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

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New Laws Effective Aug. 1, 2007

Editor's note: The following is a listing of selected new laws passed during the 2007 legislative session that take effect Aug. 1, 2007. The asterisk following the bill number denotes the language that became law. A complete summary of all laws passed by the 2007 Legislature is available online from the House Public Information Services Office. Go to <http://www.house.leg.state.mn.us/hinfo/newlaws2007-0.asp>.

CONSUMERS

Ticket resale

A new law allows the selling of an event ticket for more than face value.

Rep. Chris DeLaForest (R-Andover), who sponsors the law with Sen. Chris Gerlach (R-Apple Valley), said the law will make Minnesota more attractive to ticket-reselling companies that want to move their businesses here, and consumers would win because the competition would bring down ticket prices.

HF189/SF372*/CH47

Air bag replacement

A person with knowledge that a motor vehicle's airbag has deployed or is missing cannot perform collision repair on that vehicle unless the airbag is replaced with one designed for the vehicle. The law does not apply to vehicles more than seven model-years-old. Additionally, a person may not knowingly install or reinstall any object in lieu of an airbag. A person who violates the above terms could be guilty of a misdemeanor.

Sponsors of the legislation are Rep. Tom Tillberry (DFL-Fridley) and Sen. Dan Skogen (DFL-Hewitt).

HF1704/SF1464*/CH71

Full-value gift cards

A new law will make it unlawful for a business to sell a gift card that has an expiration date or a service fee of any kind, including for nonuse.

Sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Katie Sieben (DFL-Newport), supporters said the law is needed because some card expiration dates are so short, and inactivity fees can make a gift card worthless in a matter of months.

The law applies to gift cards sold on or after the Aug. 1, 2007, effective date.

Exempted under the law are:

- cards distributed for loyalty or promotional reasons without money given in exchange;
- cards distributed for employee recognition;
- cards sold below face value to employers or nonprofit organizations for fundraisers;
- prepaid calling cards;

- debit cards used to access a debit account; and
- cards issued by federally chartered or state-chartered financial institutions or their affiliates, which can be used at multiple sellers of goods and services provided any expiration date and associated fees are disclosed. These cards are subject to federal regulations.

HF512/SF69*/CH93

Minnesota brews at the state fair

Liquor licenses can be sold to establishments within a half-mile of the state fairgrounds and near the University of Minnesota’s St. Paul campus, under a new law. Additionally, vendors will be permitted to sell more than 3.2 percent beer at the state fair and other fairground events, “provided that at least one Minnesota brew is made available for sale at each allowed location within the grounds.”

Other provisions in the law allow for larger bottles for brewing beer, on-sale licenses for farm wineries and increased maximum fees for off-sale intoxicating liquor licenses issued by cities.

Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Sandy Pappas (DFL-St. Paul) are the sponsors.

HF1958/SF1070*/CH89

Piercing consent

Anyone under age 18 will need parental or legal guardian consent before having any body part pierced, excluding an earlobe.

Those providing piercing services must witness the parent or legal guardian signing and dating the consent notice. Violators will be guilty of a misdemeanor.

The law is sponsored by Rep. Mary Ellen Otremba (DFL-Long Prairie) and Sen. Rick Olseen (DFL-Harris).

HF1013/SF112*/CH98

CRIME

Do not disturb

Anyone who intentionally destroys, mutilates or injures human burial sites or human burial grounds will be guilty of a felony, under a new law. A person could also be guilty of a felony if they disturb human burial grounds or remove human remains without consent of the appropriate authority.

Sponsored by Rep. Bill Hilty (DFL-Finlayson) and Sen. Jim Vickerman (DFL-Tracy), the new law also clarifies situations that a person would be found guilty of a gross misdemeanor regarding damage to burial sites.

HF1710/SF2226*/CH115

Nuisance gangs

Law enforcement officials will have a new tool to help rein in gang activity.

Sponsored by Rep. John Lesch (DFL-St. Paul) and Sen. Mee Moua (DFL-St. Paul), a new law classifies gang activity as a public nuisance, and allows a county or city attorney, or the attorney general, to seek an injunction against any person or group for the continuous or regular use of a place for these activities.

Violators can be fined up to \$10,000. A person who knowingly violates an injunction may also be subject to a misdemeanor penalty.

HF49/SF493*/CH150

EDUCATION

Electronic bullying unplugged

School boards will be required to address the growing problem of bullies using the Internet and cell phones to intimidate students.

Sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Mee Moua (DFL-St. Paul), a new law adds electronic means to an existing statute specifying that each school board must adopt a written policy prohibiting bullying.

HF504/SF646*/CH53

EMPLOYMENT

Saying no to extra hours

Nurses employed at state facilities will have the same ability to say no to overtime as those in the private sector.

A 2002 law allows a nurse in the private sector to refuse mandatory overtime without consequences from their employer if he or she believes it is in the best interest of the nurse and patients not to be in a caregiver role during those hours, such as if the nurse feels tired or sick.

The new law gives the same ability to state-employed nurses involved in resident or patient care, regardless of the type of facility. Corrections Department employees are not included in the law until July 1, 2008, because of a potential cost to the department.

Rep. Larry Howes (R-Walker) and Sen. Ellen Anderson (DFL-St. Paul) sponsor the law.

HF966*/SF817/CH46

FAMILY

Sibling connection

Children separated from their genetic siblings because of their parents' rights having been terminated will have an easier time connecting with each other.

Under a new law, a person who was adopted or placed in Department of Human Services' guardianship, and is at least 19 years old, may have access to their siblings' contact information. The law specifies, however, that this release of contact information can be provided only upon mutual consent.

The law is sponsored by Rep. Kathy Tingelstad (R-Andover) and Sen. Mary Olson (DFL-Bemidji).

HF1400/SF358*/CH49

GOVERNMENT

Sudan divestment

A new law requires the state to remove any holdings from accounts that directly benefit companies that are found to contribute to genocide in the Darfur region of Sudan.

Sponsored by Rep. Karen Clark (DFL-Mpls) and Sen. Sandy Pappas (DFL-St. Paul), the new law directs the State Board of Investment to remove direct or indirect holdings from accounts that scrutinized companies are using to source actions contributing to genocide. The law lays out a procedure for the board to divest publicly traded securities of scrutinized companies.

The new law will expire if the president or Congress declares that Darfur genocide has been halted for at least 12 months, has removed sanctions on Sudan, declares the Sudan government has honored commitments to cease attacks or has declared the divestments to be interfering with United States foreign policy.

HF1332/SF1075*/CH117

HEALTH

Radon protection

The labor and industry commissioner is required to adopt rules for radon control for all new residential buildings, under a new law sponsored by Rep. Kim Norton (DFL-Rochester) and Sen. Linda Higgins (DFL-Mpls).

Studies show that half of Minnesota counties are in the highest radon zones in the nation, and the remaining counties are in the second highest of the three radon zones. The danger from radon, according to the Environmental Protection Agency, is that the gas decays into radioactive particles that when breathed in, can become trapped in the lungs. Damage occurs to the lung tissue and can lead to lung cancer.

HF993/SF1735*/CH40

Help for sexual assault victims

The Compassionate Care for Sexual Assault Victims Act sets a statewide standard of care for sexual assault victims.

The new law requires hospitals to give unbiased information about emergency contraceptives and prophylactic antibiotics, which help prevent infection of sexually transmitted diseases. It also mandates that such drugs be provided should they be safe for, and requested by, the patient.

Sponsored by Rep. Nora Slawik (DFL-Maplewood) and Sen. Sandy Pappas (DFL-St. Paul), the law also states that emergency care for sexual assault victims must be provided for both male and female patients.

HF1442/SF1266*/CH42

Hearing aid coverage

A new law requires insurance companies to cover hearing aid costs for all childhood hearing loss conditions.

Sponsored by House Majority Leader Tony Sertich (DFL-Chisholm) and Sen. David Tomassoni (DFL-Chisholm), the measure expands the mandate in current law, which requires that health plans cover the devices only if a child suffers from functional congenital malformation of the ear.

The law will not affect the self-insured market, which is exempt from state law and taxes.

HF633/SF805*/CH60

HOUSING

Toughening mortgage broker regulations

A mortgage broker or lender will be prohibited from making or arranging a loan without verifying the borrower's ability to pay back the money, according to a new law sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. Linda Higgins (DFL-Mpls).

The law also prohibits the practice of "churning," whereby a lender arranges or provides a new loan to finance an existing loan when the new loan does not benefit the borrower.

Another provision prohibits "negative amortization loans," or mortgage loans in which the amount owed on the loan can increase rather than decrease over time, except for an increase that takes place over a short period.

HF1004*/SF809/CH18

Fighting mortgage fraud

A new law prohibits a lender or mortgage broker from making or arranging a new mortgage loan to refinance a so-called "special mortgage" unless the borrower has received qualified mortgage counseling on whether the move is a good idea.

Examples of special mortgages include one that a borrower obtained from a government or nonprofit entity and that contains favorable terms, such as payments that vary with income or that are forgivable.

The law also bans prepayment penalties on subprime loans, and gives Minnesotans the right to sue mortgage lenders, brokers and servicers for violation of certain laws.

Rep. Joe Mullery (DFL-Mpls) and Sen. Linda Higgins (DFL-Mpls) sponsor the law.
HF931/SF988*/CH74

HUMAN SERVICES

Reduced costs

Family planning clinics could pay less for supplies and drugs, under a new law.

Sponsored by Rep. Thomas Huntley (DFL-Duluth) and Sen. John Marty (DFL-Roseville), the law will permit family planning clinics to enter into cooperative purchasing agreements to obtain pharmaceuticals and supplies at less cost.

The law will also allow registered nurses in a family planning agency to dispense oral contraceptives under the supervision of a physician or nurse practitioner to women ages 12 and older, and will ask the human services commissioner to propose medical assistance reimbursement rates that would more adequately cover service costs.

HF298/SF184*/CH139

INSURANCE

Minimum limits changed

Sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Dan Sparks (DFL-Austin), a new law requires licensed residential building contractors, manufactured home installers and roofers to have general liability insurance policy minimums of at least:

- \$100,000 per occurrence, \$300,000 aggregate limit for bodily injury and \$25,000 for property damage, or
- \$300,000 single limit for bodily injury and property damage of \$300,000 for occurrence and aggregate limits.

Previous minimums were set at \$100,000 per occurrence, which included \$10,000 in property damage coverage.

HF1364/SF1168*/CH9

Insurance on rental cars

A new law makes fact what many Minnesotans already believe to be true — that when they rent a vehicle they are covered by their personal insurance policy.

Rep. Sandy Masin (DFL-Eagan), who sponsors the law with Sen. Dan Sparks (DFL-Austin), said the problem is that rental companies have to carry primary insurance policies for every person that rents a car. They then pass the cost onto the consumer.

The new law shifts the liability from the rental company to the driver's personal automobile insurance policy, which will supply the primary liability coverage for any accident involving the driver and the rental vehicle.

HF1712/SF744*/CH72

Collision repair regulation

Sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Linda Scheid (DFL-Brooklyn Park), a new law states that insurers in collision cases cannot adjust a damage appraisal of a repair shop when the damage is in dispute without first conducting a physical inspection of the vehicle. Nor can insurers specify the use of a particular vendor for procurement of parts or other materials needed to

repair the vehicle. Insurers also are not required to pay more than a reasonable market price for parts of like kind and quality in adjusting a claim.

HF1949/SF1542*/CH80

LOCAL GOVERNMENT

Seeking a tenant

Sponsored by Rep. Mary Murphy (DFL-Hermantown) and Sen. Yvonne Prettner Solon (DFL-Duluth), a new law will allow the city of Duluth to sell or lease the maintenance facility that has not been used since 2005 when Northwest Airlines' mechanics went on strike and the company filed for bankruptcy.

The law also states that the lease or sale is subject to approval of the finance commissioner if there are bonds outstanding for financing the facility. No approval is required if the bond trustee has taken control of the facility as a result of a default.

HF1175*/SF962/CH138

MILITARY

Bonus for the officers

Commissioned officers in the National Guard will qualify for a reenlistment bonus, under a new law sponsored by Rep. Larry Hosch (DFL-St. Joseph) and Sen. Ann Lynch (DFL-Rochester).

The law also establishes 25 annual postsecondary education reimbursement grants, up to \$1,000 each. The grants will be available, on a competitive basis, to current National Guard members or a person who agrees to enlist. The money is for reimbursement of postsecondary education expenses not covered by other awards that may be available to the member.

HF1594*/SF952/CH21

Support Our Troops program

Eligibility requirements for grants made through the Support Our Troops license plates program are expanded, under a new law.

Sponsored by Rep. Larry Haws (DFL-St. Cloud) and Sen. Tony Lourey (DFL-Kerrick), eligibility is broadened to include military personnel.

The Minnesota National Guard manages the account that can grant up to \$2,000 to an eligible Minnesota resident serving in regular active military duty, and any member of a National Guard or Reserve unit based in Minnesota who is serving in any active military service, as well as a member of the service member's immediate family.

More than 13,000 Support Our Troops license plates have been purchased since becoming available in 2005.

HF1157/SF1675*/CH86

Contract cancellations

A new law will help military personnel and their families get out of some consumer contracts without penalty when the service member is deployed or if their duty station changes

Under the law, sponsored by Rep. Ryan Winkler (DFL-Golden Valley) and Sen. Sharon Erickson Ropes (DFL-Winona), protection will be offered for rental, club, membership travel or service contracts without penalty, such as that for a cell phone. It would be applicable to contracts executed by or on behalf of the affected person that would result in it being impractical for the person to enjoy the contract benefits.

It also prohibits utilities from disconnecting service if a member of the household has been ordered into active duty or a change of duty station, under certain circumstances.

HF532*/SF409/CH111

SAFETY

Paying homage to supporters

A new law honors former legislators Sen. Dallas Sams (DFL-Staples) and Rep. Roger Cooper (DFL-Bird Island) by renaming an incentive program for emergency service personnel in their honor.

The Ambulance Service Personnel Longevity Award and Incentive Program will be known as the Cooper/Sams Volunteer Ambulance Program.

Cooper and Sams invested great energy to seeing the incentive program pass through the Legislature in 1993, said Rep. Thomas Huntley (DFL-Duluth), who sponsors the law with Senate President James Metzen (DFL-South St. Paul).

Sams, who served in the Senate for 16 years, died March 5, 2007, at age 54 after a long battle with brain cancer. Cooper, 63, a House member from 1987-96, is undergoing treatment for thyroid cancer.

HF736*/SF636/CH11