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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1736

04/08/2013 Authored by Ward, J.E.,  
The bill was read for the first time and referred to the Committee on Transportation Policy

1.1 A bill for an act  
1.2 relating to transportation; roads; extending the sunset date for provisions  
1.3 pertaining to snow removal in uncompleted subdivisions; amending Minnesota  
1.4 Statutes 2012, section 160.21, subdivision 6.

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

1.6 Section 1. Minnesota Statutes 2012, section 160.21, subdivision 6, is amended to read:

1.7 Subd. 6. **Uncompleted subdivisions.** (a) A road authority, including a statutory or  
1.8 home rule charter city, may remove snow from unopened or private roads in uncompleted  
1.9 subdivisions containing five or more lots, upon adoption of an annual resolution finding  
1.10 that the subdivision developer, due to general insolvency or pending foreclosure, is unable  
1.11 to maintain the roads and that public safety may be jeopardized if the access of school  
1.12 buses, public works vehicles, or authorized emergency vehicles, as defined in section  
1.13 169.011, subdivision 3, is obstructed. Snow removal activities are limited to streets  
1.14 reasonably necessary for access by these buses or vehicles.

1.15 (b) Snow removal under this subdivision does not constitute:

1.16 (1) acceptance of the road from the developer by the road authority for public use;

1.17 (2) the opening of the road to public use; nor

1.18 (3) a use, repair, or maintenance of the road sufficient for the purposes of dedication  
1.19 of roads under section 160.05.

1.20 (c) The road authority may impose a reasonable and proportionate charge on all  
1.21 properties within the subdivision for services provided under this subdivision. These  
1.22 charges, if unpaid, may constitute a lien upon the properties within the subdivision and  
1.23 may be collected as a special assessment as provided by section 429.101 or by charter.

2.1 (d) Where a road has been maintained pursuant to this subdivision, the road authority  
2.2 with jurisdiction over the road, and its officers and employees, are exempt from liability  
2.3 for any tort claim for injury to person or property arising from plowing, maintaining,  
2.4 or otherwise working on the road and from traveling on the road and related to its  
2.5 maintenance or condition. This paragraph does not apply to a claim for injury that is  
2.6 affirmatively caused by a negligent act of the road authority or its officers and employees.

2.7 (e) This subdivision expires May 2, ~~2013~~ 2014.