

# House Research Act Summary

**CHAPTER:** 6

**SESSION:** 2005 First Special Session

**TOPIC:** Transportation Appropriations and Policy

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## Section

### **Article 1: Transportation Appropriations**

#### **Overview**

This article appropriates \$3.89 billion in the 2006-2007 biennium to the Department of Transportation, Metropolitan Council transit, and administration and transportation-related activities of the Department of Public Safety.

- 1 Total appropriation.**
- 2 Transportation.** Appropriates \$1.67 billion in FY 2006 and \$1.8 billion in FY 2007 to the Department of Transportation.

#### **Subd. 1. Total appropriation.**

**Subd. 2. Multi-modal systems.** Makes appropriations for airport development and assistance available for five years after appropriation. Cancels \$1.9 million of the appropriation for airport development and assistance for FY 2004-2005, effective immediately.

**Subd. 3. State roads.** Provides for specific amounts for metropolitan area and greater Minnesota planning grants. Provides for a research contingent account for research that is paid from federal or other sources by reimbursement. Authorizes transfer of up to \$15 million each year to the transportation revolving loan fund.

**Subd. 4. Local roads.** Allows for expenditure of unappropriated balances in the county state-aid highway fund and municipal state-aid street funds, after notice to legislative committees.

**Subd. 5. General support and services.**

**Subd. 6. Transfers.** Allows transfers among appropriations from trunk highway fund and state airports fund, but not between funds. Provides for transfers from the flexible account in the county state-aid highway fund to the county and municipal turnback accounts and to the trunk highway fund.

**Subd. 7. Use of state road construction appropriation.** Allows expenditure of prior appropriations for state road construction.

**Subd. 8. Contingent.** Allows expenditure of unappropriated balance in trunk highway fund, with legislative advisory commission review, for trunk highway construction, emergency maintenance, and tort or environmental claims.

**3 Metropolitan council.** Appropriates \$77.5 million in FY 2006 and \$78.753 million in FY 2007 for bus and light rail transit.

Provides that the \$4.05 million in 2006 and \$5.3 million in 2007 are intended to pay 50 percent of Hiawatha LRT operations after operating revenue (fares) and federal funds. Requires the remainder to be provided up to those amounts from the Hennepin county regional rail authority, using county tax revenues, the authority's reserves, or taxes levied by the authority.

**4 Public safety.** Appropriates \$132.448 million in 2006 and \$131.869 million in 2007 for public safety administration and transportation-related divisions.

**Subd. 1. Total appropriation.**

**Subd. 2. Administration.** Specifies transfer of \$375,000 the first year and \$380,000 the second year for public safety officer survivor benefit reimbursements. Specifies transfer of \$314,000 each year for continued health insurance coverage for public safety officers or their survivors. Specifies \$508,000 each year for soft body armor reimbursements. Makes transfers to the trunk highway fund and highway user tax distribution fund to reimburse them for non-highway expenditures. Transfers \$716,000 each year from the highway user tax distribution fund to the general fund for criminal justice data network costs relating to drivers and vehicles.

**Subd. 3. State patrol.** Specifies \$3.7 million the first year for adding patrol positions. Provides that if money transferred to the trunk highway fund from revenues from the 2 a.m. bar permit are less than this amount the department must make up the difference by transferring federal repeat offender money to the trunk highway fund.

Prohibits:

- spending any money from the trunk highway fund for capital security

- permanently transferring state troopers from patrolling highways to capital security
- transferring any money appropriated for DPS administration, patrolling highways, commercial vehicle enforcement, or driver and vehicle services to capital security
- transferring any money from capital security.

**Subd. 4. Driver and vehicle services.** Transfer most funding of this activity from the trunk highway fund to the driver services operating account and vehicle services operating account in the special revenue fund.

**Subd. 5. Traffic safety.** Allows the department to spend half of money available to the state under federal repeat offender program and transfer the other half to MnDOT for hazard elimination activities.

**Subd. 6. Pipeline safety.**

**5 General contingent accounts.** Provides for contingent accounts in the trunk highway, state airports, and highway user tax distribution funds.

**6 Tort claims.** To the commissioner of finance.

## Article 2: Public Safety Activities, Fees, Accounts

### Overview

This article raises driver license and other fees charged by the Department of Public Safety and deputy motor vehicle registrars, and transfers funding of driver and vehicle service functions in the Department of Public Safety from the trunk highway fund and highway user tax distribution fund to newly-established operating accounts in the special revenue fund.

**1 Title transfer fee.** Increases title transfer fee for motor vehicles from \$4 to \$8.

**2 Deposit of registration tax revenue.** Provides that proceeds of motor vehicle registration fees (not taxes) will be deposited in the vehicle services operating account in the special revenue fund rather than the highway user tax distribution fund.

**3 Temporary permits.** Makes technical corrections in law on temporary permits before special license plates are issued. Allows electronic formats.

**4 Classic motorcycles.** Makes technical corrections in law governing classic motorcycle plates.

**5 Classic motorcycles.** Makes technical corrections in law governing classic motorcycle plates.

**6 Classic motorcycles.** Deletes the requirement that classic motorcycle plates be returned to the department before the owner replaces them with original plates.

**7 Plates.** Changes references to license plates and number plates to references to plates. Makes technical corrections. Deletes provisions requiring plate fees be paid in the highway user tax distribution fund. Deletes requirement that persons receiving various special plates return the vehicle's current plates to the department. Makes the exiting schedule of fees for original and replacement plates apply to all plates, including those for which the fee under

current law is set by the department in an amount determined by the department to cover cost of replacement.

Allows issuance of personalized veterans plates. Allows personalized veterans plates to have up to five numbers and letters.

Allows issuance of special firefighter plates to motorcycles.

- 8 Veterans plates.** Changes references to license plates to references to plates. Deletes limit of two sets of veterans plates per qualified applicant. Deletes requirements that commissioner of veterans affairs estimate number of veterans plates needed. Deletes provisions requiring plate fees be paid in the highway user tax distribution fund. Allows special veterans motorcycle plates for Gulf War and Global War on Terrorism veterans. Allows Gulf War veteran plates to be issued to a person who service on active duty after August 1, 1990, in a branch of the armed forces of a nation or society allied with the United States.

Allows issuance of special veterans plates to one-ton pickup trucks. Requires persons obtaining such plates to pay a \$5 surcharge on top of regular \$10 plate fee.

Authorizes special license plate for veterans of the Global War on Terrorism. Specifies design for plates displaying Iraq campaign medal, Afghanistan campaign medal, and global war on terrorism expeditionary medal. Provides that eligibility includes members of the National Guard and other Reserves who earned the qualifying military medal while serving long-term providing airport security duty in exact accordance with Presidential orders, but just shy of the time required to receive designation as “veterans” under federal law (i.e., their federal orders were for 179 days of airport duty, rather than the necessary “over 180 days”). Imposes \$5 surcharge on top of regular \$10 plate fee for such plates.

Section effective July 1, 2005, except that provisions on special motorcycle plates and Global War on Terrorism plates are effective immediately.

- 9 Veterans service group plates.** Changes “veterans service group plates” to “veterans service group emblems.” Makes technical corrections. Changes references to stickers to references to emblems on veterans service group plates. Deletes provision requiring commissioner of veterans affairs to determine documentation required for eligibility for veterans service group plates, and substitutes a requirement that applicants must show membership card for American Legion or Veterans of Foreign Wars.
- 10 Medal of Honor plates.** Makes technical corrections. Allows single special plate for motorcycle owned by Medal of Honor winner.
- 11 Ex-POW plates.** Makes technical corrections. Allows single special plate for motorcycle owned by Ex-POW.
- 12 Proud to be a Veteran plates.** Makes technical corrections. Deletes provisions requiring plate fees be paid in the highway user tax distribution fund. Provides that the design of the plate is a design for an emblem.
- 13 Fleet registration fees.** Makes technical corrections. Deletes provisions requiring fleet registration administrative fees be paid in the highway user tax distribution fund.
- 14 Limousine plates.** Makes technical corrections. Deletes provisions requiring limousine plate fees be paid in the highway user tax distribution fund.
- 15 Collegiate plates.** Makes technical corrections. Deletes provisions requiring plate fees be paid in the highway user tax distribution fund. Provides that the design is a design for an emblem.
- 16 Design of special plates.** Makes technical corrections. Replaces references to unique

symbols to unique emblems for special plates.

- 17 Authorization and discontinuance of special plates.** Amends the law that requires organizations requesting special license plates to submit certain information and an application fee to the Department of Public Safety before the legislative session, and requires sale of a certain number of each type of special plate in specified amounts in order to prevent discontinuance of the plate.

The existing law applies to all special license plates, but excludes various veterans' plates from the discontinuance provisions. This section would make the law apply only to the following plates:

- Firefighter plates
- Ambulance attendant plates
- Veterans service group plates
- Collegiate fund-raising plates

Veterans plates, Medal of Honor and Ex-POW plates, critical habitat plates, Rotary member plates, and Proud to be a Veteran plates would no longer be subject to the law. The current law making Rotary Member plates subject to most provisions of this law is retained in section **Error! Reference source not found.Error! Reference source not found.**

Any future special plates authorized by law would not be subject to the authorization and discontinuance law unless otherwise specified.

- 18 Critical habitat plates.** Makes technical corrections. Provides that plate fees collected must be deposited in the vehicle services account in the special revenue fund rather than in the highway user tax distribution fund.

- 19 Rotary Member plates.** Deletes reference to unique symbol and substitutes unique emblem. Makes technical corrections.

- 20 Transfer of ownership.** Deletes the requirement that a person who transfers a vehicle to another Minnesotan who is required to register the vehicle in Minnesota must surrender the license plates. Requires the transferor to assign to the transferee the registration tax that has already been paid unless the license plate tabs are surrendered to the department before the start of the new registration period.

Requires a person who loses a certificate of registration or certificate of title, other than for a vehicle not subject to the mileage disclosure law, to apply to the department with proof of loss, and to assign a notice of sale of the vehicle on the application for title.

- 21 Refund.** Deletes obsolete language relating to reporting of refunds of vehicle license taxes paid in error.

Provides that transferors of vehicles must assign tax paid on the vehicle to the transferee unless the tabs are surrendered to the department before the beginning of the new registration period.

Deletes the law that allows refund of remaining registration tax if a vehicle is declared a total loss by an insurer because of tornado or flood, and substitutes a provision that allows such a refund if the vehicle is declared by an insurer to be permanently destroyed by

accident, fire, or Act of God as defined in environmental response law (“unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight”).

Deletes provision allowing refund to be calculated on basis of 1/12 the tax for each month remaining in the registration period, and makes the refund equal to the registration tax for the months remaining after the month in which the plates and title are returned to the department.

**22 Refund.** Deletes the law that allows full refund if a vehicle is permanently destroyed or removed from the state, and substitutes provision that allows full refund if the tabs are surrendered before the beginning of the new registration period.

**23 Dealer licenses.** Makes technical corrections. Deletes requirement that the department must investigate the fitness of an applicant before issuing a motor vehicle dealer’s license. Increases fee for initial application for dealer’s license from \$50 to \$100. Increases the annual license fee from \$100 to \$150.

**24 Expedited service fee.** Allows an applicant for a driver’s license, instruction permit, Minnesota ID card or title transaction to pay an expedited service fee of \$20 to obtain expedited service. Allows a driver’ license agent or deputy motor vehicle registrar to retain \$10 of the fee. Requires the department to deliver the requested materials within three days of receipt of the fee excluding weekends and holidays. Allows the department to refuse the fee when three-day service cannot be granted. Requires the fee for driver’s licenses, instruction permits, and ID cards to be paid into the driver services account in the special revenue fund. Requires the fee for title transfers to be deposited in the vehicle services account.

**25 Driver and vehicle record fees.** Provides for fees for the department to provide copies of records.

**Subd. 1. Records and fees.** Requires the department to furnish copies of any driver license record, learner’s permit record, ID card record, vehicle registration record, title record, or accident record. Requires a \$10 fee for each such record that is certified and \$9 for each uncertified record, excluding accident records governed by section **Error! Reference source not found.Error! Reference source not found..** Adds \$1 fee per page for each vehicle title history not in electronic format.

Requires the fee for driver’s license, instruction permit, and ID card copies to be paid into the driver services account in the special revenue fund, and the fee for title transfer copies to be deposited in the vehicle services account, except that 50 cents of each fee is deposited in the general fund.

Allows persons to inquire into record using their own electronic means for a \$4.50 fee, or no fee is the inquirer is the subject of the record, with \$2.70 of the fee going into the general fund and the remainder going into the driver services account or vehicle services account, depending on the record.

**Subd. 2. Requests for information.** Imposes a 50 cent surcharge on each fee charged by the Department of Public Safety for copies or electronic transmittals of public information about a vehicle or licensee if the request for the data is made in person, by mail, or for transmittal via modem. Excludes requests by persons who are the subject of the data. Allocates the surcharge to the general fund.

**Subd. 3. Exceptions.** Prohibits charging a fee or surcharge for request for vehicle

registration information if the department is satisfied that the request is made on behalf of a nonprofit community organization authorized to make the request by a law enforcement agency, and the request is needed to identify suspected violators of prostitution or drug laws or health codes. Prohibits department from requiring such requesters to make minimum number of data requests of limiting them to maximum number.

**26 Deputy registrars.** Makes changes in law governing deputy motor vehicle registrars.

**Subd. 1. Commissioner's duties.** Makes technical corrections.

**Subd. 2. Deputy registrars.** Makes technical corrections. Repeals authority of county auditor to appoint city clerks as deputy registrars. Repeals the authority of county board to appoint an individual as a successor to a corporation as a deputy registrar when authority of corporations to be deputy registrars expires on January 1, 2009. Requires deputy registrar office locations to be approved by the department.

**Subd. 2a. Continuation.** Makes technical change.

**Subd. 2b. Employment status.** Makes technical changes.

**Subd. 3. Records; disclosure.** Requires department to furnish copies of vehicle registration records under section **Error! Reference source not found.Error! Reference source not found.** Allows department to furnish copies of vehicle registration records without charge to county sheriffs, prosecutors, and other law enforcement agencies with arrest powers.

**Subd. 6. Application.** Deletes requirement that the department and deputy registrars destroy returned plates.

**Subd. 7. Filing fee.** Increases from \$7 to \$8.50 the filing fee for vehicle transactions other than registration renewals. Requires all filing fees for registration renewals to be deposited in vehicle services account. Requires all other filing fees to be divided \$3.50 to the general fund and \$5 to the vehicle services account.

**Subd. 8. Disability permits.** Makes technical changes.

**Subd. 9. Rules.** Makes technical change.

**27 Telephone information.** Makes technical change.

**28 Information on lessees.** Makes technical change.

**29 Manufacture of plates.** Changes references to license plates and number plates to "plates." Provides that the open and standing appropriation to the department for cost of purchasing, delivering, and mailing plates, tabs, and registration notices is from the vehicle services account rather than the trunk highway fund.

**30 Transfer fee.** Makes technical change.

**31 Proceeds.** Makes technical change.

**32 Inspection fee.** Increases from \$20 to \$35 the fee for inspecting a vehicle prior to issuing a certificate of title. Provides that the first \$20 of the fee will continue to go to the general fund. Allocates the remainder to the vehicle services account.

**33 Title filing fees.** Makes changes in the law governing fees for certificates of title.

**Subd. 1. Amounts.** Increases from \$3 to \$5.50 the fees for applying for an

original title and issuance of a new title after a transfer of ownership. The original \$3 fee will continue to go to the general fund, and the \$2.50 increase will go to the vehicle services account.

Increases from \$4 to \$6.50 the fee for a duplicate title. The original \$3 fee will continue to go to the general fund, and the \$2.50 increase will go to the vehicle services account.

**Subd. 2. In lieu.** Makes technical change.

**Subd. 3. Fees must be paid.** Makes technical change.

**34 Disposition of fees.** Changes the open and standing appropriation to the department for administration of title law from the transfer of ownership revolving fund to an open and standing appropriation from the vehicle services operating account.

**35 Confidentiality of accident reports.** Specifies that accident reports may not be used as evidence in any action for damages or criminal proceedings. Current law makes reports inadmissible in civil and criminal trials.

Requires the department to charge a \$5 fee for accident report copies (current law makes charging the fee optional with the department). Allocates the fee \$4.50 to the driver services account and 50 cents to the general fund. Allocates 45 cents of the fee to the driver services account and 5 cents to the general fund.

Makes furnishing of electronic copies of the department's accident records database subject to general provisions in Data Practices Act relating that allow for reasonable fees for the information in addition to copying charges. Requires the database to not contain any personal or private data on individuals.

**36 License plate reinstatement fees.** Re-directs from the highway user tax distribution fund to the vehicle services account one-half of fees from sale or reinstatement of plates under law that allows for impoundments of plates after alcohol-related violation. The remaining half will continue to go to the general fund.

**37 Driver license fees.** Increases driver license and related fees:

- Class D license, \$18.50 to \$21.50
- Class C license, \$22.50 to \$25.50
- Class B license, \$29.50 to \$32.50
- Class A license, \$37.50 to \$40.50
- (Same changes for classified under-21 licenses, except class A under-21 license increased from \$17.50 to \$20.50)
- Provisional license, \$9.50 to \$12.50
- Duplicate license, \$8 to \$11
- Minnesota ID card, \$12.50 to \$15.50

**38 Driver license agent fee.** Increases from \$3.50 to \$5 the fee charged by driver license

agents for receiving applications.

**39 Standby or temporary custodian designation.** Redirects from the trunk highway fund to the driver services account amounts received over \$61,000 each year from fees for placing standby or temporary custodian designation on driver's licenses. The first \$61,000 will continue to go to the general fund.

**40 Initial motorcycle endorsement fee.** Redirects from the trunk highway fund to the driver services account \$2.50 of the initial examination and application fee for a motorcycle endorsement. The remainder will continue to go to the general fund.

**41 Repeat examination fee.** Requires a fee of \$10 for third and subsequent written driver license exam for persons who failed the first two. Requires a \$20 fee for third and subsequent behind-the-wheel exam for persons who failed the first two. Allocates all such fees to the driver services account.

**42 Reinstatement fee.** Makes technical changes.

**43 Money credited.** Redirects all money collected under driver license law from the trunk highway fund to the driver services account except as otherwise provided.

Requires a portion of the money so re-directed to be transferred to the trunk highway fund: \$833,000 in FY 2006, \$1.523 million in FY 2007, \$1.565 million in FY 2008, and \$1.825 million in FY 2009.

**44 Reinstatement fee.** Redirects from the trunk highway fund to the driver services account \$50 of the \$680 fee for reinstatement of driver's license after alcohol-related revocation.

**45 Driving school license fees.** Redirects driving school license fees from the trunk highway fund to the driver services account.

**46 Accounts.** Creates a vehicle services operating account in the special revenue fund. Allows money in the account to be appropriated for costs of:

- vehicle registration
- vehicle licensing and license plates
- vehicle titling
- maintaining vehicle records
- issuing disability certificates and plates
- licensing vehicle dealers
- appointing and supervising deputy registrars
- inspecting vehicles when required

Creates a driver services operating account in the special revenue fund. Allows money in the account to be used for costs of:

- **producing and mailing licenses**
- **producing and mailing notices**
  - testing and examination of drivers

**47 Revisor instruction.** Instructs the revisor to correct cross-references in Minnesota Statutes, renumber statutes, and correct Minnesota Rules.

**48 Repealer.** Repeals the following:

- Laws allocating money to the highway user tax distribution fund that is redirected under this article
- obsolete laws

- laws and rules providing for licensing of bicycle dealers

### Article 3: Transportation Policy

## Overview

This article contains various policy changes, including:

1. amending the “Dimler amendment” (certain speeding violations not to appear on driving record) by expanding it to include violations of 60 mph speed limit by not more than 5 mph and excluding speeding violations by a holder of a commercial driver’s license
2. limits on cell phone use by drivers under age 18
3. increase in maximum length of three-vehicle recreational combinations from 60 to 70 feet
4. enhanced penalties for those who speed more than 20 mph over the speed limit or at 100 mph or more
5. conformity with federal regulations regarding commercial driver license disqualifications
6. authorization of new disabled veteran license plates
7. suspension of vehicle insurance verification program and remediation to persons convicted of violating its requirements

**1 Classification of owner’s appraisal.** Provides that appraised values of property made by appraisers who work for owners of land are classified as private data on individuals or as nonpublic data if the landowner has received an offer to buy their property from the state or a political subdivision.

Deletes the requirements that such data becomes public when the negotiating parties exchange appraisals, or when the data are submitted to the owner under the law that governs acquisition of real property for transportation purposes.

**2 Central mailing system.** Allows agencies to bypass central mailing system if they can demonstrate to the Department of Administration that an alternative is more effective, efficient, or economical.

**3 Highway sign program.** Allows MnDOT to bill the department’s highway operations units and local government for costs of a centrally managed sign program.

**4 Paul Bunyan Expressway.** Amends the statutory description of the Paul Bunyan Expressway to delete the section renamed in section **Error! Reference source not found.**

**5 Purple Heart Highway.** Designates T. H. 371 from Little Falls to Cass Lake, except for the Brainerd bypass already designated as the C. Elmer Anderson Memorial Highway, as the Purple Heart Memorial Highway. Directs the Department of Transportation to erect signs marking the highway, subject to the general law that requires the cost of signs to mark highways and bridges named by law to be paid from nonstate sources.

**6 Biauswah Bridge.** Designates the bridge on T. H. 23 over the St. Louis river as “Biauswah Bridge” and directs MnDOT to erect signs, subject to the law that requires the cost of the signs to be paid from nonstate sources.

**7 Repayment of advances.** Deletes requirement that rate of interest on advances by local

governments to MnDOT be limited to the maximum interest rate earned by the state on its cash, and substitutes provision allowing the interest rate to be set by the parties.

- 8 **Highway contracts with tribal authorities.** Deletes requirement that tribal-state agreements on public highways on Indian land be limited to cost-sharing agreements.
- 9 **County state-aid rules advisory committee.** Allows the county state-aid rules advisory committee to use the procedure in the Administrative Procedures Act for expedited rules. The expedited process allows adoption 30 days after first publication in the State Register and approval by the Office of Administrative Hearings.
- 10 **Variations from state-aid rules.** Reduces from 20 to 7 days after notice the time period for submitting written objections to a request for a variance from a county state-aid rule.
- 11 **Administrative costs.** Increases from 1.5 percent to 2 percent the deduction from the county state-aid highway fund for Department of Transportation administrative costs.
- 12 **Town road signs.** Allows counties to use a part of their county state-aid funds to aid towns to replace town road signs, without subsequent reductions in money needs.
- 13 **Municipal state-aid rules committee.** Allows the municipal state-aid rules advisory committee to use the procedure in the Administrative Procedures Act for expedited rules.
- 14 **Variations from municipal state-aid rules.** Reduces from 20 to 7 days after notice the time period for submitting written objections to a request for a variance from a municipal state-aid rule.
- 15 **Advances from municipal state-aid apportionment.** Repeals the provision that limits advances by a city from its municipal state-aid street apportionment to total estimated apportionments for the next three years.
- 16 **Construction across another county.** Allows a county to spend county state-aid funds on a state-aid highway that cuts across another county or state, when allowed by the department. Requires the other county to approve the construction.
- 17 **Construction across another city or county.** Allows a city to spend county state-aid funds on a state-aid highway that cuts across another city or county, when allowed by the department. Requires the other city to approve the construction.
- 18 **“Highway” definition.** Adopts the definition of “highway” for motor vehicle law that is now in traffic law (“the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic”)
- 19 **“Motor vehicle” definition.** Amends the definition of “motor vehicle” in vehicle registration law to specify that it excludes motorized foot scooters.
- 20 **“Owner” definition.** Amends the definition of “owner” in vehicle registration law to replace a reference to renting for more than 30 days with a reference to leasing for more than 30 days.
- 21 **“Registered owner” definition.** Amends the definition of “registered owner” in vehicle registration law by specifying that an owner is a person.
- 22 **“Tax” definition.** Amends the definition of “tax” in vehicle registration law by removing reference that gives “fee” the same definition as “tax.”
- 23 **“Passenger automobile” definition.** Amends the definition of “passenger automobile” to exclude all school buses.
- 24 **“Recreational vehicle” definition.** Changes term “recreational equipment” to “recreational vehicle” in motor vehicle registration law. Deletes provisions that include slip-in campers and house cars in the definition.

Deletes the requirement that a recreational vehicle be used as temporary living quarters while engaged in vacation or recreational activities to be included in the definition.

Requires a motor home to have a living unit built into it in order to be classified as a recreational vehicle.

Prohibits any motor vehicle with removable equipment mounted into or on the vehicle from being registered as a motor vehicle.

- 25 **“All-terrain vehicle” definition.** Defines “all-terrain vehicle” in vehicle registration law by adopting definition in ATV registration law (“a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 900 pounds”).
- 26 **“Person” definition.** Defines “person” in vehicle registration law by adopting definition in vehicle titling law (“an individual, firm, co-partnership, association, corporation, or governmental organization”).
- 27 **“State” definition.** Defines “state” in vehicle registration law to include D.C., Puerto Rico, U. S. Virgin Islands, and other territories and possessions.
- 28 **“Vehicle” definition.** Defines “vehicle” in vehicle registration law by adopting definition in titling law (every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including motorized bicycles but excluding human-powered vehicles, rail vehicles, and vehicles not originally constructed primarily for use on public roads and highways).
- 29 **Tax-exempt vehicles.** Expands exemption from vehicle registration taxes for vehicles owned by charities and used to transport disabled persons for educational purposes to include charitable and religious purposes.

Deletes the provision enacted in the 2005 regular session that made motorized foot scooters exempt from vehicle registration. (With the change in section **Error! Reference source not found.** this change means that motorized foot scooters will not have to be given exempt plates.)

- 30 **Military grace period.** Extends from 40 to 90 days the period after completion of active military service that vehicle registration is extended, if the person completing military service files an application for exemption within 90 days of completing service.
- 31 **Nonresident buyer.** Amends the law that authorizes temporary 31-day permits in lieu of registration for vehicles bought in Minnesota for removal to another state, by:

- specifying that the 31 days begins on the date of sale, trade or gift
- allowing the permits to be available in electronic format
- providing for waiver of the \$1 fee for the permit if the trade, sale, or gift data is transmitted electronically to the Department of Public Safety

Allows the permit to be placed in a place other than the left side of the inside rear window, as long as the permit is visible to law enforcement.

- 32 **Collector plates.** Allows collector plates for vehicles that are at least 10 years old and with a body or engine style of which not more than 500 were manufactured in imported into the U.S. in any model year. Requires owner to provide statement attesting to number manufactured or imported.

(Current law requires vehicles to be at least 20 years old to qualify for collector plates.)

- 33 **DAV plate.** Authorizes special Disabled American Veteran plate for veterans with

permanent and total service-related disability. Imposes a \$5 surcharge on top of regular \$10 fee for special plates.

**34 USDOT numbers.** Prohibits the Department of Public Safety from assigning a USDOT carrier number to a vehicle owner whose vehicle is not required to report a USDOT carrier number to the department.

**35 Satisfaction of lien.** Amends certificate of title law by providing that security interests in passenger automobiles that have been perfected (satisfied) expire seven years from the date of perfection.

Allows a lien holder to notify the Department of Public Safety in the sixth year of a lien, not later than 90 days ahead of the expiration of the seven-year period, that a lien will not be satisfied within the seven-year period and must be extended, if the lien holder so requests, for another seven years.

**36 Commercial vehicle definition.** Redefines “commercial motor vehicle” in traffic law to include all vehicles used in transportation of hazardous materials, regardless of weight. Excludes all emergency vehicles from definition.

**37 Hazardous materials.** Updates a reference to federal regulations in the definition of “hazardous materials” in traffic law.

**38 Recreational vehicle combinations defined.** Amends the definition of “recreational vehicle combinations” (pickup truck pulling camper-semitrailer and recreational trailer) to allow the third vehicle to carry equestrian equipment or supplies.

**39 Traffic control signals.** Specifies that traffic control signals include colored lighted arrows.

Requires pedestrians walking with a green light to yield the right-of-way to vehicles that were lawfully in the intersection when the light turned green.

Provides that when an official sign has been erected that permits a turn on a red arrow signal, vehicles may enter the intersection against the red arrow to turn right, or to turn left from one one-way street to another on which traffic is moving to the left. Requires a stop in such cases. Requires such turning vehicles to yield to pedestrians and other traffic lawfully in the intersection.

**40 Pedestrian control signal.** Allows symbols of a walking person or upraised hand to serve as pedestrian “walk” and “don’t walk” signs.

Provides that a person walking with a walk or walking-person sign may cross the roadway in the direction of the signal, “possibly in conflict with turning vehicles.” Requires drivers to yield to such pedestrians, except that the pedestrian is required to yield to a vehicle lawfully in the intersection when the walk signal turns on.

**41 License revocation for certain speeding violations.** Revokes the driver’s license for six months for any person convicted of speeding by driving more than 100 miles per hour, or for a longer period if authorized under laws governing DWI or fleeing a peace officer.

Effective August 1, 2005, for violations committed on and after that date.

**42 Speeding surcharge.** Imposes a surcharge on speeding violations 20 miles per hour over the speed limit. Makes the surcharge equal to the fine imposed, with a minimum surcharge of \$25.

Effective August 1, 2005, for violations committed on and after that date.

43 **Passing on right.** Amends the law that prohibits passing on the right by traveling off the pavement, to add a prohibition against passing on the right by traveling on the shoulder whether paved or unpaved.

Effective August 1, 2005.

44 **Driving left of center.** Allows an implement of husbandry to be operated or towed to the left of the centerline of a two-way roadway to the extent necessary to avoid a stationary object on the right-of-way.

45 **Passing emergency vehicle.** Amends the law enacted in 2005 regular session that requires persons approaching a stopped emergency vehicle to if possible leave a full lane of traffic between their vehicle and the emergency vehicle, by making also apply to tow trucks stopped on or next to a highway.

46 **Designation of exempt crossing.** Allows MnDOT to designate an exempt rail crossing on agreement with the railroad after a diagnostic review of the crossing.

47 **Day activity center buses.** Allows a vehicle used to transport adults to and from a day activity center to use prewarning flashing amber signals (of the type used on school buses) and a stop-arm if:

- the driver has a school bus endorsement
- the vehicle picks up and drops off passengers at locations predesignated by the center
- the vehicle is prominently marked as a day activity center bus
- the name, address, and telephone number of the operator is identified on the front door

Makes the duty of care of motorists toward a school bus apply to these vehicles. Makes school bus driver duty of care applicable to drivers of these vehicles except where inapplicable.

48 **Slow-moving vehicle emblem.** Allows a slow-moving vehicle emblem to be an illuminated red-orange triangle. Deletes expired law.

49 **Recreational vehicle combinations.** Incorporates a reference to the change in section **Error! Reference source not found.** in the law governing recreational vehicle combinations. Increases maximum length of such combinations from 60 to 70 feet.

50 **Forest product weight limits.** Amends the 2004 law that allows vehicles hauling forest products to exceed weight limits, by:

- imposing a 20,000 pound limit on single axles of such vehicles
- specifying that such vehicles may exceed legal axle weights in the gross weight schedule by up to 12.5 percent, or 22.5 percent during the period when winter weight allowances are in effect

51 **First haul exemption.** Provides that the “first-haul exemption” from the law allowing weight tickets to be introduced as evidence, which now applies to farm products and forest products, also applies to wood chips.

52 **Permits.** Authorizes issuance of annual overweight permit for six-axle vehicles hauling

livestock and having a gross weight of up to 88,000 pounds, beginning August 1, 2006.

Allows issuance of annual oversize permit for hauling of manufactured storage buildings.

53 **Uniform traffic ticket.** Amends the “Dimler amendment” language on the uniform traffic ticket to incorporate the change in section **Error! Reference source not found.****Error! Reference source not found.**

54 **Revocation of commercial driver’s license.** Repeals requirement that a person driving a commercial vehicle who refuses an implied-consent test must be disqualified and have driver’s license revoked for one year. Substitutes a requirement that such a disqualification and revocation must be according to federal regulations that set out a table requiring disqualification for between 1 year and life for various violations.

55 **“Commercial motor vehicle” defined.** Redefines “commercial motor vehicle” in driver’s license law to include all vehicles used in transportation of hazardous materials, regardless of weight.

56 **“Hazardous materials” defined.** Updates a reference to federal regulations in the definition of “hazardous materials” in driver’s license law.

57 **“State” defined.** Redefines “state” in driver’s license law to include U. S. Virgin Islands and any U. S. territory or insular possession.

58 **“Tank vehicle” defined.** Defines “tank vehicle” as a commercial vehicle designed to transport liquid or gaseous materials in a tank, including a cargo tank or portable tank, that is permanently or temporarily attached to the vehicle or chassis, other than a portable tank under 1,000 gallons.

59 **License classes.** Amends law describing classes of driver’s licenses.

**Subd. 1. License required.** Allows an instruction permit to be issued to a person with a Minnesota ID card without requiring the ID card to be invalidated.

**Subd. 2. Classifications.** Amends the law allowing a farm truck to be driven with a class D (basic) license, by deleting the requirement that a farm employee with such a license must not be primarily employed to drive the truck. Requires a farm truck driven with a class D license to be used to transport farm products, farm machinery, or farm supplies, including hazardous materials, to or from a farm. Prohibits a farm truck driven with a class D license from being operated by a common or contract motor carrier.

Repeals the law that allows any combination of vehicles up to 26,000 lbs. gross weight to be operated with a class D license, and substitutes provision allowing person with class D license to tow a combination if (1) the towed vehicles have a gross weight of 10,000 lbs. or less, or (2) the towed vehicles have a gross weight of over 10,000 lbs. and the combination has a combined gross weight of 26,000 lbs. or less.

Allows any emergency vehicle to be operated with a class D license.

**Subd. 2a. Hazardous material endorsement exception.** Deletes the provision that allows a vehicle up to 26,000 pounds carrying up to 200 gallons of petroleum products, and a farm vehicle up to 26,000 pounds carrying up to 1,500 gallons of liquid fertilizer, to be operated without a hazardous materials endorsement.

**Subd. 3. Motorized bicycle.** Makes technical changes.

**Subd. 4. Restricted CDL.** Updates a reference to federal regulations.

**Subd. 5. Snowplow drivers.** No change.

60 **Driver license military exemptions.** Exempts persons on active duty with military, Coast Guard, reserves, or National Guard from requirement to hold a commercial driver's license while driving a commercial vehicle owned by the federal government and used for military purposes.

Updates a reference to federal regulations.

61 **Disqualifications.** Prohibits issuance of a limited class A, B, or C license to a person who has been disqualified from driving a commercial vehicle.

62 **Duration of learner's permit.** Extends duration of learner's permit from one to two years.

63 **Duration of learner's permit.** Extends duration of learner's permit from one to two years.

64 **Use of mobile phone with instruction permit.** Prohibits a person under 18 driving with an instruction (learner's) permit from driving while using a cellular or wireless telephone while the vehicle is in motion. Allows use to obtain emergency assistance or prevent a crime, or is driver reasonably believes a person's life or safety is in danger.

Effective January 1, 2006.

65 **Use of mobile phone by person with provisional license.** Prohibits a person with a provisional (under 18) driver's license from driving while using a cellular or wireless telephone while the vehicle is in motion. Allows use to obtain emergency assistance or prevent a crime, or is driver reasonably believes a person's life or safety is in danger.

Effective January 1, 2006.

66 **Motorcycle endorsement fee.** Changes the allocation of revenue from the part of the surcharge on motorcycle endorsements on driver's licenses. The surcharge is \$18.50 on initial licenses and \$13 on renewals; the portion affected by this section is \$11 of the surcharge on initial licenses and \$7 of the surcharge on renewals.

This section would redirect 90 percent of surcharge receipts that exceed \$750,000 each year from the trunk highway fund to the motorcycle safety fund. The remaining 10 percent would continue to go to the general fund. The first \$750,000 in receipts would continue to go to the motorcycle safety fund.

Receipts from the remainder of the surcharge (\$7.50 on initial licenses, \$6 on renewals) would continue to go to the general fund.

67 **Restriction on license.** Provides that if an applicant for a commercial driver's license does not pass the air brake component of a written or behind-the-wheel test, the person's CDL must indicate that the person is restricted from operating a commercial vehicle with air brakes.

68 **Purging of driving records.** Requires a record of a violation of a driver or vehicle out-of-service order to be kept on the driving record for at least 10 years.

Requires records of the following to be kept on the driving record permanently:

- felony convictions involving use of motor vehicle (currently 5 years)
- prior impaired driving convictions (currently 15 years)
- prior impaired driving-related loss of license (currently 15 years)
- failure to comply with accident reporting requirements (currently 5 years)
- gross misdemeanor driving after license cancellation or denial because of department determination that driver is inimical to public safety (currently 15 years)

Repeals the law that requires the Department of Public Safety to remove from a driving record after 10 years any alcohol-related violation that was a first-offense violation for an alcohol concentration between .08 and .10 and the driver incurred no further violations in the ten-year period.

**69 Speeding convictions not recorded.** Amends the law that provides that violations of a 55 mph speed limit that are not more than 10 mph over the speed limit are not entered on a driving record (“Dimler amendment”) to:

- provide that it also applies to violations of up to 5 mph over a 60 mph speed limit
- provide that the violations are entered on the driving record if (1) the violation is committed in a commercial vehicle, or (2) if the violator has a commercial driver’s license regardless of whether the violation was committed in a commercial vehicle or private vehicle.

**70 Driver examinations.** Requires applicants for driver’s license renewal who have received a warning letter or who have attended a preliminary hearing as a habitual violator to pass a written examination before license is renewed.

Requires applicants for driver’s license renewal who have had driving privileges suspended as a habitual violator since the last previous renewal to pass a behind-the-wheel test before license is renewed.

**71 CDL records check.** Requires the Department of Public Safety before issuing a commercial driver’s license to request the applicant for a complete driving record from all states where the applicant was previously licensed in the last 10 years.

**72 Commercial vehicle disqualifications.** Repeals the provision setting out specific disqualifications from driving a commercial motor vehicle, and substitutes a reference to federal regulations setting out disqualifications and penalties.

**73 Implied consent revocation.** Repeals the provision requiring disqualification from commercial vehicle driving for one year after a license revocation for refusing to take an implied-consent test while driving a commercial vehicle. Substitutes a reference to federal regulations setting out disqualifications and penalties.

**74 Disqualification exemptions.** Prohibits commercial vehicle disqualification for any authorized emergency vehicle operator operating a commercial vehicle (present prohibition

applies only to firefighters).

Specifies that a conviction for a violation committed while operating a private vehicle (vehicle that is not a commercial vehicle) may not be counted as a first or subsequent violation for purposes of determining commercial vehicle disqualifications if the violation occurred before August 1, 2005.

**75 Notice.** Requires the Department of Public Safety to participate fully in the commercial driver's license information system established under federal law.

**76 Revocation for speeds over 100 mph.** Amends the law authorizing driver's license revocations to allow revocation for speeding at speed over 100 miles per hour.

Effective August 1, 2005, for violations committed on and after that date.

**77 Bad checks for license fee.** Authorizes the department to suspend the driver's license of a person who has paid a driver's license fee with a bad check, until the department determines or is notified by the driver's license agent that the check has been paid in full.

**78 Limited licenses.** Prohibits the Department of Public Safety from issuing limited driver's licenses (work permits) to certain classes of persons to whom regular driver's licenses may not be issued:

- drug-dependent person
- 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 the person is competent to operate a motor vehicle with safety to persons or property"
- any person required to take a vision, written, or behind-the-wheel test, unless the person passes the test
- person whom the department has good cause to believe would be inimical to public safety or welfare while driving on highways
- any person when, in the opinion of the department, the person "is afflicted with or suffering from a physical or mental disability or disease that will affect the person in a manner as to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating it upon the highways"
- any person whose license has been canceled, during the period of cancellation

Prohibits issuance of a commercial (class A, B, or C) limited driver's license.

**79 Use of bridge bonding funds.** Allows money from state transportation bonds for local bridges to be spent as grants to cities under 5,000 that have a net tax capacity of under \$200,000 for design and preliminary engineering of bridges on city streets. Allows grants to be used for 100 percent of design and such costs. Limits total grants to all cities for this purpose to \$200,000.

**80 Continuation of commuter rail corridor coordinating committee.** Exempts commuter rail corridor coordinating committees from mandatory sunset law. Effective retroactive from June 30, 2003.

**81 Essential employees.** Designates public safety radio communications officers as essential

employees under public employee labor law.

82 **State employee bargaining units.** Adds public safety radio communications operator unit to the list of state employee bargaining units.

83 **Cross-references.** Amends veterans law by inserting cross-references to statutes giving grace period after military service for renewal of driver's license and vehicle registration.

84 **Cross-references.** Amends veterans law by inserting cross-references to statutes giving grace period after military service for renewal of driver's license and vehicle registration.

85 **Grade crossing account.** Creates a grade crossing safety account in the special revenue fund, consisting of the state's share of revenue from fines for citations written by the state patrol. Appropriates money in the account to the commissioner of transportation for grade crossing safety projects.

86 **Quiet zones.** Deletes the provision that allows cities and towns to establish quiet zones (where train whistles and signals are restricted) by ordinance, and substitutes authorization to apply to the Federal Railroad Administration (FRA) for establishment of a quiet zone.

87 **Violations.** Repeals law that makes it a misdemeanor for a railroads to fail to sound bells or whistles at grade crossings, and substitutes a prohibition against failure to sound bells or whistles in violation of FRA regulations.

88 **Dedication of fine money.** Dedicates the first \$600,000 each year from the state's 5/8 share of revenue from fines for citations written by the state patrol to the grade crossing safety account. Dedicates the remainder to the trunk highway fund (where all such revenue goes under current law).

89 **Town road sign replacement program.** Requires MnDOT to develop and implement a town road sign replacement program. Requires standards for sign removal, replacement, and installation to conform to applicable federal, state, and local standards. Provides for local government participation. Effective when state or federal funds are appropriated for the program.

90 **Cedar Avenue busway.** Allows the Dakota County Regional Rail Authority to exercise the same powers to develop bus rapid transit in the Cedar Avenue transitway corridor as it has to develop rail service. Effective immediately without local approval.

91 **Suspension of program.** Suspends the program under which the Department of Public Safety samples 2 percent of all vehicle owners each year for check compliance with vehicle insurance requirements by requesting them to submit their insurance information, and suspends the driver's license of persons who fail to respond to the sampling inquiry.

92 **Reinstatement of license.** Requires the department to reinstate all driver's licenses that were suspended under the law that authorized suspension for failure to respond to request for insurance information under insurance random sampling program.

93 **Dismissal of charges.** Makes void all charges, complaints, and citations issued for a violation of the law requiring persons receiving inquiry under the insurance random sampling program to respond.

94 **Removal of previous violations.** Requires the department to remove from driving record all notations of convictions for:

- failure to respond to an inquiry under the insurance random sampling program
- any violation related to the program, including driving after license suspension for noncompliance with the program

Prohibits insurers from raising premiums because of such violations, if the violation occurred before enactment of this section. Requires insurers to rescind any such increase.

- 95 **Remediation for convictions.** Requires a court in which a conviction for violation of the law requiring persons receiving inquiry under the insurance random sampling program to respond to immediately notify the convicted person that the conviction has been vacated.
- 96 **Remediation by insurers.** Requires vehicle insurers within 60 days after effective date to inform commissioner of commerce as to whether it has cancelled, non-renewed, denied, or imposed surcharge on insurance because of conviction for violation of the law requiring persons receiving inquiry under the insurance random sampling program to respond. Requires the insurer to also provide a list of such persons and indicate for each such person the remediation the insurer intends to provide. Requires remediation to compensate by providing refund and reinstating coverage.
- 97 **Report.** Requires department to report to legislative committees by September 1, 2007, on the insurance verification program and its impact on number and identification of uninsured motorists.
- 98 **Unspent funds.** Allows the department to use unspent funds for the insurance verification program to comply with sections **Error! Reference source not found.****Error! Reference source not found.** and **Error! Reference source not found.****Error! Reference source not found.**
- 99 **Roussain cemetery.** Directs the city of Duluth to name and dedicate the cemetery on land in the city leased to the Fond Du Lac Band of Lake Superior Chippewa as “Roussain Cemetery,” on agreement with the band. Directs the city to adopt a suitable marking and erect signs, after consultation with the band and assurance of the availability of noncity funds for the signs. Requires approval by Duluth city council.
- 100 **Wetlands replacement.** Makes wetland replacement related to construction of trail near Cologne eligible for replacement under the wetland replacement law that applies to transportation projects.
- 101 **Train speed limit in Orr.** Sets a speed limit of 30 mph for trains in Orr. Effective on local approval.
- 102 **Ethanol mandate.** Provides that if the minimum ethanol content in gasoline is more than 20 percent, it reverts to 10 percent 90 days after the effective date of any change in federal law governing the federal motor fuel tax that the Department of Transportation determines will result in a loss of federal highway funds to Minnesota because of the higher percentage.
- 103 **Minneapolis deputy registrar office.** Requires the Department of Public Safety to appoint a new deputy motor vehicle registrar for Hennepin County to operate a new full-service deputy registrar and driver license office at the Midtown Exchange building in Minneapolis, notwithstanding department rules limiting the number of deputy registrar offices based on proximity to each other or projected number of applications handled.
- 104 **Chanhassen deputy registrar office.** Requires the Department of Public Safety to appoint the Carver County auditor as a deputy motor vehicle registrar and driver’s license agent in Chanhassen, notwithstanding department rules limiting the number of deputy registrar offices based on proximity to each other or projected number of applications handled.
- 105 **Transition.** Directs the Bureau of Mediation Services to assign public safety radio communications operators to state employee bargaining unit 17. Provides that terms and conditions of collective bargaining agreement and other salary and benefit provisions before July 1, 2005, remain in effect until a new agreement is reached. Provides that the employee organization that is the exclusive representative of unit 17 before July 1, 2005, must be certified by the bureau as exclusive representative of that unit.
- 106 **Floodwood rest area.** Allows the operator of the rest area in Floodwood to sell nonalcoholic beverages and snacks, notwithstanding existing laws or agreements that (1) prohibit commercial operations on trunk highway right-of-way, (2) limit food and beverage sales at rest areas to vending machines, and (3) limit sale of merchandise that competes

with sales at public institutions at which the blind have preferences for vending contracts.

**107 Revisor instruction.** Instructs the revisor to correct cross-references in Minnesota Statutes, renumber statutes, and correct Minnesota Rules.

**108 Repealer.** Repeals the following:

- Laws allocating money to the highway user tax distribution fund that is redirected under this article
- obsolete laws
- laws and rules providing for licensing of bicycle dealers

**109 Effective dates.** Provides that provisions dealing with the insurance verification program are effective immediately and expire June 10, 2006.

#### **Article 4: Effective Dates**

**1 Effective dates.** Makes all provisions effective immediately except as otherwise provided.

Makes appropriations retroactive to July 1, 2005, and provides that they supersede appropriations under previous “lights-on” bill and spending ordered by courts.

Makes fee increases effective August 1, 2005.

Makes provisions that provide for deposit of money into driver services and vehicle services operating accounts effective retroactive to July 1, 2005.