

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 399

(SENATE AUTHORS: CHAMPION)

DATE 01/28/2021 D-PG 184 OFFICIAL STATUS Introduction and first reading Referred to Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to transportation; modifying requirements for a noncompliant driver's
1.3 license or Minnesota identification card and making related changes, including on
1.4 eligibility, proof of lawful presence, primary and secondary documentation,
1.5 discrimination, voter registration, fees, and data practices; making technical
1.6 changes; appropriating money; amending Minnesota Statutes 2020, sections
1.7 13.6905, by adding a subdivision; 171.04, subdivision 5; 171.06, subdivisions 2,
1.8 3, by adding subdivisions; 171.07, subdivisions 1, 3; 171.12, subdivisions 7a, 9,
1.9 by adding subdivisions; 201.061, subdivision 3; 363A.28, by adding a subdivision;
1.10 repealing Minnesota Statutes 2020, section 171.015, subdivision 7.

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

ARTICLE 1

LICENSES AND IDENTIFICATION CARDS

1.14 Section 1. Minnesota Statutes 2020, section 171.04, subdivision 5, is amended to read:

1.15 Subd. 5. Temporary lawful admission. The commissioner is prohibited from issuing
1.16 a driver's license or Minnesota identification card to an applicant whose having a lawful
1.17 temporary admission period, as demonstrated under section 171.06, subdivision 3, paragraph
1.18 (b), clause (2), that expires within 30 days of the date of the application.

1.19 Sec. 2. Minnesota Statutes 2020, section 171.06, subdivision 2, is amended to read:

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

Table with 5 columns: License Type, Fee D, Fee C, Fee B, Fee A. Rows include REAL ID Compliant, Noncompliant Classified, Driver's License, Under-21 D.L.

2.1	<u>Noncompliant Driver's</u>				
2.2	<u>License or Identification</u>				
2.3	<u>Card</u>	<u>D-\$22.00</u>			
2.4	Enhanced Driver's License	D-\$36.00	C-\$40.00	B-\$47.00	A-\$55.00
2.5	REAL ID Compliant or				
2.6	Noncompliant Instruction				
2.7	Permit				\$5.25
2.8	Enhanced Instruction				
2.9	Permit				\$20.25
2.10	Commercial Learner's				
2.11	Permit				\$2.50
2.12	REAL ID Compliant or				
2.13	Noncompliant Provisional				
2.14	License				\$8.25
2.15	Enhanced Provisional				
2.16	License				\$23.25
2.17	Duplicate REAL ID				
2.18	Compliant or Noncompliant				
2.19	License or duplicate REAL				
2.20	ID Compliant or				
2.21	Noncompliant				
2.22	identification card				\$6.75
2.23	Enhanced Duplicate				
2.24	License or enhanced				
2.25	duplicate identification card				\$21.75
2.26	REAL ID Compliant or				
2.27	Noncompliant Minnesota				
2.28	identification card or REAL				
2.29	ID Compliant or				
2.30	Noncompliant Under-21				
2.31	Minnesota identification				
2.32	card, other than duplicate,				
2.33	except as otherwise				
2.34	provided in section 171.07,				
2.35	subdivisions 3 and 3a				\$11.25
2.36	Enhanced Minnesota				
2.37	identification card				\$26.25
2.38	From August 1, 2019, to June 30, 2022, the fee is increased by \$0.75 for REAL ID compliant				
2.39	or noncompliant classified driver's licenses, REAL ID compliant or noncompliant classified				
2.40	under-21 driver's licenses, and enhanced driver's licenses.				
2.41	(b) In addition to each fee required in paragraph (a), the commissioner shall collect a				
2.42	surcharge of \$2.25. Surcharges collected under this paragraph must be credited to the driver				
2.43	and vehicle services technology account under section 299A.705.				
2.44	(c) Notwithstanding paragraph (a), an individual who holds a provisional license and				
2.45	has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33,				

3.1 169A.35, sections 169A.50 to 169A.53, or section 171.177, (2) convictions for crash-related  
 3.2 moving violations, and (3) convictions for moving violations that are not crash related, shall  
 3.3 have a \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving  
 3.4 violation" has the meaning given it in section 171.04, subdivision 1.

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

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

3.12 (f) In addition to the fee required under paragraph (a), the commissioner shall charge a  
 3.13 filing fee at the same amount as a driver's license agent under section 171.061, subdivision  
 3.14 4. Revenue collected under this paragraph must be deposited in the driver services operating  
 3.15 account under section 299A.705.

3.16 (g) An application for a Minnesota identification card, instruction permit, provisional  
 3.17 license, or driver's license, including an application for renewal, must contain a provision  
 3.18 that allows the applicant to add to the fee under paragraph (a), a \$2 donation for the purposes  
 3.19 of public information and education on anatomical gifts under section 171.075.

3.20 Sec. 3. Minnesota Statutes 2020, section 171.06, subdivision 3, is amended to read:

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

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

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

3.27 (3) state:

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

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

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

4.3 (5) include a method for the applicant to:

4.4 (i) request a veteran designation on the license under section 171.07, subdivision 15,  
4.5 and the driving record under section 171.12, subdivision 5a;

4.6 (ii) indicate a desire to make an anatomical gift under paragraph (d);

4.7 (iii) as applicable, designate document retention as provided under section 171.12,  
4.8 subdivision 3c; and

4.9 (iv) indicate emergency contacts as provided under section 171.12, subdivision 5b.

4.10 (b) Applications must be accompanied by satisfactory evidence demonstrating:

4.11 (1) identity, date of birth, and any legal name change if applicable; and

4.12 (2) for driver's licenses and Minnesota identification cards that meet all requirements of  
4.13 the REAL ID Act:

4.14 (i) principal residence address in Minnesota, including application for a change of address,  
4.15 unless the applicant provides a designated address under section 5B.05;

4.16 (ii) Social Security number, or related documentation as applicable; and

4.17 (iii) lawful status, as defined in Code of Federal Regulations, title 6, section 37.3.

4.18 (c) An application for an enhanced driver's license or enhanced identification card must  
4.19 be accompanied by:

4.20 (1) satisfactory evidence demonstrating the applicant's full legal name and United States  
4.21 citizenship; and

4.22 (2) a photographic identity document.

4.23 Sec. 4. Minnesota Statutes 2020, section 171.06, is amended by adding a subdivision to  
4.24 read:

4.25 Subd. 7. **Noncompliant license or identification card; lawful status.** (a) A person is  
4.26 not required to demonstrate United States citizenship or lawful presence in the United States  
4.27 in order to obtain a noncompliant driver's license or identification card.

4.28 (b) Minnesota Rules, part 7410.0410, or successor rules, does not apply for a  
4.29 noncompliant driver's license or identification card.

5.1 Sec. 5. Minnesota Statutes 2020, section 171.06, is amended by adding a subdivision to  
5.2 read:

5.3 Subd. 8. **Noncompliant license or identification card; general requirements.** (a) A  
5.4 document submitted under this subdivision or subdivision 9 or 10 must be legible and  
5.5 unaltered, an original or a copy certified by the issuing agency, and accompanied by a  
5.6 certified translation or an affidavit of translation into English if the document is not in  
5.7 English.

5.8 (b) A document submitted under this subdivision or subdivision 9 or 10 must (1) be  
5.9 issued to or provided for the applicant, and (2) include the applicant's name.

5.10 (c) If the applicant's current legal name is different from the name on a document  
5.11 submitted under subdivision 9 or 10, the applicant must submit:

5.12 (1) a certified copy of a court order that specifies the applicant's name change;

5.13 (2) a certified copy of the applicant's certificate of marriage;

5.14 (3) a certified copy of a divorce decree or dissolution of marriage that specifies the  
5.15 applicant's name change, issued by a court; or

5.16 (4) similar documentation of a lawful change of name as determined by the commissioner.

5.17 (d) The commissioner must establish a process to grant a waiver from the requirements  
5.18 under this subdivision and subdivisions 9 and 10.

5.19 Sec. 6. Minnesota Statutes 2020, section 171.06, is amended by adding a subdivision to  
5.20 read:

5.21 Subd. 9. **Noncompliant license or identification card; primary documents.** (a) For  
5.22 a noncompliant driver's license or identification card, primary documents under Minnesota  
5.23 Rules, part 7410.0400, subpart 2, or successor rules, include the following:

5.24 (1) a noncompliant driver's license or identification card that is current or has been  
5.25 expired for five years or less;

5.26 (2) an unexpired foreign passport or a foreign consular identification document that  
5.27 bears a photograph of the applicant; and

5.28 (3) a certified birth certificate issued by a foreign jurisdiction.

5.29 (b) A document submitted under this subdivision must contain security features that  
5.30 make the document as impervious to alteration as is reasonably practicable in its design and  
5.31 quality of material and technology.

6.1 (c) For purposes of this subdivision and subdivision 10, "foreign" means a jurisdiction  
6.2 that is not, and is not within, the United States, the Commonwealth of the Northern Mariana  
6.3 Islands, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, or a  
6.4 territory of the United States.

6.5 (d) Submission of more than one primary document is not required under this subdivision.

6.6 Sec. 7. Minnesota Statutes 2020, section 171.06, is amended by adding a subdivision to  
6.7 read:

6.8 Subd. 10. **Noncompliant license or identification card; secondary documents.** (a)

6.9 For a noncompliant driver's license or identification card, secondary documents under  
6.10 Minnesota Rules, part 7410.0400, subpart 3, or successor rules, include the following:

6.11 (1) a second document listed under subdivision 9, paragraph (a);

6.12 (2) a notice of action on or proof of submission of a completed Application for Asylum  
6.13 and for Withholding of Removal issued by the United States Department of Homeland  
6.14 Security, Form I-589;

6.15 (3) a certificate of eligibility for nonimmigrant student status issued by United States  
6.16 Department of Homeland Security, Form I-20;

6.17 (4) a certificate of eligibility for exchange visitor status issued by the United States  
6.18 Department of State, Form DS-2019;

6.19 (5) a Deferred Action for Childhood Arrival approval notice issued by United States  
6.20 Department of Homeland Security;

6.21 (6) an employment authorization document issued by the United States Department of  
6.22 Homeland Security, Form I-688, Form I-688A, Form I-688B, or Form I-766;

6.23 (7) a document issued by the Social Security Administration with an individual taxpayer  
6.24 identification number;

6.25 (8) mortgage documents for the applicant's residence;

6.26 (9) a filed property deed or title for the applicant's residence;

6.27 (10) a United States high school identification card with a certified transcript from the  
6.28 school;

6.29 (11) a Minnesota college or university identification card with a certified transcript from  
6.30 the college or university;

6.31 (12) a Social Security card;

7.1 (13) a Minnesota unemployment insurance benefit statement issued no more than 90  
7.2 days before the application;

7.3 (14) a valid identification card for health benefits or an assistance or social services  
7.4 program;

7.5 (15) a Minnesota vehicle certificate of title issued no more than 12 months before the  
7.6 application;

7.7 (16) an unexpired Selective Service card;

7.8 (17) military orders that are still in effect at the time of application;

7.9 (18) a certified copy of the applicant's certificate of marriage;

7.10 (19) a certified copy of a court order that specifies the applicant's name change;

7.11 (20) a certified copy of a divorce decree or dissolution of marriage that specifies the  
7.12 applicant's name change, issued by a court;

7.13 (21) any of the following documents issued by a foreign jurisdiction:

7.14 (i) a driver's license that is current or has been expired for five years or less;

7.15 (ii) a high school, college, or university student identification card with a certified  
7.16 transcript from the school;

7.17 (iii) an official high school, college, or university transcript that includes the applicant's  
7.18 date of birth and a photograph of the applicant at the age the record was issued; and

7.19 (iv) a federal electoral photographic card issued on or after January 1, 1991; and

7.20 (22) additional documents as determined by the commissioner.

7.21 (b) A document submitted as a primary document under subdivision 9, paragraph (a),  
7.22 clause (3), may not be submitted as a secondary document under this subdivision.

7.23 (c) Submission of more than one secondary document is not required under this  
7.24 subdivision.

7.25 Sec. 8. Minnesota Statutes 2020, section 171.07, subdivision 1, is amended to read:

7.26 Subdivision 1. **License; contents and design.** (a) Upon the payment of the required fee,  
7.27 the department shall issue to every qualifying applicant a license designating the type or  
7.28 class of vehicles the applicant is authorized to drive as applied for. This license must bear:  
7.29 (1) a distinguishing number assigned to the licensee; (2) the licensee's full name and date  
7.30 of birth; (3) either (i) the licensee's residence address, or (ii) the designated address under

8.1 section 5B.05; (4) a description of the licensee in a manner as the commissioner deems  
8.2 necessary; (5) the usual signature of the licensee; and (6) designations and markings as  
8.3 provided in this section. No license is valid unless it bears the usual signature of the licensee.  
8.4 Every license must bear a colored photograph or an electronically produced image of the  
8.5 licensee.

8.6 (b) If the United States Postal Service will not deliver mail to the applicant's residence  
8.7 address as listed on the license, then the applicant shall provide verification from the United  
8.8 States Postal Service that mail will not be delivered to the applicant's residence address and  
8.9 that mail will be delivered to a specified alternate mailing address. When an applicant  
8.10 provides an alternate mailing address under this subdivision, the commissioner shall use  
8.11 the alternate mailing address in lieu of the applicant's residence address for all notices and  
8.12 mailings to the applicant.

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

8.15 (d) A license issued to an applicant age 65 or over must be plainly marked "senior" if  
8.16 requested by the applicant.

8.17 (e) Except for a noncompliant license, a license must bear a distinguishing indicator for  
8.18 compliance with requirements of the REAL ID Act.

8.19 (f) A noncompliant license must:

8.20 (1) be marked "not for federal identification" on the face and in the machine-readable  
8.21 portion; and

8.22 (2) have a unique design or color indicator for purposes of the REAL ID Act.

8.23 (g) A noncompliant license issued under any of the following circumstances must be  
8.24 marked "not for voting" on the back side and must bear no other indication regarding lawful  
8.25 presence of the license holder:

8.26 (1) the application is for first-time issuance of a license in Minnesota, and the applicant  
8.27 has not demonstrated United States citizenship;

8.28 (2) the applicant's most recently issued noncompliant license or identification card is  
8.29 marked as required under this paragraph or subdivision 3, paragraph (g), and the applicant  
8.30 has not demonstrated United States citizenship; or

8.31 (3) the applicant submits a document that identifies a temporary lawful status or admission  
8.32 period.



9.1 ~~(g)~~ (h) A REAL ID compliant license issued to a person with temporary lawful status  
9.2 or admission period must be marked "temporary" on the face and in the machine-readable  
9.3 portion.

9.4 ~~(h)~~ (i) A license must display the licensee's full name or no fewer than 39 characters of  
9.5 the name. Any necessary truncation must begin with the last character of the middle name  
9.6 and proceed through the second letter of the middle name, followed by the last character of  
9.7 the first name and proceeding through the second letter of the first name.

9.8 Sec. 9. Minnesota Statutes 2020, section 171.07, subdivision 3, is amended to read:

9.9 Subd. 3. **Identification card; content and design; fee.** (a) Upon payment of the required  
9.10 fee, the department shall issue to every qualifying applicant a Minnesota identification card.  
9.11 The department may not issue a Minnesota identification card to an individual who has a  
9.12 driver's license, other than a limited license. The department may not issue an enhanced  
9.13 identification card to an individual who is under 16 years of age, not a resident of this state,  
9.14 or not a citizen of the United States of America. The card must bear: (1) a distinguishing  
9.15 number assigned to the applicant; (2) a colored photograph or an electronically produced  
9.16 image of the applicant; (3) the applicant's full name and date of birth; (4) either (i) the  
9.17 licensee's residence address, or (ii) the designated address under section 5B.05; (5) a  
9.18 description of the applicant in the manner as the commissioner deems necessary; (6) the  
9.19 usual signature of the applicant; and (7) designations and markings provided under this  
9.20 section.

9.21 (b) If the United States Postal Service will not deliver mail to the applicant's residence  
9.22 address as listed on the Minnesota identification card, then the applicant shall provide  
9.23 verification from the United States Postal Service that mail will not be delivered to the  
9.24 applicant's residence address and that mail will be delivered to a specified alternate mailing  
9.25 address. When an applicant provides an alternate mailing address under this subdivision,  
9.26 the commissioner shall use the alternate mailing address in lieu of the applicant's residence  
9.27 address for all notices and mailings to the applicant.

9.28 (c) Each identification card issued to an applicant under the age of 21 must be of a  
9.29 distinguishing color and plainly marked "Under-21."

9.30 (d) Each Minnesota identification card must be plainly marked "Minnesota identification  
9.31 card - not a driver's license."

9.32 (e) Except for a noncompliant identification card, a Minnesota identification card must  
9.33 bear a distinguishing indicator for compliance with requirements of the REAL ID Act.

10.1 (f) A noncompliant identification card must:

10.2 (1) be marked "not for federal identification" on the face and in the machine-readable  
10.3 portion; and

10.4 (2) have a unique design or color indicator for purposes of the REAL ID Act.

10.5 (g) A noncompliant identification card issued under any of the following circumstances  
10.6 must be marked "not for voting" on the back side and must bear no other indication regarding  
10.7 lawful presence of the identification card holder:

10.8 (1) the application is for first-time issuance of a Minnesota identification card, and the  
10.9 applicant has not demonstrated United States citizenship;

10.10 (2) the applicant's most recently issued noncompliant license or identification card is  
10.11 marked as required under this paragraph or subdivision 1, paragraph (g), and the applicant  
10.12 has not demonstrated United States citizenship; or

10.13 (3) the applicant submits a document that identifies a temporary lawful status or admission  
10.14 period.

10.15 ~~(g)~~ (h) A Minnesota REAL ID compliant identification card issued to a person with  
10.16 temporary lawful status or admission period must be marked "temporary" on the face and  
10.17 in the machine-readable portion.

10.18 ~~(h)~~ (i) A Minnesota identification card must display the cardholder's full name or no  
10.19 fewer than 39 characters of the name. Any necessary truncation must begin with the last  
10.20 character of the middle name and proceed through the second letter of the middle name,  
10.21 followed by the last character of the first name and proceeding through the second letter of  
10.22 the first name.

10.23 ~~(i)~~ (j) The fee for a Minnesota identification card is 50 cents when issued to a person  
10.24 who is developmentally disabled, as defined in section 252A.02, subdivision 2; a physically  
10.25 disabled person, as defined in section 169.345, subdivision 2; or, a person with mental  
10.26 illness, as described in section 245.462, subdivision 20, paragraph (c).

10.27 Sec. 10. APPROPRIATIONS.

10.28 (a) \$267,000 in fiscal year 2022 is appropriated from the general fund to the commissioner  
10.29 of public safety to implement the requirements of this act. This is a onetime appropriation  
10.30 and is available until June 30, 2023.

10.31 (b) \$76,000 in fiscal year 2022 and \$76,000 in fiscal year 2023 are appropriated from  
10.32 the general fund to the commissioner of human rights for purposes of Minnesota Statutes,

11.1 sections 171.12 and 363A.28, subdivision 11. The base is \$77,000 in each year for fiscal  
 11.2 years 2024 and 2025.

11.3 **EFFECTIVE DATE.** Paragraph (a) is effective the day following final enactment.  
 11.4 Paragraph (b) is effective July 1, 2021.

11.5 Sec. 11. **REPEALER.**

11.6 Minnesota Statutes 2020, section 171.015, subdivision 7, is repealed.

11.7 Sec. 12. **EFFECTIVE DATE.**

11.8 Unless provided otherwise, this act is effective August 1, 2021, for driver's license and  
 11.9 Minnesota identification card applications and issuance on or after that date.

11.10 **ARTICLE 2**  
 11.11 **RIGHTS AND PROTECTIONS**

11.12 Section 1. Minnesota Statutes 2020, section 13.6905, is amended by adding a subdivision  
 11.13 to read:

11.14 Subd. 36. **Noncompliant license or identification card; lawful status.** Data on certain  
 11.15 noncompliant drivers' licenses or identification cards are governed by section 171.12,  
 11.16 subdivisions 11 and 12.

11.17 Sec. 2. Minnesota Statutes 2020, section 171.12, subdivision 7a, is amended to read:

11.18 Subd. 7a. **Disclosure of personal information.** (a) The commissioner shall disclose  
 11.19 personal information where the use is related to the operation of a motor vehicle or to public  
 11.20 safety. The use of personal information is related to public safety if it concerns the physical  
 11.21 safety or security of drivers, vehicles, pedestrians, or property. The commissioner may  
 11.22 refuse to disclose data under this subdivision when the commissioner concludes that the  
 11.23 requester is likely to use the data for illegal, improper, or noninvestigative purposes. Nothing  
 11.24 in this paragraph authorizes disclosure of data restricted under subdivision 11.

11.25 (b) The commissioner shall disclose personal information to the secretary of state for  
 11.26 the purpose of increasing voter registration and improving the accuracy of voter registration  
 11.27 records in the statewide voter registration system. The secretary of state may not retain data  
 11.28 provided by the commissioner under this subdivision for more than 60 days.

12.1 Sec. 3. Minnesota Statutes 2020, section 171.12, subdivision 9, is amended to read:

12.2 Subd. 9. **Driving record disclosure to law enforcement.** Except as restricted under  
12.3 subdivision 11, the commissioner shall also furnish driving records, without charge, to  
12.4 chiefs of police, county sheriffs, prosecuting attorneys, and other law enforcement agencies  
12.5 with the power to arrest.

12.6 Sec. 4. Minnesota Statutes 2020, section 171.12, is amended by adding a subdivision to  
12.7 read:

12.8 Subd. 11. **Certain data on noncompliant license or identification card; department**  
12.9 **and agents.** (a) The commissioner must not share or disseminate outside of the division of  
12.10 the department administering driver licensing any data on individuals indicating or otherwise  
12.11 having the effect of identifying that the individual applied for, was denied, or was issued a  
12.12 noncompliant driver's license or identification card without demonstrating United States  
12.13 citizenship or lawful presence in the United States.

12.14 (b) A driver's license agent must not share or disseminate, other than to the division of  
12.15 the department administering driver licensing, any data on individuals indicating or otherwise  
12.16 having the effect of identifying that the individual applied for, was denied, or was issued a  
12.17 noncompliant driver's license or identification card without demonstrating United States  
12.18 citizenship or lawful presence in the United States.

12.19 (c) Data under paragraphs (a) and (b) includes but is not limited to information related  
12.20 to documents submitted under section 171.06, subdivision 8, 9, or 10.

12.21 (d) Notwithstanding any law to the contrary, this subdivision prohibits the commissioner  
12.22 and a driver's license agent from sharing or disseminating the data described in paragraphs  
12.23 (a) to (c) with any entity otherwise authorized to obtain data under subdivision 7, any political  
12.24 subdivision, any state agency as defined in section 13.02, subdivision 17, or any federal  
12.25 entity.

12.26 Sec. 5. Minnesota Statutes 2020, section 171.12, is amended by adding a subdivision to  
12.27 read:

12.28 Subd. 12. **Certain data on noncompliant license or identification card; criminal**  
12.29 **justice.** (a) A criminal justice agency, as defined in section 13.02, subdivision 3a, must not  
12.30 take any action on the basis of a marking under section 171.07, subdivision 1, paragraph  
12.31 (g), or 3, paragraph (g).

12.32 (b) The prohibition in paragraph (a) includes but is not limited to:

- 13.1 (1) criminal investigation;  
 13.2 (2) detention, search, or arrest;  
 13.3 (3) evaluation of citizenship or immigration status; and  
 13.4 (4) recording, maintenance, sharing, or disseminating data indicating or otherwise having  
 13.5 the effect of identifying that the individual was issued a noncompliant driver's license or  
 13.6 identification card under section 171.06, subdivision 7.
- 13.7 (c) Nothing in this subdivision prevents a criminal justice agency from the performance  
 13.8 of official duties independent of using the data described in paragraph (a).

13.9 Sec. 6. Minnesota Statutes 2020, section 171.12, is amended by adding a subdivision to  
 13.10 read:

13.11 Subd. 13. **Noncompliant license or identification card; nondiscrimination.** It is a  
 13.12 violation under sections 363A.09, 363A.11, 363A.12, and 363A.13, to discriminate against  
 13.13 a person because the person:

13.14 (1) applied for, was denied, or was issued a noncompliant driver's license or identification  
 13.15 card without demonstrating United States citizenship or lawful presence in the United States;  
 13.16 or

13.17 (2) presents a noncompliant driver's license or identification card marked as provided  
 13.18 in section 171.07, subdivision 1, paragraph (g), or 3, paragraph (g).

13.19 Sec. 7. Minnesota Statutes 2020, section 171.12, is amended by adding a subdivision to  
 13.20 read:

13.21 Subd. 14. **Civil penalty.** (a) A person or entity is subject to a civil penalty if the person  
 13.22 or entity:

13.23 (1) shares or disseminates any data in violation of subdivision 11 or 12;

13.24 (2) shares or disseminates any data described in subdivision 11 or 12 in violation of state  
 13.25 or federal law or policies of the department; or

13.26 (3) performs an act in violation of subdivision 13.

13.27 (b) Consistent with the provisions of chapter 14, the commissioner of human rights may  
 13.28 impose a civil penalty in an amount up to \$10,000, if upon investigation and determination  
 13.29 under the authority granted in section 363A.06 the commissioner determines a violation

14.1 under this subdivision has occurred. This penalty is in addition to any rights available or  
14.2 duties imposed under section 363A.28.

14.3 Sec. 8. Minnesota Statutes 2020, section 363A.28, is amended by adding a subdivision to  
14.4 read:

14.5 Subd. 11. **National origin discrimination; evidence.** Discrimination prohibited by this  
14.6 chapter that is based on application for a noncompliant driver's license or identification card  
14.7 without demonstrating United States citizenship or lawful presence in the United States, or  
14.8 based on use of a noncompliant driver's license or identification card marked as provided  
14.9 in section 171.07, subdivision 1, paragraph (g), or 3, paragraph (g), is prima facie evidence  
14.10 of national origin discrimination.

### 14.11 **ARTICLE 3**

### 14.12 **ELECTIONS**

14.13 Section 1. Minnesota Statutes 2020, section 201.061, subdivision 3, is amended to read:

14.14 Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may register  
14.15 on election day by appearing in person at the polling place for the precinct in which the  
14.16 individual maintains residence, by completing a registration application, making an oath in  
14.17 the form prescribed by the secretary of state and providing proof of residence. An individual  
14.18 may prove residence for purposes of registering by:

14.19 (1) presenting a driver's license or Minnesota identification card issued pursuant to  
14.20 section 171.07 that is not marked as provided in section 171.07, subdivision 1, paragraph  
14.21 (g), or 3, paragraph (g);

14.22 (2) presenting any document approved by the secretary of state as proper identification;

14.23 (3) presenting one of the following:

14.24 (i) a current valid student identification card from a postsecondary educational institution  
14.25 in Minnesota, if a list of students from that institution has been prepared under section  
14.26 135A.17 and certified to the county auditor in the manner provided in rules of the secretary  
14.27 of state; or

14.28 (ii) a current student fee statement that contains the student's valid address in the precinct  
14.29 together with a picture identification card; or

14.30 (4) having a voter who is registered to vote in the precinct, or an employee employed  
14.31 by and working in a residential facility in the precinct and vouching for a resident in the

15.1 facility, sign an oath in the presence of the election judge vouching that the voter or employee  
15.2 personally knows that the individual is a resident of the precinct. A voter who has been  
15.3 vouched for on election day may not sign a proof of residence oath vouching for any other  
15.4 individual on that election day. A voter who is registered to vote in the precinct may sign  
15.5 up to eight proof-of-residence oaths on any election day. This limitation does not apply to  
15.6 an employee of a residential facility described in this clause. The secretary of state shall  
15.7 provide a form for election judges to use in recording the number of individuals for whom  
15.8 a voter signs proof-of-residence oaths on election day. The form must include space for the  
15.9 maximum number of individuals for whom a voter may sign proof-of-residence oaths. For  
15.10 each proof-of-residence oath, the form must include a statement that the individual: (i) is  
15.11 registered to vote in the precinct or is an employee of a residential facility in the precinct,  
15.12 (ii) personally knows that the voter is a resident of the precinct, and (iii) is making the  
15.13 statement on oath. The form must include a space for the voter's printed name, signature,  
15.14 telephone number, and address.

15.15 The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be  
15.16 attached to the voter registration application.

15.17 (b) The operator of a residential facility shall prepare a list of the names of its employees  
15.18 currently working in the residential facility and the address of the residential facility. The  
15.19 operator shall certify the list and provide it to the appropriate county auditor no less than  
15.20 20 days before each election for use in election day registration.

15.21 (c) "Residential facility" means transitional housing as defined in section 256E.33,  
15.22 subdivision 1; a supervised living facility licensed by the commissioner of health under  
15.23 section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision  
15.24 5; a residence registered with the commissioner of health as a housing with services  
15.25 establishment as defined in section 144D.01, subdivision 4; a veterans home operated by  
15.26 the board of directors of the Minnesota Veterans Homes under chapter 198; a residence  
15.27 licensed by the commissioner of human services to provide a residential program as defined  
15.28 in section 245A.02, subdivision 14; a residential facility for persons with a developmental  
15.29 disability licensed by the commissioner of human services under section 252.28; setting  
15.30 authorized to provide housing support as defined in section 256I.03, subdivision 3; a shelter  
15.31 for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly  
15.32 or privately operated shelter or dwelling designed to provide temporary living  
15.33 accommodations for the homeless.

15.34 (d) For tribal band members, an individual may prove residence for purposes of  
15.35 registering by:

16.1 (1) presenting an identification card issued by the tribal government of a tribe recognized  
16.2 by the Bureau of Indian Affairs, United States Department of the Interior, that contains the  
16.3 name, address, signature, and picture of the individual; or

16.4 (2) presenting an identification card issued by the tribal government of a tribe recognized  
16.5 by the Bureau of Indian Affairs, United States Department of the Interior, that contains the  
16.6 name, signature, and picture of the individual and also presenting one of the documents  
16.7 listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

16.8 (e) A county, school district, or municipality may require that an election judge  
16.9 responsible for election day registration initial each completed registration application.

16.10 **Sec. 2. COUNTY NOTIFICATION; ELECTION JUDGE TRAINING.**

16.11 (a) The secretary of state shall inform each county auditor that a driver's license or  
16.12 Minnesota identification card must not be used or accepted for voter registration purposes  
16.13 under Minnesota Statutes, section 201.061, if it is marked as provided in Minnesota Statutes,  
16.14 section 171.07, subdivision 1, paragraph (g), or 3, paragraph (g).

16.15 (b) Each county auditor must inform all election officials and election judges hired for  
16.16 an election that drivers' licenses and Minnesota identification cards identified under paragraph  
16.17 (a) must not be used or accepted for voter registration purposes under Minnesota Statutes,  
16.18 section 201.061. County auditors and municipal clerks must include this information in all  
16.19 election judge training courses.

16.20 **EFFECTIVE DATE.** This section is effective January 1, 2022.



**171.015 DRIVER'S LICENSE DIVISION.**

Subd. 7. **Rulemaking limitation.** (a) Notwithstanding any law to the contrary, the commissioner is prohibited from adopting any final rule that amends, conflicts with, or has the effect of modifying requirements in Minnesota Rules, parts 7410.0100 to 7410.0800.

(b) This subdivision does not constitute authorization for the commissioner to adopt rules absent authority otherwise provided by other law.