

1.1 CONFERENCE COMMITTEE REPORT ON H. F. No. 3800

1.2 A bill for an act

1.3 relating to transportation; modifying or adding provisions relating to highways,  
1.4 motor vehicles, traffic regulations, drivers' licenses and records, transit, railroads,  
1.5 motor carriers, and other transportation-related programs or activities; imposing  
1.6 penalties; requiring reports; making technical and clarifying corrections;  
1.7 amending Minnesota Statutes 2006, sections 86B.825, subdivision 5; 123B.88,  
1.8 subdivision 3; 161.081, subdivision 3, as amended, by adding subdivisions;  
1.9 168.011, subdivision 7; 168.012, subdivision 1; 168.021, subdivisions 1, 2;  
1.10 168.09, subdivision 7; 168.185; 168A.03, subdivision 1; 168A.05, subdivision  
1.11 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding  
1.12 subdivisions; 168B.08, subdivision 1; 168B.087, subdivision 1; 169.01,  
1.13 subdivisions 55, 76, by adding subdivisions; 169.18, subdivisions 1, 5, by  
1.14 adding a subdivision; 169.224; 169.67, subdivision 3; 169.781, subdivisions  
1.15 1, 2, 5; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a;  
1.16 169.85, subdivision 1; 169.86, by adding a subdivision; 169A.03, subdivision  
1.17 23; 171.01, subdivisions 35, 46; 171.02, by adding a subdivision; 171.03;  
1.18 171.055, subdivisions 1, 2; 171.0701; 171.12, subdivision 6; 171.13, by adding a  
1.19 subdivision; 171.165, subdivision 2; 171.321, subdivision 1; 174.02, subdivision  
1.20 2; 174.03, subdivision 1; 174.24, by adding a subdivision; 221.011, by adding  
1.21 a subdivision; 221.031, subdivision 1; 221.036, subdivisions 1, 3; 221.121,  
1.22 subdivisions 1, 6a; 221.151, subdivision 1; 299D.03, subdivision 1; 299D.06;  
1.23 473.1465, by adding a subdivision; 473.388, subdivision 2; 473.399, by adding a  
1.24 subdivision; Minnesota Statutes 2007 Supplement, sections 168.017, subdivision  
1.25 3; 169.443, subdivision 9; 171.02, subdivision 2; Laws 2002, chapter 393,  
1.26 section 85; Laws 2008, chapter 152, article 2, sections 1; 3, subdivision 2; article  
1.27 3, sections 6; 8; article 6, section 7; proposing coding for new law in Minnesota  
1.28 Statutes, chapters 123B; 169; 171; 174; 219; repealing Minnesota Statutes 2006,  
1.29 sections 168B.087, subdivision 2; 169.145; 221.121, subdivision 4.

1.30 May 15, 2008

1.31 The Honorable Margaret Anderson Kelliher  
1.32 Speaker of the House of Representatives

1.33 The Honorable James P. Metzen  
1.34 President of the Senate

1.35 We, the undersigned conferees for H. F. No. 3800 report that we have agreed upon  
1.36 the items in dispute and recommend as follows:

1.37 That the Senate recede from its amendment and that H. F. No. 3800 be further  
1.38 amended as follows:

2.1 Delete everything after the enacting clause and insert:

2.2 "ARTICLE 1  
2.3 TRANSPORTATION POLICY

2.4 Section 1. Minnesota Statutes 2006, section 86B.825, subdivision 5, is amended to read:

2.5 Subd. 5. **No legal title without certificate.** A person acquiring a watercraft<sub>2</sub>  
2.6 required to have a certificate of title under this section, through a sale or gift does not  
2.7 acquire a right, title, claim, or interest in the watercraft until the person has been issued  
2.8 a certificate of title to the watercraft or has received a manufacturer's or importer's  
2.9 certificate. A waiver or estoppel does not operate in favor of that person against another  
2.10 person who has obtained possession of the certificate of title or manufacturer's or  
2.11 importer's certificate for the watercraft for valuable consideration.

2.12 Sec. 2. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision  
2.13 to read:

2.14 Subd. 61. **Mayor William "Bill" Sandberg Memorial Bridge.** The bridge  
2.15 over Margaret Street on marked Trunk Highway 36 in North St. Paul is designated the  
2.16 "Mayor William "Bill" Sandberg Memorial Bridge." The commissioner of transportation  
2.17 shall adopt a suitable design to mark this highway and erect appropriate signs, subject  
2.18 to section 161.139.

2.19 Sec. 3. Minnesota Statutes 2006, section 162.02, is amended by adding a subdivision  
2.20 to read:

2.21 Subd. 3b. **Insurance standards.** When reviewing data and information for the  
2.22 development of safety improvements for trunk highways and state-aid projects, the  
2.23 commissioner of transportation may consider, among other things, the Insurance Institute  
2.24 for Highway Safety's findings in addition to standards contained in Department of  
2.25 Transportation manuals, American Association of State Highway and Transportation  
2.26 Officials manual on design of highways and streets, and other applicable federal  
2.27 publications.

2.28 Sec. 4. Minnesota Statutes 2006, section 163.051, subdivision 1, is amended to read:

2.29 Subdivision 1. **Tax authorized.** (a) Except as provided in paragraph (b), the board  
2.30 of commissioners of each metropolitan county is authorized to levy a wheelage tax of \$5  
2.31 for the year 1972 and each subsequent year thereafter by resolution on each motor vehicle;  
2.32 ~~except motorcycles as defined in section 169.01, subdivision 4, which~~ that is kept in such

3.1 county when not in operation and ~~which~~ that is subject to annual registration and taxation  
3.2 under chapter 168. The board may provide by resolution for collection of the wheelage  
3.3 tax by county officials or it may request that the tax be collected by the state registrar of  
3.4 motor vehicles, and the state registrar of motor vehicles shall collect such tax on behalf  
3.5 of the county if requested, as provided in subdivision 2.

3.6 (b) The following vehicles are exempt from the wheelage tax:

3.7 (1) motorcycles, as defined in section 169.01, subdivision 4;

3.8 (2) motorized bicycles, as defined in section 169.01, subdivision 4a;

3.9 (3) electric-assisted bicycles, as defined in section 169.01, subdivision 4b; and

3.10 (4) motorized foot scooters, as defined in section 169.01, subdivision 4c.

3.11 Sec. 5. Minnesota Statutes 2006, section 168.011, subdivision 7, is amended to read:

3.12 Subd. 7. **Passenger automobile.** (a) "Passenger automobile" means any motor  
3.13 vehicle designed and used for carrying not more than 15 individuals, including the driver.

3.14 (b) "Passenger automobile" does not include motorcycles, motor scooters, buses,  
3.15 school buses, or commuter vans as defined in section 168.126. Except as provided in  
3.16 paragraph (c), clause (1), a vehicle with a gross vehicle weight rating of 9,000 to 13,000  
3.17 pounds that is a pickup truck or a van is not a passenger automobile.

3.18 (c) "Passenger automobile" includes, but is not limited to:

3.19 ~~(1) pickup trucks and vans, including those vans designed to carry passengers, with~~  
3.20 ~~a manufacturer's nominal rated carrying capacity of one ton~~ a vehicle that is: (i) a pickup  
3.21 truck or a van; (ii) not used in furtherance of a commercial enterprise; and (iii) not subject  
3.22 to state or federal regulation as a commercial motor vehicle; and

3.23 (2) neighborhood electric vehicles, as defined in section 169.01, subdivision 91; and

3.24 (3) medium-speed electric vehicles, as defined in section 169.01, subdivision 94.

3.25 **EFFECTIVE DATE.** Paragraph (b) and paragraph (c), clause (1), are effective the  
3.26 day following final enactment and apply to any additional tax for a registration period that  
3.27 starts on or after March 1, 2011.

3.28 Sec. 6. Minnesota Statutes 2006, section 168.011, subdivision 22, is amended to read:

3.29 Subd. 22. **Special mobile equipment.** (a) "Special mobile equipment" means every  
3.30 vehicle not designed or used ~~primarily~~ for the transportation of persons or property and  
3.31 only incidentally operated or moved over a highway, ~~including~~ except vehicles described  
3.32 in paragraph (b). Special mobile equipment includes, but is not limited to: ditch-digging  
3.33 apparatuses, ~~moving dollies,~~ pump hoists and other water well-drilling equipment  
3.34 registered and licensed under chapter 103I, ~~street-sweeping vehicles,~~ and other road

4.1 construction or road maintenance machinery such as asphalt spreaders, bituminous mixers,  
4.2 bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing  
4.3 machines, motor graders, road rollers, scarifiers, aggregate processing and conveying  
4.4 equipment, truck-mounted log loaders, earth-moving carryalls, scrapers, power shovels,  
4.5 draglines, self-propelled cranes, and earth-moving equipment that are used exclusively for  
4.6 commercial logging, and self-propelled cranes. The term

4.7 (b) "Special mobile equipment" does not include travel trailers; (1) machinery that  
4.8 has been temporarily or permanently mounted on a commercial motor vehicle chassis  
4.9 that is used only to provide a service and is not able to haul goods for resale; or (2)  
4.10 dump trucks, truck-mounted transit mixers, truck-mounted feed grinders, or other motor  
4.11 vehicles designed for the transportation of persons or property to which machinery has  
4.12 been attached.

4.13 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
4.14 applies to any additional tax for a registration period that starts on or after March 1, 2009.

4.15 Sec. 7. Minnesota Statutes 2006, section 168.012, subdivision 1, is amended to read:

4.16 Subdivision 1. **Vehicles exempt from tax, fees, or plate display.** (a) The following  
4.17 vehicles are exempt from the provisions of this chapter requiring payment of tax and  
4.18 registration fees, except as provided in subdivision 1c:

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

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

4.23 (3) vehicles used solely in driver education programs at nonpublic high schools;

4.24 (4) vehicles owned by nonprofit charities and used exclusively to transport disabled  
4.25 persons for charitable, religious, or educational purposes;

4.26 (5) vehicles owned by nonprofit charities and used exclusively for disaster response  
4.27 and related activities;

4.28 (6) ambulances owned by ambulance services licensed under section 144E.10, the  
4.29 general appearance of which is unmistakable; and

4.30 ~~(6)~~ (7) vehicles owned by a commercial driving school licensed under section  
4.31 171.34, or an employee of a commercial driving school licensed under section 171.34, and  
4.32 the vehicle is used exclusively for driver education and training.

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

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

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

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

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

5.34 (g) Each state hospital and institution for persons who are mentally ill and  
5.35 developmentally disabled may have one vehicle without the required identification on  
5.36 the sides of the vehicle. The vehicle must be registered and must display passenger

6.1 vehicle classification license number plates. These plates must be furnished at cost by the  
6.2 registrar. Original and renewal applications for these passenger vehicle license plates must  
6.3 be accompanied by a certification signed by the hospital administrator. The certification  
6.4 must be on a form prescribed by the commissioner and state that the vehicles will be used  
6.5 exclusively for the official duties of the state hospital or institution.

6.6 (h) Each county social service agency may have vehicles used for child and  
6.7 vulnerable adult protective services without the required identification on the sides of the  
6.8 vehicle. The vehicles must be registered and must display passenger vehicle classification  
6.9 license number plates. These plates must be furnished at cost by the registrar. Original  
6.10 and renewal applications for these passenger vehicle license plates must be accompanied  
6.11 by a certification signed by the agency administrator. The certification must be on a form  
6.12 prescribed by the commissioner and state that the vehicles will be used exclusively for the  
6.13 official duties of the social service agency.

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

6.29 Sec. 8. Minnesota Statutes 2006, section 168.012, is amended by adding a subdivision  
6.30 to read:

6.31 Subd. 2c. **Spotter trucks.** Spotter trucks, as defined in section 169.01, subdivision  
6.32 7a, shall not be taxed as motor vehicles using the public streets and highways, and shall be  
6.33 exempt from the provisions of this chapter.

6.34 **EFFECTIVE DATE.** This section is effective the day following final enactment  
6.35 and expires June 30, 2013.

7.1 Sec. 9. Minnesota Statutes 2006, section 168.013, is amended by adding a subdivision  
7.2 to read:

7.3 Subd. 11. **Concrete pumps and street-sweeping vehicles.** The tax on  
7.4 vehicle-mounted concrete pumps and street-sweeping vehicles that are not registered  
7.5 under section 168.187 is 15 percent of the Minnesota base rate schedule. Vehicles  
7.6 registered under this subdivision must display plates from a distinctive series.

7.7 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
7.8 applies to any additional tax for a registration period that starts on or after March 1, 2009.

7.9 Sec. 10. Minnesota Statutes 2006, section 168.021, subdivision 1, is amended to read:

7.10 Subdivision 1. **Disability plates; application.** (a) When a motor vehicle registered  
7.11 under section 168.017, a motorcycle, a truck having a manufacturer's nominal rated  
7.12 capacity of one ton and resembling a pickup truck, or a self-propelled recreational vehicle  
7.13 is owned or primarily operated by a permanently physically disabled person or a custodial  
7.14 parent or guardian of a permanently physically disabled minor, the owner may apply for  
7.15 and secure from the commissioner (1) immediately, a temporary permit valid for 30 days  
7.16 if the applicant is eligible for the disability plates issued under this section and (2) two  
7.17 disability plates with attached emblems, one plate to be attached to the front, and one  
7.18 to the rear of the motor vehicle.

7.19 (b) The commissioner shall not issue more than one set of plates to any owner of a  
7.20 motor vehicle at the same time unless ~~all motor vehicles have been specifically modified~~  
7.21 ~~for and are used exclusively by a permanently physically disabled person~~ the state council  
7.22 on disability approves the issuance of a second set of plates to a motor vehicle owner.

7.23 (c) When the owner first applies for the disability plates, the owner must submit a  
7.24 medical statement in a format approved by the commissioner under section 169.345, or  
7.25 proof of physical disability provided for in that section.

7.26 (d) No medical statement or proof of disability is required when an owner of a motor  
7.27 vehicle applies for plates for one or more motor vehicles that are specially modified for  
7.28 and used exclusively by permanently physically disabled persons.

7.29 (e) The owner of a motor vehicle may apply for and secure (i) immediately, a permit  
7.30 valid for 30 days, if the applicant is eligible to receive the disability plates issued under  
7.31 this section, and (ii) a set of disability plates for a motor vehicle if:

7.32 (1) the owner employs a permanently physically disabled person who would qualify  
7.33 for disability plates under this section; and

7.34 (2) the owner furnishes the motor vehicle to the physically disabled person for the  
7.35 exclusive use of that person in the course of employment.

8.1 Sec. 11. Minnesota Statutes 2006, section 168.021, subdivision 2, is amended to read:

8.2 Subd. 2. **Plate design; furnished by commissioner.** The commissioner shall design  
8.3 and furnish two disability plates with attached emblems to ~~each~~ an eligible owner. The  
8.4 emblem must bear the internationally accepted wheelchair symbol, as designated in  
8.5 section 16B.61, subdivision 5, approximately three inches square. The emblem must  
8.6 be large enough to be visible plainly from a distance of 50 feet. An applicant eligible  
8.7 for disability plates shall pay the motor vehicle registration fee authorized by sections  
8.8 168.013 and 168.09.

8.9 Sec. 12. Minnesota Statutes 2006, section 168.09, subdivision 7, is amended to read:

8.10 Subd. 7. **Display of temporary permit; ~~special plates.~~** (a) A vehicle that displays a  
8.11 ~~special~~ Minnesota plate issued under ~~section 168.021; 168.12, subdivision 2, 2a, 2b, 2c, or~~  
8.12 ~~2d; 168.123; 168.124; 168.125; 168.126; 168.128; or 168.129; chapter 168~~ may display a  
8.13 temporary permit in conjunction with expired registration if:

8.14 (1) the current registration tax and all other fees and taxes have been paid in full; and

8.15 (2) the plate ~~requires replacement under section 168.12, subdivision 1, paragraph~~  
8.16 ~~(d), clause (3)~~ has been applied for.

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

8.19 (1) the plates have been applied for ~~and;~~

8.20 (2) the registration tax ~~has~~ and other fees and taxes have been paid in full, ~~as~~  
8.21 ~~provided for in section 168.10; and~~

8.22 ~~(2) (3) either~~ (3) either the vehicle is used solely as a collector vehicle while displaying the  
8.23 temporary permit and not used for general transportation purposes or the vehicle was  
8.24 issued a 21-day permit under section 168.092, subdivision 1.

8.25 (c) The permit is valid for a period of 60 days. The permit must be in a format  
8.26 prescribed by the commissioner and whenever practicable must be posted upon the  
8.27 driver's side of the rear window on the inside of the vehicle. The permit is valid only  
8.28 for the vehicle for which it was issued to allow a reasonable time for the new plates to  
8.29 be manufactured and delivered to the applicant. The permit may be issued only by the  
8.30 commissioner or by a deputy registrar under section 168.33.

8.31 Sec. 13. **[168.1295] MINNESOTA SESQUICENTENNIAL SPECIAL PLATES.**

8.32 Subdivision 1. **Issuance and design.** Notwithstanding section 168.1293, the  
8.33 commissioner shall issue Minnesota sesquicentennial plates or one motorcycle plate to  
8.34 an applicant who:

9.1 (1) is a registered owner of a passenger automobile, one-ton pickup truck,  
9.2 motorcycle, or recreational vehicle;  
9.3 (2) pays a fee of \$10 for each set of license plates;  
9.4 (3) contributes a minimum of \$25 to the Minnesota Sesquicentennial Commission;  
9.5 and  
9.6 (4) complies with this chapter and rules governing registration of motor vehicles  
9.7 and licensing of drivers.

9.8 Subd. 2. **Novelty plates.** Notwithstanding subdivision 1, the commissioner may  
9.9 issue distinctive Minnesota Sesquicentennial novelty plates for a fee of \$5 for each plate,  
9.10 and a minimum contribution of \$25 to the Minnesota Sesquicentennial Commission.

9.11 Subd. 3. **Design.** After consultation with the Minnesota Sesquicentennial  
9.12 Commission, the commissioner shall design the special plate.

9.13 Subd. 4. **Plates transfer.** On payment of a transfer fee of \$5, plates issued under  
9.14 subdivision 1 may be transferred to another passenger automobile, one-ton pickup truck,  
9.15 motorcycle, or recreational vehicle registered to the individual to whom the special  
9.16 plates were issued.

9.17 Subd. 5. **Fees.** Fees collected under subdivision 1, clause (2), or under subdivision  
9.18 2, are credited to the vehicle services operating account in the special revenue fund.

9.19 Subd. 6. **Contributions.** Contributions collected under subdivision 1, clause (3), or  
9.20 under subdivision 2, are credited to the sesquicentennial account, which is established  
9.21 in the special revenue fund. Money in the account is appropriated to the Minnesota  
9.22 Sesquicentennial Commission to be used in performance of the commission's powers  
9.23 and duties. After the commission expires, money in the account is appropriated to the  
9.24 Capitol Area Architectural and Planning Board for restoration and renovation of the  
9.25 Capitol Building.

9.26 **EFFECTIVE DATE.** This section is effective the day following final enactment  
9.27 and expires for issuance of plates after June 30, 2011.

9.28 Sec. 14. Minnesota Statutes 2006, section 168.185, is amended to read:

9.29 **168.185 USDOT NUMBERS.**

9.30 (a) Except as provided in paragraph (d), an owner of a truck or truck-tractor having a  
9.31 gross vehicle weight of more than 10,000 pounds, as defined in section 169.01, subdivision  
9.32 46, ~~other than a farm truck that is not used in interstate commerce,~~ shall report to the  
9.33 registrar commissioner at the time of registration its USDOT carrier number. A person  
9.34 subject to this paragraph who does not have a USDOT number shall apply for the number

10.1 at the time of registration by completing a form MCS-150 Motor Carrier Identification  
10.2 Report, issued by the Federal Motor Carrier Safety Administration, or comparable  
10.3 document as determined by the ~~registrar~~ commissioner. The ~~registrar~~ commissioner shall  
10.4 not assign a USDOT carrier number to a vehicle owner who is not subject to this paragraph.

10.5 (b) Assigned USDOT numbers need not be displayed on the outside of the  
10.6 vehicle, but must be made available upon request of an authorized agent of the ~~registrar~~  
10.7 commissioner, peace officer, other employees of the State Patrol authorized in chapter  
10.8 299D, or employees of the Minnesota Department of Transportation. The vehicle owner  
10.9 shall notify the ~~registrar~~ commissioner if there is a change to the owner's USDOT number.

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

10.12 (d) ~~Until October 1, 2003, paragraphs (a) to (c) do not apply to an agricultural~~  
10.13 ~~fertilizer or agricultural chemical retailer while exclusively engaged in delivering fertilizer~~  
10.14 ~~or agricultural chemicals to a farmer for on-farm use. This section does not apply to~~  
10.15 (1) a farm truck that is not used in interstate commerce, (2) a vehicle that is not used  
10.16 in intrastate commerce or interstate commerce, or (3) a vehicle that is owned and used  
10.17 solely in the transaction of official business by the federal government, the state, or any  
10.18 political subdivision.

10.19 Sec. 15. Minnesota Statutes 2006, section 168.28, is amended to read:

10.20 **168.28 VEHICLES SUBJECT TO TAX; EXCEPTIONS.**

10.21 Every motor vehicle (except those exempted in section 168.012, and except those  
10.22 which are being towed upon the streets and highways and which shall not be deemed to  
10.23 be using the streets and highways within the meaning of this section) shall be deemed to  
10.24 be one using the public streets and highways and hence as such subject to taxation under  
10.25 this chapter if such motor vehicle has since April 23, 1921, used such public streets or  
10.26 highways, or shall actually use them, or if it shall come into the possession of an owner  
10.27 other than as a manufacturer, dealer, warehouse operator, mortgagee or pledgee. New and  
10.28 unused motor vehicles in the possession of a dealer solely for the purpose of sale, and  
10.29 ~~used or secondhand~~ motor vehicles which have not theretofore used the public streets or  
10.30 highways of this state which are in the possession of a dealer solely for the purpose of sale  
10.31 and which are duly listed as herein provided, shall not be deemed to be vehicles using the  
10.32 public streets or highways. The driving or operating of a motor vehicle upon the public  
10.33 streets or highways of this state by a motor vehicle dealer or any employee of such motor  
10.34 vehicle dealer for demonstration purposes or for any purpose incident to the usual and  
10.35 customary conduct and operation of the business in which licensed under section 168.27

11.1 to engage, or solely for the purpose of moving it from points outside or within the state  
11.2 to the place of business or storage of a licensed dealer within the state or solely for the  
11.3 purpose of moving it from the place of business of a manufacturer, or licensed dealer  
11.4 within the state to the place of business or residence of a purchaser outside the state, shall  
11.5 not be deemed to be using the public streets or highways in the state within the meaning  
11.6 of this chapter or of the Constitution of the state of Minnesota, article XIV, and shall not  
11.7 be held to make the motor vehicle subject to taxation under this chapter as one using the  
11.8 public streets or highways, if during such driving or moving the dealer's plates herein  
11.9 provided for shall be duly displayed upon such vehicle. Any dealer or distributor may  
11.10 register a motor vehicle prior to its assessment or taxation as personal property, and pay  
11.11 the license fee and tax thereon for the full calendar year as one using the public streets and  
11.12 highways, and thereafter such vehicle shall be deemed to be one using the public streets  
11.13 and highways and shall not be subject to assessment or taxation as personal property  
11.14 during the calendar year for which it is so registered, whether or not such vehicle shall  
11.15 actually have used the streets or highways. Special mobile equipment is subject to a  
11.16 penalty equal to the tax due under this chapter for the full registration year if it is used to  
11.17 transport persons or property at any time using the public streets.

11.18 Sec. 16. Minnesota Statutes 2006, section 168A.01, subdivision 21, is amended to read:

11.19 Subd. 21. **Special mobile equipment.** "Special mobile equipment" ~~means every~~  
11.20 ~~vehicle not designed or used primarily for the transportation of persons or property~~  
11.21 ~~and only incidentally operated or moved over a highway, including but not limited to:~~  
11.22 ~~ditch-digging apparatuses, well-boring apparatuses, moving dollies, sawing machines,~~  
11.23 ~~corn shellers, and road construction and maintenance machinery such as asphalt spreaders,~~  
11.24 ~~bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling~~  
11.25 ~~graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls~~  
11.26 ~~and scrapers, power shovels and draglines, and self-propelled cranes and earth-moving~~  
11.27 ~~equipment. The term does not include travel trailers, dump trucks, truck-mounted transit~~  
11.28 ~~mixers, truck-mounted feed grinders, or other vehicles designed for the transportation~~  
11.29 ~~of persons or property to which machinery has been attached~~ has the meaning given it  
11.30 in section 168.011.

11.31 Sec. 17. Minnesota Statutes 2006, section 168A.03, subdivision 1, is amended to read:

11.32 Subdivision 1. **No certificate issued.** The registrar shall not issue a certificate of  
11.33 title for:

11.34 (1) a vehicle owned by the United States;

12.1 (2) a vehicle owned by a nonresident and not required by law to be registered in  
12.2 this state;

12.3 (3) a vehicle owned by a nonresident and regularly engaged in the interstate  
12.4 transportation of persons or property for which a currently effective certificate of title  
12.5 has been issued in another state;

12.6 (4) a vehicle moved solely by animal power;

12.7 (5) an implement of husbandry;

12.8 (6) special mobile equipment;

12.9 (7) a self-propelled wheelchair or invalid tricycle;

12.10 (8) a trailer (i) having a gross weight of 4,000 pounds or less unless a secured party  
12.11 holds an interest in the trailer or a certificate of title was previously issued by this state or  
12.12 any other state or (ii) designed primarily for agricultural purposes except a recreational  
12.13 vehicle or a manufactured home, both as defined in section 168.011, subdivisions 8 and 25;

12.14 (9) a snowmobile; and

12.15 (10) a spotter truck, as defined in section 169.01, subdivision 7a.

12.16 **EFFECTIVE DATE.** This section is effective the day following final enactment  
12.17 and expires June 30, 2013.

12.18 Sec. 18. Minnesota Statutes 2006, section 168A.05, subdivision 9, is amended to read:

12.19 Subd. 9. **Neighborhood electric vehicle and medium-speed electric vehicles;**  
12.20 **certificate required.** Neighborhood electric vehicles and medium-speed electric vehicles,  
12.21 as defined in section 169.01, ~~subdivision~~ subdivisions 91 and 94, must be titled as  
12.22 specified in section 168A.02. The department shall not issue a title for a neighborhood  
12.23 electric vehicle or a medium-speed electric vehicle (1) that lacks a vehicle identification  
12.24 number, and (2) for which a manufacturer's certificate of origin clearly labeling the  
12.25 vehicle as a neighborhood electric vehicle or similar designation has not been issued. The  
12.26 department shall not issue a vehicle identification number to a homemade neighborhood  
12.27 electric or low-speed vehicle or retrofitted golf cart, and such vehicles do not qualify as  
12.28 neighborhood electric vehicles.

12.29 Sec. 19. Minnesota Statutes 2006, section 168B.051, subdivision 2, is amended to read:

12.30 Subd. 2. **Sale after 45 days or title transfer.** ~~An~~ (a) If an unauthorized vehicle is  
12.31 impounded, other than by the city of Minneapolis or the city of St. Paul, the impounded  
12.32 vehicle is eligible for disposal or sale under section 168B.08, the earlier of:

13.1 (1) 45 days after notice to the owner, ~~if the vehicle is determined to be an~~  
13.2 ~~unauthorized vehicle that was not impounded by the city of Minneapolis or the city of~~  
13.3 ~~St. Paul,~~ or

13.4 (2) the date of a voluntary written title transfer by the registered owner to the  
13.5 impound lot operator.

13.6 (b) A voluntary written title transfer constitutes a waiver by the registered owner of  
13.7 any right, title, and interest in the vehicle.

13.8 Sec. 20. Minnesota Statutes 2006, section 168B.06, subdivision 1, is amended to read:

13.9 Subdivision 1. ~~Contents; Written notice given within five days of impound.~~ (a)  
13.10 When an impounded vehicle is taken into custody, the unit of government or impound lot  
13.11 operator taking it into custody shall give written notice of the taking within five days to  
13.12 the registered vehicle owner and any lienholders.

13.13 (b) The notice shall must:

13.14 (1) set forth the date and place of the taking;

13.15 (2) provide the year, make, model, and serial number of the impounded motor  
13.16 vehicle, if such information can be reasonably obtained, and the place where the vehicle  
13.17 is being held;

13.18 ~~(2)~~ (3) inform the owner and any lienholders of their right to reclaim the vehicle  
13.19 under section 168B.07, and;

13.20 ~~(3)~~ (4) state that failure of the owner or lienholders to:

13.21 (i) exercise their right to reclaim the vehicle and contents within the appropriate time  
13.22 allowed under section 168B.051, subdivision 1, 1a, or 2, shall be deemed and under the  
13.23 conditions set forth in section 168B.07, subdivision 1, constitutes a waiver by them of all  
13.24 right, title, and interest in the vehicle and contents and a consent to the transfer of title to  
13.25 and disposal or sale of the vehicle and contents pursuant to section 168B.08; or

13.26 (ii) exercise their right to reclaim the contents of the vehicle within the appropriate  
13.27 time allowed and under the conditions set forth in section 168B.07, subdivision 3,  
13.28 constitutes a waiver by them of all right, title, and interest in the contents and consent to  
13.29 sell or dispose of the contents under section 168B.08; and

13.30 (5) state that a vehicle owner who provides to the impound lot operator  
13.31 documentation from a government or nonprofit agency or legal aid office that the owner  
13.32 is homeless, receives relief based on need, is eligible for legal aid services, or has a  
13.33 household income at or below 50 percent of state median income has the unencumbered  
13.34 right to retrieve any and all contents without charge.

14.1 Sec. 21. Minnesota Statutes 2006, section 168B.06, subdivision 3, is amended to read:

14.2 Subd. 3. **Unauthorized vehicle; second notice.** If an unauthorized vehicle remains  
14.3 unclaimed after 30 days from the date the notice was sent under subdivision 2, a second  
14.4 notice ~~shall~~ must be sent by certified mail, return receipt requested, to the registered owner,  
14.5 if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

14.6 Sec. 22. Minnesota Statutes 2006, section 168B.07, is amended by adding a  
14.7 subdivision to read:

14.8 Subd. 3. **Retrieval of contents.** (a) For purposes of this subdivision:

14.9 (1) "contents" does not include any permanently affixed mechanical or  
14.10 nonmechanical automobile parts; automobile body parts; or automobile accessories,  
14.11 including audio or video players; and

14.12 (2) "relief based on need" includes, but is not limited to, receipt of MFIP  
14.13 and Diversionary Work Program, medical assistance, general assistance, general  
14.14 assistance medical care, emergency general assistance, Minnesota supplemental aid,  
14.15 MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy  
14.16 assistance, emergency assistance, Food Stamps, earned income tax credit, or Minnesota  
14.17 working family tax credit.

14.18 (b) A unit of government or impound lot operator shall establish reasonable  
14.19 procedures for retrieval of vehicle contents, and may establish reasonable procedures to  
14.20 protect the safety and security of the impound lot and its personnel.

14.21 (c) At any time before the expiration of the waiting periods provided in section  
14.22 168B.051, a registered owner who provides documentation from a government or  
14.23 nonprofit agency or legal aid office that the registered owner is homeless, receives relief  
14.24 based on need, is eligible for legal aid services, or has a household income at or below 50  
14.25 percent of state median income has the unencumbered right to retrieve any and all contents  
14.26 without charge and regardless of whether the registered owner pays incurred charges or  
14.27 fees, transfers title, or reclaims the vehicle.

14.28 Sec. 23. Minnesota Statutes 2006, section 168B.07, is amended by adding a  
14.29 subdivision to read:

14.30 Subd. 4. **Waiver of rights.** The failure of the registered owner or lienholders to  
14.31 exercise the right to reclaim the vehicle before the expiration of the waiting periods  
14.32 provided under section 168B.051 constitutes a waiver of all right, title, and interest in  
14.33 the vehicle and a consent to the transfer of title to, and disposal or sale of, the vehicle  
14.34 under section 168B.08. The failure of the registered owner to exercise the right provided

15.1 under subdivision 3 constitutes a waiver of all right, title, and interest in the contents and  
15.2 a consent to the transfer of title to, and disposal or sale of, the contents under section  
15.3 168B.08.

15.4 Sec. 24. Minnesota Statutes 2006, section 168B.08, subdivision 1, is amended to read:

15.5 Subdivision 1. **Auction or sale.** (a) If an abandoned or unauthorized vehicle ~~and~~  
15.6 ~~contents~~ taken into custody by a unit of government or any impound lot is not reclaimed  
15.7 under section 168B.07, subdivision 1, it may be disposed of or sold at auction or sale when  
15.8 eligible pursuant to sections 168B.06 and 168B.07. If the contents of an abandoned or  
15.9 unauthorized vehicle taken into custody by a unit of government or any impound lot is not  
15.10 reclaimed under section 168B.07, subdivision 3, it may be disposed of or sold at auction  
15.11 or sale when eligible pursuant to sections 168B.06 and 168B.07.

15.12 (b) The purchaser shall be given a receipt in a form prescribed by the registrar of  
15.13 motor vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall  
15.14 also entitle the purchaser to register the vehicle and receive a certificate of title, free and  
15.15 clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate  
15.16 of title it must receive a motor vehicle safety check.

15.17 Sec. 25. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision  
15.18 to read:

15.19 Subd. 7a. **Spotter truck.** "Spotter truck" means a truck-tractor with a manufacturer's  
15.20 certificate of origin "not for on road use" specification, used exclusively for staging or  
15.21 shuttling trailers in the course of a truck freight operation or freight shipping operation.

15.22 **EFFECTIVE DATE.** This section is effective the day following final enactment  
15.23 and expires June 30, 2013.

15.24 Sec. 26. Minnesota Statutes 2006, section 169.01, subdivision 55, is amended to read:

15.25 Subd. 55. **Implement of husbandry.** "Implement of husbandry" ~~has the meaning~~  
15.26 ~~given in section 168A.01, subdivision 8~~ means a self-propelled or towed vehicle designed  
15.27 or adapted to be used exclusively for timber-harvesting, agricultural, horticultural, or  
15.28 livestock-raising operations.

15.29 Sec. 27. Minnesota Statutes 2006, section 169.01, subdivision 76, is amended to read:

15.30 Subd. 76. **Hazardous materials.** "Hazardous materials" means ~~those materials~~  
15.31 ~~found to be hazardous for the purposes of the federal Hazardous Materials Transportation~~  
15.32 ~~Act and that require the motor vehicle~~ any material that has been designated as hazardous

16.1 under United States Code, title 49, section 5103, and is required to be placarded under  
16.2 Code of Federal Regulations, title 49, ~~parts 100-185~~ part 172, subpart F, or any quantity of  
16.3 a material listed as a select agent or toxin in Code of Federal Regulations, title 42, part 73.

16.4 Sec. 28. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision  
16.5 to read:

16.6 Subd. 93. **Wireless communications device.** "Wireless communications device"  
16.7 means (1) a cellular phone, or (2) a portable electronic device that is capable of receiving  
16.8 and transmitting data, including but not limited to text messages and e-mail, without an  
16.9 access line for service. A wireless communications device does not include a device that  
16.10 is permanently affixed to the vehicle, or a global positioning system or navigation system  
16.11 when the system is used exclusively for navigation purposes.

16.12 Sec. 29. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision  
16.13 to read:

16.14 Subd. 94. **Medium-speed electric vehicle.** "Medium-speed electric vehicle"  
16.15 means an electrically powered four-wheeled motor vehicle, equipped with a roll cage  
16.16 or crushproof body design, that can attain a maximum speed of 35 miles per hour on a  
16.17 paved level surface, is fully enclosed and has at least one door for entry, has a wheelbase  
16.18 of 40 inches or greater and a wheel diameter of ten inches or greater, and except with  
16.19 respect to maximum speed, otherwise meets or exceeds regulations in the Code of Federal  
16.20 Regulations, title 49, section 571.500, and successor requirements.

16.21 Sec. 30. Minnesota Statutes 2006, section 169.18, subdivision 1, is amended to read:

16.22 Subdivision 1. **Keep to the right.** Upon all roadways of sufficient width a vehicle  
16.23 shall be driven upon the right half of the roadway, except as follows:

16.24 (1) when overtaking and passing another vehicle proceeding in the same direction  
16.25 under the rules governing such movement;

16.26 (2) when the right half of a roadway is closed to traffic while under construction  
16.27 or repair;

16.28 (3) upon a roadway divided into three marked lanes for traffic under the rules  
16.29 applicable thereon;

16.30 (4) upon a roadway designated and signposted for one-way traffic as a one-way  
16.31 roadway; ~~or~~

16.32 (5) as necessary to comply with subdivision 11 when approaching an authorized  
16.33 emergency vehicle parked or stopped on the roadway; or

17.1 (6) as necessary to comply with subdivision 12 when approaching a road  
17.2 maintenance or construction vehicle parked or stopped on the roadway.

17.3 Sec. 31. Minnesota Statutes 2006, section 169.18, subdivision 5, is amended to read:

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

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

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

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

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

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

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

17.33 Sec. 32. Minnesota Statutes 2006, section 169.18, is amended by adding a subdivision  
17.34 to read:

18.1            Subd. 12. **Passing certain parked vehicles.** (a) When approaching and before  
18.2 passing a freeway service patrol, road maintenance, or construction vehicle with its  
18.3 warning lights activated that is parked or otherwise stopped on or next to a street or  
18.4 highway having two lanes in the same direction, the driver of a vehicle shall safely move  
18.5 the vehicle to the lane farthest away from the vehicle, if it is possible to do so.

18.6            (b) When approaching and before passing a freeway service patrol, road  
18.7 maintenance, or construction vehicle with its warning lights activated that is parked or  
18.8 otherwise stopped on or next to a street or highway having more than two lanes in the  
18.9 same direction, the driver of a vehicle shall safely move the vehicle so as to leave a full  
18.10 lane vacant between the driver and any lane in which the vehicle is completely or partially  
18.11 parked or otherwise stopped, if it is possible to do so.

18.12            Sec. 33. Minnesota Statutes 2006, section 169.21, is amended by adding a subdivision  
18.13 to read:

18.14            Subd. 6. **Driver education curriculum.** The class D curriculum, in addition to  
18.15 driver education classroom curriculum prescribed in rules of statutes for class D motor  
18.16 vehicles, must include instruction on the duties of a driver when encountering a bicycle,  
18.17 other nonmotorized vehicles, or a pedestrian.

18.18            Sec. 34. Minnesota Statutes 2006, section 169.224, is amended to read:

18.19            **169.224 NEIGHBORHOOD AND MEDIUM-SPEED ELECTRIC VEHICLES.**

18.20            Subdivision 1. **Definition.** For purposes of this section, "road authority" means the  
18.21 commissioner, as to trunk highways; the county board, as to county state-aid highways  
18.22 and county highways; the town board, as to town roads; and the governing body of  
18.23 a city, as to city streets.

18.24            Subd. 2. **Required equipment.** Notwithstanding any other law, a neighborhood  
18.25 electric vehicle or a medium-speed electric vehicle may be operated on public streets and  
18.26 highways if it meets all equipment and vehicle safety requirements in Code of Federal  
18.27 Regulations, title 49, section 571.500, and successor requirements.

18.28            Subd. 3. **Operation.** A neighborhood electric vehicle or a medium-speed electric  
18.29 vehicle may not be operated on a street or highway with a speed limit greater than 35 miles  
18.30 per hour, except to make a direct crossing of that street or highway.

18.31            Subd. 4. **Restrictions and prohibitions.** (a) A road authority, including the  
18.32 commissioner of transportation by order, may prohibit or further restrict the operation

19.1 of neighborhood electric vehicles and medium-speed electric vehicles on any street or  
19.2 highway under the road authority's jurisdiction.

19.3 (b) Neither a neighborhood electric vehicle nor a medium-speed electric vehicle may  
19.4 ~~not~~ be used to take any examination to demonstrate ability to exercise control in the  
19.5 operation of a motor vehicle as required under section 171.13.

19.6 Sec. 35. **[169.228] SPOTTER TRUCKS.**

19.7 Notwithstanding any other law, a spotter truck may be operated on public streets  
19.8 and highways if:

19.9 (1) the operator has the appropriate class of driver's license;

19.10 (2) the vehicle complies with the size, weight, and load restrictions under this  
19.11 chapter;

19.12 (3) the vehicle meets all inspection requirements under section 169.781; and

19.13 (4) the vehicle is operated (i) within a zone of two air miles from the truck freight  
19.14 operation or freight shipping operation where the vehicle is housed, or (ii) directly to and  
19.15 from a repair shop, service station, or fueling station for the purpose of repair, servicing,  
19.16 or refueling.

19.17 **EFFECTIVE DATE.** This section is effective the day following final enactment  
19.18 and expires June 30, 2013.

19.19 Sec. 36. Minnesota Statutes 2006, section 169.435, is amended to read:

19.20 **169.435 STATE SCHOOL BUS SAFETY ADMINISTRATION OFFICE OF**  
19.21 **PUPIL TRANSPORTATION SAFETY.**

19.22 Subdivision 1. **Responsibility; Department of Public Safety.** The Department of  
19.23 Public Safety has the primary responsibility for school transportation safety. The Office of  
19.24 Pupil Transportation Safety is created as a section under the Division of State Patrol. The  
19.25 commissioner or the commissioner's designee shall serve as state designate a director of  
19.26 pupil transportation according to subdivision 3.

19.27 Subd. 3. **Pupil transportation safety director.** ~~(a) The commissioner of public~~  
19.28 ~~safety or the commissioner's designee shall serve as pupil transportation safety director.~~

19.29 ~~(b)~~ The duties of the pupil transportation safety director ~~shall~~ include:

19.30 (1) overseeing all department activities related to school bus safety;

19.31 (2) assisting in the development, interpretation, and implementation of laws  
19.32 and policies relating to school bus safety, in consultation with a stakeholder group

19.33 consisting of, but not limited to, representatives of the school board association, school

20.1 superintendents, private bus contractors, directors of transportation, school bus employees  
20.2 or their exclusive bargaining representatives, and parent organizations;

20.3 (3) supervising preparation of the School Bus Inspection Manual; ~~and~~

20.4 (4) in conjunction with the Department of Education and the stakeholder group  
20.5 described in clause (2), assisting school districts in developing and implementing  
20.6 comprehensive transportation policies and establishing best practices for private contracts;

20.7 (5) developing and maintaining a consistent record-keeping system to document  
20.8 school bus inspections, out-of-service school transportation vehicles, driver turnover  
20.9 rate, and driver files; and

20.10 (6) conducting periodic audits of selected school districts to determine compliance  
20.11 with federal law and state statute concerning: (i) school bus driver requirements and  
20.12 driver employee background and license checks, including controlled substance and  
20.13 alcohol testing requirements; and (ii) duty to report violations to the commissioner of  
20.14 public safety. Audit results must be documented and retained by the Office of Pupil  
20.15 Transportation Safety, and any statutory violations documented in the audit must be  
20.16 reported to the commissioners of public safety and education.

20.17 Subd. 4. Staff. In addition to the pupil transportation safety director, who must be a  
20.18 state trooper, the Office of Pupil Transportation Safety must be staffed by a minimum of:

20.19 (1) three state troopers, each of whom must be assigned to the metropolitan area,  
20.20 northern Minnesota, or southern Minnesota; and

20.21 (2) 15 school bus vehicle inspectors, one of whom must be designated chief  
20.22 inspector. The school bus vehicle inspectors shall perform annual and spot inspections  
20.23 of school buses and Head Start buses as required by law.

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

20.25 Sec. 37. Minnesota Statutes 2006, section 169.446, subdivision 2, is amended to read:

20.26 Subd. 2. **Driver training programs.** The commissioner of public safety shall  
20.27 adopt rules requiring a minimum of 30 minutes of thorough instruction concerning  
20.28 section 169.444 for persons enrolled in driver training programs offered at public, private  
20.29 and parochial schools, and commercial driver training schools. The instruction must  
20.30 encompass at least the responsibilities of drivers, the content and requirements of section  
20.31 169.444, and the penalties for violating that section.

20.32 Sec. 38. **[169.475] USE OF WIRELESS COMMUNICATIONS DEVICE.**

20.33 Subdivision 1. **Definition.** For purposes of this section, "electronic message"  
20.34 means a self-contained piece of digital communication that is designed or intended to

21.1 be transmitted between physical devices. An electronic message includes, but is not  
21.2 limited to, e-mail, a text message, an instant message, a command or request to access  
21.3 a World Wide Web page, or other data that uses a commonly recognized electronic  
21.4 communications protocol. An electronic message does not include voice or other data  
21.5 transmitted as a result of making a phone call, or data transmitted automatically by a  
21.6 wireless communications device without direct initiation by a person.

21.7 Subd. 2. **Prohibition on use.** No person may operate a motor vehicle while using a  
21.8 wireless communications device to compose, read, or send an electronic message, when  
21.9 the vehicle is in motion or a part of traffic.

21.10 Subd. 3. **Exceptions.** This section does not apply if a wireless communications  
21.11 device is used:

21.12 (1) solely in a voice-activated or other hands-free mode;

21.13 (2) for making a cellular phone call;

21.14 (3) for obtaining emergency assistance to (i) report a traffic accident, medical  
21.15 emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;

21.16 (4) in the reasonable belief that a person's life or safety is in immediate danger; or

21.17 (5) in an authorized emergency vehicle while in the performance of official duties.

21.18 Sec. 39. Minnesota Statutes 2006, section 169.67, subdivision 3, is amended to read:

21.19 Subd. 3. **Trailer, semitrailer.** (a) No trailer or semitrailer with a gross vehicle  
21.20 weight of 3,000 or more pounds, or a gross weight that exceeds the empty weight of the  
21.21 towing vehicle, may be drawn on a highway unless it is equipped with brakes that are  
21.22 adequate to control the movement of and to stop and hold the trailer or semitrailer. A  
21.23 surge brake on a trailer or semitrailer meets the requirement of this paragraph for brakes  
21.24 adequate to stop and hold the trailer or semitrailer.

21.25 (b) No trailer or semitrailer ~~that is required to have brakes and that has~~ with a gross  
21.26 vehicle weight of more than ~~6,000~~ 3,000 pounds may be drawn on a highway unless it is  
21.27 equipped with brakes that are so constructed that they are adequate to stop and hold the  
21.28 trailer or semitrailer whenever it becomes detached from the towing vehicle.

21.29 (c) Except as provided in paragraph (d), paragraph (a) does not apply to:

21.30 (1) ~~a trailer used by a farmer while transporting farm products produced on the user's~~  
21.31 ~~farm, or supplies back to the farm of the trailer's user;~~

21.32 ~~(2)~~ a towed custom service vehicle drawn by a motor vehicle that is equipped with  
21.33 brakes that meet the standards of subdivision 5, provided that such a towed custom service  
21.34 vehicle that exceeds 30,000 pounds gross weight may not be drawn at a speed of more  
21.35 than 45 miles per hour;

22.1 ~~(3) a trailer or semitrailer operated or used by retail dealers of implements of~~  
22.2 ~~husbandry while engaged exclusively in the delivery of implements of husbandry;~~

22.3 ~~(4) (2) a motor vehicle drawn by another motor vehicle that is equipped with brakes~~  
22.4 ~~that meet the standards of subdivision 5; and~~

22.5 ~~(5) a tank trailer of not more than 12,000 pounds gross weight owned by a distributor~~  
22.6 ~~of liquid fertilizer while engaged exclusively in transporting liquid fertilizer, or gaseous~~  
22.7 ~~fertilizer under pressure;~~

22.8 ~~(6) a trailer of not more than 12,000 pounds gross weight owned by a distributor of~~  
22.9 ~~dry fertilizer while engaged exclusively in the transportation of dry fertilizer; and~~

22.10 ~~(7) (3) a disabled vehicle while being towed to a place of repair.~~

22.11 (d) Vehicles described in paragraph (c), ~~clauses (1), (3), and (4)~~ clause (2), may be  
22.12 operated without complying with paragraph (a) only if the trailer or semitrailer does  
22.13 not exceed the following gross weights:

22.14 (1) 3,000 pounds while being drawn by a vehicle registered as a passenger  
22.15 automobile, other than a pickup truck as defined in section 168.011, subdivision 29;

22.16 (2) 12,000 pounds while being drawn by any other motor vehicle ~~except a~~  
22.17 ~~self-propelled implement of husbandry.~~

22.18 Sec. 40. Minnesota Statutes 2006, section 169.781, subdivision 1, is amended to read:

22.19 Subdivision 1. **Definitions.** For purposes of sections 169.781 to 169.783:

22.20 (a) "Commercial motor vehicle" means:

22.21 (1) a commercial motor vehicle as defined in section 169.01, subdivision 75,  
22.22 paragraph (a); ~~and~~

22.23 (2) each vehicle in a combination of more than 26,000 pounds; and

22.24 (3) a spotter truck.

22.25 "Commercial motor vehicle" does not include ~~(1)~~ a school bus or Head Start bus  
22.26 displaying a certificate under section 169.451, ~~(2)~~ a bus operated by the Metropolitan  
22.27 Council or by a local transit commission created in chapter 458A, or ~~(3)~~ a motor vehicle  
22.28 ~~that is~~ required to be placarded under Code of Federal Regulations, title 49, parts 100-185.

22.29 (b) "Commissioner" means the commissioner of public safety.

22.30 (c) "Owner" means a person who owns, or has control, under a lease of more than 30  
22.31 days' duration, of one or more commercial motor vehicles.

22.32 (d) "Storage semitrailer" means a semitrailer that (1) is used exclusively to store  
22.33 property at a location not on a street or highway, (2) does not contain any load when  
22.34 moved on a street or highway, (3) is operated only during daylight hours, and (4) is marked  
22.35 on each side of the semitrailer "storage only" in letters at least six inches high.

23.1 (e) "Building mover vehicle" means a vehicle owned or leased by a building mover  
23.2 as defined in section 221.81, subdivision 1, paragraph (a), and used exclusively for  
23.3 moving buildings.

23.4 EFFECTIVE DATE. This section is effective the day following final enactment  
23.5 and expires June 30, 2013.

23.6 Sec. 41. Minnesota Statutes 2006, section 169.781, subdivision 2, is amended to read:

23.7 Subd. 2. **Inspection required.** It is unlawful for a person to operate or permit  
23.8 the operation of:

23.9 (1) a commercial motor vehicle registered in Minnesota or a spotter truck; or

23.10 (2) special mobile equipment as defined in section 168.011, subdivision 22, and

23.11 which is self-propelled, if it is mounted on a commercial motor vehicle chassis,

23.12 unless the vehicle displays a valid safety inspection decal issued by an inspector certified

23.13 by the commissioner, or the vehicle carries (1) proof that the vehicle complies with

23.14 federal motor vehicle inspection requirements for vehicles in interstate commerce, and

23.15 (2) a certificate of compliance with federal requirements issued by the commissioner

23.16 under subdivision 9.

23.17 EFFECTIVE DATE. This section is effective the day following final enactment  
23.18 and expires on June 30, 2013.

23.19 Sec. 42. Minnesota Statutes 2006, section 169.781, subdivision 5, is amended to read:

23.20 Subd. 5. **Inspection decal; violation, penalty.** (a) A person inspecting a  
23.21 commercial motor vehicle shall issue an inspection decal for the vehicle if each inspected  
23.22 component of the vehicle complies with federal motor carrier safety regulations. The decal  
23.23 must state that in the month specified on the decal the vehicle was inspected and each  
23.24 inspected component complied with federal motor carrier safety regulations. The decal is  
23.25 valid for 12 months after the month specified on the decal. The commissioners of public  
23.26 safety and transportation shall make decals available, at a fee of not more than \$2 for each  
23.27 decal, to persons certified to perform inspections under subdivision 3, paragraph (b).

23.28 (b) Minnesota inspection decals may be affixed only to:

23.29 (1) commercial motor vehicles bearing Minnesota-based license plates; or

23.30 (2) special mobile equipment, within the meaning of subdivision 2, clause (2).

23.31 (c) Notwithstanding paragraph (a), a person inspecting (1) a vehicle of less

23.32 than 57,000 pounds gross vehicle weight and registered as a farm truck, (2) a storage

23.33 semitrailer, or (3) a building mover vehicle must issue an inspection decal to the vehicle

23.34 unless the vehicle has one or more defects that would result in the vehicle being declared

24.1 out of service under the North American Uniform Driver, Vehicle, and Hazardous  
24.2 Materials Out-of-Service Criteria issued by the Federal Highway Administration and the  
24.3 Commercial Vehicle Safety Alliance. A decal issued to a vehicle described in clause (1),  
24.4 (2), or (3) is valid for two years from the date of issuance. A decal issued to such a vehicle  
24.5 must clearly indicate that it is valid for two years from the date of issuance.

24.6 (d) Notwithstanding paragraph (a), a commercial motor vehicle that (1) is registered  
24.7 as a farm truck, (2) is not operated more than 75 miles from the owner's home post office,  
24.8 and (3) was manufactured before 1979 that has a dual transmission system, is not required  
24.9 to comply with a requirement in an inspection standard that requires that the service brake  
24.10 system and parking brake system be separate systems in the motor vehicle.

24.11 (e) A person who, with the intent to defraud, falsely makes, duplicates, alters, or  
24.12 forges a decal or other writing or thing purporting to be a Minnesota inspection decal  
24.13 described in this subdivision is guilty of a gross misdemeanor. A person who, with the  
24.14 intent to defraud, possesses a decal or other writing or thing falsely purporting to be a  
24.15 Minnesota inspection decal described in this subdivision is guilty of a gross misdemeanor.

24.16 Sec. 43. Minnesota Statutes 2006, section 169.79, is amended to read:

24.17 **169.79 VEHICLE REGISTRATION; DISPLAYING LICENSE PLATES.**

24.18 Subdivision 1. **Registration required.** No person shall operate, drive, or park a  
24.19 motor vehicle on any highway unless the vehicle is registered in accordance with the laws  
24.20 of this state and has the number plates or permit confirming that valid registration or  
24.21 operating authority has been obtained, except as provided in sections 168.10 and 168.12,  
24.22 subdivision 2f, as assigned to it by the commissioner of public safety, conspicuously  
24.23 displayed thereon in a manner that the view of any plate or permit is not obstructed. A  
24.24 plate issued under section 168.27 or a permit issued under chapter 168 may be displayed  
24.25 on a vehicle in conjunction with expired registration whether or not it displays the license  
24.26 plate to which the last registration was issued.

24.27 Subd. 2. **Semitrailer.** If the vehicle is a semitrailer, the number plate displayed must  
24.28 be assigned to the registered owner and correlate to the ~~certificate of title~~ documentation  
24.29 on file with the department ~~and shall not display a year indicator.~~

24.30 Subd. 3. **Rear display of single plate.** If the vehicle is a motorcycle, motor scooter,  
24.31 motorized bicycle, motorcycle sidecar, trailer registered at greater than 3,000 pounds  
24.32 gross vehicle weight (GVW), semitrailer, or vehicle displaying a dealer plate, then one  
24.33 license plate must be displayed horizontally with the identifying numbers and letters

25.1 facing outward from the vehicle and must be mounted in the upright position on the  
25.2 rear of the vehicle.

25.3 Subd. 3a. **Small trailer.** If the vehicle is a trailer with 3,000 pounds or less GVW  
25.4 with lifetime registration, the numbered plate or sticker must be adhered to the side of the  
25.5 trailer frame tongue near the hitch.

25.6 Subd. 4. **Collector's vehicle.** If the vehicle is (1) a collector's vehicle with a pioneer,  
25.7 classic car, collector, or street rod license; (2) a vehicle that meets the requirements  
25.8 of a pioneer, classic, or street rod vehicle except that the vehicle is used for general  
25.9 transportation purposes; or (3) a vehicle that is of model year 1972 or earlier, not registered  
25.10 under section 168.10, subdivision 1c, and is used for general transportation purposes, then  
25.11 one plate must be displayed on the rear of the vehicle, or one plate on the front and one  
25.12 on the rear, at the discretion of the owner.

25.13 Subd. 5. **Truck-tractor, road-tractor, or farm truck.** If the vehicle is a  
25.14 truck-tractor, road-tractor, or farm truck, as defined in section 168.011, subdivision 17, but  
25.15 excluding from that definition semitrailers and trailers, then one plate must be displayed  
25.16 on the front of the vehicle.

25.17 Subd. 6. **Other motor vehicles.** If the motor vehicle is any kind of motor vehicle  
25.18 other than those provided for in subdivisions 2 to 4, one plate must be displayed on the  
25.19 front and one on the rear of the vehicle.

25.20 Subd. 7. **Plate fastened and visible.** All plates must be (1) securely fastened so as  
25.21 to prevent them from swinging, (2) displayed horizontally with the identifying numbers  
25.22 and letters facing outward from the vehicle, and (3) mounted in the upright position. The  
25.23 person driving the motor vehicle shall keep the plate legible and unobstructed and free  
25.24 from grease, dust, or other blurring material so that the lettering is plainly visible at all  
25.25 times. It is unlawful to cover any assigned letters and numbers or the name of the state  
25.26 of origin of a license plate with any material whatever, including any clear or colorless  
25.27 material that affects the plate's visibility or reflectivity.

25.28 Subd. 8. **Plate registration stickers.** As viewed facing the plates:

25.29 (a) License plates issued to vehicles registered under section 168.017 must display  
25.30 the month of expiration in the lower left corner ~~as viewed facing the~~ of each plate and the  
25.31 year of expiration in the lower right corner ~~as viewed facing the~~ of each plate.

25.32 (b) License plates issued to vehicles registered under section 168.127 must display  
25.33 either fleet registration validation stickers in the lower right corner ~~as viewed facing the~~  
25.34 plates of each plate or distinctive license plates, issued by the registrar, with "FLEET  
25.35 REG" displayed on the bottom center portion of ~~the~~ each plate.

26.1 (c) License plates issued after July 1, 2008, requiring validation must display the  
26.2 month of expiration in the lower left corner of each plate and the year of expiration in the  
26.3 lower right corner of the plate.

26.4 Subd. 9. **Tax-exempt vehicle marking.** Vehicles displaying tax-exempt plates  
26.5 issued under section 16B.581 or 168.012 must have vehicle markings that comply with  
26.6 section 168.012, subdivision 1.

26.7 Sec. 44. Minnesota Statutes 2006, section 169.801, is amended to read:

26.8 **169.801 IMPLEMENT OF HUSBANDRY.**

26.9 Subdivision 1. **Exemption from size, weight, load provisions.** Except as provided  
26.10 in this section and section 169.82, the provisions of sections 169.80 to 169.88 that govern  
26.11 size, weight, and load do not apply to:

26.12 ~~(1) a horse-drawn wagon while carrying a load of loose straw or hay;~~

26.13 ~~(2) a specialized vehicle resembling a low-slung trailer having a short bed or~~  
26.14 ~~platform, while transporting one or more implements of husbandry; or~~

26.15 ~~(3) an implement of husbandry while being driven or towed at a speed of not~~  
26.16 ~~more than 30 miles per hour; provided that this exemption applies to an implement of~~  
26.17 ~~husbandry owned, leased, or under the control of a farmer or implement dealer only~~  
26.18 ~~while the implement of husbandry is being operated on noninterstate roads or highways~~  
26.19 ~~within 75 miles of any farmland or implement dealership: (i) owned, leased, or operated~~  
26.20 ~~by the farmer or implement dealer and (ii) on which the farmer or implement dealer~~  
26.21 ~~regularly uses or sells or leases the implement of husbandry while operated in compliance~~  
26.22 with this section.

26.23 Subd. 2. **Weight ~~per inch of tire width~~ restrictions.** (a) An implement of  
26.24 husbandry that is not self-propelled and is equipped with pneumatic tires may not be  
26.25 operated on a public highway with a maximum wheel load that exceeds ~~600 pounds~~  
26.26 ~~per inch of tire width before August 1, 1996, and 500 pounds per inch of tire width on~~  
26.27 ~~and after August 1, 1996.~~

26.28 (b) After December 31, 2009, a person operating or towing an implement of  
26.29 husbandry on a bridge must comply with the gross weight limitations provided in section  
26.30 169.824.

26.31 Subd. 3. **Hitches.** A towed implement of husbandry must be equipped with (1)  
26.32 safety chains that meet the requirements of section 169.82, subdivision 3, paragraph  
26.33 (b); (2) a regulation fifth wheel and kingpin assembly approved by the commissioner of

27.1 public safety; or (3) a hitch pin or other hitching device with a retainer that prevents  
27.2 accidental unhitching.

27.3 Subd. 4. **Bridge posting.** Despite subdivision 2, a person operating or towing  
27.4 an implement of husbandry must comply with a sign that limits the maximum weight  
27.5 allowed on a bridge.

27.6 Subd. 5. **Height and width.** A person operating, towing, or transporting an  
27.7 implement of husbandry that is higher than 13 feet six inches or wider than allowed under  
27.8 section 169.80, subdivision 2, must ensure that the operation or transportation does not  
27.9 damage a highway structure, utility line or structure, or other fixture adjacent to or over  
27.10 a public highway.

27.11 Subd. 6. **Speed.** No person may operate or tow an implement of husbandry at  
27.12 a speed of more than 30 miles per hour.

27.13 Subd. 7. **Driving rules.** (a) An implement of husbandry may not be operated or  
27.14 towed on an interstate highway.

27.15 (b) An implement of husbandry may be operated or towed to the left of the center  
27.16 of a roadway only if it is escorted at the front by a vehicle displaying hazard warning  
27.17 lights visible in normal sunlight and the operation does not extend into the left half of the  
27.18 roadway more than is necessary.

27.19 Subd. 8. **Lights.** An implement of husbandry must be equipped with lights that  
27.20 comply with section 169.55, subdivisions 2 and 3.

27.21 Subd. 9. **Slow moving vehicle emblem.** An implement of husbandry must comply  
27.22 with section 169.522.

27.23 Subd. 10. **Brakes.** Notwithstanding section 169.67:

27.24 (a) A self-propelled implement of husbandry must be equipped with brakes adequate  
27.25 to control its movement and to stop and hold it and any vehicle it is towing.

27.26 (b) A towed implement of husbandry must be equipped with brakes adequate to  
27.27 control its movement and to stop and hold it if:

27.28 (1) it has a gross vehicle weight of more than 24,000 pounds and was manufactured  
27.29 and sold after January 1, 1994;

27.30 (2) it has a gross vehicle weight of more than 12,000 pounds and is towed by a  
27.31 vehicle other than a self-propelled implement of husbandry; or

27.32 (3) it has a gross vehicle weight of more than 3,000 pounds and is being towed by a  
27.33 registered passenger automobile other than a pickup truck as defined in section 168.011,  
27.34 subdivision 29.

28.1 (c) If a towed implement of husbandry with a gross vehicle weight of more than  
28.2 6,000 pounds is required under paragraph (b) to have brakes, it must also have brakes  
28.3 adequate to stop and hold it if it becomes detached from the towing vehicle.

28.4 Sec. 45. **INFRASTRUCTURE ADAPTATIONS.**

28.5 The commissioner of transportation shall investigate and recommend opportunities  
28.6 for infrastructure adaptations to accommodate the implementation of manure application  
28.7 technologies that lessen impacts on roads and bridges.

28.8 Sec. 46. Minnesota Statutes 2006, section 169.82, subdivision 3, is amended to read:

28.9 Subd. 3. **Hitch, chain, or cable.** (a) Every trailer or semitrailer must be hitched to  
28.10 the towing motor vehicle by a device approved by the commissioner of public safety.

28.11 (b) Every trailer and semitrailer must be equipped with safety chains or cables  
28.12 permanently attached to the trailer except in cases where the coupling device is a  
28.13 regulation fifth wheel and kingpin assembly approved by the commissioner of public  
28.14 safety. In towing, the chains or cables must be attached to the vehicles near the points of  
28.15 bumper attachments to the chassis of each vehicle, and must be of sufficient strength to  
28.16 control the trailer in the event of failure of the towing device. The length of chain or cable  
28.17 must be no more than necessary to permit free turning of the vehicles. A minimum fine  
28.18 of \$25 must be imposed for a violation of this paragraph.

28.19 (c) This subdivision does not apply to towed implements of husbandry.

28.20 (d) No person may be charged with a violation of this section solely by reason of  
28.21 violating a maximum speed prescribed in section ~~169.145~~ or 169.67 or 169.801.

28.22 Sec. 47. Minnesota Statutes 2006, section 169.826, subdivision 1a, is amended to read:

28.23 Subd. 1a. **Harvest season increase amount.** The limitations provided in sections  
28.24 169.822 to 169.829 are increased by ten percent from the beginning of harvest to  
28.25 November 30 each year for the movement of sugar beets, carrots, and potatoes from the  
28.26 field of harvest to the point of the first unloading. Transfer of the product from a farm  
28.27 vehicle or small farm trailer, within the meaning of chapter 168, to another vehicle is not  
28.28 considered to be the first unloading. A permit issued under section 169.86, subdivision 1,  
28.29 paragraph (a), is required. The commissioner shall not issue permits under this subdivision  
28.30 if to do so will result in a loss of federal highway funding to the state.

28.31 Sec. 48. Minnesota Statutes 2006, section 169.85, subdivision 1, is amended to read:

29.1           Subdivision 1. **Driver to stop for weighing.** (a) The driver of a vehicle that has  
29.2 been lawfully stopped may be required by an officer to submit the vehicle and load to a  
29.3 weighing by means of portable or stationary scales.

29.4           (b) In addition, the officer may require that the vehicle be driven to the nearest  
29.5 available scales, but only if:

29.6           (1) the distance to the scales is no further than five miles, or if the distance from the  
29.7 point where the vehicle is stopped to the vehicle's destination is not increased by more  
29.8 than ten miles as a result of proceeding to the nearest available scales; and

29.9           (2) if the vehicle is a commercial motor vehicle, no more than two other commercial  
29.10 motor vehicles are waiting to be inspected at the scale.

29.11           (c) Official traffic control devices as authorized by section 169.06 may be used to  
29.12 direct the driver to the nearest scale.

29.13           (d) When a truck weight enforcement operation is conducted by means of portable or  
29.14 stationary scales, signs giving notice of the operation must be posted within the highway  
29.15 right-of-way and adjacent to the roadway within two miles of the operation. The driver of  
29.16 a truck or combination of vehicles registered for or ~~weighing in excess of 12,000~~ with a  
29.17 gross vehicle weight exceeding 10,000 pounds shall proceed to the scale site and submit  
29.18 the vehicle to weighing and inspection.

29.19           Sec. 49. Minnesota Statutes 2006, section 169.86, subdivision 8, as added by Laws  
29.20 2008, chapter 287, article 1, section 58, is amended to read:

29.21           Subd. 8. **Tow truck.** ~~A tow truck or towing vehicle, when towing a disabled or~~  
29.22 ~~damaged vehicle to a place of repair or to a place of safekeeping, may exceed the length~~  
29.23 ~~and weight limitations of this chapter, subject to a \$300 annual permit fee and other~~  
29.24 ~~conditions the commissioner may prescribe.~~ The commissioner may issue permits to an  
29.25 applicant who pays a single \$300 annual fee to cover all tow trucks and towing vehicles  
29.26 owned by the applicant and meets any other conditions prescribed by the commissioner.  
29.27 The permit authorizes the tow truck or towing vehicle, when towing a disabled or damaged  
29.28 vehicle to a place of repair or to a place of safekeeping, to exceed the length and weight  
29.29 limitations of this chapter.

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

29.31           Sec. 50. **[169.865] SPECIAL CANOLA HAULING VEHICLE PERMITS.**

29.32           Subdivision 1. **Special three-unit vehicle permit.** The commissioner may issue a  
29.33 permit for a vehicle that meets the following requirements:

30.1 (1) is a combination of vehicles, including a truck-tractor and a semitrailer  
30.2 drawing one additional trailer or semitrailer, and no semitrailer used in the three-vehicle  
30.3 combination has an overall length in excess of 28-1/2 feet;

30.4 (2) has a maximum gross vehicle weight of 105,500 pounds;

30.5 (3) complies with the axle weight limits in section 169.824, or with the federal  
30.6 bridge formula for axle groups not described in that section;

30.7 (4) complies with the tire weight limits in section 169.823, or the tire manufacturers'  
30.8 recommended load, whichever is less;

30.9 (5) is operated only in this state on marked Trunk Highway 175 from Hallock to the  
30.10 North Dakota border, on U.S. Highway 75 from Hallock to Donaldson, and on marked  
30.11 Trunk Highway 11 from Donaldson to the North Dakota border; and

30.12 (6) the seasonal weight increases authorized under section 169.826, subdivision 1,  
30.13 do not apply.

30.14 Subd. 2. **Restrictions.** Vehicles issued permits under subdivision 1 must comply  
30.15 with the following restrictions:

30.16 (1) the vehicle must be operated in compliance with seasonal load restrictions under  
30.17 section 169.87;

30.18 (2) the vehicle may not be operated on the interstate highway system or national  
30.19 network highways; and

30.20 (3) the vehicle may be operated on streets or highways under the control of local  
30.21 authorities only upon the approval of the local authority; however, vehicles may have  
30.22 reasonable access to terminals and facilities for food, fuel, repairs, and rest, and for  
30.23 continuity of route within one mile of the national network as provided by section 169.81,  
30.24 subdivision 3, and by the Code of Federal Regulations, title 23, part 658.19.

30.25 Subd. 3. **Permit fee; appropriation.** Vehicle permits issued under subdivision  
30.26 1 must be annual permits. The fee is \$850 for each vehicle and must be deposited  
30.27 in the trunk highway fund. An amount sufficient to administer the permit program  
30.28 is appropriated from the trunk highway fund to the commissioner for the costs of  
30.29 administering the permit program.

30.30 Sec. 51. Minnesota Statutes 2006, section 169.99, is amended by adding a subdivision  
30.31 to read:

30.32 Subd. 1c. **Notice of surcharge.** All parts of the uniform traffic ticket must give  
30.33 conspicuous notice of the fact that, if convicted, the person to whom it was issued must  
30.34 pay a state imposed surcharge under section 357.021, subdivision 6, and the current  
30.35 amount of the required surcharge.

31.1 **EFFECTIVE DATE.** This section is effective July 1, 2008. However, law  
31.2 enforcement agencies may continue to issue nonconforming tickets until the supply of  
31.3 those tickets has been exhausted.

31.4 Sec. 52. Minnesota Statutes 2006, section 171.01, subdivision 35, is amended to read:

31.5 Subd. 35. **Hazardous materials.** "Hazardous materials" means ~~those materials~~  
31.6 ~~found to be hazardous for the purposes of the federal Hazardous Materials Transportation~~  
31.7 ~~Act and that require the motor vehicle~~ any material that has been designated as hazardous  
31.8 under United States Code, title 49, section 5103, and is required to be placarded under  
31.9 Code of Federal Regulations, title 49, ~~parts 100-185~~ part 172, subpart F, or any quantity of  
31.10 a material listed as a select agent or toxin in Code of Federal Regulations, title 42, part 73.

31.11 Sec. 53. Minnesota Statutes 2006, section 171.01, subdivision 46, is amended to read:

31.12 Subd. 46. **School bus.** "School bus" ~~means a motor vehicle used to transport pupils~~  
31.13 ~~to or from a school defined in section 120A.22, or to or from school-related activities,~~  
31.14 ~~by the school or a school district or by someone under an agreement with the school or a~~  
31.15 ~~school district. A school bus does not include a motor vehicle transporting children to or~~  
31.16 ~~from school for which parents or guardians receive direct compensation from a school~~  
31.17 ~~district, a motor coach operating under charter carrier authority, a transit bus providing~~  
31.18 ~~services as defined in section 174.22, subdivision 7, or a vehicle otherwise qualifying as~~  
31.19 ~~a type III vehicle under section 169.01, subdivision 6, paragraph (5), when the vehicle~~  
31.20 ~~is properly registered and insured and being driven by an employee or agent of a school~~  
31.21 ~~district for nonscheduled transportation.~~ has the meaning given in section 169.01,  
31.22 subdivision 6.

31.23 Sec. 54. Minnesota Statutes 2007 Supplement, section 171.02, subdivision 2, is  
31.24 amended to read:

31.25 Subd. 2. **Driver's license classifications, endorsements, exemptions.** (a) Drivers'  
31.26 licenses are classified according to the types of vehicles that may be driven by the holder  
31.27 of each type or class of license. The commissioner may, as appropriate, subdivide the  
31.28 classes listed in this subdivision and issue licenses classified accordingly.

31.29 (b) Except as provided in paragraph (c), clauses (1) and (2), and subdivision 2a, no  
31.30 class of license is valid to operate a motorcycle, school bus, tank vehicle, double-trailer  
31.31 or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless  
31.32 so endorsed. There are four general classes of licenses as described in paragraphs (c)  
31.33 through (f).

- 32.1 (c) Class D drivers' licenses are valid for:
- 32.2 (1) operating all farm trucks if the farm truck is:
- 32.3 (i) controlled and operated by a farmer, including operation by an immediate family
- 32.4 member or an employee of the farmer;
- 32.5 (ii) used to transport agricultural products, farm machinery, or farm supplies,
- 32.6 including hazardous materials, to or from a farm;
- 32.7 (iii) not used in the operations of a common or contract motor carrier as governed by
- 32.8 Code of Federal Regulations, title 49, part 365; and
- 32.9 (iv) used within 150 miles of the farm;
- 32.10 (2) notwithstanding paragraph (b), operating an authorized emergency vehicle,
- 32.11 as defined in section 169.01, subdivision 5, whether or not in excess of 26,000 pounds
- 32.12 gross vehicle weight;
- 32.13 (3) operating a recreational vehicle as defined in section 168.011, subdivision 25,
- 32.14 that is operated for personal use;
- 32.15 (4) operating all single-unit vehicles except vehicles with a gross vehicle weight of
- 32.16 more than 26,000 pounds, vehicles designed to carry more than 15 passengers including
- 32.17 the driver, and vehicles that carry hazardous materials;
- 32.18 (5) notwithstanding paragraph (d), operating a type A school bus or a multifunctional
- 32.19 school activity bus without a school bus endorsement if:
- 32.20 (i) the bus has a gross vehicle weight of 10,000 pounds or less;
- 32.21 (ii) the bus is designed to transport 15 or fewer passengers, including the driver; and
- 32.22 (iii) the requirements of subdivision 2a are satisfied, as determined by the
- 32.23 commissioner;
- 32.24 (6) operating any vehicle or combination of vehicles when operated by a licensed
- 32.25 peace officer while on duty; and
- 32.26 (7) towing vehicles if:
- 32.27 (i) the towed vehicles have a gross vehicle weight of 10,000 pounds or less; or
- 32.28 (ii) the towed vehicles have a gross vehicle weight of more than 10,000 pounds and
- 32.29 the combination of vehicles has a gross vehicle weight of 26,000 pounds or less.
- 32.30 (d) Class C drivers' licenses are valid for:
- 32.31 (1) operating class D motor vehicles;
- 32.32 (2) with a hazardous materials endorsement, ~~transporting hazardous materials in~~
- 32.33 operating class D vehicles to transport hazardous materials; and
- 32.34 (3) with a passenger endorsement, operating buses; and
- 32.35 ~~(3) (4) with a passenger endorsement and school bus endorsement, operating school~~
- 32.36 ~~buses designed to transport 15 or fewer passengers, including the driver.~~

33.1 (e) Class B drivers' licenses are valid for:

33.2 (1) operating all class C motor vehicles, class D motor vehicles, and all other  
33.3 single-unit motor vehicles including, with a passenger endorsement, buses; and

33.4 (2) towing only vehicles with a gross vehicle weight of 10,000 pounds or less.

33.5 (f) Class A drivers' licenses are valid for operating any vehicle or combination of  
33.6 vehicles.

33.7 Sec. 55. Minnesota Statutes 2006, section 171.03, is amended to read:

33.8 **171.03 PERSONS EXEMPT.**

33.9 The following persons are exempt from license hereunder:

33.10 (a) A person in the employ or service of the United States federal government is  
33.11 exempt while driving or operating a motor vehicle owned by or leased to the United  
33.12 States federal government.

33.13 (b) A person in the employ or service of the United States federal government is  
33.14 exempt from the requirement to possess a valid class A, class B, or class C commercial  
33.15 driver's license while driving or operating for military purposes a commercial motor  
33.16 vehicle ~~owned by or leased to~~ for the United States federal government if the person is:

33.17 (1) on active duty in the U. S. Coast Guard;

33.18 (2) on active duty in a branch of the U. S. Armed Forces, which includes the Army,  
33.19 Air Force, Navy, and Marine Corps;

33.20 (3) a member of a reserve component of the U. S. Armed Forces; or

33.21 (4) on active duty in the Army National Guard or Air National Guard, which  
33.22 includes (i) a member on full-time National Guard duty, (ii) a member undergoing  
33.23 part-time National Guard training, and (iii) a National Guard military technician, who is a  
33.24 civilian required to wear a military uniform.

33.25 The exemption provided under this paragraph does not apply to a U. S. Armed Forces  
33.26 Reserve technician.

33.27 (c) Any person while driving or operating any farm tractor or implement of  
33.28 husbandry temporarily on a highway is exempt. For purposes of this section, an all-terrain  
33.29 vehicle, as defined in section 84.92, subdivision 8, an off-highway motorcycle, as defined  
33.30 in section 84.787, subdivision 7, and an off-road vehicle, as defined in section 84.797,  
33.31 subdivision 7, are not implements of husbandry.

33.32 (d) A nonresident who is at least 15 years of age and who has in immediate  
33.33 possession a valid driver's license issued to the nonresident in the home state or country  
33.34 may operate a motor vehicle in this state only as a driver.

34.1 (e) A nonresident who has in immediate possession a valid commercial driver's  
34.2 license issued by a state or jurisdiction in accordance with the standards of Code of  
34.3 Federal Regulations, title 49, part 383, and who is operating in Minnesota the class of  
34.4 commercial motor vehicle authorized by the issuing state or jurisdiction is exempt.

34.5 (f) Any nonresident who is at least 18 years of age, whose home state or country does  
34.6 not require the licensing of drivers may operate a motor vehicle as a driver, but only for a  
34.7 period of not more than 90 days in any calendar year, if the motor vehicle so operated is  
34.8 duly registered for the current calendar year in the home state or country of the nonresident.

34.9 (g) Any person who becomes a resident of the state of Minnesota and who has in  
34.10 possession a valid driver's license issued to the person under and pursuant to the laws of  
34.11 some other state or jurisdiction or by military authorities of the United States may operate  
34.12 a motor vehicle as a driver, but only for a period of not more than 60 days after becoming  
34.13 a resident of this state, without being required to have a Minnesota driver's license as  
34.14 provided in this chapter.

34.15 (h) Any person who becomes a resident of the state of Minnesota and who has in  
34.16 possession a valid commercial driver's license issued by another state or jurisdiction in  
34.17 accordance with the standards of Code of Federal Regulations, title 49, part 383, is exempt  
34.18 for not more than 30 days after becoming a resident of this state.

34.19 (i) Any person operating a snowmobile, as defined in section 84.81, is exempt.

34.20 Sec. 56. Minnesota Statutes 2006, section 171.055, subdivision 2, is amended to read:

34.21 Subd. 2. **Use of provisional license.** (a) A provisional license holder may operate a  
34.22 motor vehicle only when every occupant under the age of 18 has a seat belt or child  
34.23 passenger restraint system properly fastened. A person who violates this paragraph is  
34.24 subject to a fine of \$25. A peace officer may not issue a citation for a violation of this  
34.25 paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle  
34.26 for a moving violation as defined in section 171.04. The commissioner shall not record a  
34.27 violation of this paragraph on a person's driving record.

34.28 (b) A provisional license holder may not operate a vehicle while communicating  
34.29 over, or otherwise operating, a cellular or wireless telephone, whether handheld or  
34.30 hands free, when the vehicle is in motion. The provisional license holder may assert  
34.31 as an affirmative defense that the violation was made for the sole purpose of obtaining  
34.32 emergency assistance to prevent a crime about to be committed, or in the reasonable  
34.33 belief that a person's life or safety was in danger. Violation of this paragraph is a petty  
34.34 misdemeanor subject to section 169.89, subdivision 2.

35.1 (c) If the holder of a provisional license during the period of provisional licensing  
35.2 incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections  
35.3 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more  
35.4 than one conviction for a moving violation that is not crash related, the person may not be  
35.5 issued a driver's license until 12 consecutive months have expired since the date of the  
35.6 conviction or until the person reaches the age of 18 years, whichever occurs first.

35.7 (d) For the first six months of provisional licensure, a provisional license holder may  
35.8 not operate a motor vehicle carrying more than one passenger under the age of 20 years  
35.9 who is not a member of the holder's immediate family. For the second six months, the  
35.10 holder of the license may not operate a motor vehicle that is carrying more than three  
35.11 passengers who are under the age of 20 years and who are not members of the holder's  
35.12 immediate family. This paragraph does not apply if the provisional license holder is  
35.13 accompanied by a parent or guardian.

35.14 (e) For the first six months of provisional licensure, a provisional license holder  
35.15 may operate a motor vehicle between the hours of midnight and 5:00 a.m. only when  
35.16 the license holder is:

35.17 (1) driving between the license holder's home and place of employment;

35.18 (2) driving between the license holder's home and a school event for which the  
35.19 school has not provided transportation;

35.20 (3) driving for employment purposes; or

35.21 (4) accompanied by a licensed driver at least 25 years of age.

35.22 Sec. 57. Minnesota Statutes 2006, section 171.0701, is amended to read:

35.23 **171.0701 DRIVER EDUCATION; ~~ORGAN AND TISSUE DONATION~~**  
35.24 **CONTENT.**

35.25 (a) The commissioner shall adopt rules requiring a minimum of 30 minutes of  
35.26 instruction, beginning January 1, 2007, relating to organ and tissue donations and the  
35.27 provisions of section 171.07, subdivision 5, for persons enrolled in driver education  
35.28 programs offered at public schools, private schools, and commercial driver training  
35.29 schools.

35.30 (b) The commissioner shall adopt rules for persons enrolled in driver education  
35.31 programs offered at public schools, private schools, and commercial driver training  
35.32 schools, requiring inclusion in the course of instruction, by January 1, 2009, a section on  
35.33 awareness and safe interaction with commercial motor vehicle traffic. The rules must  
35.34 require classroom instruction and behind-the-wheel training that includes, but is not

36.1 limited to, truck stopping distances, proper distances for following trucks, identification of  
36.2 truck blind spots, and avoidance of driving in truck blind spots.

36.3 (c) The rules adopted by the commissioner under paragraph (b) are exempt from  
36.4 the rulemaking provisions of chapter 14. The rules are subject to section 14.386, except  
36.5 that notwithstanding paragraph (b) of section 14.386, the rules continue in effect until  
36.6 repealed or superseded by other law or rule.

36.7 Sec. 58. Minnesota Statutes 2006, section 171.13, subdivision 1, is amended to read:

36.8 Subdivision 1. **Examination subjects and locations; provisions for color**  
36.9 **blindness, disabled veterans.** Except as otherwise provided in this section, the  
36.10 commissioner shall examine each applicant for a driver's license by such agency as the  
36.11 commissioner directs. This examination must include a test of applicant's eyesight; ability  
36.12 to read and understand highway signs regulating, warning, and directing traffic; knowledge  
36.13 of traffic laws; knowledge of the effects of alcohol and drugs on a driver's ability to operate  
36.14 a motor vehicle safely and legally, and of the legal penalties and financial consequences  
36.15 resulting from violations of laws prohibiting the operation of a motor vehicle while under  
36.16 the influence of alcohol or drugs; knowledge of railroad grade crossing safety; knowledge  
36.17 of slow-moving vehicle safety; knowledge of laws relating to pupil transportation safety,  
36.18 including the significance of school bus lights, signals, stop arm, and passing a school  
36.19 bus; knowledge of traffic laws related to bicycles; an actual demonstration of ability to  
36.20 exercise ordinary and reasonable control in the operation of a motor vehicle; and other  
36.21 physical and mental examinations as the commissioner finds necessary to determine the  
36.22 applicant's fitness to operate a motor vehicle safely upon the highways, provided, further  
36.23 however, no driver's license shall be denied an applicant on the exclusive grounds that the  
36.24 applicant's eyesight is deficient in color perception. Provided, however, that war veterans  
36.25 operating motor vehicles especially equipped for disabled persons, shall, if otherwise  
36.26 entitled to a license, be granted such license. The commissioner shall make provision for  
36.27 giving these examinations either in the county where the applicant resides or at a place  
36.28 adjacent thereto reasonably convenient to the applicant.

36.29 Sec. 59. Minnesota Statutes 2006, section 171.13, is amended by adding a subdivision  
36.30 to read:

36.31 Subd. 1i. **Pupil transportation safety.** The commissioner shall include in each  
36.32 edition of the driver's manual a section relating to pupil transportation safety laws.

37.1 Sec. 60. Minnesota Statutes 2006, section 171.13, is amended by adding a subdivision  
37.2 to read:

37.3 Subd. 1j. **Driver's manual; interaction with commercial motor vehicle.** The  
37.4 commissioner shall include in each edition of the driver's manual published by the  
37.5 department after August 1, 2008, a section that includes information on awareness and  
37.6 safe interaction with commercial motor vehicle traffic.

37.7 Sec. 61. Minnesota Statutes 2006, section 171.165, subdivision 2, is amended to read:

37.8 Subd. 2. **Implied consent revocation.** The commissioner shall disqualify a person  
37.9 from operating commercial motor vehicles for a revocation under section 169A.52 or a  
37.10 statute or ordinance from another state or jurisdiction in conformity with it, ~~in accordance~~  
37.11 ~~with~~ for a period that is equivalent in duration under the driver disqualifications and  
37.12 penalties in Code of Federal Regulations, title 49, part 383, subpart D, that pertain to a  
37.13 conviction of being under the influence of alcohol or refusal to be tested.

37.14 Sec. 62. **[171.168] NOTIFICATION OF CONVICTION FOR VIOLATION BY**  
37.15 **COMMERCIAL DRIVER.**

37.16 (a) Each person who operates a commercial motor vehicle, who has a commercial  
37.17 driver's license issued by this state, and who is convicted of a criminal offense; of a serious  
37.18 traffic violation, as defined in Code of Federal Regulations, title 49, section 383.5; or of  
37.19 violating any other state or local law relating to motor vehicle traffic control, other than a  
37.20 parking violation, in any type of motor vehicle in another state or jurisdiction, shall notify  
37.21 the department's Division of Driver and Vehicle Services of the conviction. The person  
37.22 shall notify the division within 30 days after the date that the person was convicted.

37.23 (b) Each person who operates a commercial motor vehicle, who has a commercial  
37.24 driver's license issued by this state, and who is convicted of violating, in any type of  
37.25 motor vehicle, a Minnesota state or local law relating to motor vehicle traffic control,  
37.26 other than a parking violation, shall notify the person's employer of the conviction. The  
37.27 person shall notify the person's employer within 30 days after the date that the person was  
37.28 convicted. If the person is not currently employed, the person shall notify the division  
37.29 according to paragraph (a).

37.30 (c) Notification to the division must be made in writing and contain the following  
37.31 information:

37.32 (1) the driver's full name;

37.33 (2) the driver's license number;

37.34 (3) the date of conviction;

38.1 (4) the specific criminal or other offense; serious traffic violation, as defined in Code  
38.2 of Federal Regulations, title 49, section 383.5; and any other violation of state or local  
38.3 law relating to motor vehicle traffic control, for which the person was convicted and  
38.4 any suspension, revocation, or cancellation of certain driving privileges that resulted  
38.5 from the conviction;

38.6 (5) an indication whether the violation was in a commercial motor vehicle;

38.7 (6) the location of the offense; and

38.8 (7) the driver's signature.

38.9 Sec. 63. **[171.169] NOTIFICATION OF SUSPENSION OF LICENSE OF**  
38.10 **COMMERCIAL DRIVER.**

38.11 Each employee, as defined in Code of Federal Regulations, title 49, section 383.5,  
38.12 who has a Minnesota-issued driver's license suspended, revoked, or canceled by this  
38.13 state or another state or jurisdiction, who loses the right to operate a commercial motor  
38.14 vehicle in this state or another state or jurisdiction for any period, or who is disqualified  
38.15 from operating a commercial motor vehicle for any period, shall notify the person's  
38.16 employer of the suspension, revocation, cancellation, lost privilege, or disqualification.  
38.17 The employee shall notify the employer before the end of the business day following  
38.18 the day the employee received notice of the suspension, revocation, cancellation, lost  
38.19 privilege, or disqualification.

38.20 Sec. 64. Minnesota Statutes 2006, section 171.321, subdivision 1, is amended to read:

38.21 Subdivision 1. **Endorsement.** No person shall drive a school bus when transporting  
38.22 school children to or from school or upon a school-related trip or activity without having a  
38.23 valid class A, class B, or class C driver's license with a school bus endorsement except  
38.24 that a person possessing a valid driver's license but not a school bus endorsement may  
38.25 drive a ~~vehicle with a seating capacity of ten or less persons used as a school bus but not~~  
38.26 ~~outwardly equipped or identified as a school bus~~ type III vehicle.

38.27 Sec. 65. Minnesota Statutes 2006, section 174.03, subdivision 1, is amended to read:

38.28 Subdivision 1. **Statewide transportation plan; priorities; schedule of**  
38.29 **expenditures.** In order to best meet the present and future transportation needs of  
38.30 the public, to insure a strong state economy, to make most efficient use of public and  
38.31 private funds, and to promote the more efficient use of energy and other resources for  
38.32 transportation purposes, the commissioner shall:

39.1 (1) three months after notification that the department is ready to commence  
39.2 operations and prior to the drafting of the statewide transportation plan, hold public  
39.3 hearings as may be appropriate solely for the purpose of receiving suggestions for future  
39.4 transportation alternatives and priorities for the state. The Metropolitan Council, regional  
39.5 development commissions, and port authorities shall appear at the hearings and submit  
39.6 information concerning transportation-related planning undertaken and accomplished by  
39.7 these agencies. Other political subdivisions may appear and submit such information at  
39.8 the hearings. These hearings shall be completed no later than six months from the date of  
39.9 the commissioner's notification;

39.10 (2) develop, adopt, revise, and monitor a statewide transportation plan, taking into  
39.11 account the suggestions and information submitted at the public hearings held pursuant  
39.12 to clause (1). The plan shall incorporate all modes of transportation and provide for the  
39.13 interconnection and coordination of different modes of transportation. The commissioner  
39.14 shall evaluate alternative transportation programs and facilities proposed for inclusion  
39.15 in the plan in terms of economic costs and benefits, safety aspects, impact on present  
39.16 and planned land uses, environmental effects, energy efficiency, national transportation  
39.17 policies and priorities, and availability of federal and other financial assistance;

39.18 (3) based upon the statewide transportation plan, develop statewide transportation  
39.19 priorities and schedule authorized public capital improvements and other authorized  
39.20 public transportation expenditures pursuant to the priorities. As permitted by the federal  
39.21 surface transportation program and subject to available funding, the commissioner shall  
39.22 give serious consideration to prioritizing for funding those trunk highway projects in  
39.23 the metropolitan area, as defined in section 473.121, subdivision 2, that are consistent  
39.24 with policies included in the Metropolitan Council's metropolitan development guide,  
39.25 transportation policy plan, and regional development framework, and that have been  
39.26 awarded funding through the federal surface transportation program. In responding to an  
39.27 unforeseen, catastrophic event affecting the state transportation system, the commissioner  
39.28 may, upon written notification to the chairs of the senate and house of representatives  
39.29 committees with jurisdiction over transportation policy and finance, prioritize projects  
39.30 without regard to availability of federal funding; and

39.31 (4) complete the plan and priorities required by this subdivision no later than July  
39.32 1, 1978. Upon completion of the plan and priorities, the commissioner shall prepare  
39.33 and periodically revise, as necessary, the schedule of authorized public transportation  
39.34 expenditures. The plan, priorities, and schedule are exempt from the provisions of the  
39.35 Administrative Procedure Act.

39.36 **EFFECTIVE DATE.** This section is effective January 1, 2009.

40.1 Sec. 66. Minnesota Statutes 2006, section 174.03, is amended by adding a subdivision  
40.2 to read:

40.3 Subd. 1b. **Statewide freight and passenger rail plan.** (a) The commissioner  
40.4 shall develop a comprehensive statewide freight and passenger rail plan to be included  
40.5 and revised as a part of the statewide transportation plan.

40.6 (b) Before the initial version of the plan is adopted, the commissioner shall provide a  
40.7 copy for review and comment to the chairs and ranking minority members of the senate  
40.8 and house of representatives committees with jurisdiction over transportation policy and  
40.9 finance. Notwithstanding paragraph (a), the commissioner may adopt the next revision  
40.10 of the statewide transportation plan, scheduled to be completed in calendar year 2009,  
40.11 prior to completion of the initial version of the comprehensive statewide freight and  
40.12 passenger rail plan.

40.13 Sec. 67. Minnesota Statutes 2006, section 174.24, is amended by adding a subdivision  
40.14 to read:

40.15 Subd. 1a. **Transit service needs implementation plan.** The commissioner shall  
40.16 develop a transit service needs implementation plan that contains a goal of meeting at  
40.17 least 80 percent of unmet transit service needs in greater Minnesota by July 1, 2015,  
40.18 and meeting at least 90 percent of unmet transit service needs in greater Minnesota by  
40.19 July 1, 2025. The plan must include, but is not limited to, the following: an analysis of  
40.20 ridership and transit service needs throughout greater Minnesota; a calculation of unmet  
40.21 needs; an assessment of the level and type of service required to meet unmet needs; an  
40.22 analysis of costs and revenue options; and, a plan to reduce unmet transit service needs as  
40.23 specified in this subdivision. The plan must specifically address special transportation  
40.24 service ridership and needs. The commissioner may amend the plan as necessary, and  
40.25 may use all or part of the 2001 greater Minnesota public transportation plan created by the  
40.26 Minnesota Department of Transportation.

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

40.28 Sec. 68. **[174.247] ANNUAL TRANSIT REPORT.**

40.29 (a) By February 15 annually, the commissioner shall submit a report to the legislature  
40.30 on transit services outside the metropolitan area. The Metropolitan Council and any  
40.31 public transit system receiving assistance under section 174.24 shall provide assistance  
40.32 in creating the report, as requested by the commissioner.

40.33 (b) The report must include, at a minimum, the following:

40.34 (1) a descriptive overview of public transit in Minnesota;

- 41.1 (2) a descriptive summary of funding sources and assistance programs;  
41.2 (3) a summary of each public transit system receiving assistance under section  
41.3 174.24;  
41.4 (4) data that identifies use of volunteers in providing transit service;  
41.5 (5) financial data that identifies operating and capital costs, and funding sources,  
41.6 for each public transit system and for each transit system classification under section  
41.7 174.24, subdivision 3b; and  
41.8 (6) in each odd-numbered year, beginning in 2009, a calculation of the amounts of  
41.9 surplus or insufficient funds available for (i) paying the state share of transit operating  
41.10 costs under section 174.24, subdivision 3b, and (ii) paying capital and operating costs to  
41.11 fully implement the transit service needs implementation plan under section 147.24,  
41.12 subdivision 1a.

41.13 **EFFECTIVE DATE.** This section is effective January 1, 2009.

41.14 Sec. 69. **[174.37] ADVISORY COMMITTEE ON NONMOTORIZED**  
41.15 **TRANSPORTATION.**

41.16 Subdivision 1. **Purpose.** (a) The commissioner of transportation shall establish  
41.17 an advisory committee on nonmotorized transportation. The committee shall make  
41.18 recommendations to the commissioner on items related to nonmotorized transportation,  
41.19 including safety, education, and development programs. The committee shall review and  
41.20 analyze issues and needs relating to operating nonmotorized transportation on public  
41.21 rights-of-way, and identify solutions and goals for addressing identified issues and needs.

41.22 (b) For purposes of this section, "nonmotorized transportation" includes bicycling,  
41.23 pedestrian activities, and other forms of nonmotorized transportation.

41.24 Subd. 2. **Members.** The advisory committee must consist of the following members:

41.25 (a) The commissioner of transportation shall appoint up to 18 public members, as  
41.26 follows: one member from each of the department's seven greater Minnesota districts;  
41.27 four members from the department's metropolitan district; and no more than seven  
41.28 members at large. Each of the members at large must represent nonmotorized interests or  
41.29 organizations.

41.30 (b) The commissioners of each of the following state agencies shall appoint  
41.31 an employee of the agency to serve as a member: administration, education, health,  
41.32 natural resources, public safety, transportation, and pollution control. The chair of the  
41.33 Metropolitan Council shall appoint an employee of the council to serve as a member. The  
41.34 director of Explore Minnesota Tourism shall appoint an employee of the agency to serve

42.1 as a member. The division administrator of the Federal Highway Administration may  
42.2 appoint an employee of the agency to serve as a member.

42.3 (c) Members of the committee shall serve four-year terms.

42.4 Subd. 3. **Meetings.** The commissioner of transportation's designee shall convene the  
42.5 first meeting by January 15, 2009. The committee shall elect a chair from its membership,  
42.6 and shall establish a meeting schedule and meet at least annually.

42.7 Subd. 4. **Reports.** The committee shall issue an annual report to the commissioner  
42.8 of transportation.

42.9 Subd. 5. **Expenses.** Members of the advisory committee serve without  
42.10 compensation, but members who are not employees of government agencies must  
42.11 be reimbursed for expenses in the same manner and amount as authorized by the  
42.12 commissioner's plan adopted under section 43A.18, subdivision 2. The commissioner of  
42.13 transportation shall provide department staff support to the committee.

42.14 Subd. 6. **Expiration.** Notwithstanding section 15.059, subdivision 5, the committee  
42.15 expires June 30, 2014.

42.16 Sec. 70. Minnesota Statutes 2006, section 221.011, is amended by adding a subdivision  
42.17 to read:

42.18 Subd. 50. **Out-of-service order.** "Out-of-service order" has the meaning given it in  
42.19 Code of Federal Regulations, title 49, section 383.5.

42.20 Sec. 71. Minnesota Statutes 2006, section 221.031, subdivision 1, is amended to read:

42.21 Subdivision 1. **Powers, duties, reports, limitations.** (a) This subdivision applies to  
42.22 motor carriers engaged in intrastate commerce.

42.23 (b) The commissioner shall prescribe rules for the operation of motor carriers,  
42.24 including their facilities; accounts; leasing of vehicles and drivers; service; safe operation  
42.25 of vehicles; equipment, parts, and accessories; hours of service of drivers; driver  
42.26 qualifications; accident reporting; identification of vehicles; installation of safety devices;  
42.27 inspection, repair, and maintenance; and proper automatic speed regulators if, in the  
42.28 opinion of the commissioner, there is a need for the rules.

42.29 (c) The commissioner shall direct the repair and reconstruction or replacement of  
42.30 an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require  
42.31 the construction and maintenance or furnishing of suitable and proper freight terminals,  
42.32 passenger depots, waiting rooms, and accommodations or shelters in a city in this state or

43.1 at a point on the highway traversed which the commissioner, after investigation by the  
43.2 department, may deem just and proper for the protection of passengers or property.

43.3 (d) The commissioner shall require holders of household goods mover permits to file  
43.4 ~~annual and other reports including annual accounts of motor carriers,~~ schedules of rates  
43.5 and charges, or other data by motor carriers, regulate motor carriers in matters affecting  
43.6 the relationship between them and the traveling and shipping public, and prescribe other  
43.7 rules as may be necessary to carry out the provisions of this chapter.

43.8 (e) ~~A motor carrier subject to paragraph (d) but having gross revenues from for-hire~~  
43.9 ~~transportation in a calendar year of less than \$200,000 may, at the discretion of the~~  
43.10 ~~commissioner, be exempted from the filing of an annual report, if instead the motor carrier~~  
43.11 ~~files an abbreviated annual report, in a form as may be prescribed by the commissioner,~~  
43.12 ~~attesting that the motor carrier's gross revenues did not exceed \$200,000 in the previous~~  
43.13 ~~calendar year. Motor carrier gross revenues from for-hire transportation, for the purposes~~  
43.14 ~~of this subdivision only, do not include gross revenues received from the operation of~~  
43.15 ~~school buses as defined in section 169.01, subdivision 6.~~

43.16 (f) The commissioner shall enforce sections 169.781 to 169.783.

43.17 Sec. 72. Minnesota Statutes 2006, section 221.036, subdivision 1, is amended to read:

43.18 Subdivision 1. **Order.** The commissioner may issue an order requiring violations  
43.19 to be corrected and administratively assessing monetary penalties for a violation of  
43.20 (1) section 221.021; (2) section 221.033, subdivision 2b; (3) section 221.151; (4)  
43.21 section 221.171; (5) section 221.141; (6) a federal, state, or local law, regulation, rule,  
43.22 or ordinance pertaining to railroad-highway grade crossings; or ~~(6)~~ (7) rules of the  
43.23 commissioner relating to the transportation of hazardous waste, motor carrier operations,  
43.24 insurance, or tariffs and accounting. An order must be issued as provided in this section.

43.25 Sec. 73. Minnesota Statutes 2006, section 221.036, subdivision 3, is amended to read:

43.26 Subd. 3. **Amount of penalty; considerations.** (a) The commissioner may issue an  
43.27 order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.141;  
43.28 221.151; or 221.171, or rules of the commissioner relating to motor carrier operations,  
43.29 insurance, or tariffs and accounting, identified during a single inspection, audit, or  
43.30 investigation.

43.31 (b) The commissioner may issue an order assessing a penalty up to a maximum of  
43.32 \$10,000 for all violations of section 221.033, subdivision 2b, identified during a single  
43.33 inspection or audit.

43.34 (c) In determining the amount of a penalty, the commissioner shall consider:

- 44.1 (1) the willfulness of the violation;
- 44.2 (2) the gravity of the violation, including damage to humans, animals, air, water,
- 44.3 land, or other natural resources of the state;
- 44.4 (3) the history of past violations, including the similarity of the most recent violation
- 44.5 and the violation to be penalized, the time elapsed since the last violation, the number of
- 44.6 previous violations, and the response of the person to the most recent violation identified;
- 44.7 (4) the economic benefit gained by the person by allowing or committing the
- 44.8 violation; and
- 44.9 (5) other factors as justice may require, if the commissioner specifically identifies
- 44.10 the additional factors in the commissioner's order.

44.11 (d) ~~The commissioner shall assess a penalty of not less than \$1,000 against a driver~~

44.12 ~~who is convicted of a violation of an out-of-service order. The commissioner shall assess~~

44.13 ~~a penalty of not more than \$10,000 against an employer who knowingly allows or requires~~

44.14 ~~an employee to operate a commercial motor vehicle in violation of an out-of-service order.~~

44.15 in accordance with Code of Federal Regulations, title 49, section 383.53 against:

- 44.16 (1) a driver who is convicted of a violation of an out-of-service order;
- 44.17 (2) an employer who knowingly allows or requires an employee to operate a
- 44.18 commercial motor vehicle in violation of an out-of-service order; or
- 44.19 (3) an employer who knowingly allows or requires an employee to operate a
- 44.20 commercial motor vehicle in violation of a federal, state, or local law or regulation
- 44.21 pertaining to railroad-highway grade crossings.

44.22 Sec. 74. Minnesota Statutes 2006, section 221.121, subdivision 1, is amended to read:

44.23 Subdivision 1. **Petition; ~~notice and hearing~~; scope.** (a) A person desiring to operate

44.24 as a permit carrier, except as provided in subdivision 5 or section 221.296, shall file a

44.25 petition with the commissioner specifying the kind of permit desired, the name and address

44.26 of the petitioner and the names and addresses of the officers, if a corporation, and other

44.27 information as the commissioner may require. Letters of shipper support must be filed with

44.28 the petition. No person shall knowingly make a false or misleading statement in a petition.

44.29 (b) ~~The commissioner, after notice to interested parties and a hearing,~~ shall issue the

44.30 permit upon compliance with the laws and rules relating to it, if it finds that petitioner is

44.31 fit and able to conduct the proposed operations, that petitioner's vehicles meet the safety

44.32 standards established by the department, ~~that the area to be served has a need for the~~

44.33 ~~transportation services requested in the petition, and that existing permit and certificated~~

44.34 ~~carriers in the area to be served have failed to demonstrate that they offer sufficient~~

44.35 ~~transportation services to meet fully and adequately those needs,~~ provided that no person

45.1 who holds a permit at the time sections 221.011 to 221.291 take effect may be denied  
45.2 a renewal of the permit upon compliance with other provisions of sections 221.011 to  
45.3 221.291.

45.4 (c) A permit once granted continues in full force and effect until abandoned or unless  
45.5 suspended or revoked, subject to compliance by the permit holder with the applicable  
45.6 provisions of law and the rules of the commissioner governing permit carriers.

45.7 (d) No permit may be issued to a common carrier by rail permitting the common  
45.8 carrier to operate trucks for hire within this state, nor may a common carrier by rail be  
45.9 permitted to own, lease, operate, control, or have an interest in a permit carrier by truck,  
45.10 either by stock ownership or otherwise, directly, indirectly, through a holding company,  
45.11 or by stockholders or directors in common, or in any other manner. Nothing in sections  
45.12 221.011 to 221.291 prevents the commissioner from issuing a permit to a common carrier  
45.13 by rail authorizing the carrier to operate trucks wholly within the limits of a municipality or  
45.14 within adjacent or contiguous municipalities or a common rate point served by the railroad  
45.15 and only as a service supplementary to the rail service now established by the carriers.

45.16 Sec. 75. Minnesota Statutes 2006, section 221.121, subdivision 6a, is amended to read:

45.17 Subd. 6a. **Household goods carrier.** A person who desires to hold out or to operate  
45.18 as a carrier of household goods shall ~~follow the procedure established in subdivision 1,~~  
45.19 ~~and shall specifically request a household goods mover permit. The permit granted by~~  
45.20 ~~the commissioner to a person who meets the criteria established in this subdivision and~~  
45.21 ~~subdivision 1 shall authorize the person to hold out and to operate as a household goods~~  
45.22 ~~mover. A person who provides or offers to provide household goods packing services~~  
45.23 ~~and who makes any arrangement directly or indirectly by lease, rental, referral, or by~~  
45.24 ~~other means to provide or to obtain drivers, vehicles, or transportation service for moving~~  
45.25 ~~household goods, must have a household goods mover permit file an application with~~  
45.26 ~~the commissioner on a form the commissioner prescribes. Notwithstanding this or any~~  
45.27 ~~other section or rule to the contrary, the commissioner must not provide public notice~~  
45.28 ~~or hearing when reviewing the application or before granting the requested operating~~  
45.29 ~~authority. All permits granted to household goods carriers must allow statewide operation.~~  
45.30 ~~Notwithstanding any geographical restrictions imposed upon a permit at the time it was~~  
45.31 ~~granted or any section or rule to the contrary, the holder of a household goods permit may~~  
45.32 ~~operate statewide.~~

45.33 Sec. 76. Minnesota Statutes 2006, section 221.151, subdivision 1, is amended to read:

46.1 Subdivision 1. **Petition.** (a) Permits, except livestock permits, issued under section  
46.2 221.121 may be assigned or transferred but only upon the order of the commissioner  
46.3 approving the transfer or assignment after notice and hearing.

46.4 (b) The proposed seller and buyer or lessor and lessee of a permit, except for  
46.5 livestock carrier permits, shall file a joint notarized petition with the commissioner setting  
46.6 forth the name and address of the parties, the identifying number of the permit, and the  
46.7 description of the authority which the parties seek to sell or lease, a short statement of  
46.8 the reasons for the proposed sale or lease, a statement of outstanding claims of creditors  
46.9 which are directly attributable to the operation to be conducted under the permit, a copy of  
46.10 the contract of sale or lease, and a financial statement with a balance sheet and an income  
46.11 statement, if existent, of the buyer or lessee. If it appears to the commissioner, ~~after notice~~  
46.12 ~~to interested parties and a hearing,~~ from the contents of the petition, ~~from the evidence~~  
46.13 ~~produced at the hearing,~~ and from the department's records, files, and investigation that  
46.14 the approval of the sale or lease of the permit will not adversely affect the rights of the  
46.15 users of the service ~~and will not have an adverse effect upon other competing carriers,~~  
46.16 the commissioner may make an order granting the sale or lease. Provided, however, that  
46.17 the commissioner shall make no order granting the sale or lease of a permit to a person  
46.18 or corporation or association which holds a certificate or permit other than local cartage  
46.19 carrier permit from the commissioner under this chapter or to a common carrier by rail.

46.20 ~~Provided further that the commissioner shall make no order approving the sale or~~  
46.21 ~~lease of a permit if the commissioner finds that the price paid for the sale or lease of a~~  
46.22 ~~permit is disproportionate to the reasonable value of the permit considering the assets and~~  
46.23 ~~goodwill involved. The commissioner shall approve the sale or lease of a permit only after~~  
46.24 ~~a finding that the transferee is fit and able to conduct the operations authorized under the~~  
46.25 ~~permit and that the vehicles the transferee proposes to use in conducting the operations~~  
46.26 ~~meet the safety standards of the commissioner. In determining the extent of the operating~~  
46.27 ~~authority to be conducted by the transferee under the sale or lease of the permit, the past~~  
46.28 ~~operations of the transferor within the two-year period immediately preceding the transfer~~  
46.29 ~~must be considered. Only such operating authority may be granted to the transferee as was~~  
46.30 ~~actually exercised by the transferor under the transferor's authority within the two-year~~  
46.31 ~~period immediately preceding the transfer as evidenced by bills of lading, company~~  
46.32 ~~records, operation records, or other relevant evidence. For purposes of determining the~~  
46.33 ~~two-year period, the date of divesting of interest or control is the date of the sale.~~

46.34 (c) The commissioner shall look to the substance of the transaction rather than the  
46.35 form. An agreement for the transfer or sale of a permit must be reported and filed with the  
46.36 commissioner within 30 days of the agreement.

47.1           (d) If an authority to operate as a permit carrier is held by a corporation, a sale,  
47.2 assignment, pledge, or other transfer of the stock interest in the corporation which will  
47.3 accomplish a substantial or material change or transfer of the majority ownership of  
47.4 the corporation, as exercised through its stockholders, must be reported in the manner  
47.5 prescribed in the rules of the commissioner within 30 days after the sale, assignment,  
47.6 pledge, or other transfer of stock. The commissioner shall then make a finding whether or  
47.7 not the stock transfer does, in fact, constitute a sale, lease, or other transfer of the permit of  
47.8 the corporation to a new party or parties and, if they so find, then the continuance of the  
47.9 permit issued to the corporation may only be upon the corporation's complying with the  
47.10 standards and procedures otherwise imposed by this section.

47.11           Sec. 77. Minnesota Statutes 2006, section 221.221, subdivision 2, is amended to read:

47.12           Subd. 2. **Enforcement powers.** (a) Transportation program specialists and  
47.13 hazardous material program specialists of the department, for the purpose of enforcing are  
47.14 authorized to enforce (1) this chapter, sections 169.781 to 169.783 relating to commercial  
47.15 vehicle inspections, and sections 168D.05 and 168D.12 relating to motor carrier licenses  
47.16 and trip permits, (2) Code of Federal Regulations, title 49, parts 40 and 382, ~~and~~ (3)  
47.17 the applicable rules, orders, or directives of the commissioner of transportation and the  
47.18 commissioner of revenue, issued under this chapter and chapter 168D or 296A, ~~but for~~  
47.19 ~~no other purpose, have the powers conferred by law upon police officers. The powers~~  
47.20 ~~include the authority to~~ and (4) the North American Uniform Out-Of-Service Criteria,  
47.21 including issuing out-of-service orders, as defined in Code of Federal Regulations, title 49,  
47.22 section 383.5, and they may conduct inspections at designated highway weigh stations  
47.23 or under other appropriate circumstances.

47.24           (b) Transportation program specialists and hazardous material program specialists  
47.25 of the department must not be armed and, except as provided in this section, have none  
47.26 of the other powers and privileges reserved to peace officers, including the power to  
47.27 enforce traffic laws and regulations.

47.28           Sec. 78. Minnesota Statutes 2006, section 222.50, subdivision 7, is amended to read:

47.29           Subd. 7. **Expenditures.** (a) The commissioner may expend money from the rail  
47.30 service improvement account for the following purposes:

47.31           (1) to make transfers as provided under section 222.57 or to pay interest adjustments  
47.32 on loans guaranteed under the state rail user and rail carrier loan guarantee program;

47.33           (2) to pay a portion of the costs of capital improvement projects designed to improve  
47.34 rail service including construction or improvement of short segments of rail line such

48.1 as side track, team track, and connections between existing lines, and construction and  
48.2 improvement of loading, unloading, storage, and transfer facilities of a rail user;

48.3 (3) to acquire, maintain, manage, and dispose of railroad right-of-way pursuant to  
48.4 the state rail bank program;

48.5 (4) to provide for aerial photography survey of proposed and abandoned railroad  
48.6 tracks for the purpose of recording and reestablishing by analytical triangulation the  
48.7 existing alignment of the in-place track;

48.8 (5) to pay a portion of the costs of acquiring a rail line by a regional railroad  
48.9 authority established pursuant to chapter 398A;

48.10 (6) to pay the state matching portion of federal grants for rail-highway grade  
48.11 crossing improvement projects; and

48.12 (7) to fund rail planning studies.

48.13 (b) All money derived by the commissioner from the disposition of railroad  
48.14 right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall  
48.15 be deposited in the rail service improvement account.

48.16 Sec. 79. Minnesota Statutes 2006, section 239.791, subdivision 10, is amended to read:

48.17 Subd. 10. **Exemption for airport, marina, mooring facility, and resort.** A person  
48.18 responsible for the product may offer for sale, sell, or dispense at an airport, ~~marina,~~  
48.19 ~~mooring facility, or resort,~~ for use in airplanes ~~or for purposes listed under subdivision~~  
48.20 ~~12, paragraph (a),~~ gasoline that is not oxygenated in accordance with subdivision 1 if the  
48.21 gasoline is unleaded premium grade as defined in section 239.751, subdivision 4.

48.22 Sec. 80. Minnesota Statutes 2006, section 239.791, is amended by adding a subdivision  
48.23 to read:

48.24 Subd. 10a. **Exemption for resorts, marinas, and houseboat rental companies.** A  
48.25 person responsible for the product may offer for sale, sell, or dispense at a resort, marina, or  
48.26 houseboat rental company gasoline that is not oxygenated in accordance with subdivision  
48.27 1 if the gasoline: has an octane rating of 87 or higher; is delivered into onsite bulk storage;  
48.28 and is not used for a licensed motor vehicle as defined in section 168.011, subdivision 4.

48.29 Sec. 81. Minnesota Statutes 2006, section 299D.03, subdivision 1, is amended to read:

48.30 Subdivision 1. **Members, powers, and duties.** (a) The commissioner is hereby  
48.31 authorized to employ and designate a chief supervisor, a chief assistant supervisor, and  
48.32 such assistant supervisors, sergeants and officers as are provided by law, who shall  
48.33 comprise the Minnesota State Patrol.

- 49.1 (b) The members of the Minnesota State Patrol shall have the power and authority:
- 49.2 (1) as peace officers to enforce the provisions of the law relating to the protection of
- 49.3 and use of trunk highways;
- 49.4 (2) at all times to direct all traffic on trunk highways in conformance with law, and in
- 49.5 the event of a fire or other emergency, or to expedite traffic or to insure safety, to direct
- 49.6 traffic on other roads as conditions may require notwithstanding the provisions of law;
- 49.7 (3) to serve search warrants related to criminal motor vehicle and traffic violations
- 49.8 and arrest warrants, and legal documents anywhere in the state;
- 49.9 (4) to serve orders of the commissioner of public safety or the commissioner's duly
- 49.10 authorized agents issued under the provisions of the Driver's License Law, the Safety
- 49.11 Responsibility Act, or relating to authorized brake- and light-testing stations, anywhere
- 49.12 in the state and to take possession of any license, permit, or certificate ordered to be
- 49.13 surrendered;
- 49.14 (5) to inspect official brake and light adjusting stations;
- 49.15 (6) to make appearances anywhere within the state for the purpose of conducting
- 49.16 traffic safety educational programs and school bus clinics;
- 49.17 (7) to exercise upon all trunk highways the same powers with respect to the
- 49.18 enforcement of laws relating to crimes, as sheriffs and police officers;
- 49.19 (8) to cooperate, under instructions and rules of the commissioner of public
- 49.20 safety, with all sheriffs and other police officers anywhere in the state, provided that
- 49.21 said employees shall have no power or authority in connection with strikes or industrial
- 49.22 disputes;
- 49.23 (9) to assist and aid any peace officer whose life or safety is in jeopardy;
- 49.24 (10) as peace officers to provide security and protection to the governor, governor
- 49.25 elect, either or both houses of the legislature, and state buildings or property in the manner
- 49.26 and to the extent determined to be necessary after consultation with the governor, or a
- 49.27 designee. Pursuant to this clause, members of the State Patrol, acting as peace officers
- 49.28 have the same powers with respect to the enforcement of laws relating to crimes, as
- 49.29 sheriffs and police officers have within their respective jurisdictions;
- 49.30 (11) to inspect school buses anywhere in the state for the purposes of determining
- 49.31 compliance with vehicle equipment, pollution control, and registration requirements;
- 49.32 (12) as peace officers to make arrests for public offenses committed in their presence
- 49.33 anywhere within the state. Persons arrested for violations other than traffic violations
- 49.34 shall be referred forthwith to the appropriate local law enforcement agency for further
- 49.35 investigation or disposition-; and

50.1           (13) to enforce the North American uniform out-of-service criteria and issue  
50.2 out-of-service orders, as defined in Code of Federal Regulations, title 49, section 383.5.

50.3           (c) The state may contract for State Patrol members to render the services described  
50.4 in this section in excess of their regularly scheduled duty hours and patrol members  
50.5 rendering such services shall be compensated in such amounts, manner and under such  
50.6 conditions as the agreement provides.

50.7           (d) Employees thus employed and designated shall subscribe an oath.

50.8           Sec. 82. Minnesota Statutes 2006, section 299D.06, is amended to read:

50.9           **299D.06 PATROL EMPLOYEES WHO ARE NOT TROOPERS.**

50.10          (a) Department personnel must be classified employees assigned to the Division of  
50.11 State Patrol if they are employed to enforce:

50.12           (1) laws relating to motor vehicle equipment; school bus equipment; drivers'  
50.13 licenses; motor vehicle registration; motor vehicle size and weight; motor carrier  
50.14 insurance, registration, and safety; and motor vehicle petroleum taxes;

50.15           (2) Pollution Control Agency rules relating to motor vehicle noise abatement; ~~and~~

50.16           (3) laws relating to directing the movement of vehicles; and

50.17           (4) the North American uniform out-of-service criteria and issue out-of-service  
50.18 orders, as defined in Code of Federal Regulations, title 49, section 383.5.

50.19          (b) Employees engaged in these duties, while actually on the job during their  
50.20 working hours only, shall have power to:

50.21           (1) issue citations in lieu of arrest and continued detention; and

50.22           (2) prepare notices to appear in court for violation of these laws and rules, in the  
50.23 manner provided in section 169.91, subdivision 3.

50.24          (c) They shall not be armed and, except as provided in this section, shall have none  
50.25 of the other powers and privileges reserved to peace officers including the power to  
50.26 enforce traffic laws and regulations.

50.27           Sec. 83. Minnesota Statutes 2006, section 465.74, is amended by adding a subdivision  
50.28 to read:

50.29           Subd. 10. Facility relocation costs. Notwithstanding any contrary provisions  
50.30 in section 237.163, and rules adopted under that section, public right-of-way users  
50.31 under Minnesota Rules, chapter 7819, including, but not limited to, district heating and  
50.32 district cooling nonprofit corporations organized under chapter 317A that are exempt  
50.33 organizations under section 501(c)(3) of the United States Internal Revenue Code, are  
50.34 eligible to receive grants and federal money for costs of relocating facilities from public

51.1 rights-of-way to prevent interference with public light rail projects, unless eligibility  
51.2 would impact the project's Federal Transit Authority required cost effectiveness index.

51.3 Sec. 84. Minnesota Statutes 2006, section 473.13, subdivision 1a, is amended to read:

51.4 Subd. 1a. **Program evaluation.** The budget procedure of the council must include a  
51.5 substantive assessment and evaluation of the effectiveness of each significant program of  
51.6 the council, with, to the extent possible, quantitative information on the status, progress,  
51.7 costs, benefits, and effects of each program. An assessment of progress towards meeting  
51.8 transit goals for people with disabilities must be included, with required elements  
51.9 including, but not limited to:

51.10 (1) a description of proposed program enhancements;

51.11 (2) an assessment of progress;

51.12 (3) identification of the estimated total number of potential and actual riders who are  
51.13 disabled;

51.14 (4) an assessment of the level and type of service required to meet unmet ridership  
51.15 needs; and

51.16 (5) an analysis of costs and revenue options, including a calculation of the amounts  
51.17 of surplus or insufficient funds available for achieving paratransit needs.

51.18 The council shall transmit the evaluation to the legislature annually.

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

51.20 Sec. 85. Minnesota Statutes 2006, section 473.399, is amended by adding a subdivision  
51.21 to read:

51.22 Subd. 5. **Availability of light rail transit information.** The Metropolitan Council  
51.23 shall maintain in a centralized location on an Internet Web site, for each light rail transit  
51.24 line operated by the council and for each year of operation of the line:

51.25 (1) financial data, including revenue by source and operating and capital expenses;  
51.26 and

51.27 (2) ridership information, including ridership and passenger miles.

51.28 Sec. 86. Laws 1976, chapter 199, section 14, subdivision 1, as amended by Laws 1984,  
51.29 chapter 572, section 3, subdivision 1, is amended to read:

51.30 Subdivision 1. **Safety regulation study.** The commissioner of transportation, with  
51.31 the cooperation of representatives of regional and local units of government and law  
51.32 enforcement agencies, the state trail council, the Governor's trail advisory committee, the  
51.33 commissioner of public safety, highway user groups and associations, and cycling groups

52.1 and associations shall review and analyze problems relating to the operation of bicycles on  
52.2 the public roads and ways.

52.3 As part of this review and analysis the commissioner shall review the Minnesota  
52.4 motor vehicle code to identify provisions which give motorists and bicyclists inadequate  
52.5 guidelines where such traffic conflicts or which may be inconsistent or ambiguous when  
52.6 applied to traffic situations involving special bicycle facilities within or adjacent to public  
52.7 streets and highways.

52.8 No later than January 15, 1977 the commissioner shall report the results of this  
52.9 review and analysis and recommendations for any necessary action to the legislative  
52.10 committees having jurisdiction over the subject.

52.11 ~~Following the completion of the study the advisory committee on bicycling formed~~  
52.12 ~~by the commissioner under this subdivision shall continue to function under that name in~~  
52.13 ~~an advisory capacity to make recommendations to the commissioners of transportation and~~  
52.14 ~~public safety and the legislature on bicycle safety and bicycle education and development~~  
52.15 ~~programs.~~

52.16 Sec. 87. **ENGINE BRAKES; REGULATION BY MINNEAPOLIS.**

52.17 Notwithstanding any other law or charter provision, the governing body of the city  
52.18 of Minneapolis may by ordinance restrict or prohibit the use of an engine brake on motor  
52.19 vehicles along Legislative Route No. 107, also known as marked Interstate Highway 394,  
52.20 beginning at the South Penn Avenue interchange in the city of Minneapolis and thence  
52.21 extending easterly to the terminus of marked Interstate Highway 394. Upon notification  
52.22 to the commissioner of transportation by the city of Minneapolis, the commissioner of  
52.23 transportation shall erect the appropriate signs, with the cost of the signs to be paid by the  
52.24 city. For purposes of this section, "engine brake" means any device that uses the engine  
52.25 and transmission to impede the forward motion of the motor vehicle by compression  
52.26 of the engine.

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

52.28 Sec. 88. **LITTLE CROW TRANSIT WAY.**

52.29 The commissioner of transportation and the Metropolitan Council shall reference in  
52.30 planning or study documents any commuter rail or other transit service proposal along  
52.31 or near marked Trunk Highway 12 between Willmar and downtown Minneapolis as the  
52.32 Little Crow transit way.

52.33 Sec. 89. **HIGHWAY CHANGES; REPEALERS; EFFECTIVE DATES;**  
52.34 **REVISOR INSTRUCTIONS.**

53.1 Subdivision 1. **Legislative Route No. 295 removed.** (a) Minnesota Statutes 2006,  
53.2 section 161.115, subdivision 226, is repealed effective the day after the commissioner of  
53.3 transportation receives a copy of the agreement between the commissioner and the city of  
53.4 St. Peter to transfer jurisdiction of Legislative Route No. 295 to the city of St. Peter and  
53.5 notifies the revisor of statutes under paragraph (b).

53.6 (b) The revisor of statutes shall delete the route identified in paragraph (a) from  
53.7 Minnesota Statutes when the commissioner of transportation sends notice to the revisor in  
53.8 writing that the conditions required to transfer the route are satisfied.

53.9 Subd. 2. **Legislative Route No. 335 removed.** (a) Minnesota Statutes 2006,  
53.10 section 161.115, subdivision 266, is repealed effective the day after the commissioner of  
53.11 transportation receives a copy of the agreement between the commissioner and the city of  
53.12 St. Peter to transfer jurisdiction of Legislative Route No. 335 to the city of St. Peter and  
53.13 notifies the revisor of statutes under paragraph (b).

53.14 (b) The revisor of statutes shall delete the route identified in paragraph (a) from  
53.15 Minnesota Statutes when the commissioner of transportation sends notice to the revisor in  
53.16 writing that the conditions required to transfer the route are satisfied.

53.17 Sec. 90. **RIGHT-OF-WAY TRANSFERRED TO STATE RAIL BANK.**

53.18 (a) Notwithstanding Minnesota Statutes, section 16B.281, 16B.282, 92.45, or any  
53.19 other law to the contrary, the trunk highway right-of-way described in paragraph (b) is  
53.20 hereby transferred to the state rail bank under Minnesota Statutes, section 222.63, being  
53.21 a certain parcel of land located in the county of Otter Tail, state of Minnesota, being  
53.22 more particularly described in paragraph (b).

53.23 (b) All of Tracts A, B, and C described below:

53.24 TRACT A

53.25 That part of Government Lot 1 of Section 12, Township 132 North, Range  
53.26 43 West, Otter Tail County, Minnesota, lying Northeasterly of the former  
53.27 Southwesterly right-of-way line of the BNSF Railway Company (formerly the  
53.28 St. Paul, Minneapolis and Manitoba Railway Company);

53.29 TRACT B

53.30 A strip of land 150 feet in width, being 75 feet on each side of the former  
53.31 centerline of the BNSF Railway Company (formerly the St. Paul, Minneapolis  
53.32 and Manitoba Railway Company) across the SW1/4NW1/4 of Section 12,  
53.33 Township 132 North, Range 43 West, Otter Tail County, Minnesota, said strip  
53.34 extending from the South line to the West line of said SW1/4NW1/4; together  
53.35 with that part of said SW1/4NW1/4 adjoining and Westerly of the above

54.1 described strip and Easterly of the Easterly right-of-way line of said railroad  
54.2 company as located prior to 1888;

54.3 TRACT C

54.4 A strip of land 100 feet in width, being 50 feet on each side of the former  
54.5 centerline of the BNSF Railway Company (formerly the St. Paul, Minneapolis  
54.6 and Manitoba Railway Company) across the E1/2NE1/4 of Section 11,  
54.7 Township 132 North, Range 43 West, Otter Tail County, Minnesota, said strip  
54.8 extending from the East to the North line of said E1/2NE1/4;

54.9 together with that part of Tract D described below:

54.10 TRACT D

54.11 A strip of land 100 feet in width, being 50 feet on each side of the former  
54.12 centerline of the BNSF Railway Company (formerly the St. Paul, Minneapolis  
54.13 and Manitoba Railway Company) across the E1/2 of Section 2, Township 132  
54.14 North, Range 43 West, Otter Tail County, Minnesota;

54.15 which lies Southeasterly of a line run parallel with and distant 135 feet Southeasterly of  
54.16 Line 1 described below:

54.17 LINE 1.

54.18 Beginning at a point on the North and South Quarter line of said Section 2,  
54.19 distant 1,060.11 feet North of the South Quarter corner thereof; thence run  
54.20 Northeasterly at an angle of 72°36'15" (measured from North to East) from said  
54.21 North and South Quarter line for 1,600 feet and there terminating;

54.22 together with all right of access, being the right of ingress to and egress from that part of  
54.23 Tract D hereinbefore described, not acquired herein, to the above described strip.

54.24 **Sec. 91. BRIDGE INFRASTRUCTURE PLANNING.**

54.25 Subdivision 1. **Trunk highway bridge improvements.** In conjunction with the  
54.26 planning or design for construction, reconstruction, or replacement of a trunk highway  
54.27 bridge in the metropolitan area, within the meaning of Minnesota Statutes, section 473.121,  
54.28 the commissioner of transportation shall consult with the chair of the Metropolitan Council  
54.29 to identify necessary or feasible transit infrastructure and improvements in the corridor.

54.30 Subd. 2. **Planning and development.** The commissioner and the chair shall  
54.31 develop a process to coordinate planning and development of highway and transit projects  
54.32 to enhance the efficient use of resources, facilitate selection of appropriate infrastructure  
54.33 choices, and provide a balanced transportation system for the metropolitan area.

54.34 **Sec. 92. CREATION OF PLAN, REPORTS, AND ASSESSMENTS.**

55.1 The Department of Transportation and the Metropolitan Council shall create the  
55.2 plan, reports, and assessments required in Minnesota Statutes, sections 174.24, subdivision  
55.3 1a; 174.247; and 473.13, subdivision 1a, within current appropriation levels.

55.4 Sec. 93. **REPORT ON OFFICE OF PUPIL TRANSPORTATION SAFETY.**

55.5 By January 15, 2009, the commissioner of public safety and the director of pupil  
55.6 transportation safety must report to the chairs and ranking minority members of the  
55.7 senate and house of representatives committees with jurisdiction over transportation  
55.8 and education policy and finance concerning the Office of Pupil Transportation Safety,  
55.9 including adequacy of funding, staffing levels, available technology to carry out the  
55.10 requirements of Minnesota Statutes, section 169.435, and any recommended legislation to  
55.11 improve the ability of the pupil transportation safety director to perform statutory duties.

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

55.13 Sec. 94. **COMPLETE STREETS.**

55.14 The commissioner of transportation, in cooperation with the Metropolitan Council  
55.15 and representatives of counties, statutory and home rule charter cities, and towns, shall  
55.16 study the benefits, feasibility, and cost of adopting a complete streets policy applicable to  
55.17 plans to construct, reconstruct, and relocate streets and roads that includes the following  
55.18 elements:

55.19 (1) safe access for all users, including pedestrians, bicyclists, motorists, and transit  
55.20 riders;

55.21 (2) bicycle and pedestrian ways in urbanized areas except where bicyclists and  
55.22 pedestrians are prohibited by law, where costs would be excessively disproportionate, and  
55.23 where there is no need for bicycle and pedestrian ways;

55.24 (3) paved shoulders on rural roads;

55.25 (4) safe pedestrian travel, including for people with disabilities, on sidewalks and  
55.26 street crossings;

55.27 (5) utilization of the latest and best design standards; and

55.28 (6) consistency of complete streets plan with community context.

55.29 The commissioner shall report findings, conclusions, and recommendations to  
55.30 the senate Transportation Budget and Policy Division and the house of representatives  
55.31 Transportation Finance Division and Transportation and Transit Policy Subcommittee by  
55.32 December 5, 2009.

55.33 Sec. 95. **APPROPRIATION.**

56.1 \$575,000 is appropriated from the trunk highway fund to the commissioner of public  
56.2 safety in fiscal year 2009 to implement and operate the Office of Pupil Transportation  
56.3 Safety.

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

56.5 Sec. 96. **REVISOR'S INSTRUCTION.**

56.6 The revisor of statutes shall change the terms "type III school bus," "type III bus," and  
56.7 "type III Head Start bus" to "type III vehicle," and the terms "type III school buses," "type  
56.8 III buses," and "type III Head Start buses" to "type III vehicles," in Minnesota Statutes,  
56.9 chapters 169, 169A, and 171, and in Minnesota Rules, parts 7470.1400 and 7470.1500.

56.10 Sec. 97. **REPEALER.**

56.11 Minnesota Statutes 2006, sections 168.123, subdivision 2a; 168B.087, subdivision  
56.12 2; 169.145; 169.446, subdivision 3; and 221.121, subdivision 4, are repealed.

## 56.13 **ARTICLE 2**

### 56.14 **RAILWAY WALKWAY SAFETY**

56.15 Section 1. **[219.501] RAIL CARRIER WALKWAYS.**

56.16 Subdivision 1. **Duty to provide walkways.** (a) Rail carriers must provide walkways  
56.17 adjacent to those portions of yard tracks where rail carrier employees frequently work on  
56.18 the ground performing switching activities. For purposes of this section, "frequently  
56.19 work" means at least five days per week, one shift per day.

56.20 (b) This section applies to reconstruction and new construction of yard track  
56.21 completed after July 1, 2008.

56.22 (c) This section does not apply to an entity that owns or operates track in this state  
56.23 other than class one and class two rail carriers as classified by the Federal Railroad  
56.24 Administration.

56.25 Subd. 2. **General requirements.** (a) Walkways constructed pursuant to this section  
56.26 may be surfaced with asphalt, concrete, planking, grating, native material, crushed  
56.27 material, or other similar nonrevenue material. When crushed material is used, 100  
56.28 percent of the material must be capable of passing through a 1-1/2-inch square sieve  
56.29 opening, and at least 90 percent of the material must be capable of passing through  
56.30 a one-inch square sieve opening provided, however, a de minimus variation is not a  
56.31 violation of this section where the rail carrier has made a good faith effort to comply with  
56.32 the percentage requirements. Smaller crushed material is preferable, where drainage

57.1 and durability issues do not arise. Material that is three-quarter inch or less in size is  
57.2 recommended for switching lead tracks.

57.3 (b) Walkways must have a reasonably uniform surface and must be maintained in a  
57.4 safe condition without compromising track drainage.

57.5 (c) Cross slopes for walkways must not exceed one inch of elevation for each eight  
57.6 inches of horizontal length in any direction.

57.7 (d) Walkways must be a minimum width of two feet.

57.8 (e) Walkways regulated under this section must be kept reasonably clear of spilled  
57.9 fuel, oil, sand, posts, rocks, and other hazards or obstructions.

57.10 Subd. 3. **Allowances for unusual conditions.** Rail carriers are not required to  
57.11 comply with the requirements of this section during (1) maintenance activities or any  
57.12 period of heavy rain or snow, derailments, rock and earth slides, washouts, and similar  
57.13 weather or seismic conditions, and (2) during a reasonable period after any occurrences  
57.14 identified in clause (1) in order to allow a return to compliance.

57.15 Subd. 4. **Waiver of requirements.** Upon written request of a rail carrier, the  
57.16 commissioner may waive any portion of this section where conditions do not reasonably  
57.17 allow compliance. A decision of the commissioner is subject to the requirements under  
57.18 section 218.041.

57.19 Sec. 2. Minnesota Statutes 2006, section 219.51, is amended to read:

57.20 **219.51 CLEARANCE VIOLATIONS AND PENALTIES.**

57.21 Subdivision 1. **Clearance Violation.** A common carrier, corporation, or person  
57.22 subject to sections 219.45 to 219.53 violating any of the provisions of those sections, is  
57.23 liable to a penalty of not more than \$500 for each violation.

57.24 Subd. 2. **Failure to correct.** If a common carrier, person, or corporation (1) fails  
57.25 to correct a violation of sections 219.45 to 219.53 when ordered by the commissioner of  
57.26 transportation within the time provided in the order, and (2) does not appeal the order,  
57.27 then failure to correct the violation as ordered by the commissioner constitutes a new and  
57.28 separate offense distinct from the original violation of sections 219.45 to 219.53.

57.29 Subd. 3. **Duties of attorney general.** The penalty must be recovered in a suit  
57.30 brought in the name of the state by the attorney general in a court having jurisdiction in  
57.31 the locality where the violation was committed. Under the direction of the commissioner,  
57.32 the attorney general shall bring suit upon receipt of duly verified information from any  
57.33 person of a violation being committed. The commissioner shall lodge with the attorney  
57.34 general information of any violation as may come to their knowledge.



59.1 35, 46; 171.03; 171.055, subdivision 2; 171.0701; 171.13, subdivision 1, by  
59.2 adding subdivisions; 171.165, subdivision 2; 171.321, subdivision 1; 174.03,  
59.3 subdivision 1, by adding a subdivision; 174.24, by adding a subdivision; 219.51;  
59.4 221.011, by adding a subdivision; 221.031, subdivision 1; 221.036, subdivisions  
59.5 1, 3; 221.121, subdivisions 1, 6a; 221.151, subdivision 1; 221.221, subdivision  
59.6 2; 222.50, subdivision 7; 239.791, subdivision 10, by adding a subdivision;  
59.7 299D.03, subdivision 1; 299D.06; 465.74, by adding a subdivision; 473.13,  
59.8 subdivision 1a; 473.399, by adding a subdivision; 609.85, subdivision 6;  
59.9 Minnesota Statutes 2007 Supplement, section 171.02, subdivision 2; Laws 1976,  
59.10 chapter 199, section 14, subdivision 1, as amended; proposing coding for new  
59.11 law in Minnesota Statutes, chapters 168; 169; 171; 174; 219; repealing Minnesota  
59.12 Statutes 2006, sections 168.123, subdivision 2a; 168B.087, subdivision 2;  
59.13 169.145; 169.446, subdivision 3; 221.121, subdivision 4."

60.1 We request the adoption of this report and repassage of the bill.

60.2 House Conferees: (Signed)

60.3 .....  
60.4 Melissa Hortman

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Terry Morrow

60.5 .....  
60.6 Alice Hausman

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Michael V. Nelson

60.7 .....  
60.8 Ron Erhardt

60.9 Senate Conferees: (Signed)

60.10 .....  
60.11 Steve Murphy

.....  
D. Scott Dibble

60.12 .....  
60.13 Katie Sieben

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Michael J. Jungbauer

60.14 .....  
60.15 Rick E. Olseen