

## 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 commissioner of energy and economic development.

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 [Repealed, 1976 c 5 s 12]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 14, as are necessary to carry out the purposes of Laws 1969, Chapter 1129.

**History:** 1969 c 1129 art 1 s 1; 1976 c 5 s 1; 1977 c 305 s 35,36; 1981 c 356 s 248; 1982 c 424 s 130; 1983 c 289 s 115 subd 1

#### **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

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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 departments may be grounds for removal of that employee pursuant to section 43A.33.

**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.

**History:** 1976 c 5 s 2; 1977 c 407 s 1; 1981 c 210 s 54

## **299A.03 Subdivision 1. [Repealed, 1981 c 356 s 247]**

- Subd. 2. [Repealed, 1981 c 356 s 247]
- Subd. 3. [Repealed, 1981 c 356 s 247]
- Subd. 4. [Repealed, 1981 c 356 s 247]
- Subd. 5. [Repealed, 1981 c 356 s 247]
- Subd. 6. [Repealed, 1981 c 356 s 247]
- Subd. 7. [Repealed, 1981 c 356 s 247]
- Subd. 8. [Repealed, 1981 c 356 s 247]
- Subd. 9. [Repealed, 1981 c 356 s 247]
- Subd. 10. [Repealed, 1981 c 356 s 247]
- Subd. 11. [Repealed, 1981 c 356 s 247]
- Subd. 12. [Repealed, 1981 c 356 s 247]
- Subd. 13. [Repealed, 1981 c 356 s 247]
- Subd. 14. [Repealed, 1981 c 356 s 247]

## **299A.04 [Renumbered 116J.405]**

## **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.

**History:** 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.

**History:** 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.

**History:** 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 state 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.

**History:** 1978 c 752 s 4; 1981 c 37 s 2

**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.

**History:** 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.

**History:** 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.

**History:** 1978 c 752 s 7

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

**History:** 1978 c 752 s 8