

Subd. 2. GENERAL IMMUNITY FROM LIABILITY. A Any person, including a public or private nonprofit volunteer firefighter, volunteer police officer, volunteer ambulance attendant, and volunteer first provider of emergency medical services, who in good faith and in the exercise of reasonable care without compensation or the expectation of compensation renders emergency care at the scene of an emergency or during transit to a location where professional medical care can be rendered, is not liable for any civil damages as a result of acts or omissions by that person in rendering the emergency care unless that person acts in a willful and wanton or reckless manner in providing the care. Any person rendering emergency care during the course of regular employment, and receiving compensation or expecting to receive compensation for rendering such care, shall be excluded from the protection of this section.

For the purposes of this section, the scene of an emergency shall be those areas not within the confines of a hospital or other institution which has hospital facilities, or an office of a person licensed to practice one or more of the healing arts pursuant to chapters 147, 148, 150A, or 153.

For the purposes of this section, compensation does not include nominal payments, reimbursement for expenses, or pension benefits.

Sec. 2. EFFECTIVE DATE.

Section 1, subdivision 1, is effective August 1, 1983. Section 1, subdivision 2, is effective the day following final enactment for causes of action arising on and after that date.

Approved June 14, 1983

CHAPTER 320 — H.F.No. 409

An act relating to liquor; restrictions upon joint purchases and volume discounts at wholesale; extending the date for requiring dram shop insurance; requiring an assigned risk plan and specifying rulemaking authority of the commissioner of insurance in regard thereto; amending Minnesota Statutes 1982, sections 340.11, subdivision 21, and by adding a subdivision; 340.353, subdivision 8; 340.408; and 340.983; and Laws 1982, chapter 528, section 9.

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

Section 1. Minnesota Statutes 1982, section 340.11, subdivision 21, is amended to read:

Subd. 21. **LIABILITY INSURANCE.** Every person licensed to sell at retail intoxicating liquor or nonintoxicating malt liquor at on-sale or off-sale shall, after ~~March 1~~ August 1, 1983, demonstrate proof of financial responsibility

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with regard to liability imposed by section 340.95, to the commissioner of public safety authority issuing the license as a condition of the issuance or renewal of his license, provided this subdivision does not apply to licensees who by affidavit establish that they are on-sale nonintoxicating malt liquor licensees with sales of less than \$10,000 of nonintoxicating malt liquor per for the preceding year, or off-sale nonintoxicating malt liquor licensees with sales of less than \$20,000 of nonintoxicating malt liquor for the preceding year, nor to or holders of on-sale wine licenses under subdivision 20, with sales of less than \$10,000 of wine per for the preceding year. The issuing authority must submit to the commissioner the proof of financial responsibility or exemption affidavit submitted by the license applicant. Proof of financial responsibility may be given by filing:

(a) A certificate that there is in effect for the period covered by the license an insurance policy or pool providing the following minimum coverages;

(1) \$50,000 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence.

(2) \$50,000 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in any one occurrence; or

(b) A bond of a surety company with minimum coverages as provided in clause (a), or

(c) A certificate of the state treasurer that the licensee has deposited with him \$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.

This subdivision does not prohibit a local governing unit from requiring higher insurance or bond coverages, or a larger deposit of cash or securities than is required hereunder, as a condition of issuance or renewal of a retail intoxicating liquor or nonintoxicating malt liquor on-sale or off-sale license.

The commissioner of insurance shall advise licensees and municipalities subject to the financial responsibility requirements of this subdivision of those persons offering insurance coverage. The commissioner of insurance ~~may, if necessary,~~ shall establish an assigned risk pool by rule adopted under the administrative procedure act, sections 14.01 to 14.70, a program to assist licensees in obtaining insurance coverage. The program shall include a committee appointed by the commissioner of insurance of a representative group of insurance carriers and producers. The commissioner of insurance shall serve as an ex officio member of the committee. The committee shall review and act upon all properly executed applications requesting liquor liability market assistance. The market assistance program shall be established by the commissioner of insurance

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by August 1, 1983, and shall continue to function so long as its services are deemed by the commissioner of insurance to be necessary to relieve perceived availability problems in the liquor liability insurance market. If the committee finds that it cannot assist in securing insurance coverage it shall notify the applicant in writing with a full explanation and recommendation for enhancing its ability to secure insurance. The commissioner of insurance shall, if necessary, establish an assigned risk plan pursuant to subdivision 22.

Sec. 2. Minnesota Statutes 1982, section 340.11, is amended by adding a subdivision to read:

Subd. 23. ASSIGNED RISK PLAN. (1) The purpose of the assigned risk plan is to provide coverage required by subdivision 21 to persons rejected pursuant to this subdivision.

(2) An insurer that refuses to write the coverage required by subdivision 21 shall furnish the applicant with a written notice of refusal. The rejected applicant shall file a copy of the notice of refusal with the commissioner of public safety and with the assigned risk plan at the time of application for coverage under the plan.

(3) The commissioner of insurance may enter into service contracts as necessary or beneficial to accomplish the purposes of the assigned risk plan including servicing of policies or contracts of coverage, data management, and assessment collections. Services related to the administration of policies or contracts of coverages shall be performed by one or more qualified insurance companies licensed pursuant to section 60A.06, subdivision 1, clause (13) or a qualified vendor of risk management services. A qualified insurer or vendor of risk management services shall possess sufficient financial, professional, administrative, and personnel resources to provide the services required for operation of the plan. The cost of all services contracted for shall be an obligation of the assigned risk plan.

(4) The commissioner of insurance may assess all insurers licensed pursuant to section 60A.06, subdivision 1, clause (13) an amount sufficient to fully fund the obligations of the assigned risk plan, if the commissioner of insurance determines that the assets of the assigned risk plan are insufficient to meet its obligations. The assessment of each insurer shall be in a proportion equal to the proportion which the amount of insurance written as reported on page 14 of the annual statement under line 5, commercial multi-peril, and line 17, other liability, during the preceding calendar year by that insurer bears to the total written by all such carriers for such lines.

(5) Policies and contracts of coverage issued pursuant to this subdivision shall contain the usual and customary provisions of liability insurance policies, and shall contain the minimum coverage required by subdivision 21 or the local governing unit.

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(6) Assigned risk policies and contracts of coverage shall be subject to premium tax pursuant to section 60A.15.

(7) Insureds served by the assigned risk plan shall be charged premiums based upon a rating plan approved by the commissioner of insurance. Assigned risk premiums shall not be lower than rates generally charged by insurers for the business. The commissioner of insurance shall fix the compensation received by the agent of record.

(8) The commissioner of insurance shall adopt rules, including temporary rules, as may be necessary to implement this subdivision. The rules may include:

(a) appeal procedures from actions of the assigned risk plan;

(b) formation of an advisory committee composed of insurers, vendors of risk management services and licensees, to advise the commissioner of insurance regarding operation of the plan; and

(c) applicable rating plans and rating standards.

Sec. 3. Minnesota Statutes 1982, section 340.353, subdivision 8, is amended to read:

Subd. 8. **FINANCIAL RESPONSIBILITY.** Every municipal liquor store operated pursuant to subdivision 1 shall, prior to commencement or continuation of operation after ~~March 1~~ August 1, 1983, demonstrate proof of financial responsibility by compliance with the requirements of section 340.11, subdivision 21.

Sec. 4. Minnesota Statutes 1982, section 340.408, is amended to read:
340.408 JOINT PURCHASES.

No variable volume price or discount shall be offered to a retailer for a quantity of distilled liquor or wine in excess of 300 liter or smaller bottles. The joint purchase for resale to the general public of 300 or fewer quart liter or smaller bottles of ~~intoxicating liquor~~ distilled liquor or wine by more than one person lawfully permitted to sell ~~intoxicating liquor~~ distilled liquor or wine to the general public is lawful. No rule or regulation pursuant to this chapter shall prohibit a lawful purchase pursuant to this section.

Sec. 5. Minnesota Statutes 1982, section 340.983, is amended to read:
340.983 FILING OF WHOLESALE PRICE SCHEDULE.

No brand owner or wholesaler of distilled liquor or wine shall sell, offer for sale, or solicit any order for distilled liquor or wine unless a schedule of wholesale prices, which shall include varying volume prices, is filed with the commissioner, on a form prescribed by him, and no sales shall be made except in accordance with ~~such~~ these prices. ~~Such~~ Forms shall provide for the listing of the price, including any varying volume prices, at which each brand distributed

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by the filing wholesaler or brand owner is sold. The commissioner shall maintain such filings in such a manner as to make their contents easily accessible to the public. The filings required under this section shall be made not later than the first day of each month, and the schedule of filed prices shall be effective from that day until the first day of the next month, provided that any filing may be amended within five days after its filing. The commissioner shall provide copies of such filings to any person requesting them, and may charge a reasonable fee therefor. Any person may examine such filings in the office of the commissioner, and no charge shall be made for such examination.

No volume price filed pursuant to this section shall be for a quantity in excess of 300 quarts.

Sec. 6. Laws 1982, chapter 528, section 9, is amended to read:

Sec. 9. **EFFECTIVE DATE.**

Sections 2 to 4 are effective ~~March 1~~ August 1, 1983. Sections 1, 5, 6, 7 and 8 are effective the day following final enactment and apply to all causes of action arising on and after that day, except that any changes in notice requirements in section 8 are not effective until 30 days following final enactment.

Sec. 7. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved June 14, 1983

CHAPTER 321 — H.F.No. 435

An act relating to crimes; establishing degrees of burglary; prescribing penalties; providing a presumptive term of incarceration in certain instances; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

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

Section 1. **[609.581] DEFINITIONS.**

Subdivision 1. TERMS DEFINED. For purpose of sections 2 to 4 the terms defined in this section have the meanings given them.

Subd. 2. BUILDING. "Building" means a structure suitable for affording shelter for human beings including any appurtenant or connected structure.

Subd. 3. DWELLING. "Dwelling" means a building used as a permanent or temporary residence.

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