

in section 160.02, in the seven-county metropolitan area.

(b) If the commissioner permits the use of a freeway or expressway shoulder by transit buses, the commissioner shall also permit the use on that shoulder of a bus with a seating capacity of 40 passengers or more operated by a motor carrier of passengers, as defined in section 221.011, subdivision 48, while operating in intrastate commerce.

(c) Buses authorized to use the shoulder under this section may be operated on the shoulder only when main line traffic speeds are less than 35 miles per hour. Drivers of buses being operated on the shoulder may not exceed the speed of main line traffic by more than 15 miles per hour and may never exceed 35 miles per hour. Drivers of buses being operated on the shoulder must yield to merging, entering, and exiting traffic and must yield to other vehicles on the shoulder. Buses operated on the shoulder must be registered with the Department of Transportation.

(d) For the purposes of this section, the term "metro mobility bus" means a motor vehicle of not less than 20 feet in length engaged in providing special transportation services under section 473.386 that is:

(1) operated by the Metropolitan Council, or operated by a public or private entity receiving financial assistance from the Metropolitan Council; and

(2) authorized by the council to use freeway or expressway shoulders.

Sec. 2. EFFECTIVE DATE.

This act is effective on the day following final enactment.

Presented to the governor May 9, 2005

Signed by the governor May 10, 2005, 8:30 a.m.

CHAPTER 52—S.F.No. 4

An act relating to agriculture; increasing minimum ethanol content required for gasoline sold in the state; establishing a petroleum replacement goal; requiring studies and reports; amending Minnesota Statutes 2004, section 239.791, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 239.

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

Section 1. Minnesota Statutes 2004, section 239.791, subdivision 1, is amended to read:

Subdivision 1. **MINIMUM ETHANOL CONTENT REQUIRED.** (a) Except as provided in subdivisions 10 to 14, a person responsible for the product shall ensure that all gasoline sold or offered for sale in Minnesota must contain at least 10.0 percent denatured ethanol by volume.

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

(b) For purposes of enforcing the minimum ethanol requirement of paragraph (a), a gasoline/ethanol blend will be construed to be in compliance if the ethanol content, exclusive of denaturants and permitted contaminants, comprises not less than 9.2 percent by volume and not more than 10.0 percent by volume of the blend as determined by an appropriate United States Environmental Protection Agency or American Society of Testing Materials standard method of analysis of alcohol/ether content in motor fuels.

(c) The provisions of this subdivision are suspended during any period of time that subdivision 1a, paragraph (a), is in effect.

Sec. 2. Minnesota Statutes 2004, section 239.791, is amended by adding a subdivision to read:

Subd. 1a. MINIMUM ETHANOL CONTENT REQUIRED. (a) Except as provided in subdivisions 10 to 14, on August 30, 2013, and thereafter, a person responsible for the product shall ensure that all gasoline sold or offered for sale in Minnesota must contain at least 20 percent denatured ethanol by volume.

(b) For purposes of enforcing the minimum ethanol requirement of paragraph (a), a gasoline/ethanol blend will be construed to be in compliance if the ethanol content, exclusive of denaturants and permitted contaminants, comprises not less than 18.4 percent by volume and not more than 20 percent by volume of the blend as determined by an appropriate United States Environmental Protection Agency or American Society of Testing Materials standard method of analysis of alcohol content in motor fuels.

(c) No motor fuel shall be deemed to be a defective product by virtue of the fact that the motor fuel is formulated or blended pursuant to the requirements of paragraph (a) under any theory of liability except for simple or willful negligence or fraud. This paragraph does not preclude an action for negligent, fraudulent, or willful acts. This paragraph does not affect a person whose liability arises under chapter 115, water pollution control; 115A, waste management; 115B, environmental response and liability; 115C, leaking underground storage tanks; or 299J, pipeline safety; under public nuisance law for damage to the environment or the public health; under any other environmental or public health law; or under any environmental or public health ordinance or program of a municipality as defined in section 466.01.

(d) This subdivision expires on December 31, 2010, if by that date:

(1) the commissioner of agriculture certifies and publishes the certification in the State Register that at least 20 percent of the volume of gasoline sold in the state is denatured ethanol; or

(2) federal approval has not been granted for the use of E20 as gasoline. The United States Environmental Protection Agency's failure to act on an application shall not be deemed approval of the use of E20, or a waiver under section 211(f)(4) of the Clean Air Act, United States Code, title 42, section 7545, subsection (f), paragraph (4).

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

Sec. 3. [239.7911] PETROLEUM REPLACEMENT PROMOTION.

Subdivision 1. PETROLEUM REPLACEMENT GOAL. The petroleum replacement goal of the state of Minnesota is that at least 20 percent of the liquid fuel sold in the state is derived from renewable sources by December 31, 2015.

Subd. 2. PROMOTION OF RENEWABLE LIQUID FUELS. (a) The commissioner of agriculture, in consultation with the commissioners of commerce and the Pollution Control Agency, shall identify and implement activities necessary for the widespread use of renewable liquid fuels in the state. Beginning November 1, 2005, and continuing through 2015, the commissioners, or their designees, shall work with representatives from the renewable fuels industry, petroleum retailers, refiners, automakers, small engine manufacturers, and other interested groups, to develop annual recommendations for administrative and legislative action.

(b) The activities of the commissioners under this subdivision shall include, but not be limited to:

(1) developing recommendations for incentives for retailers to install equipment necessary for dispensing renewable liquid fuels to the public;

(2) obtaining federal approval for the use of E20 as gasoline;

(3) developing recommendations for ensuring that motor vehicles and small engine equipment have access to an adequate supply of fuel;

(4) working with the owners and operators of large corporate automotive fleets in the state to increase their use of renewable fuels; and

(5) working to maintain an affordable retail price for liquid fuels.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. REPORT ON E20 FUEL.

The commissioner of agriculture, in consultation with the commissioners of employment and economic development and the Pollution Control Agency, shall review the information and data collected in the evaluation of any federal waiver request for the use of E20 fuel in Minnesota. The commissioner shall use existing budgetary and staff resources in conducting the review. The review must include:

(1) issues involving the use of E20 fuel if such fuel is mandated in Minnesota;

(2) effects of E20 on development of Minnesota's ethanol industry; and

(3) effects of E20 on Minnesota consumers.

The commissioner shall present an initial report to the legislative committees having jurisdiction over agriculture and environment policy and finance on the findings of the review to the legislature by January 15, 2009, and present an updated report to those committees on January 15, 2011.

Sec. 5. SMALL ENGINE REPORT.

The commissioner of commerce, in consultation with the commissioner of agriculture, shall:

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(1) solicit information from national experts and stakeholders, which may include the United States Consumer Product Safety Commission, and review scientific studies on the use of E20 gasoline in motorcycles, outboard engines, snowmobiles, lawn and garden products, and other consumer equipment powered by small spark-ignited engines;

(2) inventory and assess the availability of gasoline not blended with ethanol throughout the state for exempt uses under Minnesota Statutes, section 239.791, subdivisions 10 to 14, and make recommendations for addressing those areas in which the commissioner finds unblended gasoline is not readily available to consumers;

(3) develop recommendations for notifying consumers as to the availability of gasoline not blended with ethanol in the state, and the appropriate use of gasoline blended with ethanol in small spark-ignited engines found in motorcycles, outboard engines, snowmobiles, and lawn and garden products; and

(4) by January 15, 2008, report to the agriculture and environmental policy committees of the house of representatives and senate on information and activities required under clauses (1) to (3).

Presented to the governor May 9, 2005

Signed by the governor May 10, 2005, 2:45 p.m.

CHAPTER 53—S.F.No. 1095

An act relating to drivers' licenses; authorizing commissioner of public safety to waive road test for licensed military personnel; amending Minnesota Statutes 2004, section 171.13, subdivision 1a.

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

Section 1. Minnesota Statutes 2004, section 171.13, subdivision 1a, is amended to read:

Subd. 1a. **WAIVER WHEN LICENSE ISSUED BY ANOTHER JURISDICTION.** (a) The commissioner may waive the requirement that the applicant demonstrate ability to exercise ordinary and reasonable control in the operation of a motor vehicle on determining that the applicant possesses a valid driver's license issued by a jurisdiction that requires a comparable demonstration for license issuance.

(b) For purposes of this subdivision, "jurisdiction" includes, but is not limited to, both the active and reserve components of any branch or unit of the United States armed forces, and "valid driver's license" includes any driver's license that is recognized by that branch or unit as currently being valid, or as having been valid at the time of the applicant's separation or discharge from the military within a period of time deemed reasonable and fair by the commissioner, up to and including one year

New language is indicated by underline, deletions by strikeout.