

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3631

(SENATE AUTHORS: DIBBLE)

DATE
03/19/2018

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Introduction and first reading
Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to transportation; modifying application procedures and requirements for

1.3 driver's license; creating driving privilege license and setting fee for issuance;

1.4 amending Minnesota Statutes 2016, section 171.01, subdivisions 37, 49a, by adding

1.5 a subdivision; Minnesota Statutes 2017 Supplement, sections 171.06, subdivisions

1.6 1, 2, 3; 171.07, subdivision 1.

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

1.8 Section 1. Minnesota Statutes 2016, section 171.01, is amended by adding a subdivision

1.9 to read:

1.10 Subd. 31c. **Driving privilege license.** "Driving privilege license" means a class D license,

1.11 instruction permit, or provisional license to operate a motor vehicle issued or issuable under

1.12 the laws of this state by the commissioner of public safety to a person who is unable to

1.13 demonstrate legal presence in this country through current lawful admission status, permanent

1.14 resident status, indefinite authorized presence status, or United States citizenship. A driving

1.15 privilege license may be used only for driving and not as identification or proof of legal

1.16 presence or citizenship. A driving privilege license must not be used or accepted for voter

1.17 registration purposes under section 201.061. All provisions in this chapter relating to drivers'

1.18 licenses, instruction permits, and provisional licenses, including cancellation, suspension,

1.19 revocation, reinstatement, examination, restriction, expiration, renewal, and unlawful acts

1.20 and violations, apply to a driving privilege license.

2.1 Sec. 2. Minnesota Statutes 2016, section 171.01, subdivision 37, is amended to read:

2.2 Subd. 37. **License.** "License" means any operator's license or any other license or permit
2.3 to operate a motor vehicle issued or issuable under the laws of this state by the commissioner
2.4 of public safety including:

2.5 (1) any temporary license, driving privilege license, instruction permit, or provisional
2.6 license;

2.7 (2) the privilege of any person to drive a motor vehicle whether or not the person holds
2.8 a valid license; and

2.9 (3) any nonresident's operating privilege.

2.10 Sec. 3. Minnesota Statutes 2016, section 171.01, subdivision 49a, is amended to read:

2.11 Subd. 49a. **Valid license; valid driver's license.** "Valid license," "valid driver's license,"
2.12 "valid Minnesota driver's license," "valid standard driver's license," or other similar term,
2.13 means any operator's license, provisional license, driving privilege license, temporary
2.14 license, limited license, permit, or other license to operate a motor vehicle issued or issuable
2.15 under the laws of this state by the commissioner, or by another state or jurisdiction if
2.16 specified, that is:

2.17 (1) not expired, suspended, revoked, or canceled; and

2.18 (2) not disqualified for the class of vehicle being operated.

2.19 Sec. 4. Minnesota Statutes 2017 Supplement, section 171.06, subdivision 1, is amended
2.20 to read:

2.21 Subdivision 1. **Application format and requirements.** Every application for a Minnesota
2.22 identification card, including an enhanced identification card, or for a driver's license,
2.23 including an instruction permit, a provisional license, a driving privilege license, and an
2.24 enhanced driver's license, must be made in a format approved by the department. Every
2.25 application must be accompanied by payment of the proper fee. All applicants must sign
2.26 the application and declare, under penalty of perjury, that the information and documentation
2.27 presented in the application is true and correct. All applications requiring evidence of legal
2.28 presence in the United States or United States citizenship must be signed in the presence
2.29 of the person authorized to accept the application, or the signature on the application may
2.30 be verified by a notary public.

3.1 Sec. 5. Minnesota Statutes 2017 Supplement, section 171.06, subdivision 2, is amended
3.2 to read:

3.3 Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are as follows:

3.4	REAL ID Compliant or				
3.5	Noncompliant Classified				
3.6	Driver's License	D-\$17.25	C-\$21.25	B-\$28.25	A-\$36.25
3.7	REAL ID Compliant or				
3.8	Noncompliant Classified				
3.9	Under-21 D.L.	D-\$17.25	C-\$21.25	B-\$28.25	A-\$16.25
3.10	<u>Driving Privilege License</u>	<u>D-\$17.25</u>	=	=	=
3.11	Enhanced Driver's License	D-\$32.25	C-\$36.25	B-\$43.25	A-\$51.25
3.12	REAL ID Compliant or				
3.13	Noncompliant Instruction				
3.14	Permit				\$5.25
3.15	Enhanced Instruction				
3.16	Permit				\$20.25
3.17	Commercial Learner's				
3.18	Permit				\$2.50
3.19	REAL ID Compliant or				
3.20	Noncompliant Provisional				
3.21	License				\$8.25
3.22	Enhanced Provisional				
3.23	License				\$23.25
3.24	Duplicate REAL ID				
3.25	Compliant or Noncompliant				
3.26	License or duplicate REAL				
3.27	ID Compliant or				
3.28	Noncompliant identification				
3.29	card				\$6.75
3.30	Enhanced Duplicate				
3.31	License or enhanced				
3.32	duplicate identification card				\$21.75
3.33	REAL ID Compliant or				
3.34	Noncompliant Minnesota				
3.35	identification card or REAL				
3.36	ID Compliant or				
3.37	Noncompliant Under-21				
3.38	Minnesota identification				
3.39	card, other than duplicate,				
3.40	except as otherwise				
3.41	provided in section 171.07,				
3.42	subdivisions 3 and 3a				\$11.25
3.43	Enhanced Minnesota				
3.44	identification card				\$26.25

3.45 In addition to each fee required in this paragraph, the commissioner shall collect a surcharge
3.46 of: (1) \$1.75 until June 30, 2012; and (2) \$1.00 from July 1, 2012, to June 30, 2016.

4.1 Surcharges collected under this paragraph must be credited to the driver and vehicle services
4.2 technology account in the special revenue fund under section 299A.705.

4.3 (b) Notwithstanding paragraph (a), an individual who holds a provisional license and
4.4 has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33,
4.5 169A.35, sections 169A.50 to 169A.53, or section 171.177, (2) convictions for crash-related
4.6 moving violations, and (3) convictions for moving violations that are not crash related, shall
4.7 have a \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving
4.8 violation" has the meaning given it in section 171.04, subdivision 1.

4.9 (c) In addition to the driver's license fee required under paragraph (a), the commissioner
4.10 shall collect an additional \$4 processing fee from each new applicant or individual renewing
4.11 a license with a school bus endorsement to cover the costs for processing an applicant's
4.12 initial and biennial physical examination certificate. The department shall not charge these
4.13 applicants any other fee to receive or renew the endorsement.

4.14 (d) In addition to the fee required under paragraph (a), a driver's license agent may charge
4.15 and retain a filing fee as provided under section 171.061, subdivision 4.

4.16 (e) In addition to the fee required under paragraph (a), the commissioner shall charge a
4.17 filing fee at the same amount as a driver's license agent under section 171.061, subdivision
4.18 4. Revenue collected under this paragraph must be deposited in the driver services operating
4.19 account.

4.20 (f) An application for a Minnesota identification card, instruction permit, provisional
4.21 license, driving privilege license, or driver's license, including an application for renewal,
4.22 must contain a provision that allows the applicant to add to the fee under paragraph (a), a
4.23 \$2 donation for the purposes of public information and education on anatomical gifts under
4.24 section 171.075.

4.25 Sec. 6. Minnesota Statutes 2017 Supplement, section 171.06, subdivision 3, is amended
4.26 to read:

4.27 Subd. 3. ~~Contents of Application; other information requirements.~~ (a) An application
4.28 must:

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

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

5.1 (3) state:

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

5.3 (ii) if the applicant does not have a Social Security number and is applying for a
5.4 Minnesota identification card, instruction permit, or class D provisional or driver's license,
5.5 that the applicant certifies that the applicant is not eligible for a Social Security number;

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

5.8 (5) contain spaces where the applicant may:

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

5.11 (ii) indicate a desire to make an anatomical gift under paragraph (d); and

5.12 (iii) as applicable, designate document retention as provided under section 171.12,
5.13 subdivision 3c.

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

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

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

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

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

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

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

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

5.26 (2) a photographic identity document.

5.27 (d) A government identification card is:

5.28 (1) an acceptable form of proof of identity in application for a Minnesota identification
5.29 card, instruction permit, or driver's license; and

5.30 (2) a primary document for purposes of Minnesota Rules, part 7410.0400.

(e) For purposes of this section, "government identification card" means a valid, unexpired passport issued by a country other than the United States with a certified birth certificate from a country other than the United States, the District of Columbia, Guam, Puerto Rico, or the United States Virgin Islands. A passport and birth certificate under this paragraph must have security features that make the document as impervious to alteration as is reasonably practicable in its design and quality of material and technology, using materials that are not readily available to the general public. Any document not in English must be accompanied by a qualified English translation.

Sec. 7. Minnesota Statutes 2017 Supplement, section 171.07, subdivision 1, is amended to read:

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

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

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

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

(e) Except for an enhanced driver's license or a noncompliant license, a license must bear a distinguishing indicator for compliance with requirements of the REAL ID Act.

7.1 (f) A noncompliant license must:

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

7.4 (2) have a unique design or color indicator.

7.5 (g) A license issued to a person with temporary lawful status must be marked "temporary"
7.6 on the face and in the machine-readable portion.

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

7.11 Sec. 8. **ELECTION JUDGE TRAINING.**

7.12 The secretary of state shall inform each county auditor that a driving privilege license
7.13 as defined in Minnesota Statutes, section 171.01, subdivision 31c, must not be used or
7.14 accepted for voter registration purposes under Minnesota Statutes, section 201.061. Each
7.15 county auditor must inform all election officials and election judges hired for an election
7.16 that a driving privilege license must not be used or accepted for voter registration purposes
7.17 under Minnesota Statutes, section 201.061. County auditors and municipal clerks must
7.18 include this information in all election judge training courses.

7.19 Sec. 9. **EFFECTIVE DATE.**

7.20 Sections 1 to 8 are effective January 1, 2019, for a new driver's license, permit, or
7.21 identification card, and a renewal issued on or after that date.