

S.F. No. 755 – Salt Applicator Program Establishment and Liability Limitation Authorization

Author: Senator Kelly L. Morrison

Prepared by: Ben Stanley, Senate Counsel (651/296-4793)

Date: February 15, 2023

Section 1 [Deicer Applicators Voluntary Certification Program] creates a voluntary certification program that confers immunity from liability for injuries resulting from snow and ice conditions on a property serviced by a deicer applicator that has received training, taken an examination, and employed best management practices in the application of deicers.

Subd. 1 [Definitions] defines terms used in the bill, including “certified commercial applicator,” “commercial applicator,” “deicer,” and “owner.”

Subd. 2. [Voluntary Certification Program] requires the Pollution Control Agency (PCA) to develop a training program that promotes best management practices for snow and ice removal and deicer application that protect water quality.

Requires the PCA to certify a commercial applicator of deicers who completes the program and passes an examination as a water-friendly applicator. Requires the PCA to work with the University of Minnesota to make training and testing available statewide, to make testing to renew a certification available online, and to post best management practices and a list of certified commercial applicator’s on the agency’s website.

Authorizes the PCA to charge a fee of up to \$350 for training or recertification.

Subd. 3. [Immunity] provides that a certified commercial applicator is not liable for damages arising from hazards resulting from the accumulation of snow and ice on any real estate maintained by the applicator when the hazard is solely caused by snow or ice and the certified commercial applicator used best management practices for snow and ice removal and deicing.

An applicator who is grossly negligent, willfully or wantonly disregards the safety of entrants onto real estate, or intentionally injures a person does not receive immunity under this subdivision.

Subd. 4. [Recordkeeping] requires certified commercial applicators to keep certain records.

Subd. 5 [Penalty] allows the PCA to revoke certification where a person violates this section.

Subd. 6 [Relation to Other Law] provides that this section does not affect liability under another statute that governs when a municipality is liable for injuries resulting from snow and ice conditions.

Subd. 7 [Reporting on Deicer Use] requires certified commercial applicators to annually report to the PCA on the number and type of deicers the applicator applied during the previous calendar year.

Subd. 8 [Expiration] provides that the bill expires on August 1, 2030.

Effective Date. Provides that the bill is effective August 1, 2023, and applies to claims arising on or after that date.