

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1647

(SENATE AUTHORS: DIBBLE)

DATE	D-PG	OFFICIAL STATUS
03/11/2015	685	Introduction and first reading Referred to Transportation and Public Safety
04/07/2015	1453a 1490	Comm report: To pass as amended Second reading
04/20/2015	2076	General Orders: Stricken and re-referred to Finance
04/23/2015	2673a 2681	Comm report: To pass as amended Second reading
04/27/2015	2912a 2919	Special Order: Amended Third reading Passed
05/17/2015	3690 3691	Returned from House with amendment Senate not concur, conference committee of 5 requested Senate conferees Dibble; Kent; Jensen; Senjem; Hawj
05/18/2015	4254 4456c 4495 4577	House conferees Kelly; Petersburg; Sanders; Howe; Norton Conference committee report, delete everything Senate adopted CC report and repassed bill Third reading House adopted SCC report and repassed bill Presentment date 05/20/15 Governor's action Approval 05/22/15 Secretary of State Chapter 75 05/22/15

A bill for an act

1.1 relating to transportation; amending various provisions related to transportation
1.2 and public safety policies, including data practices and storage; motor carriers;
1.3 traffic regulation modifications; parking signs; advertising devices; permits and
1.4 licenses; vehicle equipment; mini truck operation; railroad liability, powers, and
1.5 crossing by utilities; rail event response preparedness; minimum train crew size;
1.6 drive away in-transit licenses; road design; engine compression regulation by city
1.7 of St. Paul; turnbacks; bikeways; subcontracting goals; reporting requirements
1.8 and alternative damages appraisal for transportation projects; amending
1.9 Minnesota Statutes 2014, sections 13.69, subdivision 1; 13.72, by adding a
1.10 subdivision; 160.18, by adding a subdivision; 160.20, subdivision 4; 160.232;
1.11 160.266, subdivisions 2, 3, by adding subdivisions; 161.088, subdivisions 3,
1.12 4, 5; 161.321, subdivisions 2a, 2c, 4; 161.368; 168.33, subdivision 2; 169.06,
1.13 subdivision 4a; 169.18, subdivision 12; 169.475, subdivision 1; 169.49; 169.782,
1.14 subdivisions 1, 2, 4; 169.791, subdivisions 1, 2; 169.81, by adding a subdivision;
1.15 171.02, by adding a subdivision; 171.06, subdivision 3; 171.061, subdivision
1.16 3; 171.07, subdivision 1b; 173.02, by adding a subdivision; 173.15; 174.03,
1.17 subdivisions 10, 11; 174.12, subdivision 5; 174.40, by adding a subdivision;
1.18 174.52, subdivisions 4a, 5; 219.76; 219.761; 221.031, by adding a subdivision;
1.19 221.605, by adding a subdivision; 299D.085, subdivision 2; 473.146, subdivision
1.20 4; Laws 2009, chapter 158, section 10, as amended; Laws 2014, chapter 312,
1.21 article 10, section 11, subdivision 2; proposing coding for new law in Minnesota
1.22 Statutes, chapters 161; 219; 237; 383B; 473.

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

1.25 Section 1. Minnesota Statutes 2014, section 13.69, subdivision 1, is amended to read:

1.26 Subdivision 1. **Classifications.** (a) The following government data of the
1.27 Department of Public Safety are private data:

1.28 (1) medical data on driving instructors, licensed drivers, and applicants for parking
1.29 certificates and special license plates issued to physically disabled persons;

1.30 (2) other data on holders of a disability certificate under section 169.345, except that
1.31 data that are not medical data may be released to law enforcement agencies, and data
1.32 necessary for enforcement of sections 169.345 and 169.346 may be released to parking

2.1 enforcement employees or parking enforcement agents of statutory or home rule charter
 2.2 cities and towns;

2.3 (3) Social Security numbers in driver's license and motor vehicle registration
 2.4 records, except that Social Security numbers must be provided to the Department of
 2.5 Revenue for purposes of tax administration, the Department of Labor and Industry for
 2.6 purposes of workers' compensation administration and enforcement, and the Department
 2.7 of Natural Resources for purposes of license application administration; and

2.8 (4) data on persons listed as standby or temporary custodians under section 171.07,
 2.9 subdivision 11, except that the data must be released to:

2.10 (i) law enforcement agencies for the purpose of verifying that an individual is a
 2.11 designated caregiver; or

2.12 (ii) law enforcement agencies who state that the license holder is unable to
 2.13 communicate at that time and that the information is necessary for notifying the designated
 2.14 caregiver of the need to care for a child of the license holder.

2.15 The department may release the Social Security number only as provided in clause
 2.16 (3) and must not sell or otherwise provide individual Social Security numbers or lists of
 2.17 Social Security numbers for any other purpose.

2.18 (b) The following government data of the Department of Public Safety are
 2.19 confidential data: data concerning an individual's driving ability when that data is received
 2.20 from a member of the individual's family.

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

2.22 Sec. 2. Minnesota Statutes 2014, section 13.72, is amended by adding a subdivision to
 2.23 read:

2.24 **Subd. 20. Construction project schedule data.** A construction project schedule
 2.25 or any portion of a construction project schedule created by a vendor, as defined by
 2.26 section 16C.02, subdivision 21, and submitted to or maintained by the Department of
 2.27 Transportation is nonpublic data from the time the construction project is advertised
 2.28 until the project is awarded.

2.29 Sec. 3. Minnesota Statutes 2014, section 160.18, is amended by adding a subdivision
 2.30 to read:

2.31 **Subd. 4. Appeal.** An aggrieved person may have the denial or revocation of a
 2.32 driveway permit under subdivision 3 reviewed de novo by the district court. The decision
 2.33 to deny or revoke a driveway permit must be supported by the commissioner with clear

3.1 and convincing evidence that such denial or revocation is necessary to prevent interference
 3.2 with the construction, maintenance, and safe use of the highway and its appurtenances.

3.3 Sec. 4. Minnesota Statutes 2014, section 160.20, subdivision 4, is amended to read:

3.4 Subd. 4. **Conditions.** (a) A road authority may accept applications for permits for
 3.5 installation of drain tile along or across the right-of-way under its jurisdiction. The road
 3.6 authority may adopt reasonable rules for the installations and may require a bond before
 3.7 granting a permit. Permits for installation along a highway right-of-way must ensure that
 3.8 the length of the installation is restricted to the minimum necessary to achieve the desired
 3.9 agricultural benefits. A permit must not allow open trenches to be left on the right-of-way
 3.10 after installation of the drain tile is completed. A road authority that grants a permit for
 3.11 tile drain installation is not responsible for damage to that installation resulting from the
 3.12 action of the authority or any other permittee utilizing the right-of-way.

3.13 (b) A person who installs drain tile along or across a highway right-of-way without
 3.14 obtaining a permit as provided in this section is guilty of a misdemeanor.

3.15 (c) The commissioner shall take no action under this section which will result in the
 3.16 loss of federal aid for highway construction in the state.

3.17 (d) For the purpose of ~~this section~~ subdivisions 2 to 4, "highway" means any
 3.18 highway as defined in section 160.02 which is located outside the corporate limits of a
 3.19 home rule charter or statutory city.

3.20 Sec. 5. Minnesota Statutes 2014, section 160.232, is amended to read:

3.21 **160.232 MOWING DITCHES OUTSIDE CITIES.**

3.22 (a) To provide enhanced roadside habitat for nesting birds and other small wildlife,
 3.23 road authorities and persons may not mow, hay, or till the right-of-way of a highway
 3.24 ~~located outside of a home rule charter or statutory city~~ except as allowed in this section
 3.25 and section 160.23.

3.26 (b) On any highway, the first eight feet away from the road surface, or shoulder
 3.27 if one exists, may be mowed at any time.

3.28 (c) An entire right-of-way may be mowed ~~after July~~ from August 1 to December
 3.29 31. From August 31 January 1 to the following July 31, the entire right-of-way additional
 3.30 areas may only be mowed if necessary for safety reasons, but may not be mowed to a
 3.31 height of less than ~~12~~ eight inches.

3.32 (d) A right-of-way may be ~~mowed as necessary to maintain sight distance for safety~~
 3.33 ~~and may be mowed at other times under rules of the commissioner, or by ordinance of~~
 3.34 ~~a local road authority not conflicting with the rules of the commissioner~~ spot-mowed or

4.1 precision-hayed for treatment of noxious weeds or invasive plant species, incorporating
 4.2 best management practices for long-term control.

4.3 (e) Residences and other areas traditionally maintained may be mowed, but
 4.4 landowners are encouraged to delay mowing the right-of-way until after nesting season.

4.5 (f) A right-of-way may be mowed, hayed, burned, or tilled to prepare the right-of-way
 4.6 for the establishment of permanent vegetative cover or for prairie vegetation management.

4.7 (g) Roadsides adjacent to state wildlife management areas may not be mowed or
 4.8 hayed by persons other than road authorities unless permission to mow or hay the roadside
 4.9 is obtained from the commissioner of natural resources.

4.10 (h) Private land owners and public land owners may request that roadsides on their
 4.11 property not be mowed for the purpose of providing roadside habitat for wildlife or
 4.12 pollinators. The request must be made in writing to the appropriate road authority and
 4.13 shall include the legal description of the property.

4.14 (i) Local road authorities with roadside jurisdiction may create more restrictive
 4.15 mowing, haying, or tilling ordinances on roads under their jurisdiction.

4.16 ~~(f)~~ (j) When feasible, road authorities are encouraged to utilize low maintenance,
 4.17 native vegetation that reduces the need to mow, provides wildlife habitat, and maintains
 4.18 public safety.

4.19 ~~(g)~~ (k) The commissioner of natural resources shall ~~cooperate~~ coordinate with the
 4.20 commissioner of transportation and local road authorities to provide enhanced roadside
 4.21 habitat for nesting birds, native pollinators, and other small wildlife.

4.22 (l) Licensed peace officers may enforce this section. The penalty for a violation of
 4.23 this section is a petty misdemeanor and a civil penalty equal to the value of the vegetation
 4.24 taken as determined by the road authority. Penalties collected under this section must
 4.25 be deposited in an account maintained by the road authority with jurisdiction over the
 4.26 roadside impacted by the violation.

4.27 Sec. 6. Minnesota Statutes 2014, section 160.266, subdivision 2, is amended to read:

4.28 Subd. 2. **Creation.** The commissioner, in cooperation with road and trail authorities
 4.29 including the commissioner of natural resources, shall identify ~~a bikeway that originates at~~
 4.30 ~~Itasca State Park in Clearwater, Beltrami, and Hubbard Counties, then generally parallels~~
 4.31 ~~the Mississippi River through the cities of Bemidji in Beltrami County, Grand Rapids in~~
 4.32 ~~Itasca County, Brainerd in Crow Wing County, Little Falls in Morrison County, Sauk~~
 4.33 ~~Rapids in Benton County, St. Cloud in Stearns County, Minneapolis in Hennepin County,~~
 4.34 ~~St. Paul in Ramsey County, Hastings in Dakota County, Red Wing in Goodhue County,~~
 4.35 ~~Wabasha in Wabasha County, Winona in Winona County, and La Crescent in Houston~~

5.1 ~~County to Minnesota's boundary with Iowa and there terminates. Where opportunities~~
 5.2 ~~exist, the bikeway may be designated on both sides of the Mississippi River~~ state bikeways.

5.3 Sec. 7. Minnesota Statutes 2014, section 160.266, subdivision 3, is amended to read:

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

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

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

5.11 (b) The requirements of this subdivision are a secondary priority for use of funds
 5.12 available under this section following establishment and enhancement of the ~~bikeway~~
 5.13 bikeways ~~under subdivision 1~~ this section.

5.14 Sec. 8. Minnesota Statutes 2014, section 160.266, is amended by adding a subdivision
 5.15 to read:

5.16 Subd. 6. **Mississippi River Trail.** The Mississippi River Trail bikeway shall
 5.17 originate at Itasca State Park in Clearwater, Beltrami, and Hubbard Counties, then generally
 5.18 parallel the Mississippi River through the cities of Bemidji in Beltrami County, Grand
 5.19 Rapids in Itasca County, Brainerd in Crow Wing County, Little Falls in Morrison County,
 5.20 Sauk Rapids in Benton County, St. Cloud in Stearns County, Minneapolis in Hennepin
 5.21 County, St. Paul in Ramsey County, Hastings in Dakota County, Red Wing in Goodhue
 5.22 County, Wabasha in Wabasha County, Winona in Winona County, and La Crescent
 5.23 in Houston County to Minnesota's boundary with Iowa and there terminate. Where
 5.24 opportunities exist, the bikeway may be designated on both sides of the Mississippi River.

5.25 Sec. 9. Minnesota Statutes 2014, section 160.266, is amended by adding a subdivision
 5.26 to read:

5.27 Subd. 7. **James L. Oberstar Memorial Bikeway.** The James L. Oberstar Memorial
 5.28 Bikeway shall originate in the city of St. Paul in Ramsey County, then proceed north
 5.29 through the cities of North Branch in Chisago County, Hinckley in Pine County, Carlton in
 5.30 Carlton County, Duluth in St. Louis County, Two Harbors in Lake County, and Grand
 5.31 Marais in Cook County to Minnesota's boundary with Canada and there terminate.

5.32 Sec. 10. Minnesota Statutes 2014, section 161.088, subdivision 3, is amended to read:

6.1 Subd. 3. **Project classification.** The commissioner shall determine whether each
 6.2 candidate project can be classified into at least one of the following classifications:

6.3 (1) capacity development, for a project on a segment of a trunk highway where the
 6.4 segment:

6.5 (i) is not a divided highway, and that highway is an expressway or freeway beyond
 6.6 the project limits;

6.7 (ii) contains a highway terminus that lacks an intersection or interchange with
 6.8 another trunk highway;

6.9 (iii) contains fewer lanes of travel compared to that highway beyond the project
 6.10 limits; or

6.11 (iv) contains a location that is proposed as a new interchange or to be reconstructed
 6.12 from an intersection to an interchange; ~~or~~

6.13 (2) freight improvement, for an asset preservation or replacement project that can
 6.14 result in:

6.15 (i) removing or reducing barriers to commerce;

6.16 (ii) easing or preserving freight movement;

6.17 (iii) supporting emerging industries; or

6.18 (iv) providing connections between the trunk highway system and other
 6.19 transportation modes for the movement of freight; or

6.20 (3) main street improvement, for a project on a segment of trunk highway passing
 6.21 through a city center, in order to:

6.22 (i) restore or improve economic vitality; and

6.23 (ii) improve safety for all road users.

6.24 Sec. 11. Minnesota Statutes 2014, section 161.088, subdivision 4, is amended to read:

6.25 Subd. 4. **Project eligibility.** (a) The commissioner shall establish eligibility
 6.26 requirements for projects that can be funded under the program. Eligibility must include:

6.27 (1) consistency with the statewide multimodal transportation plan under section
 6.28 174.03;

6.29 (2) location of the project on an interregional corridor, for a project located outside
 6.30 of the Department of Transportation metropolitan district, or within a city;

6.31 (3) placement into at least one project classification under subdivision 3;

6.32 (4) a maximum length of time, as determined by the commissioner, until
 6.33 commencement of construction work on the project; and

7.1 (5) for each type of project classification under subdivision 3, a maximum allowable
 7.2 amount for the total project cost estimate, as determined by the commissioner with
 7.3 available data.

7.4 (b) A project whose construction is programmed in the state transportation
 7.5 improvement program is not eligible for funding under the program. This paragraph does
 7.6 not apply to a project that is programmed as result of selection under this section.

7.7 (c) A project may be, but is not required to be, identified in the 20-year state highway
 7.8 capital investment plan under section 174.03.

7.9 Sec. 12. Minnesota Statutes 2014, section 161.088, subdivision 5, is amended to read:

7.10 Subd. 5. **Project selection process; criteria.** (a) The commissioner shall establish a
 7.11 process for identification, evaluation, and selection of projects under the program.

7.12 (b) As part of the project selection process, the commissioner shall annually accept
 7.13 recommendations on candidate projects from area transportation partnerships and other
 7.14 interested stakeholders in each Department of Transportation district. For each candidate
 7.15 project identified under this paragraph, the commissioner shall determine eligibility,
 7.16 classify, and if appropriate, evaluate the project for the program.

7.17 (c) Project evaluation and prioritization must be performed on the basis of objective
 7.18 criteria, which must include:

7.19 (1) a return on investment measure that provides for comparison across eligible
 7.20 projects;

7.21 (2) measurable impacts on commerce and economic competitiveness;

7.22 (3) efficiency in the movement of freight, including but not limited to:

7.23 (i) measures of annual average daily traffic and commercial vehicle miles traveled,
 7.24 which may include data near the project location on that trunk highway or on connecting
 7.25 trunk and local highways; and

7.26 (ii) measures of congestion or travel time reliability, which may be within or near
 7.27 the project limits, or both;

7.28 (4) improvements to traffic safety for all road users;

7.29 (5) connections ~~to~~ between and within regional trade centers; and connections with
 7.30 local highway systems; and other transportation modes;

7.31 (6) the extent to which the project addresses multiple transportation system policy
 7.32 objectives and principles; and

7.33 (7) support and consensus for the project among members of the surrounding
 7.34 community.

8.1 (d) As part of the project selection process, the commissioner may divide funding
 8.2 to be separately available among projects within each classification under subdivision 3,
 8.3 and may apply separate or modified criteria among those projects falling within each
 8.4 classification.

8.5 Sec. 13. **[161.317] MADE IN AMERICA.**

8.6 In all highway construction and maintenance projects, the commissioner shall, to
 8.7 the greatest extent feasible, utilize products, materials, and equipment that are made in
 8.8 America and shall include this requirement in the department's contract specifications.

8.9 Sec. 14. Minnesota Statutes 2014, section 161.321, subdivision 2a, is amended to read:

8.10 Subd. 2a. **Small targeted group business; subcontracting goals.** (a) The
 8.11 commissioner, ~~as a condition of awarding a construction contract,~~ may set goals that
 8.12 require the for targeted group business participation in contracts. As a condition of award,
 8.13 the prime contractor is required to subcontract portions of the contract to small targeted
 8.14 group businesses. Prime contractors must demonstrate good faith efforts to meet the
 8.15 project goals. The commissioner shall establish a procedure for granting waivers from
 8.16 the subcontracting requirement when qualified small targeted group businesses are not
 8.17 reasonably available either meet the goal or demonstrate good faith efforts to meet the
 8.18 goal. The commissioner must establish a procedure for evaluating the good faith efforts
 8.19 of contractors that do not meet the goal. The commissioner may establish (1) financial
 8.20 incentives for prime contractors who exceed the goals set for the use of subcontractors
 8.21 under this subdivision; and (2) sanctions for prime contractors who fail to make good faith
 8.22 efforts to meet the goals set under this subdivision.

8.23 (b) The small targeted group business subcontracting requirements of this
 8.24 subdivision do not apply to prime contractors who are small targeted group businesses.

8.25 Sec. 15. Minnesota Statutes 2014, section 161.321, subdivision 2c, is amended to read:

8.26 Subd. 2c. **Veteran-owned small business; subcontracting goals.** (a) The
 8.27 commissioner, ~~as a condition of awarding a construction contract,~~ may set goals that
 8.28 require the prime contractor to subcontract portions of the contract to veteran-owned small
 8.29 businesses for veteran-owned small business participation in contracts, except when
 8.30 prohibited by federal law or rule as a condition of receiving federal funds. As a condition
 8.31 of award, the prime contractors contractor must either meet the goal or demonstrate good
 8.32 faith efforts to meet the project goals. The commissioner shall must establish a procedure
 8.33 for granting waivers from the subcontracting requirement when qualified veteran-owned

9.1 ~~small businesses are not reasonably available~~ evaluating the good faith efforts of
 9.2 contractors that do not meet the goal. The commissioner may establish (1) financial
 9.3 incentives for prime contractors who exceed the goals set for the use of subcontractors
 9.4 under this subdivision; and (2) sanctions for prime contractors who ~~have not been granted~~
 9.5 ~~a waiver and~~ fail to make good faith efforts to meet goals set under this subdivision.

9.6 (b) The subcontracting requirements of this subdivision do not apply to prime
 9.7 contractors who are veteran-owned small businesses.

9.8 Sec. 16. Minnesota Statutes 2014, section 161.321, subdivision 4, is amended to read:

9.9 Subd. 4. **Contract awards, limitations.** ~~Contracts awarded pursuant to this section~~
 9.10 ~~are subject to all limitations contained in rules adopted by~~ The commissioner may elect to
 9.11 subject contracts awarded under this section to limitations contained in rules adopted by
 9.12 the commissioner of administration.

9.13 Sec. 17. Minnesota Statutes 2014, section 161.368, is amended to read:

9.14 **161.368 HIGHWAY CONTRACTS WITH TRIBAL AUTHORITIES.**

9.15 (a) On behalf of the state, the commissioner may enter into agreements with Indian
 9.16 tribal authorities for the purpose of providing maintenance, design, and construction to
 9.17 highways on tribal lands. These agreements may include (1) a provision for waiver of
 9.18 immunity from suit by a party to the contract on the part of the tribal authority with respect
 9.19 to any controversy arising out of the contract and (2) a provision conferring jurisdiction on
 9.20 state district courts to hear such a controversy.

9.21 (b) Notwithstanding section 161.32, for construction of highways on tribal lands
 9.22 in a reservation exempt from Public Law 83-280, the commissioner may: (1) award
 9.23 a preference for Indian-owned contractors to the same extent provided in the applicable
 9.24 Tribal Employment Rights Ordinance, but not to exceed ten percent; or (2) negotiate
 9.25 with the tribal authority and enter into an agreement for the tribal authority to award and
 9.26 administer the construction contract, with the commissioner providing funding for the
 9.27 state share of the project. If negotiating with the tribal authority, the commissioner must
 9.28 perform an independent cost estimate and determine that the cost proposed by the tribal
 9.29 authority is reasonable. An agreement negotiated with a tribal authority must include a
 9.30 clause requiring conformance with plans and specifications approved by the commissioner.

9.31 Sec. 18. Minnesota Statutes 2014, section 168.33, subdivision 2, is amended to read:

9.32 Subd. 2. **Deputy registrars.** (a) The commissioner may appoint, and for cause
 9.33 discontinue, a deputy registrar for any statutory or home rule charter city as the public

10.1 interest and convenience may require, without regard to whether the county auditor of
10.2 the county in which the city is situated has been appointed as the deputy registrar for the
10.3 county or has been discontinued as the deputy registrar for the county, and without regard
10.4 to whether the county in which the city is situated has established a county license bureau
10.5 that issues motor vehicle licenses as provided in section 373.32.

10.6 (b) The commissioner may appoint, and for cause discontinue, a deputy registrar
10.7 for any statutory or home rule charter city as the public interest and convenience may
10.8 require, if the auditor for the county in which the city is situated chooses not to accept
10.9 appointment as the deputy registrar for the county or is discontinued as a deputy registrar,
10.10 or if the county in which the city is situated has not established a county license bureau
10.11 that issues motor vehicle licenses as provided in section 373.32.

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

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

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

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

10.26 (g) A corporation governed by chapter 302A or 317A may be appointed a deputy
10.27 registrar. Upon application by an individual serving as a deputy registrar and the giving of
10.28 the requisite bond as provided in this subdivision, personally assured by the individual or
10.29 another individual approved by the commissioner, a corporation named in an application
10.30 then becomes the duly appointed and qualified successor to the deputy registrar.

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

10.34 (i) The deputy registrar shall keep records and make reports to the commissioner as
10.35 the commissioner requires. The records must be maintained at the offices of the deputy
10.36 registrar. As an alternative to paper copy storage, a deputy registrar may retain records

11.1 and documents in a secure electronic medium, provided 60 days have elapsed since
11.2 the transaction and subject to standards established by the commissioner. The deputy
11.3 registrar is responsible for all costs associated with the conversion to electronic records
11.4 and maintenance of the electronic storage medium, including the destruction of existing
11.5 paper records after conversion to the electronic format. The records and offices of the
11.6 deputy registrar must at all times be open to the inspection of the commissioner or the
11.7 commissioner's agents. The deputy registrar shall report to the commissioner by the
11.8 next working day following receipt all registrations made and taxes and fees collected
11.9 by the deputy registrar.

11.10 (j) The filing fee imposed under subdivision 7 must be deposited in the treasury of
11.11 the place for which appointed or, if not a public official, a deputy shall retain the filing fee,
11.12 but the registration tax and any additional fees for delayed registration the deputy registrar
11.13 has collected the deputy registrar shall deposit by the next working day following receipt
11.14 in an approved state depository to the credit of the state through the commissioner of
11.15 management and budget. The place for which the deputy registrar is appointed through its
11.16 governing body must provide the deputy registrar with facilities and personnel to carry out
11.17 the duties imposed by this subdivision if the deputy is a public official. In all other cases,
11.18 the deputy shall maintain a suitable facility for serving the public.

11.19 Sec. 19. Minnesota Statutes 2014, section 169.06, subdivision 4a, is amended to read:

11.20 Subd. 4a. **Obedience to work zone flagger; violation, penalty.** (a) A flagger in a
11.21 work zone may stop vehicles and hold vehicles in place ~~until it is safe for the vehicles to~~
11.22 ~~proceed. A person operating a motor vehicle that has been stopped by a flagger in a work~~
11.23 ~~zone may proceed after stopping only on instruction by the flagger or a police officer and~~
11.24 direct them to proceed when it is safe. A driver who does not comply with the instruction
11.25 of an official traffic control device, flagger, or peace officer in a work zone is guilty of
11.26 a petty misdemeanor, and shall pay a fine of \$300, in addition to the surcharge under
11.27 section 357.021, subdivision 6.

11.28 (b) A person convicted of operating a motor vehicle in violation of a speed limit
11.29 in a work zone, or any other provision of this section while in a work zone, shall be
11.30 required to pay a fine of \$300. This fine is in addition to the surcharge under section
11.31 357.021, subdivision 6.

11.32 (c) If a motor vehicle is operated in violation of paragraph (a), the owner of the
11.33 vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty
11.34 misdemeanor and is subject to a fine as provided in paragraph (b). The owner or lessee may
11.35 not be fined under this paragraph if (1) another person is convicted for that violation, or (2)

12.1 the motor vehicle was stolen at the time of the violation. This paragraph does not apply to a
 12.2 lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

12.3 (d) Paragraph (c) does not prohibit or limit the prosecution of a motor vehicle
 12.4 operator for violating paragraph (a).

12.5 (e) A violation under paragraph (c) does not constitute grounds for revocation or
 12.6 suspension of a driver's license.

12.7 (f) A peace officer may stop and issue a citation to the driver of a motor vehicle if
 12.8 the peace officer has probable cause to believe the driver has, within the last four hours,
 12.9 operated the vehicle in a manner that violates paragraph (a).

12.10 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
 12.11 violations committed on or after that date.

12.12 Sec. 20. Minnesota Statutes 2014, section 169.18, subdivision 12, is amended to read:

12.13 Subd. 12. **Passing certain parked vehicles.** (a) When approaching and before
 12.14 passing a freeway service patrol vehicle, road maintenance vehicle, utility company
 12.15 vehicle, or construction vehicle with its warning lights activated that is parked or otherwise
 12.16 stopped on or next to a street or highway having two lanes in the same direction, the driver
 12.17 of a vehicle shall safely move the vehicle to the lane farthest away from the parked or
 12.18 stopped vehicle, if it is possible to do so.

12.19 (b) When approaching and before passing a freeway service patrol vehicle, road
 12.20 maintenance vehicle, utility company vehicle, or construction vehicle with its warning
 12.21 lights activated that is parked or otherwise stopped on or next to a street or highway
 12.22 having more than two lanes in the same direction, the driver of a vehicle shall safely move
 12.23 the vehicle so as to leave a full lane vacant between the driver and any lane in which the
 12.24 vehicle is completely or partially parked or otherwise stopped, if it is possible to do so.

12.25 Sec. 21. Minnesota Statutes 2014, section 169.475, subdivision 1, is amended to read:

12.26 Subdivision 1. **Definition.** For purposes of this section, "electronic message"
 12.27 means a self-contained piece of digital communication that is designed or intended to be
 12.28 transmitted between physical devices. An electronic message includes, but is not limited
 12.29 to, e-mail, a text message, an instant message, a command or request to access a World
 12.30 Wide Web page, or other data that uses a commonly recognized electronic communications
 12.31 protocol. An electronic message does not include voice or other data transmitted as a result
 12.32 of making a phone call, ~~or~~ data transmitted automatically by a wireless communications
 12.33 device without direct initiation by a person, or data or images displayed on a wireless
 12.34 communication device through global positioning systems or navigation systems.

13.1 Sec. 22. Minnesota Statutes 2014, section 169.49, is amended to read:

13.2 **169.49 HEADLAMPS.**

13.3 (a) Every motor vehicle, other than a motorcycle, ~~shall~~ must be equipped with at
 13.4 least two headlamps, ~~with~~ including at least one on each side of the front of the motor
 13.5 vehicle, ~~which~~. Headlamps ~~shall~~ must comply with the requirements and limitations set
 13.6 forth in sections 169.47 to ~~169.79~~ 169.66.

13.7 (b) Every motorcycle ~~shall~~ must be equipped with at least one and not more than
 13.8 ~~two~~ four headlamps, which ~~shall~~ must comply with the requirements and limitations of
 13.9 sections 169.47 to ~~169.79~~ 169.66.

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

13.11 Sec. 23. Minnesota Statutes 2014, section 169.782, subdivision 1, is amended to read:

13.12 Subdivision 1. **Driver; daily inspection, report.** (a) The driver of a commercial
 13.13 motor vehicle shall ~~report in writing~~ inspect at the completion of each day's work ~~on each~~
 13.14 commercial motor vehicle the driver has operated. A person who owns one or more
 13.15 commercial motor vehicles and who employs drivers for those commercial motor vehicles
 13.16 must require each driver to submit a written report as required by this section. The driver
 13.17 of a commercial motor vehicle subject to this section is not required to prepare and submit
 13.18 a written report if no defect or deficiency is discovered by or reported to the driver,
 13.19 except that the driver of a passenger-carrying commercial motor vehicle shall prepare and
 13.20 submit a written report regardless of whether any defect or deficiency is discovered by
 13.21 or reported to the driver.

13.22 (b) The inspection and report must cover the following parts and accessories: service
 13.23 brakes, including trailer and semitrailer brake connections; parking (hand) brake; steering
 13.24 mechanism; lighting devices and reflectors; tires; horn; windshield wiper or wipers; rear
 13.25 vision mirror or mirrors; coupling devices; wheels and rims; and emergency equipment.

13.26 ~~(b)~~ (c) The report must identify the vehicle and list any defect or deficiency
 13.27 discovered by or reported to the driver that would affect the safe operation of the vehicle or
 13.28 result in its mechanical breakdown. If no defect or deficiency is discovered by or reported
 13.29 to the driver, the report must so indicate. The driver must sign the report after completing
 13.30 it. In the case of a commercial motor vehicle operated by two drivers, the signature of one
 13.31 of the drivers satisfies the requirements of this subdivision if both drivers agree concerning
 13.32 the defects or deficiencies. If a driver operates more than one commercial motor vehicle
 13.33 during a day's work, a report must be prepared for each vehicle operated.

14.1 ~~(e)~~ (d) Before operating or allowing the operation of a commercial motor vehicle
 14.2 on which a report has been prepared under this subdivision, the owner of the vehicle or
 14.3 the owner's agent must repair defects or deficiencies listed on the report that would likely
 14.4 affect the safe operation of the vehicle. Before allowing the commercial motor vehicle to
 14.5 be operated again, the owner or the owner's agent must certify, on the report listing the
 14.6 defect or deficiency, that the defect or deficiency has been corrected or that correction is
 14.7 unnecessary. A motor carrier must keep the original vehicle inspection report for at least
 14.8 three months after the date of inspection. The report must be available for inspection by
 14.9 an authorized federal, state, or local official at any time during this period.

14.10 ~~(d)~~ (e) A copy of the vehicle inspection report, including a certification of corrections
 14.11 resulting from the report, must be carried in the commercial motor vehicle, or in the power
 14.12 unit of a commercial motor vehicle combination, at all times when the vehicle or power
 14.13 unit is operated until the next inspection report is completed under this subdivision. The
 14.14 copy must be made available on demand to (1) a peace officer, (2) a person authorized
 14.15 under section 221.221, and (3) a person described in section 299D.06.

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

14.17 Sec. 24. Minnesota Statutes 2014, section 169.782, subdivision 2, is amended to read:

14.18 Subd. 2. **Driver; pretrip inspection.** ~~(a) Before driving~~ Prior to the first operation
 14.19 of a commercial motor vehicle following completion of a daily inspection report under
 14.20 subdivision 1, a driver must:

- 14.21 (1) review the most recent vehicle inspection report on the vehicle;
 14.22 (2) determine that the vehicle is in safe operating condition; and
 14.23 (3) sign the inspection report in the vehicle.

14.24 The driver shall sign the report only if all defects and deficiencies listed in the report
 14.25 have been certified as having been corrected or as not requiring correction.

14.26 ~~(b) If the commercial motor vehicle does not contain the previous day's inspection~~
 14.27 ~~report, the driver must make the inspection and complete the report required under~~
 14.28 ~~subdivision 1.~~

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

14.30 Sec. 25. Minnesota Statutes 2014, section 169.782, subdivision 4, is amended to read:

14.31 Subd. 4. **Exceptions.** (a) ~~With the exception of subdivision 2, paragraph (a), clause~~
 14.32 ~~(2);~~ This section does not apply to a commercial motor vehicle that is a farm truck that may

15.1 be operated by a person not holding a commercial driver's license, provided that before
15.2 driving the vehicle, a driver must determine that the vehicle is in safe operating condition.

15.3 (b) This section does not apply to a commercial motor vehicle held for resale by a
15.4 motor vehicle dealer licensed under section 168.27.

15.5 (c) This section does not apply to a covered farm vehicle as defined in Code of
15.6 Federal Regulations, title 49, section 390.5, that is not carrying hazardous materials of
15.7 a type or quantity that requires the vehicle to be placarded in accordance with Code of
15.8 Federal Regulations, title 49, section 172.504.

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

15.10 Sec. 26. Minnesota Statutes 2014, section 169.791, subdivision 1, is amended to read:

15.11 Subdivision 1. **Terms defined.** (a) For purposes of this section and sections 169.792
15.12 to 169.798, the following terms have the meanings given.

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

15.14 (c) "District court administrator" or "court administrator" means the district court
15.15 administrator or a deputy district court administrator of the district court that has
15.16 jurisdiction of a violation of this section.

15.17 (d) "Insurance identification card" means a card, including in an electronic format as
15.18 provided in section 65B.482, subdivision 1, issued by an obligor to an insured stating that
15.19 security as required by section 65B.48 has been provided for the insured's vehicle.

15.20 (e) "Law enforcement agency" means the law enforcement agency that employed
15.21 the peace officer who demanded proof of insurance under this section or section 169.792.

15.22 (f) "Peace officer" or "officer" means an employee of a political subdivision or
15.23 state law enforcement agency, including the Minnesota State Patrol, who is licensed by
15.24 the Minnesota Board of Peace Officer Standards and Training and is authorized to make
15.25 arrests for violations of traffic laws.

15.26 (g) "Proof of insurance" means an insurance identification card, written statement, or
15.27 insurance policy as defined by section 65B.14, subdivision 2.

15.28 (h) "Vehicle" means a motor vehicle as defined in section 65B.43, subdivision 2, or a
15.29 motorcycle as defined in section 65B.43, subdivision 13.

15.30 (i) "Written statement" means a written statement by a licensed insurance agent
15.31 stating the name and address of the insured, the vehicle identification number of the
15.32 insured's vehicle, that a plan of reparation security as required by section 65B.48 has been
15.33 provided for the insured's vehicle, and the dates of the coverage.

15.34 (j) The definitions in section 65B.43 apply to sections 169.792 to 169.798.

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

16.2 Sec. 27. Minnesota Statutes 2014, section 169.791, subdivision 2, is amended to read:

16.3 Subd. 2. **Requirement for driver, whether or not owner.** (a) Every driver shall
16.4 have in possession at all times when operating a vehicle and shall produce on demand
16.5 of a peace officer proof of insurance in force at the time of the demand covering the
16.6 vehicle being operated. If the driver does not produce the required proof of insurance
16.7 upon the demand of a peace officer, the driver is guilty of a misdemeanor. A person is
16.8 guilty of a gross misdemeanor who violates this section within ten years of the first of
16.9 two prior convictions under this section, section 169.797, or a statute or ordinance in
16.10 conformity with one of those sections. The same prosecuting authority who is responsible
16.11 for prosecuting misdemeanor violations of this section is responsible for prosecuting gross
16.12 misdemeanor violations of this section. A driver who is not the owner of the vehicle may
16.13 not be convicted under this section unless the driver knew or had reason to know that the
16.14 owner did not have proof of insurance required by this section, provided that the driver
16.15 provides the officer with the name and address of the owner at the time of the demand
16.16 or complies with subdivision 3.

16.17 (b) The use of an electronic device to display proof of insurance does not constitute
16.18 consent for a peace officer to access other contents of the electronic device.

16.19 (c) If a policyholder provides an electronic device for proof of insurance, the
16.20 policyholder assumes all liability for any damage to the electronic device while in the
16.21 possession of the law enforcement officer.

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

16.23 Sec. 28. Minnesota Statutes 2014, section 169.81, is amended by adding a subdivision
16.24 to read:

16.25 Subd. 3f. **Length limits exclusion; aerodynamic device.** An aerodynamic device
16.26 that meets the requirements under Code of Federal Regulations, title 23, section 658.16
16.27 (b)(4), is excluded from each calculation of length under subdivision 2, 3, or 3c, including
16.28 (1) total vehicle length; and (2) length of a semitrailer or trailer, whether in a vehicle
16.29 combination or not.

16.30 Sec. 29. Minnesota Statutes 2014, section 171.02, is amended by adding a subdivision
16.31 to read:

16.32 Subd. 4a. **Nondomiciled commercial driver's license.** (a) The commissioner may
16.33 issue a nondomiciled commercial learner's permit or nondomiciled commercial driver's

17.1 license as provided under Code of Federal Regulations, title 49, sections 383.23(b)(1) and
 17.2 383.73, or successor requirements, to a person who:

17.3 (1) is domiciled in a foreign jurisdiction; and

17.4 (2) otherwise meets the requirements to obtain a commercial permit or license
 17.5 under this chapter.

17.6 (b) For purposes of this chapter, a commercial learner's permit includes a
 17.7 nondomiciled commercial learner's permit, and a commercial driver's license includes a
 17.8 nondomiciled commercial driver's license.

17.9 **EFFECTIVE DATE; NOTIFICATION.** This section is effective the day
 17.10 following final enactment and applies to applications submitted on or after the day after
 17.11 the commissioner has entered into a new contract and coordinated production of a new
 17.12 license and card design with modifications required by law.

17.13 Sec. 30. Minnesota Statutes 2014, section 171.06, subdivision 3, is amended to read:

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

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

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

17.20 (3) state: ~~(i) the applicant's Social Security number; or, unless:~~

17.21 ~~(ii) if (i) the applicant does not have a Social Security number and (A) is applying~~
 17.22 ~~for a Minnesota identification card, instruction permit, or class D provisional or driver's~~
 17.23 ~~license, that the applicant and (B) certifies that the applicant does not have a Social~~
 17.24 ~~Security number; or~~

17.25 (ii) the application is for a nondomiciled commercial driver's permit or nondomiciled
 17.26 commercial driver's license;

17.27 (4) in the case of an application for an enhanced driver's license or enhanced
 17.28 identification card, present:

17.29 (i) proof satisfactory to the commissioner of the applicant's full legal name, United
 17.30 States citizenship, identity, date of birth, Social Security number, and residence address; and

17.31 (ii) a photographic identity document;

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

17.34 (6) contain a notification to the applicant of the availability of a living will/health
 17.35 care directive designation on the license under section 171.07, subdivision 7; and

18.1 (7) contain a space where the applicant may request a veteran designation on the
18.2 license under section 171.07, subdivision 15, and the driving record under section 171.12,
18.3 subdivision 5a.

18.4 (b) If the applicant does not indicate a desire to make an anatomical gift when
18.5 the application is made, the applicant must be offered a donor document in accordance
18.6 with section 171.07, subdivision 5. The application must contain statements sufficient to
18.7 comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift
18.8 Act, chapter 525A, so that execution of the application or donor document will make
18.9 the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a
18.10 desire to make an anatomical gift. The application must be accompanied by information
18.11 describing Minnesota laws regarding anatomical gifts and the need for and benefits of
18.12 anatomical gifts, and the legal implications of making an anatomical gift, including the
18.13 law governing revocation of anatomical gifts. The commissioner shall distribute a notice
18.14 that must accompany all applications for and renewals of a driver's license or Minnesota
18.15 identification card. The notice must be prepared in conjunction with a Minnesota organ
18.16 procurement organization that is certified by the federal Department of Health and Human
18.17 Services and must include:

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

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

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

18.25 (1) the effect of alcohol on driving ability;

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

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

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

18.31 **EFFECTIVE DATE; NOTIFICATION.** This section is effective the day
18.32 following final enactment and applies to applications submitted on or after the day after
18.33 the commissioner has entered into a new contract and coordinated production of a new
18.34 license and card design with modifications required by law.

18.35 Sec. 31. Minnesota Statutes 2014, section 171.061, subdivision 3, is amended to read:

19.1 Subd. 3. **Application.** An applicant may file an application with an agent. The
19.2 agent shall receive and accept applications in accordance with the laws and rules of the
19.3 Department of Public Safety for a driver's license, restricted license, duplicate license,
19.4 instruction permit, Minnesota identification card, or motorized bicycle operator's permit.
19.5 As an alternative to paper copy storage, an agent may retain records and documents in
19.6 a secure electronic medium, provided 60 days have elapsed since the transaction and
19.7 subject to standards established by the commissioner. The agent is responsible for all costs
19.8 associated with the conversion to electronic records and maintenance of the electronic
19.9 storage medium, including the destruction of existing paper records after conversion
19.10 to the electronic format.

19.11 Sec. 32. Minnesota Statutes 2014, section 171.07, subdivision 1b, is amended to read:

19.12 Subd. 1b. **Commercial driver's license.** (a) Each class C, class B, or class A
19.13 driver's license must be clearly marked "Minnesota Commercial Driver's License."

19.14 (b) Each nondomiciled commercial learner's permit and nondomiciled driver's
19.15 license must be clearly marked as required under Code of Federal Regulations, title 49,
19.16 section 383.153(c), or successor requirements.

19.17 **EFFECTIVE DATE; NOTIFICATION.** This section is effective the day
19.18 following final enactment and applies to applications submitted on or after the day after
19.19 the commissioner has entered into a new contract and coordinated production of a new
19.20 license and card design with modifications required by law.

19.21 Sec. 33. Minnesota Statutes 2014, section 173.02, is amended by adding a subdivision
19.22 to read:

19.23 Subd. 18a. **Electronic advertising device.** (a) "Electronic advertising device"
19.24 means an advertising device that is capable of displaying digital content that can be
19.25 changed through messaging or electronic communications technology.

19.26 (b) Digital content consists of static text and images only, and does not include
19.27 animation, flashing or moving lights, video, and other content having the appearance
19.28 of movement.

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

19.30 Sec. 34. Minnesota Statutes 2014, section 173.15, is amended to read:

19.31 **173.15 PROHIBITED ADVERTISING DEVICES.**

19.32 (a) After June 8, 1971 no advertising device shall be erected or maintained:

20.1 (1) which purports to be or resembles an official traffic-control device, sign, or
 20.2 signal, or railroad sign or signal; or which hides from view or interferes in any material
 20.3 degree with the effectiveness of any traffic-control device, sign, or signal, or railroad sign
 20.4 or signal, or which obstructs or interferes with the driver's view of approaching, merging,
 20.5 or intersecting traffic for a distance not to exceed 500 feet;

20.6 (2) which prominently displays the word "stop" or "danger";

20.7 (3) which contains statements, words, or pictures of an obscene, indecent, or
 20.8 immoral character, or such as would offend public morals or decency;

20.9 (4) on any right-of-way of the interstate system of highways, except as otherwise
 20.10 provided by law or allowed by the commissioner;

20.11 (5) on private land without the consent of the owner or occupant thereof;

20.12 (6) on trees, shrubs, or which are painted or drawn upon rocks or natural features,
 20.13 or on public utility poles;

20.14 (7) which has distracting flashing or moving lights so designed or lighted as to
 20.15 be a traffic hazard;

20.16 (8) to which access can be obtained only from an interstate main-traveled way but
 20.17 excluding frontage roads adjacent thereto;

20.18 (9) which are structurally unsafe, are in disrepair, or are abandoned.

20.19 (b) The prohibition under paragraph (a), clause (7), does not include an electronic
 20.20 advertising device in which digital content changes no more frequently than once every
 20.21 six seconds.

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

20.23 Sec. 35. Minnesota Statutes 2014, section 174.03, subdivision 10, is amended to read:

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

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

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

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

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

21.3 (4) identify the amount spent by the commissioner in conducting and administering
21.4 the programs.

21.5 Sec. 36. Minnesota Statutes 2014, section 174.03, subdivision 11, is amended to read:

21.6 Subd. 11. **Disadvantaged business enterprise program; report.** (a) The
21.7 commissioner shall include in each contract that is funded at least in part by federal funds,
21.8 a sanction for each contractor who does not meet the established project disadvantaged
21.9 business enterprise goal or demonstrate good-faith effort to meet the goal.

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

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

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

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

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

21.21 (5) state the number of contracts that included disadvantaged business enterprise
21.22 goals, the number of contractors that met established disadvantaged business enterprise
21.23 goals, and sanctions imposed for lack of good-faith effort; and

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

21.27 Sec. 37. Minnesota Statutes 2014, section 174.12, subdivision 5, is amended to read:

21.28 Subd. 5. **Financial assistance; criteria.** The commissioners of transportation and
21.29 employment and economic development shall establish criteria for evaluating projects
21.30 for financial assistance under this section. At a minimum, the criteria must provide an
21.31 objective method to prioritize and select projects on the basis of:

21.32 (1) the extent to which the project provides measurable economic benefit
21.33 in accordance with the performance measures developed by the commissioner of
21.34 employment and economic development under subdivision 4;

- 22.1 (2) consistency with relevant state and local transportation plans;
- 22.2 (3) the availability and commitment of funding or in-kind assistance for the project
- 22.3 from nonpublic or nonstate sources;
- 22.4 (4) the need for the project as part of the overall transportation system;
- 22.5 (5) the extent to which completion of the project will improve the movement of
- 22.6 people and freight; ~~and~~
- 22.7 (6) the extent to which the project promotes access to jobs and employment centers
- 22.8 and connections between modes of transportation; and
- 22.9 ~~(6)~~ (7) geographic balance as required under subdivision 7, paragraph (b).

22.10 Sec. 38. Minnesota Statutes 2014, section 174.40, is amended by adding a subdivision

22.11 to read:

22.12 Subd. 4a. **Eligibility.** A statutory or home rule charter city, county, or town in which

22.13 infrastructure expansion or development is in process is eligible to receive infrastructure

22.14 funding on or after June 1, 2016, under this section only if it has adopted subdivision

22.15 regulations that require a developer to include safe routes to school infrastructure in new

22.16 developments.

22.17 Sec. 39. Minnesota Statutes 2014, section 174.52, subdivision 4a, is amended to read:

22.18 Subd. 4a. **Rural road safety account; appropriation.** (a) A rural road safety

22.19 account is established in the local road improvement fund. Money in the account is

22.20 annually appropriated to the commissioner of transportation for expenditure as specified

22.21 in this subdivision. Money in the account must be used as grants to counties to assist in

22.22 paying the costs of capital improvement projects on county state-aid highways that are

22.23 intended primarily to reduce traffic crashes, deaths, injuries, and property damage and

22.24 improve safety for all road users.

22.25 (b) The commissioner shall establish procedures for counties to apply for grants

22.26 from the rural road safety account and criteria to be used to select projects for funding.

22.27 The commissioner shall establish these procedures and criteria in consultation with

22.28 representatives appointed by the Association of Minnesota Counties. Eligibility for

22.29 project selection must be based on the ability of each proposed project to reduce the

22.30 frequency and severity of crashes.

22.31 (c) Money in the account must be allocated in each fiscal year as follows:

- 22.32 (1) one-third of money in the account must be used for projects in the counties of
- 22.33 Anoka, Chisago, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington; and
- 22.34 (2) the remainder must be used for projects elsewhere in the state.

23.1 Sec. 40. Minnesota Statutes 2014, section 174.52, subdivision 5, is amended to read:

23.2 Subd. 5. **Grant procedures and criteria.** The commissioner shall establish
 23.3 procedures for statutory or home rule charter cities, towns, and counties to apply for
 23.4 grants or loans from the fund and criteria to be used to select projects for funding.
 23.5 The commissioner shall establish these procedures and criteria in consultation with
 23.6 representatives appointed by the Association of Minnesota Counties, League of Minnesota
 23.7 Cities, Minnesota Association of Townships, and the appropriate state agency as needed.
 23.8 The criteria for determining project priority and the amount of a grant or loan must be
 23.9 based upon consideration of:

23.10 (1) the availability of other state, federal, and local funds;

23.11 (2) the regional significance of the route;

23.12 (3) effectiveness of the proposed project in eliminating a transportation system
 23.13 deficiency and improve safety for all road users;

23.14 (4) the number of persons who will be positively impacted by the project;

23.15 (5) the project's contribution to other local, regional, or state economic development
 23.16 or redevelopment efforts including livestock and other agricultural operations permitted
 23.17 after the effective date of this section; and

23.18 (6) ability of the local unit of government to adequately provide for the safe
 23.19 operation and maintenance of the facility upon project completion.

23.20 Sec. 41. **[219.752] MINIMUM CREW SIZE.**

23.21 No Class I or Class II railroad shall allow the operation of a railroad train or
 23.22 locomotive in this state, used in connection with the movement of freight or passengers,
 23.23 without a crew composed of a minimum of two individuals, except hostling and helper
 23.24 operations, remote control locomotives in yards, and as otherwise provided by Code of
 23.25 Federal Regulations, title 49, part 218, subpart B. A railroad that violates this section is
 23.26 guilty of a misdemeanor and, in addition to any other sanctions authorized in law, shall
 23.27 be ordered to pay a fine of at least \$250 for a first-time violation of this section, and
 23.28 \$1,000 for a second or subsequent violation.

23.29 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 23.30 committed on or after that date.

23.31 Sec. 42. Minnesota Statutes 2014, section 219.76, is amended to read:

23.32 **219.76 FIRE DAMAGE CAUSED BY ENGINE TRAIN OR CONTENTS;**
 23.33 **INSURABLE INTEREST.**

24.1 A railroad ~~corporation owning or operating a railroad~~ in this state is responsible in
 24.2 damages to every person who is injured and corporation public or private entity or person
 24.3 whose property is injured, damaged, or destroyed by fire ~~communicated~~ spread directly
 24.4 or indirectly by the locomotive ~~engines~~ or rolling stock in use upon its railroad line, or
 24.5 contents of the rolling stock, or caused directly or indirectly by spill, tear, discharge, or
 24.6 combustion of train contents. Each railroad ~~corporation~~ shall have an insurable interest
 24.7 in the property upon the route of its railroad line and may procure insurance in its own
 24.8 behalf for its protection against the damages.

24.9 Sec. 43. Minnesota Statutes 2014, section 219.761, is amended to read:

24.10 **219.761 EXTINGUISHING LOCOMOTIVE RESPONSE TO**
 24.11 **TRAIN-RELATED FIRE OR OTHER EMERGENCY; REIMBURSEMENT.**

24.12 Subdivision 1. **Reimbursement.** (a) A railroad operating in Minnesota is liable for
 24.13 all reasonable expenses of ~~extinguishment when a fire or fire hazard~~ other emergency that
 24.14 is proximately caused by a railroad locomotive, rolling stock or its contents, or employees
 24.15 on a railroad right-of-way ~~or~~ operating property, or other property. If the fire department
 24.16 ~~of a local government or nonprofit firefighting corporation extinguishes an emergency~~
 24.17 responder, local government entity, or nonprofit firefighting corporation responds to a
 24.18 fire arising from one occurrence or responds to another emergency and deems that it is
 24.19 entitled to reimbursement for its expenses, it shall, within 60 days after the first full day
 24.20 after ~~extinguishment~~ the emergency response, give the railroad, ~~by mail~~, written notice
 24.21 stating the circumstances of the fire or other emergency as then known. The notice
 24.22 may be given to the railroad at any address at which the owner has an office, agent, or
 24.23 other place of business in this state. The date of the mailing is the date of service of the
 24.24 notice. For purposes of this paragraph, reasonable response expenses include all expenses
 24.25 incurred by a fire department or other emergency responder in supplying mutual aid
 24.26 assistance, regardless of whether the fire department or emergency responder is entitled
 24.27 to reimbursement from the entity requesting assistance.

24.28 (b) If after notice and claim for reimbursement, the railroad ~~working the right-of-way~~
 24.29 refuses to reimburse the local government, ~~or nonprofit firefighting corporation,~~ or other
 24.30 emergency responders for expenses incurred, the claimant may recover by civil action
 24.31 reasonable expenses, costs, disbursements, and attorney's fees.

24.32 Subd. 2. **Information in claim.** All claims must set forth the basis of the claim
 24.33 including the time, date, place, and circumstances of the claim. A claim must also include
 24.34 an itemization of costs incurred to extinguish the fire or respond to the emergency. The
 24.35 state Fire Marshal, in consultation with fire department chiefs ~~and~~ representatives of the

25.1 interested railroads, representatives of local government entities, nonprofit firefighting
 25.2 corporations, and other emergency responders, may recommend that additional
 25.3 information be included in a claim.

25.4 Subd. 3. **Other costs, remedies.** (a) If the railroads are required to pay property
 25.5 taxes pursuant to chapter 272 or any other law, they shall also pay the fees and assessments
 25.6 required of property owners situated within the same political subdivision for firefighting
 25.7 and protection expenses.

25.8 (b) Neither the enactment of this section nor its subsequent repeal or termination
 25.9 alters the statutory or common law rights, duties, or obligations of railroad companies
 25.10 with regard to fires and other emergencies caused directly or indirectly by a railroad
 25.11 locomotive, rolling stock, contents, or railroad employees on a railroad right-of-way
 25.12 or, operating property, or other property, or caused directly or indirectly by spill, tear,
 25.13 discharge, or combustion of train contents.

25.14 Sec. 44. Minnesota Statutes 2014, section 221.031, is amended by adding a subdivision
 25.15 to read:

25.16 Subd. 9a. **Federal out-of-service order; operation prohibited.** No intrastate
 25.17 carrier, private carrier engaged in intrastate commerce, or person providing intrastate
 25.18 transportation service described in section 221.025 shall operate a commercial motor
 25.19 vehicle in Minnesota while a motor carrier out-of-service order issued by the Federal
 25.20 Motor Carrier Safety Administration under Code of Federal Regulations, title 49, part
 25.21 385 or 386, is in effect.

25.22 Sec. 45. Minnesota Statutes 2014, section 221.605, is amended by adding a subdivision
 25.23 to read:

25.24 Subd. 4. **Federal out-of-service order; operation prohibited.** No interstate carrier
 25.25 or private carrier engaged in interstate commerce shall operate a commercial motor
 25.26 vehicle in Minnesota while a motor carrier out-of-service order issued by the Federal
 25.27 Motor Carrier Safety Administration under Code of Federal Regulations, title 49, part
 25.28 385 or 386, is in effect.

25.29 Sec. 46. **[237.045] RAILROAD RIGHTS-OF-WAY; CROSSING OR**
 25.30 **PARALLELING BY UTILITIES.**

25.31 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms
 25.32 have the meanings given them.

26.1 (b) "Crossing" means the construction, operation, repair, or maintenance of a utility
 26.2 facility over, under, or across a railroad right-of-way. The term includes longitudinal
 26.3 occupancy of railroad right-of-way.

26.4 (c) "Facility" means any item of personal property placed over, across, or
 26.5 underground for use in connection with the storage or conveyance of:

26.6 (1) water;

26.7 (2) sewage;

26.8 (3) electronic, telephone, or telegraphic communications;

26.9 (4) fiber optics;

26.10 (5) cablevision;

26.11 (6) electric energy;

26.12 (7) oil;

26.13 (8) gas;

26.14 (9) hazardous liquids; or

26.15 (10) other facilities including pipes, sewers, conduits, cables, valves, lines, wires,
 26.16 manholes, or attachments.

26.17 (d) "Parallel" or "paralleling" means that the relevant utility facilities run adjacent
 26.18 to and alongside the lines of a railroad for no more than one mile, or another distance
 26.19 agreed to by the parties, before the utility facilities cross the railroad lines, terminate,
 26.20 or exit the railroad right-of-way.

26.21 (e) "Railroad" means any association, corporation, or other entity engaged in
 26.22 operating a common carrier by rail, or any other entity responsible for the management of
 26.23 crossings or collection of crossing fees for the railroad.

26.24 (f) "Utility" means cooperative electric association, electric utility, public
 26.25 utility, transmission company, gas utility, municipal utility, municipal power agency,
 26.26 joint action agency, pipeline company, rural water system, or telephone, telegraph,
 26.27 telecommunications, cable, or fiber optic carrier.

26.28 Subd. 2. **Application.** This section applies to:

26.29 (1) any crossing in existence before the effective date of this section if an agreement
 26.30 concerning the crossing has expired or has been terminated. In such instance, if the
 26.31 collective amount of \$750 has been paid to the railroad during the existence of the
 26.32 crossing, no additional fee is required; and

26.33 (2) any crossing commenced on or after the effective date of this section.

26.34 Subd. 3. **Right-of-way crossing; application for permission.** (a) Any utility
 26.35 that intends to place a facility across or upon a railroad right-of-way shall request prior
 26.36 permission from the railroad.

27.1 (b) The request shall be in the form of a completed crossing application, including a
27.2 drawing showing the location of the proposed crossing and the railroad's property, tracks,
27.3 and wires that the utility will cross. The utility shall submit the crossing application on a
27.4 form provided or approved by the railroad, if available.

27.5 (c) The crossing application shall be sent to the railroad by certified mail, with
27.6 return receipt requested.

27.7 (d) The application shall be accompanied by the crossing fee as set forth in
27.8 subdivision 5, and a certificate of insurance as required by subdivision 6.

27.9 Subd. 4. **Right-of-way crossing; construction.** Beginning 30 days after the
27.10 receipt by the railroad of a completed crossing application, crossing fee, and certificate of
27.11 insurance, the utility may commence the construction of the crossing unless the railroad
27.12 notifies the utility in writing that the proposed crossing or paralleling is a serious threat to
27.13 the safe operations of the railroad or to the current use of the railroad right-of-way.

27.14 Subd. 5. **Standard crossing fee.** (a) Unless otherwise agreed by the parties or
27.15 determined under section 237.04, a utility that crosses a railroad right-of-way, other than a
27.16 crossing within a public right-of-way, shall pay the railroad a onetime standard crossing
27.17 fee of \$750 for each crossing. The standard crossing fee is in lieu of any license, permit,
27.18 application, processing fee, or any other fee or charge to reimburse the railroad for direct
27.19 expenses incurred by the railroad as a result of the crossing.

27.20 (b) In addition to the standard crossing fee, the utility shall also reimburse the
27.21 railroad for any reasonable flagging expense associated with a crossing.

27.22 (c) No crossing fee is required if the crossing is located within a public right-of-way.

27.23 (d) The placement of a single conduit and its content shall be considered a single
27.24 facility. No additional fees are payable based on the individual fibers, wires, lines, or
27.25 other items contained within the conduit.

27.26 Subd. 6. **Certificate of insurance; coverage.** (a) The certificate of insurance or
27.27 coverage submitted by a municipality shall include commercial general liability insurance
27.28 or an equivalent form with a limit of not less than \$1,000,000 for each occurrence and
27.29 an aggregate of not less than \$2,000,000.

27.30 (b) The certificate of insurance submitted by any other utility, except a gas or
27.31 hazardous materials pipeline utility, shall include commercial general liability insurance
27.32 with a combined single limit of a minimum of \$2,000,000 for each occurrence and an
27.33 aggregate limit of at least \$4,000,000.

27.34 (c) The certificate of insurance submitted by a gas or hazardous materials pipeline
27.35 utility shall include commercial general liability insurance with a combined single limit of a
27.36 minimum of \$5,000,000 for each occurrence and an aggregate limit of at least \$10,000,000.

28.1 (d) The certificate of insurance shall be from an insurer of the utility's choosing.

28.2 Subd. 7. **Objection to crossing; petition to Public Utilities Commission.** (a) If

28.3 a railroad objects to the proposed crossing or paralleling due to the proposal being a

28.4 serious threat to the safe operations of the railroad or to the current use of the railroad

28.5 right-of-way, the railroad shall provide to the utility notice of the objection and the specific

28.6 basis for the objection. The railroad shall send the notice of objection to the utility by

28.7 certified mail, with return receipt requested.

28.8 (b) If the parties are unable to resolve the objection, either party may petition the

28.9 Public Utilities Commission for their assistance via mediation or arbitration of the disputed

28.10 crossing application. The petition must be filed within 60 days of receipt of the objection.

28.11 Before filing a petition, the parties shall make good faith efforts to resolve the objection.

28.12 (c) If a petition is filed, the Public Utilities Commission must issue an order within

28.13 120 days of filing of the petition. The order may be appealed under chapter 14 and section

28.14 216B.27. The Public Utilities Commission shall assess the costs associated with a petition

28.15 equitably among the parties.

28.16 Subd. 8. **Additional requirements; objection and petition to Public Utilities**

28.17 **Commission.** (a) If a railroad imposes additional requirements on a utility for crossing its

28.18 lines, other than the proposed crossing being a serious threat to the safe operations of the

28.19 railroad or to the current use of the railroad right-of-way, the utility may object to one or

28.20 more of the requirements. If it objects, the utility shall provide notice of the objection

28.21 and the specific basis for the objection to the railroad by certified mail, with return receipt

28.22 requested.

28.23 (b) If the parties are unable to resolve the objection, either party may petition the

28.24 Public Utilities Commission for resolution or modification of the additional requirements.

28.25 The petition must be filed within 60 days of receipt of the objection. Before filing a

28.26 petition, the parties shall make good faith efforts to resolve the objection.

28.27 (c) If a petition is filed, the Public Utilities Commission shall determine, after notice

28.28 and opportunity for hearing, whether special circumstances exist that necessitate additional

28.29 requirements for the placement of the crossing. The Public Utilities Commission must

28.30 issue an order within 120 days of filing of the petition. The order may be appealed under

28.31 chapter 14 and section 216B.27. The Public Utilities Commission shall assess the costs

28.32 associated with a petition equitably among the parties.

28.33 Subd. 9. **Existing agreements.** Nothing in this section prevents a railroad and a

28.34 utility from continuing under an existing agreement, or from otherwise negotiating the

28.35 terms and conditions applicable to a crossing or the resolution of any disputes relating

28.36 to the crossing. The use of this section or section 237.04 is optional. Nothing in this

29.1 section impairs the authority of a utility to secure crossing rights by easement through
 29.2 exercise of the power of eminent domain.

29.3 Sec. 47. Minnesota Statutes 2014, section 299D.085, subdivision 2, is amended to read:

29.4 Subd. 2. **Certificate.** No person may operate as an overdimensional load escort
 29.5 driver in this state without a certificate issued by the commissioner, or by a state with
 29.6 which the commissioner has entered into a reciprocal agreement. The commissioner shall
 29.7 assess a fee for each certificate applicant, calculated to cover the commissioner's cost of
 29.8 establishing and administering the program. No other certification is required to escort
 29.9 an overdimensional load.

29.10 Sec. 48. **[383B.83] LIMITS ON RAILROAD CONDEMNATION POWERS**
 29.11 **OVER CERTAIN GOVERNMENTAL PROPERTY INTERESTS.**

29.12 Notwithstanding anything to the contrary in chapter 117, sections 222.26, 222.27,
 29.13 222.36, or any other law, the powers of a foreign or domestic railroad corporation or a
 29.14 railroad company or a railroad interest acting as a public service corporation or a common
 29.15 carrier do not include the power to exercise eminent domain over a property interest of
 29.16 Hennepin County, the Hennepin County Housing and Redevelopment Authority, or the
 29.17 Hennepin County Regional Railroad Authority if the governmental power, by resolution
 29.18 of its governing board, determines based on specific findings that the public safety or
 29.19 access of first responders would be substantially and adversely affected by the exercise.

29.20 **EFFECTIVE DATE.** This section is effective retroactively from March 2, 2015,
 29.21 and applies to any eminent domain action to acquire any property interest of any of the
 29.22 named entities.

29.23 Sec. 49. **[473.1296] MADE IN AMERICA.**

29.24 In all construction and maintenance projects, the council shall, to the greatest extent
 29.25 feasible, utilize products, materials, and equipment that are made in America and shall
 29.26 include this requirement in its contract specifications.

29.27 Sec. 50. Minnesota Statutes 2014, section 473.146, subdivision 4, is amended to read:

29.28 Subd. 4. **Transportation planning.** (a) The Metropolitan Council is the designated
 29.29 planning agency for any long-range comprehensive transportation planning required by
 29.30 section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation
 29.31 Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and other federal
 29.32 transportation laws. The council shall assure administration and coordination of

30.1 transportation planning with appropriate state, regional and other agencies, counties,
30.2 and municipalities.

30.3 (b) The council shall establish an advisory body consisting of citizens and
30.4 representatives of municipalities, counties, and state agencies in fulfillment of the planning
30.5 responsibilities of the council. The membership of the advisory body must consist of:

30.6 (1) the commissioner of transportation or the commissioner's designee;

30.7 (2) the commissioner of the Pollution Control Agency or the commissioner's
30.8 designee;

30.9 (3) one member of the Metropolitan Airports Commission appointed by the
30.10 commission;

30.11 (4) one person appointed by the council to represent nonmotorized transportation;

30.12 (5) one person appointed by the commissioner of transportation to represent the
30.13 freight transportation industry;

30.14 (6) two persons appointed by the council to represent public transit;

30.15 (7) ten elected officials of cities within the metropolitan area, including one
30.16 representative from each first-class city, appointed by the Association of Metropolitan
30.17 Municipalities;

30.18 (8) one member of the county board of each county in the seven-county metropolitan
30.19 area, appointed by the respective county boards;

30.20 (9) eight citizens appointed by the council, one from each council precinct; ~~and~~

30.21 (10) one elected official from a city participating in the replacement service program
30.22 under section 473.388, appointed by the Suburban Transit Association; and

30.23 (11) one member of the council, appointed by the council.

30.24 (c) The council shall appoint a chair from among the members of the advisory body.

30.25 **EFFECTIVE DATE.** This section is effective the day following final enactment,
30.26 and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and
30.27 Washington.

30.28 Sec. 51. Laws 2009, chapter 158, section 10, as amended by Laws 2012, chapter 287,
30.29 article 3, section 56, and Laws 2014, chapter 255, section 20, is amended to read:

30.30 Sec. 10. **EFFECTIVE DATE.**

30.31 Sections 2 and 3 are effective August 1, 2009, ~~and the amendments made in sections~~
30.32 ~~2 and 3 to Minnesota Statutes, sections 169.011 and 169.045, expire July 31, 2015.~~

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

31.1 Sec. 52. Laws 2014, chapter 312, article 10, section 11, subdivision 2, is amended to
31.2 read:

31.3 Subd. 2. **Evaluation of response preparedness and funding.** By January 15, 2017,
31.4 the commissioner of public safety shall submit an evaluation of safety preparedness and
31.5 funding related to incidents involving transportation of oil and other hazardous materials
31.6 to the chairs and ranking minority members of the legislative committees with jurisdiction
31.7 over transportation and public safety policy and finance. At a minimum, the evaluation
31.8 must:

31.9 (1) provide an update to the report under subdivision 1 that identifies notable
31.10 changes and provides updated information as appropriate;

31.11 (2) analyze preparedness and impacts to public safety from ethanol transportation by
31.12 rail, which must provide the same information with respect to ethanol as is required for oil
31.13 under subdivision 1, clauses (1) to (3) and (6);

31.14 (3) identify recommendations and actions to prevent rail transportation incidents,
31.15 including examination of alternative routing and development of guidelines concerning
31.16 freight and passenger-type rail colocation;

31.17 (4) develop strategies for resident education along rail corridors;

31.18 (5) recommend minimum liability insurance requirements for railroad shippers
31.19 and carriers;

31.20 (6) evaluate the effectiveness of training and response preparedness activities under
31.21 Minnesota Statutes, section 299A.55, using the criteria established under subdivision
31.22 1, clause (5), including development of minimum equipment requirements for first
31.23 responders having jurisdiction along high risk rail corridors;

31.24 (3) (7) identify current sources of funds, funding levels, and any unfunded needs for
31.25 preparedness activities;

31.26 (4) (8) analyze equity in the distribution of funding sources for preparedness
31.27 activities, which must include but is not limited to (i) examination of the public-private
31.28 partnership financing model, and (ii) review of balance across industries involved in
31.29 storage and distribution of oil and ethanol; and

31.30 (5) (9) provide findings and make recommendations for any programmatic or
31.31 legislative changes.

31.32 Sec. 53. **NONDOMICILED COMMERCIAL LEARNER'S PERMIT AND**
31.33 **COMMERCIAL DRIVER'S LICENSE.**

32.1 (a) The commissioner may designate and clearly mark a commercial learner's
 32.2 permit or commercial driver's license with the word "nondomiciled" for a permit holder
 32.3 or a license holder who:

32.4 (1) is domiciled in a foreign jurisdiction; and

32.5 (2) otherwise meets the requirements to obtain a commercial permit or license
 32.6 under this chapter.

32.7 (b) A permit or license must not be deemed invalid because it is marked
 32.8 "nondomiciled."

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

32.10 Paragraph (a) expires on the day after the commissioner has entered into a new contract and
 32.11 coordinated production of a new license and card design with modifications required by law.

32.12 **Sec. 54. ACCESSIBLE PARKING SIGNS.**

32.13 A sign that is posted to identify a parking space reserved for people who qualify
 32.14 for accessible parking must not display any form of the word "handicap," "disabled," or
 32.15 "disability." The owner of a parking facility that is owned or wholly leased by the state
 32.16 shall, in the ordinary course of sign modification and replacement, modify or replace the
 32.17 sign so that it displays a form of the word "accessible" or the state symbol indicating
 32.18 buildings, facilities, and grounds which are accessible to and usable by persons with
 32.19 disabilities adopted by the Rehabilitation International's Eleventh World Congress and
 32.20 does not display a form of the word "handicap," "disabled," or "disability."

32.21 **Sec. 55. DEPARTMENT OF TRANSPORTATION TRUNK HIGHWAY 23**
 32.22 **PROJECT.**

32.23 As part of the reconstruction of the bridge and bridge approaches along Trunk
 32.24 Highway 23 in the city of Duluth, the commissioner of transportation shall grade the land
 32.25 and property under and near the bridge over Kingsbury Creek so that the bicycle and
 32.26 pedestrian path approaches street level as it emerges from under the bridge.

32.27 **Sec. 56. ENGINE BRAKES; REGULATION BY ST. PAUL.**

32.28 Notwithstanding any other law or charter provision, the governing body of the city
 32.29 of St. Paul may by ordinance restrict or prohibit the use of an engine brake on motor
 32.30 vehicles along Legislative Route No. 392, also known as marked Interstate Highway 94,
 32.31 between Johnson Parkway and marked Trunk Highway 52. Upon notification by the city
 32.32 of St. Paul to the commissioner of transportation of the city's adoption of the ordinance,
 32.33 the commissioner of transportation shall erect the appropriate signs, with the cost of

33.1 the signs to be paid by the city. For purposes of this section, "engine brake" means any
 33.2 device that uses the engine and transmission to impede the forward motion of the motor
 33.3 vehicle by compression of the engine.

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

33.5 **Sec. 57. LEGISLATIVE ROUTE NO. 275 REMOVED.**

33.6 (a) Minnesota Statutes, section 161.115, subdivision 206, is repealed effective the
 33.7 day after the commissioner of transportation receives a copy of the agreement between the
 33.8 commissioner and the governing body of Lac qui Parle County to transfer jurisdiction
 33.9 of Legislative Route No. 275 and after the commissioner notifies the revisor of statutes
 33.10 under paragraph (b).

33.11 (b) The revisor of statutes shall delete the route identified in paragraph (a) from
 33.12 Minnesota Statutes when the commissioner of transportation sends notice to the revisor
 33.13 electronically or in writing that the conditions required to transfer the route have been
 33.14 satisfied.

33.15 **Sec. 58. ALTERNATIVE DAMAGES APPRAISAL; OFFICE OF**
 33.16 **ADMINISTRATIVE HEARINGS.**

33.17 (a) In lieu of a commissioners' hearing for award of damages under Minnesota
 33.18 Statutes, section 117.075, the commissioner of transportation is authorized to petition the
 33.19 court for a referral to the Office of Administrative Hearings. The court may refer the
 33.20 matter to the Office of Administrative Hearing only if all parties in the project, including
 33.21 condemnees, consent to the referral. Upon referral to the Office of Administrative
 33.22 Hearings by the court, an administrative law judge shall conduct a hearing for the purpose
 33.23 of determining and awarding damages. The hearing must be conducted in a manner
 33.24 consistent with the contested case procedures under Minnesota Statutes, chapter 14.
 33.25 Minnesota Statutes, section 117.145, applies to an appeal of the administrative law judge's
 33.26 determination and award of damages.

33.27 (b) The commissioner of transportation may petition for a referral under paragraph
 33.28 (a) for up to five transportation projects.

33.29 (c) This section expires June 30, 2017.

33.30 **Sec. 59. REPORT BY COMMISSIONER OF TRANSPORTATION ON**
 33.31 **TOLLING.**

33.32 On or before January 2, 2016, the commissioner of transportation shall report to the
 33.33 chairs and ranking minority members of the senate and house of representatives committees

34.1 and divisions with jurisdiction over transportation policy and finance concerning
 34.2 expanding the use of tolling in Minnesota in order to reduce congestion and raise revenue.
 34.3 The report must be prepared with existing appropriations. At a minimum, the report must:
 34.4 (1) summarize current state and federal laws that affect the use of tolling in this state;
 34.5 (2) identify any federal pilot projects for which this state is eligible to participate;
 34.6 (3) discuss the feasibility and cost of expanding use of tolling, the possibility of
 34.7 private investment in toll roads, and projected costs and cost recovery in establishing,
 34.8 operating, and maintaining toll roads;
 34.9 (4) review tolling models and technology options;
 34.10 (5) summarize the experience of other states that have widely implemented tolling;
 34.11 (6) identify and evaluate specific corridors for feasibility of toll implementation;
 34.12 (7) project the likely range of revenues that could be generated by wider
 34.13 implementation of tolling and identify the percentage of revenues that are projected to be
 34.14 paid by nonresidents of the state;
 34.15 (8) discuss options for use of tolling revenue and measures to ensure compliance
 34.16 with laws concerning operation of toll roads and use of revenues;
 34.17 (9) recommend and discuss possible ways to reduce cost to Minnesotans, such as tax
 34.18 deductions or credits, or types of discounts; and
 34.19 (10) provide recommendations for needed statutory or rule changes that would
 34.20 facilitate wider implementation of tolling and achieve maximum revenues for the state
 34.21 and equity for its residents.

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

34.23 **Sec. 60. COST SHARE POLICY.**

34.24 The commissioner of transportation, in consultation with representatives of local
 34.25 units of government, shall create and adopt a policy concerning cost participation
 34.26 for cooperative construction projects and maintenance responsibilities between the
 34.27 Department of Transportation and local units of government. The policy must minimize
 34.28 the share of cooperative project costs to be funded by the local units of government,
 34.29 while complying in all respects with the state constitutional requirements concerning
 34.30 allowable uses of the trunk highway fund. The policy must be completed and adopted by
 34.31 the commissioner no later than September 1, 2015.

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

34.33 **Sec. 61. AVAILABILITY OF FINGERPRINTING SERVICES.**

35.1 The commissioner of public safety shall, by December 1, 2015, recommend to
35.2 the chair and ranking minority members of the house of representatives and senate
35.3 committees with primary jurisdiction over transportation policy and finance, means,
35.4 including recommended legislation, by which commercial truck drivers may be provided
35.5 with fingerprinting services to meet the requirements of the United States Department
35.6 of Homeland Security to obtain a hazardous materials endorsement on a commercial
35.7 driver's license.

35.8 Sec. 62. **ELECTRONIC STORAGE STANDARDS.**

35.9 On or before August 1, 2015, the commissioner of public safety shall establish
35.10 standards for the conversion by deputy registrars and driver's license agents to secure
35.11 electronic storage of certain records under Minnesota Statutes, sections 168.33,
35.12 subdivision 2, and 171.061, subdivision 3. The standards must specify minimum system
35.13 security requirements, as well as any procedural requirements for the destruction of
35.14 existing and new paper-based records, consistent with the requirements of Minnesota
35.15 Statutes, section 138.17.

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