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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

1.1 A bill for an act
1.2 relating to transportation; modifying provisions governing transportation policy
1.3 and finance, including trunk highway designation, work and contracting on
1.4 trunk highways, motor vehicles, motor vehicle weight limit regulations, motor
1.5 vehicle titles, manufactured home titles, driver's education, metropolitan area
1.6 transit service and fares, bridge inspections, brake requirements, special veterans
1.7 license plates, pupil transportation, municipal state-aid street fund eligibility and
1.8 apportionment, small vehicle passenger service, driver and vehicle information
1.9 system, deputy registrars of motor vehicles, civilian escort drivers, bicycle
1.10 equipment, school buses, small business contracts, and legislative reports;
1.11 making contingent appropriations; setting fees; renumbering statutes; making
1.12 technical changes; amending Minnesota Statutes 2010, sections 13.72, by adding
1.13 a subdivision; 160.27, by adding a subdivision; 160.2715; 161.14, by adding a
1.14 subdivision; 161.20, subdivision 4; 161.321; 161.3212; 162.09, by adding a
1.15 subdivision; 165.01; 165.03; 168.013, subdivision 3; 168.10, subdivision 1a;
1.16 168.185; 168A.01, subdivision 16, by adding subdivisions; 168A.02, subdivision
1.17 3; 168A.04, subdivisions 1, 5; 168A.05, subdivisions 1, 1a, 1b, 3; 168A.09,
1.18 by adding a subdivision; 168A.141, subdivision 1; 168A.15, subdivision 2;
1.19 169.06, subdivision 4; 169.222, subdivision 6; 169.4501, subdivisions 1, 2;
1.20 169.4503, subdivisions 5, 20, by adding subdivisions; 169.4582, subdivision 2;
1.21 169.72, subdivision 1; 169.801, subdivision 10; 169.81, subdivision 3; 169.86,
1.22 subdivision 3b; 169.872, subdivision 1a; 169.98, subdivisions 1, 3; 171.02,
1.23 subdivision 2b; 174.03, subdivision 1b; 221.091, subdivision 2; 299D.085,
1.24 subdivision 1, by adding a subdivision; 299D.09; 325F.6644, subdivision 2;
1.25 473.388, subdivisions 2, 4; Minnesota Statutes 2011 Supplement, sections
1.26 168.123, subdivision 1; 171.05, subdivision 2; 171.06, subdivision 2; 299A.705,
1.27 subdivision 3; Laws 2009, chapter 158, section 10; Laws 2011, First Special
1.28 Session chapter 3, article 1, section 4; proposing coding for new law in
1.29 Minnesota Statutes, chapters 161; 168A; 171; repealing Minnesota Statutes 2010,
1.30 sections 169.441, subdivision 5; 169.445, subdivision 2; 169.454, subdivision
1.31 10; Minnesota Rules, parts 8810.9000; 8810.9100; 8810.9200; 8810.9300;
1.32 8810.9400; 8810.9500; 8810.9600; 8810.9700.

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

1.34 Section 1. Minnesota Statutes 2010, section 13.72, is amended by adding a subdivision
1.35 to read:

2.1 Subd. 17. **Construction manager/general contractor data.** When the Department
2.2 of Transportation undertakes a construction manager/general contractor contract, as
2.3 defined and authorized in sections 161.3207 to 161.3209, the provisions of this subdivision
2.4 apply.

2.5 (a) When the commissioner of transportation solicits a request for qualifications:

2.6 (1) the following data are classified as protected nonpublic data:

2.7 (i) the statement of qualifications scoring evaluation manual; and

2.8 (ii) the statement of qualifications evaluations;

2.9 (2) the following data are classified as nonpublic data: the statement of qualifications
2.10 submitted by a potential construction manager/general contractor; and

2.11 (3) the following data are classified as private data on individuals: identifying
2.12 information concerning the members of the technical review committee.

2.13 (b) When the commissioner of transportation announces the short list of qualified
2.14 construction managers/general contractors, the following data become public:

2.15 (1) the statement of qualifications scoring evaluation manual; and

2.16 (2) the statement of qualifications evaluations.

2.17 (c) When the commissioner of transportation solicits a request for proposals:

2.18 (1) the following data are classified as protected nonpublic data: the proposal
2.19 scoring manual; and

2.20 (2) the following data are classified as nonpublic data:

2.21 (i) the proposals submitted by a potential construction manager/general contractor;
2.22 and

2.23 (ii) the proposal evaluations.

2.24 (d) When the commissioner of transportation has completed the ranking of proposals
2.25 and announces the selected construction manager/general contractor, the proposal
2.26 evaluation score or rank and proposal evaluations become public.

2.27 (e) When the commissioner of transportation conducts contract negotiations
2.28 with a construction manager/general contractor, government data created, collected,
2.29 stored, and maintained during those negotiations are nonpublic data until a construction
2.30 manager/general contractor contract is fully executed.

2.31 (f) When the construction manager/general contractor contract is fully executed or
2.32 when the commissioner of transportation decides to use another contract procurement
2.33 process other than construction manager/general contractor authority authorized under
2.34 section 161.3209, subdivision 3, paragraph (b), all remaining data not already made public
2.35 under this subdivision become public.

3.1 (g) If the commissioner of transportation rejects all responses to a request for
3.2 proposals before a construction manager/general contractor contract is fully executed,
3.3 all data other than that data made public under this subdivision retains its classification
3.4 until a resolicitation of the request for proposals results in a fully executed construction
3.5 manager/general contractor contract, or a determination is made to abandon the project. If
3.6 a resolicitation of proposals does not occur within one year of the announcement of the
3.7 request for proposals, the remaining data become public.

3.8 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.9 expires following the acceptance of ten construction manager/general contractor contracts.

3.10 Sec. 2. Minnesota Statutes 2010, section 160.27, is amended by adding a subdivision
3.11 to read:

3.12 Subd. 7a. **Trunk highway; temporary sign.** (a) A road authority, including a city,
3.13 may by permit allow temporary placement of a sign on a pedestrian bridge or overpass
3.14 over a trunk highway, when the pedestrian bridge or road constituting the overpass is
3.15 under the jurisdiction of that road authority.

3.16 (b) A sign placed under the permit:

3.17 (1) may not be otherwise prohibited under section 173.15, clauses (1) to (3);

3.18 (2) may not reduce the clearance height of the bridge or overpass for vehicles
3.19 traveling on the trunk highway;

3.20 (3) must be secured to the bridge or overpass in a manner that poses no safety
3.21 hazards; and

3.22 (4) may be placed for no more than three consecutive days.

3.23 (c) A road authority may issue only one temporary sign permit at a time for each
3.24 direction of travel under a pedestrian bridge or overpass.

3.25 (d) A road authority that chooses to issue permits under this subdivision shall
3.26 establish application procedures and conditions for permit issuance. At least seven days
3.27 prior to issuance of a permit, the road authority shall notify the commissioner of the permit
3.28 application and location, and provide a detailed description of the sign. The commissioner
3.29 may provide recommendations to the road authority concerning the permit, but may not
3.30 prohibit permit issuance or sign placement.

3.31 (e) For purposes of this subdivision, a sign includes a banner, placard, or flags.

3.32 Sec. 3. Minnesota Statutes 2010, section 160.2715, is amended to read:

3.33 **160.2715 RIGHT-OF-WAY USE; MISDEMEANORS.**

4.1 (a) Except for the actions of the road authorities, their agents, employees,
4.2 contractors, and utilities in carrying out their duties imposed by law or contract, and
4.3 except as herein provided, it shall be unlawful to:

4.4 (1) obstruct any highway or deposit snow or ice thereon;

4.5 (2) plow or perform any other detrimental operation within the road right-of-way
4.6 except in the preparation of the land for planting permanent vegetative cover or as
4.7 authorized under section 160.232;

4.8 (3) erect a fence on the right-of-way of a trunk highway, county state-aid highway,
4.9 county highway, or town road, except to erect a lane fence to the ends of a livestock pass;

4.10 (4) erect or reconstruct driveway headwalls in or on the right-of-way of a highway
4.11 or road, except as may be allowed by permit from the road authority imposing reasonable
4.12 regulations as are necessary to prevent interference with the construction, maintenance,
4.13 and safe use of the highway or road and its appurtenances;

4.14 (5) dig any holes in any highway, except to locate markers placed to identify
4.15 sectional corner positions and private boundary corners;

4.16 (6) remove any earth, gravel, or rock from any highway;

4.17 (7) obstruct any ditch draining any highway or drain any noisome materials into
4.18 any ditch;

4.19 (8) place or maintain any building or structure within the limits of any highway;

4.20 (9) place or maintain any advertisement within the limits of any highway, except as
4.21 provided in section 160.27, ~~subdivision 7~~;

4.22 (10) paint, print, place, or affix any advertisement or any object within the limits of
4.23 any highway, except as provided in section 160.27, ~~subdivision 7~~;

4.24 (11) deface, mar, damage, or tamper with any structure, work, material, equipment,
4.25 tools, signs, markers, signals, paving, guardrails, drains, or any other highway
4.26 appurtenance on or along any highway;

4.27 (12) remove, injure, displace, or destroy right-of-way markers, or reference or
4.28 witness monuments, or markers placed to preserve section or quarter-section corners;

4.29 (13) improperly place or fail to place warning signs and detour signs as provided by
4.30 law;

4.31 (14) drive over, through, or around any barricade, fence, or obstruction erected for
4.32 the purpose of preventing traffic from passing over a portion of a highway closed to public
4.33 travel or to remove, deface, or damage any such barricade, fence, or obstruction.

4.34 (b) Any violation of this section is a misdemeanor.

5.1 Sec. 4. Minnesota Statutes 2010, section 161.14, is amended by adding a subdivision
5.2 to read:

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

5.7 Sec. 5. Minnesota Statutes 2010, section 161.20, subdivision 4, is amended to read:

5.8 Subd. 4. **Debt collection.** The commissioner shall make reasonable and businesslike
5.9 efforts to collect money owed for licenses, fines, penalties, and permit fees or arising
5.10 from damages to state-owned property or other causes related to the activities of the
5.11 Department of Transportation. Upon request, the commissioner of public safety shall
5.12 provide to the commissioner of transportation all accident reports involving damage to
5.13 state-owned infrastructure. The commissioner may contract for debt collection services
5.14 for the purpose of collecting a money judgment or legal indebtedness. The commissioner
5.15 may enter into an agreement with the commissioner of public safety to use debt collection
5.16 services authorized by this subdivision when civil penalties relating to the use of highways
5.17 have been reduced to money judgment. Money received as full or partial payment shall be
5.18 deposited to the appropriate fund. When money is collected through contracted services,
5.19 the commissioner may make payment for the service from the money collected. The
5.20 amount necessary for payment of contractual collection costs is appropriated from the
5.21 fund in which money so collected is deposited.

5.22 Sec. 6. **[161.318] CONTINGENT APPROPRIATIONS; TRUNK HIGHWAY**
5.23 **SYSTEM.**

5.24 Subdivision 1. **Department of Transportation.** (a) If, on June 30 of an
5.25 odd-numbered year, legislation has not been enacted to appropriate money for the next
5.26 fiscal year to the commissioner of transportation for state roads, on July 1 an amount
5.27 sufficient to pay the costs described in this subdivision is appropriated, for the fiscal
5.28 year beginning on that July 1, from the trunk highway fund to the commissioner of
5.29 transportation.

5.30 (b) The appropriation under paragraph (a) is for:

5.31 (1) actual payments necessary under contracts relating to the budget activities of
5.32 operations and maintenance, program planning and delivery, and state road construction;
5.33 and

6.1 (2) an amount necessary to pay the costs of Department of Transportation employees
6.2 whose work is essential to (i) the administration and performance of the contracts under
6.3 clause (1), including but not limited to project management, contract administration, and
6.4 billing administration; and (ii) the administration of available federal reimbursement of
6.5 expenses from the contracts under clause (1).

6.6 (c) The amount appropriated under paragraph (a) may not exceed the total of:

6.7 (1) unexpended funds from the amounts appropriated for the biennium ending on
6.8 June 30 to the commissioner for the budget activities of operations and maintenance,
6.9 program planning and delivery, and state road construction;

6.10 (2) unexpended funds from any amount made available to the commissioner in
6.11 carryforward authority into the biennium ending on June 30 for state road construction
6.12 projects for which money was originally encumbered in a previous biennium; and

6.13 (3) the amounts included in the appropriation base for the next fiscal year to the
6.14 commissioner for the budget activities of program planning and delivery, and agency
6.15 services.

6.16 (d) Any subsequent appropriation to the commissioner of transportation, or
6.17 carryforward authority provided to the commissioner, for a biennium in which this
6.18 subdivision has been applied shall supersede and replace the funding authorized in this
6.19 subdivision.

6.20 (e) This subdivision applies only to those contracts as to which funds were
6.21 encumbered before the July 1 appropriation date.

6.22 Subd. 2. **Minnesota Management and Budget.** (a) If, on June 30 of an
6.23 odd-numbered year, legislation has not been enacted to appropriate money for the next
6.24 fiscal year to the commissioner of management and budget for central accounting,
6.25 procurement, payroll, and human resources functions, on July 1 an amount necessary to
6.26 operate those functions, solely for the purposes specified in subdivision 1, is appropriated
6.27 for the fiscal year beginning on that July 1 from the general fund to the commissioner of
6.28 management and budget. As necessary, the commissioner may transfer a portion of this
6.29 appropriation to other state agencies to support carrying out these functions.

6.30 (b) Any subsequent appropriation to the commissioner of management and budget
6.31 for a biennium in which this subdivision has been applied shall supersede and replace
6.32 the funding authorized in this subdivision.

6.33 Sec. 7. **[161.3207] CONSTRUCTION MANAGER/GENERAL CONTRACTOR;**
6.34 **DEFINITIONS.**

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

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

7.5 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of
7.6 transportation.

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

7.14 Subd. 5. **Construction manager/general contractor contract.** "Construction
7.15 manager/general contractor contract" means a contract for construction of a project
7.16 between a construction manager/general contractor and the commissioner, which
7.17 must include terms providing for a price, construction schedule, and workmanship of
7.18 the construction performed. The construction manager/general contractor contract
7.19 may include provisions for incremental price contracts for specific work packages,
7.20 additional work performed, contingencies, or other contract provisions that will allow the
7.21 commissioner to negotiate time and cost changes to the contract.

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

7.24 Subd. 7. **Preconstruction services.** "Preconstruction services" means all
7.25 non-construction-related services that a construction manager/general contractor is
7.26 allowed to perform before execution of a construction manager/general contractor contract
7.27 or work package.

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

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

7.34 Subd. 10. **Request for proposals; RFP.** "Request for proposals" or "RFP" means
7.35 the document or publication soliciting proposals for a construction manager/general
7.36 contractor contract.

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

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

8.7 **EFFECTIVE DATE.** This section is effective the day following final enactment and
8.8 expires following the acceptance of ten construction manager/general contractor contracts.

8.9 Sec. 8. **[161.3208] CONSTRUCTION MANAGER/GENERAL CONTRACTOR;**
8.10 **AUTHORITY.**

8.11 Subdivision 1. **Selection authority; limitation.** Notwithstanding sections 16C.25,
8.12 161.32, and 161.321, or any other law to the contrary, the commissioner may select a
8.13 construction manager/general contractor as provided in section 161.3209, and award a
8.14 construction manager/general contractor contract. The number of awarded contracts
8.15 shall not exceed four in any calendar year.

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

8.18 Subd. 3. **Cancellation.** The solicitation of construction manager/general contractor
8.19 requests for qualifications or proposals does not obligate the commissioner to enter into a
8.20 construction manager/general contractor contract. The commissioner may accept or reject
8.21 any or all responses received as a result of the request. The solicitation of proposals may
8.22 be canceled at any time at the commissioner's sole discretion if cancellation is considered
8.23 to be in the state's best interest. If the commissioner rejects all responses or cancels the
8.24 solicitation for proposals, the commissioner may resolicit a request for proposals using the
8.25 same or different requirements.

8.26 Subd. 4. **Reporting.** The commissioner shall notify the chairs and ranking minority
8.27 members of the legislative committees with jurisdiction over transportation policy
8.28 and transportation finance each time the commissioner decides to use the construction
8.29 manager/general contractor method of procurement and explain why that method was
8.30 chosen.

8.31 **EFFECTIVE DATE.** This section is effective the day following final enactment and
8.32 expires following the acceptance of ten construction manager/general contractor contracts.

9.1 Sec. 9. **[161.3209] CONSTRUCTION MANAGER/GENERAL CONTRACTOR;**
9.2 **PROCEDURES.**

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

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

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

9.11 (2) the procedures for submitting proposals and the criteria for evaluation of
9.12 qualifications and the relative weight for each criteria;

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

9.14 (4) the scope of intended construction work;

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

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

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

9.18 (8) the requirements for insurance, statutorily required performance, and payment
9.19 bonds;

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

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

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

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

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

9.30 (1) The commissioner shall appoint a technical review committee of at least five
9.31 individuals, of which one is a Department of Transportation manager who is also a
9.32 licensed professional engineer in Minnesota.

9.33 (2) The technical review committee shall evaluate the construction manager/general
9.34 contractor proposals according to criteria and subcriteria published in the RFP and
9.35 procedures established by the commissioner. The commissioner shall, as designated in
9.36 the RFP, evaluate construction manager/general contractor proposals on the basis of best

10.1 value as defined in section 16C.05, or using the qualifications-based selection process
10.2 set forth in section 16C.095, except section 16C.095, subdivision 1 does not apply. If
10.3 the commissioner does not receive at least two proposals from construction managers,
10.4 the commissioner may:

10.5 (i) solicit new proposals;

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

10.7 (iii) select another allowed procurement method; or

10.8 (iv) reject the proposals.

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

10.12 (c) Unless all proposals are rejected, the commissioner shall conduct contract
10.13 negotiations for a preconstruction services contract with the construction manager/general
10.14 contractor with the highest ranking. If the construction manager/general contractor with
10.15 the highest ranking declines or is unable to reach an agreement, the commissioner may
10.16 begin contract negotiations with the next highest ranked construction manager/general
10.17 contractor.

10.18 (d) Before issuing the RFP, the commissioner may elect to issue a request for
10.19 qualifications (RFQ) and short-list the most highly qualified construction managers/general
10.20 contractors. The RFQ must include the procedures for submitting statements of
10.21 qualification, the criteria for evaluation of qualifications, and the relative weight for each
10.22 criterion. The statements of qualifications must be evaluated by the technical review
10.23 committee.

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

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

10.27 (2) conduct contract negotiations with the construction manager/general contractor

10.28 to develop a construction manager/general contractor contract. This contract must include

10.29 a minimum construction manager/general contractor self-performing requirement of 30

10.30 percent of the negotiated cost. Items designated in the construction manager/general

10.31 contractor contract as specialty items may be subcontracted and the cost of any specialty

10.32 item performed under the subcontract will be deducted from the cost before computing the

10.33 amount of work required to be performed by the contractor.

10.34 (b) If the construction manager/general contractor and the commissioner are unable
10.35 to negotiate a contract, the commissioner may use other contract procurement processes or
10.36 may readvertise the construction manager/general contractor contract. The construction

11.1 manager/general contractor may (1) bid or propose on the project if advertised under
11.2 section 161.32 or 161.3206 or (2) join a design-build team if advertised under sections
11.3 161.3410 to 161.3428.

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

11.7 **EFFECTIVE DATE.** This section is effective the day following final enactment and
11.8 expires following the acceptance of ten construction manager/general contractor contracts.

11.9 Sec. 10. Minnesota Statutes 2010, section 161.321, is amended to read:

11.10 **161.321 SMALL BUSINESS CONTRACTS.**

11.11 Subdivision 1. **Definitions.** For purposes of this section the following terms have
11.12 the meanings given them, except where the context clearly indicates a different meaning is
11.13 intended.

11.14 (a) "Award" means the granting of a contract in accordance with all applicable laws
11.15 and rules governing competitive bidding except as otherwise provided in this section.

11.16 (b) "Contract" means an agreement entered into between a business entity and the
11.17 state of Minnesota for the construction of transportation improvements.

11.18 (c) "Subcontractor" means a business entity which enters into a legally binding
11.19 agreement with another business entity which is a party to a contract as defined in
11.20 paragraph (b).

11.21 (d) "Targeted group business" means a business designated under section 16C.16,
11.22 subdivision 5.

11.23 (e) "Veteran-owned small business" means a business designated under section
11.24 16C.16, subdivision 6a.

11.25 Subd. 2. **Small business set-asides; procurement and construction contract**
11.26 **preferences.** (a) The commissioner may award up to a six percent preference in the
11.27 amount bid for specified construction work to small targeted group businesses and
11.28 veteran-owned small businesses.

11.29 (b) The commissioner may designate a contract for construction work for award only
11.30 to small targeted group businesses if the commissioner determines that at least three small
11.31 targeted group businesses are likely to bid. The commissioner may designate a contract for
11.32 construction work for award only to veteran-owned small businesses if the commissioner
11.33 determines that at least three veteran-owned small businesses are likely to bid.

12.1 ~~(e) The commissioner, as a condition of awarding a construction contract, may~~
12.2 ~~set goals that require the prime contractor to subcontract a portion of the contract to~~
12.3 ~~small targeted group businesses and veteran-owned small businesses. The commissioner~~
12.4 ~~must establish a procedure for granting waivers from the subcontracting requirement~~
12.5 ~~when qualified small targeted group businesses and veteran-owned small businesses~~
12.6 ~~are not reasonably available. The commissioner may establish financial incentives for~~
12.7 ~~prime contractors who exceed the goals for use of subcontractors and financial penalties~~
12.8 ~~for prime contractors who fail to meet goals under this paragraph. The subcontracting~~
12.9 ~~requirements of this paragraph do not apply to prime contractors who are small targeted~~
12.10 ~~group businesses or veteran-owned small businesses.~~

12.11 ~~(d)~~ (c) The commissioner may award up to a four percent preference in the amount
12.12 bid ~~on procurement~~ for specified construction work to small businesses located in an
12.13 economically disadvantaged area as defined in section 16C.16, subdivision 7.

12.14 Subd. 2a. **Subcontracting goals.** (a) The commissioner, as a condition of awarding
12.15 a construction contract, may set goals that require the prime contractor to subcontract
12.16 portions of the contract to small targeted group businesses and veteran-owned small
12.17 businesses. Prime contractors must demonstrate good faith efforts to meet the project
12.18 goals. The commissioner shall establish a procedure for granting waivers from the
12.19 subcontracting requirement when either qualified small targeted group businesses or
12.20 veteran-owned small businesses, or both, are not reasonably available. The commissioner
12.21 may establish (1) financial incentives for prime contractors who exceed the goals set for
12.22 the use of subcontractors under this subdivision; and (2) sanctions for prime contractors
12.23 who fail to make good faith efforts to meet the goals set under this subdivision.

12.24 (b) The small targeted group business subcontracting requirements of this
12.25 subdivision do not apply to prime contractors who are small targeted group businesses.
12.26 The veteran-owned small business subcontracting requirements of this subdivision do not
12.27 apply to prime contractors who are veteran-owned small businesses.

12.28 Subd. 3. **Subcontract awards to small businesses.** At least 75 percent of
12.29 subcontracts awarded to small targeted group businesses must be performed by the
12.30 business to which the subcontract is awarded or another small targeted group business.
12.31 At least 75 percent of subcontracts awarded to veteran-owned small businesses must be
12.32 performed by the business to which the subcontract is awarded or another veteran-owned
12.33 small business.

12.34 Subd. 4. **Contract awards, limitations.** Contracts awarded pursuant to this
12.35 section are subject to all limitations contained in rules adopted by the commissioner
12.36 of administration.

13.1 Subd. 4a. **Limited duration and reevaluation.** The commissioner shall cooperate
13.2 with the commissioner of administration to periodically reevaluate the targeted group
13.3 businesses to determine whether there is a statistical disparity between the percentage of
13.4 construction contracts awarded to businesses owned by targeted group members and the
13.5 representation of businesses owned by targeted group members among all businesses in
13.6 the state in the construction category. The commissioner of administration shall designate
13.7 targeted groups pursuant to section 16C.16, subdivision 5.

13.8 Subd. 5. **Recourse to other businesses.** If the commissioner is unable to award
13.9 a contract pursuant to the provisions of subdivisions 2 ~~and 3~~ to 4a, the award may be
13.10 placed pursuant to the normal solicitation and award provisions set forth in this chapter
13.11 and chapter 16C.

13.12 Subd. 6. **Rules; eligibility.** (a) The rules adopted by the commissioner of
13.13 administration to define small businesses and to set time and other eligibility requirements
13.14 for participation in programs under sections 16C.16 to 16C.19 apply to this section. The
13.15 commissioner may promulgate other rules necessary to carry out this section.

13.16 (b) In addition to other eligibility requirements, a small targeted group business or
13.17 veteran-owned small business is eligible for the bid preferences under this section only
13.18 for eight years following the later of (1) the effective date of this act, or (2) the date of
13.19 initial designation as a small targeted group business or veteran-owned small business by
13.20 the commissioner of administration under section 16C.16.

13.21 Subd. 7. **Noncompetitive bids.** The commissioner is encouraged to purchase
13.22 from small targeted group businesses and veteran-owned small businesses designated
13.23 under section 16C.16 when making purchases that are not subject to competitive bidding
13.24 procedures.

13.25 Subd. 8. ~~Report by commissioner~~ **Reporting.** (a) The commissioner of
13.26 ~~transportation~~ shall report to the commissioner of administration on compliance with this
13.27 section. The information must be reported at the time and in the manner requested by the
13.28 commissioner of administration.

13.29 (b) By February 1 of each even-numbered year, the commissioner shall submit a
13.30 report to the chairs and ranking minority members of the legislative committees with
13.31 jurisdiction over transportation policy and finance concerning contract awards under this
13.32 section. At a minimum, the report must include:

13.33 (1) a summary of the program;

13.34 (2) a review of the use of preferences for contracting, including frequency of
13.35 establishment of a preference and frequency of contract award to a small targeted group
13.36 business or veteran-owned small business;

14.1 (3) a review of goals and good faith efforts to use small targeted group businesses
 14.2 and veteran-owned small businesses in subcontracts, including analysis of methods used
 14.3 for, and effectiveness of, good faith efforts;

14.4 (4) a summary of any financial incentives or sanctions imposed;

14.5 (5) information on each reevaluation under subdivision 4a, including details on the
 14.6 methodology for reevaluation; and

14.7 (6) any recommendations for legislative or programmatic changes.

14.8 Sec. 11. Minnesota Statutes 2010, section 161.3212, is amended to read:

14.9 **161.3212 WORKING CAPITAL FUND.**

14.10 The commissioner, to the extent allowed by other law or contract, may grant
 14.11 available money that has been appropriated for socially or economically disadvantaged
 14.12 business programs to a guaranty fund administered by a nonprofit organization that makes
 14.13 or guarantees working capital loans to ~~businesses~~ small business concerns owned and
 14.14 operated by socially ~~or~~ and economically disadvantaged ~~persons as defined~~ individuals.
 14.15 "Small business concern" and "socially and economically disadvantaged individual" have
 14.16 the meanings given them in Code of Federal Regulations, title 49, section ~~23.5~~ 26.5. The
 14.17 purpose of loans made or guaranteed by the organization must be to provide short-term
 14.18 working capital to enable eligible businesses to be awarded contracts for goods and
 14.19 services or for construction-related services from government agencies.

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

14.22 Sec. 12. Minnesota Statutes 2010, section 162.09, is amended by adding a subdivision
 14.23 to read:

14.24 Subd. 11. **Additional municipal state-aid street cities.** (a) For purposes of this
 14.25 subdivision, the following terms have the meanings given them:

14.26 (1) "local bridge project costs" means the total amount of money expended by a
 14.27 statutory or home rule charter city that, as determined by the commissioner in consultation
 14.28 with the city, is (i) directly attributable to, or directly resulting from, a trunk highway
 14.29 system project to construct a new bridge over the St. Croix River in Washington County;
 14.30 and (ii) not offset by other sources of state or federal funds; and

14.31 (2) "state-aid eligible city" means any statutory or home rule charter city that incurs
 14.32 local bridge project costs and has a population of more than 4,000 but less than 5,000
 14.33 according to the most recent federal decennial census.

14.34 (b) Notwithstanding subdivision 4, state-aid eligible city is deemed:

15.1 (1) to have a population that is 5,000 for purposes of this chapter; and
 15.2 (2) notwithstanding section 162.13, subdivision 2, to have money needs equal to
 15.3 the local bridge project costs for the city.

15.4 (c) Notwithstanding section 162.13, subdivision 1, the total apportionment to a
 15.5 state-aid eligible city, across all years in which this subdivision applies, may not exceed
 15.6 the most recent calculation of local bridge project costs for the city.

15.7 (d) Except as provided in paragraph (e), the requirements of paragraph (b) apply to a
 15.8 city for 20 calendar years following the first year in which the city becomes a state-aid
 15.9 eligible city.

15.10 (e) This subdivision does not apply if a city has a population of 5,000 or more as
 15.11 determined by the most recent federal decennial census or under subdivision 4.

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

15.13 **165.01 DEFINITIONS.**

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

15.16 Subd. 2. **AASHTO manual.** ~~"AASHTO manual" means the Manual for Condition~~
 15.17 ~~Evaluation of Bridges, published by the American Association of State Highway and~~
 15.18 ~~Transportation Officials. "The Manual for Bridge Evaluation," published by the American~~
 15.19 Association of State Highway and Transportation Officials, is incorporated by reference.

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

15.28 Subd. 4. **National Bridge Inspection Standards (NBIS).** "NBIS" means standards
 15.29 established by the Federal Highway Administration in Code of Federal Regulations, title
 15.30 23, part 650, subpart C, incorporated by reference.

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

15.32 **165.03 STRENGTH OF BRIDGE; INSPECTION.**

15.33 Subdivision 1. **Standards generally.** Each bridge, including a privately owned
 15.34 bridge, must conform to the strength, width, clearance, and safety standards imposed

16.1 by the commissioner for the connecting highway or street. This subdivision applies to
16.2 a bridge that is constructed after August 1, 1989, on any public highway or street. The
16.3 bridge must have sufficient strength to support with safety the maximum vehicle weights
16.4 allowed under sections 169.822 to 169.829 and must have the minimum width specified
16.5 in section 165.04, subdivision 3.

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

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

16.18 (1) Underwater structural elements must be inspected at regular intervals not to
16.19 exceed 60 months. The commissioner may require inspections at intervals of less than
16.20 60 months on certain underwater structural elements based on factors including, but not
16.21 limited to, construction material, the environment, age, the scour characteristics, the
16.22 condition rating from past inspections, and any known deficiencies.

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

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

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

16.35 Subd. 2. **Inspection and inventory responsibilities; rules; forms.** (a) The
16.36 commissioner of transportation will adopt the National Bridge Inspection Standards

17.1 (NBIS) established by the Federal Highway Administration in Code of Federal
 17.2 Regulations, title 23, part 650, subpart C, or its successor documents for structures
 17.3 meeting the NBIS definition of a bridge. The commissioner shall establish inspection and
 17.4 inventory standards for structures defined as bridges by section 165.01, subdivision 3.

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

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

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

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

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

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

17.23 ~~(b)~~ (c) The commissioner of transportation shall prescribe the ~~standards for bridge~~
 17.24 ~~inspection and inventory by rules~~ inspection and inventory procedures required to
 17.25 administer the bridge inspection program in Minnesota and has the authority to establish
 17.26 and publish standards that describe the inspection and inventory requirements to ensure
 17.27 compliance with paragraph (a). The owner or highway authority shall inspect and
 17.28 inventory in accordance with these standards and furnish the commissioner with such data
 17.29 as may be necessary to maintain a central inventory.

17.30 Subd. 3. **County inventory and inspection records and reports.** The county
 17.31 engineer shall maintain a complete inventory record of all bridges as set forth in
 17.32 subdivision 2, paragraph ~~(a)~~ (b), clause (2), with the inspection reports thereof, and shall
 17.33 certify annually to the commissioner, as prescribed by the commissioner, that inspections
 17.34 have been made at regular intervals, not to exceed ~~two years for bridges and not to~~
 17.35 ~~exceed four years for culverts~~ the intervals outlined in subdivision 1a. A report of the
 17.36 inspections must be filed annually, on or before February 15 of each year, with the county

18.1 auditor or town clerk, or the governing body of the municipality. The report must contain
18.2 recommendations for the correction of or legal posting of load limits on any bridge or
18.3 structure that is found to be understrength or unsafe.

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

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

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

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

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

18.35 (c) Where it is determined that the maximum legal load under state law exceeds
18.36 the load permitted on the structure under the operating rating stress level assigned, the

19.1 bridge must be posted. Posting signs as adopted by the commissioner shall be used for
19.2 the posting. The owner or highway authority shall post the bridge in accordance with the
19.3 posted load assigned by the commissioner.

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

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

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

19.10 (2) the frequency of inspection of bridges described in ~~paragraph (a)~~ subdivision
19.11 1a; and

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

19.13 Subd. 8. **Biennial report on bridge inspection quality assurance.** By February
19.14 1 of each odd-numbered year, the commissioner shall submit a report electronically to
19.15 the members of the senate and house of representatives committees with jurisdiction over
19.16 transportation policy and finance concerning quality assurance for bridge inspections.

19.17 At a minimum, the report must:

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

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

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

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

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

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

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

19.31 Subd. 3. **Application; cancellation; excessive gross weight forbidden.** (a) The
19.32 applicant for all licenses based on gross weight shall state the unloaded weight of the
19.33 motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry
19.34 on it, the sum of which constitutes the gross weight upon which the license tax must be
19.35 paid. However, the declared gross weight upon which the tax is paid must not be less than

20.1 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer
20.2 to be registered, except recreational vehicles taxed under subdivision 1g, school buses
20.3 taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.011,
20.4 subdivision 83. The gross weight of a tow truck or towing vehicle is the actual weight
20.5 of the tow truck or towing vehicle fully equipped, but does not include the weight of a
20.6 wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

20.7 (b) The gross weight of a motor vehicle, trailer, or semitrailer must not exceed
20.8 the gross weight upon which the license tax has been paid by more than four percent or
20.9 1,000 pounds, whichever is greater; provided that, a vehicle transporting unfinished forest
20.10 products on a highway, other than a highway that is part of the system of interstate and
20.11 defense highways, unless a federal exemption is granted, in accordance with paragraph
20.12 (d)(3):

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

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

20.23 (c) The gross weight of the motor vehicle, trailer, or semitrailer for which the
20.24 license tax is paid must be indicated by a distinctive character on the license plate or
20.25 plates except as provided in subdivision 12 and the plate or plates must be kept clean
20.26 and clearly visible at all times.

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

20.32 (1) Upon conviction for transporting a gross weight in excess of the gross weight
20.33 for which a motor vehicle, trailer, or semitrailer is registered by more than the allowance
20.34 set forth in paragraph (b) but less than 25 percent, or for operating or using a motor
20.35 vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle
20.36 load as provided in sections 169.822 to 169.829 by more than the allowance set forth in

21.1 paragraph (b) but less than 25 percent, the owner, driver, or user of the motor vehicle,
21.2 trailer, or semitrailer used to commit the violation, in addition to any penalty imposed for
21.3 the misdemeanor, shall apply to the registrar to increase the authorized gross weight to
21.4 be carried on the vehicle to a weight equal to or greater than the gross weight the owner,
21.5 driver, or user was convicted of carrying. The increase is computed for the balance of
21.6 the calendar year on the basis of 1/12 of the annual tax for each month remaining in the
21.7 calendar year beginning with the first day of the month in which the violation occurred.
21.8 If the additional registration tax computed upon that weight, plus the tax already paid,
21.9 amounts to more than the regular tax for the maximum gross weight permitted for the
21.10 vehicle under sections 169.822 to 169.829, that additional amount must nevertheless be
21.11 paid into the highway fund, but the additional tax thus paid does not authorize or permit
21.12 any person to operate the vehicle with a gross weight in excess of the maximum legal
21.13 weight as provided by sections 169.822 to 169.829. Unless the owner within 30 days
21.14 after a conviction applies to increase the authorized weight and pays the additional tax
21.15 as provided in this section, the registrar shall revoke the registration on the vehicle and
21.16 demand the return of the registration card and plates issued on that registration.

21.17 (2) Upon conviction of an owner, driver, or user of a motor vehicle, trailer, or
21.18 semitrailer for transporting a gross weight in excess of the gross weight for which the
21.19 motor vehicle, trailer, or semitrailer was registered by 25 percent or more or for operating
21.20 or using the vehicle or trailer with an axle weight exceeding the maximum lawful axle load
21.21 as provided in sections 169.822 to 169.829 by 25 percent or more, and in addition to any
21.22 penalty imposed for the misdemeanor, the registrar shall either (i) cancel the reciprocity
21.23 privileges on the vehicle involved if the vehicle is being operated under reciprocity
21.24 or (ii) if the vehicle is not being operated under reciprocity, cancel the certificate of
21.25 registration on the vehicle operated and demand the return of the registration certificate
21.26 and registration plates. The registrar may not cancel the registration or reciprocity
21.27 privileges for any vehicle found in violation of seasonal load restrictions imposed under
21.28 section 169.87 unless the axle weight exceeds the year-round weight limit for the highway
21.29 on which the violation occurred. The registrar may investigate any allegation of gross
21.30 weight violations and demand that the operator show cause why all future operating
21.31 privileges in the state should not be revoked unless the additional tax assessed is paid.

21.32 (3) Clause (1) does not apply to the first haul of unprocessed or raw farm products
21.33 or unfinished forest products, when the registered gross weight is not exceeded by more
21.34 than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous
21.35 transportation of unprocessed or raw farm products from the place of production or
21.36 on-farm storage site to any other location within ~~50~~ 100 miles of the place of production or

22.1 on-farm storage site, or (ii) the continuous or noncontinuous transportation of unfinished
 22.2 forest products from the place of production to the place of final processing or manufacture
 22.3 located within 200 miles of the place of production.

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

22.11 Sec. 16. Minnesota Statutes 2010, section 168.10, subdivision 1a, is amended to read:

22.12 Subd. 1a. **Collector's vehicle, pioneer plate.** (a) Any motor vehicle that: (1) was
 22.13 manufactured prior to 1936 or is a restored pioneer vehicle, as defined in section 168A.01,
 22.14 subdivision 16a; and (2) is owned and operated solely as a collector's item₂, shall be listed
 22.15 for taxation and registration ~~as follows:~~ as provided by paragraph (b).

22.16 (b) An affidavit shall be executed stating the name and address of the owner, the
 22.17 name and address of the person from whom purchased, the make of the motor vehicle,
 22.18 year and number of the model, the manufacturer's identification number and that the
 22.19 vehicle is owned and operated solely as a collector's item and not for general transportation
 22.20 purposes. If the commissioner is satisfied that the affidavit is true and correct and the
 22.21 owner pays a \$25 tax and the plate fee authorized under section 168.12, the commissioner
 22.22 shall list such vehicle for taxation and registration and shall issue a single number plate.

22.23 ~~(b)~~ (c) The number plate so issued shall bear the inscription "Pioneer," "Minnesota"
 22.24 and the registration number or other combination of characters authorized under section
 22.25 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as
 22.26 the vehicle is in existence in Minnesota. The commissioner has the power to revoke said
 22.27 plate for failure to comply with this subdivision.

22.28 Sec. 17. Minnesota Statutes 2011 Supplement, section 168.123, subdivision 1, is
 22.29 amended to read:

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

23.1 (1) special veteran's plates to an applicant who served in the active military service
23.2 in a branch of the armed forces of the United States or of a nation or society allied with the
23.3 United States in conducting a foreign war, was discharged under honorable conditions, and
23.4 is a registered owner of a passenger automobile as defined in section 168.002, subdivision
23.5 24, recreational motor vehicle as defined in section 168.002, subdivision 27, or one-ton
23.6 pickup truck as defined in section 168.002, subdivision 21b, but which is not a commercial
23.7 motor vehicle as defined in section 169.011, subdivision 16; or

23.8 (2) a veteran's special motorcycle plate as described in subdivision 2, paragraph (a),
23.9 (f), (h), (i), or (j), or another special plate designed by the commissioner to an applicant
23.10 who is a registered owner of a motorcycle as defined in section 168.002, subdivision 19,
23.11 and meets the criteria listed in this paragraph and in subdivision 2, paragraph (a), (f), (h),
23.12 (i), or (j). Plates issued under this clause must be the same size as regular motorcycle
23.13 plates. Special motorcycle license plates issued under this clause are not subject to
23.14 section 168.1293.

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

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

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

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

23.29 Sec. 18. Minnesota Statutes 2010, section 168.185, is amended to read:

23.30 **168.185 USDOT NUMBERS.**

23.31 (a) Except as provided in paragraph (d), an owner of a truck or truck-tractor having
23.32 a gross vehicle weight of more than 10,000 pounds, as defined in section 169.011,
23.33 subdivision 32, shall report to the commissioner at the time of registration its USDOT
23.34 carrier number. A person subject to this paragraph who does not have a USDOT number

24.1 shall apply for the number at the time of registration by completing a form MCS-150 Motor
24.2 Carrier Identification Report, issued by the Federal Motor Carrier Safety Administration,
24.3 or comparable document as determined by the commissioner. The commissioner shall not
24.4 assign a USDOT carrier number to a vehicle owner who is not subject to this paragraph.

24.5 (b) Assigned USDOT numbers must be displayed as required by section 221.031,
24.6 subdivision 6. The vehicle owner shall notify the commissioner if there is a change to the
24.7 owner's USDOT number.

24.8 (c) If an owner fails to report or apply for a USDOT number, the commissioner shall
24.9 suspend the owner's registration.

24.10 (d) This section does not apply to (1) a farm truck that (i) is not used in interstate
24.11 commerce or (ii) does not leave the physical boundaries of the state, (2) a vehicle that is
24.12 not used in intrastate commerce or interstate commerce, or (3) a vehicle that is owned
24.13 and used solely in the transaction of official business by the federal government, the
24.14 state, or any political subdivision.

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

24.16 Sec. 19. Minnesota Statutes 2010, section 168A.01, is amended by adding a
24.17 subdivision to read:

24.18 **Subd. 9a. Manufactured home.** "Manufactured home" has the meaning given
24.19 in section 327.31, subdivision 6.

24.20 Sec. 20. Minnesota Statutes 2010, section 168A.01, subdivision 16, is amended to read:

24.21 **Subd. 16. Reconstructed vehicle.** (a) "Reconstructed vehicle" means a vehicle of a
24.22 type for which a certificate of title is required hereunder materially altered from its original
24.23 construction by the removal, addition, or substitution of essential parts, new or used.

24.24 **(b) Reconstructed vehicle does not include a restored pioneer vehicle.**

24.25 Sec. 21. Minnesota Statutes 2010, section 168A.01, is amended by adding a
24.26 subdivision to read:

24.27 **Subd. 16a. Restored pioneer vehicle.** (a) "Restored pioneer vehicle" means
24.28 a vehicle:

24.29 (1) for which a certificate of title is required under this chapter;

24.30 (2) originally manufactured prior to 1919;

24.31 (3) for which one or more essential parts, whether new or used, are replaced; and

24.32 (4) for which each essential part under clause (3) is replaced:

25.1 (i) only as necessary in order to restore or retain the character and appearance of the
25.2 vehicle as originally manufactured;

25.3 (ii) in a manner which reasonably restores or retains the character and appearance of
25.4 the vehicle as originally manufactured; and

25.5 (iii) in a manner which substantially conforms to the fit, form, and function of the
25.6 original essential part.

25.7 (b) A vehicle meeting both the requirements under paragraph (a) and subdivision 16
25.8 for a reconstructed vehicle is a restored pioneer vehicle.

25.9 (c) For purposes of this subdivision, replacement of an essential part includes but is
25.10 not limited to removal, addition, modification, or substitution of the essential part.

25.11 Sec. 22. Minnesota Statutes 2010, section 168A.02, subdivision 3, is amended to read:

25.12 Subd. 3. **Title certificate for manufactured home.** Except as provided in
25.13 section 168A.141, a certificate of title is required for a manufactured home, ~~as defined~~
25.14 ~~in section 327.31, subdivision 6.~~ In every certificate of title issued for a manufactured
25.15 home, the department shall insert the following notice: THIS TITLE DESCRIBES A
25.16 MANUFACTURED HOME - NOT A MOTOR VEHICLE.

25.17 Sec. 23. Minnesota Statutes 2010, section 168A.04, subdivision 1, is amended to read:

25.18 Subdivision 1. **Contents.** The application for the first certificate of title of a
25.19 vehicle or manufactured home in this state, or for reissuance of a certificate of title
25.20 for a manufactured home under section 168A.142, shall be made by the owner to the
25.21 department on the form prescribed by the department and shall contain:

25.22 (1) the first, middle, and last names, the dates of birth, and addresses of all owners
25.23 who are natural persons, the full names and addresses of all other owners;

25.24 (2) a description of the vehicle or manufactured home including, so far as the
25.25 following data exists, its make, model, year, identifying number in the case of a vehicle or
25.26 serial number in the case of a manufactured home, type of body, and whether new or used;

25.27 (3) the date of purchase by applicant, the name and address of the person from whom
25.28 the vehicle or manufactured home was acquired, the names and addresses of any secured
25.29 parties in the order of their priority, and the dates of their respective security agreements;

25.30 (4) with respect to motor vehicles subject to the provisions of section 325E.15, the
25.31 true cumulative mileage registered on the odometer or that the actual mileage is unknown
25.32 if the odometer reading is known by the owner to be different from the true mileage;

26.1 (5) with respect to vehicles subject to section 325F.6641, whether the vehicle
 26.2 sustained damage by collision or other occurrence which exceeded 70 percent of the
 26.3 actual cash value; and

26.4 (6) any further information the department reasonably requires to identify the
 26.5 vehicle or manufactured home and to enable it to determine whether the owner is entitled
 26.6 to a certificate of title, and the existence or nonexistence and priority of any security
 26.7 interest in the vehicle or manufactured home.

26.8 Sec. 24. Minnesota Statutes 2010, section 168A.04, subdivision 5, is amended to read:

26.9 Subd. 5. ~~Specially constructed or reconstructed vehicle~~ **Certain unconventional**
 26.10 **vehicles; additional information; identifying number.** (a) Except as provided in
 26.11 subdivision 6, if the application refers to a specially constructed vehicle ~~or~~ a reconstructed
 26.12 vehicle, or a restored pioneer vehicle, the application shall so state and shall contain or
 26.13 be accompanied by:

26.14 (1) any information and documents the department reasonably requires to establish
 26.15 the ownership of the vehicle and the existence or nonexistence and priority of security
 26.16 interests in it;

26.17 (2) the certificate of a person authorized by the department that the identifying
 26.18 number of the vehicle has been inspected and found to conform to the description given in
 26.19 the application, or any other proof of the identity of the vehicle the department reasonably
 26.20 requires; and

26.21 (3) at the time of application, a written certification to the department that the vehicle
 26.22 to be titled meets the requirements of chapter 169 for vehicles in its class regarding safety
 26.23 and acceptability to operate on public roads and highways.

26.24 (b) As part of the application for certificate of title on a restored pioneer vehicle,
 26.25 the applicant shall supply evidence of the manufacturer's year, make, and model, and
 26.26 identifying number of the vehicle. A manufacturer's identifying number is valid under this
 26.27 paragraph if it matches a number permanently affixed, stamped, or otherwise assigned
 26.28 to at least one essential part of the motor vehicle, including but not limited to the engine
 26.29 block or the vehicle body. In the case of an insufficient application, the commissioner may
 26.30 require additional documentation to confirm the manufacturer's identifying number on
 26.31 the vehicle, including but not limited to photographic proof, copies of original vehicle
 26.32 catalogs, or certification letters from antique car collector organizations.

26.33 Sec. 25. Minnesota Statutes 2010, section 168A.05, subdivision 1, is amended to read:

27.1 Subdivision 1. **Filing of application; issuance of certificate.** The department shall
 27.2 file each application received, and when satisfied as to its genuineness and regularity and
 27.3 that the applicant is entitled to the issuance of a certificate of title shall issue a certificate
 27.4 of title ~~of~~ for the vehicle or manufactured home.

27.5 Sec. 26. Minnesota Statutes 2010, section 168A.05, subdivision 1a, is amended to read:

27.6 Subd. 1a. **Manufactured home; statement of property tax payment.** In the case
 27.7 of a manufactured home ~~as defined in section 327.31, subdivision 6,~~ the department shall
 27.8 not issue a certificate of title unless the application under section 168A.04 is accompanied
 27.9 with a statement from the county auditor or county treasurer where the manufactured
 27.10 home is presently located, stating that all manufactured home personal property taxes
 27.11 levied on the unit in the name of the current owner at the time of transfer have been
 27.12 paid. For this purpose, manufactured home personal property taxes are treated as levied
 27.13 on January 1 of the payable year.

27.14 Sec. 27. Minnesota Statutes 2010, section 168A.05, subdivision 1b, is amended to read:

27.15 Subd. 1b. **Manufactured home; ~~exemption~~ exemptions.** The provisions of
 27.16 subdivision 1a ~~shall~~ do not apply to:

27.17 (1) a manufactured home which is sold or otherwise disposed of pursuant to section
 27.18 504B.271 by the owner of a manufactured home park, as defined in section 327.14,
 27.19 subdivision 3, ~~or;~~

27.20 (2) a manufactured home which is sold pursuant to section 504B.265 by the owner
 27.21 of a manufactured home park; or

27.22 (3) a manufactured home for which a certificate of title is reissued under section
 27.23 168A.142.

27.24 Sec. 28. Minnesota Statutes 2010, section 168A.05, subdivision 3, is amended to read:

27.25 Subd. 3. **Content of certificate.** (a) Each certificate of title issued by the department
 27.26 shall contain:

27.27 (1) the date issued;

27.28 (2) the first, middle, and last names and the dates of birth of all owners who are
 27.29 natural persons, and the full names of all other owners;

27.30 (3) the residence address of the owner listed first if that owner is a natural person or
 27.31 the address if that owner is not a natural person;

27.32 (4) the names of any secured parties, and the address of the first secured party,
 27.33 listed in the order of priority (i) as shown on the application, or (ii) if the application is

28.1 based on a certificate of title, as shown on the certificate, or (iii) as otherwise determined
28.2 by the department;

28.3 (5) any liens filed pursuant to a court order or by a public agency responsible for
28.4 child support enforcement against the owner;

28.5 (6) the title number assigned to the vehicle;

28.6 (7) a description of the vehicle including, so far as the following data exists, its
28.7 make, model, year, identifying number, type of body, whether new or used, and if a new
28.8 vehicle, the date of the first sale of the vehicle for use;

28.9 (8) with respect to a motor vehicle subject to section 325E.15, (i) the true cumulative
28.10 mileage registered on the odometer or (ii) that the actual mileage is unknown if the
28.11 odometer reading is known by the owner to be different from the true mileage;

28.12 (9) with respect to a vehicle subject to sections 325F.6641 and 325F.6642, the
28.13 appropriate term "flood damaged," "rebuilt," "prior salvage," or "reconstructed";

28.14 (10) with respect to a vehicle contaminated by methamphetamine production, if the
28.15 registrar has received the certificate of title and notice described in section 152.0275,
28.16 subdivision 2, paragraph (g), the term "hazardous waste contaminated vehicle";

28.17 (11) with respect to a vehicle subject to section 325F.665, the term "lemon law
28.18 vehicle"; and

28.19 (12) any other data the department prescribes.

28.20 (b) For a certificate of title on a vehicle that is a restored pioneer vehicle:

28.21 (1) the identifying number must be the valid identifying number as provided under
28.22 section 168A.04, subdivision 5;

28.23 (2) the year of the vehicle must be the year of original vehicle manufacture and
28.24 not the year of restoration; and

28.25 (3) the title must not bear a "reconstructed vehicle" brand.

28.26 Sec. 29. Minnesota Statutes 2010, section 168A.09, is amended by adding a
28.27 subdivision to read:

28.28 Subd. 4. **Restored pioneer vehicle; replacement title.** (a) The owner of a vehicle
28.29 may apply to the commissioner for a replacement title if:

28.30 (1) a Minnesota title has been issued prior to the effective date of this section; and

28.31 (2) the vehicle meets the requirements for a restored pioneer vehicle under section
28.32 168A.01, subdivision 16a.

28.33 (b) The commissioner shall establish and make publicly available requirements for
28.34 an application under this subdivision, and shall make reasonable efforts to minimize

29.1 burden on the title applicant. Among the application requirements, a person applying for a
29.2 replacement title shall surrender the original title.

29.3 (c) The commissioner shall impose a fee for a replacement title issued under this
29.4 subdivision that is equal to the fee for issuing a duplicate certificate of title under section
29.5 168A.29. Fee proceeds must be allocated in the same manner as the fee for a duplicate
29.6 certificate of title.

29.7 Sec. 30. Minnesota Statutes 2010, section 168A.141, subdivision 1, is amended to read:

29.8 Subdivision 1. **Certificates surrendered for cancellation.** When a manufactured
29.9 home is affixed, as defined in section 273.125, subdivision 8, paragraph (b), to real
29.10 property, and financed by the giving of a mortgage on the real property, the owner of the
29.11 manufactured home shall surrender the manufacturer's certificate of origin or certificate of
29.12 title to the department for cancellation. The owner of the manufactured home shall give
29.13 the department the address and legal description of the real property. The department may
29.14 require the filing of other information. The department must not issue a certificate of title
29.15 for a manufactured home under chapter 168A if the manufacturer's certificate of origin
29.16 is or has been surrendered under this subdivision, except as provided in section 168A.142.
29.17 Upon surrender of the manufacturer's certificate of origin or the certificate of title, the
29.18 department shall issue notice of surrender to the owner, and the manufactured home is
29.19 deemed to be an improvement to real property. The notice ~~to~~ of surrender may be recorded
29.20 in the office of the county recorder or with the registrar of titles if the land is registered
29.21 but need not contain an acknowledgment.

29.22 Sec. 31. **[168A.142] MANUFACTURED HOME UNAFFIXED FROM REALTY.**

29.23 Subdivision 1. **Certificate of title requirements.** The department shall issue
29.24 an initial certificate of title or reissue a previously surrendered certificate of title for a
29.25 manufactured home to an applicant if:

29.26 (1) for the purpose of affixing the manufactured home to real property, the owner of
29.27 the manufactured home, or a previous owner, surrendered the manufacturer's certificate of
29.28 origin or certificate of title to the department as provided in section 168A.141, subdivision
29.29 1 or 2;

29.30 (2) the applicant provides written proof specified in subdivision 2 that the applicant
29.31 owns (i) the manufactured home and (ii) the real property to which the manufactured
29.32 home was affixed as provided under section 273.125, subdivision 8, paragraph (b);

29.33 (3) the applicant provides proof that no liens exist on the manufactured home,
29.34 including through liens on the real property to which it is affixed; and

30.1 (4) the owner of the manufactured home meets the application requirements of
30.2 section 168A.04, and the application is accompanied by a written statement from the
30.3 county auditor or county treasurer of the county in which the manufactured home is then
30.4 located and affixed, stating that all property taxes payable in the current year, as provided
30.5 under section 273.125, subdivision 8, paragraph (b), have been paid.

30.6 Subd. 2. **Proof of eligibility for reissuance.** (a) The proof required under
30.7 subdivision 1, clauses (2) and (3), is as follows:

30.8 (1) an affidavit of severance recorded in the office of the county recorder or registrar
30.9 of titles, whichever applies to the real property, of the county in which the notice of
30.10 surrender was recorded under section 168A.141, subdivision 1, and the affidavit contains:

30.11 (i) the name, residence address, and mailing address of the owner or owners of
30.12 the manufactured home;

30.13 (ii) a description of the manufactured home, including the name of the manufacturer;
30.14 the make, model number, model year, dimensions, and manufacturer's serial number of the
30.15 manufactured home; and whether the manufactured home is new or used;

30.16 (iii) recording information regarding the affidavit of affixation, including the date of
30.17 recording and either the recording document number or book and page reference; and

30.18 (iv) a statement of any facts or information known to the person executing the
30.19 affidavit that could affect the validity of the title of the manufactured home or the existence
30.20 or nonexistence of a security interest in the manufactured home or a lien on it, or a
30.21 statement that no such facts or information are known to the person executing the affidavit;

30.22 (2) as an attachment to the affidavit of severance, an opinion by an attorney admitted
30.23 to practice law in this state, or by a licensed agent of a title insurance company licensed to
30.24 do title insurance business in this state, stating:

30.25 (i) the nature of the examination of title performed prior to giving this opinion by
30.26 the person signing the opinion;

30.27 (ii) that the manufactured home and the real property on which it is located is not
30.28 subject to any recorded mortgages, security interests, liens, or other encumbrances of
30.29 any kind;

30.30 (iii) that the person signing the opinion knows of no facts or circumstances that could
30.31 affect the validity of the title of the manufactured home or the existence or nonexistence of
30.32 any recorded mortgages, security interests, or other encumbrances of any kind, other than
30.33 property taxes payable in the year the affidavit is signed;

30.34 (iv) the person or persons owning record title to the real property to which the
30.35 manufactured home has been affixed, and the nature and extent of the title owned by
30.36 each of these persons; and

31.1 (v) that the person signing the opinion has reviewed all provisions of the affidavit of
 31.2 severance and certifies that they are correct and complete to the best of the knowledge of
 31.3 the person signing this opinion;

31.4 (3) the name and address of the person or persons designated by the applicant to file
 31.5 a certified copy of the affidavit of severance with the county auditor of the county in which
 31.6 the real estate is located, after the affidavit has been properly recorded in the office of the
 31.7 county recorder or county registrar of titles, whichever applies to the real property; and

31.8 (4) the signature of the person who executes the affidavit, properly executed before a
 31.9 person authorized to authenticate an affidavit in this state.

31.10 (b) The person designated in paragraph (a), clause (3), shall record, or arrange
 31.11 for the recording of, the affidavit of severance as referenced in that item, accompanied
 31.12 by the fees for recording and for issuing a certified copy of the affidavit, including all
 31.13 attachments, showing the recording date.

31.14 (c) Upon obtaining the certified copy under paragraph (b), the person designated in
 31.15 the affidavit shall deliver the certified copy to the county auditor of the county in which
 31.16 the real estate to which it was affixed is located.

31.17 (d) The department is not liable for any errors, omissions, misstatements, or other
 31.18 deficiencies or inaccuracies in documents presented to the department under this section,
 31.19 so long as the documents presented appear to satisfy the requirements of this section.
 31.20 The department has no obligation to investigate the accuracy of statements contained
 31.21 in the documents.

31.22 Sec. 32. Minnesota Statutes 2010, section 168A.15, subdivision 2, is amended to read:

31.23 Subd. 2. **Certain unconventional vehicles; requirements to obtain certificate for**
 31.24 **reconstructed vehicle.** If a vehicle is altered so as to become a reconstructed vehicle or
 31.25 restored pioneer vehicle, the owner shall apply for a certificate of title ~~to the reconstructed~~
 31.26 ~~vehicle~~ in the manner provided in section 168A.04, and any existing certificate of title to
 31.27 the vehicle shall be surrendered for cancellation.

31.28 Sec. 33. Minnesota Statutes 2010, section 169.06, subdivision 4, is amended to read:

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

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

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

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

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

32.19 (f) An overdimensional load escort driver with a certificate issued under section
32.20 299D.085, while acting as a flagger escorting a legal overdimensional load, may stop
32.21 vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person
32.22 operating a motor vehicle that has been stopped by an escort driver acting as a flagger may
32.23 proceed only on instruction by the flagger or a police officer.

32.24 (g) A person may stop and hold vehicles in place until it is safe for the vehicles to
32.25 proceed, if the person: (1) holds a motorcycle road guard certificate issued under section
32.26 171.60; (2) meets the safety and equipment standards for operating under the certificate;
32.27 (3) is acting as a flagger escorting a motorcycle group ride; and (4) has obtained consent
32.28 from the chief of police, or the chief's designee, of the city through which the motorcycle
32.29 group is proceeding. A flagger operating as provided under this paragraph may direct
32.30 operators of motorcycles within a motorcycle group ride or other vehicle traffic,
32.31 notwithstanding any contrary indication of a traffic-control device, including stop signs or
32.32 traffic-control signals. A person operating a vehicle that has been stopped by a flagger
32.33 under this paragraph may proceed only on instruction by the flagger or a police officer.

32.34 Sec. 34. Minnesota Statutes 2010, section 169.222, subdivision 6, is amended to read:

33.1 Subd. 6. **Bicycle equipment.** (a) No person shall operate a bicycle at nighttime
 33.2 unless the bicycle or its operator is equipped with a lamp which shall emit a white light
 33.3 visible from a distance of at least 500 feet to the front and with a red reflector of a type
 33.4 approved by the Department of Public Safety which is visible from all distances from 100
 33.5 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps
 33.6 on a motor vehicle.

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

33.17 (c) A bicycle may be equipped with a front lamp that emits a white flashing signal,
 33.18 and a rear lamp that emits a red flashing signal.

33.19 (d) A bicycle may be equipped with tires having studs, spikes, or other protuberances.

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

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

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

33.28 Sec. 35. Minnesota Statutes 2010, section 169.4501, subdivision 1, is amended to read:

33.29 Subdivision 1. **National standards adopted.** Except as provided in sections
 33.30 169.4502 and 169.4503, the construction, design, equipment, and color of types A, B, C,
 33.31 D school buses and multifunction school activity buses used for the transportation of
 33.32 school children shall meet the requirements of the ~~"bus chassis standards" and "bus body~~
 33.33 ~~standards and chassis specifications"~~ standards and chassis specifications" in the ~~2005~~ 2010 edition of the "National School
 33.34 Transportation Specifications and Procedures" adopted by the National Congress on
 33.35 School Transportation. Except as provided in section 169.4504, the construction, design,

34.1 and equipment of types A, B, C, D school buses and multifunction school activity buses
34.2 used for the transportation of students with disabilities also shall meet the requirements of
34.3 the "specially equipped school bus ~~standards~~ specifications" in the ~~2005~~ 2010 National
34.4 School Transportation Specifications and Procedures. The "~~bus chassis standards,~~" "bus
34.5 body ~~standards,~~ and chassis specifications" and "specially equipped school bus ~~standards~~
34.6 specifications" sections of the ~~2005~~ 2010 edition of the "National School Transportation
34.7 Specifications and Procedures," adopted by the Fifteenth National Congress on School
34.8 Transportation, are incorporated by reference in this chapter.

34.9 Sec. 36. Minnesota Statutes 2010, section 169.4501, subdivision 2, is amended to read:

34.10 Subd. 2. **Applicability.** (a) The standards adopted in this section and sections
34.11 169.4502 and 169.4503, govern the construction, design, equipment, and color of school
34.12 buses used for the transportation of school children, when owned or leased and operated
34.13 by a school or privately owned or leased and operated under a contract with a school.
34.14 Each school, its officers and employees, and each person employed under the contract is
34.15 subject to these standards.

34.16 (b) The standards apply to school buses manufactured after December 31, ~~2007~~
34.17 2012. Buses complying with the standards when manufactured need not comply with
34.18 standards established later except as specifically provided for by law.

34.19 (c) A school bus manufactured on or before December 31, ~~2007~~ 2012, must conform
34.20 to the Minnesota standards in effect on the date the vehicle was manufactured except as
34.21 specifically provided for in law.

34.22 (d) A new bus body may be remounted on a used chassis provided that the remounted
34.23 vehicle meets state and federal standards for new buses which are current at the time of the
34.24 remounting. Permission must be obtained from the commissioner of public safety before
34.25 the remounting is done. A used bus body may not be remounted on a new or used chassis.

34.26 Sec. 37. Minnesota Statutes 2010, section 169.4503, subdivision 5, is amended to read:

34.27 Subd. 5. **Colors.** Fenderettes may be black. The beltline may be painted yellow
34.28 over black or black over yellow. The rub rails shall be black. The area around the lenses
34.29 of alternately flashing signal lamps extending outward from the edge of the lamp three
34.30 inches, plus or minus one-quarter inch, to the sides and top and at least one inch to the
34.31 bottom, shall be black. Visors or hoods, black in color, with a minimum of four inches
34.32 may be provided.

35.1 Sec. 38. Minnesota Statutes 2010, section 169.4503, subdivision 20, is amended to
35.2 read:

35.3 Subd. 20. **Seat and crash barriers.** ~~(a)~~ All restraining barriers and passenger seats
35.4 shall be covered with a material that has fire retardant or fire block characteristics.

35.5 ~~(b) All seats must have a minimum cushion depth of 15 inches and a seat back~~
35.6 ~~height of at least 20 inches above the seating reference point, and beginning October 21,~~
35.7 ~~2009, must also conform to the Federal Motor Vehicle Safety Standard in Code of Federal~~
35.8 ~~Regulations, title 49, section 571.222.~~

35.9 Sec. 39. Minnesota Statutes 2010, section 169.4503, is amended by adding a
35.10 subdivision to read:

35.11 Subd. 28. **Auxiliary fans.** Additional auxiliary fans are required for school buses
35.12 manufactured on or after December 31, 2012, and shall meet the following requirements:

35.13 (1) fans for the left and right sides of the windshields shall be placed in a location
35.14 where they can be adjusted for maximum effectiveness and where they do not obstruct
35.15 vision to any mirror. Type A buses may be equipped with one fan;

35.16 (2) fans shall be a minimum of six inches in diameter;

35.17 (3) fan blades shall be covered with a protective cage; and

35.18 (4) each fan shall be controlled by a separate switch.

35.19 Sec. 40. Minnesota Statutes 2010, section 169.4503, is amended by adding a
35.20 subdivision to read:

35.21 Subd. 29. **Video/mobile surveillance systems.** Camera heads for video/mobile
35.22 surveillance may be mounted in the driver compartment area, mid-bus, or on a rear interior
35.23 bulkhead in the student passenger area. For buses manufactured or retrofitted with a
35.24 surveillance system after December 31, 2012, cameras mounted mid-bus must be parallel
35.25 to a seat back, must not have any sharp edges, must not extend outward more than three
35.26 inches, and must be located within 24 inches of the top of the side window of the bus.

35.27 Sec. 41. Minnesota Statutes 2010, section 169.4582, subdivision 2, is amended to read:

35.28 Subd. 2. **Duty to report; school official.** Consistent with the school bus safety
35.29 policy under section 123B.91, subdivision 1, the school principal, the school transportation
35.30 safety director, or other designated school official shall immediately report to the local
35.31 law enforcement agency having jurisdiction where the misbehavior occurred and to the
35.32 school superintendent if the reporting school official knows or has reason to believe that
35.33 a student has committed a reportable offense on a school bus or in a bus loading or

36.1 unloading area. The reporting school official shall issue a report to the commissioner of
 36.2 public safety concerning the incident ~~on a form developed by the commissioner for that~~
 36.3 ~~purpose~~ upon request of the commissioner.

36.4 Sec. 42. Minnesota Statutes 2010, section 169.72, subdivision 1, is amended to read:

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

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

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

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

36.15 (1) implements of husbandry with tires having protuberances which will not injure
 36.16 the highway; ~~and;~~

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

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

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

36.25 Sec. 43. Minnesota Statutes 2010, section 169.801, subdivision 10, is amended to read:

36.26 Subd. 10. **Brakes.** Notwithstanding section 169.67:

36.27 (a) A self-propelled implement of husbandry must be equipped with brakes adequate
 36.28 to control its movement and to stop and hold it and any vehicle it is towing.

36.29 (b) A towed implement of husbandry must be equipped with brakes adequate to
 36.30 control its movement and to stop and hold it ~~if~~, unless the implement of husbandry is in a
 36.31 combination of vehicles that meets the requirements of section 169.67, subdivision 5.

36.32 ~~(1) it has a gross vehicle weight of more than 24,000 pounds and was manufactured~~
 36.33 ~~and sold after January 1, 1994;~~

37.1 ~~(2) it has a gross vehicle weight of more than 12,000 pounds and is towed by a~~
 37.2 ~~vehicle other than a self-propelled implement of husbandry; or~~

37.3 ~~(3) it has a gross vehicle weight of more than 3,000 pounds and is being towed by a~~
 37.4 ~~registered passenger automobile other than a pickup truck as defined in section 168.002,~~
 37.5 ~~subdivision 26.~~

37.6 (c) If a towed implement of husbandry with a gross vehicle weight of more than
 37.7 6,000 pounds, or more than 3,000 pounds if manufactured after January 1, 2011, is
 37.8 required under paragraph (b) to have brakes, it must also be equipped with brakes adequate
 37.9 to stop and hold it if it becomes detached from the towing vehicle.

37.10 Sec. 44. Minnesota Statutes 2010, section 169.81, subdivision 3, is amended to read:

37.11 Subd. 3. **Length of vehicle combinations.** (a) Statewide, except on the highways
 37.12 identified under provisions in paragraph (c), no combination of vehicles may exceed
 37.13 a total length of 75 feet.

37.14 (b) However, the total length limitation does not apply to combinations of vehicles
 37.15 transporting:

37.16 (1) telephone poles, electric light and power poles, piling, or pole-length pulpwood;
 37.17 or

37.18 (2) pipe or other objects by a public utility when required for emergency or repair
 37.19 of public service facilities or when operated under special permits as provided in section
 37.20 169.86.

37.21 These combinations of vehicles must be equipped with sufficient clearance markers, or
 37.22 lamps for night transportation, on both sides and upon the extreme ends of a projecting
 37.23 load to clearly mark the dimensions of the load.

37.24 (c) The following combination of vehicles regularly engaged in the transportation of
 37.25 commodities, property, or equipment, may operate only on divided highways having four
 37.26 or more lanes of travel, and on other highways as may be designated by the commissioner
 37.27 of transportation subject to section 169.87, subdivision 1, and subject to the approval of
 37.28 the authority having jurisdiction over the highway, for the purpose of providing reasonable
 37.29 access between the divided highways of four or more lanes of travel and terminals,
 37.30 facilities for food, fuel, repair, and rest, and points of loading and unloading for household
 37.31 goods carriers, livestock carriers, or for the purpose of providing continuity of route:

37.32 (1) a truck-tractor and semitrailer exceeding 75 feet in length;

37.33 (2) a combination of vehicles including a truck-tractor and semitrailer drawing one
 37.34 additional semitrailer which may be equipped with an auxiliary dolly;

38.1 (3) a combination of vehicles including a truck-tractor and semitrailer drawing
38.2 one full trailer;

38.3 (4) a truck-tractor and semitrailer designed and used exclusively for the
38.4 transportation of motor vehicles or boats and exceeding an overall length of 75 feet
38.5 including the load; and

38.6 (5) a truck or truck-tractor transporting similar vehicles by having the front axle of
38.7 the transported vehicle mounted onto the center or rear part of the preceding vehicle,
38.8 defined in Code of Federal Regulations, title 49, sections 390.5 and 393.5 as drive-away
38.9 saddlemount combinations or drive-away saddlemount vehicle transporter combinations,
38.10 when the overall length exceeds 75 feet but does not exceed 97 feet.

38.11 (d) Vehicles operated under the provisions of this section must conform to the
38.12 standards for those vehicles prescribed by the United States Department of Transportation,
38.13 Federal Highway Administration, Bureau of Motor Carrier Safety, as amended.

38.14 (e) For purposes of this paragraph, "total length" means the overall length of the
38.15 motor vehicle including (1) bumpers and load; and (2) the length of any semitrailer, as
38.16 defined in section 168.002, subdivision 30, and any trailer, as defined in section 168.002,
38.17 subdivision 35. The maximum allowable total length of a commercial vehicle combination
38.18 is 55 feet on that portion of marked Trunk Highway 36 from the intersection with marked
38.19 Trunk Highway 95 and Washington County State-Aid Highway 23 in Stillwater, to the
38.20 Stillwater lift bridge, located on marked Trunk Highway 36 over the St. Croix River in
38.21 Stillwater. This paragraph does not apply to emergency vehicles; motor vehicles while
38.22 engaged in work on the bridge or on the portion of highway described in this paragraph,
38.23 including snow and ice removal and flood control; a vehicle carrying an oversize permit
38.24 issued under section 169.86, subdivision 5, paragraph (d); and vehicles on the Stillwater
38.25 lift bridge.

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

38.27 Sec. 45. Minnesota Statutes 2010, section 169.86, subdivision 3b, is amended to read:

38.28 Subd. 3b. **Escort vehicles.** The commissioner or local authority shall specify in
38.29 the permit:

38.30 (1) the minimum number of escort vehicles required to escort the overdimensional
38.31 load; and

38.32 (2) whether the operators of the escort vehicles must be certified licensed peace
38.33 officers, ~~or~~ may be overdimensional load escort drivers who hold a current certificate under
38.34 section 299D.085, or may be civilian escort drivers as provided under section 299D.085.

39.1 **EFFECTIVE DATE.** This section is effective on the effective date of this
39.2 subdivision under Laws 2010, chapter 311, section 4.

39.3 Sec. 46. Minnesota Statutes 2010, section 169.872, subdivision 1a, is amended to read:

39.4 Subd. 1a. **Limit on civil penalties.** A civil penalty for excessive weight under
39.5 section 169.871 may be imposed based on a record of a shipment under this section only if
39.6 a state law enforcement officer or motor transportation representative (1) has inspected
39.7 and copied the record within 14 days of the date the shipment was received by the person
39.8 keeping the record, and (2) has assessed the penalty within 60 days of the date the officer
39.9 or representative inspected and copied the record.

39.10 Sec. 47. Minnesota Statutes 2010, section 169.98, subdivision 1, is amended to read:

39.11 Subdivision 1. **Colors and markings.** (a) Except as provided in subdivisions 2 and
39.12 2a, all motor vehicles which are primarily used in the enforcement of highway traffic rules
39.13 by the State Patrol or for general uniform patrol assignment by any municipal police
39.14 department or other law enforcement agency, except conservation officers, shall have
39.15 uniform colors and markings as provided in this subdivision. Motor vehicles of:

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

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

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

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

39.31 Sec. 48. Minnesota Statutes 2010, section 169.98, subdivision 3, is amended to read:

39.32 Subd. 3. **Security guard vehicle.** (a) All motor vehicles which are used by security
39.33 guards in the course of their employment may have any color other than those specified in

40.1 subdivision 1 for law enforcement vehicles. The identity of the security service shall be
40.2 displayed on the motor vehicle as required for law enforcement vehicles.

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

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

40.9 Sec. 49. Minnesota Statutes 2010, section 171.02, subdivision 2b, is amended to read:

40.10 Subd. 2b. **Exception for type III vehicle drivers.** (a) Notwithstanding subdivision
40.11 2, the holder of a class A, B, C, or D driver's license, without a school bus endorsement,
40.12 may operate a type III vehicle described in section 169.011, subdivision 71, paragraph (h),
40.13 under the conditions in paragraphs (b) through (o).

40.14 (b) The operator is an employee of the entity that owns, leases, or contracts for
40.15 the school bus.

40.16 (c) The operator's employer has adopted and implemented a policy that provides for
40.17 annual training and certification of the operator in:

40.18 (1) safe operation of a type III vehicle;

40.19 (2) understanding student behavior, including issues relating to students with
40.20 disabilities;

40.21 (3) encouraging orderly conduct of students on the bus and handling incidents of
40.22 misconduct appropriately;

40.23 (4) knowing and understanding relevant laws, rules of the road, and local school
40.24 bus safety policies;

40.25 (5) handling emergency situations;

40.26 (6) proper use of seat belts and child safety restraints;

40.27 (7) performance of pretrip vehicle inspections;

40.28 (8) safe loading and unloading of students, including, but not limited to:

40.29 (i) utilizing a safe location for loading and unloading students at the curb, on the
40.30 nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other
40.31 areas to enable the student to avoid hazardous conditions;

40.32 (ii) refraining from loading and unloading students in a vehicular traffic lane, on the
40.33 shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;

41.1 (iii) avoiding a loading or unloading location that would require a pupil to cross a
41.2 road, or ensuring that the driver or an aide personally escort the pupil across the road if it
41.3 is not reasonably feasible to avoid such a location;

41.4 (iv) placing the type III vehicle in "park" during loading and unloading; and

41.5 (v) escorting a pupil across the road under item (iii) only after the motor is stopped,
41.6 the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered
41.7 immobile; and

41.8 (9) compliance with paragraph (k), concerning reporting certain convictions to the
41.9 employer within ten days of the date of conviction.

41.10 (d) A background check or background investigation of the operator has been
41.11 conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03
41.12 for school district employees; section 144.057 or chapter 245C for day care employees; or
41.13 section 171.321, subdivision 3, for all other persons operating a type III vehicle under
41.14 this subdivision.

41.15 (e) Operators shall submit to a physical examination as required by section 171.321,
41.16 subdivision 2.

41.17 (f) The operator's employer requires preemployment drug testing of applicants for
41.18 operator positions. Current operators must comply with the employer's policy under
41.19 section 181.951, subdivisions 2, 4, and 5. Notwithstanding any law to the contrary, the
41.20 operator's employer may use a Breathalyzer or similar device to fulfill random alcohol
41.21 testing requirements.

41.22 (g) The operator's driver's license is verified annually by the entity that owns, leases,
41.23 or contracts for the type III vehicle as required under section 171.321, subdivision 5.

41.24 (h) A person who sustains a conviction, as defined under section 609.02, of violating
41.25 section 169A.25, 169A.26, 169A.27, or 169A.31, or whose driver's license is revoked
41.26 under sections 169A.50 to 169A.53 of the implied consent law, or who is convicted of
41.27 violating or whose driver's license is revoked under a similar statute or ordinance of
41.28 another state, is precluded from operating a type III vehicle for five years from the date
41.29 of conviction.

41.30 (i) A person who has ever been convicted of a disqualifying offense as defined in
41.31 section 171.3215, subdivision 1, paragraph (c), may not operate a type III vehicle under
41.32 this subdivision.

41.33 (j) A person who sustains a conviction, as defined under section 609.02, of a moving
41.34 offense in violation of chapter 169 within three years of the first of three other moving
41.35 offenses is precluded from operating a type III vehicle for one year from the date of
41.36 the last conviction.

42.1 (k) An operator who sustains a conviction as described in paragraph (h), (i), or (j)
 42.2 while employed by the entity that owns, leases, or contracts for the school bus, shall report
 42.3 the conviction to the employer within ten days of the date of the conviction.

42.4 (l) Students riding the type III vehicle must have training required under section
 42.5 123B.90, subdivision 2.

42.6 (m) Documentation of meeting the requirements listed in this subdivision must be
 42.7 maintained under separate file at the business location for each type III vehicle operator.
 42.8 The business manager, school board, governing body of a nonpublic school, or any
 42.9 other entity that owns, leases, or contracts for the type III vehicle operating under this
 42.10 subdivision is responsible for maintaining these files for inspection.

42.11 (n) The type III vehicle must bear a current certificate of inspection issued under
 42.12 section 169.451.

42.13 (o) An employee of a school or of a school district, who is not employed for the sole
 42.14 purpose of operating a type III vehicle, is exempt from paragraphs (e) and (f).

42.15 (p) Notwithstanding any law to the contrary, if the testing under paragraph (f)
 42.16 follows the testing procedures set forth for transportation workplace drug and alcohol
 42.17 testing programs in Code of Federal Regulations, title 49, part 40, any person who is
 42.18 also required to comply with the alcohol and controlled substances testing requirements
 42.19 of Code of Federal Regulations, title 49, part 219, 382, or 655, is exempt from sections
 42.20 181.950 to 181.957.

42.21 Sec. 50. Minnesota Statutes 2011 Supplement, section 171.05, subdivision 2, is
 42.22 amended to read:

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

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

42.28 (i) the applicant is enrolled in behind-the-wheel training in a public, private, or
 42.29 commercial driver education program that utilizes simulation or behind-the-wheel
 42.30 instruction and that is approved by the commissioner of public safety; and

42.31 (ii) the applicant:

42.32 (A) has successfully completed the classroom phase of instruction in a public,
 42.33 private, or commercial driver education program that is approved by the commissioner of
 42.34 public safety and that includes classroom and behind-the-wheel training; or₂

42.35 ~~(ii) an approved behind-the-wheel driver education program~~

43.1 (B) has successfully completed homeschool driver training, when the student
 43.2 is receiving full-time instruction in a home school within the meaning of sections
 43.3 120A.22 and 120A.24, the student is working toward a homeschool diploma, the ~~student~~
 43.4 ~~is taking home-classroom driver training with~~ classroom materials are approved by
 43.5 the commissioner of public safety, and the student's parent has certified the student's
 43.6 homeschool and home-classroom driver training status on the form approved by the
 43.7 commissioner; or

43.8 (C) concurrent to the instruction under item (i), is enrolled in the classroom phase of
 43.9 instruction in a public, private, or commercial driver education program that is approved
 43.10 by the commissioner of public safety, and completes 15 hours of classroom instruction and
 43.11 one behind-the-wheel lesson with an instructor;

43.12 ~~(2) has completed the classroom phase of instruction in the driver education program;~~

43.13 ~~(3)~~ (2) has passed a test of the applicant's eyesight;

43.14 ~~(4)~~ (3) has passed a department-administered test of the applicant's knowledge
 43.15 of traffic laws;

43.16 ~~(5)~~ (4) has completed the required application, which must be approved by (i) either
 43.17 parent when both reside in the same household as the minor applicant or, if otherwise,
 43.18 then (ii) the parent or spouse of the parent having custody or, in the event there is no court
 43.19 order for custody, then (iii) the parent or spouse of the parent with whom the minor is
 43.20 living or, if items (i) ~~to~~ through (iii) do not apply, then (iv) the guardian having custody of
 43.21 the minor, ~~(v) the foster parent or the director of the transitional living program in which~~
 43.22 ~~the child resides~~ or, in the event a person under the age of 18 has no living father, mother,
 43.23 or guardian, then (v) the foster parent or the director of the transitional living program
 43.24 in which the child resides or, if items (i) through (v) do not apply or the minor applicant
 43.25 is married or otherwise legally emancipated, then (vi) the applicant's adult spouse, adult
 43.26 close family member, or adult employer; provided, that the approval required by this
 43.27 clause contains a verification of the age of the applicant and the identity of the parent,
 43.28 guardian, foster parent, program director, adult spouse, adult close family member, or
 43.29 adult employer; and

43.30 ~~(6)~~ (5) has paid ~~the fee~~ all fees required in section 171.06, subdivision 2.

43.31 (b) For the purposes of determining compliance with the certification of paragraph
 43.32 (a), clause (1), item (ii), subitem (B), the commissioner may request verification of a
 43.33 student's homeschool status from the superintendent of the school district in which the
 43.34 student resides and the superintendent shall provide that verification.

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

44.4 Sec. 51. Minnesota Statutes 2011 Supplement, section 171.06, subdivision 2, is
 44.5 amended to read:

44.6 Subd. 2. **Fees; additional charges.** (a) The fees for a license and Minnesota
 44.7 identification card are as follows:

44.8	Classified Driver's License	D-\$17.25	C-\$21.25	B-\$28.25	A-\$36.25
44.9	Classified Under-21 D.L.	D-\$17.25	C-\$21.25	B-\$28.25	A-\$16.25
44.10	Enhanced Driver's License	D-\$32.25	C-\$36.25	B-\$43.25	A-\$51.25
44.11	Instruction Permit				\$5.25
44.12	Enhanced Instruction				
44.13	Permit				\$20.25
44.14	Provisional License				\$8.25
44.15	Enhanced Provisional				
44.16	License				\$23.25
44.17	Duplicate License or				
44.18	duplicate identification				
44.19	card				\$6.75
44.20	Enhanced Duplicate				
44.21	License or enhanced				
44.22	duplicate identification				
44.23	card				\$21.75
44.24	Minnesota identification				
44.25	card or Under-21				
44.26	Minnesota identification				
44.27	card, other than duplicate,				
44.28	except as otherwise				
44.29	provided in section 171.07,				
44.30	subdivisions 3 and 3a				\$11.25
44.31	Enhanced Minnesota				
44.32	identification card				\$26.25

44.33 In addition to each fee required in this paragraph, the commissioner shall collect a
 44.34 surcharge of: (1) \$1.75 until June 30, 2012; and (2) \$1.00 from July 1, 2012, to June 30,
 44.35 2016. Surcharges collected under this paragraph must be credited to the driver and vehicle
 44.36 services technology account in the special revenue fund under section 299A.705.

44.37 (b) Notwithstanding paragraph (a), an individual who holds a provisional license and
 44.38 has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33,
 44.39 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving
 44.40 violations, and (3) convictions for moving violations that are not crash related, shall have a
 44.41 \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation"
 44.42 has the meaning given it in section 171.04, subdivision 1.

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

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

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

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

45.17 (g) In addition to the instruction permit fee required under paragraph (a), the
45.18 commissioner shall collect an additional \$5 program implementation fee from an applicant
45.19 who is enrolled in concurrent driver education instruction as provided in section 171.05,
45.20 subdivision 2, paragraph (a), clause (1), item (ii), subitem (C). The commissioner shall
45.21 terminate the fee under this paragraph when the department has fully recovered its
45.22 costs to implement concurrent classroom phase and behind-the-wheel instruction under
45.23 section 171.05. The commissioner shall deposit proceeds of the fee in the driver services
45.24 operating account in the special revenue fund. Proceeds from the fee under this paragraph
45.25 are annually appropriated to the commissioner from the driver services operating account
45.26 for administrative costs to implement concurrent driver education.

45.27 Sec. 52. [171.60] MOTORCYCLE ROAD GUARD CERTIFICATE.

45.28 Subdivision 1. Certificate required. No person may perform traffic control as a
45.29 motorcycle road guard as provided under chapter 169 without a valid motorcycle road
45.30 guard certificate issued by the commissioner.

45.31 Subd. 2. Certification qualifications and standards; fee. Through the Minnesota
45.32 Motorcycle Safety Center, the commissioner of public safety shall:

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

45.35 (i) a minimum 18 years of age;

46.1 (ii) possession of a valid driver's license; and
46.2 (iii) successful completion of a motorcycle road guard certification course;
46.3 (2) develop and offer, whether by the Minnesota Motorcycle Safety Center or
46.4 authorized agents, a motorcycle road guard certification course; and
46.5 (3) establish safety and equipment standards for a person who operates under a
46.6 motorcycle road guard certificate, including but not limited to specifying requirements
46.7 for a reflective safety vest.

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

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

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

46.16 Sec. 53. Minnesota Statutes 2010, section 174.03, subdivision 1b, is amended to read:

46.17 Subd. 1b. **Statewide freight and passenger rail plan; freight rail economic**
46.18 **development study.** (a) The commissioner shall develop a comprehensive statewide
46.19 freight and passenger rail plan to be included and revised as a part of the statewide
46.20 transportation plan.

46.21 ~~(b) Before the initial version of the plan is adopted, the commissioner shall provide a~~
46.22 ~~copy for review and comment to the chairs and ranking minority members of the senate~~
46.23 ~~and house of representatives committees with jurisdiction over transportation policy and~~
46.24 ~~finance. Notwithstanding paragraph (a), the commissioner may adopt the next revision~~
46.25 ~~of the statewide transportation plan, scheduled to be completed in calendar year 2009,~~
46.26 ~~prior to completion of the initial version of the comprehensive statewide freight and~~
46.27 ~~passenger rail plan.~~

46.28 (b) The commissioner, in cooperation with the commissioner of employment and
46.29 economic development, shall conduct a freight rail economic development study. The
46.30 study must assess the economic impact of freight railroads in the state and identify
46.31 opportunities to expand business development and enhance economic competitiveness
46.32 through improved utilization of freight rail options. The commissioner shall incorporate
46.33 findings from the study as an amendment or update to the comprehensive statewide freight
46.34 and passenger rail plan.

47.1 (c) The commissioner shall provide an interim progress report by January 15, 2013,
47.2 and a final report by September 1, 2013, on the freight rail economic development study to
47.3 the chairs and ranking minority members of the legislative committees with jurisdiction
47.4 over transportation policy and finance and employment and economic development. The
47.5 final report must include any recommended legislative initiatives.

47.6 (d) The commissioner may expend money under section 222.50, subdivision 7, to
47.7 pay the costs of the study and reports under paragraphs (b) and (c).

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

47.9 Sec. 54. Minnesota Statutes 2010, section 221.091, subdivision 2, is amended to read:

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

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

47.19 Sec. 55. Minnesota Statutes 2011 Supplement, section 299A.705, subdivision 3,
47.20 is amended to read:

47.21 Subd. 3. **Driver and vehicle services technology account.** (a) The driver and
47.22 vehicle services technology account is created in the special revenue fund, consisting of
47.23 the technology surcharge collected as specified in chapters 168, 168A, and 171; the filing
47.24 fee revenue collected under section 168.33, subdivision 7; and any other money otherwise
47.25 donated, allotted, appropriated, or legislated to this account.

47.26 (b) Money in the account is annually appropriated to the commissioner of public
47.27 safety to support the research, development, deployment, and maintenance of a driver and
47.28 vehicle services information system, except that on or after the effective date of this
47.29 section, the commissioner may not expend funds from the account until the commissioner
47.30 has entered into at least one agreement with a private entity to develop the information
47.31 system.

47.32 (c) Following completion of the deposit of filing fee revenue into the driver and
47.33 vehicle services technology account as provided under section 168.33, subdivision 7, the
47.34 commissioner shall submit a notification to the chairs and ranking minority members

48.1 of the legislative committees with jurisdiction over transportation policy and finance
48.2 concerning driver and vehicle services information system implementation, which must
48.3 include information on (1) total revenue deposited in the driver and vehicle services
48.4 technology account, with a breakdown by sources of funds; (2) total project costs incurred,
48.5 with a breakdown by key project components; and (3) an estimate of ongoing system
48.6 maintenance costs.

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

48.8 Sec. 56. Minnesota Statutes 2010, section 299D.085, subdivision 1, is amended to read:

48.9 Subdivision 1. **Definition.** For purposes of this section, the following terms have
48.10 the meanings given them:

48.11 (1) "civilian escort driver" means an individual who is at least 18 years of age,
48.12 holds a valid driver's license for the type of vehicle being operated, and does not hold an
48.13 overdimensional load escort driver certificate under this section; and

48.14 (2) "overdimensional load" is a vehicle or combination of vehicles of a size or
48.15 weight of vehicle or load exceeding the maximum specified in chapter 169, or otherwise
48.16 not in conformity with the provisions of chapter 169.

48.17 **EFFECTIVE DATE.** This section is effective on the effective date of this
48.18 subdivision under Laws 2010, chapter 311, section 4.

48.19 Sec. 57. Minnesota Statutes 2010, section 299D.085, is amended by adding a
48.20 subdivision to read:

48.21 Subd. 2a. **Civilian escort driver.** (a) A civilian escort driver who meets those
48.22 requirements established as of January 1, 2012, to provide overdimensional load escorts
48.23 under Minnesota Statutes and under policies and regulations of the Department of
48.24 Public Safety and the Department of Transportation, is exempt from the requirements of
48.25 subdivisions 2, 3, and 5.

48.26 (b) A civilian escort driver may not operate under this subdivision if the
48.27 overdimensional load:

48.28 (1) extends over the centerline of a roadway; or

48.29 (2) is routed to travel the wrong way on a road.

48.30 **EFFECTIVE DATE.** This section is effective on the effective date of Minnesota
48.31 Statutes, section 299D.085, subdivisions 1 to 4, under Laws 2010, chapter 311, section 4.

49.1 Sec. 58. Minnesota Statutes 2010, section 299D.09, is amended to read:

49.2 **299D.09 ESCORT SERVICE; APPROPRIATION; RECEIPTS.**

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

49.5 The ~~fees~~ fee charged for services provided by the State Patrol with a vehicle ~~are~~
49.6 ~~\$73.60~~ is \$79.28 an hour in fiscal year ~~2008~~ and \$75.76 an hour in fiscal year 2009 2013,
49.7 and in fiscal year 2014 and thereafter, the fee may be reviewed and adjusted by the
49.8 commissioner of public safety in an amount equal to the costs of providing this service.

49.9 The ~~fees~~ fee charged for services provided without a vehicle ~~are \$54~~ is \$59.28 an hour in
49.10 fiscal year ~~2008~~ and \$56.16 an hour in fiscal year 2009 2013, and in fiscal year 2014 and
49.11 thereafter, the fee may be reviewed and adjusted by the commissioner of public safety
49.12 in an amount equal to the costs of providing this service.

49.13 The fees charged for State Patrol flight services are \$140 an hour for a fixed wing
49.14 aircraft, \$490 an hour for a helicopter, and \$600 an hour for the Queen Air in fiscal
49.15 year 2012; \$139.64 an hour for a fixed wing aircraft, \$560.83 an hour for a helicopter,
49.16 and \$454.84 an hour for the Queen Air in fiscal year 2013; and in fiscal year 2014 and
49.17 thereafter, the fees may be reviewed and adjusted by the commissioner of public safety in
49.18 an amount equal to the costs of providing these services.

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

49.20 Sec. 59. Minnesota Statutes 2010, section 325F.6644, subdivision 2, is amended to
49.21 read:

49.22 Subd. 2. **Title branding.** Section 325F.6642 does not apply to (1) commercial motor
49.23 vehicles with a gross vehicle weight rating of 16,000 pounds or more or to motorcycles,
49.24 other than reconstructed vehicles, as defined in section 168A.01, subdivision 16; and (2)
49.25 restored pioneer vehicles, as defined in section 168A.01, subdivision 16a.

49.26 Sec. 60. Minnesota Statutes 2010, section 473.388, subdivision 2, is amended to read:

49.27 Subd. 2. **Replacement service; eligibility.** (a) The council may provide assistance
49.28 under the program to a statutory or home rule charter city or town or combination thereof,
49.29 that:

49.30 ~~(a)~~ (1) is located in the metropolitan transit taxing district;

49.31 ~~(b)~~ (2) is not served by the council bus service or is served only with council bus
49.32 routes which begin or end within the applying city or town or combination thereof; and

50.1 ~~(e)~~ (3) has fewer than four scheduled runs of council bus service during off-peak
50.2 hours as defined by the Metropolitan Council.

50.3 (b) Eligible cities or towns or combinations thereof may apply on behalf of a transit
50.4 operator with whom they propose to contract for service.

50.5 ~~The council may not provide assistance under this section to a statutory or home rule~~
50.6 ~~charter city or town unless the city or town,~~

50.7 ~~(i) was receiving assistance under Minnesota Statutes 1982, section 174.265, by~~
50.8 ~~July 1, 1984,~~

50.9 ~~(ii) had submitted an application for assistance under that section by July 1, 1984, or~~

50.10 ~~(iii) had submitted a letter of intent to apply for assistance under that section by July~~
50.11 ~~1, 1984, and submits an application for assistance under this section by July 1, 1988. A~~
50.12 ~~statutory or home rule charter city or town has an additional 12-month extension if it~~
50.13 ~~notified the former regional transit board before July 1, 1988, that the city or town is in the~~
50.14 ~~process of completing a transportation evaluation study that includes an assessment of~~
50.15 ~~the local transit needs of the city or town.~~

50.16 (c) The council may not provide assistance under this section unless the statutory or
50.17 home rule charter city or town or combination:

50.18 (1) was receiving assistance under this section as of January 1, 2012; or

50.19 (2) had submitted an application for assistance under this section by July 1, 2016.

50.20 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies in the
50.21 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

50.22 Sec. 61. Minnesota Statutes 2010, section 473.388, subdivision 4, is amended to read:

50.23 Subd. 4. **Financial assistance.** (a) The council must grant the requested financial
50.24 assistance if it determines that the proposed service is intended to replace the service to
50.25 the applying city or town or combination thereof by the council and that the proposed
50.26 service will meet the needs of the applicant at least as efficiently and effectively as the
50.27 existing service.

50.28 (b) The minimum amount of assistance which the council must provide ~~to a system~~
50.29 ~~under this section may not be less than the sum of the amounts~~ calculated or determined
50.30 ~~for each municipality comprising the system as follows:~~ of the replacement service
50.31 municipalities as provided in paragraphs (c) and (d).

50.32 (c) For each replacement service municipality that received assistance under this
50.33 section in 2011, the minimum amount of financial assistance is calculated as:

50.34 (1) an amount equal to 3.74 percent of the total state revenues generated from the
50.35 taxes imposed under chapter 297B for the current fiscal year; times

51.1 (2) the ratio of (i) the transit operating assistance grants received under this
 51.2 subdivision by the municipality in calendar year 2001 or the tax revenues for transit
 51.3 services levied by the municipality for taxes payable in 2001, including that portion of the
 51.4 levy derived from the areawide pool under section 473F.08, subdivision 3, clause (a), plus
 51.5 the portion of the municipality's aid under section 273.1398, subdivision 2, attributable
 51.6 to the transit levy; times (2) the ratio of (i) an amount equal to 3.74 percent of the state
 51.7 revenues generated from the taxes imposed under chapter 297B for the current fiscal
 51.8 year to (ii) the total transit operating assistance grants received under this subdivision
 51.9 in calendar year 2001 or the tax revenues for transit services levied by all replacement
 51.10 service municipalities under this section for taxes payable in 2001, including that portion
 51.11 of the levy derived from the areawide pool under section 473F.08, subdivision 3, clause
 51.12 (a), plus the portion of homestead and agricultural credit aid under section 273.1398,
 51.13 subdivision 2, attributable to nondebt transit levies; times

51.14 (3) the ratio of (i) the municipality's total taxable market value for taxes payable
 51.15 in 2006 divided by the municipality's total taxable market value for taxes payable in
 51.16 2001, to (ii) the total taxable market value of all property located in replacement service
 51.17 municipalities for taxes payable in 2006 divided by the total taxable market value of all
 51.18 property located in replacement service municipalities for taxes payable in 2001.

51.19 (d) For each replacement service municipality that first begins receiving assistance
 51.20 under this section after January 1, 2012, the council shall identify a minimum amount of
 51.21 assistance. The amount must be (1) to the extent practical, commensurate with the amount
 51.22 of assistance provided under paragraph (c); and (2) based on criteria developed by the
 51.23 council, including the following factors: operating expenses and revenues from other
 51.24 sources, service hours, ridership, and service performance standards.

51.25 ~~(c)~~ (e) The council shall pay the amount to be provided to the recipient from the
 51.26 funds the council receives in the metropolitan area transit account under section 16A.88.

51.27 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies in the
 51.28 counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

51.29 Sec. 62. Laws 2009, chapter 158, section 10, is amended to read:

51.30 Sec. 10. **EFFECTIVE DATE.**

51.31 Sections 2 and 3 are effective August 1, 2009, and the amendments made in sections
 51.32 2 and 3 to Minnesota Statutes, sections 169.011 and 169.045, expire July 31, ~~2012~~ 2014.

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

52.1 Sec. 63. Laws 2011, First Special Session chapter 3, article 1, section 4, is amended to
 52.2 read:

52.3 Sec. 4. **METROPOLITAN COUNCIL** \$ 39,038,000 \$ 39,038,000

52.4 This appropriation is from the general
 52.5 fund for transit system operations under
 52.6 Minnesota Statutes, sections 473.371 to
 52.7 473.449.

52.8 Of this appropriation, \$140,000 in each
 52.9 fiscal year is for transit service for disabled
 52.10 veterans under Minnesota Statutes, section
 52.11 473.408, subdivision 10.

52.12 The base appropriation is \$64,889,000 for
 52.13 fiscal year 2014 and \$64,970,000 for fiscal
 52.14 year 2015.

52.15 Notwithstanding Minnesota Statutes, section
 52.16 473.388, subdivision 4, in ~~each year of the~~
 52.17 ~~biennium~~ fiscal year 2012, the Metropolitan
 52.18 Council shall provide financial assistance to
 52.19 transit providers under Minnesota Statutes,
 52.20 section 473.388, in an amount that is
 52.21 \$1,650,000 less than the amount of assistance
 52.22 that was provided to transit providers by the
 52.23 Metropolitan Council in fiscal year 2011.

52.24 Funds not transferred as a result of this
 52.25 rider are available for use by the council for
 52.26 metropolitan transit operations.

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

52.28 Sec. 64. **LEGISLATIVE ROUTE NO. 227 REMOVED.**

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

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

53.5 Sec. 65. **LEGISLATIVE ROUTE NO. 258 REMOVED.**

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

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

53.14 Sec. 66. **LEGISLATIVE ROUTE NO. 291 REMOVED.**

53.15 (a) Minnesota Statutes, section 161.115, subdivision 222, is repealed effective the
53.16 day after the commissioner of transportation receives a copy of the agreement between the
53.17 commissioner and the governing body of the city of Hastings to transfer jurisdiction of
53.18 Legislative Route No. 291 and notifies the revisor of statutes under paragraph (b).

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

53.23 Sec. 67. **ADDITIONAL DEPUTY REGISTRAR OF MOTOR VEHICLES FOR**
53.24 **SCOTT COUNTY.**

53.25 Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the
53.26 commissioner of public safety limiting sites for the Office of Deputy Registrar based
53.27 on either the distance to an existing deputy registrar office or the annual volume of
53.28 transactions processed by any deputy registrar, the commissioner of public safety shall
53.29 appoint a county deputy registrar of motor vehicles for Scott County to operate an
53.30 extension of Scott County's license bureau, with full authority to function as a registration
53.31 and motor vehicle tax collection bureau, at the new library in the city of Elko New
53.32 Market. Notwithstanding rules adopted by the commissioner governing business hours,
53.33 the commissioner shall allow the deputy registrar to establish business hours of operation

54.1 matching the hours of service at the new library in the city of Elko New Market. All
54.2 other provisions regarding the appointment and operation of a deputy registrar of motor
54.3 vehicles under Minnesota Statutes, section 168.33, and Minnesota Rules, chapter 7406,
54.4 apply to the office.

54.5 Sec. 68. **TRUNK HIGHWAY 47 MAINTENANCE.**

54.6 Notwithstanding any law to the contrary, the commissioner of transportation shall
54.7 permit the Anoka County Board to perform routine roadway maintenance on the portion
54.8 of marked Trunk Highway 47 north of marked Trunk Highway 10 and located within the
54.9 jurisdiction of the county. For purposes of this section, "routine roadway maintenance"
54.10 means work on the roadway to keep it in a reasonable state of repair and functional use,
54.11 including but not limited to striping, erecting and maintaining traffic control devices, and
54.12 adding turn lanes within existing rights-of-way.

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

54.14 Sec. 69. **DISTANCE-BASED FARE SURCHARGE; PILOT PROGRAM.**

54.15 Subdivision 1. **Pilot program authorized.** Notwithstanding Minnesota Statutes,
54.16 section 473.408, subdivision 2a, or any other law to the contrary, replacement service
54.17 transit providers operating under Minnesota Statutes, section 473.388, may establish a
54.18 pilot program that adds a distance-based surcharge to standard transit fares.

54.19 Subd. 2. **Pilot program restrictions.** (a) A replacement service transit provider
54.20 exercising its authority under subdivision 1 may only impose a distance-based surcharge
54.21 on routes with a total length greater than 15 miles.

54.22 (b) Any distance-based surcharge imposed must be prorated on the basis of the
54.23 distance traveled by the rider paying the surcharge.

54.24 Subd. 3. **Reporting requirements.** By August 1 of each year a pilot program is
54.25 in effect, the replacement service transit provider imposing the distance-based surcharge
54.26 shall submit to the chairs and ranking minority members of the house of representatives
54.27 and senate committees having jurisdiction over transportation policy and finance a
54.28 report detailing the activities of the pilot program. The report shall include information
54.29 specifying the total revenue collected from the distance-based surcharge and the average
54.30 surcharge collected per rider, analyzing any impact the surcharge has had on the fare
54.31 policy considerations under Minnesota Statutes, section 473.408, subdivision 2, and any
54.32 other information requested by the chairs of the house of representatives and senate
54.33 committees having jurisdiction over transportation policy and finance.

55.1 **EFFECTIVE DATE.** This section is effective the day following final enactment
 55.2 and expires on January 1, 2016, and applies in the counties of Anoka, Carver, Dakota,
 55.3 Hennepin, Ramsey, Scott, and Washington.

55.4 Sec. 70. **LEGISLATIVE REPORTS ON CONTRACTING.**

55.5 Subdivision 1. **Submission of reports.** The commissioner shall report on experience
 55.6 with and evaluation of the construction manager/general contractor method of contracting
 55.7 authorized in Minnesota Statutes, sections 161.3207 to 161.3209. The reports must be
 55.8 submitted to the chairs and ranking minority members of the legislative committees with
 55.9 jurisdiction over transportation policy or transportation finance and in compliance with
 55.10 Minnesota Statutes, sections 3.195 and 3.197. An interim report must be submitted
 55.11 no later than 12 months following the commissioner's acceptance of five construction
 55.12 manager/general contractor contracts. A final report must be submitted no later than 12
 55.13 months following the commissioner's acceptance of ten construction manager/general
 55.14 contractor contracts.

55.15 Subd. 2. **Content of reports.** The reports must include: (1) a description of
 55.16 circumstances of any projects as to which construction manager/general contractor
 55.17 requests for qualifications or requests for proposals were solicited, followed by a
 55.18 cancellation of the solicitation; (2) a description of projects as to which construction
 55.19 manager/general contractor method was utilized; (3) a comparison of project cost
 55.20 estimates with final project costs, if available; and (4) evaluation of the construction
 55.21 manager/general contractor method of procurement with respect to implications for
 55.22 project cost, use of innovative techniques, completion time, and obtaining maximum
 55.23 value. The final report must also include recommendations as to continued use of the
 55.24 program and desired modifications to the program, and recommended legislation to
 55.25 continue, discontinue, or modify the program.

55.26 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 55.27 expires following the acceptance of ten construction manager/general contractor contracts.

55.28 Sec. 71. **REVISOR'S INSTRUCTION.**

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

55.32	<u>Column A</u>	<u>Column B</u>
55.33	<u>169.011, subd. 83</u>	<u>168B.011, subd. 12a</u>
55.34	<u>169.041</u>	<u>168B.035</u>

56.1	<u>169.64, subd. 5</u>	<u>168B.16</u>
56.2	<u>169.86, subd. 8</u>	<u>168B.15</u>
56.3	<u>465.75</u>	<u>168B.14</u>
56.4	<u>514.18, subd. 1a</u>	<u>168B.045</u>

56.5 **Sec. 72. REPEALER.**

56.6 Minnesota Statutes 2010, sections 169.441, subdivision 5; 169.445, subdivision 2;
56.7 and 169.454, subdivision 10, are repealed.

56.8 **Sec. 73. RULES REPEALER.**

56.9 Minnesota Rules, parts 8810.9000; 8810.9100; 8810.9200; 8810.9300; 8810.9400;
56.10 8810.9500; 8810.9600; and 8810.9700, are repealed.

56.11 **Sec. 74. EFFECTIVE DATE.**

56.12 Sections 33 and 52, subdivisions 1 to 4, are effective one year after publication in the
56.13 State Register of rules adopted under section 52, subdivision 5. Section 52, subdivision 5,
56.14 is effective the day following final enactment.

56.15 **Sec. 75. EFFECTIVE DATE.**

56.16 Unless otherwise specified, this act is effective August 1, 2012.

169.441 SCHOOL BUS IDENTIFICATION.

Subd. 5. **Optional markings; rules.** A school district may elect to show on the front and rear of the school buses that it owns or contracts for, a plainly visible, summary message explaining section 169.444, subdivisions 1 and 2. If the school district elects to display the message, it must conform with the rules of the commissioner of public safety. The commissioner shall adopt rules governing the size, type, design, display, and content of the summary message that may be shown.

**169.445 COOPERATION WITH LAW ENFORCEMENT; INFORMATION;
RULES.**

Subd. 2. **Information; rules.** The commissioner shall compile information regarding violations, prosecutions, convictions or other disposition, and penalties imposed under sections 169.443 and 169.444. At the request of the commissioner, local school authorities shall provide this information. The commissioner may adopt rules governing the content and providing procedures for the school authorities to provide this information.

169.454 TYPE III VEHICLE STANDARDS.

Subd. 10. **Warning device.** A type III vehicle must contain at least three red reflectorized triangle road warning devices. Liquid burning "pot type" flares are not allowed.

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.

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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:

- 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

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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.

APPENDIX
Repealed Minnesota Rule: H2685-2

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.