

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 347

(SENATE AUTHORS: CHAMPION)

| DATE | D-PG | OFFICIAL STATUS |
|------------|------|---|
| 01/22/2019 | 133 | Introduction and first reading Referred to Transportation Finance and Policy |

1.1 A bill for an act

1.2 relating to transportation; amending requirements governing driver's licenses and

1.3 Minnesota identification cards; authorizing issuance of driving card; establishing

1.4 fee for issuance of driving card; requiring notification and training for election

1.5 judges; amending Minnesota Statutes 2018, sections 171.01, by adding a

1.6 subdivision; 171.02, by adding a subdivision; 171.06, subdivisions 2, 3, by adding

1.7 a subdivision; 171.07, by adding a subdivision; repealing Minnesota Rules, part

1.8 7410.0410, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.

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

1.10 Section 1. Minnesota Statutes 2018, section 171.01, is amended by adding a subdivision

1.11 to read:

1.12 Subd. 30a. **Driving card.** (a) "Driving card" means a class D driver's license, provisional

1.13 license, instruction permit, motorized bicycle operator's permit, or motorized bicycle

1.14 instruction permit, that is issued or issuable under the laws of this state by the commissioner

1.15 to a person who is unable to demonstrate lawful presence in this country through current

1.16 lawful admission status, permanent resident status, indefinite authorized presence status,

1.17 or United States citizenship.

1.18 (b) For purposes of this chapter unless specifically provided otherwise, a driver's license,

1.19 instruction permit, or provisional license includes the respective driving card.

1.20 Sec. 2. Minnesota Statutes 2018, section 171.02, is amended by adding a subdivision to

1.21 read:

1.22 Subd. 6. **Driving card.** A driving card may only be used to operate the appropriate type

1.23 of motor vehicle. A driving card may not be used or accepted for voter registration purposes

1.24 under section 201.061.

2.1 Sec. 3. Minnesota Statutes 2018, section 171.06, subdivision 2, is amended to read:

2.2 Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are as follows:

| | | | | | |
|------|-------------------------------|------------------|-----------|-----------|-----------|
| 2.3 | REAL ID Compliant or | | | | |
| 2.4 | Noncompliant Classified | | | | |
| 2.5 | Driver's License | D-\$17.25 | C-\$21.25 | B-\$28.25 | A-\$36.25 |
| 2.6 | REAL ID Compliant or | | | | |
| 2.7 | Noncompliant Classified | | | | |
| 2.8 | Under-21 D.L. | D-\$17.25 | C-\$21.25 | B-\$28.25 | A-\$16.25 |
| 2.9 | <u>Driving card</u> | <u>D-\$17.25</u> | = | = | = |
| 2.10 | Enhanced Driver's License | D-\$32.25 | C-\$36.25 | B-\$43.25 | A-\$51.25 |
| 2.11 | REAL ID Compliant or | | | | |
| 2.12 | Noncompliant Instruction | | | | |
| 2.13 | Permit | | | | \$5.25 |
| 2.14 | Enhanced Instruction | | | | |
| 2.15 | Permit | | | | \$20.25 |
| 2.16 | Commercial Learner's | | | | |
| 2.17 | Permit | | | | \$2.50 |
| 2.18 | REAL ID Compliant or | | | | |
| 2.19 | Noncompliant Provisional | | | | |
| 2.20 | License | | | | \$8.25 |
| 2.21 | Enhanced Provisional | | | | |
| 2.22 | License | | | | \$23.25 |
| 2.23 | Duplicate REAL ID | | | | |
| 2.24 | Compliant or Noncompliant | | | | |
| 2.25 | License or duplicate REAL | | | | |
| 2.26 | ID Compliant or | | | | |
| 2.27 | Noncompliant identification | | | | |
| 2.28 | card | | | | \$6.75 |
| 2.29 | Enhanced Duplicate | | | | |
| 2.30 | License or enhanced | | | | |
| 2.31 | duplicate identification card | | | | \$21.75 |
| 2.32 | REAL ID Compliant or | | | | |
| 2.33 | Noncompliant Minnesota | | | | |
| 2.34 | identification card or REAL | | | | |
| 2.35 | ID Compliant or | | | | |
| 2.36 | Noncompliant Under-21 | | | | |
| 2.37 | Minnesota identification | | | | |
| 2.38 | card, other than duplicate, | | | | |
| 2.39 | except as otherwise | | | | |
| 2.40 | provided in section 171.07, | | | | |
| 2.41 | subdivisions 3 and 3a | | | | \$11.25 |
| 2.42 | Enhanced Minnesota | | | | |
| 2.43 | identification card | | | | \$26.25 |

2.44 In addition to each fee required in this paragraph, the commissioner shall collect a surcharge
 2.45 of: (1) \$1.75 until June 30, 2012; and (2) \$1.00 from July 1, 2012, to June 30, 2016.

3.1 Surcharges collected under this paragraph must be credited to the driver and vehicle services
3.2 technology account in the special revenue fund under section 299A.705.

3.3 (b) Notwithstanding paragraph (a), an individual who holds a provisional license and
3.4 has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33,
3.5 169A.35, sections 169A.50 to 169A.53, or section 171.177, (2) convictions for crash-related
3.6 moving violations, and (3) convictions for moving violations that are not crash related, shall
3.7 have a \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving
3.8 violation" has the meaning given it in section 171.04, subdivision 1.

3.9 (c) In addition to the driver's license fee required under paragraph (a), the commissioner
3.10 shall collect an additional \$4 processing fee from each new applicant or individual renewing
3.11 a license with a school bus endorsement to cover the costs for processing an applicant's
3.12 initial and biennial physical examination certificate. The department shall not charge these
3.13 applicants any other fee to receive or renew the endorsement.

3.14 (d) In addition to the fee required under paragraph (a), a driver's license agent may charge
3.15 and retain a filing fee as provided under section 171.061, subdivision 4.

3.16 (e) In addition to the fee required under paragraph (a), the commissioner shall charge a
3.17 filing fee at the same amount as a driver's license agent under section 171.061, subdivision
3.18 4. Revenue collected under this paragraph must be deposited in the driver services operating
3.19 account.

3.20 (f) An application for a Minnesota identification card, instruction permit, provisional
3.21 license, driving card, or driver's license, including an application for renewal, must contain
3.22 a provision that allows the applicant to add to the fee under paragraph (a), a \$2 donation
3.23 for the purposes of public information and education on anatomical gifts under section
3.24 171.075.

3.25 Sec. 4. Minnesota Statutes 2018, section 171.06, subdivision 3, is amended to read:

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

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

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

3.32 (3) state:

- 4.1 (i) the applicant's Social Security number; or
- 4.2 (ii) if the applicant does not have a Social Security number and is applying for a
- 4.3 Minnesota identification card, instruction permit, or class D provisional or driver's license,
- 4.4 that the applicant certifies that the applicant is not eligible for a Social Security number;
- 4.5 (4) contain a notification to the applicant of the availability of a living will/health care
- 4.6 directive designation on the license under section 171.07, subdivision 7; ~~and~~
- 4.7 (5) contain spaces where the applicant may:
- 4.8 (i) request a veteran designation on the license under section 171.07, subdivision 15,
- 4.9 and the driving record under section 171.12, subdivision 5a;
- 4.10 (ii) indicate a desire to make an anatomical gift ~~under paragraph (d)~~ under subdivision
- 4.11 3b, paragraph (e); and
- 4.12 (iii) as applicable, designate document retention as provided under section 171.12,
- 4.13 subdivision 3c₂;
- 4.14 (6) contain a space where the applicant must attest to a residence address in Minnesota;
- 4.15 and
- 4.16 (7) contain a section conveying that the applicant is not required to enter a Social Security
- 4.17 number if the person meets the requirements under clause (3), item (ii).
- 4.18 (b) Applications must be accompanied by satisfactory evidence demonstrating:
- 4.19 (1) identity, date of birth, and any legal name change if applicable; and
- 4.20 (2) for driver's licenses and Minnesota identification cards that meet all requirements of
- 4.21 the REAL ID Act:
- 4.22 (i) principal residence address in Minnesota, including application for a change of address,
- 4.23 unless the applicant provides a designated address under section 5B.05;
- 4.24 (ii) Social Security number, or related documentation as applicable; and
- 4.25 (iii) lawful status, as defined in Code of Federal Regulations, title 6, section 37.3.
- 4.26 (c) An application for an enhanced driver's license or enhanced identification card must
- 4.27 be accompanied by:
- 4.28 (1) satisfactory evidence demonstrating the applicant's full legal name and United States
- 4.29 citizenship; and
- 4.30 (2) a photographic identity document.

5.1 Sec. 5. Minnesota Statutes 2018, section 171.06, is amended by adding a subdivision to
5.2 read:

5.3 Subd. 3c. **Application documents.** (a) Foreign governmental identification is:

5.4 (1) an acceptable form of proof of identity in application under this section for a
5.5 Minnesota identification card or driving card; and

5.6 (2) a primary document for purposes of Minnesota Rules, part 7410.0400.

5.7 (b) For purposes of this subdivision, "foreign governmental identification" means the
5.8 following accompanying documents:

5.9 (1) a valid, unexpired passport that:

5.10 (i) is not issued by the United States, the Commonwealth of the Northern Mariana Islands,
5.11 the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, or a territory
5.12 of the United States; and

5.13 (ii) contains the full name and date of birth of the cardholder, and a photograph identifying
5.14 the cardholder; and

5.15 (2) a certified birth certificate matching the passport.

5.16 (c) To be valid under this subdivision, a passport and a birth certificate must each contain
5.17 security features that make the document as impervious to alteration as is reasonably
5.18 practicable in its design and quality of material and technology, using materials that are not
5.19 readily available to the general public.

5.20 (d) Any foreign governmental identification document that is not in English must be
5.21 accompanied by a qualified English translation.

5.22 Sec. 6. Minnesota Statutes 2018, section 171.07, is amended by adding a subdivision to
5.23 read:

5.24 Subd. 1c. **Designation for certain licenses and identification cards.** (a) A driving card
5.25 must be designed to say "FOR DRIVING ONLY" on the back side of the card.

5.26 (b) A Minnesota identification card issued to an applicant who is unable to demonstrate
5.27 lawful presence in this country through current lawful admission status, permanent resident
5.28 status, indefinite authorized presence status, or United States citizenship, must be designed
5.29 to say "FOR IDENTITY ONLY" on the back side of the card.

6.1 Sec. 7. **COUNTY NOTIFICATION; ELECTION JUDGE TRAINING.**

6.2 (a) The secretary of state shall inform each county auditor that a driving card or Minnesota
6.3 identification card must not be used or accepted for voter registration purposes under
6.4 Minnesota Statutes, section 201.061, if it bears an inscription specified under Minnesota
6.5 Statutes, section 171.07, subdivision 1c.

6.6 (b) Each county auditor must inform all election officials and election judges hired for
6.7 an election that driver's licenses and Minnesota identification cards identified under paragraph
6.8 (a) must not be used or accepted for voter registration purposes under Minnesota Statutes,
6.9 section 201.061. County auditors and municipal clerks must include this information in all
6.10 election judge training courses.

6.11 Sec. 8. **REPEALER.**

6.12 Minnesota Rules, part 7410.0410, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and
6.13 14, are repealed.

6.14 Sec. 9. **EFFECTIVE DATE.**

6.15 This act is effective January 1, 2020, for a new driver's license, permit, or identification
6.16 card, or a renewal, issued on or after that date.

7410.0410 PROOF OF RESIDENCY.

Subpart 1. **Proof of residency required at time of application.** Proof of residency is required at the time of application for an initial driving permit, driver's license, or state identification card. The applicant must attest to a residence address in Minnesota and demonstrate proof of either lawful short-term admission to the United States, permanent United States resident status, indefinite authorized presence status, or United States citizenship.

Subp. 2. **Proof of residency at renewal.**

A. Proof of residency is required at the time of application for renewal of a driving permit, driver's license, or state identification card.

B. A person with permanent United States resident status, indefinite authorized presence status, or United States citizenship must attest to a residence address in Minnesota.

C. A person with lawful short-term admission to the United States must attest to a residence address in Minnesota and provide proof of lawful short-term admission status to the United States.

Subp. 3. **Documents not sufficient to prove residency.** The presentation of a driver's license, permit, or identification card from another jurisdiction or another United States state is not acceptable as proof of permanent United States resident status, indefinite authorized presence status, lawful short-term admission to the United States, or United States citizenship.

Subp. 4. **Documents sufficient to prove residency.** To demonstrate permanent United States resident status, indefinite authorized presence status, lawful short-term admission, or United States citizenship, an applicant must attest to a Minnesota residence address on the application form and present a document specified in part 7410.0400, subpart 1 or 2. If the document presented to demonstrate lawful short-term admission does not indicate a date that the admission period ends or if the date has been extended, the applicant must present additional documentation issued under the authority of the United States Department of Justice or the United States Department of Homeland Security that indicates the duration of the applicant's lawful short-term admission status.

Subp. 5. **Evidence required when name changed.** If there has been a change in the individual's legal full name as it appears on the presented document specified in subpart 4, the individual must also present evidence of a change of name as specified in part 7410.0500.

Subp. 6. **Lawful short-term admission status.**

A. If the lawful admission period indicated on the federal primary document presented expires in 30 days or more from the date of application for the state driver's license, permit, or identification card, the applicant shall be issued a driver's license, permit, or identification card with a status check date that coincides with the lawful admission period on the federal primary document presented.

B. If the lawful admission period indicated on a presented federal primary document specified in part 7410.0400, subpart 2, expires in less than 30 days from the date of application for the state driver's license, permit, or identification card, the applicant shall be informed at the time of application that no driver's license, permit, or identification card will be issued. If application is made, a receipt for the driver's license, permit, or identification card will be issued.

Subp. 7. **No lawful admission status.** The department shall not issue a driver's license, permit, or identification card if an individual has no lawful admission status to the United States.

Subp. 8. **Status check date.** A status check date that coincides with the federal lawful admission period indicated on the federal primary document presented or on the additional

documentation that indicates the duration of the applicant's lawful short-term admission status shall be indicated on the driver's license, permit, or identification card issued.

Subp. 9. **Reissuance.** A driver's license, permit, or identification card shall be reissued with a new status check date if the applicant presents an employment authorization card (I-688B, I-766 series) or notice of action (I-797A series) issued by the United States Department of Justice or the United States Department of Homeland Security to indicate extension of the lawful admission period.

A. If the applicant presents an accepted application from the United States Department of Justice or the United States Department of Homeland Security for an extension of or change in the federal lawful admission period, the driver's license, permit, or identification card will be reissued with a status check date extension of six months from the date of the federal receipt for the extension or change.

(1) The state document shall be reissued for a second six-month period if the applicant presents a subsequent federal document or information indicating a decision by the federal government on the extension or change of status is still pending.

(2) After one year, any extension request shall be handled through a request for a variance under part 7410.0600.

B. If the applicant presents a subsequent federal document indicating permanent United States resident status, indefinite authorized presence status, or United States citizenship, a driver's license, permit, or identification card will be reissued without a status check date.

Subp. 10. **Cancellation; denial.** Pursuant to Minnesota Statutes, sections 171.04 and 171.14, the commissioner shall cancel a driver's license, permit, or identification card:

A. on the status check date unless the state document holder presents federal proof of extension of the lawful admission period or a receipt from the United States Department of Justice or the United States Department of Homeland Security for an application for an extension or change of the lawful admission status; or

B. when the department receives notice from the United States Department of Justice or the United States Department of Homeland Security that the individual has been deported.

Subp. 11. **Warning notice of possible cancellation.** If the status check date is to expire in more than 60 days, a notice warning the state document holder that the driver's license, permit, or identification card will be canceled on the status check date shall be sent by first class mail to the document holder's residence address on file with the department. If application is being made and the status check date would expire in 60 days or less from the date of application, the applicant will be directly issued a general notice warning of cancellation on the status check date and will be sent a follow-up warning notice as described in items A and B.

A. The notice shall contain:

- (1) the person's full name;
- (2) the person's date of birth;
- (3) the person's unique state document number;
- (4) the person's current address from the department record; and
- (5) the date the notice is mailed or directly issued.

B. The notice shall indicate that:

(1) the driver's license, permit, or identification card shall be canceled on the status check date;

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(2) the driver's license, permit, or identification card may be reissued if the document holder presents federal proof of extension of the lawful admission period or a receipt from the United States Department of Justice or the United States Department of Homeland Security for application for an extension or change of the lawful admission period; and

(3) the individual may request an administrative review of the possible cancellation under part 7409.4600.

Subp. 12. **Cancellation order.** At least seven days before the status check date, the document holder shall be issued a cancellation order indicating that the driver's license, permit, or identification card is canceled. The notice shall be sent by first class mail to the address shown on department records.

A. The notice shall contain:

- (1) the person's full name;
- (2) the person's date of birth;
- (3) the person's unique state document number;
- (4) the person's current address from the department record; and
- (5) the date the order is mailed.

B. The notice shall indicate application may be made for a new driver's license, permit, or identification card if the individual can present proof to the department of current authorized legal presence in the United States.

C. The notice shall specify that an administrative review of the cancellation may be requested by the document holder under part 7409.4600.

Subp. 13. **Administrative review.** An administrative review of the cancellation of the state document or the denial to issue a state document under this part shall be conducted under part 7409.4600.

Subp. 14. **Fees.**

A. A state document holder who applies for an extension of the status check date on the driver's license, permit, or identification card before expiration of the status check date shall not be charged a fee for reissuance of the state document if there is no change to the address or name on the state document.

B. If the status check date on the driver's license, permit, or identification card has expired and the applicant presents federal documentation indicating an extended lawful admission period or application for an extension or change, the applicant must pay the fee for a duplicate card as specified in Minnesota Statutes, section 171.06.

C. The applicant must pay the renewal fee as specified in Minnesota Statutes, section 171.06, when the applicant's driver's license, permit, or identification card expires.