



## Legislative Bulletin 2017

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June 2017

This bulletin summarizes laws enacted during the 2017 legislative session that impact and are of interest to DVS and its partners. Procedural information will be provided by your supervisor or manager.

Procedural information for deputy registrars and driver's license agents will be provided in July 2017 on Info Hub and in future bulletins.

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### ■ Multiple Service Areas

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#### REAL ID

Reference: Chapter 76, HF3; Amends Minn. Stat. §§ 171.01, by adding subdivisions; 171.017; 171.04, by adding a subdivision; 171.06 subds. 1, 2, 3, by adding a subdivision; 171.07 subds. 1, 3, 4, and 9a; 171.071 subd. 3; 171.072; 171.12, by adding subdivisions; 171.27; proposing coding for new law in Minn. Stat. Ch. 171; repeals Laws 2009, Ch. 92, section 1

Effective: May 20, 2017

#### What you need to know:

- The commissioner of public safety is authorized to implement the federal REAL ID Act, Public Law 109-13. DVS must begin to issue REAL ID compliant driver's licenses and identification cards by October 1, 2018.
- On January 22, 2018 the federal government will require a REAL ID or alternative identification to board commercial airline flights. Governor Dayton has requested an

extension from the Department of Homeland Security to allow Minnesotans to board domestic airlines with a non-compliant driver's license or identification card.

- October 1, 2020 is the federal enforcement date for compliance. On that date, every domestic airline traveler must have a REAL ID compliant driver's license, identification card or alternate form of identification.
- Minnesotans have the option to obtain a REAL ID compliant driver's license or identification card, enhanced driver's license or identification card; or a noncompliant driver's license or identification card.
- There is a surcharge for early renewals depending on how many months the REAL ID is obtained before the driver's license or identification card expires:
  - \$2 for a renewal 17 months early;
  - \$4 for a renewal 18-29 months early; and
  - \$6 for a renewal more than 29 months early
- Background checks are required for any driver's license agent or employee that will have the ability to create or modify driver's license or identification card records, issue enhanced driver's license or identification cards; or administer commercial driver's license knowledge or skills tests.
- DVS must develop summary information on identify document options on the departments website and at locations where an individual can apply for any type of license or identification card.
- Evidence of identity, social security number, residence in Minnesota and lawful presence are required to obtain a REAL ID driver's license or identification card.
- REAL ID driver's licenses and identification cards must have specific markings to distinguish it from noncompliant licenses or cards.
- The expiration date of REAL ID compliant identification cards for individuals 65 and older is eight years after the card is issued. Noncompliant cards remain valid for the lifetime of the cardholder.
- For noncompliant driver's licenses or identification cards, DVS is prohibited from sharing data outside the state that is not disseminated when the law went into effect. DVS is also prohibited from using electronic verification systems not in place when the law went into effect.
- Information that an applicant successfully completed a firearms safety or advanced hunter education course cannot be shared with any federal agency, department or entity.
- DVS must arrange for a biennial independent audit of the DVS data system to determine whether data is classified correctly, how the data is used, and verify compliance. A

report must be submitted to the Commissioner of Administration, the chairs and ranking members of the committees over transportation policy and finance, public safety, data practices, and Legislative Committee on Data Practices and Personal Data Privacy no later than 30 days after the audit is completed.

## ■ Driver Services

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### **Ignition Interlock Performance Standards**

Reference: Chapter 83, HF179; Amends Minn. Stat. § 171.306, subdivisions 1, 2, 3, 8;

Effective: Article 1, Sections 1, 2, and 4 are effective May 24, 2017; Article 1, Section 3 is effective August 1, 2017

#### **What you need to know:**

- Provisions effective May 24, 2017:
  - The definition of “Location tracking capabilities” is added to Minn. Stat. § 171.306, subd.1 and is defined as “the ability of an electronic or wireless devices to identify and transmit its geographic location through the operation of the device.”
  - Standards for IIDP cannot require devices to use or enable location tracking capabilities without a court order.
  - The manufacturer of a certified device must provide to program participants with the ignition interlock device contract separate notice of location tracking capabilities.
  - Rulemaking for performance standards and the certification process are subject to Minn. Stat. Ch. 14.
- Provision effective August 1, 2017:
  - Location tracking may only be enabled when ordered by the court.

### **License Revocation Pursuant to Search Warrant**

Reference: Chapter 83, HF179; Creates Minn. Stat. § 171.177

Effective: July 1, 2017

#### **What you need to know:**

- An individual is subject to license revocation after a peace officer executes a search warrant under Minn. Stat. §§ 626.04 to 626.18 for the collection of a blood or urine sample based upon probable cause of a violation of Minn. Stat. § 169A.20 in the following circumstances:

- when a person refuses to comply with the execution of the search warrant; or
- if a person submits to the test and the test results indicate:
  - an alcohol concentration of 0.08 or more;
  - an alcohol concentration of 0.04 or more, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the violation; or
  - the presence of a controlled substance listed in Schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinols.
- The individual may request in writing, a review of the revocation by the commissioner. The individual may also request a judicial review of the revocation.
- If the license of a nonresident is revoked or denied under Minn. Stat. § 171.177 DVS will inform the jurisdiction in which the person resides and any state in which the person has a license.

### **Driver Diversion Program**

Reference: Chapter 85, HF470, Sections 27, 28, and 29; Amends Laws 2009, Chapter 59, Article 3, Section 4, subd. 3, as amended by Laws 2011, Chapter 87, Section 1, subd. 3; Laws 2009, Chapter 59, Article 3, section 4, subd. 8, as amended by Laws 2011, Chapter 87, Section 1, subd. 8; Laws 2009, Chapter 59, Article 3, Section 4, subd. 9, as amended by Laws 2010, Chapter 197, Section 1, Laws 2011, Chapter 87, Section 1, subd. 9, and Laws 2013, Chapter 127, Section 60

Effective: July 1, 2017

### **What you need to know:**

- A third party administering the program must provide an annual independent audit to the city or county it contracted with.
- Additional information is required in the report the commissioner and each eligible city and county that participates in the diversion program must submit to the legislative committees with jurisdiction over transportation and the judiciary by February 2019:
  - information for reinstatement fees, surcharges, and criminal fines collected
  - the names of all third-party program administrators and their program fee refund policy, and, for each administrator the amount charged for program fees, and the amount of program fees retained from participants who have terminated from the program.
- An individual may be accepted into the program until June 30, 2019.
- The driver diversion program expires on December 31, 2020.

## ■ Support Services

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### **Disability Plate for Motorized Bicycle (MOPED)**

Reference: First Special Session, HF3, Article 3, Sections 33, 34, 35, 52 and 53; Amends Minn. Stat. §§ 168.021 subds. 1, 2, and 2a; 169.345 subd.1

Effective: January 1, 2018

#### **What you need to know:**

Provides for application for disability plates for a MOPED, plate design, plate transfer, and certificate.

### **Retired Law Enforcement Special Plates**

Reference: First Special Session, HF3, Article 3, Section 36; Creates Minn. Stat. § 168.1256

Effective: January 1, 2018

#### **What you need to know:**

- Special plate and motorcycle plates may be issued to retired law enforcement officers for use on passenger vehicles, non-commercial one-ton pickups, motorcycles, and RVs.
- The applicant must provide a letter from the chief law enforcement officer affirming service.
- A \$10 fee is assessed for the plate and a \$5 fee is assessed for transfers.
- The Commissioner must design an emblem and inscription in consultation with interested law enforcement agencies.

### **Start Seeing Motorcycles Plates**

Reference: First Special Session, HF3, Article 3, Section 37; Creates Minn. Stat. § 168.1294

Effective: January 1, 2018

#### **What you need to know:**

- Plates may be used on passenger vehicles, non-commercial one-ton pickups, motorcycles, and RVs.
- A \$10 fee is assessed for the set of plates and a \$5 fee is assessed for transfers.
- The applicant must make a \$10 annual contribution to the Motorcycle Safety Fund created under Minn. Stat. § 171.06, subd. 2(a)(1).
- Representatives of the American Bikers for Awareness, Training, and Education of Minnesota must design the special plate with “Start Seeing Motorcycles” between the bolt holes with a design subject to approval by the Commissioner on the left hand side.

## **Law Enforcement Memorial Plates**

Reference: Chapter 55, HF678, Section 1; Creates Minn. Stat. § 168.1294; Chapter 99, SF2384, Section 2; Amends Minn. Stat. § 168.1294 as added by Laws 2017, Chapter 55, section 1.

Effective: January 1, 2018

### **What you need to know:**

- Plates may be used on passenger vehicles, non-commercial one-ton pickups, motorcycles, and RVs.
- A \$10 fee is assessed for the set of plates and a \$5 fee is assessed for transfers.
- The applicant must pay the required registration taxes and fees.
- The applicant must contribute \$25 initially and a minimum of \$5 annually to the Law Enforcement Memorial account.
- Plate designed in consultation with representatives from the Minnesota Law Enforcement Memorial Association.
- Funds collected for the Law Enforcement Memorial account are deposited in DPS to further the mission of the association in assisting the families and home agencies of Minnesota law enforcement officers who have died in the line of duty.

## **Providing Social Security Numbers to the Judicial Branch**

Reference: HF470B, Article 2, Section 2; Amends Minn. Stat. § 13.69 subd. 1

Effective: July 1, 2017

### **What you need to know:**

Social security numbers in the driver's license and motor vehicle registration records must be provided to the judicial branch for purposes of debt collection.

## **Increased Contribution fee for State Parks and Trails Plates**

Reference: SF844, Section 142; Amends Minn. Stat. § 168.1295 subd. 1

Effective: July 1, 2017

### **What you need to know:**

The annual contribution for state parks and trails plates increased from \$50 to \$60 annually.

## **■ Vehicle Services**

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### **Definition of Neighborhood Electric Vehicle**

Reference: First Special Session HF3, Article 3, Section 47; Amends Minn. Stat. § 169.011 subd. 47

Effective: July 1, 2017

### **What you need to know:**

“Neighborhood electric vehicle” is defined as an electrically powered motor vehicle with three or four wheels, and has a speed attainable in one mile of at least 20 miles per hour but not more than 25 miles per hour on a paved level surface.

### **Definition of All-Electric Vehicle**

Reference: First Special Session HF3, Article 3, Section 45; Amends Minn. Stat. § 169.011 by adding subd. 1a

Effective: May 31, 2017, but applies to a registration period starting on or after January 1, 2018

### **What you need to know:**

- “All electric vehicle” is defined as an electric vehicle that is solely able to be powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current.
- Plug-in hybrid electric vehicles are excluded.

### **3-Wheeled Neighborhood Electric Vehicle Endorsement**

Reference: First Special Session HF3, Section 51; Amends Minn. Stat. 169.224 subd. 3

Effective: July 1, 2017

### **What you need to know:**

A person can operate a three-wheeled neighborhood electric vehicle can operate without a two-wheeled endorsement as long as the operator holds a valid driver’s license.

### **Electric Vehicle Surcharge**

Reference: First Special Session HF3, Article 3, Section 32; Amends Minn. Stat. § 168.013, adding subd. 1m

Effective: May 31, 2017, but applies to a registration period starting on or after January 1, 2018

### **What you need to know:**

- A \$75 surcharge will be assessed on all electric vehicles to be deposited to HUTD.
- In addition to the registration tax for passenger vehicles, regardless of prior ownership, the total amount due must not exceed the smallest total amount previously paid. This provision is applicable to all passenger class vehicles, not just electric vehicles.

### **Deputy Registrar Electronic Storage**

Reference: First Special Session HF3, Article 3, Section 39; Amends Minn. Stat. § 168.33 subd. 2

Effective: July 1, 2017

### **What you need to know:**

- As an alternative to paper copy storage, the deputy may retain records and documents in a secure electronic medium that complies with security requirements outlined in FBI Criminal Justice Information Services Division policy 5.4.
- The deputy is responsible for all costs of the electronic storage system including conversion of electronic records plus maintenance.
- All queries and responses must be contained in an audit trail.
- Data contained in the audit trail is classified as public data.

### **Driver's License Agent Electronic Storage**

Reference: First Special Session HF3, Article 3, Section 75; Amends Minn. Stat. § 171.06 subd. 3

Effective: July 1, 2017

### **What you need to know:**

- As an alternative to paper copy storage, the agent may retain records and documents in a secure electronic medium that complies with security requirements outlined in FBI Criminal Justice Information Services Division policy 5.4.
- The agent is responsible for all costs of the electronic storage system including conversion of electronic records plus maintenance.
- All queries and responses must be contained in an audit trail.
- Data contained in the audit trail is classified as public data.

### **Electronic Storage Standards**

Reference: First Special Session HF3, Article 3, Section 128, Lines 117.6-117.16

Effective: May 31, 2017



### **What you need to know:**

- The commissioner may establish standards for conversion to secure electronic storage.
- The standards must specify the minimum system security requirements as well as any procedural requirements for destruction of paper-based records consistent with Minn. Stat. Ch. 138.17.
- The authority to establish or amend standards expires August 1, 2018.

### **Deputy Registrar Issuing Duplicate Motor Vehicle Titles**

Reference: First Special Session HF3, Article 3, Section 40; Amends Minn. Stat. § 168A.09 subd. 1

Effective: August 1, 2018

### **What you need to know:**

- Deputy Registrar must issue a duplicate motor vehicle title and must be marked as “duplicate”.
- The motor vehicle record must indicate that a duplicate title has been issued.
- The duplicate title must contain in the legend: “This duplicate certificate of title may be subject to the rights of a person under the original certificate.”
- The commissioner is allowed to establish procedures for the issuance of the duplicate title.

### **Transfer of Motor Vehicle Title on Death (TOD)**

Reference: First Special Session HF3, Article 3, Section 41; Creates Minn. Stat. § 168A.125

Effective: July 1, 2017

### **What you need to know:**

- A vehicle owner may have the TOD included in the application for title with designation of a beneficiary or beneficiaries whom the title must transfer upon death.
- The TOD title is not required to be delivered to beneficiaries in order to be effective.
- If the owner designates a beneficiary other than the spouse, spousal written consent is required.
- Beneficiaries may be changed at any time.
- Vesting ownership is subject to the rights of creditors.
- If there are no surviving beneficiaries the vehicle is in probate.
- A state or county agency may place a claim or lien on the vehicle.

### **Medical Assistance and Transfer of Motor Vehicle Title on Death**

Reference: First Special Session HF3, Article 3, Section 108; Amends Minn. Stat. § 256B.15 subd. 1a

Effective: July 1, 2017

#### **What you need to know:**

If a person receives medical assistance, upon death a claim against the estate shall include a transfer on death title.

### **Motor Vehicle Sales Tax and Transfer of Motor Vehicle**

Reference: First Special Session HF3, Article 3, Section 112; Amends Minn. Stat. § 297B.01 subd. 16

Effective: July 1, 2017

#### **What you need to know:**

Transfer on death of motor vehicle title exempt from motor vehicle sales taxes under Minn. Stat. § 297B.01.

### **Manufactured Homes Affixed to Property**

Reference: First Special Session HF3, Article 3, Section 42; Amends Minn. Stat. § 168A.141

Effective: July 1, 2017

#### **What you need to know**

- The statute provides the procedure and affidavit form for manufactured home affixed to real property.
- The owner may surrender the title is that the manufactured home becomes an improvement to real property and no longer titled as personal property.
- A perfected security interest prevents surrender of title.

### **Manufactured Home Severance from Property**

Reference: First Special Session HF3, Article 3, Section 43; Amends Minn. Stat. § 168A.142

Effective: July 1, 2017

#### **What you need to know**

- The statute provides the procedure and affidavit for manufactured home severance from property.
- An opinion by attorney must be attached to the affidavit of severance
- DVS is not liable for errors.

- DVS has no obligation to investigate the accuracy of statements contained in the documents.

### **Manufactured Home Ownership at Issue**

Reference: First Special Session HF3, Article 3, Section 44; Creates Minn. Stat. § 168A.143

Effective: July 1, 2017

#### **What you need to know**

- The statutes provides the requirements for re-issuance of title; procedure and affidavit for ownership at issue.
- Attorney statement of facts is required.
- DVS is not liable for errors.
- DVS has no obligation to investigate the accuracy of statements contained in the documents.

### **■ Other**

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The legislation below does not have a direct impact on DVS operations. However, it is included here to update you on other laws of interest that pertain to DVS and the other divisions within the Department of Public Safety.

### **Weight Limits for Vehicles Transporting Milk**

Reference: Chapter 86, HF1725; Creates Minn. Stat. § 169.8295; Amends Minn. Stat. § 169.871 subd.1

Effective: May 24, 2017

#### **What you need to know:**

- The weight restrictions of Minn. Stat. §§ 169.823 to 169.829 are increased 10% for a single unit vehicle transporting milk.
- A permit under Minn. Stat. §§ 169.824 to 169.826 is not required.
- The seasonal weight increases of Minn. Stat. § 169.826 subd. 1 do not apply.
- The vehicle:
  - is subject to seasonal load restrictions under Minn. Stat. § 169.87;
  - is subject to bridge load limits; and
  - must not be operated with a load that exceeds the tire manufacturer's recommended load, or the vehicle gross vehicle weight rating or other gross vehicle weight rating under 49 C.F.R. §§ 567.4 to 567.7.

### **Vehicles Hauling Special Road Construction Materials**

Reference: First Special Session HF3, Article 3, Section 72; Creates Minn. Stat. § 169.869

Effective: January 1, 2018

**What you need to know:**

- A road authority may issue an annual permit authorizing six axle trucks carrying road construction materials up to 90,000 pounds and up to 99,000 pounds during the period set by MNDOT under winter increases per Minn. Stat. § 169.826.
- A road authority may issue an annual permit authorizing seven axle vehicles up to 97,000 pounds and up to 99,000 pounds during the period set by MNDOT under winter increases per Minn. Stat. § 169.826.

**Motor Vehicle Lease Sales Tax**

Reference: First Special Session HF3, Article 3, Section 109; Amends Minn. Stat. § 297A.815 subd. 3

Effective: May 31, 2017

**What you need to know:**

On or before June 30 the commissioner of revenue must estimate revenues from motor vehicle lease sales tax. By July 15 of the subsequent year the commissioner of revenue must transfer revenues as:

- 38% to the county state-aid highway fund;
- 38% to the greater Minnesota transit account;
- 13% to the Minnesota state transportation fund;
- 11\$ to the HUTD

**New Brighton Driver's License Agent**

Reference: First Special Session HF3, Article 3, Section 127, Lines 116.22-117.4

Effective: July 1, 2017

**What you need to know:**

The Commissioner must make an appointment within two weeks of receipt of application for a driver's license agent in New Brighton.

**Auto Dealer Documentary Fee**

Reference: First Special Session HF3, Article 3, Section 38; Amends Minn. Stat. § 168.27 by adding subd. 31

Effective: July 1, 2017

### **What you need to know:**

Motor vehicle documentary fees are capped at:

- 100 for sales and leases between July 1, 2017 and June 30, 2020; and
- \$125 for sales and leases on or after July 1, 2020

### **Certain Emergency Vehicles**

Reference: First Special Session HF3, Article 3, Section 67; Amends Minn. Stat. § 169.829

Effective: May 31, 2017

### **What you need to know:**

The size, weight, and load provisions of Minn. Stat. Ch. 169.80 to 169.88 do not apply to fire apparatus, law enforcement special response vehicle, or licensed land emergency ambulance service vehicles.

### **Special Tire Hauling Permit**

Reference: First Special Session HF3, Article 3, Sections 68, 69 and 70; Amends Minn. Stat. § 169.864 by adding subd. 2a and amending subds. 3 and 4

Effective: May 31, 2017

### **What you need to know:**

- MNDOT may issue a permit for a vehicle used exclusively to haul earthmover tires if the vehicle:
  - is a combination of vehicles with seven or more axles;
  - a maximum gross weight of 108,000 pounds;
  - a maximum width of 144 inches;
  - does not exceed axle weight limits by more than 22%;
  - complies with tire manufacturer tire recommend load; and
  - is operated on specified highways.
- The fees for a permit is \$280

### **Business Hours of County License Bureaus**

Reference: Chapter 67, SF 1399; Amends Minn. Stat. § 373.38

Effective: Effective August 1, 2017

### **What you need to know:**

County license bureaus are required to be open 40 each week. There are no evening or Saturday hours required.

## **Vehicle Forfeiture Provisions for Multiple Owners**

Reference: Chapter 12 SF 151; Amends Minn. Stat. § 169A.63 subd.7

Effective: Effective August 1, 2017

### **What you need to know:**

Provides limits on motor vehicle forfeiture in circumstances where there is more than one owner and at least one owner petitions the court.

## **Getting to Work Program**

Reference: Chapter 94, SF 1456, Section 25, lines 102.27-104.30; See also Chapter 99, SF2384, See also First Special Session, Chapter 94, SF4, Sections 2-6

Effective: Effective July 1, 2017

### **What you need to know:**

Establishes grants for nonprofits organizations to establish and operate programs under that provide, repair, or maintain motor vehicles to assist eligible individuals to obtain or maintain employment.