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State of Minnesota

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HOUSE OF REPRESENTATIVES
Unofficial Engrossment

House Engrossment of a Senate File

NINETY-SECOND SESSION

S. F. No. 1354

03/09/2021 Companion to House File No. 445. (Authors: Winkler, Mariani, Bernardy and Hornstein)
Read First Time and Sent for Comparison
03/10/2021 Substituted for H. F. No. 445
Read for the Second Time
Bill was laid on the Table
05/06/2021 Bill was taken from the Table
By motion, re-referred to the Committee on Ways and Means
05/12/2021 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
05/15/2021 Calendar for the Day
Bill was laid on the Table

1.1 A bill for an act
1.2 relating to public safety; modifying requirements for a noncompliant driver's license
1.3 or Minnesota identification card and making related changes, including on
1.4 eligibility, proof of lawful presence, documentation, and data practices; making
1.5 technical changes; appropriating money; amending Minnesota Statutes 2020,
1.6 sections 13.6905, by adding a subdivision; 171.04, subdivision 5; 171.06,
1.7 subdivision 3, by adding subdivisions; 171.07, subdivisions 1, 3, 4; 171.12,
1.8 subdivisions 7a, 9, by adding a subdivision; 171.27; repealing Minnesota Statutes
1.9 2020, section 171.015, subdivision 7.

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

1.11 Section 1. Minnesota Statutes 2020, section 13.6905, is amended by adding a subdivision
1.12 to read:

1.13 Subd. 36. Noncompliant license or identification card; lawful status. Data on certain
1.14 noncompliant drivers' licenses or identification cards are governed by section 171.12,
1.15 subdivision 11.

1.16 Sec. 2. Minnesota Statutes 2020, section 171.04, subdivision 5, is amended to read:

1.17 Subd. 5. **Temporary lawful admission.** The commissioner is prohibited from issuing
1.18 a driver's license or Minnesota identification card to an applicant ~~whose~~ having a lawful
1.19 temporary admission period, as demonstrated under section 171.06, subdivision 3, paragraph
1.20 (b), clause (2), that expires within 30 days of the date of the application.

1.21 Sec. 3. Minnesota Statutes 2020, section 171.06, subdivision 3, is amended to read:

1.22 Subd. 3. **Contents of application; other information.** (a) An application must:

(1) state the full name, date of birth, sex, and either (i) the residence address of the applicant, or (ii) designated address under section 5B.05;

(2) as may be required by the commissioner, contain a description of the applicant and any other facts pertaining to the applicant, the applicant's driving privileges, and the applicant's ability to operate a motor vehicle with safety;

(3) state:

(i) the applicant's Social Security number; or

(ii) if the applicant does not have a Social Security number and is applying for a Minnesota identification card, instruction permit, or class D provisional or driver's license, that the applicant certifies that the applicant is not eligible for a Social Security number;

(4) contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7; and

(5) include a method for the applicant to:

(i) request a veteran designation on the license under section 171.07, subdivision 15, and the driving record under section 171.12, subdivision 5a;

(ii) indicate a desire to make an anatomical gift under paragraph (d);

(iii) as applicable, designate document retention as provided under section 171.12, subdivision 3c; and

(iv) indicate emergency contacts as provided under section 171.12, subdivision 5b.

(b) Applications must be accompanied by satisfactory evidence demonstrating:

(1) identity, date of birth, and any legal name change if applicable; and

(2) for driver's licenses and Minnesota identification cards that meet all requirements of the REAL ID Act:

(i) principal residence address in Minnesota, including application for a change of address, unless the applicant provides a designated address under section 5B.05;

(ii) Social Security number, or related documentation as applicable; and

(iii) lawful status, as defined in Code of Federal Regulations, title 6, section 37.3.

(c) An application for an enhanced driver's license or enhanced identification card must be accompanied by:

(1) satisfactory evidence demonstrating the applicant's full legal name and United States citizenship; and

(2) a photographic identity document.

Sec. 4. Minnesota Statutes 2020, section 171.06, is amended by adding a subdivision to read:

Subd. 7. **Noncompliant license or identification card; lawful status.** (a) A person is not required to demonstrate United States citizenship or lawful presence in the United States in order to obtain a noncompliant driver's license or identification card.

(b) Minnesota Rules, part 7410.0410, or any successor rule, does not apply for a noncompliant driver's license or identification card.

Sec. 5. Minnesota Statutes 2020, section 171.06, is amended by adding a subdivision to read:

Subd. 8. **Noncompliant license or identification card; general requirements.** (a) A document submitted under this subdivision or subdivision 9 or 10 must include the applicant's name and must be:

(1) issued to or provided for the applicant;

(2) legible and unaltered;

(3) an original or a copy certified by the issuing agency; and

(4) accompanied by a certified translation or an affidavit of translation into English, if the document is not in English.

(b) If the applicant's current legal name is different from the name on a document submitted under subdivision 9 or 10, the applicant must submit:

(1) a certified copy of a court order that specifies the applicant's name change;

(2) a certified copy of the applicant's certificate of marriage;

(3) a certified copy of a divorce decree or dissolution of marriage that specifies the applicant's name change, issued by a court; or

(4) similar documentation of a lawful change of name, as determined by the commissioner.

(c) The commissioner must establish a process to grant a waiver from the requirements under this subdivision and subdivisions 9 and 10.

(d) The same document must not be submitted as both a primary document under subdivision 9 and a secondary document under subdivision 10.

Sec. 6. Minnesota Statutes 2020, section 171.06, is amended by adding a subdivision to read:

Subd. 9. **Noncompliant license or identification card; primary documents.** (a) For a noncompliant driver's license or identification card, primary documents under Minnesota Rules, part 7410.0400, subpart 2, or successor rules, include the following:

(1) a noncompliant driver's license or identification card that is current or has been expired for five years or less;

(2) an unexpired foreign passport or a foreign consular identification document that bears a photograph of the applicant; and

(3) a certified birth certificate issued by a foreign jurisdiction.

(b) A document submitted under this subdivision must contain security features that make the document as impervious to alteration as is reasonably practicable in its design and quality of material and technology.

(c) For purposes of this subdivision and subdivision 10, "foreign" means a jurisdiction that is not, and is not within, the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, or a territory of the United States.

(d) Submission of more than one primary document is not required under this subdivision.

Sec. 7. Minnesota Statutes 2020, section 171.06, is amended by adding a subdivision to read:

Subd. 10. **Noncompliant license or identification card; secondary documents.** (a) For a noncompliant driver's license or identification card, secondary documents under Minnesota Rules, part 7410.0400, subpart 3, or successor rules, include the following:

(1) a second document listed under subdivision 9, paragraph (a);

(2) a notice of action on or proof of submission of a completed Application for Asylum and for Withholding of Removal issued by the United States Department of Homeland Security, Form I-589;

(3) a Certificate of Eligibility for Nonimmigrant Student Status issued by the United States Department of Homeland Security, Form I-20;

- 5.1 (4) a Certificate of Eligibility for Exchange Visitor Status issued by the United States
5.2 Department of State, Form DS-2019;
- 5.3 (5) a Deferred Action for Childhood Arrival approval notice issued by the United States
5.4 Department of Homeland Security;
- 5.5 (6) an employment authorization document issued by the United States Department of
5.6 Homeland Security, Form I-688, Form I-688A, Form I-688B, or Form I-766;
- 5.7 (7) a document issued by the Social Security Administration with an individual taxpayer
5.8 identification number;
- 5.9 (8) mortgage documents for the applicant's residence;
- 5.10 (9) a filed property deed or title for the applicant's residence;
- 5.11 (10) a United States high school student identification card with a certified transcript
5.12 from the school;
- 5.13 (11) a Minnesota college or university identification card with a certified transcript from
5.14 the college or university;
- 5.15 (12) a Social Security card;
- 5.16 (13) a Minnesota unemployment insurance benefit statement issued no more than 90
5.17 days before the application;
- 5.18 (14) a valid identification card for health benefits or an assistance or social services
5.19 program;
- 5.20 (15) a Minnesota vehicle certificate of title issued no more than 12 months before the
5.21 application;
- 5.22 (16) an unexpired Selective Service card;
- 5.23 (17) military orders that are still in effect at the time of application;
- 5.24 (18) a certified copy of the applicant's certificate of marriage;
- 5.25 (19) a certified copy of a court order that specifies the applicant's name change;
- 5.26 (20) a certified copy of a divorce decree or dissolution of marriage that specifies the
5.27 applicant's name change, issued by a court;
- 5.28 (21) any of the following documents issued by a foreign jurisdiction:
- 5.29 (i) a driver's license that is current or has been expired for five years or less;

6.1 (ii) a high school, college, or university student identification card with a certified
6.2 transcript from the school;

6.3 (iii) an official high school, college, or university transcript that includes the applicant's
6.4 date of birth and a photograph of the applicant at the age the record was issued; and

6.5 (iv) a federal electoral photographic card issued on or after January 1, 1991; and

6.6 (22) additional documents as determined by the commissioner.

6.7 (b) Submission of more than one secondary document is not required under this
6.8 subdivision.

6.9 Sec. 8. Minnesota Statutes 2020, section 171.07, subdivision 1, is amended to read:

6.10 Subdivision 1. **License; contents and design.** (a) Upon the payment of the required fee,
6.11 the department shall issue to every qualifying applicant a license designating the type or
6.12 class of vehicles the applicant is authorized to drive as applied for. This license must bear:
6.13 (1) a distinguishing number assigned to the licensee; (2) the licensee's full name and date
6.14 of birth; (3) either (i) the licensee's residence address, or (ii) the designated address under
6.15 section 5B.05; (4) a description of the licensee in a manner as the commissioner deems
6.16 necessary; (5) the usual signature of the licensee; and (6) designations and markings as
6.17 provided in this section. No license is valid unless it bears the usual signature of the licensee.
6.18 Every license must bear a colored photograph or an electronically produced image of the
6.19 licensee.

6.20 (b) If the United States Postal Service will not deliver mail to the applicant's residence
6.21 address as listed on the license, then the applicant shall provide verification from the United
6.22 States Postal Service that mail will not be delivered to the applicant's residence address and
6.23 that mail will be delivered to a specified alternate mailing address. When an applicant
6.24 provides an alternate mailing address under this subdivision, the commissioner shall use
6.25 the alternate mailing address in lieu of the applicant's residence address for all notices and
6.26 mailings to the applicant.

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

6.29 (d) A license issued to an applicant age 65 or over must be plainly marked "senior" if
6.30 requested by the applicant.

6.31 (e) Except for a noncompliant license, a license must bear a distinguishing indicator for
6.32 compliance with requirements of the REAL ID Act.

7.1 (f) A noncompliant license must:

7.2 (1) be marked "not for federal identification" on the face and in the machine-readable
7.3 portion; and

7.4 (2) have a unique design or color indicator for purposes of the REAL ID Act.

7.5 (g) A license must be designed with a vertical orientation and marked "not for federal
7.6 purposes or voting" on the front side in a manner commensurate with other text if it is issued
7.7 under any of the following circumstances:

7.8 (1) the application is for first-time issuance of a license in Minnesota and the applicant
7.9 has not demonstrated United States citizenship;

7.10 (2) the applicant's most recently issued license or Minnesota identification card is marked
7.11 as required under this paragraph or subdivision 3, paragraph (g), and the applicant has not
7.12 demonstrated United States citizenship; or

7.13 (3) the applicant submits a document that identifies a temporary lawful status or admission
7.14 period.

7.15 (h) A REAL ID compliant license issued to a person with temporary lawful status or
7.16 admission period must be marked "temporary" on the face and in the machine-readable
7.17 portion.

7.18 ~~(h)~~ (i) A license must display the licensee's full name or no fewer than 39 characters of
7.19 the name. Any necessary truncation must begin with the last character of the middle name
7.20 and proceed through the second letter of the middle name, followed by the last character of
7.21 the first name and proceeding through the second letter of the first name.

7.22 Sec. 9. Minnesota Statutes 2020, section 171.07, subdivision 3, is amended to read:

7.23 Subd. 3. **Identification card; content and design; fee.** (a) Upon payment of the required
7.24 fee, the department shall issue to every qualifying applicant a Minnesota identification card.
7.25 The department may not issue a Minnesota identification card to an individual who has a
7.26 driver's license, other than a limited license. The department may not issue an enhanced
7.27 identification card to an individual who is under 16 years of age, not a resident of this state,
7.28 or not a citizen of the United States of America. The card must bear: (1) a distinguishing
7.29 number assigned to the applicant; (2) a colored photograph or an electronically produced
7.30 image of the applicant; (3) the applicant's full name and date of birth; (4) either (i) the
7.31 licensee's residence address, or (ii) the designated address under section 5B.05; (5) a
7.32 description of the applicant in the manner as the commissioner deems necessary; (6) the

8.1 usual signature of the applicant; and (7) designations and markings provided under this
8.2 section.

8.3 (b) If the United States Postal Service will not deliver mail to the applicant's residence
8.4 address as listed on the Minnesota identification card, then the applicant shall provide
8.5 verification from the United States Postal Service that mail will not be delivered to the
8.6 applicant's residence address and that mail will be delivered to a specified alternate mailing
8.7 address. When an applicant provides an alternate mailing address under this subdivision,
8.8 the commissioner shall use the alternate mailing address in lieu of the applicant's residence
8.9 address for all notices and mailings to the applicant.

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

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

8.14 (e) Except for a noncompliant identification card, a Minnesota identification card must
8.15 bear a distinguishing indicator for compliance with requirements of the REAL ID Act.

8.16 (f) A noncompliant identification card must:

8.17 (1) be marked "not for federal identification" on the face and in the machine-readable
8.18 portion; and

8.19 (2) have a unique design or color indicator for purposes of the REAL ID Act.

8.20 (g) A Minnesota identification card must be designed with a vertical orientation and
8.21 marked "not for federal purposes or voting" on the front side in a manner commensurate
8.22 with other text if it is issued under any of the following circumstances:

8.23 (1) the application is for first-time issuance of a Minnesota identification card and the
8.24 applicant has not demonstrated United States citizenship;

8.25 (2) the applicant's most recently issued noncompliant license or identification card is
8.26 marked as required under this paragraph or subdivision 1, paragraph (g), and the applicant
8.27 has not demonstrated United States citizenship; or

8.28 (3) the applicant submits a document that identifies a temporary lawful status or admission
8.29 period.

8.30 (h) A Minnesota REAL ID compliant identification card issued to a person with temporary
8.31 lawful status or admission period must be marked "temporary" on the face and in the
8.32 machine-readable portion.

9.1 ~~(h)~~ (i) A Minnesota identification card must display the cardholder's full name or no
9.2 fewer than 39 characters of the name. Any necessary truncation must begin with the last
9.3 character of the middle name and proceed through the second letter of the middle name,
9.4 followed by the last character of the first name and proceeding through the second letter of
9.5 the first name.

9.6 ~~(i)~~ (j) The fee for a Minnesota identification card is 50 cents when issued to a person
9.7 who is developmentally disabled, as defined in section 252A.02, subdivision 2; a physically
9.8 disabled person, as defined in section 169.345, subdivision 2; or, a person with mental
9.9 illness, as described in section 245.462, subdivision 20, paragraph (c).

9.10 Sec. 10. Minnesota Statutes 2020, section 171.07, subdivision 4, is amended to read:

9.11 Subd. 4. **Identification card expiration.** (a) Except as otherwise provided in this
9.12 subdivision, the expiration date of a Minnesota identification card is the birthday of the
9.13 applicant in the fourth year following the date of issuance of the card.

9.14 (b) For an applicant age 65 or older:

9.15 (1) the expiration date of a Minnesota identification card is the birthday of the applicant
9.16 in the eighth year following the date of issuance of the card; or

9.17 (2) a noncompliant identification card is valid for the lifetime of the applicant.

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

9.20 (d) The expiration date for an Under-21 identification card is the cardholder's 21st
9.21 birthday. The commissioner shall issue an identification card to a holder of an Under-21
9.22 identification card who applies for the card, pays the required fee, and presents proof of
9.23 identity and age, unless the commissioner determines that the applicant is not qualified for
9.24 the identification card.

9.25 (e) Notwithstanding paragraphs (a) to (d), the expiration date for ~~an~~ a REAL ID compliant
9.26 identification card issued to a person with temporary lawful status is (1) the last day of the
9.27 person's legal stay in the United States, or (2) one year after issuance if the last day of the
9.28 person's legal stay is not identified.

9.29 (f) Notwithstanding paragraphs (a) and (b), the expiration date for a noncompliant
9.30 identification card that must be marked as provided in subdivision 3, paragraph (g), is the
9.31 earlier of (1) the birthday of the applicant in the second year following the date of issuance
9.32 of the card, or (2) as provided in paragraph (d).

Sec. 11. Minnesota Statutes 2020, section 171.12, subdivision 7a, is amended to read:

Subd. 7a. Disclosure of personal information. (a) The commissioner shall disclose personal information where the use is related to the operation of a motor vehicle or to public safety. The use of personal information is related to public safety if it concerns the physical safety or security of drivers, vehicles, pedestrians, or property. The commissioner may refuse to disclose data under this subdivision when the commissioner concludes that the requester is likely to use the data for illegal, improper, or noninvestigative purposes. Nothing in this paragraph authorizes disclosure of data restricted under subdivision 11.

(b) The commissioner shall disclose personal information to the secretary of state for the purpose of increasing voter registration and improving the accuracy of voter registration records in the statewide voter registration system. The secretary of state may not retain data provided by the commissioner under this subdivision for more than 60 days.

Sec. 12. Minnesota Statutes 2020, section 171.12, subdivision 9, is amended to read:

Subd. 9. Driving record disclosure to law enforcement. Except as restricted under subdivision 11, the commissioner shall also furnish driving records, without charge, to chiefs of police, county sheriffs, prosecuting attorneys, and other law enforcement agencies with the power to arrest.

Sec. 13. Minnesota Statutes 2020, section 171.12, is amended by adding a subdivision to read:

Subd. 11. Certain data on noncompliant license or identification card; department and agents. (a) The commissioner must not share or disseminate outside of the division of the department administering driver licensing any data on individuals indicating or otherwise having the effect of identifying that the individual applied for, was denied, or was issued a noncompliant driver's license or identification card without demonstrating United States citizenship or lawful presence in the United States.

(b) A driver's license agent must not share or disseminate, other than to the division of the department administering driver licensing, any data on individuals indicating or otherwise having the effect of identifying that the individual applied for, was denied, or was issued a noncompliant driver's license or identification card without demonstrating United States citizenship or lawful presence in the United States.

(c) Data under paragraphs (a) and (b) include but are not limited to information related to documents submitted under section 171.06, subdivision 8, 9, or 10.

(d) Notwithstanding any law to the contrary, this subdivision prohibits the commissioner and a driver's license agent from sharing or disseminating the data described in paragraphs (a) to (c) with any entity otherwise authorized to obtain data under subdivision 7; any political subdivision; any state agency as defined in section 13.02, subdivision 17; or any federal entity.

Sec. 14. Minnesota Statutes 2020, section 171.27, is amended to read:

171.27 EXPIRATION OF LICENSE EXPIRATION AND RENEWAL; MILITARY EXCEPTION.

Subdivision 1. Expiration. (a) Except as otherwise provided in this section, the expiration date for each driver's license is the birthday of the driver in the fourth year following the date of issuance of the license. The birthday of the driver shall be as indicated on the application for a driver's license. A license may be renewed on or before expiration or within one year after expiration upon application, payment of the required fee, and passing the examination required of all drivers for renewal. Driving privileges shall be extended or renewed on or preceding the expiration date of an existing driver's license unless the commissioner believes that the licensee is no longer qualified as a driver.

(b) The expiration date for each under-21 license shall be the 21st birthday of the licensee. Upon the licensee attaining the age of 21 and upon the application, payment of the required fee, and passing the examination required of all drivers for renewal, a driver's license shall be issued unless the commissioner determines that the licensee is no longer qualified as a driver.

(c) The expiration date for each provisional license is two years after the date of application for the provisional license.

(d) Notwithstanding paragraphs (a) to (c), the expiration date for a REAL ID compliant license issued to a person with temporary lawful status is (1) the last day of the person's legal stay in the United States, or (2) one year after issuance if the last day of the person's legal stay is not identified.

(e) Notwithstanding paragraphs (a) to (c), the expiration date for a license that must be marked as provided in section 171.07, subdivision 1, paragraph (g), is the earlier of (1) the birthday of the applicant in the second year following the date of issuance of the license, or (2) as provided in paragraph (b).

Subd. 2. Extension of expiration. (e) Any valid Minnesota driver's license issued to a person then or subsequently serving outside Minnesota in active military service, as defined

in section 190.05, subdivision 5, in any branch or unit of the armed forces of the United States, or the person's spouse, shall continue in full force and effect without requirement for renewal until the date one year following the service member's separation or discharge from active military service, and until the license holder's birthday in the fourth full year following the person's most recent license renewal or, in the case of a provisional license, until the person's birthday in the third full year following the renewal.

Sec. 15. **APPROPRIATION.**

\$1,215,000 in fiscal year 2021 is appropriated from the driver services operating account in the special revenue fund to the commissioner of public safety for temporary staff and associated costs to implement the requirements of this act. This is a onetime appropriation and is available until June 30, 2022.

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

Sec. 16. **EFFECT OF APPROPRIATIONS.**

If an appropriation in this act is enacted more than once in the 2021 legislative session, the appropriation must be given effect only once.

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

Sec. 17. **REPEALER.**

Minnesota Statutes 2020, section 171.015, subdivision 7, is repealed.

Sec. 18. **EFFECTIVE DATE.**

Unless provided otherwise, this act is effective October 1, 2021, for driver's license and Minnesota identification card applications and issuance on or after that date.

APPENDIX
Repealed Minnesota Statutes: UES1354-1

171.015 DRIVER'S LICENSE DIVISION.

Subd. 7. **Rulemaking limitation.** (a) Notwithstanding any law to the contrary, the commissioner is prohibited from adopting any final rule that amends, conflicts with, or has the effect of modifying requirements in Minnesota Rules, parts 7410.0100 to 7410.0800.

(b) This subdivision does not constitute authorization for the commissioner to adopt rules absent authority otherwise provided by other law.