

House Research Act Summary

CHAPTER: 371

SESSION: 2002 Regular Session

TOPIC: Omnibus Public Safety Housekeeping Bill

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Overview

This bill makes various changes in vehicle registration, driver's license, and fuel tax laws. It transfers from the department of revenue to the department of public safety the responsibility to collect fuel taxes from interstate motor carriers.

The bill also regulates parking of motorcycles, authorizes special "proud to be a veteran" license plates, makes various changes relating to commercial vehicle safety and weight enforcement, and allows spending of trunk highway funds on bus service to mitigate the traffic impacts of the Wacouta bridge/494/TH61 project.

Article 1: Public Safety Miscellany

- 1 **Definition of "motor vehicle."** Redefines "motor vehicle" in vehicle registration law as a self-propelled vehicle designed and originally manufactured to operate primarily on highways.
- 2 **Fleet definition.** Redefines "fleet" in vehicle registration law to reduce the minimum size to be considered as a fleet from 100 to 50 vehicles.
- 3 **Registration exemption for vehicles of honorary consul.** Repeals the exemption from vehicle registration law for vehicles owned and used by honorary consul.
- 4 **Technical.** Makes stylistic changes.
- 5 **Trailer registration.** Specifies that vehicle registration requirements apply to trailers.
- 6 **Display of plates on recreational vehicles.** Exempts recreational vehicles from the prohibition against displaying license plates and stickers before February 15.
- 7 **Collector vehicle.** Excludes from eligibility for collector license plate a vehicle of a defunct make.
- 8 **"Proud to be a veteran" license plates.** Authorizes issuance of special "proud to be a veteran" license plates for cars, pickup trucks, and vans owned by veterans. Provides that the plates may

be obtained only on condition of a one-time \$30 contribution to the world war II donation match account for the world war II memorial.

9 **Motor vehicle dealer licensing.** Recodifies the law on licensing of motor vehicle dealers by the department of public safety.

Expands the scope of who is required to be licensed as a used motor vehicle dealer by including persons who deliver, or offer to deliver, used motor vehicles

Establishes a new licensing category of "limited used vehicle license," for 501(c)(3) organizations whose primary business in vehicle transactions is to raise funds for the corporation, receiving vehicles as donations and sell them through a licensed vehicle auctioneer. Allows such a licensee to accept vehicles without the necessity of transferring title until it is sold. Makes such licensees ineligible for dealer plates. Requires such licensees to report to the department of public safety all vehicles held for resale.

Requires a dealer license application to be denied by the department if (1) within the applicant has been denied a license within the previous year, or (2) the applicant has had a dealer license revoked within the previous ten years.

Provides that each dealer license is effective for a year from the date of issuance, rather than for the remainder of the calendar year.

Makes the fee for dealer plates and in-transit plates based on the registration year rather than calendar year

Requires all classified advertising by vehicle dealers to include the dealer's license number.

Allows the department to adopt rules on dealer licenses and dealer plates

10 **Validation stickers for installment payments.** Provides that validation stickers of persons who pay registration tax by installments must bear the expiration date of the registration.

11 **Application forms.** Deletes unnecessary language from the law on providing application forms to deputy registrars.

12 **Deputy registrar rules.** Authorizes the department to make rules governing deputy motor vehicle registrars.

13 **Technical.** Makes a technical amendment.

14 **Definition of "deliver" for certificates of title.** Defines "deliver" in certificate of title law as transmitting electronically or by other means approved by the department.

15 **Exceptions from title law.** Exempts from certificate of title law vehicles not originally constructed primarily for use on highways.

16 **Titling of specially constructed or reconstructed vehicles.** Requires applications for title for a specially constructed or reconstructed vehicle to have a certification that the vehicle meets the requirements of state traffic law for vehicles in its class regarding safety on highways.

17 **Pollution control equipment disclosure.** Provides that the disclosure of the condition of pollution control equipment on a vehicle title must be in a format, rather than form, approved by the department.

18 **Application for duplicate title.** Allows application to a deputy registrar, as well as to the department, for a duplicate certificate of title. Allows forms of delivery other than mail. Allows alternative formats.

19-21 **Alternative formats for title documents.** Allows alternative formats for various documents relating to vehicle titles:

execution of purchase receipt by a dealer for an untitled vehicle

notification to department by dealer that such vehicles are being held for resale
application for new title in an involuntary transfer

- 22 **Titling standards for motorcycles with nonoriginal engines.** Provides that if the department of public safety does not require that a new or amended title be issued and be marked "reconstructed" or otherwise for a car with an engine that is not its original engine, the department may not impose such a requirement for motorcycles.
Specifies that the law does not prevent the department from requiring that a new application be completed and filed for an assembled motorcycle. Requires the department to issue another certificate of title, listing the engine number, for a motorcycle with a non-original engine, subject to the general law that makes issuance of title conditional on the department's determination of genuineness.
- 23-29 **Alternative formats for title documents.** Allows alternative formats for various documents relating to vehicle titles:
report of sale of salvage vehicle intended to be removed from the state
application to name a secured party on a title
delivery to department of assignments of title by secured parties
release from a security interest in a vehicle
other forms relating to titles
- 30-41 **Bicycle registration.** Amends the bicycle registration law with stylistic changes and deletion of expired language. Allows greater flexibility to department to determine format and contents of various documents and forms. Deletes the requirement that a registration record must be so marked if no proof of purchase was provided with the application. Deletes the prohibition against requiring deputy bicycle registrars to register bicycles sold by other dealers.
- 42 **Motorcycles at red lights.** Establishes an affirmative defense for a motorcyclist who enters or crosses an intersection against a red light if the motorcyclist establishes the following in response to the charge:
(1) the motorcycle has been brought to a complete stop;
(2) the signal shows red for an unreasonable time;
(3) the signal is apparently malfunctioning or, if vehicle-activated, has not detected the motorcycle; and
(4) no other vehicle or person is approaching on the street or is near enough to pose a hazard.
Specifies that this defense applies only to a charge of going through a red light, and does not apply in any other civil or criminal action.
- 43-44 **Stops at grade crossings.** Amends state law on who must stop at rail-highway grade crossings to conform to federal requirements.
- 45 **Inspection of special mobile equipment.** Amends the law that requires annual safety inspections of special mobile equipment (equipment that only incidentally moves on the highways) mounted on a commercial vehicle chassis, to limit the requirement to special mobile equipment that is self-propelled.
- 46-47 **Display of trailer plate.** Specifies that a trailer must have a gross vehicle weight of over 3,000 pounds to be required to have a single plate at the rear. Provides that if the trailer is under 3,000 pounds and has lifetime registration, the plate must be adhered to the side of the frame tongue near the hitch.
- 48 **Display on plates of fleet vehicles.** Allows the term "fleet reg" to be displayed, rather than

embossed, on license plates of fleet vehicles.

- 49 **Parking of motorcycles.** Requires motorcycles parked on streets or highways to be parked completely within a parking space if one is marked. Recommends that the front of the motorcycle be pointed toward the roadway as practicable and necessary in order for (1) the motorcyclist to view any traffic in both directions of the street or highway without having to move the motorcycle into a lane of traffic and without losing balance or control, and (2) to ride the motorcycle forward and directly into the roadway when it is sufficiently clear of traffic.
- 50 **Driver's licenses.** Makes stylistic changes in the law requiring driver's licenses.
- 48 **Backup snow plow drivers.** Allows a person with a class D driver's license to operate a commercial vehicle for snow and ice control as a temporary replacement during an emergency without a commercial driver's license.
- 52 **Driver's license eligibility.** Allows the adult spouse, adult close family member of a driver's license applicant under age 18 to sign the license application if the minor is married or otherwise legally emancipated. Amends the existing authorization for a minor's employer to sign the application by requiring that the employer be adult.
- 53 **Instruction permit.** Makes a change in the law governing applications for instruction permits comparable to the change in section 52.
- 54 **Provisional license.** Makes a change in the law governing applications for provisional driver's licenses comparable to the change in section 49.
- 55 **Application formats.** Allows for alternative application formats for driver's licenses, instruction permits, and Minnesota ID cards.
- Amends the law that requires all applications to be signed in the presence of the person authorized to accept the application or be verified by a notary public, by making this requirement apply only to first-time applications, change of status applications, and applications that require evidence of legal presence in the United States.
- 56 **Contents of driver's license application.** Deletes specific requirements of items that must be included on a driver's license application. Requires the application to contain a notification to the applicant of the availability of a living will/health care directive designation on the license.
- 57 **Contents of license.** Makes stylistic changes in the law governing contents of driver's licenses. Requires licenses to bear the usual signature of the licensee. Deletes the exemption for instruction permits in the law requiring photos on licenses.
- 58 **Instruction permit.** Prohibits issuance of a Minnesota ID card to a person who has an instruction permit.
- 59 **Rules for driver examination.** Allows the department of public safety to adopt rules on driver's license renewal eye tests.
- 60 **CDL disqualification.** Allows the department to disqualify a commercial driver's license holder from driving a commercial vehicle for driving with a suspended, revoked, canceled, denied, or disqualified CDL, or causing a fatality through negligent or criminal operation of a commercial vehicle.
- Increases from 10 years to life the maximum CDL disqualification for a second or subsequent disqualifying offense or a controlled substance felony.
- Allows a disqualified person to apply for reinstatement after ten years, except in the case of a person disqualified for a controlled substance felony. Prohibits a person who has committed a disqualifying offense after CDL privileges have been reinstated from applying for reinstatement.
- Amends the definition of "serious traffic violation" which can result in a CDL disqualification for 60-120 days, by adding (1) operating a commercial vehicle without proper class of driver's

license or endorsement, and (2) operating a commercial vehicle without a CDL in immediate possession, unless the person proves in court that the person was properly licensed.

Provides for CDL disqualification for 60 days to 1 year, depending on number of offenses, for failure to stop at a grade crossing.

61 **Intent.** Specifies that the changes of definition of persons subject to motor vehicle dealer licensing under section 8, other than the change in the scope of who is required to obtain a used motor vehicle dealer license, are not intended to change the present scope of licensing.

62 **Matching requirement exemption.** Exempts all money received by the state from the new federal aviation and transportation security act from the provision in present law that requires MnDOT to require a local contribution as a prerequisite to distribution of state aid for local airports.

63 **Spending on bus service authorized.** Allows the department of transportation to spend up to \$400,000 in trunk highway funds in FY 2003 for operating costs of bus service to mitigate the traffic impact of construction on the Wacouta bridge/494/TH 61 construction project, notwithstanding the prohibition in the 2001 transportation appropriation bill against spending trunk highway funds on bus service to mitigate construction effects.

64 **Repealer.** Repeals the law that allows issuance of a limited driver's license (work permit) allowing operation of a commercial vehicle to a person whose driver's license is revoked for a violation committed in a private passenger vehicle.

Article 2: Motor Carrier Fuel Tax

1-23 **Motor carrier fuel tax.** Transfers from the department of revenue to the department of public safety the responsibility to collect fuel taxes from interstate motor carriers. Incorporates provisions of the International Fuel Tax Agreement. Recodifies the law that provides for the collection of taxes on fuel purchased in another state but consumed in Minnesota, and refund of taxes paid to Minnesota on fuel purchased in Minnesota but consumed elsewhere.

Article 3: Commercial Vehicle Enforcement

1 **Farm truck definition.** Amends the definition of "farm truck" in vehicle registration law. Under present law a vehicle registered as a farm truck may only transport the farmer's own products and property, with limited authorization to also transport for hire when the transportation is the first haul of the load. This section expands the for-hire authorization to transport forest products by expanding "first haul" to include transportation which is continued by another farm truck to a place of final processing or manufacture within 200 miles of the place of production.

2 **Gross weight tolerance.** Allows vehicles transporting unfinished forest products may exceed the registered gross weight of the vehicle by up to 5 percent without penalty. Under general law this tolerance is 4 percent or 1,000 pounds, whichever is greater.

Amends the first-haul language for forest products in this section by allowing it to be noncontinuous transportation up to 200 miles to the point of final processing or manufacture.

3-4 **Inspections of commercial vehicles.** Prohibits state troopers from making a spot inspection of a commercial vehicle if the trooper does not have probable cause for the inspection and the vehicle has been inspected in Minnesota within the past 90 days. If the vehicle has been inspected within the past 90 days but the trooper has probable cause for the inspection, the inspection must be limited to confirming probable cause unless the vehicle is taken into custody after arrest.

5 **Weighing of commercial vehicles.** Limits the authority of peace officers to require that a vehicle be driven to a scale for weighing by allowing such a direction to a commercial vehicle only if no more than two other commercial vehicles are waiting to be weighed at the scale.

6 **Required unloading.** Amends the law that allows peace officers to require overloaded trucks to

unload in order to bring their weight down. Under present law the vehicle can be required to unload to bring the weight down to the limit allowed under gross vehicle and gross axle weight laws. Under this law the unloading would be to bring the vehicle down to the registered gross weight if the registered gross weight violation is the lesser violation.

Exempts from the unloading requirements a vehicle on which the gross weight does not exceed the registered gross weight plus the five percent tolerances in section 2.

- 7 **First-haul definition.** Amends the definition of "first haul" in the "relevant evidence law" by incorporating the changes in section 2 (allowing a first haul of forest products to be noncontinuous and within 200 miles of the place of production). Under present law the first haul is limited to continuous transportation up to 50 miles from place of production.

The relevant-evidence law authorizes the use of weight tickets as evidence of gross weight and axle weight violations. First hauls of farm and forest products are exempt if the weight violation is by not more than ten percent.

- 8 **Permit fees.** Provides that the schedule of weight and distance-based fees (in addition to the \$15 single-trip permit fee or \$60 annual permit fee) for permits that allow overweight vehicles to be operated on public highways applies only when the vehicle exceeds the five percent tolerance in section 2. Specifies that the additional fee is for all weight, including the tolerance, in excess of the maximum axle weight.

- 9 **Northern zone load restriction study.** Directs the department of transportation to study seasonal load restrictions and seasonal load increases in the northern zone of the state, and make recommendations on establishing one or more new areas in the northern part of the state. Requires a report to legislative transportation policy committees by December 15, 2002.

- 10 **Effective date.** Makes all sections of the article effective immediately.