

1.1 ..... moves to amend H.F. No. 3959, the second engrossment, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2014, section 171.017, subdivision 1, is amended to read:

1.4 Subdivision 1. **Employee background checks authorized.** The commissioner shall  
1.5 investigate the criminal history background of any current or prospective employees of  
1.6 the department being considered for any position with the department that has or will  
1.7 have the ability to:

1.8 (1) ~~the ability to~~ create or modify records of applicants for enhanced drivers' licenses  
1.9 under section 171.01, subdivision 31a, or enhanced identification cards under section  
1.10 171.01, subdivision 31b;

1.11 (2) ~~the ability to~~ issue enhanced drivers' licenses under section 171.01, subdivision  
1.12 31a, or enhanced identification cards under section 171.01, subdivision 31b;

1.13 (3) create or materially modify identity information on records of applicants or  
1.14 holders of a driver's license or identification card; or

1.15 (3) ~~the ability to~~ (4) administer knowledge or skills tests under section 171.13 to an  
1.16 applicant for a commercial driver's license.

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

1.18 Sec. 2. Minnesota Statutes 2014, section 171.017, subdivision 2, is amended to read:

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

1.24 (b) After receiving a request under paragraph (a), the superintendent of the Bureau  
1.25 of Criminal Apprehension shall perform the background check required under subdivision

2.1 1. The superintendent shall retrieve criminal history data as defined in section 13.87,  
 2.2 conduct a search of the national criminal records repository, and provide wants and  
 2.3 warrant information from federal and state repositories. The superintendent is authorized  
 2.4 to exchange fingerprints with the Federal Bureau of Investigation for purposes of the  
 2.5 criminal history check. The superintendent shall return the results of the background  
 2.6 checks to the commissioner to determine whether:

2.7 (1) the employee or applicant for employment specified in subdivision 1, clause (1)  
 2.8 ~~or~~ (2), or (3), has committed a disqualifying crime under Code of Federal Regulations,  
 2.9 title 49, section 1572.103; or

2.10 (2) the employee or applicant for employment specified in subdivision 1, clause  
 2.11 ~~(3)~~ (4), has a conviction of the type specified by Code of Federal Regulations, title 49,  
 2.12 section 384.228(j).

2.13 (c) The superintendent shall recover the cost to the bureau of a background check  
 2.14 through a fee charged to the commissioner.

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

2.16 Sec. 3. **[171.019] REAL ID ACT CONFORMITY; LIMITATIONS.**

2.17 Subdivision 1. Definitions. (a) For purposes of this section, the following terms  
 2.18 have the meanings given them.

2.19 (b) "Federal change" means an appreciable modification or addition to REAL ID Act  
 2.20 requirements, made after the effective date of this act, with respect to: legal requirements;  
 2.21 processes; policies and procedures; or data collection, storage, and dissemination. Federal  
 2.22 change includes but is not limited to a modification:

2.23 (1) in what constitutes an official purpose under Code of Federal Regulations, title  
 2.24 6, part 37;

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

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

2.29 (4) that relates to dissemination of state-provided data to or among federal agencies,  
 2.30 other states, organizations operating under agreement among the states, or private entities;  
 2.31 and

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

2.33 (c) "Noncompliant license or identification card," "noncompliant license," or  
 2.34 "noncompliant identification card" means a license or Minnesota identification card issued  
 2.35 as provided under subdivision 3.

3.1 (d) "REAL ID Act" means the REAL ID Act of 2005, Public Law 109-13, Division B.

3.2 Subd. 2. **Federal conformity.** Except as otherwise provided in this chapter, the  
3.3 commissioner must meet the requirements of the REAL ID Act as of the effective date  
3.4 of this act, including but not limited to documentation requirements, administrative  
3.5 processes, electronic validation or verification of data, and card design and marking.

3.6 Subd. 3. **Noncompliant licenses and identification cards.** The commissioner shall  
3.7 establish a license and a Minnesota identification card that does not meet all requirements  
3.8 of the REAL ID Act, as provided in subdivision 4 and this chapter.

3.9 Subd. 4. **Data-sharing limitations.** (a) In the procedures and requirements for  
3.10 issuance of a noncompliant license or identification card, the commissioner may not:

3.11 (1) electronically disseminate outside the state personally identifiable data that is not  
3.12 disseminated as of the effective date of this act;

3.13 (2) utilize any electronic validation or verification system accessible from or  
3.14 maintained outside of the state that is not in use as of the effective date of this act; and

3.15 (3) share any firearms safety data the department maintains under section 171.07,  
3.16 subdivision 13.

3.17 (b) The limitations in paragraph (a) do not apply as directly necessary to maintain  
3.18 compliance with the driver's license compact under section 171.50.

3.19 (c) For purposes of this subdivision, "outside the state" includes federal agencies,  
3.20 states other than Minnesota, organizations operating under agreement among the states,  
3.21 and private entities.

3.22 Subd. 5. **Limitations; federal changes.** The commissioner may not take any action  
3.23 to implement or meet the requirements of a federal change.

3.24 Subd. 6. **Legislative notification.** (a) Upon identification of an impending or  
3.25 completed federal change, the commissioner must notify the chairs and ranking minority  
3.26 members of the legislative committees having jurisdiction over transportation policy  
3.27 and finance, public safety, and data practices, and the Legislative Commission on Data  
3.28 Practices and Personal Data Privacy. Notification must be submitted as required under  
3.29 section 3.195, except that printed copies are not required.

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

3.33 Subd. 7. **Statutory construction.** (a) For purposes of this chapter, unless specifically  
3.34 provided otherwise, a driver's license, instruction permit, or provisional license includes  
3.35 any noncompliant license. For purposes of this chapter, unless specifically provided  
3.36 otherwise, a Minnesota identification card includes any noncompliant identification card.

4.1 (b) A noncompliant license does not include an enhanced driver's license, and a  
4.2 noncompliant identification card does not include an enhanced identification card.

4.3 Sec. 4. Minnesota Statutes 2014, section 171.06, subdivision 1, is amended to read:

4.4 Subdivision 1. **Forms of Application format and requirements.** (a) Every  
4.5 application for a Minnesota identification card, for an enhanced identification card, for  
4.6 an instruction permit, for a provisional license, for a driver's license, or for an enhanced  
4.7 driver's license must be made in a format approved by the department, ~~and~~. Every  
4.8 application must be accompanied by payment of the proper fee. ~~All first-time applications~~  
4.9 ~~and change-of-status applications must be signed in the presence of the person authorized~~  
4.10 ~~to accept the application, or the signature on the application may be verified by a notary~~  
4.11 ~~public. All applications requiring evidence of legal presence in the United States or~~  
4.12 ~~United States citizenship~~

4.13 (b) All first-time applicants, applicants with a change of status including a name  
4.14 change, and applicants presenting new or additional evidence under subdivision 3  
4.15 must sign a declaration, under penalty of perjury, that the information presented in the  
4.16 application is true and correct. The declaration must be signed in the presence of the  
4.17 person authorized to accept the application, or the signature on the application may be  
4.18 verified by a notary public.

4.19 Sec. 5. Minnesota Statutes 2014, section 171.06, is amended by adding a subdivision  
4.20 to read:

4.21 Subd. 3b. Information for applicants. (a) The commissioner must develop  
4.22 summary information on identity document options and must ensure distribution of the  
4.23 information to all driver's license and Minnesota identification card applicants.

4.24 (b) The summary information must include the following information, expressed in  
4.25 a clear and concise manner:

4.26 (1) each available type of driver's license and Minnesota identification card,  
4.27 including an enhanced driver's license and enhanced identification card; and

4.28 (2) the limitations on use for each type of driver's license and Minnesota  
4.29 identification card.

4.30 Sec. 6. Minnesota Statutes 2014, section 171.07, subdivision 1, is amended to read:

4.31 Subdivision 1. **License; contents.** (a) Upon the payment of the required fee, the  
4.32 department shall issue to every qualifying applicant a license designating the type or class  
4.33 of vehicles the applicant is authorized to drive as applied for. This license must bear: (1) a

5.1 distinguishing number assigned to the licensee; (2) the licensee's full name and date of  
 5.2 birth; (3) either (1) (i) the licensee's residence address, or (2) (ii) the designated address  
 5.3 under section 5B.05; (4) a description of the licensee in a manner as the commissioner  
 5.4 deems necessary; ~~and~~ (5) the usual signature of the licensee; (6) designations and markings  
 5.5 as provided in this section; and (7) other information as determined by the commissioner.  
 5.6 No license is valid unless it bears the usual signature of the licensee. Every license must  
 5.7 bear a colored photograph or an electronically produced image of the licensee.

5.8 (b) If the United States Postal Service will not deliver mail to the applicant's  
 5.9 residence address as listed on the license, then the applicant shall provide verification from  
 5.10 the United States Postal Service that mail will not be delivered to the applicant's residence  
 5.11 address and that mail will be delivered to a specified alternate mailing address. When an  
 5.12 applicant provides an alternate mailing address under this subdivision, the commissioner  
 5.13 shall use the alternate mailing address in lieu of the applicant's residence address for  
 5.14 all notices and mailings to the applicant.

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

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

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

5.22 Sec. 7. Minnesota Statutes 2014, section 171.07, is amended by adding a subdivision  
 5.23 to read:

5.24 Subd. 1c. **Design for noncompliant licenses or identification cards.** A  
 5.25 noncompliant license or identification card, as provided under section 171.019, must:

5.26 (1) be printed with "Not for Federal Purposes" on the face; and

5.27 (2) meet the requirements under Code of Federal Regulations, title 6, section 37.71.

5.28 Sec. 8. Minnesota Statutes 2014, section 171.07, subdivision 3, is amended to read:

5.29 **Subd. 3. Identification card; fee.** (a) Upon payment of the required fee, the  
 5.30 department shall issue to every qualifying applicant a Minnesota identification card. The  
 5.31 department may not issue a Minnesota identification card to an individual who has a  
 5.32 driver's license, other than a limited license. The department may not issue an enhanced  
 5.33 identification card to an individual who is under 16 years of age, not a resident of this state,  
 5.34 or not a citizen of the United States of America. The card must bear: (1) a distinguishing

6.1 number assigned to the applicant; (2) a colored photograph or an electronically produced  
 6.2 image of the applicant; (3) the applicant's full name and date of birth; (4) either ~~(1)~~ (i) the  
 6.3 licensee's residence address, or ~~(2)~~ (ii) the designated address under section 5B.05; (5)  
 6.4 a description of the applicant in the manner as the commissioner deems necessary; ~~and~~  
 6.5 (6) the usual signature of the applicant; (7) designations and markings as provided in this  
 6.6 section; and (8) other information as determined by the commissioner.

6.7 (b) If the United States Postal Service will not deliver mail to the applicant's  
 6.8 residence address as listed on the Minnesota identification card, then the applicant shall  
 6.9 provide verification from the United States Postal Service that mail will not be delivered  
 6.10 to the applicant's residence address and that mail will be delivered to a specified alternate  
 6.11 mailing address. When an applicant provides an alternate mailing address under this  
 6.12 subdivision, the commissioner shall use the alternate mailing address in lieu of the  
 6.13 applicant's residence address for all notices and mailings to the applicant.

6.14 (c) Each identification card issued to an applicant under the age of 21 must be of a  
 6.15 distinguishing color and plainly marked "Under-21."

6.16 (d) Each Minnesota identification card must be plainly marked "Minnesota  
 6.17 identification card - not a driver's license."

6.18 (e) The fee for a Minnesota identification card is 50 cents when issued to a person  
 6.19 who is developmentally disabled, as defined in section 252A.02, subdivision 2; a  
 6.20 physically disabled person, as defined in section 169.345, subdivision 2; or, a person with  
 6.21 mental illness, as described in section 245.462, subdivision 20, paragraph (c).

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

6.23 Subd. 4. **Identification card expiration.** (a) Except as otherwise provided in this  
 6.24 subdivision, the expiration date of Minnesota identification cards ~~of~~ for applicants ~~under~~  
 6.25 ~~the age of 65 shall be~~ is the birthday of the applicant in the fourth year following the date  
 6.26 of issuance of the card.

6.27 (b) ~~A Minnesota identification card issued to~~ For an applicant age 65 or older ~~shall be:~~

6.28 (1) the expiration date is the birthday of the applicant in the eighth year following  
 6.29 the date of issuance of the card; or

6.30 (2) a noncompliant identification card as provided in section 171.019 is valid for  
 6.31 the lifetime of the applicant, except that.

6.32 (c) For the purposes of ~~this paragraph~~ (b), "Minnesota identification card" does not  
 6.33 include an enhanced identification card issued to an applicant age 65 or older.

6.34 ~~(e)~~ (d) The expiration date for an Under-21 identification card is the cardholder's  
 6.35 21st birthday. The commissioner shall issue an identification card to a holder of an

7.1 Under-21 identification card who applies for the card, pays the required fee, and presents  
7.2 proof of identity and age, unless the commissioner determines that the applicant is not  
7.3 qualified for the identification card.

7.4 Sec. 10. Minnesota Statutes 2014, section 171.072, is amended to read:

7.5 **171.072 TRIBAL IDENTIFICATION CARD.**

7.6 (a) If a Minnesota identification card is deemed an acceptable form of identification  
7.7 in Minnesota Statutes or Rules, a tribal identification card is also an acceptable form  
7.8 of identification. ~~A tribal identification card is a primary document for purposes of~~  
7.9 ~~Minnesota Rules, part 7410.0400, and successor rules.~~

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

7.14 (c) The tribal identification card must contain security features that make it as  
7.15 impervious to alteration as is reasonably practicable in its design and quality of material  
7.16 and technology. The security features must use materials that are not readily available to  
7.17 the general public. The tribal identification card must not be susceptible to reproduction by  
7.18 photocopying or simulation and must be highly resistant to data or photograph substitution  
7.19 and other tampering. The requirements of this section do not apply to tribal identification  
7.20 cards used to prove an individual's residence for purposes of section 201.061, subdivision 3.

7.21 Sec. 11. Minnesota Statutes 2014, section 171.12, is amended by adding a subdivision  
7.22 to read:

7.23 Subd. 1a. **Driver and vehicle services information system; security and auditing.**

7.24 (a) The commissioner must establish written procedures to ensure that only individuals  
7.25 explicitly authorized by law may enter, update, or access not public data collected, created,  
7.26 or maintained by the driver and vehicle services information system. An authorized  
7.27 individual's ability to enter, update, or access data in the system must be limited through  
7.28 use of role-based access that corresponds to the official duties or training level of the  
7.29 individual and the statutory authorization granting access for that purpose. All queries  
7.30 and responses, and all actions in which data are entered, updated, accessed, shared, or  
7.31 disseminated, must be recorded in a data audit trail. Data contained in the audit trail are  
7.32 public to the extent the data are not otherwise classified by law.

7.33 (b) The commissioner must immediately and permanently revoke the authorization  
7.34 of any individual who willfully entered, updated, accessed, shared, or disseminated data in

8.1 violation of state or federal law. If an individual willfully gained access to data without  
8.2 explicit authorization by law, the commissioner must forward the matter to the county  
8.3 attorney for prosecution.

8.4 (c) The commissioner must arrange for an independent biennial audit of the driver  
8.5 and vehicle services information system to determine whether data currently in the system  
8.6 are classified, how the data are used, and to verify compliance with this subdivision. The  
8.7 results of the audit are public. No later than 30 days following completion of the audit, the  
8.8 commissioner must provide a report summarizing the audit results to the commissioner of  
8.9 administration; the chairs and ranking minority members of the committees of the house  
8.10 of representatives and the senate with jurisdiction over transportation policy and finance,  
8.11 public safety, and data practices; and the Legislative Commission on Data Practices  
8.12 and Personal Data Privacy. The report must be submitted as required under Minnesota  
8.13 Statutes, section 3.195, except that printed copies are not required.

8.14 Sec. 12. Minnesota Statutes 2014, section 171.12, is amended by adding a subdivision  
8.15 to read:

8.16 Subd. 3c. **Record retention; birth certificates.** (a) If the procedures established  
8.17 by the commissioner for driver's license or Minnesota identification card records include  
8.18 retention of a copy or digital image of a birth certificate, the commissioner must:

8.19 (1) notify a driver's license or identification card applicant of the retention procedure;  
8.20 and

8.21 (2) allow the applicant, licensee, or identification card holder to designate that the  
8.22 applicant, licensee, or identification card holder's birth certificate copy or digital image  
8.23 must not be retained.

8.24 (b) The commissioner must not retain a birth certificate if directed by an applicant,  
8.25 licensee, or identification card holder under paragraph (a), clause (2), but must record  
8.26 and retain data on the birth certificate required under Code of Federal Regulations, title  
8.27 6, section 37.31(c).

8.28 Sec. 13. **REAL ID ACT IMPLEMENTATION.**

8.29 Subdivision 1. **Definition.** For purposes of this section, "REAL ID Act" means the  
8.30 REAL ID Act of 2005, Public Law 109-13, Division B.

8.31 Subd. 2. **Full implementation and conformity; deadline.** The commissioner  
8.32 of public safety must implement the provisions of this act in a manner to ensure full  
8.33 compliance and conformity with the requirements of the REAL ID Act, including the

9.1 ability to issue fully compliant driver's licenses and Minnesota identification cards, no  
9.2 later than the date of implementation of the driver's license portion of the Minnesota  
9.3 licensing and registration system.

9.4 Subd. 3. **Mandatory reissuance prohibition.** When implementing the REAL ID  
9.5 Act requirements under this act and Minnesota Statutes, chapter 171, the commissioner  
9.6 of public safety is prohibited from requiring renewal or reissuance of a driver's license  
9.7 or Minnesota identification card earlier than required under the regular issuance time  
9.8 period. Nothing in this subdivision prevents suspension, cancellation, or revocation as  
9.9 provided in Minnesota Statutes, chapter 171.

9.10 Subd. 4. **Expedited rulemaking.** (a) The commissioner of public safety must  
9.11 amend Minnesota Rules as expressly necessary to issue driver's licenses and Minnesota  
9.12 identification cards that meet the requirements under this act and Minnesota Statutes,  
9.13 chapter 171.

9.14 (b) The commissioner is authorized to use the expedited rulemaking process in  
9.15 Minnesota Statutes, section 14.389, and subject to subdivision 5 of that section.

9.16 (c) The authority to use the expedited rulemaking process under this subdivision  
9.17 expires December 31, 2017.

9.18 Subd. 5. **Legislative reporting.** (a) The commissioner of public safety must  
9.19 establish an implementation schedule for meeting the requirements under subdivision 2.  
9.20 The schedule must include monthly implementation activity and milestones. On or before  
9.21 the last business day of each month until full implementation and compliance is achieved,  
9.22 the commissioner must submit a status update that provides details on the implementation  
9.23 schedule, activity and accomplishments since the previous status update, identified risks to  
9.24 implementation, and overall status.

9.25 (b) By March 15, 2017, the commissioner of public safety must submit a revision to  
9.26 the report required under Laws 2016, chapter 83, section 2, subdivision 2.

9.27 (c) Each implementation status update under paragraph (a) and the report under  
9.28 paragraph (b) must be submitted to the chairs and ranking minority members of the  
9.29 legislative committees with jurisdiction over transportation policy and finance, public  
9.30 safety, civil law, and data practices, and to the Legislative Commission on Data Practices  
9.31 and Personal Data Privacy. The report must be submitted as required under Minnesota  
9.32 Statutes, section 3.195, except that printed copies are not required.

9.33 (d) At a minimum, the report under paragraph (b) must provide (1) revised  
9.34 information and analysis for each of the planning activities required for the 2016 report,  
9.35 and (2) implementation status information.

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

10.2 Sec. 14. **REPEALER.**

10.3 Laws 2009, chapter 92, section 1, as amended by Laws 2016, chapter 83, section  
10.4 1, is repealed.

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

10.6 Sec. 15. **EFFECTIVE DATE.**

10.7 Except as specifically provided otherwise, this act is effective on the date of  
10.8 implementation of the driver's license portion of the Minnesota licensing and registration  
10.9 system, and applies for application and issuance of driver's licenses and Minnesota  
10.10 identification cards on and after that date."

10.11 Amend the title accordingly