

and the civic center authority and the city of St. Paul may otherwise lease the use and operation of the civic center arena for any period of time by agreement in which the city retains title to the property. If the lease of January 15, 1998, is amended to provide that the lessee will make to the city a payment in lieu of taxes of at least \$2,500,000 a year, increasing to over \$6,000,000 by the end of the lease, the use and operation of the civic center arena, whether by the civic center authority or its licensee or lessee, including any use arising from the arena lease referred to in this section or demolition and construction of the arena, is declared a use, lease, or occupancy for public, governmental, and municipal purposes, and the civic center arena is exempt from taxation by the state or any political subdivision of the state during the use.

Sec. 83. CANCELLATIONS.

(a) \$1,200,000 of the appropriation in Laws 1994, chapter 643, section 8, subdivision 2, for homes for state-operated waiver services is canceled. The bond sale authorization in Laws 1994, chapter 643, section 31, subdivision 1, is reduced by \$1,200,000.

(b) The \$10,000,000 appropriation from the state transportation fund in Laws 1994, chapter 643, section 15, subdivision 6, for light rail transit is canceled. The bond authorization in Laws 1994, chapter 643, section 31, subdivision 2, is reduced by \$10,000,000.

(c) The \$150,000 appropriation from the bond proceeds fund under Laws 1994, chapter 643, section 23, subdivision 31, as added by Laws 1997, chapter 246, section 25, to the commissioner of natural resources for a grant to the city of Taylors Falls to prepare a preliminary design for the St. Croix Valley heritage center is canceled. The bond sale authorization in Laws 1994, chapter 643, section 31, subdivision 1, is reduced by \$150,000.

Sec. 84. REPEALER.

Minnesota Statutes 1996, section 473.3994, subdivision 11, is repealed.

Minnesota Statutes 1997 Supplement, section 446A.072, subdivision 4a, is repealed.

Laws 1985, First Special Session chapter 15, section 36, is repealed.

Laws 1986, chapter 396, section 2, subdivision 2, is repealed.

Sec. 85. EFFECTIVE DATE.

This act is effective the day after final enactment, except that section 30 is effective for all operating budgets and budget projections for the fiscal year beginning July 1, 1999, and thereafter, and sections 61 to 70 are effective the day after the governing body of the city of Duluth complies with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor April 10, 1998

Signed by the governor April 21, 1998, 9:35 a.m.

CHAPTER 405—H.F.No. 2654

An act relating to public safety; allowing personalized license plates to be issued for certain trucks resembling pickup trucks; providing for separate form for assignment of vehicle title; clarify-

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ing transfer from dealer provision; increasing allowable radius for transportation of certain farm products; specifying requirements for motor vehicle broker sign; driving while impaired; clarifying that juvenile's age as it relates to DWI-related driver's license revocation refers to the date of violation instead of the date of conviction; providing reasonable time to petition for driver's license reinstatement; ensuring uniformity of amount of handling charge allowed for certain driver's license reinstatements; clarifying reinstatement handling fee; appropriating money; amending Minnesota Statutes 1996, sections 168.12, subdivision 2a; 168A.01, by adding a subdivision; 168A.11, subdivision 1; and 221.025; Minnesota Statutes 1997 Supplement, sections 168.27, subdivision 10; 169.121, subdivision 4; 171.19; 171.20, subdivision 4; and 171.29, subdivision 2.

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

Section 1. Minnesota Statutes 1996, section 168.12, subdivision 2a, is amended to read:

Subd. 2a. **PERSONALIZED PLATES; RULES.** Personalized license plates must be issued to an applicant for registration of a passenger automobile including a passenger automobile registered as a classic car, pioneer car, collector car, or street rod; van; pickup truck as defined in section 168.011, subdivision 29, and any other truck with a registered gross weight of 9,000 pounds or less and commonly known as a pickup truck manufacturer's nominal rated capacity of one ton or less and resembling a pickup truck; motorcycle including a classic motorcycle; or self-propelled recreational vehicle, upon compliance with the laws of this state relating to registration of the vehicle and upon payment of a one-time fee of \$100 in addition to the registration tax required by law for the vehicle. The registrar shall designate a replacement fee for personalized license plates that is calculated to cover the cost of replacement. This fee must be paid by the applicant whenever the personalized license plates are required to be replaced by law. In lieu of the numbers assigned as provided in subdivision 1, personalized license plates must have imprinted on them a series of not more than seven numbers and letters in any combination. When an applicant has once obtained personalized plates, the applicant shall have a prior claim for similar personalized plates in the next succeeding year as long as current registration is maintained. The commissioner of public safety shall adopt rules in the manner provided by chapter 14, regulating the issuance and transfer of personalized license plates. No words or combination of letters placed on personalized license plates may be used for commercial advertising, be of an obscene, indecent, or immoral nature, or be of a nature that would offend public morals or decency. The call signals or letters of a radio or television station are not commercial advertising for the purposes of this subdivision.

Notwithstanding the provisions of subdivision 1, personalized license plates issued under this subdivision may be transferred to another motor vehicle owned or jointly owned by the applicant, upon the payment of a fee of \$5, which must be paid into the state treasury and credited to the highway user tax distribution fund. The registrar may by rule provide a form for notification. A personalized license plate issued for a classic car, pioneer car, collector car, street rod, or classic motorcycle may not be transferred to a vehicle not eligible for such a license plate.

Notwithstanding any law to the contrary, if the personalized license plates are lost, stolen, or destroyed, the applicant may apply and shall receive duplicate license plates bearing the same combination of letters and numbers as the former personalized plates upon the payment of the fee required by section 168.29.

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Fees from the sale of permanent and duplicate personalized license plates must be paid into the state treasury and credited to the highway user tax distribution fund.

Sec. 2. Minnesota Statutes 1997 Supplement, section 168.27, subdivision 10, is amended to read:

Subd. 10. **ESTABLISHED PLACE OF BUSINESS.** All licensees under this section shall have an established place of business which shall include as a minimum:

(1) For a new motor vehicle dealer, the following:

(a) a commercial building owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours. Dealership business hours must be conspicuously posted on the place of doing business and readily viewable by the public;

(b) a bona fide contract or franchise (1) in effect with a manufacturer or distributor of the new motor vehicles the dealer proposes to sell, broker, wholesale, or auction, or (2) in effect with the first-stage manufacturer or distributor of new motor vehicles purchased from a van converter or modifier which the dealer proposes to sell, broker, wholesale, or auction, or (3) in effect with the final stage manufacturer of the new type A, B, or C motor homes which the dealer proposes to sell, broker, wholesale, or auction;

(c) a facility for the repair and servicing of motor vehicles and the storage of parts and accessories, not to exceed ten miles distance from the principal place of business. Such service may be provided through contract with bona fide operators actually engaged in such services;

(d) an area either indoors or outdoors to display motor vehicles which is owned or under lease by the licensee; and

(e) a sign clearly identifying the dealership by name which is readily viewable by the public.

(2) For a used motor vehicle dealer, the following:

(a) a commercial building owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or automatic telephone answering service during normal business hours. Dealership business hours must be conspicuously posted on the place of doing business and readily viewable by the public;

(b) an area either indoors or outdoors to display motor vehicles which is owned or under lease by the licensee; and

(c) a sign clearly identifying the dealership by name which is readily viewable by the public.

(3) For a motor vehicle lessor, the following: a commercial office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours. Business hours must be conspicuously posted on

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the place of doing business and readily viewable by the public. The office space must be owned or under lease for a minimum term of one year by the licensee.

(4) For a motor vehicle wholesaler, the following: a commercial office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours. The office space must be owned or under lease for a minimum term of one year by the licensee.

(5) For a motor vehicle auctioneer, the following: a permanent enclosed commercial building, within or without the state, on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records, and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(6) For a motor vehicle broker, the following: a commercial office space where books, records, and files necessary to conduct business are kept and maintained with personnel available during normal business hours, or an automatic telephone answering service available during normal business hours. Business hours must be conspicuously posted on the place of business and readily viewable by the public. A sign, clearly identifying the motor vehicle broker by name and viewable by the public, must be posted on the place of business. listing the broker's business hours, must be posted in a location and manner readily viewable by a member of the public visiting the office space. The office space must be owned or under lease for a minimum term of one year by the licensee.

(7) If a new or used motor vehicle dealer maintains more than one place of doing business in a county, the separate places shall be listed on the application. If additional places of business are maintained outside of one county, separate licenses shall be obtained for each county.

(8) If a motor vehicle lessor, wholesaler, auctioneer, or motor vehicle broker maintains more than one permanent place of doing business, either in one or more counties, the separate places shall be listed in the application, but only one license shall be required. If a lessor proposes to sell previously leased or rented vehicles or if a broker proposes to establish an office at a location outside the seven-county metropolitan area, as defined in section 473.121, subdivision 2, other than cities of the first class, the lessor or broker must obtain a license for each nonmetropolitan area county in which the lessor's sales are to take place or where the broker proposes to locate an office.

(9) If a motor vehicle dealer, lessor, wholesaler, or motor vehicle broker does not have direct access to a public road or street, any privately owned roadway providing access to a public road or street must be clearly identified and adequately maintained.

Sec. 3. Minnesota Statutes 1996, section 168A.01, is amended by adding a subdivision to read:

Subd. 17c. **SECURE REASSIGNMENT.** "Secure reassignment" means a separate form that (1) may be used by a dealer to assign and warrant title to a vehicle; (2) is prescribed by the department; and (3) contains security features complying with the Motor Vehicle Information and Cost Savings Act, as amended, codified at United States Code, title 49, chapter 327, and regulations of the United States Department of Transportation adopted under that act.

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Sec. 4. Minnesota Statutes 1996, section 168A.11, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION UPON TRANSFER.** If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner, and complies with subdivision 2 hereof, the dealer need not apply for a certificate of title, but upon transferring the vehicle to another person other than by the creation of a security interest shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any secured party holding a security interest created or reserved at the time of the resale, and the date of the security agreement in the spaces provided therefor on the certificate or secure reassignment. With respect to motor vehicles subject to the provisions of section 325E.15, the dealer shall also, in the space provided therefor on the certificate or secure reassignment, state the true cumulative mileage registered on the odometer or that the exact mileage is unknown if the odometer reading is known by the transferor to be different from the true mileage. The transferee shall complete the application for title section on the certificate of title or separate title application form prescribed by the department. The dealer shall mail or deliver the certificate to the department registrar or deputy registrar with the transferee's application for a new certificate and appropriate taxes and fees, within ten days.

Sec. 5. Minnesota Statutes 1997 Supplement, section 169.121, subdivision 4, is amended to read:

Subd. 4. **ADMINISTRATIVE PENALTIES.** (a) The commissioner of public safety shall revoke the driver's license of a person convicted of violating this section or an ordinance in conformity with it as follows:

- (1) for an offense under subdivision 1: not less than 30 days;
 - (2) for an offense under subdivision 1a: not less than 90 days;
 - (3) for an offense occurring within five years after a prior impaired driving conviction or a prior license revocation, or any time after two or more prior impaired driving convictions or prior license revocations: (i) if the current conviction is for a violation of subdivision 1, not less than 180 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126; or (ii) if the current conviction is for a violation of subdivision 1a, not less than one year and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126;
 - (4) for an offense occurring within five years after the first of two prior impaired driving convictions or prior license revocations: not less than one year, together with denial under section 171.04, subdivision 1, clause (9), until rehabilitation is established in accordance with standards established by the commissioner;
 - (5) for an offense occurring any time after three or more prior impaired driving convictions or prior license revocations: not less than two years, together with denial under section 171.04, subdivision 1, clause (9), until rehabilitation is established in accordance with standards established by the commissioner.
- (b) If the person convicted of violating this section is under the age of 21 years at the time of the violation, the commissioner of public safety shall revoke the offender's driver's license or operating privileges for a period of six months or for the appropriate period

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of time under paragraph (a), clauses (1) to (5), for the offense committed, whichever is the greatest period.

(c) For purposes of this subdivision, a juvenile adjudication under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them is an offense.

(d) Whenever department records show that the violation involved personal injury or death to any person, not less than 90 additional days shall be added to the base periods provided above.

(e) If the person is convicted of violating subdivision 1, paragraph (f), the commissioner of public safety shall revoke the person's driver's license for twice the period of time otherwise provided for in this subdivision.

(f) Except for a person whose license has been revoked under paragraph (b), and except for a person who commits a violation described in subdivision 3, paragraph (c), clause (4), (child endangerment), any person whose license has been revoked pursuant to section 169.123 as the result of the same incident, and who does not have a prior impaired driving conviction or prior license revocation, is subject to the mandatory revocation provisions of paragraph (a), clause (1) or (2), in lieu of the mandatory revocation provisions of section 169.123.

Sec. 6. Minnesota Statutes 1997 Supplement, section 171.19, is amended to read:

171.19 PETITION FOR LICENSE REINSTATEMENT.

Any person whose driver's license has been refused, revoked, suspended, canceled, or disqualified by the commissioner, except where the license is revoked or disqualified under section 169.123 or 171.186, may file a petition for a hearing in the matter in the district court in the county wherein such person shall reside and, in the case of a nonresident, in the district court in any county, and such court is hereby vested with jurisdiction, and it shall be its duty, to set the matter for hearing upon 15 days' written notice to the commissioner, and thereupon to take testimony and examine into the facts of the case to determine whether the petitioner is entitled to a license or is subject to revocation, suspension, cancellation, disqualification, or refusal of license, and shall render judgment accordingly. The petition for hearing must either be filed within 180 days of the effective date of the order of revocation, suspension, cancellation, disqualification, or refusal to license or be filed before expiration of the withdrawal period, whichever occurs first. The petition shall be heard by the court without a jury and may be heard in or out of term. The commissioner may appear in person, or by agents or representatives, and may present evidence upon the hearing by affidavit personally, by agents, or by representatives. The petitioner may present evidence by affidavit, except that the petitioner must be present in person at such hearing for the purpose of cross-examination. In the event the department shall be sustained in these proceedings, the petitioner shall have no further right to make further petition to any court for the purpose of obtaining a driver's license until after the expiration of one year after the date of such hearing.

Sec. 7. Minnesota Statutes 1997 Supplement, section 171.20, subdivision 4, is amended to read:

Subd. 4. **REINSTATEMENT FEE.** Before the license is reinstated, a person whose driver's license has been suspended under section 171.16, subdivision 2; 171.18,

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except subdivision 1, clause (10); or 171.182, or who has been disqualified from holding a commercial driver's license under section 171.165 must pay a fee of \$25 until June 30, 1999, and \$20 thereafter. When this fee is fees are collected by a county-operated office of deputy registrar, a \$3.50 handling charge is imposed in the amount specified under section 168.33, subdivision 7. The handling charge must be deposited in the treasury of the place for which the deputy registrar was appointed and the reinstatement fee and surcharge must be deposited in an approved state depository as directed under section 168.33, subdivision 2. A suspension may be rescinded without fee for good cause.

Sec. 8. Minnesota Statutes 1997 Supplement, section 171.29, subdivision 2, is amended to read:

Subd. 2. **FEES, ALLOCATION.** (a) A person whose driver's license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a \$250 fee plus a \$10 surcharge before the driver's license is reinstated. The \$250 fee is to be credited as follows:

(1) Twenty percent shall be credited to the trunk highway fund.

(2) Fifty-five percent shall be credited to the general fund.

(3) Eight percent shall be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appropriated to the commissioner of public safety and the appropriated amount shall be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Twelve percent shall be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account is appropriated as follows:

(i) The first \$200,000 in a fiscal year is to the commissioner of children, families, and learning for programs in elementary and secondary schools.

(ii) The remainder credited in a fiscal year is appropriated to the commissioner of transportation to be spent as grants to the Minnesota highway safety center at St. Cloud State University for programs relating to alcohol and highway safety education in elementary and secondary schools.

(5) Five percent shall be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. \$100,000 is annually appropriated from the account to the commissioner of human services for traumatic brain injury case management services. The remaining money in the account is annually appropriated to the commissioner of health to establish and maintain the traumatic brain injury and spinal cord injury registry created in section 144.662 and to reimburse the commissioner of economic security for the reasonable cost of services provided under section 268A.03, clause (o).

(c) The \$10 surcharge shall be credited to a separate account to be known as the remote electronic alcohol monitoring pilot program account. The commissioner shall transfer the balance of this account to the commissioner of finance on a monthly basis for deposit in the general fund.

(d) When these fees are collected by a county-operated office of deputy registrar, a handling charge is imposed in the amount specified under section 168.33, subdivision 7.

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The handling charge must be deposited in the treasury of the place for which the deputy registrar was appointed and the reinstatement fees and surcharge must be deposited in an approved state depository as directed under section 168.33, subdivision 2.

Sec. 9. Minnesota Statutes 1996, section 221.025, is amended to read:

221.025 EXEMPTIONS.

The provisions of this chapter requiring a certificate or permit to operate as a motor carrier do not apply to the intrastate transportation described below:

(a) the transportation of students to or from school or school activities in a school bus inspected and certified under section 169.451 and the transportation of children or parents to or from a Head Start facility or Head Start activity in a Head Start bus inspected and certified under section 169.451;

(b) the transportation of solid waste, as defined in section 116.06, subdivision 22, including recyclable materials and waste tires, except that the term "hazardous waste" has the meaning given it in section 221.011, subdivision 31;

(c) a commuter van as defined in section 221.011, subdivision 27;

(d) authorized emergency vehicles as defined in section 169.01, subdivision 5, including ambulances; and tow trucks equipped with proper and legal warning devices when picking up and transporting (1) disabled or wrecked motor vehicles or (2) vehicles towed or transported under a towing order issued by a public employee authorized to issue a towing order;

(e) the transportation of grain samples under conditions prescribed by the board;

(f) the delivery of agricultural lime;

(g) the transportation of dirt and sod within an area having a 50-mile radius from the home post office of the person performing the transportation;

(h) the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix, concrete blocks or tile and the mortar mix to be used with the concrete blocks or tile, or crushed rock to or from the point of loading or a place of gathering within an area having a 50-mile radius from that person's home post office or a 50-mile radius from the site of construction or maintenance of public roads and streets;

(i) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator evergreens, wood chips, sawdust, shavings, and bark from the place where the products are produced to the point where they are to be used or shipped;

(j) the transportation of fresh vegetables from farms to canneries or viner stations, from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, or transporting sugar beets, wild rice, or rutabagas from the field of production to the first place of delivery or unloading, including a processing plant, warehouse, or railroad siding;

(k) the transportation of property or freight, other than household goods and petroleum products in bulk, entirely within the corporate limits of a city or between contiguous cities except as provided in section 221.296;

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(l) the transportation of unprocessed dairy products in bulk within an area having a 100-mile radius from the home post office of the person providing the transportation;

(m) the transportation of agricultural, horticultural, dairy, livestock, or other farm products within an area having a ~~25-mile~~ 100-mile radius from the person's home post office and the carrier may transport other commodities within the ~~25-mile~~ 100-mile radius if the destination of each haul is a farm;

(n) passenger transportation service that is not charter service and that is under contract to and with operating assistance from the department or the metropolitan council;

(o) the transportation of newspapers, as defined in section 331A.01, subdivision 5, telephone books, handbills, circulars, or pamphlets in a vehicle with a gross vehicle weight of 10,000 pounds or less; and

(p) transportation of potatoes from the field of production, or a storage site owned or otherwise controlled by the producer, to the first place of processing.

The exemptions provided in this section apply to a person only while the person is exclusively engaged in exempt transportation.

Sec. 10. APPROPRIATION.

\$15,775,000 is appropriated from the trunk highway fund to the commissioner of administration to complete renovation and life safety improvements to the transportation building in the capitol complex. This is the final state appropriation for this project.

Sec. 11. EFFECTIVE DATE.

Sections 3 and 4 are effective the day following final enactment.

Presented to the governor April 10, 1998

Signed by the governor April 20, 1998, 11:30 a.m.

CHAPTER 406—H.F.No. 2985

An act relating to children; providing for child welfare reform; restricting release of certain information; establishing citizen review panels; clarifying jurisdiction; establishing programs for concurrent planning for permanent placement; defining terms; imposing duties; expanding certain case plans; providing for consideration of domestic abuse in child protection risk assessments; authorizing rulemaking; providing for sharing of certain data; changing records retention requirements; requiring review and audits; requiring task forces and a plan; amending Minnesota Statutes 1996, sections 144.226, subdivision 3; 245A.035, subdivision 4; 256.01, subdivision 12, and by adding a subdivision; 257.42; 257.43; 259.24, subdivision 1; 259.37, subdivision 2; 259.67, subdivision 1; 260.011, subdivision 2; 260.141, by adding a subdivision; 260.172, subdivision 1; 260.191, subdivision 1e; 260.221, as amended; and 626.556, subdivision 10, and by adding subdivisions; Minnesota Statutes 1997 Supplement, sections 144.218, subdivision 2; 144.226, subdivision 4; 245A.03, subdivision 2; 245A.04, subdivisions 3b and 3d; 256.82, subdivision 2; 256F.05, subdivision 8; 257.071, subdivision 1d; 257.85, subdivisions 3 and 5; 259.22, subdivision 4; 259.47, subdivision 3; 259.58; 259.60, subdivision 2; 260.012; 260.015, subdivisions 2a and 29; 260.161, subdi-

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