

to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Sec. 8. Minnesota Statutes 1984, section 609.345, is amended to read:

**609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.**

A person is guilty of criminal sexual conduct in the fourth degree and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$10,000, or both, if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to cause the complainant to submit. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older; or

(c) The actor uses force or coercion to accomplish the sexual contact; or

(d) The actor knows or has reason to know that the complainant is mentally defective impaired, mentally incapacitated, or physically helpless; or

(e) The complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

**Sec. 9. EFFECTIVE DATE.**

Sections 1 to 8 are effective August 1, 1985, and apply to crimes committed on or after that date.

Approved April 19, 1985

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**CHAPTER 25 — S.F.No. 635**

*An act relating to advertising devices; allowing "star city" signs on interstate highways; amending Minnesota Statutes 1984, sections 173.02, subdivisions 2 and 6; and 173.13, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 173.*

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

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

Section 1. Minnesota Statutes 1984, section 173.02, subdivision 2, is amended to read:

Subd. 2. "Advertising device" means any billboard, sign, notice, poster, display, or other device visible to and primarily intended to advertise and inform or to attract or which does attract the attention of operators and occupants of motor vehicles and shall include any structure erected primarily for use in connection with the display of any such device and all lighting or other attachments used in connection therewith except "star city" signs erected under section 4.

Sec. 2. Minnesota Statutes 1984, section 173.02, subdivision 6, is amended to read:

Subd. 6. Directional and other official signs and notices shall mean:

(a) "Official signs and notices" mean signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal or state law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local governmental agencies or nonprofit historical societies and star city signs erected under section 4 may be considered official signs.

(b) "Public utility signs" mean warning signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

(c) "Service club and religious notices" mean signs and notices, not exceeding eight square feet in advertising area, whose erection is authorized by law, relating to meetings and location of nonprofit service clubs or charitable associations, or religious services.

(d) "Directional signs" means signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. To qualify for directional signs, privately owned attractions must be nationally or regionally known, and of outstanding interest to the traveling public.

(e) All definitions in this subdivision are intended to be in conformity with the national standards for directional and other official signs.

Sec. 3. Minnesota Statutes 1984, section 173.13, subdivision 4, is amended to read:

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Subd. 4. The annual fee for each such permit or renewal thereof shall be as follows:

(1) If the advertising area of the advertising device does not exceed 50 square feet, the fee shall be \$20.

(2) If the advertising area exceeds 50 square feet but does not exceed 300 square feet, the fee shall be \$40.

(3) If the advertising area exceeds 300 square feet, the fee shall be \$80.

(4) No fee shall be charged for a permit for official signs and notices as they are defined in section 173.02, except that a fee may be charged for a star city sign erected under section 4.

Sec. 4. [173.085] STAR CITY SIGNS.

Subdivision 1. AUTHORITY TO ERECT. (a) A lesser populated statutory or home rule charter city of Minnesota that has received instruction and expertise from the department of energy and economic development on attracting and retaining businesses for the city and subsequently has been designated and annually recertified as a star city for economic development by that department may erect star city signs upon payment of a fee required under section 3 to the department of transportation. One sign may be erected at each approach to the city within the right-of-way of an interstate or other highway that passes inside the city limits.

(b) Notwithstanding the provisions of paragraph (a), a lesser populated statutory or home rule charter city that has an official sign in an adjacent area of an approach of an interstate highway passing through or near the city as of the effective date of this section may replace that sign with a star city sign upon payment of a fee required under section 3 to the department of transportation.

Subd. 2. SIGN STANDARDS. The department of transportation shall design and manufacture the star city sign to specifications not contrary to other federal and state highway sign standards and substantially similar to those star city signs approved for display on state highways as of the effective date of this section.

Approved April 19, 1985

CHAPTER 26 — S.F.No. 679

*An act relating to natural resources; providing for annual timber harvest public informational meetings; amending Minnesota Statutes 1984, section 90.041, subdivision 4.*

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