

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 271

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| DATE | D-PG | OFFICIAL STATUS |
|------------|-------|--|
| 02/04/2013 | 146 | Introduction and first reading Referred to Transportation and Public Safety |
| 02/14/2013 | 239 | Chief author stricken Dibble Chief author added Champion |
| 03/20/2013 | 1289a | Comm report: To pass as amended and re-refer to Finance |
| 05/02/2013 | 3171a | Comm report: To pass as amended |
| | 3195 | Second reading |
| 05/18/2013 | | Special Order: Amended Third reading Passed |

A bill for an act

1.1
 1.2 relating to transportation; modifying application procedures and requirements for
 1.3 driver's license; creating driving privilege license and setting fee for issuance;
 1.4 amending Minnesota Statutes 2012, sections 171.01, subdivisions 37, 49a,
 1.5 by adding a subdivision; 171.06, subdivisions 1, 2, 3; 171.07, subdivision 1;
 1.6 repealing Minnesota Rules, part 7410.0410, subparts 1, 2, 3, 4, 6, 7, 8, 9, 10,
 1.7 11, 12, 14.

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

1.9 Section 1. Minnesota Statutes 2012, section 171.01, is amended by adding a
 1.10 subdivision to read:

1.11 Subd. 31c. **Driving privilege license.** "Driving privilege license" means a class
 1.12 D license, instruction permit, or provisional license to operate a motor vehicle issued or
 1.13 issuable under the laws of this state by the commissioner of public safety to a person
 1.14 who is unable to demonstrate legal presence in this country. A driving privilege license
 1.15 may be used only for driving and not as identification or proof of legal presence or
 1.16 citizenship. A driving privilege license must not be used or accepted for voter registration
 1.17 purposes under section 201.061. All provisions in this chapter relating to drivers'
 1.18 licenses, instruction permits, and provisional licenses, including cancellation, suspension,
 1.19 revocation, reinstatement, examination, restriction, expiration, renewal, and unlawful acts
 1.20 and violations, apply to a driving privilege license.

1.21 Sec. 2. Minnesota Statutes 2012, section 171.01, subdivision 37, is amended to read:

1.22 Subd. 37. **License.** "License" means any operator's license or any other license or
 1.23 permit to operate a motor vehicle issued or issuable under the laws of this state by the
 1.24 commissioner of public safety including:

2.1 (1) any temporary license, driving privilege license, instruction permit, or
 2.2 provisional license;

2.3 (2) the privilege of any person to drive a motor vehicle whether or not the person
 2.4 holds a valid license; and

2.5 (3) any nonresident's operating privilege.

2.6 Sec. 3. Minnesota Statutes 2012, section 171.01, subdivision 49a, is amended to read:

2.7 Subd. 49a. **Valid license; valid driver's license.** "Valid license," "valid driver's
 2.8 license," "valid Minnesota driver's license," "valid standard driver's license," or other
 2.9 similar term, means any operator's license, provisional license, driving privilege license,
 2.10 temporary license, limited license, permit, or other license to operate a motor vehicle
 2.11 issued or issuable under the laws of this state by the commissioner, or by another state or
 2.12 jurisdiction if specified, that is:

2.13 (1) not expired, suspended, revoked, or canceled; and

2.14 (2) not disqualified for the class of vehicle being operated.

2.15 Sec. 4. Minnesota Statutes 2012, section 171.06, subdivision 1, is amended to read:

2.16 Subdivision 1. **Forms of application.** Every application for a Minnesota
 2.17 identification card, for an enhanced identification card, for an instruction permit, for
 2.18 a provisional license, for a driver's license, driving privilege license, or for an enhanced
 2.19 driver's license must be made in a format approved by the department, and every
 2.20 application must be accompanied by the proper fee. All first-time applications and
 2.21 change-of-status applications must be signed in the presence of the person authorized to
 2.22 accept the application, or the signature on the application may be verified by a notary
 2.23 public. All applications requiring evidence of legal presence in the United States or United
 2.24 States citizenship must be signed in the presence of the person authorized to accept the
 2.25 application, or the signature on the application may be verified by a notary public.

2.26 Sec. 5. Minnesota Statutes 2012, section 171.06, subdivision 2, is amended to read:

2.27 Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are
 2.28 as follows:

| | | | | | |
|------|----------------------------------|------------------|-----------|-----------|-----------|
| 2.29 | Classified Driver's License | D-\$17.25 | C-\$21.25 | B-\$28.25 | A-\$36.25 |
| 2.30 | Classified Under-21 D.L. | D-\$17.25 | C-\$21.25 | B-\$28.25 | A-\$16.25 |
| 2.31 | <u>Driving Privilege License</u> | <u>D-\$17.25</u> | = | = | = |
| 2.32 | Enhanced Driver's License | D-\$32.25 | C-\$36.25 | B-\$43.25 | A-\$51.25 |
| 2.33 | Instruction Permit | | | | \$5.25 |

| | | |
|------|-----------------------------|---------|
| 3.1 | Enhanced Instruction | |
| 3.2 | Permit | \$20.25 |
| 3.3 | Provisional License | \$8.25 |
| 3.4 | Enhanced Provisional | |
| 3.5 | License | \$23.25 |
| 3.6 | Duplicate License or | |
| 3.7 | duplicate identification | |
| 3.8 | card | \$6.75 |
| 3.9 | Enhanced Duplicate | |
| 3.10 | License or enhanced | |
| 3.11 | duplicate identification | |
| 3.12 | card | \$21.75 |
| 3.13 | Minnesota identification | |
| 3.14 | card or Under-21 | |
| 3.15 | Minnesota identification | |
| 3.16 | card, other than duplicate, | |
| 3.17 | except as otherwise | |
| 3.18 | provided in section 171.07, | |
| 3.19 | subdivisions 3 and 3a | \$11.25 |
| 3.20 | Enhanced Minnesota | |
| 3.21 | identification card | \$26.25 |

3.22 In addition to each fee required in this paragraph, the commissioner shall collect a
 3.23 surcharge of: (1) \$1.75 until June 30, 2012; and (2) \$1.00 from July 1, 2012, to June 30,
 3.24 2016. Surcharges collected under this paragraph must be credited to the driver and vehicle
 3.25 services technology account in the special revenue fund under section 299A.705.

3.26 (b) Notwithstanding paragraph (a), an individual who holds a provisional license and
 3.27 has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33,
 3.28 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving
 3.29 violations, and (3) convictions for moving violations that are not crash related, shall have a
 3.30 \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation"
 3.31 has the meaning given it in section 171.04, subdivision 1.

3.32 (c) In addition to the driver's license fee required under paragraph (a), the
 3.33 commissioner shall collect an additional \$4 processing fee from each new applicant
 3.34 or individual renewing a license with a school bus endorsement to cover the costs for
 3.35 processing an applicant's initial and biennial physical examination certificate. The
 3.36 department shall not charge these applicants any other fee to receive or renew the
 3.37 endorsement.

3.38 (d) In addition to the fee required under paragraph (a), a driver's license agent may
 3.39 charge and retain a filing fee as provided under section 171.061, subdivision 4.

3.40 (e) In addition to the fee required under paragraph (a), the commissioner shall
 3.41 charge a filing fee at the same amount as a driver's license agent under section 171.061,

4.1 subdivision 4. Revenue collected under this paragraph must be deposited in the driver
4.2 services operating account.

4.3 (f) An application for a Minnesota identification card, instruction permit, provisional
4.4 license, driving privilege license, or driver's license, including an application for renewal,
4.5 must contain a provision that allows the applicant to add to the fee under paragraph (a),
4.6 a \$2 donation for the purposes of public information and education on anatomical gifts
4.7 under section 171.075.

4.8 Sec. 6. Minnesota Statutes 2012, section 171.06, subdivision 3, is amended to read:

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

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

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

4.16 (3) state:

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

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

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

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

4.25 (ii) a photographic identity document;

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

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

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

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

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

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

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

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

5.22 (1) the effect of alcohol on driving ability;

5.23 (2) the effect of mixing alcohol with drugs;

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

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

5.28 (d) A government identification card is:

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

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

5.32 (e) For purposes of this section, "government identification card" means a valid,
5.33 unexpired passport issued by a country other than the United States with a certified birth
5.34 certificate from a country other than the United States, the District of Columbia, Guam,
5.35 Puerto Rico, or the United States Virgin Islands. A passport and birth certificate under this
5.36 paragraph must have security features that make the document as impervious to alteration

6.1 as is reasonably practicable in its design and quality of material and technology, using
6.2 materials that are not readily available to the general public. Any document not in English
6.3 must be accompanied by a qualified English translation.

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

6.5 Sec. 7. Minnesota Statutes 2012, section 171.07, subdivision 1, is amended to read:

6.6 Subdivision 1. **License; contents.** (a) Upon the payment of the required fee, the
6.7 department shall issue to every qualifying applicant a license designating the type or
6.8 class of vehicles the applicant is authorized to drive as applied for. This license must
6.9 bear a distinguishing number assigned to the licensee; the licensee's full name and date
6.10 of birth; either (1) the licensee's residence address, or (2) the designated address under
6.11 section 5B.05; a description of the licensee in a manner as the commissioner deems
6.12 necessary; and the usual signature of the licensee. No license is valid unless it bears
6.13 the usual signature of the licensee. Every license must bear a colored photograph or an
6.14 electronically produced image of the licensee. A driving privilege license must be plainly
6.15 marked "FOR DRIVING ONLY."

6.16 (b) If the United States Postal Service will not deliver mail to the applicant's
6.17 residence address as listed on the license, then the applicant shall provide verification from
6.18 the United States Postal Service that mail will not be delivered to the applicant's residence
6.19 address and that mail will be delivered to a specified alternate mailing address. When an
6.20 applicant provides an alternate mailing address under this subdivision, the commissioner
6.21 shall use the alternate mailing address in lieu of the applicant's residence address for
6.22 all notices and mailings to the applicant.

6.23 (c) Every license issued to an applicant under the age of 21 must be of a
6.24 distinguishing color and plainly marked "Under-21."

6.25 (d) The department shall use processes in issuing a license that prohibit, as nearly as
6.26 possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a
6.27 photograph or electronically produced image on a license, without ready detection.

6.28 (e) A license issued to an applicant age 65 or over must be plainly marked "senior" if
6.29 requested by the applicant.

6.30 Sec. 8. **ELECTION JUDGE TRAINING.**

6.31 The secretary of state shall inform each county auditor that a driving privilege
6.32 license as defined in Minnesota Statutes, section 171.01, subdivision 31c, must not be used
6.33 or accepted for voter registration purposes under Minnesota Statutes, section 201.061.
6.34 Each county auditor must inform all election officials and election judges hired for an

7.1 election that a driving privilege license must not be used or accepted for voter registration
7.2 purposes under Minnesota Statutes, section 201.061. County auditors and municipal
7.3 clerks must include this information in all election judge training courses.

7.4 Sec. 9. **REPEALER.**

7.5 Minnesota Rules, part 7410.0410, subparts 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, and
7.6 14, are repealed.

7.7 Sec. 10. **EFFECTIVE DATE.**

7.8 This act is effective January 1, 2014, for a new driver's license, permit, or
7.9 identification card, and a renewal issued on or after that date.

7410.0410 PROOF OF RESIDENCY.

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

7410.0410 PROOF OF RESIDENCY.

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

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

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

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

7410.0410 PROOF OF RESIDENCY.

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

7410.0410 PROOF OF RESIDENCY.

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

7410.0410 PROOF OF RESIDENCY.

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

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

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

7410.0410 PROOF OF RESIDENCY.

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

7410.0410 PROOF OF RESIDENCY.

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

7410.0410 PROOF OF RESIDENCY.

APPENDIX
Repealed Minnesota Rule: S0271-2

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

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

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

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

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

7410.0410 PROOF OF RESIDENCY.

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

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

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

7410.0410 PROOF OF RESIDENCY.

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

A. The notice shall contain:

- (1) the person's full name;
- (2) the person's date of birth;
- (3) the person's unique state document number;
- (4) the person's current address from the department record; and
- (5) the date the notice is mailed or directly issued.

B. The notice shall indicate that:

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

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

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

7410.0410 PROOF OF RESIDENCY.

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

APPENDIX
Repealed Minnesota Rule: S0271-2

A. The notice shall contain:

- (1) the person's full name;
- (2) the person's date of birth;
- (3) the person's unique state document number;
- (4) the person's current address from the department record; and
- (5) the date the order is mailed.

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

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

7410.0410 PROOF OF RESIDENCY.

Subp. 14. **Fees.**

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

B. If the status check date on the driver's license, permit, or identification card has expired and the applicant presents federal documentation indicating an extended lawful admission period or application for an extension or change, the applicant must pay the fee for a duplicate card as specified in Minnesota Statutes, section 171.06.

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