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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3240

02/13/2020 Authored by Tabke
The bill was read for the first time and referred to the Transportation Finance and Policy Division
03/05/2020 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act
1.2 relating to transportation; modifying operating standards for special transportation
1.3 service providers; amending Minnesota Statutes 2018, section 174.30, subdivisions
1.4 2a, 4a, 8; repealing Minnesota Statutes 2018, section 174.30, subdivision 4b.

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

1.6 Section 1. Minnesota Statutes 2018, section 174.30, subdivision 2a, is amended to read:

1.7 Subd. 2a. Vehicle and equipment safety; provider responsibilities. (a) Every special
1.8 transportation service provider shall systematically inspect, repair, and maintain, or cause
1.9 to be inspected, repaired, and maintained, the vehicles and equipment subject to the control
1.10 of the provider. Each vehicle and its equipment must be inspected daily. A vehicle may not
1.11 be operated in a condition that is likely to cause an accident or breakdown of the vehicle.
1.12 Equipment, including specialized equipment necessary to ensure vehicle usability and safety
1.13 for disabled persons, must be in proper and safe operating condition at all times.

1.14 (b) Each special transportation provider shall maintain the following records for each
1.15 vehicle:

1.16 (1) an identification of the vehicle, including make, serial number, and year, and, if the
1.17 vehicle is not owned by the provider, the name and address of the person furnishing the
1.18 vehicle;

1.19 (2) a schedule of inspection and maintenance operations to be performed;

1.20 (3) a record of inspections, repairs, and maintenance showing the date and nature;

1.21 (4) a lubrication record; and

2.1 (5) a record of tests conducted to ensure that emergency doors or windows and wheelchair
 2.2 lifts function properly; and

2.3 (6) a record of trips, limited to date, time, and driver's name.

2.4 Sec. 2. Minnesota Statutes 2018, section 174.30, subdivision 4a, is amended to read:

2.5 Subd. 4a. **Certification of special transportation provider.** (a) The commissioner may
 2.6 refuse to issue a certificate of compliance if an individual specified in subdivision 10,
 2.7 paragraph (a), clauses (1) to (3), is disqualified or is not on the provider's active roster, as
 2.8 defined in section 245C.02, subdivision 17a, paragraph (b).

2.9 (b) The commissioner shall annually evaluate or provide for the evaluation of each
 2.10 provider of special transportation service regulated under this section and certify that the
 2.11 provider is in compliance with the standards under this section.

2.12 Sec. 3. Minnesota Statutes 2018, section 174.30, subdivision 8, is amended to read:

2.13 Subd. 8. **Administrative penalties; loss of certificate of compliance.** (a) The
 2.14 commissioner may issue an order requiring violations of this section and the operating
 2.15 standards adopted under this section to be corrected and assessing monetary penalties of up
 2.16 to \$1,000 for all violations identified during a single inspection, investigation, or audit.
 2.17 Section 221.036 applies to administrative penalty orders issued under this section or section
 2.18 174.315. The commissioner shall suspend, without a hearing, a special transportation service
 2.19 provider's certificate of compliance for failure to pay, or make satisfactory arrangements to
 2.20 pay, an administrative penalty when due.

2.21 (b) If the commissioner determines that an individual subject to background studies
 2.22 under subdivision 10, paragraph (a), is disqualified or is not on the provider's active roster,
 2.23 as defined in section 245C.02, subdivision 17a, paragraph (b), the commissioner must issue
 2.24 a written notice ordering the special transportation service provider to immediately cease
 2.25 permitting the individual to perform services or functions listed in subdivision 10, paragraph
 2.26 (a). The written notice must include a warning that failure to comply with the order may
 2.27 result in the suspension or revocation of the provider's certificate of compliance under this
 2.28 section.

2.29 (c) The commissioner may suspend or revoke a provider's certificate of compliance upon
 2.30 determining that, following receipt by a provider of written notice under paragraph (b), the
 2.31 individual has continued to perform services or functions listed in subdivision 10, paragraph

3.1 (a), for the provider. A provider whose certificate is suspended or revoked may appeal the
3.2 commissioner's action in a contested case proceeding under chapter 14.

3.3 (d) If the commissioner determines that a provider has failed to pay the decal fees as
3.4 required by subdivision 4, the commissioner must send written notice by certified mail
3.5 ordering the provider to pay the applicable fees within 60 days after the notice was mailed.

3.6 (e) The commissioner may suspend a provider's certificate of compliance if the provider
3.7 fails to submit the required payment after receiving written notice under paragraph (d). A
3.8 provider whose certificate is suspended may appeal the commissioner's action in a contested
3.9 case proceeding under chapter 14.

3.10 ~~(d)~~ (f) Penalties collected under this section must be deposited in the state treasury and
3.11 credited to the trunk highway fund.

3.12 Sec. 4. **REPEALER.**

3.13 Minnesota Statutes 2018, section 174.30, subdivision 4b, is repealed.

174.30 OPERATING STANDARDS FOR SPECIAL TRANSPORTATION SERVICE.

Subd. 4b. **Variance from the standards.** A nonemergency medical transportation provider who was not subject to the standards in this section prior to July 1, 2014, must apply for a variance from the commissioner if the provider cannot meet the standards by January 1, 2017. The commissioner may grant or deny the variance application. Variances, if granted, shall not exceed 60 days unless extended by the commissioner.