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**Minnesota
House of
Representatives**
Margaret Anderson Kelliher, Speaker

FOR IMMEDIATE RELEASE
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New Laws Effective Aug. 1, 2008

Editor's note: The following is a listing of selected new laws passed during the 2008 legislative session that take effect Aug. 1, 2008. The asterisk following the bill number denotes the language that became law. A complete summary of all laws passed by the 2008 Legislature is available online from the House Public Information Services Office. Go to <http://www.house.leg.state.mn.us/hinfo/newlaws2008-0.asp>.

CONSUMERS

Truth in Music Advertising Act

Performing groups wanting to be something they're not could find themselves in trouble.

Sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Dan Sparks (DFL-Austin), a new law makes it unlawful for someone to use a false, deceptive or misleading affiliation, connection or association between a performing group and a recording group.

The law tightens the definitions of recording group to mean a group that has at least one member of the original group without having abandoned the name or affiliation with the group, and specifies a group must be the recording group claiming to be that group.

Exceptions exist if the performing group owns the name, if the performance being advertised takes place in another state, if it is authorized by the recording group or if it is billed as a salute or tribute.

HF1314*/SF1936/CH191

You smoke in the room, you pay

It's already the law that anyone who smokes in a designated nonsmoking hotel or motel room is guilty of a misdemeanor. Effective Aug. 1, 2008, the smoker may also be required to pay damages to get the room back to its smoke-free condition.

The new law, sponsored by Rep. Phyllis Kahn (DFL-Mpls) and Sen. D. Scott Dibble (DFL-Mpls), also removes the previous \$100 damage cap. It states that if an offender does not reimburse the innkeeper in 30 days, a \$100 civil penalty may be added, as well as reasonable attorney fees up to \$500.

HF1825/SF2809*/CH355

Internet ticket sales protected

When tickets for the Miley Cyrus/Hannah Montana "Best of Both Worlds" tour went on sale last year, some people using ticket-buying software bought all the tickets within a matter of seconds, leaving everyone else to buy tickets for as much as 10 times the original price.

Sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Ron Latz (DFL-St. Louis Park), the so-called "Hannah Montana" law makes it a gross misdemeanor to sell, distribute or use software to get around security and move to the front of an Internet ticket-buying line.

HF2911/SF3139*/CH245

Octane as advertised

A new law, sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Debbie Johnson (R-Ham Lake), requires that a number used to advertise or identify the grade of gasoline at the pump cannot exceed the octane of the gasoline. The law also updates ASTM specifications of motor fuels for purposes of regulation by the Weights and Measures Division of the Department of Commerce.

HF3411*/SF3464/CH281

Tenants can pay landlord's delinquent utility bill

Tenants can restore utility service by paying outstanding utility charges that would otherwise be the responsibility of the landlord.

If a residential building has fewer than five units, the new law allows tenants to become the customer of record and the responsible bill-payer for the utility account. If the residential building is single-metered, other tenants in the building may contribute payments to the utility company or municipality on the landlord's account or the account of a tenant who is the customer of record.

The law, sponsored by Rep. Bob Gunther (R-Fairmont) and Sen. Rick Olseen (DFL-Harris), also provides content requirements for a notice posted by a utility company if utilities are about to be shut off. The notice must include a description of the tenant's rights to have service continued or restored.

HF3428/SF2909*/CH313

CRIME

Dogfight spectator penalties

Under current law, anyone who pits animals against one another, trains the animals, takes admission to the fights or allows others to use their premises for the games is guilty of a felony.

Effective Aug. 1, 2008, anyone who buys a ticket to the fights is guilty of a gross misdemeanor, previously considered a misdemeanor offense.

Sponsored by Rep. Joe Mullery (DFL-Mpls) and Sen. Leo Foley (DFL-Coon Rapids), the new law does not apply to hunting a wild animal.

HF3132/SF3360*/CH353

No touching peace officer gear

Trying to disarm a peace officer could lead to a felony charge.

A new law, sponsored by Rep. Michael Paymar (DFL-St. Paul) and Sen. Ann Lynch (DFL-Rochester), clarifies that it is illegal to take from a peace officer any defensive device issued for their protection, including a firearm, tear gas, Taser or baton. Violation is a felony, with a possible five-year prison sentence and \$10,000 fine.

HF2877*/SF2647/CH304

Dangerous dog regulations strengthened

Effective Aug. 1, 2008, the surety bond required by an owner of a dangerous dog increases from \$50,000 to \$300,000, and a new law prohibits dog ownership for anyone who has repeatedly been convicted of crimes involving dangerous dogs.

Sponsored by Rep. Michael Paymar (DFL-St. Paul) and Sen. Ellen Anderson (DFL-St. Paul), all dangerous dogs must be sterilized, and owners must notify animal control authorities if the dog is moved to a new location.

Additionally, a dangerous dog may be destroyed for inflicting great bodily harm on someone without provocation, or participating in an attack where there is more than one dog. Before animal control can take action, however, the owner must be given an opportunity for a hearing.

HF2906/SF2876*/CH325

Tougher nuisance law

Under current statute, a public nuisance exists if there are two or more separate instances of various incidents such as gambling and the unlawful sale of alcohol. When it comes to prostitution, unlawful drug sale or possession, or illegal use or possession of a dangerous weapon, the law is modified, making it a nuisance if there is only one instance.

Sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Linda Higgins (DFL-Mpls), the law also replaces the term “firearm” with “dangerous weapon” to account for objects such as knives and machetes, or any other object capable of causing serious bodily harm or death.

HF2627/SF2399*/CH218

ELECTIONS

Caucus date choices

A new law eliminates the requirement that caucuses be held on the first Tuesday in March.

Effective Aug. 1, 2008, the chair of each party will be jointly responsible for determining the date of the party precinct caucuses and must notify the secretary of state by March 1 of the year prior to the year in which the caucus is to be held. If the chairs of the two largest major political parties can't agree on a single date for their precinct caucuses, then for purposes of the next general election year, the first Tuesday in February will be considered the caucus day.

The law is sponsored by Rep. Carolyn Laine (DFL-Columbia Heights) and Sen. Ann Rest (DFL-New Hope).

HF3066*/SF3238/CH263

Election recounts and reviews

Regulations for write-in absentee ballots, recounts and corrections to a funds transfer are included in a new elections law, sponsored by Rep. Bill Hilty (DFL-Finlayson) and Sen. Ann Rest (DFL-New Hope).

The law establishes that recounts must be done manually when the difference between the votes cast in a state primary or general election is less than one-half of 1 percent of the total number of votes counted for the nomination; or is 10 votes or less if no more than 400 votes were cast. It also allows for a candidate to request a partial recount to be conducted at their expense. If the partial recount overturns the result of the election, the candidate will be refunded the expense of the recount.

HF3699*/SF3373/CH336

ENERGY

Energy policy changes

Sponsored by Rep. Bill Hilty (DFL-Finlayson) and Sen. Yvonne Prettner Solon (DFL-Duluth), a new law lays out policy initiatives aimed at addressing global warming.

One provision requires producers and purchasers of industrial and commercial gases with a high “global warming potential” to report data on their sales and use in the state to the Pollution Control Agency. Also, the PCA and Commerce Department are required to report to the Legislature regularly on progress to meet the state’s greenhouse gas emissions reduction goals, and make policy recommendations to that end.

Some changes made by the law include any outdoor lighting fixtures installed or replaced with state funds must use specific cutoff luminaires that conserve energy and minimize light pollution, and up to \$250 per residence may be reimbursed from the state’s petroleum tank release cleanup fund to homeowners to replace PVC piping in home heating oil systems with metal piping.

HF3661/SF3337*/CH296

FAMILY

Advocates not compelled to talk

Attorneys, physicians, psychologists, sexual assault counselors and clergy are not now required to disclose information about their clients or members without consent. A new law gives domestic abuse advocates the same protection.

Sponsored by Rep. Michael Paymar (DFL-St. Paul) and Sen. Mee Moua (DFL-St. Paul), the law defines a domestic abuse advocate as an employee or supervised volunteer of a community-based battered women's shelter or domestic abuse program. These advocates cannot be compelled to provide any opinion about, or information from, the victim unless ordered by the court.

HF3850/SF3441*/CH302

HEALTH

Optometry definitions updated

Optometry definitions first written in 1915 will be updated.

A new law gives definition to the term optometrist and changes practice and licensing requirements for optometrists. For example, it limits the ability for an optometrist to administer drugs intravenously and perform invasive surgery, including the use of lasers.

Those coming from other states to practice optometry in Minnesota and seeking a state license will be required to pay an \$87 application fee, along with providing necessary documentation. Optometrists licensed in the state prior to Aug. 1, 2007, will have to meet the board certification requirements by Aug. 1, 2010, to renew their license.

The law is sponsored by Rep. Cy Thao (DFL-St. Paul) and Sen. Tony Lourey (DFL-Kerrick).

HF2837*/SF3258/CH262

HIGHER EDUCATION

Cost, parental notification changes

A trio of provisions from the omnibus higher education law take effect Aug. 1, 2008.

A law that requires any surplus projected in the state grant program during the second year of the biennium be put toward a student's living and miscellaneous expense allowance is made permanent. This previously had to be renewed every two years. The allowance is one factor used in determining a state grant award.

A spouse or dependant of a veteran is classified as a resident student for state grant purposes if the veteran is a state resident.

For students who misbehave, expanded disclosure of data will be allowed by the Federal Family Educational Rights Privacy Act.

Under the act, postsecondary data can be disclosed as it relates to the final results of disciplinary proceedings resulting from a violent crime or nonforcible sex offense; information provided to the institution concerning registered sex offenders on campus as that information is disclosed to other parts of society; and disclosure to a parent or guardian of a violation of law and institutional rules on drug or alcohol use by a student under age 21 if the institution has a form signed by the student authorizing disclosure. The school must notify parents and students about the availability and purpose of such a form, including distribution of the form at parent and student orientation meetings.

The law is sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. Sandy Pappas (DFL-St-Paul).

HF3349/SF2942*/CH298

HOUSING

Foreclosure notice needed for renters

A new law requires that the notice of mortgage foreclosure be given to prospective tenants. If the property is transferred to a new owner following foreclosure, and the new owner seeks to evict an existing tenant, they must be given at least two month's written notice to vacate.

The law also allows a tenant to withhold the last month's rent, under certain circumstances.

Also, under the law sponsored by Rep. Paul Kohls (R-Victoria) and Sen. Linda Higgins (DFL-Mpls), eviction records can be expunged, under certain circumstances.

HF3476/SF2908*/CH177

INSURANCE

No ambulance-chasing for profit

Health care professionals will be prohibited from contacting a recent auto incident victim, either in person, by phone or e-mail. More specifically, they cannot contact a victim with the "purpose of influencing that person to receive treatment or to purchase any good or item." They are also prohibited from sending a "runner" or someone sent on their behalf.

Sponsored by Rep. A. Willie Dominguez (DFL-Mpls) and Sen. Dan Sparks (DFL-Austin), the law allows for contact from a doctor if there was a prior relationship. For instance, if someone ends up in the hospital after an accident and the hospital contacts the patient's primary physician, that doctor can initiate contact. Also exempt are hospital emergency rooms and operators of ambulances who come upon an accident.

HF2721/SF2765*/CH214

'Good faith' now law

A new law allows a policyholder to sue their insurance company for not settling a claim in "good faith," meaning they can prove that the insurance company did not have a reasonable basis for denying a claim. The insurance company must also have known that it had no reasonable basis, or acted with "reckless disregard" for the lack of reason.

Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Tarryl Clark (DFL-St. Cloud) sponsor the law.

Additionally, an award cap for the insured is now \$250,000, while reimbursement for attorneys' fees is capped at \$100,000.

HF3115/SF2822*/CH208

Notification of flood insurance status

A new law requires insurance companies to annually notify customers if their policy does not include flood coverage.

The law, sponsored by Rep. Ken Tschumper (DFL-La Crescent) and Sen. Kevin Dahle (DFL-Northfield), requires the notice to inform policyholders that they may be eligible for flood insurance if they live in an area covered by the National Flood Insurance Program.

HF3582/SF2980*/CH293

No stiffing the auto shop

A new law is designed to prevent insurance companies from denying payment to auto body shops for repairs made under an insurance claim.

The law specifies that insurers cannot "unilaterally and arbitrarily disregard" the cost of auto repairs made under an insurance claim if the auto service provider used an estimating system recognized by the insurance industry.

Rep. A. Willie Dominguez (DFL-Mpls) and Sen. Mary Olson (DFL-Bemidji) sponsor the law.

HF3822/SF3508*/CH284

LAW

Data provisions modified

A new law makes changes to the Minnesota Government Data Practices Act.

Sponsored by Rep. Steve Simon (DFL-St. Louis Park) and Sen. Mary Olson (DFL-Bemidji), a new law affects local and state government data management.

Some changes effective Aug. 1, 2008, include:

- willful violation of the Data Practices Act by a government entity carries a penalty between \$1,000 and \$15,000 - an increase from \$100 to \$10,000;
- government entities are prohibited from mailing any items with Social Security numbers displayed, and are prohibited from requiring Social Security numbers be written on the outside of submitted correspondence;
- the Department of Employment and Economic Development may share inmate employment information with the Department of Corrections for pre- and post-confinement planning;
- use of data from customers using parking facilities at the Minneapolis-St. Paul International Airport is restricted; and
- marriage dissolution documents dealing with child support or spousal maintenance must include Social Security numbers on a separate non-public document.

HF3553/SF3235*/CH315

LOCAL GOVERNMENT

Closed meetings will be taped

All public body closed meetings must be electronically recorded, unless otherwise prohibited by attorney-client privilege.

Sponsored by Rep. Gene Pelowski Jr. (DFL-Winona) and Sen. Don Betzold (DFL-Fridley), the law mandates these recordings be preserved for at least three years.

Additionally, in a case when a public body is found to have violated an official opinion, the court may award reasonable attorney fees to the plaintiff.

HF3367*/SF3120/CH335

Obstacle to veteran's memorials eliminated

Sponsored by Rep. Paul Thissen (DFL-Mpls) and Sen. Dan Larson (DFL-Bloomington), a new law removes the requirement that a city hold a referendum before building, equipping or maintaining a memorial for war veterans.

The estimated cost, as determined by the governing body of the monument, parks or building, must be stated in the minutes of the meeting in which the ordinance is adopted. The law states that no sum shall be expended that is more than 10 percent in excess of the amount stated in the minutes.

HF2896*/SF2583/CH236

Cities notified of disconnections

In an effort to prevent damage to vacant houses, utility companies will have to notify local authorities whenever they disconnect gas or electric service from a residence during winter months.

A new law requires the notice so that officials can shut off municipal water service in time to prevent a house's pipes from freezing, thereby risking serious structural damage to the building.

Cities can request that utilities provide them a report on Oct. 15 and Nov. 1 of each year on which properties have been disconnected. Between Oct. 15 and April 15, daily reports must be made available to cities on any newly disconnected properties.

Cities receiving this information must share it with their local fire and police departments.

The law is sponsored by Rep. Mike Nelson (DFL-Brooklyn Park) and Sen. Leo Foley (DFL-Coon Rapids).

HF3229/SF2775*/CH253

MILITARY

Employment protection for attendance at military events

Families of service members are afforded some employment protection when their loved one is being deployed or honored.

Under a provision in the omnibus agriculture and veterans affairs law, sponsored by Rep. Al Juhnke (DFL-Willmar) and Sen. Jim Vickerman (DFL-Tracy), an employer can not fire or take employment action against any employee, or keep them from attending certain events relating to the military service of the employee's spouse, parent or child to which the employee is invited. This could include departure or return ceremonies, family training or reintegration programs.

The employee must provide reasonable notice to the employer when requesting time off, and the employer must provide a reasonable amount of nonpaid time off for the employee, not to exceed two consecutive days or six days in a calendar year. The employer must not compel the employee to use accumulated but unused vacation for these events.

HF3902/SF3683*/CH297

Help for veterans convicted of crimes

When a defendant is convicted of a crime, the court will be required to ask whether the defendant is currently serving in or is a veteran of the United States armed forces.

If the defendant answers in the affirmative and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may ask the military to intervene with information regarding treatment options.

The provision is part of the omnibus public safety law, sponsored by Rep. Michael Paymar (DFL-St. Paul) and Sen. Linda Higgins (DFL-Mpls).

HF2996*/SF2790/CH299

SAFETY

Ambulance service staffing to increase

An increase from one to two emergency medical technicians will be required for staffing basic life support ambulances, except in rural Minnesota.

Sponsored by Rep. Dave Olin (DFL-Thief River Falls) and Sen. Tony Lourey (DFL-Kerrick), the law allows for one EMT and one first responder in emergency situations in rural Minnesota. Those areas include primary service areas outside the seven-county Twin Cities metropolitan area, Duluth, Mankato, Moorhead, Rochester and St. Cloud, or an ambulance based in a community with a population of less than 1,000 persons.

An ambulance service that can provide evidence of hardship for the requirement of two EMTs can apply to the Minnesota Emergency Medical Services Board for a variance.

HF2591/SF2377*/CH222

Emergency management training

It began as a response to the Interstate 35W bridge collapse in August 2007.

A new law, sponsored by Rep. Jeremy Kalin (DFL-North Branch) and Sen. Linda Higgins (DFL-Mpls), requires that within any state agency designated as a disaster or emergency response organization, at least one employee must have completed an emergency management curriculum prepared by the Department of Public Safety's Division of Homeland Security and Emergency Management.

The new law also directs the commissioner of public safety to annually report to the Legislature how state agencies are progressing with these new requirements.

HF3099*/SF2656/CH167

Tinting vehicle windows

Consumers will need a doctor's prescription form within the last two years to have certain vehicle windows tinted.

The prescription or statement must specifically state the minimum percentage that light transmittance may be reduced to satisfy the person's medical needs. Current law states, in part, that a windshield cannot be tinted, nor can material that has a highly reflective or mirrored appearance be used on other windows.

Sponsored by Rep. Tony Cornish (R-Good Thunder) and Sen. Leo Foley (DFL-Coon Rapids), the law exempts the rear and side windows of a police vehicle.

Car dealers will also be prohibited from selling or leasing vehicles that do not meet the window tinting requirements.

HF3204/SF3336*/CH235

TRANSPORTATION

Graduated driver's licenses and no text messaging

A new law requires that during the first six months of provisional licensure, a licensee cannot operate a vehicle carrying more than one passenger under age 20 who is not a member of their immediate family. That increases to three passengers the following six months.

Also during the first six months of provisional licensure, a person under age 18 is prohibited from driving between midnight and 5 a.m., except when the driver is going between the person's home and job or school event where no transportation is provided; the driver is driving due to a job; or the driver is accompanied by a licensed driver or state identification card holder who is at least age 25.

Other provisions in the omnibus transportation policy law, effective Aug. 1, 2008, include:

- making it illegal to text message when the vehicle is in motion or a part of traffic;
- a person who can document homelessness or eligibility for certain need-based relief that has their vehicle impounded can get back some essential contents, under certain circumstances, without paying for vehicle retrieval;
- drivers are required to move a lane over when passing freeway service patrol, road maintenance and construction vehicles parked or stopped on a roadway;
- driver's education curriculum must include instruction on the duties of a driver when encountering a bicycle, other non-motorized vehicles or a pedestrian;
- a person who duplicates, alters or forges a commercial vehicle inspection decal will be charged with a gross misdemeanor, and it will be a gross misdemeanor to possess a fraudulent decal;
- a second set of disability plates could be issued to a vehicle owner if issuance is approved by the Council on Disability; and
- the Transportation Department is to develop a statewide plan for freight and passenger rail.

Rep. Frank Hornstein (DFL-Mpls) and Sen. Steve Murphy (DFL-Red Wing) sponsor the law.

HF3800*/SF3223/CH350

Driver's license reinstatement fees

A monetary break for some offenders is no more.

Sponsored by Rep. Karla Bigham (DFL-Cottage Grove) and Sen. Ron Latz (DFL-St. Louis Park), a new law establishes driver's license reinstatement requirements for a person whose license was revoked for violating certain laws involving sale or possession of controlled substances while operating a motor vehicle.

Effective Aug. 1, 2008, a person seeking a new license must pass a knowledge and road test and pay a \$30 reinstatement fee.

HF3490/SF3189*/CH283

Enforcement of disability parking

Statutes laying out criteria for enforcement of disability parking areas have been amended by a new law.

Sponsored by Rep. Shelley Madore (DFL-Apple Valley) and Sen. John Doll (DFL-Burnsville), the law provides minimum requirements if a statutory or home rule charter city wants to enact an ordinance establishing a permit program for long-term disability parking. Ordinances can already be established for long-term parking.

HF3727/SF3372*/CH272

Construction awareness assistance

Small businesses impacted by transportation construction projects should more easily get information about what is happening outside their front door.

A new law requires the Transportation Department to develop a standard operating plan for getting out such information, with a report due to the Legislature by Feb. 15, 2009.

The report is to address the best ways to get information to small businesses; what should be included in an information packet, such as potential changes in parking, traffic and public access in the area; contact information for progress and timing questions; and a listing of area business development organizations that can assist with financing, marketing and technical counseling during the construction period.

The law is sponsored by Rep. Shelley Madore (DFL-Apple Valley) and Sen. Patricia Torres Ray (DFL-Mpls).

HF4055/SF3669*/CH308