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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 348

02/04/2013 Authored by Clark, Sundin, Laine, Fischer, Mariani and others
The bill was read for the first time and referred to the Committee on Transportation Policy

A bill for an act

relating to transportation; modifying application procedures and requirements for driver's license; amending Minnesota Statutes 2012, section 171.06, subdivision 3; repealing Minnesota Rules, part 7410.0410.

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

Section 1. Minnesota Statutes 2012, section 171.06, subdivision 3, is amended to read:

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

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

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

(3) state:

(i) the applicant's Social Security number; or

(ii) if the applicant does not have a Social Security number and is applying for a Minnesota identification card, instruction permit, or class D provisional or driver's license, that the applicant certifies that the applicant does not have a Social Security number;

(4) in the case of an application for an enhanced driver's license or enhanced identification card, present:

(i) proof satisfactory to the commissioner of the applicant's full legal name, United States citizenship, identity, date of birth, Social Security number, and residence address; and

(ii) a photographic identity document;

(5) contain a space where the applicant may indicate a desire to make an anatomical gift according to paragraph (b);

(6) contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7; ~~and~~

(7) contain a space where the applicant may request a veteran designation on the license under section 171.07, subdivision 15, and the driving record under section 171.12, subdivision 5a~~.~~; and

(8) contain a space where the applicant must attest to a residence address in Minnesota.

(b) If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application must contain statements sufficient to comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift Act, chapter 525A, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application must be accompanied by information describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

(1) a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, and the importance of informing family members of the donation decision; and

(2) a telephone number in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts.

(c) The application must be accompanied also by information containing relevant facts relating to:

(1) the effect of alcohol on driving ability;

(2) the effect of mixing alcohol with drugs;

(3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and

(4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

(d) A government identification card is:

(1) an acceptable form of proof of identity in application for a Minnesota identification card, instruction permit, or driver's license; and

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

(e) For purposes of this section, "government identification card" means an official form of governmental identification issued by a country other than the United States, that contains:

(1) the full name and date of birth of the cardholder;

(2) a photograph identifying the cardholder;

(3) a unique identification number; and

(4) security features that make the card as impervious to alteration as is reasonably practicable in its design and quality of material and technology, using materials that are not readily available to the general public.

EFFECTIVE DATE. This section is effective January 1, 2014.

Sec. 2. **REPEALER.**

Minnesota Rules, part 7410.0410, is repealed.

EFFECTIVE DATE. This section is effective January 1, 2014.

7410.0410 PROOF OF RESIDENCY.

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

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

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

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

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

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

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

Subp. 4a. **Proof of residency for enhanced driver's license or enhanced identification card.** An applicant for an enhanced driver's license or enhanced identification card must provide the commissioner with proof satisfactory of residency in the state by providing two of the different forms of documentation listed in items A to T that lists the applicant's name and address.

A. United States home utility services bill that is issued no more than 90 days before the EDL or EID application. The commissioner shall not accept a United States home utility bill if two unrelated people are listed on the bill.

B. United States home utility services hook-up work order that is issued no more than 90 days before the EDL or EID application. The commissioner shall not accept a United States home utility services hook-up work order if two unrelated people are listed on the work order.

C. United States financial information that is issued no more than 90 days before the EDL or EID application, with account numbers redacted, including:

(1) bank account statement;

(2) canceled check; or

(3) credit card statement.

D. United States high school identification card with a certified transcript from the same school if issued no more than 180 days before EDL or EID application.

E. United States college or university identification card with a certified transcript from the same college or university if issued no more than 180 days before EDL or EID application.

F. United States employment pay stub that is issued no more than 90 days before EDL or EID application and lists the employer's name, address, and telephone number.

G. Minnesota unemployment insurance benefit statement issued no more than 90 days before EDL or EID application.

H. Assisted living or nursing home statement that is issued no more than 90 days before EDL or EID application.

I. Life, health, automobile, homeowner's, or renter's insurance policy that is issued no more than 90 days before EDL or EID application. The commissioner shall not accept a proof of insurance card.

J. Federal or state income tax return or statement for the most recent tax filing year.

K. Minnesota property tax statement for the current year that reflects the applicant's principal residential address both on the mailing portion and portion stating what property is being taxed.

L. Minnesota vehicle certificate of title if issued no more than 12 months before EDL or EID application.

M. A filed property deed or title for current residence if issued no more than 12 months before EDL or EID application.

N. Supplemental Security Income award statement that is issued no more than 12 months before EDL or EID application.

O. Mortgage documents for the applicant's principal residence.

P. Residential lease agreement for the applicant's principal residence that is issued no more than 12 months before EDL or EID application.

Q. Valid Minnesota driver's license, valid Minnesota identification card, or valid permit.

R. Minnesota professional license that is not expired.

S. Selective service card that is not expired.

T. Military orders that are still in effect at the time of application.

Subp. 4b. **Verification of EDL or EID residency documents.** The commissioner shall verify the address information provided by an applicant for an enhanced driver's license or enhanced identification card with the United States Postal Service.

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

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

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

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

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

Subp. 8. **Status check date.** A status check date that coincides with the federal lawful admission period indicated on the federal primary document presented or on the additional documentation that indicates the duration of the applicant's lawful short-term admission status shall be indicated on the driver's license, permit, or identification card issued.

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

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

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

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

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

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

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

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

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

A. The notice shall contain:

(1) the person's full name;

(2) the person's date of birth;

(3) the person's unique state document number;

(4) the person's current address from the department record; and

(5) the date the notice is mailed or directly issued.

B. The notice shall indicate that:

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

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

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

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

A. The notice shall contain:

(1) the person's full name;

(2) the person's date of birth;

(3) the person's unique state document number;

(4) the person's current address from the department record; and

(5) the date the order is mailed.

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

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

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

Subp. 14. **Fees.**

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

B. If the status check date on the driver's license, permit, or identification card has expired and the applicant presents federal documentation indicating an extended lawful admission

period or application for an extension or change, the applicant must pay the fee for a duplicate card as specified in Minnesota Statutes, section 171.06.

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

Subp. 15. **Variance.** The requirements of this part are subject to variance under part 7410.0600.