

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 2079

(SENATE AUTHORS: JOHNSON STEWART)

DATE
03/15/2021

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Introduction and first reading
 Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to transportation; governing various finance and policy provisions related

1.3 to nonmotorized transportation; appropriating money; authorizing the sale and

1.4 issuance of state bonds; amending Minnesota Statutes 2020, sections 84.787,

1.5 subdivision 7; 84.797, subdivision 7; 84.92, subdivision 8; 123B.90, subdivision

1.6 2; 160.02, subdivision 1a; 160.262, subdivision 3; 160.266, subdivisions 1b, as

1.7 amended, 6, by adding a subdivision; 168.002, subdivision 18; 169.011,

1.8 subdivisions 5, 9, 27, 42, by adding subdivisions; 169.14, subdivision 5a, by adding

1.9 a subdivision; 169.18, subdivision 3; 169.222, subdivisions 1, 4, 6a, by adding a

1.10 subdivision; 174.38, subdivision 6; 174.42, subdivision 2; 297A.94; 473.375, by

1.11 adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters

1.12 123B; 168; 174.

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

1.14 **ARTICLE 1**

1.15 **ACTIVE TRANSPORTATION FINANCE**

1.16 Section 1. **[168.1285] PEDAL MINNESOTA PLATES.**

1.17 Subdivision 1. **Issuance.** The commissioner must issue Pedal Minnesota special plates

1.18 or a single motorcycle plate to an applicant who:

1.19 (1) is a registered owner of a passenger automobile, noncommercial one-ton pickup

1.20 truck, motorcycle, or recreational vehicle;

1.21 (2) pays an additional fee in the amount specified under section 168.12, subdivision 5,

1.22 for each set of plates;

1.23 (3) pays the registration tax as required under section 168.013, along with any other fees

1.24 required by this chapter;

1.25 (4) contributes a minimum of \$20 annually to the active transportation account; and

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

2.3 Subd. 2. **Design.** In consultation with interested groups, the commissioner must adopt
2.4 a suitable plate design that includes the inscription "Pedal Minnesota."

2.5 Subd. 3. **Plates transfer.** On application to the commissioner and payment of a transfer
2.6 fee of \$5, special plates under this section may be transferred to another qualified motor
2.7 vehicle that is registered to the same individual to whom the special plates were originally
2.8 issued.

2.9 Subd. 4. **Exemption.** Special plates issued under this section are not subject to section
2.10 168.1293, subdivision 2.

2.11 Subd. 5. **Contribution; appropriation.** (a) The application for a special plate under
2.12 this section must indicate that the contribution specified under subdivision 1, clause (4), is
2.13 a minimum annual contribution to receive the plates and that the applicant may make
2.14 additional contributions.

2.15 (b) Funds from the contribution under subdivision 1, clause (4), must be deposited in
2.16 the active transportation account in section 174.38, subdivision 3.

2.17 (c) The amount necessary for costs of administering the special plate is annually
2.18 appropriated from the active transportation account to the commissioner.

2.19 **EFFECTIVE DATE.** This section is effective January 1, 2022, for Pedal Minnesota
2.20 special plates issued on or after that date.

2.21 Sec. 2. Minnesota Statutes 2020, section 174.42, subdivision 2, is amended to read:

2.22 Subd. 2. **Funding requirement.** In each federal fiscal year, the commissioner shall
2.23 obtain a total amount in federal authorizations for reimbursement on transportation
2.24 alternatives projects that is equal to or greater than 110 percent of the annual average of
2.25 federal authorizations on transportation alternatives projects calculated over federal fiscal
2.26 years ~~2010 to 2012~~ 2017 to 2020.

2.27 **EFFECTIVE DATE.** This section is effective October 1, 2022.

3.1 Sec. 3. Minnesota Statutes 2020, section 297A.94, is amended to read:

3.2 **297A.94 DEPOSIT OF REVENUES.**

3.3 (a) Except as provided in this section, the commissioner shall deposit the revenues,
3.4 including interest and penalties, derived from the taxes imposed by this chapter in the state
3.5 treasury and credit them to the general fund.

3.6 (b) The commissioner shall deposit taxes in the Minnesota agricultural and economic
3.7 account in the special revenue fund if:

3.8 (1) the taxes are derived from sales and use of property and services purchased for the
3.9 construction and operation of an agricultural resource project; and

3.10 (2) the purchase was made on or after the date on which a conditional commitment was
3.11 made for a loan guaranty for the project under section 41A.04, subdivision 3.

3.12 The commissioner of management and budget shall certify to the commissioner the date on
3.13 which the project received the conditional commitment. The amount deposited in the loan
3.14 guaranty account must be reduced by any refunds and by the costs incurred by the Department
3.15 of Revenue to administer and enforce the assessment and collection of the taxes.

3.16 (c) The commissioner shall deposit the revenues, including interest and penalties, derived
3.17 from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3,
3.18 paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

3.19 (1) first to the general obligation special tax bond debt service account in each fiscal
3.20 year the amount required by section 16A.661, subdivision 3, paragraph (b); and

3.21 (2) after the requirements of clause (1) have been met, the balance to the general fund.

3.22 (d) Beginning with sales taxes remitted after July 1, 2017, the commissioner shall deposit
3.23 in the state treasury the revenues collected under section 297A.64, subdivision 1, including
3.24 interest and penalties and minus refunds, and credit them to the highway user tax distribution
3.25 fund.

3.26 (e) The commissioner shall deposit the revenues, including interest and penalties,
3.27 collected under section 297A.64, subdivision 5, in the state treasury and credit them to the
3.28 general fund. By July 15 of each year the commissioner shall transfer to the highway user
3.29 tax distribution fund an amount equal to the excess fees collected under section 297A.64,
3.30 subdivision 5, for the previous calendar year.

3.31 (f) Beginning with sales taxes remitted after July 1, 2017, in conjunction with the deposit
3.32 of revenues under paragraph (d), the commissioner shall deposit into the state treasury and

credit to the highway user tax distribution fund an amount equal to the estimated revenues derived from the tax rate imposed under section 297A.62, subdivision 1, on the lease or rental for not more than 28 days of rental motor vehicles subject to section 297A.64. The commissioner shall estimate the amount of sales tax revenue deposited under this paragraph based on the amount of revenue deposited under paragraph (d).

(g) Starting after July 1, 2017, the commissioner shall deposit an amount of the remittances monthly into the state treasury and credit them to the highway user tax distribution fund as a portion of the estimated amount of taxes collected from the sale and purchase of motor vehicle repair parts in that month. For the remittances between July 1, 2017, and June 30, 2019, the monthly deposit amount is \$2,628,000. For remittances in each subsequent fiscal year, the monthly deposit amount is \$12,137,000. For purposes of this paragraph, "motor vehicle" has the meaning given in section 297B.01, subdivision 11, and "motor vehicle repair and replacement parts" includes (i) all parts, tires, accessories, and equipment incorporated into or affixed to the motor vehicle as part of the motor vehicle maintenance and repair, and (ii) paint, oil, and other fluids that remain on or in the motor vehicle as part of the motor vehicle maintenance or repair. For purposes of this paragraph, "tire" means any tire of the type used on highway vehicles, if wholly or partially made of rubber and if marked according to federal regulations for highway use.

(h) 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(i) The revenue dedicated under paragraph (h) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (h) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (h) must be allocated for field operations.

(j) The commissioner must deposit the revenues, including interest and penalties minus any refunds, derived from the sale of items regulated under section 624.20, subdivision 1, that may be sold to persons 18 years old or older and that are not prohibited from use by the general public under section 624.21, in the state treasury and credit:

(1) 25 percent to the volunteer fire assistance grant account established under section 88.068;

(2) 25 percent to the fire safety account established under section 297I.06, subdivision 3; and

(3) the remainder to the general fund.

For purposes of this paragraph, the percentage of total sales and use tax revenue derived from the sale of items regulated under section 624.20, subdivision 1, that are allowed to be sold to persons 18 years old or older and are not prohibited from use by the general public under section 624.21, is a set percentage of the total sales and use tax revenues collected in the state, with the percentage determined under Laws 2017, First Special Session chapter 1, article 3, section 39.

(k) Beginning with sales taxes remitted after July 1, 2021, the commissioner shall deposit into the state treasury and credit to the active transportation account under section 174.38, subdivision 3, an amount equal to the estimated taxes collected from the sale and purchase of bicycles, bicycle parts, and bicycle maintenance, repair, and upgrades. For purposes of this paragraph, "bicycle" has the meaning given in section 169.011, subdivision 4, and "bicycle parts" includes all components, tires, accessories, and equipment incorporated into or affixed to the bicycle as part of bicycle maintenance, repair, and upgrades.

(l) The commissioner shall estimate the amount of sales tax revenue to be deposited under paragraph (k) based on federal data and department consumption models. The commissioner shall revise the estimate at least every three years and must maintain estimation

information on the department's website, which must include the methodology and results of each estimate.

(m) The revenues deposited under ~~paragraphs (a) to (j)~~ this section do not include the revenues, including interest and penalties, generated by the sales tax imposed under section 297A.62, subdivision 1a, which must be deposited as provided under the Minnesota Constitution, article XI, section 15.

EFFECTIVE DATE. This section is effective July 1, 2021.

Sec. 4. Minnesota Statutes 2020, section 473.375, is amended by adding a subdivision to read:

Subd. 19. **Active transportation funding.** For any sales and use tax imposed by the council for transportation purposes, the council must annually allocate at least ten percent of the net revenue to grants for active transportation programs and infrastructure.

Sec. 5. **SAFE ROUTES TO SCHOOL; APPROPRIATION AND BOND SALE AUTHORIZATION.**

Subdivision 1. **Appropriation.** \$3,000,000 is appropriated from the bond proceeds fund to the commissioner of transportation for grants under the safe routes to school program in Minnesota Statutes, section 174.40.

Subd. 2. **Bond sale.** To provide the money appropriated in subdivision 1 from the bond proceeds fund, the commissioner of management and budget shall sell and issue bonds of the state in an amount up to \$3,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

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

Sec. 6. **VELODROME PLANS; APPROPRIATION.**

\$250,000 in fiscal year 2022 is appropriated from the general fund to the Minnesota Amateur Sports Commission to determine a site and plans for a new velodrome for track cycling.

ARTICLE 2**SCHOOL-RELATED ACTIVE TRANSPORTATION**

Section 1. Minnesota Statutes 2020, section 123B.90, subdivision 2, is amended to read:

Subd. 2. **Student training.** (a) Each district must provide public school pupils enrolled in kindergarten through grade 10 with age-appropriate school bus safety training, as described in this section, of the following concepts:

(1) transportation by school bus is a privilege and not a right;

(2) district policies for student conduct and school bus safety;

(3) appropriate conduct while on the school bus;

(4) the danger zones surrounding a school bus;

(5) procedures for safely boarding and leaving a school bus;

(6) procedures for safe street or road crossing; and

(7) school bus evacuation.

(b) Each nonpublic school located within the district must provide all nonpublic school pupils enrolled in kindergarten through grade 10 who are transported by school bus at public expense and attend school within the district's boundaries with training as required in paragraph (a).

(c) Students enrolled in kindergarten through grade 6 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training competencies by the end of the third week of school. Students enrolled in grades 7 through 10 who are transported by school bus and are enrolled during the first or second week of school and have not previously received school bus safety training must receive the training or receive bus safety instructional materials by the end of the sixth week of school. Students taking driver's training instructional classes must receive training in the laws and proper procedures when operating a motor vehicle in the vicinity of a school bus as required by section 169.446, subdivisions 2 and 3. Students enrolled in kindergarten through grade 10 who enroll in a school after the second week of school and are transported by school bus and have not received training in their previous school district shall undergo school bus safety training or receive bus safety instructional materials within four weeks of the first day of attendance. Upon request of the superintendent of schools, the school transportation safety director in each district must certify to the superintendent that all students transported by school bus within the district have received the school bus safety

training according to this section. Upon request of the superintendent of the school district where the nonpublic school is located, the principal or other chief administrator of each nonpublic school must certify to the school transportation safety director of the district in which the school is located that the school's students transported by school bus at public expense have received training according to this section.

(d) A district and a nonpublic school with students transported by school bus at public expense may provide kindergarten pupils with bus safety training before the first day of school.

~~(e) A district and a nonpublic school with students transported by school bus at public expense may also provide student safety education for bicycling and pedestrian safety, for students enrolled in kindergarten through grade 5.~~

~~(f)~~ A district and a nonpublic school with students transported by school bus at public expense must make reasonable accommodations for the school bus safety training of pupils known to speak English as a second language and pupils with disabilities.

~~(g)~~ (f) The district and a nonpublic school with students transported by school bus at public expense must provide students enrolled in kindergarten through grade 3 school bus safety training twice during the school year.

~~(h)~~ (g) A district and a nonpublic school with students transported by school bus at public expense must conduct a school bus evacuation drill at least once during the school year.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 2. **[123B.935] ACTIVE TRANSPORTATION SAFETY TRAINING.**

Subdivision 1. Training required. (a) Each district must provide public school pupils enrolled in kindergarten through grade 3 with age-appropriate active transportation safety training. At a minimum, the training must include pedestrian safety, including crossing roads.

(b) Each district must provide public school pupils enrolled in grades 4 through 8 with age-appropriate active transportation safety training. At a minimum, the training must include:

(1) pedestrian safety, including crossing roads safely using the searching left, right, left for vehicles in traffic technique; and

(2) bicycle safety, including relevant traffic laws, use and proper fit of protective headgear, bicycle parts and safety features, and safe biking techniques.

9.1 (c) A nonpublic school may provide nonpublic school pupils enrolled in kindergarten
9.2 through grade 8 with training as specified in paragraphs (a) and (b).

9.3 Subd. 2. **Deadlines.** (a) Students under subdivision 1, paragraph (a), who are enrolled
9.4 during the first or second week of school and have not previously received active
9.5 transportation safety training specified in that paragraph must receive the safety training by
9.6 the end of the third week of school.

9.7 (b) Students under subdivision 1, paragraph (b), who are enrolled during the first or
9.8 second week of school and have not previously received active transportation safety training
9.9 specified in that paragraph must receive the safety training by the end of the sixth week of
9.10 school.

9.11 (c) Students under subdivision 1, paragraph (a) or (b), who enroll in a school after the
9.12 second week of school and have not received the appropriate active transportation safety
9.13 training in their previous school district must undergo the training or receive active
9.14 transportation safety instructional materials within four weeks of the first day of attendance.

9.15 (d) A district and a nonpublic school may provide kindergarten pupils with active
9.16 transportation safety training before the first day of school.

9.17 Subd. 3. **Instruction.** (a) A district may provide active transportation safety training
9.18 through distance learning.

9.19 (b) A district and a nonpublic school must make reasonable accommodations for the
9.20 active transportation safety training of pupils known to speak English as a second language
9.21 and pupils with disabilities.

9.22 Subd. 4. **Model program.** The commissioner of transportation must maintain a
9.23 comprehensive collection of active transportation safety training materials that meets the
9.24 requirements under this section.

9.25 **EFFECTIVE DATE.** This section is effective August 1, 2022.

9.26 Sec. 3. Minnesota Statutes 2020, section 169.14, subdivision 5a, is amended to read:

9.27 Subd. 5a. **Speed zoning in school zone; surcharge.** (a) Each of the local authorities
9.28 having jurisdiction over a street or highway within a school zone of a public or nonpublic
9.29 school may establish a school speed limit on any street or highway within a that school zone
9.30 of a public or nonpublic school, regardless of jurisdiction over the road. The school speed
9.31 zone must be established upon the basis of an engineering and traffic investigation as
9.32 prescribed by the commissioner of transportation. The establishment of a school speed limit

~~on any trunk highway shall be with the consent of the commissioner of transportation. Such~~
The school speed limits shall be are in effect when children are present, going to or leaving
school during opening or closing hours or during school recess periods. The school speed
limit ~~shall~~ must not be lower than 15 miles per hour and ~~shall~~ must not be more than 30
miles per hour below the established speed limit on an affected street or highway.

(b) The school speed limit ~~shall be~~ is effective upon the erection of appropriate signs
designating the speed and indicating the beginning and end of the reduced speed zone. Any
speed in excess of such posted school speed limit is unlawful. ~~All such~~ The signs ~~shall~~ must
be erected by the local authorities on those streets and highways under their respective
jurisdictions and by the commissioner of transportation on trunk highways.

(c) For the purpose of this subdivision, "school zone" means that section of a street or
highway which abuts the grounds of a school where children have access to the street or
highway from the school property or where an established school crossing is located provided
the school advance sign prescribed by the Manual on Uniform Traffic Control Devices
adopted by the commissioner of transportation pursuant to section 169.06 is in place. All
signs erected by local authorities to designate speed limits in school zones ~~shall~~ must conform
to the Manual on Uniform Traffic Control Devices.

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person
who violates a speed limit established under this subdivision is assessed an additional
surcharge equal to the amount of the fine imposed for the violation, but not less than \$25.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 4. Minnesota Statutes 2020, section 169.14, is amended by adding a subdivision to
read:

Subd. 5i. School-related speed limits. (a) A statutory or home rule charter city may
establish speed limits other than the limits provided in subdivision 2 for any street or highway
established within the city, regardless of jurisdiction over the road, on a street or highway
segment that is:

(1) within two miles of a school speed zone; or

(2) designated by the city as part of a safe routes to school corridor.

(b) The school-related speed limit must not be lower than 20 miles per hour.

(c) The school-related speed limit must be established on the basis of an engineering
and traffic investigation as prescribed by the commissioner of transportation. A city that

11.1 establishes a speed limit pursuant to this subdivision must implement speed limit changes
11.2 in a consistent and understandable manner. The city must erect appropriate signs to display
11.3 the speed limit.

11.4 **EFFECTIVE DATE.** This section is effective August 1, 2022.

11.5 Sec. 5. Minnesota Statutes 2020, section 174.38, subdivision 6, is amended to read:

11.6 Subd. 6. **Use of funds.** (a) The commissioner must determine permissible uses of financial
11.7 assistance under this section, which are limited to:

11.8 (1) construction and maintenance of bicycle, trail, and pedestrian infrastructure, including
11.9 but not limited to safe routes to school infrastructure and bicycle facilities and centers; and

11.10 (2) noninfrastructure programming, including activities as specified in section 174.40,
11.11 subdivision 7a, paragraph (b).

11.12 (b) Of the amount in the active transportation account from contributions under section
11.13 168.1285, the first \$500,000 annually is for a grant to develop, maintain, and implement
11.14 active transportation safety curriculum for youth ages five to 14 that (1) includes resources
11.15 for teachers, and (2) meets the model training materials requirements under section 123B.935,
11.16 subdivision 4.

11.17 **ARTICLE 3**

11.18 **ELECTRIC-ASSISTED BICYCLES**

11.19 Section 1. Minnesota Statutes 2020, section 84.787, subdivision 7, is amended to read:

11.20 Subd. 7. **Off-highway motorcycle.** (a) "Off-highway motorcycle" means a motorized,
11.21 off-highway vehicle traveling on two wheels and having a seat or saddle designed to be
11.22 straddled by the operator and handlebars for steering control, including a vehicle that is
11.23 registered under chapter 168 for highway use if it is also used for off-highway operation on
11.24 trails or unimproved terrain.

11.25 (b) Off-highway motorcycle does not include an electric-assisted bicycle as defined in
11.26 section 169.011, subdivision 27.

11.27 Sec. 2. Minnesota Statutes 2020, section 84.797, subdivision 7, is amended to read:

11.28 Subd. 7. **Off-road vehicle.** (a) "Off-road vehicle" or "vehicle" means a motor-driven
11.29 recreational vehicle capable of cross-country travel on natural terrain without benefit of a
11.30 road or trail.

12.1 (b) Off-road vehicle does not include a snowmobile; an all-terrain vehicle; a motorcycle;
12.2 an electric-assisted bicycle as defined in section 169.011, subdivision 27; a watercraft; a
12.3 farm vehicle being used for farming; a vehicle used for military, fire, emergency, or law
12.4 enforcement purposes; a construction or logging vehicle used in the performance of its
12.5 common function; a motor vehicle owned by or operated under contract with a utility,
12.6 whether publicly or privately owned, when used for work on utilities; a commercial vehicle
12.7 being used for its intended purpose; snow-grooming equipment when used for its intended
12.8 purpose; or an aircraft.

12.9 Sec. 3. Minnesota Statutes 2020, section 84.92, subdivision 8, is amended to read:

12.10 Subd. 8. **All-terrain vehicle or vehicle.** (a) "All-terrain vehicle" or "vehicle" means a
12.11 motorized vehicle with: (1) not less than three, but not more than six low pressure or
12.12 non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width
12.13 from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle
12.14 includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.

12.15 (b) All-terrain vehicle does not include a an electric-assisted bicycle as defined in section
12.16 169.011, subdivision 27, golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed
12.17 and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

12.18 Sec. 4. Minnesota Statutes 2020, section 168.002, subdivision 18, is amended to read:

12.19 Subd. 18. **Motor vehicle.** (a) "Motor vehicle" means any self-propelled vehicle designed
12.20 and originally manufactured to operate primarily on highways, and not operated exclusively
12.21 upon railroad tracks. It includes any vehicle propelled or drawn by a self-propelled vehicle
12.22 and includes vehicles known as trackless trolleys that are propelled by electric power obtained
12.23 from overhead trolley wires but not operated upon rails. ~~It does not include snowmobiles,~~
12.24 ~~manufactured homes, or park trailers.~~

12.25 (b) "Motor vehicle" includes an all-terrain vehicle only if the all-terrain vehicle (1) has
12.26 at least four wheels, (2) is owned and operated by a physically disabled person, and (3)
12.27 displays both disability plates and a physically disabled certificate issued under section
12.28 169.345.

12.29 (c) "Motor vehicle" does not include an all-terrain vehicle except (1) an all-terrain vehicle
12.30 described in paragraph (b), or (2) an all-terrain vehicle licensed as a motor vehicle before
12.31 August 1, 1985. The owner may continue to license an all-terrain vehicle described in clause
12.32 (2) as a motor vehicle until it is conveyed or otherwise transferred to another owner, is
12.33 destroyed, or fails to comply with the registration and licensing requirements of this chapter.

13.1 (d) "Motor vehicle" does not include a snowmobile; a manufactured home; a park trailer;
13.2 an electric personal assistive mobility device as defined in section 169.011, subdivision 26;

13.3 ~~(e) "Motor vehicle" does not include~~ a motorized foot scooter as defined in section
13.4 169.011, subdivision 46; or an electric-assisted bicycle as defined in section 169.011,
13.5 subdivision 27.

13.6 ~~(f)~~ (e) "Motor vehicle" includes an off-highway motorcycle modified to meet the
13.7 requirements of chapter 169 according to section 84.788, subdivision 12.

13.8 Sec. 5. Minnesota Statutes 2020, section 169.011, is amended by adding a subdivision to
13.9 read:

13.10 Subd. 15a. **Class 1 electric-assisted bicycle.** "Class 1 electric-assisted bicycle" means
13.11 an electric-assisted bicycle equipped with an electric motor that provides assistance only
13.12 when the rider is pedaling and ceases to provide assistance when the bicycle reaches the
13.13 speed of 20 miles per hour.

13.14 Sec. 6. Minnesota Statutes 2020, section 169.011, is amended by adding a subdivision to
13.15 read:

13.16 Subd. 15b. **Class 2 electric-assisted bicycle.** "Class 2 electric-assisted bicycle" means
13.17 an electric-assisted bicycle equipped with an electric motor that is capable of propelling the
13.18 bicycle without the rider pedaling and ceases to provide assistance when the bicycle reaches
13.19 the speed of 20 miles per hour.

13.20 Sec. 7. Minnesota Statutes 2020, section 169.011, is amended by adding a subdivision to
13.21 read:

13.22 Subd. 15c. **Class 3 electric-assisted bicycle.** "Class 3 electric-assisted bicycle" means
13.23 an electric-assisted bicycle equipped with an electric motor that provides assistance only
13.24 when the rider is pedaling and ceases to provide assistance when the bicycle reaches the
13.25 speed of 28 miles per hour.

13.26 Sec. 8. Minnesota Statutes 2020, section 169.011, subdivision 27, is amended to read:

13.27 Subd. 27. **Electric-assisted bicycle.** "Electric-assisted bicycle" means a bicycle with
13.28 two or three wheels that:

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

13.30 (2) meets the requirements:

14.1 ~~(i) of federal motor vehicle safety standards for a motor-driven cycle in Code of Federal~~
14.2 ~~Regulations, title 49, sections 571.1 et seq.; or~~

14.3 ~~(ii) for bicycles under Code of Federal Regulations, title 16, part 1512, or successor~~
14.4 ~~requirements; and~~

14.5 (3) ~~has~~ is equipped with an electric motor that (i) has a power output of not more than
14.6 ~~1,000~~ 750 watts, ~~(ii) is incapable of propelling the vehicle at a speed of more than 20 miles~~
14.7 ~~per hour, (iii) is incapable of further increasing the speed of the device when human power~~
14.8 ~~alone is used to propel the vehicle at a speed of more than 20 miles per hour, and (iv)~~
14.9 ~~disengages or ceases to function when the vehicle's brakes are applied; and~~

14.10 (4) meets the requirements of a class 1, class 2, or class 3 electric-assisted bicycle.

14.11 Sec. 9. Minnesota Statutes 2020, section 169.011, subdivision 42, is amended to read:

14.12 Subd. 42. **Motor vehicle.** (a) "Motor vehicle" means every vehicle which is self-propelled
14.13 and every vehicle which is propelled by electric power obtained from overhead trolley wires.

14.14 (b) Motor vehicle does not include an electric-assisted bicycle; an electric personal
14.15 assistive mobility device; or a vehicle moved solely by human power.

14.16 Sec. 10. Minnesota Statutes 2020, section 169.222, subdivision 4, is amended to read:

14.17 Subd. 4. **Riding rules.** (a) Every person operating a bicycle upon a roadway shall ride
14.18 as close as practicable to the right-hand curb or edge of the roadway except under any of
14.19 the following situations:

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

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

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

14.25 (4) when operating on the shoulder of a roadway or in a bicycle lane.

14.26 (b) If a bicycle is traveling on a shoulder of a roadway, the bicycle shall travel in the
14.27 same direction as adjacent vehicular traffic.

14.28 (c) Persons riding bicycles upon a roadway or shoulder shall not ride more than two
14.29 abreast and shall not impede the normal and reasonable movement of traffic and, on a laned
14.30 roadway, shall ride within a single lane.

(d) A person operating a bicycle upon a sidewalk, or across a roadway or shoulder on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal when necessary before overtaking and passing any pedestrian. No person shall ride a bicycle upon a sidewalk within a business district unless permitted by local authorities. Local authorities may prohibit the operation of bicycles on any sidewalk or crosswalk under their jurisdiction.

(e) An individual operating a bicycle or other vehicle on a bikeway shall leave a safe distance when overtaking a bicycle or individual proceeding in the same direction on the bikeway, and shall maintain clearance until safely past the overtaken bicycle or individual.

(f) A person lawfully operating a bicycle on a sidewalk, or across a roadway or shoulder on a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

~~(g) A person may operate an electric-assisted bicycle on the shoulder of a roadway, on a bikeway, or on a bicycle trail if not otherwise prohibited under section 85.015, subdivision 1d; 85.018, subdivision 2, paragraph (d); or 160.263, subdivision 2, paragraph (b), as applicable.~~

Sec. 11. Minnesota Statutes 2020, section 169.222, subdivision 6a, is amended to read:

Subd. 6a. **Operator age Electric-assisted bicycle; riding rules.** (a) A person may operate an electric-assisted bicycle in the same manner as provided for operation of other bicycles, including but not limited to operation on the shoulder of a roadway, a bicycle lane, and a bicycle route, and operation without the motor engaged on a bikeway or bicycle trail.

(b) A person may operate a class 1 or class 2 electric-assisted bicycle with the motor engaged on a bicycle path, bicycle trail, or shared use path unless prohibited under section 85.015, subdivision 1d; 85.018, subdivision 2, paragraph (d); or 160.263, subdivision 2, paragraph (b), as applicable.

(c) A person may operate a class 3 electric-assisted bicycle with the motor engaged on a bicycle path, bicycle trail, or shared use path unless the local authority or state agency having jurisdiction over the bicycle path or trail prohibits the operation.

(d) The local authority or state agency having jurisdiction over a trail that is designated as nonmotorized, and that has a natural surface tread made by clearing and grading the native soil with no added surfacing materials, may regulate the operation of an electric-assisted bicycle.

(e) No person under the age of 15 shall operate an electric-assisted bicycle.

Sec. 12. Minnesota Statutes 2020, section 169.222, is amended by adding a subdivision to read:

Subd. 6b. **Electric-assisted bicycle; equipment.** (a) The manufacturer or distributor of an electric-assisted bicycle must apply a label to the bicycle that is permanently affixed in a prominent location. The label must contain the classification number, top assisted speed, and motor wattage of the electric-assisted bicycle, and must be printed in a legible font with at least 9-point type.

(b) A person must not modify an electric-assisted bicycle to change the motor-powered speed capability or motor engagement unless the person replaces the label required in paragraph (a) with revised information.

(c) An electric-assisted bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

(d) A class 3 electric-assisted bicycle must be equipped with a speedometer that displays the speed at which the bicycle is traveling in miles per hour.

EFFECTIVE DATE. Paragraph (a) is effective January 1, 2022. Paragraphs (b) to (d) are effective August 1, 2021.

Sec. 13. **EFFECTIVE DATE.**

Unless otherwise specified, this article is effective August 1, 2021.

ARTICLE 4

ACTIVE TRANSPORTATION POLICY

Section 1. Minnesota Statutes 2020, section 160.02, subdivision 1a, is amended to read:

Subd. 1a. **Bikeway.** "Bikeway" ~~means a bicycle lane, bicycle path, shared use path, bicycle route, or similar bicycle facility, regardless of whether designed for the exclusive use of bicycles or for shared use with other transportation modes~~ has the meaning given in section 169.011, subdivision 9.

Sec. 2. Minnesota Statutes 2020, section 160.262, subdivision 3, is amended to read:

Subd. 3. **Cooperation among agencies and governments.** (a) The departments and agencies on the active transportation advisory committee identified in section 174.375 must

17.1 provide information and advice for the bikeway design guidelines maintained by the
17.2 commissioner.

17.3 (b) The commissioner must provide technical assistance to local units of government
17.4 in:

17.5 (1) local planning and development of bikeways;

17.6 (2) establishing connections to state bicycle routes; and

17.7 (3) implementing statewide bicycle plans maintained by the commissioner.

17.8 (c) The commissioner may cooperate with and enter into agreements with the United
17.9 States government, any department of the state of Minnesota, any unit of local government,
17.10 any tribal government, or any public or private corporation in order to effect the purposes
17.11 of this section.

17.12 Sec. 3. Minnesota Statutes 2020, section 160.266, subdivision 1b, is amended to read:

17.13 Subd. 1b. **State bicycle routes.** The commissioner of transportation must identify state
17.14 bicycle routes primarily on existing road right-of-way and trails. State bicycle routes must
17.15 be identified in cooperation with road and trail authorities, including the commissioner of
17.16 natural resources, and with the advice of the active transportation advisory committee under
17.17 section 174.375. In a metropolitan area, state bicycle routes must be identified in coordination
17.18 with the plans and priorities established by metropolitan planning organizations, as defined
17.19 in United States Code, title 23, section 134.

17.20 Sec. 4. Minnesota Statutes 2020, section 160.266, subdivision 6, is amended to read:

17.21 Subd. 6. **Mississippi River Trail.** The Mississippi River Trail bikeway is designated as
17.22 a state bicycle route. It must originate at Itasca State Park in Clearwater, Beltrami, and
17.23 Hubbard Counties, then generally parallel the Mississippi River through the cities of Bemidji
17.24 in Beltrami County, Grand Rapids in Itasca County, Brainerd in Crow Wing County, Little
17.25 Falls in Morrison County, Sauk Rapids in Benton County, St. Cloud in Stearns County,
17.26 Minneapolis in Hennepin County, St. Paul in Ramsey County, Hastings in Dakota County,
17.27 Red Wing in Goodhue County, Wabasha in Wabasha County, Winona in Winona County,
17.28 and La Crescent in Houston County to Minnesota's boundary with Iowa and there terminate.
17.29 Where opportunities exist, the bikeway may be designated on both sides of the Mississippi
17.30 River.

18.1 Sec. 5. Minnesota Statutes 2020, section 160.266, is amended by adding a subdivision to
18.2 read:

18.3 Subd. 7. **Jim Oberstar Bikeway.** The Jim Oberstar Bikeway is designated as a state
18.4 bicycle route. It must originate in the city of St. Paul in Ramsey County, then proceed north
18.5 and east to Duluth in St. Louis County, then proceed north and east along the shore of Lake
18.6 Superior through Grand Marais in Cook County to Minnesota's boundary with Canada, and
18.7 there terminate.

18.8 Sec. 6. Minnesota Statutes 2020, section 169.011, subdivision 5, is amended to read:

18.9 Subd. 5. **Bicycle lane.** "Bicycle lane" means a portion of a roadway ~~or shoulder~~ designed
18.10 for exclusive or preferential use by persons using bicycles. Bicycle lanes are to be
18.11 distinguished from the portion of the roadway ~~or shoulder~~ used for motor vehicle traffic by
18.12 physical barrier, striping, marking, or other similar device.

18.13 Sec. 7. Minnesota Statutes 2020, section 169.011, subdivision 9, is amended to read:

18.14 Subd. 9. **Bikeway.** "Bikeway" means a bicycle lane, bicycle path, ~~or~~ bicycle route, shared
18.15 use path, or similar bicycle facility, regardless of whether it is designed for the exclusive
18.16 use of bicycles or ~~is to be~~ for shared use with other transportation modes.

18.17 Sec. 8. Minnesota Statutes 2020, section 169.011, is amended by adding a subdivision to
18.18 read:

18.19 Subd. 46b. **Narrow-width lane.** "Narrow-width lane" means a traffic lane that is too
18.20 narrow to allow persons operating a bicycle and persons operating a motor vehicle within
18.21 the same lane to operate side-by-side in compliance with the minimum safe passing clearance
18.22 set forth in section 169.18.

18.23 Sec. 9. Minnesota Statutes 2020, section 169.18, subdivision 3, is amended to read:

18.24 Subd. 3. **Passing.** ~~The following rules shall govern the overtaking and passing of vehicles~~
18.25 ~~proceeding in the same direction, subject to the limitations, exceptions, and special rules~~
18.26 ~~hereinafter stated:~~

18.27 ~~(1)~~ (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction
18.28 ~~shall~~ must pass to the left ~~thereof~~ of the other vehicle at a safe distance and ~~shall not again~~
18.29 ~~drive~~ is prohibited from returning to the right side of the roadway until safely clear of the
18.30 overtaken vehicle.

(2) (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle ~~shall~~ must give way to the right in favor of the overtaking vehicle ~~on audible warning~~, and ~~shall~~ must not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle; ~~and~~.

(3) (c) The operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on the roadway ~~shall leave~~ or shoulder must:

(1) either:

(i) maintain a safe clearance distance while passing, but in no case less than which must be at least the greater of three feet clearance, when passing the bicycle or individual or one-half the width of the motor vehicle; or

(ii) completely enter another lane of the roadway while passing; and shall

(2) maintain clearance until the motor vehicle has safely past passed the overtaken bicycle or individual.

Sec. 10. Minnesota Statutes 2020, section 169.222, subdivision 1, is amended to read:

Subdivision 1. **Traffic laws apply.** (a) Every person operating a bicycle shall have has all of the rights and duties applicable to the driver of any other vehicle by this chapter, except in respect to those provisions in this chapter relating expressly to bicycles and in respect to those provisions of this chapter which by their nature cannot reasonably be applied to bicycles. This subdivision applies to a bicycle operating on the shoulder of a roadway.

(b) A person lawfully operating a bicycle (1) on a sidewalk, or (2) across a roadway or shoulder while using a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

Sec. 11. Minnesota Statutes 2020, section 169.222, subdivision 4, is amended to read:

Subd. 4. **Riding rules.** (a) Every person operating a bicycle upon a roadway shall on a road must ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations road as the bicycle operator determines is safe. A person operating a bicycle is not required to ride as close to the right-hand curb or edge when:

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

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

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

(4) ~~when~~ operating on the shoulder of a roadway or in a bicycle lane; or

(5) operating in a right-hand turn lane before entering an intersection.

(b) If a bicycle is traveling on a shoulder of a roadway, the bicycle ~~shall~~ operator must travel in the same direction as adjacent vehicular traffic.

(c) Persons riding bicycles upon a roadway or shoulder ~~shall~~ must not ride more than two abreast and ~~shall not impede the normal and reasonable movement of traffic and,~~ on a laned roadway, shall ride within a single lane.

(d) A person operating a bicycle upon a sidewalk, or across a roadway or shoulder on a crosswalk, ~~shall~~ must yield the right-of-way to any pedestrian and ~~shall~~ give an audible signal when necessary before overtaking and passing any pedestrian. ~~No~~ A person ~~shall~~ must not ride a bicycle upon a sidewalk within a business district unless permitted by local authorities. Local authorities may prohibit the operation of bicycles on any sidewalk or crosswalk under their jurisdiction.

(e) An individual operating a bicycle or other vehicle on a bikeway ~~shall~~ must (1) give an audible signal a safe distance prior to overtaking a bicycle or individual, (2) leave a safe clearance distance when overtaking a bicycle or individual proceeding in the same direction on the bikeway, and shall (3) maintain clearance until safely past the overtaken bicycle or individual.

~~(f) A person lawfully operating a bicycle on a sidewalk, or across a roadway or shoulder on a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.~~

~~(g)~~ (f) A person may operate an electric-assisted bicycle on the shoulder of a roadway, on a bikeway, or on a bicycle trail if not otherwise prohibited under section 85.015, subdivision 1d; 85.018, subdivision 2, paragraph (d); or 160.263, subdivision 2, paragraph (b), as applicable.

(g) Notwithstanding section 169.06, subdivision 4, a bicycle operator may cross an intersection proceeding from the leftmost one-third of a dedicated right-hand turn lane without turning right.

21.1 Sec. 12. **[174.375] ACTIVE TRANSPORTATION ADVISORY COMMITTEE.**

21.2 **Subdivision 1. Committee established; duties.** (a) The commissioner of transportation
21.3 must establish an active transportation advisory committee. The advisory committee must
21.4 make recommendations to the commissioner on items related to:

21.5 (1) active transportation, including safety, education, and development programs;

21.6 (2) the active transportation program under section 174.38; and

21.7 (3) the safe routes to school program under section 174.40.

21.8 (b) The committee must review and analyze issues and needs relating to active
21.9 transportation on public rights-of-way and identify solutions and goals for addressing
21.10 identified issues and needs.

21.11 (c) For purposes of this section, "active transportation" includes bicycling, pedestrian
21.12 activities, and other forms of nonmotorized transportation.

21.13 **Subd. 2. Membership.** (a) The advisory committee consists of the members specified
21.14 in this subdivision.

21.15 (b) The commissioner of transportation must appoint up to 18 public members, as follows:
21.16 one member from each of the department's seven greater Minnesota districts; four members
21.17 from the department's metropolitan district; and no more than seven members at large. Each
21.18 of the members at large must represent nonmotorized interests or organizations.

21.19 (c) The commissioners of each of the following state agencies must appoint an employee
21.20 of the agency to serve as a member: administration, education, health, natural resources,
21.21 public safety, transportation, and pollution control. The chair of the Metropolitan Council
21.22 must appoint an employee of the council to serve as a member. The director of Explore
21.23 Minnesota Tourism must appoint an employee of the agency to serve as a member.

21.24 (d) The division administrator of the Federal Highway Administration may appoint an
21.25 employee of the agency to serve as a member.

21.26 (e) Each member of the committee serves a four-year term at the pleasure of the
21.27 appointing authority.

21.28 (f) The committee must select a chair from its membership.

21.29 **Subd. 3. Meetings; staffing.** (a) The advisory committee must establish a meeting
21.30 schedule and meet at least annually.

22.1 (b) The commissioner of transportation must provide department staff support to the
22.2 advisory committee.

22.3 Subd. 4. **Expenses.** (a) Members of the advisory committee serve without compensation,
22.4 but members who are not employees of government agencies must be reimbursed for
22.5 expenses in the same manner and amount as authorized by the commissioner's plan adopted
22.6 under section 43A.18, subdivision 2.

22.7 (b) To provide compensation under paragraph (a), the commissioner of transportation
22.8 may expend the amount necessary from general fund appropriations.

22.9 Subd. 5. **Reports.** The advisory committee must submit an annual report to the
22.10 commissioner of transportation.

22.11 Subd. 6. **Expiration.** The advisory committee expires June 30, 2031.

22.12 **EFFECTIVE DATE.** This section is effective the day following final enactment. The
22.13 commissioner of transportation must convene the first meeting by October 15, 2021.

22.14 Sec. 13. **EFFECTIVE DATE.**

22.15 Unless otherwise specified, this article is effective August 1, 2021.

22.16 Sec. 14. **REVISOR INSTRUCTION.**

22.17 The revisor of statutes must renumber Minnesota Statutes, section 160.02, subdivision
22.18 27a, as Minnesota Statutes, section 169.011, subdivision 73a. The revisor must correct any
22.19 cross-references made necessary by this renumbering.