

A bill for an act

1.1 relating to transportation; including pedestrian and bicycle components in  
1.2 bridge improvement program; removing sunset of corporate deputy registrars;  
1.3 authorizing deputy registrars to collect surcharges on credit card transactions;  
1.4 amending eligibility for impounded vehicle contents retrieval; removing  
1.5 four-hour towing waiting period; imposing petty misdemeanor for blocking  
1.6 intersection; allowing certain GPS and safety-tracking devices on windshields;  
1.7 providing for enhanced driver's license; modifying driving after suspension  
1.8 provisions; expanding DWI ignition interlock device pilot program; modifying  
1.9 transportation department goals; requiring feasibility study of transit service in  
1.10 Little Crow and Sioux Trail transit ways; establishing council on transportation  
1.11 access; identifying commissioner of transportation duties for passenger rail;  
1.12 adding members to commuter rail corridor coordinating committee; requiring  
1.13 commissioner to apply for railroad safety technology grants; regulating motor  
1.14 carriers of railroad employees; authorizing governor to adjust fuel content  
1.15 requirement for metro transit buses in cold weather; requiring commissioner of  
1.16 transportation to submit certain environmental impact statements; prohibiting  
1.17 imposition of seasonal load restrictions; requiring feasibility study of commuter  
1.18 rail in Sioux Trail Line; directing commissioner of transportation to study  
1.19 mandatory 24-hour vehicle lighting; requiring report; authorizing rulemaking;  
1.20 amending Minnesota Statutes 2008, sections 161.14, by adding a subdivision;  
1.21 165.14, subdivisions 4, 5; 168.33, subdivisions 2, 7; 168B.06, subdivision 1;  
1.22 168B.07, subdivision 3; 169.041, subdivision 5; 169.13, by adding a subdivision;  
1.23 169.15; 169.71, subdivision 1; 169A.275, subdivision 7; 171.01, by adding  
1.24 subdivisions; 171.04, by adding a subdivision; 171.06, subdivisions 1, 2, 3, 6;  
1.25 171.07, subdivision 3, by adding subdivisions; 171.071, by adding a subdivision;  
1.26 171.18, subdivision 1; 171.24, by adding a subdivision; 171.306, subdivisions  
1.27 1, 3; 174.01, subdivisions 1, 2; 174.02, subdivision 1a; 174.03, subdivision 1b;  
1.28 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by adding a subdivision;  
1.29 239.77, by adding a subdivision; 514.18, subdivision 1a; proposing coding for  
1.30 new law in Minnesota Statutes, chapters 174; 221; repealing Minnesota Statutes  
1.31 2008, sections 13.721, subdivision 4; 169.041, subdivisions 3, 4; 221.0355,  
1.32 subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18.

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

2.1 Section 1. Minnesota Statutes 2008, section 161.14, is amended by adding a  
2.2 subdivision to read:

2.3 Subd. 64. Granite City Crossing. The bridge over the Mississippi River on marked  
2.4 Trunk Highway 23 in St. Cloud is designated "Granite City Crossing." The commissioner  
2.5 of transportation shall adopt a suitable design to mark this bridge and erect appropriate  
2.6 signs, subject to section 161.139.

2.7 Sec. 2. Minnesota Statutes 2008, section 165.14, subdivision 4, is amended to read:

2.8 Subd. 4. **Prioritization of bridge projects.** (a) The commissioner shall classify all  
2.9 bridges in the program into tier 1, 2, or 3 bridges, where tier 1 is the highest tier. Unless  
2.10 the commissioner identifies a reason for proceeding otherwise, before commencing bridge  
2.11 projects in a lower tier, all bridge projects within a higher tier must to the extent feasible  
2.12 be selected and funded in the approved state transportation improvement program, at  
2.13 any stage in the project development process, solicited for bids, in contract negotiation,  
2.14 under construction, or completed.

2.15 (b) The classification of each tier is as follows:

2.16 (1) tier 1 consists of any bridge in the program that (i) has an average daily traffic  
2.17 count that is above 1,000 and has a sufficiency rating that is at or below 50, or (ii) is  
2.18 identified by the commissioner as a priority project;

2.19 (2) tier 2 consists of any bridge that is not a tier 1 bridge, and (i) is classified as  
2.20 fracture-critical, or (ii) has a sufficiency rating that is at or below 80; and

2.21 (3) tier 3 consists of any other bridge in the program that is not a tier 1 or tier 2 bridge.

2.22 (c) By June 30, 2018, all tier 1 and tier 2 bridges originally included in the program  
2.23 must be under contract for repair or replacement with a new bridge that contains a  
2.24 load-path-redundant design, except that a specific bridge may remain in continued service  
2.25 if the reasons are documented in the report required under subdivision 5.

2.26 (d) All bridge projects funded under this section in fiscal year 2010 or later must  
2.27 include bicycle and pedestrian accommodations if both sides of the bridge are located in a  
2.28 city or the bridge links a pedestrian way, shared-use path, trail, or scenic bikeway.

2.29 Bicycle and pedestrian accommodations would not be required if:

2.30 (1) a comprehensive assessment demonstrates that there is an absence of need for  
2.31 bicycle and pedestrian accommodations for the life of the bridge; or

2.32 (2) there is a reasonable alternative bicycle and pedestrian crossing within  
2.33 one-quarter mile of the bridge project.

2.34 All bicycle and pedestrian accommodations should enable a connection to any existing  
2.35 bicycle and pedestrian infrastructure in close proximity to the bridge. All pedestrian

3.1 facilities must meet or exceed federal accessibility requirements as outlined in Title II of  
3.2 the Americans with Disabilities Act, codified in United States Code, title 42, chapter  
3.3 126, subchapter II, and Section 504 of the Rehabilitation Act of 1973, codified in United  
3.4 States Code, title 29, section 794.

3.5 (e) The commissioner shall establish criteria for determining the priority of bridge  
3.6 projects within each tier, and must include safety considerations as a criterion.

3.7 Sec. 3. Minnesota Statutes 2008, section 165.14, subdivision 5, is amended to read:

3.8 Subd. 5. **Statewide transportation planning report.** In conjunction with each  
3.9 update to the Minnesota statewide transportation plan, or at least every six years, the  
3.10 commissioner shall submit a report to the chairs and ranking minority members of the  
3.11 house of representatives and senate committees with jurisdiction over transportation  
3.12 finance. The report must include:

3.13 (1) an explanation of the criteria and decision-making processes used to prioritize  
3.14 bridge projects;

3.15 (2) a historical and projected analysis of the extent to which all trunk highway  
3.16 bridges meet bridge performance targets and comply with the accessibility requirements  
3.17 of Title II of the Americans with Disabilities Act;

3.18 (3) a summary of bridge projects (i) completed in the previous six years or since the  
3.19 last update to the Minnesota statewide transportation plan, and (ii) currently in progress  
3.20 under the program;

3.21 (4) a summary of bridge projects scheduled in the next four fiscal years and included  
3.22 in the state transportation improvement program;

3.23 (5) a projection of annual needs over the next 20 years;

3.24 (6) a calculation of funding necessary to meet the completion date under subdivision  
3.25 4, paragraph (c), compared to the total amount of bridge-related funding available; and

3.26 (7) for any tier 1 fracture-critical bridge that is repaired but not replaced, an  
3.27 explanation of the reasons for repair instead of replacement.

3.28 Sec. 4. Minnesota Statutes 2008, section 168.33, subdivision 2, is amended to read:

3.29 Subd. 2. **Deputy registrars.** (a) The commissioner may appoint, and for cause  
3.30 discontinue, a deputy registrar for any statutory or home rule charter city as the public  
3.31 interest and convenience may require, without regard to whether the county auditor of  
3.32 the county in which the city is situated has been appointed as the deputy registrar for the  
3.33 county or has been discontinued as the deputy registrar for the county, and without regard

4.1 to whether the county in which the city is situated has established a county license bureau  
4.2 that issues motor vehicle licenses as provided in section 373.32.

4.3 (b) The commissioner may appoint, and for cause discontinue, a deputy registrar  
4.4 for any statutory or home rule charter city as the public interest and convenience may  
4.5 require, if the auditor for the county in which the city is situated chooses not to accept  
4.6 appointment as the deputy registrar for the county or is discontinued as a deputy registrar,  
4.7 or if the county in which the city is situated has not established a county license bureau  
4.8 that issues motor vehicle licenses as provided in section 373.32. The individual appointed  
4.9 by the commissioner as a deputy registrar for any statutory or home rule charter city must  
4.10 be a resident of the county in which the city is situated.

4.11 (c) The commissioner may appoint, and for cause discontinue, the county auditor of  
4.12 each county as a deputy registrar.

4.13 (d) Despite any other provision, a person other than a county auditor or a director  
4.14 of a county license bureau, who was appointed by the registrar before August 1, 1976,  
4.15 as a deputy registrar for any statutory or home rule charter city, may continue to serve  
4.16 as deputy registrar and may be discontinued for cause only by the commissioner. The  
4.17 county auditor who appointed the deputy registrars is responsible for the acts of deputy  
4.18 registrars appointed by the auditor.

4.19 (e) Each deputy, before entering upon the discharge of duties, shall take and  
4.20 subscribe an oath to faithfully discharge the duties and to uphold the laws of the state.

4.21 (f) If a deputy registrar appointed under this subdivision is not an officer or employee  
4.22 of a county or statutory or home rule charter city, the deputy shall in addition give bond to  
4.23 the state in the sum of \$10,000, or a larger sum as may be required by the commissioner,  
4.24 conditioned upon the faithful discharge of duties as deputy registrar.

4.25 (g) ~~Until January 1, 2012,~~ A corporation governed by chapter 302A may be  
4.26 appointed a deputy registrar. Upon application by an individual serving as a deputy  
4.27 registrar and the giving of the requisite bond as provided in this subdivision, personally  
4.28 assured by the individual or another individual approved by the commissioner, a  
4.29 corporation named in an application then becomes the duly appointed and qualified  
4.30 successor to the deputy registrar. ~~The appointment of any corporation as a deputy registrar~~  
4.31 ~~expires January 1, 2012. The commissioner shall appoint an individual as successor to~~  
4.32 ~~the corporation as a deputy registrar. The commissioner shall appoint as the successor~~  
4.33 ~~agent to a corporation whose appointment expires under this paragraph an officer of the~~  
4.34 ~~corporation if the officer applies for appointment before July 1, 2012.~~

5.1 (h) Each deputy registrar appointed under this subdivision shall keep and maintain  
5.2 office locations approved by the commissioner for the registration of vehicles and the  
5.3 collection of taxes and fees on vehicles.

5.4 (i) The deputy registrar shall keep records and make reports to the commissioner as  
5.5 the commissioner requires. The records must be maintained at the offices of the deputy  
5.6 registrar. The records and offices of the deputy registrar must at all times be open to the  
5.7 inspection of the commissioner or the commissioner's agents. The deputy registrar shall  
5.8 report to the commissioner by the next working day following receipt all registrations  
5.9 made and taxes and fees collected by the deputy registrar.

5.10 (j) The filing fee imposed under subdivision 7 must be deposited in the treasury of  
5.11 the place for which appointed or, if not a public official, a deputy shall retain the filing  
5.12 fee, but the registration tax and any additional fees for delayed registration the deputy  
5.13 registrar has collected the deputy registrar shall deposit by the next working day following  
5.14 receipt in an approved state depository to the credit of the state through the commissioner  
5.15 of finance. The place for which the deputy registrar is appointed through its governing  
5.16 body must provide the deputy registrar with facilities and personnel to carry out the duties  
5.17 imposed by this subdivision if the deputy is a public official. In all other cases, the deputy  
5.18 shall maintain a suitable facility for serving the public.

5.19 Sec. 5. Minnesota Statutes 2008, section 168.33, subdivision 7, is amended to read:

5.20 Subd. 7. **Filing fees; allocations.** (a) In addition to all other statutory fees and  
5.21 taxes, a filing fee of:

5.22 (1) \$4.50 is imposed on every vehicle registration renewal, excluding pro rate  
5.23 transactions; and

5.24 (2) \$8.50 is imposed on every other type of vehicle transaction, including pro rate  
5.25 transactions;

5.26 except that a filing fee may not be charged for a document returned for a refund or for  
5.27 a correction of an error made by the Department of Public Safety, a dealer, or a deputy  
5.28 registrar. The filing fee must be shown as a separate item on all registration renewal  
5.29 notices sent out by the commissioner. No filing fee or other fee may be charged for the  
5.30 permanent surrender of a title for a vehicle.

5.31 (b) The statutory fees and taxes, and the filing fees imposed under paragraph (a) may  
5.32 be paid by credit card or debit card. The deputy registrar may collect a surcharge on the  
5.33 statutory fees, taxes, and filing fee not greater than the cost of processing a credit card  
5.34 or debit card transaction.

6.1           (c) All of the fees collected under paragraph (a), clause (1), by the department, must  
6.2 be paid into the vehicle services operating account in the special revenue fund under  
6.3 section 299A.705. Of the fee collected under paragraph (a), clause (2), by the department,  
6.4 \$3.50 must be paid into the general fund with the remainder deposited into the vehicle  
6.5 services operating account in the special revenue fund under section 299A.705.

6.6           **EFFECTIVE DATE.** This section is effective for fees collected on and after August  
6.7 1, 2009.

6.8           Sec. 6. Minnesota Statutes 2008, section 168B.06, subdivision 1, is amended to read:

6.9           Subdivision 1. **Written notice of impound.** (a) When an impounded vehicle is  
6.10 taken into custody, the unit of government or impound lot operator taking it into custody  
6.11 shall give written notice of the taking within five days to the registered vehicle owner  
6.12 and any lienholders.

6.13           (b) The notice must:

6.14           (1) set forth the date and place of the taking;

6.15           (2) provide the year, make, model, and serial number of the impounded motor  
6.16 vehicle, if such information can be reasonably obtained, and the place where the vehicle  
6.17 is being held;

6.18           (3) inform the owner and any lienholders of their right to reclaim the vehicle under  
6.19 section 168B.07;

6.20           (4) state that failure of the owner or lienholders to:

6.21           (i) exercise their right to reclaim the vehicle within the appropriate time allowed  
6.22 under section 168B.051, subdivision 1, 1a, or 2, and under the conditions set forth in  
6.23 section 168B.07, subdivision 1, constitutes a waiver by them of all right, title, and interest  
6.24 in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle  
6.25 pursuant to section 168B.08; or

6.26           (ii) exercise their right to reclaim the contents of the vehicle within the appropriate  
6.27 time allowed and under the conditions set forth in section 168B.07, subdivision 3,  
6.28 constitutes a waiver by them of all right, title, and interest in the contents and consent to  
6.29 sell or dispose of the contents under section 168B.08; and

6.30           (5) state that a vehicle owner who provides to the impound lot operator  
6.31 documentation from a government or nonprofit agency or legal aid office that the owner  
6.32 is homeless, receives relief based on need, or is eligible for legal aid services, ~~or has a~~  
6.33 ~~household income at or below 50 percent of state median income~~ has the unencumbered  
6.34 right to retrieve any and all contents without charge.

7.1 Sec. 7. Minnesota Statutes 2008, section 168B.07, subdivision 3, is amended to read:

7.2 Subd. 3. **Retrieval of contents.** (a) For purposes of this subdivision:

7.3 (1) "contents" does not include any permanently affixed mechanical or  
7.4 nonmechanical automobile parts; automobile body parts; or automobile accessories,  
7.5 including audio or video players; and

7.6 (2) "relief based on need" includes, but is not limited to, receipt of MFIP  
7.7 and Diversionary Work Program, medical assistance, general assistance, general  
7.8 assistance medical care, emergency general assistance, Minnesota supplemental aid,  
7.9 MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy  
7.10 assistance, emergency assistance, food stamps, earned income tax credit, or Minnesota  
7.11 working family tax credit.

7.12 (b) A unit of government or impound lot operator shall establish reasonable  
7.13 procedures for retrieval of vehicle contents, and may establish reasonable procedures to  
7.14 protect the safety and security of the impound lot and its personnel.

7.15 (c) At any time before the expiration of the waiting periods provided in section  
7.16 168B.051, a registered owner who provides documentation from a government or  
7.17 nonprofit agency or legal aid office that the registered owner is homeless, receives relief  
7.18 based on need, or is eligible for legal aid services, ~~or has a household income at or below~~  
7.19 ~~50 percent of state median income~~ has the unencumbered right to retrieve any and all  
7.20 contents without charge and regardless of whether the registered owner pays incurred  
7.21 charges or fees, transfers title, or reclaims the vehicle.

7.22 Sec. 8. Minnesota Statutes 2008, section 169.041, subdivision 5, is amended to read:

7.23 Subd. 5. **Towing prohibited.** ~~Unless the vehicle is described in subdivision 4,~~ (a) A  
7.24 towing authority may not tow a motor vehicle because:

7.25 (1) the vehicle has expired registration tabs that have been expired for less than  
7.26 90 days; or

7.27 (2) the vehicle is at a parking meter on which the time has expired and the vehicle  
7.28 has fewer than five unpaid parking tickets.

7.29 (b) A towing authority may tow a motor vehicle, notwithstanding paragraph (a), if:

7.30 (1) the vehicle is parked in violation of snow emergency regulations;

7.31 (2) the vehicle is parked in a rush-hour restricted parking area;

7.32 (3) the vehicle is blocking a driveway, alley, or fire hydrant;

7.33 (4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking  
7.34 is prohibited;

8.1 (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the  
8.2 stop sign;

8.3 (6) the vehicle is parked in a disability transfer zone or disability parking space  
8.4 without a disability parking certificate or disability license plates;

8.5 (7) the vehicle is parked in an area that has been posted for temporary restricted  
8.6 parking (A) at least 12 hours in advance in a home rule charter or statutory city having  
8.7 a population under 50,000, or (B) at least 24 hours in advance in another political  
8.8 subdivision;

8.9 (8) the vehicle is parked within the right-of-way of a controlled-access highway or  
8.10 within the traveled portion of a public street when travel is allowed there;

8.11 (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to  
8.12 use by fire, police, public safety, or emergency vehicles;

8.13 (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul  
8.14 International Airport owned by the Metropolitan Airports Commission;

8.15 (11) a law enforcement official has probable cause to believe that the vehicle is  
8.16 stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is  
8.17 reasonably necessary to obtain or preserve the evidence;

8.18 (12) the driver, operator, or person in physical control of the vehicle is taken into  
8.19 custody and the vehicle is impounded for safekeeping;

8.20 (13) a law enforcement official has probable cause to believe that the owner,  
8.21 operator, or person in physical control of the vehicle has failed to respond to five or more  
8.22 citations for parking or traffic offenses;

8.23 (14) the vehicle is unlawfully parked in a zone that is restricted by posted signs  
8.24 to use by taxicabs;

8.25 (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked  
8.26 vehicle;

8.27 (16) the vehicle is parked, on a school day during prohibited hours, in a school zone  
8.28 on a public street where official signs prohibit parking; or

8.29 (17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section  
8.30 168B.011, and subject to immediate removal under chapter 168B.

8.31 Sec. 9. Minnesota Statutes 2008, section 169.13, is amended by adding a subdivision  
8.32 to read:

8.33 Subd. 4. Careless driving resulting in death. (a) A person who drives, operates, or  
8.34 halts a vehicle anywhere in this state, carelessly or heedlessly in disregard of the rights or

9.1 safety of others, including the driver or passenger of the vehicle, which results in the death  
9.2 of any person is guilty of a gross misdemeanor.

9.3 (b) Notwithstanding section 609.035 or 609.04 or other law to the contrary, a  
9.4 prosecution for or a conviction, juvenile adjudication, or finding of a violation of this  
9.5 section is not a bar to a conviction, juvenile adjudication, finding of a violation, or  
9.6 punishment for any other crime, delinquent act, or juvenile petty offense as part of the  
9.7 same conduct.

9.8 Sec. 10. Minnesota Statutes 2008, section 169.15, is amended to read:

9.9 **169.15 IMPEDING TRAFFIC; INTERSECTION GRIDLOCK.**

9.10 Subdivision 1. **Impeding traffic; drive at slow speed.** No person shall drive a  
9.11 motor vehicle at such a slow speed as to impede or block the normal and reasonable  
9.12 movement of traffic except when reduced speed is necessary for safe operation or in  
9.13 compliance with law or except when the vehicle is temporarily unable to maintain a greater  
9.14 speed due to a combination of the weight of the vehicle and the grade of the highway.

9.15 Subd. 2. **Intersection gridlock; stop or block traffic.** No driver of a motor  
9.16 vehicle shall enter an intersection controlled by a semaphore until the vehicle is able to  
9.17 move completely through the intersection without impeding or blocking the subsequent  
9.18 movement of cross traffic, unless such movement is at the direction of a city-authorized  
9.19 traffic-control agent or a police officer or to facilitate passage of an authorized emergency  
9.20 vehicle. A violation of this subdivision does not constitute grounds for suspension or  
9.21 revocation of the violator's driver's license.

9.22 **EFFECTIVE DATE.** This section is effective January 1, 2010, and applies to acts  
9.23 committed on or after that date.

9.24 Sec. 11. Minnesota Statutes 2008, section 169.71, subdivision 1, is amended to read:

9.25 Subdivision 1. **Prohibitions generally; exceptions.** (a) A person shall not drive or  
9.26 operate any motor vehicle with:

9.27 (1) a windshield cracked or discolored to an extent to limit or obstruct proper vision;

9.28 (2) any objects suspended between the driver and the windshield, other than:

9.29 (i) sun visors ~~and~~;

9.30 (ii) rearview mirrors;

9.31 (iii) driver feedback and safety-monitoring equipment when mounted immediately  
9.32 behind, slightly above, or slightly below the rearview mirror;

10.1            (iv) global positioning systems or navigation systems when mounted or located near  
10.2 the bottommost portion of the windshield; and

10.3            (v) electronic toll collection devices; or

10.4            (3) any sign, poster, or other nontransparent material upon the front windshield,  
10.5 sidewings, or side or rear windows of the vehicle, other than a certificate or other paper  
10.6 required to be so displayed by law or authorized by the state director of the Division of  
10.7 Emergency Management or the commissioner of public safety.

10.8            (b) Paragraph (a), clauses (2) and (3), do not apply to law enforcement vehicles.

10.9            (c) Paragraph (a), clause (2), does not apply to authorized emergency vehicles.

10.10          Sec. 12. Minnesota Statutes 2008, section 169A.275, subdivision 7, is amended to read:

10.11            Subd. 7. **Exception.** (a) A judge is not required to sentence a person as provided  
10.12 in this section if the judge requires the person as a condition of probation to drive only  
10.13 motor vehicles equipped with an ignition interlock device meeting the standards described  
10.14 in section 171.306.

10.15            (b) This subdivision expires July 1, ~~2009~~ 2011.

10.16          Sec. 13. Minnesota Statutes 2008, section 171.01, is amended by adding a subdivision  
10.17 to read:

10.18            Subd. 37a. **Enhanced driver's license.** "Enhanced driver's license" means a license,  
10.19 instruction permit, or provisional license, to operate a motor vehicle issued or issuable  
10.20 under the laws of this state by the commissioner of public safety that denotes citizenship  
10.21 and identity and contains technology and security features approved by the secretary of  
10.22 the United States Department of Homeland Security. An enhanced driver's license may be  
10.23 used in the same manner as a driver's license, instruction permit, or provisional license,  
10.24 and is approved by the secretary of the United States Department of Homeland Security  
10.25 for purposes of entering the United States. All provisions in this chapter relating to drivers'  
10.26 licenses, instruction permits, and provisional licenses, including cancellation, suspension,  
10.27 revocation, reinstatement, examination, restriction, expiration, renewal, and unlawful acts  
10.28 and violations, apply to an enhanced driver's license.

10.29          Sec. 14. Minnesota Statutes 2008, section 171.01, is amended by adding a subdivision  
10.30 to read:

10.31            Subd. 37b. **Enhanced identification card.** "Enhanced identification card" means an  
10.32 identification card issued or issuable under the laws of this state by the commissioner of  
10.33 public safety that denotes citizenship and identity and contains technology and security

11.1 features approved by the secretary of the United States Department of Homeland Security.  
11.2 An enhanced identification card may be used in the same manner as an identification card  
11.3 and is approved by the secretary of the United States Department of Homeland Security  
11.4 for purposes of entering the United States.

11.5 Sec. 15. Minnesota Statutes 2008, section 171.04, is amended by adding a subdivision  
11.6 to read:

11.7 Subd. 3. **Persons not eligible for enhanced driver's license.** The department shall  
11.8 not issue an enhanced driver's license to any person who is:

- 11.9 (1) under 16 years of age;  
11.10 (2) not a resident of this state;  
11.11 (3) not a citizen of the United States of America; or  
11.12 (4) described in subdivision 1, clauses (4) to (12), or (14).

11.13 Sec. 16. Minnesota Statutes 2008, section 171.06, subdivision 1, is amended to read:

11.14 Subdivision 1. **Forms of application.** Every application for a Minnesota  
11.15 identification card, for an enhanced identification card, for an instruction permit, for a  
11.16 provisional license, ~~or~~ for a driver's license, or for an enhanced driver's license must be  
11.17 made in a format approved by the department, and every application must be accompanied  
11.18 by the proper fee. All first-time applications and change-of-status applications must be  
11.19 signed in the presence of the person authorized to accept the application, or the signature  
11.20 on the application may be verified by a notary public. All applications requiring evidence  
11.21 of legal presence in the United States or United States citizenship must be signed in  
11.22 the presence of the person authorized to accept the application, or the signature on the  
11.23 application may be verified by a notary public.

11.24 Sec. 17. Minnesota Statutes 2008, section 171.06, subdivision 2, is amended to read:

11.25 Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are  
11.26 as follows:

11.27	Classified Driver's License	D-\$22.25	C-\$26.25	B-\$33.25	A-\$41.25
11.28	Classified Under-21 D.L.	D-\$22.25	C-\$26.25	B-\$33.25	A-\$21.25
11.29	<u>Enhanced Driver's License</u>	<u>D-\$37.25</u>	<u>C-\$41.75</u>	<u>B-\$48.25</u>	<u>A-\$56.25</u>
11.30	Instruction Permit				\$10.25
11.31	<u>Enhanced Instruction</u>				
11.32	<u>Permit</u>				<u>\$25.25</u>
11.33	Provisional License				\$13.25
11.34	<u>Enhanced Provisional</u>				
11.35	<u>License</u>				<u>\$28.25</u>

**H.F. No. 928, 1st Unofficial Engrossment - 86th Legislative Session (2009-2010)**  
**[UEH0928-1]**

12.1	Duplicate License or	
12.2	duplicate identification	
12.3	card	\$11.75
12.4	<u>Enhanced Duplicate</u>	
12.5	<u>License or enhanced</u>	
12.6	<u>duplicate identification</u>	
12.7	<u>card</u>	<u>\$26.75</u>
12.8	Minnesota identification	
12.9	card or Under-21	
12.10	Minnesota identification	
12.11	card, other than duplicate,	
12.12	except as otherwise	
12.13	provided in section 171.07,	
12.14	subdivisions 3 and 3a	\$16.25
12.15	<u>Enhanced Minnesota</u>	
12.16	<u>identification card</u>	<u>\$31.25</u>

12.17 In addition to each fee required in this paragraph, the commissioner shall collect a  
12.18 surcharge of \$1.75 until June 30, 2012. Surcharges collected under this paragraph must be  
12.19 credited to the driver and vehicle services technology account in the special revenue fund  
12.20 under section 299A.705.

12.21 (b) Notwithstanding paragraph (a), an individual who holds a provisional license and  
12.22 has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33,  
12.23 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving  
12.24 violations, and (3) convictions for moving violations that are not crash related, shall have a  
12.25 \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation"  
12.26 has the meaning given it in section 171.04, subdivision 1.

12.27 (c) In addition to the driver's license fee required under paragraph (a), the  
12.28 commissioner shall collect an additional \$4 processing fee from each new applicant  
12.29 or individual renewing a license with a school bus endorsement to cover the costs for  
12.30 processing an applicant's initial and biennial physical examination certificate. The  
12.31 department shall not charge these applicants any other fee to receive or renew the  
12.32 endorsement.

12.33 Sec. 18. Minnesota Statutes 2008, section 171.06, subdivision 3, is amended to read:

12.34 Subd. 3. **Contents of application; other information.** (a) An application must:

12.35 (1) state the full name, date of birth, sex, and either (i) the residence address of the  
12.36 applicant, or (ii) designated address under section 5B.05;

12.37 (2) as may be required by the commissioner, contain a description of the applicant  
12.38 and any other facts pertaining to the applicant, the applicant's driving privileges, and the  
12.39 applicant's ability to operate a motor vehicle with safety;

12.40 (3) state:

- 13.1 (i) the applicant's Social Security number; or
- 13.2 (ii) if the applicant does not have a Social Security number and is applying for a
- 13.3 Minnesota identification card, instruction permit, or class D provisional or driver's license,
- 13.4 that the applicant certifies that the applicant does not have a Social Security number;
- 13.5 (4) in the case of an application for an enhanced driver's license or enhanced
- 13.6 identification card, present:
- 13.7 (i) proof satisfactory to the commissioner of the applicant's full legal name, United
- 13.8 States citizenship, identity, date of birth, Social Security number, and residence address;
- 13.9 and
- 13.10 (ii) a photographic identity document;
- 13.11 (5) contain a space where the applicant may indicate a desire to make an anatomical
- 13.12 gift according to paragraph (b); and
- 13.13 ~~(5)~~ (6) contain a notification to the applicant of the availability of a living will/health
- 13.14 care directive designation on the license under section 171.07, subdivision 7.
- 13.15 (b) If the applicant does not indicate a desire to make an anatomical gift when
- 13.16 the application is made, the applicant must be offered a donor document in accordance
- 13.17 with section 171.07, subdivision 5. The application must contain statements sufficient to
- 13.18 comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift
- 13.19 Act, chapter 525A, so that execution of the application or donor document will make
- 13.20 the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a
- 13.21 desire to make an anatomical gift. The application must be accompanied by information
- 13.22 describing Minnesota laws regarding anatomical gifts and the need for and benefits of
- 13.23 anatomical gifts, and the legal implications of making an anatomical gift, including the
- 13.24 law governing revocation of anatomical gifts. The commissioner shall distribute a notice
- 13.25 that must accompany all applications for and renewals of a driver's license or Minnesota
- 13.26 identification card. The notice must be prepared in conjunction with a Minnesota organ
- 13.27 procurement organization that is certified by the federal Department of Health and Human
- 13.28 Services and must include:
- 13.29 (1) a statement that provides a fair and reasonable description of the organ donation
- 13.30 process, the care of the donor body after death, and the importance of informing family
- 13.31 members of the donation decision; and
- 13.32 (2) a telephone number in a certified Minnesota organ procurement organization that
- 13.33 may be called with respect to questions regarding anatomical gifts.
- 13.34 (c) The application must be accompanied also by information containing relevant
- 13.35 facts relating to:
- 13.36 (1) the effect of alcohol on driving ability;

14.1 (2) the effect of mixing alcohol with drugs;

14.2 (3) the laws of Minnesota relating to operation of a motor vehicle while under the  
14.3 influence of alcohol or a controlled substance; and

14.4 (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests  
14.5 for alcohol-related violations.

14.6 Sec. 19. Minnesota Statutes 2008, section 171.06, subdivision 6, is amended to read:

14.7 Subd. 6. **Compliance with selective service system registration requirements.**

14.8 (a) By applying for an original, duplicate, or renewal instruction permit, provisional  
14.9 driver's license, driver's license, enhanced driver's license, commercial driver's license, ~~or~~  
14.10 state identification card, or enhanced identification card, an applicant under the age of 26,  
14.11 who is a United States citizen or resident, consents to registration in compliance with the  
14.12 requirements of the Military Selective Service Act, United States Code, title 50, appendix,  
14.13 section 453. The application form must state that submission of the application constitutes  
14.14 consent to registration with the selective service system, if required by federal law.

14.15 (b) The commissioner shall forward to the selective service system in an electronic  
14.16 format the necessary personal information required for registration of an applicant  
14.17 described in paragraph (a). If the applicant is under the age of 18, and the license or card  
14.18 to be issued will expire after the applicant's 18th birthday, then the commissioner shall  
14.19 forward the necessary information to the selective service system when the applicant  
14.20 reaches the age of 18.

14.21 Sec. 20. Minnesota Statutes 2008, section 171.07, subdivision 3, is amended to read:

14.22 Subd. 3. **Identification card; fee.** (a) Upon payment of the required fee, the  
14.23 department shall issue to every qualifying applicant a Minnesota identification card. The  
14.24 department may not issue a Minnesota identification card to an individual who has a  
14.25 driver's license, other than a limited license. The department may not issue an enhanced  
14.26 identification card to an individual who is under 16 years of age, not a resident of this  
14.27 state, or not a citizen of the United States of America. The card must bear a distinguishing  
14.28 number assigned to the applicant; a colored photograph or an electronically produced  
14.29 image of the applicant; the applicant's full name and date of birth; either (1) the licensee's  
14.30 residence address, or (2) the designated address under section 5B.05; a description of the  
14.31 applicant in the manner as the commissioner deems necessary; and the usual signature of  
14.32 the applicant.

14.33 (b) If the United States Postal Service will not deliver mail to the applicant's  
14.34 residence address as listed on the Minnesota identification card, then the applicant shall

15.1 provide verification from the United States Postal Service that mail will not be delivered  
15.2 to the applicant's residence address and that mail will be delivered to a specified alternate  
15.3 mailing address. When an applicant provides an alternate mailing address under this  
15.4 subdivision, the commissioner shall use the alternate mailing address in lieu of the  
15.5 applicant's residence address for all notices and mailings to the applicant.

15.6 (c) Each identification card issued to an applicant under the age of 21 must be of a  
15.7 distinguishing color and plainly marked "Under-21."

15.8 (d) Each Minnesota identification card must be plainly marked "Minnesota  
15.9 identification card - not a driver's license."

15.10 (e) The fee for a Minnesota identification card is 50 cents when issued to a person  
15.11 who is developmentally disabled, as defined in section 252A.02, subdivision 2; a  
15.12 physically disabled person, as defined in section 169.345, subdivision 2; or, a person with  
15.13 mental illness, as described in section 245.462, subdivision 20, paragraph (c).

15.14 Sec. 21. Minnesota Statutes 2008, section 171.07, is amended by adding a subdivision  
15.15 to read:

15.16 Subd. 9a. Security for enhanced driver's license and identification card. An  
15.17 enhanced driver's license or enhanced identification card must include reasonable security  
15.18 measures to prevent counterfeiting and to protect against unauthorized disclosure of  
15.19 personal information regarding residents of this state that is contained in the enhanced  
15.20 driver's license or enhanced identification card. The enhanced driver's license must include  
15.21 the best available anticounterfeit laminate technology. The enhanced driver's license or  
15.22 enhanced identification card may include radio frequency identification technology that  
15.23 is limited to a randomly assigned number, which must be encrypted if agreed to by the  
15.24 United States Department of Homeland Security and does not include biometric data  
15.25 or any information other than the citizenship status of the license holder or cardholder.  
15.26 The commissioner shall ensure that the radio frequency identification technology is  
15.27 secure from unauthorized data access. An applicant must sign an acknowledgment of  
15.28 understanding of the radio frequency identification technology and its use for the sole  
15.29 purpose of verifying United States citizenship before being issued an enhanced driver's  
15.30 license or an enhanced identification card.

15.31 Sec. 22. Minnesota Statutes 2008, section 171.07, is amended by adding a subdivision  
15.32 to read:

16.1            Subd. 15. **Enhanced driver's license and identification card.** For purposes of this  
16.2 section, "license" includes "enhanced driver's license," and "identification card" includes  
16.3 "enhanced identification card."

16.4            Sec. 23. Minnesota Statutes 2008, section 171.071, is amended by adding a subdivision  
16.5 to read:

16.6            Subd. 3. **Exception.** Subdivisions 1 and 2 do not apply to the commissioner's  
16.7 requirements pertaining to a photograph or electronically produced image on an enhanced  
16.8 driver's license or an enhanced identification card.

16.9            Sec. 24. Minnesota Statutes 2008, section 171.18, subdivision 1, is amended to read:

16.10           Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver  
16.11 without preliminary hearing upon a showing by department records or other sufficient  
16.12 evidence that the licensee:

16.13            (1) has committed an offense for which mandatory revocation of license is required  
16.14 upon conviction;

16.15            (2) has been convicted by a court for violating a provision of chapter 169 or  
16.16 an ordinance regulating traffic, other than a conviction for a petty misdemeanor, and  
16.17 department records show that the violation contributed in causing an accident resulting in  
16.18 the death or personal injury of another, or serious property damage;

16.19            (3) is an habitually reckless or negligent driver of a motor vehicle;

16.20            (4) is an habitual violator of the traffic laws;

16.21            (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

16.22            (6) has permitted an unlawful or fraudulent use of the license;

16.23            (7) has committed an offense in another state that, if committed in this state, would  
16.24 be grounds for suspension;

16.25            (8) has committed a violation of section 169.444, subdivision 2, paragraph (a),  
16.26 within five years of a prior conviction under that section;

16.27            (9) has committed a violation of section 171.22, except that the commissioner may  
16.28 not suspend a person's driver's license based solely on the fact that the person possessed a  
16.29 fictitious or fraudulently altered Minnesota identification card;

16.30            (10) has failed to appear in court as provided in section 169.92, subdivision 4;

16.31            (11) has failed to report a medical condition that, if reported, would have resulted in  
16.32 cancellation of driving privileges;

16.33            (12) has been found to have committed an offense under section 169A.33; or

17.1 (13) has paid or attempted to pay a fee required under this chapter for a license or  
17.2 permit by means of a dishonored check issued to the state or a driver's license agent,  
17.3 which must be continued until the registrar determines or is informed by the agent that  
17.4 the dishonored check has been paid in full.

17.5 However, an action taken by the commissioner under clause (2) or (5) must conform to  
17.6 the recommendation of the court when made in connection with the prosecution of the  
17.7 licensee.

17.8 (b) Notwithstanding paragraph (a), section 171.16, subdivision 2, or any other law,  
17.9 the commissioner may not suspend the driver's license of an individual ~~under paragraph~~  
17.10 ~~(a) who was convicted of a violation of section 171.24, subdivision 1, whose license~~  
17.11 ~~was under suspension at the time solely because of the individual's failure to appear in~~  
17.12 ~~court or failure to pay a fine~~ 1a.

17.13 Sec. 25. Minnesota Statutes 2008, section 171.24, is amended by adding a subdivision  
17.14 to read:

17.15 Subd. 1a. **Driving after suspension for failure to appear or pay fines;**

17.16 **misdemeanor.** A person is guilty of a misdemeanor if:

17.17 (1) the person's driver's license or driving privilege has been suspended for no reason  
17.18 other than unpaid fines or failure to appear in court;

17.19 (2) the person has been given notice of or reasonably should know of the suspension;  
17.20 and

17.21 (3) the person disobeys the order by operating in this state any motor vehicle, the  
17.22 operation of which requires a driver's license, while the person's license or privilege  
17.23 is suspended.

17.24 Sec. 26. Minnesota Statutes 2008, section 171.306, subdivision 1, is amended to read:

17.25 Subdivision 1. **Pilot project established; reports.** The commissioner shall conduct  
17.26 a statewide two-year ignition interlock device pilot project as provided in this section.

17.27 ~~The commissioner shall select one metropolitan county and one rural county to participate~~  
17.28 ~~in the pilot project.~~ The pilot project must begin on July 1, ~~2007~~ 2009, and continue until

17.29 June 30, ~~2009~~ 2011. The commissioner shall submit ~~two~~ a preliminary reports report by

17.30 ~~February 1, 2008, and by December 1, 2008~~ September 30, 2010, and a final report by

17.31 ~~September 1, 2009~~ September 30, 2011, to the chairs and ranking minority members of the senate and

17.32 house of representatives committees having jurisdiction over criminal justice policy and

17.33 funding. The reports must evaluate the successes and failures of the pilot project, provide

17.34 information on participation rates, and make recommendations on continuing the project.

18.1 Sec. 27. Minnesota Statutes 2008, section 171.306, subdivision 3, is amended to read:

18.2 Subd. 3. **Pilot project components.** (a) Under the pilot project, the commissioner  
18.3 shall issue a driver's license to an individual whose driver's license has been revoked or  
18.4 canceled under: (1) chapter 169A for ~~a repeat~~ an impaired driving incident; (2) section  
18.5 169A.33 for underage drinking and driving; or (3) section 609.21 for criminal vehicular  
18.6 homicide or operation, if the person qualifies under this section and agrees to all of the  
18.7 conditions of the project.

18.8 (b) The commissioner must denote the person's driver's license record to indicate the  
18.9 person's participation in the program. The license must authorize the person to drive only  
18.10 vehicles having functioning ignition interlock devices conforming with the requirements  
18.11 of subdivision 2.

18.12 (c) Notwithstanding any statute or rule to the contrary, the commissioner has  
18.13 authority to and shall determine the appropriate period for which a person participating in  
18.14 the ignition interlock pilot program shall be subject to this program, and when the person  
18.15 is eligible to be issued:

18.16 (1) a limited driver's license subject to the ignition interlock restriction;

18.17 (2) full driving privileges subject to the ignition interlock restriction; and

18.18 (3) a driver's license without an ignition interlock restriction.

18.19 (d) A person participating in this pilot project shall agree to participate in any  
18.20 treatment recommended by a chemical use assessment.

18.21 (e) The commissioner shall determine guidelines for participation in the project.  
18.22 A person participating in the project shall sign a written agreement accepting these  
18.23 guidelines and agreeing to comply with them.

18.24 (f) It is a misdemeanor for a person who is licensed under this section for driving  
18.25 a vehicle equipped with an ignition interlock device to drive, operate, or be in physical  
18.26 control of a motor vehicle other than a vehicle properly equipped with an ignition  
18.27 interlock device.

18.28 (g) No driver's license, criminal, or probation violation sanction relating to positive  
18.29 alcohol tests may be assessed upon a participant, unless the device in use provides a  
18.30 method for positive identification of the individual providing the breath sample.

18.31 Sec. 28. Minnesota Statutes 2008, section 174.01, subdivision 1, is amended to read:

18.32 Subdivision 1. **Department created.** In order to provide ~~a balanced~~ an integrated  
18.33 transportation system, including of aeronautics, highways, motor carriers, ports, public  
18.34 transit, railroads, and pipelines, and including facilities for walking and bicycling, a  
18.35 Department of Transportation is created. The department is the principal agency of the

19.1 state for development, implementation, administration, consolidation, and coordination of  
19.2 state transportation policies, plans, and programs.

19.3 Sec. 29. Minnesota Statutes 2008, section 174.01, subdivision 2, is amended to read:

19.4 Subd. 2. **Transportation goals.** The goals of the state transportation system are  
19.5 as follows:

19.6 (1) to ~~provide safe transportation~~ minimize fatalities and injuries for transportation  
19.7 users throughout the state;

19.8 (2) to provide multimodal and intermodal transportation ~~that enhances mobility and~~  
19.9 ~~economic development and provides access to all persons and businesses in Minnesota~~  
19.10 ~~while ensuring that there is no~~ facilities and services to increase access for all persons and  
19.11 businesses and to ensure economic well-being and quality of life without undue burden  
19.12 placed on any community;

19.13 (3) to provide a reasonable travel time for commuters;

19.14 (4) to enhance economic development and provide for the economical, efficient, and  
19.15 safe movement of goods to and from markets by rail, highway, and waterway;

19.16 (5) to encourage tourism by providing appropriate transportation to Minnesota  
19.17 facilities designed to attract tourists and to enhance the appeal, through transportation  
19.18 investments, of tourist destinations across the state;

19.19 (6) to provide transit services ~~throughout~~ to all counties in the state to meet the  
19.20 needs of transit users;

19.21 (7) to promote ~~productivity~~ accountability through ~~system~~ systematic management  
19.22 of system performance and productivity through the utilization of technological  
19.23 advancements;

19.24 (8) to maximize the long-term benefits received for each state transportation  
19.25 investment;

19.26 (9) to provide for and prioritize funding for ~~of~~ transportation investments that, at a  
19.27 ~~minimum, preserves the transportation infrastructure~~ ensures that the state's transportation  
19.28 infrastructure is maintained in a state of good repair;

19.29 (10) to ensure that the planning and implementation of all modes of transportation  
19.30 are consistent with the environmental and energy goals of the state;

19.31 (11) to promote and increase the use of high-occupancy vehicles and low-emission  
19.32 vehicles;

19.33 (12) to provide an air transportation system sufficient to encourage economic growth  
19.34 and allow all regions of the state the ability to participate in the global economy;

20.1 (13) to increase ~~transit~~ use of transit as a percentage of all trips statewide by giving  
20.2 highest priority to the transportation modes with the greatest people-moving capacity and  
20.3 lowest long-term economic and environmental cost;

20.4 (14) to promote and increase bicycling and walking as a percentage of all trips as ~~an~~  
20.5 energy-efficient, nonpolluting, and ~~healthful form~~ healthy forms of transportation;

20.6 (15) to reduce greenhouse gas emissions from the state's transportation sector; and

20.7 (16) to accomplish these goals with minimal impact on the environment.

20.8 Sec. 30. **[174.015] REDUCING VEHICLE MILES DRIVEN.**

20.9 Subdivision 1. **Definitions.** "Per capita vehicle miles driven" means nonfreight  
20.10 motor vehicle miles traveled per person per calendar year.

20.11 Subd. 2. **Reduction goal.** In order to help achieve an overall reduction in  
20.12 greenhouse gas emissions in Minnesota, the commissioner of transportation shall  
20.13 implement, and facilitate the implementation by other public and private entities, policies  
20.14 that will have the goal of achieving by 2025 at least a 15 percent reduction from 2005  
20.15 levels of per capita vehicle miles driven. The implemented policies shall not mandate that  
20.16 persons within the meaning of section 645.44 reduce their vehicle miles traveled.

20.17 Sec. 31. Minnesota Statutes 2008, section 174.02, subdivision 1a, is amended to read:

20.18 Subd. 1a. **Mission; efficiency; legislative report, recommendations.** It is part  
20.19 of the department's mission that within the department's resources the commissioner  
20.20 shall endeavor to:

20.21 (1) prevent the waste or unnecessary spending of public money;

20.22 (2) use innovative fiscal and human resource practices to manage the state's  
20.23 resources and operate the department as efficiently as possible;

20.24 (3) minimize the degradation of air ~~and~~, water quality, and the climate, including  
20.25 reduction in greenhouse gas emissions;

20.26 (4) coordinate the department's activities wherever appropriate with the activities  
20.27 of other governmental agencies;

20.28 (5) use technology where appropriate to increase agency productivity, improve  
20.29 customer service, increase public access to information about government, and increase  
20.30 public participation in the business of government;

20.31 (6) utilize constructive and cooperative labor-management practices to the extent  
20.32 otherwise required by chapters 43A and 179A;

21.1 (7) report to the legislature on the performance of agency operations and the  
21.2 accomplishment of agency goals in the agency's biennial budget according to section  
21.3 16A.10, subdivision 1; and

21.4 (8) recommend to the legislature appropriate changes in law necessary to carry out  
21.5 the mission and improve the performance of the department.

21.6 Sec. 32. Minnesota Statutes 2008, section 174.03, subdivision 1b, is amended to read:

21.7 Subd. 1b. **Statewide freight and passenger rail plan.** (a) The commissioner shall  
21.8 develop a comprehensive statewide freight and passenger rail plan to be included and  
21.9 revised as a part of the statewide transportation plan. The plan must include a study on  
21.10 the feasibility of establishing commuter transit service in: the Little Crow Transit Way,  
21.11 along or near marked Trunk Highway 12 between Willmar and downtown Minneapolis,  
21.12 and the Sioux Trail Transit Way, along or near marked Trunk Highway 13 between  
21.13 Shakopee and St. Paul.

21.14 (b) Before the initial version of the plan is adopted, the commissioner shall provide a  
21.15 copy for review and comment to the chairs and ranking minority members of the senate  
21.16 and house of representatives committees with jurisdiction over transportation policy and  
21.17 finance. Notwithstanding paragraph (a), the commissioner may adopt the next revision  
21.18 of the statewide transportation plan, scheduled to be completed in calendar year 2009,  
21.19 prior to completion of the initial version of the comprehensive statewide freight and  
21.20 passenger rail plan.

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

21.22 Sec. 33. **[174.285] MINNESOTA COUNCIL ON TRANSPORTATION ACCESS.**

21.23 **Subdivision 1. Council established.** A Minnesota Council on Transportation  
21.24 Access is established to study, evaluate, oversee, and make recommendations to improve  
21.25 the coordination, availability, accessibility, efficiency, cost-effectiveness, and safety of  
21.26 transportation services provided to the transit public. "Transit public" means those persons  
21.27 who utilize public transit and those who, because of mental or physical disability, income  
21.28 status, or age are unable to transport themselves and are dependent upon others for  
21.29 transportation services.

21.30 **Subd. 2. Duties of council.** In order to accomplish the purposes in subdivision 1,  
21.31 the council shall adopt a biennial work plan that must incorporate the following activities:

21.32 (1) compile information on existing transportation alternatives for the transit public,  
21.33 and serve as a clearinghouse for information on services, funding sources, innovations,  
21.34 and coordination efforts;

- 22.1           (2) identify best practices and strategies that have been successful in Minnesota and  
22.2 in other states for coordination of local, regional, state, and federal funding and services;
- 22.3           (3) establish statewide objectives for providing public transportation services for the  
22.4 transit public;
- 22.5           (4) identify barriers prohibiting coordination and accessibility of public  
22.6 transportation services and aggressively pursue the elimination of those barriers;
- 22.7           (5) develop and implement policies and procedures for coordinating local, regional,  
22.8 state, and federal funding and services for the transit public;
- 22.9           (6) identify stakeholders in providing services for the transit public, and seek input  
22.10 from them concerning barriers and appropriate strategies;
- 22.11           (7) establish guidelines for developing transportation coordination plans throughout  
22.12 the state;
- 22.13           (8) encourage all state agencies participating in the council to purchase trips within  
22.14 the coordinated system;
- 22.15           (9) facilitate the creation and operation of transportation brokerages to match  
22.16 riders to the appropriate service, promote shared dispatching, compile and disseminate  
22.17 information on transportation options, and promote regional communication;
- 22.18           (10) encourage volunteer driver programs and recommend legislation to address  
22.19 liability and insurance issues;
- 22.20           (11) establish minimum performance standards for delivery of services;
- 22.21           (12) identify methods to eliminate fraud and abuse in special transportation services;
- 22.22           (13) develop a standard method for addressing liability insurance requirements for  
22.23 transportation services purchased, provided, or coordinated;
- 22.24           (14) design and develop a contracting template for providing coordinated  
22.25 transportation services;
- 22.26           (15) develop an interagency uniform contracting and billing and accounting system  
22.27 for providing coordinated transportation services;
- 22.28           (16) encourage the design and development of training programs for coordinated  
22.29 transportation services;
- 22.30           (17) encourage the use of public school transportation vehicles for the transit public;
- 22.31           (18) develop an allocation methodology that equitably distributes transportation  
22.32 funds to compensate units of government and all entities that provide coordinated  
22.33 transportation services;
- 22.34           (19) identify policies and necessary legislation to facilitate vehicle sharing; and

23.1 (20) advocate aggressively for eliminating barriers to coordination, implementing  
23.2 coordination strategies, enacting necessary legislation, and appropriating resources to  
23.3 achieve the council's objectives.

23.4 Subd. 3. **Membership.** (a) The council is comprised of the following 17 members:

23.5 (1) two members of the senate, one from the majority party appointed by the  
23.6 majority leader, and one from the minority party, appointed by the minority leader;

23.7 (2) two members of the house of representatives, one appointed by the speaker of the  
23.8 house and one appointed by the minority leader;

23.9 (3) one representative from the Office of the Governor;

23.10 (4) one representative from the Council on Disability;

23.11 (5) one representative from the Minnesota Public Transit Association;

23.12 (6) the commissioner of transportation or a designee;

23.13 (7) the commissioner of human services or a designee;

23.14 (8) the commissioner of health or a designee;

23.15 (9) the chair of the Metropolitan Council or a designee;

23.16 (10) the commissioner of education or a designee;

23.17 (11) the commissioner of veterans affairs or a designee;

23.18 (12) one representative from the Board on Aging;

23.19 (13) the commissioner of employment and economic development or a designee;

23.20 (14) the commissioner of commerce or a designee; and

23.21 (15) the commissioner of finance or a designee.

23.22 (b) All appointments required by paragraph (a) must be completed by August  
23.23 1, 2009.

23.24 (c) The commissioner of transportation or a designee shall convene the first meeting  
23.25 of the council within two weeks after the members have been appointed to the council.

23.26 The members shall elect a chairperson from their membership at the first meeting.

23.27 (d) The Department of Transportation and the Department of Human Services shall  
23.28 provide necessary staff support for the council.

23.29 Subd. 4. **Report.** By January 15 of each year, beginning in 2011, the council shall  
23.30 report its findings, recommendations, and activities to the governor's office and to the  
23.31 chairs and ranking minority members of the legislative committees with jurisdiction  
23.32 over transportation, health, and human services, and to the legislature as provided under  
23.33 section 3.195.

23.34 Subd. 5. **Compensation.** Members of the council shall receive compensation and  
23.35 reimbursement of expenses as provided in section 15.059, subdivision 3.

23.36 Subd. 6. **Expiration.** This section expires June 30, 2013.

24.1 Sec. 34. [174.638] DESIGN-BUILD CONTRACTING.

24.2 The commissioner may utilize the design-build method of contracting, under  
24.3 sections 161.3410 to 161.3428, in connection with the planning, design, development,  
24.4 and construction of a high-speed passenger rail line connecting Chicago, La Crescent,  
24.5 Winona, Red Wing, and the Union Depot Concourse Multimodal Transit Hub, located in  
24.6 downtown St. Paul in the area south of Kellogg Boulevard and east of Jackson Street and  
24.7 the potential future connection to Minneapolis.

24.8 Sec. 35. Minnesota Statutes 2008, section 174.86, subdivision 5, is amended to read:

24.9 Subd. 5. **Commuter Rail Corridor Coordinating Committee.** (a) A Commuter  
24.10 Rail Corridor Coordinating Committee ~~shall be~~ is established to advise the commissioner  
24.11 on issues relating to the alternatives analysis, environmental review, advanced corridor  
24.12 planning, preliminary engineering, final design, implementation method, construction of  
24.13 commuter rail, public involvement, land use, service, and safety. The Commuter Rail  
24.14 Corridor Coordinating Committee shall consist of:

24.15 (1) one member representing each significant funding partner in whose jurisdiction  
24.16 the line or lines are located;

24.17 (2) one member appointed by each county in which the corridors are located;

24.18 (3) one member appointed by each city in which advanced corridor plans indicate  
24.19 that a station may be located;

24.20 (4) two members appointed by the commissioner, one of whom shall be designated  
24.21 by the commissioner as the chair of the committee;

24.22 (5) one member appointed by each metropolitan planning organization through  
24.23 which the commuter rail line may pass; ~~and~~

24.24 (6) one member appointed by the president of the University of Minnesota, if a  
24.25 designated corridor provides direct service to the university; and

24.26 (7) two members of labor organizations operating in, and with authority for, trains or  
24.27 rail yards or stations junctioning with freight and commuter rail lines on corridors, with  
24.28 one member appointed by the speaker of the house and the other member appointed by the  
24.29 senate Subcommittee on Committees of the Committee on Rules and Administration.

24.30 (b) A joint powers board existing on April 1, 1999, consisting of local governments  
24.31 along a commuter rail corridor, shall perform the functions set forth in paragraph (a) in  
24.32 place of the committee.

24.33 (c) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

25.1 Sec. 36. Minnesota Statutes 2008, section 219.01, is amended to read:

25.2 **219.01 TRACK SAFETY STANDARDS; SAFETY TECHNOLOGY GRANTS.**

25.3 (a) The track safety standards of the United States Department of Transportation and  
25.4 Federal Railroad Administration apply to railroad trackage and are the standards for the  
25.5 determination of unsafe trackage within the state.

25.6 (b) The commissioner of transportation shall apply to the Federal Railroad  
25.7 Administration under Public Law 110-432, the Railroad Safety Enhancement Act of  
25.8 2008 (the act), for (1) railroad safety technology grant funding available under section  
25.9 105 of the act and (2) development and installation of rail safety technology, including  
25.10 provision for switch position indicator signals in nonsignalized main track territory,  
25.11 under section 406 of the act. The commissioner shall respond and make application to  
25.12 the Federal Railroad Administration notice of funds availability under the Rail Safety  
25.13 Assurance Act in a timely manner and before the date of the program deadline to assure  
25.14 full consideration of the application. The commissioner shall (i) prioritize grant requests  
25.15 for the installation of switch indicator signals on all segments of nonsignalized track  
25.16 where posted speeds are in excess of 20 miles per hour and (ii) apply for grant funding in  
25.17 each year after 2009 until all nonsignalized track territory in the state has switch indicator  
25.18 signals installed and in operation.

25.19 (c) Prior to applying for funds under paragraph (b), the commissioner shall solicit  
25.20 grant requests from all eligible railroads. The commissioner shall submit written notice to  
25.21 the chairs of the legislative committees with jurisdiction over transportation policy and  
25.22 finance of an acceptance by a class I or class II railroad of federal grant program funding  
25.23 for switch point indicator monitor systems.

25.24 (d) Participating railroads shall provide the 20 percent nonfederal match. Railroads  
25.25 shall provide all technical documentation requested by the commissioner and required by  
25.26 the Federal Railroad Administration for the applications under paragraph (b). Railroads  
25.27 are responsible for developing, acquiring, and installing all rail safety technology obtained  
25.28 under this section in accordance with requirements established by the Federal Railroad  
25.29 Administration.

25.30 Sec. 37. Minnesota Statutes 2008, section 221.012, is amended by adding a subdivision  
25.31 to read:

25.32 Subd. 27a. **Motor carrier of railroad employees.** "Motor carrier of railroad  
25.33 employees" means a motor carrier engaged in the for-hire transportation of railroad  
25.34 employees of a class I or II common carrier, as defined in Code of Federal Regulations,

26.1 title 49, part 1201, general instruction 1-1, under the terms of a contractual agreement with  
26.2 a common carrier, as defined in section 218.011, subdivision 10.

26.3 Sec. 38. Minnesota Statutes 2008, section 221.012, subdivision 38, is amended to read:

26.4 Subd. 38. **Small vehicle passenger service.** (a) "Small vehicle passenger service"  
26.5 means a service provided by a person engaged in the for-hire transportation of passengers  
26.6 in a vehicle designed to transport seven or fewer persons, including the driver.

26.7 (b) In the metropolitan area as defined in section 473.121, subdivision 2, "small  
26.8 vehicle passenger service" also includes for-hire transportation of persons who are certified  
26.9 by the Metropolitan Council to use special transportation service provided under section  
26.10 473.386, in a vehicle designed to transport not more than 15 persons including the driver,  
26.11 that is equipped with a wheelchair lift and at least three wheelchair securement positions.

26.12 (c) "Small vehicle passenger service" does not include a motor carrier of railroad  
26.13 employees.

26.14 Sec. 39. **[221.0255] MOTOR CARRIER OF RAILROAD EMPLOYEES.**

26.15 (a) A motor carrier of railroad employees must meet the requirements specified in  
26.16 this section, is subject to section 221.291, and is otherwise exempt from the provisions  
26.17 of this chapter.

26.18 (b) A vehicle operator for a motor carrier of railroad employees who transports  
26.19 passengers must:

26.20 (1) have a valid driver's license under chapter 171; and

26.21 (2) submit to a physical examination.

26.22 (c) The carrier must implement a policy that provides for annual training and  
26.23 certification of the operator in:

26.24 (1) safe operation of the vehicle transporting railroad employees;

26.25 (2) knowing and understanding relevant laws, rules of the road, and safety policies;

26.26 (3) handling emergency situations;

26.27 (4) proper use of seat belts;

26.28 (5) performance of pretrip and post-trip vehicle inspections, and inspection record  
26.29 keeping; and

26.30 (6) proper maintenance of required records.

26.31 (d) The carrier must:

26.32 (1) perform a background check or background investigation of the operator;

26.33 (2) annually verify the operator's driver's license;

27.1 (3) document meeting the requirements in this subdivision, and maintain the file  
27.2 at the carrier's business location;

27.3 (4) maintain liability insurance in a minimum amount of \$5,000,000 regardless  
27.4 of the seating capacity of the vehicle; and

27.5 (5) maintain uninsured and underinsured coverage in a minimum amount of  
27.6 \$1,000,000.

27.7 If a party contracts with the motor carrier on behalf of the railroad to transport the railroad  
27.8 employees, then the insurance requirements may be satisfied by either that party or the  
27.9 motor carrier, so long as the motor carrier is a named insured or additional insured under  
27.10 any policy.

27.11 (e) A person who sustains a conviction of violating section 169A.25, 169A.26,  
27.12 169A.27, or 169A.31, or whose driver's license is revoked under sections 169A.50 to  
27.13 169A.53 of the implied consent law, or who is convicted of or has their driver's license  
27.14 revoked under a similar statute or ordinance of another state, may not operate a vehicle  
27.15 under this subdivision for five years from the date of conviction. A person who sustains a  
27.16 conviction of a moving offense in violation of chapter 169 within three years of the first  
27.17 of three other moving offenses may not operate a vehicle under this subdivision for one  
27.18 year from the date of the last conviction. A person who has ever been convicted of a  
27.19 disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may  
27.20 not operate a vehicle under this subdivision.

27.21 (f) An operator who sustains a conviction as described in paragraph (e) while  
27.22 employed by the carrier shall report the conviction to the carrier within ten days of the  
27.23 date of the conviction.

27.24 (g) A carrier must implement a mandatory alcohol and controlled substance testing  
27.25 program as provided under sections 181.950 to 181.957 that consists of preemployment  
27.26 testing, post-accident testing, random testing, reasonable suspicion testing, return-to-duty  
27.27 testing, and follow-up testing.

27.28 (h) A motor carrier of railroad employees shall not allow or require a driver to drive  
27.29 or remain on duty for more than: ten hours after eight consecutive hours off duty; 15 hours  
27.30 of combined on-duty time and drive time since last obtaining eight consecutive hours of  
27.31 off-duty time; or 70 hours of on-duty and drive time in any period of eight consecutive  
27.32 days. After 24 hours off duty, a driver begins a new seven consecutive day period and  
27.33 on-duty time is reset to zero.

27.34 (i) An operator who encounters an emergency and cannot, because of that  
27.35 emergency, safely complete a transportation assignment within the ten-hour maximum  
27.36 driving time permitted under paragraph (h), may drive for not more than two additional

28.1 hours in order to complete that transportation assignment or to reach a place offering  
28.2 safety for the occupants of the vehicle and security for the transport motor vehicle, if the  
28.3 transportation assignment reasonably could have been completed within the ten-hour  
28.4 period absent the emergency.

28.5 (j) A carrier shall maintain and retain for a period of six months accurate time  
28.6 records that show the time the driver reports for duty each day; the total number of hours  
28.7 of on-duty time for each driver for each day; the time the driver is released from duty each  
28.8 day; and the total number of hours driven each day.

28.9 (k) For purposes of this subdivision, the following terms have the meanings given:

28.10 (1) "conviction" has the meaning given in section 609.02; and

28.11 (2) "on-duty time" means all time at a terminal, facility, or other property of a  
28.12 contract carrier or on any public property waiting to be dispatched. "On-duty time"  
28.13 includes time spent inspecting, servicing, or conditioning the vehicle.

28.14 **EFFECTIVE DATE.** Paragraph (d), clause (5), is effective July 1, 2010.

28.15 Sec. 40. Minnesota Statutes 2008, section 239.77, is amended by adding a subdivision  
28.16 to read:

28.17 Subd. 3a. **Executive order.** (a) The governor may, by executive order, lower the  
28.18 minimum content requirement for fuel used in metro transit buses during any period  
28.19 of cold weather beginning and ending during the months of November to March. The  
28.20 minimum content requirement may not be set at a level lower than two percent.

28.21 (b) An executive order issued under paragraph (a), is effective the day following  
28.22 the filing of a certified copy in the Office of the Secretary of State, and remains in effect  
28.23 until rescinded by order of the governor.

28.24 Sec. 41. Minnesota Statutes 2008, section 514.18, subdivision 1a, is amended to read:

28.25 Subd. 1a. **Towed motor vehicles.** A person who tows and stores a motor vehicle  
28.26 at the request of a law enforcement officer shall have a lien on the motor vehicle for the  
28.27 value of the storage and towing and the right to retain possession of the motor vehicle  
28.28 until the lien is lawfully discharged. This section does not apply to tows ~~authorized~~  
28.29 ~~in section 169.041, subdivision 4, clause (1) of vehicles parked in violation of snow~~  
28.30 ~~emergency regulations.~~

28.31 Sec. 42. **ENVIRONMENTAL IMPACT STATEMENT COMPLETION.**

29.1 By December 31, 2009, the commissioner of transportation shall submit the final  
29.2 environmental impact statement to the Federal Highway Administration in the United  
29.3 States Department of Transportation for any project:

29.4 (1) that is a trunk highway construction or reconstruction project on a high-priority  
29.5 or medium-priority interregional corridor; and

29.6 (2) for which an environmental impact statement was started before August 1, 2006.

29.7 The commissioner shall perform this duty within existing appropriations that are  
29.8 allocated to District 7.

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

29.10 **Sec. 43. STUDY OF MANDATORY 24-HOUR VEHICLE LIGHTING.**

29.11 (a) The commissioner of public safety, in cooperation with the commissioner of  
29.12 transportation, shall study the mandatory 24-hour use of vehicle lighting by vehicles  
29.13 on public highways. The study must examine the experience of jurisdictions in this  
29.14 country, Canada, and the European Union, that require 24-hour display of vehicle lighting,  
29.15 including but not limited to:

29.16 (1) environmental consequences;

29.17 (2) crash prevention;

29.18 (3) motorcycle, bicycle, and pedestrian safety;

29.19 (4) cost to drivers; and

29.20 (5) application to motorcycles.

29.21 (b) By January 15, 2011, the commissioners of transportation and public safety shall  
29.22 report their findings and recommendations to the chairs and ranking minority members of  
29.23 the legislative committees with jurisdiction over transportation policy. The report must be  
29.24 made electronically and available in print only upon request.

29.25 (c) The commissioners of public safety and transportation shall study and report  
29.26 under this section within current appropriations.

29.27 **Sec. 44. DEADLINE FOR APPOINTMENTS TO COMMUTER RAIL**  
29.28 **CORRIDOR COORDINATING COMMITTEE.**

29.29 The appointing authorities for the new members provided in Minnesota Statutes,  
29.30 section 174.86, subdivision 5, shall complete their appointments no later than September  
29.31 1, 2009.

29.32 **Sec. 45. ECONOMIC RECOVERY FUNDS APPLICATION.**

30.1           The commissioner of transportation shall work in cooperation with the state of  
30.2 Wisconsin to prepare and submit timely application under the American Recovery and  
30.3 Reinvestment Act of 2009, Public Law 111-5, for grant funding relating to the planning,  
30.4 design, development, and construction of a high-speed passenger rail line connecting  
30.5 Chicago, La Crescent, Winona, Red Wing, and the Union Depot Concourse Multimodal  
30.6 Transit Hub, located in downtown St. Paul in the area south of Kellogg Boulevard and  
30.7 east of Jackson Street and the potential future connection to Minneapolis.

30.8           Sec. 46. **AGREEMENT FOR ENHANCED LICENSE AND IDENTIFICATION**  
30.9 **CARD.**

30.10           The commissioner of public safety shall enter into an agreement with the secretary  
30.11 of the United States Department of Homeland Security to develop an enhanced Minnesota  
30.12 driver's license and an enhanced Minnesota identification card to be designated by the  
30.13 secretary as acceptable documents to denote identity and citizenship for purposes of  
30.14 entering the United States at land and sea ports of entry upon implementation of section  
30.15 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (United States  
30.16 Code, title 8, section 1185 Note).

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

30.18           Sec. 47. **RULEMAKING.**

30.19           The commissioner of public safety shall amend Minnesota Rules, parts 7410.0100,  
30.20 7410.0400, and 7410.0410, so that an applicant for an enhanced driver's license or  
30.21 enhanced identification card must prove United States citizenship and otherwise comply  
30.22 with applicable requirements of Minnesota Statutes, section 171.06, subdivision 3. The  
30.23 amendments must be adopted pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

30.25           Sec. 48. **REPEALER.**

30.26           (a) Minnesota Statutes 2008, sections 13.721, subdivision 4; and 221.0355,  
30.27 subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9, 10, 11, 12, 13, 14, 16, 17, and 18, are repealed.

30.28           (b) Minnesota Statutes 2008, section 169.041, subdivisions 3 and 4, are repealed.

30.29           Sec. 49. **EFFECTIVE DATE.**

30.30           Sections 13 to 23 are effective June 1, 2009, for every enhanced driver's license and  
30.31 enhanced identification card that is issued on or after January 1, 2010.