

CHAPTER 299F

FIRE MARSHAL

299F.014 Aboveground petroleum storage tanks not used for dispensing to the public; tank vehicles.

299F.036 Firefighter; previous employment investigation.

299F.04 Origin of fire investigated.

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299F.014 ABOVEGROUND PETROLEUM STORAGE TANKS NOT USED FOR DISPENSING TO THE PUBLIC; TANK VEHICLES.

(a) Any rule of the commissioner of public safety that adopts provisions of the Uniform Fire Code relating to aboveground tanks for petroleum storage that are not used for dispensing to the public is superseded by Minnesota Rules, chapter 7151, in regard to: secondary containment, substance transfer areas, tank and piping standards, overfill protection, corrosion protection, leak detection, labeling, monitoring, maintenance, recordkeeping, and decommissioning. If Minnesota Rules, chapter 7151, does not address an issue relating to aboveground tanks for petroleum storage that are not used for dispensing to the public, any applicable provision of the Uniform Fire Code, 1997 Edition, shall apply.

(b) A motorized tank vehicle used to transport petroleum products may be parked within 500 feet of a residence if the vehicle is parked at an aboveground tank facility used for dispensing petroleum into cargo tanks for sale at another location.

History: 1999 c 203 s 8

299F.036 FIREFIGHTER; PREVIOUS EMPLOYMENT INVESTIGATION.

Subdivision 1. **Previous employment investigations authorized.** The fire chief or administrative head of a fire department as defined under section 299F.092, subdivision 6, may conduct a previous employment investigation on an applicant for a fire protection service position.

Subd. 2. **Disclosure of employment information.** (a) Upon request of a fire chief or an administrative head, an employer shall disclose or otherwise make available for inspection employment information of an employee or former employee who is the subject of an investigation under subdivision 1. The request for disclosure of employment information must be in writing, must be accompanied by an original authorization and release signed by the employee or former employee, and must be signed by the fire chief or administrative head conducting the previous employment investigation.

(b) Upon request, the fire chief or administrative head shall disclose to the applicant the information obtained under this subdivision.

Subd. 3. **Refusal to disclose personnel record.** If an employer refuses to disclose employment information in accordance with this section, upon request the district court may issue an ex parte order directing the disclosure of the employment information. The request must be made by the fire chief or administrative head conducting the investigation and must include a copy of the original request for disclosure made upon the employer or former employer and the authorization and release signed by the employee or former employee. The request must be signed by the fire chief or administrative head requesting the order and an attorney representing the state or the political subdivision on whose behalf the investigation is being conducted. It is not necessary for the request or the order to be filed with the court administrator. Failure to comply with the court order subjects the person who fails to comply to civil or criminal contempt of court.

Subd. 4. **Immunity from liability.** In the absence of fraud or malice, an employer is immune from civil liability for employment information released to a fire department under this section, or for any subsequent publication made by the employee or former employee of information released to a fire department under this section.

Subd. 5. **Confidentiality agreements.** If employment information is subject to a confidentiality agreement between the employee or former employee and the employer, the em-

ployer shall disclose the fact that such an agreement exists. If the employee or former employee has authorized the release of employment information without regard to any previous agreement to the contrary, the employer shall also disclose the employment information according to subdivision 2. If employment information is sealed or otherwise subject to a non-disclosure order by a court of competent jurisdiction, the employer shall disclose the fact that this order exists, along with information identifying the court and court's file number.

Subd. 6. **Employment information defined.** For purposes of this section, "employment information" means written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, and eligibility for rehire.

Subd. 7. **Application.** For purposes of this section, "employer" does not include an entity that is subject to chapter 13.

History: 1999 c 197 s 1

299F.04 ORIGIN OF FIRE INVESTIGATED.

[For text of subs 1 to 3, see M.S.1998]

Subd. 3a. **Arson investigative data system.** (a) As used in this section, "criminal justice agency" means state and local prosecution authorities, state and local law enforcement agencies, local fire departments, and the office of state fire marshal.

(b) The state fire marshal shall administer and maintain a computerized arson investigative data system for the purpose of assisting criminal justice agencies in the investigation and prosecution of suspected arson violations. This data system is separate from the reporting system maintained by the department of public safety under section 299F.05, subdivision 2. The system consists of data on individuals who are 14 years old or older who law enforcement agencies determine are or may be engaged in arson activity. Notwithstanding section 260B.171, subdivision 5, data in the system on adults and juveniles may be maintained together. Data in the system must be submitted and maintained as provided in this subdivision.

(c) Subject to the provisions of paragraph (d), a criminal justice agency may submit the following data on suspected arson violations to the arson investigative data system:

- (1) the suspect's name, known aliases, if any, and other identifying characteristics;
- (2) the modus operandi used to commit the violation, including means of ignition;
- (3) any known motive for the violation;
- (4) any other crimes committed as part of the same behavioral incident;
- (5) the address of the building, the building owner's identity, and the building occupant's identity; and
- (6) the name of the reporting agency and a contact person.

A criminal justice agency that reports data to the arson investigative data system shall maintain records documenting the data in its own records system for at least the time period specified in paragraph (e).

(d) The state fire marshal shall maintain in the arson investigative data system any of the data reported under paragraph (c) that the fire marshal believes will assist in the investigation and prosecution of arson cases. In lieu of or in connection with any of these data, the state fire marshal may include in the data system a reference to the criminal justice agency that originally reported the data, with a notation to system users that the agency is the repository of more detailed information on the particular suspected arson violation.

(e) Notwithstanding section 138.17, the state fire marshal shall destroy data on juveniles entered into the system when three years have elapsed since the data were entered into the system, except as otherwise provided in this paragraph. If the fire marshal has information that, since entry of data into the system, the juvenile has been convicted as an adult or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a crime if committed by an adult, the data must be maintained until three years have elapsed since the last record of a conviction, adjudication, or stayed adjudication of the individual. Upon request of the criminal justice agency that submitted data to the system, the state fire marshal shall destroy the data regardless of whether three years have elapsed since the data were entered into the system.

(f) Data in the arson investigative data system are confidential data on individuals as defined in section 13.02, subdivision 3, but are accessible to criminal justice agencies.

[For text of subs 4 and 5, see M.S.1998]

History: 1999 c 139 art 4 s 2

299F.362 SMOKE DETECTOR; INSTALLATION; RULES; PENALTY.

[For text of subs 1 to 9, see M.S.1998]

Subd. 10. **Public fire safety educator.** The position of Minnesota public fire safety educator is established in the department of public safety.

[For text of subd 11, see M.S.1998]