

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 1039

(SENATE AUTHORS: METZEN, Pederson, Tomassoni, Senjem and Kent)

DATE	D-PG	OFFICIAL STATUS
02/23/2015	393	Introduction and first reading Referred to Transportation and Public Safety
03/25/2015	1309a	Comm report: To pass as amended and re-refer to Judiciary
04/07/2015	1449a	Comm report: To pass as amended
	1490	Second reading
	4868	Rule 47, returned to Judiciary
03/17/2016	5081a	Comm report: To pass as amended
	5092	Second reading

1.1 A bill for an act

1.2 relating to public safety; motor vehicles; permitting secure electronic storage of

1.3 certain records; amending Minnesota Statutes 2014, sections 168.33, subdivision

1.4 2; 171.061, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2014, section 168.33, subdivision 2, is amended to read:

1.7 Subd. 2. **Deputy registrars.** (a) The commissioner may appoint, and for cause

1.8 discontinue, a deputy registrar for any statutory or home rule charter city as the public

1.9 interest and convenience may require, without regard to whether the county auditor of

1.10 the county in which the city is situated has been appointed as the deputy registrar for the

1.11 county or has been discontinued as the deputy registrar for the county, and without regard

1.12 to whether the county in which the city is situated has established a county license bureau

1.13 that issues motor vehicle licenses as provided in section 373.32.

1.14 (b) The commissioner may appoint, and for cause discontinue, a deputy registrar

1.15 for any statutory or home rule charter city as the public interest and convenience may

1.16 require, if the auditor for the county in which the city is situated chooses not to accept

1.17 appointment as the deputy registrar for the county or is discontinued as a deputy registrar,

1.18 or if the county in which the city is situated has not established a county license bureau

1.19 that issues motor vehicle licenses as provided in section 373.32.

1.20 (c) The commissioner may appoint, and for cause discontinue, the county auditor of

1.21 each county as a deputy registrar.

1.22 (d) Despite any other provision, a person other than a county auditor or a director

1.23 of a county license bureau, who was appointed by the registrar before August 1, 1976,

1.24 as a deputy registrar for any statutory or home rule charter city, may continue to serve

as deputy registrar and may be discontinued for cause only by the commissioner. The county auditor who appointed the deputy registrars is responsible for the acts of deputy registrars appointed by the auditor.

(e) Each deputy, before entering upon the discharge of duties, shall take and subscribe an oath to faithfully discharge the duties and to uphold the laws of the state.

(f) If a deputy registrar appointed under this subdivision is not an officer or employee of a county or statutory or home rule charter city, the deputy shall in addition give bond to the state in the sum of \$10,000, or a larger sum as may be required by the commissioner, conditioned upon the faithful discharge of duties as deputy registrar.

(g) A corporation governed by chapter 302A or 317A may be appointed a deputy registrar. Upon application by an individual serving as a deputy registrar and the giving of the requisite bond as provided in this subdivision, personally assured by the individual or another individual approved by the commissioner, a corporation named in an application then becomes the duly appointed and qualified successor to the deputy registrar.

(h) Each deputy registrar appointed under this subdivision shall keep and maintain office locations approved by the commissioner for the registration of vehicles and the collection of taxes and fees on vehicles.

(i) The deputy registrar shall keep records and make reports to the commissioner as the commissioner requires. The records must be maintained at the offices of the deputy registrar. As an alternative to paper copy storage, a deputy registrar may retain records and documents in a secure electronic medium, provided 60 days have elapsed since the transaction and subject to standards established by the commissioner. The deputy registrar is responsible for all costs associated with the conversion to electronic records and maintenance of the electronic storage medium, including the destruction of existing paper records after conversion to the electronic format. The records and offices of the deputy registrar must at all times be open to the inspection of the commissioner or the commissioner's agents. The deputy registrar shall report to the commissioner by the next working day following receipt all registrations made and taxes and fees collected by the deputy registrar.

(j) The filing fee imposed under subdivision 7 must be deposited in the treasury of the place for which appointed or, if not a public official, a deputy shall retain the filing fee, but the registration tax and any additional fees for delayed registration the deputy registrar has collected the deputy registrar shall deposit by the next working day following receipt in an approved state depository to the credit of the state through the commissioner of management and budget. The place for which the deputy registrar is appointed through its governing body must provide the deputy registrar with facilities and personnel to carry out

3.1 the duties imposed by this subdivision if the deputy is a public official. In all other cases,  
3.2 the deputy shall maintain a suitable facility for serving the public.

3.3 Sec. 2. Minnesota Statutes 2014, section 171.061, subdivision 3, is amended to read:

3.4 Subd. 3. **Application.** An applicant may file an application with an agent. The  
3.5 agent shall receive and accept applications in accordance with the laws and rules of the  
3.6 Department of Public Safety for a driver's license, restricted license, duplicate license,  
3.7 instruction permit, Minnesota identification card, or motorized bicycle operator's permit.  
3.8 As an alternative to paper copy storage, an agent may retain records and documents in  
3.9 a secure electronic medium, provided 60 days have elapsed since the transaction and  
3.10 subject to standards established by the commissioner. The agent is responsible for all costs  
3.11 associated with the conversion to electronic records and maintenance of the electronic  
3.12 storage medium, including the destruction of existing paper records after conversion  
3.13 to the electronic format.

3.14 Sec. 3. **ELECTRONIC STORAGE STANDARDS.**

3.15 On or before August 1, 2016, the commissioner of public safety shall establish  
3.16 standards for the conversion by deputy registrars and driver's license agents to secure  
3.17 electronic storage of certain records under Minnesota Statutes, sections 168.33,  
3.18 subdivision 2, and 171.061, subdivision 3. The standards must specify minimum system  
3.19 security requirements, as well as any procedural requirements for the destruction of  
3.20 existing and new paper-based records, consistent with the requirements of Minnesota  
3.21 Statutes, section 138.17.

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