

CHAPTER 425—S.F.No. 2484

VETOED

CHAPTER 426—S.F.No. 3023

An act relating to motor vehicles; modifying vehicle registration and titling provisions; modifying interstate commercial vehicle registration provisions to conform to interstate registration plan; conforming state open bottle law to federal law; allowing exception to requirement of school bus drivers to activate school bus stop signals; adopting federal odometer regulations; modifying provisions to conform to federal standards for emergency vehicle siren; modifying fee provisions; making technical and clarifying changes; amending Minnesota Statutes 1998, sections 168.012, subdivision 7; 168.017, subdivision 3; 168.09, subdivision 6; 168.1235, subdivisions 1 and 4; 168.1291; 168.13; 168.187, subdivision 8; 168.31, subdivision 4; 168.33, subdivision 7; 168.54, subdivisions 5 and 6; 168A.03; 168A.04, subdivision 5, and by adding a subdivision; 168A.06; 168A.13; 168A.14; 168A.31, subdivision 1; 169.122, subdivisions 1, 2, and 3; 169.443, subdivision 3; 169.68; 169.781, subdivision 3; 171.20, subdivision 4; and 325E.15; Minnesota Statutes 1999 Supplement, sections 168.15, subdivision 1; 168.16; and 171.29, subdivision 2; Laws 1995, chapter 264, article 2, section 44, as amended; repealing Minnesota Statutes 1998, section 168.1292.

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

Section 1. Minnesota Statutes 1998, section 168.012, subdivision 7, is amended to read:

Subd. 7. **VEHICLE NOT USED; DOMICILED IN ANOTHER STATE.** The owner of a motor vehicle which vehicle that during any calendar year, or in the case of a vehicle registered pursuant to under section 168.017, during the registration period there provided for in that section, are is not operated on a public highway shall be is exempt from the provisions of this chapter requiring registration, payment of tax, and penalties for tax nonpayment thereof, provided that but only if the owner of any such the vehicle shall first file files a verified written application with the commissioner of public safety registrar, correctly describing the vehicle and certifying that it has not been and will not be operated upon a public highway.

~~Motor vehicles whose domicile is~~ A motor vehicle domiciled in a foreign state and are, legally licensed in that state, and owned by a Minnesota resident shall be is exempt from the provisions of this chapter and; except that it is subject to the provisions of section 168.181, subdivision 3, provided, that this exemption does not conflict with any existing reciprocal agreement with the state in which the vehicle is domiciled.

Sec. 2. Minnesota Statutes 1998, section 168.017, subdivision 3, is amended to read:

Subd. 3. **EXCEPTIONS.** (a) The registrar shall register all vehicles subject to registration under the monthly series system shall be registered by the registrar for a

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period of 12 consecutive calendar months, except as follows unless:

(a) if (1) the application is an original rather than renewal application; or

(b) if (2) the applicant is a licensed motor vehicle lessor under section 168.27, in which case the applicant may apply for original or renewed registration of a vehicle for a period of four or more months, the month of expiration to be designated by the applicant at the time of registration. However, to qualify for this exemption, the applicant must present the application to the registrar at St. Paul, or at deputy registrar offices as the registrar may designate.

(b) In any instance except that of a licensed motor vehicle lessor, the registrar may register shall not approve registering the vehicle ~~which is the subject of to the application for a period of not less than three nor more than 15 calendar months, except~~ when the registrar determines that to do so otherwise will help to equalize the registration and renewal work load of the department.

Sec. 3. Minnesota Statutes 1998, section 168.09, subdivision 6, is amended to read:

Subd. 6. **SEMITRAILER.** ~~On semitrailers~~ For a semitrailer, as defined in section 168.011, subdivision 14, a number plate must be assigned to the registered owner as identification for the vehicle ~~and correlate with the certificate of title documentation on file with the department.~~ This number plate ~~shall~~ must not display a year designator. The registration card must indicate the number plate for the number plate to be valid.

Sec. 4. Minnesota Statutes 1998, section 168.1235, subdivision 1, is amended to read:

Subdivision 1. **GENERAL REQUIREMENTS; FEES.** (a) On payment of a fee of \$10 for each set of two license plates, ~~or for a single plate in the case of a motoreyele plate,~~ payment of the registration tax required by law, and compliance with other laws relating to the registration and licensing of a passenger automobile, pickup truck, van, or self-propelled recreational equipment, or motoreyele vehicle, as applicable, the registrar shall issue a special license plate sticker for each plate to an applicant who is a member of a congressionally chartered veterans service organization and is an owner or joint owner of a passenger automobile, pickup truck, van, or self-propelled recreational equipment, or motoreyele vehicle.

(b) The additional fee of \$10 is payable at the time of initial application for the special license plate stickers and when the license plates must be replaced or renewed. An applicant must not be issued more than two sets of special license plate stickers for vehicles listed in paragraph (a) and owned or jointly owned by the applicant.

(c) The commissioner of veterans affairs shall determine what documentation is required by each applicant to show that the applicant is a member of a congressionally chartered veterans service organization and is entitled to the special license plate stickers.

Sec. 5. Minnesota Statutes 1998, section 168.1235, subdivision 4, is amended to read:

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Subd. 4. **PLATES TRANSFER.** Notwithstanding section 168.12 or other law to the contrary, on payment of a fee of \$5, the special plate stickers issued under subdivision 1, may be transferred to other license plates on a passenger automobile, pickup truck, van, ~~metereyele,~~ or self-propelled recreational equipment vehicle owned or jointly owned by the person to whom the stickers were issued.

Sec. 6. Minnesota Statutes 1998, section 168.1291, is amended to read:

168.1291 SPECIAL LICENSE PLATES; DESIGN.

Subdivision 1. **DEFINITION.** For purposes of this section "special license plates" means license plates issued under sections 168.12, subdivisions 2b to 2e; 168.123; 168.1235; and 168.129; ~~and 168.1292.~~

Subd. 2. **DESIGN OF SPECIAL LICENSE PLATES.** The commissioner shall design a single special license plate that will contain a unique number and a space for a unique symbol. The commissioner shall design a unique symbol related to the purpose of each special license plate. Any provision of sections 168.12, subdivisions 2b to 2e; 168.123; ~~and 168.129; and 168.1292~~ that requires the placement of a specified letter or letters on a special license plate applies to those license plates only to the extent that the commissioner includes the letter or letters in the design. Where a law authorizing a special license plate contains a specific requirement for graphic design of that license plate, that requirement applies to the appropriate unique symbol the commissioner designs.

Subd. 3. **ISSUANCE OF SPECIAL LICENSE PLATES WITH UNIQUE SYMBOLS.** Notwithstanding section 168.12, subdivisions 2b to 2e; 168.123; ~~or 168.129; or 168.1292,~~ beginning with special license plates issued in calendar year 1996 the commissioner shall issue each class of special license plates permanently marked with specific designs under those laws only until the commissioner's supply of those license plates is exhausted. Thereafter the commissioner shall issue under those laws only the license plate authorized under subdivision 2, with the appropriate unique symbol attached.

Subd. 4. **FEES.** Notwithstanding section 168.12, subdivisions 2b to 2e; 168.123; ~~or 168.129; or 168.1292,~~ the commissioner shall charge a fee of \$10 for each set of license plates issued under this section.

Subd. 5. **APPLICATION.** This section does not apply to a special motorcycle license plate designed by the registrar under section 168.123, subdivision 1, clause (2).

Sec. 7. Minnesota Statutes 1998, section 168.13, is amended to read:

168.13 PROOF OF OWNERSHIP.

(a) The registrar shall not approve ~~an~~ an application and shall not issue ~~an~~ number plates for any motor vehicle, unless and until the title certificate ~~therefore~~ issued under chapter 168A, or registration certificate if not titled, is delivered to the registrar, ~~who shall.~~ The registrar must be satisfied from the records that all taxes and fees due hereunder shall have been paid, and that endorsements upon the certificate are in writing and have been signed by the seller and purchaser.

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(b) The registrar shall not register and shall not issue number plates for a motor vehicle brought into Minnesota from other states shall not be registered or have number plates issued therefor another state until such:

(1) a registration certificate or other evidence of title as may reasonably be required from the registrant within that state be is surrendered to the registrar in the same manner as certificates of this state; or in lieu thereof, such view and

(2) the registrar receives evidence of the chain of ownership be had as will assure the payment of the proper tax so long as the motor vehicle shall be is in the state.

Sec. 8. Minnesota Statutes 1999 Supplement, section 168.15, subdivision 1, is amended to read:

Subdivision 1. **TRANSFER OF OWNERSHIP.** (a) Upon the transfer of ownership, destruction, theft, dismantling as such, or the permanent removal by the owner thereof from this state of any motor vehicle registered in accordance with the provisions of this chapter, the right of the owner of such the vehicle to use the registration certificate and number plates assigned such to the vehicle shall expire, and such certificate and any existing plates shall be, by such owner, forthwith returned, with transportation prepaid, to the registrar with a signed notice of the date and manner of termination of ownership, giving the name and post office address, with street and number, if in a city, of the person to whom transferred. No fee may be charged for a return of plates under this section expires.

(b) When the ownership of a motor vehicle shall be is transferred to another who shall forthwith register the same in the other's name, the registrar may permit the manual delivery of such plates to the new owner of such vehicle resident of this state, the transferor shall surrender the registration plates, unless otherwise provided for in this chapter, and assign the registration tax paid to the credit of the transferee.

(c) When seeking to become the owner by gift, trade, or purchase of any vehicle for which a registration certificate has been theretofore issued under the provisions of this chapter, a person shall join with the registered owner in transmitting with the application the registration certificate, with the assignment and notice of sale duly executed upon the reverse side thereof, or, in case of loss of such the certificate, with such proof of loss by sworn statement, in writing, as shall be and satisfactory to the registrar. Upon the transfer of any motor vehicle by a manufacturer or dealer, for use within the state, whether by sale, lease, or otherwise, such the manufacturer or dealer shall, within ten days after such the transfer, file with the registrar a notice or report containing the date of such transfer, a description of such the motor vehicles vehicle, and the transferee's name, street and number of residence, if in a city, and the post office address of the transferee, and shall also transmit therewith with it the transferee's application for registration thereof.

Sec. 9. Minnesota Statutes 1999 Supplement, section 168.16, is amended to read:

168.16 **REFUND; APPROPRIATION.**

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After the tax upon any motor vehicle shall have has been paid for any year, refund shall must be made for errors made in computing the tax or fees and for the error on the part of an owner who may in error have registered a motor vehicle that was not before, nor at the time of registration, nor at any time thereafter during the current past year, subject to tax in this state as provided by section 168.012. Unless otherwise provided in this chapter, a claim for a refund of an overpayment of registration tax must be filed within 3-1/2 years from the date of payment. ~~The refundment shall~~ refund must be made from any fund in possession of the registrar and ~~shall be deducted from the registrar's monthly report to the commissioner of finance.~~ A detailed report of the ~~refundment shall refund must~~ accompany the report. The former owner of a transferred vehicle, by an assignment in writing endorsed upon the registration certificate and delivered to the registrar within the time provided ~~herein may sell and in this subdivision, shall assign, except for vehicles registered under section 168.187,~~ to the new owner thereof the right to have the tax paid by the former owner accredited to the owner who duly registers the vehicle. Any owner at the time of such occurrence, whose vehicle shall be is declared by an insurance company to be a total loss due to flood or tornado damage, permanently destroyed, or sold to the federal government, the state, or a political subdivision thereof of the state, shall upon filing a verified claim be entitled to a refund of the unused portion of the tax paid upon the vehicle, computed as follows:

(1) if the vehicle is registered under the calendar year system of registration, the refund is computed pro rata by the month, 1/12 of the annual tax paid for each month of the year remaining after the month in which the plates and certificate were returned to the registrar;

(2) ~~in the case of a if the vehicle is~~ registered under the monthly series system of registration, the amount of the refund is equal to the sum of the amounts of the license fee attributable to those months remaining in the licensing period after the month in which the plates and certificate were returned to the registrar.

There is hereby appropriated to the persons entitled to a refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.

Sec. 10. Minnesota Statutes 1998, section 168.187, subdivision 8, is amended to read:

Subd. 8. **BASE STATE RECIPROcity.** (1) Any agreement, arrangement, or declaration made under the authority of this section may contain provisions authorizing the registration or licensing in another state of vehicles based in such the other state, which vehicles otherwise would be required to be registered or licensed in this state, except that such those provisions shall not apply to passenger cars.

(2) ~~For the purpose of this section, a vehicle shall be deemed to be based in the state where it is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled.~~

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(3) For the purpose of this section, the owner of a vehicle shall declare the state in which it is based, but the commissioner of public safety shall make the final determination of the state in which a vehicle is based shall be made by the commissioner of public safety of this state for the purpose of determining liability for registration and other fees and penalties due this state. To the extent possible, the commissioner of public safety shall be governed, to the extent possible, by the criteria specified in this section, and agreement with the administrator of any other interested state.

(4) (3) Any agreement, arrangement, or declaration made under this section may grant exemptions, benefits, and privileges for vehicles in accordance with the terms thereof.

Sec. 11. Minnesota Statutes 1998, section 168.31, subdivision 4, is amended to read:

Subd. 4. **INSTALLMENTS.** If the tax for a vehicle assessed under section 168.013, subdivision 1c, 1d, 1e, or 1g, amounts to more than \$400, the owner may pay such the tax by installments. The owner shall tender with the application for registration one-third of the annual tax due or \$400, whichever is greater, plus any penalties or arrears, plus a fee of \$10. Instead of this fee, the applicant may furnish a bond, bank letter of credit, or certificate of deposit approved by the registrar of motor vehicles, for the total of the tax still due. The amount of the bond, letter of credit, or certificate of deposit may include any penalties which are assessed. The bond, letter of credit, or certificate of deposit shall be for the benefit of the state for monetary loss caused by failure of the vehicle owner to pay delinquent license fees and penalties. The remainder of the tax due shall be paid in two equal installments; the due date of the first installment shall be the first day of the fifth month of the registration period for which the tax is assessed and the second installment shall be due on the first day of the ninth month of the registration period for which the tax is assessed. When the applicant elects to pay the administrative fee, the registrar shall issue to the applicant distinctive validation stickers for the installment paid. When the applicant elects to furnish a bond, bank letter, or letter of deposit, the registrar shall issue regular validation stickers for the registration year. If an owner of a vehicle fails to pay an installment on or before the its due date thereof, the vehicle shall not be used on the public streets or highways in this state until the installment or installments of the tax remaining due on such the vehicle shall have been paid in full for the licensed year together with a penalty at the rate of \$1 per day for the remainder of the month in which the balance of the tax becomes due and \$4 a month for each succeeding month or fraction thereof of a month during which the balance of the tax remains unpaid. Upon the payment of the balance of the tax and the penalties, the registrar shall issue a registration certificate to the owner of the vehicle in the manner provided by law. The registrar shall deny installment payment privileges provided in this subdivision in the subsequent year to any owner on any or all vehicles of such the owner who during the current year fails to pay any installment due within one month after the due date.

Sec. 12. Minnesota Statutes 1998, section 168.33, subdivision 7, is amended to read:

Subd. 7. **FILING FEE.** In addition to all other statutory fees and taxes, a filing fee of \$3.50 is imposed on every application; except that a filing fee may not be charged for a document returned for a refund or for a correction of an error made by the department or a deputy registrar. The filing fee shall be shown as a separate item on all registration renewal notices sent out by the department of public safety. No filing fee or other fee may be charged for the permanent surrender of a certificate of title and license plates for a motor vehicle. Filing fees collected under this subdivision by the registrar must be paid into the state treasury and credited to the highway user tax distribution fund, except fees for registrations of new motor vehicles. Filing fees collected for registrations of new motor vehicles in conjunction with a title transfer or first application in this state must be paid into the state treasury with 50 percent of the money credited to the general fund and 50 percent credited to the highway user tax distribution fund.

Sec. 13. Minnesota Statutes 1998, section 168.54, subdivision 5, is amended to read:

Subd. 5. **PROCEEDS TO GENERAL FUND.** The registrar shall collect the proceeds of the fee imposed under the provisions of this section shall be collected by the commissioner of public safety and paid into deposit them in the general fund pursuant to section 168A.31.

Sec. 14. Minnesota Statutes 1998, section 168.54, subdivision 6, is amended to read:

Subd. 6. **BALANCE TO GENERAL FUND.** The unobligated balances in excess of \$4,000 in said the transfer of ownership revolving fund as of June 30 of each fiscal year shall be canceled into cancel to the general fund.

Sec. 15. Minnesota Statutes 1998, section 168A.03, is amended to read:

168A.03 EXEMPT VEHICLES.

~~No~~ The registrar shall not issue a certificate of title ~~need be obtained~~ for:

- (1) a vehicle owned by the United States, ~~unless it is registered in this state~~;
- (2) a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used pursuant to section 168.27 or 168.28, or a vehicle used by a manufacturer solely for testing;
- (3) a vehicle owned by a nonresident and not required by law to be registered in this state;
- (4) a vehicle owned by a nonresident and regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;
- (5) a vehicle moved solely by animal power;

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- (6) an implement of husbandry;
- (7) special mobile equipment;
- (8) a self-propelled wheelchair or invalid tricycle;

(9) a trailer (i) having a gross weight of 4,000 pounds or less unless a secured party holds an interest in the trailer or a certificate of title was previously issued by this state or any other state or a trailer (ii) designed primarily for agricultural purposes except recreational equipment or a manufactured home, both as defined in section 168.011, subdivisions 8 and 25;

- (10) a snowmobile.

Sec. 16. Minnesota Statutes 1998, section 168A.04, subdivision 5, is amended to read:

Subd. 5. **SPECIALY CONSTRUCTED OR RECONSTRUCTED VEHICLE.** Except as provided in subdivision 6, if the application refers to a specially constructed vehicle or a reconstructed vehicle, the application shall so state and shall contain or be accompanied by:

(1) Any information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or nonexistence and priority of security interests in it;

(2) The certificate of a person authorized by the department that the identifying number of the vehicle has been inspected and found to conform to the description given in the application, or any other proof of the identity of the vehicle the department reasonably requires.

Sec. 17. Minnesota Statutes 1998, section 168A.04, is amended by adding a subdivision to read:

Subd. 6. **ASSEMBLED MOTORCYCLES.** (a) If the application refers to an assembled motorcycle, the application must so state and be accompanied by:

(1) a manufacturer's statement or certificate of origin from a recognized motorcycle manufacturer for the frame, complete engine or engine cases, provided that if a statement or certificate of origin is submitted for engine cases it must also be accompanied by copies of original documentation for cylinder heads, cylinders, flywheels, and piston and rod assemblies; and

(2) vendor receipts or copies of the receipts from suppliers on the transmission assembly, engine assembly, fork assembly, and front and rear wheel assemblies. If the applicant is a motorcycle assembler, the applicant must also provide copies of original vendor receipts for the assemblies listed in this clause.

(b) An assembled motorcycle for which the documentation required under paragraph (a), clauses (1) and (2), has been submitted is not subject to the filing requirement of section 168A.07, subdivision 1, clause (2).

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Sec. 18. Minnesota Statutes 1998, section 168A.06, is amended to read:

168A.06 DELIVERY OF CERTIFICATE.

The certificate of title ~~shall~~ must be mailed ~~delivered~~ to the owner named in it. Secured parties, if any, ~~shall~~ must be mailed notification of their security interest filed.

Sec. 19. Minnesota Statutes 1998, section 168A.13, is amended to read:

168A.13 FEE ACCOMPANIES APPLICATION; DELIVERY OF REGISTRATION CARD AND PLATES.

Subdivision 1. **FEE ACCOMPANIES APPLICATION FOR CERTIFICATE.** An application for a certificate of title ~~shall~~ must be accompanied by the required ~~fee~~ fees when mailed or delivered to the department.

Subd. 2. **FEE ACCOMPANIES APPLICATION FOR NAMING SECURED PARTY.** An application for the naming of a secured party or the party's assignee on a certificate of title ~~shall~~ must be accompanied by the required ~~fee~~ fees when mailed or delivered to the department.

Subd. 3. **DELIVERY OF REGISTRATION CARD AND PLATES.** A transferee of a vehicle, other than a dealer transferring a new vehicle, shall deliver to the transferee at the time of the delivery of possession of the vehicle the registration card and license plates for the vehicle.

Sec. 20. Minnesota Statutes 1998, section 168A.14, is amended to read:

168A.14 NEW CERTIFICATES ISSUED, OLD CERTIFICATES SURRENDERED.

Subdivision 1. **NEW CERTIFICATE AFTER ASSIGNMENT.** The department, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fees and taxes, and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner and list any secured party named on it and ~~mail~~ deliver it to the owner. The secured party or parties ~~shall~~ must be issued a notification that the security interest has been filed.

Subd. 1a. **NEW CERTIFICATE AFTER SECURITY INTEREST FILED.** The department, upon receipt of an affidavit as provided in section 524.3-1201(a), an application for a new certificate of title, and any required fee, shall issue a new certificate of title in the name of the successor as owner, listing any secured party on it. The department shall ~~mail~~ deliver the certificate to the successor and shall issue any secured party a notification that the security interest has been filed.

Subd. 2. **NEW CERTIFICATE AFTER NONVOLUNTARY TRANSFER.** The department, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fees and taxes, and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. ~~If the outstanding certificate of title is not delivered to it, the department shall make demand therefor from the holder thereof.~~

Subd. 3. **SURRENDERED CERTIFICATE.** The department shall file and retain for seven years every surrendered certificate of title, the file to be maintained so as to

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permit the tracing of title of the vehicle designated therein.

Sec. 21. Minnesota Statutes 1998, section 168A.31, subdivision 1, is amended to read:

Subdivision 1. **PAID TO GENERAL FUND.** All fees prescribed by sections 168A.01 to 168A.31 and 168.54 collected by the department shall must be paid into the general fund.

Sec. 22. Minnesota Statutes 1998, section 169.122, subdivision 1, is amended to read:

Subdivision 1. **ACT PROHIBITED.** No person shall drink or consume ~~intoxicating liquors~~ an alcoholic beverage, distilled spirit, or 3.2 percent malt ~~liquors~~ liquor in any motor vehicle when ~~such~~ the vehicle is upon a public highway.

Sec. 23. Minnesota Statutes 1998, section 169.122, subdivision 2, is amended to read:

Subd. 2. **POSSESSION PROHIBITED.** (a) No person shall have in possession while in a private motor vehicle upon a public highway, any bottle or receptacle containing ~~intoxicating liquor~~ an alcoholic beverage, distilled spirit, or 3.2 percent malt liquor ~~which~~ that has been opened, or the seal broken, or the contents of which have been partially removed.

(b) For purposes of this section, "possession" means either that the person had actual possession of the bottle or receptacle or that the person consciously exercised dominion and control over the bottle or receptacle. This subdivision does not apply to a bottle or receptacle that is in the trunk of the vehicle if it is equipped with a trunk, or that is in another area of the vehicle not normally occupied by the driver and passengers if the vehicle is not equipped with a trunk.

Sec. 24. Minnesota Statutes 1998, section 169.122, subdivision 3, is amended to read:

Subd. 3. **LIABILITY OF NONPRESENT OWNER.** (a) ~~It shall be is~~ unlawful for the owner of any private motor vehicle or the driver, if the owner ~~be is~~ not then present in the motor vehicle, to keep or allow to be kept in a motor vehicle ~~when such~~ the vehicle is upon the public highway any bottle or receptacle containing ~~intoxicating liquors~~ an alcoholic beverage, distilled spirit, or 3.2 percent malt ~~liquors~~ liquor ~~that~~ that has been opened, or the seal broken, or the contents of which have been partially removed ~~except when such.~~

(b) ~~This subdivision does not apply to a bottle or receptacle shall be kept that is~~ in the trunk of the motor vehicle when ~~such~~ the vehicle is equipped with a trunk, or ~~kept that is~~ is in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk.

(c) A utility compartment or glove compartment ~~shall be is~~ deemed to be within the area occupied by the driver and passengers.

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Sec. 25. Minnesota Statutes 1998, section 169.443, subdivision 3, is amended to read:

Subd. 3. **WHEN SIGNALS NOT USED.** School bus drivers shall not activate the prewarning flashing amber signals or flashing red signals and shall not use the stop arm signal:

(1) in special school bus loading areas where the bus is entirely off the traveled portion of the roadway and where no other motor vehicle traffic is moving or is likely to be moving within 20 feet of the bus;

(2) when directed not to do so, in writing, by the local school board;

(3) when a school bus is being used on a street or highway for purposes other than the actual transportation of school children to or from school or a school-approved activity, except as provided in subdivision 8;

(4) at railroad grade crossings; and

(5) when loading and unloading people at designated school bus stops where people are not required to cross the street or highway, while the bus is completely off the traveled portion of a separated, one-way roadway that has adequate shoulders. The driver shall drive the bus completely off the traveled portion of this roadway before loading or unloading people. A school bus stop is designated under this clause if the transportation director of the school district in which the bus stop is located, in consultation with the road authority, certifies the integrity of the shoulder and the safety of the location for loading and unloading people. Each designated school bus stop must be documented and approved by the school board.

Sec. 26. Minnesota Statutes 1998, section 169.68, is amended to read:

169.68 **HORN, SIREN.**

(a) Every motor vehicle when operated upon a highway shall must be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, ~~but not~~. However, the horn or other warning device shall must not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with the horn, but shall not otherwise use ~~such~~ the horn when upon a highway.

Ne (b) A vehicle shall must not be equipped with, ~~nor shall any~~ and a person shall not use upon a vehicle, any siren, whistle, or bell, except as otherwise permitted in this section.

(c) It is permissible, but not required, ~~that for~~ any commercial vehicle to be equipped with a theft alarm signal device ~~which is~~, so arranged that it cannot be used by the driver as an ordinary warning signal.

(d) All authorized emergency vehicles shall must be equipped with a siren capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the department of public safety, but ~~such~~ conforming

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to the federal certification standards for sirens, as determined by the General Services Administration. However, the siren shall must not be used except when ~~such~~ the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of ~~such~~ the vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the vehicle's approach thereof.

Sec. 27. Minnesota Statutes 1998, section 169.781, subdivision 3, is amended to read:

Subd. 3. **INSPECTOR CERTIFICATION; SUSPENSION AND REVOCATION; HEARING.** (a) An inspection required by this section may be performed only by:

(1) an employee of the department of public safety or transportation who has been certified by the commissioner after having received training provided by the state patrol; or

(2) another person who has been certified by the commissioner after having received training provided by the state patrol or other training approved by the commissioner.

(b) A person who is not an employee of the department of public safety or transportation may be certified by the commissioner if the person is: (1) an owner, or employee of the owner, of one or more commercial motor vehicles that are power units; (2) a dealer licensed under section 168.27 and engaged in the business of buying and selling commercial motor vehicles, or an employee of the dealer; or (3) engaged in the business of repairing and servicing commercial motor vehicles. Certification of persons described in clauses (1) to (3) is effective for two years from the date of certification. The commissioner may require biennial retraining of persons holding a certificate under this paragraph as a condition of renewal of the certificate. The commissioner may charge a fee of not more than \$10 for each certificate issued and renewed. A certified person described in clauses (1) to (3) may charge a reasonable fee of ~~not more than~~ \$50 for each inspection of a vehicle not owned by the person or the person's employer.

(c) Except as otherwise provided in subdivision 5, the standards adopted by the commissioner for commercial motor vehicle inspections under sections 169.781 to 169.783 shall be the standards prescribed in Code of Federal Regulations, title 49, section 396.17, and in chapter III, subchapter B, appendix G. The commissioner may classify types of vehicles for inspection purposes and may issue separate classes of inspector certificates for each class.

The commissioner shall issue separate categories of inspector certificates based on the following classifications:

(1) a class of certificate that authorizes the certificate holder to inspect commercial motor vehicles without regard to ownership or lease; and

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(2) a class of certificate that authorizes the certificate holder to inspect only commercial motor vehicles the certificate holder owns or leases.

The commissioner shall issue a certificate described in clause (1) only to a person described in paragraph (b), clause (2) or (3).

(d) The commissioner, after notice and an opportunity for a hearing, may suspend a certificate issued under paragraph (b) for failure to meet annual certification requirements prescribed by the commissioner or failure to inspect commercial motor vehicles in accordance with inspection procedures established by the state patrol. The commissioner shall revoke a certificate issued under paragraph (b) if the commissioner determines after notice and an opportunity for a hearing that the certified person issued an inspection decal for a commercial motor vehicle when the person knew or reasonably should have known that the vehicle was in such a state of repair that it would have been declared out of service if inspected by an employee of the state patrol. Suspension and revocation of certificates under this subdivision are not subject to sections 14.57 to 14.69.

Sec. 28. Minnesota Statutes 1998, 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, 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 fees are collected by a county-operated office of deputy registrar licensing agent appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 7 4. ~~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 168.33 171.061,~~ subdivision 2 4. A suspension may be rescinded without fee for good cause.

Sec. 29. Minnesota Statutes 1999 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 \$40 surcharge before the driver's license is reinstated. The \$250 fee is to be credited as follows:

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

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

(3) Eight percent ~~shall~~ must 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~~ must be

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apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Twelve percent shall must 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 for elementary and secondary school students; and

(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 must be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. The money in the account is annually appropriated to the commissioner of health to be used as follows: 35 percent for a contract with a qualified community-based organization to provide information, resources, and support to assist persons with traumatic brain injury and their families to access services, and 65 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this clause, a "qualified community-based organization" is a private, not-for-profit organization of consumers of traumatic brain injury services and their family members. The organization must be registered with the United States Internal Revenue Service under ~~the provisions of~~ section 501(c)(3) as a tax-exempt organization and must have as its purposes:

(i) the promotion of public, family, survivor, and professional awareness of the incidence and consequences of traumatic brain injury;

(ii) the provision of a network of support for persons with traumatic brain injury, their families, and friends;

(iii) the development and support of programs and services to prevent traumatic brain injury;

(iv) the establishment of education programs for persons with traumatic brain injury; and

(v) the empowerment of persons with traumatic brain injury through participation in its governance.

No patient's name, identifying information or identifiable medical data will be disclosed to the organization without the informed voluntary written consent of the patient or patient's guardian, or if the patient is a minor, of the parent or guardian of the patient.

(c) The \$40 surcharge shall must be credited to a separate account to be known as the remote electronic alcohol monitoring 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.

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(d) When these fees are collected by a ~~county-operated office of deputy registrar licensing agent, appointed under section 171.061~~, a handling charge is imposed in the amount specified under ~~section 168.33 171.061~~, subdivision 7 4. 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 168.33 171.061~~, subdivision 2 4.

Sec. 30. Minnesota Statutes 1998, section 325E.15, is amended to read:

325E.15 TRANSFER OF MOTOR VEHICLE; MILEAGE DISCLOSURE.

No person shall transfer a motor vehicle without disclosing in writing to the transferee the true mileage registered on the odometer reading or that the actual mileage is unknown if the odometer reading is known by the transferor to be different from the true mileage. ~~The registrar of motor vehicles shall adopt, pursuant to the Administrative Procedure Act, rules not inconsistent with sections 325E.13 to 325E.16 or regulations contained in Code of Federal Regulations, title 49, sections 580.1 to 580.17, as amended through October 1, 1998, implementing Title IV of the Federal Motor Vehicle Information and Cost Savings Act or any rules promulgated thereunder prescribing~~ prescribe the manner in which such written disclosure ~~shall~~ must be made in this state and are adopted by reference. No transferor shall violate any rules regulations adopted under this section or knowingly give a false statement to a transferee in making any disclosure required by such rules the regulations.

Sec. 31. Laws 1995, chapter 264, article 2, section 44, as amended by Laws 1996, chapter 471, article 2, section 27, and Laws 1998, chapter 389, article 8, section 33, is amended to read:

Sec. 44. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Sections 3 and 4 are effective June 1, 1995. ~~Section 4 is repealed June 1, 2000.~~

Sections 5 to 21 and 43, paragraph (a), are effective July 1, 1995.

Sections 23, 28, 33, 40, 42, and the part of section 22 amending language in paragraph (i), clause (vii), are effective the day following final enactment.

Sections 24 and 34 are effective for sales made after December 31, 1996.

Section 25 is effective beginning with leases or rentals made after June 30, 1995.

Section 26 is effective retroactively for sales after May 31, 1992.

Section 27 is effective for sales made after June 30, 1995.

Section 29 and the part of section 22 striking the language after paragraph (h) are effective for sales after June 30, 1995.

Section 32 is effective for sales made after June 30, 1995, and before July 1, 1999.

Sections 35 and 36 are effective for sales or transfers made after June 30, 1995.

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Section 38 is effective the day after the governing body of the city of Winona complies with Minnesota Statutes, section 645.021, subdivision 3.

Section 39 is effective upon compliance by the Minneapolis city council with Minnesota Statutes, section 645.021, subdivision 3.

Section 43, paragraph (b), is effective for sales of 900 information services made after June 30, 1995.

Sec. 32. REPEALER.

Minnesota Statutes 1998, section 168.1292, is repealed.

Sec. 33. EFFECTIVE DATE.

Sections 22 to 24 are effective the day following final enactment, for offenses committed after final enactment. Sections 16, 17, 27, and 31 are effective the day following final enactment.

Presented to the governor April 17, 2000

Signed by the governor April 20, 2000, 10:21 a.m.

CHAPTER 427—S.F.No. 2870

An act relating to financial institutions; regulating certain loan charges and payments; establishing a foundation loan portfolio pilot project; regulating detached banking facilities; making various technical changes; appropriating money; amending Minnesota Statutes 1998, sections 47.59, subdivisions 1, 7, 10, and by adding a subdivision; 47.60, subdivision 2; 48.56; 52.04, subdivision 1; 56.131, subdivision 4; 58.02, subdivision 10; 58.04, subdivisions 2 and 3; 58.05, by adding a subdivision; 58.08, as amended; 58.10, subdivision 1; and 168.72, by adding a subdivision; Minnesota Statutes 1999 Supplement, sections 47.52; and 58.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 58; repealing Minnesota Statutes 1998, sections 58.02, subdivision 15; and 58.05, subdivision 2; Minnesota Rules, parts 2675.4180; and 2675.6141, subpart 1.

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

Section 1. Minnesota Statutes 1999 Supplement, section 47.52, is amended to read:

47.52 AUTHORIZATION.

(a) With the prior approval of the commissioner, any bank doing business in this state may establish and maintain detached facilities provided the facilities are located within: (1) the municipality in which the principal office of the applicant bank is located; or (2) 5,000 feet of its principal office measured in a straight line from the closest points of the closest structures involved; or (3) a municipality in which no bank is located at the time of application; or (4) a municipality having a population of more than 10,000; or (5) a municipality having a population of 10,000 or less, as determined

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