

## CHAPTER 162—H.F.No. 74

*An act relating to municipal tort liability; specifying liability for injuries caused by beach and swimming pool equipment; amending Minnesota Statutes 1990, section 466.03, by adding a subdivision.*

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

Section 1. Minnesota Statutes 1990, section 466.03, is amended by adding a subdivision to read:

Subd. 6f. BEACH OR POOL EQUIPMENT. (a) Subject to paragraphs (b) and (c), any claim based upon an injury arising out of the use by any person of a diving board, diving platform, diving raft, water slide, nonwater slide, or dock installed at a beach or swimming pool owned, leased, or operated by a municipality other than a school district, if the injury occurred when the beach or swimming pool was closed as indicated by a sign posted at the beach or pool.

(b) A municipality has a duty to use reasonable care to warn trespassers of any danger or risk involved with the use of beach or pool equipment described in paragraph (a) if the municipality:

(1) knows or has reason to know that trespassers regularly use certain portions of the beach or pool equipment;

(2) installs, operates, or maintains the equipment in a way known as likely to cause death or serious bodily harm; and

(3) has reason to believe trespassers would not discover the risks involved in the use of the equipment.

The requirements of this paragraph do not apply if a trespasser knows or has reason to know of the condition of the equipment and the risk involved in its use.

(c) Nothing in this subdivision limits the liability of a municipality for conduct that would entitle trespassing children to damages against a private person.

Presented to the governor May 20, 1991

Signed by the governor May 23, 1991, 7:18 p.m.

## CHAPTER 163—S.F.No. 132

*An act relating to public safety; providing for wheelchair securement devices in transit vehicles for transporting disabled people; amending Minnesota Statutes 1990, sections 299A.11; 299A.12, subdivision 1, and by adding a subdivision; and 299A.14, subdivision 3.*

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

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

Section 1. Minnesota Statutes 1990, section 299A.11, is amended to read:

**299A.11 VEHICLES TRANSPORTING WHEELCHAIR USERS; DEFINITIONS.**

The following terms have the definitions given them for the purposes of sections 299A.11 to 299A.18:

(a) "Wheelchair securement device" or "securement device" means an apparatus installed in a transit vehicle or other motor vehicle for the purpose of securing an occupied wheelchair into a location in the vehicle and preventing movement of that wheelchair while the vehicle is in motion.

(b) "Operator" means any person, firm, partnership, corporation, service club, public or private agency, city, town or county. Section 299A.15 does not apply to any school bus as defined in section 169.01, subdivision 6.

(c) "Transportation service" means the transportation by motor vehicle, other than a school bus manufactured before January 1, 1988, of any sick, injured, invalid, incapacitated, or handicapped individual while occupying a wheelchair, which transportation is offered or provided by any operator to the public or to its employees or in connection with any other service offered by the operator including schooling or nursing home, convalescent or child care services.

(d) "Transit vehicle" means a bus that is not a school bus as defined in section 169.01, subdivision 6, with a gross vehicle weight rating greater than 15,000 pounds.

Sec. 2. Minnesota Statutes 1990, section 299A.12, subdivision 1, is amended to read:

Subdivision 1. **GENERAL REQUIREMENTS.** Except as provided in subdivision 4, 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 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.

Sec. 3. Minnesota Statutes 1990, section 299A.12, is amended by adding a subdivision to read:

**Subd. 4. TRANSIT VEHICLES; RULES.** A transit vehicle used to provide transportation services may be equipped with wheelchair securement devices that may be engaged and released by the user or the user's assistant. The commissioner of public safety shall adopt rules as necessary to set standards for the operation, strength, and use of these wheelchair securement devices.

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

Sec. 4. Minnesota Statutes 1990, section 299A.14, subdivision 3, is amended to read:

Subd. 3. The inspection shall be made to determine that the vehicle complies with the provisions of sections 299A.12, ~~subdivision~~ subdivisions 1 and 4, and 299A.13, subdivision 1; that the securement device is in working order; and that the securement device is not in need of obvious repair. The inspection may include testing the use of a securement device while the vehicle is in motion.

Presented to the governor May 20, 1991 .

Signed by the governor May 23, 1991, 7:20 p.m.

#### CHAPTER 164—S.F.No. 397

*An act relating to capital improvements; altering the terms of a grant to the Red Lake watershed district; amending Laws 1990, chapter 610, article 1, section 20, subdivision 5.*

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

Section 1. Laws 1990, chapter 610, article 1, section 20, subdivision 5, is amended to read:

Subd. 5. For flood plain management for grants under Minnesota Statutes, section 104.11

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The commissioner of natural resources must give priority to projects with federal matching money and to projects currently under construction. Where practical, the commissioner shall encourage phased construction to maximize the number of projects started.

In the case of a grant for the Good Lake project in the Red Lake watershed district, the impoundment structure must be constructed on land leased to which the Red Lake watershed district has been granted a 40-year easement by the Red Lake Band of Chippewa Indians ~~under a ground lease having an initial term of at least 20 years and a total term of at least 40 years, including renewal options. During the term of the ground lease the facilities constructed~~

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