

## CHAPTER 299D

### STATE PATROL

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#### 299D.01 DIVISION OF STATE PATROL.

Subdivision 1. **Created.** A division in the Department of Public Safety to be known as the Division of State Patrol is created, under the supervision and control of the chief supervisor, who shall be appointed by the commissioner and serve at the commissioner's pleasure in the unclassified service of the state civil service.

Subd. 2. **Chief assistant supervisor.** The chief supervisor, with the approval of the commissioner, may appoint a chief assistant supervisor who shall serve at the chief supervisor's 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 the chief assistant supervisor's position for other than cause as defined in section 299D.03, the chief assistant supervisor shall be reinstated to the position 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. **Commissioner's responsibilities.** 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 State Patrol including assistant supervisors and sergeants in the manner and in the number otherwise authorized by law and such other employees and agents as the commissioner 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 the commissioner's powers, duties, and responsibilities, which are not specifically fixed by law, subject to the commissioner's control and under such conditions as the commissioner 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 State Patrol officers of the Minnesota State Patrol, the other employees and agents listed in this section are in the classified service of the state civil service.

Subd. 4. **Oath.** Before entering upon the duties of office the chief supervisor of the Minnesota State Patrol shall take and subscribe an oath.

Subd. 5. [Repealed, 1996 c 310 s 1]

Subd. 6. **Reorganization; commissioner's powers and duties transferred.** 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. **Legislative intent.** 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. **Quarters.** The commissioner of transportation shall furnish the Minnesota State Patrol such quarters as may be necessary for the performance of the duties imposed upon it by law and as the governor shall direct.

**History:** 1969 c 1129 art 1 s 4,12; 1976 c 166 s 7; 1981 c 37 s 1,2; 1986 c 444; 1991 c 326 s 15

## 299D.02 TRANSFER OF POWERS.

Subdivision 1. **Commissioner's powers and duties; radio dispatchers.** 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. **Commissioner's powers and duties.** 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.

**History:** 1969 c 1129 art 1 s 13; 1976 c 166 s 7

## 299D.03 STATE PATROL.

Subdivision 1. **Members, powers, and duties.** (a) 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 State Patrol.

(b) The members of the Minnesota State 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 search warrants related to criminal motor vehicle and traffic violations and arrest warrants, and legal documents anywhere in the state;

(4) to serve orders of the commissioner of public safety or the commissioner's duly authorized agents issued under the provisions of the Driver's 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 and police officers;

(8) to cooperate, under instructions and rules 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 legislature, and state buildings or property in the manner and to the extent determined to be necessary after consultation with the governor, or a designee. Pursuant to this clause, members of the State Patrol, acting as peace officers have the same powers with respect to the enforcement of laws relating to crimes, as sheriffs and police officers have within their respective jurisdictions;

(11) to inspect school buses 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; and

(13) to enforce the North American uniform out-of-service criteria and issue out-of-service orders, as defined in Code of Federal Regulations, title 49, section 383.5.

(c) After consultation with the governor or a designee, the commissioner may require the State Patrol to provide security and protection to Supreme Court justices, legislators, and constitutional officers other than the governor, for a limited period and within the limits of existing resources, in response to a credible threat on the individual's life or safety.

(d) The state may contract for State Patrol members to render the services described in this section in excess of their regularly scheduled duty hours and patrol members rendering such services shall be compensated in such amounts, manner and under such conditions as the agreement provides.

(e) Employees thus employed and designated shall subscribe an oath.

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

Subd. 2. **Salary and reimbursement.** (a) Each employee other than the chief supervisor, lieutenant colonel, majors, captains, corporals, and sergeants hereinafter designated shall be known as patrol troopers.

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

(c) The salary rates for all State Patrol troopers, corporals, and sergeants shall be deemed to include \$6 per day reimbursement for shift differential, meal and business expenses incurred by State Patrol troopers, corporals, 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. [Repealed, 1982 c 568 s 13]

Subd. 3a. [Repealed, 1977 c 452 s 36]

Subd. 4. [Repealed, 1977 c 455 s 95]

Subd. 5. **Traffic fines and forfeited bail money.** (a) All fines and forfeited bail money collected from persons apprehended or arrested by officers of the State Patrol shall be transmitted by the person or officer collecting the fines, forfeited bail money, or installments thereof, on or before the tenth day after the last day of the month in which these moneys were collected, to the commissioner of management and budget. Except where a different disposition is required in this subdivision or section 387.213, or otherwise provided by law, three-eighths of these receipts must be deposited in the state treasury and credited to the state general fund. The other five-eighths of these receipts must be deposited in the state treasury and credited as follows: (1) the first \$1,000,000 in each fiscal year must be credited to the Minnesota grade crossing safety account in the special revenue fund, and (2) remaining receipts must be credited to the state trunk highway fund. 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 deposited in the state treasury and credited to the state general fund, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be deposited in the state treasury and credited to the Minnesota grade crossing safety account or the state trunk highway fund as provided in this paragraph. When section 387.213 also is applicable to the fine, section 387.213 shall be applied before this paragraph is applied. All costs of participation in a nationwide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) All fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by these employees, shall be transmitted by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the commissioner of management and budget. Five-eighths of these receipts shall be deposited in the state treasury and credited to the state highway user tax distribution fund. Three-eighths of these receipts shall be deposited in the state treasury and credited to the state general fund.

Subd. 6. **Training program.** The commissioner of public safety may provide training programs for the purpose of obtaining qualified personnel for the State Patrol. Persons accepted by the commissioner of public safety for training under this training program shall be designated State Patrol trainees and shall receive a salary not to exceed 70 percent of the basic salary for patrol officers as prescribed in subdivision 2, during the period of the training. Nothing contained in this subdivision shall be construed to prevent the commissioner of public safety from providing in-service training programs for State Patrol officers. The commissioner of transportation shall furnish the commissioner of public safety with lands and buildings necessary in providing in-service training programs and the Department of Public Safety shall reimburse the Department of Transportation for all reasonable costs incurred due to the provision of these training facilities.

Subd. 7. **Discharge of trooper.** Every person employed and designated as a state trooper under and pursuant to the provisions of this section, after 12 months of continuous employment, shall continue in service and hold the position without demotion, until suspended, demoted, or discharged in the manner hereinafter provided for one or more of the causes specified herein.

Subd. 8. **Just causes for discharge.** A trooper who has completed six months of continuous employment shall not be suspended, demoted or discharged except for just cause. For purposes of this section, just cause includes, but is not limited to:

(1) conviction of any criminal offense in any court of competent jurisdiction subsequent to the commencement of such employment;

(2) neglect of duty or willful 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 the trooper's normal ability to perform official duties.

Subd. 9. **Charge against trooper.** (a) Charges against any state trooper 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, a hearing shall be held on them. The hearing shall be conducted by an arbitrator selected by the parties from a list of five arbitrators provided by the Bureau of Mediation Services. At least 30 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 the employee's usual place of abode with some person of suitable age and discretion then residing therein. If the commissioner orders a hearing the commissioner may suspend such employee before the hearing.

(b) Members of the State Patrol shall have the option of utilizing either the contractual grievance procedure or the legal remedies of this section, but in no event both.

(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 paragraph (a).

Subd. 10. **Hearing on charges, decision, punishment.** The arbitrator may compel the attendance of witnesses at the hearing and examine them under oath, and may require the production of books, papers, and other evidence at the hearing, and for that purpose may issue subpoenas and cause them to be served and executed in any part of the state. The employee accused is entitled to be confronted with the witnesses against the employee and may cross-examine them and may introduce at the hearing testimony in the employee's own behalf, and to be represented by counsel at the hearing.

Subd. 11. **Review of arbitration award.** Any state trooper who is so suspended, demoted, or dismissed may have the decision or determination of the arbitrator reviewed pursuant to the Uniform Arbitrator Act in the district court of the county where the trooper resides. If the decision or determination of the arbitrator is finally rejected or modified by the court, the trooper shall be reinstated in the position, and the commissioner shall pay to the trooper so suspended out of

the funds of the state the salary or wages withheld pending the determination of the charges or as may be directed by the court.

Subd. 12. **Applicability.** 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 Patrol. If the chief supervisor or the chief assistant supervisor is removed for other than cause as defined herein the chief or assistant supervisor shall be reinstated to the position held in the patrol prior to being promoted to the position of chief supervisor or chief assistant supervisor.

Upon the effective date of Laws 1969, chapter 1129, the individual occupying the position of chief assistant supervisor of the State Patrol shall retain such position for a period of at least 12 months, or until removed for cause.

**History:** (2554) 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; 1977 c 403 s 8; 1977 c 452 s 32,33; 1977 c 454 s 28; 1978 c 487 s 1; 1978 c 793 s 71; 1979 c 332 art 1 s 79-81; 1980 c 614 s 133; 1981 c 37 s 2; 1981 c 363 s 49; 1982 c 568 s 5; 1982 c 617 s 22; 1983 c 177 s 3; 1983 c 247 s 130; 1983 c 293 s 93-96; 1984 c 387 s 1; 1984 c 654 art 3 s 83; 1985 c 248 s 70; 1Sp1985 c 17 s 12; 1986 c 444; 1989 c 311 s 1; 1989 c 335 art 1 s 191; 1991 c 298 art 5 s 5; 1991 c 326 s 16; 1993 c 326 art 7 s 8; 1994 c 465 art 3 s 3; 1999 c 243 art 11 s 4; 1Sp2001 c 5 art 5 s 9; 2003 c 112 art 2 s 38; 2005 c 10 art 2 s 4; 1Sp2005 c 6 art 3 s 88; 2008 c 350 art 1 s 81; 2009 c 83 art 2 s 20; 2009 c 101 art 2 s 109; 2010 c 351 s 58; 2012 c 258 s 1

#### **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 State Patrol chargeable to the state of Minnesota shall be paid from the fund in the state treasury credited with fines and forfeited bail money.

**History:** 1959 c 500 art 2 s 48; 1969 c 1129 art 1 s 11; 1976 c 163 s 61; 1981 c 37 s 2

#### **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 is determined 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 statewide two-way radio system operated by the Minnesota State Patrol.

Subd. 2. **Payment of tax and assessment.** 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.

Subd. 3. **Cost 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.

**History:** 1959 c 500 art 2 s 49; 1981 c 37 s 2; 1986 c 444

#### **299D.06 PATROL EMPLOYEES WHO ARE NOT TROOPERS.**

(a) Department personnel must be classified employees assigned to the Division of State Patrol if they are employed to enforce:

(1) laws relating to motor vehicle equipment; school bus equipment; drivers' licenses; motor vehicle registration; motor vehicle size and weight; motor carrier insurance, registration, and safety; and motor vehicle petroleum taxes;

(2) Pollution Control Agency rules relating to motor vehicle noise abatement;

(3) laws relating to directing the movement of vehicles; and

(4) the North American uniform out-of-service criteria and issue out-of-service orders, as defined in Code of Federal Regulations, title 49, section 383.5.

(b) Employees engaged in these duties, while actually on the job during their working hours only, shall have power to:

(1) issue citations in lieu of arrest and continued detention; and

(2) prepare notices to appear in court for violation of these laws and rules, in the manner provided in section 169.91, subdivision 3.

(c) They shall not be armed and, except as provided in this section, shall have none of the other powers and privileges reserved to peace officers including the power to enforce traffic laws and regulations.

**History:** 1975 c 204 s 80; 1980 c 614 s 123; 1981 c 37 s 2; 1985 c 248 s 70; 1993 c 326 art 7 s 9; 1997 c 230 s 22; 2008 c 350 art 1 s 82

#### **299D.07 HELICOPTER, FIXED WING AIRCRAFT.**

The commissioner of public safety is hereby authorized to retain, acquire, maintain and operate helicopters and fixed wing aircraft for the purposes of the State Patrol and the Bureau of Criminal Apprehension and for any other law enforcement purpose that the commissioner determines is appropriate. The commissioner also is authorized to employ State Patrol officer pilots as required.

**History:** 1976 c 281 s 5; 1981 c 37 s 2; 1994 c 636 art 4 s 27; 1997 c 239 art 8 s 18; 2005 c 10 art 1 s 62

#### **299D.08 TRAFFIC CITATION QUOTA PROHIBITED.**

The State Patrol or a law enforcement agency shall not order, mandate, require, or suggest to a patrol trooper, commercial vehicle inspector, or law compliance representative that the patrol trooper, inspector, or representative issue a certain number of traffic citations on a daily, weekly, monthly, quarterly, or yearly quota basis.

**History:** 1986 c 474 s 2; 2005 c 46 s 1

**299D.085 OVERDIMENSIONAL LOAD ESCORT DRIVER.**

Subdivision 1. **Definition.** For purposes of this section, "overdimensional load" is a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in chapter 169, or otherwise not in conformity with the provisions of chapter 169.

Subd. 2. **Certificate.** Except as provided in subdivision 2a, no person may operate as an overdimensional load escort driver in this state without a certificate issued by the commissioner, or by a state with which the commissioner has entered into a reciprocal agreement. The commissioner shall assess a fee for each certificate applicant, calculated to cover the commissioner's cost of establishing and administering the program.

*[See Note.]*

Subd. 2a. **Exceptions.** A person who is a minimum of 18 years of age, possesses a valid operator's license for the type of vehicle being operated, and meets vehicle and safety equipment standards specified by the commissioner may operate without a certificate as an overdimensional load escort driver when: (1) the load consists of manufactured homes, as defined in section 327.31, subdivision 6, or modular homes, as defined in section 272.02, subdivision 85, paragraph (c); (2) the load does not extend over the centerline of a roadway; and (3) the vehicle carrying the overdimensional load is not routed to travel the wrong way on a roadway.

*[See Note.]*

Subd. 3. **Qualifications.** To obtain a certificate to operate as an overdimensional load escort driver, a person must be a minimum of 18 years of age, possess a valid operator's license for the type of vehicle being operated, successfully complete an escort driver certification course developed by the commissioner and offered by the commissioner or authorized agents, and meet all additional requirements, including vehicle and safety equipment standards specified by the commissioner.

Subd. 4. **Penalty.** A person who violates, or aids or abets the violation of, any provision of this section is guilty of a petty misdemeanor.

Subd. 5. **Rulemaking.** The commissioner of public safety shall adopt rules to carry out the provisions of this section. Notwithstanding section 16A.1283, the rules must specify the fee to be assessed under subdivision 2.

**History:** 2010 c 311 s 3; 2012 c 287 art 3 s 52,53

**NOTE:** This section, as added by Laws 2010, chapter 311, section 3, is effective one year after the publication in the State Register of rules adopted under subdivision 5. Laws 2010, chapter 311, section 4.

**NOTE:** The amendments to subdivision 2 by Laws 2012, chapter 287, article 3, section 52, and subdivision 2a, as added by Laws 2012, chapter 287, article 3, section 53, expire on the December 31 that occurs immediately after two years following the publication in the State Register of rules adopted under Laws 2010, chapter 311, section 3, subdivision 5. Laws 2012, chapter 287, article 3, sections 52 and 53, the effective dates.

**299D.09 ESCORT SERVICE; APPROPRIATION; RECEIPTS.**

Fees charged for escort services provided by the State Patrol are annually appropriated to the commissioner of public safety to administer and provide these services.

The fee charged for services provided by the State Patrol with a vehicle is \$79.28 an hour. The fee charged for services provided without a vehicle is \$59.28 an hour.



The fees charged for State Patrol flight services are \$140 an hour for a fixed wing aircraft, \$490 an hour for a helicopter, and \$600 an hour for the Queen Air in fiscal year 2012; and \$139.64 an hour for a fixed wing aircraft, \$560.83 an hour for a helicopter, and \$454.84 an hour for the Queen Air in fiscal year 2013 and thereafter.

**History:** *1989 c 311 s 2; 2007 c 143 art 3 s 8; 2012 c 287 art 3 s 54*

**299D.10** [Repealed, 1997 c 159 art 2 s 53]