

S.F. No. 752, as introduced - 87th Legislative Session (2011-2012) [11-2189]

2.1 (4) the commissioner of public safety shall provide the commissioner of
2.2 transportation the information obtained for each traffic accident involving a commercial
2.3 motor vehicle, for purposes of administering commercial vehicle safety regulations; and

2.4 (5) the commissioner of public safety may give to the United States Department of
2.5 Transportation commercial vehicle accident information in connection with federal grant
2.6 programs relating to safety.

2.7 (b) Accident reports and data contained in the reports are not discoverable under any
2.8 provision of law or rule of court. No report shall be used as evidence in any trial, civil or
2.9 criminal, or any action for damages or criminal proceedings arising out of an accident.
2.10 However, the commissioner of public safety shall furnish, upon the demand of any person
2.11 who has or claims to have made a report or upon demand of any court, a certificate
2.12 showing that a specified accident report has or has not been made to the commissioner
2.13 solely to prove compliance or failure to comply with the requirements that the report be
2.14 made to the commissioner.

2.15 (c) Nothing in this subdivision prevents any individual who has made a report under
2.16 this section from providing information to any individuals involved in an accident or their
2.17 representatives or from testifying in any trial, civil or criminal, arising out of an accident,
2.18 as to facts within the individual's knowledge. It is intended by this subdivision to render
2.19 privileged the reports required, but it is not intended to prohibit proof of the facts to
2.20 which the reports relate.

2.21 (d) Disclosing any information contained in any accident report, except as provided
2.22 in this subdivision, section 13.82, subdivision 3 or 6, or other statutes, is a misdemeanor.

2.23 (e) The commissioner of public safety shall charge authorized persons as described
2.24 in paragraph (a) a \$5 fee for a copy of an accident report. Ninety percent of the \$5 fee
2.25 collected under this paragraph must be deposited in the special revenue fund and credited
2.26 to the driver services operating account established in section 299A.705 and ten percent
2.27 must be deposited in the general fund. The commissioner may also furnish an electronic
2.28 copy of the database of accident records, which must not contain personal or private data
2.29 on an individual, to private agencies as provided in paragraph (g), for not less than the cost
2.30 of preparing the copies on a bulk basis as provided in section 13.03, subdivision 3.

2.31 (f) The fees specified in paragraph (e) notwithstanding, the commissioner and law
2.32 enforcement agencies shall charge commercial users who request access to response or
2.33 incident data relating to accidents a fee not to exceed 50 cents per record. "Commercial
2.34 user" is a user who in one location requests access to data in more than five accident
2.35 reports per month, unless the user establishes that access is not for a commercial purpose.
2.36 Of the money collected by the commissioner under this paragraph, 90 percent must be

3.1 deposited in the special revenue fund and credited to the driver services operating account
3.2 established in section 299A.705 and ten percent must be deposited in the general fund.

3.3 (g) The fees in paragraphs (e) and (f) notwithstanding, the commissioner shall
3.4 provide an electronic copy of the accident records database to the public on a case-by-case
3.5 basis using the cost-recovery charges provided for under section 13.03, subdivision
3.6 3. The database provided must not contain personal or private data on an individual.
3.7 However, unless the accident records database includes the vehicle identification number,
3.8 the commissioner shall include the vehicle registration plate number if a private agency
3.9 certifies and agrees that the agency:

3.10 (1) is in the business of collecting accident and damage information on vehicles;

3.11 (2) will use the vehicle registration plate number only for identifying vehicles that
3.12 have been involved in accidents or damaged, to provide this information to persons
3.13 seeking access to a vehicle's history and not for identifying individuals or for any other
3.14 purpose; and

3.15 (3) will be subject to the penalties and remedies under sections 13.08 and 13.09.

3.16 Sec. 2. **[169.7962] ONLINE VERIFICATION SYSTEM.**

3.17 Subdivision 1. **Rulemaking.** The department shall adopt by rule online verification
3.18 of evidence of insurance as required by this section, subject to subdivisions 2 to 15.

3.19 Subd. 2. **Status.** Unless otherwise described in this section, the online verification
3.20 of evidence of insurance system that is adopted by the department by rule is the sole and
3.21 exclusive system for reporting and verifying evidence of insurance.

3.22 Subd. 3. **Operation.** The verification system must be capable of sending requests
3.23 to insurers for verification of evidence of insurance via Web services established by the
3.24 insurers, through the Internet, World Wide Web, or a similar proprietary or common carrier
3.25 electronic system, in compliance with the specifications and standards of the Insurance
3.26 Industry Committee on Motor Vehicle Administration (IICMVA), with enhancements,
3.27 additions, and modification as required by the department but which do not conflict,
3.28 nullify, or add requirements that are inconsistent with the specifications and standards of
3.29 the IICMVA. The system must include appropriate provisions to secure its data against
3.30 unauthorized access and must maintain a historical record of all system requests and
3.31 responses for a period of at least six months from the date of the requests and responses.

3.32 The system must be used for verification of the evidence of mandatory liability
3.33 insurance coverage as prescribed by the laws of this state and must be accessible to
3.34 authorized personnel of the department, the courts, law enforcement personnel, and any
3.35 other entities authorized by the state as permitted by state or federal privacy laws, and it

4.1 must be interfaced, wherever appropriate, with existing state systems. The system must
4.2 include information that enables the department to make inquiries to insurers of evidence
4.3 of insurance that is consistent with insurance industry and IICMVA recommendations,
4.4 specifications, and standards by using multiple data elements for greater matching
4.5 accuracy, specifically: Insurer National Association of Insurance Commissioners company
4.6 code, vehicle identification number, policy number, or as described in the specifications
4.7 and standards of the IICMVA.

4.8 At the discretion of the department, rules may offer insurers who write fewer
4.9 policies an alternative method for reporting insurance policy data instead of establishing
4.10 Web services.

4.11 Subd. 4. **Response time.** Consistent with the time periods prescribed by the
4.12 IICMVA's specifications and standards, the vendor is responsible for having its verification
4.13 system respond to each requestor within a time period as established by the state agencies.
4.14 An insurer's system must respond within the time period prescribed by the IICMVA's
4.15 specifications and standards. The system must be available to accommodate the time
4.16 period established.

4.17 Subd. 5. **Department's powers.** When the department has reason to believe a motor
4.18 vehicle has been or is currently being operated without insurance, the owner's vehicle
4.19 registration may be suspended or revoked. The registration may not be reinstated or a new
4.20 registration may not be issued unless evidence of insurance has been provided to the
4.21 department and any applicable reinstatement fees as prescribed by the department have
4.22 been paid. These fees are in addition to any other applicable fines, penalties, and fees.

4.23 Subd. 6. **Consultation.** The department shall consult with representatives of the
4.24 insurance industry and private service providers in determining the objectives, details, and
4.25 deadlines related to the system.

4.26 Subd. 7. **Guide.** The department shall publish for comment and then issue a detailed
4.27 guide of its online verification system.

4.28 Subd. 8. **Contacts.** The department and its private service provider, if any, must
4.29 each maintain a contact person for insurers during the establishment, implementation, and
4.30 operation of the system.

4.31 Subd. 9. **Verification and related administrative provisions.** If the department
4.32 has reason to believe a vehicle owner does not have valid vehicle insurance, it may also
4.33 request an insurer to verify the existence of an automobile liability policy in a form
4.34 approved by the department not later than ten days from the date the request is made. In
4.35 addition, insurers shall cooperate with the department in establishing and maintaining the

5.1 verification system provided by this section, and shall provide access to motor vehicle
5.2 insurance policy status information as provided in the rules established by the department.

5.3 Subd. 10. **Compliance.** Every property and casualty insurance company that is
5.4 licensed to issue motor vehicle insurance policies or is authorized to do business in
5.5 Minnesota shall comply with this section for verification of evidence of vehicle insurance
5.6 for every vehicle insured by that company in Minnesota as required by the rules of the
5.7 department.

5.8 Subd. 11. **Record keeping.** Insurers shall maintain a historical record of all system
5.9 requests and responses for a minimum of six months from the date of the requests and
5.10 responses.

5.11 Subd. 12. **Immunity.** Insurers are immune from civil and administrative liability for
5.12 good faith efforts to comply with the terms of this section.

5.13 Subd. 13. **Nonapplication.** (a) For the purposes of this section, commercial
5.14 auto coverage is defined as any coverage provided to an insured, regardless of number
5.15 of vehicles or entity covered, under a commercial coverage form and rated from a
5.16 commercial manual approved by the Department of Commerce. This section does not
5.17 apply to vehicles insured under commercial auto coverage; however, insurers of such
5.18 vehicles may participate on a voluntary basis.

5.19 (b) Insurers shall provide commercial automobile customers with evidence reflecting
5.20 that the vehicle is insured under a commercial auto policy. Sufficient evidence is an
5.21 insurance identification card clearly marked in the title with the identifier "Commercial
5.22 Auto Insurance Identification Card."

5.23 Subd. 14. **Authority to contract.** Nothing in this legislation prohibits the
5.24 department from contracting with a private service provider or providers who have
5.25 successfully implemented similar systems in other states to assist in establishing and
5.26 maintaining the verification system.

5.27 Subd. 15. **Fees; appropriation.** The department may impose a fee of \$..... on each
5.28 new and renewal vehicle registration. All fees collected must be deposited in a separate
5.29 account and are appropriated to the commissioner for the purpose of the development,
5.30 implementation, maintenance, and enhancement of the online evidence of insurance
5.31 verification system.

5.32 **Sec. 3. REPORT ON EFFECTIVENESS.**

5.33 No more than six months after the online insurance verification system has been in
5.34 operation for two years, the department, after consultation with law enforcement, other
5.35 state agencies, and the insurers, shall report to the legislature as to the benefits and the

6.1 costs of the program for the department, law enforcement, other state agencies, insurers,
6.2 and the public, and the effectiveness of the program in reducing the number of uninsured
6.3 motor vehicles. The department shall comply with the requirements of Minnesota Statutes,
6.4 sections 3.195 and 3.197 in reporting to the legislature.

6.5 Sec. 4. **EFFECTIVE DATE; APPLICATION; TESTING AND PILOT PERIOD.**

6.6 Sections 1 to 3 are effective on August 1, 2011. The verification system must be
6.7 installed and fully operational by August 1, 2012, following an appropriate testing and
6.8 pilot period of at least nine months. Until successful completion of the testing and pilot
6.9 period, no enforcement action may be taken based on the system.