
 CHAPTER 751-H.F.No.1736

[Coded in Part]

An act relating to publicly-owned buildings; providing for access and usability by physically handicapped persons; requiring leased space and state agency meetings to be accessible; transferring enforcement from the state fire marshal to the commissioner of administration; amending Minnesota Statutes 1976, Section 16.84 by adding subdivisions; and Minnesota Statutes, 1977 Supplement, Section 16.85; repealing Minnesota Statutes 1976, Sections 299F.41, 299F.42, 299F.43, 299F.44 and 299F.45.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 16.84, is amended by adding subdivisions to read:

Subd. 7. "Public building" means any building and the grounds appurtenant thereto, the cost of which is paid for by the state of Minnesota or any governmental subdivision thereof, or any agency of the state or of any governmental subdivision, or school district.

Subd. 8. "Physically handicapped" means sight disabilities, hearing disabilities, disabilities of incoordination, disabilities of aging, and any other disability that significantly reduces mobility, flexibility, coordination, or perceptiveness.

Subd. 9. "Remodeling" means deliberate reconstruction of an existing public building in whole or in part in order to bring it up to date in conformity with present uses of the structure and to which other rules on the upgrading of health and safety provisions are applicable.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 16.85, is amended to read:

16.85 GENERAL POWERS OF COMMISSIONER, STATE BUILDING CODE.

Subdivision 1. Subject to the provisions of sections 16.83 to 16.867, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alteration, and repair of state-owned buildings; governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety. The code shall also provide for making public buildings constructed or remodeled after July 1, 1963, accessible to and usable by physically handicapped persons; provided that this shall not require the remodeling of public buildings solely to provide accessibility and usability to the physically handicapped when remodeling would not otherwise be undertaken. The commissioner may amend the code from time to time as provided in sections 16.83 to 16.867. The code and any amendment thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States. In the preparation of the code consideration shall be given to the existing state-wide specialty codes presently in use in the state of Minnesota. Such model codes with modifications as may be deemed necessary and state-wide specialty codes may be adopted by reference.

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The code so promulgated and any amendments thereof shall be based on the application of scientific principles, approved tests, and professional judgment; and to the extent that it is practical so to do the code shall be promulgated in terms of desired results instead of the means of achieving such results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code shall encourage the use of new methods and new materials. Except as otherwise provided in sections 16.83 to 16.867, the commissioner shall administer and enforce the provisions of those sections.

The code shall require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

The code shall require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

Subd. 1a. Construction or remodeling shall not be commenced on any public building owned by the state of Minnesota until the plans and specifications of the public building have been approved by the commissioner. In the case of any other public building the plans and specifications thereof shall be submitted to the commissioner for review, and within 30 days after his receipt thereof he shall notify the submitting authority of his recommendations if any.

Subd. 1b. No agency of the state may lease space for agency operations in a non-state owned building, unless the building satisfies the requirements of the state building code for accessibility by the physically handicapped, or is eligible to display the state symbol of accessibility. This limitation shall apply in respect to leases of thirty days or more for space of at least 1,000 square feet commencing on or after July 1, 1980.

Subd. 1c. After July 1, 1979, meetings or conferences attended by the public and sponsored by a state agency in non-publicly owned buildings shall be held in buildings that either meet the state building code requirements relating to accessibility for the physically handicapped or are eligible to display the state symbol for accessibility.

Subd. 1d. The commissioner of administration may grant an exemption from the requirements of subdivisions 1b and 1c if reasonable efforts were made to secure facilities which complied with the requirements of subdivision 1b and if the selected facilities are the best available for access for handicapped persons.

Sec. 3. TEMPORARY PROVISION. Persons, appropriations and materials in respect to those functions in the office of state fire marshal transferred by this act shall be transferred by the commissioners of administration and finance, as appropriate, from the state fire marshal to the commissioner of administration.

Sec. 4. REPEALER. Minnesota Statutes 1976, Sections 299F.41, 299F.42, 299F.43, 299F.44 and 299F.45 are repealed.

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Sec. 5. **EFFECTIVE DATE.** This act is effective July 1, 1978.

Approved April 5, 1978.

CHAPTER 752-H.F.No.1744

[Coded]

An act relating to mobility disabled persons; requiring installation and use of wheelchair securement devices in vehicles used for transporting wheelchair users; providing for inspection of wheelchair securement devices; requiring other safety measures in vehicles used for transporting wheelchair users; directing the commissioner of public safety to adopt rules and to approve devices required by the act; directing the state board of education to amend its rules for handicapped transportation; authorizing the admissibility of certain evidence in litigation; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[299A.11] VEHICLES TRANSPORTING WHEELCHAIR USERS; DEFINITIONS.** The following terms have the definitions given them for the purposes of sections 1 to 8:

(a) "Wheelchair securement device" or "seurement 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 this act shall not apply to any school bus as defined in Minnesota Statutes, Section 169.01, Subdivision 6, which is subject to regular school bus inspections pursuant to Minnesota Statutes, 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.

Sec. 2. **[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.

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