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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **3577**

- 03/08/2018 Authored by Anselmo; Barr, R.; Haley; Smith; Fenton and others
- 03/14/2018 The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance
- 03/14/2018 Adoption of Report: Amended and re-referred to the Committee on Civil Law and Data Practices Policy
- 03/22/2018 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- By motion, recalled and re-referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act

1.2 relating to environment; establishing certified salt applicator program; limiting

1.3 liability; proposing coding for new law in Minnesota Statutes, chapter 116.

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

1.5 Section 1. **[116.2025] SALT APPLICATORS; VOLUNTARY CERTIFICATION**

1.6 **PROGRAM.**

1.7 Subdivision 1. **Definitions.** For the purpose of this section, the following terms have

1.8 the meanings given:

1.9 (1) "commercial applicator" means an individual who applies or supervises others who

1.10 apply deicer for hire, but does not include a municipal, state, or other government employee;

1.11 and

1.12 (2) "deicer" means any substance used to melt snow and ice, or used for its anti-icing

1.13 effects, on surfaces traveled by pedestrians and vehicles.

1.14 Subd. 2. **Voluntary certification program; best management practices.** (a) The

1.15 commissioner of the Pollution Control Agency must support a training program that promotes

1.16 best management practices for deicer application and allows commercial applicators to

1.17 obtain certification as a water-friendly applicator. The commissioner must certify a

1.18 commercial applicator who has successfully completed the program as a water-friendly

1.19 applicator for a period to be determined by the commissioner.

1.20 (b) The commissioner must allow additional training under this section for those renewing

1.21 the certification after their initial training has expired.

2.1 (c) The commissioner must provide the training and testing module at locations statewide
2.2 and online.

2.3 (d) The commissioner must post the best management practices and a list of certified
2.4 commercial applicators on the agency's Web site.

2.5 Subd. 3. **Liability.** (a) A commercial applicator certified under this section; the owner,
2.6 occupant, or lessee of real property maintained by a certified commercial applicator; or an
2.7 employee of that owner, occupant, or lessee who is certified under this section is not civilly
2.8 liable for any claim based on a snow or ice condition arising out of the implementation of
2.9 the best management practices developed by the commissioner under this section even if
2.10 there is actual notice of the snow or ice condition, except when the snow or ice condition
2.11 is affirmatively caused by the willful or reckless acts of the certified commercial applicator
2.12 or the employee of the owner, occupant, or lessee who is certified under this section.

2.13 Commercial applicators certified under this section; the owner, occupants, or lessees of land
2.14 maintained by a certified commercial applicator; and an employee of that owner, occupant,
2.15 or lessee who is certified under this section are presumed to be acting pursuant to the best
2.16 management practices developed by the commissioner under this section.

2.17 (b) To receive the immunity protection under paragraph (a), and not for any other purpose,
2.18 the commercial applicator, or the employee of the owner, occupant, or lessee, must have a
2.19 current certification, pass an exam, complete the winter maintenance assessment tool
2.20 requirements developed by the commissioner, and keep a written record describing the road,
2.21 parking lot, and property maintenance practices used. The written record must include the
2.22 type and rate of application of deicing materials used, the dates of treatment, and the weather
2.23 conditions for each event requiring deicing. The records must be kept for a minimum of six
2.24 years.

2.25 (c) The liability of a commercial applicator who applies deicer but is not certified under
2.26 this section may not be determined under the standards provided in this subdivision.

2.27 Subd. 4. **Penalty.** The commissioner may revoke or decline to renew the certification
2.28 of a commercial applicator who violates this section or rules adopted under this section.