

Public Safety

CHAPTER 299A

DEPARTMENT OF PUBLIC SAFETY

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299A.01 DEPARTMENT OF PUBLIC SAFETY; CREATION AND ORGANIZATION. Subdivision 1. The department of public safety is created under the supervision and control of the commissioner of public safety, which office is established. The commissioner of public safety is appointed by the governor under the provisions of section 15.06. The commissioner may appoint a deputy commissioner.

Subd. 2. The duties of the commissioner shall include the following: (a) The coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) The execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) The development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) The establishment of a planning bureau within the department, which bureau shall consult and coordinate its activities with the state planning director.

Subd. 3. No delegation or assignment of a power or duty by the commissioner to an employee of the department shall be made in respect to, or in a manner resulting in a reenactment of, the powers, duties or responsibilities contained in section 299C.03, and acts amendatory thereof, except to the division of the bureau of criminal apprehension. Employees of the department of public safety are in the classified civil service except where otherwise specifically provided for by law.

Subd. 4. [Repealed, 1976 c 5 s 12]

Subd. 5. The commissioner of administration shall review on a regular basis the duties and responsibilities of the various state departments, agencies and boards which have an operational effect upon the safety of the public, and recommend to the governor and the legislature such organizational and statutory policies as will best serve the purposes of Laws 1969, Chapter 1129.

Subd. 6. The commissioner of public safety shall have the power to promulgate such rules and regulations pursuant to chapter 15, as are necessary to carry out the purposes of Laws 1969, Chapter 1129.

[1969 c 1129 art 1 s 1; 1976 c 5 s 1; 1977 c 305 s 35,36]

299A.02 COMMISSIONERS OF PUBLIC SAFETY AND REVENUE; LIQUOR CONTROL FUNCTIONS. Subdivision 1. **Director of division of liquor control.** No employee of the department of public safety or the department of revenue having any responsibility for the administration or enforcement of chapter 340 shall have a direct or indirect interest, except through ownership or investment in pension or mutual funds, in the manufacture, transportation or sale of intoxicating liquor or any malt or vinous beverages, intoxicating, non-intoxicating, or commercial or industrial alcohol. The commissioner of public safety or the commissioner of revenue may remove an employee of his department in the unclassified civil service for any intentional violation of sections 340.02, 340.031 to 340.036, 340.11 to 340.19, 340.355 to 340.357, 340.402 to 340.408, 340.44 to 340.493, 340.53 to 340.56, 340.601 to 340.62, or 340.70 to 340.983. Intentional violation of the preceding sections by a classified employee of one of the

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departments may be grounds for removal of that employee pursuant to section 43.24.

Subd. 2. **General powers.** The commissioner shall administer and enforce the provisions of chapter 340 except for those provisions thereof for which administration and enforcement are reserved to the commissioner of revenue.

Subd. 3. **Reports; rules.** The commissioner shall have power to require periodic factual reports from all licensed importers, manufacturers, wholesalers and retailers of intoxicating liquors and to make all reasonable rules to effect the object of chapter 340. The rules shall include provisions for assuring the purity of intoxicating liquors and the true statement of its contents and proper labeling thereof with regard to all forms of sale.

Subd. 4. **Subpoenas.** In all matters relating to his official duties, the commissioner shall have the powers possessed by courts of law to issue subpoenas and cause them to be served and enforced. All public officials, and their respective deputies and employees, and all individuals, partnerships, firms, corporations, incorporated and unincorporated associations, and others who manufacture, transport, or sell intoxicating liquor, or are connected therewith in any manner, shall at all times attend and answer under oath the commissioner's lawful inquiries, produce and exhibit such books, accounts, documents and property as he may desire to inspect, and in all things aid him in the performance of his duties.

[1976 c 5 s 2; 1977 c 407 s 1]

299A.03 CRIME CONTROL PLANNING BOARD. Subdivision 1. **Policy.** The legislature declares that efforts to control crime in this state must begin with comprehensive and coordinated planning at the state and local levels. This planning must recognize the individual problems faced by jurisdictions in the state, but it must also recognize the necessity for direct and continuing cooperation among state and local law enforcement agencies, the judicial system and the federal government. Only through the creation of a representative statutory board empowered with broad planning, administrative and funding authority can this effort at improved crime control be successfully initiated.

Subd. 2. **Creation; membership.** There is created the crime control planning board in the executive branch of state government. The board shall be composed of the chairperson appointed by the governor and the following 18 members:

- (a) The chief justice of the Minnesota supreme court or, if he elects not to serve, a designee;
- (b) The attorney general or a member of his staff designated by him;
- (c) The commissioner of public safety or a member of his staff designated by him;
- (d) The commissioner of corrections or a member of his staff designated by him;
- (e) A district, county or municipal court trial judge;
- (f) The state court administrator; and
- (g) Twelve citizens of the state appointed by the governor.

The trial judge and the designee for the chief justice, if the chief justice elects not to serve, shall be appointed by the governor. In making these two appointments, the governor shall consider a list of at least three nominees for each position submitted to the governor by the chief justice within 30 days after the effective date of this section or the occurrence of a vacancy. The remaining members appointed by the governor shall include persons employed by agencies or political subdivisions engaged in activities relating to law enforcement or criminal justice, persons representing agencies engaged in providing youth services and preventing juvenile delinquency and persons who would not qualify for appointment under any of the preceding categories but who are interested in activities within the jurisdiction of the board.

Subd. 3. **Membership terms; removal; compensation.** The members specified in subdivision 2, clauses (a) to (f) shall serve for their current term of employment with the state or election, as appropriate. The remaining members, except for the initial members, shall serve for terms of four years in a manner as provided in section 15.0575, subdivision 2. Members appointed by the governor, except for the trial court judge and the designee for the chief justice, if the chief justice elects not to serve, must receive the advice and consent of the senate. Except for the chairperson, the compensation, removal and filling of vacancies of members appointed pursuant to

clause (g), shall be as provided in section 15.0575. The terms of the initial members appointed pursuant to clause (g) shall be no more than four years and shall be determined by the governor so as to be consistent with the schedule of terms for subsequent members as provided in section 15.0575, subdivision 2.

Subd. 4. Advisory task forces. The crime control planning board may establish advisory task forces pursuant to section 15.059 to assist it in the performance of its duties; provided that if the federal crime control acts require a task force to have more than 15 members, that task force shall be exempt from the 15 member limitation contained in section 15.059.

Subd. 5. Chairperson; staff. The chairperson of the crime control planning board shall serve at the pleasure of the governor and shall receive a salary as provided by law. The chairperson shall be experienced in the administration of programs related to law enforcement or criminal justice. The chairperson shall serve as executive director of the board, shall preside at board meetings, shall organize the work of the board and shall appoint all employees subject to the approval of the board. The commissioner of the state department of administration shall provide the crime control planning board with reasonable office space and administrative services requested by the board, and the board shall reimburse the commissioner of finance for the cost thereof.

Subd. 6. Planning functions. The crime control planning board shall serve as the state planning agency to administer the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, as amended by the Crime Control Act of 1973, Public Law 93-83, by the Crime Control Act of 1976, Public Law 94-503 and by the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, as amended, all of which acts are herein collectively referred to as "federal crime control acts". The board shall develop and revise as necessary a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the state. The comprehensive plan shall be deemed to include all individual plans submitted by the board as a prerequisite to the receipt of federal money and all other plans prepared by or under the direction of the board. These individual component plans shall be prepared so as to interrelate with each other and to provide for a unified and coherent statewide comprehensive plan. The plan shall include improvements in law enforcement and criminal justice systems which are designed to encourage interjurisdictional and interdisciplinary actions by affected governmental units. The plan and any revisions shall not be adopted as rules pursuant to chapter 15, but the board shall hold public hearings in respect to proposals for the plan and shall seek opinions of interested persons from outside the board as provided in section 15.0412, subdivision 6. To the extent that the plan or a component thereof is prepared in anticipation of the receipt of federal money, the plan or applicable component thereof shall be consistent with requirements of the federal crime control acts and shall accommodate where reasonable the form and content of regional plans for the improvement of law enforcement and criminal justice.

Subd. 7. Legislative review of plans. Prior to the final adoption of the statewide comprehensive plan or a component plan by the crime control planning board, the draft of the plan shall be submitted to the appropriate standing committee of the legislature for review and comment. The board may not adopt a plan without considering any legislative comments or recommendations received thereon within 45 days of submission of the draft plan to the legislature. Any legislative comments and recommendations which are not incorporated in the plan and which are received within 45 days of submission shall be forwarded with the plan to the appropriate federal agencies. The crime control planning board shall advise the legislature in writing of its intended response to the legislative comments and recommendations.

Subd. 8. Distribution of grants; appropriation. The crime control planning board shall distribute money given to it for distribution for law enforcement or criminal justice purposes. All moneys received by the state from the federal government or any other sources for distribution by the crime control planning board are appropriated to the board. The board shall distribute money to state, regional and local agencies consistent with procedures, criteria and priorities which are promulgated by rule. To the extent that moneys to be distributed are federal moneys, the procedures, criteria and priorities shall be consistent with federal crime control acts and guidelines in respect to distribution of federal money. Before distributing money to a regional or local agency, the crime control planning board shall have determined that the activities to be funded will not be contrary to the statewide comprehensive plan. Individual activi-

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ties may be funded by the board, or it may elect to distribute money in a block grant to an agency for use in more than one approved activity. The board shall not fund an activity until it has approved a procedure for evaluation of the recipient agency's use of the money.

Subd. 9. Additional powers and duties. The crime control planning board, in cooperation with regional crime control advisory councils established pursuant to subdivisions 12 to 14 and any other regional or local crime control planning units, shall:

(a) Assist state, regional and local agencies in the development of activities or proposed activities designed to improve law enforcement and the administration of justice;

(b) Assist recipient agencies in the implementation of activities funded by the board;

(c) Serve as liaison between agencies of all levels of government involved in law enforcement and criminal justice activities;

(d) Provide for the performance of fiscal audits, evaluations and monitoring of recipient agencies in respect to activities funded pursuant to subdivision 8;

(e) Encourage and assist governmental agencies and courts in law enforcement and criminal justice planning activities;

(f) Study and recommend to the governor, the legislature and appropriate federal agencies methods for (1) controlling juvenile criminal activities, (2) improving juvenile rehabilitation efforts, and (3) establishing suitable juvenile detention facilities;

(g) Study and recommend to the governor, the legislature, the state crime victims reparations board and appropriate federal agencies methods for compensating victims of crime in this state;

(h) Study and recommend to the governor and the legislature methods for improving the criminal justice system including methods to improve cross-jurisdictional enforcement;

(i) Solicit recommendations from appropriate standing committees of the legislature on methods to improve law enforcement and the administration of criminal justice in this state;

(j) Distribute to law enforcement and criminal justice agencies information on proposed, existing and completed activities funded or otherwise supported by the crime control planning board;

(k) Periodically analyze and distribute statistical data which indicates the current status and trends of criminal justice activities; and

(l) Perform other functions directly related to the study and improvement of criminal justice activities including those permitted or required by federal crime control acts to the extent that those functions are not otherwise inconsistent with this section; provided that this section shall not be construed to authorize the crime control planning board to undertake direct law enforcement activities or to engage in law enforcement or criminal justice activities which are specifically assigned or delegated to other state or local agencies.

Subd. 10. Gifts; grants. The crime control planning board may apply for, accept and expend gifts and grants from the federal government and from other public and private sources in order to assist the board in carrying out the duties as provided in subdivisions 6 to 10.

Subd. 11. Report. Prior to December 15 of each year the board shall prepare and submit to the governor and the appropriate standing committees of the legislature a report summarizing its activities for the year ending the preceding September 30. The report shall include at least the following information:

(a) A summary of crime control planning board activities including the listing of and justification for all rules promulgated by the board during the year;

(b) A description of all grant applications and plans submitted by the crime control planning board to federal agencies and other sources;

(c) A listing by categories of all grant applications received by the crime control planning board from state, local and regional agencies together with the disposition of the applications;

(d) A description of all activities funded by the crime control planning board together with the board's rationale for funding each activity;

(e) Audit summaries for completed activities funded by the crime control planning board together with the board's evaluation of the activity and its estimation of future effects resulting from the funded activities;

(f) The number and locations of public hearings held by the crime control planning board, a statement of methods used to announce the hearings, and the number of citizens attending each hearing;

(g) A statement of receipts and disbursements of the crime control planning board funds;

(h) The names, addresses and occupations of the crime control planning board members, and their dates of appointment and reappointment to the board;

(i) Recommendations to the crime control planning board from the appropriate standing committees of the legislature on matters relating to law enforcement and criminal justice, and the responses of the board thereto;

(j) Recommendations from the crime control planning board to the governor, the legislature and appropriate federal agencies on desirable changes in law or appropriations which will significantly improve law enforcement and criminal justice administration;

(k) Priorities which the crime control planning board employed in funding activities for the year following the year covered in the report; and

(l) Any other information which the board believes will be useful in reviewing board activities.

Subd. 12. Crime control planning regions. For the purposes of coordinating local law enforcement and criminal justice activities and planning, the governor shall divide the state into crime control planning regions. Each region shall encompass one or more of the economic development regions authorized to be established by section 462.385, provided that one region shall encompass the territory defined by Laws 1967, Chapter 896.

Subd. 13. Regional advisory councils. There shall be in each criminal justice planning region a regional crime control advisory council of no more than 25 members appointed by regional development commissions, except that the metropolitan council shall be the regional crime control advisory council in the territory defined by Laws 1967, Chapter 896. Any regional crime control advisory council shall function as a committee of the regional development commission or contract with the regional development commission as a consultant. The members shall serve for two year terms. Each county shall be represented on the council by at least one member. Composition of each regional crime control advisory council shall be in conformity with the federal crime control acts. The staff of each regional crime control advisory council, shall be appointed in the manner prescribed by the regional development commission or the metropolitan council. The regional crime control advisory council shall organize itself and elect a chairperson. Nothing in this section shall be construed to prohibit the establishment of local crime control planning units where required or permitted by federal crime control acts and when not in violation of other law.

Subd. 14. Planning funds. The crime control planning board shall make available planning funds to regional development commissions, the metropolitan council and eligible local units of government or combinations thereof for the purpose of assisting the crime control planning board in the development of its annual statewide comprehensive plan. The board shall take into consideration in the distribution of the planning funds such combinations of regions as may have been established for criminal justice planning purposes. Each regional development commission or the metropolitan council shall adopt after public hearing a regional criminal justice plan which shall comply with board guidelines. A regional plan may not be in conflict with the statewide plan. The board shall provide for procedures to insure that:

(a) A plan submitted by a regional development commission or the metropolitan council to the crime control planning board shall be approved or disapproved in whole or in part no later than 90 days after receipt by the board;

(b) Any part of a plan not so disapproved within 90 days of submission shall be deemed approved;

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(c) The reasons for disapproval of the plan or any part of it shall contain a detailed explanation of the reasons for which the plan or part was disapproved, and an explanation of what supporting material is necessary for the board to reconsider the plan; and

(d) Disapproval of any plan or part of it shall not preclude the resubmission of the plan or part to the board at a later date.

[1977 c 260 s 1]

299A.04 GRANTS-IN-AID TO YOUTH INTERVENTION PROGRAMS. Subdivision 1. The crime control planning board may make grants to nonprofit agencies administering youth intervention programs in communities where the programs are or may be established.

“Youth intervention program” means a nonresidential community based program providing advocacy, education, counseling, and referral services to youth and their families experiencing personal, familial, school, legal or chemical problems with the goal of resolving the present problems and preventing the occurrence of the problems in the future.

Subd. 2. Applications for a grant-in-aid shall be made by the administering agency to the crime control planning board. The grant-in-aid is contingent upon the agency having obtained from the community in which the youth intervention program is established local matching money two times the amount of the grant that is sought.

The crime control planning board shall provide by rule the application form, procedures for making application form, criteria for review of the application, and kinds of contributions in addition to cash that qualify as local matching money. No grant to any agency shall exceed \$25,000.

[1978 c 793 s 97]

299A.11 VEHICLES TRANSPORTING WHEELCHAIR USERS; DEFINITIONS. The following terms have the definitions given them for the purposes of sections 299A.11 to 299A.18:

(a) “Wheelchair securement device” or “securement device” means an apparatus installed in a motor vehicle for the purpose of securing an occupied wheelchair into a location in the vehicle and preventing movement of that wheelchair while the vehicle is in motion.

(b) “Operator” means any person, firm, partnership, corporation, service club, public or private agency, city, town or county. The provisions of Laws 1978, Chapter 752, shall not apply to any school bus as defined in section 169.01, subdivision 6, which is subject to regular school bus inspections pursuant to section 169.451.

(c) “Transportation service” means the transportation by motor vehicle of any sick, injured, invalid, incapacitated, or handicapped individual while occupying a wheelchair, which transportation is offered or provided by any operator to the public or to its employees or in connection with any other service offered by the operator including schooling or nursing home, convalescent or child care services.

[1978 c 752 s 1]

299A.12 WHEELCHAIR SECUREMENT DEVICES. Subdivision 1. Any vehicle used by an operator to provide transportation service shall be equipped with wheelchair securement devices which are approved by the commissioner of public safety as meeting the specifications of this subdivision. A wheelchair securement device shall prevent any forward, backward or lateral movement of an occupied wheelchair when the device is engaged and the vehicle is in motion, accelerating or braking, and shall attach to the frame of the wheelchair without damaging it. Wheelchair securement devices installed in any vehicle shall be maintained in working order.

Subd. 2. A vehicle used to provide transportation service shall carry only as many persons seated in wheelchairs as the number of securement devices approved by the commissioner of public safety as meeting the specifications of subdivision 1 with which the vehicle is equipped, and each occupied wheelchair shall be secured by such a securement device before the vehicle is set in motion.

[1978 c 752 s 2]

299A.13 ADDITIONAL SAFETY REQUIREMENTS. Subdivision 1. Any vehicle used to provide transportation service shall be equipped with seat belts which are approved by the commissioner of public safety. The seat belts required by this subdivision shall be adequate to secure the occupant of a wheelchair who is being transported by the vehicle. These seat belts shall be used only to secure the person and shall not be used to secure the wheelchair. The seat belts shall meet all other applicable state and federal requirements for safety.

Subd. 2. When transportation service is provided to an individual in an electrically powered wheelchair, the main power switch of the wheelchair shall be placed in the "off" position at all times while the vehicle is in motion.

[1978 c 752 s 3]

299A.14 INSPECTION. Subdivision 1. No person shall drive and no operator shall knowingly permit or cause a vehicle to be used for transportation service unless there is displayed thereon a certificate issued upon inspection by the commissioner of public safety as provided in this section.

Subd. 2. Inspection shall be made by personnel in the department of public safety assigned to the highway patrol. An operator of transportation services shall submit a vehicle for inspection after the installation of a wheelchair securement device in the vehicle and before using the vehicle for transportation service, but not later than one month after the date of installation. Evidence of the date of installation shall be provided by the operator at the inspection.

Subd. 3. The inspection shall be made to determine that the vehicle complies with the provisions of sections 299A.12, subdivision 1 and 299A.13, subdivision 1; that the securement device is in working order; and that the securement device is not in need of obvious repair. The inspection may include testing the use of a securement device while the vehicle is in motion.

Subd. 4. A certificate furnished by the commissioner shall be issued upon completion of inspection if the vehicle complies with the requirements set forth in subdivision 3. The certificate shall be affixed to the lower left corner of the windshield. It shall note compliance with this section, record the number of wheelchairs which may be simultaneously carried in the vehicle, and note the month and year in which the next inspection is required.

Subd. 5. Subsequent inspections shall be made annually. If additional securement devices are installed in a vehicle already equipped with a securement device, inspection is required as specified in subdivision 2.

[1978 c 752 s 4]

299A.15 AID AND LICENSES WITHHELD. No agency of the state, political subdivision or other public agency shall grant or approve any financial assistance to any operator for the purchase or operation of any vehicle used for transportation service or grant any permit or license otherwise required by law for operation of that service unless the operator of the transportation service complies with the provisions of sections 299A.11 to 299A.14.

[1978 c 752 s 5]

299A.16 EVIDENCE. Proof of the installation or failure to install wheelchair securement devices, or proof of faulty installation of wheelchair securement devices, or proof of the maintenance or failure to properly maintain wheelchair securement devices, or proof of the use or failure to use wheelchair securement devices is admissible in evidence in any litigation involving personal injuries or property damage arising out of the use or operation of a vehicle providing transportation service. For the purposes of this section "wheelchair securement device" means such a device approved by the commissioner of public safety.

[1978 c 752 s 6]

299A.17 PENALTY. For each failure to comply with any requirement of sections 299A.12, 299A.13 or 299A.14 an operator is guilty of a misdemeanor.

[1978 c 752 s 7]

299A.18 RULES; APPROVAL OF DEVICES. The commissioner of public safety shall, no later than July 1, 1979, adopt rules containing standards for wheelchair securement devices that meet the requirements of sections 299A.12, subdivision 1, and

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299A.13, subdivision 1, and shall approve or disapprove of securement devices that meet those standards.

[1978 c 752 s 8]