

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 4075

(SENATE AUTHORS: LIMMER and Latz)

DATE	D-PG	OFFICIAL STATUS
05/10/2018	8816	Introduction and first reading Referred to Rules and Administration
05/17/2018	9266a	Comm report: To pass as amended
	9267	Second reading
05/20/2018	10420a	Special Order: Amended
	10423	Third reading Passed
	10612	Returned from House Presentment date 05/21/18

- 1.1 A bill for an act
- 1.2 relating to legislative enactments; correcting miscellaneous oversights,
- 1.3 inconsistencies, ambiguities, unintended results, and technical errors; amending
- 1.4 Minnesota Statutes 2016, sections 14.47, subdivision 5; 45A.06, as added; Laws
- 1.5 2018, chapter 109; Laws 2018, chapter 121, sections 1; 2; 3; 4; 5; 6; 2018 S.F. No.
- 1.6 3656, article 24, section 72, if enacted.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2016, section 14.47, subdivision 5, is amended to read:
- 1.9 Subd. 5. **Powers of revisor.** (a) In preparing a compilation or supplement, the revisor
- 1.10 may:
- 1.11 (1) renumber ~~rules, paragraphs, clauses~~ rule parts, subparts, or other parts divisions of
- 1.12 a rule part;
- 1.13 (2) combine or divide ~~rules, paragraphs, clauses~~ rule parts, subparts, or other parts
- 1.14 divisions of a rule part;
- 1.15 (3) rearrange the order of ~~rules, paragraphs, clauses~~ rule parts, subparts, or other parts
- 1.16 divisions of a rule part;
- 1.17 (4) move ~~paragraphs, clauses, subparts~~ or other parts divisions of a rule part to another
- 1.18 rule part;
- 1.19 (5) remove redundant language;
- 1.20 (6) make minor punctuation and grammatical changes to facilitate the renumbering,
- 1.21 combining, dividing, and rearranging of ~~rules or parts of rules~~ rule parts, subparts, or other
- 1.22 divisions of a rule part;

2.1 (7) change reference numbers to agree with renumbered ~~rules, paragraphs, clauses~~ rule
 2.2 parts, subparts, or other parts divisions of a rule part;

2.3 (8) change reference numbers to agree with renumbered statutes or ~~parts~~ divisions of
 2.4 statutes;

2.5 (9) substitute the proper ~~rule, paragraph, clause, or other part of a rule~~ rule part, subpart,
 2.6 or other division of a rule part for the term "this rule," "the preceding rule" and the like;

2.7 (10) substitute numbers for written words and written words for numbers;

2.8 (11) substitute the term "rule" for the term "regulation" when "regulation" refers to a
 2.9 Minnesota rule;

2.10 (12) substitute the date on which the rule becomes effective for the words "the effective
 2.11 date of this rule," and the like;

2.12 (13) change capitalization, punctuation, and forms of citation for the purpose of
 2.13 uniformity;

2.14 (14) convert citations of Laws of Minnesota to citations of Minnesota Statutes;

2.15 (15) correct manifest clerical or typographical errors;

2.16 (16) correct all misspelled words;

2.17 (17) correct manifest grammatical and punctuation errors;

2.18 (18) replace gender specific words with gender neutral words and, if necessary, recast
 2.19 sentences containing gender specific words; and

2.20 (19) make other editorial changes to ensure the accuracy and utility of the compilation
 2.21 or supplement.

2.22 (b) The revisor shall provide headnotes as catch words to ~~rules~~ rule parts and, if
 2.23 ~~appropriate, to paragraphs, clauses, or other parts of a rule~~ subparts. The headnotes are not
 2.24 part of the rule even if included with the rule when adopted. The revisor ~~shall~~ may change
 2.25 ~~a headnotes~~ headnote to clearly indicate the subject matter of ~~the rules~~ a rule part or subpart.
 2.26 "Headnote" means any text functioning as catch words to the substance of text and not itself
 2.27 communicating the substantive content of the rule part or subpart.

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

3.1 Sec. 2. [CORR18-03A] Laws 2018, chapter 121, section 1, the effective date, is amended
3.2 to read:

3.3 **EFFECTIVE DATE.** This section is effective ~~August 1~~ June 30, 2018.

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

3.5 Sec. 3. [CORR18-03B] Laws 2018, chapter 121, section 2, the effective date, is amended
3.6 to read:

3.7 **EFFECTIVE DATE.** This section is effective ~~August 1~~ June 30, 2018.

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

3.9 Sec. 4. [CORR18-03C] Laws 2018, chapter 121, section 3, the effective date, is amended
3.10 to read:

3.11 **EFFECTIVE DATE.** This section is effective ~~August 1~~ June 30, 2018.

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

3.13 Sec. 5. [CORR18-03D] Laws 2018, chapter 121, section 4, the effective date, is amended
3.14 to read:

3.15 **EFFECTIVE DATE.** This section is effective ~~August 1~~ June 30, 2018.

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

3.17 Sec. 6. [CORR18-03E] Laws 2018, chapter 121, section 5, the effective date, is amended
3.18 to read:

3.19 **EFFECTIVE DATE.** This section is effective ~~August 1~~ June 30, 2018.

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

3.21 Sec. 7. [CORR18-03F] Laws 2018, chapter 121, section 6, the effective date, is amended
3.22 to read:

3.23 **EFFECTIVE DATE.** This section is effective ~~August 1~~ June 30, 2018.

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

4.1 Sec. 8. [CORR18-01] Laws 2018, chapter 109, is amended by adding a section to read:

4.2 Sec. 5. **EFFECTIVE DATE.**

4.3 This act is effective the day following final enactment.

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

4.5 Sec. 9. [CORR18-04] Minnesota Statutes 2017, section 45A.06, as added by Laws 2018,
4.6 chapter 161, section 6, is amended to read:

4.7 **45A.06 DELAYING DISBURSEMENTS.**

4.8 (a) A broker-dealer or investment adviser shall delay a disbursement from or place a
4.9 hold on a transaction involving an account of an eligible adult or an account on which an
4.10 eligible adult is a beneficiary if the commissioner of commerce, law enforcement agency,
4.11 or the prosecuting attorney's office provides information to the broker-dealer or investment
4.12 adviser demonstrating that it is reasonable to believe that financial exploitation of an eligible
4.13 adult may have occurred, may have been attempted, or is being attempted. A broker-dealer
4.14 or investment adviser may delay a disbursement from or place a hold on a transaction
4.15 involving an account of an eligible adult or an account on which an eligible adult is a
4.16 beneficiary if:

4.17 (1) the broker-dealer or investment adviser reasonably believes, after initiating an internal
4.18 review of the requested disbursement or transaction and the suspected financial exploitation,
4.19 that the requested disbursement or transaction may result in financial exploitation of an
4.20 eligible adult; and

4.21 (2) the broker-dealer or investment adviser:

4.22 (i) immediately, but in no event more than two business days after the delayed
4.23 disbursement or transaction, provides written notification of the delay or hold and the reason
4.24 for the delay or hold to all parties authorized to transact business on the account, unless the
4.25 party is reasonably believed to have engaged in suspected or attempted financial exploitation
4.26 of the eligible adult;

4.27 (ii) immediately, but in no event more than two business days after the delayed
4.28 disbursement or transaction, notifies the commissioner and the common entry point; and

4.29 (iii) provides documentation and updates of any internal review conducted by the
4.30 broker-dealer or investment adviser upon request of the commissioner, lead investigative
4.31 agency, law enforcement agency, or the prosecuting attorney's office.

5.1 (b) A delay of a disbursement or hold on a transaction as authorized by this section
5.2 expires upon the sooner of:

5.3 (1) the broker-dealer or investment adviser reasonably believes that the disbursement
5.4 or transaction will not result in financial exploitation of the eligible adult if the broker-dealer
5.5 or investment adviser initiated the delay of disbursement or hold on the transaction;

5.6 (2) a determination by the commissioner, law enforcement agency, lead investigative
5.7 agency, or prosecuting attorney's office that the disbursement or transaction will not result
5.8 in financial exploitation of the eligible adult; or

5.9 (3) 15 business days after the date on which the broker-dealer or investment adviser first
5.10 delayed disbursement of the funds or held the transaction, unless the commissioner, law
5.11 enforcement agency, lead investigative agency, or prosecuting attorney's office requests
5.12 that the broker-dealer or investment adviser extend the delay or hold, in which case the
5.13 delay or hold expires no more than 25 business days after the date on which the broker-dealer
5.14 or investment adviser first delayed disbursement or placed the hold on the transaction.

5.15 (c) An eligible adult or other interested person as defined in section 524.5-102 may
5.16 appeal to the commissioner for the termination of the delay of the disbursement of funds
5.17 or hold on the transaction. The commissioner shall issue a decision within five business
5.18 days of receiving the appeal. A decision of the commissioner may be reviewed consistent
5.19 with the contested case proceeding procedure provided in chapter 14.

5.20 (d) Provided that a broker-dealer or investment adviser's internal review of the suspected
5.21 or attempted financial exploitation of the eligible adult supports the broker-dealer or
5.22 investment adviser's reasonable belief that financial exploitation of the eligible adult has
5.23 occurred, has been attempted, or is being attempted, the temporary delay or hold may be
5.24 extended by the broker-dealer or investment adviser for no longer than ten business days
5.25 following the date authorized by paragraph (b), clause ~~(2)~~ (3), unless otherwise terminated
5.26 or extended by the commissioner, law enforcement agency, lead investigative agency, or
5.27 prosecuting attorney's office or an order of a court.

6.1 Sec. 10. [CORR18-07] 2018 S.F. No. 3656, article 24, section 72, if enacted, is amended
6.2 to read:

6.3 Sec. 72. Minnesota Statutes 2016, section 171.18, subdivision 1, is amended to read:

6.4 Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver
6.5 without preliminary hearing upon a showing by department records or other sufficient
6.6 evidence that the licensee:

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

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

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

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

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

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

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

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

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

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

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

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

6.28 (13) has paid or attempted to pay a fee required under this chapter for a license or permit
6.29 by means of a dishonored check issued to the state or a driver's license agent, which must
6.30 be continued until the registrar determines or is informed by the agent that the dishonored
6.31 check has been paid in full.

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

7.3 (b) Notwithstanding ~~section 171.18, subdivision 1, paragraph (b)~~ section 171.16,
7.4 subdivision 3, the commissioner may suspend the license of a driver when any court reports
7.5 to the commissioner that a driver has eight unpaid parking tickets within a 12-month period
7.6 or ten unpaid parking tickets within a 24-month period.

7.7 (c) The commissioner is prohibited from suspending the driver's license of an individual
7.8 under paragraph (a) who was convicted of a violation of section 171.24, subdivision 1 or
7.9 2.

7.10 Sec. 11. **EFFECTIVE DATE.**

7.11 Unless otherwise provided, each section of this act is effective at the time the provision
7.12 being corrected is effective.