

Sec. 3. Minnesota Statutes 1978, Chapter 72B, is amended by adding a section to read:

[72B.092] MOTOR VEHICLE INSURANCE ADJUSTMENTS; PROHIBITIONS. Subdivision 1. No adjuster or insurer, director, officer, broker, agent, attorney-in-fact, employee, or other representative of an insurer shall in collision cases:

(a) Limit the freedom of an insured or claimant to choose the shop of his choice;

(b) Require that an insured or claimant present his claim or his automobile for loss adjustment or inspection at a "drive-in" claim center or any other similar facility solely under the control of the insurer;

(c) Engage in boycotts, intimidation or coercive tactics in negotiating repairs to damaged motor vehicles which they insure or are liable to claimants to have repaired; or

(d) Attempt to secure, except in an emergency, the insured's or claimant's signature authorizing the party securing the signature to act in behalf of the insured or claimant in selection of a repair shop facility.

Subd. 2. No motor vehicle repair shop shall in any way coerce, or intimidate a motor vehicle owner to boycott an insurer's "drive-in" claim center or similar facility.

Subd. 3. No motor vehicle repair shop shall attempt to secure, except in an emergency, the vehicle owner's signature authorizing the party securing the signature to act in behalf of the owner in selection of a repair shop.

Subd. 4. An insurer's representative shall not be unreasonably denied access to a motor vehicle repair shop during normal business hours for the purpose of inspecting or reinspecting damaged vehicles.

Subd. 5. When a damaged vehicle is towed to a motor vehicle repair shop, the storage and towing charges shall not exceed the usual and customary charges for the towing and storage of undamaged vehicles in the area, except if the vehicle, due to its damaged condition, requires special handling in the towing or storage, an added charge may be made.

Sec. 4. This act is effective July 1, 1980.

Approved April 3, 1980

CHAPTER 457—S.F.No. 975

An act relating to cemeteries; providing for the preservation of burial grounds; eliminating obsolete provisions; imposing penalties; appropriating money; amending

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Minnesota Statutes 1978, Section 307.08; repealing Minnesota Statutes 1978, Section 149.07.

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

Section 1. Minnesota Statutes 1978, Section 307.08, is amended to read:

307.08 DAMAGES; ILLEGAL MOLESTATION OF HUMAN REMAINS; BURIALS; CEMETERIES; PENALTY. Subdivision 1. It is a declaration and statement of legislative intent that all human burials and human skeletal remains shall be accorded equal treatment and respect for human dignity without reference to their ethnic origins, cultural backgrounds, or religious affiliations. The provisions of this section shall apply to all human burials or human skeletal remains found on or in all public or private lands or waters in Minnesota.

Subd. 2. Every person who shall wilfully or knowingly destroy, mutilate, injure, or remove human skeletal remains or human burials, or remove any tombstone, monument, or structure placed in any public or private cemetery or authenticated and identified Indian burial ground unmarked human burial ground, or any fence, railing, or other work erected for protection or ornament, or any tree, shrub, or plant or grave goods and artifacts within the limits thereof, and every person who, without authority from the trustees or owner, state archaeologist, or Indian affairs intertribal board, shall discharge any firearms upon or over the grounds of any public or private cemetery or authenticated and identified Indian burial ground, shall be guilty of a misdemeanor.

Subd. 2 3. Every authenticated and identified Indian burial ground shall may be at the discretion of the state archaeologist and the Indian affairs intertribal board, posted for protective purposes every 75 feet around its perimeter with signs listing the activities prohibited by subdivision 4 2 and the penalty for violation of it.

Subd. 3 4. A qualified professional archaeologist approved by the state archaeologist and the Indian affairs intertribal board shall authenticate and identify Indian burial grounds when requested by the political subdivision in which has title to the alleged Indian burial grounds are located, or by a concerned scientific or contemporary Indian ethnic group.

Subd. 4 5. The cost of authentication and, identification and marking of unmarked or unidentified burial grounds or burials shall be the responsibility of the political subdivision requesting said identification and authentication state.

Subd. 5 6. The size, description and information on the sign signs must be approved by the Minnesota state historical society. The political subdivision which has title to the Indian burial ground must supply the signs and provide for their installation.

Subd. 7. All unidentified human remains or burials found outside of platted, recorded, or identified cemeteries and dating prior to 1886 A.D. shall be dealt with according to the provisions of this section. If such burials do not contain manufactured trade goods or can be established to date prior to 1700

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A.D., as determined by a qualified professional archaeologist, they shall be dealt with in accordance with provisions established by the state archaeologist. If such burials date after 1700 A.D., as determined by a qualified professional archaeologist, efforts shall be made by the state archaeologist and the Indian affairs intertribal board to ascertain their tribal identity. If their probable tribal identity can be determined, such remains shall at the discretion of the state archaeologist and Indian affairs intertribal board, be turned over to contemporary tribal leaders for disposition. If it is deemed desirable by the state archaeologist or the Indian affairs intertribal board, such remains shall be studied by a qualified professional archaeologist before being delivered to the tribal leaders.

Subd. 6 § . The Indian affairs intertribal board must approve any request to relocate an authenticated and identified Indian burial ground. If large Indian burial grounds are involved, efforts shall be made by the state to purchase and protect them instead of removing them to another location.

Subd. 9. The department of natural resources, the department of transportation, and all other state agencies and local governmental units whose activities may be affected, shall cooperate with the state archaeologist and the Indian affairs intertribal board to carry out the provisions of this section.

Subd. 10. When Indian burials are known or suspected to exist, on public lands or waters, the agency or department controlling said lands or waters shall submit construction and development plans to the state archaeologist and the Indian affairs intertribal board for review prior to the time bids are advertised. The state archaeologist and the Indian affairs intertribal board shall promptly review such plans and make recommendations for the preservation or removal of the human burials or remains, which may be endangered by construction or development activities.

Sec. 2. **APPROPRIATION.** The sums set forth in this section are appropriated from the general fund to the Indian affairs intertribal board for carrying out its duties relating to Indian burial grounds, to be available for the fiscal year ending June 30 in the years indicated.

1981
\$15,000.

Sec. 3. **REPEALER.** Minnesota Statutes 1978, Section 149.07, is repealed.

Approved April 3, 1980

CHAPTER 458—S.F.No. 1240

An act relating to natural resources; setting forth the rights of property owners whose property is purchased for conservation purposes; revising responsibilities of the commissioner of natural resources and the commissioner of administration in property acquisition; authorizing the commissioner of natural resources, with the approval of the

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