

**Senate Counsel, Research,
and Fiscal Analysis**

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Senate

State of Minnesota

S.F. No. 1606 - Criminalizing Act of Railroad Company That Interferes With Treatment of Railroad Worker

Author: Senator Mee Moua

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

Date: March 15, 2005

Section 1 adds a provision to the criminal code, making it unlawful for a railroad or its employee to interfere with medical or first aid treatment of a railroad employee injured during employment, or to threaten discipline of an injured employee for requesting treatment. A railroad or employee in violation must be fined up to \$10,000 for each violation.

Section 2 gives effect to section 1 on August 1, 2005, and applies the provision to crimes committed on or after that date.

BB/AV:rer

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Senate

State of Minnesota

S.F. No. 1603 - Prohibiting Railroad Company From Interfering With Treatment of Railroad Worker

Author: Senator Mee Moua

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

Date: March 15, 2005

Section 1 provides it is unlawful for a railroad company or its employee to interfere with medical or first-aid treatment of a railroad employee injured during employment, or to threaten discipline of an injured employee for requesting treatment.

Section 2, Subdivision 1 authorizes the Commissioner of Transportation to issue a penalty order against the railroad company for up to \$10,000. The amount of the penalty must be based on the willfulness and gravity of the violation, past history of violations, economic benefit to the violator, and other factors identified by the commissioner. The commissioner's order must include a statement of facts, reference to the law or order that has been violated, the amount of the penalty, and a statement of right to review.

Subdivision 2 allows a railroad company against which a penalty has been imposed to request an expedited administrative hearing or judicial review in district court.

Subdivision 3 authorizes the Attorney General to enforce a penalty order imposed under subdivision 1.

BB/AV:rer

Senate Committee Meeting Log

Committee Name: TRANSPORTATION COMMITTEE

Date: 3.15.05 Day: TUESDAY Start Time: 3:17

Agenda

Bill # (or Topic)	1472
Author	JOHNSON, D.E.
Short Descriptor	DAY ACTIVITY CENTER BUSES SCHOOL BUS WARNING EQUIPMENT USE
Action(s)	PASSED; PLACED ON CONSENT CALENDAR
Bill # (or Topic)	152
Author	SKOGLUND
Short Descriptor	MOTOR VEHICLE CELLPHONES USE HANDS FREE DEVICE REQUIREMENT
Action(s)	PASSED AS AMENDED; MOVED TO THE FLOOR
Bill # (or Topic)	1480
Author	TOMASSONI
Short Descriptor	TRAFFIC AND VEHICLE INSPECTION CITATIONS QUOTAS PROHIBITION
Action(s)	PASSED; MOVED TO THE FLOOR
Bill # (or Topic)	1050
Author	MOUA
Short Descriptor	MOTOR VEHICLE DEALERS REGISTRATION PLATES AND STICKERS DISTRIBUTION
Action(s)	PASSED AS AMENDED; MOVED TO THE FLOOR

Bill # (or Topic)	1649
Author	BAKK
Short Descriptor	OPP TRAINS SPEED LIMIT
Action(s)	PASSED; MOVED TO THE FLOOR
Bill # (or Topic)	1603
Author	MOUA
Short Descriptor	RAILROAD COMPANIES INJURED WORKERS TREATMENT OBSTRUCTION PROHIBITION
Action(s)	PASSED AS AMENDED; RE-REFERRED TO JUDICIARY
Bill # (or Topic)	1606
Author	MOUA
Short Descriptor	CRIME OF INJURED RAILROAD WORKERS TREATMENT OBSTRUCTION
Action(s)	PASSED AS AMENDED; RE-REFERRED TO CRIME PREVENTION AND PUBLIC SAFETY
Bill # (or Topic)	1466
Author	MURPHY
Short Descriptor	PUBLIC UTILITY VEHICLES SEASONAL HIGHWAY LOAD RESTRICTIONS CLARIFICATIONS
Action(s)	PASSED; PLACED ON CONSENT CALENDAR

Adjournment Time: _____

Recorded by: _____

Date: _____

Received by: _____

Date: _____

Reformatted by: _____

Date: _____

Returned on (date): _____

Received by: _____

Senate Committee Meeting Log

Committee Name: _____

Date: _____ Day: _____ Start Time: _____

Agenda

Bill # (or Topic)	1193
Author	MURPHY
Short Descriptor	MSP INTERNATIONAL AIRPORT RUNWAY SAFETY ZONES AND LAND USE RESTRICTIONS
Action(s)	LAI D O V E R
Bill # (or Topic)	1226
Author	MURPHY
Short Descriptor	MOTOR VEHICLE OPERATION RESTRICTIONS UNDER PROVISIONAL DRIVERS LICENSES
Action(s)	PASSED AS AMMENDED; MOVED TO THE FLOOR
Bill # (or Topic)	492
Author	WIGER
Short Descriptor	HIGHWAY RIGHT LANE USE REQUIREMENT
Action(s)	PASSED AS AMENDED ; MOVED TO THE FLOOR
Bill # (or Topic)	
Author	
Short Descriptor	
Action(s)	

Bill # (or Topic)	
Author	
Short Descriptor	
Action(s)	
Bill # (or Topic)	
Author	
Short Descriptor	
Action(s)	
Bill # (or Topic)	
Author	
Short Descriptor	
Action(s)	
Bill # (or Topic)	
Author	
Short Descriptor	
Action(s)	

Adjournment Time: 6:05

Recorded by: BROCK BOWMAN

Date: 3.15.05

Received by: _____

Date: _____

Reformatted by: _____

Date: _____

Returned on (date): _____

Received by: _____

**SENATE TRANSPORTATION POLICY AND BUDGET DIVISION
TUESDAY, MARCH 15, 2005
ROOM G-15 CAPITOL
3:00 PM**

AGENDA

S.F. 1472- Johnson, D.E.: Day activity center buses school bus warning equipment use

S.F. 152- Skoglund: Motor vehicle cellphones use hands free device requirement

- Elmer Otto, citizen
- Captain Brian Erickson, Minnesota State Patrol
- William A. Gillespie, Executive Director, Minnesota Police and Peace Officers Association

S.F. 1486- Tomassoni: Traffic and vehicle inspection citations quotas prohibition

S.F. 1649- Bakk: Orr trains speed limit

S.F. 1056- Moua: Motor vehicle dealers registration plates and stickers distribution

S.F. 1603- Moua: Railroad companies injured workers treatment obstruction prohibition

- Phillip Qualy, State Legislative Director, United Transportation Union

S.F. 1606- Moua: Crime of injured railroad workers treatment obstruction

- Phillip Qualy, State Legislative Director, United Transportation Union

S.F. 1193- Murphy: Minneapolis-St.Paul International airport runway safety zones and land use restrictions

- Lee Henderson, Interstate Companies
- Mary Hill Smith, Metropolitan Council
- Representatives from the City of Bloomington
- Nigel Finney, Metropolitan Airports Commission
- Tom Anderson, Metropolitan Airports Commission
- Bob McFarland, Deputy Commissioner, Mn/DOT
- Randy Halverson, Director of Program Management Division, Mn/DOT
- Mark Fabel and Greg Munson, McGough Development

S.F. 1226- Murphy: Motor vehicle operation restrictions under provisional drivers licenses

S.F. 1466- Murphy: Public utility vehicles seasonal highway load restrictions clarification

S.F. 492- Wiger: Highways right lane use requirement

- Amber Backhaus, Minnesota Trucking Association

S.F. 977- Day: Highways right lane use requirement

- **Amber Backhaus, Minnesota Trucking Association**

Senators Johnson, D.E. and Murphy introduced--

S.F. No. 1472: Referred to the Committee on Transportation.

1 A bill for an act
2 relating to traffic regulations; authorizing day
3 activity center buses to operate certain school bus
4 warning equipment under certain circumstances;
5 amending Minnesota Statutes 2004, section 169.448, by
6 adding a subdivision.

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

8 Section 1. Minnesota Statutes 2004, section 169.448, is
9 amended by adding a subdivision to read:

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

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

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

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

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

1 The provisions of section 169.444 relating to duties of
2 care of a motorist to a school bus, and violations thereof,
3 apply to a vehicle described in this section when the vehicle is
4 operated in conformity with this subdivision. The provisions of
5 section 169.443 relating to bus driver's duties apply to a
6 vehicle described in this section except those that by their
7 nature have no application.

Senators Skoglund and Wiger introduced--

S.F. No. 152: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act

2 relating to traffic regulations; requiring that mobile
3 telephones used in motor vehicles be hands-free;
4 providing a defense; proposing coding for new law in
5 Minnesota Statutes, chapter 169.

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

7 Section 1. [169.472] [USE OF MOBILE TELEPHONES.]

8 Subdivision 1. [DEFINITIONS.] For purposes of this section:

9 (a) "Mobile telephone" means a cellular, analog, wireless,
10 or digital telephone capable of sending or receiving telephone
11 messages without an access line for service.

12 (b) "Hands-free device" means an attachment, add-on, or
13 addition to a mobile telephone, whether or not permanently
14 installed in a motor vehicle, that when used allows the vehicle
15 operator to maintain both hands on the steering wheel.

16 (c) "Use" means talking or listening on a mobile telephone.

17 Subd. 2. [PROHIBITION.] No person may engage in the use of
18 a mobile telephone while operating a motor vehicle while the
19 motor vehicle is in motion unless the mobile telephone is
20 equipped and used with a hands-free device. A peace officer may
21 not issue a citation for a violation of this subdivision unless
22 the officer lawfully stopped or detained the driver of the motor
23 vehicle for another moving violation other than a violation
24 involving motor vehicle equipment.

25 Subd. 3. [DEFENSE.] It is an affirmative defense against a

1 charge of violating subdivision 2 for a person to produce
2 evidence that the mobile telephone was used for the purpose of
3 contacting the following in response to an emergency:

4 (1) a 911 or other emergency telephone number;

5 (2) a hospital, clinic, or doctor's office;

6 (3) an ambulance service provider;

7 (4) a fire department or law enforcement agency; or

8 (5) a first aid squad.

1 Senator moves to amend S.F. No. 152 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. [169.472] [USE OF MOBILE TELEPHONES.]

4 Subdivision 1. [PROHIBITION.] No person may operate a
5 cellular or wireless telephone, whether handheld or hands free,
6 while operating a bus, while the bus is in motion.

7 Subd. 2. [DEFENSE.] It is an affirmative defense against a
8 charge of violating subdivision 1 for a person to produce
9 evidence that the mobile telephone was used for the purpose of
10 contacting the following in response to an emergency:

11 (1) a 911 or other emergency telephone number;

12 (2) a hospital, clinic, or doctor's office;

13 (3) an ambulance service provider;

14 (4) a fire department or law enforcement agency; or

15 (5) a first aid squad."

16 Delete the title and insert:

17 "A bill for an act relating to traffic regulations;
18 prohibiting use of mobile phone by bus driver; providing
19 affirmative defense; proposing coding for new law in Minnesota
20 Statutes, chapter 169."

- 1 Senator moves to amend S.F. No. 152 as follows:
- 2 Page 1, line 8, delete "DEFINITIONS" and insert "DEFINITION"
- 3 Page 1, line 9, delete "(a)"
- 4 Page 1, delete lines 12 to 16
- 5 Page 1, line 17, delete "engage in the use of" and insert
- 6 "talk or listen on"
- 7 Page 1, line 19, delete everything after "motion"
- 8 Page 1, line 20, delete everything before the period
- 9 Amend the title as follows:
- 10 Page 1, line 2, delete "requiring that" and insert
- 11 "prohibiting use of"
- 12 Page 1, line 3, delete "be hands-free"

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Senate

State of Minnesota

S.F. No. 1486 - Prohibiting Quotas For Traffic Citations

Author: Senator David J. Tomassoni

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

Date: March 15, 2005

Section 1 expands current law prohibiting the State Patrol from imposing traffic citation quotas. New language prohibits law enforcement agencies from imposing traffic citation quotas on commercial vehicle inspectors or law compliance representatives.

BB/AV:rer

Senator Tomassoni introduced--

S.F. No. 1486: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to public safety; prohibiting quotas for
3 issuing traffic and vehicle inspection citations;
4 amending Minnesota Statutes 2004, section 299D.08.

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

6 Section 1. Minnesota Statutes 2004, section 299D.08, is
7 amended to read:

8 299D.08 [TRAFFIC CITATION QUOTA PROHIBITED.]

9 The State Patrol or a law enforcement agency shall not
10 order, mandate, require, or suggest to a patrol trooper,
11 commercial vehicle inspector, or law compliance representative
12 that the patrol trooper, inspector, or representative issue a
13 certain number of traffic citations on a daily, weekly, monthly,
14 quarterly, or yearly quota basis.

Senators Bakk, Saxhaug and Murphy introduced--

S.F. No. 1649: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to railroads; establishing speed limit of 30
3 miles per hour for trains operated within the city of
4 Orr.

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

6 Section 1. [MAXIMUM SPEED IN CITY OF ORR.]

7 In order to eliminate or reduce local safety hazards, a
8 railway corporation may not permit a train to be operated at a
9 speed in excess of 30 miles per hour while any portion of the
10 engine or train is within the limits of the city of Orr in St.
11 Louis County.

12 Sec. 2. [EFFECTIVE DATE; LOCAL APPROVAL.]

13 Section 1 is effective the day after the governing body of
14 the city of Orr and its chief clerical officer comply with
15 Minnesota Statutes, section 645.021, subdivisions 2 and 3.

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State of Minnesota

S.F. No. 1472 – Authorizing Day Activity Buses to Operate Certain School Bus Warning Equipment

Author: Senator Dean Johnson

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

Date: March 15, 2005

This bill allows a vehicle used to transport adults to and from a day activity center to be equipped with prewarning flashing amber signals and a stop-signal arm. The operator of the vehicle may operate the equipment if the operator possesses a commercial driver's license with a school bus endorsement; the vehicle is engaged in picking up or dropping off adults at locations predesignated by the day activity center; the vehicle is identified as a day activity center bus in letters at least 8 inches high on the front and rear of the vehicle; and the name, address and telephone number of the owner and operator of the bus is identified on each door of the bus in letters at least three inches high. The provisions of law relating to duty of care of a motorist to a school bus apply to a vehicle described in this section when the vehicle is being operated in conformity with this section. The provisions of law relating to a bus driver's duties apply to a vehicle described in this section.

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State of Minnesota

**S.F. No. 1056 - Distribution of License Plates And Stickers
(SCS1056A-1 Delete-Everything Amendment)**

Author: Senator Mee Moua

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

Date: March 15, 2005

Section 1 directs the Commissioner of Public Safety to distribute registration plates and stickers that may be held and issued by new and used motor vehicle dealers at the time of a vehicle sale. Dealers must be equipped with and trained to use electronic transmission technology, and must have implemented security and record keeping requirements satisfactory to the commissioner. The commissioner may revoke the authority of a dealer who violates a law or rule, violates its security and record keeping plan, or otherwise acts to adversely affect the registration system. The dealer is responsible for the cost and tax value of unaccounted inventory.

Section 2 strikes current language directing a motor vehicle dealer to retain \$2.50 of each filing fee following a vehicle sale, if the transaction is electronically transmitted to the department or Deputy Registrar. (This stricken provision is replaced by section 3.)

Section 3 provides that, when the commissioner accepts electronic transmission of a motor vehicle transfer and registration by a motor vehicle dealer, a Deputy Registrar with electronic transmission technology, can receive the filing fee and issue a certificate of title, after reviewing the transfer to determine genuineness and regularity. The Deputy Registrar can retain the \$7 filing fee.

Section 4 provides that the optional electronic transfer fee (see section 5), is not part of the documentary fee and document administration fee, which may not be added to the cash sale price for purposes of a motor vehicle retail installment sales contract.

Section 5 defines “optional electronic transfer fee” as an agreed-on charge for electronic transmission of ownership records. This charge must be separately stated on the sales agreement, and at least half of the fee must be paid to an electronic transmission service provider.

BB/AV:rer

Senators Moua, Murphy, Wiger, McGinn and Ourada introduced--
S.F. No. 1056: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to motor vehicles; regulating registration
3 plates and stickers; regulating certain fees; amending
4 Minnesota Statutes 2004, sections 168.27, by adding a
5 subdivision; 168.33, subdivision 7; 168.66, by adding
6 a subdivision.

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

8 Section 1. Minnesota Statutes 2004, section 168.27, is
9 amended by adding a subdivision to read:

10 Subd. 28. [REGISTRATION PLATES.] The registrar may
11 distribute registration plates and stickers to be held and
12 issued by new and used motor vehicle dealers. Dealers may issue
13 registration only on vehicles owned or sold by the dealer.
14 Adequate security measures must be maintained and a record
15 created of each registration issued.

16 Sec. 2. Minnesota Statutes 2004, section 168.33,
17 subdivision 7, is amended to read:

18 Subd. 7. [FILING FEE.] (a) In addition to all other
19 statutory fees and taxes, a filing fee of:

20 (i) \$4.50 is imposed on every motor vehicle registration
21 renewal, excluding pro rate transactions; and

22 (ii) \$7 is imposed on every other type of vehicle
23 transaction, including pro rate transactions;

24 except that a filing fee may not be charged for a document
25 returned for a refund or for a correction of an error made by
26 the Department of Public Safety, a licensed auto dealer, or a

1 deputy registrar. The filing fee must be shown as a separate
2 item on all registration renewal notices sent out by the
3 department. No filing fee or other fee may be charged for the
4 permanent surrender of a certificate of title and license plates
5 for a motor vehicle.

6 (b) Filing fees collected under this subdivision by the
7 department must be paid into the state treasury and credited to
8 the highway user tax distribution fund, except fees for
9 registrations of motor vehicles. Filing fees collected for
10 registrations of motor vehicles in conjunction with a title
11 transfer or first application in this state must be paid into
12 the state treasury with 50 percent of the money credited to the
13 general fund and 50 percent credited to the highway user tax
14 distribution fund.

15 ~~(c) A motor vehicle dealer shall retain \$2.50 of each~~
16 ~~filing fee imposed under this subdivision for a completed~~
17 ~~transaction involving the sale of a motor vehicle to or by a~~
18 ~~licensed dealer, if the dealer electronically transmits the~~
19 ~~transaction to the department or deputy registrar. The~~
20 ~~department shall develop procedures to implement this~~
21 ~~subdivision in consultation with the Minnesota Deputy Registrar~~
22 ~~Association and the Minnesota Automobile Dealers Association.~~
23 ~~Deputy registrars shall not be prohibited from receiving and~~
24 ~~processing required documents supporting an electronic~~
25 ~~transaction.~~

26 Sec. 3. Minnesota Statutes 2004, section 168.66, is
27 amended by adding a subdivision to read:

28 Subd. 14a. [DOCUMENTARY FEE.] "Documentary fee" or
29 "document administration fee" does not include a charge for
30 services agreed upon between the parties for electronic
31 transmission of ownership records or issuing registration plates.

Fiscal Note – 2005-06 Session

Bill #: S1056-0 (R) Complete Date: 03/10/05

Chief Author: MOUA, MEE

Title: MV DEALERS REG PLATES DISTRIBUTION

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					
– No Impact –					
Less Agency Can Absorb					
– No Impact –					
Net Expenditures					
– No Impact –					
Revenues					
– No Impact –					
Net Cost <Savings>					
– No Impact –					
Total Cost <Savings> to the State					

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

Bill Description

Allow licensed motor vehicles dealers to maintain license plate and year validation sticker stock and issue these items to their customers.

Assumptions

This would apply only to passenger class license plates.

There would be an approximate inventory of 40,000 license plates required to implement the legislation in order to have an adequate inventory at each dealership. DVS is implementing new processes that provides for improved inventory management. Because of this, year-end standing inventory for all locations including the dealer locations will not be greater than the previous year-end standing inventory.

Expenditure and/or Revenue Formula

No additional costs anticipated.

Long-Term Fiscal Considerations

N/A

Local Government Costs

None

References/Sources

Agency Contact Name: Rita Wurm 651 296-2934
FN Coord Signature: FRANK AHRENS
Date: 03/09/05 Phone: 296-9484

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER
Date: 03/10/05 Phone: 215-0594

1 Senator moves to amend S.F. No. 1056 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 168.27, is
4 amended by adding a subdivision to read:

5 Subd. 28. [DISTRIBUTION OF PLATES AND STICKERS.] The
6 commissioner may distribute registration plates and stickers to
7 be held and issued by new and used motor vehicle dealers. A
8 dealer may issue registration plates and stickers only in
9 conjunction with and at the time of the sale of a vehicle by the
10 dealer. A dealer permitted to hold and issue registration
11 plates and stickers must be equipped with electronic
12 transmission technology and trained in its use. Before
13 receiving registration plates and stickers under this
14 subdivision a dealer must adopt and implement security and
15 record keeping requirements satisfactory to the commissioner.
16 The commissioner may revoke the authority granted under this
17 subdivision for any violation of law or rule governing the
18 issuance of registration plates and stickers, any violation of
19 the dealer's security and record keeping plan, or any other
20 action that in the commissioner's opinion adversely affects the
21 registration system. The dealer is financially responsible for
22 the cost and tax value of any unaccounted inventory.

23 Sec. 2. Minnesota Statutes 2004, section 168.33,
24 subdivision 7, is amended to read:

25 Subd. 7. [FILING FEE.] (a) In addition to all other
26 statutory fees and taxes, a filing fee of:

27 (i) \$4.50 is imposed on every motor vehicle registration
28 renewal, excluding pro rate transactions; and

29 (ii) \$7 is imposed on every other type of vehicle
30 transaction, including pro rate transactions;

31 except that a filing fee may not be charged for a document
32 returned for a refund or for a correction of an error made by
33 the Department of Public Safety, a licensed auto dealer, or a
34 deputy registrar. The filing fee must be shown as a separate
35 item on all registration renewal notices sent out by the
36 department. No filing fee or other fee may be charged for the

1 permanent surrender of a certificate of title and license plates
2 for a motor vehicle.

3 (b) Filing fees collected under this subdivision by the
4 department must be paid into the state treasury and credited to
5 the highway user tax distribution fund, except fees for
6 registrations of motor vehicles. Filing fees collected for
7 registrations of motor vehicles in conjunction with a title
8 transfer or first application in this state must be paid into
9 the state treasury with 50 percent of the money credited to the
10 general fund and 50 percent credited to the highway user tax
11 distribution fund.

12 ~~(e) A motor vehicle dealer shall retain \$2.50 of each~~
13 ~~filing fee imposed under this subdivision for a completed~~
14 ~~transaction involving the sale of a motor vehicle to or by a~~
15 ~~licensed dealer, if the dealer electronically transmits the~~
16 ~~transaction to the department or deputy registrar. The~~
17 ~~department shall develop procedures to implement this~~
18 ~~subdivision in consultation with the Minnesota Deputy Registrar~~
19 ~~Association and the Minnesota Automobile Dealers Association.~~
20 ~~Deputy registrars shall not be prohibited from receiving and~~
21 ~~processing required documents supporting an electronic~~
22 ~~transaction.~~

23 Sec. 3. Minnesota Statutes 2004, section 168.33, is
24 amended by adding a subdivision to read:

25 Subd. 8a. [ELECTRONIC TRANSMISSION.] If the commissioner
26 accepts electronic transmission of a motor vehicle transfer and
27 registration by a new or used motor vehicle dealer, a deputy
28 registrar who is equipped with electronic transmission
29 technology and trained in its use shall receive the filing fee
30 provided for in subdivision 7 and review the transfer of each
31 new or used motor vehicle to determine its genuineness and
32 regularity before issuance of a certificate of title, and shall
33 receive and retain the filing fee under subdivision 7, paragraph
34 (a), clause (ii).

35 Sec. 4. Minnesota Statutes 2004, section 168.66,
36 subdivision 14, is amended to read:

1 Subd. 14. [CASH SALE PRICE.] "Cash sale price" means the
2 price at which the seller would in good faith sell to the buyer,
3 and the buyer would in good faith buy from the seller, the motor
4 vehicle which is the subject matter of the retail installment
5 contract, if such sale were a sale for cash, instead of a retail
6 installment sale. The cash sale price may include any taxes,
7 charges for delivery, servicing, repairing, or improving the
8 motor vehicle, including accessories and their installation, and
9 any other charges agreed upon between the parties. The cash
10 price may not include a documentary fee or document
11 administration fee in excess of \$50 for services actually
12 rendered to, for, or on behalf of, the retail buyer in
13 preparing, handling, and processing documents relating to the
14 motor vehicle and the closing of the retail sale. "Documentary
15 fee" and "document administration fee" do not include an
16 optional electronic transfer fee as defined under subdivision 25.

17 Sec. 5. Minnesota Statutes 2004, section 168.66, is
18 amended by adding a subdivision to read:

19 Subd. 25. [OPTIONAL ELECTRONIC TRANSFER FEE.] "Optional
20 electronic transfer fee" means a charge for services agreed upon
21 between the parties for electronic transmission of ownership
22 records. The charge must be separately stated and identified as
23 "optional electronic transfer fee" on the sales agreement
24 maintained under Minnesota Rules, part 7400.5200. At least half
25 of the fee must be paid to an electronic transmission service
26 provider."

27 Delete the title and insert:

28 "A bill for an act
29 relating to motor vehicles; providing for issuance of
30 registration plates and stickers to motor vehicle
31 dealers; providing for electronic transmission of
32 motor vehicle transfers; authorizing an optional
33 electronic transfer fee for electronic transfer of
34 ownership records; amending Minnesota Statutes 2004,
35 sections 168.27, by adding a subdivision; 168.33,
36 subdivision 7, by adding a subdivision; 168.66,
37 subdivision 14, by adding a subdivision."

Senators Moua, Betzold, Marko, Limmer and Robling introduced--
S.F. No. 1603: Referred to the Committee on Transportation.

1 A bill for an act

2 relating to railroads; prohibiting railroad company
3 from obstructing treatment of railroad worker injured
4 on the job or from disciplining or threatening to
5 discipline injured railroad employee for requesting
6 treatment or first aid; proposing coding for new law
7 in Minnesota Statutes, chapter 219.

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

9 Section 1. [219.552] [OBSTRUCTING TREATMENT OF INJURED
10 WORKER.]

11 It is unlawful for a railroad company or person employed by
12 a railroad company to:

13 (1) deny, delay, or interfere with medical treatment or
14 first aid treatment to an employee of a railroad who has been
15 injured during employment; or

16 (2) discipline or threaten to discipline an employee who
17 has been injured during employment for requesting medical
18 treatment or first aid treatment.

19 Sec. 2. [219.553] [ENFORCEMENT.]

20 Subdivision 1. [PENALTY.] The commissioner of
21 transportation may issue an order assessing a penalty to the
22 violating railroad company of up to \$10,000 for a violation of
23 section 219.552. In determining the amount of the penalty, the
24 commissioner shall consider those factors that must be
25 considered in determining a monetary penalty under section
26 221.036, subdivision 3. The contents of the order must include

1 the provisions specified in section 221.036, subdivision 4.

2 Subd. 2. [ADMINISTRATIVE HEARING OR JUDICIAL REVIEW.] A
3 railroad company against which a penalty is imposed under
4 subdivision 1 may request an expedited administrative hearing or
5 judicial review in district court. An expedited administrative
6 hearing under this subdivision must follow the procedure
7 provided in section 221.036, subdivision 7. Judicial review
8 under this subdivision is as provided in section 221.036,
9 subdivision 8.

10 Subd. 3. [ENFORCEMENT OF PENALTY.] A penalty ordered under
11 subdivision 1 and due and payable under this section may be
12 enforced by the attorney general in the manner provided under
13 section 221.036, subdivision 11.

1 Senator moves to amend S.F. No. 1603 as follows:

2 Page 1, line 12, after "company" insert "negligently or
3 intentionally"

4 Page 1, line 13, before "delay" insert "unreasonably"

**Senators Moua, Betzold, Marko, Limmer and Ranum introduced--
S.F. No. 1606: Referred to the Committee on Transportation**

1 A bill for an act
2 relating to crimes; making it a crime for a railroad
3 or a person employed by a railroad to obstruct the
4 treatment of a railroad worker injured on the job or
5 to discipline or threaten to discipline the railroad
6 employee injured on the job for requesting treatment
7 or first aid; proposing coding for new law in
8 Minnesota Statutes, chapter 609.

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

10 Section 1. [609.849] [RAILROAD THAT OBSTRUCTS TREATMENT OF
11 AN INJURED WORKER.]

12 (a) It shall be unlawful for a railroad or person employed
13 by a railroad to:

14 (1) deny, delay, or interfere with medical treatment or
15 first aid treatment to an employee of a railroad who has been
16 injured during employment; or

17 (2) discipline or threaten to discipline an employee of a
18 railroad who has been injured during employment for requesting
19 medical treatment or first aid treatment.

20 (b) A railroad or a person who violates paragraph (a),
21 clause (1) or (2), shall be fined not more than \$10,000 for each
22 violation.

23 Sec. 2. [EFFECTIVE DATE.]

24 Section 1 is effective August 1, 2005, and applies to
25 crimes committed on or after that date.

1 Senator moves to amend S.F. No. 1606 as follows:

2 Page 1, line 13, after "railroad" insert "negligently or
3 intentionally"

4 Page 1, line 14, before "delay" insert "unreasonably"

5 Page 1, line 20, delete everything after "(b)" and insert
6 "A person convicted of a violation of paragraph (a), clause (1)
7 or (2), is guilty of a gross misdemeanor and may be sentenced to
8 imprisonment for not more than one year or to payment of a fine
9 of not more than \$3,000, or both."

10 Page 1, delete lines 21 and 22

11 Amend the title as follows:

12 Page 1, line 2, before "crime" insert "gross misdemeanor"

13 Page 1, line 7, after the semicolon, insert "imposing
14 criminal penalties;"

Senators Murphy, Moua, Ourada, Day and Johnson, D.E. introduced--
S.F. No. 1466: Referred to the Committee on Transportation.

1 A bill for an act
2 relating to transportation; clarifying seasonal load
3 restrictions for utility vehicles; amending Minnesota
4 Statutes 2004, section 169.87, subdivision 5.
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
6 Section 1. Minnesota Statutes 2004, section 169.87,
7 subdivision 5, is amended to read:
8 Subd. 5. [UTILITY VEHICLES.] (a) Weight restrictions
9 imposed by the commissioner under ~~subdivision~~ subdivisions 1 and
10 2 do not apply to a two-axle or three-axle utility vehicle that
11 does not exceed a weight of 20,000 pounds per single axle and
12 36,000 pounds gross vehicle weight for a two-axle vehicle or
13 48,000 pounds gross vehicle weight for a three-axle vehicle, if
14 the vehicle is owned by:
15 (1) a public utility as defined in section 216B.02;
16 (2) a municipality or municipal utility that operates the
17 vehicle for its municipal electric, gas, or water system; or
18 (3) a cooperative electric association organized under
19 chapter 308A.
20 (b) The exemption in this subdivision applies only when the
21 vehicle is performing service restoration or other work
22 necessary to prevent an imminent loss of service.

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and Fiscal Analysis**

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Senate

State of Minnesota

S.F. No. 1226 - Graduated Drivers' Licensing (SCS1226A-1 Delete-Everything Amendment)

Author: Senator Steve Murphy

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

Date: March 15, 2005

Section 1 provides that a holder of an instruction permit, who is under 18 years of age, may not drive while using a cellular or wireless telephone, whether handheld or hands free. It is an affirmative defense that the purpose of the cell phone use was to obtain emergency assistance to prevent a crime or assist in preserving a person's life or safety.

Section 2 adds three restrictions to a provisional license holder's (under 18 years of age) driving privileges. A provisional license holder cannot drive:

- With more than one passenger, except family members;
- Between the hours of midnight and 5:00 a.m.; and
- While operating a cellular or wireless telephone, whether handheld or hands free. The same affirmative defense stated in section 1 applies to the provisional license holder who is cited for a violation of this provision.

BB/AV:rer

Senator Murphy introduced--

S.F. No. 1226: Referred to the Committee on Transportation.

A bill for an act

relating to drivers' licenses; modifying requirements for operating motor vehicle by holder of provisional license; amending Minnesota Statutes 2004, section 171.055, subdivision 2.

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

Section 1. Minnesota Statutes 2004, section 171.055, subdivision 2, is amended to read:

Subd. 2. [USE OF PROVISIONAL LICENSE.] (a) A provisional license holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04. The commissioner shall not record a violation of this paragraph on a person's driving record.

(b) A provisional license holder may not operate a motor vehicle:

- (1) with more than one passenger, except family members; or
- (2) between the hours of midnight and 5:00 a.m.

(c) If the holder of a provisional license during the period of provisional licensing incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections

1 169A.50 to 169A.53, (2) a conviction for a crash-related moving
2 violation, or (3) more than one conviction for a moving
3 violation that is not crash related, the person may not be
4 issued a driver's license until 12 consecutive months have
5 expired since the date of the conviction or until the person
6 reaches the age of 18 years, whichever occurs first.

1 Senator moves to amend S.F. No. 1226 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 171.05,
4 subdivision 2b, is amended to read:

5 Subd. 2b. [INSTRUCTION PERMIT USE BY PERSON UNDER AGE 18.]

6 (a) This subdivision applies to persons who have applied for and
7 received an instruction permit under subdivision 2.

8 (b) The permit holder may, with the permit in possession,
9 operate a motor vehicle, but must be accompanied by and be under
10 the supervision of a certified driver education instructor, the
11 permit holder's parent or guardian, or another licensed driver
12 age 21 or older. The supervisor must occupy the seat beside the
13 permit holder.

14 (c) The permit holder may operate a motor vehicle only when
15 every occupant under the age of 18 has a seat belt or child
16 passenger restraint system properly fastened. A person who
17 violates this paragraph is subject to a fine of \$25. A peace
18 officer may not issue a citation for a violation of this
19 paragraph unless the officer lawfully stopped or detained the
20 driver of the motor vehicle for a moving violation as defined in
21 section 171.04, subdivision 1. The commissioner shall not
22 record a violation of this paragraph on a person's driving
23 record.

24 (d) The permit holder may not operate a vehicle while
25 communicating over, or otherwise operating, a cellular or
26 wireless telephone, whether handheld or hands free. The permit
27 holder may assert as an affirmative defense that the violation
28 was made for the sole purpose of obtaining emergency assistance
29 to prevent a crime about to be committed, or in the reasonable
30 belief that a person's life or safety was in danger.

31 (e) The permit holder must maintain a driving record free
32 of convictions for moving violations, as defined in section
33 171.04, subdivision 1, and free of convictions for violation of
34 section 169A.20, 169A.33, 169A.35, or sections 169A.50 to
35 169A.53. If the permit holder drives a motor vehicle in
36 violation of the law, the commissioner shall suspend, cancel, or

1 revoke the permit in accordance with the statutory section
2 violated.

3 Sec. 2. Minnesota Statutes 2004, section 171.055,
4 subdivision 2, is amended to read:

5 Subd. 2. [USE OF PROVISIONAL LICENSE.] (a) A provisional
6 license holder may operate a motor vehicle only when every
7 occupant under the age of 18 has a seat belt or child passenger
8 restraint system properly fastened. A person who violates this
9 paragraph is subject to a fine of \$25. A peace officer may not
10 issue a citation for a violation of this paragraph unless the
11 officer lawfully stopped or detained the driver of the motor
12 vehicle for a moving violation as defined in section 171.04.
13 The commissioner shall not record a violation of this paragraph
14 on a person's driving record.

15 (b) A provisional license holder may not operate a motor
16 vehicle:

17 (1) with more than one passenger, except family members; or

18 (2) between the hours of midnight and 5:00 a.m.

19 (c) A provisional license holder may not operate a vehicle
20 while communicating over, or otherwise operating, a cellular or
21 wireless telephone, whether handheld or hands free. The
22 provisional license holder may assert as an affirmative defense
23 that the violation was made for the sole purpose of obtaining
24 emergency assistance to prevent a crime about to be committed,
25 or in the reasonable belief that a person's life or safety was
26 in danger.

27 (d) If the holder of a provisional license during the
28 period of provisional licensing incurs (1) a conviction for a
29 violation of section 169A.20, 169A.33, 169A.35, or sections
30 169A.50 to 169A.53, (2) a conviction for a crash-related moving
31 violation, or (3) more than one conviction for a moving
32 violation that is not crash related, the person may not be
33 issued a driver's license until 12 consecutive months have
34 expired since the date of the conviction or until the person
35 reaches the age of 18 years, whichever occurs first."

36 Delete the title and insert:

1 "A bill for an act relating to traffic regulations;
2 prohibiting holder of instruction permit or provisional license
3 from driving while operating cellular telephone; prohibiting
4 holder of provisional license from driving at certain times and
5 with certain passengers; amending Minnesota Statutes 2004,
6 sections 171.05, subdivision 2b; 171.055, subdivision 2."

1 Senator moves to amend the delete-everything
2 amendment (SCS1226A-1) to S.F. No. 1226 as follows:

3 Page 2, line 17, after "(1)" insert "during the first six
4 months of provisional licensure,"

1 Senator moves to amend the delete-everything
2 amendment (SCS1226A-1) to S.F. No. 1226 as follows:

3 Page 2, line 16, delete the colon

4 Page 2, delete line 17

5 Page 2, line 18, delete "(2)"

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State of Minnesota

S.F. No. 492 – Requiring Vehicles to be Driven in the Right Hand Lane

Author: Senator Chuck Wiger

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

Date: March 10, 2005

Section 1 requires that a vehicle must be driven in the right-hand lane.

Section 2 adds language that would require a vehicle to be driven in the right-hand lane with the following exceptions:

- a) when entering or exiting a highway
- b) when directed to in a work zone
- c) when directed to by a law enforcement officer
- d) when allowed or required by law.

Section 2 also requires the commissioner of transportation to put up signs to instruct motorists of the change.

Section 3 requires that driver's manuals be updated to include the requirement that vehicles drive in the farthest right lane and the circumstances in which a driver is allowed to drive in the left lane.

Senator Wiger introduced—

S. F. No. 492 Referred to the Committee on Transportation

1 A bill for an act
2 relating to traffic regulations; requiring vehicles to
3 be driven in right-hand lane with exceptions; amending
4 Minnesota Statutes 2004, sections 169.18, subdivisions
5 7, 10; 171.13, by adding a subdivision.

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

7 Section 1. Minnesota Statutes 2004, section 169.18,
8 subdivision 7, is amended to read:

9 Subd. 7. [LANED HIGHWAY.] When any roadway has been
10 divided into two or more clearly marked lanes for traffic, the
11 following rules, in addition to all others consistent herewith,
12 shall apply:

13 (a) A vehicle shall be driven as nearly as practicable
14 entirely within a single lane and shall not be moved from such
15 lane until the driver has first ascertained that such movement
16 can be made with safety.

17 (b) Upon a roadway which is not a one-way roadway and which
18 is divided into three lanes, a vehicle shall not be driven in
19 the center lane except when overtaking and passing another
20 vehicle where the roadway is clearly visible and such center
21 lane is clear of traffic within a safe distance, or in
22 preparation for a left turn or where such center lane is at the
23 time allocated exclusively to traffic moving in the direction
24 the vehicle is proceeding, and is signposted to give notice of
25 such allocation. The left lane of a three-lane roadway which is

1 not a one-way roadway shall not be used for overtaking and
2 passing another vehicle.

3 (c) Official signs may be erected directing slow-moving
4 traffic to use a designated lane or allocating specified lanes
5 to traffic moving in the same direction, and drivers of vehicles
6 shall obey the directions of every such sign.

7 (d) Whenever a bicycle lane has been established on a
8 roadway, any person operating a motor vehicle on such roadway
9 shall not drive in the bicycle lane except to park where parking
10 is permitted, to enter or leave the highway, or to prepare for a
11 turn as provided in section 169.19, subdivision 1.

12 (e) A vehicle must be driven in the right-hand lane
13 according to subdivision 10.

14 Sec. 2. Minnesota Statutes 2004, section 169.18,
15 subdivision 10, is amended to read:

16 Subd. 10. [~~SLOW-MOVING-VEHICLE~~ VEHICLES DRIVEN IN
17 RIGHT-HAND LANE.] (a) Upon all roadways any, including freeways
18 and expressways as defined in section 160.02, a vehicle
19 ~~proceeding-at-less-than-the-normal-speed-of-traffic-at-the-time~~
20 ~~and-place-and-under-the-conditions-then-existing-shall~~ must be
21 driven in the right-hand lane then available for traffic, or as
22 close as practicable to the right-hand curb or edge of the
23 roadway, if safe and practicable to do so, except:

24 (1) when overtaking and passing another vehicle proceeding
25 in the same direction;~~or;~~

26 (2) when preparing for a left turn at an intersection or
27 into a private road or driveway;~~or;~~

28 (3) when a specific lane is designated and posted for a
29 specific type of traffic;

30 (4) when necessary to enter or exit an expressway, freeway,
31 interstate highway, or other controlled-access highway;

32 (5) when otherwise directed in a highway work zone, as
33 defined in section 169.14, subdivision 5d;

34 (6) when otherwise directed by a law enforcement officer;

35 or

36 (7) when expressly allowed or required by other law.

1 (b) The commissioner of transportation shall erect
2 appropriate signs on interstate highways and freeways to
3 instruct motorists concerning paragraph (a).

4 Sec. 3. Minnesota Statutes 2004, section 171.13, is
5 amended by adding a subdivision to read:

6 Subd. 1i. [DRIVER'S MANUAL; RESTRICTED DRIVING IN LEFT
7 LANE.] The commissioner shall include in each edition of the
8 driver's manual published by the department after August 1,
9 2005, instructions relating to the requirement to drive a motor
10 vehicle in the right-hand lane and the circumstances when a
11 driver is allowed to drive in the left-most lane of a multilane
12 highway under section 169.18, subdivision 10.

1 Senator moves to amend S.F. No. 492 as follows:

2 Page 2, line 17, before the ", " insert "located outside the

3 metropolitan area as defined in section 473.121, subdivision 2"

1 Senator moves to amend S.F. No. 492 as follows:

2 Delete everything after the enacting clause and insert:

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

5 Subd. 12. [RESTRICTED DRIVING IN THE LEFT LANE.] (a) Upon
6 all freeways, expressways, and controlled-access highways, as
7 defined in section 160.02, a vehicle is prohibited from driving
8 in the left-hand lane when available for traffic except:

9 (1) when overtaking and passing another vehicle proceeding
10 in the same direction;

11 (2) when preparing for a left turn at an intersection or
12 into a private road or driveway;

13 (3) when a specific lane is designated and posted for a
14 specific type of traffic;

15 (4) when necessary to enter or exit an expressway, freeway,
16 interstate highway, or other controlled-access highway;

17 (5) when necessary to avoid traffic merging onto an
18 expressway, freeway, interstate highway, or other
19 controlled-access highway;

20 (6) when otherwise directed in a highway work zone, as
21 defined in section 169.14, subdivision 5d;

22 (7) when otherwise directed by a law enforcement officer;

23 or

24 (8) when expressly allowed or required by other law.

25 (b) The commissioner of transportation shall erect
26 appropriate signs on interstate highways and freeways to
27 instruct motorists concerning paragraph (a).

28 Sec. 2. Minnesota Statutes 2004, section 171.13, is
29 amended by adding a subdivision to read:

30 Subd. 1i. [DRIVER'S MANUAL; RESTRICTED DRIVING IN LEFT
31 LANE.] The commissioner shall include in each edition of the
32 driver's manual published by the department after August 1,
33 2005, instructions relating to the requirement to drive a motor
34 vehicle in the right-hand lane and the circumstances when a
35 driver is allowed to drive in the left-most lane of a multilane
36 highway under section 169.18, subdivision 12."

1 Delete the title and insert:

2 "A bill for an act relating to traffic regulations;
3 prohibiting vehicles from driving in the left-hand lane with
4 exceptions; amending Minnesota Statutes 2004, sections 169.18,
5 by adding a subdivision; 171.13, by adding a subdivision."