

## State of Minnesota

**HOUSE OF REPRESENTATIVES**

EIGHTY-SEVENTH SESSION

**H. F. No. 2685**

03/05/2012 Authored by Beard

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

03/15/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Government Operations and Elections

03/20/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Ways and Means

04/23/2012 Adoption of Report: Pass as Amended and Read Second Time

## A bill for an act

1.1 relating to transportation; modifying provisions governing transportation policy  
 1.2 and finance, including trunk highway designation, work and contracting on trunk  
 1.3 highways, motor vehicles, motor vehicle weight limit regulations, motor vehicle  
 1.4 titles, manufactured home titles, electric-assisted bicycles and related regulations,  
 1.5 bridge inspections, brake requirements, special veterans license plates, pupil  
 1.6 transportation, municipal state-aid street fund eligibility and apportionment,  
 1.7 small vehicle passenger service, driver and vehicle information system, deputy  
 1.8 registrars of motor vehicles, civilian escort drivers, bicycle equipment, school  
 1.9 buses, small business contracts, and legislative reports; making contingent  
 1.10 appropriations; setting fees; renumbering statutes; making technical changes;  
 1.11 amending Minnesota Statutes 2010, sections 160.27, by adding a subdivision;  
 1.12 160.2715; 161.14, by adding a subdivision; 161.20, subdivision 4; 161.321;  
 1.13 161.3212; 162.09, by adding a subdivision; 165.01; 165.03; 168.002,  
 1.14 subdivisions 19, 20; 168.012, by adding a subdivision; 168.013, subdivision 3,  
 1.15 by adding a subdivision; 168.185; 168A.01, by adding a subdivision; 168A.02,  
 1.16 subdivision 3; 168A.03, subdivision 1; 168A.04, subdivision 1; 168A.05,  
 1.17 subdivisions 1, 1a, 1b; 168A.07, subdivision 1; 168A.141, subdivision 1;  
 1.18 169.011, subdivisions 4, 27, 44, 45; 169.06, subdivision 4; 169.222, subdivisions  
 1.19 4, 6, 7, by adding subdivisions; 169.223, subdivisions 1, 5; 169.72, subdivision  
 1.20 1; 169.801, subdivision 10; 169.86, subdivision 3b; 169.872, subdivision 1a;  
 1.21 169.98, subdivisions 1, 3; 171.01, subdivision 41; 171.02, subdivision 2b;  
 1.22 174.03, subdivision 1b; 221.091, subdivision 2; 299D.085, subdivision 1, by  
 1.23 adding a subdivision; 299D.09; 473.388, subdivisions 2, 4; 604A.21, subdivision  
 1.24 5; Minnesota Statutes 2011 Supplement, sections 168.12, subdivision 5; 168.123,  
 1.25 subdivision 1; 171.075, subdivision 1; 299A.705, subdivision 3; Laws 2009,  
 1.26 chapter 158, section 10; Laws 2011, First Special Session chapter 3, article 1,  
 1.27 section 4; proposing coding for new law in Minnesota Statutes, chapters 161;  
 1.28 168A; 171; 375; repealing Minnesota Rules, parts 8810.9000; 8810.9100;  
 1.29 8810.9200; 8810.9300; 8810.9400; 8810.9500; 8810.9600; 8810.9700.

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

1.32 Section 1. Minnesota Statutes 2010, section 160.27, is amended by adding a  
 1.33 subdivision to read:

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

2.5 (b) A sign placed under the permit:

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

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

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

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

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

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

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

2.21 Sec. 2. Minnesota Statutes 2010, section 160.2715, is amended to read:

2.22 **160.2715 RIGHT-OF-WAY USE; MISDEMEANORS.**

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

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

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

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

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

- 3.1 (5) dig any holes in any highway, except to locate markers placed to identify  
 3.2 sectional corner positions and private boundary corners;
- 3.3 (6) remove any earth, gravel, or rock from any highway;
- 3.4 (7) obstruct any ditch draining any highway or drain any noisome materials into  
 3.5 any ditch;
- 3.6 (8) place or maintain any building or structure within the limits of any highway;
- 3.7 (9) place or maintain any advertisement within the limits of any highway, except as  
 3.8 provided in section 160.27, ~~subdivision 7~~;
- 3.9 (10) paint, print, place, or affix any advertisement or any object within the limits of  
 3.10 any highway, except as provided in section 160.27, ~~subdivision 7~~;
- 3.11 (11) deface, mar, damage, or tamper with any structure, work, material, equipment,  
 3.12 tools, signs, markers, signals, paving, guardrails, drains, or any other highway  
 3.13 appurtenance on or along any highway;
- 3.14 (12) remove, injure, displace, or destroy right-of-way markers, or reference or  
 3.15 witness monuments, or markers placed to preserve section or quarter-section corners;
- 3.16 (13) improperly place or fail to place warning signs and detour signs as provided by  
 3.17 law;
- 3.18 (14) drive over, through, or around any barricade, fence, or obstruction erected for  
 3.19 the purpose of preventing traffic from passing over a portion of a highway closed to public  
 3.20 travel or to remove, deface, or damage any such barricade, fence, or obstruction.
- 3.21 (b) Any violation of this section is a misdemeanor.

3.22 Sec. 3. Minnesota Statutes 2010, section 161.14, is amended by adding a subdivision  
 3.23 to read:

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

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

3.29 Subd. 4. **Debt collection.** The commissioner shall make reasonable and businesslike  
 3.30 efforts to collect money owed for licenses, fines, penalties, and permit fees or arising from  
 3.31 damages to state-owned property or other causes related to the activities of the Department  
 3.32 of Transportation. Upon specific request, the commissioner of public safety shall provide  
 3.33 to the commissioner of transportation accident reports involving damage to identified  
 3.34 state-owned infrastructure. The commissioner may contract for debt collection services

4.1 for the purpose of collecting a money judgment or legal indebtedness. The commissioner  
4.2 may enter into an agreement with the commissioner of public safety to use debt collection  
4.3 services authorized by this subdivision when civil penalties relating to the use of highways  
4.4 have been reduced to money judgment. Money received as full or partial payment shall be  
4.5 deposited to the appropriate fund. When money is collected through contracted services,  
4.6 the commissioner may make payment for the service from the money collected. The  
4.7 amount necessary for payment of contractual collection costs is appropriated from the  
4.8 fund in which money so collected is deposited.

4.9 **Sec. 5. [161.318] CONTINGENT APPROPRIATIONS; TRUNK HIGHWAY**  
4.10 **SYSTEM.**

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

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

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

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

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

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

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

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

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

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

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

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

5.18 Sec. 6. **[161.3207] CONSTRUCTION MANAGER/GENERAL CONTRACTOR;**  
5.19 **DEFINITIONS.**

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

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

5.24 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of  
5.25 transportation.

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

5.33 Subd. 5. **Construction manager/general contractor contract.** "Construction  
5.34 manager/general contractor contract" means a contract for construction of a project  
5.35 between a construction manager/general contractor and the commissioner, which

6.1 must include terms providing for a price, construction schedule, and workmanship of  
6.2 the construction performed. The construction manager/general contractor contract  
6.3 may include provisions for incremental price contracts for specific work packages,  
6.4 additional work performed, contingencies, or other contract provisions that will allow the  
6.5 commissioner to negotiate time and cost changes to the contract.

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

6.8 Subd. 7. **Preconstruction services.** "Preconstruction services" means all  
6.9 non-construction-related services that a construction manager/general contractor is  
6.10 allowed to perform before execution of a construction manager/general contractor contract  
6.11 or work package.

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

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

6.18 Subd. 10. **Request for proposals; RFP.** "Request for proposals" or "RFP" means  
6.19 the document or publication soliciting proposals for a construction manager/general  
6.20 contractor contract.

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

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

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

6.29 Sec. 7. **[161.3208] CONSTRUCTION MANAGER/GENERAL CONTRACTOR;**  
6.30 **AUTHORITY.**

6.31 Subdivision 1. **Selection authority; limitation.** Notwithstanding sections 16C.25,  
6.32 161.32, and 161.321, or any other law to the contrary, the commissioner may select a  
6.33 construction manager/general contractor as provided in section 161.3209, and award a  
6.34 construction manager/general contractor contract. The number of awarded contracts  
6.35 shall not exceed four in any calendar year.

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

7.3 Subd. 3. **Cancellation.** The solicitation of construction manager/general contractor  
 7.4 requests for qualifications or proposals does not obligate the commissioner to enter into a  
 7.5 construction manager/general contractor contract. The commissioner may accept or reject  
 7.6 any or all responses received as a result of the request. The solicitation of proposals may  
 7.7 be canceled at any time at the commissioner's sole discretion if cancellation is considered  
 7.8 to be in the state's best interest. If the commissioner rejects all responses or cancels the  
 7.9 solicitation for proposals, the commissioner may resolicit a request for proposals using the  
 7.10 same or different requirements.

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

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

7.18 Sec. 8. **[161.3209] CONSTRUCTION MANAGER/GENERAL CONTRACTOR;**  
 7.19 **PROCEDURES.**

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

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

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

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

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

7.31 (4) the scope of intended construction work;

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

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

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

8.1 (8) the requirements for insurance, statutorily required performance, and payment  
8.2 bonds;

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

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

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

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

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

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

8.16 (2) The technical review committee shall evaluate the construction manager/general  
8.17 contractor proposals according to criteria and subcriteria published in the RFP and  
8.18 procedures established by the commissioner. The commissioner shall, as designated in  
8.19 the RFP, evaluate construction manager/general contractor proposals on the basis of best  
8.20 value as defined in section 16C.05, or using the qualifications-based selection process  
8.21 set forth in section 16C.095, except section 16C.095, subdivision 1 does not apply. If  
8.22 the commissioner does not receive at least two proposals from construction managers,  
8.23 the commissioner may:

8.24 (i) solicit new proposals;

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

8.26 (iii) select another allowed procurement method; or

8.27 (iv) reject the proposals.

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

8.31 (c) Unless all proposals are rejected, the commissioner shall conduct contract  
8.32 negotiations for a preconstruction services contract with the construction manager/general  
8.33 contractor with the highest ranking. If the construction manager/general contractor with  
8.34 the highest ranking declines or is unable to reach an agreement, the commissioner may  
8.35 begin contract negotiations with the next highest ranked construction manager/general  
8.36 contractor.



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

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

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

9.10 (2) conduct contract negotiations with the construction manager/general contractor  
9.11 to develop a construction manager/general contractor contract. This contract must include  
9.12 a minimum construction manager/general contractor self-performing requirement of 30  
9.13 percent of the negotiated cost. Items designated in the construction manager/general  
9.14 contractor contract as specialty items may be subcontracted and the cost of any specialty  
9.15 item performed under the subcontract will be deducted from the cost before computing the  
9.16 amount of work required to be performed by the contractor.

9.17 (b) If the construction manager/general contractor and the commissioner are unable  
9.18 to negotiate a contract, the commissioner may use other contract procurement processes or  
9.19 may readvertise the construction manager/general contractor contract. The construction  
9.20 manager/general contractor may (1) bid or propose on the project if advertised under  
9.21 section 161.32 or 161.3206 or (2) join a design-build team if advertised under sections  
9.22 161.3410 to 161.3428.

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

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

9.28 Sec. 9. Minnesota Statutes 2010, section 161.321, is amended to read:

9.29 **161.321 SMALL BUSINESS CONTRACTS.**

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

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

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

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

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

10.8 (e) "Veteran-owned small business" means a business designated under section  
10.9 16C.16, subdivision 6a.

10.10 Subd. 2. **Small targeted group business, small business set-asides; contract**  
10.11 **preferences.** (a) The commissioner may award up to a six percent preference in the  
10.12 amount bid for specified construction work to small targeted group businesses ~~and~~  
10.13 ~~veteran-owned small businesses.~~

10.14 (b) The commissioner may designate a contract for construction work for award only  
10.15 to small targeted group businesses if the commissioner determines that at least three small  
10.16 targeted group businesses are likely to bid. ~~The commissioner may designate a contract for~~  
10.17 ~~construction work for award only to veteran-owned small businesses if the commissioner~~  
10.18 ~~determines that at least three veteran-owned small businesses are likely to bid.~~

10.19 ~~(c) The commissioner, as a condition of awarding a construction contract, may~~  
10.20 ~~set goals that require the prime contractor to subcontract a portion of the contract to~~  
10.21 ~~small targeted group businesses and veteran-owned small businesses. The commissioner~~  
10.22 ~~must establish a procedure for granting waivers from the subcontracting requirement~~  
10.23 ~~when qualified small targeted group businesses and veteran-owned small businesses~~  
10.24 ~~are not reasonably available. The commissioner may establish financial incentives for~~  
10.25 ~~prime contractors who exceed the goals for use of subcontractors and financial penalties~~  
10.26 ~~for prime contractors who fail to meet goals under this paragraph. The subcontracting~~  
10.27 ~~requirements of this paragraph do not apply to prime contractors who are small targeted~~  
10.28 ~~group businesses or veteran-owned small businesses.~~

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

10.32 Subd. 2a. **Small targeted group business; subcontracting goals.** (a) The  
10.33 commissioner, as a condition of awarding a construction contract, may set goals that  
10.34 require the prime contractor to subcontract portions of the contract to small targeted  
10.35 group businesses. Prime contractors must demonstrate good faith efforts to meet the  
10.36 project goals. The commissioner shall establish a procedure for granting waivers from

11.1 the subcontracting requirement when qualified small targeted group businesses are not  
11.2 reasonably available. The commissioner may establish (1) financial incentives for prime  
11.3 contractors who exceed the goals set for the use of subcontractors under this subdivision;  
11.4 and (2) sanctions for prime contractors who fail to make good faith efforts to meet the  
11.5 goals set under this subdivision.

11.6 (b) The small targeted group business subcontracting requirements of this  
11.7 subdivision do not apply to prime contractors who are small targeted group businesses.

11.8 Subd. 2b. **Veteran-owned small business; contract preferences.** (a) The  
11.9 commissioner may award up to a six percent preference in the amount bid for specified  
11.10 construction work to veteran-owned small businesses, except when prohibited by the  
11.11 federal government as a condition of receiving federal funds. When a bid preference is  
11.12 provided under this subdivision, the percentage of preference in bid amount may not be  
11.13 less than the percentage of bid preference provided to any small targeted group business  
11.14 under subdivision 2.

11.15 (b) When a bid preference is provided under this subdivision, the commissioner  
11.16 must be as inclusive as possible in specifying contracts for construction work, as well  
11.17 as for construction-related professional and technical services, available under this bid  
11.18 preference program for veteran-owned small businesses. The term "construction" must be  
11.19 given broad meaning for purposes of specifying and letting contracts for veteran-owned  
11.20 small businesses and must include, but is not limited to, preplanning, planning, and all  
11.21 other construction-related professional and technical services.

11.22 (c) When a bid preference is provided under this subdivision, the commissioner  
11.23 must strive to ensure that contracts will be awarded on a proportional basis with contracts  
11.24 awarded under subdivision 2.

11.25 (d) The commissioner may designate a contract for construction work for award  
11.26 only to veteran-owned small businesses, if the commissioner determines that at least three  
11.27 veteran-owned small businesses are likely to bid.

11.28 Subd. 2c. **Veteran-owned small business; subcontracting goals.** (a) The  
11.29 commissioner, as a condition of awarding a construction contract, may set goals that  
11.30 require the prime contractor to subcontract portions of the contract to veteran-owned small  
11.31 businesses, except when prohibited by federal law or rule as a condition of receiving  
11.32 federal funds. Prime contractors must demonstrate good faith efforts to meet the project  
11.33 goals. The commissioner shall establish a procedure for granting waivers from the  
11.34 subcontracting requirement when qualified veteran-owned small businesses are not  
11.35 reasonably available. The commissioner may establish (1) financial incentives for prime  
11.36 contractors who exceed the goals set for the use of subcontractors under this subdivision;

12.1 and (2) sanctions for prime contractors who have not been granted a waiver and fail  
12.2 to meet goals set under this subdivision.

12.3 (b) The subcontracting requirements of this subdivision do not apply to prime  
12.4 contractors who are veteran-owned small businesses.

12.5 Subd. 3. **Small targeted group business subcontract awards to small businesses.**

12.6 At least 75 percent of subcontracts awarded to small targeted group businesses must be  
12.7 performed by the business to which the subcontract is awarded or another small targeted  
12.8 group business.

12.9 Subd. 3a. **Veteran-owned small business; subcontract awards.** At least 75  
12.10 percent of subcontracts awarded to veteran-owned small businesses must be performed by  
12.11 the business to which the subcontract is awarded or another veteran-owned small business.

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

12.15 Subd. 4a. **Small targeted group business; limited duration and reevaluation.**  
12.16 The commissioner shall cooperate with the commissioner of administration to periodically  
12.17 reevaluate the targeted group businesses to determine whether there is a statistical disparity  
12.18 between the percentage of construction contracts awarded to businesses owned by targeted  
12.19 group members and the representation of businesses owned by targeted group members  
12.20 among all businesses in the state in the construction category. The commissioner of  
12.21 administration shall designate targeted groups pursuant to section 16C.16, subdivision 5.

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

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

12.30 (b) In addition to other eligibility requirements, a small targeted group business or  
12.31 veteran-owned small business is eligible for the bid preferences under this section only for  
12.32 eight years following the latest of:

12.33 (1) the effective date of this section;

12.34 (2) for a targeted group business, the date of initial certification by the commissioner  
12.35 of administration, as provided under section 16C.19;

13.1 (3) for a veteran-owned small business, the date of initial certification by the United  
 13.2 States Department of Veterans Affairs, as provided under section 16C.19, paragraph (d); or  
 13.3 (4) for a veteran-owned small business, the release or discharge of any one of the  
 13.4 owners from military active service, as defined in section 190.05, subdivision 5, lasting for  
 13.5 a period of 179 days or longer.

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

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

13.14 (b) By February 1 of each even-numbered year, the commissioner of transportation  
 13.15 shall submit a report to the chairs and ranking minority members of the legislative  
 13.16 committees with jurisdiction over transportation policy and finance and veterans policy  
 13.17 and finance concerning contract awards during the preceding biennium under this section.

13.18 At a minimum, the report must include:

13.19 (1) a summary of the program;

13.20 (2) a review of the use of preferences for contracting during the preceding biennium,  
 13.21 including frequency of establishment of a preference and frequency and amount of  
 13.22 contract awards to:

13.23 (i) small targeted group businesses; and

13.24 (ii) veteran-owned small businesses;

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

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

13.29 (5) agency commentary on any perceived impediments, whether statutory,  
 13.30 administrative, or otherwise, that may be limiting the participation of small targeted  
 13.31 group businesses and veteran-owned small businesses in the agency's contract preference  
 13.32 program;

13.33 (6) information on each reevaluation under subdivision 4a, including details on the  
 13.34 methodology for reevaluation; and

13.35 (7) any recommendations for legislative or programmatic changes.

14.1 Subd. 9. **Veteran-owned small business; purpose.** The purpose of the state  
14.2 contracting bid preference program for veteran-owned small businesses is to facilitate  
14.3 the healthy transition of veterans from military to civilian life, and to help compensate  
14.4 veterans for their sacrifices including, but not limited to, their sacrifice of health and  
14.5 time to the state and nation during their military service, as well as to enhance economic  
14.6 development within Minnesota.

14.7 **EFFECTIVE DATE.** This section is effective the day following final enactment  
14.8 and applies to contracts let on or after July 1, 2012.

14.9 Sec. 10. Minnesota Statutes 2010, section 161.3212, is amended to read:

14.10 **161.3212 WORKING CAPITAL FUND.**

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

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

14.23 Sec. 11. Minnesota Statutes 2010, section 162.09, is amended by adding a subdivision  
14.24 to read:

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

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

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

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

15.5 (1) to have a population that is 5,000 for purposes of this chapter; and

15.6 (2) notwithstanding section 162.13, subdivision 2, to have money needs equal to  
15.7 the local bridge project costs for the city.

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

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

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

15.16 Sec. 12. Minnesota Statutes 2010, section 165.01, is amended to read:

15.17 **165.01 DEFINITIONS.**

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

15.20 Subd. 2. **AASHTO manual.** ~~"AASHTO manual" means the Manual for Condition~~  
15.21 ~~Evaluation of Bridges, published by the American Association of State Highway and~~  
15.22 ~~Transportation Officials. "The Manual for Bridge Evaluation," published by the American~~  
15.23 Association of State Highway and Transportation Officials, is incorporated by reference.

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

15.32 Subd. 4. **National Bridge Inspection Standards (NBIS).** "NBIS" means standards  
15.33 established by the Federal Highway Administration in Code of Federal Regulations, title  
15.34 23, part 650, subpart C, incorporated by reference.

16.1 Sec. 13. Minnesota Statutes 2010, section 165.03, is amended to read:

16.2 **165.03 STRENGTH OF BRIDGE; INSPECTION.**

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

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

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

16.22 (1) Underwater structural elements must be inspected at regular intervals not to  
16.23 exceed 60 months. The commissioner may require inspections at intervals of less than  
16.24 60 months on certain underwater structural elements based on factors including, but not  
16.25 limited to, construction material, the environment, age, the scour characteristics, the  
16.26 condition rating from past inspections, and any known deficiencies.

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

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

16.35 ~~(b)~~ (c) The thoroughness of each inspection depends on such factors as age, traffic  
16.36 characteristics, state of maintenance, and known deficiencies. The evaluation of these



17.1 factors is the responsibility of the engineer assigned the responsibility for inspection as  
 17.2 defined by ~~rule adopted by~~ the commissioner of transportation.

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

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

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

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

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

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

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

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

17.34 Subd. 3. **County inventory and inspection records and reports.** The county  
 17.35 engineer shall maintain a complete inventory record of all bridges as set forth in  
 17.36 subdivision 2, paragraph ~~(a)~~ (b), clause (2), with the inspection reports thereof, and shall

18.1 certify annually to the commissioner, as prescribed by the commissioner, that inspections  
18.2 have been made at regular intervals, not to exceed ~~two years for bridges and not to~~  
18.3 ~~exceed four years for culverts~~ the intervals outlined in subdivision 1a. A report of the  
18.4 inspections must be filed annually, on or before February 15 of each year, with the county  
18.5 auditor or town clerk, or the governing body of the municipality. The report must contain  
18.6 recommendations for the correction of or legal posting of load limits on any bridge or  
18.7 structure that is found to be understrength or unsafe.

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

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

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

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

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

19.1 when the allowable legal load using the structure is increased. Changes in the load rating  
19.2 of a bridge must be indicated on the structure inventory sheet form.

19.3 (c) Where it is determined that the maximum legal load under state law exceeds  
19.4 the load permitted on the structure under the operating rating stress level assigned, the  
19.5 bridge must be posted. Posting signs as adopted by the commissioner shall be used for  
19.6 the posting. The owner or highway authority shall post the bridge in accordance with the  
19.7 posted load assigned by the commissioner.

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

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

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

19.14 (2) the frequency of inspection of bridges described in ~~paragraph (a)~~ subdivision  
19.15 1a; and

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

19.17 Subd. 8. **Biennial report on bridge inspection quality assurance.** By February  
19.18 1 of each odd-numbered year, the commissioner shall submit a report electronically to  
19.19 the members of the senate and house of representatives committees with jurisdiction over  
19.20 transportation policy and finance concerning quality assurance for bridge inspections.

19.21 At a minimum, the report must:

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

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

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

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

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

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

19.34 Sec. 14. Minnesota Statutes 2010, section 168.002, subdivision 19, is amended to read:

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

20.6 Sec. 15. Minnesota Statutes 2010, section 168.002, subdivision 20, is amended to read:

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

20.14 Sec. 16. Minnesota Statutes 2010, section 168.012, is amended by adding a subdivision  
20.15 to read:

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

20.19 Sec. 17. Minnesota Statutes 2010, section 168.013, subdivision 3, is amended to read:

20.20 Subd. 3. **Application; cancellation; excessive gross weight forbidden.** (a) The  
20.21 applicant for all licenses based on gross weight shall state the unloaded weight of the  
20.22 motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry  
20.23 on it, the sum of which constitutes the gross weight upon which the license tax must be  
20.24 paid. However, the declared gross weight upon which the tax is paid must not be less than  
20.25 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer  
20.26 to be registered, except recreational vehicles taxed under subdivision 1g, school buses  
20.27 taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.011,  
20.28 subdivision 83. The gross weight of a tow truck or towing vehicle is the actual weight  
20.29 of the tow truck or towing vehicle fully equipped, but does not include the weight of a  
20.30 wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

20.31 (b) The gross weight of a motor vehicle, trailer, or semitrailer must not exceed  
20.32 the gross weight upon which the license tax has been paid by more than four percent or  
20.33 1,000 pounds, whichever is greater; provided that, a vehicle transporting unfinished forest

21.1 products on a highway, other than a highway that is part of the system of interstate and  
21.2 defense highways, unless a federal exemption is granted, in accordance with paragraph  
21.3 (d)(3):

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

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

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

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

21.23 (1) Upon conviction for transporting a gross weight in excess of the gross weight  
21.24 for which a motor vehicle, trailer, or semitrailer is registered by more than the allowance  
21.25 set forth in paragraph (b) but less than 25 percent, or for operating or using a motor  
21.26 vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle  
21.27 load as provided in sections 169.822 to 169.829 by more than the allowance set forth in  
21.28 paragraph (b) but less than 25 percent, the owner, driver, or user of the motor vehicle,  
21.29 trailer, or semitrailer used to commit the violation, in addition to any penalty imposed for  
21.30 the misdemeanor, shall apply to the registrar to increase the authorized gross weight to  
21.31 be carried on the vehicle to a weight equal to or greater than the gross weight the owner,  
21.32 driver, or user was convicted of carrying. The increase is computed for the balance of  
21.33 the calendar year on the basis of 1/12 of the annual tax for each month remaining in the  
21.34 calendar year beginning with the first day of the month in which the violation occurred.  
21.35 If the additional registration tax computed upon that weight, plus the tax already paid,  
21.36 amounts to more than the regular tax for the maximum gross weight permitted for the

22.1 vehicle under sections 169.822 to 169.829, that additional amount must nevertheless be  
22.2 paid into the highway fund, but the additional tax thus paid does not authorize or permit  
22.3 any person to operate the vehicle with a gross weight in excess of the maximum legal  
22.4 weight as provided by sections 169.822 to 169.829. Unless the owner within 30 days  
22.5 after a conviction applies to increase the authorized weight and pays the additional tax  
22.6 as provided in this section, the registrar shall revoke the registration on the vehicle and  
22.7 demand the return of the registration card and plates issued on that registration.

22.8 (2) Upon conviction of an owner, driver, or user of a motor vehicle, trailer, or  
22.9 semitrailer for transporting a gross weight in excess of the gross weight for which the  
22.10 motor vehicle, trailer, or semitrailer was registered by 25 percent or more or for operating  
22.11 or using the vehicle or trailer with an axle weight exceeding the maximum lawful axle load  
22.12 as provided in sections 169.822 to 169.829 by 25 percent or more, and in addition to any  
22.13 penalty imposed for the misdemeanor, the registrar shall either (i) cancel the reciprocity  
22.14 privileges on the vehicle involved if the vehicle is being operated under reciprocity  
22.15 or (ii) if the vehicle is not being operated under reciprocity, cancel the certificate of  
22.16 registration on the vehicle operated and demand the return of the registration certificate  
22.17 and registration plates. The registrar may not cancel the registration or reciprocity  
22.18 privileges for any vehicle found in violation of seasonal load restrictions imposed under  
22.19 section 169.87 unless the axle weight exceeds the year-round weight limit for the highway  
22.20 on which the violation occurred. The registrar may investigate any allegation of gross  
22.21 weight violations and demand that the operator show cause why all future operating  
22.22 privileges in the state should not be revoked unless the additional tax assessed is paid.

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

22.31 (4) When the registration on a motor vehicle, trailer, or semitrailer is revoked by the  
22.32 registrar according to this section, the vehicle must not be operated on the highways of the  
22.33 state until it is registered or reregistered, as the case may be, and new plates issued, and  
22.34 the registration fee is the annual tax for the total gross weight of the vehicle at the time of  
22.35 violation. The reregistration pursuant to this subdivision of any vehicle operating under

23.1 reciprocity agreements pursuant to section 168.181 or 168.187 must be at the full annual  
 23.2 registration fee without regard to the percentage of vehicle miles traveled in this state.

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

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

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

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

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

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

23.27	License Plate	Single	Double
23.28	Regular and Disability	\$ 4.50	\$ 6.00
23.29	Special	\$ 8.50	\$ 10.00
23.30	Personalized (Replacement)	\$ 10.00	\$ 14.00
23.31	Collector Category	\$ 13.50	\$ 15.00
23.32	Emergency Vehicle Display	\$ 3.00	\$ 6.00
23.33	Utility Trailer Self-Adhesive	\$ 2.50	
23.34	Vertical Motorcycle Plate	\$ 100.00	NA
23.35	Stickers		

24.1	Duplicate year	\$	1.00	\$	1.00
24.2	International Fuel Tax Agreement	\$	2.50		

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

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

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

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

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

24.15 (1) special veteran's plates to an applicant who served in the active military service  
 24.16 in a branch of the armed forces of the United States or of a nation or society allied with the  
 24.17 United States in conducting a foreign war, was discharged under honorable conditions, and  
 24.18 is a registered owner of a passenger automobile as defined in section 168.002, subdivision  
 24.19 24, recreational motor vehicle as defined in section 168.002, subdivision 27, or one-ton  
 24.20 pickup truck as defined in section 168.002, subdivision 21b, but which is not a commercial  
 24.21 motor vehicle as defined in section 169.011, subdivision 16; or

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

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

24.32 (c) The veteran must have a certified copy of the veteran's discharge papers,  
 24.33 indicating character of discharge, at the time of application. If an applicant served in the  
 24.34 active military service in a branch of the armed forces of a nation or society allied with the



25.1 United States in conducting a foreign war and is unable to obtain a record of that service  
25.2 and discharge status, the commissioner of veterans affairs may certify the applicant as  
25.3 qualified for the veterans' plates provided under this section.

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

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

25.9 Sec. 21. Minnesota Statutes 2010, section 168.185, is amended to read:

25.10 **168.185 USDOT NUMBERS.**

25.11 (a) Except as provided in paragraph (d), an owner of a truck or truck-tractor having  
25.12 a gross vehicle weight of more than 10,000 pounds, as defined in section 169.011,  
25.13 subdivision 32, shall report to the commissioner at the time of registration its USDOT  
25.14 carrier number. A person subject to this paragraph who does not have a USDOT number  
25.15 shall apply for the number at the time of registration by completing a form MCS-150 Motor  
25.16 Carrier Identification Report, issued by the Federal Motor Carrier Safety Administration,  
25.17 or comparable document as determined by the commissioner. The commissioner shall not  
25.18 assign a USDOT carrier number to a vehicle owner who is not subject to this paragraph.

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

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

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

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

25.30 Sec. 22. Minnesota Statutes 2010, section 168A.01, is amended by adding a  
25.31 subdivision to read:

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

26.1 Sec. 23. Minnesota Statutes 2010, section 168A.02, subdivision 3, is amended to read:

26.2 Subd. 3. **Title certificate for manufactured home.** Except as provided in  
26.3 section 168A.141, a certificate of title is required for a manufactured home, ~~as defined~~  
26.4 ~~in section 327.31, subdivision 6~~. In every certificate of title issued for a manufactured  
26.5 home, the department shall insert the following notice: THIS TITLE DESCRIBES A  
26.6 MANUFACTURED HOME \_ NOT A MOTOR VEHICLE.

26.7 Sec. 24. Minnesota Statutes 2010, section 168A.03, subdivision 1, is amended to read:

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

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

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

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

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

26.17 (5) an implement of husbandry;

26.18 (6) special mobile equipment;

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

26.20 (8) a trailer (i) having a gross weight of 4,000 pounds or less unless a secured party  
26.21 holds an interest in the trailer or a certificate of title was previously issued by this state or  
26.22 any other state or (ii) designed primarily for agricultural purposes except a recreational  
26.23 vehicle or a manufactured home, both as defined in section 168.002, subdivisions 16  
26.24 and 27;

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

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

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

26.28 Sec. 25. Minnesota Statutes 2010, section 168A.04, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

27.31 Sec. 28. Minnesota Statutes 2010, section 168A.05, subdivision 1b, is amended to read:

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

28.1 (1) a manufactured home which is sold or otherwise disposed of pursuant to section  
28.2 504B.271 by the owner of a manufactured home park, as defined in section 327.14,  
28.3 subdivision 3, ~~or~~;

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

28.6 (3) a manufactured home for which a certificate of title is reissued under section  
28.7 168A.142.

28.8 Sec. 29. Minnesota Statutes 2010, section 168A.07, subdivision 1, is amended to read:

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

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

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

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

28.24 (1) the application;

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

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

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

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

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

28.34 (4) payment for required taxes and fees.

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

29.4 Subd. 1b. **Bond requirements.** A bond filed under this section must be in the form  
29.5 prescribed by the department and executed by the applicant, and either accompanied by the  
29.6 deposit of cash or executed by a surety company authorized to do business in this state, in  
29.7 an amount equal to 1-1/2 times the value of the vehicle as determined by the department.  
29.8 The bond shall be conditioned to indemnify any prior owner and secured party and any  
29.9 subsequent purchaser of the vehicle or person acquiring any security interest therein, or the  
29.10 successor in interest of any said person, against any expense, loss, or damage, including  
29.11 reasonable attorneys' fees, by reason of the issuance of the certificate of title to the vehicle  
29.12 or on account of any defect in or undisclosed security interest upon the right, title and  
29.13 interest of the applicant in and to the vehicle. Any such interested person shall have a right  
29.14 of action to recover on such bond for any breach of its conditions, but the aggregate  
29.15 liability of the surety to all such persons shall in no event exceed the amount of the bond.  
29.16 Unless the department has been notified of the pendency of an action to recover on the  
29.17 bond and if all questions as to ownership and outstanding security interests have been  
29.18 resolved to the satisfaction of the department, such bond, and any deposit accompanying  
29.19 it, shall be returned at the end of three years or prior thereto in the event the vehicle is no  
29.20 longer registered in this state and the currently valid certificate of title is surrendered.

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

29.22 Subdivision 1. **Certificates surrendered for cancellation.** When a manufactured  
29.23 home is affixed, as defined in section 273.125, subdivision 8, paragraph (b), to real  
29.24 property, and financed by the giving of a mortgage on the real property, the owner of the  
29.25 manufactured home shall surrender the manufacturer's certificate of origin or certificate of  
29.26 title to the department for cancellation. The owner of the manufactured home shall give  
29.27 the department the address and legal description of the real property. The department may  
29.28 require the filing of other information. The department must not issue a certificate of title  
29.29 for a manufactured home under chapter 168A if the manufacturer's certificate of origin  
29.30 is or has been surrendered under this subdivision, except as provided in section 168A.142.  
29.31 Upon surrender of the manufacturer's certificate of origin or the certificate of title, the  
29.32 department shall issue notice of surrender to the owner, and the manufactured home is  
29.33 deemed to be an improvement to real property. The notice ~~to~~ of surrender may be recorded  
29.34 in the office of the county recorder or with the registrar of titles if the land is registered  
29.35 but need not contain an acknowledgment.

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

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

30.5 (1) for the purpose of affixing the manufactured home to real property, the owner of  
30.6 the manufactured home, or a previous owner, surrendered the manufacturer's certificate of  
30.7 origin or certificate of title to the department as provided in section 168A.141, subdivision  
30.8 1 or 2;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32.1 Sec. 32. Minnesota Statutes 2010, section 169.011, subdivision 4, is amended to read:

32.2 Subd. 4. **Bicycle.** "Bicycle" means every device capable of being propelled  
32.3 solely by human power upon which any person may ride, having two tandem wheels  
32.4 ~~except scooters and similar devices,~~ and including any device generally recognized as a  
32.5 bicycle though equipped with two front or rear wheels. Bicycle does not include scooters,  
32.6 motorized foot scooters, or similar devices.

32.7 Sec. 33. Minnesota Statutes 2010, section 169.011, subdivision 27, is amended to read:

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

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

32.11 (2) meets the requirements:

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

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

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

32.21 Sec. 34. Minnesota Statutes 2010, section 169.011, subdivision 44, is amended to read:

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

32.28 Sec. 35. Minnesota Statutes 2010, section 169.011, subdivision 45, is amended to read:

32.29 Subd. 45. **Motorized bicycle.** "Motorized bicycle" means a bicycle that is propelled  
32.30 by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic  
32.31 centimeters or less, and a maximum of two brake horsepower, which is capable of a  
32.32 maximum speed of not more than 30 miles per hour on a flat surface with not more than



33.1 one percent grade in any direction when the motor is engaged. "Motorized bicycle"  
33.2 ~~includes~~ does not include an electric-assisted bicycle as defined in subdivision 27.

33.3 Sec. 36. Minnesota Statutes 2010, section 169.06, subdivision 4, is amended to read:

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

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

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

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

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

33.28 (f) An overdimensional load escort driver with a certificate issued under section  
33.29 299D.085, while acting as a flagger escorting a legal overdimensional load, may stop  
33.30 vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person  
33.31 operating a motor vehicle that has been stopped by an escort driver acting as a flagger may  
33.32 proceed only on instruction by the flagger or a police officer.

33.33 (g) A person may stop and hold vehicles in place until it is safe for the vehicles to  
33.34 proceed, if the person: (1) holds a motorcycle road guard certificate issued under section  
33.35 171.60; (2) meets the safety and equipment standards for operating under the certificate;

34.1 (3) is acting as a flagger escorting a motorcycle group ride; (4) has notified each statutory  
34.2 or home rule charter city through which the motorcycle group is proceeding; and (5) has  
34.3 obtained consent from the chief of police, or the chief's designee, of any city of the first  
34.4 class through which the motorcycle group is proceeding. A flagger operating as provided  
34.5 under this paragraph may direct operators of motorcycles within a motorcycle group  
34.6 ride or other vehicle traffic, notwithstanding any contrary indication of a traffic-control  
34.7 device, including stop signs or traffic-control signals. A person operating a vehicle that  
34.8 has been stopped by a flagger under this paragraph may proceed only on instruction by the  
34.9 flagger or a police officer.

34.10 Sec. 37. Minnesota Statutes 2010, section 169.222, subdivision 4, is amended to read:

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

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

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

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

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

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

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

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

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

35.1 (g) A person may operate an electric-assisted bicycle on the shoulder of a roadway,  
35.2 on a bikeway, or on a bicycle trail, if not otherwise prohibited.

35.3 Sec. 38. Minnesota Statutes 2010, section 169.222, subdivision 6, is amended to read:

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

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

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

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

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

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

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

35.31 Sec. 39. Minnesota Statutes 2010, section 169.222, is amended by adding a subdivision  
35.32 to read:

35.33 Subd. 6a. **Operator and passenger equipment.** No person under the age of 18  
35.34 shall operate or ride an electric-assisted bicycle on a street or highway without wearing

36.1 properly fitted and fastened headgear that (1) complies with standards established by  
36.2 the commissioner of public safety under section 169.974, subdivision 4; or (2) meets  
36.3 the standards under Code of Federal Regulations, title 16, part 1203, or successor  
36.4 requirements.

36.5 Sec. 40. Minnesota Statutes 2010, section 169.222, is amended by adding a subdivision  
36.6 to read:

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

36.9 Sec. 41. Minnesota Statutes 2010, section 169.222, subdivision 7, is amended to read:

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

36.14 Sec. 42. Minnesota Statutes 2010, section 169.223, subdivision 1, is amended to read:

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

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

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

36.24 (3) ~~except as provided in clause (5),~~ protective headgear is not required for operators  
36.25 18 years of age or older; and

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

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

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

37.1 Sec. 43. Minnesota Statutes 2010, section 169.223, subdivision 5, is amended to read:

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

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

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

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

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

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

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

37.20 Sec. 44. Minnesota Statutes 2010, section 169.72, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

38.6 Sec. 45. Minnesota Statutes 2010, section 169.801, subdivision 10, is amended to read:

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

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

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

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

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

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

38.20 (c) If a towed implement of husbandry with a gross vehicle weight of more than  
 38.21 6,000 pounds, or more than 3,000 pounds if manufactured after January 1, 2011, is  
 38.22 required under paragraph (b) to have brakes, it must also be equipped with brakes adequate  
 38.23 to stop and hold it if it becomes detached from the towing vehicle.

38.24 Sec. 46. Minnesota Statutes 2010, section 169.86, subdivision 3b, is amended to read:

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

38.27 (1) the minimum number of escort vehicles required to escort the overdimensional  
 38.28 load; and

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

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

39.1 Sec. 47. Minnesota Statutes 2010, section 169.872, subdivision 1a, is amended to read:

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

39.8 Sec. 48. Minnesota Statutes 2010, section 169.98, subdivision 1, is amended to read:

39.9 Subdivision 1. **Colors and markings.** (a) Except as provided in subdivisions 2 and  
39.10 2a, all motor vehicles which are primarily used in the enforcement of highway traffic rules  
39.11 by the State Patrol or for general uniform patrol assignment by any municipal police  
39.12 department or other law enforcement agency, except conservation officers, shall have  
39.13 uniform colors and markings as provided in this subdivision. Motor vehicles of:

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

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

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

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

39.29 Sec. 49. Minnesota Statutes 2010, section 169.98, subdivision 3, is amended to read:

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

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

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

40.7 Sec. 50. Minnesota Statutes 2010, section 171.01, subdivision 41, is amended to read:

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

40.15 Sec. 51. Minnesota Statutes 2010, section 171.02, subdivision 2b, is amended to read:

40.16 Subd. 2b. **Exception for type III vehicle drivers.** (a) Notwithstanding subdivision  
40.17 2, the holder of a class A, B, C, or D driver's license, without a school bus endorsement,  
40.18 may operate a type III vehicle described in section 169.011, subdivision 71, paragraph (h),  
40.19 under the conditions in paragraphs (b) through (o).

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

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

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

40.25 (2) understanding student behavior, including issues relating to students with  
40.26 disabilities;

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

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

40.31 (5) handling emergency situations;

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

40.33 (7) performance of pretrip vehicle inspections;

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

42.11 (l) Students riding the type III vehicle must have training required under section  
42.12 123B.90, subdivision 2.

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

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

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

42.22 (p) Notwithstanding any law to the contrary, if the testing under paragraph (f)  
42.23 follows the testing procedures set forth for transportation workplace drug and alcohol  
42.24 testing programs in Code of Federal Regulations, title 49, part 40, any person who is  
42.25 also required to comply with the alcohol and controlled substances testing requirements  
42.26 of Code of Federal Regulations, title 49, part 219, 382, or 655, is exempt from sections  
42.27 181.950 to 181.957.

42.28 Sec. 52. Minnesota Statutes 2011 Supplement, section 171.075, subdivision 1, is  
42.29 amended to read:

42.30 Subdivision 1. **Anatomical gift account.** An anatomical gift account is established  
42.31 in the special revenue fund. The account consist of funds donated under sections ~~168.12~~  
42.32 168.013, subdivision ~~5~~ 22, and 171.06, subdivision 2, and any other money donated,  
42.33 allotted, transferred, or otherwise provided to the account. Money in the account is  
42.34 annually appropriated to the commissioner for (1) grants under subdivision 2, and (2)  
42.35 administrative expenses in implementing the donation and grant program.

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

43.2 Sec. 53. **[171.60] MOTORCYCLE ROAD GUARD CERTIFICATE.**

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

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

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

43.10 (i) a minimum 18 years of age;

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

43.12 (iii) successful completion of a motorcycle road guard certification course;

43.13 (2) develop and offer, whether by the Minnesota Motorcycle Safety Center or  
43.14 authorized agents, a motorcycle road guard certification course; and

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

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

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

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

43.26 Sec. 54. Minnesota Statutes 2010, section 174.03, subdivision 1b, is amended to read:

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

43.31 ~~(b) Before the initial version of the plan is adopted, the commissioner shall provide a~~  
43.32 ~~copy for review and comment to the chairs and ranking minority members of the senate~~  
43.33 ~~and house of representatives committees with jurisdiction over transportation policy and~~  
43.34 ~~finance. Notwithstanding paragraph (a), the commissioner may adopt the next revision~~

44.1 ~~of the statewide transportation plan, scheduled to be completed in calendar year 2009,~~  
44.2 ~~prior to completion of the initial version of the comprehensive statewide freight and~~  
44.3 ~~passenger rail plan.~~

44.4 (b) The commissioner, in cooperation with the commissioner of employment and  
44.5 economic development, shall conduct a freight rail economic development study. The  
44.6 study must assess the economic impact of freight railroads in the state and identify  
44.7 opportunities to expand business development and enhance economic competitiveness  
44.8 through improved utilization of freight rail options. The commissioner shall incorporate  
44.9 findings from the study as an amendment or update to the comprehensive statewide freight  
44.10 and passenger rail plan.

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

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

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

44.19 Sec. 55. Minnesota Statutes 2010, section 221.091, subdivision 2, is amended to read:

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

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

44.29 Sec. 56. Minnesota Statutes 2011 Supplement, section 299A.705, subdivision 3,  
44.30 is amended to read:

44.31 Subd. 3. **Driver and vehicle services technology account.** (a) The driver and  
44.32 vehicle services technology account is created in the special revenue fund, consisting of  
44.33 the technology surcharge collected as specified in chapters 168, 168A, and 171; the filing

45.1 fee revenue collected under section 168.33, subdivision 7; and any other money otherwise  
45.2 donated, allotted, appropriated, or legislated to this account.

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

45.9 (c) Following completion of the deposit of filing fee revenue into the driver and  
45.10 vehicle services technology account as provided under section 168.33, subdivision 7, the  
45.11 commissioner shall submit a notification to the chairs and ranking minority members  
45.12 of the legislative committees with jurisdiction over transportation policy and finance  
45.13 concerning driver and vehicle services information system implementation, which must  
45.14 include information on (1) total revenue deposited in the driver and vehicle services  
45.15 technology account, with a breakdown by sources of funds; (2) total project costs incurred,  
45.16 with a breakdown by key project components; and (3) an estimate of ongoing system  
45.17 maintenance costs.

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

45.19 Sec. 57. Minnesota Statutes 2010, section 299D.085, subdivision 1, is amended to read:

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

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

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

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

45.30 Sec. 58. Minnesota Statutes 2010, section 299D.085, is amended by adding a  
45.31 subdivision to read:

45.32 Subd. 2a. **Civilian escort driver.** (a) A civilian escort driver who meets those  
45.33 requirements established as of January 1, 2012, to provide overdimensional load escorts

46.1 under Minnesota Statutes and under policies and regulations of the Department of  
 46.2 Public Safety and the Department of Transportation, is exempt from the requirements of  
 46.3 subdivisions 2, 3, and 5.

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

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

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

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

46.10 Sec. 59. Minnesota Statutes 2010, section 299D.09, is amended to read:

46.11 **299D.09 ESCORT SERVICE; APPROPRIATION; RECEIPTS.**

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

46.14 The ~~fees~~ fee charged for services provided by the State Patrol with a vehicle ~~are~~  
 46.15 ~~\$73.60~~ is \$79.28 an hour in fiscal year ~~2008~~ and \$75.76 an hour in fiscal year 2009 2013,  
 46.16 and in fiscal year 2014 and thereafter, the fee may be reviewed and adjusted by the  
 46.17 commissioner of public safety in an amount equal to the costs of providing this service.

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

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

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

46.29 Sec. 60. **[375.771] VETERAN-OWNED SMALL BUSINESS CONTRACTS.**

46.30 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this  
 46.31 section.

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

47.1 (c) "Contract" means an agreement entered into between a business entity and the  
47.2 county for procurement of goods and services including both technical and nontechnical  
47.3 goods and services, printing, and construction.

47.4 (d) "County board" or "board" has the meaning given in section 375.01.

47.5 (e) "County purchasing department" has the meaning given in section 375.72.

47.6 (f) "Director of purchasing" has the meaning given in section 375.74.

47.7 (g) "Subcontractor" means a business entity that enters into a legally binding  
47.8 agreement with another business entity that is a party to a contract as defined in paragraph  
47.9 (c).

47.10 (h) "Veteran" has the meaning given in section 197.447.

47.11 (i) "Veteran-owned small business" means a business designated under section  
47.12 16C.16, subdivision 6a.

47.13 Subd. 2. **Policy; purpose; director.** (a) A county board may establish a program  
47.14 within the county in accordance with this section to provide a bid preference for  
47.15 awarding contracts to designated veteran-owned small businesses for the procurement of  
47.16 technical and nontechnical goods and services including, but not limited to, printing and  
47.17 construction, broadly defined to include all phases of the construction process.

47.18 (b) The purpose of this program is to facilitate the transition of veterans from  
47.19 military to civilian life, and to help compensate veterans for their sacrifices including, but  
47.20 not limited to, their sacrifice of health and time to the community, state, and nation during  
47.21 their military service, as well as to enhance economic development throughout Minnesota.

47.22 (c) The county board may direct the county director of purchasing, or other  
47.23 designated official within the county purchasing department, to administer this program in  
47.24 accordance with county policy established by the board.

47.25 Subd. 3. **Small business set-asides.** (a) The county director of purchasing may  
47.26 award up to a six percent preference in the amount bid for procurement of goods and  
47.27 services including, but not limited to, technical and nontechnical goods and services,  
47.28 printing, and construction to veteran-owned small businesses having their principal place  
47.29 of business in Minnesota.

47.30 (b) The board, as a condition of awarding a construction contract, may set goals that  
47.31 require the prime contractor to subcontract a portion of the contract to veteran-owned  
47.32 small businesses. The board must establish a procedure for granting waivers from the  
47.33 subcontracting requirement when qualified veteran-owned small businesses are not  
47.34 reasonably available. The board may establish financial incentives for prime contractors  
47.35 who exceed the goals for use of veteran-owned small business subcontractors and  
47.36 financial penalties for prime contractors who fail to meet goals under this paragraph. The

48.1 subcontracting requirements of this paragraph do not apply to prime contractors who are  
 48.2 veteran-owned small businesses.

48.3 Subd. 4. **Awards to small businesses.** At least 75 percent of subcontracts awarded  
 48.4 to veteran-owned small businesses must be performed by the business to which the  
 48.5 subcontract is awarded or another veteran-owned small business.

48.6 Subd. 5. **Awards, limitations.** Contracts awarded under this section are subject to  
 48.7 all limitations adopted by the board.

48.8 Subd. 6. **Recourse to other businesses.** If the director is unable to award a contract  
 48.9 under subdivisions 3 and 4, the award may be placed under normal solicitation and award  
 48.10 statutes and rules.

48.11 Subd. 7. **Noncompetitive bids.** The board is encouraged to purchase from  
 48.12 veteran-owned small businesses designated under section 16C.16, subdivision 6a, when  
 48.13 making purchases that are not subject to competitive bidding procedures.

48.14 Subd. 8. **Report to board.** At the request of the county board, the county treasurer  
 48.15 shall report to the board on compliance with this section. The information must be  
 48.16 reported at the time and in the manner requested by the board.

48.17 **EFFECTIVE DATE.** This section is effective July 1, 2012, for contracts awarded  
 48.18 by counties on or after that date.

48.19 Sec. 61. Minnesota Statutes 2010, section 473.388, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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



49.1 ~~(iii) had submitted a letter of intent to apply for assistance under that section by July~~  
 49.2 ~~1, 1984, and submits an application for assistance under this section by July 1, 1988. A~~  
 49.3 ~~statutory or home rule charter city or town has an additional 12-month extension if it~~  
 49.4 ~~notified the former regional transit board before July 1, 1988, that the city or town is in the~~  
 49.5 ~~process of completing a transportation evaluation study that includes an assessment of~~  
 49.6 ~~the local transit needs of the city or town.~~

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

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

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

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

49.13 Sec. 62. Minnesota Statutes 2010, section 473.388, subdivision 4, is amended to read:

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

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

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

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

49.27 (2) the ratio of (i) the transit operating assistance grants received under this  
 49.28 subdivision by the municipality in calendar year 2001 or the tax revenues for transit  
 49.29 services levied by the municipality for taxes payable in 2001, including that portion of the  
 49.30 levy derived from the areawide pool under section 473F.08, subdivision 3, clause (a), plus  
 49.31 the portion of the municipality's aid under section 273.1398, subdivision 2, attributable  
 49.32 to the transit levy; times (2) the ratio of (i) an amount equal to 3.74 percent of the state  
 49.33 revenues generated from the taxes imposed under chapter 297B for the current fiscal  
 49.34 year to (ii) the total transit operating assistance grants received under this subdivision  
 49.35 in calendar year 2001 or the tax revenues for transit services levied by all replacement

50.1 service municipalities under this section for taxes payable in 2001, including that portion  
50.2 of the levy derived from the areawide pool under section 473F.08, subdivision 3, clause  
50.3 (a), plus the portion of homestead and agricultural credit aid under section 273.1398,  
50.4 subdivision 2, attributable to nondebt transit levies; times

50.5 (3) the ratio of (i) the municipality's total taxable market value for taxes payable  
50.6 in 2006 divided by the municipality's total taxable market value for taxes payable in  
50.7 2001, to (ii) the total taxable market value of all property located in replacement service  
50.8 municipalities for taxes payable in 2006 divided by the total taxable market value of all  
50.9 property located in replacement service municipalities for taxes payable in 2001.

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

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

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

50.20 Sec. 63. Minnesota Statutes 2010, section 604A.21, subdivision 5, is amended to read:

50.21 Subd. 5. **Recreational purpose.** "Recreational purpose" includes, but is not  
50.22 limited to, hunting; trapping; fishing; swimming; boating; camping; picnicking; hiking;  
50.23 rock climbing; cave exploring; bicycling; horseback riding; firewood gathering;  
50.24 pleasure driving, including snowmobiling and the operation of any motorized vehicle or  
50.25 conveyance upon a road or upon or across land in any manner, including recreational trail  
50.26 use; nature study; water skiing; winter sports; noncommercial aviation activities; and  
50.27 viewing or enjoying historical, archaeological, scenic, or scientific sites. "Rock climbing"  
50.28 means the climbing of a naturally exposed rock face. "Cave exploring" means the  
50.29 planned exploration of naturally occurring cavities in rock, including passage through any  
50.30 structures placed for the purpose of safe access, access control, or conservation, but does  
50.31 not include the exploration of other man-made cavities such as tunnels, mines, and sewers.

50.32 Sec. 64. Laws 2009, chapter 158, section 10, is amended to read:

50.33 Sec. 10. **EFFECTIVE DATE.**

51.1 Sections 2 and 3 are effective August 1, 2009, and the amendments made in sections  
51.2 2 and 3 to Minnesota Statutes, sections 169.011 and 169.045, expire July 31, ~~2012~~ 2014.

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

51.4 Sec. 65. Laws 2011, First Special Session chapter 3, article 1, section 4, is amended to  
51.5 read:

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

51.7 This appropriation is from the general  
51.8 fund for transit system operations under  
51.9 Minnesota Statutes, sections 473.371 to  
51.10 473.449.

51.11 Of this appropriation, \$140,000 in each  
51.12 fiscal year is for transit service for disabled  
51.13 veterans under Minnesota Statutes, section  
51.14 473.408, subdivision 10.

51.15 The base appropriation is \$64,889,000 for  
51.16 fiscal year 2014 and \$64,970,000 for fiscal  
51.17 year 2015.

51.18 Notwithstanding Minnesota Statutes, section  
51.19 473.388, subdivision 4, in ~~each year of the~~  
51.20 ~~biennium~~ fiscal year 2012, the Metropolitan  
51.21 Council shall provide financial assistance to  
51.22 transit providers under Minnesota Statutes,  
51.23 section 473.388, in an amount that is  
51.24 \$1,650,000 less than the amount of assistance  
51.25 that was provided to transit providers by the  
51.26 Metropolitan Council in fiscal year 2011.

51.27 Funds not transferred as a result of this  
51.28 rider are available for use by the council for  
51.29 metropolitan transit operations.

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

51.31 Sec. 66. **LEGISLATIVE ROUTE NO. 227 REMOVED.**

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

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

52.9 **Sec. 67. LEGISLATIVE ROUTE NO. 258 REMOVED.**

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

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

52.18 **Sec. 68. LEGISLATIVE ROUTE NO. 291 REMOVED.**

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

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

52.27 **Sec. 69. ADDITIONAL DEPUTY REGISTRAR OF MOTOR VEHICLES FOR**  
52.28 **SCOTT COUNTY.**

52.29 Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the  
52.30 commissioner of public safety limiting sites for the Office of Deputy Registrar based  
52.31 on either the distance to an existing deputy registrar office or the annual volume of  
52.32 transactions processed by any deputy registrar, the commissioner of public safety shall  
52.33 appoint a county deputy registrar of motor vehicles for Scott County to operate an

53.1 extension of Scott County's license bureau, with full authority to function as a registration  
53.2 and motor vehicle tax collection bureau, at the new library in the city of Elko New  
53.3 Market. Notwithstanding rules adopted by the commissioner governing business hours,  
53.4 the commissioner shall allow the deputy registrar to establish business hours of operation  
53.5 matching the hours of service at the new library in the city of Elko New Market. All  
53.6 other provisions regarding the appointment and operation of a deputy registrar of motor  
53.7 vehicles under Minnesota Statutes, section 168.33, and Minnesota Rules, chapter 7406,  
53.8 apply to the office.

53.9 Sec. 70. **TRUNK HIGHWAY 47 MAINTENANCE.**

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

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

53.18 Sec. 71. **LEGISLATIVE REPORTS ON CONTRACTING.**

53.19 **Subdivision 1. Submission of reports.** The commissioner shall report on experience  
53.20 with and evaluation of the construction manager/general contractor method of contracting  
53.21 authorized in Minnesota Statutes, sections 161.3207 to 161.3209. The reports must be  
53.22 submitted to the chairs and ranking minority members of the legislative committees with  
53.23 jurisdiction over transportation policy or transportation finance and in compliance with  
53.24 Minnesota Statutes, sections 3.195 and 3.197. An interim report must be submitted  
53.25 no later than 12 months following the commissioner's acceptance of five construction  
53.26 manager/general contractor contracts. A final report must be submitted no later than 12  
53.27 months following the commissioner's acceptance of ten construction manager/general  
53.28 contractor contracts.

53.29 **Subd. 2. Content of reports.** The reports must include: (1) a description of  
53.30 circumstances of any projects as to which construction manager/general contractor  
53.31 requests for qualifications or requests for proposals were solicited, followed by a  
53.32 cancellation of the solicitation; (2) a description of projects as to which construction  
53.33 manager/general contractor method was utilized; (3) a comparison of project cost  
53.34 estimates with final project costs, if available; and (4) evaluation of the construction

54.1 manager/general contractor method of procurement with respect to implications for  
 54.2 project cost, use of innovative techniques, completion time, and obtaining maximum  
 54.3 value. The final report must also include recommendations as to continued use of the  
 54.4 program and desired modifications to the program, and recommended legislation to  
 54.5 continue, discontinue, or modify the program.

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

54.8 Sec. 72. **REVISOR'S INSTRUCTION.**

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

54.12	<u>Column A</u>	<u>Column B</u>
54.13	<u>169.011, subd. 83</u>	<u>168B.011, subd. 12a</u>
54.14	<u>169.041</u>	<u>168B.035</u>
54.15	<u>169.64, subd. 5</u>	<u>168B.16</u>
54.16	<u>169.86, subd. 8</u>	<u>168B.15</u>
54.17	<u>465.75</u>	<u>168B.14</u>
54.18	<u>514.18, subd. 1a</u>	<u>168B.045</u>

54.19 Sec. 73. **RULES REPEALER.**

54.20 Minnesota Rules, parts 8810.9000; 8810.9100; 8810.9200; 8810.9300; 8810.9400;  
 54.21 8810.9500; 8810.9600; and 8810.9700, are repealed.

54.22 Sec. 74. **EFFECTIVE DATE.**

54.23 Sections 36 and 53, subdivisions 1 to 4, are effective one year after publication in the  
 54.24 State Register of rules adopted under section 53, subdivision 5. Section 53, subdivision 5,  
 54.25 is effective the day following final enactment.

54.26 Sec. 75. **EFFECTIVE DATE.**

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

### **8810.9000 DEFINITIONS.**

Subpart 1. **AASHTO manual.** The "AASHTO manual" referred to in these rules is the Manual for Maintenance Inspection of Bridges, published by the American Association of State Highway and Transportation Officials, 341 National Press Building, Washington, D.C. 20004.

Subp. 2. **Bridge.** "Bridge" is defined as a structure including supports erected over a depression or an obstruction such as water, highway, or railway, having a track or passageway for carrying traffic or other moving loads, and having an opening measured horizontally along the center of the roadway of ten feet or more between undercopings of abutments, between spring line of arches, or between extreme ends of openings for multiple boxes. Bridge also includes multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening. Illustrations of measurements are shown in part 8810.8000, subpart 2, figures 1 to 4. This definition of a bridge includes, for application of parts 8810.9000 to 8810.9700, only those railroad bridges over or under a public highway or street.

Subp. 3. **Bridge inspector's training manual.** The Bridge Inspector's Training Manual referred to in parts 8810.9000 to 8810.9700 is the training manual published by the Federal Highway Administration. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Subp. 4. **Inspection.** The term "inspection" means examining a structure, evaluating the physical condition observed, and reporting the observations and evaluations on the bridge inspection report form as adopted by the commissioner.

Subp. 5. **Inventory.** The term "inventory" as used herein shall mean the gathering and reporting of all information as provided for on the structure inventory sheet as adopted by the commissioner.

Subp. 6. **Posting.** The term "posting" shall mean the placement of regulatory signs at a bridge indicating the safe load carrying capacity of the bridge.

Subp. 7. **Rating.** The term "rating" shall mean determining the safe live load carrying capacity of a bridge. The rating for a bridge shall be determined in accordance with procedures specified in the AASHTO Manual for Maintenance Inspection of Bridges except that Minnesota legal vehicles shall be used rather than AASHTO typical vehicles for highway bridges.

### **8810.9100 PURPOSE AND SCOPE.**

Subpart 1. **Purpose.** The purpose of parts 8810.9000 to 8810.9700 is to carry out the mandate of the legislature and to implement that mandate as set forth in Minnesota Statutes, chapter 165, with reference to the inspection and inventory of bridges in the state of Minnesota.

Subp. 2. **Scope.** The scope of parts 8810.9000 to 8810.9700 is confined to and consistent with Minnesota Statutes, section 165.03.

### **8810.9200 APPLICATION OF INSPECTION AND INVENTORY STANDARDS.**

These bridge inspection and inventory standards apply to bridges that:

- A. lie within or cross the borders of the state of Minnesota and are located wholly or partially within or over the right-of-way of a state trunk highway;
- B. are located wholly or partially within or over the right-of-way of a county or town road;
- C. are located wholly or partially within or over the right-of-way of a street located within or along municipal limits;
- D. are toll bridges used by the general public; or
- E. are located on state, county, or home rule charter or statutory city lands and exist for the use of the general public.

Railroad bridges are excluded from parts 8810.9000 to 8810.9700 except for railroad bridges over or under a public highway or street.

Bridges on recreation trails used only by pedestrians, bicycles, and recreational vehicles are excluded from parts 8810.9000 to 8810.9700, except for those bridges over or under a public highway or street.

### **8810.9300 RESPONSIBILITY AND QUALIFICATIONS.**

Subpart 1. **Areas of responsibility.** The following officials have the responsibility for inspection and inventory of bridges:

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A. the commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway and for toll bridges used by the general public;

B. the county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or township road, or any street within a municipality which does not have a city engineer regularly employed; and

C. the city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits.

Subp. 2. **Qualifications.** The individual in charge of the bridge inspection and inventory for each organizational unit described in subpart 1 must be registered in Minnesota as a professional engineer.

The individual in charge of the inspection team must have one of the following qualifications: be registered in Minnesota as a professional engineer; have a minimum of five years experience in bridge inspection assignments in a responsible capacity and have completed a comprehensive training course based on the Bridge Inspector's Training Manual developed by a joint federal-state task force; have current certification as a Level III or IV Bridge Safety Inspector under the National Society of Professional Engineer's program for National Certification in Engineering Technologies; or, be certified by the commissioner of transportation as a Bridge Safety Inspector.

#### **8810.9400 FREQUENCY OF INSPECTIONS AND INVENTORY.**

Subpart 1. **Inspection.** Each bridge must be inspected annually, unless a longer interval not to exceed two years is authorized by the commissioner. The commissioner's authorization shall be based upon factors including, but not limited to, the age and condition of the bridge, the rate of deterioration of the bridge, the type of structure, the susceptibility of the bridge to failure, and the characteristics of traffic on the bridge. Interim inspections at intervals of less than one year may be necessary on bridges that are posted, bridges subjected to extreme scour conditions, bridges subject to significant substructure movement or settlement, and for other reasons as specified or inferred in the AASHTO manual.

The thoroughness of each inspection depends on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The evaluation of these factors is the responsibility of the engineer assigned the responsibility for inspection as defined in part 8810.9300, subpart 1.

Subp. 2. **Inventory.** An inventory shall be prepared for each bridge and shall be updated annually.

#### **8810.9500 INSPECTION REPORT AND RATINGS.**

Subpart 1. **Inspection.** The items to be inspected and reported on the bridge inspection report form must include but not be limited to those items specified in the AASHTO manual. The Bridge Inspector's Training Manual must be used as a guide to additional items to be inspected for special cases.

Subp. 2. **Ratings.** Each structure required to be inspected under parts 8810.9000 to 8810.9700 must be rated to determine its safe load carrying capacity and the rating must be reported on a structure inventory sheet form provided by the commissioner of transportation. A structure must be rerated when it is determined that a significant change has occurred in the condition of the structure. Ratings must be reviewed and the structure rerated if necessary when the allowable legal load using the structure is increased. Changes in the rating of a bridge must be indicated on the structure inventory sheet form.

#### **8810.9600 POSTING LESSER LOADS.**

Where it is determined that the maximum legal load under state law exceeds the load permitted on the structure under the operating rating stress level assigned, the bridge must be posted. Posting signs as adopted by the commissioner shall be used for the posting.

#### **8810.9700 UPDATING REPORTS.**

Each highway authority responsible for inspection and inventory of bridges shall submit an updated copy of the structure inventory sheet form or submit an electronic update for each bridge under its jurisdiction to the commissioner by February 15, annually.