

349.15 USE OF PROFITS.

(a) Profits from lawful gambling may be expended only for lawful purposes or allowable expenses as authorized at a regular meeting of the conducting organization. Provided that no more than 55 percent of profits from bingo, and no more than 45 percent for other forms of lawful gambling, may be expended for necessary allowable expenses related to lawful gambling.

(b) The board shall provide by rule for the administration of this section, including specifying allowable expenses. The rules must specify that no more than one-third of the annual premium on a policy of liability insurance procured by the organization may be taken as an allowable expense from the gross receipts from lawful gambling. This expense shall be allowed by the board only to the extent that it relates directly to the conduct of lawful gambling and is verified in the manner the board prescribes by rule. The rules may provide a maximum percentage of gross receipts which may be expended for certain expenses.

(c) Allowable expenses include reasonable legal fees and damages that relate to the conducting of lawful gambling, except for legal fees or damages incurred in defending the organization against the board, attorney general, United States attorney, commissioner of revenue, or a county or city attorney.

Sec. 3. EFFECTIVE DATE.

Section 2 is effective retroactively to January 1, 1987, and applies to any legal expense incurred after that date.

Presented to the governor May 19, 1989

Signed by the governor May 19, 1989, 11:30 p.m.

CHAPTER 204—S.F.No. 163

An act relating to traffic regulations; regulating U-turns; providing for color and equipment requirements on school buses carrying ten or more persons; establishing conditions under which school bus drivers must activate flashing amber lights; providing for bumper requirements on private passenger vehicles and rear-end protection for other vehicles; providing for strength requirements of wheelchair securement devices; amending Minnesota Statutes 1988, sections 169.19, subdivision 2; 169.44, subdivisions 1a and 2; 169.73; 299A.12; and 299A.13, subdivision 1.

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

Section 1. Minnesota Statutes 1988, section 169.19, subdivision 2, is amended to read:

Subd. 2. **U-TURNS.** No vehicle shall be turned so as to pro-

New language is indicated by underline, deletions by ~~strikeout~~.

ceed in the opposite direction upon any curve, or upon the approach to or near the the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 1,000 feet, nor shall the driver of a vehicle turn the vehicle so as to proceed in the opposite direction unless the movement can be made safely and without interfering with other traffic.

Sec. 2. Minnesota Statutes 1988, section 169.44, subdivision 1a, is amended to read:

Subd. 1a. **EQUIPMENT AND COLOR REQUIREMENTS.** Every school bus with a seating capacity in excess of ~~16~~ ten persons ~~and every vehicle purchased for delivery after April 1, 1977 for use in the state of Minnesota as a school bus, with a seating capacity in excess of ten persons~~ including the driver, shall be equipped with a stop signal arm, prewarning flashing amber signals and flashing red signals. Every new school bus purchased for delivery after June 1, 1973, for use in the state of Minnesota as a school bus with a seating capacity in excess of ~~16~~ ten persons ~~and every new vehicle purchased for delivery after April 1, 1977 for use in the state of Minnesota as a school bus, with a seating capacity in excess of ten persons~~ including the driver, shall be of a uniform color, national school bus glossy yellow. Any school bus substantially repainted after June 1, 1973 shall be painted national school bus glossy yellow. Any school bus or vehicle which satisfies these equipment and color requirements and which bears signs containing the words "school bus" as provided in subdivision 3 shall be deemed to be outwardly equipped and identified as a school bus for purposes of this section.

Sec. 3. Minnesota Statutes 1988, section 169.44, subdivision 2, is amended to read:

Subd. 2. **LOADING AND UNLOADING PASSENGERS; USE OF SIGNALS.** (a) ~~Drivers~~ A driver of a vehicle outwardly equipped and identified as a school bus shall actuate the prewarning flashing amber signals of the bus before stopping to load or unload a school child or children. The driver shall actuate the flashing amber signals at least 100 feet before stopping in a speed zone of 35 miles per hour or less and at least 300 feet when operating outside an incorporated municipality and at least 100 feet when operating within an incorporated municipality and, before stopping in a speed zone of more than 35 miles per hour. Upon stopping for ~~such~~ this purpose, ~~such drivers~~ the driver shall extend the stop signal arm and actuate the flashing red signals and shall not retract the stop signal arm and extinguish the flashing red signals until loading or unloading is completed and persons who must cross the street or highway are safely across.

(b) School bus drivers shall not actuate the prewarning flashing amber signals or flashing red signals:

(1) in special school bus loading areas where the bus is entirely off the traveled portion of the road;

New language is indicated by underline, deletions by ~~strikeout~~.

(2) in residence or business districts of cities except when directed by the local school administrator;

(3) when a school bus is being used on a highway for purposes other than the actual transportation of school children to or from school or a school approved activity, in which event the words "school bus" on the front and rear of the bus shall be removed or completely concealed;

(4) at railroad grade crossings; and

(5) when loading and unloading persons while the bus is completely off the traveled portion of a separated, one-way roadway that has adequate shoulders. The driver shall drive the bus completely off the traveled portion of a separated, one-way roadway with adequate shoulders before loading or unloading persons.

(c) Where school children must cross the road before boarding or after being discharged from the bus, the driver of a school bus or a school bus patrol may supervise such crossings making use of the standard school patrol flag or signal as approved and prescribed by the commissioner of public safety. When children are alighting from a school bus, the driver shall visually ascertain that alighting children shall be a safe distance from the bus before moving the bus.

(d) Vehicles not outwardly equipped and identified as school buses shall load or unload school children only from the right-hand side of the vehicle, except on a one-way street such vehicle shall load or unload school children only from the curb side of the vehicle.

Sec. 4. Minnesota Statutes 1988, section 169.73, is amended to read:

169.73 BUMPERS, SAFEGUARDS.

Subdivision 1. **DEFINITIONS.** As used in this section "private passenger vehicle" means a four-wheeled passenger automobile as defined in section 168.011, but does not include a collector vehicle or collector military vehicle as defined in section 168.10; a station wagon subdivision 7; a van as defined in section 168.011, subdivision 28; a pickup truck as defined in section 168.011, subdivision 29; and a jeep-type automobile or other multipurpose vehicle or a truck with a manufacturer's rated capacity of 2,000 pounds or less. "Private passenger vehicle" does not include a collector vehicle or collector military vehicle as defined in section 168.10.

"Suspension system" includes both the front and rear wheels and tires of a vehicle as specified in subdivision 3.

Subd. 2. **BUMPER REQUIREMENT.** All private passenger vehicles shall be equipped with front and rear bumpers, except that pickup trucks and vans shall be equipped with front bumpers and with either rear bumpers or reflectors.

Subd. 3. **BUMPER RESTRICTIONS.** No person shall operate a private passenger automobile, station wagon, jeep type automobile, or truck with a

New language is indicated by underline, deletions by ~~strikeout~~.

manufacturer's rated capacity of 2,000 pounds or less vehicle that: (a) was originally equipped with bumpers as standard equipment, unless the vehicle is equipped with bumpers equal to the original equipment; or (b) has a suspension system or body so modified that the height of the vehicle or any bumpers varies more than six inches from the original manufactured height for the vehicle.

Subd. 4. **MAXIMUM BUMPER HEIGHT.** Notwithstanding the restrictions contained in subdivision 3, bumpers required under this section shall not exceed a height of (1) 20 inches on any passenger automobile or station wagon or (2) 25 inches on any four-wheel drive multipurpose type vehicle, van as defined in section 168.011, subdivision 28, or pickup truck having a manufacturer's rated capacity of 2,000 pounds or less as defined in section 168.011, subdivision 29, when the vehicle is being operated on a public highway. The height of the bumper shall be determined by measuring from the bottom of the bumper, excluding any vertical bumper attachments, to the ground. A vehicle which has an original bumper which does not exceed a height of 30 inches may be modified by attaching a full width bumper to the regular bumper to meet the height requirement. The attached bumper must be at least 4.5 inches in vertical height, be centered on the vehicle's centerline, extend at least ten inches on either side of the frame, and be attached to the frame in at least four places with angle braces at no less than 45 degrees so that it effectively transfers impact to an extent equal to or greater than the original bumper.

Competent evidence that a vehicle was originally manufactured with bumpers higher than prescribed in this subdivision shall be an affirmative defense in any action under this section.

Subd. 4a. REAR-END PROTECTION FOR OTHER VEHICLES. Vehicles other than private passenger vehicles, collector vehicles, collector military vehicles, and other vehicles specifically exempted by law from such requirements must meet the rear-end protection requirements of federal motor carrier regulations, Code of Federal Regulations, title 49, section 393.86.

Subd. 5. **PENALTY.** Any person who violates this section is guilty of a misdemeanor.

Sec. 5. Minnesota Statutes 1988, section 299A.12, is amended to read:

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~~ subdivisions 1 and 2. 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.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. The strength requirements for securing the part of a wheelchair that is forward in the vehicle shall be one half of those required for the rear. Where the wheelchair securement device and the seat belt are combined in a common system, those parts which provide the combined restraining force shall have a combined strength of both according to the strength requirements of each as adopted by the commissioner of public safety.

Subd. 3. A vehicle used to provide transportation service shall carry only as many persons seated in wheelchairs as the number of securement devices approved by the commissioner of public safety as meeting the specifications of ~~subdivision~~ subdivisions 1 and 2 with which the vehicle is equipped, and each occupied wheelchair shall be secured by such a securement device before the vehicle is set in motion.

Sec. 6. Minnesota Statutes 1988, section 299A.13, subdivision 1, is amended to read:

Subdivision 1. Any vehicle used to provide transportation service shall be equipped with seat belts which are approved by the commissioner of public safety. The seat belts required by this subdivision shall be adequate to secure the occupant of a wheelchair who is being transported by the vehicle. These seat belts shall be used only to secure the person and shall not be used to secure the wheelchair unless the wheelchair securement force is not cumulative to the seat belt. The seat belts shall meet all other applicable state and federal requirements for safety.

Presented to the governor May 18, 1989

Signed by the governor May 19, 1989, 12:20 a.m.

CHAPTER 205—H.F.No. 527

An act relating to state parks; requiring collection facilities for recycling containers in state parks; proposing coding for new law in Minnesota Statutes, chapter 85.

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

Section 1. [85.205] RECEPTACLES FOR RECYCLING.

The commissioner of natural resources must provide recycling conveniences at all state parks.

(a) State parks managers must provide and maintain adequate receptacles for collection of food containers for recycling in all state parks.

(b) Appropriate recycling information must be available to all state park visitors.

New language is indicated by underline, deletions by ~~strikeout~~.