

report must include recommendations for improvements in Minnesota Statutes that are in the best interests of production agriculture in the state and the economic, environmental, and social environment and preservation of the family farm.

Subd. 7. EXPIRATION. The corporate farming law task force expires 45 days after its report and recommendations are delivered to the legislature or on May 15, 1995, whichever date is earlier.

Sec. 7. EFFECTIVE DATE.

Section 6 is effective the day following final enactment.

Presented to the governor May 6, 1994

Signed by the governor May 10, 1994, 3:54 p.m.

CHAPTER 623—S.F.No. 2429

An act relating to the use of public services and resources; modifying the list of protected game birds; authorizing nonresident multiple zone antlered deer licenses; exemptions from pest control licensing; purchase of archery deer licenses after the firearms season opens; limiting the authority of the commissioner of natural resources to regulate archery; administration of contraceptive chemicals to wild animals; possession of firearms in muzzle-loader only deer zones; modifying restrictions on operation of snowmobiles by minors; providing for free small game licenses for disabled veterans; undesirable exotic aquatic plants and wild animals; Eurasian wild pigs; clarifying the requirement to wear blaze orange clothing during deer season; allowing local road authorities to remove beaver dams and lodges near public roads; exemptions from fur buying and selling licensure; extending hours for tending traps; allowing released game birds to be recaptured without a license; allowing use of retractable broadhead arrows in taking big game; authorizing the commissioner of natural resources to allow use of certain mechanical devices for hooking fish; allowing nonresidents to take rough fish by harpooning; requiring the department of natural resources to share in the expense of partition fences; allowing the taking of two deer in designated counties during the 1994 and 1995 hunting seasons; abolishing the nonresident bear guide license; clarifying restrictions on importation of fish imported from Ontario; temporarily modifying provisions relating to raccoon and red fox; requiring reports; consolidating and recodifying statutes providing limitations on private personal injury liability; providing immunity for certain volunteer athletic physicians and trainers; limiting liability for certain injuries arising out of nonprofit livestock activities; modifying provisions dealing with recreational land use liability; providing limitations on liability of officers, directors, and agents of economic development authorities; amending Minnesota Statutes 1992, sections 18.317, subdivisions 1, 1a, 2, 3, 4, and 5; 84.966, subdivision 1; 84.967; 84.968, subdivision 2; 84.9691; 86B.401, subdivision 11; 97A.015, subdivisions 24 and 52; 97A.115, subdivision 2; 97A.441, by adding a subdivision; 97A.475, subdivision 3; 97A.485, subdivision 9; 97A.501, by adding a subdivision; 97B.035, by adding a subdivision; 97B.075; 97B.211, subdivision 2; 97B.701, by adding a subdivision;

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97B.711, subdivision 1; 97B.905, subdivision 1; 97B.931; 97C.325; 144.761, subdivision 5; 344.03, subdivision 1; and 469.091, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 18.317, subdivision 3a; 18B.32, subdivision 1; 84.872; 84.9692, subdivisions 1 and 2; 84.9695, subdivisions 1, 8, and 10; 97A.531, subdivision 6, as added; 97B.041; 97B.071; 97B.711, subdivision 2; Laws 1993, chapters 129, section 4, subdivision 4; and 273, section 1; proposing coding for new law in Minnesota Statutes, chapter 97B; proposing coding for new law as Minnesota Statutes, chapter 604A; repealing Minnesota Statutes 1992, sections 31.50; 87.01; 87.021; 87.0221; 87.023; 87.024; 87.025; 87.026; 87.03; 97A.475, subdivision 17; 604.05; 604.08; 604.09; and 609.662, subdivision 5.

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

ARTICLE 1

NATURAL RESOURCES

Section 1. Minnesota Statutes 1992, section 18.317, subdivision 1, is amended to read:

18.317 WATER TRANSMITTED HARMFUL EXOTIC SPECIES UNDESIRABLE EXOTIC AQUATIC PLANTS OR WILD ANIMALS.

Subdivision 1. **TRANSPORTATION PROHIBITED.** Except as provided in subdivision 2, a person may not transport Eurasian or Northern water milfoil, myriophyllum spicatum or exalbescens, zebra mussels, or ~~other water-transmitted harmful exotic species~~ undesirable exotic aquatic plants or wild animals identified by the commissioner of natural resources on a road or highway, as defined in section 160.02, subdivision 7, or on forest roads.

Sec. 2. Minnesota Statutes 1992, section 18.317, subdivision 1a, is amended to read:

Subd. 1a. **PLACEMENT PROHIBITED.** A person may not intentionally place ~~ecologically harmful exotic species~~ undesirable exotic aquatic plants or wild animals, as defined in section 84.967, in public waters within the state.

Sec. 3. Minnesota Statutes 1992, section 18.317, subdivision 2, is amended to read:

Subd. 2. **EXCEPTION.** A person may transport Eurasian or Northern water milfoil, myriophyllum spicatum or exalbescens, or other ~~water-transmitted harmful exotic species~~ undesirable exotic aquatic plants or wild animals identified by the commissioner of natural resources for disposal as part of a harvest or control activity conducted under a permit or as specified by the commissioner.

Sec. 4. Minnesota Statutes 1992, section 18.317, subdivision 3, is amended to read:

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

Subd. 3. **LAUNCHING OF WATERCRAFT WITH EURASIAN OR NORTHERN WATER MILFOIL OR OTHER HARMFUL SPECIES PROHIBITED.** (a) A person may not place a trailer or launch a watercraft ~~with~~ into waters of the state if the trailer or watercraft has attached to it Eurasian or Northern water milfoil, zebra mussels, or other ~~water-transmitted harmful exotic species undesirable exotic aquatic plants or wild animals~~ identified by the commissioner of natural resources ~~attached into waters of the state~~. A conservation officer or other licensed peace officer may order the removal of Eurasian or Northern water milfoil, zebra mussels, or other ~~water-transmitted harmful exotic species undesirable exotic aquatic plants or wild animals~~ identified by the commissioner of natural resources from a trailer or watercraft before being placed or launched into waters of the state.

(b) For purposes of this section, the meaning of watercraft includes a float plane and "waters of the state" has the meaning given in section 103G.005, subdivision 17.

(c) A commercial harvester shall clean aquatic plant harvesting equipment of all aquatic vegetation at a suitable location before launching the equipment in another body of water.

Sec. 5. Minnesota Statutes 1993 Supplement, section 18.317, subdivision 3a, is amended to read:

Subd. 3a. **INSPECTION OF WATERCRAFT AND EQUIPMENT.** ~~Licensed~~ Watercraft and associated equipment, including weed harvesters, that are removed from any waters of the state that the commissioner of natural resources identifies as being contaminated with Eurasian water milfoil, zebra mussels, or other ~~water-transmitted exotic harmful species undesirable exotic aquatic plants or wild animals~~ identified by the commissioner of natural resources, shall be randomly inspected between May 1 and October 15 for a minimum of 10,000 hours by personnel authorized by the commissioner of natural resources. Beginning in calendar year 1994, a minimum of 20,000 hours of random inspections must be conducted per year.

Sec. 6. Minnesota Statutes 1992, section 18.317, subdivision 4, is amended to read:

Subd. 4. **ENFORCEMENT.** This section may be enforced by conservation officers under sections 97A.205 ~~and~~ 97A.211, and 97A.221, subdivision 1, paragraph (a), clause (1), and by other licensed peace officers.

Sec. 7. Minnesota Statutes 1992, section 18.317, subdivision 5, is amended to read:

Subd. 5. **PENALTY.** A person who violates subdivision 1, 1a, 3, or 3a is guilty of a misdemeanor. A person who refuses to obey the order of a peace officer or conservation officer to remove Eurasian or Northern water milfoil, zebra mussels, or other undesirable exotic aquatic plants or wild animals from a trailer or watercraft is guilty of a misdemeanor.

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

Sec. 8. Minnesota Statutes 1993 Supplement, section 18B.32, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENT.** (a) A person may not engage in structural or aquatic pest control applications:

(1) for hire without a structural pest control license or, for an aquatic pest control application, an aquatic pest control license; and

(2) as a sole proprietorship, company, partnership, or corporation unless the person is or employs a licensed master in structural pest control operations or, for an aquatic pest control application, a commercial aquatic applicator.

(b) A structural or aquatic pest control licensee must have a valid license identification card when applying pesticides for hire and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The license identification card must contain information required by the commissioner.

(c) Notwithstanding the licensing requirements of this subdivision, a person may control the following nuisance or economically damaging wild animals, by trapping, without a structural pest control license:

(1) fur-bearing animals, as defined in section 97A.015, with a valid trapping license or special permit from the commissioner of natural resources; and

(2) skunks, woodchucks, gophers, porcupines, coyotes, moles, and weasels.

Sec. 9. Minnesota Statutes 1993 Supplement, section 84.872, is amended to read:

84.872 YOUTHFUL SNOWMOBILE OPERATORS; PROHIBITIONS.

Subdivision 1. RESTRICTIONS ON OPERATION. Notwithstanding anything in section 84.87 to the contrary, no person under 14 years of age shall make a direct crossing of a trunk, county state-aid, or county highway as the operator of a snowmobile, or operate a snowmobile upon a street or highway within a municipality. A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a trunk, county state-aid, or county highway only if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner or a valid motor vehicle operator's license issued by the commissioner of public safety or the drivers license authority of another state. No person under the age of 14 years shall operate a snowmobile on any public land or water ~~under the jurisdiction of the commissioner or grant-in-aid trail~~ unless accompanied by one of the following listed persons on the same or an accompanying snowmobile, or on a device towed by the same or an accompanying snowmobile: the person's parent, legal guardian, or other person 18 years of age or older. However, a person 12 years of age or older may operate a snowmobile on public lands and waters ~~under the jurisdiction of the commissioner or a grant-in-aid trail~~ if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner.

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Subd. 2. OWNER'S DUTIES. It is unlawful for any person who is the owner or in lawful control of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

Subd. 3. REPORTING CONVICTIONS; SUSPENSIONS. When the judge of a juvenile court, or any of its duly authorized agents, shall determine that any person, while less than 18 years of age, has violated the provisions of sections 84.81 to 84.88, or any other state or local law or ordinance regulating the operation of snowmobiles, the judge, or duly authorized agent, shall immediately report ~~such~~ this determination to the commissioner and may recommend the suspension of the person's snowmobile safety certificate. The commissioner is hereby authorized to suspend the certificate, without a hearing.

Sec. 10. Minnesota Statutes 1992, section 84.966, subdivision 1, is amended to read:

Subdivision 1. **DEFINITION.** For the purpose of this section, "purple loosestrife" means lythrum salicaria, lythrum virgatum, or combinations thereof.

Sec. 11. Minnesota Statutes 1992, section 84.967, is amended to read:

84.967 ECOLOGICALLY HARMFUL SPECIES; ~~DEFINITION~~ DEFINITIONS.

Subdivision 1. SCOPE. For the purposes of sections 84.967 to ~~84.969~~ 84.9692, the following terms have the meanings given them.

Subd. 2. ECOLOGICALLY HARMFUL EXOTIC SPECIES. "Ecologically harmful exotic species" means nonnative aquatic plants or wild animals that can naturalize, have high propagation potential, are highly competitive for limiting factors, and cause or may cause displacement of, or otherwise threaten, native plants or native animals in their natural communities.

Subd. 3. LIMITED INFESTATION OF EURASIAN WATER MILFOIL. "Limited infestation of Eurasian water milfoil" or "limited infestation" means an infestation of Eurasian water milfoil that occupies less than 20 percent of the littoral area of a water body up to a maximum of 75 acres, excluding water bodies where mechanical harvesting is used to manage Eurasian water milfoil or where no Eurasian water milfoil control is planned.

Sec. 12. Minnesota Statutes 1992, section 84.968, subdivision 2, is amended to read:

Subd. 2. **REPORT.** The commissioner of natural resources shall by January 1 each year submit a report on ecologically harmful exotic species to the legislative committees having jurisdiction over environmental and natural resource issues. The report must include:

(1) detailed information on expenditures for administration, education, eradication, inspections, and research;

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(2) an analysis of the effectiveness of management activities conducted in the state, including chemical eradication, harvesting, educational efforts, and inspections;

(3) information on the participation of other state agencies, local government units, and interest groups in control efforts;

(4) information on management efforts in other states;

(5) information on the progress made by species; and

(6) an estimate of future management needs; ~~and~~

~~(7) an analysis of the financial impact on persons who transport weed harvesters of the prohibition in section 18.317, subdivision 1.~~

Sec. 13. Minnesota Statutes 1992, section 84.9691, is amended to read:

84.9691 RULEMAKING.

(a) The commissioner of natural resources may adopt emergency and permanent rules restricting the introduction, propagation, use, possession, and spread of ecologically harmful exotic species in the state, as outlined in section 84.967. The emergency rulemaking authority granted in this paragraph expires July 1, 1994.

(b) The commissioner shall adopt rules to identify bodies of water with limited infestation of Eurasian water milfoil. The areas that are infested shall be marked and prohibited for use.

(c) A violation of a rule adopted under this section is a misdemeanor.

Sec. 14. Minnesota Statutes 1993 Supplement, section 84.9692, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY TO ISSUE.** After appropriate training, conservation officers, peace officers, and other staff designated by the commissioner may issue warnings or citations to persons who:

(1) unlawfully transport ecologically harmful exotic species on a public road;

(2) place a trailer or launch a watercraft with ecologically harmful species attached into waters of the state;

(3) operate a watercraft in a marked Eurasian water milfoil limited infestation area; or

(4) damage, remove, or sink a buoy marking a Eurasian water milfoil infestation area.

Sec. 15. Minnesota Statutes 1993 Supplement, section 84.9692, subdivision 2, is amended to read:

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Subd. 2. **PENALTY AMOUNT.** A citation issued under this section may impose up to the following penalty amounts:

(1) \$50 for transporting visible Eurasian water milfoil on a public road in each of the following locations:

(i) the exterior of the watercraft below the gunwales including the propulsion system;

(ii) any surface of a watercraft trailer;

(iii) any surface of a watercraft interior of the gunwales;

(iv) any water container including live wells, minnow buckets, or coolers which hold water; or

(v) any other area where visible Eurasian water milfoil is found not previously described in items (i) to (iv);

(2) \$150 for transporting visible zebra mussels on a public road;

(3) \$300 for transporting live ruffe or live rusty crayfish on a public road;

(4) for attempting to launch or launching into noninfested waters a watercraft with visible Eurasian water milfoil or adult zebra mussels attached, \$500 for a first offense and \$1,000 for a second or subsequent offense;

(5) \$100 for operating a watercraft in a marked Eurasian water milfoil limited infestation area other than as provided by law;

(6) \$150 for intentionally damaging, moving, removing, or sinking a milfoil buoy; or

(7) \$150 for launching or attempting to launch into infested waters a watercraft with visible Eurasian water milfoil or visible zebra mussels attached.

Sec. 16. Minnesota Statutes 1993 Supplement, section 84.9695, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of ~~natural resources~~ agriculture.

(c) "Restricted species" means Eurasian wild pigs and their hybrids (*Sus scrofa* subspecies and *Sus scrofa* hybrids), excluding domestic hogs (*S. scrofa domestica*).

(d) "Release" means an intentional introduction or escape of a species from the control of the owner or responsible party.

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

Sec. 17. Minnesota Statutes 1993 Supplement, section 84.9695, subdivision 8, is amended to read:

Subd. 8. **CONTAINMENT.** The commissioner, in consultation with the commissioner of natural resources, shall develop criteria for approved containment measures for restricted species with the assistance of producers of restricted species.

Sec. 18. Minnesota Statutes 1993 Supplement, section 84.9695, subdivision 10, is amended to read:

Subd. 10. **FEE.** The commissioner shall impose a fee for permits in an amount sufficient to cover the costs of issuing the permits and for facility inspections. The fee may not exceed \$50. Fee receipts must be deposited in the state treasury and credited to the ~~game and fish~~ special revenue fund and are appropriated to the commissioner for the purposes of this section.

Sec. 19. Minnesota Statutes 1992, section 86B.401, subdivision 11, is amended to read:

Subd. 11. **SUSPENSION FOR NOT REMOVING EURASIAN OR NORTHERN WATER MILFOIL OR OTHER HARMFUL UNDESIRABLE EXOTIC SPECIES.** The commissioner, after notice and an opportunity for hearing, may suspend for a period of not more than one year the license of a watercraft if the owner or person in control of the watercraft or its trailer refuses to comply with an inspection order of a conservation officer or other licensed peace officer or an order to remove Eurasian or Northern water milfoil, myriophyllum spicatum or exalbescens, zebra mussels, or other ~~ecologically harmful~~ undesirable exotic aquatic plant and wild animal species identified by the commissioner from the watercraft or its trailer as provided in section 18.317, subdivision 3.

Sec. 20. Minnesota Statutes 1992, section 97A.015, subdivision 24, is amended to read:

Subd. 24. **GAME BIRDS.** "Game birds" means migratory waterfowl, pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, ~~chukar partridge~~, gray partridge, bob-white quail, turkeys, coots, gallinules, sora and Virginia rails, American woodcock, and common snipe.

Sec. 21. Minnesota Statutes 1992, section 97A.015, subdivision 52, is amended to read:

Subd. 52. **UNPROTECTED BIRDS.** "Unprotected birds" means English sparrow, blackbird, starling, magpie, cormorant, common pigeon, chukar partridge, quail other than bob-white quail, and great horned owl.

Sec. 22. Minnesota Statutes 1992, section 97A.115, subdivision 2, is amended to read:

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Subd. 2. ~~GAME SPECIES AVAILABLE.~~ Game Species that may be released and hunted in a licensed shooting preserve must be specified in the license and is limited to unprotected birds, adult pheasant, and bob-white quail; and chukar partridge for private shooting preserves and adult pheasant, bob-white quail, chukar partridge, turkey, mallard duck, black duck, and other species designated by the commissioner for commercial shooting preserves. These game birds must be pen hatched and raised.

Sec. 23. Minnesota Statutes 1992, section 97A.441, is amended by adding a subdivision to read:

Subd. 6a. TAKING SMALL GAME; DISABLED VETERANS. A person authorized to issue licenses must issue, without a fee, a license to take small game to a resident who is a veteran, as defined in section 197.447, and who has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.

Sec. 24. Minnesota Statutes 1992, section 97A.475, subdivision 3, is amended to read:

Subd. 3. **NONRESIDENT HUNTING.** Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take small game, \$56;
- (2) to take deer with firearms, \$110;
- (3) to take deer by archery, \$110;
- (4) to take bear, \$165;
- (5) to take turkey, \$56; ~~and~~
- (6) to take raccoon, bobcat, fox, coyote, or lynx, \$137.50; ~~and~~
- (7) to take antlered deer in more than one zone, \$220.

Sec. 25. Minnesota Statutes 1992, section 97A.485, subdivision 9, is amended to read:

Subd. 9. **CERTAIN LICENSES NOT TO BE ISSUED AFTER SEASON OPENS.** (a) The following licenses may not be issued after the day before the opening of the related firearms season:

- (1) to take deer with firearms ~~or by archery~~, except a license to take a ~~see~~ one more than one deer under section 97B.301, subdivision 4;
- (2) to guide bear hunters; and
- (3) to guide turkey hunters.

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(b) Paragraph (a) does not apply to deer licenses for discharged military personnel under section 97A.465, subdivision 4.

(c) A nonresident license or tag to take and possess raccoon, bobcat, Canada lynx, or fox may not be issued after the fifth day of the open season.

Sec. 26. Minnesota Statutes 1992, section 97A.501, is amended by adding a subdivision to read:

Subd. 3. CONTRACEPTIVE CHEMICALS. (a) A person may not administer contraceptive chemicals to noncaptive wild animals without a permit issued by the commissioner.

(b) The commissioner shall adopt rules establishing standards and guidelines for the administration of contraceptive chemicals to noncaptive wild animals. The rules may specify chemical delivery methods and devices and monitoring requirements.

Sec. 27. Minnesota Statutes 1993 Supplement, section 97A.531, subdivision 6, as added by Laws 1994, chapter 479, is amended to read:

Subd. 6. BORDER WATER ENTERPRISE AGREEMENTS. (a) The commissioner of natural resources in consultation with the commissioner of trade and economic development, in coordination with the federal government, may negotiate and, with the approval of the legislature, enter into agreements with authorized representatives of the province of Ontario and the "first nation" governments in Canada to provide for joint resource management, promotion of tourism, or economic development with respect to lakes through which the Ontario-Minnesota border runs. When negotiating with Ontario officials on game fish limits in Minnesota-Ontario border waters, the commissioner may not agree to more restrictive limits than are allowed in Ontario, unless the commissioner determines that more restrictive limits are necessary to protect Minnesota's fishery resource.

(b) Possession of fish taken by angling and imported into the state from Ontario by a Minnesota resident angler may not number more than the amount of the most restrictive Ontario possession limit by species placed on Minnesota-based anglers fishing in Ontario border waters unless Ontario is equally restrictive on Ontario-based anglers on the same border waters. This paragraph does not apply to fish taken from Ontario border waters on which limits on the number of fish that may be taken are the same for Minnesota-based anglers and Ontario-based anglers.

(c) Nothing in this section precludes the possession, importation into, or transportation in the state of one trophy fish of each species for the purpose of having the fish preserved by taxidermy, if the fish is transported whole.

(d) Paragraph (b) does not apply if the governor issues a waiver as provided in this paragraph. The governor may issue a waiver of the requirements of para-

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graph (b) and subdivisions 2, 3, and 4 if after negotiations with authorized representatives of Ontario, the governor determines that the waiver is in the best interest of the citizens of the state.

Sec. 28. Minnesota Statutes 1992, section 97B.035, is amended by adding a subdivision to read:

Subd. 4. AUTHORITY OF COMMISSIONER. The commissioner may not impose restrictions on the possession, transportation, or use of archery equipment except as specifically authorized by law.

Sec. 29. Minnesota Statutes 1993 Supplement, section 97B.041, is amended to read:

97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.

A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle and only short, long, and long rifle cartridges that are caliber of .22 inches;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader during that season.

Sec. 30. Minnesota Statutes 1993 Supplement, section 97B.071, is amended to read:

97B.071 BLAZE ORANGE REQUIREMENTS.

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

(a) Except as provided in paragraph (b), a person may not hunt or trap during the open season in a zone or area where deer may be taken by firearms under applicable laws and ordinances, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. This section does not apply to migratory waterfowl hunters on waters of this state or in a stationary shooting location.

~~This section is effective for the 1994 firearms deer season and subsequent firearms deer seasons. The commissioner of natural resources shall, by way of public service announcements and other means, inform the public of the provisions of this section.~~

(b) The commissioner may, by rule, prescribe an alternative color in cases where paragraph (a) would violate the Religious Freedom Restoration Act of 1993, public law number 103-141.

Sec. 31. Minnesota Statutes 1992, section 97B.075, is amended to read:

97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.

A person may not take protected wild animals, except raccoon and fox, with a firearm ~~or by archery~~ between the evening and morning times established by commissioner's rule, or by archery from one-half hour after sunset until one-half hour before sunrise.

Sec. 32. Minnesota Statutes 1992, section 97B.211, subdivision 2, is amended to read:

Subd. 2. **ARROWHEAD REQUIREMENTS.** Arrowheads used for taking big game must be sharp, have a minimum of two metal cutting edges, be of a barbless broadhead design, and must have a diameter of at least seven-eighths inch. The commissioner may allow retractable broadhead arrowheads that meet the other requirements of this subdivision.

Sec. 33. [97B.667] REMOVAL OF BEAVER DAMS AND LODGES BY ROAD AUTHORITIES.

When a drainage watercourse is impaired by a beaver dam and the water damages or threatens to damage a public road, the road authority, as defined in section 160.02, subdivision 9, may remove the impairment and any associated beaver lodge within 300 feet of the road, if the commissioner approves.

Sec. 34. Minnesota Statutes 1992, section 97B.701, is amended by adding a subdivision to read:

Subd. 3. **RECAPTURE OF RELEASED BOB-WHITE QUAIL.** Released bob-white quail may be recaptured without a license. In Houston, Fillmore, and Winona counties, this subdivision applies only to birds that are banded or otherwise marked.

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

Sec. 35. Minnesota Statutes 1992, section 97B.711, subdivision 1, is amended to read:

Subdivision 1. **SEASONS FOR CERTAIN UPLAND GAME BIRDS.** (a) The commissioner may, by rule, prescribe an open season in designated areas between September 16 and December 31 for:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken;
- (6) gray partridge;
- (7) ~~chukar~~ partridge;
- (8) bob-white quail; and
- (9) (8) turkey.

(b) The commissioner may by rule prescribe an open season for turkey in the spring.

Sec. 36. Minnesota Statutes 1993 Supplement, section 97B.711, subdivision 2, is amended to read:

Subd. 2. **DAILY AND POSSESSION LIMITS FOR CERTAIN UPLAND GAME BIRDS.** (a) A person may not take more than five in one day or possess more than ten of each of the following:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken; and
- (6) gray partridge; and
- (7) ~~chukar~~ partridge.

(b) A person may not take more than ten ~~quail~~ in one day or possess more than 15 bob-white quail.

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

(c) The commissioner may, by rule, reduce the daily and possession limits established in this subdivision.

Sec. 37. Minnesota Statutes 1992, section 97B.905, subdivision 1, is amended to read:

Subdivision 1. LICENSE REQUIREMENT.

(a) A person may not buy or sell raw furs without a fur buying and selling license, except:

(1) a taxidermist licensed under section 97A.475, subdivision 19, and a fur manufacturer are not required to have a license to buy raw furs from a person with fur buying and selling licenses; and

(2) a person lawfully entitled to take furbearing animals is not required to have a license to sell raw furs to a person with a fur buying and selling license.

(b) An employee, partner, or officer buying or selling only for a raw fur dealer licensee at an established place of business licensed under section 97A.475, subdivision 21, clause (a), may obtain a supplemental license under section 97A.475, subdivision 21, clause (b).

Sec. 38. Minnesota Statutes 1992, section 97B.931, is amended to read:

97B.931 TENDING TRAPS RESTRICTED.

A person may not tend a trap set for wild animals between ~~7:00~~ 10:00 p.m. and 5:00 a.m. Between 5:00 a.m. and ~~7:00~~ 10:00 p.m. a person on foot may use a portable artificial light to tend traps. While using a light in the field, the person may not possess or use a firearm other than a handgun of .22 caliber.

Sec. 39. Minnesota Statutes 1992, section 97C.325, is amended to read:

97C.325 PROHIBITED METHODS OF TAKING FISH.

(a) Except as specifically authorized, a person may not take fish with:

(1) explosives, chemicals, drugs, poisons, lime, medicated bait, fish berries, or other similar substances;

(2) substances or devices that kill, stun, or affect the nervous system of fish;

(3) nets, traps, trot lines, or snares; or

(4) spring devices that impale, hook, or capture fish.

(b) If a person possesses a substance or device listed in paragraph (a) on waters, shores, or islands, it is presumptive evidence that the person is in violation of this section.

(c) The commissioner may, by rule, allow the use of a nonmotorized device with a recoil mechanism to take fish through the ice.

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

Sec. 40. Minnesota Statutes 1992, section 344.03, subdivision 1, is amended to read:

Subdivision 1. **ADJOINING OWNERS.** If all or a part of adjoining Minnesota land is improved and used, and one or both of the owners of the land desires the land to be partly or totally fenced, the land owners or occupants shall build and maintain a partition fence between their lands in equal shares. The requirement in this section and the procedures in this chapter apply to the department of natural resources when it owns land adjoining privately owned land subject to this section and chapter and the landowner desires the land permanently fenced for the purpose of restraining livestock.

Sec. 41. Laws 1993, chapter 273, section 1, is amended to read:

Section 1. AUTHORIZATION TO TAKE TWO DEER IN CERTAIN COUNTIES.

Notwithstanding Minnesota Statutes, section 97B.301, subdivision 2, during the ~~1993 and 1994~~, 1995, and 1996 hunting seasons in Kittleson, Lake of the Woods, Marshall, Pennington, and Roseau counties a person may obtain one firearms deer license and one archery deer license in the same license year and may take one deer under each license.

Sec. 42. Laws 1993, chapter 129, section 4, subdivision 4, is amended to read:

Subd. 4. **REPORT.** The task force shall submit a written report containing its recommendations and findings to the legislature by January 1, ~~1994~~ 1995.

Sec. 43. EXPANDED SEASON FOR RACCOON AND RED FOX; NON-RESIDENTS; REPORT.

(a) Notwithstanding Minnesota Statutes, sections 97B.605 and 97B.621, subdivision 1, until June 1, 1996, the open season for taking raccoon and red fox is continuous and a person may possess raccoon and red fox in any quantity.

(b) Notwithstanding Minnesota Statutes, sections 97A.475, subdivision 3, clause (6), and 97B.601, subdivision 3, until June 1, 1996, a nonresident may take raccoon and red fox with a license issued under Minnesota Statutes, section 97A.475, subdivision 3, clause (1).

(c) By January 15, 1996, the commissioner of natural resources shall report to the legislative committees with jurisdiction over natural resources on the effects of paragraphs (a) and (b), including effects on the raccoon and red fox populations in the state, effects on populations in the state of protected species on which raccoon and red fox prey, and other effects. The report must include any recommendations the commissioner has for changes in the provisions of the game and fish laws relating to raccoon and red fox.

Sec. 44. SHOOTING HOURS AND RESTRICTIONS RELATING TO FIREARMS AND ARCHERY EQUIPMENT; REPORT.

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

The commissioner of natural resources shall seek public input and comment on the issues of shooting hours and the possession, transportation, and use of firearms and archery equipment. By April 1, 1995, the commissioner shall report to the environment and natural resources committees of the legislature with a summary of the public comments received and any recommendations for legislation.

Sec. 45. ENFORCEMENT OF LAWS RELATED TO BUYING AND SELLING FISH; REPORT.

By January 15, 1995, the commissioner of natural resources shall report to the environment and natural resources committees of the legislature with recommendations for legislation to improve enforcement of Minnesota Statutes, section 97C.391, including record keeping requirements, enhanced remedies, and inspection authorities.

Sec. 46. INSTRUCTION TO REVISOR.

In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall renumber section 84.9695 as section 17.457.

Sec. 47. REPEALER.

Minnesota Statutes 1992, section 97A.475, subdivision 17, is repealed.

Sec. 48. EFFECTIVE DATE.

Sections 1 to 7, 9 to 27, 29, 30, 32 to 36, and 40 to 47, are effective the day following final enactment.

Section 39 is effective January 1, 1995.

Sections 28 and 31 are effective July 1, 1995.

ARTICLE 2

GOOD SAMARITANS

Section 1. [604A.01] GOOD SAMARITAN LAW.

Subdivision 1. DUTY TO ASSIST. A person at the scene of an emergency who knows that another person is exposed to or has suffered grave physical harm shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the exposed person. Reasonable assistance may include obtaining or attempting to obtain aid from law enforcement or medical personnel. A person who violates this subdivision is guilty of a petty misdemeanor.

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

Subd. 2. GENERAL IMMUNITY FROM LIABILITY. (a) A person who, without compensation or the expectation of compensation, renders emergency care, advice, or assistance at the scene of an emergency or during transit to a location where professional medical care can be rendered, is not liable for any civil damages as a result of acts or omissions by that person in rendering the emergency care, advice, or assistance, unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance. This subdivision does not apply to a person rendering emergency care, advice, or assistance during the course of regular employment, and receiving compensation or expecting to receive compensation for rendering the care, advice, or assistance.

(b) For the purposes of this section, the scene of an emergency is an area outside the confines of a hospital or other institution that has hospital facilities, or an office of a person licensed to practice one or more of the healing arts under chapter 147, 148, 150A, or 153. The scene of an emergency includes areas threatened by or exposed to spillage, seepage, fire, explosion, or other release of hazardous materials, and includes ski areas and trails.

(c) For the purposes of this section, "person" includes a public or private nonprofit volunteer firefighter, volunteer police officer, volunteer ambulance attendant, volunteer first provider of emergency medical services, volunteer ski patroller, and any partnership, corporation, association, or other entity.

(d) For the purposes of this section, "compensation" does not include payments, reimbursement for expenses, or pension benefits paid to members of volunteer organizations.

Sec. 2. [604A.02] AID TO SHOOTING VICTIM.

A person who is subject to the duty imposed by section 609.662, subdivision 3, who, without compensation or expectation of compensation, renders assistance to the injured person, is not liable for any civil damages as a result of acts or omissions by that person in rendering the assistance unless that person acts in a willful and wanton or reckless manner in rendering the assistance. This section does not apply to a person who renders the assistance during the course of regular employment and receives compensation or expects to receive compensation for rendering the assistance.

Sec. 3. [604A.03] MISCELLANEOUS GOOD SAMARITAN LAWS.

Certain persons who provide assistance at the scene of a hazardous materials response incident are not liable for damages to the extent provided in section 299A.51, subdivision 3.

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

ARTICLE 3

VOLUNTEER AND CHARITABLE ACTIVITIES

Section 1. [604A.10] LIABILITY OF FOOD DONORS.

Subdivision 1. DEFINITIONS. (a) For the purposes of this section, the following terms have the meanings given them.

(b) "Distressed food" means, in addition to the definition in section 31.495, certain perishable foods, as defined in section 28A.03, that may not be readily marketable due to appearance, freshness, grade, surplus, or other considerations and are not suspect of having been rendered unsafe or unsuitable for food use and are adequately labeled.

(c) "Food bank" means a surplus food collection and distribution system operated and established to assist in bringing donated food to nonprofit charitable organizations and individuals for the purpose of reducing hunger and meeting nutritional needs.

(d) "Food facility" means:

(1) a restaurant, food establishment, vehicle, vending machine, produce stand, temporary food facility, satellite food distribution facility, stationary mobile food preparation unit, or mobile food preparation unit;

(2) a place used in conjunction with the operations described in clause (1), including, but not limited to, storage facilities for food-related utensils, equipment, and materials; or

(3) a farmers' market.

(e) "Nonprofit charitable organization" means an organization that is incorporated under the Minnesota nonprofit corporation act and is operating for charitable purposes.

Subd. 2. DONATION; DISTRESSED FOOD. A food manufacturer, distributor, processor, or a person who donates or collects distressed food to or for a nonprofit charitable organization for distribution at no charge to the elderly or needy, or who directly distributes distressed food to the elderly or needy at no charge, is not liable for any injury, including but not limited to injury resulting from the ingesting of the distressed food, unless the injury is caused by the gross negligence, recklessness or intentional misconduct of the food manufacturer, processor, distributor, or person.

Subd. 3. DISTRIBUTION. A food bank or nonprofit charitable organization that in good faith collects or receives and distributes to the elderly or needy, at no charge, food that is fit for human consumption at the time it is distributed, is not liable for any injury, including but not limited to injury resulting from the ingesting of the food, unless the injury is caused by the gross negligence, reck-

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

lessness or intentional misconduct of the food bank or nonprofit charitable organization.

Subd. 4. OTHER FOOD DONATION. A food facility that donates, to a food bank or other nonprofit charitable organization, food that is fit for human consumption at the time of donation and distributed by the food bank or nonprofit charitable organization to the elderly or needy at no charge, is not liable for any injury, including, but not limited to, liability resulting from ingestion of the food, unless the injury is caused by the gross negligence, recklessness, or intentional misconduct of the food facility.

Subd. 5. AUTHORITY NOT RESTRICTED. This section does not restrict the authority of the commissioner of agriculture to regulate or ban the use or consumption of distressed food donated, collected, or received for charitable purposes.

Sec. 2. [604A.11] VOLUNTEER ATHLETIC COACHES AND OFFICIALS; PHYSICIANS AND TRAINERS; IMMUNITY FROM LIABILITY.

Subdivision 1. GRANT. (a) No individual who provides services or assistance without compensation as an athletic coach, manager, official, physician, or certified athletic trainer for a sports team that is organized or performing under a nonprofit charter or as a physician or certified athletic trainer for a sports team or athletic event sponsored by a public or private educational institution, and no community-based, voluntary nonprofit athletic association, or any volunteer of the nonprofit athletic association, is liable for money damages to a player, participant, or spectator as a result of an individual's acts or omissions in the providing of that service or assistance either at the scene of the event or, in the case of a physician or athletic trainer, while the player, participant, or spectator is being transported to a hospital, physician's office, or other medical facility.

(b) This section applies to organized sports competitions and practice and instruction in that sport.

(c) For purposes of this section, "compensation" does not include reimbursement for expenses.

Subd. 2. LIMITATION. Subdivision 1 does not apply:

(1) to the extent that the acts or omissions are covered under an insurance policy issued to the entity for whom the coach, manager, official, physician, or certified athletic trainer serves;

(2) if the individual acts in a willful and wanton or reckless manner in providing the services or assistance;

(3) if the acts or omissions arise out of the operation, maintenance, or use of a motor vehicle;

(4) to an athletic coach, manager, or official who provides services or assistance as part of a public or private educational institution's athletic program;

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

(5) to a public or private educational institution for which a physician or certified athletic trainer provides services; or

(6) if the individual acts in violation of federal, state, or local law.

The limitation in clause (1) constitutes a waiver of the defense of immunity to the extent of the liability stated in the policy, but has no effect on the liability of the individual beyond the coverage provided. The limitation in clause (5) does not affect the limitations on liability of a public educational institution under section 3.736 or chapter 466.

Sec. 3. [604A.12] LIVESTOCK ACTIVITIES; IMMUNITY FROM LIABILITY.

Subdivision 1. DEFINITIONS. (a) For purposes of this section, the following terms have the meanings given them.

(b) "Inherent risks of livestock activities" means dangers or conditions that are an integral part of livestock activities, including:

(1) the propensity of livestock to behave in ways that may result in death or injury to persons on or around them, such as kicking, biting, or bucking;

(2) the unpredictability of livestock's reaction to things like sound, sudden movement, unfamiliar objects, persons, or other animals;

(3) natural hazards such as surface or subsurface conditions; or

(4) collisions with other livestock or objects.

(c) "Livestock" means cattle, sheep, swine, horses, ponies, donkeys, mules, hinnies, goats, buffalo, llamas, or poultry.

(d) "Livestock activity" means an activity involving the maintenance or use of livestock, regardless of whether the activity is open to the general public, provided the activity is not performed for profit. Livestock activity includes:

(1) livestock production;

(2) loading, unloading, or transporting livestock;

(3) livestock shows, fairs, competitions, performances, races, rodeos, or parades;

(4) livestock training or teaching activities;

(5) boarding, shoeing, or grooming livestock; or

(6) riding or inspecting livestock or livestock equipment.

(e) "Livestock activity sponsor" means a person who sponsors, organizes, or provides the facilities for a livestock activity that is open to the general public.

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

(f) "Participant" means a person who directly and intentionally engages in a livestock activity. "Participant" does not include a spectator who is in an authorized area.

Subd. 2. IMMUNITY FROM LIABILITY. Except as provided in subdivision 3, a nonprofit corporation, association, or organization, or a person or other entity donating services, livestock, facilities, or equipment for the use of a nonprofit corporation, association, or organization, is not liable for the death of or an injury to a participant resulting from the inherent risks of livestock activities.

Subd. 3. EXCEPTIONS. Subdivision 2 does not apply if any of the following exist:

(1) the person provided livestock for the participant and failed to make reasonable efforts to determine the ability of the participant to safely engage in the livestock activity or to determine the ability of the participant to safely manage the particular livestock based on the participant's representations of the participant's ability;

(2) the person provided equipment or tack for the livestock and knew or should have known that it was faulty to the extent that it caused the injury or death;

(3) the person owns or leases the land upon which a participant was injured or died because of a man-made dangerous latent condition and failed to use reasonable care to protect the participant;

(4) the person is a livestock activity sponsor and fails to comply with the notice requirement of subdivision 4; or

(5) the act or omission of the person was willful or negligent.

Subd. 4. POSTING NOTICE. A livestock activity sponsor shall post plainly visible signs at one or more prominent locations in the premises where the livestock activity takes place that include a warning of the inherent risks of livestock activity and the limitation of liability under this section.

Sec. 4. [604A.13] MISCELLANEOUS VOLUNTEER AND CHARITABLE ACTIVITIES.

An individual and an individual's estate are not liable for an anatomical gift as provided in section 525.9221, paragraph (d).

Sec. 5. EFFECTIVE DATE; APPLICATION.

Section 3 is effective August 1, 1994, and applies to causes of action arising on or after that date.

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

ARTICLE 4

ACTIVITIES INVOLVING A PUBLIC BENEFIT OR FUNCTION

Section 1. [604A.20] POLICY.

It is the policy of this state, in furtherance of the public health and welfare, to encourage and promote the use of privately owned lands and waters by the public for beneficial recreational purposes, and the provisions of sections 604A.20 to 604A.27 are enacted to that end.

Sec. 2. [604A.21] RECREATIONAL LAND USE; DEFINITIONS.

Subdivision 1. GENERAL. For the purposes of sections 604A.20 to 604A.27, the terms defined in this section have the meanings given them, except where the context clearly indicates otherwise.

Subd. 2. CHARGE. "Charge" means any admission price asked or charged for services, entertainment, recreational use, or other activity or the offering of products for sale to the recreational user by a commercial for profit enterprise directly related to the use of the land.

Subd. 3. LAND. "Land" means privately owned or leased land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the land.

Subd. 4. OWNER. "Owner" means the possessor of a fee interest or a life estate, tenant, lessee, occupant, or person in control of the land.

Subd. 5. RECREATIONAL PURPOSE. "Recreational purpose" includes, but is not limited to, hunting; trapping; fishing; swimming; boating; camping; picnicking; hiking; bicycling; horseback riding; firewood gathering; pleasure driving, including snowmobiling and the operation of any motorized vehicle or conveyance upon a road or upon or across land in any manner, including recreational trail use; nature study; water skiing; winter sports; and viewing or enjoying historical, archaeological, scenic, or scientific sites.

Subd. 6. RECREATIONAL TRAIL USE. "Recreational trail use" means use on or about a trail, including but not limited to, hunting; trapping; fishing; hiking; bicycling; skiing; horseback riding; snowmobile riding; and motorized trail riding.

Sec. 3. [604A.22] OWNER'S DUTY OF CARE OR DUTY TO GIVE WARNINGS.

Except as provided in section 604A.25, an owner who gives written or oral permission for the use of the land for recreational purposes without charge:

(1) owes no duty of care to render or maintain the land safe for entry or use by other persons for recreational purpose;

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

(2) owes no duty to warn those persons of any dangerous condition on the land, whether patent or latent;

(3) owes no duty of care toward those persons except to refrain from willfully taking action to cause injury; and

(4) owes no duty to curtail use of the land during its use for recreational purpose.

Sec. 4. [604A.23] OWNER'S LIABILITY.

An owner who gives written or oral permission for the use of the land for recreational purposes without charge does not by that action:

(1) extend any assurance that the land is safe for any purpose;

(2) confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed; or

(3) assume responsibility for or incur liability for any injury to the person or property caused by an act or omission of the person.

Sec. 5. [604A.24] LIABILITY; LEASED LAND, WATER FILLED MINE PITS.

Unless otherwise agreed in writing, sections 604A.22 and 604A.23 also apply to the duties and liability of an owner of the following land:

(1) land leased to the state or any political subdivision for recreational purpose; or

(2) idled or abandoned, water filled mine pits whose pit walls may slump or cave, and to which water the public has access from a water access site operated by a public entity.

Sec. 6. [604A.25] OWNER'S LIABILITY; NOT LIMITED.

Nothing in sections 604A.20 to 604A.27 limits liability that otherwise exists:

(1) for conduct which, at law, entitles a trespasser to maintain an action and obtain relief for the conduct complained of; or

(2) for injury suffered in any case where the owner charges the persons who enter or go on the land for the recreational purpose, except that in the case of land leased to the state or a political subdivision, any consideration received from the state or political subdivision by the owner for the lease is not considered a charge within the meaning of this section.

Except for conduct set forth in section 3, clause (3), a person may not maintain an action and obtain relief at law for conduct referred to by clause (1) if the

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entry upon the land is incidental to or arises from access granted for the recreational trail use of land dedicated, leased, or permitted by the owners for recreational trail use.

Sec. 7. [604A.26] LAND USER'S LIABILITY.

Nothing in sections 604A.20 to 604A.27 relieves any person using the land of another for recreational purpose from any obligation that the person may have in the absence of sections 604A.20 to 604A.27 to exercise care in use of the land and in the person's activities on the land, or from the legal consequences of failure to employ that care.

Sec. 8. [604A.27] DEDICATION; EASEMENT.

No dedication of any land in connection with any use by any person for a recreational purpose takes effect in consequence of the exercise of that use for any length of time except as expressly permitted or provided in writing by the owner, nor shall the grant of permission for the use by the owner grant to any person an easement or other property right in the land except as expressly provided in writing by the owner.

Sec. 9. [604A.30] BREATH ALCOHOL TESTING DEVICE IN LIQUOR ESTABLISHMENTS.

Subdivision 1. DEFINITIONS. (a) For purposes of this section, the following terms have the meanings given them.

(b) "Breath alcohol testing device" means a device that tests for alcohol concentration by using a breath sample.

(c) "Licensed premises" has the meaning given in section 340A.101, subdivision 15.

(d) "Liquor licensee" means a person licensed under sections 340A.403 to 340A.407 or 340A.414, and includes an agent or employee of a licensee.

Subd. 2. IMMUNITY FROM LIABILITY. (a) Subject to subdivision 3, a liquor licensee who administers or makes available a breath alcohol testing device in the licensed premises is immune from any liability arising out of the result of the test.

(b) Subject to subdivision 3, a designer, manufacturer, distributor, or seller of a breath alcohol testing device is immune from any products liability or other cause of action arising out of the result of a test by the breath alcohol testing device in a licensed premises.

Subd. 3. IMMUNITY REQUIREMENTS. Subdivision 2 applies only if:

(1) a conspicuous notice is posted in the licensed premises:

(i) informing patrons of the immunity provisions of subdivision 2 and noti-

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

fyng them that the test is made available solely for their own informal use and information; and

(ii) informing patrons of the alcohol-related driving penalties under sections 169.121 to 169.123, 169.129, and 609.21;

(2) the type of breath alcohol testing device is certified by the commissioner of public safety under subdivision 7; and

(3) the breath alcohol testing device test results are indicated as follows:

(i) the breath alcohol testing device shows a white light and gives a reading of alcohol concentration if alcohol concentration is less than .05;

(ii) the breath alcohol testing device shows a yellow light and gives a reading of alcohol concentration if alcohol concentration is .05 or more but less than .08;

(iii) the breath alcohol testing device shows an orange light and gives a reading of alcohol concentration if alcohol concentration is .08 or more but less than .10, and displays a message that states "You are close to the legal limit and your driving may be impaired"; or

(iv) the breath alcohol testing device shows a red light if alcohol concentration is .10 or greater but does not give a reading of alcohol concentration, and displays a message that states that the person fails the test.

Subd. 4. EVIDENCE. Evidence regarding the result of a test by a breath alcohol testing device in a licensed premises is not admissible in any civil or criminal proceeding.

Subd. 5. DRAMSHOP. This section does not affect liability under section 340A.801.

Subd. 6. PREPARATION OF NOTICE. The commissioner of public safety shall prepare and make available to liquor licensees the notices described in subdivision 3.

Subd. 7. RULES; CERTIFICATION. The commissioner of public safety shall adopt any rules reasonably required to implement this section, including performance and maintenance standards for breath alcohol testing devices. The commissioner shall certify breath alcohol testing devices that meet the performance standards. The costs of rulemaking and certification must be borne by the manufacturers of the breath alcohol testing devices.

Sec. 10. [604A.31] MISCELLANEOUS PUBLIC BENEFIT OR FUNCTION.

Subdivision 1. NURSING HOME RECEIVERS. Certain nursing home receivers are immune from personal liability as provided in section 144A.15, subdivision 4.

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

Subd. 2. HEALTH CARE REVIEW ORGANIZATIONS. Certain persons involved in health care review organization activities are immune from liability as provided in section 145.63.

Subd. 3. BACKGROUND CHECKS. Certain persons who issue certificates in conjunction with gun permit background checks are immune from liability as provided in section 624.713, subdivision 1.

Sec. 11. **EFFECTIVE DATE; APPLICATION.**

Sections 1 to 8 are effective August 1, 1994, and apply to causes of action arising on or after that date.

ARTICLE 5

MISCELLANEOUS

Section 1. Minnesota Statutes 1992, section 144.761, subdivision 5, is amended to read:

Subd. 5. EMERGENCY MEDICAL SERVICES PERSONNEL. "Emergency medical services personnel" means:

(1) individuals employed to provide prehospital emergency medical services;

(2) persons employed as licensed police officers under section 626.84, subdivision 1, who experience a significant exposure in the performance of their duties;

(3) firefighters, paramedics, emergency medical technicians, licensed nurses, rescue squad personnel, or other individuals who serve as employees or volunteers of an ambulance service as defined by sections 144.801 to 144.8091, who provide prehospital emergency medical services;

(4) crime lab personnel receiving a significant exposure while involved in a criminal investigation;

(5) correctional guards, including security guards at the Minnesota security hospital, employed by the state or a local unit of government who experience a significant exposure to an inmate who is transported to a facility for emergency medical care; and

(6) other persons who render emergency care or assistance at the scene of an emergency, or while an injured person is being transported to receive medical care, and who would qualify for immunity from liability under the good samaritan law, section ~~604.05~~ 604A.01.

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

Sec. 2. Minnesota Statutes 1992, section 469.091, is amended by adding a subdivision to read:

Subd. 3. UNPAID OFFICERS, DIRECTORS, AND AGENTS; LIABILITY. Section 317A.257 applies to an economic development authority or to a nonprofit corporation exercising the powers of an economic development authority.

Sec. 3. **REPEALER.**

Minnesota Statutes 1992, sections 31.50; 87.021; 87.0221; 87.023; 87.024; 87.025; 87.026; 87.03; 604.05; 604.08; 604.09; and 609.662, subdivision 5, are repealed.

Presented to the governor May 6, 1994

Signed by the governor May 10, 1994, 3:56 p.m.

CHAPTER 624—H.F.No. 2519

An act relating to prostitution; creating a civil cause of action for persons who are coerced into prostitution; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Section 1. **[611A.80] DEFINITIONS.**

Subdivision 1. GENERAL. The definitions in this section apply to sections 1 to 9.

Subd. 2. COERCE. "Coerce" means to use or threaten to use any form of domination, restraint, or control for the purpose of causing an individual to engage in or remain in prostitution or to relinquish earnings derived from prostitution. Coercion exists if the totality of the circumstances establish the existence of domination, restraint, or control that would have the reasonably foreseeable effect of causing an individual to engage in or remain in prostitution or to relinquish earnings from prostitution. Evidence of coercion may include, but is not limited to:

- (1) physical force or actual or implied threats of physical force;
- (2) physical or mental torture;
- (3) implicitly or explicitly leading an individual to believe that the individual will be protected from violence or arrest;
- (4) kidnapping;

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