burner edge with a pilot flame 1/8 inch long.

7.2.2.3 The necessary gas connections and the applicable plumbing shall be as specified in Figure D except that a solenoid valve may be used in lieu of the stopcock valve to which the burner is attached. The stopcock valve or solenoid valve, whichever is used, shall be capable of being fully opened or fully closed in 0.1 second.

7.2.2.4 On the side of the barrel of the burner, opposite the pilot light there shall be a metal rod of approximately 1/8 inch diameter spaced 1/2 inch from the barrel and extending above the burner. The rod shall have two 5/16 inch prongs marking the distances of 3/4 inch and 1-1/2 inches above the top of the burner.

7.2.2.5 The burner shall be fixed in a position so that the center of the barrel of the burner is directly below the center of the specimen.

7.2.3 A control valve system with a delivery rate designed to furnish gas to the burner under a pressure of $2\text{-}1/2 \pm 1/4$ lbs. per square inch at the burner inlet (see 7.5.1). The manufacturer's recommended delivery rate for the valve system shall include the required pressure.

7.2.4 The gas used shall be Matheson Manufactured Gas Type B or the equivalent.

7.2.5 Metal hooks and weights to produce a series of total loads to determine damaged length. The metal hooks shall consist of No. 19 gauge steel wire or equivalent and shall be made from 3 inch lengths of the wire and bent 1/2 inch from one end to a 45 degree hook. One end of the hook shall be fastened around the neck of the weight to be used.

7.2.6 Stop watch or other device to measure the burning time to 0.2 second.

7.2.7 Scale, graduated in 0.1 inch to measure the damaged length.

7.3 Procedure.

7.3.1 The specimen in its holder shall be suspended vertically in the cabinet in such a manner that the entire length of the specimen is exposed and the lower end is 3/4 inch above the top of the gas burner. The apparatus shall be set up in a draft free area.

7.3.2 Prior to inserting the specimen, the pilot flame shall be adjusted to approximately 1/8 inch in height measured from its lowest point to the tip. The burner flame shall be adjusted by means of the needle valve in the base of the burner to give a flame height of 1-1/2 inches ($\pm 1/16$ inch) with the stopcock fully open and the air supply to the burner shut off and taped. The 1-1/2 inch flame height is obtained by adjusting the valve so that the uppermost portion

(tip) of the flame is level with the tip of the metal prong (see Figure B) specified for adjustment of flame height. It is an important aspect of the evaluation that the flame height be adjusted with the tip of the flame level with the tip of the metal prong. After inserting the specimen, the stopcock shall be fully opened, and the burner flame applied vertically at the middle of the lower edge of the specimen for 12 seconds ($\pm .2$ second) and the burner turned off. The cabinet door shall remain shut during testing.

7.3.3 The after-flame time for each specimen shall be recorded to the nearest 0.2 seconds. After flaming and glowing have ceased, the specimen shall be removed from the cabinet.

7.3.4 After each specimen is removed, the test cabinet shall be cleared of fumes and smoke prior to testing the next specimen.

7.3.5 After both flaming and glowing have ceased, the damaged length shall be measured. The damaged length shall be the distance from the end of the specimen, which was exposed to the flame, to the end of a tear (made lengthwise) of the specimen through the center of the damaged area as follows: The specimen shall be folded lengthwise and creased by hand along a line through the highest peak of the damaged area. The hook shall be inserted in the specimen (or a hole, 1/4 inch diameter or less, punched out for the hook) at one side of the damaged area 1/4 inch from the adjacent outside edge and 1/4 inch in from the lower end. A weight of sufficient size such that the weight and hook together shall equal the total tearing load required in 7.3.6.1 shall be attached to the specimen.

7.3.6 A tearing force shall be applied gently to the specimen by grasping the corner of the cloth at the opposite edge of the char from the load and raising the specimen and weight clear of the supporting surface. The end of the tear shall be marked off on the edge and the damaged length measurement made along the undamaged edge.

7.3.6.1 Loads for Determining Damaged Length. The specific load applicable to the weight of the test material shall be as follows:

<u>Untreated Weight of Material Being Tested - Ounces per Square Yard</u>	<u>Total Tear Weight for Determining the Damaged Length - Pounds</u>
Not exceeding 6.0	0.25
Over 6.0 and not exceeding 15.0	0.50
Over 15.0 and not exceeding 23.0	0.75
Over 23.0	1.00

7.37 The damaged length for each specimen shall be recorded to the nearest 0.1 inch.

7.4 Report.

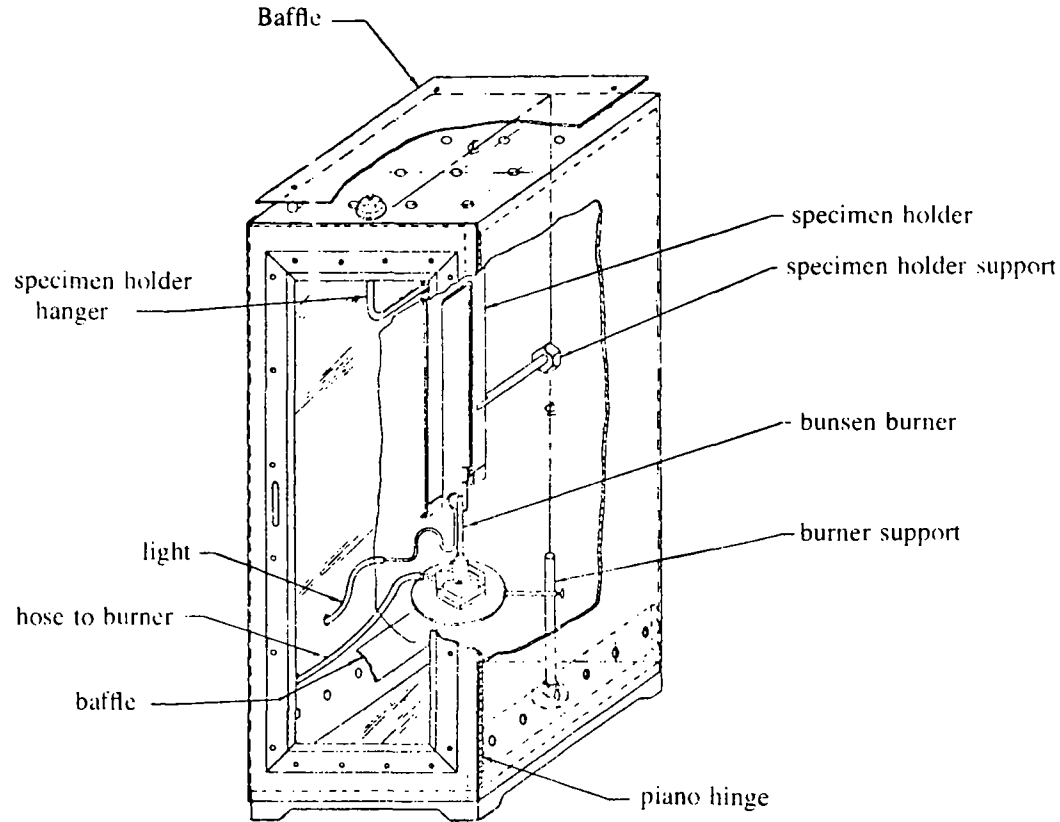
7.4.1 The after-flame time and damaged length of the sample unit shall be the average of the results obtained from the individual specimens tested. All values obtained from the individual specimens shall be recorded.

7.4.2 The after-flame time shall be reported to the nearest 0.2 second and the damaged length to the nearest 0.1 inch.

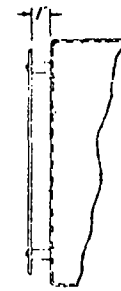
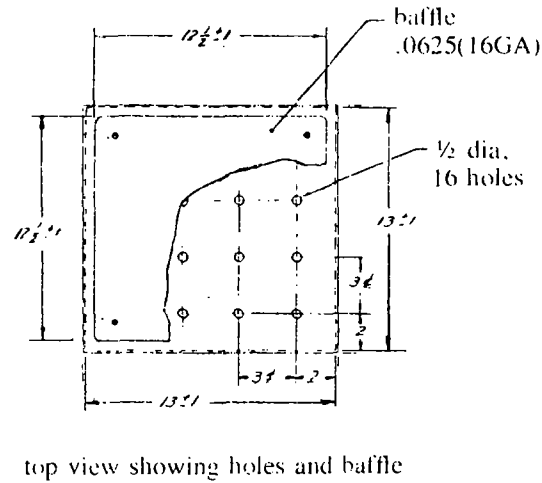
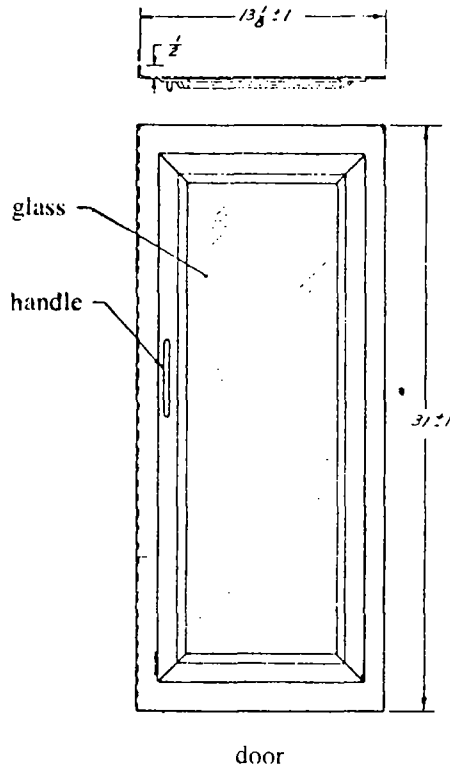
7.5 Notes.

7.5.1 The gas and the regulator valve system, Models IL-350 and 70 with hose and fittings connected in series may be obtained from Matheson Gas Products, P.O. Box 85, East Rutherford, New Jersey 07073.

7.5.2 The test cabinet of the type described in this test method may be obtained from the Govmark Organization, Inc., P.O. Box 807, Bellmore, New York 11710.

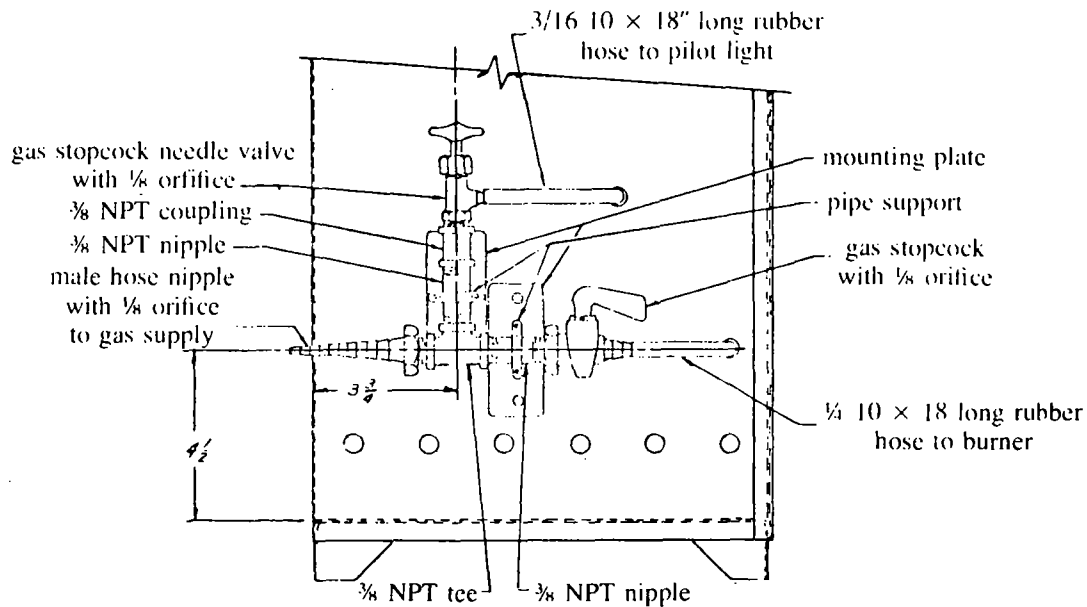


CPAI 84 Figure A Vertical Flame Resistance Textile Apparatus



**CPAI 84 Figure B Vertical Flame Resistance Textile Apparatus,
Door and Top View w/Baffle**

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side view showing gas hose connection

Note:
all pipe fitting to be
black iron pipe

CPAI 84 Figure D Vertical Flame Resistance Textile Apparatus

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**NFPA NO. 701
FLAME RESISTANT TEXTILES, FILMS
1975**

2-1 Pre-Conditioning Oven.

2-1.1 A forced draft oven shall be used to properly condition test specimens prior to testing in either the small scale test or the large scale test.

2-1.1.1 The interior of the oven shall be large enough to provide free air flow around each specimen contained.

2-1.1.2 The oven shall have variable temperature control.

2-2 Small Scale Test Apparatus.

2-2.1 Specimen Holder.

2-2.1.1 A metal holder, having clamps arranged to grip the specimen along its edges only, shall be used to support the specimen. The ends of the specimen shall remain free.

2-2.2 Test Shield.

2-2.2.1 The specimen and its holder shall be supported in the vertical position within a metal shield having a depth of 12 inches, a width of 12 inches and a height of 30 inches.

(a) The shield shall be open at the top and shall be provided with baffled vent openings along the bottom of at least two sides, totaling 6 square inches of free vent area.

(b) The shield shall also have a sliding glass door or panel.

2-2.3 Gas Burner.

2-2.3.1 A Bunsen or Tirrell gas burner, approximately 6 inches high and 3/8 inch tube diameter, shall be used as an ignition source.

(a) The burner shall be supported so that its barrel will be at a 25 degree angle with vertical.

(b) The burner shall have means for being moved into test position after the shield has been closed. (A rod attached to the base of the burner and extending through a slot at the bottom of the shield will serve the purpose.)

(c) The gas supply to the burner shall be natural gas or a mixture of natural and manufactured gases having a heat value of approximately 800-1000 BTU per cubic foot.

2-2.4 Hook and Weight.

2-2.4.1 A hook and weight assembly shall be used to determine the length of char or destruction of the specimen.

- (a) The weight shall be detachable from the hook.
- (b) The combined weight of the assembly shall follow Table 2-2.4.

Table 2-2.4
Tearing Weights - Small Scale Test

Weight of Treated Fabric Being Tested Ounces per Square Yard	Total Tearing Weight for Determination of Length of Char Pounds
2 to 6 inclusive	0.25
Over 6 and not exceeding 15	0.5
Over 15 and not exceeding 23	0.75
Over 23	1.00

2-4 Test Specimens.

2-4.1 Small Scale Test.

2-4.1.1 Five specimens of the material, 2-3/4 by 10 inches, shall be cut with their long dimension in the direction of the warp and five in the direction of the filling.

2-4.1.2 Each lot of five shall be cut from at least four places in the sample separated sufficiently to give indication as to the uniformity of the flame-resistant treatment.

3-1 Small Scale Test.

3-1.1 Preconditioning of Test Specimens.

3-1.1.1 The test specimens shall be conditioned in an oven at temperatures of 140-145 degrees Fahrenheit, for duration of one to one and one-half hours prior to testing.

3-1.1.2 Materials which distort or melt at the above indicated oven exposure are to be conditioned at 60 - 80 degrees Fahrenheit and 25 - 50 percent relative humidity for not less than 24 hours.

3-1.1.3 Specimens shall be removed from the oven one at a time and immediately subjected to the procedures described in Sections 3-1.2 and 3-1.3.

3-1.2 Mounting of Test Specimens.

3-1.2.1 The specimen shall be placed on the specimen holder and clamped so that a strip 2 inches wide and 10 inches long is left exposed.

3-1.2.2 The specimen and its holder shall be supported within the test shield so that its lower end will be 3/4 inch above the top of the gas burner.

3-1.3 Conducting the Flame Test.

3-1.3.1 The gas burner shall be ignited and, with the air supply completely shut off, shall be adjusted to give a luminous flame about 1-1/2 inches long.

3-1.3.2 The burner shall be moved under the specimen so that the flame is applied vertically to the lower end of the specimen, near the middle of its width. The flame shall be applied for 12 seconds, then withdrawn.

3-1.3.3 The duration of flaming of the specimen shall be noted after withdrawal of the burner.

3-1.4 Measurement of Length of Char or Material Destruction.

3-1.4.1 After all flaming and afterglow on the specimen has ceased, the length of char or material destruction shall be determined immediately. The length of char in this test is defined as the distance from the end of the specimen which was exposed to the flame to the end of a tear made lengthwise of the specimen through the center of the charred area in the following manner:

(a) The hook (of the hook/weight assembly) is inserted in the specimen, on one side of the charred area, 1/4 inch in from the adjacent outside edge and 1/4 inch up from the bottom.

(b) The weight is then attached to the hook.

(c) The specimen is then grasped on the opposite side of the charred area with the fingers, and raised gently until it supports the weight. The specimen will tear through the charred area until fabric strong enough to carry the load is reached.

3-1.4.2 When it is not feasible to measure char, the material destruction can normally be judged as the measurement from the bottom of the sample to a horizontal line above which all material is sound and in original condition.

4-1 General Considerations.

4-1.1 The probable durability of a treatment relative to the life of the fabric is difficult to assess but, in general, flame-retardant treatments tend to be either very tenacious or quite easily removed.

4-2 Application.

4-2.1 These procedures shall be applied to fabrics which are expected to retain their flame-resistant qualities through dry cleaning, laundering, weathering, or other exposures to water.

4-2.2 Each fabric shall be subjected to only those exposure procedures which are applicable to its intended use. It shall meet the flame resistance requirements of Chapter 5 after passing through the appropriate exposure cycles.

4-2.2.1 It is believed that such accelerated exposure tests as those described in this section provide sufficient testing to permit a reasonable appraisal of the durability of the treatment (under the conditions for which it was designed) for the useful life of the fabric.

4-3 Accelerated Dry Cleaning.

4-3.1 The specimens of the treated fabric shall be agitated for approximately 15 minutes in a suitable commercial type dry cleaning apparatus.

4-3.1.1 A dry cleaning solution of 10 to 15 parts dry cleaning soap or detergent and 1000 parts perchlorethylene shall be used. The volume of solution employed shall be in excess of that required to saturate the sample.

4-3.2 The specimens shall be rinsed for at least five minutes in pure perchlorethylene shall be used. The volume of solution employed shall be in excess of that required to saturate the sample.

4-3.3 The above procedure shall be repeated until ten complete cycles of cleaning and drying have been realized.

4-4 Accelerated Laundering.

4-4.1 A sample of the treated fabric shall be washed in an automatic commercial washing machine using a solution containing 0.15 percent solution of tallow soap and 0.20 to 0.25 percent alkali.

4-4.2 The operating cycle outlined in Table 4-4 shall be followed.

Table 4-4
Operating Cycle for Accelerated Laundering¹

Operation	Time, Min.	Temp. - Deg. F.
1. Sudsing	6	130
2. Sudsing	6	160
3. Sudsing	6	160
4. Bleaching	8	150
5. Rinsing	2	160
6. Rinsing	2	160
7. Rinsing	2	160
8. Rinsing	2	130
9. Bluing	3	100
10. Scouring	3	100

¹This cycle is intended for white fabrics. For colored fabrics, the bleaching and bluing operations are omitted and the temperature of the "Sudsing" and "Rinsing" operations is reduced 30 degrees F.

4-4.2 The sample shall then be dried in a drying tumbler at 250 degrees F.

4-4.4 The above procedure shall be repeated until ten complete cycles of washing and drying have been accomplished.

4-4.4.1 If the material is to be subjected to a special use, more laundering may be required.

4-4.5 Where instruction for laundering a fabric are supplied by the manufacturer or finisher, those instructions should be followed in preference to the above procedure which simulates a typical commercial laundering practice.

4-5 Scrubbing.

4-5.1 Certain articles of flame-resistant fabric not ordinarily washed by home or commercial laundering methods are sometimes scrubbed vigorously on one or both sides, applying laundry soap (or other detergent) and water with a stiff bristle brush. The fabric is then thoroughly rinsed with water and dried.

4-5.2 Where treated fabrics are likely to be cleaned in this manner during their use, test specimens shall be subjected to flame tests after repeated cycles of scrubbing as outlined.

4-6 Accelerated Water Leaching.

4-6.1 A sample of the treated fabric shall be totally submerged in a vessel containing tap water at room temperature for a period of 72 hours. The vessel shall have a capacity of at least four gallons of water.

4-6.2 The water shall be drained from the tank and replenished at 24-hour intervals during the immersion period.

4-6.3 At the conclusion of the immersion period, the sample shall be removed from the test vessel and dried at room temperature.

4-7 Accelerated Weathering.

4-7.1 Either of the following alternative Accelerated Weathering Conditioning procedures shall be used.

4-7.2 Alternative Procedure No. 1.

4-7.2.1 Apparatus.

(a) The apparatus shall consist of a vertical metal cylinder fitted with a vertical carbon arc at its center and having a specimen holder mounted within.

(b) The diameter of the cylinder shall be such that the distance to the

face of the specimen holder from the center of the carbon arc is 14-3/4 inches.

(c) The cylinder shall be arranged to rotate about the arc at a rate of approximately three revolutions per minute.

(d) A water spray shall be provided within the cylinder and fitted with means to regulate the amount of water discharged.

(e) The vertical carbon arc shall be either 0.5 inches diameter solid electrode type, if operating on direct current, or a single-cored electrode, if operating on alternating current. The electrodes shall be of uniform composition.

(f) The arc shall be surrounded by a clear globe of No. 9200 PX Pyrex glass, 0.0625 inches thick, or other enclosure having equivalent absorbing and transmitting properties.

4-7.2.2 Operation of the Test Equipment.

(a) The specimens for test shall be mounted on the inside of the cylinder facing the arc.

(b) The cylinder shall rotate at approximately three revolutions per minute for the duration of the test.

(c) The water spray shall discharge about 0.7 gallons per minute onto the specimens for about one minute during each revolution.

(d) The arc shall operate on 13 amperes direct current or 17 amperes, 60 hertz alternating current, with voltage at the arc of 140 volts.

(e) The electrodes shall be renewed at intervals sufficiently frequent to insure full operative conditions of the lamp.

(f) The globe shall be cleaned when the electrodes are removed or at least once in each 36 hours of operation.

4-7.2.3 Test Cycle.

(a) Specimens shall be subjected to this exposure for 360 hours.

(b) Specimens shall then be allowed to dry thoroughly at a temperature between 70 and 100 degrees Fahrenheit.

(c) After drying, the specimens shall proceed through the Flame Test.

4-7.3.2 Operation of Test Equipment.

(a) The specimens for test shall be mounted on the rotating rack, facing the arc.

(b) The rack shall rotate about the arc at a uniform speed of about one revolution in two hours.

(c) The arc shall operate on 60 amperes and 50 volts across the arc for alternating current or 50 amperes and 60 volts across the arc for direct current.

4-7.3.3 Test Cycle.

(a) Specimens shall be subjected to this exposure for 300 hours.

(b) They shall then be allowed to dry thoroughly at a temperature between 70 and 100 degrees Fahrenheit.

(c) After drying, the specimens shall proceed through the Flame Test.

5-1 Small Scale Test.

5-1.1 When subjected to the small scale test described in Section 3-1 no specimen shall continue flaming for more than two seconds after the test flame is removed from contact with the specimen.

5-1.2 The vertical spread of flame and afterglow (smoldering combustion) on the material, as indicated by the length of char or the measurement from the bottom of the sample above which all material is sound and in original condition, shall not exceed the values shown in Table 5-1.

5-1.3 At no time during or after the application of the test flame shall portions or residues of textiles or films which break or drip from any test specimen continue to flame after they reach the floor of the tester.

Table 5-1
Permissible Length of Char or Destroyed Material - Small Scale Test

Weight of Treated Fabric Being Tested	Maximum Average Length of Char or Destroyed Material for Ten Specimens	Maximum Length of Char or Destroyed Material for Any Specimen
Ounces per Square Yard	Inches	Inches
Over 10	3½	4½
Over 6 and not ex- ceeding 10	4½	5½
Not exceeding 6	5½	6½

STATE FIRE MARSHAL DIVISION

CHAPTER TWO: STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GASES

FireMar 11 Purpose and Scope

(a) The purpose of these regulations is to adopt minimum safety standards for the storage and handling of liquefied petroleum gases. These regulations update, supersede and repeal the Rules and Regulations Relating to the State Fire Marshal Liquefied Petroleum Gases Code SFM 201-329, 1966 edition, approved and filed December 9, 1965.

(b) The scope of these regulations is intended to be consistent with Minnesota Statutes 1971, Section 299F.19.

FireMar 12 Definitions. As used in these rules, including those portions adopted by reference, the following terms and phrases shall have the meanings ascribed below:

(a) The authority having jurisdiction. The Minnesota State Fire Marshal or his authorized assistants. (Minnesota Department of Public Safety, Fire Marshal Division, 1246 University, St. Paul, Minnesota 55104.)

(b) N.F.P.A. National Fire Protection Association.

FireMar 13 Regulations and Standards Adopted by Reference. The standard for the storage and handling of liquefied petroleum gas as incorporated in N.F.P.A. No. 58, Storage and Handling of Liquefied Petroleum Gases 1972, adopted by the N.F.P.A. at its annual meeting on May 17, 1972, is incorporated by reference and hereby made part of the Minnesota regulations on flammable gases pursuant to statutory authority, subject to the alterations and amendments listed in FireMar 14 herein.

FireMar 14 Amendments to N.F.P.A. Standards as Adopted

(a) A new subsection is added to section 14 (page 58-12) to read as follows:

"142. Submittal of Plans

"1420. Where underground containers are permitted, plans of any such installation, regardless of capacity, shall be submitted for approval to the Minnesota State Fire Marshal before construction.

"1421. For any installation utilizing aboveground storage containers of over 2,000 gallons water capacity, or when aggregate water capacity of all above ground containers exceeds 4,000 gallons, plans shall be submitted to the State Fire Marshal before construction."

(b) Subsection 120 (page 58-10) is amended by adding, in paragraph (a), "Factory Mutual Engineering Corp."

(c) In Section 16, the definition of PORTABLE STORAGE CONTAINER (page 58-16) is amended by changing "normally for 12 months or less" to "6 months maximum".

(d) Table 3-2 of subsection 362 (Page 58-76) is revised by changing "Point of Transfer (see 4001)" to "Opposite End of Storage Tank from Direct Fired Vaporizer."

(e) Table 4-2 of Subsection 422 (page 58-98) is amended by adding new item number 10 to read as follows: "10. Direct Fired Vaporizer — Opposite End of Storage Tank from Direct Fired Vaporizer."

(f) Subsection 640 (page 58-111) is amended by revising the last sentence to read as follows: "Such containers may be transported partially filled with LP-Gas, but not more than permitted by 6410."

(g) A requirement for Notification of Product Leakage or Emergency is hereby incorporated as part of this standard: "It shall be the duty of the responsible person in charge thereof to notify the Minnesota State Fire Marshal or his authorized assistants of any unusual loss of product or equipment, other than domestic installations, or of any emergency, including domestic installations, involving or attributed to liquefied petroleum gas."

(h) Subsection 210, paragraph 2103 (page 58-20) is revised to read as follows: "Containers for general use shall not have individual water capacities greater than 90,000 gallons, and containers in service stations shall not have individual water capacities greater than 30,000 gallons, except as permitted by the Minnesota State Fire Marshal or his authorized assistants."

(i) Subsection 2510 (page 58-40) is revised to read as follows: "Except as provided in 2511 and 2520, new residential, commercial and industrial appliances shall not be installed unless their correctness as to design, construction, and performance is certified by one of the following:

"(a) Determined by a nationally recognized testing agency adequately equipped and competent to perform such services, and shall be evidenced by the attachment of its seal or label to such gas appliance. This agency shall be one which maintains a program of national inspection of production models of gas appliances at least once each year on the manufacturer's premises. Approval by the American Gas Association Laboratories, as evidenced by the attachment of its listing symbol or Approval Seal to gas appliances and a certificate or letter certifying approval under the above mentioned requirements, or listing by Underwriters' Laboratories, Inc. or Factory Mutual Engineering Corp., shall be considered as constituting compliance with the provisions of this section.

"(b) Approval by the State Fire Marshal or his authorized assistants."

(j) Subsection 3126 including paragraphs (a) through (e) therein on page 58-47 is repealed and the following new subsection 3126 is incorporated as part of this standard: "ASME container assemblies or container systems listed for underground installation, or container assemblies listed for interchangeable aboveground-underground service may be installed underground. Installation location will be judged on individual merit according to the water table level of the area. Underground containers shall never be abandoned; rather, they must be removed from the ground."

(k) Appendix C-21 on page 58-130 is repealed.

FireMar 15-19 Reserved for future use.

Filed August 1, 1974.

STATE FIRE MARSHAL DIVISION

CHAPTER THREE: FLAMMABLE AND COMBUSTIBLE LIQUIDS

FireMar 20 Purpose and Scope

(a) The purpose of these regulations is to adopt minimum safety standards for the storage, handling and use of flammable and combustible liquids. These regulations update, supersede and repeal the Rules and Regulations Relating to the State Fire Marshal Flammable Liquids Code, SFM 1-125, 1967 edition approved and filed with the Secretary of State September 20, 1967 and filed with the Commissioner of Administration September 21, 1967.

(b) The scope of these regulations is intended to be consistent with Minnesota Statutes 1971, Section 299F.19.

FireMar 21 Definitions. As used in these regulations, including those portions adopted by reference, the following terms and phrases shall have the meanings as ascribed below:

(a) The authority having jurisdiction. The Minnesota State Fire Marshal or his authorized assistants. (Minnesota Department of Public Safety, Fire Marshal Division, 1246 University, St. Paul, Minnesota 55104.)

(b) N.F.P.A. The National Fire Protection Association.

FireMar 22 Regulations and Standards Adopted by Reference. The standard for storage, handling and use of flammable and combustible liquids as incorporated in N.F.P.A. No. 30, Flammable and Combustible Liquids Code 1973, adopted by the N.F.P.A. at its annual meeting May 14-18, 1973, is incorporated by reference and hereby made part of the Minnesota regulations on flammable liquids pursuant to statutory authority, subject to the alterations and amendments listed in FireMar 23 herein.

FireMar 23 Amendments to N.F.P.A. Standards as Adopted

(a) A requirement of notification of product spill, loss or leakage, as follows, is hereby incorporated as part of this flammable liquids standard: "It shall be the duty of the owner of a flammable liquid facility or other responsible person in charge thereof to notify the Minnesota State Fire Marshal or his authorized assistants of any individual loss of 25 gallons or more of stored flammable liquids either by accident or otherwise. Said notice shall be made by telephone (612-296-3584) or other comparable means and shall be made immediately upon discovery of the loss. The notification shall include the location and nature of the loss and other pertinent information as may be available at the time."

(b) Requirements for the approval of plans, as covered in the following paragraphs (1) through (7), are herein incorporated as part of this flammable liquids regulation:

"(1) Except as otherwise provided in paragraphs (1) and (2) of this section, before any construction or new or additional installation for the storage, handling or use of flammable liquids is undertaken in bulk plants, service stations, chemical plants, refineries, and processing plants, drawings or blueprints thereof made to scale shall be submitted to the State Fire Marshal or his authorized assistants, with an application, all in duplicate, for

approval. Within a reasonable time (10 days) after receipt of the application with drawings or blueprints, the State Fire Marshal or his authorized assistants will cause the same to be examined, and if he finds that they conform to the applicable requirements of these regulations, he shall signify his approval of the application either by endorsement thereon or by attachment thereto, retain one copy for his files and return to the applicant the other copy plus any additional copies submitted by the applicant. If the drawings or blueprints do not conform to the applicable requirements of these regulations, he shall notify the applicant in writing within the time aforementioned.

"(2) Drawings shall show the name of the person, firm, or corporation proposing the installation, the location thereof and the adjacent streets or highways and surface waters of the State.

"(3) In the case of bulk plants the drawing shall show, in addition to any applicable features required under paragraphs (5) and (6) of this section, the plot of ground to be utilized and its immediate surroundings on all sides; complete layout of buildings, tanks, loading and unloading docks; type of construction of each building and the type and location of heating devices therefor, if any.

"(4) In the case of service stations, the drawings, in addition to any applicable features required under paragraphs (5) and (6) of this section, shall show the plot of ground to be utilized; the complete layout of buildings, drives, dispensing equipment, greasing or washing stalls and the type and location of any heating devices.

"(5) In the case of aboveground storage, the drawing shall show the location and capacity of each tank; dimensions of each tank the capacity of which exceeds 50,000 gallons; the class of liquids to be stored in each tank; the type of tank supports; the clearance as covered in Section 21 of the standards herein adopted; the type of venting and pressure relief relied upon and the combined capacity of all venting and pressure relief valves on each tank, as covered in Subsections 2140, 2150, and 2160 of the standard herein adopted; the tank control valves as covered in Subsection 2180 of the standard herein adopted; the location of the pumps and other facilities by which liquid is filled into and withdrawn from the tanks and diking provided, if any.

"(6) In the case of underground storage, the drawings shall show the locations of fill gauge and vent pipes and openings, the location and capacity of each tank, the class of liquid to be stored therein, along with the clearance and requirements as covered in Subsection 2110 of the standard herein adopted.

"(7) In the case of an installation for storage, handling, or use of flammable liquids within buildings or enclosures at any establishment or occupancy covered in these regulations, the drawings shall be in such detail as will show whether applicable requirements are to be met."

(c) Subsection 1050 (page 30-7) is amended by adding the following: "Application for a variance or exemption from any part of this code shall be made in writing to the Minnesota State Fire Marshal and be based upon a showing of need. In no case shall the Minnesota State Fire Marshal grant such request for exemption or variance if he should determine that the requested use will constitute a distinct hazard to life, adjoining properties, or the surface waters of Minnesota. Applicants for variances or exemptions from the provisions of this code shall be afforded the opportunity to be heard

on the request for variance or exemption and shall receive at least ten (10) days written notice of the time and place of the hearing. The Fire Marshal shall consider all of the evidence submitted at such hearing and upon due consideration issue written notice of his findings to all interested parties."

(d) Section 1060 (page 30-8) is revised to read as follows:

"1060. Retroactivity

"1061. Insofar as these regulations cover operational practice or use of containers, they shall apply and be enforced as to all plants, stations, establishments and facilities, wherein or whereon flammable liquids are stored, handled or used, whether existing and in service as of the effective date of these regulations or subsequently established or placed in service. Regulations covering physical installations shall apply to all plants, stations, establishments, and facilities erected or installed or first devoted to flammable liquids storage, handling or use on or after the effective date of these rules and, to the extent specifically provided for or to the extent necessary to eliminate any distinct hazard to life or adjoining property or surface waters of Minnesota, shall apply to existing establishments and facilities devoted to storage, handling or use of flammable liquids prior to the effective date of these regulations.

"(a) Non-conformity with these regulations existing as of the effective date with respect to the locations or arrangement of buildings, tanks, platforms or docks, or to spacing or clearances between these installations or between these installations and adjoining property lines, shall not be deemed to be distinctly hazardous and may be allowed to continue.

"(b) Non-conformity with these regulations existing as of the effective date with respect to vents or pressure relief devices on tanks, control valves on tanks or in piping systems, ventilation or sources of ignition shall be deemed distinctly hazardous and shall be corrected or eliminated; provided however, that vents or pressure relief devices installed on tanks prior to these regulations and meeting the size requirements of the 1965 edition of the State Fire Marshal Flammable Liquids Code shall be allowed to continue.

"(c) Non-conformity with these regulations existing as of the effective date, otherwise than as covered in (a) or (b) of this section, and otherwise than with respect to operational practice and container use, shall be subject to evaluation as provided in subsection 1050 before any order for the elimination thereof is issued.

"At any plant, station or establishment existing and devoted to flammable liquid use as of the effective date of these rules in which continuance of non-conformity is allowed under the foregoing provisions, the installation of additional or replacement facilities shall be made in conformity with these rules.

"1062. Correction or Elimination of Existing Non-Conformity in Physical Installations: Where required correction or elimination of existing non-conformity necessitates the obtaining and installing of additional devices or structural protection or the emptying or temporary non-use of one or more facilities, then a reasonable time, considering the amount of work to be done, the availability of materials, and the need for continued operation of the facility, shall be allowed therefor. Provided that when work involving reconstruction or modernization of storage facilities is

undertaken at a location, then any required elimination or correction of non-conformity thereat shall be made in the course of such work. Provided, further, however, that where practical difficulties are encountered in accomplishing required elimination of non-conformity at any location, an extension or further extension beyond the time specified in any order therefor may be granted in writing by the State Fire Marshal upon written application to the State Fire Marshal or his authorized assistants setting forth supporting facts."

(e) Section 4460 (page 30-47) paragraph (b) is revised (changing 660 gallons of Class IIIA liquids to 500 gallons) to read as follows: "Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, 120 gallons of Class IB, 180 gallons of Class IC, 240 gallons of Class II, or 500 gallons of Class IIIA liquids or any combination of Class I and Class II liquids exceeding 240 gallons, the excess shall be stored in a room or portion of the building that complies with the construction provisions for an Inside Storage Room as provided in 43. For water miscible liquids, these quantities may be doubled."

(f) Section 4480 (page 30-48) paragraph (a) is amended by adding the following: "The fire resistive requirements of exterior walls for new or remodeled buildings, building additions, and changes in building occupancy shall be as specified in the State Building Code, U.B.C. Section 504(b)."

(g) Section 5220 (page 30-55) is amended by adding the following: "The fire resistive requirements of exterior walls for new or remodeled buildings, building additions, and changes in building occupancy shall be as specified in the State Building Code, U.B.C. Section 504(b)."

(h) Section 6110 (page 30-63) is amended by adding the following: "The exit requirements of the State Building Code, U.B.C. Chapter 33 shall apply to new or remodeled buildings, building additions, and changes in building occupancy."

(i) Subsection 7633 (page 30-82) is revised to read as follows: "Dispensing of Class I Liquids at locations not open to the public does not require an attendant or supervisor. Such locations may be used by commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their business. This provision shall not include private or fraternal clubs or associations."

(j) Section 7640 (page 30-83) is amended adding a subsection to read as follows: "No dwelling unit or sleeping facility for owner, operator, or employee shall be maintained in or on the premises of self service stations closer than 100 feet from Class I flammable liquid self service devices or 50 feet from Class II flammable liquid self service dispensing devices."

(k) Subsection 7642 (page 30-83) is amended to read as follows: "Approved dispensing devices are permitted for self service stations. Coin and currency operated dispensing devices are not approved dispensing devices."

(l) Section 7640 (page 30-83) is amended by adding a subsection to read as follows: "Flammable and combustible liquids shall be dispensed only by persons 16 years of age or older. Prominent signs shall be posted at self service stations prohibiting flammable liquids from being dispensed by anyone under age 16."

(m) Subsection 8211 (page 30-85) is amended by adding the following: "The fire resistive requirements of exterior walls for new or remodeled

buildings, building additions, and changes in building occupancy shall be as specified in the State Building Code, U.B.C. Section 504(b)."

(n) Subsection 8212 (page 30-86) is amended by adding the following: "The exit requirements of the State Building Code, U.B.C. Chapter 33 shall apply to new or remodeled buildings, building additions, and changes in building occupancy."

FireMar 24-29 Reserved for future use.

Filed August 1, 1974.

FireMar 30-51 Repealed 75R
1431 4-4-83; See new: 11MCAR55
1.5101-1.5156
219

FireMar 33

**MINNESOTA DEPARTMENT OF
PUBLIC SAFETY
STATE FIRE MARSHAL DIVISION**

CHAPTER FOUR: MINNESOTA UNIFORM FIRE CODE

FireMar 30 Purpose and Scope

(a) The purpose of these regulations is to adopt uniform fire safety standards governing the maintenance of buildings and premises; regulating the storage, use and handling of dangerous and hazardous materials, substances and processes; and regulating the maintenance of adequate egress facilities.

(b) The scope of these regulations is intended to be consistent with Minnesota Statutes 1974, Section 299F.011.

FireMar 31 Regulations and Standards Adopted by Reference. The Uniform Fire Code, 1973 Edition, as promulgated by the International Conference of Building Officials and the Western Fire Chiefs Association (abbreviated U.F.C.) is incorporated by reference and hereby made part of Minnesota regulations pursuant to statutory authority, subject to the alterations and amendments in FireMar 32-51.

FireMar 32 Amendments to Article 1 Division I of the U.F.C. (Title, Intent and Scope)

(a) Title

Sec. 1.101 is amended to read as follows:

"This code shall be known as the Minnesota Uniform Fire Code, may be cited as such, and will be referred to herein as "this code'."

(b) Intent

Sec. 1.102, paragraph (b) is amended to read as follows:

"Where no specific standards or requirements are specified in this code, or contained within other applicable laws (or legally adopted codes) or ordinances, compliance with the standards of the American Insurance Association, the National Fire Protection Association, or other nationally recognized fire safety standards as are approved by the State Fire Marshal shall be deemed as prima facie evidence of compliance with this intent."

(c) Scope

Sec. 1.103, paragraph (b) is amended to read as follows:

"The provisions of this code shall apply to existing conditions as well as to conditions arising after the adoption thereof, except that conditions legally in existence at the adoption of this code and not in strict compliance therewith shall be permitted to continue only if, in the opinion of the State Fire Marshal, they do not constitute a distinct hazard to life or property."

FireMar 33 Amendments to Article 1 Division II of the U.F.C. (Administration)

(a) Responsibility for Enforcement.

Sec. 1.201 is amended to read as follows:

"The State Fire Marshal may, and the Chief of any jurisdiction adopting this code shall, administer and enforce this code and all laws of the state pertaining to:

"(a) The prevention of fires.

"(b) The suppression or extinguishing of dangerous or hazardous fires.

"(c) The storage, use and handling of explosive, flammable, toxic, corrosive and other hazardous gaseous, solid and liquid materials.

"(d) The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.

"(e) The maintenance and regulation of fire escapes.

"(f) The maintenance of fire protection and elimination of fire hazards on land and in buildings, structures, and other property, including those under construction.

"(g) The means and adequacy of each exit in the event of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, class B supervised living facilities, churches, halls, theaters, amphitheaters, and all other places in which people work, live, or congregate from time to time for any purpose.

"(h) The investigation of the cause, origin and circumstances of fire."

(b) Rules and Regulations

Sec. 1.202 is deleted and replaced with the following:

"(a) Any jurisdiction which adopts this code is authorized to make amendments, by ordinance, to Article I hereof to provide for a system of enforcement and administration within the jurisdiction. These amendments shall be in the form of additions only and none of the existing provisions of Article I shall be changed nor shall any amendment be made which interferes with the intent of the existing provisions for the State Fire Marshal's duties and powers thereunder.

"(b) Wherever the term 'State Fire Marshal' appears in Article I it shall also include the Chief of any jurisdiction adopting this code.

"(c) Wherever the term 'Chief' appears in Article 2 through 36 or in the Appendix of this code it shall mean State Fire Marshal except that it shall also include the chief of any jurisdiction adopting this code.

"(d) Any jurisdiction which adopts this code is authorized to adopt, by ordinance, rules and regulations for the prevention and control of fires and fire hazards as may be necessary, from time to time, to carry out the intent of this code, and which may be more restrictive than this code when the rules and regulations are necessary to protect life or property in the community. The governing body may adopt this code by ordinance. One certified copy of the ordinance containing the rules and regulations shall be filed with the clerk of the jurisdiction and shall be in effect immediately thereafter and additional copies shall be kept in the office of the fire department for distribution to the public."

(c) Fire Prevention Bureau

Sec. 1.203 is deleted in its entirety.

(d) Fire Prevention Engineer or Fire Marshal

Sec. 1.204 is deleted in its entirety.

(e) Authority of Fire Personnel to Exercise Powers of Police Officers

Sec. 1.205 is deleted in its entirety.

(f) Authority and Duty of Police Personnel to Assist in Enforcing This Code

Sec. 1.206 is deleted in its entirety.

(g) Inspections and Unsafe Buildings

Sec. 1.207 is deleted in its entirety.

(h) Investigations

Sec. 1.208 is amended to read as follows:

"The fire department of any jurisdiction adopting this code shall investigate promptly the cause, origin and circumstances of each and every fire occurring in the municipality, involving loss of life or injury to person or destruction or damage to property, and if it appears to the members of the fire department making the investigation that such fire is of suspicious origin he shall then take immediate charge of all physical evidence relating to the cause of fire, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall cooperate with the authorities in the collection of evidence and in the prosecution of the case. The Chief shall make a report in writing to the State Fire Marshal of all facts and findings relative to each investigation."

(i) Right of Entry

Sec. 1.209 is amended to read as follows:

"Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the State Fire Marshal has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the State Fire Marshal may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the State Fire Marshal by this code; provided that if such building or premises be occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the State Fire Marshal shall have recourse to every remedy provided by law to secure entry.

"No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to properly permit entry therein by the State Fire Marshal for the purpose of inspection and examination pursuant to this code. Any person violating this subdivision shall be guilty of a misdemeanor."

(j) Orders, Notices and Tags

Sec. 1.210 is amended to read as follows:

"(a) Whenever the State Fire Marshal shall find in any building or on any premises combustible, hazardous or explosive materials, or dangerous accumulations of rubbish, or unnecessary accumulations of waste paper boxes, shavings, or any highly flammable materials which are so situated as to endanger life or property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows that reasonably tend to interfere with the operations of a fire department or the egress of the occupants of such building or premises, or shall find that the effectiveness of any exit door, attic separation, or any fire separation wall is reduced, or shall find that this code is being violated, he shall issue such orders as may be necessary for the enforcement of the fire prevention laws and ordinances governing the same and for the safeguarding of life and property from fire.

"(b) Whenever the State Fire Marshal deems any chimney, smokestack, stove, oven, incinerator, furnace or other heating device, electric fixture or any appurtenance thereto, or anything regulated under a nationally approved standard in or upon any building, structure or premises not specifically mentioned in this code, to be defective or unsafe so as to create an immediate hazard, he shall serve upon the owner or the person having control of the property a written notice to repair or alter as necessary and shall notify any other authority enforcing codes regulating such equipment. He may affix a condemnation tag prohibiting the use thereof until such repairs or alterations are made. When affixed, such tag may be removed only by the order of the State Fire Marshal and may be removed only when the hazard to which the order pertains has been eliminated in an approved manner. Until removed, that item or device which has caused the hazard shall not be used or be permitted to be used. When an apparent structural hazard is caused by the faulty installation, operation, or malfunction of any of the hereinabove mentioned items or devices, the State Fire Marshal shall immediately notify the building official of the jurisdiction who shall investigate such hazard and shall cause such hazard to be abated as required under the Building Code."

(k) Compliance

Sec. 1.212 is amended to read as follows:

"(a) Any person operating or maintaining any occupancy, premises or vehicle subject to this code who shall permit any fire hazard to exist on premises under his control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the State Fire Marshal shall be guilty of a misdemeanor.

"(b) Any order or notice issued or served as provided in this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In cases of extreme danger to life or property immediate compliance shall be required. If the building or other premises is owned by one person and occupied by another, under lease or otherwise, and the order or notice requires additions or changes in the building or premises such as would immediately become real estate and be the property of the owner of the building or premises, such order or notice shall be complied with by the owner unless the owner and occupant have otherwise agreed between themselves, in which event the occupant shall comply.

"(c) No person shall remove a tag affixed under Sec. 1.210(b) of this code without authority to do so.

"(d) No person shall use a building, premises or thing in violation of a tag affixed under Sec. 1.210(b) of this code."

(l) Records and Reports

Sec. 1.213, paragraph (a) is amended to read as follows:

"The fire department of any jurisdiction adopting this code shall keep a record of all fires occurring within its jurisdiction and facts concerning the same; including statistics as to the extent of such fires and the damage caused thereby, together with such other information as may be required by the State Fire Marshal."

(m) Alternate Materials and Methods

Sec. 1.214, paragraph (a) is amended to read as follows:

"The State Fire Marshal may modify any of the provisions of this code

upon application in writing by the owner or lessee, or his duly authorized representatives, where there are practical difficulties in the way of carrying out the strict letter of this code provided that the spirit of this code shall be complied with, public safety secured and substantial justice done. The particulars of such modification shall be granted or allowed and the decision of the State Fire Marshal shall be entered upon the records of the department and a signed copy shall be furnished the applicant."

(n) Board of Appeals

Sec. 1.215 is deleted in its entirety.

(o) Compliance with Recognized Standards

Sec. 1.216 is amended to read as follows:

"Whenever this code is inapplicable for any reason to any situation involving the protection of persons and property from the hazards of fire and explosion, the materials, methods of construction, installations, practices, or operations necessary to provide such protections shall, to a reasonable degree, be in accordance with nationally recognized and accepted standards, principles and tests and generally recognized and well established methods of fire prevention and control as set forth in the Ten Volumes of the National Fire Codes, of the National Fire Protection Association (NFPA) which are adopted by reference as part of this code as though set forth herein in full." All other publications listed in Sec. 1.216 are deleted.

FireMar 34 Amendments to Article 1 Division III of the U.F.C. (Permits and Certificates)

(a) Application for Permit

Sec. 1.302 is amended to read as follows:

"When required, all applications for a permit required by this code shall be made to the State Fire Marshal in such form and detail as he shall prescribe. Applications for permits shall be accompanied by such plans as required by the State Fire Marshal."

(b) Inspection Required

Sec. 1.303 is amended to read as follows:

"Before a permit may be issued, the State Fire Marshal shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used."

(c) Retention of Permits

Sec. 1.304 is amended to read as follows:

"Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the State Fire Marshal."

(d) Revocation of Permits

Sec. 1.307 is amended to read as follows:

"Any permit or certification issued under this code may be suspended or revoked when it is determined after a hearing by the State Fire Marshal that:" (a) through (e) remain unamended.

(e) Destruction of Signs

Sec. 1.308 is amended to read as follows:

"No person shall mutilate or remove or destroy any sign posted by the State Fire Marshal."

Fire Mar 35 Amendments to Article 1 Division IV of the U.F.C. (Definitions)

(a) In Sec. 1.403, the definition of **APPROVED** is amended to read as follows:

"**APPROVED** refers to approval by the State Fire Marshal as the result of investigation and tests conducted by him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations."

(b) In Sec. 1.404, the definition of **BUILDING CODE** is amended to read as follows:

"**BUILDING CODE** shall mean the Minnesota Building Code."

(c) In Sec. 1.404, the definition of **BUREAU OF FIRE PREVENTION** is deleted.

(d) In Sec. 1.405, the definition of **CHIEF OF THE BUREAU OF FIRE PREVENTION** is deleted.

(e) In Sec. 1.407, the definition of **ELECTRICAL CODE** is amended to read as follows:

"**ELECTRICAL CODE** shall mean the National Electrical Code, National Fire Protection Association."

(f) In Sec. 1.407, the following definition is added:

"**ELECTROSTATIC FLUIDIZED BED** shall mean a container holding powder coating material which is aerated from below so as to form an air-supported expanded cloud of such material which is electrically charged with a charge opposite to the charge of the object to be coated. Such object is transported through the container immediately above the charged and aerated materials in order to be coated."

(g) In Sec. 1.408, the following definitions are added:

"**FIRE DEPARTMENT STANDPIPE** shall mean a fire line system with a constant water supply and pressure and equipped with fire department inlet and outlet connections and installed exclusively for the use of the fire department.

"**FLUIDIZED BED** shall mean a container holding powder coating material which is aerated from below so as to form an air-supported expanded cloud of such material through which the preheated object to be coated is immersed and transported."

(h) In Sec. 1.410, the definition of **HAZARDOUS FIRE AREA** is amended to read as follows:

"**HAZARDOUS FIRE AREA** shall mean any land which is covered with grass, grain, brush or forest, whether privately or publically owned, which is so situated, or is of such inaccessible location, that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Hazardous fire areas shall be designated on a map by the Chief of any jurisdiction adopting this code. This map shall be maintained in the office of the Chief."

(i) In Sec. 1.415, the following definition is added:

"**MUNICIPALITY** shall mean any city, county, or township acting through its township board."

(j) In Sec. 1.421, the definition of **SPRAYING AREA** is amended to read as follows:

"**SPRAYING AREA** shall mean any area in which dangerous quantities

of flammable vapors or combustible residues, dusts or deposits are present due to the operation of spraying processes. The State Fire Marshal may define the limits of the spraying area in any specific case."

(k) In Sec. 1.421, the following definitions are added:

"STATE FIRE MARSHAL shall mean the Minnesota State Fire Marshal or his authorized representative.

"SWING JOINT shall mean one of the following:

"1. Extractor type foot valve housing with either a street elbow or a nipple and an elbow.

"2. An elbow and a street elbow.

"3. Two elbows and a nipple not over 6 inches long. (Note: due to structural weakness a "close" nipple shall not be permitted.)"

(l) In Sec. 1.424, the definition of VAPOR AREA is amended to read as follows:

"VAPOR AREA shall mean any area containing quantities of flammable vapors. The State Fire Marshal may determine the extent of the vapor area, taking into consideration the characteristics of the liquid, the degree of sustained ventilation, and the nature of the operations."

FireMar 36 Amendments to Article 2 of the U.F.C. (Tire Rebuilding Plants)

(a) The title of Article 2 of the U.F.C. is changed to "TIRE REBUILDING PLANTS."

(b) Sec. 2.101 is revised to read as follows:

"Tire rebuilding plants shall conform to all other applicable requirements of this code as well as to the following provisions."

FireMar 37 Amendments to Article 4 of the U.F.C. (Resurfacing and Refinishing)

(a) The title of Article 4 of the U.F.C. is changed to "RESURFACING AND REFINISHING."

(b) General

Sec. 4.101 is amended to read as follows:

"Bowling alleys, roller skating rinks and other public assembly occupancies shall conform to all other applicable requirements of this code, as well as the following provisions."

(c) Permit Required

Sec. 4.102 is amended to read as follows:

"No person shall conduct bowling pin refinishing and bowling alley or floor resurfacing and refinishing operations involving the use and application of flammable liquids or materials without a permit."

(d) Resurfacing and Refinishing

The subtitle of Sec. 4.103 is changed to "Resurfacing and Refinishing."

Sec. 4.103 is amended to read as follows:

"Resurfacing and refinishing operations shall not be carried on while the establishment is open for business. The Chief shall be notified when areas are to be resurfaced or refinished. Approved ventilation shall be provided. Heating, ventilating, or cooling systems employing recirculation of air shall

not be operated during resurfacing and refinishing operations or within one hour following the application of flammable finishes. All electrical motors or other equipment in the area which might be a source of ignition shall be shut down, and all smoking and use of open flames prohibited during the application of flammable finishes and for one hour thereafter."

FireMar 38 Amendments to Article 6 of the U.F.C. (Cellulose Nitrate Plastics — Pyroxylin)

Storage and Handling

Sec. 6.104, paragraphs (c) and (e) are amended to read as follows:

"(c) All raw materials in excess of that permitted above shall be kept in vented vaults not exceeding 1,500 cubic feet capacity and with one approved automatic sprinkler head to each 125 cubic feet of total vault space and with construction and venting in conformity with the requirements prescribed in Sec. 5.105 of this code and approved by the Chief.

"(e) In factories manufacturing articles of cellulose nitrate plastics (pyroxylin) such sprinklered and vented cabinets, vaults or storage rooms, approved by the Chief, shall be provided as may be necessary to prevent the accumulation in workrooms of raw stock in process or finished articles."

FireMar 39 Amendments to Article 8 of the U.F.C. (Compressed Gases)

(a) Scope

Sec. 8.101 is amended to read as follows:

"This article shall apply to bulk oxygen systems and to the storage, handling, and use of compressed gases as defined herein. This article shall also apply to fixed installations of nonflammable medical gases intended for sedation, wherein the patient is not rendered unconscious, such as but not limited to, analgesia systems used for dentistry, podiatry, and such other similar uses. Liquefied petroleum gases and compressed gases used in conjunction with welding or cutting operations are exempt from these provisions. Whenever the term 'oxygen' occurs in this article, the requirements shall apply to systems for nitrous oxides."

(b) Definitions

In Sec. 8.102, the following definitions are added:

"CENTRAL SUPPLY shall mean the portion of the system which normally supplies the piping systems.

"D.I.S.S. DIAMETER INDEX SAFETY SYSTEM as outlined in Compressed Gas Association Pamphlet V-5.

"PIPED DISTRIBUTION SYSTEM shall mean a central supply system with control equipment and a system of piping extending to the points in the building where nonflammable medical gases may be required and suitable station outlet valves at each point."

(c) Nonflammable Medical Gas System

Sec. 8.106 is deleted in its entirety and replaced with the following:

"(a) Cylinders shall be designed, constructed, tested and maintained in accordance with U.S. Department of Transportation specifications and regulations.

"(b) High pressure supply cylinders shall be kept or stored outdoors within a secure enclosure. When outdoor storage is not practical, they shall be en-

closed in a separate room or enclosure of not less than one-hour fire resistive construction. Doors to such enclosures shall have a fire protection rating of not less than 20 minutes. Adequate ventilation shall be provided, preferably to the exterior of the building. There shall be not less than two vents, each not less than 36 inches in area, so located that one required vent will be located within 6 inches of the floor and the other vent within 6 inches of the ceiling. Enclosures shall be located away from exits.

"NOTE: It is the intent of this section to locate the supply system in a secure room or enclosure with no communicating openings to the interior of the building other than the nonflammable gas supply lines. In many cases such as high-rise buildings and existing installations this may be impracticable. These installations should be evaluated individually by the Chief with consideration given for automatic sprinkler protection to cylinder enclosure.

"(c) Rooms or enclosures for storage or use of nonflammable medical gases shall not be used for the storage of any other materials. No electric or gas apparatus, other than an approved heating device to keep the enclosure warm so the gases will flow, shall be permitted therein. Enclosures of supply systems shall be provided with doors or gates which may be locked.

"(d) When enclosures (interior or exterior) for supply systems are located near sources of heat such as furnaces, incinerators or boiler rooms, they shall be of such sufficient construction to protect cylinders from overheating. Open electrical conductors and transformers shall not be located in close proximity to enclosures. Such enclosures shall not be located adjacent to oil storage tanks.

"(e) Ordinary electrical wall fixtures in supply rooms shall be installed in fixed locations not less than 5 feet above the floor to avoid physical damage.

"(f) Manifolds shall be of substantial construction and of design and materials suitable for the service pressure involved. Mechanical means shall be provided to assure the connection of cylinders containing the proper gas to the manifold. Cylinder outlets for oxygen shall have a .903 inch — 14NGO-RH-EXT outside diameter for oxygen, industrial and medical (Connection No. 540; American-Canadian Standard for Compressed Gas Cylinder Valve Outlet and Inlet Connections, ANSI B37.1-1965, CAS 896-1965), and for nitrous oxide, .825 inch — 14NGO-RH-EXT standard cylinder valve outlet connection for nitrous oxide (Connection No. 1320, American-Canadian Standard for Compressed Gas Cylinder Valve Outlet and Inlet Connections, ANSI B57.1-1965).

"When other nonflammable gases or gas mixtures are to be piped, care should be taken to assure noninterchangeability with other medical gases.

"NOTE: It is advisable to obtain manifolds from and have them installed under the supervision of a manufacturer familiar with proper practices for their construction and use.

"(g) A check valve shall be installed between each cylinder lead and the manifold header as shown in Figure No. 2.

"NOTE: The purpose of this check valve is to prevent the loss of gas from the manifolded cylinders in the event the safety relief device on an individual cylinder should function or a cylinder lead should fail.

"(h) All flexible hose and D.I.S.S. fittings used to connect the pressure regulator to the fixed piping on the low pressure side and also used to connect the dispensing unit to the outlet stations, shall be of a type approved by the Chief; the hose and fittings shall have a bursting pressure of not less than four times the maximum working pressure. The hose shall be a maxi-

imum length of 5 feet and shall not penetrate walls, floor, etc.

"(i) Threaded connections between the regulator and either the low pressure manifold or the piping system shall be noninterchangeable connections complying with D.I.S.S. CGA Pamphlet V-5.

"(j) The pipeline system shall be capable of delivering 50-55 psig to all outlets at the maximum flow rate. Pressure regulating equipment, capable of maintaining the minimum dynamic delivery pressure of 50 psig at maximum flow rate of the pipeline system, shall be installed on each cylinder upstream of the final pressure relief valve, as shown in Figure No. 1.

"EXCEPTION: Systems using approved manifold type installations.

"(k) A shutoff valve or check valve shall be installed downstream of each pressure regulator as shown in Figure No. 2.

"(l) A pressure relief valve set at 50 percent above normal pipeline pressure shall be installed in the main line downstream of the pressure regulating valve, as shown in Figures No. 1 and 2. All pressure relief valves shall close automatically when excess pressure has been released. Relief valves shall be vented to the outside or a safe area. Pressure relief valves shall be of brass or bronze and especially designed for oxygen service."

(d) Bulk Oxygen Systems at Consumer Sites

The subtitle of Sec. 8.107 is changed to "Bulk Oxygen Systems at Consumer Sites."

(e) Pipe Distribution

A new Sec. 8.109 is added to read as follows:

"(a) Pipelines shall be seamless Type K or L (ASTM B-88) copper tubing or standard weight (Schedule 40) brass pipe. Copper tubing should preferably be hard temper for exposed locations and soft temper for underground or concealed locations. Pipe sizes shall be in conformity with good engineering practice for proper delivery of maximum volumes specified. Gas piping shall not be supported by other piping but shall be supported with pipe hooks, metal pipe straps, bands or hangers suitable for the size of pipe and of proper strength and quality at proper intervals, so that piping cannot be moved accidentally from the installed position as follows:

¼-Inch Pipe or Tubing.....	6 feet
¾-Inch Pipe or Tubing.....	6 feet
½-Inch Pipe or Tubing.....	6 feet
¾-Inch or 1-Inch Pipe or Tubing.....	8 feet
1¼-Inch or Larger (Horizontal).....	10 feet
1¼-Inch or Larger (Vertical).....	Every Floor Level

"(b) All fittings used for connecting copper tubing shall be wrought copper, brass or bronze fittings made especially for solder or brazed connection, except as provided in Sec. 8.109(c) of this code. Brass pipe shall be assembled with screw type brass fittings or with bronze or copper brazing type fittings.

"(c) Approved gas tubing fittings may be used on gas distribution lines when pipe sizes are ½-inch nominal or less if the fitting is so installed as to be visible in the room. Such fittings may also be used in connecting copper tubing ¾-inch nominal or less to shutoff valves described in Sec. 8.110 of this code, provided the fittings are readily accessible.

"(d) Buried piping shall be adequately protected against frost, corrosion and physical damage. Ducts or casings may be used. Oxygen piping may be placed in the same tunnel, trench or duct with fuel gas pipelines, electrical

lines or steam lines, if separated, provided there is good natural or forced ventilation. Oxygen pipelines shall not be placed in a tunnel, trench or duct where exposed to contact with oil.

"(e) Oxygen pipelines installed in combustible partitions shall be protected against physical damage by installation within pipe or conduit. Openings for pipelines installed in concealed spaces shall be firestopped with construction having a fire resistance equal to or greater than the original construction. Oxygen risers may be installed in pipe shafts if suitable protection against physical damage, effects of excessive heat, corrosion, or contact with oil is provided. Oxygen risers shall not be located in elevator shafts.

"(f) Exposed oxygen pipelines should not be installed in storage rooms for combustible materials, kitchens, laundries, or other areas of special hazard. Where installation of oxygen pipelines in such locations is unavoidable, the piping shall be protected by an enclosure which will prevent the liberation of oxygen within the room should leaks occur in piping system installed in the enclosure.

"(g) Pipelines exposed to physical damage, such as might be sustained from the movement of portable equipment such as carts, stretchers or trucks, in corridors and other locations shall be provided with suitable protection.

"(h) The gas content of pipelines shall be readily identifiable by appropriate labeling with the name of the gas contained. Such labeling shall be by means of metal tags, stenciling, stamping or with adhesive markers, in a manner that is not readily removable. Labeling shall appear on the pipe at intervals of not more than 20 feet and at least once in each room and each story traversed by the pipeline.

"(i) Piping systems for gases shall not be used as a ground electrode.

"(j) Before erection, all piping, valves and fittings, except those supplied especially prepared for oxygen serviced by the manufacturer and received sealed on the job, shall be thoroughly cleaned of oil, grease and other readily oxidizable materials by washing in a hot solution of sodium carbonate or tri-sodium phosphate (proportion of one pound to three gallons of water). THE USE OF ORGANIC SOLVENTS, FOR EXAMPLE, CARBON TETRACHLORIDE, IS PROHIBITED. Scrubbing shall be employed where necessary to ensure complete cleaning. After washing, the material shall be rinsed thoroughly in clean, hot water. After cleaning, particular care shall be exercised in the storage and handling of all pipe and fittings. Pipe and fittings shall be temporarily capped or plugged to prevent recontamination before final assembly. Tools used in cutting or reaming shall be kept free from oil or grease. Where such contamination has occurred, the items affected shall be rewashed and rinsed.

"(k) All joints in the piping except those permitted to be approved brass flared type gas tubing fittings and those at valves or at equipment requiring screw connections shall be made with silver brazing alloy or similar high melting point (at least 100° F.) brazing metal. Particular care shall be exercised in applying the flux to avoid leaving any excess inside the completed joints. The outside of the tube and fittings shall be cleaned by washing with hot water after assembly.

"(l) Screw joints used in shutoff valves, including station outlet valves, shall be installed by tinning the male thread with soft solder. An approved oxygen luting or sealing compound is acceptable.

"(m) After installation of the piping, but before installation of the outlet valves, the line shall be blown clear by means of oil free, dry air or nitrogen."

(f) Shutoff Valves

A new Sec. 8.110 is added to read as follows:

"(a) The main oxygen supply line shall be provided with a shutoff valve so located as to be accessible in an emergency (cylinder valve will usually suffice when not more than two cylinders are used).

"(b) Each riser supplied from the main line shall be provided with a shutoff valve adjacent to the riser connection.

"(NOTE: Applicable only in installations with risers off the main line."

(g) Station Outlets

A new Sec. 8.111 is added to read as follows:

"(a) Each station outlet for oxygen or nitrous oxide shall be equipped with either a manually operated or automatic shutoff valve and shall be legibly labeled with the name of the gas.

"(b) Manually operated valves shall be equipped with noninterchangeable connections complying with D.I.S.S. CGA Pamphlet V-5.

"(c) Each station outlet equipped with a female member of an approved quick-coupler of the noninterchangeable type for oxygen or nitrous oxide service, and so identified, shall be provided with an automatic shutoff valve incorporated in such a manner that when the quick-coupler is removed from the pipeline for repair, the flow of oxygen or nitrous oxide shall be shut off until the female member of the quick-coupler is reattached.

"(d) Female members of the quick-couplers of the noninterchangeable types of oxygen or nitrous oxide may be attached to manually operated non-interchangeable station shutoff valves for oxygen or nitrous oxide service.

"(e) All pressure gauges and manometers for oxygen, including gauges applied temporarily for testing purposes, shall be manufactured expressly for that gas and labeled OXYGEN—USE NO OIL."

(h) Testing of Piping

A new Sec. 8.112 is added to read as follows:

"(a) After installation of station outlet valves, each section of the pipeline systems shall be subjected to a test pressure of one and one-half times the maximum working pressure, but not less than 150 psig, with oil free, dry air or nitrogen. This test pressure shall be maintained until each joint has been examined for leakage by means of soapy water or other equally effective means of leak detection safe for use with oxygen.

"(NOTE: A visual inspection of each brazen joint is recommended to make sure that the alloy has flowed completely in and around the joint and that hardened flux has not formed a temporary seal which holds test pressure. Remove all excess flux for clear visual inspection of brazed connections. All leaks shall be repaired and the section retested.

"(b) After completing the testing of each individual pipeline system, all of the associated pipeline systems shall be subjected to a 24 hour standing pressure test at one and one-half times the maximum working pressure, but not less than 150 psig. The test gas shall be oil free, dry air or nitrogen.

"(c) After the pipeline systems are filled with test gas, the supply valve and all outlet valves should be closed and the source of test gas disconnected. The system shall remain leak-free for 24 hours."

(i) Cross Connection Testing

A new Sec. 8.113 is added to read as follows:

"(a) To determine that no cross connection to other pipeline system exists,

reduce all systems to atmospheric pressure. Disconnect all sources of test gas from all of the systems with the exception of the one system to be checked. Pressure this system with oil free, dry air or nitrogen to a pressure of 50 psig. With appropriate adaptors matching outlet labels, check each individual station outlet of all systems installed to determine that test gas is being dispensed from only the outlets of this system.

"(b) Disconnect the source of test gas and reduce the system tested to atmospheric pressure. Proceed to test each additional pipeline system in accordance with (a) above."

(j) Purging

A new Sec. 8.114 is added to read as follows:

"When all medical gas piping systems have been tested in accordance with Sec. 8.112 and Sec. 8.113 of this code, the source of test gas shall be disconnected and the proper gas source of supply connected to each respective system. Following this connection and pressurization, all outlets shall be opened in a progressive order, starting nearest the source and completing the process of purge flushing at the outlet farthest from the source. Gas shall be permitted to flow from each outlet until each system is purged of test gas used during previous tests."

(k) General Precautions

A new Sec. 8.115 is added to read as follows:

"(a) Approval of the Chief shall be required prior to installation of the system.

"(b) The supply system shall be turned off at the end of each day of operation.

"(c) All compressed gas cylinders in service or in storage shall be adequately secured in an approved manner to prevent falling or being knocked over.

"(d) Adequate precautions against theft and vandalism shall be taken.

"(e) The installer shall post safety precautions and proper operating instructions in a conspicuous approved location.

"(f) The installer shall instruct the doctor or other person in charge of the office in the proper techniques for using the equipment safely.

"(g) Smoking shall be prohibited in or around supply system enclosures. NO SMOKING — OXYGEN or similar warning signs shall be posted in the enclosure."

FireMar 40 Amendments to Article 10 of the U.F.C. (Maintenance of Exit Ways)

(a) Scope

Sec. 10.101 is amended to read as follows:

"No exit or part thereof shall be altered in any way except in accordance with the Building Code."

(b) Smokeproof Enclosures

Sec. 10.110, the last paragraph is amended to read as follows:

"(f) Mechanical Ventilation. All mechanical ventilating systems and related devices shall be maintained and shall be subject to such periodic tests as may be required by the Chief."

(c) Signs and Illumination

Sec. 10.113, paragraph (a), the second paragraph is amended to read as follows:

"Exit illumination shall be maintained with separate circuits or separate sources of power (but not necessarily separate from exit signs) when these are required for exit sign illumination. See Sec. 10.113(c) of this code."

(d) Signs and Illumination

Sec. 10.113, paragraph (c), subparagraph 1B is amended to read as follows:

"Divisions 1 and 2 of Group B Occupancies with an occupant load of more than 500 persons except churches with an occupant load of less than 750 persons."

FireMar 41 Amendments to Article 11 of the U.F.C. (Explosives and Blasting Agents)

(a) Article 11, EXPLOSIVES AND BLASTING AGENTS, is deleted in its entirety.

(b) Regulations for explosives and blasting agents shall be the regulations of the Minnesota Department of Public Safety, Bureau of Criminal Apprehension.

FireMar 42 Amendments to Article 13 of the U.F.C. (Fire Protection)

(a) Authority at Fires and Other Emergencies

Sec. 13.101 is amended to read as follows:

"The Chief when in charge at the scene of a fire or other emergency involving the protection of life and/or property or any part thereof, shall have the power and authority to direct such operation as may be necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks, or other hazardous conditions or situations, or to take any other action necessary in the reasonable performance of his duty. In the exercise of such power, the Chief may prohibit any person, vehicle, vessel or thing from approaching the scene and may remove or cause to be removed or kept away from the scene any vehicle, vessel or thing which may impede or interfere with the operations of the fire department, and in the judgment of the Chief any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof."

(b) Obstructing Fire Hydrants or Fire Appliances

The subtitle of Sec. 13.206 is changed to "Obstructing Fire Hydrants or Fire Appliances." Sec. 13.206 is amended to read as follows:

"No person shall place or keep any post, fence, growth, trash or other material or thing near any fire hydrant or fire appliance that would prevent such hydrant or appliance from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to a fire hydrant or fire appliance."

(c) Fire Lanes, When Required

A new Sec. 13.209 is added to read as follows:

"(a) The marking of fire lanes on private and public property devoted to public use shall be as designated and approved by the Chief and the Chief of Police."

"(b) Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times."

(d) The title of Article 13 Division III is changed to "INSTALLATION AND MAINTENANCE OF FIRE PROTECTION, LIFE SAFETY SYSTEMS AND APPLIANCES."

(e) Installation

In Sec. 13.301, new paragraphs (d) and (e) are added to read as follows:

"(d) When fire protection facilities are to be installed by the developer, such facilities including all surface access roads shall be installed and made serviceable prior to and during the time of construction. When alternate methods of protection, as approved by the Chief, are provided, the above may be modified or waived.

"(e) All fire alarm systems, fire hydrant systems, fire-extinguishing systems (including automatic sprinklers), wet and dry standpipes, basement inlet pipes, and other fire protection systems and pertainents thereto shall meet the approval of the Chief as to installation and location and shall be subject to such periodic tests as required by the Chief. Plans and specifications shall be submitted to the Chief for review and approval prior to construction."

(f) Maintenance

Sec. 13.302 is amended to read as follows:

"All sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers and other fire protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired when defective. All repairs and servicing shall be made in accordance with recognized standards."

(g) Fire-Extinguishing Systems

Sec. 13.308, paragraph (a), the second paragraph is amended to read as follows:

"All hose threads used in connection with fire-extinguishing systems shall comply with the standards of the Chief."

(h) Fire-Extinguishing Systems

In Sec. 13.308, paragraph (b) the definition of DRY STANDPIPE is amended to read as follows:

"FIRE DEPARTMENT STANDPIPE shall mean a fire line system with a constant water supply and pressure and equipped with fire department inlet and outlet connections and installed exclusively for the use of the fire department."

(i) Detailed Installation Requirements

Sec. 13.309 is amended by making the existing section paragraph (a) and by adding a new paragraph (b) to read as follows:

"Special Automatic Fire-Extinguishing Systems. In all occupancies having commercial cooking equipment (see NFPA No. 96A), automatic fire extinguishing systems complying with the Building Code shall be installed for protection of duct systems, grease removal devices, hoods and above commercial cooking equipment which may be a source of ignition (such as fat fryers, ranges, griddles and broilers). Also permitted are systems installed in accordance with NFPA No. 16 and NFPA No. 17.

"EXCEPTION: These requirements shall not apply to Group I Occupancies."

(j) Fire Department Standpipes

The subtitle of Sec. 13.310 is changed to "Fire Department Standpipes."

Sec. 13.310 is amended to read as follows:

"(a) General. Fire department standpipes where required by the Building Code shall comply with the requirements of this section.

"(b) Location. There shall be one fire department standpipe outlet connection located at every required enclosed stairway or smokeproof enclosure. Outlets at enclosed stairways shall be located within the enclosure. No point within a building requiring fire department standpipes shall be more than 130 feet travel distance from a fire department standpipe outlet connection.

"Portions of fire department systems not located within an enclosed stairway or smokeproof enclosure shall be protected by a degree of fire resistance equal to that required for vertical enclosures in the building in which they are located.

"(c) Detailed Requirements. 1. Construction. Fittings and connections shall be of sufficient strength to withstand 300 pounds per square inch of water pressure when ready for service. All fire department standpipes shall be tested hydrostatically to withstand not less than 200 pounds per square inch of pressure for two hours but in no case shall the pressure be less than 50 pounds per square inch above the maximum working pressure.

"2. Piping. All horizontal runs of fire department standpipe systems shall be pitched at the rate of $\frac{1}{4}$ inch to 10 feet for the purpose of draining. Where pipe traps occur in such standpipe systems, including fire department connections, they shall be provided with drains.

"3. Size. The size of the standpipe shall conform to Chapter 2 of NFPA No. 14.

"4. Fire Department Connections. All fire department standpipes shall be equipped with a two-way siamese fire department connection. All fire department connections shall be interconnected in the system and shall be located on a street front, not less than 18 inches nor more than 4 feet above grade and shall be equipped with an approved straightway check valve and substantial plugs or caps. All fire department connections shall be protected against mechanical injury and shall be visible and accessible. More than one fire department connection may be required.

"5. Outlets. Each standpipe shall be equipped with an approved $2\frac{1}{2}$ inch outlet not less than 2 feet nor more than 4 feet above the floor level of each story. All fire department standpipes shall be equipped with a two-way, $2\frac{1}{2}$ inch outlet above the roof line of the building when the roof has a pitch of less than 4 inches in 12 inches and installed in a stairway or heated location. All outlets shall be installed so that a 12 inch long wrench may be used in connecting the hose with clearance for the wrench on all sides of the outlet. Standpipes located in smokeproof enclosures shall have outlets located in the vestibule or on the balcony. Standpipe outlets in stairway enclosures or smoke towers shall be so located that the exit doors do not interfere with the use of the outlet. All outlets shall be equipped with an approved valve, cap and chains.

"6. Signs. An approved durable sign with raised letters of at least 1 inch in height, shall be permanently attached to all fire department street connections. Such sign shall read FIRE DEPARTMENT STANDPIPE.

"7. Water Supply. The standard system shall deliver a water supply as required by Chapter 5 of NFPA No. 14.

(d) Dry standpipe, when approved by the Chief, may be installed in lieu of fire department standpipes and shall conform to the Building Code."

(k) Wet Standpipes

Sec. 13.311, paragraph (a) is amended to read as follows:

"General. Wet standpipes shall comply with the requirements of this section. Occupancy classifications shall be as determined by the Building Code.

"Required wet standpipes extending from the cellar or basement into the topmost story shall be provided in Groups A and B, Divisions 1 and 2 Occupancies with an occupant load exceeding 1,000; in Groups D, E, F, and G Occupancies three or more stories in height, and in Groups E and F Occupancies having a floor area exceeding 20,000 square feet per floor.

"EXCEPTION 1: Wet standpipes are not required in buildings equipped throughout with automatic fire-extinguishing systems.

"EXCEPTION 2: Wet standpipes are not required in basements or cellars equipped with complete automatic fire-extinguishing systems.

"EXCEPTION 3: Wet standpipes shall not be required in assembly areas used solely for worship."

(l) Automatic Sprinkler Systems Required in Existing Basements and Cellars

A new Sec. 13.315 is added to read as follows:

"(a) General. 1. The areas referred to in this section shall be the areas enclosed by exterior walls or fire walls or a combination thereof, except that in buildings of fire-resistive construction the areas shall be those enclosed by exterior walls, fire walls, or walls of non-combustible material having a fire-resistive rating of not less than 2 hours, or a combination thereof.

"2. Combustible goods or merchandise referred to in this section shall include those made of wood, paper or rubber; those containing combustible and/or flammable liquids; those packed with excelsior, paper or foamed plastic; and other goods or merchandise of equivalent or greater combustibility.

"(b) Installation required in existing basements and cellars. 1. Approved automatic sprinkler systems shall be installed in all existing basement and cellar areas exceeding 2,500 square feet, when used for the manufacture, sale, or storage of combustible goods or merchandise (not including garages which meet the requirements of the Building Code) or having a bowling lane or restaurant occupancy.

"2. In buildings used for assembly, educational, institutional and residential occupancies, approved automatic sprinkler systems shall be installed in portions of basement areas used for work shop or storage spaces when the total of such spaces exceeds 2,500 square feet. Where the total of these spaces exceeds 5,000 square feet, the entire basement and cellar area shall be sprinklered.

"EXCEPTION: Basements or cellars having approved exterior wall openings as specified in the Building Code.

"(c) Installation. Automatic sprinkler systems shall be installed so as to provide reasonable safety to persons and property. Evidence that automatic sprinkler systems have been installed in accordance with NFPA No. 13, shall be evidence that such automatic sprinkler systems provide reasonable safety to persons and property."

(m) Special Automatic Fire-Extinguishing Systems

A new Sec. 13.316 is added to read as follows:

"In all existing occupancies having commercial cooking equipment (see NFPA No. 96), automatic fire extinguishing systems complying with the Building Code shall be installed for protection of duct systems, grease removal devices, hoods and above commercial cooking equipment which may be a source of ignition (such as fat fryers, ranges, griddles, and broilers). Also permitted are systems installed in accordance with NFPA No. 16 and NFPA No. 17."

FireMar 43 Amendments to Article 14 of the U.F.C. (Application of Flammable Finishes) Fire-Extinguishing Equipment

Sec. 14.307, paragraph (b), is amended to read as follows:

"Dip tanks of over 150-gallon capacity or 10 square feet liquid surface area shall be protected by an approved automatic fire-extinguishing system or dip tank covers conforming to Sec. 14.308 of this code."

FireMar 44 Amendments to Article 15 of the U.F.C. (Flammable and Combustible Liquids)

(a) Scope

Sec. 15.101, paragraphs (b) and (c) are amended to read as follows:

"(b) This article shall not apply to the transportation of flammable liquids when in conformity with U.S. Department of Transportation regulations lawfully on file with and approved by the U.S. Department of Transportation.

"(c) The storage, handling and dispensing of flammable and combustible liquids shall be in accordance with NFPA No. 30, except as otherwise provided in this article or in other laws or regulations legally in effect."

(b) Permits Required

Sec. 15.103, paragraph 2 is amended to read as follows:

"Storage, handling or use of Class II or III liquids in excess of 25 gallons in a building, or in excess of 300 gallons outside a building."

(c) Waste Petroleum Products and Flammable or Combustible Liquids

Sec. 15.110 is amended to read as follows:

"No person shall permit or cause to be permitted the discharge of flammable or combustible liquids or any waste liquid containing crude petroleum or its products into or upon any street, highway, drainage canal or ditch, storm drain, sewer or flood control channel, lake or tidal waterway, or upon the ground."

(d) Location with Respect to Buildings and Property Lines

Sec. 15.202, paragraph (b) is amended to read as follows:

"In particular installations these provisions may be altered at the discretion of the Chief after consideration of the special features such as topographical conditions, nature of occupancy and proximity to buildings or adjoining property and height and character of construction of such buildings, capacity and construction of proposed tanks and character of liquids to be stored, degree of private fire protection to be provided, and facilities of the fire department to cope with flammable or combustible liquid fires."

(e) Design and Construction of Tanks Operating at Substantially atmospheric Pressure

Sec. 15.207, paragraph (a) is amended to read as follows:

"General. Tanks shall be built of steel or concrete unless character of liquid stored requires other materials. Steel commonly known as 'mill seconds' shall not be used. Tanks built of materials other than steel shall be designed to specifications embodying safety factors equivalent to those herein specified for steel tanks. Concrete tanks shall be built in accordance with sound engineering practice. Unlined concrete tanks shall be used only for storage of liquids having a gravity of 40° A.P.I. or heavier. Concrete tanks with special linings may be used for other services provided the design is approved by the Chief. Steel tanks shall be built in accordance with the requirements of the following paragraphs. All shop-built tanks shall be tested at a pressure of not less than five and not more than 10 pounds per square inch (measured at the top of the tank) for a period of at least 10 minutes without leakage or permanent deformation.

"In no event should tanks and piping be tested at less than one and one-half times the maximum working pressure. When the vertical length of the fill and vent pipes is such that when filled with liquid the static head imposed exceeds 10 psi, the tank and related piping shall be tested hydrostatically to a pressure equal to the static head thus imposed. In special cases where the height of the vent above the top of the tank is excessive, the hydrostatic test pressure shall be specified by the Chief."

(f) Large, Shop-Built Vertical Tanks

Sec. 15.207, paragraph (d)3 is amended to read as follows:

"Tanks shall be welded or riveted and caulked or otherwise made tight in a workmanlike manner. The roof of the tank shall be securely fastened to the top ring of the shell with a joint having the same tightness as the joints between rings. The joint between roof and shell shall be weaker than any other joints in the shell of the tank. Joints in the roof shall be welded or riveted or made tight by other process satisfactory to the Chief. Roofs of tanks shall have no unprotected openings."

(g) Testing

Sec. 15.216, paragraph (a) is amended to read as follows:

"Before being covered or placed in use, tanks and piping connected to underground tanks shall be tested for tightness. No portion of the system shall be covered until it has been approved.

"NOTE: See Appendix A, Section 3(d) of this code."

(h) Dispensing (Industrial Establishments)

Sec. 15.503, paragraph (e) is amended to read as follows:

"Exit facilities shall be provided in accordance with the Building Code."

(i) Buildings (Bulk Plants)

Sec. 15.605, paragraph (b) is amended to read as follows:

"Exits. Rooms storing flammable or combustible liquids or in which flammable or combustible liquids are handled by pumps shall have exit facilities in accordance with Article 10 of this code and the Building Code."

(j) Storage and Handling

Sec. 15.703, paragraph (e) is amended to read as follows:

"Service stations not open to the public do not require an attendant or supervisor. Such stations may be used by commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connec-

tion with their business. This provision shall not include private or fraternal clubs or associations."

(k) Dispensing Services

Sec. 15.704, paragraph (f), the first paragraph and subparagraph (f)5 are amended to read as follows:

"Special Type Dispensers. Coin and currency operated dispensing devices for flammable liquids are prohibited; however, remote preset types are permitted at service stations, provided there is at least one qualified attendant on duty while the station is open to the public. The attendant's primary function shall be to supervise, observe and control the dispensing of Class I liquids while said liquids are being dispensed. It shall be the responsibility of the attendant to prevent the dispensing of Class I liquids into portable containers not in compliance with Sec. 15.703(d) of this code, control sources of ignition, and to immediately handle accidental spills and fire extinguishers if needed.

"5. Flammable and combustible liquids shall be dispensed only by persons 16 years of age or older. Prominent signs shall be posted at self service stations prohibiting flammable liquids from being dispensed by anyone under age 16."

(l) Dispensing Services

In Sec. 15.704, a new paragraph (g) is added to read as follows:

"Dwelling Units. No dwelling unit or sleeping facility for owner, operator, or employee shall be maintained in or on the premises of self service stations closer than 100 feet from Class I flammable liquid self service dispensing devices or 50 feet from Class II flammable liquid self service dispensing devices."

(m) Marine Service Stations

Sec. 15.710, paragraphs (e)1 and (f)1, are amended to read as follows:

"(e)1 All marine facilities shall be maintained in a neat and orderly manner and no accumulation of rubbish or waste oils in excessive amounts shall be permitted. Any spills of flammable or combustible liquids at or upon the water of marine service stations shall be reported immediately to the local fire department and jurisdictional authorities."

"(f)1 Means shall be available for calling the local fire department. Such means may consist of a proprietary alarm system, a fire department alarm box or telephone not requiring a coin to operate; whichever it is must be within 100 feet of marine service station premises."

FireMar 45 Amendments to Article 20 of the U.F.C. (Liquefied Petroleum Gases)

(a) Article 20 LIQUEFIED PETROLEUM GASES is deleted in its entirety.

(b) Regulations for liquefied petroleum gases shall be the existing State Fire Marshal regulations concerning liquefied petroleum gases, FireMar 11-19.

FireMar 46 Amendments to Article 24 of the U.F.C. (Oil Burning Equipment)

General Installation Requirements

Sec. 24.103, paragraph (a) is amended to read as follows:

"The installation shall be made in accordance with the instructions of the manufacturer, the Minnesota Heating, Ventilation and Air Conditioning Code, and NFPA No. 31."

FireMar 47 Amendments to Article 26 of the U.F.C. (Places of Assembly)

(a) Decorative Material

Sec. 26.102, paragraph (a) is deleted in its entirety and replaced with the following:

"All drapes, hangings, curtains, drops and all other decorative material, including Christmas trees, that would tend to increase the fire and panic hazard shall be made from material which is not flammable material, or shall be treated and maintained in a flame retardant condition by means of flame retardant solution or process approved by the Chief. Exit doors, exit lights, fire alarm sending stations, wet standpipe hose cabinets, and fire extinguisher locations shall not be concealed or obstructed by any decorative material."

(b) Motion Picture Screens

Sec. 26.104 is deleted in its entirety and replaced with the following:

"In places of assembly, motion picture screens or screen masking shall not be used unless it is in compliance with Section 26.102 of this code."

FireMar 48 Amendments to Article 27 of the U.F.C. (General Precautions Against Fire)

(a) Accumulation of Waste Material

Sec. 27.201, paragraph (b) is amended to read as follows:

"All combustible rubbish, oily rags, or waste material, when kept within a building or adjacent to a building, shall be securely stored in metal or metal-lined receptacles equipped with tight-fitting covers or in rooms or vaults constructed of noncombustible materials."

(b) Flammable Decorative Materials

Sec. 27.204 is amended to read as follows:

"Cotton batting, either natural, artificial or manufactured, straw, dry vines, leaves, trees, or other highly flammable materials shall not be used for decorative purposes in show windows or other parts of all occupancies except single family dwellings unless flameproofed; provided however, that nothing in this section shall be held to prohibit the display of saleable goods permitted and offered for sale. Electric light bulbs in such occupancies shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproof."

(c) Christmas Trees

A new Sec. 27.206 is added to read as follows:

"(a) The use or display of natural or resinbearing trees in hospitals and nursing homes is prohibited.

"(b) The use or display of natural or resinbearing trees without open flames or electric light decorations is permitted in schools, churches, places of assembly, hotels and mercantile occupancies.

"(c) The use or display of flame retardant artificial trees decorated with U.L. listed electric lighting systems is acceptable in all occupancies."

(d) Storage or Display in Enclosed Malls, Skyways, Tunnels and Courts

A new Sec. 27.207 is added to read as follows:

"No combustible goods, merchandise, vehicles, or decorations shall be displayed or stored in an enclosed mall, skyway, tunnel, or court unless approved by the Chief."

(e) Reporting of Fires

Sec. 27.301, paragraph (a) is amended to read as follows:

"In the event of the discovery of fire, smoke, or flammable or toxic gases on any property, the owner or occupant shall immediately report such condition to the local fire department."

(f) False Alarms

Sec. 27.302, paragraph (c) is amended to read as follows:

"It shall be unlawful for any person to tamper with or maliciously injure any fire alarm equipment maintained for the purpose of transmitting fire alarms to a fire department."

(g) False Alarms

In Sec. 27.302, a new paragraph (e) is added to read as follows:

"Whoever intentionally gives a false alarm of fire, or unlawfully tampers or interferes with any station or signal box of any fire alarm system or any auxiliary fire appliance, or unlawfully breaks, injures, defaces or removes any such box or station, or unlawfully breaks, injures, destroys or disturbs any of the wires, poles or other supports and appliances connected with or forming a part of any fire alarm system or any auxiliary fire appliance is guilty of a misdemeanor."

(h) Asphalt Kettles

Sec. 27.403 is amended by making the existing section paragraph (a) and by adding a new paragraph (b) to read as follows:

"Every kettle shall be equipped with a tight-fitting cover. A kettle, when in operation, shall be placed a safe distance from any combustible material or buildings. Fired tar kettles shall not be left unattended."

"EXCEPTION 1: Kettles when mounted in a truck body of all metal construction and securely attached to the bed of the truck."

"EXCEPTION 2: Small patch kettles while being towed behind a vehicle for patching purposes only."

(i) Use of Torches or Flame Producing Devices for Sweating Pipe Joints or Removing Paint

The subtitle of Sec. 27.410 is changed to "Use of Torches or Flame Producing Devices for Sweating Pipe Joints or Removing Paint."

Sec. 27.410 is amended to read as follows:

"Any person using a torch or other flame producing device for removing paint or sweating pipe joints from or in any building or structure shall provide one approved fire extinguisher or water hose equipped with a suitable nozzle, sufficient in length to reach all portions of the building and connected to a water supply on the premises where said burning operation is performed. Combustible material in the close proximity of open flame shall be protected against ignition by shielding, wetting or other means. In all cases, a fire watch shall be maintained in the vicinity of the operation for one-half hour after the torch or flame producing device has been used."

FireMar 49 Amendments to Article 30 of the U.F.C. (Tents and Air Supported Structures)**Parking of Automobiles**

Sec. 30.103 is amended to read as follows:

"Automotive equipment that is necessary to the operation of the establishment shall not be parked within 20 feet from the tent or air-supported structure, except by special permission of the Chief. No other automotive equipment or internal combustion engines shall be parked within 100 feet of the tent except upon a public street."

FireMar 50 Amendments to Article 31 of the U.F.C. (Welding and Cutting, Calcium Carbide and Acetylene)**General Requirements**

In Sec. 31.101, a new paragraph (c) is added to read as follows:

"A permit shall be required of each person performing welding or cutting operations. This permit shall not be required for each welding or cutting job location. All persons shall notify the Chief in advance where such work is taking place, except where such work is done in response to an emergency call that does not allow for the Chief to be notified in advance of the work. The requirement to notify the Chief does not apply to welding operations conducted on the premises of a commercial or industrial establishment engaged primarily in work requiring welding operations."

FireMar 51 Amendments to the Appendixes of the U.F.C.

(a) Appendixes A, B and E of the U.F.C. shall be deemed a part of this code and shall be enforced as such. Appendix C is deleted in its entirety. Appendixes D and F may or may not be adopted at the discretion of the local jurisdiction.

(b) The title of Appendix A is changed to "SAFEGUARDS AND SAFE PRACTICES FOR THE PROTECTION OF TANKS CONTAINING FLAMMABLE OR COMBUSTIBLE LIQUIDS IN LOCATIONS THAT MAY BE FLOODED."

(c) Appendix A item 3(d) is amended to read as follows:

"When installed but before backfilling, tank and fittings shall be tested for tightness at not less than 5 pounds per square inch for not less than one hour. Greater test pressures may be required by the Chief when tanks are subject to submergence in excess of 30 feet."

(d) The title of Appendix B is changed to "GUIDE TO SAFE PRACTICE PROTECTION FROM CORROSION FOR UNDERGROUND PIPE, FITTINGS AND TANKS CONTAINING FLAMMABLE LIQUIDS."

(e) Appendix B item 3(b), the third paragraph is amended to read as follows:

"Certification of a properly installed and functioning system shall be filed by owner/contractor with the Chief."

(f) Appendix B item 3(c) is amended to read as follows:

"Reports. Copy of the initial six-month and subsequent biannual functioning reports shall be forwarded by the owner to the Chief."

(g) Appendix B item 4(a) is amended to read as follows:

"Glass-Reinforced Plastic Underground Storage Tanks. Glass reinforced

plastic storage tanks may be approved by the Chief. Installation shall be subject to the following.

"1. Only tanks approved by a nationally recognized testing agency shall be installed.

"2. Installation of tanks shall be in accordance with manufacturer's handling and installation instructions."

FireMar 52-59 Reserved for future use.

Filed October 3, 1975.

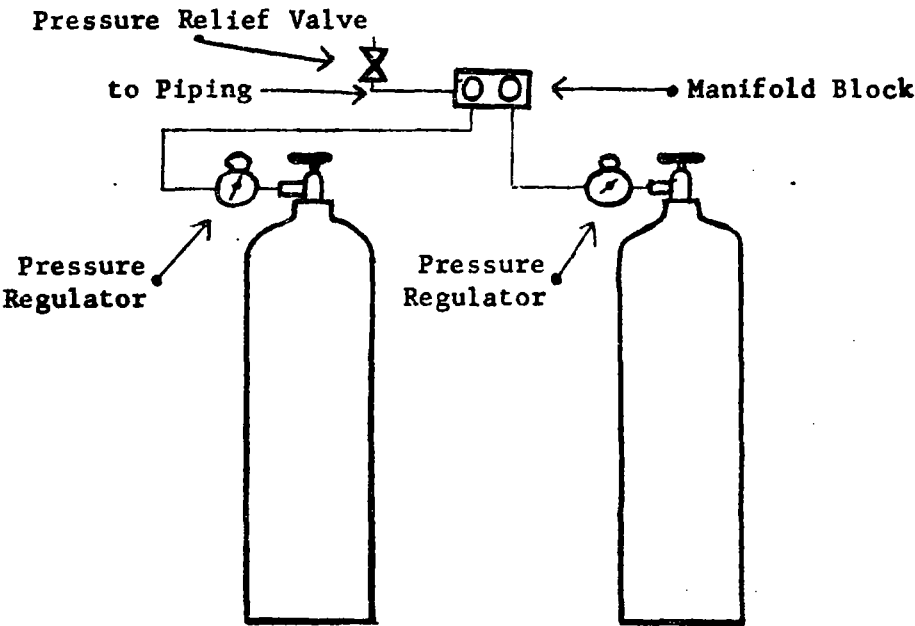


FIGURE NO. 1

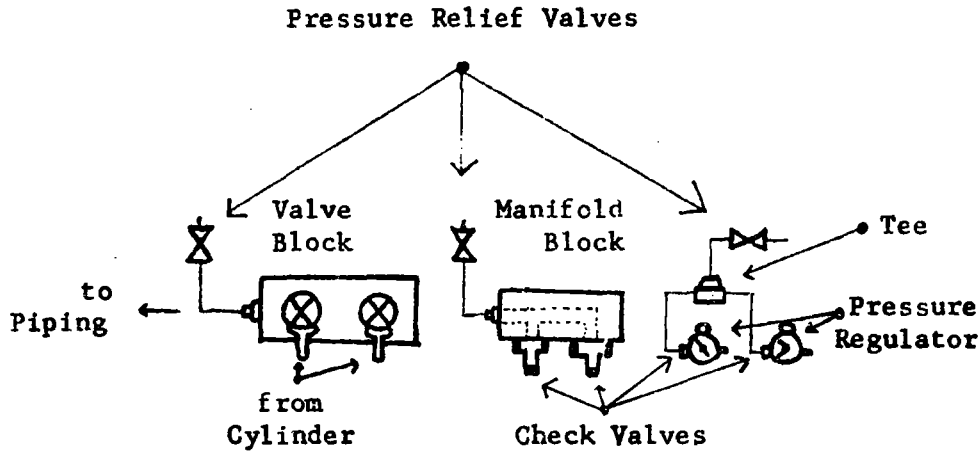


FIGURE NO. 2

DEPARTMENT OF PUBLIC SAFETY
FIRE MARSHAL DIVISION

Placement of Smoke Detectors in Dwellings,
Apartment Houses, Hotels, and Lodging Houses

Chapter Six: Smoke detectors.

11 MCAR § 1.5067 Purpose and scope.

A. The purpose of these rules is to specify the placement of smoke detectors in dwelling units, apartment houses, hotels, and lodging houses.

B. These rules are enacted pursuant to Laws of 1977, ch. 333, § 2, subd. 2.

11 MCAR § 1.5068 Definitions.

A. Administrative authority. The fire chief, or his authorized representative, of the fire department having jurisdiction, or the state fire marshal or his authorized representative.

B. Alarm signal. An audible signal indicating a fire condition.

C. Smoke detector. A device which detects visible or invisible products of combustion.

11 MCAR § 1.5069 Smoke detector placement. Care shall be exercised to insure that the installation will not interfere with the operating characteristics of the detector. When actuated, the detector shall provide an alarm signal in the dwelling unit or guest sleeping room.

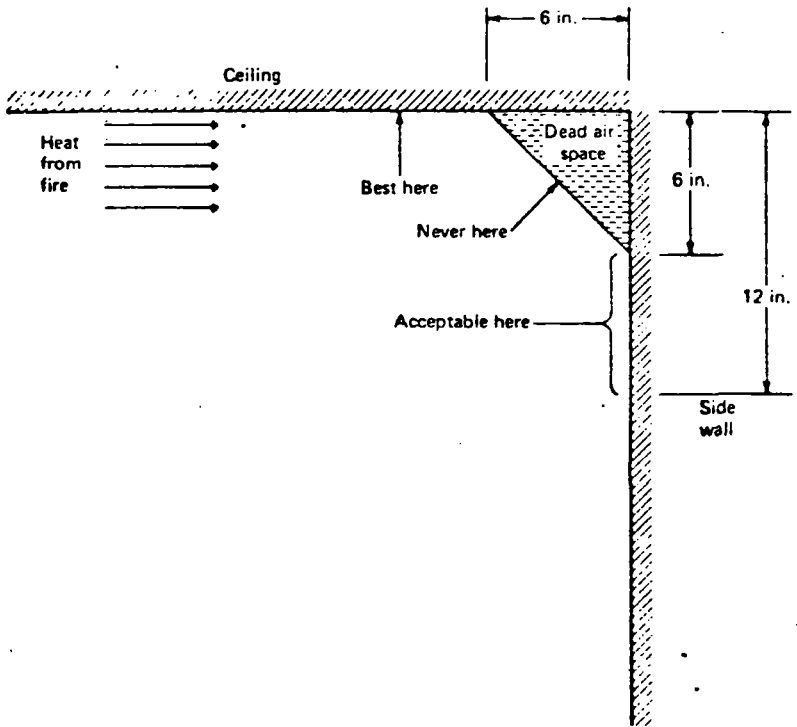
A. In dwelling units, smoke detectors shall be mounted on the ceiling or wall of a corridor or area giving access to rooms used for sleeping purposes.

1. Ceiling mounted smoke detectors shall be located as close to the center of the ceiling as possible, but not within 6 inches of a wall.

2. As an alternate, smoke detectors may be mounted on a wall within 12 inches of the ceiling, but not closer than 6 inches from the intersection of the wall and ceiling.

B. In hotel guest sleeping rooms, hotel suites and lodging houses, the detector shall be centrally located on the ceiling of the main room or hotel guest sleeping room. In hotel suites, where sleeping rooms are on more than one floor, the detector for the area of the sleeping rooms on the upper level shall be placed at the center of the ceiling directly above the stairway.

11 MCAR § 1.5070 Alternate locations. The administrative authority may approve alternate locations provided the proposed locations are substantially equivalent to the requirements of these rules so as not to alter the operating characteristics of the detector.



Example of proper mounting for spot-type detectors.

see new: ARO 3095T →

DEPARTMENT OF PUBLIC SAFETY**MOTOR VEHICLE DIVISION****CHAPTER TWO: PROPORTIONATE REGISTRATION AND
TAXATION OF CERTAIN RENTAL TRAILERS
AND RENTAL TRUCKS**

MoVeh 20 Purpose and Scope. The purpose of this regulation is to establish the dates, reports to be filed, and the information required for the proportionate registration and taxation of certain rental trucks and rental trailers, in order to implement the provisions of Laws 1971, Chapter 49.

MoVeh 21 Definitions. All terms used in these regulations shall have the meaning provided in Minnesota Statutes 1969 Chapter 168.011, except the following:

(a) Rental truck. A truck or truck tractor which is one of a fleet of two or more such vehicles owned and operated for hire for periods of 30 days or less within and without the state of Minnesota.

(b) Rental trailer. A trailer or semi-trailer which is one of a fleet of two or more such vehicles owned and operated for hire for periods of 30 days or less within and without the state of Minnesota.

MoVeh 22 Owner or Operator to Register. The owner of rental trucks and the owner or operator of rental trailers as defined herein, shall annually register a percentage of his rental trucks and/or trailers in this State. Such registration and taxation imposed is pursuant to the Minnesota Statutes 1969, Chapter 168.

MoVeh 23 Required Registration Information, Form. The owner of rental trucks and the owner or operator of rental trailers shall report required registration information on a form designed and approved by the Registrar of Motor Vehicles. Such form shall be completed by the owner or operator or his authorized agent and the information contained therein must be given under oath.

MoVeh 24 Required Registration Information to be Reported

(a) The owner of rental trucks shall report the following information:

(1) The total number of miles traveled within the State of Minnesota during the next preceding calendar year by all rental trucks owned by an owner;

(2) the total number of miles traveled both within and without of the State of Minnesota during the next preceding calendar year by all rental trucks owned by that owner;

(3) the total number of rental trucks owned by that owner as of date of report.

(b) The owner or operator of rental trailers shall report the following information:

- (1) The month and date of monthly inventory for the calendar year preceding the year in which filed;
- (2) the number of trailers in this state not on one-way runs;
- (3) the number of trailers in all states not on one-way runs;
- (4) the percentage of trailers in this state;
- (5) the total number of trailers available for rent in all states;
- (6) the average number of trailers operating in and through the state;
- (7) a statement giving the average number of trailers available for operation in and traveling into and through this state during the entire year;
- (8) the total number of full year registrations made in this state for the year.

MoVeh 25 Total Number of Trucks to be Registered, Defined. The number of rental trucks required to be registered in any one year in the State of Minnesota shall be determined as follows:

The total number of miles traveled both within and without of the State of Minnesota by all rental trucks owned by an owner divided into the total number of miles traveled by all rental trucks within the State of Minnesota during the same calendar year times the total number of rental trucks owned by such owner is the number of rental trucks that should be registered in the State of Minnesota.

MoVeh 26 Total Number of Rental Trailers to be Registered, Defined

(a) An inventory or count of the number of rental trailers not on one-way runs actually in this state shall be taken and recorded on a selected, uniform day the same week of each month throughout the year.

(b) An inventory or count of the total number of rental trailers not on one-way runs in all states shall be taken and recorded on the same uniform date provided (a) above.

(c) The percentage of trailers in this state each month shall be determined by dividing the monthly total of trailers in this state (a) by the total of trailers in all states (b).

(d) The owner or operator shall determine and declare for each month the total number of rental trailers in all states including those on one-way runs into and through all states which were available for rental that month.

(e) The monthly total determined by paragraph (d) shall be multiplied by the monthly percentage determined by paragraph (c) to ascertain the average number of trailers reported in or operating into or through this state that month.

(f) The trailer counts and percentages provided in paragraphs (b) through (e) shall be computed and compiled by the owner or operator each month. At the end of the year, the total of the twelve monthly totals of the average number of trailers in or operating into or through the state shall be divided

by 12 to determine the annual average of trailers available for rental that year. At least that number of trailers shall be registered for the new year.

MoVeh 27 Insufficient Registration. If the Registrar of Motor Vehicles determines an insufficient number of rental trailers or rental trucks were registered for any year, he shall require the owner or operator to register an additional number for the full year sufficient to bring the fleet into compliance with the provisions of Laws 1971, Chapter 49, Section 3.

MoVeh 28 Estimated Registration Information. If the owner or operator did not previously operate in or through this state he shall register the number of trailers and trucks based on his certified estimate for the registration year subject to adjustment upwards at the end of the year when a report shall be filed showing the actual experience. No refund or credit shall be made if more than the average number of trailers were registered based on the estimate. An adjusted report shall be filed by December 1st of the registration year. If no adjustment is necessary a statement to that effect shall then be filed.

MoVeh 29 Filing Registration Data and Billing, Dates. The first report of the required registration information shall be filed no later than November 15, 1971 with the Registrar of Motor Vehicles, 211 State Highway Building, St. Paul, Minnesota 55101. Such report shall contain estimates of the required information based on the calendar year 1970. These estimates shall be used to determine the number of units to be registered in Minnesota for the calendar year 1972. Thereafter the annual report containing the required registration information shall be filed on or before April 15th of the year preceding the registration year. All reports will be audited by the Registrar and applicants will be billed accordingly by November 1, except that the first billing under this Act shall be by December 1, 1971.

For the registration year 1972 and thereafter full payment for the number of units required to be registered to avoid penalty for late registration shall be on or before January 10th of the registration year.

MoVeh 30-35 Reserved for future use.

(December 2, 1971)

MINNESOTA DEPARTMENT OF PUBLIC SAFETY**MOTOR VEHICLE SERVICES DIVISION****CHAPTER THREE: MOTOR VEHICLE ODOMETER DISCLOSURE
REQUIREMENTS****MoVeh 40 Purpose and Scope**

(a) **Purpose.** The purpose of this regulation is to prescribe the manner in which written disclosure of odometer reading and its accuracy shall be made to the transferee at the time of transfer of a motor vehicle.

(b) **Scope.** This regulation is intended to be consistent with the provisions of Laws of Minnesota 1973, Chapter 264, and with Title IV of the Federal Motor Vehicle Information and Cost Savings Act and rules promulgated thereunder.

MoVeh 41 Definitions. All terms defined in the federal and state acts named in MoVeh 40 (b) are used herein in their statutory meaning. Other terms used in this regulation are defined as follows:

(a) **Transferor.** Any person who transfers his ownership in a motor vehicle by sale, gift, or any means other than by creation of a security interest.

(b) **Transferee.** Any person to whom the ownership in a motor vehicle is transferred by purchase, gift, or any other means other than by creation of a security interest.

MoVeh 42 Disclosure of Odometer Information. Except as provided in MoVeh 43, before executing any transfer of ownership document, each transferor of a motor vehicle shall furnish to the transferee a written statement, signed by the transferor, containing the following information:

- (a) The odometer reading at the time of transfer;
- (b) The date of the transfer;
- (c) The transferor's name and current address;
- (d) The date the disclosure statement is made;
- (e) The identify of the vehicle, including its make, model, and body type, vehicle identification number, and last registration plate number;
- (f) Reference to the Federal Motor Vehicle Information and Cost Savings Act and to the Minnesota odometer disclosure law, 1973 Session Laws Chapter 264, including a statement that incorrect information or failure to disclose information may result in civil liability; and
- (g) A statement that the actual mileage is unknown, if the transferor knows that the odometer reading differs from the number of miles the

vehicle has actually traveled and that the difference is greater than that caused by odometer calibration error.

MoVeh 43 Exemptions. Notwithstanding the requirements of MoVeh 42, a transferor of any of the following motor vehicles need not disclose the vehicle's odometer mileage:

- (a) A vehicle having a gross vehicle weight rating of more than 16,000 pounds;
- (b) A vehicle that is not self propelled;
- (c) A vehicle that is 25 years old or older; and
- (d) A new vehicle prior to its first transfer for purposes other than resale.

MoVeh 44-49 Reserved for future use.

(October 25, 1973)

ARC 1805T

11 MCAR S 1.5201 Purpose. The purpose of 11 MCAR SS 1.5201-1.5210 is to prescribe reporting requirements for gas leaks and to prescribe minimum safety standards for pipeline facilities and the transportation of gas. These requirements and standards are required for state certification by the Natural Gas Pipeline Safety Act of 1968 as provided in United States Code, title 49, section 1674 (a) (1976 and Supplement III 1979).

11 MCAR S 1.5202 Scope. The requirements and standards in 11 MCAR SS 1.5204-1.5210 apply to the design, installation, inspection, testing, construction, operation, extension, replacement, and maintenance of pipeline facilities. The scope of 11 MCAR SS 1.5201-1.5210 is intended to be consistent with Minnesota Statutes, sections 299F.56 to 299F.64.

11 MCAR S 1.5203 Definitions.

A. Applicability. As used in 11 MCAR SS 1.5201-1.5210 the following terms and phrases have the meanings given them.

B. Secretary. "Secretary" means the commissioner of public safety.

C. State agency. "State agency" means the Department of Public Safety, State Fire Marshal Division.

D. State. "State" means the state of Minnesota.

11 MCAR S 1.5204 Federal regulations adopted by reference. Reporting requirements for gas leaks and standards for gas and pipeline safety as provided in Code of Federal Regulations, title 49, parts 191 and 192 (1980) are incorporated by reference and made part of Minnesota rules subject to the amendments in 11 MCAR SS 1.5205-1.5210.

11 MCAR S 1.5205 Code of Federal Regulations, title 49, section 191.5. Code of Federal Regulations, title 49, section 191.5 is amended by adding a clause to read:

S 191.5 Telephonic notice of certain leaks.

(c) Each notice required by paragraph (a) of this section must also be telephoned to the State Fire Marshal, (612) 296-7641, and must include the information required by paragraph (b) of this section.

11 MCAR S 1.5206 Code of Federal Regulations, title 49, section 191.7. Code of Federal Regulations, title 49, section 191.7 is amended to read:

S 191.7 Addressee for written reports.

Each written report required by this part must be made to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. One copy of each written report required by this part must be submitted to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104.

AR 101005
11 MCAR S 1.5207 Code of Federal Regulations, title 49, section 191.9. Code of Federal Regulations, title 49, section 191.9 is amended by adding a clause to read:

S 191.9 Distribution system: Leak report.

(c) Each operator of a distribution system serving 100,000 customers or fewer will comply with the leak reporting requirements of this paragraph by submitting one copy of each report to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104.

11 MCAR S 1.5208 Code of Federal Regulations, title 49, section 191.11 (a). Code of Federal Regulations, title 49, section 191.11 (a) is amended to read:

S 191.11 Distribution system: Annual report.

(a) Except as provided in paragraph (b) of this section, each operator of a distribution system shall submit an annual report on Department of Transportation Form DOT-F-7100.1-1. This report must be submitted not later than February 15 for the preceding calendar year. One copy of the report must be submitted to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104, not later than February 15 for the preceding calendar year.

11 MCAR S 1.5209 Code of Federal Regulations, title 49, section 191.17. Code of Federal Regulations, title 49, section 191.17 is amended to read:

S 191.17 Transmission and gathering systems: Annual report.

Each operator of a transmission system or a gathering system shall submit to the Department of Transportation an annual report on Department of Transportation Form DOT-F-7100.2-1 not later than February 15, for the preceding calendar year. One copy of the report must be submitted to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104, not later than February 15 for the preceding calendar year.

✓ 11 MCAR S 1.5210 Code of Federal Regulations, title 49, section

192.17. Code of Federal Regulations, title 49, section 192.17 is deleted and replaced with the following:

S 192.17 Filing of inspection and maintenance plans.

Each operator shall file with the State Fire Marshal a plan for inspection and maintenance of each pipeline facility he owns or operates. A change in an inspection and maintenance plan must be filed within 20 days after the change is made. Plans must be sent to the Department of Public Safety, State Fire Marshal Division, St. Paul, Minnesota 55104.

DEPARTMENT OF PUBLIC SAFETY
MOTOR VEHICLE DIVISION

Chapter Four: Personalized Plates: Applications, Issuance, Transfer and Refunds.

§ 1.6050 Purpose. The purpose of these rules is to implement and provide effective administration for the issuance and transfer of personalized plates as provided by Laws of 1975, ch. 245.

§ 1.6051 Scope. The scope of these regulations is intended to be consistent with the provisions of Laws of 1975, ch. 245 (Minn. Stat. § 168.12, subd. 2a (Supp. 1975)).

§ 1.6052 Definitions. For the purpose of these rules the following terms shall have the meanings ascribed to them:

A. **Division:** The Division of Motor Vehicles of the Department of Public Safety of the State of Minnesota.

B. **Plate Year:** The first registration year of a multi-year-issue plate.

C. **Registrar:** The registrar of motor vehicles of the State of Minnesota.

D. **Reserved:** The owner right to prior claim of a personalized plate.

§ 1.6053 Plates, format and content.

A. The characters displayed upon a personalized plate may be only:

1. The following upper-case letters: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, and Z.

2. The following numbers: 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9.

B. The plates shall be manufactured with the paint color, character size, character type style, reflective material and other specifications used by the Division for vehicles registered pursuant to Minn. Stat. § 168.017 for the appropriate plate year.

C. All plates shall have at least one character.

D. No characters other than those specified in 11 MCAR § 1.6053 A.1. and 2. will be permitted.

E. No plate shall be a duplicate of any current personalized plate or a duplicate of any plate in a numbering system used by the Division. The specific numbering systems prohibited on personalized plates shall be indicated on applications for personalized plates.

F. No plate used by the Division for other types of vehicles will be recalled from storage and destroyed in order that the combination may be issued as a personalized plate.

G. An applicant may elect to group characters by spacing and/or hyphenation. A space or hyphen is not a character. The maximum number of characters is six. Combinations of characters, spaces and/or hyphens totaling more than seven will be rejected. No more than one space or hyphen is permitted between adjoining characters. If the total of characters, spaces and/or hyphens is less than seven, the Division shall have the right to center the characters, space and/or hyphens on the plate.

§ 1.6054 Application, contents and review.

A. An applicant may submit up to three character combinations to be designated as a personalized plate. The Division will determine if the first combination of characters has not been issued and is not of an obscene, indecent or immoral nature or such as would offend public morals or decency. If the applicant's first choice cannot be issued, the Division will review, in the same manner, the other choices listed. If no plate can be issued, the application will be cancelled and all appropriate fees will be refunded to the applicant.

B. If the application is for a vehicle owned by more than one person, all owners must sign.

C. Only those combinations of characters approved for manufacture and paid for will be considered reserved.

§ 1.6055 Replacement plates.

A. In the event of the loss or theft of the personalized plate issued, the registrar, upon receiving a written statement from the owner setting forth the circumstances, may issue a new set of personalized plates with a different combination of characters. The new combination of characters shall be reviewed pursuant to 11 MCAR §§ 1.6053 and 1.6054. The fee required by M.S. 168.29 shall be paid. If no new combination of characters suitable to the applicant can be issued, a refund as calculated in 11 MCAR § 1.6057 A. shall be made. If a new combination of characters is issued, the applicant shall indicate to the registrar which combination of characters (original or replacement) shall be reserved.

B. In the event of defacement of the personalized plates, the registrar, upon receiving a written statement of the owner setting forth the circumstances, may reissue the same combination of characters to the owner. The fee required by M.S. 168.29 shall be paid. To be reissued the same combination of characters, both of the personalized plates must be surrendered.

§ 1.6056 Fees. The fee for personalized plates, as provided by Chapter 245, shall be prorated at ten dollars per registration year or fraction thereof, of remaining plate life.

§ 1.6057 Refunds.

A. Refunds prorated at ten dollars for each full unused registration year may be made in the following cases:

1. Under the condition stated in 11 MCAR § 1.6055 A.
2. If the owner of the personalized plates surrenders both personalized plates and applies for a refund.

B. When a refund is made, the combination of characters is no longer reserved.

C. No refund shall be made solely for non-use for a registration year of the vehicle assigned personalized plates.

§ 1.6058 Assignment of plates.

A. Personalized plates are assigned by the Division to an owner for the exclusive use on the passenger vehicle described in the application.

B. The personalized plates may be transferred to another vehicle owned by the applicant upon written notification of the registrar and:

1. payment of the prescribed fee as provided by Chapter 245;
2. registration of the vehicle in Minnesota; and
3. surrender (if any) of the existing Minnesota registration plates assigned to the vehicle.

C. If an owner sells a vehicle to which personalized plates have been assigned and elects to transfer the personalized plates with the vehicle, the owner shall automatically assign to the new owner the right to reserve that combination of characters and the right to any refund of the personalized plate fees.

D. If an owner sells a vehicle to which personalized plates have been assigned and elects to retain the personalized plates, it shall be the responsibility of the owner or his agent to make application for regular passenger car plates before the vehicle is sold. However, the owner would not need to obtain regular passenger car plates before the vehicle is sold in the following situations:

1. Vehicle sold to a junk yard, scrap yard, insurance company or salvage pool because the vehicle was severely damaged due to accident, fire, submersion in water, or by natural causes such as wind or lightning.
2. Vehicle sold for junk or salvage because of the need for extensive mechanical repair.

3. Vehicle sold to an out of state buyer and plates will be secured in buyer's home state.

4. Vehicle sold to a buyer who holds personalized plates, amateur radio plates or citizen band plates for his/her own use.

E. The applicant must surrender any valid license plates assigned to the vehicle on which the personalized plates will be displayed at such time he or she is issued personalized plates.

§ 1.6059 Initial issue.

A. No application received before November 15, 1976, will be accepted.

B. Applications received on or after November 15, 1976, shall be reviewed and approved for manufacture pursuant to 11 MCAR §§ 1.6053 and 1.6054. Combinations approved for manufacture will be issued a plate with a 1978 expiration. In the event the expiration month of the applicant's vehicle does not permit the immediate issuance of the personalized plate, the application shall be held by the Division until the applicant's 1978 vehicle registration can be renewed. All applications held by the Division shall be reserved.

C. No personalized plate shall be manufactured using the 1974 license plate specifications.

§ 1.6060 Reservation date. For the next plate year, the owner of a vehicle assigned personalized plates shall notify the registrar, in writing, that he is reserving the combination of characters assigned to him. The notification shall be received by the registrar no earlier than 60 days before nor later than the fifteenth day of the month preceding the month in which the renewal notice for the vehicle is mailed.

§ 1.6061 Daily sequencing of applications. Each application for personalized plates will be date stamped by the receiving office. In the central office, applications bearing the same stamped date will be selected at random and numbered in ascending order. Applications with the same date will then be reviewed and character combinations approved for manufacture pursuant to 11 MCAR §§ 1.6053 and 1.6054 in ascending numerical sequence.

DEPARTMENT OF PUBLIC SAFETY**MOTOR VEHICLES DIVISION**

Chapter Five: Bicycle Registration: Applications, Issuance, Transfer, Refunds, Motor Vehicle Deputy Registrars, and Bicycle Deputy Registrars.

§ 1.6070 Purpose. The purpose of these rules is to implement and provide effective administration for the registration and licensing of bicycles as provided by Laws of 1976, ch. 199.

§ 1.6071 Scope. The scope of these regulations is intended to be consistent with the provisions of Laws of 1976, ch. 199.

§ 1.6072 Definitions. For the purposes of these rules, the following terms shall have the meanings ascribed to them:

A. Central Office: The main office of the Division of Motor Vehicles located in the Transportation Building, St. Paul.

B. Division: The Division of Motor Vehicles of the Department of Public Safety of the State of Minnesota.

C. Registrar: The registrar of motor vehicles of the State of Minnesota.

§ 1.6073 Application, contents. The application will contain the owner's name, address, and signature, the name and address of the person from whom purchased, the date of purchase, the date of registration, the make and serial number of the bicycle, the owner's date of birth, the number of wheels, wheel size (diameter), number of gears, and the type of frame of the bicycle being licensed.

§ 1.6074 Replacement licenses and registration cards. In the event of loss, theft, or defacement of the bicycle license or registration card issued, the registrar, upon receiving a written statement from the owner setting forth the circumstances, may issue a new bicycle license or registration card. The fee required by Minn. Stat. § 168C.07 shall be paid.

§ 1.6075 Proof of ownership.

A. The following will be considered proper proof of ownership:

1. The receipt from a bicycle dealer showing the buyer's name and address, the brand name and serial number of the bicycle, the date of sale, and the dealer's signature.

2. A Minnesota bicycle registration card.

3. A registration card or ownership document issued by a political subdivision that had been licensing bicycles prior to March 1, 1977.

B. If no proof of ownership has been supplied, a DPS2751, certification of ownership of a bicycle, must be completed. A license will be issued but no registration card will be issued until a check of the stolen files has been made.

C. If no proof of ownership is supplied and the bicycle is not listed as stolen, a registration card will be issued and the records and registration card will be marked to indicate no proof of ownership was supplied. When the license is renewed at the end of three years the indicator that no proof of ownership was supplied will be removed from both the record and the registration card.

§ 1.6076 License issue, central office.

A. No applications will be accepted by mail for license, duplicate license, or duplicate registration card.

B. Applications for transfer of ownership or change of address will be accepted through the mail.

C. Applications of all types brought to the central office in person will be accepted.

§ 1.6077 Expiration and renewal of licenses.

A. A license will be valid for three years commencing from the year the license is issued.

B. Licenses will be renewable every three calendar years.

§ 1.6078 Location of license. The license will be placed on the bicycle frame, below the seat, on the left hand side of the bicycle facing outward.

§ 1.6079 Refunds. Refunds will be handled pursuant to Minn. Stat. § 16A.48.

§ 1.6080 Assigned serial number, location. An assigned serial number must be stamped or otherwise permanently attached to the crank housing of the bicycle by the owner.

§ 1.6081 Motor vehicle and bicycle deputy registrars, reports and deposits.

A. Motor vehicle deputy registrars shall deposit state fees collected daily in the state depository in which they deposit other state fees collected.

B. Bicycle deputy registrars shall deposit state fees collected whenever the total fees reach \$50 or the first and third Wednesday of each month, whichever comes first.

C. Bicycle deputy registrar deposits will be in the form of a check payable to the State Treasurer. The check will be submitted to the Division with the deputy's report.

D. Motor Vehicle and bicycle deputy registrars will submit with each deposit, a report listing all transactions since the last report.

§ 1.6082 Motor vehicle and bicycle deputy registrars, inventories. Each deputy on June 30 and December 31 of each year shall submit to the division a report on the complete inventory of licenses on hand.

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RB1-202
Chapter One: Crime Victims Reparations Board

RB1 These rules are intended to assure that no person before this board shall have his rights, privileges or duties determined without regard to fundamental fairness.

RB2 As used in these rules,

(a) "Board" means the Crime Victims Reparation Board;

(b) "Party" means any person, including a claimant, whose legal rights, duties or privileges may be determined in a contested case;

(c) "Person" means any individual, partnership, corporation, joint stock company, unincorporated association or society, municipal corporation, joint stock company, unincorporated association or society, municipal corporation, or any government or governmental subdivision, unit or agency, other than a court of law.

RB3 Any claimant, or any party in a contested case, may be represented by counsel throughout any proceedings before the board.

RB4 A "claim" shall be deemed to have been commenced upon receipt by the board of a preliminary form completed by a claimant or his representative under oath.

RB5 Within ten days after the filing of a claim, the chairman shall assign the claim or cause it to be assigned to himself or to some other member of the board. The member to whom the claim has been assigned shall cause an investigation to be conducted into the validity of the claim.

RB6 (a) Pursuant to the investigation of a claim, the member to whom the claim has been assigned or some agent of the board shall obtain from the claimant and other persons all information reasonably related to the validity of the claim, including but not limited to information relating to the following subjects:

(1) the occurrence of a crime;

(2) the extent of the claimant's economic loss;

(3) the extent to which collateral sources are available to the claimant;

(4) the extent to which the claimant, or the victim through whom he claims, has cooperated with law enforcement

officials;

(5) the extent to which the claimant, or the victim through whom he claims, has been guilty of contributory misconduct.

(b) In the course of an investigation or a hearing pursuant to rule RB9, the member of the board to whom a claim has been assigned may, upon his own motion or the motion of a claimant or the attorney general, issue subpoenas for the appearance of witnesses or for the production of books, records or other documents or initiate such other discovery proceedings as by law are allowed.

RB1-203
RB7 (a) After the filing of a claim, the claimant or his representative shall complete under oath and file with the board a supplementary form containing such information as the board or its agent deems relevant to the investigation of the claim. Failure by a claimant or his representative to complete the supplementary form, or otherwise to cooperate with the investigation, may constitute a ground for denial of a claim.

(b) The claimant shall assign his rights to recover benefits or advantages from any source which is, or if readily available to the claimant would be, a collateral source and which is not deducted from the final award; provided that such assignment shall not exceed the amount of the final award. The claimant shall further agree to cooperate fully with the board in any subrogation action brought by the board.

RB8 Upon completion of an investigation of a claim, the person investigating the claim shall file a written report with the member of the board to whom the claim has been assigned. Copies of the completed preliminary and supplementary forms and of the subrogation agreement shall be included with the report. The board shall treat the report as confidential to the extent permitted by law; provided, however, that in any contested claim, the claimant or his authorized representative shall have the right to read the report described herein.

RB9 Within 20 days after receipt of the report of the investigation, the member of the board to whom the claim has been assigned shall, after examining the report and the forms submitted by the claimant, either decide the claim in favor of the claimant in the amount claimed or order a hearing of the claim.

RB10 If a member of the board, pursuant to rule RB9, orders a hearing of a claim, he shall serve a notice of hearing on the claimant not less than ten days prior to the hearing. At the hearing the claimant shall have the right to testify; to present witnesses, evidence, and argument; and to cross-examine

witnesses called by the board member. The rules of evidence shall be as stated in rule RB111 (c).

RB11 Within 30 days after a hearing pursuant to RB10, the board member shall issue a decision either granting an award to the claimant or denying the claim.

Chapter Two

RB101 If a claimant, within 30 days after receipt of the decision of the board member to whom his claim was assigned, or a member of the board, within 30 days after the filing of the report of the decision, applies in writing to the board for consideration of the decision by the full board, a hearing before the full board shall be conducted according to law and the procedures set forth in RB102-113. Any proceeding pursuant to such a request shall be treated as a contested case within the meaning of Minnesota Statutes, chapter 15.

RB102 (a) The board shall appoint a hearing officer before commencing a contested case.

(b) The board may appoint as hearing officer any person except the member of the board to whom the claim was originally assigned.

(c) The appointment of the hearing officer shall, to the extent permitted by law, grant the hearing officer such authority as the board deems necessary to hear the case.

RB103 Within ten days following receipt of a request for a hearing pursuant to RB101, the board shall appoint a hearing officer and commence the contested case by serving upon all known parties a copy of the document of initiation and a notice stating:

- (a) The commencement of the contested case;
- (b) The time and place of the prehearing conference, if any;
- (c) The purpose of the prehearing conference;
- (d) The name of the hearing officer;
- (e) The rights of the parties to counsel and to a formal hearing;
- (f) That failure to attend may prejudice the party's right in this and subsequent proceedings; and

(g) These rules or a citation thereto.

If the hearing officer decides that no prehearing conference will be held, notice of hearing pursuant to RB110 shall be given.

RB104 Informal disposition may be made of any contested case or any issue therein by stipulation, agreed settlement, or consent order at any point in the proceedings.

RB105 The hearing officer may dispose of a contested case adverse to a party which defaults. Disposition by default shall occur only after the party against whom default is proposed, having notice, fails to appear.

RB106 Upon timely application any person shall be permitted to intervene in a contested case upon a showing that his legal rights, duties or privileges may be determined or affected in the contested case, unless in the discretion of the hearing officer such person's interest is adequately represented by one or more parties participating in the case.

RB107 (a) Whenever, before hearing on any contested case, the board, either on its own motion or upon petition by any party, determines (a) that separate contested cases present substantially the same issues of fact or law, (b) that a holding in one case would affect the rights of parties in another case and (c) that consolidation would not substantially prejudice any party, the board may order such cases consolidated for a single hearing on the merits. Notwithstanding the requirements of this rule, the parties may stipulate and agree to such consolidation.

(b) Within five days following an order for consolidation the board shall serve on all parties a notice of consolidation. Such notice shall contain:

(1) A description of the cases for consolidation;

(2) The reasons for consolidation;

(3) Cancellation of all prehearing conferences for the cases consolidated; and

(4) Notification of the consolidated prehearing conference in the same fashion prescribed for notice of prehearing conferences.

(c) Objection to consolidation.

(1) Petition for severance. Any party may object to consolidation by filing with the board prior to final determination a petition for severance from consolidation,

setting forth petitioner's name and address, the designation of his case prior to consolidation, and the reasons for his petition. Briefs may be filed, evidence received and oral argument heard at such time as the hearing officer deems proper.

(2) Determination. When such a petition is filed, the hearing officer shall set aside a time for receiving evidence and oral argument, and determining, as a part of the record in the case, whether consolidation prejudices petitioner. If the hearing officer finds that consolidation would prejudice petitioner, he may order such severance or other relief as he deems necessary.

RB108 A hearing officer or any board member shall withdraw from participation in a contested case at any time prior to the final determination if he deems himself disqualified for any reason. Upon the filing in good faith of a timely and sufficient petition of prejudice the hearing officer shall determine the matter as a part of the record and decision in the case.

RB109 (a) The purposes of the prehearing conference are to simplify the issues to be determined and to reach a settlement on those issues without the necessity for further hearing.

(b) A prehearing conference may be held at the discretion of the hearing officer preparatory to each contested case hearing. The prehearing conference shall be an informal proceeding conducted fairly and expeditiously by the hearing officer. Agreements on the simplification of issues shall be put in the form of stipulations and entered on the record. Any final settlement shall be set forth in a settlement agreement or consent order and, after approval by the board, be made a part of the record.

(c) The hearing officer may, at any stage of the proceedings, including the prehearing conference, after all parties have had an opportunity to present their views, dismiss any sham, capricious or frivolous case or any case not within the board's jurisdiction, subject to approval by the board.

(d) When cases before the board are consolidated pursuant to rule RB107, a consolidated prehearing conference may be held in lieu of separate conferences for each case and notice thereof given as provided in RB103.

RB110 Not less than 30 days prior to the hearing date the board shall serve a notice of hearing on all parties to the case. Such notice shall contain:

- (a) The time and place of the hearing;
- (b) The purpose and procedure for the hearing;

(c) The issues to be determined; and,

(d) The name of the hearing officer who will preside.

RB1-202
RB111 (a) All parties shall have the right to a hearing before the board, at which hearing the parties may cross-examine witnesses, and present evidence, rebuttal testimony and argument with respect to the issues.

(b) Any party may be a witness or may present witnesses on his behalf at a hearing. All testimony at a hearing shall be under oath or affirmation. Every party shall have the right of cross-examination of witnesses who testify.

(c) Rules of evidence.

(1) The hearing officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable prudent men in the conduct of their affairs. The hearing officer shall give effect to the rules of privilege recognized by law. Evidence which is incompetent, irrelevant, immaterial or repetitious may be excluded.

(2) All evidence to be considered in the case, including all records and documents in the possession of the board, shall be offered and made a part of the record in the case. No other factual information or evidence shall be considered in the determination of the case.

(3) Documentary evidence in the form of copies or excerpts may be received or incorporated by reference in the discretion of the hearing officer or upon agreement of the parties.

(4) The hearing officer may take notice of judicially cognizable facts and, in addition, may notice technical facts within his specialized knowledge. Where final determination rests on official notice of material facts not appearing in the evidence in the record, a party is entitled, upon timely request, to an opportunity to rebut such facts.

(5) In all cases the claimant must establish his entitlement to reparations and the amount thereof by a preponderance of the evidence.

(d) Any party may request that the hearing officer issue subpoenas for the appearance of witnesses or for the production of books, records, or other documents or that he initiate such other discovery procedures as by law are allowed. Such requests may be accompanied by evidence supporting the need for such subpoena.

(e) The record.

(1) The board shall prepare an official record in

each contested case.

(2) The record in a contested case shall contain:

(aa) All pleadings (including documents of initiation and commencement and the answers thereto), motions and intermediate rulings;

(bb) Evidence received or considered;

(cc) A statement of matters officially noticed;

(dd) Questions and offers of proof, objections and rulings thereon;

(ee) Proposed findings and exceptions;

(ff) Any decision, opinion or report by the hearing officer; and

(gg) All memoranda or data other than advice of legal counsel submitted to the hearing officer by the board staff in connection with the case.

(3) Transcript

(aa) A verbatim record of the hearing shall be taken by court report or recording equipment. A court reporter shall be used if demanded by any party. Unless the board agrees to bear the expense of the court reporter, such expense shall be paid by the demanding party.

(bb) The verbatim record will not be transcribed unless requested by a party. If a transcript is requested, the board may require the requesting party to pay the reasonable cost of preparing the transcript.

(f) Hearing procedure.

(1) The hearing officer shall take no part in any preliminary investigation or inquiry into the facts or issues involved in the contested case except as provided in Rule RB109. He shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, including the board, its employees or agents, nor, in connection with any issue of law, with any party, including the board, its employees or agents, or his representative, except upon notice and opportunity for all parties to participate.

(2) Subject to relevant provisions of law or board rule, the hearing procedure and sequence of events shall be as determined by the hearing officer.

(g) Decorum

(1) The hearing officer may prohibit the operation

of a television, newsreel, motion picture, still or other camera, or of lights or other devices used in connection with the camera in the hearing room while the hearing is in progress, if such operation would, in his opinion, interfere with or disrupt the hearing. The hearing officer may also prohibit the operation of mechanical recording devices in the hearing room while the hearing is in progress, if such operation would, in his opinion, interfere with or disrupt the hearing.

(2) Pursuant to and in accordance with the provisions of Minnesota Statutes, section 624.72, no person shall interfere with the free, proper and lawful access to or egress from the hearing room. No person shall interfere with the conduct of, disrupt or threaten interference with or disruption of the hearing. In the event of such interference or disruption or threat thereof, the hearing officer shall read this rule to those persons causing such interference or disruption and thereafter proceed as he deems appropriate.

RB1-200
RB112 The board decision.

(a) Basis for determination.

(1) No factual information or evidence which is not a part of the record shall be considered by the board in the determination of a contested case.

(2) The board may use its experience, technical competence and specialized knowledge in the evaluation of the evidence presented in the case.

(b) Decisions and orders.

(1) Formal decision or order with reasons required. Every decision or order rendered by the board in a contested case shall be in writing or stated in the record and shall be accompanied by a statement of the reasons therefor. The statement of reasons shall include a concise statement of the conclusions upon each contested issue of fact necessary to the decision.

A decision or order on a petition for severance, petition for intervention, petition of prejudice, on noticed facts which are challenged, or on a petition for rehearing shall be rendered in accordance with this rule.

(2) Service and contents. Every decision or order shall be served on all parties to the case. It shall contain:

(aa) A statement of the decision or order in the case;

(bb) A statement of the reasons therefor;

(cc) An affidavit of service.

(c) Default. When a party with adequate notice fails to plead or otherwise appear within the time allowed therefor by these rules or by statute, judgment by default may be entered against him.

RB1-202
RB113 (a) The board may, upon request or its own motion and for good cause shown, reopen, rehear and redetermine a contested case after a final decision adverse to a party to the contested case has been rendered. This right may be exercised until it is lost by appeal or the granting of a writ of certiorari or until a reasonable time has run.

(b) Obtaining a rehearing.

(1) At any time prior to the board's loss of the right to rehear a contested case, any party to that case may request a rehearing by filing a petition for rehearing. Such petition shall contain:

(aa) The name and address of the petitioner;

(bb) The board designation for the case;

(cc) The reasons for the petition.

(2) The board may, on its own motion, for good cause stated in the record, reopen, rehear and redetermine a contested case if the decision in that case was adverse to a party to that case.

(3) A party against whom a default has been adjudged pursuant to rule RB112(d) may obtain a rehearing upon a timely showing of good cause for his failure to appear or plead.

(4) The board shall grant or deny a petition for rehearing as a part of the record in the case. Such petition shall be granted if there appears on the face of the petition and the record irregularities in the proceedings, errors of law occurring during the proceedings, newly discovered material evidence, a lack of substantial evidence to support the decision or good cause for failure to appear or plead. Evidence and argument may be presented at the discretion of the board in written or oral form or both by any party to the contested case with respect to the petition.

(c) Notice of rehearing must be provided in the same manner prescribed for notice of hearing.

(d) A rehearing in a contested case shall be conducted in the same manner prescribed for a hearing.

(e) The decision after rehearing shall be made in the same manner prescribed for the decision after a hearing.

Chapter Three

RB201 Nothing contained in these rules is intended to pre-empt or repeal the board's power to grant emergency reparations where it deems such reparations necessary and desirable.

RB202 Nothing contained in these rules is intended to pre-empt or repeal the board's power to suspend or postpone the proceedings on a claim if a criminal prosecution arising out of the incident which is the basis of the claim has been commenced or is imminent.

Chapter One: 11 MCAR §§ 1.8001 - 1.8003 Definitions

§ 1.8001 In the statutes and rules the following words and phrases will be used and shall have the meaning as hereinafter defined:

A. Age (as it applies to distilled spirits) means the period during which, after distillations and before bottling, distilled spirits have been kept in new or used oak containers, as provided for by federal regulations.

B. Alcoholic beverages shall mean and include ethyl alcohol, spirits, liquor, wine, beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer in excess of 3.2% of alcohol by weight and potable for consumption by human beings.

C. Brand label means the label affixed to the container displaying in distinctive design the brand name of distilled spirits, wines or malt beverages. See Minn. Stat. § 340.46 and Chapter Seven.

D. Beer as defined in the Code of Federal Regulations and Chapter Nine hereof means malt beverages or malt liquors.

E. Container and original container have the following meanings depending upon the context in which used.

1. For distilled spirits and wine they mean bottles, or such metal containers as may be in conformity with Federal regulations and approved by the Commissioner.

2. For malt beverages they mean (1) full or fractional barrels, (2) cases of bottles, (3) individual bottles as each may be designated as a unit, see Minn. Stat. § 340.07, subd. 10 or any container which is sealed.

3. Barrel (as it applies to malt beverages) means any container holding 31 gallons. All other measures used are subdivisions of the barrel as so defined.

4. Gallon means United States gallon of 231 cubic inches of alcoholic beverages at 68°F. (20°C.), which is equal to 128 fluid ounces. All other liquid measures used are subdivisions of the gallon as so defined.

F. Distilled spirits, as defined in the Code of Federal Regulations and Chapter Nine hereof means distilled spirits and intoxicating liquors in which the alcoholic contents are produced principally by distillation process.

G. Importer means any distiller, rectifier, winer, wholesale distributor or person within or without the state licensed to ship distilled spirits, wine or ethyl alcohol to Minnesota manufacturers and wholesale distributors.

H. Licensee, depending on the context, may mean any "person" who has been issued a license by the State of Minnesota or any of its subdivisions pur-

suant to Minn. Stat. ch. 340, to manufacture or wholesale, or sell at retail intoxicating liquor or to engage in business of brewer, wholesale distributor or retail seller of malt beverages.

I. Licensed premises means only the area described in the application for such license.

J. Place of business, includes any public business establishment or private club where intoxicating liquor, non-intoxicating malt liquor, or soft drinks are sold, or which permits the display and consumption of intoxicating liquor, as provided for in Minn. Stat. § 340.119.

K. Wine means wine as defined in the Code of Federal Regulations and Chapter Nine hereof.

§ 1.8002 As used in these rules the following words shall have the meanings as ascribed thereto:

A. "Commissioner" means the Commissioner of Public Safety or his duly appointed delegate.

B. "Department" means the Minnesota Department of Public Safety, Liquor Control Division.

C. "Office" or "this office" means the office of the Liquor Control Division.

§ 1.8003 If any paragraph, sentence, clause, or phrase of the rules of the department is declared invalid or unenforceable for any reason, such decision shall not affect the validity or enforceability of the remaining provisions of these rules.

Chapter Two: 11 MCAR §§ 1.8024 - 1.8025 Statutory License Fees and Regulatory Permit Fees

§ 1.8024 **Permits and fees.** Application forms for licenses or permits required by Minn. Stat., ch. 340 shall be furnished by the Commissioner upon request. The Commissioner shall not issue any such license or permit unless the applicant therefor has paid the appropriate license and permit fees required by Minnesota law and, if required, has filed a corporate surety bond.

§ 1.8025 **Regulatory permits and fees.** Any person engaged in the purchase, sale or use for any purpose other than personal consumption of intoxicating alcoholic beverages or ethyl alcohol, or any vehicle used to transport intoxicating alcoholic beverages or ethyl alcohol shall obtain the appropriate regulatory permit and identification card from the Commissioner as provided in this rule. The regulatory fee for each permit is \$5.00 and shall be submitted together with the appropriate application form provided by the Commissioner. All identification cards and permits shall expire on December 31st of the

year issued and are not transferable. The authority to engage in the purchase, sale, use or transport granted by the card or permit in this section may be revoked by the Commissioner upon evidence of a violation by the holder of such a card or permit of any of the provisions of Minn. Stat. ch. 340, or any rule of the Commissioner made pursuant to law.

A. Representatives' identification cards required. Any distiller, rectifier, winer, or wholesale distributor having one or more assigned representatives in the State of Minnesota shall for each representative so assigned apply to the Commissioner on Form No. 46 for a Representative's Card. A distiller or winer representative, except as provided in subparagraph C. of this paragraph, shall not, directly or indirectly, take orders from retail licensees, nor shall he give any financial inducement to any wholesaler's salesman to promote the sale to a retailer of any alcoholic beverage.

B. Retailer's or pharmacist's identification card. Any "on-sale" or "off-sale" liquor dealer or any purchasing agent of any municipal liquor store or any pharmacist or druggist holding permits issued by the Commissioner to sell medicinal liquors on prescription shall apply to the Commissioner on Form No. 84 for a permit to purchase distilled spirits, wine or malt beverages containing more than 3.2 percent of alcohol by weight from any manufacturer or wholesale distributor or any agent or representative thereof. Such identification cards shall be presented to the manufacturer or wholesale distributor or the agent or representative thereof when ordering distilled spirits, wine or malt beverages. Manufacturers or wholesale distributors or any agent or representative thereof shall not sell distilled spirits, wine or malt beverages having alcoholic contents as hereinbefore described to any licensee, permit holder, or purchasing agent of a municipal liquor store unless such person presents a Retailer's or Pharmacist's Identification Card issued by the Commissioner for the current year.

C. Salesman's identification card. Minnesota manufacturers, brewers, winers, and wholesale distributors shall for each employee acting in the capacity of a salesman or agent apply to the Commissioner on form No. 80 for a Salesman's Identification Card, which card shall be the authority for such employee to solicit orders from licensed retail dealers, permit holders, or municipal liquor stores. Salesman's Identification Cards shall not be issued to retail licensees, managers of clubs, municipal liquor store employees, or persons engaged in the sale of alcoholic beverages at retail in the regular course of their employment.

D. Vehicle permit. All common carriers other than railroads, their motor affiliates, or public water transportation carriers, transporting into or within the State of Minnesota, distilled spirits, wine, or malt beverages containing more than 3.2 percent of alcohol by weight shall apply to the Commissioner on Form No. 38 for vehicle permits for each vehicle used in the transportation thereof. Such permit shall be issued only to common carriers licensed by the Minnesota Department of Public Service and to Minnesota manufacturers, winers, brewers, wholesale distributors, retail "off-sale" dealers licensed to sell intoxicating liquor, and other qualified persons, PROVIDED that no per-

mits are required for trailers. Intoxicating liquor transported in any manner other than specified herein shall be confiscated and surrendered to the Commissioner for final disposition.

E. The following permits shall expire one year from date of issuance.

1. Doctor's alcohol permit. Any physician, dentist, or veterinarian requiring ethyl alcohol in connection with their profession shall apply to the Commissioner on Form No. 44 for a permit to purchase ethyl alcohol.

2. Food manufacturer's permit. Any manufacturer of food products requiring intoxicating liquors in connections with such manufacture shall apply to the Commissioner on Form No. 76 for a permit to purchase, possess and use intoxicating liquors.

3. Hospital or sanatorium permit. Any hospital or sanatorium requiring medicinal liquors or ethyl alcohol to administer to patients on physician's prescription shall apply to the Commissioner on Form No. 47 for permit authorizing the purchase thereof.

4. Pharmacist or druggist purchase alcohol permit. Any pharmacist or druggist requiring ethyl alcohol for the compounding of medicine shall apply to the Commissioner on Form No. 60 for a permit to purchase, use and possess ethyl alcohol.

5. Purchase alcohol permit.

a. Any person engaged in the manufacture of medicinal, pharmaceutical, antiseptic, flavoring extract, syrup, food, scientific, chemical, mechanical, or industrial products, which are unfit for beverage use, or

b. any municipal, county or state agency, or any university, college or laboratory used exclusively for scientific research, or any hospital or sanatorium using ethyl alcohol in connection with manufacture or research shall apply to the Commissioner on Form No. 81 for a permit to purchase ethyl alcohol.

Chapter Three: 11 MCAR §§ 1.8038 - 1.8039 Manufacturers, Wholesale Distributors and Importers—Duties and Restrictions

§ 1.8038 The duties and restrictions upon each manufacturer and wholesale distributor are as follows:

A. Sales to retailers. Manufacturers and wholesalers shall not sell at retail except in accordance with the privileges granted to breweries by Minn. Stat. Sections 340.02, subd. 10 and 340.11, subd. 15. Manufacturers and wholesalers and their respective employees shall not sell or deliver alcoholic beverages to any person, club, or business establishment unless the purchaser is licensed or authorized to sell the respective beverages at retail. A sale to an

unlicensed retailer shall be a violation subject to penalties provided by law or rules.

B. Written invoices. Manufacturers and wholesalers shall furnish a written invoice to each retailer for the alcoholic beverages sold and delivered to said retailers; the invoice shall clearly identify seller and purchaser, date, quantity, and brand names of products sold and the prices. When there are joint purchases as provided for in Minn. Stat. 340.408 manufacturers and wholesalers shall, in addition to the above, itemize on the invoice each such retailer purchasing jointly or in lieu thereof shall invoice joint purchases to each retailer separately.

C. Malt beverage invoices. All brewery and wholesalers' invoices of sale for malt beverages containing more than 3.2 percent of alcohol by weight shall have affixed thereto the signature of the retail dealer purchasing said beverages and also the number of the Retailer's Identification Card issued by the Commissioner for the current year. In addition thereto, such sales invoices shall designate the date of sale, the quantity sold, and the brand names. The failure of producers or wholesale distributors to comply with the provisions of this subsection shall be deemed a violation.

D. Financial interest forbidden. No manufacturer or wholesale distributor shall directly or indirectly or through any affiliate require by agreement or induce any licensed retail dealer to purchase intoxicating liquor from themselves to the exclusion in whole or in part of other manufacturers or wholesale distributors if the direct effect from such agreement or inducement is to prevent, hinder or restrict any other manufacturer or wholesale distributor from selling or offering for sale intoxicating liquor to any such licensed retail dealer. Manufacturers and wholesalers in respect to retail dealers are forbidden:

1. to acquire or hold any direct or indirect interest in any retail license or proprietary interest in the business of a retail dealer; or

2. to acquire any interest in real or personal property owned, occupied or used by any retail dealer in the conduct of his business; or

3. to furnish, give, rent, lend or sell to a retail dealer any equipment, fixtures, supplies, money, service or other thing of value, except to the extent permitted by statute; or

4. to pay or credit a retail dealer for any retailer's advertising, display, or distributing service, except to the extent permitted by statute; or

5. to guarantee any loan or repayment of any financial obligation of the retail dealer; or

6. to extend a retail dealer credit for a period in excess of the credit period usual and customary in the industry or in excess of the credit period permitted by law; or

7. to require the retail dealer to purchase and sell a specified quantity of any such products; or

8. to offer or pay a commercial bribe; or

9. to offer or make any gifts or to pay compensation to any proprietor, officer, employee or representative of a retail store; or

10. to coerce a retailer through threat of criminal prosecution, license discipline or denial; or

11. to sell, offer to sell, or contract to sell any licensed retail dealer any intoxicating liquor on consignment or under conditional sale or with the privilege of return on any basis otherwise than a bona fide sale. This subsection shall not apply to transactions involving solely the bona fide return of the product for ordinary and usual commercial reasons arising after the product has been sold.

E. Filing of wholesale price schedules and amendments.

1. No brand owner or wholesaler of distilled liquor or wine shall sell, offer for sale, or solicit any order for distilled liquor or wine unless a schedule of wholesale prices for all distilled liquor and wine offered for sale by the brand owner or wholesaler is filed with the department, in such form as the department shall prescribe. No sale shall be made except in accordance with such price schedules.

2. All wholesale price schedules shall be filed with the department not later than the first day of each month, and shall be effective from the first day of that month until the first day of the next month, provided that any filing may be amended within five business days after the first day of the month.

3. All price schedules must be filed on Form PS 9024 or in such other format which must be approved by the Commissioner in advance of filing. All price schedules must indicate the one-case wholesale price of each brand of distilled liquor or wine being offered to retail licensees, together with all allowances, discounts (including varying volume discounts) or terms of any nature (including promptness of payment terms) which affect the wholesale price of such distilled liquor or wine to the retailer in any manner.

4. If any brand owner or wholesaler elects to file amended prices during the five-day period as provided for in subparagraph 2 he may not file a new price that is lower than the lowest net price filed on the first of the month for the same or similar product by any wholesaler. For the purposes of this section "net price" shall mean the wholesale price, including all allowances, discounts (including varying volume discounts) or terms of any nature (including promptness of payment terms) which affect the wholesale price in any manner. A credit term filed to meet competition may not be filed on a basis more favorable than the terms or the competitive schedule or reduce the

net price of the brand, type or size container below the net price of the competitive schedule for the same quantity.

5. All price schedules and amendments thereto shall be effective upon receipt by the department.

6. All wholesale price schedules and amendments thereto must be understandable and enforceable by the department. If the department finds any such filing or amendment to be not understandable or not enforceable, or contrary to any statute or rule, it shall be rejected, setting forth the reason for such rejection.

7. No wholesale price schedule or amendment thereto shall list brands of distilled liquor or wine which are not in stock or on accepted order at the time such schedule is filed with the department.

8. For purposes of this rule, purchasers who are licensed as common carriers and military units qualified as government instrumentalities are not to be deemed "Retailers".

9. No wholesaler of distilled spirits or wine shall file a wholesale price schedule or an amendment on which is shown a selling price per case at less than the cost thereof to such wholesaler. Cost shall include FOB price from importer, freight, state and federal taxes and duty on imported merchandise.

10. An amended wholesale price schedule may be filed at below the wholesaler's cost when such prices are filed to meet, in good faith, prices filed with the department on similar distilled spirits and wine by a competing wholesaler.

11. Wine or other commodities may not be offered on original or assorted cases with distilled spirits or vice versa, and any quantity discount may not exceed 300 bottles of quarts or smaller bottles, or the equivalent of any authorized standard of fill not to exceed 25 cases.

12. Any filing licensee who publishes, mails, delivers, distributes, advertises or in any other way directly or indirectly, disseminates written price information for distilled spirits and or wine on its wholesale price schedule or amendments thereto, shall, in any such material, include all such allowances, discounts or terms, and shall disseminate such information to all retailers served by it.

13. The publication, mailing or delivering of any written material containing less than all of the wholesale price schedule posted for any brand by a filing licensee shall be deemed a violation of this rule.

14. The publication of all wholesale price schedules filed with the department by a filing licensee, on or before the effective date thereof, in any trade journal or industry price book of general circulation among retailers, shall be deemed sufficient compliance with the provisions of subparagraphs 12 and 13 of paragraph E.

15. Any brand owner or wholesaler may at any time file with the department written price schedules showing the one-case price together with all allowances, discounts (including varying volume discounts) or terms of any nature (including promptness of payment terms) offered on any new brand being introduced into the state, to become effective immediately.

16. Whenever the first day of the month falls on a Saturday, Sunday or a legal holiday, the distilled spirits and wine schedules required to be filed with the department shall be received by the department not later than the close of the next business day; however, the next month's filing will be filed on schedule as provided for by statute and rules.

17. Pursuant to an order issued by the department any price filings may be changed at any time to reflect changes in Federal or State Excise Taxes on distilled spirits and wine, or to comply with the requirements of any order issued by the Federal Government relating to price control.

18. All brand owners and wholesalers shall ship every sale to a retailer, whether such sales are individual or joint sales, in the full amount at one time during the month of that sale.

19. Any brand owner or wholesaler who desires to close out a brand or type of distilled spirits or wine below his cost for such products, shall apply to the Commissioner to do so. Permission will be granted at the discretion of the Commissioner, when the merchandise has been owned and possessed for a period of at least six months. All such authorized close outs shall be so noted as close outs on the filed wholesale price schedule. Any brand owner or wholesaler who closes out a brand or type of spirits or wine may not restock such product for a period of twelve months.

F. Gifts forbidden. No manufacturer, importer, or wholesale distributor of distilled spirits, wines, or malt beverages containing more than 3.2 percent of alcohol by weight, shall, directly or indirectly, or through any officer, agent or employee, offer or grant discounts, rebates, free goods, allowances or other concessions in wholesale prices unless the same terms are offered uniformly to each retailer in the wholesaler's or manufacturer's trade territory at the same time and for the same period, and any and all such discounts, rebates, free goods, allowances or other concessions made because of quantity purchases or for any other reason shall be specifically noted on the invoice of each and every retailer to whom such concessions are granted.

G. Sales discrimination forbidden. Minnesota manufacturers and wholesale distributors shall not discriminate in the sale of their products to retail dealers except that manufacturers or wholesale distributors may refuse to sell intoxicating liquor or non-intoxicating malt liquor to a retail dealer who may have violated any law, rule or municipal ordinance relating to the sale of such liquor at retail, or who has breached a contract for sale with the manufacturer or wholesaler. Upon notice from the Commissioner, manufacturers and wholesale distributors shall not sell intoxicating liquor or non-intoxicating malt liquor to any "on-sale" or "off-sale" licensee who refuses to sell or serve

alcoholic beverages to any person because of race, color, national origin, or who discriminates in the selection of its membership on the basis of race, color, or national origin.

H. Peddling forbidden. No manufacturer or wholesale distributor of distilled spirits and wine or their employees shall transport such products in vehicles for the purpose of soliciting orders from retail dealers and filling such orders from stocks transported in such vehicles.

I. Container limitation. No manufacturer or wholesale distributor shall sell distilled spirits to retailers in containers holding more than 64 ounces nor less than 8 ounces, or their metric equivalents, except wine may be sold in containers holding 1/20 gallon (6-2/5 oz.), or its metric equivalent, to on and off sale licensees.

1. Miniature containers shall be sold only to licensed common carriers for dining facilities, licensees who have approved dispensing devices and pharmacists having a permit to sell medicinal liquors on prescription for dispensing to patients in hospitals and nursing homes.

2. No containers of distilled spirits holding less than one-fifth of a gallon, or 750 milliliters, shall be sold to retail "on-sale" dealers.

3. Still wines—case sales. Still wines shall be sold by Minnesota manufacturers and wholesalers to retail liquor dealers only in case lots. The cases shall be filled with wines of only one tax class, that is, wines of 14 percent or less of alcohol by volume shall not be combined in a case with wines of more than 14 percent of alcohol by volume.

J. Sale or delivery prohibited in certain municipalities. No manufacturer or wholesale distributor shall sell or deliver distilled spirits, wine, ethyl alcohol or intoxicating malt beverages in any municipality prohibiting the sale thereof. However, intoxicating liquors and ethyl alcohol may be sold in such municipalities to persons who are holders of permits to sell such products for industrial or medicinal purposes, or for sacramental use.

K. Transfer of business license. Any manufacturer, wholesale distributor or brewer may transfer his business and his license with the approval of the Commissioner. When contemplating transfer the licensee shall submit his license to the Commissioner and all permits issued in connection therewith, together with a complete notarized inventory of alcoholic beverages on hand, giving the brand names, the size and number of containers. The request for transfer shall be accompanied by the license application and bond of the proposed purchaser.

NOTE: Any application for transfer of a license shall be accompanied by a transfer fee of \$10.00.

L. Branch establishments. Manufacturers and wholesale distributors of distilled spirits, wine and malt beverages licensed by the Commissioner may

maintain branch establishments provided that such establishments are directly owned and managed by said manufacturers and wholesale distributors, and that all employees of such establishments are paid only fixed salaries and/or commissions. No branch license shall be granted to holders of wholesale non-intoxicating malt liquor licenses.

M. Withdrawal of distilled spirits and wine from wholesalers by their employees and distillers or winers representative. No persons employed by importers, distillers, rectifiers, winers, Minnesota licensed manufacturers or wholesalers, shall withdraw distilled spirits or wine from the premises of manufacturers or wholesalers unless such requisition has been approved by the Commissioner on a form prescribed by him.

§ 1.8039 Sales to wholesalers and manufacturers.

A. All importers, including manufacturers and wholesalers licensed pursuant to Chapter 340, are required to offer for sale to all Minnesota wholesalers and manufacturers all intoxicating liquor (except wines and malt beverages) brought into Minnesota. If such intoxicating liquor is further distilled, refined, rectified, blended, bottled, labeled or prepared in any manner subsequent to its importation into Minnesota, such importers are required to offer for sale to all Minnesota wholesalers and manufacturers the finished product. All such offers shall be made on an equal basis to all such wholesalers and manufacturers.

B. No importer shall offer any intoxicating liquor for sale to any Minnesota wholesaler or manufacturer without first filing with the department and mailing a copy of such itemized price list to all Minnesota manufacturers and wholesalers, on a form approved by the Commissioner, an itemized list specifying the price, brand, type, container size, proof and age of the liquor so offered. These prices must be filed on the first day of the month and shall become effective on the first day of the next calendar month and shall remain in effect until changed by a subsequent price filing which shall take effect in like manner.

C. All prices filed shall be the lowest prices, as contemplated by Minn. Stat. 340.114, subd. 3, at which such liquor is contemporaneously being sold by such importer in any other state or in the District of Columbia. All such liquor shall be offered for sale to all Minnesota wholesalers and manufacturers on an equal basis, and at the applicable filed price.

Chapter Four: 11 MCAR §§ 1.8041 - 1.8048 Retail Licenses, Eligibility of Licensees, Business Combinations, Duties of Municipal Clerks

§ 1.8041 Municipal retail licenses. Minn. Stat. § 340.11 provides that "on sale" and "off sale" retail liquor licenses shall be granted by the local municipal governing body upon verified, written application of the proposed licensee.

§ 1.8042 Eligibility requirements. An applicant for a retail liquor license shall meet all of the following requirements of eligibility:

- A. He shall be a citizen of the United States.
- B. He shall be over 18 years of age.
- C. He shall have good moral character and reputation.
- D. He shall not have been convicted within five years prior to the application of such license of any willful violating of law relating to the manufacture, sale or possession for sale of intoxicating liquor.
- E. Neither the licensee or anyone interested in the business shall have had an interest in a license which was revoked within the last five years for a willful violation of any such laws or ordinances.
- F. The license and anyone with an interest in the business shall not have any interest, direct or indirect, in another retail liquor store in the same municipality; neither as proprietor, partner, or corporate stockholder.
- G. The licensee cannot lease the business premises from anyone to whom no license could be issued; such as, someone convicted of a willful violation of the Liquor Control Act.
- H. No applicant shall refuse to serve alcoholic beverages to any person because of race, color or national origin, and no applicant shall discriminate in the selection of its membership on the basis of race, color or national origin.

The licensee may lease from a minor, a non-citizen, or one convicted for a crime other than liquor offense, or a manufacturer or wholesaler who has been a bona fide owner of the premises since before November 1, 1933, as provided by Minn. Stat. 340.13, subd. 1.

§ 1.8043 Limited number to be granted. Retail liquor licenses shall be granted only in number and combination with other business prescribed in the statute as follows: (Clubs not limited in number)

A. "On-Sale" retail liquor licenses:

	Population Last Federal Census	Maximum Number	Combination Business
First Class Cities	Over 100,000		
Minneapolis		200	Hotels,
St. Paul		200	Restaurants or
Duluth		71	Exclusive Liquor

Second Class Cities	Over 20,000 but not over 100,000	18 (Plus 1 license for 2,500 pop. after 45,000)	Hotels, Clubs Restaurants or Exclusive Liquor
Third Class Cities and Villages	Over 10,000 but not over 20,000	12	"
Fourth Class Cities and Boroughs	Under 10,000	7	"
Villages	5,000 to 10,000	6	Hotels, Clubs, Restaurants or Exclusive Liquors
"	2,500 to 5,000	5	"
"	500 to 2,500	4	"
"	Under 500	3	"

The above summary of the statute is subject to several acts which have local application, as noted in the text of the statute.

B. "Off-Sale" retail liquor licenses:

	Population Last Federal Census	Maximum Number	Combination Business	Maximum License Fee
First Class Cities	(1 for 5,000)			
Minneapolis		104	Drug Stores	\$250—not
St. Paul		62	General Food,	including
Duluth		20	Exclusive	occupational
			Liquor (Off)	tax
Second Class Cities	20,000 but not over 100,000	Discretion- ary with Council	Drug Stores Exclusive Liquor (Off)	\$200
Third Class Cities and Villages	Over 10,000 but not over 20,000	"	"	\$200
Fourth Class Cities Villages and boroughs	Under 10,000 but not less than 5,000	"	Drug Stores, Exclusive Liquors	\$150
"	2,500 to 5,000	"	"	\$100
"	500 to 2,500	"	"	\$100
"	Under 500	"	"	\$100

C. "On-Sale" retail liquor licenses:

Counties	Regardless of Rural Popu- lation Plus 1 additional license for each 2,000 population or major fraction thereof.	3 licenses	Restaurants seating a minimum of 100
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D. "Split Liquor" "On-Sale" Liquor licenses.

Municipalities operating retail liquor stores who have authorized by vote	Population Last Federal Census	Maximum Number	Combination Business
"Split Liquor"	Over 10,000 Pop.	6	Hotels & Restaurants
Cities, Villages and Boroughs	5,000 to 10,000 Pop.	4	"
	Under 5,000 Pop.	3	"

If the maximum number of "On-Sale" licenses are issued as above stated, then Municipal "Off-Sale" must be discontinued.

§ 1.8044 Applications, "on-sale." Applicants for "on-sale" retail liquor licenses shall file a written, verified application with all questions fully answered with the municipal clerk or county auditor. They shall also file a bond as required by statutes. Forms shall be furnished by the municipal clerk or county auditor.

A. The retail licenses for sale of alcoholic beverages which the municipality may issue shall contain a specific description of the premises to which the license applies.

B. The description shall be stated as numbered street address or the description of the lot, block, addition, or township.

C. If the description in A. covers a building with more than one story or rooms which are used for business purposes other than those permitted to be in combination with the license as outlined in 11 MCAR § 1.8043 of this chapter, then the description shall specify the floor and the space to which the license shall apply.

D. No license shall be granted for any premises with inside access to another business establishment unless the combination is permitted under 11 MCAR § 1.8043 of this chapter and the Liquor Control Act.

E. The license bond shall be a sum of \$3,000.00 to \$5,000.00. As alternatives the applicant may post a deposit of cash, United States bonds, or liability insurance policy acceptable to the Commissioner in lieu of the corporate surety. However bond or alternatives shall apply uniformly to each retailer in each municipality or county.

F. The clerk shall read each application and bond to ascertain that all questions have been answered and forms are completed before the application is submitted to the council.

SPECIAL NOTE: No member of a municipal council, however, shall vote on any application for license for a spouse or any other relative.

G. After the application for license has been approved by the council, the clerk shall prepare the license certificate and deliver it to the licensee.

H. Within ten days after issuance of the "on-sale" liquor license, the clerk shall prepare and submit to the Commissioner a certificate stating that a license has been issued. The certificate shall show the full name and the address of the person or persons to whom the license is granted, and all additional information required to complete the form which shall be furnished by the Commissioner.

§ 1.8045 Applications. "Off-sale" and certain "on-sale". All "off-sale", club "on-sale" and County "on-sale" retail liquor licenses issued in the state shall be submitted to the Commissioner for final approval. Without the Commissioner's approval, said licenses shall not be effective.

A. The Commissioner shall furnish application blanks, bonds and license forms for "off-sale", County "on-sale" and club retail liquor licenses to the clerk or County Auditor of the respective municipalities or counties.

B. The applicant for license shall prepare the application form and bond in duplicate and file them with the clerk or County Auditor who shall read them to determine that all questions are answered completely and the forms are properly executed.

C. The governing body shall consider the license applications and exercise its discretion within the law in approving licenses.

D. After approval, the clerk shall forward to the Commissioner in St. Paul, Minnesota, the following items:

1. One copy of the license certificate for "off-sale", club, or County "on-sale".

2. Two application forms for "off-sale", club, or county "on-sale", fully executed by the applicant.

3. Two bond forms for "off-sale", club, or county "on-sale", approved on the reverse side by a member of the governing body.

4. One "on-sale" license Form No. 100—with the clerk's signature and corporate seal of the municipality or county affixed.

5. One "on-sale" license Form No. 100-A for Sunday Sales.

6. A notarized copy of the minutes of the meeting held by the governing body establishing when the application was approved.

7. A notarized statement containing information as to the result of the vote of any election in the municipality where the question of licensing the sale of intoxicating liquor was voted. This shall not include the repeal election

of September 12, 1933, or any county option election. If no election was held in the municipality, a statement to that effect is required.

E. After licenses are granted, at an annual renewal period, the items in paragraph D. above shall be forwarded to the Commissioner 30 days before the end of the current license year.

F. After consideration and approval of the license, the Commissioner will retain one copy of the application and one copy of the bond in his files. The new license certificate with his endorsement of approval, one copy of the application and one copy of the bond will be returned to the clerk or Auditor. Such documents shall be retained by the issuing authority for a period of six years after the date of expiration of the license.

§ 1.8046 Change of location. The location of business of a retail liquor licensee may be changed subject to the approval of the municipal council and the Commissioner. Application for change in location shall be in writing, accompanied by a written statement from the bonding company consenting to the change in location.

§ 1.8047 Liquidation of business—report. When any retail licensee liquidates his business upon voluntary termination, cancellation, or revocation of license, he shall submit a verified inventory of the stock of intoxicating liquors on hand. He shall file a written statement of his disposition of the merchandise and shall surrender his Retail Dealer's Identification Card for cancellation.

§ 1.8048 Municipal liquor stores. Any municipality establishing a municipal liquor store shall submit to the Commissioner the hereinafter described statements:

A. A certified or printed copy of the ordinance or resolution authorizing the establishment of a municipal liquor store.

B. A verified statement of the results of any election ever held by the municipality in which the question of permitting or prohibiting the sale of intoxicating liquor was voted. This shall not include the repeal election of September 12, 1933, or any County election. If no election was ever held in the municipality, a certified statement to that effect is required.

C. The clerk and/or recorder of any municipality having established a municipal liquor store shall in connection therewith and in addition to requirements of this section, submit to the Commissioner on furnished and prescribed forms, a Certificate of Registration stating the date established, name of the Manager, and whether "on-sale," "off-sale," or both.

D. Any change of location of a municipal liquor store shall be promptly reported to the Commissioner, on forms prescribed and furnished by him. In the event of the discontinuance of such a store, a notarized inventory of the stock on hand shall be submitted to the Commissioner giving the brand names, the size, and the number of containers, and the name of the purchaser or

other disposition. Said inventory shall be signed by the transferor and transferee. The clerk of the municipality shall submit said inventory and the Retailer's Identification Card to the Commissioner for cancellation.

Chapter Five: 11 MCAR §§ 1.8050 - 1.8064 Retail Licensees and Municipal Liquor Stores

§ 1.8050 Retail license required. All private retail dealers in intoxicating liquors (distilled spirits, wines, strong beer) shall obtain a license from the local municipal governing body for retail sale, and shall keep and post the license certificate in a conspicuous location in their place of business. Municipal retail liquor stores shall be established by ordinance.

§ 1.8051 Identification card required. Retail dealers shall obtain a retail dealer's identification card from the Commissioner as provided in 11 MCAR § 1.8025 B. of Chapter Two. Such card shall be presented when purchasing intoxicating liquor from authorized sales representatives.

§ 1.8052 Purchase from licensed manufacturers, etc. All retail dealers shall purchase their stock of alcoholic beverages only from duly licensed Minnesota manufacturers, brewers and wholesale distributors. Retail dealers may purchase intoxicating liquors from other retail dealers only under the conditions stated in 11 MCAR § 1.8064 of this Chapter.

§ 1.8053 Financial responsibilities. Retail dealers shall be responsible for all purchases of alcoholic beverages and for any indebtedness incurred by the licensees or their delegated employees.

§ 1.8054 Stock shall have certification labels affixed. Retail dealers shall verify that their stock of distilled spirits, sparkling wines, or still wines shall have affixed to the cartons the designated certification labels, and that such labels shall be affixed in accordance with the number of containers in each case.

A. Any cartons or cases in the possession of retail dealers with improper certification labels affixed thereto shall be subject to confiscation.

B. Retail dealers shall remove certification labels affixed to cartons and cases of wine when such cases have been emptied.

§ 1.8055 Retention of records. All retail dealers shall keep in their licensed premises for a period of two years the records and invoices of all purchases and sales of two cases or more of intoxicating liquor, wine and malt beverages. Such invoices shall state the date, from whom purchased or to whom sold, the quantity, the brand name, size of containers, and price.

§ 1.8056 "On-sale" dealers.

A. Containers—minimum quantities; minimum proof of distilled spirits. No "on-sale" dealer shall purchase or possess distilled spirits in containers of less

than one-fifth gallon or its metric equivalent. Containers of less than one-fifth of a gallon, or its metric equivalent, shall be subject to confiscation provided, miniatures containing not more than two ounces, or their metric equivalent, may be purchased for dispensing devices, the use of which has been specifically approved by the Commissioner. In addition, no "on-sale" dealer shall purchase distilled spirits other than cordials, liqueurs, or specialty items which are less than eighty (80) proof.

B. Liquor to be consumed on premises. "On-sale" liquor licensees shall sell intoxicating liquor to lawful consumers by the drink for consumption on the premises only. For purposes of this regulation the sale of miniatures in approved dispensing devices shall be considered sale by the drink in guest rooms of hotels as defined in Minn. Stat. 340.07, subd. 12.

C. Display forbidden. No "on-sale" liquor establishment shall display any intoxicating liquor when open to the public during hours when the sale of such liquor is prohibited by law, except as provided by Minn. Stat. 340.119.

D. Dilution or changing containers. No "on-sale" dealers, or their employees, shall remove intoxicating liquor from the original containers and place said liquor in any other container, nor shall such persons dilute or in any manner tamper with the original contents thereof as provided by Minn. Stat. 340.141 to 340.143 inclusive, except that wine may be withdrawn from tax paid containers and placed in decanters for service bar purposes.

E. Containers subject to seizure. Intoxicating liquors in open containers which upon inspection indicate dilution, tampering, refilling or impurities shall be subject to seizure by Liquor Control Inspectors.

F. Containers must be visible to public. All containers from which alcoholic beverages are sold or dispensed shall be clearly visible to the consuming public, except that malt beverages may be dispensed by tap from the keg when the keg itself is not in sight, and miniatures may be dispensed by approved mechanical devices, provided that the brand label appears on the tap handle or device. No container of intoxicating or malt liquor shall be dispensed from any mechanical or coin operated device, unless said device can be operated in full compliance with all provisions of state law and the rules of the Commissioner and has been specifically approved for operation by the Commissioner. The Commissioner may impose such conditions as he deems necessary for any such approval and the failure to meet said conditions or the violation thereof shall terminate any approval.

§ 1.8057 "Off-sale" by package only. "Off sale" dealers shall sell intoxicating liquors by the container or package for off premise consumption only. They shall not permit the opening of the containers and consumption of contents on the licensed premises.

A. No alcoholic beverages shall be sold except within the licensed premises.

B. No licensee shall sell any alcoholic beverages to any person, or persons,

for consumption off the licensed premises while said person, or persons, are within a motor vehicle.

C. No alcoholic beverages shall be sold through any opening or window to any person outside of licensed premises.

§ 1.8058 Delivery. Licensed or authorized "off-sale" retail liquor dealers and no other class of dealers may make deliveries of intoxicating liquor from their stores to the residence of a purchaser or other location, provided however, that such delivery shall be made only to a person eighteen or more years of age; and provided further, that such delivery shall not be made to beer taverns or other public or private place in violation of law or ordinance.

A. Delivery tickets required. The person in charge of any vehicle delivering intoxicating liquor to purchasers shall carry an invoice or delivery slip stating the date and names and addresses of the seller and purchaser, itemizing the number, size and brands of intoxicating liquor to be delivered. Upon delivery, the invoice shall be signed by the person accepting delivery and by the deliverer and the signed copy preserved on the retainer's premises for a period of six months.

B. Dealer may refuse to deliver. Any retail dealer, his employees or agents, may refuse to sell or deliver intoxicating liquor to any person whom they have reason to believe is ineligible to buy such liquor, as provided by Minn. Stat. 340.14, subd. 1, and 340.73 to 340.84, or whom they have reason to believe intends to deliver the intoxicating liquor to ineligible consumers. They may require a person of doubtful age to produce written evidence that he is eighteen or more years of age.

C. Delivery—forbidden. No "off-sale" retail dealer shall sell, ship or deliver intoxicating liquor to purchasers in any county, municipality or area where the sale or delivery thereof is prohibited by law. No retailer shall deliver or permit the delivery of any intoxicating liquor during the hours when "off-sale" of liquor is prohibited by state law or municipal ordinance.

D. Delivery vehicle permits required. See 11 MCAR § 1.8025 D.

E. Open stock deliveries prohibited. Only alcoholic beverages ordered and packed at the store for delivery shall be carried in the delivery vehicle.

§ 1.8059 Sales restrictions.

A. Retail dealer not to sell for resale. A retail dealer or municipal liquor store shall not sell intoxicating liquor to any person for the purpose of resale, or to any person about whom he has information or has reason to believe intends to resell said liquor, except as provided in 11 MCAR § 1.8064.

B. Cancellation of identification card. The retailer's identification card of any retail dealer or municipal liquor store may be cancelled by the Commis-

sioner if the holder of said card sells for resale. A violation of 11 MCAR § 1.8061 shall be grounds for cancellation.

C. Refuse to sell. Retail dealers shall refuse to sell any alcoholic beverage to any person or persons whose character is questionable or whose credentials in any manner are not satisfactory.

§ 1.8060 Solicitation. The solicitation of customers by retail dealers outside the licensed premises or by the use of telephone, telegraph or the United States mail is prohibited.

§ 1.8061 Federal wholesale liquor dealer's tax stamp. No retail licensee or municipal liquor store shall apply for or have in their possession a Federal Wholesale Liquor Dealer's Tax Stamp.

§ 1.8062 Gifts forbidden. Any retail dealer or employee, or any manager or employee of a municipal liquor store who suggests, requests, demands or accepts any gratuity or reward or promise thereof from any representative of a manufacturer or wholesaler of alcoholic beverages is guilty of a violation. Any manager or employee who in this respect violates the provisions of Minn. Stat. § 613.19 shall be guilty of a gross misdemeanor.

§ 1.8063 Storage, fires, or other damage. Retail dealers may store excess stocks of intoxicating liquor in places other than the licensed premises. The place of storage shall be located in the same municipality as the licensed premises. The location and address of the storage place, the quantity of liquor stored and removal from the storage place shall be reported to the Commissioner in writing.

In the event of a fire or other disaster in an area where intoxicating liquor, intoxicating and non-intoxicating malt liquor or wine are stored or kept for sale, the licensee shall promptly inform the Commissioner of such disaster. The Commissioner shall promptly inspect the premises to determine if the intoxicating liquor, intoxicating and non-intoxicating malt liquor or wine are fit for human consumption. He shall order all of such liquor and wine that is not fit for human consumption immediately destroyed. No sale of intoxicating liquor, intoxicating and non-intoxicating malt liquor, or wine which has been exposed to a fire or other disaster shall be made until such liquor has been inspected and declared fit for human consumption. In making his inspection, the Commissioner may cooperate with a representative of the insurer of the liquor.

§ 1.8064 Transfer of license or business. Any licensed retail dealer transferring or liquidating his business and selling his liquor stock shall notify the Commissioner in writing of his intention and ask for approval of the proposed sale or transfer on such forms as are prescribed by the Commissioner. He may sell his business fixtures and alcoholic beverages in a liquidating transaction to any retail dealer or wholesale licensee in Minnesota. When the sale is completed, the seller and buyer shall file with the Commissioner a copy of an itemized inventory of liquors sold, giving the brand name, size, and number

of bottles. Both the seller and buyer shall sign the inventory and it shall be notarized. The seller shall return his retailer's identification card to the Commissioner for cancellation. Any change whatsoever in the ownership or location of the business for which the license has been issued shall be deemed a transfer for purposes of this section.

Chapter Six: 11 MCAR §§ 1.8066 - 1.8069 Advertising

§ 1.8066 Application; uniform code. The advertising of intoxicating liquors is a matter of public policy and, as provided in Minn. Stat. 340.09, clearly within the police power of the state. Advertisements of intoxicating liquors disseminated in this state, except as hereinafter provided, shall not require prior approval, but shall be governed by the UNIFORM CODE OF THE JOINT COMMITTEE OF STATES, as follows:

No person engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of intoxicating liquor, directly or indirectly, or through an affiliate shall publish or disseminate or cause to be published or disseminated by radio or television broadcast, or in any newspaper, magazine, or similar publication or by any sign or outdoor advertisement, or any other printed or graphic matter, any advertisement of intoxicating liquor unless such advertisement is in conformity with these regulations: Provided, that these provisions shall not apply to the publisher of any newspaper, magazine, or similar publication, or the owner or operator of any radio or television station, unless such publisher, owner, or operator is engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of intoxicating liquor directly or indirectly, or through an affiliate.

A. Definitions. As used in these regulations, terms shall have the meaning ascribed below.

1. Advertisement. The term "advertisement" includes any advertisement of intoxicating liquor through the medium of radio or television; or of newspapers, magazines, or similar publications; or of any sign or outdoor advertisement; or of any other printed or graphic matter, including trade booklets, menus, and wine cards; except that such term shall not include:

a. Any label affixed to any container of intoxicating liquor or any individual covering, carton, or other wrapper of such container.

b. Any editorial or other reading matter in any periodical or publication or newspaper, or on any radio or television broadcast (or audio matter thereon) for the preparation or publication of which no money or other valuable consideration is paid or promised, directly or indirectly, by any person subject to these regulations.

2. Intoxicating liquor. "Intoxicating liquor" means and includes ethyl alcohol and distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 per cent of alcohol by weight.

3. Distilled spirits. "Distilled spirits" means ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, for beverage use, and shall include, but not be limited to neutral spirits, whiskey, brandy, rum, gin, vodka, cordials, and liqueurs. Any intoxicating liquor containing more than 24% of alcohol by volume shall be deemed to be distilled spirits.

4. Wine. The term "wine" means any fermented intoxicating liquor produced from grapes, fruit or other agricultural products, and includes, but is not limited to, still wines, champagne and other sparkling wines, carbonated wines, imitation wines, vermouth, cider, perry, sake, or other product offered for sale or sold as wine.

5. Malt beverage. The term "malt beverage" means intoxicating liquors obtained by the alcoholic fermentation of an infusion or decoction of barley malt and hops in drinking water and containing more than 3.2 per cent of alcohol by weight.

6. Person. "Person" means any individual, partnership, joint stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent.

B. Mandatory statements.

1. Responsible advertiser. The advertisement shall state the name and address of the producer, manufacturer, bottler, importer, wholesaler, or retailer responsible for its publication. Street name and number may be omitted in the address.

2. Class, type, and distinctive designation. The advertisement shall contain a conspicuous statement of the class and type, or other designation of the product, corresponding with the complete designation which appears on the brand label of the product.

3. Alcoholic content. In the case of distilled spirits the alcoholic content shall be stated in the manner and form in which it appears on the labels of distilled spirits advertised.

4. Percentage of neutral spirits and name of commodity. In the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated in the advertisement the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled in substantially the manner and form in which these statements appear on the labels of the distilled spirits advertised. In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated in the advertisement the name of the commodity from which such neutral spirits or gin has been distilled substantially in the manner and form in which this statement appears on the labels of the distilled spirits advertised.

5. "Line" or "Brand" advertisements. Where an advertisement does not mention a specific product but merely refers to a class of intoxicating liquors (such as "whiskey") and the advertiser markets more than one brand of intoxicating liquors of that class, or where the advertisement refers to several classes of intoxicating liquors (such as "whiskey," "brandy," "rum," "gin," "liqueur," etc.) marketed under a single brand, the only mandatory information prescribed by this paragraph B., applicable to such advertisement would be the name and address of the responsible advertiser.

6. Retail establishments. Advertisements by retail establishments which merely refer to the availability of intoxicating liquors in such establishments but which otherwise make no reference to a specific brand shall be subject only to the "Prohibited Statements" provisions of paragraphs D. and E. of this rule.

C. Lettering. Conspicuousness of mandatory statements. Statements required by these regulations to be stated in any written, printed, or graphic advertisement shall appear in lettering or type of a size, kind and color sufficient to render them both conspicuous and readily legible.

In particular:

1. Required information shall be stated against a contrasting background and in type or lettering which is at least the equivalent of eight point type.

2. Required information shall be so stated as to appear to be a part of the advertisement and shall not be separated in any manner from the remainder of the advertisement.

3. Where an advertisement relates to more than one product, the required information shall appear in such manner as to clearly indicate the particular products to which it is applicable.

4. Required information shall not be buried or concealed in unrequired descriptive matter or decorative designs.

D. Prohibited statements. An advertisement shall not contain:

1. Any statement that is false or misleading in any particular material.

2. Any statement that is disparaging of a competitor's products.

3. Any statement, design, device, or representation which is obscene or indecent.

4. Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.

5. Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

Nothing in this section shall prohibit the use of any enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."

6. Any statement that the product is produced, blended, made, bottled, packed or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or State, Federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if a municipal, county, State, or Federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

7. Any statement concerning a brand or lot of intoxicating liquor that is inconsistent with any statement on the labeling thereof.

8. Any statement, design, or device representing that the use of any intoxicating liquor has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

9. Any representation that the product was manufactured in, or imported from, a place or country other than that of its actual origin, or was produced or processed by one who was not in fact the actual producer or processor.

10. Any statement, design, device, or pictorial representation of or relating to, or capable of being construed as relating to the armed forces of the United States, or of the American Flag, any State Flag, or of any emblem, seal, insignia, or decoration associated with any such flag or the armed forces of the United States; nor shall any advertisement contain any statement, device, design or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to falsely lead the consumers to believe that the product has been endorsed, made, or used by or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated.

11. Cooperative advertising. There shall be no cooperative advertising in newspapers or magazines as between a producer, manufacturer, bottler, importer, or wholesaler, and a retailer of distilled spirits.

12. Any statement offering any coupon, premium, prize, or rebate as an inducement to purchase intoxicating liquors.

E. Other prohibited statements. An advertisement of intoxicating liquor shall not contain:

1. In the case of distilled spirits:

a. The words "bond," "bonded," "bottled in bond," "aged in bond," or phrases containing these or synonymous terms, unless such words or phrases appear upon the labels of distilled spirits advertised, and are stated in the advertisement in the manner and form in which they appear on the label.

b. Any statement, design, or device directly or by implication concerning age or maturity of any brand or lot of distilled spirits unless a statement of age appears on the labels of the advertised product. When any such statement, design, or device concerning age or maturity of distilled spirits is contained in any advertisement, it shall include (in direct conjunction therewith and with substantially equal conspicuousness) all parts of the statement concerning age and percentages, if any, which appear on the label. However, an advertisement for any whiskey or brandy, which does not bear a statement of age on the label, or an advertisement for rum which is four years or more old, may contain general inconspicuous age, maturity or other similar representation, e.g., "aged in wood," "mellowed in fine oak casks."

2. In the case of wine:

a. Any statement of bonded winecellar and bonded winery numbers unless stated in direct conjunction with the name and address of the person operating such winery or storeroom. Statement of bonded winecellar and bonded winery numbers may be made in the following form: "Bonded Winecellar No.," "Bonded Winery No.," "B.W.C. No.," "B.W. No."

No additional reference thereto shall be made, nor shall any use be made of such statement that may convey the impression that the wine has been made or matured under U.S. Government or any State Government supervision or in accordance with the U.S. Government or any State Government specifications or standards.

b. Any statement, design, device, or representation which relates to alcoholic content or which tends to create the impression that a wine is "unfortified" or has been "fortified," or has intoxicating qualities, or contains distilled spirits (except for a reference to distilled spirits in a statement of composition where such statement is required by these rules to appear as part of the designation of the product).

c. Any statement of age or representation relative to age (including words or devices in any brand name or mark) except that:

In the case of vintage wine, the year of vintage may be stated if it appears on the label.

Truthful references of a general and informative nature relating to methods of production involving storage or aging, such as "this wine has been mellowed in oak casks," "stored in small barrels," or "matured at regulated temperatures in oak cellars" may be made.

The statement of any bottling date shall not be deemed to be a representation relative to age, if such statement appears without undue emphasis in the following form: "bottled in" (inserting the year in which the wine was bottled).

No date, except as provided in this paragraph with respect to statement of vintage year and bottling date, shall be stated unless, in addition thereto, and in direct conjunction therewith, in the same size and kind of printing there shall be stated an explanation of the significance of such date: Provided, that if any date refers to the date of establishment of any business, such date shall be stated without undue emphasis and in direct conjunction with the name of the person to whom it refers.

3. In the case of malt beverages, any statement of alcoholic content, or any statement of the percentage and quantity of the original extract, or any numerals, letters, characters, or figures, likely to be considered as designations of alcoholic content.

4. Any reference to novelties, mailing, outdoor advertising, and inside premise advertising shall be governed by other provisions of these rules.

§ 1.8067 Statements of acts prohibited. All local advertising shall also be subject to the provisions of this chapter as hereinafter stated.

A. No advertisement of alcoholic beverages shall contain:

1. Any illustration of a person which is not dignified, modest, or in good taste, or depicts a person in provocative dress or consuming a drink. Any family scene in which is portrayed a child or objects (such as toys) suggestive of the presence of a child, or in any manner portrays the likeness of a child, or contains any matter to appeal to immature persons.

2. Any statement that is false or misleading in any manner.

3. Any statement, design, device or representation which is obscene or indecent.

4. Any statement concerning a brand of intoxicating liquor that is inconsistent with any statement on the labeling thereof.

5. Any statement, design, device, or representation relating to any guaranty unless such guaranty is enforceable.

6. Any statement describing such liquor to be beneficial and healthful.

7. Any statement or display relating to the price of such liquor except in windows and premises of licensed establishments.

8. Any statement, design, or device relating to biblical characters or to

any public official, agency or branch of the Federal, state or local governments, including former presidents of the United States.

9. Any statement, design, device or pictorial representation capable of being construed as relating to the armed forces of the United States, or the American Flag, or any emblem, seal, insignia or decoration associated with such flag or armed force.

10. Any statement relating to the giving away of alcoholic beverages, premiums or novelties in connection with the sale of any alcoholic beverages.

B. Restrictions:

1. No alcoholic beverages, prizes, or premiums shall be given away in connection with the sale of alcoholic beverages, except that consumer's advertising specialties, such as ash trays, bottle or can openers, corkscrews, paper shopping bags, matches, printed recipes, wine lists, leaflets, blotters, post cards, pencils, stirrers, glassware, calendars, notebooks, playing cards, greeting cards, folding knives, or any similar articles which bear advertising matter may be furnished or given to consumers. The distribution of such advertising specialties shall be limited to the licensed premises only. Such advertising specialties shall be submitted to and approved by the Commissioner before distribution.

2. No advertisement or display of intoxicating or malt liquor shall contain any statement or illustration of or reference to a bank, bank deposit book, money, gambling, or quotations such as "Moving," "Going Out of Business," "Reduction of Stock," "Sale of Damaged Stock," "School or College Athletics," or "Pay Checks," in any form of advertising. However, such references may be included in or on show windows in or on licensed premises.

3. No display of any intoxicating liquor shall be made in any place except the licensed premises.

4. No advertisement or display of malt beverages containing more than $\frac{1}{2}$ of 1% of alcohol by weight shall contain any reference to price of malt beverages, except within windows and premises of licensed establishments.

§ 1.8068 Advertisements shall be approved.

A. Except as provided in 11 MCAR § 1.8066, all out of state distillers, rectifiers, winers, brewers and wholesale distributors and Minnesota manufacturers and wholesale distributors "On Sale," "Off Sale" or municipally owned liquor stores or any agents thereof shall submit in duplicate all advertisements of alcoholic beverages to the Commissioner for approval before publication.

B. Except as provided in 11 MCAR § 1.8066, no licensee shall publish, cause to be published, or offer for publication in any newspaper, periodical, or other advertising media, including radio and television broadcasting, or through any outdoor or other advertising agency any advertisement for in-

toxicating liquor unless the copy or transcript of the proposed advertisement shall have been first approved by the Commissioner and shall have affixed thereto his stamp of approval.

§ 1.8069 **Mailing forbidden.** No advertisements shall be distributed to consumers through the medium of the United States mail except with the written approval of the Commissioner, and provided that this restriction shall not apply to newspapers and magazines. The distribution of hand circulars or price lists will be allowed from within the licensed premises.

Chapter Seven: 11 MCAR §§ 1.8071 - 1.8078 The Registration of Brand Labels and Analysis of Alcoholic Beverages

§ 1.8071 **Brand label approval.** No brand of distilled spirits, wines, or fermented malt beverages containing more than one-half of one percent of alcohol by volume shall be imported into or sold within the State of Minnesota unless the brand label is approved by the Commissioner and registered in the manner provided.

A. For sample purposes only. A licensed importer or wholesaler may, with the prior approval of the Commissioner, import without registration reasonable amounts of alcoholic beverages to be used for sample purposes only. However, all such sample shipments must be manifested, as provided in 11 MCAR § 1.8083.

B. Any alcoholic beverages whose brand label is not approved and registered shall be confiscated.

§ 1.8072 **Brand label ownership.** The brand label will not be registered unless it is ascertained that the proposed registrant is the owner of the label, or has been assigned the brand label registration permission in writing by the brand owner pursuant to Federal and state laws.

§ 1.8073 **Registration.** A written request for registration of a brand label shall be filed with the Commissioner, accompanied by the following items:

A. A check payable to "Director of Liquor Control" in the amount of \$10, for payment of the registration fee for each brand and for each type of product.

B. A set of front and back labels, and any other labels to be affixed to the containers. In the case of imported alcoholic beverages, the name and address of the importer must be shown on the label.

C. A set of photostatic copies of beer cans and lids.

D. If requested by the Commissioner, two labeled and sealed containers of malt beverages for analysis.

E. If requested by the Commissioner, a complete, signed chemical analysis of the product and a verified statement that the product to be sold under the label will correspond in all respects to the sample and analysis.

F. A verified statement by the brand owner or his authorized representative declaring ownership of the label and identifying the United States distributor, if other than the brand owner.

§ 1.8074 Commissioner to approve change. Any change of ownership or of contents of alcoholic beverages and the labeling in connection therewith from the original registration of such contents and labels shall be promptly submitted to the Commissioner for approval before the importation or sale of such beverages in the state.

§ 1.8075 Abandonment. Any brand of alcoholic beverage for which Minnesota importation has been discontinued for two years or which has been abandoned shall not be imported in this state unless the brand label is re-registered in the manner provided in 11 MCAR § 1.8072.

§ 1.8076 Importers to ascertain registration. Minnesota manufacturers and wholesale distributors shall ascertain before the importation of any alcoholic product into the state that said product has been registered and the analysis of the brand submitted to and approved by the Commissioner.

§ 1.8077 Stock transfer shall be arranged before change in distributors. When there is a change in distributorship of the brand, the brand owner shall arrange for the transfer of the stock on hand to the new distributor or for shipment to the producer of the brand 5 days before the change is made. This shall not apply if the brand is distributed by more than one wholesaler in this state.

§ 1.8078 Bulk containers. Distilled spirits and wine may be imported and sold to manufacturers in bulk containers without brand label registration.

Chapter Eight: 11 MCAR §§ 1.8080 - 1.8086 The Importation and Release of Distilled Spirits, Wine, Malt Beverages and Sacramental Wine

§ 1.8080 Importation.

A. Minn. Stat. § 340.113 pertaining to distilled spirits, wines, and ethyl alcohol and Minn. Stat. § 340.493 for malt beverages provide that only duly licensed importers shall ship such products into Minnesota and that products so shipped shall be consigned to and received only by duly licensed Minnesota manufacturers and wholesale distributors. No package sales to consumers "for export" of non-tax-paid liquors shall be permitted in this state without having obtained the proper license.

B. Sacramental wine. Wines, as provided by Minn. Stat. § 340.17, to be used exclusively for sacramental purposes imported into Minnesota shall be

consigned to and received only by the holders of Minnesota sacramental wine licenses or by regularly appointed or ordained rabbi, priest, minister, or pastor of any church or established religious organization.

§ 1.8081 Diplomatic immunity. In recognition of the Federal laws governing immunity and courtesy, shipments of intoxicating liquor from foreign countries to diplomatic personnel of foreign countries assigned to service in this state may be received by such representatives without payment of the Minnesota excise tax, and without being subject to the rules relating to importation and labeling of alcoholic beverages. Such importation to diplomatic personnel will be permitted only upon written request to the Commissioner.

§ 1.8082 Import license required. Distilled spirits, wine and ethyl alcohol shall be imported into Minnesota only by persons holding Minnesota import licenses.

A. No Minnesota import license will be required of persons who ship distilled spirits in bulk from a United States Internal Revenue bonded warehouse located in another state to a similar warehouse located in Minnesota.

B. Alcoholic beverages in the custody of the United States Collector of Customs destined for ultimate delivery in another state may be received in Minnesota and stored temporarily pending arrangements for redistribution and release by Federal authorities. Shipments and storage under paragraphs A. and B. shall be reported promptly to the Commissioner.

§ 1.8083 Manifest or invoice. Minn. Stat. § 340.485, subd. 3 provides that importers of distilled spirits, wines, ethyl alcohol or sacramental wine shall prepare a manifest in duplicate on forms prescribed by the Commissioner for each shipment into Minnesota, and shall forward the manifest to the Commissioner prior to the time of shipment.

A. The manifest shall represent only the shipment of each single conveyance.

B. The manifest shall designate the consignee and consignor, the date of shipment, name of common carrier, brand name, brand label registration number, the number of packages and the number of containers in each package, the size of each container, the proof of the product and the total gallonage.

§ 1.8084 Transportation. Only common carriers or duly licensed Minnesota manufacturers or wholesale distributors shall transport distilled spirits, wine, ethyl alcohol or malt beverages into this state.

A. All common carriers except railroads, their motor affiliates and public water transportation carriers, shall obtain a permit as provided in 11 MCAR § 1.8025 D., for each vehicle used to transport alcoholic beverages in Minnesota.

§ 1.8085 Confiscation. Minn. Stat. § 340.54, subd. 1 provides that any alcoholic beverages imported into Minnesota contrary to statute or this article or for the purpose of tax evasion shall be subject to confiscation.

§ 1.8086 Samples for analysis. For the purpose of comparative analysis, the Commissioner may direct that samples of distilled liquors, wines, and malt beverages be taken from shipments arriving in the state or from warehouse stocks within the state, and the analysis of such samples shall be made by a chemist designated by the Commissioner.

In the event that the Commissioner shall find the analysis of samples taken from shipments or warehouse stocks are not identically comparable to the labeling thereof and for malt beverages samples of any brand originally submitted by the brand owner to the Commissioner, said discrepancy shall be valid grounds for the seizure and confiscation of such shipments or warehouse stock and any further importation or sale of such brand or brands shall be prohibited within the state.

Chapter Nine: 11 MCAR § 1.8088 - 1.8100 Standards of Identity, Labeling Requirements and Standards of Fill

§ 1.8088 Distilled spirits general requirements. Code of Federal Regulations for ethyl alcohol; distilled spirits; brandy; and rectifications of distilled spirits, are hereby adopted as the regulations for standards of identity and labeling requirements for containers of distilled spirits sold within the state, insofar as such Federal regulations or amendments thereto are not contrary to or inconsistent with the provisions of Minn. Stat. ch. 340 or this regulation of the Commissioner, including standards of fill.

§ 1.8089 Packaging to conform to Federal regulations. No person shall import, manufacture, transport or sell within the State of Minnesota any distilled spirits in containers, unless such distilled spirits are packaged, and such packages are marked, branded, or labeled in conformity with Federal regulations as herein indicated and approved by the Commissioner. Such packages of containers shall consist of the same brand, size, type and proof.

§ 1.8090 Whiskey—aging. No whiskey in glass containers shall be imported into the state, bottled by any importer or rectifier for sale within the state, unless such whiskey has been stored in new charred oak containers for a period of two years or more under United States government supervision and distilled in accordance with the standards of identity. However, such whiskey may be imported into the state in bulk, but when so imported it may not be bottled and sold until it is aged for a period of two years. This paragraph shall not apply to whiskey or intoxicating liquor produced in a foreign country.

§ 1.8091 Cordials and liqueurs. Cordials and liqueurs are products obtained by mixing or redistilling neutral spirits, brandy, gin, or other distilled spirits with or over fruits, flowers, plants, or pure juices therefrom, or other natural flavoring materials, or with extracts derived from infusions, percolations, or

maceration of such materials, and to which sugar or dextrose or both have been added in an amount not less than 10% by weight of the finished product. Synthetic or imitation flavoring materials shall not be included.

§ 1.8092 Standards of fill for distilled spirits.

1/2 gallon	4/5 pint
1 quart	1/2 pint
4/5 quart	Miniatures containing no
1 pint	more than 2 ounces

or the metric equivalent of any of the above.

Tolerance in the herein-described standards of fill may be allowed by the Commissioner for distilled spirits upon prior application.

The regulations adopted by the Secretary of the Treasury pursuant to the Federal Alcohol Administration Act governing standards of fill shall be followed in all bottling or selling of distilled spirits in the State of Minnesota.

§ 1.8093 Wine general requirements. Code of Federal Regulations for wine is hereby adopted as the regulation for the standards of identity and labeling requirements for containers of wine sold within the state, insofar as Federal regulations or amendments thereto are not contrary to or inconsistent with the provisions of Minn. Stat. ch. 340 or this regulation of the Commissioner, including standards of fill.

§ 1.8094 Packaging to conform to Federal regulations. No person shall import, manufacture, transport or sell within the State of Minnesota any wine in containers unless such wine is packaged, and such packages are marked, branded and labeled in conformity with Federal regulations as herein indicated and approved by the Commissioner. Such packages of containers shall consist of the same brand, size, type and proof.

§ 1.8095 Standards of fill for wine.

Gallon	128 ounces
1/2 Gallon	64 ounces
Quart	32 ounces
Fifth	25-3/5 ounces
Pint	16 ounces
Tenth	12-4/5 ounces
1/2 Pint	8 ounces
Twentieth	6-2/5 ounces

or the metric equivalent of any of the above.

Tolerance in the herein-described standards of fill may be allowed by the Commissioner upon prior application.

The regulations adopted by the Secretary of the Treasury pursuant to the Federal Alcohol Administration Act governing standards of fill shall be followed in all bottling or selling of wine in the State of Minnesota.

§ 1.8096 Malt beverages general requirements. Code of Federal Regulations for beer is hereby adopted as the regulation for the standards of identity and labeling requirements for containers of malt beverages sold within the state, insofar as Federal regulations or amendments thereto are not contrary to or inconsistent with the provisions of Minn. Stat. ch. 340 or this regulation of the Commissioner, including standards of fill.

§ 1.8097 Packaging to conform to Federal regulations. No person shall import, manufacture, transport or sell within the State of Minnesota any malt beverages in containers, unless such malt beverages are packaged, and such packages are marked, branded or labeled in conformity with Federal regulations as therein indicated and approved by the Commissioner.

§ 1.8098 Labeling requirements and alcoholic content. For any product that contains more than 3.2% of alcohol by weight, the alcoholic content shall be stated and the product labeled as follows:—"contains more than 3.2% of alcohol by weight" or "strong beer," "strong ale," "strong porter," "strong stout," etc.

A. For any product that is sold in cans, the word "strong" shall appear on one end of each can in a permanent medium. For cone type cans, however, such indication shall be placed on the side. The same indication of type shall also appear on cans of malt beverages containing not more than 3.2% of alcohol by weight and the alcoholic content shall be stated as provided for in B. of this rule.

B. For any product that contains more than $\frac{1}{2}$ of 1 per centum of alcohol by volume and not more than 3.2% by weight, the alcoholic content shall be stated and the product labeled as follows: "contains not more than 3.2% of alcohol by weight" or similar expression of like meaning.

C. In place of submitting can containers for malt beverages, duplicate photostatic copies of each can shall be submitted for both "3.2%" and "strong" and such copies shall clearly show the label and the alcoholic content.

D. The alcoholic content shall be stated if the product contains less than $\frac{1}{2}$ of 1 per centum of alcohol by volume and shall be labeled "contains less than $\frac{1}{2}$ of 1 per centum of alcohol by volume."

E. Any product not labeled in accordance with this rule shall be subject to confiscation by the Commissioner.

§ 1.8099 Alcoholic contents to be indicated on containers. Kegs or barrels sold in Minnesota shall have the contents identified by paper stickers or stencils affixed on the same surface as the brewer's identification stating either

“strong beer” or “3.2 beer” or similar words which are appropriate to the content, or as an alternative the alcoholic contents of kegs or barrels may be identified with distinctive symbols which have been submitted to and approved by the Commissioner.

A. Non-returnable and sealed cases of bottles or cans shall have imprinted in ink on the top or one side of the case either “strong beer” or “3.2 beer” or similar words which are appropriate to the content, or by the use of distinctive symbols which have been submitted to and approved by the Commissioner. This provision shall apply to the shipping case and need not apply to smaller cartons which may be contained therein. Each brewer and importer shall notify the Commissioner whether identification will appear on the top or side of the case.

B. Unsealed returnable cases of bottles need no external marking to identify alcoholic content, if opening without breaking furnishes direct view of bottle which identify the alcoholic content pursuant to this rule.

C. Any product not labeled in accordance with this rule shall be subject to confiscation by the Commissioner.

§ 1.8100 Standards of fill for malt beverages. The standards of fill for malt beverages in containers, whether domestically manufactured or imported for sale within the State of Minnesota, shall be as hereinafter provided:

1 Barrel

1/2 barrel	25-3/5 ounce container
1/4 barrel	24 ounce container
1/8 barrel	16 ounce container
288 ounce container	12 ounce container
144 ounce container	10 ounce container
128 ounce container	8 ounce container
64 ounce container	7 ounce container
32 ounce container	6 ounce container

or the metric equivalent of any of the above.

Tolerance in the herein-described standards of fill may be allowed by the Commissioner upon prior application. The regulations adopted by the Secretary of the Treasury pursuant to the Federal Alcohol Administration Act governing standards of fill shall be followed in all bottling or selling of malt beverages in the State of Minnesota.

Chapter Ten: 11 MCAR §§ 1.8102 - 1.8105 Regulations Pertaining to Permits for the Consumption and Display of Intoxicating Liquor

§ 1.8102 Permit applications. Applicants for permits under Minn. Stat. § 340.119, shall submit their applications on forms to be supplied by the Com-

missioner. Applications shall be submitted to the Commissioner, together with tender of the \$100 fee in the form of a money order, bank draft, or certified check payable to the Liquor Control Director, State of Minnesota.

§ 1.8103 Disqualifications.

A. Federal tax stamps. No permit will be issued to holders of Federal Retail Liquor Dealer's Special Tax Stamps as provided for in Minn. Stat. § 340.119, subd. 6, other than a duly licensed liquor retailer which is a business establishment as provided for in Minn. Stat. § 340.119, subd. 7. Answers to questions on the Commissioner's application form relating to such stamps will be compared with records in the Commissioner's office supplied by the Federal Internal Revenue Department.

B. It shall be unlawful to consume or display, or allow consumption or display of intoxicating liquor on any premises of a bottle club or business establishment between the hours of 1:00 A.M. and 8:00 A.M.

C. No application from any person who has been convicted of a willful violation of law concerning the sale of intoxicating liquor or non-intoxicating malt beverages within the past five years will be considered.

§ 1.8104 Regulation of establishments granted permits.

A. Bottle club. In clubs that qualify for a permit, bottles of intoxicating liquor may be left at the club-bar by members for serving only to the owner-member and his bona fide guests, but said bottle or bottles shall not be stored at the bar in the owner's absence. Before the owner leaves the premises he shall remove his own bottle or bottles from the bar and place them in his individual locker, or take them from the premises.

B. Business establishments. In any public place granted a permit, no bottle of intoxicating liquor shall be given to the bar attendant or any employee for serving to the owner of the bottle. All bottles in such business establishment shall be kept in plain sight by the owner and shall be in his possession and under his control at all times.

C. No intoxicating liquor may be stored on the premises of any business establishment holding a permit under this section. The purchase of intoxicating liquor by a licensee, manager or employee of a bottle club or business establishment acting as agent for the member or patron is prohibited.

D. No minors shall be permitted to loiter or remain on any premises licensed under Minn. Stat. § 340.14, subd. 3, unless accompanied by parent or guardian.

E. The transfer of permits issued in accordance with Minn. Stat. § 340.119 is prohibited unless such transfer is approved by the Commissioner. Any change in the location, ownership, or corporation will constitute a transfer for purposes of this chapter.

§ 1.8105 Cancellation. Any violations of these rules will constitute grounds for cancellation of the permit.

Chapter Eleven: 11 MCAR §§ 1.8107 - 1.8113 Pharmacists

§ 1.8107 Permit required. Minn. Stat. § 340.18 provides that pharmacists may apply to the Commissioner for a permit to sell medicinal liquors and ethyl alcohol on bona fide prescriptions by a physician, dentist, or veterinarian. Such permits shall be obtained from the Commissioner for a fee of \$5.00 and shall expire one year from the date of issuance.

A. No application for permit shall be given consideration unless the applicant has applied for and obtained the Federal Medicinal Spirits Tax Stamp.

B. Alcoholic liquors containing more than 3.2 per cent of alcohol by weight in the possession of any pharmacists who do not have the required permits issued by the Commissioner, shall be subject to confiscation.

§ 1.8108 Purchase requirements.

A. Pharmacists may obtain a permit from the Commissioner as provided in 11 MCAR § 1.8025 E. of Chapter Two for the purchase of ethyl alcohol for the compounding of medicines.

B. Pharmacists having a permit to sell medicinal liquors on prescription shall obtain from the Commissioner a Pharmacist's Identification Card as provided in 11 MCAR § 1.8025 B. of Chapter Two. Such cards shall be presented when purchasing medicinal liquors from authorized sales representatives.

C. Pharmacists shall purchase medicinal liquor and ethyl alcohol only from duly licensed Minnesota manufacturers and wholesale distributors, and all such products shall remain in the original containers.

D. In the purchase of ethyl alcohol for compounding of medicine the permittee shall submit an affidavit in duplicate to the manufacturer or wholesale distributor. Said affidavit shall state the permit number and that the alcohol shall be used exclusively for the compounding of medicines.

E. Manufacturers and wholesale distributors selling medicinal liquors to pharmacists who hold a permit to sell such liquor on prescription shall mail a copy of the invoice of each sale to the Commissioner by the tenth of the following month.

§ 1.8109 Prescriptions. No licensed pharmacist shall fill any prescription for more than one container of medicinal liquor or ethyl alcohol, and such medicinal liquors shall conform as nearly as possible with the standards and requirements of the United States Pharmacopeia.

A. Pharmacists filling prescriptions for medicinal liquor or ethyl alcohol shall affix the prescription label on each container stating the prescription number, the date, the patient's and the doctor's name, and the direction for use. The corresponding prescription number shall be placed on the original prescription.

§ 1.8110 Records. Pharmacists licensed to sell medicinal liquor or alcohol, and alcohol for compounding of medicines, shall maintain a complete record of all purchases made and prescriptions filled, for inspection by the Commissioner.

§ 1.8111 Stocks—irregularities. Irregularities in stocks of medicinal liquor and ethyl alcohol of pharmacists shall subject the permit to revocation and any undeclared stocks of liquor shall be confiscated by the Commissioner or his authorized agents.

A. The concealment by any pharmacists or employee of any medicinal liquor, ethyl alcohol, or records thereof, or the refusal to assist authorized agents of the Commissioner in the course of inspection of the permittee's premises shall be valid grounds for the revocation of the permit.

§ 1.8112 Storage and display. Pharmacists shall keep stocks of medicinal liquors in the prescription room or other places of storage in connection with the designated premises. Such liquors shall not be displayed in any showcase of the store proper or its windows.

§ 1.8113 Selling or liquidating business. Any pharmacist who shall sell or liquidate his business, or discontinue the permit, shall submit to the Commissioner a notarized inventory of the stock of medicinal liquors and alcohol on hand, giving the brand names, the size and number of containers, the name of the purchaser or other disposition, together with the permit and the Pharmacist's Identification Card. In the event of sale or transfer, the transferor and the transferee shall sign said inventory.

Chapter Twelve: 11 MCAR §§ 1.8115 - 1.8123 Ethyl Alcohol

§ 1.8115 Importation for resale. Minn. Stat. § 340.113 provides that ethyl alcohol for industrial and non-industrial purposes, as hereinafter defined, may be imported into the state by duly licensed Minnesota manufacturers or wholesale distributors for resale to persons holding permits issued by the Commissioner to purchase such ethyl alcohol, or by persons holding permits issued by the Commissioner authorizing the importation of ethyl alcohol as provided in Chapter Two.

A. Such ethyl alcohol shall not be subject to the Minnesota excise tax.

§ 1.8116 Importation limited. The shipping of ethyl alcohol into the state shall be limited to distillers and wholesale distributors holding import licenses

issued by the Commissioner, and such persons in accepting orders for such products shall conform with 11 MCAR § 1.8122.

§ 1.8117 Importer's report. Distillers and wholesale distributors in other states and Minnesota manufacturers, wholesale distributors, and common carriers shall report each shipment of ethyl alcohol to the Commissioner as provided by 11 MCAR §§ 1.8121 - 1.8122 of this chapter.

§ 1.8118 Purchasers—industrial. The following persons may purchase ethyl alcohol for industrial purposes in containers of one gallon or more:

- A. Any state agency.
- B. Any scientific university or college of learning.
- C. Any laboratory, to be used exclusively for scientific research.
- D. Physicians, dentists, or veterinarians.
- E. Any duly licensed pharmacist or druggist, for the compounding of prescriptions.
- F. Any hospital or sanatorium.
- G. Any manufacturer, for the manufacture of medicinal, pharmaceutical or antiseptic products, flavoring extracts, syrups, food products, scientific, chemical, mechanical, industrial, or toilet products; provided that such products are unfit for beverage use.

§ 1.8119 Purchasers—non-industrial. The following persons may purchase ethyl alcohol for non-industrial purposes in containers of not less than eight ounces:

- A. Any duly licensed pharmacist, or druggist, to be sold for medicinal purposes on bona fide prescriptions by a physician, dentist or veterinarian.
- B. Any duly licensed manufacturer, for use in the rectifying or blending of intoxicating liquor and wine.

§ 1.8120 Purchasers—physicians, dentists, etc. Physicians, dentists, and veterinarians holding permits issued by the Commissioner may purchase ethyl alcohol in quantities not to exceed two gallons per year from licensed Minnesota manufacturers and wholesale distributors.

§ 1.8121 Affidavit required for sale. Manufacturers and wholesale distributors selling ethyl alcohol to pharmacists or druggists for the purpose of compounding medicines shall ascertain that each order is accompanied by an affidavit in duplicate stating the intended use. One copy of the affidavit shall be forwarded to the Commissioner by the tenth of the following month.

§ 1.8122 Purchaser's affidavit. Any person authorized to purchase ethyl alcohol from out-of-state manufacturers or wholesale distributors shall submit to the vendor an affidavit in duplicate stating his name, the type of permit issued to him by the Commissioner, the permit number, and the permit's date of expiration. One copy of the affidavit shall be retained by the vendor, and one copy, together with manifests in quadruplicate, shall be submitted to the Commissioner at the time the shipment is made.

A. Persons holding permits issued by the Commissioner for the purpose of ethyl alcohol for industrial and non-industrial use from Minnesota manufacturers or wholesale distributors shall execute an affidavit in duplicate to that effect on a form prescribed by the Commissioner and shall submit said affidavit to the vendor at the time of purchase. A copy of said affidavit shall be submitted to the Commissioner by the vendor on or before the tenth day of the following month, and one copy shall be retained by the vendor.

B. Permit holders shall direct consignors to consign shipments of ethyl alcohol only to the designated address of the permittees. The storage of such ethyl alcohol shall be confined within the premises in a room or place inaccessible to unauthorized persons.

§ 1.8123 Permit holder's report. Permit holders shall report on Form No. 27 all purchases of ethyl alcohol, the amount used and the balance at the end of the year. Manufacturers and wholesale distributors shall report the purchase and sales of ethyl alcohol on Form No. 29.

(Following is the Form PS 9024, governing the format for brand owner or wholesale price schedules. See 11 MCAR § 1.8138.)

PS 9024

MINNESOTA WHOLESALE PRICE FILING

Page No.

WHOLESALER

FOR MONTH OF 19

BRAND AND PROOF	SIZE	CASE LIST	CASE DISC.	CREDIT TERMS	CASE NET
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