

# Transportation-Related COVID-19 Response

July 2020

## Overview

This brief summarizes transportation-related legislative actions taken in response to the COVID-19 coronavirus pandemic. Legislation includes an appropriation for additional staffing, expiration extensions for driver's licenses, modification of driver's license application requirements, and direction to produce legislative reports. The information is current through **July 21, 2020**, following the conclusion of the 2020 Regular Session along with the first and second special sessions. Some highlights of state and federal activity are also outlined.

## Driver and Vehicle Services Staffing

Most COVID-19 response initiatives in transportation had no agency costs or the agency intended to absorb the costs. However, the legislature appropriated \$2.4 million from the vehicle services operating account in FY 2020 for a temporary staffing increase. The appropriation is available until December 31, 2020. Funding is provided only to the extent needed to achieve a 45-day turnaround time for driver's license and identification card issuance. [Laws 2020, ch. 71](#), art. 1, § 1.

The funds are to help address an ongoing backlog in administering driver's licenses as well as a surge that, at the time of enactment in late March, was anticipated to follow an easing of stay-at-home restrictions first established that month (and continued through a series of governor's executive orders). Also at that point, an increase in applications for REAL ID-compliant licenses was anticipated (although the U.S. Department of Homeland Security subsequently extended the implementation due date).

## Driver's Licenses

To address COVID-19 related issues with licensing drivers, the legislature focused on providing extensions and easing regulatory requirements for license issuance and renewals.

Governor Walz first declared a peacetime emergency on March 13, 2020, via Executive Order 20-01.<sup>1</sup> Due to associated executive orders, licensing offices were closed to in-person activity for a period of time. The closures meant that driver's licenses could not be issued or renewed.

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<sup>1</sup> The peacetime emergency has been extended through a series of subsequent executive orders. As of the time of writing it remains in effect until August 12, 2020 (under Executive Order 20-78). See <https://www.leg.state.mn.us/archive/execorders/20-78.pdf>.

Several legislative provisions are tied to the peacetime emergency and are designed to stay in effect beyond its termination. This is largely in order to alleviate driver's license processing impacts by helping to spread out resumed customer activity at licensing offices.

### **1) The expiration date for driver's licenses and identification cards is generally extended beyond the emergency period.**

The expiration date is extended for many driver's licenses and Minnesota identification cards. The extension is for licenses and identification cards that normally would need to be renewed (1) during the peacetime emergency declared by the governor, (2) on any day of the last month of the peacetime emergency period, or (3) in the month following the one in which the peacetime emergency ends.<sup>2</sup> However, regardless of the status of a peacetime emergency declaration, the window for first establishing an expiration extension ends January 31, 2021.

The driver's license or identification card due date is extended by two months beyond the ending month of the peacetime emergency (or the end of the extension period)—that is, to the last day of the second following month. [Laws 2020, ch. 71](#), art. 2, § 15; [ch. 100](#), § 24.

As the peacetime emergency currently stands, a license that is set to expire between March 13 and September 30, 2020, is extended to instead expire October 31, 2020.

The provision applies to all types of licenses. There is no additional fee imposed. The extensions are in effect automatic, and the renewal cycle for the license or identification card is unchanged (so that the next renewal date is not pushed out further).

### **2) The expiration date and replacement requirements are also extended for out-of-state licenses.**

2020 laws address licenses from another jurisdiction held by a person who becomes a Minnesota resident. First, an out-of-state license can be retained beyond the usual 30-day or 60-day grace period (after which time a replacement Minnesota license is normally required). The grace period is broadened to the end of the second month after termination of the emergency period.<sup>3</sup>

Second, the out-of-state license is deemed valid in Minnesota regardless of its original expiration date, under the same conditions as Minnesota licenses (see the discussion above). For commercial licenses, the length of the extension follows the dates set under a similar federal extension. [Laws 2020, ch. 71](#), art. 2, § 15; [ch. 74](#), art. 1, § 4.

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<sup>2</sup> Of note, the provision could potentially apply more than once if the peacetime emergency ends and another one also related to the COVID-19 pandemic is declared nonconsecutively.

<sup>3</sup> Similar to other license extensions, the window to establish extensions ends January 31, 2021.

### **3) Some online license renewal is enabled by temporarily waiving photo and vision test requirements.**

If key data such as name and address are unchanged and the license is not REAL ID-compliant, a person can renew a driver's license online without a new photograph or a vision test. (The applicant must have previously passed a vision exam, and the department has to have a photo on file.) Unlike various other COVID-19 response provisions, this allowance for renewals is in place until June 30, 2021, regardless of any peacetime emergencies. The renewal cycle for the license is unchanged. [Laws 2020, ch. 100](#), § 27.

### **4) Photo and vision test requirements to obtain a new commercial driver's license are temporarily removed.**

The Department of Public Safety can issue new commercial driver's licenses (CDLs) without two steps in the process that are normally required under state law to be performed in-person: a photograph and a vision test are not required.

As part of the application process, the department must establish procedures for road exams that provide for personal protection and comply with COVID-19 health guidance (although the department can issue "restricted" or seasonal CDLs without such procedures in place). Unless the license holder subsequently gets an updated photo taken and passes the eye exam, a CDL obtained under this provision expires at the end of the second month following termination of the emergency period.<sup>4</sup> If the photo and vision test requirements are met, the expiration date reverts to follow the normal renewal cycle. No additional fee is charged. [Laws 2020, ch. 74](#), art. 1, § 6.

### **5) Medical certificates and waivers are extended.**

The expiration dates are extended for medical certificates and waivers (which are required by state and federal law to be maintained by CDL holders and some operators of commercial vehicles in intrastate commerce). The extension length works the same way as for driver's licenses (see item #1 above), except that the date cannot go beyond the extension granted under federal waivers. [Laws 2020, ch. 74](#), art. 1, § 5.

### **6) Some driver's license proposals were not enacted.**

Some provisions were considered but not enacted. Proposals include:

- extending the registration period for farm vehicles, and providing automatic registration of farm vehicles that are registered on a quarterly basis (but had not been registered at the start of the peacetime emergency); and
- authorizing a delayed road exam when issuing driver's licenses to instruction permit holders, so that the road test is not required until the next license renewal (e.g., 2020 Regular Session, H.F. 4649 (Runbeck)).

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<sup>4</sup> Similar to other license extensions, the window to forgo a photo and the vision test ends January 31, 2021.

## Other Provisions

**Disability certificate extensions.** The legislature extended the expiration date for disability parking certificates and temporary permits that would otherwise expire (1) during the peacetime emergency, (2) at any point during the last month in which the peacetime emergency is in place, or (3) in the month following the one in which the peacetime emergency ends. The extension is to the end of the second month following the month in which the peacetime emergency terminates.<sup>5</sup> No fee or surcharge is imposed for the extension. [Laws 2020, ch. 71](#), art. 2, § 15; [ch. 100](#), § 24.

**School bus stop systems.** During the peacetime emergency<sup>6</sup>, school bus operators are directed to use the prewarning and stop signal systems on school buses when stopping on roads to deliver food or supplies to students. [Laws 2020, ch. 100](#), § 28.

**Use of federal transit funds.** The Metropolitan Council and the Minnesota Department of Transportation (MnDOT) are authorized to use federal COVID-19 response aid for specifically identified uses such as cleaning, safety equipment, and training. (The provision does not prevent other uses of the funds.) [Laws 2020, ch. 74](#), art. 1, § 10.

## Legislative Reporting

Legislation mandated multiple reports related to COVID-19 response activity and adjusted an existing reporting requirement.

- **Use of temporary powers.** The Department of Public Safety, MnDOT, and the Metropolitan Council must each report on temporary powers used and on waivers or modifications made to requirements in law. Each report is due within 30 days of expiration of a peacetime emergency. [Laws 2020, ch. 71](#), art. 2, § 15; [ch. 74](#), art. 1, §§ 7-8.
- **Use of federal funds.** By February 15, 2021, MnDOT and the Metropolitan Council must report on all expenditures from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (which includes aid for COVID-19 related transit purposes). Similarly, the Department of Public Safety, MnDOT, and the Metropolitan Council must each report on expenditures from any federal funding related to COVID-19. The reports are due by February 15 of each year until all federal funds are expended. [Laws 2020, ch. 74](#), art. 1, § 10; [ch. 100](#), § 25.

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<sup>5</sup> Similar to other provisions, the extension applies to each peacetime emergency declared in response to the COVID-19 pandemic (whether extended or nonconsecutive), and the window to establish extensions ends January 31, 2021.

<sup>6</sup> Similar to other provisions, the requirements apply to each peacetime emergency declared in response to the COVID-19 pandemic (whether extended or nonconsecutive), but only until January 31, 2021.

- **Transit report due date.** The due date for a biennial report on transit finance was extended to February 15, 2021 (instead of October 15, 2020). [Laws 2020, ch. 74](#), art. 1, § 9.

## Executive Branch and Federal Activity

While the following is not comprehensive, it includes some notable executive branch and federal actions related to COVID-19.

### Executive Orders

A number of the executive orders issued by the governor deal with transportation regulations.<sup>7</sup> Several provided exemptions from some motor vehicle weight restrictions as well as driver hours of service requirements, including to transport:

- essential supplies (including food, medicine, and household supplies) for emergency relief efforts in response to COVID-19 (in Executive Order 20-06, extended by Executive Orders 20-37 and 20-59);
- livestock and animal carcasses for emergency relief efforts in response to COVID-19 (in Executive Orders 20-24, 20-44, 20-60, 20-76, and 20-80); and
- wood products used in the animal composting process, due to COVID-19 impacts (in Executive Order 20-45, extended by Executive Order 20-61).

Similarly, an order exempted carriers transporting livestock feed and fertilizer used in spring planting from some hours of service regulations (in Executive Order 20-27), further exempted for livestock feed for direct assistance efforts (in Executive Order 20-66). Another order provided an exemption from seasonal load restrictions for vehicles used to pump or transport sewage as part of providing emergency septic system services (in Executive Order 20-31).

Other orders include authorizing food trucks at six highway rest areas (in Executive Order 20-49) and authorizing MnDOT to permit use of trunk highway right-of-way for outdoor dining (in Executive Order 20-70).

### Distance-Based Driver's Education

On April 7, 2020, the Department of Public Safety approved a variance that allows driver's education programs to provide the classroom portion of driver's education through video conferencing. (An expiration to this authority has not yet been identified by the department.)

### REAL ID Act Compliance Deadline

The U.S. Department of Homeland Security extended the last deadline for compliance with the federal REAL ID Act. This is a one-year delay in the requirement that a driver's license or identification card is REAL ID-compliant when presented for federal access purposes (i.e.,

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<sup>7</sup> See <https://www.leg.state.mn.us/lrl/execorders/eoresults?gov=44>.

boarding aircraft and accessing federally secured facilities). Until October 1, 2021, a license or identification card presented for federal access purposes must be issued by a state that is either compliant with REAL ID Act requirements or granted a federal extension. After that date, any state driver's license or state identification card presented for federal access must be REAL ID-compliant.

## Federal Motor Carrier Regulations

The U.S. Department of Transportation modified and waived various commercial motor carrier regulations. This includes: (1) extending the expiration for commercial driver's licenses, permits, and medical certificates; (2) removing limitations for commercial learner's permit holders; and (3) waiving various federal regulations, such as hours of service requirements, for carriers and drivers providing direct assistance in response to COVID-19 (e.g., in transporting livestock, feed, or relevant medical supplies and equipment).<sup>8</sup>

## Federal Aid

Multiple federal laws in response to the COVID-19 pandemic provide financial assistance to the state. Key federal legislation, the CARES Act, is estimated to allocate:

- \$54.4 million for transit in Greater Minnesota;
- \$253.8 million for transit in the Twin Cities metropolitan area; and
- \$158.4 million for airports.

In addition, the Metropolitan Council and state agencies have requested a combined total of roughly \$1.06 million to date from Minnesota Management and Budget (MMB) for transportation-related COVID-19 response activities, such as for staffing and staff redeployment, personal protective equipment, and technology costs. The requested funds come from general Coronavirus Relief Fund aid provided to the state (under the federal CARES Act). MMB authorizes the use of money following a Legislative Advisory Commission review process, and as of this writing has approved a portion of these requests.<sup>9</sup>



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<sup>8</sup> See <https://www.fmcsa.dot.gov/COVID-19>.

<sup>9</sup> See <https://www.lcc.leg.mn/lac/> and <https://mn.gov/mmb/budget/legadcomm/>.