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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1669

03/10/2015 Authored by Considine; Johnson, C.; Gunther; O'Driscoll and Urdahl

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

03/19/2015 By motion, recalled and re-referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act
1.2 relating to transportation; governing drive-away in-transit license plates;
1.3 classifying certain data; appropriating money; amending Minnesota Statutes
1.4 2014, sections 13.6905, by adding a subdivision; 168.053, subdivision 1, by
1.5 adding a subdivision; 168.346, by adding a subdivision.
1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2014, section 13.6905, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 34. **Certain vehicle license plates.** Data related to background checks for
1.10 drive-away in-transit plates are classified under section 168.346, subdivision 4.

1.11 **EFFECTIVE DATE.** This section is effective January 1, 2016.

1.12 Sec. 2. Minnesota Statutes 2014, section 168.053, subdivision 1, is amended to read:

1.13 Subdivision 1. **Application; fee; penalty.** (a) Any person, firm, or corporation
1.14 engaged in the business of transporting motor vehicles owned by another, by delivering,
1.15 by drive-away or towing methods, either singly or by means of the full mount method, the
1.16 saddle mount method, the tow bar method, or any other combination thereof, and under
1.17 their own power, vehicles over the highways of the state from the manufacturer or any
1.18 other point of origin, to any point of destination, within or without the state, shall make
1.19 application to the registrar for a drive-away in-transit license. This application for annual
1.20 license shall be accompanied by a registration fee of \$250 and contain information the
1.21 registrar may require. Upon the filing of the application and the payment of the fee, the
1.22 registrar shall issue to each drive-away operator a drive-away in-transit license plate
1.23 as provided in paragraph (b), which must be carried and displayed on the power unit

consistent with section 169.79 ~~and the plate shall remain on the vehicle while being operated within Minnesota~~. The license plate issued under this subdivision is not valid for the purpose of permanent vehicle registration ~~and is not valid outside Minnesota~~.

(b) The registrar shall issue:

(1) Minnesota transporter plates that are not valid outside Minnesota to any applicant; or

(2) interstate transporter plates that are valid within and outside Minnesota to an applicant who is verified as meeting the requirements under paragraph (c).

(c) To be eligible for interstate transporter plates, an applicant annually must:

(1) have a principal place of business within Minnesota;

(2) provide a valid Minnesota tax identification number for the firm or corporation engaging in transporting motor vehicles;

(3) not be disqualified based on the results of a criminal history background check under subdivision 1a;

(4) provide fingerprints, a signed written consent for the criminal history background check, and a money order or cashier's check payable to the Bureau of Criminal Apprehension for the fee for conducting the criminal history background check; and

(5) pay an additional administrative fee of \$10.

(d) Additional drive-away in-transit license plates desired by any drive-away operator may be secured from the registrar of motor vehicles upon the payment of a fee of \$5 for each set of additional license plates.

(e) Any person, firm, or corporation engaging in the business as a drive-away operator, of transporting and delivering by means of full mount method, the saddle mount method, the tow bar method, or any combination thereof, and under their own power, motor vehicles, who fails or refuses to file or cause to be filed an application, as is required by law, and to pay the fees therefor as the law requires, shall be found guilty of violating the provisions of sections 168.053 to 168.057; and, upon conviction, fined not less than \$50, and not more than \$100, and all costs of court. Each day so operating without securing the license and plates as required shall constitute a separate offense.

EFFECTIVE DATE. This section is effective January 1, 2016.

Sec. 3. Minnesota Statutes 2014, section 168.053, is amended by adding a subdivision to read:

Subd. 1a. **Background check; disqualification.** (a) For an applicant under subdivision 1, paragraph (c), the commissioner must request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension. The

superintendent shall retrieve criminal history data as defined in section 13.87, conduct a search of the national criminal records repository, and provide wants and warrant information from federal and state repositories. The superintendent is authorized to provide the applicant's fingerprints to the Federal Bureau of Investigation for purposes of the criminal history background check. The superintendent shall return the results of the background check to the commissioner.

(b) An applicant under subdivision 1, paragraph (c), is disqualified for interstate transporter plates if the person has been convicted in the past ten years of committing:

(1) any felony offense;

(2) any misdemeanor or gross misdemeanor offense under this chapter;

(3) a financial or fraudulent crimes offense, which consists of any violation of section 609.41; 609.508; 609.52; 609.521; 609.525; 609.526; 609.527; 609.528; 609.53; 609.535; 609.54; 609.545; 609.586; 609.59; 609.611; 609.62; 609.625; 609.63; 609.631; 609.632; 609.635; 609.64; 609.645; 609.651; 609.652; 609.7475; 609.755; 609.76; 609.763; 609.82; 609.821; 609.822; 609.86; 609.89; 609.8912; 609.8913; 609.893; 609.894; or 609.895; or

(4) a crime in another jurisdiction that would be an offense under clauses (1) to (3) if committed in Minnesota.

EFFECTIVE DATE. This section is effective January 1, 2016.

Sec. 4. Minnesota Statutes 2014, section 168.346, is amended by adding a subdivision to read:

Subd. 4. Classification of certain background check data. Data from a background check under section 168.053, subdivision 1a, are private data on individuals as defined in section 13.02, subdivision 12, and are not provided to register a vehicle under subdivision 1.

EFFECTIVE DATE. This section is effective January 1, 2016.

Sec. 5. **DRIVE-AWAY IN-TRANSIT PLATES; APPROPRIATION.**

An amount necessary to implement the drive-away in-transit plate provisions under section 1 is appropriated in fiscal year 2015 from the vehicle services operating account in the special revenue fund to the commissioner of public safety for license plate administration purposes under Minnesota Statutes, section 168.053. Notwithstanding Minnesota Statutes, section 16A.28, this appropriation is available until June 30, 2017.

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