

Section 6 is effective the day following final enactment.

Approved June 2, 1987

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CHAPTER 355—S.F.No. 451

*An act relating to public safety; parking for handicapped persons; imposing a fine for violations of handicapped parking provisions; providing penalties; amending Minnesota Statutes 1986, sections 168.021, subdivisions 1, 1a, 2, 3, 5, and 6; 169.345; and 169.346; repealing Minnesota Statutes 1986, section 168.021, subdivision 7.*

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

Section 1. Minnesota Statutes 1986, section 168.021, subdivision 1, is amended to read:

Subdivision 1. **SPECIAL PLATES; APPLICATION FOR ISSUANCE.** When a motor vehicle registered under section 168.017, or a self-propelled recreational vehicle, is owned or primarily operated by a permanently physically handicapped person, the owner may apply for and secure from the registrar of motor vehicles two license ~~number~~ plates with attached emblems, one plate to be attached to the front, and one to the rear of the vehicle. Application for ~~issuance~~ of these the plates must be made at the time of renewal or first application for registration. When the owner first applies for the plates, the owner must submit a physician's statement on a form developed by the commissioner under section 169.345.

Sec. 2. Minnesota Statutes 1986, section 168.021, subdivision 1a, is amended to read:

Subd. 1a. **SCOPE OF PRIVILEGE.** If ~~any~~ a physically handicapped person parks a vehicle displaying license plates described in this section or any person parks ~~such a~~ the vehicle ~~while transporting for~~ a physically handicapped person, that person shall be entitled to ~~courtesy in the parking of~~ park the vehicle and be relieved of any liability with respect to parking except as provided in sections 169.32 and 169.34; provided that any municipal governing body may, by ordinance, prohibit parking on any street or highway for the purpose of creating a fire lane, or to provide for the accommodation of heavy traffic during morning and afternoon rush hours and the privileges extended to handicapped persons shall not apply on streets or highways where and at the time parking is prohibited. The license plates specified in this section shall also serve to identify vehicles properly parked in designated handicapped parking spaces, as provided in section 169.346 as provided in section 169.345.

Sec. 3. Minnesota Statutes 1986, section 168.021, subdivision 2, is amended to read:

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

Subd. 2. **DESIGN OF PLATES; FURNISHING BY REGISTRAR.** The registrar of motor vehicles shall design and furnish two license number plates with attached emblems to each such eligible owner. The emblem shall must bear the internationally accepted wheelchair symbol, as designated in section 16.8632, approximately three inches square. The emblem shall must be of such size as large enough to be visible plainly from a distance of 50 feet. Applicants An applicant eligible for these the special plates shall pay the motor vehicle registration fee authorized by law less a credit of \$1 for each month registered.

Sec. 4. Minnesota Statutes 1986, section 168.021, subdivision 3, is amended to read:

Subd. 3. **PENALTIES FOR UNAUTHORIZED USE OF PLATE PLATES.** A person who appropriates or uses the plate plates provided in under this section upon on a motor vehicle other than as authorized by in violation of this section is guilty of a gross misdemeanor, and is subject to a fine of \$500. This subdivision does not preclude a person who is not physically handicapped from operating a vehicle upon which these bearing the plates are displayed where if the person is the owner of the vehicle and permits its operation by a physically handicapped person, or where if the person operates the vehicle with the consent of the owner who is physically handicapped. A nonhandicapped driver who is not handicapped is not entitled to the parking privileges provided in this section and in section 169.346 unless transporting parking the vehicle for a physically handicapped person.

Sec. 5. Minnesota Statutes 1986, section 168.021, subdivision 5, is amended to read:

Subd. 5. **DEFINITIONS.** For the purposes of this section, a the term "physically handicapped person" means a person who has sustained an amputation or material disability of either or both arms or legs, or who has been otherwise disabled in any manner, rendering it difficult and burdensome for the person to walk has the meaning given it in section 169.345.

Sec. 6. Minnesota Statutes 1986, section 168.021, subdivision 6, is amended to read:

Subd. 6. **DRIVERS DRIVER'S LICENSE LAW NOT AFFECTED.** Nothing in this section shall be construed to revoke, limit, or amend any of the terms of the drivers license law chapter 171.

Sec. 7. Minnesota Statutes 1986, section 169.345, is amended to read:

**169.345 PARKING PRIVILEGES FOR PHYSICALLY HANDICAPPED.**

Subdivision 1. **SCOPE OF PRIVILEGE.** Any physically handicapped person who displays prominently upon the vehicle parked by or under the direction and for the use of the handicapped person, A vehicle that prominently displays the distinguishing certificate specified in authorized by this section shall be

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entitled to courtesy in the parking of the vehicle and be relieved of any liability with respect to parking except as provided in sections 169.32 and 169.34; provided that any municipal governing body, or bears license plates issued under section 168.021, may be parked by or for a physically handicapped person:

(1) in a designated handicapped parking space, as provided in section 169.346; and

(2) in a metered parking space without obligation to pay the meter fee.

For purposes of this subdivision, a certificate is prominently displayed if it is displayed on the dashboard in the left-hand corner of the front windshield of the vehicle with no part of the certificate obscured.

Notwithstanding clauses (1) and (2), this section does not permit parking in areas prohibited by sections 169.32 and 169.34, in designated no parking spaces, or in parking spaces reserved for specified purposes or vehicles. A local governmental unit may, by ordinance, prohibit parking on any street or highway for the purpose of creating to create a fire lane, or to provide for the accommodation of accommodate heavy traffic during morning and afternoon rush hours and the privileges extended to such handicapped persons shall not these ordinances also apply on streets or highways where and at such time parking is prohibited. The certificate specified in this section shall also serve to identify vehicles properly parked in designated handicapped parking spaces as provided in section 169.346 to physically handicapped persons.

Subd. 2. **DEFINITIONS.** For the purpose of this section “physically handicapped person” means any a person who has sustained an amputation or material disability of either or both arms or legs, or who has been otherwise disabled in any manner rendering it difficult and burdensome to walk:

(1) because of disability cannot walk without significant risk of falling;

(2) because of disability cannot walk 200 feet without stopping to rest;

(3) because of disability cannot walk without the aid of another person, a walker, a cane, crutches, braces, a prosthetic device, or a wheelchair;

(4) is restricted by a respiratory disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one meter;

(5) has an arterial oxygen tension ( $P_{aO_2}$ ) of less than 60 mm/hg on room air at rest;

(6) uses portable oxygen; or

(7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association.

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Subd. 2a. PHYSICIAN'S STATEMENT. The commissioner shall develop a form for the physician's statement. The statement must be signed by a licensed physician who certifies that the applicant is a physically handicapped person as defined in subdivision 2. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility. The physician's statement must specify whether the disability is permanent or temporary, and if temporary, the opinion of the physician as to the duration of the disability. A physician who fraudulently certifies to the commissioner that a person is a physically handicapped person as defined in subdivision 2, and that the person is entitled to the license plates authorized by section 168.021 or to the certificate authorized by this section, is guilty of a misdemeanor and is subject to a fine of \$500.

Subd. 3. IDENTIFYING CERTIFICATE. (a) The division of driver and vehicle services in the department of public safety shall issue without charge a special identifying certificate for a marked motor vehicle to any when a physically handicapped applicant upon submission by the applicant of a certificate by a qualified physician to the division that the applicant is a physically handicapped person within the meaning of subdivision 2 submits a physician's statement. The commissioner shall design separate certificates for persons with permanent and temporary disabilities that can be readily distinguished from each other from outside a vehicle at a distance of 25 feet. The certificate is valid for the duration of the person's disability, as specified in the physician's statement, up to a maximum of six years. A person with a disability of longer duration will be required to renew the certificate for additional periods of time, up to six years each, as specified in the physician's statement.

(b) Upon submission of satisfactory evidence When the commissioner is satisfied that a motor vehicle is used primarily for the purpose of transporting physically handicapped persons within the meaning of subdivision 2, the division may issue without charge a special identifying certificate or insignia for the vehicle. The operator of the a vehicle, when displaying the certificate or insignia, has the same parking privileges provided in subdivision 1 for the physically handicapped during the period while the vehicle is in use for transporting physically handicapped persons. The certificate issued to a person transporting physically handicapped persons must be renewed every third year. On application and renewal, the person must present evidence that the vehicle continues to be used for transporting physically handicapped persons.

The commissioner of public safety shall determine the form, size and promulgate rules governing their issuance and use necessary to carry out the provisions of this section. The physician's certificate shall specify whether the disability is permanent or temporary, and if temporary, the opinion of the physician as to the duration of the disability. The commissioner may issue special identifying certificates to temporarily physically handicapped persons for limited periods of time.

(c) A certificate must be made of plastic or similar durable material, must be

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distinct from certificates issued before January 1, 1988, and must bear its expiration date prominently on its face. A certificate issued to a temporarily disabled person must display the date of expiration of the duration of the disability, as determined under paragraph (a). Each certificate must have printed on the back a summary of the parking privileges and restrictions that apply to each vehicle in which it is used. The commissioner may charge a fee of \$5 for issuance or renewal of a certificate, and a fee of \$5 for a duplicate to replace a lost, stolen, or damaged certificate.

Subd. 4. UNAUTHORIZED USE; REVOCATION; PENALTY. If the police of the state or any city, or other local government shall find a peace officer finds that the certificate is being improperly used, ~~they~~ the officer shall report the violation to the division of driver and vehicle services in the department of public safety ~~any violation~~ and the commissioner of public safety may ~~remove~~ revoke the ~~privilege certificate.~~ A person who uses the certificate in violation of this section is guilty of a misdemeanor and is subject to a fine of \$500.

Sec. 8. Minnesota Statutes 1986, section 169.346, is amended to read:

**169.346 PARKING FOR PHYSICALLY HANDICAPPED; PROHIBITIONS; PENALTIES.**

Subdivision 1. **PARKING CRITERIA.** ~~No~~ A person shall not:

(1) park a motor vehicle in or obstruct access to a parking space designated and reserved for the physically handicapped, on either private or public property;

(2) park a motor vehicle in or obstruct access to an area designated by a local governmental unit as a handicapped transfer zone; or

(3) exercise the parking privilege provided in section 169.345, unless:

(a) (i) that person is a physically handicapped person as defined in section 169.345, subdivision 2, or the person is transporting or parking a vehicle for a physically handicapped person; and

(b) (ii) the vehicle visibly displays ~~the certificate or one of the following:~~ a license plate issued to physically handicapped persons or the under section 168.021, a certificate issued to persons transporting physically handicapped persons by the department of public safety pursuant to under section 169.345, subdivision 3, or 168.021, or if the vehicle visibly displays an equivalent certificate, insignia, or license plate issued by another state or one of its political subdivisions.

Subd. 2. **SIGNS; PARKING SPACES TO BE FREE OF OBSTRUCTIONS.** (a) Handicapped parking spaces must be designated and identified by the posting of signs incorporating the international symbol of access in white on blue and indicating that the parking space is reserved for ~~the~~ handicapped persons with vehicles displaying the required certificate, license plates, or insignia. ~~Spaces which have been clearly identified for handicapped parking by signs which are not in compliance with the design standards as set forth in this subdivision shall also be deemed designated and reserved for the physically~~

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handicapped for the purposes of this section. A sign posted for the purpose of this section must be visible from inside a vehicle parked in the space, be kept clear of snow or other obstructions which block its visibility, and be nonmovable or only movable by authorized persons.

(b) The owner or manager of the property on which the designated parking space is located shall ensure that the space is kept free of obstruction. If the owner or manager allows the space to be blocked by snow, merchandise, or similar obstructions for 24 hours after receiving a warning from a peace officer, the owner or manager is guilty of a misdemeanor and subject to a fine of up to \$500.

Subd. 3. **PENALTY.** ~~Any~~ A person who violates the provisions of subdivision 1 is guilty of a ~~petty~~ misdemeanor and shall be fined not less than ~~\$25~~ \$100 ~~nor or more than \$100~~ \$200. This subdivision shall be enforced in the same manner as parking ordinances or regulations ~~are enforced~~ in the governmental subdivision in which the violation occurs. Law enforcement officers have the authority to tag vehicles parked on either private or public property in violation of the ~~provisions of~~ subdivision 1. A physically handicapped person, ~~or a person parking a vehicle for a handicapped person, who is~~ charged with violating subdivision 1 because the person parked in a handicapped parking space without the required certificate or ~~insignia~~ license plates shall not be convicted ~~upon producing if the person produces~~ in court or ~~prior to~~ before the court appearance the required certificate or ~~insignia~~ evidence that the person has been issued license plates under section 168.021, and demonstrates entitlement to the certificate or ~~insignia~~ plates at the time of arrest or tagging.

#### Sec. 9. TRANSITION.

From January 1, 1988, to December 31, 1988, the owner of a vehicle with license plates issued under Minnesota Statutes, section 168.021, before January 1, 1988, must reapply for the plates and submit the physician's statement required under Minnesota Statutes, section 169.345, subdivision 2a, to the commissioner of public safety when the registration for the plates expires. A certificate issued under Minnesota Statutes, section 169.345, before January 1, 1988, expires on December 31, 1988, unless it is reissued by the commissioner before that date. The commissioner shall develop and implement an informational campaign to notify the public and holders of certificates and license plates issued before January 1, 1988, of the need to reapply for certificates and license plates and of other changes made by sections 1 to 8 in the certificate and license plate program for physically handicapped persons. The council for the handicapped shall assist the commissioner and officials charged with enforcing municipal parking restrictions in the implementation of sections 1 to 8.

#### Sec. 10. REPEALER.

Minnesota Statutes 1986, section 168.021, subdivision 7, is repealed.

#### Sec. 11. EFFECTIVE DATE.

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

Sections 1 to 8 and 10 are effective January 1, 1988. Section 9 is effective the day following final enactment.

Approved June 2, 1987

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CHAPTER 356—S.F.No. 652

*An act relating to agriculture; providing a computerized filing system and central data base for uniform commercial code financing statements and lien statements; imposing a penalty; appropriating money; amending Minnesota Statutes 1986, section 336.9-407; proposing coding for new law in Minnesota Statutes, chapter 336.*

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

Section 1. Minnesota Statutes 1986, section 336.9-407, is amended to read:

**336.9-407 INFORMATION FROM FILING OFFICER.**

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall conduct a search of a file for any effective financing statements naming a particular debtor and any statement of assignment thereof. The filing officer shall report the findings as of that date and hour by issuing:

(a) a certificate listing the file number, date, and hour of each filing and the names and addresses of each secured party therein;

(b) photocopies of the original documents on file; or,

(c) upon request, both the certificate and photocopies of the statements.

The uniform fee for conducting the search and for preparing a certificate showing up to five listed filings or for preparing up to five photocopies of original documents, or any combination of up to five listed filings and photocopies, shall be \$5 if the request is in the standard form prescribed by the secretary of state and otherwise shall be \$10. Another fee, at the same rate, shall also be charged for conducting a search and preparing a certificate showing federal and state tax liens on file with the filing officer naming a particular debtor. There shall be an additional fee of 50 cents for each financing statement and each statement of assignment or tax lien listed on the certificate and for each photocopy prepared in excess of the first five. Notwithstanding the fees set in this section, a natural person who is the subject of data must, upon the person's request, be shown the data without charge, and upon request be

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