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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1068

03/14/2011 Authored by Beard, Benson, M., Morrow, Hornstein and Murdock

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

05/03/2011 Adoption of Report: Pass as Amended and re-referred to Ways and Means

1.1 A bill for an act
1.2 relating to transportation; providing for various provisions governing
1.3 transportation and public safety policies, including data practices, bicycles and
1.4 bikeways, highways and bridges, transportation construction contracts, motor
1.5 vehicles, traffic regulations, driver licensing and training, alternative financing
1.6 for transportation projects, railroads, motor carriers and commercial drivers, and
1.7 agency reporting; establishing certain fees and an account; expanding a pilot
1.8 program; providing variance for seaplane base; repealing certain provisions;
1.9 making technical changes; appropriating money; amending Minnesota Statutes
1.10 2010, sections 13.72, subdivisions 1, 11, by adding subdivisions; 85.015,
1.11 by adding a subdivision; 85.018, subdivisions 2, 4; 160.263, subdivision 2;
1.12 161.14, subdivision 66, by adding a subdivision; 161.321; 161.3212; 162.081,
1.13 subdivision 4; 162.09, by adding a subdivision; 168.002, subdivisions 24, 26, 40,
1.14 by adding subdivisions; 168.012, subdivision 1; 168.017, subdivision 3; 168.021;
1.15 168.12, subdivisions 1, 2b, 5; 168.123, subdivision 1; 168A.11, subdivision 4;
1.16 168B.011, subdivision 12; 169.011, subdivision 27; 169.035, subdivision 1, by
1.17 adding a subdivision; 169.06, subdivisions 5, 7; 169.09, subdivision 13; 169.19,
1.18 subdivision 5; 169.223, subdivision 5; 169.306; 169.345, subdivisions 1, 3;
1.19 169.346, subdivision 3; 169.4503, by adding a subdivision; 169.64, subdivision
1.20 2; 169.685, subdivision 6; 169.86, subdivisions 4, 5; 169.99, subdivision 1b;
1.21 169A.54, subdivisions 1, 6; 171.03; 171.05, subdivision 2; 171.06, subdivision 2;
1.22 171.061, subdivision 4; 171.0701; 171.12, subdivision 6; 171.13, subdivision 1,
1.23 by adding a subdivision; 171.27; 171.30, subdivision 1; 171.306, subdivision
1.24 4; 174.02, by adding a subdivision; 174.56; 174.632; 174.80, by adding a
1.25 subdivision; 174.88, by adding a subdivision; 221.0314, subdivision 3a; 222.50,
1.26 subdivision 4; 222.51; 222.53; 222.63, subdivision 9; Laws 2009, chapter 59,
1.27 article 3, section 4, as amended; proposing coding for new law in Minnesota
1.28 Statutes, chapters 160; 161; 171; repealing Minnesota Statutes 2010, sections
1.29 161.08, subdivision 2; 161.115, subdivision 263; 168.012, subdivision 1b;
1.30 169A.54, subdivision 5; 222.48, subdivision 3a; Laws 2008, chapter 350, article
1.31 1, section 5, as amended; Laws 2009, chapter 393, section 85.

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

1.33 Section 1. Minnesota Statutes 2010, section 13.72, subdivision 1, is amended to read:

1.34 Subdivision 1. **Estimates for construction projects.** An estimate of the cost
1.35 of a construction project of the Minnesota Department of Transportation prepared by

2.1 department employees is nonpublic data and is not available to the public from the time
2.2 of final design until the project is awarded, except that the department may share a cost
2.3 estimate with a construction manager/general contractor with whom the department is
2.4 negotiating a contract under sections 161.3207 to 161.3209.

2.5 Sec. 2. Minnesota Statutes 2010, section 13.72, subdivision 11, is amended to read:

2.6 Subd. 11. **Design-build transportation project.** When the Department of
2.7 Transportation undertakes a design-build transportation project as defined in section
2.8 161.3410, subdivision 6, ~~the statement of qualification evaluation criteria and scoring~~
2.9 ~~methodology, statement of qualification evaluations, technical proposal evaluation~~
2.10 ~~criteria and scoring methodology, and technical proposal evaluations are classified as~~
2.11 ~~protected nonpublic data with regard to data not on individuals and as confidential~~
2.12 ~~data on individuals. The statement of qualification evaluation criteria and scoring~~
2.13 ~~methodology and statement of qualification evaluations are public when the Department~~
2.14 ~~of Transportation announces the short list of qualified contractors. The technical proposal~~
2.15 ~~evaluation criteria, scoring methodology, and technical proposal evaluations are public~~
2.16 ~~when the project is awarded. the provisions of this subdivision apply.~~

2.17 (a) When the commissioner solicits a request for qualifications, as defined in section
2.18 161.3410, subdivision 9:

2.19 (1) the following data are classified as protected nonpublic:

2.20 (i) the statement of qualifications evaluation criteria and scoring methodology; and

2.21 (ii) the statement of qualifications evaluations;

2.22 (2) the following data are classified as nonpublic data: the statement of
2.23 qualifications; and

2.24 (3) the following data are classified as private: identifying information concerning
2.25 the members of the technical review committee.

2.26 (b) When the commissioner announces the short list of qualified design-build firms,
2.27 as required by section 161.3420, subdivision 4, the following data become public:

2.28 (1) the statement of qualifications evaluation criteria and scoring methodology; and

2.29 (2) the statement of qualifications evaluations.

2.30 (c) When the commissioner solicits a request for proposals, as defined in section
2.31 161.3410, subdivision 8:

2.32 (1) the following data are classified as nonpublic:

2.33 (i) alternative technical concepts;

2.34 (ii) preapproved elements;

2.35 (iii) the technical proposal;

- 3.1 (iv) the price proposal;
3.2 (v) the disadvantaged business enterprise and equal employment opportunity
3.3 submittal; and
3.4 (vi) government data maintained to evaluate the disadvantaged business enterprise
3.5 and equal employment opportunity submittal;
3.6 (2) the following data are classified as protected nonpublic:
3.7 (i) the technical proposal evaluation criteria and scoring methodology; and
3.8 (ii) the technical proposal evaluations.
3.9 (d) When the commissioner opens the price proposals, as required by section
3.10 161.3426, subdivision 1, paragraph (b), the following data become public:
3.11 (1) the technical proposal evaluation scores; and
3.12 (2) the dollar amount in the price proposals.
3.13 (e) When the commissioner awards the project, as required by section 161.3426, all
3.14 remaining data not already made public under this subdivision become public, with the
3.15 exception of trade secret data as defined and classified in section 13.37.
3.16 (f) If the commissioner rejects all responses to a request for proposals, as permitted
3.17 by section 161.3426, subdivision 5, before awarding the project:
3.18 (1) all data, other than data made public according to this subdivision, retain their
3.19 classification until a resolicitation of the request for proposals results in award of the
3.20 project or a determination is made to abandon the project; and
3.21 (2) if a resolicitation of proposals does not occur within one year of the
3.22 announcement of the short list of qualified design-build firms, the remaining data become
3.23 public, with the exception of trade secret data as defined and classified in section 13.37.

3.24 Sec. 3. Minnesota Statutes 2010, section 13.72, is amended by adding a subdivision to
3.25 read:

3.26 Subd. 17. **Adopt-a-highway data.** The following data on participants collected
3.27 by the Department of Transportation to administer the adopt-a-highway program are
3.28 classified as private data under section 13.02, subdivision 12: home addresses, except for
3.29 zip codes; home e-mail addresses; and home telephone numbers.

3.30 Sec. 4. Minnesota Statutes 2010, section 13.72, is amended by adding a subdivision to
3.31 read:

3.32 Subd. 18. **Mileage-based user fee data.** (a) The following data pertaining to
3.33 participation in the Minnesota road fee test, as authorized by Laws 2007, chapter 143,

4.1 article 1, section 3, subdivision 3, paragraph (a), clause (1), are classified as private data
4.2 on individuals or nonpublic data:

4.3 (1) names of participants; participants' contact information; and data contained in
4.4 applications for participation in the Minnesota road fee test;

4.5 (2) applications for the purchase, lease, or rental of the GPS navigation device;

4.6 (3) participants' vehicle identification data;

4.7 (4) financial and credit data; and

4.8 (5) participants' road usage data.

4.9 (b) Nothing in this section prohibits the production of summary data as it pertains to
4.10 types of vehicles used and road usage data, as long as the participants' identities or any
4.11 other characteristics that could uniquely identify participants are not ascertainable.

4.12 (c) The Department of Transportation shall only produce the data made not public
4.13 under this subdivision to federal, state, and local law enforcement authorities acting
4.14 pursuant to a valid search warrant.

4.15 Sec. 5. Minnesota Statutes 2010, section 13.72, is amended by adding a subdivision to
4.16 read:

4.17 Subd. 19. **Construction manager/general contractor data.** (a) When the
4.18 commissioner of transportation undertakes a transportation project pursuant to a
4.19 construction manager/general contractor contract, as defined in section 161.3207,
4.20 subdivision 5, and:

4.21 (1) solicits a request for qualifications (RFQ), as defined in section 161.3207,
4.22 subdivision 11, then:

4.23 (i) the statement of qualifications scoring methodology, identifying information
4.24 concerning members of the technical review committee, and statement of qualifications
4.25 evaluations are classified as protected nonpublic data; and

4.26 (ii) the statement of qualifications submitted by a potential construction
4.27 manager/general contractor, as defined by section 161.3207, subdivision 4, are nonpublic
4.28 data;

4.29 (2) announces the short list of qualified construction managers/general contractors,
4.30 then the statement of qualifications scoring methodology and the statement of
4.31 qualifications evaluations become public;

4.32 (3) solicits a request for proposals (RFP), as defined in section 161.3207, subdivision
4.33 10, then:

4.34 (i) the proposals submitted by a potential construction manager/general contractor
4.35 are nonpublic data; and

5.1 (ii) the proposal scoring methodology, identifying information concerning members
5.2 of the technical review committee, and proposal evaluations are protected nonpublic
5.3 data; and

5.4 (4) ranks the proposals, as required by section 161.3209, subdivision 2, paragraph
5.5 (c), then:

5.6 (i) the proposal evaluation score, or rank, becomes public;

5.7 (ii) the proposal evaluations, other than the score, or rank, that is made public in item
5.8 (i); the proposal scoring methodology; and identifying information concerning members
5.9 of the technical review committee remain protected nonpublic data until completion of the
5.10 evaluation process; and

5.11 (iii) the statement of qualifications and proposals submitted by a potential
5.12 construction manager/general contractor remains nonpublic data until completion of the
5.13 evaluation process.

5.14 (b) If all responses to a request for proposals are rejected before completing the
5.15 evaluation process, all data, other than that data made public under this subdivision,
5.16 retains its classification until a resolicitation of the request for proposals results in
5.17 completion of the evaluation process or a determination is made to abandon the project. If
5.18 a resolicitation of proposals does not occur within one year of the announcement of the
5.19 request for proposals, the remaining data become public.

5.20 (c) For purposes of this subdivision, "completion of the evaluation process" means
5.21 that the commissioner of transportation has completed negotiating the preconstruction
5.22 services contract with the selected construction manager/general contractor.

5.23 Sec. 6. Minnesota Statutes 2010, section 85.015, is amended by adding a subdivision
5.24 to read:

5.25 Subd. 1d. **Bicycle use of trails.** The commissioner may not prohibit operation of an
5.26 electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any trail under
5.27 this section for which bicycle use is permitted, unless the commissioner determines that
5.28 operation of the electric-assisted bicycle is not consistent with safe use and enjoyment of
5.29 the trail.

5.30 Sec. 7. Minnesota Statutes 2010, section 85.018, subdivision 2, is amended to read:

5.31 Subd. 2. **Authority of local government.** (a) A local government unit that receives
5.32 state grants-in-aid for any trail, with the concurrence of the commissioner, and the
5.33 landowner or land lessee, may:

6.1 (1) designate the trail for use by snowmobiles or for nonmotorized use from
 6.2 December 1 to April 1 of any year; and

6.3 (2) issue any permit required under subdivisions 3 to 5.

6.4 (b) A local government unit that receives state grants-in-aid under section 84.794,
 6.5 subdivision 2, 84.803, subdivision 2, or 84.927, subdivision 2, for any trail, with the
 6.6 concurrence of the commissioner, and landowner or land lessee, may:

6.7 (1) designate the trail specifically for use at various times of the year by all-terrain or
 6.8 off-road vehicles or off-highway motorcycles, for nonmotorized use such as ski touring,
 6.9 snowshoeing, and hiking, and for multiple use, but not for motorized and nonmotorized
 6.10 use at the same time; and

6.11 (2) issue any permit required under subdivisions 3 to 5.

6.12 (c) A local unit of government that receives state grants-in-aid for any trail, with the
 6.13 concurrence of the commissioner and landowner or land lessee, may designate certain
 6.14 trails for joint use by snowmobiles, off-highway motorcycles, all-terrain vehicles, and
 6.15 off-road vehicles.

6.16 (d) A local unit of government may not prohibit operation of an electric-assisted
 6.17 bicycle, as defined in section 169.011, subdivision 27, on any trail under this section
 6.18 designated for bicycle use or nonmotorized use that includes bicycles, unless the local unit
 6.19 of government determines that operation of the electric-assisted bicycle is not consistent
 6.20 with safe use and enjoyment of the trail.

6.21 Sec. 8. Minnesota Statutes 2010, section 85.018, subdivision 4, is amended to read:

6.22 Subd. 4. **Nonmotorized use trails.** (a) No motorized vehicle shall be operated on a
 6.23 trail designated for nonmotorized use. This subdivision does not apply to (1) motorized
 6.24 wheelchairs or other motorized devices operated by an individual who is physically
 6.25 disabled and (2) electric-assisted bicycles, as defined in section 169.011, subdivision 27.

6.26 Sec. 9. Minnesota Statutes 2010, section 160.263, subdivision 2, is amended to read:

6.27 Subd. 2. **Powers of political subdivisions.** (a) The governing body of any political
 6.28 subdivision may by ordinance or resolution:

6.29 (1) designate any roadway or shoulder or portion thereof under its jurisdiction as
 6.30 a bicycle lane or bicycle route;

6.31 (2) designate any sidewalk or portion thereof under its jurisdiction as a bicycle path
 6.32 provided that the designation does not destroy a pedestrian way or pedestrian access;

6.33 (3) develop and designate bicycle paths;

6.34 (4) designate as bikeways all bicycle lanes, bicycle routes, and bicycle paths.

7.1 (b) A governing body may not prohibit operation of an electric-assisted bicycle,
7.2 as defined in section 169.011, subdivision 27, on any bikeway, roadway, or shoulder,
7.3 unless the governing body determines that operation of the electric-assisted bicycle is not
7.4 consistent with safe use and enjoyment of the bikeway, roadway, or shoulder.

7.5 Sec. 10. **[160.266] MISSISSIPPI RIVER TRAIL.**

7.6 Subdivision 1. **Definitions.** For the purposes of this section:

7.7 (1) "bicycle path" has the meaning given in section 169.011, subdivision 6; and

7.8 (2) "bikeway" has the meaning given in section 169.011, subdivision 9.

7.9 Subd. 2. **Creation.** The commissioner, in cooperation with road and trail authorities
7.10 including the commissioner of natural resources, shall identify a bikeway that originates at
7.11 Itasca State Park in Clearwater, Beltrami, and Hubbard Counties, then generally parallels
7.12 the Mississippi River through the cities of Bemidji in Beltrami County, Grand Rapids in
7.13 Itasca County, Brainerd in Crow Wing County, Little Falls in Morrison County, Sauk
7.14 Rapids in Benton County, St. Cloud in Stearns County, Minneapolis in Hennepin County,
7.15 St. Paul in Ramsey County, Hastings in Dakota County, Red Wing in Goodhue County,
7.16 Wabasha in Wabasha County, Winona in Winona County, and La Crescent in Houston
7.17 County to Minnesota's boundary with Iowa and there terminates. Where opportunities
7.18 exist, the bikeway may be designated on both sides of the Mississippi River.

7.19 Subd. 3. **Connections with other bikeways.** (a) The commissioner, in cooperation
7.20 with road and trail authorities including the commissioner of natural resources, shall:

7.21 (1) identify existing bikeways of regional significance that are in reasonable
7.22 proximity but not connected to the bikeway established in this section, including but not
7.23 limited to the Lake Wobegon Trail in the counties of Stearns and Todd; and

7.24 (2) support development of linkages between bikeways identified under clause (1)
7.25 and the bikeway established in this section.

7.26 (b) The requirements of this subdivision are a secondary priority for use of funds
7.27 available under this section following establishment and enhancement of the bikeway
7.28 under subdivision 1.

7.29 Subd. 4. **Cooperation with other entities.** The commissioner may contract and
7.30 enter into agreements with federal agencies, other state agencies, and local governments to
7.31 establish, develop, maintain, and operate the bikeway and to interpret associated natural
7.32 and cultural resources.

7.33 Subd. 5. **Funding.** Bicycle paths included within the bikeway and not administered
7.34 by the commissioner of natural resources are eligible for funding from the environment
7.35 and natural resources trust fund under chapter 116P, from the parks and trails grant

8.1 program under section 85.535, from the local recreation grants program under section
8.2 85.019, subdivision 4b, and from other sources.

8.3 Sec. 11. Minnesota Statutes 2010, section 161.14, subdivision 66, is amended to read:

8.4 Subd. 66. **Veterans Memorial Highway.** ~~Legislative Route No. 31, signed as~~
8.5 Trunk Highway marked 200 as of July 1, 2010, from the border with North Dakota to the
8.6 city of Mahnommen, is designated as the "Veterans Memorial Highway." The commissioner
8.7 shall adopt a suitable design to mark this highway and erect appropriate signs, subject
8.8 to section 161.139.

8.9 Sec. 12. Minnesota Statutes 2010, section 161.14, is amended by adding a subdivision
8.10 to read:

8.11 Subd. 70. **Arianna Celeste Macnamara Memorial Bridge.** The pedestrian
8.12 bridge over Route No. 7, signed as Trunk Highway 14 on the effective date of this
8.13 section, located in the city of Rochester west of Route No. 20, signed as U.S. Highway
8.14 52 on the effective date of this section, is designated as "Arianna Celeste Macnamara
8.15 Memorial Bridge." Subject to section 161.139, the commissioner shall adopt a suitable
8.16 marking design to memorialize the bridge and shall erect the appropriate signs as close as
8.17 practicable to the bridge.

8.18 Sec. 13. **[161.3207] CONSTRUCTION MANAGER/GENERAL CONTRACTOR**
8.19 **CONTRACTS; DEFINITIONS.**

8.20 Subdivision 1. **Scope.** The terms used in sections 161.3207 to 161.3209 have the
8.21 meanings given them in this section.

8.22 Subd. 2. **Acceptance.** "Acceptance" means an action of the commissioner
8.23 authorizing the execution of a construction manager/general contractor contract.

8.24 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of
8.25 transportation.

8.26 Subd. 4. **Construction manager/general contractor.** "Construction
8.27 manager/general contractor" means a proprietorship, partnership, limited liability
8.28 partnership, joint venture, corporation, any type of limited liability company, professional
8.29 corporation, or any legal entity selected by the commissioner to act as a construction
8.30 manager to manage the construction process, which includes, but is not limited to,
8.31 responsibility for the price, schedule, and workmanship of preconstruction services or the
8.32 construction performed according to section 161.3209, or both.

9.1 Subd. 5. **Construction manager/general contractor contract.** "Construction
9.2 manager/general contractor contract" means a contract for construction of a project
9.3 between a construction manager/general contractor and the commissioner, which
9.4 must include terms providing for a price, construction schedule, and workmanship of
9.5 the construction performed. The construction manager/general contractor contract
9.6 may include provisions for incremental price contracts for specific work packages,
9.7 additional work performed, contingencies, or other contract provisions that will allow the
9.8 commissioner to negotiate time and cost changes to the contract.

9.9 Subd. 6. **Past performance; experience.** "Past performance" or "experience" does
9.10 not include the exercise or assertion of a person's legal rights.

9.11 Subd. 7. **Preconstruction services.** "Preconstruction services" means all
9.12 non-construction-related services that a construction manager/general contractor is
9.13 allowed to perform before execution of a construction manager/general contractor contract
9.14 or work package.

9.15 Subd. 8. **Preconstruction services contract.** "Preconstruction services contract"
9.16 means a contract under which a construction manager/general contractor is paid on the
9.17 basis of the actual cost to perform the work specified in the contract plus an amount for
9.18 overhead and profit for all preconstruction services.

9.19 Subd. 9. **Project.** "Project" means any project selected by the commissioner as a
9.20 construction manager/general contractor project under section 161.3208.

9.21 Subd. 10. **Request for proposals; RFP.** "Request for proposals" or "RFP" means
9.22 the document or publication soliciting proposals for a construction manager/general
9.23 contractor contract.

9.24 Subd. 11. **Request for qualifications; RFQ.** "Request for qualifications" or "RFQ"
9.25 means a document or publication used to prequalify and short-list potential construction
9.26 managers/general contractors.

9.27 Subd. 12. **Work package.** "Work package" means the scope of work for a defined
9.28 portion of a project. A defined portion includes construction services on any project
9.29 aspect, including procuring materials or services.

9.30 **Sec. 14. [161.3208] CONSTRUCTION MANAGER/GENERAL CONTRACTOR**
9.31 **AUTHORITY.**

9.32 Subdivision 1. **Selection authority; limitation.** Notwithstanding sections 16C.25,
9.33 161.32, and 161.321, or any other law to the contrary, the commissioner may select a
9.34 construction manager/general contractor as provided in section 161.3209, and award a

10.1 construction manager/general contractor contract. The commissioner may not award more
10.2 than two construction manager/general contractor projects during any fiscal year.

10.3 Subd. 2. **Determination.** Final determination to use a construction manager/general
10.4 contractor contracting procedure may be made only by the commissioner.

10.5 Subd. 3. **Cancellation.** The solicitation of construction manager/general contractor
10.6 requests for qualifications or proposals does not obligate the commissioner to enter into a
10.7 construction manager/general contractor contract. In accordance with the stated criteria
10.8 and subcriteria for evaluating qualifications or proposals, the commissioner may accept
10.9 or reject any or all responses received as a result of the request. The solicitation of
10.10 proposals may be canceled at any time at the commissioner's sole discretion if cancellation
10.11 is considered to be in the public's best interest. If the commissioner rejects all responses
10.12 or cancels the solicitation for proposals, the commissioner may resolicit a request for
10.13 proposals using the same or different requirements.

10.14 Subd. 4. **Reporting.** The commissioner shall notify the chairs and ranking minority
10.15 members of the senate and house of representatives committees with jurisdiction over
10.16 transportation policy and transportation finance each time the commissioner decides to
10.17 use the construction manager/general contractor method of procurement and explain why
10.18 that method was chosen.

10.19 Sec. 15. **[161.3209] CONSTRUCTION MANAGER/GENERAL CONTRACTOR;**
10.20 **PROCEDURES.**

10.21 Subdivision 1. **Solicitation of proposals.** If the commissioner determines that
10.22 a construction manager/general contractor method of procurement is appropriate for
10.23 a project, the commissioner shall establish a two-phase procedure for awarding the
10.24 construction manager/general contractor contract, as described in subdivisions 2 and 3.

10.25 Subd. 2. **Phase 1 - request for proposals.** (a) The commissioner shall prepare
10.26 or have prepared an RFP for each construction manager/general contractor contract as
10.27 provided in this section. The RFP must contain, at a minimum, the following elements:

10.28 (1) the minimum qualifications of the construction manager/general contractor;

10.29 (2) the procedures for submitting proposals and the criteria for evaluation of
10.30 qualifications and the relative weight for each criteria;

10.31 (3) the form of the contract to be awarded;

10.32 (4) the scope of intended construction work;

10.33 (5) a listing of the types of preconstruction services that will be required;

10.34 (6) an anticipated schedule for commencing and completing the project;

10.35 (7) any applicable budget limits for the project;

11.1 (8) the requirements for insurance, statutorily required performance, and payment
11.2 bonds;

11.3 (9) the requirements that the construction manager/general contractor provide a
11.4 letter from a surety or insurance company stating that the construction manager/general
11.5 contractor is capable of obtaining a performance bond and payment bond covering the
11.6 estimated contract cost;

11.7 (10) the method for how construction manager/general contractor fees for the
11.8 preconstruction services contract will be negotiated;

11.9 (11) a statement that past performance or experience does not include the exercise
11.10 or assertion of a person's legal rights; and

11.11 (12) any other information desired by the commissioner.

11.12 (b) Before receiving any responses to the RFP, the commissioner shall appoint a
11.13 technical review committee of at least five individuals, of which one is a Department of
11.14 Transportation manager who is also a licensed professional engineer in Minnesota.

11.15 (c) The technical review committee shall evaluate the construction manager/general
11.16 contractor proposals according to criteria and subcriteria published in the RFP and
11.17 procedures established by the commissioner, and rank each construction manager/general
11.18 contractor using the elements described in paragraph (a). If the commissioner does
11.19 not receive at least two proposals from construction managers/general contractors, the
11.20 commissioner may:

11.21 (1) solicit new proposals;

11.22 (2) revise the RFP and thereafter solicit new proposals using the revised RFP;

11.23 (3) select another allowed procurement method; or

11.24 (4) reject all proposals.

11.25 (d) Unless all proposals are rejected, the commissioner shall conduct contract
11.26 negotiations for a preconstruction services contract with the construction manager/general
11.27 contractor with the highest ranking. If the construction manager/general contractor with
11.28 the highest ranking declines or is unable to reach an agreement, the commissioner may
11.29 begin contract negotiations with the next highest ranked construction manager/general
11.30 contractor.

11.31 (e) Before issuing the RFP, the commissioner may elect to issue a request for
11.32 qualifications (RFQ) and short-list the most highly qualified construction managers/general
11.33 contractors. The RFQ must include the procedures for submitting statements of
11.34 qualification, the criteria for evaluation of qualifications, and the relative weight for each
11.35 criterion. The statements of qualifications must be evaluated by the technical review
11.36 committee.

12.1 Subd. 3. Phase 2 - construction manager/general contractor contract. (a) Before
 12.2 conducting any construction-related services, the commissioner shall:

12.3 (1) conduct an independent cost estimate for the project or each work package; and

12.4 (2) conduct contract negotiations with the construction manager/general contractor
 12.5 to develop a construction manager/general contractor contract.

12.6 (b) If the construction manager/general contractor and the commissioner are unable
 12.7 to negotiate a contract, the commissioner may use other contract procurement processes or
 12.8 may readvertise the construction manager/general contractor contract. The construction
 12.9 manager/general contractor may not (1) bid on the project if advertised under section
 12.10 161.32 or (2) join a design-build team if advertised under sections 161.3410 to 161.3428.

12.11 Sec. 16. Minnesota Statutes 2010, section 161.321, is amended to read:

12.12 **161.321 SMALL BUSINESS CONTRACTS.**

12.13 Subdivision 1. **Definitions.** For purposes of this section the following terms have
 12.14 the meanings given them, except where the context clearly indicates a different meaning is
 12.15 intended.

12.16 (a) "Award" means the granting of a contract in accordance with all applicable laws
 12.17 and rules governing competitive bidding except as otherwise provided in this section.

12.18 (b) "Contract" means an agreement entered into between a business entity and the
 12.19 state of Minnesota for the construction of transportation improvements.

12.20 (c) "Subcontractor" means a business entity which enters into a legally binding
 12.21 agreement with another business entity which is a party to a contract as defined in
 12.22 paragraph (b).

12.23 (d) "Targeted group business" means a business designated under section 16C.16,
 12.24 subdivision 5.

12.25 (e) "Veteran-owned small business" means a business designated under section
 12.26 16C.16, subdivision 6a.

12.27 Subd. 1a. **Legislative findings.** The legislature finds as follows:

12.28 (1) at the time of these findings, businesses that are operated and majority-owned by
 12.29 nonminority women, by persons with any substantial physical disability, or by members of
 12.30 a specific minority group are underutilized in Minnesota highway construction contracts;

12.31 (2) at the time of these findings, evidence demonstrates that race-neutral measures
 12.32 are ineffective to correct the impact of past discrimination that exists in highway
 12.33 construction and must be supplemented with race- and gender-conscious measures; and

13.1 (3) the state has a compelling interest to remedy the effects of past or present
13.2 discrimination in the Minnesota highway construction industry through the implementation
13.3 of a targeted group business program that meets state and federal constitutional guidelines.

13.4 **Subd. 2. Small business set-asides; procurement and construction contract**
13.5 **preferences.** (a) The commissioner may award up to a six percent preference in the
13.6 amount bid for specified construction work to small targeted group businesses and
13.7 veteran-owned small businesses.

13.8 (b) The commissioner may designate a contract for construction work for award only
13.9 to small targeted group businesses if the commissioner determines that at least three small
13.10 targeted group businesses are likely to bid. The commissioner may designate a contract for
13.11 construction work for award only to veteran-owned small businesses if the commissioner
13.12 determines that at least three veteran-owned small businesses are likely to bid.

13.13 ~~(c) The commissioner, as a condition of awarding a construction contract, may~~
13.14 ~~set goals that require the prime contractor to subcontract a portion of the contract to~~
13.15 ~~small targeted group businesses and veteran-owned small businesses. The commissioner~~
13.16 ~~must establish a procedure for granting waivers from the subcontracting requirement~~
13.17 ~~when qualified small targeted group businesses and veteran-owned small businesses~~
13.18 ~~are not reasonably available. The commissioner may establish financial incentives for~~
13.19 ~~prime contractors who exceed the goals for use of subcontractors and financial penalties~~
13.20 ~~for prime contractors who fail to meet goals under this paragraph. The subcontracting~~
13.21 ~~requirements of this paragraph do not apply to prime contractors who are small targeted~~
13.22 ~~group businesses or veteran-owned small businesses.~~

13.23 ~~(d)~~ The commissioner may award up to a four percent preference in the amount
13.24 bid on procurement for specified construction work to small businesses located in an
13.25 economically disadvantaged area as defined in section 16C.16, subdivision 7.

13.26 **Subd. 2a. Subcontracting goals.** (a) The commissioner, as a condition of awarding
13.27 a construction contract, may set goals that require the prime contractor to subcontract
13.28 portions of the contract to small targeted group businesses and veteran-owned small
13.29 businesses. Prime contractors must demonstrate good faith efforts to meet the project
13.30 goals. The commissioner shall establish a procedure for granting waivers from the
13.31 subcontracting requirement when either qualified small targeted group businesses or
13.32 veteran-owned small businesses, or both, are not reasonably available. The commissioner
13.33 may establish (1) financial incentives for prime contractors who exceed the goals set for
13.34 the use of subcontractors under this subdivision and (2) sanctions for prime contractors
13.35 who fail to make good faith efforts to meet the goals set under this subdivision.

14.1 (b) The small targeted group business subcontracting requirements of this
14.2 subdivision do not apply to prime contractors who are small targeted group businesses.
14.3 The veteran-owned small business subcontracting requirements of this subdivision do not
14.4 apply to prime contractors who are veteran-owned small businesses.

14.5 Subd. 3. **Subcontract awards to small businesses.** At least 75 percent of
14.6 subcontracts awarded to small targeted group businesses must be performed by the
14.7 business to which the subcontract is awarded or another small targeted group business.
14.8 At least 75 percent of subcontracts awarded to veteran-owned small businesses must be
14.9 performed by the business to which the subcontract is awarded or another veteran-owned
14.10 small business.

14.11 Subd. 4. **Contract awards, limitations.** Contracts awarded pursuant to this
14.12 section are subject to all limitations contained in rules adopted by the commissioner
14.13 of administration.

14.14 Subd. 4a. **Limited duration and reevaluation.** The commissioner shall cooperate
14.15 with the commissioner of administration to periodically reevaluate the targeted group
14.16 businesses to determine that there is a statistical disparity between the percentage of
14.17 construction contracts awarded to businesses owned by targeted group members and the
14.18 representation of businesses owned by targeted group members among all businesses in
14.19 the state in the construction category. The commissioner of administration shall designate
14.20 targeted groups pursuant to section 16C.16, subdivision 5.

14.21 Subd. 5. **Recourse to other businesses.** If the commissioner is unable to award
14.22 a contract pursuant to the provisions of subdivisions 2 ~~and 3~~ to 4a, the award may be
14.23 placed pursuant to the normal solicitation and award provisions set forth in this chapter
14.24 and chapter 16C.

14.25 Subd. 6. **Rules.** The rules adopted by the commissioner of administration to define
14.26 small businesses and to set time and other eligibility requirements for participation in
14.27 programs under sections 16C.16 to 16C.19 apply to this section. The commissioner may
14.28 promulgate other rules necessary to carry out this section.

14.29 Subd. 7. **Noncompetitive bids.** The commissioner is encouraged to purchase
14.30 from small targeted group businesses and veteran-owned small businesses designated
14.31 under section 16C.16 when making purchases that are not subject to competitive bidding
14.32 procedures.

14.33 Subd. 8. **Report by commissioner.** The commissioner ~~of transportation~~ shall
14.34 report to the commissioner of administration on compliance with this section. The
14.35 information must be reported at the time and in the manner requested by the commissioner
14.36 of administration.

15.1 Sec. 17. Minnesota Statutes 2010, section 161.3212, is amended to read:

15.2 **161.3212 WORKING CAPITAL FUND.**

15.3 The commissioner, to the extent allowed by other law or contract, may grant
 15.4 available money that has been appropriated for socially or economically disadvantaged
 15.5 business programs to a guaranty fund administered by a nonprofit organization that makes
 15.6 or guarantees working capital loans to ~~businesses~~ small business concerns owned and
 15.7 operated by socially ~~or~~ and economically disadvantaged ~~persons as defined~~ individuals.
 15.8 "Small business concern" and "socially and economically disadvantaged individual" have
 15.9 the meanings given them in Code of Federal Regulations, title 49, section ~~23.5~~ 26.5. The
 15.10 purpose of loans made or guaranteed by the organization must be to provide short-term
 15.11 working capital to enable eligible businesses to be awarded contracts for goods and
 15.12 services or for construction-related services from government agencies.

15.13 Money contributed from a constitutionally or statutorily dedicated fund must be used
 15.14 only for purposes consistent with the purposes of the dedicated fund.

15.15 Sec. 18. Minnesota Statutes 2010, section 162.081, subdivision 4, is amended to read:

15.16 Subd. 4. **Formula for distribution to towns; purposes.** (a) Money apportioned to a
 15.17 county from the town road account must be distributed to the treasurer of each town within
 15.18 the county, according to a distribution formula adopted by the county board. The formula
 15.19 must take into account each town's levy for road and bridge purposes, its population and
 15.20 town road mileage, and other factors the county board deems advisable in the interests
 15.21 of achieving equity among the towns. Distribution of town road funds to each town
 15.22 treasurer must be made by March 1, annually, or within 30 days after receipt of payment
 15.23 from the commissioner. Distribution of funds to town treasurers in a county which has
 15.24 not adopted a distribution formula under this subdivision must be made according to a
 15.25 formula prescribed by the commissioner by rule. ~~A formula adopted by a county board or~~
 15.26 ~~by the commissioner must provide that a town, in order to be eligible for distribution of~~
 15.27 ~~funds from the town road account in a calendar year, must have levied for taxes payable in~~
 15.28 ~~the previous year for road and bridge purposes at least 0.04835 percent of taxable market~~
 15.29 ~~value. For purposes of this eligibility requirement, taxable market value means taxable~~
 15.30 ~~market value for taxes payable two years prior to the aid distribution year.~~

15.31 (b) Money distributed to a town under this subdivision may be expended by the
 15.32 town only for the construction, reconstruction, and gravel maintenance of town roads
 15.33 within the town.

16.1 Sec. 19. Minnesota Statutes 2010, section 162.09, is amended by adding a subdivision
16.2 to read:

16.3 Subd. 4a. **Municipal state-aid transition.** (a) Notwithstanding subdivision 4, a city
16.4 that has a population of less than 5,000 according to a federal decennial census, and that
16.5 has a population of 5,000 or more as determined by the most recent population estimate
16.6 of the Metropolitan Council or state demographer made prior to the census, is deemed
16.7 for purposes of this chapter to have a population that is the greater of (1) 5,000, or (2) as
16.8 otherwise determined under subdivision 4, paragraph (b), (c), or (d).

16.9 (b) This subdivision applies only to the first two calendar years for which population
16.10 is determined for purposes of this chapter on the basis of a federal decennial census.

16.11 **EFFECTIVE DATE.** This section is effective July 1, 2011.

16.12 Sec. 20. Minnesota Statutes 2010, section 168.002, is amended by adding a subdivision
16.13 to read:

16.14 Subd. 21a. **Noncommercial vehicle.** "Noncommercial vehicle" means a one-ton
16.15 pickup truck registered under section 168.013, subdivision 1e, with a 15,000 pounds or
16.16 less gross vehicle weight rating and for which the owner has made a declaration that the
16.17 vehicle will be operated exclusively for personal use. The declaration must be based
16.18 on one or more of the following:

16.19 (1) a change of vehicle use;

16.20 (2) registration of a new vehicle;

16.21 (3) transfer of vehicle ownership; or

16.22 (4) registration renewal.

16.23 Sec. 21. Minnesota Statutes 2010, section 168.002, is amended by adding a subdivision
16.24 to read:

16.25 Subd. 21b. **One-ton pickup truck.** "One-ton pickup truck" means any truck
16.26 resembling a pickup truck with a manufacturer's nominal rated carrying capacity of
16.27 one ton. If the manufacturer's nominal rated carrying capacity is not provided or is not
16.28 known, then the value specified by the manufacturer as the gross vehicle weight rating as
16.29 indicated on the manufacturer's certification label must be 10,001 pounds or more, not
16.30 to exceed 15,000 pounds.

16.31 Sec. 22. Minnesota Statutes 2010, section 168.002, subdivision 24, is amended to read:

16.32 Subd. 24. **Passenger automobile.** (a) "Passenger automobile" means any motor
16.33 vehicle designed and used for carrying not more than 15 individuals, including the driver.

17.1 (b) "Passenger automobile" does not include motorcycles, motor scooters, buses,
17.2 school buses, or commuter vans as defined in section 168.126. ~~Except as provided in~~
17.3 ~~paragraph (c), clause (1), a vehicle with a gross vehicle weight rating of 9,000 to 13,000~~
17.4 ~~pounds that is a pickup truck or a van is not a passenger automobile.~~

17.5 (c) "Passenger automobile" includes, but is not limited to:

17.6 (1) ~~a vehicle that is (i) a pickup truck or a van, (ii) not used in furtherance of a~~
17.7 ~~commercial enterprise, and (iii) not subject to state or federal regulation as a commercial~~
17.8 ~~motor vehicle as defined in subdivisions 26 and 40;~~

17.9 (2) neighborhood electric vehicles, as defined in section 169.011, subdivision 47; and

17.10 (3) medium-speed electric vehicles, as defined in section 169.011, subdivision 39.

17.11 **EFFECTIVE DATE.** This section is effective August 1, 2011.

17.12 Sec. 23. Minnesota Statutes 2010, section 168.002, subdivision 26, is amended to read:

17.13 Subd. 26. **Pickup truck.** "Pickup truck" means any truck with a manufacturer's
17.14 nominal rated carrying capacity of three-fourths ton or less and commonly known as a
17.15 pickup truck. If the manufacturer's nominal rated carrying capacity is not provided or
17.16 cannot be determined, then the value specified by the manufacturer as the gross vehicle
17.17 weight rating as indicated on the manufacturer's certification label must be less than
17.18 10,000 pounds.

17.19 Sec. 24. Minnesota Statutes 2010, section 168.002, subdivision 40, is amended to read:

17.20 Subd. 40. **Van.** "Van" means any vehicle of box-like design with no barrier or
17.21 separation between the operator's area and the remainder of the cargo-carrying area, and
17.22 with a manufacturer's nominal rated carrying capacity of three-fourths ton or less. If
17.23 the manufacturer's nominal rated carrying capacity is not provided or not known, then
17.24 the value specified by the manufacturer as the maximum gross weight or gross vehicle
17.25 weight rating as indicated on the manufacturer's certification label must be less than
17.26 10,000 pounds.

17.27 Sec. 25. Minnesota Statutes 2010, section 168.012, subdivision 1, is amended to read:

17.28 Subdivision 1. **Vehicles exempt from tax, fees, or plate display.** (a) The following
17.29 vehicles are exempt from the provisions of this chapter requiring payment of tax and
17.30 registration fees, except as provided in subdivision 1c:

17.31 (1) vehicles owned and used solely in the transaction of official business by the
17.32 federal government, the state, or any political subdivision;

18.1 (2) vehicles owned and used exclusively by educational institutions and used solely
18.2 in the transportation of pupils to and from those institutions;

18.3 (3) vehicles used solely in driver education programs at nonpublic high schools;

18.4 (4) vehicles owned by nonprofit charities and used exclusively to transport disabled
18.5 persons for charitable, religious, or educational purposes;

18.6 (5) vehicles owned by nonprofit charities and used exclusively for disaster response
18.7 and related activities;

18.8 (6) vehicles owned by ambulance services licensed under section 144E.10 that
18.9 are equipped and specifically intended for emergency response or providing ambulance
18.10 services; and

18.11 (7) vehicles owned by a commercial driving school licensed under section 171.34,
18.12 or an employee of a commercial driving school licensed under section 171.34, and the
18.13 vehicle is used exclusively for driver education and training.

18.14 (b) Provided the general appearance of the vehicle is unmistakable, the following
18.15 vehicles are not required to register or display number plates:

18.16 (1) vehicles owned by the federal government;

18.17 (2) fire apparatuses, including fire-suppression support vehicles, owned or leased by
18.18 the state or a political subdivision;

18.19 (3) police patrols owned or leased by the state or a political subdivision; and

18.20 (4) ambulances owned or leased by the state or a political subdivision.

18.21 (c) Unmarked vehicles used in general police work, liquor investigations, or arson
18.22 investigations, and passenger automobiles, pickup trucks, and buses owned or operated by
18.23 the Department of Corrections or by conservation officers of the Division of Enforcement
18.24 and Field Service of the Department of Natural Resources, must be registered and must
18.25 display appropriate license number plates, furnished by the registrar at cost. Original and
18.26 renewal applications for these license plates authorized for use in general police work and
18.27 for use by the Department of Corrections or by conservation officers must be accompanied
18.28 by a certification signed by the appropriate chief of police if issued to a police vehicle,
18.29 the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if
18.30 issued to a Department of Corrections vehicle, or the appropriate officer in charge if
18.31 issued to a vehicle of any other law enforcement agency. The certification must be on a
18.32 form prescribed by the commissioner and state that the vehicle will be used exclusively
18.33 for a purpose authorized by this section.

18.34 (d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry,
18.35 fraud unit, in conducting seizures or criminal investigations must be registered and must
18.36 display passenger vehicle classification license number plates, furnished at cost by the

19.1 registrar. Original and renewal applications for these passenger vehicle license plates
19.2 must be accompanied by a certification signed by the commissioner of revenue or the
19.3 commissioner of labor and industry. The certification must be on a form prescribed by
19.4 the commissioner and state that the vehicles will be used exclusively for the purposes
19.5 authorized by this section.

19.6 (e) Unmarked vehicles used by the Division of Disease Prevention and Control of the
19.7 Department of Health must be registered and must display passenger vehicle classification
19.8 license number plates. These plates must be furnished at cost by the registrar. Original
19.9 and renewal applications for these passenger vehicle license plates must be accompanied
19.10 by a certification signed by the commissioner of health. The certification must be on a
19.11 form prescribed by the commissioner and state that the vehicles will be used exclusively
19.12 for the official duties of the Division of Disease Prevention and Control.

19.13 (f) Unmarked vehicles used by staff of the Gambling Control Board in gambling
19.14 investigations and reviews must be registered and must display passenger vehicle
19.15 classification license number plates. These plates must be furnished at cost by the
19.16 registrar. Original and renewal applications for these passenger vehicle license plates must
19.17 be accompanied by a certification signed by the board chair. The certification must be on a
19.18 form prescribed by the commissioner and state that the vehicles will be used exclusively
19.19 for the official duties of the Gambling Control Board.

19.20 (g) Unmarked vehicles used in general investigation, surveillance, supervision,
19.21 and monitoring by the staff of the Department of Human Services Office of Special
19.22 Investigations and the executive director of the Minnesota sex offender program must
19.23 be registered and must display passenger vehicle classification license number plates,
19.24 furnished by the registrar at cost. Original and renewal applications for passenger vehicle
19.25 license plates must be accompanied by a certification signed by the commissioner of
19.26 human services. The certification must be on a form prescribed by the commissioner and
19.27 state that the vehicles must be used exclusively for the official duties of the Office of
19.28 Special Investigations and the executive director of the Minnesota sex offender program.

19.29 (h) Each state hospital and institution for persons who are mentally ill and
19.30 developmentally disabled may have one vehicle without the required identification on
19.31 the sides of the vehicle. The vehicle must be registered and must display passenger
19.32 vehicle classification license number plates. These plates must be furnished at cost by the
19.33 registrar. Original and renewal applications for these passenger vehicle license plates must
19.34 be accompanied by a certification signed by the hospital administrator. The certification
19.35 must be on a form prescribed by the commissioner and state that the vehicles will be used
19.36 exclusively for the official duties of the state hospital or institution.

20.1 (i) Each county social service agency may have vehicles used for child and
20.2 vulnerable adult protective services without the required identification on the sides of the
20.3 vehicle. The vehicles must be registered and must display passenger vehicle classification
20.4 license number plates. These plates must be furnished at cost by the registrar. Original
20.5 and renewal applications for these passenger vehicle license plates must be accompanied
20.6 by a certification signed by the agency administrator. The certification must be on a form
20.7 prescribed by the commissioner and state that the vehicles will be used exclusively for the
20.8 official duties of the social service agency.

20.9 (j) All other motor vehicles must be registered and display tax-exempt number
20.10 plates, furnished by the registrar at cost, except as provided in subdivision 1c. All
20.11 vehicles required to display tax-exempt number plates must have the name of the state
20.12 department or political subdivision, nonpublic high school operating a driver education
20.13 program, licensed commercial driving school, or other qualifying organization or entity,
20.14 plainly displayed on both sides of the vehicle. This identification must be in a color
20.15 giving contrast with that of the part of the vehicle on which it is placed and must endure
20.16 throughout the term of the registration. The identification must not be on a removable
20.17 plate or placard and must be kept clean and visible at all times; except that a removable
20.18 plate or placard may be utilized on vehicles leased or loaned to a political subdivision or
20.19 to a nonpublic high school driver education program.

20.20 Sec. 26. Minnesota Statutes 2010, section 168.017, subdivision 3, is amended to read:

20.21 Subd. 3. **Exceptions.** (a) The registrar shall register all vehicles subject to
20.22 registration under the monthly series system for a period of 12 consecutive calendar
20.23 months, unless:

20.24 (1) the application is an original rather than renewal application; or

20.25 (2) the applicant is a licensed motor vehicle lessor under section 168.27 and the
20.26 vehicle is leased or rented for periods of time of not more than 28 days, in which case the
20.27 applicant may apply for initial or renewed registration of a vehicle for a period of four
20.28 or more months, the month of expiration to be designated by the applicant at the time of
20.29 registration. ~~However,~~ To qualify for this exemption, the applicant must ~~(1)~~ present the
20.30 application to the registrar at St. Paul, or a designated deputy registrar office, ~~and (2)~~
20.31 ~~stamp in red, on the certificate of title, the phrase "The expiration month of this vehicle~~
20.32 ~~is" with the blank filled in with the month of expiration as if the vehicle is being~~
20.33 ~~registered for a period of 12 calendar months. Subsequent registration periods when the~~
20.34 applicant is not a qualified motor vehicle lessor under this subdivision must be for a period
20.35 of 12 months commencing from the last month for which registration was issued.

21.1 (b) In any instance except that of a licensed motor vehicle lessor, the registrar shall
 21.2 not approve registering the vehicle subject to the application for a period of less than three
 21.3 months, except when the registrar determines that to do otherwise will help to equalize
 21.4 the registration and renewal work load of the department.

21.5 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to all
 21.6 applications for registration filed on or after that date.

21.7 Sec. 27. Minnesota Statutes 2010, section 168.021, is amended to read:

21.8 **168.021 PLATES FOR PHYSICALLY DISABLED PERSONS.**

21.9 Subdivision 1. **Disability plates; application.** (a) When a motor vehicle registered
 21.10 under section 168.017, a motorcycle, ~~a truck having a manufacturer's nominal rated~~
 21.11 ~~capacity of one ton and resembling a one-ton pickup truck~~, or a self-propelled recreational
 21.12 vehicle is owned or primarily operated by a permanently physically disabled person or a
 21.13 custodial parent or guardian of a permanently physically disabled minor, the owner may
 21.14 apply for and secure from the commissioner (1) immediately, a temporary permit valid
 21.15 for 30 days if the applicant is eligible for the disability plates issued under this section
 21.16 and (2) two disability plates with attached emblems, one plate to be attached to the front,
 21.17 and one to the rear of the motor vehicle, truck, or recreational vehicle, or, in the case of a
 21.18 motorcycle, one disability plate the same size as a regular motorcycle plate.

21.19 (b) The commissioner shall not issue more than one plate to the owner of a
 21.20 motorcycle and not more than one set of plates to any owner of a motor another vehicle
 21.21 described in paragraph (a) at the same time unless the state Council on Disability approves
 21.22 the issuance of a second plate or set of plates to a motor vehicle an owner.

21.23 (c) When the owner first applies for the disability plate or plates, the owner must
 21.24 submit a medical statement in a format approved by the commissioner under section
 21.25 169.345, or proof of physical disability provided for in that section.

21.26 (d) No medical statement or proof of disability is required when an owner ~~of a motor~~
 21.27 ~~vehicle~~ applies for a plate or plates for one or more motor vehicles listed in paragraph (a)
 21.28 that are specially modified for and used exclusively by permanently physically disabled
 21.29 persons.

21.30 (e) The owner of a ~~motor~~ vehicle listed in paragraph (a) may apply for and secure
 21.31 (i) immediately, a permit valid for 30 days, if the applicant is eligible to receive the
 21.32 disability plate or plates issued under this section, and (ii) a ~~set of~~ disability plate or plates
 21.33 for ~~a motor~~ the vehicle if:

22.1 (1) the owner employs a permanently physically disabled person who would qualify
22.2 for the disability plate or plates under this section; and

22.3 (2) the owner furnishes the motor vehicle to the physically disabled person for the
22.4 exclusive use of that person in the course of employment.

22.5 Subd. 1a. **Scope of privilege.** If a physically disabled person parks a ~~motor~~
22.6 vehicle described in subdivision 1, displaying the disability plate or plates described in
22.7 this section, or a permit valid for 30 days and issued to an eligible person awaiting receipt
22.8 of the disability plate or plates described in this section, or any person parks the motor
22.9 vehicle for a physically disabled person, that person is entitled to park the motor vehicle
22.10 as provided in section 169.345.

22.11 Subd. 2. **Plate design; furnished by commissioner.** The commissioner shall design
22.12 and furnish two disability plates, or one disability plate for a motorcycle that is the same
22.13 size as a regular motorcycle plate, with attached emblem or emblems to an eligible owner.
22.14 The emblem must bear the internationally accepted wheelchair symbol, as designated in
22.15 section 326B.106, subdivision 9, approximately three inches square. The emblem must
22.16 be large enough to be visible plainly from a distance of 50 feet. An applicant eligible
22.17 for a disability plate or plates shall pay the motor vehicle registration fee authorized
22.18 by sections 168.013 and 168.09.

22.19 Subd. 2a. **Plate transfer.** (a) When ~~motor vehicle~~ ownership of a vehicle described
22.20 in subdivision 1, is transferred, the owner of the ~~motor~~ vehicle shall remove the disability
22.21 plate or plates. The buyer of the motor vehicle is entitled to receive a regular plate or plates
22.22 for the ~~motor~~ vehicle without further cost for the remainder of the registration period.

22.23 (b) Notwithstanding section 168.12, subdivision 1, the disability plate or plates
22.24 may be transferred to a replacement ~~motor~~ vehicle on notification to the commissioner.
22.25 However, the disability plate or plates may not be transferred unless the replacement
22.26 ~~motor~~ vehicle (1) is listed under section 168.012, subdivision 1, and, in case of a single
22.27 plate for a motorcycle, the replacement vehicle is a motorcycle, and (2) is owned or
22.28 primarily operated by the permanently physically disabled person.

22.29 Subd. 2b. **When not eligible.** On becoming ineligible for the disability plate
22.30 or plates, the owner of the motor vehicle shall remove the disability plate or plates.
22.31 The owner may receive regular plates for the ~~motor~~ vehicle without further cost for the
22.32 remainder of the registration period.

22.33 Subd. 3. **Penalties for unauthorized use of plates.** (a) A person who uses the
22.34 disability plate or plates or permit provided under this section on a motor vehicle in
22.35 violation of this section is guilty of a misdemeanor, and is subject to a fine of \$500. This

23.1 subdivision does not preclude a person who is not physically disabled from operating a
23.2 ~~motor~~ vehicle bearing the disability plates or permit if:

23.3 (1) the person is the owner of the ~~motor~~ vehicle described in subdivision 1 and
23.4 permits its operation by a physically disabled person;

23.5 (2) the person operates the ~~motor~~ vehicle with the consent of the owner who is
23.6 physically disabled; or

23.7 (3) the person is the owner of the ~~motor~~ vehicle, is the custodial parent or guardian
23.8 of a permanently physically disabled minor, and operates the ~~motor~~ vehicle to transport
23.9 the minor.

23.10 (b) A driver who is not disabled is not entitled to the parking privileges provided
23.11 in this section and in section 169.346 unless parking the ~~motor~~ vehicle for a physically
23.12 disabled person.

23.13 Subd. 4. **Fees; disposition.** All fees collected from the sale of a disability plate or
23.14 plates under this section must be deposited in the state treasury to the credit of the vehicle
23.15 services operating account under section 299A.705, subdivision 1.

23.16 Subd. 5. **Definitions.** For the purposes of this section, the term "physically disabled
23.17 person" has the meaning given it in section 169.345, subdivision 2.

23.18 Subd. 6. **Driver's license law not affected.** This section must not be construed to
23.19 revoke, limit, or amend chapter 171.

23.20 Sec. 28. Minnesota Statutes 2010, section 168.12, subdivision 1, is amended to read:

23.21 Subdivision 1. **Plates; design, visibility, periods of issuance.** (a) The commissioner,
23.22 upon approval and payment, shall issue to the applicant the plates required by this chapter,
23.23 bearing the state name and an assigned vehicle registration number. The number assigned
23.24 by the commissioner may be a combination of a letter or sign with figures. The color of the
23.25 plates and the color of the abbreviation of the state name and the number assigned must
23.26 be in marked contrast. The plates must be lettered, spaced, or distinguished to suitably
23.27 indicate the registration of the vehicle according to the rules of the commissioner.

23.28 (b) When a vehicle is registered on the basis of total gross weight, the plates issued
23.29 must clearly indicate by letters or other suitable insignia the maximum gross weight
23.30 for which the tax has been paid.

23.31 (c) Plates issued to a noncommercial vehicle must bear the inscription
23.32 "noncommercial" unless the vehicle is displaying a special plate authorized and issued
23.33 under this chapter.

24.1 (d) A one-ton pickup truck that is used for commercial purposes and is subject to
24.2 section 168.185, is eligible to display special plates as authorized and issued under this
24.3 chapter.

24.4 ~~(e)~~ (e) The plates must be so treated as to be at least 100 times brighter than the
24.5 conventional painted number plates. When properly mounted on an unlighted vehicle, the
24.6 plates, when viewed from a vehicle equipped with standard headlights, must be visible for
24.7 a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

24.8 ~~(d)~~ (f) The commissioner shall issue plates for the following periods:

24.9 (1) New plates issued pursuant to section 168.012, subdivision 1, must be issued to a
24.10 vehicle for as long as the vehicle is owned by the exempt agency and the plate shall not be
24.11 transferable from one vehicle to another but the plate may be transferred with the vehicle
24.12 from one tax-exempt agency to another.

24.13 (2) Plates issued for passenger automobiles must be issued for a seven-year period.
24.14 All plates issued under this paragraph must be replaced if they are seven years old or older
24.15 at the time of registration renewal or will become so during the registration period.

24.16 (3) Plates issued under sections 168.053 and 168.27, subdivisions 16 and 17, must
24.17 be for a seven-year period.

24.18 (4) Plates issued under subdivisions 2c and 2d and section 168.123 must be issued
24.19 for the life of the veteran under section 169.79.

24.20 (5) Plates for any vehicle not specified in clauses (1) to (3) must be issued for the
24.21 life of the vehicle.

24.22 ~~(e)~~ (g) In a year in which plates are not issued, the commissioner shall issue for each
24.23 registration a sticker to designate the year of registration. This sticker must show the year
24.24 or years for which the sticker is issued, and is valid only for that period. The plates and
24.25 stickers issued for a vehicle may not be transferred to another vehicle during the period
24.26 for which the sticker is issued, except when issued for a vehicle registered under section
24.27 168.187.

24.28 ~~(f)~~ (h) Despite any other provision of this subdivision, plates issued to a vehicle
24.29 used for behind-the-wheel instruction in a driver education course in a public school
24.30 may be transferred to another vehicle used for the same purpose without payment of any
24.31 additional fee. The public school shall notify the commissioner of each transfer of plates
24.32 under this paragraph. The commissioner may prescribe a format for notification.

24.33 Sec. 29. Minnesota Statutes 2010, section 168.12, subdivision 2b, is amended to read:

25.1 Subd. 2b. **Firefighters; special plates, rules.** (a) The commissioner shall issue
25.2 special plates, or a single license plate in the case of a motorcycle plate, to any applicant
25.3 who:

25.4 (1) is a member of a fire department receiving state aid under chapter 69, has a
25.5 letter from the fire chief, and is an owner of a passenger automobile, ~~a truck with a~~
25.6 ~~manufacturer's nominal rated capacity of one ton and resembling a pickup truck, a one-ton~~
25.7 pickup truck, or a motorcycle;

25.8 (2) pays a fee of \$10 and any other fees required by this chapter;

25.9 (3) pays the registration tax required by this chapter for the motor vehicle; and

25.10 (4) complies with this chapter and rules governing the registration of motor vehicles
25.11 and licensing of drivers.

25.12 (b) In lieu of the identification required under subdivision 1, the special plates must
25.13 bear an emblem of a Maltese Cross together with any numbers or characters prescribed by
25.14 the commissioner.

25.15 (c) Special plates issued under this subdivision may only be used during the period
25.16 that the owner of the motor vehicle is a member of a fire department as specified in this
25.17 subdivision. When the individual to whom the special plates were issued is no longer a
25.18 member of a fire department or when the motor vehicle ownership is transferred, the
25.19 owner shall remove the special plates from the motor vehicle. If the commissioner
25.20 receives written notification that an individual is no longer qualified for these special
25.21 plates, the commissioner shall invalidate the plates and notify the individual of this
25.22 action. The individual may retain the plate only upon demonstrating compliance with the
25.23 qualifications of this subdivision. Upon removal or invalidation of the special plates, or
25.24 special motorcycle plate, either the owner or purchaser of the motor vehicle shall obtain
25.25 regular plates or a regular motorcycle plate for the proper registration classification for
25.26 the motor vehicle.

25.27 (d) A special motorcycle license plate issued under this subdivision must be the
25.28 same size as a standard motorcycle license plate.

25.29 (e) Upon payment of a fee of \$5, plates issued under this subdivision for a passenger
25.30 automobile or truck may be transferred to another passenger automobile or truck owned
25.31 or jointly owned by the person to whom the plates were issued. On payment of a fee of
25.32 \$5, a plate issued under this subdivision for a motorcycle may be transferred to another
25.33 motorcycle owned or jointly owned by the person to whom the plate was issued.

25.34 (f) The commissioner may adopt rules under the Administrative Procedure Act,
25.35 sections 14.001 to 14.69, to govern the issuance and use of the special plates authorized
25.36 in this subdivision.

26.1 Sec. 30. Minnesota Statutes 2010, section 168.12, subdivision 5, is amended to read:

26.2 Subd. 5. **Additional fee.** (a) In addition to any fee otherwise authorized or any tax
 26.3 otherwise imposed upon any vehicle, the payment of which is required as a condition to
 26.4 the issuance of any plate or plates, the commissioner shall impose the fee specified in
 26.5 paragraph (b) that is calculated to cover the cost of manufacturing and issuing the plate
 26.6 or plates, except for plates issued to disabled veterans as defined in section 168.031 and
 26.7 plates issued pursuant to section 168.124, 168.125, or 168.27, subdivisions 16 and 17,
 26.8 for passenger automobiles. The commissioner shall issue graphic design plates only
 26.9 for vehicles registered pursuant to section 168.017 and recreational vehicles registered
 26.10 pursuant to section 168.013, subdivision 1g.

26.11 (b) Unless otherwise specified or exempted by statute, the following plate and
 26.12 validation sticker fees apply for the original, duplicate, or replacement issuance of a
 26.13 plate in a plate year:

26.14 License Plate	Single	Double
26.15 Regular and Disability	\$ 4.50	\$ 6.00
26.16 Special	\$ 8.50	\$ 10.00
26.17 Personalized (Replacement)	\$ 10.00	\$ 14.00
26.18 Collector Category	\$ 13.50	\$ 15.00
26.19 Emergency Vehicle Display	\$ 3.00	\$ 6.00
26.20 Utility Trailer Self-Adhesive	\$ 2.50	
26.21 Vertical Motorcycle Plate	\$ 100.00	NA
26.22 Stickers		
26.23 Duplicate year	\$ 1.00	\$ 1.00
26.24 International Fuel Tax Agreement	\$ 2.50	

26.25 (c) For vehicles that require two of the categories above, the registrar shall only
 26.26 charge the higher of the two fees and not a combined total.

26.27 (d) As part of procedures for payment of the fee under paragraph (b), the
 26.28 commissioner shall allow a vehicle owner to add to the fee a \$2 donation for the purposes
 26.29 of public information and education on anatomical gifts under section 171.075.

26.30 Sec. 31. Minnesota Statutes 2010, section 168.123, subdivision 1, is amended to read:

26.31 Subdivision 1. **General requirements; fees.** (a) On payment of a fee of \$10 for
 26.32 each set of two plates, or for a single plate in the case of a motorcycle plate, payment of
 26.33 the registration tax required by law, and compliance with other applicable laws relating to
 26.34 vehicle registration and licensing, as applicable, the commissioner shall issue:

26.35 (1) special veteran's plates to an applicant who served in the active military service
 26.36 in a branch of the armed forces of the United States or of a nation or society allied with the
 26.37 United States in conducting a foreign war, was discharged under honorable conditions,

27.1 and is a registered owner of a passenger automobile, recreational motor vehicle, or ~~truck~~
27.2 ~~resembling a pickup truck and having a manufacturer's nominal rated capacity of one ton~~
27.3 one-ton pickup truck, but which is not a commercial motor vehicle as defined in section
27.4 169.011, subdivision 16; or

27.5 (2) a veteran's special motorcycle plate as described in subdivision 2, paragraph (a),
27.6 (f), (h), (i), or (j), or another special plate designed by the commissioner to an applicant
27.7 who is a registered owner of a motorcycle and meets the criteria listed in this paragraph
27.8 and in subdivision 2, paragraph (a), (f), (h), (i), or (j). Plates issued under this clause must
27.9 be the same size as regular motorcycle plates. Special motorcycle license plates issued
27.10 under this clause are not subject to section 168.1293.

27.11 (b) The additional fee of \$10 is payable for each set of veteran's plates, is payable
27.12 only when the plates are issued, and is not payable in a year in which stickers are issued
27.13 instead of plates.

27.14 (c) The veteran must have a certified copy of the veteran's discharge papers,
27.15 indicating character of discharge, at the time of application. If an applicant served in the
27.16 active military service in a branch of the armed forces of a nation or society allied with the
27.17 United States in conducting a foreign war and is unable to obtain a record of that service
27.18 and discharge status, the commissioner of veterans affairs may certify the applicant as
27.19 qualified for the veterans' plates provided under this section.

27.20 (d) For license plates issued for one-ton trucks described in paragraph (a), clause
27.21 (1), the commissioner shall collect a surcharge of \$5 on each \$10 fee collected under
27.22 paragraph (a). The surcharge must be deposited in the vehicle services operating account
27.23 in the special revenue fund.

27.24 Sec. 32. Minnesota Statutes 2010, section 168A.11, subdivision 4, is amended to read:

27.25 Subd. 4. **Centralized record keeping.** ~~Three~~ Two or more new motor vehicle
27.26 dealers under common management or control may ~~designate~~ apply to the department
27.27 in writing ~~a single location for maintaining~~ for permission to maintain the records
27.28 required by this section ~~that are more than 12 months old~~ and section 168.27, subdivision
27.29 10, paragraph (a), clause (1), item (i), at a single location. The department shall not
27.30 unreasonably withhold its consent to the application. The records must be open to
27.31 inspection by a representative of the department or a peace officer during reasonable
27.32 business hours. The location must be at the established place of business of one of the
27.33 affiliated dealers or at a location within Minnesota not further than 25 miles from the
27.34 established place of business of one of the affiliated dealers.

28.1 Sec. 33. Minnesota Statutes 2010, section 168B.011, subdivision 12, is amended to
28.2 read:

28.3 Subd. 12. **Public impound lot.** "Public impound lot" means an impound lot owned
28.4 by or ~~contracting with~~ exclusively contracted solely for public use by a unit of government
28.5 under section 168B.09.

28.6 Sec. 34. Minnesota Statutes 2010, section 169.011, subdivision 27, is amended to read:

28.7 Subd. 27. **Electric-assisted bicycle.** "Electric-assisted bicycle" means a ~~motor~~
28.8 ~~vehicle~~ bicycle with two or three wheels that:

28.9 (1) has a saddle and fully operable pedals for human propulsion;

28.10 (2) meets the requirements:

28.11 (i) of federal motor vehicle safety standards in Code of Federal Regulations, title 49,
28.12 sections 571.1 et seq.; or

28.13 (ii) for bicycles under Code of Federal Regulations, title 15, part 1512, and successor
28.14 requirements; and

28.15 (3) has an electric motor that (i) has a power output of not more than 1,000 watts, (ii)
28.16 is incapable of propelling the vehicle at a speed of more than 20 miles per hour, (iii) is
28.17 incapable of further increasing the speed of the device when human power alone is used
28.18 to propel the vehicle at a speed of more than 20 miles per hour, and (iv) disengages or
28.19 ceases to function when the vehicle's brakes are applied.

28.20 Sec. 35. Minnesota Statutes 2010, section 169.035, subdivision 1, is amended to read:

28.21 Subdivision 1. **Working on highway.** (a) The provisions of this chapter shall not
28.22 apply to persons, motor vehicles, and other equipment while actually engaged in work
28.23 upon the highway, except as provided in paragraphs (b) and (c).

28.24 (b) This chapter shall apply to those persons and vehicles when traveling to or
28.25 from such work, except that persons operating equipment owned, rented or hired by
28.26 road authorities shall be exempt from the width, height and length provisions of sections
28.27 169.80 and 169.81 and shall be exempt from the weight limitations of this chapter while
28.28 performing the following actions on behalf of the state or a local governmental unit:

28.29 (1) while loading, readying, or moving the vehicles or equipment in preparation for
28.30 combating anticipated slippery road conditions or removing snow or ice;

28.31 (2) while actually engaged in snow or ice removal and or combating slippery road
28.32 conditions, including but not limited to pretreatment and anti-icing activities; or

28.33 (3) while engaged in flood control operations ~~on behalf of the state or a local~~
28.34 ~~governmental unit.~~

29.1 (c) Chapter 169A and section 169.444 apply to persons while actually engaged in
29.2 work upon the highway.

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

29.4 Sec. 36. Minnesota Statutes 2010, section 169.035, is amended by adding a subdivision
29.5 to read:

29.6 Subd. 4. **Trains.** (a) For purposes of this subdivision, "railroad operator" means
29.7 a person who is a locomotive engineer, conductor, member of the crew of a railroad
29.8 locomotive or train, or an operator of on-track equipment.

29.9 (b) A peace officer may not issue a citation for violation of this chapter or chapter
29.10 171 to a railroad operator involving the operation of a railroad locomotive or train, or
29.11 on-track equipment while being operated upon rails.

29.12 (c) Notwithstanding section 171.08, a railroad operator is not required to display or
29.13 furnish a driver's license to a peace officer in connection with the operation of a railroad
29.14 locomotive or train, or on-track equipment while being operated upon rails.

29.15 Sec. 37. Minnesota Statutes 2010, section 169.06, subdivision 5, is amended to read:

29.16 Subd. 5. **Traffic-control signal.** (a) Whenever traffic is controlled by traffic-control
29.17 signals exhibiting different colored lights, or colored lighted arrows, successively one at a
29.18 time or in combination, only the colors Green, Red, and Yellow shall be used, except for
29.19 special pedestrian signals carrying a word or legend. The traffic-control signal lights or
29.20 colored lighted arrows indicate and apply to drivers of vehicles and pedestrians as follows:

29.21 (1) Green indication:

29.22 (i) Vehicular traffic facing a circular green signal may proceed straight through or
29.23 turn right or left unless a sign ~~at such place~~ prohibits either turn. But vehicular traffic,
29.24 including vehicles turning right or left, shall yield the right-of-way to other vehicles and to
29.25 pedestrians lawfully within the intersection or adjacent crosswalk at the time this signal
29.26 is exhibited. Vehicular traffic turning left or making a U-turn to the left shall yield the
29.27 right-of-way to other vehicles approaching from the opposite direction so closely as to
29.28 constitute an immediate hazard.

29.29 (ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with
29.30 another indication, may cautiously enter the intersection only to make the movement
29.31 indicated by the arrow, or other movement as permitted by other indications shown at the
29.32 same time. ~~Such~~ Vehicular traffic shall yield the right-of-way to pedestrians lawfully
29.33 within an adjacent crosswalk and to other traffic lawfully using the intersection.

30.1 (iii) Unless otherwise directed by a pedestrian-control signal as provided in
30.2 subdivision 6, pedestrians facing any green signal, except when the sole green signal is a
30.3 turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
30.4 Every driver of a vehicle shall yield the right-of-way to such pedestrian, except that the
30.5 pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the
30.6 time that the green signal indication is first shown.

30.7 (2) Steady yellow indication:

30.8 (i) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby
30.9 warned that the related green movement is being terminated or that a red indication will be
30.10 exhibited immediately thereafter when vehicular traffic must not enter the intersection,
30.11 except for the continued movement allowed by any green arrow indication simultaneously
30.12 exhibited.

30.13 (ii) Pedestrians facing a circular yellow signal, unless otherwise directed by a
30.14 pedestrian-control signal as provided in subdivision 6, are thereby advised that there is
30.15 insufficient time to cross the roadway before a red indication is shown and no pedestrian
30.16 shall then start to cross the roadway.

30.17 (3) Steady red indication:

30.18 (i) Vehicular traffic facing a circular red signal alone must stop at a clearly marked
30.19 stop line but, if none, before entering the crosswalk on the near side of the intersection
30.20 or, if none, then before entering the intersection and shall remain standing until a green
30.21 indication is shown, except as follows: (A) the driver of a vehicle stopped as close
30.22 as practicable at the entrance to the crosswalk on the near side of the intersection or,
30.23 if none, then at the entrance to the intersection in obedience to a red or stop signal,
30.24 and with the intention of making a right turn may make the right turn, after stopping,
30.25 unless an official sign has been erected prohibiting such movement, but shall yield the
30.26 right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal
30.27 at that intersection; or (B) the driver of a vehicle on a one-way street intersecting another
30.28 one-way street on which traffic moves to the left shall stop in obedience to a red or stop
30.29 signal and may then make a left turn into the one-way street, unless an official sign has
30.30 been erected prohibiting the movement, but shall yield the right-of-way to pedestrians and
30.31 other traffic lawfully proceeding as directed by the signal at that intersection.

30.32 (ii) Unless otherwise directed by a pedestrian-control signal as provided in
30.33 subdivision 6, pedestrians facing a steady red signal alone shall not enter the roadway.

30.34 (iii) Vehicular traffic facing a steady red arrow signal, with the intention of making a
30.35 movement indicated by the arrow, must stop at a clearly marked stop line but, if none,
30.36 before entering the crosswalk on the near side of the intersection or, if none, then before

31.1 entering the intersection and must remain standing until a permissive signal indication
31.2 permitting the movement indicated by the red arrow is displayed, except as follows: when
31.3 an official sign has been erected permitting a turn on a red arrow signal, the vehicular
31.4 traffic facing a red arrow signal indication is permitted to enter the intersection to turn
31.5 right, or to turn left from a one-way street into a one-way street on which traffic moves
31.6 to the left, after stopping, but must yield the right-of-way to pedestrians and other traffic
31.7 lawfully proceeding as directed by the signal at that intersection.

31.8 (b) In the event an official traffic-control signal is erected and maintained at a place
31.9 other than an intersection, the provisions of this section are applicable except those which
31.10 can have no application. Any stop required must be made at a sign or marking on the
31.11 pavement indicating where the stop must be made, but in the absence of any such sign or
31.12 marking the stop must be made at the signal.

31.13 (c) When a traffic-control signal indication or indications placed to control a certain
31.14 movement or lane are so identified by placing a sign near the indication or indications,
31.15 no other traffic-control signal indication or indications within the intersection controls
31.16 vehicular traffic for that movement or lane.

31.17 Sec. 38. Minnesota Statutes 2010, section 169.06, subdivision 7, is amended to read:

31.18 Subd. 7. **Flashing signal.** When flashing red or yellow signals are used they shall
31.19 require obedience by vehicular traffic as follows:

31.20 (a) When a circular red lens is illuminated with rapid intermittent flashes, drivers of
31.21 vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk
31.22 on the near side of the intersection, or if none, then at the point nearest the intersecting
31.23 roadway where the driver has a view of approaching traffic on the intersecting roadway
31.24 before entering the intersection, and the right to proceed shall be subject to the rules
31.25 applicable after making a stop at a stop sign.

31.26 (b) When a red arrow lens is illuminated with rapid intermittent flashes drivers of
31.27 vehicles with the intention of making a movement indicated by the arrow shall stop at a
31.28 clearly marked stop line, but if none, before entering the crosswalk on the near side of
31.29 the intersection, or if none, then at the point nearest the intersecting roadway where the
31.30 driver has a view of approaching traffic on the intersecting roadway before entering the
31.31 intersection, and the right to proceed shall be subject to the rules applicable after making a
31.32 stop at a stop sign.

31.33 (c) When a circular yellow lens is illuminated with rapid intermittent flashes, drivers
31.34 of vehicles may proceed through the intersection or past the signals only with caution. But
31.35 vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to

32.1 other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at
32.2 the time this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left
32.3 shall yield the right-of-way to other vehicles approaching from the opposite direction so
32.4 closely as to constitute an immediate hazard.

32.5 (d) When a yellow arrow indication is illuminated with rapid intermittent flashes,
32.6 drivers of vehicles with the intention of making a movement indicated by the arrow may
32.7 proceed through the intersection or past the signals only with caution, but shall yield
32.8 the right-of-way to other vehicles and to pedestrians lawfully within the intersection or
32.9 adjacent crosswalk at the time this signal is exhibited. Vehicular traffic turning left or
32.10 making a U-turn to the left shall yield the right-of-way to other vehicles approaching from
32.11 the opposite direction so closely as to constitute an immediate hazard.

32.12 Sec. 39. Minnesota Statutes 2010, section 169.09, subdivision 13, is amended to read:

32.13 Subd. 13. **Reports confidential; evidence, fee, penalty, appropriation.** (a) All
32.14 reports and supplemental information required under this section must be for the use
32.15 of the commissioner of public safety and other appropriate state, federal, county, and
32.16 municipal governmental agencies for accident analysis purposes and for the use of the
32.17 commissioner of transportation for the purpose of seeking restitution for damages to
32.18 state-owned infrastructure, except:

32.19 (1) the commissioner of public safety or any law enforcement agency shall, upon
32.20 written request of any individual involved in an accident or upon written request of the
32.21 representative of the individual's estate, surviving spouse, or one or more surviving next
32.22 of kin, or a trustee appointed under section 573.02, or other person injured in person,
32.23 property, or means of support, or who incurs other pecuniary loss by virtue of the accident,
32.24 disclose to the requester, the requester's legal counsel, or a representative of the requester's
32.25 insurer the report required under subdivision 8;

32.26 (2) the commissioner of public safety shall, upon written request, provide the driver
32.27 filing a report under subdivision 7 with a copy of the report filed by the driver;

32.28 (3) the commissioner of public safety may verify with insurance companies vehicle
32.29 insurance information to enforce sections 65B.48, 169.792, 169.793, 169.796, and
32.30 169.797;

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

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

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

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

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

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

33.28 (f) The fees specified in paragraph (e) notwithstanding, the commissioner and law
33.29 enforcement agencies shall charge commercial users who request access to response or
33.30 incident data relating to accidents a fee not to exceed 50 cents per record. "Commercial
33.31 user" is a user who in one location requests access to data in more than five accident
33.32 reports per month, unless the user establishes that access is not for a commercial purpose.
33.33 Of the money collected by the commissioner under this paragraph, 90 percent must be
33.34 deposited in the special revenue fund and credited to the driver services operating account
33.35 established in section 299A.705 and ten percent must be deposited in the general fund.

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

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

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

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

34.14 Sec. 40. Minnesota Statutes 2010, section 169.19, subdivision 5, is amended to read:

34.15 Subd. 5. **Signal to turn.** A signal of intention to turn right or left shall be given
34.16 continuously during not less than the last 100 feet traveled by the vehicle before turning.
34.17 A person whose vehicle is exiting a roundabout is exempt from the requirement in this
34.18 subdivision.

34.19 Sec. 41. Minnesota Statutes 2010, section 169.223, subdivision 5, is amended to read:

34.20 Subd. 5. **Other operation requirements and prohibitions.** (a) A person operating
34.21 a motorized bicycle on a roadway shall ride as close as practicable to the right-hand curb
34.22 or edge of the roadway except in one of the following situations:

34.23 (1) when overtaking and passing another vehicle proceeding in the same direction;

34.24 (2) when preparing for a left turn at an intersection or into a private road or
34.25 driveway; or

34.26 (3) when reasonably necessary to avoid conditions, including fixed or moving
34.27 objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, that make
34.28 it unsafe to continue along the right-hand curb or edge.

34.29 (b) Persons operating motorized bicycles on a roadway may not ride more than two
34.30 abreast and may not impede the normal and reasonable movement of traffic. On a laned
34.31 roadway, a person operating a motorized bicycle shall ride within a single lane.

34.32 (c) This section does not permit the operation of a motorized bicycle on a bicycle
34.33 path or bicycle lane that is reserved for the exclusive use of nonmotorized traffic, except
34.34 that an electric-assisted bicycle may be operated on the path or lane if not otherwise

35.1 prohibited under section 85.015, subdivision 1d; 85.018, subdivision 2, paragraph (d);
 35.2 or 160.263, subdivision 2, paragraph (b), as applicable.

35.3 ~~(d) Subject to the provisions of section 160.263, subdivision 3,~~ A person may
 35.4 operate an electric-assisted bicycle on a bikeway or bicycle lane trail. A person may
 35.5 operate an electric-assisted bicycle on the shoulder of a roadway if the electric-assisted
 35.6 bicycle is traveling in the same direction as the adjacent vehicular traffic.

35.7 Sec. 42. Minnesota Statutes 2010, section 169.306, is amended to read:

35.8 **169.306 USE OF SHOULDERS BY BUSES.**

35.9 ~~(a) The commissioner of transportation~~ A road authority, as defined in section
 35.10 160.02, subdivision 25, is authorized to permit ~~the use by~~ transit buses and Metro Mobility
 35.11 buses the use of a shoulder, as designated by the commissioner road authority, of a
 35.12 freeway or expressway, as defined in section 160.02, in Minnesota.

35.13 ~~(b) If the commissioner~~ a road authority permits the use of a freeway or expressway
 35.14 shoulder by transit buses, the ~~commissioner~~ road authority shall permit the use on that
 35.15 shoulder of a bus (1) with a seating capacity of 40 passengers or more operated by a motor
 35.16 carrier of passengers, as defined in section 221.012, subdivision 26, while operating in
 35.17 intrastate commerce or (2) providing regular route transit service, as defined in section
 35.18 174.22, subdivision 8, or Metro Mobility services, and operated by or under contract
 35.19 with the Metropolitan Council, a local transit authority, or a transit authority created by
 35.20 the legislature. Drivers of these buses must have adequate training in the requirements of
 35.21 paragraph (c), as determined by the commissioner.

35.22 (c) Buses authorized to use the shoulder under this section may be operated on
 35.23 the shoulder only when main-line traffic speeds are less than 35 miles per hour, except
 35.24 as provided for in paragraph (f). Drivers of buses being operated on the shoulder may
 35.25 not exceed the speed of main-line traffic by more than 15 miles per hour and may never
 35.26 exceed 35 miles per hour, except as provided for in paragraph (f). Drivers of buses being
 35.27 operated on the shoulder must yield to merging, entering, and exiting traffic and must yield
 35.28 to other vehicles on the shoulder. Buses operated on the shoulder must be registered with
 35.29 the Department of Transportation.

35.30 (d) For the purposes of this section, the term "Metro Mobility bus" means a motor
 35.31 vehicle of not less than 20 feet in length engaged in providing special transportation
 35.32 services under section 473.386 that is:

35.33 (1) operated by or under contract with a public or private entity receiving financial
 35.34 assistance to provide transit services from the Metropolitan Council or the commissioner
 35.35 of transportation; and

36.1 (2) authorized by ~~the commissioner~~ a road authority to use freeway or expressway
36.2 shoulders.

36.3 (e) This section does not apply to the operation of buses on dynamic shoulder lanes.

36.4 (f) The commissioner may authorize different operating conditions and maximum
36.5 speeds, not to exceed the posted speed limit, based upon an engineering study and
36.6 recommendation by the road authority. The engineering study must be conducted by the
36.7 road authority and must conform with the manual and specifications adopted under section
36.8 169.06, subdivision 1, and applicable state and federal standards. The road authority shall
36.9 consult the public transit operator before recommending operating conditions different
36.10 from those authorized by law.

36.11 Sec. 43. Minnesota Statutes 2010, section 169.345, subdivision 1, is amended to read:

36.12 Subdivision 1. **Scope of privilege.** (a) A ~~motor~~ vehicle described in section 168.021,
36.13 subdivision 1, paragraph (a), that prominently displays the certificate authorized by this
36.14 section or that bears the disability plate or plates issued under section 168.021 may be
36.15 parked by or solely for the benefit of a physically disabled person:

36.16 (1) in a designated parking space for disabled persons, as provided in section
36.17 169.346;

36.18 (2) in a metered parking space without obligation to pay the meter fee and without
36.19 time restrictions unless time restrictions are separately posted on official signs; and

36.20 (3) without time restrictions in a nonmetered space where parking is otherwise
36.21 allowed for passenger vehicles but restricted to a maximum period of time and that does
36.22 not specifically prohibit the exercise of disabled parking privileges in that space.

36.23 A person may park ~~a motor~~ the vehicle for a physically disabled person in a parking space
36.24 described in clause (1) or (2) only when actually transporting the physically disabled
36.25 person for the sole benefit of that person and when the parking space is within a reasonable
36.26 distance from the drop-off point.

36.27 (b) For purposes of this subdivision, a certificate is prominently displayed if it is
36.28 displayed so that it may be viewed from the front and rear of the motor vehicle by hanging
36.29 it from the rearview mirror attached to the front windshield of the motor vehicle or, in
36.30 the case of a motorcycle, is secured to the vehicle. If there is no rearview mirror or if the
36.31 certificate holder's disability precludes placing the certificate on the mirror, the certificate
36.32 must be displayed on the dashboard ~~on the driver's side~~ of the vehicle. No part of the
36.33 certificate may be obscured.

36.34 (c) Notwithstanding paragraph (a), clauses (1), (2), and (3), this section does not
36.35 permit parking in areas prohibited by sections 169.32 and 169.34, in designated no

37.1 parking spaces, or in parking spaces reserved for specified purposes or vehicles. A local
37.2 governmental unit may, by ordinance, prohibit parking on any street or highway to create
37.3 a fire lane, or to accommodate heavy traffic during morning and afternoon rush hours and
37.4 these ordinances also apply to physically disabled persons.

37.5 Sec. 44. Minnesota Statutes 2010, section 169.345, subdivision 3, is amended to read:

37.6 Subd. 3. **Identifying certificate.** (a) The commissioner shall issue (1) immediately,
37.7 a permit valid for 30 days if the person is eligible for the certificate issued under this
37.8 section and (2) an identifying certificate for a ~~motor~~ vehicle described in section 168.021,
37.9 subdivision 1, paragraph (a), when a physically disabled applicant submits proof of
37.10 physical disability under subdivision 2a. The commissioner shall design separate
37.11 certificates for persons with permanent and temporary disabilities that can be readily
37.12 distinguished from each other from outside a ~~motor~~ vehicle at a distance of 25 feet or, in
37.13 the case of a motorcycle, can be readily secured to the motorcycle. An applicant may be
37.14 issued up to two certificates if the applicant has not been issued disability plates under
37.15 section 168.021.

37.16 (b) The operator of a ~~motor~~ vehicle displaying a certificate has the parking
37.17 privileges provided in subdivision 1 only while the ~~motor~~ vehicle is actually parked while
37.18 transporting a physically disabled person.

37.19 (c) The commissioner shall cancel all certificates issued to an applicant who fails to
37.20 comply with the requirements of this subdivision.

37.21 Sec. 45. Minnesota Statutes 2010, section 169.346, subdivision 3, is amended to read:

37.22 Subd. 3. **Misdemeanor; enforcement.** A person who violates subdivision 1 is
37.23 guilty of a misdemeanor and must be fined not less than \$100 and not more than \$200. This
37.24 subdivision must be enforced in the same manner as parking ordinances or regulations in
37.25 the governmental subdivision in which the violation occurs. Law enforcement officers
37.26 may tag motor vehicles parked on either private or public property in violation of
37.27 subdivision 1. Parking enforcement employees or agents of statutory or home rule charter
37.28 cities or towns may tag or otherwise issue citations for motor vehicles parked on public
37.29 property in violation of subdivision 1. If a holder of a disability certificate or disability
37.30 plates allows a person who is not otherwise eligible to use the certificate or plates, then
37.31 the holder is not eligible to be issued or to use a disability certificate or plates for 12
37.32 months after the date of violation. Except when the permit or certificate is expired by, or is
37.33 otherwise invalid for, more than 90 days, a physically disabled person, or a person parking
37.34 a motor vehicle for a disabled person, who is charged with violating subdivision 1 because

38.1 the person parked in a parking space for physically disabled persons without the required
38.2 certificate, license plates, or permit must not be convicted if the person (1) produces in
38.3 court or before the court appearance the required certificate, permit, or evidence that the
38.4 person has been issued plates under section 168.021, (2) surrenders the expired permit or
38.5 certificate, and (3) demonstrates entitlement to the certificate, plates, or permit at the time
38.6 of arrest or tagging. To be valid, the certificate or permit must show that it is owned by the
38.7 same person that owned the expired certificate or permit displayed at the time the tag was
38.8 issued. The registered vehicle owner is subject to the provisions of this subdivision.

38.9 Sec. 46. Minnesota Statutes 2010, section 169.4503, is amended by adding a
38.10 subdivision to read:

38.11 Subd. 28. **Crossing control arm.** All buses manufactured for use in Minnesota after
38.12 January 1, 2012, must be equipped with a crossing control arm mounted at the right front
38.13 corner of the front bumper. The crossing control arm must be automatically activated
38.14 whenever the bus is stopped with the flashing red signals in use.

38.15 Sec. 47. Minnesota Statutes 2010, section 169.64, subdivision 2, is amended to read:

38.16 Subd. 2. **Colored light.** (a) Unless otherwise authorized by the commissioner of
38.17 public safety, no vehicle shall be equipped, nor shall any person drive or move any vehicle
38.18 or equipment upon any highway with any lamp or device displaying a red light or any
38.19 colored light other than those required or permitted in this chapter.

38.20 (b) A vehicle manufactured for use as an emergency vehicle may display and use
38.21 colored lights that are not otherwise required or permitted in this chapter, provided that
38.22 the vehicle is owned and operated according to section 168.10, is owned and operated
38.23 solely as a collector's item and not for general transportation purposes, and is registered
38.24 under section 168.10, subdivision 1a, 1b, 1c, 1d, 1g, or 1h. A person may not activate the
38.25 colored lights authorized under this paragraph on streets or highways except as part of
38.26 a parade or other special event.

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

38.28 Sec. 48. Minnesota Statutes 2010, section 169.685, subdivision 6, is amended to read:

38.29 Subd. 6. **Exceptions.** (a) This section does not apply to:

38.30 (1) a person transporting a child in an emergency medical vehicle while in the
38.31 performance of official duties and when the physical or medical needs of the child make
38.32 the use of a child passenger restraint system unreasonable or when a child passenger
38.33 restraint system is not available;

39.1 (2) a peace officer transporting a child while in the performance of official duties
39.2 and when a child passenger restraint system is not available, provided that a seat belt
39.3 must be substituted;

39.4 (3) a person while operating a motor vehicle for hire, including a taxi, airport
39.5 limousine, and bus, but excluding a rented, leased, or borrowed motor vehicle; and

39.6 (4) a person while operating a school bus; and that has a gross vehicle weight rating
39.7 of greater than 10,000 pounds.

39.8 ~~(5) a person while operating a type III vehicle described in section 169.011,~~
39.9 ~~subdivision 71, paragraph (h), if the vehicle meets the seating and crash protection~~
39.10 ~~requirements of Federal Motor Vehicle Safety Standard 222, Code of Federal Regulations,~~
39.11 ~~title 49, part 571.~~

39.12 (b) A child passenger restraint system is not required for a child who cannot, in the
39.13 judgment of a licensed physician, be safely transported in a child passenger restraint
39.14 system because of a medical condition, body size, or physical disability. A motor vehicle
39.15 operator claiming exemption for a child under this paragraph must possess a typewritten
39.16 statement from the physician stating that the child cannot be safely transported in a child
39.17 passenger restraint system. The statement must give the name and birth date of the child,
39.18 be dated within the previous six months, and be made on the physician's letterhead or
39.19 contain the physician's name, address, and telephone number. A person charged with
39.20 violating subdivision 5 may not be convicted if the person produces the physician's
39.21 statement in court or in the office of the arresting officer.

39.22 (c) A person offering a motor vehicle for rent or lease shall provide a child passenger
39.23 restraint device to a customer renting or leasing the motor vehicle who requests the device.
39.24 A reasonable rent or fee may be charged for use of the child passenger restraint device.

39.25 Sec. 49. Minnesota Statutes 2010, section 169.86, subdivision 4, is amended to read:

39.26 Subd. 4. **Display and inspection of permit.** ~~Every such~~ A permit shall must be
39.27 carried in the vehicle or combination of vehicles to which it refers and shall must be open
39.28 to inspection by any ~~police~~ peace officer or authorized agent of any authority granting
39.29 such the permit, and. A permit may be carried in electronic format if it is easily read. No
39.30 person shall violate any of the terms or conditions of ~~such~~ a special permit.

39.31 Sec. 50. Minnesota Statutes 2010, section 169.86, subdivision 5, is amended to read:

39.32 Subd. 5. **Fees; proceeds deposited; appropriation.** The commissioner, with
39.33 respect to highways under the commissioner's jurisdiction, may charge a fee for each
39.34 permit issued. All ~~such~~ fees for permits issued by the commissioner of transportation ~~shall~~

40.1 must be deposited in the state treasury and credited to the trunk highway fund. Except
40.2 for those annual permits for which the permit fees are specified elsewhere in this chapter,
40.3 the fees ~~shall be~~ are:

40.4 (a) \$15 for each single trip permit.

40.5 (b) \$36 for each job permit. A job permit may be issued for like loads carried on
40.6 a specific route for a period not to exceed two months. "Like loads" means loads of the
40.7 same product, weight, and dimension.

40.8 (c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive
40.9 months. Annual permits may be issued for:

40.10 (1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety
40.11 or well-being of the public;

40.12 (2) motor vehicles ~~which~~ that travel on interstate highways and carry loads
40.13 authorized under subdivision 1a;

40.14 (3) motor vehicles operating with gross weights authorized under section 169.826,
40.15 subdivision 1a;

40.16 (4) special pulpwood vehicles described in section 169.863;

40.17 (5) motor vehicles bearing snowplow blades not exceeding ten feet in width;

40.18 (6) noncommercial transportation of a boat by the owner or user of the boat;

40.19 (7) motor vehicles carrying bales of agricultural products authorized under section
40.20 169.862; and

40.21 (8) special milk-hauling vehicles authorized under section 169.867.

40.22 (d) \$120 for an oversize annual permit to be issued for a period not to exceed 12
40.23 consecutive months. Annual permits may be issued for:

40.24 (1) mobile cranes;

40.25 (2) construction equipment, machinery, and supplies;

40.26 (3) manufactured homes and manufactured storage buildings;

40.27 (4) implements of husbandry;

40.28 (5) double-deck buses;

40.29 (6) commercial boat hauling and transporting waterfront structures, including but
40.30 not limited to portable boat docks and boat lifts;

40.31 (7) three-vehicle combinations consisting of two empty, newly manufactured trailers
40.32 for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however,
40.33 the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer
40.34 only while operating on twin-trailer routes designated under section 169.81, subdivision 3,
40.35 paragraph (c); and

41.1 (8) vehicles operating on that portion of marked Trunk Highway 36 described in
 41.2 section 169.81, subdivision 3, paragraph (e).

41.3 (e) For vehicles ~~which~~ that have axle weights exceeding the weight limitations of
 41.4 sections 169.823 to 169.829, an additional cost added to the fees listed above. However,
 41.5 this paragraph applies to any vehicle described in section 168.013, subdivision 3,
 41.6 paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in
 41.7 that paragraph, and then the additional cost is for all weight, including the allowance
 41.8 weight, in excess of the permitted maximum axle weight. The additional cost is equal
 41.9 to the product of the distance traveled times the sum of the overweight axle group cost
 41.10 factors shown in the following chart:

41.11 Overweight Axle Group Cost Factors

41.12 Weight (pounds)	41.12 Cost Per Mile For Each Group Of:		
41.13 exceeding weight	41.13 Two	41.13 Three	
41.14 limitations on axles	41.14 consecutive	41.14 consecutive	
	41.15 axles spaced	41.15 axles spaced	41.15 Four consecutive
	41.16 within 8 feet	41.16 within 9 feet	41.16 axles spaced within
	41.17 or less	41.17 or less	41.17 14 feet or less
41.18 0-2,000	41.18 .12	41.18 .05	41.18 .04
41.19 2,001-4,000	41.19 .14	41.19 .06	41.19 .05
41.20 4,001-6,000	41.20 .18	41.20 .07	41.20 .06
41.21 6,001-8,000	41.21 .21	41.21 .09	41.21 .07
41.22 8,001-10,000	41.22 .26	41.22 .10	41.22 .08
41.23 10,001-12,000	41.23 .30	41.23 .12	41.23 .09
41.24 12,001-14,000	41.24 Not 41.25 permitted	41.24 .14	41.24 .11
41.26 14,001-16,000	41.26 Not 41.27 permitted	41.26 .17	41.26 .12
41.28 16,001-18,000	41.28 Not 41.29 permitted	41.28 .19	41.28 .15
41.30 18,001-20,000	41.30 Not 41.31 permitted	41.30 Not 41.31 permitted	41.30 .16
41.32 20,001-22,000	41.32 Not 41.33 permitted	41.32 Not 41.33 permitted	41.32 .20

41.34 The amounts added are rounded to the nearest cent for each axle or axle group. The
 41.35 additional cost does not apply to paragraph (c), clauses (1) and (3).

41.36 For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile
 41.37 fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed
 41.38 in addition to the normal permit fee. Miles must be calculated based on the distance
 41.39 already traveled in the state plus the distance from the point of detection to a transportation
 41.40 loading site or unloading site within the state or to the point of exit from the state.

42.1 (f) As an alternative to paragraph (e), an annual permit may be issued for overweight,
 42.2 or oversize and overweight, mobile cranes; construction equipment, machinery, and
 42.3 supplies; implements of husbandry; and commercial boat hauling. The fees for the permit
 42.4 are as follows:

42.5	Gross Weight (pounds) of Vehicle	Annual Permit Fee
42.6	90,000 or less	\$200
42.7	90,001 - 100,000	\$300
42.8	100,001 - 110,000	\$400
42.9	110,001 - 120,000	\$500
42.10	120,001 - 130,000	\$600
42.11	130,001 - 140,000	\$700
42.12	140,001 - 145,000	\$800
42.13	<u>145,001 - 155,000</u>	<u>\$900</u>

42.14 If the gross weight of the vehicle is more than ~~145,000~~ 155,000 pounds the permit fee is
 42.15 determined under paragraph (e).

42.16 (g) For vehicles which exceed the width limitations set forth in section 169.80 by
 42.17 more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a)
 42.18 when the permit is issued while seasonal load restrictions pursuant to section 169.87 are
 42.19 in effect.

42.20 (h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for
 42.21 refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on
 42.22 a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828,
 42.23 subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000
 42.24 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000
 42.25 pounds.

42.26 (i) \$300 for a motor vehicle described in section 169.8261. The fee under this
 42.27 paragraph must be deposited ~~as follows:~~

42.28 ~~(1) in fiscal years 2005 through 2010:~~

42.29 ~~(i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund
 42.30 for costs related to administering the permit program and inspecting and posting bridges;~~

42.31 ~~(ii) all remaining money in each fiscal year must be deposited in a bridge inspection
 42.32 and signing account in the special revenue fund. Money in the account is appropriated
 42.33 to the commissioner for:~~

42.34 ~~(A) inspection of local bridges and identification of local bridges to be posted,
 42.35 including contracting with a consultant for some or all of these functions; and~~

42.36 ~~(B) erection of weight-posting signs on local bridges; and~~

43.1 ~~(2)~~ in fiscal year 2011 and subsequent years ~~must be deposited~~ in the trunk highway
43.2 fund.

43.3 (j) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating
43.4 under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

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

43.6 Sec. 51. Minnesota Statutes 2010, section 169.99, subdivision 1b, is amended to read:

43.7 Subd. 1b. **Speed.** The uniform traffic ticket must provide a blank or space wherein
43.8 an officer who issues a citation for a violation of a speed limit of 55 or 60 miles per
43.9 hour must specify whether the speed was greater than ten miles per hour in excess of a
43.10 ~~55 miles per hour speed limit, or more than five miles per hour in excess of a 60 miles~~
43.11 ~~per hour~~ the speed limit.

43.12 Sec. 52. Minnesota Statutes 2010, section 169A.54, subdivision 1, is amended to read:

43.13 Subdivision 1. **Revocation periods for DWI convictions.** Except as provided in
43.14 subdivision 7, the commissioner shall revoke the driver's license of a person convicted
43.15 of violating section 169A.20 (driving while impaired) or an ordinance in conformity
43.16 with it, as follows:

43.17 (1) not less than 30 days for an offense under section 169A.20, subdivision 1
43.18 (driving while impaired crime), ~~not less than 30 days;~~

43.19 (2) not less than 90 days for an offense under section 169A.20, subdivision 2 (refusal
43.20 to submit to chemical test crime), ~~not less than 90 days;~~

43.21 (3) not less than one year for:

43.22 (i) an offense occurring within ten years of a qualified prior impaired driving
43.23 incident, ~~or;~~

43.24 (ii) an offense occurring after two qualified prior impaired driving incidents, ~~not~~
43.25 ~~less than one year,~~ or if

43.26 (iii) an offense occurring when a person has an alcohol concentration of twice the
43.27 legal limit or more as measured at the time, or within two hours of the time, of the offense
43.28 and the person has no qualified prior impaired driving incident within ten years;

43.29 (4) not less than two years for an offense occurring under clause (3), item (i) or (ii),
43.30 and the test results indicate an alcohol concentration of twice the legal limit or more,
43.31 ~~not less than two years~~ and until the court has certified that treatment or rehabilitation
43.32 has been successfully completed where prescribed in accordance with section 169A.70
43.33 (chemical use assessments);

44.1 ~~(4)~~ (5) not less than three years for an offense occurring within ten years of the
44.2 first of two qualified prior impaired driving incidents or occurring after three qualified
44.3 prior impaired driving incidents, ~~not less than three years, together and~~ with denial under
44.4 section 171.04, subdivision 1, clause (10), until rehabilitation is established according to
44.5 standards established by the commissioner; and

44.6 ~~(5)~~ (6) not less than four years for an offense occurring within ten years of the first of
44.7 three qualified prior impaired driving incidents, ~~not less than four years, together and~~ with
44.8 denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established
44.9 according to standards established by the commissioner; or

44.10 ~~(6)~~ (7) not less than six years for an offense occurring after four or more qualified
44.11 prior impaired driving incidents, ~~not less than six years, together and~~ with denial under
44.12 section 171.04, subdivision 1, clause (10), until rehabilitation is established according to
44.13 standards established by the commissioner.

44.14 **EFFECTIVE DATE.** This section is effective July 1, 2011.

44.15 Sec. 53. Minnesota Statutes 2010, section 169A.54, subdivision 6, is amended to read:

44.16 Subd. 6. **Applicability of implied consent revocation.** (a) Any person whose
44.17 license has been revoked pursuant to section 169A.52 (license revocation for test failure
44.18 or refusal) as the result of the same incident, and who does not have a qualified prior
44.19 impaired driving incident, is subject to the mandatory revocation provisions of subdivision
44.20 1, clause (1) or (2), in lieu of the mandatory revocation provisions of section 169A.52.

44.21 (b) Paragraph (a) does not apply to:

44.22 (1) a person whose license has been revoked under subdivision 2 (driving while
44.23 impaired by person under age 21); or

44.24 (2) a person whose driver's license has been revoked for, or who is charged with,
44.25 (i) an alcohol concentration of twice the legal limit or more as measured at the time, or
44.26 within two hours, of the time of the offense; or (ii) a violation of section 169A.20 (driving
44.27 while impaired) with an aggravating factor described in section 169A.03, subdivision
44.28 3, clause ~~(2)~~ or (3).

44.29 **EFFECTIVE DATE.** This section is effective July 1, 2011.

44.30 Sec. 54. Minnesota Statutes 2010, section 171.03, is amended to read:

44.31 **171.03 PERSONS EXEMPT.**

44.32 The following persons are exempt from license hereunder:

45.1 (a) A person in the employ or service of the United States federal government is
45.2 exempt while driving or operating a motor vehicle owned by or leased to the United
45.3 States federal government.

45.4 (b) A person in the employ or service of the United States federal government is
45.5 exempt from the requirement to possess a valid class A, class B, or class C commercial
45.6 driver's license while driving or operating for military purposes a commercial motor
45.7 vehicle for the United States federal government if the person is:

45.8 (1) on active duty in the U. S. Coast Guard;

45.9 (2) on active duty in a branch of the U. S. armed forces, which includes the Army,
45.10 Air Force, Navy, and Marine Corps;

45.11 (3) a member of a reserve component of the U. S. armed forces; or

45.12 (4) on active duty in the Army National Guard or Air National Guard, which
45.13 includes (i) a member on full-time National Guard duty, (ii) a member undergoing
45.14 part-time National Guard training, and (iii) a National Guard military technician, who is a
45.15 civilian required to wear a military uniform.

45.16 The exemption provided under this paragraph does not apply to a U. S. armed forces
45.17 reserve technician.

45.18 (c) Any person while driving or operating any farm tractor or implement of
45.19 husbandry temporarily on a highway is exempt. For purposes of this section, an all-terrain
45.20 vehicle, as defined in section 84.92, subdivision 8, an off-highway motorcycle, as defined
45.21 in section 84.787, subdivision 7, and an off-road vehicle, as defined in section 84.797,
45.22 subdivision 7, are not implements of husbandry.

45.23 (d) A nonresident who is at least 15 years of age and who has in immediate
45.24 possession a valid driver's license issued to the nonresident in the home state or country
45.25 may operate a motor vehicle in this state only as a driver.

45.26 (e) A nonresident who has in immediate possession a valid commercial driver's
45.27 license issued by a state or jurisdiction in accordance with the standards of Code of
45.28 Federal Regulations, title 49, part 383, and who is operating in Minnesota the class of
45.29 commercial motor vehicle authorized by the issuing state or jurisdiction is exempt.

45.30 (f) Any nonresident who is at least 18 years of age, whose home state or country does
45.31 not require the licensing of drivers may operate a motor vehicle as a driver, but only for a
45.32 period of not more than 90 days in any calendar year, if the motor vehicle so operated is
45.33 duly registered for the current calendar year in the home state or country of the nonresident.

45.34 (g) Any person who becomes a resident of the state of Minnesota and who has in
45.35 possession a valid driver's license issued to the person under and pursuant to the laws of
45.36 some other state or jurisdiction or by military authorities of the United States may operate

46.1 a motor vehicle as a driver, but only for a period of not more than 60 days after becoming
 46.2 a resident of this state, without being required to have a Minnesota driver's license as
 46.3 provided in this chapter.

46.4 (h) Any person who becomes a resident of the state of Minnesota and who has in
 46.5 possession a valid commercial driver's license issued by another state or jurisdiction in
 46.6 accordance with the standards of Code of Federal Regulations, title 49, part 383, is exempt
 46.7 for not more than 30 days after becoming a resident of this state.

46.8 (i) Any person operating a snowmobile, as defined in section 84.81, is exempt.

46.9 (j) A railroad operator, as defined in section 169.035, subdivision 4, paragraph (a),
 46.10 is exempt while operating a railroad locomotive or train, or on-track equipment while
 46.11 being operated upon rails. This exemption includes operation while crossing a street or
 46.12 highway, whether public or private.

46.13 Sec. 55. Minnesota Statutes 2010, section 171.05, subdivision 2, is amended to read:

46.14 Subd. 2. **Person less than 18 years of age.** (a) Notwithstanding any provision
 46.15 in subdivision 1 to the contrary, the department may issue an instruction permit to an
 46.16 applicant who is 15, 16, or 17 years of age and who:

46.17 (1) has completed a course of driver education in another state, has a previously
 46.18 issued valid license from another state, or ~~is enrolled in either:~~

46.19 (i) the applicant is enrolled in behind-the-wheel training in a public, private, or
 46.20 commercial driver education program that utilizes simulation or behind-the-wheel
 46.21 instruction and that is approved by the commissioner of public safety; and

46.22 (ii) the applicant:

46.23 (A) has successfully completed the classroom phase of instruction in a public,
 46.24 private, or commercial driver education program that is approved by the commissioner of
 46.25 public safety and that includes classroom and behind-the-wheel training; or

46.26 ~~(ii) an approved behind-the-wheel driver education program;~~

46.27 (B) has successfully completed home-school driver training, when the student is
 46.28 receiving full-time instruction in a home school within the meaning of sections 120A.22
 46.29 and 120A.24, the student is working toward a ~~homeschool~~ home-school diploma,
 46.30 the student's status as a ~~homeschool~~ home-school student has been certified by the
 46.31 superintendent of the school district in which the student resides, and the ~~student is~~
 46.32 ~~taking home-classroom driver training with~~ classroom materials are approved by the
 46.33 commissioner of public safety;

46.34 (C) has completed an Internet-based theory driver education program that is
 46.35 approved by the commissioner of public safety; or

47.1 (D) concurrent to the instruction under item (i), is enrolled in the classroom phase of
47.2 instruction in a public, private, or commercial driver education program that is approved
47.3 by the commissioner of public safety, and completes 15 hours of classroom instruction and
47.4 one behind-the-wheel lesson with an instructor;

47.5 ~~(2) has completed the classroom phase of instruction in the driver education program;~~

47.6 ~~(3) (2) has passed a test of the applicant's eyesight;~~

47.7 ~~(4) (3) has passed a department-administered test of the applicant's knowledge~~
47.8 ~~of traffic laws;~~

47.9 ~~(5) (4) has completed the required application, which must be approved by (i) either~~
47.10 ~~parent when both reside in the same household as the minor applicant or, if otherwise,~~
47.11 ~~then (ii) the parent or spouse of the parent having custody or, in the event there is no court~~
47.12 ~~order for custody, then (iii) the parent or spouse of the parent with whom the minor is~~
47.13 ~~living or, if items (i) to through (iii) do not apply, then (iv) the guardian having custody of~~
47.14 ~~the minor, (v) the foster parent or the director of the transitional living program in which~~
47.15 ~~the child resides or, in the event a person under the age of 18 has no living father, mother,~~
47.16 ~~or guardian, then (v) the foster parent or the director of the transitional living program~~
47.17 ~~in which the child resides or, if items (i) through (v) do not apply or the minor applicant~~
47.18 ~~is married or otherwise legally emancipated, then (vi) the applicant's adult spouse, adult~~
47.19 ~~close family member, or adult employer; provided, that the approval required by this~~
47.20 ~~clause contains a verification of the age of the applicant and the identity of the parent,~~
47.21 ~~guardian, foster parent, program director, adult spouse, adult close family member, or~~
47.22 ~~adult employer; and~~

47.23 ~~(6) (5) has paid the fee all fees required in section 171.06, subdivision 2.~~

47.24 (b) The instruction permit is valid for two years from the date of application and
47.25 may be renewed upon payment of a fee equal to the fee for issuance of an instruction
47.26 permit under section 171.06, subdivision 2.

47.27 (c) A provider of an Internet-based theory driver education program approved by
47.28 the commissioner shall issue a certificate of completion to each person who successfully
47.29 completes the program. The commissioner shall furnish numbered certificate forms to
47.30 approved providers who shall pay the commissioner a fee of \$2 for each certificate. The
47.31 commissioner shall deposit proceeds of the fee in the driver services operating account in
47.32 the special revenue fund. The commissioner shall terminate the fee when the department
47.33 has fully recovered its costs to implement Internet driver education under this section.
47.34 Proceeds from the fee under this paragraph are annually appropriated to the commissioner
47.35 from the driver services operating account for administrative costs to implement Internet
47.36 driver education.

48.1 Sec. 56. Minnesota Statutes 2010, section 171.06, subdivision 2, is amended to read:

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

48.4	Classified Driver's License	D-\$22.25	C-\$26.25	B-\$33.25	A-\$41.25
48.5	Classified Under-21 D.L.	D-\$22.25	C-\$26.25	B-\$33.25	A-\$21.25
48.6	Enhanced Driver's License	D-\$37.25	C-\$41.25	B-\$48.25	A-\$56.25
48.7	Instruction Permit				\$10.25
48.8	Enhanced Instruction				
48.9	Permit				\$25.25
48.10	Provisional License				\$13.25
48.11	Enhanced Provisional				
48.12	License				\$28.25
48.13	Duplicate License or				
48.14	duplicate identification				
48.15	card				\$11.75
48.16	Enhanced Duplicate				
48.17	License or enhanced				
48.18	duplicate identification				
48.19	card				\$26.75
48.20	Minnesota identification				
48.21	card or Under-21				
48.22	Minnesota identification				
48.23	card, other than duplicate,				
48.24	except as otherwise				
48.25	provided in section 171.07,				
48.26	subdivisions 3 and 3a				\$16.25
48.27	Enhanced Minnesota				
48.28	identification card				\$31.25

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

48.33 (b) Notwithstanding paragraph (a), an individual who holds a provisional license and
48.34 has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33,
48.35 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving
48.36 violations, and (3) convictions for moving violations that are not crash related, shall have a
48.37 \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation"
48.38 has the meaning given it in section 171.04, subdivision 1.

48.39 (c) In addition to the driver's license fee required under paragraph (a), the
48.40 commissioner shall collect an additional \$4 processing fee from each new applicant
48.41 or individual renewing a license with a school bus endorsement to cover the costs for
48.42 processing an applicant's initial and biennial physical examination certificate. The

49.1 department shall not charge these applicants any other fee to receive or renew the
49.2 endorsement.

49.3 (d) In addition to the instruction permit fee required under paragraph (a), the
49.4 commissioner shall collect an additional \$5 program implementation fee from an applicant
49.5 who is enrolled in concurrent driver education instruction as provided in section 171.05,
49.6 subdivision 2, paragraph (a), clause (1)(ii)(D). The commissioner shall terminate the fee
49.7 under this paragraph when the department has fully recovered its costs to implement
49.8 concurrent classroom phase and behind-the-wheel instruction under section 171.05.
49.9 The commissioner shall deposit proceeds of the fee in the driver services operating
49.10 account in the special revenue fund. Proceeds from the fee under this paragraph are
49.11 annually appropriated to the commissioner from the driver services operating account for
49.12 administrative costs to implement concurrent driver education.

49.13 (e) An application for a Minnesota identification card, instruction permit, provisional
49.14 license, or driver's license, including an application for renewal, must contain a provision
49.15 that allows the applicant to add to the fee under paragraph (a), a \$2 donation for the
49.16 purposes of public information and education on anatomical gifts under section 171.075.

49.17 Sec. 57. Minnesota Statutes 2010, section 171.061, subdivision 4, is amended to read:

49.18 Subd. 4. **Fee; equipment.** (a) The agent may charge and retain a filing fee of \$5 for
49.19 each application. Except as provided in paragraph ~~(b)~~ (c), the fee shall cover all expenses
49.20 involved in receiving, accepting, or forwarding to the department the applications and
49.21 fees required under sections 171.02, subdivision 3; 171.06, subdivisions 2 and 2a; and
49.22 171.07, subdivisions 3 and 3a.

49.23 (b) The statutory fees and the filing fees imposed under paragraph (a) may be paid
49.24 by credit card or debit card. The driver's license agent may collect a convenience fee on
49.25 the statutory fees and filing fees not greater than the cost of processing a credit card or
49.26 debit card transaction. The convenience fee must be used to pay the cost of processing
49.27 credit card and debit card transactions. The commissioner shall adopt rules to administer
49.28 this paragraph, using the exempt procedures of section 14.386, except that section 14.386,
49.29 paragraph (b), does not apply.

49.30 ~~(b)~~ (c) The department shall maintain the photo identification equipment for all
49.31 agents appointed as of January 1, 2000. Upon the retirement, resignation, death, or
49.32 discontinuance of an existing agent, and if a new agent is appointed in an existing office
49.33 pursuant to Minnesota Rules, chapter 7404, and notwithstanding the above or Minnesota
49.34 Rules, part 7404.0400, the department shall provide and maintain photo identification
49.35 equipment without additional cost to a newly appointed agent in that office if the office

50.1 was provided the equipment by the department before January 1, 2000. All photo
50.2 identification equipment must be compatible with standards established by the department.

50.3 ~~(e)~~ (d) A filing fee retained by the agent employed by a county board must be paid
50.4 into the county treasury and credited to the general revenue fund of the county. An
50.5 agent who is not an employee of the county shall retain the filing fee in lieu of county
50.6 employment or salary and is considered an independent contractor for pension purposes,
50.7 coverage under the Minnesota State Retirement System, or membership in the Public
50.8 Employees Retirement Association.

50.9 ~~(d)~~ (e) Before the end of the first working day following the final day of the
50.10 reporting period established by the department, the agent must forward to the department
50.11 all applications and fees collected during the reporting period except as provided in
50.12 paragraph ~~(e)~~ (d).

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

50.14 Sec. 58. Minnesota Statutes 2010, section 171.0701, is amended to read:

50.15 **171.0701 DRIVER EDUCATION CONTENT.**

50.16 **Subdivision 1. Driver education requirements.** (a) The commissioner shall adopt
50.17 rules requiring a minimum of 30 minutes of instruction, beginning January 1, 2007,
50.18 relating to organ and tissue donations and the provisions of section 171.07, subdivision
50.19 5, for persons enrolled in driver education programs offered at public schools, private
50.20 schools, and commercial driver training schools.

50.21 (b) The commissioner shall adopt rules for persons enrolled in driver education
50.22 programs offered at public schools, private schools, and commercial driver training
50.23 schools, requiring inclusion in the course of instruction, by January 1, 2009, a section on
50.24 awareness and safe interaction with commercial motor vehicle traffic. The rules must
50.25 require classroom instruction and behind-the-wheel training that includes, but is not
50.26 limited to, truck stopping distances, proper distances for following trucks, identification of
50.27 truck blind spots, and avoidance of driving in truck blind spots.

50.28 (c) By January 1, 2012, the commissioner shall adopt rules for persons enrolled in
50.29 driver education programs offered at public schools, private schools, and commercial
50.30 driver training schools, requiring inclusion in the course of instruction of a section on
50.31 carbon monoxide poisoning. The instruction must include but is not limited to (1)
50.32 a description of the characteristics of carbon monoxide, (2) a review of the risks and
50.33 potential speed of death from carbon monoxide poisoning, and (3) specific suggestions
50.34 regarding vehicle idling practices.

51.1 Subd. 2. **Rulemaking.** The rules adopted by the commissioner under ~~paragraph~~
51.2 ~~(b) this section~~ are exempt from the rulemaking provisions of chapter 14. The rules are
51.3 subject to section 14.386, except that notwithstanding paragraph (b) of section 14.386, the
51.4 rules continue in effect until repealed or superseded by other law or rule.

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

51.6 Sec. 59. **[171.0703] INTERNET-BASED DRIVER EDUCATION.**

51.7 The commissioner shall include in administrative rules on Internet-based theory
51.8 driver education programs, a requirement that a program may offer no more than three
51.9 hours of instruction per day to a student.

51.10 Sec. 60. **[171.075] ANATOMICAL GIFTS.**

51.11 Subdivision 1. **Anatomical gift account.** An anatomical gift account is established
51.12 in the special revenue fund. The account consist of funds donated under sections 168.12,
51.13 subdivision 5, and 171.06, subdivision 2, and any other money donated, allotted,
51.14 transferred, or otherwise provided to the account. Money in the account is annually
51.15 appropriated to the commissioner for (1) grants under subdivision 2, and (2) administrative
51.16 expenses in implementing the donation and grant program.

51.17 Subd. 2. **Anatomical gift education grants.** (a) The commissioner shall make
51.18 grants to (1) a Minnesota organ procurement organization that is certified by the federal
51.19 Centers for Medicare and Medicaid Services; or (2) an entity that is a charitable entity
51.20 under section 501(c)(3) of the Internal Revenue Code, as defined in section 289A.02,
51.21 subdivision 7, and is dedicated to advocacy for organ, tissue, and eye donation.

51.22 (b) From a grant under this section, the recipient shall provide resources and
51.23 implement programs designed to increase the number of Minnesotans who register to
51.24 be organ, tissue, and eye donors.

51.25 Sec. 61. Minnesota Statutes 2010, section 171.12, subdivision 6, is amended to read:

51.26 Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph
51.27 (b), the department shall not keep on the record of a driver any conviction for a violation
51.28 of a speed limit of 55 or 60 miles per hour unless the violation consisted of a speed greater
51.29 than ten miles per hour in excess of a ~~55 miles per hour~~ the speed limit, ~~or more than five~~
51.30 ~~miles per hour in excess of a 60 miles per hour speed limit.~~

51.31 (b) This subdivision does not apply to (1) a violation that occurs in a commercial
51.32 motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial

52.1 driver's license, without regard to whether the violation was committed in a commercial
52.2 motor vehicle or another vehicle.

52.3 Sec. 62. Minnesota Statutes 2010, section 171.13, subdivision 1, is amended to read:

52.4 Subdivision 1. **Examination subjects and locations; provisions for color**

52.5 **blindness, disabled veterans.** (a) Except as otherwise provided in this section, the
52.6 commissioner shall examine each applicant for a driver's license by such agency as the
52.7 commissioner directs. This examination must include:

52.8 (1) a test of the applicant's eyesight;

52.9 (2) a test of the applicant's ability to read and understand highway signs regulating,
52.10 warning, and directing traffic;

52.11 (3) a test of the applicant's knowledge of (i) traffic laws; ~~knowledge of (ii) the effects~~
52.12 of alcohol and drugs on a driver's ability to operate a motor vehicle safely and legally,
52.13 and of the legal penalties and financial consequences resulting from violations of laws
52.14 prohibiting the operation of a motor vehicle while under the influence of alcohol or
52.15 drugs; ~~knowledge of (iii) railroad grade crossing safety; knowledge of (iv) slow-moving~~
52.16 vehicle safety; ~~knowledge of (v) laws relating to pupil transportation safety, including the~~
52.17 significance of school bus lights, signals, stop arm, and passing a school bus; ~~knowledge~~
52.18 ~~of (vi) traffic laws related to bicycles; and (vii) the circumstances and dangers of carbon~~
52.19 monoxide poisoning;

52.20 (4) an actual demonstration of ability to exercise ordinary and reasonable control
52.21 in the operation of a motor vehicle; and

52.22 (5) other physical and mental examinations as the commissioner finds necessary to
52.23 determine the applicant's fitness to operate a motor vehicle safely upon the highways;
52.24 ~~provided, further however,~~

52.25 (b) Notwithstanding paragraph (a), no driver's license ~~shall~~ may be denied an
52.26 applicant on the exclusive grounds that the applicant's eyesight is deficient in color
52.27 perception. ~~Provided, however, that~~ War veterans operating motor vehicles especially
52.28 equipped for disabled persons, ~~shall~~, if otherwise entitled to a license, must be granted
52.29 such license.

52.30 (c) The commissioner shall make provision for giving ~~these~~ the examinations under
52.31 this subdivision either in the county where the applicant resides or at a place adjacent
52.32 thereto reasonably convenient to the applicant.

52.33 **EFFECTIVE DATE.** This section is effective January 1, 2012.

53.1 Sec. 63. Minnesota Statutes 2010, section 171.13, is amended by adding a subdivision
53.2 to read:

53.3 Subd. 11. **Driver's manual; carbon monoxide.** The commissioner shall include in
53.4 each edition of the driver's manual published by the department after August 1, 2011, a
53.5 section that includes up-to-date lifesaving information on carbon monoxide poisoning.

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

53.7 Sec. 64. Minnesota Statutes 2010, section 171.27, is amended to read:

53.8 **171.27 EXPIRATION OF LICENSE; MILITARY EXCEPTION.**

53.9 (a) The expiration date for each driver's license, other than under-21 licenses, is the
53.10 birthday of the driver in the fourth year following the date of issuance of the license. The
53.11 birthday of the driver shall be as indicated on the application for a driver's license. A
53.12 license may be renewed on or before expiration or within one year after expiration upon
53.13 application, payment of the required fee, and passing the examination required of all
53.14 drivers for renewal. Driving privileges shall be extended or renewed on or preceding the
53.15 expiration date of an existing driver's license unless the commissioner believes that the
53.16 licensee is no longer qualified as a driver.

53.17 (b) The expiration date for each under-21 license shall be the 21st birthday of the
53.18 licensee. Upon the licensee attaining the age of 21 and upon the application, payment
53.19 of the required fee, and passing the examination required of all drivers for renewal, a
53.20 driver's license shall be issued unless the commissioner determines that the licensee is
53.21 no longer qualified as a driver.

53.22 (c) The expiration date for each provisional license is two years after the date of
53.23 application for the provisional license.

53.24 (d) Any valid Minnesota driver's license issued to a person then or subsequently ~~on~~
53.25 ~~active duty with~~ serving outside Minnesota in active military service, as defined in section
53.26 190.05, subdivision 5, in any branch or unit of the armed forces of the United States, or
53.27 the person's spouse, shall continue in full force and effect without requirement for renewal
53.28 ~~until 90 days after the date of the person's discharge from such service, provided that a~~
53.29 ~~spouse's license must be renewed if the spouse is residing within the state at the time~~
53.30 ~~the license expires or within 90 days after the spouse returns to Minnesota and resides~~
53.31 ~~within the state.~~ the date one year following the service member's separation or discharge
53.32 from active military service, and until the license holder's birthday in the fourth full year
53.33 following the person's most recent license renewal or, in the case of a provisional license,
53.34 until the person's birthday in the third full year following the renewal.

54.1 **EFFECTIVE DATE.** This section is effective July 1, 2011, and applies to
54.2 Minnesota drivers' licenses that are valid on or after that date.

54.3 Sec. 65. Minnesota Statutes 2010, section 171.30, subdivision 1, is amended to read:

54.4 Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited
54.5 license to the driver under the conditions in paragraph (b) in any case where a person's
54.6 license has been:

54.7 (1) suspended under section 171.18, 171.173, or 171.186;

54.8 (2) revoked, canceled, or denied under section:

54.9 (i) 169.792;

54.10 (ii) 169.797;

54.11 (iii) 169A.52:

54.12 (A) subdivision 3, paragraph (a), clause (1) or (2);

54.13 (B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section
54.14 171.306;

54.15 (C) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an
54.16 alcohol concentration of less than twice the legal limit;

54.17 (D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section
54.18 171.306;

54.19 (iv) 171.17; or

54.20 (v) 171.172; or

54.21 (3) revoked, canceled, or denied under section 169A.54:

54.22 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration
54.23 of less than twice the legal limit;

54.24 (ii) subdivision 1, clause (2);

54.25 (iii) subdivision 1, clause ~~(4)~~, (5), ~~or~~ (6), or (7), if in compliance with section
54.26 171.306; or

54.27 (iv) subdivision 2, if the person does not have a qualified prior impaired driving
54.28 incident as defined in section 169A.03, subdivision 22, on the person's record, and the test
54.29 results indicate an alcohol concentration of less than twice the legal limit.

54.30 (b) The following conditions for a limited license under paragraph (a) include:

54.31 (1) if the driver's livelihood or attendance at a chemical dependency treatment or
54.32 counseling program depends upon the use of the driver's license;

54.33 (2) if the use of a driver's license by a homemaker is necessary to prevent the
54.34 substantial disruption of the education, medical, or nutritional needs of the family of
54.35 the homemaker; or

55.1 (3) if attendance at a postsecondary institution of education by an enrolled student of
55.2 that institution depends upon the use of the driver's license.

55.3 (c) The commissioner in issuing a limited license may impose such conditions and
55.4 limitations as in the commissioner's judgment are necessary to the interests of the public
55.5 safety and welfare including reexamination as to the driver's qualifications. The license
55.6 may be limited to the operation of particular vehicles, to particular classes and times of
55.7 operation, and to particular conditions of traffic. The commissioner may require that an
55.8 applicant for a limited license affirmatively demonstrate that use of public transportation
55.9 or carpooling as an alternative to a limited license would be a significant hardship.

55.10 (d) For purposes of this subdivision:

55.11 (1) "homemaker" refers to the person primarily performing the domestic tasks in a
55.12 household of residents consisting of at least the person and the person's dependent child
55.13 or other dependents; and

55.14 (2) "twice the legal limit" means an alcohol concentration of two times the limit
55.15 specified in section 169A.20, subdivision 1, clause (5).

55.16 (e) The limited license issued by the commissioner shall clearly indicate the
55.17 limitations imposed and the driver operating under the limited license shall have the
55.18 license in possession at all times when operating as a driver.

55.19 (f) In determining whether to issue a limited license, the commissioner shall consider
55.20 the number and the seriousness of prior convictions and the entire driving record of the
55.21 driver and shall consider the number of miles driven by the driver annually.

55.22 (g) If the person's driver's license or permit to drive has been revoked under
55.23 section 169.792 or 169.797, the commissioner may only issue a limited license to the
55.24 person after the person has presented an insurance identification card, policy, or written
55.25 statement indicating that the driver or owner has insurance coverage satisfactory to
55.26 the commissioner of public safety. The commissioner of public safety may require
55.27 the insurance identification card provided to satisfy this subdivision be certified by the
55.28 insurance company to be noncancelable for a period not to exceed 12 months.

55.29 (h) The limited license issued by the commissioner to a person under section
55.30 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner
55.31 must not issue a limited license to a person who previously has been issued a limited
55.32 license under section 171.186, subdivision 4.

55.33 (i) The commissioner shall not issue a limited driver's license to any person
55.34 described in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

55.35 (j) The commissioner shall not issue a class A, class B, or class C limited license.

55.36 **EFFECTIVE DATE.** This section is effective July 1, 2011.

56.1 Sec. 66. Minnesota Statutes 2010, section 171.306, subdivision 4, is amended to read:

56.2 Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class
56.3 D driver's license, subject to the applicable limitations and restrictions of this section,
56.4 to a program participant who meets the requirements of this section and the program
56.5 guidelines. The commissioner shall not issue a license unless the program participant has
56.6 provided satisfactory proof that:

56.7 (1) a certified ignition interlock device has been installed on the participant's motor
56.8 vehicle at an installation service center designated by the device's manufacturer; and

56.9 (2) the participant has insurance coverage on the vehicle equipped with the ignition
56.10 interlock device. The commissioner shall require the participant to present an insurance
56.11 identification card, policy, or written statement as proof of insurance coverage, and may
56.12 require the insurance identification card provided be certified by the insurance company to
56.13 be noncancelable for a period not to exceed 12 months.

56.14 (b) A license issued under authority of this section must contain a restriction
56.15 prohibiting the program participant from driving, operating, or being in physical control of
56.16 any motor vehicle not equipped with a functioning ignition interlock device certified by
56.17 the commissioner. A participant may drive an employer-owned vehicle not equipped with
56.18 an interlock device while in the normal course and scope of employment duties pursuant
56.19 to the program guidelines established by the commissioner and with the employer's
56.20 written consent.

56.21 (c) A program participant whose driver's license has been revoked under section
56.22 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph
56.23 (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), ~~or (3)~~, or (4),
56.24 may apply for conditional reinstatement of the driver's license, subject to the ignition
56.25 interlock restriction.

56.26 (d) A program participant whose driver's license has been revoked, canceled, or
56.27 denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or
56.28 subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1,
56.29 clause ~~(4)~~, (5), ~~or (6)~~, or (7), may apply for a limited license, subject to the ignition
56.30 interlock restriction, if the program participant is enrolled in a licensed chemical
56.31 dependency treatment or rehabilitation program as recommended in a chemical use
56.32 assessment, and if the participant meets the other applicable requirements of section
56.33 171.30. After completing a licensed chemical dependency treatment or rehabilitation
56.34 program and one year of limited license use without violating the ignition interlock
56.35 restriction, the conditions of limited license use, or program guidelines, the participant
56.36 may apply for conditional reinstatement of the driver's license, subject to the ignition

57.1 interlock restriction. If the program participant's ignition interlock device subsequently
 57.2 registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall
 57.3 cancel the driver's license, and the program participant may apply for another limited
 57.4 license according to this paragraph.

57.5 (e) Notwithstanding any statute or rule to the contrary, the commissioner has
 57.6 authority to determine when a program participant is eligible for restoration of full driving
 57.7 privileges, except that the commissioner shall not reinstate full driving privileges until the
 57.8 program participant has met all applicable prerequisites for reinstatement under section
 57.9 169A.55 and until the program participant's device has registered no positive breath
 57.10 alcohol concentrations of 0.02 or higher during the preceding 90 days.

57.11 **EFFECTIVE DATE.** This section is effective July 1, 2011.

57.12 Sec. 67. Minnesota Statutes 2010, section 174.02, is amended by adding a subdivision
 57.13 to read:

57.14 **Subd. 9. Alternative financing and investment in transportation projects.** (a)
 57.15 The commissioner may enter into agreements with governmental or nongovernmental
 57.16 entities, including private and nonprofit entities, to finance or invest in transportation
 57.17 projects, including repayment agreements, subject to (1) the availability of state money
 57.18 or other dedicated revenue or resources and (2) the approval of the commissioner of
 57.19 management and budget.

57.20 (b) The commissioner shall submit to the chairs and ranking minority members of
 57.21 the legislative committees having jurisdiction over transportation policy and finance,
 57.22 a listing of all agreements executed under this subdivision. The listing must identify
 57.23 each agreement, the contracting entities, contract amount, duration, and any repayment
 57.24 requirements. The listing may be submitted electronically, and is subject to section 3.195,
 57.25 subdivision 1.

57.26 (c) The commissioner may only use the authority granted under this subdivision
 57.27 for one pilot project.

57.28 Sec. 68. Minnesota Statutes 2010, section 174.56, is amended to read:

57.29 **174.56 REPORT ON MAJOR HIGHWAY PROJECTS AND TRUNK**
 57.30 **HIGHWAY FUND EXPENDITURES.**

57.31 Subdivision 1. **Report required.** (a) The commissioner of transportation shall
 57.32 submit a report ~~on January 15, 2009, and on January~~ by December 15 of each year
 57.33 ~~thereafter~~, on (1) the status of major highway projects completed during the previous two

58.1 years or under construction or planned during the year of the report and for the ensuing 15
58.2 years; and (2) trunk highway fund expenditures.

58.3 (b) For purposes of this section, a "major highway project" is a highway project that
58.4 has a total cost for all segments that the commissioner estimates at the time of the report to
58.5 be at least (1) ~~\$25,000,000~~ \$15,000,000 in the metropolitan highway construction district,
58.6 or (2) ~~\$10,000,000~~ \$5,000,000 in any nonmetropolitan highway construction district.

58.7 **Subd. 2. Report contents; major highway projects.** For each major highway
58.8 project the report must include:

58.9 (1) a description of the project sufficient to specify its scope and location;

58.10 (2) a history of the project, including, but not limited to, previous official actions
58.11 by the department or the appropriate area transportation partnership, or both, the date on
58.12 which the project was first included in the state transportation improvement plan, the cost
58.13 of the project at that time, the planning estimate for the project, the engineer's estimate, the
58.14 award price and the final cost as of six months after substantial completion, including any
58.15 supplemental agreements and cost overruns or cost savings, the dates of environmental
58.16 approval, the dates of municipal approval, the date of final geometric layout, and the date
58.17 of establishment of any construction limits;

58.18 (3) the project's priority listing or rank within its construction district, if any, as
58.19 well as the reasons for that listing or rank, the criteria used in prioritization or rank, any
58.20 changes in that prioritization or rank since the project was first included in a department
58.21 work plan, and the reasons for those changes; ~~and~~

58.22 (4) past and potential future reasons for delay in letting or completing the project,
58.23 details of all project cost changes that exceed \$500,000, and specific modifications to the
58.24 overall program that are made as a result of delays and project cost changes;

58.25 (5) two representative trunk highway construction projects, one each from the
58.26 department's metropolitan district and from greater Minnesota, and for each project report
58.27 the cost of environmental mitigation and compliance; and

58.28 (6) the annual budget for products and services for each Department of
58.29 Transportation district and office with comparison to actual spending and including
58.30 measures of productivity for the previous fiscal year.

58.31 **Subd. 2a. Report contents; trunk highway fund expenditures.** The commissioner
58.32 shall include in the report information on the total expenditures from the trunk highway
58.33 fund during the previous fiscal year, for each Department of Transportation district, in
58.34 the following categories: road construction; planning; design and engineering; labor;
58.35 compliance with environmental regulations; administration; acquisition of right-of-way,
58.36 including costs for attorney fees and other compensation for property owners; litigation

59.1 costs, including payment of claims, settlements, and judgments; maintenance; and road
59.2 operations.

59.3 Subd. 3. **Department resources.** The commissioner shall prepare and submit the
59.4 report with existing department staff and resources.

59.5 Sec. 69. Minnesota Statutes 2010, section 174.632, is amended to read:

59.6 **174.632 PASSENGER RAIL; COMMISSIONER'S DUTIES.**

59.7 (a) The planning, design, development, construction, operation, and maintenance of
59.8 passenger rail track, facilities, and services are governmental functions, serve a public
59.9 purpose, and are a matter of public necessity.

59.10 (b) The commissioner is responsible for all aspects of planning, designing,
59.11 developing, constructing, equipping, operating, and maintaining passenger rail, including
59.12 system planning, alternatives analysis, environmental studies, preliminary engineering,
59.13 final design, construction, negotiating with railroads, and developing financial and
59.14 operating plans.

59.15 (c) The commissioner may enter into a memorandum of understanding or agreement
59.16 with a public or private entity, including a regional railroad authority, a joint powers board,
59.17 and a railroad, to carry out these activities.

59.18 (d) A contract entered into under this section does not affect rights of employees
59.19 under the Federal Employers' Liability Act (Railroads), United States Code, title 45,
59.20 chapter 2, or the federal Railway Labor Act, United States Code, title 45, chapter 8.

59.21 Sec. 70. Minnesota Statutes 2010, section 174.80, is amended by adding a subdivision
59.22 to read:

59.23 Subd. 5. **Dan Patch line.** "Dan Patch line" means the commuter rail line between
59.24 Northfield and Minneapolis identified in the Metropolitan Council's transit 2020 master
59.25 plan as the Dan Patch line.

59.26 Sec. 71. Minnesota Statutes 2010, section 174.88, is amended by adding a subdivision
59.27 to read:

59.28 Subd. 3. **Dan Patch line.** The commissioner and a political subdivision, including
59.29 but not limited to the Metropolitan Council and regional rail authorities, may not expend
59.30 funds for specific study, planning, preliminary engineering, final design, or construction
59.31 of the Dan Patch line. Nothing in this subdivision prevents inclusion of the Dan Patch
59.32 line in analysis, planning, or study of commuter and passenger rail that is general or
59.33 statewide in nature.

60.1 Sec. 72. Minnesota Statutes 2010, section 221.0314, subdivision 3a, is amended to
60.2 read:

60.3 Subd. 3a. **Waiver for other medical condition.** (a) The commissioner may grant
60.4 a waiver to a person who is not physically qualified to drive under Code of Federal
60.5 Regulations, title 49, section 391.41, paragraph (b)(3) to (b)(13). A waiver granted under
60.6 this subdivision applies to intrastate transportation only.

60.7 (b) A person who wishes to obtain a waiver under this subdivision must give the
60.8 commissioner the following information:

60.9 (1) the applicant's name, address, and telephone number;

60.10 (2) the name, address, and telephone number of an employer coapplicant, if any;

60.11 (3) a description of the applicant's experience in driving the type of vehicle to be
60.12 operated under the waiver;

60.13 (4) a description of the type of driving to be done under the waiver;

60.14 (5) a description of any modifications to the vehicle the applicant intends to drive
60.15 under the waiver that are designed to accommodate the applicant's medical condition or
60.16 disability;

60.17 (6) whether the applicant has been granted another waiver under this subdivision;

60.18 (7) a copy of the applicant's current driver's license;

60.19 (8) a copy of a medical examiner's certificate showing that the applicant is medically
60.20 unqualified to drive unless a waiver is granted;

60.21 (9) a statement from the applicant's treating physician that includes:

60.22 (i) the extent to which the physician is familiar with the applicant's medical history;

60.23 (ii) a description of the applicant's medical condition for which a waiver is necessary;

60.24 (iii) assurance that the applicant has the ability and willingness to follow any course
60.25 of treatment prescribed by the physician, including the ability to self-monitor or manage
60.26 the medical condition; and

60.27 (iv) the physician's professional opinion that the applicant's condition will not
60.28 adversely affect the applicant's ability to operate a motor vehicle safely; and

60.29 (10) any other information considered necessary by the commissioner including
60.30 requiring a physical examination or medical report from a physician who specializes
60.31 in a particular field of medical practice.

60.32 (c) In granting a waiver under this subdivision, the commissioner may impose
60.33 conditions the commissioner considers necessary to ensure that an applicant is able to
60.34 operate a motor vehicle safely and that the safety of the general public is protected.

60.35 (d) A person who is granted a waiver under this subdivision must:

61.1 (1) at intervals specified in the waiver, give the commissioner periodic reports from
 61.2 the person's treating physician, or a medical specialist if the commissioner so requires in
 61.3 the waiver, that contain the information described in paragraph (b), clause (9), together
 61.4 with a description of any episode that involved the person's loss of consciousness or loss
 61.5 of ability to operate a motor vehicle safely; and

61.6 (2) immediately report the person's involvement in an accident for which a report is
 61.7 required under section 169.09, subdivision 7.

61.8 (e) The commissioner shall deny an application if, during the three years preceding
 61.9 the application:

61.10 (1) the applicant's driver's license has been suspended under section 171.18,
 61.11 paragraph (a), clauses (1) to (9), (11), and (12), canceled under section 171.14, or revoked
 61.12 under section 171.17, 171.172, or 171.174; ~~or~~

61.13 (2) the applicant has been convicted of a violation under section 171.24; or

61.14 ~~(2)~~ (3) the applicant has been convicted of a disqualifying offense, as defined in
 61.15 Code of Federal Regulations, title 49, section 383.51, paragraph (b), which is incorporated
 61.16 by reference.

61.17 (f) The commissioner may deny an application or may immediately revoke a
 61.18 waiver granted under this subdivision. Notice of the commissioner's reasons for denying
 61.19 an application or for revoking a waiver must be in writing and must be mailed to
 61.20 the applicant's or waiver holder's last known address by certified mail, return receipt
 61.21 requested. A person whose application is denied or whose waiver is revoked is entitled to
 61.22 a hearing under chapter 14.

61.23 (g) A waiver granted under this subdivision expires on the date of expiration shown
 61.24 on the medical examiner's certificate described in paragraph (b), clause (8).

61.25 Sec. 73. Minnesota Statutes 2010, section 222.50, subdivision 4, is amended to read:

61.26 Subd. 4. **Contract.** The commissioner may negotiate and enter into contracts for the
 61.27 purpose of rail service improvement and may incorporate funds available from the federal
 61.28 ~~rail service continuation program~~ government. The participants in these contracts shall be
 61.29 railroads, rail users, and the department, and may be political subdivisions of the state and
 61.30 the federal government. In such contracts, participation by all parties shall be voluntary.
 61.31 The commissioner may provide a portion of the money required to carry out the terms of
 61.32 any such contract by expenditure from the rail service improvement account.

61.33 Sec. 74. Minnesota Statutes 2010, section 222.51, is amended to read:

61.34 **222.51 PARTICIPATION BY POLITICAL SUBDIVISION.**

62.1 The governing body of any political subdivision of the state may with the approval
62.2 of the commissioner appropriate money for rail service improvement and may participate
62.3 in the state rail service improvement program and ~~the federal rail service continuation~~
62.4 ~~program programs.~~

62.5 Sec. 75. Minnesota Statutes 2010, section 222.53, is amended to read:

62.6 **222.53 ACCEPTANCE OF FEDERAL MONEY.**

62.7 The commissioner may exercise those powers necessary for the state to qualify
62.8 for, accept, and disburse any federal money ~~that may be made available pursuant to the~~
62.9 ~~provisions of the federal rail service continuation program~~, including the power to:

62.10 (1) establish an adequate plan for rail service in the state as part of an overall
62.11 planning process for all transportation services in the state, including a suitable process for
62.12 updating, revising, and amending the plan;

62.13 (2) administer and coordinate the plan with other state agencies, and provide for the
62.14 equitable distribution of resources;

62.15 (3) develop, promote, and support safe, adequate, and efficient rail transportation
62.16 services; employ qualified personnel; maintain adequate programs of investigation,
62.17 research, promotion, and development, with provisions for public participation; and take
62.18 all practical steps to improve transportation safety and reduce transportation-related
62.19 energy utilization and pollution;

62.20 (4) adopt and maintain adequate procedures for financial control, accounting, and
62.21 performance evaluation in order to assure proper use of state and federal money;

62.22 (5) do all things otherwise necessary to maximize federal assistance to the state
62.23 ~~under the federal rail service continuation program.~~

62.24 Sec. 76. Minnesota Statutes 2010, section 222.63, subdivision 9, is amended to read:

62.25 Subd. 9. **Rail bank property use; petty misdemeanors.** (a) Except for the actions
62.26 of road authorities and their agents, employees, and contractors, and of utilities, in carrying
62.27 out their duties imposed by permit, law, or contract, and except as otherwise provided in
62.28 this section, it is unlawful to perform any of the following activities on rail bank property:

62.29 (1) obstruct any trail;

62.30 (2) deposit snow or ice;

62.31 (3) remove or place any earth, vegetation, gravel, or rock without authorization;

62.32 (4) obstruct or remove any ditch-draining device, or drain any harmful or dangerous
62.33 materials;

63.1 (5) erect a fence, or place or maintain any advertising, sign, or memorial, except
 63.2 upon authorization by the commissioner of transportation;

63.3 (6) remove, injure, displace, or destroy right-of-way markers or reference or witness
 63.4 monuments or markers placed to preserve section or quarter-section corners defining
 63.5 rail bank property limits;

63.6 (7) drive upon any portion of rail bank property, except at approved crossings, and
 63.7 except where authorized for snowmobiles, emergency vehicles, maintenance vehicles, or
 63.8 other vehicles authorized to use rail bank property;

63.9 (8) deface, mar, damage, or tamper with any structure, work, material, sign, marker,
 63.10 paving, guardrail, drain, or any other rail bank appurtenance; ~~or~~

63.11 (9) park, overhang, or abandon any unauthorized vehicle or implement of husbandry
 63.12 on, across, or over the limits of rail bank property;

63.13 (10) plow, disc, or perform any other detrimental operation; or

63.14 (11) place or maintain any building or structure.

63.15 (b) Unless a greater penalty is provided elsewhere in statute, any violation of this
 63.16 subdivision is a ~~petty~~ misdemeanor.

63.17 (c) The cost to remove, repair, or perform any other corrective action necessitated by
 63.18 a violation of this subdivision may be charged to the violator.

63.19 Sec. 77. Laws 2009, chapter 59, article 3, section 4, as amended by Laws 2010, chapter
 63.20 197, section 1, is amended to read:

63.21 Sec. 4. **LICENSE REINSTATEMENT DIVERSION PILOT PROGRAM.**

63.22 Subdivision 1. **Establishment.** An eligible city or county may establish a license
 63.23 reinstatement diversion pilot program for holders of class D drivers' licenses who have
 63.24 been charged with violating Minnesota Statutes, section 171.24, subdivision 1 or 2, but
 63.25 have not yet entered a plea in the proceedings. An individual charged with driving
 63.26 after revocation under Minnesota Statutes, section 171.24, subdivision 2, is eligible for
 63.27 diversion only if the revocation was due to a violation of Minnesota Statutes, section
 63.28 169.791; 169.797; 169A.52; 169A.54; or 171.17, subdivision 1, paragraph (a), clause (6).
 63.29 An individual who is a holder of a commercial driver's license or who has committed an
 63.30 offense in a commercial motor vehicle is ineligible for participation in the diversion
 63.31 pilot program.

63.32 Subd. 2. **Eligible cities.** Each of the cities of Duluth, St. Paul, South St. Paul,
 63.33 West St. Paul, and Inver Grove Heights is eligible to establish the license reinstatement
 63.34 diversion pilot program within its city. The commissioner of public safety may permit

64.1 other cities or counties to establish license reinstatement diversion pilot programs within
64.2 their ~~cities~~ jurisdiction.

64.3 Subd. 3. **Contract.** Notwithstanding any law or ordinance to the contrary, an
64.4 eligible city or county may contract with a third party to create and administer the
64.5 diversion program.

64.6 Subd. 4. **Diversion of individual.** A prosecutor for a participating city or county
64.7 may determine whether to accept an individual for diversion, and in doing so shall
64.8 consider:

64.9 (1) whether the individual has a record of driving without a valid license or other
64.10 criminal record, or has previously participated in a diversion program;

64.11 (2) the strength of the evidence against the individual, along with any mitigating
64.12 factors; and

64.13 (3) the apparent ability and willingness of the individual to participate in the
64.14 diversion program and comply with its requirements.

64.15 Subd. 5. **Diversion driver's license.** (a) Notwithstanding any law to the contrary,
64.16 the commissioner of public safety may issue a diversion driver's license to a person who
64.17 is a participant in a pilot program for diversion, following receipt of an application and
64.18 payment of:

64.19 (1) the reinstatement fee under Minnesota Statutes, section 171.20, subdivision 4, by
64.20 a participant whose driver's license has been suspended;

64.21 (2) the reinstatement fee under Minnesota Statutes, section 171.29, subdivision 2,
64.22 paragraph (a), by a participant whose driver's license has been revoked under Minnesota
64.23 Statutes, section 169.791; 169.797; or 171.17, subdivision 1, paragraph (a), clause (6); or

64.24 (3) the reinstatement fee under Minnesota Statutes, section 171.29, subdivision 2,
64.25 paragraph (a), by a participant whose driver's license has been revoked under Minnesota
64.26 Statutes, section 169A.52 or 169A.54. The reinstatement fee and surcharge, both of which
64.27 are provided under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), also
64.28 must be paid during the course of, and as a condition of, the diversion program.

64.29 The diversion driver's license may bear restrictions imposed by the commissioner suitable
64.30 to the licensee's driving ability or other restrictions applicable to the licensee as the
64.31 commissioner may determine to be appropriate to assure the safe operation of a motor
64.32 vehicle by the licensee.

64.33 (b) Payments by participants in the diversion program of the reinstatement fee and
64.34 surcharge under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), must be
64.35 applied first toward payment of the reinstatement fee, and after the reinstatement fee has
64.36 been fully paid, toward payment of the surcharge. Each payment that is applied toward

65.1 the reinstatement fee must be credited as provided in Minnesota Statutes, section 171.29,
65.2 subdivision 2, paragraph (b), and each payment that is applied toward the surcharge must
65.3 be credited as provided in Minnesota Statutes, section 171.29, subdivision 2, paragraphs
65.4 (c) and (d). After the reinstatement fee and surcharge are satisfied, the participant must
65.5 pay the program participation fee.

65.6 Subd. 6. **Components of program.** (a) At a minimum, the diversion program
65.7 must require individuals to:

65.8 (1) successfully attend and complete, at the individual's expense, educational classes
65.9 that provide, among other things, information on drivers' licensure;

65.10 (2) pay, according to a schedule approved by the prosecutor, all required fees, fines,
65.11 and charges affecting the individual's driver's license status, including applicable statutory
65.12 license reinstatement fees and costs of participation in the program;

65.13 (3) comply with all traffic laws; and

65.14 (4) demonstrate compliance with vehicle insurance requirements.

65.15 (b) An individual who is accepted into the pilot program is eligible to apply for a
65.16 diversion driver's license.

65.17 Subd. 7. **Termination of participation in diversion program.** (a) An individual's
65.18 participation in the diversion program may terminate when:

65.19 (1) during participation in the program, the individual is guilty of a moving traffic
65.20 violation or failure to provide vehicle insurance;

65.21 (2) the third-party administrator of the diversion program informs the court and the
65.22 commissioner of public safety that the individual is no longer satisfying the conditions
65.23 of the diversion; or

65.24 (3) the third-party administrator informs the court, the prosecutor, and the
65.25 commissioner of public safety that the individual has met all conditions of the diversion
65.26 program, including, at a minimum, satisfactory fulfillment of the components in
65.27 subdivision 6, whereupon the court shall dismiss the charge or the prosecutor shall decline
65.28 to prosecute.

65.29 (b) Upon termination of an individual's participation in the diversion program, the
65.30 commissioner shall cancel the individual's diversion driver's license.

65.31 (c) The original charge against the individual of violation of Minnesota Statutes,
65.32 section 171.24, may be reinstated against an individual whose participation in the
65.33 diversion program terminates under paragraph (a), clause (1) or (2).

65.34 (d) The commissioner shall reinstate the driver's license of an individual whose
65.35 participation in the diversion program terminates under paragraph (a), clause (3).

66.1 Subd. 8. **Report.** (a) By February 1, ~~2011~~ 2013, the commissioner of public
 66.2 safety and each eligible city and county that participates in the diversion program shall
 66.3 report to the legislative committees with jurisdiction over transportation and the judiciary
 66.4 concerning the results of the program. The report must be made electronically and
 66.5 available in print only upon request. The report must include, without limitation, the
 66.6 effect of the program on:

66.7 (1) recidivism rates for participants in the diversion pilot program;

66.8 ~~(2) the number of unlicensed drivers who continue to drive in violation of Minnesota~~
 66.9 ~~Statutes, section 171.24;~~

66.10 ~~(3)~~ (2) payment of the fees and fines collected in the diversion pilot program to
 66.11 cities, counties, and the state;

66.12 ~~(4)~~ (3) educational support provided to participants in the diversion pilot program;

66.13 and

66.14 ~~(5)~~ (4) the total number of participants in the diversion pilot program and the
 66.15 number of participants who have terminated from the pilot program under subdivision 7,
 66.16 paragraph (a), clauses (1) to (3).

66.17 (b) The report must include recommendations regarding the future of the program
 66.18 and any necessary legislative changes.

66.19 Subd. 9. **Sunset.** A city or county participating in this pilot program may accept an
 66.20 individual for diversion into the pilot program until June 30, ~~2011~~ 2013. The third party
 66.21 administering the diversion program may collect and disburse fees collected pursuant to
 66.22 subdivision 6, paragraph (a), clause (2), through December 31, ~~2012~~ 2014, at which time
 66.23 the pilot program under this section expires.

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

66.25 Sec. 78. **ALTERNATIVE ROUTE ELECTION FOR HIGHWAY 53.**

66.26 By March 15, 2015, the commissioner of transportation, in consultation with the
 66.27 commissioner of natural resources and Cleveland Cliffs Mining Company or its successor,
 66.28 shall designate a route for that portion of marked Trunk Highway 53 in St. Louis County
 66.29 near the city of Virginia by electing either the route designated as "Alt. M-1" or the route
 66.30 designated as "Alt. M-2." Construction must begin no later than June 1, 2015.

66.31 Sec. 79. **VARIANCE; SEAPLANE BASE.**

66.32 The commissioner of transportation may grant a variance for Elbow Lake
 66.33 Municipal-Pride of the Prairie Airport, airport code Y63, to be licensed as a public

67.1 seaplane base on Flekkefjord Lake. The commissioner may establish conditions or
67.2 limitations as may be necessary.

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

67.4 Sec. 80. **REPORT ON ANATOMICAL GIFT ACCOUNT.**

67.5 The commissioner of public safety shall report to the chairs of the legislative
67.6 committees having jurisdiction over transportation policy and finance on the receipts and
67.7 expenditures under Minnesota Statutes, section 171.075. The commissioner shall submit
67.8 the report by February 1, 2013.

67.9 Sec. 81. **2012 AND 2013 REPORTS ON MAJOR HIGHWAY PROJECTS AND**
67.10 **TRUNK HIGHWAY FUND EXPENDITURES.**

67.11 For 2012 and 2013 reports required under Minnesota Statutes, section 174.56, the
67.12 commissioner shall include the results of evaluations of management systems currently
67.13 used by the Department of Transportation. The evaluations must specify the extent to
67.14 which the management of data in these systems is consistent with existing policies and
67.15 the need for statewide, reliable, and verifiable information. The evaluations must be
67.16 performed either by the department's office of internal audit or by an independent external
67.17 auditor. The 2012 report must include the evaluation of construction management systems
67.18 and the program and project management system. The 2013 report must include the
67.19 evaluation of pavement management systems and bridge management systems.

67.20 Sec. 82. **REVISOR'S INSTRUCTION.**

67.21 The revisor of statutes shall recodify Minnesota Statutes, section 171.13,
67.22 subdivisions 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j, 1k, and 1l, as Minnesota Statutes, section
67.23 171.0705. The revisor shall correct any cross-references made necessary by this
67.24 recodification.

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

67.26 Sec. 83. **REPEALER.**

67.27 (a) Minnesota Statutes 2010, section 161.115, subdivision 263, is repealed.
67.28 (b) Minnesota Statutes 2010, section 222.48, subdivision 3a, is repealed.
67.29 (c) Minnesota Statutes 2010, section 161.08, subdivision 2, is repealed.
67.30 (d) Minnesota Statutes 2010, section 168.012, subdivision 1b, is repealed.
67.31 (e) Laws 2009, chapter 393, section 85, is repealed.

68.1 (f) Minnesota Statutes 2010, section 169A.54, subdivision 5, is repealed.

68.2 (g) Laws 2008, chapter 350, article 1, section 5, the effective date, as amended by
68.3 Laws 2010, chapter 351, section 65, is repealed.

68.4 **EFFECTIVE DATE.** Paragraph (a) is effective the day after the commissioner of
68.5 transportation sends notice to the revisor of statutes electronically or in writing that the
68.6 conditions required to transfer the route have been satisfied. Paragraph (g) is effective
68.7 August 1, 2011.