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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2777

04/01/2019 Authored by Hornstein
The bill was read for the first time and referred to the Transportation Finance and Policy Division

1.1 A bill for an act
1.2 relating to transportation; modifying requirements for wheelchair securement
1.3 devices; amending Minnesota Statutes 2018, sections 299A.12, subdivisions 1, 2,
1.4 3; 299A.13; 299A.14, subdivision 3; repealing Minnesota Statutes 2018, sections
1.5 299A.12, subdivision 4; 299A.18.

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

1.7 Section 1. Minnesota Statutes 2018, section 299A.12, subdivision 1, is amended to read:

1.8 Subdivision 1. **General requirements.** ~~Except as provided in subdivision 4,~~ Any vehicle
1.9 used by an operator to provide transportation service ~~shall~~ must be equipped with wheelchair
1.10 securement devices ~~which are approved by the commissioner of public safety as meeting~~
1.11 that meet the specifications of subdivisions 1 and 2. Only securement devices that meet the
1.12 requirements of the Americans with Disabilities Act may be used. A wheelchair securement
1.13 device ~~shall prevent any forward, backward, or lateral movement of an occupied wheelchair~~
1.14 ~~when the device is engaged and the vehicle is in motion, accelerating or braking, and shall~~
1.15 ~~attach to the frame of the wheelchair without damaging it~~ must be installed and used
1.16 according to the manufacturer's instructions and Code of Federal Regulations, title 49,
1.17 section 38.23. Wheelchair securement devices installed in any vehicle ~~shall~~ must be
1.18 maintained in working order and according to the manufacturer's recommendations.

1.19 Sec. 2. Minnesota Statutes 2018, section 299A.12, subdivision 2, is amended to read:

1.20 Subd. 2. **Strength Design requirements.** ~~The strength design requirements for securing~~
1.21 ~~the part of a wheelchair that is forward in the vehicle shall be one-half of those required for~~
1.22 ~~the rear. Where the wheelchair securement device and the seat belt are combined in a~~
1.23 ~~common system, those parts which provide the combined restraining force shall have a~~

2.1 ~~combined strength of both according to the strength requirements of each as adopted by the~~
 2.2 ~~commissioner of public safety~~ securement devices must meet the specifications in Code of
 2.3 Federal Regulations, title 49, section 38.23.

2.4 Sec. 3. Minnesota Statutes 2018, section 299A.12, subdivision 3, is amended to read:

2.5 Subd. 3. **Maximum number of persons transported.** A vehicle used to provide
 2.6 transportation service ~~shall~~ must carry only as many persons seated in wheelchairs as the
 2.7 number of securement devices approved by the commissioner of public safety as meeting
 2.8 the specifications of subdivisions 1 and 2 with which the vehicle is equipped, and each
 2.9 occupied wheelchair ~~shall~~ must be secured by such a securement device before the vehicle
 2.10 is set in motion.

2.11 Sec. 4. Minnesota Statutes 2018, section 299A.13, is amended to read:

2.12 **299A.13 ADDITIONAL SAFETY REQUIREMENTS.**

2.13 Subdivision 1. **Seat belt.** Any vehicle used to provide transportation service ~~shall~~ must
 2.14 be equipped with seat belts ~~which~~ that are approved by the commissioner of public safety.
 2.15 The seat belts required by this subdivision ~~shall~~ must be adequate to secure the occupant
 2.16 of a wheelchair who is being transported by the vehicle. ~~These~~ The seat belts ~~shall~~ must be
 2.17 used only to secure the person and ~~shall~~ must not be used to secure the wheelchair unless
 2.18 the wheelchair securement force is not cumulative to the seat belt. The seat belts ~~shall~~ must
 2.19 meet all other applicable state and federal requirements for safety.

2.20 Subd. 2. **Electric wheelchair.** When transportation service is provided to an individual
 2.21 in an electrically powered wheelchair, the main power switch of the wheelchair ~~shall~~ must
 2.22 be placed in the "off" position at all times while the vehicle is in motion.

2.23 Subd. 3. **Mobility aid accessibility.** (a) Vehicles equipped with wheelchair securement
 2.24 devices must provide a level-change mechanism or boarding device such as a lift or ramp
 2.25 that complies with Code of Federal Regulations, title 49, section 38.23.

2.26 (b) Wheelchair lifts must comply with the National Highway Traffic Safety
 2.27 Administration's Federal Motor Vehicle Safety Standards for public use lifts as outlined in
 2.28 Code of Federal Regulations, title 49, sections 571.403 and 571.404.

2.29 Subd. 4. **Driver's responsibility.** (a) The driver of a vehicle equipped with a wheelchair
 2.30 securement device has the duties outlined in this subdivision.

2.31 (b) The driver or a person designated by the driver shall ensure that an occupied
 2.32 wheelchair is properly secured before the driver sets the vehicle in motion.

3.1 (c) The driver or a person designated by the driver shall ensure that the seat belt assembly
3.2 is properly adjusted and fastened around the wheelchair user in a manner consistent with
3.3 the manufacturer's recommendations before the driver sets the vehicle in motion when:

3.4 (1) requested by the wheelchair user;

3.5 (2) the wheelchair user is unable to communicate;

3.6 (3) seat belt usage is required of all passengers in the vehicle; or

3.7 (4) the vehicle is a school bus.

3.8 The seat belt assembly must not be fastened if the wheelchair user or other responsible
3.9 person advises the driver that to do so would aggravate a physical condition of the wheelchair
3.10 user. If a restraint device is available that would not aggravate the physical condition of the
3.11 user, it must be fastened in the required manner.

3.12 (d) The driver or a person designated by the driver shall ensure that securement devices
3.13 and seat belt assemblies are retracted, removed, or otherwise stored when not in use to
3.14 prevent tripping of persons and damage to devices.

3.15 Sec. 5. Minnesota Statutes 2018, section 299A.14, subdivision 3, is amended to read:

3.16 Subd. 3. **Standards.** The inspection shall be made to determine that the vehicle complies
3.17 with the provisions of sections 299A.12, ~~subdivisions 1 and 4,~~ and 299A.13, ~~subdivision~~
3.18 ~~4;~~ and that the securement device is and level-change mechanism or boarding device such
3.19 as a lift or ramp are in working order; and that the securement device is not in need of
3.20 obvious repair. The inspection may include testing the use of a securement device while
3.21 the vehicle is in motion.

3.22 Sec. 6. **REPEALER.**

3.23 Minnesota Statutes 2018, sections 299A.12, subdivision 4; and 299A.18, are repealed.

299A.12 WHEELCHAIR SECUREMENT DEVICE.

Subd. 4. **Transit vehicle; 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.

299A.18 RULES; APPROVAL OF WHEELCHAIR SECUREMENT DEVICE.

The commissioner of public safety shall, no later than July 1, 1979, adopt rules containing standards for wheelchair securement devices that meet the requirements of sections 299A.12, subdivision 1, and 299A.13, subdivision 1, and shall approve or disapprove of securement devices that meet those standards.