

A bill for an act

relating to transportation; modifying or adding provisions related to geotechnical investigations before eminent domain proceedings, streets and highways, highway construction bids and training, town road abandonment, bridges, special mobile equipment, motor vehicle titles, motor vehicle transfers, flammable liquid definition, drivers' licenses and identification cards, traffic-control signals, transportation goals and mission, statewide transportation plan, transportation contracts, rail service improvement, use of rail bank property, towing, transit and paratransit, special transportation, small vehicle passenger service, transportation accessibility, transit ways and facilities, light rail transit, vehicle license plates, vehicle size and weight restrictions, vehicle load limits and permits, definition of full-size pickup truck, vehicle idle reduction technology, commercial vehicles and drivers, vehicle registration, insurance requirements for vehicles owned by charitable organizations, the Unified Carrier Registration Agreement, household goods movers, obsolete motor carrier laws and conforming changes, railroad company requirements, the position of state rail safety inspector, the Railroad Walkways Safety Act, and government contracts and best value procurement practices; requiring studies and reports; imposing penalties; making clarifying and technical changes; appropriating money; amending Minnesota Statutes 2006, sections 16C.02, by adding subdivisions; 16C.03, subdivision 3, by adding subdivisions; 16C.26; 16C.27, subdivision 1; 16C.28; 103D.811, subdivision 3; 103E.505, subdivision 5; 116A.13, subdivision 5; 117.041, by adding a subdivision; 123B.52, subdivision 1, by adding a subdivision; 160.02, subdivision 19, by adding a subdivision; 160.17, by adding a subdivision; 160.262, by adding a subdivision; 161.14, subdivision 18, by adding a subdivision; 161.32, subdivisions 1, 1b, 4, by adding a subdivision; 161.3412, subdivision 1; 161.38, subdivision 4; 164.06, subdivision 2; 165.01; 165.03; 168.011, subdivision 22; 168.013, subdivision 1e; 168.10, subdivisions 1a, 1b, 1c, 1d, 1g, 1h, 1i; 168.12, subdivisions 1, 2, 2a, 2b, 2c, 2d, 2e; 168A.05, subdivisions 3, 5; 168A.10, subdivision 1; 168A.101; 168A.151, subdivision 1; 168A.153; 168B.04, subdivision 2; 169.01, subdivisions 4c, 19, 20, 78, by adding a subdivision; 169.041, subdivisions 1, 2; 169.06, subdivision 5; 169.781; 169.782, subdivision 1; 169.783, subdivision 1; 169.81, subdivisions 2, 3c; 169.823, subdivision 1; 169.824, subdivisions 1, 2; 169.826, subdivisions 1a, 1b; 169.8261; 169.828, subdivision 2; 169.86, subdivisions 1a, 5, by adding a subdivision; 169.87, subdivision 4; 171.01, by adding a subdivision; 171.02, subdivision 1; 171.05, subdivision 2; 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.14; 174.01, subdivision 2; 174.02, subdivision 1a; 174.03, subdivision 1, by adding subdivisions; 174.24, subdivision 2a; 174.255, by

adding a subdivision; 174.29, by adding subdivisions; 174.30, subdivisions 4, 9; 174.64, subdivisions 2, 4; 174.66; 218.021, subdivision 1; 218.041, subdivision 6; 221.011, subdivision 8, by adding a subdivision; 221.025; 221.026; 221.031, subdivisions 1, 6; 221.0314, subdivision 9, by adding a subdivision; 221.033, subdivision 2d; 221.036, subdivisions 1, 3; 221.037, subdivision 1; 221.091, subdivision 2; 221.131; 221.132; 221.141, subdivisions 1, 4; 221.185; 221.221, subdivision 3; 221.231; 221.291, subdivision 4; 221.60, subdivision 1, by adding a subdivision; 222.50, subdivision 7; 222.63, subdivision 4, by adding a subdivision; 299F.60, subdivision 1; 299J.16, subdivision 1; 325F.665, by adding a subdivision; 365.37, by adding a subdivision; 374.13; 375.21, by adding a subdivision; 383C.094, by adding a subdivision; 412.311; 429.041, by adding a subdivision; 458D.21, by adding a subdivision; 469.015, by adding a subdivision; 469.068, subdivision 1, by adding a subdivision; 471.345, subdivision 5, by adding subdivisions; 473.1466; 473.166; 473.386, subdivisions 1, 2, 2a, 3; 473.399; 473.3993, subdivision 3; 473.3994; 473.3997; 473.4051; 473.523, by adding a subdivision; 473.756, subdivision 12; Laws 2005, First Special Session chapter 1, article 4, section 39; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 169; 174; 219; 221; 473; repealing Minnesota Statutes 2006, sections 168A.05, subdivision 5a; 174.65; 221.011, subdivisions 24, 25, 28, 29, 38, 41, 44, 45; 221.0252, subdivision 7; 221.072; 221.111; 221.121, subdivisions 1, 2, 3, 4, 5, 6, 6a, 6c, 6d, 6e, 6f, 7; 221.122; 221.123; 221.131, subdivisions 2a, 3; 221.141, subdivision 6; 221.151; 221.152; 221.153, subdivisions 1, 2; 221.161; 221.171; 221.172, subdivisions 3, 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8; 221.60, subdivisions 2, 3, 3a, 4, 5, 6; 221.601; 221.602; 325E.0951, subdivision 3a; 473.1465; 473.247; Laws 1999, chapter 230, section 44.

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

## ARTICLE 1

### TRANSPORTATION POLICY

Section 1. Minnesota Statutes 2006, section 117.041, is amended by adding a subdivision to read:

Subd. 3. **Geotechnical investigation before eminent domain proceedings.** (a) A state agency by order of the commissioner or a political subdivision by resolution may enter property for purposes of investigation, monitoring, testing, surveying, boring, or other similar activities necessary or appropriate to perform geotechnical investigations.

(b) At least ten days before entering the property, the state agency or political subdivision must serve notice on the property owner requesting permission to enter the property, stating the approximate time and purpose of the entry, and giving the owner the option of refusing entry. If the property owner refuses to consent to the entry, the state agency or political subdivision must apply for a court order authorizing the entry and the removal of any sample or portion from the property, giving notice of the court order to the property owner. The court shall issue an order if the state agency or political subdivision meets the standards in paragraph (a). Notices under this paragraph must be served in the same manner as a summons in a civil action.

(c) The state agency or political subdivision must not cause any unnecessary damage to the property and must compensate the property owner for any damages actually incurred as a result of the geotechnical investigations.

Sec. 2. Minnesota Statutes 2006, section 160.02, is amended by adding a subdivision to read:

Subd. 18a. **Expressway.** "Expressway" means a divided highway with partial control of access.

Sec. 3. Minnesota Statutes 2006, section 160.02, subdivision 19, is amended to read:

Subd. 19. **Freeway or expressway.** "Freeway" or "expressway" means a divided, controlled-access highway with four or more lanes full control of access.

Sec. 4. Minnesota Statutes 2006, section 161.14, subdivision 18, is amended to read:

Subd. 18. **Voyageur Highway.** The following route is named and designated the "Voyageur Highway":

(a) Beginning at a point on Trunk Highway No. 26 on the boundary line between the states of Minnesota and Iowa; thence northerly along Trunk Highway No. 26 to its junction with Trunk Highway No. 61; thence northwesterly along Trunk Highway No. 61 to its junction with Trunk Highway No. 10 in the city of St. Paul; thence extending in a general northwesterly direction along Trunk Highway No. 10 to its junction with Trunk Highway No. 371 at Little Falls; thence extending in a general northerly direction along Trunk Highway No. 371 to its junction with Trunk Highway No. 210 at Brainerd; thence northeasterly along Trunk Highway No. 210 to its junction with Trunk Highway No. 169 at Aitkin; thence in a general northerly direction along Trunk Highway No. 169 to its junction with Trunk Highway No. 2 at Grand Rapids; thence northwesterly along Trunk Highway No. 2 to its junction with Trunk Highway No. 71 at Bemidji; thence northeasterly along Trunk Highway No. 71 to its junction with Trunk Highway No. 11 at Pelland; thence northeasterly along Trunk Highway No. 11 to its junction with Trunk Highway No. 53 at International Falls; thence southeasterly along Trunk Highway No. 53 to its junction with ~~Trunk Highway No. 61~~ Central Entrance at Duluth; Beginning at a point on Trunk Highway No. 61 at its junction with Interstate Highway 35 and thence northeasterly along Trunk Highway No. 61 to the boundary line between the state of Minnesota and the province of Ontario, Canada.

(b) The route of the Voyageur Highway designated and described in clause (a) is supplemented by legs or alternative routes described as follows:

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Beginning at a point on Trunk Highway No. 1 at its junction with Trunk Highway No. 61 northerly of Silver Bay; thence northwesterly along Trunk Highway No. 1 to Ely; thence southwesterly along Trunk Highway No. 1 to its junction with Trunk Highway No. 169; thence southerly and westerly along Trunk Highway No. 169 to its junction with Trunk Highway No. 53, and there terminating.

Beginning at a point on Trunk Highway No. 11 at its junction with Trunk Highway No. 53 at International Falls; thence easterly along Trunk Highway No. 11 to its easterly terminus near Island View.

Beginning at a point on Trunk Highway No. 33 at its junction with Interstate Highway marked I-35 southerly of Cloquet, thence northerly along Trunk Highway No. 33 to its junction with Trunk Highway No. 53.

(c) The commissioner of transportation shall:

(1) adopt a suitable marking design of signs or informational plaques;

(2) effect the installation of such signs or plaques in public waysides or other public areas as approved and designated by the commissioner.

Sec. 5. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 57. **Walter F. Mondale Drive.** Trunk Highway marked 53 from its intersection with Superior Street to its intersection with Central Entrance in the city of Duluth, as signed on the effective date of this section, is designated "Walter F. Mondale Drive." Subject to section 161.139, the commissioner of transportation shall adopt a suitable marking design to mark this highway and erect appropriate signs.

Sec. 6. Minnesota Statutes 2006, section 161.32, subdivision 1, is amended to read:

Subdivision 1. **Advertisement for bids.** The commissioner may conduct the work or any part of the work incidental to the construction and maintenance of the trunk highways by labor employed to do the work or by contract. In cases of construction work, the commissioner shall first advertise for bids for contracts, and if no satisfactory bids are received, may either reject all bids and readvertise, or do the work by labor employed to do the work. Except as provided in subdivision 3 or 4, when work is to be done under contract, the commissioner shall advertise for bids once each week for three successive weeks prior to the date the bids are to be received. The advertisement for bids must be published ~~in a newspaper or other periodical of general circulation in the state and may be placed~~ on the Internet. The plans and specifications for the proposed work must be on file in the commissioner's office prior to the first call for bids.

Sec. 7. Minnesota Statutes 2006, section 161.32, subdivision 1b, is amended to read:

Subd. 1b. **Lowest responsible bidder; electronic bids.** Bidders may submit bids electronically in a form and manner required by the commissioner; however, the commissioner may require that all bids ~~of \$5,000,000 and over~~ for trunk highway contracts must be submitted electronically. Notwithstanding section 13.591, subdivision 3, or any other law or rule to the contrary, bids are not required to be opened and read in public if the commissioner publishes the public data specified by section 13.591, subdivision 3, on a state Web site immediately after the deadline for receipt of bids has passed. Bids for federal-aid highway projects must be conducted in accordance with Code of Federal Regulations, title 23, section 635. Trunk highway construction contracts, including design-build contracts, must be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the call for bids. The commissioner may decide which is the lowest responsible bidder for all contracts and may use the principles of life-cycle costing, when appropriate, in determining the lowest overall bid. Any or all bids may be rejected. When competitive bids are required and all bids are rejected, new bids, if solicited, must be called for as in the first instance, unless otherwise provided by law.

Sec. 8. Minnesota Statutes 2006, section 161.32, subdivision 4, is amended to read:

Subd. 4. **Trunk highways damaged by spring breakup.** Contracts may be let for the repair and restoration of trunk highways damaged by spring breakup upon advertisement for bids ~~and publication thereof in a newspaper or periodical of general circulation~~ for a period of one week prior to the date such bids are to be received, and upon the mailing of such advertisements to all contractors who have filed a written request therefor.

Sec. 9. **[161.3203] CONTRACTS FOR WORK, SUPPLIES, OR MATERIALS FOR TRUNK HIGHWAY.**

Subdivision 1. **Privatization transportation contracts.** For purposes of this section, "privatization transportation contract" means an enforceable agreement, or combination or series of agreements, by which a private contractor agrees with the commissioner of transportation to provide work, supplies, or materials (1) that is incidental to the construction or improvement of trunk highways, including but not limited to predesign, design, and preliminary engineering, or (2) for maintenance of trunk highways.

A privatization transportation contract does not include a design-build contract as defined in section 161.3410, subdivision 3.

Subd. 2. **Applicability.** This section applies to privatization transportation contracts in a total amount of \$25,000 or more. The requirements imposed by this section are in addition to, and do not supersede, the requirements of any other applicable section of law.

Subd. 3. **Review of contract costs.** (a) Before entering into a privatization transportation contract, the commissioner of transportation shall prepare a comprehensive written estimate of the cost of having the same work, supplies, or materials provided in the most cost-effective manner by agency employees. The cost estimate must include all costs of having agency employees provide the work, supplies, or materials, including the cost of pension, insurance, and other employee benefits. The cost estimate is nonpublic data, as defined in section 13.02, subdivision 9, until the day after the deadline for receipt of responses under paragraph (b), when it becomes public data.

(b) After soliciting and receiving responses, the commissioner shall publicly designate the responder to which it proposes to award the privatization contract. The commissioner shall prepare a comprehensive written estimate of the cost of the proposal based on the designated responder's bid, including the cost of a transition from public to private provision of the work, any additional unemployment and retirement benefits resulting from the transfer, and costs associated with monitoring the proposed contract. If the designated responder proposes to perform any or all of the desired services outside the state, the commissioner of transportation shall include in the cost estimate, as nearly as possible, any loss of sales and income tax revenue to the state. The cost estimate must not include trade secret data which is classified as nonpublic data under section 13.37, subdivision 2.

(c) Before entering into a privatization transportation contract for \$250,000 or more, the commissioner shall determine that:

(1) the cost estimated under paragraph (b) will be lower than the cost estimated under paragraph (a);

(2) the quality of the work, supplies, or materials to be provided by the designated responder is likely to equal or exceed the quality of services that could be provided by Department of Transportation employees; and

(3) the proposed privatization contract is in the public interest.

Subd. 4. **Reports.** The commissioner shall provide, no later than September 1, an annual written report to the legislature, in compliance with sections 3.195 and 3.197, and shall submit the report to the chairs of the senate and house of representatives committees having jurisdiction over transportation. The report must list all privatization transportation

contracts within the meaning of this section that were executed or performed, whether wholly or in part, in the previous fiscal year. The report must identify, with respect to each contract: the contractor; contract amount; duration; work, supplies, or materials provided or to be provided; the comprehensive estimate derived under subdivision 3, paragraph (a); the comprehensive estimate derived under subdivision 3, paragraph (b); the actual cost to the agency of the contractor's performance of the contract; and for contracts of at least \$250,000, a statement containing the commissioner's determinations under subdivision 3, paragraph (c).

Subd. 5. **Short title.** This section may be cited as the "Taxpayers' Transportation Accountability Act."

**EFFECTIVE DATE.** This section is effective August 1, 2007.

Sec. 10. Minnesota Statutes 2006, section 164.06, subdivision 2, is amended to read:

Subd. 2. **Extinguishing interest in abandoned road.** (a) After providing notice ~~under section 366.01, subdivision 8~~ as required in paragraph (c), the town board may by resolution disclaim and extinguish a town interest in a town road without action under subdivision 1 if:

- (1) the extinguishment is found by the town board to be in the public interest;
- (2) the interest is not a fee interest;
- (3) the interest was established more than 25 years earlier;
- (4) the interest is not recorded or filed with the county recorder;
- (5) no road improvement has been constructed on a right-of-way affected by the interest within the last 25 years; and
- (6) no road maintenance on a right-of-way affected by the interest has occurred within the last 25 years.

(b) The resolution shall be filed with the county auditor and recorded with the county recorder.

(c) Before the meeting on any resolution to disclaim and extinguish a town interest in a town road under this subdivision, the town board shall provide notice to affected landowners in the same manner as a petitioner under section 164.07, subdivision 2. A notice must also be posted as provided under section 366.01, subdivision 8.

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

Sec. 11. Minnesota Statutes 2006, section 165.01, is amended to read:

**165.01 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this section and section 160.02 ~~shall~~ have the ~~same~~ meanings given them.

Subd. 2. **AASHTO manual.** "AASHTO manual" means the Manual for Condition Evaluation of Bridges, published by the American Association of State Highway and Transportation Officials.

Sec. 12. Minnesota Statutes 2006, section 165.03, is amended to read:

**165.03 STRENGTH OF BRIDGE; INSPECTION.**

Subdivision 1. **Standards generally.** Each bridge, including a privately owned bridge, must conform to the strength, width, clearance, and safety standards imposed by the commissioner for the connecting highway or street. This subdivision applies to a bridge that is constructed after August 1, 1989, on any public highway or street. The bridge must have sufficient strength to support with safety the maximum vehicle weights allowed under sections 169.822 to 169.829 and must have the minimum width specified in section 165.04, subdivision 3.

Subd. 1a. **Inspection.** (a) Each bridge must be inspected annually, unless a longer interval not to exceed two years for bridges or four years for bridges classified as culverts is authorized by the commissioner. The commissioner's authorization must be based on factors including, but not limited to, the age and condition of the bridge, the rate of deterioration of the bridge, the type of structure, the susceptibility of the bridge to failure, and the characteristics of traffic on the bridge. Interim inspections at intervals of less than one year may be necessary on bridges that are posted, bridges subjected to extreme scour conditions, bridges subject to significant substructure movement or settlement, and for other reasons as specified or inferred in the AASHTO manual.

(b) The thoroughness of each inspection depends on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The evaluation of these factors is the responsibility of the engineer assigned the responsibility for inspection as defined by rule adopted by the commissioner of transportation.

Subd. 2. **Inspection and inventory responsibilities; rules; forms.** (a) The commissioner of transportation shall adopt official inventory and bridge inspection report forms for use in making bridge inspections by the owners or highway authorities specified by this subdivision. ~~Bridge~~ Inspections ~~shall~~ must be made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts, by the following owner or official:

(1) the commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway;

(2) the county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or ~~township~~ town road, or any street within a municipality ~~which~~ that does not have a city engineer regularly employed;

(3) the city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits;

(4) the commissioner of transportation in case of a toll bridge that is used by the general public and that is not inspected and certified under subdivision 6; provided, that the commissioner of transportation may assess the owner for the costs of ~~such~~ the inspection;

(5) the owner of a bridge over a public highway or street or that carries a roadway designated for public use by a public authority, if not required to be inventoried and inspected under clause (1), (2), (3), or (4).

(b) The commissioner of transportation shall prescribe the standards for bridge inspection and inventory by rules. The owner or highway authority shall inspect and inventory in accordance with these standards and furnish the commissioner with such data as may be necessary to maintain a central inventory.

Subd. 3. **County inventory and inspection records and reports.** The county engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (a), clause (2), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts. A report of the inspections ~~shall~~ must be filed annually, on or before February 15 of each year, with the county auditor or town clerk, or the governing body of the municipality. The report ~~shall~~ must contain recommendations for the correction of; or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 4. **Municipal inventory and inspection records and reports.** The city engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (a), clause (3), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts. A report of the inspections ~~shall~~ must be filed annually, on or before February 15 of each year, with the governing body of the municipality. The report ~~shall~~ must contain recommendations for the correction of; or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 5. **Agreement.** Agreements may be made among the various units of governments, or between governmental units and qualified engineering personnel to

10.1 carry out the responsibilities for the bridge inspections and reports, as established by  
10.2 subdivision 2.

10.3 Subd. 6. **Other bridges.** The owner of a toll bridge and the owner of a bridge  
10.4 described in subdivision 2, paragraph (a), clause (5), shall certify to the commissioner, as  
10.5 prescribed by the commissioner, that inspections of the bridge have been made at regular  
10.6 intervals, not to exceed two years for bridges and not to exceed four years for culverts.  
10.7 The certification ~~shall~~ must be accompanied by a report of the inspection. The report ~~shall~~  
10.8 must contain recommendations for the correction of or legal posting of load limitations if  
10.9 the bridge is found to be understrength or unsafe.

10.10 Subd. 7. **Department of Natural Resources bridge.** (a) Notwithstanding  
10.11 subdivision 2, the commissioners of transportation and natural resources shall negotiate a  
10.12 memorandum of understanding that governs the inspection of bridges owned, operated,  
10.13 or maintained by the commissioner of natural resources.

10.14 (b) The memorandum of understanding must provide for:

10.15 (1) the inspection and inventory of bridges subject to federal law or regulations;

10.16 (2) the frequency of inspection of bridges described in paragraph (a); and

10.17 (3) who may perform inspections required under the memorandum of understanding.

10.18 Sec. 13. Minnesota Statutes 2006, section 168.011, subdivision 22, is amended to read:

10.19 Subd. 22. **Special mobile equipment.** "Special mobile equipment" means every  
10.20 vehicle not designed or used primarily for the transportation of persons or property  
10.21 and only incidentally operated or moved over a highway, including but not limited to:  
10.22 ditch-digging apparatuses, moving dollies, pump hoists and other water well-drilling  
10.23 equipment registered under chapter 103I, vehicle-mounted concrete pumps with or  
10.24 without placement booms, street-sweeping vehicles, and other machinery such as  
10.25 asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors,  
10.26 ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers,  
10.27 truck-mounted log loaders, earth-moving carryalls, scrapers, power shovels, draglines,  
10.28 self-propelled cranes, and earth-moving equipment. The term does not include travel  
10.29 trailers, dump trucks, truck-mounted transit mixers, truck-mounted feed grinders, or other  
10.30 motor vehicles designed for the transportation of persons or property to which machinery  
10.31 has been attached.

10.32 Sec. 14. Minnesota Statutes 2006, section 168A.05, subdivision 3, is amended to read:

10.33 Subd. 3. **Content of certificate.** Each certificate of title issued by the department  
10.34 shall contain:

- 11.1 (1) the date issued;
- 11.2 (2) the first, middle, and last names, and the dates of birth, and addresses of all
- 11.3 owners who are natural persons, and the full names and addresses of all other owners;
- 11.4 (3) the residence address of the owner listed first if that owner is a natural person or
- 11.5 the address if that owner is not a natural person;
- 11.6 (4) the names and addresses of any secured parties, and the address of the first
- 11.7 secured party, listed in the order of priority (i) as shown on the application, or (ii) if the
- 11.8 application is based on a certificate of title, as shown on the certificate, or (iii) as otherwise
- 11.9 determined by the department;
- 11.10 ~~(4)~~ (5) any liens filed pursuant to a court order or by a public agency responsible for
- 11.11 child support enforcement against the owner;
- 11.12 ~~(5)~~ (6) the title number assigned to the vehicle;
- 11.13 ~~(6)~~ (7) a description of the vehicle including, so far as the following data exists, its
- 11.14 make, model, year, identifying number, type of body, whether new or used, and if a new
- 11.15 vehicle, the date of the first sale of the vehicle for use;
- 11.16 ~~(7)~~ (8) with respect to a motor vehicles vehicle subject to ~~the provisions of~~ section
- 11.17 325E.15, (i) the true cumulative mileage registered on the odometer or (ii) that the actual
- 11.18 mileage is unknown if the odometer reading is known by the owner to be different from
- 11.19 the true mileage;
- 11.20 ~~(8)~~ (9) with respect to ~~vehicles~~ a vehicle subject to sections 325F.6641 and
- 11.21 325F.6642, the appropriate term "flood damaged," "rebuilt," "prior salvage," or
- 11.22 "reconstructed";
- 11.23 ~~(9)~~ (10) with respect to a vehicle contaminated by methamphetamine production, if
- 11.24 the registrar has received the certificate of title and notice described in section 152.0275,
- 11.25 subdivision 2, paragraph (g), the term "hazardous waste contaminated vehicle"; ~~and~~
- 11.26 ~~(10)~~ (11) with respect to a vehicle subject to section 325F.665, the term "lemon law
- 11.27 vehicle"; and
- 11.28 (12) any other data the department prescribes.

11.29 Sec. 15. Minnesota Statutes 2006, section 168A.05, subdivision 5, is amended to read:

11.30 Subd. 5. **Forms.** (a) The certificate of title shall contain forms:

- 11.31 (1) for assignment and warranty of title by the owner;
- 11.32 (2) for assignment and warranty of title by a dealer;
- 11.33 (3) to apply for a certificate of title by a transferee;
- 11.34 (4) to name a secured party; and
- 11.35 (5) to make the disclosure required by section 325F.6641.

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12.1 (b) The certificate of title must also include a separate detachable ~~postcard~~ form  
12.2 entitled "Notice of Sale" that contains, but is not limited to, the vehicle's title number and  
12.3 vehicle identification number. The ~~postcard~~ form must include sufficient space for the  
12.4 owner to record the purchaser's name, address, and driver's license number, if any, and  
12.5 the date of sale. The notice of sale must include clear instructions regarding the owner's  
12.6 responsibility to complete and return the form, or to transmit the required information  
12.7 electronically in a form acceptable to the commissioner, pursuant to section 168A.10,  
12.8 subdivision 1.

12.9 Sec. 16. Minnesota Statutes 2006, section 168A.10, subdivision 1, is amended to read:

12.10 Subdivision 1. **Assignment and warranty of title; mileage; notice of sale.** If an  
12.11 owner transfers interest in a vehicle other than by the creation of a security interest, the  
12.12 owner shall at the time of the delivery of the vehicle execute an assignment and warranty  
12.13 of title to the transferee and shall state the actual selling price in the space provided on  
12.14 the certificate. Within ten days of the date of sale, other than a sale by or to a licensed  
12.15 motor vehicle dealer, the owner shall: (1) complete, detach, and return to the department  
12.16 the ~~postcard~~ form on the certificate entitled "Notice of Sale," if one is provided, including  
12.17 the transferee's name, address, and driver's license number, if any, and the date of sale; or  
12.18 (2) transmit this information electronically in a form acceptable to the commissioner. With  
12.19 respect to motor vehicles subject to the provisions of section 325E.15, the transferor shall  
12.20 also, in the space provided therefor on the certificate, state the true cumulative mileage  
12.21 registered on the odometer or that the actual mileage is unknown if the odometer reading  
12.22 is known by the transferor to be different from the true mileage. The transferor shall cause  
12.23 the certificate and assignment to be delivered to the transferee immediately.

12.24 Sec. 17. Minnesota Statutes 2006, section 168A.101, is amended to read:

12.25 **168A.101 CANCELLATION OF MOTOR VEHICLE SALE.**

12.26 Subdivision 1. **Required documentation.** If the parties cancel a purchase of a  
12.27 motor vehicle after the transfer of interest, they must submit within 90 days of the original  
12.28 purchase date the following items:

12.29 (1) ~~the outstanding certificate of title with proper assignment, and~~ a written claim  
12.30 for refund;

12.31 (2) an affidavit correcting ownership signed by the parties; and

12.32 (3) the outstanding certificate of title, if available, with proper assignment.

12.33 Subd. 2. **Refunds.** A party may be eligible for a refund of taxes ~~and fees~~ paid  
12.34 pursuant to chapter 297B only if the items indicated in subdivision 1 are submitted within

13.1 the 90-day time frame unless otherwise provided by law. No other taxes or fees paid may  
13.2 be refunded due to the cancellation of a motor vehicle sale.

13.3 Sec. 18. Minnesota Statutes 2006, section 168A.151, subdivision 1, is amended to read:

13.4 Subdivision 1. **Salvage titles.** (a) When an insurer, licensed to conduct business in  
13.5 Minnesota, acquires ownership of a late-model or high-value vehicle through payment  
13.6 of damages, the insurer shall immediately apply for a salvage certificate of title or shall  
13.7 stamp the existing certificate of title with the legend "SALVAGE CERTIFICATE OF  
13.8 TITLE" in a manner prescribed by the department. Within 48 hours of taking possession  
13.9 of a vehicle through payment of damages, an insurer must notify the department in a  
13.10 manner prescribed by the department.

13.11 ~~(b) Any person who acquires a damaged motor vehicle with an out-of-state title and~~  
13.12 ~~the cost of repairs exceeds the value of the damaged vehicle or a motor vehicle with an~~  
13.13 ~~out-of-state salvage title or certificate, as proof of ownership, shall immediately apply for~~  
13.14 ~~a salvage certificate of title. A person shall immediately apply for a salvage certificate~~  
13.15 of title if the person acquires a damaged late-model or high-value motor vehicle with an  
13.16 out-of-state title, and the vehicle:

13.17 (1) is a vehicle that was acquired by an insurer through payment of damages;

13.18 (2) is a vehicle for which the cost of repairs exceeds the value of the damaged  
13.19 vehicle; or

13.20 (3) has an out-of-state salvage certificate of title as proof of ownership.

13.21 (c) A self-insured owner of a late-model or high-value vehicle who sustains damage  
13.22 by collision or other occurrence which exceeds 70 percent of its actual cash value  
13.23 shall immediately apply for a salvage certificate of title. Damage, for the purpose of  
13.24 this calculation, does not include the actual cost incurred to repair, replace, or reinstall  
13.25 inflatable safety restraints and other vehicle components that must be replaced due to the  
13.26 deployment of the inflatable safety restraints.

13.27 Sec. 19. Minnesota Statutes 2006, section 168A.153, is amended to read:

13.28 **168A.153 REPORT OF VEHICLE RECEIPT;~~SURRENDER OF~~**  
13.29 **~~CERTIFICATE.~~**

13.30 Subdivision 1. **Older model vehicle.** A dealer who buys an older model vehicle  
13.31 to be dismantled or destroyed shall report to the department within 30 days including  
13.32 the vehicle's license plate number and identification number, and the seller's name and  
13.33 driver's license number.

Subd. 2. **Late-model or high-value vehicle.** A dealer who buys a late-model or high-value vehicle to be dismantled or destroyed shall notify the secured party, if any, and ~~then surrender the certificate of title and a properly completed application for a salvage certificate of title to the department within ten days~~ the commissioner in the manner prescribed in subdivision 3. The dealer must then properly destroy the certificate of title.

Subd. 3. **Notification on vehicle to be dismantled or destroyed; service fee.** Within the time frames prescribed in subdivisions 1 and 2 of acquiring a vehicle titled and registered in Minnesota, a dealer shall notify the registrar that the dealership purchased the vehicle to be dismantled or destroyed. The notification must be made electronically as prescribed by the registrar. The dealer may contract this service to a deputy registrar and the registrar may charge a fee not to exceed \$7 per transaction to provide this service.

Sec. 20. Minnesota Statutes 2006, section 169.01, subdivision 4c, is amended to read:

Subd. 4c. **Motorized foot scooter.** "Motorized foot scooter" means a device with handlebars designed to be stood or sat upon by the operator, and powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion, and that has ~~either (1)~~ no more than two ten-inch or smaller diameter wheels ~~or (2) and has~~ an engine or motor that is capable of a maximum speed of 15 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. An electric personal assistive mobility device, a motorized bicycle, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

Sec. 21. Minnesota Statutes 2006, section 169.01, subdivision 19, is amended to read:

Subd. 19. **Explosives.** "Explosives" ~~means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb~~ has the meaning given in Code of Federal Regulations, title 49, section 173.50.

Sec. 22. Minnesota Statutes 2006, section 169.01, subdivision 20, is amended to read:

Subd. 20. **Flammable liquid.** "Flammable liquid" ~~means any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent~~

15.1 ~~closed cup test device~~ has the meaning given in Code of Federal Regulations, title 49,  
15.2 section 173.120.

15.3 Sec. 23. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision  
15.4 to read:

15.5 Subd. 92. **Valid license; valid driver's license.** "Valid license," "valid driver's  
15.6 license," "valid Minnesota driver's license," "valid standard driver's license," or other  
15.7 similar term, has the meaning given in section 171.01, subdivision 49a.

15.8 Sec. 24. Minnesota Statutes 2006, section 169.06, subdivision 5, is amended to read:

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

15.14 (1) Green indication:

15.15 (i) Vehicular traffic facing a circular green signal may proceed straight through or  
15.16 turn right or left unless a sign at such place prohibits either turn. But vehicular traffic,  
15.17 including vehicles turning right or left, shall yield the right-of-way to other vehicles  
15.18 and to pedestrians lawfully within the intersection or adjacent crosswalk at the time this  
15.19 signal is exhibited.

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

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

15.31 (2) Steady yellow indication:

15.32 (i) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby  
15.33 warned that the related green movement is being terminated or that a red indication will be  
15.34 exhibited immediately thereafter when vehicular traffic must not enter the intersection,

16.1 except for the continued movement allowed by any green arrow indication simultaneously  
16.2 exhibited.

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

16.7 ~~(iii) Vehicular traffic facing a steady yellow arrow signal is thereby warned that~~  
16.8 ~~the protected vehicular movement permitted by the corresponding prior green arrow~~  
16.9 ~~indication is being terminated.~~

16.10 (3) Steady red indication:

16.11 (i) Vehicular traffic facing a circular red signal alone must stop at a clearly marked  
16.12 stop line but, if none, before entering the crosswalk on the near side of the intersection  
16.13 or, if none, then before entering the intersection and shall remain standing until a green  
16.14 indication is shown, except as follows: (A) the driver of a vehicle stopped as close  
16.15 as practicable at the entrance to the crosswalk on the near side of the intersection or,  
16.16 if none, then at the entrance to the intersection in obedience to a red or stop signal,  
16.17 and with the intention of making a right turn may make the right turn, after stopping,  
16.18 unless an official sign has been erected prohibiting such movement, but shall yield the  
16.19 right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal  
16.20 at that intersection; or (B) the driver of a vehicle on a one-way street intersecting another  
16.21 one-way street on which traffic moves to the left shall stop in obedience to a red or stop  
16.22 signal and may then make a left turn into the one-way street, unless an official sign has  
16.23 been erected prohibiting the movement, but shall yield the right-of-way to pedestrians and  
16.24 other traffic lawfully proceeding as directed by the signal at that intersection.

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

16.27 (iii) Vehicular traffic facing a steady red arrow signal, with the intention of making a  
16.28 movement indicated by the arrow, must stop at a clearly marked stop line but, if none,  
16.29 before entering the crosswalk on the near side of the intersection or, if none, then before  
16.30 entering the intersection and must remain standing until a permissive signal indication  
16.31 permitting the movement indicated by the red arrow is displayed, except as follows: when  
16.32 an official sign has been erected permitting a turn on a red arrow signal, the vehicular  
16.33 traffic facing a red arrow signal indication is permitted to enter the intersection to turn  
16.34 right, or to turn left from a one-way street into a one-way street on which traffic moves  
16.35 to the left, after stopping, but must yield the right-of-way to pedestrians and other traffic  
16.36 lawfully proceeding as directed by the signal at that intersection.

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

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

17.10 Sec. 25. Minnesota Statutes 2006, section 171.01, is amended by adding a subdivision  
17.11 to read:

17.12 Subd. 49a. **Valid license; valid driver's license.** "Valid license," "valid driver's  
17.13 license," "valid Minnesota driver's license," "valid standard driver's license," or other  
17.14 similar term, means any operator's license, provisional license, temporary license, limited  
17.15 license, permit, or other license to operate a motor vehicle issued or issuable under the  
17.16 laws of this state by the commissioner, or by another state or jurisdiction if specified,  
17.17 that is (1) not expired, suspended, revoked, or canceled, and (2) not disqualified for the  
17.18 class of vehicle being operated.

17.19 Sec. 26. Minnesota Statutes 2006, section 171.02, subdivision 1, is amended to read:

17.20 Subdivision 1. **License required; duplicate identification restricted.** (a) Except  
17.21 when expressly exempted, a person shall not drive a motor vehicle upon a street or  
17.22 highway in this state unless the person has a ~~license~~ valid license under this chapter for  
17.23 the type or class of vehicle being driven.

17.24 (b) The department shall not issue a driver's license to a person unless and until the  
17.25 person's license from any jurisdiction has been invalidated. The department shall provide  
17.26 to the issuing department of any jurisdiction, information that the licensee is now licensed  
17.27 in Minnesota. A person is not permitted to have more than one valid driver's license  
17.28 at any time. The department shall not issue to a person to whom a current Minnesota  
17.29 identification card has been issued a driver's license, other than a limited license, unless  
17.30 the person's Minnesota identification card has been invalidated. This subdivision does  
17.31 not require invalidation of a tribal identification card as a condition of receiving a driver's  
17.32 license.

17.33 Sec. 27. Minnesota Statutes 2006, section 171.05, subdivision 2, is amended to read:

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

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

(i) a public, private, or commercial classroom driver education program that is approved by the commissioner of public safety ~~and that includes classroom and behind-the-wheel training; or~~

(ii) ~~an approved behind-the-wheel driver education program~~ home-classroom driver training with classroom materials approved by the commissioner of public safety, when the student is receiving full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24, the student is working toward a homeschool diploma, and the student's status as a homeschool student has been certified by the superintendent of the school district in which the student resides, and the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety; or

(iii) an Internet-based theory driver education program that is approved by the commissioner of public safety;

(2) ~~has completed the classroom phase of instruction in the driver education program~~ is enrolled in an approved behind-the-wheel training program;

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

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

(5) has completed the required application, which must be approved by (i) either parent when both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or, in the event a person under the age of 18 has no living father, mother, or guardian, or is married or otherwise legally emancipated, then (v) the applicant's adult spouse, adult close family member, or adult employer; provided, that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer; and

(6) has paid the fee required in section 171.06, subdivision 2.

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

Sec. 28. Minnesota Statutes 2006, section 171.06, subdivision 3, is amended to read:

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

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

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

(3) state:

(i) the applicant's Social Security number; or

(ii) if the applicant does not have a social security number and is applying for a Minnesota identification card, instruction permit, or class D provisional or driver's license, that the applicant certifies that the applicant does not have a Social Security number;

(4) contain a space where the applicant may indicate a desire to make an anatomical gift according to paragraph (b); and

(5) contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7.

(b) If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application must contain statements sufficient to comply with the requirements of the Uniform Anatomical Gift Act (1987), sections 525.921 to 525.9224, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application must be accompanied by information describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

(1) a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, and the importance of informing family members of the donation decision; and

(2) a telephone number in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts.

(c) The application must be accompanied also by information containing relevant facts relating to:

- (1) the effect of alcohol on driving ability;
- (2) the effect of mixing alcohol with drugs;
- (3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and
- (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

Sec. 29. Minnesota Statutes 2006, section 171.07, subdivision 1, is amended to read:

Subdivision 1. **License; contents.** (a) Upon the payment of the required fee, the department shall issue to every qualifying applicant a license designating the type or class of vehicles the applicant is authorized to drive as applied for. This license must bear a distinguishing number assigned to the licensee; the licensee's full name; and date of birth; ~~and;~~ either (1) the licensee's residence address, or (2) the designated address under section 5B.05; the license class, endorsements, and restrictions imposed, if any; a description of the licensee in a manner as the commissioner deems necessary; and the usual signature of the licensee. No license is valid unless it bears the usual signature of the licensee. Every license must bear a colored photograph or an electronically produced image of the licensee.

(b) If the United States Postal Service will not deliver mail to the applicant's residence address as listed on the license, then the applicant shall provide verification from the United States Postal Service that mail will not be delivered to the applicant's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the applicant's residence address for all notices and mailings to the applicant.

(c) Every license issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(d) The department shall use processes in issuing a license that prohibit, as nearly as possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a photograph or electronically produced image on a license, without ready detection.

(e) A license issued to an applicant age 65 or over must be plainly marked "senior" if requested by the applicant.

Sec. 30. Minnesota Statutes 2006, section 171.07, subdivision 3, is amended to read:

Subd. 3. **Identification card; fee.** (a) Upon payment of the required fee, the department shall issue to every qualifying applicant a Minnesota identification card. The department may not issue a Minnesota identification card to an individual who has a driver's license, other than a limited license. The card must bear a distinguishing number assigned to the applicant; a colored photograph or an electronically produced image of the applicant; the applicant's full name, and date of birth, and, either (1) the licensee's residence address, or (2) the designated address under section 5B.05; a description of the applicant in the manner as the commissioner deems necessary; and the usual signature of the applicant.

(b) If the United States Postal Service will not deliver mail to the applicant's residence address as listed on the Minnesota identification card, then the applicant shall provide verification from the United States Postal Service that mail will not be delivered to the applicant's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the applicant's residence address for all notices and mailings to the applicant.

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

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

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

Sec. 31. Minnesota Statutes 2006, section 171.14, is amended to read:

**171.14 CANCELLATION.**

(a) The commissioner shall have authority to may cancel any driver's license upon determination that (1) the licensee was not entitled to the issuance thereof hereunder, or that of the license, (2) the licensee failed to give the required or correct information in the application, or (3) the licensee committed any fraud or deceit in making such the application. The commissioner may also cancel the driver's license of any, or (4) the person who, at the time of the cancellation, would not have been entitled to receive a license under the provisions of section 171.04.

22.1           (b) The commissioner shall cancel the driver's license of a person described in  
22.2 paragraph (a), clause (3), for 60 days or until the required or correct information has  
22.3 been provided, whichever is longer.

22.4           Sec. 32. Minnesota Statutes 2006, section 174.01, subdivision 2, is amended to read:

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

22.7           (1) to provide safe transportation for users throughout the state;

22.8           (2) to provide multimodal and intermodal transportation that enhances mobility and  
22.9 economic development and provides access to all persons and businesses in Minnesota  
22.10 while ensuring that there is no undue burden placed on any community;

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

22.12           (4) to provide for the economical, efficient, and safe movement of goods to and from  
22.13 markets by rail, highway, and waterway;

22.14           (5) to encourage tourism by providing appropriate transportation to Minnesota  
22.15 facilities designed to attract tourists;

22.16           (6) to provide transit services throughout the state to meet the needs of transit users;

22.17           (7) to promote productivity through system management and the utilization of  
22.18 technological advancements;

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

22.21           (9) to provide funding for transportation that, at a minimum, preserves the  
22.22 transportation infrastructure;

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

22.25           (11) to promote and increase the use of high-occupancy ~~vehicle-use~~ vehicles and  
22.26 low-emission vehicles;

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

22.29           (13) to increase transit use ~~in the urban areas~~ statewide by giving highest priority to  
22.30 the transportation modes with the greatest people-moving capacity and lowest long-term  
22.31 economic and environmental cost; and

22.32           (14) to promote and increase bicycling as an energy-efficient, nonpolluting, and  
22.33 healthful form of transportation ~~alternative~~;

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

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

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

23.2 Sec. 33. Minnesota Statutes 2006, section 174.02, subdivision 1a, is amended to read:

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

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

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

23.9 (3) minimize the degradation of air and water quality;

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

23.12 ~~(4)~~ (5) use technology where appropriate to increase agency productivity, improve  
23.13 customer service, increase public access to information about government, and increase  
23.14 public participation in the business of government;

23.15 ~~(5)~~ (6) utilize constructive and cooperative labor-management practices to the extent  
23.16 otherwise required by chapters 43A and 179A;

23.17 ~~(6)~~ (7) report to the legislature on the performance of agency operations and the  
23.18 accomplishment of agency goals in the agency's biennial budget according to section  
23.19 16A.10, subdivision 1; and

23.20 ~~(7)~~ (8) recommend to the legislature appropriate changes in law necessary to carry  
23.21 out the mission and improve the performance of the department.

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

23.23 Sec. 34. Minnesota Statutes 2006, section 174.03, subdivision 1, is amended to read:

23.24 Subdivision 1. **Statewide transportation plan; priorities; schedule of**  
23.25 **expenditures.** In order to best meet the present and future transportation needs of the  
23.26 public, to insure a strong state economy, to make most efficient use of public and private  
23.27 funds, to lessen adverse environmental impacts of the transportation sector, and to  
23.28 promote the more efficient use of energy and other resources for transportation purposes,  
23.29 the commissioner shall:

23.30 (1) three months after notification that the department is ready to commence  
23.31 operations and prior to the drafting of the statewide transportation plan, hold public  
23.32 hearings as may be appropriate solely for the purpose of receiving suggestions for future  
23.33 transportation alternatives and priorities for the state. The Metropolitan Council, regional  
23.34 development commissions, and port authorities shall appear at the hearings and submit

information concerning transportation-related planning undertaken and accomplished by these agencies. Other political subdivisions may appear and submit such information at the hearings. These hearings shall be completed no later than six months from the date of the commissioner's notification;

(2) develop, adopt, revise, and monitor a statewide transportation plan, taking into account the suggestions and information submitted at the public hearings held pursuant to clause (1). The plan shall incorporate all modes of transportation and provide for the interconnection and coordination of different modes of transportation. The commissioner shall evaluate ~~alternative~~ all transportation programs and facilities proposed for inclusion in the plan in terms of economic costs and benefits, safety aspects, impact on present and planned land uses, environmental effects, energy efficiency, national transportation policies and priorities, and availability of federal and other financial assistance;

(3) based upon the statewide transportation plan, develop statewide transportation priorities and schedule authorized public capital improvements and other authorized public transportation expenditures pursuant to the priorities;

(4) complete the plan and priorities required by this subdivision no later than July 1, 1978. Upon completion of the plan and priorities, the commissioner shall prepare and periodically revise, as necessary, the schedule of authorized public transportation expenditures. The plan, priorities, and schedule are exempt from the provisions of the Administrative Procedure Act.

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

Sec. 35. Minnesota Statutes 2006, section 174.03, is amended by adding a subdivision to read:

Subd. 10. **Highway construction training.** (a) The commissioner of transportation shall utilize, to the maximum amount feasible, federal funds available to this state under United States Code, title 23, section 140, paragraph (b), to develop, conduct, and administer highway construction training, including skill improvement programs.

(b) The commissioner of transportation must report by February 1 of each odd-numbered year to the house of representatives and senate committees having jurisdiction over transportation policy and finance concerning the commissioner's compliance with paragraph (a). The report must, with respect to each of the two previous calendar years:

(1) describe the highway construction training and skill improvement programs the commissioner has conducted and administered;

(2) analyze the results of the commissioner's training programs;

25.1           (3) state the amount of federal funds available to this state under United States Code,  
25.2           title 23, section 140, paragraph (b); and

25.3           (4) identify the amount spent by the commissioner in conducting and administering  
25.4           the programs.

25.5           Sec. 36. Minnesota Statutes 2006, section 174.03, is amended by adding a subdivision  
25.6           to read:

25.7           Subd. 11. **Disadvantaged business enterprise program.** (a) The commissioner  
25.8           shall include in each contract that is funded at least in part by federal funds, sanctions  
25.9           for each contractor who does not meet the established project disadvantaged business  
25.10           enterprise goal or demonstrate good faith effort to meet the goal.

25.11           (b) The commissioner of transportation shall report by February 1 of each  
25.12           odd-numbered year to the house of representatives and senate committees having  
25.13           jurisdiction over transportation policy and finance concerning the commissioner's  
25.14           disadvantaged business enterprise program. The report must, with respect to each of  
25.15           the two previous calendar years:

25.16           (1) state the department's annual overall goal, compared with the percentage attained;

25.17           (2) explain the methodology, applicable facts, and public participation used to  
25.18           establish the overall goal;

25.19           (3) describe good faith efforts to meet the goal, if the goal was not attained;

25.20           (4) describe actions to address overconcentration of disadvantaged business  
25.21           enterprises in certain types of work;

25.22           (5) state the number of contracts that included disadvantaged business enterprise  
25.23           goals, the number of contractors that met established disadvantaged business enterprise  
25.24           goals, and sanctions imposed for lack of good faith effort; and

25.25           (6) describe contracts with no disadvantaged business enterprise goals, and, of  
25.26           those, state number of contracts and amount of each contract with targeted groups under  
25.27           section 16C.16.

25.28           Sec. 37. **[174.56] REPORT ON MAJOR HIGHWAY PROJECTS.**

25.29           Subdivision 1. **Report required.** The commissioner of transportation shall submit a  
25.30           report on January 15, 2008, and on January 15 of each year thereafter, on the status of  
25.31           major highway projects under construction or planned during the year of the report and for  
25.32           the ensuing 15 years. For purposes of this section, a "major highway project" is a highway  
25.33           project that has a total cost for all segments that the commissioner estimates at the time of

the report to be at least (1) \$25,000,000 in the metropolitan highway construction district, or (2) \$10,000,000 in any nonmetropolitan highway construction district.

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

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

(2) a history of the project, including, but not limited to, previous official actions by the department or the appropriate area transportation partnership, or both, the date on which the project was first included in the state transportation improvement plan, the cost of the project at that time, the dates of environmental approval, the dates of municipal approval, the date of final geometric layout, and the date of establishment of any construction limits;

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

(4) past and potential future reasons for delay in letting or completing the project.

Sec. 38. Minnesota Statutes 2006, section 222.50, subdivision 7, is amended to read:

Subd. 7. **Expenditures.** (a) The commissioner may expend money from the rail service improvement account for the following purposes:

(1) to make transfers as provided under section 222.57 or to pay interest adjustments on loans guaranteed under the state rail user and rail carrier loan guarantee program;

(2) to pay a portion of the costs of capital improvement projects designed to improve rail service ~~including construction or improvement of short segments of rail line such as side track, team track, and connections between existing lines, and construction and improvement of loading, unloading, storage, and transfer facilities~~ of a rail user or a rail carrier;

(3) to pay a portion of the costs of rehabilitation projects designed to improve rail service of a rail user or a rail carrier;

(4) to acquire, maintain, manage, and dispose of railroad right-of-way pursuant to the state rail bank program;

~~(4)~~ (5) to provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and reestablishing by analytical triangulation the existing alignment of the in-place track;

~~(5)~~ (6) to pay a portion of the costs of acquiring a rail line by a regional railroad authority established pursuant to chapter 398A;

27.1           ~~(6)~~ (7) to pay the state matching portion of federal grants for rail-highway grade  
27.2 crossing improvement projects.

27.3           (b) All money derived by the commissioner from the disposition of railroad  
27.4 right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall  
27.5 be deposited in the rail service improvement account.

27.6           Sec. 39. Minnesota Statutes 2006, section 222.63, subdivision 4, is amended to read:

27.7           Subd. 4. **Disposition permitted.** (a) The commissioner may lease any rail line or  
27.8 right-of-way held in the state rail bank or enter into an agreement with any person for the  
27.9 operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2  
27.10 in accordance with a fee schedule to be developed by the commissioner.

27.11           (b) The commissioner may convey any rail line or right-of-way, for consideration or  
27.12 for no consideration and upon other terms as the commissioner may determine to be in  
27.13 the public interest, to any other state agency or to a governmental subdivision of the state  
27.14 having power by law to utilize it for any of the purposes set forth in subdivision 2.

27.15           (c) The commissioner may convey a portion of previously acquired rail bank  
27.16 right-of-way to a state agency or governmental subdivision when the commissioner  
27.17 determines that:

27.18           (1) the portion to be conveyed is in excess of that needed for the purposes stated in  
27.19 subdivision 2;

27.20           (2) the conveyance is upon terms and conditions agreed upon by both the  
27.21 commissioner and the state agency or governmental subdivision;

27.22           (3) after the sale, the rail bank corridor will continue to meet the future public and  
27.23 commercial transportation and transmission needs of the state; and

27.24           (4) the conveyance will not reduce the width of the rail bank corridor to less than  
27.25 ~~50~~ 100 feet.

27.26           (d) The commissioner may lease previously acquired state rail bank right-of-way to  
27.27 a state agency or governmental subdivision or to a private entity for nontransportation  
27.28 purposes when:

27.29           (1) the portion to be leased is in excess of that needed for the purposes stated in  
27.30 subdivision 2;

27.31           (2) the lease will not reduce the useable width of the rail bank corridor to less than  
27.32 ~~50~~ 100 feet;

27.33           (3) the cost of the lease is based on the fair market value of the portion to be leased,  
27.34 as determined by appraisal;

28.1 (4) the lease allows the commissioner to terminate the lease on 90 days' written  
28.2 notice to the lessee; and

28.3 (5) the lease prohibits the construction or erection of any permanent structure within  
28.4 the ~~50-foot~~ 100-foot rail bank corridor and requires any structure erected on the leased  
28.5 property to be removed and the land restored to its original condition on 90 days' written  
28.6 notice to the lessee.

28.7 (e) Proceeds from a sale or lease must be deposited in the rail bank maintenance  
28.8 account described in subdivision 8.

28.9 Sec. 40. Minnesota Statutes 2006, section 222.63, is amended by adding a subdivision  
28.10 to read:

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

28.15 (1) obstruct any trail;

28.16 (2) deposit snow or ice;

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

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

28.20 (5) erect a fence, or place or maintain any advertising, sign, or memorial;

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

28.24 (7) drive upon any portion of rail bank property, except at approved crossings, and  
28.25 except where authorized for snowmobiles, emergency vehicles, or maintenance vehicles;

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

28.28 (9) park, overhang, or abandon any unauthorized vehicle or implement of husbandry  
28.29 on, across, or over the limits of rail bank property.

28.30 (b) Any violation of this subdivision is a misdemeanor.

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

28.33 Sec. 41. Minnesota Statutes 2006, section 299F.60, subdivision 1, is amended to read:

29.1 Subdivision 1. **Money penalty.** Any person who violates any provision of sections  
29.2 299F.56 to 299F.641, or any rule issued thereunder, ~~shall be~~ is subject to a civil penalty to  
29.3 be imposed by the commissioner not to exceed ~~\$10,000~~ \$100,000 for each ~~such~~ violation  
29.4 for each day that ~~such~~ the violation persists, except that the maximum civil penalty ~~shall~~  
29.5 must not exceed ~~\$500,000~~ \$1,000,000 for any related series of violations.

29.6 Sec. 42. Minnesota Statutes 2006, section 299J.16, subdivision 1, is amended to read:

29.7 Subdivision 1. **Civil penalty.** (a) A pipeline operator who violates section 299J.07,  
29.8 subdivision 1, or 299J.15, or the rules of the commissioner implementing those sections,  
29.9 shall forfeit and pay to the state a civil penalty in an amount to be determined by the court,  
29.10 up to ~~\$10,000~~ \$100,000 for each day that the operator remains in violation, subject to a  
29.11 maximum of ~~\$500,000~~ \$1,000,000 for a related series of violations.

29.12 (b) The penalty provided under this subdivision may be recovered by an action  
29.13 brought by the attorney general at the request of the commissioner, in the name of the  
29.14 state, in connection with an action to recover expenses of the director under section  
29.15 299J.13, subdivision 4:

29.16 (1) in the District Court of Ramsey County; or

29.17 (2) in the county of the defendant's residence.

29.18 Sec. 43. Minnesota Statutes 2006, section 325F.665, is amended by adding a  
29.19 subdivision to read:

29.20 Subd. 14. **Title branding.** (a) Upon transfer and application for title of all vehicles  
29.21 subject to this section, the registrar of motor vehicles shall record the term "lemon law  
29.22 vehicle" on the certificate of title and all subsequent certificates of title for that vehicle.

29.23 (b) For vehicles with out-of-state titles that bear the term "lemon law vehicle," or  
29.24 any similar term, the registrar of motor vehicles shall record the term "lemon law vehicle"  
29.25 on the first Minnesota certificate of title and all subsequent Minnesota certificates of  
29.26 title issued for that vehicle.

29.27 (c) The designation of "lemon law vehicle" on a certificate of title must be made by  
29.28 the registrar of motor vehicles in a clear and conspicuous manner, in a color different from  
29.29 all other writing on the certificate of title.

29.30 Sec. 44. Laws 2005, First Special Session chapter 1, article 4, section 39, the effective  
29.31 date, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~the latter of August 1, 2006, or the date on which the commissioner determines that building permits have been issued for the construction of a new pulp and paper manufacturing facility at Grand Rapids~~ 2007.

Sec. 45. **STUDY OF TRANSPORTATION LONG-RANGE SOLUTIONS.**

(a) The commissioner of transportation shall conduct a study in consultation with other state agencies and key stakeholders to evaluate the current and long-range needs of the state's transportation system, and investigate possible strategies to meet these needs.

(b) The study must include, but is not limited to:

(1) evaluation of the current needs of the state's highway systems, bridges, and transit;

(2) analysis and quantification of the needs for the next 20 years of the state's highway systems, bridges, and transit;

(3) comparison of estimates of revenues raised by current transportation funding sources, with long-term needs of the state's transportation system;

(4) identification of options for maintenance and improvement of the state's transportation system with specific reference to the effects of potential increases in vehicle fuel economy, availability of alternative modes of transportation, and extreme fuel price volatility on future transportation revenues;

(5) analysis of alternative pricing options utilized in other states and countries, and their potential for use, public acceptance, alleviation of congestion, and revenue generation in this state; and

(6) identification of options for road-use pricing, other alternative financing mechanisms with particular consideration of key environmental impacts such as air quality, water quality, and greenhouse gas emissions, and estimates of implementation costs, user costs, and revenue.

(c) The commissioner shall report the results of the study to the legislature no later than November 1, 2008.

Sec. 46. **STUDY AND REPORT ON SPEED LIMITS.**

The commissioner of transportation shall report to the chairs of the legislative committees with jurisdiction over transportation and local government by January 30, 2008, on speed limits on local roads. The commissioner shall consult with local governments and solicit input from local governments before issuing the report. The report must include, at a minimum:

31.1           (1) whether the current statutory speed limit of 30 miles per hour in urban districts  
31.2 and rural residential districts is appropriate, or if there are locations where the appropriate  
31.3 speed limit is 25 miles per hour;

31.4           (2) whether the current statutory speed limit of 55 miles per hour in rural residential  
31.5 districts within a city is appropriate, or if there are locations where the appropriate speed  
31.6 limit is 30 miles per hour; and

31.7           (3) whether the current definitions of urban district, rural residential district, and  
31.8 residential roadway are appropriate, or whether and how they should be changed.

31.9           Sec. 47. **NULLIFICATION OF EXPEDITED TOWN ROAD**  
31.10 **EXTINGUISHMENT.**

31.11           (a) Any extinguishment of town interest in a town road under Minnesota Statutes,  
31.12 section 164.06, subdivision 2, is hereby nullified if:

31.13           (1) the interest is not recorded or filed with the county recorder but is recorded  
31.14 or filed with the county auditor;

31.15           (2) the state or a political subdivision has constructed a road or bridge improvement  
31.16 on a right-of-way affected by the interest;

31.17           (3) the affected road was the only means of access to a property; and

31.18           (4) the extinguishment took place within the last ten years.

31.19           (b) Notwithstanding Minnesota Statutes, section 164.08, subdivision 1, for any  
31.20 nullification under paragraph (a), the affected road is hereby deemed to be a cartway.  
31.21 The provisions of Minnesota Statutes, section 164.08, subdivision 2, apply except that  
31.22 "petitioner" means the property owner for whom the only means of access to a property is  
31.23 by way of the affected road, and that the petitioner must not be required to pay damages  
31.24 for the land upon which the cartway is established, the cost of professional and other  
31.25 services, hearing costs, administrative costs, recording costs, or other costs and expenses.

31.26           (c) For purposes of this section, "affected road" means the road that the town board  
31.27 extinguished town interest in.

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

31.29           Sec. 48. **REVISION OF RULE.**

31.30           The commissioner of public safety shall amend and adopt revisions to Minnesota  
31.31 Rules, part 7411.0535, under the good cause exemption in Minnesota Statutes, section  
31.32 14.388, subdivision 1, clause (3).

31.33           Sec. 49. **REPEALER.**

32.1 Minnesota Statutes 2006, sections 168A.05, subdivision 5a; and 325E.0951,  
32.2 subdivision 3a, are repealed.

32.3 **ARTICLE 2**

32.4 **TOWING**

32.5 Section 1. Minnesota Statutes 2006, section 168B.04, subdivision 2, is amended to read:

32.6 Subd. 2. **Unauthorized vehicles.** (a) Units of government and peace officers may  
32.7 take into custody and impound any unauthorized vehicle under section 169.041.

32.8 (b) A vehicle may also be impounded after it has been left unattended in one of the  
32.9 following public or private locations for the indicated period of time:

32.10 (1) in a public location not governed by section 169.041:

32.11 (i) on a highway and properly tagged by a peace officer, four hours;

32.12 (ii) located so as to constitute an accident or traffic hazard to the traveling public, as  
32.13 determined by a peace officer, immediately; ~~or~~

32.14 (iii) located so as to constitute an accident or traffic hazard to the traveling public  
32.15 within the Department of Transportation's eight-county metropolitan district, as determined  
32.16 by an authorized employee of the department's freeway service patrol, immediately; or

32.17 ~~(iii)~~ (iv) that is a parking facility or other public property owned or controlled by a  
32.18 unit of government, properly posted, four hours; or

32.19 (2) on private property:

32.20 (i) that is single-family or duplex residential property, immediately;

32.21 (ii) that is private, nonresidential property, properly posted, immediately;

32.22 (iii) that is private, nonresidential property, not posted, 24 hours;

32.23 (iv) that is private, nonresidential property of an operator of an establishment for the  
32.24 servicing, repair, or maintenance of motor vehicles, five business days after notifying the  
32.25 vehicle owner by certified mail, return receipt requested, of the property owner's intention  
32.26 to have the vehicle removed from the property; or

32.27 (v) that is any residential property, properly posted, immediately.

32.28 (c) When a tow is requested under paragraph (b), clause (1) (iii), the department shall  
32.29 ensure that the tower initially requested to remove the vehicle is given the opportunity,  
32.30 to the greatest reasonable extent, to actually conduct and complete all towing operations  
32.31 requested; provided that, the owner of the vehicle to be towed has not already requested  
32.32 that another tower remove the vehicle, in which case the tower contacted by the owner  
32.33 must be given the first reasonable opportunity to conduct the towing operations required.

32.34 **EFFECTIVE DATE.** This section is effective August 1, 2007.

**H.F. No. 1351, 1st Committee Engrossment - 85th Legislative Session (2007-2008)**

33.1 Sec. 2. Minnesota Statutes 2006, section 169.041, subdivision 1, is amended to read:

33.2 Subdivision 1. **Towing authority.** For purposes of this section, "towing authority"  
33.3 means:

33.4 (1) any local authority authorized by section 169.04 to enforce the traffic laws, and  
33.5 also includes a private towing company authorized by a local authority to tow vehicles on  
33.6 behalf of that local authority; or

33.7 (2) an authorized employee of the Department of Transportation's freeway service  
33.8 patrol within the department's eight-county metropolitan district, and also includes a  
33.9 private towing company authorized by the department to tow vehicles on behalf of the  
33.10 department.

33.11 **EFFECTIVE DATE.** This section is effective August 1, 2007.

33.12 Sec. 3. Minnesota Statutes 2006, section 169.041, subdivision 2, is amended to read:

33.13 Subd. 2. **Towing order required.** A towing authority may not tow a motor vehicle  
33.14 from public property unless a peace officer or parking enforcement officer has prepared, in  
33.15 addition to the parking citation, a written towing report describing the motor vehicle and  
33.16 the reasons for towing. The report must be signed by the officer and the tow driver. Within  
33.17 the Department of Transportation's eight-county metropolitan district, an authorized  
33.18 employee of the department's freeway service patrol may order a tow from a trunk highway  
33.19 after preparing a written towing report provided by the Minnesota State Patrol. A citation  
33.20 need not be issued before the employee orders a tow. The department employee shall  
33.21 ensure that the tower initially requested to remove the vehicle is given the opportunity,  
33.22 to the greatest reasonable extent, to actually conduct and complete all towing operations  
33.23 requested; provided that, the owner of the vehicle to be towed has not already requested  
33.24 that another tower remove the vehicle, in which case the tower contacted by the owner  
33.25 must be given the first reasonable opportunity to conduct the towing operations required.

33.26 **EFFECTIVE DATE.** This section is effective August 1, 2007.

33.27 Sec. 4. Minnesota Statutes 2004, section 169.86, is amended by adding a subdivision  
33.28 to read:

33.29 Subd. 8. **Tow truck.** A tow truck or towing vehicle, when towing a disabled or  
33.30 damaged vehicle to a place of repair or to a place of safekeeping, may exceed the length  
33.31 and weight limitations of this chapter, subject to a \$300 annual permit fee and such  
33.32 conditions as the commissioner may prescribe.

ARTICLE 3

TRANSIT

Section 1. Minnesota Statutes 2006, section 174.24, subdivision 2a, is amended to read:

Subd. 2a. **Eligible activities.** Activities eligible for assistance under the program include but are not limited to:

(1) planning and engineering design for transit services and facilities;

(2) capital assistance to purchase or refurbish transit vehicles and other capital expenditures necessary to provide a transit service;

(3) operating assistance as provided under subdivision 3b; ~~and~~

(4) partnership creation to coordinate and supplement services of county, local, and private transit providers;

(5) design and operation of regional call centers; and

(6) other assistance for public transit services that furthers the purposes of section 174.21.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 2. Minnesota Statutes 2006, section 174.255, is amended by adding a subdivision to read:

Subd. 1a. **Service standard.** The commissioner shall require any paratransit project that serves disabled individuals and receives assistance under section 174.24 to allow passengers to schedule trips up to four days in advance.

**EFFECTIVE DATE.** This section is effective January 1, 2010.

Sec. 3. Minnesota Statutes 2006, section 174.29, is amended by adding a subdivision to read:

Subd. 4. **Supplementary paratransit.** The commissioner shall facilitate the creation of partnerships among paratransit providers, including, but not limited to, medical assistance transportation providers, to supplement and coordinate with available county and local transit service.

**EFFECTIVE DATE.** This section is effective July 2, 2007.

Sec. 4. Minnesota Statutes 2006, section 174.29, is amended by adding a subdivision to read:

35.1        Subd. 5. **Intercounty service.** The commissioner shall require providers of  
35.2 service to enter into regional intercounty service agreements with adjacent counties.  
35.3 The commissioner, in cooperation with state agencies that assist, provide, reimburse, or  
35.4 regulate special transportation services, shall establish a reimbursement mechanism to  
35.5 facilitate reimbursement for intercounty trips.

35.6        **EFFECTIVE DATE.** This section is effective January 1, 2010.

35.7        Sec. 5. Minnesota Statutes 2006, section 174.29, is amended by adding a subdivision  
35.8 to read:

35.9        Subd. 6. **One-stop call centers.** The commissioner shall promote, support, and  
35.10 facilitate the establishment and operation of one-stop regional call centers that assist  
35.11 callers in arranging the most efficient and cost-effective available rides while meeting  
35.12 passengers' needs for special equipment.

35.13        **EFFECTIVE DATE.** This section is effective January 1, 2010.

35.14        Sec. 6. Minnesota Statutes 2006, section 174.30, subdivision 4, is amended to read:

35.15        Subd. 4. **Vehicle and equipment inspection, rules; decal; complaint contact**  
35.16 **information.** (a) The commissioner shall inspect or provide for the inspection of  
35.17 vehicles at least annually. In addition to scheduled annual inspections and reinspections  
35.18 scheduled for the purpose of verifying that deficiencies have been corrected, unannounced  
35.19 inspections of any vehicle may be conducted.

35.20        (b) On determining that a vehicle or vehicle equipment is in a condition that is likely  
35.21 to cause an accident or breakdown, the commissioner shall require the vehicle to be taken  
35.22 out of service immediately. The commissioner shall require that vehicles and equipment  
35.23 not meeting standards be repaired and brought into conformance with the standards  
35.24 and shall require written evidence of compliance from the operator before allowing the  
35.25 operator to return the vehicle to service.

35.26        (c) The commissioner shall provide in the rules procedures for inspecting vehicles,  
35.27 removing unsafe vehicles from service, determining and requiring compliance, and  
35.28 reviewing driver qualifications.

35.29        (d) The commissioner shall design a distinctive decal to be issued to special  
35.30 transportation service providers with a current certificate of compliance under this section.  
35.31 A decal is valid for one year from the last day of the month in which it is issued. A person  
35.32 who is subject to the operating standards adopted under this section may not provide

36.1 special transportation service in a vehicle that does not conspicuously display a decal  
36.2 issued by the commissioner.

36.3 (e) Special transportation service providers shall prominently display in each vehicle  
36.4 all contact information for the submission of complaints regarding the transportation  
36.5 services provided to that individual.

36.6 **EFFECTIVE DATE.** This section is effective July 1, 2007.

36.7 Sec. 7. Minnesota Statutes 2006, section 174.30, subdivision 9, is amended to read:

36.8 Subd. 9. ~~Complaint data;~~ Complaints; report; data classification. (a) The  
36.9 commissioner shall investigate all complaints over which the commissioner has  
36.10 jurisdiction regarding special transportation service providers regulated under this section.

36.11 (b) By January 15, 2008, and in every subsequent even-numbered year by  
36.12 January 15, the commissioner shall submit a report to the chairs and ranking minority  
36.13 members of the house of representatives and senate committees having jurisdiction over  
36.14 transportation policy and finance. The report must identify each complaint investigated  
36.15 by the commissioner under paragraph (a), including but not limited to any findings and  
36.16 steps taken for resolution of the complaint.

36.17 (c) When information is furnished to the Department of Transportation that alleges  
36.18 a violation of this section, an operating standard adopted under this section, or section  
36.19 174.315, the following data are classified as confidential data or protected nonpublic data:

36.20 (1) names of complainants;

36.21 (2) complaint letters; and

36.22 (3) other unsolicited data when furnished by a person who is not the subject of the  
36.23 data and who is not a department employee.

36.24 **EFFECTIVE DATE.** This section is effective July 1, 2007.

36.25 Sec. 8. Minnesota Statutes 2006, section 221.091, subdivision 2, is amended to read:

36.26 Subd. 2. **Local licensing of small vehicle passenger service.** A city that licenses  
36.27 and regulates small vehicle passenger service must do so by ordinance. The ordinance  
36.28 must, at a minimum, provide for driver qualifications, insurance, vehicle safety, and  
36.29 periodic vehicle inspections. A city that has adopted an ordinance complying with this  
36.30 subdivision may enforce the registration requirement in section 221.021. A person who  
36.31 provides small vehicle passenger service to an individual for the purpose of obtaining  
36.32 nonemergency medical care and who receives reimbursement under section 256B.0625,

37.1 subdivision 17, for providing the service, must comply with the rules of the commissioner  
37.2 adopted under section 174.30.

37.3 **EFFECTIVE DATE.** This section is effective July 1, 2007.

37.4 Sec. 9. Minnesota Statutes 2006, section 473.1466, is amended to read:

37.5 **473.1466 TRANSPORTATION SYSTEM PERFORMANCE AUDIT;**  
37.6 **TRANSIT EVALUATION.**

37.7 ~~(a) In 1997 and every four years thereafter, the council shall provide for an~~  
37.8 ~~independent entity selected through a request for proposal process conducted nationwide~~  
37.9 ~~to do~~ Prior to each major revision of the transportation policy plan, the council must carry  
37.10 out a performance ~~audit~~ evaluation of the ~~commuting~~ metropolitan area's transportation  
37.11 system as a whole. The performance ~~audit~~ evaluation must evaluate the ~~commuting~~  
37.12 area's ability to meet the ~~region's needs~~ need for effective and efficient transportation of  
37.13 goods and people; and evaluate ~~future~~ trends and their impacts on the ~~region's~~ area's  
37.14 transportation system; and. The council shall use the results of the performance evaluation  
37.15 to make recommendations for improving the system in each revision of the transportation  
37.16 policy plan. The performance ~~audit~~ must recommend performance-funding measures.

37.17 ~~(b) In 1999 and every four years thereafter, the council must evaluate the~~  
37.18 ~~performance of the metropolitan transit system's operation in relationship to the regional~~  
37.19 ~~transit performance standards developed by the council.~~

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

37.21 Sec. 10. Minnesota Statutes 2006, section 473.166, is amended to read:

37.22 **473.166 CONTROLLED ACCESS; ~~TRANSIT-FIXED-GUIDEWAY;~~**  
37.23 **APPROVAL.**

37.24 Before acquiring land for or constructing a controlled access highway ~~or transit~~  
37.25 ~~fixed-guideway~~ in the area, the state Transportation Department or local government  
37.26 unit proposing the acquisition or construction shall submit to the council a statement  
37.27 describing the proposed project. The statement must be in the form and detail required by  
37.28 the council. The council shall review the statement to ascertain its consistency with its  
37.29 policy plan and the development guide. No project may be undertaken unless the council  
37.30 determines that it is consistent with the policy plan. This approval is in addition to the  
37.31 requirements of any other statute, ordinance or rule.

37.32 Sec. 11. Minnesota Statutes 2006, section 473.386, subdivision 1, is amended to read:

Subdivision 1. **Service objectives.** The council shall implement a special transportation service, as defined in section 174.29, in the metropolitan area. The service has the following objectives:

(a) to provide greater access to transportation for the elderly, people with disabilities, and others with special transportation needs in the metropolitan area;

(b) to develop an integrated system of special transportation service providing transportation tailored to meet special individual needs in the most cost-efficient manner; and

(c) to use existing public, private, and private nonprofit providers of service ~~wherever possible~~ when feasible and cost-efficient, to supplement rather than replace existing service, and to increase the productivity of all special transportation vehicles available in the area.

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

Sec. 12. Minnesota Statutes 2006, section 473.386, subdivision 2, is amended to read:

Subd. 2. **Service contracts; management; transportation accessibility advisory committee.** (a) The council may contract for services necessary for the provision of special transportation. Transportation service provided under a contract must specify the service to be provided, the standards that must be met, and the rates for operating and providing special transportation services.

(b) The council shall establish management policies for the service and may contract with a service administrator for day-to-day administration and management of the service. Any contract must delegate to the service administrator clear authority to administer and manage the delivery of the service pursuant to council management policies and must establish performance and compliance standards for the service administrator. The council may provide directly day to day administration and management of the service and may own or lease vehicles used to provide the service.

(c) The council shall ensure that the service administrator establishes a system for registering and expeditiously responding to complaints by users, informing users of how to register complaints, and requiring providers to report on incidents that impair the safety and well-being of users or the quality of the service.

(d) The council shall ~~annually report to the commissioner of transportation and the legislature on complaints and provider reports, the response of the service administrator, and steps taken by the council and the service administrator to identify causes and provide remedies to recurring problems~~ on its special transportation services as part of the program evaluation provided for in section 473.13, subdivision 1a.

~~(d) Each year before renewing contracts with providers and the service administrator, the council shall provide an opportunity for the transportation accessibility advisory committee, users, and other interested persons to testify before the council concerning providers, contract terms, and other matters relating to council policies and procedures for implementing the service.~~

(e) The council shall provide, on an annual basis, an opportunity for users and other interested persons to provide testimony to the council concerning services provided under this section.

~~(e) (f) The council shall establish a Transportation Accessibility Advisory Committee consisting of 15 members and a chair to advise the council on management policies for the council's special transportation service. The Transportation Accessibility Advisory Committee must include elderly and disabled persons, other users of special transportation service, representatives of persons contracting to provide special transportation services, and representatives of appropriate agencies for elderly and disabled persons to advise the council on management policies for the service. At least half the Transportation Accessibility Advisory Committee members must be disabled or elderly persons or the representatives of disabled or elderly persons who are both ADA-certified and users of public transit in the metropolitan area. Two of the appointments to the Transportation Accessibility Advisory Committee shall be made by the Council on Disability in consultation with the chair of the Metropolitan Council.~~

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

Sec. 13. Minnesota Statutes 2006, section 473.386, subdivision 2a, is amended to read:

Subd. 2a. **Eligibility certification application and verification; penalty for fraudulent certification.** If the council requires a person to be certified as eligible for special transportation services, an applicant for certification must submit an application form and the applicant's eligibility must be verified by a type of professional specified by the council. The council shall include the notice of penalty for fraudulent certification, and:

(1) require the applicant to sign the application form and certify that the application information is accurate; and

(2) require the person certifying verifying the applicant applicant's eligibility to sign the eligibility certification verification form and the applicant to sign the application form, as provided in section 174.295 certify that the verifying information is accurate.

The penalty provided for in section 174.295, subdivision 4, applies to the certifications by the applicant and the person verifying the applicant's eligibility. The

40.1 council must include a notice of the penalty for fraudulent certification in the application  
40.2 form and the eligibility verification form.

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

40.4 Sec. 14. Minnesota Statutes 2006, section 473.386, subdivision 3, is amended to read:

40.5 Subd. 3. **Duties of council.** In implementing the special transportation service, the  
40.6 council shall:

40.7 (a) encourage participation in the service by public, private, and private nonprofit  
40.8 providers of special transportation currently receiving capital or operating assistance  
40.9 from a public agency;

40.10 (b) when feasible and cost-efficient, contract with public, private, and private  
40.11 nonprofit providers that have demonstrated their ability to effectively provide service at  
40.12 a reasonable cost;

40.13 (c) encourage individuals using special transportation to use the type of service  
40.14 most appropriate to their particular needs;

40.15 ~~(d) ensure that all persons providing special transportation service receive equitable~~  
40.16 ~~treatment in the allocation of the ridership;~~

40.17 ~~(e)~~ (d) require special transit service providers to allow passengers to schedule trips  
40.18 up to four days in advance and encourage shared rides to the greatest extent practicable;

40.19 ~~(f)~~ (e) encourage public agencies that provide transportation to eligible individuals  
40.20 as a component of human services and educational programs to coordinate with this  
40.21 service and to allow reimbursement for transportation provided through the service at rates  
40.22 that reflect the public cost of providing that transportation;

40.23 ~~(g)~~ (f) establish criteria to be used in determining individual eligibility for special  
40.24 transportation services;

40.25 ~~(h)~~ (g) consult with the Transportation Accessibility Advisory Committee in a  
40.26 timely manner before changes are made in the provision of special transportation services;  
40.27 ~~including, but not limited to, changes in policies affecting the matters subject to hearing~~  
40.28 ~~under subdivision 2;~~

40.29 ~~(i)~~ (h) provide for effective administration and enforcement of council policies  
40.30 and standards; and

40.31 ~~(j) annually evaluate providers of special transportation service to ensure compliance~~  
40.32 ~~with the standards established for the program; and~~

40.33 ~~(k)~~ (i) ensure that, taken as a whole including contracts with public, private, and  
40.34 private nonprofit providers, the geographic coverage area of the special transportation

41.1 service is continuous within the boundaries of the transit taxing district, as defined as of  
41.2 March 1, 2006, in section 473.446, subdivision 2.

41.3 **EFFECTIVE DATE.** This section is effective the day following final enactment,  
41.4 except that paragraph (d) is effective January 1, 2010.

41.5 Sec. 15. Minnesota Statutes 2006, section 473.399, is amended to read:

41.6 **473.399 TRANSIT WAYS; LIGHT RAIL TRANSIT AND COMMUTER RAIL**  
41.7 **PLANNING IN METROPOLITAN AREA.**

41.8 Subdivision 1. **General requirements.** (a) The council must identify in its  
41.9 transportation policy plan those heavily traveled corridors where development of a transit  
41.10 way may be feasible and cost effective. Modes of providing service in a transit way may  
41.11 include bus rapid transit, light rail transit, commuter rail, or other available systems or  
41.12 technologies that improve transit service.

41.13 (b) After the completion of environmental studies and receipt of input from the  
41.14 governing body of each statutory and home rule charter city, county, and town in which a  
41.15 transit way is proposed to be constructed, the council must designate the locally preferred  
41.16 alternative transit mode with respect to the corridor.

41.17 (c) The council shall ~~adopt a plan to~~ ensure that any light rail transit facilities  
41.18 that are designated as the locally preferred alternative and that are to be constructed in  
41.19 the metropolitan area will be acquired, developed, owned, and capable of operation in  
41.20 an efficient, cost-effective, and coordinated manner in coordination with buses and other  
41.21 transportation modes and facilities. ~~The plan may be developed and adopted in phases~~  
41.22 ~~corresponding to phasing of construction of light rail. The council may incorporate into its~~  
41.23 ~~plan appropriate elements of the plans of regional railroad authorities in order to avoid~~  
41.24 ~~duplication of effort.~~

41.25 ~~(b) The light rail transit plan or first phase of the plan required by this section must~~  
41.26 ~~be adopted by the council before the commissioner of transportation may begin (d)~~  
41.27 Construction of light rail transit facilities in a particular transit corridor may not commence  
41.28 unless and until that mode is designated as the locally preferred alternative for that corridor  
41.29 by the council. Following adoption of the plan, the commissioner of transportation shall  
41.30 act in conformity with the plan. The commissioner shall prepare or amend the final design  
41.31 plans as necessary to make the plans consistent with the light rail transit plan.

41.32 ~~(c) Throughout the development and implementation of the plan, the council shall~~  
41.33 ~~contract for or otherwise obtain engineering services to assure that the plan adequately~~  
41.34 ~~addresses the technical aspects of light rail transit.~~

Subd. 1a. **Integrated transportation system.** The commissioner of transportation and the Metropolitan Council shall ensure that ~~the~~ light rail transit and commuter rail facilities are planned, designed, and implemented: (1) to move commuters and transit users into and out of, as well as within, the metropolitan area, and (2) to ensure that rail transit lines will interface with each other and other transportation facilities and services so as to provide a unified, integrated, and efficient multimodal transportation system.

Subd. 4. **Expenditure of state funds.** No state funds may be expended by the Metropolitan Council to study a particular light rail transit or commuter rail facility unless the funds are appropriated in legislation that identifies the route, including the origin and destination.

Sec. 16. Minnesota Statutes 2006, section 473.3993, subdivision 3, is amended to read:

Subd. 3. **Final design plan.** "Final design plan" means a light rail transit plan that includes the items in the preliminary design plan and the preliminary engineering plan for the facilities proposed but with greater detail and specificity needed for construction. The final design plan must include, at a minimum:

(1) final plans for the physical design of facilities, including the right-of-way definition; environmental impacts and mitigation measures; intermodal coordination with bus operations and routes; and civil engineering plans for vehicles, track, stations, parking, and access, including disability access; and

(2) final plans for civil engineering for electrification, communication, and other similar facilities; operational rules, procedures, and strategies; capital costs; ridership; operating costs and revenues, and sources of funds for operating subsidies; financing for construction and operation; an implementation method; and other similar matters.

The final design plan must be stated with sufficient particularity and detail to allow the proposer to begin the acquisition and construction of operable facilities. If a design-build implementation method is proposed, instead of civil engineering plans the final design plan must state detailed design criteria and performance standards for the facilities.

~~The commissioner of transportation may use~~ A design-build method of project development and construction may be utilized for construction of light rail transit. Notwithstanding any law to the contrary, ~~the commissioner may award a~~ design-build contract may be awarded on the basis of requests for proposals or requests for qualifications without bids. "Design-build method of project development and construction" means a project delivery system in which a single contractor is responsible for both the design and construction of the project and bids the design and construction together.

Sec. 17. Minnesota Statutes 2006, section 473.3994, is amended to read:

**473.3994 LIGHT RAIL TRANSIT; DESIGN PLANS.**

Subd. 1a. **Designation of responsible authority.** For each proposed light rail transit facility in the metropolitan area, the governor must designate either the Metropolitan Council or the state of Minnesota acting through the commissioner of transportation as the entity responsible for planning, designing, acquiring, constructing, and equipping the facility. For the purposes of this section and section 473.3997, the term "responsible authority" means the entity designated by the governor for a particular light rail transit facility. Notwithstanding such designation, the commissioner and the council may enter into one or more cooperative agreements with respect to the planning, designing, acquiring, constructing, or equipping of a particular light rail transit facility that provide for the parties to exercise their respective authorities in support of the project in a manner that best serves the project and the public.

**Subd. 2. Preliminary design plans; public hearing.** Before final design plans are prepared for a light rail transit facility in the metropolitan area, the ~~commissioner of transportation~~ responsible authority and the regional railroad authority or authorities in whose jurisdiction the line or lines are located must hold a public hearing on the physical design component of the preliminary design plans. The ~~commissioner of transportation~~ responsible authority and the regional railroad authority or authorities in whose jurisdiction the line or lines are located must provide appropriate public notice of the hearing and publicity to ensure that affected parties have an opportunity to present their views at the hearing. The ~~commissioner~~ responsible authority shall summarize the proceedings and testimony and maintain the record of a hearing held under this section, including any written statements submitted.

**Subd. 3. Preliminary design plans; local approval.** (a) At least 30 days before the hearing under subdivision 2, the ~~commissioner of transportation~~ responsible authority shall submit the physical design component of the preliminary design plans to the governing body of each statutory and home rule charter city, county, and town in which the route is proposed to be located. The city, county, or town shall hold a public hearing. Within 45 days after the hearing under subdivision 2, the city, county, or town shall review and approve or disapprove the plans for the route to be located in the city, county, or town. A local unit of government that disapproves the plans shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the plans in writing within 45 days after the hearing is deemed to be approval, unless an extension of time is agreed to by the city, county, or town and the ~~commissioner of transportation~~ responsible authority.

44.1 Subd. 4. **Preliminary design plans; council referral.** If the governing body of  
44.2 one or more cities, counties, or towns disapproves the preliminary design plans within  
44.3 the period allowed under subdivision 3, the ~~commissioner of transportation may refer the~~  
44.4 ~~plans, along with any comments of local jurisdictions, to the Metropolitan Council. The~~  
44.5 council shall hold a hearing on the plans, giving the commissioner of transportation, if the  
44.6 responsible authority, any disapproving local governmental units, and other persons an  
44.7 opportunity to present their views on the plans. The council may conduct independent  
44.8 study as it deems desirable and may mediate and attempt to resolve disagreements about  
44.9 the plans. Within ~~90~~ 60 days after the ~~referral~~ hearing, the council shall review the  
44.10 plans ~~submitted by the commissioner of transportation and the council~~ and shall decide  
44.11 what amendments to the plans, if any, must be made to accommodate the objections  
44.12 presented by the disapproving local governmental units. ~~The commissioner shall make the~~  
44.13 Amendments to the plans as decided by the council must be made before continuing the  
44.14 planning and designing process.

44.15 Subd. 5. **Final design plans.** (a) If the final design plans incorporate a substantial  
44.16 change from the preliminary design plans with respect to location, length, or termini  
44.17 of routes; general dimension, elevation, or alignment of routes and crossings; location  
44.18 of tracks above ground, below ground, or at ground level; or station locations, before  
44.19 beginning construction, the ~~commissioner~~ responsible party shall submit the changed  
44.20 component of the final design plans to the governing body of each statutory and home  
44.21 rule city, county, and town in which the changed component is proposed to be located.  
44.22 Within 60 days after the submission of the plans, the city, county, or town shall review  
44.23 and approve or disapprove the changed component located in the city, county, or town. A  
44.24 local unit of government that disapproves the change shall describe specific amendments  
44.25 to the plans that, if adopted, would cause the local unit to withdraw its disapproval.  
44.26 Failure to approve or disapprove the changed plans in writing within the time period is  
44.27 deemed to be approval, unless an extension is agreed to by the city, county, or town and  
44.28 the ~~commissioner~~ responsible authority.

44.29 (b) If the governing body of one or more cities, counties, or towns disapproves the  
44.30 changed plans within the period allowed under paragraph (a), the ~~commissioner may refer~~  
44.31 ~~the plans, along with any comments of local jurisdictions, to the Metropolitan Council.~~  
44.32 ~~The~~ council shall review the final design plans under the same procedure and with the  
44.33 same effect as provided in subdivision 4 for preliminary design plans.

44.34 Subd. 7. **Council review.** If the commissioner is the responsible authority, before  
44.35 proceeding with construction of a light rail transit facility, the commissioner must submit

preliminary and final design plans to the Metropolitan Council. The council must review the plans for consistency with the council's development guide and approve the plans.

Subd. 8. **Metropolitan significance.** This section does not diminish or replace the authority of the council under section 473.173.

Subd. 9. **Light rail transit operating costs.** (a) Before submitting an application for federal assistance for light rail transit facilities in the metropolitan area, the applicant must ~~provide to the Metropolitan Council estimates~~ must prepare an estimate of the amount of operating subsidy which will be required to operate light rail transit in the corridor to which the federal assistance would be applied. The ~~information provided to the council~~ estimate must indicate the amount of operating subsidy estimated to be required in each of the first ten years of operation of the light rail transit facility. If the commissioner of transportation is the responsible authority, the commissioner must provide information requested by the council that is necessary to make the estimate.

(b) The council must review and evaluate the ~~information provided~~ estimate developed under paragraph (a) with regard to the effect of operating the light rail transit facility on the currently available mechanisms for financing transit in the metropolitan area.

Subd. 10. **Corridor Management Committee.** The responsible authority must establish a Corridor Management Committee ~~shall be established~~ to advise the ~~commissioner of transportation~~ responsible authority in the design and construction of light rail transit in each corridor to be constructed. The Corridor Management Committee for each corridor shall consist of the following members:

(1) one member appointed by each city and county in which the corridor is located;

(2) the commissioner of transportation or a designee of the commissioner;

(3) two members appointed by the Metropolitan Council, one of whom shall be designated as the chair of the committee;

(4) one member appointed by the Metropolitan Airports Commission, if the designated corridor provides direct service to the Minneapolis-St. Paul International Airport; and

(5) one member appointed by the president of the University of Minnesota, if the designated corridor provides direct service to the university.

The Corridor Management Committee shall advise the ~~commissioner of transportation~~ responsible authority on issues relating to ~~the alternatives analysis,~~ environmental review, preliminary design, preliminary engineering, final design, implementation method, and construction of light rail transit in the corridor.

Subd. 13. **Dispute resolution.** In the event of a dispute between any of the parties arising from the parties' respective authority and responsibility under this section, the

dispute shall be submitted to the Metropolitan Council for final resolution by any party to the dispute. The Metropolitan Council shall establish by July 1, 1993, a process to ensure a prompt and speedy resolution of the dispute. This process shall allow the parties to provide evidence and testimony in support of their positions.

Subd. 14. **Transfer of facility after construction.** If the commissioner of transportation is the responsible authority for a particular light rail transit facility, the commissioner must transfer to the Metropolitan Council all facilities constructed and all equipment and property acquired in developing the facility upon completion of construction.

Sec. 18. Minnesota Statutes 2006, section 473.3997, is amended to read:

**473.3997 FEDERAL FUNDING; LIGHT RAIL TRANSIT.**

(a) Upon completion of the alternatives analysis and draft environmental impact statement, and selection of the locally preferred alternative, ~~for the central corridor transit improvement project~~ each light rail transit facility, ~~the council, the commissioner of transportation, and the affected regional rail authorities~~ responsible authority may prepare ~~a joint~~ an application for federal assistance for the light rail transit ~~facilities in the metropolitan area~~ facility. If the commissioner is the responsible authority, the application must be reviewed and approved by the Metropolitan Council before it is submitted by ~~the council and the commissioner.~~ In reviewing the application the council must consider the ~~information submitted to it~~ operating cost estimate developed under section 473.3994, subdivision 9.

(b) ~~Until the application described in paragraph (a) is submitted~~ Except for the designated responsible authority for a particular light rail transit facility, no political subdivision in the metropolitan area may on its own apply for federal assistance for light rail transit planning or construction.

Sec. 19. **[473.3999] LIGHT RAIL TRANSIT CONSTRUCTION IN THE METROPOLITAN AREA; COUNCIL AUTHORITY.**

The Metropolitan Council may exercise the powers granted in this chapter and in other applicable law, as necessary, to plan, design, acquire, construct, and equip light rail transit facilities in the metropolitan area as defined in section 473.121, subdivision 2.

Sec. 20. Minnesota Statutes 2006, section 473.4051, is amended to read:

**473.4051 LIGHT RAIL TRANSIT OPERATION.**

The council shall operate all light rail transit facilities and services located in the metropolitan area upon completion of construction of the facilities and the commencement of revenue service using the facilities. ~~The commissioner of transportation and the council~~ may not allow the commencement of revenue service until after an appropriate period of acceptance testing to ensure safe and satisfactory performance. In assuming the operation of the system, the council must comply with section 473.415. The council shall coordinate operation of the light rail transit system with bus service to avoid duplication of service on a route served by light rail transit and to ensure the widest possible access to light rail transit lines in both suburban and urban areas by means of a feeder bus system.

Sec. 21. **REPORTS ON SPECIAL TRANSPORTATION SERVICES.**

(a) The commissioner of transportation with respect to special transportation services outside the metropolitan area, and the Metropolitan Council, with respect to special transportation services within the metropolitan area, shall each:

(1) assess transit needs of people with disabilities;

(2) establish a five-year phased plan to meet the identified needs to the maximum feasible extent;

(3) incorporate a minimum of service for 14 hours per day into the five-year plan;

(4) identify both capital and operating needs for each year of the phased plan, as well as ongoing needs of the fully implemented program; and

(5) identify all funding sources and proposals for utilizing federal funds.

(b) The commissioner of transportation and the Metropolitan Council shall each report findings and recommendations under this section to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation finance and policy no later than December 15, 2008.

Sec. 22. **REPEALER.**

(a) Minnesota Statutes 2006, sections 473.1465; and 473.247, are repealed.

(b) Laws 1999, chapter 230, section 44, is repealed.

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

Sec. 23. **EFFECTIVE DATE.**

Sections 10, 15, 16, 17, 18, and 20, are effective the day following final enactment and apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

ARTICLE 4

REGISTRATION PLATES

Section 1. Minnesota Statutes 2006, section 168.10, subdivision 1a, is amended to read:

Subd. 1a. **Collector's vehicle, pioneer license.** (a) Any motor vehicle manufactured prior to 1936 and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall list such vehicle for taxation and registration and shall issue a single number plate.

(b) The number plate so issued shall bear the inscription "Pioneer," "Minnesota" and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to revoke said plate for failure to comply with this subdivision.

Sec. 2. Minnesota Statutes 2006, section 168.10, subdivision 1b, is amended to read:

Subd. 1b. **Collector's vehicle, classic car license.** (a) Any motor vehicle manufactured between and including the years 1925 and 1948, and designated by the ~~registrar of motor vehicles~~ commissioner as a classic car because of its fine design, high engineering standards, and superior workmanship, and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and that the motor vehicle qualifies to be classified as a classic car, and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall list such vehicle for taxation and registration and shall issue a single number plate.

(b) The number plate so issued shall bear the inscription "Classic Car," "Minnesota," and the registration number or other combination of characters authorized under section

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49.1 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long  
49.2 as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to  
49.3 revoke said plate for failure to comply with this subdivision.

49.4 (c) The following cars built between and including 1925 and 1948 are classic:

49.5 A.C.

49.6 Adler

49.7 Alfa Romeo

49.8 Alvis Speed 20, 25, and 4.3 litre.

49.9 Amilcar

49.10 Aston Martin

49.11 Auburn All 8-cylinder and 12-cylinder models.

49.12 Audi

49.13 Austro-Daimler

49.14 Avions Voisin 12

49.15 Bentley

49.16 Blackhawk

49.17 B.M.W. Models 327, 328, and 335 only.

49.18 Brewster (Heart-front Ford)

49.19 Bugatti

49.20 Buick 1931 through 1942: series 90 only.

49.21 Cadillac All 1925 through 1935.

49.22 All 12's and 16's.

49.23 1936-1948: Series 63, 65, 67,

49.24 70, 72, 75, 80, 85 and 90 only.

49.25 1938-1947: 60 special only.

49.26 1940-1947: All 62 Series.

49.27 Chrysler 1926 through 1930: Imperial 80.

49.28 1929: Imperial L.

49.29 1931 through 1937: Imperial Series CG,

49.30 CH, CL, and CW.

49.31 All Newports and Thunderbolts.

49.32 1934 CX.

49.33 1935 C-3.

49.34 1936 C-11.

49.35 1937 through 1948: Custom Imperial,

49.36 Crown Imperial Series C-15, C-20, C-24,

49.37 C-27, C-33, C-37, and C-40.

49.38 Cord

49.39 Cunningham

49.40 Dagmar Model 25-70 only.

49.41 Daimler

49.42 Delage

49.43 Delahaye

|       |                     |                                          |
|-------|---------------------|------------------------------------------|
| 50.1  | Doble               |                                          |
| 50.2  | Dorris              |                                          |
| 50.3  | Duesenberg          |                                          |
| 50.4  | du Pont             |                                          |
| 50.5  | Franklin            | All models except 1933-34 Olympic Sixes. |
| 50.6  | Frazer Nash         |                                          |
| 50.7  | Graham              | 1930-1931: Series 137.                   |
| 50.8  | Graham-Paige        | 1929-1930: Series 837.                   |
| 50.9  | Hispano Suiza       |                                          |
| 50.10 | Horch               |                                          |
| 50.11 | Hotchkiss           |                                          |
| 50.12 | Invicta             |                                          |
| 50.13 | Isotta Fraschini    |                                          |
| 50.14 | Jaguar              |                                          |
| 50.15 | Jordan              | Speedway Series 'Z' only.                |
| 50.16 | Kissel              | 1925, 1926 and 1927: Model 8-75.         |
| 50.17 |                     | 1928: Model 8-90, and 8-90 White Eagle.  |
| 50.18 |                     | 1929: Model 8-126, and 8-90 White Eagle. |
| 50.19 |                     | 1930: Model 8-126.                       |
| 50.20 |                     | 1931: Model 8-126.                       |
| 50.21 | Lagonda             |                                          |
| 50.22 | Lancia              |                                          |
| 50.23 | La Salle            | 1927 through 1933 only.                  |
| 50.24 | Lincoln             | All models K, L, KA, and KB.             |
| 50.25 |                     | 1941: Model 168H.                        |
| 50.26 |                     | 1942: Model 268H.                        |
| 50.27 | Lincoln Continental | 1939 through 1948.                       |
| 50.28 | Locomobile          | All models 48 and 90.                    |
| 50.29 |                     | 1927: Model 8-80.                        |
| 50.30 |                     | 1928: Model 8-80.                        |
| 50.31 |                     | 1929: Models 8-80 and 8-88.              |
| 50.32 | Marmon              | All 16-cylinder models.                  |
| 50.33 |                     | 1925: Model 74.                          |
| 50.34 |                     | 1926: Model 74.                          |
| 50.35 |                     | 1927: Model 75.                          |
| 50.36 |                     | 1928: Model E75.                         |
| 50.37 |                     | 1931: Model 88, and Big 8.               |
| 50.38 | Maybach             |                                          |
| 50.39 | McFarlan            |                                          |
| 50.40 | Mercedes Benz       | All models 2.2 litres and up.            |
| 50.41 | Mercer              |                                          |
| 50.42 | M.G.                | 6-cylinder models only.                  |
| 50.43 | Minerva             |                                          |

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|       |                |                                        |
|-------|----------------|----------------------------------------|
| 51.1  | Nash           | 1931: Series 8-90.                     |
| 51.2  |                | 1932: Series 9-90,                     |
| 51.3  |                | Advanced 8, and Ambassador 8.          |
| 51.4  |                | 1933-1934: Ambassador 8.               |
| 51.5  | Packard        | 1925 through 1934: All models.         |
| 51.6  |                | 1935 through 1942: Models 1200,        |
| 51.7  |                | 1201, 1202, 1203, 1204, 1205, 1207,    |
| 51.8  |                | 1208, 1400, 1401, 1402, 1403, 1404,    |
| 51.9  |                | 1405, 1407, 1408, 1500, 1501, 1502,    |
| 51.10 |                | 1506, 1507, 1508, 1603, 1604, 1605,    |
| 51.11 |                | 1607, 1608, 1705, 1707, 1708, 1806,    |
| 51.12 |                | 1807, 1808, 1906, 1907, 1908, 2006,    |
| 51.13 |                | 2007, and 2008 only.                   |
| 51.14 |                | 1946 and 1947: Models 2106 and         |
| 51.15 |                | 2126 only.                             |
| 51.16 | Peerless       | 1926 through 1928: Series 69.          |
| 51.17 |                | 1930-1931: Custom 8.                   |
| 51.18 |                | 1932: Deluxe Custom 8.                 |
| 51.19 | Pierce Arrow   |                                        |
| 51.20 | Railton        |                                        |
| 51.21 | Renault        | Grand Sport model only.                |
| 51.22 | Reo            | 1930-1931: Royale Custom 8, and        |
| 51.23 |                | Series 8-35 and 8-52 Elite 8.          |
| 51.24 |                | 1933: Royale Custom 8.                 |
| 51.25 | Revere         |                                        |
| 51.26 | Roamer         | 1925: Series 8-88, 6-54e, and 4-75.    |
| 51.27 |                | 1926: Series 4-75e, and 8-88.          |
| 51.28 |                | 1927-1928: Series 8-88.                |
| 51.29 |                | 1929: Series 8-88, and 8-125.          |
| 51.30 |                | 1930: Series 8-125.                    |
| 51.31 | Rohr           |                                        |
| 51.32 | Rolls Royce    |                                        |
| 51.33 | Ruxton         |                                        |
| 51.34 | Salmson        |                                        |
| 51.35 | Squire         |                                        |
| 51.36 | Stearns Knight |                                        |
| 51.37 | Stevens Duryea |                                        |
| 51.38 | Steyr          |                                        |
| 51.39 | Studebaker     | 1929-1933: President, except model 82. |
| 51.40 | Stutz          |                                        |
| 51.41 | Sunbeam        |                                        |
| 51.42 | Talbot         |                                        |
| 51.43 | Triumph        | Dolomite 8 and Gloria 6.               |

52.1 Vauxhall Series 25-70 and 30-98 only.

52.2 Voisin

52.3 Wills Saint Claire

52.4 (d) No commercial vehicles such as hearses, ambulances, or trucks are considered  
52.5 to be classic cars.

52.6 Sec. 3. Minnesota Statutes 2006, section 168.10, subdivision 1c, is amended to read:

52.7 Subd. 1c. **Collector's vehicle, collector plate.** (a) The owner of any self-propelled  
52.8 motor vehicle, including any truck, (1) that is (i) at least 20 model years old, or (ii) at  
52.9 least ten model years old and with a body or engine style of which not more than 500  
52.10 were manufactured in or imported into the United States in any model year, (2) that was  
52.11 manufactured after 1935, and (3) that is owned and operated solely as a collector's vehicle,  
52.12 shall list the vehicle for taxation and registration as provided in paragraph (b).

52.13 (b) The owner shall execute an affidavit stating (1) the name and address of the  
52.14 person from whom purchased and of the new owner, (2) the make of the motor vehicle,  
52.15 (3) the year and number of the model, (4) the manufacturer's identification number, (5)  
52.16 in the case of a vehicle described in paragraph (a), clause (1)(ii), that the vehicle has a  
52.17 body or engine style of which not more than 500 were manufactured or imported into the  
52.18 United States in any model year, and (6) that the vehicle is owned and operated solely as a  
52.19 collector's item and not for general transportation purposes.

52.20 (c) The owner shall provide a statement of the manufacturer or importer regarding  
52.21 the number of vehicles manufactured or imported during the model year.

52.22 (d) The owner shall also prove that the owner also has one or more vehicles with  
52.23 regular license plates.

52.24 If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and the  
52.25 owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~  
52.26 commissioner shall list the vehicle for taxation and registration and shall issue a single  
52.27 number plate.

52.28 (e) The number plate issued shall bear the inscription "Collector," "Minnesota,"  
52.29 and the registration number or other combination of characters authorized under section  
52.30 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long  
52.31 as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to  
52.32 revoke the plate for failure to comply with this subdivision.

52.33 Sec. 4. Minnesota Statutes 2006, section 168.10, subdivision 1d, is amended to read:

Subd. 1d. **Collector's vehicle, street rod license.** Any modernized motor vehicle manufactured prior to the year 1949 or designed and manufactured to resemble such vehicle shall be listed for taxation and registration as follows:

An affidavit shall be executed stating the name and address of the person from whom purchased and of the new owner, the make of the motor vehicle, year number of model, and the manufacturer's identification number. The affidavit shall further state that the vehicle is owned and operated solely as a street rod and not for general transportation purposes. The owner must also prove that the owner has one or more vehicles with regular license plates. If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall list such vehicle for taxation and registration and shall issue a single number plate.

The number plate issued shall bear the inscription "Street Rod", "Minnesota" and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to revoke such plate for failure to comply with this subdivision.

Sec. 5. Minnesota Statutes 2006, section 168.10, subdivision 1g, is amended to read:

Subd. 1g. **Original plates.** A vehicle registered pursuant to subdivision 1a, 1b, 1c or 1d may in lieu of being issued number plates by the ~~registrar~~ commissioner display original Minnesota number plates issued in the same year as the model year of the car on which they are displayed. The number of the original plates must be provided to the ~~registrar~~ commissioner. The original plates must be in good condition ~~and shall be used in pairs one to be displayed in the front of the car and one in the rear, except for an original plate issued in 1911, 1944, 1945, or 1946 which may be used singly and displayed at the rear of the vehicle.~~ Original Minnesota number plates shall not be used if the number on the original plate is identical to a number on any current ~~street rod~~ plate or any other plate in a numbering system used by the ~~registrar~~ commissioner without written authorization from the commissioner. Any person currently using plates issued pursuant to subdivision 1a, 1b, 1c or 1d shall return those plates to the ~~registrar~~ commissioner before substituting original plates. The ~~registrar may~~ commissioner shall charge a fee of \$10 for registering the number on original plates.

Sec. 6. Minnesota Statutes 2006, section 168.10, subdivision 1h, is amended to read:

Subd. 1h. **Collector military vehicle.** (a) A motor vehicle, including a truck, shall be listed and registered under this section if it meets the following conditions:

(1) it is at least 20 years old;

(2) its first owner following its manufacture was a branch of the armed forces of the United States and it presently conforms to the vehicle specifications required during the time of military ownership, or it has been restored and presently conforms to the specifications required by a branch of the armed forces for the model year that the restored vehicle could have been owned by that branch of the armed forces; and

(3) it is owned by a nonprofit organization and operated solely as a collector's vehicle. For purposes of this subdivision, "nonprofit organization" means a corporation, society, association, foundation, or institution organized and operated exclusively for historical or educational purposes, no part of the net earnings of which inures to the benefit of a private individual.

(b) The owner of the vehicle shall execute an affidavit stating the name and address of the person from whom purchased and of the new owner; the make, year, and model number of the motor vehicle; the manufacturer's identification number; and the collector military vehicle identification number, if any, located on the exterior of the vehicle. The affidavit must affirm that the vehicle is owned by a nonprofit organization and is operated solely as a collector's item and not for general transportation purposes. If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall list the vehicle for taxation and registration and shall issue number plates. The number plates shall bear the inscriptions "Collector" and "Minnesota" and the registration number, but no date. The number plates are valid without renewal as long as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner may revoke the plates for failure to comply with this subdivision.

(c) Notwithstanding section 168.09, 168.12, or other law to the contrary, the owner of a registered collector military vehicle is not required to display registration plates on the exterior of the vehicle if the vehicle has an exterior number identification that conforms to the identifying system for military vehicles in effect when the vehicle was last owned by the branch of the armed forces of the United States or in effect in the year to which the collector military vehicle has been restored. However, the state registration plates must be carried in or on the collector military vehicle at all times.

(d) The owner of a registered collector military vehicle that is not required to display registration plates under paragraph (c) may tow a registered trailer behind it. The trailer is not required to display registration plates if the trailer:

- 55.1 (1) does not exceed a gross weight of 15,000 pounds;
- 55.2 (2) otherwise conforms to registration, licensing, and safety laws and specifications;
- 55.3 (3) conforms to military specifications for appearance and identification;
- 55.4 (4) is intended to represent and does represent a military trailer; and
- 55.5 (5) carries registration plates on or in the trailer or the collector military vehicle
- 55.6 towing the trailer.

55.7 Sec. 7. Minnesota Statutes 2006, section 168.10, subdivision 1i, is amended to read:

55.8 Subd. 1i. **Collector plate transfer.** Notwithstanding section 168.12, subdivision 1,  
55.9 on payment of a transfer fee of \$5, plates issued under this section may be transferred to  
55.10 another vehicle owned or jointly owned by the person to whom the special plates were  
55.11 issued or the plate may be assigned to another owner. In addition to the transfer fee a new  
55.12 owner must pay the \$25 ~~plate tax~~ or and any fee required by section 168.12, subdivision  
55.13 2a. The \$5 fee must be paid into the state treasury and credited to the highway user tax  
55.14 distribution fund. License plates issued under this section may not be transferred to a  
55.15 vehicle not eligible for the collector's vehicle license plates.

55.16 Sec. 8. Minnesota Statutes 2006, section 168.12, subdivision 1, is amended to read:

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

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

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

55.31 (d) The commissioner shall issue plates for the following periods:

55.32 (1) New plates issued pursuant to section 168.012, subdivision 1, must be issued to a  
55.33 vehicle for as long as the vehicle is owned by the exempt agency and the plate shall not be

transferable from one vehicle to another but the plate may be transferred with the vehicle from one tax-exempt agency to another.

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

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

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

(5) Plates for any vehicle not specified in clauses (1) to (3), ~~except for trailers as hereafter provided,~~ must be issued for the life of the vehicle. ~~Beginning with plates issued for the year 1981, plates issued for trailers with a total gross weight of 3,000 pounds or less must be issued for the life of the trailer and must be not more than seven inches in length and four inches in width.~~

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

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

Sec. 9. Minnesota Statutes 2006, section 168.12, subdivision 2, is amended to read:

Subd. 2. **Amateur radio licensee; special plates, rules.** (a) The commissioner shall issue amateur radio plates to an applicant who:

(1) is an owner of a passenger automobile or recreational motor vehicle;

(2) is a resident of this state;

(3) holds an official amateur radio station license or a citizens radio service class D license, in good standing, issued by the Federal Communications Commission;

(4) pays the registration tax required under section 168.013;

(5) pays a fee of \$10 for each set of special plates and any other fees required by this chapter; and

(6) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers;

(b) In lieu of the registration number required for identification under subdivision 1, the plates must indicate the official amateur call letters of the applicant, as assigned by the Federal Communications Commission, and the words "AMATEUR RADIO."

(c) This provision for the issue of special plates applies only if the applicant's motor vehicle is already registered in Minnesota so that the applicant has valid regular Minnesota plates issued for that motor vehicle under which to operate it during the time that it will take to have the necessary special plates made.

(d) If owning more than one motor vehicle of the type specified in this subdivision, the applicant may apply for special plates for each ~~of not more than two motor vehicles~~ motor vehicle and, if each application complies with this subdivision, the commissioner shall furnish the applicant with the special plates, indicating the official amateur call letters and other distinguishing information as the commissioner considers necessary, for each of the ~~two~~ motor vehicles.

(e) The commissioner may make reasonable rules governing the use of the special plates as will assure the full compliance by the owner of the special plates, with all existing laws governing the registration of motor vehicles and the transfer and use of the plates.

(f) Despite any contrary provision of subdivision 1, the special plates issued under this subdivision may be transferred by an owner to another motor vehicle listed in paragraph (a) and registered to the same owner, upon the payment of a fee of \$5. The commissioner must be notified before the transfer and may prescribe a format for the notification.

Sec. 10. Minnesota Statutes 2006, section 168.12, subdivision 2a, is amended to read:

Subd. 2a. **Personalized plates; rules.** (a) The commissioner ~~shall~~ may issue personalized plates or, if requested for special plates issued under section 168.123 for veterans, 168.124 for medal of honor recipients, or 168.125 for former prisoners of war, applicable personalized special veterans plates, to an applicant who:

(1) is an owner of a passenger automobile including a passenger automobile registered as a classic car, pioneer car, collector car, or street rod; any truck with a manufacturer's nominal rated capacity of one ton or less and resembling a pickup truck; a motorcycle, including a classic motorcycle; a motorized bicycle; a commuter van as defined in section 168.126; or a recreational ~~motor~~ vehicle;

(2) pays a onetime fee of \$100 and any other fees required by this chapter;

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

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

(b) The commissioner shall charge a replacement fee for personalized license plates and personalized special veterans plates issued under section 168.123 as specified in subdivision 5. This fee must be paid by the applicant whenever the personalized plates are required to be replaced by law, except that as provided in section 168.124, subdivision 3, and 168.125, subdivision 1b, no fee may be charged to replace plates issued under those sections.

(c) In lieu of the registration number assigned as provided in subdivision 1, personalized plates and personalized special veterans plates must have imprinted on them a series of not more than seven numbers and letters, or five numbers and letters for personalized special veterans plates, in any combination and, as applicable, satisfy the design requirements of section 168.123, 168.124, or 168.125. When an applicant has once obtained personalized plates or personalized special veterans plates, the applicant shall have a prior claim for similar personalized plates or personalized special veterans plates in the next succeeding year as long as current motor vehicle registration is maintained.

(d) The commissioner shall adopt rules in the manner provided by chapter 14, regulating the issuance and transfer of personalized plates and personalized special veterans plates. No words or combination of letters placed on these plates may be used for commercial advertising, be of an obscene, indecent, or immoral nature, or be of a nature that would offend public morals or decency. The call signals or letters of a radio or television station are not commercial advertising for the purposes of this subdivision.

(e) Despite the provisions of subdivision 1, personalized plates and personalized special veterans plates issued under this subdivision may be transferred to another motor vehicle listed in paragraph (a) and owned by the applicant, upon the payment of a fee of \$5.

(f) The commissioner may by rule specify the format for notification.

(g) A personalized plate or personalized special veterans plate issued for a classic car, pioneer car, collector car, street rod, or classic motorcycle may not be transferred to a vehicle not eligible for such a plate.

(h) Despite any law to the contrary, if the personalized license plates are lost, stolen, or destroyed, the applicant may apply and must be issued duplicate license plates bearing the same combination of letters and numbers and the same design as (1) the former personalized plates or personalized special veterans plates under section 168.123 upon the payment of the fee required by section 168.29 or (2) the former personalized special veterans plates issued under section 168.124 or 168.125, without charge.

Sec. 11. Minnesota Statutes 2006, section 168.12, subdivision 2b, is amended to read:

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

(1) is both a member of a fire department receiving state aid under chapter 69 and an owner of a passenger automobile, a truck with a manufacturer's nominal rated capacity of one ton and resembling a pickup truck, or a motorcycle;

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

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

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

(b) In lieu of the identification required under subdivision 1, the special plates must bear an emblem of a Maltese Cross together with any numbers or characters prescribed by the commissioner. ~~No applicant shall receive more than two sets of plates for motor vehicles owned by the applicant.~~

(c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of a fire department as specified in this subdivision. When the individual to whom the special plates were issued is no longer a member of a fire department or when the motor vehicle ownership is transferred, the owner shall remove the special plates from the motor vehicle. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. Upon removal or invalidation of the special plates, or special motorcycle plate, either the owner or purchaser of the motor vehicle is entitled to receive regular plates or a regular motorcycle plate for the motor vehicle without cost for the remainder of the registration period for which the special plate or plates were issued shall obtain regular plates or a regular motorcycle plate for the proper registration classification for the motor vehicle.

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

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

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

60.4 Sec. 12. Minnesota Statutes 2006, section 168.12, subdivision 2c, is amended to read:

60.5 Subd. 2c. **National Guard; special plates, rules.** (a) The commissioner shall  
60.6 issue special plates to any applicant who:

60.7 (1) is a regularly enlisted, commissioned, or retired member of the Minnesota  
60.8 National Guard, other than an inactive member who is not a retired member, and is an  
60.9 owner of a passenger automobile;

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

60.11 (3) pays the registration tax required by this chapter; and

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

60.14 (b) The adjutant general shall design the emblem for these special plates subject to  
60.15 the approval of the commissioner.

60.16 ~~(c) An applicant must not be issued more than two sets of plates for motor vehicles~~  
60.17 ~~registered to the applicant.~~

60.18 ~~(d)~~ (c) Special plates issued under this subdivision may only be used during the  
60.19 period that the owner of the motor vehicle is an active or retired member of the Minnesota  
60.20 National Guard as specified in this subdivision. When the individual to whom the  
60.21 special plates were issued is no longer an active or retired member of the Minnesota  
60.22 National Guard, the special plates must be removed from the vehicle by the owner. If the  
60.23 commissioner receives written notification that an individual is no longer qualified for  
60.24 these special plates, the commissioner shall invalidate the plates and notify the individual  
60.25 of this action. The individual may retain the plate only upon demonstrating compliance  
60.26 with the qualifications of this subdivision. Upon removal or invalidation of the special  
60.27 plates, either the owner or purchaser of the motor vehicle is entitled to receive regular  
60.28 plates for the motor vehicle without cost for the remainder of the registration period for  
60.29 which the special plates were issued shall obtain regular plates for the motor vehicle.

60.30 ~~(e)~~ (d) While the person is an active or retired member of the Minnesota National  
60.31 Guard, plates issued pursuant to this subdivision may be transferred to another motor  
60.32 vehicle owned by that individual upon payment of a fee of \$5.

60.33 ~~(f)~~ (e) For purposes of this subdivision, "retired member" means an individual  
60.34 placed on the roll of retired officers or roll of retired enlisted members in the Office of the  
60.35 Adjutant General under section 192.18 and who is not deceased.

61.1 ~~(g)~~ (f) The commissioner may adopt rules under the Administrative Procedure Act to  
61.2 govern the issuance and use of the special plates authorized by this subdivision.

61.3 Sec. 13. Minnesota Statutes 2006, section 168.12, subdivision 2d, is amended to read:

61.4 Subd. 2d. **Ready Reserve; special plates, rules.** (a) The commissioner shall issue  
61.5 special plates to an applicant who:

61.6 (1) is not eligible for special National Guard plates under subdivision 2c, is a  
61.7 member of the United States armed forces ready reserve as described in United States  
61.8 Code, title 10, section 10142 or 10143, or a retired reserve as described in United States  
61.9 Code, title 10, section 10154, and is an owner of a passenger automobile;

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

61.11 (3) pays the registration tax required by this chapter; and

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

61.14 (b) The commissioner of veterans affairs shall design the emblem for these special  
61.15 plates subject to the approval of the commissioner.

61.16 ~~(c) An applicant must not be issued more than two sets of plates for motor vehicles~~  
61.17 ~~owned by the applicant.~~

61.18 ~~(d)~~ (c) Special plates issued under this subdivision may only be used during the  
61.19 period that the owner of the motor vehicle is a member of the ready reserve. When the  
61.20 owner is no longer a member, the special plates must be removed from the motor vehicle  
61.21 by the owner. If the commissioner receives written notification that an individual is no  
61.22 longer qualified for these special plates, the commissioner shall invalidate the plates  
61.23 and notify the individual of this action. The individual may retain the plate only upon  
61.24 demonstrating compliance with the qualifications of this subdivision. On removing  
61.25 removal or invalidation of the special plates, either the owner or purchaser of the motor  
61.26 vehicle is entitled to receive regular plates for the motor vehicle without cost for the rest  
61.27 of the registration period for which the special plates were issued shall obtain regular  
61.28 plates for the motor vehicle. While the owner is a member of the ready reserve, plates  
61.29 issued under this subdivision may be transferred to another motor vehicle owned by that  
61.30 individual on paying a fee of \$5.

61.31 ~~(e)~~ (d) The commissioner may adopt rules under the Administrative Procedure Act  
61.32 to govern the issuance and use of the special plates authorized by this subdivision.

61.33 Sec. 14. Minnesota Statutes 2006, section 168.12, subdivision 2e, is amended to read:

Subd. 2e. **Volunteer ambulance attendants; special plates.** (a) The commissioner shall issue special license plates to an applicant who:

(1) is a volunteer ambulance attendant as defined in section 144E.001, subdivision 15, and owns a motor vehicle taxed as a passenger automobile;

(2) pays the registration tax required by this chapter for the motor vehicle;

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

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

~~(b) The commissioner shall not issue more than two sets of these plates to each qualified applicant.~~

~~(c)~~ (b) An individual may use special plates issued under this subdivision only during the period that the individual is a volunteer ambulance attendant. When the individual to whom the special plates were issued ceases to be a volunteer ambulance attendant, the individual shall remove each set of special plates issued. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. When ownership of the motor vehicle is transferred, the individual shall remove the special plates from that motor vehicle. On removal or invalidation of each set of the special plates, the owner or purchaser of the motor vehicle, or new owner in case of a transferred motor vehicle, is entitled to receive regular plates for the motor vehicle without cost for the rest of the registration period for which the set of special plates were issued shall obtain regular plates for the motor vehicle. Special plates issued under this subdivision may be transferred to another motor vehicle owned by the volunteer ambulance attendant on payment of a fee of \$5.

~~(d)~~ (c) The commissioner may adopt rules governing the design, issuance, and sale of the special plates authorized by this subdivision.

## ARTICLE 5

### VEHICLE SIZE, WEIGHT, AND LOAD RESTRICTIONS

Section 1. Minnesota Statutes 2006, section 169.01, subdivision 78, is amended to read:

Subd. 78. **Recreational vehicle combination.** (a) "Recreational vehicle combination" means a combination of vehicles consisting of a full-size pickup truck as defined in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a camper-semitrailer which has hitched to it a trailer ~~carrying a watercraft as defined in section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787;~~

63.1 ~~subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81,~~  
63.2 ~~subdivision 3; all-terrain vehicle as defined in section 84.92, subdivision 8; motorized golf~~  
63.3 ~~cart; or equestrian equipment or supplies.~~

63.4 (b) For purposes of this subdivision:

63.5 (1) A "fifth-wheel coupling" is a coupling between a camper-semitrailer and a  
63.6 towing pickup truck in which a portion of the weight of the camper-semitrailer is carried  
63.7 over or forward of the rear axle of the towing pickup.

63.8 (2) A "camper-semitrailer" is a trailer, other than a manufactured home as defined in  
63.9 section 327B.01, subdivision 13, designed for human habitation and used for vacation or  
63.10 recreational purposes for limited periods.

63.11 Sec. 2. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision  
63.12 to read:

63.13 Subd. 92. **Full-size pickup truck.** "Full-size pickup truck" means any truck with a  
63.14 manufacturer's nominal rated carrying capacity of one ton or less and commonly known  
63.15 as or resembling a pickup truck.

63.16 Sec. 3. Minnesota Statutes 2006, section 169.81, subdivision 2, is amended to read:

63.17 Subd. 2. **Length of single vehicle; exceptions.** (a) Statewide, no single vehicle may  
63.18 exceed ~~40~~ 45 feet in overall length, including load and front and rear bumpers, except:

63.19 ~~(1) mobile cranes, which may not exceed 48 feet in overall length;~~

63.20 ~~(2) buses, which may not exceed 45 feet in overall length; and~~

63.21 ~~(3) type A, B, or C motor homes as defined in section 168.011, subdivision 25,~~  
63.22 ~~paragraph (c), which may not exceed 45 feet in overall length.~~

63.23 (b) Statewide, no semitrailer may exceed 48 feet in overall length, including bumper  
63.24 and load, but excluding non-cargo-carrying equipment, such as refrigeration units or air  
63.25 compressors, necessary for safe and efficient operation and located on the end of the  
63.26 semitrailer adjacent to the truck-tractor. However, statewide, a single semitrailer may  
63.27 exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the  
63.28 rear axle group of the semitrailer does not exceed 43 feet.

63.29 (c) Statewide, no single trailer may have an overall length exceeding 45 feet,  
63.30 including the tow bar assembly but exclusive of rear bumpers that do not increase the  
63.31 overall length by more than six inches.

63.32 (d) For determining compliance with this subdivision, the length of the semitrailer  
63.33 or trailer must be determined separately from the overall length of the combination of  
63.34 vehicles.

64.1 (e) No semitrailer or trailer used in a three-vehicle combination may have an overall  
64.2 length in excess of 28-1/2 feet, exclusive of:

64.3 (1) non-cargo-carrying accessory equipment, including refrigeration units or air  
64.4 compressors and upper coupler plates, necessary for safe and efficient operation, located  
64.5 on the end of the semitrailer or trailer adjacent to the truck or truck-tractor;

64.6 (2) the tow bar assembly; and

64.7 (3) lower coupler equipment that is a fixed part of the rear end of the first semitrailer  
64.8 or trailer.

64.9 **EFFECTIVE DATE.** This section is effective August 1, 2007.

64.10 Sec. 4. Minnesota Statutes 2006, section 169.81, subdivision 3c, is amended to read:

64.11 Subd. 3c. **Recreational vehicle combination.** Notwithstanding subdivision 3, a  
64.12 recreational vehicle combination may be operated without a permit if:

64.13 (1) the combination does not consist of more than three vehicles, and the towing  
64.14 rating of the full-size pickup truck is equal to or greater than the total weight of all  
64.15 vehicles being towed;

64.16 (2) the combination does not exceed 70 feet in length;

64.17 (3) ~~the middle vehicle in the combination does not exceed 28 feet in length;~~

64.18 ~~(4)~~ the operator of the combination is at least 18 years of age;

64.19 ~~(5)~~ (4) the trailer is only carrying a watercraft, motorcycle, motorized bicycle,  
64.20 off-highway motorcycle, snowmobile, all-terrain vehicle, motorized golf cart, or  
64.21 equestrian equipment or supplies, and meets all requirements of law;

64.22 ~~(6)~~ (5) the ~~trailers~~ vehicles in the combination are connected to the full-size pickup  
64.23 truck and each other in conformity with section 169.82; and

64.24 ~~(7)~~ (6) the combination is not operated within the seven-county metropolitan area,  
64.25 as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m.  
64.26 and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays.

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

64.28 Sec. 5. Minnesota Statutes 2006, section 169.823, subdivision 1, is amended to read:

64.29 Subdivision 1. **Pneumatic-tired vehicle.** No vehicle or combination of vehicles  
64.30 equipped with pneumatic tires shall be operated upon the highways of this state:

64.31 (1) where the gross weight on any wheel exceeds 9,000 pounds, except that on  
64.32 paved county state-aid highways, paved county roads, designated local routes, and state

65.1 trunk highways the gross weight on any single wheel shall not exceed 10,000 pounds  
65.2 unless posted;

65.3 (2) where the gross weight on any single axle exceeds 18,000 pounds, except that  
65.4 on paved county state-aid highways, paved county roads, designated local routes, and  
65.5 state trunk highways the gross weight on any single axle shall not exceed 20,000 pounds  
65.6 unless posted;

65.7 (3) where the maximum wheel load:

65.8 (i) on the foremost and rearmost steering axles, exceeds 600 pounds per inch of tire  
65.9 width or the manufacturer's recommended load, whichever is less; or

65.10 (ii) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer's  
65.11 recommended load, whichever is less. This item applies to new vehicles manufactured  
65.12 after August 1, 1991. For vehicles manufactured before August 2, 1991, the maximum  
65.13 weight per inch of tire width is 600 pounds per inch or the manufacturer's recommended  
65.14 load, whichever is less, until August 1, 1996. After July 31, 1996, this item applies to all  
65.15 vehicles regardless of date of manufacture;

65.16 (4) where the gross weight on any axle of a tridem exceeds 15,000 pounds, except  
65.17 that for vehicles to which an additional axle has been added prior to June 1, 1981, the  
65.18 maximum gross weight on any axle of a tridem may be up to 16,000 pounds provided the  
65.19 gross weight of the tridem combination does not exceed 39,900 pounds where the first  
65.20 and third axles of the tridem are spaced nine feet apart;

65.21 (5) where the gross weight on any group of axles exceeds the weights permitted  
65.22 under sections 169.822 to 169.829 with any or all of the interior axles disregarded, and  
65.23 with an exterior axle disregarded if the exterior axle is a variable load axle that is not  
65.24 carrying its intended weight, and their gross weights subtracted from the gross weight of  
65.25 all axles of the group under consideration.

65.26 Sec. 6. Minnesota Statutes 2006, section 169.824, subdivision 1, is amended to read:

65.27 Subdivision 1. ~~Table of Axle weight limits~~ table. (a) No vehicle or combination of  
65.28 vehicles equipped with pneumatic tires shall be operated upon the highways of this state  
65.29 where the total gross weight on any group of two or more consecutive axles of any vehicle  
65.30 or combination of vehicles exceeds that given in the following axle weight limits table for  
65.31 the distance between the centers of the first and last axles of any group of two or more  
65.32 consecutive axles under consideration; ~~unless otherwise noted, the distance between axles~~  
65.33 ~~being~~ is measured longitudinally to the nearest even foot, and when the measurement is a  
65.34 fraction of exactly one-half foot the next largest whole number in feet shall be used,

66.1 except that when the distance between axles is more than three feet four inches and less  
66.2 than three feet six inches the distance of four feet shall be used.

|       |                                                                                         |                     |                     |                      |
|-------|-----------------------------------------------------------------------------------------|---------------------|---------------------|----------------------|
| 66.3  | <u>Axle Weight Limits Table</u>                                                         |                     |                     |                      |
| 66.4  | Maximum gross weight in pounds on a group of                                            |                     |                     |                      |
| 66.5  |                                                                                         | 2                   | 3                   | 4                    |
| 66.6  | Distances in feet<br>between centers<br>of foremost and<br>rearmost axles of a<br>group | consecutive axles   | consecutive axles   | consecutive axles    |
| 66.7  |                                                                                         | of a 2-axle vehicle | of a 3-axle vehicle | of a 4-axle vehicle  |
| 66.8  |                                                                                         | or of any vehicle   | or of any vehicle   | or any combination   |
| 66.9  |                                                                                         | or combination of   | or combination of   | of vehicles having   |
| 66.10 |                                                                                         | vehicles having a   | vehicles having a   | a total of 4 or more |
| 66.11 |                                                                                         | total of 2 or more  | total of 3 or more  | axles                |
| 66.12 |                                                                                         | axles               | axles               |                      |
| 66.13 |                                                                                         | 4                   | 34,000              |                      |
| 66.14 |                                                                                         | 5                   | 34,000              |                      |
| 66.15 |                                                                                         | 6                   | 34,000              |                      |
| 66.16 |                                                                                         | 7                   | 34,000              | 37,000               |
| 66.17 |                                                                                         | 8                   | 34,000              | 38,500               |
| 66.18 | 8 plus                                                                                  | 34,000              | 42,000              |                      |
| 66.19 |                                                                                         | (38,000)            |                     |                      |
| 66.20 | 9                                                                                       | 35,000              | 43,000              |                      |
| 66.21 |                                                                                         | (39,000)            |                     |                      |
| 66.22 | 10                                                                                      | 36,000              | 43,500              | 49,000               |
| 66.23 |                                                                                         | (40,000)            |                     |                      |
| 66.24 | 11                                                                                      | 36,000              | 44,500              | 49,500               |
| 66.25 | 12                                                                                      |                     | 45,000              | 50,000               |
| 66.26 | 13                                                                                      |                     | 46,000              | 51,000               |
| 66.27 | 14                                                                                      |                     | 46,500              | 51,500               |
| 66.28 | 15                                                                                      |                     | 47,500              | 52,000               |
| 66.29 | 16                                                                                      |                     | 48,000              | 53,000               |
| 66.30 | 17                                                                                      |                     | 49,000              | 53,500               |
| 66.31 | 18                                                                                      |                     | 49,500              | 54,000               |
| 66.32 | 19                                                                                      |                     | 50,500              | 55,000               |
| 66.33 | 20                                                                                      |                     | 51,000              | 55,500               |
| 66.34 | 21                                                                                      |                     | 52,000              | 56,000               |
| 66.35 | 22                                                                                      |                     | 52,500              | 57,000               |
| 66.36 | 23                                                                                      |                     | 53,500              | 57,500               |
| 66.37 | 24                                                                                      |                     | 54,000              | 58,000               |
| 66.38 | 25                                                                                      |                     | (55,000)            | 59,000               |
| 66.39 | 26                                                                                      |                     | (55,500)            | 59,500               |
| 66.40 | 27                                                                                      |                     | (56,500)            | 60,000               |
| 66.41 | 28                                                                                      |                     | (57,000)            | 61,000               |
| 66.42 | 29                                                                                      |                     | (58,000)            | 61,500               |
| 66.43 | 30                                                                                      |                     | (58,500)            | 62,000               |
| 66.44 | 31                                                                                      |                     | (59,500)            | 63,000               |

|       |    |          |          |
|-------|----|----------|----------|
| 67.1  | 32 | (60,000) | 63,500   |
| 67.2  | 33 |          | 64,000   |
| 67.3  | 34 |          | 65,000   |
| 67.4  | 35 |          | 65,500   |
| 67.5  | 36 |          | 66,000   |
| 67.6  | 37 |          | 67,000   |
| 67.7  | 38 |          | 67,500   |
| 67.8  | 39 |          | 68,000   |
| 67.9  | 40 |          | 69,000   |
| 67.10 | 41 |          | 69,500   |
| 67.11 | 42 |          | 70,000   |
| 67.12 | 43 |          | 71,000   |
| 67.13 | 44 |          | 71,500   |
| 67.14 | 45 |          | 72,000   |
| 67.15 | 46 |          | 72,500   |
| 67.16 | 47 |          | (73,500) |
| 67.17 | 48 |          | (74,000) |
| 67.18 | 49 |          | (74,500) |
| 67.19 | 50 |          | (75,500) |
| 67.20 | 51 |          | (76,000) |

67.21 ~~The maximum gross weight on a group of three consecutive axles where the distance~~  
67.22 ~~between centers of foremost and rearmost axles is listed as seven feet or eight feet applies~~  
67.23 ~~only to vehicles manufactured before August 1, 1991.~~

67.24 ~~"8 plus" refers to any distance greater than eight feet but less than nine feet.~~

|       |                                              |                      |                     |                     |
|-------|----------------------------------------------|----------------------|---------------------|---------------------|
| 67.25 | <u>Axle Weight Limits Table (continued)</u>  |                      |                     |                     |
| 67.26 | Maximum gross weight in pounds on a group of |                      |                     |                     |
| 67.27 |                                              | 5                    | 6                   | 7                   |
| 67.28 | Distances in feet                            | consecutive axles    | consecutive axles   | consecutive axles   |
| 67.29 | between centers                              | of a 5-axle vehicle  | of a combination of | of a combination of |
| 67.30 | of foremost and                              | or any combination   | vehicles having a   | vehicles having a   |
| 67.31 | rearmost axles of a                          | of vehicles having   | total of 6 or more  | total of 7 or more  |
| 67.32 | group                                        | a total of 5 or more | axles               | axles               |
| 67.33 |                                              | axles                |                     |                     |
| 67.34 | 14                                           | 57,000               |                     |                     |
| 67.35 | 15                                           | 57,500               |                     |                     |
| 67.36 | 16                                           | 58,000               |                     |                     |
| 67.37 | 17                                           | 59,000               |                     |                     |
| 67.38 | 18                                           | 59,500               |                     |                     |
| 67.39 | 19                                           | 60,000               |                     |                     |
| 67.40 | 20                                           | 60,500               | 66,000              | 72,000              |
| 67.41 | 21                                           | 61,500               | 67,000              | 72,500              |
| 67.42 | 22                                           | 62,000               | 67,500              | 73,000              |
| 67.43 | 23                                           | 62,500               | 68,000              | 73,500              |

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|       |           |                          |          |          |
|-------|-----------|--------------------------|----------|----------|
| 68.1  | 24        | 63,000                   | 68,500   | 74,000   |
| 68.2  | 25        | 64,000                   | 69,000   | 75,000   |
| 68.3  | 26        | 64,500                   | 70,000   | 75,500   |
| 68.4  | 27        | 65,000                   | 70,500   | 76,000   |
| 68.5  | 28        | 65,500                   | 71,000   | 76,500   |
| 68.6  | 29        | 66,500                   | 71,500   | 77,000   |
| 68.7  | 30        | 67,000                   | 72,000   | 77,500   |
| 68.8  | 31        | 67,500                   | 73,000   | 78,500   |
| 68.9  | 32        | 68,000                   | 73,500   | 79,000   |
| 68.10 | 33        | 69,000                   | 74,000   | 79,500   |
| 68.11 | 34        | 69,500                   | 74,500   | 80,000   |
| 68.12 | 35        | 70,000                   | 75,000   | [80,500] |
| 68.13 | 36        | 70,500                   | 76,000   | [81,000] |
| 68.14 | 37        | 71,500                   | 76,500   | [81,500] |
| 68.15 | 38        | 72,000                   | 77,000   | [82,000] |
| 68.16 | 39        | 72,500                   | 77,500   | [82,500] |
| 68.17 | 40        | <del>73,000</del> 73,280 | 78,000   | [83,500] |
| 68.18 | 41        | (74,000)                 | 79,000   | [84,000] |
| 68.19 | 42        | (74,500)                 | 79,500   | [84,500] |
| 68.20 | 43        | (75,000)                 | 80,000   | [85,000] |
| 68.21 | 44        | (75,500)                 | [80,500] | [85,500] |
| 68.22 | 45        | (76,500)                 | [81,000] | [86,000] |
| 68.23 | 46        | (77,000)                 | [81,500] | [87,000] |
| 68.24 | 47        | (77,500)                 | [82,000] | [87,500] |
| 68.25 | 48        | (78,000)                 | [83,000] | [88,000] |
| 68.26 | 49        | (79,000)                 | [83,500] | [88,500] |
| 68.27 | 50        | (79,500)                 | [84,000] | [89,000] |
| 68.28 | 51        | (80,000)                 | [84,500] | [89,500] |
| 68.29 | <u>52</u> |                          | [85,000] | [90,500] |
| 68.30 | <u>53</u> |                          | [86,000] | [91,000] |
| 68.31 | <u>54</u> |                          | [86,500] | [91,500] |
| 68.32 | <u>55</u> |                          | [87,000] | [92,000] |
| 68.33 | <u>56</u> |                          | [87,500] | [92,500] |
| 68.34 | <u>57</u> |                          | [88,000] | [93,000] |
| 68.35 | <u>58</u> |                          | [89,000] | [94,000] |
| 68.36 | <u>59</u> |                          | [89,500] | [94,500] |
| 68.37 | <u>60</u> |                          | [90,000] | [95,000] |
| 68.38 | <u>61</u> |                          |          | [95,500] |
| 68.39 | <u>62</u> |                          |          | [96,000] |
| 68.40 | <u>63</u> |                          |          | [97,000] |

68.41        (b) The maximum gross weight on a group of three consecutive axles where the  
68.42        distance between centers of foremost and rearmost axles is listed as seven feet or eight

69.1 feet applies only to vehicles manufactured before August 1, 1991. "8 plus" means any  
69.2 distance greater than eight feet but less than nine feet.

69.3 (c) The gross weights shown in parentheses in ~~this~~ the axle weight limits table  
69.4 are permitted only on ~~state~~ (i) trunk highways ~~and~~, (ii) routes designated under section  
69.5 169.832, subdivision 11, and (iii) routes designated as having a maximum weight limit of  
69.6 at least nine tons per axle.

69.7 (d) The gross weights shown in brackets in the axle weight limits table are permitted  
69.8 only for a vehicle or combination of vehicles for which a permit has been issued under  
69.9 sections 169.863 or 169.865.

69.10 ~~(b)~~ (e) Notwithstanding any lesser weight in pounds shown in ~~this~~ the axle weight  
69.11 limits table but subject to the restrictions on gross vehicle weights in subdivision 2,  
69.12 paragraph (a), two consecutive sets of tandem axles may carry a gross load of 34,000  
69.13 pounds each and a combined gross load of 68,000 pounds provided the overall distance  
69.14 between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

69.15 Sec. 7. Minnesota Statutes 2006, section 169.824, subdivision 2, is amended to read:

69.16 Subd. 2. **Gross vehicle weight of all axles.** ~~(a)~~ Notwithstanding the provisions  
69.17 of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of  
69.18 vehicles ~~shall~~ must not exceed:

69.19 (1) 80,000 pounds for any vehicle or combination of vehicles on all ~~state~~ (i) trunk  
69.20 highways as defined in section 160.02, subdivision 29, ~~and for all~~ (ii) routes designated  
69.21 under section 169.832, subdivision 11, and (iii) paved county highways, including paved  
69.22 county state-aid highways;

69.23 (2) 88,000 pounds for any vehicle or combination of vehicles with six or more  
69.24 axles while exclusively engaged in hauling livestock on all state trunk highways other  
69.25 than interstate highways, if the vehicle has a permit under section 169.86, subdivision 5,  
69.26 paragraph (k); and

69.27 (3) 73,280 pounds for any vehicle or combination of vehicles with five axles or less  
69.28 on all routes, other than ~~state trunk highways and routes that are designated under section~~  
69.29 ~~169.832, subdivision 11, except that a vehicle needing reasonable access to a terminal or~~  
69.30 ~~facilities for food, fuel, repairs, and rest, located within three miles of a ten-ton route, may~~  
69.31 ~~not exceed 80,000 pounds. "Terminal" means any location where freight either originates,~~  
69.32 ~~terminates, or is handled in the transportation process, or where commercial motor carriers~~  
69.33 ~~maintain operating facilities; and~~ routes identified in clause (1).

~~(4) 80,000 pounds for any vehicle or combination of vehicles with six or more axes on all routes, other than state trunk highways and routes that are designated under section 169.832, subdivision 11.~~

~~(b) The maximum weights specified in this section for five consecutive axes shall not apply to a four-axle ready-mix concrete truck which was equipped with a fifth axle prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axes of vehicles excepted by this clause shall not exceed any maximum weight specified for four or fewer consecutive axes in this section.~~

(b) Notwithstanding the maximum weight provisions of this section and section 169.85, and in order to promote the reduction of fuel use and emissions because of engine idling, the maximum gross vehicle weight limits and the axle weight limits for any motor vehicle subject to sections 169.80 to 169.88 and equipped with idle reduction technology must be increased by the amount of weight necessary to compensate for the weight of the idle reduction technology, not to exceed 400 pounds. At the request of an authorized representative of the Department of Transportation or Department of Public Safety the vehicle operator shall provide proof that the vehicle is equipped with this technology through documentation or demonstration.

Sec. 8. Minnesota Statutes 2006, section 169.826, subdivision 1a, is amended to read:

Subd. 1a. **Harvest season increase amount.** The limitations provided in sections 169.822 to 169.829 are increased by ten percent from ~~the beginning of harvest July 1 to~~ the beginning of harvest July 1 to November 30 each year for the movement of ~~sugar beets, carrots, and potatoes~~ agricultural crops from the field of harvest to the point of the first unloading. Transfer of the product from a farm vehicle or small farm trailer, within the meaning of chapter 168, to another vehicle is not considered to be the first unloading. The commissioner shall not ~~issue permits~~ take any action under this subdivision if to do so will result in a loss of federal highway funding to the state.

Sec. 9. Minnesota Statutes 2006, section 169.826, subdivision 1b, is amended to read:

Subd. 1b. **Nine-ton county roads.** Despite the provisions of subdivision 5 and sections 169.824, subdivision 2, ~~paragraph (a),~~ clause (2), and 169.832, subdivision 11, a vehicle or combination of vehicles with a gross vehicle weight up to 88,000 pounds may be operated on a nine-ton county road, consistent with the increases allowed for vehicles operating on a ten-ton road, during the time when the increases under subdivision 1 are in effect in that zone.

71.1 Sec. 10. Minnesota Statutes 2006, section 169.8261, is amended to read:

71.2 **169.8261 GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.**

71.3 (a) A vehicle or combination of vehicles hauling raw or unfinished forest products,  
71.4 including wood chips, paper, pulp, oriented strand board, laminated strand lumber,  
71.5 hardboard, treated lumber, untreated lumber, or barrel staves, by the most direct route to the  
71.6 nearest highway that has been designated under section 169.832, subdivision 11, may be  
71.7 operated on any highway with gross weights permitted under sections 169.822 to 169.829  
71.8 without regard to load restrictions imposed on that highway, except that the vehicles must:

71.9 (1) comply with seasonal load restrictions in effect between the dates set by the  
71.10 commissioner under section 169.87, subdivision 2;

71.11 (2) comply with bridge load limits posted under section 169.84;

71.12 (3) be equipped and operated with six axles and brakes on all wheels;

71.13 (4) not exceed 90,000 pounds gross weight, or ~~98,000~~ 99,000 pounds gross weight  
71.14 during the time when seasonal increases are authorized under section 169.826;

71.15 (5) not be operated on interstate and defense highways;

71.16 (6) obtain an annual permit from the commissioner of transportation;

71.17 (7) obey all road postings; and

71.18 (8) not exceed 20,000 pounds gross weight on any single axle.

71.19 (b) A vehicle operated under this section may exceed the legal axle weight limits  
71.20 listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may  
71.21 be exceeded by not more than 22.5 percent during the time when seasonal increases are  
71.22 authorized under section 169.826, subdivision 1.

71.23 Sec. 11. Minnesota Statutes 2006, section 169.828, subdivision 2, is amended to read:

71.24 Subd. 2. **Variable load axle.** A vehicle or combination of vehicles equipped with  
71.25 one or more variable load axles shall have the pressure control preset so that the weight  
71.26 carried on the variable load axle may not be varied by the operator during transport of  
71.27 any load. The actuating control for the axle shall function only as an on-and-off switch,  
71.28 and must be located outside of the passenger compartment of the vehicle. The provisions  
71.29 of this subdivision do not apply to any farm truck registered prior to July 1, 1981, under  
71.30 section 168.013, subdivision 1c, for 57,000 pounds or less. This subdivision does not  
71.31 apply to rear-loading refuse-compactor vehicles, except that any refuse-compactor vehicle  
71.32 having a tridem rear axle must comply with this subdivision before being issued a special  
71.33 permit under section 169.86, subdivision 5, paragraph (h).

71.34 Sec. 12. Minnesota Statutes 2006, section 169.86, subdivision 1a, is amended to read:

Subd. 1a. **Seasonal permits for certain haulers.** The commissioner of transportation, upon application in writing therefor, may issue special permits annually to any hauler authorizing the hauler to move vehicles or combinations of vehicles with weights exceeding by not more than ten percent the weight limitations contained in sections 169.822 to 169.829, on interstate highways during the times and within the zones specified ~~in sections 169.822 to 169.829~~ by the commissioner for winter weight increases under section 169.826, subdivision 1.

Sec. 13. Minnesota Statutes 2006, section 169.86, subdivision 5, is amended to read:

Subd. 5. **Fee; proceeds deposited; appropriation.** The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

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

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

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

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

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

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

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

~~(5)~~ (4) motor vehicles bearing snowplow blades not exceeding ten feet in width; and

~~(6)~~ (5) noncommercial transportation of a boat by the owner or user of the boat.

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

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes and manufactured storage buildings;

(4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling; and

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

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

| Weight<br>(pounds)                    | Cost Per Mile For Each Group Of:                                         |                                                                                                       |                                                      |
|---------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| exceeding weight limitations on axles | Two <u>or</u> <u>more</u> consecutive axles spaced within 8 feet or less | Three consecutive axles spaced <del>within</del> <u>more than 8 feet but less than 9 feet or less</u> | Four consecutive axles spaced within 14 feet or less |
| 0-2,000                               | .12                                                                      | .05                                                                                                   | .04                                                  |
| 2,001-4,000                           | .14                                                                      | .06                                                                                                   | .05                                                  |
| 4,001-6,000                           | .18                                                                      | .07                                                                                                   | .06                                                  |
| 6,001-8,000                           | .21                                                                      | .09                                                                                                   | .07                                                  |
| 8,001-10,000                          | .26                                                                      | .10                                                                                                   | .08                                                  |
| 10,001-12,000                         | .30                                                                      | .12                                                                                                   | .09                                                  |
| 12,001-14,000                         | Not permitted                                                            | .14                                                                                                   | .11                                                  |
| 14,001-16,000                         | Not permitted                                                            | .17                                                                                                   | .12                                                  |
| 16,001-18,000                         | Not permitted                                                            | .19                                                                                                   | .15                                                  |

|      |               |           |           |     |
|------|---------------|-----------|-----------|-----|
| 74.1 |               | Not       | Not       |     |
| 74.2 | 18,001-20,000 | permitted | permitted | .16 |
| 74.3 |               | Not       | Not       |     |
| 74.4 | 20,001-22,000 | permitted | permitted | .20 |

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

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

74.12 (f) As an alternative to paragraph (e), an annual permit may be issued for overweight,  
74.13 or oversize and overweight, construction equipment, machinery, and supplies. The fees  
74.14 for the permit are as follows:

|       |                                  |                   |
|-------|----------------------------------|-------------------|
| 74.15 | Gross Weight (pounds) of Vehicle | Annual Permit Fee |
| 74.16 | 90,000 or less                   | \$200             |
| 74.17 | 90,001 - 100,000                 | \$300             |
| 74.18 | 100,001 - 110,000                | \$400             |
| 74.19 | 110,001 - 120,000                | \$500             |
| 74.20 | 120,001 - 130,000                | \$600             |
| 74.21 | 130,001 - 140,000                | \$700             |
| 74.22 | 140,001 - 145,000                | \$800             |

74.23 If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined  
74.24 under paragraph (e).

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

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

74.35 (i) For vehicles exclusively transporting implements of husbandry, an annual permit  
74.36 fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved  
74.37 at the discretion of the permit holder without prior route approval by the commissioner if:

75.1 (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;

75.2 (2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is  
75.3 not operated at any time after 12:00 noon on Sundays or holidays;

75.4 (3) the vehicle is not operated when visibility is impaired by weather, fog, or other  
75.5 conditions that render persons and other vehicles not clearly visible at 500 feet;

75.6 (4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing  
75.7 amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of  
75.8 the vehicle exceeds 126 inches; and

75.9 (5) the vehicle is not operated on a trunk highway with a surfaced roadway width of  
75.10 less than 24 feet unless such operation is authorized by the permit.

75.11 A permit under this paragraph authorizes movements of the permitted vehicle on an  
75.12 interstate highway, and movements of 75 miles or more on other highways.

75.13 (j) \$300 for a motor vehicle described in section 169.8261. The fee under this  
75.14 paragraph must be deposited as follows:

75.15 (1) in fiscal years 2005 through 2010:

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

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

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

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

75.24 (2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway  
75.25 fund.

75.26 (k) ~~Beginning August 1, 2006, \$200~~ \$300 for an annual permit for a vehicle  
75.27 operating under authority of section 169.824, subdivision 2, ~~paragraph (a),~~ clause (2).

75.28 Sec. 14. **[169.865] EXTENDED WEIGHT LIMIT PERMITS.**

75.29 Subdivision 1. Six-axle vehicles. (a) A road authority may issue an annual permit  
75.30 authorizing a vehicle or combination of vehicles with a total of six axles to be operated  
75.31 with a gross vehicle weight of up to:

75.32 (1) 90,000 pounds; and

75.33 (2) 99,000 pounds during the period set by the commissioner under section 169.826,  
75.34 subdivision 1.

(b) Notwithstanding subdivision 4, paragraph (a), clause (3), a vehicle or combination of vehicles operated under this subdivision and transporting only sealed intermodal containers may be operated on an interstate highway if allowed by the United States Department of Transportation.

(c) The fee for a permit issued under this subdivision is \$300.

Subd. 2. **Seven-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of seven axles to be operated with a gross vehicle weight of up to:

(1) 97,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Drivers of vehicles operating under this subdivision must comply with driver qualification requirements adopted under section 221.0314, subdivisions 2 to 5.

(c) The fee for a permit issued under this subdivision is \$500.

Subd. 3. **Single unit vehicles.** (a) A road authority may issue an annual permit authorizing a single unit vehicle with a total of seven axles up to 45 feet in length to be operated with a gross vehicle weight of up to:

(1) 80,000 pounds; and

(2) 88,000 pounds during the period set by the commissioner under section 169.826, subdivisions 1 and 1a.

(b) Drivers of vehicles operating under this subdivision must comply with driver qualification requirements adopted under section 221.0314, subdivisions 2 to 5.

(c) The fee for a permit issued under this subdivision is \$300.

Subd. 4. **Requirements; restrictions.** (a) A vehicle or combination of vehicles operating under this section:

(1) is subject to axle weight limitations under section 169.824, subdivision 1;

(2) is subject to seasonal load restrictions under section 169.87;

(3) is subject to bridge load limits posted under section 169.84;

(4) may only be operated on trunk highways other than interstate highways, and on local roads designated under section 169.832, subdivision 11;

(5) may not be operated with loads that exceed the manufacturer's gross vehicle weight rating as affixed to the vehicle, or other certification of gross vehicle weight rating complying with Code of Federal Regulations, title 49, parts 567.4 to 567.7;

(6) must be issued a permit from each road authority having jurisdiction over a road on which the vehicle is operated, if required;

(7) must comply with the requirements of section 169.851, subdivision 4; and

77.1 (8) must have brakes on all wheels.

77.2 (b) The percentage allowances for exceeding gross weights if transporting unfinished  
77.3 forest products under section 168.013, subdivision 3, paragraph (b), or for the first haul of  
77.4 unprocessed or raw farm products or unfinished forest products under section 168.013,  
77.5 subdivision 3, paragraph (d), clause (3), do not apply to a vehicle or combination of  
77.6 vehicles operated under this section.

77.7 Subd. 5. **Deposit of revenues; appropriation.** (a) Revenue from the permits issued  
77.8 under this section must be deposited:

77.9 (1) in fiscal years 2007 through 2010, in the bridge inspection and signing account

77.10 in the special revenue fund; and

77.11 (2) in fiscal year 2011 and subsequent years, in the trunk highway fund.

77.12 (b) The revenue in the bridge inspection and signing account under this section is  
77.13 annually appropriated to the commissioner for:

77.14 (1) inspection of local bridges and identification of local bridges to be posted,  
77.15 including contracting with a consultant for some or all of these functions; and

77.16 (2) erection of weight posting signs on local bridges.

77.17 Sec. 15. Minnesota Statutes 2006, section 169.87, subdivision 4, is amended to read:

77.18 Subd. 4. **Vehicle transporting milk.** ~~Until June 1, 2007,~~ A weight restriction  
77.19 imposed under subdivision 1 by the commissioner of transportation or a local road  
77.20 authority, or imposed by subdivision 2, does not apply to a vehicle transporting milk from  
77.21 the point of production to the point of first processing if, at the time the weight restriction  
77.22 is exceeded, the vehicle is carrying milk loaded at only one point of production. This  
77.23 subdivision does not authorize a vehicle described in this subdivision to exceed a weight  
77.24 restriction of five tons per axle by more than two tons per axle.

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

77.26 **ARTICLE 6**  
77.27 **COMMERCIAL MOTOR VEHICLES**

77.28      Section 1. **[160.2721] COMMERCIAL VEHICLE DRIVERS AT REST AREAS.**

77.29 (a) The commissioner shall allow a commercial motor vehicle operator who is  
77.30 subject to hours of service regulations under Code of Federal Regulations, title 49, part  
77.31 395, to stop and park continuously, for a period of up to ten hours as necessary to comply  
77.32 with the hours of service regulations, at any Department of Transportation safety rest area

or travel information center that has parking stalls designed to accommodate a commercial motor vehicle, as defined in section 169.01, subdivision 75.

(b) Any clause or provision in a lease or other agreement for the operation of a Department of Transportation safety rest area or travel information center that purports to limit the requirements under paragraph (a) is void and without effect.

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

Sec. 2. Minnesota Statutes 2006, section 168.013, subdivision 1e, is amended to read:

Subd. 1e. **Truck; tractor; combination; exceptions.** (a) On trucks and tractors except those in this chapter defined as farm trucks, on truck-tractor and semitrailer combinations except those defined as farm combinations, and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

Minnesota Base Rate Schedule

Scheduled taxes include five percent  
surtax provided for in subdivision 14

TOTAL GROSS WEIGHT

IN POUNDS TAX

|   |                         |   |                          |       |
|---|-------------------------|---|--------------------------|-------|
| A | 0                       | - | 1,500                    | \$ 15 |
| B | 1,501                   | - | 3,000                    | 20    |
| C | 3,001                   | - | 4,500                    | 25    |
| D | 4,501                   | - | 6,000                    | 35    |
| E | 6,001                   | - | <del>9,000</del> 10,000  | 45    |
| F | <del>9,001</del> 10,001 | - | 12,000                   | 70    |
| G | 12,001                  | - | 15,000                   | 105   |
| H | 15,001                  | - | 18,000                   | 145   |
| I | 18,001                  | - | 21,000                   | 190   |
| J | 21,001                  | - | 26,000                   | 270   |
| K | 26,001                  | - | 33,000                   | 360   |
| L | 33,001                  | - | 39,000                   | 475   |
| M | 39,001                  | - | 45,000                   | 595   |
| N | 45,001                  | - | 51,000                   | 715   |
| O | 51,001                  | - | 57,000                   | 865   |
| P | 57,001                  | - | 63,000                   | 1015  |
| Q | 63,001                  | - | 69,000                   | 1185  |
| R | 69,001                  | - | 73,280                   | 1325  |
| S | 73,281                  | - | 78,000                   | 1595  |
| T | 78,001                  | - | <del>81,000</del> 80,000 | 1760  |

(b) For purposes of the Minnesota base rate schedule, for vehicles with six or more axles in the "S" and "T" categories, the base rates are \$1,520 and \$1,620 respectively.

(c) For each vehicle with a gross weight in excess of ~~81,000~~ 80,000 pounds an additional tax of \$50 is imposed for each ton or fraction thereof in excess of ~~81,000~~ 80,000 pounds, subject to subdivision 12.

(d) For purposes of registration identification, for vehicles registered in the "O" category, the owner must declare at the time of registration whether the vehicle will carry a weight of 55,000 pounds or more and therefore be subject to the federal heavy vehicle use tax. For those owners who declare a weight less than 55,000 pounds, a distinctive weight sticker must be issued and the owner is restricted to a gross vehicle weight of less than 55,000 pounds.

(e) Truck-tractors except those herein defined as farm and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of the truck-tractor and any semitrailer or semitrailers which the applicant proposes to combine with the truck-tractor.

~~(e)~~ (f) Commercial zone trucks include only trucks, truck-tractors, and semitrailer combinations which are:

~~(1) used by an authorized local cartage carrier operating under a permit issued under section 221.296 and whose gross transportation revenue consists of at least 60 percent obtained solely from local cartage carriage, and are operated solely within an area composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by section 221.011, subdivision 17; or~~

~~(2)~~ operated by an interstate carrier registered under section 221.60, or by an authorized ~~local cartage carrier or other~~ carrier receiving operating authority under chapter 221, and operated solely within a zone exempt from regulation pursuant to United States Code, title 49, section 13506.

~~(f)~~ (g) The license plates issued for commercial zone vehicles shall be plainly marked. A person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the misdemeanor penalty ~~therefor~~, the registrar shall have revoke the registration of the vehicle as a commercial zone vehicle ~~revoked by the registrar and shall be required to reregister~~ require that the vehicle be registered at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax ~~shall~~ may be refunded during the balance of the registration year.

~~(g)~~ (h) On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during each of the first eight years of vehicle life ~~shall be~~ is 75 percent of

80.1 the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life  
80.2 the tax ~~shall be~~ is 50 percent of the Minnesota base rate schedule.

80.3 ~~(h)~~ (i) On trucks, truck-tractors and semitrailer combinations, except those defined  
80.4 as farm trucks and farm combinations, and except for those commercial zone vehicles  
80.5 specifically provided for in this subdivision, the tax for each of the first eight years of  
80.6 vehicle life ~~shall be~~ is 100 percent of the tax imposed in the Minnesota base rate schedule,  
80.7 and during the ninth and succeeding years of vehicle life, the tax ~~shall be~~ is 75 percent  
80.8 of the Minnesota base rate prescribed by this subdivision.

80.9 ~~(i)~~ (j) For the purpose of registration, trailers coupled with a truck-tractor, semitrailer  
80.10 combination are semitrailers.

80.11 Sec. 3. Minnesota Statutes 2006, section 169.781, is amended to read:

80.12 **169.781 ANNUAL COMMERCIAL VEHICLE INSPECTION; INSPECTORS,**  
80.13 **FEE, PENALTY.**

80.14 Subdivision 1. **Definitions.** For purposes of sections 169.781 to 169.783:

80.15 (a) "Commercial motor vehicle":

80.16 (1) means a motor vehicle or combination of motor vehicles used to transport  
80.17 passengers or property if the motor vehicle:

80.18 ~~(1) a commercial motor vehicle as defined in section 169.01, subdivision 75,~~  
80.19 ~~paragraph (a), and~~ (i) has a gross vehicle weight of more than 26,000 pounds;

80.20 ~~(2) each~~ (ii) is a vehicle in a combination of more than 26,000 pounds;

80.21 (iii) is a bus; or

80.22 (iv) is of any size and is used in the transportation of hazardous materials that are  
80.23 required to be placarded under Code of Federal Regulations, title 49, parts 100-185; and

80.24 ~~"Commercial motor vehicle"~~

80.25 (2) does not include ~~(1)~~ (i) a school bus or Head Start bus displaying a certificate  
80.26 under section 169.451, ~~(2)~~ or (ii) a bus operated by the Metropolitan Council or by a local  
80.27 transit commission created in chapter 458A, ~~or (3) a motor vehicle that is required to be~~  
80.28 ~~placarded under Code of Federal Regulations, title 49, parts 100-185.~~

80.29 (b) "Commissioner" means the commissioner of public safety.

80.30 (c) "Owner" means a person who owns, or has control, under a lease of more than 30  
80.31 days' duration, of one or more commercial motor vehicles.

80.32 ~~(d) "Storage semitrailer" means a semitrailer that (1) is used exclusively to store~~  
80.33 ~~property at a location not on a street or highway, (2) does not contain any load when~~  
80.34 ~~moved on a street or highway, (3) is operated only during daylight hours, and (4) is marked~~  
80.35 ~~on each side of the semitrailer "storage only" in letters at least six inches high.~~

~~(c) "Building mover vehicle" means a vehicle owned or leased by a building mover as defined in section 221.81, subdivision 1, paragraph (a), and used exclusively for moving buildings.~~

Subd. 2. **Inspection required.** (a) It is unlawful for a person to operate or permit the operation of:

(1) a commercial motor vehicle registered in Minnesota; or

(2) special mobile equipment as defined in section 168.011, subdivision 22, and which is self-propelled, if it is mounted on a commercial motor vehicle chassis,

~~unless the~~ in violation of the requirements of paragraph (b).

(b) A vehicle displays described in paragraph (a):

(1) must display a valid safety inspection decal issued by an inspector certified by the commissioner,~~or the vehicle carries (1);~~ or

(2) must carry (i) proof that the vehicle complies with federal motor vehicle inspection requirements for vehicles in interstate commerce, and ~~(2)~~ (ii) a certificate of compliance with federal requirements issued by the commissioner under subdivision 9.

Subd. 3. **Inspector certification; suspension and revocation; hearing.** (a) An inspection required by this section may be performed only by:

(1) an employee of the Department of Public Safety or Transportation who has been certified by the commissioner after having received training provided by the State Patrol; or

(2) another person who has been certified by the commissioner after having received training provided by the State Patrol or other training approved by the commissioner.

(b) A person who is not an employee of the Department of Public Safety or Transportation may be certified by the commissioner if the person is:

(1) an owner, or employee of the owner, of one or more commercial motor vehicles that are power units;

(2) a dealer licensed under section 168.27 and engaged in the business of buying and selling commercial motor vehicles, or an employee of the dealer; ~~or~~

(3) engaged in the business of repairing and servicing commercial motor vehicles; or

(4) employed by a governmental agency that owns commercial vehicles.

(c) Certification of persons described in paragraph (b), clauses (1) to ~~(3)~~ (4), is effective for two years from the date of certification. The commissioner may require biennial retraining of persons holding a certificate under paragraph (b) as a condition of renewal of the certificate. The commissioner may charge a fee of not more than \$10 for each certificate issued and renewed. A certified person described in paragraph (b),

82.1 clauses (1) to ~~(3)~~ (4), may charge a reasonable fee for each inspection of a vehicle not  
82.2 owned by the person or the person's employer.

82.3 (d) Except as otherwise provided in subdivision 5, the standards adopted by the  
82.4 commissioner for commercial motor vehicle inspections under sections 169.781 to  
82.5 169.783 ~~shall~~ must be the standards prescribed in Code of Federal Regulations, title 49,  
82.6 section 396.17, and in chapter III, subchapter B, appendix G.

82.7 (e) The commissioner may classify types of vehicles for inspection purposes and  
82.8 may issue separate classes of inspector certificates for each class. ~~The commissioner shall~~  
82.9 ~~issue separate categories of inspector certificates based on the following classifications:~~

82.10 ~~(1) a class of certificate that authorizes the certificate holder to inspect commercial~~  
82.11 ~~motor vehicles without regard to ownership or lease; and~~

82.12 ~~(2) a class of certificate that authorizes the certificate holder to inspect only~~  
82.13 ~~commercial motor vehicles the certificate holder owns or leases.~~

82.14 ~~The commissioner shall issue a certificate described in clause (1) only to a person~~  
82.15 ~~described in paragraph (b), clause (2) or (3).~~

82.16 (f) The commissioner, after notice and an opportunity for a hearing, may suspend a  
82.17 certificate issued under paragraph (b) for failure to meet annual certification requirements  
82.18 prescribed by the commissioner or failure to inspect commercial motor vehicles in  
82.19 accordance with inspection procedures established by the State Patrol. The commissioner  
82.20 shall revoke a certificate issued under paragraph (b) if the commissioner determines after  
82.21 notice and an opportunity for a hearing that the certified person issued an inspection decal  
82.22 for a commercial motor vehicle when the person knew or reasonably should have known  
82.23 that the vehicle was in such a state of repair that it would have been declared out of service  
82.24 if inspected by an employee of the State Patrol. Suspension and revocation of certificates  
82.25 under this subdivision are not subject to sections 14.57 to 14.69.

82.26 Subd. 4. **Inspection report.** (a) A person performing an inspection under this  
82.27 section shall issue an inspection report to the owner of the commercial motor vehicle  
82.28 inspected. The report must include:

82.29 (1) the full name of the person performing the inspection, and the person's inspector  
82.30 certification number;

82.31 (2) the name of the owner of the vehicle and, if applicable, the United States  
82.32 Department of Transportation carrier number issued to the owner of the vehicle, or to the  
82.33 operator of the vehicle if other than the owner;

82.34 (3) the vehicle identification number and, if applicable, the license plate number  
82.35 of the vehicle;

82.36 (4) the date and location of the inspection;

(5) the vehicle components inspected and a description of the findings of the inspection, including identification of the components not in compliance with federal motor carrier safety regulations; and

(6) the inspector's certification that the inspection was complete, accurate, and in compliance with the requirements of this section.

(b) The owner must retain a copy of the inspection report for at least 14 months at a location in the state where the vehicle is domiciled or maintained. The inspector must maintain a copy of the inspection report for a period of 14 months following the inspection in a location in the state where the inspector conducts business. During this period the report must be available for inspection by an authorized federal, state, or local official.

(c) The commissioner shall prescribe the form of the inspection report and revise it as necessary to comply with state and federal law and regulations. The adoption of the report form is not subject to the Administrative Procedure Act.

Subd. 5. **Inspection decal.** ~~(a)~~ A person inspecting a commercial motor vehicle shall issue an inspection decal for the vehicle if each inspected component of the vehicle complies with federal motor carrier safety regulations. The decal must state that in the month specified on the decal the vehicle was inspected and each inspected component complied with federal motor carrier safety regulations. The decal is valid for 12 months after the month specified on the decal. The commissioners of public safety and transportation shall make decals available, at a fee of not more than \$2 for each decal, to persons certified to perform inspections under subdivision 3, paragraph (b). Decals are issued to inspectors by serial number and are not transferable unless approved by the commissioner.

~~(b) Minnesota inspection decals may be affixed only to:~~

~~(1) commercial motor vehicles bearing Minnesota-based license plates; or~~

~~(2) special mobile equipment, within the meaning of subdivision 2, clause (2).~~

~~(c) Notwithstanding paragraph (a), a person inspecting (1) a vehicle of less than 57,000 pounds gross vehicle weight and registered as a farm truck, (2) a storage semitrailer, or (3) a building mover vehicle must issue an inspection decal to the vehicle unless the vehicle has one or more defects that would result in the vehicle being declared out of service under the North American Uniform Driver, Vehicle, and Hazardous Materials Out-of-Service Criteria issued by the Federal Highway Administration and the Commercial Vehicle Safety Alliance. A decal issued to a vehicle described in clause (1), (2), or (3) is valid for two years from the date of issuance. A decal issued to such a vehicle must clearly indicate that it is valid for two years from the date of issuance.~~

~~(d) Notwithstanding paragraph (a), a commercial motor vehicle that (1) is registered as a farm truck, (2) is not operated more than 75 miles from the owner's home post office, and (3) was manufactured before 1979 that has a dual transmission system, is not required to comply with a requirement in an inspection standard that requires that the service brake system and parking brake system be separate systems in the motor vehicle.~~

Subd. 6. **Record review; random inspection; audit.** Employees of the State Patrol and motor transportation representatives of the Department of Transportation may review records required to be kept under subdivision 4, paragraph (b), and conduct random vehicle inspections and audits at the facility of an owner of a commercial motor vehicle.

Subd. 7. **Disposition of revenues.** The commissioner shall pay all revenues received under this section to the commissioner of finance for deposit in the trunk highway fund.

Subd. 8. **Violation; misdemeanor.** A violation of this section is a misdemeanor.

Subd. 9. **Proof of federal inspection.** An owner of a commercial motor vehicle that is subject to and in compliance with federal motor vehicle inspection requirements for vehicles in interstate commerce may apply to the commissioner for a certificate of compliance with federal requirements. On payment of a fee equal to the fee for an inspection decal under subdivision 5, ~~paragraph (a)~~, the commissioner shall issue the certificate to the applicant. This subdivision only applies to Minnesota-licensed vehicles that are not housed or maintained in Minnesota.

Subd. 10. **Exemption.** This section does not apply to a vehicle operated by a motor carrier of passengers, as defined in section 221.011, subdivision 48, if the vehicle has been inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within the previous 12 months.

Sec. 4. Minnesota Statutes 2006, section 169.782, subdivision 1, is amended to read:

Subdivision 1. **Driver; daily inspection report.** (a) The driver of a commercial motor vehicle shall report in writing at the completion of each day's work on each commercial motor vehicle the driver has operated. A person who owns one or more commercial motor vehicles and who employs drivers for those commercial motor vehicles must require each driver to submit a written report as required ~~in~~ by this section. The report must cover the following parts and accessories: service brakes, including trailer and semitrailer brake connections; parking (hand) brake; steering mechanism; lighting devices and reflectors; tires; horn; windshield wiper or wipers; rear vision mirror or mirrors; coupling devices; wheels and rims; and emergency equipment.

(b) The report must identify the vehicle and list any defect or deficiency discovered by or reported to the driver that would affect the safe operation of the vehicle or result in

its mechanical breakdown. If no defect or deficiency is discovered by or reported to the driver, the report must so indicate. The driver must sign the report after completing it. In the case of a commercial motor vehicle operated by two drivers, the signature of one of the drivers satisfies the requirements of this subdivision if both drivers agree concerning the defects or deficiencies. If a driver operates more than one commercial motor vehicle during a day's work, a report must be prepared for each vehicle operated.

(c) Before operating or allowing the operation of a commercial motor vehicle on which a report has been prepared under this subdivision, the owner of the vehicle or the owner's agent must repair defects or deficiencies listed on the report that would be sufficient under inspection procedures established by the State Patrol to require the vehicle to be declared out of service likely affect the safe operation of the vehicle. Before allowing the commercial motor vehicle to be operated again, the owner or the owner's agent must certify, on the report listing the defect or deficiency, that the defect or deficiency has been corrected or that correction is unnecessary. A motor carrier must keep the original vehicle inspection report for at least three months after the date of inspection. The report must be available for inspection by an authorized federal, state, or local official at any time during this period.

(d) A copy of the vehicle inspection report, including a certification of corrections resulting from the report, must be carried in the commercial motor vehicle, or in the power unit of a commercial motor vehicle combination, at all times when the vehicle or power unit is operated until the next inspection report is completed under this subdivision. The copy must be made available on demand to: (1) a peace officer; (2) a person authorized under section 221.221<sup>1/2</sup> and (3) a person described in section 299D.06.

Sec. 5. Minnesota Statutes 2006, section 169.783, subdivision 1, is amended to read:

Subdivision 1. **Postcrash inspection.** (a) A peace officer responding to an accident involving a commercial motor vehicle must immediately notify the State Patrol if the accident results in ~~death, personal injury, or property damage to an apparent extent of more than \$4,400;~~

(1) a fatality;

(2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicles to be transported away from the scene by tow truck or other motor vehicle.

(b) It is a misdemeanor for a person to drive or cause to be driven a commercial motor vehicle after such an accident unless the vehicle:

(1) has been inspected by a state trooper or other person authorized to conduct inspections under section 169.781, subdivision 3, paragraph (a), who is an employee of the Department of Public Safety or Transportation, and the person inspecting the vehicle has determined that the vehicle may safely be operated; or

(2) a waiver has been granted under subdivision 2.

Sec. 6. Minnesota Statutes 2006, section 221.031, subdivision 6, is amended to read:

Subd. 6. **Vehicle identification rule.** (a) The following carriers shall display the carrier's name ~~and address~~ on the power unit of each vehicle:

(1) motor carriers, regardless of the weight of the vehicle, except that this requirement does not apply to a limousine as defined in section 168.011, subdivision 35, that is equipped with "LM" license plates;

(2) interstate and intrastate private carriers operating vehicles with a gross vehicle weight of more than 10,000 pounds; and

(3) vehicles providing transportation described in section 221.025 with a gross vehicle weight of more than 10,000 pounds except those providing transportation described in section 221.025, clauses (1), (3), and (4).

Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees and have four or fewer axles are not required to comply with the vehicle identification rule of the commissioner.

(b) Vehicles subject to this subdivision must show the name or "doing business as" name of the carrier operating the vehicle ~~and the community and abbreviation of the state in which the carrier maintains its principal office or in which the vehicle is customarily based~~. If the carrier operates a leased vehicle, it may show its name and the name of the lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating carrier appears on the vehicle, the words "operated by" must immediately precede the name of the carrier.

(c) The name ~~and address~~ must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The name ~~and address~~ may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.

Sec. 7. Minnesota Statutes 2006, section 221.0314, subdivision 9, is amended to read:

87.1 Subd. 9. **Hours of service of driver.** Code of Federal Regulations, title 49, part  
87.2 395, is incorporated by reference, except that paragraphs (a), (c), (d), (f), (h), (i), (k), ~~(t)~~,  
87.3 (m), and (n) of section 395.1 and section 395.13 of that part are not incorporated. In  
87.4 addition, cross-references to sections or paragraphs not incorporated in this subdivision  
87.5 are not incorporated by reference. The requirements of Code of Federal Regulations, title  
87.6 49, part 395, do not apply to drivers of lightweight vehicles.

87.7 Sec. 8. Minnesota Statutes 2006, section 221.0314, is amended by adding a subdivision  
87.8 to read:

87.9 Subd. 12. **Hazardous materials safety permits.** A person who transports the  
87.10 hazardous materials designated in Code of Federal Regulations, title 49, section 385.403,  
87.11 shall comply with this section and with the provisions of Code of Federal Regulations,  
87.12 title 49, part 385, subpart E, which is incorporated by reference.

87.13 Sec. 9. Minnesota Statutes 2006, section 221.033, subdivision 2d, is amended to read:

87.14 Subd. 2d. **Age of driver under federal materials-of-trade regulation.** A driver  
87.15 of a self-propelled or towed motor vehicle transporting no hazardous material other than  
87.16 materials of trade, as defined in Code of Federal Regulations, title 49, section 171.8, when  
87.17 engaged in intrastate transportation, must be at least 18 years of age. This subdivision  
87.18 does not apply unless the transportation conforms to the requirements of Code of Federal  
87.19 Regulations, title 49, section 173.6.

87.20 Sec. 10. Minnesota Statutes 2006, section 221.037, subdivision 1, is amended to read:

87.21 Subdivision 1. **Required to provide information.** A person who generates, stores,  
87.22 treats, transports, disposes of, or otherwise handles or has handled hazardous materials,  
87.23 hazardous substances, or hazardous waste shall (1) give to transportation representatives  
87.24 and hazardous material specialists of the department information relating to the materials,  
87.25 substances, or waste, or (2) permit them access to and copying of records and safety  
87.26 permits relating to any or all of the materials, substances, or waste, ~~or both.~~

87.27 Sec. 11. Minnesota Statutes 2006, section 221.141, subdivision 1, is amended to read:

87.28 Subdivision 1. **Financial responsibility of carriers.** (a) No motor carrier and no  
87.29 interstate carrier shall operate a vehicle until it has obtained and has in effect the minimum  
87.30 amount of financial responsibility required by this section. Policies of insurance, surety  
87.31 bonds, other types of security, and endorsements must be continuously in effect and must  
87.32 remain in effect until canceled. Before providing transportation, the motor carrier or

interstate carrier shall secure and cause to be filed with the commissioner and maintain in full effect, a certificate of insurance in a form required by the commissioner, evidencing public liability insurance in the amount prescribed. The insurance must cover injuries and damage to persons or property resulting from the operation or use of motor vehicles, regardless of whether each vehicle is specifically described in the policy. This insurance does not apply to injuries or death to the employees of the motor carrier or to property being transported by the carrier.

(b) Notwithstanding any other provision of this chapter, the insurance required of a motor carrier of passengers must be at least that amount required of interstate carriers under Code of Federal Regulations, title 49, section 387.33, as amended.

(c) This section does not apply to a charitable organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code when the transportation furthers the charitable organization's charitable mission. The charitable organization must comply with the insurance requirements of section 65B.48.

Sec. 12. Minnesota Statutes 2006, section 221.231, is amended to read:

**221.231 RECIPROCAL AGREEMENT.**

The commissioner may enter into reciprocal agreements with the regulatory bodies of other states and the provinces of the Dominion of Canada, ~~whereby the payment of the fees provided in section 221.60 may be waived in whole or in part for~~ regarding motor carriers having an established place of business in that state or province; provided that reciprocal privileges are extended under the agreement to motor carriers of this state.

Sec. 13. Minnesota Statutes 2006, section 221.60, subdivision 1, is amended to read:

Subdivision 1. **Procedure.** A motor carrier may transport persons or property for hire in interstate commerce in Minnesota only if it first:

~~(1) complies with section 221.141;~~

~~(2) either registers with the commissioner the federal operating authority that it intends to exercise, or registers and describes the transportation it performs under an exemption contained in United States Code, title 49; and~~

~~(3) purchases an interstate identification stamp or an interstate registration trip permit for each vehicle to be used in interstate transportation in Minnesota~~ the Unified Carrier Registration Agreement authorized by United States Code, title 49, section 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal regulations adopted thereunder.

89.1 Sec. 14. Minnesota Statutes 2006, section 221.60, is amended by adding a subdivision  
89.2 to read:

89.3 Subd. 7. **Commissioner's authority.** The commissioner of transportation shall  
89.4 take all necessary actions to enter into the Unified Carrier Registration Agreement when  
89.5 it becomes effective. The commissioner shall implement and administer United States  
89.6 Code, title 49, section 14504a, and the regulations adopted thereunder.

89.7 Sec. 15. **REPEALER.**

89.8 Minnesota Statutes 2006, sections 221.60, subdivisions 2, 3, 3a, 4, 5, and 6; 221.601;  
89.9 and 221.602, are repealed.

89.10 **ARTICLE 7**

89.11 **HOUSEHOLD GOODS MOVERS**

89.12 Section 1. Minnesota Statutes 2006, section 221.011, is amended by adding a  
89.13 subdivision to read:

89.14 Subd. 50. **Household goods mover.** (a) "Household goods mover" means a motor  
89.15 carrier who engages in for-hire transportation service for moving household goods and  
89.16 offers the services of:

89.17 (1) binding and nonbinding estimates;

89.18 (2) inventorying;

89.19 (3) protective packing and unpacking of individual items at a personal residence; or

89.20 (4) loading and unloading at a personal residence.

89.21 (b) Household goods mover does not include a carrier transporting property from a  
89.22 factory or store to a personal residence.

89.23 Sec. 2. **[221.0253] HOUSEHOLD GOODS MOVERS; REGISTRATION.**

89.24 Subdivision 1. **Definition.** For purposes of this section, "registrant" means a person  
89.25 applying for a certificate of registration as a household goods mover under this section.

89.26 Subd. 2. **Registration required.** No person may engage in the for-hire  
89.27 transportation of household goods in Minnesota unless the person has been issued a  
89.28 certificate of registration by the commissioner.

89.29 Subd. 3. **Registration statement.** A registrant shall file a complete and accurate  
89.30 registration statement with the commissioner. A registration statement must be on a form  
89.31 provided by the commissioner and include:

89.32 (1) the registrant's name, including an assumed or fictitious name used by the  
89.33 registrant in doing business;

90.1           (2) the registrant's mailing address and business telephone number;

90.2           (3) the registrant's federal employer identification number, Minnesota business  
90.3 identification number, and the identification number, if any, assigned to the registrant by  
90.4 the United States Department of Transportation;

90.5           (4) the name, title, and telephone number of the individual who is principally  
90.6 responsible for the operation of the registrant's transportation business;

90.7           (5) the principal location from which the registrant conducts its transportation  
90.8 business and where the records required by this chapter will be kept;

90.9           (6) if different from clause (5), the location in Minnesota where the records required  
90.10 by this chapter will be available for inspection and copying by the commissioner;

90.11           (7) whether the registrant's business is a corporation, partnership, limited liability  
90.12 partnership, limited liability company, sole proprietorship, or other legal form;

90.13           (8) if the registrant is a foreign corporation authorized to transact business in  
90.14 Minnesota, the state of incorporation and the name and address of its registered agent; and

90.15           (9) a record of each initial background check as required under subdivision 4.

90.16           Subd. 4. **Background check; denial of registration.** (a) The registrant shall  
90.17 conduct, or cause to be conducted, an initial background check of any person employed by  
90.18 the registrant, or with whom the registrant contracts, whose duties include operating a  
90.19 vehicle used to transport household goods.

90.20           (b) Sections 299C.67; 299C.68, subdivisions 2 to 5; and 299C.71 apply to  
90.21 background checks conducted under this subdivision. For purposes of this subdivision,  
90.22 when used in sections 299C.67, 299C.68, and 299C.71, the term "owner" refers to the  
90.23 registrant and the term "manager" refers to a driver.

90.24           (c) The commissioner may deny registration to any registrant who employs a driver  
90.25 that the background check response shows has been convicted of a background check  
90.26 crime, as defined in section 299C.67, subdivision 2, paragraph (a) or (b).

90.27           (d) The registrant shall conduct, or cause to be conducted, a subsequent background  
90.28 check every three years. The registrant shall keep a record, identified by the employee's  
90.29 name, of a background check conducted under this section. A record must be made  
90.30 available to the commissioner upon request.

90.31           (e) This subdivision does not apply to a driver who holds a valid driver's license  
90.32 with a school bus endorsement.

90.33           Subd. 5. **Signature required.** A corporate officer, general partner, or sole proprietor  
90.34 must sign the registration statement and the vehicle and insurance statement.

90.35           Subd. 6. **Fee.** An initial fee of \$200 must be paid at the time of filing the registration  
90.36 statement. It must be paid into the state treasury and credited to the trunk highway fund.

91.1        Subd. 7. **Certificate of registration; issuance.** (a) The commissioner shall issue a  
91.2 certificate of registration to a registrant who does not have an unsatisfactory safety rating  
91.3 and has met the requirements of this section.

91.4        (b) A certificate of registration must be numbered and bear an effective date.

91.5        (c) A certificate of registration must be kept at the registrant's principal place of  
91.6 business.

91.7        Subd. 8. **Compliance with other laws.** A household goods mover shall comply  
91.8 with sections 169.781 and 221.141.

91.9        Subd. 9. **Duration.** A certificate of registration is valid for for-hire transportation  
91.10 of household goods throughout Minnesota, is not assignable or transferable, and is valid  
91.11 until it is suspended, revoked, or canceled.

91.12        Subd. 10. **Obligation to keep information current.** A registrant shall notify the  
91.13 commissioner in writing of any change in the information described in subdivision 3.

91.14        Subd. 11. **Suspension and cancellation of registration.** The commissioner  
91.15 shall suspend or cancel, following the procedures for suspension or cancellation in  
91.16 section 221.185, the registration of a household goods mover who fails to file with the  
91.17 commissioner or maintain the insurance or bond required under section 221.141. A person  
91.18 may not engage in the for-hire transportation of household goods in Minnesota while the  
91.19 person's registration is under suspension or cancellation under this subdivision.

91.20        Sec. 3. **[221.027] HOUSEHOLD GOODS MOVERS; CONSUMER**  
91.21 **PROTECTION.**

91.22        Subdivision 1. **Arbitration, price estimates, relinquishment of possession to**  
91.23 **consumers.** Code of Federal Regulations, title 49, sections 375.209; 375.211; 375.401  
91.24 through 375.409; 375.503; 375.505; 376.603; and 375.703 are incorporated by reference  
91.25 and apply to household goods movers.

91.26        Subd. 2. **Investigation.** The attorney general shall investigate violations of laws  
91.27 by household goods movers, including but not limited to violations relating to operation  
91.28 without registration, misrepresentations, deceptive trade practices, theft, the provisions of  
91.29 subdivision 1, and other crimes.

91.30        Subd. 3. **Contact information.** A household goods mover shall include contact  
91.31 information for the Department of Transportation and the attorney general on all bills of  
91.32 lading and estimates required under subdivision 1.

91.33        Sec. 4. **[221.028] HOUSEHOLD GOODS MOVERS; EXPIRATION AND**  
91.34 **CONVERSION OF PERMITS.**



93.1 ~~with the commissioner for that purpose and to whomever the commissioner deems to be~~  
93.2 ~~interested in the petition. The commissioner may grant or deny the request of the petition~~  
93.3 ~~30 days after notice of the filing has been fully given.~~

93.4 (e) If the commissioner receives a written objection and notice of intent to appear at  
93.5 a hearing to object to the petition from any person within 20 days of the notice having been  
93.6 fully given, the request of the petition must be granted or denied only after a contested  
93.7 case hearing has been conducted on the petition, unless the objection is withdrawn before  
93.8 the hearing. The commissioner may elect to hold a contested case hearing if no objections  
93.9 to the petition are received. If a timely objection is not received, or if received and  
93.10 withdrawn, and the request of the petition is denied without hearing, the petitioner may  
93.11 request within 30 days of receiving the notice of denial, and must be granted, a contested  
93.12 case hearing on the petition.

93.13 Sec. 3. Minnesota Statutes 2006, section 174.66, is amended to read:

93.14 **174.66 CONTINUATION OF CARRIER RULES.**

93.15 (a) Orders and directives in force, issued, or promulgated under authority of chapters  
93.16 174A, 216A, 218, 219, 221, and 222 remain and continue in force and effect until repealed,  
93.17 modified, or superseded by duly authorized orders or directives of the commissioner of  
93.18 transportation. To the extent allowed under federal law or regulation, rules adopted under  
93.19 authority of the following sections are transferred to the commissioner of transportation  
93.20 and continue in force and effect until repealed, modified, or superseded by duly authorized  
93.21 rules of the commissioner:

93.22 (1) section 218.041 except rules related to the form and manner of filing railroad  
93.23 rates, railroad accounting rules, and safety rules;

93.24 (2) section 219.40; and

93.25 (3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits  
93.26 or certificates of convenience and necessity under section 221.031, subdivision 1;

93.27 ~~(4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest~~  
93.28 ~~in a corporation holding authority to operate as a permit carrier as prescribed in section~~  
93.29 ~~221.151, subdivision 1;~~

93.30 ~~(5) rules relating to rates, charges, and practices under section 221.161, subdivision~~  
93.31 ~~4; and~~

93.32 ~~(6) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits~~  
93.33 ~~under sections 221.121 and 221.151.~~

93.34 (b) The commissioner shall review the transferred rules, orders, and directives and,  
93.35 when appropriate, develop and adopt new rules, orders, or directives.

94.1 Sec. 4. Minnesota Statutes 2006, section 221.011, subdivision 8, is amended to read:

94.2 Subd. 8. **Permit.** "Permit" means the license, or franchise, which may be issued to  
94.3 motor carriers other than regular route common carriers of passengers, ~~class I common~~  
94.4 ~~carriers, and petroleum carriers,~~ and household goods movers under the provisions of this  
94.5 chapter, authorizing the use of the highways of Minnesota for transportation for hire.

94.6 Sec. 5. Minnesota Statutes 2006, section 221.025, is amended to read:

94.7 **221.025 EXEMPTIONS.**

94.8 The provisions of this chapter requiring a certificate ~~or permit~~ to operate as a motor  
94.9 carrier do not apply to the intrastate transportation described below:

94.10 (1) the transportation of students to or from school or school activities in a school  
94.11 bus inspected and certified under section 169.451 and the transportation of children or  
94.12 parents to or from a Head Start facility or Head Start activity in a Head Start bus inspected  
94.13 and certified under section 169.451;

94.14 (2) the transportation of solid waste, as defined in section 116.06, subdivision 22,  
94.15 including recyclable materials and waste tires, except that the term "hazardous waste" has  
94.16 the meaning given it in section 221.011, subdivision 31;

94.17 (3) a commuter van as defined in section 221.011, subdivision 27;

94.18 (4) authorized emergency vehicles as defined in section 169.01, subdivision 5,  
94.19 including ambulances; and tow trucks equipped with proper and legal warning devices  
94.20 when picking up and transporting (i) disabled or wrecked motor vehicles or (ii) vehicles  
94.21 towed or transported under a towing order issued by a public employee authorized to  
94.22 issue a towing order;

94.23 (5) the transportation of grain samples under conditions prescribed by the  
94.24 commissioner;

94.25 (6) the delivery of agricultural lime;

94.26 (7) the transportation of dirt and sod within an area having a 50-mile radius from the  
94.27 home post office of the person performing the transportation;

94.28 (8) the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix,  
94.29 concrete blocks or tile and the mortar mix to be used with the concrete blocks or tile, or  
94.30 crushed rock to or from the point of loading or a place of gathering within an area having a  
94.31 50-mile radius from that person's home post office or a 50-mile radius from the site of  
94.32 construction or maintenance of public roads and streets;

94.33 (9) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator  
94.34 evergreens, wood chips, sawdust, shavings, and bark from the place where the products  
94.35 are produced to the point where they are to be used or shipped;

(10) the transportation of fresh vegetables from farms to canneries or viner stations, from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, or transporting sugar beets, wild rice, or rutabagas from the field of production to the first place of delivery or unloading, including a processing plant, warehouse, or railroad siding;

(11) the transportation of property or freight, other than household goods and petroleum products in bulk, entirely within the corporate limits of a city or between contiguous cities ~~except as provided in section 221.296~~;

(12) the transportation of unprocessed dairy products in bulk within an area having a 100-mile radius from the home post office of the person providing the transportation;

(13) the transportation of agricultural, horticultural, dairy, livestock, or other farm products within an area having a 100-mile radius from the person's home post office and the carrier may transport other commodities within the 100-mile radius if the destination of each haul is a farm;

(14) the transportation of newspapers, as defined in section 331A.01, subdivision 5, telephone books, handbills, circulars, or pamphlets in a vehicle with a gross vehicle weight of 10,000 pounds or less; and

(15) transportation of potatoes from the field of production, or a storage site owned or otherwise controlled by the producer, to the first place of processing.

The exemptions provided in this section apply to a person only while the person is exclusively engaged in exempt transportation.

Sec. 6. Minnesota Statutes 2006, section 221.026, is amended to read:

**221.026 MOTOR CARRIER OF PROPERTY; EXEMPTIONS.**

Subdivision 1. **Registration.** No person may engage in the for-hire transportation of property, ~~other than household goods~~, in Minnesota unless the person has filed a registration statement with the commissioner on a form the commissioner prescribes.

Subd. 2. **Exemptions from requirements.** Notwithstanding any other law, a motor carrier of property is exempt from sections 221.021; 221.072; ~~221.121; 221.122; 221.123; 221.131; 221.132; 221.151; 221.161~~; 221.172, subdivisions 3 to 8; and 221.185, except as provided in subdivision 4, ~~and 221.296~~. The exemptions in this subdivision do not apply to a motor carrier of property while transporting household goods.

Subd. 3. **Safety regulations.** A motor carrier of property is subject to those federal regulations incorporated by reference in section 221.0314, unless exempted from those regulations by section 221.031.

Subd. 4. **Suspension and cancellation of registration.** The commissioner shall suspend or cancel, following the procedures for suspension or cancellation in section 221.185, the registration of a motor carrier of property who fails to file with the commissioner or maintain the insurance or bond required under section 221.141. A person may not engage in the for-hire transportation of property, ~~other than household goods,~~ in Minnesota while the person's registration is under suspension or cancellation under this subdivision.

Subd. 5. **Local regulation.** Section 221.091 applies to registration statements under this section to the same extent that it applies to certificates and permits issued by the board.

Sec. 7. Minnesota Statutes 2006, section 221.031, subdivision 1, is amended to read:

Subdivision 1. **Powers, duties, reports, limitations.** (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities; accounts; leasing of vehicles and drivers; service; safe operation of vehicles; equipment, parts, and accessories; hours of service of drivers; driver qualifications; accident reporting; identification of vehicles; installation of safety devices; inspection, repair, and maintenance; and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.

~~(d) The commissioner shall require holders of household goods mover permits to file annual and other reports including annual accounts of motor carriers, schedules of rates and charges, or other data by motor carriers, regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and prescribe other rules as may be necessary to carry out the provisions of this chapter.~~

~~(e) A motor carrier subject to paragraph (d) but having gross revenues from for-hire transportation in a calendar year of less than \$200,000 may, at the discretion of the commissioner, be exempted from the filing of an annual report, if instead the motor carrier files an abbreviated annual report, in a form as may be prescribed by the commissioner, attesting that the motor carrier's gross revenues did not exceed \$200,000 in the previous calendar year. Motor carrier gross revenues from for-hire transportation, for the purposes~~

97.1 ~~of this subdivision only, do not include gross revenues received from the operation of~~  
97.2 ~~school buses as defined in section 169.01, subdivision 6.~~

97.3 ~~(f)~~ The commissioner shall enforce sections 169.781 to 169.783.

97.4 Sec. 8. Minnesota Statutes 2006, section 221.036, subdivision 1, is amended to read:

97.5 Subdivision 1. **Order.** The commissioner may issue an order requiring violations  
97.6 to be corrected and administratively assessing monetary penalties for a violation of (1)  
97.7 section 221.021; (2) section 221.033, subdivision 2b; (3) ~~section 221.151; (4) section~~  
97.8 ~~221.171; (5) section 221.141; or (6) (4)~~ rules of the commissioner relating to the  
97.9 transportation of hazardous waste, motor carrier operations, or insurance, ~~or tariffs and~~  
97.10 ~~accounting~~. An order must be issued as provided in this section.

97.11 Sec. 9. Minnesota Statutes 2006, section 221.036, subdivision 3, is amended to read:

97.12 Subd. 3. **Amount of penalty; considerations.** (a) The commissioner may issue an  
97.13 order assessing a penalty of up to \$5,000 for all violations ~~of section 221.021, 221.141,~~  
97.14 ~~221.151, or 221.171, or rules of the commissioner relating to motor carrier operations,~~  
97.15 ~~insurance, or tariffs and accounting,~~ identified under subdivision 1, except for rules of the  
97.16 commissioner relating to the transportation of hazardous waste or as otherwise provided  
97.17 under paragraph (b), identified during a single inspection, audit, or investigation.

97.18 (b) The commissioner may issue an order assessing a penalty up to a maximum of  
97.19 \$10,000 for all violations of section 221.033, subdivision 2b, identified during a single  
97.20 inspection or audit.

97.21 (c) In determining the amount of a penalty, the commissioner shall consider:

97.22 (1) the willfulness of the violation;

97.23 (2) the gravity of the violation, including damage to humans, animals, air, water,  
97.24 land, or other natural resources of the state;

97.25 (3) the history of past violations, including the similarity of the most recent violation  
97.26 and the violation to be penalized, the time elapsed since the last violation, the number of  
97.27 previous violations, and the response of the person to the most recent violation identified;

97.28 (4) the economic benefit gained by the person by allowing or committing the  
97.29 violation; and

97.30 (5) other factors as justice may require, if the commissioner specifically identifies  
97.31 the additional factors in the commissioner's order.

97.32 (d) The commissioner shall assess a penalty of not less than \$1,000 against a driver  
97.33 who is convicted of a violation of an out-of-service order. The commissioner shall assess

98.1 a penalty of not more than \$10,000 against an employer who knowingly allows or requires  
98.2 an employee to operate a commercial motor vehicle in violation of an out-of-service order.

98.3 Sec. 10. Minnesota Statutes 2006, section 221.131, is amended to read:

98.4 **221.131 ~~CARRIER ANNUAL VEHICLE REGISTRATION; FEES,~~**  
98.5 **~~IDENTIFICATION CARD FOR MOTOR CARRIERS OF PASSENGERS.~~**

98.6 Subdivision 1. **Permit Registration renewal.** ~~Permits~~ Certificates of registration  
98.7 ~~issued under section 221.121 to a motor carrier of passengers under section 221.0252~~ are  
98.8 effective for a 12-month period. A ~~permit~~ certificate of registration holder must renew the  
98.9 ~~permit~~ certificate annually by registration of the vehicles operated under authority of that  
98.10 ~~permit as required by subdivision 2~~ certificate. A ~~permit~~ certificate holder has one annual  
98.11 renewal date encompassing all of the ~~permits~~ certificates held by the holder.

98.12 Subd. 2. **Annual vehicle registration; fee.** (a) ~~This subdivision applies only to~~  
98.13 ~~holders of household goods mover permits and motor carriers of passengers.~~

98.14 ~~(b)~~ A ~~permit holder or~~ motor carrier of passengers shall pay an annual registration  
98.15 fee of \$75 on each vehicle, including pickup and delivery vehicles, operated by the carrier  
98.16 under authority of the ~~permit or~~ certificate of registration during the 12-month period or  
98.17 fraction of the 12-month period. Trailers and semitrailers used by a ~~permit~~ certificate  
98.18 holder in combination with power units may not be counted as vehicles in the computation  
98.19 of fees under this section if the permit holder pays the fees for power units.

98.20 ~~(c)~~ (b) The commissioner shall furnish a distinguishing annual identification card for  
98.21 each vehicle or power unit for which a fee has been paid. The identification card must  
98.22 at all times be carried in the vehicle or power unit to which it has been assigned. An  
98.23 identification card may be reassigned to another vehicle or power unit upon application  
98.24 of the carrier and payment of a transfer fee of \$10. An identification card issued under  
98.25 this section is valid only for the period for which the ~~permit or~~ certificate of registration is  
98.26 effective.

98.27 ~~(d)~~ (c) A fee of \$10 is charged for the replacement of an unexpired identification  
98.28 card that has been lost.

98.29 ~~(e)~~ (d) The proceeds of the fees collected under this subdivision must be deposited in  
98.30 the trunk highway fund.

98.31 **Subd. 2a. ~~Vehicle identification.~~** ~~The permit holder must be identified on the~~  
98.32 ~~power unit of each registered vehicle operated under the permit. Vehicles must show the~~  
98.33 ~~name or the "doing business as" name of the permit holder operating the vehicle and~~  
98.34 ~~the community and abbreviation of the state in which the permit holder maintains its~~  
98.35 ~~principal office or in which the vehicle is customarily based. If the permit holder operates~~

~~a leased vehicle, it may show its name and the name of the lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating permit holder appears on the vehicle, the words "operated by" must immediately precede the name of the permit holder. The name and address must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The name and address may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.~~

~~Subd. 3. **Certificate carrier; annual vehicle registration.** Certificated passenger carriers shall pay an annual registration fee of \$40 for each vehicle, including pickup and delivery vehicles, operated during a calendar year. The commissioner shall issue distinguishing identification cards as provided in subdivision 2.~~

Subd. 4. **Floater card; fee.** The department may issue to carriers subject to subdivision 2 ~~or 3~~ special "floater" identification cards up to a maximum of five per motor carrier. Floater cards may be freely transferred between vehicles that have evidence of being inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within the previous 12 months, or have a current Commercial Vehicle Safety Alliance decal, and that are used under short-term leases by the motor carrier. The motor carrier shall pay a fee of \$100 for each floater card issued.

Subd. 5. **Limitation.** The provisions of this section are limited by applicable federal law.

Sec. 11. Minnesota Statutes 2006, section 221.132, is amended to read:

**221.132 PREPAID TEMPORARY VEHICLE IDENTIFICATION CARD.**

For special or extraordinary events, the commissioner may issue a prepaid temporary vehicle identification card to a ~~permit or~~ certificate holder subject to section 221.131, subdivision 2 ~~or 3~~, for a fee of \$5 per card. The card must be preprinted by the commissioner with the carrier's name, address, and ~~permit or~~ certificate number. The card may be used by the motor carrier to whom it is issued to identify a vehicle temporarily added to its fleet, if the vehicle has evidence of being inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within the previous 12 months, or has a current Commercial Vehicle Safety Alliance decal. The card must be executed by the motor carrier by dating and signing the card and describing the vehicle in which it will be carried. The identification card is valid for a period of ten days from the date the motor carrier places on the card when the card is executed. The card must be used within one year from the date of issuance by the commissioner. The card may not be used if the ~~permit or~~ certificate

100.1 is not in full force and effect. The card may not be transferred. The commissioner may not  
100.2 refund the cost of unused prepaid temporary vehicle identification cards.

100.3 Sec. 12. Minnesota Statutes 2006, section 221.141, subdivision 4, is amended to read:

100.4 Subd. 4. **Household goods mover.** A household goods mover shall maintain  
100.5 in effect cargo insurance or cargo bond in the amount of \$50,000 and shall file with  
100.6 the commissioner a cargo certificate of insurance or cargo bond. A cargo certificate of  
100.7 insurance must conform to Form H, Uniform Motor Cargo Certificate of Insurance,  
100.8 described in Code of Federal Regulations, title 49, part 1023. A cargo bond must conform  
100.9 to Form J, described in Code of Federal Regulations, title 49, part 1023. Both Form H and  
100.10 Form J are incorporated by reference. The cargo certificate of insurance or cargo bond  
100.11 must be issued in the full and correct name of the person, corporation, or partnership to  
100.12 whom the household goods mover ~~permit~~ certificate of registration was issued and whose  
100.13 operations are being insured.

100.14 Sec. 13. Minnesota Statutes 2006, section 221.185, is amended to read:

100.15 **221.185 OPERATING AUTHORITY; SUSPENSION, CANCELLATION.**

100.16 Subdivision 1. ~~Grounds~~ Order for suspension. Despite the provisions of section  
100.17 221.021, a ~~household goods mover permit or a motor carrier~~ certificate of registration  
100.18 issued under ~~section~~ sections 221.0251 ~~or~~, 221.0252, or 221.0253 is suspended without a  
100.19 hearing, by order of the commissioner, if the ~~permit~~ certificate holder or carrier fails to:  
100.20 (1) maintain and file with the commissioner, the insurance or bond required by  
100.21 section 221.141 and rules adopted under that section ~~or the carrier or permit holder fails to~~;  
100.22 (2) pay annual vehicle registration fees ~~or renew permits~~ as required by section  
100.23 221.131, ~~or the permit holder or carrier fails to~~; or  
100.24 (3) pay an administrative penalty under section 221.036.

100.25 Subd. 2. **Notice of suspension.** (a) Failure to file and maintain insurance, ~~renew~~  
100.26 ~~permits under section 221.131~~, or to pay annual vehicle registration fees ~~or renew~~  
100.27 ~~permits under section 221.131 or 221.296~~, or to maintain in good standing a protective  
100.28 ~~agent's or private detective's license required under section 221.121, subdivision 6g, or~~  
100.29 ~~221.153, subdivision 3~~, suspends a motor carrier's ~~permit or~~ certificate two days after the  
100.30 commissioner sends notice of the suspension by certified mail, return receipt requested, to  
100.31 the last known address of the motor carrier.

100.32 (b) In order to avoid permanent cancellation of the ~~permit or~~ certificate, the motor  
100.33 carrier must do one of the following within 45 days from the date of suspension:

101.1 (1) comply with the law by filing insurance or bond, ~~renewing permits~~, or paying  
101.2 vehicle registration fees; or

101.3 (2) request a hearing before the commissioner regarding the failure to comply  
101.4 with the law.

101.5 Subd. 2a. **Notice of suspension; effective date.** The commissioner shall issue a  
101.6 notice of suspension if one of the conditions described in subdivision 1 occurs. The notice  
101.7 must give the reason for suspension and must be sent to the last known address of the  
101.8 carrier by certified mail, return receipt requested. A suspension is effective two days  
101.9 after a notice is mailed.

101.10 Subd. 3. **Suspension rescission.** If the motor carrier complies with the requirements  
101.11 of this chapter within 45 days after the date of suspension and pays the required fees,  
101.12 including a late vehicle registration fee of \$5 for each vehicle registered, the commissioner  
101.13 shall rescind the suspension unless the carrier's registration has expired. If a registered  
101.14 carrier fails to comply within one year of the effective date of a suspension, the carrier's  
101.15 registration is canceled.

101.16 Subd. 3a. **Hearing.** If the motor carrier requests a hearing within 45 days after the  
101.17 date of suspension, the commissioner shall review the suspension and:

101.18 (1) determine that the carrier has complied with the law and rescind the suspension;

101.19 (2) for just cause, grant an extension which must not exceed 20 days; or

101.20 (3) schedule a hearing to ascertain whether the carrier has failed to comply with the  
101.21 law. If it is determined after the hearing that the carrier has failed to comply with the law,  
101.22 the commissioner shall cancel the carrier's suspended ~~permit or~~ certificate.

101.23 Subd. 4. **Grounds for cancellation.** Except as provided in subdivision 5a, failure to  
101.24 comply with the requirements of ~~sections~~ section 221.141 and ~~221.296~~ relating to bonds  
101.25 and insurance, ~~221.131 relating to permit renewal~~, 221.131 or ~~221.296~~ relating to annual  
101.26 vehicle registration or ~~permit renewal~~, 221.121, subdivision 6g, or 221.153, ~~subdivision 3,~~  
101.27 ~~relating to protective agent or private detective licensure~~, or to request a hearing within 45  
101.28 days of the date of suspension, is deemed an abandonment of the motor carrier's ~~permit or~~  
101.29 certificate and the ~~permit or~~ certificate must be canceled by the commissioner.

101.30 Subd. 5. **Notice of cancellation.** The commissioner shall notify the motor carrier by  
101.31 certified mail, return receipt requested, that the ~~permit or~~ certificate is canceled effective  
101.32 on the date of mailing the notice of cancellation.

101.33 Subd. 5a. **Reinstatement after cancellation.** A motor carrier whose permit or  
101.34 certificate is canceled for failure to comply with ~~sections~~ section 221.141 and ~~221.296~~  
101.35 relating to bonds and insurance may ask the commissioner to review the cancellation.  
101.36 Upon review, the commissioner shall rescind the cancellation if (1) the motor carrier

102.1 presents evidence showing that before the effective date of the notice of cancellation  
102.2 issued under subdivision 5, the motor carrier had obtained and paid for the insurance  
102.3 required by ~~sections~~ section 221.141 and 221.296, and the rules of the commissioner, and  
102.4 (2) the commissioner is satisfied that the motor carrier has complied with the requirements  
102.5 of ~~sections~~ section 221.141 and 221.296 and the rules of the commissioner.

102.6 Subd. 9. **New petition.** If the holder of a canceled ~~permit or~~ certificate seeks  
102.7 authority to operate as a motor carrier it shall file a petition with the commissioner ~~for a~~  
102.8 ~~permit or certificate as provided in section 221.121 or 221.296, whichever is applicable.~~

102.9 Sec. 14. Minnesota Statutes 2006, section 221.221, subdivision 3, is amended to read:

102.10 Subd. 3. **Delegated powers.** Representatives of the department to whom authority  
102.11 has been delegated by the commissioner for the purpose of enforcing sections 169.781 to  
102.12 169.783 ~~and 221.171~~ and the rules, orders, or directives of the commissioner adopted or  
102.13 issued under those sections, and for no other purpose, ~~shall~~ have the powers conferred  
102.14 by law upon police officers. The representatives of the department have the power to  
102.15 inspect records, logs, freight bills, bills of lading, or other documents, which may provide  
102.16 evidence to determine compliance with sections 169.781 to 169.783 ~~and 221.171~~.

102.17 Sec. 15. Minnesota Statutes 2006, section 221.291, subdivision 4, is amended to read:

102.18 Subd. 4. **Operating without registration or permit.** A person who operates a  
102.19 motor carrier without first registering under ~~section~~ sections 221.0251 or 221.0252, or  
102.20 ~~who operates as a household goods mover without having obtained the necessary permit~~  
102.21 221.0253, is guilty of a misdemeanor, and upon conviction ~~shall~~ must be fined not less  
102.22 than the maximum fine ~~which~~ that may be imposed for a misdemeanor for each violation.

102.23 Sec. 16. **REVISION OF RULES.**

102.24 The commissioner of transportation shall repeal, amend, and adopt revisions to rules  
102.25 relating to household goods contained in Minnesota Rules, chapters 7800 and 7805, and  
102.26 may use the expedited process for adopting rules under Minnesota Statutes, section 14.389.

102.27 Sec. 17. **INSTRUCTION TO REVISOR.**

102.28 The revisor of statutes shall change the phrase "sections 221.011 to 221.296" to  
102.29 read "this chapter" where found in Minnesota Statutes, sections 221.021, subdivision  
102.30 1; 221.022; and 221.091, subdivision 1.

102.31 Sec. 18. **REPEALER.**

103.1 Minnesota Statutes 2006, sections 174.65; 221.011, subdivisions 24, 25, 28, 29, 38,  
103.2 41, 44, and 45; 221.0252, subdivision 7; 221.072; 221.111; 221.121, subdivisions 1,  
103.3 2, 3, 4, 5, 6, 6a, 6c, 6d, 6e, 6f, and 7; 221.122; 221.123; 221.131, subdivisions 2a and  
103.4 3; 221.141, subdivision 6; 221.151; 221.152; 221.153, subdivisions 1 and 2; 221.161;  
103.5 221.171; 221.172, subdivisions 3, 4, 5, 6, 7, and 8; and 221.296, subdivisions 3, 4, 5,  
103.6 6, 7, and 8, are repealed.

103.7 **ARTICLE 9**

103.8 **RAILROADS**

103.9 Section 1. Minnesota Statutes 2006, section 218.021, subdivision 1, is amended to read:

103.10 Subdivision 1. **Discriminatory practices.** It shall be unlawful for any common  
103.11 carrier:

103.12 (1) to charge, demand, collect or receive for any service a greater or a lesser sum  
103.13 than that fixed in its published schedules;

103.14 (2) to make or give any undue or unreasonable preference or advantage, or any undue  
103.15 or unreasonable prejudice or disadvantage, to any person, company, firm, corporation,  
103.16 transit point or locality or to any particular description of traffic;

103.17 (3) by any special rate, rebate, drawback or other device, directly or indirectly, to  
103.18 charge, demand, collect or receive a greater or less compensation for any service rendered  
103.19 in the transportation of any property within this state than the regular established schedule  
103.20 of rates and charges for like and contemporaneous service for any other person, or for the  
103.21 public generally; or, directly or indirectly, to offer or give any shipper, in connection with  
103.22 or as an inducement or reward for receiving any property for transportation, any gift,  
103.23 gratuity or free pass or any rate less than that offered to the public;

103.24 (4) except as expressly permitted, to charge a greater rate per ton or per ton mile for  
103.25 a single carload of freight of any kind or class than for a greater number of carloads of the  
103.26 same kind or class, to and from the same points of origin or destination;

103.27 (5) to charge or receive any greater compensation for the transportation of a quantity  
103.28 of property for a shorter than for a longer distance over the same line, the shorter being  
103.29 included within the longer, but this shall not be so construed as to authorize any carrier  
103.30 to charge or receive as great compensation for a shorter as for a longer distance; or to  
103.31 charge or receive any greater compensation per ton per mile for the contemporaneous  
103.32 transportation of the same class of freight for a longer than for a shorter distance over the  
103.33 same line in the same general direction, or from the same original point of departure or to  
103.34 the same point of arrival, but this shall not be construed so as to authorize any carrier to  
103.35 charge as high a rate per ton per mile for a longer as for a shorter distance;

104.1 (6) to charge or receive for the transportation of freight of any description for any  
104.2 distance within this state a greater amount than is at the same time charged or received for  
104.3 a like quantity of freight of the same class over a greater distance of the same railway;  
104.4 or to charge or receive at any point upon its road a higher rate for receiving, handling or  
104.5 delivering freight of the same class or quantity than it shall at the same time charge or  
104.6 receive to any other point upon the same line; or to charge or receive for freight of any  
104.7 description over its railway a greater amount than at the same time is charged or received  
104.8 for the transportation of a like quantity of freight of the same class being transported over  
104.9 any portion of the same railway of equal distance; or to charge or receive from any person  
104.10 a greater amount than it shall at the same time charge or receive from any other person  
104.11 for the same class and like quantity of freight at the same point upon its railway; or to  
104.12 charge or receive from any person for the transportation of any freight upon its railway a  
104.13 greater amount than it shall at the same time charge or receive from any other person for  
104.14 the transportation of a like quantity of freight of the same class being transported from  
104.15 the same point over an equal distance of the same railway; or to charge or receive from  
104.16 any person for the use and transportation of any railway car upon its railroad for any  
104.17 distance, a greater amount than is at the same time charged or received from any other  
104.18 person for the use and transportation of any railway car of the same class or number for a  
104.19 like purpose being transported over a greater distance of the same railway; or to charge or  
104.20 receive from any person for the use and transportation of any railway car upon its railroad  
104.21 a greater amount in the aggregate than it shall at the same time charge or receive from  
104.22 any other person for the use and transportation of any railway car of the same class for a  
104.23 like purpose being transported from the same original point of an equal distance of the  
104.24 same railway; provided, however, where two or more railroads serve a common point one  
104.25 having a shorter mileage than the other from a given point, the railroad having the longer  
104.26 mileage may be authorized by the commissioner to meet the rate made by the shortest line;  
104.27 (7) to charge or receive more for transporting a car of freight than is charged or  
104.28 received per car for several cars of a like class of freight over the same railway for the  
104.29 same distance; or to charge or receive more for transporting a ton of freight than is charged  
104.30 or received per ton for more than a ton but less than a carload of like class over the same  
104.31 railway for the same distance; or to charge or receive more for transporting one hundred  
104.32 pounds of freight than is charged or received per hundred pounds above one hundred  
104.33 pounds but less than a ton of like class over the same railway for the same distance;  
104.34 (8) to fail to provide local first responders with an emergency phone number that is  
104.35 accessible at all times through which first responders can receive information regarding  
104.36 the location of and materials involved in a hazardous materials accident;

105.1       (9) to fail, upon request, to provide local first responders with an annual listing of  
105.2 hazardous materials transported by rail through their respective territories; and  
105.3       (10) to fail to have annual training sessions as required under Code of Federal  
105.4 Regulations, title 49, part 172(h), subpart (i), for all employees who may come in contact  
105.5 with hazardous materials concerning the proper identification and response to accidents  
105.6 involving hazardous materials.

105.7       Sec. 2. Minnesota Statutes 2006, section 218.041, subdivision 6, is amended to read:

105.8       Subd. 6. **Investigative powers.** In the exercise of powers granted in this chapter,  
105.9 the commissioner may:

105.10       (1) subpoena books, papers, or accounts kept by any regulated business within or  
105.11 without the state, or compel production of verified copies;

105.12       (2) prepare all forms or blanks for obtaining information that the commissioner  
105.13 may deem necessary or useful for the proper exercise of the authority and duties of the  
105.14 commissioner in connection with regulated businesses, and prescribe the time and manner  
105.15 within which the blanks and forms must be completed and filed;

105.16       (3) inspect, at all reasonable times, and copy the books, records, memoranda,  
105.17 correspondence, or other documents and records of any business under the commissioner's  
105.18 jurisdiction; ~~and~~

105.19       (4) examine, under oath, any officer, agent, or employee of a business under the  
105.20 commissioner's jurisdiction concerning any matter within the commissioner's jurisdiction;  
105.21 and

105.22       (5) assess common carriers, administer the state rail safety inspection account, and  
105.23 perform other duties on behalf of the state rail safety inspector under section 219.015.

105.24       Sec. 3. **[219.015] STATE RAIL SAFETY INSPECTOR.**

105.25       (a) The commissioner of transportation shall establish a position of state rail safety  
105.26 inspector in the Office of Freight and Commercial Vehicle Operations of the Minnesota  
105.27 Department of Transportation. The commissioner shall apply to the Federal Railroad  
105.28 Administration (FRA) of the United States Department of Transportation to participate  
105.29 in the Federal State Rail Safety Partnership Program for training and certification of  
105.30 an inspector under authority of United States Code, title 49, sections 20103, 20105,  
105.31 20106, and 20113, and Code of Federal Regulations, title 49, part 212. The state rail  
105.32 safety inspector shall inspect mainline track, secondary track, and yard and industry track;  
105.33 inspect railroad right-of-way, including adjacent or intersecting drainage, culverts, bridges,  
105.34 overhead structures, and traffic and other public crossings; inspect yards and physical

plants; review and enforce safety requirements; review maintenance and repair records; and review railroad security measures. To the extent delegated by the commissioner, the inspector may issue citations for violations of this chapter, or to ensure railroad employee and public safety and welfare.

(b) The commissioner shall annually assess railroad companies that are (1) defined as common carriers under section 218.011, (2) classified by federal law or regulation as Class I Railroads or Class I Rail Carriers, and (3) operating in this state, by a division of equal proportion between carriers, assessed in equal amounts for 365 days of the calendar year. The commissioner shall assess all start-up or re-establishment costs, and all related costs of initiating the state rail safety inspector program beginning July 1, 2007. The state rail inspector duties must begin and be assessed on January 1, 2008. The assessments must be deposited in a special account in the special revenue fund, to be known as the state rail safety inspection account. Money in the account is appropriated to the commissioner and may be expended to cover the costs incurred for the establishment and ongoing responsibilities of the state rail safety inspector.

(c) The commissioner may exempt a common carrier not federally classified as Class I from violations for a period of up to two years if the common carrier applies for participation in a work site safety coaching program, such as the "MNSharp" program administered by the Minnesota Department of Labor and Industry, and the commissioner determines such participation to be preferred enforcement for safety or security violations.

(d) Any person aggrieved by an assessment levied under this section may appeal within 90 days any assessment, violation, or administrative penalty to the Office of Administrative Hearings, with further appeal and review by the district court.

Sec. 4. **[219.371] DEFINITIONS.**

Subdivision 1. **Scope.** The terms used in sections 219.371 to 219.382 have the meanings given them in this section and section 218.011.

Subd. 2. **Inside edge of a walkway.** "Inside edge of a walkway" means that edge of a walkway closest to the nearest rail of the track for which the walkway is constructed.

Subd. 3. **Major repair.** "Major repair" means a repair that normally requires greater than four hours of work to accomplish or involves the use of specialized tools and equipment. Major repairs include such activities as coupler replacement, draft gear repair, and repairs requiring the use of an air jack, but the term does not include changing wheels on intermodal loading ramps either with or without an air jack.

Subd. 4. **Railroad shop or repair track.** "Railroad shop" or "repair track" means a fixed repair facility or track that is regularly and consistently used to perform major repairs, regardless of whether a mobile repair vehicle is used to conduct the repairs.

Subd. 5. **Structure.** "Structure" means any bridge or trestle on which a railroad track is constructed.

Subd. 6. **Walkway.** "Walkway" means a pathway located alongside or in the vicinity of a railroad track for the purpose of providing an area for railroad employees to perform their normal trackside duties.

Subd. 7. **Yard.** "Yard" means a system of tracks other than main tracks and sidings used for making up trains, storing cars, and other purposes including the inspection, repair, and cleaning of cars.

Sec. 5. **[219.372] WALKWAYS ON BRIDGES AND TRESTLES.**

(a) Every railroad company shall construct and maintain, adjacent to at least one side of its tracks, walkways on all newly constructed or reconstructed bridges and trestles.

(b) Every railroad company shall construct and maintain, adjacent to at least one side of its tracks, walkways on all bridges and trestles designated by the commission after a hearing. Except as provided in paragraph (c), walkways must be located so that they will provide a minimum side clearance of eight feet from the center of the track to the outside edge of the walkway.

(c) Compliance with the eight-foot requirement referred to in paragraph (b) is waived with regard to all designated bridges and trestles that presently have minimum side clearances of less than eight feet if the railroad company is able to show to the satisfaction of the commissioner of transportation that compliance with the eight-foot requirement is structurally or economically unfeasible.

(d) All walkways must be kept free from obstacles that would render them unsafe or difficult to traverse on foot, except those facilities with minimum clearances prescribed by other sections of this chapter.

(e) Walkways must be equipped with a securely attached handrail located on the side of the walkway farthest from the track, except no handrails are required on through-girder structures. Handrails must be located so as to comply with the clearance standards in sections 219.45 to 219.53.

(f) Walkways on bridges and trestles must conform to the standards of width, surface, and vertical placement for walkways alongside track set forth in section 219.373, except that the inside edge of such a walkway may be placed closer than six feet from the nearest rail when necessary.

108.1        (g) This section does not apply to culverts.

108.2        Sec. 6. **[219.373] WALKWAYS BY TRACK; GENERAL STANDARDS.**

108.3        (a) Consistent with section 219.50, every railroad company shall provide a walkway  
108.4 alongside track that has a regular surface that is smooth and safe for use by railroad  
108.5 employees and other persons who have duties in proximity to trains. The walkway  
108.6 must be kept reasonably free of hazards and obstructions, including, but not limited to,  
108.7 debris, litter, fuel, oil, sand, boulders, posts, tie materials, holes, ruts, potholes, grains,  
108.8 grain products or byproducts, fertilizer products, chemical, chemical molten, steel, tin,  
108.9 metallic products, solid raw minerals, palletized products, silica products, materials  
108.10 spilled during revenue shipment, detached pieces or parts of railroad rolling stock or  
108.11 track structure, and vegetation.

108.12        (b) Except as otherwise provided in paragraph (g) or otherwise exempted by other  
108.13 law, a walkway alongside track that is required under sections 219.373 to 219.382 must be  
108.14 constructed and maintained in conformity to the standards in sections 219.373 to 219.383.

108.15        (c) A walkway alongside track that is required pursuant to sections 219.373 to  
108.16 219.382 must:

108.17        (1) provide a reasonably regular surface that is smooth and safe for use by railroad  
108.18 employees and other persons who have duties in proximity to trains;

108.19        (2) be surfaced with crushed material, asphaltic concrete, planking, or other material  
108.20 that does not compromise track drainage;

108.21        (3) unless the grade of the track is greater than one inch in eight inches, have a grade  
108.22 that is less than one inch in eight inches;

108.23        (4) if the walkway is alongside track with a curve greater than 18 degrees, be not  
108.24 less than one foot wider than otherwise required; and

108.25        (5) be kept reasonably free of hazards and obstructions listed in paragraph (a).

108.26        (d) Except as provided otherwise in this section or sections 219.374 to 219.379,  
108.27 walkways located along main-line tracks and tracks where switching is regularly  
108.28 performed more than twice in a seven-day period must be surfaced with crushed material  
108.29 not to exceed American Railway Engineering and Maintenance-of-Way Association  
108.30 (AREMA) standard number 4, 1-1/2 inches in size, or with asphalt, concrete, planking,  
108.31 grating, or similar material.

108.32        (e) Walkways located along switching lead tracks, switches in yards, car spotting  
108.33 areas, and railroad shop or repair tracks must be surfaced with crushed material not to  
108.34 exceed AREMA standard number 5, three-fourths to one inch in size, or with asphalt,  
108.35 concrete, planking, grating, or similar material.

109.1 (f) This section is temporarily suspended during periods of heavy rain or snow,  
109.2 derailments, rocks and earth slides, and similar abnormal periods and for a reasonable  
109.3 time thereafter to permit restoration work.

109.4 (g) Compliance with sections 219.372 to 219.379 is not a defense to any civil action  
109.5 brought for the violation of a railroad safety law, regulation, rule, or order.

109.6 (h) The commissioner, after investigation, upon the commissioner's own motion,  
109.7 or upon the petition of the aggrieved person, may determine that the safety of railroad  
109.8 employees requires implementation of the applicable standards set forth in paragraphs (b)  
109.9 to (e), for any walkway.

109.10 Sec. 7. **[219.374] WALKWAYS BY MAIN-LINE TRACK.**

109.11 Except as otherwise provided in section 219.375, 219.377, or 219.378, walkways  
109.12 alongside main-line track, in addition to the requirements of section 219.373, must:

109.13 (1) be present on each side of the track within two miles in either direction of a  
109.14 track-side train defect detector, with a total walkway length of not less than 300 feet at  
109.15 each inspection location;

109.16 (2) be not less than two feet in width; and

109.17 (3) provide a minimum side clearance of 8-1/2 feet from the centerline of the track  
109.18 to the outside edge of the walkway.

109.19 Sec. 8. **[219.375] WALKWAYS BY TRACK AT SIDING LOCATIONS.**

109.20 Walkways alongside main-line and branch-line track at siding locations, in addition  
109.21 to the requirements of section 219.373, must:

109.22 (1) be present:

109.23 (i) on the outside of the main-line or branch-line track; and

109.24 (ii) on the outside of the siding track;

109.25 (2) be not less than two feet in width; and

109.26 (3) provide a minimum side clearance of 8-1/2 feet from the centerline of the track  
109.27 to the outside edge of the walkway.

109.28 Sec. 9. **[219.3755] WALKWAYS BY TRACKS WHERE TRAIN CREWS SHIFT.**

109.29 Walkways alongside main-line and siding tracks at nonterminal locations that are  
109.30 frequently used as train crew relief for boarding and debarking crews, in addition to  
109.31 the requirements of section 219.373, must:

109.32 (1) be present:

109.33 (i) on the outside of the main-line or branch-line track; and

- 110.1 (ii) on the outside of the siding track;  
110.2 (2) be not less than two feet in width;  
110.3 (3) provide a minimum side clearance of 8-1/2 feet from the centerline of the track  
110.4 to the outside edge of the walkway;  
110.5 (4) be surfaced according to AREMA standard number 5 or with three-fourths inch  
110.6 to one inch crushed material, asphalt, concrete, planking, or other material that does not  
110.7 compromise track drainage; and  
110.8 (5) run continuous from a road, walkway, or other right-of-way to 100 feet past the  
110.9 designated stopping point for the train or locomotive.

110.10 Sec. 10. **[219.376] WALKWAYS BY TRACK IN YARDS, INDUSTRY**  
110.11 **TURNOUTS, AND SPOTTING AREAS.**

- 110.12 Walkways alongside track in all yards and in advance thereof, wherever an  
110.13 employee's assigned duties regularly require the employee to be present on the ground in  
110.14 proximity to the track and, except as otherwise provided in section 219.377 or 219.378, in  
110.15 industry turnouts and spotting areas, in addition to the requirements of section 219.373,  
110.16 must:  
110.17 (1) be present on each side of the track not less than 50 feet in advance of the turnout;  
110.18 (2) be not less than two feet in width;  
110.19 (3) provide a minimum side clearance of 8-1/2 feet from the centerline of the track  
110.20 to the outside edge of the walkway; and  
110.21 (4) if the track is in a yard where substantial switching is performed, be:  
110.22 (i) present between tracks;  
110.23 (ii) present alongside tracks bordering the yard or switching area; and  
110.24 (iii) if the tracks are 17 feet apart or less, continuous between the tracks.

110.25 Sec. 11. **[219.377] WALKWAYS BY TRACK AT MAIN-LINE TURNOUTS**  
110.26 **ENTERING YARDS OR SERVING INDUSTRY TRACKS.**

- 110.27 Except as otherwise provided in section 219.378 or 219.379, walkways alongside  
110.28 track at main-line turnouts entering yards or serving industry tracks, in addition to the  
110.29 requirements of section 219.373, must:  
110.30 (1) be present on the switch stand side of the track from not less than 50 feet ahead  
110.31 of each switch stand to not less than 25 feet beyond the 12-1/2 feet clearance point  
110.32 behind the switch stand;  
110.33 (2) if 20 feet or more from the switch stand, be not less than six feet in width;  
110.34 (3) if less than 20 feet, but more than four feet from the switch stand;

- 111.1 (i) be not less than six feet in width;
- 111.2 (ii) have a straight outer edge; and
- 111.3 (iii) occupy a total area of not less than 120 square feet; and
- 111.4 (4) if less than four feet from the switch stand, be not less than three feet in width.

111.5 Sec. 12. **[219.378] WALKWAYS BY MAIN-LINE TRACK AT TURNOUTS FOR**  
111.6 **SWITCHING CARS.**

111.7 Walkways alongside main-line track at turnouts used frequently for switching cars,  
111.8 in addition to the requirements of sections 219.373 to 219.377, must:

111.9 (1) be present on the switch stand side of the track from not less than 125 feet  
111.10 ahead of the switch stand to not less than 25 feet beyond the 12-1/2 feet clearance point  
111.11 behind the switch stand;

111.12 (2) if 20 feet or more from the switch stand, be not less than six feet in width;

111.13 (3) if less than 20 feet, but more than four feet from the switch stand:

111.14 (i) be not less than six feet in width;

111.15 (ii) have a straight outer edge; and

111.16 (iii) occupy a total area of not less than 120 square feet; and

111.17 (4) if less than four feet from the switch stand, be not less than three feet in width.

111.18 Sec. 13. **[219.379] WALKWAYS BY TRACK AT OTHER TURNOUTS.**

111.19 Walkways alongside tracks at short-line and branch-line turnouts and, except as  
111.20 otherwise provided in section 219.378, at all power-operated turnouts, in addition to  
111.21 the requirements of section 219.373, must:

111.22 (1) be present on the switch stand side of the track from not less than 50 feet ahead  
111.23 of the switch stand to not less than the 12-1/2 feet clearance point behind the switch stand;

111.24 (2) if ten feet or more from the switch stand, be not less than five feet in width;

111.25 (3) if less than ten feet, but more than four feet from the switch stand:

111.26 (i) be not less than five feet in width;

111.27 (ii) have a straight outer edge; and

111.28 (iii) occupy a total area of not less than 39 square feet; and

111.29 (4) if four feet or less from the switch stand, be not less than three feet in width.

111.30 Sec. 14. **[219.381] WALKWAY EXEMPTIONS.**

111.31 Subdivision 1. **Existing track.** (a) Section 219.373, paragraphs (b) to (g), and  
111.32 sections 219.374 to 219.379 and 219.382 do not apply to track placed in revenue service  
111.33 before the effective date of this section until the date and time track and supporting

112.1 structure are repaired, resurfaced, replaced, or as ordered by the commissioner of  
112.2 transportation pursuant to paragraph (b).

112.3 (b) The commissioner of transportation shall issue an order requiring the construction  
112.4 or maintenance of a walkway alongside track described in paragraph (a) on determining,  
112.5 after notice and hearing, that the construction or maintenance of a walkway alongside the  
112.6 track is necessary to eliminate an unsafe or hazardous condition.

112.7 Subd. 2. **Small business.** (a) Except as otherwise provided in paragraph (b), a small  
112.8 business that owns or operates any track in this state is exempt from sections 219.373 to  
112.9 219.382.

112.10 (b) On determining after notice and hearing that exempting a small business that  
112.11 owns or operates any track in this state pursuant to paragraph (a) poses an unreasonable  
112.12 threat of substantial harm to the public safety, the commissioner of transportation shall  
112.13 order that business to eliminate any unsafe walkway condition.

112.14 (c) As used in this section, "small business" has the meaning given it in section  
112.15 645.445.

112.16 Sec. 15. **[219.382] LIABILITY.**

112.17 Sections 219.371 to 219.379 do not preclude or preempt civil liability to an injured  
112.18 party under state or federal laws for failure to provide a reasonably safe walkway.

112.19 Sec. 16. **SHORT TITLE.**

112.20 This article may be cited as the "Railroad Walkways Safety Act."

112.21 Sec. 17. **EFFECTIVE DATE.**

112.22 This article is effective July 1, 2007.

112.23 **ARTICLE 10**  
112.24 **CONTRACTING**

112.25 Section 1. Minnesota Statutes 2006, section 16C.02, is amended by adding a  
112.26 subdivision to read:

112.27 Subd. 4a. **Best value; construction.** For purposes of construction, building,  
112.28 alteration, improvement, or repair services, "best value" describes the result determined by  
112.29 a procurement method that considers price and performance criteria, which may include,  
112.30 but are not limited to:

112.31 (1) the quality of the vendor's or contractor's performance on previous projects;

112.32 (2) the timeliness of the vendor's or contractor's performance on previous projects;

113.1        (3) the level of customer satisfaction with the vendor's or contractor's performance  
113.2 on previous projects;

113.3        (4) the vendor's or contractor's record of performing previous projects on budget and  
113.4 ability to minimize cost overruns;

113.5        (5) the vendor's or contractor's ability to minimize change orders;

113.6        (6) the vendor's or contractor's ability to prepare appropriate project plans;

113.7        (7) the vendor's or contractor's technical capacities;

113.8        (8) the individual qualifications of the contractor's key personnel; or

113.9        (9) the vendor's or contractor's ability to assess and minimize risks.

113.10       "Performance on previous projects" does not include the exercise or assertion of a  
113.11 person's legal rights. This definition does not apply to sections 16C.32, 16C.33, 16C.34,  
113.12 and 16C.35.

113.13       Sec. 2. Minnesota Statutes 2006, section 16C.02, is amended by adding a subdivision  
113.14 to read:

113.15       Subd. 20. **Vendor.** "Vendor" means a business, including a construction contractor  
113.16 or a natural person, and includes both if the natural person is engaged in a business.

113.17       Sec. 3. Minnesota Statutes 2006, section 16C.03, subdivision 3, is amended to read:

113.18       Subd. 3. **Acquisition authority.** The commissioner shall acquire all goods, services,  
113.19 and utilities needed by agencies. The commissioner shall acquire goods, services, and  
113.20 utilities by requests for bids, requests for proposals, reverse auctions as provided in  
113.21 section 16C.10, subdivision 7, or other methods provided by law, unless a section of law  
113.22 requires a particular method of acquisition to be used. The commissioner shall make all  
113.23 decisions regarding acquisition activities. The determination of the acquisition method  
113.24 and all decisions involved in the acquisition process, unless otherwise provided for by  
113.25 law, shall be based on best value which includes an evaluation of price and may include  
113.26 other considerations including, but not limited to, environmental considerations, quality,  
113.27 and vendor performance. A best value determination must be based on the evaluation  
113.28 criteria detailed in the solicitation document. If criteria other than price are used, the  
113.29 solicitation document must state the relative importance of price and other factors. ~~Unless~~  
113.30 ~~it is determined by the commissioner that an alternative solicitation method provided by~~  
113.31 ~~law should be used to determine best value, a request for bid must be used to solicit~~  
113.32 ~~formal responses for all building and construction contracts.~~ Any or all responses may  
113.33 be rejected. When using the request for bid process, the bid must be awarded to the  
113.34 lowest responsive and responsible bidder, taking into consideration conformity with

114.1 the specifications, terms of delivery, the purpose for which the contract or purchase is  
114.2 intended, the status and capability of the vendor, and other considerations imposed in the  
114.3 request for bids. The commissioner may decide which is the lowest responsible bidder  
114.4 for all purchases and may use the principles of life-cycle costing, where appropriate, in  
114.5 determining the lowest overall bid. The duties set forth in this subdivision are subject to  
114.6 delegation pursuant to this section.

114.7 Sec. 4. Minnesota Statutes 2006, section 16C.03, is amended by adding a subdivision  
114.8 to read:

114.9 Subd. 3a. **Acquisition authority; construction contracts.** For all building and  
114.10 construction contracts, the commissioner shall award contracts pursuant to section 16C.28,  
114.11 and "best value" shall be defined and applied as set forth in sections 16C.02, subdivision  
114.12 4a and 16C.28, subdivision 1, paragraph (a), clause (2). The duties set forth in this  
114.13 subdivision are subject to delegation pursuant to this section. The commissioner shall  
114.14 establish procedures for developing and awarding best value requests for proposals for  
114.15 construction projects. The criteria to be used to evaluate the proposals must be included in  
114.16 the solicitation document and must be evaluated in an open and competitive manner.

114.17 Sec. 5. Minnesota Statutes 2006, section 16C.03, is amended by adding a subdivision  
114.18 to read:

114.19 Subd. 18. **Training.** Users of best value procurement may be trained in the  
114.20 request for proposals process for best value contracting for construction projects.  
114.21 The commissioner may establish a training program for state and local officials and  
114.22 employees, and vendors and contractors, on best value procurement for construction  
114.23 projects, including those governed by section 16C.02, subdivision 4a. If the commissioner  
114.24 establishes such a training program, the state may charge a fee for providing training.

114.25 Sec. 6. Minnesota Statutes 2006, section 16C.26, is amended to read:

114.26 **16C.26 COMPETITIVE BIDS OR PROPOSALS.**

114.27 Subdivision 1. **Application.** Except as otherwise provided by sections 16C.10,  
114.28 16C.26 and 16C.27, all contracts for building and construction or repairs must be based on  
114.29 competitive bids or proposals. "Competitive proposals" specifically refers to the method  
114.30 of procurement described in section 16C.28, subdivision 1, paragraph (a), clause (2).

114.31 Subd. 2. **Requirement contracts.** Standard requirement price contracts for building  
114.32 and construction must be established by competitive bids as provided in subdivision 1.  
114.33 The standard requirement price contracts may contain escalation clauses and may provide

for a negotiated price increase or decrease based upon a demonstrable industrywide or regional increase or decrease in the vendor's costs or for the addition of similar products or replacement items not significant to the total value of existing contracts. The term of these contracts may not exceed five years including all extensions.

Subd. 3. **Publication of notice; expenditures over \$25,000.** If the amount of an expenditure is estimated to exceed \$25,000, bids or proposals must be solicited by public notice in a manner designated by the commissioner. To the extent practical, this must include posting on a state Web site. For expenditures over \$50,000, when a call for bids is issued the commissioner shall solicit sealed bids by providing notices to all prospective bidders known to the commissioner by posting notice on a state Web site at least seven days before the final date of submitting bids. All bids over \$50,000 must be sealed when they are received and must be opened in public at the hour stated in the notice. All proposals responsive to a request for proposals according to section 16C.28, subdivision 1, paragraph (a), clause (2), shall be submitted and evaluated in the manner described in the request for proposals, regardless of the dollar amount. All original bids and proposals and all documents pertaining to the award of a contract must be retained and made a part of a permanent file or record and remain open to public inspection.

Subd. 4. **Building and construction contracts; \$50,000 or less.** An informal bid may be used for building, construction, and repair contracts that are estimated at less than \$50,000. Informal bids must be authenticated by the bidder in a manner specified by the commissioner. Alternatively, a request for proposals may be issued according to section 16C.28, subdivision 1, paragraph (a), clause (2), for such contracts.

Subd. 5. **Standard specifications, security.** Contracts must be based on the standard specifications prescribed and enforced by the commissioner under this chapter, unless otherwise expressly provided or as authorized under section 16C.28, subdivision 1, paragraph (a), clause (2). Each ~~bidder for a contract~~ vendor or contractor must furnish security approved by the commissioner to ensure the making of the contract being bid for.

Subd. 6. **Noncompetitive bids.** Agencies are encouraged to contract with small targeted group businesses designated under section 16C.16 when entering into contracts that are not subject to competitive bidding procedures.

Sec. 7. Minnesota Statutes 2006, section 16C.27, subdivision 1, is amended to read:

Subdivision 1. **Single source of supply.** Competitive bidding ~~is~~ or proposals are not required for contracts clearly and legitimately limited to a single source of supply, and the contract price may be best established by direct negotiation.

Sec. 8. Minnesota Statutes 2006, section 16C.28, is amended to read:

**16C.28 CONTRACTS; AWARD.**

Subdivision 1. ~~Lowest responsible bidder~~ **Award requirements.** (a) All state building and construction contracts entered into by or under the supervision of the commissioner or an agency for which competitive bids or proposals are required ~~must be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, the purpose for which the contract is intended, the status and capability of the vendor, and other considerations imposed in the call for bids. The commissioner may decide which is the lowest responsible bidder for all contracts and may use the principles of life cycle costing, where appropriate, in determining the lowest overall bid. The head of the interested agency shall make the decision, subject to the approval of the commissioner. Any or all bids may be rejected. In a case where competitive bids are required and where all bids are rejected, new bids, if solicited, must be called for as in the first instance, unless otherwise provided by law.~~ may be awarded to either of the following:

(1) the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, the purpose for which the contract is intended, the status and capability of the vendor or contractor, other considerations imposed in the call for bids, and, where appropriate, principles of life-cycle costing; or

(2) the vendor or contractor offering the best value, taking into account the specifications of the request for proposals, the price and performance criteria as set forth in section 16C.02, subdivision 4a, and described in the solicitation document.

(b) The vendor or contractor must secure bonding, commercial general insurance coverage, and workers' compensation insurance coverage under paragraph (a), clause (1) or (2). The commissioner shall determine whether to use the procurement process described in paragraph (a), clause (1), or the procurement process described in paragraph (a), clause (2). If the commissioner uses the method in paragraph (a), clause (2), the head of the agency shall determine which vendor or contractor offers the best value, subject to the approval of the commissioner. Any or all bids or proposals may be rejected.

**Subd. 1a. Establishment and purpose.** (a) The state recognizes the importance of the inclusion of a best value contracting system for construction as an alternative to the current low-bid system of procurement. In order to accomplish that goal, state and local governmental entities shall be able to choose the best value system in different phases.

(b) "Best value" means the procurement method defined in section 16C.02, subdivision 4a.

(c) The following entities are eligible to participate:

(1) phase I: state agencies, counties, cities, and school districts with the highest 25 percent enrollment of students in the state, beginning on the effective date of this section;

(2) phase II: those entities included in phase I, counties with populations over 100,000, and school districts with the highest 50 percent enrollment of students in the state, beginning two years from the effective date of this section; and

(3) phase III: all entities included in phases I and II, and all other counties, towns, school districts, and political subdivisions in the state, beginning three years from the effective date of this section.

(d) The commissioner or any agency for which competitive bids or proposals are required may not use best value contracting as defined in section 16C.02, subdivision 4a, for more than one project annually, or 20 percent of its projects, whichever is greater, in each of the first three fiscal years in which best value construction contracting is used.

Subd. 2. **Alterations and erasures.** A bid containing an alteration or erasure of any price contained in the bid which is used in determining the lowest responsible bid must be rejected unless the alteration or erasure is corrected in a manner that is clear and authenticated by an authorized representative of the responder. An alteration or erasure may be crossed out and the correction printed in ink or typewritten adjacent to it and initialed by an authorized representative of the responder.

Subd. 3. **Special circumstances.** The commissioner may reject the bid or proposal of any ~~bidding~~ vendor or contractor who has failed to perform a previous contract with the state. In the case of identical low bids from two or more bidders, the commissioner may use negotiated procurement methods with the tied low bidders for that particular transaction so long as the price paid does not exceed the low tied bid price. The commissioner may award contracts to more than one ~~bidding~~ vendor or contractor in accordance with subdivision 1, if doing so does not decrease the service level or diminish the effect of competition.

Subd. 4. **Record.** A record must be kept of all bids or proposals, including names of bidders, amounts of bids or proposals, and each successful bid or proposal. This record is open to public inspection, subject to section 13.591 and other applicable law.

Subd. 5. **Preferences not cumulative.** The preferences under sections 16B.121, 16C.06, subdivision 7, and 16C.16 apply, but are not cumulative. The total percentage of preference granted on a contract may not exceed the highest percentage of preference allowed for that contract under any one of those sections.

Sec. 9. Minnesota Statutes 2006, section 103D.811, subdivision 3, is amended to read:

118.1 Subd. 3. **Awarding of contract.** (a) At a time and place specified in the bid notice,  
118.2 the managers may accept or reject any or all bids and may award the contract to the lowest  
118.3 responsible bidder. The bidder to whom the contract is to be awarded must give a bond,  
118.4 with ample security, conditioned by satisfactory completion of the contract.

118.5 (b) Bids must not be considered which in the aggregate exceed by more than 30  
118.6 percent the total estimated cost of construction or implementation.

118.7 (c) As an alternative to the procurement method described in paragraph (a), the  
118.8 managers may issue a request for proposals and award the contract to the vendor or  
118.9 contractor offering the best value as described in section 16C.28, subdivision 1, paragraph  
118.10 (a), clause (2).

118.11 (d) The contract must be in writing and be accompanied by or refer to the plans and  
118.12 specifications for the work to be done as prepared by the engineer for the watershed  
118.13 district. The plans and specifications shall become a part of the contract.

118.14 ~~(d)~~ (e) The contract shall be approved by the managers and signed by the president,  
118.15 secretary, and contractor.

118.16 Sec. 10. Minnesota Statutes 2006, section 103E.505, subdivision 5, is amended to read:

118.17 Subd. 5. **How contract may be awarded.** The contract may be awarded in one  
118.18 job, in sections, or separately for labor and material and ~~must~~ may be let to the lowest  
118.19 responsible bidder. Alternatively, the contract may be awarded to the vendor or contractor  
118.20 offering the best value under a request for proposals as described in section 16C.28,  
118.21 subdivision 1, paragraph (a), clause (2).

118.22 Sec. 11. Minnesota Statutes 2006, section 116A.13, subdivision 5, is amended to read:

118.23 Subd. 5. **How job may be let.** The job may be let in one job, or in sections, or  
118.24 separately for labor and material, and ~~shall~~ may be let to the lowest responsible bidder or  
118.25 bidders therefor. Alternatively, the contract may be awarded to the vendor or contractor  
118.26 offering the best value under a request for proposals as described in section 16C.28,  
118.27 subdivision 1, paragraph (a), clause (2).

118.28 Sec. 12. Minnesota Statutes 2006, section 123B.52, subdivision 1, is amended to read:

118.29 Subdivision 1. **Contracts.** A contract for work or labor, or for the purchase of  
118.30 furniture, fixtures, or other property, except books registered under the copyright laws, or  
118.31 for the construction or repair of school houses, the estimated cost or value of which shall  
118.32 exceed that specified in section 471.345, subdivision 3, must not be made by the school  
118.33 board without first advertising for bids or proposals by two weeks' published notice in the

119.1 official newspaper. This notice must state the time and place of receiving bids and contain  
119.2 a brief description of the subject matter.

119.3 Additional publication in the official newspaper or elsewhere may be made as the  
119.4 board shall deem necessary.

119.5 After taking into consideration conformity with the specifications, terms of delivery,  
119.6 and other conditions imposed in the call for bids, every such contract for which a call for  
119.7 bids has been issued must be awarded to the lowest responsible bidder, be duly executed  
119.8 in writing, and be otherwise conditioned as required by law. The person to whom the  
119.9 contract is awarded shall give a sufficient bond to the board for its faithful performance.  
119.10 Notwithstanding section 574.26 or any other law to the contrary, on a contract limited  
119.11 to the purchase of a finished tangible product, a board may require, at its discretion, a  
119.12 performance bond of a contractor in the amount the board considers necessary. A record  
119.13 must be kept of all bids, with names of bidders and amount of bids, and with the successful  
119.14 bid indicated thereon. A bid containing an alteration or erasure of any price contained in  
119.15 the bid which is used in determining the lowest responsible bid must be rejected unless the  
119.16 alteration or erasure is corrected as provided in this section. An alteration or erasure may  
119.17 be crossed out and the correction thereof printed in ink or typewritten adjacent thereto and  
119.18 initialed in ink by the person signing the bid. In the case of identical low bids from two or  
119.19 more bidders, the board may, at its discretion, utilize negotiated procurement methods  
119.20 with the tied low bidders for that particular transaction, so long as the price paid does not  
119.21 exceed the low tied bid price. In the case where only a single bid is received, the board  
119.22 may, at its discretion, negotiate a mutually agreeable contract with the bidder so long as  
119.23 the price paid does not exceed the original bid. If no satisfactory bid is received, the  
119.24 board may readvertise. Standard requirement price contracts established for supplies or  
119.25 services to be purchased by the district must be established by competitive bids. Such  
119.26 standard requirement price contracts may contain escalation clauses and may provide for a  
119.27 negotiated price increase or decrease based upon a demonstrable industrywide or regional  
119.28 increase or decrease in the vendor's costs. Either party to the contract may request that the  
119.29 other party demonstrate such increase or decrease. The term of such contracts must not  
119.30 exceed two years with an option on the part of the district to renew for an additional two  
119.31 years. Contracts for the purchase of perishable food items, except milk for school lunches  
119.32 and vocational training programs, in any amount may be made by direct negotiation  
119.33 by obtaining two or more written quotations for the purchase or sale, when possible,  
119.34 without advertising for bids or otherwise complying with the requirements of this section  
119.35 or section 471.345, subdivision 3. All quotations obtained shall be kept on file for a  
119.36 period of at least one year after receipt.

120.1 Every contract made without compliance with the provisions of this section shall be  
120.2 void. Except in the case of the destruction of buildings or injury thereto, where the public  
120.3 interest would suffer by delay, contracts for repairs may be made without advertising  
120.4 for bids.

120.5 Sec. 13. Minnesota Statutes 2006, section 123B.52, is amended by adding a  
120.6 subdivision to read:

120.7 Subd. 1b. **Best value alternative.** As an alternative to the procurement method  
120.8 described in subdivision 1, a contract for construction, building, alteration, improvement,  
120.9 or repair work may be awarded to the vendor or contractor offering the best value  
120.10 under a request for proposals as described in section 16C.28, subdivision 1, paragraph  
120.11 (a), clause (2).

120.12 Sec. 14. Minnesota Statutes 2006, section 160.17, is amended by adding a subdivision  
120.13 to read:

120.14 Subd. 2a. **Best value alternative.** As an alternative to the procurement method  
120.15 referenced in subdivision 2, counties or towns may issue a request for proposal and award  
120.16 the contract to the vendor or contractor offering the best value as described in section  
120.17 16C.28, subdivision 1, paragraph (a), clause (2).

120.18 Sec. 15. Minnesota Statutes 2006, section 160.262, is amended by adding a subdivision  
120.19 to read:

120.20 Subd. 5. **Best value alternative.** As an alternative to the procurement method  
120.21 described in subdivision 4, the commissioner may allow for the award of design-build  
120.22 contracts for the projects described in subdivision 4 to the vendor or contractor offering  
120.23 the best value under a request for proposals as described in section 16C.28, subdivision 1,  
120.24 paragraph (a), clause (2).

120.25 Sec. 16. Minnesota Statutes 2006, section 161.32, is amended by adding a subdivision  
120.26 to read:

120.27 Subd. 1f. **Best value alternative.** As an alternative to the procurement method  
120.28 described in subdivisions 1a to 1e, the commissioner may issue a request for proposals  
120.29 and award the contract to the vendor or contractor offering the best value as described in  
120.30 section 16C.28, subdivision 1, paragraph (a), clause (2).

120.31 Sec. 17. **[161.3206] BEST VALUE CONTRACTING AUTHORITY.**

121.1        Notwithstanding sections 16C.25, 161.32, and 161.321, or any other law to the  
121.2 contrary, the commissioner may solicit and award all contracts, other than design-build  
121.3 contracts governed by section 161.3412, for a project on the basis of a best value selection  
121.4 process as defined in section 16C.02, subdivision 4a. Section 16C.08 does not apply  
121.5 to this section.

121.6        Sec. 18. Minnesota Statutes 2006, section 161.3412, subdivision 1, is amended to read:

121.7        Subdivision 1. **Best value selection for design-build contracts.** Notwithstanding  
121.8 sections 16C.25, 161.32, and 161.321, or any other law to the contrary, the commissioner  
121.9 may solicit and award a design-build contract for a project on the basis of a best value  
121.10 selection process. Section 16C.08 does not apply to design-build contracts to which the  
121.11 commissioner is a party.

121.12        Sec. 19. Minnesota Statutes 2006, section 161.38, subdivision 4, is amended to read:

121.13        Subd. 4. **Effects on other law of public contract with commissioner.** Whenever  
121.14 the road authority of any city enters into an agreement with the commissioner pursuant  
121.15 to this section, and a portion of the cost is to be assessed against benefited property,  
121.16 the letting of a public contract by the commissioner for the work shall be deemed to  
121.17 comply with statutory or charter provisions requiring the city (1) to advertise for bids  
121.18 before awarding a contract for a public improvement, (2) to let the contract to the lowest  
121.19 responsible bidder or to the vendor or contractor offering the best value, and (3) to require  
121.20 a performance bond to be filed by the contractor before undertaking the work. The  
121.21 contract so let by the commissioner and the performance bond required of the contractor  
121.22 by the commissioner shall be considered to be the contract and bond of the city for the  
121.23 purposes of complying with the requirements of any applicable law or charter provision,  
121.24 and the bond shall inure to the benefit of the city and operate for their protection to the  
121.25 same extent as though they were parties thereto.

121.26        Sec. 20. Minnesota Statutes 2006, section 365.37, is amended by adding a subdivision  
121.27 to read:

121.28        Subd. 2a. **Best value alternative.** As an alternative to the procurement method  
121.29 described in subdivision 2, a contract for construction, building, alteration, improvement,  
121.30 or repair work may be awarded to the vendor or contractor offering the best value  
121.31 under a request for proposals as described in section 16C.28, subdivision 1, paragraph  
121.32 (a), clause (2).

122.1 Sec. 21. Minnesota Statutes 2006, section 374.13, is amended to read:

122.2 **374.13 TO ADVERTISE FOR BIDS.**

122.3 Subdivision 1. **Bidding process.** When the plans and specifications are completed  
122.4 and approved by the city council and the county board, the commission shall, after notice  
122.5 appropriate to inform possible bidders, obtain bids or proposals for all or any portion of  
122.6 the work or materials, or both, to be done, performed, or furnished in the construction of  
122.7 the building. All bids or proposals shall be sealed by the bidders or proposers and filed  
122.8 with the commission at or before the time specified for the opening of bids or proposals.  
122.9 At the time and place specified for the opening of bids or proposals, the commission shall  
122.10 meet, open the bids or proposals, tabulate them, and award the contract or contracts to the  
122.11 responsible bidder whose bid or proposal is the most favorable to the city or county, or  
122.12 reject all bids and proposals. If all bids or proposals are rejected, the commission may,  
122.13 after similar notice, obtain more bids or proposals or may modify or change the plans and  
122.14 specifications and submit the modified plans and specifications to the city council and the  
122.15 county board for approval. When the modified or changed plans and specifications are  
122.16 satisfactory to both the city council and the county board, the plans and specifications  
122.17 shall be returned to the commission and the commission shall proceed again, after similar  
122.18 notice, to obtain bids or proposals. Any contract awarded by the commission shall be  
122.19 subject to approval by the city council and the county board.

122.20 Subd. 2. **Best value alternative.** As an alternative to the procurement method  
122.21 described in subdivision 1, the commission may issue a request for proposals and award  
122.22 the contract to the vendor or contractor offering the best value as described in section  
122.23 16C.28, subdivision 1, paragraph (a), clause (2).

122.24 Sec. 22. Minnesota Statutes 2006, section 375.21, is amended by adding a subdivision  
122.25 to read:

122.26 Subd. 1b. **Best value alternative.** As an alternative to the procurement method  
122.27 described in subdivision 1, a county board may award a contract for construction,  
122.28 building, alteration, improvement, or repair work to the vendor or contractor offering the  
122.29 best value under a request for proposals as described in section 16C.28, subdivision 1,  
122.30 paragraph (a), clause (2).

122.31 Sec. 23. Minnesota Statutes 2006, section 383C.094, is amended by adding a  
122.32 subdivision to read:

122.33 Subd. 1a. **Contracts in excess of \$500; best value alternative.** As an alternative to  
122.34 the procurement method described in subdivision 1, the contract may be awarded to the

123.1 vendor or contractor offering the best value under a request for proposals as described in  
123.2 section 16C.28, subdivision 1, paragraph (a), clause (2).

123.3 Sec. 24. Minnesota Statutes 2006, section 412.311, is amended to read:

123.4 **412.311 CONTRACTS.**

123.5 Subdivision 1. **Lowest responsible bidder.** Except as provided in sections 471.87  
123.6 to 471.89, no member of a council shall be directly or indirectly interested in any contract  
123.7 made by the council. Whenever the amount of a contract for the purchase of merchandise,  
123.8 materials or equipment or for any kind of construction work undertaken by the city is  
123.9 estimated to exceed the amount specified by section 471.345, subdivision 3, the contract  
123.10 shall be let to the lowest responsible bidder, after notice has been published once in the  
123.11 official newspaper at least ten days in advance of the last day for the submission of bids. If  
123.12 the amount of the contract exceeds \$1,000, it shall be entered into only after compliance  
123.13 with section 471.345.

123.14 Subd. 2. **Best value alternative.** As an alternative to the procurement method  
123.15 described in subdivision 1, a contract for construction, building, alteration, improvement,  
123.16 or repair work may be awarded to the vendor or contractor offering the best value  
123.17 under a request for proposals as described in section 16C.28, subdivision 1, paragraph  
123.18 (a), clause (2).

123.19 Sec. 25. Minnesota Statutes 2006, section 429.041, is amended by adding a subdivision  
123.20 to read:

123.21 Subd. 2a. **Best value alternative.** As an alternative to the procurement method  
123.22 described in subdivision 2, the council may issue a request for proposals and award the  
123.23 contract to the vendor or contractor offering the best value as described in section 16C.28,  
123.24 subdivision 1, paragraph (a), clause (2).

123.25 Sec. 26. Minnesota Statutes 2006, section 458D.21, is amended by adding a  
123.26 subdivision to read:

123.27 Subd. 2a. **Contracts in excess of \$5,000; best value alternative.** As an alternative  
123.28 to the procurement method described in subdivision 2, the board may issue a request for  
123.29 proposals and award the contract to the vendor or contractor offering the best value as  
123.30 described in section 16C.28, subdivision 1, paragraph (a), clause (2).

123.31 Sec. 27. Minnesota Statutes 2006, section 469.015, is amended by adding a subdivision  
123.32 to read:

124.1        Subd. 1a. **Best value alternative.** As an alternative to the procurement method  
124.2 described in subdivision 1, the authority may issue a request for proposals and award the  
124.3 contract to the vendor or contractor offering the best value under a request for proposals as  
124.4 described in section 16C.28, subdivision 1, paragraph (a), clause (2).

124.5        Sec. 28. Minnesota Statutes 2006, section 469.068, subdivision 1, is amended to read:

124.6        Subdivision 1. **Contracts; bids; bonds.** All construction work and every purchase  
124.7 of equipment, supplies, or materials necessary in carrying out the purposes of sections  
124.8 469.048 to 469.068, that involve the expenditure of \$1,000 or more, shall be awarded by  
124.9 contract as provided in this subdivision or in subdivision 1a. Before receiving bids under  
124.10 sections 469.048 to 469.068, the authority shall publish, once a week for two consecutive  
124.11 weeks in the official newspaper of the port's city, a notice that bids will be received for the  
124.12 construction work, or purchase of equipment, supplies, or materials. The notice shall state  
124.13 the nature of the work, and the terms and conditions upon which the contract is to be let  
124.14 and name a time and place where the bids will be received, opened, and read publicly,  
124.15 which time shall be not less than seven days after the date of the last publication. After  
124.16 the bids have been received, opened, read publicly, and recorded, the commissioners  
124.17 shall award the contract to the lowest responsible bidder, reserving the right to reject  
124.18 any or all bids. The contract shall be executed in writing and the person to whom the  
124.19 contract is awarded shall give sufficient bond to the board for its faithful performance. If  
124.20 no satisfactory bid is received, the port authority may readvertise, or, by an affirmative  
124.21 vote of two of its commissioners in the case of a three-member commission, or five of  
124.22 its members in the case of a seven-member commission, may authorize the authority  
124.23 to perform any part or parts of any construction work by day labor under conditions it  
124.24 prescribes. The commissioners may establish reasonable qualifications to determine  
124.25 the fitness and responsibility of bidders, and require bidders to meet the qualifications  
124.26 before bids are accepted. If the commissioners by a two-thirds or five-sevenths vote  
124.27 declare that an emergency exists requiring the immediate purchase of any equipment or  
124.28 material or supplies at a cost in excess of \$1,000, but not exceeding \$5,000, in amount,  
124.29 or making of emergency repairs, it shall not be necessary to advertise for bids, but the  
124.30 material, equipment, or supplies may be purchased in the open market at the lowest price  
124.31 obtainable, or the emergency repairs may be contracted for or performed without securing  
124.32 formal competitive bids. An emergency, for purposes of this section, is unforeseen  
124.33 circumstances or conditions which result in the jeopardizing of human life or property.

125.1 In all contracts involving the employment of labor, the commissioners shall stipulate  
125.2 conditions they deem reasonable, as to the hours of labor and wages and may stipulate as  
125.3 to the residence of employees to be employed by the contractors.

125.4 Bonds shall be required from contractors for any works of construction as provided  
125.5 in and subject to all the provisions of sections 574.26 to 574.31.

125.6 Sec. 29. Minnesota Statutes 2006, section 469.068, is amended by adding a subdivision  
125.7 to read:

125.8 Subd. 1a. **Contracts; best value alternative.** As an alternative to the procurement  
125.9 method described in subdivision 1, a contract may be awarded to the vendor or contractor  
125.10 offering the best value under a request for proposals as described in section 16C.28,  
125.11 subdivision 1, paragraph (a), clause (2).

125.12 Sec. 30. Minnesota Statutes 2006, section 471.345, is amended by adding a subdivision  
125.13 to read:

125.14 Subd. 3a. **Contracts over \$50,000; best value alternative.** As an alternative to the  
125.15 procurement method described in subdivision 3, municipalities may award a contract for  
125.16 construction, alteration, repair, or maintenance work to the vendor or contractor offering  
125.17 the best value under a request for proposals as described in section 16C.28, subdivision 1,  
125.18 paragraph (a), clause (2).

125.19 Sec. 31. Minnesota Statutes 2006, section 471.345, is amended by adding a subdivision  
125.20 to read:

125.21 Subd. 4a. **Contracts from \$10,000 to \$50,000; best value alternative.** As an  
125.22 alternative to the procurement method described in subdivision 4, municipalities may  
125.23 award a contract for construction, alteration, repair, or maintenance work to the vendor or  
125.24 contractor offering the best value under a request for proposals as described in section  
125.25 16C.28, subdivision 1, paragraph (a), clause (2).

125.26 Sec. 32. Minnesota Statutes 2006, section 471.345, subdivision 5, is amended to read:

125.27 Subd. 5. **Contracts less than \$10,000.** If the amount of the contract is estimated  
125.28 to be \$10,000 or less, the contract may be made either upon quotation or in the open  
125.29 market, in the discretion of the governing body. If the contract is made upon quotation  
125.30 it shall be based, so far as practicable, on at least two quotations which shall be kept on  
125.31 file for a period of at least one year after their receipt. Alternatively, municipalities may  
125.32 award a contract for construction, alteration, repair, or maintenance work to the vendor or

126.1 contractor offering the best value under a request for proposals as described in section  
126.2 16C.28, subdivision 1, paragraph (a), clause (2).

126.3 Sec. 33. Minnesota Statutes 2006, section 473.523, is amended by adding a subdivision  
126.4 to read:

126.5 Subd. 1a. **Contracts over \$50,000; best value alternative.** As an alternative to  
126.6 the procurement method described in subdivision 1, the council may issue a request for  
126.7 proposals and award the contract to the vendor or contractor offering the best value  
126.8 under a request for proposals as described in section 16C.28, subdivision 1, paragraph  
126.9 (a), clause (2).

126.10 Sec. 34. Minnesota Statutes 2006, section 473.756, subdivision 12, is amended to read:

126.11 Subd. 12. **Contracts.** The authority may enter into a development agreement with  
126.12 the team, the county, or any other entity relating to the construction, financing, and use of  
126.13 the ballpark and related facilities and public infrastructure. The authority may contract  
126.14 for materials, supplies, and equipment in accordance with sections 471.345 and 473.754,  
126.15 except that the authority, with the consent of the county, may employ or contract with  
126.16 persons, firms, or corporations to perform one or more or all of the functions of architect,  
126.17 engineer, or construction manager with respect to all or any part of the ballpark and  
126.18 public infrastructure. Alternatively, at the request of the team and with the consent of the  
126.19 county, the authority shall authorize the team to provide for the design and construction  
126.20 of the ballpark and related public infrastructure, subject to terms of Laws 2006, chapter  
126.21 257. The construction manager may enter into contracts with contractors for labor,  
126.22 materials, supplies, and equipment for the construction of the ballpark and related public  
126.23 infrastructure through the process of public bidding, except that the construction manager  
126.24 may, with the consent of the authority or the team:

126.25 (1) narrow the listing of eligible bidders to those which the construction manager  
126.26 determines to possess sufficient expertise to perform the intended functions;

126.27 (2) award contracts to the contractors that the construction manager determines  
126.28 provide the best value under a request for proposals as described in section 16C.28,  
126.29 subdivision 1, paragraph (a), clause (2), which are not required to be the lowest responsible  
126.30 bidder; and

126.31 (3) for work the construction manager determines to be critical to the completion  
126.32 schedule, award contracts on the basis of competitive proposals or perform work with  
126.33 its own forces without soliciting competitive bids if the construction manager provides  
126.34 evidence of competitive pricing.

127.1 The authority shall require that the construction manager certify, before the contract is  
127.2 signed, a fixed and stipulated construction price and completion date to the authority  
127.3 and post a performance bond in an amount at least equal to 100 percent of the certified  
127.4 price, to cover any costs which may be incurred in excess of the certified price, including  
127.5 but not limited to costs incurred by the authority or loss of revenues resulting from  
127.6 incomplete construction on the completion date. The authority may secure surety bonds  
127.7 as provided in section 574.26, securing payment of just claims in connection with all  
127.8 public work undertaken by it. Persons entitled to the protection of the bonds may enforce  
127.9 them as provided in sections 574.28 to 574.32, and shall not be entitled to a lien on any  
127.10 property of the authority under the provisions of sections 514.01 to 514.16. Contracts for  
127.11 construction and operation of the ballpark must include programs, including Youthbuild,  
127.12 to provide for participation by small local businesses and businesses owned by people of  
127.13 color, and the inclusion of women and people of color in the workforces of contractors  
127.14 and ballpark operators. The construction of the ballpark is a "project" as that term is  
127.15 defined in section 177.42, subdivision 2, and is subject to the prevailing wage law under  
127.16 sections 177.41 to 177.43.