

Subd. 6. STANDARD DISCLOSURE FORM. The department of labor and industry shall provide a standard form for use at the employer's option in making the disclosure required in subdivision 2. The form shall be available in English and Spanish.

Presented to the governor May 9, 1995

Signed by the governor May 10, 1995, 10:28 a.m.

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#### CHAPTER 155—H.F.No. 1174

*An act relating to transportation; expanding authority of commissioner of transportation to regulate providers of special transportation service; classifying data; providing for administrative fees and penalties; amending Minnesota Statutes 1994, sections 13.99, by adding subdivisions; 174.30, subdivisions 2, 3, 4, 6, and by adding subdivisions; and 174.315.*

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

Section 1. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 57a. SPECIAL TRANSPORTATION SERVICE PROVIDERS. Certain data relating to alleged violations by special transportation service providers is governed under section 174.30, subdivision 9.

Sec. 2. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 57b. SPECIAL TRANSPORTATION SERVICE; AMBULANCE SERVICE. Data relating to a person's physical condition or medical treatment gathered by the commissioner of transportation or the commissioner of health in an investigation of an alleged violation by a special transportation service provider, is governed by section 174.315.

Sec. 3. Minnesota Statutes 1994, section 174.30, subdivision 2, is amended to read:

**Subd. 2. AUTHORITY TO ADOPT; PURPOSE AND CONTENT; RULEMAKING.** The commissioner of transportation shall adopt by rule standards for the operation of vehicles used to provide special transportation service which are reasonably necessary to protect the health and safety of individuals using that service. The commissioner, as far as practicable, consistent with the purpose of the standards, shall avoid adoption of standards that unduly restrict any public or private entity or person from providing special transportation service because of the administrative or other cost of compliance.

Standards adopted under this section must include but are not limited to:

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

(a) qualifications of drivers and attendants, including driver training requirements that must be met before a driver provides special transportation;

(b) safety of vehicles and necessary safety equipment;

(c) general requirements concerning inspection and maintenance of vehicles, replacement vehicles, standard vehicle equipment, and specialized equipment necessary to ensure vehicle usability and safety for disabled persons; and

(d) minimum insurance requirements; ~~and~~

(e) ~~assessment of administrative penalties for violations.~~

The commissioner shall consult with the council on disability before making a decision on a variance from the standards.

Sec. 4. Minnesota Statutes 1994, section 174.30, subdivision 3, is amended to read:

Subd. 3. **OTHER STANDARDS; WHEELCHAIR SECUREMENT.** (a) A special transportation service that transports individuals occupying wheelchairs is subject to the provisions of sections 299A.11 to 299A.18 concerning wheelchair securement devices. The commissioners of transportation and public safety shall cooperate in the enforcement of this section and sections 299A.11 to 299A.18 so that a single inspection is sufficient to ascertain compliance with sections 299A.11 to 299A.18 and with the standards adopted under this section. Representatives of the department of transportation may inspect wheelchair securement devices in vehicles operated by special transportation service providers to determine compliance with sections 299A.11 to 299A.18 and to issue certificates under section 299A.14, subdivision 4.

(b) In place of a certificate issued under section 299A.14, the commissioner may issue a decal under subdivision 4 for a vehicle equipped with a wheelchair securement device if the device complies with sections 299A.11 to 299A.18 and the decal displays the information in section 299A.14, subdivision 4.

Sec. 5. Minnesota Statutes 1994, section 174.30, subdivision 4, is amended to read:

Subd. 4. **VEHICLE AND EQUIPMENT INSPECTION; PROCEDURES DECAL; FEE.** (a) The commissioner shall inspect or provide for the inspection of vehicles at least annually. In addition to scheduled annual inspections and reinspections scheduled for the purpose of verifying that deficiencies have been corrected, unannounced inspections of any vehicle may be conducted. ~~The commissioner shall provide for the unannounced inspection quarterly of at least five percent of the vehicles operated by providers certified by the commissioner.~~

(b) On determining that a vehicle or vehicle equipment is in a condition that is likely to cause an accident or breakdown, the commissioner shall require the vehicle to be taken out of service immediately. The commissioner shall

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require that vehicles and equipment not meeting standards be repaired and brought into conformance with the standards and shall require written evidence of compliance from the operator before allowing the operator to return the vehicle to service.

(c) The commissioner shall provide in the rules procedures for inspecting vehicles, removing unsafe vehicles from service, determining and requiring compliance, and reviewing driver qualifications.

(d) The commissioner shall design a distinctive decal to be issued to special transportation service providers with a current certificate of compliance under this section. A decal is valid for one year from the last day of the month in which it is issued. A person who is subject to the operating standards adopted under this section may not provide special transportation service in a vehicle that does not conspicuously display a decal issued by the commissioner.

Sec. 6. Minnesota Statutes 1994, section 174.30, subdivision 6, is amended to read:

Subd. 6. **PREEMPTION OF OTHER REQUIREMENTS.** (a) Notwithstanding any other law, ordinance, or resolution to the contrary, an operator of special transportation service that has been issued a current certificate of compliance under subdivision 4a for vehicles used to provide that service is not required to obtain any other state or local permit, license or certificate as a condition of operating the vehicles for that purpose. This subdivision does not exempt any vehicle from the requirements imposed on vehicles generally as a condition of using the public streets and highways.

(b) The requirements of sections 169.781 to 169.783 and chapter 221 do not apply to vehicles when they are being operated under a current certificate of compliance issued by the commissioner.

Sec. 7. Minnesota Statutes 1994, section 174.30, is amended by adding a subdivision to read:

Subd. 8. ADMINISTRATIVE PENALTIES. The commissioner may issue an order requiring violations of this section and the operating standards adopted under this section to be corrected and assessing monetary penalties of up to \$1,000 for all violations identified during a single inspection, investigation, or audit. Section 221.036 applies to administrative penalty orders issued under this section or section 174.315. The commissioner shall suspend, without a hearing, a special transportation service provider's certificate of compliance for failure to pay, or make satisfactory arrangements to pay, an administrative penalty when due.

Penalties collected under this section must be deposited in the state treasury and credited to the trunk highway fund.

Sec. 8. Minnesota Statutes 1994, section 174.30, is amended by adding a subdivision to read:

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Subd. 9. COMPLAINT DATA; CLASSIFICATION. When information is furnished to the department of transportation that alleges a violation of this section, an operating standard adopted under this section, or section 174.315, the following data are classified as confidential data or protected nonpublic data:

(1) names of complainants;

(2) complaint letters; and

(3) other unsolicited data when furnished by a person who is not the subject of the data and who is not a department employee.

Sec. 9. Minnesota Statutes 1994, section 174.315, is amended to read:

**174.315 SPECIAL TRANSPORTATION; ~~LIFE SUPPORT~~ AMBU-LANCE SERVICES PROHIBITED.**

Subdivision 1. PROHIBITION. Special transportation services shall not provide or offer transportation to persons who might reasonably require ~~basic or advanced life support, as defined in section 144.804 ambulance service, as defined in section 144.801, subdivision 4,~~ while in the special transportation vehicle. The commissioner of health transportation shall investigate all complaints alleging violations of this section ~~and shall report the results of the investigation to the commissioner of transportation.~~ When requested, the commissioner of health shall assist the commissioner of transportation in determining whether a violation occurred.

Subd. 2. DATA CLASSIFIED. Data relating to an individual's physical condition or medical treatment collected, received, or maintained by the department of transportation under this section are private data on individuals. The commissioner of transportation may disclose data classified as private data on individuals to the commissioner of health to the extent necessary to determine if a violation of this section occurred.

Subd. 3. PENALTIES. Notwithstanding section 174.30, subdivision 8, the commissioner of transportation may issue an order assessing a monetary penalty of up to \$10,000 for a violation of this section. The minimum penalty for a third violation of this section within three years shall be revocation of the certificate issued under section 174.30, subdivision 4a. A person whose certificate is revoked under this section may appeal the commissioner's action in a contested case proceeding under chapter 14.

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