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DIVISION OF HIGHWAY PATROL 299D.01

CHAPTER 299D

DIVISION OF HIGHWAY PATROL

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299D.01 DIVISION OF HIGHWAY PATROL. Subdivision 1. A division in the department of public safety to be known as the division of highway patrol is hereby created, under the supervision and control of the chief supervisor, who shall be appointed by the commissioner and serve at his pleasure in the unclassified service of the state civil service.

Subd. 2. The chief supervisor, with the approval of the commissioner, may appoint a chief assistant supervisor who shall serve at his pleasure in the unclassified service. The salary of the chief supervisor and the salary of the chief assistant supervisor is fixed by the commissioner of public safety except when such salaries are otherwise expressly provided for by law. The chief assistant supervisor may perform and exercise every power, duty, and responsibility imposed by law upon the chief supervisor when authorized so to do by the commissioner of public safety. If the chief assistant supervisor is removed from his position for other than cause as defined in section 299D.03, he shall be reinstated to the position that he held in the patrol prior to being promoted to the position of chief assistant supervisor and shall otherwise be subject to the provisions of subdivision 12 of said section.

Subd. 3. Subject to the provisions of this section and to other applicable laws the commissioner of public safety shall organize the division, employ such persons for the Minnesota highway patrol including assistant supervisors and sergeants in the manner and in the number otherwise authorized by law and such other employees and agents as he may deem necessary to discharge the functions of the division, define the duties of such employees and agents and to delegate to them such of his powers, duties and responsibilities, which are not specifically fixed by law, subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be by written order filed with the secretary of state. Except for the chief supervisor, the chief assistant supervisor and highway patrol officers of the Minnesota highway patrol, the other employees and agents listed in this section are in the classified service of the state civil service.

Subd. 4. Before entering upon the duties of his office the chief supervisor of the Minnesota highway patrol shall take and subscribe an oath and give his bond to the state of Minnesota, to be approved by the commissioner of public safety and filed with the secretary of state, in the sum \$10,000 conditioned for the faithful performance of his duties.

Subd. 5. Upon the effective date of this act, the individual occupying the position of chief supervisor shall retain such position for a period of at least 12 months, or until removed for cause.

Subd. 6. Subject to the other provisions of Laws 1969, Chapter 1129, the powers and duties now vested in or imposed upon the commissioner of transportation with reference to the Minnesota highway patrol are transferred to, vested in, and imposed upon the commissioner of public safety. The powers and duties of the commissioner of transportation with reference thereto are hereby abolished.

Subd. 7. The legislature by Laws 1969, Chapter 1129, Article I, is transferring the Minnesota highway patrol to the department of public safety and in so doing is not enlarging or increasing the statutory duties of the personnel thereof, and no part of Laws 1969, Chapter 1129 shall be construed as in any way indicating an increase or change in such powers and duties of that organization.

Subd. 8. The commissioner of transportation shall furnish the Minnesota highway patrol such quarters as may be necessary for the performance of the duties imposed upon it by law and as the governor shall direct.

[1969 c 1129 art 1 s 4,12; 1976 c 166 s 7]

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299D.02 TRANSFER OF POWERS. Subdivision 1. All the powers and duties of the commissioner of transportation with reference to the state highway patrol and the nationwide police communication system not heretofore provided for and enumerated in Minnesota Statutes 1967, Sections 161.48 and 161.49, are hereby transferred to and imposed upon the commissioner of public safety. In conjunction with the transfer persons in the classified service of the state who shall be transferred pursuant to section 15.015, subdivision 5, there shall be transferred to the department of public safety the personnel who are presently serving as radio dispatchers for the highway patrol. Such classified employees serving as highway patrol radio dispatchers shall continue to be paid from the trunk highway fund.

Subd. 2. All powers, duties and responsibilities now assigned to and vested in the commissioner of transportation in Minnesota Statutes 1967, Chapter 352B, are hereby transferred to and vested in the commissioner of public safety.

[1969 c 1129 art 1 s 13; 1976 c 166 s 7]

299D.03 HIGHWAY PATROL. Subdivision 1. **Members.** The commissioner is hereby authorized to employ and designate a chief supervisor, a chief assistant supervisor, and such assistant supervisors, sergeants and officers as are provided by law, who shall comprise the Minnesota highway patrol. The members of the Minnesota highway patrol shall have the power and authority:

(1) As peace officers to enforce the provisions of the law relating to the protection of and use of trunk highways.

(2) At all times to direct all traffic on trunk highways in conformance with law, and in the event of a fire or other emergency, or to expedite traffic or to insure safety, to direct traffic on other roads as conditions may require notwithstanding the provisions of law.

(3) To serve warrants and legal documents anywhere in the state.

(4) To serve orders of the commissioner of public safety or his duly authorized agents issued under the provisions of the Drivers License Law, the Safety Responsibility Act, or relating to authorized brake and light testing stations, anywhere in the state and to take possession of any license, permit or certificate ordered to be surrendered.

(5) To inspect official brake and light adjusting stations.

(6) To make appearances anywhere within the state for the purpose of conducting traffic safety educational programs and school bus clinics.

(7) To exercise upon all trunk highways the same powers with respect to the enforcement of laws relating to crimes, as sheriffs, constables and police officers.

(8) To cooperate, under instructions and regulations of the commissioner of public safety, with all sheriffs and other police officers anywhere in the state, provided that said employees shall have no power or authority in connection with strikes or industrial disputes.

(9) To assist and aid any peace officer whose life or safety is in jeopardy.

(10) As peace officers to provide security and protection to the governor, governor elect, either or both houses of the houses of the legislature, and state buildings or property in the manner and to the extent determined to be necessary after consultation with the governor, or his designee. Pursuant to this clause, members of the highway patrol, acting as peace officers have the same powers with respect to the enforcement of laws relating to crimes, as sheriffs, constables and police officers have within their respective jurisdictions. There is hereby appropriated from the general fund sufficient moneys to pay the total cost of providing the services of the patrol personnel assigned to protection duties involving non-highway functions.

(11) To inspect school busses anywhere in the state for the purposes of determining compliance with vehicle equipment, pollution control, and registration requirements.

(12) As peace officers to make arrests for public offenses committed in their presence anywhere within the state. Persons arrested for violations other than traffic violations shall be referred forthwith to the appropriate local law enforcement agency for further investigation or disposition.

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Notwithstanding any provision of law to the contrary, the state may contract for highway patrol members to render services in excess of their regularly scheduled duty hours to a governmental unit pursuant to section 471.59, and patrol members rendering such services shall be compensated in such amounts, manner and under such conditions as the agreement provides.

Employees thus employed and designated shall subscribe an oath and furnish a bond running to the state of Minnesota, said bond to be approved and filed in the office of the secretary of state.

Subd. 1a. Commissioner. For the purposes of this section, the term "commissioner" means the commissioner of public safety.

Subd. 2. Salaries. (1) Each employee other than the chief supervisor, lieutenant colonel, majors, captains, and sergeants hereinafter designated shall be known as patrol officers.

(2) There may be appointed one lieutenant colonel; and such majors, captains, sergeants and officers as the commissioner deems necessary to carry out the duties and functions of the highway patrol. Persons in above named positions shall be appointed by law and have such duties as the commissioner may direct and, except for officers, shall be selected from the patrol officers, sergeants, captains, and majors who shall have had at least five years' experience as either patrol officers, sergeants, or supervisors.

(3) Commencing July 9, 1975, the salaries for all members of the highway patrol, except for the chief supervisor shall be as shown in the following table:

		TIME IN RANK					
	Base Salary	6 Months	1 Year	2 Years	3 Years		
Trooper	\$ 921	958	997	1037	1079		
		4 thru 6	7 thru 11	12 thru 20	After		
		Years	Years	Years	20 Years		
Trooper	\$1123	1168		1215	1264		
		5 thru 11	12 thru 20	After			
		Years	Years	20 Years			
Trooper I	\$1168		1215	1264			
			10 thru 20	After			
			Years	20 Years			
Corporal			\$1215	1264			
Staff Sergeant		Years					
	7	8	9	10	11	12 thru 20	after 20
	\$1240	1265	1291	1317	1345	1372	1427
					After 12		After 20
		1	2	Years total	Years total		
	Base	Year	Years	Service	Service		
Captain	\$1500	1550	1600	1650	1700		
Major	1725	1775		1825	1875		
Lt. Col.	1900	1950		2000	2050		

Commencing the first full payroll period after July 1, 1975, the salary rates for all highway patrol officers and sergeants shall be increased by \$15 per month in lieu of receiving any salary differential for working evening and night hours. Employees designated as station sergeants shall receive an additional two percent above the current rate rounded to the nearest dollar for the duration of the appointment. Employees permanently assigned exclusively to Twin City metropolitan freeway duty shall be designated freeway troopers and shall be compensated \$25 per month above their current salary when so assigned. Salary increases in accordance with the above schedule shall become effective for the payroll period nearest the employee's anniversary date of employment.

In addition to the rates of pay provided above, all employees compensated according to the above salary table shall be paid a cost of living allowance to be determined and redetermined in the following manner:

The difference, if any, between the consumer price index for urban wage earners and clerical workers for Minneapolis-St. Paul, Minnesota (new series index 1967 = 100) as published for the months July, 1975, and April, 1976, by the Bureau of Labor Statistics of the United States Department of Labor shall be computed. For each full four-tenths point increase so computed, two-tenths of one percent rounded to the nearest

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dollar shall be added to the monthly rate of pay of each trooper, corporal, sergeant, captain, major, and lieutenant colonel. Such cost of living allowance shall become effective the first full payroll period after July 1, 1976, and shall continue in effect until the first full payroll period after January 1, 1977. A redetermination of the cost of living allowance shall be made in October, 1976, and will involve computation of the difference, if any, between the aforementioned index as published for the base month of July, 1975, and the month of October, 1976. For each full four-tenths point increase so computed two-tenths of one percent rounded to the nearest dollar shall be added to the monthly rate of pay of each trooper, corporal, sergeant, captain, major and lieutenant colonel as a cost of living allowance. Such cost of living allowance shall become effective the payroll closest to January 1, 1977.

During periods when such cost of living allowance is in effect, it shall be added to the applicable monthly rates of pay for highway patrol trooper, corporal, sergeant, captain, major and lieutenant colonel, and treated as a part thereof in all calculations involving employees' pay.

The commissioner of administration may direct the commissioner of finance to transfer to the department of public safety the necessary amount to finance the increased cost of the cost of living provisions of this clause. This amount is appropriated from the trunk highway fund to the department of public safety for this purpose.

(4) Upon promotion, the person will be paid at the base salary rate of pay in effect for that rank, and shall subsequently be eligible for the time in rank increases calculated from the effective date of promotion.

(5) Any time in rank increases in salary provided for in the tables in clause (3), shall be effective for the payroll period nearest the employee's anniversary date of employment.

The salary rates for all highway patrol officers and sergeants as cited in clause (3) shall be deemed to include reimbursement for meal and business expenses incurred by highway patrol officers and sergeants in the performance of their assigned duties in their patrol areas; business expenses include, but are not limited to: uniform costs, home garaging of squad cars and maintenance of home office.

Subd. 3. Air patrol; salary adjustment. The commissioner of public safety may increase the salary of any member of the Minnesota highway patrol in an amount not to exceed \$215 per month for operation of fixed wing aircraft and \$290 per month for operation of helicopter during the period in which such member of the patrol is assigned air patrol duty. The commissioner of public safety may appoint, from among the members of the patrol assigned to air patrol duty, a chief pilot who may receive \$50 per month in addition to the air patrol duty salary differential permitted by this subdivision, during the period of his assignment as chief pilot.

Subd. 3a. Air patrol, salary increase based on hourly operation. After the commissioner has determined the amount of maximum monthly increase that a member of the patrol assigned to aircraft operation may receive pursuant to subdivision 3, he shall divide that amount by 174 to determine the hourly rate of increased salary compensation. The amount of increased compensation that any individual pilot officer shall receive shall be determined by multiplying his hourly rate by the number of hours that he was actually engaged in aircraft operation during a pay period.

Subd. 4. Appropriation. There is appropriated out of the trunk highway fund a sum of money sufficient to carry out the provisions of subdivision 3.

Subd. 5. Fines and forfeited bail money. All fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by such employees, shall be paid by the justice of the peace, or such other person or officer collecting such fines, forfeited bail money or installments thereof, on or before the tenth day after the last day of the month in which such moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of such receipts shall be credited to the general revenue fund of the county. The other five-eighths of such receipts shall be transmitted by that officer to the state treasurer and shall be credited to a separate account. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be credited to the general revenue fund of the county, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be transmitted to the state treasurer as provided in this subdivision. All costs of participation in a nation-wide police communication sys-

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tem chargeable to the state of Minnesota shall next be paid from such account. Thereafter commencing July 1, 1973, the sum of \$50,000 shall be credited on the first day of each month from such account to the Minnesota highway safety account, which sum shall be disbursed only as provided for in sections 219.40 and 219.401. Thereafter on the first day of each calendar month the money remaining in such account, not needed for the purposes specified in this subdivision, shall be credited to the trunk highway fund.

Subd. 6. Training programs. The commissioner of public safety may provide training programs for the purpose of obtaining qualified personnel for the highway patrol. Persons accepted by the commissioner of public safety for training under such training program shall be designated highway patrol trainees and shall receive a salary not to exceed 70 percent of the basic salary for patrol officers as such is set forth in subdivision 2, per month during the period of such training. Nothing contained in this subdivision shall be construed to prevent the commissioner of public safety from providing in-service training programs for highway patrol officers. The commissioner of transportation shall furnish the commissioner of public safety with lands and buildings necessary in providing in-service training programs at no cost to the division of highway patrol.

Subd. 7. Discharge of patrolman. Every person employed and designated as a state highway patrolman under and pursuant to the provisions of this section, after six months of continuous employment, shall continue in service and hold his position without demotion, until suspended, demoted, or discharged in the manner hereinafter provided for one or more of the causes specified herein.

Subd. 8. Causes for discharge. Causes for suspension, demotion, or discharge shall be:

- (1) Conviction of any criminal offense in any court of competent jurisdiction subsequent to the commencement of such employment;
- (2) Neglect of duty or wilful violation or disobedience of orders or rules;
- (3) Inefficiency in performing duties;
- (4) Immoral conduct or conduct injurious to the public welfare, or conduct unbecoming an officer; or
- (5) Incapacity or partial incapacity affecting his normal ability to perform his official duties.

Subd. 9. Charges against patrolmen. (a) Charges against any state highway patrolman shall be made in writing and signed and sworn to by the person making the same, which written charges shall be filed with the commissioner. Upon the filing of same, if the commissioner shall be of the opinion that such charges constitute a ground for suspension, demotion, or discharge, he shall order a hearing to be had thereon and fix a time for such hearing and may designate a subordinate as his deputy to conduct such hearing. Otherwise he shall dismiss the charges. At least ten days before the time appointed for the hearing, written notice specifying the charges filed and stating the name of the person making the charges, shall be served on the employee personally or by leaving a copy thereof at his usual place of abode with some person of suitable age and discretion then residing therein. If the commissioner orders a hearing he may suspend such employee pending his decision to be made after such hearing.

(b) The exclusive representative of members of the state highway patrol shall have the option of utilizing either the contractual grievance procedure or the legal remedies of this section, but in no event both. Notwithstanding the above, any employee may utilize the provisions of subdivisions 10 and 11.

(c) The commissioner, after having been informed by the exclusive representative that the employee against whom charges have been filed desires to utilize the grievance procedure of the labor agreement, may immediately suspend, demote or discharge the employee without the hearing required by clause (a).

Subd. 10. Hearing on charges, decision, punishment. The commissioner or his designated subordinate shall have power to compel the attendance of witnesses at any such hearing and to examine them under oath, and to require the production of books, papers, and other evidence at any such hearing, and for that purpose may issue subpoenas and cause the same to be served and executed in any part of the state. The employee accused shall be entitled to be confronted with the witnesses against him

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and have an opportunity to cross-examine the same and to introduce at such hearing testimony in his own behalf, and to be represented by counsel at such hearing. If the hearing is conducted by a designated subordinate of the commissioner such designated subordinate upon completion of the hearing shall forthwith transmit a transcript of the testimony of the hearing, together with his recommendations, to the commissioner. The commissioner, within 25 days after such hearing, shall render his decision in writing and file the same in his office. If after such hearing he finds that any such charge made against such state employee is true, he may punish the offending party by reprimand, suspension without pay, demotion, or dismissal. If upon any such hearing the commissioner shall find the charges made against such patrolman are not true, or dismiss such charges after such hearing, such patrolman shall be reinstated in his position and any salary or wages withheld from him pending the determination or decision of the commissioner upon such charges shall be paid to such patrolman by the commissioner out of state funds.

Subd. 11. Review by certiorari. Any state highway patrolman who is so suspended, demoted, or dismissed may have such decision or determination of the commissioner reviewed by a writ of certiorari in the district court of the county where such patrolman resides. If such decision or determination of the commissioner shall be finally rejected or modified by the court, the patrolman shall be reinstated in his position, and the commissioner shall pay to the patrolman so suspended out of the funds of the state the salary or wages withheld from him pending the determination of the charges or as may be directed by the court.

Subd. 12. Application of subdivisions 5 to 12. Subdivisions 5 to 12 shall apply to all persons employed and designated under and pursuant to this section, except the chief supervisor and chief assistant supervisor of the state highway patrol. If the chief supervisor or the chief assistant supervisor is removed for other than cause as defined herein he shall be reinstated to the position that he held in the patrol prior to being promoted to the position of chief supervisor or chief assistant supervisor.

Upon the effective date of this act the individual occupying the position of chief assistant supervisor of the highway patrol shall retain such position for a period of at least 12 months, or until removed for cause.

[1929 c 355 s 1; 1931 c 44 s 1; 1935 c 304 s 1; 1937 c 30 s 1; 1939 c 400 s 1; 1941 c 175 s 1; 1943 c 623 s 1; 1945 c 422 s 1; 1945 c 516 s 1; 1947 c 562 s 1; 1951 c 554 s 1,2; 1955 c 593 s 1; 1955 c 667 s 1; 1957 c 824 s 1,3; 1957 c 838 s 1; 1959 c 419 s 1; 1959 c 500 art 2 s 47; 1959 c 603 s 1,2; Ex1959 c 54 s 1; 1961 c 448 s 1,2; 1963 c 458 s 3; 1963 c 884 s 8 subds 1,2; 1965 c 863 s 8 subds 1,3; 1967 c 62 s 1; 1967 c 86 s 1; 1967 c 419 s 1,2; 1969 c 399 s 1; 1969 c 580 s 1; 1969 c 758 s 1; 1969 c 865 s 1,2; 1969 c 1129 art 1 s 5-10; 1971 c 25 s 102; 1971 c 435 s 1; 1971 c 540 s 1; Ex1971 c 32 s 29; 1973 c 35 s 47,48; 1973 c 492 s 14; 1973 c 653 s 23; 1973 c 734 s 1; 1974 c 271 s 1; 1974 c 462 s 1; 1975 c 204 s 79; 1975 c 431 s 22,23; 1976 c 163 s 60; 1976 c 166 s 7] (2554)

299D.04 NATIONWIDE POLICE COMMUNICATION SYSTEM. The commissioner of public safety may enter into the necessary agreements and purchase the necessary equipment for participation in a nationwide police communication system. All costs of participation in such system by the highway patrol chargeable to the state of Minnesota shall be paid from the fund in the state treasury credited with fines and forfeited bail money.

[1959 c 500 art 2 s 48; 1969 c 1129 art 1 s 11; 1976 c 163 s 61]

299D.05 RADIO REPEATER STATION IN WISCONSIN. Subdivision 1. **Authority to acquire site.** The commissioner is authorized to acquire by gift or purchase for trunk highway uses and purposes such land in the state of Wisconsin as he may determine necessary for use as a site for and to construct, operate, and maintain thereon a radio repeater station to be used in connection with the Minnesota state-wide two-way radio system operated by the Minnesota state highway patrol.

Subd. 2. Payment of taxes and assessments. The commissioner may in connection with the maintenance, operation, and use of the radio repeater station as provided herein pay any and all taxes or special assessments, if any, that may be assessed against said property by the state of Wisconsin or its political subdivisions or taxing districts.

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Subd. 3. **Cost to be paid out of trunk highway fund.** The cost of the land acquisition, the construction, operation, and maintenance of the radio repeater station provided for herein shall be paid out of the trunk highway fund.

[1959 c 500 art 2 s 49]

299D.06 INSPECTIONS; WEIGHING. Personnel to enforce the laws relating to motor vehicle equipment, school bus equipment, drivers license, motor vehicle registration, motor vehicle size and weight, and motor vehicle petroleum tax, to enforce public service commission regulations relating to motor carriers, to enforce pollution control agency regulations relating to motor vehicle noise abatement, and to enforce laws relating to directing the movement of vehicles shall be classified employees of the commissioner of public safety assigned to the division of highway patrol. Employees engaged in these duties, while actually on the job during their working hours only, shall have power to arrest and prepare notices to appear in court for violation of these laws and regulations, in the manner provided in section 169.91. They shall not be armed and shall have none of the other powers and privileges reserved to peace officers.

[1975 c 204 s 80]

299D.07 HELICOPTERS AND FIXED WING AIRCRAFT; HIGHWAY PATROL PURPOSES. The commissioner of public safety is hereby authorized to retain, acquire, maintain and operate helicopters and fixed wing aircraft for the purposes of highway patrol and to employ highway patrol officer pilots as required.

[1976 c 281 s 5]

NOTE: Laws 1976, Chapter 281, Section 6 reads:

"Sec. 6. The provisions of the fourth paragraph of Laws 1975, Chapter 204, Section 31, Subdivision 2, insofar as they refer to helicopters and fixed wing aircraft are superseded by this act."