

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 827

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 7-1-82
DATE FOR REVIEW 7-9-82
DATE DUE 7-15-82

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 7-14-82 Disapproved _____ Returned to Agency 7-16-82

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 7-15-82 Revisor approved 7/1/82 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 6.30.82 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking will have to call Diane Hamilton DOT on 7/15 to determine if rules were attached to notice
2. Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
4.30.82 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate as of 2 days before mailing

✓ Publication in State Register
5.3.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact combined w/Order Adopting

N/A LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO: JOHN P. SOPSIC
Commissioner of Public Safety

DATE: 7/14/82

ATTN: JAMES CAMPBELL, Spec. Ass't. Atty. Gen.

FROM: TED A. MARTINEZ TAM
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Motorcyclist Headgear Required to be Worn by Certain Operators and Certain Passenger

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

TAM:drw
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

Department of Public Safety

Safety Administration Division

Adopted Rules Governing Requirements for Motorcyclist Headgear Required to be Worn by Certain Operators and Passengers

Rules as Adopted

11 MCAR S 1.0046 Purpose and statutory authority. The purpose of 11 MCAR SS 1.0046-1.0048 is to establish minimum standards for design and construction of protective headgear to be worn by operators and passengers of motorcycles as required by Minn. Stat. S 169.974, subds. 2, clause (d) and 4.

11 MCAR S 1.0047 Minimum standards for design and construction. Protective headgear required to be worn by operators or passengers of motorcycles shall be designed and constructed so as to equal or exceed the specifications contained in Standard No. 218 of the Federal Motor Vehicle Safety Standards as published in Code of Federal Regulations, title 49, section 571.218 (1980). Protective headgear meeting this standard is deemed approved by the Commissioner of Public Safety.

11 MCAR S 1.0048 Markings and identification.

A. Markings required. The manufacturer shall mark helmets with the standard to which the helmet has been tested; the trade mark or manufacturer's name or initials; and the model designation.

B. Marking methods. The manufacturer shall mark the helmet shell or a permanently attached part of the helmet by permanent molding, stamping, branding, engraving, or etching.

Repealer. Rules of the Department of Public Safety, Safety Administration Division, SafAd 49 and 50 are repealed.

APPROVED AS TO LEGALITY

July 14 19 82

WARREN SPANNAUS, ATTORNEY GENERAL

BY Ted D. Markus

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 15 1982
Joan Anderson Growe
Secretary of State

Rules as Proposed

~~SafAd 46~~ 11 MCAR S 1.0046 Purpose and ~~scope~~ statutory authority.

~~(a) Purpose.~~ The purpose of ~~this regulation~~ 11 MCAR SS 1.0046-1.0048 is to establish minimum standards for design and construction of protective headgear to be worn by operators and passengers of motorcycles as required by ~~the provisions of Minnesota Statutes (1971)~~ Minn. Stat. S 169.974, ~~subdivision~~ subds. 2, clause (d) and 4.

~~(b) Scope. The scope of this regulation is intended to be consistent with the powers of the Commissioner of Public Safety provided by Minnesota Statutes (1971) 169.974, subdivision 4.~~

~~SafAd 47~~ 11 MCAR S 1.0047 Minimum standards for design and construction. Protective headgear required to be worn by operators or passengers of motorcycles shall be designed and constructed ~~in compliance with~~ so as to equal or exceed the specifications contained in Standard ~~Z90.1~~ No. 218 of the ~~American National Standards Institute, 1430 Broadway, New York, New York, 10018,~~ Federal Motor Vehicle Safety Standards as published ~~January 1, 1972~~ in Code of Federal Regulations, title 49, section 571.218 (1980). Protective headgear meeting this standard is deemed approved by the Commissioner of Public Safety.

~~SafAd 48~~ 11 MCAR S 1.0048 Markings and identification.

~~(a) Helmet~~ A. Markings required. The manufacturer shall ~~include~~ mark helmets with the standard to which the helmet has been tested; the trade mark or manufacturer's name or initials; and the model designation.

~~(b) Helmets shall be marked with trade mark or name (initials acceptable) of the manufacturer and model designation, permanently molded, stamped, branded, engraved, or etched on~~ B. Marking methods. The manufacturer shall mark the helmet shell or ~~on a component part~~ permanently attached to part of the helmet by permanent molding, stamping, branding, engraving, or etching.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY: MJH

Repealer. Rules of the Department of Public Safety, Safety Administration Division, SafAd 49 and 50 are repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

RD 194
4/13/82

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

Agency: Department of Public Safety

Division: Safety Administration Division

Agency Contact: Diane Hamilton Phone Number: 296-7096

Title: Proposed Rules Governing Protective Headgear for Motorcyclists and Repealing Rules of the Department of Public Safety, SafAd 49 and 50

Type of Rules: Permanent X Temporary ____

Incorporations by References:

Rule Number	Material Incorporated
11 MCAR S 1.0047	CFR, title 49, section 571.218 (1980)

Author
Title
Place
Publisher
Date
Cost
Places

See Additional references on back Yes ____ No X

Duplication of Statutory Language

Rule Number	Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Maryanne V. Hruby
Maryanne V. Hruby
Title: Assistant Revisor
Phone: 297-2957

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Motorcyclist Headgear Required to be Worn by Certain Operators and Certain and Passenger.

FINDINGS OF FACT AND CONCLUSIONS AND ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above captioned rules without a public hearing was published in the State Register on May 3, 1982, and was sent by the United States Mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes section 15.0412, subdivision 4 on April 30, 1982. All interested and affected persons were afforded an opportunity to submit comments for 30 days after the Notice. No requests for a hearing and no public comments were received within the 30-day comment period. The need for and the reasonableness of the proposed rules are adequately and fully set forth in the Statement of Need and Reasonableness which is incorporated herein. The rules as originally proposed are adopted without any changes.

NOW, THEREFORE, IT IS ORDERED that these rules identified as 11 MCAR 1.0046 through 1.0048, are adopted and SafAd 49 and 50 are repealed this 30th day of June, 1982, pursuant to authority vested in me by Minnesota Statutes section 299A.01, subd. 6 and Minn. Stat. section 169.974, subds. 2, clause (d)and 4.

STATE OF MINNESOTA

Russell W. Sauber FOR

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0016

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Motorcyclist Headgear Required to be Worn by Certain Operators and Passengers.

ORDER FOR NOTICE FOR INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 30th day of March, 1982, that Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Safety for that purpose and be published in the State Register.

STATE OF MINNESOTA

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0006

Department of Public Safety
Safety Administration Division

In The Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Motorcyclist Headgear Required to be Worn by Certain Operators and Passengers.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Section 15.0412, Subdivision 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. 15.0412, subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minn. Stat. Section 169.974. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 15.0412, subdivision 7.

STATE OF MINNESOTA

4-20-82
DATE

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Motorcyclist Headgear Required to be Worn by Certain Operators and Passengers.

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT A RULE WITHOUT PUBLIC HEARING

Diane Hamilton, being first duly sworn, deposes and says:

That on the 30th day of April, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, mailing list A. In addition, discretionary notice was served on all persons and associations contained on mailing list B.

Diane Hamilton

Subscribed and sworn to before me

this 10th day of May.

1982.

Sheryl L. Nielsen

SHERYL L. NIELSEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Feb. 4, 1987

ACDKHF0011

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Motorcyclist Headgear Required to be Worn by Certain Operators and Passengers.

CERTIFICATE OF MAILING LIST

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 15.0412, subd. 4, that their names be placed on file with and maintained by the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, is accurate and complete as of 9:00 A.M., this 28th day of April, 1982.

Diane Hamilton

ACDKHF0010

List A- Helmets 4/28/82

AID Homes, Inc./Horizon Apts.
1094 Waterloo Ave.
West St. Paul, MN 55118

Board of Directors
Alpha Homes, Inc.
P.O. Box 475
Spicer, MN 56288

Amer. Bapt. Homes/Up. Midwest
7928 Eden Road
Eden Prairie, MN 55344

Gertrude M. James
Anoka Cnty Comm. Heath &
Social Services Dept.
Courthouse, 4th Floor
Anoka, MN 55303

Arnie Lee Memorial Home
Route 2
Evansville, MN 56326

Board of Directors
Assisi Residences
218 S. Linton
Blue Earth, MN 56013

Assoc. Bldrs/Contractors, Inc.
6300 Walker St., Suite 109
Mpls, MN 55416

Rick Carter
Assoc./Health Care Facilities
2850 Metro Drive, Suite 429
Mpls, MN 55420

Assoc./Residences for Retarded
459 Rice St. Suite 301
St. Paul, MN 55013

Board of Directors
Bakke Group Home
405 Lake St.
Osakis, MN 56360

Brighter Day Residences, Inc.
620 N. Wood St.
Mora, MN 55051

Board of Directors
Cath. Charities/Dioc. St. Cloud
1726 Seventh Av. S
St. Cloud, MN 56301

Board of Directors
Christian Concern, Inc.
402 N. Third St.
St. Peter, MN 56082

Board of Directors
Community Involvement
1926 Nicollet Ave. S.
Mpls, MN 55403

Community Living
Box 128
Victoria, MN 55386

Crippled Children's School
Box 23
Worthington, MN 56187

Dakota's Children, Inc.
400 W. Marie
West St. Paul, MN 55118

Board of Directors
Dell's Place, Inc.
235 S. Second Ave.
Delano, MN 55328

Dorothe Lane Children's Home
205 Sixth St.
Sauk Centre, MN 56378

Board of Directors
Duluth Regional Care
603 Alworth Bldg.
Duluth, MN 55802

Dungarvin, Inc.
865 Front St.
St. Paul, MN 55117

Kent E. Eklund
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Richard C. Buske
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Charles Schaffer
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Ed. Phillips & Sons, Co.
2345 Kennedy St. NE
Mpls, MN 55413

Fredrik M. Christiansen
Department of Education
Room 911, Capitol Sq. Bldg.
St. Paul, MN 55101

Episcopal Group Homes
522 Shadyway Road
Wayzata, MN 55391

Bonnie M. Spencer
Dir. State Regulatory Div.
Federal-State Reports, Inc.
5203 Leesburg Pike, Suite 1201
Falls Church, VA 22041

Fillmore Cnty Hndcpped Svcs.
135 Center St. SE
Harmony, MN 55939

Forestview Community Homes
P.O. Box 1249
Minnetonka, MN 55343

Board of Directors
Greenbrier Home, Inc.
941 Birmingham St.
St. Paul, MN 55106

Great River Homes, Inc.
717 Rustic Lane
Wabasha, MN 55981

Group Homes of Winona, Inc.
377 Main St.
Winona, MN 55987

Forestview-Hemmingway
8045 Hemmingway Ave. S.
Cottage Grove, MN 55016

Friendship Haven, Inc.
P.O. Box 576
Sherburne, MN 56171

Good Neighbor Home
1091 Fairmount Ave.
St. Paul, MN 55105

Board of Directors
Hammer Residences, Inc.
1909 E. Wayzata Blvd.
Wayzata, MN 55391

Board of Directors
Harry Meyering Center
109 Homestead Drive, Box 302
Mankato, MN 56001

Sam Ruhle
Office of Admin. Hearings
310 So. 4th Ave.
Mpls, MN 55415

Board of Directors
Hearthside Home
Pike Bay Drive, Lake Vermillion
Tower, MN 55790

Heartland Homes/Ret. Citizens
P.O. Box 214
Park Rapids, MN 56470

Henry Hagen Residence
19845 Lillehei Drv.
Hastings, MN 55033

Board of Directors
Hiawatha Children's Home
1820 Valkyrie Drive NW
Rochester, MN 55901

Board of Directors
Hiawatha Manor, Inc.
107 Fifth Ave. NE
Pipestone, MN 56164

Board of Directors
Home for Creative Living
108 Ninth St.
Windom, MN 56101

Hope Residence, Inc.
Box 63
Waterville, MN 56096

Homeward Bound, Inc.
4741 Zealand Ave.
New Hope, MN 55428

Innovative Homes, Inc.
P.O. Box 11
Kasson, MN 55944

Conrad M. Fredin
Johnson, Fredin, Killen,
Thibodeau & Seiler
811 1st Nat'l Bank Bldg.
Duluth, MN 55802

President
Interstate Power Co.
1000 Main St.
Dubuque, IA 52001

Koep Group Home
Route 3
Fergus Falls, MN 56537

Kathleen Burek
Executive Director
Leg. Comm./Review Admin. Rules
Rm 430, State Office Bldg.
St. Paul, MN 55155

Lakeview Home
Lincoln & W. Second Sts.
Sauk Centre, MN 56378

M.B.W. Company
801 Center St.
New Ulm, MN 56073

Gen. Counsel/Legal Div.
MN Gas Company
300 Peavey Bldg.
Mpls, MN 55402

Jean Dawson
Editor
MN Government Report
B-12, Press Room
State Capitol Bldg.

Mental Health Assoc. of MN
5501 Green Valley Drive #103
Mpls, MN 55437

John T. Farmer
Executive Director
MN Manufactured Housing Assoc.
222 E. Little Canada Rd.
Little Canada, MN 55117

John G. Horner
MN Multi-Housing Assoc.
3100 W. Lake St.
Mpls, MN 55416

Moore's Haven, Inc.
3490 N. Victoria
St. Paul, MN 55113

Abe Rosenthal
Executive Vice President
MN Motor Transport Assoc.
1821 University Ave. (N310)
St. Paul, MN 55104

Gordon Forbes
MN Railroads Assoc.
480 Cedar St., 303 Hanover Bldg.
St. Paul, MN 55101

Mt. Olivet Rolling Acres
7200 Rolling Acres Rd.
Excelsior, MN 55331

James Murphy
Vice President
Nat'l Assoc. Indep. Insurers
2600 River Road
Des Plaines, IL 60018

Nekton, Inc.
633 N. Snelling Ave.
St. Paul, MN 55104

Board of Directors
New Dawn, Inc.
Route 1, Box K1
Fulda, MN 56131

Board of Directors
NorHavan Homes, Inc.
1394 Jackson St.
St. Paul, MN 55117

G. V. Welk
Mgr./Regulatory Compl. & Svc
Northern States Power Co.
414 Nicollet Mall
Mpls, MN 55401

Board of Directors
Orvilla, Inc.
3430 Westcott Hills Dr.
Eagan, MN 55123

People, Inc.
1245 NW Nat'l Bank Bldg.
St. Paul, MN 55101

Pine Ridge Homes, Inc.
915 18th St.
Cloquet, MN 55720

Peter S. Popovich
Peterson, Popovich, Knutson
& Flynn
314 Minnesota Bldg.
St. Paul, MN 55101

Ramsey Cnty. Commissioners
Courthouse
St. Paul, MN 55101

Board of Directors
Residence, Inc.
2499 N. Rice St. Suite 139
Roseville, MN 55133

Board of Directors
Riverview Manor, Inc.
Box 215
Wanamingo, MN 55983

South Center Manor, Inc.
Park Island
Center City, MN 55012

Sur La Rue, Inc.
1386 Jackson St.
St. Paul, MN 55117

Board of Directors
Northeast House, Inc.
2821 S. Inglewood Ave.
Mpls, MN 55416

Board of Directors
Olmsted ARC
1312 Seventh St. NW
Rochester, MN 5901

Outreach Group Homes, Inc.
3601 Park Center Blvd. #304
Mpls, MN 55416

Phillips Leg. Serv. Inc.
459 Rice St.
St. Paul, MN 55103

Pine River Group Home
Box 96
Pine River, MN 56474

Presbyterian Family Foundation
901 Service Drive
Willmar, MN 56201

Board of Directors
Range Center, Inc.
1001 Eighth Ave. NW
Chisholm, MN 55719

Residential Alternatives, Inc.
5449 Lyndale Ave. N
Mpls, MN 55430

Claudia Smith
Corporate Law Dept.
St. Paul Companies, Inc.
385 Washington St.
St. Paul, MN 55101

Dev. Disabilities Pl. Office
State Planning Agency
200 Capitol Sq. Bldg.
St. Paul, MN 55101

Bob Franklin
City Editor
Minneapolis Tribune
425 Portland Ave.
Mpls, MN 55488

Board of Directors
Northest Residence, Inc.
104 Bald Eagle Ave.
White Bear Lake, MN 55110

Bernice Fields
Research Analyst
Ombudsman for Corrections
333 Sibley, Rm 101 Nalpak Bldg.
St. Paul, MN 55101

Our House of MN, Inc.
1864 Portland Ave.
St. Paul, MN 55104

Board of Directors
Phoenix Residence, Inc.
135 Colorado St. E.
St. Paul, MN 55107

Thomas M. Polt
Polt Law Offices
McCarthy Bldg.
Eyota, MN 55934

Charles A. Kroeger
Executive Director
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

Resa, Inc.
38 Seventh Ave. N.
Hopkins, MN 55343

Residential Svcs. of NE MN
2048 E. Eighth St.
Duluth, MN 55812

Board of Directors
Salmi Board & Lodging Home
Route 1, Box 235
Aurora, MN 55705

Summit House
1004 Summit Ave.
Mpls, MN 55403

Robert L. Haven
Twin Town Treatment Center
1706 University Ave.
St. Paul, MN 55104

Robert A. Silvagni
University of Minnesota
319 15th Av SE, 200 Shops Bldg.
Mpls, MN 55455

Board of Directors
Valley Group Home
1332 Second Ave. No.
Moorhead, MN 56560

Board of Directors
Warner Care Homes
450 E. Third St.
Cokato, MN 55321

Robert Carstenbrock
Police Chief
Winona City Hall
4th & Lafayette St.
Winona, MN 55987

Willmar Nursing Home, Inc.
1004 Ella Ave.
Willmar, MN 56201

Windom CRF, Inc.
Box 244
Windom, MN 56101

Woodvale Homes, Inc.
Box 1047
Austin, MN 55912

Woodvale Management Svcs.
Box 1047
Austin, MN 55912

Jerry Kennan
Region Nine Dev. Commission
410 S. 5th St., PO Box 3367
Mankato, MN 56001

George C. Mastor
General Manager/Legal Div.
MN Gas Company
300 Peavey Bldg.
Mpls, MN 55402

H. LeRoy DeBoom
3945 Zarthan Ave.
St. Louis Park, MN 55416

Marlis Johnson
Box 3367, Region 9
Mankato, MN 56001

Rodney Watkins
105 University Road
Cloquet, MN 55720

Kathy R. Van Kleeck
Motorcycle Industry Council
1001 Connecticut Ave. NW
Washington, DC. 20036

POST Board
500 Metro Square Bldg.
St. Paul, MN 55101

Joseph G. Beaton, Jr.
Attorney at Law
1503 Washington Ave. So.
Mpls, MN 55454

Frundt, Frundt & Johnson
117 West 5th St.
Blue Earth, MN 56013

MOTORCYCLE HELMET RULES

List B.

Bernard Webber
Office of Traffic Safety
Minnesota Department of Public Safety

Alderson, Ondov, Leonard and Sween
Attorneys at Law
P.O. Box 366
Austin, Minnesota 55912

Safety Helmet Council of America
9841 Airport Blvd., Suite 710
Los Angeles, California 90045

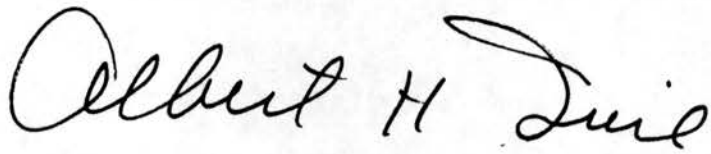
Minnesota Motor Cycle Riders Association
100 West Franklin Avenue
Minneapolis, Minnesota 55404

Irv Shoppe
St. Cloud State University
St. Cloud, Minnesota

Joe Meyering
Minnesota Department of Education

Pursuant to Minnesota Statutes, Section 4.035 (1981), this Order shall be effective fifteen (15) days after filing with the Secretary of State and publication in the *State Register* and shall remain in effect until it is rescinded by proper authority or expires in accordance with Minnesota Statutes, Section 4.035 (1981), subdivision 3.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 14th day of April, 1982.



PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Public Safety
Safety Administration Division

Proposed Rules Governing Requirements for Motorcyclist Headgear Required to be Worn by Certain Operators and Passengers

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above-entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The department's authority to adopt the proposed rules is contained in Minn. Stat. § 169.974. A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. § 10A.01, subd. 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minn. Stat. § 15.0412, subd. 7.

John P. Sopsic
Commissioner of Public Safety

Rules as Proposed

~~SafAd 46~~ 11 MCAR § 1.0046 Purpose and ~~scope~~ statutory authority.

~~(a) Purpose.~~ The purpose of ~~this regulation~~ 11 MCAR §§ 1.0046-1.0048 is to establish minimum standards for design and construction of protective headgear to be worn by operators and passengers of motorcycles as required by ~~the provisions of Minnesota Statutes (1971)~~ Minn. Stat. § 169.974, ~~subdivision~~ subds. 2, clause (d) and 4.

~~(b) Scope. The scope of this regulation is intended to be consistent with the powers of the Commissioner of Public Safety provided by Minnesota Statutes (1971) 169.974, subdivision 4.~~

~~SafAd 47~~ 11 MCAR § 1.0047 Minimum standards for design and construction. Protective headgear required to be worn by operators or passengers of motorcycles shall be designated and constructed ~~in compliance with~~ so as to equal or exceed the specifications contained in Standard ~~Z90.1~~ No. 218 of the ~~American National Standards Institute, 1430 Broadway, New York, New York, 10018,~~ Federal Motor Vehicle Safety Standards as published ~~January 1, 1972~~ in Code of Federal Regulations, title 49, section 571.218 (1980). Protective headgear meeting this standard is deemed approved by the Commissioner of Public Safety.

~~SafAd 48~~ 11 MCAR § 1.0048 Markings and identification.

~~(a) Helmet~~ A. Markings required. The manufacturer shall ~~include~~ mark helmets with the standard to which the helmet has been tested; the trade mark or manufacturer's name or initials; and the model designation.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

~~(b) Helmets shall be marked with trade mark or name (initials acceptable) of the manufacturer and model designation, permanently molded, stamped, branded, engraved, or etched on~~ B. Marking methods. The manufacturer shall mark the helmet shell or ~~on a component part~~ permanently attached ~~to~~ part of the helmet by permanent molding, stamping, branding, engraving, or etching.

Repealer. Rules of the Department of Public Safety, Safety Administration Division, SafAd 49 and 50 are repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Health
Environmental Health Division

Adopted Rules Relating to Public Water Supplies

The rules proposed and published at *State Register*, Volume 6, Number 11, pages 434-445, September 14, 1981 (6 S.R. 434) are now adopted with the following modifications:

Rules as Adopted

7 MCAR § 1.145 General information and definitions.

B. Definitions. The following definitions apply to 7 MCAR §§ 1.145-1.149, unless the context indicates otherwise.

22. Turbidity unit. "Turbidity unit" means an amount of turbidity equivalent to that in a solution composed of .000125 percent hydrazine sulfate and .00125 percent hexamethylenetetramine in distilled and filtered (100 ~~m~~ μ pore size membrane) water, as measured by a nephelometric turbidimeter.

7 MCAR § 1.146 Maximum contaminant levels. The following levels shall be the enforceable maximum contaminant levels for all public water supplies in the state.

C. Inorganics.

1. The following are the maximum contaminant levels for inorganic chemicals applicable to community water supplies:

Contaminant	Level, milligrams per liter
Arsenic	0.05
Barium	1.
Cadmium	0.010
Chromium	0.05
Fluoride	2.2
Lead	0.05
Mercury	0.002
Nitrate (as N)	10.
Selenium	0.01
Silver	~~0.95~~ 0.05

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Motorcyclist Headgear Required to be Worn by Certain Operators and Passengers.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the State Department of Public Safety. The last time the above captioned rules were amended was January, 1973.

The need to adopt these rules arises because federal law prohibits states from state pre-sale approval of motor vehicle equipment based on state equipment performance regulations, for items covered by federal motor vehicle safety standards (FMVSS). According to an opinion issued by the federal Department of Transportation, National Highway Traffic Safety Administration (NHTSA), published in the January 7, 1982 Federal Register, "Congress intended NHTSA to play the exclusive role in ensuring compliance of new motor vehicles and equipment with the FMVSS ... Whenever a Federal motor vehicle safety standard ... is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle ... equipment, any safety standard applicable to the same aspect of such ... equipment which is not identical to the federal standard."

The current standard (ANSI Z90.1) in effect in Minnesota is out of date and pre-empted by federal performance standards. In the following paragraphs the need for and reasonableness of each rule is explained.

11 MCAR1.0046. The amendments in this rule merely update language and statutory citations.

11 MCAR1.0047. The standard currently in effect in Minnesota for motorcycle safety helmets is Standard Z90.1 of the American National Standards Institute (ANSI). In January 1973 Minnesota adopted the 1972 ANSI standard. Since then it has been revised twice by ANSI, making the Minnesota standard out of date. In 1974 the legislature enacted new law, Minn. Stat. 169.468, which authorizes the Commissioner of Public Safety "to adopt federal motor vehicle safety standards established ... pursuant to the national traffic and motor vehicle safety act of 1966 ... with respect to any ... new item of equipment." In 1974 the National Highway Traffic Safety Administration first issued Federal Motor Vehicle Safety Standard (FMVSS) Number 218, Motorcycle Helmets. This standard, as updated and published in the code of federal regulation on October 1, 1980, is adopted by reference as the minimum Minnesota standard for motorcycle helmets. These rules are intended to be minimum standards, therefore helmets manufactured according to other more stringent standards will also be accepted in Minnesota as complying with the law.

When Minnesota first adopted standards for motorcycle helmets, the FMVSS did not have an established standard for this item. The FMVSS are the preferred safety standards for items of motor vehicle equipment and FMVSS Standard 218 now establishes well accepted minimum performance requirements for helmets. A comprehensive study of motorcycle accidents funded by the U.S. Department of Transportation (DOT HS-805 862) concluded that "...Federal Motor Vehicle Safety Standard 218 governing motorcycle safety helmets provides a high level of protection for the typical traffic accident..." The research report further indicates that data of this research do not show a need for more severe requirements as minimum standards for impact, penetration and retention performance. In fact, it recommends that the minimum performance standard contained in the FMVSS be maintained because more severe standards would have an undesirable and adverse effect on the minimum cost of a qualified helmet."

11 MCAR1.0048 This rule contains minor housekeeping amendments, incorporates updated drafting style and clarifies manufacturer responsibilities for helmet marking. The latter is needed to remove any question as to whose responsibility it is to mark and identify helmets. It is reasonable that proper marking be the responsibility of manufacturers since they can ensure correct and permanent marking at the point of manufacture. It is assumed that manufacturers may produce helmets meeting the requirements of any of several standards or not meeting any standard requirements. As is currently the case, it would still be the responsibility of the purchaser to acquire the correct helmet for its intended use. (These rules are applicable by law only to riders and passengers under age 18 and riders operating by virtue of a two wheeled vehicle instruction permit while riding on streets and highways. The rules are, by implication, inapplicable to off the road dirt bike riding, and the law specifically exempts motorcycle riders in parades.)

Repeal. Old rule SafAd 49 is repealed because of the federal prohibition of State pre-sale approval of equipment for which federal performance standards exist. In order to comply with the state law regarding helmets, which requires approval by the Commissioner of Public Safety, a statement is added in 11 MCAR1.0047 to deem helmets meeting the FMVSS standard as approved in Minnesota.

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

ACDKHNA011

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Requirements for Motorcyclist Headgear Required to be Worn by Certain Operators and Passengers

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General James Campbell, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

June 30, 1982
DATED

SPECIAL ASSISTANT ATTORNEY GENERAL