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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2908

01/31/2022 Authored by Fischer, Acomb, Moller, Vang, Feist and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to environment; establishing certified salt applicator program; limiting
1.3 liability; requiring a report; proposing coding for new law in Minnesota Statutes,
1.4 chapter 116.

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

1.6 Section 1. [116.2025] SALT APPLICATORS; VOLUNTARY CERTIFICATION
1.7 PROGRAM.

1.8 Subdivision 1. Definitions. For purposes of this section, the following terms have the
1.9 meanings given:

1.10 (1) "certified commercial applicator" means an individual who applies deicer, completed
1.11 training on snow and ice removal and deicer application approved by the commissioner,
1.12 and passed an examination after completing the training;

1.13 (2) "commercial applicator" means an individual who applies deicer for hire but does
1.14 not include a municipal, state, or other government employee;

1.15 (3) "deicer" means any substance used to melt snow and ice, or used for its anti-icing
1.16 effects, on privately owned surfaces traveled by pedestrians and vehicles; and

1.17 (4) "owner" means a person that owns or leases real estate and that enters into a written
1.18 contract with a certified commercial applicator for snow and ice removal and deicer
1.19 application.

1.20 Subd. 2. Voluntary certification program; best management practices. (a) The
1.21 commissioner of the Pollution Control Agency must develop a training program that promotes
1.22 best management practices for snow and ice removal and deicer application that protect

2.1 water quality and allows commercial applicators to obtain certification as a water-friendly
2.2 applicator. The commissioner must certify a commercial applicator as a water-friendly
2.3 applicator if the applicator successfully completes the program and passes the examination.

2.4 (b) The commissioner, in consultation with the University of Minnesota, must provide
2.5 additional training under this section for certified commercial applicators renewing
2.6 certification after their initial training and certification.

2.7 (c) The commissioner, in consultation with the University of Minnesota, must provide
2.8 the training and testing module at locations statewide and may make the recertification
2.9 training available online.

2.10 (d) The commissioner, in consultation with the University of Minnesota, must annually
2.11 post the best management practices and a list of certified commercial applicators on the
2.12 agency's website.

2.13 (e) The commissioner may charge a fee of no more than \$350 per certified commercial
2.14 applicator for the training or recertification under this section. Fees collected under this
2.15 subdivision must be deposited in the environmental fund.

2.16 Subd. 3. **Liability.** (a) A certified commercial applicator or an owner is not liable for
2.17 damages arising from hazards resulting from the accumulation of snow and ice on any real
2.18 estate maintained by the certified commercial applicator when the hazard is solely caused
2.19 by snow or ice and the certified commercial applicator used the best management practices
2.20 for snow and ice removal and deicing approved by the commissioner.

2.21 (b) Nothing in paragraph (a) prevents or limits the liability of a certified commercial
2.22 applicator or owner if the certified commercial applicator or owner:

2.23 (1) commits an act or omission that constitutes negligence or willful or wanton disregard
2.24 for the safety of entrants onto real estate of the owner that is maintained by the certified
2.25 commercial applicator and that act or omission proximately causes injury, damage, or death;

2.26 (2) has actual knowledge or reasonably should have known of a dangerous condition on
2.27 the real estate of the owner maintained by the certified commercial applicator;

2.28 (3) intentionally injures an entrant on real estate of the owner that is maintained by the
2.29 certified commercial applicator; or

2.30 (4) fails to comply with the best management practices for snow and ice removal and
2.31 deicer application approved by the commissioner.

3.1 (c) The liability of a commercial applicator who applies deicer but is not certified under
3.2 this section may not be determined under the standards provided in this subdivision.

3.3 Subd. 4. **Record keeping.** A certified commercial applicator must maintain the following
3.4 records as part of the best management practices approved by the commissioner:

3.5 (1) a copy of the applicator's certification approved by the commissioner and any
3.6 recertification;

3.7 (2) evidence of passing the examination approved by the commissioner;

3.8 (3) copies of the winter maintenance assessment tool requirements developed by the
3.9 commissioner;

3.10 (4) a written record describing the road, parking lot, and property maintenance practices
3.11 used. The written record must include the type and rate of application of deicer used, the
3.12 dates of treatment, and the weather conditions for each event requiring deicing. The records
3.13 must be kept for a minimum of six years; and

3.14 (5) proof of compliance with the reporting requirements under subdivision 7.

3.15 Subd. 5. **Penalty.** The commissioner may revoke or decline to renew the certification
3.16 of a commercial applicator who violates this section or rules adopted under this section.

3.17 Subd. 6. **Relation to other law.** Nothing in this section affects municipal liability under
3.18 section 466.03.

3.19 Subd. 7. **Reporting required.** By July 1 each year, a certified commercial applicator
3.20 must submit to the commissioner on a form prescribed by the commissioner the amounts
3.21 and types of deicers used in the previous calendar year.

3.22 Subd. 8. **Expiration.** This section expires August 1, 2029.

3.23 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to claims
3.24 arising on or after that date.