



Department of Public Safety
Driver and Vehicle Services

**Report on the Powers Exercised by the
Commissioner of Public Safety during the
Peacetime Public Health Emergency**

August 2021

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Executive Summary

On March 13, 2020, Governor Tim Walz issued a peacetime public health emergency in Executive Order 20-01 in response to the emerging COVID-19 pandemic. Due to the unprecedented nature surrounding this infectious disease, legislative action occurred to maintain services for Minnesotans while keeping customers and employees safe from and to prevent the spread of the novel virus. Part of the legislation included a report due to the legislature within 30 days of the expiration of the peacetime public health emergency. The end of the COVID-19 public health emergency was declared on July 1, 2021.

The legislative report must include any temporary powers that were exercised by the Commissioner of the Department of Public Safety (DPS) relating to Driver and Vehicle Services (DVS) and the Minnesota State Patrol (MSP) (Laws of Minnesota 2020, Regular Session, Chapter 74, Article 1, Section 7). This report will include any statutory requirements or administrative rules that were modified or changed, as well as a timeline with explanations of why the temporary powers were exercised.

Some temporary powers resulted in changed practices, and legislation during the 2021 sessions made the practices permanent. Temporary practices included the extension of expiration dates for driver's licenses, driving permits, identification cards, and disability parking certificates that expired during the peacetime emergency. In addition, to allow for online renewal services, photo and vision test requirements were waived until June 30, 2021. Finally, the knowledge test was available online at home until July 2, 2021. While the online knowledge test continues to be offered via third-party proctored testing, language included in the Transportation Omnibus bill (Laws of Minnesota 2021, 1st Special Session, Chapter 5, HF 10, Article 4, Section 76) limited the proctoring requirements for the online knowledge test.

As society and workplaces begin to return to a place of stability, there is an opportunity to re-examine some DPS-DVS processes for area of increase efficiencies and/or customer service. Employees and leadership will continue to evaluate and adapt business practices to meet the needs of Minnesota customers, business partners, and stakeholders.

Modified/Waived Statutory Requirements or Administrative Rules

Online Renewal of Credentials

- *Laws of Minnesota 2020, Regular Session, Chapter 100, HF 462, Section 15*
 - Explanation – Keep customers and employees safe and prevent the transmission of COVID-19 by limiting in-office visits.
 - Applied to noncompliant (non-REAL ID compliant) driver's license and identification card applications made on or before June 30, 2021, if the name, address, signature, driver's license number had not changed.
 - Applicants were not required to undergo a vision examination if there was documentation of passed vision examination already on file.
 - Applicants were not required to have a new photograph taken if there was one already on file.

Credential Expiration Date Extensions

- *Laws of Minnesota 2020, Regular Session, Chapter 71, HF4531, Article 2, Section 15(1)(2))*
 - Explanation – Keep customers and employees safe and prevent the transmission of COVID-19 by limiting in-office visits
 - Subdivision 1 defines "peacetime public health emergency period" as the duration of any peacetime emergency declared by the governor in an executive order that relates to the infectious disease known as COVID-19, but ending no later than January 31, 2021.
 - Extended the expiration date for any valid driver's license (including instruction permit, provisional license, operator's permit, limited license, and farm work license) and identification card.
 - Credentials eligible for extension under this law were those that would otherwise expire during the peacetime public health emergency period, or on any day of the month in which the peacetime public health emergency period ends.
 - Stated: "an extension in this subdivision is provided to the last day of the second consecutive month following the month in which the peacetime public health emergency period terminates," (i.e., September 30, 2021).
 - No fee or surcharge was imposed for an extension.
 - The extension did not alter the expiration date for subsequent driver's license and identification card renewals.
 - The language did not apply to new driver's licenses/identification cards, the reinstatement of canceled, suspended, or revoked licenses, or people ineligible for a driver's license/identification card.
 - The driving record was also extended, indicating that a driver's license was valid until the extension expires. This information was available to law enforcement.

Out of state licenses

- *Laws of Minnesota 2020, Regular Session, Chapter 71, HF4531, Article 2, Section 15(3)*
 - Explanation – Keep customers and employees safe and prevent the transmission of COVID-19 by limiting in-office visits
 - Language added a new subdivision (i.e., subdivision 3).
 - New Minnesota residents with a valid noncommercial driver’s license (including instruction permit, provisional license, operator’s permit, limited license, and farm work license) from another state may drive up to 60 days without being required to have a Minnesota driver’s license.
 - A new resident must apply for a Minnesota driver’s license by the last day of the second consecutive month following the month in which the peacetime public health emergency terminates (i.e., September 30, 2021).
 - The expiration date also extended as described in subdivision 2, paragraphs (a)-(e) above.
- *Laws of Minnesota 2020, Regular Session, Chapter 74, HF4556, Section 4*
 - Explanation – Amend language about out of state licenses from Chapter 71, HF4531, Section 15(3).
 - “(a) Notwithstanding Minnesota Statutes, section 171.03, paragraphs (h) and (i), any person who becomes a resident of the state of Minnesota and who possesses a valid ~~noncommercial~~ driver’s license issued to the person under and pursuant to the laws of some other state or jurisdiction, or by military authorities of the United States may operate a motor vehicle for more than 30 days for a commercial driver’s license or 60 days for a noncommercial driver’s license without being required to have a Minnesota driver’s license, as provided by this subdivision.”
 - Adds “, except that the expiration date for a commercial driver’s license must not be extended past the date identified by the Federal Motor Carrier Safety Administration in waivers of applicable federal regulations,” to the end of paragraph (b) in subdivision 3.

Medical Certificates and Waivers

- *Laws of Minnesota 2020, Regular Session, Chapter 74, HF4556, Section 5*
 - Explanation – Keep customers and employees safe and prevent the transmission of COVID-19 by limiting in-office visits.
 - Language added subdivision 3a to Chapter 71, Article 2, Section 15.
 - The expiration date was extended for any medical examiner’s certificate or a medical waiver under that, absent the subdivision, would expire during the peacetime public health emergency, in the manner prescribed by subdivision 2, except that it must not be extended past the date identified by the Federal Motor Carrier Safety Administration in waivers of applicable federal regulations.

Commercial Drivers' Licenses (CDL)

- *Laws of Minnesota 2020, Regular Session, Chapter 74, HF4556, Section 6*
 - Explanation – Allow for testing of CDL drivers to maintain delivery of goods and services during the COVID-19 pandemic while keeping customers and employees safe and prevent the transmission of the coronavirus.
 - Language added subdivision 3b to Chapter 71, Article 2, Section 15.
 - The DPS Commissioner may authorize the use of modified procedures for CDL road testing as long as personal protective measures are established for applicants and examiners, and procedures complied with guidance and recommendations from the Centers for Disease Control and Prevention (CDC) and the Minnesota Department of Health.
 - DPS-DVS may issue a new commercial driver's license to a qualifying applicant, except that:
 - (1) in lieu of a photograph taken in person, the commissioner may use the most recently available photograph of the applicant on record with the department;
 - (2) a test of the applicant's eyesight under Minnesota Statutes, section 171.13, subdivision 1, paragraph (a), clause (1), is not required at the time of application; and
 - (3) subject to paragraph (c), the expiration date of the license is the last day of the second consecutive month following the month in which the peacetime public health emergency period terminates.
 - Upon termination of the peacetime public health emergency period, if the license holder arranged for an in-person photograph and passed a vision test, the CDL expiration date is adjusted to the date that would otherwise apply absent this subdivision.
 - No fee or surcharge was imposed other than the amounts that would otherwise apply for a license issued absent this subdivision.
 - The requirements under subdivision 2, paragraphs (d) and (e), apply for a license issued under this subdivision.

Disability certificates or permits

- *Laws of Minnesota 2020, Regular Session, Chapter 71, HF4531, Article 2, Section 15(4)*
 - Explanation – Keep customers and employees safe and prevent the transmission of COVID-19 by limiting in-office visits.
 - The expiration date was extended for any certificate or permit issued that, absent this subdivision, would otherwise expire during the peacetime public health emergency or on any day of the month in which the peacetime public health emergency period terminates.
 - The extension was provided to last day of the second month following the month in which the peacetime public health emergency period terminates (i.e., September 30, 2021).
 - No fee or surcharge was imposed for an extension in the subdivision.
 - Does not prevent cancellation as provided in Minn. Stat. § 169.345

Coordinate with law enforcement

- *Laws of Minnesota 2020, Regular Session, Chapter 71, HF4531, Article 2, Section 15(5)*
 - Explanation – Ensure that law enforcement agencies are aware of all changes for consistent enforcement activities.
 - DPS Commissioner must work with law enforcement agencies in the state to ensure that all law enforcement officers are aware of the changes made in this section.

Distribute public information

- *Laws of Minnesota 2020, Regular Session, Chapter 71, HF4531, Article 2, Section 15(6)*
 - Explanation – Ensure that customers and the public are aware of expiration date extensions.
 - DPS Commissioner must make reasonable efforts to publicize the expiration date extensions to the general public under this section, including providing information on the criteria for who is subject to the extensions and identifying the ending date of the extensions once known.

REAL-ID Temporary Staffing

- *Laws of Minnesota 2020, Regular Session, Chapter 71, HF4531, Article 1, Section 1*
 - Explanation – Re-allocate an appropriation of money (due to the COVID-19 pandemic) for temporary staff to ensure timely processing of REAL-ID compliant driver's licenses and identification cards.
 - An appropriation of \$2.4 million in FY2020 from the Vehicle Services Operating Account (special revenue fund) for temporary or contract employees to process and issue driver's licenses and identification cards.
 - The funds could be used to purchase or lease equipment and space for temporary or contract employees, and must be incurred by December 31, 2020.
 - The money must not be spent for permanent employees.
 - The appropriation could only be utilized to achieve a turnaround time of 45 days.
 - The appropriation was available until January 31, 2021, and was cancelled afterwards.
 - Approximately \$10,000 of the appropriation was used in 2020, and language was not included in the Transportation Omnibus bill as the REAL ID enforcement date is extended to May 3, 2023.

Online Knowledge Testing

- *Laws of Minnesota 2020, 2nd Special Session, Chapter 2, SF4, Section 2*
 - Explanation – Keep customers and employees safe and prevent the transmission of COVID-19 by limiting in-office visits.
 - Added subdivision 9 to Minn. Stat. § 171.13.
 - Implemented at-home online knowledge testing for class D licenses.
 - DPS-DVS could not charge a fee to a driver education program or an authorized entity for access to the system or for administering a knowledge test.
 - DPS-DVS was still responsible to administer the fourth or subsequent knowledge test(s) due to test failures.

- Commissioner must grant access to the online test system upon written request from a driver education program licensed by the department. Once granted access, a driver education program may administer the online knowledge test to a student of the program.
- An entity other than a driver education program was eligible to apply for authority to administer the online knowledge test. Upon approval, DPS-DVS granted the entity access to the web-based knowledge test system, and the entity was eligible to administer the online knowledge test.
- A driver education program or authorized entity was responsible for providing all computers and equipment, appropriate proctors to monitor the test, and could charge a fee less than \$10 for administering the knowledge test.
- Online knowledge test was implemented on October 8, 2020.
- Language was amended in *Laws of Minnesota 2021, 1st Special Session, Chapter 5, HF 10, Article 4, Section 76* defining the online proctor requirements to exclude the relatives of test-takers.
 - This removed the at-home option for the knowledge test, and became effective the day following the expiration of peacetime emergency (July 2, 2021).

Mandated Reports

- *Laws of Minnesota 2020, 2nd Special Session, Chapter 2, SF4, Section 3*
 - Subd. 1 – Backlog Report
 - Due January 1, 2021; completed.
 - Included information about the plan to address class D and CDL backlogs, test totals, wait times, exam station locations, plan(s) for 2021, recommendations on third-party testing for class D/CDL, and recommended legislative changes.
 - Subd. 2 – Online Knowledge Testing Report
 - Due January 1, 2022.
 - Report must include:
 - The number of knowledge tests pursuant to Minnesota Statutes, section 171.13, subdivision 9.
 - The number of locations providing online knowledge tests.
 - If data is available, any recommendation(s) on whether a \$10 fee cap should be changed.
 - Recommendations on whether additional entities should be authorized to administer the online knowledge test.
 - Recommendations on whether driver education programs should be allowed to administer online knowledge tests to people other than program students.
 - Recommended legislative changes.

Use of Online Knowledge Test Appropriation

- *Laws of Minnesota 2020, 2nd Special Session, Chapter 2, SF4, Section 4*
 - Appropriated \$450,000 from the Driver Services Operating Account (DSOA) (special revenue fund) to implement online knowledge testing.
 - The DSOA appropriation increased by \$55,000 in FY22 and FY23 for annual maintenance.
 - The appropriation is available until January 21, 2022 for expenses incurred on or before December 31, 2021. Any funding that is not spent must be reverted back to the account.

Timeline of when powers were exercised

March 13, 2020

Following the national emergency declaration in response to the emerging COVID-19 pandemic, Governor Walz issued a peacetime emergency in Executive Order 20-01. The peacetime emergency would need to be renewed every 30 days. Credentials (driver's licenses and identification cards) expiring between March 13, 2020 and May 30, 2020 were extended through June 30, 2020.

March 26, 2020

Acting Department of Homeland Security Secretary Chad Wolf announced the extension of the REAL ID enforcement deadline to October 1, 2021.

March 27 – April 10, 2020

Governor Walz issued the stay at home Executive Order (20-20), closing all exam stations and inspection centers across Minnesota.

March 28, 2020

Governor Walz signed Chapter 71 (HF 4531) from the regular legislative session into law. Additional extensions for Minnesota credentials, disability certificates, and permits began. Legislative authority authorized an extension for two months following the end of the peacetime emergency or January 31, 2021. Therefore, credentials with expiration dates from March 13, 2020 through January 31, 2021 were eligible for this extension.

Laws of Minnesota 2020, Regular Session, Chapter 71, HF 4531, Article 1, Section 1 language moved the \$2.4 million appropriation to fiscal year 2022 for temporary staffing to issue REAL ID credentials. The amendment was due to a federal deadline extension to October 1, 2021.

Laws of Minnesota 2020, Regular Session, Chapter 71, HF 4531, Article 2, Section 16 included language for the mandated COVID-19 emergency powers report.

April 13, 2020

The first extension of the peacetime emergency (Executive Order 20-35) was signed. Credentials with expiration dates of March 13, 2020 through May 30, 2020 were extended to July 31, 2020.

April 15, 2020

Laws of Minnesota 2020, Regular Session, Chapter 74, HF 4556, Article 1, Section 7 (which included language from HF 1447) was passed and signed into law to include extensions for commercial driver's licenses (CDLs), medical certificates, and changing out of state credentials to Minnesota credentials.

April 27 – May 26

DVS received permission from the federal government to conduct modified CDL exams using a GoPro camera, cell phone, and chase vehicle.

May 13, 2020

The second extension of the peacetime emergency (Executive Order 20-53) was signed. Credentials with expiration dates of March 13, 2020 through July 31, 2020 were extended to September 30, 2020.

May 19, 2020

In order to increase efficiencies while maintaining social distancing practices during the COVID-19 pandemic, DVS consolidated all Minnesota 93 exam stations and their services to 15 locations. The responsibility of processing driver's license and identification card requests shifted away from exam station staff to driver's license agents (e.g., deputy registrars) to allow the exam stations to focus on testing and processing new credentials. Employees at closed exam stations were redeployed to open exam stations. The 15 consolidated exam stations were:

- Anoka
- Arden Hills
- Bemidji
- Detroit Lakes
- Duluth
- Eagan
- Fairmont (skills/road exams only)
- Grand Rapids
- Mankato
- Marshall
- Plymouth
- Rochester
- St. Cloud
- St. Paul – Town Square (knowledge exams only)
- Willmar

Results from consolidation showed a drastic increase in the number of skills tests administered. Examiners conducted over 3,700 road tests (on average) per week. This amount exceeds the number of exams provided when all exam stations were open and before the COVID-19 pandemic. From May 26 through July 29 in 2019, 25,741 skills tests were administered (approximately 2,815 per week). During the same period in 2020, 32,406 road tests were administered (approximately 3,544 per week). Overall, 729 more road tests were administered in 2020, a 25.9% increase.

May 27, 2020

Governor Walz signed Chapter 100 (HF 462) from the regular legislative session into law, which included language extending credential expiration to two months after the month in which the peacetime emergency ends.

June 8, 2020

DPS-DVS implemented the ability for customers to complete an online renewal for a noncompliant class D driver's license when there are no changes on the content of the card and duplicates. Driver's licenses remained valid until two months after the month that the emergency peacetime order ended. Since offering this service, DPS-DVS processed applications for 13,966 duplicates and 283,843 renewals online. Due to statutory language, this capability was available until June 30, 2021.

June 12, 2020

The third extension of the peacetime emergency (Executive Order 20-75) was signed. Credentials with expiration dates of March 13, 2020 through August 31, 2020 were extended to October 31, 2020.

June 15, 2020

The Federal Motor Carrier Safety Administration (FMCSA) extended the expiration date of commercial driver's licenses (CDLs), commercial driver's permits (CLPs), and/or other medical certificates set to expire on or after March 1, 2020 to September 30, 2020.

June 20, 2020

Service hours for skills exams expanded and the three metro stations (Arden Hills, Eagan, and Plymouth) offered half-day service on Saturdays.

July 10, 2020

The ability for customers to schedule knowledge exams online became available. This new service allowed customers to book their knowledge exam up to six months in advance, removing the need to wait in line outside of an exam station to schedule the appointment.

July 13, 2020

DPS-DVS repurposed workstations and secured new space at the downtown St. Paul Town Square location to create knowledge testing stations. By repurposing the workstations and

adding new space, DPS-DVS created 42 additional socially-distanced testing stations. The daily number of knowledge tests administered at the St. Paul Town Square location increased from 150 per day to over 450 per day.

Saturday service hours at the three metro exam stations (Arden Hills, Eagan, and Plymouth) increased to offer full-day Saturday service. Through October 31, 2020, exam stations at 11 other locations offered one full Saturday per month for road tests.

The fourth extension of the peacetime emergency (Executive Order 20-78) was signed. Credentials with expiration dates of March 13, 2020 through September 30, 2020 were extended to November 30, 2020.

July 23, 2020

Governor Walz signed Chapter 2 from the second special session (SF4) into law. Language prohibited test reservations for driving schools, appropriated funds for online knowledge testing, and mandated reports about the class D skills exam backlog and online knowledge testing.

July 25, 2020

Executive Order 20-81 mandated the use of face coverings by employees and members of the public in indoor businesses and public settings takes effect. This Executive Order affected all DPS-DVS employees working on-site with or without public interface, as well as customers taking tests and conducting business at exam stations.

August 12, 2020

The fifth extension of the peacetime emergency (Executive Order 20-83) was signed. Credentials with expiration dates of March 13, 2020 through October 31, 2020 were extended to December 31, 2020.

September 11, 2020

The sixth extension of the peacetime emergency (Executive Order 20-89) was signed. Credentials with expiration dates of March 13, 2020 through November 30, 2020 were extended to January 31, 2021. Due to Federal Motor Carrier Safety Administration (FMCSA) regulations, commercial driver's credentials were extended until only December 31, 2021.

September 18, 2020

FMCSA extended the expiration date of commercial driver's licenses (CDLs), commercial driver's permits (CLPs), and other medical certificates set to expire on or after March 1, 2020 to December 31, 2020.

- Medical certificates that expired between March 1, 2020 through May 31, 2020 were waived until October 31, 2020.
- Medical certificates that expired on or after June 1, 2020 were waived until December 31, 2020.

- The maximum waiver for commercial learner's permit expirations without needing to retake the written exam was valid until December 31, 2020.
- The maximum commercial driver's license expiration extension was December 31, 2020.
- The maximum waiver for a 14-day hold on a commercial learner's permit was valid until December 31, 2020.

October 8, 2020

Class D knowledge tests became available online. Customers had the ability to take the test at an open exam station or from their home. Approximately 109,573 customers took an online knowledge test (86,336 passed, 23,237 failed). The utilization of online knowledge testing increased customer safety, reduced the number of office visits during the pandemic, and increased the convenience for customers.

October 12, 2020

The seventh extension of the peacetime emergency (Executive Order 20-92) was signed. Credentials with expiration dates of March 13, 2020 through December 31, 2020 were extended to February 28, 2021. Due to FMCSA regulations, commercial driver's credentials were extended until only December 31, 2021.

November 12, 2020

The eighth extension of the peacetime emergency (Executive Order 20-97) was signed. Credentials with expiration dates of March 13, 2020 through January 31, 2021 were extended to March 31, 2021.

December 14, 2020

The ninth extension of the peacetime emergency (Executive Order 20-100) was signed. Credentials with expiration dates of March 13, 2020 through February 28, 2021 were extended to March 31, 2021.

No further extensions were allowed, even though the peacetime emergency period was later extended. Statutory language only allowed credential extensions until January 31, 2021 (Laws of Minnesota 2020, Regular Session, Chapter 71, HF4531, Article 2, Section 15, subdivision 2).

January 13, 2021

The tenth extension of the peacetime emergency (Executive Order 21-04) was signed. Credentials with expiration dates of March 13, 2020 through February 28, 2021 were extended to March 31, 2021.

No further extensions were allowed, even though the peacetime emergency period was later extended. Statutory language only allowed credential extensions until January 31, 2021 (Laws of Minnesota 2020, Regular Session, Chapter 71, HF4531, Article 2, Section 15, subdivision 2). Customers were given through the end of March to address over 300,000 outstanding driver's licenses.

January 28, 2021

Notices were mailed to customers who possessed a commercial driver's license (CDL) informing them that their license would expire on February 28, 2021.

February 2021

Notices were mailed to customers with expiring credentials effective March 31, 2021.

February 12, 2021

The eleventh extension of the peacetime emergency (Executive Order 21-08) was signed. Credentials with expiration dates of March 13, 2020 through February 28, 2021 were extended to March 31, 2021.

No further extensions were allowed, even though the peacetime emergency period was later extended. Statutory language only allowed credential extensions until January 31, 2021 (Laws of Minnesota 2020, Regular Session, Chapter 71, HF4531, Article 2, Section 15, subdivision 2).

February 15, 2021

The Federal Motor Carrier Safety Administration (FMCSA) extended the expiration date of commercial driver's licenses (CDLs), commercial driver's permits (CLPs), and other medical certificates set to expire on or after March 1, 2020 to May 31, 2021.

March 15, 2021

The twelfth extension of the peacetime emergency (Executive Order 21-12) was signed. Credentials with expiration dates of March 13, 2020 through February 28, 2021 were extended to March 31, 2021.

No further extensions were allowed, even though the peacetime emergency period was later extended. Statutory language only allowed credential extensions until January 31, 2021 (Laws of Minnesota 2020, Regular Session, Chapter 71, HF4531, Article 2, Section 15, subdivision 2).

April 2021

Notices were mailed to customers with expiring credentials effective May 31, 2021.

April 14, 2021

The thirteenth extension of the peacetime emergency (Executive Order 21-19) was signed.

May 3, 2021

The United States Department of Homeland Security ruled that the federal REAL ID deadline was extended to May 3, 2023, due to circumstances surrounding the COVID-19 pandemic.

May 14, 2021

The fourteenth extension of the peacetime emergency (Executive Order 21-22) was signed.

May 17, 2021

End of the regular Legislative Session.

No new legislation was passed to extend or make permanent any additional practices.

June 14, 2021

The fifteenth extension of the peacetime emergency (Executive Order 21-24) was signed.

June 30, 2021

The ability for customers to renew their credentials online utilizing the temporary waiver for photograph and vision test ended.

July 1, 2021

Emergency powers terminated.

July 2, 2021

The ability for customers to take the online knowledge test at home ended with language found in Laws of Minnesota 2021, 1st Special Session, Chapter 5, HF 10, Article 4, Section 76. The third-party proctored online test services continues to be available.

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