

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 3589

(SENATE AUTHORS: **DIBBLE and Kent**)

DATE	D-PG	OFFICIAL STATUS
04/25/2016	6460	Introduction and first reading Referred to Transportation and Public Safety
04/28/2016	6517a	Comm report: To pass as amended and re-refer to State and Local Government Joint rule 2.03, referred to Rules and Administration
05/04/2016	6781	Joint rule 2.03 Suspended adopt previous committee report
05/09/2016	6842	Comm report: To pass and re-referred to Judiciary
05/10/2016	6967a	Comm report: To pass as amended and re-refer to Finance
05/11/2016	6982	Comm report: To pass
	7003	Second reading
05/12/2016	7009a	Special Order: Amended
	7011	Third reading Passed
05/18/2016	7164	Returned from House with amendment
	7164	Senate not concur, conference committee of 3 requested
	7167	Senate conferees Dibble; Kent; Rosen
05/19/2016	7207	House conferees Smith; Albright; Pelowski See HF2749, Art. 3, Sec. 37, 39; Art. 4, Sec. 8-10

A bill for an act

1.1 relating to transportation; authorizing and governing implementation of
1.2 requirements of the federal REAL ID Act; amending certain requirements
1.3 governing driver's licenses and Minnesota identification cards; requiring
1.4 rulemaking to implement a two-tier license system; amending Minnesota Statutes
1.5 2014, sections 97A.405, subdivision 2; 171.01, subdivision 37, by adding a
1.6 subdivision; 171.017; 171.06, subdivision 3; 171.07, subdivisions 1, 4, 6, 7, 15,
1.7 by adding subdivisions; 171.071, subdivision 3; 171.072; 171.12, subdivision
1.8 7; 171.27; proposing coding for new law in Minnesota Statutes, chapter 171;
1.9 repealing Laws 2009, chapter 92, section 1, as amended.
1.10

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

1.12 Section 1. Minnesota Statutes 2014, section 97A.405, subdivision 2, is amended to read:

1.13 Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from
1.14 an area where a licensed activity was performed must have in personal possession either:
1.15 (1) the proper license, if the license has been issued to and received by the person; (2) a
1.16 driver's license or Minnesota identification card that bears a valid designation of the proper
1.17 lifetime license, as provided under section 171.07, subdivision 19; or (2) (3) the proper
1.18 license identification number or stamp validation, if the license has been sold to the person
1.19 by electronic means but the actual license has not been issued and received.

1.20 (b) If possession of a license or a license identification number is required, a person
1.21 must exhibit, as requested by a conservation officer or peace officer, either: (1) the
1.22 proper license if the license has been issued to and received by the person; (2) a driver's
1.23 license or Minnesota identification card that bears a valid designation of the proper
1.24 lifetime license, as provided under section 171.07, subdivision 19; or (2) (3) the proper
1.25 license identification number or stamp validation and a valid state driver's license, state
1.26 identification card, or other form of identification provided by the commissioner, if the
1.27 license has been sold to the person by electronic means but the actual license has not been

2.1 issued and received. A person charged with violating the license possession requirement
2.2 shall not be convicted if the person produces in court or the office of the arresting officer,
2.3 the actual license previously issued to that person, which was valid at the time of arrest,
2.4 or satisfactory proof that at the time of the arrest the person was validly licensed. Upon
2.5 request of a conservation officer or peace officer, a licensee shall write the licensee's name
2.6 in the presence of the officer to determine the identity of the licensee.

2.7 (c) Except as provided in paragraph (a), clause (2), if the actual license has been
2.8 issued and received, a receipt for license fees, a copy of a license, or evidence showing the
2.9 issuance of a license, including the license identification number or stamp validation, does
2.10 not entitle a licensee to exercise the rights or privileges conferred by a license.

2.11 (d) A license issued electronically and not immediately provided to the licensee shall
2.12 be mailed to the licensee within 30 days of purchase of the license. A pictorial migratory
2.13 waterfowl, pheasant, trout and salmon, or walleye stamp shall be provided to the licensee
2.14 after purchase of a stamp validation only if the licensee pays an additional fee that covers
2.15 the costs of producing and mailing a pictorial stamp. A pictorial turkey stamp may be
2.16 purchased for a fee that covers the costs of producing and mailing the pictorial stamp.
2.17 Notwithstanding section 16A.1283, the commissioner may, by written order published in
2.18 the State Register, establish fees for providing the pictorial stamps. The fees must be set in
2.19 an amount that does not recover significantly more or less than the cost of producing and
2.20 mailing the stamps. The fees are not subject to the rulemaking provisions of chapter 14,
2.21 and section 14.386 does not apply.

2.22 **EFFECTIVE DATE.** This section is effective January 1, 2018, or on the date
2.23 the Department of Public Safety implements the Minnesota Licensing and Registration
2.24 System (MNLARS), whichever occurs first.

2.25 Sec. 2. Minnesota Statutes 2014, section 171.01, is amended by adding a subdivision
2.26 to read:

2.27 Subd. 1a. **Acceptable for federal identification.** "Acceptable for federal
2.28 identification," used in reference to a driver's license or Minnesota identification card,
2.29 means in compliance with the requirements of the Real ID Act of 2005, Public Law
2.30 109-13, and acceptable for accessing federal facilities, boarding federally regulated
2.31 commercial aircraft, and entering nuclear power plants.

2.32 **EFFECTIVE DATE.** This section is effective January 1, 2018.

2.33 Sec. 3. Minnesota Statutes 2014, section 171.01, subdivision 37, is amended to read:

3.1 Subd. 37. **License.** "License" means any operator's license or any other license or
 3.2 permit to operate a motor vehicle issued or issuable under the laws of this state by the
 3.3 commissioner of public safety, irrespective of whether the license is acceptable for federal
 3.4 identification, including:

- 3.5 (1) any temporary license, instruction permit, or provisional license;
 3.6 (2) the privilege of any person to drive a motor vehicle whether or not the person
 3.7 holds a valid license; and
 3.8 (3) any nonresident's operating privilege.

3.9 **EFFECTIVE DATE.** This section is effective January 1, 2018.

3.10 Sec. 4. Minnesota Statutes 2014, section 171.017, is amended to read:

3.11 **171.017 BACKGROUND INVESTIGATIONS; DRIVER'S LICENSE**
 3.12 **AGENTS AND DEPARTMENT EMPLOYEES.**

3.13 Subdivision 1. **Background checks authorized.** The commissioner shall
 3.14 investigate the criminal history background of any driver's license agent and any current
 3.15 or prospective employees of the department or driver's license agent being considered for
 3.16 any position with the department or agent that has or will have:

3.17 (1) the ability to create or modify records of applicants for identification cards and
 3.18 drivers' licenses, including enhanced drivers' licenses under section 171.01, subdivision
 3.19 31a, or and enhanced identification cards under section 171.01, subdivision 31b;

3.20 (2) the ability to issue enhanced drivers' licenses under section 171.01, subdivision
 3.21 31a, or enhanced identification cards under section 171.01, subdivision 31b; or

3.22 (3) the ability to administer knowledge or skills tests under section 171.13 to an
 3.23 applicant for a commercial driver's license.

3.24 Subd. 2. **Procedure.** (a) The commissioner must request a criminal history
 3.25 background check from the superintendent of the Bureau of Criminal Apprehension on all
 3.26 individuals specified in subdivision 1. A request under this section must be accompanied
 3.27 by an executed criminal history consent form, including fingerprints, signed by the agent
 3.28 or the current or prospective employee being investigated.

3.29 (b) After receiving a request under paragraph (a), the superintendent of the Bureau
 3.30 of Criminal Apprehension shall perform the background check required under subdivision
 3.31 1. The superintendent shall retrieve criminal history data as defined in section 13.87,
 3.32 conduct a search of the national criminal records repository, and provide wants and
 3.33 warrant information from federal and state repositories. The superintendent is authorized
 3.34 to exchange fingerprints with the Federal Bureau of Investigation for purposes of the

4.1 criminal history check. The superintendent shall return the results of the background
4.2 checks to the commissioner to determine whether:

4.3 (1) the agent, employee, or applicant for employment specified in subdivision 1,
4.4 clause (1) or (2), has committed a disqualifying crime under Code of Federal Regulations,
4.5 title 49, section 1572.103; or

4.6 (2) the employee or applicant for employment specified in subdivision 1, clause (3),
4.7 has a conviction of the type specified by Code of Federal Regulations, title 49, section
4.8 384.228(j).

4.9 (c) The superintendent shall recover the cost to the bureau of a background check
4.10 through a fee charged to the commissioner or driver's license agent.

4.11 Subd. 3. **Notification by other criminal justice agencies.** Criminal justice
4.12 agencies, as defined by section 13.02, subdivision 3a, shall provide the commissioner
4.13 with information they possess and that the commissioner requires for the purposes of
4.14 determining the employment suitability of current or prospective employees subject to
4.15 this section.

4.16 Subd. 4. **Annual background checks in certain instances.** Consistent with Code
4.17 of Federal Regulations, title 49, section 384.228, the commissioner shall request and the
4.18 superintendent shall conduct annual background checks for the department employees
4.19 specified in subdivision 1, clause (3). Annual background checks under this subdivision
4.20 shall be performed in a manner consistent with subdivisions 2 and 3.

4.21 **EFFECTIVE DATE.** This section is effective July 1, 2017.

4.22 Sec. 5. **[171.019] REAL ID ACT LIMITATIONS.**

4.23 Subdivision 1. **Definition.** For purposes of this section, "federal change" means
4.24 modification or addition to REAL ID Act requirements, made after the effective date
4.25 of this act, with respect to: legal requirements; processes; policies and procedures; or
4.26 data collection, storage, and dissemination. Federal change includes but is not limited
4.27 to a modification:

4.28 (1) in what constitutes an official purpose under Code of Federal Regulations, title
4.29 6, part 37;

4.30 (2) in the machine-readable technology standards for a license or Minnesota
4.31 identification card;

4.32 (3) in the information provided on the face of the license or Minnesota identification
4.33 card;

5.1 (4) that relates to dissemination of state-provided data to or among federal agencies,
 5.2 other states, organizations operating under agreement among the states, or private entities;
 5.3 or

5.4 (5) that imposes an identifiable cost for the state of Minnesota.

5.5 Subd. 2. **Limitation.** The commissioner may not take any action to implement or
 5.6 meet the requirements of a federal change unless directed to do so by legislative enactment.

5.7 Subd. 3. **Legislative notification.** (a) Upon identification of an impending or
 5.8 completed federal change, the commissioner must notify the chairs and ranking minority
 5.9 members of the legislative committees having jurisdiction over transportation policy
 5.10 and finance, public safety, and data practices, and the Legislative Commission on Data
 5.11 Practices and Personal Data Privacy. Notification must be submitted as required under
 5.12 section 3.195, except that printed copies are not required.

5.13 (b) Notification under this subdivision must include a review of the federal
 5.14 change, an initial analysis of data practices impacts, and any preliminary estimates of
 5.15 implementation costs, including the availability of additional federal funds.

5.16 Sec. 6. Minnesota Statutes 2014, section 171.06, subdivision 3, is amended to read:

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

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

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

5.23 (3) state:

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

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

5.29 (4) in the case of an application for a driver's license that is acceptable for federal
 5.30 identification, include a space for a declaration under penalty of perjury that information
 5.31 on the application is true and correct, together with information and documentation
 5.32 required by the commissioner;

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

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

6.3 (ii) a photographic identity document;

6.4 ~~(5)~~ (6) contain a space where the applicant may indicate a desire to make an
6.5 anatomical gift according to paragraph (b);

6.6 ~~(6)~~ (7) contain a notification to the applicant of the availability of a living will/health
6.7 care directive designation on the license under section 171.07, subdivision 7; and

6.8 ~~(7)~~ (8) contain a space where the applicant may request a veteran designation on
6.9 the license under section 171.07, subdivision 15, and the driving record under section
6.10 171.12, subdivision 5a.

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

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

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

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

6.32 (1) the effect of alcohol on driving ability;

6.33 (2) the effect of mixing alcohol with drugs;

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

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

7.3 **EFFECTIVE DATE.** This section is effective January 1, 2018, and applies to
7.4 applications submitted on and after that date.

7.5 Sec. 7. Minnesota Statutes 2014, section 171.07, subdivision 1, is amended to read:

7.6 Subdivision 1. **License; contents.** (a) Upon the payment of the required fee, the
7.7 department shall issue to every qualifying applicant a license designating the type or
7.8 class of vehicles the applicant is authorized to drive as applied for. This license must
7.9 bear a distinguishing number assigned to the licensee; the licensee's full name and date
7.10 of birth; either (1) the licensee's residence address, or (2) the designated address under
7.11 section 5B.05; a description of the licensee in a manner as the commissioner deems
7.12 necessary; and the usual signature of the licensee. No license is valid unless it bears
7.13 the usual signature of the licensee. Every license must bear a colored photograph or an
7.14 electronically produced image of the licensee.

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

7.22 (c) Every license issued to an applicant under the age of 21 must be of a
7.23 distinguishing color and plainly marked "Under-21."

7.24 (d) The department shall use processes in issuing a license that prohibit, as nearly as
7.25 possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a
7.26 photograph or electronically produced image on a license, without ready detection.

7.27 (e) A license issued to an applicant age 65 or over must be plainly marked "senior" if
7.28 requested by the applicant.

7.29 (f) A license that is acceptable for federal identification must bear a distinguishing
7.30 indicator, as required by the commissioner.

7.31 (g) A license that is not acceptable for federal identification must be marked "not for
7.32 federal identification" on the face of the license so that the marking is machine readable
7.33 and must have a unique design or color indicator, as required by the commissioner.

8.1 (h) A license that is acceptable for federal identification and is issued to a person
 8.2 with temporary lawful status in the United States must be marked "temporary" on the face
 8.3 of the license so that the marking is machine readable, as required by the commissioner.

8.4 **EFFECTIVE DATE.** This section is effective January 1, 2018, and applies to
 8.5 licenses issued based on applications submitted on and after that date.

8.6 Sec. 8. Minnesota Statutes 2014, section 171.07, is amended by adding a subdivision
 8.7 to read:

8.8 Subd. 3b. **Identification card markings.** (a) A Minnesota identification card that is
 8.9 acceptable for federal identification must bear a distinguishing indicator, as required by
 8.10 the commissioner.

8.11 (b) A Minnesota identification card that is not acceptable for federal identification
 8.12 must be marked "not for federal identification" on the face of the card so that the marking
 8.13 is machine readable and must have a unique design or color indicator, as required by
 8.14 the commissioner.

8.15 (c) A Minnesota identification card that is acceptable for federal identification and
 8.16 issued to a person with temporary lawful status in the United States must be marked
 8.17 "temporary" on the face of the card so that the marking is machine readable, as required
 8.18 by the commissioner.

8.19 **EFFECTIVE DATE.** This section is effective January 1, 2018, and applies to
 8.20 identification cards issued based on applications submitted on and after that date.

8.21 Sec. 9. Minnesota Statutes 2014, section 171.07, subdivision 4, is amended to read:

8.22 Subd. 4. **Expiration.** (a) Except as otherwise provided in this subdivision, the
 8.23 expiration date of a Minnesota identification cards of applicants under the age of 65 shall
 8.24 be card is the birthday of the applicant in the fourth year following the date of issuance of
 8.25 the card.

8.26 (b) A Minnesota identification card issued to an applicant age 65 or older shall be
 8.27 is valid for the lifetime of the applicant, except that for the purposes of this paragraph,
 8.28 "Minnesota identification card" does not include: (1) an enhanced identification card
 8.29 issued to an applicant age 65 or older; or (2) an identification card that is acceptable
 8.30 for federal identification.

8.31 (c) The expiration date for an Under-21 identification card is the cardholder's 21st
 8.32 birthday. The commissioner shall issue an identification card to a holder of qualified
 8.33 applicant who holds an Under-21 identification card who, applies for the card, pays the

9.1 required fee, and presents proof of identity and age, ~~unless the commissioner determines~~
 9.2 ~~that the applicant is not qualified for the identification card~~ of 21 years or older.

9.3 (d) The expiration date for a Minnesota identification card issued to a person with
 9.4 temporary lawful status is the last day of the person's lawful presence in the United States.

9.5 (e) Except as otherwise provided in paragraphs (b) and (c), the expiration date of a
 9.6 Minnesota identification card issued after the effective date of this paragraph and before
 9.7 January 1, 2018, is the birthday of the applicant in the second year following the date
 9.8 of issuance of the card.

9.9 **EFFECTIVE DATE.** Paragraphs (a) to (d) are effective January 1, 2018, and apply
 9.10 to Minnesota identification cards issued based on applications submitted on and after that
 9.11 date. Paragraph (e) is effective the day following final enactment and is repealed June
 9.12 30, 2018.

9.13 Sec. 10. Minnesota Statutes 2014, section 171.07, subdivision 6, is amended to read:

9.14 Subd. 6. **Medical alert identifier.** Upon the written request of the applicant, the
 9.15 department shall issue a driver's license or Minnesota identification card bearing a graphic
 9.16 or written medical alert identifier. The applicant must request the medical alert identifier at
 9.17 the time the photograph or electronically produced image is taken. No specific medical
 9.18 information will be contained on the driver's license or Minnesota identification card.

9.19 Sec. 11. Minnesota Statutes 2014, section 171.07, subdivision 7, is amended to read:

9.20 Subd. 7. **Living Will/Health Care Directive designation.** (a) At the written request
 9.21 of the applicant and on payment of the required fee, the department shall issue, renew, or
 9.22 reissue a driver's license or Minnesota identification card bearing the graphic or written
 9.23 designation of a "Living Will/Health Care Directive" or an abbreviation thereof. The
 9.24 designation does not constitute delivery of a health care declaration under section 145B.05.

9.25 (b) On payment of the required fee, the department shall issue a replacement or
 9.26 renewal license or identification card without the designation if requested by the applicant.

9.27 (c) This subdivision does not impose any additional duty on a health care provider,
 9.28 as defined in section 145B.02, subdivision 6, or 145C.01, subdivision 6, beyond the duties
 9.29 imposed in chapter 145B or 145C.

9.30 (d) For the purposes of this subdivision:

9.31 (1) "living will" means a declaration made under section 145B.03; and

9.32 (2) "health care directive" means a durable power of attorney for health care under
 9.33 section 145C.02, or any other written advance health care directive of the applicant that is
 9.34 authorized by statute or not prohibited by law.

10.1 Sec. 12. Minnesota Statutes 2014, section 171.07, subdivision 15, is amended to read:

10.2 Subd. 15. **Veteran designation.** (a) At the request of an eligible applicant and on
 10.3 payment of the required fee, the department shall issue, renew, or reissue to the applicant a
 10.4 driver's license or Minnesota identification card bearing a graphic or written designation of:

10.5 (1) "Veteran"; or

10.6 (2) "Veteran 100% T&P."

10.7 (b) At the time of the initial application for the designation provided under this
 10.8 subdivision, the applicant must:

10.9 (1) be a veteran, as defined in section 197.447;

10.10 (2) have a certified copy of the veteran's discharge papers; and

10.11 (3) if the applicant is seeking the disability designation under paragraph (a), clause
 10.12 (2), provide satisfactory evidence of a 100 percent total and permanent service-connected
 10.13 disability as determined by the United States Department of Veterans Affairs.

10.14 (c) The commissioner of public safety is required to issue drivers' licenses and
 10.15 Minnesota identification cards with the veteran designation only after entering a new
 10.16 contract or in coordination with producing a new card design with modifications made
 10.17 as required by law.

10.18 Sec. 13. Minnesota Statutes 2014, section 171.07, is amended by adding a subdivision
 10.19 to read:

10.20 Subd. 19. **Resident lifetime game and fish license.** (a) The department shall
 10.21 maintain in its records information transmitted electronically from the commissioner of
 10.22 natural resources identifying each person to whom the commissioner has issued a resident
 10.23 lifetime license under section 97A.473. The records transmitted from the Department of
 10.24 Natural Resources must contain:

10.25 (1) the full name and date of birth as required for the driver's license or identification
 10.26 card;

10.27 (2) the person's driver's license or identification card number;

10.28 (3) the category of lifetime license issued under section 97A.473; and

10.29 (4) the Department of Natural Resources lifetime license number.

10.30 (b) The department may delete records described in paragraph (a) if they have not
 10.31 been matched to a driver's license or identification card record within seven years after
 10.32 transmission to the department.

10.33 (c) Except as provided in paragraph (b), the department shall include, on all drivers'
 10.34 licenses or Minnesota identification cards issued to a person who holds a lifetime license,

11.1 a graphic or written designation of the lifetime license, and the category of the lifetime
 11.2 license.

11.3 (d) If a person with a lifetime license under section 97A.473 applies for a driver's
 11.4 license or Minnesota identification card before that information has been transmitted to the
 11.5 department, the department may accept a copy of the license issued under section 97A.473
 11.6 as proof of its issuance and shall then follow the procedures in paragraph (c).

11.7 **EFFECTIVE DATE.** This section is effective January 1, 2018, or on the date
 11.8 the Department of Public Safety implements the Minnesota Licensing and Registration
 11.9 System (MNLARS), whichever occurs first.

11.10 Sec. 14. Minnesota Statutes 2014, section 171.071, subdivision 3, is amended to read:

11.11 Subd. 3. **Exception Exceptions.** Subdivision 1 does not apply to a license or card
 11.12 that is acceptable for federal identification. Subdivisions 1 and 2 do not apply to the
 11.13 commissioner's requirements pertaining to a photograph or electronically produced image
 11.14 on an enhanced driver's license or an enhanced identification card.

11.15 **EFFECTIVE DATE.** This section is effective January 1, 2018, and applies to
 11.16 licenses and identification cards issued based on applications submitted on and after
 11.17 that date.

11.18 Sec. 15. Minnesota Statutes 2014, section 171.072, is amended to read:

11.19 **171.072 TRIBAL IDENTIFICATION CARD.**

11.20 (a) If a Minnesota identification card is deemed an acceptable form of identification
 11.21 in Minnesota Statutes or Rules, a tribal identification card is also an acceptable form
 11.22 of identification. A tribal identification card is a primary document for purposes of
 11.23 Minnesota Rules, part 7410.0400, and successor rules. This paragraph does not apply to
 11.24 documentation of identification for a driver's license or Minnesota identification card
 11.25 when the license or card is acceptable for federal identification.

11.26 (b) For purposes of this section, "tribal identification card" means an unexpired
 11.27 identification card issued by a Minnesota tribal government of a tribe recognized by the
 11.28 Bureau of Indian Affairs, United States Department of the Interior, that contains the legal
 11.29 name, date of birth, signature, and picture of the enrolled tribal member.

11.30 (c) The tribal identification card must contain security features that make it as
 11.31 impervious to alteration as is reasonably practicable in its design and quality of material
 11.32 and technology. The security features must use materials that are not readily available to
 11.33 the general public. The tribal identification card must not be susceptible to reproduction by

12.1 photocopying or simulation and must be highly resistant to data or photograph substitution
12.2 and other tampering. The requirements of this section do not apply to tribal identification
12.3 cards used to prove an individual's residence for purposes of section 201.061, subdivision 3.

12.4 **EFFECTIVE DATE.** This section is effective January 1, 2018, and applies to
12.5 applications submitted on and after that date.

12.6 Sec. 16. Minnesota Statutes 2014, section 171.12, subdivision 7, is amended to read:

12.7 Subd. 7. **Privacy of data.** (a) Data on individuals provided to obtain a driver's
12.8 license or Minnesota identification card shall be treated as provided by United States Code,
12.9 title 18, section 2721, as in effect on May 23, 2005, and shall be disclosed as required or
12.10 permitted by that section. The commissioner shall disclose the data in bulk form upon
12.11 request to an authorized recipient under United States Code, title 18, section 2721.

12.12 (b) An applicant for a driver's license or a Minnesota identification card may consent,
12.13 in writing, to the commissioner to disclose the applicant's personal information exempted
12.14 by United States Code, title 18, section 2721, to any person who makes a request for the
12.15 personal information. If the applicant so authorizes disclosures, the commissioner shall
12.16 implement the request and the information may be used.

12.17 (c) If authorized by an applicant for a driver's license or a Minnesota identification
12.18 card, as indicated in paragraph (b), the applicant's personal information may be used,
12.19 rented, or sold solely for bulk distribution by organizations for business purposes,
12.20 including surveys, marketing, or solicitation.

12.21 (d) An applicant for a driver's license, instruction permit, or Minnesota identification
12.22 card may request that the applicant's residence address be classified as "private data on
12.23 individuals," as defined in section 13.02, subdivision 12. The commissioner shall grant
12.24 the classification on receipt of a signed statement by the individual that the classification
12.25 is required for the safety of the applicant or the applicant's family, if the statement also
12.26 provides a valid, existing address where the applicant consents to receive service of
12.27 process. The commissioner shall use the service for process mailing address in place of the
12.28 residence address in all documents and notices pertaining to the driver's license, instruction
12.29 permit, or Minnesota identification card. The residence address and any information
12.30 provided in the classification request, other than the mailing address, are private data on
12.31 individuals and may be provided to requesting law enforcement agencies, probation and
12.32 parole agencies, and public authorities, as defined in section 518A.26, subdivision 18.

12.33 (e) Except as otherwise provided by applicable federal laws and regulations
12.34 concerning commercial drivers' licenses, in connection with the issuance of a driver's

13.1 license or identification card that is not acceptable for federal identification, the
 13.2 commissioner shall not:

13.3 (1) electronically disseminate outside the state personally identifiable data that is
 13.4 not disseminated as of January 1, 2018; or

13.5 (2) utilize any electronic validation or verification system accessible or maintained
 13.6 outside the state that is not in use as of January 1, 2018.

13.7 **EFFECTIVE DATE.** This section is effective January 1, 2018.

13.8 Sec. 17. Minnesota Statutes 2014, section 171.27, is amended to read:

13.9 **171.27 EXPIRATION OF LICENSE; MILITARY EXCEPTION.**

13.10 (a) The expiration date for each driver's license, ~~other than under-21 licenses~~ except
 13.11 as otherwise provided in this section, is the birthday of the driver in the fourth year
 13.12 following the date of issuance of the license. The birthday of the driver shall be as
 13.13 indicated on the application for a driver's license. A license may be renewed on or before
 13.14 expiration or within one year after expiration upon application, payment of the required
 13.15 fee, and passing the examination required of all drivers for renewal. Driving privileges
 13.16 shall be extended or renewed on or preceding the expiration date of an existing driver's
 13.17 license unless the commissioner believes that the licensee is no longer qualified as a driver.

13.18 (b) The expiration date for each under-21 license shall be the 21st birthday of the
 13.19 licensee. Upon the licensee attaining the age of 21 and upon the application, payment
 13.20 of the required fee, and passing the examination required of all drivers for renewal, a
 13.21 driver's license shall be issued unless the commissioner determines that the licensee is
 13.22 no longer qualified as a driver.

13.23 (c) The expiration date for each provisional license is two years after the date of
 13.24 application for the provisional license.

13.25 (d) The expiration date for a license issued to a person with temporary lawful status
 13.26 is the last day of the person's lawful stay in the United States.

13.27 (e) Any valid Minnesota driver's license issued to a person then or subsequently
 13.28 serving outside Minnesota in active military service, as defined in section 190.05,
 13.29 subdivision 5, in any branch or unit of the armed forces of the United States, or the
 13.30 person's spouse, shall continue in full force and effect without requirement for renewal
 13.31 until the date one year following the service member's separation or discharge from active
 13.32 military service, and until the license holder's birthday in the fourth full year following
 13.33 the person's most recent license renewal or, in the case of a provisional license, until the
 13.34 person's birthday in the third full year following the renewal.

14.1 (f) Except as otherwise provided in paragraphs (b), (c), and (e), the expiration date
 14.2 of a Minnesota driver's license issued after the effective date of this paragraph and before
 14.3 January 1, 2018, is the birthday of the applicant in the second year following the date of
 14.4 issuance of the license.

14.5 **EFFECTIVE DATE.** Except for paragraph (f), this section is effective January 1,
 14.6 2018, and applies to licenses issued based on applications submitted on and after that date.
 14.7 Paragraph (f) is effective the day following final enactment and is repealed June 30, 2018.

14.8 Sec. 18. **DRIVER'S LICENSE AGENT IN NEW BRIGHTON.**

14.9 (a) As provided in this section, the commissioner of public safety shall revise the
 14.10 appointment of the city of New Brighton as a driver's license agent to provide authority
 14.11 to operate as a full-service driver licensing office, located in New Brighton city hall.

14.12 This paragraph applies notwithstanding: (1) Minnesota Statutes, section 171.061; (2)
 14.13 requirements under Minnesota Rules, part 7404.0300, subpart 3; and (3) procedures for
 14.14 county board appointment of a driver's license agent, including under Minnesota Rules,
 14.15 part 7404.0350. All other provisions apply regarding the appointment and operation of a
 14.16 driver's license agent under Minnesota Statutes, section 171.061, and Minnesota Rules,
 14.17 chapter 7404.

14.18 (b) The commissioner shall make the appointment under this section within two
 14.19 weeks of receipt of an appointment application pursuant to the commissioner's procedures
 14.20 under Minnesota Rules.

14.21 Sec. 19. **IMPLEMENTATION AND RULEMAKING; REAL ID ACT.**

14.22 Subdivision 1. **Direction to implement.** The commissioner of public safety shall
 14.23 implement those sections of Public Law 109-13, known as the Real ID Act, as provided
 14.24 in this act.

14.25 Subd. 2. **Certification.** The commissioner shall comply with the certification
 14.26 requirements under Code of Federal Regulations, title 6, section 37.55, as soon as
 14.27 reasonably possible.

14.28 Subd. 3. **Extension of time to comply.** The commissioner shall seek one or more
 14.29 extensions of time to comply with Real ID until the Secretary of Homeland Security has
 14.30 finally certified this state to be in compliance with the Real ID Act.

14.31 Subd. 4. **Rulemaking.** The commissioner of public safety shall adopt rules and
 14.32 amend existing Minnesota Rules only to the extent necessary to implement a two-tier
 14.33 license program under the Real ID Act of 2005 and applicable state law to issue:

15.1 (1) drivers' licenses and Minnesota identification cards that are acceptable for federal
15.2 identification; and

15.3 (2) drivers' licenses and Minnesota identification cards that are not acceptable for
15.4 federal identification, but comply with Code of Federal Regulations, title 6, section 37.71,
15.5 state law, and applicable provisions of this act, and serve the public interest by promoting
15.6 public safety, compliance by the driving public with state traffic and insurance laws,
15.7 and data privacy.

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

15.9 Sec. 20. **REPEALER.**

15.10 Laws 2009, chapter 92, section 1, as amended by Laws 2016, chapter 83, section
15.11 1, is repealed.

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

APPENDIX
Repealed Minnesota Session Laws: S3589-3

Laws 2009, chapter 92, section 1, as amended by Laws 2016, chapter 83, section 1

Section 1. Laws 2009, chapter 92, section 1, is amended to read:

Section 1. **NONCOMPLIANCE WITH REAL ID ACT.**

The commissioner of public safety is prohibited from taking any action to implement those sections of Public Law 109-13 known as the Real ID Act.