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State of Minnesota

S.F. No. 3764 - Transportation Omnibus Bill (As Amended by the Delete-Everything Amendment)

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Article I. [TRUNK HIGHWAY BONDING]

Sections 1 and 2 list appropriations for trunk highway projects, as follows:

Summary by Fund

Mankato district headquarters building	\$	18,228,000
Transportation building exterior		10,161,000
Marked Trunk Highway 610		6,000,000
Marked Trunk Highway 61 corridor study		300,000
French Rapids bridge study		150,000
Bond sale expenses		<u>350,000</u>
TOTAL		35,189,000

Section 3 authorizes the issue of trunk highway bonds in the amount of \$35,189,000, to provide the funds for the appropriations in **Section 2**.

Section 4 amends the statute on trunk highway bonds, adding a subdivision which limits the biennial trunk highway fund appropriation for debt service, so that it does

not exceed five percent of the most recent previous projection of trunk highway fund resources.

Section 5 states that this article is effective immediately.

Article 2 Deposit of Motor Vehicle Sales Tax Revenues

Section 1 creates a transit fund in the state treasury to receive MVST distributions and other appropriations. Money in the fund must be used for transit purposes, through the Greater Minnesota transit account and the metropolitan area transit account (which accounts are structured as separate funds under current law).

Section 2 changes a reference from “fund” to “account” to conform with the change in Section 1.

Section 3 changes the distribution of MVST proceeds beginning July 1, 2007. The percentages of MVST deposited in the highway user fund and in the transit fund increase each year through FY 2012 as follows:

Highway user tax distribution fund:	Transit fund:
FY2008 – 38.25%	FY2008 – 25.5%
FY2009 – 44.25%	FY2009 – 29.5%
FY2010 – 50.25%	FY2010 – 33.5%
FY2011 – 56.25%	FY2011 – 37.5%
On and after July 1, 2011 – 60%	On and after July 1, 2011 – 40%

Section 4 changes the ballot question to be submitted to the voters along with the MVST dedication amendment. The amended question refers to dedication of “the existing tax” and dedicates revenues to “highways and public transit” without specifying percentages.

Section 5 directs the secretary of state to place the proposed MVST amendment as the first question on the 2006 ballot.

Section 6 specifies that Article 2, Sections 1-3 are effective on July, 2007, if the constitutional amendment is adopted at the 2006 election.

Article 3 Transportation Policy

Section 1 updates a cross-reference section in the Data Practices Act to conform to the new provisions in this article governing access to personal information in motor vehicle and driver’s license records.

Section 2 increases from \$200,000 to \$300,000 the maximum net tax capacity a town may have and still be eligible for 100% assistance from the town bridge account for bridge engineering costs. This section also requires that towns' net tax capacity limit be annually adjusted for inflation, for purposes of allocating matching money from the town bridge account. [SF 2940, Sen. Murphy]

Section 3 amends the special plates for veterans law to authorize a special motorcycle plates for combat wounded veterans, similar to that currently available for passenger autos, pickup trucks, and recreational vehicles (RVs). The fee for a single motorcycle plate will remain \$10. [SF 2393, Sen. Murphy]

Section 4 amends a special license plate statute enacted in 2005, changing it in the following ways:

- Plate inscription reads "Disabled Veteran" instead of "Disabled American Veteran;"
- Plate owner must have been awarded a claim for disability from the United States Department of Veterans Affairs, instead of having a permanent and total service-connected disability; and
- Plate will be designed by the Commissioner of Veterans Affairs with the approval of the Commissioner of Public Safety, instead of by the Commissioner of Public Safety. [SF 3473, Sen. Murphy]

Section 5 removes vans and pickup trucks from the definition of "motor vehicle," for purposes of the section of statute relating to special license plates for disabled veterans. [SF 3473, Sen. Murphy]

Section 6 [2983] requires a dealer to notify the Commissioner of Public Safety electronically of acquisition of an older-model vehicle, late-model vehicle, or high-value vehicle that is titled and registered in Minnesota, if the vehicle is to be dismantled or destroyed. A dealer may contract this service to a deputy registrar who may charge a fee up to \$7 per transaction. [SF 2983, Sen. Murphy]

Section 7 [3097] allows the MnDOT freeway service patrol to immediately tow a vehicle in the eight-county Metro district, if its location constitutes an accident or traffic hazard. A tower who has been requested before the arrival of the MnDOT patrol must be given a reasonable opportunity to complete requested towing operations. [SF 3097, Sen. McGinn]

Section 8 [2983] changes the definition of "motorized foot scooter" to include certain vehicles with no more than two ten-inch or smaller diameter wheels, and (current law provides "or") an engine or motor capable of a maximum speed of 15 miles per hour. [SF 2983, Sen. Murphy]

Section 9 amends the definition of "recreational vehicle combination," to add "motorized golf cart" to the list of vehicles permitted to be carried by the trailer in an RV combination. [SF 3083, Sen. D.E. Johnson]

Section 10 amends the definition of "towing authority" to include the MnDOT freeway service patrol or a private company authorized by MnDOT. [SF 3097, Sen. McGinn]

Section 11 allows the MnDOT freeway service patrol to order a tow from a trunk highway after preparing a written towing report provided by the State Patrol. No parking citation is required. [SF 3097, Sen. McGinn]

Section 12 deals with exhibition driving. The section:
includes vehicle racing within the definition of reckless driving, which is a misdemeanor. A person who operates a vehicle and "willfully compares or contests relative speeds" is guilty of vehicle racing, even if the vehicle is operated within the speed limit;
declares exhibition driving to be a misdemeanor. Exhibition driving involves starting or accelerating with an unnecessary exhibition of speed, which may be evidenced by the vehicle's tires, or both; and
specifically excludes an authorized emergency vehicle responding to an emergency call or in pursuit of a violator, emergency operation of a vehicle avoiding imminent danger; and a racing facility, or government-sanctioned event.

This section is effective August 1, 2006, for violations committed on and after that date. [SF 2982 Sen. Murphy]

Section 13 amends the statute on prohibition of use of headphones in a motor vehicle, to allow the use of communication headsets by firefighters in fire trucks during emergency response. [SF 2474, Sen. Senjem]

Section 14 adds children between, and including, the ages of five and eight, weighing less than 80 pounds, to the law requiring child passenger restraints in motor vehicles. Specific requirements include:

A child less than one year, weighing less than 20 pounds, must be restrained in a rear-facing child restraint system;

A child under the age of nine, weighing 80 pounds or more, must be restrained in a seat belt;

A child under the age of nine must sit in the back seat, unless the vehicle has no forward-facing back seat, all back seats are occupied by children under nine, or a child restraint cannot be properly installed in the back seat;

A child under the age of nine, weighing 40 pounds or more, may wear a lap-only seat belt in the rear if there are no shoulder belts in the back seat, or if all shoulder belts are in use by children weighing at least 40 pounds and under the age of 16.

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The section further requires an operator of a pickup truck or sports utility vehicle transporting a child under the age of nine to transport the child within the vehicle's passenger compartment.

The fine for a first violation of this subdivision may be waived or reduced if the driver produces evidence of having acquired a booster seat.

An officer issuing a citation for violation of this section must provide written information to the driver concerning no-cost child restraint equipment for people in need. [SF 298, Sen. McGinn]

Section 15 changes the seat belt law to apply the requirement of wearing a seat belt to all passengers, and allows the primary enforcement of the seat belt law. [SF 1070, Sen. Murphy]

Section 16 amends language that allows operation of RV combination without a permit under certain conditions, adding "motorized golf cart" to the list of vehicles permitted to be carried by the trailer in an RV combination. This section removes the current statutory length limit of 28 feet for the middle vehicle in a recreational vehicle combination. [SF 3083, Sen. D. E. Johnson]

Section 17 allows trucks to operate on routes with a maximum weight limit of nine tons per axle, that operate otherwise only on state trunk highways and routes designated by the commissioner

Section 18 to 26 combine separate provisions currently in **chapters 168 and 171** that relate to motor vehicle and driver's license records into one chapter of law and make substantive changes in the law governing access to this information.

Section 18 contains the general language dealing with the use of personal information in motor vehicle and driver's license records. To a large extent, this codifies current law in **sections 168.346, subdivision 1, and 171.12, subdivision 7**. The most significant substantive change with respect to access to personal information is a limitation on the permissible uses for which access is allowed. In particular, data could be used for government, law enforcement, or public safety functions; recalls, automobile market surveys, and prevention of theft; verification of information submitted to a business; research activities; insurance anti-fraud activities and claims investigation; towing and impound notices; and commercial license verification. Access would no longer be allowed for use in connection with civil, criminal, administrative, or arbitration proceedings; private investigators; operation of private toll transportation facilities; and bulk distribution for surveys, marketing, or solicitations (which is authorized under current law but only with express consent).

Section 19 governs disclosure of personal information when the use is related to public safety, based on current law in **section 171.12, subdivision 7a**.

Section 20 adds new provisions governing the type of record access authorized by the law. The Commissioner of Public Safety may disclose personal information only on an

individual record basis, but subject to a number of specified exceptions. In particular, bulk distribution would be authorized for government, law enforcement, or public safety functions; recalls, automobile market surveys, and prevention of theft; insurance anti-fraud activities and claims investigation; and certain research activities.

Section 21 establishes new requirements for requesting access to and disclosure of personal information in motor vehicle and driver's license records. Some of these incorporate requirements under federal law and current practice of the Department of Public Safety.

Subdivision 1 provides that a person who requests disclosure of personal information must identify the data elements requested and the reason each element is needed. The Commissioner may disclose only data needed to accomplish the use for which the request is made. A person who receives personal information must cooperate in good faith with all compliance activities.

Subdivision 2 contains specific disclosure requirements applicable to the release of personal information, which must be reflected in the contract between the permissible user and the Commissioner.

Subdivision 3 contains the conditions for resale or redisclosure of personal information. A permissible user or subsequent permissible user who receives personal information may resell or redisclose the information only under certain circumstances, which must be reflected in a contract between the permissible user and the subsequent user.

Subdivision 4 specifies the fees to be charged for access to the data.

A delayed effective date of January 1, 2007, is included for **subdivision 2, paragraph (a), clause (2)**, which contains new requirements relating to encrypting and uniquely identifying data in order to prevent unauthorized access and track the source of unauthorized releases.

Section 22 contains remedies and penalties. **Section 8.31**, which is the general consumer protection enforcement law that includes public remedies by the Attorney General and private remedies, would apply to a user of personal information or subsequent user who violates the law or the terms of a user contract. The remedy and penalty provisions under the Data Practices Act would apply to a violation of the law by a government entity or employee.

Section 23 contains a statement that this chapter does not affect the use of organ donation information in driver's license records or access to personal information by organ procurement organizations in connection with authorized activities, consistent with federal law.

Section 24 contains a provision under which an individual who is the subject of personal information may request that the individual's residence address or name and address be classified

as private data. This is based on current law in **section 168.346**, which is applicable to motor vehicle registration data.

Section 25 authorizes the Commissioner of Public Safety to refuse to disclose personal information if the Commissioner has reason to believe that the person requesting the information is likely to use it for an illegal or improper purpose or is otherwise not going to comply with the law. This is an expanded version of current law in **section 171.12, subdivision 7a**, which is limited to disclosures for public safety purposes.

Section 26 contains language clarifying the relationship of these provisions to the Data Practices Act.

Section 27 adds to the definition of "conviction" in the driver's license law a plea of nolo contendere (no contest) that is accepted by the court. [SF 2980, Sen. Jungbauer]

Sections 28 and 29 conform language relating to instruction permit holders and provisional license holders to the primary seat belt section. [SF 1070, Sen. Murphy]

Section 30 adds to the required content of a driver's license the license class, and any endorsements or restrictions. [SF 2980, Sen. Jungbauer]

Section 31 directs the Commissioner of Public Safety to adopt rules requiring that driver education courses include a minimum of 30 minutes of instruction relating to organ and tissue donation. [SF 2646, Sen. Wiger]

Section 32 requires cancellation of the driver's license of a person who failed to give correct information on a driver's license application and committed fraud or deceit in making the application, for the longer of 60 days or until the required information is provided. [SF 3106, Sen. Marko]

Section 33 allows suspension of a driver's license if the licensee pays, or attempts to pay, required vehicle taxes or fees with a dishonored check. [SF 3106, Sen. Marko]

Section 34 allows an advertising device to be erected adjacent to a road, with the consent of the owner/lessee of the land and adjacent land, if the sign does not exceed 432 square inches, displays the owner's name and telephone number, and is displayed for no more than six weeks in a calendar year. [SF 3093, Sen. Wergin]

Section 35 creates a new public safety and financial crimes account in the special revenue fund consisting of the fees collected for obtaining access to personal information in motor vehicle registration and driver's license records. Fifty percent of the money is appropriated to the Commissioner of Public Safety for purposes of operation of the system for access to personal

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information and 50 percent is appropriated for purposes of the operations of the Minnesota Financial Crimes Task Force.

Section 36 permits a transit service provider, acting as a subcontractor, to receive financial assistance from the Metropolitan Council, if the provider meets eligibility requirements and the primary contractor is a 501(c)(3) organization. [SF 3454, Sen. Higgins]

Section 37 adds a reference to subcontract in the section of law dealing with transit provider eligibility for Metropolitan Council financial assistance. [SF 3454, Sen. Higgins]

Section 38 [3450] requires the Metropolitan Council to ensure that the geographic service area of the Metro Mobility special transportation service is continuous within the transit taxing district's boundaries as of March 1, 2006. [SF 3450, Sen. Murphy]

Section 39 removes the June 10, 2006, sunset of the repeal of the motor vehicle insurance random sampling program. [Amendment to SF 2646, offered by Sen. Murphy to Sen. Wiger's bill]

Section 40 directs the commission of public safety to conduct a child passenger restraint law awareness campaign, to educate the public about state laws on child passenger restraint and to inform individuals in financial needs how to obtain child restraint systems at no cost. [SF 298, Sen. McGinn]

Section 41 directs the commissioner of transportation to erect a specific service sign on Trunk Highway 62 in Olmsted County, displaying the name or business panel, or both, of a retail establishment on Highway 52. [SF 1980, Sen. Kiscaden]

Section 42 directs the Commissioner of Public Safety to amend the current rule, using the procedure for adopting exempt rules, to include requiring driver education relating to organ and tissue donations. [SF 2646, Sen. Wiger]

Section 43 repeals current laws that are replaced by the new provisions in this article relating to motor vehicle and driver's license records.

BB/KB:rer

Senator Murphy introduced—**S.F. No. 3764:** Referred to the Committee on Transportation.

1.1 A bill for an act

1.2 relating to transportation; amending the allocation of revenue from a tax on
 1.3 sale of motor vehicles; amending Minnesota Statutes 2004, section 297B.09,
 1.4 subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2004, section 297B.09, subdivision 1, is amended to read:

1.7 Subdivision 1. **Deposit of revenues.** (a) Money collected and received under this
 1.8 chapter must be deposited as provided in this subdivision.

1.9 ~~(b) From July 1, 2002, to June 30, 2003, 32 percent of the money collected and~~
 1.10 ~~received must be deposited in the highway user tax distribution fund, 20.5 percent must be~~
 1.11 ~~deposited in the metropolitan area transit fund under section 16A.88, and 1.25 percent~~
 1.12 ~~must be deposited in the greater Minnesota transit fund under section 16A.88. The~~
 1.13 ~~remaining money must be deposited in the general fund.~~

1.14 ~~(c) (b) From July 1, 2003, to through June 30, 2007 2006, 30 percent of the money~~
 1.15 ~~collected and received must be deposited in the highway user tax distribution fund, 21.5~~
 1.16 ~~percent must be deposited in the metropolitan area transit fund under section 16A.88, 1.43~~
 1.17 ~~percent must be deposited in the greater Minnesota transit fund under section 16A.88,~~
 1.18 ~~0.65 percent must be deposited in the county state-aid highway fund, and 0.17 percent~~
 1.19 ~~must be deposited in the municipal state-aid street fund. The remaining money must~~
 1.20 ~~be deposited in the general fund.~~

1.21 ~~(d) On and after (c) From July 1, 2007, 32 through June 30, 2008, 38.25 percent of~~
 1.22 ~~the money collected and received must be deposited in the highway user tax distribution~~
 1.23 ~~fund, 20.5 24.225 percent must be deposited in the metropolitan area transit fund under~~

2.1 section 16A.88, and ~~1.25~~ 1.275 percent must be deposited in the greater Minnesota transit
 2.2 fund under section 16A.88. The remaining money must be deposited in the general fund.

2.3 (d) From July 1, 2008, through June 30, 2009, 44.25 percent must be deposited in the
 2.4 highway user tax distribution fund, 28.025 percent must be deposited in the metropolitan
 2.5 area transit fund under section 16A.88, and 1.475 percent must be deposited in the greater
 2.6 Minnesota transit fund under section 16A.88. The remaining money must be deposited
 2.7 in the general fund.

2.8 (e) From July 1, 2009, through June 30, 2010, 50.25 percent must be deposited in the
 2.9 highway user tax distribution fund, 31.825 percent must be deposited in the metropolitan
 2.10 area transit fund under section 16A.88, and 1.675 percent must be deposited in the greater
 2.11 Minnesota transit fund under section 16A.88. The remaining money must be deposited
 2.12 in the general fund.

2.13 (f) From July 1, 2010, through June 30, 2011, 56.25 percent must be deposited in the
 2.14 highway user tax distribution fund, 35.625 percent must be deposited in the metropolitan
 2.15 area transit fund under section 16A.88, and 1.875 percent must be deposited in the greater
 2.16 Minnesota transit fund under section 16A.88. The remaining money must be deposited
 2.17 in the general fund.

2.18 (g) On and after July 1, 2011, 60 percent must be deposited in the highway user
 2.19 tax distribution fund, 38 percent must be deposited in the metropolitan area transit fund
 2.20 under section 16A.88, and two percent must be deposited in the greater Minnesota transit
 2.21 fund under section 16A.88.

2.22 (h) Notwithstanding any other law, the commissioner shall, in fiscal years 2006
 2.23 through 2009, reduce the amount that would otherwise be distributed to the trunk highway
 2.24 fund from the amount deposited in the highway user tax distribution fund under this section
 2.25 by the following amounts, and shall transfer the reduced amount to the general fund:

- 2.26 (1) in fiscal year 2006, \$100,200,000;
 2.27 (2) in fiscal year 2007, \$103,600,000;
 2.28 (3) in fiscal year 2008, \$106,000,000; and
 2.29 (4) in fiscal year 2009, \$109,700,000.

2.30 **Sec. 2. EFFECTIVE DATE.**

2.31 Section 1 is effective upon the adoption at the 2006 general election of an
 2.32 amendment to the state constitution that requires dedication of all motor vehicle sales tax
 2.33 revenues to transportation purposes beginning in 2011.

1.1 Senator moves to amend S.F. No. 3764 as follows:

2 Delete everything after the enacting clause and insert:

1.3 " ARTICLE 1

1.4 TRUNK HIGHWAY BONDING

1.5 Section 1. HIGHWAY APPROPRIATIONS

1.6 The sums shown in the columns marked "APPROPRIATIONS" are appropriated
1.7 from the bond proceeds fund in the trunk highway fund to the commissioner of
1.8 transportation to be spent for trunk highway purposes.

1.9 SUMMARY BY FUND

	<u>2006</u>		<u>2007</u>		<u>TOTAL</u>
1.10					
1.11	<u>Mankato headquarters</u>	\$	\$	<u>18,228,000</u>	\$ <u>18,228,000</u>
1.12	<u>Transportation Building</u>				
1.13	<u>exterior</u>			<u>10,161,000</u>	<u>10,161,000</u>
1.14	<u>Marked Trunk Highway</u>				
1.15	<u>610 project</u>			<u>6,000,000</u>	<u>6,000,000</u>
1.16	<u>Marked Trunk Highway 61</u>				
1.17	<u>corridor study</u>			<u>300,000</u>	<u>300,000</u>
1.18	<u>French Rapids Bridge study</u>			<u>150,000</u>	<u>150,000</u>
1.19	<u>Bond sale expenses</u>			<u>350,000</u>	<u>350,000</u>
1.20	<u>TOTAL</u>	\$	\$	<u>35,189,000</u>	\$ <u>35,189,000</u>

1.21 APPROPRIATIONS
1.22 Available for the Year
1.23 Ending June 30

	<u>2006</u>	<u>2007</u>
1.24		

1.25 Sec. 2. TRUNK HIGHWAY PROJECTS
1.26 FINANCED BY STATE TRUNK
1.27 HIGHWAYS BONDS

1.28	<u>Subdivision 1. Mankato district headquarters</u>				
1.29	<u>building</u>	\$	\$	<u>18,228,000</u>	

1.30 To design, construct, furnish, and equip a
1.31 new district headquarters facility in Mankato.

1.32	<u>Subd. 2. Transportation Building exterior</u>			<u>10,161,000</u>	
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1.33 To replace the structural support system
1.34 for the granite panels on the exterior of the
1.35 Transportation Building.

1.36	<u>Subd. 3. Marked Trunk Highway 610 project</u>			<u>6,000,000</u>	
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2.1 To match federal funds to assist in the
 2.2 completion of Marked Trunk Highway 610
 2.3 as a four-lane freeway from its intersection
 2.4 with Marked Trunk Highway 169 to its
 2.5 intersection with Marked Interstate Highway
 2.6 94.

2.7 **Subd. 4. Marked Trunk Highway 61 corridor**
 2.8 **study** 300,000

2.9 For corridor study and mapping for
 2.10 the corridor that extends along Marked
 2.11 Trunk Highway 61 from its intersection
 2.12 with Marked Trunk Highway 316 to its
 2.13 intersection with Marked Trunk Highway 50,
 2.14 then along Marked Trunk Highway 50 to its
 2.15 intersection with Marked Trunk Highway
 2.16 52. The study must, among other things,
 2.17 identify and recommend improvements to
 2.18 mainline segments and intersections needed
 2.19 to efficiently and safely accommodate
 2.20 present and future projected traffic load,
 2.21 identify key environmental issues, preserve
 2.22 key environmental features, and preserve
 2.23 access.

2.24 **Subd. 5. French Rapids Bridge study** 150,000

2.25 To match federal funds for environmental
 2.26 study, corridor study and mapping, and
 2.27 right-of-way acquisition for the French
 2.28 Rapids Bridge over the Mississippi River
 2.29 north of the city of Brainerd.

2.30 **Subd. 6. Bond sale expenses** 350,000

2.31 To the commissioner of finance for bond sale
 2.32 expenses under Minnesota Statutes, section
 2.33 16A.641, subdivision 8.

2.34 **Sec. 3. BOND SALE AUTHORIZATION.**

2.35 To provide the money appropriated in this article from the bond proceeds account in
 2.36 the trunk highway fund, the commissioner of finance shall sell and issue bonds of the state

3.1 in an amount up to \$35,189,000 in the manner, on the terms, and with the effect prescribed
 3.2 by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution,
 3.3 article XIV, section 11, at the times and in the amounts requested by the commissioner
 3.4 of transportation. The proceeds of the bonds, except accrued interest and any premium
 3.5 received from the sale of the bonds, must be deposited in the bond proceeds account in
 3.6 the trunk highway fund.

3.7 Sec. 4. Minnesota Statutes 2004, section 167.50, is amended by adding a subdivision
 3.8 to read:

3.9 Subd. 5. Bond limit. The biennial trunk highway fund appropriation for debt
 3.10 service may not exceed five percent of the most recent previous projection of trunk
 3.11 highway fund resources by the commissioner of finance.

3.12 Sec. 5. EFFECTIVE DATE.

3.13 This article is effective the day following final enactment.

3.14 ARTICLE 2

3.15 DEPOSIT OF MOTOR VEHICLE SALES TAX REVENUES

3.16 Section 1. Minnesota Statutes 2004, section 16A.88, is amended to read:

3.17 16A.88 TRANSIT FUNDS FUND.

3.18 Subdivision 1. Transit fund. A transit fund is established within the state treasury.
 3.19 The fund receives money distributed under section 297B.09, and other money as specified
 3.20 by law. Money in the fund must be allocated to the greater Minnesota transit account
 3.21 under subdivision 1 and the metropolitan area transit account under subdivision 2, and
 3.22 must be used for transit purposes.

3.23 Subd. 2. Greater Minnesota transit fund account. The greater Minnesota transit
 3.24 fund account is established within the ~~state treasury~~ transit fund. Money in the ~~fund~~
 3.25 account is annually appropriated to the commissioner of transportation for assistance to
 3.26 transit systems outside the metropolitan area under section 174.24. ~~Beginning in fiscal~~
 3.27 ~~year 2003;~~ The commissioner may use up to \$400,000 each year for administration of the
 3.28 transit program. The commissioner shall use the ~~fund~~ account for transit operations as
 3.29 provided in section 174.24 and related program administration.

3.30 Subd. 2 3. Metropolitan area transit fund account. The metropolitan area transit
 3.31 fund account is established within the ~~state treasury~~ transit fund. All money in the ~~fund~~
 3.32 account is annually appropriated to the Metropolitan Council for the funding of transit
 3.33 systems within the metropolitan area under sections 473.384, 473.387, 473.388, and
 3.34 473.405 to 473.449.

4.1 ~~Subd. 3. Metropolitan area transit appropriation account. The metropolitan~~
4.2 ~~area transit appropriation account is established within the general fund. Money in the~~
4.3 ~~account is to be used for the funding of transit systems in the metropolitan area, subject to~~
4.4 ~~legislative appropriation.~~

4.5 Sec. 2. Minnesota Statutes 2004, section 174.24, subdivision 1, is amended to read:

4.6 Subdivision 1. **Establishment; purpose.** A public transit participation program is
4.7 established to carry out the objectives stated in section 174.21 by providing financial
4.8 assistance from the state, including the greater Minnesota transit fund account established
4.9 in section 16A.88, to eligible recipients outside of the metropolitan area.

4.10 Sec. 3. Minnesota Statutes 2004, section 297B.09, subdivision 1, is amended to read:

4.11 Subdivision 1. **Deposit of revenues.** (a) Money collected and received under this
4.12 chapter must be deposited as provided in this subdivision.

4.13 ~~(b) From July 1, 2002, to June 30, 2003, 32 percent of the money collected and~~
4.14 ~~received must be deposited in the highway user tax distribution fund, 20.5 percent must be~~
4.15 ~~deposited in the metropolitan area transit fund under section 16A.88, and 1.25 percent~~
4.16 ~~must be deposited in the greater Minnesota transit fund under section 16A.88. The~~
4.17 ~~remaining money must be deposited in the general fund.~~

4.18 ~~(c) From July 1, 2003, to June 30, 2007, 30 percent of the money collected and~~
4.19 ~~received must be deposited in the highway user tax distribution fund, 21.5 percent must be~~
4.20 ~~deposited in the metropolitan area transit fund under section 16A.88, 1.43 percent must be~~
4.21 ~~deposited in the greater Minnesota transit fund under section 16A.88, 0.65 percent must~~
4.22 ~~be deposited in the county state-aid highway fund, and 0.17 percent must be deposited~~
4.23 ~~in the municipal state-aid street fund. The remaining money must be deposited in the~~
4.24 ~~general fund.~~

4.25 ~~(d) On and after (c) From July 1, 2007, 32 to June 30, 2008, 38.25 percent of the~~
4.26 ~~money collected and received must be deposited in the highway user tax distribution~~
4.27 ~~fund, 20.5 percent must be deposited in the metropolitan area transit fund under section~~
4.28 ~~16A.88; and 1.25 25.5 percent must be deposited in the greater Minnesota transit fund~~
4.29 ~~under section 16A.88. The remaining money must be deposited in the general fund.~~

4.30 (d) From July 1, 2008, to June 30, 2009, 44.25 percent must be deposited in the
4.31 highway user tax distribution fund, and 29.5 percent must be deposited in the transit fund.
4.32 The remaining money must be deposited in the general fund.

4.33 (e) From July 1, 2009, to June 30, 2010, 50.25 percent must be deposited in the
4.34 highway user tax distribution fund, and 33.5 percent must be deposited in the transit fund.
4.35 The remaining money must be deposited in the general fund.

5.1 (f) From July 1, 2010, to June 30, 2011, 56.25 percent must be deposited in the
 5.2 highway user tax distribution fund, and 37.5 percent must be deposited in the transit fund.
 5.3 The remaining money must be deposited in the general fund.

5.4 (g) On and after July 1, 2011, 60 percent must be deposited in the highway user tax
 5.5 distribution fund, and 40 percent must be deposited in the transit fund.

5.6 Sec. 4. Laws 2005, chapter 88, article 3, section 10, is amended to read:

5.7 **Sec. 10. SUBMISSION TO VOTERS.**

5.8 The constitutional amendment proposed in section ~~12~~ 9 must be presented to the
 5.9 people at the 2006 general election. The question submitted must be:

5.10 "~~Shall the Minnesota Constitution be amended to dedicate revenue from a tax on~~
 5.11 ~~the sale of new and used motor vehicles over a five-year period, so that after June 30,~~
 5.12 ~~2011, all of the revenue is dedicated at least 40 percent for public transit assistance and~~
 5.13 ~~not more than 60 percent for highway purposes so that after June 30, 2011, all of the~~
 5.14 revenues from the existing tax on the sale of new and used motor vehicles are dedicated
 5.15 to highways and public transit?

5.16 Yes
 5.17 No"

5.18 **Sec. 5. BALLOT PLACEMENT.**

5.19 The secretary of state shall place as the first question on the ballot at the 2006
 5.20 general election the constitutional amendment proposed in Laws 2005, chapter 88, article
 5.21 3, section 10, as amended by this act.

5.22 **Sec. 6. EFFECTIVE DATE.**

5.23 Sections 1 to 3 are effective on July 1, 2007, upon adoption at the 2006 general
 5.24 election of a constitutional amendment that requires dedication of all motor vehicle sales
 5.25 tax revenues to transportation purposes by July 1, 2011.

5.26 **ARTICLE 3**

5.27 **TRANSPORTATION POLICY**

5.28 Section 1. Minnesota Statutes 2005 Supplement, section 13.6905, subdivision 3,
 5.29 is amended to read:

5.30 **Subd. 3. Motor vehicle registration and driver's license data.** ~~Various data on~~
 5.31 Disclosure and use of motor vehicle registrations are classified under sections 168.327,
 5.32 subdivision 3, and 168.346 registration and driver's license data is governed by chapter
 5.33 170A.

5.34 Sec. 2. Minnesota Statutes 2004, section 161.082, subdivision 2a, is amended to read:

6.1 Subd. 2a. **Town bridges and culverts; town road account.** (a) Money in the
6.2 town bridge account must be expended on town road bridge structures that are ten feet
6.3 or more in length and on town road culverts that replace existing town road bridges. In
6.4 addition, if the present bridge structure is less than ten feet in length but a hydrological
6.5 survey indicates that the replacement bridge structure or culvert must be ten feet or more
6.6 in length, then the bridge or culvert is eligible for replacement funds.

6.7 (b) In addition, if a culvert that replaces a deficient bridge is in a county
6.8 comprehensive water plan approved by the Board of Water and Soil Resources and the
6.9 Department of Natural Resources, the costs of the culvert and roadway grading other than
6.10 surfacing are eligible for replacement funds up to the cost of constructing a replacement
6.11 bridge.

6.12 (c) The expenditures on a bridge structure or culvert may be paid from the county
6.13 turnback account and may be for 100 percent of the cost of the replacement structure or
6.14 culvert or for 100 percent of the cost of rehabilitating the existing structure.

6.15 (d) The town bridge account may be used to pay the costs to abandon an existing
6.16 bridge that is deficient and in need of replacement, but where no replacement will be
6.17 made. It may also be used to pay the costs to construct a road or street to facilitate the
6.18 abandonment of an existing bridge determined by the commissioner to be deficient, if the
6.19 commissioner determines that construction of the road or street is more cost efficient
6.20 than replacing the existing bridge.

6.21 (e) When bridge approach construction work exceeds \$10,000 in costs, or when
6.22 the county engineer determines that the cost of the replacement culverts alone will not
6.23 exceed \$20,000, or engineering costs exceed \$10,000, the town shall be eligible for
6.24 financial assistance from the town bridge account. Financial assistance shall be requested
6.25 by resolution of the county board and shall be limited to:

6.26 (1) 100 percent of the cost of the bridge approach work that is in excess of \$10,000;

6.27 (2) 100 percent of the cost of the replacement culverts when the cost does not
6.28 exceed \$20,000 and the town board agrees to be responsible for all the other costs, which
6.29 may include costs for structural removal, installation, and permitting. The replacement
6.30 structure design and costs shall be approved and certified by the county engineer, but need
6.31 not be subsequently approved by the Department of Transportation; or

6.32 (3) 100 percent of all related engineering costs that exceed \$10,000, or in the case
6.33 of towns with a net tax capacity of less than ~~\$200,000~~ \$300,000, 100 percent of the
6.34 engineering costs. Beginning in fiscal year 2007, and for each fiscal year thereafter, the
6.35 net tax capacity limit must be annually adjusted for the increase in inflation, from the most

7.1 recent previous year available, using the annual implicit price deflator for state and local
7.2 expenditures as published by the United States Department of Commerce.

7.3 (f) Money in the town road account must be distributed as provided in section
7.4 162.081.

7.5 **EFFECTIVE DATE.** This section is effective July 1, 2006.

7.6 Sec. 3. Minnesota Statutes 2005 Supplement, section 168.123, subdivision 1, is
7.7 amended to read:

7.8 Subdivision 1. **General requirements; fees.** (a) On payment of a fee of \$10 for
7.9 each set of two plates, or for a single plate in the case of a motorcycle plate, payment of
7.10 the registration tax required by law, and compliance with other applicable laws relating to
7.11 vehicle registration and licensing, as applicable, the commissioner shall issue:

7.12 (1) special veteran's plates to an applicant who served in the active military service
7.13 in a branch of the armed forces of the United States or of a nation or society allied with the
7.14 United States in conducting a foreign war, was discharged under honorable conditions,
7.15 and is a registered owner of a passenger automobile, recreational motor vehicle, or truck
7.16 resembling a pickup truck and having a manufacturer's nominal rated capacity of one ton,
7.17 but which is not a commercial motor vehicle as defined in section 169.01, subdivision
7.18 75; or

7.19 (2) a veteran's special motorcycle plate as described in subdivision 2, paragraph (a),
7.20 (e), (f), (h), or (i), or another special plate designed by the commissioner to an applicant
7.21 who is a registered owner of a motorcycle and meets the criteria listed in this paragraph
7.22 and in subdivision 2, paragraph (a), (e), (f), (h), or (i). Plates issued under this clause must
7.23 be the same size as regular motorcycle plates. Special motorcycle license plates issued
7.24 under this clause are not subject to section 168.1293.

7.25 (b) The additional fee of \$10 is payable for each set of veteran's plates, is payable
7.26 only when the plates are issued, and is not payable in a year in which stickers are issued
7.27 instead of plates.

7.28 (c) The veteran must have a certified copy of the veteran's discharge papers,
7.29 indicating character of discharge, at the time of application. If an applicant served in the
7.30 active military service in a branch of the armed forces of a nation or society allied with the
7.31 United States in conducting a foreign war and is unable to obtain a record of that service
7.32 and discharge status, the commissioner of veterans affairs may certify the applicant as
7.33 qualified for the veterans' plates provided under this section.

7.34 (d) For license plates issued for one-ton trucks described in paragraph (a), clause
7.35 (1), the commissioner shall collect a surcharge of \$5 on each \$10 fee collected under

8.1 paragraph (a). The surcharge must be deposited in the vehicle services operating account
8.2 in the special revenue fund.

8.3 Sec. 4. Minnesota Statutes 2005 Supplement, section 168.1251, subdivision 1, is
8.4 amended to read:

8.5 Subdivision 1. **Issuance and design.** The commissioner shall issue special license
8.6 plates bearing the inscription "DISABLED ~~AMERICAN~~ VETERAN" to an applicant
8.7 who is certified in writing by the United States Department of Veterans Affairs or the
8.8 state commissioner of veterans affairs as having ~~a permanent and total service-connected~~
8.9 ~~disability~~ been awarded a claim for a service-connected disability from the United States
8.10 Department of Veterans Affairs, who complies with all laws relating to the registration
8.11 and licensing of motor vehicles and drivers, and who pays a fee of \$10 for each set of
8.12 license plates applied for. The commissioner of veterans affairs shall design the special
8.13 license plates must be of a design and size determined by the commissioner subject to the
8.14 approval of the registrar.

8.15 Sec. 5. Minnesota Statutes 2005 Supplement, section 168.1251, subdivision 5, is
8.16 amended to read:

8.17 Subd. 5. **Motor vehicle; special definition.** For purposes of this section, "motor
8.18 vehicle" means a vehicle for personal use, not used for commercial purposes, and may
8.19 include a passenger automobile, ~~van, pickup truck,~~ motorcycle, or recreational vehicle.

8.20 Sec. 6. Minnesota Statutes 2004, section 168A.153, is amended to read:

8.21 **168A.153 REPORT OF VEHICLE RECEIPT; SURRENDER OF**
8.22 **CERTIFICATE.**

8.23 Subdivision 1. **Older model vehicle.** A dealer who buys an older model vehicle
8.24 to be dismantled or destroyed shall report to the department within 30 days including
8.25 the vehicle's license plate number and identification number, and the seller's name and
8.26 driver's license number.

8.27 Subd. 2. **Late-model or high-value vehicle.** A dealer who buys a late-model or
8.28 high-value vehicle to be dismantled or destroyed shall notify the secured party, if any, and
8.29 ~~then surrender the certificate of title and a properly completed application for a salvage~~
8.30 ~~certificate of title to the department within ten days~~ the commissioner within ten days
8.31 in the manner prescribed in subdivision 3. The dealer shall then properly destroy the
8.32 certificate of title.

8.33 Subd. 3. **Notification on vehicle to be dismantled or destroyed; service fee.**
8.34 Within the time frames prescribed in subdivisions 1 and 2 of acquiring a vehicle titled and
8.35 registered in Minnesota, a dealer shall notify the registrar that the dealership purchased the

9.1 vehicle to be dismantled or destroyed. The notification must be made electronically as
 9.2 prescribed by the registrar. The dealer may contract this service to a deputy registrar and
 9.3 the registrar may charge a fee not to exceed \$7 per transaction to provide this service.

9.4 Sec. 7. Minnesota Statutes 2004, section 168B.04, subdivision 2, is amended to read:

9.5 Subd. 2. **Unauthorized vehicles.** (a) Units of government and peace officers may
 9.6 take into custody and impound any unauthorized vehicle under section 169.041.

9.7 (b) A vehicle may also be impounded after it has been left unattended in one of the
 9.8 following public or private locations for the indicated period of time:

9.9 (1) in a public location not governed by section 169.041:

9.10 (i) on a highway and properly tagged by a peace officer, four hours;

9.11 (ii) located so as to constitute an accident or traffic hazard to the traveling public, as
 9.12 determined by a peace officer, immediately; or

9.13 (iii) located so as to constitute an accident or traffic hazard to the traveling
 9.14 public within the Department of Transportation's eight-county metropolitan district,
 9.15 as determined by an authorized employee of the department's freeway service patrol,
 9.16 immediately; or

9.17 ~~(iii)~~ (iv) that is a parking facility or other public property owned or controlled by a
 9.18 unit of government, properly posted, four hours; or

9.19 (2) on private property:

9.20 (i) that is single-family or duplex residential property, immediately;

9.21 (ii) that is private, nonresidential property, properly posted, immediately;

9.22 (iii) that is private, nonresidential property, not posted, 24 hours;

9.23 (iv) that is private, nonresidential property of an operator of an establishment for the
 9.24 servicing, repair, or maintenance of motor vehicles, five business days after notifying the
 9.25 vehicle owner by certified mail, return receipt requested, of the property owner's intention
 9.26 to have the vehicle removed from the property; or

9.27 (v) that is any residential property, properly posted, immediately.

9.28 (c) When a tow is requested under paragraph (b), clause (1) (iii), the department shall
 9.29 ensure that the tower initially requested to remove the vehicle is given the opportunity,
 9.30 to the greatest reasonable extent, to actually conduct and complete all towing operations
 9.31 requested; provided that, the owner of the vehicle to be towed has not already requested
 9.32 that another tower remove the vehicle, in which case the tower contacted by the owner
 9.33 must be given the first reasonable opportunity to conduct the towing operations required.

9.34 Sec. 8. Minnesota Statutes 2005 Supplement, section 169.01, subdivision 4c, is
 9.35 amended to read:

10.1 Subd. 4c. **Motorized foot scooter.** "Motorized foot scooter" means a device with
 10.2 handlebars designed to be stood or sat upon by the operator, and powered by an internal
 10.3 combustion engine or electric motor that is capable of propelling the device with or
 10.4 without human propulsion, and that has ~~either (1)~~ no more than two ten-inch or smaller
 10.5 diameter wheels ~~or (2)~~ and has an engine or motor that is capable of a maximum speed of
 10.6 15 miles per hour on a flat surface with not more than one percent grade in any direction
 10.7 when the motor is engaged. An electric personal assistive mobility device, a motorized
 10.8 bicycle, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

10.9 Sec. 9. Minnesota Statutes 2005 Supplement, section 169.01, subdivision 78, is
 10.10 amended to read:

10.11 Subd. 78. **Recreational vehicle combination.** (a) "Recreational vehicle
 10.12 combination" means a combination of vehicles consisting of a pickup truck as defined
 10.13 in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a
 10.14 camper-semitrailer which has hitched to it a trailer carrying a watercraft as defined in
 10.15 section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787,
 10.16 subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81,
 10.17 subdivision 3; all-terrain vehicle as defined in section 84.92, subdivision 8; motorized golf
 10.18 cart; or equestrian equipment or supplies.

10.19 (b) For purposes of this subdivision:

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

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

10.26 Sec. 10. Minnesota Statutes 2004, section 169.041, subdivision 1, is amended to read:

10.27 Subdivision 1. **Towing authority.** For purposes of this section, "towing authority"
 10.28 means:

10.29 (1) any local authority authorized by section 169.04 to enforce the traffic laws, and
 10.30 ~~also includes a private towing company authorized by a local authority to tow vehicles on~~
 10.31 ~~behalf of that local authority;~~ or

10.32 (2) an authorized employee of the Department of Transportation's freeway service
 10.33 patrol within the department's eight-county metropolitan district, and also includes a
 10.34 private towing company authorized by the department to tow vehicles on behalf of the
 10.35 department.

11.1 Sec. 11. Minnesota Statutes 2004, section 169.041, subdivision 2, is amended to read:

11.2 Subd. 2. **Towing order required.** A towing authority may not tow a motor
11.3 vehicle from public property unless a peace officer or parking enforcement officer has
11.4 prepared, in addition to the parking citation, a written towing report describing the motor
11.5 vehicle and the reasons for towing. The report must be signed by the officer and the tow
11.6 driver. Within the Department of Transportation's eight-county metropolitan district, an
11.7 authorized employee of the department's freeway service patrol may order a tow from a
11.8 trunk highway after preparing a written towing report provided by the Minnesota State
11.9 Patrol but is not required to issue a citation. The department employee shall ensure that
11.10 the tower initially requested to remove the vehicle is given the opportunity, to the greatest
11.11 reasonable extent, to actually conduct and complete all towing operations requested;
11.12 provided that, the owner of the vehicle to be towed has not already requested that another
11.13 tower remove the vehicle, in which case the tower contacted by the owner must be given
11.14 the first reasonable opportunity to conduct the towing operations required.

11.15 Sec. 12. Minnesota Statutes 2004, section 169.13, is amended to read:

11.16 **169.13 RECKLESS-OR, CARELESS, OR EXHIBITION DRIVING.**

11.17 Subdivision 1. **Reckless driving.** (a) Any person who drives any vehicle in such a
11.18 manner as to indicate either a willful or a wanton disregard for the safety of persons or
11.19 property is guilty of reckless driving and such reckless driving is a misdemeanor.

11.20 (b) A person shall not race any vehicle upon any street or highway of this state.
11.21 Any person who willfully compares or contests relative speeds by operating one or more
11.22 vehicles is guilty of racing, which constitutes reckless driving, whether or not the speed
11.23 contested or compared is in excess of the maximum speed prescribed by law.

11.24 Subd. 2. **Careless driving.** Any person who operates or halts any vehicle upon any
11.25 street or highway carelessly or heedlessly in disregard of the rights of others, or in a
11.26 manner that endangers or is likely to endanger any property or any person, including the
11.27 driver or passengers of the vehicle, is guilty of a misdemeanor.

11.28 Subd. 2a. **Exhibition driving.** A person who operates any vehicle in such a
11.29 manner as to start or accelerate with an unnecessary exhibition of speed is guilty of a
11.30 petty misdemeanor. Prima facie evidence of an unnecessary exhibition of speed is the
11.31 unreasonable squealing or screeching sounds emitted by the vehicle's tires or the throwing
11.32 of sand or gravel by the vehicle's tires, or both.

11.33 Subd. 3. **Application.** (a) The provisions of this section apply, but are not limited in
11.34 application, to any person who drives any vehicle in the manner prohibited by this section:

12.1 (1) upon the ice of any lake, stream, or river, including but not limited to the ice of
12.2 any boundary water; or

12.3 (2) in a parking lot ordinarily used by or available to the public though not as a
12.4 matter of right, and a driveway connecting ~~such a~~ the parking lot with a street or highway.

12.5 (b) This section does not apply to:

12.6 (1) an authorized emergency vehicle, when responding to an emergency call or when
12.7 in pursuit of an actual or suspected violator;

12.8 (2) the emergency operation of any vehicle when avoiding imminent danger; or

12.9 (3) any raceway, racing facility, or other public event sanctioned by the appropriate
12.10 governmental authority.

12.11 **EFFECTIVE DATE.** This section is effective August 1, 2006, for violations
12.12 committed on or after that date.

12.13 Sec. 13. Minnesota Statutes 2004, section 169.471, subdivision 2, is amended to read:

12.14 Subd. 2. **Use of headphones in vehicle.** (a) No person, while operating a
12.15 motor vehicle, shall wear headphones or earphones ~~which~~ that are used in both ears
12.16 simultaneously for purposes of receiving or listening to broadcasts or reproductions from
12.17 radios, tape decks, or other sound-producing or transmitting devices. ~~This section shall~~
12.18 ~~not prohibit the use, however, of~~

12.19 (b) Paragraph (a) does not prohibit:

12.20 (1) the use of a hearing aid ~~devices~~ device by ~~persons in need thereof~~ a person
12.21 who needs the device; or

12.22 (2) the use of a communication headset by a firefighter while operating a fire
12.23 department emergency vehicle in response to an emergency.

12.24 Sec. 14. Minnesota Statutes 2004, section 169.685, subdivision 5, is amended to read:

12.25 Subd. 5. **Violation; petty misdemeanor.** (a) Every motor vehicle operator, when
12.26 transporting a child under the age of ~~four~~ nine and weighing less than 80 pounds on the
12.27 streets and highways of this state in a motor vehicle equipped with factory-installed seat
12.28 belts, shall equip and install for use in the motor vehicle, according to the manufacturer's
12.29 instructions, a child passenger restraint system meeting federal motor vehicle safety
12.30 standards.

12.31 (b) No motor vehicle operator who is operating a motor vehicle on the streets and
12.32 highways of this state may transport a child under the age of ~~four~~ nine and weighing less
12.33 than 80 pounds in a seat of a motor vehicle equipped with a factory-installed seat belt,
12.34 unless the child is properly fastened in the child passenger restraint system. The driver of
12.35 a vehicle shall additionally restrain children under the age of nine as follows:

13.1 (1) a child less than one year of age weighing less than 20 pounds must be properly
 13.2 restrained in a rear-facing child restraint system;

13.3 (2) a child under the age of nine and weighing 80 pounds or more must be restrained
 13.4 in a properly adjusted seat belt system;

13.5 (3) a child under the age of nine must sit in the back seat unless the vehicle has no
 13.6 forward-facing back seat, all seating positions in the back are being used by children under
 13.7 the age of nine, or the child restraint cannot be installed properly in the back seat; and

13.8 (4) a child under the age of nine and weighing 40 pounds or more may wear a
 13.9 lap-only seat belt in the rear seat if there are no shoulder belts in the back seat or if all
 13.10 of the shoulder belts in the back seat are being used by children weighing 40 pounds
 13.11 or more and under the age of 16.

13.12 (c) An operator of a pickup truck or sports utility vehicle who transports a child
 13.13 under the age of nine shall transport the child within the vehicle's passenger compartment.

13.14 (d) Any motor vehicle operator who violates this subdivision is guilty of a petty
 13.15 misdemeanor and may be sentenced to pay a fine of not more than \$50. The fine for
 13.16 the first violation may be waived or the amount reduced if the motor vehicle operator
 13.17 produces evidence that within 14 days after the date of the violation a child passenger
 13.18 restraint system meeting federal motor vehicle safety standards was purchased or obtained
 13.19 for the exclusive use of the operator.

13.20 ~~(e)~~ (e) The fines collected for violations of this subdivision must be deposited in
 13.21 the state treasury and credited to a special account to be known as the Minnesota child
 13.22 passenger restraint and education account.

13.23 When issuing a citation for violation of this section, an officer shall provide to
 13.24 the vehicle operator written information identifying a source of no-cost child restraint
 13.25 equipment for individuals in financial need, if the vehicle does not contain child-restraint
 13.26 equipment.

13.27 Sec. 15. Minnesota Statutes 2004, section 169.686, subdivision 1, is amended to read:

13.28 **Subdivision 1. Seat belt requirement.** (a) A properly adjusted and fastened seat
 13.29 belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be
 13.30 worn by:

13.31 ~~(1)~~ (1) the driver and passengers of a passenger vehicle or commercial motor vehicle;

13.32 ~~(2) a passenger riding in the front seat of a passenger vehicle or commercial motor~~
 13.33 ~~vehicle; and~~

13.34 ~~(3) a passenger riding in any seat of a passenger vehicle who is older than three~~
 13.35 ~~but younger than 11 years of age.~~

14.1 (b) A person who is 15 years of age or older and who violates paragraph (a), ~~clause~~
 14.2 ~~(1) or (2)~~, is subject to a fine of \$25. The driver of the ~~passenger vehicle or commercial~~
 14.3 ~~motor~~ vehicle in which the violation occurred is subject to a \$25 fine for a violation of
 14.4 paragraph (a), ~~clause (2) or (3)~~, by a ~~child of the driver~~ passenger under the age of 15
 14.5 ~~or any child under the age of 11. A peace officer may not issue a citation for a violation~~
 14.6 ~~of this section unless the officer lawfully stopped or detained the driver of the motor~~
 14.7 ~~vehicle for a moving violation other than a violation involving motor vehicle equipment.~~
 14.8 The Department of Public Safety shall not record a violation of this subdivision on a
 14.9 person's driving record.

14.10 Sec. 16. Minnesota Statutes 2005 Supplement, section 169.81, subdivision 3c, is
 14.11 amended to read:

14.12 Subd. 3c. **Recreational vehicle combination.** Notwithstanding subdivision 3, a
 14.13 recreational vehicle combination may be operated without a permit if:

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

14.17 (2) the combination does not exceed 70 feet in length;

14.18 ~~(3) the middle vehicle in the combination does not exceed 28 feet in length;~~

14.19 ~~(4)~~ (3) the operator of the combination is at least 18 years of age;

14.20 ~~(5)~~ (4) the trailer carrying a watercraft, motorcycle, motorized bicycle, off-highway
 14.21 motorcycle, snowmobile, all-terrain vehicle, motorized golf cart, or equestrian equipment
 14.22 or supplies meets all requirements of law;

14.23 ~~(6)~~ (5) the trailers in the combination are connected to the pickup truck and each
 14.24 other in conformity with section 169.82; and

14.25 ~~(7)~~ (6) the combination is not operated within the seven-county metropolitan area,
 14.26 as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m.
 14.27 and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays.

14.28 Sec. 17. Minnesota Statutes 2004, section 169.824, subdivision 1, is amended to read:

14.29 Subdivision 1. **Table of axle weight limits.** (a) No vehicle or combination of
 14.30 vehicles equipped with pneumatic tires shall be operated upon the highways of this state
 14.31 where the total gross weight on any group of two or more consecutive axles of any vehicle
 14.32 or combination of vehicles exceeds that given in the following table for the distance
 14.33 between the centers of the first and last axles of any group of two or more consecutive
 14.34 axles under consideration; unless otherwise noted, the distance between axles being
 14.35 measured longitudinally to the nearest even foot, and when the measurement is a fraction
 14.36 of exactly one-half foot the next largest whole number in feet shall be used, except that

15.1 when the distance between axles is more than three feet four inches and less than three
 15.2 feet six inches the distance of four feet shall be used:

		Maximum gross weight in pounds on a group of		
		2	3	4
15.5	Distances in feet	consecutive axles	consecutive axles	consecutive axles
15.6	between centers	of a 2-axle vehicle	of a 3-axle vehicle	of a 4-axle vehicle
15.7	of foremost and	or of any vehicle	or of any vehicle	or any combination
15.8	rearmost axles of a	or combination of	or combination of	of vehicles having
15.9	group	vehicles having a	vehicles having a	a total of 4 or more
15.10		total of 2 or more	total of 3 or more	axles
15.11		axles	axles	
15.12	4	34,000		
15.13	5	34,000		
15.14	6	34,000		
15.15	7	34,000	37,000	
15.16	8	34,000	38,500	
15.17	8 plus	34,000	42,000	
15.18		(38,000)		
15.19	9	35,000	43,000	
15.20		(39,000)		
15.21	10	36,000	43,500	49,000
15.22		(40,000)		
15.23	11	36,000	44,500	49,500
15.24	12		45,000	50,000
15.25	13		46,000	51,000
15.26	14		46,500	51,500
15.27	15		47,500	52,000
15.28	16		48,000	53,000
15.29	17		49,000	53,500
15.30	18		49,500	54,000
15.31	19		50,500	55,000
15.32	20		51,000	55,500
15.33	21		52,000	56,000
15.34	22		52,500	57,000
15.35	23		53,500	57,500
15.36	24		54,000	58,000
15.37	25		(55,000)	59,000
15.38	26		(55,500)	59,500
15.39	27		(56,500)	60,000
15.40	28		(57,000)	61,000
15.41	29		(58,000)	61,500
15.42	30		(58,500)	62,000
15.43	31		(59,500)	63,000
15.44	32		(60,000)	63,500
15.45	33			64,000
15.46	34			65,000
15.47	35			65,500

16.1	36	66,000
16.2	37	67,000
16.3	38	67,500
16.4	39	68,000
16.5	40	69,000
16.6	41	69,500
16.7	42	70,000
16.8	43	71,000
16.9	44	71,500
16.10	45	72,000
16.11	46	72,500
16.12	47	(73,500)
16.13	48	(74,000)
16.14	49	(74,500)
16.15	50	(75,500)
16.16	51	(76,000)

16.17 The maximum gross weight on a group of three consecutive axles where the distance
 16.18 between centers of foremost and rearmost axles is listed as seven feet or eight feet applies
 16.19 only to vehicles manufactured before August 1, 1991.

16.20 "8 plus" refers to any distance greater than eight feet but less than nine feet.

16.21 Maximum gross weight in pounds on a group of

16.22		5	6	7	
16.23	Distances in feet between centers of foremost and rearmost axles of a group	consecutive axles	consecutive axles	consecutive axles	
16.24		of a 5-axle vehicle	of a combination of	of a combination of	
16.25		or any combination	vehicles having a	vehicles having a	
16.26		of vehicles having	total of 6 or more	total of 7 or more	
16.27		a total of 5 or more	axles	axles	
16.28		axles			
16.29		14	57,000		
16.30		15	57,500		
16.31	16	58,000			
16.32	17	59,000			
16.33	18	59,500			
16.34	19	60,000			
16.35	20	60,500	66,000	72,000	
16.36	21	61,500	67,000	72,500	
16.37	22	62,000	67,500	73,000	
16.38	23	62,500	68,000	73,500	
16.39	24	63,000	68,500	74,000	
16.40	25	64,000	69,000	75,000	
16.41	26	64,500	70,000	75,500	
16.42	27	65,000	70,500	76,000	
16.43	28	65,500	71,000	76,500	
16.44	29	66,500	71,500	77,000	
16.45	30	67,000	72,000	77,500	

16.46	31	67,500	73,000	78,500
17.1	32	68,000	73,500	79,000
17.2	33	69,000	74,000	79,500
17.3	34	69,500	74,500	80,000
17.4	35	70,000	75,000	
17.5	36	70,500	76,000	
17.6	37	71,500	76,500	
17.7	38	72,000	77,000	
17.8	39	72,500	77,500	
17.9	40	73,000	78,000	
17.10	41	(74,000)	79,000	
17.11	42	(74,500)	79,500	
17.12	43	(75,000)	80,000	
17.13	44	(75,500)		
17.14	45	(76,500)		
17.15	46	(77,000)		
17.16	47	(77,500)		
17.17	48	(78,000)		
17.18	49	(79,000)		
17.19	50	(79,500)		
17.20	51	(80,000)		

17.21 The gross weights shown in parentheses in this table are permitted only on state trunk
 17.22 highways and routes designated under section 169.832, subdivision 11, and on routes
 17.23 designated as having a maximum weight limit of nine tons per axle.

17.24 (b) Notwithstanding any lesser weight in pounds shown in this table but subject to
 17.25 the restrictions on gross vehicle weights in subdivision 2, paragraph (a), two consecutive
 17.26 sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross
 17.27 load of 68,000 pounds provided the overall distance between the first and last axles of
 17.28 the consecutive sets of tandem axles is 36 feet or more.

17.29 **Sec. 18. [170A.01] PERSONAL INFORMATION IN MOTOR VEHICLE AND**
 17.30 **DRIVER'S LICENSE RECORDS.**

17.31 Subdivision 1. Definitions. The definitions in United States Code, title 18, section
 17.32 2725, and chapters 168 and 171, apply to this chapter.

17.33 Subd. 2. Application. This chapter applies to:

17.34 (1) personal information on an owner provided to register a motor vehicle under
 17.35 chapter 168; and

17.36 (2) personal information provided to obtain a driver's license or Minnesota
 17.37 identification card under chapter 171.

18.38 **Subd. 3. Federal compliance; permissible disclosures under state law.** Except
18.39 as otherwise provided in this section, personal information must be treated as provided
18.1 in United States Code, title 18, section 2721. The commissioner shall disclose personal
18.2 information as required by section 2721, paragraph (b), and for the uses permitted by
18.3 paragraph (b), clauses (1) to (3), (5) to (7), (9), and (14), subject to the restrictions on
18.4 the disclosure of highly restricted personal information. The commissioner must not
18.5 disclose personal information for other uses except as required by law or with the consent
18.6 of the subject.

18.7 **Subd. 4. Consent.** The subject of personal information may expressly consent
18.8 in writing to the disclosure of the individual's personal information not authorized by
18.9 United States Code, title 18, section 2721, or this chapter, to a person who makes a written
18.10 request for the personal information. If the subject of the information is an individual and
18.11 so authorizes disclosure, the commissioner shall implement the request. The consent
18.12 must be on a document separate from the application for a motor vehicle registration,
18.13 driver's license, or Minnesota identification card. The commissioner must not condition
18.14 the issuance of a registration, license, or card upon a consent or give any preference to an
18.15 individual who grants consent.

18.16 **Sec. 19. [170A.02] PUBLIC SAFETY DISCLOSURES.**

18.17 The commissioner shall disclose personal information when the use is related to the
18.18 operation or use of a motor vehicle or public safety, as authorized under United States
18.19 Code, section 2721(b)(14). The use of personal information is related to public safety if it
18.20 concerns the physical safety or security of drivers, vehicles, pedestrians, or property.

18.21 **Sec. 20. [170A.03] TYPE OF RECORD ACCESS AUTHORIZED.**

18.22 **Subdivision 1. Access limited to individual records.** Except as provided in
18.23 subdivision 2, the commissioner may disclose personal information only on an individual
18.24 record basis in response to a permissible user's identification of the name of the individual
18.25 subject of the data to whom the permissible use relates or, in the case of a disclosure for
18.26 purposes of notifying an owner of a towed or impounded vehicle, the vehicle identification
18.27 number or license plate number.

18.28 **Subd. 2. Exception to individual record requirement for certain uses.** The
18.29 commissioner may disclose personal information in a manner other than an individual
18.30 record basis only for a permissible use under United States Code, title 18, section
18.31 2721(b)(1), (2), (5), (6), or (14).

18.32 **Sec. 21. [170A.04] REQUEST AND DISCLOSURE REQUIREMENTS AND**
18.33 **CONDITIONS.**

18.34 Subdivision 1. Requirements for request; cooperation. A person who requests
18.35 disclosure of personal information under section 170A.01 must identify the data elements
19.1 requested and the reason each element is needed. The commissioner shall disclose only
19.2 those data elements needed to accomplish the use for which the request is made. A person
19.3 who receives personal information from the commissioner or from a permissible user
19.4 under subdivision 3 must cooperate in good faith with all compliance activities.

19.5 Subd. 2. Disclosure conditions. (a) Personal information may be disclosed
19.6 only under the following conditions, which must be reflected in a contract between the
19.7 permissible user and the commissioner:

19.8 (1) the commissioner may periodically conduct an audit to assess compliance by the
19.9 permissible user with this section;

19.10 (2) the commissioner shall encrypt data that are released electronically and uniquely
19.11 identify all data provided to each permissible user in order to prevent unauthorized access
19.12 and track the source of unauthorized releases of the data; this encryption and unique
19.13 identifier must not be removed, altered, or otherwise compromised by the permissible user
19.14 or any subsequent user;

19.15 (3) the permissible user shall submit a signed, dated certification to the commissioner
19.16 as provided in paragraph (b);

19.17 (4) the commissioner shall disclose only the data elements that are necessary to
19.18 accomplish the application certified by the permissible user;

19.19 (5) the permissible user may use the data only for the use and applications for which
19.20 the data are obtained and certified;

19.21 (6) the permissible user shall permit access to the data only by persons for whom
19.22 access is necessary to perform or support the application certified by the permissible user;

19.23 (7) the permissible user shall establish comprehensive administrative, technical, and
19.24 administrative safeguards to insure the security and confidentiality of the data, to protect
19.25 against any anticipated threats or hazards to the security and integrity of the data, and to
19.26 protect against unauthorized access to or use of the data; and

19.27 (8) the permissible user must not resell or redisclose any data obtained under this
19.28 section to any subsequent user, except as provided in subdivision 3.

19.29 (b) The certification required under paragraph (a) must state:

19.30 (1) each statutory use under which the user requests the data;

19.31 (2) each specific application of the data by the user consistent with the statutory use;

19.32 (3) each data element necessary to accomplish that application; and

19.33 (4) the reason the data element is necessary to accomplish the application;

19.34 The certification must be made by the permissible user under penalty of perjury and
19.35 upon direct knowledge of the truth of the matters certified. If any part of the certification is
19.36 no longer accurate or has changed, the permissible user must file an amended certification
20.1 before obtaining further access to data under the contract. A permissible user who obtains
20.2 access to data under the terms of an existing contract is deemed to have affirmed the
20.3 existing certification.

20.4 Subd. 3. Conditions for resale or redisclosure. A permissible user or subsequent
20.5 permissible user who receives personal information under this section may resell or
20.6 redisclose the information only under the following conditions, which must be reflected in
20.7 a contract between the permissible user and the subsequent permissible user:

20.8 (1) the permissible user shall obtain from the subsequent user a certification meeting
20.9 the requirements of subdivision 2, paragraph (a), clause (3), and paragraph (b);

20.10 (2) the permissible user shall independently determine and verify the business
20.11 identity of any subsequent user that is not an individual and that each user has, and is
20.12 legitimately engaged in, the uses and applications it certified, including, as appropriate,
20.13 through a site visit;

20.14 (3) the permissible user may redisclose or resell only the data elements that are
20.15 necessary to accomplish the application certified by the subsequent user;

20.16 (4) the subsequent user may use the data only for the use and applications for which
20.17 the data are obtained and certified;

20.18 (5) the permissible user shall require that the subsequent user use the data for
20.19 the same statutory use under which the permissible user received the data from the
20.20 commissioner, and for no other permissible use or application inconsistent with this use;

20.21 (6) the commissioner or the permissible user may only resell or redisclose data
20.22 with an encryption and unique identifier in the data placed by the commissioner under
20.23 subdivision 2, paragraph (a), clause (2), and shall prohibit the subsequent user from
20.24 removing, altering, or otherwise compromising an encryption and identifier;

20.25 (7) the permissible user shall verify that the subsequent user has established
20.26 administrative, technical, and administrative safeguards at least as secure as the
20.27 permissible user's comprehensive security safeguards;

20.28 (8) the commissioner or the permissible user may periodically audit the subsequent
20.29 user's compliance with its certification and this section; and

20.30 (9) the permissible user shall inform the subsequent user that section 170A.05
20.31 imposes private and public penalties and remedies for a violation of this chapter or a
20.32 user contract.

20.33 Subd. 4. Fees. The commissioner shall charge the following fees for access to data
20.34 under this section by a permissible user, other than an organ procurement organization or
20.35 government agency:

20.36 (1) \$4 application fee; and

21.1 (2) \$4 fee for each request for access to personal information.

21.2 The fees collected under this subdivision must be deposited in the financial crimes
21.3 account under section 299A.683.

21.4 **EFFECTIVE DATE.** Subdivision 2, paragraph (a), clause (2), is effective January
21.5 1, 2007.

21.6 Sec. 22. **[170A.05] REMEDIES AND PENALTIES.**

21.7 The remedies and penalties in section 8.31 apply to a user of personal information
1.8 or a subsequent user who violates this chapter or the terms of a user contract. Sections
21.9 13.08 and 13.09 apply to a violation of this chapter by a government entity or employee
21.10 of a government entity.

21.11 Sec. 23. **[170A.06] ORGAN PROCUREMENT ORGANIZATIONS.**

21.12 This chapter does not affect the use of organ donation information on an individual's
21.13 driver's license or Minnesota identification card or affect access to personal information
21.14 by a federally certified or designated nonprofit organ procurement organization in
21.15 connection with its authorized activities.

21.16 Sec. 24. **[170A.07] PRIVACY CLASSIFICATION FOR PERSONAL SAFETY.**

21.17 An individual who is the subject of personal information may request, in writing,
1.18 that the individual's residence address or name and residence address be classified as
21.19 private data on individuals, as defined in section 13.02, subdivision 12. The commissioner
21.20 shall grant the classification on receipt of a signed statement by the individual that the
21.21 classification is required for the safety of the individual or the individual's family, if the
21.22 statement also provides a valid, existing address where the individual consents to receive
21.23 service of process. The commissioner shall use the service of process mailing address
21.24 in place of the individual's residence address in all documents and notices pertaining
21.25 to the motor vehicle or driver's license or Minnesota identification card, as applicable.
21.26 The residence address or name and residence address and any information provided in
21.27 the classification request, other than the individual's service for process mailing address,
21.28 are private data on individuals but may be provided to requesting law enforcement
21.29 agencies, probation and parole agencies, and public authorities, as defined in section
21.30 518.54, subdivision 9.

21.31 **Sec. 25. [170A.08] REFUSAL TO DISCLOSE INFORMATION UNDER**
 21.32 **CERTAIN CIRCUMSTANCES.**

21.33 The commissioner may refuse to disclose personal information under this chapter if
 21.34 the commissioner has reason to believe that the person requesting the personal information
 22.1 is likely to use the information for an illegal or improper purpose or is otherwise not
 22.2 going to comply with this chapter.

22.3 **Sec. 26. [170A.09] RELATIONSHIP TO DATA PRACTICES ACT.**

22.4 Chapter 13 applies to this chapter except to the extent provisions of this chapter are
 22.5 inconsistent with chapter 13. The disclosures authorized under this chapter are subject to
 22.6 restrictions on access to data under section 13.69 and other applicable law.

22.7 **Sec. 27. Minnesota Statutes 2004, section 171.01, subdivision 29, is amended to read:**

22.8 **Subd. 29. Conviction.** The term "conviction" means a final conviction either after
 22.9 trial or upon a plea of guilty or nolo contendere accepted by the court. Also, a forfeiture
 22.10 of cash or collateral deposited to guarantee a defendant's appearance in court, which
 22.11 forfeiture has not been vacated; the failure to comply with a written notice to appear in
 22.12 court; ~~or~~ a breach of a condition of release without bail; or the payment of a fine or court
 22.13 cost, is equivalent to a conviction.

22.14 **Sec. 28. Minnesota Statutes 2005 Supplement, section 171.05, subdivision 2b, is**
 22.15 **amended to read:**

22.16 **Subd. 2b. Instruction permit use by person under age 18.** (a) This subdivision
 22.17 applies to persons who have applied for and received an instruction permit under
 22.18 subdivision 2.

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

22.23 (c) The permit holder may operate a motor vehicle only when every occupant under
 22.24 the age of ~~18~~ 15 has a seat belt or child passenger restraint system properly fastened
 22.25 according to sections 169.685 and 169.686. A person who violates this paragraph is
 22.26 subject to a fine of \$25. ~~A peace officer may not issue a citation for a violation of this~~
 22.27 ~~paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle~~
 22.28 ~~for a moving violation as defined in section 171.04, subdivision 1~~ A passenger who is at
 22.29 least 15 years of age is subject to the requirements and penalty of section 169.686. The
 22.30 commissioner shall not record a violation of this paragraph on a person's driving record.

22.31 (d) The permit holder may not operate a vehicle while communicating over, or
 23.32 otherwise operating, a cellular or wireless telephone, whether handheld or hands free,
 22.33 when the vehicle is in motion. The permit holder may assert as an affirmative defense
 22.34 that the violation was made for the sole purpose of obtaining emergency assistance to
 23.1 prevent a crime about to be committed, or in the reasonable belief that a person's life
 23.2 or safety was in danger.

23.3 (e) The permit holder must maintain a driving record free of convictions for moving
 23.4 violations, as defined in section 171.04, subdivision 1, and free of convictions for violation
 23.5 of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If the permit
 23.6 holder drives a motor vehicle in violation of the law, the commissioner shall suspend,
 23.7 cancel, or revoke the permit in accordance with the statutory section violated.

23.8 Sec. 29. Minnesota Statutes 2005 Supplement, section 171.055, subdivision 2, is
 23.9 amended to read:

23.10 Subd. 2. **Use of provisional license.** (a) A provisional license holder may operate a
 23.11 motor vehicle only when every occupant under the age of ~~18~~ 15 has a seat belt or child
 23.12 passenger restraint system properly fastened according to sections 169.685 and 169.686.
 23.13 A person who violates this paragraph is subject to a fine of \$25. ~~A peace officer may not~~
 23.14 ~~issue a citation for a violation of this paragraph unless the officer lawfully stopped or~~
 23.15 ~~detained the driver of the motor vehicle for a moving violation as defined in section 171.04~~
 23.16 A passenger who is at least 15 years of age is subject to the requirements and penalty of
 23.17 section 169.686. The commissioner shall not record a violation of this paragraph on a
 23.18 person's driving record.

23.19 (b) A provisional license holder may not operate a vehicle while communicating
 23.20 over, or otherwise operating, a cellular or wireless telephone, whether handheld or
 23.21 hands free, when the vehicle is in motion. The provisional license holder may assert
 23.22 as an affirmative defense that the violation was made for the sole purpose of obtaining
 23.23 emergency assistance to prevent a crime about to be committed, or in the reasonable belief
 23.24 that a person's life or safety was in danger.

23.25 (c) If the holder of a provisional license during the period of provisional licensing
 23.26 incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections
 23.27 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation as defined in
 23.28 section 171.04, or (3) more than one conviction for a moving violation that is not crash
 23.29 related, the person may not be issued a driver's license until 12 consecutive months have
 23.30 expired since the date of the conviction or until the person reaches the age of 18 years,
 23.31 whichever occurs first.

23.32 Sec. 30. Minnesota Statutes 2005 Supplement, section 171.07, subdivision 1, is
23.33 amended to read:

23.34 Subdivision 1. **License; contents.** (a) Upon the payment of the required fee, the
23.35 department shall issue to every qualifying applicant a license designating the type or class
23.36 of vehicles the applicant is authorized to drive as applied for. This license must bear a
24.1 distinguishing number assigned to the licensee; the licensee's full name, date of birth,
24.2 ~~and~~ residence address; the license class, endorsements, and restrictions imposed, if any;
24.3 a description of the licensee in a manner as the commissioner deems necessary; and the
24.4 usual signature of the licensee. No license is valid unless it bears the usual signature of
24.5 the licensee. Every license must bear a colored photograph or an electronically produced
24.6 image of the licensee.

24.7 (b) If the United States Postal Service will not deliver mail to the applicant's
24.8 residence address as listed on the license, then the applicant shall provide verification from
24.9 the United States Postal Service that mail will not be delivered to the applicant's residence
24.10 address and that mail will be delivered to a specified alternate mailing address. When an
24.11 applicant provides an alternate mailing address under this subdivision, the commissioner
24.12 shall use the alternate mailing address in lieu of the applicant's residence address for
24.13 all notices and mailings to the applicant.

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

24.16 (d) The department shall use processes in issuing a license that prohibit, as nearly as
24.17 possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a
24.18 photograph or electronically produced image on a license, without ready detection.

24.19 (e) A license issued to an applicant age 65 or over must be plainly marked "senior" if
24.20 requested by the applicant.

24.21 Sec. 31. Minnesota Statutes 2004, section 171.0701, is amended to read:

24.22 **171.0701 DRIVER EDUCATION; ORGAN AND TISSUE DONATION.**

24.23 The commissioner shall adopt rules requiring a minimum of 30 minutes of
24.24 instruction relating to organ and tissue donations and the provisions of section 171.07,
24.25 subdivision 5, for persons enrolled in driver education programs offered at public schools,
24.26 private schools, and commercial driver training schools.

24.27 Sec. 32. Minnesota Statutes 2004, section 171.14, is amended to read:

24.28 **171.14 CANCELLATION.**

24.29 (a) The commissioner ~~shall have authority to~~ may cancel any driver's license upon
24.30 determination that (1) the licensee was not entitled to the issuance thereof hereunder, or
24.31 ~~that~~ of the license, (2) the licensee failed to give the required or correct information in

24.32 the application, ~~or~~ and committed any fraud or deceit in making ~~such~~ the application-
 1.33 ~~The commissioner may also cancel the driver's license of any, or (3) the person who,~~
 24.34 at the time of the cancellation, would not have been entitled to receive a license under
 24.35 ~~the provisions of section 171.04.~~

25.1 (b) The commissioner shall cancel the driver's license of a person described in
 25.2 paragraph (a), clause (2), for 60 days or until the required or correct information has
 25.3 been provided, whichever is longer.

25.4 Sec. 33. Minnesota Statutes 2005 Supplement, section 171.18, subdivision 1, is
 25.5 amended to read:

25.6 Subdivision 1. **Offenses.** The commissioner may suspend the license of a driver
 25.7 without preliminary hearing upon a showing by department records or other sufficient
 25.8 evidence that the licensee:

25.9 (1) has committed an offense for which mandatory revocation of license is required
 25.10 upon conviction;

25.11 (2) has been convicted by a court for violating a provision of chapter 169 or
 25.12 an ordinance regulating traffic, other than a conviction for a petty misdemeanor, and
 25.13 department records show that the violation contributed in causing an accident resulting in
 25.14 the death or personal injury of another, or serious property damage;

25.15 (3) is an habitually reckless or negligent driver of a motor vehicle;

25.16 (4) is an habitual violator of the traffic laws;

25.17 (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

25.18 (6) has permitted an unlawful or fraudulent use of the license;

5.19 (7) has committed an offense in another state that, if committed in this state, would
 25.20 be grounds for suspension;

25.21 (8) has committed a violation of section 169.444, subdivision 2, paragraph (a),
 25.22 within five years of a prior conviction under that section;

25.23 (9) has committed a violation of section 171.22, except that the commissioner may
 25.24 not suspend a person's driver's license based solely on the fact that the person possessed a
 25.25 fictitious or fraudulently altered Minnesota identification card;

25.26 (10) has failed to appear in court as provided in section 169.92, subdivision 4;

25.27 (11) has failed to report a medical condition that, if reported, would have resulted in
 25.28 cancellation of driving privileges;

25.29 (12) has been found to have committed an offense under section 169A.33; ~~or~~

25.30 (13) has paid or attempted to pay a fee required under this chapter for a license or
 25.31 permit by means of a dishonored check issued to the state or a driver's license agent,

25.32 which must be continued until the registrar determines or is informed by the agent that the
25.33 dishonored check has been paid in full; or

25.34 (14) who, as owner of a vehicle whose taxes or fees required under chapter 168,
25.35 168A, or 297B were due, paid or attempted to pay, or had another person pay or attempt
25.36 to pay, the vehicle taxes or fees required under chapter 168, 168A, or 297B by means
26.1 of a dishonored personal check issued to the state or a deputy registrar, which must be
26.2 continued until the registrar determines or is informed by the deputy registrar that the
26.3 dishonored check has been paid in full.

26.4 However, an action taken by the commissioner under clause (2) or (5) must conform to
26.5 the recommendation of the court when made in connection with the prosecution of the
26.6 licensee.

26.7 Sec. 34. Minnesota Statutes 2004, section 173.08, is amended by adding a subdivision
26.8 to read:

26.9 Subd. 3. Advertising devices adjacent to roadway. (a) Except as otherwise
26.10 provided in this chapter, no advertising device may be erected or maintained within any
26.11 area adjacent to a road, as defined in section 160.02, except an advertising device that:

26.12 (1) does not exceed the size of 432 square inches, including border and trim, but
26.13 excluding base and supports;

26.14 (2) displays the name and telephone number of its owner;

26.15 (3) is located at a minimum distance of 20 feet from the edge of the road; and

26.16 (4) is erected and maintained for a maximum duration of six weeks in a calendar year.

26.17 (b) The owner of the advertising device, before erecting the device, shall obtain the
26.18 consent of the owner and lessee of the land on which the sign is erected and the owner and
26.19 lessee of adjacent land.

26.20 Sec. 35. [299A.683] PUBLIC SAFETY AND FINANCIAL CRIMES ACCOUNT.

26.21 A public safety and financial crimes account is created in the special revenue fund
26.22 consisting of the fees collected under section 170A.04 that are designated for this purpose.

26.23 Fifty percent of the money in the account is annually appropriated to the commissioner
26.24 of public safety for the operation of the system for access to motor vehicle and driver's

26.25 license records under chapter 170A and 50 percent is annually appropriated to the

26.26 commissioner of public safety for purposes of the operations of the Minnesota Financial

26.27 Crimes Task Force established under section 299A.681, subdivision 3. The commissioner

26.28 shall make specialized financial crimes prosecutors' grants as recommended by the

26.29 Minnesota Financial Crimes Oversight Council in consultation with representatives of

26.30 county attorneys and the attorney general.

26.31 Sec. 36. Minnesota Statutes 2004, section 473.384, subdivision 1, is amended to read:

5.32 Subdivision 1. **Contracts required.** The council shall make contracts with eligible
26.33 recipients for financial assistance to transit service within the metropolitan area. The
26.34 council may not give financial assistance to another transit provider without first having
26.35 executed a contract. A provider of transit service may receive financial assistance from
27.1 the council through a subcontract if the subcontractor meets the eligibility requirements
27.2 of subdivision 2 and has been approved by the council, and the primary contractor is
27.3 an organization described in section 501(c)(3) of the Internal Revenue Code of 1986,
27.4 as amended from time to time.

27.5 The provisions of this section do not apply to contracts made under sections 473.386
27.6 and 473.388.

27.7 Sec. 37. Minnesota Statutes 2004, section 473.384, subdivision 2, is amended to read:

27.8 Subd. 2. **Eligibility.** To be eligible to receive financial assistance by contract or
27.9 subcontract under this section a recipient must be:

27.10 (a) a county, statutory or home rule charter city or town or combination thereof, or
27.11 public authority organized and existing pursuant to chapter 398A, providing financial
27.12 assistance to or providing or operating public transit; or

27.13 (b) a private provider of public transit.

27.14 Sec. 38. Minnesota Statutes 2004, section 473.386, subdivision 3, is amended to read:

27.15 Subd. 3. **Duties of council.** In implementing the special transportation service, the
27.16 council shall:

27.17 (a) encourage participation in the service by public, private, and private nonprofit
27.18 providers of special transportation currently receiving capital or operating assistance
27.19 from a public agency;

27.20 (b) contract with public, private, and private nonprofit providers that have
27.21 demonstrated their ability to effectively provide service at a reasonable cost;

27.22 (c) encourage individuals using special transportation to use the type of service
27.23 most appropriate to their particular needs;

27.24 (d) ensure that all persons providing special transportation service receive equitable
27.25 treatment in the allocation of the ridership;

27.26 (e) encourage shared rides to the greatest extent practicable;

27.27 (f) encourage public agencies that provide transportation to eligible individuals as a
27.28 component of human services and educational programs to coordinate with this service
27.29 and to allow reimbursement for transportation provided through the service at rates that
27.30 reflect the public cost of providing that transportation;

27.31 (g) establish criteria to be used in determining individual eligibility for special
27.32 transportation services;

27.33 (h) consult with the Transportation Accessibility Advisory Committee in a timely
27.34 manner before changes are made in the provision of special transportation services,
27.35 including, but not limited to, changes in policies affecting the matters subject to hearing
27.36 under subdivision 2;

28.1 (i) provide for effective administration and enforcement of council policies and
28.2 standards; ~~and~~

28.3 (j) annually evaluate providers of special transportation service to ensure compliance
28.4 with the standards established for the program; and

28.5 (k) ensure that, taken as a whole including contracts with public, private, and private
28.6 nonprofit providers, the geographic coverage area of the special transportation service is
28.7 continuous within the boundaries of the transit taxing district, as defined as of March 1,
28.8 2006, in section 473.446, subdivision 2.

28.9 Sec. 39. Laws 2005, First Special Session chapter 6, article 3, section 109, is amended
28.10 to read:

28.11 **Sec. 109. EFFECTIVE DATE; EXPIRATION.**

28.12 Sections 91 to 98 are effective the day following final enactment and do not expire
28.13 ~~on June 10, 2006.~~

28.14 **Sec. 40. CHILD PASSENGER RESTRAINT LAW AWARENESS CAMPAIGN.**

28.15 The commissioner of public safety shall conduct a child passenger restraint law
28.16 awareness campaign by developing and distributing education materials, making public
28.17 service announcements through mass media throughout the state, and implementing other
28.18 education and awareness activities to educate the public about state laws concerning
28.19 child restraint in vehicles and to inform individuals in financial need how to obtain child
28.20 restraint systems at no cost.

28.21 **Sec. 41. SPECIFIC SERVICE SIGN.**

28.22 Notwithstanding any other law or administrative rule or order, the commissioner of
28.23 transportation, after being assured of adequate funding from nonstate sources, shall erect a
28.24 specific service sign on the east side of Marked Trunk Highway 52, near its intersection
28.25 with 37th Street NW in Olmsted County. The sign must display the name or business
28.26 panel, or both, of a retail establishment on the east side of Marked Trunk Highway 52
28.27 that began operation before construction of the noise wall on the east side of Marked
28.28 Trunk Highway 52, and the premises of which is blocked by the noise wall from view
28.29 from Marked Trunk Highway 52.

28.30 Sec. 42. **RULE CHANGE.**

3.31 Pursuant to Minnesota Statutes, section 14.388, the commissioner shall amend
28.32 Minnesota Rules, part 7411.0515, subpart 2, to provide that driver education programs
28.33 offered at public schools, private schools, and commercial driver training schools must
28.34 include a minimum of 30 minutes of instruction relating to organ and tissue donations and
28.35 the provisions of Minnesota Statutes, section 171.07, subdivision 5.

29.1 Sec. 43. **REPEALER.**

29.2 Minnesota Statutes 2004, section 13.6905, subdivision 10, and Minnesota Statutes
29.3 2005 Supplement, sections 168.346; and 171.12, subdivisions 7 and 7a, are repealed."

TRANSPORTATION OMNIBUS -- SF3764

(1=\$1,000)

Senator Murphy/Representative Holberg

	FUND	2007	2008	2009	Biennium Total
TRANSPORTATION					
TRUNK HIGHWAY FUND					
Projected MVST Revenue	TH	97,008	105,115	109,526	214,641
New MVST Revenue (SF3764)	TH	0	20,530	41,928	62,458
Total Trunk Highway MVST Revenue	TH	97,008	125,646	151,454	277,099
COUNTY STATE-AID HIGHWAY FUND					
Projected MVST Revenue	CSA	53,610	58,090	60,527	118,617
New MVST Revenue (SF3764)	CSA	0	11,346	23,171	34,516
Total CSA MVST Revenue	CSA	53,610	69,436	83,698	153,134
MUNICIPAL STATE-AID STREET FUND					
Projected MVST Revenue	MSA	14,082	15,259	15,899	31,158
New MVST Revenue (SF3764)	MSA	0	2,980	6,086	9,067
Total MSA MVST Revenue	MSA	14,082	18,239	21,985	40,224
Total Transportation MVST Revenue		164,700	213,320	257,137	470,457
TRUNK HIGHWAY BOND APPROPRIATIONS					
Mankato Building	THB	18,228	0	0	18,228
Exterior Repair of Transp. Bldg.	THB	10,161	0	0	10,161
Trunk Highway 610	THB	6,000	0	0	6,000
Highway 61 Corridor Study	THB	300	0	0	300
French Rapids Bridge	THB	150	0	0	150
Bond sale expenses	THB	350	0	0	350
Total	THB	35,189	0	0	35,189

	FUND	2007	2008	2009	Biennium Total
METROPOLITAN COUNCIL					
TRANSIT FUND					
Projected MVST Revenue	TF	118,035	114,329	119,126	233,454
New MVST Revenue (SF3764)	TF	0	27,885	52,299	80,184
Total Transit MVST Revenue	TF	118,035	142,214	171,425	313,638
GENERAL FUND					
Special Transportation Service Requirements	GF	(1,500)	(2,100)	(2,300)	(4,400)
Total General Fund	GF	(1,500)	(2,100)	(2,300)	(4,400)
Total Metropolitan Council Revenue Change		116,535	140,114	169,125	309,238
PUBLIC SAFETY					
Motorcycle License Plates for Veterans	HUT	(1)	0	0	0
Total Public Safety Revenue Change	HUT	(1)	0	0	0
GENERAL FUND REVENUE CHANGES					
Projected MVST Revenue	GF	253,913	257,936	268,759	526,695
New MVST Revenue (SF3764)	GF	0	(55,770)	(116,220)	(171,990)
Total General Fund MVST Revenue	GF	253,913	202,166	152,539	354,705

1.1 Senator moves to amend S.F. No. 3764 (Delete-Everything
1.2 Amendment, TRANSART1) as follows:

1.3 Page 9, after line 3, insert:

1.4 "Sec. 7. Minnesota Statutes 2005 Supplement, section 168A.20, subdivision 5,
1.5 is amended to read:

1.6 Subd. 5. **Satisfaction of automobile lien seven years old; release.** ~~(a)~~ A security
1.7 interest perfected under this chapter ~~expires~~ may be cancelled seven years from the
1.8 perfection date for a passenger automobile, as defined in section 168.011, subdivision
1.9 7, upon the request of the owner of the passenger automobile, if the owner has paid the
1.10 lien in full and is unable to locate the lien holder to obtain a lien release. At a minimum,
1.11 the owner must send a letter to the lien holder by certified mail, return receipt requested,
1.12 requesting a lien release. If the owner is unable to obtain a lien release by sending a
1.13 letter by certified mail, then the owner must present to the department or its agent the
1.14 returned letter as evidence of the attempted contact. This subdivision applies only to
1.15 vehicle owners who are individuals.

1.16 ~~(b) A lien holder may notify the department in writing or in a format approved by~~
1.17 ~~the department during the sixth year of the lien, no later than 90 days in advance of the~~
1.18 ~~seven-year anniversary, if the lien will not be satisfied during this registration period and~~
1.19 ~~the lien must be extended up to seven additional years as requested by the lien holder."~~

1.20 Renumber the sections in sequence and correct the internal references

1.21 Amend the title accordingly

1.1 Senator moves to amend S.F. No. 3764 (Delete-Everything
1.2 Amendment, TRANSART1) as follows:

1.3 Page 26, after line 30, insert:

1.4 "Sec. 36. Minnesota Statutes 2004, section 360.013, subdivision 39, is amended to
1.5 read:

1.6 Subd. 39. **Airport.** "Airport" means any area of land or water, except a restricted
1.7 landing area, which is designed for the landing and takeoff of aircraft, whether or not
1.8 facilities are provided for the shelter, surfacing, or repair of aircraft, or for receiving or
1.9 discharging passengers or cargo, and all appurtenant areas used or suitable for airport
1.10 buildings or other airport facilities, including facilities described in section 116R.02,
1.11 subdivision 6, and all appurtenant rights-of-way, whether heretofore or hereafter
1.12 established. The operation and maintenance of airports is an essential public service.

1.13 Sec. 37. Minnesota Statutes 2004, section 360.017, subdivision 1, is amended to read:

1.14 Subdivision 1. **Creation; authorized disbursements.** (a) There is hereby created
1.15 a fund to be known as the state airports fund. The fund shall consist of all money
1.16 appropriated to it, or directed to be paid into it, by the legislature.

1.17 (b) The state airports fund shall be paid out on authorization of the commissioner
1.18 and shall be used:

1.19 (1) to acquire, construct, improve, maintain, and operate airports and other air
1.20 navigation facilities;

1.21 (2) to assist municipalities in the acquisition, construction, improvement, and
1.22 maintenance of airports and other air navigation facilities;

1.23 (3) to assist municipalities to initiate, enhance, and market scheduled air service at
1.24 their airports;

1.25 (4) to promote interest and safety in aeronautics through education and information;
1.26 and

1.27 (5) to pay the salaries and expenses of the Department of Transportation related to
1.28 aeronautic planning, administration, and operation. All allotments of money from the state
1.29 airports fund for salaries and expenses shall be approved by the commissioner of finance.

1.30 A municipality that adopts a comprehensive plan that the commissioner finds is
1.31 incompatible with the state aviation plan is not eligible for assistance from the state
1.32 airports fund.

1.33 Sec. 37. Minnesota Statutes 2004, section 360.065, is amended by adding a subdivision
1.34 to read:

2.1 Subd. 3. Disclosure of airport zoning regulations. Before accepting consideration
2.2 or signing an agreement to sell or transfer real property that is located in safety zone A,
2.3 B, or C under zoning regulations adopted by the governing body, the seller or transferor,
2.4 whether executing the agreement in the seller or transferor's own right, or as executor,
2.5 administrator, assignee, trustee, or otherwise by authority of law, must disclose in writing
2.6 to the buyer or transferee the existence of airport zoning regulations that affect the real
2.7 property."

2.8 Renumber the sections in sequence and correct the internal references

2.9 Amend the title accordingly

1.1 Senator moves to amend S.F. No. 3764 (Delete-Everything
1.2 Amendment, TRANSART1) as follows:

1.3 Page 17, after line 28, insert:

1.4 "Subd. 2. **Gross vehicle weight of all axles.** (a) Notwithstanding the provisions
1.5 of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of
1.6 vehicles ~~shall~~ must not exceed:

1.7 (1) 80,000 pounds for any vehicle or combination of vehicles on all state trunk
1.8 highways as defined in section 160.02, subdivision 29, and for all routes designated ~~under~~
1.9 ~~section 169.832, subdivision 11~~ as having a maximum weight limit of nine tons per axle;

1.10 (2) 88,000 pounds for any vehicle or combination of vehicles with six or more
1.11 axles while exclusively engaged in hauling livestock on all state trunk highways other
1.12 than interstate highways, if the vehicle has a permit under section 169.86, subdivision
1.13 5, paragraph (k); or

1.14 (3) 73,280 pounds for any vehicle or combination of vehicles with five axles or less
1.15 on all routes, other than state trunk highways and routes that are designated under section
1.16 169.832, subdivision 11, ~~except that a vehicle needing reasonable access to a terminal or~~
1.17 ~~facilities for food, fuel, repairs, and rest, located within three miles of a ten-ton route, may~~
1.18 ~~not exceed 80,000 pounds. "Terminal" means any location where freight either originates;~~
1.19 ~~terminates, or is handled in the transportation process, or where commercial motor carriers~~
1.20 ~~maintain operating facilities; and~~ on routes designated as having a maximum weight
1.21 limit of nine tons per axle.

1.22 ~~(4) 80,000 pounds for any vehicle or combination of vehicles with six or more axles~~
1.23 ~~on all routes, other than state trunk highways and routes that are designated under section~~
1.24 ~~169.832, subdivision 11.~~

1.25 ~~(b) The maximum weights specified in this section for five consecutive axles shall~~
1.26 ~~not apply to a four-axle ready-mix concrete truck which was equipped with a fifth axle~~
1.27 ~~prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axles of~~
1.28 ~~vehicles excepted by this clause shall not exceed any maximum weight specified for four~~
1.29 ~~or fewer consecutive axles in this section."~~

1.1 Senator moves to amend S.F. No. 3764 (Delete-Everything
1.2 Amendment, TRANSART1) as follows:

1.3 Page 3, after line 11, insert:

1.4 "Sec. 5. **GREAT RIVER ROAD PROJECT.**

1.5 Subdivision 1. Appropriation. \$1,000,000 is appropriated to the commissioner of
1.6 transportation from the state transportation fund for the predesign, design, construction,
1.7 and restoration of historic roadside properties on the Great River Road. The commissioner
1.8 shall consult with the Minnesota Mississippi River Parkway Commission to determine
1.9 project priorities.

1.10 Subd. 2. Bond sale. To provide the money appropriated in this section from the
1.11 state transportation fund, the commissioner of finance shall sell and issue bonds of the
1.12 state in an amount up to \$1,000,000 in the manner, upon the terms, and with the effect
1.13 prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, 174.50, and 174.51, and
1.14 by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds,
1.15 except accrued interest and any premium received on the sale of the bonds, must be
1.16 credited to a bond proceeds account in the state transportation fund."

1.17 Renumber the sections in sequence and correct the internal references

1.18 Amend the title accordingly

1.1 Senator moves to amend S.F. No. 3764 (Delete-Everything
1.2 Amendment, TRANSART1) as follows:

1.3 Page 28, after line 29, insert:

1.4 "Sec. 42. STUDY OF TRANSPORTATION LONG-RANGE SOLUTIONS.

1.5 The commissioner of transportation shall conduct a study to evaluate the current and
1.6 long-range needs of the state's transportation system, and investigate possible strategies to
1.7 meet these needs. The study must include, but is not limited to:

1.8 (1) evaluation of the current needs of the state's highway systems and bridges;

1.9 (2) analysis and quantification of the needs for the next 20 years of the state's
1.10 highway systems and bridges;

1.11 (3) comparison of estimates of revenues raised by current transportation funding
1.12 sources, with long-term needs of the state's transportation system;

1.13 (4) identification of options for maintenance and improvement of the state's
1.14 transportation system with specific reference to factors such as changes in vehicle fuel
1.15 economy, availability of alternative modes of transportation, and the nation's attempts to
1.16 decrease dependence on foreign oil;

1.17 (5) analysis of alternative pricing options utilized in other states, and their potential
1.18 for use, public acceptance, alleviation of congestion, and revenue generation in this
1.19 state; and

1.20 (6) recommendation of options for road pricing or other alternative financing
1.21 mechanisms, and estimates of implementation costs, user costs, and revenue.

1.22 The commissioner shall report the results of the study to the legislature no later
1.23 than January 12, 2007."

1.24 Renumber the sections in sequence and correct the internal references

1.25 Amend the title accordingly

Senator moves to amend S.F. No. 3764 (Delete-Everything Amendment, TRANSART1) as follows:

Page 5, delete sections 4 and 5 and insert:

"Sec. 4. Laws 2005, chapter 88, article 3, section 9, is amended to read:

Sec. 9. [CONSTITUTIONAL AMENDMENT PROPOSED.]

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, two sections will be added to article XIV to read:

Sec. 12. Beginning with the fiscal year starting July 1, 2007, 63.75 percent of the revenue from a tax imposed by the state on the sale of a new or used motor vehicle must be apportioned for the transportation purposes described in section 13, then the revenue apportioned for transportation purposes must be increased by ten percent for each subsequent fiscal year through June 30, 2011, and then the revenue must be apportioned 100 percent for transportation purposes after June 30, 2011.

Sec. 13. The revenue apportioned in section 12 must be allocated for the following transportation purposes: ~~not more than~~ 60 percent must be deposited in the highway user tax distribution fund, and ~~not less than~~ 40 percent must be deposited in a fund dedicated solely to public transit assistance as defined by law.

Sec. 5. Laws 2005, chapter 88, article 3, section 10, is amended to read:

Sec. 10. [SUBMISSION TO VOTERS.]

The constitutional amendment proposed in section ~~12~~ 9 must be presented to the people at the 2006 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to dedicate revenue from the existing ~~the~~ a tax on the sale of new and used motor vehicles over a five-year period, so that after June 30, 2011, all of the revenue is dedicated ~~at least~~ 40 percent for public transit assistance and ~~not more than~~ 60 percent for highway purposes?

Yes

No"

"

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

1.1 Senator moves to amend S.F. No. 3764 (Delete-Everything
1.2 Amendment, TRANSART1) as follows:

1.3 Page 9, after line 33, insert:

1.4 "Sec. 8. Minnesota Statutes 2004, section 168B.06, subdivision 1, is amended to
1.5 read:

1.6 Subdivision 1. **Contents; notice given within five days.** When an impounded
1.7 vehicle is taken into custody, the unit of government or impound lot operator taking it
1.8 into custody shall give notice to the registered vehicle owner and any lienholders of the
1.9 taking within five days. The notice shall:

1.10 ~~(a)~~ (1) set forth the date and place of the taking, the year, make, model and serial
1.11 number of the impounded motor vehicle if such information can be reasonably obtained
1.12 and the place where the vehicle is being held;

1.13 ~~(b)~~ (2) inform the vehicle owner and any lienholders of their right to reclaim the
1.14 vehicle under section 168B.07, ~~and;~~

1.15 ~~(c)~~ (3) state that failure of the owner or lienholders to exercise their right to reclaim
1.16 the vehicle ~~and contents~~ within the appropriate time allowed under section 168B.051,
1.17 subdivision 1, 1a, or 2, shall be deemed a waiver by them of all right, title, and interest in
1.18 the vehicle and remaining contents and a consent to the transfer of title to and disposal or
1.19 sale of the vehicle and remaining contents pursuant to section 168B.08; and

1.20 (4) state: "You have the right to pick up your contents from your vehicle, whether or
1.21 not you give up the right to reclaim your vehicle."

1.22 Sec. 9. Minnesota Statutes 2004, section 168B.07, is amended by adding a subdivision
1.23 to read:

1.24 Subd. 3. Retrieval of contents. A unit of government or impound lot operator
1.25 may establish a reasonable procedure for retrieval of vehicle contents. At any time
1.26 before the expiration of the waiting periods provided in section 168B.051, subdivision
1.27 1, 1a, or 2, the owner of an impounded vehicle has the right to retrieve, without charge,
1.28 any and all contents. For the purposes of this subdivision, "contents" means all personal
1.29 belongings and does not include any permanently affixed mechanical or nonmechanical:
1.30 (i) automobile parts; (ii) automobile body parts; or (iii) automobile accessories, including
1.31 audio or video players."

1.32 Page 17, after line 28, insert:

1.33 "Sec. 21. Minnesota Statutes 2004, section 169.829, subdivision 2, is amended to
1.34 read:

1.1 Senator moves to amend S.F. No. 3764 (delete-everything amendment,
TRANSART1) as follows:

1.3 Page 2, after line 29, insert:

"

1.4 Subd. 6. Great River Road Project \$1,000,000

1.5 For the predesign, design, construction, and restoration of historic roadside properties on
1.6 the Great River Road. The commissioner shall consult with the Minnesota Mississippi
1.8 River Parkway Commission to determine project priorities."

1.9 Page 2, line 30, delete "6" and insert "7"

1.1 Senator moves to amend S.F. No. 3764 (Delete-Everything
1.2 Amendment, TRANSART1) as follows:

1.3 Page 7, after line 5, insert:

1.4 "Sec. 3. Minnesota Statutes 2005 Supplement, section 168.12, subdivision 2a,
1.5 is amended to read:

1.6 Subd. 2a. **Personalized plates; rules.** (a) The commissioner shall issue personalized
1.7 plates or, if requested for special plates issued under section 168.123 for veterans,
1.8 168.124 for medal of honor recipients, or 168.125 for former prisoners of war, applicable
1.9 personalized special veterans plates, to an applicant who:

1.10 (1) is an owner of a passenger automobile including a passenger automobile
1.11 registered as a classic car, pioneer car, collector car, or street rod; any truck with a
1.12 manufacturer's nominal rated capacity of one ton or less and resembling a pickup truck; a
1.13 motorcycle, including a classic motorcycle; or a recreational ~~motor~~ vehicle;

1.14 (2) pays a onetime fee of \$100 and any other fees required by this chapter;

1.15 (3) pays a onetime surcharge of \$3, to be titled the "Gold Star Family Plate
1.16 Surcharge," the proceeds of which must be deposited in the highway user tax distribution
1.17 fund;

1.18 (4) pays the registration tax required by this chapter for the motor vehicle; and

1.19 ~~(4)~~ (5) complies with this chapter and rules governing registration of motor vehicles
1.20 and licensing of drivers.

1.21 (b) The commissioner shall charge a replacement fee for personalized license plates
1.22 and personalized special veterans plates issued under section 168.123 as specified in
1.23 subdivision 5. This fee must be paid by the applicant whenever the personalized plates are
1.24 required to be replaced by law, except that as provided in section 168.124, subdivision
1.25 3, and 168.125, subdivision 1b, no fee may be charged to replace plates issued under
1.26 those sections.

1.27 (c) In lieu of the registration number assigned as provided in subdivision 1,
1.28 personalized plates and personalized special veterans plates must have imprinted on them
1.29 a series of not more than seven numbers and letters, or five numbers and letters for
1.30 personalized special veterans plates, in any combination and, as applicable, satisfy the
1.31 design requirements of section 168.123, 168.124, or 168.125. When an applicant has once
1.32 obtained personalized plates or personalized special veterans plates, the applicant shall
1.33 have a prior claim for similar personalized plates or personalized special veterans plates in
1.34 the next succeeding year as long as current motor vehicle registration is maintained.

1.35 (d) The commissioner shall adopt rules in the manner provided by chapter 14,
1.36 regulating the issuance and transfer of personalized plates and personalized special

2.1 veterans plates. No words or combination of letters placed on these plates may be used
2.2 for commercial advertising, be of an obscene, indecent, or immoral nature, or be of a
2.3 nature that would offend public morals or decency. The call signals or letters of a radio or
2.4 television station are not commercial advertising for the purposes of this subdivision.

2.5 (e) Despite the provisions of subdivision 1, personalized plates and personalized
2.6 special veterans plates issued under this subdivision may be transferred to another motor
2.7 vehicle listed in paragraph (a) and owned by the applicant, upon the payment of a fee of \$5.

2.8 (f) The commissioner may by rule specify the format for notification.

2.9 (g) A personalized plate or personalized special veterans plate issued for a classic
2.10 car, pioneer car, collector car, street rod, or classic motorcycle may not be transferred
2.11 to a vehicle not eligible for such a plate.

2.12 (h) Despite any law to the contrary, if the personalized license plates are lost, stolen,
2.13 or destroyed, the applicant may apply and must be issued duplicate license plates bearing
2.14 the same combination of letters and numbers and the same design as (1) the former
2.15 personalized plates or personalized special veterans plates under section 168.123 upon
2.16 the payment of the fee required by section 168.29 or (2) the former personalized special
2.17 veterans plates issued under section 168.124 or 168.125, without charge.

2.18 EFFECTIVE DATE. This section is effective July 1, 2006. "

2.19 Page 8, after line 19, insert:

2.20 "Sec. 7. [168.1253] GOLD STAR FAMILY LICENSE PLATE.

2.21 Subdivision 1. Issuance; eligibility. The commissioner shall issue special plates
2.22 bearing the inscription "GOLD STAR FAMILY" to an applicant who is an owner or joint
2.23 owner of a motor vehicle, who is certified in writing by the United States Department of
2.24 Veterans Affairs or the state commissioner of veterans affairs as being an eligible person,
2.25 and who complies with all laws relating to the registration and licensing of motor vehicles
2.26 and drivers. The certification must indicate whether the person is an eligible person as
2.27 defined in either clause (1) or clause (2) of subdivision 2, paragraph (b).

2.28 Subd. 2. Definitions. For purposes of this section:

2.29 (a) "Active military service" has the meaning given in section 190.05, subdivision 5.

2.30 (b) The term "eligible person" includes:

2.31 (1) the surviving spouse or surviving biological or adoptive parent of a person
2.32 who has died while serving honorably in active military service in the United States
2.33 armed forces; and

3.1 (2) the surviving biological or adoptive grandparent, sibling, or child of a person
3.2 who has died while serving honorably in active military service in the United States
3.3 armed forces.

3.4 (c) "Motor vehicle" means a vehicle for personal use, not used for commercial
3.5 purposes, and may include a passenger automobile; a motorcycle; a recreational vehicle;
3.6 or a truck resembling a pickup truck and having a manufacturer's nominal rated capacity
3.7 of one ton.

3.8 Subd. 3. **Plate fee; exemption.** A plate fee may not be charged to an eligible person
3.9 defined in subdivision 2, paragraph (b), clause (1). For all other eligible persons, the
3.10 commissioner shall charge a fee of \$10 per set of plates issued under this section. No
3.11 surcharge may be added to this fee.

3.12 Subd. 4. **Annual registration fee; exemption.** For each eligible person defined in
3.13 subdivision 2, paragraph (b), clause (1), to whom the commissioner has issued special
3.14 plates under this section, the commissioner may exempt one vehicle from the annual
3.15 registration tax required under section 168.013.

3.16 Subd. 5. **Design.** The special license plates issued under this section must be of a
3.17 design and size determined by the commissioner, in consultation with the commissioner
3.18 of veterans affairs. The commissioner may design the plates in accordance with section
3.19 168.1291, subdivision 2.

3.20 Subd. 6. **Application.** Application for issuance of these plates may be made at
3.21 any time.

3.22 Subd. 7. **Transfer.** On payment of a fee of \$5 and notification to the commissioner,
3.23 special plates issued under this section may be transferred to another personal motor
3.24 vehicle owned or jointly owned by the eligible person. "

3.25 Renumber the sections in sequence and correct the internal references

3.26 Amend the title accordingly

1.1 Senator moves to amend S.F. No. 3764 (Delete-Everything
1.2 Amendment, TRANSART1) as follows:

1.3 Page 26, after line 19, insert:

1.4 "Sec. 35. [174.267] INTERSTATE HIGHWAY 55 TRANSIT SERVICES
1.5 REVOLVING LOAN FUND.

1.6 (a) The commissioner of transportation shall establish an Interstate Highway 55
1.7 transit services revolving loan fund to be administered by the city of Buffalo to make
1.8 loans to providers of transit services in the Interstate Highway 55 corridor between the
1.9 city of Buffalo and the city of Minneapolis. Repayments and interest from loans from the
1.10 Interstate Highway 55 transit services revolving loan fund must be credited to the fund.
1.11 Money in the account is annually appropriated to the commissioner and does not lapse.

1.12 (b) The city of Buffalo shall establish an application process and criteria to evaluate
1.13 applicants for loans from the fund. The criteria must include:

- 1.14 (1) the amount of the loan needed and other possible sources of funding;
- 1.15 (2) the proposed methods and sources of funds to be used for loan repayment;
- 1.16 (3) the financial status and ability of the borrower to repay loans;
- 1.17 (4) the need for the proposed transit service;
- 1.18 (5) the overall impact of the service, particularly with respect to its ability to reduce
1.19 highway congestion due to the closure of marked Trunk Highway 241, along with other
1.20 factors; and

1.21 (6) the extent to which the service will improve the movement of people and freight.

1.22 (c) Loans from the Interstate Highway 55 transit services revolving loan fund must
1.23 bear interest at or below market rates and have a repayment term not longer than 30 years.

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

1.25 Page 28, after line 35, insert:

1.26 "Sec. 44. CREDIT OF EXISTING APPROPRIATION.

1.27 The commissioner of transportation must credit \$150,000 of existing general fund
1.28 appropriations as follows:

1.29 (1) \$100,000 is credited to the Interstate Highway 55 transit services revolving loan
1.30 fund to be used for the purposes specified in section 35; and

1.31 (2) \$50,000 is for a grant to the city of Buffalo to provide subsidies for transit service
1.32 providers in the Interstate Highway 55 corridor.

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

1.34 Renumber the sections in sequence and correct the internal references

2.1

Amend the title accordingly

1.1 Senator moves to amend S.F. No. 3764 (Delete-Everything
1.2 Amendment, TRANSART1) as follows:

1.3 Page 17, after line 28, insert:

1.4 "Sec. 18. Minnesota Statutes 2004, section 169.89, is amended by adding a
1.5 subdivision to read:

1.6 **Subd. 6. Violation committed while operating mobile phone.** (a) A person
1.7 convicted of a moving violation, which does not include a parking violation, a vehicle
1.8 equipment violation, or a warning citation, who, during the commission of the violation,
1.9 was communicating over a cellular or wireless telephone, is assessed an additional
1.10 surcharge equal to the amount of the fine imposed for the moving violation, but not less
1.11 than \$25.

1.12 (b) It is an affirmative defense against a charge of violating paragraph (a) that the
1.13 mobile telephone was used for the purpose of contacting the following in response to
1.14 an emergency:

- 1.15 (1) a first responder by use of a 911 or other emergency telephone number;
- 1.16 (2) a hospital, clinic, or doctor's office;
- 1.17 (3) an ambulance service provider;
- 1.18 (4) a fire department or law enforcement agency; or
- 1.19 (5) a first aid squad."

1.20 Renumber the sections in sequence and correct the internal references

1.21 Amend the title accordingly

1.1 Senator moves to amend S.F. No. 3764 (Delete-Everything
1.2 Amendment, TRANSART1) as follows:

1.3 Page 5, line 15, after "transit" insert ", with at least 40 percent for public transit
1.4 assistance, and the remaining amount for any transportation funding purposes as defined
1.5 by law"