

**CHAPTER 6—H.F.No. 140**

*An act relating to appropriations; appropriating money for transportation, Metropolitan Council, and public safety activities; providing for general contingent accounts and tort claims; providing for various fees and accounts; allocating county state-aid highway funds; modifying provisions related to state mail, state highways and bridges, county state-aid highways, town road signs, railroad grade crossings and operations, traffic fine allocations, commercial motor vehicles, day activity center buses, vehicle registration plates and other motor vehicle provisions, driver and vehicle data practices, deputy motor vehicle registrars, state aviation, bridges in smaller cities, weight limits on highways and other traffic regulations, drivers' licenses and permits, the Commuter Rail Corridor Coordinating Committee, Roussain Cemetery, wetland replacement near the city of Cologne, the employment status of public safety radio communications operators, the insurance verification sampling program, maximum train speeds in the city of Orr, a restriction on ethanol requirements, and bicycle programs; requiring studies and reports; making technical and clarifying revisions; amending Minnesota Statutes 2004, sections 13.44, subdivision 3; 16B.49; 115A.908, subdivision 1; 161.14, subdivision 25, by adding subdivisions; 161.361, subdivision 2; 161.368; 162.02, subdivisions 2, 3a; 162.06, subdivision 2; 162.08, subdivision 3; 162.09, subdivisions 2, 3a; 162.14, subdivision 6; 168.011, subdivisions 3, 4, 5, 5a, 6, 7, 25, by adding subdivisions; 168.012, subdivision 1, as amended; 168.013, subdivision 8; 168.031; 168.09, subdivision 7; 168.091, subdivision 1; 168.10, subdivision 1c; 168.105, subdivisions 2, 3, 5; 168.12; 168.123; 168.1235; 168.124; 168.125; 168.1255; 168.127, subdivision 6; 168.128; 168.129; 168.1291; 168.1293; 168.1296; 168.1297; 168.15, subdivision 1; 168.16; 168.185; 168.27, subdivision 11; 168.31, subdivision 5; 168.33, as amended; 168.345, subdivisions 1, 2; 168.381; 168.54, subdivisions 4, 5; 168A.152, subdivision 2; 168A.20, by adding a subdivision; 168A.29; 168A.31; 169.01, subdivisions 75, 76, 78; 169.06, subdivisions 5, 6; 169.09, subdivision 13; 169.14, subdivision 2, by adding a subdivision; 169.18, subdivisions 4, 5, 11, as amended; 169.28, subdivision 2; 169.448, by adding a subdivision; 169.522; 169.81, subdivision 3c; 169.8261; 169.851, subdivision 5; 169.86, subdivision 5; 169.99, subdivision 1b; 169A.52, subdivision 3; 169A.60, subdivision 16; 171.01, subdivisions 22, 35, 47, by adding a subdivision; 171.02; 171.03; 171.04, subdivision 2; 171.05, subdivisions 1, 2, 2b; 171.055, subdivision 2; 171.06, subdivisions 2, 2a; 171.061, subdivision 4; 171.07, subdivision 11; 171.09, as amended; 171.12, subdivisions 3, 6; 171.13, subdivisions 2, 6, by adding a subdivision; 171.165, subdivisions 1, 2, 6; 171.17, subdivision 1; 171.18, subdivision 1; 171.20, subdivision 4, as amended; 171.26, as amended; 171.29, subdivision 2; 171.30, subdivision 1; 171.36; 174.50, by adding a subdivision; 174.86, subdivision 5; 179A.03, subdivision 7, as amended; 179A.10, subdivision 2; 192.502, subdivision 2; 197.65; 219.166; 219.567; 299D.03, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 160; 162; 168; 171; 219; 299A; repealing Minnesota Statutes 2004, sections 168.011, subdivision 19; 168.012, subdivision 12; 168.041, subdivision 11; 168.105, subdivision 6; 168.15, subdivision 2; 168.231; 168.345, subdivisions 3, 4; 168.831; 168.832; 168.833; 168.834; 168.835; 168.836; 168.837; 168C.01; 168C.02; 168C.03; 168C.04; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.10; 168C.11; 168C.12; 168C.13; 170.23; 171.12, subdivision 8; 171.165, subdivisions 3, 4, 4a, 4b; 171.185; 473.408, subdivision 1; Minnesota Rules, parts 7407.0100; 7407.0200; 7407.0300; 7407.0400; 7407.0500; 7407.0600; 7407.0700; 7407.0800; 7407.0900; 7407.1000; 7407.1100; 7407.1200; 7407.1300; 7503.2400; 7800.0600; 7800.3200, subpart 1; 7805.0700; 8850.6900, subpart 20; 8855.0500, subpart 1.*

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

**ARTICLE 1****APPROPRIATIONS****TRANSPORTATION, METROPOLITAN COUNCIL, PUBLIC SAFETY****Section 1. TRANSPORTATION, METROPOLITAN COUNCIL, PUBLIC SAFETY APPROPRIATIONS.**

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this article, to be available for the fiscal years indicated for each purpose. The figures "2006" and "2007," where used in this article, mean that the appropriations listed under them are available for the year ending June 30, 2006, or June 30, 2007, respectively. The term "first year" means the year ending June 30, 2006, and the term "second year" means the year ending June 30, 2007.

**SUMMARY BY FUND**

	2006	2007	TOTAL
General	\$ 101,966,000	\$ 103,221,000	\$ 205,187,000
Airports	19,458,000	19,458,000	38,916,000
C.S.A.H.	441,335,000	453,948,000	895,283,000
M.S.A.S.	117,048,000	120,841,000	237,889,000
Special Revenue	45,417,000	44,772,000	90,189,000
Highway User	8,568,000	8,638,000	17,206,000
Trunk Highway	1,148,211,000	1,260,498,000	2,408,709,000
<b>TOTAL</b>	<b>\$1,882,003,000</b>	<b>\$2,011,376,000</b>	<b>\$3,893,379,000</b>

**APPROPRIATIONS**

Available for the Year  
Ending June 30

2006                      2007

**Sec. 2. TRANSPORTATION**

Subdivision 1. Total Appropriation                      \$1,671,077,000      \$1,799,779,000

The appropriations in this section are from the trunk highway fund, except when another fund is named.

**Summary by Fund**

	2006	2007
General	19,221,000	19,221,000

Airports	19,408,000	19,408,000
C.S.A.H.	441,335,000	453,948,000
M.S.A.S.	117,048,000	120,841,000
Trunk Highway	1,074,065,000	1,186,361,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Multimodal Systems		45,147,000	45,147,000
Summary by Fund			
Airports	19,383,000	19,383,000	
General	19,156,000	19,156,000	
Trunk Highway	6,608,000	6,608,000	

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Aeronautics		20,220,000	20,220,000
Summary by Fund			
Airports	19,383,000	19,383,000	
Trunk Highway	837,000	837,000	

Except as otherwise provided, the appropriations in this subdivision are from the state airports fund.

(1) Airport Development and Assistance		
	14,298,000	14,298,000

These appropriations must be spent according to Minnesota Statutes, section 360.305, subdivision 4.

Notwithstanding Minnesota Statutes, section 16A.28, subdivision 6, funds are available for five years after appropriation.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Of the state airports fund appropriation in Laws 2003, First Special Session chapter 19, article 1, section 2, subdivision 2, paragraph (a), clause (1), \$1,900,000 cancels to the state airports fund. This cancellation is effective the day following final enactment.

(2) Aviation Support and Services		5,922,000	5,922,000
	Summary by Fund		
Airports	5,085,000	5,085,000	
Trunk Highway	837,000	837,000	

\$65,000 the first year and \$65,000 the second year are for the Civil Air Patrol.

(b) Transit

	19,605,000	19,605,000	
	Summary by Fund		
General	18,810,000	18,810,000	
Trunk Highway	795,000	795,000	

(c) Freight

	5,322,000	5,322,000	
	Summary by Fund		
General	346,000	346,000	
Trunk Highway	4,976,000	4,976,000	
Subd. 3. State Roads		1,011,958,000	1,124,254,000
	Summary by Fund		
General	9,000	9,000	
Trunk Highway	1,011,949,000	1,124,245,000	

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Infrastructure Investment and Planning		
	801,247,000	913,543,000
(1) Infrastructure Investment Support		
	168,207,000	168,207,000

\$266,000 the first year and \$266,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area.

\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$600,000 the first year and \$600,000 the second year are available for grants for transportation studies outside the metropolitan area to identify critical concerns, problems, and issues. These grants are available (1) to regional development commissions and (2) in regions where no regional development commission is functioning, to joint powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission, and (3) in regions where no regional development commission or joint powers board is functioning, to the department's district office for that region.

(2) State Road Construction

576,950,000	680,950,000
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It is estimated that these appropriations will be funded as follows:

Federal Highway Aid

280,000,000	384,000,000
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Highway User Taxes

296,950,000	296,950,000
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The commissioner of transportation shall notify the chair of the Transportation Budget Division of the senate and the chair of

the Transportation Finance Committee of the house of representatives of any significant events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways, including design-build contracts and consultant usage to support these activities. This includes the cost of actual payment to landowners for lands acquired for highway rights-of-way, payment to lessees, interest subsidies, and relocation expenses.

The commissioner may transfer up to \$15,000,000 each year to the transportation revolving loan fund.

The commissioner may receive money covering other shares of the cost of partnership projects. These receipts are appropriated to the commissioner for these projects.

(3) Highway Debt Service

56,090,000	64,386,000
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\$40,415,000 the first year and \$58,526,000 the second year are for transfer to the state bond fund. If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the Committee on Finance of the senate and the Committee on Ways and Means of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation. Any excess appropriation cancels to the trunk highway fund.

(b) Infrastructure Operations and Maintenance

204,746,000	204,746,000
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(c) Electronic Communications

5,965,000

5,965,000

Summary by Fund

General

9,000

9,000

Trunk Highway

5,956,000

5,956,000

\$9,000 the first year and \$9,000 the second

year are from the general fund for equip-

ment and operation of the Roosevelt signal

tower for Lake of the Woods weather

broadcasting.

Subd. 4. Local Roads

558,383,000

574,789,000

Summary by Fund

C.S.A.H.

441,335,000

453,948,000

M.S.A.S.

117,048,000

120,841,000

The amounts that may be spent from this  
appropriation for each activity are as fol-

lows:

(a) County State Aids

441,335,000

453,948,000

This appropriation is from the county state-  
aid highway fund and is available until

spent.

(b) Municipal State Aids

117,048,000

120,841,000

This appropriation is from the municipal  
state-aid street fund and is available until

spent.

If an appropriation for either county state  
aids or municipal state aids does not ex-  
haust the balance in the fund from which it  
is made in the year for which it is made, the  
commissioner of finance, upon request of  
the commissioner of transportation, shall  
notify the chair of the Transportation Fi-  
nance Committee of the house of represen-

tatives and the chair of the Transportation Budget Division of the senate of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of county state aids or municipal state aids, as appropriate.

If the appropriation for either county state aids or municipal state aids does exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance shall notify the chair of the Transportation Finance Committee of the house of representatives and the chair of the Transportation Budget Division of the senate of the amount by which the appropriation exceeds the balance and shall then reduce that amount from the appropriation.

Subd. 5. General Support and Services	55,589,000	55,589,000
Summary by Fund		
General	56,000	56,000
Airports	25,000	25,000
Trunk Highway	55,508,000	55,508,000

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Department Support

38,999,000                      38,999,000

Summary by Fund

Airports	25,000	25,000
Trunk Highway	38,974,000	38,974,000

(b) Buildings

16,590,000                      16,590,000

Summary by Fund

General	56,000	56,000
Trunk Highway	16,534,000	16,534,000



If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 6. Transfers

(a) With the approval of the commissioner of finance, the commissioner of transportation may transfer unencumbered balances among the appropriations from the trunk highway fund and the state airports fund made in this section. No transfer may be made from the appropriation for state road construction. No transfer may be made from the appropriations for debt service to any other appropriation. Transfers under this paragraph may not be made between funds. Transfers between programs must be reported immediately to the chair of the Transportation Budget Division of the senate and the chair of the Transportation Finance Committee of the house of representatives.

(b) The commissioner of finance shall transfer from the flexible account in the county state-aid highway fund \$5,650,000 the first year and \$1,480,000 the second year to the municipal turnback account in the municipal state-aid street fund and \$10,390,000 the first year and \$7,380,000 the second year to the trunk highway fund; and the remainder in each year to the county turnback account in the county state-aid highway fund.

Subd. 7. Use of State Road Construction Appropriations

Any money appropriated to the commissioner of transportation for state road construction for any fiscal year before fiscal year 2006 is available to the commissioner during fiscal years 2006 and 2007 to the extent that the commissioner spends the money on the state road construction

project for which the money was originally encumbered during the fiscal year for which it was appropriated. The commissioner of transportation shall report to the commissioner of finance by August 1, 2005, and August 1, 2006, on a form the commissioner of finance provides, on expenditures made during the previous fiscal year that are authorized by this subdivision.

Subd. 8. Contingent Appropriation

The commissioner of transportation, with the approval of the governor after review by the Legislative Advisory Commission under Minnesota Statutes, section 3.30, may transfer all or part of the unappropriated balance in the trunk highway fund to an appropriation (1) for trunk highway design, construction, or inspection in order to take advantage of an unanticipated receipt of income to the trunk highway fund or to take advantage of federal advanced construction funding, (2) for trunk highway maintenance in order to meet an emergency, or (3) to pay tort or environmental claims. Any transfer as a result of the use of federal advanced construction funding must include an analysis of the effects on the long-term trunk highway fund balance. The amount transferred is appropriated for the purpose of the account to which it is transferred.

Sec. 3. METROPOLITAN COUNCIL TRANSIT	77,503,000	78,753,000
(a) Bus Transit		
73,453,000	73,453,000	

This appropriation is for bus system operations.

(b) Rail Operations		
4,050,000	5,300,000	

This appropriation is for operations of the

## Hiawatha light rail transit line.

This appropriation is for paying 50 percent of operating costs for the Hiawatha light rail transit line after operating revenue and federal funds are used for light rail transit operations. The remaining operating costs up to a maximum of \$4,050,000 the first year and \$5,300,000 the second year are to be paid by the Hennepin County Regional Rail Authority, using any or all of these sources:

- (1) general tax revenues of Hennepin County;
- (2) the authority's reserves; and
- (3) taxes levied under Minnesota Statutes, section 398A.04, subdivision 8, notwithstanding any provision in that subdivision that limits amounts that may be levied for light rail transit purposes.

## Sec. 4. PUBLIC SAFETY

Subdivision 1. Total Appropriation		132,448,000	131,869,000
	Summary by Fund		
General	5,242,000	5,247,000	
Trunk Highway	73,346,000	73,337,000	
Highway User	8,443,000	8,513,000	
Special Revenue	45,417,000	44,742,000	
Subd. 2. Administration and Related services		9,694,000	9,699,000
	Summary by Fund		
General	2,371,000	2,376,000	
Trunk Highway	5,938,000	5,938,000	
Highway User	1,385,000	1,385,000	
(a) Office of Communications			
	385,000	385,000	
	Summary by Fund		
General	39,000	39,000	
Trunk Highway	346,000	346,000	

(b) Public Safety Support

6,855,000                      6,860,000

Summary by Fund

General	2,241,000	2,246,000
Trunk Highway	3,248,000	3,248,000
Highway User	1,366,000	1,366,000

\$375,000 the first year and \$380,000 the second year are for payment of public safety officer survivor benefits under Minnesota Statutes, section 299A.44. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$314,000 the first year and \$314,000 the second year are to be deposited in the public safety officer's benefit account. This money is available for reimbursements under Minnesota Statutes, section 299A.465.

\$508,000 the first year and \$508,000 the second year are for soft body armor reimbursements under Minnesota Statutes, section 299A.38.

\$792,000 the first year and \$792,000 the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on December 31, 2005, and December 31, 2006, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the administration and related services program.

\$610,000 the first year and \$610,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the trunk highway fund on December 31, 2005, and December 31, 2006, respec-

tively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for highway user tax distribution fund purposes in the administration and related services program.

\$716,000 the first year and \$716,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the general fund on December 31, 2005, and December 31, 2006, respectively, in order to reimburse the general fund for expenses not related to the fund. These represent amounts appropriated out of the general fund for operation of the criminal justice data network related to driver and motor vehicle licensing.

## (c) Technical Support Services

	2,454,000	2,454,000
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## Summary by Fund

General	91,000	91,000	
Trunk Highway	2,344,000	2,344,000	
Highway User	19,000	19,000	
Subd. 3. State Patrol		70,047,000	70,038,000

## Summary by Fund

General	2,871,000	2,871,000
Trunk Highway	67,084,000	67,075,000
Highway User	92,000	92,000

## (a) Patrolling Highways

	60,739,000	60,730,000
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## Summary by Fund

General	37,000	37,000
Trunk Highway	60,610,000	60,601,000
Highway User	92,000	92,000

\$3,700,000 the first year is for the cost of adding State Patrol positions. If money

transferred to the trunk highway fund in the first year from the alcohol enforcement account in the special revenue fund is less than the amount specified in this paragraph, the commissioner shall make up the difference by transferring to the trunk highway fund money allocated to the commissioner under the federal Repeat Offender Transfer Program, Public Law 105-206, section 164.

(b) Commercial Vehicle Enforcement

6,474,000	6,474,000
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This appropriation is from the trunk highway fund.

(c) Capitol Security

2,834,000	2,834,000
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The commissioner may not (1) spend any money from the trunk highway fund for capitol security or (2) permanently transfer any state trooper from the patrolling highways activity to capitol security.

The commissioner may not transfer any money (1) appropriated for Department of Public Safety administration, the patrolling of highways, commercial vehicle enforcement, or driver and vehicle services to capitol security or (2) from capitol security.

Subd. 4. Driver and Vehicle Services

51,389,000	50,814,000
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Summary by Fund

Highway User	6,966,000	7,036,000
Special Revenue	44,423,000	43,778,000

(a) Vehicle Services

23,383,000	23,849,000
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Summary by Fund

Highway User	6,966,000	7,036,000
Special Revenue	16,417,000	16,813,000

This appropriation is from the vehicle services operating account in the special revenue fund.

## (b) Driver Services

28,006,000	26,965,000
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This appropriation is from the driver services operating account in the special revenue fund.

Subd. 5. Traffic Safety	324,000	324,000
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This appropriation is from the trunk highway fund.

The commissioner of public safety shall spend 50 percent of the money available to the state under Public Law 105-206, section 164, and the remaining 50 percent must be transferred to the commissioner of transportation for hazard elimination activities under United States Code, title 23, section 152.

Subd. 6. Pipeline Safety	994,000	994,000
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This appropriation is from the pipeline safety account in the special revenue fund.

Sec. 5. GENERAL CONTINGENT ACCOUNTS	375,000	375,000
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## Summary by Fund

Trunk Highway	200,000	200,000
Highway User	125,000	125,000
Airports	50,000	50,000

The appropriations in this section may only be spent with the approval of the governor after consultation with the Legislative Advisory Commission pursuant to Minnesota Statutes, section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Sec. 6. TORT CLAIMS 600,000 600,000

To be spent by the commissioner of finance.

This appropriation is from the trunk highway fund.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

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## ARTICLE 2

### PUBLIC SAFETY ACTIVITIES, FEES, ACCOUNTS

Section 1. Minnesota Statutes 2004, section 115A.908, subdivision 1, is amended to read:

Subdivision 1. **FEE CHARGED.** A fee of \$4 \$10 shall be charged on the initial registration and each subsequent transfer of title within the state, other than transfers for resale purposes, of every motor vehicle weighing more than 1,000 pounds. The fee shall be collected in an appropriate manner by the motor vehicle registrar commissioner of public safety. Registration plates or certificates of title may not be issued by the motor vehicle registrar commissioner of public safety for the ownership or operation of a motor vehicle subject to the transfer fee unless the fee is paid. The fee may not be charged on the transfer of:

- (1) previously registered vehicles if the transfer is to the same person;
  - (2) vehicles subject to the conditions specified in section 297A.70, subdivision 2;
- or
- (3) vehicles purchased in another state by a resident of another state if more than 60 days have elapsed after the date of purchase and the purchaser is transferring title to this state and has become a resident of this state after the purchase.

Sec. 2. Minnesota Statutes 2004, section 168.013, subdivision 8, is amended to read:

Subd. 8. **PROCEEDS TO HIGHWAY USER FUND; VEHICLE SERVICES OPERATING ACCOUNT.** (a) Unless otherwise specified in this chapter, the net proceeds of the registration tax imposed on motor vehicles under this chapter shall must be collected by the registrar of motor vehicles and commissioner, paid into the

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



state treasury, and credited to the highway user tax distribution fund.

(b) All fees collected under this chapter, unless otherwise specified, must be deposited in the vehicle services operating account in the special revenue fund under section 299A.705.

Sec. 3. Minnesota Statutes 2004, section 168.09, subdivision 7, is amended to read:

**Subd. 7. DISPLAY OF TEMPORARY PERMIT; SPECIAL PLATES.** (a) A vehicle that displays a special plate issued under section 168.021; 168.12, subdivision 2, 2a, 2b, 2c, or 2d; 168.123; 168.124; 168.125; 168.126; 168.128; or 168.129, may display a temporary permit in conjunction with expired registration if:

- (1) the current registration tax and all other fees have been paid in full; and
- (2) the plate requires replacement under section 168.12, subdivision 1, paragraph ~~(b)~~ (d), clause (3).

(b) A vehicle that is registered under section 168.10 may display a temporary permit in conjunction with expired registration, with or without a registration license plate, if:

- (1) the license plates have been applied for and the registration tax has been paid in full, as provided for in section 168.10; and
- (2) the vehicle is used solely as a collector vehicle while displaying the temporary permit and not used for general transportation purposes.

(c) The permit is valid for a period of 60 days. The permit must be in a ~~form~~ format prescribed by the commissioner of public safety and whenever practicable must be posted upon the driver's side of the rear window on the inside of the vehicle. The permit is valid only for the vehicle for which it was issued to allow a reasonable time for the new license plates to be manufactured and delivered to the applicant.

Sec. 4. Minnesota Statutes 2004, section 168.105, subdivision 2, is amended to read:

**Subd. 2. AFFIDAVIT FOR REGISTRATION AND TAXATION.** (a) A classic motorcycle must be ~~listed for taxation~~ taxed and ~~registration~~ registered by ~~executed the vehicle owner submitting an affidavit to the commissioner~~ stating (1) the name and address of the owner, (2) the name and address of the person from whom purchased, (3) the make of the classic motorcycle, (4) the year and number of the model, (5) the manufacturer's vehicle identification number, (6) that the motorcycle is owned and operated solely as a collector's item and will not be used for general transportation purposes, and (7) that the owner has one or more motor vehicles with regular license plates.

(b) When the ~~registrar~~ commissioner is satisfied that the affidavit is true, correct, and complete and ~~that the owner has paid a \$10 registration tax, the registrar~~

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

~~commissioner shall list the vehicle for taxation and registration~~ register the vehicle and  
~~shall issue special number plates.~~

Sec. 5. Minnesota Statutes 2004, section 168.105, subdivision 3, is amended to read:

Subd. 3. ~~SPECIAL CLASSIC PLATES.~~ The ~~registrar~~ commissioner shall issue ~~number~~ plates of the same size as standard motorcycle license plates and inscribed "collector" and "Minnesota" with the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but without a date. The plates are valid without renewal as long as the classic motorcycle exists and may be issued for the applicant's use only for the classic motorcycle. The ~~registrar~~ commissioner may revoke the plates for noncompliance with this subdivision.

Sec. 6. Minnesota Statutes 2004, section 168.105, subdivision 5, is amended to read:

Subd. 5. **ORIGINAL PLATES.** (a) Instead of being issued special classic motorcycle plates, a classic motorcycle registered under this section may display original Minnesota ~~number~~ plates issued in the same year as the model year of the motorcycle on which they are displayed. The number of on the original plates must be provided to the ~~registrar~~ commissioner.

(b) Original Minnesota ~~number~~ plates may not be used if the number on the original plate is identical to the number on a current collector's plate issued by the ~~registrar~~ commissioner.

(c) A person currently using classic motorcycle plates issued under this section, shall return those plates to the registrar before substituting original plates.

(d) If the vehicle is not registered as a collector vehicle, the registrar may commissioner shall charge a fee of \$10 for registering the number on the original plates.

Sec. 7. Minnesota Statutes 2004, section 168.12, is amended to read:

168.12 **LICENSE PLATES.**

Subdivision 1. **NUMBER PLATES; DESIGN, VISIBILITY, PERIODS OF ISSUANCE.** (a) The ~~registrar~~ commissioner, upon the approval and payment, shall issue to the applicant the ~~number~~ plates required by law this chapter, bearing the state name and ~~the an assigned vehicle registration number assigned.~~ The number assigned by the commissioner may be a combination of a letter or sign with figures. The color of the plates and the color of the abbreviation of the state name and the number assigned shall must be in marked contrast. The plates shall must be lettered, spaced, or distinguished to suitably indicate the registration of the vehicle according to the rules of the ~~registrar, and~~ commissioner.

(b) When a vehicle is registered on the basis of total gross weight, the plates issued shall must clearly indicate by letters or other suitable insignia the maximum

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gross weight for which the tax has been paid. ~~These number~~

(c) ~~The plates shall~~ must be so treated as to be at least 100 times brighter than the conventional painted number plates. When properly mounted on an unlighted vehicle, ~~these number the~~ plates, when viewed from a vehicle equipped with standard headlights, ~~shall~~ must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

(b) ~~(d)~~ (d) The ~~registrar~~ commissioner shall issue ~~these number~~ plates for the following periods:

(1) ~~New number~~ plates issued pursuant to section 168.012, subdivision 1, ~~shall~~ must be issued to a vehicle for as long as it the vehicle is owned by the exempt agency and the plate shall not be transferable from one vehicle to another but the plate may be transferred with the vehicle from one tax-exempt agency to another.

(2) Plates issued for passenger automobiles as defined in section ~~168.011,~~ subdivision 7, ~~shall~~ must be issued for a seven-year period. All plates issued under this paragraph ~~must be replaced~~ if they are seven years old or older at the time of annual registration renewal or will become so during the registration period.

(3) ~~Number~~ Plates issued under sections 168.053 and 168.27, subdivisions 16 and 17, ~~shall~~ must be for a seven-year period.

(4) ~~Number~~ Plates issued under subdivisions 2c and 2d and section 168.123 ~~shall~~ must be issued for the life of the veteran under section 169.79.

(5) Plates for any vehicle not specified in clauses (1) to (3), except for trailers as hereafter provided, ~~shall~~ must be issued for the life of the vehicle. Beginning with ~~number~~ plates issued for the year 1981, plates issued for trailers with a total gross weight of 3,000 pounds or less ~~shall~~ must be issued for the life of the trailer and ~~shall~~ must be not more than seven inches in length and four inches in width.

(e) ~~(e)~~ In a year in which plates are not issued, the ~~registrar~~ commissioner shall issue for each registration a ~~tab or~~ sticker to designate the year of registration. ~~This tab or sticker shall~~ must show the calendar year or years for which the sticker is issued, and is valid only for that period. The ~~number~~ plates, ~~number tabs,~~ ~~or~~ and stickers issued for a ~~motor~~ vehicle may not be transferred to another ~~motor~~ vehicle during the period for which it the sticker is issued, except when issued for a ~~motor~~ vehicle registered under section 168.187.

~~(d)~~ Notwithstanding ~~(f)~~ Despite any other provision of this subdivision, ~~number~~ plates issued to a vehicle ~~which~~ is used for behind-the-wheel instruction in a driver education course in a public school may be transferred to another vehicle used for the same purpose without payment of any additional fee. The ~~registrar~~ shall be notified ~~public school shall notify the commissioner~~ of each transfer of ~~number~~ plates under this paragraph ~~and.~~ The commissioner may prescribe a form ~~format~~ for notification.

Subd. 2. AMATEUR RADIO LICENSEE; SPECIAL PLATES. (a) Any ~~The~~ commissioner shall issue amateur radio plates to an applicant who:

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(1) is an owner or joint owner of a passenger automobile, van or pickup truck, or a self-propelled recreational motor vehicle, and;

(2) is a resident of this state, and who;

(3) holds an official amateur radio station license, or a citizens radio service class D license, in good standing, issued by the Federal Communications Commission shall upon compliance;

(4) pays the registration tax required under section 168.013;

(5) pays a fee of \$10 for each set of special plates and any other fees required by this chapter; and

(6) complies with all laws of this state relating to this chapter and rules governing the registration of motor vehicles and the licensing of motor vehicles and drivers, be furnished with license plates for the motor vehicle, as prescribed by law, upon which;

(b) In lieu of the numbers registration number required for identification under subdivision 1, shall be inscribed the plates must indicate the official amateur call letters of the applicant, as assigned by the Federal Communications Commission, and the words "AMATEUR RADIO."

The applicant shall pay in addition to the registration tax required by law, the sum of \$10 for the special license plates, and at the time of delivery of the special license plates the applicant shall surrender to the registrar the current license plates issued for the motor vehicle.

(c) This provision for the issue of special license plates shall apply only if the applicant's motor vehicle is already registered in Minnesota so that the applicant has valid regular Minnesota plates issued for that motor vehicle under which to operate it during the time that it will take to have the necessary special license plates made.

(d) If owning or jointly owning more than one motor vehicle of the type specified in this subdivision, the applicant may apply for special plates for each of not more than two motor vehicles, and, if each application complies with this subdivision, the registrar commissioner shall furnish the applicant with the special plates, inscribed with indicating the official amateur call letters and other distinguishing information as the registrar commissioner considers necessary, for each of the two motor vehicles.

(e) And The registrar commissioner may make reasonable rules governing the use of the special license plates as will assure the full compliance by the owner and holder of the special plates, with all existing laws governing the registration of motor vehicles, and the transfer and the use thereof of the plates.

(b) (f) Despite any contrary provision of subdivision 1, the special license plates issued under this subdivision may be transferred by an owner to another motor vehicle listed in paragraph (a) and registered to the same owner, upon the payment of a fee of \$5. The registrar commissioner must be notified of before the transfer and may prescribe a form format for the notification.

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(e) Fees collected under this subdivision must be paid into the state treasury and credited to the highway user tax distribution fund.

Subd. 2a. **PERSONALIZED PLATES; RULES.** (a) The commissioner shall issue personalized license plates must be issued or, if requested for special plates issued under section 168.123 for veterans, 168.124 for medal of honor recipients, or 168.125 for former prisoners of war, applicable personalized special veterans plates, to an applicant for registration of who:

(1) is an owner 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 manufacturer's nominal rated capacity of one ton or less and resembling a pickup truck; a motorcycle, including a classic motorcycle; or self-propelled a recreational motor vehicle, upon compliance with the laws of this state relating to registration of the vehicle and upon payment of;

(2) pays a onetime fee of \$100 in addition to and any other fees required by this chapter;

(3) pays the registration tax required by law this chapter for the motor vehicle; and

(4) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

(b) The registrar commissioner shall designate charge a replacement fee for personalized license plates that is calculated to cover the cost of replacement and personalized special veterans plates issued under section 168.123 as specified in subdivision 5. This fee must be paid by the applicant whenever the personalized license plates are required to be replaced by law, except that as provided in section 168.124, subdivision 3, and 168.125, subdivision 1b, no fee may be charged to replace plates issued under those sections.

(c) In lieu of the numbers registration number assigned as provided in subdivision 1, personalized license plates and personalized special veterans plates must have imprinted on them a series of not more than seven numbers and letters, or five numbers and letters for personalized special veterans plates, in any combination and, as applicable, satisfy the design requirements of sections 168.123, 168.124, or 168.125. When an applicant has once obtained personalized plates or personalized special veterans plates, the applicant shall have a prior claim for similar personalized plates or personalized special veterans plates in the next succeeding year as long as current motor vehicle registration is maintained.

(d) The commissioner of public safety shall adopt rules in the manner provided by chapter 14, regulating the issuance and transfer of personalized license plates and personalized special veterans plates. No words or combination of letters placed on personalized license these 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

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advertising for the purposes of this subdivision.

(b) Notwithstanding (e) Despite the provisions of subdivision 1, personalized license plates and personalized special veterans plates issued under this subdivision may be transferred to another motor vehicle owned or jointly listed in paragraph (a) and 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.

(f) The registrar commissioner may by rule provide a form specify the format for notification.

(g) A personalized license plate or personalized special veterans 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.

(e) Notwithstanding (h) Despite any law to the contrary, if the personalized license plates are lost, stolen, or destroyed, the applicant may apply and shall receive must be issued duplicate license plates bearing the same combination of letters and numbers and the same design as (1) the former personalized plates or personalized special veterans plates under section 168.123 upon the payment of the fee required by section 168.29 or (2) the former personalized special veterans plates issued under section 168.124 or 168.125, without charge.

(d) 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.

Subd. 2b. **FIREFIGHTERS; SPECIAL PLATES.** (a) The registrar commissioner shall issue special license plates, or a single license plate in the case of a motorcycle plate, to any applicant who:

(1) is both a member of a fire department receiving state aid under chapter 69 and an owner or joint owner of a passenger automobile, or a truck with a manufacturer's nominal rated capacity of one ton and resembling a pickup truck, upon payment of or a motorcycle;

(2) pays a fee of \$10 and upon payment of any other fees required by this chapter;

(3) pays the registration tax required by law this chapter for the motor vehicle and compliance with other laws of this state relating to; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of motor vehicles and drivers.

(b) In lieu of the identification required under subdivision 1, the special license plates shall be inscribed with a symbol must bear an emblem of a Maltese Cross together with five any numbers or characters prescribed by the commissioner. No applicant shall receive more than two sets of plates for motor vehicles owned or jointly owned by the applicant.

(b) (c) Special plates issued under this subdivision may only be used during the period that the owner or joint owner of the motor vehicle is a member of a fire

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department as specified in this subdivision. When the person individual to whom the special plates were issued is no longer a member of a fire department or when the motor vehicle ownership is transferred, the owner shall remove the special license plates shall be removed from the motor vehicle and returned to the registrar. Upon return removal of the special plates, or special motorcycle plate, either the owner or purchaser of the motor vehicle is entitled to receive regular plates or a regular motorcycle plate for the motor vehicle without cost for the remainder of the registration period for which the special plate or plates were issued.

Firefighter license plates issued pursuant to this subdivision may be transferred to another motor vehicle upon payment of \$5, which fee shall be paid into the state treasury and credited to the highway user tax distribution fund. (d) A special motorcycle license plate issued under this subdivision must be the same size as a standard motorcycle license plate.

(e) Upon payment of a fee of \$5, plates issued under this subdivision for a passenger automobile or truck may be transferred to another passenger automobile or truck owned or jointly owned by the person to whom the plates were issued. On payment of a fee of \$5, a plate issued under this subdivision for a motorcycle may be transferred to another motorcycle owned or jointly owned by the person to whom the plate was issued.

(f) The commissioner of public safety may adopt rules under the Administrative Procedure Act, sections 14.001 to 14.69, to govern the issuance and use of the special plates authorized in this subdivision. All fees from the sale of special license plates for firefighters shall be paid into the state treasury and credited to the highway user tax distribution fund.

Subd. 2c. NATIONAL GUARD; SPECIAL PLATES. (a) The registrar commissioner shall issue special license plates to any applicant who:

(1) is a regularly enlisted, commissioned, or retired member of the Minnesota National Guard, other than an inactive member who is not a retired member, and is an owner or joint owner of a passenger automobile, van, or pickup truck included within the definition of a passenger automobile upon payment of;

(2) pays a fee of \$10, payment of and any other fees required by this chapter;

(3) pays the registration tax required by law, and compliance with other laws of this state relating to this chapter; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of motor vehicles and drivers.

(b) The adjutant general shall design the emblem for these special plates subject to the approval of the registrar commissioner. No

(c) An applicant shall must not be issued more than two sets of plates for motor vehicles owned or jointly owned by registered to the applicant. The adjutant general

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shall estimate the number of special plates that will be required and submit the estimate to the registrar.

(b) (d) Special plates issued under this subdivision may only be used during the period that the owner or joint owner of the motor vehicle is an active or retired member of the Minnesota National Guard as specified in this subdivision. When the person individual to whom the special plates were issued is no longer an active or retired member of the Minnesota National Guard, the special plates must be removed from the vehicle and returned to by the registrar owner. Upon return removal of the special plates, either the owner or purchaser of the motor vehicle is entitled to receive regular plates for the motor vehicle without cost for the remainder of the registration period for which the special plates were issued.

(e) While the person is an active or retired member of the Minnesota National Guard, plates issued pursuant to this subdivision may be transferred to another motor vehicle owned or jointly owned by that person individual upon payment of a fee of \$5.

(e) (f) For purposes of this subdivision, "retired member" means a person an individual placed on the roll of retired officers or roll of retired enlisted members in the Office of the Adjutant General under section 192.18 and who is not deceased.

(d) All fees collected under the provisions of this subdivision shall be paid into the state treasury and credited to the highway user tax distribution fund.

(e) (g) The registrar commissioner may adopt rules under the Administrative Procedure Act to govern the issuance and use of the special plates authorized by this subdivision.

Subd. 2d. **READY RESERVE; SPECIAL PLATES.** (a) The registrar commissioner shall issue special license plates to an applicant who:

(1) is not eligible for special license National Guard plates under subdivision 2c, who is a member of the United States Armed Forces Ready Reserve as described in United States Code, title 10, section 10142 or 10143, and is an owner or joint owner of a passenger automobile, van, or pickup truck, on paying;

(2) pays a fee of \$10, paying and any other fees required by this chapter;

(3) pays the registration tax required by law, and complying with other laws of this state relating to this chapter; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of motor vehicles and drivers.

(b) The commissioner of veterans affairs shall design the emblem for these special plates subject to the approval of the registrar commissioner. ~~No~~

(c) An applicant may must not be issued more than two sets of plates for motor vehicles owned or jointly owned by the applicant. The commissioner of veterans affairs shall estimate the number of special plates that will be required and submit the estimate to the registrar.

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~~(b)~~ (d) Special plates issued under this subdivision may only be used during the period that the owner or joint owner of the motor vehicle is a member of the ready reserve. When the person owner is no longer a member, the special plates must be removed from the motor vehicle and returned to the registrar by the owner. On ~~returning~~ removing the special plates, either the owner or purchaser of the motor vehicle is entitled to receive regular plates for the motor vehicle without cost for the rest of the registration period for which the special plates were issued. While the person owner is a member of the ready reserve, plates issued under this subdivision may be transferred to another motor vehicle owned or jointly owned by that person individual on paying a fee of \$5.

~~(e)~~ The fees collected under this subdivision must be paid into the state treasury and credited to the highway user tax distribution fund.

~~(d)~~ (e) The registrar commissioner may adopt rules under the Administrative Procedure Act to govern the issuance and use of the special plates authorized by this subdivision.

Subd. 2e. **VOLUNTEER AMBULANCE ATTENDANTS; SPECIAL PLATES.** (a) The registrar commissioner shall issue special license plates to an applicant who:

(1) is a volunteer ambulance attendant as defined in section 144E.001, subdivision 15, and who owns or jointly owns a motor vehicle taxed as a passenger automobile. The registrar shall issue the special plates on payment of;

(2) pays the registration tax required by law this chapter for the motor vehicle, compliance with all other applicable laws relating to;

(3) pays a fee of \$10 and any other fees required by this chapter; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of motor vehicles and drivers, and payment of an additional fee of \$10.

~~(b)~~ The registrar commissioner shall not issue more than two sets of these plates to each qualified applicant.

~~(b)~~ (c) An individual may use special plates issued under this subdivision only during the period that the person individual is a volunteer ambulance attendant. When the person individual to whom the special plates were issued ceases to be a volunteer ambulance attendant, the person individual shall ~~return~~ remove each set of special plates issued to that person. When ownership of a the motor vehicle is transferred, the person individual shall remove the special plates from that motor vehicle and return them to the registrar. On ~~return~~ removal of each set of plates, the owner of the motor vehicle, or new owner in case of a transferred motor vehicle, is entitled to receive regular license plates for the motor vehicle without cost for the rest of the registration period for which the set of special plates were issued. Special plates issued under this subdivision may be transferred to another motor vehicle owned by the

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volunteer ambulance attendant on payment of a fee of \$5.

(e) ~~The fees specified in this subdivision must be paid into the state treasury and deposited in the highway user tax distribution fund.~~

(d) The commissioner may adopt rules governing the design, issuance, and sale of the special plates authorized by this subdivision.

Subd. 2f. **ORIGINAL LICENSE PLATES.** (a) On application of the owner and in lieu of issuing license plates under subdivision 1 to a motor vehicle registered and taxed as a passenger automobile, the ~~registrar~~ commissioner may assign to the motor vehicle original Minnesota number registration plates issued in the same year as the model year of the motor vehicle, if (1) the original license plates are at least 20 years old, (2) the owner of the motor vehicle has the original license plates in possession at the time of the application, and (3) the owner provides the license plate number to the ~~registrar~~ commissioner.

(b) License Plates displayed under this subdivision, including tabs and stickers applied to the plates, must be clearly legible and must be displayed at ~~the front and rear of~~ on the motor vehicle.

(c) The ~~registrar~~ commissioner shall not assign the registration number on the original license plates to the motor vehicle if the registrar commissioner determines that the number on the original plate is identical to the number on any current license plate in the current or reserved numbering system used by the registrar commissioner. A person currently using license plates issued by the registrar on the vehicle shall return those license plates to the registrar before displaying original license plates under this subdivision.

(d) ~~Notwithstanding~~ Despite subdivision 1, an original license plate whose number has been assigned under this subdivision may be displayed for as long as the license plates, including tabs and stickers on the plates, are clearly legible and the number is not subsequently used by the commissioner as a plate number in a registration numbering system.

(e) ~~Notwithstanding~~ Despite subdivision 1, original license plates assigned under this subdivision need not bear a tab or sticker to indicate the month or year of registration if the motor vehicle carries the registration certificate issued under section 168.11 at all times when the motor vehicle is operated on the public highways.

(f) The ~~registrar~~ commissioner may charge a fee for receiving an application and assigning original license plate numbers.

Subd. 5. **ADDITIONAL FEE.** (a) In addition to any fee otherwise authorized or any tax otherwise imposed upon any motor vehicle, the payment of which is required as a condition to the issuance of any number license plate or plates, the commissioner of public safety shall impose the fee specified in paragraph (b) that is calculated to cover the cost of manufacturing and issuing the license plate or plates, except for license plates issued to disabled veterans as defined in section 168.031 and license

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plates issued pursuant to section 168.124, 168.125, or 168.27, subdivisions 16 and 17, for passenger automobiles. The commissioner shall issue graphic design license plates shall only be issued for vehicles registered pursuant to section 168.017 and recreational vehicles registered pursuant to section 168.013, subdivision 1g.

(b) Unless otherwise specified or exempted by statute, the following plate and validation sticker fees apply for the original, duplicate, or replacement issuance of a plate in a plate year:

Sequential Regular Double Plate	\$ 4.25
Sequential Special Plate-Double	\$ 7.00
Sequential Regular Single Plate	\$ 3.00
Sequential Special Plate-Single	\$ 5.50
Utility Trailer Self-Adhesive Plate	\$ 2.50
Nonsequential Double Plate	\$14.00
Nonsequential Single Plate	\$10.00
Duplicate Sticker	\$ 1.00

(c) Fees collected under this subdivision must be paid into the state treasury and credited to the highway user tax distribution fund.

**EFFECTIVE DATE.** This section is effective August 1, 2005, except that amendments to subdivision 2a are effective August 1, 2006.

Sec. 8. Minnesota Statutes 2004, section 168.123, is amended to read:

**168.123 VETERANS; SPECIAL LICENSE PLATES.**

Subdivision 1. **GENERAL REQUIREMENTS; FEES.** (a) On payment of a fee of \$10 for each set of two plates, or for a single plate in the case of a motorcycle plate, payment of the registration tax required by law, and compliance with other applicable laws relating to the vehicle registration and licensing of a passenger automobile, pickup truck, van, self-propelled recreational equipment, or motorcycle, as applicable, the registrar commissioner shall issue:

(1) special license veteran's plates to an applicant who served in the active military service in a branch of the armed forces of the United States or of a nation or society allied with the United States in conducting a foreign war, was discharged under honorable conditions, and is an owner or joint a registered owner of a passenger automobile, pickup truck, van, or self-propelled recreational equipment motor vehicle, or truck resembling a pickup truck and having a manufacturer's nominal rated capacity of one ton, but which is not a commercial motor vehicle as defined in section 169.01, subdivision 75; or

(2) a veteran's special motorcycle license plate as described in subdivision 2, paragraph (a), (f), (h), or (i) or another special license plate designed by the commissioner of public safety to an applicant who is a Vietnam veteran who served after July 1, 1961, and before July 1, 1978, and who served in the active military service in a branch of the armed forces of the United States in conducting a foreign

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war, was discharged under honorable conditions, and is an owner or joint registered owner of a motorcycle and meets the criteria listed in this paragraph and in subdivision 2, paragraph (a), (f), (h), or (i). Plates issued under this clause must be the same size as standard regular motorcycle license plates. Special motorcycle license plates issued under this clause are not subject to section 168.1293.

(b) The additional fee of \$10 is payable for each set of veteran's plates, is payable only when the plates are issued, and is not payable in a year in which tabs or stickers are issued instead of number plates. An applicant must not be issued more than two sets of plates for vehicles listed in paragraph (a) and owned or jointly owned by the applicant.

(c) The veteran shall must have a certified copy of the veteran's discharge papers, indicating character of discharge, at the time of application. If an applicant served in the active military service in a branch of the armed forces of a nation or society allied with the United States in conducting a foreign war and is unable to obtain a record of that service and discharge status, the commissioner of veterans affairs may certify the applicant as qualified for the veterans' license plates provided under this section.

(d) For license plates issued for one-ton trucks described in paragraph (a), clause (1), the commissioner shall collect a surcharge of \$5 on each \$10 fee collected under paragraph (a). The surcharge must be deposited in the vehicle services operating account in the special revenue fund.

Subd. 2. **DESIGN.** The commissioner of veterans affairs shall design the emblem for the veterans' special plates, subject to the approval of the registrar commissioner, that satisfy the following requirements:

(a) For a Vietnam veteran who served after July 1, 1961, and before July 1, 1978, in the active military service in a branch of the armed forces of the United States or a nation or society allied with the United States the special plates must bear the inscription "VIETNAM VET" and the letters "V" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(b) For a veteran stationed on the island of Oahu, Hawaii, or offshore, during the attack on Pearl Harbor on December 7, 1941, the special plates must bear the inscription "PEARL HARBOR SURVIVOR" and the letters "P" and "H" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(c) For a veteran who served during World War I or World War II, the special plates must bear the inscription "WORLD WAR VET" and:

(1) for a World War I veteran, the characters "W" and "I" with the first character directly above the second character and both characters just preceding the first numeral of the special license plate number; or

(2) for a World War II veteran, the characters "W" and "II" with the first character directly above the second character and both characters just preceding the first numeral of the special license plate number.

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(d) For a veteran who served during the Korean Conflict, the special plates must bear the inscription "KOREAN VET" and the letters "K" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(e) For a combat wounded veteran who is a recipient of the purple heart medal, the special plates must bear the inscription "COMBAT WOUNDED VET" and ~~inscribed with~~ have a facsimile on an emblem of the official purple heart medal and the letters "C" over "W" with the first letter directly over the second letter just preceding the first numeral of the special license plate number.

(f) For a Persian Gulf War veteran, the special plates must bear the inscription "GULF WAR VET" and the letters "G" and "W" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number. For the purposes of this section, "Persian Gulf War veteran" means a person who served on active duty after August 1, 1990, in a branch of the armed forces of the United States or a nation or society allied with the United States or the United Nations during Operation Desert Shield, Operation Desert Storm, or other military operation in the Persian Gulf area combat zone as designated in United States Presidential Executive Order No. 12744, dated January 21, 1991.

(g) For a veteran who served in the Laos War after July 1, 1961, and before July 1, 1978, the special plates must bear the inscription "LAOS WAR VET" and the letters "L" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(h) For a veteran who is the recipient of:

(1) the Iraq Campaign Medal, the special plates must be inscribed with a facsimile of that medal and must bear the inscription "IRAQ WAR VET" directly below the special plate number;

(2) the Afghanistan Campaign Medal, the special plates must be inscribed with a facsimile of that medal and must bear the inscription "AFGHAN WAR VET" directly below the special plate number; or

(3) the Global War on Terrorism Expeditionary Medal, the special plates must be inscribed with a facsimile of that medal and must bear the inscription "GWOT VETERAN" directly below the special plate number.

(i) For a veteran who is the recipient of the Global War on Terrorism Service Medal, the special plates must be inscribed with a facsimile of that medal and must bear the inscription "GWOT VETERAN" directly below the special plate number. In addition, any member of the National Guard or other military reserves who has been ordered to federally funded state active service under United States Code, title 32, as defined in section 190.05, subdivision 5b, and who is the recipient of the Global War on Terrorism Service Medal, is eligible for the license plate described in this paragraph, irrespective of whether that person qualifies as a veteran under section 197.447.

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Subd. 2a. **TEMPORARY SURCHARGE.** For license plates issued under subdivision 2, paragraphs (h) and (i), the commissioner shall collect a surcharge of \$5 on each \$10 fee collected under subdivision 1, paragraph (a). The surcharge must be deposited in the vehicle services operating account in the special revenue fund.

Subd. 3. **NUMBER ESTIMATED.** The commissioner of veterans affairs shall estimate the number of special plates that will be required and submit the estimate to the registrar.

Subd. 4. **PLATES TRANSFER.** (a) On payment of a fee of \$5, plates issued under subdivision 1, paragraph (a), clause (1), may be transferred to another passenger automobile, ~~pickup truck, van, or self-propelled recreational equipment owned or jointly owned by motor vehicle, or one-ton truck~~ described in subdivision 1, paragraph (a), clause (1), registered to the person individual to whom the plates were issued.

(b) On payment of a fee of \$5, a plate issued under subdivision 1, paragraph (a), clause (2), may be transferred to another motorcycle owned or jointly owned by registered to the person individual to whom the plate was issued.

Subd. 5. **FEES CREDITED.** Fees collected under this section must be paid into the state treasury and credited to the highway user tax distribution fund.

Subd. 6. **RULES.** The ~~registrar~~ commissioner may adopt rules under the Administrative Procedure Act to govern the issuance and use of the special plates authorized by this section.

Sec. 9. Minnesota Statutes 2004, section 168.1235, is amended to read:

**168.1235 VETERANS SERVICE GROUPS; SPECIAL STICKERS GROUP EMBLEMS.**

Subdivision 1. **GENERAL REQUIREMENTS; FEES.** (a) ~~On payment of a fee of \$10 for each set of two license plates, 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 vehicle, as applicable, The registrar commissioner shall issue a special license plate sticker emblem for each plate to an applicant who:~~

(1) is a member of a congressionally chartered veterans service organization and is an ~~owner or joint~~ a registered owner of a passenger automobile, pickup truck, van, or self-propelled recreational vehicle;

(2) pays the registration tax required by law;

(3) pays a fee of \$10 for each set of two plates, and any other fees required by this chapter; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

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(b) The additional fee of \$10 is payable at the time of initial application for the special license plate ~~stickers emblem~~ 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 emblems~~ for motor vehicles listed in paragraph (a) and owned or jointly owned by registered to 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~~ applicant must present a valid card indicating membership in the American Legion or Veterans of Foreign Wars.

Subd. 2. **DESIGN.** (a) The commissioner of veterans affairs, after consultation with each of the congressionally chartered veterans service organizations, shall design the special license plate ~~stickers emblems~~, subject to the approval of the registrar commissioner. The emblem, symbol, or other pictorial representation on the sticker must be at least as large as the letters and numerals on the plate and the registrar commissioner shall allow for plates with spaces for the ~~stickers emblem~~ in place of a numeral or letter.

(b) Each congressionally chartered veterans service organization must arrange for any applicable rules of the national organization to be changed or copyrights to be released before the commissioner may issue special license plate ~~stickers emblems~~ to members of any particular service organization under this section.

Subd. 3. **NUMBER ESTIMATED.** The commissioner of veterans affairs shall estimate the number of special plate ~~stickers~~ that will be required and submit the estimate to the registrar.

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

Subd. 5. **FEES CREDITED.** Fees collected under this section must be paid into the state treasury and credited to the highway user tax distribution fund.

Sec. 10. Minnesota Statutes 2004, section 168.124, is amended to read:

**168.124 SPECIAL PLATES FOR MEDAL OF HONOR RECIPIENTS.**

Subdivision 1. **ISSUANCE AND DESIGN.** (a) The registrar of motor vehicles commissioner shall issue special license plates bearing the inscription "MEDAL OF HONOR" to an applicant who:

(1) is a recipient of the Congressional Medal of Honor and upon the applicant's compliance with the laws of this state relating to;

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(2) is a registered owner of a passenger automobile, motorcycle, or recreational motor vehicle; and

(3) complies with this chapter and rules governing the registration of motor vehicles and licensing of motor vehicles and drivers.

(b) The special license plates must be of a design and size determined by the registrar commissioner. Only one set of plates, or a single plate in the case of a motorcycle, bearing the inscription "MEDAL OF HONOR" may be issued for each qualified applicant.

Subd. 2. **APPLICATION.** Application for issuance of these plates may be made only at the time of renewal or first application for registration.

Subd. 3. **NO FEE.** The registrar commissioner shall issue a set of medal of honor plates to qualified applicants free of charge and the plates must be replaced by the department without charge if they become damaged. In addition, no fee may be charged for a subsequent year when tabs or stickers are issued for that a motor vehicle listed in subdivision 1 on which the special medal of honor plates are placed. The motor vehicle must be for personal use, not commercial purposes.

Subd. 4. **TRANSFER.** Despite the provisions of section 168.12, subdivision 1, medal of honor plates issued under this section may be transferred to another personal motor vehicle owned or jointly owned by registered to the medal of honor recipient upon notification to the registrar of motor vehicles commissioner.

Subd. 5. **MOTOR VEHICLE; SPECIAL DEFINITION.** For purposes of this section, "motor vehicle" means a vehicle for personal use, not used for commercial purposes, and may include a passenger automobile, van, pickup truck, motorcycle, or recreational vehicle.

Subd. 6. **WHEN ISSUED.** The registrar of motor vehicles shall begin issuing medal of honor plates for the calendar year 1984 and thereafter.

Sec. 11. Minnesota Statutes 2004, section 168.125, is amended to read:

**168.125 SPECIAL LICENSE PLATES FOR FORMER PRISONERS OF WAR.**

Subdivision 1. **ISSUANCE AND DESIGN.** (a) The registrar commissioner shall issue special license plates bearing the inscription "EX-POW" to any applicant who:

(1) is both a former prisoner of war and an owner or joint a registered owner of a passenger automobile, motorcycle, or recreational motor vehicle upon the applicant's compliance with all the laws of this state relating to; and

(2) complies with this chapter and rules governing the registration of motor vehicles and licensing of motor vehicles and drivers.

(b) The special license plates shall must be of a design and size to be determined by the commissioner. Only one set of plates, or a single plate in the case of a

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motorcycle, bearing the "EX-POW" inscription may be issued for only one motor vehicle per each qualified applicant.

Subd. 1a. **APPLICATION.** Application for issuance of these plates shall be made at the time of renewal or first application for registration. The application shall include a certification by the commissioner of veterans affairs that the applicant was a member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States during a period of armed conflict.

Subd. 1b. **NO FEE.** The registrar commissioner shall issue a set of EX-POW plates, or a single plate for a motorcycle, to qualified applicants, free of charge for the plates, and shall replace them without charge if they become damaged. In addition, no fee may be charged for a subsequent year when tabs or stickers are issued for that motor vehicle on which the special EX-POW plates are placed.

Subd. 1c. **PLATES TRANSFER.** Notwithstanding the provisions of section 168.12, subdivision 1, the special license plates issued under this section may be transferred to another motor vehicle owned or jointly owned by registered to the former prisoner of war upon notification to the registrar of motor vehicles commissioner.

Subd. 1d. **SURVIVING SPOUSE.** Upon the death of a former prisoner of war, the registrar commissioner shall continue to issue free of charge, upon renewal, the special license plates to a motor vehicle owned by the surviving spouse of the former prisoner of war. Special license plates issued to a surviving spouse may be transferred to another motor vehicle owned by registered to the surviving spouse as provided in subdivision 1c. No fee may be charged for replacement plates issued to a surviving spouse or for tabs or stickers issued for the motor vehicle on which the special "EX-POW" plates are placed. A surviving spouse is not exempt from the motor vehicle registration tax.

Subd. 1e. **MOTOR VEHICLE, SPECIAL DEFINITION.** For purposes of this section, "motor vehicle" means a passenger automobile, van, pickup truck, motorcycle, or recreational vehicle.

Subd. 2. **SPECIAL PLATES; EX-POW AND DISABILITY INSIGNIA EMBLEMS.** The registrar commissioner shall issue special license plates bearing both the "EX-POW" and disability insignia emblem to any applicant who is entitled to special license plates provided under this section and who is also entitled to special license plates for the physically disabled under section 168.021 upon compliance with the provisions of both sections. The special license plates shall be of a design and size to be determined by the commissioner.

Subd. 3. **RULES; COMMISSIONER OF PUBLIC SAFETY.** The commissioner of public safety may promulgate adopt by rule, in accordance with the provisions of chapter 14, the procedures for issuance or transfer of the special license plates authorized under this section.

Subd. 4. **RULES; COMMISSIONER OF VETERANS AFFAIRS.** The commissioner of veterans affairs shall establish the procedure for obtaining the certification of former prisoner of war status.

Subd. 5. **SAVINGS PROVISION.** Nothing in this section shall alter ~~alters~~ the exemption for disabled war veterans provided for in section 168.031.

Sec. 12. Minnesota Statutes 2004, section 168.1255, is amended to read:

168.1255 **SPECIAL VETERAN CONTRIBUTION LICENSE PLATES.**

Subdivision 1. **GENERAL REQUIREMENTS AND PROCEDURES.** The ~~registrar~~ commissioner shall issue special veteran contribution license plates to an applicant who:

- (1) is a veteran, as defined in section 197.447;
- (2) is an ~~owner or joint~~ a registered owner of a passenger automobile, ~~pickup truck, or van;~~
- (3) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (4) pays the registration tax required under section 168.013;
- (5) pays the fees required under this chapter;
- (6) pays an additional onetime World War II memorial contribution of \$30, which the department shall retain until all start-up costs associated with the development and issuing of the plates have been recovered, after which the commissioner shall deposit contributions in the World War II donation match account; and
- (7) complies with ~~laws this chapter and rules governing the~~ registration of motor vehicles and licensing of vehicles and drivers.

Subd. 2. **DESIGN.** The commissioner of veterans affairs shall design an emblem for the special plates, subject to the approval of the ~~registrar~~ commissioner of public safety, that ~~satisfy~~ satisfies the following requirements in this subdivision:

- (1) the special veteran contribution plates must bear the inscription "PROUD TO BE A VETERAN" on the bottom of the plate; and
- (2) the flag of the United States of America must appear on the left side of the plate just preceding the first letter or numeral of the special license plate number.

Subd. 3. **PLATE TRANSFERS.** ~~Notwithstanding~~ Despite section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile, ~~pickup truck, or van owned or jointly owned by~~ registered to the person individual to whom the special veteran contribution plates were issued.

Subd. 4. **FEES CREDITED.** The fees collected under this section ~~must be deposited in the state treasury and credited to the highway user tax distribution fund.~~ Fees collected under this section do not include the contributions collected for the World War II memorial donation match account.

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Subd. 5. **RECORD.** The ~~registrar~~ commissioner shall maintain a record of the number of special plates issued under this section.

Sec. 13. Minnesota Statutes 2004, section 168.127, subdivision 6, is amended to read:

Subd. 6. **FEES.** Instead of the filing fee described in section 168.33, subdivision 7, the applicant for fleet registration shall pay an equivalent administrative fee to the commissioner for each vehicle in the fleet. The administrative fee must be deposited in the state treasury and credited to the highway user tax distribution fund.

Sec. 14. Minnesota Statutes 2004, section 168.128, is amended to read:

168.128 **LIMOUSINE REGISTRATION, LICENSE PLATES.**

Subdivision 1. **UNIQUE LIMOUSINE REGISTRATION CATEGORY.** A unique vehicle registration category is established for limousines as ~~defined in section 168.011, subdivision 35.~~

Subd. 2. **LICENSE PLATES.** (a) A person who operates a limousine for other than personal use shall ~~apply to~~ register the motor vehicle as provided in this section.

(b) A person who operates a limousine for personal use may apply. The ~~registrar~~ commissioner shall issue limousine license plates upon the applicant's compliance with laws relating to registration and licensing of motor vehicles and drivers and certification by the registered owner of a limousine who:

(1) certifies that an insurance policy under section 65B.13 in an aggregate amount of \$300,000 per accident is in effect for the entire period of the registration under section 65B.135. The applicant must provide the registrar;

(2) provides the commissioner with proof that the passenger automobile license tax and a \$10 fee have been paid for each limousine receiving limousine license plates; and

(3) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(c) The limousine license plates must be designed to specifically identify the vehicle as a limousine and must be clearly marked with the letters "LM." Limousine license plates may not be transferred upon sale of the limousine, but may be transferred to another limousine owned by the same person upon notifying the ~~registrar~~ commissioner and paying a \$5 transfer fee.

Subd. 3. **INSURANCE.** (a) The application must include a certificate of insurance verifying that a valid commercial insurance policy is in effect and giving the name of the insurance company and the number of the insurance policy. The policy must provide stated limits of liability, exclusive of interest and costs, with respect to each motor vehicle for which coverage is granted, of not less than \$100,000 because

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of bodily injury to one person in any one accident and, subject to said that limit for one person, of not less than \$300,000 because of injury to two or more persons in any one accident and of not less than \$100,000 because of injury to or destruction of property. The insurance company must notify the commissioner if the policy is canceled or if the policy no longer provides the coverage required by this subdivision.

(b) The commissioner shall immediately notify the commissioner of transportation if the policy of a person required to have a permit under section 221.84 is canceled or no longer provides the coverage required by this subdivision.

**Subd. 4. FEES CREDITED TO HIGHWAY USER FUND.** Fees collected from the sale of license plates under this section must be paid into the state treasury and credited to the highway user tax distribution fund.

Sec. 15. Minnesota Statutes 2004, section 168.129, is amended to read:

168.129 **SPECIAL COLLEGIATE LICENSE PLATES.**

Subdivision 1. **GENERAL REQUIREMENTS AND PROCEDURES.** The commissioner of public safety shall issue special collegiate license plates to an applicant who:

(1) is an owner or joint a registered owner of a passenger automobile, ~~pickup truck, or van;~~

(2) pays a fee determined by the commissioner as specified in section 168.12, subdivision 5, to cover the costs of handling and manufacturing the plates;

(3) pays the registration tax required under section 168.013;

(4) pays the fees required under this chapter;

(5) contributes at least \$25 annually to the scholarship account established in subdivision 6; and

(6) complies with laws this chapter and rules governing registration of motor vehicles and licensing of vehicles and drivers.

Subd. 2. **DESIGN.** (a) After consultation with each participating college, university, or postsecondary system, the commissioner shall design the an emblem for each special collegiate plates plate.

(b) In consultation with the commissioner, a participating college or university annually shall indicate the anticipated number of plates needed.

Subd. 3. **NO REFUND.** Contributions under this section must not be refunded.

Subd. 4. **PLATES TRANSFER.** Notwithstanding Despite section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger ~~vehicle, pickup, or van~~ owned or jointly owned by automobile registered to the person individual to whom the special collegiate plates were issued.

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Subd. 5. **FEES CREDITED.** The fees collected under this section must be deposited in the state treasury and credited to the highway user tax distribution fund. Fees collected under this section do not include the contributions collected for the scholarship account.

Subd. 6. **SCHOLARSHIP ACCOUNT.** A scholarship account is created in the state treasury. Except for one percent that may be retained by the commissioner of public safety for administrative costs, all contributions received under this section must be deposited by the commissioner in the scholarship account. Money in the scholarship account is appropriated to the governing board of the institution to which it is attributable, as provided in subdivision 7.

Subd. 7. **RECORD.** The commissioner shall maintain a record of the number of license plates issued for each postsecondary institution or system in order to determine the amount of scholarship funds available to that institution or system.

Sec. 16. Minnesota Statutes 2004, section 168.1291, is amended to read:

**168.1291 SPECIAL LICENSE PLATES; UNIFORM DESIGN, UNIQUE EMBLEMS.**

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

Subd. 2. **UNIFORM DESIGN OF SPECIAL PLATES.** (a) The commissioner shall design a single special license plate that will contain a unique number and a space for a unique symbol emblem for plates issued under sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129. The commissioner shall design a unique symbol emblem related to the purpose of each special license plate.

(b) Any provision of sections 168.12, subdivisions 2b to 2e; 168.123; and 168.129, 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

(c) If 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 emblem.

Subd. 3. **ISSUANCE OF SPECIAL PLATES WITH UNIQUE SYMBOLS EMBLEMS.** Notwithstanding Despite section 168.12, subdivisions 2b to 2e; 168.123; or 168.129, 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 emblem attached.

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

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

Sec. 17. Minnesota Statutes 2004, section 168.1293, is amended to read:

**168.1293 SPECIAL LICENSE PLATES; AUTHORIZATION; DISCONTINUANCE.**

Subdivision 1. **DEFINITION.** For purposes of this section and section 168.1297, "special license plate" means a license plate that is authorized by law sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129, to have wording and graphics that differ from a Minnesota passenger vehicle license plate.

Subd. 2. **SUBMISSIONS TO DEPARTMENT COMMISSIONER.** (a) A person, legal entity, or other requester, however organized, that plans to seek legislation establishing a new special license plate shall submit the following information and fee to the Department of Public Safety commissioner:

(1) The requester shall submit a request for the special license plate being sought, describing the proposed license plate in general terms, the purpose of the plate, and the proposed fee or minimum contribution required for the plate.

(2) The requester shall submit the results of a scientific sample survey of Minnesota motor vehicle owners that indicates that at least 10,000 motor vehicle owners intend to purchase the proposed plate with the proposed fee or minimum contribution. The requester's plan to undertake the survey must be reported to the ~~department~~ commissioner before the survey is undertaken. The survey must be performed independently of the requester by another person or legal entity, however organized, that conducts similar sample surveys in the normal course of business.

(3) The requester shall submit an application fee of \$20,000, to cover the ~~department's~~ cost of reviewing the application for a new plate and developing the new special license plate if authorized by law. State funds may not be used to pay the application fee.

(4) The requester shall submit a marketing strategy that contains (i) short-term and long-term marketing plans for the requested plate, and (ii) a financial analysis showing the anticipated revenues and the planned expenditures of any fee or contribution derived from the requested plate.

(b) The requester shall submit the information required under paragraph (a) to the ~~department~~ commissioner at least 120 days before the convening of the next regular legislative session at which the requester will submit the proposal.

Subd. 3. **DESIGN; REDESIGN.** (a) If the proposed new special license plate sought by the requester is approved by law, the requester shall submit the proposed

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design for the plate to the ~~department~~ commissioner as soon as practicable, but not later than 120 days after the effective date of the law authorizing issuance of the plate. The department commissioner is responsible for selecting the final design for the special license plate.

(b) The requester that originally requested a special license plate subsequently approved by law may not submit a new design for the plate within the five years following the date of first issuance of the plate unless the inventory of those plates has been exhausted. The requester may deplete the remaining inventory of the plates by reimbursing the department commissioner for the cost of the plates.

Subd. 4. **REFUND OF FEE.** If the special license plate requested is not authorized in the legislative session at which authorization was sought, the department commissioner shall refund \$17,500 of the application fee to the requester.

Subd. 5. **DISCONTINUANCE OF PLATE.** (a) The department commissioner shall discontinue the issuance or renewal of any special license plate authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129, if (1) fewer than 1,000 sets of those plates are currently registered at the end of the first six years during which the plates are available, or (2) fewer than 1,000 sets of those plates are currently registered at the end of any subsequent two-year period following the first six years of availability.

(b) ~~The department may~~ commissioner shall discontinue the issuance or renewal of any special license plate authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129, and distribution of any contributions resulting from that plate, if the department commissioner determines that (1) the fund or requester receiving the contributions no longer exists, (2) the requester has stopped providing services that are authorized to be funded from the contribution proceeds, (3) the requester has requested discontinuance, or (4) contributions have been used in violation of subdivision 6.

(c) Nothing in this subdivision applies to license plates issued under section 168.123, 168.124, 168.125, 168.1251, or 168.1255.

Subd. 6. **USE OF CONTRIBUTIONS.** Contributions made as a condition of obtaining a special license plate authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129, and interest earned on the contributions, may not be spent for commercial or for-profit purposes.

Subd. 7. **DEPOSIT OF FEE; APPROPRIATION.** The commissioner shall deposit the application fee under subdivision 2, paragraph (a), clause (3), in the highway user tax distribution fund vehicle services operating account of the special revenue fund under section 299A.705. An amount sufficient to pay the department's cost in implementing and administering this section, including payment of refunds under subdivision 4, is appropriated to the commissioner.

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Sec. 18. Minnesota Statutes 2004, section 168.1296, is amended to read:

168.1296 **SPECIAL CRITICAL HABITAT LICENSE PLATES.**

Subdivision 1. **GENERAL REQUIREMENTS AND PROCEDURES.** (a) The registrar commissioner shall issue special critical habitat license plates to an applicant who:

- (1) is an ~~owner or joint~~ a registered owner of a passenger automobile, pickup truck, or van;
- (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;
- (5) contributes a minimum of \$30 annually to the Minnesota critical habitat private sector matching account established in section 84.943; and
- (6) complies with laws this chapter and rules governing registration of motor vehicles and licensing of vehicles and drivers.

(b) The critical habitat license plate application form must clearly indicate that the annual contribution specified under paragraph (a), clause (5), is a minimum contribution to receive the license plate and that the applicant may make an additional contribution to the account.

Subd. 2. **DESIGN.** After consultation with interested groups, the commissioner of natural resources and the registrar commissioner shall jointly select a suitable symbol for use by the registrar commissioner to design the special plates.

Subd. 3. **NO REFUND.** Contributions under this section must not be refunded.

Subd. 4. **PLATE TRANSFERS.** Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile, pickup truck, or van owned or jointly owned by registered to the person to whom the special plates were issued.

Subd. 5. **CONTRIBUTION AND FEES CREDITED.** Contributions under subdivision 1, paragraph (a), clause (5), must be paid to the registrar commissioner and credited to the Minnesota critical habitat private sector matching account established in section 84.943. The fees collected under this section must be deposited in the highway user tax distribution fund vehicle services operating account of the special revenue fund under section 299A.705.

Subd. 6. **RECORD.** The registrar commissioner shall maintain a record of the number of special plates issued under this section.

Sec. 19. Minnesota Statutes 2004, section 168.1297, is amended to read:

168.1297 **SPECIAL "ROTARY MEMBER" LICENSE PLATES.**

Subdivision 1. **GENERAL REQUIREMENTS AND PROCEDURES.** The registrar commissioner shall issue special "Rotary member" license plates to an applicant who:

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(1) is an owner or joint a registered owner of a passenger automobile, pickup truck, or van;

(2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

(3) pays the registration tax required under section 168.013;

(4) pays the fees required under this chapter;

(5) submits proof to the registrar commissioner that the applicant is a member of Rotary International; and

(6) complies with laws this chapter and rules governing registration of motor vehicles and licensing of vehicles and drivers.

Subd. 2. **DESIGN.** A special license plate under this section consists of a special license plate as described in section 168.1291 with a unique symbol emblem that is the recognized emblem of Rotary International.

Subd. 3. **COMPLIANCE WITH OTHER LAW.** The commissioner shall take no action under this section unless the commissioner determines that Rotary International, or one or more districts of Rotary International, has complied with section 168.1293, subdivision 2, paragraph (a). Issuance and renewal of license plates under this section are subject to section 168.1293, subdivisions 3 to 6.

Sec. 20. Minnesota Statutes 2004, section 168.15, subdivision 1, is amended to read:

Subdivision 1. **TRANSFER OF OWNERSHIP.** (a) Upon the transfer of ownership, destruction, theft, dismantling, or permanent removal by the owner from this state of any motor vehicle registered in accordance with this chapter, the right of the owner of the vehicle to use the registration certificate and number plates assigned to the vehicle expires.

(b) When the ownership of a motor vehicle is transferred to another resident of person required to register the vehicle in 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 unless the registration stickers are surrendered to the commissioner before the first day of the new registration period.

(c) When seeking to become the owner by gift, trade, or purchase of any vehicle for which a registration certificate has been issued under this chapter, a person shall join with the registered owner in transmitting with the application for transfer of ownership, the registration certificate, with the assignment and notice of sale duly executed upon the reverse side, or,

(d) In case of loss of the title or certificate of registration of a vehicle not subject to section 325E.15, the person shall make application to the commissioner with proof of loss by sworn statement, in writing, and satisfactory to the registrar of the title as specified in section 168A.09 and assign a notice of sale of the vehicle on the application for title as specified in section 168A.04.

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(e) Upon the transfer of any motor vehicle by a manufacturer or dealer, for use within the state, whether by sale, lease, or otherwise, the ~~manufacturer or dealer transferor~~ shall, within ten days after the transfer, file with the ~~registrar commissioner~~ (1) a notice or report containing the date of transfer, a description of the motor vehicle, and the transferee's name, street and number of residence, if in a city, and post office residence address in the state or if not a natural person then the transferee's business and mailing address, and shall also transmit with it (2) the transferee's application for registration.

Sec. 21. Minnesota Statutes 2004, section 168.16, is amended to read:

**168.16 REGISTRATION TAX REFUND; APPROPRIATION.**

(a) After the registration tax upon any motor vehicle has been paid for any year registration period, refund must be made for errors made in computing the registration 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 preceding registration period, subject to registration tax in this state as provided by section 168.012.

(b) 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 refund must be made from any fund in possession of the registrar and deducted from the registrar's monthly report to the commissioner of finance. A detailed report of the refund must accompany the report.

(c) The former registered owner of a transferred vehicle, by an assignment in writing endorsed upon the registration certificate and delivered to the registrar commissioner within the time provided in this subdivision, shall assign, except for vehicles registered under section 168.187, to the new owner the right to have the tax paid by the former registered owner accredited to the new owner who duly registers the vehicle unless the registration stickers are surrendered to the commissioner before the first day of the new registration period.

(d) Any owner at is entitled to a refund of the unused portion of the registration tax paid on the owner's vehicle upon filing a claim, verified by the commissioner, if the time of such occurrence, whose vehicle is:

(1) declared by an insurance company to be a total loss due to flood or tornado damage, permanently destroyed, due to accident, fire, or an Act of God as defined in section 115B.02; or

(2) sold to the federal government, the state, or a political subdivision 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

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of the year remaining after the month in which the plates and certificate were returned to the registrar;

(2) if the vehicle is registered under the monthly series system of registration, the amount of

(e) The refund is must be equal to the sum of the amounts of the license fee remaining registration tax attributable to those months remaining in for the licensing registration period after the month in which the plates and certificate of registration or title were returned to the registrar commissioner.

(b) (f) 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. 22. Minnesota Statutes 2004, section 168.27, subdivision 11, is amended to read:

Subd. 11. DEALERS' LICENSES; LOCATION CHANGE NOTICE; FEE.

(a) Application for a dealer's license or notification of a change of location of the place of business on a dealer's license must include a street address, not a post office box, and is subject to the registrar's commissioner's approval.

(b) Upon the filing of an application for a dealer's license and the proper fee, the registrar is authorized, unless the application on its face appears to be invalid, to the commissioner shall grant a 90-day temporary license. During the 90-day period following issuance of the temporary license, the registrar commissioner shall investigate the fitness of the applicant, inspect the place of business site, and make other investigation as necessary to insure compliance with the licensing law this section and rules adopted under this section.

(c) The registrar commissioner may extend the temporary license 30 days to allow the temporarily licensed dealer to come into full compliance with this section and rules adopted under this section.

At the end of the period of investigation (d) In no more than 120 days following issuance of the temporary license, the dealer license must either be granted or denied.

(e) A license must be denied under the following conditions:

(1) The license must be denied if within the previous ten years the applicant was enjoined due to a violation of section 325F.69 or convicted of violating section 325E.14, 325E.15, 325E.16, or 325F.69, or convicted under section 609.53 of receiving or selling stolen vehicles, or convicted of violating United States Code, title 15, sections 1981 to 1991, as amended through December 31, 1984, or pleaded guilty, entered a plea of nolo contendere or no contest, or has been found guilty in a court of competent jurisdiction of any charge of failure to pay state or federal income or sales taxes or felony charge of forgery, embezzlement, obtaining money under false pretenses, theft by swindle, extortion, conspiracy to defraud, or bribery.

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(2) The license must also be denied if within the previous year the applicant has been denied a dealer license.

(3) A license must also be denied if the applicant has had a dealer license revoked within the previous ten years.

(f) If the application is approved, the ~~registrar~~ commissioner shall license the applicant as a ~~motor vehicle~~ dealer for one year from the date the temporary license is granted and issue a certificate of license that must include a distinguishing number of identification of the dealer. The license must be displayed in a prominent place in the dealer's licensed location place of business.

(g) Each initial application for a license must be accompanied by a fee of \$50 \$100 in addition to the annual fee. The annual fee ~~shall be \$100~~ is \$150. ~~All The initial fees and annual fees must be paid into the state treasury and credited to the general fund except that \$50 of each initial and annual fee must be paid into the vehicle services operating account in the special revenue fund under section 299A.705.~~

Sec. 23. Minnesota Statutes 2004, section 168.31, subdivision 5, is amended to read:

Subd. 5. **REFUND.** For the ~~annual~~ registration tax paid on any vehicle before the calendar year registration period for which that tax was assessed, the owner of the vehicle who paid the tax shall be entitled to full refund if such vehicle is permanently destroyed or removed from the state before the calendar year for which the tax was paid or if it is not used at all during the calendar year for which the tax was paid, and the owner makes affidavit concerning the nonuse as provided by section 168.012 the registration stickers are surrendered before the first day of the new registration period.

Sec. 24. **[168.326] EXPEDITED DRIVER AND VEHICLES SERVICES; FEE.**

(a) When an applicant requests and pays an expedited service fee of \$20, in addition to other specified and statutorily mandated fees and taxes, the commissioner shall expedite the processing of an application for a driver's license, driving instruction permit, Minnesota identification card, or vehicle title transaction.

(b) A driver's license agent or deputy registrar may retain \$10 of the expedited service fee for each expedited service request processed by the licensing agent or deputy registrar.

(c) When expedited service is requested, materials must be mailed or delivered to the requester within three days of receipt of the expedited service fee excluding Saturdays, Sundays, or the holidays listed in section 645.44, subdivision 5. The requester shall comply with all relevant requirements of the requested document.

(d) The commissioner may decline to accept an expedited service request if it is apparent at the time it is made that the request cannot be granted.

(e) The expedited service fees collected under this section for an application for a driver's license, driving instruction permit, or Minnesota identification card minus

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any portion retained by a licensing agent or deputy registrar under paragraph (b) must be paid into the driver services operating account in the special revenue fund specified under section 299A.705.

(f) The expedited service fees collected under this section for a transaction for a vehicle service minus any portion retained by a licensing agent or deputy registrar under paragraph (b) must be paid into the vehicle services operating account in the special revenue fund specified under section 299A.705.

#### Sec. 25. [168.327] DRIVER AND VEHICLE RECORD FEES.

Subdivision 1. **RECORDS AND FEES.** (a) Upon request by any person authorized in this section, the commissioner shall furnish a certified copy of any driver's license record, instruction permit record, Minnesota identification card record, vehicle registration record, vehicle title record, or accident record.

(b) Other than accident records governed under section 169.09, subdivision 13, the requester shall pay a fee of \$10 for each certified record specified in paragraph (a) or a fee of \$9 for each record that is not certified.

(c) In addition to the record fee in paragraph (b), the fee for a copy of the history of any vehicle title not in electronic format is \$1 for each page of the historical record.

(d) Fees collected under paragraph (b) for driver's license, instruction permit, and Minnesota identification card records must be paid into the state treasury with 50 cents of each fee credited to the general fund. The remainder of the fees collected must be credited to the driver services operating account in the special revenue fund under section 299A.705.

(e) Fees collected under paragraphs (b) and (c) for vehicle registration or title records must be paid into the state treasury with 50 cents of each fee credited to the general fund. The remainder of the fees collected must be credited to the vehicle services operating account in the special revenue fund specified in section 299A.705.

(f) The commissioner shall permit a person to inquire into a record by the person's own electronic means for a fee of \$4.50 for each inquiry, except that no fee may be charged when the requester is the subject of the data.

(1) Of the \$4.50 fee, \$2.70 must be deposited in the general fund.

(2) For driver's license, instruction permit, or Minnesota identification card records, the remainder must be deposited in the driver services operating account in the special revenue fund under section 299A.705.

(3) For vehicle title or registration records, the remainder must be deposited in the vehicle services operating account in the special revenue fund under section 299A.705.

(g) Fees and the deposit of the fees for accident records and reports are governed by section 169.09, subdivision 13.

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**Subd. 2. REQUESTS FOR INFORMATION; SURCHARGE ON FEE.** (a) Except as otherwise provided in subdivision 3, the commissioner shall impose a surcharge of 50 cents on each fee charged by the commissioner under section 13.03, subdivision 3, for copies or electronic transmittals of public information about the registration of a vehicle or an applicant, or holder of a driver's license, instruction permit, or Minnesota identification card.

(b) The surcharge only applies to a fee imposed in response to a request made in person or by mail, or to a request for transmittal through a computer modem. The surcharge does not apply to the request of an individual for information about that individual's driver's license, instruction permit, or Minnesota identification card or about vehicles registered or titled in the individual's name.

(c) The surcharges collected under this subdivision must be credited to the general fund.

**Subd. 3. EXCEPTION TO FEE AND SURCHARGE.** (a) Notwithstanding subdivision 2 or section 13.03, a fee or surcharge may not be imposed in response to a request for public information about the registration of a vehicle if the commissioner is satisfied that:

(1) the requester seeks the information on behalf of a community-based, nonprofit organization designated by a local law enforcement agency to be a requester; and

(2) the information is needed to identify suspected prostitution law violators, controlled substance law violators, or health code violators.

(b) The commissioner shall not require a requester under paragraph (a) to make a minimum number of data requests or limit the requester to a maximum number of data requests.

Sec. 26. Minnesota Statutes 2004, section 168.33, as amended by Laws 2005, chapter 10, article 1, section 28, is amended to read:

**168.33 COMMISSIONER AS REGISTRAR OF MOTOR VEHICLES; DEPUTY REGISTRARS.**

**Subdivision 1. REGISTRAR COMMISSIONER'S DUTIES AND POWERS, GENERALLY.** The commissioner of public safety shall be is the registrar of motor vehicles of the state of Minnesota, and shall exercise all the powers granted to and perform all the duties imposed by this chapter. The commissioner of public safety may employ not to exceed eight persons as inspectors, is authorized to obtain information and report to the registrar regarding motor about all vehicles subject to taxation under this chapter upon which the tax has not been paid, and to present suitable complaints to courts of competent jurisdiction.

**Subd. 2. DEPUTY REGISTRARS.** (a) The registrar may appoint, hire, and discharge and fix the compensation of the necessary employees, in the manner provided by law, as may be required to enable the registrar to properly carry out the duties imposed by this chapter. The registrar commissioner may appoint, and for cause

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discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau which that issues motor vehicle licenses as provided in section 373.32.

(b) ~~The registrar~~ commissioner may appoint, and for cause discontinue, a deputy registrar for any statutory or home rule charter city as the public interest and convenience may require, if the auditor for the county in which the city is situated chooses not to accept appointment as the deputy registrar for the county or is discontinued as a deputy registrar, or if the county in which the city is situated has not established a county license bureau which that issues motor vehicle licenses as provided in section 373.32. ~~A person~~ The individual appointed by the registrar commissioner as a deputy registrar for any statutory or home rule charter city must be a resident of the county in which the city is situated.

(c) ~~The registrar~~ commissioner may appoint, and for cause discontinue, the county auditor of each county as a deputy registrar. ~~Upon approval of the county board, the auditor, with the approval of the director of motor vehicles, may appoint, and for cause discontinue, the clerk or equivalent officer of each statutory or home rule charter city or any other person as a deputy registrar as public interest and convenience may require, regardless of the appointee's county of residence. At the request of the governing body of a statutory or home rule charter city, the auditor shall appoint, and may for cause discontinue, the clerk or equivalent officer of a city, or another officer or employee of the city designated by the governing body, as a deputy registrar:~~

(1) ~~if the city is a county seat or, if not, is larger than the seat of the county in which it is situated; and~~

(2) ~~no office of a deputy registrar is situated within the city or within 15 miles of the city by the most direct public route.~~

(d) ~~Notwithstanding~~ Despite any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any statutory or home rule charter city, may continue to serve as deputy registrar and may be discontinued for cause only by the registrar commissioner. The county auditor who appointed the deputy registrars is responsible for the acts of deputy registrars appointed by the auditor.

(e) Each deputy, before entering upon the discharge of duties, shall take and subscribe an oath to faithfully discharge the duties and to uphold the laws of the state.

(f) If a deputy registrar appointed under this subdivision is not an officer or employee of a county or statutory or home rule charter city, the deputy shall in addition give bond to the state in the sum of \$10,000, or a larger sum as may be required by the registrar commissioner, conditioned upon the faithful discharge of duties as deputy registrar.

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(e) (g) Until January 1, ~~2009~~ 2012, a corporation governed by chapter 302A may be appointed a deputy registrar. Upon application by an individual serving as a deputy registrar and the giving of the requisite bond as provided in this subdivision, personally assured by the individual or another individual approved by the commissioner of ~~public safety~~, a corporation named in an application ~~shall become~~ then becomes the duly appointed and qualified successor to the deputy registrar. The appointment of any corporation as a deputy registrar expires January 1, 2009. ~~A county board shall appoint,~~ The commissioner shall appoint if the county board declines to do so, an individual as successor to the corporation as a deputy registrar. ~~The county board or commissioner shall appoint as the successor agent to a corporation whose appointment expires under this paragraph an officer of the corporation if the officer applies for appointment before July 1, 2009.~~

(f) (h) Each deputy registrar appointed under this subdivision shall keep and maintain, in a convenient ~~public place within or in close proximity to the place for which appointed,~~ a registration and motor vehicle tax collection bureau, to be approved by the registrar; office locations approved by the commissioner for the registration of motor vehicles and the collection of taxes and fees on motor vehicles.

(i) The deputy registrar shall keep records and make reports to the registrar commissioner as the registrar; ~~from time to time, may require commissioner requires.~~ The records must be maintained at the facility offices of the deputy registrar. The records and facilities offices of the deputy registrar must at all times be open to the inspection of the registrar commissioner or the registrar's commissioner's agents. The deputy registrar shall report to the registrar commissioner by the next working day following receipt all registrations made and taxes and fees collected by the deputy registrar.

(j) The filing fee imposed under subdivision 7 must be deposited in the treasury of the place for which appointed or, if not a public official, a deputy shall retain the filing fee, but the registration tax and any additional fees for delayed registration the deputy registrar has collected the deputy registrar shall deposit by the next working day following receipt in an approved state depository to the credit of the state through the commissioner of finance. The place for which the deputy registrar is appointed through its governing body must provide the deputy registrar with facilities and personnel to carry out the duties imposed by this subdivision if the deputy is a public official. In all other cases, the deputy shall maintain a suitable facility for serving the public.

Subd. 2a. **DEPUTY REGISTRARS, CONTINUATION IN OFFICE.** Persons serving as deputy registrars on July 1, 1970, shall continue to hold such office until a successor is duly appointed and qualifies.

Subd. 2b. **DEPUTY REGISTRARS, EMPLOYMENT STATUS.** (a) Deputy registrars, and their employees, who retain the filing fee in lieu of a salary, shall, after July 1, 1971, be considered as independent contractors for pension purposes, and ineligible because of such service for coverage under the Minnesota State Retirement System or membership in the Public Employees Retirement Association.

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(b) Those deputy registrars as defined in this subdivision who are covered by the Minnesota State Retirement System on June 30, 1971, shall have the option of terminating said may terminate coverage on July 1, 1971, or of continuing said continue coverage until termination of state service. The form of the this option and the time for filing shall must be as prescribed by the board of directors of the system. Those choosing to continue said coverage, shall provide from the filing fees retained the employee and employer contributions as required by chapter 352.

Subd. 3. **RECORD OF VEHICLE REGISTRATION; DISCLOSURE.** (a) The registrar commissioner shall keep a suitable record of all motor registered vehicles registered in the registrar's office, indexed, according to (1) registration plate number, according to (2) name of the registered owner, according to (3) make of motor vehicle and the factory vehicle's identification number, for such makes as are a vehicle so identified, or according to, if none, the vehicle's serial number of such makes as are so identified until the manufacturers thereof adopt and use an manufacturer adopts and uses a vehicle identification number, and according to such other information as the registrar shall deem advisable. Duplicates of the certificate of registration shall be used, until a more efficient system is evolved, to make the registration number and registered owner's indexes herein required, and such other copies as are desirable. The registrar may furnish to any one applying therefor transcripts of such records for not less than the cost of preparing the same; provided, that any sums in excess of such cost received by the registrar for furnishing such transcripts shall be paid by the registrar into the state treasury.

(b) The commissioner shall furnish to any person applying for a copy of the registration, a copy as specified in section 168.327.

(c) The registrar commissioner shall also furnish copies thereof vehicle registration records, without charge, to the chiefs of police of the cities of Minneapolis, St. Paul, and Duluth, county sheriffs, prosecuting attorneys, and other law enforcement agencies with the power to arrest.

Subd. 6. **APPLICATION FORMS.** The Every deputy registrar shall provide, in a manner and format prescribed by the registrar, necessary forms and information to deputy registrars. The registrar and deputy registrars shall immediately destroy all number plates surrendered and shall cancel all certificates surrendered use application forms or formats as prescribed by or approved by the commissioner.

Subd. 7. **FILING FEE.** (a) In addition to all other statutory fees and taxes, a filing fee of:

(i) (1) \$4.50 is imposed on every motor vehicle registration renewal, excluding pro rate transactions; and

(ii) \$7 (2) \$8.50 is imposed on every other type of vehicle transaction, including pro rate transactions; except that a filing fee may not be charged for a document returned for a refund or for

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a correction of an error made by the Department of Public Safety, a licensed auto dealer, or a deputy registrar. The filing fee must be shown as a separate item on all registration renewal notices sent out by the department commissioner. 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.

(b) Filing All of the fees collected under this subdivision by the department paragraph (a), clause (1), by the department, must be paid into the state treasury and credited to the highway user tax distribution fund, except fees for registrations of motor vehicles. Filing fees collected for registrations of 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 vehicle services operating account in the special revenue fund under section 299A.705. Of the fee collected under paragraph (a), clause (2), by the department, \$3.50 must be paid into the general fund with the remainder deposited into the vehicle services operating account in the special revenue fund under section 299A.705.

(c) A motor vehicle dealer shall retain \$2.50 of each filing fee imposed under this subdivision for a completed transaction involving the sale of a motor vehicle to or by a licensed dealer, if the dealer electronically transmits the transaction to the department commissioner or a deputy registrar. The department commissioner shall develop procedures to implement this subdivision in consultation with the Minnesota Deputy Registrar Association and the Minnesota Automobile Dealers Association. Deputy registrars shall must not be prohibited from receiving and processing required documents supporting an electronic transaction.

Subd. 8. **TEMPORARY DISABILITY PERMIT AND FEE.** The registrar commissioner shall allow deputy registrars to implement and follow procedures for processing applications and accepting and remitting fee payments for 30-day temporary disability permits issued under section 169.345, subdivision 3, paragraph (c), that are identical or substantially similar to the procedures required by law or rule for motor vehicle registration and titling transactions.

Subd. 9. **RULES.** The commissioner of public safety may adopt rules for administering and enforcing this section.

Sec. 27. Minnesota Statutes 2004, section 168.345, subdivision 1, is amended to read:

Subdivision 1. **INFORMATION BY TELEPHONE.** Information concerning ~~motor~~ about vehicle registrations shall not be furnished on the telephone to any person except the personnel of law enforcement agencies and the personnel of governmental motor vehicle and registration offices.

Sec. 28. Minnesota Statutes 2004, section 168.345, subdivision 2, is amended to read:

Subd. 2. **LESSEES; INFORMATION.** The registrar commissioner may not furnish information concerning about registered owners of passenger automobiles who

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are lessees under a lease for a term of 180 days or more to any person except the personnel of law enforcement agencies and federal, state, and local governmental units, and, at the registrar's commissioner's discretion, to persons who use the information to notify lessees of automobile recalls. The registrar commissioner may release information about lessees in the form of summary data, as defined in section 13.02, to persons who use the information in conducting statistical analysis and market research.

Sec. 29. Minnesota Statutes 2004, section 168.381, is amended to read:

**168.381 MANUFACTURE OF VEHICLE LICENSE PLATES; APPROPRIATIONS.**

**Subdivision 1. CORRECTIONAL FACILITIES; OTHER MANUFACTURERS.** (a) License number Plates required by law this chapter may be manufactured by the Minnesota Correctional Facility-St. Cloud, the Minnesota Correctional Facility-Stillwater, or other facility established by law for the confinement of persons convicted of felony, upon order from the registrar of motor vehicles commissioner. The order must state the quality of material desired in the plates, the plate specifications, and the amount or number desired.

(b) Should the commissioner of corrections decide not to supply the required quantity of license plates, or discontinue the manufacture of plates, the commissioner of public safety is authorized to seek other suppliers on a competitive basis.

**Subd. 2. LABORATORY TESTING; COSTS.** (a) Materials purchased to be used in the manufacture of motor vehicle number plates must be tested as to conformance with specifications established by the commissioner of public safety in a privately operated laboratory service to be designated by the commissioner. The cost of the laboratory must be included in the cost of materials purchased.

(b) The cost of delivery of number plates to the commissioner of public safety at places designated by the commissioner must be included in the expenses incurred in their manufacture.

**Subd. 3. SPECIFICATIONS.** The commissioner of public safety shall establish new or revised specifications for the material and equipment used in the manufacture of number plates ordered for manufacture after August 1, 1975, and may from time to time revise the specifications; provided that the specifications conform to the requirements of section 168.12. In establishing new or revised specifications, the commissioner shall consult with and give consideration to the advice and recommendations of representatives of the Minnesota State Patrol, local police officers' associations, and the county sheriffs' association.

**Subd. 4. APPROPRIATIONS.** (a) Money appropriated to the Department of Public Safety to procure the plates for any fiscal year or years are is available for allotment, encumbrance, and expenditure from and after the date of the enactment of the appropriation. Materials and equipment used in the manufacture of number plates are subject only to the approval of the commissioner of public safety.

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(b) This section contemplates that money to be appropriated to the Department of Public Safety in order to carry out the terms and provisions of this section will be appropriated by the legislature from the highway user tax distribution fund.

(c) A sum sufficient is appropriated annually from the highway user tax distribution vehicle services operating account in the special revenue fund to the commissioner of public safety to pay the costs of purchasing, delivering, and mailing ~~motor vehicle~~ license number plates, license plate registration tabs or stickers, and license plate registration notices.

Sec. 30. Minnesota Statutes 2004, section 168.54, subdivision 4, is amended to read:

Subd. 4. **TRANSFER FEE.** A fee of \$3 is imposed upon every transfer of ownership by the commissioner of public safety of any ~~motor~~ vehicle for which a registration certificate has heretofore been issued under this chapter, except vehicles sold for the purposes of salvage or dismantling, or permanent removal from the state.

Sec. 31. Minnesota Statutes 2004, section 168.54, subdivision 5, is amended to read:

Subd. 5. **PROCEEDS TO GENERAL FUND.** The ~~registrar~~ commissioner shall collect the proceeds of the fee imposed under this section and deposit them in the general fund pursuant to section 168A.31.

Sec. 32. Minnesota Statutes 2004, section 168A.152, subdivision 2, is amended to read:

Subd. 2. **INSPECTION FEE; PROCEEDS TO GENERAL FUND VEHICLE SERVICES OPERATING ACCOUNT.** (a) A fee of ~~\$20~~ \$35 must be paid to the department before the department issues a certificate of title for a vehicle that has been inspected and for which a certificate of inspection has been issued pursuant to subdivision 1. The only additional fee that may be assessed for issuing the certificate of title is the filing fee imposed under section 168.33, subdivision 7.

(b) Fees Of the fee collected by the department under this subdivision, for conducting inspections under subdivision 1, \$20 must be deposited in the general fund and the remainder of the fee collected must be deposited in the vehicle services operating account in the special revenue fund as specified in section 299A.705.

Sec. 33. Minnesota Statutes 2004, section 168A.29, is amended to read:

**168A.29 FEES.**

Subdivision 1. **AMOUNTS.** (a) The department shall must be paid the following fees:

(1) for filing an application for and the issuance of an original certificate of title, the sum of ~~\$3~~ \$5.50 of which \$2.50 must be paid into the vehicle services operating account of the special revenue fund under section 299A.705;

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(2) for each security interest when first noted upon a certificate of title, including the concurrent notation of any assignment thereof and its subsequent release or satisfaction, the sum of \$2, except that no fee is due for a security interest filed by a public authority under section 168A.05, subdivision 8;

(3) for the transfer of the interest of an owner and the issuance of a new certificate of title, the sum of ~~\$3~~ \$5.50 of which \$2.50 must be paid into the vehicle services operating account of the special revenue fund under section 299A.705;

(4) for each assignment of a security interest when first noted on a certificate of title, unless noted concurrently with the security interest, the sum of \$1;

(5) for issuing a duplicate certificate of title, the sum of \$4 ~~\$6.50 of which \$2.50 must be paid into the vehicle services operating account of the special revenue fund under section 299A.705.~~

(b) After June 30, 1994, in addition to each of the fees required under paragraph (a), clauses (1) and (3), the department shall ~~must be paid~~ \$3.50. The additional ~~\$3.50~~ fee collected under this paragraph must be deposited in the special revenue fund and credited to the public safety motor vehicle account established in section 299A.70.

Subd. 2. **FEE IN LIEU OF OTHER FEE.** If a person applies for an original or a new certificate of title to a vehicle, concurrently with an application, as transferee, of registration of the vehicle, the fee prescribed in subdivision 1 shall ~~must be~~ in lieu of the fee prescribed by section 168.54, with respect to any transfer of ownership or registration of the vehicle to the applicant.

Subd. 3. **NO CERTIFICATE ISSUED UNTIL FEES PAID.** Subject to subdivision 2, the department shall not issue a certificate of title to a vehicle until all fees prescribed by sections 168.54 and 168A.10, subdivision 6, with respect to any prior transfer of ownership or registration of the vehicle shall have been paid.

Sec. 34. Minnesota Statutes 2004, section 168A.31, is amended to read:

**168A.31 DISPOSITION OF FEES; PAYMENT OF EXPENSES.**

Subdivision 1. **PAID TO GENERAL FUND DISTRIBUTION.** All fees prescribed by sections 168A.01 to 168A.31 and 168.54 collected by the department must be paid into the general fund, ~~unless otherwise specified in chapter 168A.~~

Subd. 2. **EXPENSES; APPROPRIATION.** All necessary expenses incurred by the department for the administration of sections 168A.01 to 168A.31 shall ~~must be~~ paid from ~~moneys money~~ in the transfer of ownership revolving vehicle services operating account of the special revenue fund as specified in section 299A.705, and such funds are hereby appropriated.

Sec. 35. Minnesota Statutes 2004, section 169.09, subdivision 13, is amended to read:

Subd. 13. **REPORTS CONFIDENTIAL; EVIDENCE, FEE, PENALTY, APPROPRIATION.** (a) All written reports and supplemental ~~reports~~ information

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required under this section ~~shall~~ must be for the use of the commissioner of public safety and other appropriate state, federal, county, and municipal governmental agencies for accident analysis purposes, except:

(1) the commissioner of public safety or any law enforcement agency shall, upon written request of any ~~person~~ individual involved in an accident or upon written request of the representative of the ~~person's~~ individual's estate, surviving spouse, or one or more surviving next of kin, or a trustee ~~appointed pursuant to~~ under section 573.02, disclose to the requester, the requester's legal counsel, or a representative of the requester's insurer the report required under subdivision 8;

(2) the commissioner of public safety shall, upon written request, provide the driver filing a report under subdivision 7 with a copy of the report filed by the driver;

(3) the commissioner of public safety may verify with insurance companies vehicle insurance information to enforce sections 65B.48, 169.792, 169.793, 169.796, and 169.797;

(4) the commissioner of public safety shall provide the commissioner of transportation the information obtained for each traffic accident involving a commercial motor vehicle, for purposes of administering commercial vehicle safety regulations; and

(5) the commissioner of public safety may give to the United States Department of Transportation commercial vehicle accident information in connection with federal grant programs relating to safety.

(b) Accident reports and data contained in the reports ~~shall~~ are not be discoverable under any provision of law or rule of court. No report shall be used as evidence in any trial, civil or criminal, or any action for damages or criminal proceedings arising out of an accident, ~~except that.~~ However, the commissioner of public safety shall furnish, upon the demand of any person who has, or claims to have, made a report; or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the commissioner solely to prove compliance or failure to comply with the requirements that the report be made to the commissioner.

(c) Nothing in this subdivision prevents any ~~person~~ individual who has made a report ~~pursuant to~~ under this section from providing information to any ~~persons~~ individuals involved in an accident or their representatives or from testifying in any trial, civil or criminal, arising out of an accident, as to facts within the ~~person's~~ individual's knowledge. It is intended by this subdivision to render privileged the reports required, but it is not intended to prohibit proof of the facts to which the reports relate.

(d) Disclosing any information contained in any accident report, except as provided in this subdivision, section 13.82, subdivision 3 or 6, or other statutes, is a misdemeanor.

(e) The commissioner of public safety ~~may~~ shall charge authorized persons as described in paragraph (a) a \$5 fee for a copy of an accident report. Ninety percent of

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the \$5 fee collected under this paragraph must be deposited in the special revenue fund and credited to the driver services operating account established in section 299A.705 and ten percent must be deposited in the general fund. The commissioner may also furnish copies of the modified accident records an electronic copy of the database of accident records, which must not contain personal or private data on an individual, to private agencies as provided in paragraph (g), for not less than the cost of preparing the copies on a bulk basis as provided in section 13.03, subdivision 3.

(f) The fees specified in paragraph (e) notwithstanding, the commissioner and law enforcement agencies may shall charge commercial users who request access to response or incident data relating to accidents a fee not to exceed 50 cents per report record. "Commercial user" is a user who in one location requests access to data in more than five accident reports per month, unless the user establishes that access is not for a commercial purpose. Of the money collected by the commissioner under this paragraph is appropriated to the commissioner, 90 percent must be deposited in the special revenue fund and credited to the driver services operating account established in section 299A.705 and ten percent must be deposited in the general fund.

(g) The fees in paragraphs (e) and (f) notwithstanding, the commissioner may shall provide a modified an electronic copy of the accident records database that does to the public on a case-by-case basis using the cost-recovery charges provided for under section 13.03, subdivision 3. The database provided must not contain names, driver's license numbers, vehicle license plate numbers, addresses, or other identifying data to the public upon request personal or private data on an individual. However, unless the accident records data base includes the ~~motor~~ vehicle identification number, the commissioner shall include the vehicle license registration plate number if a private agency certifies and agrees that the agency:

(1) is in the business of collecting accident and damage information on vehicles;

(2) will use the vehicle license registration plate number only for the purpose of identifying vehicles that have been involved in accidents or damaged in order, to provide this information to persons seeking access to a vehicle's history and not for the purpose of identifying individuals or for any other purpose; and

(3) will be subject to the penalties and remedies under sections 13.08 and 13.09.

Sec. 36. Minnesota Statutes 2004, section 169A.60, subdivision 16, is amended to read:

Subd. 16. **FEES CREDITED TO HIGHWAY USER FUND.** Fees collected from the sale or reinstatement of license plates under this section must be paid into the state treasury and credited one-half to the highway user tax distribution fund vehicle services operating account in the special revenue fund specified in section 299A.705 and one-half to the general fund.

Sec. 37. Minnesota Statutes 2004, section 171.06, subdivision 2, is amended to read:

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

Subd. 2. **FEES.** (a) The fees for a license and Minnesota identification card are as follows:

Classified Driver's License	D- <del>\$18.50</del> <u>\$21.50</u>	C- <del>\$22.50</del> <u>\$25.50</u>	A- <del>\$37.50</del> <u>\$40.50</u>
	B- <del>\$29.50</del> <u>\$32.50</u>		
Classified Under-21 D.L.	D- <del>\$18.50</del> <u>\$21.50</u>	C- <del>\$22.50</del> <u>\$25.50</u>	
	B- <del>\$29.50</del> <u>\$32.50</u>	A- <del>\$17.50</del> <u>\$20.50</u>	
Instruction Permit			\$ 9.50
Provisional License			\$ 9.50 <u>\$12.50</u>
Duplicate License or duplicate identification card			\$ 8.00 <u>\$11.00</u>
Minnesota identification card or Under-21 Minnesota identification card, other than duplicate, except as otherwise provided in section 171.07, subdivisions 3 and 3a			<u>\$12.50</u> <u>\$15.50</u>

(b) Notwithstanding paragraph (a), a ~~person~~ an individual who holds a provisional license and has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (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.

(c) In addition to the driver's license fee required under paragraph (a), the ~~registrar~~ commissioner shall collect an additional \$4 processing fee from each new applicant or ~~person~~ individual renewing a license with a school bus endorsement to cover the costs for processing an applicant's initial and biennial physical examination certificate. The department shall not charge these applicants any other fee to receive or renew the endorsement.

Sec. 38. Minnesota Statutes 2004, section 171.061, subdivision 4, is amended to read:

Subd. 4. **FEE; EQUIPMENT.** (a) The agent may charge and retain a filing fee of ~~\$3.50~~ \$5 for each application. Except as provided in paragraph (b), the fee shall cover all expenses involved in receiving, accepting, or forwarding to the department the applications and fees required under sections 171.02, subdivision 3; 171.06, subdivisions 2 and 2a; and 171.07, subdivisions 3 and 3a.

(b) The department shall maintain the photo identification equipment for all agents appointed as of January 1, 2000. Upon the retirement, resignation, death, or discontinuance of an existing agent, and if a new agent is appointed in an existing office pursuant to Minnesota Rules, chapter 7404, and notwithstanding the above or Minnesota Rules, part 7404.0400, the department shall provide and maintain photo identification equipment without additional cost to a newly appointed agent in that office if the office was provided the equipment by the department before January 1, 2000. All photo identification equipment must be compatible with standards established by the department.

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(c) A filing fee retained by the agent employed by a county board must be paid into the county treasury and credited to the general revenue fund of the county. An agent who is not an employee of the county shall retain the filing fee in lieu of county employment or salary and is considered an independent contractor for pension purposes, coverage under the Minnesota State Retirement System, or membership in the Public Employees Retirement Association.

(d) Before the end of the first working day following the final day of the reporting period established by the department, the agent must forward to the department all applications and fees collected during the reporting period except as provided in paragraph (c).

Sec. 39. Minnesota Statutes 2004, section 171.07, subdivision 11, is amended to read:

Subd. 11. **STANDBY OR TEMPORARY CUSTODIAN.** (a) Upon the written request of the applicant and upon payment of an additional fee of \$3.50, the department shall issue a driver's license or Minnesota identification card bearing a symbol or other appropriate identifier indicating that the license holder has appointed an individual to serve as a standby or temporary custodian under chapter 257B.

(b) The request must be accompanied by a copy of the designation executed under section 257B.04.

(c) The department shall maintain a computerized records system of all persons individuals listed as standby or temporary custodians by driver's license and identification card applicants. This data shall must be released to appropriate law enforcement agencies under section 13.69. Upon a parent's request and payment of a fee of \$3.50, the department shall revise its list of standby or temporary custodians to reflect a change in the appointment.

(d) At the request of the license or cardholder, the department shall cancel the standby or temporary custodian indication without additional charge. However, this paragraph does not prohibit a fee that may be applicable for a duplicate or replacement license or card, renewal of a license, or other service applicable to a driver's license or identification card.

(e) Notwithstanding sections 13.08, subdivision 1, and 13.69, the department and department employees are conclusively presumed to be acting in good faith when employees rely on statements made, in person or by telephone, by persons purporting to be law enforcement and subsequently release information described in paragraph (b). When acting in good faith, the department and department personnel are immune from civil liability and not subject to suit for damages resulting from the release of this information.

(f) The department and its employees:

(1) have no duty to inquire or otherwise determine whether a designation submitted under this subdivision is legally valid and enforceable; and

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(2) are immune from all civil liability and not subject to suit for damages resulting from a claim that the designation was not legally valid and enforceable.

(g) Of the fees received by the department under this subdivision:

(1) Up to \$111,000 received in fiscal year 1997 and up to \$61,000 received in subsequent fiscal years must be deposited in the general fund.

(2) All other fees must be deposited in the ~~trunk highway~~ driver services operating account in the special revenue fund specified in section 299A.705.

Sec. 40. Minnesota Statutes 2004, section 171.13, subdivision 6, is amended to read:

Subd. 6. **INITIAL MOTORCYCLE ENDORSEMENT FEE.** A person applying for an initial motorcycle endorsement on a driver's license shall pay at the place of examination a total fee of \$21, which includes the examination fee and endorsement fee, but does not include the fee for a duplicate driver's license prescribed in section 171.06, subdivision 2. Of this amount, \$11 must be credited as provided in section 171.06, subdivision 2a, paragraph (a), clause (1), \$2.50 must be credited to the ~~trunk highway~~ driver services operating account in the special revenue fund specified under section 299A.705, and the remainder must be credited to the general fund.

Sec. 41. Minnesota Statutes 2004, section 171.13, is amended by adding a subdivision to read:

Subd. 7. **REPEAT EXAMINATION FEE.** (a) A fee of \$10 must be paid by an individual to take a third and any subsequent knowledge test administered by the department if the individual has failed two previous consecutive knowledge tests on the subject.

(b) A fee of \$20 must be paid by an individual to take a third and any subsequent skills or road test administered by the department if the individual has previously failed two consecutive skill or road tests in a specified class of motor vehicle.

(c) All fees received under this subdivision must be paid into the state treasury and credited to the driver services operating account in the special revenue fund specified under section 299A.705.

Sec. 42. Minnesota Statutes 2004, section 171.20, subdivision 4, as amended by Laws 2005, chapter 136, article 18, section 12, is amended to read:

Subd. 4. **REINSTATEMENT FEE.** (a) Before the license is reinstated, (1) a ~~person~~ an individual whose driver's license has been suspended under section 171.16, subdivisions 2 and 3; 171.18; or 171.182, or who has been disqualified from holding a commercial driver's license under section 171.165, and (2) a ~~person~~ an individual whose driver's license has been suspended under section 171.186 and who is not exempt from such a fee, must pay a fee of \$20.

(b) Before the license is reinstated, a ~~person~~ an individual whose license has been suspended under sections 169.791 to 169.798 must pay a \$20 reinstatement fee.

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(c) When fees are collected by a licensing agent appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fee and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

(d) Reinstatement fees collected under paragraph (a) for suspensions under sections 171.16, subdivision 3, and 171.18, subdivision 1, clause (10), ~~shall~~ must be deposited in the special revenue fund and are appropriated to the Peace Officer Standards and Training Board for peace officer training reimbursement to local units of government.

(e) A suspension may be rescinded without fee for good cause.

Sec. 43. Minnesota Statutes 2004, section 171.26, as amended by Laws 2005, chapter 136, article 18, section 13, is amended to read:

**171.26 MONEY CREDITED TO FUNDS.**

Subdivision 1. DRIVER SERVICES OPERATING ACCOUNT. All money received under this chapter must be paid into the state treasury and credited to the ~~trunk highway driver services operating account~~ in the special revenue fund specified under section 299A.705, except as provided in subdivision 3; sections 171.06, subdivision 2a; 171.07, subdivision 11, paragraph (g); 171.12, subdivision 8; 171.20, subdivision 4, paragraph (d); and 171.29, subdivision 2, paragraph (b).

Subd. 2. TRUNK HIGHWAY FUND. (a) Notwithstanding subdivision 1 or any other provision in this chapter to the contrary, for the four fiscal years from July 1, 2005, through June 30, 2009, a portion of the money collected by the department under this chapter in each fiscal year must be deposited in the trunk highway fund as follows:

- (1) for fiscal year 2006, the first \$833,000 collected;
- (2) for fiscal year 2007, the first \$1,523,000 collected;
- (3) for fiscal year 2008, the first \$1,565,000 collected; and
- (4) for fiscal year 2009, the first \$1,825,000 collected.

(b) This subdivision expires July 1, 2009.

Sec. 44. Minnesota Statutes 2004, section 171.29, subdivision 2, is amended to read:

**Subd. 2. REINSTATEMENT FEES AND SURCHARGES ALLOCATED AND APPROPRIATED.** (a) ~~A person~~ An individual whose driver's license has been revoked as provided in subdivision 1, except under section 169A.52, 169A.54, or 609.21, ~~shall~~ must 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 169A.52, 169A.54, or 609.21, ~~shall~~ must pay a \$250 fee plus a \$40 surcharge before the driver's license is reinstated. Beginning July 1, 2002, the

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surcharge is \$145. Beginning July 1, 2003, the surcharge is \$430. The \$250 fee is to be credited as follows:

(1) Twenty percent must be credited to the trunk highway driver services operating account in the special revenue fund as specified in section 299A.705.

(2) Sixty-seven percent must be credited to the general fund.

(3) Eight percent 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 must be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Five percent must be credited to a separate account to be known as the vehicle forfeiture account, which is created in the special revenue fund. The money in the account is annually appropriated to the commissioner for costs of handling vehicle forfeitures.

(c) The revenue from \$50 of each surcharge 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: 83 percent for contracts 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 17 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this clause paragraph, 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 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~~ A patient's name, identifying information, or identifiable medical data ~~will~~ must not be disclosed to the organization without the informed voluntary written consent of the

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patient or patient's guardian or, if the patient is a minor, of the parent or guardian of the patient.

(d) The remainder of the surcharge 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.

(e) When these fees are collected by a licensing agent, appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fees and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

Sec. 45. Minnesota Statutes 2004, section 171.36, is amended to read:

**171.36 LICENSE RENEWAL; FEES; PROCEEDS TO TRUNK HIGHWAY FUND DRIVER SERVICES OPERATING ACCOUNT.**

All licenses shall expire one year from the date of issuance and may be renewed upon application to the commissioner. Each application for an original or renewal school license shall must be accompanied by a fee of \$150 and each application for an original or renewal instructor's license shall must be accompanied by a fee of \$50. The license fees collected under sections 171.33 to 171.41 shall must be paid into the trunk highway driver services operating account in the special revenue fund specified under section 299A.705. No A license fee shall must not be refunded in the event that the license is rejected or revoked.

**Sec. 46. [299A.705] DRIVER AND VEHICLE SERVICES OPERATING ACCOUNTS.**

Subdivision 1. VEHICLE SERVICES OPERATING ACCOUNT. (a) The vehicle services operating account is created in the special revenue fund, consisting of all money from the vehicle services fees specified in chapters 168 and 168A and any other money otherwise donated, allotted, appropriated, or legislated to this account.

(b) Funds appropriated are available to administer vehicle services as specified in chapters 168 and 168A and section 169.345, including:

- (1) designing, producing, issuing, and mailing vehicle registrations, plates, emblems, and titles;
- (2) collecting title and registration taxes and fees;
- (3) transferring vehicle registration plates and titles;
- (4) maintaining vehicle records;
- (5) issuing disability certificates and plates;
- (6) licensing vehicle dealers;
- (7) appointing, monitoring, and auditing deputy registrars; and
- (8) inspecting vehicles when required by law.

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**Subd. 2. DRIVER SERVICES OPERATING ACCOUNT.** (a) The driver services operating account is created in the special revenue fund, consisting of all money collected under chapter 171 and any other money otherwise donated, allotted, appropriated, or legislated to the account.

(b) Money in the account must be used by the commissioner of public safety to administer the driver services specified in chapters 169A and 171, including the activities associated with producing and mailing drivers' licenses and identification cards and notices relating to issuance, renewal, or withdrawal of driving and identification card privileges for any fiscal year or years and for the testing and examination of drivers.

**Sec. 47. INSTRUCTION TO REVISOR.**

(a) In the statute listed in column A, the revisor shall change the reference in column B to the reference shown in column C:

<u>A</u>	<u>B</u>	<u>C</u>
<u>13.6905,</u> <u>subdivision 3</u>	<u>168.345</u>	<u>168.327,</u> <u>subdivision 3</u>
<u>168.181,</u> <u>subdivision 1</u>	<u>sections 168.181</u> <u>to 168.231</u>	<u>this section and</u> <u>sections 168.183</u> <u>to 168.221</u>
<u>168.211</u> <u>168.221</u>	<u>168.231</u> <u>168.231.</u>	<u>168.221</u> <u>168.211 and this</u> <u>section</u>
<u>168.346</u>	<u>168.345,</u> <u>subdivision 4</u>	<u>168.327,</u> <u>subdivision 3</u>

(b) The revisor of statutes shall renumber Minnesota Statutes, section 168.33, subdivision 3, as section 168.0185.

(c) The revisor of statutes shall also correct any references in Minnesota Rules to the rules repealed or renumbered by this act, as appropriate.

**Sec. 48. REPEALER.**

(a) Minnesota Statutes 2004, sections 168.012, subdivision 12; 168.041, subdivision 11; 168.105, subdivision 6; 168.231; 168.345, subdivisions 3 and 4; 170.23; 171.12, subdivision 8; and 171.185, are repealed.

(b) Minnesota Statutes 2004, sections 168C.01; 168C.02; 168C.03; 168C.04; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.10; 168C.11; 168C.12; and 168C.13, are repealed.

(c) Minnesota Rules, parts 7407.0100; 7407.0200; 7407.0300; 7407.0400; 7407.0500; 7407.0600; 7407.0700; 7407.0800; 7407.0900; 7407.1000; 7407.1100; 7407.1200; and 7407.1300, are repealed.

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## ARTICLE 3

## TRANSPORTATION POLICY

Section 1. Minnesota Statutes 2004, section 13.44, subdivision 3, is amended to read:

Subd. 3. **REAL PROPERTY; APPRAISAL DATA.** (a) **CONFIDENTIAL OR PROTECTED NONPUBLIC DATA.** Estimated or appraised values of individual parcels of real property ~~which~~ that are made by personnel of the state, its agencies and departments, or a political subdivision or by independent appraisers acting for the state, its agencies and departments, or a political subdivision for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data.

(b) **PRIVATE OR NONPUBLIC DATA.** Appraised values of individual parcels of real property that are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from the state or a political subdivision are classified as private data on individuals or nonpublic data.

(c) **PUBLIC DATA.** The data made confidential or protected nonpublic by the provisions of under paragraph (a) shall or made private or nonpublic under paragraph (b) become public upon the occurrence of any of the following:

- (1) the negotiating parties exchange appraisals;
- (2) the data are submitted to a court-appointed condemnation commissioner;
- (3) ~~(2)~~ the data are presented in court in condemnation proceedings; or
- (4) ~~(3)~~ the negotiating parties enter into an agreement for the purchase and sale of the property; or
- (5) the data are submitted to the owner under section 117.036.

Sec. 2. Minnesota Statutes 2004, section 16B.49, is amended to read:

16B.49 **CENTRAL MAILING SYSTEM.**

(a) The commissioner shall maintain and operate for state agencies, departments, institutions, and offices a central mail handling unit. Official, outgoing mail for units in St. Paul must be delivered unstamped to the unit. The unit shall also operate an interoffice mail distribution system. The department may add personnel and acquire equipment that may be necessary to operate the unit efficiently and cost-effectively. Account must be kept of the postage required on that mail, which is then a proper charge against the agency delivering the mail. To provide funds for the payment of postage, each agency shall make advance payments to the commissioner sufficient to cover its postage obligations for at least 60 days. For purposes of this section, the Minnesota State Colleges and Universities is a state agency.

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(b) Notwithstanding paragraph (a) or section 16C.09, the commissioner may approve the performance of mail-related functions by an agency outside the state's central mail-handling unit if the agency demonstrates it furthers program effectiveness, better use of services, greater efficiency, or greater economy in state government.

**Sec. 3. [160.298] HIGHWAY SIGN PROGRAM; BILLING, ACCOUNT, APPROPRIATION.**

The commissioner of transportation may bill highway operations units of the department and local road authorities for the costs of a centrally managed highway sign program. These costs may include equipment acquisition and rental, labor, materials, and other costs as determined by the commissioner. Receipts must be credited to a special account, which is established in the trunk highway fund, and are appropriated to the commissioner to pay the costs for which the billings are made. Amounts credited to the account are exempt from statewide and agency indirect costs payments.

Sec. 4. Minnesota Statutes 2004, section 161.14, subdivision 25, is amended to read:

Subd. 25. **PAUL BUNYAN EXPRESSWAY.** That portion of Trunk Highway marked 371 from Little Falls to its intersection with Trunk Highway marked 2 in Cass Lake, except for that portion named in subdivision 45, and that portion of Trunk Highway marked 2 from its intersection with Trunk Highway marked 371 in Cass Lake to Bemidji, is named and designated the "Paul Bunyan Expressway." The commissioner shall adopt a suitable marking design to mark this highway and shall erect the appropriate signs.

Sec. 5. Minnesota Statutes 2004, section 161.14, is amended by adding a subdivision to read:

Subd. 53. **PURPLE HEART MEMORIAL HIGHWAY.** (a) Except for that portion designated under subdivision 45, the route signed as Trunk Highway 371 on the effective date of this subdivision, from its intersection with U. S. Highway 10 near the city of Little Falls to its intersection with U. S. Highway 2 in the city of Cass Lake, is named and designated the "Purple Heart Memorial Highway."

(b) Subject to the provisions of section 161.139, the commissioner shall adopt a suitable marking design to mark the highway and shall erect the appropriate signs.

Sec. 6. Minnesota Statutes 2004, section 161.14, is amended by adding a subdivision to read:

Subd. 54. **BIAUSWAH BRIDGE.** The bridge over the St. Louis River that is part of Legislative Route No. 185, marked as Trunk Highway 23 on the effective date of this section, is named and designated "Biauswah Bridge In Honor of Native American Veterans." After consulting with the Fond du Lac Band of Lake Superior Chippewa, the commissioner of transportation shall adopt a suitable marking design to memorialize this bridge and shall erect the appropriate signs, subject to section 161.139.

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Sec. 7. Minnesota Statutes 2004, section 161.361, subdivision 2, is amended to read:

Subd. 2. **REPAYMENT.** Subject to the availability of state money, the commissioner shall repay the amounts advanced under this section, up to the state's share of project costs, under terms of the agreement. The agreement may provide for payment of interest for funds advanced under subdivisions 1a and 1b at a rate of interest agreed upon by the parties. The maximum interest rate that may be paid is the rate earned by the state on invested commissioner of finance cash for the month before the date the agreement is executed or the actual interest paid by the road authority in borrowing for the amount advanced, whichever rate is less.

Sec. 8. Minnesota Statutes 2004, section 161.368, is amended to read:

**161.368 HIGHWAY CONTRACTS WITH TRIBAL AUTHORITIES.**

On behalf of the state, the commissioner may enter into ~~cost-sharing~~ agreements with Indian tribal authorities for the purpose of providing maintenance, design, and construction to highways on tribal lands. These agreements may include (1) a provision for waiver of immunity from suit by a party to the contract on the part of the tribal authority with respect to any controversy arising out of the contract and (2) a provision conferring jurisdiction on state district courts to hear such a controversy.

Sec. 9. Minnesota Statutes 2004, section 162.02, subdivision 2, is amended to read:

Subd. 2. **RULES; ADVISORY COMMITTEE.** (a) The rules shall be made and promulgated by the commissioner acting with the advice of a committee ~~which shall~~ be selected by the several county boards acting through the officers of the statewide association of county commissioners. The committee shall be composed of nine members so selected that each member shall be from a different state highway construction district. Not more than five of the nine members of the committee shall be county commissioners. The remaining members shall be county highway engineers. In the event that agreement cannot be reached on any rule, the commissioner's determination shall be final. The rules shall be printed and copies thereof ~~shall be~~ forwarded to the county engineers of the several counties. For the purposes of this section, the expedited process for adopting rules established in section 14.389 may be used.

(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

Sec. 10. Minnesota Statutes 2004, section 162.02, subdivision 3a, is amended to read:

Subd. 3a. **VARIANCES FROM RULES AND ENGINEERING STANDARDS.** The commissioner may grant variances from the rules and from the engineering standards developed pursuant to section 162.021 or 162.07, subdivision 2. A political subdivision in which a county state-aid highway is located or is proposed to be located may submit a written request to the commissioner for a variance for that

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highway. The commissioner shall publish notice of the request in the State Register and give notice to all persons known to the commissioner to have an interest in the matter. The commissioner may grant or deny the variance within 30 days of providing notice of the request. If a written objection to the request is received within ~~20~~ seven days of providing notice, the variance shall be granted or denied only after a contested case hearing has been held on the request. If no timely objection is received and the variance is denied without hearing, the political subdivision may request, within 30 days of receiving notice of denial, and shall be granted a contested case hearing. For purposes of this subdivision, "political subdivision" includes (1) an agency of a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

Sec. 11. Minnesota Statutes 2004, section 162.06, subdivision 2, is amended to read:

Subd. 2. **ADMINISTRATIVE COSTS OF DEPARTMENT.** A sum of ~~1-1/2~~ Two percent shall must be deducted from the total amount available in the county state-aid highway fund, set aside in a separate account, and used for administrative costs incurred by the state Transportation Department in carrying out the provisions relating to the county state-aid highway system.

Sec. 12. Minnesota Statutes 2004, section 162.08, subdivision 3, is amended to read:

Subd. 3. **AID TO TOWNS.** (a) Any county having within its boundaries organized town governments may, by resolution, allocate to the towns within its boundaries so much of the money apportioned to it under the provisions of sections 162.01 to 162.181, that it deems necessary to aid the townships in the construction of town roads, including replacement of town road signs. The resolution shall set forth the amount of money or the percentage of its apportionment that the county has allocated to the towns. A certified copy of the resolution shall be forwarded to the commissioner on or before the second Tuesday of January of each year. Upon receipt of such resolution and upon determining the amount of money to be apportioned to the county, the commissioner shall certify to the commissioner of finance the amount of money, as set forth in the resolution, that is to be paid out of the county's apportionment for distribution to the towns. The commissioner of finance shall thereupon issue a warrant in that amount payable to the county treasurer, and the proceeds thereof shall be distributed by the county to the towns. All money so allocated and distributed shall be used by the towns solely for the construction of town roads, including replacement of town road signs.

(b) Each county board so allocating such funds may devise a formula taking into account each town's levy for road and bridge purposes, its mileage of town roads and population outside the corporate limits of all cities within the township, and such other factors as the county board shall deem advisable as a means of dividing the allocation among the several towns in order that such division among the towns be as equitable as possible. No part of the money allocated for expenditure solely within cities having a population of less than 5,000 shall be allocated or distributed to the towns. The

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commissioner of transportation shall maintain a permanent record of the allocations of county state-aid highway funds ~~to~~ for the townships in each county.

(c) In making the annual apportionments of county state-aid highway funds, the commissioner shall reduce the money needs of said counties in the amounts necessary to equalize their status with those counties not making such township allotments. In complying with this paragraph, the commissioner shall disregard allotments to towns for replacement of town road signs.

Sec. 13. Minnesota Statutes 2004, section 162.09, subdivision 2, is amended to read:

**Subd. 2. RULES; ADVISORY COMMITTEE.** (a) The rules shall be made and promulgated by the commissioner acting with the advice of a committee ~~which shall be selected by the governing bodies of such cities, acting through the officers of the statewide association of municipal officials. The committee shall be composed of 12 members, so selected that there shall be one member from each state highway construction district and in addition one member from each city of the first class. Not more than six members of the committee shall be elected officials of the cities. The remaining members of the committee shall be city engineers. In the event that agreement cannot be reached on any rule the commissioner's determination shall be final. The rules shall be printed and copies thereof shall be forwarded to the clerks and engineers of the cities. For the purposes of this section, the expedited process for adopting rules established in section 14.389 may be used.~~

(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

Sec. 14. Minnesota Statutes 2004, section 162.09, subdivision 3a, is amended to read:

**Subd. 3a. VARIANCES FROM RULES AND ENGINEERING STANDARDS.** The commissioner may grant variances from the rules and from the engineering standards developed pursuant to section 162.13, subdivision 2. A political subdivision in which a municipal state-aid street is located or is proposed to be located may submit a written request to the commissioner for a variance for that street. The commissioner shall publish notice of the request in the State Register and give notice to all persons known to the commissioner to have an interest in the matter. The commissioner may grant or deny the variance within 30 days of providing notice of the request. If a written objection to the request is received within ~~20~~ seven days of providing notice, the variance shall be granted or denied only after a contested case hearing has been held on the request. If no timely objection is received and the variance is denied without hearing, the political subdivision may request, within 30 days of receiving notice of denial, and shall be granted a contested case hearing. For purposes of this subdivision, "political subdivision" includes (1) an agency of a political subdivision which has jurisdiction over parks, and (2) a regional park authority.

Sec. 15. Minnesota Statutes 2004, section 162.14, subdivision 6, is amended to read:

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

Subd. 6. **ADVANCES.** Any such city may make advances from any funds available to it for the purpose of expediting the construction, reconstruction, improvement, or maintenance of its municipal state-aid street system; provided that such advances shall not exceed the city's total estimated apportionment for the three years following the year the advance is made. Advances made by any such city shall be repaid out of subsequent apportionments made to such city in accordance with the commissioner's rules.

**Sec. 16. [162.031] CONSTRUCTION ACROSS ANOTHER COUNTY OR STATE.**

When a county state-aid highway route is so located that in order to achieve the designated objectives the commissioner determines that it is necessary to construct the highway across a portion of another county or state, the county initiating the construction is authorized to spend county state-aid highway funds for that purpose in the same manner as other expenditures for county state-aid highway purposes are made. No part of that highway may be constructed in another county until both counties approve the construction.

**Sec. 17. [162.091] CONSTRUCTION ACROSS ANOTHER MUNICIPALITY OR STATE.**

When a municipal state-aid street route is so located that in order to achieve the designated objectives the commissioner determines that it is necessary to construct the street across a portion of another municipality or state, the municipality initiating the construction is authorized to spend municipal state-aid street funds for that purpose in the same manner as other expenditures for municipal state-aid street purposes are made. No part of that street may be constructed in another municipality until both municipalities approve the construction.

Sec. 18. Minnesota Statutes 2004, section 168.011, subdivision 3, is amended to read:

Subd. 3. **HIGHWAY.** A "Highway" is any public thoroughfare for vehicles, including streets in cities has the meaning given "street or highway" in section 169.01, subdivision 29.

Sec. 19. Minnesota Statutes 2004, section 168.011, subdivision 4, is amended to read:

Subd. 4. **MOTOR VEHICLE.** (a) "Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys that are propelled by electric power obtained from overhead trolley wires but not operated upon rails. It does not include snowmobiles, manufactured homes, or park trailers.

(b) "Motor vehicle" also includes an all-terrain vehicle, as defined in section 84.92, subdivision 8, that (1) has at least four wheels, (2) is owned and operated by a

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physically disabled person, and (3) displays both physically disabled license plates and a physically disabled certificate issued under section 169.345, subdivision 3.

(c) "Motor vehicle" does not include an all-terrain vehicle as defined in section 84.92, subdivision 8; except (1) an all-terrain vehicle described in paragraph (b), or (2) an all-terrain vehicle licensed as a motor vehicle before August 1, 1985. The owner may continue to license an all-terrain vehicle described in clause (2) as a motor vehicle until it is conveyed or otherwise transferred to another owner, is destroyed, or fails to comply with the registration and licensing requirements of this chapter.

(d) "Motor vehicle" does not include an electric personal assistive mobility device as defined in section 169.01, subdivision 90.

(e) "Motor vehicle" does not include a motorized foot scooter as defined in section 169.01, subdivision 4c.

Sec. 20. Minnesota Statutes 2004, section 168.011, subdivision 5, is amended to read:

Subd. 5. **OWNER.** "Owner" means any person, ~~firm, association, or corporation~~ owning or ~~renting~~ leasing a motor vehicle, or having the exclusive use ~~thereof~~ of the vehicle, under a lease or otherwise, for a period ~~of~~ greater than 30 days.

Sec. 21. Minnesota Statutes 2004, section 168.011, subdivision 5a, is amended to read:

Subd. 5a. **REGISTERED OWNER.** "Registered owner" means any person, ~~firm, association, or corporation~~, other than a secured party, having title to a motor vehicle. If a passenger automobile, ~~as defined in subdivision 7,~~ is under lease for a term of 180 days or more, the lessee is deemed to be the registered owner, for purposes of registration ~~only;~~ provided that the application for renewal of the registration of a passenger automobile ~~described in this subdivision shall be~~ is sent to the lessor.

Sec. 22. Minnesota Statutes 2004, section 168.011, subdivision 6, is amended to read:

Subd. 6. **TAX, FEE.** "Tax" or "fee" means the annual registration tax imposed on motor vehicles in lieu of all other taxes ~~thereon~~, except wheelage taxes, ~~so-called~~, which may be imposed by any city, and ~~except~~ gross earnings taxes paid by companies ~~subject or made subject thereto.~~ Such The annual tax shall be deemed is both a property tax and a highway use tax and shall be on the basis of the calendar year.

Sec. 23. Minnesota Statutes 2004, section 168.011, subdivision 7, is amended to read:

Subd. 7. **PASSENGER AUTOMOBILE.** (a) "Passenger automobile" means any motor vehicle designed and used for carrying not more than 15 ~~persons~~ individuals including the driver.

(b) "Passenger automobile" does not include motorcycles, motor scooters, and ~~buses described in subdivision 9, paragraph (a), clause (2)~~ buses, or school buses.

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(c) ~~For purposes of taxation only, "Passenger automobile"~~ includes pickup trucks and vans, including those vans designed to carry passengers, with a manufacturer's nominal rated carrying capacity of one ton, but does not include commuter vans as defined in section 168.126.

Sec. 24. Minnesota Statutes 2004, section 168.011, subdivision 25, is amended to read:

Subd. 25. **RECREATIONAL EQUIPMENT VEHICLE.** (a) "Recreational equipment vehicle" means travel trailers including those ~~which~~ that telescope or fold down, chassis-mounted campers, house cars, motor homes, tent trailers, ~~slip-in campers,~~ and converted buses that provide temporary human living quarters. A

(b) "Recreational vehicle" is considered to provide temporary living quarters if it a vehicle that:

(1) is not used as the residence of the owner or occupant;

(2) is used for ~~temporary living quarters by the owner or occupant~~ while engaged in recreational or vacation activities; and

(3) is either self-propelled or towed on the ~~public streets or highways~~ incidental to the recreational or vacation activities.

(b) ~~For the purposes of this subdivision, a~~ Subd. 25a. MOTOR HOME. (a) "Motor home" means a unit recreational vehicle designed to provide temporary living quarters. The motor home has a living unit built into as an integral part of, or permanently attached to the chassis of, a self-propelled motor vehicle ~~chassis~~ or van.

(b) A motor home must contain permanently installed, independent, life-support systems ~~which~~ that meet the American National Standards Institute standard number A119.2 for recreational vehicles and provide at least four of the following facilities, two of which must be from the systems listed in clauses (1), (5), and (6): (1) a cooking facility with liquid propane gas supply, (2) a refrigerator, (3) a self-contained toilet or a toilet connected to a plumbing system with a connection for external water disposal, (4) a heating or air conditioning system separate from the motor vehicle engine, (5) a potable water supply system including a sink with a faucet either self-contained or with connections for an external source, and (6) a separate 110-125 volt volts electrical power supply.

(c) For purposes of this subdivision, "permanently installed" means built into or attached as an integral part of a chassis or van, and designed not to be removed except for repair or replacement. A system ~~which~~ that is readily removable or held in place by clamps or tie-downs is not permanently installed.

(e) (d) Motor homes include but are not limited to, the following a:

(1) type A motor home ~~,~~ which is a raw chassis upon which is built a driver's compartment and an entire body that provides temporary living quarters as defined described in this paragraph (b);

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(2) type B motor home ~~-, which is a van-type vehicle~~ van that conforms to the motor home definition description in this paragraph (b) and has been completed or altered by the a final-stage manufacturer; and

(3) type C motor home ~~-, which is an incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters as defined described in this paragraph (b).~~

~~(d) (e) A motor vehicle with a slip-in campers are camper or other removable equipment that is mounted into or on a motor vehicle commonly known as a pickup truck, in the pickup box, either by bolting through the floor of the pickup box or by firmly clamping to the side of the pickup box. The vehicle may is not a motor home, is not a recreational vehicle, and must not be registered as a recreational vehicle under section 168.013.~~

Sec. 25. Minnesota Statutes 2004, section 168.011, is amended by adding a subdivision to read:

Subd. 37. **ALL-TERRAIN VEHICLE.** “All-terrain vehicle” has the meaning given in section 84.92, subdivision 8.

Sec. 26. Minnesota Statutes 2004, section 168.011, is amended by adding a subdivision to read:

Subd. 38. **PERSON.** “Person” has the meaning given in section 168A.01, subdivision 14.

Sec. 27. Minnesota Statutes 2004, section 168.011, is amended by adding a subdivision to read:

Subd. 39. **STATE.** “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Sec. 28. Minnesota Statutes 2004, section 168.011, is amended by adding a subdivision to read:

Subd. 40. **VEHICLE.** “Vehicle” has the meaning given in section 168A.011, subdivision 24.

Sec. 29. Minnesota Statutes 2004, section 168.012, subdivision 1, as amended by Laws 2005, chapter 135, section 3, is amended to read:

Subdivision 1. **VEHICLES EXEMPT FROM TAX, FEES, OR PLATE DISPLAY.** (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from those institutions;

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- (3) vehicles used solely in driver education programs at nonpublic high schools;
- (4) vehicles owned by nonprofit charities and used exclusively to transport disabled persons for charitable, religious, or educational purposes;
- (5) ambulances owned by ambulance services licensed under section 144E.10, the general appearance of which is unmistakable; and
- (6) motorized foot scooters as defined in section 169.01, subdivision 4e; and
- (7) vehicles owned by a commercial driving school licensed under section 171.34, or an employee of a commercial driving school licensed under section 171.34, and the vehicle is used exclusively for driver education and training.

(b) Vehicles owned by the federal government, municipal fire apparatuses including fire-suppression support vehicles, police patrols, and ambulances, the general appearance of which is unmistakable, are not required to register or display number plates.

(c) Unmarked vehicles used in general police work, liquor investigations, or arson investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the Department of Corrections, must be registered and must display appropriate license number plates, furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the Department of Corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a Department of Corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry, fraud unit, in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates, furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of revenue or the commissioner of labor and industry. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the purposes authorized by this section.

(e) Unmarked vehicles used by the Division of Disease Prevention and Control of the Department of Health must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of health. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the Division of Disease Prevention and Control.

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(f) Unmarked vehicles used by staff of the Gambling Control Board in gambling investigations and reviews must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the board chair. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the Gambling Control Board.

(g) All other motor vehicles must be registered and display tax-exempt number plates, furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax-exempt number plates must have the name of the state department or political subdivision, nonpublic high school operating a driver education program, or licensed commercial driving school, plainly displayed on both sides of the vehicle; except that each state hospital and institution for the mentally ill and mentally retarded may have one vehicle without the required identification on the sides of the vehicle, and county social service agencies may have vehicles used for child and vulnerable adult protective services without the required identification on the sides of the vehicle. This identification must be in a color giving contrast with that of the part of the vehicle on which it is placed and must endure throughout the term of the registration. The identification must not be on a removable plate or placard and must be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high school driver education program.

Sec. 30. Minnesota Statutes 2004, section 168.031, is amended to read:

**168.031 REGISTRATION EXEMPTION; ACTIVE MILITARY-RELATED SERVICE.**

(a) The motor vehicle of any person who engages in active military service ~~in time of war or other emergency declared by proper authority in any branch or unit of the military or naval forces of the United States~~ armed forces shall be exempt from the motor vehicle registration tax during the period of such active service and for ~~40~~ 90 days immediately thereafter if the owner ~~has filed, before, during or within 90 days after completion of that active service,~~ files with the registrar of motor vehicles a written application for exemption with such proof of military service as the registrar may have required and if the motor vehicle is not operated on a public highway within the state during the requested period of exemption, except by the owner while on furlough or leave of absence from the military.

(b) The motor vehicle of any disabled war veteran, which vehicle has been furnished free, in whole or in part, by the United States government to said disabled veteran, shall be exempt from the motor vehicle registration tax. The motor vehicle owned and registered by a former prisoner of war that bears the "EX-POW" plates is exempt from the motor vehicle registration tax.

(c) For purposes of this section, the term "active service" shall have the meaning given this term in section 190.05, subdivisions 5b and 5c, but excludes service performed exclusively for purposes of:

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(1) annual training and other periodic inactive duty training for National Guard and other reserve members;

(2) special training periodically made available to National Guard and other reserve members;

(3) service performed in accordance with section 190.08, subdivision 3; and

(4) service performed as part of the active guard/reserve program pursuant to United States Code, title 32, section 502(f), or other applicable authority.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to persons serving in active military service on or after that date.

Sec. 31. Minnesota Statutes 2004, section 168.091, subdivision 1, is amended to read:

Subdivision 1. **NONRESIDENT BUYER.** (a) Upon payment of a fee of \$1, the registrar commissioner may issue a permit to a nonresident purchasing a new or used motor vehicle in this state for the sole purpose of allowing such nonresident to remove the vehicle to be removed from this state for registration in another state or country. Such

(b) The permit shall be is in lieu of any other registration or taxation for use of the highways and shall be is valid for a period of 31 days from the date of sale, trade, or gift.

(c) The permit shall must be available in such form an electronic format as the registrar may determine and, whenever practicable, shall be determined by the commissioner.

(d) If the sale, gift, or trade information is electronically transmitted to the commissioner by a dealer or deputy registrar of motor vehicles, the \$1 fee is waived.

(e) The permit must be posted upon the left side of the inside rear window of the vehicle or, if not practicable, where it is plainly visible to law enforcement. Each such permit shall be is valid only for the vehicle for which the permit was issued.

Sec. 32. Minnesota Statutes 2004, section 168.10, subdivision 1c, is amended to read:

Subd. 1c. **COLLECTOR'S VEHICLE, COLLECTOR LICENSE.** (a) The owner of any motor vehicle, including any truck, (1) that is (i) at least 20 model years old, or (ii) at least ten model years old and with a body or engine style of which not more than 500 were manufactured in or imported into the United States in any model year, (2) that was manufactured after 1935, and (3) that is owned and operated solely as a collector's vehicle, shall list the vehicle for taxation and registration as follows: provided in paragraph (b).

(1) (b) The owner shall execute an affidavit stating (1) the name and address of the person from whom purchased and of the new owner, (2) the make of the motor

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vehicle, (3) the year and number of the model, (4) the manufacturer's identification number, (5) in the case of a vehicle described in paragraph (a), clause (1)(ii), that the vehicle has a body or engine style of which not more than 500 were manufactured or imported into the United States in any model year, and (6) that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes; and.

~~(2)~~ (c) The owner shall provide a statement of the manufacturer or importer regarding the number of vehicles manufactured or imported during the model year.

(d) The owner shall also prove that the owner also has one or more vehicles with regular license plates.

If the registrar is satisfied that the affidavit is true and correct and the owner pays a \$25 tax, the registrar shall list the vehicle for taxation and registration and shall issue a single number plate.

~~(b)~~ (e) The number plate issued shall bear the inscription "Collector," "Minnesota," and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence. The registrar has the power to revoke the plate for failure to comply with this subdivision.

### Sec. 33. [168.1251] DISABLED AMERICAN VETERAN PLATES.

Subdivision 1. ISSUANCE AND DESIGN. The commissioner shall issue special license plates bearing the inscription "DISABLED AMERICAN VETERAN" to an applicant who is certified in writing by the United States Department of Veterans Affairs or the state commissioner of veterans affairs as having a permanent and total service-connected disability, who complies with all laws relating to the registration and licensing of motor vehicles and drivers, and who pays a fee of \$10 for each set of license plates applied for. The special license plates must be of a design and size determined by the commissioner.

Subd. 2. APPLICATION. Application for issuance of these plates may be made only at the time of renewal or first application for registration.

Subd. 3. TRANSFER. On payment of a fee of \$5, special plates issued under this section may be transferred to another personal motor vehicle owned or jointly owned by the disabled veteran upon notification to the commissioner.

Subd. 4. SURCHARGE. For each set of special plates issued under this section, the commissioner shall collect a surcharge of \$5 on each \$10 fee collected under subdivision 1.

Subd. 5. MOTOR VEHICLE; SPECIAL DEFINITION. For purposes of this section, "motor vehicle" means a vehicle for personal use, not used for commercial purposes, and may include a passenger automobile, van, pickup truck, motorcycle, or recreational vehicle.

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Subd. 6. FEES CREDITED. Fees, including surcharges, collected under this section must be credited to the vehicle services operating account in the special revenue fund.

Sec. 34. Minnesota Statutes 2004, section 168.185, is amended to read:

**168.185 USDOT NUMBERS.**

(a) An owner of a truck or truck-tractor having a gross vehicle weight of more than 10,000 pounds, as defined in section 169.01, subdivision 46, other than a farm truck that is not used in interstate commerce, shall report to the registrar at the time of registration its USDOT carrier number. A person subject to this paragraph who does not have a USDOT number shall apply for the number at the time of registration by completing a form MCS-150 Motor Carrier Identification Report, issued by the Federal Motor Carrier Safety Administration, or comparable document as determined by the registrar. The registrar shall not assign a USDOT carrier number to a vehicle owner who is not subject to this paragraph.

(b) Assigned USDOT numbers need not be displayed on the outside of the vehicle, but must be made available upon request of an authorized agent of the registrar, peace officer, other employees of the State Patrol authorized in chapter 299D, or employees of the Minnesota Department of Transportation. The vehicle owner shall notify the registrar if there is a change to the owner's USDOT number.

(c) If an owner fails to report or apply for a USDOT number, the registrar shall suspend the owner's registration.

(d) Until October 1, 2003, paragraphs (a) to (c) do not apply to an agricultural fertilizer or agricultural chemical retailer while exclusively engaged in delivering fertilizer or agricultural chemicals to a farmer for on-farm use.

Sec. 35. Minnesota Statutes 2004, section 168A.20, is amended by adding a subdivision to read:

**Subd. 5. SATISFACTION OF AUTOMOBILE LIEN SEVEN YEARS OLD; RELEASE.** (a) A security interest perfected under this chapter expires seven years from the perfection date for a passenger automobile, as defined in section 168.011, subdivision 7.

(b) A lien holder may notify the department in writing or in a format approved by the department during the sixth year of the lien, no later than 90 days in advance of the seven-year anniversary, if the lien will not be satisfied during this registration period and the lien must be extended up to seven additional years as requested by the lien holder.

Sec. 36. Minnesota Statutes 2004, section 169.01, subdivision 75, is amended to read:

**Subd. 75. COMMERCIAL MOTOR VEHICLE.** (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport

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passengers or property if the motor vehicle:

- (1) has a gross vehicle weight of more than 26,000 pounds;
- (2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;
- (3) is a bus;
- (4) is of any size and is used in the transportation of hazardous materials, ~~except for those vehicles having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and liquid fertilizer that are required to be placarded under Code of Federal Regulations, title 49, parts 100-185;~~ or
- (5) is outwardly equipped and identified as a school bus, except for type A-I and type III school buses as defined in subdivision 6.

(b) For purposes of chapter 169A:

(1) a commercial motor vehicle does not include a farm truck, ~~fire-fighting equipment~~ an authorized emergency vehicle, or a recreational ~~equipment vehicle~~ being operated by a person within the scope of section 171.02, subdivision 2, paragraph (b); and

(2) a commercial motor vehicle includes a vehicle capable of or designed to meet the standards described in paragraph (a), clause (2), whether or not the towed unit is attached to the truck-tractor at the time of the violation or stop.

Sec. 37. Minnesota Statutes 2004, section 169.01, subdivision 76, is amended to read:

Subd. 76. **HAZARDOUS MATERIALS.** "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, ~~part 172, subpart F~~ parts 100-185.

Sec. 38. Minnesota Statutes 2004, section 169.01, subdivision 78, is amended to read:

Subd. 78. **RECREATIONAL VEHICLE COMBINATION.** (a) "Recreational vehicle combination" means a combination of vehicles consisting of a pickup truck as defined in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a camper-semitrailer which has hitched to it a trailer carrying a watercraft as defined in section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81, subdivision 3; or all-terrain vehicle as defined in section 84.92, subdivision 8; or equestrian equipment or supplies.

(b) For purposes of this subdivision:

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(a) (1) A "fifth-wheel coupling" is a coupling between a camper-semitrailer and a towing pickup truck in which a portion of the weight of the camper-semitrailer is carried over or forward of the rear axle of the towing pickup.

(b) (2) A "camper-semitrailer" is a trailer, other than a manufactured home as defined in section 327B.01, subdivision 13, designed for human habitation and used for vacation or recreational purposes for limited periods.

Sec. 39. Minnesota Statutes 2004, section 169.06, subdivision 5, is amended to read:

Subd. 5. **TRAFFIC-CONTROL SIGNAL.** (a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red, and Yellow shall be used, except for special pedestrian signals carrying a word or legend, and said. The traffic-control signal lights shall or colored lighted arrows indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

(i) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time such this signal is exhibited.

(ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such the arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk. Every driver of a vehicle shall yield the right-of-way to such pedestrian, except that the pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the green signal indication is first shown.

(2) Steady yellow indication:

(i) Vehicular traffic facing a circular yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall must not enter the intersection, except for the continued movement allowed by any green arrow indication simultaneously exhibited.

(ii) Pedestrians facing a circular yellow signal, unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, are thereby advised that there is

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insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(iii) Vehicular traffic facing a steady yellow arrow signal is thereby warned that the protected vehicular movement permitted by the corresponding prior green arrow indication is being terminated.

(3) Steady red indication:

(i) Vehicular traffic facing a circular red signal alone shall must stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection and shall remain standing until a green indication is shown, except as follows: (A) the driver of a vehicle ~~which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or stop signal, and with the intention of making a right turn may make such the~~ right turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at ~~said that~~ intersection; or (B) the driver of a vehicle on a one-way street ~~which intersects~~ intersecting another one-way street on which traffic moves to the left shall stop in obedience to a red or stop signal and may then make a left turn into ~~said the~~ one-way street, unless an official sign has been erected prohibiting the movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at ~~said that~~ intersection.

(ii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing a steady red signal alone shall not enter the roadway.

(iii) Vehicular traffic facing a steady red arrow signal, with the intention of making a movement indicated by the arrow, shall must stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection and shall must remain standing until a permissive signal indication permitting the movement indicated by the red arrow is displayed, except as follows: when an official sign has been erected permitting a turn on a red arrow signal, the vehicular traffic facing a red arrow signal indication is permitted to enter the intersection to turn right, or to turn left from a one-way street into a one-way street on which traffic moves to the left, after stopping, but must yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection.

(b) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except those which can have no application. Any stop required shall must be made at a sign or marking on the pavement indicating where the stop shall must be made, but in the absence of any such sign or marking the stop shall must be made at the signal.

(c) When a traffic-control signal indication or indications placed to control a certain movement or lane are so identified by placing a sign near the indication or

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indications, no other traffic-control signal indication or indications within the intersection ~~shall control~~ controls vehicular traffic for ~~such~~ that movement or lane.

Sec. 40. Minnesota Statutes 2004, section 169.06, subdivision 6, is amended to read:

Subd. 6. **PEDESTRIAN CONTROL SIGNAL.** (a) Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" or symbols of a "walking person" or "upraised hand" are in place ~~such,~~ the signals ~~shall~~ or symbols indicate as follows:

(1) ~~A steady "Walk," flashing or steady. Pedestrians signal or the symbol of a "walking person" indicates that a pedestrian facing such either of these signals may proceed across the roadway in the direction of the signal, possibly in conflict with turning vehicles. Every driver of a vehicle shall yield the right-of-way to such pedestrian except that the pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that either signal indication is first shown.~~

(2) ~~A "Don't Walk," signal or the symbol of an "upraised hand," flashing or steady. No, indicates that a pedestrian shall not start to cross the roadway in the direction of such signals either signal, but any pedestrian who has partially crossed on the "Walk" or "walking person" signal indication shall proceed to a sidewalk or safety island while the "Don't Walk" signal is showing.~~

(b) A pedestrian crossing a roadway in conformity with this section is lawfully within the intersection and, when in a crosswalk, is lawfully within the crosswalk.

Sec. 41. Minnesota Statutes 2004, section 169.14, is amended by adding a subdivision to read:

Subd. 1a. **LICENSE REVOCATION.** The driver's license of a person who violates any speed limit established in this section, by driving in excess of 100 miles per hour, is revoked for six months under section 171.17, or for a longer minimum period of time applicable under section 169A.53, 169A.54, or 171.174.

**EFFECTIVE DATE.** This section is effective August 1, 2005, and applies to violations committed on or after that date.

Sec. 42. Minnesota Statutes 2004, section 169.14, subdivision 2, is amended to read:

Subd. 2. **SPEED LIMITS.** (a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

(1) 30 miles per hour in an urban district or on a town road in a rural residential district;

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(2) 65 miles per hour on noninterstate freeways and expressways, as defined in section 160.02, subdivision 19;

(3) 55 miles per hour in locations other than those specified in this section;

(4) 70 miles per hour on interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

(5) 65 miles per hour on interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

(6) ten miles per hour in alleys; and

(7) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.

(b) A speed limit adopted under paragraph (a), clause (7), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

(c) For purposes of this subdivision, "rural residential district" means the territory contiguous to and including any town road within a subdivision or plat of land that is built up with dwelling houses at intervals of less than 300 feet for a distance of one-quarter mile or more.

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established in this subdivision, or a speed limit designated on an appropriate sign under subdivision 4, 5, 5b, 5c, or 5e, by driving 20 miles per hour or more in excess of the applicable speed limit, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

**EFFECTIVE DATE.** This section is effective August 1, 2005, and applies to violations committed on or after that date.

Sec. 43. Minnesota Statutes 2004, section 169.18, subdivision 4, is amended to read:

Subd. 4. **PASSING ON THE RIGHT.** The driver of a vehicle may overtake and pass upon the right of another vehicle only upon the following conditions:

(1) when the vehicle overtaken is making or about to make a left turn;

(2) upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

(3) upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles;

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(4) when the driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving onto the shoulder, whether paved or unpaved, or off the pavement or main-traveled portion of the roadway.

**EFFECTIVE DATE.** This section is effective August 1, 2005.

Sec. 44. Minnesota Statutes 2004, section 169.18, subdivision 5, is amended to read:

Subd. 5. **DRIVING LEFT OF ROADWAY CENTER; EXCEPTION.** (a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction;

(b) Except on a one-way roadway or as provided in paragraph (c), no vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left half of the roadway under the following conditions:

(1) when approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 700 feet;

(2) when approaching within 100 feet of any underpass or tunnel, railroad grade crossing, intersection within a city, or intersection outside of a city if the presence of the intersection is marked by warning signs; or

(3) where official signs are in place prohibiting passing, or a distinctive centerline is marked, which distinctive line also so prohibits passing, as declared in the Manual on Uniform Traffic Control Devices adopted by the commissioner.

(c) Paragraph (b) does not apply to a self-propelled or towed implement of husbandry that (1) is escorted at the front by a registered motor vehicle that is displaying vehicular hazard warning lights visible to the front and rear in normal sunlight, and (2) does not extend into the left half of the roadway to any greater extent than made necessary by the total width of the right half of the roadway together with any adjacent shoulder that is suitable for travel.

(d) Paragraph (b) does not apply to a self-propelled or towed implement of husbandry that is operated to the left half of the roadway if such operation is not to a greater extent than is necessary to avoid collision with a parked vehicle, sign, or other stationary object located on the highway right-of-way.

Sec. 45. Minnesota Statutes 2004, section 169.18, subdivision 11, as amended by Laws 2005, chapter 120, section 2, is amended to read:

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Subd. 11. **PASSING PARKED EMERGENCY VEHICLE; CITATION; PROBABLE CAUSE.** (a) When approaching and before passing an authorized emergency vehicle with its emergency lights activated that is parked or otherwise stopped on or next to a street or highway having two lanes in the same direction, the driver of a vehicle shall safely move the vehicle to the lane farthest away from the emergency vehicle, if it is possible to do so.

(b) When approaching and before passing an authorized emergency vehicle with its emergency lights activated that is parked or otherwise stopped on or next to a street or highway having more than two lanes in the same direction, the driver of a vehicle shall safely move the vehicle so as to leave a full lane vacant between the driver and any lane in which the emergency vehicle is completely or partially parked or otherwise stopped, if it is possible to do so.

(c) A peace officer may issue a citation to the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of this subdivision within the four-hour period following the termination of the incident or a receipt of a report under paragraph (d). The citation may be issued even though the violation was not committed in the presence of the peace officer.

(d) Although probable cause may be otherwise satisfied by other evidentiary elements or factors, probable cause is sufficient for purposes of this subdivision when the person cited is operating the vehicle described by a member of the crew of an authorized emergency vehicle responding to an incident in a timely report of the violation of this subdivision, which includes a description of the vehicle used to commit the offense and the vehicle's license plate number. For the purposes of issuance of a citation under paragraph (c), "timely" means that the report must be made within a four-hour period following the termination of the incident.

(e) For purposes of paragraphs (a) and (b) only, "authorized emergency vehicle" and "emergency vehicle" includes a towing vehicle defined in section 169.01, subdivision 52, that has activated flashing lights authorized under section 169.64, subdivision 3.

Sec. 46. Minnesota Statutes 2004, section 169.28, subdivision 2, is amended to read:

Subd. 2. **EXEMPT CROSSING.** (a) The commissioner may designate a crossing as an exempt crossing if the crossing is:

- (1) if the crossing is on a rail line on which service has been abandoned; or
- (2) if the crossing is on a rail line that carries fewer than five trains each year, traveling at speeds of ten miles per hour or less; or
- (3) as agreed to by the operating railroad and the Department of Transportation, following a diagnostic review of the crossing.

(b) The commissioner shall direct the railroad to erect at the crossing signs bearing the word "Exempt" that conform to section 169.06. The installation or

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presence of an exempt sign does not relieve a driver of the duty to use due care. A train must not proceed across an exempt crossing unless a police officer is present to direct traffic or a railroad employee is on the ground to warn traffic until the train enters the crossing.

(c) A vehicle that must stop at grade crossings under subdivision 1 is not required to stop at a marked exempt crossing unless directed otherwise by a police officer or a railroad employee.

Sec. 47. Minnesota Statutes 2004, section 169.448, is amended by adding a subdivision to read:

Subd. 4. DAY ACTIVITY CENTER BUSES. Notwithstanding subdivision 1, a vehicle used to transport adults to and from a day activity center may be equipped with prewarning flashing amber signals and a stop-signal arm, and the operator of the vehicle may activate this equipment, under the following circumstances:

(1) the operator possesses a commercial driver's license with a school bus endorsement;

(2) the vehicle is engaged in picking up or dropping off adults at locations predesignated by the day activity center that owns or leases the bus;

(3) the vehicle is identified as a "day activity center bus" in letters at least eight inches high on the front and rear top of the bus; and

(4) the name, address, and telephone number of the owner and operator of the bus is identified on each front door of the bus in letters not less than three inches high.

The provisions of section 169.444 relating to duties of care of a motorist to a school bus, and violations thereof, apply to a vehicle described in this section when the vehicle is operated in conformity with this subdivision. The provisions of section 169.443 relating to bus driver's duties apply to a vehicle described in this section except those that by their nature have no application.

Sec. 48. Minnesota Statutes 2004, section 169.522, is amended to read:

#### 169.522 SLOW-MOVING VEHICLE, SIGN REQUIRED.

Subdivision 1. **DISPLAYING EMBLEM; RULES.** (a) All animal-drawn vehicles, motorized golf carts when operated on designated roadways pursuant to section 169.045, implements of husbandry, and other machinery, including all road construction machinery, which are designed for operation at a speed of 30 miles per hour or less shall, must display a triangular slow-moving vehicle emblem, except (1) when being used in actual construction and maintenance work and traveling within the limits of a construction area which is marked in accordance with requirements of the Manual on Uniform Traffic Control Devices, as set forth in section 169.06, or (2) for a towed implement of husbandry that is empty and that is not self-propelled, in which case it may be towed at lawful speeds greater than 30 miles per hour without removing the slow-moving vehicle emblem. The emblem shall must consist of a fluorescent

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~~yellow-orange or illuminated red-orange~~ triangle with a dark red reflective border and be mounted so as to be visible from a distance of not less than 600 feet to the rear. When a primary power unit towing an implement of husbandry or other machinery displays a slow-moving vehicle emblem visible from a distance of 600 feet to the rear, it shall is not be necessary to display a similar emblem on the secondary unit. After ~~January 1, 1975,~~ All slow-moving vehicle emblems sold in this state shall must be so designed that when properly mounted they are visible from a distance of not less than 600 feet to the rear when directly in front of lawful lower beam of headlamps on a motor vehicle. The commissioner of public safety shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem. Such standards and specifications shall must be adopted by rule in accordance with the Administrative Procedure Act. ~~A violation of this section shall not be admissible evidence in any civil cause of action arising prior to January 1, 1970.~~

(b) An alternate slow-moving vehicle emblem consisting of a dull black triangle with a white reflective border may be used after obtaining a permit from the commissioner under rules of the commissioner. A person with a permit to use an alternate slow-moving vehicle emblem must:

(1) carry in the vehicle a regular slow-moving vehicle emblem and display the emblem when operating a vehicle between sunset and sunrise, and at any other time when visibility is impaired by weather, smoke, fog, or other conditions; and

(2) permanently affix to the rear of the slow-moving vehicle at least 72 square inches of reflective tape that reflects the color red.

Subd. 2. **PROHIBITION ON USE.** The use of this emblem shall ~~be~~ is restricted to the slow-moving vehicles specified in subdivision 1 and its use on any other type of vehicle or stationary object on the highway is prohibited.

Subd. 3. **DISPLAY REQUIRED.** No person shall sell, lease, rent, or operate any slow-moving vehicle, as defined in subdivision 1, except motorized golf carts and except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after July 1, 1967, unless ~~such~~ the vehicle is equipped with a slow-moving vehicle emblem-mounting device as specified in subdivision 1. Provided however, ~~ne~~ a slow-moving vehicle shall must not be operated without such slow-moving vehicle emblem ~~after January 1, 1968.~~

Sec. 49. Minnesota Statutes 2004, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. **RECREATIONAL VEHICLE COMBINATION.** Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

(1) the combination does not consist of more than three vehicles, and the towing rating of the pickup truck is equal to or greater than the total weight of all vehicles being towed;

(2) the combination does not exceed ~~60~~ 70 feet in length;

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(3) the ~~camper-semitrailer~~ middle vehicle in the combination does not exceed 28 feet in length;

(4) the operator of the combination is at least 18 years of age;

(5) the trailer carrying a watercraft, motorcycle, motorized bicycle, off-highway motorcycle, snowmobile, or all-terrain vehicle, or equestrian equipment or supplies meets all requirements of law;

(6) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and

(7) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays.

Sec. 50. Minnesota Statutes 2004, section 169.8261, is amended to read:

**169.8261 GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.**

(a) A vehicle or combination of vehicles hauling raw or unfinished forest products, including wood chips, by the most direct route to the nearest highway that has been designated under section 169.832, subdivision 11, may be operated on any highway with gross weights permitted under sections 169.822 to 169.829 without regard to load restrictions imposed on that highway, except that such vehicles must:

(1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2;

(2) comply with bridge load limits posted under section 169.84;

(3) be equipped and operated with six axles and brakes;

(4) not exceed 90,000 pounds gross weight, or 98,000 pounds gross weight during the time when seasonal increases are authorized under section 169.826;

(5) not be operated on interstate and defense highways;

(6) obtain an annual permit from the commissioner of transportation; ~~and~~

(7) obey all road postings; and

(8) not exceed 20,000 pounds gross weight on any single axle.

(b) A vehicle operated under this section may exceed the legal axle weight limits listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may be exceeded by not more than 22.5 percent during the time when seasonal increases are authorized under section 169.826, subdivision 1.

Sec. 51. Minnesota Statutes 2004, section 169.851, subdivision 5, is amended to read:

Subd. 5. **EXCEPTION FOR FARM AND FOREST PRODUCTS.** ~~The maximum weight provisions of this section do~~ Subdivision 4 does not apply to the first

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haul of unprocessed or raw farm products and the transportation of raw and unfinished forest products, including wood chips, when the ~~prescribed~~ maximum weight ~~limitation is~~ limitations permitted under sections 169.822 to 169.829 are not exceeded by more than ten percent.

Sec. 52. Minnesota Statutes 2004, section 169.86, subdivision 5, is amended to read:

Subd. 5. **FEE; PROCEEDS DEPOSITED; APPROPRIATION.** The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;

(4) special pulpwood vehicles described in section 169.863;

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width; and

(6) noncommercial transportation of a boat by the owner or user of the boat.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes and manufactured storage buildings;

(4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling; and

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(7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c).

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limitations on axles	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less	Four consec- utive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

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Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

(1) the total width of the transporting vehicle, including load, does not exceed 14 feet;

(2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;

(3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;

(4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and

(5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.

(j) \$300 for a motor vehicle described in section 169.8261. The fee under this paragraph must be deposited as follows:

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(1) in fiscal years 2005 through 2010:

(i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for costs related to administering the permit program and inspecting and posting bridges;

(ii) all remaining money in each fiscal year must be deposited in a bridge inspection and signing account in the special revenue fund. Money in the account is appropriated to the commissioner for:

(A) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and

(B) erection of weight-posting signs on local bridges; and

(2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway fund.

(k) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

Sec. 53. Minnesota Statutes 2004, section 169.99, subdivision 1b, is amended to read:

Subd. 1b. **SPEED.** The uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of section 169.14, subdivision 2, paragraph (a), clause (3), a speed limit of 55 or 60 miles per hour must specify whether the speed was greater than ten miles per hour in excess of the lawful speed a 55 miles per hour speed limit, or more than five miles per hour in excess of a 60 miles per hour speed limit.

Sec. 54. Minnesota Statutes 2004, section 169A.52, subdivision 3, is amended to read:

Subd. 3. **TEST REFUSAL; LICENSE REVOCATION.** (a) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired), and that the person refused to submit to a test, the commissioner shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year even if a test was obtained pursuant to this section after the person refused to submit to testing.

(b) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol in violation of section 169A.20 (driving while impaired), and that the person refused to submit to a test, the commissioner shall disqualify the person from operating a commercial motor vehicle for a period of one year under section 171.165 (commercial driver's license disqualification) and shall revoke the person's license or permit to drive or nonresident operating privilege for a

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period of one year according to the federal regulations adopted by reference in section 171.165, subdivision 2.

Sec. 55. Minnesota Statutes 2004, section 171.01, subdivision 22, is amended to read:

Subd. 22. **COMMERCIAL MOTOR VEHICLE.** "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) has a gross vehicle weight of more than 26,000 pounds;

(2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;

(3) is a bus;

(4) is of any size and is used in the transportation of hazardous materials, ~~except for those vehicles having a gross vehicle weight of 26,000 pounds or less and carrying in bulk tanks a total of not more than 200 gallons of liquid fertilizer and petroleum products that are required to be placarded under Code of Federal Regulations, title 49, parts 100-185;~~ or

(5) is outwardly equipped and identified as a school bus, except for type III school buses defined in section 169.01, subdivision 6, clause (5).

Sec. 56. Minnesota Statutes 2004, section 171.01, subdivision 35, is amended to read:

Subd. 35. **HAZARDOUS MATERIALS.** "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, ~~part 172, subpart F~~ parts 100-185.

Sec. 57. Minnesota Statutes 2004, section 171.01, subdivision 47, is amended to read:

Subd. 47. **STATE.** "State" means ~~any a state of the United States, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any province of the Dominion of Canada, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.~~

Sec. 58. Minnesota Statutes 2004, section 171.01, is amended by adding a subdivision to read:

Subd. 48a. **TANK VEHICLE.** "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank, as defined in Code of Federal Regulations, title 49, section 178.320, including a cargo tank or a portable tank as defined in Code of Federal Regulations, title 49, section 171.8, that is either permanently or temporarily attached to the vehicle or the chassis, except portable tanks having a rated capacity under 1,000 gallons.

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

Sec. 59. Minnesota Statutes 2004, section 171.02, is amended to read:

**171.02 LICENSES; TYPES, ENDORSEMENTS, RESTRICTIONS.**

Subdivision 1. **LICENSE REQUIRED.** Except when expressly exempted, a person shall not drive a motor vehicle upon a street or highway in this state unless the person has a license valid under this chapter for the type or class of vehicle being driven. The department shall not issue a driver's license to a person unless and until the person's license from any jurisdiction has been invalidated. The department shall provide to the issuing department of any jurisdiction, information that the licensee is now licensed in Minnesota. A person is not permitted to have more than one valid driver's license at any time. The department shall not issue to a person to whom a current Minnesota identification card has been issued a driver's license, other than an instruction permit or a limited license, unless the person's Minnesota identification card has been invalidated.

Subd. 2. **DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS, EXEMPTIONS.** (a) Drivers' licenses shall be ~~are~~ classified according to the types of vehicles which that may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly.

(b) Except as provided in paragraph (c), clauses (1) and (2), and subdivision 2a, no class of license shall be ~~is~~ valid to operate a motorcycle, school bus, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed.

~~There shall be~~ are four general classes of licenses as follows: described in paragraphs (c) through (f).

(b) (c) Class D; drivers' licenses are valid for:

(1) operating all farm trucks operated by if the farm truck is:

(i) the owner, (ii) controlled and operated by a farmer, including operation by an immediate family member of the owner, (iii) or an employee of the owner not primarily employed to operate the farm truck, within 150 miles of the farm, or farmer;

(ii) used to transport agricultural products, farm machinery, or farm supplies, including hazardous materials, to or from a farm;

(iii) not used in the operations of a common or contract motor carrier as governed by Code of Federal Regulations, title 49, part 365; and

(iv) an employee of the owner employed during harvest to operate the farm truck for the first, continuous transportation of agricultural products from the production site or on-farm storage site to any other location within 50 miles of that site used within 150 miles of the farm;

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(2) notwithstanding paragraph (b), operating fire trucks and emergency fire equipment an authorized emergency vehicle, as defined in section 169.01, subdivision 5, whether or not in excess of 26,000 pounds gross vehicle weight, operated by a firefighter while on duty, or a title operator employed by a fire department who drives the rear portion of a midmount aerial ladder truck;

(3) operating a recreational equipment vehicle as defined in section 168.011, subdivision 25, that is operated for personal use;

(4) operating all single-unit vehicles except vehicles with a gross vehicle weight of more than 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials; and

(5) notwithstanding paragraph (e) (d), operating a type A school bus without a school bus endorsement if:

(i) the bus has a gross vehicle weight of 10,000 pounds or less;

(ii) the bus is designed to transport 15 or fewer passengers, including the driver; and

(iii) the requirements of subdivision 2a, paragraph (b), are satisfied, as determined by the commissioner; and

The holder of a class D license may also tow

(6) towing vehicles if:

(i) the towed vehicles have a gross vehicle weight of 10,000 pounds or less; or

(ii) the towed vehicles have a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a gross vehicle weight of 26,000 pounds or less.

(e) (d) Class C<sub>2</sub> drivers' licenses are valid for:

(1) operating class D motor vehicles;

(2) with a hazardous materials endorsement, transporting hazardous materials in class D vehicles; and

(3) with a school bus endorsement, operating school buses designed to transport 15 or fewer passengers, including the driver.

(e) (e) Class B<sub>2</sub> drivers' licenses are valid for operating all vehicles in class C motor vehicles, class D motor vehicles, and all other single-unit motor vehicles including, with a passenger endorsement, buses. The holder of a class B license may tow only vehicles with a gross vehicle weight of 10,000 pounds or less.

(e) (f) Class A<sub>2</sub> drivers' licenses are valid for operating any vehicle or combination of vehicles.

Subd. 2a. **EXCEPTIONS EXCEPTION FOR CERTAIN SCHOOL BUS DRIVERS.** (a) Notwithstanding subdivision 2, (1) a hazardous materials endorsement is not required to operate a vehicle having a gross vehicle weight of 26,000 pounds or

less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and ~~(2) a class C license or hazardous materials endorsement is not required to operate a farm vehicle as defined in Code of Federal Regulations, title 49, section 390.5, having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 1,500 gallons of liquid fertilizer.~~

~~(b)~~ Notwithstanding subdivision 2, paragraph (c), the holder of a class D driver's license, without a school bus endorsement, may operate a type A school bus described in subdivision 2, paragraph (b), under the following conditions:

~~(1)~~ (a) The operator is an employee of the entity that owns, leases, or contracts for the school bus and is not solely hired to provide transportation services under this paragraph subdivision.

~~(2)~~ (b) The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.

~~(3)~~ (c) The operator is prohibited from using the eight-light system. Violation of this clause paragraph is a misdemeanor.

~~(4)~~ (d) The operator's employer has adopted and implemented a policy that provides for annual training and certification of the operator in:

~~(i)~~ (1) safe operation of the type of school bus the operator will be driving;

~~(ii)~~ (2) understanding student behavior, including issues relating to students with disabilities;

~~(iii)~~ (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;

~~(iv)~~ (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;

~~(v)~~ (5) handling emergency situations; and

~~(vi)~~ (6) safe loading and unloading of students.

~~(5)~~ (e) A background check or background investigation of the operator has been conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for teachers; section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision 3, for all other persons operating a type A school bus under this paragraph subdivision.

~~(6)~~ (f) Operators shall submit to a physical examination as required by section 171.321, subdivision 2.

~~(7)~~ (g) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the school bus.

~~(8)~~ (h) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, 169A.31, 169A.51, or 169A.52, or a

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similar statute or ordinance of another state is precluded from operating a school bus for five years from the date of conviction.

(9) (i) A person who has ever been convicted of a disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may not operate a school bus under this paragraph subdivision.

(10) (j) A person who sustains a conviction, as defined under section 609.02, of a fourth moving offense in violation of chapter 169 is precluded from operating a school bus for one year from the date of the last conviction.

(11) (k) Students riding the school bus must have training required under section 123B.90, subdivision 2.

(12) (l) An operator must be trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses."

(13) (m) Annual certification of the requirements listed in this paragraph subdivision must be maintained under separate file at the business location for each operator licensed under this paragraph subdivision and subdivision 2, paragraph (b), clause (5). The business manager, school board, governing body of a nonpublic school, or any other entity that owns, leases, or contracts for the school bus operating under this paragraph subdivision is responsible for maintaining these files for inspection.

(14) (n) The school bus must bear a current certificate of inspection issued under section 169.451.

(15) (o) The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this paragraph subdivision.

Subd. 3. **MOTORIZED BICYCLE.** (a) ~~No~~ A motorized bicycle ~~shall~~ may not be operated on any public roadway by any person who does not possess a valid driver's license, unless the person has obtained a motorized bicycle operator's permit or motorized bicycle instruction permit from the commissioner of public safety. The operator's permit may be issued to any person who has attained the age of 15 years and who has passed the examination prescribed by the commissioner. The instruction permit may be issued to any person who has attained the age of 15 years and who has successfully completed an approved safety course and passed the written portion of the examination prescribed by the commissioner.

(b) This course must consist of, but is not limited to, a basic understanding of:

- (1) motorized bicycles and their limitations;
- (2) motorized bicycle laws and rules;
- (3) safe operating practices and basic operating techniques;
- (4) helmets and protective clothing;

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- (5) motorized bicycle traffic strategies; and
- (6) effects of alcohol and drugs on motorized bicycle operators.

(c) The commissioner may ~~promulgate~~ adopt rules prescribing the content of the safety course, examination, and the information to be contained on the permits. A person operating a motorized bicycle under a motorized bicycle permit is subject to the restrictions imposed by section 169.974, subdivision 2, on operation of a motorcycle under a two-wheel instruction permit.

(d) The fees for motorized bicycle operator's permits are as follows:

- (1) Examination and operator's permit, valid for one year \$ 6
- (2) Duplicate \$ 3
- (3) Renewal permit before age 21 and valid until age 21 \$ 9
- (4) Renewal permit ~~after~~ after age 21 or older and valid for four years \$15
- (5) Duplicate of any renewal permit \$ 4.50
- (6) Written examination and instruction permit, valid for 30 days \$ 6

Subd. 4. **RESTRICTED COMMERCIAL DRIVER'S LICENSE.** (a) The commissioner may issue restricted commercial drivers' licenses and take the following actions to the extent that the actions are authorized by regulation of the United States Department of Transportation entitled "Waiver for Farm-Related Service Industries" as published in the Federal Register, April 17, 1992 in Code of Federal Regulations, title 49, section 383.3, paragraph (f):

- (1) prescribe examination requirements and other qualifications for the license;
- (2) prescribe classes of vehicles that may be operated by holders of the license;
- (3) specify commercial motor vehicle operation that is authorized by the license, and prohibit other commercial motor vehicle operation by holders of the license; and
- (4) prescribe the period of time during which the license is valid.

(b) Restricted commercial drivers' licenses are subject to sections 171.165 and 171.166 in the same manner as other commercial drivers' licenses.

(c) Actions of the commissioner under this subdivision are not subject to sections 14.05 to 14.47 of the Administrative Procedure Act.

Subd. 5. **EXEMPTION FOR CERTAIN BACKUP SNOWPLOW DRIVERS.** Pursuant to the waiver authorization set forth in Public Law 104-59, section 345, subsection (a), paragraph (5), a person who operates a commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, salting, or sanding is not required to hold a commercial driver's license if the person:

- (1) is an employee of a local unit of government with a population of 3,000 or less;

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(2) is operating within the boundaries of the local unit of government;

(3) holds a valid class D driver's license; and

(4) except in the event of a lawful strike, is temporarily replacing the employee who normally operates the vehicle but either is unable to operate the vehicle or is in need of additional assistance due to a snow emergency as determined by the local unit of government.

Sec. 60. Minnesota Statutes 2004, section 171.03, is amended to read:

**171.03 PERSONS EXEMPT.**

The following persons are exempt from license hereunder:

~~(1) (a) A person in the employ or service of the United States federal government is exempt while driving or operating a motor vehicle owned by or leased to the United States federal government, except that only a noncivilian operator of a commercial motor vehicle owned or leased by the United States Department of Defense or the Minnesota National Guard is exempt from the requirement to possess a valid commercial motor vehicle driver's license.~~

(b) A person in the employ or service of the United States federal government is exempt from the requirement to possess a valid class A, class B, or class C commercial driver's license while driving or operating for military purposes a commercial motor vehicle owned by or leased to the United States federal government if the person is:

(1) on active duty in the U. S. Coast Guard;

(2) on active duty in a branch of the U. S. Armed Forces, which includes the Army, Air Force, Navy, and Marine Corps;

(3) a member of a reserve component of the U. S. Armed Forces; or

(4) on active duty in the Army National Guard or Air National Guard, which includes (i) a member on full-time National Guard duty, (ii) a member undergoing part-time National Guard training, and (iii) a National Guard military technician, who is a civilian required to wear a military uniform.

The exemption provided under this paragraph does not apply to a U. S. Armed Forces Reserve technician.

~~(2) (c) Any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway, and is exempt. For purposes of this section, an all-terrain vehicle, as defined in section 84.92, subdivision 8, an off-highway motorcycle, as defined in section 84.787, subdivision 7, and an off-road vehicle, as defined in section 84.797, subdivision 7, are not implements of husbandry.~~

~~(3) (d) A nonresident who is at least 15 years of age and who has in immediate possession a valid driver's license issued to the nonresident in the home state or country may operate a motor vehicle in this state only as a driver.~~

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(4) (e) A nonresident who has in immediate possession a valid commercial driver's license issued by a state or jurisdiction in compliance accordance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716 standards of Code of Federal Regulations, title 49, part 383, and who is operating in Minnesota the class of commercial motor vehicle authorized by the issuing state; or jurisdiction is exempt.

(5) (f) Any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver, but only for a period of not more than 90 days in any calendar year, if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such the nonresident.

(6) (g) Any person who becomes a resident of the state of Minnesota and who has in possession a valid driver's license issued to the person under and pursuant to the laws of some other state or province jurisdiction or by military authorities of the United States may operate a motor vehicle as a driver, but only for a period of not more than 60 days after becoming a resident of this state, without being required to have a Minnesota driver's license as provided in this chapter.

(7) (h) Any person who becomes a resident of the state of Minnesota and who has in possession a valid commercial driver's license issued by another state or jurisdiction in compliance accordance with the Commercial Motor Vehicle Safety Act of 1986, United States Code, title 49, sections 521, 2304, and 2701 to 2716 standards of Code of Federal Regulations, title 49, part 383, is exempt for not more than 30 days after becoming a resident of this state; and.

(8) (i) Any person operating a snowmobile, as defined in section 84.81, is exempt.

Sec. 61. Minnesota Statutes 2004, section 171.04, subdivision 2, is amended to read:

Subd. 2. **DISQUALIFIED OPERATORS OF COMMERCIAL MOTOR VEHICLES.** During the period of disqualification, the department shall not issue a class C, class B, or class A commercial driver's license, including a limited license, to a person who has been disqualified from operating a commercial motor vehicle under section 171.165.

Sec. 62. Minnesota Statutes 2004, section 171.05, subdivision 1, is amended to read:

Subdivision 1. **PERSON 18 OR MORE YEARS OF AGE.** (a) Any person who is 18 or more years of age and who, except for a lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a class D driver's license under this chapter, may apply for an instruction permit and the department shall issue such the permit entitling. The instruction permit entitles the applicant, while having such permit in immediate possession, to drive a motor vehicle for which a class D license is valid upon the highways for a period of one year, but such person must be two years if the permit holder:

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(1) has the permit in immediate possession; and

(2) is driving the vehicle while accompanied by an adult licensed driver who is actually occupying a seat beside the driver.

(b) Any license of a lower class may be used as an instruction permit ~~for~~ to operate a vehicle requiring a higher class license for a period of six months after passage of the written test or tests required for the higher class and when the licensee is accompanied by and receiving instruction from a holder of the appropriate higher class license. A copy of the record of examination taken for the higher class license must be carried by the driver while using ~~such~~ the lower class license as an instruction permit.

Sec. 63. Minnesota Statutes 2004, section 171.05, subdivision 2, is amended to read:

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

(1) has completed a course of driver education in another state, has a previously issued valid license from another state, or is enrolled in either:

(i) a public, private, or commercial driver education program that is approved by the commissioner of public safety and that includes classroom and behind-the-wheel training; or

(ii) an approved behind-the-wheel driver education program when the student is receiving full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24, the student is working toward a home-school diploma, the student's status as a home-school student has been certified by the superintendent of the school district in which the student resides, and the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety;

(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 department-administered test of the applicant's knowledge of traffic laws;

(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, or is married or otherwise legally emancipated, then (v) the applicant's adult spouse, adult close family member, or adult employer; provided, that the approval

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required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer; and

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

(b) The instruction permit is valid for ~~one year~~ two years 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. 64. Minnesota Statutes 2004, section 171.05, subdivision 2b, is amended to read:

**Subd. 2b. INSTRUCTION PERMIT USE BY PERSON 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 may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The permit holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger.

(e) 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 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. 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.

**EFFECTIVE DATE.** This section is effective January 1, 2006.

Sec. 65. Minnesota Statutes 2004, section 171.055, subdivision 2, is amended to read:

**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

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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) A provisional license holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The provisional license holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger.

(c) If the holder of a provisional license during the period of provisional licensing incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (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.

**EFFECTIVE DATE.** This section is effective January 1, 2006.

Sec. 66. Minnesota Statutes 2004, section 171.06, subdivision 2a, is amended to read:

Subd. 2a. **TWO-WHEELED VEHICLE ENDORSEMENT FEE INCREASED.** (a) The fee for any duplicate driver's license ~~which~~ is obtained for the purpose of adding a two-wheeled vehicle endorsement is increased by \$18.50 for each first such duplicate license and \$13 for each renewal thereof. The additional fee ~~shall~~ must be paid into the state treasury and credited as follows:

(1) \$11 of the additional fee for each first duplicate license, and \$7 of the additional fee for each renewal, must be credited to the motorcycle safety fund, which is hereby created; provided that ~~any ten percent of fee receipts in excess of \$750,000 in a fiscal year shall must be credited 90 percent to the trunk highway fund and ten percent to the general fund; as provided in section 171.26.~~

(2) The remainder of the additional fee must be credited to the general fund.

(b) All application forms prepared by the commissioner for two-wheeled vehicle endorsements ~~shall~~ must clearly state the amount of the total fee that is dedicated to the motorcycle safety fund.

Sec. 67. Minnesota Statutes 2004, section 171.09, as amended by Laws 2005, chapter 136, article 18, section 11, is amended to read:

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**171.09 DRIVING RESTRICTIONS; AUTHORITY, VIOLATIONS.**

Subdivision 1. **AUTHORITY; VIOLATIONS.** (a) The commissioner shall have the authority, when good cause appears, to may impose restrictions suitable to the licensee's driving ability or ~~such~~ other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. ~~The commissioner may,~~

(b) Pursuant to Code of Federal Regulations, title 49, section 383.95, if an applicant for a commercial driver's license either does not successfully complete the air brake component of the knowledge test, or does not successfully complete the skills test in a vehicle equipped with air brakes as such tests are prescribed in Code of Federal Regulations, title 49, part 384, the department shall indicate on the class C, class B, or class A commercial driver's license, if issued, that the individual is restricted from operating a commercial motor vehicle equipped with air brakes.

(c) Upon receiving satisfactory evidence of any violation of the restrictions of on the license, the commissioner may suspend or revoke the license. A license suspension under this section is subject to section 171.18, subdivisions 2 and 3.

(d) A person who drives, operates, or is in physical control of a motor vehicle while in violation of the restrictions imposed in a restricted driver's license issued to that person under ~~paragraph (a) this section~~ is guilty of a crime as follows:

(1) if the restriction relates to the possession or consumption of alcohol or controlled substances, the person is guilty of a gross misdemeanor; or

(2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

Subd. 2. **NO-ALCOHOL RESTRICTION.** (a) Upon proper application by a person having a valid driver's license containing the restriction that the person must consume no alcohol and whose driving record contains no impaired driving incident within the past ten years, the commissioner must issue to the person a duplicate driver's license that does not show that restriction. Such issuance of a duplicate license does not rescind the no-alcohol restriction on the recipient's driving record. "Impaired driving incident" has the meaning given in section 169A.03, subdivision 22.

(b) Upon the issuance of a duplicate license to a person under paragraph (a), the no-alcohol restriction on the person's driving record is classified as private data on individuals, as defined in section 13.02, subdivision 12, but may be provided to requesting law enforcement agencies, probation and parole agencies, and courts.

Sec. 68. Minnesota Statutes 2004, section 171.12, subdivision 3, is amended to read:

Subd. 3. **APPLICATION AND RECORD, 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:

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

(2) the driver's record pertaining to violations of a driver or vehicle out-of-service order must be kept for a period of at least ten years; and

(3) the driver's record pertaining to felony convictions in the commission of which a motor vehicle was used, to the alcohol-related offenses and licensing actions listed in section 169A.03, subdivisions 20 and 21, and to violations of sections section 169.09, to violations of section 169A.31, and to violations of section 171.24, subdivision 5, shall must be cumulative and kept for a period of at least 15 years, except as provided in clause (3); and

(3) the driver's record pertaining to an offense, or a related licensing action, under section 169A.20, subdivision 1, clause (1) or (5), must be purged after ten years of any reference to the offense or action if (i) this offense or action involved an alcohol concentration of 0.08 or more but less than 0.10, (ii) this offense or action was a first impaired driving incident, and (iii) the driver has incurred no other impaired driving incident during the ten-year period. For purposes of this clause, "impaired driving incident" includes any incident that may be counted as a prior impaired driving conviction or a prior impaired driving-related loss of license, as defined in section 169A.03, subdivisions 20 and 21. This clause does not apply to the driver's record of a person to whom a commercial driver's license has been issued retained permanently.

Sec. 69. Minnesota Statutes 2004, section 171.12, subdivision 6, is amended to read:

Subd. 6. **CERTAIN CONVICTIONS NOT RECORDED.** (a) Except as provided in paragraph (b), the department shall not keep on the record of a driver any conviction for a violation of section 169.14, subdivision 2, paragraph (a), clause (3), a speed limit of 55 or 60 miles per hour unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed a 55 miles per hour speed limit, or more than five miles per hour in excess of a 60 miles per hour speed limit.

(b) This subdivision does not apply to (1) a violation that occurs in a commercial motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial driver's license, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle.

Sec. 70. Minnesota Statutes 2004, section 171.13, subdivision 2, is amended to read:

Subd. 2. **EXAMINATION UPON RENEWAL.** (a) The department shall issue a driver's license upon renewal:

(1) when the applicant has passed an examination consisting of a screening of the applicant's eyesight since the last previous license renewal or issuance; and

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(2) if applicable, when an applicant has passed a written examination since the last previous license renewal or issuance and after receiving a warning letter or attending a preliminary hearing as a habitual violator, within the meaning of rules adopted by the commissioner; and

(3) if applicable, when an applicant has passed a road examination since the last previous license renewal or issuance and after having had driving privileges suspended as a habitual violator, within the meaning of rules adopted by the commissioner.

(b) A screening of eyesight required by this subdivision does not constitute the practice of optometry as defined in section 148.56.

(c) The commissioner may adopt rules to administer this subdivision.

**EFFECTIVE DATE.** This section is effective August 1, 2006.

**Sec. 71. [171.162] COMMERCIAL DRIVER'S LICENSE, RECORDS CHECK.**

As required by Code of Federal Regulations, title 49, section 383.73, before issuing a class A, class B, or class C commercial driver's license, the department shall request the applicant's complete driving record from all states where the applicant was previously licensed over the last ten years to operate any type of motor vehicle.

Sec. 72. Minnesota Statutes 2004, section 171.165, subdivision 1, is amended to read:

Subdivision 1. **FIRST VIOLATION FEDERAL STANDARDS.** Subject to section 171.166, the commissioner shall disqualify a person from operating commercial motor vehicles for one year upon receiving a record of the first conviction of the person for committing a violation of any of the following offenses while operating a commercial motor vehicle:

(1) section 169A.20 or 169A.31;

(2) section 169.09, subdivision 1 or 2;

(3) a felony, other than a felony described in subdivision 3, paragraph (a), clause (2), item (ii);

(4) driving with a revoked, suspended, canceled, denied, or disqualified commercial driver's license;

(5) causing a fatality through the negligent or criminal operation of a commercial motor vehicle; or

(6) an offense committed in another state that would be grounds for disqualification under this subdivision or subdivision 2 if committed in Minnesota in accordance with the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D and Code of Federal Regulations, title 49, section 384.219.

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Sec. 73. Minnesota Statutes 2004, section 171.165, subdivision 2, is amended to read:

Subd. 2. **IMPLIED CONSENT REVOCATION.** The commissioner shall disqualify a person from operating commercial motor vehicles for ~~one year from the effective date of a revocation under section 169A.52 or a statute or ordinance from another state or jurisdiction in conformity with it, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident on which the revocation is based~~ in accordance with the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D.

Sec. 74. Minnesota Statutes 2004, section 171.165, subdivision 6, is amended to read:

Subd. 6. **EXEMPTIONS.** (a) A disqualification shall not be imposed under this section on a recreational ~~equipment vehicle~~ operator, farmer, or ~~firefighter~~ authorized emergency vehicle operator operating a commercial motor vehicle within the scope of section 171.02, subdivision 2, paragraph (b).

(b) A conviction for a violation that occurred before August 1, 2005, while operating a vehicle that is not a commercial motor vehicle shall not be counted as a first or subsequent violation for purposes of determining the period for which a driver must be disqualified under this section.

**Sec. 75. [171.167] NOTICE TO COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.**

The department shall participate fully in the commercial driver's license information system established under the Commercial Motor Vehicle Safety Act of 1986 at United States Code, title 49, section 31309.

Sec. 76. Minnesota Statutes 2004, section 171.17, subdivision 1, is amended to read:

Subdivision 1. **OFFENSES.** (a) The department shall immediately revoke the license of a driver upon receiving a record of the driver's conviction of:

(1) manslaughter resulting from the operation of a motor vehicle or criminal vehicular homicide or injury under section 609.21;

(2) a violation of section 169A.20 or 609.487;

(3) a felony in the commission of which a motor vehicle was used;

(4) failure to stop and disclose identity and render aid, as required under section 169.09, in the event of a motor vehicle accident, resulting in the death or personal injury of another;

(5) perjury or the making of a false affidavit or statement to the department under any law relating to the ownership or operation of a motor vehicle;

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(6) except as this section otherwise provides, three charges of violating within a period of 12 months any of the provisions of chapter 169 or of the rules or municipal ordinances enacted in conformance with chapter 169, for which the accused may be punished upon conviction by imprisonment;

(7) two or more violations, within five years, of the misdemeanor offense described in section 169.444, subdivision 2, paragraph (a);

(8) the gross misdemeanor offense described in section 169.444, subdivision 2, paragraph (b); or

(9) an offense in another state that, if committed in this state, would be grounds for revoking the driver's license; or

(10) a violation of an applicable speed limit by a person driving in excess of 100 miles per hour. The person's license must be revoked for six months for a violation of this clause, or for a longer minimum period of time applicable under section 169A.53, 169A.54, or 171.174.

(b) The department shall immediately revoke the school bus endorsement of a driver upon receiving a record of the driver's conviction of the misdemeanor offense described in section 169.443, subdivision 7.

**EFFECTIVE DATE.** This section is effective August 1, 2005, and applies to violations committed on or after that date.

Sec. 77. Minnesota Statutes 2004, section 171.18, subdivision 1, is amended to read:

Subdivision 1. **OFFENSES.** The commissioner may suspend the license of a driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) has committed an offense for which mandatory revocation of license is required upon conviction;

(2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic, other than a conviction for a petty misdemeanor, and department records show that the violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;

(3) is an habitually reckless or negligent driver of a motor vehicle;

(4) is an habitual violator of the traffic laws;

(5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

(6) has permitted an unlawful or fraudulent use of the license;

(7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;

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(8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within five years of a prior conviction under that section;

(9) has committed a violation of section 171.22, except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card;

(10) has failed to appear in court as provided in section 169.92, subdivision 4;

(11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges; or

(12) has been found to have committed an offense under section 169A.33; or

(13) has paid or attempted to pay a fee required under this chapter for a license or permit by means of a dishonored check issued to the state or a driver's license agent, which must be continued until the registrar determines or is informed by the agent that the dishonored check has been paid in full.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Sec. 78. Minnesota Statutes 2004, section 171.30, subdivision 1, is amended to read:

Subdivision 1. **CONDITIONS OF ISSUANCE.** (a) In any case where a person's license has been suspended under section 171.18, 171.173, or 171.186, or revoked under section 169.792, 169.797, 169A.52, 169A.54, 171.17, or 171.172, the commissioner may issue a limited license to the driver including under the following conditions:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or

(3) if attendance at a postsecondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

(b) The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation, and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

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(c) For purposes of this subdivision, "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents.

(d) The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

(e) In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

(f) If the person's driver's license or permit to drive has been revoked under section 169.792 or 169.797, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(g) The limited license issued by the commissioner to a person under section 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner must not issue a limited license to a person who previously has been issued a limited license under section 171.186, subdivision 4.

(h) The commissioner shall not issue a limited driver's license to any person described in section 171.04, subdivision 1, clause (6), (7), (8), (10), (11), or (14).

(i) The commissioner shall not issue a class A, class B, or class C limited license.

Sec. 79. Minnesota Statutes 2004, section 174.50, is amended by adding a subdivision to read:

**Subd. 6b. BRIDGE ENGINEERING AND DESIGN COSTS IN SMALLER CITIES.** Until June 30, 2007, the commissioner may make grants from the state transportation fund to a home rule or statutory city with a population of 5,000 or less and a net tax capacity of under \$200,000 for design and preliminary engineering of bridges on city streets. Grants under this subdivision are subject to the procedures and criteria established under subdivisions 5 and 6, and may be used for 100 percent of the design and preliminary engineering costs. Total grants under this subdivision to all cities may not exceed \$200,000.

Sec. 80. Minnesota Statutes 2004, section 174.86, subdivision 5, is amended to read:

**Subd. 5. COMMUTER RAIL CORRIDOR COORDINATING COMMITTEE.** (a) A Commuter Rail Corridor Coordinating Committee shall be established to advise the commissioner on issues relating to the alternatives analysis, environmental review, advanced corridor planning, preliminary engineering, final design, implemen-

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tation method, construction of commuter rail, public involvement, land use, service, and safety. The Commuter Rail Corridor Coordinating Committee shall consist of:

(1) one member representing each significant funding partner in whose jurisdiction the line or lines are located;

(2) one member appointed by each county in which the corridors are located;

(3) one member appointed by each city in which advanced corridor plans indicate that a station may be located;

(4) two members appointed by the commissioner, one of whom shall be designated by the commissioner as the chair of the committee;

(5) one member appointed by each metropolitan planning organization through which the commuter rail line may pass; and

(6) one member appointed by the president of the University of Minnesota, if a designated corridor provides direct service to the university.

(b) A joint powers board existing on April 1, 1999, consisting of local governments along a commuter rail corridor, shall perform the functions set forth in paragraph (a) in place of the committee.

(c) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

EFFECTIVE DATE. This section is effective retroactively from June 30, 2003. All actions taken in reliance on Minnesota Statutes, section 15.059 or 174.86, are ratified by the enactment of this section.

Sec. 81. Minnesota Statutes 2004, section 179A.03, subdivision 7, as amended by Laws 2005, chapter 125, article 2, section 1, is amended to read:

Subd. 7. **ESSENTIAL EMPLOYEE.** "Essential employee" means firefighters, peace officers subject to licensure under sections 626.84 to 626.863, 911 system and police and fire department public safety dispatchers, guards at correctional facilities, confidential employees, supervisory employees, assistant county attorneys, assistant city attorneys, principals, and assistant principals. However, for state employees, "essential employee" means all employees in law enforcement, public safety radio communications operators, health care professionals, correctional guards, professional engineering, and supervisory collective bargaining units, irrespective of severance, and no other employees. For University of Minnesota employees, "essential employee" means all employees in law enforcement, nursing professional and supervisory units, irrespective of severance, and no other employees. "Firefighters" means salaried employees of a fire department whose duties include, directly or indirectly, controlling, extinguishing, preventing, detecting, or investigating fires. Employees for whom the state court administrator is the negotiating employer are not essential employees. For Hennepin Healthcare System, Inc. employees, "essential employees" means all employees.

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Sec. 82. Minnesota Statutes 2004, section 179A.10, subdivision 2, is amended to read:

Subd. 2. **STATE EMPLOYEES.** Unclassified employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. Supervisory employees shall only be assigned to units 12 and 16. The following are the appropriate units of executive branch state employees:

- (1) law enforcement unit;
- (2) craft, maintenance, and labor unit;
- (3) service unit;
- (4) health care nonprofessional unit;
- (5) health care professional unit;
- (6) clerical and office unit;
- (7) technical unit;
- (8) correctional guards unit;
- (9) state university instructional unit;
- (10) state college instructional unit;
- (11) state university administrative unit;
- (12) professional engineering unit;
- (13) health treatment unit;
- (14) general professional unit;
- (15) professional state residential instructional unit; ~~and~~
- (16) supervisory employees unit; and
- (17) public safety radio communications operator unit.

Each unit consists of the classifications or positions assigned to it in the schedule of state employee job classification and positions maintained by the commissioner. The commissioner may only make changes in the schedule in existence on the day prior to August 1, 1984, as required by law or as provided in subdivision 4.

Sec. 83. Minnesota Statutes 2004, section 192.502, subdivision 2, is amended to read:

Subd. 2. **RENEWAL OF PROFESSIONAL LICENSES OR CERTIFICATIONS LICENSE, DRIVER'S LICENSE AND MOTOR VEHICLE REGISTRATION.** The renewal of a license or certificate of registration for a ~~member of the Minnesota National Guard or other military reserves~~ person who has been ordered to active military service and who is required by law to be licensed or registered in order

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to carry on or practice a health or other trade, employment, occupation, or profession in the state is governed under sections 326.55 and 326.56.

(b) The renewal of a driver's license for a person who has been ordered to active military service is governed under section 171.27.

(c) The renewal and payment of the motor vehicle registration tax for a vehicle of a person who has been ordered to active military service is governed under section 168.031.

Sec. 84. Minnesota Statutes 2004, section 197.65, is amended to read:

**197.65 RENEWAL OF PROFESSIONAL LICENSES OR CERTIFICATIONS LICENSE, MOTOR VEHICLE REGISTRATION AND DRIVER'S LICENSE.**

(a) The renewal of a license or certificate of registration for a person who is serving in or has recently been separated or discharged from active military service and who is required by law to be licensed or registered in order to carry on or practice a health or other trade, employment, occupation, or profession in the state is governed under sections 326.55 and 326.56.

(b) The renewal of a driver's license for a person who is serving in or has recently been separated or discharged from active military service is governed under section 171.27.

(c) The renewal and payment of the motor vehicle registration tax for a vehicle of a person who is serving in or has recently been separated or discharged from active military service is governed under section 168.031.

Sec. 85. **[219.1651] GRADE CROSSING SAFETY ACCOUNT.**

A Minnesota grade crossing safety account is created in the special revenue fund, consisting of money credited to the account by law. Money in the account is appropriated to the commissioner of transportation for rail-highway grade crossing safety projects on public streets and highways, including engineering costs. Money in the account at the end of each fiscal year cancels to the trunk highway fund.

Sec. 86. Minnesota Statutes 2004, section 219.166, is amended to read:

**219.166 ESTABLISHMENT OF QUIET ZONES.**

A county, statutory or home rule charter city, or town may by ordinance establish a defined apply to the Federal Railroad Administration for the establishment of a "quiet zone" in which the sounding of horns, whistles, or other audible warnings by locomotives is regulated or prohibited. A quiet zone established under this section must consist of at least one-half mile of railroad right-of-way. All quiet zones, regulations, and ordinances adopted under this section must conform to federal law and the regulations of the Federal Railroad Administration under United States Code, title 49, section 20153.

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Sec. 87. Minnesota Statutes 2004, section 219.567, is amended to read:

**219.567 FAILURE TO RING BELL.**

An engineer driving a locomotive on a railway who fails (1) to ring the bell or sound the whistle on the locomotive, or have it rung or sounded, ~~at least 80 rods from a place where the railway crosses a traveled road or street on the same level, except in cities, or~~ (2) ~~to continue ringing the bell or sounding the whistle at intervals until the locomotive and attached train have completely crossed the road or street, in accordance with Federal Railroad Administration regulations under United States Code, title 49, section 20153,~~ is guilty of a misdemeanor.

Sec. 88. Minnesota Statutes 2004, section 299D.03, subdivision 5, is amended to read:

Subd. 5. **TRAFFIC FINES AND FORFEITED BAIL MONEY.** (a) All fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by officers of the State Patrol, shall be paid by the person or officer collecting the fines, forfeited bail money, or installments thereof, on or before the tenth day after the last day of the month in which these moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of these receipts shall be credited to the general revenue fund of the county, except that in a county in a judicial district under section 480.181, subdivision 1, paragraph (b), this three-eighths share must be transmitted to the commissioner of finance for deposit in the state treasury and credited to the general fund. The other five-eighths of these receipts shall be transmitted by that officer to the commissioner of finance and must be credited as follows: (1) the first \$600,000 in each fiscal year must be credited to the Minnesota grade crossing safety account in the special revenue fund, and (2) remaining receipts must be credited to the trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be credited to the general revenue fund of the county, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be transmitted to the commissioner of finance as provided in this subdivision. All costs of participation in a nationwide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) Notwithstanding any other provisions of law, all fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by these employees, shall be paid by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the county treasurer of the county where the violation occurred. Five-eighths of these receipts shall be transmitted by that officer to the commissioner of finance and shall be credited to the highway user tax distribution fund. Three-eighths of these receipts shall be credited to the general revenue fund of the county, except that in a county in a judicial

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district under section 480.181, subdivision 1, paragraph (b), this three-eighths share must be transmitted to the commissioner of finance for deposit in the state treasury and credited to the general fund.

**Sec. 89. TOWN ROAD SIGN REPLACEMENT PROGRAM.**

Subdivision 1. SCOPE OF PROGRAM. The commissioner of transportation shall develop and implement a town road sign replacement program to:

- (1) inventory all county and town road signs;
  - (2) evaluate town road signs for compliance with applicable sign standards;
  - (3) remove and replace town road signs as the commissioner deems necessary;
- and
- (4) establish an ongoing sign maintenance program.

Subd. 2. SIGN STANDARDS. Standards for sign removal, replacement, and installation must conform to applicable federal, state, and local safety standards, including retroreflectivity standards and other provisions of the Manual on Uniform Traffic Control Devices adopted by the commissioner.

Subd. 3. LOCAL GOVERNMENT PARTICIPATION. The commissioner may establish conditions for local government participation in the town road sign replacement program, including, but not limited to, involvement of county engineers, and establishment and maintenance by the local government of a database of county and town road signs.

Subd. 4. USE OF APPROPRIATIONS. The commissioner may utilize the proceeds of state appropriations for the town road sign replacement program to match federal funds. The commissioner may establish a pilot program in consultation with the Minnesota Association of Townships.

EFFECTIVE DATE. This section takes effect on the effective date of a state or federal appropriation for the town road sign replacement program.

**Sec. 90. DEVELOPMENT AUTHORIZED.**

Dakota County Regional Railroad Authority may exercise the powers conferred by Minnesota Statutes, section 398A.04, to plan, establish, acquire, develop, construct, purchase, enlarge, extend, improve, maintain, equip, operate, regulate, and protect a bus rapid transit system located within the Cedar Avenue transit corridor within Dakota County.

EFFECTIVE DATE. Pursuant to Minnesota Statutes, section 645.023, subdivision 1, paragraph (a), this section is effective without local approval the day following final enactment.

**Sec. 91. SUSPENSION OF PROGRAM TO VERIFY INSURANCE COVERAGE THROUGH SAMPLING.**

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The commissioner of public safety shall take no action under Minnesota Statutes, section 169.796, subdivision 3, and shall discontinue all activities related to the program to verify insurance coverage through sampling, except as provided in sections 92 to 98.

**Sec. 92. REINSTATEMENT OF SUSPENDED LICENSES.**

The commissioner, without requiring proof of insurance or payment of a reinstatement fee, shall reinstate the driver's license of every vehicle owner whose license is suspended under Minnesota Statutes, section 169.796, subdivision 3, retroactive to the date of the suspension. The commissioner shall promptly refund any such reinstatement fees previously paid.

**Sec. 93. DISMISSAL OF CHARGES.**

All charges, complaints, and citations issued for a violation of Minnesota Statutes, section 169.796, subdivision 3, or a related violation, including driving after a license suspension imposed for failure to comply with the provisions of Minnesota Statutes, section 169.796, subdivision 3, are void and must be dismissed.

**Sec. 94. REMOVAL OF PREVIOUS VIOLATIONS.**

The commissioner shall purge from a person's driving record any notation of a violation of Minnesota Statutes, section 169.796, subdivision 3, and any notation of a related suspension or violation, including driving after a license suspension imposed for failure to comply with the provisions of Minnesota Statutes, section 169.796, subdivision 3. An insurer may not increase a premium for a policy of vehicle insurance on the basis of a violation described in this section by a named insured if the violation occurred before the effective date of this section, and any such increase previously imposed must be rescinded and any related premium increase promptly refunded.

**Sec. 95. REMEDIATION FOR CONVICTIONS.**

A court in which a conviction for an offense referred to in section 101 occurred, must vacate the conviction, on its own motion, without cost to the person convicted, and must immediately notify the commissioner of public safety. The commissioner must then notify the person convicted that the conviction has been vacated and that the person's driving record has been purged of a violation of Minnesota Statutes, section 169.796, subdivision 3, or any other related suspension or violation, including driving after license suspension, for failure to comply with that subdivision.

**Sec. 96. REMEDIATION BY INSURERS.**

(a) Insurers that issue or renew motor vehicle insurance in this state shall, within 60 days after the effective date of this section, inform the commissioner of commerce as to whether it has canceled, failed to renew, denied an application for coverage, or imposed a surcharge on any motor vehicle insurance due to a suspension or conviction as a result of the law referenced in section 91, provide a list of any such persons, and indicate for each person the remediation the insurer intends to provide.

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(b) Remediation under paragraph (a) must compensate the victim by providing refunds and reinstatements of coverage.

(c) Insurers shall provide the remediation without requiring that the person make a request for remediation.

(d) The commissioner of commerce shall enforce this section under its general enforcement powers under Minnesota Statutes, chapter 45.

**Sec. 97. REPORT.**

The commissioner of public safety shall report to the chairs of the house of representatives and senate committees with jurisdiction over transportation policy and finance by September 1, 2006, concerning the operation of the vehicle insurance verification program, and the impact of the program on the identification and number of uninsured motorists.

**Sec. 98. PUBLIC SAFETY FUNDING.**

The commissioner of public safety shall use unspent funds appropriated for purposes of administering Minnesota Statutes, section 169.796, subdivision 3, to carry out the provisions of sections 92 and 94. Funds remaining at the conclusion of fiscal year 2005 may be carried over to fiscal year 2006 until expended, to complete the required provisions of sections 92 and 94.

**Sec. 99. ROUSSAIN CEMETERY; DESIGNATION.**

On agreement of the Fond du Lac Band of Lake Superior Chippewa and the city of Duluth, the city shall name and dedicate the cemetery that is on land leased to the band by the city as "Roussain Cemetery." After consulting with the Fond du Lac Band, the city shall adopt a suitable marking design to memorialize the cemetery and erect the appropriate signs or memorials on assurance of the availability of noncity funds sufficient to pay all costs related to designing, erecting, and preserving the signs or memorials.

EFFECTIVE DATE. This section is effective the day after the governing body of Duluth and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

**Sec. 100. WETLAND REPLACEMENT REQUIREMENT EXEMPTION.**

Notwithstanding any law to the contrary, due to the construction of a trail in or near the city of Cologne on type I and type III wetlands in the area between the improved portion of marked State Highway 284 and Benton Lake, wetland replacement is eligible for replacement under Minnesota Statutes, section 103G.222, subdivision 1, paragraph (1).

**Sec. 101. MAXIMUM TRAIN SPEED IN CITY OF ORR.**

In order to eliminate or reduce local safety hazards, a railway corporation may not permit a train to be operated at a speed in excess of 30 miles per hour while any portion

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of the engine or train is within the limits of the city of Orr in St. Louis County.

**EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day after the governing body of the city of Orr and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

**Sec. 102. ETHANOL MANDATE.**

Notwithstanding any other provision of law, if the minimum percentage of denatured alcohol that must be contained in gasoline sold or offered for sale in Minnesota under Minnesota Statutes, section 239.731, is more than ten percent, that percentage reverts to ten percent 90 days after the effective date of any federal law relating to (1) the federal excise tax rate on gasoline-ethanol blends, or (2) the deposit of revenues from the federal excise tax on gasoline-ethanol blends, that in the determination of the commissioner of transportation will result in a loss of federal transportation funds to Minnesota that is directly attributable to requiring a minimum of more than ten percent denatured ethanol in gasoline sold or offered for sale in Minnesota.

**Sec. 103. ADDITIONAL DEPUTY REGISTRAR OF MOTOR VEHICLES FOR HENNEPIN COUNTY.**

Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the commissioner of public safety, limiting sites for the office of deputy registrar based on either the distance to an existing deputy registrar office or the annual volume of transactions processed by any deputy registrar within Hennepin County before or after the proposed appointment, the commissioner of public safety shall appoint a new deputy registrar of motor vehicles and driver's license agent for Hennepin County to operate a new full-service office of deputy registrar, with full authority to function as a registration and motor vehicle tax collection and driver's license bureau, at the Midtown Exchange Building in the city of Minneapolis. All other provisions regarding the appointment and operation of a deputy registrar of motor vehicles and driver's license agent under Minnesota Statutes, sections 168.33 and 171.061, and Minnesota Rules, chapter 7406, apply to the office.

**Sec. 104. DEPUTY REGISTRAR AND DRIVER'S LICENSE AGENT APPOINTMENT.**

Notwithstanding any restriction in law or rule concerning proximity of deputy motor vehicle registrar offices or predicted number of annual applications processed, the commissioner of public safety shall appoint the auditor of Carver County as a deputy motor vehicle registrar and driver's license agent in the city of Chanhassen. All provisions of Minnesota Statutes, sections 168.33 and 171.061, not inconsistent with this section, apply to the appointments under this section.

**Sec. 105. TRANSITION.**

Subdivision 1. ASSIGNMENT OF JOB CLASSIFICATION TO UNIT. The commissioner of the Bureau of Mediation Services shall assign the job classifications

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and positions of employees working as public safety radio communications operators to state employee bargaining unit 17.

Subd. 2. TERMS AND CONDITIONS OF EMPLOYMENT. The terms and conditions of the collective bargaining agreement, memoranda of understanding, or other salary and benefit provisions covering public safety radio communications operators immediately before the effective date of this section remain in effect until a successor agreement between the commissioner of employee relations and the exclusive representative of bargaining unit 17 becomes effective, subject to Minnesota Statutes, section 179A.20, subdivision 6.

Subd. 3. EXCLUSIVE REPRESENTATIVE. The employee organization that is the exclusive representative of employees assigned to bargaining unit 17 on the day before the effective date of this section must be certified by the commissioner of the Bureau of Mediation Services as the exclusive representative of newly created bargaining unit 17, subject to future changes as provided in Minnesota Statutes, section 179A.12. For employees assigned to bargaining unit 17, the exclusive representative retains all rights and obligations under the contract governing these employees immediately before the effective date of this section, so long as that contract continues to apply to those employees.

#### **Sec. 106. FLOODWOOD SAFETY REST AREA.**

Notwithstanding Minnesota Statutes, section 160.2725, subdivisions 1 and 5, or section 160.08, subdivision 7, or other lease or agreement to the contrary, the operator of the safety rest area in the city of Floodwood may sell nonalcoholic beverages and snack foods. This provision may not be waived by contract or other agreement.

#### **Sec. 107. RULE CHANGE; INSTRUCTION TO REVISOR.**

The revisor of statutes shall change Minnesota Rules, part 8820.3300, subpart 2, to require that comments be directed to the commissioner of transportation in conformity with the same period allowed for written objections to be received by the commissioner under this act's amendments to Minnesota Statutes 2004, sections 162.02, subdivision 3a, and 162.09, subdivision 3a. The rule change is effective the same day as the effective date of this act's amendments to Minnesota Statutes 2004, sections 162.02, subdivision 3a, and 162.09, subdivision 3a.

#### **Sec. 108. REPEALER.**

(a) Minnesota Statutes 2004, sections 168.011, subdivision 19; and 168.15, subdivision 2, are repealed.

(b) Minnesota Statutes 2004, section 171.165, subdivisions 3, 4, 4a, and 4b, are repealed.

(c) Minnesota Statutes 2004, section 473.408, subdivision 1, is repealed.

(d) Minnesota Statutes 2004, sections 168.831; 168.832; 168.833; 168.834; 168.835; 168.836; and 168.837, are repealed.

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(e) Minnesota Rules, part 7503.2400, is repealed.

(f) Minnesota Rules, parts 7800.0600; 7800.3200, subpart 1; 7805.0700; 8850.6900, subpart 20; and 8855.0500, subpart 1, are repealed.

**Sec. 109. EFFECTIVE DATE; EXPIRATION.**

Sections 91 to 98 are effective the day following final enactment and expire on June 10, 2006.

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**ARTICLE 4**

**EFFECTIVE DATES**

**Section 1. EFFECTIVE DATES.**

(a) Except as otherwise provided in this act, all provisions of this act are effective the day following final enactment.

(b) All provisions in article 2 that provide for the deposit of money in the driver services operating account or the vehicle services operating account in the special revenue fund are effective retroactively from July 1, 2005.

(c) All fee increases provided for in article 2 are effective August 1, 2005.

(d) Appropriations in this act are effective retroactively from July 1, 2005, and supersede and replace funding authorized by order of the Ramsey County District Court in Case No. C9-05-5928, as well as by Laws 2005, First Special Session chapter 2, which provided temporary funding through July 14, 2005.

Presented to the governor July 13, 2005

Signed by the governor July 14, 2005, 1:00 p.m.

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**CHAPTER 7—H.F.No. 53**

*An act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2004, sections 13.72, subdivision 14, as added; 65A.08, subdivision 2, as amended, if enacted; 66A.02, as amended, if enacted; 152.02, subdivision 6, as amended; 168.011, subdivision 4; 168.012, subdivision 1, as amended; 168.27, subdivision 29, as amended; 203B.12, subdivision 2, as amended; 203B.24, subdivision 1, as amended; 244.10, subdivision 5, as added; 290.01, subdivision 19a, as amended; 290.0675, subdivision 1, as amended; 383B.217, subdivision 7, as*

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