

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3680

(SENATE AUTHORS: LANG and Jasinski)		
DATE	D-PG	OFFICIAL STATUS
03/02/2022	5188	Introduction and first reading Referred to Transportation Finance and Policy
03/10/2022	5270a	Comm report: To pass as amended and re-refer to State Government Finance and Policy and Elections
03/17/2022		Comm report: To pass as amended and re-refer to Civil Law and Data Practices Policy

1.1

A bill for an act

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relating to motor vehicles; modifying provisions regarding access to driver and

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vehicle services information system; amending Minnesota Statutes 2020, section

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171.12, subdivision 1a.

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

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Section 1. Minnesota Statutes 2020, section 171.12, subdivision 1a, is amended to read:

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Subd. 1a. **Driver and vehicle services information system; security and auditing.** (a)

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The commissioner must establish written procedures to ensure that only individuals

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authorized by law may enter, update, or access not public data collected, created, or

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maintained by the driver and vehicle services information system. An authorized individual's

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ability to enter, update, or access data in the system must correspond to the official duties

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or training level of the individual and to the statutory authorization granting access for that

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purpose. All queries and responses, and all actions in which data are entered, updated,

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accessed, shared, or disseminated, must be recorded in a data audit trail. If an individual

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accesses data to resolve an issue and the access does not result in a completed transaction,

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the individual must include a notation on the record for the transaction explaining the

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business need for accessing the data. Data contained in the audit trail are public to the extent

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the data are not otherwise classified by law.

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(b) The commissioner must immediately ~~and permanently revoke~~ suspend the

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authorization of any individual who willfully entered, updated, accessed, shared, or

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disseminated data in violation of state or federal law. If an individual willfully gained access

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to data without authorization by law, the commissioner must forward the matter to the

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appropriate prosecuting authority for prosecution. The commissioner must not suspend or

2.1 revoke the authorization of any individual for properly accessing data to complete an
2.2 authorized transaction or to resolve an issue that does not result in a completed authorized
2.3 transaction.

2.4 (c) If the commissioner suspends an individual's access to the driver and vehicle services
2.5 information system, the commissioner must notify the individual, in writing, of the
2.6 suspension, provide an explanation for the suspension, explain how to appeal the decision,
2.7 and inform the individual that the individual's access will be permanently revoked unless
2.8 an appeal pursuant to this subdivision determines otherwise. The commissioner must issue
2.9 the notification within five calendar days of the suspension.

2.10 (d) Within 20 calendar days of revocation or receiving a notice of suspension, the
2.11 individual may submit a request for reconsideration in writing to the commissioner. The
2.12 commissioner shall review the request for reconsideration and issue a decision within 30
2.13 days of receipt of the request. If the commissioner determines the suspension was
2.14 unwarranted, the individual's access must be immediately reinstated. If the commissioner
2.15 determines the suspension was warranted, the individual may request a contested case
2.16 hearing under chapter 14. If the appeal results in a determination that the suspension was
2.17 unwarranted, the commissioner must immediately reinstate the individual's access. If the
2.18 appeal results in a determination that the suspension was warranted, the commissioner must
2.19 immediately and permanently revoke the individual's access.

2.20 (e) As an alternative to the process described in paragraph (d), the individual may proceed
2.21 to a contested case hearing without first making a request to the commissioner for
2.22 reconsideration. In this instance, the individual may initiate a contested case proceeding
2.23 within 20 calendar days of receiving a notice of suspension. If the appeal results in a
2.24 determination that the suspension was unwarranted, the commissioner must immediately
2.25 reinstate the individual's access. If the appeal results in a determination that the suspension
2.26 was warranted, the commissioner must immediately and permanently revoke the individual's
2.27 access.

2.28 (f) If the individual does not make a request for reconsideration or an appeal as provided
2.29 in paragraph (d) or (e) within 20 calendar days of receiving the notice of suspension, the
2.30 commissioner must immediately and permanently revoke the individual's access. This
2.31 revocation is not subject to the appeal processes described in paragraph (d) or (e).

2.32 ~~(e)~~ (g) The commissioner must arrange for an independent biennial audit of the driver
2.33 and vehicle services information system to determine whether data currently in the system
2.34 are classified correctly, how the data are used, and to verify compliance with this subdivision.

3.1 The results of the audit are public. No later than 30 days following completion of the audit,
3.2 the commissioner must provide a report summarizing the audit results to the commissioner
3.3 of administration; the chairs and ranking minority members of the committees of the house
3.4 of representatives and the senate with jurisdiction over transportation policy and finance,
3.5 public safety, and data practices; and the Legislative Commission on Data Practices and
3.6 Personal Data Privacy. The report must be submitted as required under section 3.195, except
3.7 that printed copies are not required.

3.8 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to access
3.9 to data on or after that date.