

Subdivision 1. **DEFINITION; MAINTENANCE OF BRIDGES.** (a) The term "repair" as used in this section means restoring all or a part of a ditch system or any part thereof as nearly as practicable to the same condition as when originally constructed or subsequently improved, including resloping of open ditches and leveling of waste banks thereon if deemed essential to prevent further deterioration, and such routine operations as may be required from time to time required to remove obstructions and preserve the efficiency of the ditch.

(b) After construction, all highway bridges and culverts on any ditch system ~~hereafter~~ established by proceedings instituted on or after March 25, 1947, shall be maintained by the municipality or public authority charged with the duty of maintaining the same as set forth in section 106.271. Private bridges and culverts, constructed as a part of any ditch system ~~hereafter~~ established by proceedings instituted on or after March 25, 1947, shall ~~thereafter~~ be maintained by the county ditch authority as a part of such the ditch system. Private bridges or culverts constructed as a part of any ditch system established by proceedings instituted before March 25, 1947, may be maintained, repaired, or rebuilt, as a part of the ditch by the ~~county board~~ ditch authority at the option of the ~~board~~ ditch authority and the cost of ~~which~~ may be paid in whole or part by the ditch system.

(c) In proceedings for the repair of a public drainage ditch in which a redetermination of benefits is made as set forth in section 106.465, the drainage authority may direct that any existing bridge or culverts constructed as part of the ditch system which serve as township or city roadways, be repaired or rebuilt as a part of the ditch by the ditch authority, and the cost may be paid in whole or in part by the ditch system.

Sec. 25. EFFECTIVE DATE.

This act is effective on the day following its final enactment.

Approved March 22, 1982

CHAPTER 541 — H.F.No. 776

An act relating to insurance; requiring private passenger vehicle insurers to disclose surcharge plans; proposing new law coded in Minnesota Statutes, Chapter 65B.

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

Section 1. [65B.133] SURCHARGE DISCLOSURE.

Subdivision 1. DEFINITIONS. For the purposes of this section, the terms defined in this section have the meanings given them.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(a) "Computed premium" means the rate in effect before the application of a surcharge.

(b) "Chargeable accident" means an accident which is taken into consideration in applying a surcharge.

(c) "Chargeable traffic violation" means a traffic violation which is taken into consideration in applying a surcharge.

(d) "Policy" means a policy providing private passenger vehicle insurance, as defined in section 65B.001, subdivision 2.

(e) "Surcharge" means any increase in premium for a policy, including the removal of an accident-free or claim-free discount, based upon an accident or a traffic violation.

(f) "Surcharge disclosure statement" means a written statement disclosing the surcharge plan of an insurer, the effective date of the surcharge plan, and the name of the insurer, and any other information which the commissioner may require to be disclosed to assist insureds in comparing surcharge plans among insurers.

(g) "Surcharge plan" means the conditions under which an insurer applies a surcharge including but not limited to: (1) the maximum dollar amount which an insurer pays due to an accident without applying a surcharge, (2) accidents which are not chargeable, (3) chargeable traffic violations, (4) the length of time that an accident or a traffic violation is chargeable, and (5) surcharge rates for the first and each successive accident or traffic violation.

(h) "Surcharge rate" means the amount of any surcharge expressed as a percentage of the computed premium rate or as a dollar amount surcharge, if a percentage surcharge is not used.

Subd. 2. DISCLOSURE TO APPLICANTS. Before accepting the initial premium payment, an insurer or its agent shall provide a surcharge disclosure statement to any person who applies for a policy which is effective on or after January 1, 1983.

Subd. 3. DISCLOSURE TO POLICYHOLDERS. An insurer or its agent shall mail or deliver a surcharge disclosure statement to the named insured either before or with the first notice to renew a policy on or after January 1, 1983. If a surcharge disclosure statement has been provided pursuant to subdivision 2, no surcharge disclosure statement is required to be mailed or delivered to the same named insured pursuant to subdivision 3.

Subd. 4. NOTIFICATION OF CHANGE. No insurer may change its surcharge plan unless a surcharge disclosure statement is mailed or delivered to the named insured before the change is made. A surcharge disclosure statement disclosing a change applicable on the renewal of a policy, may be mailed with an

offer to renew the policy. No change in a surcharge plan may be applied retroactively.

Subd. 5. LIMITATION ON CHARGEABLE TRAFFIC VIOLATIONS. No traffic violation is chargeable to a driver unless the driver is convicted of, or forfeits bail for, the offense, or the driver's license is revoked pursuant to section 169.123. If a surcharge is applied because bail is forfeited and if the driver is later acquitted of the offense, the insurer shall rebate the surcharge.

Subd. 6. PENALTY. Failure to comply with this section constitutes a violation of section 70A.04 and is subject to the penalties prescribed in section 70A.21.

Subd. 7. COMMISSIONER MAY PROMULGATE RULES. The commissioner may promulgate rules reasonably necessary to carry out and make effective this section.

Approved March 22, 1982

CHAPTER 542 — H.F.No. 788

An act relating to courts; conciliation courts; authorizing actions to recover amounts lost due to worthless checks in the county of issuance and where the plaintiff resides; revising various time limits; amending Minnesota Statutes 1980, Section 487.30, by adding a subdivision; 488A.12, Subdivision 3; 488A.14, Subdivision 4; 488A.16, Subdivisions 2, 5, and 6; 488A.17, Subdivisions 2 and 3; 488A.29, Subdivision 3; 488A.31, Subdivision 4; 488A.33, Subdivision 2; 488A.34, Subdivision 12; and Minnesota Statutes 1981 Supplement, Section 488A.34, Subdivision 2.

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

Section 1. Minnesota Statutes 1980, Section 487.30, is amended by adding a subdivision to read:

Subd. 4. JURISDICTION; WORTHLESS CHECKS. The conciliation court has jurisdiction to determine a civil action commenced by a plaintiff, resident of the county, to recover the amount of a worthless check issued in the county within the meaning of section 609.535, notwithstanding that the defendant or defendants are not residents of the county provided that the notice of nonpayment or dishonor required by section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check or other order of payment of money may commence a conciliation court action in the county where the worthless check was issued to recover the amount of the check. This subdivision does not apply to a check or

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