

CHAPTER 261--H.F.No. 2684

An act relating to transportation; amending requirements governing graduated driver licensing; amending Minnesota Statutes 2012, sections 171.01, by adding a subdivision; 171.05, by adding a subdivision; 171.055, subdivision 1; 171.0701, by adding a subdivision; Minnesota Statutes 2013 Supplement, section 171.05, subdivision 2.

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

Section 1. Minnesota Statutes 2012, section 171.01, is amended by adding a subdivision to read:

Subd. 45a. **Primary driving supervisor.** "Primary driving supervisor" means a person who: (1) supervises, for a majority of the supervised driving time, motor vehicle operation by an instruction permit holder who is under age 18; and (2) meets the applicable supervision requirements under this chapter.

Sec. 2. Minnesota Statutes 2013 Supplement, 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 homeschool diploma, the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety, and the student's parent has certified the student's homeschool and home-classroom driver training status on the form approved by the commissioner;

(2) has completed the classroom phase of instruction in the driver education program or has completed 15 hours of classroom instruction in a program that presents classroom and behind-the-wheel instruction concurrently;

(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, (v) the foster parent or the director of the transitional living program in which the child resides 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 (vi) the applicant's adult spouse, adult close family member, or adult employer;

provided, that the approval 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 all fees required in section 171.06, subdivision 2.

(b) In addition, the applicant may submit a certification stating that a primary driving supervisor has completed the supplemental parental curriculum under section 171.0701, subdivision 1a, for the purposes of provisional license requirements under section 171.055, subdivision 1, paragraph (a), clause (6). The certification must be completed by a driver education instructor, as defined under section 171.0701, subdivision 1a.

(c) For the purposes of determining compliance with the certification of paragraph (a), clause (1), item (ii), the commissioner may request verification of a student's homeschool status from the superintendent of the school district in which the student resides and the superintendent shall provide that verification.

~~(e)~~(d) The instruction permit is valid for 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.

~~(d) The commissioner of public safety shall adopt rules to carry out the provisions of this section. The rules adopted under this section are exempt from the rulemaking provisions of chapter 14. The rules are subject to section 14.386, except that section 14.386, paragraph (b), does not apply.~~

EFFECTIVE DATE. This section is effective January 1, 2015.

Sec. 3. Minnesota Statutes 2012, section 171.05, is amended by adding a subdivision to read:

Subd. 4. **Rulemaking.** The commissioner of public safety shall adopt rules to carry out the provisions of this section. The rules adopted under this section are exempt from the rulemaking provisions of chapter 14. The rules are subject to section 14.386, except that section 14.386, paragraph (b), does not apply.

EFFECTIVE DATE. This section is effective January 1, 2015.

Sec. 4. Minnesota Statutes 2012, section 171.055, subdivision 1, is amended to read:

Subdivision 1. **Requirements for provisional license.** (a) The department may issue a provisional license, which must be distinctive in appearance from a driver's license, to an applicant who:

(1) has reached the age of 16 years;

(2) during the six months immediately preceding the application for the provisional license has possessed an instruction permit and has incurred (i) no convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (ii) no convictions for a crash-related moving violation, and (iii) no convictions for a moving violation that is not crash related;

(3) has successfully completed a course of driver education in accordance with department rules;

(4) completes 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, (v) the foster parent or the director of the transitional living program in which the child resides 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 (vi) the applicant's adult spouse, adult close family member, or adult employer; provided, that the approval 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;

(5) presents certification by the person who approves the application under clause (4) stating submits a supervised driving log, in a format approved by the commissioner, that:

(i) states that the applicant has driven a motor vehicle accompanied by and under the supervision of a licensed driver at least 21 years of age, for no less than 30 40 total hours or as provided in clause (6), item (i), at least ten 15 of which were nighttime hours; and

(ii) identifies dates and lengths of driving time for each supervised driving trip; and

(iii) is signed by the primary driving supervisor, attesting that the applicant has met the requirements under item (i);

(6) has:

(i) driven a motor vehicle in the manner required under clause (5) for no less than ten hours in addition to the total hours specified in clause (5), item (i); or

(ii) submitted a certification of supplemental parental curriculum under section 171.05, subdivision 2, paragraph (b), for the primary driving supervisor under clause (5), as part of application for an instruction permit; and

(7) pays the fee required in section 171.06, subdivision 2.

(b) For purposes of this section, "moving violation" has the meaning given it in section 171.04, subdivision 1.

(c) Notwithstanding paragraph (a), clause (2), the commissioner shall not issue a provisional license to a person who has ever incurred a conviction for violation of section 169A.20, 169A.33, or 169A.35; a violation of a provision of sections 169A.50 to 169A.53; or a crash-related moving violation, and at the time of the conviction the person did not possess an instruction permit.

EFFECTIVE DATE. This section is effective January 1, 2015.

Sec. 5. Minnesota Statutes 2012, section 171.0701, is amended by adding a subdivision to read:

Subd. 1a. Supplemental parental curriculum. (a) For purposes of this subdivision, "driver education instructor" means an instructor as defined under section 171.33, subdivision 2, or a person licensed by the Board of Teaching for driver training as required under section 122A.26, subdivision 2.

(b) By July 1, 2014, the commissioner shall establish optional supplemental parental curriculum to provide instruction and information to primary driving supervisors in conjunction with persons enrolled in driver education programs at public schools, private schools, and commercial driver training schools. Each school must establish a schedule or procedure for providing the supplemental parental curriculum to any primary driving supervisor who chooses to receive it.

(c) At a minimum, the supplemental parental curriculum must:

(1) be at least 90 minutes in length;

(2) be provided by or in the presence of a driver education instructor; and

(3) provide information concerning graduated driver licensing, safety risks associated with novice drivers, potential influence of adults on driving behavior of novice drivers, and additional resources.

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

Presented to the governor May 14, 2014

Signed by the governor May 16, 2014, 10:09 a.m.