

the option of the former spouse as long as the former spouse is not covered under another qualified plan as defined in section 62E.02, subdivision 4, up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Security Act, as amended. Any revisions in the table of rate for the individual contract shall apply to the former spouse's original age at entry, and shall apply equally to all similar contracts issued by the health maintenance organization.

Subd. 2a. **CONTINUATION PRIVILEGE.** Every health maintenance contract, other than a contract whose continuance is contingent upon continued employment or membership, shall contain a provision which permits continuation of coverage under the contract for the enrollee's former spouse and children upon entry of a valid decree of dissolution of marriage, if the decree requires the enrollee to provide continued coverage for those persons. The coverage may be continued until the earlier of the following dates:

(a) The date of remarriage of either the enrollee or the enrollee's former spouse; or

(b) The date coverage would otherwise terminate under the health maintenance contract.

Subd. 3. **APPLICATION.** This section Subdivision 1 applies to every health maintenance contract which is delivered, issued for delivery, renewed or amended on or after the effective date of this section July 19, 1977:

Subdivisions 2 and 2a apply to every health maintenance contract which is delivered, issued for delivery, renewed, or amended on or after August 1, 1982.

Sec. 11. **EFFECTIVE DATE.**

Sections 1 to 4 are effective the day following final enactment. Sections 5 to 10 are effective March 1, 1983.

Approved March 22, 1982

CHAPTER 556 — S.F.No. 1713

An act relating to transportation; providing for the coordination and regulation of special transportation services; amending Minnesota Statutes 1980, Sections 174.29 and 174.30.

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

Section 1. Minnesota Statutes 1980, Section 174.29, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

174.29 COORDINATION OF SPECIAL TRANSPORTATION SERVICE.

Subdivision 1. **DEFINITION.** For the purpose of sections 174.29 to 174.31 "special transportation service" means motor vehicle transportation provided on a regular basis by a public or private entity or person that is designed exclusively or primarily to serve individuals who are elderly, handicapped, or disabled, or economically disadvantaged and who are unable to use regular means of transportation. Special transportation service includes but is not limited to service provided by specially equipped buses, vans, taxis, and volunteers driving private automobiles.

Subd. 2. **DIRECTION.** In order to provide more adequate access to transportation service for the elderly, handicapped and others disabled with special transportation needs and to more efficiently utilize public and private funds expended for that purpose, all state agencies that assist, provide, reimburse or regulate special transportation services shall promote, support and facilitate coordination of those services with other special services and with regular transportation services offered to the general public.

Sec. 2. Minnesota Statutes 1980, Section 174.30, is amended to read:

174.30 OPERATING STANDARDS FOR SPECIAL TRANSPORTATION SERVICE.

Subdivision 1. **SPECIAL DEFINITION APPLICABILITY LIMITATIONS; BY TYPE OF PROVIDER; BY SOURCE OF FUNDS.** For the purpose of this section "special transportation service" does not include The operating standards for special transportation service adopted under this section do not apply to transportation provided by:

- (a) A common carrier operating on fixed routes and schedules;
- (b) A taxi;
- (c) A volunteer driver using a private automobile;
- (d) A school bus as defined in section 169.01, subdivision 6; or
- (e) An emergency ambulance regulated under chapter 144.

The operating standards adopted under this section only apply to providers of special transportation service who receive grants or other financial assistance from either the state or the federal government, or both, to provide or assist in providing that service; except that the operating standards adopted under this section do not apply to any nursing home licensed under section 144A.02, to any board and care facility licensed under section 144.50, or to any day care or group home facility licensed under sections 245.781 to 245.812 unless the facility or program provides transportation to nonresidents on a regular basis and the facility receives reimbursement, other than per diem payments, for that service under rules promulgated by the commissioner of public welfare.

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Subd. 2. **AUTHORITY TO ADOPT; PURPOSE AND CONTENT; RULEMAKING.** The commissioner of transportation shall adopt by rule standards for the operation of vehicles used to provide special transportation service which are reasonably necessary to protect the health and safety of individuals using that service. The commissioner, as far as practicable, consistent with the purpose of the standards, shall avoid adoption of standards that unduly restrict any public or private entity or person from providing special transportation service because of the administrative or other cost of compliance.

Standards adopted under this section may include but are not limited to:

- (a) Qualifications of drivers and attendants including driver training requirements;
- (b) Safety equipment required for vehicles;
- (c) General requirements concerning maintenance of standard equipment of vehicles; and
- (d) Minimum insurance requirements.

Subd. 3. **OTHER STANDARDS; WHEELCHAIR SECUREMENT.** A special transportation service that transports individuals occupying wheelchairs is subject to the provisions of sections 299A.11 to 299A.18 concerning wheelchair securement devices. The commissioners of transportation and public safety shall cooperate in the enforcement of this section and sections 299A.11 to 299A.18 so that a single inspection is sufficient to ascertain compliance with sections 299A.11 to 299A.18 and with the standards adopted under this section.

Subd. 4. **CERTIFICATE OF COMPLIANCE.** The commissioner of transportation shall issue an annual certificate of compliance for each vehicle used to provide special transportation service which complies with the standards adopted under this section. ~~A vehicle subject to subdivision 3~~ The commissioner shall be issued issue a certificate of compliance to a vehicle subject to subdivision 3 only if the vehicle also complies with sections 299A.11 to 299A.18. The commissioner shall provide in the rules procedures for determining compliance and issuing the certificates. The procedures may include inspection of vehicles and examination of drivers.

Subd. 5. **RULES.** ~~The standards~~ rules authorized under ~~subdivision 2~~ and ~~the procedures authorized by subdivision 4~~ this section shall be adopted by rule in accordance with ~~chapter 15~~. ~~Not later than November 15, 1979, and before proposing any rules under this section the commissioner shall;~~ the provisions of the administrative procedures act, sections 15.041 to 15.052.

- (a) ~~Make available a draft of the rules, a plan for enforcing the rules and a proposed budget for the necessary enforcement activities of the department for review by the standing committees on transportation in both houses of the legislature; and~~

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(b) Review the draft rules, enforcement plan and proposed budget with the interagency task force on coordination of special transportation service. The commissioner shall adopt the rules necessary to implement this section and commence enforcement of those rules not later than July 1, 1980.

Subd. 6. **PREEMPTION OF OTHER REQUIREMENTS.** Notwithstanding any other law, ordinance or resolution to the contrary, an operator of special transportation service that has been issued a current certificate of compliance under subdivision 4 for a vehicle used to provide that service shall is not be required to obtain any other state or local permit, license or certificate as a condition of operating the vehicle for that purpose. This subdivision does not exempt any vehicle from the requirements imposed on vehicles generally as a condition of using the public streets and highways.

Subd. 7. **ENFORCEMENT.** ~~After January 1, 1981,~~ No state agency, political subdivision or other public agency shall provide any capital or operating assistance to or reimbursement for services rendered by any operator of special transportation service unless current certificates of compliance have been issued under subdivision 4 for the vehicles used by the operator to provide the service.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day following final enactment.

Approved March 22, 1982

CHAPTER 557 — S.F.No. 1758

An act relating to crimes; prohibiting conspiracies to violate controlled substances laws; allowing use of forfeited property; prohibiting the manufacture, delivery, possession, or advertising of drug paraphernalia; providing for civil forfeiture of drug paraphernalia; clarifying the crime of escape from jail; prescribing penalties; amending Minnesota Statutes 1980, Sections 152.01, by adding a subdivision; 152.19, Subdivisions 1, 3, and 5; and 609.485, Subdivision 3; proposing new law coded in Chapter 152.

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

Section 1. Minnesota Statutes 1980, Section 152.01, is amended by adding a subdivision to read:

Subd. 18. DRUG PARAPHERNALIA. “Drug paraphernalia” means all equipment, products, and materials of any kind which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, (3) testing the strength, effectiveness, or purity of a controlled substance, or (4) enhancing the effect of a controlled substance.

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