

## 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 [Repealed, 1976 c 5 s 12]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 pursuant to chapter 14, as are necessary to carry out the purposes of Laws 1969, chapter 1129. In addition, the commissioner may prescribe by rule fees for the rental of films from the department.

**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; 1985 c 248 s 70; 1Sp1985 c 10 s 87

**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 Laws 1985, chapter 305, articles 2 to 11 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, nonintoxicating, or commercial or industrial alcohol. The commissioner of public safety or the commissioner of revenue may remove an employee in the unclassified civil service for any intentional violation of any provision in Laws 1985, chapter 305, articles 2 to 11. 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 Laws 1985, chapter 305, articles 2 to 11 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 Laws 1985, chapter 305, articles 2 to 11. 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 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 the commissioner may desire to inspect, and in all things aid the commissioner in the performance of the commissioner's duties.

**History:** 1976 c 5 s 2; 1977 c 407 s 1; 1981 c 210 s 54; 1985 c 305 art 12 s 2; 1986 c 444

**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:

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(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

## 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

## CHILDREN'S TRUST FUND FOR THE PREVENTION OF CHILD ABUSE

## 299A.20 CITATION.

Sections 299A.21 to 299A.26 may be cited as the "children's trust fund for the prevention of child abuse act."

**History:** 1986 c 423 s 1

**299A.21 DEFINITIONS.**

Subdivision 1. **Applicability.** The definitions in this section apply to Laws 1986, chapter 423, sections 1 to 9.

Subd. 2. **Act.** "Act" means the children's trust fund for the prevention of child abuse act.

Subd. 3. **Advisory council.** "Advisory council" means the advisory council established under section 299A.23.

Subd. 4. **Child.** "Child" means a person under 18 years of age.

Subd. 5. **Child abuse.** "Child abuse" means sexual abuse, neglect, or physical abuse as defined in section 626.556, subdivision 2, paragraphs (a), (c), and (d).

Subd. 6. **Commissioner.** "Commissioner" means the commissioner of public safety.

Subd. 7. **Local council.** "Local council" means a child abuse prevention council established under section 299A.24.

Subd. 8. **Prevention program.** "Prevention program" means a system that directly provides primary or secondary child abuse prevention services to a child, parent or prospective parent, guardian, or professional who works regularly with children, and may also include a research program related to the prevention of child abuse.

Subd. 9. **Primary prevention.** "Primary prevention" means a program or service designed to promote the general welfare of children and families.

Subd. 10. **Secondary prevention.** "Secondary prevention" means a program or service designed to prevent abuse of children who are in circumstances where there is a high risk that abuse will occur.

Subd. 11. **Tertiary prevention.** "Tertiary prevention" means a program or service provided after child abuse has occurred that is designed to prevent its recurrence.

Subd. 12. **Trust fund.** "Trust fund" means the children's trust fund for the prevention of child abuse established under section 299A.22.

**History:** 1986 c 423 s 2

**299A.22 TRUST FUND.**

Subdivision 1. **Creation of trust fund.** A children's trust fund for the prevention of child abuse is established as an account in the state treasury. The commissioner of finance shall credit to the trust fund all amounts received under sections 299A.26 and 144.226, subdivision 3, and shall ensure that trust fund money is invested under section 11A.25. All money earned by the trust fund must be credited to the trust fund. The trust fund earns its proportionate share of the total annual state investment income.

Subd. 2. **Availability of funds for disbursement.** Until the total amount of assets in the trust fund exceeds \$20,000,000, not more than 60 percent of the gross amount contributed to the trust fund each year under section 144.226, subdivision 3, plus 100 percent of all earnings credited to the trust fund the previous fiscal year, are available for disbursement. When the Commissioner of finance certifies that the assets in the trust fund exceed \$20,000,000, only the annual earnings and the funds received under section 299A.26 that are credited to the trust fund are available for disbursement.

Subd. 3. **Exception.** Notwithstanding subdivision 2, money received under section 299A.26 may be disbursed in its entirety. This money must not be taken into account when calculating the annual contributions to the trust fund under this section.

**History:** 1986 c 423 s 3

**299A.23 DISBURSEMENT OF FUNDS FOR CHILD ABUSE PREVENTION.**

Subdivision 1. **Authority to disburse funds.** The commissioner, with the advice and consent of the advisory council established under this section, may disburse trust fund money to any public or private nonprofit agency to fund a child abuse prevention program.

Subd. 2. **Advisory council.** An advisory council of 15 members is established under section 15.059. The commissioners of human services, health, education, and corrections shall each appoint one member. The subcommittee on committees of the senate and the speaker of the house of representatives shall each appoint two members of their respective bodies, one from each caucus. The governor shall appoint an additional seven members who shall demonstrate knowledge in the area of child abuse and shall represent the demographic and geographic composition of the state, and to the extent possible, represent the following groups: local government, parents, racial and ethnic minority communities, the religious community, professional providers of child abuse prevention and treatment services, and volunteers in child abuse prevention and treatment services. The council shall advise and assist the commissioner in carrying out Laws 1986, chapter 423.

Subd. 3. **Plan for disbursement of funds.** By June 1, 1987, and biennially thereafter, the commissioner, assisted by the advisory council, shall develop a plan to disburse money from the trust fund. In developing the plan, the commissioner shall review prevention programs. The plan must ensure that all geographic areas of the state have an equal opportunity to establish prevention programs and receive trust fund money. The commissioner shall send the plan to the legislature and the governor by June 1 of each odd-numbered year.

Subd. 4. **Responsibilities of the commissioner.** (a) The commissioner shall:

(1) provide for the coordination and exchange of information on the establishment and maintenance of prevention programs;

(2) develop and publish criteria for receiving trust fund money by prevention programs;

(3) review, approve, and monitor the spending of trust fund money by prevention programs;

(4) provide statewide educational and public informational seminars to develop public awareness on preventing child abuse; to encourage professional persons and groups to recognize instances of child abuse and work to prevent them; to make information on child abuse prevention available to the public and to organizations and agencies; and to encourage the development of prevention programs;

(5) establish a procedure for an annual, internal evaluation of the functions, responsibilities, and performance of the commissioner in carrying out Laws 1986, chapter 423. In a year in which the state plan is prepared, the evaluation must be coordinated with the preparation of the state plan;

(6) provide technical assistance to local councils and agencies working in the area of child abuse prevention; and

(7) accept and review grant applications beginning June 1, 1987.

(b) The commissioner shall recommend to the governor and the legislature changes in state programs, statutes, policies, budgets, and standards that will reduce the problems of child abuse, improve coordination among state agencies that provide prevention services, and improve the condition of children, parents, or guardians in need of prevention program services.

**History:** 1986 c 423 s 4

#### 299A.24 LOCAL CHILD ABUSE PREVENTION COUNCILS.

Subdivision 1. **Establishment of council.** A child abuse prevention council may be established in any county or group of counties that was eligible to receive funds under section 145.917 as of January 1, 1986. A council organized in such a county or group of counties shall be authorized by the commissioner to review programs seeking trust fund money on finding that the council meets the criteria in this subdivision:

(a) The council has submitted a plan for the prevention of child abuse that includes a survey of programs and services, assesses the need for additional programs or services, and demonstrates that standards and procedures have been established to ensure that funds will be distributed and used according to Laws 1986, chapter 423.

(b) A single-county council shall consist of:

(1) members of a multidisciplinary child protection team which must be established under section 626.558; and

(2) if necessary, enough additional members appointed by the county with knowledge in the area of child abuse so that a majority of the council is composed of members who do not represent public agencies.

(c) A multicounty council shall be selected by the combined membership of those multidisciplinary teams which have been established in the counties under section 626.558 and shall consist of:

(1) one representative each from local human services agencies, county attorney offices, county sheriff offices, and health and education agencies, chosen from among the membership of all the teams;

(2) one representative from any other public agency group represented among the combined teams; and

(3) enough additional members from the public who have knowledge in the area of child abuse so that a majority of the council is composed of members who do not represent public agencies.

(d) In any multicounty group eligible to establish a council under this subdivision, at least 50 percent of the counties must have established a multidisciplinary team under section 626.558 before a council may be established.

**Subd. 2. Review by council.** To be eligible to receive a grant from the trust fund, an applicant must have had its program reviewed by a child abuse prevention council from the applicant's geographic area found by the commissioner to meet the criteria in this section. In reviewing all such programs, the council shall consider the extent to which the applicant meets the criteria and standards in Laws 1986, chapter 423, and the degree to which the program meets the needs of the geographic area. The council shall provide to the advisory council its comments and recommendations concerning each program reviewed and shall provide the advisory council with its prioritization by rank ordering of all programs reviewed.

**History:** 1986 c 423 s 5

## 299A.25 PROCEDURES AND CRITERIA FOR DISBURSEMENT.

**Subdivision 1. Establishment.** The commissioner shall establish in the plan for prevention of child abuse the criteria for distribution of trust fund money. All money shall be distributed for programs and services involving primary or secondary prevention, and no money shall be distributed for programs and services involving tertiary prevention.

**Subd. 2. Matching and other requirements.** Trust fund money shall only be distributed to applicants that demonstrate an ability to match 40 percent of the amount of trust fund money requested and whose proposals meet the other criteria. The matching requirement may be met through in-kind donations. In awarding grants, the commissioner shall consider the extent to which the applicant has demonstrated a willingness and ability to:

(1) continue the prevention program or service if trust fund money is eliminated or reduced; and

(2) provide prevention program models and consultation to other organizations and communities.

**Subd. 3. Use of funds.** Matching funds must not consist, in whole or in part, of state or federal funds. Any trust fund money received must not be used to compensate for a decrease in previously existing funding levels unless that decrease is attributable to a decision made by state, federal, or other entities not controlled by the applicant and the applicant demonstrates that it has made reasonable efforts to retain all previously existing funding.

**Subd. 4. Statewide or regional programs.** The commissioner may fund programs

that intend to serve the entire state or a region larger than the area served by any local council even if the program has not been reviewed by any local council. The commissioner may, however, solicit comments or recommendations about the applicant or the program from a local council covering any area to be served by the applicant's proposed program.

**Subd. 5. Local council as recipient of funds.** The commissioner may disburse funds to a local council on the same basis as to any other applicant, or as administrative costs in carrying out Laws 1986, chapter 423, if all criteria and standards are met. Funds disbursed as administrative costs to a local council must not exceed five percent of total funds disbursed to the area served by the local council.

**Subd. 6. Administrative expenses.** The commissioner may keep up to five percent of trust fund money collected in any year under sections 299A.26 and 144.226, subdivision 3, for administering and otherwise carrying out responsibilities under Laws 1986, chapter 423, except that during fiscal year 1987 the commissioner may keep up to \$75,000 of trust fund money collected for these purposes. The approved complement of the department of public safety is increased by one unclassified and one classified position in the civil service of the state.

**Subd. 7. Contracts.** The commissioner shall use state or local resources and staff if practicable, but may enter into contracts with public or nonprofit private agencies to fulfill the requirements of Laws 1986, chapter 423.

**Subd. 8. Rules.** The commissioner may adopt rules to carry out Laws 1986, chapter 423.

**History:** 1986 c 423 s 6

#### **299A.26 ACCEPTANCE OF FEDERAL FUNDS AND OTHER DONATIONS.**

The commissioner may accept federal money and gifts, donations, and bequests for the purposes of Laws 1986, chapter 423. Money so received must be deposited in the trust fund and must be made available annually to the commissioner for disbursement.

**History:** 1986 c 423 s 7

#### **299A.27 ANNUAL APPROPRIATION.**

All earnings from trust fund assets, all sums received under section 299A.26, and 60 percent of the amount collected under section 144.226, subdivision 3 are appropriated annually from the children's trust fund for the prevention of child abuse to the commissioner of public safety to carry out sections 299A.20 to 299A.26. In fiscal year 1987 only, the first \$75,000 collected under section 144.226, subdivision 3 is appropriated from the children's trust fund for the prevention of child abuse to the commissioner of public safety to carry out sections 299A.20 to 299A.26.

**History:** 1986 c 423 s 9