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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2685

03/05/2012 Authored by Beard
The bill was read for the first time and referred to the Committee on Transportation Policy and Finance
03/15/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Government Operations and Elections
03/20/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Ways and Means
04/23/2012 Adoption of Report: Pass as Amended and Read Second Time
04/26/2012 Fiscal Calendar, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments
05/07/2012 Read Third Time as Amended by Conference and repassed by the House
Read Third Time as Amended by Conference and repassed by the Senate

1.1 A bill for an act
1.2 relating to transportation; making appropriations; authorizing the sale and
1.3 issuance of state bonds; modifying provisions governing transportation and
1.4 public safety policies, including bicycles and bikeways, highways and bridges,
1.5 motor vehicles, motor vehicle markings and equipment, traffic regulations,
1.6 driver education, driver licensing, driver's license exemptions, DWI violations,
1.7 alternative financing for transportation projects, contracting requirements, bus
1.8 operations, railroads, motor carriers and commercial drivers, aeronautics and
1.9 airports, state aid, traffic regulations and reports, vehicle titles, school buses,
1.10 overweight vehicles, fuel tax and motor vehicle sales tax exemptions, and agency
1.11 reporting and studies; providing for rulemaking; removing obsolete language;
1.12 making technical and clarifying changes; repealing certain provisions; amending
1.13 Minnesota Statutes 2010, sections 85.015, by adding a subdivision; 85.018,
1.14 subdivisions 2, 4; 160.263, subdivision 2; 161.14, subdivision 66, by adding
1.15 subdivisions; 161.3212; 162.02, subdivisions 2, 3; 162.081, subdivision 4;
1.16 162.09, subdivisions 2, 3, 4; 162.13, subdivision 1; 162.155; 165.01; 165.03;
1.17 168.002, subdivisions 19, 20; 168.012, subdivision 1, by adding a subdivision;
1.18 168.013, subdivisions 1e, 3, 12, by adding a subdivision; 168A.03, subdivision
1.19 1; 168A.07, subdivision 1; 168B.011, subdivision 12; 169.011, subdivisions 4,
1.20 27, 44, 45; 169.035, subdivision 1, by adding a subdivision; 169.06, subdivisions
1.21 4, 5, 7; 169.09, subdivision 13; 169.19, subdivision 5; 169.222, subdivisions
1.22 4, 6, 7, by adding a subdivision; 169.223, subdivisions 1, 5; 169.306; 169.64,
1.23 subdivision 2; 169.685, subdivisions 6, 7; 169.72, subdivision 1; 169.85,
1.24 subdivision 2; 169.86, subdivisions 1, 4, by adding a subdivision; 169.865,
1.25 subdivision 4; 169.872, subdivision 1a; 169.98, subdivisions 1, 3; 169.99,
1.26 subdivision 1b; 169A.54, subdivisions 1, 6; 171.01, subdivision 41; 171.03;
1.27 171.061, subdivision 4; 171.12, subdivision 6; 171.30, subdivision 1; 171.306,
1.28 subdivision 4; 174.02, by adding a subdivision; 174.03, by adding a subdivision;
1.29 174.56; 221.0314, subdivision 3a; 221.091, subdivision 2; 222.50, subdivision
1.30 4; 222.51; 222.53; 222.63, subdivision 9; 296A.07, subdivision 4; 296A.08,
1.31 subdivision 3; 297A.68, subdivision 19; 299D.085, subdivision 2, by adding a
1.32 subdivision; 299D.09; 473.39, by adding a subdivision; 574.26, subdivisions
1.33 1a, 2; Minnesota Statutes 2011 Supplement, sections 168.12, subdivision 5;
1.34 168.123, subdivision 1; 169.86, subdivision 5; 171.075, subdivision 1; 297B.03;
1.35 Laws 2009, chapter 158, section 10; proposing coding for new law in Minnesota
1.36 Statutes, chapters 160; 161; 171; 174; repealing Minnesota Statutes 2010,
1.37 sections 161.08, subdivision 2; 168.012, subdivision 1b; 169A.54, subdivision
1.38 5; 222.48, subdivision 3a; Minnesota Rules, parts 8810.9000; 8810.9100;
1.39 8810.9200; 8810.9300; 8810.9400; 8810.9500; 8810.9600; 8810.9700.

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

2.2 **ARTICLE 1**

2.3 **TRUNK HIGHWAY FUND APPROPRIATIONS**

2.4 Section 1. **TRUNK HIGHWAY**
 2.5 **APPROPRIATIONS** **\$ 17,530,000**

2.6 **Subdivision 1. Appropriations for**
 2.7 **Transportation**

2.8 These appropriations are to the commissioner
 2.9 of transportation for the purposes specified in
 2.10 this section.

2.11 Unless otherwise specified, these
 2.12 appropriations are for fiscal year 2013 from
 2.13 the trunk highway fund and are available
 2.14 until expended.

2.15 **Subd. 2. Willmar District Headquarters** **7,500,000**

2.16 To design, construct, furnish, and equip a
 2.17 maintenance facility addition to the existing
 2.18 Willmar district headquarters building,
 2.19 and corresponding remodeling of the
 2.20 headquarters building.

2.21 **Subd. 3. Plymouth Truck Station** **5,600,000**

2.22 To construct and equip a new truck station
 2.23 and bridge crew building in Plymouth.

2.24 **Subd. 4. Cambridge Truck Station** **3,300,000**

2.25 To design, construct, furnish, and equip a new
 2.26 truck station facility in Cambridge, including
 2.27 ancillary buildings and site improvements.

2.28 **Subd. 5. Crookston, Eden Prairie, and**
 2.29 **Mendota Truck Station Design** **1,100,000**

2.30 To design new additions to the existing truck
 2.31 station buildings in Crookston, Eden Prairie,
 2.32 and Mendota.

3.1 Subd. 6. **Overweight Motor Vehicle**
 3.2 **Registration Collection** 30,000

3.3 To modify Department of Transportation
 3.4 permit system to allow the department
 3.5 to collect additional registration taxes for
 3.6 overweight motor vehicles.

3.7 This appropriation is only available if
 3.8 legislation is enacted in the 2012 legislative
 3.9 session authorizing the commissioner to
 3.10 collect a surcharge or additional registration
 3.11 tax on motor vehicles.

3.12 **Sec. 2. EFFECTIVE DATE.**

3.13 This article is effective the day following final enactment.

3.14 **ARTICLE 2**

3.15 **TRUNK HIGHWAY BONDS**

3.16 **Section 1. ROCHESTER MAINTENANCE FACILITY.**

3.17 \$16,100,000 is appropriated to the commissioner of transportation to design,
 3.18 construct, furnish, and equip the maintenance facility in Rochester and corresponding
 3.19 remodeling of the existing district headquarters building. This appropriation is from the
 3.20 bond proceeds account in the trunk highway fund.

3.21 **Sec. 2. BOND SALE EXPENSES.**

3.22 \$20,000 is appropriated from the bond proceeds account in the trunk highway fund
 3.23 to the commissioner of management and budget for bond sale expenses under Minnesota
 3.24 Statutes, section 167.50, subdivision 4.

3.25 **Sec. 3. TRUNK HIGHWAY FUND BOND PROCEEDS ACCOUNT.**

3.26 To provide the money appropriated in this article from the bond proceeds account
 3.27 in the trunk highway fund, the commissioner of management and budget shall sell and
 3.28 issue bonds of the state in an amount up to \$16,120,000 in the manner, upon the terms,
 3.29 and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and
 3.30 by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts
 3.31 requested by the commissioner of transportation. The proceeds of the bonds, except

4.1 accrued interest and any premium received from the sale of the bonds, must be credited
4.2 to the bond proceeds account in the trunk highway fund.

4.3 Sec. 4. **EFFECTIVE DATE.**

4.4 This article is effective the day following final enactment.

4.5 **ARTICLE 3**

4.6 **TRANSPORTATION POLICY**

4.7 Section 1. Minnesota Statutes 2010, section 161.14, is amended by adding a
4.8 subdivision to read:

4.9 Subd. 70. **Black and Yellow Trail.** Trunk Highway signed 14 as of the effective
4.10 date of this section, from the border with South Dakota to the border with Wisconsin, is
4.11 designated as the "Black and Yellow Trail." The commissioner shall adopt a suitable
4.12 design to mark this highway and erect appropriate signs, subject to section 161.139.

4.13 Sec. 2. **[161.3207] CONSTRUCTION MANAGER/GENERAL CONTRACTOR**
4.14 **CONTRACTS; DEFINITIONS.**

4.15 Subdivision 1. **Scope.** The terms used in sections 161.3207 to 161.3209 have the
4.16 meanings given them in this section.

4.17 Subd. 2. **Acceptance.** "Acceptance" means an action of the commissioner
4.18 authorizing the execution of a construction manager/general contractor contract.

4.19 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of
4.20 transportation.

4.21 Subd. 4. **Construction manager/general contractor.** "Construction
4.22 manager/general contractor" means a proprietorship, partnership, limited liability
4.23 partnership, joint venture, corporation, any type of limited liability company, professional
4.24 corporation, or any legal entity selected by the commissioner to act as a construction
4.25 manager to manage the construction process, which includes, but is not limited to,
4.26 responsibility for the price, schedule, and execution of preconstruction services or the
4.27 workmanship of construction performed according to section 161.3209, or both.

4.28 Subd. 5. **Construction manager/general contractor contract.** "Construction
4.29 manager/general contractor contract" means a contract for construction of a project
4.30 between a construction manager/general contractor and the commissioner, which
4.31 must include terms providing for a price, construction schedule, and workmanship of
4.32 the construction performed. The construction manager/general contractor contract
4.33 may include provisions for incremental price contracts for specific work packages,

5.1 additional work performed, contingencies, or other contract provisions that will allow the
5.2 commissioner to negotiate time and cost changes to the contract.

5.3 Subd. 6. **Past performance; experience.** "Past performance" or "experience" does
5.4 not include the exercise or assertion of a person's legal rights.

5.5 Subd. 7. **Preconstruction services.** "Preconstruction services" means all
5.6 non-construction-related services that a construction manager/general contractor is
5.7 allowed to perform before execution of a construction manager/general contractor contract
5.8 or work package.

5.9 Subd. 8. **Preconstruction services contract.** "Preconstruction services contract"
5.10 means a contract under which a construction manager/general contractor is paid on the
5.11 basis of the actual cost to perform the work specified in the contract plus an amount for
5.12 overhead and profit for all preconstruction services.

5.13 Subd. 9. **Project.** "Project" means any project selected by the commissioner as a
5.14 construction manager/general contractor project under section 161.3208.

5.15 Subd. 10. **Request for proposals; RFP.** "Request for proposals" or "RFP" means
5.16 the document or publication soliciting proposals for a construction manager/general
5.17 contractor contract.

5.18 Subd. 11. **Request for qualifications; RFQ.** "Request for qualifications" or "RFQ"
5.19 means a document or publication used to prequalify and short-list potential construction
5.20 managers/general contractors.

5.21 Subd. 12. **Work package.** "Work package" means the scope of work for a defined
5.22 portion of a project. A defined portion includes construction services on any project
5.23 aspect, including procuring materials or services.

5.24 **EFFECTIVE DATE.** This section is effective the day following final enactment
5.25 and expires one year following the acceptance of ten construction manager/general
5.26 contractor contracts.

5.27 Sec. 3. **[161.3208] CONSTRUCTION MANAGER/GENERAL CONTRACTOR;**
5.28 **AUTHORITY.**

5.29 Subdivision 1. **Selection authority; limitation.** Notwithstanding sections 16C.25,
5.30 161.32, and 161.321, or any other law to the contrary, the commissioner may select a
5.31 construction manager/general contractor as provided in section 161.3209, and award a
5.32 construction manager/general contractor contract. The number of awarded contracts
5.33 shall not exceed four in any calendar year.

5.34 Subd. 2. **Determination.** Final determination to use a construction manager/general
5.35 contractor contracting procedure may be made only by the commissioner.

6.1 Subd. 3. **Cancellation.** The solicitation of construction manager/general contractor
6.2 requests for qualifications or proposals does not obligate the commissioner to enter into a
6.3 construction manager/general contractor contract. The commissioner may accept or reject
6.4 any or all responses received as a result of the request. The solicitation of proposals may
6.5 be canceled at any time at the commissioner's sole discretion if cancellation is considered
6.6 to be in the state's best interest. If the commissioner rejects all responses or cancels the
6.7 solicitation for proposals, the commissioner may resolicit a request for proposals using the
6.8 same or different requirements.

6.9 Subd. 4. **Reporting.** The commissioner shall notify the chairs and ranking minority
6.10 members of the senate and house of representatives committees with jurisdiction over
6.11 transportation policy and transportation finance each time the commissioner decides to
6.12 use the construction manager/general contractor method of procurement and explain why
6.13 that method was chosen.

6.14 **EFFECTIVE DATE.** This section is effective the day following final enactment
6.15 and expires one year following the acceptance of ten construction manager/general
6.16 contractor contracts.

6.17 Sec. 4. **[161.3209] CONSTRUCTION MANAGER/GENERAL CONTRACTOR;**
6.18 **PROCEDURES.**

6.19 Subdivision 1. **Solicitation of proposals.** If the commissioner determines that
6.20 a construction manager/general contractor method of procurement is appropriate for
6.21 a project, the commissioner shall establish a two-phase procedure for awarding the
6.22 construction manager/general contractor contract, as described in subdivisions 2 and 3.

6.23 Subd. 2. **Phase 1 - request for proposals.** (a) The commissioner shall prepare
6.24 or have prepared an RFP for each construction manager/general contractor contract as
6.25 provided in this section. The RFP must contain, at a minimum, the following elements:

6.26 (1) the minimum qualifications of the construction manager/general contractor;

6.27 (2) the procedures for submitting proposals and the criteria for evaluation of

6.28 qualifications and the relative weight for each criteria;

6.29 (3) the form of the contract to be awarded;

6.30 (4) the scope of intended construction work;

6.31 (5) a listing of the types of preconstruction services that will be required;

6.32 (6) an anticipated schedule for commencing and completing the project;

6.33 (7) any applicable budget limits for the project;

6.34 (8) the requirements for insurance, statutorily required performance, and payment
6.35 bonds;

7.1 (9) the requirements that the construction manager/general contractor provide a
7.2 letter from a surety or insurance company stating that the construction manager/general
7.3 contractor is capable of obtaining a performance bond and payment bond covering the
7.4 estimated contract cost;

7.5 (10) the method for how construction manager/general contractor fees for the
7.6 preconstruction services contract will be negotiated;

7.7 (11) a statement that past performance or experience does not include the exercise
7.8 or assertion of a person's legal rights; and

7.9 (12) any other information desired by the commissioner.

7.10 (b) Before receiving any responses to the RFP:

7.11 (1) the commissioner shall appoint a technical review committee of at least five
7.12 individuals, of which one is a Department of Transportation manager who is also a
7.13 licensed professional engineer in Minnesota;

7.14 (2) the technical review committee shall evaluate the construction manager/general
7.15 contractor proposals according to criteria and subcriteria published in the RFP and
7.16 procedures established by the commissioner. The commissioner shall, as designated in
7.17 the RFP, evaluate construction manager/general contractor proposals on the basis of best
7.18 value as defined in section 16C.05, or using the qualifications-based selection process set
7.19 forth in section 16C.095, except that subdivision 1 of section 16C.095 shall not apply. If
7.20 the commissioner does not receive at least two proposals from construction managers,
7.21 the commissioner may:

7.22 (i) solicit new proposals;

7.23 (ii) revise the RFP and thereafter solicit new proposals using the revised RFP;

7.24 (iii) select another allowed procurement method; or

7.25 (iv) reject the proposals; and

7.26 (3) the technical review committee shall evaluate the responses to the request for
7.27 proposals and rank the construction manager/general contractor based on the predefined
7.28 criteria set forth in the RFP in accordance with paragraph (a), clause (2).

7.29 (c) Unless all proposals are rejected, the commissioner shall conduct contract
7.30 negotiations for a preconstruction services contract with the construction manager/general
7.31 contractor with the highest ranking. If the construction manager/general contractor with
7.32 the highest ranking declines or is unable to reach an agreement, the commissioner may
7.33 begin contract negotiations with the next highest ranked construction manager/general
7.34 contractor.

7.35 (d) Before issuing the RFP, the commissioner may elect to issue a request for
7.36 qualifications (RFQ) and short-list the most highly qualified construction managers/general

8.1 contractors. The RFQ must include the procedures for submitting statements of
 8.2 qualification, the criteria for evaluation of qualifications, and the relative weight for each
 8.3 criterion. The statements of qualifications must be evaluated by the technical review
 8.4 committee.

8.5 Subd. 3. Phase 2 - construction manager/general contractor contract. (a) Before
 8.6 conducting any construction-related services, the commissioner shall:

8.7 (1) conduct an independent cost estimate for the project or each work package; and

8.8 (2) conduct contract negotiations with the construction manager/general contractor
 8.9 to develop a construction manager/general contractor contract. This contract must include
 8.10 a minimum construction manager/general contractor self-performing requirement of 30
 8.11 percent of the negotiated cost. Items designated in the construction manager/general
 8.12 contractor contract as specialty items may be subcontracted and the cost of any specialty
 8.13 item performed under the subcontract will be deducted from the cost before computing the
 8.14 amount of work required to be performed by the contractor.

8.15 (b) If the construction manager/general contractor and the commissioner are unable
 8.16 to negotiate a contract, the commissioner may use other contract procurement processes or
 8.17 may readvertise the construction manager/general contractor contract. The construction
 8.18 manager/general contractor may (1) bid or propose on the project if advertised under
 8.19 section 161.32 or 161.3206 or (2) join a design-build team if advertised under sections
 8.20 161.3410 to 161.3428.

8.21 (c) The commissioner shall provide to all bidders or design-build teams, all data
 8.22 shared between the commissioner and the construction manager/general contractor during
 8.23 the contract negotiations under this subdivision.

8.24 **EFFECTIVE DATE.** This section is effective the day following final enactment
 8.25 and expires one year following the acceptance of ten construction manager/general
 8.26 contractor contracts.

8.27 Sec. 5. Minnesota Statutes 2010, section 161.3212, is amended to read:

8.28 **161.3212 WORKING CAPITAL FUND.**

8.29 The commissioner, to the extent allowed by other law or contract, may grant
 8.30 available money that has been appropriated for socially or economically disadvantaged
 8.31 business programs to a guaranty fund administered by a nonprofit organization that makes
 8.32 or guarantees working capital loans to ~~businesses~~ small business concerns owned and
 8.33 operated by socially ~~or~~ and economically disadvantaged ~~persons as defined~~ individuals.
 8.34 "Small business concern" and "socially and economically disadvantaged individual" have

9.1 the meanings given them in Code of Federal Regulations, title 49, section ~~23.5~~ 26.5. The
9.2 purpose of loans made or guaranteed by the organization must be to provide short-term
9.3 working capital to enable eligible businesses to be awarded contracts for goods and
9.4 services or for construction-related services from government agencies.

9.5 Money contributed from a constitutionally or statutorily dedicated fund must be used
9.6 only for purposes consistent with the purposes of the dedicated fund.

9.7 Sec. 6. Minnesota Statutes 2010, section 162.02, subdivision 2, is amended to read:

9.8 Subd. 2. **Rules; advisory committee.** (a) The rules shall be made and promulgated
9.9 by the commissioner acting with the advice of a committee selected by the several county
9.10 boards acting through the officers of the statewide association of county commissioners.
9.11 The committee shall be composed of nine members so selected that each member shall
9.12 be from a different state highway construction district. Not more than five of the nine
9.13 members of the committee shall be county commissioners. The remaining members shall
9.14 be county highway engineers. In the event that agreement cannot be reached on any rule,
9.15 the commissioner's determination shall be final. The rules shall be printed and copies
9.16 forwarded to the county engineers of the several counties. ~~For the purposes of this section,~~
9.17 ~~the expedited process for adopting rules established in section 14.389 may be used.~~

9.18 (b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

9.19 Sec. 7. Minnesota Statutes 2010, section 162.02, subdivision 3, is amended to read:

9.20 Subd. 3. **Rules have force of law.** The rules ~~shall~~ have the force and effect of law
9.21 ~~upon compliance with the provisions of sections 14.05 to 14.28~~ as provided in chapter 14.

9.22 Sec. 8. Minnesota Statutes 2010, section 162.09, subdivision 2, is amended to read:

9.23 Subd. 2. **Rules; advisory committee.** (a) The rules shall be made and promulgated
9.24 by the commissioner acting with the advice of a committee selected by the governing
9.25 bodies of such cities, acting through the officers of the statewide association of municipal
9.26 officials. The committee shall be composed of 12 members, so selected that there shall be
9.27 one member from each state highway construction district and in addition one member
9.28 from each city of the first class. Not more than six members of the committee shall be
9.29 elected officials of the cities. The remaining members of the committee shall be city
9.30 engineers. In the event that agreement cannot be reached on any rule the commissioner's
9.31 determination shall be final. The rules shall be printed and copies forwarded to the clerks
9.32 and engineers of the cities. ~~For the purposes of this section, the expedited process for~~
9.33 ~~adopting rules established in section 14.389 may be used.~~

10.1 (b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

10.2 Sec. 9. Minnesota Statutes 2010, section 162.09, subdivision 3, is amended to read:

10.3 Subd. 3. **Rules have force of law.** The rules ~~shall~~ have the force and effect of law
10.4 ~~upon compliance with the provisions of sections 14.05 to 14.28 as provided in chapter 14.~~

10.5 Sec. 10. Minnesota Statutes 2010, section 162.09, subdivision 4, is amended to read:

10.6 Subd. 4. **Federal census is conclusive.** (a) In determining whether any city has
10.7 a population of 5,000 or more, the last federal census shall be conclusive, except as
10.8 otherwise provided in this subdivision.

10.9 (b) The governing body of a city may contract with the United States Bureau of the
10.10 Census to take a special census. A certified copy of the results of the census shall be filed
10.11 with the appropriate state authorities by the city. The result of the census shall be the
10.12 population of the city for the purposes of any law providing that population is a required
10.13 qualification for distribution of highway aids under chapter 162. The special census shall
10.14 remain in effect until the next federal census is completed and filed. The expense of taking
10.15 the special census shall be paid by the city.

10.16 (c) If an entire area not heretofore incorporated as a city is incorporated as such
10.17 during the interval between federal censuses, its population shall be determined by its
10.18 incorporation census. The incorporation census shall be determinative of the population of
10.19 the city only until the next federal census.

10.20 (d) The population of a city created by the consolidation of two or more previously
10.21 incorporated cities shall be determined by the most recent population estimate of the
10.22 Metropolitan Council or state demographer, until the first federal decennial census or
10.23 special census taken after the consolidation.

10.24 (e) The population of a city that is not receiving a municipal state-aid street fund
10.25 apportionment shall be determined, upon request of the city, by the most recent population
10.26 estimate of the Metropolitan Council or state demographer. A municipal state-aid street
10.27 fund apportionment received by the city must be based on this population estimate until
10.28 the next federal decennial census or special census.

10.29 (f) A city that is found in the most recent federal decennial census to have a
10.30 population of less than 5,000 is deemed for the purposes of this chapter and the Minnesota
10.31 Constitution, article XIV, to have a population of 5,000 or more under the following
10.32 circumstances: (1) immediately before the most recent federal decennial census, the city
10.33 was receiving municipal state-aid street fund distributions; and (2) the population of
10.34 the city was found in the most recent federal decennial census to be less than 5,000.

11.1 Following the end of the first calendar year that ends in "5" after the decennial census and
 11.2 until the next decennial census, the population of any city must be determined under
 11.3 paragraphs (a) to (e).

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

11.5 Sec. 11. Minnesota Statutes 2010, section 162.13, subdivision 1, is amended to read:

11.6 Subdivision 1. **Factors in formula.** After deducting for administrative costs and
 11.7 for the disaster fund and research account as heretofore provided, and for any allocation
 11.8 made under section 162.125, the remainder of the total sum provided for in subdivision 1
 11.9 of section 162.12 shall be identified as the apportionment sum, and shall be apportioned
 11.10 by the commissioner to the cities having a population of 5,000 or more, in accordance
 11.11 with the following formula:

11.12 (1) An amount equal to 50 percent of such apportionment sum shall be apportioned
 11.13 among the cities having a population of 5,000 or more so that each such city shall receive
 11.14 of such amount the percentage that its money needs bears to the total money needs of
 11.15 all such cities.

11.16 (2) An amount equal to 50 percent of such apportionment sum shall be apportioned
 11.17 among the cities having a population of 5,000 or more so that each such city shall receive
 11.18 of such amount the percentage that its population bears to the total population of all such
 11.19 cities. For purposes of this subdivision, the population of a city is the greater of 5,000
 11.20 or the number calculated under section 162.09, subdivision 4, paragraph (a), (b), (c),
 11.21 (d), or (e).

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

11.23 Sec. 12. Minnesota Statutes 2010, section 162.155, is amended to read:

11.24 **162.155 RULES FOR VARIANCES RULEMAKING.**

11.25 (a) The commissioner shall adopt rules, no later than January 1, 1980, in accordance
 11.26 with sections 15.041 to 15.052, setting forth the criteria to be considered by the
 11.27 commissioner in evaluating requests for variances under sections 162.02, subdivision 3a
 11.28 and 162.09, subdivision 3a. The rules shall must include, but are not limited to, economic,
 11.29 engineering and safety guidelines.

11.30 (b) The commissioner shall adopt rules establishing the engineering standards
 11.31 adopted pursuant to section for cost estimation under sections 162.07, subdivision 2,
 11.32 or and 162.13, subdivision 2, shall be adopted pursuant to the requirements of chapter
 11.33 15 by July 1, 1980.

12.1 (c) The rules adopted by the commissioner under this section, and sections
12.2 162.02; 162.07, subdivision 2; 162.09; and 162.13, subdivision 2, are exempt from the
12.3 rulemaking provisions of chapter 14. The rules are subject to section 14.386, except that,
12.4 notwithstanding paragraph (b) of that section, the rules continue in effect until repealed or
12.5 superseded by other law or rule.

12.6 Sec. 13. Minnesota Statutes 2010, section 165.01, is amended to read:

12.7 **165.01 DEFINITIONS.**

12.8 Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this
12.9 section and section 160.02 have the meanings given them.

12.10 Subd. 2. **AASHTO manual.** ~~"AASHTO manual" means the Manual for Condition~~
12.11 ~~Evaluation of Bridges, published by the American Association of State Highway and~~
12.12 ~~Transportation Officials. "The Manual for Bridge Evaluation," published by the American~~
12.13 Association of State Highway and Transportation Officials, is incorporated by reference.

12.14 Subd. 3. **Bridge.** "Bridge" is defined as a structure, including supports erected over
12.15 a depression or an obstruction, such as water, a highway, or a railway, having a track or
12.16 passageway for carrying traffic or other moving loads, and having an opening measured
12.17 horizontally along the center of the roadway of ten feet or more between undercopings of
12.18 abutments, between the spring line of arches, or between the extreme ends of openings
12.19 for multiple boxes. Bridge also includes multiple pipes where the clear distance between
12.20 openings is less than one-half of the smaller contiguous opening. This definition of a
12.21 bridge includes only those railroad and pedestrian bridges over a public highway or street.

12.22 Subd. 4. **National Bridge Inspection Standards (NBIS).** "NBIS" means standards
12.23 established by the Federal Highway Administration in Code of Federal Regulations, title
12.24 23, part 650, subpart C, incorporated by reference.

12.25 Sec. 14. Minnesota Statutes 2010, section 165.03, is amended to read:

12.26 **165.03 STRENGTH OF BRIDGE; INSPECTION.**

12.27 Subdivision 1. **Standards generally.** Each bridge, including a privately owned
12.28 bridge, must conform to the strength, width, clearance, and safety standards imposed
12.29 by the commissioner for the connecting highway or street. This subdivision applies to
12.30 a bridge that is constructed after August 1, 1989, on any public highway or street. The
12.31 bridge must have sufficient strength to support with safety the maximum vehicle weights
12.32 allowed under sections 169.822 to 169.829 and must have the minimum width specified
12.33 in section 165.04, subdivision 3.

13.1 Subd. 1a. **Inspection.** (a) Each bridge must be inspected annually, unless a longer
13.2 interval not to exceed ~~two years~~ 24 months for bridges or ~~four years~~ 48 months for bridges
13.3 classified as culverts is authorized by the commissioner. The commissioner's authorization
13.4 must be based on factors including, but not limited to, the age and condition of the
13.5 bridge, the rate of deterioration of the bridge, the type of structure, the susceptibility of
13.6 the bridge to failure, and the characteristics of traffic on the bridge. The commissioner
13.7 may require interim inspections at intervals of less than one year on bridges that are
13.8 posted, bridges subjected to extreme scour conditions, bridges subject to significant
13.9 substructure movement or settlement, and for other reasons as specified or inferred in the
13.10 AASHTO manual.

13.11 (b) Additional requirements apply to structures meeting the NBIS definition of
13.12 a bridge:

13.13 (1) Underwater structural elements must be inspected at regular intervals not to
13.14 exceed 60 months. The commissioner may require inspections at intervals of less than
13.15 60 months on certain underwater structural elements based on factors including, but not
13.16 limited to, construction material, environment, age, scour characteristics, the condition
13.17 ratings from past inspections, and any known deficiencies.

13.18 (2) Fracture critical members, or FCMs, must receive a hands-on fracture critical
13.19 inspection at intervals not to exceed 24 months. The commissioner may require
13.20 inspections at intervals of less than 24 months on certain FCMs based on factors including,
13.21 but not limited to, age, traffic characteristics, and any known deficiencies.

13.22 (3) The commissioner may establish criteria to determine the level and frequency of
13.23 these inspections. If warranted by special circumstances, the commissioner retains the
13.24 authority to determine the inspection type and required inspection frequency for any
13.25 bridge on the state inventory.

13.26 ~~(b)~~ (c) The thoroughness of each inspection depends on such factors as age, traffic
13.27 characteristics, state of maintenance, and known deficiencies. The evaluation of these
13.28 factors is the responsibility of the engineer assigned the responsibility for inspection as
13.29 defined by ~~rule adopted by~~ the commissioner of transportation.

13.30 Subd. 2. **Inspection and inventory responsibilities; rules; forms.** (a) The
13.31 commissioner of transportation will adopt the National Bridge Inspection Standards
13.32 (NBIS) established by the Federal Highway Administration in Code of Federal
13.33 Regulations, title 23, part 650, subpart C, or its successor documents, for structures
13.34 meeting the NBIS definition of a bridge. The commissioner shall establish inspection and
13.35 inventory standards for structures defined as bridges by section 165.01, subdivision 3.

14.1 ~~(a)~~ (b) The commissioner of transportation shall adopt official inventory and bridge
 14.2 inspection report forms for use in making bridge inspections by the owners or highway
 14.3 authorities specified by this subdivision. Inspections must be made at regular intervals,
 14.4 not to exceed ~~two years for bridges and not to exceed four years for culverts~~ the intervals
 14.5 outlined in subdivision 1a, by the following owner or official:

14.6 (1) the commissioner of transportation for all bridges located wholly or partially
 14.7 within or over the right-of-way of a state trunk highway;

14.8 (2) the county highway engineer for all bridges located wholly or partially within or
 14.9 over the right-of-way of any county or town road, or any street within a municipality that
 14.10 does not have a city engineer regularly employed;

14.11 (3) the city engineer for all bridges located wholly or partially within or over the
 14.12 right-of-way of any street located within or along municipal limits;

14.13 (4) the commissioner of transportation in case of a toll bridge that is used by the
 14.14 general public and that is not inspected and certified under subdivision 6; provided, that
 14.15 the commissioner of transportation may assess the owner for the costs of the inspection;

14.16 (5) the owner of a bridge over a public highway or street or that carries a roadway
 14.17 designated for public use by a public authority, if not required to be inventoried and
 14.18 inspected under clause (1), (2), (3), or (4).

14.19 ~~(b)~~ (c) The commissioner of transportation shall prescribe the ~~standards for bridge~~
 14.20 ~~inspection and inventory by rules~~ inspection and inventory procedures required to
 14.21 administer the bridge inspection program in Minnesota and has the authority to establish
 14.22 and publish standards that describe the inspection and inventory requirements to ensure
 14.23 compliance with paragraph (a). The owner or highway authority shall inspect and
 14.24 inventory in accordance with these standards and furnish the commissioner with such data
 14.25 as may be necessary to maintain a central inventory.

14.26 Subd. 3. **County inventory and inspection records and reports.** The county
 14.27 engineer shall maintain a complete inventory record of all bridges as set forth in
 14.28 subdivision 2, paragraph ~~(a)~~ (b), clause (2), with the inspection reports thereof, and shall
 14.29 certify annually to the commissioner, as prescribed by the commissioner, that inspections
 14.30 have been made at regular intervals, not to exceed ~~two years for bridges and not to~~
 14.31 ~~exceed four years for culverts~~ the intervals outlined in subdivision 1a. A report of the
 14.32 inspections must be filed annually, on or before February 15 of each year, with the county
 14.33 auditor or town clerk, or the governing body of the municipality. The report must contain
 14.34 recommendations for the correction of or legal posting of load limits on any bridge or
 14.35 structure that is found to be understrength or unsafe.

15.1 Subd. 4. **Municipal inventory and inspection records and reports.** The
15.2 city engineer shall maintain a complete inventory record of all bridges as set forth in
15.3 subdivision 2, paragraph ~~(a)~~ (b), clause (3), with the inspection reports thereof, and shall
15.4 certify annually to the commissioner, as prescribed by the commissioner, that inspections
15.5 have been made at regular intervals, not to exceed ~~two years for bridges and not to exceed~~
15.6 ~~four years for culverts~~ the intervals outlined in subdivision 1a. A report of the inspections
15.7 must be filed annually, on or before February 15 of each year, with the governing body of
15.8 the municipality. The report must contain recommendations for the correction of or legal
15.9 posting of load limits on any bridge or structure that is found to be understrength or unsafe.

15.10 Subd. 5. **Agreement.** Agreements may be made among the various units of
15.11 governments, or between governmental units and qualified engineering personnel to
15.12 carry out the responsibilities for the bridge inspections and reports, as established by
15.13 subdivision 2.

15.14 Subd. 6. **Other bridges.** The owner of a toll bridge and the owner of a bridge
15.15 described in subdivision 2, paragraph ~~(a)~~ (b), clause (5), shall certify to the commissioner,
15.16 as prescribed by the commissioner, that inspections of the bridge or culvert have been
15.17 made at regular intervals, not to exceed ~~two years for bridges and not to exceed four years~~
15.18 ~~for culverts~~ the intervals outlined in subdivision 1a. The certification must be accompanied
15.19 by a report of the inspection. The report must contain recommendations for the correction
15.20 of or legal posting of load limitations if the bridge is found to be understrength or unsafe.

15.21 Subd. 6a. **Bridge load rating and posting.** (a) The term "posting" means the
15.22 placement of regulatory signs at a bridge indicating the safe load carrying capacity of
15.23 the bridge.

15.24 (b) Each structure required to be inspected under subdivision 2, paragraph (a), must
15.25 be load rated to determine its safe load carrying capacity, and this rating must be reported
15.26 on a structure inventory sheet form provided by the commissioner of transportation. A
15.27 structure must be rerated when it is determined that a significant change has occurred in
15.28 the condition of the structure or due to additional dead load placed on the structure since
15.29 the last load rating. Load ratings must be reviewed and the structure rerated if necessary
15.30 when the allowable legal load using the structure is increased. Changes in the load rating
15.31 of a bridge must be indicated on the structure inventory sheet form.

15.32 (c) If it is determined that the maximum legal load under state law exceeds the load
15.33 permitted on the structure under the operating rating stress level assigned, the bridge must
15.34 be posted. Posting signs adopted by the commissioner shall be used for the posting. The
15.35 owner or highway authority shall post the bridge in accordance with the posted load
15.36 assigned by the commissioner.

16.1 Subd. 7. **Department of Natural Resources bridge.** (a) Notwithstanding
 16.2 subdivision 2, the commissioners of transportation and natural resources shall negotiate a
 16.3 memorandum of understanding that governs the inspection of bridges owned, operated,
 16.4 or maintained by the commissioner of natural resources.

16.5 (b) The memorandum of understanding must provide for:

16.6 (1) the inspection and inventory of bridges subject to federal law or regulations;

16.7 (2) the frequency of inspection of bridges described in ~~paragraph (a)~~ subdivision
 16.8 1a; and

16.9 (3) who may perform inspections required under the memorandum of understanding.

16.10 Subd. 8. **Biennial report on bridge inspection quality assurance.** By February
 16.11 1 of each odd-numbered year, the commissioner shall submit a report electronically to
 16.12 the members of the senate and house of representatives committees with jurisdiction over
 16.13 transportation policy and finance concerning quality assurance for bridge inspections.

16.14 At a minimum, the report must:

16.15 (1) summarize the bridge inspection quality assurance and quality control procedures
 16.16 used in Minnesota;

16.17 (2) identify any substantive changes to quality assurance and quality control
 16.18 procedures made in the previous two years;

16.19 (3) summarize and provide a briefing on findings from bridge inspection quality
 16.20 reviews performed in the previous two years;

16.21 (4) identify actions taken and planned in response to findings from bridge inspection
 16.22 quality reviews performed in the previous two years;

16.23 (5) summarize the results of any bridge inspection compliance review by the Federal
 16.24 Highway Administration; and

16.25 (6) identify actions in response to the Federal Highway Administration compliance
 16.26 review taken by the department in order to reach full compliance.

16.27 Sec. 15. Minnesota Statutes 2010, section 168.002, subdivision 19, is amended to read:

16.28 Subd. 19. **Motorcycle.** "Motorcycle" ~~means every motor vehicle having a seat or~~
 16.29 ~~saddle for the use of the rider and designed to travel on not more than three wheels in~~
 16.30 ~~contact with the ground, including motor scooters and bicycles with motor attached, other~~
 16.31 ~~than those vehicles defined as motorized bicycles in subdivision 20, but excluding a tractor~~
 16.32 has the meaning given in section 169.011, subdivision 44.

16.33 Sec. 16. Minnesota Statutes 2010, section 168.002, subdivision 20, is amended to read:

17.1 Subd. 20. **Motorized bicycle.** ~~"Motorized bicycle" means a bicycle that is propelled~~
17.2 ~~by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic~~
17.3 ~~centimeters or less, and a maximum of two brake horsepower, which is capable of a~~
17.4 ~~maximum speed of not more than 30 miles per hour on a flat surface with not more than~~
17.5 ~~one percent grade in any direction when the motor is engaged. "Motorized bicycle"~~
17.6 ~~includes an electric-assisted bicycle as defined in section 169.011, subdivision 27~~ has the
17.7 meaning given in section 169.011, subdivision 45.

17.8 Sec. 17. Minnesota Statutes 2010, section 168.012, is amended by adding a subdivision
17.9 to read:

17.10 Subd. 2d. **Electric-assisted bicycles.** Electric-assisted bicycles must not be taxed as
17.11 motor vehicles using the public streets and highways, and are exempt from the provisions
17.12 of this chapter.

17.13 Sec. 18. Minnesota Statutes 2010, section 168.013, is amended by adding a subdivision
17.14 to read:

17.15 Subd. 22. **Optional donation for education on anatomical gifts.** As part of
17.16 procedures for payment of the vehicle registration tax under this section, the commissioner
17.17 shall allow a vehicle owner to add to the tax a \$2 donation for the purposes of public
17.18 information and education on anatomical gifts under section 171.075, for in-person
17.19 transactions conducted by a deputy registrar appointed under section 168.33, subdivision
17.20 2. This subdivision applies to annual renewal registrations only, and does not apply to
17.21 registrations authorized under sections 168.053 to 168.057, 168.127, 168.187, and 168.27.

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

17.23 Sec. 19. Minnesota Statutes 2011 Supplement, section 168.12, subdivision 5, is
17.24 amended to read:

17.25 Subd. 5. **Additional fee.** (a) In addition to any fee otherwise authorized or any tax
17.26 otherwise imposed upon any vehicle, the payment of which is required as a condition to
17.27 the issuance of any plate or plates, the commissioner shall impose the fee specified in
17.28 paragraph (b) that is calculated to cover the cost of manufacturing and issuing the plate
17.29 or plates, except for plates issued to disabled veterans as defined in section 168.031 and
17.30 plates issued pursuant to section 168.124, 168.125, or 168.27, subdivisions 16 and 17,
17.31 for passenger automobiles. The commissioner shall issue graphic design plates only
17.32 for vehicles registered pursuant to section 168.017 and recreational vehicles registered
17.33 pursuant to section 168.013, subdivision 1g.

18.1 (b) Unless otherwise specified or exempted by statute, the following plate and
 18.2 validation sticker fees apply for the original, duplicate, or replacement issuance of a
 18.3 plate in a plate year:

18.4 License Plate	Single	Double
18.5 Regular and Disability	\$ 4.50	\$ 6.00
18.6 Special	\$ 8.50	\$ 10.00
18.7 Personalized (Replacement)	\$ 10.00	\$ 14.00
18.8 Collector Category	\$ 13.50	\$ 15.00
18.9 Emergency Vehicle Display	\$ 3.00	\$ 6.00
18.10 Utility Trailer Self-Adhesive	\$ 2.50	
18.11 Vertical Motorcycle Plate	\$ 100.00	NA
18.12 Stickers		
18.13 Duplicate year	\$ 1.00	\$ 1.00
18.14 International Fuel Tax Agreement	\$ 2.50	

18.15 (c) For vehicles that require two of the categories above, the registrar shall only
 18.16 charge the higher of the two fees and not a combined total.

18.17 ~~(d) As part of procedures for payment of the fee under paragraph (b), the~~
 18.18 ~~commissioner shall allow a vehicle owner to add to the fee, a \$2 donation for the purposes~~
 18.19 ~~of public information and education on anatomical gifts under section 171.075.~~

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

18.21 Sec. 20. Minnesota Statutes 2011 Supplement, section 168.123, subdivision 1, is
 18.22 amended to read:

18.23 Subdivision 1. **General requirements; fees.** (a) On payment of a fee of \$10 for
 18.24 each set of two plates, or for a single plate in the case of a motorcycle plate, payment of
 18.25 the registration tax required by law, and compliance with other applicable laws relating to
 18.26 vehicle registration and licensing, as applicable, the commissioner shall issue:

18.27 (1) special veteran's plates to an applicant who served in the active military service
 18.28 in a branch of the armed forces of the United States or of a nation or society allied with the
 18.29 United States in conducting a foreign war, was discharged under honorable conditions, and
 18.30 is a registered owner of a passenger automobile as defined in section 168.002, subdivision
 18.31 24, recreational motor vehicle as defined in section 168.002, subdivision 27, or one-ton
 18.32 pickup truck as defined in section 168.002, subdivision 21b, but which is not a commercial
 18.33 motor vehicle as defined in section 169.011, subdivision 16; or

18.34 (2) a veteran's special motorcycle plate as described in subdivision 2, paragraph (a),
 18.35 (f), (h), (i), or (j), or another special plate designed by the commissioner to an applicant
 18.36 who is a registered owner of a motorcycle as defined in section 168.002, subdivision 19,

19.1 and meets the criteria listed in this paragraph and in subdivision 2, paragraph (a), (f), (h),
 19.2 (i), or (j). Plates issued under this clause must be the same size as regular motorcycle
 19.3 plates. Special motorcycle license plates issued under this clause are not subject to
 19.4 section 168.1293.

19.5 (b) The additional fee of \$10 is payable for each set of veteran's plates, is payable
 19.6 only when the plates are issued, and is not payable in a year in which stickers are issued
 19.7 instead of plates.

19.8 (c) The veteran must have a certified copy of the veteran's discharge papers,
 19.9 indicating character of discharge, at the time of application. If an applicant served in the
 19.10 active military service in a branch of the armed forces of a nation or society allied with the
 19.11 United States in conducting a foreign war and is unable to obtain a record of that service
 19.12 and discharge status, the commissioner of veterans affairs may certify the applicant as
 19.13 qualified for the veterans' plates provided under this section.

19.14 ~~(d) For license plates issued for one-ton trucks described in paragraph (a), clause~~
 19.15 ~~(1), the commissioner shall collect a surcharge of \$5 on each \$10 fee collected under~~
 19.16 ~~paragraph (a). The surcharge must be deposited in the vehicle services operating account~~
 19.17 ~~in the special revenue fund.~~

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

19.19 Sec. 21. Minnesota Statutes 2010, section 168A.03, subdivision 1, is amended to read:

19.20 Subdivision 1. **No certificate issued.** The registrar shall not issue a certificate of
 19.21 title for:

19.22 (1) a vehicle owned by the United States;

19.23 (2) a vehicle owned by a nonresident and not required by law to be registered in
 19.24 this state;

19.25 (3) a vehicle owned by a nonresident and regularly engaged in the interstate
 19.26 transportation of persons or property for which a currently effective certificate of title
 19.27 has been issued in another state;

19.28 (4) a vehicle moved solely by animal power;

19.29 (5) an implement of husbandry;

19.30 (6) special mobile equipment;

19.31 (7) a self-propelled wheelchair or invalid tricycle;

19.32 (8) a trailer (i) having a gross weight of 4,000 pounds or less unless a secured party
 19.33 holds an interest in the trailer or a certificate of title was previously issued by this state or
 19.34 any other state or (ii) designed primarily for agricultural purposes except a recreational

20.1 vehicle or a manufactured home, both as defined in section 168.002, subdivisions 16
20.2 and 27;

20.3 (9) a snowmobile; ~~and~~

20.4 (10) a spotter truck, as defined in section 169.011, subdivision 77; and

20.5 (11) an electric-assisted bicycle, as defined in section 169.011, subdivision 27.

20.6 Sec. 22. Minnesota Statutes 2010, section 168A.07, subdivision 1, is amended to read:

20.7 Subdivision 1. **Ownership at issue; certificate withheld or bond filed.** In the event
20.8 application is made in this state for a certificate of title on a vehicle and the department is
20.9 not satisfied as to the ownership of the vehicle or the existence of security interests therein,
20.10 the vehicle may be registered but the department, subject to subdivision 1a, shall either:

20.11 (1) withhold issuance of a certificate of title until the applicant shall present
20.12 documents reasonably sufficient to satisfy the department of the applicant's ownership of
20.13 the vehicle and as to any security interest therein; or

20.14 (2) as a condition to issuing a certificate of title, require the applicant to file a bond
20.15 in the form and amount provided in subdivision 1b.

20.16 Subd. 1a. **Ownership at issue; requirements for certificate issuance.** (a) In the
20.17 event application is made in this state for a certificate of title on a vehicle with a model
20.18 year designated by the manufacturer of more than five years prior to the year in which
20.19 application is made, and the applicant is unable to establish sole ownership of the vehicle
20.20 because one or more owners, prior owners, or lienholders cannot be found, the department
20.21 shall issue a certificate of title to the applicant if the applicant submits:

20.22 (1) the application;

20.23 (2) a bond in the form and amount provided in subdivision 1b;

20.24 (3) an affidavit that identifies the make, model year, and vehicle identification
20.25 number of the vehicle, and includes a statement that:

20.26 (i) the applicant is an owner of the vehicle;

20.27 (ii) the applicant has physical possession of the vehicle; and

20.28 (iii) in attempting to transfer interest in the vehicle or obtain a certificate of title or
20.29 lien release, the applicant was unable after using due diligence to (A) determine the names
20.30 or locations of one or more owners, prior owners, or lienholders; or (B) successfully
20.31 contact one or more owners, prior owners, or lienholders known to the applicant; and

20.32 (4) payment for required taxes and fees.

20.33 (b) Unless the department has been notified of the pendency of an action to recover
20.34 the bond under paragraph (a), clause (2), the department shall allow it to expire at the
20.35 end of three years.

21.1 Subd. 1b. **Bond requirements.** A bond filed under this section must be in the form
 21.2 prescribed by the department and executed by the applicant, and either accompanied by the
 21.3 deposit of cash or executed by a surety company authorized to do business in this state, in
 21.4 an amount equal to 1-1/2 times the value of the vehicle as determined by the department.
 21.5 The bond shall be conditioned to indemnify any prior owner and secured party and any
 21.6 subsequent purchaser of the vehicle or person acquiring any security interest therein, or the
 21.7 successor in interest of any said person, against any expense, loss, or damage, including
 21.8 reasonable attorneys' fees, by reason of the issuance of the certificate of title to the vehicle
 21.9 or on account of any defect in or undisclosed security interest upon the right, title and
 21.10 interest of the applicant in and to the vehicle. Any such interested person shall have a right
 21.11 of action to recover on such bond for any breach of its conditions, but the aggregate
 21.12 liability of the surety to all such persons shall in no event exceed the amount of the bond.
 21.13 Unless the department has been notified of the pendency of an action to recover on the
 21.14 bond and if all questions as to ownership and outstanding security interests have been
 21.15 resolved to the satisfaction of the department, such bond, and any deposit accompanying
 21.16 it, shall be returned at the end of three years or prior thereto in the event the vehicle is no
 21.17 longer registered in this state and the currently valid certificate of title is surrendered.

21.18 Sec. 23. Minnesota Statutes 2010, section 169.011, subdivision 4, is amended to read:

21.19 Subd. 4. **Bicycle.** (a) "Bicycle" means every device capable of being propelled
 21.20 solely by human power upon which any person may ride, having two tandem wheels
 21.21 ~~except scooters and similar devices,~~ and including any device generally recognized
 21.22 as a bicycle though equipped with two front or rear wheels. Bicycle includes an
 21.23 electric-assisted bicycle, as defined in subdivision 27.

21.24 (b) "Bicycle" does not include scooters, motorized foot scooters, or similar devices.

21.25 Sec. 24. Minnesota Statutes 2010, section 169.011, subdivision 27, is amended to read:

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

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

21.29 (2) meets the requirements:

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

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

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

22.6 Sec. 25. Minnesota Statutes 2010, section 169.011, subdivision 44, is amended to read:

22.7 Subd. 44. **Motorcycle.** "Motorcycle" means every motor vehicle having a seat or
 22.8 saddle for the use of the rider and designed to travel on not more than three wheels in
 22.9 contact with the ground, including motor scooters ~~and bicycles with motor attached,~~
 22.10 ~~other than those vehicles defined as.~~ Motorcycle does not include (1) motorized bicycles
 22.11 as defined in subdivision 45, but excluding (2) electric-assisted bicycles as defined in
 22.12 subdivision 27, or (3) a tractor.

22.13 Sec. 26. Minnesota Statutes 2010, section 169.011, subdivision 45, is amended to read:

22.14 Subd. 45. **Motorized bicycle.** "Motorized bicycle" means a bicycle that is propelled
 22.15 by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic
 22.16 centimeters or less, and a maximum of two brake horsepower, which is capable of a
 22.17 maximum speed of not more than 30 miles per hour on a flat surface with not more than
 22.18 one percent grade in any direction when the motor is engaged. "Motorized bicycle"
 22.19 ~~includes~~ does not include an electric-assisted bicycle as defined in subdivision 27.

22.20 Sec. 27. Minnesota Statutes 2010, section 169.06, subdivision 4, is amended to read:

22.21 Subd. 4. **Obedience to traffic-control signal or flagger; presumptions.** (a) The
 22.22 driver of any vehicle shall obey the instructions of any official traffic-control device
 22.23 applicable thereto placed in accordance with the provisions of this chapter, unless
 22.24 otherwise directed by a police officer or by a ~~certified overdimensional load escort driver~~
 22.25 flagger authorized under this subdivision, subject to the exceptions granted the driver of
 22.26 an authorized emergency vehicle in this chapter.

22.27 (b) No provision of this chapter for which official traffic-control devices are required
 22.28 shall be enforced against an alleged violator if at the time and place of the alleged
 22.29 violation an official device is not in proper position and sufficiently legible to be seen by
 22.30 an ordinarily observant person. Whenever a particular section does not state that official
 22.31 traffic-control devices are required, such section shall be effective even though no devices
 22.32 are erected or in place.

23.1 (c) Whenever official traffic-control devices are placed in position approximately
23.2 conforming to the requirements of this chapter, such devices shall be presumed to have
23.3 been so placed by the official act or direction of lawful authority, unless the contrary
23.4 shall be established by competent evidence.

23.5 (d) Any official traffic-control device placed pursuant to the provisions of this
23.6 chapter and purporting to conform to the lawful requirements pertaining to such devices
23.7 shall be presumed to comply with the requirements of this chapter, unless the contrary
23.8 shall be established by competent evidence.

23.9 (e) A flagger in a designated work zone may stop vehicles and hold vehicles in place
23.10 until it is safe for the vehicles to proceed. A person operating a motor vehicle that has
23.11 been stopped by a flagger in a designated work zone may proceed after stopping only on
23.12 instruction by the flagger.

23.13 (f) An overdimensional load escort driver with a certificate issued under section
23.14 299D.085, while acting as a flagger escorting a legal overdimensional load, may stop
23.15 vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person
23.16 operating a motor vehicle that has been stopped by an escort driver acting as a flagger may
23.17 proceed only on instruction by the flagger or a police officer.

23.18 (g) A person may stop and hold vehicles in place until it is safe for the vehicles to
23.19 proceed, if the person: (1) holds a motorcycle road guard certificate issued under section
23.20 171.60; (2) meets the safety and equipment standards for operating under the certificate;
23.21 (3) is acting as a flagger escorting a motorcycle group ride; (4) has notified each statutory
23.22 or home rule charter city through which the motorcycle group is proceeding; and (5)
23.23 has obtained consent from the chief of police, or the chief's designee, of any city of the
23.24 first class through which the group is proceeding. A flagger operating as provided under
23.25 this paragraph may direct operators of motorcycles within a motorcycle group ride or
23.26 other vehicle traffic, notwithstanding any contrary indication of a traffic-control device,
23.27 including stop signs or traffic-control signals. A person operating a vehicle that has been
23.28 stopped by a flagger under this paragraph may proceed only on instruction by the flagger
23.29 or a police officer.

23.30 **EFFECTIVE DATE.** This section is effective one year after publication in the State
23.31 Register of rules adopted under section 171.60, subdivision 5.

23.32 Sec. 28. Minnesota Statutes 2010, section 169.09, subdivision 13, is amended to read:

23.33 Subd. 13. **Reports confidential; evidence, fee, penalty, appropriation.** (a) All
23.34 reports and supplemental information required under this section must be for the use of the

24.1 commissioner of public safety and other appropriate state, federal, county, and municipal
24.2 governmental agencies for accident analysis purposes, except:

24.3 (1) the commissioner of public safety or any law enforcement agency shall, upon
24.4 written request of any individual involved in an accident or upon written request of the
24.5 representative of the individual's estate, surviving spouse, or one or more surviving next
24.6 of kin, or a trustee appointed under section 573.02, or other person injured in person,
24.7 property, or means of support, or who incurs other pecuniary loss by virtue of the accident,
24.8 disclose to the requester, the requester's legal counsel, or a representative of the requester's
24.9 insurer the report required under subdivision 8;

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

24.12 (3) the commissioner of public safety may verify with insurance companies vehicle
24.13 insurance information to enforce sections 65B.48, 169.792, 169.793, 169.796, and
24.14 169.797;

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

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

24.22 ~~(5)~~ (6) the commissioner of public safety may give to the United States Department
24.23 of Transportation commercial vehicle accident information in connection with federal
24.24 grant programs relating to safety.

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

24.33 (c) Nothing in this subdivision prevents any individual who has made a report under
24.34 this section from providing information to any individuals involved in an accident or their
24.35 representatives or from testifying in any trial, civil or criminal, arising out of an accident,
24.36 as to facts within the individual's knowledge. It is intended by this subdivision to render

25.1 privileged the reports required, but it is not intended to prohibit proof of the facts to
25.2 which the reports relate.

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

25.5 (e) The commissioner of public safety shall charge authorized persons as described
25.6 in paragraph (a) a \$5 fee for a copy of an accident report. Ninety percent of the \$5 fee
25.7 collected under this paragraph must be deposited in the special revenue fund and credited
25.8 to the driver services operating account established in section 299A.705 and ten percent
25.9 must be deposited in the general fund. The commissioner may also furnish an electronic
25.10 copy of the database of accident records, which must not contain personal or private data
25.11 on an individual, to private agencies as provided in paragraph (g), for not less than the cost
25.12 of preparing the copies on a bulk basis as provided in section 13.03, subdivision 3.

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

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

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

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

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

25.34 Sec. 29. Minnesota Statutes 2010, section 169.222, subdivision 6, is amended to read:

26.1 Subd. 6. **Bicycle equipment.** (a) No person shall operate a bicycle at nighttime
 26.2 unless the bicycle or its operator is equipped with (1) a lamp which ~~shall emit~~ emits
 26.3 a white light visible from a distance of at least 500 feet to the front; and ~~with~~ (2) a red
 26.4 reflector of a type approved by the Department of Public Safety which is visible from all
 26.5 distances from 100 feet to 600 feet to the rear when directly in front of lawful lower
 26.6 beams of headlamps on a motor vehicle.

26.7 (b) No person may operate a bicycle at any time when there is not sufficient light to
 26.8 render persons and vehicles on the highway clearly discernible at a distance of 500 feet
 26.9 ahead unless the bicycle or its operator is equipped with reflective surfaces that shall be
 26.10 visible during the hours of darkness from 600 feet when viewed in front of lawful lower
 26.11 beams of headlamps on a motor vehicle. The reflective surfaces shall include reflective
 26.12 materials on each side of each pedal to indicate their presence from the front or the rear and
 26.13 with a minimum of 20 square inches of reflective material on each side of the bicycle or its
 26.14 operator. Any bicycle equipped with side reflectors as required by regulations for new
 26.15 bicycles prescribed by the United States Consumer Product Safety Commission shall be
 26.16 considered to meet the requirements for side reflectorization contained in this subdivision.

26.17 (c) A bicycle may be equipped with a front lamp that emits a white flashing signal,
 26.18 or a rear lamp that emits a red flashing signal, or both.

26.19 (d) A bicycle may be equipped with tires having studs, spikes, or other protuberances
 26.20 designed to increase traction.

26.21 ~~(b)~~ (e) No person shall operate a bicycle unless it is equipped with a brake which
 26.22 will enable the operator to make the braked wheels skid on dry, level, clean pavement.

26.23 ~~(e)~~ (f) No person shall operate upon a highway any two-wheeled bicycle equipped
 26.24 with handlebars so raised that the operator must elevate the hands above the level of the
 26.25 shoulders in order to grasp the normal steering grip area.

26.26 ~~(d)~~ (g) No person shall operate upon a highway any bicycle which is of such a size
 26.27 as to prevent the operator from stopping the bicycle, supporting it with at least one foot
 26.28 on the highway surface and restarting in a safe manner.

26.29 Sec. 30. Minnesota Statutes 2010, section 169.222, is amended by adding a subdivision
 26.30 to read:

26.31 Subd. 6b. **Operator age.** No person under the age of 15 shall operate an
 26.32 electric-assisted bicycle.

26.33 Sec. 31. Minnesota Statutes 2010, section 169.222, subdivision 7, is amended to read:

27.1 Subd. 7. **Sale with reflectors and other equipment.** No person shall sell or offer for
 27.2 sale any new bicycle unless it is equipped with reflectors and other equipment as required
 27.3 by subdivision 6, ~~clauses (a) and paragraphs (b) and (e)~~ and by the applicable regulations
 27.4 for new bicycles prescribed by the United States Consumer Product Safety Commission.

27.5 Sec. 32. Minnesota Statutes 2010, section 169.223, subdivision 1, is amended to read:

27.6 Subdivision 1. **Safety equipment; parking.** ~~Except as otherwise provided in this~~
 27.7 ~~section,~~ Section 169.974 relating to motorcycles is applicable to motorized bicycles,
 27.8 except as otherwise provided in this section and except that:

27.9 (1) protective headgear includes headgear that meets the ~~American National~~
 27.10 ~~Standard for Protective Headgear for Bicyclists, ANSI Z90.4-1984, approved by the~~
 27.11 ~~American National Standards Institute, Inc.~~ standards under Code of Federal Regulations,
 27.12 title 16, part 1203, or successor requirements;

27.13 (2) a motorized bicycle equipped with a headlight and taillight meeting the
 27.14 requirements of lighting for motorcycles may be operated during nighttime hours;

27.15 (3) ~~except as provided in clause (5),~~ protective headgear is not required for operators
 27.16 18 years of age or older; and

27.17 (4) the provisions of section 169.222, subdivision 9, governing the parking of
 27.18 bicycles apply to motorized bicycles; and

27.19 ~~(5) the operator of an electric-assisted bicycle must wear properly fitted and~~
 27.20 ~~fastened headgear that meets the American National Standard for Protective Headgear for~~
 27.21 ~~Bicyclists, ANSI Z90.4-1984, approved by the American National Standards Institute,~~
 27.22 ~~Inc., when operating the electric-assisted bicycle on a street or highway; and~~

27.23 ~~(6) eye protection devices are not required for operators of electric-assisted bicycles.~~

27.24 Sec. 33. Minnesota Statutes 2010, section 169.223, subdivision 5, is amended to read:

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

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

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

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

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

28.4 (c) This section does not permit the operation of a motorized bicycle on a bicycle
 28.5 path or bicycle lane that is reserved for the exclusive use of nonmotorized traffic.

28.6 ~~(d) Subject to the provisions of section 160.263, subdivision 3, a person may operate~~
 28.7 ~~an electric-assisted bicycle on a bicycle lane. A person may operate an electric-assisted~~
 28.8 ~~bicycle on the shoulder of a roadway if the electric-assisted bicycle is traveling in the same~~
 28.9 ~~direction as the adjacent vehicular traffic.~~

28.10 Sec. 34. Minnesota Statutes 2010, section 169.72, subdivision 1, is amended to read:

28.11 Subdivision 1. **Solid rubber, metal, and studded tires; exceptions; permits.** (a)
 28.12 Every solid rubber tire on a vehicle ~~shall~~ must have rubber on its entire traction surface at
 28.13 least one inch thick above the edge of the flange of the entire periphery.

28.14 (b) No person shall operate or move on any highway any motor vehicle, trailer, or
 28.15 semitrailer, having any metal tire in contact with the roadway, except in case of emergency.

28.16 (c) Except as provided in this section, no tire on a vehicle moved on a highway shall
 28.17 have on its periphery any block, stud, flange, cleat, or spike or any other protuberances
 28.18 of any material other than rubber which projects beyond the tread of the traction surface
 28.19 of the tire.

28.20 ~~(d) It shall be~~ is permissible to use any of the following on highways:

28.21 (1) implements of husbandry with tires having protuberances which will not injure
 28.22 the highway, and;

28.23 (2) tire chains of reasonable proportions upon any vehicle when required for safety
 28.24 because of snow, ice, or other conditions tending to cause a vehicle to skid; and

28.25 (3) tires on a bicycle as provided in section 169.222, subdivision 6.

28.26 ~~(d)~~ (e) The commissioner and local authorities in their respective jurisdictions may,
 28.27 in their discretion, issue special permits authorizing the operation upon a highway of
 28.28 traction engines or tractors having movable tracks with transverse corrugations upon the
 28.29 periphery of such movable tracks or farm tractors or other farm machinery, the operation
 28.30 of which upon a highway would otherwise be prohibited under this chapter.

28.31 Sec. 35. Minnesota Statutes 2011 Supplement, section 169.86, subdivision 5, is
 28.32 amended to read:

28.33 Subd. 5. **Fees; proceeds deposited; appropriation.** The commissioner, with
 28.34 respect to highways under the commissioner's jurisdiction, may charge a fee for each

29.1 permit issued. Unless otherwise specified, all such fees for permits issued by the
29.2 commissioner of transportation shall be deposited in the state treasury and credited to
29.3 the trunk highway fund. Except for those annual permits for which the permit fees are
29.4 specified elsewhere in this chapter, the fees shall be:

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

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

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

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

29.13 (2) motor vehicles which travel on interstate highways and carry loads authorized
29.14 under subdivision 1a;

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

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

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

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

29.20 (7) motor vehicles carrying bales of agricultural products authorized under section
29.21 169.862; and

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

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

29.25 (1) mobile cranes;

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

29.27 (3) manufactured homes and manufactured storage buildings;

29.28 (4) implements of husbandry;

29.29 (5) double-deck buses;

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

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

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

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

30.11 Overweight Axle Group Cost Factors

30.12 Weight (pounds)	30.12 Cost Per Mile For Each Group Of:		
30.13 exceeding weight 30.14 limitations on axles	30.13 Two 30.14 consecutive 30.15 axles spaced 30.16 within 8 feet 30.17 or less	30.13 Three 30.14 consecutive 30.15 axles spaced 30.16 within 9 feet 30.17 or less	30.13 Four consecutive 30.14 axles spaced within 30.15 14 feet or less
30.18 0-2,000	.12	.05	.04
30.19 2,001-4,000	.14	.06	.05
30.20 4,001-6,000	.18	.07	.06
30.21 6,001-8,000	.21	.09	.07
30.22 8,001-10,000	.26	.10	.08
30.23 10,001-12,000	.30	.12	.09
30.24 12,001-14,000	30.24 Not 30.25 permitted	.14	.11
30.26 14,001-16,000	30.26 Not 30.27 permitted	.17	.12
30.28 16,001-18,000	30.28 Not 30.29 permitted	.19	.15
30.30 18,001-20,000	30.30 Not 30.31 permitted	30.30 Not 30.31 permitted	.16
30.32 20,001-22,000	30.32 Not 30.33 permitted	30.32 Not 30.33 permitted	.20

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

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

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

31.5	Gross Weight (pounds) of Vehicle	Annual Permit Fee
31.6	90,000 or less	\$200
31.7	90,001 - 100,000	\$300
31.8	100,001 - 110,000	\$400
31.9	110,001 - 120,000	\$500
31.10	120,001 - 130,000	\$600
31.11	130,001 - 140,000	\$700
31.12	140,001 - 145,000	\$800

31.13 If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined
 31.14 under paragraph (e).

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

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

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

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

31.28 ~~(i) (1) the first \$50,000 in each fiscal year must be deposited in the trunk highway~~
 31.29 ~~fund for costs related to administering the permit program and inspecting and posting~~
 31.30 ~~bridges; and~~

31.31 ~~(ii) (2) all remaining money in each fiscal year must be deposited in a the bridge~~
 31.32 ~~inspection and signing account in the special revenue fund as provided under subdivision~~
 31.33 ~~5a. Money in the account is appropriated to the commissioner for:~~

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

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

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

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

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

32.6 Sec. 36. Minnesota Statutes 2010, section 169.86, is amended by adding a subdivision
32.7 to read:

32.8 Subd. 5a. **Bridge inspection and signing account; appropriation.** (a) A bridge
32.9 inspection and signing account is established in the special revenue fund. The account
32.10 consists of fees for special permits as specified under this chapter, and any other money
32.11 donated, allotted, transferred, or otherwise provided to the account.

32.12 (b) The revenue in the bridge inspection and signing account under this subdivision
32.13 is annually appropriated to the commissioner for:

32.14 (1) inspection of local bridges and identification of local bridges to be posted,
32.15 including contracting with a consultant for some or all of these functions; and

32.16 (2) erection of weight-posting signs on local bridges.

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

32.18 Sec. 37. Minnesota Statutes 2010, section 169.865, subdivision 4, is amended to read:

32.19 Subd. 4. **Deposit of revenues; appropriation.** ~~(a) Revenue from the permits issued~~
32.20 ~~by the commissioner under this section must be deposited:~~

32.21 ~~(1) in fiscal years 2008 through 2011, in the bridge inspection and signing account~~
32.22 ~~in the special revenue fund; and~~

32.23 ~~(2) in fiscal year 2012 and subsequent years, in the trunk highway fund as provided~~
32.24 ~~under section 169.86, subdivision 5a.~~

32.25 ~~(b) The revenue in the bridge inspection and signing account under this section is~~
32.26 ~~annually appropriated to the commissioner for:~~

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

32.29 ~~(2) erection of weight-posting signs on local bridges.~~

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

32.31 Sec. 38. Minnesota Statutes 2010, section 169.872, subdivision 1a, is amended to read:

33.1 Subd. 1a. **Limit on civil penalties.** A civil penalty for excessive weight under
33.2 section 169.871 may be imposed based on a record of a shipment under this section only if
33.3 a state law enforcement officer or motor transportation representative: (1) has inspected
33.4 and copied the record within 14 days of the date the shipment was received by the person
33.5 keeping the record; and (2) has assessed the penalty within 90 days of the date the officer
33.6 or representative inspected and copied the record.

33.7 Sec. 39. Minnesota Statutes 2010, section 169.98, subdivision 1, is amended to read:

33.8 Subdivision 1. **Colors and markings.** (a) Except as provided in subdivisions 2 and
33.9 2a, all motor vehicles which are primarily used in the enforcement of highway traffic rules
33.10 by the State Patrol or for general uniform patrol assignment by any municipal police
33.11 department or other law enforcement agency, except conservation officers, shall have
33.12 uniform colors and markings as provided in this subdivision. Motor vehicles of:

33.13 (1) municipal police departments, including the University of Minnesota Police
33.14 Department and park police units, shall be predominantly blue, brown, green, black,
33.15 or white;

33.16 (2) the State Patrol shall be predominantly maroon; and

33.17 (3) the county sheriff's office shall be predominantly brown, black, gold, or white.

33.18 (b) The identity of the governmental unit operating the vehicle shall be displayed on
33.19 both front door panels and on the rear of the vehicle. The identity may be in the form of
33.20 a shield or emblem, or may be the word "police," "sheriff," or the words "State Patrol"
33.21 or "conservation officer," as appropriate, with letters not less than 2-1/2 inches high,
33.22 one-inch wide and of a three-eighths inch brush stroke. The identity shall be of a color
33.23 contrasting with the background color so that the motor vehicle is easily identifiable as
33.24 belonging to a specific type of law enforcement agency. Each vehicle shall be marked
33.25 with its own identifying number on the rear of the vehicle. The number shall be printed
33.26 in the same size and color required pursuant to this subdivision for identifying words
33.27 which may be displayed on the vehicle.

33.28 Sec. 40. Minnesota Statutes 2010, section 169.98, subdivision 3, is amended to read:

33.29 Subd. 3. **Security guard vehicle.** (a) All motor vehicles which are used by security
33.30 guards in the course of their employment may have any color other than those specified in
33.31 subdivision 1 for law enforcement vehicles. The identity of the security service shall be
33.32 displayed on the motor vehicle as required for law enforcement vehicles.

34.1 (b) Notwithstanding subdivision 1, paragraph (a), clause (1), a security guard may
 34.2 continue to use a motor vehicle that is predominantly black in the course of the guard's
 34.3 employment if the vehicle was being used in this manner before August 1, 2002.

34.4 (c) Notwithstanding subdivision 1, paragraph (a), clause (3), a security guard may
 34.5 continue to use a motor vehicle that is predominantly gold in the course of the guard's
 34.6 employment if the vehicle was being used in this manner before August 1, 2012.

34.7 Sec. 41. Minnesota Statutes 2010, section 171.01, subdivision 41, is amended to read:

34.8 Subd. 41. **Motorized bicycle.** "Motorized bicycle" ~~means a bicycle that is propelled~~
 34.9 ~~by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic~~
 34.10 ~~centimeters or less, and a maximum of two brake horsepower, which is capable of a~~
 34.11 ~~maximum speed of not more than 30 miles per hour on a flat surface with not more than~~
 34.12 ~~one percent grade in any direction when the motor is engaged. "Motorized bicycle"~~
 34.13 ~~includes an electric-assisted bicycle as defined in section 169.011, subdivision 27~~ has the
 34.14 meaning given in section 169.011, subdivision 45.

34.15 Sec. 42. Minnesota Statutes 2011 Supplement, section 171.075, subdivision 1, is
 34.16 amended to read:

34.17 Subdivision 1. **Anatomical gift account.** An anatomical gift account is established
 34.18 in the special revenue fund. The account consist of funds donated under sections ~~168.12~~
 34.19 168.013, subdivision ~~5~~ 22, and 171.06, subdivision 2, and any other money donated,
 34.20 allotted, transferred, or otherwise provided to the account. Money in the account is
 34.21 annually appropriated to the commissioner for (1) grants under subdivision 2, and (2)
 34.22 administrative expenses in implementing the donation and grant program.

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

34.24 Sec. 43. **[171.60] MOTORCYCLE ROAD GUARD CERTIFICATE.**

34.25 Subdivision 1. **Certificate required.** No person may perform traffic control as a
 34.26 motorcycle road guard as provided under chapter 169 without a valid motorcycle road
 34.27 guard certificate issued by the commissioner.

34.28 Subd. 2. **Certification qualifications and standards.** Through the Minnesota
 34.29 Motorcycle Safety Center, the commissioner of public safety shall:

34.30 (1) establish qualifications and requirements for a person to obtain a motorcycle road
 34.31 guard certificate under this section, which must include:

34.32 (i) a minimum 18 years of age;

34.33 (ii) possession of a valid driver's license; and

35.1 (iii) successful completion of a motorcycle road guard certification course;
35.2 (2) develop and offer, whether by the Minnesota Motorcycle Safety Center or
35.3 authorized agents, a motorcycle road guard certification course; and

35.4 (3) establish safety and equipment standards for a person who operates under a
35.5 motorcycle road guard certificate, including but not limited to specifying requirements
35.6 for a reflective safety vest.

35.7 Subd. 3. **Fee.** The commissioner of public safety shall assess a fee for each applicant
35.8 for a motorcycle road guard certificate, calculated to cover the commissioner's cost of
35.9 establishing and administering the program.

35.10 Subd. 4. **Penalty.** A person who violates any provision of this section is guilty
35.11 of a petty misdemeanor.

35.12 Subd. 5. **Rulemaking.** The commissioner of public safety shall adopt rules to carry
35.13 out the provisions of this section. Notwithstanding section 16A.1283, the rules must
35.14 specify the fee to be assessed under subdivision 3.

35.15 **EFFECTIVE DATE.** Subdivisions 1 to 4 are effective one year after publication
35.16 in the State Register of rules adopted under subdivision 5. Subdivision 5 is effective the
35.17 day following final enactment.

35.18 Sec. 44. Minnesota Statutes 2010, section 174.03, is amended by adding a subdivision
35.19 to read:

35.20 Subd. 1d. **Freight rail economic development study.** (a) The commissioner of
35.21 transportation, in cooperation with the commissioner of the Department of Employment
35.22 and Economic Development, shall conduct a freight rail economic development study.
35.23 The study will assess the economic impact of freight railroads in the state and identify
35.24 opportunities to expand business development and enhance economic competitiveness
35.25 through improved utilization of freight rail options. Findings from the study shall be
35.26 incorporated as an amendment to the statewide freight and passenger rail plan.

35.27 (b) The commissioner of transportation shall provide an interim progress report on
35.28 the study by January 15, 2013, and a final report on September 1, 2013, to the chairs
35.29 and ranking minority members of the legislative committees with jurisdiction over
35.30 transportation policy and finance and over employment and economic development. The
35.31 reports shall include any recommended legislative initiatives.

35.32 (c) The commissioner of transportation may expend up to \$216,000 in fiscal year
35.33 2013 under section 222.50, subdivision 7, to pay the costs of this study and report.

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

36.1 Sec. 45. [174.40] SAFE ROUTES TO SCHOOL PROGRAM.

36.2 Subdivision 1. Definitions. (a) For purposes of this section, the following terms
36.3 have the meanings given them.

36.4 (b) "Bond eligible cost" means expenditures under this section for acquisition of
36.5 land or permanent easements, predesign, design, preliminary and final engineering,
36.6 environmental analysis, construction, and reconstruction of publicly owned infrastructure
36.7 in this state with a useful life of at least ten years that provides for nonmotorized
36.8 transportation to and from a school; preparation of land for which a route to school
36.9 is established, including demolition of structures and remediation of any hazardous
36.10 conditions on the land; and the unpaid principal on debt issued by a political subdivision
36.11 for a safe routes to school project.

36.12 (c) "Federal program" means the safe routes to school program under Title I, section
36.13 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy
36.14 for Users (SAFETEA-LU) of 2005, Public Law 109-59.

36.15 (d) "School" means a school, as defined in section 120A.22, subdivision 4, excluding
36.16 a home school.

36.17 Subd. 2. Program creation. (a) A safe routes to school program is established
36.18 to provide assistance in capital investments for safe and appealing nonmotorized
36.19 transportation to and from a school. The commissioner shall develop and implement the
36.20 safe routes to school program as provided in this section. Financial assistance under
36.21 this section is to supplement or replace aid for infrastructure projects under the federal
36.22 program.

36.23 (b) The commissioner may provide grants or other financial assistance for a safe
36.24 routes to school project at the commissioner's discretion, subject to the requirements
36.25 of this section.

36.26 Subd. 3. Safe routes to school accounts. (a) A safe routes to school account is
36.27 established in the bond proceeds fund. The account consists of state bond proceeds
36.28 appropriated to the commissioner. Money in the account may only be expended on
36.29 bond-eligible costs of a project receiving financial assistance as provided under this
36.30 section. All uses of funds from the account must be for publicly owned property.

36.31 (b) A safe routes to school account is established in the general fund. The account
36.32 consists of funds as provided by law, and any other money donated, allotted, transferred,
36.33 or otherwise provided to the account. Money in the account may only be expended on a
36.34 project receiving financial assistance as provided under this section.

36.35 Subd. 4. State general obligation bond funds. Minnesota Constitution, article XI,
36.36 section 5, clause (a), requires that state general obligation bonds be issued to finance only

37.1 the acquisition or betterment of public land, buildings, and other public improvements
37.2 of a capital nature. The legislature has determined that many school transportation
37.3 infrastructure projects will constitute betterments and capital improvements within the
37.4 meaning of the Minnesota Constitution and capital expenditures under generally accepted
37.5 accounting principles, and will be financed more efficiently and economically under this
37.6 section than by direct appropriations for specific projects.

37.7 Subd. 5. **Program administration.** (a) The commissioner shall establish general
37.8 program requirements and a competitive process for financial assistance, including but
37.9 not limited to eligibility requirements for grant recipients and projects; procedures for
37.10 solicitation of grants; application requirements; procedures for payment of financial
37.11 assistance awards; and a schedule for application, evaluation, and award of financial
37.12 assistance.

37.13 (b) An application must include:

37.14 (1) a detailed and specific description of the project;

37.15 (2) an estimate, along with necessary supporting evidence, of the total costs for the
37.16 project and the allocation of identified and proposed funding sources for the project;

37.17 (3) an assessment of the need for and benefits of the project;

37.18 (4) a resolution adopted by the governing body of the school for which a safe routes
37.19 to school grant is requested, certifying that: (i) the governing body of the school supports
37.20 the project; and (ii) funds, if any, required to be supplied by the school to complete the
37.21 project are available and committed;

37.22 (5) a timeline indicating the major milestones of the project and their anticipated
37.23 completion dates; and

37.24 (6) any additional information or material the commissioner prescribes.

37.25 (c) The commissioner shall make reasonable efforts to (1) publicize each solicitation
37.26 for applications among all eligible recipients, and (2) provide technical and informational
37.27 assistance in creating and submitting applications.

37.28 (d) By January 1, 2013, the commissioner of transportation shall publish and
37.29 maintain a manual on the safe routes to school program that assists applicants for and
37.30 recipients of financial assistance. The manual must include a list of eligibility and general
37.31 program requirements, an explanation of the application process, and a review of the
37.32 criteria used to evaluate projects.

37.33 Subd. 6. **Evaluation criteria.** The commissioner shall establish criteria for
37.34 evaluation of applications and selection of projects. The criteria must include:

37.35 (1) establishment or capital improvement of transportation infrastructure that
37.36 improves safety and encourages nonmotorized transportation to and from a school;

38.1 (2) compliance with all applicable requirements for capital infrastructure projects
 38.2 established by the Federal Highway Administration, U.S. Department of Transportation,
 38.3 for the federal program; and

38.4 (3) other components as determined by the commissioner.

38.5 Subd. 7. **Grant cancellation.** If, five years after execution of a grant agreement,
 38.6 the commissioner determines that the grantee has not proceeded in a timely manner
 38.7 with implementation of the project funded, the commissioner must cancel the grant
 38.8 and the grantee must repay to the commissioner all grant money paid to the grantee.
 38.9 Section 16A.642 applies to any appropriations made from the bond proceeds fund to the
 38.10 commissioner under this section that have not been awarded as financial assistance.

38.11 Subd. 8. **Legislative report.** By November 1 annually, the commissioner shall
 38.12 submit a report on the safe routes to school program to the chairs and ranking minority
 38.13 members of the house of representatives and senate committees with jurisdiction over
 38.14 transportation policy and finance. The report must at a minimum:

38.15 (1) summarize program implementation;

38.16 (2) provide an overview of grant evaluation and criteria used in project selection;

38.17 (3) provide a brief description of each project funded in the previous fiscal year,
 38.18 including the amount of money provided from each safe routes to school account under
 38.19 this section and the amount provided under the federal program;

38.20 (4) summarize the status of the federal program or successor legislation; and

38.21 (5) identify any recommendations for legislative changes, including proposals to
 38.22 improve program effectiveness.

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

38.24 Sec. 46. Minnesota Statutes 2010, section 221.091, subdivision 2, is amended to read:

38.25 Subd. 2. **Small vehicle passenger service.** ~~(a)~~ A city that licenses and regulates
 38.26 small vehicle passenger service must do so by ordinance. The ordinance must, at a
 38.27 minimum, provide for driver qualifications, insurance, vehicle safety, and periodic vehicle
 38.28 inspections. A city that has adopted an ordinance complying with this subdivision may
 38.29 enforce the registration requirement in section 221.021.

38.30 ~~(b) A person who provides small vehicle passenger service to an individual for the~~
 38.31 ~~purpose of obtaining nonemergency medical care and who receives reimbursement under~~
 38.32 ~~section 256B.0625, subdivision 17, for providing the service, must comply with the rules~~
 38.33 ~~of the commissioner adopted under section 174.30.~~

38.34 Sec. 47. Minnesota Statutes 2010, section 222.63, subdivision 9, is amended to read:

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

39.6 (1) obstruct any trail;

39.7 (2) deposit snow or ice;

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

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

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

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

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

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

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

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

39.24 (11) place or maintain any permanent structure.

39.25 (b) Unless a greater penalty is provided elsewhere in statute, ~~any~~ a violation of this
 39.26 subdivision is a petty misdemeanor. A second or subsequent violation is a misdemeanor.

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

39.29 Sec. 48. Minnesota Statutes 2010, section 296A.07, subdivision 4, is amended to read:

39.30 Subd. 4. **Exemptions.** The provisions of subdivision 1 do not apply to gasoline or
 39.31 denatured ethanol purchased by:

39.32 (1) a transit system or transit provider receiving financial assistance or
 39.33 reimbursement under section 174.24, 256B.0625, subdivision 17, or 473.384;

39.34 (2) providers of transportation to recipients of medical assistance home and
 39.35 community-based services waivers enrolled in day programs, including adult day care,

40.1 family adult day care, day treatment and habilitation, prevocational services, and
 40.2 structured day services;

40.3 (3) an ambulance service licensed under chapter 144E; or

40.4 (4) providers of medical or dental services by a federally qualified health center,
 40.5 as defined under title 19 of the Social Security Act, as amended by Section 4161 of the
 40.6 Omnibus Budget Reconciliation Act of 1990, with a motor vehicle used exclusively as a
 40.7 mobile medical unit; or

40.8 ~~(3)~~ (5) a licensed distributor to be delivered to a terminal for use in blending.

40.9 **EFFECTIVE DATE.** Clause (2) is effective retroactively from January 1, 2012,
 40.10 and clause (4) is effective retroactively from January 1, 2011.

40.11 Sec. 49. Minnesota Statutes 2010, section 296A.08, subdivision 3, is amended to read:

40.12 Subd. 3. **Exemptions.** The provisions of subdivisions 1 and 2 do not apply to
 40.13 special fuel or alternative fuels purchased by:

40.14 (1) a transit system or transit provider receiving financial assistance or
 40.15 reimbursement under section 174.24, 256B.0625, subdivision 17, or 473.384;

40.16 (2) providers of transportation to recipients of medical assistance home and
 40.17 community-based services waivers enrolled in day programs, including adult day care,
 40.18 family adult day care, day treatment and habilitation, prevocational services, and
 40.19 structured day services;

40.20 (3) an ambulance service licensed under chapter 144E; or

40.21 (4) providers of medical or dental services by a federally qualified health center,
 40.22 as defined under title 19 of the Social Security Act, as amended by Section 4161 of the
 40.23 Omnibus Budget Reconciliation Act of 1990, with a motor vehicle used exclusively as a
 40.24 mobile medical unit; or

40.25 ~~(3)~~ (5) a licensed distributor to be delivered to a terminal for use in blending.

40.26 **EFFECTIVE DATE.** Clause (2) is effective retroactively from January 1, 2012,
 40.27 and clause (4) is effective retroactively from January 1, 2011.

40.28 Sec. 50. Minnesota Statutes 2010, section 297A.68, subdivision 19, is amended to read:

40.29 Subd. 19. **Petroleum products.** The following petroleum products are exempt:

40.30 (1) products upon which a tax has been imposed and paid under chapter 296A,
 40.31 and for which no refund has been or will be allowed because the buyer used the fuel
 40.32 for nonhighway use;

41.1 (2) products that are used in the improvement of agricultural land by constructing,
 41.2 maintaining, and repairing drainage ditches, tile drainage systems, grass waterways, water
 41.3 impoundment, and other erosion control structures;

41.4 (3) products purchased by a transit system receiving financial assistance under
 41.5 section 174.24, 256B.0625, subdivision 17, or 473.384;

41.6 (4) products purchased by an ambulance service licensed under chapter 144E;

41.7 (5) products used in a passenger snowmobile, as defined in section 296A.01,
 41.8 subdivision 39, for off-highway business use as part of the operations of a resort as
 41.9 provided under section 296A.16, subdivision 2, clause (2); ~~or~~

41.10 (6) products purchased by a state or a political subdivision of a state for use in motor
 41.11 vehicles exempt from registration under section 168.012, subdivision 1, paragraph (b);

41.12 (7) products purchased by providers of transportation to recipients of medical
 41.13 assistance home and community-based services waivers enrolled in day programs,
 41.14 including adult day care, family adult day care, day treatment and habilitation,
 41.15 prevocational services, and structured day services; or

41.16 (8) products used in a motor vehicle used exclusively as a mobile medical unit
 41.17 for the provision of medical or dental services by a federally qualified health center, as
 41.18 defined under title 19 of the federal Social Security Act, as amended by Section 4161 of
 41.19 the Omnibus Budget Reconciliation Act of 1990.

41.20 **EFFECTIVE DATE.** Clause (7) is effective retroactively from January 1, 2012,
 41.21 and clause (8) is effective retroactively from January 1, 2011.

41.22 Sec. 51. Minnesota Statutes 2011 Supplement, section 297B.03, is amended to read:

41.23 **297B.03 EXEMPTIONS.**

41.24 There is specifically exempted from the provisions of this chapter and from
 41.25 computation of the amount of tax imposed by it the following:

41.26 (1) purchase or use, including use under a lease purchase agreement or installment
 41.27 sales contract made pursuant to section 465.71, of any motor vehicle by the United States
 41.28 and its agencies and instrumentalities and by any person described in and subject to the
 41.29 conditions provided in section 297A.67, subdivision 11;

41.30 (2) purchase or use of any motor vehicle by any person who was a resident of
 41.31 another state or country at the time of the purchase and who subsequently becomes a
 41.32 resident of Minnesota, provided the purchase occurred more than 60 days prior to the date
 41.33 such person began residing in the state of Minnesota and the motor vehicle was registered
 41.34 in the person's name in the other state or country;

42.1 (3) purchase or use of any motor vehicle by any person making a valid election to be
42.2 taxed under the provisions of section 297A.90;

42.3 (4) purchase or use of any motor vehicle previously registered in the state of
42.4 Minnesota when such transfer constitutes a transfer within the meaning of section 118,
42.5 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031, 1033, or 1563(a) of the Internal
42.6 Revenue Code;

42.7 (5) purchase or use of any vehicle owned by a resident of another state and leased
42.8 to a Minnesota-based private or for-hire carrier for regular use in the transportation of
42.9 persons or property in interstate commerce provided the vehicle is titled in the state of
42.10 the owner or secured party, and that state does not impose a sales tax or sales tax on
42.11 motor vehicles used in interstate commerce;

42.12 (6) purchase or use of a motor vehicle by a private nonprofit or public educational
42.13 institution for use as an instructional aid in automotive training programs operated by the
42.14 institution. "Automotive training programs" includes motor vehicle body and mechanical
42.15 repair courses but does not include driver education programs;

42.16 (7) purchase of a motor vehicle by an ambulance service licensed under section
42.17 144E.10 when that vehicle is equipped and specifically intended for emergency response
42.18 or for providing ambulance service;

42.19 (8) purchase of a motor vehicle by or for a public library, as defined in section
42.20 134.001, subdivision 2, as a bookmobile or library delivery vehicle;

42.21 (9) purchase of a ready-mixed concrete truck;

42.22 (10) purchase or use of a motor vehicle by a town for use exclusively for road
42.23 maintenance, including snowplows and dump trucks, but not including automobiles,
42.24 vans, or pickup trucks;

42.25 (11) purchase or use of a motor vehicle by a corporation, society, association,
42.26 foundation, or institution organized and operated exclusively for charitable, religious,
42.27 or educational purposes, except a public school, university, or library, but only if the
42.28 vehicle is:

42.29 (i) a truck, as defined in section 168.002, a bus, as defined in section 168.002, or a
42.30 passenger automobile, as defined in section 168.002, if the automobile is designed and
42.31 used for carrying more than nine persons including the driver; and

42.32 (ii) intended to be used primarily to transport tangible personal property or
42.33 individuals, other than employees, to whom the organization provides service in
42.34 performing its charitable, religious, or educational purpose;

42.35 (12) purchase of a motor vehicle for use by a transit provider exclusively to provide
42.36 transit service is exempt if the transit provider is either (i) receiving financial assistance or

43.1 reimbursement under section 174.24 or 473.384, or (ii) operating under section 174.29,
43.2 473.388, or 473.405;

43.3 (13) purchase or use of a motor vehicle by a qualified business, as defined in section
43.4 469.310, located in a job opportunity building zone, if the motor vehicle is principally
43.5 garaged in the job opportunity building zone and is primarily used as part of or in direct
43.6 support of the person's operations carried on in the job opportunity building zone. The
43.7 exemption under this clause applies to sales, if the purchase was made and delivery
43.8 received during the duration of the job opportunity building zone. The exemption under
43.9 this clause also applies to any local sales and use tax; ~~and~~

43.10 (14) purchase of a leased vehicle by the lessee who was a participant in a
43.11 lease-to-own program from a charitable organization that is:

43.12 (i) described in section 501(c)(3) of the Internal Revenue Code; and

43.13 (ii) licensed as a motor vehicle lessor under section 168.27, subdivision 4; and

43.14 (15) purchase of a motor vehicle used exclusively as a mobile medical unit for the
43.15 provision of medical or dental services by a federally qualified health center, as defined
43.16 under title 19 of the Social Security Act, as amended by section 4161 of the Omnibus
43.17 Budget Reconciliation Act of 1990.

43.18 **EFFECTIVE DATE.** This section is effective retroactively for sales and purchases
43.19 made on and after January 1, 2011.

43.20 Sec. 52. Minnesota Statutes 2010, section 299D.085, subdivision 2, is amended to read:

43.21 Subd. 2. **Certificate.** Except as provided in subdivision 2a, no person may operate
43.22 as an overdimensional load escort driver in this state without a certificate issued by the
43.23 commissioner, or by a state with which the commissioner has entered into a reciprocal
43.24 agreement. The commissioner shall assess a fee for each certificate applicant, calculated
43.25 to cover the commissioner's cost of establishing and administering the program.

43.26 **EFFECTIVE DATE.** This section is effective the day following final enactment
43.27 and expires on the December 31 that occurs immediately after two years following the
43.28 publication in the State Register of rules adopted under Laws 2010, chapter 311, section 3,
43.29 subdivision 5.

43.30 Sec. 53. Minnesota Statutes 2010, section 299D.085, is amended by adding a
43.31 subdivision to read:

43.32 Subd. 2a. **Exceptions.** A person who is a minimum of 18 years of age, possesses a
43.33 valid operator's license for the type of vehicle being operated, and meets vehicle and safety

44.1 equipment standards specified by the commissioner may operate without a certificate as an
44.2 overdimensional load escort driver when: (1) the load consists of manufactured homes,
44.3 as defined in section 327.31, subdivision 6, or modular homes, as defined in section
44.4 272.02, subdivision 85, paragraph (c); (2) the load does not extend over the centerline of a
44.5 roadway; and (3) the vehicle carrying the overdimensional load is not routed to travel the
44.6 wrong way on a roadway.

44.7 **EFFECTIVE DATE.** This section is effective the day following final enactment
44.8 and expires on the December 31 that occurs immediately after two years following the
44.9 publication in the State Register of rules adopted under Laws 2010, chapter 311, section 3,
44.10 subdivision 5.

44.11 Sec. 54. Minnesota Statutes 2010, section 299D.09, is amended to read:

44.12 **299D.09 ESCORT SERVICE; APPROPRIATION; RECEIPTS.**

44.13 Fees charged for escort services provided by the State Patrol are annually
44.14 appropriated to the commissioner of public safety to administer and provide these services.

44.15 The ~~fees~~ fee charged for services provided by the State Patrol with a vehicle ~~are~~
44.16 ~~\$73.60~~ is \$79.28 an hour ~~in fiscal year 2008 and \$75.76 an hour in fiscal year 2009 and~~
44.17 ~~thereafter.~~ The ~~fees~~ fee charged for services provided without a vehicle ~~are \$54~~ is \$59.28
44.18 ~~an hour in fiscal year 2008 and \$56.16 an hour in fiscal year 2009 and thereafter.~~

44.19 The fees charged for State Patrol flight services are \$140 an hour for a fixed wing
44.20 aircraft, \$490 an hour for a helicopter, and \$600 an hour for the Queen Air in fiscal year
44.21 2012; and \$139.64 an hour for a fixed wing aircraft, \$560.83 an hour for a helicopter, and
44.22 \$454.84 an hour for the Queen Air in fiscal year 2013 and thereafter.

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

44.24 Sec. 55. Minnesota Statutes 2010, section 473.39, is amended by adding a subdivision
44.25 to read:

44.26 Subd. 1r. **Obligations.** After July 1, 2012, in addition to other authority under this
44.27 section, the council may issue certificates of indebtedness, bonds, or other obligations
44.28 under this section in an amount not exceeding \$39,600,000 for capital expenditures as
44.29 prescribed in the council's transit capital improvement program and for related costs,
44.30 including the costs of issuance and sale of the obligations. Of this authorization, up to
44.31 \$4,200,000 may be made available to fund capital projects in amounts that would have
44.32 otherwise been funded using replacement transit service provider reserves that were

45.1 reduced in 2012 as a result of Laws 2011, First Special Session chapter 3, article 1,
45.2 section 4.

45.3 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
45.4 final enactment, and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
45.5 Scott, and Washington.

45.6 Sec. 56. Laws 2009, chapter 158, section 10, is amended to read:

45.7 Sec. 10. **EFFECTIVE DATE.**

45.8 Sections 2 and 3 are effective August 1, 2009, and the amendments made in sections
45.9 2 and 3 to Minnesota Statutes, sections 169.011 and 169.045, expire July 31, ~~2012~~ 2014.

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

45.11 Sec. 57. **LEGISLATIVE ROUTE NO. 227 REMOVED.**

45.12 (a) Minnesota Statutes, section 161.115, subdivision 158, is repealed effective the
45.13 day after the commissioner of transportation receives a copy of the agreement between
45.14 the commissioner and the governing body of Wadena County to transfer jurisdiction of
45.15 Legislative Route No. 227 and notifies the revisor of statutes under paragraph (b).

45.16 (b) The revisor of statutes shall delete the route identified in paragraph (a) from
45.17 Minnesota Statutes when the commissioner of transportation sends notice to the revisor
45.18 electronically or in writing that the conditions required to transfer the route have been
45.19 satisfied.

45.20 Sec. 58. **LEGISLATIVE ROUTE NO. 258 REMOVED.**

45.21 (a) Minnesota Statutes, section 161.115, subdivision 189, is repealed effective the
45.22 day after the commissioner of transportation receives a copy of the agreement between
45.23 the commissioner and the governing body of Brown County to transfer jurisdiction of
45.24 Legislative Route No. 258 and notifies the revisor of statutes under paragraph (b).

45.25 (b) The revisor of statutes shall delete the route identified in paragraph (a) from
45.26 Minnesota Statutes when the commissioner of transportation sends notice to the revisor
45.27 electronically or in writing that the conditions required to transfer the route have been
45.28 satisfied.

45.29 Sec. 59. **LEGISLATIVE ROUTE NO. 291 REMOVED.**

45.30 (a) Minnesota Statutes, section 161.115, subdivision 222, is repealed effective the
45.31 day after the commissioner of transportation receives a copy of the agreement between the

46.1 commissioner and the governing body of the city of Hastings to transfer jurisdiction of
46.2 Legislative Route No. 291 and notifies the revisor of statutes under paragraph (b).

46.3 (b) The revisor of statutes shall delete the route identified in paragraph (a) from
46.4 Minnesota Statutes when the commissioner of transportation sends notice to the revisor
46.5 electronically or in writing that the conditions required to transfer the route have been
46.6 satisfied.

46.7 **Sec. 60. I-94 NOISE IMPACTS STAKEHOLDER GROUP.**

46.8 (a) The commissioner of transportation shall establish a noise impacts stakeholder
46.9 group in conjunction with all trunk highway projects on marked Interstate Highway
46.10 94, at or near the interchange with marked Trunk Highway 280 in St. Paul, for which
46.11 preliminary engineering or preliminary design commences prior to January 1, 2018.

46.12 (b) At a minimum, membership of the stakeholder group consists of Department of
46.13 Transportation project team representatives and interested community stakeholders.

46.14 (c) As part of the project development process for any project identified under
46.15 paragraph (a), the commissioner shall consult with the stakeholder group to provide
46.16 background information and data on noise impacts, review practices and evaluation
46.17 options for noise mitigation, and obtain recommendations from the stakeholder group for
46.18 noise mitigation components of the project design.

46.19 **Sec. 61. MUNICIPAL STATE-AID STREET FUND 2013 ALLOCATION.**

46.20 (a) Notwithstanding Minnesota Statutes, section 162.13, subdivision 1, the
46.21 commissioner of transportation shall allocate the apportionment sum available in the
46.22 municipal state-aid street fund, following the deductions under Minnesota Statutes, section
46.23 162.12, as provided in this section.

46.24 (b) The commissioner shall identify a remuneration sum for each city that:

46.25 (1) qualifies for municipal state-aid street funds under Minnesota Statutes, section
46.26 162.09, subdivision 4a; and

46.27 (2) was not allocated municipal state-aid street funds for calendar year 2012.

46.28 (c) The remuneration sum for each city equals the amount the city received under
46.29 the allocation of municipal state-aid street funds for calendar year 2011.

46.30 (d) For the calendar year 2013 allocation only, the commissioner shall:

46.31 (1) allocate to the appropriate city an amount from the apportionment sum equal
46.32 to the remuneration sum calculated in paragraph (c); and

46.33 (2) allocate the remaining apportionment sum as provided under Minnesota Statutes,
46.34 section 162.13, subdivision 1.

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

47.2 Sec. 62. **REPORTS ON USE OF CONSTRUCTION MANAGER/GENERAL**
47.3 **CONTRACTOR METHOD.**

47.4 Subdivision 1. **Submission of reports.** The commissioner shall report on experience
47.5 with and evaluation of the construction manager/general contractor method of contracting
47.6 authorized in Minnesota Statutes, sections 161.3207 to 161.3209. The reports must be
47.7 submitted to the chairs and ranking minority members of the legislative committees with
47.8 jurisdiction over transportation policy or transportation finance and in compliance with
47.9 Minnesota Statutes, sections 3.195 and 3.197. An interim report must be submitted
47.10 no later than 12 months following the commissioner's acceptance of five construction
47.11 manager/general contractor contracts. A final report must be submitted no later than 12
47.12 months following the commissioner's acceptance of ten construction manager/general
47.13 contractor contracts.

47.14 Subd. 2. **Content of reports.** The reports must include: (1) a description of
47.15 circumstances of any projects as to which construction manager/general contractor
47.16 requests for qualifications or requests for proposals were solicited, followed by a
47.17 cancellation of the solicitation; (2) a description of projects as to which construction
47.18 manager/general contractor method was utilized; (3) a comparison of project cost
47.19 estimates with final project costs, if available; and (4) evaluation of the construction
47.20 manager/general contractor method of procurement with respect to implications for
47.21 project cost, use of innovative techniques, completion time, and obtaining maximum
47.22 value. The final report must also include recommendations as to continued use of the
47.23 program and desired modifications to the program, and recommended legislation to
47.24 continue, discontinue, or modify the program.

47.25 **EFFECTIVE DATE.** This section is effective the day following final enactment
47.26 and expires one year following the acceptance of ten construction manager/general
47.27 contractor contracts.

47.28 Sec. 63. **REPORT ON WATER PERMITTING PROCESSES FOR**
47.29 **TRANSPORTATION PROJECTS.**

47.30 By January 15, 2013, the commissioners of transportation, natural resources, and the
47.31 Pollution Control Agency, in consultation with local road authorities and the Board of
47.32 Water and Soil Resources, shall submit recommendations to the house of representatives
47.33 and senate committees and divisions with primary jurisdiction over environment and
47.34 natural resources policy and finance and transportation policy and finance on how

48.1 water-related permitting for transportation projects can best be streamlined through
 48.2 creation of a single point of issuance system. The recommendations shall:

48.3 (1) outline a single point of issuance system in which road authorities applying
 48.4 for state water permits would interact with a single state agency serving as the sole
 48.5 intermediary on behalf of all state agencies with an interest in a road authority's water
 48.6 permit application;

48.7 (2) provide a goal for the maximum number of days the state believes are necessary
 48.8 to issue final water permitting decisions;

48.9 (3) identify how state entities with current oversight authority over water permitting
 48.10 decisions would allocate resources to accommodate a single point of issuance system; and

48.11 (4) suggest strategies to enhance the coordination of federal and state water
 48.12 permitting information gathering and decision-making.

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

48.14 Sec. 64. **REVISOR'S INSTRUCTION.**

48.15 The revisor of statutes shall renumber the provisions of Minnesota Statutes listed
 48.16 in column A to the references listed in column B. The revisor shall also make necessary
 48.17 cross-reference changes in Minnesota Statutes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
48.18 <u>169.011, subdivision 83</u>	<u>168B.011, subdivision 12a</u>
48.19 <u>169.041</u>	<u>168B.035</u>
48.20 <u>169.64, subdivision 5</u>	<u>168B.16</u>
48.21 <u>169.86, subdivision 8</u>	<u>168B.15</u>
48.22 <u>465.75</u>	<u>168B.14</u>
48.23 <u>514.18, subdivision 1a</u>	<u>168B.045</u>

48.25 Sec. 65. **RULES REPEALER.**

48.26 Minnesota Rules, parts 8810.9000; 8810.9100; 8810.9200; 8810.9300; 8810.9400;
 48.27 8810.9500; 8810.9600; and 8810.9700, are repealed.

48.28 Sec. 66. **EFFECTIVE DATE.**

48.29 Unless otherwise specified, this article is effective August 1, 2012.

ARTICLE 4

TRANSPORTATION POLICY

49.1
49.2
49.3 Section 1. Minnesota Statutes 2010, section 85.015, is amended by adding a
49.4 subdivision to read:

49.5 Subd. 1d. **Bicycle use of trails.** The commissioner may not prohibit or otherwise
49.6 restrict operation of an electric-assisted bicycle, as defined in section 169.011, subdivision
49.7 27, on any trail under this section for which bicycle use is permitted, unless the
49.8 commissioner determines that operation of the electric-assisted bicycle is not consistent
49.9 with (1) the safety or general welfare of trail users; or (2) the terms of any property
49.10 conveyance.

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

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

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

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

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

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

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

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

49.30 (d) A local unit of government may not prohibit or otherwise restrict operation of an
49.31 electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any trail under
49.32 this section designated for bicycle use or nonmotorized use that includes bicycles, unless
49.33 the local unit of government determines that operation of the electric-assisted bicycle is

50.1 not consistent with (1) the safety or general welfare of trail users; or (2) the terms of
 50.2 any property conveyance.

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

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

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

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

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

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

50.15 (3) develop and designate bicycle paths;

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

50.17 (b) A governing body may not prohibit or otherwise restrict operation of an
 50.18 electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any bikeway,
 50.19 roadway, or shoulder, unless the governing body determines that operation of the
 50.20 electric-assisted bicycle is not consistent with (1) the safety or general welfare of bikeway,
 50.21 roadway, or shoulder users; or (2) the terms of any property conveyance.

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

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

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

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

50.26 Subd. 2. **Creation.** The commissioner, in cooperation with road and trail authorities
 50.27 including the commissioner of natural resources, shall identify a bikeway that originates at
 50.28 Itasca State Park in Clearwater, Beltrami, and Hubbard Counties, then generally parallels
 50.29 the Mississippi River through the cities of Bemidji in Beltrami County, Grand Rapids in
 50.30 Itasca County, Brainerd in Crow Wing County, Little Falls in Morrison County, Sauk
 50.31 Rapids in Benton County, St. Cloud in Stearns County, Minneapolis in Hennepin County,
 50.32 St. Paul in Ramsey County, Hastings in Dakota County, Red Wing in Goodhue County,
 50.33 Wabasha in Wabasha County, Winona in Winona County, and La Crescent in Houston

51.1 County to Minnesota's boundary with Iowa and there terminates. Where opportunities
 51.2 exist, the bikeway may be designated on both sides of the Mississippi River.

51.3 Subd. 3. **Connections with other bikeways.** (a) The commissioner, in cooperation
 51.4 with road and trail authorities including the commissioner of natural resources, shall:

51.5 (1) identify existing bikeways of regional significance that are in reasonable
 51.6 proximity but not connected to the bikeway established in this section, including but not
 51.7 limited to the Lake Wobegon Trail in the counties of Stearns and Todd; and

51.8 (2) support development of linkages between bikeways identified under clause (1)
 51.9 and the bikeway established in this section.

51.10 (b) The requirements of this subdivision are a secondary priority for use of funds
 51.11 available under this section following establishment and enhancement of the bikeway
 51.12 under subdivision 1.

51.13 Subd. 4. **Cooperation with other entities.** The commissioner may contract and
 51.14 enter into agreements with federal agencies, other state agencies, local governments, and
 51.15 private entities to establish, develop, maintain, and operate the bikeway and to interpret
 51.16 associated natural and cultural resources.

51.17 Subd. 5. **Funding.** Bicycle paths included within the bikeway and not administered
 51.18 by the commissioner of natural resources are eligible for funding from the environment
 51.19 and natural resources trust fund under chapter 116P, from the parks and trails grant
 51.20 program under section 85.535, from the local recreation grants program under section
 51.21 85.019, subdivision 4b, and from other sources.

51.22 Sec. 6. Minnesota Statutes 2010, section 161.14, subdivision 66, is amended to read:

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

51.28 Sec. 7. Minnesota Statutes 2010, section 161.14, is amended by adding a subdivision
 51.29 to read:

51.30 Subd. 70. **Arianna Celeste Macnamara Memorial Bridge.** The pedestrian
 51.31 bridge over Route No. 7, signed as Trunk Highway 14 on the effective date of this
 51.32 section, located in the city of Rochester west of Route No. 20, signed as U.S. Highway
 51.33 52 on the effective date of this section, is designated as "Arianna Celeste Macnamara
 51.34 Memorial Bridge." Subject to section 161.139, the commissioner shall adopt a suitable

52.1 marking design to memorialize the bridge and shall erect the appropriate signs as close as
 52.2 practicable to the bridge.

52.3 Sec. 8. Minnesota Statutes 2010, section 161.14, is amended by adding a subdivision
 52.4 to read:

52.5 Subd. 71. Deputy John W. Liebenstein Memorial Highway. (a) That segment of
 52.6 Route No. 390, signed as Interstate Highway 35 on the effective date of this section and
 52.7 located in Rice County, is designated as "Deputy John W. Liebenstein Memorial Highway."
 52.8 Subject to section 161.139, the commissioner shall adopt a suitable marking design to
 52.9 mark this highway and shall erect the appropriate signs as provided in paragraph (b).

52.10 (b) The commissioner of transportation shall erect suitable signs on marked
 52.11 Interstate Highway 35 as close as practicable to the following locations:

52.12 (1) one sign on the southbound entrance ramp of the interchange with Rice County
 52.13 State-Aid Highway 1; and

52.14 (2) one sign on the northbound entrance ramp of the interchange with Rice County
 52.15 State-Aid Highway 1.

52.16 Sec. 9. Minnesota Statutes 2010, section 162.081, subdivision 4, is amended to read:

52.17 **Subd. 4. Formula for distribution to towns; purposes.** (a) Money apportioned to a
 52.18 county from the town road account must be distributed to the treasurer of each town within
 52.19 the county, according to a distribution formula adopted by the county board. The formula
 52.20 must take into account each town's levy for road and bridge purposes, its population and
 52.21 town road mileage, and other factors the county board deems advisable in the interests
 52.22 of achieving equity among the towns. Distribution of town road funds to each town
 52.23 treasurer must be made by March 1, annually, or within 30 days after receipt of payment
 52.24 from the commissioner. Distribution of funds to town treasurers in a county which has
 52.25 not adopted a distribution formula under this subdivision must be made according to a
 52.26 formula prescribed by the commissioner by rule. ~~A formula adopted by a county board or~~
 52.27 ~~by the commissioner must provide that a town, in order to be eligible for distribution of~~
 52.28 ~~funds from the town road account in a calendar year, must have levied for taxes payable in~~
 52.29 ~~the previous year for road and bridge purposes at least 0.04835 percent of taxable market~~
 52.30 ~~value. For purposes of this eligibility requirement, taxable market value means taxable~~
 52.31 ~~market value for taxes payable two years prior to the aid distribution year.~~

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

53.1 Sec. 10. Minnesota Statutes 2010, section 168.012, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

53.22 (1) vehicles owned by the federal government;

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

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

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

53.27 (c) Unmarked vehicles used in general police work, liquor investigations, or arson
53.28 investigations, and passenger automobiles, pickup trucks, and buses owned or operated by
53.29 the Department of Corrections or by conservation officers of the Division of Enforcement
53.30 and Field Service of the Department of Natural Resources, must be registered and must
53.31 display appropriate license number plates, furnished by the registrar at cost. Original and
53.32 renewal applications for these license plates authorized for use in general police work and
53.33 for use by the Department of Corrections or by conservation officers must be accompanied
53.34 by a certification signed by the appropriate chief of police if issued to a police vehicle,
53.35 the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if
53.36 issued to a Department of Corrections vehicle, or the appropriate officer in charge if

54.1 issued to a vehicle of any other law enforcement agency. The certification must be on a
54.2 form prescribed by the commissioner and state that the vehicle will be used exclusively
54.3 for a purpose authorized by this section.

54.4 (d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry,
54.5 fraud unit, in conducting seizures or criminal investigations must be registered and must
54.6 display passenger vehicle classification license number plates, furnished at cost by the
54.7 registrar. Original and renewal applications for these passenger vehicle license plates
54.8 must be accompanied by a certification signed by the commissioner of revenue or the
54.9 commissioner of labor and industry. The certification must be on a form prescribed by
54.10 the commissioner and state that the vehicles will be used exclusively for the purposes
54.11 authorized by this section.

54.12 (e) Unmarked vehicles used by the Division of Disease Prevention and Control of the
54.13 Department of Health must be registered and must display passenger vehicle classification
54.14 license number plates. These plates must be furnished at cost by the registrar. Original
54.15 and renewal applications for these passenger vehicle license plates must be accompanied
54.16 by a certification signed by the commissioner of health. The certification must be on a
54.17 form prescribed by the commissioner and state that the vehicles will be used exclusively
54.18 for the official duties of the Division of Disease Prevention and Control.

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

54.26 (g) Unmarked vehicles used in general investigation, surveillance, supervision,
54.27 and monitoring by the staff of the Department of Human Services Office of Special
54.28 Investigations and the executive director of the Minnesota sex offender program must
54.29 be registered and must display passenger vehicle classification license number plates,
54.30 furnished by the registrar at cost. Original and renewal applications for passenger vehicle
54.31 license plates must be accompanied by a certification signed by the commissioner of
54.32 human services. The certification must be on a form prescribed by the commissioner and
54.33 state that the vehicles must be used exclusively for the official duties of the Office of
54.34 Special Investigations and the executive director of the Minnesota sex offender program.

54.35 (h) Each state hospital and institution for persons who are mentally ill and
54.36 developmentally disabled may have one vehicle without the required identification on

55.1 the sides of the vehicle. The vehicle must be registered and must display passenger
55.2 vehicle classification license number plates. These plates must be furnished at cost by the
55.3 registrar. Original and renewal applications for these passenger vehicle license plates must
55.4 be accompanied by a certification signed by the hospital administrator. The certification
55.5 must be on a form prescribed by the commissioner and state that the vehicles will be used
55.6 exclusively for the official duties of the state hospital or institution.

55.7 (i) Each county social service agency may have vehicles used for child and
55.8 vulnerable adult protective services without the required identification on the sides of the
55.9 vehicle. The vehicles must be registered and must display passenger vehicle classification
55.10 license number plates. These plates must be furnished at cost by the registrar. Original
55.11 and renewal applications for these passenger vehicle license plates must be accompanied
55.12 by a certification signed by the agency administrator. The certification must be on a form
55.13 prescribed by the commissioner and state that the vehicles will be used exclusively for the
55.14 official duties of the social service agency.

55.15 (j) All other motor vehicles must be registered and display tax-exempt number
55.16 plates, furnished by the registrar at cost, except as provided in subdivision 1c. All
55.17 vehicles required to display tax-exempt number plates must have the name of the state
55.18 department or political subdivision, nonpublic high school operating a driver education
55.19 program, licensed commercial driving school, or other qualifying organization or entity,
55.20 plainly displayed on both sides of the vehicle. This identification must be in a color
55.21 giving contrast with that of the part of the vehicle on which it is placed and must endure
55.22 throughout the term of the registration. The identification must not be on a removable
55.23 plate or placard and must be kept clean and visible at all times; except that a removable
55.24 plate or placard may be utilized on vehicles leased or loaned to a political subdivision or
55.25 to a nonpublic high school driver education program.

55.26 Sec. 11. Minnesota Statutes 2010, section 168.013, subdivision 1e, is amended to read:

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

55.32 Minnesota Base Rate Schedule
55.33 Scheduled taxes include five percent
55.34 surtax provided for in subdivision 14

	TOTAL GROSS WEIGHT IN POUNDS				TAX
56.1	A	0	-	1,500	\$ 15
56.2	B	1,501	-	3,000	20
56.3	C	3,001	-	4,500	25
56.4	D	4,501	-	6,000	35
56.5	E	6,001	-	10,000	45
56.6	F	10,001	-	12,000	70
56.7	G	12,001	-	15,000	105
56.8	H	15,001	-	18,000	145
56.9	I	18,001	-	21,000	190
56.10	J	21,001	-	26,000	270
56.11	K	26,001	-	33,000	360
56.12	L	33,001	-	39,000	475
56.13	M	39,001	-	45,000	595
56.14	N	45,001	-	51,000	715
56.15	O	51,001	-	57,000	865
56.16	P	57,001	-	63,000	1015
56.17	Q	63,001	-	69,000	1185
56.18	R	69,001	-	73,280	1325
56.19	S	73,281	-	78,000	1595
56.20	T	78,001	-	80,000	1760

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

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

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

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

56.37 (f) Commercial zone trucks include only trucks, truck-tractors, and semitrailer
 56.38 combinations which are operated by an interstate carrier registered under section 221.60,

57.1 or by a carrier receiving operating authority under chapter 221, and operated solely within
57.2 a zone exempt from regulation pursuant to United States Code, title 49, section 13506.

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

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

57.14 (i) On trucks, truck-tractors and semitrailer combinations, except those defined
57.15 as farm trucks and farm combinations, and except for those commercial zone vehicles
57.16 specifically provided for in this subdivision, the tax for each of the first eight years of
57.17 vehicle life is 100 percent of the tax imposed in the Minnesota base rate schedule, and
57.18 during the ninth and succeeding years of vehicle life, the tax is 75 percent of the Minnesota
57.19 base rate prescribed by this subdivision.

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

57.22 **EFFECTIVE DATE.** This section is effective October 1, 2012, and applies to
57.23 all registrations that are effective on or after that date and special permits issued on or
57.24 after that date.

57.25 Sec. 12. Minnesota Statutes 2010, section 168.013, subdivision 3, is amended to read:

57.26 Subd. 3. **Application; cancellation; excessive gross weight forbidden.** (a) The
57.27 applicant for all licenses based on gross weight shall state the unloaded weight of the
57.28 motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry
57.29 on it, the sum of which constitutes the gross weight upon which the license tax must be
57.30 paid. However, the declared gross weight upon which the tax is paid must not be less than
57.31 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer
57.32 to be registered, except recreational vehicles taxed under subdivision 1g, school buses
57.33 taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.011,
57.34 subdivision 83. The gross weight of a tow truck or towing vehicle is the actual weight

58.1 of the tow truck or towing vehicle fully equipped, but does not include the weight of a
58.2 wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

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

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

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

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

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

58.28 (1) Upon conviction for transporting a gross weight in excess of the gross weight
58.29 for which a motor vehicle, trailer, or semitrailer is registered by more than the allowance
58.30 set forth in paragraph (b) but less than 25 percent, or for operating or using a motor
58.31 vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle
58.32 load as provided in sections 169.822 to 169.829 by more than the allowance set forth in
58.33 paragraph (b) but less than 25 percent, the owner, driver, or user of the motor vehicle,
58.34 trailer, or semitrailer used to commit the violation, in addition to any penalty imposed for
58.35 the misdemeanor, shall apply to the registrar to increase the authorized gross weight to
58.36 be carried on the vehicle to a weight equal to or greater than the gross weight the owner,

59.1 driver, or user was convicted of carrying. The increase is computed for the balance of
59.2 the calendar year on the basis of 1/12 of the annual tax for each month remaining in the
59.3 calendar year beginning with the first day of the month in which the violation occurred.
59.4 If the additional registration tax computed upon that weight, plus the tax already paid,
59.5 amounts to more than the regular tax for the maximum gross weight permitted for the
59.6 vehicle under sections 169.822 to 169.829, that additional amount must nevertheless be
59.7 paid into the highway fund, but the additional tax thus paid does not authorize or permit
59.8 any person to operate the vehicle with a gross weight in excess of the maximum legal
59.9 weight as provided by sections 169.822 to 169.829. Unless the owner within 30 days
59.10 after a conviction applies to increase the authorized weight and pays the additional tax
59.11 as provided in this section, the registrar shall revoke the registration on the vehicle and
59.12 demand the return of the registration card and plates issued on that registration.

59.13 (2) Upon conviction of an owner, driver, or user of a motor vehicle, trailer, or
59.14 semitrailer for transporting a gross weight in excess of the gross weight for which the
59.15 motor vehicle, trailer, or semitrailer was registered by 25 percent or more or for operating
59.16 or using the vehicle or trailer with an axle weight exceeding the maximum lawful axle load
59.17 as provided in sections 169.822 to 169.829 by 25 percent or more, and in addition to any
59.18 penalty imposed for the misdemeanor, the registrar shall either (i) cancel the reciprocity
59.19 privileges on the vehicle involved if the vehicle is being operated under reciprocity
59.20 or (ii) if the vehicle is not being operated under reciprocity, cancel the certificate of
59.21 registration on the vehicle operated and demand the return of the registration certificate
59.22 and registration plates. The registrar may not cancel the registration or reciprocity
59.23 privileges for any vehicle found in violation of seasonal load restrictions imposed under
59.24 section 169.87 unless the axle weight exceeds the year-round weight limit for the highway
59.25 on which the violation occurred. The registrar may investigate any allegation of gross
59.26 weight violations and demand that the operator show cause why all future operating
59.27 privileges in the state should not be revoked unless the additional tax assessed is paid.

59.28 (3) Clause (1) does not apply to the first haul of unprocessed or raw farm products
59.29 or unfinished forest products, when the registered gross weight is not exceeded by more
59.30 than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous
59.31 transportation of unprocessed or raw farm products from the place of production or
59.32 on-farm storage site to any other location within ~~50~~100 miles of the place of production or
59.33 on-farm storage site, or (ii) the continuous or noncontinuous transportation of unfinished
59.34 forest products from the place of production to the place of final processing or manufacture
59.35 located within 200 miles of the place of production.

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

60.8 **EFFECTIVE DATE.** This section is effective October 1, 2012, and applies to
60.9 all registrations that are effective on or after that date and special permits issued on or
60.10 after that date.

60.11 Sec. 13. Minnesota Statutes 2010, section 168.013, subdivision 12, is amended to read:

60.12 Subd. 12. **Additional tax for excessive gross weight.** (a) Whenever an owner has
60.13 registered a vehicle and paid the tax as provided in subdivisions 1 to 1g, on the basis of
60.14 a selected gross weight of the vehicle and thereafter such owner desires to operate such
60.15 vehicle with a greater gross weight than that for which the tax has been paid, such owner
60.16 shall be permitted to reregister such vehicle by paying the additional tax due thereon
60.17 for the remainder of the calendar year for which such vehicle has been reregistered, the
60.18 additional tax computed pro rata by the month, 1/12 of the annual tax due for each month
60.19 of the year remaining in the calendar year, beginning with the first day of the month in
60.20 which such owner desires to operate the vehicle with the greater weight. In computing
60.21 the additional tax as aforesaid, the owner shall be given credit for the unused portion of
60.22 the tax previously paid computed pro rata by the month, 1/12 of the annual tax paid for
60.23 each month of the year remaining in the calendar year beginning with the first day of the
60.24 month in which such owner desires to operate the vehicle with the greater weight. An
60.25 owner will be permitted one reduction of gross weight or change of registration per year,
60.26 which will result in a refund. This refund will be prorated monthly beginning with the
60.27 first day of the month after such owner applies to amend the registration. The application
60.28 for amendment shall be accompanied by a fee of \$3, and all fees shall be deposited in
60.29 the highway user tax distribution fund. Provided, however, the owner of a vehicle may
60.30 reregister the vehicle for a weight of more than 81,000 pounds for one or more 30-day
60.31 periods. For each 30-day period, the additional tax shall be equal to 1/12 of the difference
60.32 between the annual tax for the weight at which the vehicle is registered and reregistered.
60.33 ~~When a vehicle is reregistered in accordance with this provision, a distinctive windshield~~
60.34 ~~sticker provided by the commissioner of public safety shall be permanently displayed.~~

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

61.4 **EFFECTIVE DATE.** This section is effective with the registration period beginning
61.5 October 1, 2012, and applies to all registrations that are effective on or after that date and
61.6 special permits issued on or after that date.

61.7 Sec. 14. Minnesota Statutes 2010, section 168B.011, subdivision 12, is amended to
61.8 read:

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

61.12 Sec. 15. Minnesota Statutes 2010, section 169.035, subdivision 1, is amended to read:

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

61.16 (b) This chapter shall apply to those persons and vehicles when traveling to or
61.17 from such work, except that persons operating equipment owned, rented or hired by
61.18 road authorities shall be exempt from the width, height and length provisions of sections
61.19 169.80 and 169.81 and shall be exempt from the weight limitations of this chapter while
61.20 performing the following actions on behalf of the state or a local governmental unit:

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

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

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

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

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

61.30 Sec. 16. Minnesota Statutes 2010, section 169.035, is amended by adding a subdivision
61.31 to read:

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

62.4 (b) A peace officer may not issue a citation for violation of this chapter or chapter
62.5 171 to a railroad operator involving the operation of a railroad locomotive or train, or
62.6 on-track equipment while being operated upon rails.

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

62.10 Sec. 17. Minnesota Statutes 2010, section 169.06, subdivision 5, is amended to read:

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

62.16 (1) Green indication:

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

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

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

62.35 (2) Steady yellow indication:

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

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

63.10 (3) Steady red indication:

63.11 (i) Vehicular traffic facing a circular red signal alone must stop at a clearly marked
63.12 stop line but, if none, before entering the crosswalk on the near side of the intersection
63.13 or, if none, then before entering the intersection and shall remain standing until a green
63.14 indication is shown, except as follows: (A) the driver of a vehicle stopped as close
63.15 as practicable at the entrance to the crosswalk on the near side of the intersection or,
63.16 if none, then at the entrance to the intersection in obedience to a red or stop signal,
63.17 and with the intention of making a right turn may make the right turn, after stopping,
63.18 unless an official sign has been erected prohibiting such movement, but shall yield the
63.19 right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal
63.20 at that intersection; or (B) the driver of a vehicle on a one-way street intersecting another
63.21 one-way street on which traffic moves to the left shall stop in obedience to a red or stop
63.22 signal and may then make a left turn into the one-way street, unless an official sign has
63.23 been erected prohibiting the movement, but shall yield the right-of-way to pedestrians and
63.24 other traffic lawfully proceeding as directed by the signal at that intersection.

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

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

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

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

64.10 Sec. 18. Minnesota Statutes 2010, section 169.06, subdivision 7, is amended to read:

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

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

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

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

64.33 (d) When a yellow arrow indication is illuminated with rapid intermittent flashes,
64.34 drivers of vehicles with the intention of making a movement indicated by the arrow may
64.35 proceed through the intersection or past the signals only with caution; but shall yield

65.1 the right-of-way to other vehicles and to pedestrians lawfully within the intersection or
65.2 adjacent crosswalk at the time this signal is exhibited. Vehicular traffic turning left or
65.3 making a U-turn to the left shall yield the right-of-way to other vehicles approaching from
65.4 the opposite direction so closely as to constitute an immediate hazard.

65.5 Sec. 19. Minnesota Statutes 2010, section 169.19, subdivision 5, is amended to read:

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

65.9 Sec. 20. Minnesota Statutes 2010, section 169.222, subdivision 4, is amended to read:

65.10 Subd. 4. ~~**Riding on roadway or shoulder rules.**~~ (a) Every person operating a
65.11 bicycle upon a roadway shall ride as close as practicable to the right-hand curb or edge of
65.12 the roadway except under any of the following situations:

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

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

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

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

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

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

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

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

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

66.5 Sec. 21. Minnesota Statutes 2010, section 169.306, is amended to read:

66.6 **169.306 USE OF SHOULDERS BY BUSES.**

66.7 (a) ~~The commissioner of transportation~~ A road authority, as defined in section
66.8 160.02, subdivision 25, is authorized to permit ~~the use by~~ transit buses and Metro Mobility
66.9 buses use of a shoulder, as designated by the ~~commissioner~~ road authority, of a freeway or
66.10 expressway, as defined in section 160.02, in Minnesota.

66.11 (b) ~~If the commissioner~~ a road authority permits the use of a freeway or expressway
66.12 shoulder by transit buses, the ~~commissioner~~ road authority shall permit the use on that
66.13 shoulder of a bus (1) with a seating capacity of 40 passengers or more operated by a motor
66.14 carrier of passengers, as defined in section 221.012, subdivision 26, while operating in
66.15 intrastate commerce or (2) providing regular route transit service, as defined in section
66.16 174.22, subdivision 8, or Metro Mobility services, and operated by or under contract
66.17 with the Metropolitan Council, a local transit authority, or a transit authority created by
66.18 the legislature. Drivers of these buses must have adequate training in the requirements of
66.19 paragraph (c), as determined by the commissioner.

66.20 (c) Buses authorized to use the shoulder under this section may be operated on
66.21 the shoulder only when main-line traffic speeds are less than 35 miles per hour, except
66.22 as provided for in paragraph (f). Drivers of buses being operated on the shoulder may
66.23 not exceed the speed of main-line traffic by more than 15 miles per hour and may never
66.24 exceed 35 miles per hour, except as provided for in paragraph (f). Drivers of buses being
66.25 operated on the shoulder must yield to merging, entering, and exiting traffic and must yield
66.26 to other vehicles on the shoulder. Buses operated on the shoulder must be registered with
66.27 the Department of Transportation.

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

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

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

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

67.2 (f) The commissioner may authorize different operating conditions and maximum
 67.3 speeds, not to exceed the posted speed limit, based upon an engineering study and
 67.4 recommendation by the road authority. The engineering study must be conducted by the
 67.5 road authority and must conform with the manual and specifications adopted under section
 67.6 169.06, subdivision 1, and applicable state and federal standards. The road authority shall
 67.7 consult the public transit operator before recommending operating conditions different
 67.8 from those authorized by law.

67.9 Sec. 22. Minnesota Statutes 2010, section 169.64, subdivision 2, is amended to read:

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

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

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

67.22 Sec. 23. Minnesota Statutes 2010, section 169.685, subdivision 6, is amended to read:

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

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

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

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

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

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

68.5 (b) A child passenger restraint system is not required for a child who cannot, in the
68.6 judgment of a licensed physician, be safely transported in a child passenger restraint
68.7 system because of a medical condition, body size, or physical disability. A motor vehicle
68.8 operator claiming exemption for a child under this paragraph must possess a typewritten
68.9 statement from the physician stating that the child cannot be safely transported in a child
68.10 passenger restraint system. The statement must give the name and birth date of the child,
68.11 be dated within the previous six months, and be made on the physician's letterhead or
68.12 contain the physician's name, address, and telephone number. A person charged with
68.13 violating subdivision 5 may not be convicted if the person produces the physician's
68.14 statement in court or in the office of the arresting officer.

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

68.18 Sec. 24. Minnesota Statutes 2010, section 169.685, subdivision 7, is amended to read:

68.19 Subd. 7. **Appropriation; special account; legislative report.** The Minnesota child
68.20 passenger restraint and education account is created in the state treasury, consisting of
68.21 fines collected under subdivision 5 and other money appropriated or donated. The money
68.22 in the account is annually appropriated to the commissioner of public safety; to be used to
68.23 provide child passenger restraint systems to families in financial need ~~and, school districts~~
68.24 and child care providers that provide for the transportation of pupils to and from school
68.25 using type III vehicles or school buses with a gross vehicle weight rating of 10,000 pounds
68.26 or less, and to provide an educational program on the need for and proper use of child
68.27 passenger restraint systems. The commissioner shall report to the legislature by February
68.28 1 of each odd-numbered year on the commissioner's activities and expenditure of funds
68.29 under this section.

68.30 Sec. 25. Minnesota Statutes 2010, section 169.85, subdivision 2, is amended to read:

68.31 Subd. 2. **Unloading.** (a) Upon weighing a vehicle and load, as provided in this
68.32 section, an officer may require the driver to stop the vehicle in a suitable place and remain
68.33 standing until a portion of the load is removed that is sufficient to reduce the gross weight
68.34 of the vehicle to the limit permitted under either section 168.013, subdivision 3, paragraph

69.1 (b), or sections 169.823 to 169.829, whichever is the lesser violation, if any. A suitable
 69.2 place is a location where loading or tampering with the load is not prohibited by federal,
 69.3 state, or local law, rule, or ordinance.

69.4 (b) Except as provided in paragraph (c), a driver may be required to unload a
 69.5 vehicle only if the weighing officer determines that (1) on routes subject to the provisions
 69.6 of sections 169.823 to 169.829, the weight on an axle exceeds the lawful gross weight
 69.7 prescribed by sections 169.823 to 169.829, by 2,000 pounds or more, or the weight on a
 69.8 group of two or more consecutive axles in cases where the distance between the centers
 69.9 of the first and last axles of the group under consideration is ten feet or less exceeds the
 69.10 lawful gross weight prescribed by sections 169.823 to 169.829, by 4,000 pounds or more;
 69.11 or (2) the weight is unlawful on an axle or group of consecutive axles on a road restricted
 69.12 in accordance with section 169.87. Material unloaded must be cared for by the owner or
 69.13 driver of the vehicle at the risk of the owner or driver.

69.14 (c) ~~¶~~ The driver is not required to unload under paragraph (b) when the gross weight
 69.15 of the vehicle does not exceed:

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

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

69.22 **EFFECTIVE DATE.** This section is effective October 1, 2012, and applies to
 69.23 all registrations that are effective on or after that date and special permits issued on or
 69.24 after that date.

69.25 Sec. 26. Minnesota Statutes 2010, section 169.86, subdivision 1, is amended to read:

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

70.1 (b) Permits relating to over-width, over-length manufactured homes shall not be
70.2 issued to persons other than manufactured home dealers or manufacturers for movement
70.3 of new units owned by the manufactured home dealer or manufacturer, until the person
70.4 has presented a statement from the county auditor and treasurer where the unit is presently
70.5 located, stating that all personal and real property taxes have been paid. Upon payment of
70.6 the most recent single year delinquent personal property or current year taxes only, the
70.7 county auditor or treasurer must issue a taxes paid statement to a manufactured home
70.8 dealer or a financial institution desiring to relocate a manufactured home that has been
70.9 repossessed. This statement must be dated within 30 days of the contemplated move. The
70.10 statement from the county auditor and treasurer where the unit is presently located, stating
70.11 that all personal and real property taxes have been paid, may be made by telephone. If
70.12 the statement is obtained by telephone, the permit shall contain the date and time of the
70.13 telephone call and the names of the persons in the auditor's office and treasurer's office
70.14 who verified that all personal and real property taxes had been paid.

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

70.23 (d) The state as to state trunk highways, a statutory or home rule charter city as
70.24 to streets in the city, or a town as to roads in the town, may issue permits authorizing
70.25 the transportation of combinations of vehicles exceeding the limitations in section
70.26 169.81, subdivisions 2a and 3, over highways, streets, or roads within its boundaries.
70.27 Combinations of vehicles authorized by this paragraph may be restricted as to the use of
70.28 state trunk highways by the commissioner, to the use of streets by the city road authority,
70.29 and to the use of roads by the town road authority. Nothing in this paragraph or section
70.30 169.81, subdivisions 2a and 3, alters or changes the authority vested in local authorities
70.31 under section 169.04.

70.32 **EFFECTIVE DATE.** This section is effective October 1, 2012, and applies to
70.33 all registrations that are effective on or after that date and special permits issued on or
70.34 after that date.

70.35 Sec. 27. Minnesota Statutes 2010, section 169.86, subdivision 4, is amended to read:

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

71.6 Sec. 28. Minnesota Statutes 2011 Supplement, section 169.86, subdivision 5, is
 71.7 amended to read:

71.8 Subd. 5. **Fees; proceeds deposited; appropriation.** The commissioner, with
 71.9 respect to highways under the commissioner's jurisdiction, may charge a fee for each
 71.10 permit issued. All ~~such~~ fees for permits issued by the commissioner of transportation ~~shall~~
 71.11 must be deposited in the state treasury and credited to the trunk highway fund. Except
 71.12 for those annual permits for which the permit fees are specified elsewhere in this chapter,
 71.13 the fees ~~shall be~~ are:

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

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

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

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

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

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

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

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

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

71.29 (7) motor vehicles carrying bales of agricultural products authorized under section
 71.30 169.862; and

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

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

71.34 (1) mobile cranes;

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

- 72.1 (3) manufactured homes and manufactured storage buildings;
- 72.2 (4) implements of husbandry;
- 72.3 (5) double-deck buses;
- 72.4 (6) commercial boat hauling and transporting waterfront structures, including, but
- 72.5 not limited to, portable boat docks and boat lifts;
- 72.6 (7) three-vehicle combinations consisting of two empty, newly manufactured trailers
- 72.7 for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however,
- 72.8 the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer
- 72.9 only while operating on twin-trailer routes designated under section 169.81, subdivision 3,
- 72.10 paragraph (c); and
- 72.11 (8) vehicles operating on that portion of marked Trunk Highway 36 described in
- 72.12 section 169.81, subdivision 3, paragraph (e).

72.13 (e) For vehicles ~~which~~ that have axle weights exceeding the weight limitations of

72.14 sections 169.823 to 169.829, an additional cost added to the fees listed above. However,

72.15 this paragraph applies to any vehicle described in section 168.013, subdivision 3,

72.16 paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in

72.17 that paragraph, and then the additional cost is for all weight, including the allowance

72.18 weight, in excess of the permitted maximum axle weight. The additional cost is equal

72.19 to the product of the distance traveled times the sum of the overweight axle group cost

72.20 factors shown in the following chart:

72.21 Overweight Axle Group Cost Factors

72.22 Weight (pounds)	72.22 Cost Per Mile For Each Group Of:		
72.23 exceeding weight	72.23 Two	72.23 Three	
72.24 limitations on axles	72.24 consecutive	72.24 consecutive	
	72.25 axles spaced	72.25 axles spaced	72.25 Four consecutive
	72.26 within 8 feet	72.26 within 9 feet	72.26 axles spaced within
	72.27 or less	72.27 or less	72.27 14 feet or less
72.28 0-2,000	.12	.05	.04
72.29 2,001-4,000	.14	.06	.05
72.30 4,001-6,000	.18	.07	.06
72.31 6,001-8,000	.21	.09	.07
72.32 8,001-10,000	.26	.10	.08
72.33 10,001-12,000	.30	.12	.09
72.34 12,001-14,000	Not	.14	.11
72.35	permitted		
72.36 14,001-16,000	Not	.17	.12
72.37	permitted		
72.38 16,001-18,000	Not	.19	.15
72.39	permitted		

73.1		Not	Not	
73.2	18,001-20,000	permitted	permitted	.16
73.3		Not	Not	
73.4	20,001-22,000	permitted	permitted	.20

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

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

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

73.16	Gross Weight (pounds) of Vehicle	Annual Permit Fee
73.17	90,000 or less	\$200
73.18	90,001 - 100,000	\$300
73.19	100,001 - 110,000	\$400
73.20	110,001 - 120,000	\$500
73.21	120,001 - 130,000	\$600
73.22	130,001 - 140,000	\$700
73.23	140,001 - 145,000	\$800
73.24	<u>145,001 - 155,000</u>	<u>\$900</u>

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

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

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

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

74.3 (1) in fiscal years 2005 through 2010:

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

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

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

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

74.12 (2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway
74.13 fund.

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

74.16 Sec. 29. Minnesota Statutes 2010, section 169.86, is amended by adding a subdivision
74.17 to read:

74.18 Subd. 5a. **Additional tax for excessive gross weight.** When a special permit is
74.19 issued under this chapter, the commissioner shall collect in addition to the permit fee an
74.20 additional tax for excessive gross weight, if the weight allowed under the permit is greater
74.21 than the gross weight for which the vehicle is registered under section 168.013. The
74.22 tax shall be calculated as the difference between the registration tax paid under section
74.23 168.013, subdivision 1e, and the additional tax that would be due under section 168.013,
74.24 subdivision 1e, at the gross weight allowed under the permit, prorated by the number of
74.25 days for which the permit is effective. Proceeds of the surcharge must be deposited in the
74.26 state treasury and credited to the highway user tax distribution fund.

74.27 **EFFECTIVE DATE.** This section is effective with the registration period beginning
74.28 October 1, 2012, and applies to all registrations that are effective on or after that date and
74.29 special permits issued on or after that date.

74.30 Sec. 30. Minnesota Statutes 2010, section 169.99, subdivision 1b, is amended to read:

74.31 Subd. 1b. **Speed.** (a) For a citation issued before August 1, 2014, the uniform
74.32 traffic ticket must provide a blank or space wherein an officer who issues a citation for a
74.33 violation of a speed limit of 55 or 60 miles per hour must specify whether the speed was
74.34 greater than ten miles per hour in excess of the speed limit.

75.1 (b) For a citation issued on or after August 1, 2014, the uniform traffic ticket must
 75.2 provide a blank or space wherein an officer who issues a citation for a violation of a speed
 75.3 limit of 55 or 60 miles per hour must specify whether the speed was greater than ten miles
 75.4 per hour in excess of a 55 miles per hour speed limit, or more than five miles per hour in
 75.5 excess of a 60 miles per hour speed limit.

75.6 Sec. 31. Minnesota Statutes 2010, section 169A.54, subdivision 1, is amended to read:

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

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

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

75.15 (3) not less than one year for:

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

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

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

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

75.28 ~~(4)~~ (5) not less than three years for an offense occurring within ten years of the
 75.29 first of two qualified prior impaired driving incidents or occurring after three qualified
 75.30 prior impaired driving incidents, ~~not less than three years, together and~~ with denial under
 75.31 section 171.04, subdivision 1, clause (10), until rehabilitation is established according to
 75.32 standards established by the commissioner; and

75.33 ~~(5)~~ (6) not less than four years for an offense occurring within ten years of the first of
 75.34 three qualified prior impaired driving incidents, ~~not less than four years, together and~~ with

76.1 denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established
 76.2 according to standards established by the commissioner; or

76.3 ~~(6)~~ (7) not less than six years for an offense occurring after four or more qualified
 76.4 prior impaired driving incidents, ~~not less than six years, together and~~ and with denial under
 76.5 section 171.04, subdivision 1, clause (10), until rehabilitation is established according to
 76.6 standards established by the commissioner.

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

76.8 Sec. 32. Minnesota Statutes 2010, section 169A.54, subdivision 6, is amended to read:

76.9 Subd. 6. **Applicability of implied consent revocation.** (a) Any person whose
 76.10 license has been revoked pursuant to section 169A.52 (license revocation for test failure
 76.11 or refusal) as the result of the same incident, and who does not have a qualified prior
 76.12 impaired driving incident, is subject to the mandatory revocation provisions of subdivision
 76.13 1, clause (1) or (2), in lieu of the mandatory revocation provisions of section 169A.52.

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

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

76.17 (2) a person whose driver's license has been revoked for, or who is charged with,
 76.18 (i) an alcohol concentration of twice the legal limit or more as measured at the time or
 76.19 within two hours of the time of the offense; or (ii) a violation of section 169A.20 (driving
 76.20 while impaired) with an aggravating factor described in section 169A.03, subdivision
 76.21 3, clause ~~(2)~~ or (3).

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

76.23 Sec. 33. Minnesota Statutes 2010, section 171.03, is amended to read:

76.24 **171.03 PERSONS EXEMPT.**

76.25 The following persons are exempt from license hereunder:

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

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

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

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

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

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

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

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

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

77.18 (e) A nonresident who has in immediate possession a valid commercial driver's
77.19 license issued by a state or jurisdiction in accordance with the standards of Code of
77.20 Federal Regulations, title 49, part 383, and who is operating in Minnesota the class of
77.21 commercial motor vehicle authorized by the issuing state or jurisdiction is exempt.

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

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

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

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

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

78.5 Sec. 34. Minnesota Statutes 2010, section 171.061, subdivision 4, is amended to read:

78.6 Subd. 4. **Fee; equipment.** (a) The agent may charge and retain a filing fee of \$5 for
78.7 each application. Except as provided in paragraph ~~(b)~~ (c), the fee shall cover all expenses
78.8 involved in receiving, accepting, or forwarding to the department the applications and
78.9 fees required under sections 171.02, subdivision 3; 171.06, subdivisions 2 and 2a; and
78.10 171.07, subdivisions 3 and 3a.

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

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

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

78.32 ~~(d)~~ (e) Before the end of the first working day following the final day of the
78.33 reporting period established by the department, the agent must forward to the department
78.34 all applications and fees collected during the reporting period except as provided in
78.35 paragraph ~~(c)~~ (d).

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

79.2 Sec. 35. Minnesota Statutes 2010, section 171.12, subdivision 6, is amended to read:

79.3 Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph ~~(b)~~
 79.4 (c), the department shall not keep on the record of a driver any conviction for a violation
 79.5 of a speed limit of 55 ~~or 60~~ miles per hour unless the violation consisted of a speed greater
 79.6 than ten miles per hour in excess of ~~a 55 miles per hour~~ the speed limit, ~~or more than five~~
 79.7 ~~miles per hour in excess of a 60 miles per hour speed limit.~~

79.8 (b) Except as provided in paragraph (c), the department shall not keep on the record
 79.9 of a driver any conviction for a violation of a speed limit of 60 miles per hour unless the
 79.10 violation consisted of a speed greater than:

79.11 (1) ten miles per hour in excess of the speed limit, for any violation occurring on or
 79.12 after August 1, 2012, and before August 1, 2014; or

79.13 (2) five miles per hour in excess of the speed limit, for any violation occurring on
 79.14 or after August 1, 2014.

79.15 (c) This subdivision does not apply to (1) a violation that occurs in a commercial
 79.16 motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial
 79.17 driver's license, without regard to whether the violation was committed in a commercial
 79.18 motor vehicle or another vehicle.

79.19 Sec. 36. Minnesota Statutes 2010, section 171.30, subdivision 1, is amended to read:

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

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

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

79.25 (i) 169.792;

79.26 (ii) 169.797;

79.27 (iii) 169A.52:

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

79.29 (B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section
 79.30 171.306;

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

79.33 (D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section
 79.34 171.306;

- 80.1 (iv) 171.17; or
- 80.2 (v) 171.172; or
- 80.3 (3) revoked, canceled, or denied under section 169A.54:
- 80.4 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration
- 80.5 of less than twice the legal limit;
- 80.6 (ii) subdivision 1, clause (2);
- 80.7 (iii) subdivision 1, clause ~~(4)~~, (5), ~~or~~ (6), or (7), if in compliance with section
- 80.8 171.306; or
- 80.9 (iv) subdivision 2, if the person does not have a qualified prior impaired driving
- 80.10 incident as defined in section 169A.03, subdivision 22, on the person's record, and the test
- 80.11 results indicate an alcohol concentration of less than twice the legal limit.
- 80.12 (b) The following conditions for a limited license under paragraph (a) include:
- 80.13 (1) if the driver's livelihood or attendance at a chemical dependency treatment or
- 80.14 counseling program depends upon the use of the driver's license;
- 80.15 (2) if the use of a driver's license by a homemaker is necessary to prevent the
- 80.16 substantial disruption of the education, medical, or nutritional needs of the family of
- 80.17 the homemaker; or
- 80.18 (3) if attendance at a postsecondary institution of education by an enrolled student of
- 80.19 that institution depends upon the use of the driver's license.
- 80.20 (c) The commissioner in issuing a limited license may impose such conditions and
- 80.21 limitations as in the commissioner's judgment are necessary to the interests of the public
- 80.22 safety and welfare including reexamination as to the driver's qualifications. The license
- 80.23 may be limited to the operation of particular vehicles, to particular classes and times of
- 80.24 operation, and to particular conditions of traffic. The commissioner may require that an
- 80.25 applicant for a limited license affirmatively demonstrate that use of public transportation
- 80.26 or carpooling as an alternative to a limited license would be a significant hardship.
- 80.27 (d) For purposes of this subdivision:
- 80.28 (1) "homemaker" refers to the person primarily performing the domestic tasks in a
- 80.29 household of residents consisting of at least the person and the person's dependent child
- 80.30 or other dependents; and
- 80.31 (2) "twice the legal limit" means an alcohol concentration of two times the limit
- 80.32 specified in section 169A.20, subdivision 1, clause (5).
- 80.33 (e) The limited license issued by the commissioner shall clearly indicate the
- 80.34 limitations imposed and the driver operating under the limited license shall have the
- 80.35 license in possession at all times when operating as a driver.

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

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

81.11 (h) The limited license issued by the commissioner to a person under section
81.12 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner
81.13 must not issue a limited license to a person who previously has been issued a limited
81.14 license under section 171.186, subdivision 4.

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

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

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

81.19 Sec. 37. Minnesota Statutes 2010, section 171.306, subdivision 4, is amended to read:

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

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

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

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

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

82.4 (c) A program participant whose driver's license has been revoked under section
82.5 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph
82.6 (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), ~~or (3)~~, or (4),
82.7 may apply for conditional reinstatement of the driver's license, subject to the ignition
82.8 interlock restriction.

82.9 (d) A program participant whose driver's license has been revoked, canceled, or
82.10 denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or
82.11 subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1,
82.12 clause ~~(4)~~, (5), ~~or (6)~~, or (7), may apply for a limited license, subject to the ignition
82.13 interlock restriction, if the program participant is enrolled in a licensed chemical
82.14 dependency treatment or rehabilitation program as recommended in a chemical use
82.15 assessment, and if the participant meets the other applicable requirements of section
82.16 171.30. After completing a licensed chemical dependency treatment or rehabilitation
82.17 program and one year of limited license use without violating the ignition interlock
82.18 restriction, the conditions of limited license use, or program guidelines, the participant
82.19 may apply for conditional reinstatement of the driver's license, subject to the ignition
82.20 interlock restriction. If the program participant's ignition interlock device subsequently
82.21 registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall
82.22 cancel the driver's license, and the program participant may apply for another limited
82.23 license according to this paragraph.

82.24 (e) Notwithstanding any statute or rule to the contrary, the commissioner has
82.25 authority to determine when a program participant is eligible for restoration of full driving
82.26 privileges, except that the commissioner shall not reinstate full driving privileges until the
82.27 program participant has met all applicable prerequisites for reinstatement under section
82.28 169A.55 and until the program participant's device has registered no positive breath
82.29 alcohol concentrations of 0.02 or higher during the preceding 90 days.

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

82.31 Sec. 38. Minnesota Statutes 2010, section 174.02, is amended by adding a subdivision
82.32 to read:

82.33 **Subd. 9. Pilot transportation project; alternative financing and investment.** (a)
82.34 The commissioner may select one pilot transportation project on the trunk highway system
82.35 to implement the authority granted in this subdivision. In connection with the pilot project,

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

83.6 (b) The commissioner shall submit to the chairs and ranking minority members of
 83.7 the house of representatives and senate committees having jurisdiction over transportation
 83.8 policy and finance a report detailing agreements executed under this subdivision. The
 83.9 listing must identify each agreement, the contracting entities, the contract amounts and
 83.10 duration, and any repayment requirements. The listing may be submitted electronically,
 83.11 and is subject to section 3.195, subdivision 1.

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

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

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

83.19 Sec. 39. Minnesota Statutes 2010, section 174.56, is amended to read:

83.20 **174.56 REPORT ON MAJOR HIGHWAY PROJECTS AND TRUNK**
 83.21 **HIGHWAY FUND EXPENDITURES.**

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

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

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

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

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

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

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

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

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

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

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

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

84.30 **EFFECTIVE DATE.** This section is effective August 1, 2012, except that (1) the
84.31 changes in subdivision 2, clause (2), apply to projects that are substantially completed
84.32 on or after July 1, 2012; and (2) subdivision 2, clause (6), is effective beginning with the
84.33 report due by December 15, 2013.

84.34 Sec. 40. Minnesota Statutes 2010, section 221.0314, subdivision 3a, is amended to
84.35 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

85.34 (1) at intervals specified in the waiver, give the commissioner periodic reports from
85.35 the person's treating physician, or a medical specialist if the commissioner so requires in
85.36 the waiver, that contain the information described in paragraph (b), clause (9), together

86.1 with a description of any episode that involved the person's loss of consciousness or loss
86.2 of ability to operate a motor vehicle safely; and

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

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

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

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

86.11 ~~(2)~~ (3) the applicant has been convicted of a disqualifying offense, as defined in
86.12 Code of Federal Regulations, title 49, section 383.51, paragraph (b), which is incorporated
86.13 by reference.

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

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

86.22 Sec. 41. Minnesota Statutes 2010, section 222.50, subdivision 4, is amended to read:

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

86.30 Sec. 42. Minnesota Statutes 2010, section 222.51, is amended to read:

86.31 **222.51 PARTICIPATION BY POLITICAL SUBDIVISION.**

86.32 The governing body of any political subdivision of the state may, with the approval
86.33 of the commissioner, appropriate money for rail service improvement and may participate

87.1 in the state rail service improvement program and ~~the federal rail service continuation~~
 87.2 ~~program~~ programs.

87.3 Sec. 43. Minnesota Statutes 2010, section 222.53, is amended to read:

87.4 **222.53 ACCEPTANCE OF FEDERAL MONEY.**

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

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

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

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

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

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

87.22 Sec. 44. Minnesota Statutes 2010, section 574.26, subdivision 1a, is amended to read:

87.23 Subd. 1a. **Exemptions: certain manufacturers; commissioner of transportation;**
 87.24 **road maintenance**. (a) Sections 574.26 to 574.32 do not apply to a manufacturer of
 87.25 public transit buses that manufactures at least 100 public transit buses in a calendar year.
 87.26 For purposes of this section, "public transit bus" means a motor vehicle designed to
 87.27 transport people, with a design capacity for carrying more than 40 passengers, including
 87.28 the driver. The term "public transit bus" does not include a school bus, as defined in
 87.29 section 169.011, subdivision 71.

87.30 (b) At the discretion of the commissioner of transportation, sections 574.26 to
 87.31 574.32 do not apply to any projects of the Department of Transportation (1) costing less
 87.32 than ~~\$75,000~~ the amount in section 471.345, subdivision 3, or (2) involving the permanent
 87.33 or semipermanent installation of heavy machinery, fixtures, or other capital equipment to
 87.34 be used primarily for maintenance or repair.

88.1 (c) Sections 574.26 to 574.32 do not apply to contracts for snow removal, ice
88.2 removal, grading, or other similar routine road maintenance on town roads.

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

88.4 Sec. 45. Minnesota Statutes 2010, section 574.26, subdivision 2, is amended to read:

88.5 Subd. 2. **Terms.** Except as provided in sections 574.263 and 574.264 or if the
88.6 amount of the contract is ~~\$75,000 or less~~ than the amount in section 471.345, subdivision
88.7 3, a contract with a public body for the doing of any public work is not valid unless the
88.8 contractor gives (1) a performance bond to the public body with whom the contractor
88.9 entered into the contract, for the use and benefit of the public body to complete the
88.10 contract according to its terms, and conditioned on saving the public body harmless from
88.11 all costs and charges that may accrue on account of completing the specified work, and
88.12 (2) a payment bond for the use and benefit of all persons furnishing labor and materials
88.13 engaged under, or to perform the contract, conditioned for the payment, as they become
88.14 due, of all just claims for the labor and materials. Reasonable attorneys' fees, costs, and
88.15 disbursements may be awarded in an action to enforce claims under the act if the action is
88.16 successfully maintained or successfully appealed.

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

88.18 Sec. 46. **VARIANCE; SEAPLANE BASE.**

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

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

88.24 Sec. 47. **PAYNESVILLE AIRPORT.**

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

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

89.1 Sec. 48. **ADDITIONS TO REPORTS ON MAJOR HIGHWAY PROJECTS AND**
89.2 **TRUNK HIGHWAY FUND EXPENDITURES.**

89.3 For 2013 and 2014 reports required under Minnesota Statutes, section 174.56, the
89.4 commissioner of transportation shall include the results of evaluations of management
89.5 systems currently used by the Department of Transportation. The evaluations must specify
89.6 the extent to which the management of data in these systems is consistent with existing
89.7 policies and the need for statewide, reliable, and verifiable information. The evaluations
89.8 must be performed either by the department's office of internal audit or by an independent
89.9 external auditor. The 2013 report must include the evaluation of construction management
89.10 systems and the program and project management system. The 2014 report must include
89.11 the evaluation of pavement management systems and bridge management systems.

89.12 Sec. 49. **LEGISLATIVE REPORT ON SPEED VIOLATIONS ON DRIVING**
89.13 **RECORD.**

89.14 By January 15, 2015, the commissioners of transportation and public safety shall
89.15 jointly submit a report on recording speed limit violations on a person's driver record to the
89.16 chairs and ranking minority members of the legislative committees with jurisdiction over
89.17 transportation policy and finance. The report must include analysis based on empirical
89.18 data of impacts on public safety, frequency of speeding, crash rates, travel time efficiency,
89.19 travel time reliability, and data privacy that are directly or reasonably attributable to the
89.20 change to Minnesota Statutes, section 171.12, subdivision 6, made by this act.

89.21 Sec. 50. **REPEALER.**

89.22 (a) Minnesota Statutes 2010, sections 161.08, subdivision 2; 168.012, subdivision
89.23 1b; and 222.48, subdivision 3a, are repealed.

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

89.26 Sec. 51. **EFFECTIVE DATE.**

89.27 Unless otherwise specified, this article is effective August 1, 2012.

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Article locations in H2685-5

ARTICLE 1	TRUNK HIGHWAY FUND APPROPRIATIONS	Page.Ln 2.2
ARTICLE 2	TRUNK HIGHWAY BONDS	Page.Ln 3.14
ARTICLE 3	TRANSPORTATION POLICY	Page.Ln 4.5
ARTICLE 4	TRANSPORTATION POLICY	Page.Ln 49.1

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.

8810.9000 DEFINITIONS.

Subpart 1. **AASHTO manual.** The "AASHTO manual" referred to in these rules is the Manual for Maintenance Inspection of Bridges, published by the American Association of State Highway and Transportation Officials, 341 National Press Building, Washington, D.C. 20004.

Subp. 2. **Bridge.** "Bridge" is defined as a structure including supports erected over a depression or an obstruction such as water, highway, or railway, having a track or passageway for carrying traffic or other moving loads, and having an opening measured horizontally along the center of the roadway of ten feet or more between undercopings of abutments, between spring line of arches, or between extreme ends of openings for multiple boxes. Bridge also includes multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening. Illustrations of measurements are shown in part 8810.8000, subpart 2, figures 1 to 4. This definition of a bridge includes, for application of parts 8810.9000 to 8810.9700, only those railroad bridges over or under a public highway or street.

Subp. 3. **Bridge inspector's training manual.** The Bridge Inspector's Training Manual referred to in parts 8810.9000 to 8810.9700 is the training manual published by the Federal Highway Administration. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Subp. 4. **Inspection.** The term "inspection" means examining a structure, evaluating the physical condition observed, and reporting the observations and evaluations on the bridge inspection report form as adopted by the commissioner.

Subp. 5. **Inventory.** The term "inventory" as used herein shall mean the gathering and reporting of all information as provided for on the structure inventory sheet as adopted by the commissioner.

Subp. 6. **Posting.** The term "posting" shall mean the placement of regulatory signs at a bridge indicating the safe load carrying capacity of the bridge.

Subp. 7. **Rating.** The term "rating" shall mean determining the safe live load carrying capacity of a bridge. The rating for a bridge shall be determined in accordance with procedures specified in the AASHTO Manual for Maintenance Inspection of Bridges except that Minnesota legal vehicles shall be used rather than AASHTO typical vehicles for highway bridges.

8810.9100 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 8810.9000 to 8810.9700 is to carry out the mandate of the legislature and to implement that mandate as set forth in Minnesota Statutes, chapter 165, with reference to the inspection and inventory of bridges in the state of Minnesota.

Subp. 2. **Scope.** The scope of parts 8810.9000 to 8810.9700 is confined to and consistent with Minnesota Statutes, section 165.03.

8810.9200 APPLICATION OF INSPECTION AND INVENTORY STANDARDS.

These bridge inspection and inventory standards apply to bridges that:

- A. lie within or cross the borders of the state of Minnesota and are located wholly or partially within or over the right-of-way of a state trunk highway;
- B. are located wholly or partially within or over the right-of-way of a county or town road;
- C. are located wholly or partially within or over the right-of-way of a street located within or along municipal limits;
- D. are toll bridges used by the general public; or
- E. are located on state, county, or home rule charter or statutory city lands and exist for the use of the general public.

Railroad bridges are excluded from parts 8810.9000 to 8810.9700 except for railroad bridges over or under a public highway or street.

Bridges on recreation trails used only by pedestrians, bicycles, and recreational vehicles are excluded from parts 8810.9000 to 8810.9700, except for those bridges over or under a public highway or street.

8810.9300 RESPONSIBILITY AND QUALIFICATIONS.

Subpart 1. **Areas of responsibility.** The following officials have the responsibility for inspection and inventory of bridges:

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- A. the commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway and for toll bridges used by the general public;
- B. the county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or township road, or any street within a municipality which does not have a city engineer regularly employed; and
- C. the city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits.

Subp. 2. **Qualifications.** The individual in charge of the bridge inspection and inventory for each organizational unit described in subpart 1 must be registered in Minnesota as a professional engineer.

The individual in charge of the inspection team must have one of the following qualifications: be registered in Minnesota as a professional engineer; have a minimum of five years experience in bridge inspection assignments in a responsible capacity and have completed a comprehensive training course based on the Bridge Inspector's Training Manual developed by a joint federal-state task force; have current certification as a Level III or IV Bridge Safety Inspector under the National Society of Professional Engineer's program for National Certification in Engineering Technologies; or, be certified by the commissioner of transportation as a Bridge Safety Inspector.

8810.9400 FREQUENCY OF INSPECTIONS AND INVENTORY.

Subpart 1. **Inspection.** Each bridge must be inspected annually, unless a longer interval not to exceed two years is authorized by the commissioner. The commissioner's authorization shall be based upon factors including, but not limited to, the age and condition of the bridge, the rate of deterioration of the bridge, the type of structure, the susceptibility of the bridge to failure, and the characteristics of traffic on the bridge. Interim inspections at intervals of less than one year may be necessary on bridges that are posted, bridges subjected to extreme scour conditions, bridges subject to significant substructure movement or settlement, and for other reasons as specified or inferred in the AASHTO manual.

The thoroughness of each inspection depends on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The evaluation of these factors is the responsibility of the engineer assigned the responsibility for inspection as defined in part 8810.9300, subpart 1.

Subp. 2. **Inventory.** An inventory shall be prepared for each bridge and shall be updated annually.

8810.9500 INSPECTION REPORT AND RATINGS.

Subpart 1. **Inspection.** The items to be inspected and reported on the bridge inspection report form must include but not be limited to those items specified in the AASHTO manual. The Bridge Inspector's Training Manual must be used as a guide to additional items to be inspected for special cases.

Subp. 2. **Ratings.** Each structure required to be inspected under parts 8810.9000 to 8810.9700 must be rated to determine its safe load carrying capacity and the rating must be reported on a structure inventory sheet form provided by the commissioner of transportation. A structure must be rerated when it is determined that a significant change has occurred in the condition of the structure. Ratings must be reviewed and the structure rerated if necessary when the allowable legal load using the structure is increased. Changes in the rating of a bridge must be indicated on the structure inventory sheet form.

8810.9600 POSTING LESSER LOADS.

Where it is determined that the maximum legal load under state law exceeds the load permitted on the structure under the operating rating stress level assigned, the bridge must be posted. Posting signs as adopted by the commissioner shall be used for the posting.

8810.9700 UPDATING REPORTS.

Each highway authority responsible for inspection and inventory of bridges shall submit an updated copy of the structure inventory sheet form or submit an electronic update for each bridge under its jurisdiction to the commissioner by February 15, annually.