

CHAPTER 256C

HANDICAPPED PERSONS

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BLIND PERSONS**256C.01 POSITION OF THE STATE WITH REGARD TO THE BLIND AND HANDICAPPED.**

The state of Minnesota shall encourage and enable the blind, the visually handicapped, and the otherwise physically disabled to participate fully in the social and economic life of the state and to engage in remunerative employment. The blind, the visually handicapped, and the otherwise physically disabled shall be employed by the state, its political subdivisions, the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

History: 1969 c 900 s 1; 1971 c 70 s 3

256C.02 PUBLIC ACCOMMODATIONS.

The blind, the visually handicapped, and the otherwise physically disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places; and are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, boats, or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

Every totally or partially blind, physically handicapped, or deaf person or any person training a dog to be a service dog shall have the right to be accompanied by a service dog in any of the places listed in section 363.03, subdivision 10. The person shall be liable for any damage done to the premises or facilities by such dog. The service dog must be capable of being properly identified as from a recognized school for seeing eye, hearing ear, service, or guide dogs.

History: 1969 c 900 s 2; 1977 c 247 s 1; 1984 c 655 art 1 s 42; 1986 c 444; 1987 c 141 s 1; 1989 c 108 s 1

256C.025 HOUSING ACCOMMODATIONS.

Subdivision 1. Blind persons, visually handicapped persons, and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation, subject to the conditions and limitations established by law and applicable alike to all persons.

Subd. 2. "Housing accommodations" means any real property, or portion thereof, which is used or occupied or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

Subd. 3. Nothing in this section shall require any person renting, leasing, or providing for compensation real property to modify the property in any way or provide a higher degree of care for a blind person, visually handicapped person, or other physically disabled person than for a person who is not physically disabled.

Subd. 4. Every totally or partially blind, physically handicapped, or deaf person who has a service dog, or who obtains a service dog, shall be entitled to full and equal access to all housing accommodations provided for in this section, and shall not be required to pay extra compensation for such service dog but shall be liable for any damage done to the premises by such service dog.

History: 1971 c 70 s 1; 1977 c 247 s 2; 1986 c 444; 1988 c 637 s 1

256C.03 BLIND OR DEAF PEDESTRIANS; CIVIL LIABILITY.

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a service dog, or totally or partially deaf person with a service dog identified with a burnt orange collar or leash, shall bring such vehicle to a stop and give the right-of-way at any intersection of any street, avenue, alley, or other public highway to such blind or deaf pedestrian.

History: 1969 c 900 s 3; 1971 c 70 s 4; 1977 c 247 s 3; 1988 c 637 s 2

256C.04 PROCLAMATION BY GOVERNOR.

Each year, the governor may take suitable public notice of October 15 as white cane safety day and may issue a proclamation in which the governor:

- (1) comments upon the significance of the white cane,
- (2) calls upon the citizens of the state to observe the provisions of the White Cane Law and to take precautions necessary to the safety of the disabled,
- (3) reminds the citizens of the state of the policies with respect to the disabled herein declared and urges the citizens to cooperate in giving effect to them, and
- (4) emphasizes the need of the citizens to be aware of the presence of disabled persons in the community and to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

History: 1969 c 900 s 4; 1986 c 444

256C.05 CRIMINAL PENALTY.

Any person, or the agent of any person, firm, or corporation who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 256C.02 or housing accommodations contrary to section 256C.025, or otherwise interferes with the rights of a totally or partially blind or otherwise disabled person under section 256C.02 shall be guilty of a misdemeanor.

History: 1969 c 900 s 5; 1971 c 70 s 5

256C.06 CITATION.

Sections 256C.01 to 256C.06 shall be known and may be cited the "Minnesota White Cane Law."

History: 1969 c 900 s 6; 1971 c 70 s 6

HEARING IMPAIRED PERSONS

256C.21 DEAF AND HARD-OF-HEARING SERVICES ACT; CITATION.

Sections 256C.21 to 256C.27 may be cited as the "Deaf and Hard-of-Hearing Services Act."

History: 1980 c 574 s 1; 1993 c 306 s 7

256C.22 [Repealed, 1996 c 392 s 7]

256C.23 DEFINITIONS.

Subdivision 1. For the purposes of sections 256C.21 to 256C.27 the terms defined in this section shall have the meanings given them, unless the context clearly indicates otherwise.

Subd. 2. "Deaf" means a hearing loss of such severity that the individual must depend primarily on visual communication such as writing, lip reading, manual communication, and gestures.

Subd. 2a. "Hard-of-hearing" means a hearing loss resulting in a functional loss of hearing, but not to the extent that the individual must depend primarily upon visual communication.

Subd. 2b. "Deaf-blind" means any combination of vision and hearing loss which interferes with acquiring information from the environment to the extent that compensatory strategies and skills are necessary to access that or other information.

Subd. 3. "Regional service center" means a facility designed to provide an entry point for deaf, deaf-blind, and hard-of-hearing persons of that region in need of education, employment, social, human, or other services.

Subd. 4. [Repealed by amendment, 1996 c 392 s 1]

Subd. 5. [Repealed by amendment, 1996 c 392 s 1]

History: 1980 c 574 s 3; 1993 c 306 s 9-11; 1996 c 392 s 1.

256C.233 DUTIES OF STATE AGENCIES.

Subdivision 1. **Deaf and hard-of-hearing division.** The commissioners of human services, children, families, and learning, and economic security shall create a distinct and separate organizational unit to be known as the deaf and hard-of-hearing services division to address the developmental, social, educational, and occupational needs of deaf, deaf-blind, and hard-of-hearing persons through a statewide network of collaborative services and by coordinating the promulgation of public policies, regulations, legislation, and programs affecting deaf, deaf-blind, and hard-of-hearing persons. An interdepartmental management team shall supervise the activities of the deaf and hard-of-hearing services division. The commissioner of human services shall coordinate the work of the interagency management team and receive legislative appropriations for the division.

Subd. 2. **Responsibilities.** The deaf and hard-of-hearing services division shall:

(1) establish and maintain a statewide network of regional service centers for deaf, deaf-blind, and hard-of-hearing Minnesotans;

(2) assist the departments of human services, children, families, and learning, and economic security to coordinate the promulgation and implementation of public policies, regulations, legislation, programs, and services affecting deaf, deaf-blind, and hard-of-hearing persons; and

(3) provide a coordinated system of statewide interpreter referral services.

Subd. 3. **Health.** The commissioner of health shall establish standards for screening for hearing loss with special emphasis on screening of persons from birth through school age and persons over age 65.

Subd. 4. **State commissioners.** The commissioners of all state agencies shall consult with the deaf and hard-of-hearing services division concerning the promulgation of public policies, regulations, and programs necessary to address the needs of deaf, deaf-blind, and hard-of-hearing Minnesotans. Each state agency shall consult with the deaf and hard-of-hearing services division concerning the need to forward legislative initiatives to the governor to address the concerns of deaf, deaf-blind, and hard-of-hearing Minnesotans.

History: 1996 c 392 s 2

256C.24 REGIONAL SERVICE CENTERS.

Subdivision 1. **Location.** The deaf and hard-of-hearing services division shall establish up to eight regional service centers for deaf and hard-of-hearing persons. The centers

shall be distributed regionally to provide access for deaf, deaf-blind, and hard-of-hearing persons in all parts of the state.

Subd. 2. **Responsibilities.** Each regional service center shall:

(a) serve as a central entry point for deaf, deaf-blind, and hard-of-hearing persons in need of services and make referrals to the services needed;

(b) employ staff trained to work with deaf, deaf-blind, and hard-of-hearing persons;

(c) provide to all deaf, deaf-blind, and hard-of-hearing persons access to interpreter services which are necessary to help them obtain services;

(d) implement a plan to provide loaned equipment and resource materials to deaf, deaf-blind, and hard-of-hearing persons;

(e) cooperate with responsible departments and administrative authorities to provide access for deaf, deaf-blind, and hard-of-hearing persons to services provided by state, county, and regional agencies;

(f) collaborate with the resource center for the deaf and hard-of-hearing persons, other divisions of the department of children, families, and learning, and local school districts to develop and deliver programs and services for families with deaf, deaf-blind, or hard-of-hearing children and to support school personnel serving these children;

(g) when possible, provide training to the social service or income maintenance staff employed by counties or by organizations with whom counties contract for services to ensure that communication barriers which prevent deaf, deaf-blind, and hard-of-hearing persons from using services are removed;

(h) when possible, provide training to state and regional human service agencies regarding program access for deaf, deaf-blind, and hard-of-hearing persons; and

(i) assess the ongoing need and supply of services for deaf, deaf-blind, and hard-of-hearing persons in all parts of the state and cooperate with public and private service providers to develop these services.

Subd. 3. **Advisory committee.** The director of the deaf and hard-of-hearing services division shall appoint an advisory committee of up to nine persons for each regional service area. Members shall include persons who are deaf, deaf-blind, and hard-of-hearing, persons who are communication-impaired, parents of children who are deaf and hard-of-hearing, parents of communication-impaired children, and representatives of county and regional human services, including representatives of private service providers. At least 50 percent of the members must be deaf or deaf-blind or hard-of-hearing or communication-impaired. Committee members shall serve for a three-year term and shall serve no more than two consecutive terms. Each advisory committee shall elect a chair. The director of the deaf and hard-of-hearing services division shall assign staff to serve as nonvoting members of the committee. Members shall not receive a per diem. Otherwise, the compensation, removal of members, and filling of vacancies on the committee shall be as provided in section 15.0575.

History: 1980 c 574 s 4; 1984 c 654 art 5 s 58; 1Sp1985 c 14 art 9 s 24; 1986 c 444; 1987 c 302 s 1,2; 1991 c 292 art 3 s 8; 1993 c 306 s 12; 1995 c 190 s 14; 1996 c 392 s 3

256C.25 INTERPRETER SERVICES.

Subdivision 1. **Establishment.** The deaf and hard-of-hearing services division shall maintain and coordinate statewide interpreter referral services for use by any public or private agency or individual in the state. Within the seven-county metro area, the division shall contract for these services; outside the metro area, the division shall directly coordinate these services but may contract with an appropriate agency to provide this service. The division may collect a \$3 fee per referral for interpreter referral services and the actual costs of interpreter services provided by department staff. Fees and payments collected shall be deposited in the general fund. The \$3 referral fee shall not be collected from state agencies or local units of government or deaf or hard-of-hearing consumers or interpreters.

Subd. 2. **Duties.** Interpreter referral services must include:

(a) statewide access to interpreter referral services, coordinated with the regional service centers;

- (b) maintenance of a statewide directory of qualified interpreters;
- (c) assessment of the present and projected supply and demand for interpreter services statewide; and
- (d) coordination with the regional service centers on projects to train interpreters and advocate for and evaluate interpreter services.

History: 1980 c 574 s 5; 1Sp1985 c 14 art 9 s 25; 1987 c 302 s 3,4; 1991 c 292 art 3 s 9; 1993 c 306 s 13; 1996 c 392 s 4

256C.26 EMPLOYMENT SERVICES.

The commissioner of economic security shall work with the deaf and hard-of-hearing services division to develop and implement a plan to deal with the underemployment of deaf, deaf-blind, and hard-of-hearing persons.

History: 1980 c 574 s 6; 1Sp1985 c 14 art 9 s 26; 1987 c 403 art 2 s 102; 1993 c 306 s 14; 1994 c 483 s 1; 1996 c 392 s 5

256C.27 [Repealed, 1996 c 392 s 7]

256C.28 COMMISSION SERVING DEAF AND HARD-OF-HEARING PEOPLE.

Subdivision 1. **Membership.** The Minnesota commission serving deaf and hard-of-hearing people consists of seven members appointed at large and one member from each advisory committee established under section 256C.24, subdivision 3. At least 50 percent of the members must be deaf or deaf-blind or hard of hearing. Members shall include persons who are deaf, deaf-blind, and hard of hearing, parents of children who are deaf, deaf-blind, and hard of hearing, and representatives of county and regional human services, including representatives of private service providers. Commission members are appointed by the governor for a three-year term and shall serve no more than two consecutive terms. The commission shall select one member as chair.

Subd. 2. **Removal; vacancies.** The compensation, removal of members, and filling of vacancies on the commission are as provided in section 15.0575.

Subd. 3. **Mission.** The commission shall serve as the principal agency of the state to advocate on behalf of deaf, deaf-blind, and hard-of-hearing Minnesotans by working to ensure those persons have equal access to the services, programs, and opportunities available to others.

Subd. 3a. **Duties.** The commission shall:

(1) assist deaf, deaf-blind, and hard-of-hearing persons and parents of deaf, deaf-blind, and hard-of-hearing students in advocating for equal access to services, programs, and opportunities;

(2) advise the governor, the legislature, and the commissioners of the departments of human services, children, families, and learning, economic security, and health on the development of policies, programs, and services affecting deaf, deaf-blind, and hard-of-hearing persons, and on the use of appropriate federal and state money;

(3) create a public awareness of the special needs and potential of deaf, deaf-blind, and hard-of-hearing persons;

(4) provide the governor, the legislature, and the commissioners of the departments of human services, children, families, and learning, economic security, and health with a review of ongoing services, programs, and proposed legislation affecting deaf, deaf-blind, and hard-of-hearing persons;

(5) advise the governor, the legislature, and the commissioners of the departments of human services, children, families, and learning, economic security, and health on statutes, rules, and policies necessary to ensure that deaf, deaf-blind, and hard-of-hearing persons have equal access to benefits and services provided to individuals in Minnesota;

(6) recommend to the governor, the legislature, and the commissioners of the departments of human services, children, families, and learning, economic security, and health legislation designed to improve the economic and social conditions of deaf, deaf-blind, and hard-of-hearing persons in Minnesota;

(7) propose solutions to problems of deaf, deaf-blind, and hard-of-hearing persons in the areas of education, employment, human rights, human services, health, housing, and other related programs;

(8) recommend to the governor and the legislature any needed revisions in the state's affirmative action program and any other steps necessary to eliminate the underemployment or unemployment of deaf, deaf-blind, and hard-of-hearing persons in the state's work force;

(9) work with other state and federal agencies and organizations to promote economic development for deaf, deaf-blind, and hard-of-hearing Minnesotans; and

(10) coordinate its efforts with other state and local agencies serving deaf, deaf-blind, and hard-of-hearing persons.

Subd. 4. Staff. The commission may appoint, subject to the approval of the governor, an executive director who must be experienced in administrative activities and familiar with the problems and needs of deaf, deaf-blind, and hard-of-hearing persons. The commission may delegate to the executive director any powers and duties under this section that do not require commission approval. The executive director serves in the unclassified service and may be removed at any time by a majority vote of the commission. The executive director shall coordinate the provision of necessary support services to the commission with the deaf and hard-of-hearing services division. The executive director may employ and direct staff necessary to carry out commission mandates, policies, activities, and objectives.

Subd. 5. Powers. The commission may contract in its own name. Contracts must be approved by a majority of the members of the commission and executed by the chair and the executive director. The commission may apply for, receive, and expend in its own name grants and gifts of money consistent with the powers and duties specified in this section.

Subd. 6. Report. The commission may prepare and distribute periodic reports to the state agency commissioners, the governor, and the legislature concerning the activities of the commission and the needs and concerns of deaf, deaf-blind, and hard-of-hearing Minnesotans.

History: 1Sp1985 c 14 art 9 s 27; 1987 c 302 s 5,6; 1988 c 629 s 56; 1989 c 282 art 2 s 122-125; 1992 c 513 art 9 s 30,31; 1993 c 306 s 16; 1994 c 483 s 1; 1Sp1995 c 3 art 16 s 13; 1996 c 392 s 6

NOTE: The commission serving deaf and hard-of-hearing people expires June 30, 2001. Section 15.059, subdivision 5a.

256C.29 COMMUNICATIONS DEVICES REQUIRED IN BUS TERMINALS.

The operator of a bus terminal in the city of Minneapolis or St. Paul that serves intercity buses, defined in section 168.011, subdivision 9, shall provide, in public areas in the terminal, public pay telephones with telecommunications devices, commonly known as "TDD's," that permit a communication-impaired person to communicate with others by telephone. The operator shall place signs at strategic locations in and about the terminal indicating where the telephones are available.

History: 1989 c 111 s 1