

CHAPTER 307—H.F.No. 927

An act relating to traffic regulations; defining terms; subjecting driver of commercial motor vehicle to stricter federal standard on alcohol-related driving; providing for and regulating category of commercial driver's license and commercial motor vehicle drivers; authorizing Minnesota to join driver license compact; allowing exchange of driver license information with other states; promoting consolidated, complete driver record; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 168.011, subdivision 9; 169.01, subdivision 50, and by adding a subdivision; 169.123, subdivisions 1, 2, 4, 5, 5a, 5b, 5c, and 6; 171.01, subdivision 19, and by adding subdivisions; 171.02, subdivision 2; 171.03; 171.04; 171.06, subdivisions 2 and 3; 171.07, by adding a subdivision; 171.10, subdivision 2; 171.12, subdivision 2; 171.13, subdivision 5; 171.14; 171.16, subdivision 1; 171.18; 171.20; 171.22, subdivision 1; 171.24; and 171.30, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 169 and 171.

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

Section 1. Minnesota Statutes 1988, section 168.011, subdivision 9, is amended to read:

Subd. 9. **BUS; INTERCITY BUS.** (a) "Bus" means every motor vehicle designed for carrying more than ~~ten~~ 15 passengers including the driver and used for transporting persons; ~~and every motor vehicle, other than a taxicab, designed and used for transporting persons for compensation.~~

~~The term "bus" does not include a vehicle designed for carrying more than ten passengers but not more than 14 passengers and operated for the personal or family use of the owner or operator.~~

(b) "Intercity bus" means any bus operating as a common passenger carrier over regular routes and between fixed termini, but excluding all buses operating wholly within the limits of one city, or wholly within two or more contiguous cities, or between contiguous cities and a terminus outside the corporate limits of such cities, and not more than 20 miles distant measured along the fixed route from such corporate limits.

Sec. 2. Minnesota Statutes 1988, section 169.01, subdivision 50, is amended to read:

Subd. 50. **BUS.** "Bus" means every motor vehicle designed for carrying more than ~~ten~~ 15 passengers including the driver and used for the transportation of persons; ~~and every motor vehicle other than a taxicab designed and used for the transportation of persons for compensation.~~

~~The term "bus" does not include a vehicle designed for carrying more than ten passengers but not more than 14 passengers and operated for the personal or family use of the owner or operator.~~

Sec. 3. Minnesota Statutes 1988, section 169.01, is amended by adding a subdivision to read:

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Subd. 75. COMMERCIAL MOTOR VEHICLE. (a) “Commercial motor vehicle” means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

- (1) has a gross vehicle weight of 26,001 or more pounds;
- (2) has a towed unit with a gross vehicle weight of more than 10,000 pounds;
- (3) is a bus; or
- (4) is of any size and is used in the transportation of hazardous materials defined in section 221.033.

(b) For purposes of sections 4, 5, 7, and 8, a commercial motor vehicle does not include a farm truck, firefighting equipment, or recreational equipment being operated by a person within the scope of section 171.02, subdivision 2, paragraph (a).

Sec. 4. [169.1211] ALCOHOL-RELATED DRIVING BY COMMERCIAL VEHICLE DRIVERS.

Subdivision 1. CRIME. It is a misdemeanor for any person to drive, operate, or be in physical control of any commercial motor vehicle within this state or upon the ice of any boundary water of this state:

- (1) when the person's alcohol concentration is 0.04 or more; or
- (2) when the person's alcohol concentration as measured within two hours of the time of driving is 0.04 or more.

Subd. 2. ARREST. A peace officer may lawfully arrest a person for violation of subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.

When a peace officer has probable cause to believe that a person is violating subdivision 1, and before a stop or arrest can be made the person escapes from the geographical limits of the officer's jurisdiction, the officer in fresh pursuit of the person may stop or arrest the person in another jurisdiction within this state and may exercise the powers and perform the duties of a peace officer under this section and sections 169.121 and 169.123. An officer acting in fresh pursuit under this subdivision is serving in the regular line of duty as fully as though within the officer's jurisdiction.

The express grant of arrest powers in this subdivision does not limit the arrest powers of peace officers under sections 626.65 to 626.70 or section 629.40 in cases of arrests for violation of subdivision 1 or any other provision of law.

Subd. 3. EVIDENCE. Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for violating subdivision

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1, the court may admit evidence of the amount of alcohol in the person's blood, breath, or urine as shown by an analysis of those items.

If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause (2), that the defendant consumed a sufficient quantity of alcohol after the time of the violation and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.04. This evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether the person violated this section, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample, as defined in section 169.123, subdivision 2b, paragraph (b).

Subd. 4. ADMINISTRATIVE PENALTY. The commissioner of public safety shall disqualify a person from operating a commercial motor vehicle as provided under section 28, on receipt of a record of conviction for a violation of this section.

Sec. 5. [169.1215] OUT-OF-SERVICE ORDERS.

A person driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol is prohibited from operating a commercial motor vehicle for 24 hours from issuance of an out-of-service order.

Sec. 6. Minnesota Statutes 1988, section 169.123, subdivision 1, is amended to read:

Subdivision 1. **PEACE OFFICER DEFINED.** For purposes of this section and, section 169.121, and section 4, the term peace officer means a state patrol officer, university of Minnesota peace officer, a constable as defined in section 367.40, subdivision 3, or police officer of any municipality, including towns having powers under section 368.01, or county.

Sec. 7. Minnesota Statutes 1988, section 169.123, subdivision 2, is amended to read:

Subd. 2. **IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.** (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state consents, subject to the provisions of this section and section 169.121, to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has probable cause to believe the person was driving,

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operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist:

(1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it; or

(2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or

(3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or

(4) the screening test was administered and recorded an alcohol concentration of 0.10 or more.

The test may also be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol.

(b) At the time a test is requested, the person shall be informed:

(1) that Minnesota law requires the person to take a test to determine if the person is under the influence of alcohol or a controlled substance or, if the motor vehicle was a commercial motor vehicle, that Minnesota law requires the person to take a test to determine the presence of alcohol;

(2) that if testing is refused, the person's right to drive will be revoked for a minimum period of one year or, if the person is under the age of 18 years, for a period of one year or until the person reaches the age of 18 years, whichever is greater and, if the vehicle was a commercial motor vehicle, that the person will be disqualified from operating a commercial motor vehicle for a minimum period of one year;

(3) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a minimum period of 90 days or, if the person is under the age of 18 years, for a period of six months or until the person reaches the age of 18 years, whichever is greater, and, if the vehicle was a commercial motor vehicle, that if the test results indicate the presence of any alcohol, the person will be prohibited from operating a commercial motor vehicle for 24 hours from issuance of an out-of-service order, and if the results indicate an alcohol concentration of 0.04 or more, the person will be subject to criminal penalties and will be disqualified from operating a commercial motor vehicle for a minimum period of one year;

(4) that after submitting to testing, the person has the right to consult with an attorney and to have additional tests made by someone of the person's own choosing; and

(5) that if the person refuses to take a test, the refusal will be offered into evidence against the person at trial.

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(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. Action may be taken against a person who refuses to take a blood test only if an alternative test was offered and action may be taken against a person who refuses to take a urine test only if an alternative test was offered.

Sec. 8. Minnesota Statutes 1988, section 169.123, subdivision 4, is amended to read:

Subd. 4. **REFUSAL; REVOCATION OF LICENSE.** If a person refuses to permit a test, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. A refusal to submit to an alcohol concentration test does not constitute a violation of section 609.50, unless the refusal was accompanied by force or violence or the threat of force or violence. If a person submits to a test and the test results indicate an alcohol concentration of 0.10 or more, or if a person was driving, operating, or in physical control of a commercial motor vehicle and the test results indicate an alcohol concentration of 0.04 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to a test, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year. Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol and that the person refused to submit to a test, the commissioner shall disqualify the person from operating a commercial motor vehicle for a period of one year under section 28 and shall revoke the person's license or permit to drive or nonresident operating privilege for a period of one year. If the person refusing to submit to testing is under the age of 18 years, the commissioner shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year or until the person reaches the age of 18 years, whichever is greater. Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to a test and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of 90 days or, if the person is under the age of 18 years, for a period of six months or until the person reaches the age of 18 years, whichever is greater. On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol and that the person submitted to a

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test and the test results indicated an alcohol concentration of 0.04 or more, the commissioner of public safety shall disqualify the person from operating a commercial motor vehicle under section 28.

If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

Sec. 9. Minnesota Statutes 1988, section 169.123, subdivision 5, is amended to read:

Subd. 5. **NOTICE OF REVOCATION, DISQUALIFICATION, OR DETERMINATION TO DENY; REQUEST FOR HEARING.** A revocation under subdivision 4 or a disqualification under section 28 becomes effective at the time the commissioner of public safety or a peace officer acting on behalf of the commissioner of public safety notifies the person of the intention to revoke, disqualify, or both, and of revocation or disqualification. The notice shall advise the person of the right to obtain administrative and judicial review as provided in this section. If mailed, the notice and order of revocation or disqualification is deemed received three days after mailing to the last known address of the person.

Sec. 10. Minnesota Statutes 1988, section 169.123, subdivision 5a, is amended to read:

Subd. 5a. **PEACE OFFICER AGENT FOR NOTICE OF REVOCATION OR DISQUALIFICATION.** On behalf of the commissioner of public safety a peace officer requiring a test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit a test or on a person who submits to a test the results of which indicate an alcohol concentration of 0.10 or more. On behalf of the commissioner of public safety, a peace officer requiring a test or directing the administration of a chemical test of a person driving, operating, or in physical control of a commercial motor vehicle shall serve immediate notice of intention to disqualify and of disqualification on a person who refuses to permit a test, or on a person who submits to a test the results of which indicate an alcohol concentration of 0.04 or more. The officer shall take the license or permit of the driver, if any, and issue a temporary license effective only for seven days. The peace officer shall send the person's driver's license to the commissioner of public safety along with the certificate required by subdivision 4.

Sec. 11. Minnesota Statutes 1988, section 169.123, subdivision 5b, is amended to read:

Subd. 5b. **ADMINISTRATIVE REVIEW.** At any time during a period of revocation imposed under this section or a period of disqualification imposed under section 28, a person may request in writing a review of the order of revocation or disqualification by the commissioner of public safety, unless the

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person is entitled to review under section 29. Upon receiving a request the commissioner or the commissioner's designee shall review the order, the evidence upon which the order was based, and any other material information brought to the attention of the commissioner, and determine whether sufficient cause exists to sustain the order. Within 15 days of receiving the request the commissioner shall report in writing the results of the review. The review provided in this subdivision is not subject to the contested case provisions of the administrative procedure act in sections 14.01 to 14.69.

The availability of administrative review for an order of revocation or disqualification has no effect upon the availability of judicial review under this section.

Review under this subdivision shall take place, if possible, at the same time as any administrative review of the person's impoundment order under section 168.041, subdivision 4a.

Sec. 12. Minnesota Statutes 1988, section 169.123, subdivision 5c, is amended to read:

Subd. 5c. **PETITION FOR JUDICIAL REVIEW.** Within 30 days following receipt of a notice and order of revocation or disqualification pursuant to this section, a person may petition the court for review, unless the person is entitled to review under section 29. The petition shall be filed with the district court administrator of county or municipal court in the county where the alleged offense occurred, together with proof of service of a copy on the commissioner of public safety, and accompanied by the standard filing fee for civil actions. No responsive pleading shall be required of the commissioner of public safety, and no court fees shall be charged for the appearance of the commissioner of public safety in the matter.

The petition shall be captioned in the full name of the person making the petition as petitioner and the commissioner of public safety as respondent. The petition must include the petitioner's date of birth, driver's license number, date of the offense, and a copy of the notice of revocation or disqualification. The petition shall state with specificity the grounds upon which the petitioner seeks rescission of the order of revocation, disqualification, or denial and state the facts underlying each claim asserted.

The filing of the petition shall not stay the revocation, disqualification, or denial. The reviewing court may order a stay of the balance of the revocation or disqualification if the hearing has not been conducted within 60 days after filing of the petition upon terms the court deems proper. Judicial reviews shall be conducted according to the rules of civil procedure.

Sec. 13. Minnesota Statutes 1988, section 169.123, subdivision 6, is amended to read:

Subd. 6. **HEARING.** A hearing under this section shall be before a municipi-

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pal or county judge, in any county in the judicial district where the alleged offense occurred. The hearing shall be to the court and may be conducted at the same time and in the same manner as hearings upon pretrial motions in the criminal prosecution under section 169.121, if any. The hearing shall be recorded. The commissioner of public safety shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved.

The hearing shall be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to ensure efficient compliance with the provisions of this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the county courts within the judicial district.

The scope of the hearing shall be limited to the issues of:

(1) whether the peace officer had probable cause to believe the person was driving, operating, or in physical control of (i) a motor vehicle while under the influence of alcohol or a controlled substance, or (ii) a commercial motor vehicle with any presence of alcohol, and whether the person was lawfully placed under arrest for violation of section 169.121 or section 4, or the person was involved in a motor vehicle accident or collision resulting in property damage, personal injury or death, or the person refused to take a screening test provided for by section 169.121, subdivision 6, or the screening test was administered and recorded an alcohol concentration of 0.10 or more; and

(2) whether at the time of the request for the test the peace officer informed the person of the person's rights and the consequences of taking or refusing the test as required by subdivision 2; and

(3) either (a) whether the person refused to permit the test, or (b) whether a test was taken and the test results indicated an alcohol concentration of 0.10 or more at the time of testing, or if a test was taken by a person driving, operating, or in physical control of a commercial motor vehicle and the test results indicated an alcohol concentration of 0.04 or more at the time of testing; ~~and~~ whether the testing method used was valid and reliable; and whether the test results were accurately evaluated.

It shall be an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses and certificates shall be admissible as substantive evidence.

The court shall order ~~either~~ that the revocation or disqualification be either rescinded or sustained and forward the order to the commissioner of public safety. The court shall file its order within 14 days following the hearing. If the

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revocation or disqualification is sustained, the court shall also forward the person's driver's license or permit to the commissioner of public safety for further action by the commissioner of public safety if the license or permit is not already in the commissioner's possession.

Sec. 14. Minnesota Statutes 1988, section 171.01, subdivision 19, is amended to read:

Subd. 19. **BUS.** "Bus" means every motor vehicle designed for carrying more than ~~ten~~ 15 passengers, including the driver, and used for the transportation of persons; ~~and every motor vehicle other than a taxicab designed and used for the transportation of persons for compensation.~~

~~The term does not include a vehicle designed for carrying more than ten passengers but not more than 14 passengers and operated for the personal or family use of the owner or operator.~~

Sec. 15. Minnesota Statutes 1988, section 171.01, is amended by adding a subdivision to read:

Subd. 22. COMMERCIAL MOTOR VEHICLE. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) has a gross vehicle weight of 26,001 or more pounds;

(2) has a towed unit with a gross vehicle weight of more than 10,000 pounds;

(3) is a bus; or

(4) is of any size and is used in the transportation of hazardous materials defined in section 221.033.

Sec. 16. Minnesota Statutes 1988, section 171.01, is amended by adding a subdivision to read:

Subd. 23. PASSENGER ENDORSEMENT. "Passenger endorsement" means the driver's license endorsement required of a person who operates a vehicle designed to transport more than 15 passengers, including the driver.

Sec. 17. Minnesota Statutes 1988, section 171.02, subdivision 2, is amended to read:

Subd. 2. ~~**VOLUNTEER FIREFIGHTERS; TRUCKS AND EMERGENCY EQUIPMENT; MIDMOUNT AERIAL LADDER TRUCK. DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS, EXEMPTIONS.**~~ Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. No class of license shall be valid to operate a motorcy-

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cle or, school bus, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed. There shall be ~~three~~ four general classes of licenses as follows:

(a) Class C; valid for:

(1) all farm trucks as defined in section 168.011, subdivision 17, operated by (i) the owner or, (ii) an immediate family member or of the owner, (iii) an employee of the owner not primarily employed for the purpose of operating to operate the farm truck, within 150 miles of the farm, or (iv) an employee of the owner employed for the purpose of operating the farm truck during harvest to operate the farm truck for the first, continuous transportation of agricultural products from the place of production site or on farm storage site to any other location within 50 miles of the place of the production or on farm storage that site;

(2) fire trucks and emergency fire equipment, regardless of the number of axles, and whether or not in excess of 26,000 pounds GVW, driven or operated by a volunteer firefighters firefighter while on duty, and or a tiller operator employed by a fire department who drives the rear portion of a midmount aerial ladder truck;

(3) recreational equipment as defined in section 168.011, subdivision 25, that is operated for personal use; and

(4) all single unit two-axle vehicles not in excess of 26,000 pounds GVW, including vehicles with a temporary auxiliary axle as defined in section 169.67, subdivision 4, but not including vehicles with a gross vehicle weight of 26,001 or more pounds, vehicles designed to carry more than 15 passengers including the driver, nor vehicles that carry hazardous materials.

The holder of a class C license may also tow trailers vehicles under 10,000 pounds GVW including house trailers. Buses as defined under this chapter may not be driven by a holder of a class C license. A person employed as a tiller operator by a fire department may drive the rear portion of a midmount aerial ladder truck with a class C license.

(b) Class CC; valid for operating class C vehicles and, with a hazardous materials endorsement, for transporting hazardous materials in class C vehicles.

(c) Class B; valid for all vehicles in class C, class CC, and all other single unit vehicles including, with a passenger endorsement, buses.

(d) Class A; valid for any vehicle or combination thereof.

Sec. 18. Minnesota Statutes 1988, section 171.03, is amended to read:

171.03 PERSONS EXEMPT.

The following persons are exempt from license hereunder:

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(1) Any person in the employ or service of the United States federal government while driving or operating a motor vehicle owned by or leased to the United States federal government;

(2) Any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway;

(3) A nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver;

(4) A nonresident who has in immediate possession a valid commercial driver's license issued by a state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state;

(5) Any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, only for a period of not more than 90 days in any calendar year if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such nonresident;

(5) (6) Any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or province or by military authorities of the United States may operate a motor vehicle as a driver, only for a period of not more than 60 days after becoming a resident of this state without being required to have a Minnesota driver's license as provided in this chapter;

(7) Any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued by another state in compliance with the Commercial Motor Vehicle Safety Act of 1986, United States code, title 49, sections 521, 2304, and 2701 to 2716, for not more than 30 days after becoming a resident of this state; and

~~(6)~~ (8) Any person operating a snowmobile, as defined in section 84.81.

Sec. 19. Minnesota Statutes 1988, section 171.04, is amended to read:

171.04 PERSONS NOT ELIGIBLE FOR DRIVER'S LICENSES.

Subdivision 1. PERSONS NOT ELIGIBLE. The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of 16 years; to any person under 18 years unless such person shall have successfully completed a course in driver education, including both classroom and behind-the-wheel instruction, approved by the state board of education for courses offered through the public schools, or, in the case of a course offered by a private, commercial driver education

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school or institute, by the department of public safety; except when such person has completed a course of driver education in another state or has a previously issued valid license from another state or country; nor to any person under 18 years unless the application of license is approved by either parent when both reside in the same household as the minor applicant, otherwise the parent or spouse of the parent having custody or with whom the minor is living in the event there is no court order for custody, or guardian having the custody of such minor, or in the event a person under the age of 18 has no living father, mother or guardian, the license shall not be issued to such person unless the application therefor is approved by the person's employer. Driver education courses offered in any public school shall be open for enrollment to persons between the ages of 15 and 18 years residing in the school district or attending school therein. Any public school offering driver education courses may charge an enrollment fee for the driver education course which shall not exceed the actual cost thereof to the public school and the school district. The approval required herein shall contain a verification of the age of the applicant;

(2) To any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act;

(3) To any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act and if otherwise qualified;

(4) To any person who is a drug dependent person as defined in section 254A.02, subdivision 5;

(5) To any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that such person is competent to operate a motor vehicle with safety to persons or property;

(6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the provisions of the Minnesota no-fault automobile insurance act of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

(9) To any person when, in the opinion of the commissioner, such person is afflicted with or suffering from such physical or mental disability or disease as will affect such person in a manner to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon

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the highways; nor to a person who is unable to read and understand official signs regulating, warning, and directing traffic; or

(10) To any person whose license has been canceled, during the period of cancellation.

Subd. 2. DISQUALIFIED OPERATORS OF COMMERCIAL VEHICLES. During the period of disqualification, the department shall not issue a class CC, class B, or class A driver's license to a person who has been disqualified from operating a commercial motor vehicle under section 28.

Sec. 20. Minnesota Statutes 1988, section 171.06, subdivision 2, is amended to read:

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

Classified Driver License	C-\$15 B-\$22.50 <u>CC-\$19</u> A-\$30 B-\$26 A-\$34
Classified Provisional D.L.	C-\$9 B-\$15 A-\$10
Instruction Permit	\$6
Duplicate Driver or Provisional License	\$4.50
Minnesota identification card, except as otherwise provided in section 171.07, subdivisions 3 and 3a	\$9

Sec. 21. Minnesota Statutes 1988, section 171.06, subdivision 3, is amended to read:

Subd. 3. **CONTENTS OF APPLICATION.** Every application shall state the full name, date of birth, social security number, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and shall state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and the applicant's ability to operate a motor vehicle with safety as may be required by the commissioner. The application form shall contain a notification to the applicant of the availability of the donor document provided pursuant to section 171.07, subdivision 5, and shall contain spaces where the applicant must indicate a desire to receive or not to receive the donor document. The application shall be in the form prepared by the commissioner.

The application form must be accompanied by a pamphlet containing relevant facts relating to:

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

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(2) the effect of mixing alcohol with drugs;

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

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

Sec. 22. Minnesota Statutes 1988, section 171.07, is amended by adding a subdivision to read:

Subd. 1b. COMMERCIAL DRIVER'S LICENSE. Each class CC, class B, or class A driver's license must be clearly marked "Minnesota Commercial Driver's License."

Sec. 23. Minnesota Statutes 1988, section 171.10, subdivision 2, is amended to read:

Subd. 2. Any person, after applying for or receiving a driver's license and prior to the expiration year of the license, who wishes to have a motorcycle or, school bus, tank vehicle, passenger, double-trailer or triple-trailer, or hazardous materials vehicle endorsement added to the license, shall, after taking the necessary examination, apply for a duplicate license and make payment of the proper fee.

Sec. 24. Minnesota Statutes 1988, section 171.12, subdivision 2, is amended to read:

Subd. 2. **ACCIDENT REPORTS AND ABSTRACTS OF COURT RECORDS OF CONVICTION FILED.** The department shall file all accident reports and abstracts of court records of convictions received by it under the laws of this state and its political subdivisions, and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which the licensee has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and the revocation, suspension, or limitation of licenses. ~~No record shall be maintained of a conviction of any Minnesota resident for an offense committed while operating a vehicle as a chauffeur in any other state or Canadian province unless such state or province is one with which Minnesota engages in reciprocal reporting of convictions.~~

Sec. 25. Minnesota Statutes 1988, section 171.13, subdivision 5, is amended to read:

Subd. 5. **FEE FOR VEHICLE ENDORSEMENT.** Any person applying to secure a motorcycle or, school bus, tank vehicle, passenger, double-trailer or triple-trailer, or hazardous materials vehicle endorsement on the person's driver's license shall pay a \$2.50 examination fee at the place of application.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 26. Minnesota Statutes 1988, section 171.14, is amended to read:

171.14 CANCELLATION.

The commissioner shall have authority to cancel any driver's license upon determination that the licensee was not entitled to the issuance thereof hereunder, or that the licensee failed to give the required or correct information in the application, or committed any fraud or deceit in making such application. The commissioner may also cancel the driver's license of any person who, at the time of the cancellation, would not have been entitled to receive a license under the provisions of section 171.04. ~~Upon cancellation the licensee shall immediately surrender the license so canceled to the department.~~

Sec. 27. Minnesota Statutes 1988, section 171.16, subdivision 1, is amended to read:

Subdivision 1. **COURTS TO REPORT TO COMMISSIONER.** Every court having jurisdiction over offenses committed under any law of this state or ordinance of a political subdivision regulating the operation of motor vehicles, shall forward to the department, within ten days, a record of the conviction of any person in the court for a violation of any laws or ordinances, except parking violations and defective vehicle equipment or vehicle size or weight violations; ~~committed by a licensed chauffeur while driving a vehicle for which a chauffeur's license is required.~~

Sec. 28. **[171.165] COMMERCIAL DRIVER'S LICENSE, DISQUALIFICATION.**

Subdivision 1. FIRST VIOLATION. Subject to section 29, the commissioner shall disqualify a person from operating commercial motor vehicles for one year upon receiving a record of the first conviction of the person for a violation of any of the following in the commission of which a commercial motor vehicle was used:

- (1) section 169.121 or section 4;
- (2) section 169.09, subdivision 1 or 2;
- (3) a felony, other than a felony described in subdivision 3, clause (3); or
- (4) an offense committed in another state that would be grounds for disqualification under this subdivision or subdivision 2 if committed in Minnesota.

Subd. 2. IMPLIED CONSENT REVOCATION. The commissioner shall disqualify a person from operating commercial motor vehicles for one year from the effective date of a revocation under section 169.123 or a statute or ordinance from another state in conformity with it, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident on which the revocation is based.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 3. GRAVE OR MULTIPLE OFFENSES. Subject to section 29, the commissioner shall disqualify a person from operating commercial motor vehicles for:

(1) not less than three years, for a conviction or revocation set forth in subdivision 1 or 2 committed during the transportation of hazardous materials;

(2) not less than ten years, if the person is convicted a second or subsequent time of an offense set forth in subdivision 1 or if the person's license is revoked more than once under section 169.123 or a statute or ordinance in conformity with it, or any combination of them; or

(3) life, if the person is convicted under chapter 152 of a felony involving the manufacture, sale, or distribution of a controlled substance, or involving the possession of a controlled substance with intent to manufacture, sell, or distribute it, and the person is found to have used a commercial motor vehicle in the commission of the felony.

Subd. 4. SERIOUS TRAFFIC VIOLATIONS. On receiving a record of conviction and subject to section 29, the commissioner shall disqualify a person from operating commercial motor vehicles for 60 days if the person is convicted of two serious traffic violations, or 120 days if convicted of three serious traffic violations. The violations must involve separate incidents and must have been committed in a commercial motor vehicle within a three-year period. For purposes of this subdivision, a serious traffic offense includes the following:

(1) operating the commercial vehicle at a speed 15 miles per hour or more above the posted speed limit;

(2) reckless or careless driving under section 169.13;

(3) fleeing a peace officer under section 609.487; and

(4) a violation of a moving traffic statute of Minnesota or any state, or an ordinance in conformity with a Minnesota statute, that arose in connection with a fatal accident.

Subd. 5. RULES. The commissioner shall adopt rules to administer this section. The rules must include procedures for issuing class C licenses to persons who have been disqualified from operating commercial motor vehicles but whose drivers' licenses have not otherwise been revoked, suspended, canceled, or denied.

Subd. 6. EXEMPTIONS. A disqualification shall not be imposed under this section on a recreational equipment operator, farmer, or firefighter operating a commercial motor vehicle within the scope of section 171.02, subdivision 2, paragraph (a).

Subd. 7. SCOPE. This section applies to offenses committed, and revocations imposed for incidents occurring, on or after January 1, 1990.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 29. [171.166] REVIEW OF DISQUALIFICATION.

Subdivision 1. REVIEW OF CONVICTIONS. The commissioner shall review court records of convictions subject to section 28, other than a violation of section 169.121, section 4, or 169.123, if the commissioner has reasonable cause to believe the information is pertinent to the disqualification of an individual.

Subd. 2. NOTIFICATION TO THE SUBJECT OF A COMMERCIAL DRIVER'S LICENSE. The commissioner shall notify the applicant or license holder and the individual who is the subject of a review, in writing, of the results of the review. The commissioner shall notify the individual reviewed if the information contained in the review could cause license disqualification.

Subd. 3. RECONSIDERATION OF LICENSE DISQUALIFICATION. (a) Within 30 days after receiving notice of possible disqualification under subdivision 2, the individual who is the subject of the review may request reconsideration of the notice of possible disqualification. The individual must submit the request for reconsideration to the commissioner in writing. The individual must present information to show that the information the commissioner relied upon is incorrect or not applicable for disqualification of the individual being reviewed.

(b) The commissioner may set aside the disqualification if the commissioner finds that the information the commissioner relied upon is incorrect or not applicable for disqualification of the individual being reviewed.

(c) The commissioner shall notify the applicant or license holder in writing of the reconsideration decision within 15 working days after receiving the request for reconsideration. The disqualification takes effect 20 days after the person receives the reconsideration decision, unless the person requests a contested case hearing under subdivision 4.

Subd. 4. CONTESTED CASE. Within 20 days after receiving the reconsideration decision under subdivision 3, clause (c), a person may request a contested case hearing under chapter 14. A contested case hearing must be held within 20 days of the commissioner's receipt of the contested case hearing request, and the administrative law judge shall issue a report within 20 days after the close of the hearing record. The commissioner shall issue a final decision within 30 days after receipt of the report of the administrative law judge and subsequent exceptions and arguments under section 14.61. The disqualification shall take effect upon receipt of the commissioner's final decision.

Sec. 30. Minnesota Statutes 1988, section 171.18, is amended to read:

171.18 SUSPENSION.

The commissioner shall have authority to and may suspend the license of

New language is indicated by underline, deletions by ~~strikeout~~.

any driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

- (1) Has committed an offense for which mandatory revocation of license is required upon conviction; or
- (2) Has been convicted by a court of competent jurisdiction for violation of a provision of the highway traffic regulation act or an ordinance regulating traffic and where it appears from department records that the violation for which the licensee was convicted contributed in causing an accident resulting in the death or personal injury of another, or serious property damage; or
- (3) Is an habitually reckless or negligent driver of a motor vehicle; or
- (4) Is an habitual violator of the traffic laws; or
- (5) Is incompetent to drive a motor vehicle as determined and adjudged in a judicial proceeding; or
- (6) Has permitted an unlawful or fraudulent use of such license; or
- (7) Has committed an offense in another state which, if committed in this state, would be grounds for suspension; or
- (8) Has committed a violation of section 171.22; ~~clause (4)~~; or
- (9) Has failed to appear in court as provided in section 169.92, subdivision 4.

Provided, however, that any action taken by the commissioner under subparagraphs (2) and (5) shall conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Upon suspending the license of any person, as hereinbefore in this section authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at the licensee's last known address, with postage prepaid thereon, and the licensee's written request shall afford the licensee an opportunity for a hearing within not to exceed 20 days after receipt of such request in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner, or duly authorized agent, may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license. The department shall not suspend a license for a period of more than one year.

Sec. 31. Minnesota Statutes 1988, section 171.20, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

171.20 LICENSES MUST BE SURRENDERED.

Subdivision 1. **DEMAND; ENFORCEMENT.** The commissioner, upon suspending ~~or~~, revoking, ~~or~~ canceled a license, shall require that all license certificates issued to the licensee shall be surrendered to and be retained by the department; ~~except that~~. On disqualifying a person from holding a commercial driver's license, the commissioner shall require that the person's commercial driver's license certificate be surrendered to the department. At the end of a period of suspension, cancellation, or disqualification, the retained license certificate shall be returned to the licensee. Upon demand for surrender of a license by the commissioner, the licensee shall immediately forward the license certificates to the department. If any person fails to return to the commissioner the license as provided herein, the commissioner shall ~~forthwith~~ direct any peace officer to serve the order of suspension, cancellation, or revocation of the driver's license, or the order of disqualification of a person from holding a commercial driver's license, and direct such person to surrender that license. The revocation, suspension, cancellation, or disqualification takes effect immediately on notification of the licensee, but credit must not be given toward the specified withdrawal period until the license certificate is surrendered.

Subd. 2. **OPERATION AFTER REVOCATION ~~OR~~, SUSPENSION, CANCELLATION, OR DISQUALIFICATION.** (a) A resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended, revoked, or canceled, shall not operate a motor vehicle in this state under license, permit, or registration certificate issued by any other jurisdiction or otherwise during the suspension, or after the revocation until Minnesota driving privileges are reinstated.

(b) A resident or nonresident who has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle in this state shall not operate a commercial motor vehicle in this state under license, permit, or registration certificate issued by any other jurisdiction or otherwise during the disqualification period until Minnesota commercial driving privileges are reinstated.

Subd. 3. **DRIVER IMPROVEMENT CLINICS.** The commissioner may require, before reissuing a license which has been revoked or suspended, that the licensee complete a course of study at an approved driver improvement clinic. The commissioner may not require the licensee to complete such a course unless an approved driver improvement clinic is located within 35 miles of the licensee's residence. For purposes of this section "an approved driver improvement clinic" means a clinic whose curriculum and mode of instruction conform to standards promulgated by the commissioner.

Subd. 4. **REINSTATEMENT FEE.** A person whose drivers license has been suspended under section 171.18 or 171.182 or who has been disqualified from holding a commercial driver's license under section 28 must pay a \$20 fee before the license is reinstated; ~~except that~~. A suspension may be rescinded without fee for good cause.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 32. Minnesota Statutes 1988, section 171.22, subdivision 1, is amended to read:

Subdivision 1. **ACTS.** With regard to any driver's license, including a commercial driver's license, it shall be unlawful for any person:

- (1) to display, ~~or~~ cause or permit to be displayed, or have in possession, any:
 - (i) canceled, revoked, or suspended; driver's license;
 - (ii) driver's license for which the person has been disqualified; or
 - (iii) fictitious; or fraudulently altered driver's license;
- (2) to lend the person's driver's license to any other person or knowingly permit the use thereof by another;
- (3) to display or represent as one's own any driver's license not issued to that person;
- (4) to fail or refuse to surrender to the department, upon its lawful demand, any driver's license which has been suspended, revoked, ~~or~~ canceled, or for which the holder has been disqualified;
- (5) to use a fictitious name or date of birth to any police officer or in any application for a driver's license, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application;
- (6) to alter any driver's license, or to counterfeit or make any fictitious license;
- (7) to take any part of the driver's license examination for another or to permit another to take the examination for that person; or
- (8) to use the name and date of birth of another person to any police officer for the purpose of falsely identifying oneself to the police officer.

Sec. 33. Minnesota Statutes 1988, section 171.24, is amended to read:

171.24 VIOLATIONS; DRIVING AFTER REVOCATION, SUSPENSION, ~~OR~~ CANCELLATION, OR DISQUALIFICATION.

(a) Any person whose driver's license or driving privilege has been canceled, suspended, or revoked and who has been given notice of, or reasonably should know of the revocation, suspension, or cancellation, and who disobeys such order by operating anywhere in this state any motor vehicle, the operation of which requires a driver's license, while such license or privilege is canceled, suspended, or revoked is guilty of a misdemeanor.

(b) Any person who has been disqualified from holding a commercial driver's

New language is indicated by underline, deletions by ~~strikeout~~.

license or been denied the privilege to operate a commercial motor vehicle, who has been given notice of or reasonably should know of the disqualification, and who disobeys the order by operating in this state a commercial motor vehicle while the person is disqualified to hold the license or privilege, is guilty of a misdemeanor.

Notice of revocation, suspension, ~~or~~ disqualification is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, ~~or~~ disqualification would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur. It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.

Sec. 34. Minnesota Statutes 1988, section 171.30, subdivision 3, is amended to read:

Subd. 3. The commissioner shall issue a limited license restricted to the vehicles whose operation is permitted only under a Class A ~~or~~, Class B, or Class CC license whenever a Class A ~~or~~, Class B, or Class CC license has been suspended under section 171.18, or revoked under section 171.17, for violation of the highway traffic regulation act committed in a private passenger motor vehicle. This subdivision shall not apply to any persons described in section 171.04, clauses (4), (5), (6), (8), ~~and~~ (9), and (10).

Sec. 35. [171.50] DRIVER LICENSE COMPACT.

The driver license compact is enacted into law and entered into with all other jurisdictions legally joining in it, in the form substantially as follows:

DRIVER LICENSE COMPACT

ARTICLE I

Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

New language is indicated by underline, deletions by ~~strikeout~~.

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances, and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II

Definitions

As used in this compact:

(a) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance, or administrative rule or regulation, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III

Reports of Convictions

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond, or other security; and shall include any special findings made in connection therewith.

ARTICLE IV

Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) manslaughter or negligent homicide resulting from the operation of a motor vehicle;

New language is indicated by underline, deletions by ~~strikeout~~.

(2) driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) any felony in the commission of which a motor vehicle is used;

(4) failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to article III, the licensing authority in the home state shall give such effect to the conduct as provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in the subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

ARTICLE V

Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor

New language is indicated by underline, deletions by ~~strikeout~~.

to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII

Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for the state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII

Entry Into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Sec. 36. [171.51] DEFINITIONS.

Subdivision 1. EXECUTIVE HEAD. For purposes of sections 35 to 41, with reference to this state, the term "executive head" means the governor of Minnesota.

Subd. 2. LICENSING AUTHORITY. For purposes of sections 35 to 41, the term "licensing authority" with reference to this state means the driver's license division of the Minnesota department of public safety.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 37. [171.52] TRANSFER OF INFORMATION.

The licensing authority shall furnish to the appropriate authorities of any other party state information or documents reasonably necessary to facilitate the administration of section 35, articles III, IV, and V.

Sec. 38. [171.53] COMPACT ADMINISTRATOR.

The compact administrator provided for in section 35, article VII, is not entitled to additional compensation on account of service as administrator, but is entitled to expenses incurred in connection with the duties and responsibilities as administrator, in the same manner as for expenses incurred in connection with other duties or responsibilities of employment. The compact administrator shall represent this state or shall appoint a representative for this state in the driver license compact commission, and that commission has the authority to formulate procedures for exchanging information, as provided in section 35, article VII.

Sec. 39. [171.54] REPORTING TO LICENSING AUTHORITY.

A court or other agency or political subdivision of this state, that has jurisdiction to take action regarding the suspension, revocation, cancellation, or other limitation of a license to drive, shall promptly report the action and the circumstances upon which it is based to the licensing authority on forms furnished by the department.

Sec. 40. [171.55] OUT-OF-STATE CONVICTIONS GIVEN EFFECT.

The commissioner shall give the same effect for driver licensing purposes to conduct reported from a licensing authority or court in another state that the commissioner would give to conduct reported from a court or other agency of this state, whether or not the other state is a party to the driver license compact in section 35. The conduct to be given effect by the commissioner includes a report of conviction for an offense enumerated in section 35, article IV, or an offense described in sections 171.17 and 171.18.

Sec. 41. [171.56] FILING OF BYLAWS AND AMENDMENTS.

The driver license compact commission shall file a copy of its bylaws and amendments to the bylaws with the Minnesota secretary of state.

Sec. 42. TRANSITION; TEMPORARY LICENSES.

The commissioner of public safety shall issue a temporary driver's license, of the class currently held by the driver, to a driver who possesses a good driving record as determined by the commissioner but fails to pass the commercial driver license written examination before the expiration date of that driver's license. The temporary license is valid until the driver passes the commercial driver license written examination or March 31, 1992, whichever is earlier.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 43. APPROPRIATION.

\$480,000 is appropriated to the commissioner of public safety from the trunk highway fund for record keeping, implementation, and administration of sections 1 to 42. \$252,000 is for fiscal year 1990 and \$228,000 is for fiscal year 1991.

Sec. 44. EFFECTIVE DATE.

Sections 1 to 16, 18 to 27, and 29 to 43 are effective January 1, 1990.

Section 17 is effective January 1, 1990, and is effective for an individual driver on the expiration date of that driver's license between January 1, 1990, and January 1, 1994. Section 17 is effective for all drivers after January 1, 1994.

Section 28, subdivisions 1, 2, 3, 4, and 6, are effective January 1, 1990, and apply to offenses committed, and revocations imposed for incidents occurring on, or after that date. Section 28, subdivision 5, is effective the day following final enactment.

Presented to the governor May 30, 1989

Signed by the governor June 1, 1989, 10:54 p.m.

CHAPTER 308—H.F.No. 354

An act relating to elections; providing for handicap access to precinct caucuses and party conventions; providing for interpreters at precinct caucuses and party conventions; making convention and caucus materials available to the visually impaired; appropriating money; amending Minnesota Statutes 1988, sections 202A.13; and 202A.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 202A.

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

Section 1. Minnesota Statutes 1988, section 202A.13, is amended to read:

202A.13 COMMITTEES, CONVENTIONS.

The rules of each major political party shall provide that for each congressional district and each county or legislative district a convention shall be held at least once every state general election year. Each major political party shall also provide for each congressional district and each county or legislative district an executive committee consisting of a chair and such other officers as may be necessary. The party rules may provide for only one executive committee and one convention where any county and congressional district have the same territorial limits.

New language is indicated by underline, deletions by ~~strikeout~~.