

# House Research Act Summary

**CHAPTER:** 168 (H.F. 878)

**SESSION:** 2009 Regular Session

**TOPIC:** MnDOT agency provisions; seat belt use

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## Overview

This act makes various changes related to the Minnesota Department of Transportation (MnDOT) regarding state aid calculations, filing highway surveys, and requirements for plats. Modifies seat belt use requirements.

### Section

- 1 Survey of trunk highway centerline.** Authorizes the Minnesota Department of Transportation (MnDOT) to file a survey of a segment highway centerline with a county recorder when the physical location of the highway centerline is being moved and MnDOT knows that it is used by adjacent property owners in identifying property boundaries. Specifies requirements for the survey.
- 2 State park road account.** Modifies certain calculations used to allocate state aid dollars to counties so that construction and maintenance projects funded within a county out of the state park road account do not reduce the money needs for that county.  
  
Money needs are used in formula-based calculations for distributing county state-aid funding to Minnesota counties. The state park road account is funded through a deduction from county state-aid funding stream.
- 3 Money needs defined.** Modifies the method of calculating money needs for a county, to no longer count construction costs differently for a project that received a variance from engineering standards.
- 4 Federal census is conclusive.** Eliminates obsolete language on use of the federal census in identifying the population of a city and allows cities to arrange a special census for purposes of determining municipal state-aid. Under current law, the special census provision expired

after January 1, 1986.

- 5 Money needs defined.** Modifies the method of calculating money needs for a city, to no longer count construction costs differently for a project that received a variance from engineering standards.
- 6 Seat belt requirement.** Makes multiple changes related to seat belt use and traffic stops.
- Requires that everyone riding in a passenger-type vehicle or a commercial motor vehicle must wear a seat belt. Prior to the change, a seat belt had to be worn by the driver, front seat passengers, and any passengers under age 11.
  - Expands the types of vehicles for which the seat belt provision applies, to include type III vehicles and type III Head Start vehicles.
  - Modifies the cases when the driver can be cited for a seat belt violation due to failure of a passenger to wear a seat belt, so that the driver can be cited when any passenger under age 15 who requires a seat belt is not wearing one.
  - Clarifies that the driver can be subject to more than one \$25 fine for failure to wear a seat belt (which would occur if the driver is cited for failure of passengers under age 15 to wear a seat belt). Limits the driver to payment of only one court surcharge if the person is convicted of more than one such seat belt violation.
  - Eliminates a provision prohibiting issuance of a citation for failure to wear a seat belt unless the issuing officer stopped the vehicle for some other moving violation. This makes violation of the seat belt statute a primary offense.
- 7 Seat belt exemptions.** Clarifies an exception from the mandatory seat belt law, when riding in a vehicle where all seating positions that have seat belts are occupied. Creates an exemption for newspaper delivery.
- 8 Expressway.** Defines an expressway as a divided highway with partial control of access in the chapter regulating advertising along highways.
- 9 Freeway.** Defines a freeway as a limited-access divided highway in the chapter regulating advertising along highways.
- 10 Spacing.** Clarifies that advertising devices must be located more than 500 feet from interchanges, at-grade intersections, and rest areas on freeways and expressways that have grade-separated interchanges outside of cities. Makes conforming changes.
- 11 Plat approval; road review.** Modifies regulation of preliminary plats in a city, town, or county, to work the same way for state rail bank property as for trunk highways. The regulations relate to plat review by MnDOT or a county engineer and requirements for description of the plat.
- 12 Kathryn Swanson seat belt safety act.** Names the provisions in H.F. 108, a seat belt use bill, as the “Kathryn Swanson Seat Belt Safety Act” if enacted. (That bill was ultimately enacted as Laws 2009, chapter 165, and part of the provisions are duplicated in section 6.)
- 13 Study of mandatory 24-hour vehicle lighting.** Requires that the Department of Public Safety perform a study on mandating vehicles to be lighted at all times of day and night.

Requires a legislative report by January 15, 2011, on findings and recommendations.

- 14**      **Superseding provisions.** Establishes that the seat belt requirements in section 6 of the act supersede any conflicts or inconsistencies with H.F. 108 if that legislation is enacted. (That bill was ultimately enacted as Laws 2009, chapter 165.)