

**CHAPTER 316—S.F.No. 345**

*An act relating to drivers' licenses; creating enhanced driver's license and enhanced identification card; providing for selective service system registration; providing for fees, eligibility requirements, employment use, application requirements, issuance, security, and appearance relating to drivers' licenses and identification cards; directing commissioner of public safety to seek approval of card by Homeland Security secretary for proof of identity and citizenship and for use in entering United States; amending Minnesota Statutes 2008, sections 171.01, by adding subdivisions; 171.04, by adding subdivisions; 171.06, subdivisions 1, 2, 6; 171.07, subdivision 3, by adding subdivisions; 171.071, by adding a subdivision; 171.12, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 171.06, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 171.*

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

Section 1. Minnesota Statutes 2008, section 171.01, is amended by adding a subdivision to read:

Subd. 37a. **Enhanced driver's license.** "Enhanced driver's license" means a license, instruction permit, or provisional license, to operate a motor vehicle issued or issuable under the laws of this state by the commissioner of public safety that denotes citizenship and identity and contains technology and security features approved by the secretary of the United States Department of Homeland Security. An enhanced driver's license may be used in the same manner as a driver's license, instruction permit, or provisional license, and is approved by the secretary of the United States Department of Homeland Security for purposes of entering the United States. All provisions in this chapter relating to drivers' licenses, instruction permits, and provisional licenses, including cancellation, suspension, revocation, reinstatement, examination, restriction, expiration, renewal, and unlawful acts and violations, apply to an enhanced driver's license.

Sec. 2. Minnesota Statutes 2008, section 171.01, is amended by adding a subdivision to read:

Subd. 37b. **Enhanced identification card.** "Enhanced identification card" means an identification card issued or issuable under the laws of this state by the commissioner of public safety that denotes citizenship and identity and contains technology and security features approved by the secretary of the United States Department of Homeland Security. An enhanced identification card may be used in the same manner as an identification card and is approved by the secretary of the United States Department of Homeland Security for purposes of entering the United States.

Sec. 3. Minnesota Statutes 2008, section 171.04, is amended by adding a subdivision to read:

Subd. 4. **Persons not eligible for enhanced driver's license.** The department shall not issue an enhanced driver's license to any person who is:

- (1) under 16 years of age;
- (2) not a resident of this state;
- (3) not a citizen of the United States of America; or
- (4) described in subdivision 1, clauses (4) to (12), or (14).

**Sec. 4. [171.066] ENHANCED DRIVER'S LICENSE FOR EMPLOYMENT.**

No employer may require an employee to apply for or use an enhanced driver's license as a condition of employment, nor may an employer discharge an employee or otherwise discriminate or retaliate against an employee who refuses to apply for or use an enhanced driver's license.

Sec. 5. Minnesota Statutes 2008, section 171.06, subdivision 1, is amended to read:

Subdivision 1. **Forms of application.** Every application for a Minnesota identification card, for an enhanced identification card, for an instruction permit, for a provisional license, or for a driver's license, or for an enhanced driver's license must be made in a format approved by the department, and every application must be accompanied by the proper fee. All first-time applications and change-of-status applications must be signed in the presence of the person authorized to accept the application, or the signature on the application may be verified by a notary public. All applications requiring evidence of legal presence in the United States or United States citizenship must be signed in the presence of the person authorized to accept the application, or the signature on the application may be verified by a notary public.

Sec. 6. Minnesota Statutes 2008, section 171.06, subdivision 2, is amended to read:

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

|  |                  |                  |                  |                  |
|--|------------------|------------------|------------------|------------------|
| Classified Driver's License                        | D-\$22.25        | C-\$26.25        | B-\$33.25        | A-\$41.25        |
| Classified Under-21 D.L.                           | D-\$22.25        | C-\$26.25        | B-\$33.25        | A-\$21.25        |
| <u>Enhanced Driver's License</u>                   | <u>D-\$37.25</u> | <u>C-\$41.25</u> | <u>B-\$48.25</u> | <u>A-\$56.25</u> |
| Instruction Permit                                 |                  |                  |                  | \$10.25          |
| <u>Enhanced Instruction Permit</u>                 |                  |                  |                  | <u>\$25.25</u>   |
| Provisional License                                |                  |                  |                  | \$13.25          |
| <u>Enhanced Provisional License</u>                |                  |                  |                  | <u>\$28.25</u>   |
| Duplicate License or duplicate identification card |                  |                  |                  | \$11.75          |

Enhanced Duplicate  
License or enhanced  
duplicate identification  
card

\$26.75

Minnesota identification  
card or Under-21  
Minnesota identification  
card, other than duplicate,  
except as otherwise  
provided in section 171.07,  
subdivisions 3 and 3a

\$16.25

Enhanced Minnesota  
identification card

\$31.25

In addition to each fee required in this paragraph, the commissioner shall collect a surcharge of \$1.75 until June 30, 2012. Surcharges collected under this paragraph must be credited to the driver and vehicle services technology account in the special revenue fund under section 299A.705.

(b) Notwithstanding paragraph (a), 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 commissioner shall collect an additional \$4 processing fee from each new applicant or 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. 7. Minnesota Statutes 2009 Supplement, section 171.06, subdivision 3, is amended to read:

Subd. 3. **Contents of application; other information.** (a) An application must:

(1) state the full name, date of birth, sex, and either (i) the residence address of the applicant, or (ii) designated address under section 5B.05;

(2) as may be required by the commissioner, contain a description of the applicant and any other facts pertaining to the applicant, the applicant's driving privileges, and the applicant's ability to operate a motor vehicle with safety;

(3) state:

(i) the applicant's Social Security number; or

(ii) if the applicant does not have a Social Security number and is applying for a Minnesota identification card, instruction permit, or class D provisional or driver's license, that the applicant certifies that the applicant does not have a Social Security number;

(4) in the case of an application for an enhanced driver's license or enhanced identification card, present:

(i) proof satisfactory to the commissioner of the applicant's full legal name, United States citizenship, identity, date of birth, Social Security number, and residence address; and

(ii) a photographic identity document;

(5) contain a space where the applicant may indicate a desire to make an anatomical gift according to paragraph (b);

~~(5)~~ (6) contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7; and

~~(6)~~ (7) contain a space where the applicant may request a veteran designation on the license under section 171.07, subdivision 15, and the driving record under section 171.12, subdivision 5a.

(b) If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application must contain statements sufficient to comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift Act, chapter 525A, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application must be accompanied by information describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

(1) a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, and the importance of informing family members of the donation decision; and

(2) a telephone number in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts.

(c) The application must be accompanied also by information containing relevant facts relating to:

(1) the effect of alcohol on driving ability;

(2) the effect of mixing alcohol with drugs;

(3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and

(4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

Sec. 8. Minnesota Statutes 2008, section 171.06, subdivision 6, is amended to read:

Subd. 6. **Compliance with selective service system registration requirements.**

(a) By applying for an original, duplicate, or renewal instruction permit, provisional driver's license, driver's license, enhanced driver's license, commercial driver's license, or state identification card, or enhanced identification card, an applicant under the age of 26, who is a United States citizen or resident, consents to registration in compliance with the requirements of the Military Selective Service Act, United States Code, title 50, appendix, section 453. The application form must state that submission of the application constitutes consent to registration with the selective service system, if required by federal law.

(b) The commissioner shall forward to the selective service system in an electronic format the necessary personal information required for registration of an applicant described in paragraph (a). If the applicant is under the age of 18, and the license or card to be issued will expire after the applicant's 18th birthday, then the commissioner shall forward the necessary information to the selective service system when the applicant reaches the age of 18.

Sec. 9. Minnesota Statutes 2008, section 171.07, subdivision 3, is amended to read:

Subd. 3. **Identification card; fee.** (a) Upon payment of the required fee, the department shall issue to every qualifying applicant a Minnesota identification card. The department may not issue a Minnesota identification card to an individual who has a driver's license, other than a limited license. The department may not issue an enhanced identification card to an individual who is under 16 years of age, not a resident of this state, or not a citizen of the United States of America. The card must bear a distinguishing number assigned to the applicant; a colored photograph or an electronically produced image of the applicant; the applicant's full name and date of birth; either (1) the licensee's residence address, or (2) the designated address under section 5B.05; a description of the applicant in the manner as the commissioner deems necessary; and the usual signature of the applicant.

(b) If the United States Postal Service will not deliver mail to the applicant's residence address as listed on the Minnesota identification card, then the applicant shall provide verification from the United States Postal Service that mail will not be delivered to the applicant's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the applicant's residence address for all notices and mailings to the applicant.

(c) Each identification card issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(d) Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license."

(e) The fee for a Minnesota identification card is 50 cents when issued to a person who is developmentally disabled, as defined in section 252A.02, subdivision 2; a physically disabled person, as defined in section 169.345, subdivision 2; or, a person with mental illness, as described in section 245.462, subdivision 20, paragraph (c).

Sec. 10. **[171.068] ENHANCED IDENTIFICATION CARD FOR EMPLOYMENT.**

No employer may require an employee to apply for or use an enhanced identification card as a condition of employment, nor may an employer discharge an employee or otherwise discriminate or retaliate against an employee who refuses to apply for or use an enhanced identification card.

Sec. 11. Minnesota Statutes 2008, section 171.07, is amended by adding a subdivision to read:

Subd. 9a. **Security for enhanced driver's license and identification card.** An enhanced driver's license or enhanced identification card must include reasonable security measures to prevent counterfeiting and to protect against unauthorized disclosure of personal information regarding residents of this state that is contained in the enhanced driver's license or enhanced identification card. The enhanced driver's license must include the best available anticounterfeit laminate technology. The enhanced driver's license or enhanced identification card may include radio frequency identification technology that is limited to a randomly assigned number, which must be encrypted if agreed to by the United States Department of Homeland Security and does not include biometric data or any information other than the citizenship status of the license holder or cardholder. The commissioner shall ensure that the radio frequency identification technology is secure from unauthorized data access. An applicant must sign an acknowledgment of understanding of the radio frequency identification technology and its use for the sole purpose of verifying United States citizenship before being issued an enhanced driver's license or an enhanced identification card.

Sec. 12. Minnesota Statutes 2008, section 171.07, is amended by adding a subdivision to read:

Subd. 16. **Enhanced driver's license and identification card.** For purposes of this section, "license" includes "enhanced driver's license," and "identification card" includes "enhanced identification card."

Sec. 13. Minnesota Statutes 2008, section 171.071, is amended by adding a subdivision to read:

Subd. 3. **Exception.** Subdivisions 1 and 2 do not apply to the commissioner's requirements pertaining to a photograph or electronically produced image on an enhanced driver's license or an enhanced identification card.

Sec. 14. Minnesota Statutes 2008, section 171.12, is amended by adding a subdivision to read:

Subd. 10. **Enhanced driver's license and identification card.** For purposes of this section, "license" includes "enhanced driver's license," and "identification card" includes "enhanced identification card."

Sec. 15. **[171.122] ENHANCED DRIVERS' LICENSES AND IDENTIFICATION CARDS; LIMITATION.**

Provisions of chapter 171 that relate expressly to enhanced drivers' licenses or enhanced identification cards apply only to drivers' licenses within the meaning of section 171.01, subdivision 37a, and identification cards within the meaning of section 171.01, subdivision 37b, unless otherwise expressly provided in statute.

Sec. 16. **AGREEMENT FOR ENHANCED LICENSE AND IDENTIFICATION CARD.**

The commissioner of public safety shall enter into an agreement with the secretary of the United States Department of Homeland Security to develop an enhanced Minnesota driver's license and an enhanced Minnesota identification card to be designated by the secretary as acceptable documents to denote identity and citizenship for purposes of entering the United States at land and sea ports of entry upon implementation of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (United States Code, title 8, section 1185 Note).

Sec. 17. **RULEMAKING.**

The commissioner of public safety shall amend Minnesota Rules, parts 7410.0100, 7410.0400, and 7410.0410, so that an applicant for an enhanced driver's license or enhanced identification card must prove United States citizenship and otherwise comply with applicable requirements of Minnesota Statutes, section 171.06, subdivision 3. The amendments must be adopted pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Sec. 18. **EFFECTIVE DATE.**

Sections 16 and 17 are effective the day following final enactment. Sections 1 to 15 are effective June 1, 2012, for every enhanced driver's license and enhanced identification card that is issued on or after January 1, 2013.

Presented to the governor May 10, 2010

Signed by the governor May 13, 2010, 9:17 a.m.