

CHAPTER 509—S.F.No. 1162

An act relating to drivers' licenses; setting deadline for court administrators to forward driver's license or permit applications and fees to the department of public safety; amending Minnesota Statutes 1988, section 171.06, subdivision 4.

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

Section 1. Minnesota Statutes 1988, section 171.06, subdivision 4, is amended to read:

Subd. 4. **APPLICATION, FILING.** Any applicant for an instruction permit, a driver's license, restricted license, or duplicate license may file an application with a court administrator of the district court or at a state office. The administrator or state office shall receive and accept the application. To cover all expenses involved in receiving, accepting, or forwarding to the department applications and fees, the court administrator of the district court may retain a county fee of \$1 for each application for a Minnesota identification card, instruction permit, duplicate license, driver license, or restricted license. The amount allowed to be retained by the court administrator of the district court shall be paid into the county treasury and credited to the general revenue fund of the county. Before the end of the first working day following the final day of an established reporting period, the court administrator shall forward to the department all applications and fees collected during the reporting period, less the amount herein allowed to be retained for ~~expense, to the department within 72 hours of the final day of any established reporting period expenses.~~ The court administrators of the district courts may appoint agents to assist in accepting applications, but the administrators shall require every agent to forward to the administrators by whom the agent is appointed all applications accepted and fees collected by the agent, except that an agent may retain one-half of the \$1 county fee to cover the agent's expenses involved in receiving, accepting or forwarding the applications and fees. The court administrators shall be responsible for the acts of agents appointed by them and for the forwarding to the department of all applications accepted and those fees collected by agents and by themselves as are required to be forwarded to the department.

Presented to the governor April 24, 1990

Signed by the governor April 26, 1990, 10:10 p.m.

CHAPTER 510—H.F.No. 2294

An act relating to drivers' licenses; providing for electronically produced images on drivers' licenses; providing for living will designation on driver's license; allowing commissioner to suspend a driver's license for failure to report certain medical conditions; amending

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Minnesota Statutes 1988, sections 171.07, subdivisions 1a, 6, and by adding a subdivision; and 171.071; Minnesota Statutes 1989 Supplement, sections 171.06, subdivision 3; 171.07, subdivisions 1 and 3; and 171.18.

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

Section 1. Minnesota Statutes 1989 Supplement, section 171.06, subdivision 3, is amended to read:

Subd. 3. **CONTENTS OF APPLICATION.** Every application ~~shall~~ must 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~~ must 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~~ must contain a notification to the applicant of the availability of the donor document provided pursuant to section 171.07, subdivision 5, and ~~shall~~ must contain spaces where the applicant must indicate a desire to receive or not to receive the donor document. The application form must contain a notification to the applicant of the availability of a living will designation on the license under section 171.07, subdivision 7. The application ~~shall~~ must 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;
- (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. 2. Minnesota Statutes 1989 Supplement, section 171.07, subdivision 1, is amended to read:

Subdivision 1. **LICENSE; CONTENTS.** The department shall, upon the payment of the required fee, issue to every applicant qualifying therefor a license designating the type or class of vehicles the applicant is authorized to drive as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address and permanent mailing address if different, a description of the licensee in such manner as the

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commissioner deems necessary, and a space upon which the licensee shall write the usual signature and the date of birth of the licensee with pen and ink. No license shall be valid until it has been so signed by the licensee. Except in the case of an instruction permit, every license shall bear thereon a colored photograph or an electronically produced image of the licensee. Every license issued to an applicant under the age of 21 shall be of a distinguishing color and plainly marked "Under-21." The department shall use such process or processes in the issuance of licenses that prohibits as near as possible, the ability to alter or reproduce the licenses, or prohibit the ability to superimpose a ~~photo~~ photograph or electronically produced image on such licenses without ready detection. A license issued to an applicant of age 65 or over shall be plainly marked "senior" if requested by the applicant.

Sec. 3. Minnesota Statutes 1988, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. **PHOTOGRAPHIC NEGATIVES; FILING PHOTOGRAPHS OR IMAGES; DATA CLASSIFICATION.** The department shall file, or contract to file, all ~~photographic negatives~~ photographs or electronically produced images obtained in the process of issuing driver licenses or Minnesota identification cards. The ~~negatives~~ photographs or electronically produced images shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of ~~photographic negatives~~ photographs or electronically produced images to data subjects. The use of the files is restricted to the issuance and control of driver licenses and for law enforcement purposes in the investigation and prosecution of felonies and violations of section 169.09; 169.121; 169.123; 169.129; 171.22; 171.24; 171.30; 609.41; 609.487, subdivision 3; 609.631, subdivision 4, clause (3); or 609.821, subdivision 3, clauses (1), item (iv), and (3).

Sec. 4. Minnesota Statutes 1989 Supplement, section 171.07, subdivision 3, is amended to read:

Subd. 3. Upon payment of the required fee the department shall issue to every applicant therefor a Minnesota identification card. The department may not issue a Minnesota identification card to a person who has a driver's license, other than an instruction permit. The card must bear a distinguishing number assigned to the applicant, a colored photograph or an electronically produced image, the full name, date of birth, residence address, a description of the applicant in the manner as the commissioner deems necessary, and a space upon which the applicant shall write the usual signature and the date of birth of the applicant with pen and ink.

Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license." The fee for a Minnesota identification card issued to a person who is mentally retarded, as defined in section 252A.02, subdivision 2, is 50 cents.

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Sec. 5. Minnesota Statutes 1988, section 171.07, subdivision 6, is amended to read:

Subd. 6. **MEDICAL ALERT IDENTIFIER.** Upon the written request of the applicant, the department shall issue a driver's license or Minnesota identification card bearing a medical alert identifier. The applicant must request the medical alert identifier at the time the photograph or electronically produced image is taken. No specific medical information will be contained on the driver's license or Minnesota identification card.

Sec. 6. Minnesota Statutes 1988, section 171.07, is amended by adding a subdivision to read:

Subd. 7. **LIVING WILL DESIGNATION.** At the written request of the applicant and on payment of the required fee, the department shall issue, renew, or reissue a driver's license or Minnesota identification card bearing the designation "Living Will" or an abbreviation thereof. The designation does not constitute delivery of a health care declaration under section 145B.05.

On payment of the required fee, the department shall issue a replacement or renewal license or identification card without the designation if requested by the applicant.

This subdivision does not impose any additional duty on a health care provider, as defined in section 145B.02, subdivision 6, beyond the duties imposed in chapter 145B.

For the purposes of this subdivision, "living will" means a declaration made under section 145B.03.

Sec. 7. Minnesota Statutes 1988, section 171.071, is amended to read:

171.071 IDENTIFICATION IN LIEU OF PHOTOGRAPHS.

Notwithstanding the provisions of section 171.07, the commissioner of public safety may adopt rules to permit identification on a driver's license in lieu of a photograph or electronically produced image where the commissioner finds that the licensee has religious objections to the use of a photograph or electronically produced image.

Sec. 8. Minnesota Statutes 1989 Supplement, section 171.18, is amended to read:

171.18 SUSPENSION.

The commissioner shall have authority to and may suspend the license of any driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

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- (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; or
- (9) Has failed to appear in court as provided in section 169.92, subdivision 4; or
- (10) has failed to report a medical condition that if reported would have resulted in cancellation of driving privileges.

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.

Presented to the governor April 24, 1990

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

Signed by the governor April 24, 1990, 9:11 p.m.

CHAPTER 511—H.F.No. 2012

An act relating to agriculture; adopting federal fishery product regulations as state rules for state inspections; providing sanctions for refusal to allow certain dairy inspections; providing laboratory procedures by rule for certain milk and cream testing; defining sheep milk; prescribing pasteurization and certain labeling for sheep milk; prescribing bacteria counts for certain dairy products; creating a farm safety advisory task force and a food safety advisory committee; amending Minnesota Statutes 1988, sections 32.21, subdivision 3; 32.391; 32.393; 32.394, subdivisions 1, 2, 4, and by adding a subdivision; 32.415; Minnesota Statutes 1989 Supplement, sections 31.101, by adding a subdivision; and 32.103; proposing coding for new law in Minnesota Statutes, chapter 28A.

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

Section 1. [28A.20] FOOD SAFETY ADVISORY COMMITTEE.

Subdivision 1. ESTABLISHMENT. A food safety advisory committee is established to advise the commissioner and the legislature on food issues and food safety.

Subd. 2. MEMBERSHIP. (a) The food safety advisory committee consists of:

(1) the commissioner of agriculture;

(2) the commissioner of health;

(3) a representative of the United States Food and Drug Administration;

(4) a representative of the United States Department of Agriculture;

(5) one person from the University of Minnesota knowledgeable in food and food safety issues; and

(6) eight members appointed by the governor who are interested in food and food safety, of whom:

(i) two persons are health or food professionals;

(ii) one person represents a statewide general farm organization;

(iii) one person represents a local food inspection agency; and

(iv) one person represents a food-oriented consumer group.

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