

A bill for an act

1.1 relating to transportation; modifying or adding provisions relating to truck  
1.2 insurance, school bus transportation, transportation construction impacts on  
1.3 business, rest areas, highways, bridges, transportation contracts, variances  
1.4 from rules and engineering standards for local streets and highways, the state  
1.5 park road account, tax-exempt vehicles, license plates, deputy registrars,  
1.6 vehicles and drivers, impounds, towing, pedestrians, intersection gridlock, bus  
1.7 and type III vehicle operation, various traffic regulations, cargo tank vehicle  
1.8 weight exemptions, drivers' licenses, transportation department goals and  
1.9 mission, the Disadvantaged Business Enterprise Collaborative, a Minnesota  
1.10 Council of Transportation Access, complete streets, a Commuter Rail Corridor  
1.11 Coordinating Committee, railroad track safety, motor carriers, allocation of  
1.12 traffic fines, airport authorities, property acquisition for highways, transit,  
1.13 town road interest extinguishment nullification, Northstar commuter rail, and  
1.14 roundabouts design; providing for State Patrol tax compliance and vehicle  
1.15 crimes investigations; providing for issuance and sale of trunk highway bonds;  
1.16 requiring reports; making technical and clarifying changes; appropriating money;  
1.17 amending Minnesota Statutes 2008, sections 65B.43, subdivision 2; 161.14,  
1.18 by adding subdivisions; 161.3426, subdivision 3, by adding a subdivision;  
1.19 162.02, subdivision 3a; 162.09, subdivision 3a; 165.14, subdivisions 4, 5;  
1.20 168.12, subdivisions 2a, 2b, by adding a subdivision; 168.123, subdivisions 1,  
1.21 2; 168.1255, subdivision 1; 168.1291, subdivisions 1, 2; 168.33, subdivision  
1.22 2; 168B.04, subdivision 2; 168B.06, subdivision 1; 168B.07, subdivision 3;  
1.23 169.041, subdivision 5; 169.09, subdivision 5a; 169.15; 169.26, by adding a  
1.24 subdivision; 169.306; 169.79, subdivision 3; 169.87, by adding a subdivision;  
1.25 169.92, subdivision 4; 171.321, subdivision 2; 174.01, subdivisions 1, 2;  
1.26 174.02, subdivision 1a; 174.86, subdivision 5; 219.01; 221.012, subdivision  
1.27 38, by adding a subdivision; 221.0252, subdivision 7; 221.036, subdivisions  
1.28 1, 3; 221.221, subdivision 3; 221.251, subdivision 1; 360.061, subdivision  
1.29 3; 473.167, subdivision 2a; 473.411, subdivision 5; 514.18, subdivision 1a;  
1.30 Minnesota Statutes 2009 Supplement, sections 123B.92, subdivision 1; 160.165;  
1.31 161.14, subdivision 62; 162.06, subdivision 5; 168.012, subdivision 1; 168.12,  
1.32 subdivision 5; 169.71, subdivision 1; 169.865, subdivision 1; 171.02, subdivision  
1.33 2b; 174.66; 221.026, subdivision 2; 221.031, subdivision 1; 221.122, subdivision  
1.34 1; 299D.03, subdivision 5; Laws 2008, chapter 287, article 1, section 122; Laws  
1.35 2009, chapter 36, article 1, sections 1, 3, subdivisions 1, 2, 3, 5, subdivisions 1, 3,  
1.36 4; proposing coding for new law in Minnesota Statutes, chapters 160; 168; 174;  
1.37 221; 383D; repealing Minnesota Statutes 2008, sections 169.041, subdivisions 3,  
1.38 4; 221.161, subdivisions 2, 3; 221.291, subdivision 5; Minnesota Statutes 2009  
1.39

2.1 Supplement, sections 221.161, subdivisions 1, 4; 221.171; Minnesota Rules,  
2.2 parts 7805.0300; 7805.0400.

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

2.4 Section 1. Minnesota Statutes 2008, section 65B.43, subdivision 2, is amended to read:

2.5 Subd. 2. **Motor vehicle.** "Motor vehicle" means every vehicle, other than a  
2.6 motorcycle or other vehicle with fewer than four wheels, which (a) is required to be  
2.7 registered pursuant to chapter 168, and (b) is designed to be self-propelled by an engine or  
2.8 motor for use primarily upon public roads, highways or streets in the transportation of  
2.9 persons or property, and includes a trailer with one or more wheels, when the trailer is  
2.10 connected to or being towed by a motor vehicle, in which case the combination of the  
2.11 single self-propelled vehicle and one or more trailers or semitrailers is considered a single  
2.12 motor vehicle for purposes of this definition.

2.13 Sec. 2. Minnesota Statutes 2009 Supplement, section 123B.92, subdivision 1, is  
2.14 amended to read:

2.15 Subdivision 1. **Definitions.** For purposes of this section and section 125A.76, the  
2.16 terms defined in this subdivision have the meanings given to them.

2.17 (a) "Actual expenditure per pupil transported in the regular and excess transportation  
2.18 categories" means the quotient obtained by dividing:

2.19 (1) the sum of:

2.20 (i) all expenditures for transportation in the regular category, as defined in paragraph  
2.21 (b), clause (1), and the excess category, as defined in paragraph (b), clause (2), plus

2.22 (ii) an amount equal to one year's depreciation on the district's school bus fleet  
2.23 and mobile units computed on a straight line basis at the rate of 15 percent per year for  
2.24 districts operating a program under section 124D.128 for grades 1 to 12 for all students in  
2.25 the district and 12-1/2 percent per year for other districts of the cost of the fleet, plus

2.26 (iii) an amount equal to one year's depreciation on the district's type III vehicles, as  
2.27 defined in section 169.011, subdivision 71, which must be used a majority of the time for  
2.28 pupil transportation purposes, computed on a straight line basis at the rate of 20 percent  
2.29 per year of the cost of the type three school buses by:

2.30 (2) the number of pupils eligible for transportation in the regular category, as defined  
2.31 in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause (2).

2.32 (b) "Transportation category" means a category of transportation service provided to  
2.33 pupils as follows:

2.34 (1) Regular transportation is:

3.1 (i) transportation to and from school during the regular school year for resident  
3.2 elementary pupils residing one mile or more from the public or nonpublic school they  
3.3 attend, and resident secondary pupils residing two miles or more from the public  
3.4 or nonpublic school they attend, excluding desegregation transportation and noon  
3.5 kindergarten transportation; but with respect to transportation of pupils to and from  
3.6 nonpublic schools, only to the extent permitted by sections 123B.84 to 123B.87;

3.7 (ii) transportation of resident pupils to and from language immersion programs;

3.8 (iii) transportation of a pupil who is a custodial parent and that pupil's child between  
3.9 the pupil's home and the child care provider and between the provider and the school, if  
3.10 the home and provider are within the attendance area of the school;

3.11 (iv) transportation to and from or board and lodging in another district, of resident  
3.12 pupils of a district without a secondary school; and

3.13 (v) transportation to and from school during the regular school year required under  
3.14 subdivision 3 for nonresident elementary pupils when the distance from the attendance  
3.15 area border to the public school is one mile or more, and for nonresident secondary pupils  
3.16 when the distance from the attendance area border to the public school is two miles or  
3.17 more, excluding desegregation transportation and noon kindergarten transportation.

3.18 For the purposes of this paragraph, a district may designate a licensed day care  
3.19 facility, school day care facility, respite care facility, the residence of a relative, or the  
3.20 residence of a person chosen by the pupil's parent or guardian, or an after school program  
3.21 for children operated by a political subdivision of the state, as the home of a pupil for part  
3.22 or all of the day, if requested by the pupil's parent or guardian, and if that facility ~~or~~<sub>2</sub>  
3.23 residence, or program is within the attendance area of the school the pupil attends.

3.24 (2) Excess transportation is:

3.25 (i) transportation to and from school during the regular school year for resident  
3.26 secondary pupils residing at least one mile but less than two miles from the public or  
3.27 nonpublic school they attend, and transportation to and from school for resident pupils  
3.28 residing less than one mile from school who are transported because of extraordinary  
3.29 traffic, drug, or crime hazards; and

3.30 (ii) transportation to and from school during the regular school year required under  
3.31 subdivision 3 for nonresident secondary pupils when the distance from the attendance area  
3.32 border to the school is at least one mile but less than two miles from the public school  
3.33 they attend, and for nonresident pupils when the distance from the attendance area border  
3.34 to the school is less than one mile from the school and who are transported because of  
3.35 extraordinary traffic, drug, or crime hazards.

4.1 (3) Desegregation transportation is transportation within and outside of the district  
4.2 during the regular school year of pupils to and from schools located outside their normal  
4.3 attendance areas under a plan for desegregation mandated by the commissioner or under  
4.4 court order.

4.5 (4) "Transportation services for pupils with disabilities" is:

4.6 (i) transportation of pupils with disabilities who cannot be transported on a regular  
4.7 school bus between home or a respite care facility and school;

4.8 (ii) necessary transportation of pupils with disabilities from home or from school to  
4.9 other buildings, including centers such as developmental achievement centers, hospitals,  
4.10 and treatment centers where special instruction or services required by sections 125A.03  
4.11 to 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district  
4.12 where services are provided;

4.13 (iii) necessary transportation for resident pupils with disabilities required by sections  
4.14 125A.12, and 125A.26 to 125A.48;

4.15 (iv) board and lodging for pupils with disabilities in a district maintaining special  
4.16 classes;

4.17 (v) transportation from one educational facility to another within the district for  
4.18 resident pupils enrolled on a shared-time basis in educational programs, and necessary  
4.19 transportation required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils  
4.20 with disabilities who are provided special instruction and services on a shared-time basis  
4.21 or if resident pupils are not transported, the costs of necessary travel between public  
4.22 and private schools or neutral instructional sites by essential personnel employed by the  
4.23 district's program for children with a disability;

4.24 (vi) transportation for resident pupils with disabilities to and from board and lodging  
4.25 facilities when the pupil is boarded and lodged for educational purposes; and

4.26 (vii) services described in clauses (i) to (vi), when provided for pupils with  
4.27 disabilities in conjunction with a summer instructional program that relates to the pupil's  
4.28 individual education plan or in conjunction with a learning year program established  
4.29 under section 124D.128.

4.30 For purposes of computing special education initial aid under section 125A.76,  
4.31 subdivision 2, the cost of providing transportation for children with disabilities includes  
4.32 (A) the additional cost of transporting a homeless student from a temporary nonshelter  
4.33 home in another district to the school of origin, or a formerly homeless student from a  
4.34 permanent home in another district to the school of origin but only through the end of the  
4.35 academic year; and (B) depreciation on district-owned school buses purchased after July 1,  
4.36 2005, and used primarily for transportation of pupils with disabilities, calculated according

5.1 to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the disabled  
5.2 transportation category must be excluded in calculating the actual expenditure per pupil  
5.3 transported in the regular and excess transportation categories according to paragraph (a).

5.4 (5) "Nonpublic nonregular transportation" is:

5.5 (i) transportation from one educational facility to another within the district for  
5.6 resident pupils enrolled on a shared-time basis in educational programs, excluding  
5.7 transportation for nonpublic pupils with disabilities under clause (4);

5.8 (ii) transportation within district boundaries between a nonpublic school and a  
5.9 public school or a neutral site for nonpublic school pupils who are provided pupil support  
5.10 services pursuant to section 123B.44; and

5.11 (iii) late transportation home from school or between schools within a district for  
5.12 nonpublic school pupils involved in after-school activities.

5.13 (c) "Mobile unit" means a vehicle or trailer designed to provide facilities for  
5.14 educational programs and services, including diagnostic testing, guidance and counseling  
5.15 services, and health services. A mobile unit located off nonpublic school premises is a  
5.16 neutral site as defined in section 123B.41, subdivision 13.

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

5.18 Sec. 3. Minnesota Statutes 2009 Supplement, section 160.165, is amended to read:

5.19 **160.165 MITIGATING TRANSPORTATION CONSTRUCTION IMPACTS**  
5.20 **ON BUSINESS.**

5.21 Subdivision 1. **Definitions.** For the purposes of this section, the following terms  
5.22 have the meanings given:

5.23 (1) "project" means construction work to maintain, construct, reconstruct, or  
5.24 improve a street or highway or for a rail transit project;

5.25 (2) "substantial business impacts" means impairment of road access, parking, or  
5.26 visibility for one or more business establishments as a result of a project, for a minimum  
5.27 period of one month; and

5.28 (3) "transportation authority" means the commissioner, as to trunk highways; the  
5.29 county board, as to county state-aid highways and county highways; the town board, as to  
5.30 town roads; ~~and~~ statutory or home rule charter cities, as to city streets; the Metropolitan  
5.31 Council, for rail transit projects located entirely within the metropolitan area as defined in  
5.32 section 473.121, subdivision 2; and the commissioner, for all other rail transit projects.

5.33 Subd. 2. **Business liaison.** (a) Before beginning construction work on a project,  
5.34 a transportation authority shall identify whether the project is anticipated to include

6.1 substantial business impacts. For such projects, the transportation authority shall designate  
6.2 an individual to serve as business liaison between the transportation authority and affected  
6.3 businesses.

6.4 (b) The business liaison shall consult with affected businesses before and  
6.5 during construction to investigate means of mitigating project impacts to businesses.  
6.6 The mitigation considered must include signage. The business liaison shall provide  
6.7 information to the identified businesses before and during construction, concerning project  
6.8 duration and timetables, lane and road closures, detours, access impacts, customer parking  
6.9 impacts, visibility, noise, dust, vibration, and public participation opportunities.

6.10 Subd. 3. **Exception.** This section does not apply to construction work in connection  
6.11 with the Central Corridor light rail transit line that will connect downtown Minneapolis  
6.12 and downtown St. Paul.

6.13 **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 2012. Subdivision 3 is  
6.14 effective July 1, 2010.

6.15 Sec. 4. **[160.2755] PROHIBITED ACTIVITIES AT REST AREAS.**

6.16 Subdivision 1. **Prohibited activities.** It is unlawful at rest areas to:

6.17 (1) dispose of travel-related trash and rubbish, except if depositing it in a designated  
6.18 receptacle;

6.19 (2) dump household or commercial trash and rubbish into containers or anywhere  
6.20 else on site; or

6.21 (3) drain or dump refuse or waste from any trailer, recreational vehicle, or other  
6.22 vehicle except where receptacles are provided and designated to receive the refuse or  
6.23 waste.

6.24 Subd. 2. **Penalty.** Violation of this section is a petty misdemeanor.

6.25 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to acts  
6.26 committed on or after that date.

6.27 Sec. 5. Minnesota Statutes 2009 Supplement, section 161.14, subdivision 62, is  
6.28 amended to read:

6.29 Subd. 62. **Clearwater County Veterans Memorial Highway.** (a) The following  
6.30 described route is designated the "Clearwater County Veterans Memorial Highway": that  
6.31 portion of Legislative Route No. 168, marked on August 1, 2009, as Trunk Highway 200,  
6.32 from its intersection with Clearwater County State-Aid Highway ~~37~~ 39 to its intersection

7.1 with Legislative Route No. 169, marked on August 1, 2009, as Trunk Highway 92; and that  
7.2 portion of Route No. 169 to its intersection with Clearwater County State-Aid Highway 5.

7.3 (b) The commissioner shall adopt a suitable marking design to mark this highway  
7.4 and erect appropriate signs, subject to section 161.139.

7.5 Sec. 6. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision  
7.6 to read:

7.7 Subd. 64. **Veterans Memorial Highway.** Legislative Route No. 31, signed as  
7.8 Trunk Highway 200 as of the effective date of this section, from the border with North  
7.9 Dakota to the city of Mahnomen, is designated as the "Veterans Memorial Highway." The  
7.10 commissioner shall adopt a suitable design to mark this highway and erect appropriate  
7.11 signs, subject to section 161.139.

7.12 Sec. 7. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision  
7.13 to read:

7.14 Subd. 65. **Becker County Veterans Memorial Highway.** Marked Trunk Highway  
7.15 34, from its intersection with Washington Avenue in Detroit Lakes to its intersection with  
7.16 County State-Aid Highway 39; and marked Trunk Highway 87, from its intersection  
7.17 with County State-Aid Highway 33 to its intersection with County State-Aid Highway  
7.18 39, is named and designated the "Becker County Veterans Memorial Highway." Subject  
7.19 to section 161.139, the commissioner shall adopt a suitable marking design to mark this  
7.20 highway and erect appropriate signs.

7.21 Sec. 8. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision  
7.22 to read:

7.23 Subd. 66. **Granite City Crossing.** The bridge over the Mississippi River on marked  
7.24 Trunk Highway 23 in St. Cloud is designated "Granite City Crossing." The commissioner  
7.25 of transportation shall adopt a suitable design to mark this bridge and erect appropriate  
7.26 signs, subject to section 161.139.

7.27 Sec. 9. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision  
7.28 to read:

7.29 Subd. 67. **Veterans Memorial Highway.** Marked Trunk Highway 59 from the city  
7.30 of Karlstad to the border with Canada is designated as the "Veterans Memorial Highway."  
7.31 The commissioner shall adopt a suitable design to mark this highway and erect appropriate  
7.32 signs, subject to section 161.139.

8.1 Sec. 10. Minnesota Statutes 2008, section 161.3426, subdivision 3, is amended to read:

8.2 Subd. 3. **Stipulated fee.** The commissioner shall award a stipulated fee not less than  
8.3 two-tenths of one percent of the department's estimated cost of design and construction  
8.4 to each short-listed, responsible proposer who provides a responsive but unsuccessful  
8.5 proposal. When the request for proposals specifies a maximum price, the stipend shall be  
8.6 awarded if the proposal is responsive in all other aspects but comes in above the maximum  
8.7 price. If the commissioner does not award a contract, all short-listed proposers must  
8.8 receive the stipulated fee. If the commissioner cancels the contract before reviewing the  
8.9 technical proposals, the commissioner shall award each design-builder on the short list a  
8.10 stipulated fee of not less than two-tenths of one percent of the commissioner's estimated  
8.11 cost of design and construction. The commissioner shall pay the stipulated fee to each  
8.12 proposer within 90 days after the award of the contract or the decision not to award a  
8.13 contract. In consideration for paying the stipulated fee, the commissioner may use any  
8.14 ideas or information contained in the proposals in connection with any contract awarded  
8.15 for the project or in connection with a subsequent procurement, without any obligation  
8.16 to pay any additional compensation to the unsuccessful proposers. Notwithstanding the  
8.17 other provisions of this subdivision, an unsuccessful short-list proposer may elect to waive  
8.18 the stipulated fee. If an unsuccessful short-list proposer elects to waive the stipulated  
8.19 fee, the commissioner may not use ideas and information contained in that proposer's  
8.20 proposal. Upon the request of the commissioner, a proposer who waived a stipulated fee  
8.21 may withdraw the waiver, in which case the commissioner shall pay the stipulated fee to  
8.22 the proposer and thereafter may use ideas and information in the proposer's proposal.

8.23 Sec. 11. Minnesota Statutes 2008, section 161.3426, is amended by adding a  
8.24 subdivision to read:

8.25 Subd. 6. **Reissue of request for proposals.** If the commissioner rejects all bids  
8.26 or does not execute the contract, the commissioner may reissue the request for proposals  
8.27 and allow only short-listed teams to resubmit proposals. The commissioner shall then pay  
8.28 a reasonable stipulated fee to each short-listed, responsible proposer who provides a  
8.29 responsive but unsuccessful proposal in response to the reissued request for proposals.  
8.30 When the reissued request for proposals specifies a maximum price, the stipend shall  
8.31 be awarded if the proposal is responsive in all other aspects but comes in above the  
8.32 maximum price.

8.33 Sec. 12. Minnesota Statutes 2008, section 162.02, subdivision 3a, is amended to read:

9.1 Subd. 3a. **Variations from rules and engineering standards.** (a) Subject to section  
9.2 174.75, subdivision 5, the commissioner may grant variances from the rules and from the  
9.3 engineering standards developed pursuant to section 162.021 or 162.07, subdivision 2. A  
9.4 political subdivision in which a county state-aid highway is located or is proposed to be  
9.5 located may submit a written request to the commissioner for a variance for that highway.

9.6 (b) The commissioner shall publish notice of the request in the State Register and  
9.7 give notice to all persons known to the commissioner to have an interest in the matter. The  
9.8 commissioner may grant or deny the variance within 30 days of providing notice of the  
9.9 request. If a written objection to the request is received within seven days of providing  
9.10 notice, the variance shall be granted or denied only after a contested case hearing has been  
9.11 held on the request. If no timely objection is received and the variance is denied without  
9.12 hearing, the political subdivision may request, within 30 days of receiving notice of denial,  
9.13 and shall be granted a contested case hearing.

9.14 (c) For purposes of this subdivision, "political subdivision" includes (1) an agency of  
9.15 a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

9.16 Sec. 13. Minnesota Statutes 2009 Supplement, section 162.06, subdivision 5, is  
9.17 amended to read:

9.18 Subd. 5. **State park road account.** After deducting for administrative costs and  
9.19 for the disaster account and research account from the amount available as provided  
9.20 in this section, the commissioner shall deduct a sum equal to the three-quarters of one  
9.21 percent of the remainder. The sum so deducted shall be set aside in a separate account and  
9.22 shall be used for (1) the establishment, location, relocation, construction, reconstruction,  
9.23 and improvement of those roads included in the county state-aid highway system under  
9.24 Minnesota Statutes 1961, section 162.02, subdivision 6, which border and provide  
9.25 substantial access to an outdoor recreation unit as defined in section 86A.04 or which  
9.26 provide access to the headquarters of or the principal parking lot located within such a  
9.27 unit, and (2) the reconstruction, improvement, repair, and maintenance of county roads,  
9.28 city streets, roadways located within the outdoor recreation system as defined in section  
9.29 86A.04, and town roads that provide access to public lakes, rivers, state parks, and state  
9.30 campgrounds, and (3) the reconstruction of public trails integral to the roads identified in  
9.31 this subdivision where the relocation, construction or reconstruction of the trail is required  
9.32 for public safety or natural resource preservation. Roads described in ~~clause~~ clauses (2)  
9.33 and (3) are not required to meet county state-aid highway standards. At the request of the  
9.34 commissioner of natural resources the counties wherein such roads are located shall do  
9.35 such work as requested in the same manner as on any county state-aid highway and shall

10.1 be reimbursed for such construction, reconstruction, or improvements from the amount set  
10.2 aside by this subdivision. Before requesting a county to do work on a county state-aid  
10.3 highway as provided in this subdivision, the commissioner of natural resources must  
10.4 obtain approval for the project from the County State-Aid Screening Board. The screening  
10.5 board, before giving its approval, must obtain a written comment on the project from  
10.6 the county engineer of the county requested to undertake the project. Before requesting  
10.7 a county to do work on a county road, city street, roadway in the outdoor recreation  
10.8 system, or a town road that provides access to a public lake, a river, a state park, or a state  
10.9 campground, the commissioner of natural resources shall obtain a written comment on the  
10.10 project from the county engineer of the county requested to undertake the project. Any  
10.11 balance of the amount so set aside, at the end of each year must be transferred to the  
10.12 county state-aid highway fund.

10.13 Sec. 14. Minnesota Statutes 2008, section 162.09, subdivision 3a, is amended to read:

10.14 Subd. 3a. **Variations from rules and engineering standards.** (a) Subject to section  
10.15 174.75, subdivision 5, the commissioner may grant variations from the rules and from the  
10.16 engineering standards developed pursuant to section 162.13, subdivision 2. A political  
10.17 subdivision in which a municipal state-aid street is located or is proposed to be located  
10.18 may submit a written request to the commissioner for a variance for that street.

10.19 (b) The commissioner shall publish notice of the request in the State Register and  
10.20 give notice to all persons known to the commissioner to have an interest in the matter. The  
10.21 commissioner may grant or deny the variance within 30 days of providing notice of the  
10.22 request. If a written objection to the request is received within seven days of providing  
10.23 notice, the variance shall be granted or denied only after a contested case hearing has been  
10.24 held on the request. If no timely objection is received and the variance is denied without  
10.25 hearing, the political subdivision may request, within 30 days of receiving notice of denial,  
10.26 and shall be granted a contested case hearing.

10.27 (c) For purposes of this subdivision, "political subdivision" includes (1) an agency of  
10.28 a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

10.29 Sec. 15. Minnesota Statutes 2008, section 165.14, subdivision 4, is amended to read:

10.30 Subd. 4. **Prioritization of bridge projects.** (a) The commissioner shall classify all  
10.31 bridges in the program into tier 1, 2, or 3 bridges, where tier 1 is the highest tier. Unless  
10.32 the commissioner identifies a reason for proceeding otherwise, before commencing bridge  
10.33 projects in a lower tier, all bridge projects within a higher tier must to the extent feasible  
10.34 be selected and funded in the approved state transportation improvement program, at

11.1 any stage in the project development process, solicited for bids, in contract negotiation,  
11.2 under construction, or completed.

11.3 (b) The classification of each tier is as follows:

11.4 (1) tier 1 consists of any bridge in the program that (i) has an average daily traffic  
11.5 count that is above 1,000 and has a sufficiency rating that is at or below 50, or (ii) is  
11.6 identified by the commissioner as a priority project;

11.7 (2) tier 2 consists of any bridge that is not a tier 1 bridge, and (i) is classified as  
11.8 fracture-critical, or (ii) has a sufficiency rating that is at or below 80; and

11.9 (3) tier 3 consists of any other bridge in the program that is not a tier 1 or tier 2 bridge.

11.10 (c) By June 30, 2018, all tier 1 and tier 2 bridges originally included in the program  
11.11 must be under contract for repair or replacement with a new bridge that contains a  
11.12 load-path-redundant design, except that a specific bridge may remain in continued service  
11.13 if the reasons are documented in the report required under subdivision 5.

11.14 (d) All bridge projects funded under this section in fiscal year 2012 or later must  
11.15 include bicycle and pedestrian accommodations if both sides of the bridge are located in a  
11.16 city or the bridge links a pedestrian way, shared-use path, trail, or scenic bikeway.

11.17 Bicycle and pedestrian accommodations would not be required if:

11.18 (1) a comprehensive assessment demonstrates that there is an absence of need for  
11.19 bicycle and pedestrian accommodations for the life of the bridge; or

11.20 (2) there is a reasonable alternative bicycle and pedestrian crossing within  
11.21 one-quarter mile of the bridge project.

11.22 All bicycle and pedestrian accommodations should enable a connection to any existing  
11.23 bicycle and pedestrian infrastructure in close proximity to the bridge. All pedestrian  
11.24 facilities must meet or exceed federal accessibility requirements as outlined in Title II of  
11.25 the Americans with Disabilities Act, codified in United States Code, title 42, chapter  
11.26 126, subchapter II, and Section 504 of the Rehabilitation Act of 1973, codified in United  
11.27 States Code, title 29, section 794.

11.28 (e) The commissioner shall establish criteria for determining the priority of bridge  
11.29 projects within each tier, and must include safety considerations as a criterion.

11.30 **EFFECTIVE DATE.** This section is effective July 1, 2010.

11.31 Sec. 16. Minnesota Statutes 2008, section 165.14, subdivision 5, is amended to read:

11.32 Subd. 5. **Statewide transportation planning report.** In conjunction with each  
11.33 update to the Minnesota statewide transportation plan, or at least every six years, the  
11.34 commissioner shall submit a report to the chairs and ranking minority members of the

12.1 house of representatives and senate committees with jurisdiction over transportation  
12.2 finance. The report must include:

12.3 (1) an explanation of the criteria and decision-making processes used to prioritize  
12.4 bridge projects;

12.5 (2) a historical and projected analysis of the extent to which all trunk highway  
12.6 bridges meet bridge performance targets and comply with the accessibility requirements  
12.7 of Title II of the Americans with Disabilities Act of 1990, Public Law 101-336;

12.8 (3) a summary of bridge projects (i) completed in the previous six years or since the  
12.9 last update to the Minnesota statewide transportation plan, and (ii) currently in progress  
12.10 under the program;

12.11 (4) a summary of bridge projects scheduled in the next four fiscal years and included  
12.12 in the state transportation improvement program;

12.13 (5) a projection of annual needs over the next 20 years;

12.14 (6) a calculation of funding necessary to meet the completion date under subdivision  
12.15 4, paragraph (c), compared to the total amount of bridge-related funding available; and

12.16 (7) for any tier 1 fracture-critical bridge that is repaired but not replaced, an  
12.17 explanation of the reasons for repair instead of replacement.

12.18 Sec. 17. Minnesota Statutes 2009 Supplement, section 168.012, subdivision 1, is  
12.19 amended to read:

12.20 Subdivision 1. **Vehicles exempt from tax, fees, or plate display.** (a) The following  
12.21 vehicles are exempt from the provisions of this chapter requiring payment of tax and  
12.22 registration fees, except as provided in subdivision 1c:

12.23 (1) vehicles owned and used solely in the transaction of official business by the  
12.24 federal government, the state, or any political subdivision;

12.25 (2) vehicles owned and used exclusively by educational institutions and used solely  
12.26 in the transportation of pupils to and from those institutions;

12.27 (3) vehicles used solely in driver education programs at nonpublic high schools;

12.28 (4) vehicles owned by nonprofit charities and used exclusively to transport disabled  
12.29 persons for charitable, religious, or educational purposes;

12.30 (5) vehicles owned by nonprofit charities and used exclusively for disaster response  
12.31 and related activities;

12.32 (6) vehicles owned by ambulance services licensed under section 144E.10 that  
12.33 are equipped and specifically intended for emergency response or providing ambulance  
12.34 services; and

13.1 (7) vehicles owned by a commercial driving school licensed under section 171.34,  
13.2 or an employee of a commercial driving school licensed under section 171.34, and the  
13.3 vehicle is used exclusively for driver education and training.

13.4 (b) Provided the general appearance of the vehicle is unmistakable, the following  
13.5 vehicles are not required to register or display number plates:

13.6 (1) vehicles owned by the federal government, ~~municipal,~~

13.7 (2) fire apparatuses, including fire-suppression support vehicles, owned or leased by  
13.8 the state or a political subdivision;

13.9 (3) police patrols, owned or leased by the state or a political subdivision; and

13.10 (4) ambulances, ~~the general appearance of which is unmistakable, are not required to~~  
13.11 register or display number plates owned or leased by the state or a political subdivision.

13.12 (c) Unmarked vehicles used in general police work, liquor investigations, or arson  
13.13 investigations, and passenger automobiles, pickup trucks, and buses owned or operated by  
13.14 the Department of Corrections, must be registered and must display appropriate license  
13.15 number plates, furnished by the registrar at cost. Original and renewal applications for  
13.16 these license plates authorized for use in general police work and for use by the Department  
13.17 of Corrections must be accompanied by a certification signed by the appropriate chief of  
13.18 police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle,  
13.19 the commissioner of corrections if issued to a Department of Corrections vehicle, or the  
13.20 appropriate officer in charge if issued to a vehicle of any other law enforcement agency.  
13.21 The certification must be on a form prescribed by the commissioner and state that the  
13.22 vehicle will be used exclusively for a purpose authorized by this section.

13.23 (d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry,  
13.24 fraud unit, in conducting seizures or criminal investigations must be registered and must  
13.25 display passenger vehicle classification license number plates, furnished at cost by the  
13.26 registrar. Original and renewal applications for these passenger vehicle license plates  
13.27 must be accompanied by a certification signed by the commissioner of revenue or the  
13.28 commissioner of labor and industry. The certification must be on a form prescribed by  
13.29 the commissioner and state that the vehicles will be used exclusively for the purposes  
13.30 authorized by this section.

13.31 (e) Unmarked vehicles used by the Division of Disease Prevention and Control of the  
13.32 Department of Health must be registered and must display passenger vehicle classification  
13.33 license number plates. These plates must be furnished at cost by the registrar. Original  
13.34 and renewal applications for these passenger vehicle license plates must be accompanied  
13.35 by a certification signed by the commissioner of health. The certification must be on a

14.1 form prescribed by the commissioner and state that the vehicles will be used exclusively  
14.2 for the official duties of the Division of Disease Prevention and Control.

14.3 (f) Unmarked vehicles used by staff of the Gambling Control Board in gambling  
14.4 investigations and reviews must be registered and must display passenger vehicle  
14.5 classification license number plates. These plates must be furnished at cost by the  
14.6 registrar. Original and renewal applications for these passenger vehicle license plates must  
14.7 be accompanied by a certification signed by the board chair. The certification must be on a  
14.8 form prescribed by the commissioner and state that the vehicles will be used exclusively  
14.9 for the official duties of the Gambling Control Board.

14.10 (g) Unmarked vehicles used in general investigation, surveillance, supervision,  
14.11 and monitoring by the staff of the Department of Human Services Office of Special  
14.12 Investigations and the executive director of the Minnesota sex offender program must  
14.13 be registered and must display passenger vehicle classification license number plates,  
14.14 furnished by the registrar at cost. Original and renewal applications for passenger vehicle  
14.15 license plates must be accompanied by a certification signed by the commissioner of  
14.16 human services. The certification must be on a form prescribed by the commissioner and  
14.17 state that the vehicles must be used exclusively for the official duties of the Office of  
14.18 Special Investigations and the executive director of the Minnesota sex offender program.

14.19 (h) Each state hospital and institution for persons who are mentally ill and  
14.20 developmentally disabled may have one vehicle without the required identification on  
14.21 the sides of the vehicle. The vehicle must be registered and must display passenger  
14.22 vehicle classification license number plates. These plates must be furnished at cost by the  
14.23 registrar. Original and renewal applications for these passenger vehicle license plates must  
14.24 be accompanied by a certification signed by the hospital administrator. The certification  
14.25 must be on a form prescribed by the commissioner and state that the vehicles will be used  
14.26 exclusively for the official duties of the state hospital or institution.

14.27 (i) Each county social service agency may have vehicles used for child and  
14.28 vulnerable adult protective services without the required identification on the sides of the  
14.29 vehicle. The vehicles must be registered and must display passenger vehicle classification  
14.30 license number plates. These plates must be furnished at cost by the registrar. Original  
14.31 and renewal applications for these passenger vehicle license plates must be accompanied  
14.32 by a certification signed by the agency administrator. The certification must be on a form  
14.33 prescribed by the commissioner and state that the vehicles will be used exclusively for the  
14.34 official duties of the social service agency.

14.35 (j) All other motor vehicles must be registered and display tax-exempt number  
14.36 plates, furnished by the registrar at cost, except as provided in subdivision 1c. All

15.1 vehicles required to display tax-exempt number plates must have the name of the state  
15.2 department or political subdivision, nonpublic high school operating a driver education  
15.3 program, licensed commercial driving school, or other qualifying organization or entity,  
15.4 plainly displayed on both sides of the vehicle. This identification must be in a color  
15.5 giving contrast with that of the part of the vehicle on which it is placed and must endure  
15.6 throughout the term of the registration. The identification must not be on a removable  
15.7 plate or placard and must be kept clean and visible at all times; except that a removable  
15.8 plate or placard may be utilized on vehicles leased or loaned to a political subdivision or  
15.9 to a nonpublic high school driver education program.

15.10 Sec. 18. Minnesota Statutes 2008, section 168.12, subdivision 2a, is amended to read:

15.11 Subd. 2a. **Personalized plates; rules.** (a) The commissioner may issue personalized  
15.12 plates or, if requested for special plates issued under section 168.123 for veterans,  
15.13 168.124 for medal of honor recipients, or 168.125 for former prisoners of war, applicable  
15.14 personalized special veterans plates, to an applicant who:

15.15 (1) is an owner of a passenger automobile including a passenger automobile  
15.16 registered as a classic car, pioneer car, collector car, or street rod; any truck with a  
15.17 manufacturer's nominal rated capacity of one ton or less and resembling a pickup truck; a  
15.18 motorcycle, including a classic motorcycle; a motorized bicycle; a commuter van as  
15.19 defined in section 168.126; or a recreational vehicle;

15.20 (2) pays a onetime fee of \$100 and any other fees required by this chapter;

15.21 (3) pays the registration tax required by this chapter for the motor vehicle; and

15.22 (4) complies with this chapter and rules governing registration of motor vehicles  
15.23 and licensing of drivers.

15.24 (b) The commissioner shall charge a replacement fee for personalized license plates  
15.25 and personalized special veterans plates issued under section 168.123 as specified in  
15.26 subdivision 5. This fee must be paid by the applicant whenever the personalized plates are  
15.27 required to be replaced by law, except that as provided in section 168.124, subdivision  
15.28 3, and 168.125, subdivision 1b, no fee may be charged to replace plates issued under  
15.29 those sections.

15.30 (c) In lieu of the registration number assigned as provided in subdivision 1,  
15.31 personalized plates and personalized special veterans plates must have imprinted on them  
15.32 a series of not more than seven numbers and letters, or five numbers and letters for  
15.33 personalized special veterans plates, in any combination and, as applicable, satisfy the  
15.34 design requirements of section 168.123, 168.124, or 168.125. When an applicant has once  
15.35 obtained personalized plates or personalized special veterans plates, the applicant shall

16.1 have a prior claim for similar personalized plates or personalized special veterans plates in  
16.2 the next succeeding year as long as current motor vehicle registration is maintained.

16.3 (d) The commissioner shall adopt rules in the manner provided by chapter 14,  
16.4 regulating the issuance and transfer of personalized plates and personalized special  
16.5 veterans plates. No words or combination of letters placed on these plates may be used  
16.6 for commercial advertising, be of an obscene, indecent, or immoral nature, or be of a  
16.7 nature that would offend public morals or decency. The call signals or letters of a radio or  
16.8 television station are not commercial advertising for the purposes of this subdivision.

16.9 (e) Despite the provisions of subdivision 1, personalized plates and personalized  
16.10 special veterans plates issued under this subdivision may be transferred to another motor  
16.11 vehicle listed in paragraph (a) and owned by the applicant, upon the payment of a fee of \$5.

16.12 (f) The commissioner may by rule specify the format for notification.

16.13 (g) A personalized plate or personalized special veterans plate issued for a classic  
16.14 car, pioneer car, collector car, street rod, or classic motorcycle may not be transferred  
16.15 to a vehicle not eligible for such a plate.

16.16 (h) Despite any law to the contrary, if the personalized license plates are lost, stolen,  
16.17 or destroyed, the applicant may apply and must be issued duplicate license plates bearing  
16.18 the same combination of letters and numbers and the same design as (1) the former  
16.19 personalized plates or personalized special veterans plates under section 168.123 upon  
16.20 the payment of the fee required by section 168.29 or (2) the former personalized special  
16.21 veterans plates issued under section 168.124 or 168.125, without charge.

16.22 (i) A personalized vertical motorcycle plate may be issued upon payment of an  
16.23 additional payment of \$100. The vertical plate must have not more than four identification  
16.24 characters, cannot be a duplication of any current or reserved license plate, and must  
16.25 meet the requirements in paragraph (d).

16.26 Sec. 19. Minnesota Statutes 2008, section 168.12, subdivision 2b, is amended to read:

16.27 Subd. 2b. **Firefighters; special plates, rules.** (a) The commissioner shall issue  
16.28 special plates, or a single license plate in the case of a motorcycle plate, to any applicant  
16.29 who:

16.30 (1) is a member of a fire department receiving state aid under chapter 69, has a  
16.31 letter from the fire chief, and is an owner of a passenger automobile, a truck with a  
16.32 manufacturer's nominal rated capacity of one ton and resembling a pickup truck, or  
16.33 a motorcycle;

16.34 (2) pays a fee of \$10 and any other fees required by this chapter;

16.35 (3) pays the registration tax required by this chapter for the motor vehicle; and

17.1 (4) complies with this chapter and rules governing the registration of motor vehicles  
17.2 and licensing of drivers.

17.3 (b) In lieu of the identification required under subdivision 1, the special plates must  
17.4 bear an emblem of a Maltese Cross together with any numbers or characters prescribed by  
17.5 the commissioner.

17.6 (c) Special plates issued under this subdivision may only be used during the period  
17.7 that the owner of the motor vehicle is a member of a fire department as specified in this  
17.8 subdivision. When the individual to whom the special plates were issued is no longer a  
17.9 member of a fire department or when the motor vehicle ownership is transferred, the  
17.10 owner shall remove the special plates from the motor vehicle. If the commissioner  
17.11 receives written notification that an individual is no longer qualified for these special  
17.12 plates, the commissioner shall invalidate the plates and notify the individual of this  
17.13 action. The individual may retain the plate only upon demonstrating compliance with the  
17.14 qualifications of this subdivision. Upon removal or invalidation of the special plates, or  
17.15 special motorcycle plate, ~~either~~ the owner or purchaser of the motor vehicle shall obtain  
17.16 regular plates ~~or~~ a regular motorcycle plate, or special plates for the proper registration  
17.17 classification for the motor vehicle.

17.18 (d) A special motorcycle license plate issued under this subdivision must be the  
17.19 same size as a standard motorcycle license plate.

17.20 (e) Upon payment of a fee of \$5, plates issued under this subdivision for a passenger  
17.21 automobile or truck may be transferred to another passenger automobile or truck owned  
17.22 or jointly owned by the person to whom the plates were issued. On payment of a fee of  
17.23 \$5, a plate issued under this subdivision for a motorcycle may be transferred to another  
17.24 motorcycle owned or jointly owned by the person to whom the plate was issued.

17.25 (f) The commissioner may adopt rules under the Administrative Procedure Act,  
17.26 sections 14.001 to 14.69, to govern the issuance and use of the special plates authorized  
17.27 in this subdivision.

17.28 Sec. 20. Minnesota Statutes 2008, section 168.12, is amended by adding a subdivision  
17.29 to read:

17.30 Subd. 2g. **Retired firefighters; special plates.** (a) The commissioner shall issue  
17.31 special retired firefighters plates to an applicant who:

17.32 (1) is a retired member of a fire department defined in section 299N.01, subdivision  
17.33 2, has a letter from the fire chief affirming that the applicant is a retired firefighter who  
17.34 served ten or more years and separated in good standing, and is a registered owner of a  
17.35 passenger automobile, a pickup truck, or a motorcycle;

18.1 (2) pays a fee of \$10 for each set of license plates applied for along with any other  
 18.2 fees required by this chapter; and

18.3 (3) complies with this chapter and rules governing registration of motor vehicles  
 18.4 and licensing of drivers.

18.5 (b) The commissioner shall design the special plate so that it is distinguishable from  
 18.6 the firefighter special plates issued under subdivision 2b.

18.7 (c) On payment of a transfer fee of \$5, plates issued under this subdivision may be  
 18.8 transferred to another passenger automobile registered to the individual to whom the  
 18.9 special plates were issued.

18.10 (d) Fees collected under this subdivision must be credited to the vehicle services  
 18.11 operating account in the special revenue fund.

18.12 Sec. 21. Minnesota Statutes 2009 Supplement, section 168.12, subdivision 5, is  
 18.13 amended to read:

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

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

License Plate	Single	Double
Regular and Disability	\$ 4.50	\$ 6.00
Special	\$ 8.50	\$ 10.00
Personalized (Replacement)	\$ 10.00	\$ 14.00
Collector Category	\$ 13.50	\$ 15.00
Emergency Vehicle Display	\$ 3.00	\$ 6.00
Utility Trailer Self-Adhesive	\$ 2.50	
<u>Vertical Motorcycle Plate</u>	<u>\$ 100.00</u>	<u>NA</u>
Stickers		
Duplicate year	\$ 1.00	\$ 1.00
International Fuel Tax Agreement	\$ 2.50	

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

19.3 Sec. 22. [168.121] SPECIAL PLATES REMEMBERING VICTIMS OF  
19.4 IMPAIRED DRIVERS.

19.5 Subdivision 1. **Issuance and design.** Notwithstanding section 168.1293, the  
19.6 commissioner shall issue special plates remembering victims of impaired drivers to an  
19.7 applicant who:

19.8 (1) is a registered owner of a passenger automobile;

19.9 (2) pays a fee of \$10 for each set of license plates applied for; and

19.10 (3) complies with this chapter and rules governing registration of motor vehicles  
19.11 and licensing of drivers.

19.12 Subd. 2. **Design.** The commissioner shall design the special plate emblem so that it  
19.13 bears an inscription "Remembering Victims of Impaired Drivers" and displays an image  
19.14 of a broken heart.

19.15 Subd. 3. **Plates transfer.** On payment of a transfer fee of \$5, plates issued under this  
19.16 section may be transferred to another passenger automobile registered to the individual  
19.17 to whom the special plates were issued.

19.18 Subd. 4. **Record.** The commissioner shall maintain a record of the number of  
19.19 special plates issued under this section.

19.20 Subd. 5. **Fees credited.** Fees collected under this section must be credited to the  
19.21 vehicle services operating account in the special revenue fund.

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

19.23 Sec. 23. Minnesota Statutes 2008, section 168.123, subdivision 1, is amended to read:

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

19.28 (1) special veteran's plates to an applicant who served in the active military service  
19.29 in a branch of the armed forces of the United States or of a nation or society allied with the  
19.30 United States in conducting a foreign war, was discharged under honorable conditions,  
19.31 and is a registered owner of a passenger automobile, recreational motor vehicle, or  
19.32 truck resembling a pickup truck and having a manufacturer's nominal rated capacity  
19.33 of one ton, but which is not a commercial motor vehicle as defined in section 169.011,  
19.34 subdivision 16; or

20.1 (2) a veteran's special motorcycle plate as described in subdivision 2, paragraph (a),  
20.2 (f), (h), ~~or (i), or (j)~~, or another special plate designed by the commissioner to an applicant  
20.3 who is a registered owner of a motorcycle and meets the criteria listed in this paragraph  
20.4 and in subdivision 2, paragraph (a), (f), (h), ~~or (i), or (j)~~. Plates issued under this clause  
20.5 must be the same size as regular motorcycle plates. Special motorcycle license plates  
20.6 issued under this clause are not subject to section 168.1293.

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

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

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

20.20 Sec. 24. Minnesota Statutes 2008, section 168.123, subdivision 2, is amended to read:

20.21 Subd. 2. **Design.** The commissioner of veterans affairs shall design the emblem for  
20.22 the veterans' special plates, subject to the approval of the commissioner, that satisfy the  
20.23 following requirements:

20.24 (a) For a Vietnam veteran who served after July 1, 1961, and before July 1, 1978,  
20.25 in the active military service in a branch of the armed forces of the United States or a  
20.26 nation or society allied with the United States the special plates must bear the inscription  
20.27 "VIETNAM VET" and the letters "V" and "V" with the first letter directly above the  
20.28 second letter and both letters just preceding the first numeral of the special plate number.

20.29 (b) For a veteran stationed on the island of Oahu, Hawaii, or offshore, during the  
20.30 attack on Pearl Harbor on December 7, 1941, the special plates must bear the inscription  
20.31 "PEARL HARBOR SURVIVOR" and the letters "P" and "H" with the first letter directly  
20.32 above the second letter and both letters just preceding the first numeral of the special  
20.33 plate number.

20.34 (c) For a veteran who served during World War I or World War II, the plates must  
20.35 bear the inscription "WORLD WAR VET" and:

21.1 (1) for a World War I veteran, the characters "W" and "I" with the first character  
21.2 directly above the second character and both characters just preceding the first numeral  
21.3 of the special plate number; or

21.4 (2) for a World War II veteran, the characters "W" and "II" with the first character  
21.5 directly above the second character and both characters just preceding the first numeral of  
21.6 the special plate number.

21.7 (d) For a veteran who served during the Korean Conflict, the special plates must  
21.8 bear the inscription "KOREAN VET" and the letters "K" and "V" with the first letter  
21.9 directly above the second letter and both letters just preceding the first numeral of the  
21.10 special plate number.

21.11 (e) For a combat wounded veteran who is a recipient of the purple heart medal, the  
21.12 plates must bear the inscription "COMBAT WOUNDED VET" and have a facsimile on an  
21.13 emblem of the official purple heart medal and the letters "C" over "W" with the first letter  
21.14 directly over the second letter just preceding the first numeral of the special plate number.

21.15 (f) For a Persian Gulf War veteran, the plates must bear the inscription "GULF  
21.16 WAR VET" and the letters "G" and "W" with the first letter directly above the second  
21.17 letter and both letters just preceding the first numeral of the special plate number. For  
21.18 the purposes of this section, "Persian Gulf War veteran" means a person who served on  
21.19 active duty after August 1, 1990, in a branch of the armed forces of the United States or  
21.20 a nation or society allied with the United States or the United Nations during Operation  
21.21 Desert Shield, Operation Desert Storm, or other military operation in the Persian Gulf  
21.22 area combat zone as designated in United States Presidential Executive Order No. 12744,  
21.23 dated January 21, 1991.

21.24 (g) For a veteran who served in the Laos War after July 1, 1961, and before July 1,  
21.25 1978, the special plates must bear the inscription "LAOS WAR VET" and the letters "L"  
21.26 and "V" with the first letter directly above the second letter and both letters just preceding  
21.27 the first numeral of the special plate number.

21.28 (h) For a veteran who is the recipient of:

21.29 (1) the Iraq Campaign Medal, the special plates must be inscribed with a facsimile of  
21.30 that medal and must bear the inscription "IRAQ WAR VET" directly below the special  
21.31 plate number;

21.32 (2) the Afghanistan Campaign Medal, the special plates must be inscribed with a  
21.33 facsimile of that medal and must bear the inscription "AFGHAN WAR VET" directly  
21.34 below the special plate number; ~~or~~

22.1 (3) the Global War on Terrorism Expeditionary Medal, the special plates must  
22.2 be inscribed with a facsimile of that medal and must bear the inscription "GWOT  
22.3 VETERAN" directly below the special plate number; or

22.4 (4) the Armed Forces Expeditionary Medal, the special plates must bear an  
22.5 appropriate inscription that includes a facsimile of that medal.

22.6 (i) For a veteran who is the recipient of the Global War on Terrorism Service Medal,  
22.7 the special plates must be inscribed with a facsimile of that medal and must bear the  
22.8 inscription "GWOT VETERAN" directly below the special plate number. In addition,  
22.9 any member of the National Guard or other military reserves who has been ordered to  
22.10 federally funded state active service under United States Code, title 32, as defined in  
22.11 section 190.05, subdivision 5b, and who is the recipient of the Global War on Terrorism  
22.12 Service Medal, is eligible for the license plate described in this paragraph, irrespective of  
22.13 whether that person qualifies as a veteran under section 197.447.

22.14 (j) For a veteran who is the recipient of the Korean Defense Service Medal,  
22.15 the special plates must be inscribed with a facsimile of that medal and must bear the  
22.16 inscription "KOREAN DEFENSE SERVICE" directly below the special plate number.

22.17 (k) For a veteran who is a recipient of the Bronze Star medal, the plates must bear  
22.18 the inscription "BRONZE STAR VET" and have a facsimile or an emblem of the official  
22.19 Bronze Star medal.

22.20 (l) For a veteran who is a recipient of the Silver Star medal, the plates must bear  
22.21 the inscription "SILVER STAR VET" and have a facsimile or an emblem of the official  
22.22 Silver Star medal.

22.23 Sec. 25. Minnesota Statutes 2008, section 168.1255, subdivision 1, is amended to read:

22.24 Subdivision 1. **General requirements and procedures.** The commissioner shall  
22.25 issue special veteran contribution plates or a single motorcycle plate to an applicant who:

22.26 (1) is a veteran, as defined in section 197.447;

22.27 (2) is a registered owner of a passenger automobile, recreational vehicle, one-ton  
22.28 pickup truck, or motorcycle;

22.29 (3) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

22.30 (4) pays the registration tax required under section 168.013;

22.31 (5) pays the fees required under this chapter;

22.32 (6) pays an additional onetime World War II memorial contribution of \$30, which  
22.33 the department shall retain until all start-up costs associated with the development and  
22.34 issuing of the plates have been recovered, after which the commissioner shall deposit  
22.35 contributions in the World War II donation match account; and

23.1 (7) complies with this chapter and rules governing the registration of motor vehicles  
23.2 and licensing of drivers.

23.3 **EFFECTIVE DATE.** This section is effective August 1, 2010.

23.4 Sec. 26. Minnesota Statutes 2008, section 168.1291, subdivision 1, is amended to read:

23.5 Subdivision 1. **Definition.** For purposes of this section "special plates" means plates  
23.6 issued under sections 168.12, subdivisions 2b and 2e; 168.121; 168.1235; and 168.129.

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

23.8 Sec. 27. Minnesota Statutes 2008, section 168.1291, subdivision 2, is amended to read:

23.9 Subd. 2. **Uniform design of special plates.** (a) The commissioner shall design a  
23.10 single special plate that will contain a unique number and a space for a unique emblem  
23.11 for plates issued under sections 168.12, subdivisions 2b and 2e; 168.121; 168.1235; and  
23.12 168.129. The commissioner shall design a unique emblem related to the purpose of each  
23.13 special plate.

23.14 (b) Any provision of sections 168.12, subdivisions 2b to 2e; 168.121; 168.123;  
23.15 and 168.129, that requires the placement of a specified letter or letters on a special plate  
23.16 applies to those plates only to the extent that the commissioner includes the letter or  
23.17 letters in the design.

23.18 (c) If a law authorizing a special plate contains a specific requirement for graphic  
23.19 design of that plate, that requirement applies to the appropriate unique emblem.

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

23.21 Sec. 28. **[168.1295] AMERICAN RED CROSS SPECIAL PLATES.**

23.22 Subdivision 1. **Issuance and design.** Notwithstanding section 168.1293, the  
23.23 commissioner shall issue American Red Cross plates or a single motorcycle plate to  
23.24 an applicant who:

23.25 (1) is a registered owner of a passenger automobile, one-ton pickup truck,  
23.26 motorcycle, or recreational vehicle;

23.27 (2) pays a fee of \$10 for each set of plates;

23.28 (3) contributes a minimum of \$25 to the American Red Cross disaster preparedness  
23.29 and relief account; and

23.30 (4) complies with this chapter and rules governing registration of motor vehicles  
23.31 and licensing of drivers.

24.1            Subd. 2. **Design.** After consultation with the Minnesota chapters of the American  
24.2 Red Cross, the commissioner shall design the special plate.

24.3            Subd. 3. **Plates transfer.** On payment of a transfer fee of \$5, plates issued under this  
24.4 section may be transferred to another passenger automobile registered to the individual  
24.5 to whom the special plates were issued.

24.6            Subd. 4. **Fees.** Fees collected under subdivision 1, clause (2), are credited to the  
24.7 vehicle services operating account in the special revenue fund.

24.8            Subd. 5. **Contributions.** Contributions collected under subdivision 1, clause (3),  
24.9 are credited to the American Red Cross disaster preparedness and relief account, which  
24.10 is established in the special revenue fund. Money in the account is appropriated to the  
24.11 commissioner of public safety for a grant to the Minnesota chapters of the American Red  
24.12 Cross to be used for disaster preparedness, education, and disaster response.

24.13            **EFFECTIVE DATE.** This section is effective August 1, 2013.

24.14            Sec. 29. Minnesota Statutes 2008, section 168.33, subdivision 2, is amended to read:

24.15            **Subd. 2. Deputy registrars.** (a) The commissioner may appoint, and for cause  
24.16 discontinue, a deputy registrar for any statutory or home rule charter city as the public  
24.17 interest and convenience may require, without regard to whether the county auditor of  
24.18 the county in which the city is situated has been appointed as the deputy registrar for the  
24.19 county or has been discontinued as the deputy registrar for the county, and without regard  
24.20 to whether the county in which the city is situated has established a county license bureau  
24.21 that issues motor vehicle licenses as provided in section 373.32.

24.22            (b) The commissioner may appoint, and for cause discontinue, a deputy registrar  
24.23 for any statutory or home rule charter city as the public interest and convenience may  
24.24 require, if the auditor for the county in which the city is situated chooses not to accept  
24.25 appointment as the deputy registrar for the county or is discontinued as a deputy registrar,  
24.26 or if the county in which the city is situated has not established a county license bureau  
24.27 that issues motor vehicle licenses as provided in section 373.32. The individual appointed  
24.28 by the commissioner as a deputy registrar for any statutory or home rule charter city must  
24.29 be a resident of the county in which the city is situated.

24.30            (c) The commissioner may appoint, and for cause discontinue, the county auditor of  
24.31 each county as a deputy registrar.

24.32            (d) Despite any other provision, a person other than a county auditor or a director  
24.33 of a county license bureau, who was appointed by the registrar before August 1, 1976,  
24.34 as a deputy registrar for any statutory or home rule charter city, may continue to serve  
24.35 as deputy registrar and may be discontinued for cause only by the commissioner. The

25.1 county auditor who appointed the deputy registrars is responsible for the acts of deputy  
25.2 registrars appointed by the auditor.

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

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

25.9 (g) ~~Until January 1, 2012, A corporation governed by chapter 302A or 317A~~  
25.10 ~~may be appointed a deputy registrar. Upon application by an individual serving as a~~  
25.11 ~~deputy registrar and the giving of the requisite bond as provided in this subdivision,~~  
25.12 ~~personally assured by the individual or another individual approved by the commissioner,~~  
25.13 ~~a corporation named in an application then becomes the duly appointed and qualified~~  
25.14 ~~successor to the deputy registrar. The appointment of any corporation as a deputy registrar~~  
25.15 ~~expires January 1, 2012. The commissioner shall appoint an individual as successor to~~  
25.16 ~~the corporation as a deputy registrar. The commissioner shall appoint as the successor~~  
25.17 ~~agent to a corporation whose appointment expires under this paragraph an officer of the~~  
25.18 ~~corporation if the officer applies for appointment before July 1, 2012.~~

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

25.22 (i) The deputy registrar shall keep records and make reports to the commissioner as  
25.23 the commissioner requires. The records must be maintained at the offices of the deputy  
25.24 registrar. The records and offices of the deputy registrar must at all times be open to the  
25.25 inspection of the commissioner or the commissioner's agents. The deputy registrar shall  
25.26 report to the commissioner by the next working day following receipt all registrations  
25.27 made and taxes and fees collected by the deputy registrar.

25.28 (j) The filing fee imposed under subdivision 7 must be deposited in the treasury of  
25.29 the place for which appointed or, if not a public official, a deputy shall retain the filing fee,  
25.30 but the registration tax and any additional fees for delayed registration the deputy registrar  
25.31 has collected the deputy registrar shall deposit by the next working day following receipt  
25.32 in an approved state depository to the credit of the state through the commissioner of  
25.33 management and budget. The place for which the deputy registrar is appointed through its  
25.34 governing body must provide the deputy registrar with facilities and personnel to carry out  
25.35 the duties imposed by this subdivision if the deputy is a public official. In all other cases,  
25.36 the deputy shall maintain a suitable facility for serving the public.

26.1 Sec. 30. Minnesota Statutes 2008, section 168B.04, subdivision 2, is amended to read:

26.2 Subd. 2. **Unauthorized vehicles.** (a) Units of government and peace officers may  
26.3 take into custody and impound any unauthorized vehicle under section 169.041.

26.4 (b) A vehicle may also be impounded after it has been left unattended in one of the  
26.5 following public or private locations for the indicated period of time:

26.6 (1) in a public location not governed by section 169.041:

26.7 (i) on a highway and properly tagged by a peace officer, four hours;

26.8 (ii) located so as to constitute an accident or traffic hazard to the traveling public, as  
26.9 determined by a peace officer, immediately;

26.10 (iii) located so as to constitute an accident or traffic hazard to the traveling public  
26.11 within the Department of Transportation's eight-county metropolitan district, as determined  
26.12 by an authorized employee of the department's freeway service patrol, immediately; or

26.13 (iv) that is a parking facility or other public property owned or controlled by a unit  
26.14 of government, properly posted, four hours; or

26.15 (2) on private property:

26.16 (i) that is single-family or duplex residential property, immediately;

26.17 (ii) that is private, nonresidential property, properly posted, immediately;

26.18 (iii) that is private, nonresidential property, not posted, 24 hours;

26.19 (iv) that is private, nonresidential property of an operator of an establishment for the  
26.20 servicing, repair, or maintenance of motor vehicles, five business days after notifying the  
26.21 vehicle owner by certified mail, return receipt requested, of the property owner's intention  
26.22 to have the vehicle removed from the property; or

26.23 (v) that is any residential property, properly posted, immediately.

26.24 (c) A peace officer may take into custody and impound any vehicle when the driver  
26.25 of the vehicle is arrested or taken into custody and another means of safely dealing with  
26.26 the vehicle is not immediately available.

26.27 Sec. 31. Minnesota Statutes 2008, section 168B.06, subdivision 1, is amended to read:

26.28 Subdivision 1. **Written notice of impound.** (a) When an impounded vehicle is  
26.29 taken into custody, the unit of government or impound lot operator taking it into custody  
26.30 shall give written notice of the taking within five days to the registered vehicle owner  
26.31 and any lienholders.

26.32 (b) The notice must:

26.33 (1) set forth the date and place of the taking;

27.1 (2) provide the year, make, model, and serial number of the impounded motor  
27.2 vehicle, if such information can be reasonably obtained, and the place where the vehicle  
27.3 is being held;

27.4 (3) inform the owner and any lienholders of their right to reclaim the vehicle under  
27.5 section 168B.07;

27.6 (4) state that failure of the owner or lienholders to:

27.7 (i) exercise their right to reclaim the vehicle within the appropriate time allowed  
27.8 under section 168B.051, subdivision 1, 1a, or 2, and under the conditions set forth in  
27.9 section 168B.07, subdivision 1, constitutes a waiver by them of all right, title, and interest  
27.10 in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle  
27.11 pursuant to section 168B.08; or

27.12 (ii) exercise their right to reclaim the contents of the vehicle within the appropriate  
27.13 time allowed and under the conditions set forth in section 168B.07, subdivision 3,  
27.14 constitutes a waiver by them of all right, title, and interest in the contents and consent to  
27.15 sell or dispose of the contents under section 168B.08; and

27.16 (5) state that a vehicle owner who provides to the impound lot operator  
27.17 documentation from a government or nonprofit agency or legal aid office that the owner  
27.18 is homeless, receives relief based on need, or is eligible for legal aid services, ~~or has a~~  
27.19 ~~household income at or below 50 percent of state median income~~ has the unencumbered  
27.20 right to retrieve any and all contents without charge.

27.21 Sec. 32. Minnesota Statutes 2008, section 168B.07, subdivision 3, is amended to read:

27.22 Subd. 3. **Retrieval of contents.** (a) For purposes of this subdivision:

27.23 (1) "contents" does not include any permanently affixed mechanical or  
27.24 nonmechanical automobile parts; automobile body parts; or automobile accessories,  
27.25 including audio or video players; and

27.26 (2) "relief based on need" includes, but is not limited to, receipt of MFIP  
27.27 and Diversionary Work Program, medical assistance, general assistance, general  
27.28 assistance medical care, emergency general assistance, Minnesota supplemental aid,  
27.29 MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy  
27.30 assistance, emergency assistance, food stamps, earned income tax credit, or Minnesota  
27.31 working family tax credit.

27.32 (b) A unit of government or impound lot operator shall establish reasonable  
27.33 procedures for retrieval of vehicle contents, and may establish reasonable procedures to  
27.34 protect the safety and security of the impound lot and its personnel.

28.1 (c) At any time before the expiration of the waiting periods provided in section  
28.2 168B.051, a registered owner who provides documentation from a government or  
28.3 nonprofit agency or legal aid office that the registered owner is homeless, receives relief  
28.4 based on need, or is eligible for legal aid services, ~~or has a household income at or below~~  
28.5 ~~50 percent of state median income~~ has the unencumbered right to retrieve any and all  
28.6 contents without charge and regardless of whether the registered owner pays incurred  
28.7 charges or fees, transfers title, or reclaims the vehicle.

28.8 Sec. 33. Minnesota Statutes 2008, section 169.041, subdivision 5, is amended to read:

28.9 Subd. 5. **Towing prohibited.** ~~Unless the vehicle is described in subdivision 4, (a) A~~  
28.10 towing authority may not tow a motor vehicle because:

28.11 (1) the vehicle has expired registration tabs that have been expired for less than  
28.12 90 days; or

28.13 (2) the vehicle is at a parking meter on which the time has expired and the vehicle  
28.14 has fewer than five unpaid parking tickets.

28.15 (b) A towing authority may tow a motor vehicle, notwithstanding paragraph (a), if:

28.16 (1) the vehicle is parked in violation of snow emergency regulations;

28.17 (2) the vehicle is parked in a rush-hour restricted parking area;

28.18 (3) the vehicle is blocking a driveway, alley, or fire hydrant;

28.19 (4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking  
28.20 is prohibited;

28.21 (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the  
28.22 stop sign;

28.23 (6) the vehicle is parked in a disability transfer zone or disability parking space  
28.24 without a disability parking certificate or disability license plates;

28.25 (7) the vehicle is parked in an area that has been posted for temporary restricted  
28.26 parking (A) at least 12 hours in advance in a home rule charter or statutory city having  
28.27 a population under 50,000, or (B) at least 24 hours in advance in another political  
28.28 subdivision;

28.29 (8) the vehicle is parked within the right-of-way of a controlled-access highway or  
28.30 within the traveled portion of a public street when travel is allowed there;

28.31 (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to  
28.32 use by fire, police, public safety, or emergency vehicles;

28.33 (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul  
28.34 International Airport owned by the Metropolitan Airports Commission;

29.1 (11) a law enforcement official has probable cause to believe that the vehicle is  
29.2 stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is  
29.3 reasonably necessary to obtain or preserve the evidence;

29.4 (12) the driver, operator, or person in physical control of the vehicle is taken into  
29.5 custody and the vehicle is impounded for safekeeping;

29.6 (13) a law enforcement official has probable cause to believe that the owner,  
29.7 operator, or person in physical control of the vehicle has failed to respond to five or more  
29.8 citations for parking or traffic offenses;

29.9 (14) the vehicle is unlawfully parked in a zone that is restricted by posted signs  
29.10 to use by taxicabs;

29.11 (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked  
29.12 vehicle;

29.13 (16) the vehicle is parked, on a school day during prohibited hours, in a school zone  
29.14 on a public street where official signs prohibit parking; or

29.15 (17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section  
29.16 168B.011, and subject to immediate removal under chapter 168B.

29.17 Sec. 34. Minnesota Statutes 2008, section 169.09, subdivision 5a, is amended to read:

29.18 Subd. 5a. **Driver deemed agent of owner.** ~~Whenever any~~ If a motor vehicle shall  
29.19 be is operated within this state, by any by a person other than the owner, with the express  
29.20 or implied consent of the owner, express or implied, the operator thereof shall, in case of  
29.21 accident, be is deemed the agent of the owner of such the motor vehicle in the its operation  
29.22 thereof. For a single self-propelled vehicle connected to or towing one or more trailers  
29.23 or semitrailers, the operator of the motor vehicle is deemed to be an agent of the owner  
29.24 of the self-propelled portion of the motor vehicle combination, and not an agent of the  
29.25 owner of the trailer portion of the motor vehicle combination.

29.26 Sec. 35. Minnesota Statutes 2008, section 169.15, is amended to read:

29.27 **169.15 IMPEDING TRAFFIC; INTERSECTION GRIDLOCK.**

29.28 **Subdivision 1. Impeding traffic; drive at slow speed.** No person shall drive a  
29.29 motor vehicle at such a slow speed as to impede or block the normal and reasonable  
29.30 movement of traffic except when reduced speed is necessary for safe operation or in  
29.31 compliance with law or except when the vehicle is temporarily unable to maintain a greater  
29.32 speed due to a combination of the weight of the vehicle and the grade of the highway.

29.33 **Subd. 2. Intersection gridlock; stop or block traffic.** (a) Except as provided  
29.34 in paragraph (b), a driver of a vehicle shall not enter an intersection controlled by a

30.1 traffic-control signal until the driver is able to move the vehicle immediately, continuously,  
30.2 and completely through the intersection without impeding or blocking the subsequent  
30.3 movement of cross traffic.

30.4 (b) Paragraph (a) does not apply to movement of a vehicle made:

30.5 (1) at the direction of a city-authorized traffic-control agent or a peace officer;

30.6 (2) to facilitate passage of an authorized emergency vehicle with its emergency  
30.7 lights activated; or

30.8 (3) to make a turn, as permitted under section 169.19, that allows the vehicle to  
30.9 safely leave the intersection.

30.10 (c) A violation of this subdivision does not constitute grounds for suspension or  
30.11 revocation of the violator's driver's license.

30.12 **EFFECTIVE DATE.** This section is effective January 1, 2011, and applies to acts  
30.13 committed on or after that date.

30.14 Sec. 36. Minnesota Statutes 2008, section 169.26, is amended by adding a subdivision  
30.15 to read:

30.16 Subd. 4. **Pedestrians; penalty.** (a) A pedestrian shall not pass through, around,  
30.17 over, or under any crossing gate or barrier at a railroad grade crossing while the gate or  
30.18 barrier is closed or is being opened or closed.

30.19 (b) A pedestrian shall not enter, remain upon, or traverse over a railroad track, grade  
30.20 crossing, or pedestrian walkway crossing a railroad track when an audible bell or clearly  
30.21 visible electric or mechanical signal device is operational and warning of the presence,  
30.22 approach, passage, or departure of a railroad train.

30.23 (c) A person who violates this subdivision is subject to a fine of up to \$100.

30.24 Sec. 37. Minnesota Statutes 2008, section 169.306, is amended to read:

30.25 **169.306 USE OF SHOULDERS BY BUSES.**

30.26 (a) The commissioner of transportation ~~may~~ is authorized to permit the use by transit  
30.27 buses and Metro Mobility buses of a shoulder, as designated by the commissioner, of a  
30.28 freeway or expressway, as defined in section 160.02, ~~in the seven-county metropolitan~~  
30.29 ~~area~~ in Minnesota.

30.30 (b) If the commissioner permits the use of a freeway or expressway shoulder by  
30.31 transit buses, the commissioner shall ~~also~~ permit the use on that shoulder of a bus (1) with  
30.32 a seating capacity of 40 passengers or more operated by a motor carrier of passengers,  
30.33 as defined in section 221.012, subdivision 26, while operating in intrastate commerce or

31.1 (2) providing regular route transit service, as defined in section 174.22, subdivision 8, or  
31.2 Metro Mobility services, and operated by or under contract with the Metropolitan Council,  
31.3 a local transit authority, or a transit authority created by the legislature. Drivers of these  
31.4 buses must have adequate training in the requirements of paragraph (c), as determined by  
31.5 the commissioner.

31.6 (c) Buses authorized to use the shoulder under this section may be operated on the  
31.7 shoulder only when main-line traffic speeds are less than 35 miles per hour. Drivers of  
31.8 buses being operated on the shoulder may not exceed the speed of main-line traffic by  
31.9 more than 15 miles per hour and may never exceed 35 miles per hour. Drivers of buses  
31.10 being operated on the shoulder must yield to merging, entering, and exiting traffic and  
31.11 must yield to other vehicles on the shoulder. Buses operated on the shoulder must be  
31.12 registered with the Department of Transportation.

31.13 (d) For the purposes of this section, the term "Metro Mobility bus" means a motor  
31.14 vehicle of not less than 20 feet in length engaged in providing special transportation  
31.15 services under section 473.386 that is:

31.16 (1) ~~operated by the Metropolitan Council, or operated by~~ operated by or under contract with a  
31.17 public or private entity receiving financial assistance to provide transit services from the  
31.18 Metropolitan Council or the commissioner of transportation; and

31.19 (2) authorized by the ~~council~~ commissioner to use freeway or expressway shoulders.

31.20 (e) This section does not apply to the operation of buses on dynamic shoulder lanes.

31.21 Sec. 38. Minnesota Statutes 2009 Supplement, section 169.71, subdivision 1, is  
31.22 amended to read:

31.23 Subdivision 1. **Prohibitions generally; exceptions.** (a) A person shall not drive or  
31.24 operate any motor vehicle with:

31.25 (1) a windshield cracked or discolored to an extent to limit or obstruct proper vision;

31.26 (2) any objects suspended between the driver and the windshield, other than:

31.27 (i) sun visors;

31.28 (ii) rearview mirrors;

31.29 (iii) driver feedback and safety-monitoring equipment when mounted immediately  
31.30 behind, slightly above, or slightly below the rearview mirror;

31.31 ~~(iii)~~ (iv) global positioning systems or navigation systems when mounted or located  
31.32 near the bottommost portion of the windshield; and

31.33 ~~(iv)~~ (v) electronic toll collection devices; or

31.34 (3) any sign, poster, or other nontransparent material upon the front windshield,  
31.35 sidewings, or side or rear windows of the vehicle, other than a certificate or other paper

32.1 required to be so displayed by law or authorized by the state director of the Division of  
32.2 Emergency Management or the commissioner of public safety.

32.3 (b) Paragraph (a), clauses (2) and (3), do not apply to law enforcement vehicles.

32.4 (c) Paragraph (a), clause (2), does not apply to authorized emergency vehicles.

32.5 Sec. 39. Minnesota Statutes 2008, section 169.79, subdivision 3, is amended to read:

32.6 Subd. 3. **Rear display of single plate.** If the vehicle is a motorcycle, motor scooter,  
32.7 motorized bicycle, motorcycle sidecar, hearse, trailer registered at greater than 3,000  
32.8 pounds gross vehicle weight (GVW), semitrailer, or vehicle displaying a dealer plate, then  
32.9 one license plate must be displayed horizontally or vertically, for a motorcycle issued  
32.10 vertical license plates under section 168.12, subdivision 2a, with the identifying numbers  
32.11 and letters facing outward from the vehicle and must be mounted ~~in the upright position~~  
32.12 on the rear of the vehicle.

32.13 Sec. 40. Minnesota Statutes 2009 Supplement, section 169.865, subdivision 1, is  
32.14 amended to read:

32.15 Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit  
32.16 authorizing a vehicle or combination of vehicles with a total of six or more axles to haul  
32.17 raw or unprocessed agricultural products and be operated with a gross vehicle weight  
32.18 of up to:

32.19 (1) 90,000 pounds; and

32.20 (2) 99,000 pounds during the period set by the commissioner under section 169.826,  
32.21 subdivision 1.

32.22 (b) Notwithstanding subdivision ~~4~~ 3, paragraph (a), clause (4), a vehicle or  
32.23 combination of vehicles operated under this subdivision and transporting only sealed  
32.24 intermodal containers may be operated on an interstate highway if allowed by the United  
32.25 States Department of Transportation.

32.26 (c) The fee for a permit issued under this subdivision is \$300.

32.27 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2008.

32.28 Sec. 41. Minnesota Statutes 2008, section 169.87, is amended by adding a subdivision  
32.29 to read:

32.30 **Subd. 7. Cargo tank vehicles.** (a) Weight restrictions imposed by the commissioner  
32.31 under subdivisions 1 and 2 do not apply to cargo tank vehicles with two or three permanent  
32.32 axles when delivering propane for heating or dyed fuel oil on seasonally weight-restricted  
32.33 roads if the vehicle is loaded at no more than 50 percent capacity of the cargo tank.

33.1 (b) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle  
33.2 used for propane must have an operating gauge on the cargo tank that shows the amount of  
33.3 propane as a percent of capacity of the cargo tank. Documentation of the capacity of the  
33.4 cargo tank must be available on the cargo tank or in the cab of the vehicle. For purposes of  
33.5 this subdivision, propane weighs 4.2 pounds per gallon.

33.6 (c) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle  
33.7 used for dyed fuel oil must utilize the forward two tank compartments and must carry  
33.8 documentation of the empty weight of the cargo tank vehicle from a certified scale in the  
33.9 cab of the vehicle. For purposes of this subdivision, dyed fuel oil weighs seven pounds  
33.10 per gallon.

33.11 (d) To the extent practicable, cargo tank vehicles that are exempt from weight  
33.12 restrictions under paragraph (a) shall complete deliveries on seasonally weight restricted  
33.13 roads by 12:00 p.m. and before the last week of April.

33.14 Sec. 42. Minnesota Statutes 2008, section 169.92, subdivision 4, is amended to read:

33.15 Subd. 4. **Suspension of driver's license.** (a) Upon receiving a report from the court,  
33.16 or from the driver licensing authority of a state, district, territory, or possession of the  
33.17 United States or a province of a foreign country which has an agreement in effect with  
33.18 this state pursuant to section 169.91, that a resident of this state or a person licensed as  
33.19 a driver in this state did not appear in court in compliance with the terms of a citation,  
33.20 the commissioner of public safety shall notify the driver that the driver's license will be  
33.21 suspended unless the commissioner receives notice within 30 days that the driver has  
33.22 appeared in the appropriate court or, if the offense is a petty misdemeanor for which a  
33.23 guilty plea was entered under section 609.491, that the person has paid any fine imposed  
33.24 by the court. If the commissioner does not receive notice of the appearance in the  
33.25 appropriate court or payment of the fine within 30 days of the date of the commissioner's  
33.26 notice to the driver, the commissioner may suspend the driver's license, subject to the  
33.27 notice requirements of section 171.18, subdivision 2.

33.28 (b) The order of suspension shall indicate the reason for the order and shall notify  
33.29 the driver that the driver's license shall remain suspended until the driver has furnished  
33.30 evidence, satisfactory to the commissioner, of compliance with any order entered by  
33.31 the court.

33.32 (c) Suspension shall be ordered under this subdivision only when the report clearly  
33.33 identifies the person arrested, describes the violation, ~~specifying the section of the traffic~~  
33.34 ~~law, ordinance or rule violated,~~ and indicates the location and date of the offense, ~~and~~  
33.35 ~~describes the vehicle involved and its registration number.~~

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

34.2 Sec. 43. Minnesota Statutes 2009 Supplement, section 171.02, subdivision 2b, is  
34.3 amended to read:

34.4 Subd. 2b. **Exception for type III vehicle drivers.** (a) Notwithstanding subdivision  
34.5 2, the holder of a class A, B, C, or D driver's license, without a school bus endorsement,  
34.6 may operate a type III vehicle described in section 169.011, subdivision 71, paragraph (h),  
34.7 under the conditions in paragraphs (b) through (o).

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

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

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

34.13 (2) understanding student behavior, including issues relating to students with  
34.14 disabilities;

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

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

34.19 (5) handling emergency situations;

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

34.21 (7) performance of pretrip vehicle inspections;

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

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

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

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

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

34.32 (v) escorting a pupil across the road under clause (iii) only after the motor is  
34.33 stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise  
34.34 rendered immobile; and

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

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

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

35.10 (f) The operator's employer requires preemployment drug ~~and alcohol~~ testing of  
35.11 applicants for operator positions. Current operators must comply with the employer's  
35.12 policy under section 181.951, subdivisions 2, 4, and 5. Notwithstanding any law to the  
35.13 contrary, the operator's employer may use a breathalyzer or similar device to fulfill  
35.14 random alcohol testing requirements.

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

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

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

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

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

35.34 (l) Students riding the type III vehicle must have training required under section  
35.35 123B.90, subdivision 2.

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

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

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

36.10 **EFFECTIVE DATE.** This section is effective July 1, 2010.

36.11 Sec. 44. Minnesota Statutes 2008, section 171.321, subdivision 2, is amended to read:

36.12 Subd. 2. **Rules.** (a) The commissioner of public safety shall prescribe rules  
36.13 governing (1) the physical qualifications of school bus drivers and tests required to obtain  
36.14 a school bus endorsement, and (2) the physical qualifications of type III vehicle drivers.

36.15 (b) The rules under paragraph (a) must provide that an applicant for a school  
36.16 bus endorsement or renewal is exempt from the physical qualifications and medical  
36.17 examination required to operate a school bus upon providing evidence of being medically  
36.18 examined and certified within the preceding 24 months as physically qualified to operate a  
36.19 commercial motor vehicle, pursuant to Code of Federal Regulations, title 49, part 391,  
36.20 subpart E, or rules of the commissioner of transportation incorporating those federal  
36.21 regulations. The commissioner shall accept physical examinations for school bus drivers  
36.22 conducted by medical examiners authorized as provided by Code of Federal Regulations,  
36.23 title 49, chapter 3, part 391, subpart E.

36.24 ~~(b)~~ (c) The commissioner of public safety, in conjunction with the commissioner  
36.25 of education, shall adopt rules prescribing a training program for Head Start bus drivers.  
36.26 The program must provide for initial classroom and behind-the-wheel training, and annual  
36.27 in-service training. The program must provide training in defensive driving, human  
36.28 relations, emergency and accident procedures, vehicle maintenance, traffic laws, and use  
36.29 of safety equipment. The program must provide that the training will be conducted by the  
36.30 contract operator for a Head Start agency, the Head Start grantee, a licensed driver training  
36.31 school, or by another person or entity approved by both commissioners.

36.32 (d) The commissioner may exempt a type III vehicle driver from the physical  
36.33 qualifications required to operate a type III vehicle upon receiving evidence of the  
36.34 driver having been medically examined and certified within the preceding 24 months as

37.1 physically qualified to operate a commercial motor vehicle as provided for applicants for a  
37.2 school bus endorsement under paragraph (b).

37.3 Sec. 45. Minnesota Statutes 2008, section 174.01, subdivision 1, is amended to read:

37.4 Subdivision 1. **Department created.** In order to provide ~~a balanced~~ an integrated  
37.5 transportation system, including of aeronautics, highways, motor carriers, ports, public  
37.6 transit, railroads, and pipelines, and including facilities for walking and bicycling, a  
37.7 Department of Transportation is created. The department is the principal agency of the  
37.8 state for development, implementation, administration, consolidation, and coordination of  
37.9 state transportation policies, plans, and programs.

37.10 Sec. 46. Minnesota Statutes 2008, section 174.01, subdivision 2, is amended to read:

37.11 Subd. 2. **Transportation goals.** The goals of the state transportation system are  
37.12 as follows:

37.13 (1) to ~~provide safe transportation~~ minimize fatalities and injuries for transportation  
37.14 users throughout the state;

37.15 (2) to provide multimodal and intermodal transportation ~~that enhances mobility and~~  
37.16 ~~economic development and provides access to all persons and businesses in Minnesota~~  
37.17 ~~while ensuring that there is no~~ facilities and services to increase access for all persons and  
37.18 businesses and to ensure economic well-being and quality of life without undue burden  
37.19 placed on any community;

37.20 (3) to provide a reasonable travel time for commuters;

37.21 (4) to enhance economic development and provide for the economical, efficient, and  
37.22 safe movement of goods to and from markets by rail, highway, and waterway;

37.23 (5) to encourage tourism by providing appropriate transportation to Minnesota  
37.24 facilities designed to attract tourists and to enhance the appeal, through transportation  
37.25 investments, of tourist destinations across the state;

37.26 (6) to provide transit services ~~throughout~~ to all counties in the state to meet the  
37.27 needs of transit users;

37.28 (7) to promote ~~productivity~~ accountability through ~~system~~ systematic management  
37.29 of system performance and productivity through the utilization of technological  
37.30 advancements;

37.31 (8) to maximize the long-term benefits received for each state transportation  
37.32 investment;

38.1 (9) to provide for and prioritize funding for of transportation investments that, at a  
38.2 minimum, preserves the transportation infrastructure ensures that the state's transportation  
38.3 infrastructure is maintained in a state of good repair;

38.4 (10) to ensure that the planning and implementation of all modes of transportation  
38.5 are consistent with the environmental and energy goals of the state;

38.6 (11) to promote and increase the use of high-occupancy vehicles and low-emission  
38.7 vehicles;

38.8 (12) to provide an air transportation system sufficient to encourage economic growth  
38.9 and allow all regions of the state the ability to participate in the global economy;

38.10 (13) to increase ~~transit~~ use of transit as a percentage of all trips statewide by giving  
38.11 highest priority to the transportation modes with the greatest people-moving capacity and  
38.12 lowest long-term economic and environmental cost;

38.13 (14) to promote and increase bicycling and walking as a percentage of all trips as ~~an~~  
38.14 energy-efficient, nonpolluting, and ~~healthful form~~ healthy forms of transportation;

38.15 (15) to reduce greenhouse gas emissions from the state's transportation sector; and

38.16 (16) to accomplish these goals with minimal impact on the environment.

38.17 Sec. 47. Minnesota Statutes 2008, section 174.02, subdivision 1a, is amended to read:

38.18 Subd. 1a. **Mission; efficiency; legislative report, recommendations.** It is part  
38.19 of the department's mission that within the department's resources the commissioner  
38.20 shall endeavor to:

38.21 (1) prevent the waste or unnecessary spending of public money;

38.22 (2) use innovative fiscal and human resource practices to manage the state's  
38.23 resources and operate the department as efficiently as possible;

38.24 (3) minimize the degradation of air ~~and~~ water quality, and the climate, including  
38.25 reduction in greenhouse gas emissions;

38.26 (4) coordinate the department's activities wherever appropriate with the activities  
38.27 of other governmental agencies;

38.28 (5) use technology where appropriate to increase agency productivity, improve  
38.29 customer service, increase public access to information about government, and increase  
38.30 public participation in the business of government;

38.31 (6) utilize constructive and cooperative labor-management practices to the extent  
38.32 otherwise required by chapters 43A and 179A;

38.33 (7) report to the legislature on the performance of agency operations and the  
38.34 accomplishment of agency goals in the agency's biennial budget according to section  
38.35 16A.10, subdivision 1; and

39.1 (8) recommend to the legislature appropriate changes in law necessary to carry out  
39.2 the mission and improve the performance of the department.

39.3 Sec. 48. [174.186] DISADVANTAGED BUSINESS ENTERPRISE

39.4 COLLABORATIVE.

39.5 Subdivision 1. Establishment; purpose. (a) The commissioner of transportation  
39.6 shall convene regular meetings of the disadvantaged business enterprise program and  
39.7 workforce inclusion collaborative, as constituted by the commissioner as of January  
39.8 1, 2010.

39.9 (b) The collaborative shall review and evaluate the commissioner's implementation  
39.10 of the disadvantaged business enterprise program, under Code of Federal Regulations, title  
39.11 49, and recommend changes, including possible legislation, to improve the effectiveness  
39.12 of the program in this state. At a minimum, the collaborative shall review, evaluate, and  
39.13 recommend program changes where necessary in the following areas:

39.14 (1) an on-the-job training program to increase the diversity of the workforce on  
39.15 projects;

39.16 (2) on-the-job trainee tracking and retention;

39.17 (3) a mentor and protégé program for small, disadvantaged business entrepreneurs;

39.18 (4) requirements for participation of disadvantaged business enterprises at the time  
39.19 of letting bids for contracts;

39.20 (5) a coordinated access point to recruit disadvantaged business enterprises and a  
39.21 diverse workforce;

39.22 (6) objective measures for good-faith efforts to recruit disadvantaged business  
39.23 enterprises;

39.24 (7) a working capital fund for small disadvantaged business enterprises;

39.25 (8) increased transparency for results in the on-the-job training and disadvantaged  
39.26 business enterprise programs;

39.27 (9) civil rights program training;

39.28 (10) a targeted group business program for state-funded projects; and

39.29 (11) coding systems and dual goals for women and people of color.

39.30 (c) The commissioner shall provide staff and administrative support for the  
39.31 collaborative and shall establish policies and procedures for the collaborative, including  
39.32 quorum requirements and majority decision making.

39.33 (d) The representatives of the Department of Transportation with responsibility for  
39.34 civil rights and contracting shall participate in collaborative meetings and deliberations.

40.1 (e) Members of the collaborative do not receive compensation or reimbursement of  
40.2 expenses.

40.3 Subd. 2. Powers and duties; report. (a) The collaborative shall develop  
40.4 recommendations to the commissioner and to the legislature as provided in paragraph (b)  
40.5 designed to implement fully the federal Disadvantaged Business Enterprise program in  
40.6 this state and to improve the effectiveness of the program. These recommendations,  
40.7 including any draft legislation if the collaborative decides to recommend legislation, may  
40.8 include, but are not limited to, strategies, policies, and actions focused on:

40.9 (1) requiring bid proposals to include information on disadvantaged business  
40.10 enterprise participation;

40.11 (2) defining and implementing appropriate accountability measures when  
40.12 disadvantaged business enterprise contract goals are not met in accordance with Code  
40.13 of Federal Regulations, title 49;

40.14 (3) sponsoring disadvantaged business enterprise training and development  
40.15 workshops; and

40.16 (4) strengthening the content and frequency of department reporting requirements  
40.17 relating to the disadvantaged business enterprise program.

40.18 (b) The collaborative shall report its findings and legislative recommendations,  
40.19 including draft legislation if the collaborative decides to recommend legislation, to the  
40.20 chairs and ranking minority members of the legislative committees and divisions with  
40.21 jurisdiction over transportation policy and finance by February 1, 2011. The report must  
40.22 be made available electronically and available in print upon request.

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

40.24 Sec. 49. [174.285] MINNESOTA COUNCIL ON TRANSPORTATION ACCESS.

40.25 Subdivision 1. Council established. A Minnesota Council on Transportation  
40.26 Access is established to study, evaluate, oversee, and make recommendations to improve  
40.27 the coordination, availability, accessibility, efficiency, cost-effectiveness, and safety of  
40.28 transportation services provided to the transit public. "Transit public" means those persons  
40.29 who utilize public transit and those who, because of mental or physical disability, income  
40.30 status, or age are unable to transport themselves and are dependent upon others for  
40.31 transportation services.

40.32 Subd. 2. Duties of council. In order to accomplish the purposes in subdivision  
40.33 1, the council, following consultation with the legislative committees or divisions  
40.34 with jurisdiction over transportation policy and budget, or with appropriate legislative

41.1 transportation subcommittees, shall adopt a biennial work plan that must incorporate  
41.2 the following activities:

41.3 (1) compile information on existing transportation alternatives for the transit public,  
41.4 and serve as a clearinghouse for information on services, funding sources, innovations,  
41.5 and coordination efforts;

41.6 (2) identify best practices and strategies that have been successful in Minnesota and  
41.7 in other states for coordination of local, regional, state, and federal funding and services;

41.8 (3) recommend statewide objectives for providing public transportation services  
41.9 for the transit public;

41.10 (4) identify barriers prohibiting coordination and accessibility of public  
41.11 transportation services and aggressively pursue the elimination of those barriers;

41.12 (5) recommend policies and procedures for coordinating local, regional, state, and  
41.13 federal funding and services for the transit public;

41.14 (6) identify stakeholders in providing services for the transit public, and seek input  
41.15 from them concerning barriers and appropriate strategies;

41.16 (7) recommend guidelines for developing transportation coordination plans  
41.17 throughout the state;

41.18 (8) encourage all state agencies participating in the council to purchase trips within  
41.19 the coordinated system;

41.20 (9) facilitate the creation and operation of transportation brokerages to match  
41.21 riders to the appropriate service, promote shared dispatching, compile and disseminate  
41.22 information on transportation options, and promote regional communication;

41.23 (10) encourage volunteer driver programs and recommend legislation to address  
41.24 liability and insurance issues;

41.25 (11) recommend minimum performance standards for delivery of services;

41.26 (12) identify methods to eliminate fraud and abuse in special transportation services;

41.27 (13) develop a standard method for addressing liability insurance requirements for  
41.28 transportation services purchased, provided, or coordinated;

41.29 (14) design and develop a contracting template for providing coordinated  
41.30 transportation services;

41.31 (15) recommend an interagency uniform contracting and billing and accounting  
41.32 system for providing coordinated transportation services;

41.33 (16) encourage the design and development of training programs for coordinated  
41.34 transportation services;

41.35 (17) encourage the use of public school transportation vehicles for the transit public;

42.1 (18) develop an allocation methodology that equitably distributes transportation  
42.2 funds to compensate units of government and all entities that provide coordinated  
42.3 transportation services;

42.4 (19) identify policies and necessary legislation to facilitate vehicle sharing; and

42.5 (20) advocate aggressively for eliminating barriers to coordination, implementing  
42.6 coordination strategies, enacting necessary legislation, and appropriating resources to  
42.7 achieve the council's objectives.

42.8 Subd. 3. **Coordination with legislative committees.** The council shall coordinate  
42.9 its meeting schedule and activities pursuant to its work plan, to the extent practicable, with  
42.10 legislative committees and divisions with jurisdiction over transportation budget and  
42.11 policy, or with appropriate subcommittees. The chairperson of the council shall act as  
42.12 a liaison with the chairs and ranking minority members of the legislative transportation  
42.13 committees, divisions, and appropriate subcommittees, in carrying out these duties.

42.14 Subd. 4. **Membership.** (a) The council is composed of the following 13 members:

42.15 (1) one representative from the Office of the Governor;

42.16 (2) one representative from the Council on Disability;

42.17 (3) one representative from the Minnesota Public Transit Association;

42.18 (4) the commissioner of transportation or a designee;

42.19 (5) the commissioner of human services or a designee;

42.20 (6) the commissioner of health or a designee;

42.21 (7) the chair of the Metropolitan Council or a designee;

42.22 (8) the commissioner of education or a designee;

42.23 (9) the commissioner of veterans affairs or a designee;

42.24 (10) one representative from the Board on Aging;

42.25 (11) the commissioner of employment and economic development or a designee;

42.26 (12) the commissioner of commerce or a designee; and

42.27 (13) the commissioner of management and budget or a designee.

42.28 (b) All appointments required by paragraph (a) must be completed by August  
42.29 1, 2010.

42.30 (c) The commissioner of transportation or a designee shall convene the first meeting  
42.31 of the council within two weeks after the members have been appointed to the council.

42.32 The members shall elect a chairperson from their membership at the first meeting.

42.33 (d) The Department of Transportation and the Department of Human Services shall  
42.34 provide necessary staff support for the council.

42.35 Subd. 5. **Report.** By January 15 of each year, beginning in 2012, the council shall  
42.36 report its findings, recommendations, and activities to the governor's office and to the

43.1 chairs and ranking minority members of the legislative committees with jurisdiction  
43.2 over transportation, health, and human services, and to the legislature as provided under  
43.3 section 3.195.

43.4 Subd. 6. **Reimbursement.** Members of the council shall receive reimbursement  
43.5 of expenses from the commissioner of transportation as provided in section 15.059,  
43.6 subdivision 3.

43.7 Subd. 7. **Transfer of appropriation.** The amount appropriated to the Metropolitan  
43.8 Council in Laws 2009, chapter 36, article 1, section 4, subdivision 2, for the administrative  
43.9 expenses of the Minnesota Council on Transportation Access, and for other costs relating  
43.10 to the preparation of required reports, including the costs of hiring a consultant, is  
43.11 transferred to the Department of Transportation for the same purposes.

43.12 Subd. 8. **Expiration.** This section expires June 30, 2014.

43.13 Sec. 50. Minnesota Statutes 2009 Supplement, section 174.66, is amended to read:

43.14 **174.66 CONTINUATION OF CARRIER RULES.**

43.15 (a) Orders and directives in force, issued, or promulgated under authority of chapters  
43.16 174A, 216A, 218, 219, 221, and 222 remain and continue in force and effect until repealed,  
43.17 modified, or superseded by duly authorized orders or directives of the commissioner of  
43.18 transportation. To the extent allowed under federal law or regulation, rules adopted under  
43.19 authority of the following sections are transferred to the commissioner of transportation  
43.20 and continue in force and effect until repealed, modified, or superseded by duly authorized  
43.21 rules of the commissioner:

43.22 (1) section 218.041 except rules related to the form and manner of filing railroad  
43.23 rates, railroad accounting rules, and safety rules;

43.24 (2) section 219.40;

43.25 (3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits  
43.26 under section 221.031, subdivision 1;

43.27 (4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest  
43.28 in a corporation holding authority to operate as a permit carrier as prescribed in section  
43.29 221.151, subdivision 1; and

43.30 ~~(5) rules relating to rates, charges, and practices under section 221.161, subdivision~~  
43.31 ~~4; and~~

43.32 ~~(6)~~ (5) rules relating to rates, tariffs, or the granting, limiting, or modifying of  
43.33 permits under sections 221.121 and 221.151.

43.34 (b) The commissioner shall review the transferred rules, orders, and directives and,  
43.35 when appropriate, develop and adopt new rules, orders, or directives.

44.1 Sec. 51. [174.75] COMPLETE STREETS.

44.2 Subdivision 1. **Definition.** "Complete streets" is the planning, scoping, design,  
44.3 implementation, operation, and maintenance of roads in order to reasonably address the  
44.4 safety and accessibility needs of users of all ages and abilities. Complete streets considers  
44.5 the needs of motorists, pedestrians, transit users and vehicles, bicyclists, and commercial  
44.6 and emergency vehicles moving along and across roads, intersections, and crossings in a  
44.7 manner that is sensitive to the local context and recognizes that the needs vary in urban,  
44.8 suburban, and rural settings.

44.9 Subd. 2. **Implementation.** The commissioner shall implement a complete streets  
44.10 policy after consultation with stakeholders, state and regional agencies, local governments,  
44.11 and road authorities. The commissioner, after such consultation, shall address relevant  
44.12 protocols, guidance, standards, requirements, and training, and shall integrate related  
44.13 principles of context-sensitive solutions.

44.14 Subd. 3. **Report.** Beginning in 2011, the commissioner shall report on the  
44.15 implementation of the complete streets policy in the agency's biennial budget submission  
44.16 under section 174.02.

44.17 Subd. 4. **Local road authorities.** Local road authorities are encouraged, but not  
44.18 required, to create and adopt complete streets policies for their roads that reflect local  
44.19 context and goals. Nothing in this section may be construed to prohibit a local road  
44.20 authority from adopting a complete streets policy that incorporates or exceeds statutory  
44.21 complete streets principles.

44.22 Subd. 5. **Variances from engineering standards.** (a) When evaluating a request  
44.23 for a variance from the engineering standards for state-aid projects under chapter 162 in  
44.24 which the variance request is related to complete streets, the commissioner shall consider  
44.25 the latest edition of:

44.26 (1) A Policy on Geometric Design of Highways and Streets, from the American  
44.27 Association of State Highway and Transportation Officials; and

44.28 (2) for projects in urban areas, the Context Sensitive Solutions in Designing Major  
44.29 Urban Thoroughfares for Walkable Communities, from the Institute of Transportation  
44.30 Engineers.

44.31 (b) If the commissioner denies a variance request related to complete streets, the  
44.32 commissioner shall provide written reasons for the denial to the political subdivision  
44.33 that submitted the request.

44.34 Sec. 52. Minnesota Statutes 2008, section 174.86, subdivision 5, is amended to read:

45.1 Subd. 5. **Commuter Rail Corridor Coordinating Committee.** (a) A Commuter  
45.2 Rail Corridor Coordinating Committee ~~shall be~~ is established to advise the commissioner  
45.3 on issues relating to the alternatives analysis, environmental review, advanced corridor  
45.4 planning, preliminary engineering, final design, implementation method, construction of  
45.5 commuter rail, public involvement, land use, service, and safety. The Commuter Rail  
45.6 Corridor Coordinating Committee shall consist of:

45.7 (1) one member representing each significant funding partner in whose jurisdiction  
45.8 the line or lines are located;

45.9 (2) one member appointed by each county in which the corridors are located;

45.10 (3) one member appointed by each city in which advanced corridor plans indicate  
45.11 that a station may be located;

45.12 (4) two members appointed by the commissioner, one of whom shall be designated  
45.13 by the commissioner as the chair of the committee;

45.14 (5) one member appointed by each metropolitan planning organization through  
45.15 which the commuter rail line may pass; ~~and~~

45.16 (6) one member appointed by the president of the University of Minnesota, if a  
45.17 designated corridor provides direct service to the university; and

45.18 (7) two ex-officio members who are members of labor organizations operating  
45.19 in, and with authority for, trains or rail yards or stations junctioning with freight and  
45.20 commuter rail lines on corridors, with one member appointed by the speaker of the house  
45.21 and the other member appointed by the senate Rules and Administration Subcommittee  
45.22 on Committees.

45.23 (b) A joint powers board existing on April 1, 1999, consisting of local governments  
45.24 along a commuter rail corridor, shall perform the functions set forth in paragraph (a) in  
45.25 place of the committee.

45.26 (c) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

45.27 Sec. 53. Minnesota Statutes 2008, section 219.01, is amended to read:

45.28 **219.01 TRACK SAFETY STANDARDS; SAFETY TECHNOLOGY GRANTS.**

45.29 (a) The track safety standards of the United States Department of Transportation and  
45.30 Federal Railroad Administration apply to railroad trackage and are the standards for the  
45.31 determination of unsafe trackage within the state.

45.32 (b) The commissioner of transportation shall apply to the Federal Railroad  
45.33 Administration under Public Law 110-432, the Railroad Safety Enhancement Act of  
45.34 2008 (the act), for (1) railroad safety technology grant funding available under section  
45.35 105 of the act and (2) development and installation of rail safety technology, including

46.1 provision for switch position indicator signals in nonsignalized main track territory,  
46.2 under section 406 of the act. The commissioner shall respond and make application to  
46.3 the Federal Railroad Administration notice of funds availability under the Rail Safety  
46.4 Assurance Act in a timely manner and before the date of the program deadline to assure  
46.5 full consideration of the application. The commissioner shall (i) prioritize grant requests  
46.6 for the installation of switch indicator signals on all segments of nonsignalized track  
46.7 where posted speeds are in excess of 20 miles per hour and (ii) apply for grant funding in  
46.8 each year after 2010 until all nonsignalized track territory in the state has switch indicator  
46.9 signals installed and in operation.

46.10 (c) Prior to applying for funds under paragraph (b), the commissioner shall solicit  
46.11 grant requests from all eligible railroads. The commissioner shall submit written notice to  
46.12 the chairs of the legislative committees with jurisdiction over transportation policy and  
46.13 finance of an acceptance by a class I or class II railroad of federal grant program funding  
46.14 for switch point indicator monitor systems.

46.15 (d) Participating railroads shall provide the 20 percent nonfederal match. Railroads  
46.16 shall provide all technical documentation requested by the commissioner and required by  
46.17 the Federal Railroad Administration for the applications under paragraph (b). Railroads  
46.18 are responsible for developing, acquiring, and installing all rail safety technology obtained  
46.19 under this section in accordance with requirements established by the Federal Railroad  
46.20 Administration.

46.21 Sec. 54. Minnesota Statutes 2008, section 221.012, is amended by adding a subdivision  
46.22 to read:

46.23 Subd. 27a. **Motor carrier of railroad employees.** "Motor carrier of railroad  
46.24 employees" means a motor carrier engaged in the for-hire transportation of railroad  
46.25 employees of a class I or II common carrier, as defined in Code of Federal Regulations,  
46.26 title 49, part 1201, general instruction 1-1, under the terms of a contractual agreement with  
46.27 a common carrier, as defined in section 218.011, subdivision 10.

46.28 Sec. 55. Minnesota Statutes 2008, section 221.012, subdivision 38, is amended to read:

46.29 Subd. 38. **Small vehicle passenger service.** (a) "Small vehicle passenger service"  
46.30 means a service provided by a person engaged in the for-hire transportation of passengers  
46.31 in a vehicle designed to transport seven or fewer persons, including the driver.

46.32 (b) In the metropolitan area as defined in section 473.121, subdivision 2, "small  
46.33 vehicle passenger service" also includes for-hire transportation of persons who are certified  
46.34 by the Metropolitan Council to use special transportation service provided under section

47.1 473.386, in a vehicle designed to transport not more than 15 persons including the driver,  
47.2 that is equipped with a wheelchair lift and at least three wheelchair securement positions.

47.3 (c) Small vehicle passenger service does not include a motor carrier of railroad  
47.4 employees.

47.5 Sec. 56. Minnesota Statutes 2008, section 221.0252, subdivision 7, is amended to read:

47.6 Subd. 7. **Exemptions from regulation.** Notwithstanding any other law, motor  
47.7 carriers of passengers are exempt from sections 221.121; 221.122; 221.123; and 221.151;  
47.8 ~~221.161; and 221.171.~~

47.9 Sec. 57. **[221.0255] MOTOR CARRIER OF RAILROAD EMPLOYEES.**

47.10 (a) A motor carrier of railroad employees must meet the requirements specified in  
47.11 this section, is subject to section 221.291, and is otherwise exempt from the provisions  
47.12 of this chapter.

47.13 (b) A vehicle operator for a motor carrier of railroad employees who transports  
47.14 passengers must:

47.15 (1) have a valid driver's license under chapter 171; and

47.16 (2) submit to a physical examination.

47.17 (c) The carrier must implement a policy that provides for annual training and  
47.18 certification of the operator in:

47.19 (1) safe operation of the vehicle transporting railroad employees;

47.20 (2) knowing and understanding relevant laws, rules of the road, and safety policies;

47.21 (3) handling emergency situations;

47.22 (4) proper use of seat belts;

47.23 (5) performance of pretrip and posttrip vehicle inspections, and inspection record  
47.24 keeping; and

47.25 (6) proper maintenance of required records.

47.26 (d) The carrier must:

47.27 (1) perform a background check or background investigation of the operator;

47.28 (2) annually verify the operator's driver's license;

47.29 (3) document meeting the requirements in this subdivision, and maintain the file  
47.30 at the carrier's business location;

47.31 (4) maintain liability insurance in a minimum amount of \$5,000,000 regardless  
47.32 of the seating capacity of the vehicle; and

47.33 (5) maintain uninsured and underinsured coverage in a minimum amount of  
47.34 \$1,000,000.

48.1 If a party contracts with the motor carrier on behalf of the railroad to transport the railroad  
48.2 employees, then the insurance requirements may be satisfied by either that party or the  
48.3 motor carrier, so long as the motor carrier is a named insured or additional insured under  
48.4 any policy.

48.5 (e) A person who sustains a conviction of violating section 169A.25, 169A.26,  
48.6 169A.27, or 169A.31, or whose driver's license is revoked under sections 169A.50 to  
48.7 169A.53 of the implied consent law, or who is convicted of or has their driver's license  
48.8 revoked under a similar statute or ordinance of another state, may not operate a vehicle  
48.9 under this subdivision for five years from the date of conviction. A person who sustains a  
48.10 conviction of a moving offense in violation of chapter 169 within three years of the first  
48.11 of three other moving offenses may not operate a vehicle under this subdivision for one  
48.12 year from the date of the last conviction. A person who has ever been convicted of a  
48.13 disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may  
48.14 not operate a vehicle under this subdivision.

48.15 (f) An operator who sustains a conviction as described in paragraph (e) while  
48.16 employed by the carrier shall report the conviction to the carrier within ten days of the  
48.17 date of the conviction.

48.18 (g) A carrier must implement a mandatory alcohol and controlled substance testing  
48.19 program as provided under sections 181.950 to 181.957 that consists of preemployment  
48.20 testing, postaccident testing, random testing, reasonable suspicion testing, return-to-duty  
48.21 testing, and follow-up testing.

48.22 (h) A motor carrier of railroad employees shall not allow or require a driver to drive  
48.23 or remain on duty for more than: ten hours after eight consecutive hours off duty; 15 hours  
48.24 of combined on-duty time and drive time since last obtaining eight consecutive hours of  
48.25 off-duty time; or 70 hours of on-duty and drive time in any period of eight consecutive  
48.26 days. After 24 hours off duty, a driver begins a new seven consecutive day period and  
48.27 on-duty time is reset to zero.

48.28 (i) An operator who encounters an emergency and cannot, because of that  
48.29 emergency, safely complete a transportation assignment within the ten-hour maximum  
48.30 driving time permitted under paragraph (h), may drive for not more than two additional  
48.31 hours in order to complete that transportation assignment or to reach a place offering  
48.32 safety for the occupants of the vehicle and security for the transport motor vehicle, if the  
48.33 transportation assignment reasonably could have been completed within the ten-hour  
48.34 period absent the emergency.

48.35 (j) A carrier shall maintain and retain for a period of six months accurate time  
48.36 records that show the time the driver reports for duty each day; the total number of hours

49.1 of on-duty time for each driver for each day; the time the driver is released from duty each  
49.2 day; and the total number of hours driven each day.

49.3 (k) For purposes of this subdivision, the following terms have the meanings given:

49.4 (1) "conviction" has the meaning given in section 609.02; and

49.5 (2) "on-duty time" means all time at a terminal, facility, or other property of a  
49.6 contract carrier or on any public property waiting to be dispatched. On-duty time includes  
49.7 time spent inspecting, servicing, or conditioning the vehicle.

49.8 **EFFECTIVE DATE.** Paragraph (d), clause (5), is effective July 1, 2011.

49.9 Sec. 58. Minnesota Statutes 2009 Supplement, section 221.026, subdivision 2, is  
49.10 amended to read:

49.11 Subd. 2. **Exemptions from requirements.** Notwithstanding any other law, a motor  
49.12 carrier of property is exempt from sections 221.021; 221.121; 221.122; 221.123; 221.131;  
49.13 221.132; 221.151; ~~221.161~~; 221.172, subdivision 3; and 221.185, except as provided in  
49.14 subdivision 4. The exemptions in this subdivision do not apply to a motor carrier of  
49.15 property while transporting household goods.

49.16 Sec. 59. Minnesota Statutes 2009 Supplement, section 221.031, subdivision 1, is  
49.17 amended to read:

49.18 Subdivision 1. **Powers, duties, rules, filings.** (a) This subdivision applies to motor  
49.19 carriers engaged in intrastate commerce.

49.20 (b) The commissioner shall prescribe rules for the operation of motor carriers,  
49.21 including their facilities; accounts; leasing of vehicles and drivers; service; safe operation  
49.22 of vehicles; equipment, parts, and accessories; hours of service of drivers; driver  
49.23 qualifications; accident reporting; identification of vehicles; installation of safety devices;  
49.24 inspection, repair, and maintenance; and proper automatic speed regulators if, in the  
49.25 opinion of the commissioner, there is a need for the rules.

49.26 (c) The commissioner shall direct the repair and reconstruction or replacement of  
49.27 an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require  
49.28 the construction and maintenance or furnishing of suitable and proper freight terminals,  
49.29 passenger depots, waiting rooms, and accommodations or shelters in a city in this state or  
49.30 at a point on the highway traversed which the commissioner, after investigation by the  
49.31 department, may deem just and proper for the protection of passengers or property.

49.32 (d) The commissioner shall (1) ~~require holders of household goods mover permits~~  
49.33 ~~to file schedules of rates and charges,~~ (2) regulate motor carriers in matters affecting the

50.1 relationship between them and the traveling and shipping public, and ~~(3)~~ (2) prescribe  
50.2 other rules as may be necessary to carry out the provisions of this chapter.

50.3 (e) The commissioner shall enforce sections 169.781 to 169.783.

50.4 Sec. 60. Minnesota Statutes 2008, section 221.036, subdivision 1, is amended to read:

50.5 Subdivision 1. **Order.** The commissioner may issue an order requiring violations  
50.6 to be corrected and administratively assessing monetary penalties for a violation of  
50.7 (1) section 221.021; (2) section 221.033, subdivision 2b; (3) section 221.151; (4)  
50.8 ~~section 221.171; (5) section 221.141; (6)~~ (5) a federal, state, or local law, regulation,  
50.9 rule, or ordinance pertaining to railroad-highway grade crossings; or ~~(7)~~ (6) rules of the  
50.10 commissioner relating to the transportation of hazardous waste, motor carrier operations,  
50.11 insurance, or ~~tariffs and~~ accounting. An order must be issued as provided in this section.

50.12 Sec. 61. Minnesota Statutes 2008, section 221.036, subdivision 3, is amended to read:

50.13 Subd. 3. **Amount of penalty; considerations.** (a) The commissioner may issue an  
50.14 order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.141;  
50.15 ~~or 221.151; or 221.171~~, or rules of the commissioner relating to motor carrier operations,  
50.16 insurance, or ~~tariffs and~~ accounting, identified during a single inspection, audit, or  
50.17 investigation.

50.18 (b) The commissioner may issue an order assessing a penalty up to a maximum of  
50.19 \$10,000 for all violations of section 221.033, subdivision 2b, identified during a single  
50.20 inspection or audit.

50.21 (c) In determining the amount of a penalty, the commissioner shall consider:

50.22 (1) the willfulness of the violation;

50.23 (2) the gravity of the violation, including damage to humans, animals, air, water,  
50.24 land, or other natural resources of the state;

50.25 (3) the history of past violations, including the similarity of the most recent violation  
50.26 and the violation to be penalized, the time elapsed since the last violation, the number of  
50.27 previous violations, and the response of the person to the most recent violation identified;

50.28 (4) the economic benefit gained by the person by allowing or committing the  
50.29 violation; and

50.30 (5) other factors as justice may require, if the commissioner specifically identifies  
50.31 the additional factors in the commissioner's order.

50.32 (d) The commissioner shall assess a penalty in accordance with Code of Federal  
50.33 Regulations, title 49, section 383.53, against:

50.34 (1) a driver who is convicted of a violation of an out-of-service order;

51.1 (2) an employer who knowingly allows or requires an employee to operate a  
51.2 commercial motor vehicle in violation of an out-of-service order; or

51.3 (3) an employer who knowingly allows or requires an employee to operate a  
51.4 commercial motor vehicle in violation of a federal, state, or local law or regulation  
51.5 pertaining to railroad-highway grade crossings.

51.6 Sec. 62. Minnesota Statutes 2009 Supplement, section 221.122, subdivision 1, is  
51.7 amended to read:

51.8 Subdivision 1. **Registration, insurance, and filing requirements.** (a) An order  
51.9 issued by the commissioner which grants a certificate or permit must contain a service date.

51.10 (b) The person to whom the order granting the certificate or permit is issued shall do  
51.11 the following within 45 days from the service date of the order:

51.12 (1) register vehicles which will be used to provide transportation under the permit or  
51.13 certificate with the commissioner and pay the vehicle registration fees required by law; and

51.14 (2) file and maintain insurance or bond as required by section 221.141 and rules of  
51.15 the commissioner; ~~and~~

51.16 ~~(3) file rates and tariffs as required by section 221.161 and rules of the commissioner.~~

51.17 Sec. 63. Minnesota Statutes 2008, section 221.221, subdivision 3, is amended to read:

51.18 Subd. 3. **Delegated powers.** Representatives of the department to whom authority  
51.19 has been delegated by the commissioner for the purpose of enforcing sections 169.781 to  
51.20 169.783 ~~and 221.171~~ and the rules, orders, or directives of the commissioner adopted or  
51.21 issued under those sections, and for no other purpose, shall have the powers conferred by  
51.22 law upon police officers. The representatives of the department have the power to inspect  
51.23 records, logs, freight bills, bills of lading, or other documents which may provide evidence  
51.24 to determine compliance with sections 169.781 to 169.783 ~~and 221.171~~.

51.25 Sec. 64. Minnesota Statutes 2008, section 221.251, subdivision 1, is amended to read:

51.26 Subdivision 1. **Refund within 90 days.** Charges for freight, baggage, or express  
51.27 collected by a motor carrier over what the carrier is entitled to receive ~~under the lawful~~  
51.28 ~~tariff or classification~~ must be refunded by the carrier within 90 days after a claim is filed,  
51.29 provided that a claim is filed as provided in this section.

51.30 Sec. 65. Minnesota Statutes 2009 Supplement, section 299D.03, subdivision 5, is  
51.31 amended to read:

52.1 Subd. 5. **Traffic fines and forfeited bail money.** (a) All fines and forfeited bail  
52.2 money collected from persons apprehended or arrested by officers of the State Patrol  
52.3 shall be transmitted by the person or officer collecting the fines, forfeited bail money,  
52.4 or installments thereof, on or before the tenth day after the last day of the month in  
52.5 which these moneys were collected, to the commissioner of management and budget.  
52.6 Except where a different disposition is required in this subdivision or section 387.213, or  
52.7 otherwise provided by law, three-eighths of these receipts must be deposited in the state  
52.8 treasury and credited to the state general fund. The other five-eighths of these receipts  
52.9 must be deposited in the state treasury and credited as follows: (1) the first ~~\$600,000~~  
52.10 \$1,000,000 in each fiscal year must be credited to the Minnesota grade crossing safety  
52.11 account in the special revenue fund, and (2) remaining receipts must be credited to the state  
52.12 trunk highway fund. If, however, the violation occurs within a municipality and the city  
52.13 attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts  
52.14 shall be deposited in the state treasury and credited to the state general fund, one-third of  
52.15 the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be  
52.16 deposited in the state treasury and credited to the Minnesota grade crossing safety account  
52.17 or the state trunk highway fund as provided in this paragraph. When section 387.213 also  
52.18 is applicable to the fine, section 387.213 shall be applied before this paragraph is applied.  
52.19 All costs of participation in a nationwide police communication system chargeable to the  
52.20 state of Minnesota shall be paid from appropriations for that purpose.

52.21 (b) ~~Notwithstanding any other provisions of law,~~ All fines and forfeited bail money  
52.22 from violations of statutes governing the maximum weight of motor vehicles, collected  
52.23 from persons apprehended or arrested by employees of the state of Minnesota, by means  
52.24 of stationary or portable scales operated by these employees, shall be transmitted by the  
52.25 person or officer collecting the fines or forfeited bail money, on or before the tenth day  
52.26 after the last day of the month in which the collections were made, to the commissioner  
52.27 of management and budget. Five-eighths of these receipts shall be deposited in the state  
52.28 treasury and credited to the state highway user tax distribution fund. Three-eighths of  
52.29 these receipts shall be deposited in the state treasury and credited to the state general fund.

52.30 Sec. 66. Minnesota Statutes 2008, section 360.061, subdivision 3, is amended to read:

52.31 Subd. 3. **Municipality.** "Municipality" does not include a county unless the county  
52.32 owns or controls an airport, in which case such county may exercise all the powers  
52.33 granted by said sections to other municipalities. It specifically includes a town, an airport  
52.34 authority, the Metropolitan Airports Commission established and operated pursuant to  
52.35 chapter 473, and the state of Minnesota.

53.1 Sec. 67. [383D.75] NEW LOCATION FOR DEPUTY REGISTRAR.

53.2 Notwithstanding section 168.33, and rules adopted by the commissioner of public  
53.3 safety, limiting sites for the office of deputy registrar based on either the distance to an  
53.4 existing deputy registrar office or the annual volume of transactions processed by any  
53.5 deputy registrar, the commissioner of public safety shall permit the deputy registrar of  
53.6 motor vehicles agent number 128 and driver's license agent number 726 for Dakota County  
53.7 to move from the existing deputy registrar location in Burnsville to the Dakota County  
53.8 Burnhaven Library in Burnsville, with full authority to function as a registration and  
53.9 motor vehicle tax collection and driver's license bureau, at the Dakota County Burnhaven  
53.10 Library. All other provisions regarding the appointment and operation of a deputy  
53.11 registrar of motor vehicles and driver's license agent under sections 168.33 and 171.061,  
53.12 and Minnesota Rules, chapter 7406, not inconsistent with this section, apply to the office.

53.13 **EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day after  
53.14 the governing body of the county of Dakota and its chief clerical officer timely complete  
53.15 their compliance with section 645.021, subdivisions 2 and 3.

53.16 Sec. 68. Minnesota Statutes 2008, section 473.167, subdivision 2a, is amended to read:

53.17 Subd. 2a. **Hardship Loans for acquisition and relocation.** (a) The council may  
53.18 make ~~hardship~~ loans to acquiring authorities within the metropolitan area to purchase  
53.19 homestead property located in a proposed state trunk highway right-of-way or project,  
53.20 and to provide relocation assistance. Acquiring authorities are authorized to accept the  
53.21 loans and to acquire the property. Except as provided in this subdivision, the loans shall  
53.22 be made as provided in subdivision 2. Loans shall be in the amount of the fair market  
53.23 value of the homestead property plus relocation costs and less salvage value. Before  
53.24 construction of the highway begins, the acquiring authority shall convey the property to  
53.25 the commissioner of transportation at the same price it paid, plus relocation costs and less  
53.26 its salvage value. Acquisition and assistance under this subdivision must conform to  
53.27 sections 117.50 to 117.56.

53.28 (b) The council may make ~~hardship~~ loans only when:

53.29 (1) the owner of affected homestead property requests acquisition and relocation  
53.30 assistance from an acquiring authority;

53.31 (2) federal or state financial participation is not available;

53.32 (3) the owner is unable to sell the homestead property at its appraised market  
53.33 value because the property is located in a proposed state trunk highway right-of-way or  
53.34 project as indicated on an official map or plat adopted under section 160.085, 394.361, or  
53.35 462.359; and

54.1 (4) the council agrees to and approves the fair market value of the homestead  
54.2 property, which approval shall not be unreasonably withheld; ~~and~~.

54.3 ~~(5) the owner of the homestead property is burdened by circumstances that constitute~~  
54.4 ~~a hardship, such as catastrophic medical expenses; a transfer of the homestead owner by~~  
54.5 ~~the owner's employer to a distant site of employment; or inability of the owner to maintain~~  
54.6 ~~the property due to physical or mental disability or the permanent departure of children~~  
54.7 ~~from the homestead.~~

54.8 (c) For purposes of this subdivision, the following terms have the meanings given  
54.9 them.

54.10 (1) "Acquiring authority" means counties, towns, and statutory and home rule  
54.11 charter cities in the metropolitan area.

54.12 (2) "Homestead property" means: (i) a single-family dwelling occupied by the  
54.13 owner, and the surrounding land, not exceeding a total of ten acres; or (ii) a manufactured  
54.14 home, as defined in section 327B.01, subdivision 13.

54.15 (3) "Salvage value" means the probable sale price of the dwelling and other property  
54.16 that is severable from the land if offered for sale on the condition that it be removed from  
54.17 the land at the buyer's expense, allowing a reasonable time to find a buyer with knowledge  
54.18 of the possible uses of the property, including separate use of serviceable components and  
54.19 scrap when there is no other reasonable prospect of sale.

54.20 Sec. 69. Minnesota Statutes 2008, section 473.411, subdivision 5, is amended to read:

54.21 Subd. 5. **Use of public roadways and appurtenances.** The council may use for the  
54.22 purposes of sections 473.405 to 473.449 upon the conditions stated in this subdivision  
54.23 any state highway or other public roadway, parkway, or lane, or any bridge or tunnel or  
54.24 other appurtenance of a roadway, without payment of any compensation, provided the  
54.25 use does not interfere unreasonably with the public use or maintenance of the roadway or  
54.26 appurtenance or entail any substantial additional costs for maintenance. The provisions of  
54.27 this subdivision do not apply to the property of any common carrier railroad or common  
54.28 carrier railroads. The consent of the public agency in charge of such state highway or other  
54.29 public highway or roadway or appurtenance is not required; except that if the council seeks  
54.30 to use a designated parkway for regular route service in the city of Minneapolis, it must  
54.31 obtain permission from and is subject to reasonable limitations imposed by a joint board  
54.32 consisting of two representatives from the council, two members of the board of park  
54.33 commissioners, and a fifth member jointly selected by the ~~representatives of the council~~  
54.34 ~~and the park~~ other members of the board. If the use is a designated Minneapolis parkway  
54.35 for regular route service adjacent to the city of Minneapolis, it must obtain permission

55.1 from and is subject to reasonable limitations imposed by a joint board consisting of two  
55.2 representatives from the council, two members of the board of park commissioners, and a  
55.3 fifth member jointly selected by other members of the board. The joint board must include  
55.4 a nonvoting member appointed by the council of the city in which the parkway is located.

55.5 The board of park commissioners and the council may designate persons to sit on  
55.6 the joint board. In considering a request by the council to use designated parkways for  
55.7 additional routes or trips, the joint board consisting of the council or their designees,  
55.8 the board of park commissioners or their designees, and the fifth member, shall base its  
55.9 decision to grant or deny the request based on the criteria to be established by the joint  
55.10 board. The decision to grant or deny the request must be made within 45 days of the  
55.11 date of the request. The park board must be notified immediately by the council of any  
55.12 temporary route detours. If the park board objects to the temporary route detours within  
55.13 five days of being notified, the joint board must convene and decide whether to grant the  
55.14 request, otherwise the request is deemed granted. If the agency objects to the proposed  
55.15 use or claims reimbursement from the council for additional cost of maintenance, it may  
55.16 commence an action against the council in the district court of the county wherein the  
55.17 highway, roadway, or appurtenance, or major portion thereof, is located. The proceedings  
55.18 in the action must conform to the Rules of Civil Procedure applicable to the district courts.  
55.19 The court shall sit without jury. If the court determines that the use in question interferes  
55.20 unreasonably with the public use or maintenance of the roadway or appurtenance, it shall  
55.21 enjoin the use by the council. If the court determines that the use in question does not  
55.22 interfere unreasonably with the public use or maintenance of the roadway or appurtenance,  
55.23 but that it entails substantial additional maintenance costs, the court shall award judgment  
55.24 to the agency for the amount of the additional costs. Otherwise the court shall award  
55.25 judgment to the council. An aggrieved party may appeal from the judgment of the district  
55.26 court in the same manner as is provided for such appeals in other civil actions. The council  
55.27 may also use land within the right-of-way of any state highway or other public roadway  
55.28 for the erection of traffic control devices, other signs, and passenger shelters upon the  
55.29 conditions stated in this subdivision and subject only to the approval of the commissioner  
55.30 of transportation where required by statute, and subject to the express provisions of other  
55.31 applicable statutes and to federal requirements where necessary to qualify for federal aid.

55.32 Sec. 70. Minnesota Statutes 2008, section 514.18, subdivision 1a, is amended to read:

55.33 Subd. 1a. **Towed motor vehicles.** A person who tows and stores a motor vehicle  
55.34 at the request of a law enforcement officer shall have a lien on the motor vehicle for the  
55.35 value of the storage and towing and the right to retain possession of the motor vehicle

56.1 until the lien is lawfully discharged. This section does not apply to tows ~~authorized~~  
56.2 ~~in section 169.041, subdivision 4, clause (1)~~ of vehicles parked in violation of snow  
56.3 emergency regulations.

56.4 Sec. 71. Laws 2008, chapter 287, article 1, section 122, is amended to read:

56.5 Sec. 122. **NULLIFICATION OF EXPEDITED TOWN ROAD**  
56.6 **EXTINGUISHMENT.**

56.7 (a) Any extinguishment of town interest in a town road under Minnesota Statutes,  
56.8 section 164.06, subdivision 2, is hereby nullified if:

56.9 (1) the interest was not recorded or filed with the county recorder but was recorded  
56.10 or filed with the county auditor prior to 1972;

56.11 (2) the state or a political subdivision has constructed or funded a road or bridge  
56.12 improvement on a right-of-way affected by the interest;

56.13 (3) the affected road was the only means of access to a property;

56.14 (4) the extinguishment took place within the last ten years; and

56.15 (5) a person whose only access to property was lost because of the extinguishment  
56.16 files a petition of a nullification with the town board stating that the person's property  
56.17 became landlocked because of the extinguishment and that the road satisfies all of the  
56.18 requirements of paragraph (a), clauses (1) to (4). A copy of the road order found filed or  
56.19 recorded with the county auditor must be attached to the petition. The town shall file the  
56.20 petition with the county auditor and record it with the county recorder.

56.21 (b) Notwithstanding Minnesota Statutes, sections 164.08, subdivision 1, and  
56.22 541.023, for any nullification under paragraph (a), the affected road is hereby deemed to  
56.23 be a cartway. No additional damages or other payments may be required other than those  
56.24 paid at the time the fee interest was originally acquired and the order filed with the county  
56.25 auditor. A cartway created by this paragraph may be converted to a private driveway  
56.26 under Minnesota Statutes, section 164.08, subdivision 2.

56.27 (c) For purposes of this section, "affected road" means the road in which the town  
56.28 board extinguished its interest.

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

56.30 Sec. 72. Laws 2009, chapter 36, article 1, section 1, is amended to read:

56.31 Section 1. **SUMMARY OF APPROPRIATIONS.**

56.32 The amounts shown in this section summarize direct appropriations, by fund, made  
56.33 in this article.

**S.F. No. 2540, 5th Engrossment - 86th Legislative Session (2009-2010) [s2540-5]**

		<b>2010</b>		<b>2011</b>		<b>Total</b>
57.1						
57.2				<del>95,885,000</del>		<del>194,270,000</del>
57.3	General	\$ 98,385,000	\$	<u>95,933,000</u>	\$	<u>194,318,000</u>
57.4	Airports	21,909,000		19,659,000		41,568,000
57.5	C.S.A.H.	496,786,000		524,478,000		1,021,264,000
57.6	M.S.A.S.	134,003,000		141,400,000		275,403,000
57.7				<del>49,038,000</del>		<del>98,076,000</del>
57.8	Special Revenue	49,038,000		<u>49,088,000</u>		<u>98,126,000</u>
57.9				<del>9,838,000</del>		<del>19,376,000</del>
57.10	H.U.T.D.	9,538,000		<u>9,945,000</u>		<u>19,483,000</u>
57.11				<del>1,372,687,000</del>		<del>2,637,608,000</del>
57.12	Trunk Highway	1,264,921,000		<u>1,372,496,000</u>		<u>2,637,417,000</u>
57.13	<u>Transit Assistance</u>	<u>-0-</u>		<u>72,000</u>		<u>72,000</u>
57.14				<del>2,212,985,000</del>		<del>4,287,565,000</del>
57.15	<b>Total</b>	<b>\$ 2,074,580,000</b>	<b>\$</b>	<b><u>2,213,071,000</u></b>	<b>\$</b>	<b><u>4,287,651,000</u></b>

57.16 **EFFECTIVE DATE.** This section is effective July 1, 2010.

57.17 Sec. 73. Laws 2009, chapter 36, article 1, section 3, subdivision 1, is amended to read:

57.18				<del>1,987,197,000</del>
57.19	Subdivision 1. <b>Total Appropriation</b>	<b>\$ 1,848,892,000</b>	<b>\$</b>	<b><u>1,987,233,000</u></b>

57.20 Appropriations by Fund

	2010	2011
57.21		
57.22		<del>15,691,000</del>
57.23	General	<u>15,727,000</u>
57.24	Airports	19,609,000
57.25	C.S.A.H.	524,478,000
57.26	M.S.A.S.	141,400,000
57.27	Trunk Highway	1,286,019,000

57.28 The amounts that may be spent for each  
 57.29 purpose are specified in the following  
 57.30 subdivisions.

57.31 Sec. 74. Laws 2009, chapter 36, article 1, section 3, subdivision 2, is amended to read:

57.32 Subd. 2. **Multimodal Systems**

57.33 (a) **Aeronautics**

57.34	(1) <b>Airport Development and Assistance</b>	16,548,000	14,298,000
-------	---	------------	------------

57.35 This appropriation is from the state airports  
 57.36 fund and must be spent according to

58.1 Minnesota Statutes, section 360.305,  
58.2 subdivision 4.

58.3 Notwithstanding Minnesota Statutes, section  
58.4 360.305, subdivision 4, paragraph (c),  
58.5 of the appropriation in fiscal year 2010,  
58.6 the commissioner may provide a local  
58.7 contribution for aeronautics project elements  
58.8 if:

58.9 (1) federal funds are made available for the  
58.10 project in federal fiscal year 2009 by the  
58.11 United States Department of Transportation,  
58.12 Federal Aviation Administration from the  
58.13 airport improvement program under United  
58.14 States Code, title 49, section 47101, et seq.;

58.15 (2) the project requires a five percent match  
58.16 from nonfederal sources; and

58.17 (3) the airport is not classified as a key  
58.18 system airport, as provided in Minnesota  
58.19 Statutes, section 360.305, subdivision 3.

58.20 Notwithstanding Minnesota Statutes, section  
58.21 16A.28, subdivision 6, this appropriation is  
58.22 available for five years after appropriation.  
58.23 If the appropriation for either year is  
58.24 insufficient, the appropriation for the other  
58.25 year is available for it.

58.26 If the appropriation for either year does not  
58.27 exhaust the balance in the state airports fund,  
58.28 the commissioner of finance, upon request  
58.29 of the commissioner of transportation,  
58.30 shall notify the chairs and ranking minority  
58.31 members of the senate and house of  
58.32 representatives committees with jurisdiction  
58.33 over transportation finance of the amount  
58.34 of the remainder and shall then add that  
58.35 amount to the appropriation. The amount

59.1 added is appropriated for the purpose of  
 59.2 airport development and assistance and must  
 59.3 be spent according to Minnesota Statutes,  
 59.4 section 360.305, subdivision 4.

59.5 **(2) Aviation Support and Services** 6,123,000 6,123,000

59.6	Appropriations by Fund		
59.7	Airports	5,286,000	5,286,000
59.8	Trunk Highway	837,000	837,000

59.9 \$65,000 the first year and \$65,000 the second  
 59.10 year from the state airports fund are for the  
 59.11 Civil Air Patrol.

59.12 **(b) Transit** 18,036,000 15,536,000

59.13	Appropriations by Fund		
59.14			<del>14,761,000</del>
59.15	General	17,261,000	<u>14,797,000</u>
59.16	Trunk Highway	775,000	775,000

59.17 The base appropriation from the general fund  
 59.18 for fiscal years 2012 and 2013 is \$17,261,000  
 59.19 for each year.

59.20 Of these appropriations from the general  
 59.21 fund, \$19,300 in each year is for the  
 59.22 administrative expenses of the Minnesota  
 59.23 Council on Transportation Access, and for  
 59.24 other costs relating to the preparation of  
 59.25 required reports, including the costs of hiring  
 59.26 a consultant, if the council is created.

59.27 Of these appropriations from the general  
 59.28 fund, \$36,000 in the second year is for a grant  
 59.29 to the city of St. Cloud for transit service for  
 59.30 disabled veterans under Minnesota Statutes,  
 59.31 section 473.408, subdivision 10.

59.32 **(c) Commuter and Passenger Rail** 500,000 500,000

59.33 This appropriation is from the general fund  
 59.34 for (1) development of the comprehensive

60.1 statewide freight and passenger rail plan  
 60.2 under Minnesota Statutes, section 174.03,  
 60.3 subdivision 1b, and (2) passenger rail  
 60.4 system planning, alternatives analysis,  
 60.5 environmental analysis, design, preliminary  
 60.6 engineering, and land acquisition under  
 60.7 Minnesota Statutes, sections 174.632 to  
 60.8 174.636.

60.9	(d) <b>Freight</b>	5,262,000	5,262,000
------	--------------------	-----------	-----------

60.10	Appropriations by Fund		
60.11	General	365,000	365,000
60.12	Trunk Highway	4,897,000	4,897,000

60.13 The commissioner of transportation shall  
 60.14 enter into an agreement to either forgive  
 60.15 any money due (approximately \$2,851,118)  
 60.16 on loan agreements 65572 and 67106 or  
 60.17 convert the loans to grants. The loans were  
 60.18 made to the Buffalo Ridge Regional Railroad  
 60.19 Authority, which was established by Rock  
 60.20 and Nobles Counties, to enable the counties  
 60.21 to purchase and rehabilitate 41.4 miles of rail  
 60.22 line providing transportation service to the  
 60.23 counties. The agreement must ensure that all  
 60.24 terms, provisions, and conditions of the loan  
 60.25 agreements are deemed to be fully satisfied  
 60.26 and performed on the part of the railroad  
 60.27 authority and counties. If the railroad  
 60.28 authority sells all or any part of the rail line  
 60.29 that has been rehabilitated with either of the  
 60.30 loans, the railroad authority must pay the  
 60.31 net proceeds to the commissioner, up to the  
 60.32 amount loaned.

60.33 Sec. 75. Laws 2009, chapter 36, article 1, section 3, subdivision 3, is amended to read:

60.34 Subd. 3. **State Roads**

61.1     **(a) Infrastructure Operations and Maintenance**                     251,643,000             245,892,000

61.2     The base appropriation for fiscal years 2012  
61.3     and 2013 is \$257,395,000 for each year.

61.4     **(b) Infrastructure Investment and Planning**

61.5     **(1) Infrastructure Investment Support**                             201,461,000             196,935,000

61.6     The base appropriation for fiscal years 2012  
61.7     and 2013 is \$205,988,000 for each year.

61.8     \$266,000 the first year and \$266,000 the  
61.9     second year are available for grants to  
61.10    metropolitan planning organizations outside  
61.11    the seven-county metropolitan area.

61.12    \$75,000 the first year and \$75,000 the  
61.13    second year are for a transportation research  
61.14    contingent account to finance research  
61.15    projects that are reimbursable from the  
61.16    federal government or from other sources.

61.17    If the appropriation for either year is  
61.18    insufficient, the appropriation for the other  
61.19    year is available for it.

61.20    \$600,000 the first year and \$600,000  
61.21    the second year are available for grants  
61.22    for transportation studies outside the  
61.23    metropolitan area to identify critical  
61.24    concerns, problems, and issues. These  
61.25    grants are available (1) to regional  
61.26    development commissions; (2) in regions  
61.27    where no regional development commission  
61.28    is functioning, to joint powers boards  
61.29    established under agreement of two or  
61.30    more political subdivisions in the region to  
61.31    exercise the planning functions of a regional  
61.32    development commission; and (3) in regions  
61.33    where no regional development commission

62.1 or joint powers board is functioning, to the  
 62.2 department's district office for that region.

62.3 \$200,000 the second year is for grants  
 62.4 to nonprofit job training centers for: (1)  
 62.5 job training programs related to highway  
 62.6 construction; and (2) business training for  
 62.7 companies that are certified disadvantaged  
 62.8 business enterprises.

62.9 **(2) State Road Construction** 551,300,000 598,700,000

62.10 The base appropriation for fiscal years 2012  
 62.11 and 2013 is \$635,000,000 for each year.

62.12 It is estimated that these appropriations will  
 62.13 be funded as follows:

62.14	Appropriations by Fund		
62.15	Federal Highway		
62.16	Aid	301,100,000	388,500,000
62.17	Highway User Taxes	250,200,000	210,200,000

62.18 The commissioner of transportation shall  
 62.19 notify the chairs and ranking minority  
 62.20 members of the senate and house of  
 62.21 representatives committees with jurisdiction  
 62.22 over transportation finance of any significant  
 62.23 events that should cause these estimates to  
 62.24 change.

62.25 This appropriation is for the actual  
 62.26 construction, reconstruction, and  
 62.27 improvement of trunk highways, including  
 62.28 design-build contracts and consultant usage  
 62.29 to support these activities. This includes the  
 62.30 cost of actual payment to landowners for  
 62.31 lands acquired for highway rights-of-way,  
 62.32 payment to lessees, interest subsidies, and  
 62.33 relocation expenses.

62.34 The commissioner may spend up to \$500,000  
 62.35 of trunk highway funds in fiscal year 2011

63.1 to pay the operating costs of bus service  
 63.2 between Hastings and Minneapolis-St. Paul  
 63.3 to mitigate the traffic impacts of the project  
 63.4 involving construction of a bridge crossing  
 63.5 the Mississippi River in the city of Hastings  
 63.6 on marked Trunk Highway 61.

63.7 The commissioner shall expend up to  
 63.8 one-half of one percent of the federal  
 63.9 appropriations under this paragraph as grants  
 63.10 to opportunity industrialization centers and  
 63.11 other nonprofit job training centers for  
 63.12 job training programs related to highway  
 63.13 construction.

63.14 The commissioner may transfer up to  
 63.15 \$15,000,000 each year to the transportation  
 63.16 revolving loan fund.

63.17 The commissioner may receive money  
 63.18 covering other shares of the cost of  
 63.19 partnership projects. These receipts are  
 63.20 appropriated to the commissioner for these  
 63.21 projects.

63.22 **(3) Highway Debt Service** 101,170,000 173,400,000

63.23 \$86,517,000 the first year and \$157,304,000  
 63.24 the second year are for transfer to the state  
 63.25 bond fund. If this appropriation is insufficient  
 63.26 to make all transfers required in the year for  
 63.27 which it is made, the commissioner of finance  
 63.28 shall notify the Committee on Finance of  
 63.29 the senate and the Committee on Ways and  
 63.30 Means of the house of representatives of  
 63.31 the amount of the deficiency and shall then  
 63.32 transfer that amount under the statutory open  
 63.33 appropriation. Any excess appropriation  
 63.34 cancels to the trunk highway fund.

63.35 **(c) Electronic Communications** 5,177,000 5,177,000

**S.F. No. 2540, 5th Engrossment - 86th Legislative Session (2009-2010) [s2540-5]**

64.1	Appropriations by Fund		
64.2	General	9,000	9,000
64.3	Trunk Highway	5,168,000	5,168,000

64.4 The general fund appropriation is to equip  
 64.5 and operate the Roosevelt signal tower for  
 64.6 Lake of the Woods weather broadcasting.

64.7 **EFFECTIVE DATE.** This section is effective July 1, 2010.

64.8 Sec. 76. Laws 2009, chapter 36, article 1, section 5, subdivision 1, is amended to read:

64.9				<del>152,578,000</del>
64.10	Subdivision 1. <b>Total Appropriation</b>	\$	<b>152,478,000</b>	\$ <u><b>152,628,000</b></u>

64.11	Appropriations by Fund		
64.12		2010	2011
64.13			<del>7,959,000</del>
64.14	General	7,959,000	<u>7,971,000</u>
64.15			<del>49,038,000</del>
64.16	Special Revenue	49,038,000	<u>49,088,000</u>
64.17			<del>9,713,000</del>
64.18	H.U.T.D.	9,413,000	<u>9,820,000</u>
64.19			<del>85,868,000</del>
64.20	Trunk Highway	86,068,000	<u>85,677,000</u>
64.21	<u>Transit Assistance</u>	<u>-0-</u>	<u>72,000</u>

64.22 The amounts that may be spent for each  
 64.23 purpose are specified in the following  
 64.24 subdivisions.

64.25 **EFFECTIVE DATE.** This section is effective July 1, 2010.

64.26 Sec. 77. Laws 2009, chapter 36, article 1, section 5, subdivision 3, is amended to read:

64.27 Subd. 3. **State Patrol**

64.28			<del>71,522,000</del>
64.29	(a) <b>Patrolling Highways</b>		71,522,000 <u>71,331,000</u>

64.30	Appropriations by Fund		
64.31	General	37,000	37,000
64.32	H.U.T.D.	92,000	92,000
64.33			<del>71,393,000</del>
64.34	Trunk Highway	71,393,000	<u>71,202,000</u>

65.1 The base appropriation from the trunk  
 65.2 highway fund in fiscal years 2012 and 2013  
 65.3 is \$71,393,000 for each fiscal year.

65.4 **(b) Commercial Vehicle Enforcement** 7,996,000 7,796,000

65.5 This appropriation is from the trunk highway  
 65.6 fund.

65.7 \$800,000 the first year and \$600,000 the  
 65.8 second year are for the Office of Pupil  
 65.9 Transportation Safety.

65.10 **(c) Capitol Security** 3,113,000 3,113,000

65.11 This appropriation is from the general fund.

65.12 The commissioner may not: (1) spend  
 65.13 any money from the trunk highway fund  
 65.14 for capitol security; or (2) permanently  
 65.15 transfer any state trooper from the patrolling  
 65.16 highways activity to capitol security.

65.17 The commissioner may not transfer any  
 65.18 money: (1) appropriated for Department of  
 65.19 Public Safety administration, the patrolling of  
 65.20 highways, commercial vehicle enforcement,  
 65.21 or driver and vehicle services to capitol  
 65.22 security; or (2) from capitol security.

65.23 **(d) Vehicle Crimes Unit** -0- 191,000

65.24	<u>Appropriations by Fund</u>		
65.25	<u>General</u>	<u>-0-</u>	<u>12,000</u>
65.26	<u>Transit Assistance</u>	<u>-0-</u>	<u>72,000</u>
65.27	<u>H.U.T.D.</u>	<u>-0-</u>	<u>107,000</u>

65.28 This appropriation is to investigate: (1)  
 65.29 registration tax and motor vehicle sales tax  
 65.30 liabilities from individuals and businesses  
 65.31 that currently do not pay all taxes owed; and  
 65.32 (2) illegal or improper activity related to sale,  
 65.33 transfer, titling, and registration of motor

66.1 vehicles. This initiative is expected to result  
66.2 in new revenues for the biennium as follows:

66.3 (1) \$114,000 for the highway user tax  
66.4 distribution fund;

66.5 (2) \$75,000 for the transit assistance fund;  
66.6 and

66.7 (3) \$13,000 for the general fund.

66.8 The general fund appropriation for fiscal year  
66.9 2011 is a onetime appropriation.

66.10 Notwithstanding the appropriation under  
66.11 section 16A.88, subdivision 2, \$65,000 of  
66.12 the amount appropriated in fiscal year 2011  
66.13 is from the metropolitan area transit account  
66.14 in the transit assistance fund. The base  
66.15 appropriation from the metropolitan area  
66.16 transit account in fiscal years 2012 and 2013  
66.17 is \$250,000 for each fiscal year.

66.18 Notwithstanding the appropriation under  
66.19 section 16A.88, subdivision 1a, \$7,000 of  
66.20 the amount appropriated in fiscal year 2011  
66.21 is from the greater Minnesota transit account  
66.22 in the transit assistance fund. The base  
66.23 appropriation from the greater Minnesota  
66.24 transit account in fiscal years 2012 and 2013  
66.25 is \$27,000 for each fiscal year.

66.26 The base appropriation from the highway  
66.27 user tax distribution fund in fiscal years 2012  
66.28 and 2013 is \$416,000 for each fiscal year.

66.29 By February 1, 2015, the commissioner shall  
66.30 submit a report to the house of representatives  
66.31 and senate committees having jurisdiction  
66.32 over transportation finance on the revenues  
66.33 generated by the Vehicle Crimes Unit. This  
66.34 report must be made available electronically

67.1 and made available in print only upon  
 67.2 request.

67.3 **EFFECTIVE DATE.** This section is effective July 1, 2010.

67.4 Sec. 78. Laws 2009, chapter 36, article 1, section 5, subdivision 4, is amended to read:

67.5 Subd. 4. **Driver and Vehicle Services**

67.6			<del>27,209,000</del>
67.7	(a) <b>Vehicle Services</b>	26,909,000	<u>27,259,000</u>

67.8	Appropriations by Fund		
67.9			<del>18,973,000</del>
67.10	Special Revenue	18,973,000	<u>19,023,000</u>
67.11	H.U.T.D.	7,936,000	8,236,000

67.12 The special revenue fund appropriation is  
 67.13 from the vehicle services operating account.

67.14 Of the appropriation for fiscal year 2011  
 67.15 from the special revenue fund, \$50,000 is  
 67.16 for assistance to the Vehicle Crimes Unit in  
 67.17 investigations as provided under subdivision  
 67.18 3, paragraph (d).

67.19	(b) <b>Driver Services</b>	28,712,000	28,712,000
-------	----------------------------	------------	------------

67.20	Appropriations by Fund		
67.21	Special Revenue	28,711,000	28,711,000
67.22	Trunk Highway	1,000	1,000

67.23 The special revenue fund appropriation is  
 67.24 from the driver services operating account.

67.25 **EFFECTIVE DATE.** This section is effective July 1, 2010.

67.26 Sec. 79. **ADDITIONAL DEPUTY REGISTRAR OF MOTOR VEHICLES FOR**  
 67.27 **CITY OF FARMINGTON.**

67.28 Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the  
 67.29 commissioner of public safety, limiting sites for the office of deputy registrar based  
 67.30 on either the distance to an existing deputy registrar office or the annual volume of  
 67.31 transactions processed by any deputy registrar, the commissioner of public safety shall  
 67.32 appoint a municipal deputy registrar of motor vehicles for the city of Farmington to

68.1 operate a new full-service Office of Deputy Registrar, with full authority to function  
68.2 as a registration and motor vehicle tax collection bureau, at the city hall in the city of  
68.3 Farmington. All other provisions regarding the appointment and operation of a deputy  
68.4 registrar of motor vehicles under Minnesota Statutes, section 168.33, and Minnesota  
68.5 Rules, chapter 7406, apply to the office.

68.6 **EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day after  
68.7 the governing body of the city of Farmington and its chief clerical officer timely complete  
68.8 their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

68.9 Sec. 80. **ROUNDABOUTS DESIGN.**

68.10 (a) The commissioner of transportation shall, as part of the next regular update of  
68.11 appropriate design and highway construction manuals, develop specifications or standards  
68.12 on the design of roundabouts. The specifications or standards must include consideration  
68.13 of the suitability of roundabout designs for commercial motor vehicles, as defined in  
68.14 Minnesota Statutes, section 169.011, subdivision 16.

68.15 (b) In developing the specifications or standards, the commissioner shall consult  
68.16 with:

68.17 (1) the Minnesota Trucking Association; and

68.18 (2) representatives, as identified by the commissioner, of persons who regularly  
68.19 obtain oversize or overweight permits under Minnesota Statutes, chapter 169, and are  
68.20 reasonably likely to travel on routes that would include a roundabout.

68.21 (c) The commissioner shall distribute the specifications or standards, or a similar  
68.22 advisory guidance document, to local road authorities.

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

68.24 Sec. 81. **NORTHSTAR COMMUTER RAIL INFILL STATION IN CITY OF**  
68.25 **RAMSEY.**

68.26 The Metropolitan Council shall designate a Northstar commuter rail station at the  
68.27 city of Ramsey in the vicinity of the city of Ramsey Municipal Center as the next infill  
68.28 station to be constructed on the Northstar commuter rail line and shall identify the station  
68.29 as a regional priority in the council's capital improvement program.

68.30 Sec. 82. **REPORT ON FINANCING OF BRIDGE CONSTRUCTION.**

68.31 By January 15, 2011, the commissioner of transportation shall report to the chairs  
68.32 and ranking minority members of the legislative committees with jurisdiction over

69.1 transportation policy and finance on the feasibility of utilizing any potential value capture  
69.2 options or potential public-private partnerships, which may include charging tolls, for  
69.3 construction of a new bridge over the St. Croix River at or near Stillwater. The report  
69.4 must be submitted electronically.

69.5 Sec. 83. **COMPLETE STREETS REPORTS.**

69.6 The commissioner of transportation shall submit to the chairs and ranking minority  
69.7 members of the house of representatives and senate committees with jurisdiction over  
69.8 transportation policy and finance reports that:

69.9 (1) by January 15, 2011, summarize the department's complete streets initiatives,  
69.10 summarize steps taken to expedite and improve the transparency of the state-aid variance  
69.11 process related to complete streets, outline plans to develop and implement a complete  
69.12 streets policy, and identify any statutory barriers to complete streets implementation;

69.13 (2) by January 15, 2012, summarize the results of the collaboration under Minnesota  
69.14 Statutes, section 174.75, subdivision 3; identify modifications made to or recommended  
69.15 for protocols, guidance, standards, or other requirements to facilitate complete streets  
69.16 implementation; report status of development of complete streets performance indicators;  
69.17 outline other work planned related to the complete streets policy; and identify statutory  
69.18 recommendations to facilitate complete streets policy implementation; and

69.19 (3) by January 15, 2014, overview the department's implementation of complete  
69.20 streets policy; note updates to protocols, guidance, standards, or requirements; identify  
69.21 any recommendations for supporting local complete streets implementation under the  
69.22 state-aid standards variance process; and identify statutory recommendations to facilitate  
69.23 complete streets policy implementation.

69.24 The reports in clauses (1), (2), and (3) must be made available electronically and  
69.25 made available in print only upon request.

69.26 Sec. 84. **STATE ROAD CONSTRUCTION APPROPRIATION.**

69.27 \$30,000,000 is appropriated from the bond proceeds account in the trunk highway  
69.28 fund in fiscal year 2011 to the commissioner of transportation for the actual construction,  
69.29 reconstruction, and improvement of trunk highways, including design-build contracts and  
69.30 consultant usage to support these activities. This includes the cost of actual payments to  
69.31 landowners for lands acquired for highway rights-of-way, payments to lessees, interest  
69.32 subsidies, and relocation expenses. The commissioner may use up to \$5,100,000 of this  
69.33 amount for program delivery.

70.1       Sec. 85. **INTERCHANGE ACCOUNT APPROPRIATION.**

70.2             \$70,000,000 is appropriated from the bond proceeds account in the trunk highway  
70.3 fund in fiscal year 2011 to the commissioner of transportation for construction of  
70.4 interchanges involving a trunk highway, where the interchange will promote economic  
70.5 development, increase employment, relieve growing traffic congestion, and promote traffic  
70.6 safety. The amount under this paragraph must be allocated 50 percent to the department's  
70.7 metropolitan district, and 50 percent to districts in greater Minnesota.

70.8       Sec. 86. **BOND SALE EXPENSES.**

70.9             \$100,000 is appropriated from the bond proceeds account in the trunk highway fund  
70.10 to the commissioner of finance for bond sale expenses under Minnesota Statutes, sections  
70.11 16A.641, subdivision 8, and 167.50, subdivision 4.

70.12       Sec. 87. **TRUNK HIGHWAY BONDS AUTHORIZATION.**

70.13             To provide the money appropriated in sections 43, 44, and 45 from the bond  
70.14 proceeds account in the trunk highway fund, the commissioner of management and budget  
70.15 shall sell and issue bonds of the state in an amount up to \$100,100,000 in the manner,  
70.16 upon the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to  
70.17 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the  
70.18 amounts requested by the commissioner of transportation. The proceeds of the bonds,  
70.19 except accrued interest and any premium received from the sale of the bonds, must be  
70.20 deposited in the bond proceeds account in the trunk highway fund.

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

70.22       Sec. 88. **RULEMAKING EXCEPTION.**

70.23             The actions of the commissioner of public safety in establishing physical  
70.24 qualifications for type III vehicle drivers are not rulemaking for purposes of Minnesota  
70.25 Statutes, chapter 14, are not subject to the Administrative Procedure Act contained in  
70.26 Minnesota Statutes, chapter 14, and are not subject to Minnesota Statutes, section 14.386.

70.27       Sec. 89. **REPEALER.**

70.28             (a) Minnesota Statutes 2008, section 169.041, subdivisions 3 and 4, are repealed.

70.29             (b) Minnesota Statutes 2008, sections 221.161, subdivisions 2 and 3; and 221.291,  
70.30 subdivision 5, are repealed.

70.31             (c) Minnesota Statutes 2009 Supplement, sections 221.161, subdivisions 1 and 4;  
70.32 and 221.171, are repealed.

71.1 (d) Minnesota Rules, parts 7805.0300; and 7805.0400, are repealed.

**169.041 TOWING AUTHORIZED.**

Subd. 3. **Four-hour waiting period.** In enforcing state and local parking and traffic laws, a towing authority may not tow, or allow or require the towing of, a motor vehicle from public property for a parking or traffic violation until four hours after issuance of the traffic ticket or citation, except as provided in this section or as provided for an unauthorized vehicle in section 168B.04.

Subd. 4. **Towing allowed.** A towing authority may tow a motor vehicle without regard to the four-hour waiting period if:

- (1) the vehicle is parked in violation of snow emergency regulations;
- (2) the vehicle is parked in a rush-hour restricted parking area;
- (3) the vehicle is blocking a driveway, alley, or fire hydrant;
- (4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;
- (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
- (6) the vehicle is parked in a disability transfer zone or disability parking space without a disability parking certificate or disability license plates;
- (7) the vehicle is parked in an area that has been posted for temporary restricted parking (i) at least 12 hours in advance in a home rule charter or statutory city having a population under 50,000, or (ii) at least 24 hours in advance in another political subdivision;
- (8) the vehicle is parked within the right-of-way of a controlled-access highway or within the traveled portion of a public street when travel is allowed there;
- (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
- (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the Metropolitan Airports Commission;
- (11) a law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
- (12) the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
- (13) a law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;
- (14) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs;
- (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle;
- (16) the vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking; or
- (17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section 168B.011, and subject to immediate removal under chapter 168B.

**221.161 SCHEDULE OF RATES AND CHARGES.**

Subdivision 1. **Filing; hearing upon board initiative.** A household goods carrier shall file and maintain with the commissioner a tariff showing rates and charges for transporting household goods. Tariffs must be prepared and filed in accordance with the rules of the commissioner. When tariffs are filed in accordance with the rules and accepted by the commissioner, the filing constitutes notice to the public and interested parties of the contents of the tariffs. The commissioner shall not accept for filing tariffs that are unjust, unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted under this section. If the tariffs appear to be unjust, unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise in violation of this section or rules adopted under this section, after notification and investigation by the department, the commissioner may suspend and postpone the effective date of the tariffs and assign the tariffs for hearing upon notice to the household goods carrier filing the proposed tariffs and to other interested parties, including users of the service and competitive carriers by motor vehicle and rail. At the hearing, the burden of proof is on the household goods carrier filing the proposed tariff to sustain the validity of the proposed schedule of rates and charges. The tariffs and subsequent supplements to them or reissues of them must state the effective date, which may not be less than ten days following the date of filing, unless the period of time is reduced by special permission of the commissioner.

## APPENDIX

Repealed Minnesota Statutes: s2540-5

Subd. 2. **Hearing upon complaint.** Tariffs, supplements, and reissues must be prepared and filed in accordance with rules of the commissioner. Rates or charges, including pickup charges named therein, are subject to complaint to the commissioner by an interested party. The commissioner, after investigation by the department, by order on not less than ten days' notice, may assign the complaint for hearing, and if at the hearing, the complainant submits facts and evidence sufficient to establish proof that the rates or charges complained of are excessive or noncompensatory, the commissioner may order the rates or charges canceled, and require the filing of alternative and reasonable rates and charges, the reasonable level of which at that time must be indicated by the commissioner in the order.

Subd. 3. **Hearing upon petition by another carrier.** Upon the filing of a tariff or subsequent supplement or reissue, any other carrier has the right to petition the commissioner to suspend it from taking effect until opportunity is had for a hearing on the reasonableness of the rates or charges, and the commissioner may suspend the rates or charges if in its judgment the rates or charges complained of are so unreasonably low as to create destructive competitive practices among or jeopardize the economic position of competing carriers. In determining whether the rates or charges are excessive or noncompensatory, the commissioner shall include in consideration, among other things, the reasonable cost of the services rendered for the transportation, including a reasonable return on the money invested in the business and an adequate sum for maintenance and depreciation of the property used.

Subd. 4. **Hearing on merits of rates and charges.** The commissioner, (1) after a suspension and hearing upon a schedule of rates and charges, or upon complaint, or upon the commissioner's own initiative, either in extension of an existing complaint or without a complaint whatever, (2) after department investigation and petition, (3) upon notice to the permit carrier or tariff agent proposing, maintaining, or charging a schedule of rates and charges on a single group of related commodities, and (4) upon notice to the users of the service and competitive carriers by motor vehicle and rail, may assign for hearing the schedule of rates and charges proposed, maintained, or charged by any or all permit carriers. Upon a finding, after a hearing, that the schedule of rates and charges are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of this section, the commissioner may prescribe minimum rates and charges and the rates, rules, and practices thereafter to be maintained and applied by the permit carrier or tariff agent. In the hearing the burden of proof is upon the permit carrier or tariff agent whose schedules of rates and charges are under investigation to show that the schedules are not below a minimum reasonable level or are not noncompensatory.

### **221.171 COMPENSATION OF HOUSEHOLD GOODS CARRIER FIXED.**

Subdivision 1. **Compensation fixed by schedule on file.** No household goods carrier shall charge or receive a greater, lesser, or different compensation for the transportation of persons or property or for related service, than the rates and charges named in the carrier's schedule on file and in effect with the commissioner including any rate fixed by the commissioner under section 221.161; nor shall a household goods carrier refund or remit in any manner or by any device, directly or indirectly, the rates and charges required to be collected by the carrier under the carrier's schedules or under the rates, if any, fixed by the commissioner.

Subd. 2. **Exemptions.** (a) A person engaged in the transportation of household goods for the federal government or an agency of the federal government or the transportation of household goods for the state government or an agency of the state government where competitive bids are required by law is exempt from subdivision 1.

(b) A person engaged in the transportation of household goods at the request of a nonprofit charitable organization that qualifies for tax exemption under section 501(c)(3) of the Internal Revenue Code is exempt from subdivision 1 when the transportation is in furtherance of the organization's charitable purpose. A person engaged in the transportation of household goods for a charitable organization may conduct the transportation statewide.

### **221.291 VIOLATIONS, MISDEMEANORS.**

Subd. 5. **Variation of compensation rate.** A person who knowingly offers, grants, gives, solicits, accepts, or receives a rebate, concession, or discrimination in violation of a provision of this chapter, or who by any means knowingly assists, requires, or permits a person to obtain or provide transportation of persons or property for a greater or lesser or different compensation than that approved by order of the commissioner, or in the case of permit carriers than that filed with the commissioner, is guilty of a misdemeanor and upon conviction shall be fined not less than \$200.