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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 2231

March 30, 2009

Authored by Nelson

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division

February 22, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Civil Justice

1.1 A bill for an act
1.2 relating to transportation; allowing road authorities to remove snow from certain
1.3 roads in uncompleted subdivisions; amending Minnesota Statutes 2008, section
1.4 160.21, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2008, section 160.21, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 6. Uncompleted subdivisions. (a) A road authority, including a statutory or
1.9 home rule charter city, may remove snow from unopened or private roads in uncompleted
1.10 subdivisions containing five or more lots, upon adoption of an annual resolution finding
1.11 that the subdivision developer, due to general insolvency or pending foreclosure, is unable
1.12 to maintain the roads and that public safety may be jeopardized if the access of school
1.13 buses, public works vehicles, or authorized emergency vehicles, as defined in section
1.14 169.011, subdivision 3, is obstructed. Snow removal activities are limited to streets
1.15 reasonably necessary for access by these buses or vehicles.

1.16 (b) Snow removal under this subdivision does not constitute:

1.17 (1) acceptance of the road from the developer by the road authority for public use;

1.18 (2) the opening of the road to public use; nor

1.19 (3) a use, repair, or maintenance of the road sufficient for the purposes of dedication
1.20 of roads under section 160.05.

1.21 (c) The road authority may impose a reasonable and proportionate charge on all
1.22 properties within the subdivision for services provided under this subdivision. These
1.23 charges, if unpaid, may constitute a lien upon the properties within the subdivision and
1.24 may be collected as a special assessment as provided by section 492.101 or by charter.

2.1 (d) Where a road has been maintained pursuant to this subdivision, the road authority
2.2 with jurisdiction over the road, and its officers and employees, are exempt from liability
2.3 for any tort claim for injury to person or property arising from plowing, maintaining,
2.4 or otherwise working on the road and from traveling on the road and related to its
2.5 maintenance or condition.

2.6 (e) This subdivision expires May 2, 2013.

2.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.