

Bills Included in Omnibus Policy Bill, SF1089 A-5, Delete Everything Amendment

- SF 152, Skoglund, Cell phone prohibition for bus drivers
- SF 243, Kleis, Hit and run offenses
- SF 298, McGinn, Requiring booster seats
- SF 530, Murphy, Signs for slow moving vehicles
- SF 578, Cohen, Residential roadway speed limits
- SF 808, Murphy, Motorized scooters
- SF 885, Berglin, Deputy registrar authorization
- SF 981, Solon, Aviation planning
- SF 1017, Day, Ramp meters
- SF 1037, Rest, Aeronautics technical changes
- SF 1063, Murphy, fines for violations in excess of 100mph
- SF 1070, Murphy, primary seat belt
- SF 1089, Murphy, MnDOT housekeeping
- SF 1125, Murphy, Peace officers allowed to move vehicles
- SF 1147, Sams, vehicle monitoring devices
- SF 1193, Murphy, Airport runway safety zones
- SF1226, Murphy, Graduated driver's licenses
- SF 1293, Moua, Federal conformity
- SF 1294, Moua, Authority to deny limited drivers license
- SF 1466 Murphy, Utility vehicles
- SF 1472, Johnson, Day activity buses
- SF 1486, Tomassoni, Traffic citation quotas
- SF 1536, Rest, Hybrid vehicles
- SF 1541, Skoe, Motor carrier provisions
- SF 1649, Bakk, Railroad speed limit in Orr
- SF 1731, Chaudhary, Driver's license data
- SF 1739, Senjem, Technical changes to registration tax laws
- SF 1990, Sams, Recreational vehicle combinations

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Senate

State of Minnesota

S.F. No. 1379 - Excluding Air Bag Repair or Replacement Cost From Motor Vehicle Damage Calculations (First Engrossment)

Author: Senator Linda Scheid

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: April 5, 2005

Section 1 excludes the actual cost to repair or replace deployed air bags and related components in determining whether a vehicle has sustained collision damage totaling more than 70 percent of the vehicle's cash value, which triggers a requirement of disclosure in an application to register a vehicle that was last registered in another state or country.

Section 2 excludes deployed air bag repair/replacement actual costs from damage calculation in determining whether a salvage certificate of title is required.

Section 3 excludes actual cost incurred to repair, replace, or reinstall deployed air bags and related components from the calculation of damage (in excess of 70 percent of pre-collision cash value) that triggers the requirement of disclosure by a seller to a buyer.

Section 4 adds conforming language to the seller's vehicle damage disclosure form.

BB/AV:rer

1

A bill for an act

2

relating to motor vehicles; excluding cost of air bag

3

repair or replacement and related repair costs from

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motor vehicle damage calculations for salvage title

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and consumer disclosure purposes; amending Minnesota

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Statutes 2004, sections 168A.04, subdivision 4;

7

168A.151, subdivision 1; 325F.6641, subdivisions 1, 2.

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

9

Section 1. Minnesota Statutes 2004, section 168A.04,

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subdivision 4, is amended to read:

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Subd. 4. [VEHICLE LAST REGISTERED OUT OF STATE.] If the

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application refers to a vehicle last previously registered in

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another state or country, the application shall contain or be

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accompanied by:

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(1) any certificate of title issued by the other state or

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country;

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(2) any other information and documents the department

18

reasonably requires to establish the ownership of the vehicle

19

and the existence or nonexistence and priority of any security

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interest in it;

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(3) the certificate of a person authorized by the

22

department that the identifying number of the vehicle has been

23

inspected and found to conform to the description given in the

24

application, or any other proof of the identity of the vehicle

25

the department reasonably requires; and

26

(4) with respect to vehicles subject to section 325F.6641,

1 whether the vehicle sustained damage by collision or other
2 occurrence which exceeded 70 percent of actual cash
3 value. Damage, for the purpose of this calculation, does not
4 include the actual cost incurred to repair, replace, or
5 reinstall inflatable safety restraints and other vehicle
6 components that must be replaced due to the deployment of the
7 inflatable safety restraints.

8 Sec. 2. Minnesota Statutes 2004, section 168A.151,
9 subdivision 1, is amended to read:

10 Subdivision 1. [SALVAGE TITLES.] (a) When an insurer,
11 licensed to conduct business in Minnesota, acquires ownership of
12 a late-model or high-value vehicle through payment of damages,
13 the insurer shall immediately apply for a salvage certificate of
14 title or shall stamp the existing certificate of title with the
15 legend "SALVAGE CERTIFICATE OF TITLE" in a manner prescribed by
16 the department. Within 48 hours of taking possession of a
17 vehicle through payment of damages, an insurer must notify the
18 department in a manner prescribed by the department.

19 (b) Any person who acquires a damaged motor vehicle with an
20 out-of-state title and the cost of repairs exceeds the value of
21 the damaged vehicle or a motor vehicle with an out-of-state
22 salvage title or certificate, as proof of ownership, shall
23 immediately apply for a salvage certificate of title. A
24 self-insured owner of a late-model or high-value vehicle who
25 sustains damage by collision or other occurrence which exceeds
26 70 percent of its actual cash value shall immediately apply for
27 a salvage certificate of title. Damage, for the purpose of this
28 calculation, does not include the actual cost incurred to
29 repair, replace, or reinstall inflatable safety restraints and
30 other vehicle components that must be replaced due to the
31 deployment of the inflatable safety restraints.

32 Sec. 3. Minnesota Statutes 2004, section 325F.6641,
33 subdivision 1, is amended to read:

34 Subdivision 1. [DAMAGE.] (a) If a motor vehicle has
35 sustained damage by collision or other occurrence which exceeds
36 70 percent of its actual cash value immediately prior to

1 sustaining damage, the seller must disclose that fact to the
2 buyer, if the seller has actual knowledge of the damage. The
3 amount of damage is determined by the retail cost of repairing
4 the vehicle based on a complete written retail repair estimate
5 or invoice, exclusive of the actual cost incurred to repair,
6 replace, or reinstall inflatable safety restraints and other
7 vehicle components that must be replaced due to the deployment
8 of the inflatable safety restraints.

9 (b) The disclosure required under this subdivision must be
10 made in writing on the application for title and registration or
11 other transfer document, in a manner prescribed by the registrar
12 of motor vehicles. The registrar shall revise the certificate
13 of title form, including the assignment by seller (transferor)
14 and reassignment by licensed dealer sections of the form, the
15 separate application for title forms, and other transfer
16 documents to accommodate this disclosure. If the seller is a
17 motor vehicle dealer licensed pursuant to section 168.27, the
18 disclosure required by this section must be made orally by the
19 dealer to the prospective buyer in the course of the sales
20 presentation.

21 (c) Upon transfer and application for title to a vehicle
22 covered by this subdivision, the registrar shall record the term
23 "rebuilt" on the first Minnesota certificate of title and all
24 subsequent Minnesota certificates of title used for that vehicle.

25 Sec. 4. Minnesota Statutes 2004, section 325F.6641,
26 subdivision 2, is amended to read:

27 Subd. 2. [FORM OF DISCLOSURE.] The disclosure required in
28 this section must be made in substantially the following form:
29 "To the best of my knowledge, this vehicle has has not
30 sustained damage, exclusive of any costs to repair,
31 replace, or reinstall air bags and other components that were
32 replaced due to deployment of air bags, in excess of 70 percent
33 actual cash value."

S.F.1379/H.F.1529
Amending Salvage Title Requirements
Excluding Cost of Airbag Repair or Replacement from
Motor Vehicle Damage Calculations

Case study:

2001 Dodge Neon with NADA value of \$7,450.

Total damage: \$6,701 (90% of value) = salvage title under current statute.

If exclude airbag-related damage of \$1,963, damage is \$4,738 (64% of value) ≠ salvage title under proposed statute.

Photos attached

Other examples:

A very minor "hit" can result in airbag deployment:

2003 Ford F350

36% (\$2,273) of total damage was airbag-related.

Photos attached

Airbag-related damage can be very expensive:

2003 Lexus

\$4,827 to repair/replace airbags and related components, including dash.

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State of Minnesota

**S.F. No. 1296 - Two-Way Operation of Snowmobiles in Local Road
Right-of-Way (SCS1296A-1 Amendment)**

Author: Senator Tom Saxhaug

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: April 5, 2005

Section 1 allows a local road authority (county board for county highways, town board for town roads, and governing body of a city for city streets) to allow two-way operation of snowmobiles on either side of the right-of-way on a street or highway in its jurisdiction if the road authority determines that two-way operation would not endanger snowmobile riders and users of the street or highway.

The Commissioner of Transportation or local road authority must notify the Commissioner of Natural Resources and local law enforcement agencies of locations of two-way snowmobile trails.

Authorized two-way snowmobile trails must be posted for two-way operation at authorized locations.

BB/AV:rer

me

1 transportation, the commissioner of transportation may allow
2 two-way operation of snowmobiles on either side of the trunk
3 highway right-of-way where the commissioner of transportation
4 determines that two-way operation will not endanger users of the
5 trunk highway or riders of the snowmobiles using the trail; and
6 (ii) under conditions prescribed by a local road authority
7 as defined in section 160.02, subdivision 25, the road authority
8 may allow two-way operation of snowmobiles on either side of the
9 right-of-way of a street or highway under the road authority's
10 jurisdiction, where the road authority determines that two-way
11 operation will not endanger users of the street or highway or
12 riders of the snowmobiles using the trail.

13 (c) A snowmobile may make a direct crossing of a street or
14 highway at any hour of the day provided:

15 (1) the crossing is made at an angle of approximately 90
16 degrees to the direction of the highway and at a place where no
17 obstruction prevents a quick and safe crossing; and

18 (2) the snowmobile is brought to a complete stop before
19 crossing the shoulder or main traveled way of the highway; and

20 (3) the driver yields the right-of-way to all oncoming
21 traffic which constitutes an immediate hazard; and

22 (4) in crossing a divided highway, the crossing is made
23 only at an intersection of such highway with another public
24 street or highway; and

25 (5) if the crossing is made between the hours of one-half
26 hour after sunset to one-half hour before sunrise or in
27 conditions of reduced visibility, only if both front and rear
28 lights are on; and

29 (6) a snowmobile may be operated upon a bridge, other than
30 a bridge that is part of the main traveled lanes of an
31 interstate highway, when required for the purpose of avoiding
32 obstructions to travel when no other method of avoidance is
33 possible; provided the snowmobile is operated in the extreme
34 right-hand lane, the entrance to the roadway is made within 100
35 feet of the bridge and the crossing is made without undue delay.

36 (d) No snowmobile shall be operated upon a public street or

1 highway unless it is equipped with at least one headlamp, one
2 tail lamp, each of minimum candlepower as prescribed by rules of
3 the commissioner, reflector material of a minimum area of 16
4 square inches mounted on each side forward of the handle bars,
5 and with brakes each of which shall conform to standards
6 prescribed by rule of the commissioner pursuant to the authority
7 vested in the commissioner by section 84.86, and each of which
8 shall be subject to approval of the commissioner of public
9 safety.

10 (e) A snowmobile may be operated upon a public street or
11 highway other than as provided by paragraph (c) in an emergency
12 during the period of time when and at locations where snow upon
13 the roadway renders travel by automobile impractical.

14 (f) All provisions of chapters 169 and 169A shall apply to
15 the operation of snowmobiles upon streets and highways, except
16 for those relating to required equipment, and except those which
17 by their nature have no application. Section 169.09 applies to
18 the operation of snowmobiles anywhere in the state or on the ice
19 of any boundary water of the state.

20 (g) Any sled, trailer, or other device being towed by a
21 snowmobile must be equipped with reflective materials as
22 required by rule of the commissioner.

1 Senator moves to amend S.F. No. 1296 as follows:

2 Page 1, line 25, delete "(i)" and insert "(1)"

3 Page 2, line 5, delete "and"

4 Page 2, line 6, delete "(ii)" and insert "(2)"

5 Page 2, line 12, before the period, insert ";

6 (3) the commissioner of transportation under clause (1) and

7 the local road authority under clause (2) shall notify the

8 commissioner of natural resources and the local law enforcement

9 agencies responsible for the streets or highways of the

10 locations of two-way snowmobile trails authorized under this

11 paragraph; and

12 (4) two-way snowmobile trails authorized under this

13 paragraph shall be posted for two-way operation at the

14 authorized locations"

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State of Minnesota

S.F. No. 1925A2 – Authorizing Cities or Towns to Join the Transit Taxing District

Author: Senator Chris Gerlach

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681) *Amv*
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: April 5, 2005

Section 1 is a technical change to reference the new subdivision in section 2.

Section 2 authorizes the Metropolitan Council to enter into an agreement with a city or town to join the transit taxing district. The agreement must describe the types and levels of transit service to be provided within the city or town. The agreement must provide that the city or town will be subject to the metropolitan transit debt service levy. The tax levied within the city or town may be used to fund transit operations or to pay debt service costs for up to four years. The bill is effective the day following final enactment for taxes payable in 2006 and thereafter.

Senator Gerlach introduced--

S.F. No. 1925: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to metropolitan transit; allowing
3 municipalities to contract with the Metropolitan
4 Council to join the metropolitan transit district;
5 authorizing a property tax levy; amending Minnesota
6 Statutes 2004, sections 473.446, subdivision 3;
7 473.4461.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

9 Section 1. Minnesota Statutes 2004, section 473.446,
10 subdivision 3, is amended to read:

11 Subd. 3. [CERTIFICATION AND COLLECTION.] Each county
12 treasurer shall collect and make settlement of the taxes levied
13 under subdivisions 1 and 1a and section 473.4461, subdivision 3,
14 with the treasurer of the council. The levy of transit taxes
15 pursuant to this section shall not affect the amount or rate of
16 taxes which may be levied by any county or municipality or by
17 the council for other purposes authorized by law and shall be in
18 addition to any other property tax authorized by law.

19 [EFFECTIVE DATE.] This section is effective for taxes
20 payable in 2006 and thereafter.

21 Sec. 2. Minnesota Statutes 2004, section 473.4461, is
22 amended to read:

23 473.4461 [ADDITIONS TO TRANSIT TAXING DISTRICT.]

24 Subdivision 1. [SERVICE EXPANSION PLAN REQUIRED.]

25 Notwithstanding any provision of section 473.446 or any other
26 law, the Metropolitan Council may not levy a tax under section

1 473.446, subdivision 1, in any city or town not included in the
2 transit taxing district as it existed on January 1, 2001, unless
3 the council and the governing body of that city or town have
4 agreed on a service expansion plan.

5 Subd. 2. [CONTRACTUAL AGREEMENT TO JOIN TRANSIT DISTRICT.]

6 Notwithstanding section 473.446, subdivision 2, the Metropolitan
7 Council may enter into an agreement with a city or a town to
8 join the transit taxing district. The agreement shall describe
9 the types and levels of transit services to be provided within
10 the area comprising the city or town. The agreement may provide
11 for a period of time, not to exceed 8 years, during which the
12 area comprising the city or town will not be subject to the levy
13 under section 473.446, subdivision 1. The agreement must
14 provide that after a period of time, not to exceed 8 years, the
15 area comprising the city or town shall be subject to the levy
16 under section 473.446, subdivision 1.

17 Subd. 3. [PROPERTY TAX LEVY; MUNICIPALITY JOINING TRANSIT
18 DISTRICT.] An agreement described in subdivision 2 may provide
19 for a transit tax to be levied within the area comprising the
20 city or town by the Metropolitan Council. The rate of tax may
21 not exceed the rate that the area comprising the city or town
22 would be subject to if it were a part of the transit district
23 under section 473.446, subdivision 2. A tax levied under this
24 subdivision may be used to fund transit operations or to pay the
25 costs of principal and interest for transit-related bonded
26 debt. The agreement may provide that the rate of tax levied
27 under this subdivision may vary within the area comprising the
28 city or town, as long as the rate in any portion of the area
29 does not exceed the rate that would be in effect under section
30 473.446, subdivision 1. If an agreement to join the transit
31 taxing district authorizes a levy under this subdivision, a copy
32 of that portion of the agreement must be filed with the auditor
33 or auditors of the county or counties containing the city or
34 town.

35 [EFFECTIVE DATE.] This section is effective the day
36 following final enactment, for taxes payable in 2006 and

1 thereafter.

1 Senator moves to amend S.F. No. 1925 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 473.446,
4 subdivision 3, is amended to read:

5 Subd. 3. [CERTIFICATION AND COLLECTION.] Each county
6 treasurer shall collect and make settlement of the taxes levied
7 under subdivisions 1 and 1a and section 473.4461, subdivision 2,
8 with the treasurer of the council. The levy of transit taxes
9 pursuant to this section shall not affect the amount or rate of
10 taxes which may be levied by any county or municipality or by
11 the council for other purposes authorized by law and shall be in
12 addition to any other property tax authorized by law.

13 [EFFECTIVE DATE.] This section is effective for taxes
14 payable in 2006 and thereafter.

15 Sec. 2. Minnesota Statutes 2004, section 473.4461, is
16 amended to read:

17 473.4461 [ADDITIONS TO TRANSIT TAXING DISTRICT.]

18 Subdivision 1. [SERVICE EXPANSION PLAN REQUIRED.]

19 Notwithstanding any provision of section 473.446 or any other
20 law, the Metropolitan Council may not levy a tax under section
21 473.446, subdivision 1, in any city or town not included in the
22 transit taxing district as it existed on January 1, 2001, unless
23 the council and the governing body of that city or town have
24 agreed on a service expansion plan.

25 Subd. 2. [CONTRACTUAL AGREEMENT; PROPERTY TAX LEVY.]

26 Notwithstanding section 473.446, subdivision 2, the Metropolitan
27 Council may enter into an agreement with a city or a town to
28 join the transit taxing district. The agreement shall describe
29 the types and levels of transit services to be provided within
30 the area comprising the city or town. The agreement must
31 provide that the area comprising the city or town shall be
32 subject to the levy under section 473.446, subdivision 1. If a
33 city or town enters into an agreement to join the transit taxing
34 district, a copy of that portion of the agreement must be filed
35 with the auditor or auditors of the county or counties
36 containing the city or town.

1 Subd. 3. [PROPERTY TAX LEVY ALLOWED FOR OPERATIONS.] A tax
2 levied in a city or town pursuant to an agreement under
3 subdivision 2 may be used to fund transit operations or to pay
4 the costs of principal and interest for transit-related bonded
5 debt for a period of time not to exceed four years. After the
6 four-year period, the tax levied in the city or town may be used
7 only as provided under section 473.446, subdivision 1.

8 [EFFECTIVE DATE.] This section is effective the day
9 following final enactment, for taxes payable in 2006 and
10 thereafter."

11 Amend the title accordingly

1 BE IT RESOLVED by the Legislature of the State of Minnesota
2 that it urges the President and the Congress of the United
3 States to support Amtrak and the proper funding of Amtrak in
4 federal budget for fiscal year 2006.

5 BE IT FURTHER RESOLVED that the Secretary of State of the
6 State of Minnesota is directed to prepare copies of this
7 memorial and transmit them to Minnesota's Senators and
8 Representatives in Congress.



Amtrak Fact Sheet, Fiscal Year 2004 State of Minnesota

Amtrak Service & Ridership

Amtrak operates one long-distance train through Minnesota, the *Empire Builder* (daily Chicago-St. Paul/Minneapolis-Seattle/Portland).

During FY04 Amtrak served the following Minnesota locations:

<u>City</u>	<u>Ridership</u>
Detroit Lakes	2,901
Red Wing	9,584
St. Cloud	9,775
St. Paul-Minneapolis (Midway Station)	127,333
Staples	4,776
Winona	17,808
Total Minnesota Ridership:	172,177

Procurement/Contracts

Amtrak expended \$4,325,291 for goods and services in Minnesota in FY04. Most of this money was spent in Hamel, \$3,835,939.

Employment

During fiscal year 2004, Amtrak employed 72 Minnesota residents. Total wages of Amtrak employees living in Minnesota were \$3,768,858 during this period.



Amtrak Fact Sheet State of Minnesota

Amtrak Service & Ridership

Amtrak operates one long-distance train through Minnesota, the *Empire Builder* (daily Chicago-St. Paul/Minneapolis-Seattle/Portland).

During FY03 Amtrak served the following Minnesota locations:

<u>City</u>	<u>Ridership</u>
Detroit Lakes	2,795
Red Wing	8,490
St. Paul-Minneapolis (Midway Station)	116,967
St. Cloud	10,676
Staples	4,690
Winona	15,591
Total Minnesota Ridership:	159,209

Procurement/Contracts

Amtrak expended \$2,053,957 for goods and services in Minnesota in FY03. Most of this money was spent in Hamel, \$1,651,931.

Employment

As of December 2003, Amtrak employed 83 Minnesota residents. Total wages of Amtrak employees living in Minnesota were \$2,941,315 in calendar year 2003.

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S.F. No. 1760 - Modifying Motor Vehicle Registration Provisions

Author: Senator Satveer Chaudhary

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: April 5, 2005

Sections 1 to 5 change the definitions of several terms in the vehicle registration chapter to clarify existing definitions or to conform with definitions in other chapters of law.

Section 6 requires the Commissioner of Public Safety to make available in electronic format a temporary registration permit for a vehicle to be removed from the state. The \$1 fee is waived for a permit obtained electronically. If it is not practicable to post the permit on the left side of the rear window, the permit must be posted in another location that is plainly visible to law enforcement.

BB:vs

1 Sec. 5. Minnesota Statutes 2004, section 168.011, is
2 amended by adding a subdivision to read:

3 Subd. 40. [VEHICLE.] "Vehicle" has the meaning given in
4 section 168A.011, subdivision 24.

5 Sec. 6. Minnesota Statutes 2004, section 168.091,
6 subdivision 1, is amended to read:

7 Subdivision 1. [NONRESIDENT BUYER.] (a) Upon payment of a
8 fee of \$1, the ~~registrar~~ commissioner may issue a permit to a
9 nonresident purchasing a ~~new-or-used-motor~~ vehicle in this state
10 for the sole purpose of allowing ~~such-nonresident-to-remove~~ the
11 vehicle to be removed from this state ~~for-registration-in~~
12 ~~another-state-or-country~~. Such

13 (b) The permit shall-be is in lieu of any other
14 registration or taxation for use of the highways and ~~shall-be is~~
15 valid for a period of 31 days from the date of sale, trade, or
16 gift.

17 (c) The permit shall must be available in such-form an
18 electronic format as the-registrar-may-determine-and, whenever
19 practicable, shall-be determined by the commissioner.

20 (d) If the sale, gift, or trade information is
21 electronically transmitted to the commissioner by a dealer or
22 deputy registrar of motor vehicles, the \$1 fee is waived.

23 (e) The permit must be posted upon the left side of the
24 inside rear window of the vehicle or, if not practicable, where
25 it is plainly visible to law enforcement. Each such
26 permit ~~shall-be is~~ valid only for the vehicle for which the
27 permit was issued.

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**S.F. No. 1904 – Authorizing Knights of Columbus Special License
Plates**

Author: Senator Dick Day

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681) *AMV*
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: April 5, 2005

Section 1, subdivision 1 requires the commissioner of public safety to issue special “Knights of Columbus” license plates to an applicant who is an owner or joint owner of a passenger automobile, van or pickup truck; pays a \$10 fee; pays the required registration tax; pays other fees required under chapter 168; and, complies with all laws governing licensing of vehicles and drivers.

Subdivision 2 specifies that a special plate consists of a license plate with a unique symbol that is the recognized emblem of the Knights of Columbus. The symbol must be designed by the Knights of Columbus and approved by the commissioner. The plate may be an embossed license plate or a generic plate with a decal.

Subdivision 3 specifies that the provisions of section 168.1293, relating to requirements for establishing a new special license plate, do not apply.

Senator Day introduced--

S.F. No. 1904: Referred to the Committee on Transportation.

1

A bill for an act

2

relating to motor vehicles; authorizing Knights of
Columbus special license plates; proposing coding for
new law in Minnesota Statutes, chapter 168.

3

4

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

6

Section 1. [168.1298] [SPECIAL "KNIGHTS OF COLUMBUS MEMBER"

7

LICENSE PLATES.]

8

Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] The

9

registrar shall issue special "Knights of Columbus member"

10

license plates to an applicant who:

11

(1) is an owner or joint owner of a passenger automobile,

12

pickup truck, or van;

13

(2) pays a fee of \$10 to cover the costs of handling and

14

manufacturing the plates;

15

(3) pays the registration tax required under section

16

168.013;

17

(4) pays the fees required under this chapter; and

18

(5) complies with laws and rules governing registration and

19

licensing of vehicles and drivers.

20

Subd. 2. [DESIGN.] A special license plate under this

21

section consists of a license plate with a unique symbol that is

22

the recognized emblem of the Knights of Columbus. The symbol

23

must be designed by the Knights of Columbus or a council

24

thereof, with the approval of the commissioner. The license

25

plate may be an embossed license plate or a generic license

1 plate with attached decal.

2 Subd. 3. [APPLICABILITY OF OTHER LAW.] Section 168.1293

3 does not apply to license plates authorized under this section.

Fiscal Note – 2005-06 Session

Bill #: S1904-0 Complete Date: 03/31/05

Chief Author: DAY, RICHARD

Title: SP KNIGHTS OF COLUMBUS MV PLATES

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings	X	
Tax Revenue		X

Agency Name: Public Safety Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
Highway Users Tax Distribution Fund		3			
Less Agency Can Absorb					
- No Impact -					
Net Expenditures					
Highway Users Tax Distribution Fund		3			
Revenues					
- No Impact -					
Net Cost <Savings>					
Highway Users Tax Distribution Fund		3			
Total Cost <Savings> to the State		3			

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
- No Impact -					
Total FTE					

Bill Description

Adds 168.1298 to authorize the manufacture and issuance of "Knights of Columbus" Special Plates

Assumptions

- Assumes the plates would be issued on generic special plates with corresponding decals. (Cost estimate for emblem and title decals is \$1.25 per set of plates) Initial order of 500 sets of decals \$625.00
- Assume the effective date is July 1, 2005 and approximately three months would be needed for the designing the plate decals and establishing an inventory
- Assumes plates would be made available for passenger vehicles, pick-up trucks, and vans
- Assumes plate fee is \$10
- Assumes sales would be similar to American Legion/ VFW plates.

Estimated	Sales	Total in Fleet
FY06 (6 months)	25	25
FY07	40	65
FY08	20	85
FY09	20	105

- The total price for MINNCOR to produce plates is \$5.10 through FY07 and assumes cost to remain constant. However, DVS anticipates a price increase for the new contract.
- All plates issued would require a total cost for mailing and handling of \$2.49 (\$1.98 and \$0.51) and assumes postal rates remain constant. However, the United States Postal Service has indicated a rate increase for calendar year 2006.
- Assumes a one time programming cost of \$2,000.00

Expenditure and/or Revenue Formula

FY06: 25 @ \$7.59 (\$5.10 + \$2.49) = \$189.75; programming cost \$2,000.00; initial decal order \$625.00
 FY07: 40 @ \$7.59 = \$303.60;
 FY08: 20 @ \$7.59 = \$151.80;
 FY09: 20 @ \$7.59 = \$151.80.

Revenue for plate fee (\$10.00): FY06 \$250; FY07 \$400; FY08 \$200; FY09 \$200.

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

Agency Contact Name: Bob Cheney 651 297-5835
 FN Coord Signature: FRANK AHRENS
 Date: 03/31/05 Phone: 296-9484

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER
 Date: 03/31/05 Phone: 215-0594

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State of Minnesota

S.F. No. 1354 – Repealing Provisions Regulating Motor Bicycle Rental Businesses

Author: Senator Sharon Marko

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681) *AMV*
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: April 5, 2005

This bill repeals section 168.831 through 168.837, relating to the regulation of motor bicycle rental businesses. The repealed sections are as follows: section 168.831 contains definitions; section 168.832 requires that a motor bicycle rental business be licensed; section 168.833 requires the business to have liability insurance; 168.834 requires the business to rent motor bicycles only to licensed drivers; section 168.835 specifies that it is unlawful to rent a motorized bicycle without a valid license; section 168.836 prohibits a city from enacting an ordinance in conflict with the provisions of these sections; and 168.837 provides that it is a misdemeanor to violate the provisions of 168.831 to 168.837.

Senator Marko introduced--

S.F. No. 1354: Referred to the Committee on Transportation.

1 A bill for an act
2 relating to motor vehicles; abolishing provisions
3 regulating motor bicycle rental businesses; repealing
4 Minnesota Statutes 2004, sections 168.831, 168.832,
5 168.833, 168.834, 168.835, 168.836, and 168.837.
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
7 Section 1. [REPEALER.]
8 Minnesota Statutes 2004, sections 168.831, 168.832,
9 168.833, 168.834, 168.835, 168.836, and 168.837, are repealed.

APPENDIX
Repealed Minnesota Statutes for 05-0253

168.831 MOTOR BICYCLE RENTAL BUSINESS; DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 168.831 to 168.837 the terms defined in this section have the meanings given them.

Subd. 2. **Motor bicycle.** "Motor bicycle" means a self-propelled vehicle used on the public highways having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes motor scooters and motorcycles but does not include tractors.

Subd. 3. **Motor bicycle business.** "Motor bicycle business" means furnishing, renting, or leasing motor bicycles for pay or hire.

168.832 MOTOR BICYCLE BUSINESS LICENSE.

No person, firm or corporation shall engage in the motor bicycle business, either exclusively or in connection with any other occupation, without being licensed as provided in sections 168.831 to 168.837. An applicant for a license or renewal shall apply to the commissioner of public safety in writing. The application shall be duly verified. The applicant shall submit such information as the commissioner of public safety may require, upon blanks supplied by the commissioner, including but not limited to the following: The name and address of the owner, the address of the business, the approximate number of motor bicycles to be used in the business, and the number on the state number plate of each motor bicycle. A license, unless revoked, continues in force through December 31 of each year. The annual license fee is \$25, which shall be deposited in the general fund of the state treasury. A separate license shall be obtained for each place of business. The licensee shall display the license in a prominent place on the premises.

168.833 MOTOR BICYCLE BUSINESS INSURANCE REQUIRED.

No license shall be issued until the applicant obtains and files with the commissioner of public safety a policy of liability insurance by an insurance company authorized to do business under the laws of the state of Minnesota, to be kept in force for the remainder of the licensing year. The policy shall insure the applicant, the applicant's renters, and lessees, and the persons operating such motor bicycles against liability for loss in the sum of \$25,000 for injury to or death of any one person in any one accident, \$50,000 for injury to or death of more than one person in any one accident, and \$5,000 because of damage to or destruction of property in any one accident resulting from the negligent operation, use or defective condition of any motor bicycle belonging to the applicant. The policy shall contain a provision for a continuing liability thereunder for the term of the license to the full amount thereof, notwithstanding any recovery thereon. The policy also shall contain an endorsement to the effect that the liability under the policy is not affected by reason of any motor bicycle having been furnished to, or rented or leased by a minor, and further, that the commissioner of public safety shall be notified by letter at least ten days before the cancellation of the insurance policy. The policy shall also contain a provision providing for at least \$200 medical payments to cover the operator or passenger of such vehicle if personal injury results to the operator or passenger from its use.

APPENDIX
Repealed Minnesota Statutes for 05-0253

168.834 MOTOR BICYCLE BUSINESS LICENSEE'S DUTIES.

Subdivision 1. **Rental to licensed operators only; parental consent.** A licensee shall not rent, lease, or furnish a motor bicycle to any person who is not licensed by the state of Minnesota to operate such a vehicle, or, in the case of a nonresident who is not duly licensed to operate such a vehicle under the law of the state or country of residence. It is unlawful to rent, lease, or furnish a motor bicycle to a person under the age of 18 years unless the person furnishes and leaves with the licensee a statement in writing showing the consent of the person's parent or guardian to the rental, lease, or furnishing of a motor bicycle to such person. Before renting, leasing, or furnishing a motor bicycle to a person the licensee shall make a permanent and legible record containing the name, address, and age of the person to whom the motor bicycle is leased, rented, or furnished, and shall record on this record the number and date of issue and expiration of the driver's license, together with any limitations noted thereon and the description of the person as set forth on the driver's license. The record so kept also shall identify the vehicle rented, leased, or furnished to the person by the number on the vehicle's state number plate.

Subd. 2. **Maintenance; operating instructions; safety helmets.** (a) The licensee shall maintain in safe operating condition all motor bicycles rented, leased, or furnished by the licensee. The licensee, the licensee's agent, or employee shall explain the operation, including but not limited to the controls, pedals, gears, and brakes, of the particular motor bicycle to be used by the person before the person uses it, unless the licensee, the licensee's agent, or employee is aware that the person knows how to operate the particular motor bicycle.

(b) The licensee, the licensee's agent or employee shall call to the attention of the user of such vehicle the precautionary measures that must be followed for the safety of the driver and the public and make available for each motor bicycle at least one sanitized safety helmet, or similar headgear, which shall be offered for use to the driver.

168.835 USE OF MOTOR BICYCLE BY UNLICENSED PERSON PROHIBITED.

It is unlawful for a person to whom a motor bicycle is rented, leased, or furnished, to rent, sublease, or otherwise authorize the use of the vehicle to a person who is not licensed by the state of Minnesota to operate such a vehicle.

168.836 MUNICIPAL ORDINANCES REGULATING MOTOR BICYCLE BUSINESS.

A city may enact ordinances regulating the motor bicycle business which are not in conflict with the provisions of sections 168.831 to 168.837.

168.837 PENALTIES; REVOCATION OF MOTOR BICYCLE BUSINESS LICENSE.

A person who violates the provisions of sections 168.831 to 168.837 is guilty of a misdemeanor. The commissioner of public safety, after notice and a hearing, may revoke the license of a licensee who is convicted of violating any of the provisions of sections 168.831 to 168.837.

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State of Minnesota

S.F. No. 1386 – Clarifying that Drivers are Prohibited from Driving Vehicles onto the Shoulder to Pass on the Right

Author: Senator Mike McGinn

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681) *Amv*
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: April 5, 2005

This bill adds language clarifying that when a vehicle is passing another vehicle on the right it may not drive onto the shoulder, whether paved or unpaved.

Senators McGinn and Murphy introduced--

S.F. No. 1386: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to traffic regulations; clarifying that
3 drivers are prohibited from driving vehicles onto
4 shoulder to pass on the right; making other clarifying
5 changes; amending Minnesota Statutes 2004, section
6 169.18, subdivision 4.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

8 Section 1. Minnesota Statutes 2004, section 169.18,
9 subdivision 4, is amended to read:

10 Subd. 4. [PASSING ON THE RIGHT.] The driver of a vehicle
11 may overtake and pass upon the right of another vehicle only
12 upon the following conditions:

13 (1) when the vehicle overtaken is making or about to make a
14 left turn;

15 (2) upon a street or highway with unobstructed pavement not
16 occupied by parked vehicles of sufficient width for two or more
17 lines of moving vehicles in each direction;

18 (3) upon a one-way street, or upon any roadway on which
19 traffic is restricted to one direction of movement, where the
20 roadway is free from obstructions and of sufficient width for
21 two or more lines of moving vehicles;

22 (4) when the driver of a vehicle may overtake and pass
23 another vehicle upon the right only under conditions permitting
24 such movement in safety. In no event shall such movement be
25 made by driving onto the shoulder, whether paved or unpaved, or
26 off the pavement or main-traveled portion of the roadway.

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S.F. No. 1388 - Passing Parked Emergency Vehicle

Author: Senator Mike McGinn

Prepared by: Bonnie Berezovsky, Senate Counsel (651/296-9191) *BB*
Amy Vennewitz, Fiscal Analyst (651/296-7681)

Date: April 5, 2005

Section 1 changes the section of law regarding passing a parked emergency vehicle in the following ways:

- Applies "move-over" law to stationary vehicles displaying emergency lighting. Current law applies to any parked emergency vehicle whether or not it is displaying emergency lights;
- Adds an exception for contrary direction by police officer;
- Adds new requirement that driver slow to a speed within 20 mph less than a posted speed limit of 40 mph or more; and
- Retains the requirement that the driver move a lane away from the emergency vehicle where the street or highway has two or more lanes in the same direction, and adds clarification that, when possible, the driver should leave one lane of separation or buffer between the vehicle and the emergency vehicle.

BB:vs

Senators McGinn and Murphy introduced--
S.F. No. 1388: Referred to the Committee on Transportation.

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A bill for an act

relating to traffic regulations; modifying provision governing the passing of a parked emergency vehicle; amending Minnesota Statutes 2004, section 169.18, subdivision 11.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2004, section 169.18, subdivision 11, is amended to read:

Subd. 11. [PASSING PARKED EMERGENCY VEHICLE.] When approaching and before passing an a stationary authorized emergency vehicle ~~that-is-parked-or-otherwise-stopped-on-or-next to-a-street-or-highway-having-two-or-more-lanes-in-the-same~~ direction displaying emergency lighting, the driver of a vehicle, unless otherwise directed by a police officer, shall:

(1) slow to a speed not to exceed 20 miles per hour less than the posted speed limit when the posted speed limit is 40 miles per hour or more; and

(2) when driving on a street or highway having two or more lanes in the same direction, safely move the vehicle to a lane away from the emergency vehicle so that, when possible, there is one full traffic lane of separation or buffer between the vehicle and the emergency vehicle.

1 Senator moves to amend S.F. No. 1388 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 169.18,
4 subdivision 11, is amended to read:

5 Subd. 11. [PASSING PARKED EMERGENCY VEHICLE; CITATION;
6 PROBABLE CAUSE.] (a) When approaching and before passing an
7 authorized emergency vehicle with its emergency lights activated
8 that is parked or otherwise stopped on or next to a street or
9 highway having two ~~or more~~ lanes in the same direction, the
10 driver of a vehicle shall safely move the vehicle to a the lane
11 farthest away from the emergency vehicle.

12 (b) When approaching and before passing an authorized
13 emergency vehicle with its emergency lights activated that is
14 parked or otherwise stopped on or next to a street or highway
15 having more than two lanes in the same direction, the driver of
16 a vehicle shall safely move the vehicle so as to leave a full
17 lane vacant between the driver and any lane in which the
18 emergency vehicle is completely or partially parked or otherwise
19 stopped.

20 (c) A peace officer may issue a citation to the driver of a
21 motor vehicle if the peace officer has probable cause to believe
22 that the driver has operated the vehicle in violation of this
23 subdivision within the four-hour period following the
24 termination of the incident or a receipt of a report under
25 paragraph (d). The citation may be issued even though the
26 violation was not committed in the presence of the peace officer.

27 (d) Although probable cause may be otherwise satisfied by
28 other evidentiary elements or factors, probable cause is
29 sufficient for purposes of this subdivision when the person
30 cited is operating the vehicle described by a member of the crew
31 of an authorized emergency vehicle responding to an incident in
32 a timely report of the violation of this subdivision, which
33 includes a description of the vehicle used to commit the offense
34 and the vehicle's license plate number. For the purposes of
35 issuance of a citation under paragraph (c), "timely" means that
36 the report must be made within a four-hour period following the

1 termination of the incident.

2 Sec. 2. [EFFECTIVE DATE.]

3 Section 1 is effective the day following final enactment."

4 Amend the title accordingly

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S.F. No. 2121 – Modifying Provisions Relating to Commercial Drivers’ Licenses

Author: Senator Mike Jungbauer

Prepared by: Amy Vennewitz, Fiscal Analyst (651/296-7681)
Bonnie Berezovsky, Senate Counsel (651/296-9191)

Date: April 5, 2005

Section 1 deletes in the definition of recreational vehicle the requirement that a recreational vehicle be used as temporary living quarters while engaged in vacation or recreational activities and 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.

Section 2 defines “commercial motor vehicle” to include all vehicles used in transportation of hazardous materials, regardless of weight. All emergency vehicles are excluded from the definition.

Section 3 repeals the requirement that a person driving a commercial vehicle who refuses an implied-consent test be disqualified and have their driver’s license revoked for one year and substitutes a requirement that such a disqualification and revocation be according to federal regulations.

Section 4 defines “commercial motor vehicle” in chapter 171 to include all vehicles used in transportation of hazardous materials, regardless of weight.

Section 5 defines “state” in chapter 171 to include the U. S. Virgin Islands and any U. S. territory or insular possession.

Section 6 defines “tank vehicle” in chapter 171 as any commercial vehicle designed to transport liquid or gaseous materials in a tank attached to the vehicle, except portable tanks under 1,000 gallons.

Section 7 amends law describing classes of driver’s licenses.

Subdivision 1 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 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 be primarily employed to drive the truck; requiring that a farm truck driven with a class D license be used to transport farm products, farm machinery, or farm supplies to or from a farm; and prohibiting a farm truck driven with a class D license from being operated by a common or contract motor carrier. Any emergency vehicle is allowed to be operated with a class D license.

Subd 2a. 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 makes technical changes.

Subd. 4 changes a reference to the federal code of regulations.

Section 8 exempts persons on active duty with the military, Coast Guard, reserves, or National Guard from the requirement to hold a commercial driver’s license while driving a commercial vehicle owned by the federal government and used for military purposes.

Section 9 prohibits the issuance of a limited class A, B, or C license to a person who has been disqualified from driving a commercial vehicle.

Section 10 specifies 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.

Section 11 deletes language requiring 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 when the driver incurred no further violations in the ten-year period.

Section 12 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.

Section 13 deletes language setting out specific disqualifications for driving a commercial motor vehicle, and substitutes a reference to federal regulations setting out disqualifications and penalties.

Section 14 deletes language requiring disqualification from operating a commercial vehicle for one year after a license revocation for refusing to take an implied-consent test while driving a commercial vehicle and substitutes a reference to federal regulations setting out disqualifications and penalties.

Section 15 makes a technical change.

Section 16 requires the Department of Public Safety to fully participate in the commercial driver's license information system established under federal law.

Section 17 repeals sections 169.99, subdivision 1b and 171.12, subdivision 6, the "Dimler amendment" which prohibits the department from recording on a driving record a speeding violation that is not more than 10 mph over a 55 mph limit and repeals laws providing for commercial driver disqualifications for grave offenses, multiple offenses, serious traffic violations, out-of-service orders, and grade crossing violations. Repeals rules that sets out commercial vehicle disqualifications.

1

A bill for an act

2 relating to public safety; modifying motor vehicle,
 3 traffic regulation, and driver's license provisions
 4 relating to commercial motor vehicles; making
 5 technical and clarifying changes; modifying
 6 definitions of recreational vehicle, motor home,
 7 state, and tank vehicle; prohibiting issuance of
 8 identification card to holder of driving instruction
 9 permit; modifying driver's license classifications,
 10 restrictions, exceptions, and exemptions; modifying
 11 driver records provisions; incorporating federal
 12 regulations; amending Minnesota Statutes 2004,
 13 sections 168.011, subdivision 25; 169.01, subdivision
 14 75; 169A.52, subdivision 3; 171.01, subdivisions 22,
 15 47, by adding a subdivision; 171.02; 171.03; 171.04,
 16 subdivision 2; 171.09; 171.12, subdivision 3; 171.165,
 17 subdivisions 1, 2, 6; proposing coding for new law in
 18 Minnesota Statutes, chapter 171; repealing Minnesota
 19 Statutes 2004, sections 169.99, subdivision 1b;
 20 171.12, subdivision 6; 171.165, subdivisions 3, 4, 4a,
 21 4b; Minnesota Rules, part 7503.2400.

22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

23 Section 1. Minnesota Statutes 2004, section 168.011,
 24 subdivision 25, is amended to read:

25 Subd. 25. [RECREATIONAL EQUIPMENT VEHICLE.] (a)

26 "Recreational equipment vehicle" means travel trailers including
 27 those which that telescope or fold down, chassis-mounted
 28 campers, ~~house-cars~~, motor homes, tent trailers, ~~slip-in~~
 29 ~~campers~~, and converted buses that provide temporary human living
 30 quarters. A

31 (b) "Recreational vehicle" is considered-to-provide
 32 temporary-living-quarters-if-it a vehicle that:

33 (1) is not used as the residence of the owner or occupant;

1 (2) is used ~~for temporary living quarters by the owner or~~
2 occupant while engaged in recreational or vacation activities;
3 and

4 (3) is either self-propelled or towed on the ~~public streets~~
5 or highways incidental to the recreational or vacation
6 activities.

7 ~~(b) For the purposes of this subdivision, a~~ Subd. 25a.
8 [MOTOR HOME.] "Motor home" means a unit recreational vehicle
9 designed to provide temporary living quarters, The motor home
10 has a living unit built into as an integral part of, or
11 permanently attached to the chassis of, a self-propelled motor
12 vehicle chassis or van.

13 (a) A motor home must contain permanently installed,
14 independent, life-support systems which that meet the American
15 National Standards Institute standard number A119.2 for
16 recreational vehicles and provide at least four of the following
17 facilities, two of which must be from the systems listed in
18 clauses (1), (5), and (6): (1) a cooking facility with liquid
19 propane gas supply, (2) a refrigerator, (3) a self-contained
20 toilet or a toilet connected to a plumbing system with a
21 connection for external water disposal, (4) a heating or air
22 conditioning system separate from the motor vehicle engine, (5)
23 a potable water supply system including a sink with a faucet
24 either self-contained or with connections for an external
25 source, and (6) a separate 110-125 ~~volt~~ volts electrical power
26 supply.

27 (b) For purposes of this subdivision, "permanently
28 installed" means built into or attached as an integral part of a
29 chassis or van, and designed not to be removed except for repair
30 or replacement. A system which that is readily removable or
31 held in place by clamps or tie-downs is not permanently
32 installed.

33 (c) Motor homes include ~~but are not limited to, the~~
34 following a:

35 (1) type A motor home -, which is a raw chassis upon which
36 is built a driver's compartment and an entire body that provides

1 temporary living quarters as ~~defined~~ described in this
2 paragraph (a);

3 (2) type B motor home ~~-, which is a van-type-vehicle van~~
4 that conforms to the ~~motor-home-definition~~ description in this
5 paragraph (a) and has been completed or altered by the a
6 final-stage manufacturer; and

7 (3) type C motor home ~~-, which is an incomplete vehicle~~
8 upon which is permanently attached a body designed to provide
9 temporary living quarters as ~~defined~~ described in this
10 paragraph (a).

11 (d) A motor vehicle with a slip-in campers-are camper or
12 other removable equipment that is mounted into or on a motor
13 vehicle commonly-known-as-a-pickup-truck,-in-the-pickup-box,
14 either-by-bolting-through-the-floor-of-the-pickup-box-or-by
15 firmly-clamping-to-the-side-of-the-pickup-box.---The-vehicle
16 may is not a motor home, is not a recreational vehicle, and must
17 not be registered as a recreational vehicle under section
18 168.013.

19 Sec. 2. Minnesota Statutes 2004, section 169.01,
20 subdivision 75, is amended to read:

21 Subd. 75. [COMMERCIAL MOTOR VEHICLE.] (a) "Commercial
22 motor vehicle" means a motor vehicle or combination of motor
23 vehicles used to transport passengers or property if the motor
24 vehicle:

25 (1) has a gross vehicle weight of more than 26,000 pounds;

26 (2) has a towed unit with a gross vehicle weight of more
27 than 10,000 pounds and the combination of vehicles has a
28 combined gross vehicle weight of more than 26,000 pounds;

29 (3) is a bus;

30 (4) is of any size and is used in the transportation of
31 hazardous materials~~,-except-for-these-vehicles-having-a-gross~~
32 ~~vehicle-weight-of-26,000-pounds-or-less-while-carrying-in-bulk~~
33 ~~tanks-a-total-of-not-more-than-200-gallons-of-petroleum-products~~
34 ~~and-liquid-fertilizer; or~~

35 (5) is outwardly equipped and identified as a school bus,
36 except for type A-I and type III school buses as defined in

1 subdivision 6.

2 (b) For purposes of chapter 169A:

3 (1) a commercial motor vehicle does not include a farm
4 truck, ~~fire-fighting-equipment~~ an authorized emergency vehicle,
5 or a recreational equipment vehicle being operated by a person
6 within the scope of section 171.02, subdivision 2, paragraph
7 (b); and

8 (2) a commercial motor vehicle includes a vehicle capable
9 of or designed to meet the standards described in paragraph (a),
10 clause (2), whether or not the towed unit is attached to the
11 truck-tractor at the time of the violation or stop.

12 Sec. 3. Minnesota Statutes 2004, section 169A.52,
13 subdivision 3, is amended to read:

14 Subd. 3. [TEST REFUSAL; LICENSE REVOCATION.] (a) Upon
15 certification by the peace officer that there existed probable
16 cause to believe the person had been driving, operating, or in
17 physical control of a motor vehicle in violation of section
18 169A.20 (driving while impaired), and that the person refused to
19 submit to a test, the commissioner shall revoke the person's
20 license or permit to drive, or nonresident operating privilege,
21 for a period of one year even if a test was obtained pursuant to
22 this section after the person refused to submit to testing.

23 (b) Upon certification by the peace officer that there
24 existed probable cause to believe the person had been driving,
25 operating, or in physical control of a commercial motor vehicle
26 with the presence of any alcohol in violation of section 169A.20
27 (driving while impaired), and that the person refused to submit
28 to a test, the commissioner shall disqualify the person from
29 operating a commercial motor vehicle ~~for-a-period-of-one-year~~
30 ~~under-section-171.165-(commercial-driver's-license~~
31 ~~disqualification)~~ and shall revoke the person's license or
32 permit to drive or nonresident operating privilege ~~for-a-period~~
33 ~~of-one-year~~ according to the federal regulations adopted by
34 reference in section 171.165, subdivision 2.

35 Sec. 4. Minnesota Statutes 2004, section 171.01,
36 subdivision 22, is amended to read:

1 Subd. 22. [COMMERCIAL MOTOR VEHICLE.] "Commercial motor
2 vehicle" means a motor vehicle or combination of motor vehicles
3 used to transport passengers or property if the motor vehicle:

4 (1) has a gross vehicle weight of more than 26,000 pounds;

5 (2) has a towed unit with a gross vehicle weight of more
6 than 10,000 pounds and the combination of vehicles has a
7 combined gross vehicle weight of more than 26,000 pounds;

8 (3) is a bus;

9 (4) is of any size and is used in the transportation of
10 hazardous materials, ~~except for those vehicles having a gross~~
11 ~~vehicle weight of 26,000 pounds or less and carrying in bulk~~
12 ~~tanks a total of not more than 200 gallons of liquid fertilizer~~
13 ~~and petroleum products; or~~

14 (5) is outwardly equipped and identified as a school bus,
15 except for type III school buses defined in section 169.01,
16 subdivision 6, clause (5).

17 Sec. 5. Minnesota Statutes 2004, section 171.01,
18 subdivision 47, is amended to read:

19 Subd. 47. [STATE.] "State" means any a state of the United
20 States, territory or possession of the United States, the
21 District of Columbia, the Commonwealth of Puerto Rico or any
22 province of the Dominion of Canada, the United States Virgin
23 Islands, or any territory or insular possession subject to the
24 jurisdiction of the United States.

25 Sec. 6. Minnesota Statutes 2004, section 171.01, is
26 amended by adding a subdivision to read:

27 Subd. 48a. [TANK VEHICLE.] "Tank vehicle" means any
28 commercial motor vehicle that is designed to transport any
29 liquid or gaseous materials within a tank that is either
30 permanently or temporarily attached to the vehicle or the
31 chassis, except portable tanks having a rated capacity under
32 1,000 gallons.

33 Sec. 7. Minnesota Statutes 2004, section 171.02, is
34 amended to read:

35 171.02 [LICENSES; TYPES, ENDORSEMENTS, RESTRICTIONS.]

36 Subdivision 1. [LICENSE REQUIRED.] Except when expressly

1 exempted, a person shall not drive a motor vehicle upon a street
 2 or highway in this state unless the person has a license valid
 3 under this chapter for the type or class of vehicle being
 4 driven. The department shall not issue a driver's license to a
 5 person unless and until the person's license from any
 6 jurisdiction has been invalidated. The department shall provide
 7 to the issuing department of any jurisdiction, information that
 8 the licensee is now licensed in Minnesota. A person is not
 9 permitted to have more than one valid driver's license at any
 10 time. The department shall not issue to a person to whom a
 11 current Minnesota identification card has been issued a driver's
 12 license, other than ~~an instruction permit or~~ a limited license,
 13 unless the person's Minnesota identification card has been
 14 invalidated.

15 Subd. 2. [DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS,
 16 EXEMPTIONS.] (a) Drivers' licenses ~~shall be~~ are classified
 17 according to the types of vehicles ~~which~~ that may be driven by
 18 the holder of each type or class of license. The commissioner
 19 may, as appropriate, subdivide the classes listed in this
 20 subdivision and issue licenses classified accordingly. Except
 21 as provided in subdivision 2a, no class of license ~~shall be~~ is
 22 valid to operate a motorcycle, school bus, tank vehicle,
 23 double-trailer or triple-trailer combination, vehicle
 24 transporting hazardous materials, or bus, unless so endorsed.
 25 There ~~shall be~~ are four general classes of licenses as follows:
 26 (b) Class D; valid for:
 27 (1) operating all farm trucks ~~operated by~~ if the farm truck
 28 is:
 29 (i) ~~the owner, (ii)~~ controlled and operated by a farmer,
 30 including operation by an immediate family member of the owner,
 31 ~~(iii) or~~ an employee of the owner not primarily employed to
 32 operate the farm truck, within 150 miles of the farm, or farmer;
 33 (ii) used to transport agricultural products, farm
 34 machinery, or farm supplies, to or from a farm;
 35 (iii) not used in the operations of a common or contract
 36 motor carrier as governed by Code of Federal Regulations, title

1 49, part 365; and

2 (iv) ~~an-employee-of-the-owner-employed-during-harvest-to~~
3 ~~operate-the-farm-truck-for-the-first,-continuous-transportation~~
4 ~~of-agricultural-products-from-the-production-site-or-on-farm~~
5 ~~storage-site-to-any-other-location-within-50-miles-of-that~~
6 ~~site~~ used within 150 miles of the farm;

7 (2) operating ~~fire-trucks-and-emergency-fire-equipment~~ an
8 authorized emergency vehicle, as defined in section 169.01,
9 subdivision 5, whether or not in excess of 26,000 pounds gross
10 vehicle weight, ~~operated-by-a-firefighter-while-on-duty,-or-a~~
11 ~~tiller-operator-employed-by-a-fire-department-who-drives-the~~
12 ~~rear-portion-of-a-midmount-aerial-ladder-truck;~~

13 (3) operating a recreational equipment vehicle as defined
14 in section 168.011, subdivision 25, that is operated for
15 personal use;

16 (4) operating all single-unit vehicles except vehicles with
17 a gross vehicle weight of more than 26,000 pounds, vehicles
18 designed to carry more than 15 passengers including the driver,
19 and vehicles that carry hazardous materials; and

20 (5) notwithstanding paragraph (c), operating a type A
21 school bus without a school bus endorsement if:

22 (i) the bus has a gross vehicle weight of 10,000 pounds or
23 less;

24 (ii) the bus is designed to transport 15 or fewer
25 passengers, including the driver; and

26 (iii) the requirements of subdivision 2a, ~~paragraph-(b),~~
27 are satisfied, as determined by the commissioner; and

28 ~~The-holder-of-a-class-D-license-may-also-tow~~

29 (6) towing vehicles if the combination of vehicles has a
30 gross vehicle weight of 26,000 pounds or less.

31 (c) Class C; valid for:

32 (1) operating class D motor vehicles;

33 (2) with a hazardous materials endorsement, transporting
34 hazardous materials in class D vehicles; and

35 (3) with a school bus endorsement, operating school buses
36 designed to transport 15 or fewer passengers, including the

1 driver.

2 (d) Class B; valid for operating all ~~vehicles-in~~ class C
3 motor vehicles, class D motor vehicles, and all other
4 single-unit motor vehicles including, with a passenger
5 endorsement, buses. The holder of a class B license may tow
6 only vehicles with a gross vehicle weight of 10,000 pounds or
7 less.

8 (e) Class A; valid for operating any vehicle or combination
9 of vehicles.

10 Subd. 2a. [~~EXCEPTIONS~~ EXCEPTION FOR CERTAIN SCHOOL BUS
11 DRIVERS.] ~~{a}-Notwithstanding-subdivision-27-(1)-a-hazardous~~
12 ~~materials-endorsement-is-not-required-to-operate-a-vehicle~~
13 ~~having-a-gross-vehicle-weight-of-26,000-pounds-or-less-while~~
14 ~~carrying-in-bulk-tanks-a-total-of-not-more-than-200-gallons-of~~
15 ~~petroleum-products-and-(2)-a-class-C-license-or-hazardous~~
16 ~~materials-endorsement-is-not-required-to-operate-a-farm-vehicle~~
17 ~~as-defined-in-Code-of-Federal-Regulations, title-49, section~~
18 ~~390.5, having-a-gross-vehicle-weight-of-26,000-pounds-or-less~~
19 ~~while-carrying-in-bulk-tanks-a-total-of-not-more-than-1,500~~
20 ~~gallons-of-liquid-fertilizer.~~

21 {b} Notwithstanding subdivision 2, paragraph (c), the
22 holder of a class D driver's license, without a school bus
23 endorsement, may operate a type A school bus described in
24 subdivision 2, paragraph (b), under the following conditions:

25 {1} (a) The operator is an employee of the entity that
26 owns, leases, or contracts for the school bus and is not solely
27 hired to provide transportation services under this paragraph
28 subdivision.

29 {2} (b) The operator drives the school bus only from points
30 of origin to points of destination, not including home-to-school
31 trips to pick up or drop off students.

32 {3} (c) The operator is prohibited from using the
33 eight-light system. Violation of this ~~clause~~ paragraph is a
34 misdemeanor.

35 {4} (d) The operator's employer has adopted and implemented
36 a policy that provides for annual training and certification of

1 the operator in:

2 ~~(i)~~ (1) safe operation of the type of school bus the
3 operator will be driving;

4 ~~(ii)~~ (2) understanding student behavior, including issues
5 relating to students with disabilities;

6 ~~(iii)~~ (3) encouraging orderly conduct of students on the
7 bus and handling incidents of misconduct appropriately;

8 ~~(iv)~~ (4) knowing and understanding relevant laws, rules of
9 the road, and local school bus safety policies;

10 ~~(v)~~ (5) handling emergency situations; and

11 ~~(vi)~~ (6) safe loading and unloading of students.

12 ~~(5)~~ (e) A background check or background investigation of
13 the operator has been conducted that meets the requirements
14 under section 122A.18, subdivision 8, or 123B.03 for teachers;
15 section 144.057 or chapter 245C for day care employees; or
16 section 171.321, subdivision 3, for all other persons operating
17 a type A school bus under this paragraph subdivision.

18 ~~(6)~~ (f) Operators shall submit to a physical examination as
19 required by section 171.321, subdivision 2.

20 ~~(7)~~ (g) The operator's driver's license is verified
21 annually by the entity that owns, leases, or contracts for the
22 school bus.

23 ~~(8)~~ (h) A person who sustains a conviction, as defined
24 under section 609.02, of violating section 169A.25, 169A.26,
25 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute or
26 ordinance of another state is precluded from operating a school
27 bus for five years from the date of conviction.

28 ~~(9)~~ (i) A person who has ever been convicted of a
29 disqualifying offense as defined in section 171.3215,
30 subdivision 1, paragraph (c), may not operate a school bus under
31 this paragraph subdivision.

32 ~~(10)~~ (j) A person who sustains a conviction, as defined
33 under section 609.02, of a fourth moving offense in violation of
34 chapter 169 is precluded from operating a school bus for one
35 year from the date of the last conviction.

36 ~~(11)~~ (k) Students riding the school bus must have training

1 required under section 123B.90, subdivision 2.

2 ~~(12)~~ (1) An operator must be trained in the proper use of
3 child safety restraints as set forth in the National Highway
4 Traffic Safety Administration's "Guideline for the Safe
5 Transportation of Pre-school Age Children in School Buses."

6 ~~(13)~~ (m) Annual certification of the requirements listed in
7 this ~~paragraph~~ subdivision must be maintained under separate
8 file at the business location for each operator licensed under
9 this ~~paragraph~~ subdivision and subdivision 2, paragraph (b),
10 clause (5). The business manager, school board, governing body
11 of a nonpublic school, or any other entity that owns, leases, or
12 contracts for the school bus operating under this ~~paragraph~~
13 subdivision is responsible for maintaining these files for
14 inspection.

15 ~~(14)~~ (n) The school bus must bear a current certificate of
16 inspection issued under section 169.451.

17 ~~(15)~~ (o) The word "School" on the front and rear of the bus
18 must be covered by a sign that reads "Activities" when the bus
19 is being operated under authority of this ~~paragraph~~ subdivision.

20 Subd. 3. [MOTORIZED BICYCLE.] (a) ~~No~~ A motorized bicycle
21 ~~shall~~ may not be operated on any public roadway by any person
22 who does not possess a valid driver's license, unless the person
23 has obtained a motorized bicycle operator's permit or motorized
24 bicycle instruction permit from the commissioner of public
25 safety. The operator's permit may be issued to any person who
26 has attained the age of 15 years and who has passed the
27 examination prescribed by the commissioner. The instruction
28 permit may be issued to any person who has attained the age of
29 15 years and who has successfully completed an approved safety
30 course and passed the written portion of the examination
31 prescribed by the commissioner.

32 (b) This course must consist of, but is not limited to, a
33 basic understanding of:

- 34 (1) motorized bicycles and their limitations;
35 (2) motorized bicycle laws and rules;
36 (3) safe operating practices and basic operating

1 techniques;

2 (4) helmets and protective clothing;

3 (5) motorized bicycle traffic strategies; and

4 (6) effects of alcohol and drugs on motorized bicycle
5 operators.

6 (c) The commissioner may ~~promulgate~~ adopt rules prescribing
7 the content of the safety course, examination, and the
8 information to be contained on the permits. A person operating
9 a motorized bicycle under a motorized bicycle permit is subject
10 to the restrictions imposed by section 169.974, subdivision 2,
11 on operation of a motorcycle under a two-wheel instruction
12 permit.

13 (d) The fees for motorized bicycle operator's permits are
14 as follows:

15	(1) Examination and operator's permit,	
16	valid for one year	\$ 6
17	(2) Duplicate	\$ 3
18	(3) Renewal permit before age 21	
19	and valid until age 21	\$ 9
20	(4) Renewal permit after age 21 <u>or older</u>	
21	and valid for four years	\$15
22	(5) Duplicate of any renewal permit	\$ 4.50
23	(6) Written examination and	
24	instruction permit, valid for	
25	30 days	\$ 6

26 Subd. 4. [RESTRICTED COMMERCIAL DRIVER'S LICENSE.] (a) The
27 commissioner may issue restricted commercial drivers' licenses
28 and take the following actions to the extent that the actions
29 are authorized by regulation of the United States Department of
30 Transportation entitled "~~Waiver for Farm-Related Service~~
31 ~~Industries~~" ~~as published in the Federal Register, April 17, 1992~~
32 in Code of Federal Regulations, title 49, section 383.3,
33 paragraph (f):

34 (1) prescribe examination requirements and other
35 qualifications for the license;

36 (2) prescribe classes of vehicles that may be operated by

1 holders of the license;

2 (3) specify commercial motor vehicle operation that is
3 authorized by the license, and prohibit other commercial motor
4 vehicle operation by holders of the license; and

5 (4) prescribe the period of time during which the license
6 is valid.

7 (b) Restricted commercial drivers' licenses are subject to
8 sections 171.165 and 171.166 in the same manner as other
9 commercial drivers' licenses.

10 (c) Actions of the commissioner under this subdivision are
11 not subject to sections 14.05 to 14.47 of the Administrative
12 Procedure Act.

13 Subd. 5. [EXEMPTION FOR CERTAIN BACKUP SNOWPLOW DRIVERS.]
14 Pursuant to the waiver authorization set forth in Public Law
15 104-59, section 345, subsection (a), paragraph (5), a person who
16 operates a commercial motor vehicle for the purpose of removing
17 snow or ice from a roadway by plowing, salting, or sanding is
18 not required to hold a commercial driver's license if the person:

19 (1) is an employee of a local unit of government with a
20 population of 3,000 or less;

21 (2) is operating within the boundaries of the local unit of
22 government;

23 (3) holds a valid class D driver's license; and

24 (4) except in the event of a lawful strike, is temporarily
25 replacing the employee who normally operates the vehicle but
26 either is unable to operate the vehicle or is in need of
27 additional assistance due to a snow emergency as determined by
28 the local unit of government.

29 Sec. 8. Minnesota Statutes 2004, section 171.03, is
30 amended to read:

31 171.03 [PERSONS EXEMPT.]

32 The following persons are exempt from license hereunder:

33 ~~{†}~~ (a) A person in the employ or service of the United
34 States federal government is exempt while driving or operating a
35 motor vehicle owned by or leased to the United States federal
36 government, ~~-except-that-only-a-noncivilian-operator-of-a~~

1 ~~commercial-motor-vehicle-owned-or-leased-by-the-United-States~~
 2 ~~Department-of-Defense-or-the-Minnesota-National-Guard-is-exempt~~
 3 ~~from-the-requirement-to-possess-a-valid-commercial-motor-vehicle~~
 4 ~~driver's-license.~~

5 (b) A person in the employ or service of the United States
 6 federal government is exempt from the requirement to possess a
 7 valid class A, class B, or class C commercial driver's license
 8 while driving or operating for military purposes a commercial
 9 motor vehicle owned by or leased to the United States federal
 10 government if the person is:

11 (1) on active duty in the U. S. Coast Guard;

12 (2) on active duty in a branch of the U. S. Armed Forces,
 13 which includes the Army, Air Force, Navy, and Marine Corps;

14 (3) a member of a reserve component of the U. S. Armed
 15 Forces; or

16 (4) on active duty in the Army National Guard or Air
 17 National Guard, which includes (i) a member on full-time
 18 National Guard duty, (ii) a member undergoing part-time National
 19 Guard training, and (iii) a National Guard military technician,
 20 who is a civilian required to wear a military uniform.

21 The exemption provided under this paragraph does not apply to a
 22 U. S. Armed Forces Reserve technician.

23 ~~(c)~~ (c) Any person while driving or operating any farm
 24 tractor, or implement of husbandry temporarily operated or moved
 25 on a highway, and is exempt. For purposes of this section, an
 26 all-terrain vehicle, as defined in section 84.92, subdivision 8,
 27 an off-highway motorcycle, as defined in section 84.787,
 28 subdivision 7, and an off-road vehicle, as defined in section
 29 84.797, subdivision 7, are not implements of husbandry.

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

34 ~~(e)~~ (e) A nonresident who has in immediate possession a
 35 valid commercial driver's license issued by a state or
 36 jurisdiction in compliance accordance with the Commercial-Motor

1 ~~Vehicle-Safety-Act-of-1986, United States Code, title 49,~~
 2 ~~sections 521, 2304, and 2701 to 2716~~ standards of Code of
 3 Federal Regulations, title 49, part 383, and who is operating in
 4 Minnesota the class of commercial motor vehicle authorized by
 5 the issuing state, or jurisdiction is exempt.

6 ~~(5)~~ (f) Any nonresident who is at least 18 years of age,
 7 whose home state or country does not require the licensing of
 8 drivers may operate a motor vehicle as a driver, but only for a
 9 period of not more than 90 days in any calendar year, if the
 10 motor vehicle so operated is duly registered for the current
 11 calendar year in the home state or country of ~~such~~ the
 12 nonresident,.

13 ~~(6)~~ (g) Any person who becomes a resident of the state of
 14 Minnesota and who has in possession a valid driver's license
 15 issued to the person under and pursuant to the laws of some
 16 other state or ~~province~~ jurisdiction or by military authorities
 17 of the United States may operate a motor vehicle as a
 18 driver, but only for a period of not more than 60 days after
 19 becoming a resident of this state, without being required to
 20 have a Minnesota driver's license as provided in this chapter,.

21 ~~(7)~~ (h) Any person who becomes a resident of the state of
 22 Minnesota and who has in possession a valid commercial driver's
 23 license issued by another state or jurisdiction in
 24 compliance accordance with the ~~Commercial-Motor-Vehicle-Safety~~
 25 ~~Act-of-1986, United States Code, title 49, sections 521, 2304,~~
 26 ~~and 2701 to 2716~~ standards of Code of Federal Regulations, title
 27 49, part 383, is exempt for not more than 30 days after becoming
 28 a resident of this state, ~~and.~~

29 ~~(8)~~ (i) Any person operating a snowmobile, as defined in
 30 section 84.81, is exempt.

31 Sec. 9. Minnesota Statutes 2004, section 171.04,
 32 subdivision 2, is amended to read:

33 Subd. 2. [DISQUALIFIED OPERATORS OF COMMERCIAL MOTOR
 34 VEHICLES.] During the period of disqualification, the department
 35 shall not issue a class C, class B, or class A commercial
 36 driver's license, including a limited license, to a person who

1 has been disqualified from operating a commercial motor vehicle
2 under section 171.165.

3 Sec. 10. Minnesota Statutes 2004, section 171.09, is
4 amended to read:

5 171.09 [DRIVING RESTRICTIONS; AUTHORITY, VIOLATIONS.]

6 (a) The commissioner ~~shall have the authority~~, when good
7 cause appears, to may impose restrictions suitable to the
8 licensee's driving ability or ~~such~~ other restrictions applicable
9 to the licensee as the commissioner may determine to be
10 appropriate to assure the safe operation of a motor vehicle by
11 the licensee. ~~The commissioner may,~~

12 (b) Pursuant to Code of Federal Regulations, title 49,
13 section 383.95, if an applicant for a commercial driver's
14 license either does not successfully complete the air brake
15 component of the knowledge test, or does not successfully
16 complete the skills test in a vehicle equipped with air brakes
17 as such tests are prescribed in Code of Federal Regulations,
18 title 49, part 384, the department shall indicate on the class
19 C, class B, or class A commercial driver's license, if issued,
20 that the individual is restricted from operating a commercial
21 motor vehicle equipped with air brakes.

22 (c) Upon receiving satisfactory evidence of any violation
23 of the restrictions of on the license, the commissioner may
24 suspend or revoke the license. A license suspension under this
25 section is subject to section 171.18, subdivisions 2 and 3.

26 ~~{b}~~ (d) A person who drives, operates, or is in physical
27 control of a motor vehicle while in violation of the
28 restrictions imposed in a restricted driver's license issued to
29 that person under ~~paragraph-(a)~~ this section is guilty of a
30 crime as follows:

31 (1) if the restriction relates to the possession or
32 consumption of alcohol or controlled substances, the person is
33 guilty of a gross misdemeanor; or

34 (2) if the restriction relates to another matter, the
35 person is guilty of a misdemeanor.

36 Sec. 11. Minnesota Statutes 2004, section 171.12,

1 subdivision 3, is amended to read:

2 Subd. 3. [APPLICATION AND RECORD, WHEN DESTROYED.] The
3 department may cause applications for drivers' licenses,
4 provisional licenses, and instruction permits, and related
5 records, to be destroyed immediately after the period for which
6 issued, except that:

7 (1) the driver's record pertaining to revocations,
8 suspensions, cancellations, disqualifications, convictions, and
9 accidents ~~shall be~~ is cumulative and must be kept for a period
10 of at least five years;

11 (2) the driver's record pertaining to the alcohol-related
12 offenses and licensing actions listed in section 169A.03,
13 subdivisions 20 and 21, and to violations of ~~sections~~ section
14 169A.31 in any motor vehicle, and to violations of section
15 171.24, subdivision 5, shall in a commercial motor vehicle, must
16 ~~be cumulative and kept for a period of at least 15 years, except~~
17 ~~as provided in clause (3); and~~

18 ~~(3) the driver's record pertaining to an offense, or a~~
19 ~~related licensing action, under section 169A.20, subdivision 1,~~
20 ~~clause (1) or (5), must be purged after ten years of any~~
21 ~~reference to the offense or action if (i) this offense or action~~
22 ~~involved an alcohol concentration of 0.08 or more but less than~~
23 ~~0.10, (ii) this offense or action was a first impaired driving~~
24 ~~incident, and (iii) the driver has incurred no other impaired~~
25 ~~driving incident during the ten-year period. For purposes of~~
26 ~~this clause, "impaired driving incident" includes any incident~~
27 ~~that may be counted as a prior impaired driving conviction or a~~
28 ~~prior impaired driving-related loss of license, as defined in~~
29 ~~section 169A.03, subdivisions 20 and 21. This clause does not~~
30 ~~apply to the driver's record of a person to whom a commercial~~
31 ~~driver's license has been issued~~ retained permanently.

32 Sec. 12. [171.162] [COMMERCIAL DRIVER'S LICENSE, RECORDS
33 CHECK.]

34 As required by Code of Federal Regulations, title 49,
35 section 383.73, before issuing a class A, class B, or class C
36 commercial driver's license, the department shall request the

1 applicant's complete driving record from all states where the
 2 applicant was previously licensed over the last ten years to
 3 operate any type of motor vehicle.

4 Sec. 13. Minnesota Statutes 2004, section 171.165,
 5 subdivision 1, is amended to read:

6 Subdivision 1. [~~FIRST-VIOLATION~~ FEDERAL STANDARDS.]

7 Subject to section 171.166, the commissioner shall disqualify a
 8 person from operating commercial motor vehicles ~~for one-year~~
 9 ~~upon receiving a record of the first conviction of the person~~
 10 ~~for committing a violation of any of the following offenses~~
 11 ~~while operating a commercial motor vehicle:~~

12 ~~(1) section 169A.20 or 169A.31;~~

13 ~~(2) section 169.09, subdivision 1 or 2;~~

14 ~~(3) a felony, other than a felony described in subdivision~~
 15 ~~3, paragraph (a), clause (2), item (ii);~~

16 ~~(4) driving with a revoked, suspended, canceled, denied, or~~
 17 ~~disqualified commercial driver's license;~~

18 ~~(5) causing a fatality through the negligent or criminal~~
 19 ~~operation of a commercial motor vehicle; or~~

20 ~~(6) an offense committed in another state that would be~~
 21 ~~grounds for disqualification under this subdivision or~~
 22 ~~subdivision 2 if committed in Minnesota~~ in accordance with the
 23 driver disqualifications and penalties in Code of Federal
 24 Regulations, title 49, part 383, subpart D and Code of Federal
 25 Regulations, title 49, section 384.219.

26 Sec. 14. Minnesota Statutes 2004, section 171.165,
 27 subdivision 2, is amended to read:

28 Subd. 2. [IMPLIED CONSENT REVOCATION.] The commissioner
 29 shall disqualify a person from operating commercial motor
 30 vehicles ~~for one-year from the effective date of a revocation~~
 31 ~~under section 169A.52 or a statute or ordinance from another~~
 32 ~~state or jurisdiction in conformity with it, if the person was~~
 33 ~~driving, operating, or in physical control of a commercial motor~~
 34 ~~vehicle at the time of the incident on which the revocation is~~
 35 ~~based~~ in accordance with the driver disqualifications and
 36 penalties in Code of Federal Regulations, title 49, part 383,

1 subpart D.

2 Sec. 15. Minnesota Statutes 2004, section 171.165,
3 subdivision 6, is amended to read:

4 Subd. 6. [EXEMPTIONS.] A disqualification shall not be
5 imposed under this section on a recreational equipment vehicle
6 operator, farmer, or firefighter operating a commercial motor
7 vehicle within the scope of section 171.02, subdivision 2,
8 paragraph (b).

9 Sec. 16. [171.167] [NOTICE TO COMMERCIAL DRIVER'S LICENSE
10 INFORMATION SYSTEM.]

11 The department shall participate fully in the commercial
12 driver's license information system established under the
13 Commercial Motor Vehicle Safety Act of 1986 at United States
14 Code, title 49, section 31309.

15 Sec. 17. [REPEALER.]

16 Minnesota Statutes 2004, sections 169.99, subdivision 1b;
17 171.12, subdivision 6; and 171.165, subdivisions 3, 4, 4a, and
18 4b, are repealed. Minnesota Rules, part 7503.2400, is repealed.

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169.99 UNIFORM TRAFFIC TICKET.

Subd. 1b. **Speed.** The uniform traffic ticket must provide a blank or space wherein an officer who issues a citation for a violation of section 169.14, subdivision 2, paragraph (a), clause (3), must specify whether the speed was greater than ten miles per hour in excess of the lawful speed.

171.12 DRIVING RECORD; FILING; PRIVATE DATA; SURCHARGE.

Subd. 6. **Certain convictions not recorded.** The department shall not keep on the record of a driver any conviction for a violation of section 169.14, subdivision 2, paragraph (a), clause (3), unless the violation consisted of a speed greater than ten miles per hour in excess of the lawful speed.

171.165 COMMERCIAL DRIVER'S LICENSE, DISQUALIFICATION.

Subd. 3. **Grave or multiple offenses.** (a) Subject to section 171.166, the commissioner shall disqualify a person from operating commercial motor vehicles for:

(1) not less than three years, for a conviction or revocation set forth in subdivision 1 or 2 committed during the transportation of hazardous materials;

(2) life, for a conviction:

(i) of a second or subsequent disqualifying offense set forth in subdivision 1 or 2, a statute of another state or ordinance in conformity with it, or any combination of those offenses, arising from separate incidents; or

(ii) under chapter 152 of a felony involving the manufacture, sale, or distribution of a controlled substance, or involving the possession of a controlled substance with intent to manufacture, sell, or distribute it, and the person is found to have used a commercial motor vehicle in the commission of the felony.

(b) A person whose commercial motor vehicle driving privileges have been disqualified under paragraph (a), clause (2), item (i), may apply for reinstatement after ten years. A person whose commercial motor vehicle driving privileges have been disqualified under paragraph (a), clause (2), item (ii), may not apply for reinstatement.

(c) A person whose commercial motor vehicle driving privileges have been reinstated under paragraph (b) and who subsequently commits a disqualifying offense set forth in subdivision 1 or 2, or any combination of those offenses, may not apply for reinstatement.

Subd. 4. **Serious traffic violation.** On receiving a record of conviction and subject to section 171.166, the commissioner shall disqualify a person from operating commercial motor vehicles for 60 days if the person is convicted of two serious traffic violations, or 120 days if convicted of three serious traffic violations. The violations must involve separate incidents and must have been committed in a commercial motor vehicle within a three-year period. For purposes of this subdivision, a serious traffic violation includes the following:

(1) following too closely under section 169.18, subdivision 8;

(2) erratic lane change under sections 169.18, subdivisions 3 and 7; and 169.19, subdivision 4;

(3) operating the commercial vehicle at a speed 15 miles per hour or more above the posted speed limit;

(4) reckless or careless driving under section 169.13;

(5) fleeing a peace officer under section 609.487;

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(6) a violation of a moving traffic statute of Minnesota or any state, or an ordinance in conformity with a Minnesota statute, that arose in connection with a fatal accident;

(7) operating a commercial motor vehicle without the proper class of commercial driver's license or endorsements for the type of vehicle being operated; and

(8) operating a commercial motor vehicle without a commercial driver's license in immediate possession, unless the person provides proof to the court that, on the date of the citation, the person held a valid commercial driver's license of the proper class and with the proper endorsements.

Subd. 4a. Violation of out-of-service order. (a) The commissioner shall disqualify a person from operating a commercial motor vehicle for not less than:

(1) 90 days nor more than one year if the operator is convicted of a first violation of an out-of-service order;

(2) one year nor more than five years if, during any ten-year period, the operator is convicted of two violations of out-of-service orders in separate incidents; and

(3) three years nor more than five years if, during any ten-year period, the operator is convicted of three or more violations of out-of-service orders in separate incidents.

(b) The commissioner shall notify the commissioner of transportation of each disqualification under this subdivision.

Subd. 4b. Railroad grade crossing violation. (a) The commissioner shall disqualify a person from operating a commercial motor vehicle for not less than:

(1) 60 days if the person is convicted of a first railroad grade crossing violation;

(2) 120 days if, during any three-year period, the person is convicted of two railroad grade crossing violations arising from separate incidents;

(3) one year if, during any three-year period, the person is convicted of three or more railroad grade crossing violations arising from separate incidents.

(b) For the purposes of this subdivision, "railroad grade crossing violation" means a violation of section 169.26 or 169.28, Code of Federal Regulations, title 49, section 392.10, or a statute or ordinance from another state in conformity with those sections, while operating a commercial motor vehicle.

1 Senator moves to amend S.F. No. 2121 as follows:

2 Page 4, after line 11, insert:

3 "Sec. 3. Minnesota Statutes 2004, section 169.01,
4 subdivision 76, is amended to read:

5 Subd. 76. [HAZARDOUS MATERIALS.] "Hazardous materials"
6 means those materials found to be hazardous for the purposes of
7 the federal Hazardous Materials Transportation Act and that
8 require the motor vehicle to be placarded under Code of Federal
9 Regulations, title 49, ~~part-1727--subpart-F~~ parts 100-185."

10 Page 5, after line 16, insert:

11 "Sec. 6. Minnesota Statutes 2004, section 171.01,
12 subdivision 35, is amended to read:

13 Subd. 35. [HAZARDOUS MATERIALS.] "Hazardous materials"
14 means those materials found to be hazardous for the purposes of
15 the federal Hazardous Materials Transportation Act and that
16 require the motor vehicle to be placarded under Code of Federal
17 Regulations, title 49, ~~part-1727--subpart-F~~ parts 100-185."

18 Page 5, line 29, after "tank" insert ", as defined in Code
19 of Federal Regulations, title 49, section 178.320, including a
20 cargo tank or a portable tank as defined in Code of Federal
21 Regulations, title 49, section 171.8,"

22 Page 7, delete lines 29 and 30 and insert:

23 "(6) towing vehicles if:

24 (i) the towed vehicles have a gross vehicle weight of
25 10,000 pounds or less; or

26 (ii) the towed vehicles have a gross vehicle weight of more
27 than 10,000 pounds and the combination of vehicles has a gross
28 vehicle weight of 26,000 pounds or less."

29 Page 16, delete lines 11 to 15 and insert:

30 "(2) the driver's record pertaining to violations of a
31 driver or vehicle out-of-service order must be kept for a period
32 of at least ten years; and

33 (3) the driver's record pertaining to felony convictions in
34 the commission of which a motor vehicle was used, to the
35 alcohol-related offenses and licensing actions listed in section
36 169A.03, subdivisions 20 and 21, and to violations of sections

1 section 169.09, to violations of section 169A.31, and to
2 violations of section 171.24, subdivision 5, shall must"

3 Page 18, delete lines 4 to 8 and insert:

4 "Subd. 6. [EXEMPTIONS.] (a) A disqualification shall not
5 be imposed under this section on a recreational equipment
6 vehicle operator, farmer, or firefighter authorized emergency
7 vehicle operator operating a commercial motor vehicle within the
8 scope of section 171.02, subdivision 2, paragraph (b).

9 (b) A conviction for a violation that occurred before
10 August 1, 2005, while operating a vehicle that is not a
11 commercial motor vehicle shall not be counted as a first or
12 subsequent violation for purposes of determining the period for
13 which a driver must be disqualified under this section."

14 Renumber the sections in sequence and correct the internal
15 references

16 Amend the title accordingly

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and Fiscal Analysis**

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State of Minnesota

SCS1542A-3 - Vehicle Provision Modifications

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Date: April 5, 2005

Section 1 modifies the definition of “recreational vehicle combination” to provide that the third vehicle, which is a trailer, can carry equestrian equipment and supplies.

Section 2 adds language conforming to section 1 to the description of the conditions under which recreational vehicle combinations may be operated without a permit.

Section 3 adds the condition that a vehicle hauling raw or unfinished forest products may not exceed 20,000 pounds gross weight on any single axle, to the conditions on which these vehicles may operate without regard to load restrictions. A vehicle under this section may exceed legal axle weights in the statutory gross weight schedule by up to 12.5 percent. Weight limits may be exceeded by up to 22.5 percent during the winter seasonal increase set by the commissioner.

Section 4 includes wood chips among the raw and unfinished forest products that may, in a first haul, exceed statutory weight limitations by up to ten percent.

Section 5 prescribes an annual oversize permit fee of \$120 for manufactured storage buildings.

Section 6, Subdivision 1 authorizes the commissioner to issue a permit for a three-unit vehicle, consisting of a truck-tractor and semitrailer drawing one additional semitrailer, with a maximum gross vehicle weight of 108,000. These vehicles may be operated on Trunk Highway 2 between Grand Rapids and Duluth, on Trunk Highway 169 between Grand Rapids and Trunk Highway 53, and on Trunk Highway 53 between Virginia and Duluth.

Subdivision 2 authorizes the commissioner to issue a permit for a two-unit vehicle, consisting of a truck-tractor and single semitrailer that may exceed 48 feet, but not 53 feet, and has a maximum gross vehicle weight of 90,000 pounds, or 98,000 pounds when seasonal weight increases are in effect.

Subdivision 3 restricts vehicles operated under these permits as follows:

- Must comply with seasonal load restrictions;
- May not be operated on interstates; and
- May be operated on local streets or highways only with approval of local authority, except they may have reasonable access to terminals and facilities for food, fuel, repairs, and rest, and for continuity of route within one mile of the national network.

Subdivision 4 requires permits under this section to be annual permits, issued for a fee of \$850/vehicle. Proceeds are deposited in the trunk highway fund. An amount sufficient to administer the permit program is appropriated to the commissioner.

This section is effective the later of August 1, 2006, or when the commissioner determines that building permits have been issued for construction of a new pulp and paper manufacturing facility in Grand Rapids.

Section 7 repeals Minnesota Rules as follows:

- Part 7800.0600 requires regular route common carrier or petroleum carrier applicants to submit multiple copies of the application to the commissioner to serve all interested parties;
- Part 7800.3200, subpart 1, requires certificated regular route common carriers or petroleum carriers to present freight bills for payment of transportation charges within ten days from the delivery of the shipment and to collect the charges within 20 days from delivery of the shipment;
- Part 7805.0700 provides that a carrier's class is determined by the average of its annual gross operating revenues for the preceding three years;
- Part 8850.6900, subpart 20, defines "regular route common carrier;" and
- Part 8855.0500, subpart 1, requires each petroleum carrier and regular route common freight carrier to obtain cargo insurance of \$5000, and have the cargo insurer file a certificate of insurance or bond with the commissioner.

BB/AV:vs

1 authorized under section 169.826;

2 (5) not be operated on interstate and defense highways;

3 (6) obtain an annual permit from the commissioner of
4 transportation; and

5 (7) obey all road postings; and

6 (8) not exceed 20,000 pounds gross weight on any single
7 axle.

8 (b) A vehicle operated under this section may exceed the
9 legal axle weight limits listed in section 169.824 by not more
10 than 12.5 percent; except that, the weight units may be exceeded
11 by not more than 22.5 percent during the time when seasonal
12 increases are authorized under section 169.826, subdivision 1.

13 Sec. 2. [REPEALER.]

14 Minnesota Rules, parts 7800.0600; 7800.3200; 7805.0700;
15 8850.6900, subpart 20; and 8855.0500, subpart 1, are repealed.

1 Senator moves to amend S.F. No. 1542 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 169.01,
4 subdivision 78, is amended to read:

5 Subd. 78. [RECREATIONAL VEHICLE COMBINATION.]

6 "Recreational vehicle combination" means a combination of
7 vehicles consisting of a pickup truck as defined in section
8 168.011, subdivision 29, attached by means of a fifth-wheel
9 coupling to a camper-semitrailer which has hitched to it a
10 trailer carrying a watercraft as defined in section 86B.005,
11 subdivision 18; off-highway motorcycle as defined in section
12 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile
13 as defined in section 84.81, subdivision 3; ~~or~~ all-terrain
14 vehicle as defined in section 84.92, subdivision 8; or
15 equestrian equipment and supplies. For purposes of this
16 subdivision:

17 (a) A "fifth-wheel coupling" is a coupling between a
18 camper-semitrailer and a towing pickup truck in which a portion
19 of the weight of the camper-semitrailer is carried over or
20 forward of the rear axle of the towing pickup.

21 (b) A "camper-semitrailer" is a trailer, other than a
22 manufactured home as defined in section 327B.01, subdivision 13,
23 designed for human habitation and used for vacation or
24 recreational purposes for limited periods.

25 Sec. 2. Minnesota Statutes 2004, section 169.81,
26 subdivision 3c, is amended to read:

27 Subd. 3c. [RECREATIONAL VEHICLE COMBINATION.]

28 Notwithstanding subdivision 3, a recreational vehicle
29 combination may be operated without a permit if:

30 (1) the combination does not consist of more than three
31 vehicles, and the towing rating of the pickup truck is equal to
32 or greater than the total weight of all vehicles being towed;

33 (2) the combination does not exceed 60 feet in length;

34 (3) the camper-semitrailer in the combination does not
35 exceed 28 feet in length;

36 (4) the operator of the combination is at least 18 years of

1 age;

2 (5) the trailer carrying a watercraft, motorcycle,
3 motorized bicycle, off-highway motorcycle, snowmobile, ~~or~~
4 all-terrain vehicle, or equestrian equipment and supplies meets
5 all requirements of law;

6 (6) the trailers in the combination are connected to the
7 pickup truck and each other in conformity with section 169.82;
8 and

9 (7) the combination is not operated within the seven-county
10 metropolitan area, as defined in section 473.121, subdivision 2,
11 during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00
12 p.m. on Mondays through Fridays.

13 Sec. 3. Minnesota Statutes 2004, section 169.8261, is
14 amended to read:

15 169.8261 [GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.]

16 (a) A vehicle or combination of vehicles hauling raw or
17 unfinished forest products, including wood chips, by the most
18 direct route to the nearest highway that has been designated
19 under section 169.832, subdivision 11, may be operated on any
20 highway with gross weights permitted under sections 169.822 to
21 169.829 without regard to load restrictions imposed on that
22 highway, except that ~~such~~ the vehicles must:

23 (1) comply with seasonal load restrictions in effect
24 between the dates set by the commissioner under section 169.87,
25 subdivision 2;

26 (2) comply with bridge load limits posted under section
27 169.84;

28 (3) be equipped and operated with six axles and brakes;

29 (4) not exceed 90,000 pounds gross weight, or 98,000 pounds
30 gross weight during the time when seasonal increases are
31 authorized under section 169.826;

32 (5) not be operated on interstate and defense highways;

33 (6) obtain an annual permit from the commissioner of
34 transportation; and

35 (7) obey all road postings; and

36 (8) not exceed 20,000 pounds gross weight on any single

1 axle.

2 (b) A vehicle operated under this section may exceed the
3 legal axle weight limits listed in section 169.824 by not more
4 than 12.5 percent; except that, the weight limits may be
5 exceeded by not more than 22.5 percent during the time when
6 seasonal increases are authorized under section 169.826,
7 subdivision 1.

8 Sec. 4. Minnesota Statutes 2004, section 169.851,
9 subdivision 5, is amended to read:

10 Subd. 5. [EXCEPTION FOR FARM AND FOREST PRODUCTS.] ~~The~~
11 ~~maximum-weight-provisions-of-this-section-do~~ Subdivision 4 of
12 this section does not apply to the first haul of unprocessed or
13 raw farm products and the transportation of raw and unfinished
14 forest products, including wood chips, when the ~~prescribed~~
15 maximum weight ~~limitation-is~~ limitations permitted under
16 sections 169.822 to 169.829 are not exceeded by more than ten
17 percent.

18 Sec. 5. Minnesota Statutes 2004, section 169.86,
19 subdivision 5, is amended to read:

20 Subd. 5. [FEE; PROCEEDS DEPOSITED; APPROPRIATION.] The
21 commissioner, with respect to highways under the commissioner's
22 jurisdiction, may charge a fee for each permit issued. All such
23 fees for permits issued by the commissioner of transportation
24 shall be deposited in the state treasury and credited to the
25 trunk highway fund. Except for those annual permits for which
26 the permit fees are specified elsewhere in this chapter, the
27 fees shall be:

28 (a) \$15 for each single trip permit.

29 (b) \$36 for each job permit. A job permit may be issued
30 for like loads carried on a specific route for a period not to
31 exceed two months. "Like loads" means loads of the same
32 product, weight, and dimension.

33 (c) \$60 for an annual permit to be issued for a period not
34 to exceed 12 consecutive months. Annual permits may be issued
35 for:

36 (1) motor vehicles used to alleviate a temporary crisis

1 adversely affecting the safety or well-being of the public;

2 (2) motor vehicles which travel on interstate highways and
3 carry loads authorized under subdivision 1a;

4 (3) motor vehicles operating with gross weights authorized
5 under section 169.826, subdivision 1a;

6 (4) special pulpwood vehicles described in section 169.863;

7 (5) motor vehicles bearing snowplow blades not exceeding
8 ten feet in width; and

9 (6) noncommercial transportation of a boat by the owner or
10 user of the boat.

11 (d) \$120 for an oversize annual permit to be issued for a
12 period not to exceed 12 consecutive months. Annual permits may
13 be issued for:

14 (1) mobile cranes;

15 (2) construction equipment, machinery, and supplies;

16 (3) manufactured homes and manufactured storage buildings;

17 (4) implements of husbandry when the movement is not made
18 according to the provisions of paragraph (i);

19 (5) double-deck buses;

20 (6) commercial boat hauling; and

21 (7) three-vehicle combinations consisting of two empty,
22 newly manufactured trailers for cargo, horses, or livestock, not
23 to exceed 28-1/2 feet per trailer; provided, however, the permit
24 allows the vehicles to be moved from a trailer manufacturer to a
25 trailer dealer only while operating on twin-trailer routes
26 designated under section 169.81, subdivision 3, paragraph (c).

27 (e) For vehicles which have axle weights exceeding the
28 weight limitations of sections 169.822 to 169.829, an additional
29 cost added to the fees listed above. However, this paragraph
30 applies to any vehicle described in section 168.013, subdivision
31 3, paragraph (b), but only when the vehicle exceeds its gross
32 weight allowance set forth in that paragraph, and then the
33 additional cost is for all weight, including the allowance
34 weight, in excess of the permitted maximum axle weight. The
35 additional cost is equal to the product of the distance traveled
36 times the sum of the overweight axle group cost factors shown in

1 the following chart:

2 Overweight Axle Group Cost Factors

3 Weight (pounds)	4 Cost Per Mile For Each Group Of:		
5 exceeding weight limitations on axles	6 Two consec- 7 utive axles 8 spaced within 9 8 feet or less	10 Three consec- 11 utive axles 12 spaced within 13 9 feet or less	14 Four consec- 15 utive axles 16 spaced within 17 14 feet or less
18 0-2,000	.12	.05	.04
19 2,001-4,000	.14	.06	.05
20 4,001-6,000	.18	.07	.06
21 6,001-8,000	.21	.09	.07
22 8,001-10,000	.26	.10	.08
23 10,001-12,000	.30	.12	.09
24 12,001-14,000	Not permitted	.14	.11
25 14,001-16,000	Not permitted	.17	.12
26 16,001-18,000	Not permitted	.19	.15
27 18,001-20,000	Not permitted	Not permitted	.16
28 20,001-22,000	Not permitted	Not permitted	.20

19 The amounts added are rounded to the nearest cent for each axle
20 or axle group. The additional cost does not apply to paragraph
21 (c), clauses (1) and (3).

22 For a vehicle found to exceed the appropriate maximum permitted
23 weight, a cost-per-mile fee of 22 cents per ton, or fraction of
24 a ton, over the permitted maximum weight is imposed in addition
25 to the normal permit fee. Miles must be calculated based on the
26 distance already traveled in the state plus the distance from
27 the point of detection to a transportation loading site or
28 unloading site within the state or to the point of exit from the
29 state.

30 (f) As an alternative to paragraph (e), an annual permit
31 may be issued for overweight, or oversize and overweight,
32 construction equipment, machinery, and supplies. The fees for
33 the permit are as follows:

34 Gross Weight (pounds) of Vehicle	35 Annual Permit Fee
36 90,000 or less	\$200
90,001 - 100,000	\$300

1	100,001 - 110,000	\$400
2	110,001 - 120,000	\$500
3	120,001 - 130,000	\$600
4	130,001 - 140,000	\$700
5	140,001 - 145,000	\$800

6 If the gross weight of the vehicle is more than 145,000 pounds
7 the permit fee is determined under paragraph (e).

8 (g) For vehicles which exceed the width limitations set
9 forth in section 169.80 by more than 72 inches, an additional
10 cost equal to \$120 added to the amount in paragraph (a) when the
11 permit is issued while seasonal load restrictions pursuant to
12 section 169.87 are in effect.

13 (h) \$85 for an annual permit to be issued for a period not
14 to exceed 12 months, for refuse-compactor vehicles that carry a
15 gross weight of not more than: 22,000 pounds on a single rear
16 axle; 38,000 pounds on a tandem rear axle; or, subject to
17 section 169.828, subdivision 2, 46,000 pounds on a tridem rear
18 axle. A permit issued for up to 46,000 pounds on a tridem rear
19 axle must limit the gross vehicle weight to not more than 62,000
20 pounds.

21 (i) For vehicles exclusively transporting implements of
22 husbandry, an annual permit fee of \$24. A vehicle operated
23 under a permit authorized by this paragraph may be moved at the
24 discretion of the permit holder without prior route approval by
25 the commissioner if:

26 (1) the total width of the transporting vehicle, including
27 load, does not exceed 14 feet;

28 (2) the vehicle is operated only between sunrise and 30
29 minutes after sunset, and is not operated at any time after
30 12:00 noon on Sundays or holidays;

31 (3) the vehicle is not operated when visibility is impaired
32 by weather, fog, or other conditions that render persons and
33 other vehicles not clearly visible at 500 feet;

34 (4) the vehicle displays at the front and rear of the load
35 or vehicle a pair of flashing amber lights, as provided in
36 section 169.59, subdivision 4, whenever the overall width of the

1 vehicle exceeds 126 inches; and

2 (5) the vehicle is not operated on a trunk highway with a
3 surfaced roadway width of less than 24 feet unless such
4 operation is authorized by the permit.

5 A permit under this paragraph authorizes movements of the
6 permitted vehicle on an interstate highway, and movements of 75
7 miles or more on other highways.

8 (j) \$300 for a motor vehicle described in section
9 169.8261. The fee under this paragraph must be deposited as
10 follows:

11 (1) in fiscal years 2005 through 2010:

12 (i) the first \$50,000 in each fiscal year must be deposited
13 in the trunk highway fund for costs related to administering the
14 permit program and inspecting and posting bridges;

15 (ii) all remaining money in each fiscal year must be
16 deposited in a bridge inspection and signing account in the
17 special revenue fund. Money in the account is appropriated to
18 the commissioner for:

19 (A) inspection of local bridges and identification of local
20 bridges to be posted, including contracting with a consultant
21 for some or all of these functions; and

22 (B) erection of weight-posting signs on local bridges; and

23 (2) in fiscal year 2011 and subsequent years must be
24 deposited in the trunk highway fund.

25 Sec. 6. [169.864] [SPECIAL PAPER PRODUCTS VEHICLE PERMIT.]

26 Subdivision 1. [THREE-UNIT VEHICLE.] The commissioner may
27 issue a permit for a vehicle that meets the following
28 requirements:

29 (1) is a combination of vehicles, including a truck-tractor
30 and a semitrailer drawing one additional semitrailer, which may
31 be equipped with an auxiliary dolly. No semitrailer used in a
32 three-vehicle combination may have an overall length in excess
33 of 28-1/2 feet;

34 (2) has a maximum gross vehicle weight of 108,000 pounds;

35 (3) complies with the axle weight limits in section 169.824
36 or with the federal bridge formula for axle groups not described

1 in that section;

2 (4) complies with the tire weight limits in section 169.823
3 or the tire manufacturers' recommended load, whichever is less;

4 (5) is operated only in this state on Trunk Highway marked
5 2 between Grand Rapids and the port of Duluth; on Trunk Highway
6 marked 169 between Grand Rapids and its junction with Trunk
7 Highway marked 53; and on Trunk Highway marked 53 between
8 Virginia and the port of Duluth; and

9 (6) the seasonal weight increases authorized under section
10 169.826, subdivision 1, do not apply.

11 Subd. 2. [TWO-UNIT VEHICLE.] The commissioner may issue a
12 permit for a vehicle that meets the following requirements:

13 (1) is a combination of vehicles consisting of a
14 truck-tractor and a single semitrailer that may exceed 48 feet,
15 but not 53 feet if the distance from the kingpin to the
16 centerline of the rear axle group of the semitrailer does not
17 exceed 43 feet;

18 (2) has a maximum gross vehicle weight of 90,000 pounds;

19 (3) has a maximum gross vehicle weight of 98,000 pounds
20 during the time when seasonal weight increases authorized under
21 section 169.826, subdivision 1, are in effect;

22 (4) complies with the axle weight limits in section 169.824
23 or with the federal bridge formula for axle groups not described
24 in that section; and

25 (5) complies with the tire weight limits in section 169.823
26 or the tire manufacturers' recommended load, whichever is less.

27 Subd. 3. [RESTRICTIONS.] Vehicles issued permits under
28 subdivisions 1 and 2 must comply with the following restrictions:

29 (1) the vehicle must be operated in compliance with
30 seasonal load restrictions under section 169.87;

31 (2) the vehicle may not be operated on the interstate
32 highway system; and

33 (3) the vehicle may be operated on streets or highways
34 under the control of local authorities only upon the approval of
35 the local authority; however, vehicles may have reasonable
36 access to terminals and facilities for food, fuel, repairs, and

1 rest and for continuity of route within one mile of the national
2 network as provided by section 169.81, subdivision 3, and by
3 Code of Federal Regulations, title 23, part 658.19.

4 Subd. 4. [PERMIT FEE.] Vehicle permits issued under
5 subdivision 1, clause (1), must be annual permits. The fee is
6 \$850 for each vehicle and must be deposited in the trunk highway
7 fund. An amount sufficient to administer the permit program is
8 appropriated to the commissioner for the costs of administering
9 the permit program.

10 [EFFECTIVE DATE.] This section is effective the later of
11 August 1, 2006, or the date on which the commissioner determines
12 that building permits have been issued for the construction of a
13 new pulp and paper manufacturing facility at Grand Rapids.

14 Sec. 7. [REPEALER.]

15 Minnesota Rules, parts 7800.0600; 7800.3200, subpart 1;
16 7805.0700; 8850.6900, subpart 20; and 8855.0500, subpart 1, are
17 repealed."

18 Amend the title accordingly

1 Senator moves to amend S.F. No. 1542 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 169.01,
4 subdivision 78, is amended to read:

5 Subd. 78. [RECREATIONAL VEHICLE COMBINATION.]

6 "Recreational vehicle combination" means a combination of
7 vehicles consisting of a pickup truck as defined in section
8 168.011, subdivision 29, attached by means of a fifth-wheel
9 coupling to a camper-semitrailer which has hitched to it a
10 trailer carrying a watercraft as defined in section 86B.005,
11 subdivision 18; off-highway motorcycle as defined in section
12 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile
13 as defined in section 84.81, subdivision 3; ~~or~~ all-terrain
14 vehicle as defined in section 84.92, subdivision 8; or
15 equestrian equipment and supplies. For purposes of this
16 subdivision:

17 (a) A "fifth-wheel coupling" is a coupling between a
18 camper-semitrailer and a towing pickup truck in which a portion
19 of the weight of the camper-semitrailer is carried over or
20 forward of the rear axle of the towing pickup.

21 (b) A "camper-semitrailer" is a trailer, other than a
22 manufactured home as defined in section 327B.01, subdivision 13,
23 designed for human habitation and used for vacation or
24 recreational purposes for limited periods.

25 Sec. 2. Minnesota Statutes 2004, section 169.81,
26 subdivision 3c, is amended to read:

27 Subd. 3c. [RECREATIONAL VEHICLE COMBINATION.]

28 Notwithstanding subdivision 3, a recreational vehicle
29 combination may be operated without a permit if:

30 (1) the combination does not consist of more than three
31 vehicles, and the towing rating of the pickup truck is equal to
32 or greater than the total weight of all vehicles being towed;

33 (2) the combination does not exceed 60 feet in length;

34 (3) the camper-semitrailer in the combination does not
35 exceed 28 feet in length;

36 (4) the operator of the combination is at least 18 years of

1 age;

2 (5) the trailer carrying a watercraft, motorcycle,
3 motorized bicycle, off-highway motorcycle, snowmobile, ~~or~~
4 all-terrain vehicle, or equestrian equipment and supplies meets
5 all requirements of law;

6 (6) the trailers in the combination are connected to the
7 pickup truck and each other in conformity with section 169.82;
8 and

9 (7) the combination is not operated within the seven-county
10 metropolitan area, as defined in section 473.121, subdivision 2,
11 during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00
12 p.m. on Mondays through Fridays.

13 Sec. 3. Minnesota Statutes 2004, section 169.8261, is
14 amended to read:

15 169.8261 [GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.]

16 (a) A vehicle or combination of vehicles hauling raw or
17 unfinished forest products, including wood chips, by the most
18 direct route to the nearest highway that has been designated
19 under section 169.832, subdivision 11, may be operated on any
20 highway with gross weights permitted under sections 169.822 to
21 169.829 without regard to load restrictions imposed on that
22 highway, except that ~~such~~ the vehicles must:

23 (1) comply with seasonal load restrictions in effect
24 between the dates set by the commissioner under section 169.87,
25 subdivision 2;

26 (2) comply with bridge load limits posted under section
27 169.84;

28 (3) be equipped and operated with six axles and brakes;

29 (4) not exceed 90,000 pounds gross weight, or 98,000 pounds
30 gross weight during the time when seasonal increases are
31 authorized under section 169.826;

32 (5) not be operated on interstate and defense highways;

33 (6) obtain an annual permit from the commissioner of
34 transportation; and

35 (7) obey all road postings; and

36 (8) not exceed 20,000 pounds gross weight on any single

1 axle.

2 (b) A vehicle operated under this section may exceed the
3 legal axle weight limits listed in section 169.824 by not more
4 than 12.5 percent; except that, the weight limits may be
5 exceeded by not more than 22.5 percent during the time when
6 seasonal increases are authorized under section 169.826,
7 subdivision 1.

8 Sec. 4. Minnesota Statutes 2004, section 169.851,
9 subdivision 5, is amended to read:

10 Subd. 5. [EXCEPTION FOR FARM AND FOREST PRODUCTS.] The
11 ~~maximum-weight-provisions-of-this-section-do~~ Subdivision 4 of
12 this section does not apply to the first haul of unprocessed or
13 raw farm products and the transportation of raw and unfinished
14 forest products, including wood chips, when the ~~prescribed~~
15 maximum weight ~~limitation-is~~ limitations permitted under
16 sections 169.822 to 169.829 are not exceeded by more than ten
17 percent.

18 Sec. 5. Minnesota Statutes 2004, section 169.86,
19 subdivision 5, is amended to read:

20 Subd. 5. [FEE; PROCEEDS DEPOSITED; APPROPRIATION.] The
21 commissioner, with respect to highways under the commissioner's
22 jurisdiction, may charge a fee for each permit issued. All such
23 fees for permits issued by the commissioner of transportation
24 shall be deposited in the state treasury and credited to the
25 trunk highway fund. Except for those annual permits for which
26 the permit fees are specified elsewhere in this chapter, the
27 fees shall be:

28 (a) \$15 for each single trip permit.

29 (b) \$36 for each job permit. A job permit may be issued
30 for like loads carried on a specific route for a period not to
31 exceed two months. "Like loads" means loads of the same
32 product, weight, and dimension.

33 (c) \$60 for an annual permit to be issued for a period not
34 to exceed 12 consecutive months. Annual permits may be issued
35 for:

36 (1) motor vehicles used to alleviate a temporary crisis

1 adversely affecting the safety or well-being of the public;

2 (2) motor vehicles which travel on interstate highways and
3 carry loads authorized under subdivision 1a;

4 (3) motor vehicles operating with gross weights authorized
5 under section 169.826, subdivision 1a;

6 (4) special pulpwood vehicles described in section 169.863;

7 (5) motor vehicles bearing snowplow blades not exceeding
8 ten feet in width; and

9 (6) noncommercial transportation of a boat by the owner or
10 user of the boat.

11 (d) \$120 for an oversize annual permit to be issued for a
12 period not to exceed 12 consecutive months. Annual permits may
13 be issued for:

14 (1) mobile cranes;

15 (2) construction equipment, machinery, and supplies;

16 (3) manufactured homes and manufactured storage buildings;

17 (4) implements of husbandry when the movement is not made
18 according to the provisions of paragraph (i);

19 (5) double-deck buses;

20 (6) commercial boat hauling; and

21 (7) three-vehicle combinations consisting of two empty,
22 newly manufactured trailers for cargo, horses, or livestock, not
23 to exceed 28-1/2 feet per trailer; provided, however, the permit
24 allows the vehicles to be moved from a trailer manufacturer to a
25 trailer dealer only while operating on twin-trailer routes
26 designated under section 169.81, subdivision 3, paragraph (c).

27 (e) For vehicles which have axle weights exceeding the
28 weight limitations of sections 169.822 to 169.829, an additional
29 cost added to the fees listed above. However, this paragraph
30 applies to any vehicle described in section 168.013, subdivision
31 3, paragraph (b), but only when the vehicle exceeds its gross
32 weight allowance set forth in that paragraph, and then the
33 additional cost is for all weight, including the allowance
34 weight, in excess of the permitted maximum axle weight. The
35 additional cost is equal to the product of the distance traveled
36 times the sum of the overweight axle group cost factors shown in

1 the following chart:

2 Overweight Axle Group Cost Factors

3 Weight (pounds)	4 Cost Per Mile For Each Group Of:		
5 exceeding weight limitations on axles	6 Two consecutive axles spaced within 8 feet or less	7 Three consecutive axles spaced within 9 feet or less	8 Four consecutive axles spaced within 14 feet or less
9 0-2,000	.12	.05	.04
10 2,001-4,000	.14	.06	.05
11 4,001-6,000	.18	.07	.06
12 6,001-8,000	.21	.09	.07
13 8,001-10,000	.26	.10	.08
14 10,001-12,000	.30	.12	.09
15 12,001-14,000	Not permitted	.14	.11
16 14,001-16,000	Not permitted	.17	.12
17 16,001-18,000	Not permitted	.19	.15
18 18,001-20,000	Not permitted	Not permitted	.16
19 20,001-22,000	Not permitted	Not permitted	.20

19 The amounts added are rounded to the nearest cent for each axle
20 or axle group. The additional cost does not apply to paragraph
21 (c), clauses (1) and (3).

22 For a vehicle found to exceed the appropriate maximum permitted
23 weight, a cost-per-mile fee of 22 cents per ton, or fraction of
24 a ton, over the permitted maximum weight is imposed in addition
25 to the normal permit fee. Miles must be calculated based on the
26 distance already traveled in the state plus the distance from
27 the point of detection to a transportation loading site or
28 unloading site within the state or to the point of exit from the
29 state.

30 (f) As an alternative to paragraph (e), an annual permit
31 may be issued for overweight, or oversize and overweight,
32 construction equipment, machinery, and supplies. The fees for
33 the permit are as follows:

34 Gross Weight (pounds) of Vehicle	Annual Permit Fee
35 90,000 or less	\$200
36 90,001 - 100,000	\$300

1	100,001 - 110,000	\$400
2	110,001 - 120,000	\$500
3	120,001 - 130,000	\$600
4	130,001 - 140,000	\$700
5	140,001 - 145,000	\$800

6 If the gross weight of the vehicle is more than 145,000 pounds
7 the permit fee is determined under paragraph (e).

8 (g) For vehicles which exceed the width limitations set
9 forth in section 169.80 by more than 72 inches, an additional
10 cost equal to \$120 added to the amount in paragraph (a) when the
11 permit is issued while seasonal load restrictions pursuant to
12 section 169.87 are in effect.

13 (h) \$85 for an annual permit to be issued for a period not
14 to exceed 12 months, for refuse-compactor vehicles that carry a
15 gross weight of not more than: 22,000 pounds on a single rear
16 axle; 38,000 pounds on a tandem rear axle; or, subject to
17 section 169.828, subdivision 2, 46,000 pounds on a tridem rear
18 axle. A permit issued for up to 46,000 pounds on a tridem rear
19 axle must limit the gross vehicle weight to not more than 62,000
20 pounds.

21 (i) For vehicles exclusively transporting implements of
22 husbandry, an annual permit fee of \$24. A vehicle operated
23 under a permit authorized by this paragraph may be moved at the
24 discretion of the permit holder without prior route approval by
25 the commissioner if:

26 (1) the total width of the transporting vehicle, including
27 load, does not exceed 14 feet;

28 (2) the vehicle is operated only between sunrise and 30
29 minutes after sunset, and is not operated at any time after
30 12:00 noon on Sundays or holidays;

31 (3) the vehicle is not operated when visibility is impaired
32 by weather, fog, or other conditions that render persons and
33 other vehicles not clearly visible at 500 feet;

34 (4) the vehicle displays at the front and rear of the load
35 or vehicle a pair of flashing amber lights, as provided in
36 section 169.59, subdivision 4, whenever the overall width of the

1 vehicle exceeds 126 inches; and

2 (5) the vehicle is not operated on a trunk highway with a
3 surfaced roadway width of less than 24 feet unless such
4 operation is authorized by the permit.

5 A permit under this paragraph authorizes movements of the
6 permitted vehicle on an interstate highway, and movements of 75
7 miles or more on other highways.

8 (j) \$300 for a motor vehicle described in section
9 169.8261. The fee under this paragraph must be deposited as
10 follows:

11 (1) in fiscal years 2005 through 2010:

12 (i) the first \$50,000 in each fiscal year must be deposited
13 in the trunk highway fund for costs related to administering the
14 permit program and inspecting and posting bridges;

15 (ii) all remaining money in each fiscal year must be
16 deposited in a bridge inspection and signing account in the
17 special revenue fund. Money in the account is appropriated to
18 the commissioner for:

19 (A) inspection of local bridges and identification of local
20 bridges to be posted, including contracting with a consultant
21 for some or all of these functions; and

22 (B) erection of weight-posting signs on local bridges; and

23 (2) in fiscal year 2011 and subsequent years must be
24 deposited in the trunk highway fund.

25 Sec. 6. [169.864] [SPECIAL PAPER PRODUCTS VEHICLE PERMIT.]

26 Subdivision 1. [THREE-UNIT VEHICLE.] The commissioner may
27 issue a permit for a vehicle that meets the following
28 requirements:

29 (1) is a combination of vehicles, including a truck-tractor
30 and a semitrailer drawing one additional semitrailer, which may
31 be equipped with an auxiliary dolly. No semitrailer used in a
32 three-vehicle combination may have an overall length in excess
33 of 28-1/2 feet;

34 (2) has a maximum gross vehicle weight of 108,000 pounds;

35 (3) complies with the axle weight limits in section 169.824
36 or with the federal bridge formula for axle groups not described

1 in that section;

2 (4) complies with the tire weight limits in section 169.823
3 or the tire manufacturers' recommended load, whichever is less;

4 (5) is operated only in this state on Trunk Highway marked
5 2 between Grand Rapids and the port of Duluth; on Trunk Highway
6 marked 169 between Grand Rapids and its junction with Trunk
7 Highway marked 53; and on Trunk Highway marked 53 between
8 Virginia and the port of Duluth; and

9 (6) the seasonal weight increases authorized under section
10 169.826, subdivision 1, do not apply.

11 Subd. 2. [TWO-UNIT VEHICLE.] The commissioner may issue a
12 permit for a vehicle that meets the following requirements:

13 (1) is a combination of vehicles consisting of a
14 truck-tractor and a single semitrailer that may exceed 48 feet,
15 but not 53 feet if the distance from the kingpin to the
16 centerline of the rear axle group of the semitrailer does not
17 exceed 43 feet;

18 (2) has a maximum gross vehicle weight of 90,000 pounds;

19 (3) has a maximum gross vehicle weight of 98,000 pounds
20 during the time when seasonal weight increases authorized under
21 section 169.826, subdivision 1, are in effect;

22 (4) complies with the axle weight limits in section 169.824
23 or with the federal bridge formula for axle groups not described
24 in that section; and

25 (5) complies with the tire weight limits in section 169.823
26 or the tire manufacturers' recommended load, whichever is less.

27 Subd. 3. [RESTRICTIONS.] Vehicles issued permits under
28 subdivisions 1 and 2 must comply with the following restrictions:

29 (1) the vehicle must be operated in compliance with
30 seasonal load restrictions under section 169.87;

31 (2) the vehicle may not be operated on the interstate
32 highway system; and

33 (3) the vehicle may be operated on streets or highways
34 under the control of local authorities only upon the approval of
35 the local authority; however, vehicles may have reasonable
36 access to terminals and facilities for food, fuel, repairs, and

1 rest and for continuity of route within one mile of the national
2 network as provided by section 169.81, subdivision 3, and by
3 Code of Federal Regulations, title 23, part 658.19.

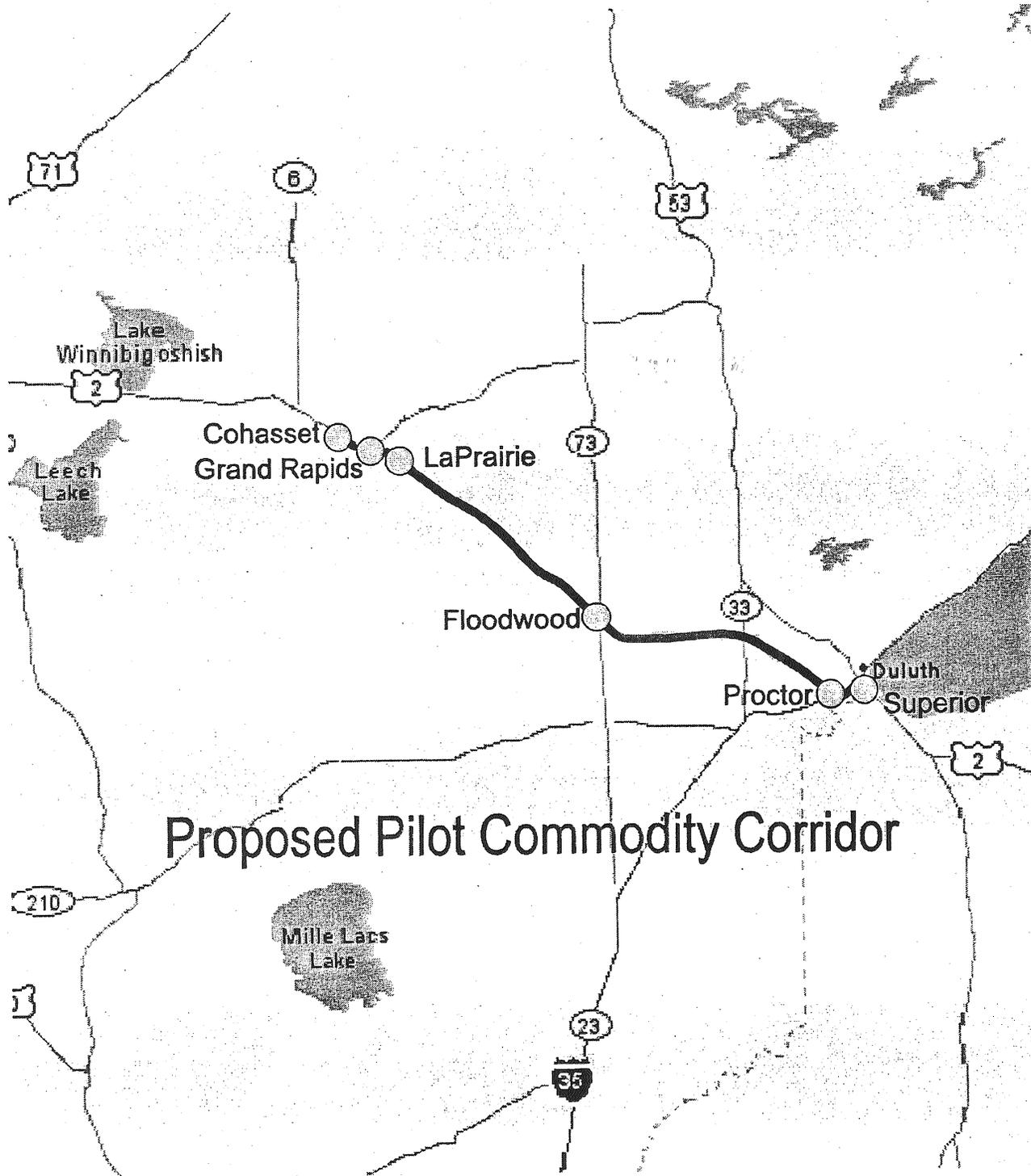
4 Subd. 4. [PERMIT FEE.] Vehicle permits issued under
5 subdivision 1, clause (1), must be annual permits. The fee is
6 \$850 for each vehicle and must be deposited in the trunk highway
7 fund. An amount sufficient to administer the permit program is
8 appropriated to the commissioner for the costs of administering
9 the permit program.

10 [EFFECTIVE DATE.] This section is effective the later of
11 August 1, 2006, or the date on which the commissioner determines
12 that building permits have been issued for the construction of a
13 new pulp and paper manufacturing facility at Grand Rapids.

14 Sec. 7. [REPEALER.]

15 Minnesota Rules, parts 7800.0600; 7800.3200, subpart 1;
16 7805.0700; 8850.6900, subpart 20; and 8855.0500, subpart 1, are
17 repealed."

18 Amend the title accordingly



Proposed Pilot Commodity Corridor

The Cost of Captivity, by Industry

Calculations are based on 2002 Revenue-Per-Ton rates (as submitted to the Surface Transportation Board) and 2001 Railroad Revenue-to-Variable Cost ratios (RVCs), by individual rail carrier

	CSX	NSC	BNSF	UP
Farm Products, Captive Rate	\$29.86	\$21.18	\$43.64	\$36.47
Farm Products, Non-Captive Rate	\$14.45	\$9.72	\$18.44	\$16.20
Cost of Captivity	\$15.41	\$11.46	\$25.20	\$20.27
Coal, Captive Rate	\$15.85	\$15.79	\$18.43	\$18.70
Coal, Non-Captive Rate	\$7.67	\$7.25	\$7.79	\$8.30
Cost of Captivity	\$8.18	\$8.55	\$10.64	\$10.39
Non-Metallic Minerals, Captive Rate	\$9.81	\$11.41	\$19.26	\$14.43
Non-Metallic Minerals, Non-Captive Rate	\$4.74	\$5.24	\$8.14	\$6.41
Cost of Captivity	\$5.06	\$6.17	\$11.12	\$8.02
Food or Kindred Products, Captive Rate	\$35.24	\$29.86	\$54.99	\$46.44
Food or Kindred Products, Non-Captive Rate	\$17.05	\$13.71	\$23.23	\$20.62
Cost of Captivity	\$18.19	\$16.16	\$31.76	\$25.81
Lumber or Wood, Captive Rate	\$30.87	\$26.51	\$58.70	\$55.97
Lumber or Wood, Non-Captive Rate	\$14.94	\$12.17	\$24.80	\$24.86
Cost of Captivity	\$15.93	\$14.34	\$33.90	\$31.11
Pulp and Paper, Captive Rate	\$38.70	\$37.41	\$59.92	\$55.07
Pulp and Paper, Non-Captive Rate	\$18.73	\$17.17	\$25.32	\$24.46
Cost of Captivity	\$19.97	\$20.24	\$34.60	\$30.61
Chemicals, Captive Rate	\$32.83	\$36.08	\$48.43	\$42.18
Chemicals, Non-Captive Rate	\$15.88	\$16.56	\$20.46	\$18.73
Cost of Captivity	\$16.94	\$19.52	\$27.97	\$23.45
Petroleum, Captive Rate	\$31.09	\$28.85	\$45.69	\$35.32
Petroleum, Non-Captive Rate	\$15.04	\$13.24	\$19.31	\$15.69
Cost of Captivity	\$16.04	\$15.61	\$26.39	\$19.63
Clay Concrete, Captive Rate	\$28.72	\$28.85	\$39.09	\$28.94
Clay Concrete, Non-Captive Rate	\$13.90	\$13.24	\$16.52	\$12.85
Cost of Captivity	\$14.82	\$15.61	\$22.57	\$16.09
Primary Metal Products, Captive Rate	\$30.04	\$22.37	\$46.52	\$45.69
Primary Metal Products, Non-Captive Rate	\$14.54	\$10.27	\$19.66	\$20.29
Cost of Captivity	\$15.50	\$12.10	\$26.87	\$25.40
Transportation Equipment, Captive Rate	\$110.27	\$103.73	\$210.34	\$157.41
Transportation Equipment, Non-Captive Rate	\$53.36	\$47.61	\$88.87	\$69.91
Cost of Captivity	\$56.91	\$56.12	\$121.47	\$87.50
Intermodal, Captive Rate	\$54.11	\$45.42	\$115.70	\$91.42
Intermodal, Non-Captive Rate	\$26.18	\$20.85	\$48.88	\$40.60
Cost of Captivity	\$27.92	\$24.57	\$66.81	\$50.82
All Commodities, Captive Rate	\$27.27	\$27.07	\$40.06	\$37.67
All Commodities, Non-Captive Rate	\$13.20	\$12.42	\$16.93	\$16.73
Cost of Captivity	\$14.08	\$14.64	\$23.14	\$20.94

Minnesota Alliance for Safe Highways

State and Regional Organizations

Brotherhood of Locomotive Engineers and Trainman
General Federation of Women's Club Minnesota
Minnesota Association of Women Highway
Safety Leaders
Minnesota Chiefs of Police Association
Minnesota Nurses Association
Minnesota Public Health Association
Minnesota Senior Federation Northeast Coalition
Minnesota Sheriffs' Association
Minnesota State Patrol Troopers Association
Minnesotans for Sustainable Transportation
Progressive Rail, Inc.
United Transportation Union
United Food and Commercial Workers Union Local 789
Wheeled Coach

Local Organizations

Clearwater County Board of Commissioners
Cromwell Fire and Ambulance Service
Ellsburg Volunteer Fire Department/EMS
Encare, Lake Superior ENS
Healtheast Transportation/United Hospital/ER
New Prague Ambulance
Nicollet County Board of Commissioners
Wabasha County Sheriff's Office
Wilkin County Sheriff's Department
Winona County Board of Commissioners
Winona County Highway Department
Winona Police Department

Community Leaders

Sheriff Don Gudmundson, Dakota County
Sheriff Patrick D. McGowen, Hennepin County
Linley Barnes, former Commissioner, Blue Earth County
Sheriff Rodney Bartsh, Wabasha County
Sheriff Dave Brand, Winona County
Sheriff Tim Brennan, Brown County
Sheriff Scott L. Campbell, Faribault County
Toni J. Collins, General Federation of Women's
Club Minnesota
Kaythrine Cooper, Brotherhood of Locomotive
Engineers and Trainman
John DeWitt, Transit for Livable Communities
Cpt. Bruce Dudding, St. Paul Fire Department
Dave Fellon, President of Progressive Rail, Inc.
Wayne Fingalson, County Engineer, Wright County
Highway Department
Sheriff Mark Harig, Freeborn County
Joe Harris, Dakota County Commissioner
Matt Hollinshead, Minnesotans for Sustainable
Transportation
Michael Johns, Vice President, Progressive Rail, Inc.
Jack Keers, Commissioner, Pipestone County
Sheriff Dennis Landburg, Aitkin County
Sheriff David Lange, Nicollet County
Chief John T. Laux, Bloomington Police Department
Chief Michael Lewis, Faribault Police Department
James Kulset, Chief of Police, City of Willmar
Commissioner Peter McLaughlin, Hennepin County
Thomas F. Matejka, Sheriff, Wilkin County
Sheriff Dave Menden, Scott County
Sheriff Gary L. Miller, Wright County
Chief Michael Patrick Murphy, Hill City Police
Department
William Neuhauser, Minnesota State Community &
Technical College
Chief Paul Philipp, Austin Police Department
Chief Frank W. Pomeroy, Winona Police Department
Phillip Qualy, United Transportation Union
David Rholl, County Engineer for the Winona
County Highway Department
Commissioner Nancy Schouweiler, Dakota County
Lyle Schumann, Chief of Police, City of Lake City
Sheriff Richard Seim, Jackson County
Eugene Short, Commissioner, Redwood County
Jeff Spartz, Hospital Administrator, Twin Cities
Chief Tim Vadnais, White Bear Lake Fire Department
Sheriff Kent Wilkening, Nobles County
Sheriff Mike Winkels, Rock County



Minnesota Alliance for Safe Highways

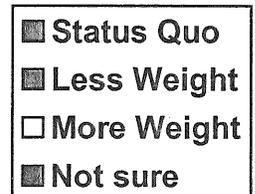
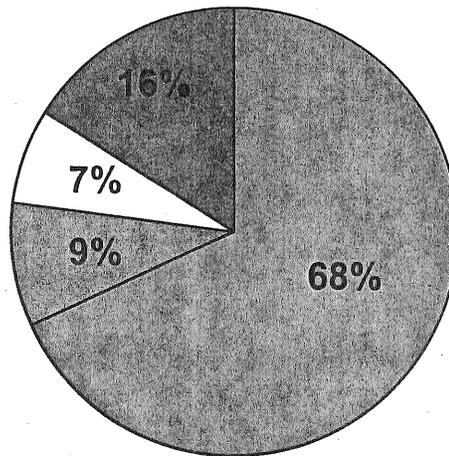
NEW POLL CONFIRMS: MINNESOTA PUBLIC STRONGLY OPPOSES BIGGER TRUCKS

The strongest opponent of bigger trucks is the public. Ordinary motorists are overwhelmingly against higher truck sizes and weights.

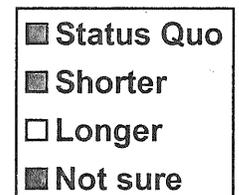
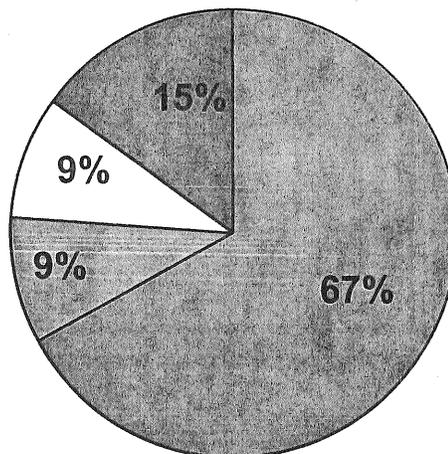
A September 2004 statewide poll concludes that 77% of likely voters oppose increasing weight limits for trucks on Minnesota's roads. Additionally, 76% of those polled opposed allowing longer trucks on Minnesota's roads.

The national firm, Mason-Dixon Polling & Research, Inc. of Washington, D.C., conducted the poll from September 11 through September 14, 2004.

**77 % of
Minnesotans
oppose
allowing
Heavier Trucks**



**76 % of
Minnesotans
oppose
allowing
Longer Trucks**





THE PROBLEMS WITH HEAVIER TRUCKS

Powerful trucking companies and shippers are lobbying Congress to allow the use of heavier single tractor trailer trucks. Legislation was introduced in the last Congress to allow states to increase the maximum 80,000 pound weight limit on Interstate highways to 97,000 pounds. Increased truck weight raises serious safety and infrastructure concerns.

SAFETY PROBLEMS

Fatality Rates

According to the University of Michigan Transportation Research Institute (UMTRI), there is a strong statistical link within the same truck configuration between higher weights and a greater risk of fatalities. **As weights go from 65,000 to 80,000 pounds the risk of an accident involving a fatality goes up 50%** (*U.S. DOT Comprehensive Truck Size and Weight Study, Phase 1, Working Paper 1 & 2, 1995, p.37*).

Rollover

Heavier tractor trailers will tend to have a higher center of gravity because the extra weight is typically stacked vertically. Raising the center of gravity increases the risk of **rollovers**.

Braking

Heavier singles will have braking problems: in trucks whose brakes are not properly adjusted, stopping distance increases with truck weight. Trucks above 80,000 pounds gross weight must add a third axle to the rear of the truck to prevent more pavement damage. When you add more axles, you add more brakes. This is another set of brakes that truck drivers need to keep in adjustment. Roadside inspections have found that **25% or more** of trucks on the road today have **brakes that are dangerously out of adjustment**. When brakes are not properly adjusted, **stopping distance increases**.

Steering

Because of their extra axle, heavier singles will be **harder to steer** when turning or changing lanes, especially on wet or slippery pavement. A third axle decreases the steerability of a truck by causing sideways skidding of at least one of the rear axles. As a result, there is more pressure on the steering axle, increasing the risk of skidding and making emergency maneuvers more difficult.

Traffic Dangers

Heavier trucks will have problems with speed and acceleration because of poorer engine power to weight ratios. This will result in greater "speed differentials," especially on hills. According to a 1981 study by the University of Texas, a speed differential of 15 miles per hour increases the risk of an accident by 9 times.

INFRASTRUCTURE DAMAGE

Bridge Damage

Heavier singles would cause more bridge damage. Bridges are designed with a safety margin of error to ensure against bridge failure. Bigger trucks erode that margin or error, increasing the number of bridges that must be replaced, strengthened or posted. In its NAFTA Scenario, the US DOT calculated additional bridge costs of \$329 billion (\$65 billion in capital and \$264 in user delay costs). Six-axle, 97,000-pound singles would cause a significant portion of that damage.

Pavement Damage

Raising the maximum truck weight limit to 97,000 pounds would result in increased pavement damage as more trucks operate at the highest allowable axle weight limits. Most seriously, a legal weight limit of 97,000 pounds would encourage overweight operations at even higher and more damaging levels.

ENVIRONMENTAL PROBLEMS

Heavier singles will divert traffic to the highways from competing freight transportation modes, such as railroads. That is a continuation of the same disastrous experiment we have been running for the last seventy-five years. Putting even more emphasis on highway transportation will mean **a continued acceleration in fuel use and pollution and lead to more highway construction.**



BIGGER TRUCKS WILL WORSEN INFRASTRUCTURE CRISIS

Most concerns about longer, heavier trucks have centered on potential safety impacts. But bigger trucks are also a pocketbook issue: highway costs—especially for bridges—will go up if truck size and weight increases. Taxes will go up in turn to cover the higher costs of big trucks.

Consider the following facts:

- **Allowing bigger trucks will worsen an already severe national problem with deteriorating, crowded highways.** According to the US DOT's "1999 Status Report of the Nation's Surface Transportation System," **\$1.132 trillion** will be required over the next twenty years **just to maintain the existing condition of our roads and bridges.** Changes in truck size and weight policy could have a major impact on pavement quality and performance, accelerating damage to our roads and bridges and driving those costs even higher.
- The 2000 Federal Highway Cost Allocation Study finds that **heavier trucks would actually cost the average taxpayer money for every mile traveled by a bigger truck.**
- **The most common triple trailer combination would pay only 70% of its federal highway costs.** Heavy single tractor trailer truck combinations would pay as little as **half** their share of highway costs.
- **Bigger trucks also exacerbate the nation's bridge problem.** According to the US DOT's National Bridge Inventory, almost 30% of the bridges on our nation's highways are structurally deficient or functionally obsolete.
- **Nationwide operation of longer combination vehicles would add \$53 billion in new bridge reconstruction costs,** according to the 2000 US DOT Comprehensive Size and Weight Study. In addition, there would be **\$266 billion in lost time and extra fuel burnt** by auto drivers stuck in traffic because of bridge work resulting from nationwide operation of LCVs. **Total bridge costs would be \$319 billion.**
- Raising the maximum truck weight limit to 97,000 pounds would result in increased pavement damage per mile of truck traffic. Most seriously, a legal weight limit of 97,000 pounds would encourage overweight operations at even higher and more damaging levels.

The profits from bigger trucks will go to big trucking companies. The extra profits will come at the expense of ordinary drivers and taxpayers. With the vast majority of Americans opposed to bigger trucks on our highways, why should they be asked to foot the bill?



BIGGER TRUCKS: BAD NEWS FOR U.S. TAXPAYERS

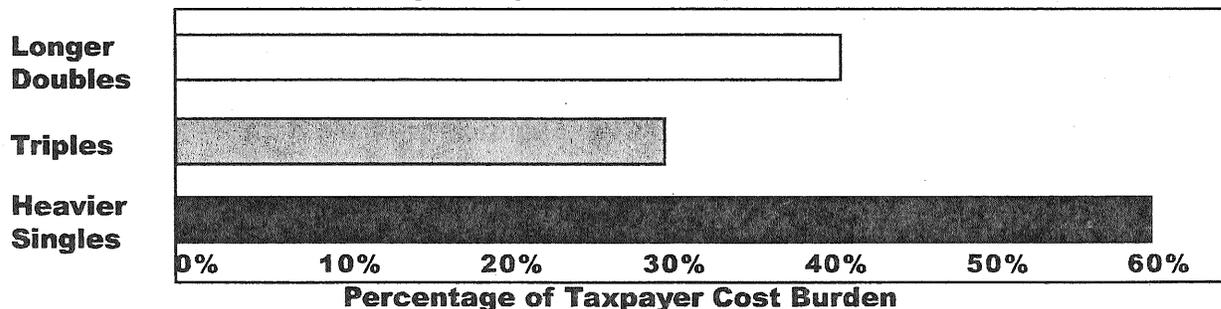
Public concerns about longer, heavier trucks have often focused on potential safety impacts. However, it is clear from the Highway Cost Allocation Study released by the U.S. Department of Transportation (USDOT) in August 1997, and updated in 2000, that there are important tax and infrastructure issues, too.

According to the USDOT study, bigger trucks do not pay their fair share of highway maintenance costs. The damage their heavier weight does to our roads and bridges is not covered by the taxes that they currently pay. It will cost U.S. taxpayers for every single mile traveled by a bigger truck.

Here's what the USDOT study found:

- **Long, heavy double trailer trucks pay as little as 60% of their costs.**
Long, heavy double trailer trucks cover about 60% of their costs on average and at the 140,000 pound weights allowed in several states, long doubles pay only 50% of their costs.
- **A typical triple trailer truck pays only 70% of its federal highway costs.**
The most common triple trailer combination—registered at 110,000 pounds gross vehicle weight—pays only 70% of its federal highway costs.
- **Heavier single tractor trailer trucks underpay seriously as well - covering only 40% to 60% of their costs.** According to the USDOT, a 90,000 pound six axle single tractor trailer truck covers only 60% of its costs, while a 100,000 pound six axle single tractor trailer truck pays 40%.

What Taxpayers Pay: Costs of Longer, Heavier Trucks



In general, the USDOT study finds that as registered weight goes up, cost responsibility ratios fall sharply - that is, the **big trucking companies** making the profits **pay less**, and **average taxpayers** pay more.

1 Senator moves to amend S.F. No. 1089 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 160.80,
4 subdivision 1a, is amended to read:

5 Subd. 1a. [ELIGIBILITY CRITERIA FOR BUSINESS PANELS.] (a)

6 To be eligible for a business panel on a logo sign panel, a
7 business establishment must:

8 (1) be open for business;

9 (2) have a sign on site that both identifies the business
10 and is visible to motorists;

11 (3) be open to everyone, regardless of race, religion,
12 color, age, sex, national origin, creed, marital status, sexual
13 orientation, or disability;

14 (4) not impose a cover charge or otherwise require
15 customers to purchase additional products or services; and

16 (5) meet the appropriate criteria in paragraphs (b) to (e).

17 (b) Gas businesses must provide vehicle services including
18 fuel and oil; restroom facilities and drinking water;
19 continuous, staffed operation at least 12 hours a day, seven
20 days a week; and public access to a telephone.

21 (c) Food businesses must serve at least two meals a day
22 during normal mealtimes of breakfast, lunch, and dinner; provide
23 a continuous, staffed food service operation at least ten hours
24 a day, seven days a week except holidays as defined in section
25 645.44, subdivision 5, and except as provided for seasonal food
26 service businesses; provide seating capacity for at least 20
27 people; ~~serve-meals-prepared-on-the-premises;~~ and possess any
28 required state or local licensing or approval. ~~Reheated,~~
29 ~~prepackaged,-ready-to-eat-food-is-not-"food-prepared-on-the~~
30 ~~premises."~~ Seasonal food service businesses must provide a
31 continuous, staffed food service operation at least ten hours a
32 day, seven days a week, during their months of operation.

33 (d) Lodging businesses must include sleeping
34 accommodations, provide public access to a telephone, and
35 possess any required state or local licensing or approval.

36 (e) Camping businesses must include sites for camping,

1 include parking accommodations for each campsite, provide
2 sanitary facilities and drinking water, and possess any required
3 state or local licensing or approval.

4 (f) Businesses that do not meet the appropriate criteria in
5 paragraphs (b) to (e) but that have a signed lease as of January
6 1, 1998, may retain the business panel until December 31, 2005,
7 or until they withdraw from the program, whichever occurs first,
8 provided they continue to meet the criteria in effect in the
9 department's contract with the logo sign vendor on August 1,
10 1995. After December 31, 2005, or after withdrawing from the
11 program, a business must meet the appropriate criteria in
12 paragraphs (a) to (e) to qualify for a business panel.

13 (g) Seasonal businesses must indicate to motorists when
14 they are open for business by either putting the full months of
15 operation directly on the business panel or by having a "closed"
16 plaque applied to the business panel when the business is closed
17 for the season.

18 (h) The maximum distance that an eligible business in
19 Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington
20 county can be located from the interchange is: for gas
21 businesses, one mile; for food businesses, two miles; for
22 lodging businesses, three miles; and for camping businesses, ten
23 miles.

24 (i) The maximum distance that an eligible business in any
25 other county can be located from the interchange shall not
26 exceed 15 miles in either direction.

27 (j) Logo sign panels must be erected so that motorists
28 approaching an interchange view the panels in the following
29 order: camping, lodging, food, gas.

30 (k) If there is insufficient space on a logo sign panel to
31 display all eligible businesses for a specific type of service,
32 the businesses closest to the interchange have priority over
33 businesses farther away from the interchange.

34 [EFFECTIVE DATE.] This section is effective the day
35 following final enactment.

36 Sec. 2. [160.94] [USE OF HIGHWAY LANES BY HYBRID

1 VEHICLES.]

2 Subdivision 1. [HYBRID VEHICLE.] For the purposes of this
3 section, "hybrid vehicle" means a motor vehicle that:

4 (1) has a hybrid propulsion system that operates both with
5 an internal combustion engine and on electric propulsion;

6 (2) has a fuel efficiency of greater than 28 miles per
7 gallon in highway use and 33 miles per gallon in city use, as
8 certified by the United States Environmental Protection Agency;
9 and

10 (3) conforms to any requirements for such a vehicle in
11 federal law or regulation.

12 Subd. 2. [USE OF HOV LANES BY HYBRID VEHICLES.] Unless
13 otherwise prohibited by federal law or regulation, and with the
14 approval of the Federal Highway Administration, the commissioner
15 shall:

16 (1) allow an operator of a single-occupant, hybrid vehicle
17 to use any high-occupancy vehicle lane on the trunk highway
18 system, regardless of occupancy requirements established for
19 other types of vehicles; and

20 (2) allow the operator of a hybrid vehicle to use a lane of
21 a trunk highway, other than a toll bridge, on which a toll is
22 imposed for certain vehicles, without payment of such a toll.

23 Subd. 3. [DECALS.] The commissioner shall issue to the
24 owner of a hybrid vehicle upon request of the owner and upon
25 payment of a fee of \$15, a distinctive decal or other identifier
26 to be affixed to the vehicle, clearly identifying the vehicle as
27 a hybrid vehicle. A person operating a vehicle lawfully
28 displaying such a decal has the privileges granted by the
29 commissioner under subdivision 2.

30 Subd. 4. [VIOLATION.] A person may not operate a vehicle
31 that displays a decal or other identifier issued under this
32 section in a high-occupancy vehicle lane or toll lane if that
33 decal or identifier was not issued for that vehicle. A
34 violation of this subdivision is a misdemeanor.

35 Subd. 5. [EXPIRATION.] This section expires July 31, 2007.

36 Sec. 3. Minnesota Statutes 2004, section 162.02,

1 subdivision 2, is amended to read:

2 Subd. 2. [RULES; ADVISORY COMMITTEE.] (a) The rules shall
3 be made and promulgated by the commissioner acting with the
4 advice of a committee ~~which shall be~~ selected by the several
5 county boards acting through the officers of the statewide
6 association of county commissioners. The committee shall be
7 composed of nine members so selected that each member shall be
8 from a different state highway construction district. Not more
9 than five of the nine members of the committee shall be county
10 commissioners. The remaining members shall be county highway
11 engineers. In the event that agreement cannot be reached on any
12 rule, the commissioner's determination shall be final. The
13 rules shall be printed and copies ~~thereof shall be~~ forwarded to
14 the county engineers of the several counties. For the purposes
15 of this section, the expedited process for adopting rules
16 established in section 14.389 may be used.

17 (b) Notwithstanding section 15.059, subdivision 5, the
18 committee does not expire.

19 Sec. 4. Minnesota Statutes 2004, section 162.02,
20 subdivision 3a, is amended to read:

21 Subd. 3a. [VARIANCES FROM RULES AND ENGINEERING
22 STANDARDS.] The commissioner may grant variances from the rules
23 and from the engineering standards developed pursuant to section
24 162.021 or 162.07, subdivision 2. A political subdivision in
25 which a county state-aid highway is located or is proposed to be
26 located may submit a written request to the commissioner for a
27 variance for that highway. The commissioner shall publish
28 notice of the request in the State Register and give notice to
29 all persons known to the commissioner to have an interest in the
30 matter. The commissioner may grant or deny the variance within
31 30 days of providing notice of the request. If a written
32 objection to the request is received within ~~20~~ seven days of
33 providing notice, the variance shall be granted or denied only
34 after a contested case hearing has been held on the request. If
35 no timely objection is received and the variance is denied
36 without hearing, the political subdivision may request, within

1 30 days of receiving notice of denial, and shall be granted a
2 contested case hearing. For purposes of this subdivision,
3 "political subdivision" includes (1) an agency of a political
4 subdivision which has jurisdiction over parks, and (2) a
5 regional park authority.

6 Sec. 5. [162.031] [CONSTRUCTION ACROSS ANOTHER COUNTY OR
7 STATE.]

8 When a county state-aid highway route is so located that in
9 order to achieve the designated objectives the commissioner
10 determines that it is necessary to construct the highway across
11 a portion of another county or state, the county initiating the
12 construction is authorized to spend county state-aid highway
13 funds for that purpose in the same manner as other expenditures
14 for county state-aid highway purposes are made. No part of that
15 highway may be constructed in another county until both counties
16 approve the construction.

17 Sec. 6. Minnesota Statutes 2004, section 162.09,
18 subdivision 2, is amended to read:

19 Subd. 2. [RULES; ADVISORY COMMITTEE.] (a) The rules shall
20 be made and promulgated by the commissioner acting with the
21 advice of a committee ~~which shall be~~ selected by the governing
22 bodies of such cities, acting through the officers of the
23 statewide association of municipal officials. The committee
24 shall be composed of 12 members, so selected that there shall be
25 one member from each state highway construction district and in
26 addition one member from each city of the first class. Not more
27 than six members of the committee shall be elected officials of
28 the cities. The remaining members of the committee shall be
29 city engineers. In the event that agreement cannot be reached
30 on any rule the commissioner's determination shall be final.
31 The rules shall be printed and copies ~~thereof shall be~~ forwarded
32 to the clerks and engineers of the cities. For the purposes of
33 this section, the expedited process for adopting rules
34 established in section 14.389 may be used.

35 (b) Notwithstanding section 15.059, subdivision 5, the
36 committee does not expire.

1 Sec. 7. Minnesota Statutes 2004, section 162.09,
2 subdivision 3a, is amended to read:

3 Subd. 3a. [VARIANCES FROM RULES AND ENGINEERING
4 STANDARDS.] The commissioner may grant variances from the rules
5 and from the engineering standards developed pursuant to section
6 162.13, subdivision 2. A political subdivision in which a
7 municipal state-aid street is located or is proposed to be
8 located may submit a written request to the commissioner for a
9 variance for that street. The commissioner shall publish notice
10 of the request in the State Register and give notice to all
11 persons known to the commissioner to have an interest in the
12 matter. The commissioner may grant or deny the variance within
13 30 days of providing notice of the request. If a written
14 objection to the request is received within ~~20~~ seven days of
15 providing notice, the variance shall be granted or denied only
16 after a contested case hearing has been held on the request. If
17 no timely objection is received and the variance is denied
18 without hearing, the political subdivision may request, within
19 30 days of receiving notice of denial, and shall be granted a
20 contested case hearing. For purposes of this subdivision,
21 "political subdivision" includes (1) an agency of a political
22 subdivision which has jurisdiction over parks, and (2) a
23 regional park authority.

24 Sec. 8. [162.091] [CONSTRUCTION ACROSS ANOTHER
25 MUNICIPALITY OR STATE.]

26 When a municipal state-aid street route is so located that
27 in order to achieve the designated objectives the commissioner
28 determines that it is necessary to construct the street across a
29 portion of another municipality or state, the municipality
30 initiating the construction is authorized to spend municipal
31 state-aid street funds for that purpose in the same manner as
32 other expenditures for municipal state-aid street purposes are
33 made. No part of that street may be constructed in another
34 municipality until both municipalities approve the construction.

35 Sec. 9. Minnesota Statutes 2004, section 162.14,
36 subdivision 6, is amended to read:

1 Subd. 6. [ADVANCES.] Any such city may make advances from
2 any funds available to it for the purpose of expediting the
3 construction, reconstruction, improvement, or maintenance of its
4 municipal state-aid street system, ~~provided that such advances~~
5 ~~shall not exceed the city's total estimated apportionment for~~
6 ~~the three years following the year the advance is made.~~
7 Advances made by any such city shall be repaid out of subsequent
8 apportionments made to such city in accordance with the
9 commissioner's rules.

10 Sec. 10. Minnesota Statutes 2004, section 168.011, is
11 amended by adding a subdivision to read:

12 Subd. 2a. [COMMISSIONER.] "Commissioner" means the
13 commissioner of the Minnesota Department of Public Safety.

14 Sec. 11. Minnesota Statutes 2004, section 168.011,
15 subdivision 3, is amended to read:

16 Subd. 3. [HIGHWAY.] A "Highway" ~~is any public thoroughfare~~
17 ~~for vehicles, including streets in cities~~ has the meaning given
18 in section 169.01, subdivision 29.

19 Sec. 12. Minnesota Statutes 2004, section 168.011,
20 subdivision 4, is amended to read:

21 Subd. 4. [MOTOR VEHICLE.] (a) "Motor vehicle" means any
22 self-propelled vehicle designed and originally manufactured to
23 operate primarily ~~upon public roads and~~ on highways, and not
24 operated exclusively upon railroad tracks. It includes any
25 vehicle propelled or drawn by a self-propelled vehicle and
26 includes vehicles known as trackless trolleys that are propelled
27 by electric power obtained from overhead trolley wires but not
28 operated upon rails. It does not include snowmobiles,
29 manufactured homes, or park trailers.

30 (b) "Motor vehicle" ~~also~~ includes an all-terrain vehicle,
31 ~~as defined in section 84.92, subdivision 8, that~~ only if the
32 all-terrain vehicle (1) has at least four wheels, (2) is owned
33 and operated by a physically disabled person, and (3) displays
34 both physically disabled ~~license~~ plates and a physically
35 disabled certificate issued under section 169.345, subdivision 3.

36 (c) "Motor vehicle" does not include an all-terrain vehicle

1 ~~as-defined-in-section-84-927-subdivision-87~~ except (1) an
2 all-terrain vehicle described in paragraph (b), or (2) an
3 all-terrain vehicle licensed as a motor vehicle before August 1,
4 1985. The owner may continue to license an all-terrain vehicle
5 described in clause (2) as a motor vehicle until it is conveyed
6 or otherwise transferred to another owner, is destroyed, or
7 fails to comply with the registration and licensing requirements
8 of this chapter.

9 (d) "Motor vehicle" does not include an electric personal
10 assistive mobility device as defined in section 169.01,
11 subdivision 90.

12 Sec. 13. Minnesota Statutes 2004, section 168.011,
13 subdivision 5, is amended to read:

14 Subd. 5. [OWNER.] "Owner" means any person~~7-firm7~~
15 ~~association7-or-corporation~~ owning or renting leasing a motor
16 vehicle, or having the exclusive use ~~thereof~~ of the vehicle,
17 under a lease or otherwise, for a period ~~of~~ greater than 30 days.

18 Sec. 14. Minnesota Statutes 2004, section 168.011,
19 subdivision 5a, is amended to read:

20 Subd. 5a. [REGISTERED OWNER.] "Registered owner" means any
21 person, ~~firm7-association7-or-corporation7~~ other than a secured
22 party, having title to a motor vehicle. If a passenger
23 ~~automobile7-as-defined-in-subdivision-77~~ is under lease for a
24 term of 180 days or more, the lessee is deemed to be the
25 registered owner, for purposes of registration only~~7~~i provided
26 that the application for renewal of the registration of a
27 passenger automobile ~~described-in-this-subdivision-shall-be~~ is
28 sent to the lessor.

29 Sec. 15. Minnesota Statutes 2004, section 168.011,
30 subdivision 6, is amended to read:

31 Subd. 6. [TAX~~7-FEE.~~] "Tax" ~~or-"fee"~~ means the annual
32 registration tax imposed on motor vehicles in lieu of all other
33 taxes ~~thereon~~, except wheelage taxes~~7-so-called7~~, which may be
34 imposed by any city~~7~~, and ~~except~~ gross earnings taxes paid by
35 companies ~~subject-or-made-subject-thereto~~. ~~Such~~ The annual tax
36 ~~shall-be-deemed~~ is both a property tax and a highway use tax and

1 shall be on the basis of the calendar year.

2 Sec. 16. Minnesota Statutes 2004, section 168.011,
3 subdivision 7, is amended to read:

4 Subd. 7. [PASSENGER AUTOMOBILE.] (a) "Passenger automobile"
5 means any motor vehicle designed and used for carrying not more
6 than 15 ~~persons~~ individuals including the driver.

7 (b) "Passenger automobile" does not include motorcycles,
8 motor scooters, and buses described in subdivision 9, paragraph
9 (a), clause (2) buses, or school buses.

10 (c) For purposes of taxation only, "Passenger automobile"
11 includes pickup trucks and vans, including those vans designed
12 to carry passengers, with a manufacturer's nominal rated
13 carrying capacity of one ton, but does not include commuter vans
14 as defined in section 168.126.

15 Sec. 17. Minnesota Statutes 2004, section 168.011, is
16 amended by adding a subdivision to read:

17 Subd. 37. [ALL-TERRAIN VEHICLE.] "All-terrain vehicle" has
18 the meaning given in section 84.92, subdivision 8.

19 Sec. 18. Minnesota Statutes 2004, section 168.011, is
20 amended by adding a subdivision to read:

21 Subd. 38. [PERSON.] "Person" has the meaning given in
22 section 168A.01, subdivision 14.

23 Sec. 19. Minnesota Statutes 2004, section 168.011, is
24 amended by adding a subdivision to read:

25 Subd. 39. [VEHICLE.] "Vehicle" has the meaning given in
26 section 168A.01, subdivision 24.

27 Sec. 20. Minnesota Statutes 2004, section 168.012,
28 subdivision 1, is amended to read:

29 Subdivision 1. [VEHICLES EXEMPT FROM TAX, FEES, OR PLATE
30 DISPLAY.] (a) The following vehicles are exempt from the
31 provisions of this chapter requiring payment of tax and
32 registration fees, except as provided in subdivision 1c:

33 (1) vehicles owned and used solely in the transaction of
34 official business by the federal government, the state, or any
35 political subdivision;

36 (2) vehicles owned and used exclusively by educational

1 institutions and used solely in the transportation of pupils to
2 and from those institutions;

3 (3) vehicles used solely in driver education programs at
4 nonpublic high schools;

5 (4) vehicles owned by nonprofit charities and used
6 exclusively to transport disabled persons for educational
7 purposes;

8 (5) ambulances owned by ambulance services licensed under
9 section 144E.10, the general appearance of which is
10 unmistakable; and

11 (6) motorized foot scooters as defined in section 169.01,
12 subdivision 4c; and

13 (7) vehicles owned by a commercial driving school licensed
14 under section 171.34, or an employee of a commercial driving
15 school licensed under section 171.34, and the vehicle is used
16 exclusively for driver education and training.

17 (b) Vehicles owned by the federal government, municipal
18 fire apparatuses including fire-suppression support vehicles,
19 police patrols, and ambulances, the general appearance of which
20 is unmistakable, are not required to register or display number
21 plates.

22 (c) Unmarked vehicles used in general police work, liquor
23 investigations, or arson investigations, and passenger
24 automobiles, pickup trucks, and buses owned or operated by the
25 Department of Corrections, must be registered and must display
26 appropriate license number plates, furnished by the registrar at
27 cost. Original and renewal applications for these license
28 plates authorized for use in general police work and for use by
29 the Department of Corrections must be accompanied by a
30 certification signed by the appropriate chief of police if
31 issued to a police vehicle, the appropriate sheriff if issued to
32 a sheriff's vehicle, the commissioner of corrections if issued
33 to a Department of Corrections vehicle, or the appropriate
34 officer in charge if issued to a vehicle of any other law
35 enforcement agency. The certification must be on a form
36 prescribed by the commissioner and state that the vehicle will

1 be used exclusively for a purpose authorized by this section.

2 (d) Unmarked vehicles used by the Departments of Revenue
3 and Labor and Industry, fraud unit, in conducting seizures or
4 criminal investigations must be registered and must display
5 passenger vehicle classification license number plates,
6 furnished at cost by the registrar. Original and renewal
7 applications for these passenger vehicle license plates must be
8 accompanied by a certification signed by the commissioner of
9 revenue or the commissioner of labor and industry. The
10 certification must be on a form prescribed by the commissioner
11 and state that the vehicles will be used exclusively for the
12 purposes authorized by this section.

13 (e) Unmarked vehicles used by the Division of Disease
14 Prevention and Control of the Department of Health must be
15 registered and must display passenger vehicle classification
16 license number plates. These plates must be furnished at cost
17 by the registrar. Original and renewal applications for these
18 passenger vehicle license plates must be accompanied by a
19 certification signed by the commissioner of health. The
20 certification must be on a form prescribed by the commissioner
21 and state that the vehicles will be used exclusively for the
22 official duties of the Division of Disease Prevention and
23 Control.

24 (f) Unmarked vehicles used by staff of the Gambling Control
25 Board in gambling investigations and reviews must be registered
26 and must display passenger vehicle classification license number
27 plates. These plates must be furnished at cost by the
28 registrar. Original and renewal applications for these
29 passenger vehicle license plates must be accompanied by a
30 certification signed by the board chair. The certification must
31 be on a form prescribed by the commissioner and state that the
32 vehicles will be used exclusively for the official duties of the
33 Gambling Control Board.

34 (g) All other motor vehicles must be registered and display
35 tax-exempt number plates, furnished by the registrar at cost,
36 except as provided in subdivision 1c. All vehicles required to

1 display tax-exempt number plates must have the name of the state
2 department or political subdivision, nonpublic high school
3 operating a driver education program, or licensed commercial
4 driving school, plainly displayed on both sides of the vehicle;
5 except that each state hospital and institution for the mentally
6 ill and mentally retarded may have one vehicle without the
7 required identification on the sides of the vehicle, and county
8 social service agencies may have vehicles used for child and
9 vulnerable adult protective services without the required
10 identification on the sides of the vehicle. This identification
11 must be in a color giving contrast with that of the part of the
12 vehicle on which it is placed and must endure throughout the
13 term of the registration. The identification must not be on a
14 removable plate or placard and must be kept clean and visible at
15 all times; except that a removable plate or placard may be
16 utilized on vehicles leased or loaned to a political subdivision
17 or to a nonpublic high school driver education program.

18 Sec. 21. Minnesota Statutes 2004, section 169.01, is
19 amended by adding a subdivision to read:

20 Subd. 4c. [MOTORIZED FOOT SCOOTER.] "Motorized foot
21 scooter" means a device with no more than two ten-inch or
22 smaller diameter wheels that has handlebars, is designed to be
23 stood or sat upon by the operator, and is powered by an internal
24 combustion engine or electric motor that is capable of
25 propelling the device with or without human propulsion. An
26 electric personal assistive mobility device, a motorized
27 bicycle, an electric-assisted bicycle, or a motorcycle is not a
28 motorized foot scooter.

29 Sec. 22. Minnesota Statutes 2004, section 169.01,
30 subdivision 75, is amended to read:

31 Subd. 75. [COMMERCIAL MOTOR VEHICLE.] (a) "Commercial
32 motor vehicle" means a motor vehicle or combination of motor
33 vehicles used to transport passengers or property if the motor
34 vehicle:

35 (1) has a gross vehicle weight of more than 26,000 pounds;

36 (2) has a towed unit with a gross vehicle weight of more

1 than 10,000 pounds and the combination of vehicles has a
2 combined gross vehicle weight of more than 26,000 pounds;

3 (3) is a bus;

4 (4) is of any size and is used in the transportation of
5 hazardous materials, ~~except for those vehicles having a gross~~
6 ~~vehicle weight of 26,000 pounds or less while carrying in bulk~~
7 ~~tanks a total of not more than 200 gallons of petroleum products~~
8 ~~and liquid fertilizer~~ that are required to be placarded under
9 Code of Federal Regulations, title 49, parts 100-185; or

10 (5) is outwardly equipped and identified as a school bus,
11 except for type A-I and type III school buses as defined in
12 subdivision 6.

13 (b) For purposes of chapter 169A:

14 (1) a commercial motor vehicle does not include a farm
15 truck, fire-fighting equipment, or recreational equipment being
16 operated by a person within the scope of section 171.02,
17 subdivision 2, paragraph (b); and

18 (2) a commercial motor vehicle includes a vehicle capable
19 of or designed to meet the standards described in paragraph (a),
20 clause (2), whether or not the towed unit is attached to the
21 truck-tractor at the time of the violation or stop.

22 [EFFECTIVE DATE.] This section is effective the day
23 following final enactment.

24 Sec. 23. Minnesota Statutes 2004, section 169.01,
25 subdivision 78, is amended to read:

26 Subd. 78. [RECREATIONAL VEHICLE COMBINATION.]

27 (a) "Recreational vehicle combination" means a combination of
28 vehicles consisting of:

29 (1) a pickup truck as defined in section 168.011,
30 subdivision 29, attached by means of a fifth-wheel coupling to a
31 ~~camper-semitrailer which~~ recreational trailer that has hitched
32 to it a trailer carrying a watercraft as defined in section
33 86B.005, subdivision 18; off-highway motorcycle as defined in
34 section 84.787, subdivision 7; motorcycle; motorized bicycle;
35 snowmobile as defined in section 84.81, subdivision 3; or
36 all-terrain vehicle as defined in section 84.92, subdivision 8;

1 or

2 (2) a pickup truck as defined in section 168.011, hauling a
3 horse trailer that has hitched to it a trailer that carries
4 equestrian equipment or supplies or that carries a horse-drawn
5 vehicle.

6 (b) For purposes of this subdivision:

7 (a) (1) A "fifth-wheel coupling" is a coupling between a
8 camper-semitrailer and a towing pickup truck in which a portion
9 of the weight of the camper-semitrailer is carried over or
10 forward of the rear axle of the towing pickup.

11 (b) (2) A "camper-semitrailer" is a trailer, other than a
12 manufactured home as defined in section 327B.01, subdivision 13,
13 designed for human habitation and used for vacation or
14 recreational purposes for limited periods.

15 [EFFECTIVE DATE.] This section is effective the day
16 following final enactment.

17 Sec. 24. Minnesota Statutes 2004, section 169.01,
18 subdivision 81, is amended to read:

19 Subd. 81. [RESIDENTIAL ROADWAY.] "Residential roadway"
20 means a street or portion of a street that is ~~less-than-one-half~~
21 ~~mile-in-length-and-is~~ functionally classified as a local street
22 by the road authority having jurisdiction.

23 Sec. 25. Minnesota Statutes 2004, section 169.06,
24 subdivision 5, is amended to read:

25 Subd. 5. [TRAFFIC-CONTROL SIGNAL.] (a) Whenever traffic is
26 controlled by traffic-control signals exhibiting different
27 colored lights, or colored lighted arrows, successively one at a
28 time or in combination, only the colors Green, Red, and Yellow
29 shall be used, except for special pedestrian signals carrying a
30 word or legend,--and-said. The traffic-control signal lights
31 shall or colored lighted arrows indicate and apply to drivers of
32 vehicles and pedestrians as follows:

33 (1) Green indication:

34 (i) Vehicular traffic facing a circular green signal may
35 proceed straight through or turn right or left unless a sign at
36 such place prohibits either such turn. But vehicular traffic,

1 including vehicles turning right or left, shall yield the
2 right-of-way to other vehicles and to pedestrians lawfully
3 within the intersection or adjacent crosswalk at the time ~~such~~
4 this signal is exhibited.

5 (ii) Vehicular traffic facing a green arrow signal, shown
6 alone or in combination with another indication, may cautiously
7 enter the intersection only to make the movement indicated by
8 ~~such the~~ arrow, or ~~such~~ other movement as is permitted by other
9 indications shown at the same time. Such vehicular traffic
10 shall yield the right-of-way to pedestrians lawfully within an
11 adjacent crosswalk and to other traffic lawfully using the
12 intersection.

13 (iii) Unless otherwise directed by a pedestrian-control
14 signal as provided in subdivision 6, pedestrians facing any
15 green signal, except when the sole green signal is a turn arrow,
16 may proceed across the roadway within any marked or unmarked
17 crosswalk. Every driver of a vehicle shall yield the
18 right-of-way to such pedestrian, except that the pedestrian
19 shall yield the right-of-way to vehicles lawfully within the
20 intersection at the time that the green signal indication is
21 first shown.

22 (2) Steady yellow indication:

23 (i) Vehicular traffic facing a circular yellow signal is
24 thereby warned that the related green movement is being
25 terminated or that a red indication will be exhibited
26 immediately thereafter when vehicular traffic shall must not
27 enter the intersection, except for the continued movement
28 allowed by any green arrow indication simultaneously exhibited.

29 (ii) Pedestrians facing a circular yellow signal, unless
30 otherwise directed by a pedestrian-control signal as provided in
31 subdivision 6, are thereby advised that there is insufficient
32 time to cross the roadway before a red indication is shown and
33 no pedestrian shall then start to cross the roadway.

34 (iii) Vehicular traffic facing a steady yellow arrow signal
35 is thereby warned that the protected vehicular movement
36 permitted by the corresponding prior green arrow indication is

1 being terminated.

2 (3) Steady red indication:

3 (i) Vehicular traffic facing a circular red signal alone
4 ~~shall~~ must stop at a clearly marked stop line, but, if none,
5 before entering the crosswalk on the near side of the
6 intersection, or, if none, then before entering the intersection
7 and shall remain standing until a green indication is shown,
8 except as follows: (A) the driver of a vehicle ~~which-is~~ stopped
9 as close as practicable at the entrance to the crosswalk on the
10 near side of the intersection or, if none, then at the entrance
11 to the intersection in obedience to a red or stop signal, and
12 with the intention of making a right turn may make ~~such~~ the
13 right turn, after stopping, unless an official sign has been
14 erected prohibiting such movement, but shall yield the
15 right-of-way to pedestrians and other traffic lawfully
16 proceeding as directed by the signal at ~~said~~ that intersection;
17 or (B) the driver of a vehicle on a one-way street ~~which~~
18 ~~intersects~~ intersecting another one-way street on which traffic
19 moves to the left shall stop in obedience to a red or stop
20 signal and may then make a left turn into ~~said~~ the one-way
21 street, unless an official sign has been erected prohibiting the
22 movement, but shall yield the right-of-way to pedestrians and
23 other traffic lawfully proceeding as directed by the signal at
24 ~~said~~ that intersection.

25 (ii) Unless otherwise directed by a pedestrian-control
26 signal as provided in subdivision 6, pedestrians facing a steady
27 red signal alone shall not enter the roadway.

28 (iii) Vehicular traffic facing a steady red arrow signal,
29 with the intention of making a movement indicated by the arrow,
30 ~~shall~~ must stop at a clearly marked stop line, but, if none,
31 before entering the crosswalk on the near side of the
32 intersection, or, if none, then before entering the intersection
33 and ~~shall~~ must remain standing until a permissive signal
34 indication permitting the movement indicated by the red arrow is
35 displayed, except as follows: when an official sign has been
36 erected permitting a turn on a red arrow signal, the vehicular

1 traffic facing a red arrow signal indication is permitted to
 2 enter the intersection to turn right, or to turn left from a
 3 one-way street into a one-way street on which traffic moves to
 4 the left, after stopping, but must yield the right-of-way to
 5 pedestrians and other traffic lawfully proceeding as directed by
 6 the signal at that intersection.

7 (b) In the event an official traffic-control signal is
 8 erected and maintained at a place other than an intersection,
 9 the provisions of this section are applicable except those which
 10 can have no application. Any stop required ~~shall~~ must be made
 11 at a sign or marking on the pavement indicating where the
 12 stop ~~shall~~ must be made, but in the absence of any such sign or
 13 marking the stop ~~shall~~ must be made at the signal.

14 (c) When a traffic-control signal indication or indications
 15 placed to control a certain movement or lane are so identified
 16 by placing a sign near the indication or indications, no other
 17 traffic-control signal indication or indications within the
 18 intersection ~~shall control~~ controls vehicular traffic for
 19 ~~such that~~ such that movement or lane.

20 Sec. 26. Minnesota Statutes 2004, section 169.06,
 21 subdivision 6, is amended to read:

22 Subd. 6. [PEDESTRIAN CONTROL SIGNAL.] (a) Whenever special
 23 pedestrian-control signals exhibiting the words "Walk" or "Don't
 24 Walk" or symbols of a "walking person" or "upraised hand" are in
 25 place such, the signals shall or symbols indicate as follows:

26 (1) A steady "Walk," ~~flashing-or-steady---~~ Pedestrians
 27 signal or the symbol of a "walking person" indicates that a
 28 pedestrian facing such either of these signals may proceed
 29 across the roadway in the direction of the signal, possibly in
 30 conflict with turning vehicles. Every driver of a vehicle shall
 31 yield the right-of-way to such pedestrian except that the
 32 pedestrian shall yield the right-of-way to vehicles lawfully
 33 within the intersection at the time that either signal
 34 indication is first shown.

35 (2) A "Don't Walk," signal or the symbol of an "upraised
 36 hand," ~~flashing or steady---~~ No, indicates that a pedestrian

1 shall not start to cross the roadway in the direction of such
2 ~~signals~~ either signal, but any pedestrian who has partially
3 crossed on the "Walk" or "walking person" signal indication
4 shall proceed to a sidewalk or safety island while the "Don't
5 Walk" signal is showing.

6 (b) A pedestrian crossing a roadway in conformity with this
7 section is lawfully within the intersection and, when in a
8 crosswalk, is lawfully within the crosswalk.

9 Sec. 27. Minnesota Statutes 2004, section 169.09, is
10 amended by adding a subdivision to read:

11 Subd. 14a. [VIOLATION; PENALTY FOR OWNER OR LESSEE.] (a)
12 If a motor vehicle is operated in violation of subdivision 1, 2,
13 3, 4, 5, 6, 7, or 10, the owner of the vehicle, or for a leased
14 motor vehicle the lessee of the vehicle, is guilty of a petty
15 misdemeanor.

16 (b) The owner or lessee may not be fined under paragraph
17 (a) if (1) another person is convicted for that violation or (2)
18 the motor vehicle was stolen at the time of the violation.

19 (c) Paragraph (a) does not apply to a lessor of a motor
20 vehicle if the lessor keeps a record of the name and address of
21 the lessee.

22 (d) Paragraph (a) does not prohibit or limit the
23 prosecution of a motor vehicle operator for violating
24 subdivision 1, 2, 3, 4, 5, 6, 7, or 10.

25 (e) A violation under paragraph (a) does not constitute
26 grounds for revocation or suspension of the owner's or lessee's
27 driver's license.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005,
29 and applies to offenses committed on or after that date.

30 Sec. 28. Minnesota Statutes 2004, section 169.14, is
31 amended by adding a subdivision to read:

32 Subd. 1a. [LICENSE REVOCATION.] The driver's license of a
33 person who violates any speed limit established in this section,
34 by driving in excess of 100 miles per hour, is revoked for six
35 months under section 171.17, or for a longer minimum period of
36 time applicable under section 169A.53, 169A.54, or 171.174.

1 Sec. 29. Minnesota Statutes 2004, section 169.14,
2 subdivision 2, is amended to read:

3 Subd. 2. [SPEED LIMITS.] (a) Where no special hazard
4 exists the following speeds shall be lawful, but any speeds in
5 excess of such limits shall be prima facie evidence that the
6 speed is not reasonable or prudent and that it is unlawful;
7 except that the speed limit within any municipality shall be a
8 maximum limit and any speed in excess thereof shall be unlawful:

9 (1) 30 miles per hour in an urban district or on a town
10 road in a rural residential district;

11 (2) 65 miles per hour on noninterstate freeways and
12 expressways, as defined in section 160.02, subdivision 19;

13 (3) 55 miles per hour in locations other than those
14 specified in this section;

15 (4) 70 miles per hour on interstate highways outside the
16 limits of any urbanized area with a population of greater than
17 50,000 as defined by order of the commissioner of
18 transportation;

19 (5) 65 miles per hour on interstate highways inside the
20 limits of any urbanized area with a population of greater than
21 50,000 as defined by order of the commissioner of
22 transportation; and

23 (6) ten miles per hour in alleys, ~~and~~

24 ~~{7}-25-miles-per-hour-in-residential-roadways-if-adopted-by~~
25 ~~the-road-authority-having-jurisdiction-over-the-residential~~
26 ~~roadway.~~

27 ~~(b) A-speed-limit-adopted-under-paragraph-(a),-clause-(7),~~
28 ~~is-not-effective-unless-the-road-authority-has-erected-signs~~
29 ~~designating-the-speed-limit-and-indicating-the-beginning-and-end~~
30 ~~of-the-residential-roadway-on-which-the-speed-limit-applies.~~

31 (e) For purposes of this subdivision, "rural residential
32 district" means the territory contiguous to and including any
33 town road within a subdivision or plat of land that is built up
34 with dwelling houses at intervals of less than 300 feet for a
35 distance of one-quarter mile or more.

36 (c) Notwithstanding section 609.0331 or 609.101 or other

1 law to the contrary, a person who violates a speed limit
2 established in this subdivision, or a speed limit designated on
3 an appropriate sign under subdivision 4, 5, 5b, 5c, or 5e, by
4 driving 20 miles per hour or more in excess of the applicable
5 speed limit, is assessed an additional surcharge equal to the
6 amount of the fine imposed for the speed violation, but not less
7 than \$25.

8 Sec. 30. Minnesota Statutes 2004, section 169.14,
9 subdivision 5, is amended to read:

10 Subd. 5. [ZONING WITHIN LOCAL AREA.] Except as otherwise
11 provided in subdivision 5f for residential roadways, when local
12 authorities believe that the existing speed limit upon any
13 street or highway, or part thereof, within their respective
14 jurisdictions and not a part of the trunk highway system is
15 greater or less than is reasonable or safe under existing
16 conditions, they may request the commissioner to authorize, upon
17 the basis of an engineering and traffic investigation, the
18 erection of appropriate signs designating what speed is
19 reasonable and safe, and the commissioner may authorize the
20 erection of appropriate signs designating a reasonable and safe
21 speed limit thereat, which speed limit shall be effective when
22 such signs are erected. Any speeds in excess of these speed
23 limits shall be prima facie evidence that the speed is not
24 reasonable or prudent and that it is unlawful; except that any
25 speed limit within any municipality shall be a maximum limit and
26 any speed in excess thereof shall be unlawful. Alteration of
27 speed limits on streets and highways shall be made only upon
28 authority of the commissioner except as provided in subdivision
29 5a.

30 Sec. 31. Minnesota Statutes 2004, section 169.14, is
31 amended by adding a subdivision to read:

32 Subd. 5f. [RESIDENTIAL ROADWAY ZONING.] When a road
33 authority believes that the existing speed limit upon any
34 residential roadway, or part thereof, within its jurisdiction,
35 is greater than is reasonable or safe under existing conditions,
36 it may:

- 1 (1) adopt a speed limit of 25 miles per hour; or
2 (2) establish and adopt a speed limit that is reasonable
3 and safe, taking into account the results of an engineering and
4 traffic investigation conducted by the road authority.

5 The speed limit on the residential roadway is effective
6 when the road authority erects appropriate signs designating the
7 speed limit and indicating the beginning and end of the portion
8 of the residential roadway to which the speed limit applies.
9 Any speed in excess of this speed limit is prima facie evidence
10 that the speed is not reasonable and prudent and that it is
11 unlawful; except that any speed limit within any municipality
12 shall be a maximum limit and any speed in excess of the speed
13 limit is unlawful.

14 Sec. 32. [169.225] [MOTORIZED FOOT SCOOTER.]

15 Subdivision 1. [APPLICATION OF TRAFFIC LAWS.] Every person
16 operating a motorized foot scooter shall have all rights and
17 duties applicable to the operator of a bicycle, except in
18 respect to those provisions relating expressly to motorized foot
19 scooters and in respect to those provisions of law that by their
20 nature cannot reasonably be applied to motorized foot scooters.

21 Subd. 2. [SIDEWALK AND PASSENGER PROHIBITION.] No person
22 may operate a motorized foot scooter upon a sidewalk, except
23 when necessary to enter or leave adjacent property. No person
24 may operate a motorized foot scooter that is carrying any person
25 other than the operator.

26 Subd. 3. [MINIMUM AGE FOR OPERATOR.] No person under the
27 age of 12 years may operate a motorized foot scooter.

28 Subd. 4. [PROTECTIVE HEADGEAR.] No person under the age of
29 18 years may operate a motorized foot scooter without wearing
30 properly fitted and fastened protective headgear that complies
31 with standards established by the commissioner of public safety.

32 Subd. 5. [REQUIRED LIGHTING EQUIPMENT.] A motorized foot
33 scooter must be equipped with a headlight and a taillight that
34 comply with standards established by the commissioner of public
35 safety if the vehicle is operated under conditions when vehicle
36 lights are required by law.

1 Subd. 6. [OPERATION REQUIREMENTS AND PROHIBITIONS.] (a) A
2 person operating a motorized foot scooter on a roadway shall
3 ride as close as practicable to the right-hand curb or edge of
4 the roadway, except in the following situations:

5 (1) when overtaking and passing another vehicle proceeding
6 in the same direction;

7 (2) when preparing for a left turn, in which case the
8 operator shall stop and dismount at the right-hand curb or right
9 edge of the roadway, and shall complete the turn by crossing the
10 roadway on foot, subject to restrictions placed by law on
11 pedestrians; or

12 (3) when reasonably necessary to avoid impediments or
13 conditions that make it unsafe to continue along the right-hand
14 curb or edge, including, but not limited to, fixed or moving
15 objects, vehicles, bicycles, pedestrians, animals, surface
16 hazards, or narrow lanes.

17 (b) A person may operate a motorized foot scooter on a
18 bicycle path, bicycle lane, bicycle trail, or bikeway that is
19 not reserved for the exclusive use of nonmotorized traffic,
20 unless the local authority or governing body having jurisdiction
21 over that path, lane, trail, or bikeway prohibits operation by
22 law.

23 Sec. 33. Minnesota Statutes 2004, section 169.28,
24 subdivision 2, is amended to read:

25 Subd. 2. [EXEMPT CROSSING.] (a) The commissioner may
26 designate a crossing as an exempt crossing ~~if-the-crossing-is:~~

27 . (1) if the crossing is on a rail line on which service has
28 been abandoned; or

29 (2) if the crossing is on a rail line that carries fewer
30 than five trains each year, traveling at speeds of ten miles per
31 hour or less; or

32 (3) as agreed to by the operating railroad and the
33 Department of Transportation, following a diagnostic review of
34 the crossing.

35 (b) The commissioner shall direct the railroad to erect at
36 the crossing signs bearing the word "Exempt" that conform to

1 section 169.06. The installation or presence of an exempt sign
2 does not relieve a driver of the duty to use due care. A train
3 must not proceed across an exempt crossing unless a police
4 officer is present to direct traffic or a railroad employee is
5 on the ground to warn traffic until the train enters the
6 crossing.

7 (c) A vehicle that must stop at grade crossings under
8 subdivision 1 is not required to stop at a marked exempt
9 crossing unless directed otherwise by a police officer or a
10 railroad employee.

11 Sec. 34. Minnesota Statutes 2004, section 169.448, is
12 amended by adding a subdivision to read:

13 Subd. 4. [DAY ACTIVITY CENTER BUSES.] Notwithstanding
14 subdivision 1, a vehicle used to transport adults to and from a
15 day activity center may be equipped with prewarning flashing
16 amber signals and a stop-signal arm, and the operator of the
17 vehicle may activate this equipment, under the following
18 circumstances:

19 (1) the operator possesses a commercial driver's license
20 with a school bus endorsement;

21 (2) the vehicle is engaged in picking up or dropping off
22 adults at locations predesignated by the day activity center
23 that owns or leases the bus;

24 (3) the vehicle is identified as a "day activity center
25 bus" in letters at least eight inches high on the front and rear
26 top of the bus; and

27 (4) the name, address, and telephone number of the owner
28 and operator of the bus is identified on each front door of the
29 bus in letters not less than three inches high.

30 The provisions of section 169.444 relating to duties of
31 care of a motorist to a school bus, and violations thereof,
32 apply to a vehicle described in this section when the vehicle is
33 operated in conformity with this subdivision. The provisions of
34 section 169.443 relating to bus driver's duties apply to a
35 vehicle described in this section except those that by their
36 nature have no application.

1 Sec. 35. [169.472] [USE OF MOBILE TELEPHONES.]

2 Subdivision 1. [PROHIBITION.] No person may operate a
3 cellular or wireless telephone, whether handheld or hands free,
4 while operating a bus, while the bus is in motion.

5 Subd. 2. [DEFENSE.] It is an affirmative defense against a
6 charge of violating subdivision 1 for a person to produce
7 evidence that the mobile telephone was used for the purpose of
8 contacting the following in response to an emergency:

9 (1) a 911 or other emergency telephone number;

10 (2) a hospital, clinic, or doctor's office;

11 (3) an ambulance service provider;

12 (4) a fire department or law enforcement agency; or

13 (5) a first aid squad.

14 Sec. 36. Minnesota Statutes 2004, section 169.522, is
15 amended to read:

16 169.522 [SLOW-MOVING VEHICLE, SIGN REQUIRED.]

17 Subdivision 1. [DISPLAYING EMBLEM; RULES.] (a) All
18 animal-drawn vehicles, motorized golf carts when operated on
19 designated roadways pursuant to section 169.045, implements of
20 husbandry, and other machinery, including all road construction
21 machinery, which are designed for operation at a speed of 30
22 miles per hour or less ~~shall~~, must display a triangular
23 slow-moving vehicle emblem, except (1) when being used in actual
24 construction and maintenance work and traveling within the
25 limits of a construction area ~~which-is~~ marked in accordance with
26 ~~requirements-of~~ the Manual on Uniform Traffic Control Devices,
27 as set forth in section 169.06, or (2) for a towed implement of
28 husbandry that is empty and that is not self-propelled, in which
29 case it may be towed at lawful speeds greater than 30 miles per
30 hour without removing the slow-moving vehicle emblem. The
31 emblem ~~shall~~ must consist of a fluorescent yellow-orange or
32 illuminated red-orange triangle with a dark red reflective
33 border and be mounted so as to be visible from a distance of not
34 less than 600 feet to the rear. When a primary power unit
35 towing an implement of husbandry or other machinery displays a
36 slow-moving vehicle emblem visible from a distance of 600 feet

1 to the rear, it shall is not be necessary to display a similar
2 emblem on the secondary unit. ~~After-January-17-1975,~~ All
3 slow-moving vehicle emblems sold in this state shall must be so
4 designed that when properly mounted they are visible from a
5 distance of not less than 600 feet to the rear when directly in
6 front of lawful lower beam of headlamps on a motor vehicle. The
7 commissioner of public safety shall adopt standards and
8 specifications for the design and position of mounting the
9 slow-moving vehicle emblem. Such standards and
10 specifications shall must be adopted by rule in accordance with
11 the Administrative Procedure Act. ~~A-violation-of-this-section~~
12 ~~shall-not-be-admissible-evidence-in-any-civil-cause-of-action~~
13 ~~arising-prior-to-January-17-1970-~~

14 (b) An alternate slow-moving vehicle emblem consisting of a
15 dull black triangle with a white reflective border may be used
16 after obtaining a permit from the commissioner under rules of
17 the commissioner. A person with a permit to use an alternate
18 slow-moving vehicle emblem must:

19 (1) carry in the vehicle a regular slow-moving vehicle
20 emblem and display the emblem when operating a vehicle between
21 sunset and sunrise, and at any other time when visibility is
22 impaired by weather, smoke, fog, or other conditions; and

23 (2) permanently affix to the rear of the slow-moving
24 vehicle at least 72 square inches of reflective tape that
25 reflects the color red.

26 Subd. 2. [PROHIBITION ON USE.] The use of this emblem
27 shall-be is restricted to the slow-moving vehicles specified in
28 subdivision 1 and its use on any other type of vehicle or
29 stationary object on the highway is prohibited.

30 Subd. 3. [DISPLAY REQUIRED.] No person shall sell, lease,
31 rent, or operate any slow-moving vehicle, as defined in
32 subdivision 1, except motorized golf carts and except those
33 units designed to be completely mounted on a primary power unit,
34 which is manufactured or assembled on or after July 1, 1967,
35 unless ~~such~~ the vehicle is equipped with a slow-moving vehicle
36 emblem-mounting device as specified in subdivision 1. Provided

1 however, ~~no~~ a slow-moving vehicle shall must not be operated
2 without such slow-moving vehicle emblem ~~after-January-17-1968.~~

3 Sec. 37. Minnesota Statutes 2004, section 169.685,
4 subdivision 5, is amended to read:

5 Subd. 5. [VIOLATION; PETTY MISDEMEANOR.] (a) Every motor
6 vehicle operator, when transporting a child under the age of
7 four nine and weighing less than 80 pounds on the streets and
8 highways of this state in a motor vehicle equipped with
9 factory-installed seat belts, shall equip and install for use in
10 the motor vehicle, according to the manufacturer's instructions,
11 a child passenger restraint system meeting federal motor vehicle
12 safety standards.

13 (b) No motor vehicle operator who is operating a motor
14 vehicle on the streets and highways of this state may transport
15 a child under the age of four nine and weighing less than 80
16 pounds in a seat of a motor vehicle equipped with a
17 factory-installed seat belt, unless the child is properly
18 fastened in the child passenger restraint system. The driver of
19 a vehicle shall additionally restrain children under the age of
20 nine as follows:

21 (1) a child less than one year of age weighing less than 20
22 pounds must be properly restrained in a rear-facing child
23 restraint system;

24 (2) a child under the age of nine and weighing 80 pounds or
25 more must be restrained in a properly adjusted seat belt system;

26 (3) a child under the age of nine must sit in the back seat
27 unless the vehicle has no forward-facing back seat, all seating
28 positions in the back are being used by children under the age
29 of nine, or the child restraint cannot be installed properly in
30 the back seat; and

31 (4) a child under the age of nine and weighing 40 pounds or
32 more may wear a lap-only seat belt in the rear seat if there are
33 no shoulder belts in the back seat or if all of the shoulder
34 belts in the back seat are being used by children weighing 40
35 pounds or more and under the age of 16.

36 (c) An operator of a pickup truck or sports utility vehicle

1 who transports a child under the age of nine shall transport the
 2 child within the vehicle's passenger compartment.

3 (d) Any motor vehicle operator who violates this
 4 subdivision is guilty of a petty misdemeanor and may be
 5 sentenced to pay a fine of not more than \$50. The fine for the
 6 first violation may be waived or the amount reduced if the motor
 7 vehicle operator produces evidence that within 14 days after the
 8 date of the violation a child passenger restraint system meeting
 9 federal motor vehicle safety standards was purchased or obtained
 10 for the exclusive use of the operator.

11 ~~(e)~~ (e) The fines collected for violations of this
 12 subdivision must be deposited in the state treasury and credited
 13 to ~~a special account to be known as~~ the Minnesota child
 14 passenger restraint and education account.

15 When issuing a citation for violation of this section, an
 16 officer shall provide to the vehicle operator written
 17 information identifying a source of no-cost child restraint
 18 equipment for individuals in financial need, if the vehicle does
 19 not contain child-restraint equipment.

20 Sec. 38. Minnesota Statutes 2004, section 169.686,
 21 subdivision 1, is amended to read:

22 Subdivision 1. [SEAT BELT REQUIREMENT.] (a) Except as
 23 provided in section 169.685, subdivision 5, a properly adjusted
 24 and fastened seat belt, including both the shoulder and lap belt
 25 when the vehicle is so equipped, shall be worn by:

26 ~~(1)~~ the driver and passengers of a passenger vehicle or
 27 commercial motor vehicle;

28 ~~(2)~~ ~~a passenger riding in the front seat of a passenger~~
 29 ~~vehicle or commercial motor vehicle;~~ and

30 ~~(3)~~ ~~a passenger riding in any seat of a passenger vehicle~~
 31 ~~who is older than three but younger than 11 years of age.~~

32 (b) A person who is 15 years of age or older and who
 33 violates paragraph (a) ~~, clause (1) or (2),~~ is subject to a fine
 34 of \$25 \$50. The driver of the ~~passenger vehicle or commercial~~
 35 ~~motor~~ vehicle in which the violation occurred is subject to a
 36 \$25 \$50 fine for a violation of paragraph (a) ~~, clause (2) or~~

1 ~~(3)~~, by a ~~child-of-the-driver~~ passenger under the age of 15 or
 2 ~~any-child-under-the-age-of-11:--A-peace-officer-may-not-issue-a~~
 3 ~~citation-for-a-violation-of-this-section-unless-the-officer~~
 4 ~~lawfully-stopped-or-detained-the-driver-of-the-motor-vehicle-for~~
 5 ~~a-moving-violation-other-than-a-violation-involving-motor~~
 6 ~~vehicle-equipment.~~ The Department of Public Safety shall not
 7 record a violation of this subdivision on a person's driving
 8 record.

9 Sec. 39. Minnesota Statutes 2004, section 169.71,
 10 subdivision 1, is amended to read:

11 Subdivision 1. [PROHIBITIONS GENERALLY; EXCEPTIONS.] No (a)
 12 A person shall not drive or operate any motor vehicle with:

13 (1) a windshield cracked or discolored to an extent to
 14 limit or obstruct proper vision, ~~or, except for law enforcement~~
 15 ~~vehicles, with;~~

16 (2) any objects suspended between the driver and the
 17 windshield, other than sun visors and ~~rear-vision~~ rearview
 18 ~~mirrors;~~ or with

19 (3) any sign, poster, or other nontransparent material upon
 20 the front windshield, sidewings, or side or rear windows of ~~such~~
 21 the vehicle, other than a certificate or other paper required to
 22 be so displayed by law, or authorized by the state director of
 23 the Division of Emergency Management, or the commissioner of
 24 public safety.

25 (b) Paragraph (a), clauses (2) and (3), do not apply to law
 26 enforcement vehicles.

27 (c) Paragraph (a), clause (2), does not apply to authorized
 28 emergency vehicles.

29 Sec. 40. Minnesota Statutes 2004, section 169.81,
 30 subdivision 3c, is amended to read:

31 Subd. 3c. [RECREATIONAL VEHICLE COMBINATION.]

32 Notwithstanding subdivision 3, a recreational vehicle
 33 combination may be operated without a permit if:

34 (1) the combination does not consist of more than three
 35 vehicles, and the towing rating of the pickup truck is equal to
 36 or greater than the total weight of all vehicles being towed;

1 (2) the combination does not exceed 60 70 feet in length;

2 (3) the ~~camper-semitrailer~~ middle vehicle in the
3 combination does not exceed 28 feet in length;

4 (4) the operator of the combination is at least 18 years of
5 age;

6 (5) the trailer carrying a watercraft, motorcycle,
7 motorized bicycle, off-highway motorcycle, snowmobile, or
8 all-terrain vehicle meets all requirements of law;

9 (6) the trailers in the combination are connected to the
10 pickup truck and each other in conformity with section 169.82;
11 and

12 (7) the combination is not operated within the seven-county
13 metropolitan area, as defined in section 473.121, subdivision 2,
14 during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00
15 p.m. on Mondays through Fridays.

16 [EFFECTIVE DATE.] This section is effective the day
17 following final enactment.

18 Sec. 41. Minnesota Statutes 2004, section 169.824,
19 subdivision 2, is amended to read:

20 Subd. 2. [GROSS VEHICLE WEIGHT OF ALL AXLES.] (a)
21 Notwithstanding the provisions of section 169.85, the gross
22 vehicle weight of all axles of a vehicle or combination of
23 vehicles shall not exceed:

24 (1) 80,000 pounds for any vehicle or combination of
25 vehicles on all state trunk highways as defined in section
26 160.02, subdivision 29, and for all routes designated under
27 section 169.832, subdivision 11;

28 (2) 73,280 pounds for any vehicle or combination of
29 vehicles with five axles or less on all routes, other than state
30 trunk highways and routes that are designated under section
31 169.832, subdivision 11, except that a vehicle needing
32 reasonable access to a terminal or facilities for food, fuel,
33 repairs, and rest, located within three miles of a ten-ton
34 route, may not exceed 80,000 pounds. "Terminal" means any
35 location where freight either originates, terminates, or is
36 handled in the transportation process, or where commercial motor

1 carriers maintain operating facilities; and

2 (3) 80,000 pounds for any vehicle or combination of
3 vehicles with six or more axles on all routes, other than state
4 trunk highways and routes that are designated under section
5 169.832, subdivision 11.

6 (b) The maximum weights specified in this section for five
7 consecutive axles shall not apply to a four-axle ready-mix
8 concrete truck which was equipped with a fifth axle prior to
9 June 1, 1981. The maximum gross weight on four or fewer
10 consecutive axles of vehicles excepted by this clause shall not
11 exceed any maximum weight specified for four or fewer
12 consecutive axles in this section.

13 Sec. 42. Minnesota Statutes 2004, section 169.85,
14 subdivision 1, is amended to read:

15 Subdivision 1. [DRIVER TO STOP FOR WEIGHING.] (a) The
16 driver of a vehicle that has been lawfully stopped may be
17 required by an officer to submit the vehicle and load to a
18 weighing by means of portable or stationary scales.

19 (b) In addition, the officer may require that the vehicle
20 be driven to the nearest available scales, but only if:

21 (1) the distance to the scales is no further than five
22 miles, or if the distance from the point where the vehicle is
23 stopped to the vehicle's destination is not increased by more
24 than ten miles as a result of proceeding to the nearest
25 available scales; and

26 (2) if the vehicle is a commercial motor vehicle, no more
27 than two other commercial motor vehicles are waiting to be
28 inspected at the scale.

29 (c) Official traffic control devices as authorized by
30 section 169.06 may be used to direct the driver to the nearest
31 scale.

32 (d) When a truck weight enforcement operation is conducted
33 by means of portable or stationary scales and, signs giving
34 notice of the operation are must be posted within the highway
35 right-of-way and adjacent to the roadway within two miles of the
36 operation₇. The driver of a truck or combination of vehicles

1 registered for or weighing in excess of 12,000 pounds shall
2 proceed to the scale site and submit the vehicle to weighing and
3 inspection.

4 Sec. 43. Minnesota Statutes 2004, section 169.85,
5 subdivision 6, is amended to read:

6 Subd. 6. [OFFICER DEFINED.] When used in this section, the
7 word "officer" means a peace-officer-or member of the State
8 Patrol, an employee of the Department of Public Safety described
9 in section 299D.06, or a peace officer or person under the
10 officer's direction and control employed by a local unit of
11 government who is trained in weight enforcement by the
12 Department of Public Safety.

13 Sec. 44. Minnesota Statutes 2004, section 169.86,
14 subdivision 5, is amended to read:

15 Subd. 5. [FEE; PROCEEDS DEPOSITED; APPROPRIATION.] The
16 commissioner, with respect to highways under the commissioner's
17 jurisdiction, may charge a fee for each permit issued. All such
18 fees for permits issued by the commissioner of transportation
19 shall be deposited in the state treasury and credited to the
20 trunk highway fund. Except for those annual permits for which
21 the permit fees are specified elsewhere in this chapter, the
22 fees shall be:

23 (a) \$15 for each single trip permit.

24 (b) \$36 for each job permit. A job permit may be issued
25 for like loads carried on a specific route for a period not to
26 exceed two months. "Like loads" means loads of the same
27 product, weight, and dimension.

28 (c) \$60 for an annual permit to be issued for a period not
29 to exceed 12 consecutive months. Annual permits may be issued
30 for:

31 (1) motor vehicles used to alleviate a temporary crisis
32 adversely affecting the safety or well-being of the public;

33 (2) motor vehicles which travel on interstate highways and
34 carry loads authorized under subdivision 1a;

35 (3) motor vehicles operating with gross weights authorized
36 under section 169.826, subdivision 1a;

1 (4) special pulpwood vehicles described in section 169.863;
 2 (5) motor vehicles bearing snowplow blades not exceeding
 3 ten feet in width; and

4 (6) noncommercial transportation of a boat by the owner or
 5 user of the boat.

6 (d) \$120 for an oversize annual permit to be issued for a
 7 period not to exceed 12 consecutive months. Annual permits may
 8 be issued for:

9 (1) mobile cranes;

10 (2) construction equipment, machinery, and supplies;

11 (3) manufactured homes;

12 (4) implements of husbandry when the movement is not made
 13 according to the provisions of paragraph (i);

14 (5) double-deck buses;

15 (6) commercial boat hauling; and

16 (7) three-vehicle combinations consisting of two empty,
 17 newly manufactured trailers for cargo, horses, or livestock, not
 18 to exceed 28-1/2 feet per trailer; provided, however, the permit
 19 allows the vehicles to be moved from a trailer manufacturer to a
 20 trailer dealer only while operating on twin-trailer routes
 21 designated under section 169.81, subdivision 3, paragraph (c).

22 (e) For vehicles which have axle weights exceeding the
 23 weight limitations of sections 169.822 to 169.829, an additional
 24 cost added to the fees listed above. However, this paragraph
 25 applies to any vehicle described in section 168.013, subdivision
 26 3, paragraph (b), but only when the vehicle exceeds its gross
 27 weight allowance set forth in that paragraph, and then the
 28 additional cost is for all weight, including the allowance
 29 weight, in excess of the permitted maximum axle weight. The
 30 additional cost is equal to the product of the distance traveled
 31 times the sum of the overweight axle group cost factors shown in
 32 the following chart:

33 Overweight Axle Group Cost Factors

34 Weight (pounds)	Cost Per Mile For Each Group Of:		
35 exceeding	Two consec-	Three consec-	Four consec-
36 weight	utive axles	utive axles	utive axles

	spaced within	spaced within	spaced within
1 limitations	8 feet or less	9 feet or less	14 feet or less
2 on axles			
3 0-2,000	.12	.05	.04
4 2,001-4,000	.14	.06	.05
5 4,001-6,000	.18	.07	.06
6 6,001-8,000	.21	.09	.07
7 8,001-10,000	.26	.10	.08
8 10,001-12,000	.30	.12	.09
9 12,001-14,000	Not permitted	.14	.11
10 14,001-16,000	Not permitted	.17	.12
11 16,001-18,000	Not permitted	.19	.15
12 18,001-20,000	Not permitted	Not permitted	.16
13 20,001-22,000	Not permitted	Not permitted	.20

14 The amounts added are rounded to the nearest cent for each axle.
 15 or axle group. The additional cost does not apply to paragraph
 16 (c), clauses (1) and (3).

17 For a vehicle found to exceed the appropriate maximum permitted
 18 weight, a cost-per-mile fee of 22 cents per ton, or fraction of
 19 a ton, over the permitted maximum weight is imposed in addition
 20 to the normal permit fee. Miles must be calculated based on the
 21 distance already traveled in the state plus the distance from
 22 the point of detection to a transportation loading site or
 23 unloading site within the state or to the point of exit from the
 24 state.

25 (f) As an alternative to paragraph (e), an annual permit
 26 may be issued for overweight, or oversize and overweight,
 27 construction equipment, machinery, and supplies. The fees for
 28 the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
29 90,000 or less	\$200
30 90,001 - 100,000	\$300
31 100,001 - 110,000	\$400
32 110,001 - 120,000	\$500
33 120,001 - 130,000	\$600
34 130,001 - 140,000	\$700
35 140,001 - 145,000	\$800

1 If the gross weight of the vehicle is more than 145,000 pounds
2 the permit fee is determined under paragraph (e).

3 (g) For vehicles which exceed the width limitations set
4 forth in section 169.80 by more than 72 inches, an additional
5 cost equal to \$120 added to the amount in paragraph (a) when the
6 permit is issued while seasonal load restrictions pursuant to
7 section 169.87 are in effect.

8 (h) \$85 for an annual permit to be issued for a period not
9 to exceed 12 months, for refuse-compactor vehicles that carry a
10 gross weight of not more than: 22,000 pounds on a single rear
11 axle; 38,000 pounds on a tandem rear axle; or, subject to
12 section 169.828, subdivision 2, 46,000 pounds on a tridem rear
13 axle. A permit issued for up to 46,000 pounds on a tridem rear
14 axle must limit the gross vehicle weight to not more than 62,000
15 pounds.

16 (i) For vehicles exclusively transporting implements of
17 husbandry, an annual permit fee of \$24. A vehicle operated
18 under a permit authorized by this paragraph may be moved at the
19 discretion of the permit holder without prior route approval by
20 the commissioner if:

21 (1) the total width of the transporting vehicle, including
22 load, does not exceed 14 feet;

23 (2) the vehicle is operated only between sunrise and 30
24 minutes after sunset, and is not operated at any time after
25 12:00 noon on Sundays or holidays;

26 (3) the vehicle is not operated when visibility is impaired
27 by weather, fog, or other conditions that render persons and
28 other vehicles not clearly visible at 500 feet;

29 (4) the vehicle displays at the front and rear of the load
30 or vehicle a pair of flashing amber lights, as provided in
31 section 169.59, subdivision 4, whenever the overall width of the
32 vehicle exceeds 126 inches; and

33 (5) the vehicle is not operated on a trunk highway with a
34 surfaced roadway width of less than 24 feet unless such
35 operation is authorized by the permit.

36 A permit under this paragraph authorizes movements of the

1 permitted vehicle on an interstate highway, and movements of 75
2 miles or more on other highways.

3 (j) \$300 for a motor vehicle described in section
4 169.8261. The fee under this paragraph must be deposited as
5 follows:

6 (1) in fiscal years 2005 through 2010:

7 (i) the first \$50,000 in each fiscal year must be deposited
8 in the trunk highway fund for costs related to administering the
9 permit program and inspecting and posting bridges;

10 (ii) all remaining money in each fiscal year must be
11 deposited in a bridge inspection and signing account in the
12 special revenue fund. Money in the account is appropriated to
13 the commissioner for:

14 (A) inspection of local bridges and identification of local
15 bridges to be posted, including contracting with a consultant
16 for some or all of these functions; and

17 (B) erection of weight-posting signs on local bridges; and

18 (2) in fiscal year 2011 and subsequent years must be
19 deposited in the trunk highway fund.

20 (k) \$200 for an annual permit for a vehicle operating under
21 authority of section 169.824, subdivision 2, paragraph (a),
22 clause (2).

23 Sec. 45. Minnesota Statutes 2004, section 169.87,
24 subdivision 5, is amended to read:

25 Subd. 5. [UTILITY VEHICLES.] (a) Weight restrictions
26 imposed by the commissioner under subdivision subdivisions 1 and
27 2 do not apply to a two-axle or three-axle utility vehicle that
28 does not exceed a weight of 20,000 pounds per single axle and
29 36,000 pounds gross vehicle weight for a two-axle vehicle or
30 48,000 pounds gross vehicle weight for a three-axle vehicle, if
31 the vehicle is owned by:

32 (1) a public utility as defined in section 216B.02;

33 (2) a municipality or municipal utility that operates the
34 vehicle for its municipal electric, gas, or water system; or

35 (3) a cooperative electric association organized under
36 chapter 308A.

1 (b) The exemption in this subdivision applies only when the
2 vehicle is performing service restoration or other work
3 necessary to prevent an imminent loss of service.

4 [EFFECTIVE DATE.] This section is effective the day
5 following final enactment.

6 Sec. 46. Minnesota Statutes 2004, section 171.01,
7 subdivision 22, is amended to read:

8 Subd. 22. [COMMERCIAL MOTOR VEHICLE.] "Commercial motor
9 vehicle" means a motor vehicle or combination of motor vehicles
10 used to transport passengers or property if the motor vehicle:

11 (1) has a gross vehicle weight of more than 26,000 pounds;

12 (2) has a towed unit with a gross vehicle weight of more
13 than 10,000 pounds and the combination of vehicles has a
14 combined gross vehicle weight of more than 26,000 pounds;

15 (3) is a bus;

16 (4) is of any size and is used in the transportation of
17 hazardous materials, ~~except for those vehicles having a gross~~
18 ~~vehicle weight of 26,000 pounds or less and carrying in bulk~~
19 ~~tanks a total of not more than 200 gallons of liquid fertilizer~~
20 ~~and petroleum products~~ that are required to be placarded under
21 Code of Federal Regulations, title 49, parts 100-185; or

22 (5) is outwardly equipped and identified as a school bus,
23 except for school buses defined in section 169.01, subdivision
24 6, clause (5).

25 [EFFECTIVE DATE.] This section is effective the day
26 following final enactment.

27 Sec. 47. Minnesota Statutes 2004, section 171.02,
28 subdivision 2, is amended to read:

29 Subd. 2. [DRIVER'S LICENSE CLASSIFICATIONS, ENDORSEMENTS,
30 EXEMPTIONS.] (a) Drivers' licenses shall be classified according
31 to the types of vehicles which may be driven by the holder of
32 each type or class of license. The commissioner may, as
33 appropriate, subdivide the classes listed in this subdivision
34 and issue licenses classified accordingly. Except as provided
35 in subdivision 2a, no class of license shall be valid to operate
36 a motorcycle, school bus, tank vehicle, double-trailer or

1 triple-trailer combination, vehicle transporting hazardous
2 materials, or bus, unless so endorsed.

3 There shall be four general classes of licenses as follows:

4 (b) Class D; valid for:

5 (1) operating all farm trucks when operated by (i) the
6 owner, (ii) an immediate family member of the owner, (iii) an
7 employee of the owner not primarily employed to operate the farm
8 truck, within 150 miles of the farm, or (iv) an employee of the
9 owner employed during harvest to operate the farm truck for the
10 first, continuous transportation of agricultural products from
11 the production site or on-farm storage site to any other
12 location within 50 miles of that site;

13 (2) operating fire trucks and emergency fire equipment,
14 whether or not in excess of 26,000 pounds gross vehicle weight,
15 when operated by a firefighter while on duty, or by a tiller
16 operator employed by a fire department who drives the rear
17 portion of a midmount aerial ladder truck;

18 (3) operating recreational equipment as defined in section
19 168.011, subdivision 25, that is operated for personal use;

20 (4) operating all single-unit vehicles except vehicles with
21 a gross vehicle weight of more than 26,000 pounds, vehicles
22 designed to carry more than 15 passengers including the driver,
23 and vehicles that carry hazardous materials; and

24 (5) notwithstanding paragraph (c), operating a type A
25 school bus without a school bus endorsement if:

26 (i) the bus has a gross vehicle weight of 10,000 pounds or
27 less;

28 (ii) the bus is designed to transport 15 or fewer
29 passengers, including the driver; and

30 (iii) the requirements of subdivision 2a, paragraph (b),
31 are satisfied, as determined by the commissioner.

32 ~~The holder of a class D license may also tow;~~

33 (6) operating any vehicle or combination of vehicles when
34 operated by a licensed peace officer while on duty; and

35 (7) towing vehicles if the combination of vehicles has a
36 gross vehicle weight of 26,000 pounds or less.

1 (c) Class C; valid for:

2 (1) operating class D vehicles;

3 (2) with a hazardous materials endorsement, transporting
4 hazardous materials in class D vehicles; and

5 (3) with a school bus endorsement, operating school buses
6 designed to transport 15 or fewer passengers, including the
7 driver.

8 (d) Class B; valid for:

9 (1) operating all vehicles-in class C, and class D
10 vehicles, and all other single-unit vehicles including, with a
11 passenger endorsement, buses; ~~---The-holder-of-a-class-B-license~~
12 ~~may-tow; and~~

13 (2) towing only vehicles with a gross vehicle weight of
14 10,000 pounds or less.

15 (e) Class A; valid for operating any vehicle or combination
16 of vehicles.

17 [EFFECTIVE DATE.] This section is effective the day
18 following final enactment.

19 Sec. 48. Minnesota Statutes 2004, section 171.05,
20 subdivision 2b, is amended to read:

21 Subd. 2b. [INSTRUCTION PERMIT USE BY PERSON UNDER AGE 18.]

22 (a) This subdivision applies to persons who have applied for and
23 received an instruction permit under subdivision 2.

24 (b) The permit holder may, with the permit in possession,
25 operate a motor vehicle, but must be accompanied by and be under
26 the supervision of a certified driver education instructor, the
27 permit holder's parent or guardian, or another licensed driver
28 age 21 or older. The supervisor must occupy the seat beside the
29 permit holder.

30 (c) The permit holder may operate a motor vehicle only when
31 every occupant under the age of ~~18~~ 15 has a seat belt or child
32 passenger restraint system properly fastened according to
33 sections 169.685 and 169.686. A person who violates this
34 paragraph is subject to a fine of \$25 \$50. ~~A-peace-officer-may~~
35 ~~not-issue-a-citation-for-a-violation-of-this-paragraph-unless~~
36 ~~the-officer-lawfully-stopped-or-detained-the-driver-of-the-motor~~

1 ~~vehicle-for-a-moving-violation-as-defined-in-section-171-04,~~
2 ~~subdivision-1~~ A passenger who is at least 15 years of age is
3 subject to the requirements and penalty of section 169.686. The
4 commissioner shall not record a violation of this paragraph on a
5 person's driving record.

6 (d) The permit holder may not operate a vehicle while
7 communicating over, or otherwise operating, a cellular or
8 wireless telephone, whether handheld or hands free. The permit
9 holder may assert as an affirmative defense that the violation
10 was made for the sole purpose of obtaining emergency assistance
11 to prevent a crime about to be committed, or in the reasonable
12 belief that a person's life or safety was in danger.

13 (e) The permit holder must maintain a driving record free
14 of convictions for moving violations, as defined in section
15 171.04, subdivision 1, and free of convictions for violation of
16 section 169A.20, 169A.33, 169A.35, or sections 169A.50 to
17 169A.53. If the permit holder drives a motor vehicle in
18 violation of the law, the commissioner shall suspend, cancel, or
19 revoke the permit in accordance with the statutory section
20 violated.

21 Sec. 49. Minnesota Statutes 2004, section 171.055,
22 subdivision 2, is amended to read:

23 Subd. 2. [USE OF PROVISIONAL LICENSE.] (a) A provisional
24 license holder may operate a motor vehicle only when every
25 occupant under the age of ~~18~~ 15 has a seat belt or child
26 passenger restraint system properly fastened according to
27 sections 169.685 and 169.686. A person who violates this
28 paragraph is subject to a fine of \$25 \$50. ~~A-peace-officer-may~~
29 ~~not-issue-a-citation-for-a-violation-of-this-paragraph-unless~~
30 ~~the-officer-lawfully-stopped-or-detained-the-driver-of-the-motor~~
31 ~~vehicle-for-a-moving-violation-as-defined-in-section-171-04.~~ A
32 passenger who is at least 15 years of age is subject to the
33 requirements and penalty of section 169.686. The commissioner
34 shall not record a violation of this paragraph on a person's
35 driving record.

36 (b) A provisional license holder may not operate a motor

1 vehicle:

2 (1) during the first six months of provisional licensure,
3 with more than one passenger, except family members; or

4 (2) between the hours of midnight and 5:00 a.m.

5 (c) A provisional license holder may not operate a vehicle
6 while communicating over, or otherwise operating, a cellular or
7 wireless telephone, whether handheld or hands free. The
8 provisional license holder may assert as an affirmative defense
9 that the violation was made for the sole purpose of obtaining
10 emergency assistance to prevent a crime about to be committed,
11 or in the reasonable belief that a person's life or safety was
12 in danger.

13 (d) If the holder of a provisional license during the
14 period of provisional licensing incurs (1) a conviction for a
15 violation of section 169A.20, 169A.33, 169A.35, or sections
16 169A.50 to 169A.53, (2) a conviction for a crash-related moving
17 violation as defined in section 171.04, or (3) more than one
18 conviction for a moving violation that is not crash related, the
19 person may not be issued a driver's license until 12 consecutive
20 months have expired since the date of the conviction or until
21 the person reaches the age of 18 years, whichever occurs first.

22 Sec. 50. Minnesota Statutes 2004, section 171.12,
23 subdivision 7, is amended to read:

24 Subd. 7. [PRIVACY OF RESIDENCE ADDRESS.] (a) An applicant
25 for a driver's license or a Minnesota identification card may
26 request that the applicant's residence address be classified as
27 private data on individuals, as defined in section 13.02,
28 subdivision 12. The commissioner shall grant the classification
29 upon receipt of a signed statement by the individual that the
30 classification is required for the safety of the applicant or
31 the applicant's family, if the statement also provides a valid,
32 existing address where the applicant consents to receive service
33 of process. The commissioner shall use the mailing address in
34 place of the residence address in all documents and notices
35 pertaining to the driver's license or identification card. The
36 residence address and any information provided in the

1 classification request, other than the mailing address, are
2 private data on individuals and may be provided to requesting
3 law enforcement agencies, probation and parole agencies, and
4 public authorities, as defined in section 518.54, subdivision 9.

5 (b) An applicant for a driver's license or a Minnesota
6 identification card must be informed in a clear and conspicuous
7 manner on the forms for the issuance or renewal that the
8 applicant's personal information may be disclosed to any person
9 who makes a request for the personal information, and that
10 except for uses permitted by United States Code, title 18,
11 section 2721, subsection (b), the applicant may prohibit
12 disclosure of the personal information by so indicating on the
13 form.

14 (c) An applicant for a driver's license or a Minnesota
15 identification card must be also informed in a clear and
16 conspicuous manner on forms that the applicant's personal
17 information may be used, rented, or sold solely for bulk
18 distribution by organizations for business purposes, including
19 surveys, marketing, or solicitation. The commissioner shall
20 implement methods and procedures that enable the applicant to
21 request that bulk surveys, marketing, or solicitation not be
22 directed to the applicant. If the applicant so requests, the
23 commissioner shall implement the request in a timely manner and
24 the personal information may not be so used.

25 (d) To the extent permitted by United States Code, title
26 18, section 2721, data on individuals provided to obtain a
27 Minnesota identification card or a driver's license is public
28 data on individuals and ~~shall~~ must be disclosed as permitted by
29 United States Code, title 18, section 2721, subsection (b).

30 (e) A person shall not retain any information from
31 magnetically, electronically, or otherwise scanning a driver's
32 license, permit, or state identification card, except the
33 document holder's name; date of birth; driver's license, permit,
34 or state identification card number; and document expiration
35 date. A person shall not use any of this retained information
36 for advertising or marketing purposes. A person shall not sell

1 and shall not otherwise disseminate the retained information to
2 any third party for any purpose, including any marketing,
3 advertising, or promotional activities, except that retained
4 information may be provided under a court order or as authorized
5 elsewhere in law.

6 Sec. 51. Minnesota Statutes 2004, section 171.17,
7 subdivision 1, is amended to read:

8 Subdivision 1. [OFFENSES.] (a) The department shall
9 immediately revoke the license of a driver upon receiving a
10 record of the driver's conviction of:

11 (1) manslaughter resulting from the operation of a motor
12 vehicle or criminal vehicular homicide or injury under section
13 609.21;

14 (2) a violation of section 169A.20 or 609.487;

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

17 (4) failure to stop and disclose identity and render aid,
18 as required under section 169.09, in the event of a motor
19 vehicle accident, resulting in the death or personal injury of
20 another;

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

24 (6) except as this section otherwise provides, three
25 charges of violating within a period of 12 months any of the
26 provisions of chapter 169 or of the rules or municipal
27 ordinances enacted in conformance with chapter 169, for which
28 the accused may be punished upon conviction by imprisonment;

29 (7) two or more violations, within five years, of the
30 misdemeanor offense described in section 169.444, subdivision 2,
31 paragraph (a);

32 (8) the gross misdemeanor offense described in section
33 169.444, subdivision 2, paragraph (b); or

34 (9) an offense in another state that, if committed in this
35 state, would be grounds for revoking the driver's license; or

36 (10) a violation of an applicable speed limit by a person

1 driving in excess of 100 miles per hour. The person's license
2 must be revoked for six months for a violation of this clause,
3 or for a longer minimum period of time applicable under section
4 169A.53, 169A.54, or 171.174.

5 (b) The department shall immediately revoke the school bus
6 endorsement of a driver upon receiving a record of the driver's
7 conviction of the misdemeanor offense described in section
8 169.443, subdivision 7.

9 Sec. 52. Minnesota Statutes 2004, section 171.30,
10 subdivision 1, is amended to read:

11 Subdivision 1. [CONDITIONS OF ISSUANCE.] (a) In any case
12 where a person's license has been suspended under section
13 171.18, 171.173, or 171.186, or revoked under section 169.792,
14 169.797, 169A.52, 169A.54, 171.17, or 171.172, the commissioner
15 may issue a limited license to the driver including under the
16 following conditions:

17 (1) if the driver's livelihood or attendance at a chemical
18 dependency treatment or counseling program depends upon the use
19 of the driver's license;

20 (2) if the use of a driver's license by a homemaker is
21 necessary to prevent the substantial disruption of the
22 education, medical, or nutritional needs of the family of the
23 homemaker; or

24 (3) if attendance at a postsecondary institution of
25 education by an enrolled student of that institution depends
26 upon the use of the driver's license.

27 (b) The commissioner in issuing a limited license may
28 impose such conditions and limitations as in the commissioner's
29 judgment are necessary to the interests of the public safety and
30 welfare including reexamination as to the driver's
31 qualifications. The license may be limited to the operation of
32 particular vehicles, to particular classes and times of
33 operation, and to particular conditions of traffic. The
34 commissioner may require that an applicant for a limited license
35 affirmatively demonstrate that use of public transportation or
36 carpooling as an alternative to a limited license would be a

1 significant hardship.

2 (c) For purposes of this subdivision, "homemaker" refers to
3 the person primarily performing the domestic tasks in a
4 household of residents consisting of at least the person and the
5 person's dependent child or other dependents.

6 (d) The limited license issued by the commissioner shall
7 clearly indicate the limitations imposed and the driver
8 operating under the limited license shall have the license in
9 possession at all times when operating as a driver.

10 (e) In determining whether to issue a limited license, the
11 commissioner shall consider the number and the seriousness of
12 prior convictions and the entire driving record of the driver
13 and shall consider the number of miles driven by the driver
14 annually.

15 (f) If the person's driver's license or permit to drive has
16 been revoked under section 169.792 or 169.797, the commissioner
17 may only issue a limited license to the person after the person
18 has presented an insurance identification card, policy, or
19 written statement indicating that the driver or owner has
20 insurance coverage satisfactory to the commissioner of public
21 safety. The commissioner of public safety may require the
22 insurance identification card provided to satisfy this
23 subdivision be certified by the insurance company to be
24 noncancelable for a period not to exceed 12 months.

25 (g) The limited license issued by the commissioner to a
26 person under section 171.186, subdivision 4, must expire 90 days
27 after the date it is issued. The commissioner must not issue a
28 limited license to a person who previously has been issued a
29 limited license under section 171.186, subdivision 4.

30 (h) The commissioner shall not issue a limited driver's
31 license to any person described in section 171.04, subdivision
32 1, clause (6), (7), (8), (10), (11), or (14).

33 (i) The commissioner shall not issue a class A, class B, or
34 class C limited license.

35 Sec. 53. Minnesota Statutes 2004, section 174.03, is
36 amended by adding a subdivision to read:

1 Subd. 2a. [STATE AVIATION PLAN.] (a) Each revision of the
2 state aviation system plan must comply with the Federal Aviation
3 Administration requirements and include a supplemental chapter.
4 The supplemental chapter must include the following:

5 (1) an analysis of the projected commercial aviation needs
6 of the state over the next 20 years;

7 (2) a description of the present capacity, function, and
8 levels of activity at each commercial service airport as
9 designated by the Federal Aviation Administration, each airport
10 that the commissioner determines is likely to become a
11 commercial service airport in the next 20 years, and any other
12 airport that the commissioner determines should be included by
13 reason of commercial passenger or cargo service levels; and

14 (3) a description of the capacity, function, and levels of
15 activity that each airport identified in clause (2) must have in
16 order to carry out the plan's goal and objectives and meet the
17 needs described under clause (1).

18 (b) In assessing aviation needs and the capacity, function,
19 and level of activity at any airport, the plan must consider
20 both commercial passenger service and cargo service.

21 Sec. 54. [174.032] [ADVISORY COUNCIL ON AVIATION
22 PLANNING.]

23 Subdivision 1. [ADVISORY COUNCIL CREATED.] (a) The
24 commissioner shall create an advisory council on aviation
25 planning to advise the commissioner on the supplemental chapter
26 of the state aviation system plan. The council consists of the
27 following members appointed by the commissioner except where
28 otherwise provided:

29 (1) one member of the Metropolitan Airports Commission;

30 (2) one representative of major commercial airlines;

31 (3) one representative of independent pilots who fly for
32 small business;

33 (4) one representative of the air cargo industry;

34 (5) two representatives of the business community unrelated
35 to aviation, one of whom must reside within the seven-county
36 metropolitan area and one of whom must reside outside that area;

- 1 (6) one representative of environmental interests;
2 (7) one employee of the Department of Transportation's
3 Office of Aeronautics;
4 (8) two representatives of neighborhoods that are
5 significantly affected by airplane noise appointed by community
6 representatives on the Noise Oversight Committee;
7 (9) one representative of tier-two airports (St. Cloud,
8 Duluth, Willmar, and Rochester);
9 (10) one member of the senate committee having jurisdiction
10 over transportation policy, appointed by the chair of that
11 committee;
12 (11) one member of the house of representatives committee
13 having jurisdiction over transportation policy, appointed by the
14 chair of that committee;
15 (12) one representative of the local Airline Service Action
16 Committee;
17 (13) one representative of the Citizens League of the Twin
18 Cities;
19 (14) one representative of the Association of Minnesota
20 Counties;
21 (15) one representative of the League of Minnesota Cities;
22 (16) one representative of the Minnesota Department of
23 Employment and Economic Development; and
24 (17) one representative of the Metropolitan Council.
25 (b) Members of the advisory council serve at the pleasure
26 of the appointing authority. Members shall serve without
27 compensation.
28 Subd. 2. [ADVISORY COUNCIL DUTIES.] (a) The advisory
29 council on aviation planning shall advise the commissioner on
30 the aviation planning chapter of the state aviation system
31 plan. The advisory council shall assist in the development of
32 the state aviation system plan by reviewing the work and making
33 recommendations. The state aviation system plan must consist of:
34 (1) an inventory of airport facilities, based aircraft and
35 operations;
36 (2) a forecast of aviation activities;

1 (3) a needs assessment to determine improvements needed and
2 recommendations for each airport by five-year, ten-year, and
3 20-year forecast periods;

4 (4) present and anticipated capacity needs of commercial
5 service airports, including limitations on expanding the
6 capacity of individual commercial service airports imposed by
7 state or local regulations, safety or environmental concerns,
8 and land uses near the airport that are incompatible with
9 airport operations;

10 (5) the needs of Minnesota residents and businesses for
11 passenger and cargo service, from both a statewide and regional
12 perspective;

13 (6) anticipated changes in commercial aircraft types and
14 characteristics;

15 (7) noise and other environmental impacts of aviation at
16 commercial service airports;

17 (8) trends in the aviation and airline industries; and

18 (9) relationship between aviation and other forms of
19 transportation covered by the state transportation plan.

20 (b) The advisory council may also make recommendations to
21 the commissioner, the Metropolitan Airports Commission, and the
22 legislature concerning the policy steps needed to implement the
23 chapter.

24 Subd. 3. [TERM OF COUNCIL; EXPIRATION; RECONVENING.] (a)
25 The commissioner shall appoint the first advisory council by
26 July 1, 2005. The council shall submit any recommendations it
27 makes to the legislature by January 15, 2006. The terms of all
28 members of the advisory council serving on July 1, 2005, expire
29 on January 1, 2007.

30 (b) The commissioner shall appoint and convene a new
31 advisory council not less than two years before the date on
32 which each revision of the state aviation system plan is
33 required under section 174.03, subdivision 1a. Each such
34 advisory council must consist of members as prescribed in
35 subdivision 1, who shall serve on the same terms as set forth
36 under subdivision 1. Each such advisory council expires on the

1 date on which the revision of the state aviation system plan
2 becomes final.

3 Sec. 55. Minnesota Statutes 2004, section 174.86,
4 subdivision 5, is amended to read:

5 Subd. 5. [COMMUTER RAIL CORRIDOR COORDINATING COMMITTEE.]

6 (a) A Commuter Rail Corridor Coordinating Committee shall be
7 established to advise the commissioner on issues relating to the
8 alternatives analysis, environmental review, advanced corridor
9 planning, preliminary engineering, final design, implementation
10 method, construction of commuter rail, public involvement, land
11 use, service, and safety. The Commuter Rail Corridor
12 Coordinating Committee shall consist of:

13 (1) one member representing each significant funding
14 partner in whose jurisdiction the line or lines are located;

15 (2) one member appointed by each county in which the
16 corridors are located;

17 (3) one member appointed by each city in which advanced
18 corridor plans indicate that a station may be located;

19 (4) two members appointed by the commissioner, one of whom
20 shall be designated by the commissioner as the chair of the
21 committee;

22 (5) one member appointed by each metropolitan planning
23 organization through which the commuter rail line may pass; and

24 (6) one member appointed by the president of the University
25 of Minnesota, if a designated corridor provides direct service
26 to the university.

27 (b) A joint powers board existing on April 1, 1999,
28 consisting of local governments along a commuter rail corridor,
29 shall perform the functions set forth in paragraph (a) in place
30 of the committee.

31 (c) Notwithstanding section 15.059, subdivision 5, the
32 committee does not expire.

33 [EFFECTIVE DATE.] This section is effective retroactively
34 from June 30, 2003. All actions taken in reliance on Minnesota
35 Statutes, section 15.059 or 174.86 are ratified by the enactment
36 of this section.

1 Sec. 56. Minnesota Statutes 2004, section 219.166, is
2 amended to read:

3 219.166 [ESTABLISHMENT OF QUIET ZONES.]

4 A county, statutory or home rule charter city, or town may
5 ~~by ordinance establish a defined~~ apply to the Federal Railroad
6 Administration for the establishment of a "quiet zone" in which
7 the sounding of horns, whistles, or other audible warnings by
8 locomotives is regulated or prohibited. ~~A quiet zone~~
9 ~~established under this section must consist of at least one-half~~
10 ~~mile of railroad right-of-way.~~ All quiet zones, regulations,
11 and ordinances adopted under this section must conform to
12 federal law and the regulations of the Federal Railroad
13 Administration under United States Code, title 49, section 20153.

14 Sec. 57. Minnesota Statutes 2004, section 219.567, is
15 amended to read:

16 219.567 [FAILURE TO RING BELL.]

17 An engineer driving a locomotive on a railway who fails ~~(1)~~
18 to ring the bell or sound the whistle on the locomotive, or have
19 it rung or sounded, ~~at least 80 rods from a place where the~~
20 ~~railway crosses a traveled road or street on the same level,~~
21 ~~except in cities, or (2) to continue ringing the bell or~~
22 ~~sounding the whistle at intervals until the locomotive and~~
23 ~~attached train have completely crossed the road or street, in~~
24 accordance with Federal Railroad Administration regulations
25 under United States Code, title 49, section 20153, is guilty of
26 a misdemeanor.

27 Sec. 58. Minnesota Statutes 2004, section 299D.08, is
28 amended to read:

29 299D.08 [TRAFFIC CITATION QUOTA PROHIBITED.]

30 The State Patrol or a law enforcement agency shall not
31 order, mandate, require, or suggest to a patrol trooper,
32 commercial vehicle inspector, or law compliance representative
33 that the patrol trooper, inspector, or representative issue a
34 certain number of traffic citations on a daily, weekly, monthly,
35 quarterly, or yearly quota basis.

36 Sec. 59. Minnesota Statutes 2004, section 360.305,

1 subdivision 4, is amended to read:

2 Subd. 4. [COSTS ALLOCATED; LOCAL CONTRIBUTION; HANGAR
3 CONSTRUCTION ACCOUNT.] (a) Except as otherwise provided in this
4 subdivision, the commissioner of transportation shall require as
5 a condition of assistance by the state that the political
6 subdivision, municipality, or public corporation make a
7 substantial contribution to the cost of the construction,
8 improvement, maintenance, or operation of the airport, in
9 connection with which the assistance of the state is sought.
10 These costs are referred to as project costs.

11 (b) For any airport, whether key, intermediate, or landing
12 strip, where only state and local funds are to be used, the
13 contribution shall be not less than one-fifth of the sum of:

14 (1) the project costs;

15 (2) acquisition costs of the land and clear zones, which
16 are referred to as acquisition costs.

17 (c) For any airport where federal, state, and local funds
18 are to be used, the contribution shall not be less than five
19 percent of the sum of the project costs and acquisition costs.

20 (d) The commissioner may pay the total cost of radio and
21 navigational aids.

22 (e) Notwithstanding paragraph (b) or (c), the commissioner
23 may pay all of the project costs of a new landing strip, but not
24 an intermediate airport or key airport, or may pay an amount
25 equal to the federal funds granted and used for a new landing
26 strip plus all of the remaining project costs; but the total
27 amount paid by the commissioner for the project costs of a new
28 landing strip, unless specifically authorized by an act
29 appropriating funds for the new landing strip, shall not exceed
30 \$200,000.

31 (f) Notwithstanding paragraph (b) or (c), the commissioner
32 may pay all the project costs for research and development
33 projects, including, but not limited to noise abatement;
34 provided that in no event shall the sums expended under this
35 paragraph exceed five percent of the amount appropriated for
36 construction grants.

1 (g) To receive aid under this section for project costs or
2 for acquisition costs, the municipality must enter into an
3 agreement with the commissioner giving assurance that the
4 airport will be operated and maintained in a safe, serviceable
5 manner for aeronautical purposes only for the use and benefit of
6 the public:

7 (1) for 20 years after the date that any state funds for
8 project costs are received by the municipality; and

9 (2) for 99 years after the date that any state funds for
10 acquisition costs are received by the municipality. If any land
11 acquired with state funds ceases to be used for aviation
12 purposes, the municipality shall repay the state airports fund
13 the same percentage of the appraised value of the property as
14 that percentage of the costs of acquisition and participation
15 provided by the state to acquire the land.

16 The agreement may contain other conditions as the commissioner
17 deems reasonable.

18 (h) The commissioner shall establish a hangar construction
19 revolving account, which shall be used for the purpose of
20 financing the construction of hangar buildings to be constructed
21 by municipalities owning airports. All municipalities owning
22 airports are authorized to enter into contracts for the
23 construction of hangars, and contracts with the commissioner for
24 the financing of hangar construction for an amount and period of
25 time as may be determined by the commissioner and municipality.
26 All receipts from the financing contracts shall be deposited in
27 the hangar construction revolving account and are reappropriated
28 for the purpose of financing construction of hangar buildings.
29 The commissioner may pay from the hangar construction revolving
30 account 80 percent of the cost of financing construction of
31 hangar buildings. For purposes of this ~~clause~~ paragraph, the
32 construction of hangars shall include their design. The
33 commissioner shall transfer up to \$4,400,000 from the state
34 airports fund to the hangar construction revolving account.

35 (i) The commissioner may pay a portion of the purchase
36 price of any airport maintenance and safety equipment and of the

1 actual airport snow removal costs incurred by any municipality.
2 The portion to be paid by the state shall not exceed two-thirds
3 of the cost of the purchase price or snow removal. To receive
4 aid a municipality must enter into an agreement of the type
5 referred to in paragraph (g).

6 (j) This subdivision ~~shall apply~~ applies only to project
7 costs or acquisition costs of municipally owned airports which
8 are incurred after June 1, 1971.

9 Sec. 60. Minnesota Statutes 2004, section 360.55,
10 subdivision 2, is amended to read:

11 Subd. 2. [TRANSACTIONING OFFICIAL BUSINESS.] Aircraft owned
12 and used solely in the transaction of official business by
13 representatives of foreign powers, by the federal government, or
14 by the state or any municipality thereof ~~shall be~~ are exempt
15 from the provisions of sections 360.54 to 360.67 requiring the
16 payment of a tax, but all such aircraft, except those owned by
17 representatives of foreign powers or by the federal government,
18 ~~shall~~ must be registered as required by sections 360.54 to
19 360.67 ~~and shall display tax-exempt number plates, labels, or~~
20 ~~stamps furnished by the commissioner at cost.~~ The exemption
21 herein provided ~~shall~~ does not apply to any aircraft except
22 those owned by representatives of foreign powers or by the
23 federal government and except such those aircraft as may be used
24 in general police work, unless the name of the state department
25 or the municipality owning such the aircraft ~~shall be~~ is plainly
26 printed on both sides thereof in letters of a size and character
27 to be prescribed by the commissioner.

28 Sec. 61. Minnesota Statutes 2004, section 360.55,
29 subdivision 3, is amended to read:

30 Subd. 3. [CIVIL AIR PATROL.] Any aircraft owned and used
31 solely in the transaction of official business by any unit of
32 the civil air patrol created by Public Law 476, 79th Congress,
33 Public Law 557, 80th Congress, or acts amendatory thereto,
34 whether or not the title to such the aircraft is retained by the
35 federal government or vested in such unit unconditionally, ~~shall~~
36 be is exempt from the provisions of sections 360.54 to 360.57

1 requiring the payment of tax, but all such aircraft shall must
2 be registered as required by sections 360.54 to 360.57 and shall
3 ~~display-tax-exempt-number-plates,-labels-or-stamps-furnished-by~~
4 ~~the-commissioner-at-cost.~~

5 Sec. 62. Minnesota Statutes 2004, section 360.55,
6 subdivision 4, is amended to read:

7 Subd. 4. [~~COLLECTOR'S AIRCRAFT,-SPECIAL-PLATES.~~] (a) For
8 purposes of this subdivision:

9 (1) "antique aircraft" means an aircraft constructed by the
10 original manufacturer, or its licensee, on or before December
11 31, 1945, with the exception of certain pre-World War II
12 aircraft models that had only a small post-war production, such
13 as Beechcraft Staggerwing, Fairchild 24, and Monocoupe; and

14 (2) "classic aircraft" means an aircraft constructed by the
15 original manufacturer, or its licensee, on or after January 1,
16 1946, and has a first year of life that precedes the date of
17 registration by at least 50 years.

18 (b) If an antique or classic aircraft is owned and operated
19 solely as a collector's item, its owner may list it for taxation
20 and registration as follows: A sworn affidavit shall must be
21 executed stating (1) the name and address of the owner, (2) the
22 name and address of the person from whom purchased, (3) the
23 aircraft's make of-the-aircraft, year and, model number of-the
24 aircraft, the federal aircraft registration number, the and
25 manufacturer's identification number, and (4) that the aircraft
26 is owned and operated solely as a collector's item and not for
27 general transportation or commercial operations purposes. The
28 affidavit shall must be filed with the commissioner along with a
29 fee of \$25.

30 (c) Upon satisfaction that the affidavit is true and
31 correct, the commissioner shall issue to the applicant special
32 number-plates,-decalcomania-labels,-or-stamps-bearing-the
33 inscription-"Classic"-or-"Antique,-"-Minnesota"-and-the
34 registration-number-but-no-date a registration certificate. The
35 special-number-plates,-decalcomania-labels,-or-stamps
36 are registration certificate is valid without renewal as long as

1 the owner operates the aircraft solely as a collector's item.

2 (d) Should an antique or classic aircraft be operated other
3 than as a collector's item, the ~~special-number-plates,~~
4 ~~decalcomania-labels,-or-stamps-shall-be~~ registration certificate
5 becomes void and removed, and the owner shall list the aircraft
6 for taxation and registration in accordance with the other
7 provisions of sections 360.511 to 360.67.

8 (e) Upon the sale of an antique or classic aircraft, the
9 new owner must list the aircraft for taxation and registration
10 in accordance with ~~the-provisions-of~~ this subdivision, including
11 the payment ~~of-a-\$25-fee-to-obtain-new-special-plates-or-payment~~
12 of a \$5 fee to ~~retain-and~~ transfer the ~~existing-special-plates~~
13 registration to the ~~name-of-the~~ new owner, or the other
14 provisions of sections 360.511 to 360.67, whichever is
15 applicable.

16 (f) In the event of ~~defacement,~~ loss, or destruction of the
17 ~~special-number-plates,-decalcomania-labels,-or~~
18 ~~stamps~~ registration certificate, and upon receiving and filing a
19 sworn affidavit of the aircraft owner setting forth the
20 circumstances, together with ~~any-defaced-plates,-labels,-or~~
21 ~~stamps-and~~ a fee of \$5, the commissioner shall issue a
22 replacement plates,-labels,-or-stamps certificate. The
23 ~~commissioner-shall-note-on-the-records-the-issue-of-replacement~~
24 ~~number-and-shall-proceed-to-cancel-the-original-plates,-labels,-~~
25 ~~or-stamps-~~

26 Sec. 63. Minnesota Statutes 2004, section 360.55,
27 subdivision 4a, is amended to read:

28 Subd. 4a. [RECREATIONAL AIRCRAFT; CLASSIC LICENSE.] (a) An
29 aircraft that has a base price for tax purposes under section
30 360.531 of \$10,000 or less, and that is owned and operated
31 solely for recreational purposes, may be listed for taxation and
32 registration by executing a sworn affidavit stating (1) the name
33 and address of the owner, (2) the name and address of the person
34 from whom purchased, (3) the aircraft's make, year, model
35 number, federal aircraft registration number, and manufacturer's
36 identification number, and (4) that the aircraft is owned and

1 operated solely as a recreational aircraft and not for
2 commercial operational purposes. The affidavit must be filed
3 with the commissioner along with an annual \$25 fee.

4 (b) On being satisfied that the affidavit is true and
5 correct, the commissioner shall issue to the applicant a ~~deed~~
6 registration certificate.

7 (c) Should the aircraft be operated other than as a
8 recreational aircraft, the owner shall list the aircraft for
9 taxation and registration and pay the appropriate registration
10 fee under sections 360.511 to 360.67.

11 (d) If the aircraft is sold, the new owner shall list the
12 aircraft for taxation and registration under this subdivision,
13 including the payment of the annual \$25 fee, or under sections
14 360.511 to 360.67, whichever is applicable.

15 Sec. 64. Minnesota Statutes 2004, section 360.58, is
16 amended to read:

17 360.58 [OPERATION WITHOUT REGISTRATION OR PAYMENT.]

18 ~~No-aireraft~~ Except as exempted by sections 360.54 and
19 360.55, a person shall not use or be-operated operate an
20 aircraft in the air space over this state or upon any of the
21 ~~airports thereof-in-the-tax-period-of-January-17-1966-to-and~~
22 ~~including-June-30-1967-or-in-any-fiscal-year-thereafter of~~
23 this state until ~~it-shall-have~~ the aircraft has been registered
24 as required in sections 360.54 to 360.67 and the aircraft tax
25 and fees herein provided shall have been paid and ~~the-number~~
26 ~~plates,-labels,-or-stamps-issued-therefor-shall-be-duly~~
27 ~~displayed-on-such-aircraft.--A-purchaser-of-a-new-aircraft-may~~
28 ~~operate-the-aireraft-without-such-plates,-labels,-or-stamps-upon~~
29 ~~securing-from-the-commissioner,-or-any-person-designated-by-the~~
30 ~~commissioner-for-that-purpose,-a-permit-to-operate-such-aireraft~~
31 ~~pending-the-issuance-of-plates,-such-permit-shall-be-valid-for~~
32 ~~not-more-than-15-days.~~

33 Sec. 65. Minnesota Statutes 2004, section 360.59,
34 subdivision 2, is amended to read:

35 Subd. 2. [AGENT OR LIENOR MAY LIST.] Any act required
36 herein of an owner may be performed in the owner's behalf by a

1 duly authorized agent. Any person having a lien upon, or claim
 2 to, any aircraft may pay any tax due thereon to prevent the
 3 penalty for delayed registration from accruing, but the
 4 registration certificate ~~and-number-plates~~ shall not be issued
 5 until legal ownership is definitely determined.

6 Sec. 66. Minnesota Statutes 2004, section 360.59,
 7 subdivision 5, is amended to read:

8 Subd. 5. [COMMISSIONER TO APPROVE.] The commissioner shall
 9 approve applications ~~and-issue-number-plates~~ for any aircraft.
 10 When an applicant is listing the same aircraft for taxation and
 11 registration for the second and succeeding time the registration
 12 certificate issued for the prior year need not be delivered to
 13 the commissioner; but in case of a transfer or sale the
 14 registration certificate therefor issued or proof of loss
 15 thereof by sworn statement shall be delivered to the
 16 commissioner. The commissioner shall be satisfied from the
 17 records that all taxes and fees due hereunder shall have been
 18 paid, and endorsements upon said certificate or sworn proof of
 19 loss in writing signed by the seller and purchaser, shall
 20 furnish proof that the applicant for registration is paying or
 21 receiving credit for the tax upon the aircraft of which the
 22 applicant is the rightful possessor.

23 Sec. 67. Minnesota Statutes 2004, section 360.59,
 24 subdivision 7, is amended to read:

25 Subd. 7. [TRANSFER OF OWNERSHIP.] Upon the transfer of
 26 ownership~~;~~ the destruction, theft, or dismantling ~~as-such~~~~;~~
 27 or the permanent removal by the owner thereof from this state,
 28 of any aircraft registered in accordance with ~~the-provisions-of~~
 29 sections 360.511 to 360.67, the right of the owner of such the
 30 aircraft to use the registration certificate ~~and-number-plates~~
 31 assigned such the aircraft ~~shall-expire,-and-such-certificate~~
 32 ~~and-any-existing-plates-shall-be,-by-such~~ expires. The
 33 owner~~;~~ shall forthwith ~~returned~~ return the certificate with
 34 transportation prepaid to the commissioner with a signed notice
 35 of the date and manner of termination of ownership, giving the
 36 name and post office address, with street and number~~;~~ if in a

1 city, of the person to whom transferred, ~~provided, however, that~~
2 ~~whenever the ownership of an aircraft shall be transferred to~~
3 ~~another who shall forthwith register the same in that person's~~
4 ~~name, the commissioner may permit the manual delivery of such~~
5 ~~plates to the new owner of such aircraft.~~ On becoming the owner
6 by gift, trade, or purchase of any aircraft for which a
7 registration certificate has been theretofore issued under the
8 ~~provisions of~~ sections 360.511 to 360.67, a person, including a
9 dealer or manufacturer, shall, within seven days after acquiring
10 ownership, join with the registered owner in transmitting with
11 an application the said registration certificate with the
12 assignment and notice of sale duly executed upon the reverse
13 side thereof, or in case of loss of such the certificate, with
14 such proof of loss by sworn statements in writing as shall be
15 satisfactory to the commissioner. Upon the transfer of any
16 aircraft by a manufacturer or dealer, for use within the state,
17 whether by sale, lease, or otherwise, such the manufacturer or
18 dealer shall, within seven days after such the transfer,
19 transmit the transferee's application for registration thereof
20 ~~and such.~~ The manufacturer or dealer shall each month file with
21 the commissioner a notice or report containing the date of
22 such the transfer, a description of such the aircraft, and the
23 name, street and number of residence, if in a city, and post
24 office address of the transferee.

25 Sec. 68. Minnesota Statutes 2004, section 360.59,
26 subdivision 8, is amended to read:

27 Subd. 8. [AMENDMENT, SUSPENSION, MODIFICATION,
28 REVOCATION.] All registrations ~~and issue of number plates shall~~
29 be are subject to amendment, suspension, modification, or
30 revocation by the commissioner summarily for any violation of or
31 neglect to comply with ~~the provisions of~~ sections 360.511 to
32 360.67. In any case where the proper registration of an
33 aircraft is dependent upon procuring information entailing such
34 delay as to unreasonably deprive the owner of the use of the
35 aircraft, the commissioner may issue a tax receipt ~~and plates~~
36 conditionally. In any case when revoking a registration for

1 cause, the commissioner shall-have has the authority to demand
2 the return of the number-plates-and registration certificate
3 and,-if-necessary,-to-seize-the-number-plates-issued-for-such
4 registration.

5 Sec. 69. Minnesota Statutes 2004, section 360.63,
6 subdivision 2, is amended to read:

7 Subd. 2. [~~DEALERS'-PLATES~~ AIRCRAFT DEMONSTRATION.] Any
8 ~~licensed-aircraft-dealer-may-apply-to-the-commissioner-for-one~~
9 ~~or-more-aircraft-dealers'-plates.--A-charge-of-\$15-shall-be-made~~
10 ~~for-each-such-plate.~~ Any aircraft owned by said an aircraft
11 dealer, licensed under this section, may be used for the purpose
12 of demonstration or for any purpose incident to the usual
13 conduct and operation of business as an aircraft dealer;
14 ~~provided-aircraft-dealers'-plates-are-conspicuously-attached-to~~
15 ~~the-aircraft-when-so-used,-and~~ provided said the aircraft has
16 been first listed with the commissioner on an aircraft
17 withholding form provided by the commissioner.

18 Sec. 70. Minnesota Statutes 2004, section 360.66, is
19 amended by adding a subdivision to read:

20 Subd. 3. [SAFETY ZONES AND LAND USE.] Notwithstanding any
21 contrary law in this chapter, Minnesota Rules, part 8800.2400,
22 or any administrative order, state safety zone A for the south
23 end of runway 17-35 at the Minneapolis-St. Paul International
24 Airport extends from the end of the primary surface a distance
25 of 500 feet on each side of the extended runway centerline
26 extending outward 4,667 feet. Zone A must not contain
27 buildings, temporary structures, exposed transmission lines, or
28 other similar land use structural hazards, and is restricted to
29 those uses that will not create, attract, or bring together an
30 assembly of persons in zone A. Permitted uses include, but are
31 not limited to, seasonal crops, horticulture, raising of
32 livestock, animal husbandry, wildlife habitat, light outdoor
33 nonspectator recreation, cemeteries, and automobile parking.
34 Existing structures found within safety zone A are deemed to be
35 safety hazards so severe that they must be prohibited and
36 removed. Any parcel of land that is partially in safety zone A

1 and is more than 50 percent outside safety zone A is exempt from
 2 these requirements. State safety zone B for the south end of
 3 runway 17-35 at the Minneapolis-St. Paul International Airport
 4 is consistent with the requirements of Minnesota Rules, part
 5 8800.2400, and includes any land that otherwise would have been
 6 in safety zone A under a strict application of the rule and
 7 must, at a minimum, meet the density requirements and prohibited
 8 uses in those rules.

9 Sec. 71. Minnesota Statutes 2004, section 360.67,
 10 subdivision 4, is amended to read:

11 Subd. 4. [FRAUD.] Any person who:

12 ~~{1} uses any number plates, label, or stamp or registration~~
 13 ~~certificate upon or in connection with any aircraft except the~~
 14 ~~one for which the same were duly issued, or upon any such~~
 15 ~~aircraft after the certificate, plates, label, or stamp or the~~
 16 ~~right to use the same have expired, or retains in possession or~~
 17 ~~fails to surrender as provided in sections 360.511 to 360.67 any~~
 18 ~~such number plates, label, stamp, or registration certificate;~~

19 ~~{2} displays, or causes to be displayed, or has in~~
 20 ~~possession any canceled, revoked, suspended, or fraudulently~~
 21 ~~obtained or stolen registration plates, label, or stamp;~~

22 ~~{3} lends the person's registration plates, label, or stamp~~
 23 ~~to any person or knowingly permits the use thereof by another;~~

24 ~~{4} displays or represents as the person's own any~~
 25 ~~registration plates, label, or stamp not issued to the person;~~
 26 ~~provided, this shall not apply to any legal change of ownership~~
 27 ~~of the aircraft to which the plates, label, or stamp are~~
 28 ~~attached;~~

29 ~~{5} uses a false or fictitious name or address or~~
 30 ~~description of the aircraft, engine number, or frame number in~~
 31 ~~any application for registration of an aircraft or knowingly~~
 32 ~~makes a false statement or knowingly conceals a material fact or~~
 33 ~~otherwise commits a fraud in any such application; or~~

34 ~~{6} defaces or alters any registration certificate or~~
 35 ~~number plates or retains the same in possession after the same~~
 36 ~~have been defaced or altered;~~

1 ~~shall-be~~ is guilty of a misdemeanor.

2 Sec. 72. Minnesota Statutes 2004, section 394.22,
3 subdivision 12, is amended to read:

4 Subd. 12. [OFFICIAL MAP.] "Official map" means a map
5 adopted in accordance with section 394.361, which may show
6 existing county roads and county state-aid highways, proposed
7 future county roads and highways, the area needed for widening
8 existing county roads and highways, and existing and future
9 state trunk highway rights-of-way. An official map may also
10 show the location of existing public land and facilities and
11 other land needed for future public purposes, including public
12 facilities such as parks, playgrounds, schools, and other public
13 buildings, civic centers, airports, and travel service
14 facilities. When requested in accordance with section 394.32,
15 subdivision 3, an official map may include existing and planned
16 public land uses within incorporated areas.

17 Sec. 73. Minnesota Statutes 2004, section 394.361,
18 subdivision 1, is amended to read:

19 Subdivision 1. [FUTURE PUBLIC USES.] Land that is needed
20 for future street and highway purposes, or for aviation
21 purposes, and as sites for other necessary public facilities and
22 services is frequently diverted to nonpublic uses which that
23 could have been located on other lands without hardship or
24 inconvenience to the owners. When this happens, public uses of
25 land may be denied or may be obtained later only at prohibitive
26 cost or at the expense of dislocating the owners and occupants
27 of the land. Identification on official maps of land needed for
28 future public uses permits both the public and private property
29 owners to adjust their building plans equitably and conveniently
30 before investments are made which that will make such
31 adjustments difficult to accomplish.

32 Sec. 74. Minnesota Statutes 2004, section 394.361,
33 subdivision 3, is amended to read:

34 Subd. 3. [EFFECT.] After an official map has been adopted
35 and filed, the issuance of land use or zoning permits or
36 approvals by the county ~~shall-be~~ is subject to the provisions of

1 this section. Whenever any street or highway is widened or
2 improved or any new street is opened, or interests in lands for
3 other public purposes, including aviation purposes, are acquired
4 by the county, it is not required in such proceedings to pay for
5 any building or structure placed without a permit or approval or
6 in violation of conditions of a permit or approval within the
7 limits of the mapped street or highway or outside of any
8 building line that may have been established upon the existing
9 street or within any area thus identified for public purposes, including aviation purposes. The adoption of official maps does
10 not give the county any right, title, or interest in areas
11 identified for public purposes thereon, but the adoption of a
12 map does authorize the county to acquire ~~such~~ these interests
13 without paying compensation for buildings or structures erected
14 in ~~such~~ those areas without a permit or approval or in violation
15 of the conditions of a permit or approval. ~~The provisions of~~
16 This subdivision ~~shall~~ does not apply to buildings or structures
17 in existence prior to the filing of the official map.

19 Sec. 75. Minnesota Statutes 2004, section 462.352,
20 subdivision 10, is amended to read:

21 Subd. 10. [OFFICIAL MAP.] "Official map" means a map
22 adopted in accordance with section 462.359, which may show
23 existing and proposed future streets, roads, and highways, and
24 airports of the municipality and county, the area needed for
25 widening of existing streets, roads, and highways of the
26 municipality and county, and existing and future county state
27 aid highways and state trunk highway rights-of-way. An official
28 map may also show the location of existing and future public
29 land and facilities within the municipality. In counties in the
30 metropolitan area as defined in section 473.121, official maps
31 may for a period of up to five years designate the boundaries of
32 areas reserved for purposes of soil conservation, water supply
33 conservation, flood control, and surface water drainage and
34 removal, including appropriate regulations protecting ~~such~~ those
35 areas against encroachment by buildings, or other physical
36 structures or facilities.

1 Sec. 76. Minnesota Statutes 2004, section 462.355,
2 subdivision 4, is amended to read:
3 Subd. 4. [INTERIM ORDINANCE.] If a municipality is
4 conducting studies or has authorized a study to be conducted or
5 has held or has scheduled a hearing for the purpose of
6 considering adoption or amendment of a comprehensive plan or
7 official controls as defined in section 462.352, subdivision 15,
8 or if new territory for which plans or controls have not been
9 adopted is annexed to a municipality, the governing body of the
10 municipality may adopt an interim ordinance applicable to all or
11 part of its jurisdiction for the purpose of protecting the
12 planning process and the health, safety and welfare of its
13 citizens. The interim ordinance may regulate, restrict, or
14 prohibit any use, development, or subdivision within the
15 jurisdiction or a portion thereof for a period not to exceed one
16 year from the date it is effective. The period of an interim
17 ordinance applicable to an area that is affected by a city's
18 master plan for a municipal airport may be extended for such
19 additional periods as the municipality may deem appropriate, not
20 exceeding a total additional period of 18 months ~~in-the-case~~
21 ~~where-the-Minnesota-Department-of-Transportation-has-requested-a~~
22 ~~city-to-review-its-master-plan-for-a-municipal-airport-prior-to~~
23 ~~August-17-2004~~. In all other cases, no interim ordinance may
24 halt, delay, or impede a subdivision ~~which~~ that has been given
25 preliminary approval, nor may any interim ordinance extend the
26 time deadline for agency action set forth in section 15.99 with
27 respect to any application filed prior to the effective date of
28 the interim ordinance. The governing body of the municipality
29 may extend the interim ordinance after a public hearing and
30 written findings have been adopted based upon one or more of the
31 conditions in clause (1), (2), or (3). The public hearing must
32 be held at least 15 days but not more than 30 days before the
33 expiration of the interim ordinance, and notice of the hearing
34 must be published at least ten days before the hearing. The
35 interim ordinance may be extended for the following conditions
36 and durations, but, except as provided in clause (3), an interim

1 ordinance may not be extended more than an additional 18 months:

2 (1) up to an additional 120 days following the receipt of
3 the final approval or review by a federal, state, or
4 metropolitan agency when the approval is required by law and the
5 review or approval has not been completed and received by the
6 municipality at least 30 days before the expiration of the
7 interim ordinance;

8 (2) up to an additional 120 days following the completion
9 of any other process required by a state statute, federal law,
10 or court order, when the process is not completed at least 30
11 days before the expiration of the interim ordinance; or

12 (3) up to an additional one year if the municipality has
13 not adopted a comprehensive plan under this section at the time
14 the interim ordinance is enacted.

15 Sec. 77. Minnesota Statutes 2004, section 462.359,
16 subdivision 1, is amended to read:

17 Subdivision 1. [STATEMENT OF PURPOSE.] Land that is needed
18 for future street purposes or for aviation purposes and as sites
19 for other necessary public facilities and services is frequently
20 diverted to nonpublic uses which that could have been located on
21 other lands without hardship or inconvenience to the owners.
22 When this happens, public uses of land may be denied or may be
23 obtained later only at prohibitive cost or at the expense of
24 dislocating the owners and occupants of the land.

25 Identification on an official map of land needed for future
26 public uses permits both the public and private property owners
27 to adjust their building plans equitably and conveniently before
28 investments are made which that will make such adjustments
29 difficult to accomplish.

30 Sec. 78. Minnesota Statutes 2004, section 462.359,
31 subdivision 3, is amended to read:

32 Subd. 3. [EFFECT.] After an official map has been adopted
33 and filed, the issuance of building permits by the municipality
34 ~~shall-be is~~ subject to the-provisions-of this section. Whenever
35 any street or highway is widened or improved or any new street
36 is opened, or interests in lands for other public purposes,

1 including aviation purposes, are acquired by the municipality,
2 it is not required in such proceedings to pay for any building
3 or structure placed without a permit or in violation of
4 conditions of a permit within the limits of the mapped street or
5 outside of any building line that may have been established upon
6 the existing street or within any area thus identified for
7 public purposes. The adoption of an official map does not give
8 the municipality any right, title, or interest in areas
9 identified for public purposes thereon, but the adoption of the
10 map does authorize the municipality to acquire ~~such~~ interests
11 without paying compensation for buildings or structures erected
12 in ~~such~~ those areas without a permit or in violation of the
13 conditions of a permit.

14 Sec. 79. [ADDITIONAL DEPUTY REGISTRAR OF MOTOR VEHICLES
15 FOR HENNEPIN COUNTY.]

16 Notwithstanding Minnesota Statutes, section 168.33, and
17 rules adopted by the commissioner of public safety, limiting
18 sites for the office of deputy registrar based on either the
19 distance to an existing deputy registrar office or the annual
20 volume of transactions processed by any deputy registrar within
21 Hennepin County before or after the proposed appointment, the
22 commissioner of public safety shall appoint a new deputy
23 registrar of motor vehicles for Hennepin County to operate a new
24 full-service Office of Deputy Registrar, with full authority to
25 function as a registration and motor vehicle tax collection
26 bureau, at the Midtown Exchange Building in the city of
27 Minneapolis. All other provisions regarding the appointment and
28 operation of a deputy registrar of motor vehicles under
29 Minnesota Statutes, section 168.33, and Minnesota Rules, chapter
30 7406, apply to the office.

31 [EFFECTIVE DATE.] This section is effective the day
32 following final enactment.

33 Sec. 80. [CHILD PASSENGER RESTRAINT LAW AWARENESS
34 CAMPAIGN.]

35 The commissioner of public safety shall conduct a child
36 passenger restraint law awareness campaign by developing and

1 distributing education materials, making public service
2 announcements through mass media throughout the state, and
3 implementing other education and awareness activities to educate
4 the public about state laws concerning child restraint in
5 vehicles and to inform individuals in financial need how to
6 obtain child restraint systems at no cost.

7 Sec. 81. [MAXIMUM SPEED IN CITY OF ORR.]

8 In order to eliminate or reduce local safety hazards, a
9 railway corporation may not permit a train to be operated at a
10 speed in excess of 30 miles per hour while any portion of the
11 engine or train is within the limits of the city of Orr in St.
12 Louis County.

13 [EFFECTIVE DATE; LOCAL APPROVAL.] This section is effective
14 the day after the governing body of the city of Orr and its
15 chief clerical officer comply with Minnesota Statutes, section
16 645.021, subdivisions 2 and 3.

17 Sec. 82. [RAMP METERS DEACTIVATED.]

18 (a) Based on the "Twin Cities Ramp Meter Evaluation,"
19 published pursuant to Laws 2000, chapter 479, article 1, section
20 8, on pertinent camera-surveillance observations of the Traffic
21 Management Center, and on other traffic management evaluations
22 and findings of the Department of Transportation, the
23 commissioner of transportation shall deactivate, by August 1,
24 2005, the 100 access ramp meters in the seven-county
25 metropolitan area found by the commissioner to be the least
26 effective or beneficial in cost and time for controlling traffic
27 congestion.

28 (b) On August 1, 2005, any money appropriated for the
29 operation and support of those 100 meters cancels to the fund
30 from which appropriated.

31 [EFFECTIVE DATE.] This section is effective the day
32 following final enactment.

33 Sec. 83. [RULE CHANGE; INSTRUCTION TO REVISOR.]

34 The revisor of statutes shall change Minnesota Rules, part
35 8820.3300, subpart 2, to require that comments be directed to
36 the commissioner of transportation in conformity with the same

1 period allowed for written objections to be received by the
2 commissioner under this act's amendments to Minnesota Statutes
3 2004, sections 162.02, subdivision 3a, and 162.09, subdivision
4 3a. The rule change is effective the same day as the effective
5 date of this act's amendments to Minnesota Statutes 2004,
6 sections 162.02, subdivision 3a, and 162.09, subdivision 3a.

7 Sec. 84. [REPEALER.]

8 Minnesota Statutes 2004, sections 168.011, subdivision 19;
9 168.15, subdivision 2; and 360.59, subdivisions 4 and 9, are
10 repealed."

11 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1089A-4) to S.F. No. 1089 as follows:

3 Page 64, after line 13, insert:

4 "Sec. 79. Minnesota Statutes 2004, section 473.123,
5 subdivision 2a, is amended to read:

6 Subd. 2a. [TERMS.] Following each apportionment of council
7 districts, as provided under subdivision 3a, council members
8 must be appointed from newly drawn districts as provided in
9 subdivision 3a. At the time of appointment, each council
10 member, other than the chair, must reside in the council
11 district represented and must have resided in the council
12 district for at least six months and in the state for at least
13 one year immediately preceding the appointment. Each council
14 district must be represented by one member of the council. The
15 terms of members end with the term of the governor, except that
16 all terms expire on the effective date of the next
17 apportionment. A member serves at the pleasure of the
18 governor. A member shall continue to serve the member's
19 district until a successor is appointed and qualified; except
20 that, following each apportionment, the member shall continue to
21 serve at large until the governor appoints 16 council members,
22 one from each of the newly drawn council districts as provided
23 under subdivision 3a, to serve terms as provided under this
24 section. The appointment to the council must be made by the
25 first Monday in March of the year in which the term ends.

26 Sec. 80. Minnesota Statutes 2004, section 473.123,
27 subdivision 3, is amended to read:

28 Subd. 3. [MEMBERSHIP; APPOINTMENT; QUALIFICATIONS.] (a)
29 Sixteen members must be appointed by the governor from districts
30 defined by this section. At the time of appointment, each
31 council member must reside in the council district
32 represented and must have resided in the council district for at
33 least six months and in the state for at least one year
34 immediately preceding the appointment. Each council district
35 must be represented by one member of the council.

36 (b) In addition to the notice required by section 15.0597,

1 subdivision 4, notice of vacancies and expiration of terms must
2 be published in newspapers of general circulation in the
3 metropolitan area and the appropriate districts. The governing
4 bodies of the statutory and home rule charter cities, counties,
5 and towns having territory in the district for which a member is
6 to be appointed must be notified in writing. The notices must
7 describe the appointments process and invite participation and
8 recommendations on the appointment.

9 (c) The governor shall create a nominating committee,
10 composed of seven metropolitan citizens appointed by the
11 governor, to nominate persons for appointment to the council
12 from districts. Three of the committee members must be local
13 elected officials. Following the submission of applications as
14 provided under section 15.0597, subdivision 5, the nominating
15 committee shall conduct public meetings, after appropriate
16 notice, to accept statements from or on behalf of persons who
17 have applied or been nominated for appointment and to allow
18 consultation with and secure the advice of the public and local
19 elected officials. The committee shall hold the meeting on each
20 appointment in the district or in a reasonably convenient and
21 accessible location in the part of the metropolitan area in
22 which the district is located. The committee may consolidate
23 meetings. Following the meetings, the committee shall submit to
24 the governor a list of nominees for each appointment. The
25 governor is not required to appoint from the list.

26 (d) Before making an appointment, the governor shall
27 consult with all members of the legislature from the council
28 district for which the member is to be appointed.

29 (e) Appointments to the council are subject to the advice
30 and consent of the senate as provided in section 15.066.

31 (f) Members of the council must be appointed to reflect
32 fairly the various demographic, political, and other interests
33 in the metropolitan area and the districts.

34 (g) Members of the council must be persons knowledgeable
35 about urban and metropolitan affairs.

36 (h) Any vacancy in the office of a council member shall

1 immediately be filled for the unexpired term. In filling a
2 vacancy, the governor may forgo the requirements of paragraph
3 (c) if the governor has made appointments in full compliance
4 with the requirements of this subdivision within the preceding
5 12 months.

6 Sec. 81. Minnesota Statutes 2004, section 473.604,
7 subdivision 1, is amended to read:

8 Subdivision 1. [COMPOSITION.] The commission consists of:

9 (1) the mayor of each of the cities, or a qualified voter
10 appointed by the mayor, for the term of office as mayor;

11 (2) eight members, appointed by the governor from each of
12 the following agency districts:

13 (i) district A, consisting of council districts 1 and 2;

14 (ii) district B, consisting of council districts 3 and 4;

15 (iii) district C, consisting of council districts 5 and 6;

16 (iv) district D, consisting of council districts 7 and 8;

17 (v) district E, consisting of council districts 9 and 10;

18 (vi) district F, consisting of council districts 11 and 12;

19 (vii) district G, consisting of council districts 13 and

20 14; and

21 (viii) district H, consisting of council districts 15 and
22 16.

23 At the time of appointment, each member shall be a resident of
24 the district represented and must have been a resident of the
25 council district for at least six months and of the state for at
26 least one year immediately preceding the appointment. Before
27 making an appointment, the governor shall consult with each
28 member of the legislature from the district for which the member
29 is to be appointed, to solicit the legislator's recommendation
30 on the appointment;

31 (3) four members appointed by the governor from outside of
32 the metropolitan area to reflect fairly the various regions and
33 interests throughout the state that are affected by the
34 operation of the commission's major airport and airport system.
35 Two of these members must be residents of statutory or home rule
36 charter cities, towns, or counties containing an airport

1 designated by the commissioner of transportation as a key
2 airport. The other two must be residents of statutory or home
3 rule charter cities, towns, or counties containing an airport
4 designated by the commissioner of transportation as an
5 intermediate airport. The members must be appointed by the
6 governor as follows: one for a term of one year, one for a term
7 of two years, one for a term of three years, and one for a term
8 of four years. All of the terms start on July 1, 1989. The
9 successors of each member must be appointed to four-year terms
10 commencing on the first Monday in January of each fourth year
11 after the expiration of the original term. Before making an
12 appointment, the governor shall consult each member of the
13 legislature representing the municipality or county from which
14 the member is to be appointed, to solicit the legislator's
15 recommendation on the appointment; and

16 (4) a chair appointed by the governor for a term of four
17 years. The chair may be removed at the pleasure of the governor.

18 **[EFFECTIVE DATE; APPLICATION.]** Sections 79 to 81 apply in
19 the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott,
20 and Washington and are effective for appointments made on or
21 after January 1, 2007."

22 Renumber the sections in sequence and correct the internal
23 references

24 Amend the title accordingly

1 Senator moves to amend S.F. No. as
2 follows:

3 Page, after line, insert:

4 "Sec. ... Minnesota Statutes 2004, section 171.13,
5 subdivision 1, is amended to read:

6 Subdivision 1. [EXAMINATION SUBJECTS TESTED AND LOCATIONS;
7 ENGLISH REQUIREMENT; PROVISIONS FOR COLOR BLINDNESS, DISABLED
8 VETERANS.] (a) Except as otherwise provided in this section, the
9 commissioner shall examine each applicant for a driver's license
10 by such agency as the commissioner directs. The commissioner
11 may not give the examination in any language other than English.

12 (b) This examination must include a test of the applicant's
13 eyesight; ability to read and understand highway signs
14 regulating, warning, and directing traffic; knowledge of traffic
15 laws; knowledge of the effects of alcohol and drugs on a
16 driver's ability to operate a motor vehicle safely and legally,
17 and of the legal penalties and financial consequences resulting
18 from violations of laws prohibiting the operation of a motor
19 vehicle while under the influence of alcohol or drugs; knowledge
20 of railroad grade crossing safety; knowledge of slow-moving
21 vehicle safety; knowledge of traffic laws related to
22 bicycles; an and actual demonstration-of ability to demonstrate
23 the exercise of ordinary and reasonable control in the operation
24 of a motor vehicle; and. This examination must include other
25 physical and mental examinations as the commissioner finds
26 necessary to determine the applicant's fitness to operate a
27 motor vehicle safely upon the highways; provided, further,

28 (c) However, ~~no-driver's-license~~ the commissioner shall be
29 denied not deny an applicant a driver's license on the exclusive
30 grounds that the applicant's eyesight is deficient in color
31 perception. ~~Provided, however, that~~

32 (d) War veterans operating motor vehicles especially
33 equipped for handicapped persons, ~~shall,~~ if otherwise entitled
34 to a driver's license, must be granted such the license.

35 (e) The commissioner shall make provision for giving these
36 examinations either in the county where the applicant resides or

1 at a place adjacent thereto reasonably convenient to the
2 applicant."

3 Page ..., after line .., insert:

4 "Sec. ... [REPEALER; INSTRUCTION TO REVISOR.]

5 Minnesota Rules, part 7410.4740, item A, is repealed.

6 The revisor of statutes shall delete that provision from
7 the next publication of Minnesota Rules and make other style and
8 form changes necessitated by its deletion, including correcting
9 or deleting any relevant cross-references to Minnesota Rules,
10 part 7410.4740."

11 Renumber the sections in sequence and correct the internal
12 references

13 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1089A-4) to S.F. No. 1089 as follows:

3 Page 64, after line 32, insert:

4 "Sec. 80. [MORATORIUM ON AIRPORT PLANNING AND FACILITIES
5 DEMOLITION.]

6 The Metropolitan Airports Commission must not officially
7 consider, plan for, or authorize work on the Northwest Airlines
8 expansion plan 20/20 vision or allow demolition of Northwest
9 Airlines maintenance or hangar facilities at the Minneapolis-St.
10 Paul International Airport without specific authorization of the
11 legislature.

12 [EFFECTIVE DATE.] This section is effective the day
13 following final enactment."

14 Renumber the sections in sequence and correct the internal
15 references

16 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1089A-4) to S.F. No. 1089 as follows:

3 Page 14, after line 22, insert:

4 "Sec. 25. Minnesota Statutes 2004, section 169.01, is
5 amended by adding a subdivision to read:

6 Subd. 91. [SCHOOL ZONE.] "School zone" means that section
7 of a street or highway that abuts the grounds of a school where
8 children have access to the street or highway from the school
9 property or where an established school crossing is located;
10 provided, the school advance sign prescribed by the Manual on
11 Uniform Traffic Control Devices adopted by the commissioner of
12 transportation pursuant to section 169.06 is in place. All
13 signs erected by local authorities to designate speed limits in
14 school zones must conform to the Manual on Uniform Traffic
15 Control Devices."

16 Page 19, line 22, delete "and"

17 Page 19, line 23, reinstate the stricken language

18 Page 19, line 24, reinstate the stricken "(7)"

19 Page 19, line 26, before the period, insert "25 miles per
20 hour in school zones"

21 Page 20, after line 7, insert:

22 "Sec. 31. Minnesota Statutes 2004, section 169.14,
23 subdivision 4, is amended to read:

24 Subd. 4. [ESTABLISHMENT OF ZONES BY COMMISSIONER.] Except
25 as provided in subdivision 5a, on determining upon the basis of
26 an engineering and traffic investigation that any speed set
27 forth in this section is greater or less than is reasonable or
28 safe under the conditions found to exist on any trunk highway or
29 upon any part thereof, the commissioner may erect appropriate
30 signs designating a reasonable and safe speed limit ~~thereat,~~
31 which ~~speed-limit-shall-be~~ becomes effective when ~~such~~ the signs
32 are erected there. Any ~~speeds~~ speed in excess of ~~such~~ these
33 limits ~~shall-be~~ is prima facie evidence that the speed is not
34 reasonable or prudent and that it is unlawful; except that any
35 speed limit within any municipality ~~shall-be~~ or within any
36 school zone is a maximum limit and any speed in excess thereof

1 ~~shall-be~~ of that limit is unlawful. On determining upon that
 2 basis that a part of the trunk highway system outside a
 3 municipality should be a zone of maximum speed limit, the
 4 commissioner may establish that part as such a zone by erecting
 5 appropriate signs showing the beginning and end of the zone,
 6 designating a reasonable and safe speed therefor, which may be
 7 different than the speed set forth in this section, and that it
 8 is a zone of maximum speed limit. The speed so designated by
 9 the commissioner within any such zone ~~shall-be~~ is a maximum
 10 speed limit, and speed in excess of ~~such~~ that limit ~~shall-be~~ is
 11 unlawful. The commissioner may in the same manner from time to
 12 time alter the boundary of such a zone and the speed limit
 13 therein or eliminate ~~such~~ the zone."

14 Page 20, after line 29, insert:

15 "Sec. 33. Minnesota Statutes 2004, section 169.14,
 16 subdivision 5a, is amended to read:

17 Subd. 5a. [SPEED ZONING IN SCHOOL ZONE; SURCHARGE.] (a) A
 18 local authorities authority, with the agreement of a school
 19 board or nonpublic school administration, may establish a ~~school~~
 20 speed limit that is less than 25 miles per hour within a school
 21 zone of a public or nonpublic school ~~upon-the-basis-of-an~~
 22 ~~engineering-and-traffic-investigation-as-prescribed-by-the~~
 23 ~~commissioner-of-transportation~~ located on a street or highway
 24 within the jurisdiction of the local authority. The
 25 establishment of a school speed limit that is more than or less
 26 than 25 miles per hour on any trunk highway shall must be with
 27 ~~the-consent~~ by agreement of the commissioner of transportation
 28 with the school board or, in the case of a nonpublic school,
 29 with the school's administrator. ~~Such~~ School speed limits ~~shall~~
 30 be are in effect when children are present, going to or leaving
 31 school during opening or closing hours or during school recess
 32 periods. ~~The-school-speed-limit-shall-not-be-lower-than-15~~
 33 ~~miles-per-hour-and-shall-not-be-more-than-30-miles-per-hour~~
 34 ~~below-the-established-speed-limit-on-an-affected-street-or~~
 35 ~~highway.~~

36 (b) The school speed limit ~~shall-be~~ becomes effective upon

1 the erection of appropriate signs designating the speed and
2 indicating the beginning and end of the reduced speed zone. Any
3 speed in excess of such the posted school speed limit is
4 unlawful. ~~All-such~~ These signs shall must be erected by the
5 local authorities on those streets and highways under their
6 respective jurisdictions and by the commissioner of
7 transportation on trunk highways.

8 (c) ~~For-the-purpose-of-this-subdivision,--"school-zone"~~
9 ~~means-that-section-of-a-street-or-highway-which-abuts-the~~
10 ~~grounds-of-a-school-where-children-have-access-to-the-street-or~~
11 ~~highway-from-the-school-property-or-where-an-established-school~~
12 ~~crossing-is-located-provided-the-school-advance-sign-prescribed~~
13 ~~by-the-manual-on-uniform-traffic-control-devices-adopted-by-the~~
14 ~~commissioner-of-transportation-pursuant-to-section-169-06-is-in~~
15 ~~place.--All-signs-erected-by-local-authorities-to-designate~~
16 ~~speed-limits-in-school-zones-shall-conform-to-the-Manual-on~~
17 ~~Uniform-Control-Devices.~~

18 (d) Notwithstanding section 609.0331 or 609.101 or other
19 law to the contrary, a person who violates a speed limit
20 established under this subdivision is assessed an additional
21 surcharge equal to the amount of the fine imposed for the
22 violation, but not less than \$25."

23 Renumber the sections in sequence and correct the internal
24 references

25 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1089A-4) to S.F. No. 1089 as follows:

3 Page 12, after line 17, insert:

4 "Sec. 21. Minnesota Statutes 2004, section 168.185, is
5 amended to read:

6 168.185 [USDOT NUMBERS.]

7 (a) An owner of a truck or truck-tractor having a gross
8 vehicle weight of more than 10,000 pounds, as defined in section
9 169.01, subdivision 46, other than a farm truck, shall report to
10 the registrar at the time of registration its USDOT carrier
11 number. A person subject to this paragraph who does not have a
12 USDOT number shall apply for the number at the time of
13 registration by completing a form MCS-150 Motor Carrier
14 Identification Report, issued by the Federal Motor Carrier
15 Safety Administration, or comparable document as determined by
16 the registrar. The registrar shall not assign a USDOT carrier
17 number to a vehicle owner who is not subject to this paragraph.

18 (b) Assigned USDOT numbers need not be displayed on the
19 outside of the vehicle, but must be made available upon request
20 of an authorized agent of the registrar, peace officer, other
21 employees of the State Patrol authorized in chapter 299D, or
22 employees of the Minnesota Department of Transportation. The
23 vehicle owner shall notify the registrar if there is a change to
24 the owner's USDOT number.

25 (c) If an owner fails to report or apply for a USDOT
26 number, the registrar shall suspend the owner's registration.

27 (d) Until October 1, 2003, paragraphs (a) to (c) do not
28 apply to an agricultural fertilizer or agricultural chemical
29 retailer while exclusively engaged in delivering fertilizer or
30 agricultural chemicals to a farmer for on-farm use."

31 Renumber the sections in sequence and correct the internal
32 references

33 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1089A-4) to S.F. No. 1089 as follows:

3 Page 28, after line 28, insert:

4 "Sec. 40. Minnesota Statutes 2004, section 169.733, is
5 amended to read:

6 169.733 [WHEEL FLAPS ON TRUCK AND TRAILER.]

7 Subdivision 1. [VEHICLES GENERALLY.] Every truck,
8 truck-tractor, trailer, semitrailer, pole trailer, and rear-end
9 dump truck, excepting rear-end dump farm trucks ~~and military~~
10 ~~vehicles-of-the-United-States, shall~~ must be provided with wheel
11 flaps or other suitable protection above and behind the rearmost
12 wheels of the vehicle or combination of vehicles to prevent, as
13 far as practicable, such wheels from throwing dirt, water, or
14 other materials on the windshields of following vehicles which
15 ~~follow. Such~~ The flaps or protectors ~~shall~~ must be at least
16 as wide as the tires they are protecting and ~~shall~~ have a ground
17 clearance of not more than ~~one-fifth-of-the-horizontal-distance~~
18 ~~from-the-center-of-the-rearmost-axle-to-the-flap-under-any~~
19 ~~conditions-of-loading-or-operation-of-the-motor~~ nine inches from
20 the ground when the vehicle is empty.

21 Subd. 2. [VEHICLE WITH CONVEYOR BELT.] For a dump truck or
22 truck with a rigid box fastened to its frame and having a
23 conveyor belt or chain in the bottom of the vehicle which that
24 moves the cargo to the rear end of the vehicle, the flaps ~~shall~~
25 must be mounted as far to the rear of the vehicle as practicable
26 and ~~shall~~ have a ground clearance of not more than 18 inches
27 when the vehicle is loaded.

28 Subd. 3. [BOTTOM-DUMP VEHICLE.] In addition to meeting the
29 requirements of subdivision 1, a bottom-dump cargo vehicle
30 transporting sand, gravel, aggregate, dirt, lime rock, silica,
31 or similar material must be equipped with ~~flaps-that-are-mounted~~
32 ~~to-the-rear-of-the-axles, cover-the-entire-width-of-the-vehicle,~~
33 and a center flap between the wheel flaps, which must have a
34 ground clearance of six inches or less when the vehicle is fully
35 loaded.

36 Subd. 4. [ALTERNATIVE REQUIREMENTS.] If the motor vehicle

1 is so designed and constructed that the above requirements are
2 accomplished by means of body construction or other means of
3 enclosure, then no such protectors or flaps ~~shall-be~~ are
4 required.

5 Subd. 5. [EXTENDED FLAPS.] If the rear wheels are not
6 covered at the top by fenders, body or other parts of the
7 vehicle, the flap or other protective means ~~shall~~ must be
8 extended at least to a point directly above the center of the
9 rearmost axle.

10 ~~Subd. 6. [LAMPS OR WIRING.] Lamps or wiring shall not be~~
11 ~~attached to fender flaps."~~

12 Renumber the sections in sequence and correct the internal
13 references

14 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1089A-4) to S.F. No. 1089 as follows:

3 Page 17, after line 19, insert:

4 "Sec. 26. Minnesota Statutes 2004, section 169.06, is
5 amended by adding a subdivision to read:

6 Subd. 5b. [POSSESSION OF OVERRIDE DEVICE.] (a) For
7 purposes of this subdivision, "traffic signal-override device"
8 means a device mounted in a motor vehicle that permits
9 activation of a traffic signal-override system described in
10 subdivision 5a.

11 (b) No person may operate a motor vehicle that contains a
12 traffic signal-override device, other than:

13 (1) an authorized emergency vehicle described in section
14 169.01, subdivision 5, clause (1), (2), or (3);

15 ~~(2) a vehicle engaged in providing regular-route public~~
16 ~~transit~~

17 ~~2 (3) a signal maintenance vehicle of a road authority; or~~

18 ~~3 (4) a vehicle authorized to contain such a device by order~~
19 ~~of the commissioner of public safety~~ *including, but not limited to,*

20 (c) No person may possess a traffic signal-override device,
21 other than:

22 (1) a person authorized to operate a vehicle described in
23 paragraph (b), clauses (1) and (2), but only for use in such a
24 vehicle;

25 (2) a person authorized by a road authority to perform
26 signal maintenance, while engaged in such maintenance; or

27 (3) a person authorized by order of the commissioner of
28 public safety to possess such a device, but only to the extent
29 authorized in the order.

30 (d) A violation of this subdivision is a misdemeanor."

31 Renumber the sections in sequence and correct the internal
32 references

33 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1089A-4) to S.F. No. 1089 as follows:

3 Page 16, line 17, strike "or"

4 Page 16, line 24, before the period, insert "; or (C) the
5 driver of a vehicle on a metered ramp may proceed without
6 stopping despite a red signal when there are no other vehicles
7 on the ramp or on any intersecting ramp, and no vehicle passed
8 the meter during the previous green signal"

1 Senator moves to amend the delete-everything
2 amendment (SCS1089A-4) to S.F. No. 1089 as follows:

3 Page 23, after line 10, insert:

4 "Sec. 34. Minnesota Statutes 2004, section 169.345,
5 subdivision 1, is amended to read:

6 Subdivision 1. [SCOPE OF PRIVILEGE.] (a) Except as
7 provided to the contrary in paragraph (c) or (d), a vehicle that
8 prominently displays the certificate authorized by this section
9 or that bears license plates issued under section 168.021, may
10 be parked by or solely for the benefit of a physically disabled
11 person:

12 (1) in a designated parking space for disabled persons, as
13 provided in section 169.346;

14 (2) in a metered parking space without obligation to pay
15 the meter fee and without time restrictions unless time
16 restrictions are separately posted on official signs; and

17 (3) without time restrictions in a nonmetered space where
18 parking is otherwise allowed for passenger vehicles but
19 restricted to a maximum period of time and which does not
20 specifically prohibit the exercise of disabled parking
21 privileges in that space.

22 A person may park a vehicle for a physically disabled person in
23 a parking space described in clause (1) or (2) only when
24 actually transporting the physically disabled person for the
25 sole benefit of that person and when the parking space is within
26 a reasonable distance from the drop-off point.

27 (b) For purposes of this subdivision, a certificate is
28 prominently displayed if it is displayed so that it may be
29 viewed from the front and rear of the vehicle by hanging it from
30 the rearview mirror attached to the front windshield of the
31 vehicle, section 169.71, subdivision 1, to the contrary
32 notwithstanding. If there is no rearview mirror or if the
33 certificate holder's disability precludes placing the
34 certificate on the mirror, the placard must be displayed on the
35 dashboard on the driver's side of the vehicle. No part of the
36 certificate may be obscured.

1 (c) Notwithstanding paragraph (a), clauses (1), (2), and
2 (3), this section does not permit parking in areas prohibited by
3 ~~sections~~ section 169.32 and or 169.34, in designated no parking
4 spaces, in designated "van permit only" disability parking
5 spaces without the sticker issued under paragraph (d), or in
6 parking spaces reserved for other specified purposes or
7 vehicles. A local governmental unit may, by ordinance, prohibit
8 parking on any street or highway to create a fire lane, or to
9 accommodate heavy traffic during morning and afternoon rush
10 hours and these ordinances also apply to physically disabled
11 persons.

12 (d) In addition to the parking authority granted under
13 paragraph (a), a motor vehicle displaying a special
14 purple-on-white label or sticker in the top corner of the
15 windshield on the driver's side, which is used exclusively by a
16 physically disabled person requiring extra space alongside the
17 vehicle for a wheelchair or similar conveyance when accessing or
18 leaving the vehicle, and only that motor vehicle, may be parked
19 by or solely for the benefit of that person in a parking space
20 for disabled persons designated as "van permit only." The
21 commissioner of public safety, after consultation with the state
22 Council on Disability, shall design this special purple-on-white
23 label or sticker for issuance to disabled persons whom the
24 commissioner considers eligible to use "van permit only" parking
25 spaces.

26 Sec. 35. Minnesota Statutes 2004, section 169.346,
27 subdivision 1, is amended to read:

28 Subdivision 1. [DISABILITY PARKING SPACE PROHIBITIONS.]

29 (a) A person shall not:

30 (1) park a motor vehicle in or obstruct access to a parking
31 space designated and reserved for the physically disabled, on
32 either private or public property;

33 (2) park a motor vehicle in or obstruct access to an area
34 designated by a local governmental unit as a transfer zone for
35 disabled persons;

36 (3) exercise the parking privilege provided in section

1 169.345, unless:

2 (i) that person is a physically disabled person as defined
3 in section 169.345, subdivision 2, or the person is transporting
4 or parking a vehicle for a physically disabled person; and

5 (ii) the vehicle visibly displays one of the following: a
6 license plate issued under section 168.021, a certificate issued
7 under section 169.345, a temporary permit valid for 30 days
8 issued under section 168.021 or 169.345, or an equivalent
9 certificate, insignia, or license plate issued by another state,
10 a foreign country, or one of its political subdivisions; or

11 (4) park a motor vehicle in an area used as a regular route
12 transit stopping point where a transit vehicle that is
13 accessible to the physically disabled regularly stops and a sign
14 that bears the international symbol of access in white on blue
15 is posted. A sign posted under this clause may display other
16 information relating to the regular route transit service. For
17 purposes of this clause, an area used as a regular route transit
18 stopping point consists of the 80 feet immediately preceding the
19 sign described in this clause.

20 (b) A person, whether disabled or not, shall not park a
21 motor vehicle that is not displaying the special purple-on-white
22 label or sticker issued under section 169.345, subdivision 1,
23 paragraph (d), in a parking space designated as "van permit
24 only." A person who violates this paragraph is guilty of a
25 misdemeanor and subject to a penalty under subdivision 3.

26 Sec. 36. Minnesota Statutes 2004, section 169.346,
27 subdivision 2, is amended to read:

28 Subd. 2. [DISABILITY PARKING SPACE SIGNS.] (a) Parking
29 spaces reserved for physically disabled persons must be
30 designated and identified by the posting of signs incorporating
31 the international symbol of access in white on blue and
32 indicating that violators are subject to a fine of up to \$200.

33 (b) Parking spaces reserved only for physically disabled
34 persons operating or being transported in motor vehicles that
35 display the special purple-on-white label or sticker affixed to
36 the van's windshield in the top corner on the driver's side,

1 must be designated and identified with an additional
2 purple-on-white "van permit only" sign attached to the signs
3 described in paragraph (a).

4 (c) These parking spaces are reserved for disabled persons
5 with vehicles displaying the required certificate, license
6 plates, temporary permit valid for 30 days, or insignia and, for
7 motor vehicles parking in "van permit only" spaces, displaying
8 the special purple-on-white label or sticker. Signs-sold

9 (d) After August 1, 1991 2005, signs posted for parking
10 spaces reserved for physically disabled persons in parking areas
11 or lots providing more than 100 total parking spaces must
12 conform to the design requirements in this-paragraph paragraphs
13 (a) and (b); except that a "van accessible" sign sold before
14 August 2, 2005, conforms to this subdivision if the owner
15 attaches a purple-on-white label or sticker that reads "van
16 permit only" and that completely covers the words "van
17 accessible." The owner of a parking lot or area consisting of
18 100 or fewer total parking spaces is not required to provide a
19 parking space designated as "van permit only" but shall continue
20 to provide any "van accessible" spaces provided before August 2,
21 2005.

22 ~~(b)~~ (e) For purposes of this subdivision, a parking space
23 that is clearly identified as reserved for physically disabled
24 persons by a permanently posted sign that does not meet all
25 design standards, is considered designated and reserved for
26 physically disabled persons. A sign posted for the purpose of
27 this section must be visible from inside a vehicle parked in the
28 space, be kept clear of snow or other obstructions which block
29 its visibility, and be nonmovable or only movable by authorized
30 persons.

31 **[EFFECTIVE DATE AND GRACE PERIOD FOR PHYSICALLY DISABLED**
32 **VIOLATOR.]** Sections 34 to 36 are effective August 1, 2005, for
33 handicapped parking offenses committed on or after that date;
34 except that, from August 1, 2005, through July 31, 2006, a
35 physically disabled person who parks a vehicle and does not
36 violate Minnesota Statutes, section 169.346, paragraph (a),

1 clause (3), but does violate Minnesota Statutes, section
2 169.346, subdivision 1, paragraph (b), as amended by this act,
3 must be issued only a warning citation accompanied by an
4 information brochure about the offense."

5 Renumber the sections in sequence and correct the internal
6 references

7 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1089A-4) to S.F. No. 1089 as follows:

3 Page 48, line 23, strike "and"

4 Page 48, line 26, before the period, insert "; and

5 (7) one member appointed by the commissioner who represents

6 railroad union labor"

1 Senator moves to amend the delete-everything
2 amendment (SCS1089A-4) to S.F. No. 1089 as follows:

3 Page 21, after line 13, insert:

4 "Sec. 32. Minnesota Statutes 2004, section 169.18, is
5 amended by adding a subdivision to read:

6 Subd. 12. [RESTRICTED DRIVING IN THE LEFT LANE.] (a) Upon
7 all freeways, expressways, and controlled-access highways, as
8 defined in section 160.02, a vehicle is prohibited from driving
9 in the left-hand lane when available for traffic except:

10 (1) when overtaking and passing another vehicle proceeding
11 in the same direction;

12 (2) when preparing for a left turn at an intersection or
13 into a private road or driveway;

14 (3) when a specific lane is designated and posted for a
15 specific type of traffic;

16 (4) when necessary to enter or exit an expressway, freeway,
17 interstate highway, or other controlled-access highway;

18 (5) when necessary to avoid traffic merging onto an
19 expressway, freeway, interstate highway, or other
20 controlled-access highway;

21 (6) when otherwise directed in a highway work zone, as
22 defined in section 169.14, subdivision 5d;

23 (7) when otherwise directed by a law enforcement officer;
24 or

25 (8) when expressly allowed or required by other law.

26 (b) The commissioner of transportation shall erect
27 appropriate signs on interstate highways and freeways to
28 instruct motorists concerning paragraph (a)."

29 Page 42, after line 5, insert:

30 "Sec. 52. Minnesota Statutes 2004, section 171.13, is
31 amended by adding a subdivision to read:

32 Subd. 1i. [DRIVER'S MANUAL; RESTRICTED DRIVING IN LEFT
33 LANE.] The commissioner shall include in each edition of the
34 driver's manual published by the department after August 1,
35 2005, instructions relating to the requirement to drive a motor
36 vehicle in the right-hand lane and the circumstances when a

1 driver is allowed to drive in the left-most lane of a multilane
2 highway under section 169.18, subdivision 12."

3 Page 65, after line 6, insert:

4 "Sec. 83. [PUBLIC SERVICE ANNOUNCEMENTS.]

5 The commissioner of public safety shall encourage and
6 solicit public service announcements to educate the motoring
7 public about the requirements of section 1."

8 Renumber the sections in sequence and correct the internal
9 references

10 Amend the title accordingly