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State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **4539**

04/14/2020 Authored by Hornstein and Youakim

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

1.1 A bill for an act

1.2 relating to transportation finance; providing additional funding for certain

1.3 transportation and public safety activities; modifying various provisions governing

1.4 transportation policy and finance; establishing penalties; requiring a report;

1.5 appropriating money; amending Minnesota Statutes 2018, sections 161.23,

1.6 subdivisions 2, 2a; 161.44, subdivisions 6a, 6b; 168.012, subdivision 1c; 168.27,

1.7 subdivision 16; 169.09, subdivisions 5, 13; 216D.01, subdivision 5; 216D.03, by

1.8 adding a subdivision; 216D.06, subdivision 1; 219.015, subdivisions 1, 2; 219.1651;

1.9 221.0314, subdivision 3a; 299D.03, subdivision 5; 299F.60, subdivision 1; 299J.16,

1.10 subdivision 1; 360.013, by adding subdivisions; 360.018, by adding a subdivision;

1.11 360.55, by adding a subdivision; 360.59, subdivision 10; 360.62; Minnesota Statutes

1.12 2019 Supplement, sections 169.86, subdivision 5; 360.024, subdivision 1; Laws

1.13 2010, chapter 351, section 69; proposing coding for new law in Minnesota Statutes,

1.14 chapters 169; 216F; 360; 473; repealing Minnesota Statutes 2018, section 169.09,

1.15 subdivision 7.

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

1.17 ARTICLE 1

1.18 TRANSPORTATION AND PUBLIC SAFETY APPROPRIATIONS

1.19 Section 1. APPROPRIATIONS.

1.20 The sums shown in the column under "Appropriations" are added to the appropriations

1.21 in Laws 2019, First Special Session chapter 3, article 1, to the agencies and for the purposes

1.22 specified in this article. The appropriations are from the general fund, or another named

1.23 fund, and are available for the fiscal years indicated for each purpose. The figures "2020"

1.24 and "2021" used in this article mean that the addition to the appropriation listed under them

1.25 is available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively.

1.26	<u>APPROPRIATIONS</u>	
1.27	<u>Available for the Year</u>	
1.28	<u>Ending June 30</u>	
1.29	<u>2020</u>	<u>2021</u>

2.1 Sec. 2. **METROPOLITAN COUNCIL**

2.2	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>3,703,000</u>
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2.3 The appropriations in this section are to the
 2.4 Metropolitan Council. The amounts that may
 2.5 be spent for each purpose are specified in the
 2.6 following subdivisions.

2.7	<u>Subd. 2. Transit System Operations</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>3,703,000</u>
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2.8 This appropriation is to the Metropolitan
 2.9 Council for additional safety and fare
 2.10 compliance measures by Metro Transit on
 2.11 arterial bus rapid transitways and other bus
 2.12 rapid transitways, light rail, and North Star
 2.13 lines, including transit service monitors,
 2.14 additional peace officers, and enhanced
 2.15 monitoring of light rail video. The base for
 2.16 this appropriation is \$4,897,000 in fiscal year
 2.17 2022 and \$6,978,000 in fiscal year 2023 for
 2.18 safety and fare compliance measures by Metro
 2.19 Transit.

2.20 Sec. 3. **DEPARTMENT OF PUBLIC SAFETY**

2.21	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>3,900,000</u>	<u>\$</u>	<u>7,594,000</u>
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2.22 The appropriations in this section are to the
 2.23 commissioner of public safety. The amounts
 2.24 that may be spent for each purpose are
 2.25 specified in the following subdivisions.

2.26	<u>Subd. 2. State Patrol</u>	<u>\$</u>	<u>1,500,000</u>	<u>\$</u>	<u>7,594,000</u>
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2.27 (a) Patrolling Highways

2.28	<u>\$1,500,000 in fiscal year 2020 and \$5,668,000</u>	<u>\$</u>	<u>1,500,000</u>	<u>\$</u>	<u>5,668,000</u>
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2.29 in fiscal year 2021 and each year thereafter
 2.30 are appropriated from the trunk highway fund
 2.31 for staff and operating costs.

2.32	<u>(b) Commercial Vehicle Enforcement</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>648,000</u>
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3.1 \$648,000 in fiscal year 2021 and each year
 3.2 thereafter is appropriated from the trunk
 3.3 highway fund for staff and operating costs.

3.4 (c) Capitol Security \$ -0- \$ 1,278,000

3.5 \$1,278,000 in fiscal year 2021 and each year
 3.6 thereafter is appropriated from the general
 3.7 fund for staff and operating costs.

3.8 Subd. 3. Driver and Vehicle Services \$ 2,400,000 \$ -0-

3.9 \$2,400,000 in fiscal year 2020 is appropriated
 3.10 from the general fund for temporary staff and
 3.11 operating costs related to REAL ID
 3.12 implementation. This appropriation is onetime
 3.13 and is available until January 31, 2021.

3.14 ARTICLE 2

3.15 TRANSPORTATION POLICY AND FINANCE

3.16 Section 1. Minnesota Statutes 2018, section 161.23, subdivision 2, is amended to read:

3.17 Subd. 2. **Conveyance of excess.** On acquiring real estate in excess of what is needed
 3.18 for trunk highway purposes as authorized in subdivision 1, the commissioner of transportation
 3.19 shall, within one year after the completion of the construction, reconstruction, or improvement
 3.20 of the highway for which a portion of the real estate was needed and required, convey and
 3.21 quitclaim the excess real estate. The lands may be sold and conveyed to the owner of the
 3.22 land abutting upon the lands in the same manner and under the same terms provided under
 3.23 section 161.44, subdivision 2, or to the highest responsible bidder, after receipt of sealed
 3.24 bids following mailed notice to adjacent landowners and published notice of the sale for
 3.25 three successive weeks in a newspaper or trade journal of general circulation in the territory
 3.26 from which bids are likely to be received. All bids may be rejected and new bids received
 3.27 upon like advertisement. If the lands remain unsold after being offered for sale, the
 3.28 commissioner may offer the remaining lands to any person who agrees to pay the minimum
 3.29 bid established for the public sale. The sale must continue until all eligible lands have been
 3.30 sold or the commissioner withdraws the remaining lands from the sale. The lands to be sold
 3.31 must be listed on the department's unsold property inventory list. The deed may contain
 3.32 restrictive clauses limiting the use of such real estate in the interests of safety and convenient
 3.33 public travel when the commissioner finds that the restrictions are reasonably necessary.

4.1 Sec. 2. Minnesota Statutes 2018, section 161.23, subdivision 2a, is amended to read:

4.2 Subd. 2a. **Services of licensed real estate broker.** If the lands remain unsold after being
4.3 offered for sale to the highest bidder, the commissioner may retain the services of a licensed
4.4 real estate broker to find a buyer. The sale price may be negotiated by the broker, but must
4.5 not be less than ~~90~~ 80 percent of the appraised market value as determined by the
4.6 commissioner. The broker's fee must be established by prior agreement between the
4.7 commissioner and the broker, and must not exceed ten percent of the sale price for sales of
4.8 \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.

4.9 Sec. 3. Minnesota Statutes 2018, section 161.44, subdivision 6a, is amended to read:

4.10 Subd. 6a. **Services of licensed real estate broker.** If the lands are withdrawn from sale
4.11 under subdivision 6b, the commissioner may retain the services of a licensed real estate
4.12 broker to find a buyer. The sale price may be negotiated by the broker, but must not be less
4.13 than ~~90~~ 80 percent of the appraised market value as determined by the commissioner. The
4.14 broker's fee must be established by prior agreement between the commissioner and the
4.15 broker, and must not exceed ten percent of the sale price for sales of \$10,000 or more. The
4.16 broker's fee must be paid to the broker from the proceeds of the sale.

4.17 Sec. 4. Minnesota Statutes 2018, section 161.44, subdivision 6b, is amended to read:

4.18 Subd. 6b. **Unsold lands.** If lands remain unsold after being offered for sale to the highest
4.19 bidder, the commissioner may offer the remaining lands to any person who agrees to pay
4.20 at least 80 percent of the minimum bid established for the public sale. Any offers less than
4.21 100 percent of the minimum bid must be approved by the commissioner prior to a sale. The
4.22 sale must continue until all eligible lands have been sold or the commissioner withdraws
4.23 the remaining lands from sale. The lands to be sold must be listed on the department's Unsold
4.24 Property Inventory list.

4.25 Sec. 5. Minnesota Statutes 2018, section 168.012, subdivision 1c, is amended to read:

4.26 Subd. 1c. **Payment of administrative, plate, and filing fee.** The annual administrative
4.27 fee for a tax-exempt vehicle under this section is \$5. The license plate fee for a tax-exempt
4.28 vehicle, except a trailer, is \$10 for two plates per vehicle, payable only on the first tax-exempt
4.29 registration of the vehicle. The registration period for a tax-exempt vehicle is biennial. The
4.30 administrative fee is due on March 1 biennially and payable the preceding January 1, with
4.31 validating stickers issued at time of payment. Replacement plates are subject to the fees in
4.32 section 168.12.

EFFECTIVE DATE. This section is effective upon rollout of the new vehicle title and registration system or January 1, 2021, whichever is earlier. The commissioner of public safety must notify the revisor of statutes of the effective date.

Sec. 6. Minnesota Statutes 2018, section 168.27, subdivision 16, is amended to read:

Subd. 16. **Dealer plates: distinguishing number, fee, tax, use.** (a) The registrar shall issue to every motor vehicle dealer, upon a request from the motor vehicle dealer licensed as provided in subdivision 2 or 3, one or more plates displaying a general distinguishing number. This subdivision does not apply to a scrap metal processor, a used vehicle parts dealer, or a vehicle salvage pool. The fee for each of the first four plates is \$75 per registration year, of which \$60 must be paid to the registrar and the remaining \$15 is payable as sales tax on motor vehicles under section 297B.035. For each additional plate, the dealer shall pay the registrar a fee of \$25 and a sales tax on motor vehicles of \$15 per registration year. The registrar shall deposit the tax in the state treasury to be credited as provided in section 297B.09. Replacement plates are subject to the fees in section 168.12. Motor vehicles, new or used, owned by the motor vehicle dealership and bearing the number plate, except vehicles leased to the user who is not an employee of the dealer during the term of the lease, held for hire, or customarily used by the dealer as a tow truck, service truck, or parts vehicle, may be driven upon the streets and highways of this state:

(1) by the motor vehicle dealer or dealer's spouse, or any full-time employee of the motor vehicle dealer for either private or business purposes;

(2) by a part-time employee when the use is directly related to a particular business transaction of the dealer;

(3) for demonstration purposes by any prospective buyer for a period of 48 hours or in the case of a truck, truck-tractor, or semitrailer, for a period of seven days; or

(4) in a promotional event that lasts no longer than four days in which at least three motor vehicles are involved.

(b) A new or used motor vehicle sold by the motor vehicle dealer and bearing the motor vehicle dealer's number plate may be driven upon the public streets and highways for a period of 72 hours by the buyer for either of the following purposes: (1) removing the vehicle from this state for registration in another state, or (2) permitting the buyer to use the motor vehicle before the buyer receives number plates pursuant to registration. Use of a motor vehicle by the buyer under clause (2) before the buyer receives number plates pursuant to

6.1 registration constitutes a use of the public streets or highways for the purpose of the time
6.2 requirements for registration of motor vehicles.

6.3 **EFFECTIVE DATE.** This section is effective upon rollout of the new vehicle title and
6.4 registration system or January 1, 2021, whichever is earlier. The commissioner of public
6.5 safety must notify the revisor of statutes of the effective date.

6.6 Sec. 7. Minnesota Statutes 2018, section 169.09, subdivision 5, is amended to read:

6.7 Subd. 5. **Notify owner of damaged property.** If the driver of any vehicle involved in
6.8 a collision knows or has reason to know the collision resulted only in damage to fixtures
6.9 legally upon or adjacent to a highway, the driver shall take reasonable steps to locate and
6.10 notify the owner or person in charge of the property of that fact, of the driver's name and
6.11 address, and of the registration plate number of the vehicle being driven and shall, upon
6.12 request and if available, exhibit the driver's license, and make an accident report in every
6.13 case. ~~The report must be made in the same manner as a report made pursuant to subdivision~~
6.14 ~~7.~~

6.15 Sec. 8. Minnesota Statutes 2018, section 169.09, subdivision 13, is amended to read:

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

6.20 (1) upon written request, the commissioner of public safety or any law enforcement
6.21 agency shall disclose the report required under subdivision 8 to:

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

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

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

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

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

7.1 ~~(3)~~ (2) the commissioner of public safety may verify with insurance companies vehicle
7.2 insurance information to enforce sections 65B.48, 169.792, 169.793, 169.796, and 169.797;

7.3 ~~(4)~~ (3) the commissioner of public safety shall provide the commissioner of transportation
7.4 the information obtained for each traffic accident involving a commercial motor vehicle,
7.5 for purposes of administering commercial vehicle safety regulations;

7.6 ~~(5)~~ (4) upon specific request, the commissioner of public safety shall provide the
7.7 commissioner of transportation the information obtained regarding each traffic accident
7.8 involving damage to identified state-owned infrastructure, for purposes of debt collection
7.9 under section 161.20, subdivision 4; and

7.10 ~~(6)~~ (5) the commissioner of public safety may give to the United States Department of
7.11 Transportation commercial vehicle accident information in connection with federal grant
7.12 programs relating to safety.

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

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

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

7.29 (e) The commissioner of public safety shall charge authorized persons as described in
7.30 paragraph (a) a \$5 fee for a copy of an accident report. Ninety percent of the \$5 fee collected
7.31 under this paragraph must be deposited in the special revenue fund and credited to the driver
7.32 services operating account established in section 299A.705 and ten percent must be deposited
7.33 in the general fund. The commissioner may also furnish an electronic copy of the database
7.34 of accident records, which must not contain personal or private data on an individual, to

private agencies as provided in paragraph (g), for not less than the cost of preparing the copies on a bulk basis as provided in section 13.03, subdivision 3.

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

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

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

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

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

Sec. 9. Minnesota Statutes 2019 Supplement, section 169.86, subdivision 5, is amended to read:

Subd. 5. **Fees; proceeds deposited; appropriation.** The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. The fee for an annual permit that expires by law on the date of the vehicle registration expiration must be based on the proportion of the year that remains until the expiration date. Unless otherwise specified, all fees for permits issued by the commissioner of transportation must be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees are:

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

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

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

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

9.8 (2) motor vehicles that travel on interstate highways and carry loads authorized under
9.9 subdivision 1a;

9.10 ~~(3) motor vehicles operating with gross weights authorized under section 169.826,~~
9.11 ~~subdivision 1a;~~

9.12 ~~(4)~~ (3) special pulpwood vehicles described in section 169.863;

9.13 ~~(5)~~ (4) motor vehicles bearing snowplow blades not exceeding ten feet in width;

9.14 ~~(6)~~ (5) noncommercial transportation of a boat by the owner or user of the boat; and

9.15 ~~(7)~~ (6) motor vehicles carrying bales of agricultural products authorized under section
9.16 169.862.

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

9.19 (1) mobile cranes;

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

9.21 (3) manufactured homes and manufactured storage buildings;

9.22 (4) implements of husbandry;

9.23 (5) double-deck buses;

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

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

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

Overweight Axle Group Cost Factors				
Weight (pounds)		Cost Per Mile For Each Group Of:		
exceeding weight limitations on axles	Two consecutive axles spaced within 8 feet or less	Three consecutive axles spaced within 9 feet or less	Four consecutive axles spaced within 14 feet or less	
0-2,000	.12	.05	.04	
2,001-4,000	.14	.06	.05	
4,001-6,000	.18	.07	.06	
6,001-8,000	.21	.09	.07	
8,001-10,000	.26	.10	.08	
10,001-12,000	.30	.12	.09	
12,001-14,000	Not permitted	.14	.11	
14,001-16,000	Not permitted	.17	.12	
16,001-18,000	Not permitted	.19	.15	
18,001-20,000	Not permitted	Not permitted	.16	
20,001-22,000	Not permitted	Not permitted	.20	

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

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

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, mobile cranes; construction equipment, machinery, and supplies;

11.1 implements of husbandry; and commercial boat hauling. The fees for the permit are as
 11.2 follows:

11.3	Gross Weight (pounds) of Vehicle	Annual Permit Fee
11.4	90,000 or less	\$200
11.5	90,001 - 100,000	\$300
11.6	100,001 - 110,000	\$400
11.7	110,001 - 120,000	\$500
11.8	120,001 - 130,000	\$600
11.9	130,001 - 140,000	\$700
11.10	140,001 - 145,000	\$800
11.11	145,001 - 155,000	\$900

11.12 If the gross weight of the vehicle is more than 155,000 pounds the permit fee is determined
 11.13 under paragraph (e).

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

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

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

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

11.26 (2) all remaining money in each fiscal year must be deposited in the bridge inspection
 11.27 and signing account as provided under subdivision 5b.

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

11.30 Sec. 10. **[169.882] DEPOSIT OF CERTAIN REVENUES; SECURITY FOR LOAN.**

11.31 **Subdivision 1. Security for federal loan agreement.** A loan entered into by the
 11.32 **commissioners of transportation and management and budget pursuant to Laws 2010, chapter**
 11.33 **351, section 69, and any interest thereon shall be payable solely from and secured by the**

12.1 revenues appropriated and transferred to the loan fund established for this purpose in
12.2 subdivision 4 and investment income thereon and any reserve established for the loan. The
12.3 loan is not public debt, and the full faith, credit, and taxing powers of the state are not
12.4 pledged for its payment. The loan and the interest thereon shall not be paid, directly or
12.5 indirectly, in whole or in part, from a tax of statewide application on any class of property,
12.6 income, transaction, or privilege.

12.7 Subd. 2. **Special revenue account established; nondedicated permit fees defined.** (a)
12.8 Notwithstanding section 169.86, subdivision 5, there is established in the state treasury a
12.9 separate and special revenue account for deposit of the nondedicated transportation permit
12.10 fees.

12.11 (b) "Nondedicated transportation permit fees" means fees collected from the permits
12.12 issued by the commissioner of transportation under section 169.86, subdivision 5, but does
12.13 not include the fee described in section 169.86, subdivision 5, paragraph (i).

12.14 Subd. 3. **Fees credited to special revenue account.** (a) During any period in which a
12.15 loan is entered into and remains outstanding under subdivision 1 and Laws 2010, chapter
12.16 351, section 69, all nondedicated transportation permit fees must be credited to the special
12.17 revenue account established in subdivision 2.

12.18 (b) Money credited to the special revenue account must be transferred to the loan fund
12.19 established in subdivision 4, at the times and in the amounts determined by the commissioners
12.20 of transportation and management and budget to be necessary to provide for the payment
12.21 and security of a loan entered into pursuant to Laws 2010, chapter 351, section 69, costs of
12.22 issuance, any reserve, refinancing costs, and necessary administrative expenses associated
12.23 with the loan.

12.24 (c) Any money in the special revenue account not required to be transferred to the loan
12.25 fund must be annually transferred to the trunk highway fund. If a loan is not entered into
12.26 and outstanding under subdivision 1, all nondedicated transportation permit fees must be
12.27 credited to the trunk highway fund.

12.28 Subd. 4. **Loan fund established.** There is established in the state treasury a separate
12.29 and special loan fund. Money transferred or appropriated to the fund and investment income
12.30 thereon on hand or required to be transferred to the fund shall be used and is irrevocably
12.31 appropriated for the payment of the principal and interest on a loan authorized under
12.32 subdivision 1 and Laws 2010, chapter 351, section 69, when due, costs of issuance, any
12.33 reserve, refinancing costs, and necessary administrative expenses associated with the loan.

13.1 Subd. 5. **Covenants and agreements.** (a) The commissioners of transportation and
13.2 management and budget may, for and on behalf of the state, enter into such covenants and
13.3 agreements not inconsistent with this section as may be necessary or desirable to facilitate
13.4 the execution and delivery of a loan agreement authorized under subdivision 1 and Laws
13.5 2010, chapter 351, section 69, on terms favorable to the state, including but not limited to
13.6 covenants and agreements relating to the payment of and security for the loan agreement
13.7 and disclosure of information required by the federal government and federal and state
13.8 securities laws.

13.9 (b) Such covenants and agreements of the commissioners of transportation and
13.10 management and budget constitute an enforceable contract of the state, and the state shall
13.11 pledge and agree with the holders of any loan agreement that the state will not limit or alter
13.12 the rights vested in the commissioners of transportation and management and budget to
13.13 fulfill the terms of any such covenants or agreements made with the holders of the loan
13.14 agreement or in any way impair the rights and remedies of the holders until the loan
13.15 agreement, together with the interest thereon, with interest on any unpaid installments of
13.16 interest, and all costs and expenses in connection with any action or proceeding by or on
13.17 behalf of such holders, are fully met and discharged.

13.18 (c) The commissioners of transportation and management and budget are authorized to
13.19 include this pledge and agreement of the state in any covenant or agreement with the holders
13.20 of such loan agreement.

13.21 (d) Such covenants may also include covenants to seek increased nondedicated
13.22 transportation permit fees so long as any loan agreement issued pursuant to this section is
13.23 outstanding.

13.24 (e) Sections 16A.672 and 16A.675 apply to any bonds or certificates of indebtedness
13.25 issued to carry out the provisions of this section.

13.26 Subd. 6. **Applicability.** Subdivisions 2 and 3 do not apply to any permit described in
13.27 section 169.86, subdivision 5, that is determined by the attorney general or a court of
13.28 competent jurisdiction to be a tax.

13.29 Subd. 7. **Waiver of immunity.** The waiver of immunity by the state provided for by
13.30 section 3.751, subdivision 1, applies to the loan, any certificates of indebtedness, and any
13.31 ancillary contracts to which the commissioners of transportation and management and
13.32 budget are parties under this section.

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

14.1 Sec. 11. Minnesota Statutes 2018, section 216D.01, subdivision 5, is amended to read:

14.2 Subd. 5. **Excavation.** "Excavation" means an activity that moves, removes, or otherwise
14.3 disturbs the soil by use of a motor, engine, hydraulic or pneumatically powered tool, or
14.4 machine-powered equipment of any kind, or by explosives. Excavation does not include:

14.5 (1) the extraction of minerals;

14.6 (2) the opening of a grave in a cemetery;

14.7 (3) normal maintenance of roads and streets if the maintenance does not change the
14.8 original grade and does not involve the road ditch;

14.9 (4) plowing, cultivating, planting, harvesting, and similar operations in connection with
14.10 growing crops, trees, and shrubs, unless any of these activities disturbs the soil to a depth
14.11 of 18 inches or more;

14.12 (5) gardening unless it disturbs the soil to a depth of 12 inches or more; ~~or~~

14.13 (6) planting of windbreaks, shelterbelts, and tree plantations, unless any of these activities
14.14 disturbs the soil to a depth of 18 inches or more; or

14.15 (7) vacuum excavation equipment when:

14.16 (i) used by facility operators in a careful and prudent manner for the purposes of locating
14.17 and marking its own facilities in response to a notice after all facility operators have
14.18 responded to that notice or have otherwise coordinated with those facility operators; or

14.19 (ii) used by excavators in a careful and prudent manner to determine the precise location
14.20 of a marked underground facility in accordance with section 216D.04, subdivision 4,
14.21 paragraph (a), and any provisions communicated to the excavator by the facility operator.

14.22 Sec. 12. Minnesota Statutes 2018, section 216D.03, is amended by adding a subdivision
14.23 to read:

14.24 Subd. 5. **Excavation notice system reporting.** The notification center shall provide the
14.25 Office of Pipeline Safety with the following notification data each quarter for each utility
14.26 operator:

14.27 (1) the number of notifications by type; and

14.28 (2) the identification number, start time, and positive response data for all normal and
14.29 updated notifications.

15.1 Sec. 13. Minnesota Statutes 2018, section 216D.06, subdivision 1, is amended to read:

15.2 Subdivision 1. **Notice; repair.** (a) If any damage occurs to an underground facility or
15.3 its protective covering, the person or excavator causing the damage shall notify the operator
15.4 promptly. When the operator receives a damage notice, the operator shall promptly dispatch
15.5 personnel to the damage area to investigate. If the damage results in the escape of any
15.6 flammable, toxic, or corrosive gas or liquid or endangers life, health, or property, the person
15.7 or excavator responsible shall immediately notify the operator and the 911 public safety
15.8 answering point, as defined in section 403.02, subdivision 19, and take immediate action
15.9 to protect the public and property. The person or excavator causing the damage shall also
15.10 attempt to minimize the hazard until arrival of the operator's personnel or until emergency
15.11 responders have arrived and completed their assessment. The 911 public safety answering
15.12 point shall maintain a response plan for notifications generated by this section.

15.13 (b) An excavator shall delay backfilling in the immediate area of the damaged
15.14 underground facilities until the damage has been investigated by the operator, unless the
15.15 operator authorizes otherwise. The repair of damage must be performed by the operator or
15.16 by qualified personnel authorized by the operator.

15.17 (c) An excavator who knowingly damages an underground facility, and who does not
15.18 notify the operator as soon as reasonably possible or who backfills in violation of paragraph
15.19 (b), is guilty of a misdemeanor.

15.20 Sec. 14. **[216F.015] REQUIREMENTS CODED ELSEWHERE.**

15.21 Requirements governing certain towers are established in section 360.915.

15.22 Sec. 15. Minnesota Statutes 2018, section 219.015, subdivision 1, is amended to read:

15.23 Subdivision 1. **Positions Program established; inspector powers and duties.** (a) The
15.24 commissioner of transportation ~~shall~~ must establish ~~three~~ a state rail safety ~~inspector positions~~
15.25 ~~in the Office of Freight and Commercial Vehicle Operations of the Minnesota Department~~
15.26 ~~of Transportation. On or after July 1, 2015, the commissioner may establish a fourth state~~
15.27 ~~rail safety inspector position following consultation with railroad companies~~ inspection
15.28 program that may include state rail safety inspectors and supervision as determined by the
15.29 commissioner. The commissioner shall apply to and enter into agreements with the Federal
15.30 Railroad Administration (FRA) of the United States Department of Transportation to
15.31 participate in the federal State Rail Safety Participation Program ~~for training and certification~~
15.32 ~~of an inspector~~ to train and certify inspectors under authority of United States Code, title

16.1 49, sections 20103, 20105, 20106, and 20113, and Code of Federal Regulations, title 49,
16.2 part 212.

16.3 (b) A state rail safety inspector ~~shall~~ may:

16.4 (1) inspect mainline track, secondary track, and yard and industry track;

16.5 (2) inspect railroad right-of-way, including adjacent or intersecting drainage, culverts,
16.6 bridges, overhead structures, and traffic and other public crossings;

16.7 (3) inspect yards and physical plants;

16.8 (4) inspect train equipment;

16.9 (5) inspect railroad operations;

16.10 (6) inspect railroad-highway grade crossings;

16.11 (7) inspect railroad signal and train control systems;

16.12 (8) review and enforce safety requirements;

16.13 (9) review maintenance and repair records; and

16.14 (10) review railroad security measures.

16.15 (c) A state rail safety inspector may perform, but is not limited to, the duties described
16.16 in the federal State Rail Safety Participation Program. An inspector may train, be certified,
16.17 and participate in any of the federal State Rail Safety Participation Program disciplines,
16.18 including: track, signal and train control, motive power and equipment, operating practices
16.19 compliance, hazardous materials, and highway-rail grade crossings.

16.20 (d) To the extent delegated by the Federal Railroad Administration and authorized by
16.21 the commissioner, an inspector may issue citations for violations of this chapter, or to ensure
16.22 railroad employee and public safety and welfare.

16.23 Sec. 16. Minnesota Statutes 2018, section 219.015, subdivision 2, is amended to read:

16.24 Subd. 2. **Railroad company assessment; account; appropriation.** (a) As provided in
16.25 this subdivision, the commissioner shall annually assess railroad companies that are (1)
16.26 defined as common carriers under section 218.011; (2) classified by federal law or regulation
16.27 as Class I Railroads, Class I Rail Carriers, Class II Railroads, or Class II Carriers; and (3)
16.28 operating in this state.

16.29 (b) The assessment must be ~~by a division of~~ calculated to allocate state rail safety
16.30 ~~inspector inspection~~ program costs in equal proportion between proportionally among

17.1 carriers based on route miles operated in Minnesota, ~~assessed in equal amounts for 365 days~~
 17.2 ~~of the calendar year~~ at the time of assessment. The commissioner ~~shall assess~~ must include
 17.3 in the assessment calculation all start-up or re-establishment costs, all related costs of
 17.4 ~~initiating the state rail safety inspector~~ inspection program costs to support up to six rail
 17.5 safety inspector positions, including by not limited to salary, administration, supervision,
 17.6 travel, equipment, training, and ongoing state rail inspector duties.

17.7 (c) The assessments collected under this subdivision must be deposited in a ~~special~~
 17.8 ~~account in the special revenue fund, to be known as the state rail safety inspection account,~~
 17.9 which is established in the special revenue fund. The account consists of funds provided by
 17.10 this subdivision and any other money donated, allotted, transferred, or otherwise provided
 17.11 to the account. Money in the account is appropriated to the commissioner ~~for the~~
 17.12 ~~establishment and ongoing responsibilities of~~ to administer the state rail safety ~~inspector~~
 17.13 inspection program.

17.14 Sec. 17. Minnesota Statutes 2018, section 219.1651, is amended to read:

17.15 **219.1651 GRADE CROSSING SAFETY ACCOUNT.**

17.16 A Minnesota grade crossing safety account is created in the special revenue fund,
 17.17 consisting of money credited to the account by law. Money in the account is appropriated
 17.18 to the commissioner of transportation for rail-highway grade crossing safety projects on
 17.19 public streets and highways, including engineering costs and other costs associated with
 17.20 administration and delivery of grade crossing safety projects. At the discretion of the
 17.21 commissioner of transportation, money in the account at the end of each biennium may
 17.22 cancel to the trunk highway fund.

17.23 Sec. 18. Minnesota Statutes 2018, section 221.0314, subdivision 3a, is amended to read:

17.24 Subd. 3a. **Waiver for other medical condition.** (a) The commissioner may grant a
 17.25 waiver to a person who is not physically qualified to drive under Code of Federal Regulations,
 17.26 title 49, section 391.41, paragraph (b)(3), (b)(10), or (b)(11). A waiver granted under this
 17.27 subdivision applies to intrastate transportation only.

17.28 (b) A person who wishes to obtain a waiver under this subdivision must give the
 17.29 commissioner the following information:

17.30 (1) the applicant's name, address, and telephone number;

17.31 (2) the name, address, and telephone number of an employer coapplicant, if any;

18.1 (3) a description of the applicant's experience in driving the type of vehicle to be operated
18.2 under the waiver;

18.3 (4) a description of the type of driving to be done under the waiver;

18.4 (5) a description of any modifications to the vehicle the applicant intends to drive under
18.5 the waiver that are designed to accommodate the applicant's medical condition or disability;

18.6 (6) whether the applicant has been granted another waiver under this subdivision;

18.7 (7) a copy of the applicant's current driver's license;

18.8 (8) a copy of a medical examiner's report and medical examiner's certificate showing
18.9 that the applicant is medically unqualified to drive unless a waiver is granted;

18.10 (9) a statement from the applicant's treating physician that includes:

18.11 (i) the extent to which the physician is familiar with the applicant's medical history;

18.12 (ii) a description of the applicant's medical condition for which a waiver is necessary;

18.13 (iii) assurance that the applicant has the ability and willingness to follow any course of
18.14 treatment prescribed by the physician, including the ability to self-monitor or manage the
18.15 medical condition; and

18.16 (iv) the physician's professional opinion that the applicant's condition will not adversely
18.17 affect the applicant's ability to operate a commercial motor vehicle safely; and

18.18 (10) any other information considered necessary by the commissioner including requiring
18.19 a physical examination or medical report from a physician who specializes in a particular
18.20 field of medical practice.

18.21 (c) In granting a waiver under this subdivision, the commissioner may impose conditions
18.22 the commissioner considers necessary to ensure that an applicant is able to operate a motor
18.23 vehicle safely and that the safety of the general public is protected.

18.24 (d) A person who is granted a waiver under this subdivision must:

18.25 ~~(4)~~ at intervals specified in the waiver, give the commissioner periodic reports from the
18.26 person's treating physician, or a medical specialist if the commissioner so requires in the
18.27 waiver, that contain the information described in paragraph (b), clause (9), together with a
18.28 description of any episode that involved the person's loss of consciousness or loss of ability
18.29 to operate a motor vehicle safely; ~~and~~.

18.30 ~~(2) immediately report the person's involvement in an accident for which a report is~~
18.31 ~~required under section 169.09, subdivision 7.~~

(e) The commissioner may deny an application or may immediately revoke a waiver granted under this subdivision. Notice of the commissioner's reasons for denying an application or for revoking a waiver must be in writing and must be mailed to the applicant's or waiver holder's last known address by certified mail, return receipt requested. A person whose application is denied or whose waiver is revoked is entitled to a hearing under chapter 14.

(f) A waiver granted under this subdivision expires on the date of expiration shown on the medical examiner's certificate described in paragraph (b), clause (8).

Sec. 19. Minnesota Statutes 2018, section 299D.03, subdivision 5, is amended to read:

Subd. 5. Traffic fines and forfeited bail money. (a) All fines and forfeited bail money collected from persons apprehended or arrested by officers of the State Patrol shall be transmitted by the person or officer collecting the fines, forfeited bail money, or installments thereof, on or before the tenth day after the last day of the month in which these moneys were collected, to the commissioner of management and budget. Except where a different disposition is required in this subdivision or section 387.213, or otherwise provided by law, three-eighths of these receipts must be deposited in the state treasury and credited to the state general fund. The other five-eighths of these receipts must be deposited in the state treasury and credited as follows: (1) the first ~~\$1,000,000~~ \$2,500,000 in each fiscal year must be credited to the Minnesota grade crossing safety account in the special revenue fund, and (2) remaining receipts must be credited to the state trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be deposited in the state treasury and credited to the state general fund, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be deposited in the state treasury and credited to the Minnesota grade crossing safety account or the state trunk highway fund as provided in this paragraph. When section 387.213 also is applicable to the fine, section 387.213 shall be applied before this paragraph is applied. All costs of participation in a nationwide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) All fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by these employees, shall be transmitted by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made,

to the commissioner of management and budget. Five-eighths of these receipts shall be deposited in the state treasury and credited to the state highway user tax distribution fund. Three-eighths of these receipts shall be deposited in the state treasury and credited to the state general fund.

Sec. 20. Minnesota Statutes 2018, section 299F.60, subdivision 1, is amended to read:

Subdivision 1. **Money penalty.** Any person who violates any provision of sections 299F.56 to 299F.641, or any rule issued thereunder, is subject to a civil penalty to be imposed by the commissioner not to exceed ~~\$100,000 for each violation for each day that the violation persists, except that the maximum civil penalty must not exceed \$1,000,000 for any related series of violations~~ the maximum civil penalties listed in United States Code, title 49, section 60122, and Code of Federal Regulations, title 49, section 190.223.

Sec. 21. Minnesota Statutes 2018, section 299J.16, subdivision 1, is amended to read:

Subdivision 1. **Civil penalty.** (a) A pipeline operator who violates section 299J.07, subdivision 1, or 299J.15, or the rules of the commissioner implementing those sections, shall forfeit and pay to the state a civil penalty in an amount to be determined by the court, up to ~~\$100,000 for each day that the operator remains in violation, subject to a maximum of \$1,000,000 for a related series of violations~~ the maximum civil penalties listed in United States Code, title 49, section 60122, and Code of Federal Regulations, title 49, section 190.223.

(b) The penalty provided under this subdivision may be recovered by an action brought by the attorney general at the request of the commissioner, in the name of the state, in connection with an action to recover expenses of the director under section 299J.13, subdivision 4:

(1) in the District Court of Ramsey County; or

(2) in the county of the defendant's residence.

Sec. 22. Minnesota Statutes 2018, section 360.013, is amended by adding a subdivision to read:

Subd. 62. **Unmanned aircraft.** "Unmanned aircraft" means an aircraft, as defined in subdivision 37, that is operated without the possibility of human intervention from within or on the aircraft.

21.1 Sec. 23. Minnesota Statutes 2018, section 360.013, is amended by adding a subdivision
21.2 to read:

21.3 Subd. 63. **Unmanned aircraft system.** "Unmanned aircraft system" means an unmanned
21.4 aircraft and all of its associated elements, including components and communication links,
21.5 that are required to control and operate the aircraft.

21.6 Sec. 24. Minnesota Statutes 2018, section 360.018, is amended by adding a subdivision
21.7 to read:

21.8 Subd. 2a. **Unmanned aircraft local ordinances.** A political subdivision must (1) allow
21.9 the commissioner to review a proposed ordinance affecting the operation of an unmanned
21.10 aircraft, and (2) notify the commissioner whenever the political subdivision adopts an
21.11 ordinance affecting the operation of an unmanned aircraft.

21.12 Sec. 25. Minnesota Statutes 2019 Supplement, section 360.024, subdivision 1, is amended
21.13 to read:

21.14 Subdivision 1. **Charges.** (a) The commissioner must charge users of air transportation
21.15 services provided by the commissioner for operating costs as allowed by federal aviation
21.16 regulations.

21.17 (b) The commissioner must charge users for a portion of aircraft acquisition, replacement,
21.18 or leasing costs as allowed by federal aviation regulations.

21.19 Sec. 26. Minnesota Statutes 2018, section 360.55, is amended by adding a subdivision to
21.20 read:

21.21 Subd. 9. **Unmanned aircraft systems.** (a) Any unmanned aircraft system in which the
21.22 unmanned aircraft weighs less than 55 pounds at takeoff, including payload and anything
21.23 affixed to the aircraft, must either:

21.24 (1) be registered in the state for an annual fee of \$25; or

21.25 (2) not be subject to registration or an annual fee if the unmanned aircraft system is
21.26 owned and operated solely for recreational purposes.

21.27 (b) An unmanned aircraft system that meets the requirements under paragraph (a) is
21.28 exempt from aircraft registration tax under sections 360.511 to 360.67.

22.1 Sec. 27. Minnesota Statutes 2018, section 360.59, subdivision 10, is amended to read:

22.2 Subd. 10. **Certificate of insurance.** (a) Every owner of aircraft in this state when applying
22.3 for registration, reregistration, or transfer of ownership shall supply any information the
22.4 commissioner reasonably requires to determine that the aircraft during the period of its
22.5 contemplated operation is covered by an insurance policy with limits of not less than
22.6 \$100,000 per passenger seat liability both for passenger bodily injury or death and for
22.7 property damage; not less than \$100,000 for bodily injury or death to each nonpassenger
22.8 in any one accident; and not less than \$300,000 per occurrence for bodily injury or death
22.9 to nonpassengers in any one accident. The insurance must comply with section 60A.081,
22.10 unless that section is inapplicable under section 60A.081, subdivision 3.

22.11 The information supplied to the commissioner must include but is not limited to the
22.12 name and address of the owner, the period of contemplated use or operation, if any, and, if
22.13 insurance coverage is then presently required, the name of the insurer, the insurance policy
22.14 number, the term of the coverage, policy limits, and any other data the commissioner requires.
22.15 No certificate of registration shall be issued pursuant to subdivision 3 in the absence of the
22.16 information required by this subdivision.

22.17 (b) In the event of cancellation of aircraft insurance by the insurer, the insurer shall
22.18 notify the Department of Transportation at least ten days prior to the date on which the
22.19 insurance coverage is to be terminated. Unless proof of a new policy of insurance is filed
22.20 with the department meeting the requirements of this subdivision during the period of the
22.21 aircraft's contemplated use or operation, the registration certificate for the aircraft shall be
22.22 revoked forthwith.

22.23 (c) Nothing in this subdivision shall be construed to require an owner of aircraft to
22.24 maintain passenger seat liability coverage on aircraft for which an experimental certificate
22.25 has been issued by the administrator of the Federal Aviation Administration pursuant to
22.26 Code of Federal Regulations, title 14, sections 21.191 to 21.195 and 91.42, whereunder
22.27 persons operating the aircraft are prohibited from carrying passengers in the aircraft, or for
22.28 an unmanned aircraft. Whenever the aircraft becomes certificated to carry passengers,
22.29 passenger seat liability coverage shall be required as provided in this subdivision.

22.30 (d) The requirements of this subdivision shall not apply to any aircraft built by the
22.31 original manufacturer prior to December 31, 1939, and owned and operated solely as a
22.32 collector's item, if the owner files an affidavit with the commissioner. The affidavit shall
22.33 state the owner's name and address, the name and address of the person from whom the
22.34 aircraft was purchased, the make, year, and model number of the aircraft, the federal aircraft

23.1 registration number, the manufacturer's identification number, and that the aircraft is owned
 23.2 and operated solely as a collector's item and not for general transportation purposes.

23.3 (e) An unmanned aircraft system that meets the requirements of section 360.55,
 23.4 subdivision 9, shall not be required to meet the requirements under paragraphs (a) and (b).
 23.5 Owners of unmanned aircraft systems that meet the requirements of section 360.55,
 23.6 subdivision 9, must at the time of registration provide proof of insurability using an
 23.7 on-demand insurance product in a form acceptable to the commissioner. Additionally, such
 23.8 operators must maintain records and proof that each flight was insured to the limits of
 23.9 paragraph (a).

23.10 Sec. 28. Minnesota Statutes 2018, section 360.62, is amended to read:

23.11 **360.62 TAX REFUND.**

23.12 Except as provided herein the tax upon any aircraft which has been paid for any year,
 23.13 shall be refunded only for errors made in computing the tax or fees or for the error on the
 23.14 part of an owner who may in error have registered an aircraft that was not before, nor at the
 23.15 time of such registration, nor at any time thereafter during the tax period, subject to such
 23.16 tax in this state; provided that after more than 24 months after such tax was paid no refund
 23.17 shall be made for any tax paid on any aircraft. Refunds as provided by sections 360.511 to
 23.18 360.67 shall be made in the manner provided by Laws 1947, chapter 416. The former owner
 23.19 of a transferred aircraft by an assignment in writing endorsed upon the former owner's
 23.20 registration certificate and delivered to the commissioner within the time provided herein
 23.21 may sell and assign to the new owner thereof the right to have the tax paid by the former
 23.22 owner accredited to such new owner who duly registers such aircraft. Any owner whose
 23.23 aircraft ~~shall be~~ is destroyed or permanently removed from the state ~~shall be~~ is entitled to
 23.24 a refund for the unused portion of the tax paid upon the destroyed or removed aircraft ~~so~~
 23.25 ~~destroyed or removed from the state, such.~~ The refund to must be computed pro rata by the
 23.26 month, and to be equal to the monthly tax rate multiplied by the number of full calendar
 23.27 months remaining in the fiscal year, or multiplied by the number of full calendar months
 23.28 remaining in that period between January 1, 1966, to and including June 30, 1967, whichever
 23.29 period is applicable. An unmanned aircraft system that is destroyed or permanently removed
 23.30 from the state is not entitled to a tax refund under this section.

23.31 In order to secure such refund, the aircraft owner shall submit a signed statement that
 23.32 such aircraft has either been sold out of state or destroyed, the date of such sale or destruction,
 23.33 and such other information as the commissioner may require. Any false statement willfully
 23.34 and knowingly made in regard thereto shall be deemed a perjury and punished accordingly.

24.1 No refund shall be made if application is not made within 12 months after the date the
24.2 aircraft was sold out of state or destroyed.

24.3 Sec. 29. **[360.915] TOWERS.**

24.4 **Subdivision 1. Definition.** (a) For purposes of this section, "stand-alone tower" means
24.5 a structure, whether self-standing or supported by guy wires and ground anchors, that:

24.6 (1) is designed with accessory facilities on which antenna, sensor, camera, meteorological,
24.7 or other equipment is able to be mounted;

24.8 (2) has a height of at least 50 feet and not more than 200 feet; and

24.9 (3) has a diameter of ten feet or less at the aboveground base, excluding concrete footing.

24.10 (b) A stand-alone tower does not include a structure that is:

24.11 (1) affixed or adjacent to a building, including a house, barn, or utility station;

24.12 (2) an electric transmission or distribution line;

24.13 (3) a streetlight erected or maintained by a governmental entity; or

24.14 (4) a wind energy conversion system, as defined in section 216F.01, subdivision 4, that
24.15 has rotor blades with a length of more than six feet.

24.16 **Subd. 2. Application; location.** The requirements of this section do not apply to a
24.17 stand-alone tower that is located:

24.18 (1) within the curtilage of a farmstead; or

24.19 (2) in a statutory or home rule charter city or town.

24.20 **Subd. 3. Visibility; marking.** A stand-alone tower must:

24.21 (1) be painted in equal-width bands of solid color over its entire length, alternating
24.22 between aviation orange and white so that orange is at the top of the tower and at the base
24.23 of the tower;

24.24 (2) have at least two spherical markers attached to each of the highest or outside guy
24.25 wires that are:

24.26 (i) painted solid aviation orange; and

24.27 (ii) placed so that one is within 15 feet of the upper anchor point of the guy wire;

24.28 (3) have a high-visibility sleeve on each guy wire, which must extend at least seven feet
24.29 from the lower anchor point of each guy wire; and

25.1 (4) have a flashing red light placed at the top of the tower that is compatible with a night
25.2 vision imaging system, as determined by the commissioner.

25.3 Subd. 4. **Notifications.** (a) At least 30 days prior to erecting a stand-alone tower, the
25.4 owner of the tower must provide notice to the commissioner in the manner specified by the
25.5 commissioner. The notice must identify:

25.6 (1) the tower owner's name and contact information;

25.7 (2) the name and contact information of any tower owner's representative;

25.8 (3) the height above ground level of the tower, including its base;

25.9 (4) the elevation of the tower site; and

25.10 (5) global positioning system coordinates of the center of the tower.

25.11 (b) The tower owner must notify the commissioner within 15 days of any change in any
25.12 information provided under paragraph (a).

25.13 (c) The tower owner must notify the commissioner within 30 days after removal of a
25.14 stand-alone tower.

25.15 Subd. 5. **Fee.** The owner of a stand-alone tower who provides notice under subdivision
25.16 4, paragraph (a), must pay a fee of \$50. A fee is not imposed for a notification provided
25.17 under subdivision 4, paragraphs (b) and (c).

25.18 Subd. 6. **Administration.** (a) The commissioner must maintain records on stand-alone
25.19 towers under this section and must provide information on stand-alone tower locations on
25.20 the department's website.

25.21 (b) The commissioner must deposit revenue received under this section in the state
25.22 airports fund.

25.23 Subd. 7. **Penalty.** The owner of a stand-alone tower who violates the requirements under
25.24 subdivision 3 or 4, paragraph (a), is guilty of a misdemeanor.

25.25 Subd. 8. **Implementation; existing towers.** The owner of a stand-alone tower erected
25.26 prior to the effective date of this section must meet the requirements of this section within
25.27 one year of the effective date of this section.

25.28 Sec. 30. **[473.4075] TRANSIT ENFORCEMENT AND ADMINISTRATIVE**
25.29 **CITATIONS PROGRAM.**

25.30 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms and the
25.31 terms defined in section 609.855, subdivision 7, have the meanings given.

26.1 (b) "Program" means the transit enforcement and administrative citations program
26.2 established in this section.

26.3 (c) "Transit agent" means a transit service monitor under this section, a community
26.4 service officer, or a peace officer, as defined in section 626.84, subdivision 1. For purposes
26.5 of section 609.855, a transit agent is an authorized transit representative.

26.6 (d) "Transit service monitors" means authorized transit representatives who are not peace
26.7 officers.

26.8 Subd. 2. **Program established.** (a) By January 1, 2021, the council must implement the
26.9 program as provided in this section.

26.10 (b) In implementing the program, the council must:

26.11 (1) adopt a resolution that established the program and established fine amounts in
26.12 accordance with subdivision 5; and

26.13 (2) establish policies and procedures that govern:

26.14 (i) transit service monitors;

26.15 (ii) issuing an administrative citation; and

26.16 (iii) contesting an administration citation.

26.17 Subd. 3. **Administrative citations; authority; issuance.** (a) A transit agent has the
26.18 exclusive authority to issue an administrative citation to a person who commits a violation
26.19 under section 609.855, subdivision 1, clause (1). Transit fare compliance may be enforced,
26.20 and administrative citations may be issued, by a transit agent as deemed appropriate and
26.21 available by the council.

26.22 (b) An administrative citation must include notification that the person has the right to
26.23 contest the citation, basic procedures for contesting the citation, and information on the
26.24 timeline and consequences for failure to contest the citation or pay the fine.

26.25 (c) The council must not mandate or suggest a quota for the issuance of administrative
26.26 citations under this section.

26.27 Subd. 4. **Administrative citations; disposition.** (a) A person who commits a violation
26.28 under section 609.855, subdivision 1, clause (1), and is issued an administrative citation
26.29 under this section must, within 90 days of issuance, pay the fine as specified or contest the
26.30 citation. A person who fails to either pay the fine or contest the citation within the specified
26.31 period is considered to have waived the contested citation process and is subject to
26.32 collections.

(b) The council must provide a civil process for a person to contest the administrative citation before a neutral third party. The council may employ a council employee not associated with its transit operations to hear and rule on challenges to administrative citations.

(c) The council may contract with credit bureaus, public and private collection agencies, the Department of Revenue, and other public or private entities providing collection services as necessary for collection of fine debts under this section. As determined by the council, collection costs are added to the debts referred to a public or private collection entity for collection. Collection costs include the fees of the collection entity and may include, if separately provided, skip tracing fees, credit bureau reporting charges, and fees assessed by any public entity for obtaining information necessary for debt collection. If the collection entity collects an amount less than the total due, the payment is applied proportionally to collection costs and the underlying debt.

Subd. 5. Administrative citations; penalties. (a) The amount of a fine under this section must be set at no less than \$35 and no more than \$100.

(b) Subject to paragraph (a), the council may adopt a graduated structure that increases the fine amount for second and subsequent violations.

(c) The council may adopt an alternative resolution procedure under which a person may resolve an administrative citation in lieu of paying a fine by complying with terms established by the council for community service, prepayment of future transit fares, or both. The alternative resolution procedure must be available only to a person who has committed a violation under section 609.855, subdivision 1, clause (1), for the first time, unless the person demonstrates financial hardship under criteria established by the council.

(d) Fines collected under this section must be maintained in a separate account that is only used to cover the costs of the program.

(e) Issuance of an administrative citation prevents imposition of a citation under section 609.855, subdivision 1, clause (1), or any criminal citation arising from the same conduct.

Subd. 6. Fare inspection goal. The council must establish a goal that, beginning January 1, 2023, the council annually inspects fare compliance for at least ten percent of rides on transit routes that use self-service, barrier-free fare collection.

Subd. 7. Legislative report. By January 15, 2022, and by January 15 of each even-numbered year thereafter, the council must submit a report on the program to the members and staff of the legislative committees with jurisdiction over transportation policy and finance. At a minimum, the report must:

- 28.1 (1) provide an overview of program structure and implementation;
- 28.2 (2) review the activities of transit service monitors;
- 28.3 (3) analyze impacts of the program on fare compliance and customer experience for
- 28.4 riders, including rates of fare violations;
- 28.5 (4) identify council performance compared to the fare inspection goal under subdivision
- 28.6 6; and
- 28.7 (5) make recommendations for legislative changes, if any.

28.8 **EFFECTIVE DATE; APPLICATION.** This section is effective July 1, 2020, and

28.9 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

28.10 Sec. 31. Laws 2010, chapter 351, section 69, is amended to read:

28.11 **Sec. 69. TIFIA PILOT PROGRAM.**

28.12 (a) The commissioner of transportation may conduct a pilot program to apply for and

28.13 receive financial assistance under the Transportation Infrastructure Finance and Innovation

28.14 Act of 1998 (TIFIA), United States Code, title 23, chapter 6, or through other federal

28.15 transportation loan, grant, or credit assistance programs. The assistance may include but is

28.16 not limited to loans, loan guarantees, and lines of credit. The commissioner may enter into

28.17 agreements to repay the financial assistance subject to the availability of state money or

28.18 other dedicated revenue or resources, with the approval of the commissioner of Minnesota

28.19 Management and Budget.

28.20 (b) The pilot program under this section is available for one transportation project

28.21 identified by the commissioner.

28.22 (c) Upon completion of the transportation project under the pilot program, the

28.23 commissioner shall submit a report on the pilot program to the chairs and ranking minority

28.24 members of the house of representatives and senate committees having jurisdiction over

28.25 transportation policy and finance. At a minimum, the report must: describe the transportation

28.26 project undertaken and each financing mechanism utilized; analyze the effectiveness of

28.27 each financing mechanism; evaluate the costs, risks, and benefits of additional participation

28.28 in federal financial assistance programs; and provide any recommendations for related

28.29 legislative changes. The report may be submitted electronically, and is subject to Minnesota

28.30 Statutes, section 3.195, subdivision 1.

- 29.1 (d) An amount sufficient to repay the financial assistance as specified in paragraph (a)
- 29.2 is annually appropriated from the loan fund created in Minnesota Statutes, section 169.882.
- 29.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 29.4 Sec. 32. **REPEALER.**
- 29.5 Minnesota Statutes 2018, section 169.09, subdivision 7, is repealed.

APPENDIX
Repealed Minnesota Statutes: 20-7604

169.09 COLLISIONS.

Subd. 7. **Accident report to commissioner.** (a) The driver of a vehicle involved in an accident resulting in bodily injury to or death of any individual or total property damage to an apparent extent of \$1,000 or more, shall forward a written report of the accident to the commissioner of public safety within ten days of the accident. On the required report, the driver shall provide the commissioner with the name and policy number of the insurer providing vehicle liability insurance coverage at the time of the accident.

(b) On determining that the original report of any driver of a vehicle involved in an accident of which report must be made as provided in this section is insufficient, the commissioner of public safety may require the driver to file supplementary information.