

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3581

(SENATE AUTHORS: NEWMAN, Bigham and Housley)

DATE	D-PG	OFFICIAL STATUS
02/28/2022	5159	Introduction and first reading Referred to Transportation Finance and Policy
03/10/2022	5272a	Comm report: To pass as amended and re-refer to Civil Law and Data Practices Policy
03/16/2022	5356a	Comm report: To pass as amended and re-refer to Transportation Finance and Policy
03/17/2022	5389	Authors added Bigham; Housley

- 1.1 A bill for an act
- 1.2 relating to driver and vehicle services; allowing additional entities to provide copies
- 1.3 of certain driver and vehicle records; amending Minnesota Statutes 2020, sections
- 1.4 168.002, by adding a subdivision; 168.327, subdivisions 2, 3, by adding a
- 1.5 subdivision; 169.09, by adding a subdivision; Minnesota Statutes 2021 Supplement,
- 1.6 sections 168.327, subdivision 1; 169.09, subdivision 13.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2020, section 168.002, is amended by adding a subdivision
- 1.9 to read:
- 1.10 Subd. 12a. **Full-service provider.** "Full-service provider" means a person who is
- 1.11 appointed by the commissioner as both a deputy registrar under this chapter and a driver's
- 1.12 license agent under chapter 171 who provides all driver services, excluding International
- 1.13 Registration Plan and International Fuel Tax Agreement transactions.
- 1.14 **EFFECTIVE DATE.** This section is effective August 1, 2022.
- 1.15 Sec. 2. Minnesota Statutes 2021 Supplement, section 168.327, subdivision 1, is amended
- 1.16 to read:
- 1.17 Subdivision 1. **Records and fees.** (a) Upon request by any person authorized in this
- 1.18 section, the commissioner ~~shall~~ or full-service provider must furnish a certified copy of any
- 1.19 driver's license record, instruction permit record, Minnesota identification card record,
- 1.20 vehicle registration record, vehicle title record, or accident record.
- 1.21 (b) Except as provided in subdivisions 4, 5a, and 5b, and other than accident records
- 1.22 governed under section 169.09, subdivision 13, the requester ~~shall~~ must pay a fee of \$10

for each certified record specified in paragraph (a) or a fee of \$9 for each record that is not certified.

(c) Except as provided in subdivisions 4, 5a, and 5b, in addition to the record fee in paragraph (b), the fee for a copy of the history of any vehicle title not in electronic format is \$1 for each page of the historical record.

(d) Fees collected by the commissioner under paragraph (b) for driver's license, instruction permit, and Minnesota identification card records must be paid into the state treasury with 50 cents of each fee credited to the general fund. The remainder of the fees collected by the commissioner must be credited to the driver services operating account in the special revenue fund under section 299A.705. Of the fees collected by a full-service provider under paragraph (b) for driver's license, instruction permit, and Minnesota identification card records, the provider must transmit 50 cents to the commissioner to be deposited into the general fund, and the provider must retain the remainder.

(e) Fees collected by the commissioner under paragraphs (b) and (c) for vehicle registration or title records must be paid into the state treasury with 50 cents of each fee credited to the general fund. The remainder of the fees collected by the commissioner must be credited to the vehicle services operating account in the special revenue fund specified in section 299A.705. Of the fees collected by a full-service provider under paragraphs (b) and (c) for vehicle registration or title records, the provider must transmit 50 cents to the commissioner to be deposited into the general fund, and the provider must retain the remainder.

(f) Except as provided in subdivisions 4, 5a, and 5b, the commissioner ~~shall~~ or full-service provider must permit a person to inquire into a record by the person's own electronic means for a fee of \$4.50 for each inquiry, except that no fee may be charged when the requester is the subject of the data. Of the fee collected by the commissioner:

(1) \$2.70 must be deposited in the general fund;

(2) for driver's license, instruction permit, or Minnesota identification card records, the remainder must be deposited in the driver services operating account in the special revenue fund under section 299A.705; and

(3) for vehicle title or registration records, the remainder must be deposited in the vehicle services operating account in the special revenue fund under section 299A.705.

3.1 Of the fees collected by a full-service provider, the provider must transmit \$2.70 to the
3.2 commissioner to be deposited into the general fund, and the provider must retain the
3.3 remainder.

3.4 (g) Fees and the deposit of the fees for accident records and reports are governed by
3.5 section 169.09, subdivision 13.

3.6 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to requests
3.7 for records made on or after that date.

3.8 Sec. 3. Minnesota Statutes 2020, section 168.327, subdivision 2, is amended to read:

3.9 Subd. 2. **Requests for information; surcharge on fee.** (a) Except as otherwise provided
3.10 in subdivision 3, the commissioner ~~shall~~ or full-service provider must impose a surcharge
3.11 of 50 cents on each fee charged by the commissioner or full-service provider under section
3.12 13.03, subdivision 3, for copies or electronic transmittals of public information about the
3.13 registration of a vehicle or an applicant, or holder of a driver's license, instruction permit,
3.14 or Minnesota identification card.

3.15 (b) The surcharge only applies to a fee imposed in response to a request made in person
3.16 or by mail, or ~~to a request for transmittal through a computer modem~~ online. The surcharge
3.17 does not apply to the request of an individual for information about that individual's driver's
3.18 license, instruction permit, or Minnesota identification card or about vehicles registered or
3.19 titled in the individual's name.

3.20 (c) The surcharges collected by the commissioner under this subdivision must be credited
3.21 to the general fund. The surcharges collected by a full-service provider must be transmitted
3.22 to the commissioner to be deposited into the general fund.

3.23 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to requests
3.24 for records made on or after that date.

3.25 Sec. 4. Minnesota Statutes 2020, section 168.327, subdivision 3, is amended to read:

3.26 Subd. 3. **Exception to fee and surcharge.** (a) Notwithstanding subdivision 2 or section
3.27 13.03, a fee or surcharge may not be imposed in response to a request for public information
3.28 about the registration of a vehicle if the commissioner or full-service provider is satisfied
3.29 that:

3.30 (1) the requester seeks the information on behalf of a community-based, nonprofit
3.31 organization designated by a local law enforcement agency to be a requester; and

(2) the information is needed to identify suspected prostitution law violators, controlled substance law violators, or health code violators.

(b) The commissioner ~~shall~~ or full-service provider must not require a requester under paragraph (a) to make a minimum number of data requests or limit the requester to a maximum number of data requests.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to requests for records made on or after that date.

Sec. 5. Minnesota Statutes 2020, section 168.327, is amended by adding a subdivision to read:

Subd. 7. Monitoring and auditing. The commissioner must monitor and audit the furnishing of records by full-service providers under this section to ensure full-service providers are complying with this section, chapter 13, and United States Code, title 18, section 2721, et seq.

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

Sec. 6. Minnesota Statutes 2021 Supplement, section 169.09, subdivision 13, is amended to read:

Subd. 13. Reports confidential; evidence, fee, penalty, appropriation. (a) All reports and supplemental information required under this section must be for the use of the commissioner of public safety and other appropriate state, federal, county, and municipal governmental agencies for accident analysis purposes, except:

(1) upon written request, the commissioner of public safety, a full-service provider as defined in section 168.002, subdivision 12a, or any law enforcement agency ~~shall~~ must disclose the report required under subdivision 8 to:

(i) any individual involved in the accident, the representative of the individual's estate, or the surviving spouse, or one or more surviving next of kin, or a trustee appointed under section 573.02;

(ii) any other person injured in person, property, or means of support, or who incurs other pecuniary loss by virtue of the accident;

(iii) legal counsel of a person described in item (i) or (ii);

(iv) a representative of the insurer of any person described in item (i) or (ii); or

(v) a city or county attorney or an attorney representing the state in an implied consent action who is charged with the prosecution of a traffic or criminal offense that is the result of a traffic crash investigation conducted by law enforcement;

~~(2) the commissioner of public safety shall, upon written request, provide the driver filing a report under subdivision 7 with a copy of the report filed by the driver;~~

~~(3)~~ (2) the commissioner of public safety may verify with insurance companies vehicle insurance information to enforce sections 65B.48, 169.792, 169.793, 169.796, and 169.797;

~~(4)~~ (3) the commissioner of public safety ~~shall~~ must provide the commissioner of transportation the information obtained for each traffic accident involving a commercial motor vehicle, for purposes of administering commercial vehicle safety regulations;

~~(5)~~ (4) upon specific request, the commissioner of public safety ~~shall~~ must provide the commissioner of transportation the information obtained regarding each traffic accident involving damage to identified state-owned infrastructure, for purposes of debt collection under section 161.20, subdivision 4; and

~~(6)~~ (5) the commissioner of public safety may give to the United States Department of Transportation commercial vehicle accident information in connection with federal grant programs relating to safety.

(b) Accident reports and data contained in the reports are not discoverable under any provision of law or rule of court. ~~No report shall~~ A report must not be used as evidence in any trial, civil or criminal, or any action for damages or criminal proceedings arising out of an accident. However, the commissioner of public safety ~~shall~~ must furnish, upon the demand of any person who has or claims to have made a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the commissioner solely to prove compliance or failure to comply with the requirements that the report be made to the commissioner.

(c) Nothing in this subdivision prevents any individual who has made a report under this section from providing information to any individuals involved in an accident or their representatives or from testifying in any trial, civil or criminal, arising out of an accident, as to facts within the individual's knowledge. It is intended by this subdivision to render privileged the reports required, but it is not intended to prohibit proof of the facts to which the reports relate.

(d) Disclosing any information contained in any accident report, except as provided in this subdivision, section 13.82, subdivision 3 or 6, or other statutes, is a misdemeanor.

(e) The commissioner of public safety ~~shall~~ or full-service provider as defined in section 171.01, subdivision 33a, must charge authorized persons as described in paragraph (a) a \$5 fee for a copy of an accident report. Ninety percent of the \$5 fee collected by the commissioner under this paragraph must be deposited in the special revenue fund and credited to the driver services operating account established in section 299A.705 and ten percent must be deposited in the general fund. Of the \$5 fee collected by a full-service provider, the provider must transmit 50 cents to the commissioner to be deposited into the general fund, and the provider must retain the remainder. The commissioner or full-service provider may also furnish an electronic copy of the database of accident records, which must not contain personal or private data on an individual, to private agencies as provided in paragraph (g), for not less than the cost of preparing the copies on a bulk basis as provided in section 13.03, subdivision 3.

(f) The fees specified in paragraph (e) notwithstanding, the commissioner, a full-service provider, and law enforcement agencies ~~shall~~ must charge commercial users who request access to response or incident data relating to accidents a fee not to exceed 50 cents per record. "Commercial user" is a user who in one location requests access to data in more than five accident reports per month, unless the user establishes that access is not for a commercial purpose. Of the money collected by the commissioner under this paragraph, 90 percent must be deposited in the special revenue fund and credited to the driver services operating account established in section 299A.705 and ten percent must be deposited in the general fund. Of the fees collected by a full-service provider under this paragraph, ten percent must be transmitted to the commissioner to be deposited into the general fund, and the remainder must be retained by the provider.

(g) The fees in paragraphs (e) and (f) notwithstanding, the commissioner ~~shall~~ or full-service provider must provide an electronic copy of the accident records database to the public on a case-by-case basis using the cost-recovery charges provided for under section 13.03, subdivision 3. The database provided must not contain personal or private data on an individual. However, unless the accident records database includes the vehicle identification number, the commissioner ~~shall~~ or full-service provider must include the vehicle registration plate number if a private agency certifies and agrees that the agency:

(1) is in the business of collecting accident and damage information on vehicles;

(2) will use the vehicle registration plate number only for identifying vehicles that have been involved in accidents or damaged, to provide this information to persons seeking access to a vehicle's history and not for identifying individuals or for any other purpose; and

7.1 (3) will be subject to the penalties and remedies under sections 13.08 and 13.09.

7.2 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to requests
7.3 for records made on or after that date.

7.4 Sec. 7. Minnesota Statutes 2020, section 169.09, is amended by adding a subdivision to
7.5 read:

7.6 **Subd. 20. Monitoring and auditing.** The commissioner must monitor and audit the
7.7 furnishing of records by full-service providers under this section to ensure full-service
7.8 providers are complying with this section, chapter 13, and United States Code, title 18,
7.9 section 2721, et seq.

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