

the processing office for an application regardless of the number of vehicles listed.

Sec. 3. APPROPRIATION.

\$10,350 is appropriated from the highway user tax distribution fund to the commissioner of public safety to operate a system for fleet registration of vehicles.

Approved March 25, 1986

CHAPTER 454—S.F.No. 1910

*An act relating to transportation; providing for the licensing, taxation, ownership, and operation of motor vehicles; providing for the standards and construction of certain highways and payment of street and highway expenses; providing definitions; providing penalties; appropriating money; amending Minnesota Statutes 1984, sections 65B.67, subdivisions 3 and 4a; 162.06, subdivision 5; 162.14, subdivision 2; 168.27, subdivisions 1 and 22; 168.28; 169.07; 169.44, by adding a subdivision; 169.99, by adding a subdivision; 171.02, subdivision 3; 171.05, by adding a subdivision; 171.07, subdivision 5; 171.12, by adding a subdivision; and 173.08, subdivision 1; Minnesota Statutes 1985 Supplement, sections 168.011, subdivision 4; 168.012, subdivision 1c; 168.013, subdivisions 1c and 1e; 168.27, subdivision 24; 171.27; and 221.033, subdivision 3; Laws 1974, chapter 151, section 3; Laws 1977, chapter 402, section 2; Laws 1985, chapter 299, section 40; Laws 1985, First Special Session chapter 15, section 9, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 65B; 160; 161; and 163; repealing Minnesota Statutes 1984, section 171.15, subdivision 2.*

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

Section 1. [65B.481] DRIVER TO HAVE PROOF OF INSURANCE IN POSSESSION.

Every driver shall have in his immediate possession at all times when operating a motor vehicle evidence that insurance covering the vehicle is in effect. On demand of a peace officer, an authorized representative of the department of public safety, or an officer authorized by law to enforce the laws relating to the operation of motor vehicles on public streets and highways, the driver must produce proof of insurance in the form of a valid insurance policy or an identification card issued by an insurer. No person shall be in violation of this section if the person provides the required proof of insurance to the officer within seven days or to the court on or before the date set for appearance. The commissioner of public safety may suspend the license of any operator who violates this section. Commercial vehicles required to file proof of insurance pursuant to chapter 221 and school buses as defined in section 171.01, subdivision 21 are exempt from this section.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 2. Minnesota Statutes 1984, section 65B.67, subdivision 3, is amended to read:

Subd. 3. **VIOLATION BY DRIVER.** Any other person who operates a motor vehicle or motorcycle upon a public highway, street or road in this state with knowledge who knows or has reason to know that the owner does not have security complying with the terms of section 65B.48 in full force and effect is guilty of a misdemeanor and shall be sentenced as provided in subdivision 4.

Sec. 3. Minnesota Statutes 1984, section 65B.67, subdivision 4a, is amended to read:

Subd. 4a. The commissioner of public safety ~~may~~ shall revoke the registration of any motor vehicle or motorcycle, and may suspend the driver's license of any operator, without preliminary hearing upon a showing by department records, including accident reports required to be submitted by section 169.09, or other sufficient evidence that security required by section 65B.48 has not been provided and maintained. Before reinstatement of the registration, there shall be filed with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in the state stating that security has been provided as required by section 65B.48. The commissioner of public safety may require the certificate of insurance provided to satisfy this subdivision to be certified by the insurance carrier to be noncancelable for a period not to exceed one year. The commissioner of public safety may also require a certificate of insurance to be filed with respect to all vehicles required to be insured under section 65B.48 and owned by any person whose driving privileges have been suspended or revoked as provided in this section before reinstating the person's driver's license.

Sec. 4. **[160.81] HIGHWAYS IN RECREATION AREAS.**

Subdivision 1. JOINT STANDARDS. The commissioner of transportation, in consultation with the commissioner of natural resources, shall establish standards for trunk highway segments located in areas of unusual scenic interest. The rules shall:

(1) define "areas of unusual scenic interest," which must include major recreational areas, historic areas and major publicly and privately owned tourist attractions;

(2) prescribe standards for right-of-way, shoulders and parking areas for trunk highway segments in such areas; and

(3) prescribe standards for scenic overlooks, parking piers and other parking areas, tourist information facilities, public water access points and other facilities intended to expand the recreational use of trunk highway segments in such areas.

Subd. 2. PLAN. The commissioner of transportation, in consultation with the commissioner of natural resources, shall prepare a plan for the recreational

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uses of trunk highway right-of-way and adjacent public land in areas of unusual scenic interest. The plan must provide for the enhancement of such recreational uses by the construction of new recreational facilities or the improvement or rehabilitation of existing recreational facilities, as enumerated in subdivision 1, clause (3). The plan must provide for joint development of these facilities by the departments of transportation and natural resources, where feasible, and must contain provisions permitting local units of government and regional development commissions to participate in the planning and development of recreational facilities.

**Subd. 3. RECREATIONAL FACILITIES.** The commissioner of transportation may, in areas of unusual scenic interest:

(1) construct, improve, and maintain recreational facilities, including parking areas, scenic overlooks, and tourist information facilities, on trunk highway right-of-way and adjacent areas; and

(2) construct, improve, and maintain access ramps and turnoffs to connect trunk highways with recreational land owned by the department of natural resources.

**Subd. 4. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.** Promulgation of the recreational use plan under subdivision 2 is subject to chapter 14, the administrative procedure act. The standards established under subdivision 1 are not subject to the administrative procedure act.

**Sec. 5. TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR EXISTING ROUTE.**

**Subdivision 1. ADDITIONAL ROUTE.** There is added to the trunk highway system a new route in Minnesota Statutes, section 161.115, described as follows:

Route No. 294. Beginning at the intersection of business route no. 71 (old trunk highway no. 71) and Civic Center Road (formerly 15th Avenue N.E.) in Willmar, at or near the South Line of Government Lot 1, Section 2, Township 119 North, Range 35 West; thence extending in a general easterly, northerly, and northwesterly direction into and through the grounds of the Willmar state hospital to the intersection with old trunk highway no. 71 about 400 feet northerly of the South Line of Government Lot 1, Section 1, Township 119 North, Range 35 West.

**Subd. 2. SUBSTITUTION.** The route established in subdivision 1 is substituted for route no. 294 as contained and described in Minnesota Statutes 1984, section 161.115. Route no. 294 as contained and described in that section is discontinued and removed from the trunk highway system.

**Subd. 3. DIRECTIONS TO REVISOR.** The revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes, shall substitute the

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route established in subdivision 1 for the route discontinued and removed from the trunk highway system in subdivision 2.

**Sec. 6. [161.52] TOURIST INFORMATION CENTERS.**

For the fiscal year ending June 30, 1988, and subsequent years, the payment of the cost of staffing and operating tourist information centers located on trunk highways, including interstate highways, by the commissioner of transportation is subject to the following restrictions:

(a) For the fiscal year ending June 30, 1988, not more than two-thirds of the cost may be paid from the trunk highway fund.

(b) For the fiscal year ending June 30, 1989, not more than one-third of the cost may be paid from the trunk highway fund.

(c) For the fiscal year ending June 30, 1990, no part of the cost may be paid from the trunk highway fund.

That portion of the cost not paid from the trunk highway fund must be paid either by the commissioner from funds appropriated for that purpose from sources other than the trunk highway fund, or by local sources of funding.

Sec. 7. Minnesota Statutes 1984, section 162.06, subdivision 5, is amended to read:

**Subd. 5. STATE PARK ROAD ACCOUNT.** After deducting for administrative costs and for the disaster account and research account as heretofore provided from the remainder of the total sum provided for in subdivision 1, there shall be deducted a sum equal to the three quarters of one percent of the remainder but not to exceed the sum of ~~\$200,000~~ \$600,000 annually. The sum so deducted shall be set aside in a separate account and shall be used for the establishment, location, relocation, construction, reconstruction and improvement of those roads included in the county state-aid highway system under Minnesota Statutes 1961, Section 162.02, Subdivision 6 which border and provide substantial access to an outdoor recreation unit as defined in section 86A.04 or which provide access to the headquarters of or the principal parking lot located within a ~~state park~~ such a unit. At the request of the commissioner of natural resources the counties wherein such roads are located shall do such work as requested in the same manner as on any other county state-aid highway and shall be reimbursed for such construction, reconstruction or improvements from the amount set aside by this subdivision. Before requesting a county to do work on a county state-aid highway as provided in this subdivision, the commissioner of natural resources must obtain approval for the project from the county state-aid screening board. The screening board, before giving its approval, must obtain a written comment on the project from the county engineer of the county requested to undertake the project. Any sums paid to counties in accordance with this subdivision shall reduce the money needs of said counties in the amounts necessary to equalize their status with those counties not receiving such

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payments. Any balance of the amount so set aside, at the end of each year shall be transferred to the county state-aid highway fund.

Sec. 8. Minnesota Statutes 1984, section 162.14, subdivision 2, is amended to read:

Subd. 2. **PURPOSES FOR WHICH MONEY IS APPORTIONED.** Money so apportioned to each such city shall be used for aid in the establishment, location, construction, reconstruction, improvement, and maintenance of the municipal state-aid street system within each city including the expense of sidewalks, signals and safety devices, including systems that permit an emergency vehicle operator to activate a green traffic signal for the emergency vehicle, on such system approved by the commissioner, provided that in the event of hardship or in the event that the municipal state-aid street system of any municipality is improved to the standards set forth in the commissioner's rules and regulations, and subject to the consent of the commissioner and under rules and regulations of the commissioner, a portion of the money so apportioned may be used on other streets or roads within the city. The governing body of any such city may, subject to the consent of the commissioner, and under the rules and regulations of the commissioner, use a portion of the money so apportioned on any state trunk highway or county state-aid highway within the city. The amount of money to be appropriated by such cities from other funds for use in the establishment, location, construction, reconstruction, improvement, and maintenance of the municipal state-aid street system within the city is hereby left to the direction of the individual governing bodies of the cities.

Sec. 9. **[163.161] IMPASSABLE CITY THROUGHFARES.**

When a written complaint signed by five or more freeholders of a statutory city of not more than 5,000 population is presented to the county board stating that a city throughfare located outside an urban area as defined in section 169.01, subdivision 59 has not been properly maintained and because of the improper maintenance is not reasonably passable the county board shall consider and act upon the complaint in the same manner provided for a complaint under section 163.16.

Sec. 10. Minnesota Statutes 1985 Supplement, section 168.011, subdivision 4, is amended to read:

Subd. 4. **MOTOR VEHICLE.** "Motor vehicle" means any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires but not operated upon rails, except snowmobiles and manufactured homes. After July 31, 1985, motor vehicle does not include a three-wheel off-road vehicle as defined in section 84.92, subdivision 8; except that if the three-wheel off-road vehicle was licensed as a motor vehicle before August 1, 1985, the owner may continue to license it as a motor vehicle until it is conveyed or otherwise transferred to another owner, is destroyed, or fails to comply with the registration and licensing requirements of this chapter.

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Sec. 11. Minnesota Statutes 1985 Supplement, section 168.012, subdivision 1c, is amended to read:

Subd. 1c. (a) The annual administrative fee for trailer license plates issued to a tax-exempt vehicle under this section is \$5 for each plate. (b) The annual fee for license plates issued to all other tax-exempt vehicles is a \$5 administrative handling fee and \$10 for two plates per vehicle. The license plate fee for a tax-exempt vehicle, except a trailer, is \$10 for two plates per vehicle, payable only on the first tax-exempt registration of the vehicle. (e) On or after March 1, 1986, The registration period for a tax-exempt vehicle is biennial and new plates will be issued for the life of the vehicle. Fees are The administrative fee is due on March 1 biennially and payable the preceding January 1, with validating stickers issued at time of payment. If the tax-exempt vehicle is newly registered for less than the two-year period, the fee must be apportioned by six-month increments, but in no event may the fee be less than \$5 per vehicle.

(b) The owner of a tax-exempt vehicle shall apply for tax-exempt license plates, and pay the administrative and plate fees, and the filing fee under section 168.33, subdivision 7, only to a deputy registrar in the county in which the vehicle is domiciled.

Sec. 12. Minnesota Statutes 1985 Supplement, section 168.013, subdivision 1c, is amended to read:

Subd. 1c. **FARM TRUCKS.** (1) On farm trucks having a gross weight of not more than 57,000 pounds, the tax shall be based on total gross weight and shall be 45 percent of the Minnesota base rate prescribed by subdivision 1e during each of the first eight years of vehicle life, but in no event less than \$35, and during the ninth and succeeding years of vehicle life the tax shall be 27 percent of the Minnesota base rate prescribed by subdivision 1e, but in no event less than \$21; except as otherwise provided in this subdivision. On farm trucks having a gross weight of not more than 57,000 pounds during each of the first eight years of vehicle life, the tax shall be 45 percent of the tax imposed in the Minnesota base rate schedule.

On farm trucks having a gross weight of not more than 57,000 pounds during the ninth and succeeding years of vehicle life, the tax shall be 27 percent of the Minnesota base rate schedule.

(2) On farm trucks having a gross weight of more than 57,000 pounds, the tax shall be 60 percent of the Minnesota base rate during each of the first eight years of vehicle life and 36 percent of the Minnesota base rate during the ninth and succeeding years; except as otherwise provided in this subdivision. On farm trucks having a gross weight of more than 57,000 pounds during the first eight years of vehicle life, the tax shall be 60 percent of the tax imposed in the Minnesota base rate schedule.

On farm trucks having a gross weight of more than 57,000 pounds, during the ninth and succeeding years of vehicle life, the tax shall be 36 percent of the tax imposed in the Minnesota base rate schedule.

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In addition to the gross weight tax imposed on a truck-tractor or truck used as a truck-tractor, each semitrailer shall be taxed a fee of \$10 for a one-year period or \$50 for a five-year period whichever the applicant elects.

Sec. 13. Minnesota Statutes 1985 Supplement, section 168.013, subdivision 1e, is amended to read:

Subd. 1e. **TRUCKS; TRACTORS; COMBINATIONS; EXCEPTIONS.** On trucks and tractors except those in this chapter defined as farm trucks, on truck-tractor and semitrailer combinations except those defined as farm combinations, and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

#### Minnesota Base Rate Schedule

Scheduled taxes include five percent surtax provided for in subdivision 14

#### TOTAL GROSS WEIGHT

	IN POUNDS	TAX
A	0 - 1,500	\$ 15
B	1,501 - 3,000	20
C	3,001 - 4,500	25
D	4,501 - 6,000	35
E	6,001 - 9,000	45
F	9,001 - 12,000	70
G	12,001 - 15,000	105
H	15,001 - 18,000	145
I	18,001 - 21,000	190
J	21,001 - 26,000	270
K	26,001 - 33,000	360
L	33,001 - 39,000	475
M	39,001 - 45,000	595
N	45,001 - 51,000	715
O	51,001 - 57,000	865
P	57,001 - 63,000	1015
Q	63,001 - 69,000	1185
R	69,001 - 73,280	1325
S	73,281 - 78,000	1525
T	78,001 - 81,000	1625

For each vehicle with a gross weight in excess of 81,000 pounds an additional tax of \$50 is imposed for each ton or fraction thereof in excess of 81,000 pounds, subject to subdivision 12.

Truck-tractors except those herein defined as farm and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of the truck-tractor and any semitrailer or semitrailers which the applicant proposes to combine with the truck-tractor.

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Commercial zone trucks include only trucks, truck-tractors, and semitrailer combinations which are:

(1) used by an authorized local cartage carrier operating under a permit issued under section 221.296 and whose gross transportation revenue consists of at least 60 percent obtained solely from local cartage carriage, and are operated solely within an area composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by section 221.011, subdivision 17; or,

(2) operated by an interstate carrier registered under section 221.60, or by an authorized local cartage carrier or other carrier receiving operating authority under chapter 221, and operated solely within a zone exempt from regulation by the interstate commerce commission pursuant to United States Code, title 49, section 10526(b).

The license plates issued for commercial zone vehicles shall be plainly marked. A person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the penalty therefor, shall have the registration of the vehicle as a commercial zone vehicle revoked by the registrar and shall be required to reregister the vehicle at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax shall be refunded during the balance of the registration year.

On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during each of the first eight years of vehicle life shall be 75 percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax shall be 50 percent of the Minnesota base rate schedule; ~~except as otherwise provided in this subdivision. On commercial zone trucks, during the ninth and succeeding years of vehicle life, the tax shall be 50 percent of the tax imposed in the Minnesota base rate schedule.~~

On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those ~~urban trucks and combinations~~ and commercial zone vehicles specifically provided for in this subdivision, the tax for each of the first eight years of vehicle life shall be 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life, the tax shall be 75 percent of the Minnesota base rate prescribed by this subdivision; ~~except as otherwise provided in this subdivision.~~

~~On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those commercial zone vehicles specifically provided for in this subdivision, during each of the first eight years of vehicle life the tax shall be 100 percent of the tax imposed in the Minnesota base rate schedule.~~

Sec. 14. Minnesota Statutes 1984, section 168.27, subdivision 1, is amended to read:

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Subdivision 1. **DEFINITIONS.** For the purposes of this section, the following terms have the meanings given them:

(1) "Leasing motor vehicles" means furnishing a motor vehicle for a fee under a bailor-bailee relationship where no incidences of ownership are intended to be transferred other than the right to use the vehicle for a stated period of time.

(2) "Brokering motor vehicles" means arranging sales between willing buyers and sellers of motor vehicles and receiving a fee for said service.

(3) "Wholesaling motor vehicles" means selling new or used motor vehicles to dealers for resale to the public.

(4) "Auctioning motor vehicles" means arranging for and handling the sale of motor vehicles, not the property of the auctioneer, to the highest bidder.

(5) "Dealer" includes new motor vehicle dealers, used motor vehicle dealers, brokers, wholesalers, auctioneers and lessors of new or used motor vehicles.

(6) "Commercial building" means a building adapted to commercial use and located in an area zoned for commercial or other less restrictive nonresidential use by the governmental unit in which it is located.

(7) "Horse trailer" is a trailer designed and used to carry horses and other livestock, which has not more than three axles and a maximum gross weight capacity of not more than 24,000 pounds.

Sec. 15. Minnesota Statutes 1984, section 168.27, subdivision 22, is amended to read:

Subd. 22. **MOTORIZED BICYCLES, BOAT AND SNOWMOBILE TRAILERS.** Any person, copartnership or corporation having a permanent enclosed commercial building or structure either owned in fee or leased and engaged in the business, either exclusively or in addition to any other occupation, of selling motorized bicycles, boat trailers, horse trailers or snowmobile trailers, may apply to the registrar for a dealer's license. Upon payment of a \$10 fee the registrar shall license the applicant as a dealer for the remainder of the calendar year in which the application was received. Thereafter the license may be renewed on or before the second day of January of each year by payment of a fee of \$10. The registrar shall issue to each dealer, upon his request, dealer plates as provided in subdivision 16 upon payment of \$3 for each plate, and the plates may be used in the same manner and for the same purposes as is provided in subdivision 16. Except for motorized bicycle dealers, the registrar shall also issue to the dealer, upon his request, "in transit" plates as provided in subdivision 17 upon payment of a fee of \$2 for each plate. This subdivision shall not be construed to abrogate any of the provisions of this section as the same relates to the duties, responsibilities and requirements of persons, copartnerships or corporations engaged in the business, either exclusively or in addition to other occupations, of selling motor vehicles or manufactured homes.

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Sec. 16. Minnesota Statutes 1985 Supplement, section 168.27, subdivision 24, is amended to read:

Subd. 24. **BONDS.** All persons licensed hereunder shall keep in full force and effect a bond with a corporate surety to be approved by the registrar of motor vehicles in amounts as herein provided; in the case of boat, snowmobile trailer, horse trailer or motorized bicycle dealers in the amount of \$5,000; and as to all other persons in the amount of \$25,000. The bond shall be conditioned on the faithful performance by the licensee of the obligations imposed by the laws of this state, including the conduct required of a licensee by this section and other sections governing the sale or transfer of motor vehicles, and the payment of all taxes, license fees and penalties. The bond shall be for the benefit of the state of Minnesota and any transferor, seller, or purchaser of a motor vehicle for any monetary loss caused by failure of the licensee to meet the obligations enumerated above. Proceedings on the forfeiture of the bonds shall be commenced in the district court of the county wherein the business of the licensed person was carried on, or if in more than one county, the county in which the offense occurred.

Sec. 17. Minnesota Statutes 1984, section 168.28, is amended to read:

#### 168.28 VEHICLES SUBJECT TO TAX; EXCEPTIONS.

Every motor vehicle (except those exempted in section 168.012, and except those ~~exempted in section 168.012~~ which are being towed upon the streets and highways and which shall not be deemed to be using the streets and highways within the meaning of this section) shall be deemed to be one using the public streets and highways and hence as such subject to taxation under this act if such motor vehicle has since April 23, 1921, used such public streets or highways, or shall actually use them, or if it shall come into the possession of an owner other than as a manufacturer, dealer, warehouseman, mortgagee or pledgee. New and unused motor vehicles in the possession of a dealer solely for the purpose of sale, and used or secondhand motor vehicles which have not theretofore used the public streets or highways of this state which are in the possession of a dealer solely for the purpose of sale and which are duly listed as herein provided, shall not be deemed to be vehicles using the public streets or highways. The driving or operating of a motor vehicle upon the public streets or highways of this state by a motor vehicle dealer or any employee of such motor vehicle dealer for demonstration purposes or for any purpose incident to the usual and customary conduct and operation of his business in which he has been licensed under section 168.27 to engage, or solely for the purpose of moving it from points outside or within the state to the place of business or storage of a licensed dealer within the state or solely for the purpose of moving it from the place of business of a manufacturer, or licensed dealer within the state to the place of business or residence of a purchaser outside the state, shall not be deemed to be using the public streets or highways in the state within the meaning of this chapter or of the Constitution of the State of Minnesota, Article 14, and shall not be held to make the motor vehicle subject to taxation under this chapter as one using the

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public streets or highways, if during such driving or moving the dealer's plates herein provided for shall be duly displayed upon such vehicle. Any dealer or distributor may register a motor vehicle prior to its assessment or taxation as personal property, and pay the license fee and tax thereon for the full calendar year as one using the public streets and highways, and thereafter such vehicle shall be deemed to be one using the public streets and highways and shall not be subject to assessment or taxation as personal property during the calendar year for which it is so registered, whether or not such vehicle shall actually have used the streets or highways.

Sec. 18. Minnesota Statutes 1984, section 169.07, is amended to read:

**169.07 UNAUTHORIZED SIGNS.**

No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit (1) the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs, or (2) the temporary placement by auctioneers licensed or exempt from licensing under section 330.01, for a period of not more than eight consecutive hours, on or adjacent to the right-of-way of a highway not more than four signs directing motorists to the location of an auction. The signs must conform to standards for size, content, placement, and location for such signs promulgated by the commissioner of transportation. The rules may require a permit for each such sign but no fee may be charged for the permit.

Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the highways is hereby empowered to remove the same, or cause it to be removed, without notice.

Sec. 19. Minnesota Statutes 1984, section 169.44, is amended by adding a subdivision to read:

**Subd. 18. MOTOR COACH USED FOR SCHOOL ACTIVITIES.** A school district or an area vocational technical institute shall not acquire a motor coach. Motor coaches acquired by school districts or area vocational technical institutes before the effective date of this section may be used by school districts or area vocational technical institutes only to transport students participating in school activities, their instructors, and supporting personnel, to and from school activities. The motor coaches shall not in any way be outwardly equipped and identified as school buses. A motor coach operated under this subdivision is not a school bus for purposes of section 124.225. By August 1, 1986, the state board

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of education shall adopt rules governing the equipment, identification, operation, inspection, and certification of motor coaches operated under this subdivision. After January 1, 1998, a school district or area vocational technical institute shall not own or operate a motor coach for any purpose.

Sec. 20. Minnesota Statutes 1984, section 169.99, is amended by adding a subdivision to read:

Subd. 1b. The uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of section 169.141 must specify whether the speed was greater than ten miles per hours in excess of the speed designated under that section.

Sec. 21. Minnesota Statutes 1984, section 171.02, subdivision 3, is amended to read:

Subd. 3. **MOTORIZED BICYCLES.** No motorized bicycle shall be operated on any public roadway by any person who does not possess a valid drivers license, unless the person has obtained a motorized bicycle operator's permit or motorized bicycle instruction permit from the commissioner of public safety. The operator's permit may be issued to any person who has attained the age of 15 years and who has passed the examination prescribed by the commissioner. The instruction permit may be issued to any person who has attained the age of 15 years and who has passed the written portion of the examination prescribed by the commissioner. The commissioner may promulgate rules and regulations prescribing the content of the examination and the information to be contained on the permit permits.

The fees for motorized bicycle operator's ~~permit permits~~ are as follows:

(a) Examination and operator's permit, valid for one year	\$4
(b) Duplicate	\$2
(c) Renewal permit before age <del>18</del> <u>19</u> and valid until age <del>18</del> <u>19</u>	\$6
(d) Renewal permit after age <del>18</del> <u>19</u> and valid for four years	\$10
(e) Duplicate of any renewal permit	\$3
<u>(f) Written examination and instruction permit, valid for 30 days</u>	<u>\$4</u>

Sec. 22. Minnesota Statutes 1984, section 171.05, is amended by adding a subdivision to read:

Subd. 3. Notwithstanding any provision in subdivision 1 to the contrary, the department, upon application and payment of the fee prescribed in section 1, may issue a motorized bicycle instruction permit to an applicant who is 15 years of age and who has successfully completed the written portion of the examination prescribed by the commissioner. The holder of this instruction

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permit who has the permit in possession may operate a motorized bicycle within one mile of the holder's residence for the purpose of practicing to take the operator portion of the examination prescribed by the commissioner.

Sec. 23. Minnesota Statutes 1984, section 171.07, subdivision 5, is amended to read:

Subd. 5. The department may provide a donor document to each person making application for a driver's license or a Minnesota identification card whereby any such person; ~~18 years of age or more,~~ may execute an anatomical gift, pursuant to the provisions of the uniform anatomical gift act, sections 525.921 to 525.93. The commissioner of public safety shall prescribe the form of the donor document. If the donor is 18 years of age or older, the donor document must be signed by the donor in the presence of two witnesses who must sign the donor document in the donor's presence. If the donor cannot sign, the donor document may be signed for the donor at the donor's direction, in the donor's presence, and in the presence of two witnesses who must sign the donor document in the donor's presence. If the donor is a minor, the donor document must be signed by the minor donor, and both of the minor donor's parents, a legal guardian, or the parent or parents having legal custody. If the minor cannot sign, the donor document may not be signed for the minor. The department shall identify donors of anatomical gifts by the designation "donor" on the front side of the donor's driver's license or Minnesota identification card. The designation "donor" shall constitute sufficient legal authority for the removal of all body organs or parts upon death of the donor for the purpose of transplantation and the designation shall be removed only upon written notice to the department. ~~No designation may be noted upon the driver's license or Minnesota identification card of any person under 18.~~ Delivery of the license or Minnesota identification card during the donor's lifetime is not necessary to make the gift valid.

Sec. 24. Minnesota Statutes 1984, section 171.12, is amended by adding a subdivision to read:

Subd. 6. CERTAIN CONVICTIONS NOT RECORDED. The department shall not keep on the record of a driver any conviction for a violation of section 169.141 unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed designated under that section.

Sec. 25. Minnesota Statutes 1985 Supplement, section 171.27, is amended to read:

#### 171.27 EXPIRATION OF LICENSES.

The expiration date for each driver's license, other than provisional licenses, is the birthday of the driver in the fourth year following the date of issuance of the license. The birthday of the driver shall be as indicated on the application for a driver's license. A license may be renewed on or before expiration or within one year after expiration upon application, payment of the required fee,

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and passing the examination required of all drivers for renewal. Driving privileges shall be extended or renewed on or preceding the expiration date of an existing driver's license unless the commissioner believes that the licensee is no longer qualified as a driver.

The expiration date for each provisional license shall be the ~~48th~~ 19th birthday of the licensee. Upon the provisional licensee attaining the age of ~~48~~ 19 and upon the application, payment of the required fee, and passing the examination required of all drivers for renewal, a driver's license shall be issued if the commissioner deems the record of the provisional licensee to be satisfactory.

Any valid Minnesota driver's license issued to a person then or subsequently on active duty with the Armed Forces of the United States, or the person's spouse, shall continue in full force and effect without requirement for renewal until 90 days after the date of the person's discharge from such service, provided that a spouse's license must be renewed if the spouse is residing within the state at the time the license expires or within 90 days after the spouse returns to Minnesota and resides within the state.

Sec. 26. Minnesota Statutes 1984; section 173.08, subdivision 1, is amended to read:

Subdivision 1. **ADVERTISING DEVICES RESTRICTED.** No advertising device, excepting the advertising devices described and permitted under sections 173.01 to 173.27, shall be erected or maintained in an adjacent area, after June 8, 1971, except the following:

(a) Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with regulations which shall be promulgated by the commissioner relative to their lighting, size, spacing and other requirements as may be appropriate to implement sections 173.01 to 173.27;

(b) Advertising devices advertising the sale or lease of property upon which they are located, provided that there shall not be more than one such sign, advertising the sale or lease of the same property, visible to traffic proceeding in any one direction on any one interstate or primary highway;

(c) Advertising devices advertising activities conducted on the property on which they are located, including, without limiting the generality of the foregoing, goods sold, stored, manufactured, processed or mined thereon, services rendered thereon, and entertainment provided thereon;

(d) Advertising devices stating the name and address of the owner, lessee or occupant of such property or information otherwise required or authorized by law to be posted or displayed thereon;

(e) Public utility signs;

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(f) Service club and religious notices;

(g) Advertising devices of which the advertising copy or the name of the owner thereof is in no part visible from the traveled way of the aforesaid highways;

(h) Advertising devices which are located, or which are to be located, in business areas and which comply, or will comply when erected, with the provisions of sections 173.01 to 173.27;

(i) Signs placed temporarily by auctioneers under section 169.07.

Sec. 27. Minnesota Statutes 1985 Supplement, section 221.033, subdivision 3, is amended to read:

Subd. 3. **VARIANCE, RULES.** The commissioner shall adopt rules which provide a procedure for granting a variance from those regulations adopted under subdivision 1 which prescribe specifications for tank motor vehicles used to transport gasoline. The variance may be granted only to persons who transport gasoline in for tank motor vehicles with a capacity of 3,000 gallons or less that are used to transport gasoline and which were designed and manufactured between 1950 and 1975 according to American society of mechanical engineers specifications in effect at the time of manufacture to transport petroleum products. The commissioner shall prescribe alternative requirements to assure the safety of the tank motor vehicles operated under the variance, and shall register each tank motor vehicle operated under the variance.

Sec. 28. Laws 1974, chapter 151, section 3, is amended to read:

Sec. 3. This act shall take effect upon the construction of the trunk highway ~~42~~ Route No. 4 and Route No. 49 bypass of Willmar.

Section 29. Laws 1977, chapter 402, section 2, is amended to read:

Sec. 2. **LEXINGTON AVENUE SOUTH OF LARPENTEUR.**

The city of Saint Paul may not take or use existing park land for the redesign, reconstruction or widening of Lexington avenue south of Larpenteur avenue only if the redesign, reconstruction or widening:

(a) does not result in a traveled way on Lexington avenue between Horton avenue and Hoyt avenue greater than 32 feet, except for turning lanes, and

(b) is consistent with the Como Park master plan approved by the metropolitan council.

Sec. 30. **VARIANCE NOT REQUIRED.**

Notwithstanding any other provision of law that section of Lexington avenue which is located within Como Park in the city of Saint Paul does not require a variance from municipal state-aid engineering standards in order to be redesigned, reconstructed or widened, and is eligible for inclusion in the money

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needs of the city on the same basis as other municipal state-aid streets in the city.

**Sec. 31. HIGH OCCUPANCY VEHICLES.**

Subdivision 1. HIGH OCCUPANCY LANES. The commissioner of transportation shall, in the design of any controlled access highway within the metropolitan area as defined in Minnesota Statutes, section 473.02, subdivision 5, consider the inclusion in the design of one or more lanes of traffic reserved exclusively for vehicles carrying two or more persons.

Subd. 2. EXCLUSIVE BUS LANES. The commissioner of transportation shall, in the management of controlled access highways within the metropolitan area as defined in Minnesota Statutes, section 473.02, subdivision 5, which have entrance ramps reserved exclusively for buses, consider the use of such ramps by any vehicle carrying two or more persons.

**Sec. 32. RECONVEYANCE.**

Notwithstanding any other law, the proceeds from the conveyance of excess real estate in the city of St. Cloud that was acquired for the improvement of marked trunk highway No. 15 in the St. Cloud metropolitan area must be placed by the state treasurer in a separate account if the excess real estate is conveyed before the improvement is completed. All money in this account is hereby appropriated to the commissioner for expenditure only to pay the costs of completing the improvement of marked trunk highway No. 15 in the St. Cloud metropolitan area. The commissioner shall pay any money so appropriated which is in excess of the amount required to complete the improvement to the state treasurer for deposit in the trunk highway fund. For purposes of this section "St. Cloud metropolitan area" means the cities of St. Cloud, St. Joseph, Sauk Rapids, Waite Park and Sartell and all towns contiguous to those cities. For purposes of this section, "improvement" means the segment of trunk highway No. 15 between county road No. 137 in St. Cloud and Benton Drive in Sauk Rapids.

Sec. 33. Laws 1985, First Special Session chapter 15, section 9, subdivision 5, is amended to read:

Subd. 5. Construct rest areas

near the cities listed in this

subdivision

4,099,000

(a) Baptism River, on trunk highway 61

156,000

This appropriation is added to the appropriation in Laws 1983, chapter 344, section 6, subdivision 8, as amended by Laws 1984, chapter 597, section 54.

(b) Bigelow, on trunk highway 60, including a travel information center

1,191,000

~~One-half the cost of staffing and operating the travel information center~~

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~~must be paid from sources other than the trunk highway fund. The commissioner may proceed with construction only after agreements to provide this funding are obtained.~~

(c) Orr, on trunk highway 53, including a travel information center \$341,000 is for construction of parking spaces. 573,000

\$232,000 is for a grant to the city of Orr for site acquisition and development and construction of a travel information center.

The costs of maintaining, staffing, and operating the rest area and travel information center must not be paid from the trunk highway fund.

(d) St. Cloud, on trunk highway 10, including a travel information center 1,145,000

~~One-half the cost of staffing and operating the travel information center must be paid from sources other than the trunk highway fund. The commissioner may proceed with construction only after agreements to provide this funding are obtained.~~

(e) St. Peter, on trunk highway 169 1,034,000

Sec. 34. Laws 1985, chapter 299, section 40, is amended to read:

Sec. 40. **SPECIAL PERMIT.**

Subdivision 1. **PERMIT TO BE ISSUED.** Notwithstanding any law to the contrary the commissioner of transportation shall issue one special permit authorizing the operation for testing purposes of a three vehicle combination consisting of a motor vehicle, a "motorized hitch" and a trailer. The permit is valid for one year from the date of issuance. The annual fee for the permit is \$30. The permit is subject to all applicable provisions of Minnesota Statutes 1984, section 169.86, except as otherwise provided in this subdivision. The holder of the permit is responsible for all liability for personal injury, property damage or time lost, which may occur as a result of the operation of the combination for which the permit is issued, and must, if a claim is made against the state or a department, division officer or employee thereof arising from such operation, defend, indemnify and hold them harmless.

Subd. 2. **REPEALER.** This section is repealed July 31, ~~1986~~ 1987.

Sec. 35. **PREPAID FEES FOR TAX-EXEMPT VEHICLES CARRIED FORWARD.**

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The owner of a tax-exempt vehicle registered for the two-year period beginning March 1, 1986, whose fees for administrative handling, license plates, and filing exceeded \$20 per vehicle, may apply the excess toward payment of administrative handling fees for tax-exempt vehicles in subsequent registration periods, as provided in this section. Only payments made before the effective date of section 5 may be applied to subsequent administrative handling fees. The registrar shall notify each owner of a tax-exempt vehicle of the amount of the credit, if any, for which the owner is eligible under this section.

#### Sec. 36. EXCHANGE OF LAND.

Until July 1, 1988, the commissioner of transportation may contract to dispose of and replace existing land, buildings, and associated property located in the southwest quadrant of the intersection of marked interstate highway no. 494 and France Avenue South in the city of Bloomington. The property may be replaced with land, buildings and associated property at a new location if replacement would result in a clear public benefit. A clear public benefit results if the following conditions are satisfied:

(1) the present use of the property to be replaced is not the highest and best use of the property compared to other property located in the immediate, surrounding area;

(2) replacement will promote commercial and economic development and employment in the area;

(3) replacement will not result in diminished service provided by the department or result in significantly increased future costs for the department due solely to the relocation of its facilities;

(4) the replacement will result in a significant economic benefit or interest to the state; and

(5) the procedures to effectuate replacement include an open, competitive contracting process.

The commissioner may enter into a contract for purposes of this paragraph only after presenting a report detailing the terms of the contract to the chairs of the house appropriations committee and the senate finance committee.

#### Sec. 37. REPEALER.

Minnesota Statutes 1984, section 171.15, subdivision 2, is repealed.

#### Sec. 38. EFFECTIVE DATES.

Sections 5, 19, 27, 28, 32 and 34 are effective the day following final enactment. Sections 29 and 30 are effective on approval by the St. Paul city council and compliance with Minnesota Statutes 1984, section 645.021.

Approved March 25, 1986

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