

Pursuant to article XI, section 8, of the Constitution of the state of Minnesota, the state board shall be composed of the governor, state auditor, ~~state treasurer,~~ secretary of state and attorney general. The governor shall serve as ex officio chair of the state board.

Sec. 4. EFFECTIVE DATE.

Sections 1 to 3 are effective on the first Monday in January 2003 if the amendment proposed under article 1 has been adopted.

Presented to the governor April 9, 1998

Signed by the governor April 9, 1998, 6:30 p.m.

CHAPTER 388—S.F.No. 2407

An act relating to drivers' licenses; establishing youth-oriented driver improvement clinics; establishing a graduated licensing system with provisional license phase; making technical changes; appropriating money; amending Minnesota Statutes 1996, sections 120.73, subdivision 1; 169.89, subdivision 5; 169.971, subdivision 1, and by adding a subdivision; 169.972; 169.973, subdivision 1; 171.01, subdivision 14; 171.04, subdivision 1; 171.05, subdivision 2, and by adding subdivisions; 171.06, subdivision 1; 171.07, by adding a subdivision; 171.10, subdivision 1; 171.12, subdivision 3; 171.16, subdivision 5; 171.17, subdivisions 2 and 3; 171.172; 171.173; 171.174; 171.20, subdivision 3; 171.27; and 171.39; Minnesota Statutes 1997 Supplement, sections 171.041; 171.06, subdivisions 2 and 4; and 171.171; proposing coding for new law in Minnesota Statutes, chapter 171.

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

Section 1. Minnesota Statutes 1996, section 120.73, subdivision 1, is amended to read:

Subdivision 1. A school board is authorized to require payment of fees in the following areas:

- (a) in any program where the resultant product, in excess of minimum requirements and at the pupil's option, becomes the personal property of the pupil;
- (b) admission fees or charges for extra curricular activities, where attendance is optional;
- (c) a security deposit for the return of materials, supplies, or equipment;
- (d) personal physical education and athletic equipment and apparel, although any pupil may personally provide it if it meets reasonable requirements and standards relating to health and safety established by the school board;
- (e) items of personal use or products which a student has an option to purchase such as student publications, class rings, annuals, and graduation announcements;
- (f) fees specifically permitted by any other statute, including but not limited to section ~~171.04, subdivision 1, clause (1)~~ 171.05, subdivision 2; provided (1) driver education fees do not exceed the actual cost to the school and school district of providing driver

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education, and (2) the driver education courses are open to enrollment to persons between the ages of 15 and 18 who reside or attend school in the school district;

(g) field trips considered supplementary to a district educational program;

(h) any authorized voluntary student health and accident benefit plan;

(i) for the use of musical instruments owned or rented by the district, a reasonable rental fee not to exceed either the rental cost to the district or the annual depreciation plus the actual annual maintenance cost for each instrument;

(j) transportation of pupils to and from extra curricular activities conducted at locations other than school, where attendance is optional;

(k) transportation of pupils to and from school for which aid for fiscal year 1996 is not authorized under Minnesota Statutes 1994, section 124.223, subdivision 1, and for which levy for fiscal year 1996 is not authorized under Minnesota Statutes 1994, section 124.226, subdivision 5, if a district charging fees for transportation of pupils establishes guidelines for that transportation to ensure that no pupil is denied transportation solely because of inability to pay;

(l) motorcycle classroom education courses conducted outside of regular school hours; provided the charge shall not exceed the actual cost of these courses to the school district;

(m) transportation to and from post-secondary institutions for pupils enrolled under the post-secondary enrollment options program under section 123.39, subdivision 16. Fees collected for this service must be reasonable and shall be used to reduce the cost of operating the route. Families who qualify for mileage reimbursement under section 123.3514, subdivision 8, may use their state mileage reimbursement to pay this fee. If no fee is charged, districts shall allocate costs based on the number of pupils riding the route.

Sec. 2. Minnesota Statutes 1996, section 169.89, subdivision 5, is amended to read:

Subd. 5. **DRIVER IMPROVEMENT CLINICS; ATTENDANCE.** In conjunction with or in lieu of other penalties provided by law for violation of this chapter or a municipal ordinance enacted in conformance thereto, the trial court may in its judgment of conviction order the convicted person to attend and satisfactorily complete a course of study at an approved driver improvement clinic or youth-oriented driver improvement clinic. The commissioner of public safety may, upon the motion of the commissioner of public safety or upon recommendation of the court, suspend, for a period of not to exceed 30 days, the operator's license or, provisional license, permit, or nonresident operating privilege of any person who fails or refuses to comply with an order to attend a an approved driver improvement clinic or youth-oriented driver improvement clinic. The requirement of attendance at a an approved driver improvement clinic or youth-oriented driver improvement clinic is not a fine, imprisonment, or sentence within the meaning of section 609.02. The court may not order a convicted person to attend a any driver improvement clinic or youth-oriented driver improvement clinic which is located more than 35 miles from the person's residence. For the purposes of this section "an approved driver improvement clinic or youth-oriented driver improvement clinic" means a clinic whose curriculum and mode of instruction conform to standards promulgated by the commissioner of public safety.

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Sec. 3. Minnesota Statutes 1996, section 169.971, subdivision 1, is amended to read:

Subdivision 1. **SCOPE.** For the purposes of ~~Laws 1965, chapter 711 sections 169.971 to 169.973,~~ the terms defined in this section have the meanings given them.

Sec. 4. Minnesota Statutes 1996, section 169.971, is amended by adding a subdivision to read:

Subd. 2a. **YOUTH-ORIENTED DRIVER IMPROVEMENT CLINIC.** “Youth-oriented driver improvement clinic” means a driver improvement clinic designed for traffic violators age 18 and under to assist them in correcting improper driving practices and review provisions of traffic law with a focus on driving problems common to young and novice drivers.

Sec. 5. Minnesota Statutes 1996, section 169.972, is amended to read:

169.972 **ESTABLISHMENT OF DRIVER IMPROVEMENT CLINIC; FEES.**

Subdivision 1. **AUTHORITY TO ESTABLISH CLINIC.** Subject to the ~~provisions of Laws 1965, chapter 711 sections 169.971 to 169.973 and 171.20,~~ subdivision 3, any court, municipality, association of municipalities, or any regularly established safety organization may establish and conduct a driver improvement clinic or a youth-oriented driver improvement clinic.

Subd. 2. **FEES.** The court, municipality or organization conducting a driver improvement clinic or a youth-oriented driver improvement clinic may establish reasonable tuition fees not to exceed \$50, but not to exceed the actual cost of the course.

Sec. 6. Minnesota Statutes 1996, section 169.973, subdivision 1, is amended to read:

Subdivision 1. **COMMISSIONER'S AUTHORITY; RULES; CURRICULUM.** The commissioner of public safety shall supervise the administration and conduct of driver improvement clinics and youth-oriented driver improvement clinics. The commissioner of public safety shall promulgate rules setting forth standards for the curriculum and mode of instruction of driver improvement clinics and youth-oriented driver improvement clinics and such other matters as the commissioner of public safety considers necessary for the proper administration of such clinics. In the preparation of such standards the commissioner of public safety shall consult with the commissioner of children, families, and learning and state associations of judges. A driver improvement clinic established under ~~Laws 1965, chapter 711 sections 169.971 to 169.973 and 171.20,~~ subdivision 3, shall conform to the standards promulgated by the commissioner of public safety. The course of study at a driver improvement clinic and youth-oriented driver improvement clinic may not exceed a cumulative total of nine hours with no single class session lasting more than three hours. The course of study at a driver improvement clinic and youth-oriented driver improvement clinic shall include instruction in railroad crossing safety.

Sec. 7. Minnesota Statutes 1996, section 171.01, subdivision 14, is amended to read:

Subd. 14. **LICENSE.** “License” means any operator’s license or any other license or permit to operate a motor vehicle issued or issuable under the laws of this state by the commissioner of public safety including:

(a) any temporary license or, instruction permit, or provisional license;

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

(c) any nonresident's operating privilege as defined herein.

Sec. 8. Minnesota Statutes 1996, section 171.04, subdivision 1, is amended to read:

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 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:

(i) the applicant is 16 or 17 years of age and has a previously issued valid license from another state or country or the applicant has, for the 12 consecutive months preceding application, held a provisional license and during that time has incurred (A) no conviction for a violation of section 169.121, 169.1218, 169.122, or 169.123, (B) no conviction for a crash-related moving violation, and (C) not more than one conviction for a moving violation that is not crash related. "Moving violation" means a violation of a traffic regulation but does not include a parking violation, vehicle equipment violation, or warning citation.

(ii) the application of for a license is approved by (A) either parent when both reside in the same household as the minor applicant or, if otherwise, then (B) 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, then (C) the parent or spouse of the parent with whom the minor is living or, if subitems (A) to (C) do not apply, then (D) the guardian having the custody of such the 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 then (E) the person's minor'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; provided, that the approval required herein shall contain by this item contains a verification of the age of the applicant and the identity of the parent, guardian, or employer; and

(iii) the applicant presents a certification by the person who approves the application under item (ii), stating that the applicant has driven a motor vehicle accompanied by and under supervision of a licensed driver at least 21 years of age for at least ten hours during the period of provisional licensure;

(2) to any person who is under the age of 18 years unless the person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of six months, and a provisional license for a minimum of 12 months;

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(3) 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;

(4) 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;

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

(6) 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 the person is competent to operate a motor vehicle with safety to persons or property;

(7) to any person who is required by this chapter to take ~~an~~ a vision, knowledge, or road examination, unless ~~such~~ the person shall have ~~has~~ successfully passed such the examination. An applicant who fails four road tests must complete a minimum of six hours of behind-the-wheel instruction with an approved instructor before taking the road test again;

(8) 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~~ the proof;

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

(10) to any person when, in the opinion of the commissioner, ~~such~~ the person is afflicted with or suffering from ~~such~~ a physical or mental disability or disease as that will affect ~~such~~ the person in a manner as to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating ~~the same~~ it upon the highways; ~~nor~~

(11) to a person who is unable to read and understand official signs regulating, warning, and directing traffic;

~~(14)~~ (12) to a child for whom a court has ordered denial of driving privileges under section 260.191, subdivision 1, or 260.195, subdivision 3a, until the period of denial is completed; or

~~(12)~~ (13) to any person whose license has been canceled, during the period of cancellation.

Sec. 9. Minnesota Statutes 1997 Supplement, section 171.041, is amended to read:

171.041 RESTRICTED LICENSES FOR FARM WORK.

Notwithstanding any provisions of section 171.04 relating to the age of an applicant to the contrary, the commissioner may issue a restricted farm work license to operate a motor vehicle to a person who has attained the age of 15 years and who, except for age, is

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qualified to hold a driver's license. The applicant is not required to comply with the six-month instruction permit possession provisions of sections 171.04, subdivision 1, clause (2), and 171.05, subdivision 2a, or with the 12-month provisional license possession provision of section 171.04, subdivision 1, clause (1), item (i). The restricted license shall be issued solely for the purpose of authorizing the person to whom the restricted license is issued to assist the person's parents or guardians with farm work. A person holding this restricted license may operate a motor vehicle only during daylight hours and only within a radius of 20 miles of the parent's or guardian's farmhouse; however, in no case may a person holding the restricted license operate a motor vehicle in a city of the first class. An applicant for a restricted license shall apply to the commissioner for the license on forms prescribed by the commissioner. The application shall be accompanied by:

(1) a copy of a property tax statement showing that the applicant's parent or guardian owns land that is classified as agricultural land or a copy of a rental statement or agreement showing that the applicant's parent or guardian rents land classified as agricultural land; and

(2) a written verified statement by the applicant's parent or guardian setting forth the necessity for the license.

Sec. 10. Minnesota Statutes 1996, section 171.05, is amended by adding a subdivision to read:

Subd. 1a. MINIMUM PERIOD FOR POSSESSION OF INSTRUCTION PERMIT. An applicant who is 18 years old and who has applied for and received an instruction permit under subdivision 1 must possess the instruction permit for not less than six months before qualifying for a driver's license, or for not less than three months for an applicant who successfully completes an approved course of behind-the-wheel instruction.

Sec. 11. Minnesota Statutes 1996, section 171.05, subdivision 2, is amended to read:

Subd. 2. PERSONS LESS THAN 18 YEARS OF AGE. (a) Notwithstanding any provision in subdivision 1 to the contrary, the department, upon application therefor, may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and who:

(1) is enrolled in an approved driver education program including classroom and behind-the-wheel training. Such an instruction permit holder who has the permit in possession may operate a motor vehicle while receiving behind the wheel training in an approved driver education program, but only when accompanied by an authorized instructor who occupies the seat beside the permit holder. During and upon completion of the course, a 16 or 17 year old may operate a motor vehicle while accompanied by an adult licensed driver who is actually occupying a seat beside the driver. During and upon completion of the course, a 15 year old may operate a motor vehicle while accompanied by a licensed parent or guardian or licensed adult driver authorized by the parent or guardian who also must occupy the seat beside the instruction permit holder, which has been 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 school or institute, by the department of public safety; except when the applicant has completed a course of driver education in another state or has a previously issued valid license from another state;

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(2) has completed the classroom phase of instruction in the driver education program;

(3) has passed a test of the applicant's eyesight;

(4) has passed a test of the applicant's knowledge of traffic laws, which test must be administered by the department;

(5) has completed the required application, which must be approved by (i) either parent when both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or, in the event a person under the age of 18 has no living father, mother, or guardian, then (v) the applicant's employer; provided, that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, or employer; and

(6) has paid the fee required in section 171.06, subdivision 2.

(b) The instruction permit is valid for one year from the date of application and may be renewed upon payment of a fee equal to the fee for issuance of an instruction permit under section 171.06, subdivision 2.

Sec. 12. Minnesota Statutes 1996, section 171.05, is amended by adding a subdivision to read:

Subd. 2b. INSTRUCTION PERMIT USE BY PERSONS UNDER AGE 18. (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

(b) The permit holder may, with the permit in possession, operate a motor vehicle, but must be accompanied by and be under the supervision of a certified driver education instructor, the permit holder's parent or guardian, or another licensed driver age 21 or older. The supervisor must occupy the seat beside the permit holder.

(c) The permit holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04, subdivision 1. The commissioner shall not record a violation of this paragraph on a person's driving record.

(d) The permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions for violation of section 169.121, 169.1218, 169.122, or 169.123. If the permit holder drives a motor vehicle in violation of the law, the commissioner shall suspend, cancel, or revoke the permit in accordance with the statutory section violated.

Sec. 13. **[171.055] PROVISIONAL LICENSE.**

Subdivision 1. REQUIREMENTS FOR PROVISIONAL LICENSE. (a) The department may issue a provisional license, which must be distinctive in appearance from a driver's license, to an applicant who:

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(1) has reached the age of 16 years;

(2) during the six months immediately preceding the application for the provisional license has possessed an instruction permit and has incurred (i) no convictions for a violation of section 169.121, 169.1218, 169.122, or 169.123, (ii) no convictions for a crash-related moving violation, and (iii) no convictions for a moving violation that is not crash related;

(3) has successfully completed a course of driver education in accordance with department rules;

(4) completes the required application, which must be approved by (i) either parent when both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or, in the event a person under the age of 18 has no living father, mother, or guardian, then (v) the applicant's employer; provided, that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, or employer;

(5) presents certification by the person who approves the application under clause (4) stating that the applicant has driven a motor vehicle accompanied by and under the supervision of a licensed driver at least 21 years of age, for no less than 30 hours, at least ten of which were nighttime hours; and

(6) pays the fee required in section 171.06, subdivision 2.

(b) For purposes of this section, "moving violation" has the meaning given it in section 171.04, subdivision 1.

Subd. 2. USE OF PROVISIONAL LICENSE. (a) A provisional license holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04. The commissioner shall not record a violation of this paragraph on a person's driving record.

(b) If the holder of a provisional license during the period of provisional licensing incurs (1) a conviction for a violation of section 169.121, 169.1218, 169.122, or 169.123, (2) a conviction for a crash-related moving violation, or (3) more than one conviction for a moving violation that is not crash related, the person may not be issued a driver's license until 12 consecutive months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first.

Sec. 14. Minnesota Statutes 1996, section 171.06, subdivision 1, is amended to read:

Subdivision 1. **FORMS OF APPLICATION.** Every application for an instruction permit, for a provisional license, or for a driver's license shall be made upon a form furnished by the department, and every application shall be accompanied by the proper fee. All applications shall be signed in the presence of the person authorized to accept the applications, or the signature on the application may be verified by a notary public.

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Sec. 15. Minnesota Statutes 1997 Supplement, 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	D-\$18.50	C-\$22.50	B-\$29.50	A-\$37.50
Classified Under-21 D.L.	D-\$18.50	C-\$22.50	B-\$29.50	A-\$17.50
Instruction Permit				\$ 9.50
Provisional License				\$ 9.50
Duplicate License or duplicate identification card				\$ 8.00
Minnesota identification card or Under-21 Minnesota identification card, other than duplicate, except as otherwise provided in section 171.07, subdivisions 3 and 3a				\$ 12.50

(b) Notwithstanding paragraph (a), a person who holds a provisional license and has a driving record free of (1) convictions for a violation of section 169.121, 169.1218, 169.122, or 169.123, (2) convictions for crash-related moving violations, and (3) convictions for moving violations that are not crash related, shall have a \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation" has the meaning given it in section 171.04, subdivision 1.

Sec. 16. Minnesota Statutes 1997 Supplement, section 171.06, subdivision 4, is amended to read:

Subd. 4. **APPLICATION, FILING; FEE RETAINED FOR EXPENSES.** Any applicant for an instruction permit, a provisional license, 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 \$3.50 for each application for a Minnesota identification card, instruction permit, provisional license, duplicate license, ~~driver~~ driver's 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 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 shall retain the 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. The commissioner shall suspend or revoke the appointment of a license agent or issue a correction order to a license agent who violates any requirement of this section or when

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grounds exist that would justify revocation or suspension of a deputy registrar appointment under Minnesota Rules, parts 7406.0800 to 7406.1000. To revoke or suspend an appointment, the commissioner shall follow procedures for suspension and revocation hearings set forth in Minnesota Rules, parts 7406.1100 to 7406.2600.

Sec. 17. Minnesota Statutes 1996, section 171.07, is amended by adding a subdivision to read:

Subd. 13. FIREARMS SAFETY DESIGNATION. (a) When an applicant presents a firearms safety certificate issued for successfully completing a firearms safety course administered under section 97B.015, voluntarily requests a driver's license or identification card described in paragraph (b), pays the required fees, and otherwise qualifies, the department shall issue, renew, or reissue to the applicant a driver's license or Minnesota identification card described in paragraph (b).

(b) Pursuant to paragraph (a), the department shall issue a driver's license or Minnesota identification card bearing a designation or symbolic representation, as designed by the commissioner in consultation with the commissioner of natural resources, indicating that the applicant has successfully completed a firearms safety course and is knowledgeable in firearms safety.

Sec. 18. Minnesota Statutes 1996, section 171.10, subdivision 1, is amended to read:

Subdivision 1. DUPLICATE LICENSE. In the event that an instruction permit, provisional license, or driver's license issued under the provisions of this chapter is lost or destroyed, or becomes illegible, the person to whom the same was issued shall obtain a duplicate thereof, furnishing proof satisfactory to the department that such permit or license has been lost or destroyed or has become illegible, and make payment of the required fee.

Sec. 19. Minnesota Statutes 1996, section 171.12, subdivision 3, is amended to read:

Subd. 3. APPLICATIONS AND RECORDS, WHEN DESTROYED. The department may cause applications for drivers' licenses, provisional licenses, and instruction permits, and related records, to be destroyed immediately after the period for which issued, except that:

(1) the driver's record pertaining to revocations, suspensions, cancellations, disqualifications, convictions, and accidents shall be cumulative and kept for a period of at least five years; and

(2) the driver's record pertaining to the alcohol-related offenses and licensing actions listed in section 169.121, subdivision 3, and to violations of sections 169.1211 and 171.24, subdivision 5, shall be cumulative and kept for a period of at least 15 years.

Sec. 20. Minnesota Statutes 1996, section 171.16, subdivision 5, is amended to read:

Subd. 5. JUVENILE COURT. When any judge of a juvenile court, or any of its duly authorized agents, shall determine formally or informally that any person under the age of 18 years has violated any of the provisions of any law of this state, or ordinances of political subdivisions thereof, regulating the operation of motor vehicles on streets and highways, except parking violations, and except traffic offenses involving a violation of section 169.121 that must be reported under section 171.17, ~~such~~ the judge, or duly au-

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thorized agent, shall immediately report ~~such~~ the determination to the department and may recommend the suspension of the ~~driver's~~ person's license of ~~such~~ the person, and the commissioner is hereby authorized to suspend ~~such~~ the license, without a hearing.

Sec. 21. Minnesota Statutes 1996, section 171.17, subdivision 2, is amended to read:

Subd. 2. **OFFENSES BY JUVENILES.** When a juvenile court judge or duly authorized agent determines under a proceeding held under chapter 260 that a person under the age of 18 years has committed an offense defined in this section, the judge or authorized agent shall immediately report this determination to the department, and the commissioner shall immediately revoke the person's ~~driver's~~ license.

Sec. 22. Minnesota Statutes 1996, section 171.17, subdivision 3, is amended to read:

Subd. 3. **NOTICE.** Upon revoking a ~~driver's~~ license under this chapter, 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.

Sec. 23. Minnesota Statutes 1997 Supplement, section 171.171, is amended to read:

171.171 SUSPENSION; ILLEGAL PURCHASE OF ALCOHOLIC BEVERAGES OR TOBACCO PRODUCTS.

The commissioner shall suspend for a period of 90 days the license of a person who:

(1) is under the age of 21 years and is convicted of purchasing or attempting to purchase an alcoholic beverage in violation of section 340A.503 if the person used a ~~driver's~~ license, ~~permit~~ or Minnesota identification card to purchase or attempt to purchase the alcoholic beverage;

(2) is convicted under section 171.22, subdivision 1, clause (2), or 340A.503, subdivision 2, clause (3), of lending or knowingly permitting a person under the age of 21 years to use the person's ~~driver's~~ license, ~~permit~~ or Minnesota identification card to purchase or attempt to purchase an alcoholic beverage;

(3) is under the age of 18 years and is found by a court to have committed a petty misdemeanor under section 609.685, subdivision 3, if the person used a ~~driver's~~ license, ~~permit~~, or Minnesota identification card to purchase or attempt to purchase the tobacco product; or

(4) is convicted under section 171.22, subdivision 1, clause (2), of lending or knowingly permitting a person under the age of 18 years to use the person's ~~driver's~~ license, ~~permit~~, or Minnesota identification card to purchase or attempt to purchase a tobacco product.

Sec. 24. Minnesota Statutes 1996, section 171.172, is amended to read:

171.172 REVOCATION; CONTROLLED SUBSTANCE OFFENSES.

The commissioner of public safety shall revoke the ~~driver's~~ license of any person convicted of or any juvenile adjudicated for a controlled substance offense if the court has notified the commissioner of a determination made under section 152.0271 or 260.185, subdivision 1. The period of revocation shall be for the applicable time period specified in section 152.0271. If the person does not have a ~~driver's~~ license or if the person's ~~driv-~~

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er's license is suspended or revoked at the time of the conviction or adjudication, the commissioner shall, upon the person's application for driver's license issuance or reinstatement, delay the issuance or reinstatement of the person's driver's license for the applicable time period specified in section 152.0271.

Sec. 25. Minnesota Statutes 1996, section 171.173, is amended to read:

171.173 SUSPENSION; UNDERAGE DRINKING OFFENSES.

The commissioner of public safety shall suspend the driver's license of any person convicted of or any juvenile adjudicated for an offense under section 340A.503, subdivision 1, paragraph (a), clause (2), if the court has notified the commissioner of a determination made under section 340A.503, subdivision 1, paragraph (c). The period of suspension shall be for the applicable period specified in that paragraph. If the person does not have a driver's license or if the person's driver's license is suspended or revoked at the time of the conviction or adjudication, the commissioner shall, upon the person's application for driver's license issuance or reinstatement, delay the issuance or reinstatement of the person's driver's license for the applicable time period specified in section 340A.503, subdivision 1, paragraph (c). Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing.

Sec. 26. Minnesota Statutes 1996, section 171.174, is amended to read:

171.174 REVOCATION; FLEEING PEACE OFFICER OFFENSE.

The commissioner of public safety shall revoke the driver's license of a person upon receipt of a certificate of conviction showing that the person has in a motor vehicle violated section 609.487, subdivision 3 or 4, or an ordinance in conformity with those subdivisions. The commissioner shall revoke the driver's license as follows:

- (1) for the first offense under section 609.487, subdivision 3, for not less than one year;
- (2) for the second offense or subsequent offenses under section 609.487, subdivision 3, for not less than three years;
- (3) for an offense under section 609.487, subdivision 4, clause (a), for not less than ten years;
- (4) for an offense under section 609.487, subdivision 4, clause (b), for not less than seven years; and
- (5) for an offense under section 609.487, subdivision 4, clause (c), for not less than five years.

A limited license under section 171.30 may not be issued for one-half of the revocation period specified in clauses (1) to (5) and after that period is over only upon and as recommended by the adjudicating court.

Sec. 27. Minnesota Statutes 1996, section 171.20, subdivision 3, is amended to read:

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 or, in the case of a licensee who is age 18 or younger, a youth-oriented driver improvement clinic. The commis-

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sioner may not require the licensee to complete such a course unless an approved driver improvement clinic or youth-oriented 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.

Sec. 28. Minnesota Statutes 1996, section 171.27, is amended to read:

171.27 EXPIRATION OF LICENSES.

The expiration date for each driver's license, other than under-21 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, 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 under-21 license shall be the 21st birthday of the licensee. Upon the licensee attaining the age of 21 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 unless the commissioner determines that the licensee is no longer qualified as a driver.

~~The expiration date for each provisional license issued before August 1, 1989, is the 19th birthday of the licensee. When a holder of a provisional license attains the age of 19, requires a duplicate license, or wants to obtain an updated under-21 license, and upon the payment of a \$5 application fee and passing the examination required for renewal, an under-21 driver's license must be issued unless the commissioner believes that the licensee is no longer qualified as a driver. The expiration date of an under-21 license is the person's 21st birthday is two years after the date of application for the provisional license.~~

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. 29. Minnesota Statutes 1996, section 171.39, is amended to read:

171.39 EXEMPTIONS.

The provisions of sections 171.33 to 171.41 shall not apply to any person giving driver training lessons without charge, to employers maintaining driver training schools without charge for their employees only, to schools or classes conducted by colleges, universities and high schools as a part of the normal program for such institutions, nor to those schools or persons described in section ~~171.04, subdivision 1, clause (1)~~ 171.05, subdivision 2. Any person who is a certificated driver training instructor in a high school driver training program may give driver training instruction to persons over the age of 18 without acquiring a driver training school license or instructor's license, and such instructors may make a charge for that instruction, if there is no private commercial driver

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training school licensed under this statute within 10 miles of the municipality where such instruction is given and there is no adult drivers training program in effect in the schools of the school district in which the trainee resides.

Sec. 30. INSTRUCTION TO REVISOR.

In the next editions of Minnesota Statutes and Minnesota Rules, the revisor of statutes shall change cross-references to clauses in Minnesota Statutes, section 171.04, subdivision 1, to the clauses as renumbered in section 8.

Sec. 31. APPROPRIATION.

\$302,700 is appropriated from the trunk highway fund for fiscal year 1999 to the commissioner of public safety. Of this appropriation:

(1) \$295,000 is for youth-oriented driver improvement clinics and implementation of the graduated licensing system under this act; and

(2) \$7,700 is for implementation of section 16.

Sec. 32. EFFECTIVE DATE.

Sections 2 to 6 and 27 are effective January 1, 1999. Sections 1, 7 to 26, and 28 to 30 are effective January 1, 1999, and apply to licenses issued on and after that date. Section 31 is effective July 1, 1998.

Presented to the governor April 10, 1998

Signed by the governor April 21, 1998, 9:20 a.m.

CHAPTER 389—H.F.No. 3840

An act relating to the financing and operation of government in this state; providing property tax reform; providing a property tax rebate; making changes to property tax rates, levies, notices, hearings, assessments, exemptions, aids, and credits; providing bonding and levy authority, and other powers to certain political subdivisions; making changes to income, sales, excise, mortgage registry and deed, premiums, health care provider, and solid waste tax provisions; allowing credits; authorizing the imposition of certain local sales, use, excise, and lodging taxes; authorizing a sanitary sewer district; modifying provisions relating to the budget reserve and other accounts; making changes to tax increment financing, regional development, housing, and economic development provisions; providing for the taxation of taconite and the distribution of taconite taxes; modifying provisions relating to the taxation and operation of gaming; providing tax incentives for border city zones; making miscellaneous changes to state and local tax and administrative provisions; changing the senior citizens' property tax deferral program; providing grants, loan guarantees, and low interest loans; changing certain fiscal note requirements; providing for a land transfer; appropriating money; amending Minnesota Statutes 1996, sections 16A.102, subdivisions 1 and 2; 124A.03, subdivision 1f; 240.15, subdivisions 1 and 5; 272.0211, subdivision 1; 273.135, subdivision 2; 273.1391, subdivision 2; 273.1398, subdivisions 1a, 2, and 4; 275.07, by adding a subdivision; 290.01, subdivision 3b; 290.06, subdivisions 2c; 290.067, subdivision 2a; 290.0671, by adding subdivisions; 290.091, subdivision 2; 290.0921, subdivision 3a; 290.10; 290.21, subdivision 3; 290A.03, subdivision 3; 290A.14; 295.52, subdivision 4a; 297A.01, subdivisions 8 and 15; 297A.02, subdivisions 2 and 4; 297A.135, subdivisions 4, as amended; and 5, as added; 297A.25, subdivision

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