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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4

- 01/04/2023 Authored by Gomez, Pérez-Vega, Kozlowski, Hortman, Hornstein and others
The bill was read for the first time and referred to the Committee on Transportation Finance and Policy
01/11/2023 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law
01/17/2023 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
By motion, recalled and re-referred to the Committee on Judiciary Finance and Civil Law
01/23/2023 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
01/25/2023 Adoption of Report: Placed on the General Register
Read for the Second Time
01/30/2023 Calendar for the Day
Read for the Third Time
Passed by the House and transmitted to the Senate
02/27/2023 Passed by the Senate as Amended and returned to the House
03/02/2023 The House concurred in the Senate Amendments
Read Third Time as Amended by the Senate
Bill was repassed as Amended by the Senate

1.1 A bill for an act
1.2 relating to transportation; modifying requirements for a noncompliant driver's
1.3 license or Minnesota identification card and making related changes, including on
1.4 eligibility, proof of lawful presence, primary and secondary documentation, and
1.5 data practices; making technical changes; appropriating money; amending
1.6 Minnesota Statutes 2022, sections 13.6905, by adding a subdivision; 168.327,
1.7 subdivision 6; 171.04, subdivision 5; 171.06, subdivisions 1, 3, by adding
1.8 subdivisions; 171.07, subdivisions 1, 3; 171.12, subdivisions 7, 7a, 7b, 9, by adding
1.9 a subdivision; proposing coding for new law in Minnesota Statutes, chapter 171;
1.10 repealing Minnesota Statutes 2022, section 171.015, subdivision 7.

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

ARTICLE 1

DRIVER'S LICENSES AND IDENTIFICATION CARDS

1.14 Section 1. Minnesota Statutes 2022, section 171.04, subdivision 5, is amended to read:

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

1.19 Sec. 2. Minnesota Statutes 2022, section 171.06, subdivision 1, is amended to read:

1.20 Subdivision 1. Application format and requirements. Every application for a Minnesota
1.21 identification card, including an enhanced identification card, or for a driver's license,
1.22 including an instruction permit, a provisional license, a noncompliant driver's license, a
1.23 REAL ID driver's license, and an enhanced driver's license, must be made in a format
1.24 approved by the department. Every application must be accompanied by payment of the

2.1 proper fee. All applicants must sign the application and declare, under penalty of perjury,
2.2 that the information and documentation presented in the application is true and correct. All
2.3 applications requiring evidence of legal presence in the United States or United States
2.4 citizenship must be signed in the presence of the person authorized to accept the application,
2.5 or the signature on the application may be verified by a notary public.

2.6 Sec. 3. Minnesota Statutes 2022, section 171.06, subdivision 3, is amended to read:

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

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

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

2.13 (3) state:

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

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

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

2.21 (5) include a method for the applicant to:

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

2.24 (ii) indicate a desire to make an anatomical gift under subdivision 3b, paragraph (e);

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

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

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

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

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

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

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

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

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

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

3.11 (2) a photographic identity document.

3.12 (d) A valid Department of Corrections or Federal Bureau of Prisons identification card
3.13 containing the applicant's full name, date of birth, and photograph issued to the applicant
3.14 is an acceptable form of proof of identity in an application for an identification card,
3.15 instruction permit, or driver's license as a secondary document for purposes of Minnesota
3.16 Rules, part 7410.0400, and successor rules.

3.17 (e) An application form must not provide for identification of (1) the accompanying
3.18 documents used by an applicant to demonstrate identity, or (2) except as provided in
3.19 paragraphs (b) and (c), the applicant's citizenship, immigration status, or lawful presence
3.20 in the United States. The commissioner and a driver's license agent must not inquire about
3.21 an applicant's citizenship, immigration status, or lawful presence in the United States, except
3.22 as provided in paragraphs (b) and (c).

3.23 Sec. 4. Minnesota Statutes 2022, section 171.06, is amended by adding a subdivision to
3.24 read:

3.25 Subd. 8. **Noncompliant license or identification card; residence, lawful status.** (a)
3.26 A person who applies for a noncompliant driver's license or identification card:

3.27 (1) must declare the applicant's residence address in Minnesota; and

3.28 (2) is not required to demonstrate United States citizenship or lawful presence in the
3.29 United States.

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

4.1 (c) Nothing in this section allows the commissioner to issue a commercial driver's license
4.2 to an applicant who does not demonstrate proof of citizenship or immigration status if
4.3 required by federal law.

4.4 Sec. 5. Minnesota Statutes 2022, section 171.06, is amended by adding a subdivision to
4.5 read:

4.6 Subd. 9. **Noncompliant license or identification card; general requirements.** (a) A
4.7 document submitted under this subdivision or subdivision 10 or 11 must include the
4.8 applicant's name and must be:

4.9 (1) issued to or provided for the applicant;

4.10 (2) legible and unaltered;

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

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

4.14 (b) If the applicant's current legal name is different from the name on a document
4.15 submitted under subdivision 10 or 11, the applicant must submit:

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

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

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

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

4.22 (c) A form issued by a federal agency that is specified under subdivisions 10 and 11
4.23 includes any subsequent form or version.

4.24 (d) The commissioner must establish a process to grant a waiver from the requirements
4.25 under this subdivision and subdivisions 10 and 11.

4.26 (e) The same document must not be submitted as both a primary document under
4.27 subdivision 10 and a secondary document under subdivision 11.

4.28 (f) For purposes of this subdivision and subdivisions 10 and 11:

4.29 (1) "court" includes a foreign court of competent jurisdiction; and

5.1 (2) "foreign" means a jurisdiction that is not, and is not within, the United States, the
5.2 Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam,
5.3 the United States Virgin Islands, or a territory of the United States.

5.4 Sec. 6. Minnesota Statutes 2022, section 171.06, is amended by adding a subdivision to
5.5 read:

5.6 Subd. 10. **Noncompliant license or identification card; primary documents.** (a) For
5.7 purposes of a noncompliant driver's license or identification card, a primary document under
5.8 Minnesota Rules, part 7410.0400, subpart 2, or successor rules, includes:

5.9 (1) an unexpired foreign passport or a foreign consular identification document that
5.10 bears a photograph of the applicant;

5.11 (2) a certified birth certificate issued by a foreign jurisdiction; and

5.12 (3) a certified adoption certificate issued by a foreign jurisdiction that includes the
5.13 applicant's name and date of birth.

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

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

5.18 Sec. 7. Minnesota Statutes 2022, section 171.06, is amended by adding a subdivision to
5.19 read:

5.20 Subd. 11. **Noncompliant license or identification card; secondary documents.** (a)
5.21 For purposes of a noncompliant driver's license or identification card, a secondary document
5.22 under Minnesota Rules, part 7410.0400, subpart 3, or successor rules, includes:

5.23 (1) a second primary document listed under subdivision 10, paragraph (a);

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

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

5.29 (4) a Certificate of Eligibility for Exchange Visitor Status issued by the United States
5.30 Department of State, Form DS-2019;

- 6.1 (5) a Deferred Action for Childhood Arrival approval notice issued by the United States
6.2 Department of Homeland Security;
- 6.3 (6) an employment authorization document issued by the United States Department of
6.4 Homeland Security, Form I-688, Form I-688A, Form I-688B, or Form I-766;
- 6.5 (7) a document issued by the Social Security Administration with an individual taxpayer
6.6 identification number;
- 6.7 (8) a Social Security card;
- 6.8 (9) a Supplemental Security Income award statement issued no more than 12 months
6.9 before the application;
- 6.10 (10) an unexpired Selective Service card;
- 6.11 (11) military orders that are still in effect at the time of application;
- 6.12 (12) a Minnesota unemployment insurance benefit statement issued no more than 90
6.13 days before the application;
- 6.14 (13) a valid identification card for health benefits or an assistance or social services
6.15 program;
- 6.16 (14) a Minnesota vehicle certificate of title issued no more than 12 months before the
6.17 application;
- 6.18 (15) mortgage documents for the applicant's residence;
- 6.19 (16) a filed property deed or title for the applicant's residence;
- 6.20 (17) a Minnesota property tax statement for the current or prior calendar year, or a
6.21 proposed Minnesota property tax notice for the current year, that shows the applicant's
6.22 principal residential address both on the mailing portion and the portion stating what property
6.23 is being taxed;
- 6.24 (18) a certified copy of a divorce decree or dissolution of marriage that specifies the
6.25 applicant's name or name change, issued by a court; and
- 6.26 (19) any of the following documents issued by a foreign jurisdiction:
- 6.27 (i) a driver's license that is current or has been expired for five years or less;
- 6.28 (ii) a high school, college, or university student identification card with a certified
6.29 transcript from the school;

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

7.3 (iv) a federal electoral card issued on or after January 1, 1991, that contains the applicant's
7.4 photograph;

7.5 (v) a certified copy of the applicant's certificate of marriage; and

7.6 (vi) a certified copy of a court order or judgment from a court of competent jurisdiction
7.7 that contains the applicant's name and date of birth.

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

7.10 Sec. 8. Minnesota Statutes 2022, section 171.07, subdivision 1, is amended to read:

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

7.21 (b) If the United States Postal Service will not deliver mail to the applicant's residence
7.22 address as listed on the license, then the applicant shall provide verification from the United
7.23 States Postal Service that mail will not be delivered to the applicant's residence address and
7.24 that mail will be delivered to a specified alternate mailing address. When an applicant
7.25 provides an alternate mailing address under this subdivision, the commissioner shall use
7.26 the alternate mailing address in lieu of the applicant's residence address for all notices and
7.27 mailings to the applicant.

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

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

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

8.3 (f) A noncompliant license must:

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

8.6 (2) have a unique design or color indicator for purposes of the REAL ID Act; and

8.7 (3) bear no indicator or design that relates to the lawful presence or the citizenship of
8.8 the license holder.

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

8.12 (h) A license must display the licensee's full name or no fewer than 39 characters of the
8.13 name. Any necessary truncation must begin with the last character of the middle name and
8.14 proceed through the second letter of the middle name, followed by the last character of the
8.15 first name and proceeding through the second letter of the first name.

8.16 Sec. 9. Minnesota Statutes 2022, section 171.07, subdivision 3, is amended to read:

8.17 Subd. 3. **Identification card; content and design; fee.** (a) Upon payment of the required
8.18 fee, the department shall issue to every qualifying applicant a Minnesota identification card.
8.19 The department may not issue a Minnesota identification card to an individual who has a
8.20 driver's license, other than a limited license. The department may not issue an enhanced
8.21 identification card to an individual who is under 16 years of age, not a resident of this state,
8.22 or not a citizen of the United States of America. The card must bear: (1) a distinguishing
8.23 number assigned to the applicant; (2) a colored photograph or an electronically produced
8.24 image of the applicant; (3) the applicant's full name and date of birth; (4) either (i) the
8.25 licensee's residence address, or (ii) the designated address under section 5B.05; (5) a
8.26 description of the applicant in the manner as the commissioner deems necessary; (6) the
8.27 usual signature of the applicant; and (7) designations and markings provided under this
8.28 section.

8.29 (b) If the United States Postal Service will not deliver mail to the applicant's residence
8.30 address as listed on the Minnesota identification card, then the applicant shall provide
8.31 verification from the United States Postal Service that mail will not be delivered to the
8.32 applicant's residence address and that mail will be delivered to a specified alternate mailing
8.33 address. When an applicant provides an alternate mailing address under this subdivision,

9.1 the commissioner shall use the alternate mailing address in lieu of the applicant's residence
9.2 address for all notices and mailings to the applicant.

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

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

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

9.9 (f) A noncompliant identification card must:

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

9.12 (2) have a unique design or color indicator for purposes of the REAL ID Act; and

9.13 (3) bear no indicator or design that relates to the lawful presence or the citizenship of
9.14 the identification card holder.

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

9.18 (h) A Minnesota identification card must display the cardholder's full name or no fewer
9.19 than 39 characters of the name. Any necessary truncation must begin with the last character
9.20 of the middle name and proceed through the second letter of the middle name, followed by
9.21 the last character of the first name and proceeding through the second letter of the first name.

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

9.26 **Sec. 10. [171.1205] RESTRICTIONS ON USE.**

9.27 A state agency or a political subdivision must not use the possession of a noncompliant
9.28 driver's license or identification card as (1) evidence of a person's citizenship or lawful
9.29 presence in the United States, or (2) the primary basis for investigation, detention, or arrest.

10.1 Sec. 11. **APPROPRIATION.**

10.2 \$1,453,000 in fiscal year 2024 and \$1,413,000 in fiscal year 2025 are appropriated from
10.3 the vehicle services operating account in the special revenue fund to the commissioner of
10.4 public safety to implement the requirements of this act. The base for the vehicle services
10.5 activity is increased by \$891,000 in each of fiscal years 2026 and 2027.

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

10.7 Sec. 12. **REPEALER.**

10.8 Minnesota Statutes 2022, section 171.015, subdivision 7, is repealed.

10.9 Sec. 13. **EFFECTIVE DATE.**

10.10 Unless provided otherwise, this act is effective October 1, 2023, for driver's license and
10.11 Minnesota identification card application and issuance on or after that date.

10.12 **ARTICLE 2**10.13 **DATA PROTECTIONS**

10.14 Section 1. Minnesota Statutes 2022, section 13.6905, is amended by adding a subdivision
10.15 to read:

10.16 **Subd. 36. Noncompliant license or identification card; lawful status.** Data on certain
10.17 noncompliant drivers' licenses or identification cards are governed by section 171.12,
10.18 subdivision 11.

10.19 Sec. 2. Minnesota Statutes 2022, section 168.327, subdivision 6, is amended to read:

10.20 **Subd. 6. Review and audit of subscription services.** Each subscriber under subdivision
10.21 4 or 5a must annually engage an independent professional organization to audit its uses of
10.22 data and its information technology security procedures, including: (1) the methods and
10.23 practices employed in the processing and use of driver and vehicle services data; and (2)
10.24 compliance with the certification required under section 171.12, subdivision 7b, paragraph
10.25 (d). Within 30 days of the date of the audit report, each subscriber must submit each report
10.26 to the legislative auditor and the commissioner.

10.27 Sec. 3. Minnesota Statutes 2022, section 171.12, subdivision 7, is amended to read:

10.28 **Subd. 7. Privacy of data.** (a) Data on individuals provided to obtain a driver's license
10.29 or Minnesota identification card shall be treated as provided by United States Code, title

11.1 18, section 2721, as in effect on May 23, 2005, and shall be disclosed as required or permitted
11.2 by that section. The commissioner shall disclose the data in bulk form upon request to an
11.3 authorized recipient under United States Code, title 18, section 2721. For any disclosure of
11.4 data on individuals related to a noncompliant driver's license or identification card, the
11.5 commissioner must require a certification pursuant to subdivision 7b, paragraph (d).

11.6 (b) An applicant for a driver's license or a Minnesota identification card may consent,
11.7 in writing, to the commissioner to disclose the applicant's personal information exempted
11.8 by United States Code, title 18, section 2721, to any person who makes a request for the
11.9 personal information. If the applicant so authorizes disclosures, the commissioner shall
11.10 implement the request and the information may be used.

11.11 (c) If authorized by an applicant for a driver's license or a Minnesota identification card,
11.12 as indicated in paragraph (b), the applicant's personal information may be used, rented, or
11.13 sold solely for bulk distribution by organizations for business purposes, including surveys,
11.14 marketing, or solicitation.

11.15 (d) An applicant for a driver's license, instruction permit, or Minnesota identification
11.16 card may request that the applicant's residence address be classified as "private data on
11.17 individuals," as defined in section 13.02, subdivision 12. The commissioner shall grant the
11.18 classification on receipt of a signed statement by the individual that the classification is
11.19 required for the safety of the applicant or the applicant's family, if the statement also provides
11.20 a valid, existing address where the applicant consents to receive service of process. The
11.21 commissioner shall use the service for process mailing address in place of the residence
11.22 address in all documents and notices pertaining to the driver's license, instruction permit,
11.23 or Minnesota identification card. The residence address and any information provided in
11.24 the classification request, other than the mailing address, are private data on individuals and
11.25 may be provided to requesting law enforcement agencies, probation and parole agencies,
11.26 and public authorities, as defined in section 518A.26, subdivision 18.

11.27 Sec. 4. Minnesota Statutes 2022, section 171.12, subdivision 7a, is amended to read:

11.28 Subd. 7a. **Disclosure of personal information.** (a) The Subject to subdivision 11, the
11.29 commissioner shall must disclose personal information where the use is related to the
11.30 operation of a motor vehicle or to public safety. The use of personal information is related
11.31 to public safety if it concerns the physical safety or security of drivers, vehicles, pedestrians,
11.32 or property. The commissioner may refuse to disclose data under this subdivision when the
11.33 commissioner concludes that the requester is likely to use the data for illegal, improper, or
11.34 noninvestigative purposes.

12.1 (b) The commissioner ~~shall~~ must disclose personal information to the secretary of state
12.2 for the purpose of increasing voter registration and improving the accuracy of voter
12.3 registration records in the statewide voter registration system. The secretary of state may
12.4 not retain data provided by the commissioner under this subdivision for more than 60 days
12.5 and may not share or disseminate any data on individuals who have applied for or been
12.6 issued a noncompliant driver's license or identification card except for the purpose of
12.7 administering elections or as permitted in section 201.13, subdivision 3, paragraph (d).

12.8 Sec. 5. Minnesota Statutes 2022, section 171.12, subdivision 7b, is amended to read:

12.9 Subd. 7b. **Data privacy; noncompliant license or identification card.** (a) With respect
12.10 to noncompliant licenses or identification cards, the commissioner is prohibited from:

12.11 (1) electronically disseminating outside the state data that is not disseminated as of May
12.12 19, 2017; or

12.13 (2) utilizing any electronic validation or verification system accessible from or maintained
12.14 outside the state that is not in use as of May 19, 2017.

12.15 (b) The limitations in paragraph (a) do not apply to the extent necessary to: (1) maintain
12.16 compliance with the driver's license compact under section 171.50 and applicable federal
12.17 law governing commercial driver's licenses; and (2) perform identity verification as part of
12.18 an application for a replacement Social Security card issued by the Social Security
12.19 Administration.

12.20 (c) For purposes of this subdivision, "outside the state" includes federal agencies, states
12.21 other than Minnesota, organizations operating under agreement among the states, and private
12.22 entities.

12.23 (d) Prior to disclosing to a data requester, other than the data subject, any data on
12.24 individuals relating to a noncompliant driver's license or identification card, the commissioner
12.25 or a driver's license agent must require the data requester to certify that the data requester
12.26 must not use the data for civil immigration enforcement purposes or disclose the data to a
12.27 state or federal government entity that primarily enforces immigration law or to any employee
12.28 or agent of any such government entity. A data requester who violates the certification
12.29 required in this paragraph may be liable in a civil action brought under section 13.08, may
12.30 be subject to criminal penalties under section 13.09, may have subsequent requests for
12.31 noncompliant driver's license or identification card data be denied by the commissioner,
12.32 and may lose access to the driver records subscription service under section 168.327. A

13.1 certification form used by the commissioner or a driver's license agent under this paragraph
13.2 must include information about penalties that apply for violations.

13.3 Sec. 6. Minnesota Statutes 2022, section 171.12, subdivision 9, is amended to read:

13.4 Subd. 9. **Driving record disclosure to law enforcement.** Subject to subdivision 11, the
13.5 commissioner shall also furnish driving records, without charge, to chiefs of police, county
13.6 sheriffs, prosecuting attorneys, and other law enforcement agencies with the power to arrest.

13.7 Sec. 7. Minnesota Statutes 2022, section 171.12, is amended by adding a subdivision to
13.8 read:

13.9 Subd. 11. **Certain data on noncompliant license or identification card; department**
13.10 **and agents.** (a) For purposes of this section, "immigration status data" means data on
13.11 individuals who have applied for or been issued a noncompliant driver's license or
13.12 identification card and that indicate or otherwise have the effect of identifying (1) whether
13.13 the individual has demonstrated United States citizenship, or (2) whether the individual has
13.14 demonstrated lawful presence in the United States. Immigration status data include but are
13.15 not limited to any documents specified under section 171.06, subdivision 9, 10, or 11;
13.16 immigration status data contained in those documents; or the applicant's submission of the
13.17 documents.

13.18 (b) Immigration status data are classified as private data on individuals, as defined in
13.19 section 13.02, subdivision 12. Notwithstanding any law to the contrary, the commissioner
13.20 or a driver's license agent must not share or disseminate immigration status data except to
13.21 or within the division of the department that administers driver licensing and to the secretary
13.22 of state for purposes of improving the accuracy of voter registration records under subdivision
13.23 7a.

13.24 (c) As authorized or required by state or federal law, the commissioner or a driver's
13.25 license agent may share or disseminate data on individuals who have applied for or been
13.26 issued a noncompliant driver's license or identification card that are not immigration status
13.27 data to a government entity, as defined in section 13.02, subdivision 7a, or to a federal
13.28 government entity that does not enforce immigration law, provided that the receiving entity
13.29 must not use the data for civil immigration enforcement purposes or further disclose the
13.30 data to a state or federal government entity that primarily enforces immigration law or to
13.31 any employee or agent of any such government entity.

13.32 (d) Notwithstanding any law to the contrary, the commissioner or a driver's license agent
13.33 must not share or disseminate any data on individuals who have applied for or been issued

14.1 a noncompliant driver's license or identification card to any federal government entity that
14.2 primarily enforces immigration law, except pursuant to a valid search warrant or court order
14.3 issued by a state or federal judge.

14.4 (e) Violation of this subdivision by the commissioner, a driver's license agent, a
14.5 government entity, or an employee or agent thereof constitutes a violation of the Minnesota
14.6 Government Data Practices Act and may be subject to penalties and remedies applicable
14.7 under that chapter.

APPENDIX
Repealed Minnesota Statutes: H0004-4

171.015 DRIVER'S LICENSE DIVISION.

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

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