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medium-speed electric vehicles, which makes it subject to the same registration taxes and license plate provisions as other passenger motor vehicles. The section also amends the definition of "passenger vehicle" for vehicle registration purposes, so that a pickup truck or van with a gross vehicle weight rating of 9,000-13,000 pounds is not taxed as a passenger vehicle if it is used in furtherance of a commercial enterprise and is not regulated as a commercial vehicle. The "passenger vehicle" definition change is effective for vehicles with a registration period beginning after March 1, 2011 .

- 6 **Special mobile equipment.** C changes the definition of "special mobile equipment" to make clarifications, remove vehicle examples, and remove concrete pumps and street-sweeping vehicles (which makes the vehicles subject to vehicle registration provisions). The change is effective for vehicles with a registration period beginning after March 1, 2009 .
- 7 **Vehicle exempt from tax, fees, or plate display.** Amends a provision providing registration tax exemptions, to (1) modify exemptions for vehicles owned by state hospitals and by social service agencies, to clarify procedures and match requirements for other exempted vehicles, and (2) add an exemption for vehicles owned by nonprofit charities if the vehicles are used exclusively for disaster response and related activities.
- 8 **Spotter trucks.** Exempts spotter trucks from registration requirements and taxes.
- 9 **Concrete pumps and street-sweeping vehicles.** Provides that concrete pumps and street-sweeping vehicles are taxed at 15 percent of the Minnesota base rate schedule, and requires these vehicles to display distinctive plates. This section is effective for vehicles with a registration period beginning after March 1, 2009 .
- 10 **Disability plates; application.** Modifies a restriction on registering vehicles with disability plates, to allow registering a second set of plates if approved by the State Council on Disability.
- 11 **Plate design; furnished by commissioner.** Makes conforming changes for disability plate changes.
- 12 **Display of temporary permit.** Expands a provision allowing temporary 60-day permits to be displayed on motor vehicles that have expired plates so that it applies to all types of plates instead of only certain special plates. The temporary 60-day permit can be displayed only if all taxes have been paid and a plate has been applied for. The permit can be displayed without the expired plate only if the vehicle (1) is only used as a collector vehicle, or (2) has been issued a 21-day permit.
- 13 **Minnesota sesquicentennial special plates.** Authorizes the issuance of Minnesota sesquicentennial plates, for a fee of \$10 and a minimum contribution of \$25 to the Minnesota Sesquicentennial Commission. The section also authorizes the issuance of novelty plates for a fee of \$5 per plate and a \$25 minimum contribution to the Sesquicentennial Commission. The plates can be issued until July 1, 2011 .
- 14 **USDOT numbers.** Expands the exceptions to a requirement that trucks weighing over 10,000 pounds must have a carrier number issued by the U.S. Department of Transportation, and makes technical changes to update terminology and remove obsolete language. It exempts vehicles that are not used in interstate or intrastate commerce, as well as vehicles owned and solely used for official business by governmental agencies.
- 15 **Vehicles subject to tax; exceptions.** Imposes a penalty on special mobile equipment used to transport persons or property on public streets, which is equal to one year's registration tax.

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- 16 Special mobile equipment.** Makes a conforming change to the definition of "special mobile equipment" in the chapter on motor vehicle titles.
- 17 No certificate issued.** Directs the Department of Public Safety not to issue a certificate of title for a spotter truck, which sunsets on June 30, 2013 .
- 18 Neighborhood electric vehicle and medium-speed electric vehicles; certificate required.** Amends a provision requiring a certificate of title for neighborhood electric vehicles, to include medium-speed electric vehicles.
- 19 Sale after 45 days or title transfer.** Allows an impounded vehicle to be sold earlier than the current 45 day waiting period if the owner of the vehicle has transferred the title to the impound lot operator. This provision does not apply to the cities of Minneapolis and St. Paul .
- 20 Written notice of impound.** Amends the requirements for notice given to the owner of an impounded vehicle to:
- clarify that the notice must be written;
 - state that failure to retrieve the vehicle or its contents within the waiting period constitutes a waiver of rights and title; and
 - require notification that certain vehicle owners have the right to retrieve all vehicle contents.
- 21 Unauthorized vehicle; second notice.** Makes technical changes.
- 22 Retrieval of contents.** Allows someone whose vehicle was towed to be able to retrieve the contents under certain circumstances without paying for vehicle retrieval. Establishes eligibility requirements for retrieving different types of content.
- 23 Waiver of rights.** Establishes that rights to an impounded vehicle and its contents are waived after the appropriate time period.
- 24 Auction or sale.** Clarifies procedures for auction or sale of towed vehicle contents.
- 25 Spotter truck.** Defines a spotter truck as a type of truck-tractor that is certified as not being for on-road use and is only used for moving semi-trailers around for freight operations. The provision sunsets on June 30, 2013 .
- 26 Implement of husbandry.** Modifies the definition of "implement of husbandry" to expand it to all vehicles used for livestock-raising operations and make technical changes.
- 27 Hazardous materials.** Modifies the definition of "hazardous materials" to reference federal regulations.
- 28 Wireless communications device.** Defines a wireless communications device to be a cell phone or portable electronic device that can send and receive data (such as an email or text message). It excludes devices that are permanently attached to the vehicle, as well as global positioning systems when used for navigation.
- 29 Medium-speed electric vehicle.** Defines "medium-speed electric vehicle" as an electrically powered four-wheeled motor vehicle that has a rollcage or crush-proof body design, has a maximum speed of 35 miles per hour, is fully enclosed, has a minimum wheelbase of 40 inches and a minimum wheel diameter of 10 inches, and meets certain federal motor vehicle safety standards.
- 30 Keep to the right.** Makes conforming changes for a new passing stopped vehicles provision.

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- 31 Driving left of roadway center; exceptions.** Removes exemptions from a prohibition on vehicle operation on the left side of the road, which apply to implements of husbandry under certain circumstances. The provision is partially reproduced in a centralized section on implements of husbandry.
- 32 Passing certain parked vehicles; citation; probable cause.** Modifies driving rules to require that drivers must move to the furthest lane away (going in the same direction) when passing stopped freeway patrol, road maintenance, or construction vehicles that have warning lights on, if it is safe to change lanes.
- 33 Driver education curriculum.** Requires the class D driver's education curriculum to include instruction on the duties of a driver when encountering a bicycle, other nonmotorized vehicles, or a pedestrian.
- 34 Neighborhood and medium-speed electric vehicles.** Modifies provisions for operating neighborhood electric vehicles to include medium-speed electric vehicles, including meeting federal equipment requirements, restricting operation to only be on streets with a speed limit at or below 35 miles per hour, and allowing further regulation by local road authorities.
- 35 Spotter trucks.** Establishes traffic regulations for spotter trucks that allow them to be operated on public streets if certain conditions are met, including the driver having a commercial driver's license, compliance with truck size and weight laws, annual commercial vehicle inspections, and only being operated within 2 miles of the home facility or to and from service and fueling stations. The provision sunsets June 30, 2013 .
- 36 Office of Pupil Transportation Safety.** Creates the Office of Pupil Transportation Safety within the State Patrol. The commissioner of public safety must designate a director of pupil transportation.

Duties of the pupil transportation safety director include current duties as well as development of a consistent recordkeeping system to document school bus inspections, out-of-service vehicles, and driver files. The director must also conduct audits of selected school districts to check on compliance with statutory requirements. Any statutory violations documented in an audit must be reported to the commissioners of public safety and education.

The pupil transportation safety director must be a state trooper. In addition, the office must be staffed by a minimum of three troopers (one assigned to the metro, one to northern Minnesota , and one to southern Minnesota), and 15 school bus vehicle inspectors.

- 37 Driver training programs.** Requires the commissioner of public safety to adopt rules that require a minimum of 30 minutes of instruction on pupil transportation laws and penalties for violation. Applies to the requirement to public school driver training programs.
- 38 Use of wireless communications device.** Regulates use of wireless communication devices while operating a motor vehicle.

Subd. 1. Definition. Defines "electronic message" as digital communication such as text or data that is intended for wireless transmission.

Subd. 2. Prohibition on use. Restricts motor vehicle drivers from using a wireless communications device to compose, read, or send electronic messages while the vehicle is moving or part of the flow of traffic.

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Subd. 3. Exceptions. Establishes exceptions from the prohibition when the device is used:

- in a hands-free or voice activated mode;
- to make a phone call;
- to obtain emergency assistance in reporting an accident, seeking medical help, identifying a traffic hazard, or to prevent a crime;
- if it is believed that a person's life or safety is in danger; or
- by certain emergency vehicles in the official course of duty.

39 Trailer, semitrailer. Modifies requirements for brakes on trailers and semitrailers (those pulled by a semi truck) so that trailers weighing over 3,000 pounds must have a braking capability if it becomes detached from the towing vehicle. Removes exemptions from trailer brake requirements for certain trailers and semitrailers.

40 Definitions. Includes spotter trucks as commercial motor vehicles that must be annually inspected, which sunsets June 30, 2013 .

41 Inspection required. Prohibits operation of spotter trucks without an annual State Patrol inspection decal, which sunsets June 30, 2013 .

42 Inspection decal; violation, penalty. Makes it a gross misdemeanor to duplicate, alter, or forge a commercial vehicle inspection decal, and makes it a gross misdemeanor to possess a fraudulent decal.

43 Vehicle registration; displaying license plates. Amends regulation of license plate display on motor vehicles so that:

- plates on the trailer of a semi must correspond to Department of Public Safety documentation and are not prevented from displaying a year sticker;
- plates must be displayed horizontally, right-side up, with the numbers showing;
- expiration and validation stickers must be displayed in specific locations on each plate; and
- vehicles with tax-exempt plates must meet the vehicle marking requirements of other vehicles that are exempt from registration.

Makes technical changes.

44 Implement of husbandry. Expands the implements of husbandry section to centralize and modify vehicle weight and operation requirements.

Subd. 1. Exemption from size, weight, load provisions. Removes requirements for an exemption for implements of husbandry from the chapter's weight and load restrictions to be replaced with new provisions in this section.

Subd. 2. Weight restrictions. Requires that after December 31, 2009 , implements of husbandry going over a bridge must comply with per axle and gross

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vehicle weight limits.

Subd. 4. Bridge posting. Requires that implements of husbandry must comply with any posted weight limits on bridges.

Subd. 5. Height and width. Requires that operators of certain oversize implements of husbandry must ensure that overhead and adjacent structures are not damaged.

Subd. 6. Speed. Establishes a maximum speed of 30 miles per hour for all implements of husbandry.

Subd. 7. Driving rules. Restricts implements of husbandry from operating on Interstate highways and regulates operation left of the center of the roadway.

Subd. 8. Lights. Creates a reference to current law requirements for implements of husbandry to be equipped with lights.

Subd. 9. Slow moving vehicle emblem. Requires that implements of husbandry have a slow moving vehicle emblem.

Subd. 10. Brakes. Establishes requirements governing when implements of husbandry must have brakes.

45 **Infrastructure adaptations.** Requires MnDOT to investigate changes to road infrastructure to handle manure application technologies.

46 **Hitch, chain, or cable.** Makes conforming changes for the implements of husbandry provisions.

47 **Harvest season increase amount.** Modifies the ten percent harvest season truck weight increase to require that a permit be issued.

48 **Driver to stop for weighing.** Lowers from 12,000 pounds to 10,000 pounds the minimum gross vehicle weight for vehicles that have to stop to be weighed if directed.

49 **Tow truck.** Modifies a tow truck permit enacted earlier in 2008, to allow all tow trucks owned by a tow truck operator to exceed length and weight restrictions via a \$300 permit.

50 **Special canola hauling vehicle permits.** Establishes special canola hauling vehicle permits.

Subd. 1. Allows the commissioner of transportation to issue a permit for a vehicle that is a combination of vehicles, has a maximum gross vehicle weight of 105,500 pounds, complies with required axle weight and tire weight limits, and is operated only in Minnesota on specified routes. Seasonal weight increases do not apply.

Subd. 2. Establishes that the vehicle must comply with seasonal load restrictions and may not be operated on interstates or national network highways. The vehicle may operate on local roads only with approval of local authorities, except for reasonable access to terminals and to food, fuel, repairs, and rest facilities; and for continuity of route within one mile of the national network.

Subd. 3. Requires the permits to be annual, with a fee of \$850 per vehicle. Revenues collected from the fees must be deposited in the trunk highway fund, from which an open appropriation is made to the commissioner for costs of administering

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the program.

- 51 Notice of surcharge.** Requires uniform traffic tickets to include a notice on the existence and amount of state surcharge.
- 52 Hazardous materials.** Modifies the definition of “hazardous materials” to reference federal regulations.
- 53 School bus.** Makes technical changes, to amend the definition of “school bus” in the driver licensing chapter to use the same definition that is in the traffic regulations chapter.
- 54 Driver’s license classifications, endorsements, exemptions.** Amends driver license endorsement requirements so that a passenger endorsement is required on any commercial driver’s license for operating buses, including school buses. Makes technical changes.
- 55 Persons exempt.** Broadens the exemption from licensure requirements for federal government employees operating commercial vehicles for military purposes.
- 56 Use of provisional license.** Places “graduated driver licensing” type restrictions on holders of a provisional license, related to number of passengers and driving from midnight to 5 a.m.
- 57 Driver education content.** Adds a curriculum requirement for driver’s education that the Department of Public Safety must adopt in rules by January 1, 2009 . It consists of a section on awareness and safe interaction with trucks covering topics like following distances, truck braking capability, and truck blind spots. Exempts the department from certain rulemaking requirements.
- 58 Examination subjects and locations; provisions for color blindness, disabled veterans.** Requires the Department of Public Safety to include pupil transportation laws in the driver's license examination.
- 59 Pupil transportation safety.** Requires the Department of Public Safety to include pupil transportation laws in the driver's manual.
- 60 Driver’s manual; interaction with commercial motor vehicles.** Requires the Department of Public Safety to update the driver’s manual with information on awareness and safe interaction with trucks.
- 61 Implied consent revocation.** Clarifies procedures for license revocation of commercial driver’s licenses due to DWI-related violations.
- 62 Notification of conviction for violation by commercial driver.** Establishes employer and Department of Public Safety notification requirements for commercial driver’s license holders convicted of criminal offenses or certain traffic violations.
- 63 Notification of suspension of license of commercial driver.** Requires commercial driver’s license holders to notify their employer upon suspension, revocation, cancellation, or disqualification of their license.
- 64 Endorsement.** Makes technical changes, to clarify that a school bus endorsement is not required for operating type III vehicles.
- 65 Statewide transportation plan; priorities; schedule of expenditures.** Directs MnDOT to consider prioritizing funding for transportation projects in the metropolitan area that are consistent with the planning policies created by the Metropolitan Council and have been awarded federal funding. Permits prioritization without regard to federal funding in cases of catastrophic events.
- 66 Statewide freight and passenger rail plan.** Directs MnDOT to develop a statewide plan for freight and passenger rail, to be included as part of the agency’s statewide transportation plan. Requires a draft copy of the first version of the freight and rail plan to be provided to the legislature, and allows the first version to be produced out of sync with transportation

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plan.

- 67 **Transit service needs implementation plan.** Requires the MnDOT to develop an implementation plan for providing transit in greater Minnesota . The plan must be to meet at least 80 percent of unmet transit needs by 2015 and at least 90 percent of unmet needs by 2025. Identifies items to be included in the plan, including an assessment of unmet needs, an analysis of costs and revenue options, and a plan for reducing unmet needs.
- 68 **Annual transit report.** Requires that MnDOT produce an annual report on transit service in greater Minnesota . The report must include an overview of public transit, a summary of funding sources, summary of each transit program, data on use of volunteers, financial data, and in each budget year, information on the excess or deficit in transit funding to meet transit needs. This provision is effective January 1, 2009 .
- 69 **Advisory committee on nonmotorized transportation.** Directs MnDOT to establish an advisory committee on nonmotorized transportation (which includes bicycling and pedestrian activities), to make recommendations to the commissioner on safety, education, and development. The committee does not expire.
- 70 **Out-of-service order.** Defines “out-of-service order” to use the definition under federal regulations.
- 71 **Powers, duties, reports, limitations.** Eliminates requirements for annual reporting to MnDOT by household goods movers.
- 72 **Order.** Expands MnDOT’s authority to issue fines to include violations of laws related to railroad crossings.
- 73 **Amount of penalty; considerations.** Modifies the amount of penalty MnDOT can impose for certain out-of-service and railroad crossing violations.
- 74 **Petition; scope.** Eliminates, when applying for a permit to become a household goods mover, a requirement that MnDOT find that existing movers in the area do not offer sufficient transportation services.
- 75 **Household goods carrier.** Modifies procedures for becoming a household goods mover, to be based on an application, eliminate public notice and hearing, and allow the carrier to operate statewide.
- 76 **Petition.** Eliminates provisions governing determinations by MnDOT before approving sale or lease of a household goods mover permit. Makes conforming changes for household goods mover permits.
- 77 **Enforcement powers.** Broadens certain MnDOT employee enforcement powers related to commercial vehicles to include certain out-of-service requirements, and clarifies that the employees may not be armed and do not have police arrest powers.
- 78 **Expenditures.** Allows funds in the rail service improvement program to be used for rail planning.
- 79 **Exemption for airport.** Makes conforming changes for the exemption from an ethanol blending requirement.
- 80 **Exemption for resorts, marinas, and houseboat rental companies.** Exempts resorts, marinas, and houseboat rental companies from an ethanol blending requirement if the fuel has octane rating of 87 or higher.
- 81 **Member, powers, duties.** Broadens the State Patrol’s enforcement powers to include certain out-of-service requirements.
- 82 **Patrol employees who are not troopers.** Broadens the State Patrol’s civilian employee enforcement powers to include certain out-of-service requirements.
- 83 **Facility relocation costs.** Makes public right-of-way users, including district heating and

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cooling nonprofits, eligible for grants and federal money for utility relocation in connection with light rail transit projects.

84 Program evaluation. Requires the Metropolitan Council to include in its annual performance evaluation an assessment of progress towards meeting transit goals for persons with disabilities. Specifies details for the assessment.

85 Availability of light rail transit information. Requires that the Metropolitan Council provide on its Web site information on finances and ridership of light rail transit lines.

86 Safety regulation study. Amends a section of 1976 Laws to remove a reference to the advisory committee on bicycling. That committee is the predecessor to the advisory committee on nonmotorized transportation, which is created in this bill.

87 Engine brakes; regulation by Minneapolis . Allows the city of Minneapolis to restrict truck engine brakes along I-394 from Penn Avenue to the end of I-394 in downtown, and requires that the Minnesota Department of Transportation erect signs as necessary (with costs paid by the city).

88 Little Crow Transitway. Requires commuter rail proposals along Trunk Highway 12 from Willmar to Minneapolis be referenced as the Little Crow Transitway in any Metropolitan Council or MnDOT planning documents.

89 Highway changes; repealers; effective dates; revisor instructions. Turns Trunk Highways 295 and 333 over to the city of St. Peter , effective once a transfer agreement is made between the Minnesota Department of Transportation (MnDOT) and the city.

90 Right-of-way transferred to state rail bank. Transfers tracts of trunk highway right-of-way located in Otter Tail County near Fergus Falls to the state rail bank.

91 Bridge infrastructure planning. Requires that MnDOT consult with the Metropolitan Council in planning metropolitan area trunk highway bridge construction work, in order to identify transit related improvements in the corridor. Requires MnDOT and the Metropolitan Council to develop a coordinated planning process for highway and transit projects.

92 Creation of plan, reports, and assessments. Requires MnDOT and the Metropolitan Council to create required reports on transit needs and goals within current appropriation levels.

93 Report on Office of Pupil Transportation Safety. Requires the Department of Public Safety and Director of Pupil Transportation Safety to report to the legislature by January 15, 2009 , on funding level, staffing, and any legislative recommendations.

94 Complete streets. Requires MnDOT, in cooperation with the Metropolitan Council and representatives of local governments, to study the benefits, feasibility, and costs of adopting a complete streets policy applicable to construction of streets and roads. Specifies required elements of the complete street policy, and requires a report to the legislature by December 5, 2009 .

95 Appropriation. Appropriates \$575,000 from the trunk highway fund to the commissioner of public safety to implement and operate the Office of Pupil Transportation Safety.

96 Revisor's instruction. Makes technical changes, to change terminology for type III school buses to refer to type III vehicles.

97 Repealer. Repeals:

- a temporary surcharge of \$5 on certain special plates issued to veterans;
- a provision governing waiver of rights to towed vehicles and their contents,

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which is replaced by a new provision in the bill;

- a statute governing brake and speed limit requirements when towing certain implements of husbandry (the provisions are centralized into a implements of husbandry section);
- redundant language on driver's education program; and
- a provision allowing protests and a MnDOT hearing before household goods mover permits are issued.

Article 2: Railway Walkway Safety

Overview

This article establishes requirements related to railroad walkways.

- 1 Rail carrier walkways.** Establishes requirements governing walkways next to rail track, including application to certain track and rail carriers, general material requirements, surface conditions, width, allowance for unusual conditions, and waiver from requirements by MnDOT.
- 2 Violations and penalties.** Allows MnDOT to order modifications to walkways that do not meet walkway standards, and restricts filing of complaints.
- 3 Trespass; allowing animals on track exception.** Modifies a railway trespass provision to provide exemptions for certain union and railroad employees under some circumstances.