

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2906

03/15/2012 Authored by Beard, Shimanski and Abeler

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

1.1 A bill for an act
1.2 relating to transportation; amending provisions governing the safe at home
1.3 program and driver's licenses; amending Minnesota Statutes 2010, sections
1.4 5B.03, subdivisions 1, 3, by adding a subdivision; 5B.05; 171.06, subdivisions 3,
1.5 3a, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2010, section 5B.03, subdivision 1, is amended to read:

1.8 Subdivision 1. **Application.** The secretary of state shall certify an eligible person as
1.9 a program participant when the secretary receives an application that must contain:

1.10 (1) the name of the eligible person;

1.11 (2) a statement by the applicant that the applicant has good reason to believe (i) that
1.12 the eligible person listed on the application is a victim of domestic violence, sexual assault,
1.13 or stalking, (ii) that the eligible person fears for the person's safety or the safety of persons
1.14 on whose behalf the application is made, and (iii) that the eligible person is not applying
1.15 for certification as a program participant in order to avoid prosecution for a crime;

1.16 (3) a designation of the secretary of state as agent for purposes of service of process
1.17 and for the purpose of receipt of mail;

1.18 (4) the mailing address where the eligible person can be contacted by the secretary
1.19 of state, and if any is available:

1.20 (i) the electronic mailing address where the applicant or eligible person can be
1.21 contacted by the secretary of state; and

1.22 (ii) the phone number or numbers where the applicant or eligible person can be
1.23 called by the secretary of state;

1.24 (5) the physical address or addresses of the eligible person, disclosure of which will
1.25 increase the risk of domestic violence, sexual assault, or stalking;

(6) a statement whether the eligible person would like information on becoming an ongoing absentee ballot recipient pursuant to section 5B.06;

(7) a statement from the eligible person that gives the secretary of state consent to confirm the eligible person's participation in Safe at Home to a third party who provides the program participant's first and last name and Safe at Home lot number listed on the program participant's card;

(8) the signature of the applicant, an indicator of the applicant's authority to act on behalf of the eligible person, if appropriate, the name and signature of any individual or representative of any person who assisted in the preparation of the application, and the date on which the application was signed; ~~and~~

(9) a designated alternate name for the eligible person, if the person chooses to provide one; and

(10) any other information as required by the secretary of state.

Sec. 2. Minnesota Statutes 2010, section 5B.03, subdivision 3, is amended to read:

Subd. 3. **Certification.** ~~Upon~~ Within two business days of filing a properly completed application, the secretary of state shall certify the eligible person as a program participant. Program participants shall be certified for four years following the date of filing unless the certification is canceled, withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

Sec. 3. Minnesota Statutes 2010, section 5B.03, is amended by adding a subdivision to read:

Subd. 7. **Proof of identity.** For purposes of proof of identity under this chapter, the secretary of state shall accept an expired, revoked, canceled, or suspended Minnesota driver's license or Minnesota identification card issued under chapter 171, except for a driver's license or identification card that is revoked, canceled, or suspended due to inaccurate information.

Sec. 4. Minnesota Statutes 2010, section 5B.05, is amended to read:

5B.05 USE OF DESIGNATED ADDRESS.

(a) When a program participant presents the address designated by the secretary of state to any person, that address must be accepted as the address of the program participant.

(b) A program participant may use the address designated by the secretary of state as the program participant's work address.

(c) The Office of the Secretary of State shall forward all mail sent to the designated address to the proper program participants. The secretary of state shall not send any mail or produce any publicly visible document that identifies both the natural name and actual address of a program participant, if the participant has provided a designated alternate name.

Sec. 5. Minnesota Statutes 2010, 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, including the designated address of an applicant who, at the time of application under this section, has submitted an application but is not yet certified as a participant in the program under chapter 5B;

(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);

(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

(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. 6. Minnesota Statutes 2010, section 171.06, subdivision 3a, is amended to read:

Subd. 3a. **Middle or family name.** (a) For the purposes of subdivision 3, and section 171.07, subdivision 1, the full name of a married applicant may include, at the option of the applicant, the applicant's family name prior to marriage instead of the applicant's given middle name, notwithstanding the middle name specified on the applicant's marriage certificate.

(b) For the purposes of subdivision 3, and section 171.07, subdivision 1, the family name of a divorced applicant may consist of the applicant's family name prior to marriage at the option of the applicant.

5.1 Sec. 7. Minnesota Statutes 2010, section 171.06, is amended by adding a subdivision
5.2 to read:

5.3 Subd. 7. **Expedited issuance.** (a) The commissioner shall establish a process for
5.4 expedited issuance of a driver's license or Minnesota identification card to an applicant
5.5 who identifies an immediate or emergency necessity due to threat of (1) negative health,
5.6 safety, or personal welfare impacts; or (2) substantial disruption to the economic or
5.7 personal well-being of the applicant or the applicant's immediate family.

5.8 (b) The commissioner shall not charge a fee for an expedited issuance under this
5.9 subdivision.