

CHAPTER 171

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DRIVERS LICENSES

171.01 DEFINITIONS.

Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subd. 2. **Vehicle.** Every device in, upon, or by which any person or property is or may be transported or drawn upon any highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Subd. 3. **Motor vehicle.** Every vehicle which is self-propelled and any vehicle propelled or drawn by a self-propelled vehicle, and not deriving its power from overhead wires except snowmobiles.

Subd. 4. **Farm tractor.** Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing-machines and other implements of husbandry.

Subd. 5. **Person.** Every natural person, firm, copartnership, association, or corporation.

Subd. 6. **Driver.** Every person, who drives or is in actual physical control of a motor vehicle.

Subd. 7. [Repealed, 1971 c 644 s 17]

Subd. 8. **Owner.** Any person, firm, copartnership, association, or corporation who holds the legal title to a vehicle, or in the event a vehicle is the subject of an

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agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter.

Subd. 9. **Nonresident.** Every person who is not a resident of this state.

Subd. 10. **Street or highway.** The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purpose of vehicular traffic.

Subd. 11. **Commissioner.** The commissioner of public safety of the state of Minnesota, acting directly or through duly authorized agents.

Subd. 12. **Department.** The department of public safety of the state, acting directly or through its duly authorized officers and agents.

Subd. 13. **Conviction.** The term "conviction" means a final conviction either after trial or upon a plea of guilty; also a forfeiture of cash or collateral deposited to guarantee a defendant's appearance in court, which forfeiture has not been vacated, or a breach of a condition of release without bail, including violation of a written promise to appear, is equivalent to a conviction.

Subd. 14. **License.** "License" means any operator's license or any other license or permit to operate a motor vehicle issued or issuable under the laws of this state by the commissioner of public safety including:

- (a) Any temporary license or instruction permit;
- (b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;
- (c) Any nonresident's operating privilege as defined herein.

Subd. 15. **State.** "State" means any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any province of the Dominion of Canada.

Subd. 16. **Gross vehicle weight.** "Gross vehicle weight" (GVW) means the weight of the vehicle plus the weight of the load thereon or the registered gross weight of the vehicle whichever is greater.

Subd. 17. **Motorcycle.** "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and bicycles with motor attached, but excluding tractors and motorized bicycles.

Subd. 18. **House trailer and manufactured home.** (a) "House trailer" means any trailer or semitrailer designed and used for human living quarters, and meeting all of the following qualifications:

- (1) Is not used as the residence of the owner or occupant;
- (2) Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities;
- (3) Is towed on the public streets or highways incidental to such recreational or vacation activities.

The term "house trailer" shall not include bunkhouses, so called, temporarily mounted on trailers, and manufactured homes. Such bunkhouses, exclusive of the trailer and manufactured homes, shall be listed and taxed as personal property as provided by law.

(b) "Manufactured home" means any trailer or semitrailer which is designed, constructed, and equipped for use as a human dwelling place, living abode, or living quarters except house trailers.

Subd. 19. **Bus.** "Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle other than a taxicab designed and used for the transportation of persons for compensation.

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The term does not include a vehicle designed for carrying more than ten passengers but not more than 14 passengers and operated for the personal or family use of the owner or operator.

Subd. 20. **Motorized bicycle.** "Motorized bicycle" means a bicycle with fully operatable pedals which may be propelled by human power or a motor, or by both, with a motor of a capacity of less than 50 cubic centimeters piston displacement, and a maximum of two brake horsepower, which is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged.

Subd. 21. **School bus.** "School bus" means a motor vehicle used to transport pupils to or from a school defined in section 120.10, or to or from school-related activities, by the school or a school district or by someone under an agreement with the school or a school district. A school bus does not include a motor vehicle transporting children to or from school for which parents or guardians receive direct compensation from a school district, a motor coach operating under charter carrier authority, or a transit bus providing services as defined in section 174.22, subdivision 7.

History: (2720-142, 2720-145a) 1939 c 401 s 1,16, par (c); 1965 c 51 s 24-35; 1967 c 385 s 1; 1969 c 695 s 12; 1969 c 1129 art 1 s 18; 1971 c 644 s 2,3; 1973 c 421 s 3; 1975 c 29 s 6; 1977 c 214 s 10,11; 1978 c 570 s 3; 1978 c 783 s 5; 1981 c 365 s 9; 1984 c 403 s 7; 1986 c 444

171.015 DRIVER'S LICENSE DIVISION.

Subdivision 1. A division in the department of public safety to be known as the driver's license division is hereby created, under the supervision and control of a director. The commissioner may place the director's position in the unclassified service if the position meets the criteria established in section 43A.08, subdivision 1a. The director shall be assigned the duties and responsibilities prescribed in this section.

Subd. 2. All the powers and duties now vested in or imposed upon the department of transportation and the commissioner of transportation in regard to drivers' licensing and safety responsibility as prescribed by this chapter and chapters 169 and 170, are hereby transferred to, vested in, and imposed upon the commissioner of public safety. The duties and responsibilities of the department of transportation and the commissioner of transportation, in relation to such matters as heretofore constituted, are hereby abolished.

Subd. 3. The commissioner of public safety, with the approval of the governor, may transfer and assign to the driver's license division duties and responsibilities in relation to chauffeurs' licensing and school bus drivers' licensing as vested in and imposed upon the division of motor vehicles.

Subd. 4. Upon the effective date of this act the individual occupying the position of driver license director shall retain such position for a period of at least 12 months, or until removed for cause.

Subd. 5. All the powers and duties now vested in or imposed upon the department of education and the department of transportation relating to drivers' training as prescribed by section 171.04, are hereby transferred to, vested in, and imposed upon the commissioner of public safety. The duties of the department of education and the department of transportation with reference to such training as heretofore constituted are hereby abolished.

Subd. 6. The commissioner of transportation shall provide space as required for driver and chauffeur license activities at such locations and under such contractual conditions as may be determined with the commissioner of public safety.

History: 1969 c 1129 art 1 s 18; 1976 c 166 s 7; 1982 c 560 s 50; 1986 c 444

171.02 LICENSE; SURRENDER OF OTHER LICENSES.

Subdivision 1. No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon any street or highway in this state unless such person has a

license valid under the provisions of this chapter for the type or class of vehicle being driven. No person shall receive a driver's license unless and until the person surrenders to the department all valid driver's licenses in possession issued to the person by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information that licensee is now licensed in new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

Subd. 2. **Volunteer firefighters; trucks and emergency equipment; midmount aerial ladder truck.** Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. No class of license shall be valid to operate a motorcycle or school bus unless so endorsed. There shall be three general classes of licenses as follows:

(a) Class C; valid for all farm trucks as defined in section 168.011, subdivision 17, operated by the owner or an immediate family member or an employee not primarily employed for the purpose of operating the farm truck or employed for the purpose of operating the farm truck during harvest for the first, continuous transportation of agricultural products from the place of production or on farm storage site to any other location within 50 miles of the place of the production or on farm storage site, fire trucks and emergency fire equipment, regardless of the number of axles, and whether or not in excess of 26,000 pounds GVW, driven or operated by volunteer firefighters while on duty, and all single unit two-axle vehicles not in excess of 26,000 pounds GVW including vehicles with a temporary auxiliary axle as defined in section 169.67, subdivision 4. Holder may also tow trailers under 10,000 pounds GVW including house trailers. Buses as defined under this chapter may not be driven by a holder of a class C license. A person employed as a tiller operator by a fire department may drive the rear portion of a midmount aerial ladder truck with a class C license.

(b) Class B; valid for all vehicles in class C and all other single unit vehicles including buses.

(c) Class A; valid for any vehicle or combination thereof.

Subd. 3. **Motorized bicycles.** No motorized bicycle shall be operated on any public roadway by any person who does not possess a valid drivers license, unless the person has obtained a motorized bicycle operator's permit or motorized bicycle instruction permit from the commissioner of public safety. The operator's permit may be issued to any person who has attained the age of 15 years and who has passed the examination prescribed by the commissioner. The instruction permit may be issued to any person who has attained the age of 15 years and who has passed the written portion of the examination prescribed by the commissioner. The commissioner may promulgate rules prescribing the content of the examination and the information to be contained on the permits.

The fees for motorized bicycle operator's permits are as follows:

(a) Examination and operator's permit, valid for one year	\$4
(b) Duplicate	\$2
(c) Renewal permit before age 19 and valid until age 19	\$6
(d) Renewal permit after age 19 and valid for four years	\$10
(e) Duplicate of any renewal permit	\$3
(f) Written examination and instruction permit, valid for 30 days	\$4

History: (2720-143) 1939 c 401 s 2; 1963 c 393 s 1; 1971 c 644 s 4; 1973 c 16 s 1; 1977 c 214 s 12; 1977 c 429 s 63; 1978 c 479 s 1; 1979 c 227 s 3; 1981 c 363 s 29; 1984 c 546 s 1; 1985 c 248 s 70; 1985 c 291 s 19; 1986 c 444; 1986 c 454 s 21

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171.03 PERSONS EXEMPT.

The following persons are exempt from license hereunder:

(1) Any person in the employ or service of the United States federal government while driving or operating a motor vehicle owned by or leased to the United States federal government;

(2) Any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway;

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

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

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

(6) Any person operating a snowmobile, as defined in section 84.81.

History: (2720-144) 1939 c 401 s 3; 1943 c 331 s 2; 1955 c 496 s 1; 1969 c 695 s 13; 1971 c 644 s 5; 1986 c 444

171.04 PERSONS NOT ELIGIBLE FOR DRIVER'S LICENSES.

The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of 16 years; to any person under 18 years unless such person shall have successfully completed a course in driver education, including both classroom and behind-the-wheel instruction, approved by the state board of education for courses offered through the public schools, or, in the case of a course offered by a private, commercial driver education school or institute, by the department of public safety; except when such person has completed a course of driver education in another state or has a previously issued valid license from another state or country; nor to any person under 18 years unless the application of license is approved by either parent when both reside in the same household as the minor applicant, otherwise the parent having custody or with whom the minor is living in the event there is no court order for custody, or guardian having the custody of such minor, or in the event a person under the age of 18 has no living father, mother or guardian, the license shall not be issued to such person unless the application therefor is approved by the person's employer. Driver education courses offered in any public school shall be open for enrollment to persons between the ages of 15 and 18 years residing in the school district or attending school therein. Any public school offering driver education courses may charge an enrollment fee for the driver education course which shall not exceed the actual cost thereof to the public school and the school district. The approval required herein shall contain a verification of the age of the applicant;

(2) To any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act;

(3) To any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act and if otherwise qualified;

(4) To any person who is a drug-dependent person as defined in section 254A.02, subdivision 5;

(5) To any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that such person is competent to operate a motor vehicle with safety to persons or property;

(6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the provisions of the Minnesota no-fault automobile insurance act of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

(9) To any person when, in the opinion of the commissioner, such person is afflicted with or suffering from such physical or mental disability or disease as will affect such person in a manner to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways; nor to a person who is unable to read and understand official signs regulating, warning, and directing traffic.

History: (2720-144a) 1939 c 401 s 4; 1941 c 517; 1957 c 564 s 1; 1963 c 382 s 1; 1965 c 78 s 1; 1965 c 795 s 1; 1967 c 61 s 1; 1967 c 839 s 1; 1969 c 1129 art 1 s 18; 1971 c 644 s 6; 1974 c 408 s 32 subd 4; 1981 c 363 s 30; 1982 c 548 art 4 s 14; 1986 c 444

171.041 RESTRICTED LICENSES FOR FARM WORK.

Notwithstanding any provisions of section 171.04, relating to the age of an applicant to the contrary, the commissioner may issue a restricted farm work license to operate a motor vehicle to a person who has attained the age of 15 years but who is under the age of 16 years and who, except for age, is qualified to hold a driver's license. The restricted license shall be issued solely for the purpose of authorizing the person to whom the restricted license is issued to assist the person's parents or guardians with farm work. A person holding such a restricted license may operate a motor vehicle only during daylight hours and only within a radius of 20 miles of the parent's or guardian's farmhouse; however, in no case may a person holding such a restricted license operate a motor vehicle in a city of the first class. An applicant for a restricted license shall apply to the commissioner for the license on forms prescribed by the commissioner. The application shall be accompanied by a written verified statement by the applicant's parent or guardian setting forth the necessity for the license.

History: 1963 c 382 s 3; 1967 c 87 s 1; 1986 c 444

171.042 DRIVER'S LICENSE FOR MEDICAL REASONS.

Notwithstanding any provisions of section 171.04, relating to the age of an applicant, the commissioner may issue a driver's license to a person who has attained the age of 15 years but is under the age of 16 years, who, except for age, is qualified to hold a driver's license and who needs to operate a motor vehicle because of personal or family medical reasons. Applicants shall apply to the commissioner for the license on forms prescribed by the commissioner. The application shall be accompanied by written verified statements by the applicant's parent or guardian and by a doctor setting forth the necessity for the license. The commissioner in issuing such license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare.

History: 1975 c 23 s 1; 1986 c 444

171.05 INSTRUCTION PERMITS.

Subdivision 1. Any person who, except for a lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a Class C driver's license under this chapter, may apply for an instruction permit and the department shall issue such

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permit entitling the applicant, while having such permit in immediate possession, to drive a motor vehicle for which a Class C license is valid upon the highways for a period of one year, but such person must be accompanied by an adult licensed driver who is actually occupying a seat beside the driver. Any license of a lower class may be used as an instruction permit for a higher class for a period of six months after passage of the written test or tests required for the higher class and when the licensee is accompanied by and receiving instruction from a holder of the appropriate higher class license. A copy of the record of examination taken for the higher class license must be carried by the driver while using such lower class license as an instruction permit.

Subd. 2. Notwithstanding any provision in subdivision 1 to the contrary, the department, upon application therefor, may issue an instruction permit to an applicant who is 15 years of age and who is enrolled in an approved driver education program including behind the wheel training. Such an instruction permit holder who has the permit in possession may operate a motor vehicle while receiving behind the wheel training in an approved driver education program, but only when accompanied by an authorized instructor who occupies the seat beside the permit holder, or during and upon completion of the course while accompanied by a licensed parent or guardian or licensed adult driver authorized by the parent or guardian who also must occupy the seat beside the instruction permit holder.

Subd. 3. Notwithstanding any provision in subdivision 1 to the contrary, the department, upon application and payment of the fee prescribed in section 65B.481, may issue a motorized bicycle instruction permit to an applicant who is 15 years of age and who has successfully completed the written portion of the examination prescribed by the commissioner. The holder of this instruction permit who has the permit in possession may operate a motorized bicycle within one mile of the holder's residence for the purpose of practicing to take the operator portion of the examination prescribed by the commissioner.

History: (2720-144b) 1939 c 401 s 5; 1949 c 91 s 1; 1961 c 33 s 1; 1963 c 382 s 2; 1971 c 644 s 7; 1973 c 95 s 1; 1980 c 446 s 1; 1986 c 444; 1986 c 454 s 22

171.06 LICENSES, PERMITS.

Subdivision 1. **Forms of application.** Every application for an instruction permit or for a driver's license shall be made upon a form furnished by the department, and every application shall be accompanied by the proper fee. All applications shall be signed in the presence of the person authorized to accept the applications, or the signature on the application may be verified by a notary public.

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

Classified Driver License	C-\$10	B-\$15	A-\$20
Classified Provisional D.L.	C-\$6	B-\$10	
Instruction Permit			\$4
Duplicate Driver or Provisional License			\$3
Minnesota identification card, except as otherwise provided in section 171.07, subdivisions 3 and 3a			\$6

Subd. 2a. **Fee increased.** The fee for any duplicate drivers license which is obtained for the purpose of adding a two-wheeled vehicle endorsement is increased by \$6 for each first such duplicate license and \$4 for each renewal thereof. The additional fee shall be paid into the state treasury and credited to the motorcycle safety fund which is hereby created; provided that any fee receipts in excess of \$300,000 in a fiscal year shall be credited 90 percent to the trunk highway fund and ten percent to the general fund, as provided in section 171.26.

All application forms prepared by the commissioner for two-wheeled vehicle endorsements shall clearly contain the information that of the total fee charged for the endorsement, \$4 is dedicated to the motorcycle safety fund.

Subd. 3. **Contents of application.** Every application shall state the full name, date of birth, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and shall state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and the applicant's ability to operate a motor vehicle with safety as may be required by the commissioner. The application form shall contain a notification to the applicant of the availability of the donor document provided pursuant to section 171.07, subdivision 5, and shall contain spaces where the applicant must indicate a desire to receive or not to receive the donor document. The application shall be in the form prepared by the commissioner.

The application form must be accompanied by a pamphlet containing relevant facts relating to:

- (1) the effect of alcohol on driving ability;
- (2) the effect of mixing alcohol with drugs;
- (3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and
- (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

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

Subd. 4. **Application, filing.** Any applicant for an instruction permit, a driver's license, restricted license, or duplicate license may file an application with a court administrator of the district court or at a state office. The administrator or state office shall receive and accept the application. To cover all expenses involved in receiving, accepting, or forwarding to the department applications and fees, the court administrator of the district court may retain a county fee of \$1 for each application for a Minnesota identification card, instruction permit, duplicate license, driver license, or restricted license. The amount allowed to be retained by the court administrator of the district court shall be paid into the county treasury and credited to the general revenue fund of the county. The court administrator shall forward all applications and fees, less the amount herein allowed to be retained for expense, to the department within 72 hours of the final day of any established reporting period. The court administrators of the district courts may appoint agents to assist in accepting applications, but the administrators shall require every agent to forward to the administrators by whom the agent is appointed all applications accepted and fees collected by the agent, except that an agent may retain one-half of the \$1 county fee to cover the agent's expenses involved in receiving, accepting or forwarding the applications and fees. The court administrators shall be responsible for the acts of agents appointed by them and for the forwarding to the department of all applications accepted and those fees collected by agents and by themselves as are required to be forwarded to the department.

Subd. 5. [Repealed, 1979 c 150 s 2]

History: (2720-144c) 1939 c 401 s 6; 1949 c 689 s 1,2; 1955 c 798 s 1,2; 1957 c 564 s 2,3; 1959 c 634 s 1; 1965 c 36 s 1; 1971 c 129 s 1; 1971 c 625 s 2; 1971 c 644 s 8,9; 1971 c 659 s 1; 1973 c 59 s 1; 1973 c 698 s 1-3; 1978 c 628 s 1; 1981 c 363 s 31-35; 1982 c 583 s 1; 1985 c 291 s 20; 1986 c 330 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82

171.07 DEPARTMENT TO ISSUE LICENSE AND NONQUALIFICATION CERTIFICATES; ANATOMICAL GIFT INDICATION.

Subdivision 1. **License; contents.** The department shall, upon the payment of the

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required fee, issue to every applicant qualifying therefor a license designating the type or class of vehicles the applicant is authorized to drive as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address and permanent mailing address if different, a description of the license in such manner as the commissioner deems necessary, and a space upon which the licensee shall write the usual signature and the date of birth of the licensee with pen and ink. No license shall be valid until it has been so signed by the licensee. Except in the case of an instruction permit, every license shall bear thereon a colored photograph of the licensee. Every license issued to an applicant under the age of 19 shall be of a distinguishing color and plainly marked "provisional." The department shall use such process or processes in the issuance of licenses that prohibits as near as possible, the ability to alter or reproduce the licenses, or prohibit the ability to superimpose a photo on such licenses without ready detection. A license issued to an applicant of age 65 or over shall be plainly marked "senior" if requested by the applicant.

Subd. 1a. **Photographic negatives; filing; data classification.** The department shall file, or contract to file, all photographic negatives obtained in the process of issuing driver licenses or Minnesota identification cards. The negatives shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographic negatives to data subjects. The use of the files is restricted to the issuance and control of driver licenses and for law enforcement purposes in the investigation and prosecution of felonies and violations of section 169.09, 169.121, 169.123, 169.129, 171.22, 171.24, 171.30, or 609.487, subdivision 3.

Subd. 2. The department shall not issue a Class B or Class A license to anyone who does not have or has not qualified for a Class C license. A Class A license shall not be issued to anyone under 18 years of age.

Subd. 3. Upon payment of the required fee the department shall issue to every applicant therefor a Minnesota identification card. The card must bear a distinguishing number assigned to the applicant, a colored photograph, the full name, date of birth, residence address, a description of the applicant in the manner as the commissioner deems necessary, and a space upon which the applicant shall write the usual signature and the date of birth of the applicant with pen and ink.

Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license." The fee for a Minnesota identification card issued to a person who is mentally retarded, as defined in section 252A.02, subdivision 2, is 50 cents.

Subd. 3a. A Minnesota identification card issued to an applicant 65 years of age or over shall be of a distinguishing color and plainly marked "senior." The fee for the card issued to an applicant 65 years of age or over shall be one half the required fee for a class C driver's license. A Minnesota identification card or a Minnesota driver's license issued to a person 65 years of age or over shall be valid identification for the purpose of qualifying for reduced rates, free licenses or services provided by any board, commission, agency or institution that is wholly or partially funded by state appropriations.

Subd. 4. The expiration date of Minnesota identification cards of applicants under the age of 65 shall be the birthday of the applicant in the fourth year following the date of issuance of the card. Minnesota identification cards issued to applicants age 65 or over shall be valid for the lifetime of the applicant.

Subd. 5. The department may provide a donor document to each person making application for a driver's license or a Minnesota identification card whereby any such person may execute an anatomical gift, pursuant to the provisions of the uniform anatomical gift act, sections 525.921 to 525.93. The commissioner of public safety shall prescribe the form of the donor document. If the donor is 18 years of age or older, the donor document must be signed by the donor in the presence of two witnesses who must sign the donor document in the donor's presence. If the donor cannot sign, the

donor document may be signed for the donor at the donor's direction, in the donor's presence, and in the presence of two witnesses who must sign the donor document in the donor's presence. If the donor is a minor, the donor document must be signed by the minor donor, and both of the minor donor's parents, a legal guardian, or the parent or parents having legal custody. If the minor cannot sign, the donor document may not be signed for the minor. The department shall identify donors of anatomical gifts by the designation "donor" on the front side of the donor's driver's license or Minnesota identification card. The designation "donor" shall constitute sufficient legal authority for the removal of all body organs or parts upon death of the donor for the purpose of transplantation and the designation shall be removed only upon written notice to the department. Delivery of the license or Minnesota identification card during the donor's lifetime is not necessary to make the gift valid.

History: (2720-144d) 1939 c 401 s 7; 1957 c 564 s 4; 1963 c 800 s 1; 1971 c 129 s 2; 1971 c 644 s 10; 1971 c 659 s 2; 1973 c 35 s 39; 1973 c 698 s 4; 1973 c 725 s 23; 1975 c 393 s 1; 1977 c 361 s 1-3; 1980 c 446 s 2,3; 1981 c 311 s 39; 1981 c 363 s 36-38; 1982 c 545 s 24; 1983 c 135 s 1; 1983 c 272 s 1; 1Sp1985 c 4 s 8; 1986 c 444; 1986 c 454 s 23

171.071 IDENTIFICATION IN LIEU OF PHOTOGRAPHS.

Notwithstanding the provisions of section 171.07, the commissioner of public safety may adopt rules to permit identification on a driver's license in lieu of a photograph where the commissioner finds that the licensee has religious objections to the use of a photograph.

History: Ex1971 c 3 s 95; 1985 c 248 s 70

171.08 LICENSEE TO HAVE LICENSE IN POSSESSION.

Every licensee shall have the license in immediate possession at all times when operating a motor vehicle and shall display it upon demand of a peace officer, an authorized representative of the department, or an officer authorized by law to enforce the laws relating to the operation of motor vehicles on public streets and highways. No person charged with violating the possession requirement shall be convicted if the person produces in court or the office of the arresting officer a driver's license previously issued to that person for the class of vehicle being driven which was valid at the time of arrest or satisfactory proof that at the time of the arrest the person was validly licensed for the class of vehicle being driven. The licensee shall also, upon request of any officer, write the licensee's name in the presence of the officer to determine the identity of the licensee.

History: (2720-144e) 1939 c 401 s 8; 1963 c 206 s 1; 1971 c 644 s 11; 1983 c 359 s 17; 1986 c 444

171.09 COMMISSIONER MAY IMPOSE RESTRICTIONS.

The commissioner shall have the authority, when good cause appears, to impose restrictions suitable to the licensee's driving ability or such other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. The commissioner may, upon receiving satisfactory evidence of any violation of the restrictions of such license, suspend or revoke the same, but the licensee shall be entitled to a hearing, as provided herein.

It shall be unlawful for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person.

History: (2720-144f) 1939 c 401 s 9; 1986 c 444

171.10 DUPLICATE LICENSES; VEHICLE ENDORSEMENT.

Subdivision 1. In the event that an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed, or becomes illegible, the person to whom the same was issued shall obtain a duplicate thereof, furnishing proof satisfactory to the department that such permit or license has been lost or destroyed or has become illegible, and make payment of the required fee.

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Subd. 2. Any person, after applying for or receiving a driver's license and prior to the expiration year of the license, who wishes to have a motorcycle or school bus vehicle endorsement added to the license, shall, after taking the necessary examination, apply for a duplicate license and make payment of the proper fee.

History: (2720-144g) 1939 c 401 s 10; 1971 c 644 s 12; 1986 c 444

171.11 CHANGE OF DOMICILE OR NAME.

When any person, after applying for or receiving a driver's license, shall change permanent domicile from the address named in such application or in the license issued to the person, or shall change a name by marriage or otherwise, such person shall, within 30 days thereafter, make application for a duplicate driver's license upon a form furnished by the department; such application or duplicate license shall show both the licensee's old address and new address or the former name and new name as the case may be. Such application for a duplicate license, upon change of address or change of name, shall be accompanied by all certificates of driver's license then in the possession of the applicant together with the required fee.

History: (2720-144h) 1939 c 401 s 11; 1943 c 610 s 2; 1986 c 444

171.12 FILING.

Subdivision 1. **Licenses filed in alphabetical order.** The department shall file every application for a license received by it and shall maintain suitable indices containing, in alphabetical order:

- (1) All applications denied, and on each thereof the reason for such denial;
- (2) All applications granted; and
- (3) The name of every person whose license has been suspended or revoked by the department, and after each such name the reasons for such action.

Subd. 2. **Accident reports and abstracts of court records of conviction filed.** The department shall file all accident reports and abstracts of court records of convictions received by it under the laws of this state and its political subdivisions, and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which the licensee has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and the revocation, suspension, or limitation of licenses. No record shall be maintained of a conviction of any Minnesota resident for an offense committed while operating a vehicle as a chauffeur in any other state or Canadian province unless such state or province is one with which Minnesota engages in reciprocal reporting of convictions.

Subd. 3. **Applications and records, when destroyed.** The department may cause the application for drivers' licenses and instruction permits, and records in connection therewith, to be destroyed immediately after the period for which issued, except that the driver's record pertaining to revocations, suspensions, convictions, and accidents shall be cumulative and kept for a period of at least five years.

Subd. 4. [Repealed, 1976 c 2 s 69]

Subd. 5. **Donor documents.** The department shall file all donor documents received by it, and in connection therewith maintain convenient records in order that donor status shall be readily ascertainable. On request of any interested party upon or after the donor's death, the department shall produce the donor document for examination.

Subd. 6. **Certain convictions not recorded.** The department shall not keep on the record of a driver any conviction for a violation of section 169.141 unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed designated under that section.

History: (2720-144i) 1939 c 401 s 12; 1943 c 610 s 3; 1967 c 205 s 1; 1969 c 871 s 2; 1975 c 393 s 2; 1986 c 444; 1986 c 454 s 24

171.13 EXAMINATION.

Subdivision 1. **Applicants.** Except as otherwise provided in this section, the commissioner shall examine each applicant for a driver's license by such agency as the commissioner directs. This examination must include a test of applicant's eyesight; ability to read and understand highway signs regulating, warning, and directing traffic; knowledge of traffic laws; knowledge of the effects of alcohol and drugs on a driver's ability to operate a motor vehicle safely and legally; an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle; and other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways, provided, further however, no driver's license shall be denied an applicant on the exclusive grounds that the applicant's eyesight is deficient in color perception. Provided, however, that war veterans operating motor vehicles especially equipped for handicapped persons, shall, if otherwise entitled to a license, be granted such license. The commissioner shall make provision for giving these examinations either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant.

Subd. 1a. **Waiver.** The commissioner may waive the requirement that the applicant demonstrate ability to exercise ordinary and reasonable control in the operation of a motor vehicle on determining that the applicant possesses a valid driver's license issued by a jurisdiction that requires a comparable demonstration for license issuance.

Subd. 1b. **Driver's manual.** The commissioner shall include in each edition of the driver's manual published by the department a chapter relating to the effect of alcohol consumption on highway safety and on the ability of drivers to safely operate motor vehicles and a summary of the laws of Minnesota on operating a motor vehicle while under the influence of alcohol or a controlled substance.

Subd. 2. **Examination upon renewal.** A driver's license shall be issued upon renewal when the applicant has passed an examination consisting of a screening of the applicant's eyesight. Screening of eyesight required by this subdivision shall not be construed as the practice of optometry as defined in section 148.56.

Subd. 3. **Examination of licensed driver.** The commissioner may require an examination by such agency as the commissioner directs of any licensed driver, to determine incompetency, physical or mental disability or disease, or any other condition which might affect the driver from exercising reasonable and ordinary control over a motor vehicle, but no examination shall be required only for the reason that any licensed driver has attained a certain age. If as a result of the examination the commissioner believes that the driver is an unsafe person to operate a motor vehicle upon the public highways, the commissioner may cancel the driver's license of the person. The commissioner shall give the person written notice of the cancellation.

Subd. 4. **Penalty; failure to submit to examination.** If a licensee does not submit to any examination required under the provisions of subdivision 3, the commissioner may cancel the driver's license of the licensee. If such license is canceled, the licensee shall immediately surrender to the department all driver's license certificates in possession.

Subd. 5. **Fee for vehicle endorsement.** Any person applying to secure a motorcycle or school bus vehicle endorsement on the person's driver's license shall pay a \$2.50 examination fee at the place of application.

History: 1939 c 401 s 13; 1947 c 479 s 1; 1949 c 128 s 1; 1971 c 644 s 13; 1971 c 846 s 1; 1973 c 698 s 5; 1981 c 357 s 64; 1983 c 53 s 1; 1986 c 330 s 2; 1986 c 444

171.131 REPORTING TO COMMISSIONER.

Subdivision 1. Any physician who diagnoses a physical or mental condition which in the physician's judgment will significantly impair the person's ability to operate safely a motor vehicle may voluntarily report the person's name and other information

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relevant to the condition to the commissioner. The commissioner, upon receiving the report, shall require the person so reported to be examined as provided in section 171.13, subdivision 3.

Subd. 2. Any physician reporting in good faith and exercising due care shall have immunity from any liability, civil or criminal, that otherwise might result by reason of actions pursuant to this section. No cause of action may be brought against any physician for not making a report pursuant to this section.

History: 1982 c 479 s 1; 1983 c 216 art 1 s 32; 1986 c 444

171.14 CANCELLATION.

The commissioner shall have authority to cancel any driver's license upon determination that the licensee was not entitled to the issuance thereof hereunder, or that the licensee failed to give the required or correct information in the application, or committed any fraud or deceit in making such application. The commissioner may also cancel the driver's license of any person who, at the time of the cancellation, would not have been entitled to receive a license under the provisions of section 171.04. Upon cancellation the licensee shall immediately surrender the license so canceled to the department.

History: (2720-144k) 1939 c 401 s 14; 1959 c 506 s 1; 1986 c 444

171.15 NONRESIDENT'S DRIVING PRIVILEGE.

Subdivision 1. The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to the suspension or revocation by the commissioner in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

The commissioner is further authorized, upon receiving a record of conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

Subd. 2. [Repealed, 1986 c 454 s 37]

History: (2720-145) 1939 c 401 s 15; 1978 c 783 s 6

171.16 COURT MAY RECOMMEND SUSPENSION.

Subdivision 1. **Courts to report to commissioner.** Every court having jurisdiction over offenses committed under any law of this state or ordinance of a political subdivision regulating the operation of motor vehicles, shall forward to the department, within ten days, a record of the conviction of any person in the court for a violation of any laws or ordinances, except parking violations and defective vehicle equipment or vehicle size or weight violations, committed by a licensed chauffeur while driving a vehicle for which a chauffeur's license is required.

Subd. 2. **Commissioner shall suspend.** The court may recommend the suspension of the driver's license of the person so convicted, and the commissioner shall suspend such license as recommended by the court, without a hearing as provided herein.

Subd. 3. **Suspension for failure to pay fine.** When any court reports to the commissioner that a person: (1) has been convicted of violating a law of this state or an ordinance of a political subdivision which regulates the operation or parking of motor vehicles, (2) has been sentenced to the payment of a fine or had a penalty assessment levied against that person, or sentenced to a fine upon which a penalty assessment was levied, and (3) has refused or failed to comply with that sentence or to pay the penalty assessment, notwithstanding the fact that the court has determined that the person has the ability to pay the fine or penalty assessment, the commissioner shall suspend the driver's license of such person for 30 days for a refusal or failure to pay or until notified by the court that the fine or penalty assessment, or both if a fine and penalty assessment were not paid, has been paid.

Subd. 4. [Repealed, 1973 c 698 s 8]

Subd. 5. **Juvenile court.** When any judge of a juvenile court, or any of its duly authorized agents, shall determine formally or informally that any person under the age of 18 years has violated any of the provisions of any law of this state, or ordinances of political subdivisions thereof, regulating the operation of motor vehicles on streets and highways, except parking violations, and except traffic offenses involving a violation of section 169.121, such judge, or duly authorized agent, shall immediately report such determination to the department and may recommend the suspension of the driver's license of such person, and the commissioner is hereby authorized to suspend such license, without a hearing.

History: (2720-145a) 1939 c 401 s 16, except par (c); 1969 c 946 s 2; Ex1971 c 27 s 24; 1973 c 421 s 4,5; 1981 c 341 s 3; 1983 c 359 s 18; 1984 c 622 s 16; 1986 c 444

171.17 REVOCATION.

The department shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses:

(1) manslaughter or criminal vehicular operation resulting from the operation of a motor vehicle;

(2) any violation of section 169.121 or 609.487;

(3) any felony in the commission of which a motor vehicle was used;

(4) failure to stop and disclose identity and render aid, as required under the laws of this state, in the event of a motor vehicle accident resulting in the death or personal injury of another;

(5) perjury or the making of a false affidavit or statement to the department under any law relating to the ownership or operation of a motor vehicle;

(6) except as this section otherwise provides, conviction, plea of guilty, or forfeiture of bail not vacated, upon three charges of violating, within a period of 12 months any of the provisions of chapter 169, or of the rules or municipal ordinances enacted in conformance therewith for which the accused may be punished upon conviction by imprisonment;

(7) conviction of an offense in another state which, if committed in this state, would be grounds for the revocation of the driver's license.

When any judge of a juvenile court, or any of its duly authorized agents, shall determine, formally or informally, that any person under the age of 18 years has committed any offense defined in this section, such judge, or duly authorized agent, shall immediately report such determination to the department, and the commissioner shall immediately revoke the license of that person.

Upon revoking the license of any person, as hereinbefore in this chapter authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at the licensee's last known address, with postage prepaid thereon.

History: (2720-145b) 1939 c 401 s 17; 1951 c 483 s 1; 1961 c 32 s 1; Ex1971 c 27 s 25; 1981 c 363 s 39; 1985 c 248 s 70; 1985 c 291 s 21; 1986 c 444

171.171 SUSPENSIONS; ILLEGAL PURCHASE OF ALCOHOLIC BEVERAGES.

The commissioner shall suspend for a period of 30 days the license of a person under the age of 19 years who is convicted of purchasing or attempting to purchase an alcoholic beverage in violation of section 340A.503 if the person used a drivers license or permit to purchase or attempt to purchase the alcoholic beverage.

History: 1985 c 305 art 1 s 1

171.18 SUSPENSION.

The commissioner shall have authority to and may suspend the license of any

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driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation of license is required upon conviction; or

(2) Has been convicted by a court of competent jurisdiction for violation of a provision of the highway traffic regulation act or an ordinance regulating traffic and where it appears from department records that the violation for which the licensee was convicted contributed in causing an accident resulting in the death or personal injury of another, or serious property damage; or

(3) Is an habitually reckless or negligent driver of a motor vehicle; or

(4) Is an habitual violator of the traffic laws; or

(5) Is incompetent to drive a motor vehicle as determined and adjudged in a judicial proceeding; or

(6) Has permitted an unlawful or fraudulent use of such license; or

(7) Has committed an offense in another state which, if committed in this state, would be grounds for suspension; or

(8) Has committed a violation of section 171.22, clause (4); or

(9) Has failed to appear in court as provided in section 169.92, subdivision 4.

Provided, however, that any action taken by the commissioner under subparagraphs (2) and (5) shall conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Upon suspending the license of any person, as hereinbefore in this section authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at the licensee's last known address, with postage prepaid thereon, and the licensee's written request shall afford the licensee an opportunity for a hearing within not to exceed 20 days after receipt of such request in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner, or duly authorized agent, may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license. The department shall not suspend a license for a period of more than one year.

History: (2720-145c) 1939 c 401 s 18; 1955 c 713 s 1; 1973 c 698 s 6; 1978 c 783 s 7; 1986 c 444

171.181 RESIDENT DRIVING PRIVILEGE.

Subdivision 1. On revoking or suspending the driver license of a Minnesota resident as a result of a foreign state conviction, the commissioner shall notify that foreign state when the driver license is reinstated or a new license issued.

For the purposes of this section, "foreign state" means a state as defined in section 171.01, subdivision 15, excluding the state of Minnesota.

Subd. 2. [Repealed, 1983 c 127 s 2]

History: 1978 c 783 s 8; 1986 c 444

171.182 SUSPENSION; UNINSURED VEHICLES.

Subdivision 1. **Definition.** For the purposes of sections 171.182 to 171.184, the term "judgment" means a judgment which has become final by expiration without appeal within the time which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction, including county, municipal, or conciliation court, of any state of the United States, upon a claim for relief arising out of ownership, maintenance, or use of a motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of

a person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a claim for relief on an agreement of settlement for the damages.

Subd. 2. **Copy of judgment to commissioner.** If a person fails within 30 days to satisfy a judgment, the court administrator, upon affidavit of the judgment creditor that the judgment has not been satisfied, shall immediately forward to the commissioner a certified copy of the judgment and affidavit of identification.

If the judgment debtor named in a certified copy of a judgment reported to the commissioner is a nonresident, the commissioner shall transmit a certified copy of the judgment to the official in charge of the issuance of drivers licenses of the state of which the judgment debtor is a resident.

Subd. 3. **Conditions.** The commissioner, upon receipt of a certified copy of a judgment, shall forthwith suspend the license or the nonresident's operating privilege, of the person against whom judgment was rendered if:

(a) At the time of the accident the person did not maintain the reparation security required by section 65B.48, and

(b) The judgment has not been satisfied.

Subd. 4. **Duration.** A license or nonresident's operating privilege shall remain suspended and shall not be renewed, nor shall a license be thereafter issued to the person until every judgment is satisfied in full, or has expired, or to the extent hereinafter provided.

Subd. 5. **Statements.** A person whose license or nonresident's operating privileges has been suspended or has become subject to suspension because of an unsatisfied judgment may be relieved of the suspension by filing with the commissioner an affidavit stating that at the time of the accident giving rise to the judgment the person was insured, that the insurer is liable for the judgment, and the reason, if known, why the judgment has not been paid. The affidavit shall be accompanied by a copy of the insurance policy and other documents the commissioner requires to show that the loss, injury or damage giving rise to the judgment was covered by the policy. If satisfied that the insurer was authorized to issue the policy and is liable for the judgment, at least to the extent and for the amounts required in this chapter, the commissioner shall not suspend the license, or reinstate the license if already suspended.

History: 1982 c 598 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82

171.183 SATISFACTION OF JUDGMENT.

Subdivision 1. **Requirements.** For the purposes of sections 171.182 to 171.184, a judgment is satisfied if:

(1) \$25,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

(2) Subject to the limit of \$25,000 because of bodily injury to or death of one person, the sum of \$50,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(3) \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of damage to or destruction of property of others as a result of any one accident.

Subd. 2. **Other payments credited.** Payments made in settlement of claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

History: 1982 c 598 s 2

171.184 INSTALLMENT PAYMENTS.

Subdivision 1. **Authorization.** A judgment debtor upon due notice to the

judgment creditor may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments. The court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payments of the installments.

Subd. 2. Stay of suspension. The commissioner shall not suspend a license or a nonresident's operating privilege if the judgment debtor gives proof of maintaining the reparation security required by section 65B.48, obtains an order or enters into a written agreement with the judgment creditor permitting the payment of the judgment in installments, and does not default on the payment of any installment.

Subd. 3. Termination of stay. If the judgment debtor fails to pay any installment as specified by an order or agreement, then upon notice of default, the commissioner shall forthwith suspend the license, or nonresident's operating privilege, of the judgment debtor until the judgment is satisfied.

History: 1982 c 598 s 3

171.185 COSTS PAID FROM TRUNK HIGHWAY FUND.

All costs incurred by the commissioner in carrying out the provisions of sections 171.182 to 171.184 shall be paid from the trunk highway fund.

History: 1982 c 598 s 4

171.19 PETITION FOR REINSTATEMENT OF LICENSES.

Any person whose driver's license has been refused, revoked, suspended, or canceled by the commissioner, except where the license is revoked under section 169.123, may file a petition for a hearing in the matter in the district court in the county wherein such person shall reside and, in the case of a nonresident, in the district court in any county, and such court is hereby vested with jurisdiction, and it shall be its duty, to set the matter for hearing upon 15 days' written notice to the commissioner, and thereupon to take testimony and examine into the facts of the case to determine whether the petitioner is entitled to a license or is subject to revocation, suspension, cancellation, or refusal of license, under the provisions of this chapter, and shall render judgment accordingly. The petition shall be heard by the court without a jury and may be heard in or out of term. The commissioner may appear in person, or by agents or representatives, and may present evidence upon the hearing by affidavit personally, by agents, or by representatives. The petitioner may present evidence by affidavit, except that the petitioner must be present in person at such hearing for the purpose of cross-examination. In the event the department shall be sustained in these proceedings, the petitioner shall have no further right to make further petition to any court for the purpose of obtaining a driver's license until after the expiration of one year after the date of such hearing.

History: (2720-145d) 1939 c 401 s 19; 1982 c 423 s 11; 1986 c 444

171.20 LICENSES MUST BE SURRENDERED.

Subdivision 1. Demand; enforcement. The commissioner, upon suspending or revoking a license, shall require that all license certificates issued to the licensee shall be surrendered to and be retained by the department, except that at the end of a period of suspension the license certificate shall be returned to the licensee. Upon demand for surrender of a license by the commissioner, the licensee shall immediately forward the license certificates to the department. If any person fails to return to the commissioner the license as provided herein, the commissioner shall forthwith direct any peace officer to serve the order of suspension or revocation of the driver's license and direct such person to surrender that license.

Subd. 2. Operation after revocation or suspension. A resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended, revoked, or canceled, shall not operate a motor vehicle in this state under license, permit, or registration certificate issued by any other jurisdiction or

otherwise during the suspension, or after the revocation until Minnesota driving privileges are reinstated.

Subd. 3. Driver improvement clinics. The commissioner may require, before reissuing a license which has been revoked or suspended, that the licensee complete a course of study at an approved driver improvement clinic. The commissioner may not require the licensee to complete such a course unless an approved driver improvement clinic is located within 35 miles of the licensee's residence. For purposes of this section "an approved driver improvement clinic" means a clinic whose curriculum and mode of instruction conform to standards promulgated by the commissioner.

Subd. 4. Reinstatement fee. A person whose drivers license has been suspended under section 171.18 or 171.182 must pay a \$20 fee before the license is reinstated, except that a suspension may be rescinded without fee for good cause.

History: (2720-145e) 1939 c 401 s 20; 1961 c 44 s 1; 1965 c 711 s 6; 1969 c 9 s 32; 1969 c 118 s 2; 1980 c 520 s 3; 1983 c 127 s 1; 1985 c 291 s 22

171.21 COPIES OF RECORDS AS EVIDENCE.

Copies of any of the files or records of the department certified by the commissioner as being true copies shall be received in evidence in any court in this state with the same force and effect as the originals.

History: (2720-145f) 1939 c 401 s 21

171.22 UNLAWFUL ACTS.

It shall be unlawful for any person:

(1) To display, or cause or permit to be displayed, or have in possession, any canceled, revoked, suspended, fictitious, or fraudulently altered driver's license; or

(2) To lend the person's driver's license to any other person or knowingly permit the use thereof by another; or

(3) To display or represent as one's own any driver's license not issued to that person; or

(4) To fail or refuse to surrender to the department, upon its lawful demand, any driver's license which has been suspended, revoked, or canceled; or

(5) To use a false or fictitious name or date of birth to any police officer or in any application for a driver's license, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application; or

(6) To alter any driver's license, or to counterfeit or make any fictitious license; or

(7) To take any part of the driver's license examination for another or to permit another to take the examination for that person.

History: (2720-145g) 1939 c 401 s 22; 1957 c 564 s 5; 1961 c 64 s 1; 1969 c 9 s 33; 1971 c 163 s 1; 1986 c 444

171.23 SHALL NOT RENT MOTOR VEHICLE TO UNLICENSED DRIVER.

No person shall rent or lease a motor vehicle to any other person unless the latter person is then duly licensed hereunder, or, in the case of a nonresident, then duly licensed under the law of the state or country of residence, except a nonresident whose home state or country does not require that a driver be licensed.

History: (2720-145i) 1939 c 401 s 24; 1986 c 444

171.24 VIOLATIONS; DRIVING AFTER REVOCATION, SUSPENSION, OR CANCELLATION.

Any person whose driver's license or driving privilege has been cancelled, suspended, or revoked and who has been given notice of, or reasonably should know of

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the revocation, suspension, or cancellation, and who disobeys such order by operating anywhere in this state any motor vehicle, the operation of which requires a driver's license, while such license or privilege is canceled, suspended, or revoked is guilty of a misdemeanor.

Notice of revocation, suspension, or cancellation is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, or cancellation would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur. It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.

History: (2720-144h, 2720-145j) 1939 c 401 s 23,25; 1943 c 331 s 3; 1947 c 479 s 2; Ex1971 c 27 s 26; 1980 c 520 s 4; 1984 c 622 s 17

NOTE: Impounding of motor vehicle registration plates and certificates, see section 168.041.

171.241 VIOLATIONS; MISDEMEANORS.

It is a misdemeanor for any person to willfully violate any of the provisions of this chapter unless the violation is declared by any law to be a felony or gross misdemeanor, or the violation is declared by a section of this chapter to be a misdemeanor.

History: 1984 c 622 s 18

171.245 [Repealed, 1978 c 727 s 11]

171.25 ENFORCEMENT.

The commissioner shall be charged with the responsibility for the administration and execution of this chapter.

Any duties required of or powers conferred on the commissioner under the provisions of this chapter may be done and performed or exercised by any of duly authorized agents.

History: (2720-145k, 2720-146) 1939 c 401 s 26,27; 1986 c 444

171.26 MONEY CREDITED TO TRUNK HIGHWAY FUND AND TO GENERAL FUND.

All money received under the provisions of this chapter shall be paid into the state treasury with 90 percent of such money credited to the trunk highway fund, and ten percent credited to the general fund, except as provided in section 171.29, subdivision 2.

History: (2720-146a) 1939 c 401 s 28; 1943 c 610 s 4; 1947 c 607 s 1; 1971 c 644 s 14; 1976 c 163 s 37; 1983 c 293 s 70

171.27 EXPIRATION OF LICENSES.

The expiration date for each driver's license, other than provisional licenses, is the birthday of the driver in the fourth year following the date of issuance of the license. The birthday of the driver shall be as indicated on the application for a driver's license. A license may be renewed on or before expiration or within one year after expiration upon application, payment of the required fee, and passing the examination required of all drivers for renewal. Driving privileges shall be extended or renewed on or preceding the expiration date of an existing driver's license unless the commissioner believes that the licensee is no longer qualified as a driver.

The expiration date for each provisional license shall be the 19th birthday of the licensee. Upon the provisional licensee attaining the age of 19 and upon the application, payment of the required fee, and passing the examination required of all drivers for renewal, a driver's license shall be issued if the commissioner deems the record of the provisional licensee to be satisfactory.

Any valid Minnesota driver's license issued to a person then or subsequently on active duty with the Armed Forces of the United States, or the person's spouse, shall continue in full force and effect without requirement for renewal until 90 days after the date of the person's discharge from such service, provided that a spouse's license must be renewed if the spouse is residing within the state at the time the license expires or within 90 days after the spouse returns to Minnesota and resides within the state.

History: (2720-146b) 1939 c 401 s 29; 1943 c 610 s 1; 1947 c 479 s 3; 1951 c 29 s 1; 1957 c 564 s 6; 1971 c 846 s 2; 1973 c 698 s 7; 1973 c 725 s 24; 1985 c 145 s 1; 1986 c 454 s 25

171.28 CITATION, DRIVERS' LICENSE LAW.

Sections 171.01 to 171.28 may be cited as the drivers' license law.

History: 1939 c 401 s 30

171.29 REVOKED LICENSES; EXAMINATION FOR NEW LICENSES.

Subdivision 1. No person whose drivers license has been revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under section 171.17 or 65B.67, or revoked under section 169.123 shall be issued another license unless and until that person shall have successfully passed an examination as required for an initial license.

Subd. 2. (a) A person whose drivers license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before the person's drivers license is reinstated.

(b) A person whose drivers license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a \$150 fee before the person's drivers license is reinstated to be credited as follows:

- (1) 50 percent shall be credited to the trunk highway fund;
- (2) 25 percent shall be credited to a separate account to be known as the county probation reimbursement account. Money in this account is appropriated to the commissioner of corrections for the costs that counties assume under Laws 1959, chapter 698, of providing probation and parole services to wards of the commissioner of corrections. This money is provided in addition to any money which the counties currently receive under section 260.311, subdivision 5; and
- (3) 25 percent shall be credited to a separate account to be known as the alcohol impaired driver education account. Money in the account is appropriated to the commissioner of education for grants to develop alcohol impaired driver education programs in elementary, secondary, and post-secondary schools. The state board of education shall establish guidelines for the distribution of the grants. The commissioner of education shall report to the legislature by January 15, 1988, on the expenditure of grant funds under this clause.

History: 1959 c 515 s 1,2; 1981 c 363 s 40; 1983 c 293 s 71; 1Sp1985 c 9 art 2 s 23; 1986 c 330 s 3; 1986 c 444

NOTE: Subdivision 2, as amended by Laws 1986, chapter 330, section 3, is effective July 1, 1987. See Laws 1986, chapter 330, section 9.

171.30 LIMITED LICENSE.

Subdivision 1. **Issuance.** In any case where a person's license has been suspended under section 171.18 or revoked under section 169.121, 169.123, or 171.17, the commissioner may issue a limited license to the driver including under the following conditions:

- (1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license; or
- (2) if attendance at a post-secondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

Subd. 2. A limited license shall not be issued for a period of 60 days to an individual whose license or privilege has been revoked or suspended for commission of the following offenses:

(a) Manslaughter or criminal negligence resulting from the operation of a motor vehicle.

(b) Any felony in the commission of which a motor vehicle was used.

(c) Failure to stop and disclose identity as required under the laws of this state, in the event of a motor vehicle accident resulting in the death or personal injury of another.

Subd. 3. The commissioner shall issue a limited license restricted to the vehicles whose operation is permitted only under a Class A or Class B license whenever a Class A or Class B license has been suspended under section 171.18, or revoked under section 171.17, for violation of the highway traffic regulation act committed in a private passenger motor vehicle. This subdivision shall not apply to any persons described in section 171.04, clauses (4), (5), (6) and (9).

History: 1959 c 632 s 1; 1971 c 217 s 1; 1971 c 644 s 15; 1978 c 727 s 10; 1982 c 423 s 12; 1984 c 622 s 19; 1984 c 655 art 2 s 24; 1986 c 444

171.31 PERSONS RECEIVING BENEFITS FOR BLINDNESS, DISCOVERY OF INFORMATION.

The commissioner of public safety, in order to promote highway safety by restricting driving privileges to those persons meeting accepted visual acuity standards, may request and shall receive information concerning the identity and whereabouts of any person who has applied for or received any type of welfare, licensing or other benefits for the blind or nearly blind, from the records of all departments, boards, bureaus or other agencies of this state except the department of revenue, and they shall provide such information notwithstanding the provisions of section 268.12, subdivision 12, or any other existing law or rule to the contrary, except that section 290.61 prohibits disclosure of information by the commissioner of revenue.

History: 1967 c 524 s 1; 1969 c 1129 art 1 s 18; 1984 c 514 art 3 s 1; 1985 c 248 s 70

171.32 ACTION UPON INFORMATION RELATING TO BLINDNESS.

Subdivision 1. The commissioner upon receipt of any such information shall take such action as the commissioner deems necessary to insure that each such person meets the accepted visual acuity standards required of all driver's license applicants and such further action as required by law or rule. The driver's license of any person who has been classified as legally blind shall be immediately canceled.

Subd. 2. Any person who is notified that the person's driver's license may be canceled because of a defect of visual acuity pursuant to the provisions of this section may demand and shall receive the standard visual acuity examination required of all

driver's license applicants, or may be examined by a qualified physician of the person's choice.

Subd. 3. The results of any visual acuity examination administered because of information received pursuant to this section may be communicated by the commissioner to the department from which the person received a benefit. The information received by the commissioner pursuant to this section must not be divulged or otherwise made known in any manner except in connection with the cancellation of drivers' licenses, and then only to the person involved whose license is canceled, and except for statistical purposes which do not reveal the identity of the individuals involved. The record of such person with respect to visual acuity shall be maintained in the same manner as all other driver license records.

History: 1967 c 524 s 2; 1985 c 248 s 70; 1986 c 444

171.321 QUALIFICATIONS OF SCHOOL BUS DRIVERS.

Subdivision 1. No person shall drive a school bus when transporting school children to or from school or upon a school related trip or activity without having a valid Class B or Class A license with a school bus endorsement except that a person possessing a valid driver's license but not a school bus endorsement may drive a vehicle with a seating capacity of ten or less persons used as a school bus but not outwardly equipped or identified as a school bus.

Subd. 2. The commissioner, in consultation with the commissioner of education, shall prescribe rules governing the qualifications of individuals to drive school buses.

History: 1971 c 644 s 16; 1975 c 265 s 1; 1985 c 291 s 23

171.322 AGE LIMITS FOR OPERATORS OF VEHICLES FOR HIRE.

No person under 18 years of age shall operate a motor vehicle while it is in use as a carrier of persons for hire, nor shall any person under 18 years of age drive a passenger carrying vehicle as a hired driver.

History: 1971 c 644 s 16

DRIVER TRAINING SCHOOLS

171.33 DRIVER TRAINING SCHOOLS; DEFINITIONS.

Subdivision 1. "Commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation, which charges a fee, for the education and training of persons to drive motor vehicles or for the preparation of an applicant for a driver's license examination given by the state.

Subd. 2. "Instructor" means any person, whether acting as operator of a commercial driver training school or as an employee of any such school, who teaches or supervises persons learning to drive motor vehicles or preparing to take an examination for a driver's license, and any person who supervises the work of any other instructor.

Subd. 3. "Commissioner" means the commissioner of public safety.

History: 1967 c 880 s 1; 1969 c 1129 art 1 s 18; 1986 c 444

171.34 LICENSE FOR SCHOOLS REQUIRED.

No commercial driver training school shall be established or operated after January 1, 1968 unless such school has applied for and obtained a license from the commissioner. The commissioner shall issue or adopt rules governing the requirements for a license, which may include requirements concerning location, equipment, courses of instruction, previous records of the school and instructors, financial statements, filing of schedule of maximum fees and charges, character and reputation of the instructors, insurance in such sum and with such provisions as the commissioner deems necessary to protect the interests of the public, and such other matters as the commissioner may prescribe, but the applicant shall not be required to have qualified for a teacher's certificate as required in the public school system.

History: 1967 c 880 s 2; 1985 c 248 s 70

171.35 LICENSE FOR INSTRUCTORS REQUIRED.

No person shall act as an instructor after January 1, 1968 unless such person has applied for and obtained a license from the commissioner. The commissioner shall issue or adopt rules governing the requirements for an instructor's license, which may include requirements concerning moral character, physical condition, knowledge of the courses of instruction and of motor vehicle laws and safety principles and practices, previous personnel and employment records, teaching experience and qualifications, and such other matters as the commissioner may prescribe, but the applicant shall not be required to have qualified for a teacher's certificate as required in the public school system.

History: 1967 c 880 s 3; 1985 c 248 s 70

171.36 LICENSE RENEWAL AND FEES.

All licenses shall expire one year from date of issuance and may be renewed upon application to the commissioner. Each application for an original or renewal school license shall be accompanied by a fee of \$150 and each application for an original or renewal instructor's license shall be accompanied by a fee of \$50. The license fees collected under sections 171.33 to 171.41 shall be paid into the trunk highway fund. No license fee shall be refunded in the event that the license is rejected or revoked.

History: 1967 c 880 s 4; 1981 c 357 s 65; 1982 c 424 s 43

171.37 INSPECTION AND EXAMINATION.

The commissioner or an authorized representative shall inspect the school facilities and equipment of applicants and licensees and shall examine applicants for instructor's licenses. The commissioner shall issue or adopt such rules and do all things necessary and proper to accomplish the purposes of this section.

History: 1967 c 880 s 5; 1985 c 248 s 70; 1986 c 444

171.38 ISSUANCE, RENEWAL, SUSPENSION, AND REVOCATION OF LICENSES.

The commissioner may revoke or refuse to issue or renew a school or instructor's license in any case on finding that the applicant or licensee has not complied with, or has violated any of the provisions of sections 171.33 to 171.41 or any rule issued or adopted pursuant thereto. Any revoked license shall be returned to the commissioner by the licensee, and its holder cannot apply for a new license for a period as determined by the commissioner not to exceed one year from the date of such revocation.

History: 1967 c 880 s 6; 1985 c 248 s 70; 1986 c 444

171.39 EXEMPTIONS.

The provisions of sections 171.33 to 171.41 shall not apply to any person giving driver training lessons without charge, to employers maintaining driver training schools without charge for their employees only, to schools or classes conducted by colleges, universities and high schools as a part of the normal program for such institutions, nor to those schools or persons described in section 171.04, clause (1). Any person who is a certificated driver training instructor in a high school driver training program may give driver training instruction to persons over the age of 18 without acquiring a driver training school license or instructor's license, and such instructors may make a charge for that instruction, if there is no private commercial driver training school licensed under this statute within 10 miles of the municipality where such instruction is given and there is no adult drivers training program in effect in the schools of the school district in which the trainee resides.

History: 1967 c 880 s 7; 1969 c 6 s 29

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171.40 PENALTIES.

A violation of any provision of sections 171.33 to 171.41 or any rule issued or adopted pursuant thereto shall be a petty misdemeanor.

History: 1967 c 880 s 8; 1969 c 6 s 30; Ex1971 c 27 s 27; 1985 c 248 s 70

171.41 COOPERATION OF STATE AGENCIES.

The commissioner shall request and receive the assistance of other state departments and agencies in establishing rules pursuant to sections 171.33 to 171.41.

History: 1967 c 880 s 9; 1985 c 248 s 70