

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-SEVENTH LEGISLATURE**      **S.F. No. 1072**

(SENATE AUTHORS: GIMSE and Dibble)

DATE	D-PG	OFFICIAL STATUS
03/31/2011	1122	Introduction and first reading Referred to Transportation
02/08/2012	3723a	Comm report: To pass as amended and re-refer to Finance
02/20/2012	3845	Comm report: To pass
	3849	Second reading

A bill for an act

1.1 relating to transportation; modifying reporting requirements; modifying  
1.2 provisions relating to electric-assisted bicycles, conservation officer vehicles  
1.3 and vehicle permits; establishing Mississippi River Trail bikeway; designating  
1.4 highways; clarifying driver's license requirement for train crews; clarifying  
1.5 traffic laws regarding flashing yellow lights and arrows; expanding authority for  
1.6 bus operation on highway shoulders; modifying vehicle equipment provisions;  
1.7 removing exceptions from child passenger restraint law; authorizing driver  
1.8 education online component; allowing city of Paynesville to retain certain funds;  
1.9 providing variance for seaplane base; removing obsolete language; making  
1.10 technical changes; appropriating money; amending Minnesota Statutes 2010,  
1.11 sections 85.015, by adding a subdivision; 85.018, subdivisions 2, 4; 160.263,  
1.12 subdivision 2; 160.845; 160.93, subdivisions 1, 2; 161.14, subdivision 66, by  
1.13 adding subdivisions; 162.081, subdivision 4; 168.012, subdivision 1; 168.013,  
1.14 subdivisions 1e, 3, 12; 168B.011, subdivision 12; 169.011, subdivision 27;  
1.15 169.035, subdivision 1, by adding a subdivision; 169.06, subdivisions 5, 7;  
1.16 169.19, subdivision 5; 169.223, subdivision 5; 169.306; 169.64, subdivision 2;  
1.17 169.685, subdivisions 6, 7; 169.85, subdivision 2; 169.86, subdivisions 1, 4, by  
1.18 adding a subdivision; 169A.54, subdivisions 1, 6; 171.03; 171.061, subdivision 4;  
1.19 171.30, subdivision 1; 171.306, subdivision 4; 174.02, by adding a subdivision;  
1.20 174.56; 221.0314, subdivision 3a; 222.50, subdivision 4; 222.51; 222.53; 222.63,  
1.21 subdivision 9; Minnesota Statutes 2011 Supplement, sections 169.86, subdivision  
1.22 5; 171.05, subdivision 2; 171.075, subdivision 1; proposing coding for new law  
1.23 in Minnesota Statutes, chapters 160; 171; repealing Minnesota Statutes 2010,  
1.24 sections 160.93, subdivision 2a; 161.08, subdivision 2; 168.012, subdivision 1b;  
1.25 169A.54, subdivision 5; 222.48, subdivision 3a.

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

1.28 Section 1. Minnesota Statutes 2010, section 85.015, is amended by adding a  
1.29 subdivision to read:

1.30 Subd. 1d. **Bicycle use of trails.** The commissioner may not prohibit operation of  
1.31 an electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any trail  
1.32 under this section for which bicycle use is permitted, provided that the commissioner

2.1 determines that operation of the electric-assisted bicycle is consistent with safe use and  
2.2 enjoyment of the trail.

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

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

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

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

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

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

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

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

2.21 (d) A local unit of government may not prohibit operation of an electric-assisted  
2.22 bicycle, as defined in section 169.011, subdivision 27, on any trail under this section  
2.23 designated for bicycle use or nonmotorized use that includes bicycles, provided that  
2.24 the local unit of government determines the operation of the electric-assisted bicycle is  
2.25 consistent with safe use and enjoyment of the trail.

2.26 Sec. 3. Minnesota Statutes 2010, section 85.018, subdivision 4, is amended to read:

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

2.31 Sec. 4. Minnesota Statutes 2010, section 160.263, subdivision 2, is amended to read:

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

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

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

3.5 (3) develop and designate bicycle paths;

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

3.7 (b) A governing body may not prohibit operation of an electric-assisted bicycle,  
3.8 as defined in section 169.011, subdivision 27, on any bikeway, roadway, or shoulder,  
3.9 provided that the governing body determines that operation of the electric-assisted bicycle  
3.10 is consistent with safe use and enjoyment of the trail.

3.11 Sec. 5. **[160.266] MISSISSIPPI RIVER TRAIL.**

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

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

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

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

3.25 Subd. 3. **Cooperation with other entities.** The commissioner may contract and  
3.26 enter into agreements with federal agencies, other state agencies, and local governments to  
3.27 establish, develop, maintain, and operate the bikeway and to interpret associated natural  
3.28 and cultural resources.

3.29 Subd. 4. **Funding.** Bicycle paths included within the bikeway and not administered  
3.30 by the commissioner of natural resources are eligible for funding from the environment  
3.31 and natural resources trust fund under chapter 116P, from the parks and trails grant  
3.32 program under section 85.535, from the local recreation grants program under section  
3.33 85.019, subdivision 4b, and from other sources.

4.1 Sec. 6. Minnesota Statutes 2010, section 160.845, is amended to read:

4.2 **160.845 RESTRICTIONS ON TOLL FACILITY.**

4.3 (a) A road authority, including the governing body of a city, or a private operator  
4.4 may not convert, transfer, or utilize any portion of a highway to impose tolls or for use  
4.5 as a toll facility. A road authority, including the governing body of a city, or a private  
4.6 operator may not limit operation of a commercial motor vehicle, as defined in section  
4.7 169.011, subdivision 16, to a toll facility or otherwise require that a commercial motor  
4.8 vehicle use the tolled portion of a highway.

4.9 (b) This section does not apply to (1) any toll facility or high-occupancy vehicle  
4.10 lane constructed, converted, or established before September 1, 2007, (2) any additional  
4.11 lane, including a priced dynamic shoulder lane, high-occupancy vehicle lane, or  
4.12 high-occupancy toll lane, added to a highway after September 1, 2007, ~~and~~ (3) any other  
4.13 general purpose lane that adds capacity, (4) an additional lane on each side of that segment  
4.14 of Interstate Highway 35E between its intersection with Interstate Highway 94 and its  
4.15 intersection with Interstate Highway 694.

4.16 Sec. 7. Minnesota Statutes 2010, section 160.93, subdivision 1, is amended to read:

4.17 Subdivision 1. **Fees authorized.** To improve efficiency and provide more options  
4.18 to individuals traveling in a trunk highway corridor, the commissioner of transportation  
4.19 may charge user fees to owners or operators of single-occupant vehicles using dynamic  
4.20 shoulder lanes as designated by the commissioner ~~and~~ <sup>2</sup> any designated high-occupancy  
4.21 vehicle lanes, and any other high-occupancy toll lanes. The fees may be collected using  
4.22 electronic or other toll-collection methods and may vary in amount with the time of day  
4.23 and level of traffic congestion within the corridor. The commissioner shall consult with  
4.24 the Metropolitan Council and obtain necessary federal authorizations before implementing  
4.25 user fees on a high-occupancy vehicle lane or dynamic shoulder lane. Fees under this  
4.26 section are not subject to section 16A.1283.

4.27 Sec. 8. Minnesota Statutes 2010, section 160.93, subdivision 2, is amended to read:

4.28 Subd. 2. **Deposit of revenues; appropriation.** (a) ~~Except as provided in subdivision~~  
4.29 ~~2a,~~ Money collected from fees authorized under subdivision 1 must be deposited in a  
4.30 high-occupancy vehicle lane user fee account in the special revenue fund. ~~A separate~~  
4.31 ~~account must be established for each trunk highway corridor.~~ Money in the account is  
4.32 appropriated to the commissioner.

4.33 (b) From this appropriation the commissioner shall ~~first repay the trunk highway~~  
4.34 ~~fund and any other fund source for money spent to install, equip, or modify the corridor~~

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5.1 ~~for the purposes of subdivision 1, and then shall pay all the costs of implementing and~~  
5.2 ~~for administering and operating the fee collection system for that corridor, including~~  
5.3 ~~payments for operating the fee collection system, and for maintaining and operating~~  
5.4 ~~tolling and related equipment.~~

5.5 (c) The commissioner shall spend remaining money in the account as follows:

5.6 ~~(1) one-half must be spent for transportation capital improvements within the~~  
5.7 ~~corridor, and MnPASS system, including the replacement of tolling and related equipment.~~

5.8 ~~(2) one-half must be transferred to the Metropolitan Council for expansion and~~  
5.9 ~~improvement of bus transit services within the corridor beyond the level of service~~  
5.10 ~~provided on the date of implementation of subdivision 1.~~

5.11 Sec. 9. Minnesota Statutes 2010, section 161.14, subdivision 66, is amended to read:

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

5.17 Sec. 10. Minnesota Statutes 2010, section 161.14, is amended by adding a subdivision  
5.18 to read:

5.19 Subd. 70. **Arianna Celeste Macnamara Memorial Bridge.** The pedestrian  
5.20 bridge over Route No. 7, signed as Trunk Highway 14 on the effective date of this  
5.21 section, located in the city of Rochester west of Route No. 20, signed as U.S. Highway  
5.22 52 on the effective date of this section, is designated as "Arianna Celeste Macnamara  
5.23 Memorial Bridge." Subject to section 161.139, the commissioner shall adopt a suitable  
5.24 marking design to memorialize the bridge and shall erect the appropriate signs as close as  
5.25 practicable to the bridge.

5.26 Sec. 11. Minnesota Statutes 2010, section 161.14, is amended by adding a subdivision  
5.27 to read:

5.28 Subd. 71. **Deputy John W. Liebenstein Memorial Highway.** That segment of  
5.29 Route No. 390, signed as Interstate Highway 35 on the effective date of this section  
5.30 and located in Rice County, is designated as "Deputy John W. Liebenstein Memorial  
5.31 Highway." Subject to section 161.139, the commissioner shall adopt a suitable marking  
5.32 design to mark this highway and shall erect the appropriate signs at a rest area or rest areas  
5.33 along Interstate Highway 35 after consulting with the local community and sponsors.

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6.1 Sec. 12. Minnesota Statutes 2010, section 162.081, subdivision 4, is amended to read:

6.2 Subd. 4. **Formula for distribution to towns; purposes.** (a) Money apportioned to a  
6.3 county from the town road account must be distributed to the treasurer of each town within  
6.4 the county, according to a distribution formula adopted by the county board. The formula  
6.5 must take into account each town's levy for road and bridge purposes, its population and  
6.6 town road mileage, and other factors the county board deems advisable in the interests  
6.7 of achieving equity among the towns. Distribution of town road funds to each town  
6.8 treasurer must be made by March 1, annually, or within 30 days after receipt of payment  
6.9 from the commissioner. Distribution of funds to town treasurers in a county which has  
6.10 not adopted a distribution formula under this subdivision must be made according to a  
6.11 formula prescribed by the commissioner by rule. ~~A formula adopted by a county board or  
6.12 by the commissioner must provide that a town, in order to be eligible for distribution of  
6.13 funds from the town road account in a calendar year, must have levied for taxes payable in  
6.14 the previous year for road and bridge purposes at least 0.04835 percent of taxable market  
6.15 value. For purposes of this eligibility requirement, taxable market value means taxable  
6.16 market value for taxes payable two years prior to the aid distribution year.~~

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

6.20 Sec. 13. Minnesota Statutes 2010, section 168.012, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

7.6 (1) vehicles owned by the federal government;

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

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

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

7.11 (c) Unmarked vehicles used in general police work, liquor investigations, or arson  
7.12 investigations, and passenger automobiles, pickup trucks, and buses owned or operated by  
7.13 the Department of Corrections, or by conservation officers of the Division of Enforcement  
7.14 and Field Service of the Department of Natural Resources, must be registered and must  
7.15 display appropriate license number plates, furnished by the registrar at cost. Original and  
7.16 renewal applications for these license plates authorized for use in general police work and  
7.17 for use by the Department of Corrections or by conservation officers must be accompanied  
7.18 by a certification signed by the appropriate chief of police if issued to a police vehicle,  
7.19 the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if  
7.20 issued to a Department of Corrections vehicle, or the appropriate officer in charge if  
7.21 issued to a vehicle of any other law enforcement agency. The certification must be on a  
7.22 form prescribed by the commissioner and state that the vehicle will be used exclusively  
7.23 for a purpose authorized by this section.

7.24 (d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry,  
7.25 fraud unit, in conducting seizures or criminal investigations must be registered and must  
7.26 display passenger vehicle classification license number plates, furnished at cost by the  
7.27 registrar. Original and renewal applications for these passenger vehicle license plates  
7.28 must be accompanied by a certification signed by the commissioner of revenue or the  
7.29 commissioner of labor and industry. The certification must be on a form prescribed by  
7.30 the commissioner and state that the vehicles will be used exclusively for the purposes  
7.31 authorized by this section.

7.32 (e) Unmarked vehicles used by the Division of Disease Prevention and Control of the  
7.33 Department of Health must be registered and must display passenger vehicle classification  
7.34 license number plates. These plates must be furnished at cost by the registrar. Original  
7.35 and renewal applications for these passenger vehicle license plates must be accompanied  
7.36 by a certification signed by the commissioner of health. The certification must be on a

8.1 form prescribed by the commissioner and state that the vehicles will be used exclusively  
8.2 for the official duties of the Division of Disease Prevention and Control.

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

8.10 (g) Unmarked vehicles used in general investigation, surveillance, supervision,  
8.11 and monitoring by the staff of the Department of Human Services Office of Special  
8.12 Investigations and the executive director of the Minnesota sex offender program must  
8.13 be registered and must display passenger vehicle classification license number plates,  
8.14 furnished by the registrar at cost. Original and renewal applications for passenger vehicle  
8.15 license plates must be accompanied by a certification signed by the commissioner of  
8.16 human services. The certification must be on a form prescribed by the commissioner and  
8.17 state that the vehicles must be used exclusively for the official duties of the Office of  
8.18 Special Investigations and the executive director of the Minnesota sex offender program.

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

8.27 (i) Each county social service agency may have vehicles used for child and  
8.28 vulnerable adult protective services without the required identification on the sides of the  
8.29 vehicle. The vehicles must be registered and must display passenger vehicle classification  
8.30 license number plates. These plates must be furnished at cost by the registrar. Original  
8.31 and renewal applications for these passenger vehicle license plates must be accompanied  
8.32 by a certification signed by the agency administrator. The certification must be on a form  
8.33 prescribed by the commissioner and state that the vehicles will be used exclusively for the  
8.34 official duties of the social service agency.

8.35 (j) All other motor vehicles must be registered and display tax-exempt number  
8.36 plates, furnished by the registrar at cost, except as provided in subdivision 1c. All

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9.1 vehicles required to display tax-exempt number plates must have the name of the state  
9.2 department or political subdivision, nonpublic high school operating a driver education  
9.3 program, licensed commercial driving school, or other qualifying organization or entity,  
9.4 plainly displayed on both sides of the vehicle. This identification must be in a color  
9.5 giving contrast with that of the part of the vehicle on which it is placed and must endure  
9.6 throughout the term of the registration. The identification must not be on a removable  
9.7 plate or placard and must be kept clean and visible at all times; except that a removable  
9.8 plate or placard may be utilized on vehicles leased or loaned to a political subdivision or  
9.9 to a nonpublic high school driver education program.

9.10 Sec. 14. Minnesota Statutes 2010, section 168.013, subdivision 1e, is amended to read:

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

9.16 Minnesota Base Rate Schedule

9.17 Scheduled taxes include five percent  
9.18 surtax provided for in subdivision 14

9.19	TOTAL GROSS WEIGHT IN POUNDS				TAX
9.20	A	0	-	1,500	\$ 15
9.21	B	1,501	-	3,000	20
9.22	C	3,001	-	4,500	25
9.23	D	4,501	-	6,000	35
9.24	E	6,001	-	10,000	45
9.25	F	10,001	-	12,000	70
9.26	G	12,001	-	15,000	105
9.27	H	15,001	-	18,000	145
9.28	I	18,001	-	21,000	190
9.29	J	21,001	-	26,000	270
9.30	K	26,001	-	33,000	360
9.31	L	33,001	-	39,000	475
9.32	M	39,001	-	45,000	595
9.33	N	45,001	-	51,000	715
9.34	O	51,001	-	57,000	865
9.35	P	57,001	-	63,000	1015
9.36	Q	63,001	-	69,000	1185
9.37	R	69,001	-	73,280	1325

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10.1	S	73,281	-	78,000	1595
10.2	T	78,001	-	80,000	1760

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

10.5 (c) For each vehicle with a gross weight in excess of 80,000 pounds an additional  
10.6 tax of \$50 is imposed for each ton or fraction thereof in excess of 80,000 pounds, subject  
10.7 to subdivision 12 or section 169.86, subdivision 5a, as applicable.

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

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

10.18 (f) Commercial zone trucks include only trucks, truck-tractors, and semitrailer  
10.19 combinations which are operated by an interstate carrier registered under section 221.60,  
10.20 or by a carrier receiving operating authority under chapter 221, and operated solely within  
10.21 a zone exempt from regulation pursuant to United States Code, title 49, section 13506.

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

10.29 (h) On commercial zone trucks the tax shall be based on the total gross weight of  
10.30 the vehicle and during each of the first eight years of vehicle life is 75 percent of the  
10.31 Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the  
10.32 tax is 50 percent of the Minnesota base rate schedule.

10.33 (i) On trucks, truck-tractors and semitrailer combinations, except those defined  
10.34 as farm trucks and farm combinations, and except for those commercial zone vehicles  
10.35 specifically provided for in this subdivision, the tax for each of the first eight years of  
10.36 vehicle life is 100 percent of the tax imposed in the Minnesota base rate schedule, and

11.1 during the ninth and succeeding years of vehicle life, the tax is 75 percent of the Minnesota  
11.2 base rate prescribed by this subdivision.

11.3 (j) For the purpose of registration, trailers coupled with a truck-tractor, semitrailer  
11.4 combination are semitrailers.

11.5 **EFFECTIVE DATE.** This section is effective July 1, 2012, and applies to all  
11.6 registrations that are effective on and after that date and special permits issued on and  
11.7 after that date.

11.8 Sec. 15. Minnesota Statutes 2010, section 168.013, subdivision 3, is amended to read:

11.9 Subd. 3. **Application; cancellation; excessive gross weight forbidden.** (a) The  
11.10 applicant for all licenses based on gross weight shall state the unloaded weight of the  
11.11 motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry  
11.12 on it, the sum of which constitutes the gross weight upon which the license tax must be  
11.13 paid. However, the declared gross weight upon which the tax is paid must not be less than  
11.14 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer  
11.15 to be registered, except recreational vehicles taxed under subdivision 1g, school buses  
11.16 taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.011,  
11.17 subdivision 83. The gross weight of a tow truck or towing vehicle is the actual weight  
11.18 of the tow truck or towing vehicle fully equipped, but does not include the weight of a  
11.19 wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

11.20 (b) Except as provided by special permit issued under section 169.86, the gross  
11.21 weight of a motor vehicle, trailer, or semitrailer must not exceed the gross weight upon  
11.22 which the license tax has been paid by more than four percent or 1,000 pounds, whichever  
11.23 is greater; provided that, a vehicle transporting unfinished forest products on a highway,  
11.24 other than a highway that is part of the system of interstate and defense highways, unless a  
11.25 federal exemption is granted, in accordance with paragraph (d)(3):

11.26 (1) shall not exceed its gross vehicle weight upon which the license tax has been  
11.27 paid, or gross axle weight on any axle, by more than five percent and, notwithstanding  
11.28 other law to the contrary, is not subject to any fee, fine, or other assessment or penalty for  
11.29 exceeding a gross vehicle or axle weight by up to five percent; and

11.30 (2) between the dates set by the commissioner in accordance with section 169.826,  
11.31 subdivision 1, is not subject to any provision of paragraph (d) or chapter 169 limiting  
11.32 the gross axle weight of any individual axle unless the entire vehicle also exceeds its  
11.33 gross vehicle weight plus its weight allowance allowed in clause (1) and plus any weight  
11.34 allowance permitted under section 169.826, in which case the vehicle is subject to all  
11.35 applicable penalties for excess weight violations.

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12.1 (c) The gross weight of the motor vehicle, trailer, or semitrailer for which the license  
12.2 tax is paid must be indicated by a distinctive character on the license plate or plates except  
12.3 as provided in subdivision 12 or section 169.86, subdivision 5a, as applicable, and the  
12.4 plate or plates must be kept clean and clearly visible at all times.

12.5 (d) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon  
12.6 conviction for transporting a gross weight in excess of the gross weight for which it was  
12.7 registered or for operating a vehicle with an axle weight exceeding the maximum lawful  
12.8 axle load weight, is guilty of a misdemeanor and subject to increased registration or  
12.9 reregistration according to the following schedule:

12.10 (1) Upon conviction for transporting a gross weight in excess of the gross weight  
12.11 for which a motor vehicle, trailer, or semitrailer is registered by more than the allowance  
12.12 set forth in paragraph (b) but less than 25 percent, or for operating or using a motor  
12.13 vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle  
12.14 load as provided in sections 169.822 to 169.829 by more than the allowance set forth in  
12.15 paragraph (b) but less than 25 percent, the owner, driver, or user of the motor vehicle,  
12.16 trailer, or semitrailer used to commit the violation, in addition to any penalty imposed for  
12.17 the misdemeanor, shall apply to the registrar to increase the authorized gross weight to  
12.18 be carried on the vehicle to a weight equal to or greater than the gross weight the owner,  
12.19 driver, or user was convicted of carrying. The increase is computed for the balance of  
12.20 the calendar year on the basis of 1/12 of the annual tax for each month remaining in the  
12.21 calendar year beginning with the first day of the month in which the violation occurred.  
12.22 If the additional registration tax computed upon that weight, plus the tax already paid,  
12.23 amounts to more than the regular tax for the maximum gross weight permitted for the  
12.24 vehicle under sections 169.822 to 169.829, that additional amount must nevertheless be  
12.25 paid into the highway fund, but the additional tax thus paid does not authorize or permit  
12.26 any person to operate the vehicle with a gross weight in excess of the maximum legal  
12.27 weight as provided by sections 169.822 to 169.829. Unless the owner within 30 days  
12.28 after a conviction applies to increase the authorized weight and pays the additional tax  
12.29 as provided in this section, the registrar shall revoke the registration on the vehicle and  
12.30 demand the return of the registration card and plates issued on that registration.

12.31 (2) Upon conviction of an owner, driver, or user of a motor vehicle, trailer, or  
12.32 semitrailer for transporting a gross weight in excess of the gross weight for which the  
12.33 motor vehicle, trailer, or semitrailer was registered by 25 percent or more or for operating  
12.34 or using the vehicle or trailer with an axle weight exceeding the maximum lawful axle load  
12.35 as provided in sections 169.822 to 169.829 by 25 percent or more, and in addition to any  
12.36 penalty imposed for the misdemeanor, the registrar shall either (i) cancel the reciprocity

13.1 privileges on the vehicle involved if the vehicle is being operated under reciprocity  
13.2 or (ii) if the vehicle is not being operated under reciprocity, cancel the certificate of  
13.3 registration on the vehicle operated and demand the return of the registration certificate  
13.4 and registration plates. The registrar may not cancel the registration or reciprocity  
13.5 privileges for any vehicle found in violation of seasonal load restrictions imposed under  
13.6 section 169.87 unless the axle weight exceeds the year-round weight limit for the highway  
13.7 on which the violation occurred. The registrar may investigate any allegation of gross  
13.8 weight violations and demand that the operator show cause why all future operating  
13.9 privileges in the state should not be revoked unless the additional tax assessed is paid.

13.10 (3) Clause (1) does not apply to the first haul of unprocessed or raw farm products  
13.11 or unfinished forest products, when the registered gross weight is not exceeded by more  
13.12 than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous  
13.13 transportation of unprocessed or raw farm products from the place of production or  
13.14 on-farm storage site to any other location within 50 miles of the place of production or  
13.15 on-farm storage site, or (ii) the continuous or noncontinuous transportation of unfinished  
13.16 forest products from the place of production to the place of final processing or manufacture  
13.17 located within 200 miles of the place of production.

13.18 (4) When the registration on a motor vehicle, trailer, or semitrailer is revoked by the  
13.19 registrar according to this section, the vehicle must not be operated on the highways of the  
13.20 state until it is registered or reregistered, as the case may be, and new plates issued, and  
13.21 the registration fee is the annual tax for the total gross weight of the vehicle at the time of  
13.22 violation. The reregistration pursuant to this subdivision of any vehicle operating under  
13.23 reciprocity agreements pursuant to section 168.181 or 168.187 must be at the full annual  
13.24 registration fee without regard to the percentage of vehicle miles traveled in this state.

13.25 **EFFECTIVE DATE.** This section is effective July 1, 2012, and applies to all  
13.26 registrations that are effective on and after that date and special permits issued on and  
13.27 after that date.

13.28 Sec. 16. Minnesota Statutes 2010, section 168.013, subdivision 12, is amended to read:

13.29 Subd. 12. **Additional tax for excessive gross weight.** (a) Whenever an owner has  
13.30 registered a vehicle and paid the tax as provided in subdivisions 1 to 1g, on the basis of  
13.31 a selected gross weight of the vehicle and thereafter such owner desires to operate such  
13.32 vehicle with a greater gross weight than that for which the tax has been paid, such owner  
13.33 shall be permitted to reregister such vehicle by paying the additional tax due thereon  
13.34 for the remainder of the calendar year for which such vehicle has been reregistered, the  
13.35 additional tax computed pro rata by the month, 1/12 of the annual tax due for each month

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14.1 of the year remaining in the calendar year, beginning with the first day of the month in  
14.2 which such owner desires to operate the vehicle with the greater weight. In computing  
14.3 the additional tax as aforesaid, the owner shall be given credit for the unused portion of  
14.4 the tax previously paid computed pro rata by the month, 1/12 of the annual tax paid for  
14.5 each month of the year remaining in the calendar year beginning with the first day of the  
14.6 month in which such owner desires to operate the vehicle with the greater weight. An  
14.7 owner will be permitted one reduction of gross weight or change of registration per year,  
14.8 which will result in a refund. This refund will be prorated monthly beginning with the  
14.9 first day of the month after such owner applies to amend the registration. The application  
14.10 for amendment shall be accompanied by a fee of \$3, and all fees shall be deposited in  
14.11 the highway user tax distribution fund. Provided, however, the owner of a vehicle may  
14.12 reregister the vehicle for a weight of more than 81,000 pounds for one or more 30-day  
14.13 periods. For each 30-day period, the additional tax shall be equal to 1/12 of the difference  
14.14 between the annual tax for the weight at which the vehicle is registered and reregistered.  
14.15 ~~When a vehicle is reregistered in accordance with this provision, a distinctive windshield~~  
14.16 ~~sticker provided by the commissioner of public safety shall be permanently displayed.~~

14.17 (b) This subdivision does not apply to the owner of a vehicle who pays the additional  
14.18 tax for excessive gross weight under section 169.86, subdivision 5a, when buying a permit  
14.19 to operate with the greater gross weight.

14.20 **EFFECTIVE DATE.** This section is effective with the registration period beginning  
14.21 July 1, 2012, and applies to all registrations that are effective on and after that date and  
14.22 special permits issued on and after that date.

14.23 Sec. 17. Minnesota Statutes 2010, section 168B.011, subdivision 12, is amended to  
14.24 read:

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

14.28 Sec. 18. Minnesota Statutes 2010, section 169.011, subdivision 27, is amended to read:

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

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

14.32 (2) meets the requirements:

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

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

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

15.8 Sec. 19. Minnesota Statutes 2010, section 169.035, subdivision 1, is amended to read:

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

15.12 (b) This chapter shall apply to those persons and vehicles when traveling to or  
15.13 from such work, except that persons operating equipment owned, rented or hired by  
15.14 road authorities shall be exempt from the width, height and length provisions of sections  
15.15 169.80 and 169.81 and shall be exempt from the weight limitations of this chapter while  
15.16 performing the following actions on behalf of the state or a local governmental unit:

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

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

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

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

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

15.26 Sec. 20. Minnesota Statutes 2010, section 169.035, is amended by adding a subdivision  
15.27 to read:

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

15.31 (b) A peace officer may not issue a citation for violation of this chapter or chapter  
15.32 171 to a railroad operator involving the operation of a railroad locomotive or train, or  
15.33 on-track equipment while being operated upon rails.

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

16.4           Sec. 21. Minnesota Statutes 2010, section 169.06, subdivision 5, is amended to read:

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

16.10           (1) Green indication:

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

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

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

16.29           (2) Steady yellow indication:

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

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

17.5 (3) Steady red indication:

17.6 (i) Vehicular traffic facing a circular red signal alone must stop at a clearly marked  
17.7 stop line but, if none, before entering the crosswalk on the near side of the intersection  
17.8 or, if none, then before entering the intersection and shall remain standing until a green  
17.9 indication is shown, except as follows: (A) the driver of a vehicle stopped as close  
17.10 as practicable at the entrance to the crosswalk on the near side of the intersection or,  
17.11 if none, then at the entrance to the intersection in obedience to a red or stop signal,  
17.12 and with the intention of making a right turn may make the right turn, after stopping,  
17.13 unless an official sign has been erected prohibiting such movement, but shall yield the  
17.14 right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal  
17.15 at that intersection; or (B) the driver of a vehicle on a one-way street intersecting another  
17.16 one-way street on which traffic moves to the left shall stop in obedience to a red or stop  
17.17 signal and may then make a left turn into the one-way street, unless an official sign has  
17.18 been erected prohibiting the movement, but shall yield the right-of-way to pedestrians and  
17.19 other traffic lawfully proceeding as directed by the signal at that intersection.

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

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

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

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

18.5 Sec. 22. Minnesota Statutes 2010, section 169.06, subdivision 7, is amended to read:

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

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

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

18.21 (c) When a circular yellow lens is illuminated with rapid intermittent flashes, drivers  
18.22 of vehicles may proceed through the intersection or past the signals only with caution. But  
18.23 vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to  
18.24 other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at  
18.25 the time this signal is exhibited. Vehicular traffic turning left or making a U-turn to the left  
18.26 shall yield the right-of-way to other vehicles approaching from the opposite direction so  
18.27 closely as to constitute an immediate hazard.

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

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19.1 Sec. 23. Minnesota Statutes 2010, section 169.19, subdivision 5, is amended to read:

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

19.6 Sec. 24. Minnesota Statutes 2010, section 169.223, subdivision 5, is amended to read:

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

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

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

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

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

19.19 (c) This section does not permit the operation of a motorized bicycle on a bicycle  
19.20 path or bicycle lane that is reserved for the exclusive use of nonmotorized traffic, except  
19.21 that an electric-assisted bicycle may be operated on the path or lane if authorized  
19.22 under section 85.015, subdivision 1d; 85.018, subdivision 2, paragraph (d); or 160.263,  
19.23 subdivision 2, paragraph (b), as applicable.

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

19.28 Sec. 25. Minnesota Statutes 2010, section 169.306, is amended to read:

19.29 **169.306 USE OF SHOULDERS BY BUSES.**

19.30 (a) ~~The commissioner of transportation~~ A road authority, as defined in section  
19.31 160.02, subdivision 25, is authorized to permit ~~the use by~~ transit buses and Metro Mobility  
19.32 buses the use of a shoulder, as designated by the ~~commissioner~~ road authority, of a  
19.33 freeway or expressway, as defined in section 160.02, in Minnesota.

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20.1 (b) If ~~the commissioner~~ a road authority permits the use of a freeway or expressway  
20.2 shoulder by transit buses, the ~~commissioner~~ road authority shall permit the use on that  
20.3 shoulder of a bus (1) with a seating capacity of 40 passengers or more operated by a motor  
20.4 carrier of passengers, as defined in section 221.012, subdivision 26, while operating in  
20.5 intrastate commerce or (2) providing regular route transit service, as defined in section  
20.6 174.22, subdivision 8, or Metro Mobility services, and operated by or under contract  
20.7 with the Metropolitan Council, a local transit authority, or a transit authority created by  
20.8 the legislature. Drivers of these buses must have adequate training in the requirements of  
20.9 paragraph (c), as determined by the commissioner.

20.10 (c) Buses authorized to use the shoulder under this section may be operated on  
20.11 the shoulder only when main-line traffic speeds are less than 35 miles per hour, except  
20.12 as provided for in paragraph (f). Drivers of buses being operated on the shoulder may  
20.13 not exceed the speed of main-line traffic by more than 15 miles per hour and may never  
20.14 exceed 35 miles per hour, except as provided for in paragraph (f). Drivers of buses being  
20.15 operated on the shoulder must yield to merging, entering, and exiting traffic and must yield  
20.16 to other vehicles on the shoulder. Buses operated on the shoulder must be registered with  
20.17 the Department of Transportation.

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

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

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

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

20.27 (f) The commissioner may authorize different operating conditions and maximum  
20.28 speeds, not to exceed the posted speed limit, based upon an engineering study and  
20.29 recommendation by the road authority. The engineering study must be conducted by the  
20.30 road authority and must conform with the manual and specifications adopted under section  
20.31 169.06, subdivision 1, and applicable state and federal standards. The road authority shall  
20.32 consult the public transit operator before recommending operating conditions different  
20.33 from those authorized by law.

20.34 Sec. 26. Minnesota Statutes 2010, section 169.64, subdivision 2, is amended to read:

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

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

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

21.13 Sec. 27. Minnesota Statutes 2010, section 169.685, subdivision 6, is amended to read:

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

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

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

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

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

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

21.30 (b) A child passenger restraint system is not required for a child who cannot, in the  
21.31 judgment of a licensed physician, be safely transported in a child passenger restraint  
21.32 system because of a medical condition, body size, or physical disability. A motor vehicle  
21.33 operator claiming exemption for a child under this paragraph must possess a typewritten  
21.34 statement from the physician stating that the child cannot be safely transported in a child  
21.35 passenger restraint system. The statement must give the name and birth date of the child,

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22.1 be dated within the previous six months, and be made on the physician's letterhead or  
22.2 contain the physician's name, address, and telephone number. A person charged with  
22.3 violating subdivision 5 may not be convicted if the person produces the physician's  
22.4 statement in court or in the office of the arresting officer.

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

22.8 Sec. 28. Minnesota Statutes 2010, section 169.685, subdivision 7, is amended to read:

22.9 Subd. 7. **Appropriation; special account; legislative report.** The Minnesota child  
22.10 passenger restraint and education account is created in the state treasury, consisting of  
22.11 fines collected under subdivision 5 and other money appropriated or donated. The money  
22.12 in the account is annually appropriated to the commissioner of public safety, to be used to  
22.13 provide child passenger restraint systems to families in financial need ~~and~~ school districts  
22.14 and child care providers that provide for the transportation of pupils to and from school  
22.15 using type III vehicles or school buses with a gross vehicle weight rating of 10,000 pounds  
22.16 or less, and to provide an educational program on the need for and proper use of child  
22.17 passenger restraint systems. The commissioner shall report to the legislature by February  
22.18 1 of each odd-numbered year on the commissioner's activities and expenditure of funds  
22.19 under this section.

22.20 Sec. 29. Minnesota Statutes 2010, section 169.85, subdivision 2, is amended to read:

22.21 Subd. 2. **Unloading.** (a) Upon weighing a vehicle and load, as provided in this  
22.22 section, an officer may require the driver to stop the vehicle in a suitable place and remain  
22.23 standing until a portion of the load is removed that is sufficient to reduce the gross weight  
22.24 of the vehicle to the limit permitted under either section 168.013, subdivision 3, paragraph  
22.25 (b), or sections 169.823 to 169.829, whichever is the lesser violation, if any. A suitable  
22.26 place is a location where loading or tampering with the load is not prohibited by federal,  
22.27 state, or local law, rule, or ordinance.

22.28 (b) Except as provided in paragraph (c), a driver may be required to unload a  
22.29 vehicle only if the weighing officer determines that (1) on routes subject to the provisions  
22.30 of sections 169.823 to 169.829, the weight on an axle exceeds the lawful gross weight  
22.31 prescribed by sections 169.823 to 169.829, by 2,000 pounds or more, or the weight on a  
22.32 group of two or more consecutive axles in cases where the distance between the centers  
22.33 of the first and last axles of the group under consideration is ten feet or less exceeds the  
22.34 lawful gross weight prescribed by sections 169.823 to 169.829, by 4,000 pounds or more;

23.1 or (2) the weight is unlawful on an axle or group of consecutive axles on a road restricted  
23.2 in accordance with section 169.87. Material unloaded must be cared for by the owner or  
23.3 driver of the vehicle at the risk of the owner or driver.

23.4 (c) ~~If~~ The driver is not required to unload under paragraph (b) when the gross weight  
23.5 of the vehicle does not exceed:

23.6 (1) the sum of the vehicle's registered gross weight plus, the weight allowance set  
23.7 forth in section 168.013, subdivision 3, paragraph (b), and plus, if applicable, the weight  
23.8 allowance permitted under section 169.826, then the driver is not required to unload  
23.9 under paragraph (b); or

23.10 (2) the weight allowed by special permit issued under section 169.86 for a vehicle  
23.11 that is operated in conformity with the limitations and conditions of the permit.

23.12 **EFFECTIVE DATE.** This section is effective July 1, 2012, and applies to all  
23.13 registrations that are effective on and after that date and special permits issued on and  
23.14 after that date.

23.15 Sec. 30. Minnesota Statutes 2010, section 169.86, subdivision 1, is amended to read:

23.16 Subdivision 1. **Permit authorities; restrictions.** (a) The commissioner, with respect  
23.17 to highways under the commissioner's jurisdiction, and local authorities, with respect to  
23.18 highways under their jurisdiction, may, in their discretion, upon application in writing  
23.19 and good cause being shown therefor, issue a special permit, in writing, authorizing the  
23.20 applicant to move a vehicle or combination of vehicles of a size or weight of vehicle or  
23.21 load exceeding the maximum specified in this chapter, exceeding the gross weight for  
23.22 which the vehicle is registered under chapter 168, or otherwise not in conformity with the  
23.23 provisions of this chapter, upon any highway under the jurisdiction of the party granting  
23.24 such permit and for the maintenance of which such party is responsible.

23.25 (b) Permits relating to over-width, over-length manufactured homes shall not be  
23.26 issued to persons other than manufactured home dealers or manufacturers for movement  
23.27 of new units owned by the manufactured home dealer or manufacturer, until the person  
23.28 has presented a statement from the county auditor and treasurer where the unit is presently  
23.29 located, stating that all personal and real property taxes have been paid. Upon payment of  
23.30 the most recent single year delinquent personal property or current year taxes only, the  
23.31 county auditor or treasurer must issue a taxes paid statement to a manufactured home  
23.32 dealer or a financial institution desiring to relocate a manufactured home that has been  
23.33 repossessed. This statement must be dated within 30 days of the contemplated move. The  
23.34 statement from the county auditor and treasurer where the unit is presently located, stating  
23.35 that all personal and real property taxes have been paid, may be made by telephone. If

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24.1 the statement is obtained by telephone, the permit shall contain the date and time of the  
24.2 telephone call and the names of the persons in the auditor's office and treasurer's office  
24.3 who verified that all personal and real property taxes had been paid.

24.4 (c) The commissioner may not grant a permit authorizing the movement, in a  
24.5 three-vehicle combination, of a semitrailer or trailer that exceeds 28-1/2 feet, except that  
24.6 the commissioner (1) may renew a permit that was granted before April 16, 1984, for the  
24.7 movement of a semitrailer or trailer that exceeds the length limitation in section 169.81,  
24.8 subdivision 2, or (2) may grant a permit authorizing the transportation of empty trailers  
24.9 that exceed 28-1/2 feet when using a B-train hitching mechanism as defined in Code of  
24.10 Federal Regulations, title 23, section 658.5, paragraph (o), from a point of manufacture in  
24.11 the state to the state border.

24.12 (d) The state as to state trunk highways, a statutory or home rule charter city as  
24.13 to streets in the city, or a town as to roads in the town, may issue permits authorizing  
24.14 the transportation of combinations of vehicles exceeding the limitations in section  
24.15 169.81, subdivisions 2a and 3, over highways, streets, or roads within its boundaries.  
24.16 Combinations of vehicles authorized by this paragraph may be restricted as to the use of  
24.17 state trunk highways by the commissioner, to the use of streets by the city road authority,  
24.18 and to the use of roads by the town road authority. Nothing in this paragraph or section  
24.19 169.81, subdivisions 2a and 3, alters or changes the authority vested in local authorities  
24.20 under section 169.04.

24.21 **EFFECTIVE DATE.** This section is effective July 1, 2012, and applies to all  
24.22 registrations that are effective on and after that date and special permits issued on and  
24.23 after that date.

24.24 Sec. 31. Minnesota Statutes 2010, section 169.86, subdivision 4, is amended to read:

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

24.30 Sec. 32. Minnesota Statutes 2011 Supplement, section 169.86, subdivision 5, is  
24.31 amended to read:

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

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

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

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

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

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

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

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

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

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

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

25.19 (7) motor vehicles carrying bales of agricultural products authorized under section  
25.20 169.862; and

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

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

25.24 (1) mobile cranes;

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

25.26 (3) manufactured homes and manufactured storage buildings;

25.27 (4) implements of husbandry;

25.28 (5) double-deck buses;

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

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

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

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

26.11 Overweight Axle Group Cost Factors

26.12 Weight (pounds)	26.12 Cost Per Mile For Each Group Of:		
26.13 exceeding weight	26.13 Two	26.13 Three	
26.14 limitations on axles	26.14 consecutive	26.14 consecutive	
	26.15 axles spaced	26.15 axles spaced	26.15 Four consecutive
	26.16 within 8 feet	26.16 within 9 feet	26.16 axles spaced within
	26.17 or less	26.17 or less	26.17 14 feet or less
26.18 0-2,000	.12	.05	.04
26.19 2,001-4,000	.14	.06	.05
26.20 4,001-6,000	.18	.07	.06
26.21 6,001-8,000	.21	.09	.07
26.22 8,001-10,000	.26	.10	.08
26.23 10,001-12,000	.30	.12	.09
26.24 12,001-14,000	26.24 Not	.14	.11
	26.25 permitted		
26.26 14,001-16,000	26.26 Not	.17	.12
	26.27 permitted		
26.28 16,001-18,000	26.28 Not	.19	.15
	26.29 permitted		
26.30 18,001-20,000	26.30 Not	Not	
	26.31 permitted	26.31 permitted	.16
26.32 20,001-22,000	26.32 Not	Not	
	26.33 permitted	26.33 permitted	.20

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

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

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

27.5	Gross Weight (pounds) of Vehicle	Annual Permit Fee
27.6	90,000 or less	\$200
27.7	90,001 - 100,000	\$300
27.8	100,001 - 110,000	\$400
27.9	110,001 - 120,000	\$500
27.10	120,001 - 130,000	\$600
27.11	130,001 - 140,000	\$700
27.12	140,001 - 145,000	\$800
27.13	<u>145,001 - 155,000</u>	<u>\$900</u>

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

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

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

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

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

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

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

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

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

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

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

28.5 Sec. 33. Minnesota Statutes 2010, section 169.86, is amended by adding a subdivision  
28.6 to read:

28.7 Subd. 5a. **Additional tax for excessive gross weight.** When a special permit is  
28.8 issued under this chapter, the commissioner shall collect in addition to the permit fee an  
28.9 additional tax for excessive gross weight, if the weight allowed under the permit is greater  
28.10 than the gross weight for which the vehicle is registered under section 168.013. The  
28.11 tax shall be calculated as the difference between the registration tax paid under section  
28.12 168.013, subdivision 1e, and the additional tax that would be due under section 168.013,  
28.13 subdivision 1e, at the gross weight allowed under the permit, prorated by the number of  
28.14 days for which the permit is effective. Proceeds of the surcharge must be deposited in the  
28.15 state treasury and credited to the highway user tax distribution fund.

28.16 **EFFECTIVE DATE.** This section is effective with the registration period beginning  
28.17 July 1, 2012, and applies to all registrations that are effective on and after that date and  
28.18 special permits issued on and after that date.

28.19 Sec. 34. Minnesota Statutes 2010, section 169A.54, subdivision 1, is amended to read:

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

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

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

28.28 (3) not less than one year for:

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

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

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

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

29.9 ~~(4)~~ (5) not less than three years for an offense occurring within ten years of the  
29.10 first of two qualified prior impaired driving incidents or occurring after three qualified  
29.11 prior impaired driving incidents, ~~not less than three years, together~~ and with denial under  
29.12 section 171.04, subdivision 1, clause (10), until rehabilitation is established according to  
29.13 standards established by the commissioner; and

29.14 ~~(5)~~ (6) not less than four years for an offense occurring within ten years of the first of  
29.15 three qualified prior impaired driving incidents, ~~not less than four years, together~~ and with  
29.16 denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established  
29.17 according to standards established by the commissioner; or

29.18 ~~(6)~~ (7) not less than six years for an offense occurring after four or more qualified  
29.19 prior impaired driving incidents, ~~not less than six years, together~~ and with denial under  
29.20 section 171.04, subdivision 1, clause (10), until rehabilitation is established according to  
29.21 standards established by the commissioner.

29.22 **EFFECTIVE DATE.** This section is effective July 1, 2012.

29.23 Sec. 35. Minnesota Statutes 2010, section 169A.54, subdivision 6, is amended to read:

29.24 Subd. 6. **Applicability of implied consent revocation.** (a) Any person whose  
29.25 license has been revoked pursuant to section 169A.52 (license revocation for test failure  
29.26 or refusal) as the result of the same incident, and who does not have a qualified prior  
29.27 impaired driving incident, is subject to the mandatory revocation provisions of subdivision  
29.28 1, clause (1) or (2), in lieu of the mandatory revocation provisions of section 169A.52.

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

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

29.32 (2) a person whose driver's license has been revoked for, or who is charged with,  
29.33 (i) an alcohol concentration of twice the legal limit or more as measured at the time, or  
29.34 within two hours, of the time of the offense; or (ii) a violation of section 169A.20 (driving

30.1 while impaired) with an aggravating factor described in section 169A.03, subdivision  
30.2 3, clause ~~(2)~~ or (3).

30.3 **EFFECTIVE DATE.** This section is effective July 1, 2012.

30.4 Sec. 36. Minnesota Statutes 2010, section 171.03, is amended to read:

30.5 **171.03 PERSONS EXEMPT.**

30.6 The following persons are exempt from license hereunder:

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

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

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

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

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

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

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

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

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

30.32 (e) A nonresident who has in immediate possession a valid commercial driver's  
30.33 license issued by a state or jurisdiction in accordance with the standards of Code of

31.1 Federal Regulations, title 49, part 383, and who is operating in Minnesota the class of  
31.2 commercial motor vehicle authorized by the issuing state or jurisdiction is exempt.

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

31.7 (g) Any person who becomes a resident of the state of Minnesota and who has in  
31.8 possession a valid driver's license issued to the person under and pursuant to the laws of  
31.9 some other state or jurisdiction or by military authorities of the United States may operate  
31.10 a motor vehicle as a driver, but only for a period of not more than 60 days after becoming  
31.11 a resident of this state, without being required to have a Minnesota driver's license as  
31.12 provided in this chapter.

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

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

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

31.22 Sec. 37. Minnesota Statutes 2011 Supplement, section 171.05, subdivision 2, is  
31.23 amended to read:

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

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

31.29 (i) the applicant is enrolled in behind-the-wheel training in a public, private, or  
31.30 commercial driver education program that is approved by the commissioner of public  
31.31 safety; and

31.32 (ii) the applicant:

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

32.1 ~~(ii) an approved behind-the-wheel driver education program~~ (B) has completed  
32.2 home-school driver training, when the student is receiving full-time instruction in a home  
32.3 school within the meaning of sections 120A.22 and 120A.24, the student is working  
32.4 toward a ~~homeschool~~ home-school diploma, ~~the student is taking home-classroom driver~~  
32.5 ~~training~~ with classroom materials approved by the commissioner of public safety, and the  
32.6 student's parent has certified the student's homeschool and home-classroom driver training  
32.7 status on the form approved by the commissioner; or

32.8 (C) has completed an Internet-based theory driver education program that is  
32.9 approved by the commissioner of public safety; and

32.10 ~~(2) has completed the classroom phase of instruction in the driver education program;~~  
32.11 ~~(3)~~ (2) has passed a test of the applicant's eyesight;

32.12 ~~(4)~~ (3) has passed a department-administered test of the applicant's knowledge  
32.13 of traffic laws;

32.14 ~~(5)~~ (4) has completed the required application, which must be approved by (i) either  
32.15 parent when both reside in the same household as the minor applicant or, if otherwise,  
32.16 then (ii) the parent or spouse of the parent having custody or, in the event there is no  
32.17 court order for custody, then (iii) the parent or spouse of the parent with whom the minor  
32.18 is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the  
32.19 minor, (v) the foster parent or the director of the transitional living program in which the  
32.20 child resides or, in the event a person under the age of 18 has no living father, mother,  
32.21 or guardian, or is married or otherwise legally emancipated, then (vi) the applicant's  
32.22 adult spouse, adult close family member, or adult employer; provided, that the approval  
32.23 required by this clause contains a verification of the age of the applicant and the identity of  
32.24 the parent, guardian, adult spouse, adult close family member, or adult employer; and

32.25 ~~(6)~~ (5) has paid the fee required in section 171.06, subdivision 2.

32.26 (b) For the purposes of determining compliance with the certification of paragraph  
32.27 (a), clause (1), item (ii), the commissioner may request verification of a student's  
32.28 homeschool status from the superintendent of the school district in which the student  
32.29 resides and the superintendent shall provide that verification.

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

32.33 (d) A provider of an Internet-based theory driver education program approved by  
32.34 the commissioner shall issue a certificate of completion to each person who successfully  
32.35 completes the program. The commissioner shall furnish numbered certificate forms to  
32.36 approved providers who shall pay the commissioner a fee of \$2 for each certificate.

33.1 The commissioner shall deposit proceeds of the fee in the driver services operating  
33.2 account in the special revenue fund. Proceeds from the fee under this paragraph are  
33.3 annually appropriated to the commissioner from the driver services operating account for  
33.4 administrative costs to implement Internet driver education. The commissioner shall  
33.5 terminate the fee when the department has fully recovered its costs to implement Internet  
33.6 driver education under this section.

33.7 Sec. 38. Minnesota Statutes 2010, section 171.061, subdivision 4, is amended to read:

33.8 Subd. 4. **Fee; equipment.** (a) The agent may charge and retain a filing fee of \$5 for  
33.9 each application. Except as provided in paragraph ~~(b)~~ (c), the fee shall cover all expenses  
33.10 involved in receiving, accepting, or forwarding to the department the applications and  
33.11 fees required under sections 171.02, subdivision 3; 171.06, subdivisions 2 and 2a; and  
33.12 171.07, subdivisions 3 and 3a.

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

33.20 ~~(b)~~ (c) The department shall maintain the photo identification equipment for all  
33.21 agents appointed as of January 1, 2000. Upon the retirement, resignation, death, or  
33.22 discontinuance of an existing agent, and if a new agent is appointed in an existing office  
33.23 pursuant to Minnesota Rules, chapter 7404, and notwithstanding the above or Minnesota  
33.24 Rules, part 7404.0400, the department shall provide and maintain photo identification  
33.25 equipment without additional cost to a newly appointed agent in that office if the office  
33.26 was provided the equipment by the department before January 1, 2000. All photo  
33.27 identification equipment must be compatible with standards established by the department.

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

33.34 ~~(d)~~ (e) Before the end of the first working day following the final day of the  
33.35 reporting period established by the department, the agent must forward to the department

34.1 all applications and fees collected during the reporting period except as provided in  
34.2 paragraph ~~(e)~~ (d).

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

34.4 Sec. 39. **[171.0703] INTERNET-BASED DRIVER EDUCATION.**

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

34.8 Sec. 40. Minnesota Statutes 2011 Supplement, section 171.075, subdivision 1, is  
34.9 amended to read:

34.10 Subdivision 1. **Anatomical gift account.** An anatomical gift account is established  
34.11 in the special revenue fund. The account consist of funds donated under sections ~~168.12~~  
34.12 168.013, subdivision ~~5~~ 22, and 171.06, subdivision 2, and any other money donated,  
34.13 allotted, transferred, or otherwise provided to the account. Money in the account is  
34.14 annually appropriated to the commissioner for (1) grants under subdivision 2, and (2)  
34.15 administrative expenses in implementing the donation and grant program.

34.16 **EFFECTIVE DATE.** This section is effective January 1, 2013.

34.17 Sec. 41. Minnesota Statutes 2010, section 171.30, subdivision 1, is amended to read:

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

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

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

34.23 (i) 169.792;

34.24 (ii) 169.797;

34.25 (iii) 169A.52:

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

34.27 (B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section  
34.28 171.306;

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

34.31 (D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section  
34.32 171.306;

35.1 (iv) 171.17; or

35.2 (v) 171.172; or

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

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

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

35.7 (iii) subdivision 1, clause ~~(4)~~, (5), ~~or (6)~~, or (7), if in compliance with section  
35.8 171.306; or

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

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

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

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

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

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

35.27 (d) For purposes of this subdivision:

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

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

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

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

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

36.11 (h) The limited license issued by the commissioner to a person under section  
36.12 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner  
36.13 must not issue a limited license to a person who previously has been issued a limited  
36.14 license under section 171.186, subdivision 4.

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

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

36.18 **EFFECTIVE DATE.** This section is effective July 1, 2012.

36.19 Sec. 42. Minnesota Statutes 2010, section 171.306, subdivision 4, is amended to read:

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

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

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

36.32 (b) A license issued under authority of this section must contain a restriction  
36.33 prohibiting the program participant from driving, operating, or being in physical control of  
36.34 any motor vehicle not equipped with a functioning ignition interlock device certified by  
36.35 the commissioner. A participant may drive an employer-owned vehicle not equipped with

37.1 an interlock device while in the normal course and scope of employment duties pursuant  
37.2 to the program guidelines established by the commissioner and with the employer's  
37.3 written consent.

37.4 (c) A program participant whose driver's license has been revoked under section  
37.5 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph  
37.6 (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), ~~or (3),~~ or (4),  
37.7 may apply for conditional reinstatement of the driver's license, subject to the ignition  
37.8 interlock restriction.

37.9 (d) A program participant whose driver's license has been revoked, canceled, or  
37.10 denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or  
37.11 subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1,  
37.12 clause ~~(4),~~ (5), ~~or (6),~~ or (7), may apply for a limited license, subject to the ignition  
37.13 interlock restriction, if the program participant is enrolled in a licensed chemical  
37.14 dependency treatment or rehabilitation program as recommended in a chemical use  
37.15 assessment, and if the participant meets the other applicable requirements of section  
37.16 171.30. After completing a licensed chemical dependency treatment or rehabilitation  
37.17 program and one year of limited license use without violating the ignition interlock  
37.18 restriction, the conditions of limited license use, or program guidelines, the participant  
37.19 may apply for conditional reinstatement of the driver's license, subject to the ignition  
37.20 interlock restriction. If the program participant's ignition interlock device subsequently  
37.21 registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall  
37.22 cancel the driver's license, and the program participant may apply for another limited  
37.23 license according to this paragraph.

37.24 (e) Notwithstanding any statute or rule to the contrary, the commissioner has  
37.25 authority to determine when a program participant is eligible for restoration of full driving  
37.26 privileges, except that the commissioner shall not reinstate full driving privileges until the  
37.27 program participant has met all applicable prerequisites for reinstatement under section  
37.28 169A.55 and until the program participant's device has registered no positive breath  
37.29 alcohol concentrations of 0.02 or higher during the preceding 90 days.

37.30 **EFFECTIVE DATE.** This section is effective July 1, 2012.

37.31 Sec. 43. Minnesota Statutes 2010, section 174.02, is amended by adding a subdivision  
37.32 to read:

37.33 **Subd. 9. Alternative financing and investment in a pilot transportation**  
37.34 **project.** (a) The commissioner may select one pilot transportation project on the trunk  
37.35 highway system to implement the authority granted in this subdivision. In connection

38.1 with this pilot project, the commissioner may enter into agreements with governmental  
38.2 or nongovernmental entities, including private and nonprofit entities, to finance or invest  
38.3 in the transportation project, including repayment agreements. An agreement under this  
38.4 subdivision is subject to (1) the availability of state money or other dedicated revenue or  
38.5 resources; and (2) the approval of the commissioner of management and budget.

38.6 (b) The commissioner shall submit to the chairs and ranking minority members of  
38.7 the house of representatives and senate committees having jurisdiction over transportation  
38.8 policy and finance, a listing of all agreements executed under this subdivision. The listing  
38.9 must identify each agreement, the contracting entities, contract amount, duration, and any  
38.10 repayment requirements. The listing may be submitted electronically, and is subject  
38.11 to section 3.195, subdivision 1.

38.12 (c) The pilot project is subject to transportation planning, programming, and  
38.13 procurement requirements. Use of this subdivision must not result in the delay of any  
38.14 project programmed in the statewide transportation improvement program.

38.15 (d) This subdivision does not preempt any other statute or provide any new toll  
38.16 facility authority or design-build contracting authority.

38.17 (e) Any repayment agreement under this subdivision must comply with all applicable  
38.18 debt and other financial policies and requirements.

38.19 Sec. 44. Minnesota Statutes 2010, section 174.56, is amended to read:

38.20 **174.56 REPORT ON MAJOR HIGHWAY PROJECTS AND TRUNK**  
38.21 **HIGHWAY FUND EXPENDITURES.**

38.22 Subdivision 1. **Report required.** (a) The commissioner of transportation shall  
38.23 submit a report ~~on January 15, 2009, and on January~~ by December 15 of each year  
38.24 ~~thereafter~~, on (1) the status of major highway projects completed during the previous two  
38.25 years or under construction or planned during the year of the report and for the ensuing 15  
38.26 years; and (2) trunk highway fund expenditures.

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

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

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

38.34 (2) a history of the project, including, but not limited to, previous official actions  
38.35 by the department or the appropriate area transportation partnership, or both, the date on

39.1 which the project was first included in the state transportation improvement plan, the cost  
39.2 of the project at that time, the planning estimate for the project, the engineer's estimate, the  
39.3 award price and the final cost as of six months after substantial completion, including any  
39.4 supplemental agreements and cost overruns or cost savings, the dates of environmental  
39.5 approval, the dates of municipal approval, the date of final geometric layout, and the date  
39.6 of establishment of any construction limits;

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

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

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

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

39.20 **Subd. 2a. Report contents; trunk highway fund expenditures.** The commissioner  
39.21 shall include in the report information on the total expenditures from the trunk highway  
39.22 fund during the previous fiscal year, for each Department of Transportation district, in  
39.23 the following categories: road construction; planning; design and engineering; labor;  
39.24 compliance with environmental regulations; administration; acquisition of right-of-way,  
39.25 including costs for attorney fees and other compensation for property owners; litigation  
39.26 costs, including payment of claims, settlements, and judgments; maintenance; and road  
39.27 operations.

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

39.30 Sec. 45. Minnesota Statutes 2010, section 221.0314, subdivision 3a, is amended to  
39.31 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41.7 (3) the applicant has been convicted of a disqualifying offense, as defined in Code  
41.8 of Federal Regulations, title 49, section 383.51, paragraph (b), which is incorporated  
41.9 by reference.

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

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

41.18 Sec. 46. Minnesota Statutes 2010, section 222.50, subdivision 4, is amended to read:

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

41.26 Sec. 47. Minnesota Statutes 2010, section 222.51, is amended to read:

41.27 **222.51 PARTICIPATION BY POLITICAL SUBDIVISION.**

41.28 The governing body of any political subdivision of the state may with the approval  
41.29 of the commissioner appropriate money for rail service improvement and may participate  
41.30 in the state rail service improvement program and ~~the federal rail service continuation~~  
41.31 ~~program~~ programs.

41.32 Sec. 48. Minnesota Statutes 2010, section 222.53, is amended to read:

41.33 **222.53 ACCEPTANCE OF FEDERAL MONEY.**

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

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

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

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

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

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

42.18 Sec. 49. Minnesota Statutes 2010, section 222.63, subdivision 9, is amended to read:

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

42.24 (1) obstruct any trail;

42.25 (2) deposit snow or ice;

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

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

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

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

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

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

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

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

43.9 (11) place or maintain any permanent structure.

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

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

43.14 Sec. 50. VARIANCE; SEAPLANE BASE.

43.15 The commissioner of transportation shall grant a variance for Elbow Lake  
43.16 Municipal-Pride of the Prairie Airport, airport code Y63, to be licensed as a public  
43.17 seaplane base on Flekkefjord Lake. The commissioner shall establish conditions or  
43.18 limitations as may be necessary.

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

43.20 Sec. 51. PAYNESVILLE AIRPORT.

43.21 (a) Notwithstanding any law, rule, or agreement to the contrary, the commissioner of  
43.22 transportation may enter into an agreement with the city of Paynesville to allow funds  
43.23 granted by the state to the city for land acquisition purposes for the marked Trunk  
43.24 Highway 23 bypass project to instead be used by June 30, 2015, as the state's share of  
43.25 funds for airport improvements and other aeronautical purposes at the city's airport.

43.26 (b) Funds not spent pursuant to paragraph (a) by June 30, 2015, must be paid to the  
43.27 commissioner of transportation and deposited in the state airports fund.

43.28 Sec. 52. 2012 AND 2013 REPORTS ON MAJOR HIGHWAY PROJECTS AND  
43.29 TRUNK HIGHWAY FUND EXPENDITURES.

43.30 For 2013 and 2014 reports required under Minnesota Statutes, section 174.56, the  
43.31 commissioner shall include the results of evaluations of management systems currently  
43.32 used by the Department of Transportation. The evaluations must specify the extent to  
43.33 which the management of data in these systems is consistent with existing policies and

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44.1 the need for statewide, reliable, and verifiable information. The evaluations must be  
44.2 performed either by the department's office of internal audit or by an independent external  
44.3 auditor. The 2013 report must include the evaluation of construction management systems  
44.4 and the program and project management system. The 2014 report must include the  
44.5 evaluation of pavement management systems and bridge management systems.

44.6 Sec. 53. **REPEALER.**

44.7 (a) Minnesota Statutes 2010, sections 160.93, subdivision 2a; 161.08, subdivision 2;  
44.8 168.012, subdivision 1b; and 222.48, subdivision 3a, are repealed.

44.9 (b) Minnesota Statutes 2010, section 169A.54, subdivision 5, is repealed effective  
44.10 July 1, 2012.

**160.93 USER FEES; HIGH-OCCUPANCY VEHICLE AND DYNAMIC SHOULDER LANES.**

Subd. 2a. **I-35W high-occupancy vehicle and dynamic shoulder lane account.** (a) An I-35W high-occupancy vehicle and dynamic shoulder lane account is established in the special revenue fund. Money collected from fees authorized under subdivision 1 for the marked Interstate Highway 35W (I-35W) corridor must be deposited in the account and used as described in this subdivision. Money in the account is appropriated to the commissioner.

(b) During the first year of revenue operations, the commissioner shall use the money received in that year to pay the costs of operating and administering the fee collection system within the corridor, up to \$1,000,000. Any remaining money must be transferred to the Metropolitan Council for improvement of bus transit services within the I-35W corridor including transit capital expenses.

(c) During the second and subsequent years of revenue operations, the commissioner shall use money in the account as follows:

(1) each year, allocate the lesser amount of \$1,000,000 or 75 percent of the revenues for operating and administering the fee collection system within the corridor;

(2) transfer the remaining amount up to the amount allocated under clause (1) to the Metropolitan Council for improvement of bus transit within the corridor including capital expenses; and

(3) allocate any remaining amount as follows: (i) 25 percent to the commissioner for operating and administering the fee collection system within the corridor and for transportation capital improvements that are consistent with the goals of the urban partnership agreement and that are located within the corridor and (ii) 75 percent to the Metropolitan Council for improvement of bus transit services within the corridor including transit capital expenses.

**161.08 RECORDS AND REPORTS.**

Subd. 2. **Biennial report on expenditures.** No later than October 15 of each odd-numbered year, the commissioner shall report to the legislature the total expenditures from the trunk highway fund during the previous biennium in each of the following categories: road construction; planning; professional and technical contracts; design and engineering; labor; compliance with environmental requirements; acquisition of right-of-way; litigation costs, including payment of claims, settlements, and judgments; maintenance; and road operations. As part of each report the commissioner shall select two representative trunk highway construction projects, one each from the department's metropolitan district and from greater Minnesota, and for each project report the cost of environmental mitigation and compliance.

**168.012 VEHICLES EXEMPT FROM TAX OR LICENSE FEES.**

Subd. 1b. **Markings required for conservation officer vehicle.** Motor vehicles of the conservation officer service shall have printed thereon the markings required by this section, for tax-exempt vehicles.

**169A.54 DWI CONVICTIONS, ADJUDICATIONS; ADMINISTRATIVE PENALTIES.**

Subd. 5. **Violations involving alcohol concentration of twice the legal limit or more.** If the person has no qualified prior impaired driving incidents within the past ten years and is convicted of violating section 169A.20 (driving while impaired) while having an alcohol concentration of twice the legal limit or more as measured at the time, or within two hours of the time, of the offense, the commissioner shall revoke the person's driver's license for not less than one year.

**222.48 DEFINITIONS.**

Subd. 3a. **Federal rail service continuation program.** "Federal rail service continuation program" means any federal program created under the Railroad Revitalization and Regulatory Reform Act of 1976, Public Law 94-210, as amended.