

sold or intended for use in public occupancies after the effective date of sections 1 to 9 that fails to conform to the applicable flammability standard and labeling requirement provided under sections 1 to 9, or rule of the state fire marshal adopted under section 5, is prohibited from being sold or used for public occupancies.

Sec. 7. [299F.846] PERFORMANCE STANDARDS; TESTING.

The applicable flammability requirements of sections 1 to 9 or rules adopted under section 5 are to be considered as performance standards. Testing under these standards is at the discretion of the manufacturer. However, new seating furniture offered for sale in this state on or after the effective date of sections 1 to 9 must meet applicable flammability requirements as set out by rule adopted under section 5.

Sec. 8. [299F.847] TEST INSPECTIONS, AUDITS.

The state fire marshal may inspect or audit the testing of seating furniture as may be considered necessary under rules adopted under section 5.

Sec. 9. [299F.848] CIVIL ACTION.

The state fire marshal may institute a civil action or proceeding to enjoin a person from selling seating furniture on or after the effective date of sections 1 to 9, that does not meet the requirements of sections 1 to 8, and that is sold or intended for use in public occupancies.

Sec. 10. EFFECTIVE DATE.

This act is effective January 1, 1992.

Presented to the governor April 19, 1990

Signed by the governor April 20, 1990, 10:12 a.m.

CHAPTER 466—H.F.No. 2458

*An act relating to hazardous materials; directing the commissioner of public safety to plan a system for a regional hazardous materials incident response program; establishing an advisory task force.*

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

Section 1. HAZARDOUS MATERIALS INCIDENT RESPONSE.

The commissioner of public safety shall plan a statewide system of response to spills, emissions, or exposure of hazardous materials by regional teams estab-

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

lished by the state, local government emergency responders, and private industry, including cleanup contractors. In developing the plan, the commissioner shall consult with the advisory task force established by section 2. The commissioner shall submit the plan, along with any recommendations for further legislation, to the legislature by January 1, 1991. The plan must cover, at a minimum:

(1) the appropriate role of the state, local governments, and the private sector in the response system;

(2) the number of teams needed, and where they should be located, to provide quick response to incidents;

(3) a method of contracting with local governments in which teams are to be located;

(4) the minimum equipment and staffing needed by each team;

(5) the minimum training and certification requirements needed for team members;

(6) recommendations for compensating communities in which teams are located and for compensating team members;

(7) a fee system to support the system; and

(8) recommendations on holding harmless from increased liability the individuals and local governments that take part in hazardous materials incident response.

## Sec. 2. ADVISORY TASK FORCE.

Subdivision 1. MEMBERSHIP. The hazardous materials incident response advisory task force consists of the commissioner of public safety or the commissioner's designee, the commissioner of the pollution control agency or the commissioner's designee, and eight members appointed by the commissioner of public safety. The members appointed by the commissioner must include:

(1) three persons representing the fire service, including representatives of the Minnesota professional firefighters, the Minnesota state fire department association, and the Minnesota state fire chiefs;

(2) three persons representing private industry, including representatives of small businesses, businesses other than small businesses, and the transportation industry;

(3) a representative of the Minnesota league of cities; and

(4) a representative of the general public.

Compensation and removal of members and the filling of membership vacancies are governed by section 15.059.

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Subd. 2. DUTIES. The advisory task force shall advise the commissioner of public safety on the development of the plan required by section 1.

Subd. 3. ADMINISTRATIVE ASSISTANCE. The commissioner of public safety shall provide office space and administrative assistance necessary for the performance of the advisory task force's duties.

**Sec. 3. REPEALER.**

Section 2 is repealed effective June 30, 1991.

**Sec. 4. EFFECTIVE DATE.**

Sections 1 and 2 are effective July 1, 1990.

Presented to the governor April 19, 1990

Signed by the governor April 20, 1990, 10:53 a.m.

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**CHAPTER 467—H.F.No. 2204**

*An act relating to insurance; clarifying an insurer's duty to provide loss or claims experience data to an insured; amending Minnesota Statutes 1989 Supplement, sections 72A.20, subdivision 26; 72A.501, subdivision 1; and 72A.502, subdivision 9, and by adding a subdivision.*

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

Section 1. Minnesota Statutes 1989 Supplement, section 72A.20, subdivision 26, is amended to read:

**Subd. 26. LOSS EXPERIENCE.** An insurer shall without cost to the insured provide an insured with the loss or claims experience of that insured for the current policy period and for the two policy periods preceding the current one for which the insurer has provided coverage, within 30 days of a request for the information by the policyholder. Claims experience data must be provided to the insured in accordance with state and federal requirements regarding the confidentiality of medical data. The insurer shall not be responsible for providing information without cost more often than once in a 12-month period. The insurer is not required to provide the information if the policy covers the employee of more than one employer and the information is not maintained separately for each employer and not all employers request the data.

An insurer, health maintenance organization, or a third-party administrator may not request more than three years of loss or claims experience as a condition of submitting an application or providing coverage.

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