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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 390

01/23/2017 Authored by Zerwas, Cornish, Franson, McDonald, Johnson, B., and others
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance
02/23/2017 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act
1.2 relating to public safety; increasing penalties for obstructing traffic access to a
1.3 trunk highway or airport; amending the crime of obstructing transit; amending
1.4 Minnesota Statutes 2016, sections 160.2715; 609.855, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2016, section 160.2715, is amended to read:

1.7 160.2715 RIGHT-OF-WAY USE; MISDEMEANORS PENALTIES.

1.8 (a) Except for the actions of the road authorities, their agents, employees, contractors,
1.9 and utilities in carrying out their duties imposed by law or contract, and except as herein
1.10 provided in paragraph (b), it shall be unlawful is a misdemeanor to:

1.11 (1) obstruct any highway or deposit snow or ice thereon;

1.12 (2) plow or perform any other detrimental operation within the road right-of-way except
1.13 in the preparation of the land for planting permanent vegetative cover or as authorized under
1.14 section 160.232;

1.15 (3) erect a fence on the right-of-way of a trunk highway, county state-aid highway,
1.16 county highway, or town road, except to erect a lane fence to the ends of a livestock pass;

1.17 (4) erect or reconstruct driveway headwalls in or on the right-of-way of a highway or
1.18 road, except as may be allowed by permit from the road authority imposing reasonable
1.19 regulations as are necessary to prevent interference with the construction, maintenance, and
1.20 safe use of the highway or road and its appurtenances;

1.21 (5) dig any holes in any highway, except to locate markers placed to identify sectional
1.22 corner positions and private boundary corners;

- 2.1 (6) remove any earth, gravel, or rock from any highway;
- 2.2 (7) obstruct any ditch draining any highway or drain any noisome materials into any
2.3 ditch;
- 2.4 (8) place or maintain any building or structure within the limits of any highway;
- 2.5 (9) place or maintain any advertisement within the limits of any highway, except as
2.6 provided in section 160.27, subdivision 7;
- 2.7 (10) paint, print, place, or affix any advertisement or any object within the limits of any
2.8 highway, except as provided in section 160.27, subdivision 7;
- 2.9 (11) deface, mar, damage, or tamper with any structure, work, material, equipment,
2.10 tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance
2.11 on or along any highway;
- 2.12 (12) remove, injure, displace, or destroy right-of-way markers, or reference or witness
2.13 monuments, or markers placed to preserve section or quarter-section corners;
- 2.14 (13) improperly place or fail to place warning signs and detour signs as provided by
2.15 law;
- 2.16 (14) drive over, through, or around any barricade, fence, or obstruction erected for the
2.17 purpose of preventing traffic from passing over a portion of a highway closed to public
2.18 travel or to remove, deface, or damage any such barricade, fence, or obstruction.
- 2.19 (b) ~~Any violation of this section~~ Except for the actions of the road or airport authorities,
2.20 their agents, employees, contractors, and utilities in carrying out their duties imposed by
2.21 law or contract, it is a gross misdemeanor to intentionally obstruct traffic that is entering,
2.22 exiting, or on a trunk highway or that is entering or exiting an airport.
- 2.23 (c) For purposes of this section, "airport" means an airport owned and operated by the
2.24 Metropolitan Airports Commission.
- 2.25 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
2.26 committed on or after that date.

2.27 Sec. 2. Minnesota Statutes 2016, section 609.855, subdivision 2, is amended to read:

2.28 Subd. 2. **Unlawful interference with transit operator.** (a) Whoever intentionally
2.29 commits an act that interferes with or obstructs, or tends to interfere with or obstruct, the
2.30 operation of a transit vehicle is guilty of ~~unlawful interference with a transit operator~~ a crime
2.31 and may be sentenced as provided in paragraph (c).

3.1 (b) An act ~~that is~~ committed on a transit vehicle that distracts the driver from the safe
3.2 operation of the vehicle, restricts passenger access to the transit vehicle, or ~~that~~ endangers
3.3 passengers is a violation of this subdivision if an authorized transit representative has clearly
3.4 warned the person once to stop the act.

3.5 (c) A person who violates this subdivision may be sentenced as follows:

3.6 (1) to imprisonment for not more than three years or to payment of a fine of not more
3.7 than \$5,000, or both, if the violation was accompanied by force or violence or a
3.8 communication of a threat of force or violence; or

3.9 (2) to imprisonment for not more than ~~90 days~~ one year or to payment of a fine of not
3.10 more than ~~\$1,000~~ \$3,000, or both, if the violation was not accompanied by force or violence
3.11 or a communication of a threat of force or violence.

3.12 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
3.13 committed on or after that date.