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HOUSE FILE No. 1351

FIRST COMMITTEE ENGROSSMENT

February 26, 2007

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The bill was read for the first time and referred to the Committee on Finance

Referred by Chair to Transportation Finance Division.
March 23, 2007
Returned to the Committee on Finance as Amended.

A bill for an act

1.1 relating to transportation; modifying or adding provisions related to geotechnical
1.2 investigations before eminent domain proceedings, streets and highways,
1.3 highway construction bids and training, town road abandonment, bridges, special
1.4 mobile equipment, motor vehicle titles, motor vehicle transfers, flammable
1.5 liquid definition, drivers' licenses and identification cards, traffic-control signals,
1.6 transportation goals and mission, statewide transportation plan, transportation
1.7 contracts, rail service improvement, use of rail bank property, towing, transit and
1.8 paratransit, special transportation, small vehicle passenger service, transportation
1.9 accessibility, transit ways and facilities, light rail transit, vehicle license plates,
1.10 vehicle size and weight restrictions, vehicle load limits and permits, definition of
1.11 full-size pickup truck, vehicle idle reduction technology, commercial vehicles
1.12 and drivers, vehicle registration, insurance requirements for vehicles owned
1.13 by charitable organizations, the Unified Carrier Registration Agreement,
1.14 household goods movers, obsolete motor carrier laws and conforming changes,
1.15 railroad company requirements, the position of state rail safety inspector, the
1.16 Railroad Walkways Safety Act, and government contracts and best value
1.17 procurement practices; requiring studies and reports; imposing penalties;
1.18 making clarifying and technical changes; appropriating money; amending
1.19 Minnesota Statutes 2006, sections 16C.02, by adding subdivisions; 16C.03,
1.20 subdivision 3, by adding subdivisions; 16C.26; 16C.27, subdivision 1; 16C.28;
1.21 103D.811, subdivision 3; 103E.505, subdivision 5; 116A.13, subdivision
1.22 5; 117.041, by adding a subdivision; 123B.52, subdivision 1, by adding a
1.23 subdivision; 160.02, subdivision 19, by adding a subdivision; 160.17, by adding
1.24 a subdivision; 160.262, by adding a subdivision; 161.14, subdivision 18, by
1.25 adding a subdivision; 161.32, subdivisions 1, 1b, 4, by adding a subdivision;
1.26 161.3412, subdivision 1; 161.38, subdivision 4; 164.06, subdivision 2; 165.01;
1.27 165.03; 168.011, subdivision 22; 168.013, subdivision 1e; 168.10, subdivisions
1.28 1a, 1b, 1c, 1d, 1g, 1h, 1i; 168.12, subdivisions 1, 2, 2a, 2b, 2c, 2d, 2e; 168A.05,
1.29 subdivisions 3, 5; 168A.10, subdivision 1; 168A.101; 168A.151, subdivision
1.30 1; 168A.153; 168B.04, subdivision 2; 169.01, subdivisions 4c, 19, 20, 78, by
1.31 adding a subdivision; 169.041, subdivisions 1, 2; 169.06, subdivision 5; 169.781;
1.32 169.782, subdivision 1; 169.783, subdivision 1; 169.81, subdivisions 2, 3c;
1.33 169.823, subdivision 1; 169.824, subdivisions 1, 2; 169.826, subdivisions
1.34 1a, 1b; 169.8261; 169.828, subdivision 2; 169.86, subdivisions 1a, 5, by
1.35 adding a subdivision; 169.87, subdivision 4; 171.01, by adding a subdivision;
1.36 171.02, subdivision 1; 171.05, subdivision 2; 171.06, subdivision 3; 171.07,
1.37 subdivisions 1, 3; 171.14; 174.01, subdivision 2; 174.02, subdivision 1a; 174.03,
1.38 subdivision 1, by adding subdivisions; 174.24, subdivision 2a; 174.255, by
1.39

2.1 adding a subdivision; 174.29, by adding subdivisions; 174.30, subdivisions 4, 9;
2.2 174.64, subdivisions 2, 4; 174.66; 218.021, subdivision 1; 218.041, subdivision
2.3 6; 221.011, subdivision 8, by adding a subdivision; 221.025; 221.026; 221.031,
2.4 subdivisions 1, 6; 221.0314, subdivision 9, by adding a subdivision; 221.033,
2.5 subdivision 2d; 221.036, subdivisions 1, 3; 221.037, subdivision 1; 221.091,
2.6 subdivision 2; 221.131; 221.132; 221.141, subdivisions 1, 4; 221.185; 221.221,
2.7 subdivision 3; 221.231; 221.291, subdivision 4; 221.60, subdivision 1, by
2.8 adding a subdivision; 222.50, subdivision 7; 222.63, subdivision 4, by adding
2.9 a subdivision; 299F.60, subdivision 1; 299J.16, subdivision 1; 325F.665, by
2.10 adding a subdivision; 365.37, by adding a subdivision; 374.13; 375.21, by
2.11 adding a subdivision; 383C.094, by adding a subdivision; 412.311; 429.041, by
2.12 adding a subdivision; 458D.21, by adding a subdivision; 469.015, by adding
2.13 a subdivision; 469.068, subdivision 1, by adding a subdivision; 471.345,
2.14 subdivision 5, by adding subdivisions; 473.1466; 473.166; 473.386, subdivisions
2.15 1, 2, 2a, 3; 473.399; 473.3993, subdivision 3; 473.3994; 473.3997; 473.4051;
2.16 473.523, by adding a subdivision; 473.756, subdivision 12; Laws 2005, First
2.17 Special Session chapter 1, article 4, section 39; proposing coding for new law
2.18 in Minnesota Statutes, chapters 160; 161; 169; 174; 219; 221; 473; repealing
2.19 Minnesota Statutes 2006, sections 168A.05, subdivision 5a; 174.65; 221.011,
2.20 subdivisions 24, 25, 28, 29, 38, 41, 44, 45; 221.0252, subdivision 7; 221.072;
2.21 221.111; 221.121, subdivisions 1, 2, 3, 4, 5, 6, 6a, 6c, 6d, 6e, 6f, 7; 221.122;
2.22 221.123; 221.131, subdivisions 2a, 3; 221.141, subdivision 6; 221.151; 221.152;
2.23 221.153, subdivisions 1, 2; 221.161; 221.171; 221.172, subdivisions 3, 4, 5,
2.24 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8; 221.60, subdivisions 2, 3, 3a, 4,
2.25 5, 6; 221.601; 221.602; 325E.0951, subdivision 3a; 473.1465; 473.247; Laws
2.26 1999, chapter 230, section 44.

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

2.28 **ARTICLE 1**

2.29 **TRANSPORTATION POLICY**

2.30 Section 1. Minnesota Statutes 2006, section 117.041, is amended by adding a
2.31 subdivision to read:

2.32 Subd. 3. **Geotechnical investigation before eminent domain proceedings.** (a) A
2.33 state agency by order of the commissioner or a political subdivision by resolution may
2.34 enter property for purposes of investigation, monitoring, testing, surveying, boring, or
2.35 other similar activities necessary or appropriate to perform geotechnical investigations.

2.36 (b) At least ten days before entering the property, the state agency or political
2.37 subdivision must serve notice on the property owner requesting permission to enter the
2.38 property, stating the approximate time and purpose of the entry, and giving the owner the
2.39 option of refusing entry. If the property owner refuses to consent to the entry, the state
2.40 agency or political subdivision must apply for a court order authorizing the entry and the
2.41 removal of any sample or portion from the property, giving notice of the court order to the
2.42 property owner. The court shall issue an order if the state agency or political subdivision
2.43 meets the standards in paragraph (a). Notices under this paragraph must be served in the
2.44 same manner as a summons in a civil action.

3.1 (c) The state agency or political subdivision must not cause any unnecessary damage
3.2 to the property and must compensate the property owner for any damages actually incurred
3.3 as a result of the geotechnical investigations.

3.4 Sec. 2. Minnesota Statutes 2006, section 160.02, is amended by adding a subdivision
3.5 to read:

3.6 Subd. 18a. **Expressway.** "Expressway" means a divided highway with partial
3.7 control of access.

3.8 Sec. 3. Minnesota Statutes 2006, section 160.02, subdivision 19, is amended to read:

3.9 Subd. 19. **Freeway or expressway.** "Freeway" or "expressway" means a divided;
3.10 controlled-access highway with ~~four or more lanes~~ full control of access.

3.11 Sec. 4. Minnesota Statutes 2006, section 161.14, subdivision 18, is amended to read:

3.12 Subd. 18. **Voyageur Highway.** The following route is named and designated the
3.13 "Voyageur Highway":

3.14 (a) Beginning at a point on Trunk Highway No. 26 on the boundary line between
3.15 the states of Minnesota and Iowa; thence northerly along Trunk Highway No. 26 to its
3.16 junction with Trunk Highway No. 61; thence northwesterly along Trunk Highway No.
3.17 61 to its junction with Trunk Highway No. 10 in the city of St. Paul; thence extending
3.18 in a general northwesterly direction along Trunk Highway No. 10 to its junction with
3.19 Trunk Highway No. 371 at Little Falls; thence extending in a general northerly direction
3.20 along Trunk Highway No. 371 to its junction with Trunk Highway No. 210 at Brainerd;
3.21 thence northeasterly along Trunk Highway No. 210 to its junction with Trunk Highway
3.22 No. 169 at Aitkin; thence in a general northerly direction along Trunk Highway No. 169
3.23 to its junction with Trunk Highway No. 2 at Grand Rapids; thence northwesterly along
3.24 Trunk Highway No. 2 to its junction with Trunk Highway No. 71 at Bemidji; thence
3.25 northeasterly along Trunk Highway No. 71 to its junction with Trunk Highway No. 11
3.26 at Pelland; thence northeasterly along Trunk Highway No. 11 to its junction with Trunk
3.27 Highway No. 53 at International Falls; thence southeasterly along Trunk Highway No. 53
3.28 to its junction with ~~Trunk Highway No. 61~~ Central Entrance at Duluth; Beginning at a
3.29 point on Trunk Highway No. 61 at its junction with Interstate Highway 35 and thence
3.30 northeasterly along Trunk Highway No. 61 to the boundary line between the state of
3.31 Minnesota and the province of Ontario, Canada.

3.32 (b) The route of the Voyageur Highway designated and described in clause (a) is
3.33 supplemented by legs or alternative routes described as follows:

4.1 Beginning at a point on Trunk Highway No. 1 at its junction with Trunk Highway
4.2 No. 61 northerly of Silver Bay; thence northwesterly along Trunk Highway No. 1 to Ely;
4.3 thence southwesterly along Trunk Highway No. 1 to its junction with Trunk Highway No.
4.4 169; thence southerly and westerly along Trunk Highway No. 169 to its junction with
4.5 Trunk Highway No. 53, and there terminating.

4.6 Beginning at a point on Trunk Highway No. 11 at its junction with Trunk Highway
4.7 No. 53 at International Falls; thence easterly along Trunk Highway No. 11 to its easterly
4.8 terminus near Island View.

4.9 Beginning at a point on Trunk Highway No. 33 at its junction with Interstate
4.10 Highway marked I-35 southerly of Cloquet, thence northerly along Trunk Highway No.
4.11 33 to its junction with Trunk Highway No. 53.

4.12 (c) The commissioner of transportation shall:

4.13 (1) adopt a suitable marking design of signs or informational plaques;

4.14 (2) effect the installation of such signs or plaques in public waysides or other public
4.15 areas as approved and designated by the commissioner.

4.16 Sec. 5. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision
4.17 to read:

4.18 Subd. 57. **Walter F. Mondale Drive.** Trunk Highway marked 53 from its
4.19 intersection with Superior Street to its intersection with Central Entrance in the city of
4.20 Duluth, as signed on the effective date of this section, is designated "Walter F. Mondale
4.21 Drive." Subject to section 161.139, the commissioner of transportation shall adopt a
4.22 suitable marking design to mark this highway and erect appropriate signs.

4.23 Sec. 6. Minnesota Statutes 2006, section 161.32, subdivision 1, is amended to read:

4.24 Subdivision 1. **Advertisement for bids.** The commissioner may conduct the work
4.25 or any part of the work incidental to the construction and maintenance of the trunk
4.26 highways by labor employed to do the work or by contract. In cases of construction work,
4.27 the commissioner shall first advertise for bids for contracts, and if no satisfactory bids are
4.28 received, may either reject all bids and readvertise, or do the work by labor employed to
4.29 do the work. Except as provided in subdivision 3 or 4, when work is to be done under
4.30 contract, the commissioner shall advertise for bids once each week for three successive
4.31 weeks prior to the date the bids are to be received. The advertisement for bids must be
4.32 published in a newspaper or other periodical of general circulation in the state and may be
4.33 placed on the Internet. The plans and specifications for the proposed work must be on file
4.34 in the commissioner's office prior to the first call for bids.

5.1 Sec. 7. Minnesota Statutes 2006, section 161.32, subdivision 1b, is amended to read:

5.2 Subd. 1b. **Lowest responsible bidder; electronic bids.** Bidders may submit
5.3 bids electronically in a form and manner required by the commissioner; however, the
5.4 commissioner may require that all bids ~~of \$5,000,000 and over~~ for trunk highway contracts
5.5 must be submitted electronically. Notwithstanding section 13.591, subdivision 3, or any
5.6 other law or rule to the contrary, bids are not required to be opened and read in public if
5.7 the commissioner publishes the public data specified by section 13.591, subdivision 3,
5.8 on a state Web site immediately after the deadline for receipt of bids has passed. Bids
5.9 for federal-aid highway projects must be conducted in accordance with Code of Federal
5.10 Regulations, title 23, section 635. Trunk highway construction contracts, including
5.11 design-build contracts, must be awarded to the lowest responsible bidder, taking into
5.12 consideration conformity with the specifications, the purpose for which the contract or
5.13 purchase is intended, the status and capability of the vendor, and other considerations
5.14 imposed in the call for bids. The commissioner may decide which is the lowest responsible
5.15 bidder for all contracts and may use the principles of life-cycle costing, when appropriate,
5.16 in determining the lowest overall bid. Any or all bids may be rejected. When competitive
5.17 bids are required and all bids are rejected, new bids, if solicited, must be called for as in
5.18 the first instance, unless otherwise provided by law.

5.19 Sec. 8. Minnesota Statutes 2006, section 161.32, subdivision 4, is amended to read:

5.20 Subd. 4. **Trunk highways damaged by spring breakup.** Contracts may be
5.21 let for the repair and restoration of trunk highways damaged by spring breakup upon
5.22 advertisement for bids ~~and publication thereof in a newspaper or periodical of general~~
5.23 ~~circulation~~ for a period of one week prior to the date such bids are to be received, and
5.24 upon the mailing of such advertisements to all contractors who have filed a written request
5.25 therefor.

5.26 Sec. 9. **[161.3203] CONTRACTS FOR WORK, SUPPLIES, OR MATERIALS**
5.27 **FOR TRUNK HIGHWAY.**

5.28 Subdivision 1. **Privatization transportation contracts.** For purposes of this
5.29 section, "privatization transportation contract" means an enforceable agreement, or
5.30 combination or series of agreements, by which a private contractor agrees with the
5.31 commissioner of transportation to provide work, supplies, or materials (1) that is incidental
5.32 to the construction or improvement of trunk highways, including but not limited to
5.33 predesign, design, and preliminary engineering, or (2) for maintenance of trunk highways.

6.1 A privatization transportation contract does not include a design-build contract as defined
6.2 in section 161.3410, subdivision 3.

6.3 Subd. 2. **Applicability.** This section applies to privatization transportation contracts
6.4 in a total amount of \$25,000 or more. The requirements imposed by this section are in
6.5 addition to, and do not supersede, the requirements of any other applicable section of law.

6.6 Subd. 3. **Review of contract costs.** (a) Before entering into a privatization
6.7 transportation contract, the commissioner of transportation shall prepare a comprehensive
6.8 written estimate of the cost of having the same work, supplies, or materials provided in the
6.9 most cost-effective manner by agency employees. The cost estimate must include all costs
6.10 of having agency employees provide the work, supplies, or materials, including the cost
6.11 of pension, insurance, and other employee benefits. The cost estimate is nonpublic data,
6.12 as defined in section 13.02, subdivision 9, until the day after the deadline for receipt of
6.13 responses under paragraph (b), when it becomes public data.

6.14 (b) After soliciting and receiving responses, the commissioner shall publicly
6.15 designate the responder to which it proposes to award the privatization contract. The
6.16 commissioner shall prepare a comprehensive written estimate of the cost of the proposal
6.17 based on the designated responder's bid, including the cost of a transition from public
6.18 to private provision of the work, any additional unemployment and retirement benefits
6.19 resulting from the transfer, and costs associated with monitoring the proposed contract. If
6.20 the designated responder proposes to perform any or all of the desired services outside the
6.21 state, the commissioner of transportation shall include in the cost estimate, as nearly as
6.22 possible, any loss of sales and income tax revenue to the state. The cost estimate must
6.23 not include trade secret data which is classified as nonpublic data under section 13.37,
6.24 subdivision 2.

6.25 (c) Before entering into a privatization transportation contract for \$250,000 or more,
6.26 the commissioner shall determine that:

6.27 (1) the cost estimated under paragraph (b) will be lower than the cost estimated
6.28 under paragraph (a);

6.29 (2) the quality of the work, supplies, or materials to be provided by the designated
6.30 responder is likely to equal or exceed the quality of services that could be provided by
6.31 Department of Transportation employees; and

6.32 (3) the proposed privatization contract is in the public interest.

6.33 Subd. 4. **Reports.** The commissioner shall provide, no later than September 1, an
6.34 annual written report to the legislature, in compliance with sections 3.195 and 3.197, and
6.35 shall submit the report to the chairs of the senate and house of representatives committees
6.36 having jurisdiction over transportation. The report must list all privatization transportation

7.1 contracts within the meaning of this section that were executed or performed, whether
7.2 wholly or in part, in the previous fiscal year. The report must identify, with respect to each
7.3 contract: the contractor; contract amount; duration; work, supplies, or materials provided
7.4 or to be provided; the comprehensive estimate derived under subdivision 3, paragraph (a);
7.5 the comprehensive estimate derived under subdivision 3, paragraph (b); the actual cost to
7.6 the agency of the contractor's performance of the contract; and for contracts of at least
7.7 \$250,000, a statement containing the commissioner's determinations under subdivision 3,
7.8 paragraph (c).

7.9 Subd. 5. **Short title.** This section may be cited as the "Taxpayers' Transportation
7.10 Accountability Act."

7.11 **EFFECTIVE DATE.** This section is effective August 1, 2007.

7.12 Sec. 10. Minnesota Statutes 2006, section 164.06, subdivision 2, is amended to read:

7.13 Subd. 2. **Extinguishing interest in abandoned road.** (a) After providing notice
7.14 ~~under section 366.01, subdivision 8~~ as required in paragraph (c), the town board may by
7.15 resolution disclaim and extinguish a town interest in a town road without action under
7.16 subdivision 1 if:

7.17 (1) the extinguishment is found by the town board to be in the public interest;

7.18 (2) the interest is not a fee interest;

7.19 (3) the interest was established more than 25 years earlier;

7.20 (4) the interest is not recorded or filed with the county recorder;

7.21 (5) no road improvement has been constructed on a right-of-way affected by the
7.22 interest within the last 25 years; and

7.23 (6) no road maintenance on a right-of-way affected by the interest has occurred
7.24 within the last 25 years.

7.25 (b) The resolution shall be filed with the county auditor and recorded with the
7.26 county recorder.

7.27 (c) Before the meeting on any resolution to disclaim and extinguish a town interest
7.28 in a town road under this subdivision, the town board shall provide notice to affected
7.29 landowners in the same manner as a petitioner under section 164.07, subdivision 2. A
7.30 notice must also be posted as provided under section 366.01, subdivision 8.

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

7.32 Sec. 11. Minnesota Statutes 2006, section 165.01, is amended to read:

7.33 **165.01 DEFINITIONS.**

8.1 Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this
8.2 section and section 160.02 shall have the same meanings given them.

8.3 Subd. 2. **AASHTO manual.** "AASHTO manual" means the Manual for Condition
8.4 Evaluation of Bridges, published by the American Association of State Highway and
8.5 Transportation Officials.

8.6 Sec. 12. Minnesota Statutes 2006, section 165.03, is amended to read:

8.7 **165.03 STRENGTH OF BRIDGE; INSPECTION.**

8.8 Subdivision 1. **Standards generally.** Each bridge, including a privately owned
8.9 bridge, must conform to the strength, width, clearance, and safety standards imposed
8.10 by the commissioner for the connecting highway or street. This subdivision applies to
8.11 a bridge that is constructed after August 1, 1989, on any public highway or street. The
8.12 bridge must have sufficient strength to support with safety the maximum vehicle weights
8.13 allowed under sections 169.822 to 169.829 and must have the minimum width specified
8.14 in section 165.04, subdivision 3.

8.15 Subd. 1a. **Inspection.** (a) Each bridge must be inspected annually, unless a longer
8.16 interval not to exceed two years for bridges or four years for bridges classified as culverts
8.17 is authorized by the commissioner. The commissioner's authorization must be based
8.18 on factors including, but not limited to, the age and condition of the bridge, the rate of
8.19 deterioration of the bridge, the type of structure, the susceptibility of the bridge to failure,
8.20 and the characteristics of traffic on the bridge. Interim inspections at intervals of less than
8.21 one year may be necessary on bridges that are posted, bridges subjected to extreme scour
8.22 conditions, bridges subject to significant substructure movement or settlement, and for
8.23 other reasons as specified or inferred in the AASHTO manual.

8.24 (b) The thoroughness of each inspection depends on such factors as age, traffic
8.25 characteristics, state of maintenance, and known deficiencies. The evaluation of these
8.26 factors is the responsibility of the engineer assigned the responsibility for inspection as
8.27 defined by rule adopted by the commissioner of transportation.

8.28 Subd. 2. **Inspection and inventory responsibilities; rules; forms.** (a) The
8.29 commissioner of transportation shall adopt official inventory and bridge inspection report
8.30 forms for use in making bridge inspections by the owners or highway authorities specified
8.31 by this subdivision. Bridge Inspections shall must be made at regular intervals, not to
8.32 exceed two years for bridges and not to exceed four years for culverts, by the following
8.33 owner or official:

8.34 (1) the commissioner of transportation for all bridges located wholly or partially
8.35 within or over the right-of-way of a state trunk highway;

9.1 (2) the county highway engineer for all bridges located wholly or partially within
9.2 or over the right-of-way of any county or ~~township~~ town road, or any street within a
9.3 municipality ~~which~~ that does not have a city engineer regularly employed;

9.4 (3) the city engineer for all bridges located wholly or partially within or over the
9.5 right-of-way of any street located within or along municipal limits;

9.6 (4) the commissioner of transportation in case of a toll bridge that is used by the
9.7 general public and that is not inspected and certified under subdivision 6; provided, that the
9.8 commissioner of transportation may assess the owner for the costs of ~~such~~ the inspection;

9.9 (5) the owner of a bridge over a public highway or street or that carries a roadway
9.10 designated for public use by a public authority, if not required to be inventoried and
9.11 inspected under clause (1), (2), (3), or (4).

9.12 (b) The commissioner of transportation shall prescribe the standards for bridge
9.13 inspection and inventory by rules. The owner or highway authority shall inspect and
9.14 inventory in accordance with these standards and furnish the commissioner with such data
9.15 as may be necessary to maintain a central inventory.

9.16 Subd. 3. **County inventory and inspection records and reports.** The county
9.17 engineer shall maintain a complete inventory record of all bridges as set forth in
9.18 subdivision 2, paragraph (a), clause (2), with the inspection reports thereof, and shall
9.19 certify annually to the commissioner, as prescribed by the commissioner, that inspections
9.20 have been made at regular intervals, not to exceed two years for bridges and not to
9.21 exceed four years for culverts. A report of the inspections ~~shall~~ must be filed annually,
9.22 on or before February 15 of each year, with the county auditor or town clerk, or the
9.23 governing body of the municipality. The report ~~shall~~ must contain recommendations for
9.24 the correction of; or legal posting of load limits on any bridge or structure that is found to
9.25 be understrength or unsafe.

9.26 Subd. 4. **Municipal inventory and inspection records and reports.** The
9.27 city engineer shall maintain a complete inventory record of all bridges as set forth in
9.28 subdivision 2, paragraph (a), clause (3), with the inspection reports thereof, and shall
9.29 certify annually to the commissioner, as prescribed by the commissioner, that inspections
9.30 have been made at regular intervals, not to exceed two years for bridges and not to exceed
9.31 four years for culverts. A report of the inspections ~~shall~~ must be filed annually, on or
9.32 before February 15 of each year, with the governing body of the municipality. The report
9.33 ~~shall~~ must contain recommendations for the correction of; or legal posting of load limits
9.34 on any bridge or structure that is found to be understrength or unsafe.

9.35 Subd. 5. **Agreement.** Agreements may be made among the various units of
9.36 governments, or between governmental units and qualified engineering personnel to

10.1 carry out the responsibilities for the bridge inspections and reports, as established by
10.2 subdivision 2.

10.3 Subd. 6. **Other bridges.** The owner of a toll bridge and the owner of a bridge
10.4 described in subdivision 2, paragraph (a), clause (5), shall certify to the commissioner, as
10.5 prescribed by the commissioner, that inspections of the bridge have been made at regular
10.6 intervals, not to exceed two years for bridges and not to exceed four years for culverts.
10.7 The certification ~~shall~~ must be accompanied by a report of the inspection. The report ~~shall~~
10.8 must contain recommendations for the correction of or legal posting of load limitations if
10.9 the bridge is found to be understrength or unsafe.

10.10 Subd. 7. **Department of Natural Resources bridge.** (a) Notwithstanding
10.11 subdivision 2, the commissioners of transportation and natural resources shall negotiate a
10.12 memorandum of understanding that governs the inspection of bridges owned, operated,
10.13 or maintained by the commissioner of natural resources.

10.14 (b) The memorandum of understanding must provide for:

10.15 (1) the inspection and inventory of bridges subject to federal law or regulations;

10.16 (2) the frequency of inspection of bridges described in paragraph (a); and

10.17 (3) who may perform inspections required under the memorandum of understanding.

10.18 Sec. 13. Minnesota Statutes 2006, section 168.011, subdivision 22, is amended to read:

10.19 Subd. 22. **Special mobile equipment.** "Special mobile equipment" means every
10.20 vehicle not designed or used primarily for the transportation of persons or property
10.21 and only incidentally operated or moved over a highway, including but not limited to:
10.22 ditch-digging apparatuses, moving dollies, pump hoists and other water well-drilling
10.23 equipment registered under chapter 103I, vehicle-mounted concrete pumps with or
10.24 without placement booms, street-sweeping vehicles, and other machinery such as
10.25 asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors,
10.26 ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers,
10.27 truck-mounted log loaders, earth-moving carryalls, scrapers, power shovels, draglines,
10.28 self-propelled cranes, and earth-moving equipment. The term does not include travel
10.29 trailers, dump trucks, truck-mounted transit mixers, truck-mounted feed grinders, or other
10.30 motor vehicles designed for the transportation of persons or property to which machinery
10.31 has been attached.

10.32 Sec. 14. Minnesota Statutes 2006, section 168A.05, subdivision 3, is amended to read:

10.33 Subd. 3. **Content of certificate.** Each certificate of title issued by the department
10.34 shall contain:

- 11.1 (1) the date issued;
- 11.2 (2) the first, middle, and last names; and the dates of birth, ~~and addresses~~ of all
- 11.3 owners who are natural persons, and the full names ~~and addresses~~ of all other owners;
- 11.4 (3) the residence address of the owner listed first if that owner is a natural person or
- 11.5 the address if that owner is not a natural person;
- 11.6 (4) the names and addresses of any secured parties, and the address of the first
- 11.7 secured party, listed in the order of priority (i) as shown on the application, or (ii) if the
- 11.8 application is based on a certificate of title, as shown on the certificate, or (iii) as otherwise
- 11.9 determined by the department;
- 11.10 ~~(4)~~ (5) any liens filed pursuant to a court order or by a public agency responsible for
- 11.11 child support enforcement against the owner;
- 11.12 ~~(5)~~ (6) the title number assigned to the vehicle;
- 11.13 ~~(6)~~ (7) a description of the vehicle including, so far as the following data exists, its
- 11.14 make, model, year, identifying number, type of body, whether new or used, and if a new
- 11.15 vehicle, the date of the first sale of the vehicle for use;
- 11.16 ~~(7)~~ (8) with respect to a motor vehicles vehicle subject to ~~the provisions of~~ section
- 11.17 325E.15, (i) the true cumulative mileage registered on the odometer or (ii) that the actual
- 11.18 mileage is unknown if the odometer reading is known by the owner to be different from
- 11.19 the true mileage;
- 11.20 ~~(8)~~ (9) with respect to ~~vehicles~~ a vehicle subject to sections 325F.6641 and
- 11.21 325F.6642, the appropriate term "flood damaged," "rebuilt," "prior salvage," or
- 11.22 "reconstructed";
- 11.23 ~~(9)~~ (10) with respect to a vehicle contaminated by methamphetamine production, if
- 11.24 the registrar has received the certificate of title and notice described in section 152.0275,
- 11.25 subdivision 2, paragraph (g), the term "hazardous waste contaminated vehicle"; ~~and~~
- 11.26 ~~(10)~~ (11) with respect to a vehicle subject to section 325F.665, the term "lemon law
- 11.27 vehicle"; and
- 11.28 (12) any other data the department prescribes.

11.29 Sec. 15. Minnesota Statutes 2006, section 168A.05, subdivision 5, is amended to read:

11.30 Subd. 5. **Forms.** (a) The certificate of title shall contain forms:

- 11.31 (1) for assignment and warranty of title by the owner;
- 11.32 (2) for assignment and warranty of title by a dealer;
- 11.33 (3) to apply for a certificate of title by a transferee;
- 11.34 (4) to name a secured party; and
- 11.35 (5) to make the disclosure required by section 325F.6641.

12.1 (b) The certificate of title must also include a separate detachable ~~postcard~~ form
12.2 entitled "Notice of Sale" that contains, but is not limited to, the vehicle's title number and
12.3 vehicle identification number. The ~~postcard~~ form must include sufficient space for the
12.4 owner to record the purchaser's name, address, and driver's license number, if any, and
12.5 the date of sale. The notice of sale must include clear instructions regarding the owner's
12.6 responsibility to complete and return the form, or to transmit the required information
12.7 electronically in a form acceptable to the commissioner, pursuant to section 168A.10,
12.8 subdivision 1.

12.9 Sec. 16. Minnesota Statutes 2006, section 168A.10, subdivision 1, is amended to read:

12.10 Subdivision 1. **Assignment and warranty of title; mileage; notice of sale.** If an
12.11 owner transfers interest in a vehicle other than by the creation of a security interest, the
12.12 owner shall at the time of the delivery of the vehicle execute an assignment and warranty
12.13 of title to the transferee and shall state the actual selling price in the space provided on
12.14 the certificate. Within ten days of the date of sale, other than a sale by or to a licensed
12.15 motor vehicle dealer, the owner shall: (1) complete, detach, and return to the department
12.16 the ~~postcard~~ form on the certificate entitled "Notice of Sale," if one is provided, including
12.17 the transferee's name, address, and driver's license number, if any, and the date of sale; or
12.18 (2) transmit this information electronically in a form acceptable to the commissioner. With
12.19 respect to motor vehicles subject to the provisions of section 325E.15, the transferor shall
12.20 also, in the space provided therefor on the certificate, state the true cumulative mileage
12.21 registered on the odometer or that the actual mileage is unknown if the odometer reading
12.22 is known by the transferor to be different from the true mileage. The transferor shall cause
12.23 the certificate and assignment to be delivered to the transferee immediately.

12.24 Sec. 17. Minnesota Statutes 2006, section 168A.101, is amended to read:

12.25 **168A.101 CANCELLATION OF MOTOR VEHICLE SALE.**

12.26 Subdivision 1. **Required documentation.** If the parties cancel a purchase of a
12.27 motor vehicle after the transfer of interest, they must submit within 90 days of the original
12.28 purchase date the following items:

- 12.29 (1) ~~the outstanding certificate of title with proper assignment, and a written claim~~
12.30 for refund;
12.31 (2) an affidavit correcting ownership signed by the parties; and
12.32 (3) the outstanding certificate of title, if available, with proper assignment.

12.33 Subd. 2. **Refunds.** A party may be eligible for a refund of taxes ~~and fees~~ paid
12.34 pursuant to chapter 297B only if the items indicated in subdivision 1 are submitted within

13.1 the 90-day time frame unless otherwise provided by law. No other taxes or fees paid may
13.2 be refunded due to the cancellation of a motor vehicle sale.

13.3 Sec. 18. Minnesota Statutes 2006, section 168A.151, subdivision 1, is amended to read:

13.4 Subdivision 1. **Salvage titles.** (a) When an insurer, licensed to conduct business in
13.5 Minnesota, acquires ownership of a late-model or high-value vehicle through payment
13.6 of damages, the insurer shall immediately apply for a salvage certificate of title or shall
13.7 stamp the existing certificate of title with the legend "SALVAGE CERTIFICATE OF
13.8 TITLE" in a manner prescribed by the department. Within 48 hours of taking possession
13.9 of a vehicle through payment of damages, an insurer must notify the department in a
13.10 manner prescribed by the department.

13.11 (b) ~~Any person who acquires a damaged motor vehicle with an out-of-state title and~~
13.12 ~~the cost of repairs exceeds the value of the damaged vehicle or a motor vehicle with an~~
13.13 ~~out-of-state salvage title or certificate, as proof of ownership, shall immediately apply for~~
13.14 ~~a salvage certificate of title.~~ A person shall immediately apply for a salvage certificate
13.15 of title if the person acquires a damaged late-model or high-value motor vehicle with an
13.16 out-of-state title, and the vehicle:

13.17 (1) is a vehicle that was acquired by an insurer through payment of damages;

13.18 (2) is a vehicle for which the cost of repairs exceeds the value of the damaged
13.19 vehicle; or

13.20 (3) has an out-of-state salvage certificate of title as proof of ownership.

13.21 (c) A self-insured owner of a late-model or high-value vehicle who sustains damage
13.22 by collision or other occurrence which exceeds 70 percent of its actual cash value
13.23 shall immediately apply for a salvage certificate of title. Damage, for the purpose of
13.24 this calculation, does not include the actual cost incurred to repair, replace, or reinstall
13.25 inflatable safety restraints and other vehicle components that must be replaced due to the
13.26 deployment of the inflatable safety restraints.

13.27 Sec. 19. Minnesota Statutes 2006, section 168A.153, is amended to read:

13.28 **168A.153 REPORT OF VEHICLE RECEIPT; ~~SURRENDER OF~~**
13.29 **~~CERTIFICATE.~~**

13.30 Subdivision 1. **Older model vehicle.** A dealer who buys an older model vehicle
13.31 to be dismantled or destroyed shall report to the department within 30 days including
13.32 the vehicle's license plate number and identification number, and the seller's name and
13.33 driver's license number.

14.1 Subd. 2. **Late-model or high-value vehicle.** A dealer who buys a late-model or
14.2 high-value vehicle to be dismantled or destroyed shall notify the secured party, if any, and
14.3 ~~then surrender the certificate of title and a properly completed application for a salvage~~
14.4 ~~certificate of title to the department within ten days~~ the commissioner in the manner
14.5 prescribed in subdivision 3. The dealer must then properly destroy the certificate of title.

14.6 Subd. 3. **Notification on vehicle to be dismantled or destroyed; service fee.**
14.7 Within the time frames prescribed in subdivisions 1 and 2 of acquiring a vehicle titled and
14.8 registered in Minnesota, a dealer shall notify the registrar that the dealership purchased the
14.9 vehicle to be dismantled or destroyed. The notification must be made electronically as
14.10 prescribed by the registrar. The dealer may contract this service to a deputy registrar and
14.11 the registrar may charge a fee not to exceed \$7 per transaction to provide this service.

14.12 Sec. 20. Minnesota Statutes 2006, section 169.01, subdivision 4c, is amended to read:

14.13 Subd. 4c. **Motorized foot scooter.** "Motorized foot scooter" means a device with
14.14 handlebars designed to be stood or sat upon by the operator, and powered by an internal
14.15 combustion engine or electric motor that is capable of propelling the device with or
14.16 without human propulsion, and that has ~~either (1)~~ no more than two ten-inch or smaller
14.17 diameter wheels ~~or (2) and has~~ an engine or motor that is capable of a maximum speed of
14.18 15 miles per hour on a flat surface with not more than one percent grade in any direction
14.19 when the motor is engaged. An electric personal assistive mobility device, a motorized
14.20 bicycle, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

14.21 Sec. 21. Minnesota Statutes 2006, section 169.01, subdivision 19, is amended to read:

14.22 Subd. 19. **Explosives.** "Explosives" ~~means any chemical compound or mechanical~~
14.23 ~~mixture that is commonly used or intended for the purpose of producing an explosion~~
14.24 ~~and which contains any oxidizing and combustive units or other ingredients in such~~
14.25 ~~proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by~~
14.26 ~~percussion, or by detonator of any part of the compound or mixture may cause such a~~
14.27 ~~sudden generation of highly heated gases that the resultant gaseous pressures are capable~~
14.28 ~~of producing destructible effects on contiguous objects or of destroying life or limb~~ has
14.29 the meaning given in Code of Federal Regulations, title 49, section 173.50.

14.30 Sec. 22. Minnesota Statutes 2006, section 169.01, subdivision 20, is amended to read:

14.31 Subd. 20. **Flammable liquid.** "Flammable liquid" ~~means any liquid which has a~~
14.32 ~~flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent~~

15.1 ~~closed cup test device~~ has the meaning given in Code of Federal Regulations, title 49,
15.2 section 173.120.

15.3 Sec. 23. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision
15.4 to read:

15.5 Subd. 92. **Valid license; valid driver's license.** "Valid license," "valid driver's
15.6 license," "valid Minnesota driver's license," "valid standard driver's license," or other
15.7 similar term, has the meaning given in section 171.01, subdivision 49a.

15.8 Sec. 24. Minnesota Statutes 2006, section 169.06, subdivision 5, is amended to read:

15.9 Subd. 5. **Traffic-control signal.** (a) Whenever traffic is controlled by traffic-control
15.10 signals exhibiting different colored lights, or colored lighted arrows, successively one at a
15.11 time or in combination, only the colors Green, Red, and Yellow shall be used, except for
15.12 special pedestrian signals carrying a word or legend. The traffic-control signal lights or
15.13 colored lighted arrows indicate and apply to drivers of vehicles and pedestrians as follows:

15.14 (1) Green indication:

15.15 (i) Vehicular traffic facing a circular green signal may proceed straight through or
15.16 turn right or left unless a sign at such place prohibits either turn. But vehicular traffic,
15.17 including vehicles turning right or left, shall yield the right-of-way to other vehicles
15.18 and to pedestrians lawfully within the intersection or adjacent crosswalk at the time this
15.19 signal is exhibited.

15.20 (ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with
15.21 another indication, may cautiously enter the intersection only to make the movement
15.22 indicated by the arrow, or other movement as permitted by other indications shown at the
15.23 same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully
15.24 within an adjacent crosswalk and to other traffic lawfully using the intersection.

15.25 (iii) Unless otherwise directed by a pedestrian-control signal as provided in
15.26 subdivision 6, pedestrians facing any green signal, except when the sole green signal is a
15.27 turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
15.28 Every driver of a vehicle shall yield the right-of-way to such pedestrian, except that the
15.29 pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the
15.30 time that the green signal indication is first shown.

15.31 (2) Steady yellow indication:

15.32 (i) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby
15.33 warned that the related green movement is being terminated or that a red indication will be
15.34 exhibited immediately thereafter when vehicular traffic must not enter the intersection,

16.1 except for the continued movement allowed by any green arrow indication simultaneously
16.2 exhibited.

16.3 (ii) Pedestrians facing a circular yellow signal, unless otherwise directed by a
16.4 pedestrian-control signal as provided in subdivision 6, are thereby advised that there is
16.5 insufficient time to cross the roadway before a red indication is shown and no pedestrian
16.6 shall then start to cross the roadway.

16.7 ~~(iii) Vehicular traffic facing a steady yellow arrow signal is thereby warned that~~
16.8 ~~the protected vehicular movement permitted by the corresponding prior green arrow~~
16.9 ~~indication is being terminated.~~

16.10 (3) Steady red indication:

16.11 (i) Vehicular traffic facing a circular red signal alone must stop at a clearly marked
16.12 stop line but, if none, before entering the crosswalk on the near side of the intersection
16.13 or, if none, then before entering the intersection and shall remain standing until a green
16.14 indication is shown, except as follows: (A) the driver of a vehicle stopped as close
16.15 as practicable at the entrance to the crosswalk on the near side of the intersection or,
16.16 if none, then at the entrance to the intersection in obedience to a red or stop signal,
16.17 and with the intention of making a right turn may make the right turn, after stopping,
16.18 unless an official sign has been erected prohibiting such movement, but shall yield the
16.19 right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal
16.20 at that intersection; or (B) the driver of a vehicle on a one-way street intersecting another
16.21 one-way street on which traffic moves to the left shall stop in obedience to a red or stop
16.22 signal and may then make a left turn into the one-way street, unless an official sign has
16.23 been erected prohibiting the movement, but shall yield the right-of-way to pedestrians and
16.24 other traffic lawfully proceeding as directed by the signal at that intersection.

16.25 (ii) Unless otherwise directed by a pedestrian-control signal as provided in
16.26 subdivision 6, pedestrians facing a steady red signal alone shall not enter the roadway.

16.27 (iii) Vehicular traffic facing a steady red arrow signal, with the intention of making a
16.28 movement indicated by the arrow, must stop at a clearly marked stop line but, if none,
16.29 before entering the crosswalk on the near side of the intersection or, if none, then before
16.30 entering the intersection and must remain standing until a permissive signal indication
16.31 permitting the movement indicated by the red arrow is displayed, except as follows: when
16.32 an official sign has been erected permitting a turn on a red arrow signal, the vehicular
16.33 traffic facing a red arrow signal indication is permitted to enter the intersection to turn
16.34 right, or to turn left from a one-way street into a one-way street on which traffic moves
16.35 to the left, after stopping, but must yield the right-of-way to pedestrians and other traffic
16.36 lawfully proceeding as directed by the signal at that intersection.

17.1 (b) In the event an official traffic-control signal is erected and maintained at a place
17.2 other than an intersection, the provisions of this section are applicable except those which
17.3 can have no application. Any stop required must be made at a sign or marking on the
17.4 pavement indicating where the stop must be made, but in the absence of any such sign or
17.5 marking the stop must be made at the signal.

17.6 (c) When a traffic-control signal indication or indications placed to control a certain
17.7 movement or lane are so identified by placing a sign near the indication or indications,
17.8 no other traffic-control signal indication or indications within the intersection controls
17.9 vehicular traffic for that movement or lane.

17.10 Sec. 25. Minnesota Statutes 2006, section 171.01, is amended by adding a subdivision
17.11 to read:

17.12 Subd. 49a. **Valid license; valid driver's license.** "Valid license," "valid driver's
17.13 license," "valid Minnesota driver's license," "valid standard driver's license," or other
17.14 similar term, means any operator's license, provisional license, temporary license, limited
17.15 license, permit, or other license to operate a motor vehicle issued or issuable under the
17.16 laws of this state by the commissioner, or by another state or jurisdiction if specified,
17.17 that is (1) not expired, suspended, revoked, or canceled, and (2) not disqualified for the
17.18 class of vehicle being operated.

17.19 Sec. 26. Minnesota Statutes 2006, section 171.02, subdivision 1, is amended to read:

17.20 Subdivision 1. **License required; duplicate identification restricted.** (a) Except
17.21 when expressly exempted, a person shall not drive a motor vehicle upon a street or
17.22 highway in this state unless the person has a ~~license~~ valid license under this chapter for
17.23 the type or class of vehicle being driven.

17.24 (b) The department shall not issue a driver's license to a person unless and until the
17.25 person's license from any jurisdiction has been invalidated. The department shall provide
17.26 to the issuing department of any jurisdiction, information that the licensee is now licensed
17.27 in Minnesota. A person is not permitted to have more than one valid driver's license
17.28 at any time. The department shall not issue to a person to whom a current Minnesota
17.29 identification card has been issued a driver's license, other than a limited license, unless
17.30 the person's Minnesota identification card has been invalidated. This subdivision does
17.31 not require invalidation of a tribal identification card as a condition of receiving a driver's
17.32 license.

17.33 Sec. 27. Minnesota Statutes 2006, section 171.05, subdivision 2, is amended to read:

18.1 Subd. 2. **Person less than 18 years of age.** (a) Notwithstanding any provision
18.2 in subdivision 1 to the contrary, the department may issue an instruction permit to an
18.3 applicant who is 15, 16, or 17 years of age and who:

18.4 (1) has completed a course of driver education in another state, has a previously
18.5 issued valid license from another state, or ~~is enrolled in either~~ has completed:

18.6 (i) a public, private, or commercial classroom driver education program that
18.7 is approved by the commissioner of public safety ~~and that includes classroom and~~
18.8 ~~behind-the-wheel training; or~~

18.9 (ii) ~~an approved behind-the-wheel driver education program~~ home-classroom driver
18.10 training with classroom materials approved by the commissioner of public safety, when
18.11 the student is receiving full-time instruction in a home school within the meaning of
18.12 sections 120A.22 and 120A.24, the student is working toward a homeschool diploma, and
18.13 the student's status as a homeschool student has been certified by the superintendent of
18.14 the school district in which the student resides, ~~and the student is taking home-classroom~~
18.15 ~~driver training with classroom materials approved by the commissioner of public safety; or~~

18.16 (iii) an Internet-based theory driver education program that is approved by the
18.17 commissioner of public safety;

18.18 (2) ~~has completed the classroom phase of instruction in the driver education program~~
18.19 is enrolled in an approved behind-the-wheel training program;

18.20 (3) has passed a test of the applicant's eyesight;

18.21 (4) has passed a department-administered test of the applicant's knowledge of traffic
18.22 laws;

18.23 (5) has completed the required application, which must be approved by (i) either
18.24 parent when both reside in the same household as the minor applicant or, if otherwise, then
18.25 (ii) the parent or spouse of the parent having custody or, in the event there is no court order
18.26 for custody, then (iii) the parent or spouse of the parent with whom the minor is living
18.27 or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or,
18.28 in the event a person under the age of 18 has no living father, mother, or guardian, or is
18.29 married or otherwise legally emancipated, then (v) the applicant's adult spouse, adult close
18.30 family member, or adult employer; provided, that the approval required by this clause
18.31 contains a verification of the age of the applicant and the identity of the parent, guardian,
18.32 adult spouse, adult close family member, or adult employer; and

18.33 (6) has paid the fee required in section 171.06, subdivision 2.

18.34 (b) The instruction permit is valid for two years from the date of application and
18.35 may be renewed upon payment of a fee equal to the fee for issuance of an instruction
18.36 permit under section 171.06, subdivision 2.

19.1 Sec. 28. Minnesota Statutes 2006, section 171.06, subdivision 3, is amended to read:

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

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

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

19.8 (3) state:

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

19.10 (ii) if the applicant does not have a social security number and is applying for a
19.11 Minnesota identification card, instruction permit, or class D provisional or driver's license,
19.12 that the applicant certifies that the applicant does not have a Social Security number;

19.13 (4) contain a space where the applicant may indicate a desire to make an anatomical
19.14 gift according to paragraph (b); and

19.15 (5) contain a notification to the applicant of the availability of a living will/health
19.16 care directive designation on the license under section 171.07, subdivision 7.

19.17 (b) If the applicant does not indicate a desire to make an anatomical gift when
19.18 the application is made, the applicant must be offered a donor document in accordance
19.19 with section 171.07, subdivision 5. The application must contain statements sufficient
19.20 to comply with the requirements of the Uniform Anatomical Gift Act (1987), sections
19.21 525.921 to 525.9224, so that execution of the application or donor document will make
19.22 the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a
19.23 desire to make an anatomical gift. The application must be accompanied by information
19.24 describing Minnesota laws regarding anatomical gifts and the need for and benefits of
19.25 anatomical gifts, and the legal implications of making an anatomical gift, including the
19.26 law governing revocation of anatomical gifts. The commissioner shall distribute a notice
19.27 that must accompany all applications for and renewals of a driver's license or Minnesota
19.28 identification card. The notice must be prepared in conjunction with a Minnesota organ
19.29 procurement organization that is certified by the federal Department of Health and Human
19.30 Services and must include:

19.31 (1) a statement that provides a fair and reasonable description of the organ donation
19.32 process, the care of the donor body after death, and the importance of informing family
19.33 members of the donation decision; and

19.34 (2) a telephone number in a certified Minnesota organ procurement organization that
19.35 may be called with respect to questions regarding anatomical gifts.

20.1 (c) The application must be accompanied also by information containing relevant
20.2 facts relating to:

20.3 (1) the effect of alcohol on driving ability;

20.4 (2) the effect of mixing alcohol with drugs;

20.5 (3) the laws of Minnesota relating to operation of a motor vehicle while under the
20.6 influence of alcohol or a controlled substance; and

20.7 (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests
20.8 for alcohol-related violations.

20.9 Sec. 29. Minnesota Statutes 2006, section 171.07, subdivision 1, is amended to read:

20.10 Subdivision 1. **License; contents.** (a) Upon the payment of the required fee, the
20.11 department shall issue to every qualifying applicant a license designating the type or class
20.12 of vehicles the applicant is authorized to drive as applied for. This license must bear a
20.13 distinguishing number assigned to the licensee; the licensee's full name; and date of birth;
20.14 ~~and~~; either (1) the licensee's residence address, or (2) the designated address under section
20.15 5B.05; the license class, endorsements, and restrictions imposed, if any; a description of
20.16 the licensee in a manner as the commissioner deems necessary; and the usual signature of
20.17 the licensee. No license is valid unless it bears the usual signature of the licensee. Every
20.18 license must bear a colored photograph or an electronically produced image of the licensee.

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

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

20.28 (d) The department shall use processes in issuing a license that prohibit, as nearly as
20.29 possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a
20.30 photograph or electronically produced image on a license, without ready detection.

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

20.33 Sec. 30. Minnesota Statutes 2006, section 171.07, subdivision 3, is amended to read:

21.1 Subd. 3. **Identification card; fee.** (a) Upon payment of the required fee, the
21.2 department shall issue to every qualifying applicant a Minnesota identification card. The
21.3 department may not issue a Minnesota identification card to an individual who has a
21.4 driver's license, other than a limited license. The card must bear a distinguishing number
21.5 assigned to the applicant; a colored photograph or an electronically produced image of
21.6 the applicant; the applicant's full name; and date of birth; ~~and~~; either (1) the licensee's
21.7 residence address, or (2) the designated address under section 5B.05; a description of the
21.8 applicant in the manner as the commissioner deems necessary; and the usual signature of
21.9 the applicant.

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

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

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

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

21.25 Sec. 31. Minnesota Statutes 2006, section 171.14, is amended to read:

21.26 **171.14 CANCELLATION.**

21.27 (a) The commissioner ~~shall have authority to~~ may cancel any driver's license upon
21.28 determination that (1) the licensee was not entitled to the issuance thereof hereunder, or
21.29 that of the license, (2) the licensee failed to give the required or correct information in
21.30 the application, or (3) the licensee committed any fraud or deceit in making such the
21.31 application. ~~The commissioner may also cancel the driver's license of any, or (4) the~~
21.32 ~~person who, at the time of the cancellation, would not have been entitled to receive a~~
21.33 ~~license under the provisions of section 171.04.~~

22.1 (b) The commissioner shall cancel the driver's license of a person described in
22.2 paragraph (a), clause (3), for 60 days or until the required or correct information has
22.3 been provided, whichever is longer.

22.4 Sec. 32. Minnesota Statutes 2006, section 174.01, subdivision 2, is amended to read:

22.5 Subd. 2. **Transportation goals.** The goals of the state transportation system are
22.6 as follows:

22.7 (1) to provide safe transportation for users throughout the state;

22.8 (2) to provide multimodal and intermodal transportation that enhances mobility and
22.9 economic development and provides access to all persons and businesses in Minnesota
22.10 while ensuring that there is no undue burden placed on any community;

22.11 (3) to provide a reasonable travel time for commuters;

22.12 (4) to provide for the economical, efficient, and safe movement of goods to and from
22.13 markets by rail, highway, and waterway;

22.14 (5) to encourage tourism by providing appropriate transportation to Minnesota
22.15 facilities designed to attract tourists;

22.16 (6) to provide transit services throughout the state to meet the needs of transit users;

22.17 (7) to promote productivity through system management and the utilization of
22.18 technological advancements;

22.19 (8) to maximize the long-term benefits received for each state transportation
22.20 investment;

22.21 (9) to provide funding for transportation that, at a minimum, preserves the
22.22 transportation infrastructure;

22.23 (10) to ensure that the planning and implementation of all modes of transportation
22.24 are consistent with the environmental and energy goals of the state;

22.25 (11) to promote and increase the use of high-occupancy ~~vehicle use~~ vehicles and
22.26 low-emission vehicles;

22.27 (12) to provide an air transportation system sufficient to encourage economic growth
22.28 and allow all regions of the state the ability to participate in the global economy;

22.29 (13) to increase transit use ~~in the urban areas~~ statewide by giving highest priority to
22.30 the transportation modes with the greatest people-moving capacity and lowest long-term
22.31 economic and environmental cost; and

22.32 (14) to promote and increase bicycling as an energy-efficient, nonpolluting, and
22.33 healthful form of transportation ~~alternative;~~

22.34 (15) to reduce greenhouse gas emissions from the state's transportation sector; and

22.35 (16) accomplish these goals with minimal impact on the environment.

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

23.2 Sec. 33. Minnesota Statutes 2006, section 174.02, subdivision 1a, is amended to read:

23.3 Subd. 1a. **Mission; efficiency; legislative report, recommendations.** It is part
23.4 of the department's mission that within the department's resources the commissioner
23.5 shall endeavor to:

23.6 (1) prevent the waste or unnecessary spending of public money;

23.7 (2) use innovative fiscal and human resource practices to manage the state's
23.8 resources and operate the department as efficiently as possible;

23.9 (3) minimize the degradation of air and water quality;

23.10 (4) coordinate the department's activities wherever appropriate with the activities
23.11 of other governmental agencies;

23.12 ~~(4)~~ (5) use technology where appropriate to increase agency productivity, improve
23.13 customer service, increase public access to information about government, and increase
23.14 public participation in the business of government;

23.15 ~~(5)~~ (6) utilize constructive and cooperative labor-management practices to the extent
23.16 otherwise required by chapters 43A and 179A;

23.17 ~~(6)~~ (7) report to the legislature on the performance of agency operations and the
23.18 accomplishment of agency goals in the agency's biennial budget according to section
23.19 16A.10, subdivision 1; and

23.20 ~~(7)~~ (8) recommend to the legislature appropriate changes in law necessary to carry
23.21 out the mission and improve the performance of the department.

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

23.23 Sec. 34. Minnesota Statutes 2006, section 174.03, subdivision 1, is amended to read:

23.24 Subdivision 1. **Statewide transportation plan; priorities; schedule of**
23.25 **expenditures.** In order to best meet the present and future transportation needs of the
23.26 public, to insure a strong state economy, to make most efficient use of public and private
23.27 funds, to lessen adverse environmental impacts of the transportation sector, and to
23.28 promote the more efficient use of energy and other resources for transportation purposes,
23.29 the commissioner shall:

23.30 (1) three months after notification that the department is ready to commence
23.31 operations and prior to the drafting of the statewide transportation plan, hold public
23.32 hearings as may be appropriate solely for the purpose of receiving suggestions for future
23.33 transportation alternatives and priorities for the state. The Metropolitan Council, regional
23.34 development commissions, and port authorities shall appear at the hearings and submit

24.1 information concerning transportation-related planning undertaken and accomplished by
24.2 these agencies. Other political subdivisions may appear and submit such information at
24.3 the hearings. These hearings shall be completed no later than six months from the date of
24.4 the commissioner's notification;

24.5 (2) develop, adopt, revise, and monitor a statewide transportation plan, taking into
24.6 account the suggestions and information submitted at the public hearings held pursuant
24.7 to clause (1). The plan shall incorporate all modes of transportation and provide for the
24.8 interconnection and coordination of different modes of transportation. The commissioner
24.9 shall evaluate ~~alternative~~ all transportation programs and facilities proposed for inclusion
24.10 in the plan in terms of economic costs and benefits, safety aspects, impact on present
24.11 and planned land uses, environmental effects, energy efficiency, national transportation
24.12 policies and priorities, and availability of federal and other financial assistance;

24.13 (3) based upon the statewide transportation plan, develop statewide transportation
24.14 priorities and schedule authorized public capital improvements and other authorized
24.15 public transportation expenditures pursuant to the priorities;

24.16 (4) complete the plan and priorities required by this subdivision no later than July
24.17 1, 1978. Upon completion of the plan and priorities, the commissioner shall prepare
24.18 and periodically revise, as necessary, the schedule of authorized public transportation
24.19 expenditures. The plan, priorities, and schedule are exempt from the provisions of the
24.20 Administrative Procedure Act.

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

24.22 Sec. 35. Minnesota Statutes 2006, section 174.03, is amended by adding a subdivision
24.23 to read:

24.24 Subd. 10. **Highway construction training.** (a) The commissioner of transportation
24.25 shall utilize, to the maximum amount feasible, federal funds available to this state
24.26 under United States Code, title 23, section 140, paragraph (b), to develop, conduct, and
24.27 administer highway construction training, including skill improvement programs.

24.28 (b) The commissioner of transportation must report by February 1 of each
24.29 odd-numbered year to the house of representatives and senate committees having
24.30 jurisdiction over transportation policy and finance concerning the commissioner's
24.31 compliance with paragraph (a). The report must, with respect to each of the two previous
24.32 calendar years:

24.33 (1) describe the highway construction training and skill improvement programs the
24.34 commissioner has conducted and administered;

24.35 (2) analyze the results of the commissioner's training programs;

25.1 (3) state the amount of federal funds available to this state under United States Code,
25.2 title 23, section 140, paragraph (b); and

25.3 (4) identify the amount spent by the commissioner in conducting and administering
25.4 the programs.

25.5 Sec. 36. Minnesota Statutes 2006, section 174.03, is amended by adding a subdivision
25.6 to read:

25.7 Subd. 11. **Disadvantaged business enterprise program.** (a) The commissioner
25.8 shall include in each contract that is funded at least in part by federal funds, sanctions
25.9 for each contractor who does not meet the established project disadvantaged business
25.10 enterprise goal or demonstrate good faith effort to meet the goal.

25.11 (b) The commissioner of transportation shall report by February 1 of each
25.12 odd-numbered year to the house of representatives and senate committees having
25.13 jurisdiction over transportation policy and finance concerning the commissioner's
25.14 disadvantaged business enterprise program. The report must, with respect to each of
25.15 the two previous calendar years:

25.16 (1) state the department's annual overall goal, compared with the percentage attained;

25.17 (2) explain the methodology, applicable facts, and public participation used to
25.18 establish the overall goal;

25.19 (3) describe good faith efforts to meet the goal, if the goal was not attained;

25.20 (4) describe actions to address overconcentration of disadvantaged business
25.21 enterprises in certain types of work;

25.22 (5) state the number of contracts that included disadvantaged business enterprise
25.23 goals, the number of contractors that met established disadvantaged business enterprise
25.24 goals, and sanctions imposed for lack of good faith effort; and

25.25 (6) describe contracts with no disadvantaged business enterprise goals, and, of
25.26 those, state number of contracts and amount of each contract with targeted groups under
25.27 section 16C.16.

25.28 Sec. 37. **[174.56] REPORT ON MAJOR HIGHWAY PROJECTS.**

25.29 Subdivision 1. **Report required.** The commissioner of transportation shall submit a
25.30 report on January 15, 2008, and on January 15 of each year thereafter, on the status of
25.31 major highway projects under construction or planned during the year of the report and for
25.32 the ensuing 15 years. For purposes of this section, a "major highway project" is a highway
25.33 project that has a total cost for all segments that the commissioner estimates at the time of

26.1 the report to be at least (1) \$25,000,000 in the metropolitan highway construction district,
26.2 or (2) \$10,000,000 in any nonmetropolitan highway construction district.

26.3 Subd. 2. **Report contents.** For each major highway project the report must include:

26.4 (1) a description of the project sufficient to specify its scope and location;

26.5 (2) a history of the project, including, but not limited to, previous official actions
26.6 by the department or the appropriate area transportation partnership, or both, the date
26.7 on which the project was first included in the state transportation improvement plan,
26.8 the cost of the project at that time, the dates of environmental approval, the dates of
26.9 municipal approval, the date of final geometric layout, and the date of establishment of
26.10 any construction limits;

26.11 (3) the project's priority listing or rank within its construction district, if any, as
26.12 well as the reasons for that listing or rank, the criteria used in prioritization or rank, any
26.13 changes in that prioritization or rank since the project was first included in a department
26.14 work plan, and the reasons for those changes; and

26.15 (4) past and potential future reasons for delay in letting or completing the project.

26.16 Sec. 38. Minnesota Statutes 2006, section 222.50, subdivision 7, is amended to read:

26.17 Subd. 7. **Expenditures.** (a) The commissioner may expend money from the rail
26.18 service improvement account for the following purposes:

26.19 (1) to make transfers as provided under section 222.57 or to pay interest adjustments
26.20 on loans guaranteed under the state rail user and rail carrier loan guarantee program;

26.21 (2) to pay a portion of the costs of capital improvement projects designed to
26.22 improve rail service ~~including construction or improvement of short segments of rail line~~
26.23 ~~such as side track, team track, and connections between existing lines, and construction~~
26.24 ~~and improvement of loading, unloading, storage, and transfer facilities~~ of a rail user or
26.25 a rail carrier;

26.26 (3) to pay a portion of the costs of rehabilitation projects designed to improve rail
26.27 service of a rail user or a rail carrier;

26.28 (4) to acquire, maintain, manage, and dispose of railroad right-of-way pursuant to
26.29 the state rail bank program;

26.30 ~~(4)~~ (5) to provide for aerial photography survey of proposed and abandoned railroad
26.31 tracks for the purpose of recording and reestablishing by analytical triangulation the
26.32 existing alignment of the in-place track;

26.33 ~~(5)~~ (6) to pay a portion of the costs of acquiring a rail line by a regional railroad
26.34 authority established pursuant to chapter 398A;

27.1 ~~(6)~~ (7) to pay the state matching portion of federal grants for rail-highway grade
27.2 crossing improvement projects.

27.3 (b) All money derived by the commissioner from the disposition of railroad
27.4 right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall
27.5 be deposited in the rail service improvement account.

27.6 Sec. 39. Minnesota Statutes 2006, section 222.63, subdivision 4, is amended to read:

27.7 Subd. 4. **Disposition permitted.** (a) The commissioner may lease any rail line or
27.8 right-of-way held in the state rail bank or enter into an agreement with any person for the
27.9 operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2
27.10 in accordance with a fee schedule to be developed by the commissioner.

27.11 (b) The commissioner may convey any rail line or right-of-way, for consideration or
27.12 for no consideration and upon other terms as the commissioner may determine to be in
27.13 the public interest, to any other state agency or to a governmental subdivision of the state
27.14 having power by law to utilize it for any of the purposes set forth in subdivision 2.

27.15 (c) The commissioner may convey a portion of previously acquired rail bank
27.16 right-of-way to a state agency or governmental subdivision when the commissioner
27.17 determines that:

27.18 (1) the portion to be conveyed is in excess of that needed for the purposes stated in
27.19 subdivision 2;

27.20 (2) the conveyance is upon terms and conditions agreed upon by both the
27.21 commissioner and the state agency or governmental subdivision;

27.22 (3) after the sale, the rail bank corridor will continue to meet the future public and
27.23 commercial transportation and transmission needs of the state; and

27.24 (4) the conveyance will not reduce the width of the rail bank corridor to less than
27.25 ~~50~~ 100 feet.

27.26 (d) The commissioner may lease previously acquired state rail bank right-of-way to
27.27 a state agency or governmental subdivision or to a private entity for nontransportation
27.28 purposes when:

27.29 (1) the portion to be leased is in excess of that needed for the purposes stated in
27.30 subdivision 2;

27.31 (2) the lease will not reduce the useable width of the rail bank corridor to less than
27.32 ~~50~~ 100 feet;

27.33 (3) the cost of the lease is based on the fair market value of the portion to be leased,
27.34 as determined by appraisal;

28.1 (4) the lease allows the commissioner to terminate the lease on 90 days' written
28.2 notice to the lessee; and

28.3 (5) the lease prohibits the construction or erection of any permanent structure within
28.4 the ~~50-foot~~ 100-foot rail bank corridor and requires any structure erected on the leased
28.5 property to be removed and the land restored to its original condition on 90 days' written
28.6 notice to the lessee.

28.7 (e) Proceeds from a sale or lease must be deposited in the rail bank maintenance
28.8 account described in subdivision 8.

28.9 Sec. 40. Minnesota Statutes 2006, section 222.63, is amended by adding a subdivision
28.10 to read:

28.11 Subd. 9. Rail bank property use; misdemeanors. (a) Except for the actions of
28.12 road authorities and their agents, employees, and contractors, and of utilities, in carrying
28.13 out their duties imposed by permit, law, or contract, and except as otherwise provided in
28.14 this section, it is unlawful to perform any of the following activities on rail bank property:

28.15 (1) obstruct any trail;

28.16 (2) deposit snow or ice;

28.17 (3) remove or place any earth, gravel, or rock without authorization;

28.18 (4) obstruct or remove any ditch-draining device, or drain any harmful or dangerous
28.19 materials;

28.20 (5) erect a fence, or place or maintain any advertising, sign, or memorial;

28.21 (6) remove, injure, displace, or destroy right-of-way markers or reference or witness
28.22 monuments or markers placed to preserve section or quarter-section corners defining
28.23 rail bank property limits;

28.24 (7) drive upon any portion of rail bank property, except at approved crossings, and
28.25 except where authorized for snowmobiles, emergency vehicles, or maintenance vehicles;

28.26 (8) deface, mar, damage, or tamper with any structure, work, material, sign, marker,
28.27 paving, guardrail, drain, or any other rail bank appurtenance; or

28.28 (9) park, overhang, or abandon any unauthorized vehicle or implement of husbandry
28.29 on, across, or over the limits of rail bank property.

28.30 (b) Any violation of this subdivision is a misdemeanor.

28.31 (c) The cost to remove, repair, or perform any other corrective action necessitated by
28.32 a violation of this subdivision may be charged to the violator.

28.33 Sec. 41. Minnesota Statutes 2006, section 299F.60, subdivision 1, is amended to read:

29.1 Subdivision 1. **Money penalty.** Any person who violates any provision of sections
29.2 299F.56 to 299F.641, or any rule issued thereunder, ~~shall be~~ is subject to a civil penalty to
29.3 be imposed by the commissioner not to exceed ~~\$10,000~~ \$100,000 for each ~~such~~ violation
29.4 for each day that ~~such~~ the violation persists, except that the maximum civil penalty ~~shall~~
29.5 must not exceed ~~\$500,000~~ \$1,000,000 for any related series of violations.

29.6 Sec. 42. Minnesota Statutes 2006, section 299J.16, subdivision 1, is amended to read:

29.7 Subdivision 1. **Civil penalty.** (a) A pipeline operator who violates section 299J.07,
29.8 subdivision 1, or 299J.15, or the rules of the commissioner implementing those sections,
29.9 shall forfeit and pay to the state a civil penalty in an amount to be determined by the court,
29.10 up to ~~\$10,000~~ \$100,000 for each day that the operator remains in violation, subject to a
29.11 maximum of ~~\$500,000~~ \$1,000,000 for a related series of violations.

29.12 (b) The penalty provided under this subdivision may be recovered by an action
29.13 brought by the attorney general at the request of the commissioner, in the name of the
29.14 state, in connection with an action to recover expenses of the director under section
29.15 299J.13, subdivision 4:

29.16 (1) in the District Court of Ramsey County; or

29.17 (2) in the county of the defendant's residence.

29.18 Sec. 43. Minnesota Statutes 2006, section 325F.665, is amended by adding a
29.19 subdivision to read:

29.20 Subd. 14. **Title branding.** (a) Upon transfer and application for title of all vehicles
29.21 subject to this section, the registrar of motor vehicles shall record the term "lemon law
29.22 vehicle" on the certificate of title and all subsequent certificates of title for that vehicle.

29.23 (b) For vehicles with out-of-state titles that bear the term "lemon law vehicle," or
29.24 any similar term, the registrar of motor vehicles shall record the term "lemon law vehicle"
29.25 on the first Minnesota certificate of title and all subsequent Minnesota certificates of
29.26 title issued for that vehicle.

29.27 (c) The designation of "lemon law vehicle" on a certificate of title must be made by
29.28 the registrar of motor vehicles in a clear and conspicuous manner, in a color different from
29.29 all other writing on the certificate of title.

29.30 Sec. 44. Laws 2005, First Special Session chapter 1, article 4, section 39, the effective
29.31 date, is amended to read:

30.1 **EFFECTIVE DATE.** This section is effective ~~the latter of August 1, 2006, or the~~
30.2 ~~date on which the commissioner determines that building permits have been issued for the~~
30.3 ~~construction of a new pulp and paper manufacturing facility at Grand Rapids 2007.~~

30.4 **Sec. 45. STUDY OF TRANSPORTATION LONG-RANGE SOLUTIONS.**

30.5 (a) The commissioner of transportation shall conduct a study in consultation with
30.6 other state agencies and key stakeholders to evaluate the current and long-range needs of
30.7 the state's transportation system, and investigate possible strategies to meet these needs.

30.8 (b) The study must include, but is not limited to:

30.9 (1) evaluation of the current needs of the state's highway systems, bridges, and
30.10 transit;

30.11 (2) analysis and quantification of the needs for the next 20 years of the state's
30.12 highway systems, bridges, and transit;

30.13 (3) comparison of estimates of revenues raised by current transportation funding
30.14 sources, with long-term needs of the state's transportation system;

30.15 (4) identification of options for maintenance and improvement of the state's
30.16 transportation system with specific reference to the effects of potential increases in vehicle
30.17 fuel economy, availability of alternative modes of transportation, and extreme fuel price
30.18 volatility on future transportation revenues;

30.19 (5) analysis of alternative pricing options utilized in other states and countries,
30.20 and their potential for use, public acceptance, alleviation of congestion, and revenue
30.21 generation in this state; and

30.22 (6) identification of options for road-use pricing, other alternative financing
30.23 mechanisms with particular consideration of key environmental impacts such as air
30.24 quality, water quality, and greenhouse gas emissions, and estimates of implementation
30.25 costs, user costs, and revenue.

30.26 (c) The commissioner shall report the results of the study to the legislature no later
30.27 than November 1, 2008.

30.28 **Sec. 46. STUDY AND REPORT ON SPEED LIMITS.**

30.29 The commissioner of transportation shall report to the chairs of the legislative
30.30 committees with jurisdiction over transportation and local government by January
30.31 30, 2008, on speed limits on local roads. The commissioner shall consult with local
30.32 governments and solicit input from local governments before issuing the report. The
30.33 report must include, at a minimum:

31.1 (1) whether the current statutory speed limit of 30 miles per hour in urban districts
31.2 and rural residential districts is appropriate, or if there are locations where the appropriate
31.3 speed limit is 25 miles per hour;

31.4 (2) whether the current statutory speed limit of 55 miles per hour in rural residential
31.5 districts within a city is appropriate, or if there are locations where the appropriate speed
31.6 limit is 30 miles per hour; and

31.7 (3) whether the current definitions of urban district, rural residential district, and
31.8 residential roadway are appropriate, or whether and how they should be changed.

31.9 **Sec. 47. NULLIFICATION OF EXPEDITED TOWN ROAD**
31.10 **EXTINGUISHMENT.**

31.11 (a) Any extinguishment of town interest in a town road under Minnesota Statutes,
31.12 section 164.06, subdivision 2, is hereby nullified if:

31.13 (1) the interest is not recorded or filed with the county recorder but is recorded
31.14 or filed with the county auditor;

31.15 (2) the state or a political subdivision has constructed a road or bridge improvement
31.16 on a right-of-way affected by the interest;

31.17 (3) the affected road was the only means of access to a property; and

31.18 (4) the extinguishment took place within the last ten years.

31.19 (b) Notwithstanding Minnesota Statutes, section 164.08, subdivision 1, for any
31.20 nullification under paragraph (a), the affected road is hereby deemed to be a cartway.
31.21 The provisions of Minnesota Statutes, section 164.08, subdivision 2, apply except that
31.22 "petitioner" means the property owner for whom the only means of access to a property is
31.23 by way of the affected road, and that the petitioner must not be required to pay damages
31.24 for the land upon which the cartway is established, the cost of professional and other
31.25 services, hearing costs, administrative costs, recording costs, or other costs and expenses.

31.26 (c) For purposes of this section, "affected road" means the road that the town board
31.27 extinguished town interest in.

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

31.29 **Sec. 48. REVISION OF RULE.**

31.30 The commissioner of public safety shall amend and adopt revisions to Minnesota
31.31 Rules, part 7411.0535, under the good cause exemption in Minnesota Statutes, section
31.32 14.388, subdivision 1, clause (3).

31.33 **Sec. 49. REPEALER.**

32.1 Minnesota Statutes 2006, sections 168A.05, subdivision 5a; and 325E.0951,
32.2 subdivision 3a, are repealed.

32.3 **ARTICLE 2**

32.4 **TOWING**

32.5 Section 1. Minnesota Statutes 2006, section 168B.04, subdivision 2, is amended to read:

32.6 Subd. 2. **Unauthorized vehicles.** (a) Units of government and peace officers may
32.7 take into custody and impound any unauthorized vehicle under section 169.041.

32.8 (b) A vehicle may also be impounded after it has been left unattended in one of the
32.9 following public or private locations for the indicated period of time:

32.10 (1) in a public location not governed by section 169.041:

32.11 (i) on a highway and properly tagged by a peace officer, four hours;

32.12 (ii) located so as to constitute an accident or traffic hazard to the traveling public, as
32.13 determined by a peace officer, immediately; ~~or~~

32.14 (iii) located so as to constitute an accident or traffic hazard to the traveling public
32.15 within the Department of Transportation's eight-county metropolitan district, as determined
32.16 by an authorized employee of the department's freeway service patrol, immediately; or

32.17 ~~(iii)~~ (iv) that is a parking facility or other public property owned or controlled by a
32.18 unit of government, properly posted, four hours; or

32.19 (2) on private property:

32.20 (i) that is single-family or duplex residential property, immediately;

32.21 (ii) that is private, nonresidential property, properly posted, immediately;

32.22 (iii) that is private, nonresidential property, not posted, 24 hours;

32.23 (iv) that is private, nonresidential property of an operator of an establishment for the
32.24 servicing, repair, or maintenance of motor vehicles, five business days after notifying the
32.25 vehicle owner by certified mail, return receipt requested, of the property owner's intention
32.26 to have the vehicle removed from the property; or

32.27 (v) that is any residential property, properly posted, immediately.

32.28 (c) When a tow is requested under paragraph (b), clause (1) (iii), the department shall
32.29 ensure that the tower initially requested to remove the vehicle is given the opportunity,
32.30 to the greatest reasonable extent, to actually conduct and complete all towing operations
32.31 requested; provided that, the owner of the vehicle to be towed has not already requested
32.32 that another tower remove the vehicle, in which case the tower contacted by the owner
32.33 must be given the first reasonable opportunity to conduct the towing operations required.

32.34 **EFFECTIVE DATE.** This section is effective August 1, 2007.

33.1 Sec. 2. Minnesota Statutes 2006, section 169.041, subdivision 1, is amended to read:

33.2 Subdivision 1. **Towing authority.** For purposes of this section, "towing authority"
33.3 means:

33.4 (1) any local authority authorized by section 169.04 to enforce the traffic laws, and
33.5 ~~also includes a private towing company authorized by a local authority to tow vehicles on~~
33.6 ~~behalf of that local authority; or~~

33.7 (2) an authorized employee of the Department of Transportation's freeway service
33.8 patrol within the department's eight-county metropolitan district, and also includes a
33.9 private towing company authorized by the department to tow vehicles on behalf of the
33.10 department.

33.11 **EFFECTIVE DATE.** This section is effective August 1, 2007.

33.12 Sec. 3. Minnesota Statutes 2006, section 169.041, subdivision 2, is amended to read:

33.13 Subd. 2. **Towing order required.** A towing authority may not tow a motor vehicle
33.14 from public property unless a peace officer or parking enforcement officer has prepared, in
33.15 addition to the parking citation, a written towing report describing the motor vehicle and
33.16 the reasons for towing. The report must be signed by the officer and the tow driver. Within
33.17 the Department of Transportation's eight-county metropolitan district, an authorized
33.18 employee of the department's freeway service patrol may order a tow from a trunk highway
33.19 after preparing a written towing report provided by the Minnesota State Patrol. A citation
33.20 need not be issued before the employee orders a tow. The department employee shall
33.21 ensure that the tower initially requested to remove the vehicle is given the opportunity,
33.22 to the greatest reasonable extent, to actually conduct and complete all towing operations
33.23 requested; provided that, the owner of the vehicle to be towed has not already requested
33.24 that another tower remove the vehicle, in which case the tower contacted by the owner
33.25 must be given the first reasonable opportunity to conduct the towing operations required.

33.26 **EFFECTIVE DATE.** This section is effective August 1, 2007.

33.27 Sec. 4. Minnesota Statutes 2004, section 169.86, is amended by adding a subdivision
33.28 to read:

33.29 Subd. 8. **Tow truck.** A tow truck or towing vehicle, when towing a disabled or
33.30 damaged vehicle to a place of repair or to a place of safekeeping, may exceed the length
33.31 and weight limitations of this chapter, subject to a \$300 annual permit fee and such
33.32 conditions as the commissioner may prescribe.

34.1 **ARTICLE 3**

34.2 **TRANSIT**

34.3 Section 1. Minnesota Statutes 2006, section 174.24, subdivision 2a, is amended to read:

34.4 Subd. 2a. **Eligible activities.** Activities eligible for assistance under the program
34.5 include but are not limited to:

34.6 (1) planning and engineering design for transit services and facilities;

34.7 (2) capital assistance to purchase or refurbish transit vehicles and other capital
34.8 expenditures necessary to provide a transit service;

34.9 (3) operating assistance as provided under subdivision 3b; ~~and~~

34.10 (4) partnership creation to coordinate and supplement services of county, local, and
34.11 private transit providers;

34.12 (5) design and operation of regional call centers; and

34.13 (6) other assistance for public transit services that furthers the purposes of section
34.14 174.21.

34.15 **EFFECTIVE DATE.** This section is effective July 1, 2007.

34.16 Sec. 2. Minnesota Statutes 2006, section 174.255, is amended by adding a subdivision
34.17 to read:

34.18 Subd. 1a. **Service standard.** The commissioner shall require any paratransit project
34.19 that serves disabled individuals and receives assistance under section 174.24 to allow
34.20 passengers to schedule trips up to four days in advance.

34.21 **EFFECTIVE DATE.** This section is effective January 1, 2010.

34.22 Sec. 3. Minnesota Statutes 2006, section 174.29, is amended by adding a subdivision
34.23 to read:

34.24 Subd. 4. **Supplementary paratransit.** The commissioner shall facilitate the
34.25 creation of partnerships among paratransit providers, including, but not limited to, medical
34.26 assistance transportation providers, to supplement and coordinate with available county
34.27 and local transit service.

34.28 **EFFECTIVE DATE.** This section is effective July 2, 2007.

34.29 Sec. 4. Minnesota Statutes 2006, section 174.29, is amended by adding a subdivision
34.30 to read:

35.1 Subd. 5. **Intercounty service.** The commissioner shall require providers of
35.2 service to enter into regional intercounty service agreements with adjacent counties.
35.3 The commissioner, in cooperation with state agencies that assist, provide, reimburse, or
35.4 regulate special transportation services, shall establish a reimbursement mechanism to
35.5 facilitate reimbursement for intercounty trips.

35.6 **EFFECTIVE DATE.** This section is effective January 1, 2010.

35.7 Sec. 5. Minnesota Statutes 2006, section 174.29, is amended by adding a subdivision
35.8 to read:

35.9 Subd. 6. **One-stop call centers.** The commissioner shall promote, support, and
35.10 facilitate the establishment and operation of one-stop regional call centers that assist
35.11 callers in arranging the most efficient and cost-effective available rides while meeting
35.12 passengers' needs for special equipment.

35.13 **EFFECTIVE DATE.** This section is effective January 1, 2010.

35.14 Sec. 6. Minnesota Statutes 2006, section 174.30, subdivision 4, is amended to read:

35.15 Subd. 4. **Vehicle and equipment inspection, rules; decal; complaint contact**
35.16 **information.** (a) The commissioner shall inspect or provide for the inspection of
35.17 vehicles at least annually. In addition to scheduled annual inspections and reinspections
35.18 scheduled for the purpose of verifying that deficiencies have been corrected, unannounced
35.19 inspections of any vehicle may be conducted.

35.20 (b) On determining that a vehicle or vehicle equipment is in a condition that is likely
35.21 to cause an accident or breakdown, the commissioner shall require the vehicle to be taken
35.22 out of service immediately. The commissioner shall require that vehicles and equipment
35.23 not meeting standards be repaired and brought into conformance with the standards
35.24 and shall require written evidence of compliance from the operator before allowing the
35.25 operator to return the vehicle to service.

35.26 (c) The commissioner shall provide in the rules procedures for inspecting vehicles,
35.27 removing unsafe vehicles from service, determining and requiring compliance, and
35.28 reviewing driver qualifications.

35.29 (d) The commissioner shall design a distinctive decal to be issued to special
35.30 transportation service providers with a current certificate of compliance under this section.
35.31 A decal is valid for one year from the last day of the month in which it is issued. A person
35.32 who is subject to the operating standards adopted under this section may not provide

36.1 special transportation service in a vehicle that does not conspicuously display a decal
36.2 issued by the commissioner.

36.3 (e) Special transportation service providers shall prominently display in each vehicle
36.4 all contact information for the submission of complaints regarding the transportation
36.5 services provided to that individual.

36.6 **EFFECTIVE DATE.** This section is effective July 1, 2007.

36.7 Sec. 7. Minnesota Statutes 2006, section 174.30, subdivision 9, is amended to read:

36.8 Subd. 9. ~~Complaint data; Complaints; report; data classification.~~ (a) The
36.9 commissioner shall investigate all complaints over which the commissioner has
36.10 jurisdiction regarding special transportation service providers regulated under this section.

36.11 (b) By January 15, 2008, and in every subsequent even-numbered year by
36.12 January 15, the commissioner shall submit a report to the chairs and ranking minority
36.13 members of the house of representatives and senate committees having jurisdiction over
36.14 transportation policy and finance. The report must identify each complaint investigated
36.15 by the commissioner under paragraph (a), including but not limited to any findings and
36.16 steps taken for resolution of the complaint.

36.17 (c) When information is furnished to the Department of Transportation that alleges
36.18 a violation of this section, an operating standard adopted under this section, or section
36.19 174.315, the following data are classified as confidential data or protected nonpublic data:

36.20 (1) names of complainants;

36.21 (2) complaint letters; and

36.22 (3) other unsolicited data when furnished by a person who is not the subject of the
36.23 data and who is not a department employee.

36.24 **EFFECTIVE DATE.** This section is effective July 1, 2007.

36.25 Sec. 8. Minnesota Statutes 2006, section 221.091, subdivision 2, is amended to read:

36.26 Subd. 2. **Local licensing of small vehicle passenger service.** A city that licenses
36.27 and regulates small vehicle passenger service must do so by ordinance. The ordinance
36.28 must, at a minimum, provide for driver qualifications, insurance, vehicle safety, and
36.29 periodic vehicle inspections. A city that has adopted an ordinance complying with this
36.30 subdivision may enforce the registration requirement in section 221.021. A person who
36.31 provides small vehicle passenger service to an individual for the purpose of obtaining
36.32 nonemergency medical care and who receives reimbursement under section 256B.0625,

37.1 subdivision 17, for providing the service, must comply with the rules of the commissioner
37.2 adopted under section 174.30.

37.3 **EFFECTIVE DATE.** This section is effective July 1, 2007.

37.4 Sec. 9. Minnesota Statutes 2006, section 473.1466, is amended to read:

37.5 **473.1466 TRANSPORTATION SYSTEM PERFORMANCE ~~AUDIT~~;**
37.6 **TRANSIT EVALUATION.**

37.7 ~~(a) In 1997 and every four years thereafter, the council shall provide for an~~
37.8 ~~independent entity selected through a request for proposal process conducted nationwide~~
37.9 ~~to do~~ Prior to each major revision of the transportation policy plan, the council must carry
37.10 out a performance ~~audit~~ evaluation of the ~~commuting~~ metropolitan area's transportation
37.11 system as a whole. The performance ~~audit~~ evaluation must evaluate the ~~commuting~~
37.12 area's ability to meet the ~~region's needs~~ need for effective and efficient transportation of
37.13 goods and people; ~~and~~ evaluate ~~future~~ trends and their impacts on the ~~region's~~ area's
37.14 transportation system; ~~and~~. The council shall use the results of the performance evaluation
37.15 to make recommendations for improving the system in each revision of the transportation
37.16 policy plan. ~~The performance audit must recommend performance-funding measures.~~

37.17 ~~(b) In 1999 and every four years thereafter, the council must evaluate the~~
37.18 ~~performance of the metropolitan transit system's operation in relationship to the regional~~
37.19 ~~transit performance standards developed by the council.~~

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

37.21 Sec. 10. Minnesota Statutes 2006, section 473.166, is amended to read:

37.22 **473.166 CONTROLLED ACCESS; ~~TRANSIT FIXED-GUIDEWAY~~;**
37.23 **APPROVAL.**

37.24 Before acquiring land for or constructing a controlled access highway ~~or transit~~
37.25 ~~fixed-guideway~~ in the area, the state Transportation Department or local government
37.26 unit proposing the acquisition or construction shall submit to the council a statement
37.27 describing the proposed project. The statement must be in the form and detail required by
37.28 the council. The council shall review the statement to ascertain its consistency with its
37.29 policy plan and the development guide. No project may be undertaken unless the council
37.30 determines that it is consistent with the policy plan. This approval is in addition to the
37.31 requirements of any other statute, ordinance or rule.

37.32 Sec. 11. Minnesota Statutes 2006, section 473.386, subdivision 1, is amended to read:

38.1 Subdivision 1. **Service objectives.** The council shall implement a special
38.2 transportation service, as defined in section 174.29, in the metropolitan area. The service
38.3 has the following objectives:

38.4 (a) to provide greater access to transportation for the elderly, people with disabilities,
38.5 and others with special transportation needs in the metropolitan area;

38.6 (b) to develop an integrated system of special transportation service providing
38.7 transportation tailored to meet special individual needs in the most cost-efficient manner;
38.8 and

38.9 (c) to use existing public, private, and private nonprofit providers of service
38.10 ~~wherever possible when feasible and cost-efficient~~, to supplement rather than replace
38.11 existing service, and to increase the productivity of all special transportation vehicles
38.12 available in the area.

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

38.14 Sec. 12. Minnesota Statutes 2006, section 473.386, subdivision 2, is amended to read:

38.15 Subd. 2. **Service contracts; management; transportation accessibility advisory**
38.16 **committee.** (a) The council may contract for services necessary for the provision of
38.17 special transportation. Transportation service provided under a contract must specify the
38.18 service to be provided, the standards that must be met, and the rates for operating and
38.19 providing special transportation services.

38.20 (b) The council shall establish management policies for the service and may contract
38.21 with a service administrator for day-to-day administration and management of the service.
38.22 Any contract must delegate to the service administrator clear authority to administer and
38.23 manage the delivery of the service pursuant to council management policies and must
38.24 establish performance and compliance standards for the service administrator. The council
38.25 may provide directly day to day administration and management of the service and may
38.26 own or lease vehicles used to provide the service.

38.27 (c) The council shall ensure that the service administrator establishes a system for
38.28 registering and expeditiously responding to complaints by users, informing users of how
38.29 to register complaints, and requiring providers to report on incidents that impair the safety
38.30 and well-being of users or the quality of the service.

38.31 (d) The council shall annually report to the commissioner of transportation and the
38.32 legislature on complaints and provider reports, the response of the service administrator,
38.33 and steps taken by the council and the service administrator to identify causes and provide
38.34 remedies to recurring problems on its special transportation services as part of the program
38.35 evaluation provided for in section 473.13, subdivision 1a.

39.1 ~~(d) Each year before renewing contracts with providers and the service administrator;~~
39.2 ~~the council shall provide an opportunity for the transportation accessibility advisory~~
39.3 ~~committee, users, and other interested persons to testify before the council concerning~~
39.4 ~~providers, contract terms, and other matters relating to council policies and procedures for~~
39.5 ~~implementing the service.~~

39.6 (e) The council shall provide, on an annual basis, an opportunity for users and
39.7 other interested persons to provide testimony to the council concerning services provided
39.8 under this section.

39.9 ~~(e)~~ (f) The council shall establish a Transportation Accessibility Advisory Committee
39.10 consisting of 15 members and a chair to advise the council on management policies for
39.11 the council's special transportation service. The Transportation Accessibility Advisory
39.12 Committee must include elderly and disabled persons, other users of special transportation
39.13 service, ~~representatives of persons contracting to provide special transportation services;~~
39.14 and representatives of appropriate agencies for elderly and disabled persons ~~to advise~~
39.15 ~~the council on management policies for the service.~~ At least half the Transportation
39.16 Accessibility Advisory Committee members must be ~~disabled or elderly persons or the~~
39.17 ~~representatives of disabled or elderly~~ persons who are both ADA-certified and users of
39.18 public transit in the metropolitan area. Two of the appointments to the Transportation
39.19 Accessibility Advisory Committee shall be made by the Council on Disability in
39.20 consultation with the chair of the Metropolitan Council.

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

39.22 Sec. 13. Minnesota Statutes 2006, section 473.386, subdivision 2a, is amended to read:

39.23 Subd. 2a. **Eligibility ~~certification~~ application and verification; penalty for**
39.24 **fraudulent certification.** If the council requires a person to be certified as eligible for
39.25 special transportation services, an applicant for certification must submit an application
39.26 form and the applicant's eligibility must be verified by a type of professional specified by
39.27 the council. The council shall ~~include the notice of penalty for fraudulent certification, and:~~

39.28 (1) require the applicant to sign the application form and certify that the application
39.29 information is accurate; and

39.30 (2) require the person ~~certifying~~ verifying the applicant applicant's eligibility to sign
39.31 the eligibility ~~certification~~ verification form and the applicant to sign the application form,
39.32 as provided in section 174.295 certify that the verifying information is accurate.

39.33 The penalty provided for in section 174.295, subdivision 4, applies to the
39.34 certifications by the applicant and the person verifying the applicant's eligibility. The

40.1 council must include a notice of the penalty for fraudulent certification in the application
40.2 form and the eligibility verification form.

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

40.4 Sec. 14. Minnesota Statutes 2006, section 473.386, subdivision 3, is amended to read:

40.5 Subd. 3. **Duties of council.** In implementing the special transportation service, the
40.6 council shall:

40.7 (a) encourage participation in the service by public, private, and private nonprofit
40.8 providers of special transportation currently receiving capital or operating assistance
40.9 from a public agency;

40.10 (b) when feasible and cost-efficient, contract with public, private, and private
40.11 nonprofit providers that have demonstrated their ability to effectively provide service at
40.12 a reasonable cost;

40.13 (c) encourage individuals using special transportation to use the type of service
40.14 most appropriate to their particular needs;

40.15 ~~(d) ensure that all persons providing special transportation service receive equitable~~
40.16 ~~treatment in the allocation of the ridership;~~

40.17 ~~(e)~~ (d) require special transit service providers to allow passengers to schedule trips
40.18 up to four days in advance and encourage shared rides to the greatest extent practicable;

40.19 ~~(f)~~ (e) encourage public agencies that provide transportation to eligible individuals
40.20 as a component of human services and educational programs to coordinate with this
40.21 service and to allow reimbursement for transportation provided through the service at rates
40.22 that reflect the public cost of providing that transportation;

40.23 ~~(g)~~ (f) establish criteria to be used in determining individual eligibility for special
40.24 transportation services;

40.25 ~~(h)~~ (g) consult with the Transportation Accessibility Advisory Committee in a
40.26 timely manner before changes are made in the provision of special transportation services;
40.27 ~~including, but not limited to, changes in policies affecting the matters subject to hearing~~
40.28 ~~under subdivision 2;~~

40.29 ~~(i)~~ (h) provide for effective administration and enforcement of council policies
40.30 and standards; and

40.31 ~~(j) annually evaluate providers of special transportation service to ensure compliance~~
40.32 ~~with the standards established for the program; and~~

40.33 ~~(k)~~ (i) ensure that, taken as a whole including contracts with public, private, and
40.34 private nonprofit providers, the geographic coverage area of the special transportation

41.1 service is continuous within the boundaries of the transit taxing district, as defined as of
41.2 March 1, 2006, in section 473.446, subdivision 2.

41.3 **EFFECTIVE DATE.** This section is effective the day following final enactment,
41.4 except that paragraph (d) is effective January 1, 2010.

41.5 Sec. 15. Minnesota Statutes 2006, section 473.399, is amended to read:

41.6 **473.399 TRANSIT WAYS; LIGHT RAIL TRANSIT AND COMMUTER RAIL**
41.7 **PLANNING IN METROPOLITAN AREA.**

41.8 Subdivision 1. **General requirements.** (a) The council must identify in its
41.9 transportation policy plan those heavily traveled corridors where development of a transit
41.10 way may be feasible and cost effective. Modes of providing service in a transit way may
41.11 include bus rapid transit, light rail transit, commuter rail, or other available systems or
41.12 technologies that improve transit service.

41.13 (b) After the completion of environmental studies and receipt of input from the
41.14 governing body of each statutory and home rule charter city, county, and town in which a
41.15 transit way is proposed to be constructed, the council must designate the locally preferred
41.16 alternative transit mode with respect to the corridor.

41.17 (c) The council shall ~~adopt a plan to~~ ensure that any light rail transit facilities
41.18 that are designated as the locally preferred alternative and that are to be constructed in
41.19 the metropolitan area will be acquired, developed, owned, and capable of operation in
41.20 an efficient, cost-effective, and coordinated manner in coordination with buses and other
41.21 transportation modes and facilities. ~~The plan may be developed and adopted in phases~~
41.22 ~~corresponding to phasing of construction of light rail. The council may incorporate into its~~
41.23 ~~plan appropriate elements of the plans of regional railroad authorities in order to avoid~~
41.24 ~~duplication of effort.~~

41.25 (b) ~~The light rail transit plan or first phase of the plan required by this section must~~
41.26 ~~be adopted by the council before the commissioner of transportation may begin~~ (d)
41.27 Construction of light rail transit facilities in a particular transit corridor may not commence
41.28 unless and until that mode is designated as the locally preferred alternative for that corridor
41.29 by the council. Following adoption of the plan, the commissioner of transportation shall
41.30 act in conformity with the plan. The commissioner shall prepare or amend the final design
41.31 plans as necessary to make the plans consistent with the light rail transit plan.

41.32 (c) ~~Throughout the development and implementation of the plan, the council shall~~
41.33 ~~contract for or otherwise obtain engineering services to assure that the plan adequately~~
41.34 ~~addresses the technical aspects of light rail transit.~~

42.1 Subd. 1a. **Integrated transportation system.** The commissioner of transportation
42.2 and the Metropolitan Council shall ensure that ~~the~~ light rail transit and commuter rail
42.3 facilities are planned, designed, and implemented: (1) to move commuters and transit
42.4 users into and out of, as well as within, the metropolitan area, and (2) to ensure that rail
42.5 transit lines will interface with each other and other transportation facilities and services
42.6 so as to provide a unified, integrated, and efficient multimodal transportation system.

42.7 Subd. 4. **Expenditure of state funds.** No state funds may be expended by the
42.8 Metropolitan Council to study a particular light rail transit or commuter rail facility unless
42.9 the funds are appropriated in legislation that identifies the route, including the origin
42.10 and destination.

42.11 Sec. 16. Minnesota Statutes 2006, section 473.3993, subdivision 3, is amended to read:

42.12 Subd. 3. **Final design plan.** "Final design plan" means a light rail transit plan that
42.13 includes the items in the preliminary design plan and the preliminary engineering plan for
42.14 the facilities proposed but with greater detail and specificity needed for construction. The
42.15 final design plan must include, at a minimum:

42.16 (1) final plans for the physical design of facilities, including the right-of-way
42.17 definition; environmental impacts and mitigation measures; intermodal coordination with
42.18 bus operations and routes; and civil engineering plans for vehicles, track, stations, parking,
42.19 and access, including disability access; and

42.20 (2) final plans for civil engineering for electrification, communication, and other
42.21 similar facilities; operational rules, procedures, and strategies; capital costs; ridership;
42.22 operating costs and revenues, and sources of funds for operating subsidies; financing for
42.23 construction and operation; an implementation method; and other similar matters.

42.24 The final design plan must be stated with sufficient particularity and detail to
42.25 allow the proposer to begin the acquisition and construction of operable facilities. If a
42.26 design-build implementation method is proposed, instead of civil engineering plans the
42.27 final design plan must state detailed design criteria and performance standards for the
42.28 facilities.

42.29 ~~The commissioner of transportation may use~~ A design-build method of project
42.30 development and construction may be utilized for construction of light rail transit.
42.31 Notwithstanding any law to the contrary, ~~the commissioner may award a~~ design-build
42.32 contract may be awarded on the basis of requests for proposals or requests for qualifications
42.33 without bids. "Design-build method of project development and construction" means a
42.34 project delivery system in which a single contractor is responsible for both the design and
42.35 construction of the project and bids the design and construction together.

43.1 Sec. 17. Minnesota Statutes 2006, section 473.3994, is amended to read:

43.2 **473.3994 LIGHT RAIL TRANSIT; DESIGN PLANS.**

43.3 Subd. 1a. **Designation of responsible authority.** For each proposed light rail transit
 43.4 facility in the metropolitan area, the governor must designate either the Metropolitan
 43.5 Council or the state of Minnesota acting through the commissioner of transportation as
 43.6 the entity responsible for planning, designing, acquiring, constructing, and equipping the
 43.7 facility. For the purposes of this section and section 473.3997, the term "responsible
 43.8 authority" means the entity designated by the governor for a particular light rail transit
 43.9 facility. Notwithstanding such designation, the commissioner and the council may
 43.10 enter into one or more cooperative agreements with respect to the planning, designing,
 43.11 acquiring, constructing, or equipping of a particular light rail transit facility that provide
 43.12 for the parties to exercise their respective authorities in support of the project in a manner
 43.13 that best serves the project and the public.

43.14 Subd. 2. **Preliminary design plans; public hearing.** Before final design plans are
 43.15 prepared for a light rail transit facility in the metropolitan area, the ~~commissioner of~~
 43.16 transportation responsible authority and the regional railroad authority or authorities
 43.17 in whose jurisdiction the line or lines are located must hold a public hearing on the
 43.18 physical design component of the preliminary design plans. The ~~commissioner of~~
 43.19 transportation responsible authority and the regional railroad authority or authorities in
 43.20 whose jurisdiction the line or lines are located must provide appropriate public notice of
 43.21 the hearing and publicity to ensure that affected parties have an opportunity to present
 43.22 their views at the hearing. The ~~commissioner~~ responsible authority shall summarize the
 43.23 proceedings and testimony and maintain the record of a hearing held under this section,
 43.24 including any written statements submitted.

43.25 Subd. 3. **Preliminary design plans; local approval.** (a) At least 30 days before
 43.26 the hearing under subdivision 2, the ~~commissioner of transportation~~ responsible authority
 43.27 shall submit the physical design component of the preliminary design plans to the
 43.28 governing body of each statutory and home rule charter city, county, and town in which
 43.29 the route is proposed to be located. The city, county, or town shall hold a public hearing.
 43.30 Within 45 days after the hearing under subdivision 2, the city, county, or town shall review
 43.31 and approve or disapprove the plans for the route to be located in the city, county, or town.
 43.32 A local unit of government that disapproves the plans shall describe specific amendments
 43.33 to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure
 43.34 to approve or disapprove the plans in writing within 45 days after the hearing is deemed
 43.35 to be approval, unless an extension of time is agreed to by the city, county, or town and
 43.36 the ~~commissioner of transportation~~ responsible authority.

44.1 Subd. 4. **Preliminary design plans; council referral.** If the governing body of
 44.2 one or more cities, counties, or towns disapproves the preliminary design plans within
 44.3 the period allowed under subdivision 3, the ~~commissioner of transportation may refer the~~
 44.4 ~~plans, along with any comments of local jurisdictions, to the Metropolitan Council. The~~
 44.5 council shall hold a hearing on the plans, giving the commissioner of transportation, if the
 44.6 responsible authority, any disapproving local governmental units, and other persons an
 44.7 opportunity to present their views on the plans. The council may conduct independent
 44.8 study as it deems desirable and may mediate and attempt to resolve disagreements about
 44.9 the plans. Within ~~90~~ 60 days after the ~~referral~~ hearing, the council shall review the
 44.10 plans ~~submitted by the commissioner of transportation and the council~~ and shall decide
 44.11 what amendments to the plans, if any, must be made to accommodate the objections
 44.12 presented by the disapproving local governmental units. ~~The commissioner shall make the~~
 44.13 ~~Amendments to the plans~~ as decided by the council must be made before continuing the
 44.14 planning and designing process.

44.15 Subd. 5. **Final design plans.** (a) If the final design plans incorporate a substantial
 44.16 change from the preliminary design plans with respect to location, length, or termini
 44.17 of routes; general dimension, elevation, or alignment of routes and crossings; location
 44.18 of tracks above ground, below ground, or at ground level; or station locations, before
 44.19 beginning construction, the ~~commissioner~~ responsible party shall submit the changed
 44.20 component of the final design plans to the governing body of each statutory and home
 44.21 rule city, county, and town in which the changed component is proposed to be located.
 44.22 Within 60 days after the submission of the plans, the city, county, or town shall review
 44.23 and approve or disapprove the changed component located in the city, county, or town. A
 44.24 local unit of government that disapproves the change shall describe specific amendments
 44.25 to the plans that, if adopted, would cause the local unit to withdraw its disapproval.
 44.26 Failure to approve or disapprove the changed plans in writing within the time period is
 44.27 deemed to be approval, unless an extension is agreed to by the city, county, or town and
 44.28 the ~~commissioner~~ responsible authority.

44.29 (b) If the governing body of one or more cities, counties, or towns disapproves the
 44.30 changed plans within the period allowed under paragraph (a), the ~~commissioner may refer~~
 44.31 ~~the plans, along with any comments of local jurisdictions, to the Metropolitan Council.~~
 44.32 ~~The~~ council shall review the final design plans under the same procedure and with the
 44.33 same effect as provided in subdivision 4 for preliminary design plans.

44.34 Subd. 7. **Council review.** If the commissioner is the responsible authority, before
 44.35 proceeding with construction of a light rail transit facility, the commissioner must submit

45.1 preliminary and final design plans to the Metropolitan Council. The council must review
45.2 the plans for consistency with the council's development guide and approve the plans.

45.3 Subd. 8. **Metropolitan significance.** This section does not diminish or replace the
45.4 authority of the council under section 473.173.

45.5 Subd. 9. **Light rail transit operating costs.** (a) Before submitting an application for
45.6 federal assistance for light rail transit facilities in the metropolitan area, the ~~applicant must~~
45.7 ~~provide to the~~ Metropolitan Council ~~estimates~~ must prepare an estimate of the amount
45.8 of operating subsidy which will be required to operate light rail transit in the corridor to
45.9 which the federal assistance would be applied. The ~~information provided to the council~~
45.10 estimate must indicate the amount of operating subsidy estimated to be required in each
45.11 of the first ten years of operation of the light rail transit facility. If the commissioner of
45.12 transportation is the responsible authority, the commissioner must provide information
45.13 requested by the council that is necessary to make the estimate.

45.14 (b) The council must review and evaluate the ~~information provided~~ estimate
45.15 developed under paragraph (a) with regard to the effect of operating the light rail transit
45.16 facility on the currently available mechanisms for financing transit in the metropolitan area.

45.17 Subd. 10. **Corridor Management Committee.** The responsible authority
45.18 must establish a Corridor Management Committee ~~shall be established~~ to advise the
45.19 ~~commissioner of transportation~~ responsible authority in the design and construction of
45.20 light rail transit in each corridor to be constructed. The Corridor Management Committee
45.21 for each corridor shall consist of the following members:

45.22 (1) one member appointed by each city and county in which the corridor is located;

45.23 (2) the commissioner of transportation or a designee of the commissioner;

45.24 (3) two members appointed by the Metropolitan Council, one of whom shall be
45.25 designated as the chair of the committee;

45.26 (4) one member appointed by the Metropolitan Airports Commission, if the
45.27 designated corridor provides direct service to the Minneapolis-St. Paul International
45.28 Airport; and

45.29 (5) one member appointed by the president of the University of Minnesota, if the
45.30 designated corridor provides direct service to the university.

45.31 The Corridor Management Committee shall advise the ~~commissioner of~~
45.32 ~~transportation~~ responsible authority on issues relating to ~~the alternatives analysis;~~
45.33 environmental review, preliminary design, preliminary engineering, final design,
45.34 implementation method, and construction of light rail transit in the corridor.

45.35 Subd. 13. **Dispute resolution.** In the event of a dispute between any of the parties
45.36 arising from the parties' respective authority and responsibility under this section, the

46.1 dispute shall be submitted to the Metropolitan Council for final resolution by any party to
46.2 the dispute. The Metropolitan Council shall establish by July 1, 1993, a process to ensure
46.3 a prompt and speedy resolution of the dispute. This process shall allow the parties to
46.4 provide evidence and testimony in support of their positions.

46.5 Subd. 14. **Transfer of facility after construction.** If the commissioner of
46.6 transportation is the responsible authority for a particular light rail transit facility, the
46.7 commissioner must transfer to the Metropolitan Council all facilities constructed and
46.8 all equipment and property acquired in developing the facility upon completion of
46.9 construction.

46.10 Sec. 18. Minnesota Statutes 2006, section 473.3997, is amended to read:

46.11 **473.3997 FEDERAL FUNDING; LIGHT RAIL TRANSIT.**

46.12 (a) Upon completion of the alternatives analysis and draft environmental impact
46.13 statement, and selection of the locally preferred alternative, ~~for the central corridor~~
46.14 ~~transit improvement project~~ each light rail transit facility, the council, the commissioner
46.15 ~~of transportation, and the affected regional rail authorities~~ responsible authority may
46.16 prepare ~~a joint~~ an application for federal assistance for ~~the light rail transit facilities in the~~
46.17 ~~metropolitan area~~ facility. If the commissioner is the responsible authority, the application
46.18 must be reviewed and approved by the Metropolitan Council before it is submitted by the
46.19 ~~council and the commissioner.~~ In reviewing the application the council must consider the
46.20 ~~information submitted to it~~ operating cost estimate developed under section 473.3994,
46.21 subdivision 9.

46.22 (b) ~~Until the application described in paragraph (a) is submitted~~ Except for the
46.23 designated responsible authority for a particular light rail transit facility, no political
46.24 subdivision in the metropolitan area may on its own apply for federal assistance for light
46.25 rail transit planning or construction.

46.26 Sec. 19. **[473.3999] LIGHT RAIL TRANSIT CONSTRUCTION IN THE**
46.27 **METROPOLITAN AREA; COUNCIL AUTHORITY.**

46.28 The Metropolitan Council may exercise the powers granted in this chapter and in
46.29 other applicable law, as necessary, to plan, design, acquire, construct, and equip light rail
46.30 transit facilities in the metropolitan area as defined in section 473.121, subdivision 2.

46.31 Sec. 20. Minnesota Statutes 2006, section 473.4051, is amended to read:

46.32 **473.4051 LIGHT RAIL TRANSIT OPERATION.**

47.1 The council shall operate all light rail transit facilities and services located in the
47.2 metropolitan area upon completion of construction of the facilities and the commencement
47.3 of revenue service using the facilities. ~~The commissioner of transportation and the council~~
47.4 may not allow the commencement of revenue service until after an appropriate period of
47.5 acceptance testing to ensure safe and satisfactory performance. In assuming the operation
47.6 of the system, the council must comply with section 473.415. The council shall coordinate
47.7 operation of the light rail transit system with bus service to avoid duplication of service
47.8 on a route served by light rail transit and to ensure the widest possible access to light rail
47.9 transit lines in both suburban and urban areas by means of a feeder bus system.

47.10 **Sec. 21. REPORTS ON SPECIAL TRANSPORTATION SERVICES.**

47.11 (a) The commissioner of transportation with respect to special transportation
47.12 services outside the metropolitan area, and the Metropolitan Council, with respect to
47.13 special transportation services within the metropolitan area, shall each:

47.14 (1) assess transit needs of people with disabilities;

47.15 (2) establish a five-year phased plan to meet the identified needs to the maximum
47.16 feasible extent;

47.17 (3) incorporate a minimum of service for 14 hours per day into the five-year plan;

47.18 (4) identify both capital and operating needs for each year of the phased plan, as
47.19 well as ongoing needs of the fully implemented program; and

47.20 (5) identify all funding sources and proposals for utilizing federal funds.

47.21 (b) The commissioner of transportation and the Metropolitan Council shall each
47.22 report findings and recommendations under this section to the chairs and ranking minority
47.23 members of the senate and house of representatives committees with jurisdiction over
47.24 transportation finance and policy no later than December 15, 2008.

47.25 **Sec. 22. REPEALER.**

47.26 (a) Minnesota Statutes 2006, sections 473.1465; and 473.247, are repealed.

47.27 (b) Laws 1999, chapter 230, section 44, is repealed.

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

47.29 **Sec. 23. EFFECTIVE DATE.**

47.30 Sections 10, 15, 16, 17, 18, and 20, are effective the day following final enactment
47.31 and apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and
47.32 Washington.

ARTICLE 4

REGISTRATION PLATES

48.1
48.2

48.3 Section 1. Minnesota Statutes 2006, section 168.10, subdivision 1a, is amended to read:

48.4 Subd. 1a. **Collector's vehicle, pioneer license.** (a) Any motor vehicle manufactured
48.5 prior to 1936 and owned and operated solely as a collector's item shall be listed for
48.6 taxation and registration as follows: An affidavit shall be executed stating the name and
48.7 address of the owner, the name and address of the person from whom purchased, the make
48.8 of the motor vehicle, year and number of the model, the manufacturer's identification
48.9 number and that the vehicle is owned and operated solely as a collector's item and not for
48.10 general transportation purposes. If the registrar commissioner is satisfied that the affidavit
48.11 is true and correct and the owner pays a \$25 tax and the plate fee authorized under section
48.12 168.12, the registrar commissioner shall list such vehicle for taxation and registration and
48.13 shall issue a single number plate.

48.14 (b) The number plate so issued shall bear the inscription "Pioneer," "Minnesota"
48.15 and the registration number or other combination of characters authorized under section
48.16 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long
48.17 as the vehicle is in existence in Minnesota. The registrar commissioner has the power to
48.18 revoke said plate for failure to comply with this subdivision.

48.19 Sec. 2. Minnesota Statutes 2006, section 168.10, subdivision 1b, is amended to read:

48.20 Subd. 1b. **Collector's vehicle, classic car license.** (a) Any motor vehicle
48.21 manufactured between and including the years 1925 and 1948, and designated by the
48.22 ~~registrar of motor vehicles~~ commissioner as a classic car because of its fine design, high
48.23 engineering standards, and superior workmanship, and owned and operated solely as a
48.24 collector's item shall be listed for taxation and registration as follows: An affidavit shall be
48.25 executed stating the name and address of the owner, the name and address of the person
48.26 from whom purchased, the make of the motor vehicle, year and number of the model, the
48.27 manufacturer's identification number and that the vehicle is owned and operated solely as a
48.28 collector's item and not for general transportation purposes. If the registrar commissioner
48.29 is satisfied that the affidavit is true and correct and that the motor vehicle qualifies to
48.30 be classified as a classic car, and the owner pays a \$25 tax and the plate fee authorized
48.31 under section 168.12, the registrar commissioner shall list such vehicle for taxation and
48.32 registration and shall issue a single number plate.

48.33 (b) The number plate so issued shall bear the inscription "Classic Car," "Minnesota,"
48.34 and the registration number or other combination of characters authorized under section

49.1 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long
49.2 as the vehicle is in existence in Minnesota. The registrar commissioner has the power to
49.3 revoke said plate for failure to comply with this subdivision.

49.4 (c) The following cars built between and including 1925 and 1948 are classic:

49.5 A.C.

49.6 Adler

49.7 Alfa Romeo

49.8 Alvis Speed 20, 25, and 4.3 litre.

49.9 Amilcar

49.10 Aston Martin

49.11 Auburn All 8-cylinder and 12-cylinder models.

49.12 Audi

49.13 Austro-Daimler

49.14 Avions Voisin 12

49.15 Bentley

49.16 Blackhawk

49.17 B.M.W. Models 327, 328, and 335 only.

49.18 Brewster (Heart-front Ford)

49.19 Bugatti

49.20 Buick 1931 through 1942: series 90 only.

49.21 Cadillac All 1925 through 1935.

49.22 All 12's and 16's.

49.23 1936-1948: Series 63, 65, 67,

49.24 70, 72, 75, 80, 85 and 90 only.

49.25 1938-1947: 60 special only.

49.26 1940-1947: All 62 Series.

49.27 Chrysler 1926 through 1930: Imperial 80.

49.28 1929: Imperial L.

49.29 1931 through 1937: Imperial Series CG,

49.30 CH, CL, and CW.

49.31 All Newports and Thunderbolts.

49.32 1934 CX.

49.33 1935 C-3.

49.34 1936 C-11.

49.35 1937 through 1948: Custom Imperial,

49.36 Crown Imperial Series C-15, C-20, C-24,

49.37 C-27, C-33, C-37, and C-40.

49.38 Cord

49.39 Cunningham

49.40 Dagmar Model 25-70 only.

49.41 Daimler

49.42 Delage

49.43 Delahaye

| | | |
|-------|---------------------|--|
| 50.1 | Doble | |
| 50.2 | Dorris | |
| 50.3 | Duesenberg | |
| 50.4 | du Pont | |
| 50.5 | Franklin | All models except 1933-34 Olympic Sixes. |
| 50.6 | Frazer Nash | |
| 50.7 | Graham | 1930-1931: Series 137. |
| 50.8 | Graham-Paige | 1929-1930: Series 837. |
| 50.9 | Hispano Suiza | |
| 50.10 | Horch | |
| 50.11 | Hotchkiss | |
| 50.12 | Invicta | |
| 50.13 | Isotta Fraschini | |
| 50.14 | Jaguar | |
| 50.15 | Jordan | Speedway Series 'Z' only. |
| 50.16 | Kissel | 1925, 1926 and 1927: Model 8-75. |
| 50.17 | | 1928: Model 8-90, and 8-90 White Eagle. |
| 50.18 | | 1929: Model 8-126, and 8-90 White Eagle. |
| 50.19 | | 1930: Model 8-126. |
| 50.20 | | 1931: Model 8-126. |
| 50.21 | Lagonda | |
| 50.22 | Lancia | |
| 50.23 | La Salle | 1927 through 1933 only. |
| 50.24 | Lincoln | All models K, L, KA, and KB. |
| 50.25 | | 1941: Model 168H. |
| 50.26 | | 1942: Model 268H. |
| 50.27 | Lincoln Continental | 1939 through 1948. |
| 50.28 | Locomobile | All models 48 and 90. |
| 50.29 | | 1927: Model 8-80. |
| 50.30 | | 1928: Model 8-80. |
| 50.31 | | 1929: Models 8-80 and 8-88. |
| 50.32 | Marmon | All 16-cylinder models. |
| 50.33 | | 1925: Model 74. |
| 50.34 | | 1926: Model 74. |
| 50.35 | | 1927: Model 75. |
| 50.36 | | 1928: Model E75. |
| 50.37 | | 1931: Model 88, and Big 8. |
| 50.38 | Maybach | |
| 50.39 | McFarlan | |
| 50.40 | Mercedes Benz | All models 2.2 litres and up. |
| 50.41 | Mercer | |
| 50.42 | M.G. | 6-cylinder models only. |
| 50.43 | Minerva | |

| | | |
|-------|----------------|--|
| 51.1 | Nash | 1931: Series 8-90. |
| 51.2 | | 1932: Series 9-90, |
| 51.3 | | Advanced 8, and Ambassador 8. |
| 51.4 | | 1933-1934: Ambassador 8. |
| 51.5 | Packard | 1925 through 1934: All models. |
| 51.6 | | 1935 through 1942: Models 1200, |
| 51.7 | | 1201, 1202, 1203, 1204, 1205, 1207, |
| 51.8 | | 1208, 1400, 1401, 1402, 1403, 1404, |
| 51.9 | | 1405, 1407, 1408, 1500, 1501, 1502, |
| 51.10 | | 1506, 1507, 1508, 1603, 1604, 1605, |
| 51.11 | | 1607, 1608, 1705, 1707, 1708, 1806, |
| 51.12 | | 1807, 1808, 1906, 1907, 1908, 2006, |
| 51.13 | | 2007, and 2008 only. |
| 51.14 | | 1946 and 1947: Models 2106 and |
| 51.15 | | 2126 only. |
| 51.16 | Peerless | 1926 through 1928: Series 69. |
| 51.17 | | 1930-1931: Custom 8. |
| 51.18 | | 1932: Deluxe Custom 8. |
| 51.19 | Pierce Arrow | |
| 51.20 | Railton | |
| 51.21 | Renault | Grand Sport model only. |
| 51.22 | Reo | 1930-1931: Royale Custom 8, and |
| 51.23 | | Series 8-35 and 8-52 Elite 8. |
| 51.24 | | 1933: Royale Custom 8. |
| 51.25 | Revere | |
| 51.26 | Roamer | 1925: Series 8-88, 6-54e, and 4-75. |
| 51.27 | | 1926: Series 4-75e, and 8-88. |
| 51.28 | | 1927-1928: Series 8-88. |
| 51.29 | | 1929: Series 8-88, and 8-125. |
| 51.30 | | 1930: Series 8-125. |
| 51.31 | Rohr | |
| 51.32 | Rolls Royce | |
| 51.33 | Ruxton | |
| 51.34 | Salmson | |
| 51.35 | Squire | |
| 51.36 | Stearns Knight | |
| 51.37 | Stevens Duryea | |
| 51.38 | Steyr | |
| 51.39 | Studebaker | 1929-1933: President, except model 82. |
| 51.40 | Stutz | |
| 51.41 | Sunbeam | |
| 51.42 | Talbot | |
| 51.43 | Triumph | Dolomite 8 and Gloria 6. |

52.1 Vauxhall Series 25-70 and 30-98 only.
52.2 Voisin
52.3 Wills Saint Claire

52.4 (d) No commercial vehicles such as hearses, ambulances, or trucks are considered
52.5 to be classic cars.

52.6 Sec. 3. Minnesota Statutes 2006, section 168.10, subdivision 1c, is amended to read:

52.7 Subd. 1c. **Collector's vehicle, collector plate.** (a) The owner of any self-propelled
52.8 motor vehicle, including any truck, (1) that is (i) at least 20 model years old, or (ii) at
52.9 least ten model years old and with a body or engine style of which not more than 500
52.10 were manufactured in or imported into the United States in any model year, (2) that was
52.11 manufactured after 1935, and (3) that is owned and operated solely as a collector's vehicle,
52.12 shall list the vehicle for taxation and registration as provided in paragraph (b).

52.13 (b) The owner shall execute an affidavit stating (1) the name and address of the
52.14 person from whom purchased and of the new owner, (2) the make of the motor vehicle,
52.15 (3) the year and number of the model, (4) the manufacturer's identification number, (5)
52.16 in the case of a vehicle described in paragraph (a), clause (1)(ii), that the vehicle has a
52.17 body or engine style of which not more than 500 were manufactured or imported into the
52.18 United States in any model year, and (6) that the vehicle is owned and operated solely as a
52.19 collector's item and not for general transportation purposes.

52.20 (c) The owner shall provide a statement of the manufacturer or importer regarding
52.21 the number of vehicles manufactured or imported during the model year.

52.22 (d) The owner shall also prove that the owner also has one or more vehicles with
52.23 regular license plates.

52.24 If the registrar commissioner is satisfied that the affidavit is true and correct and the
52.25 owner pays a \$25 tax and the plate fee authorized under section 168.12, the registrar
52.26 commissioner shall list the vehicle for taxation and registration and shall issue a single
52.27 number plate.

52.28 (e) The number plate issued shall bear the inscription "Collector," "Minnesota,"
52.29 and the registration number or other combination of characters authorized under section
52.30 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long
52.31 as the vehicle is in existence in Minnesota. The registrar commissioner has the power to
52.32 revoke the plate for failure to comply with this subdivision.

52.33 Sec. 4. Minnesota Statutes 2006, section 168.10, subdivision 1d, is amended to read:

53.1 Subd. 1d. **Collector's vehicle, street rod license.** Any modernized motor vehicle
 53.2 manufactured prior to the year 1949 or designed and manufactured to resemble such
 53.3 vehicle shall be listed for taxation and registration as follows:

53.4 An affidavit shall be executed stating the name and address of the person from
 53.5 whom purchased and of the new owner, the make of the motor vehicle, year number of
 53.6 model, and the manufacturer's identification number. The affidavit shall further state that
 53.7 the vehicle is owned and operated solely as a street rod and not for general transportation
 53.8 purposes. The owner must also prove that the owner has one or more vehicles with regular
 53.9 license plates. If the registrar commissioner is satisfied that the affidavit is true and
 53.10 correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12,
 53.11 the registrar commissioner shall list such vehicle for taxation and registration and shall
 53.12 issue a single number plate.

53.13 The number plate issued shall bear the inscription "Street Rod", "Minnesota" and the
 53.14 registration number or other combination of characters authorized under section 168.12,
 53.15 subdivision 2a, but no date. The number plate is valid without renewal as long as the
 53.16 vehicle is in existence in Minnesota. The registrar commissioner has the power to revoke
 53.17 such plate for failure to comply with this subdivision.

53.18 Sec. 5. Minnesota Statutes 2006, section 168.10, subdivision 1g, is amended to read:

53.19 Subd. 1g. **Original plates.** A vehicle registered pursuant to subdivision 1a, 1b, 1c
 53.20 or 1d may in lieu of being issued number plates by the registrar commissioner display
 53.21 original Minnesota number plates issued in the same year as the model year of the car
 53.22 on which they are displayed. The number of the original plates must be provided to the
 53.23 registrar commissioner. The original plates must be in good condition ~~and shall be used in~~
 53.24 ~~pairs one to be displayed in the front of the car and one in the rear, except for an original~~
 53.25 ~~plate issued in 1911, 1944, 1945, or 1946 which may be used singly and displayed at the~~
 53.26 ~~rear of the vehicle.~~ Original Minnesota number plates shall not be used if the number on
 53.27 the original plate is identical to a number on any current ~~street rod~~ plate or any other plate
 53.28 in a numbering system used by the registrar commissioner without written authorization
 53.29 from the commissioner. Any person currently using plates issued pursuant to subdivision
 53.30 1a, 1b, 1c or 1d shall return those plates to the registrar commissioner before substituting
 53.31 original plates. The ~~registrar may~~ registrar commissioner shall charge a fee of \$10 for registering
 53.32 the number on original plates.

53.33 Sec. 6. Minnesota Statutes 2006, section 168.10, subdivision 1h, is amended to read:

54.1 Subd. 1h. **Collector military vehicle.** (a) A motor vehicle, including a truck, shall
54.2 be listed and registered under this section if it meets the following conditions:

54.3 (1) it is at least 20 years old;

54.4 (2) its first owner following its manufacture was a branch of the armed forces of
54.5 the United States and it presently conforms to the vehicle specifications required during
54.6 the time of military ownership, or it has been restored and presently conforms to the
54.7 specifications required by a branch of the armed forces for the model year that the restored
54.8 vehicle could have been owned by that branch of the armed forces; and

54.9 (3) it is owned by a nonprofit organization and operated solely as a collector's
54.10 vehicle. For purposes of this subdivision, "nonprofit organization" means a corporation,
54.11 society, association, foundation, or institution organized and operated exclusively for
54.12 historical or educational purposes, no part of the net earnings of which inures to the
54.13 benefit of a private individual.

54.14 (b) The owner of the vehicle shall execute an affidavit stating the name and address
54.15 of the person from whom purchased and of the new owner; the make, year, and model
54.16 number of the motor vehicle; the manufacturer's identification number; and the collector
54.17 military vehicle identification number, if any, located on the exterior of the vehicle. The
54.18 affidavit must affirm that the vehicle is owned by a nonprofit organization and is operated
54.19 solely as a collector's item and not for general transportation purposes. If the ~~registrar~~
54.20 commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25
54.21 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall
54.22 list the vehicle for taxation and registration and shall issue number plates. The number
54.23 plates shall bear the inscriptions "Collector" and "Minnesota" and the registration number,
54.24 but no date. The number plates are valid without renewal as long as the vehicle is in
54.25 existence in Minnesota. The ~~registrar~~ commissioner may revoke the plates for failure
54.26 to comply with this subdivision.

54.27 (c) Notwithstanding section 168.09, 168.12, or other law to the contrary, the owner
54.28 of a registered collector military vehicle is not required to display registration plates on the
54.29 exterior of the vehicle if the vehicle has an exterior number identification that conforms to
54.30 the identifying system for military vehicles in effect when the vehicle was last owned by
54.31 the branch of the armed forces of the United States or in effect in the year to which the
54.32 collector military vehicle has been restored. However, the state registration plates must be
54.33 carried in or on the collector military vehicle at all times.

54.34 (d) The owner of a registered collector military vehicle that is not required to display
54.35 registration plates under paragraph (c) may tow a registered trailer behind it. The trailer
54.36 is not required to display registration plates if the trailer:

- 55.1 (1) does not exceed a gross weight of 15,000 pounds;
- 55.2 (2) otherwise conforms to registration, licensing, and safety laws and specifications;
- 55.3 (3) conforms to military specifications for appearance and identification;
- 55.4 (4) is intended to represent and does represent a military trailer; and
- 55.5 (5) carries registration plates on or in the trailer or the collector military vehicle
- 55.6 towing the trailer.

55.7 Sec. 7. Minnesota Statutes 2006, section 168.10, subdivision 1i, is amended to read:

55.8 Subd. 1i. **Collector plate transfer.** Notwithstanding section 168.12, subdivision 1,
55.9 on payment of a transfer fee of \$5, plates issued under this section may be transferred to
55.10 another vehicle owned or jointly owned by the person to whom the special plates were
55.11 issued or the plate may be assigned to another owner. In addition to the transfer fee a new
55.12 owner must pay the \$25 ~~plate tax~~ or and any fee required by section 168.12, subdivision
55.13 2a. The \$5 fee must be paid into the state treasury and credited to the highway user tax
55.14 distribution fund. License plates issued under this section may not be transferred to a
55.15 vehicle not eligible for the collector's vehicle license plates.

55.16 Sec. 8. Minnesota Statutes 2006, section 168.12, subdivision 1, is amended to read:

55.17 Subdivision 1. **Plates; design, visibility, periods of issuance.** (a) The commissioner,
55.18 upon approval and payment, shall issue to the applicant the plates required by this chapter,
55.19 bearing the state name and an assigned vehicle registration number. The number assigned
55.20 by the commissioner may be a combination of a letter or sign with figures. The color of the
55.21 plates and the color of the abbreviation of the state name and the number assigned must
55.22 be in marked contrast. The plates must be lettered, spaced, or distinguished to suitably
55.23 indicate the registration of the vehicle according to the rules of the commissioner.

55.24 (b) When a vehicle is registered on the basis of total gross weight, the plates issued
55.25 must clearly indicate by letters or other suitable insignia the maximum gross weight
55.26 for which the tax has been paid.

55.27 (c) The plates must be so treated as to be at least 100 times brighter than the
55.28 conventional painted number plates. When properly mounted on an unlighted vehicle, the
55.29 plates, when viewed from a vehicle equipped with standard headlights, must be visible for
55.30 a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

55.31 (d) The commissioner shall issue plates for the following periods:

55.32 (1) New plates issued pursuant to section 168.012, subdivision 1, must be issued to a
55.33 vehicle for as long as the vehicle is owned by the exempt agency and the plate shall not be

56.1 transferable from one vehicle to another but the plate may be transferred with the vehicle
56.2 from one tax-exempt agency to another.

56.3 (2) Plates issued for passenger automobiles must be issued for a seven-year period.

56.4 All plates issued under this paragraph must be replaced if they are seven years old or older
56.5 at the time of registration renewal or will become so during the registration period.

56.6 (3) Plates issued under sections 168.053 and 168.27, subdivisions 16 and 17, must
56.7 be for a seven-year period.

56.8 (4) Plates issued under subdivisions 2c and 2d and section 168.123 must be issued
56.9 for the life of the veteran under section 169.79.

56.10 (5) Plates for any vehicle not specified in clauses (1) to (3), ~~except for trailers as~~
56.11 ~~hereafter provided~~, must be issued for the life of the vehicle. ~~Beginning with plates issued~~
56.12 ~~for the year 1981, plates issued for trailers with a total gross weight of 3,000 pounds or~~
56.13 ~~less must be issued for the life of the trailer and must be not more than seven inches in~~
56.14 ~~length and four inches in width.~~

56.15 (e) In a year in which plates are not issued, the commissioner shall issue for each
56.16 registration a sticker to designate the year of registration. This sticker must show the year
56.17 or years for which the sticker is issued, and is valid only for that period. The plates and
56.18 stickers issued for a vehicle may not be transferred to another vehicle during the period
56.19 for which the sticker is issued, except when issued for a vehicle registered under section
56.20 168.187.

56.21 (f) Despite any other provision of this subdivision, plates issued to a vehicle used
56.22 for behind-the-wheel instruction in a driver education course in a public school may
56.23 be transferred to another vehicle used for the same purpose without payment of any
56.24 additional fee. The public school shall notify the commissioner of each transfer of plates
56.25 under this paragraph. The commissioner may prescribe a format for notification.

56.26 Sec. 9. Minnesota Statutes 2006, section 168.12, subdivision 2, is amended to read:

56.27 Subd. 2. **Amateur radio licensee; special plates, rules.** (a) The commissioner shall
56.28 issue amateur radio plates to an applicant who:

56.29 (1) is an owner of a passenger automobile or recreational motor vehicle;

56.30 (2) is a resident of this state;

56.31 (3) holds an official amateur radio station license or a citizens radio service class D
56.32 license, in good standing, issued by the Federal Communications Commission;

56.33 (4) pays the registration tax required under section 168.013;

56.34 (5) pays a fee of \$10 for each set of special plates and any other fees required by
56.35 this chapter; and

57.1 (6) complies with this chapter and rules governing the registration of motor vehicles
57.2 and licensing of drivers;

57.3 (b) In lieu of the registration number required for identification under subdivision 1,
57.4 the plates must indicate the official amateur call letters of the applicant, as assigned by the
57.5 Federal Communications Commission, and the words "AMATEUR RADIO."

57.6 (c) This provision for the issue of special plates applies only if the applicant's motor
57.7 vehicle is already registered in Minnesota so that the applicant has valid regular Minnesota
57.8 plates issued for that motor vehicle under which to operate it during the time that it will
57.9 take to have the necessary special plates made.

57.10 (d) If owning more than one motor vehicle of the type specified in this subdivision,
57.11 the applicant may apply for special plates for each ~~of not more than two motor vehicles~~
57.12 motor vehicle and, if each application complies with this subdivision, the commissioner
57.13 shall furnish the applicant with the special plates, indicating the official amateur call
57.14 letters and other distinguishing information as the commissioner considers necessary, for
57.15 each of the ~~two~~ motor vehicles.

57.16 (e) The commissioner may make reasonable rules governing the use of the special
57.17 plates as will assure the full compliance by the owner of the special plates, with all existing
57.18 laws governing the registration of motor vehicles and the transfer and use of the plates.

57.19 (f) Despite any contrary provision of subdivision 1, the special plates issued under
57.20 this subdivision may be transferred by an owner to another motor vehicle listed in
57.21 paragraph (a) and registered to the same owner, upon the payment of a fee of \$5. The
57.22 commissioner must be notified before the transfer and may prescribe a format for the
57.23 notification.

57.24 Sec. 10. Minnesota Statutes 2006, section 168.12, subdivision 2a, is amended to read:

57.25 Subd. 2a. **Personalized plates; rules.** (a) The commissioner ~~shall~~ may issue
57.26 personalized plates or, if requested for special plates issued under section 168.123 for
57.27 veterans, 168.124 for medal of honor recipients, or 168.125 for former prisoners of war,
57.28 applicable personalized special veterans plates, to an applicant who:

57.29 (1) is an owner of a passenger automobile including a passenger automobile
57.30 registered as a classic car, pioneer car, collector car, or street rod; any truck with a
57.31 manufacturer's nominal rated capacity of one ton or less and resembling a pickup truck; a
57.32 motorcycle, including a classic motorcycle; a motorized bicycle; a commuter van as
57.33 defined in section 168.126; or a recreational ~~motor~~ vehicle;

57.34 (2) pays a onetime fee of \$100 and any other fees required by this chapter;

57.35 (3) pays the registration tax required by this chapter for the motor vehicle; and

58.1 (4) complies with this chapter and rules governing registration of motor vehicles
58.2 and licensing of drivers.

58.3 (b) The commissioner shall charge a replacement fee for personalized license plates
58.4 and personalized special veterans plates issued under section 168.123 as specified in
58.5 subdivision 5. This fee must be paid by the applicant whenever the personalized plates are
58.6 required to be replaced by law, except that as provided in section 168.124, subdivision
58.7 3, and 168.125, subdivision 1b, no fee may be charged to replace plates issued under
58.8 those sections.

58.9 (c) In lieu of the registration number assigned as provided in subdivision 1,
58.10 personalized plates and personalized special veterans plates must have imprinted on them
58.11 a series of not more than seven numbers and letters, or five numbers and letters for
58.12 personalized special veterans plates, in any combination and, as applicable, satisfy the
58.13 design requirements of section 168.123, 168.124, or 168.125. When an applicant has once
58.14 obtained personalized plates or personalized special veterans plates, the applicant shall
58.15 have a prior claim for similar personalized plates or personalized special veterans plates in
58.16 the next succeeding year as long as current motor vehicle registration is maintained.

58.17 (d) The commissioner shall adopt rules in the manner provided by chapter 14,
58.18 regulating the issuance and transfer of personalized plates and personalized special
58.19 veterans plates. No words or combination of letters placed on these plates may be used
58.20 for commercial advertising, be of an obscene, indecent, or immoral nature, or be of a
58.21 nature that would offend public morals or decency. The call signals or letters of a radio or
58.22 television station are not commercial advertising for the purposes of this subdivision.

58.23 (e) Despite the provisions of subdivision 1, personalized plates and personalized
58.24 special veterans plates issued under this subdivision may be transferred to another motor
58.25 vehicle listed in paragraph (a) and owned by the applicant, upon the payment of a fee of \$5.

58.26 (f) The commissioner may by rule specify the format for notification.

58.27 (g) A personalized plate or personalized special veterans plate issued for a classic
58.28 car, pioneer car, collector car, street rod, or classic motorcycle may not be transferred
58.29 to a vehicle not eligible for such a plate.

58.30 (h) Despite any law to the contrary, if the personalized license plates are lost, stolen,
58.31 or destroyed, the applicant may apply and must be issued duplicate license plates bearing
58.32 the same combination of letters and numbers and the same design as (1) the former
58.33 personalized plates or personalized special veterans plates under section 168.123 upon
58.34 the payment of the fee required by section 168.29 or (2) the former personalized special
58.35 veterans plates issued under section 168.124 or 168.125, without charge.

59.1 Sec. 11. Minnesota Statutes 2006, section 168.12, subdivision 2b, is amended to read:

59.2 Subd. 2b. **Firefighters; special plates, rules.** (a) The commissioner shall issue
59.3 special plates, or a single license plate in the case of a motorcycle plate, to any applicant
59.4 who:

59.5 (1) is both a member of a fire department receiving state aid under chapter 69 and an
59.6 owner of a passenger automobile, a truck with a manufacturer's nominal rated capacity of
59.7 one ton and resembling a pickup truck, or a motorcycle;

59.8 (2) pays a fee of \$10 and any other fees required by this chapter;

59.9 (3) pays the registration tax required by this chapter for the motor vehicle; and

59.10 (4) complies with this chapter and rules governing the registration of motor vehicles
59.11 and licensing of drivers.

59.12 (b) In lieu of the identification required under subdivision 1, the special plates must
59.13 bear an emblem of a Maltese Cross together with any numbers or characters prescribed
59.14 by the commissioner. ~~No applicant shall receive more than two sets of plates for motor~~
59.15 ~~vehicles owned by the applicant.~~

59.16 (c) Special plates issued under this subdivision may only be used during the period
59.17 that the owner of the motor vehicle is a member of a fire department as specified in this
59.18 subdivision. When the individual to whom the special plates were issued is no longer a
59.19 member of a fire department or when the motor vehicle ownership is transferred, the
59.20 owner shall remove the special plates from the motor vehicle. If the commissioner
59.21 receives written notification that an individual is no longer qualified for these special
59.22 plates, the commissioner shall invalidate the plates and notify the individual of this
59.23 action. The individual may retain the plate only upon demonstrating compliance with the
59.24 qualifications of this subdivision. Upon removal or invalidation of the special plates, or
59.25 special motorcycle plate, either the owner or purchaser of the motor vehicle is entitled
59.26 to receive regular plates or a regular motorcycle plate for the motor vehicle without cost
59.27 for the remainder of the registration period for which the special plate or plates were
59.28 issued shall obtain regular plates or a regular motorcycle plate for the proper registration
59.29 classification for the motor vehicle.

59.30 (d) A special motorcycle license plate issued under this subdivision must be the
59.31 same size as a standard motorcycle license plate.

59.32 (e) Upon payment of a fee of \$5, plates issued under this subdivision for a passenger
59.33 automobile or truck may be transferred to another passenger automobile or truck owned
59.34 or jointly owned by the person to whom the plates were issued. On payment of a fee of
59.35 \$5, a plate issued under this subdivision for a motorcycle may be transferred to another
59.36 motorcycle owned or jointly owned by the person to whom the plate was issued.

60.1 (f) The commissioner may adopt rules under the Administrative Procedure Act,
60.2 sections 14.001 to 14.69, to govern the issuance and use of the special plates authorized
60.3 in this subdivision.

60.4 Sec. 12. Minnesota Statutes 2006, section 168.12, subdivision 2c, is amended to read:

60.5 Subd. 2c. **National Guard; special plates, rules.** (a) The commissioner shall
60.6 issue special plates to any applicant who:

60.7 (1) is a regularly enlisted, commissioned, or retired member of the Minnesota
60.8 National Guard, other than an inactive member who is not a retired member, and is an
60.9 owner of a passenger automobile;

60.10 (2) pays a fee of \$10 and any other fees required by this chapter;

60.11 (3) pays the registration tax required by this chapter; and

60.12 (4) complies with this chapter and rules governing the registration of motor vehicles
60.13 and licensing of drivers.

60.14 (b) The adjutant general shall design the emblem for these special plates subject to
60.15 the approval of the commissioner.

60.16 ~~(c) An applicant must not be issued more than two sets of plates for motor vehicles~~
60.17 ~~registered to the applicant.~~

60.18 ~~(d)~~ (c) Special plates issued under this subdivision may only be used during the
60.19 period that the owner of the motor vehicle is an active or retired member of the Minnesota
60.20 National Guard as specified in this subdivision. When the individual to whom the
60.21 special plates were issued is no longer an active or retired member of the Minnesota
60.22 National Guard, the special plates must be removed from the vehicle by the owner. If the
60.23 commissioner receives written notification that an individual is no longer qualified for
60.24 these special plates, the commissioner shall invalidate the plates and notify the individual
60.25 of this action. The individual may retain the plate only upon demonstrating compliance
60.26 with the qualifications of this subdivision. Upon removal or invalidation of the special
60.27 plates, either the owner or purchaser of the motor vehicle is entitled to receive regular
60.28 plates for the motor vehicle without cost for the remainder of the registration period for
60.29 which the special plates were issued shall obtain regular plates for the motor vehicle.

60.30 ~~(e)~~ (d) While the person is an active or retired member of the Minnesota National
60.31 Guard, plates issued pursuant to this subdivision may be transferred to another motor
60.32 vehicle owned by that individual upon payment of a fee of \$5.

60.33 ~~(f)~~ (e) For purposes of this subdivision, "retired member" means an individual
60.34 placed on the roll of retired officers or roll of retired enlisted members in the Office of the
60.35 Adjutant General under section 192.18 and who is not deceased.

61.1 ~~(g)~~ (f) The commissioner may adopt rules under the Administrative Procedure Act to
61.2 govern the issuance and use of the special plates authorized by this subdivision.

61.3 Sec. 13. Minnesota Statutes 2006, section 168.12, subdivision 2d, is amended to read:

61.4 Subd. 2d. **Ready Reserve; special plates, rules.** (a) The commissioner shall issue
61.5 special plates to an applicant who:

61.6 (1) is not eligible for special National Guard plates under subdivision 2c, is a
61.7 member of the United States armed forces ready reserve as described in United States
61.8 Code, title 10, section 10142 or 10143, or a retired reserve as described in United States
61.9 Code, title 10, section 10154, and is an owner of a passenger automobile;

61.10 (2) pays a fee of \$10 and any other fees required by this chapter;

61.11 (3) pays the registration tax required by this chapter; and

61.12 (4) complies with this chapter and rules governing the registration of motor vehicles
61.13 and licensing of drivers.

61.14 (b) The commissioner of veterans affairs shall design the emblem for these special
61.15 plates subject to the approval of the commissioner.

61.16 ~~(c) An applicant must not be issued more than two sets of plates for motor vehicles~~
61.17 ~~owned by the applicant.~~

61.18 ~~(d)~~ (c) Special plates issued under this subdivision may only be used during the
61.19 period that the owner of the motor vehicle is a member of the ready reserve. When the
61.20 owner is no longer a member, the special plates must be removed from the motor vehicle
61.21 by the owner. If the commissioner receives written notification that an individual is no
61.22 longer qualified for these special plates, the commissioner shall invalidate the plates
61.23 and notify the individual of this action. The individual may retain the plate only upon
61.24 demonstrating compliance with the qualifications of this subdivision. On removing
61.25 removal or invalidation of the special plates, either the owner or purchaser of the motor
61.26 vehicle is entitled to receive regular plates for the motor vehicle without cost for the rest
61.27 of the registration period for which the special plates were issued shall obtain regular
61.28 plates for the motor vehicle. While the owner is a member of the ready reserve, plates
61.29 issued under this subdivision may be transferred to another motor vehicle owned by that
61.30 individual on paying a fee of \$5.

61.31 ~~(e)~~ (d) The commissioner may adopt rules under the Administrative Procedure Act
61.32 to govern the issuance and use of the special plates authorized by this subdivision.

61.33 Sec. 14. Minnesota Statutes 2006, section 168.12, subdivision 2e, is amended to read:

62.1 Subd. 2e. **Volunteer ambulance attendants; special plates.** (a) The commissioner
62.2 shall issue special license plates to an applicant who:

62.3 (1) is a volunteer ambulance attendant as defined in section 144E.001, subdivision
62.4 15, and owns a motor vehicle taxed as a passenger automobile;

62.5 (2) pays the registration tax required by this chapter for the motor vehicle;

62.6 (3) pays a fee of \$10 and any other fees required by this chapter; and

62.7 (4) complies with this chapter and rules governing the registration of motor vehicles
62.8 and licensing of drivers.

62.9 ~~(b) The commissioner shall not issue more than two sets of these plates to each~~
62.10 ~~qualified applicant.~~

62.11 ~~(b)~~ (b) An individual may use special plates issued under this subdivision only during
62.12 the period that the individual is a volunteer ambulance attendant. When the individual to
62.13 whom the special plates were issued ceases to be a volunteer ambulance attendant, the
62.14 individual shall remove each set of special plates issued. If the commissioner receives
62.15 written notification that an individual is no longer qualified for these special plates, the
62.16 commissioner shall invalidate the plates and notify the individual of this action. The
62.17 individual may retain the plate only upon demonstrating compliance with the qualifications
62.18 of this subdivision. When ownership of the motor vehicle is transferred, the individual
62.19 shall remove the special plates from that motor vehicle. On removal or invalidation of
62.20 ~~each set of the special~~ plates, the owner or purchaser of the motor vehicle, ~~or new owner~~
62.21 ~~in case of a transferred motor vehicle, is entitled to receive regular plates for the motor~~
62.22 ~~vehicle without cost for the rest of the registration period for which the set of special~~
62.23 ~~plates were issued~~ shall obtain regular plates for the motor vehicle. Special plates issued
62.24 under this subdivision may be transferred to another motor vehicle owned by the volunteer
62.25 ambulance attendant on payment of a fee of \$5.

62.26 ~~(d)~~ (c) The commissioner may adopt rules governing the design, issuance, and sale
62.27 of the special plates authorized by this subdivision.

62.28 ARTICLE 5

62.29 VEHICLE SIZE, WEIGHT, AND LOAD RESTRICTIONS

62.30 Section 1. Minnesota Statutes 2006, section 169.01, subdivision 78, is amended to read:

62.31 Subd. 78. **Recreational vehicle combination.** (a) "Recreational vehicle
62.32 combination" means a combination of vehicles consisting of a full-size pickup truck ~~as~~
62.33 ~~defined in section 168.011, subdivision 29,~~ attached by means of a fifth-wheel coupling to
62.34 a camper-semitrailer which has hitched to it a trailer ~~carrying a watercraft as defined in~~
62.35 ~~section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787,~~

63.1 ~~subdivision 7, motorcycle, motorized bicycle, snowmobile as defined in section 84.81,~~
63.2 ~~subdivision 3, all-terrain vehicle as defined in section 84.92, subdivision 8, motorized golf~~
63.3 ~~cart, or equestrian equipment or supplies.~~

63.4 (b) For purposes of this subdivision:

63.5 (1) A "fifth-wheel coupling" is a coupling between a camper-semitrailer and a
63.6 towing pickup truck in which a portion of the weight of the camper-semitrailer is carried
63.7 over or forward of the rear axle of the towing pickup.

63.8 (2) A "camper-semitrailer" is a trailer, other than a manufactured home as defined in
63.9 section 327B.01, subdivision 13, designed for human habitation and used for vacation or
63.10 recreational purposes for limited periods.

63.11 Sec. 2. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision
63.12 to read:

63.13 Subd. 92. Full-size pickup truck. "Full-size pickup truck" means any truck with a
63.14 manufacturer's nominal rated carrying capacity of one ton or less and commonly known
63.15 as or resembling a pickup truck.

63.16 Sec. 3. Minnesota Statutes 2006, section 169.81, subdivision 2, is amended to read:

63.17 Subd. 2. **Length of single vehicle; exceptions.** (a) Statewide, no single vehicle may
63.18 exceed ~~40~~ 45 feet in overall length, including load and front and rear bumpers, except:

63.19 ~~(1) mobile cranes, which may not exceed 48 feet in overall length;~~

63.20 ~~(2) buses, which may not exceed 45 feet in overall length; and~~

63.21 ~~(3) type A, B, or C motor homes as defined in section 168.011, subdivision 25,~~
63.22 ~~paragraph (c), which may not exceed 45 feet in overall length.~~

63.23 (b) Statewide, no semitrailer may exceed 48 feet in overall length, including bumper
63.24 and load, but excluding non-cargo-carrying equipment, such as refrigeration units or air
63.25 compressors, necessary for safe and efficient operation and located on the end of the
63.26 semitrailer adjacent to the truck-tractor. However, statewide, a single semitrailer may
63.27 exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the
63.28 rear axle group of the semitrailer does not exceed 43 feet.

63.29 (c) Statewide, no single trailer may have an overall length exceeding 45 feet,
63.30 including the tow bar assembly but exclusive of rear bumpers that do not increase the
63.31 overall length by more than six inches.

63.32 (d) For determining compliance with this subdivision, the length of the semitrailer
63.33 or trailer must be determined separately from the overall length of the combination of
63.34 vehicles.

64.1 (e) No semitrailer or trailer used in a three-vehicle combination may have an overall
64.2 length in excess of 28-1/2 feet, exclusive of:

64.3 (1) non-cargo-carrying accessory equipment, including refrigeration units or air
64.4 compressors and upper coupler plates, necessary for safe and efficient operation, located
64.5 on the end of the semitrailer or trailer adjacent to the truck or truck-tractor;

64.6 (2) the tow bar assembly; and

64.7 (3) lower coupler equipment that is a fixed part of the rear end of the first semitrailer
64.8 or trailer.

64.9 **EFFECTIVE DATE.** This section is effective August 1, 2007.

64.10 Sec. 4. Minnesota Statutes 2006, section 169.81, subdivision 3c, is amended to read:

64.11 Subd. 3c. **Recreational vehicle combination.** Notwithstanding subdivision 3, a
64.12 recreational vehicle combination may be operated without a permit if:

64.13 (1) the combination does not consist of more than three vehicles, and the towing
64.14 rating of the full-size pickup truck is equal to or greater than the total weight of all
64.15 vehicles being towed;

64.16 (2) the combination does not exceed 70 feet in length;

64.17 (3) ~~the middle vehicle in the combination does not exceed 28 feet in length;~~

64.18 ~~(4)~~ the operator of the combination is at least 18 years of age;

64.19 ~~(5)~~ (4) the trailer is only carrying a watercraft, motorcycle, motorized bicycle,
64.20 off-highway motorcycle, snowmobile, all-terrain vehicle, motorized golf cart, or
64.21 equestrian equipment or supplies, and meets all requirements of law;

64.22 ~~(6)~~ (5) the ~~trailers~~ vehicles in the combination are connected to the full-size pickup
64.23 truck and each other in conformity with section 169.82; and

64.24 ~~(7)~~ (6) the combination is not operated within the seven-county metropolitan area,
64.25 as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m.
64.26 and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays.

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

64.28 Sec. 5. Minnesota Statutes 2006, section 169.823, subdivision 1, is amended to read:

64.29 Subdivision 1. **Pneumatic-tired vehicle.** No vehicle or combination of vehicles
64.30 equipped with pneumatic tires shall be operated upon the highways of this state:

64.31 (1) where the gross weight on any wheel exceeds 9,000 pounds, except that on
64.32 paved county state-aid highways, paved county roads, designated local routes, and state

65.1 trunk highways the gross weight on any single wheel shall not exceed 10,000 pounds

65.2 unless posted;

65.3 (2) where the gross weight on any single axle exceeds 18,000 pounds, except that
65.4 on paved county state-aid highways, paved county roads, designated local routes, and
65.5 state trunk highways the gross weight on any single axle shall not exceed 20,000 pounds

65.6 unless posted;

65.7 (3) where the maximum wheel load:

65.8 (i) on the foremost and rearmost steering axles, exceeds 600 pounds per inch of tire
65.9 width or the manufacturer's recommended load, whichever is less; or

65.10 (ii) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer's
65.11 recommended load, whichever is less. This item applies to new vehicles manufactured
65.12 after August 1, 1991. For vehicles manufactured before August 2, 1991, the maximum
65.13 weight per inch of tire width is 600 pounds per inch or the manufacturer's recommended
65.14 load, whichever is less, until August 1, 1996. After July 31, 1996, this item applies to all
65.15 vehicles regardless of date of manufacture;

65.16 (4) where the gross weight on any axle of a tridem exceeds 15,000 pounds, except
65.17 that for vehicles to which an additional axle has been added prior to June 1, 1981, the
65.18 maximum gross weight on any axle of a tridem may be up to 16,000 pounds provided the
65.19 gross weight of the tridem combination does not exceed 39,900 pounds where the first
65.20 and third axles of the tridem are spaced nine feet apart;

65.21 (5) where the gross weight on any group of axles exceeds the weights permitted
65.22 under sections 169.822 to 169.829 with any or all of the interior axles disregarded, and
65.23 with an exterior axle disregarded if the exterior axle is a variable load axle that is not
65.24 carrying its intended weight, and their gross weights subtracted from the gross weight of
65.25 all axles of the group under consideration.

65.26 Sec. 6. Minnesota Statutes 2006, section 169.824, subdivision 1, is amended to read:

65.27 Subdivision 1. **Table of Axle weight limits table.** (a) No vehicle or combination of
65.28 vehicles equipped with pneumatic tires shall be operated upon the highways of this state
65.29 where the total gross weight on any group of two or more consecutive axles of any vehicle
65.30 or combination of vehicles exceeds that given in the following axle weight limits table for
65.31 the distance between the centers of the first and last axles of any group of two or more
65.32 consecutive axles under consideration; ~~unless otherwise noted,~~ unless otherwise noted, the distance between axles
65.33 ~~being~~ is measured longitudinally to the nearest even foot, and when the measurement is a
65.34 fraction of exactly one-half foot the next largest whole number in feet shall be used,

66.1 except that when the distance between axles is more than three feet four inches and less
 66.2 than three feet six inches the distance of four feet shall be used.

66.3 Axle Weight Limits Table

66.4 Maximum gross weight in pounds on a group of

| 66.5 | | 2 | 3 | 4 | |
|-------|--|---------------------|---------------------|----------------------|--|
| 66.6 | Distances in feet 66.7 between centers 66.8 of foremost and 66.9 rearmost axles of a 66.10 group | consecutive axles | consecutive axles | consecutive axles | |
| 66.7 | | of a 2-axle vehicle | of a 3-axle vehicle | of a 4-axle vehicle | |
| 66.8 | | or of any vehicle | or of any vehicle | or any combination | |
| 66.9 | | or combination of | or combination of | of vehicles having | |
| 66.10 | | vehicles having a | vehicles having a | a total of 4 or more | |
| 66.11 | | total of 2 or more | total of 3 or more | axles | |
| 66.12 | | axles | axles | | |
| 66.13 | | 4 | 34,000 | | |
| 66.14 | | 5 | 34,000 | | |
| 66.15 | | 6 | 34,000 | | |
| 66.16 | | 7 | 34,000 | 37,000 | |
| 66.17 | | 8 | 34,000 | 38,500 | |
| 66.18 | 8 plus | 34,000 | 42,000 | | |
| 66.19 | | (38,000) | | | |
| 66.20 | 9 | 35,000 | 43,000 | | |
| 66.21 | | (39,000) | | | |
| 66.22 | 10 | 36,000 | 43,500 | 49,000 | |
| 66.23 | | (40,000) | | | |
| 66.24 | 11 | 36,000 | 44,500 | 49,500 | |
| 66.25 | 12 | | 45,000 | 50,000 | |
| 66.26 | 13 | | 46,000 | 51,000 | |
| 66.27 | 14 | | 46,500 | 51,500 | |
| 66.28 | 15 | | 47,500 | 52,000 | |
| 66.29 | 16 | | 48,000 | 53,000 | |
| 66.30 | 17 | | 49,000 | 53,500 | |
| 66.31 | 18 | | 49,500 | 54,000 | |
| 66.32 | 19 | | 50,500 | 55,000 | |
| 66.33 | 20 | | 51,000 | 55,500 | |
| 66.34 | 21 | | 52,000 | 56,000 | |
| 66.35 | 22 | | 52,500 | 57,000 | |
| 66.36 | 23 | | 53,500 | 57,500 | |
| 66.37 | 24 | | 54,000 | 58,000 | |
| 66.38 | 25 | | (55,000) | 59,000 | |
| 66.39 | 26 | | (55,500) | 59,500 | |
| 66.40 | 27 | | (56,500) | 60,000 | |
| 66.41 | 28 | | (57,000) | 61,000 | |
| 66.42 | 29 | | (58,000) | 61,500 | |
| 66.43 | 30 | | (58,500) | 62,000 | |
| 66.44 | 31 | | (59,500) | 63,000 | |

| | | | |
|-------|----|----------|----------|
| 67.1 | 32 | (60,000) | 63,500 |
| 67.2 | 33 | | 64,000 |
| 67.3 | 34 | | 65,000 |
| 67.4 | 35 | | 65,500 |
| 67.5 | 36 | | 66,000 |
| 67.6 | 37 | | 67,000 |
| 67.7 | 38 | | 67,500 |
| 67.8 | 39 | | 68,000 |
| 67.9 | 40 | | 69,000 |
| 67.10 | 41 | | 69,500 |
| 67.11 | 42 | | 70,000 |
| 67.12 | 43 | | 71,000 |
| 67.13 | 44 | | 71,500 |
| 67.14 | 45 | | 72,000 |
| 67.15 | 46 | | 72,500 |
| 67.16 | 47 | | (73,500) |
| 67.17 | 48 | | (74,000) |
| 67.18 | 49 | | (74,500) |
| 67.19 | 50 | | (75,500) |
| 67.20 | 51 | | (76,000) |

67.21 ~~The maximum gross weight on a group of three consecutive axles where the distance~~
 67.22 ~~between centers of foremost and rearmost axles is listed as seven feet or eight feet applies~~
 67.23 ~~only to vehicles manufactured before August 1, 1991.~~

67.24 ~~"8 plus" refers to any distance greater than eight feet but less than nine feet.~~

Axle Weight Limits Table (continued)

Maximum gross weight in pounds on a group of

| 67.27 | | 5 | 6 | 7 |
|-------|---|----------------------|---------------------|---------------------|
| 67.28 | Distances in feet between centers of foremost and rearmost axles of a group | consecutive axles | consecutive axles | consecutive axles |
| 67.29 | | of a 5-axle vehicle | of a combination of | of a combination of |
| 67.30 | | or any combination | vehicles having a | vehicles having a |
| 67.31 | | of vehicles having | total of 6 or more | total of 7 or more |
| 67.32 | | a total of 5 or more | axles | axles |
| 67.33 | | axles | | |
| 67.34 | 14 | 57,000 | | |
| 67.35 | 15 | 57,500 | | |
| 67.36 | 16 | 58,000 | | |
| 67.37 | 17 | 59,000 | | |
| 67.38 | 18 | 59,500 | | |
| 67.39 | 19 | 60,000 | | |
| 67.40 | 20 | 60,500 | 66,000 | 72,000 |
| 67.41 | 21 | 61,500 | 67,000 | 72,500 |
| 67.42 | 22 | 62,000 | 67,500 | 73,000 |
| 67.43 | 23 | 62,500 | 68,000 | 73,500 |

| | | | | |
|-------|-----------|--------------------------|----------|----------|
| 68.1 | 24 | 63,000 | 68,500 | 74,000 |
| 68.2 | 25 | 64,000 | 69,000 | 75,000 |
| 68.3 | 26 | 64,500 | 70,000 | 75,500 |
| 68.4 | 27 | 65,000 | 70,500 | 76,000 |
| 68.5 | 28 | 65,500 | 71,000 | 76,500 |
| 68.6 | 29 | 66,500 | 71,500 | 77,000 |
| 68.7 | 30 | 67,000 | 72,000 | 77,500 |
| 68.8 | 31 | 67,500 | 73,000 | 78,500 |
| 68.9 | 32 | 68,000 | 73,500 | 79,000 |
| 68.10 | 33 | 69,000 | 74,000 | 79,500 |
| 68.11 | 34 | 69,500 | 74,500 | 80,000 |
| 68.12 | 35 | 70,000 | 75,000 | [80,500] |
| 68.13 | 36 | 70,500 | 76,000 | [81,000] |
| 68.14 | 37 | 71,500 | 76,500 | [81,500] |
| 68.15 | 38 | 72,000 | 77,000 | [82,000] |
| 68.16 | 39 | 72,500 | 77,500 | [82,500] |
| 68.17 | 40 | 73,000 73,280 | 78,000 | [83,500] |
| 68.18 | 41 | (74,000) | 79,000 | [84,000] |
| 68.19 | 42 | (74,500) | 79,500 | [84,500] |
| 68.20 | 43 | (75,000) | 80,000 | [85,000] |
| 68.21 | 44 | (75,500) | [80,500] | [85,500] |
| 68.22 | 45 | (76,500) | [81,000] | [86,000] |
| 68.23 | 46 | (77,000) | [81,500] | [87,000] |
| 68.24 | 47 | (77,500) | [82,000] | [87,500] |
| 68.25 | 48 | (78,000) | [83,000] | [88,000] |
| 68.26 | 49 | (79,000) | [83,500] | [88,500] |
| 68.27 | 50 | (79,500) | [84,000] | [89,000] |
| 68.28 | 51 | (80,000) | [84,500] | [89,500] |
| 68.29 | <u>52</u> | | [85,000] | [90,500] |
| 68.30 | <u>53</u> | | [86,000] | [91,000] |
| 68.31 | <u>54</u> | | [86,500] | [91,500] |
| 68.32 | <u>55</u> | | [87,000] | [92,000] |
| 68.33 | <u>56</u> | | [87,500] | [92,500] |
| 68.34 | <u>57</u> | | [88,000] | [93,000] |
| 68.35 | <u>58</u> | | [89,000] | [94,000] |
| 68.36 | <u>59</u> | | [89,500] | [94,500] |
| 68.37 | <u>60</u> | | [90,000] | [95,000] |
| 68.38 | <u>61</u> | | | [95,500] |
| 68.39 | <u>62</u> | | | [96,000] |
| 68.40 | <u>63</u> | | | [97,000] |

68.41 (b) The maximum gross weight on a group of three consecutive axles where the
 68.42 distance between centers of foremost and rearmost axles is listed as seven feet or eight

69.1 feet applies only to vehicles manufactured before August 1, 1991. "8 plus" means any
69.2 distance greater than eight feet but less than nine feet.

69.3 (c) The gross weights shown in parentheses in ~~this~~ the axle weight limits table
69.4 are permitted only on ~~state~~ (i) trunk highways ~~and~~, (ii) routes designated under section
69.5 169.832, subdivision 11, and (iii) routes designated as having a maximum weight limit of
69.6 at least nine tons per axle.

69.7 (d) The gross weights shown in brackets in the axle weight limits table are permitted
69.8 only for a vehicle or combination of vehicles for which a permit has been issued under
69.9 sections 169.863 or 169.865.

69.10 ~~(b)~~ (e) Notwithstanding any lesser weight in pounds shown in ~~this~~ the axle weight
69.11 limits table but subject to the restrictions on gross vehicle weights in subdivision 2,
69.12 paragraph (a), two consecutive sets of tandem axles may carry a gross load of 34,000
69.13 pounds each and a combined gross load of 68,000 pounds provided the overall distance
69.14 between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

69.15 Sec. 7. Minnesota Statutes 2006, section 169.824, subdivision 2, is amended to read:

69.16 Subd. 2. **Gross vehicle weight of all axles.** ~~(a)~~ Notwithstanding the provisions
69.17 of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of
69.18 vehicles ~~shall~~ must not exceed:

69.19 (1) 80,000 pounds for any vehicle or combination of vehicles on all ~~state~~ (i) trunk
69.20 highways as defined in section 160.02, subdivision 29, ~~and for all~~ (ii) routes designated
69.21 under section 169.832, subdivision 11, and (iii) paved county highways, including paved
69.22 county state-aid highways;

69.23 (2) 88,000 pounds for any vehicle or combination of vehicles with six or more
69.24 axles while exclusively engaged in hauling livestock on all state trunk highways other
69.25 than interstate highways, if the vehicle has a permit under section 169.86, subdivision 5,
69.26 paragraph (k); and

69.27 (3) 73,280 pounds for any vehicle or combination of vehicles with five axles or less
69.28 on all routes, other than ~~state trunk highways and routes that are designated under section~~
69.29 ~~169.832, subdivision 11, except that a vehicle needing reasonable access to a terminal or~~
69.30 ~~facilities for food, fuel, repairs, and rest, located within three miles of a ten-ton route, may~~
69.31 ~~not exceed 80,000 pounds. "Terminal" means any location where freight either originates,~~
69.32 ~~terminates, or is handled in the transportation process, or where commercial motor carriers~~
69.33 ~~maintain operating facilities; and~~ routes identified in clause (1).

70.1 ~~(4) 80,000 pounds for any vehicle or combination of vehicles with six or more~~
70.2 ~~axes on all routes, other than state trunk highways and routes that are designated under~~
70.3 ~~section 169.832, subdivision 11.~~

70.4 ~~(b) The maximum weights specified in this section for five consecutive axes shall~~
70.5 ~~not apply to a four-axle ready-mix concrete truck which was equipped with a fifth axle~~
70.6 ~~prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axes of~~
70.7 ~~vehicles excepted by this clause shall not exceed any maximum weight specified for four~~
70.8 ~~or fewer consecutive axes in this section.~~

70.9 (b) Notwithstanding the maximum weight provisions of this section and section
70.10 169.85, and in order to promote the reduction of fuel use and emissions because of engine
70.11 idling, the maximum gross vehicle weight limits and the axle weight limits for any motor
70.12 vehicle subject to sections 169.80 to 169.88 and equipped with idle reduction technology
70.13 must be increased by the amount of weight necessary to compensate for the weight of the
70.14 idle reduction technology, not to exceed 400 pounds. At the request of an authorized
70.15 representative of the Department of Transportation or Department of Public Safety the
70.16 vehicle operator shall provide proof that the vehicle is equipped with this technology
70.17 through documentation or demonstration.

70.18 Sec. 8. Minnesota Statutes 2006, section 169.826, subdivision 1a, is amended to read:

70.19 Subd. 1a. **Harvest season increase amount.** The limitations provided in sections
70.20 169.822 to 169.829 are increased by ten percent from ~~the beginning of harvest July 1 to~~
70.21 ~~November 30~~ each year for the movement of ~~sugar beets, carrots, and potatoes~~ agricultural
70.22 crops from the field of harvest to the point of the first unloading. Transfer of the product
70.23 from a farm vehicle or small farm trailer, within the meaning of chapter 168, to another
70.24 vehicle is not considered to be the first unloading. The commissioner shall not ~~issue~~
70.25 ~~permits~~ take any action under this subdivision if to do so will result in a loss of federal
70.26 highway funding to the state.

70.27 Sec. 9. Minnesota Statutes 2006, section 169.826, subdivision 1b, is amended to read:

70.28 Subd. 1b. **Nine-ton county roads.** Despite the provisions of subdivision 5 and
70.29 sections 169.824, subdivision 2, ~~paragraph (a),~~ clause (2), and 169.832, subdivision 11, a
70.30 vehicle or combination of vehicles with a gross vehicle weight up to 88,000 pounds may
70.31 be operated on a nine-ton county road, consistent with the increases allowed for vehicles
70.32 operating on a ten-ton road, during the time when the increases under subdivision 1 are in
70.33 effect in that zone.

71.1 Sec. 10. Minnesota Statutes 2006, section 169.8261, is amended to read:

71.2 **169.8261 GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.**

71.3 (a) A vehicle or combination of vehicles hauling raw or unfinished forest products,
71.4 including wood chips, paper, pulp, oriented strand board, laminated strand lumber,
71.5 hardboard, treated lumber, untreated lumber, or barrel staves, by the most direct route to the
71.6 nearest highway that has been designated under section 169.832, subdivision 11, may be
71.7 operated on any highway with gross weights permitted under sections 169.822 to 169.829
71.8 without regard to load restrictions imposed on that highway, except that the vehicles must:

71.9 (1) comply with seasonal load restrictions in effect between the dates set by the
71.10 commissioner under section 169.87, subdivision 2;

71.11 (2) comply with bridge load limits posted under section 169.84;

71.12 (3) be equipped and operated with six axles and brakes on all wheels;

71.13 (4) not exceed 90,000 pounds gross weight, or ~~98,000~~ 99,000 pounds gross weight
71.14 during the time when seasonal increases are authorized under section 169.826;

71.15 (5) not be operated on interstate and defense highways;

71.16 (6) obtain an annual permit from the commissioner of transportation;

71.17 (7) obey all road postings; and

71.18 (8) not exceed 20,000 pounds gross weight on any single axle.

71.19 (b) A vehicle operated under this section may exceed the legal axle weight limits
71.20 listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may
71.21 be exceeded by not more than 22.5 percent during the time when seasonal increases are
71.22 authorized under section 169.826, subdivision 1.

71.23 Sec. 11. Minnesota Statutes 2006, section 169.828, subdivision 2, is amended to read:

71.24 Subd. 2. **Variable load axle.** A vehicle or combination of vehicles equipped with
71.25 one or more variable load axles shall have the pressure control preset so that the weight
71.26 carried on the variable load axle may not be varied by the operator during transport of
71.27 any load. The actuating control for the axle shall function only as an on-and-off switch,
71.28 and must be located outside of the passenger compartment of the vehicle. The provisions
71.29 of this subdivision do not apply to any farm truck registered prior to July 1, 1981, under
71.30 section 168.013, subdivision 1c, for 57,000 pounds or less. This subdivision does not
71.31 apply to rear-loading refuse-compactor vehicles, except that any refuse-compactor vehicle
71.32 having a tridem rear axle must comply with this subdivision before being issued a special
71.33 permit under section 169.86, subdivision 5, paragraph (h).

71.34 Sec. 12. Minnesota Statutes 2006, section 169.86, subdivision 1a, is amended to read:

72.1 Subd. 1a. **Seasonal permits for certain haulers.** The commissioner of
72.2 transportation, upon application in writing therefor, may issue special permits annually
72.3 to any hauler authorizing the hauler to move vehicles or combinations of vehicles with
72.4 weights exceeding by not more than ten percent the weight limitations contained in
72.5 sections 169.822 to 169.829, on interstate highways during the times and within the zones
72.6 specified ~~in sections 169.822 to 169.829~~ by the commissioner for winter weight increases
72.7 under section 169.826, subdivision 1.

72.8 Sec. 13. Minnesota Statutes 2006, section 169.86, subdivision 5, is amended to read:

72.9 Subd. 5. **Fee; proceeds deposited; appropriation.** The commissioner, with respect
72.10 to highways under the commissioner's jurisdiction, may charge a fee for each permit
72.11 issued. All such fees for permits issued by the commissioner of transportation shall be
72.12 deposited in the state treasury and credited to the trunk highway fund. Except for those
72.13 annual permits for which the permit fees are specified elsewhere in this chapter, the fees
72.14 shall be:

72.15 (a) \$15 for each single trip permit.

72.16 (b) \$36 for each job permit. A job permit may be issued for like loads carried on
72.17 a specific route for a period not to exceed two months. "Like loads" means loads of the
72.18 same product, weight, and dimension.

72.19 (c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive
72.20 months. Annual permits may be issued for:

72.21 (1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety
72.22 or well-being of the public;

72.23 (2) motor vehicles which travel on interstate highways and carry loads authorized
72.24 under subdivision 1a;

72.25 ~~(3) motor vehicles operating with gross weights authorized under section 169.826;~~
72.26 ~~subdivision 1a;~~

72.27 ~~(4)~~ special pulpwood vehicles described in section 169.863;

72.28 ~~(5)~~ (4) motor vehicles bearing snowplow blades not exceeding ten feet in width; and

72.29 ~~(6)~~ (5) noncommercial transportation of a boat by the owner or user of the boat.

72.30 (d) \$120 for an oversize annual permit to be issued for a period not to exceed 12
72.31 consecutive months. Annual permits may be issued for:

72.32 (1) mobile cranes;

72.33 (2) construction equipment, machinery, and supplies;

72.34 (3) manufactured homes and manufactured storage buildings;

73.1 (4) implements of husbandry when the movement is not made according to the
 73.2 provisions of paragraph (i);
 73.3 (5) double-deck buses;
 73.4 (6) commercial boat hauling; and
 73.5 (7) three-vehicle combinations consisting of two empty, newly manufactured trailers
 73.6 for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however,
 73.7 the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer
 73.8 only while operating on twin-trailer routes designated under section 169.81, subdivision 3,
 73.9 paragraph (c).

73.10 (e) For vehicles which have axle weights exceeding the weight limitations of
 73.11 sections 169.822 to 169.829, an additional cost added to the fees listed above. However,
 73.12 this paragraph applies to any vehicle described in section 168.013, subdivision 3,
 73.13 paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in
 73.14 that paragraph, and then the additional cost is for all weight, including the allowance
 73.15 weight, in excess of the permitted maximum axle weight. The additional cost is equal
 73.16 to the product of the distance traveled times the sum of the overweight axle group cost
 73.17 factors shown in the following chart:

73.18 Overweight Axle Group Cost Factors

| 73.19 Weight 73.20 (pounds) | 73.21 Cost Per Mile For Each Group Of: | | |
|--|---|---|--|
| 73.22 exceeding 73.23 weight 73.24 limitations on 73.25 axles | 73.26 <u>Two or</u> 73.27 <u>more</u> 73.28 consecutive 73.29 axles 73.30 spaced 73.31 within 8 73.32 feet or 73.33 less | 73.34 <u>Three</u> 73.35 consecutive 73.36 axles 73.37 spaced 73.38 <u>within</u> 73.39 <u>more than</u> 73.40 <u>8 feet but</u> 73.41 <u>less than</u> 73.42 <u>9 feet or</u> 73.43 <u>less</u> | 73.44 Four 73.45 consecutive 73.46 axles spaced 73.47 within 14 73.48 feet or less |
| 73.31 0-2,000 | 73.32 .12 | 73.33 .05 | 73.34 .04 |
| 73.35 2,001-4,000 | 73.36 .14 | 73.37 .06 | 73.38 .05 |
| 73.39 4,001-6,000 | 73.40 .18 | 73.41 .07 | 73.42 .06 |
| 73.43 6,001-8,000 | 73.44 .21 | 73.45 .09 | 73.46 .07 |
| 73.47 8,001-10,000 | 73.48 .26 | 73.49 .10 | 73.50 .08 |
| 73.51 10,001-12,000 | 73.52 .30 | 73.53 .12 | 73.54 .09 |
| 73.55 12,001-14,000 | 73.56 Not 73.57 permitted | 73.58 .14 | 73.59 .11 |
| 73.61 14,001-16,000 | 73.62 Not 73.63 permitted | 73.64 .17 | 73.65 .12 |
| 73.67 16,001-18,000 | 73.68 Not 73.69 permitted | 73.70 .19 | 73.71 .15 |

| | | | | |
|------|---------------|-----------|-----------|-----|
| 74.1 | | Not | Not | |
| 74.2 | 18,001-20,000 | permitted | permitted | .16 |
| 74.3 | | Not | Not | |
| 74.4 | 20,001-22,000 | permitted | permitted | .20 |

74.5 The amounts added are rounded to the nearest cent for each axle or axle group. The
74.6 additional cost does not apply to paragraph (c), clauses (1) and (3).

74.7 For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile
74.8 fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed
74.9 in addition to the normal permit fee. Miles must be calculated based on the distance
74.10 already traveled in the state plus the distance from the point of detection to a transportation
74.11 loading site or unloading site within the state or to the point of exit from the state.

74.12 (f) As an alternative to paragraph (e), an annual permit may be issued for overweight,
74.13 or oversize and overweight, construction equipment, machinery, and supplies. The fees
74.14 for the permit are as follows:

| 74.15 | Gross Weight (pounds) of Vehicle | Annual Permit Fee |
|-------|----------------------------------|-------------------|
| 74.16 | 90,000 or less | \$200 |
| 74.17 | 90,001 - 100,000 | \$300 |
| 74.18 | 100,001 - 110,000 | \$400 |
| 74.19 | 110,001 - 120,000 | \$500 |
| 74.20 | 120,001 - 130,000 | \$600 |
| 74.21 | 130,001 - 140,000 | \$700 |
| 74.22 | 140,001 - 145,000 | \$800 |

74.23 If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined
74.24 under paragraph (e).

74.25 (g) For vehicles which exceed the width limitations set forth in section 169.80 by
74.26 more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a)
74.27 when the permit is issued while seasonal load restrictions pursuant to section 169.87 are
74.28 in effect.

74.29 (h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for
74.30 refuse-compact vehicles that carry a gross weight of not more than: 22,000 pounds on
74.31 a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828,
74.32 subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000
74.33 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000
74.34 pounds.

74.35 (i) For vehicles exclusively transporting implements of husbandry, an annual permit
74.36 fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved
74.37 at the discretion of the permit holder without prior route approval by the commissioner if:

- 75.1 (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;
- 75.2 (2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is
- 75.3 not operated at any time after 12:00 noon on Sundays or holidays;
- 75.4 (3) the vehicle is not operated when visibility is impaired by weather, fog, or other
- 75.5 conditions that render persons and other vehicles not clearly visible at 500 feet;
- 75.6 (4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing
- 75.7 amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of
- 75.8 the vehicle exceeds 126 inches; and
- 75.9 (5) the vehicle is not operated on a trunk highway with a surfaced roadway width of
- 75.10 less than 24 feet unless such operation is authorized by the permit.

75.11 A permit under this paragraph authorizes movements of the permitted vehicle on an

75.12 interstate highway, and movements of 75 miles or more on other highways.

75.13 (j) \$300 for a motor vehicle described in section 169.8261. The fee under this

75.14 paragraph must be deposited as follows:

75.15 (1) in fiscal years 2005 through 2010:

75.16 (i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund

75.17 for costs related to administering the permit program and inspecting and posting bridges;

75.18 (ii) all remaining money in each fiscal year must be deposited in a bridge inspection

75.19 and signing account in the special revenue fund. Money in the account is appropriated

75.20 to the commissioner for:

75.21 (A) inspection of local bridges and identification of local bridges to be posted,

75.22 including contracting with a consultant for some or all of these functions; and

75.23 (B) erection of weight-posting signs on local bridges; and

75.24 (2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway

75.25 fund.

75.26 (k) ~~Beginning August 1, 2006, \$200~~ \$300 for an annual permit for a vehicle

75.27 operating under authority of section 169.824, subdivision 2, ~~paragraph (a),~~ clause (2).

75.28 **Sec. 14. [169.865] EXTENDED WEIGHT LIMIT PERMITS.**

75.29 **Subdivision 1. Six-axle vehicles.** (a) A road authority may issue an annual permit

75.30 authorizing a vehicle or combination of vehicles with a total of six axles to be operated

75.31 with a gross vehicle weight of up to:

75.32 (1) 90,000 pounds; and

75.33 (2) 99,000 pounds during the period set by the commissioner under section 169.826,

75.34 subdivision 1.

76.1 (b) Notwithstanding subdivision 4, paragraph (a), clause (3), a vehicle or
76.2 combination of vehicles operated under this subdivision and transporting only sealed
76.3 intermodal containers may be operated on an interstate highway if allowed by the United
76.4 States Department of Transportation.

76.5 (c) The fee for a permit issued under this subdivision is \$300.

76.6 Subd. 2. **Seven-axle vehicles.** (a) A road authority may issue an annual permit
76.7 authorizing a vehicle or combination of vehicles with a total of seven axles to be operated
76.8 with a gross vehicle weight of up to:

76.9 (1) 97,000 pounds; and

76.10 (2) 99,000 pounds during the period set by the commissioner under section 169.826,
76.11 subdivision 1.

76.12 (b) Drivers of vehicles operating under this subdivision must comply with driver
76.13 qualification requirements adopted under section 221.0314, subdivisions 2 to 5.

76.14 (c) The fee for a permit issued under this subdivision is \$500.

76.15 Subd. 3. **Single unit vehicles.** (a) A road authority may issue an annual permit
76.16 authorizing a single unit vehicle with a total of seven axles up to 45 feet in length to be
76.17 operated with a gross vehicle weight of up to:

76.18 (1) 80,000 pounds; and

76.19 (2) 88,000 pounds during the period set by the commissioner under section 169.826,
76.20 subdivisions 1 and 1a.

76.21 (b) Drivers of vehicles operating under this subdivision must comply with driver
76.22 qualification requirements adopted under section 221.0314, subdivisions 2 to 5.

76.23 (c) The fee for a permit issued under this subdivision is \$300.

76.24 Subd. 4. **Requirements; restrictions.** (a) A vehicle or combination of vehicles
76.25 operating under this section:

76.26 (1) is subject to axle weight limitations under section 169.824, subdivision 1;

76.27 (2) is subject to seasonal load restrictions under section 169.87;

76.28 (3) is subject to bridge load limits posted under section 169.84;

76.29 (4) may only be operated on trunk highways other than interstate highways, and on
76.30 local roads designated under section 169.832, subdivision 11;

76.31 (5) may not be operated with loads that exceed the manufacturer's gross vehicle
76.32 weight rating as affixed to the vehicle, or other certification of gross vehicle weight rating
76.33 complying with Code of Federal Regulations, title 49, parts 567.4 to 567.7;

76.34 (6) must be issued a permit from each road authority having jurisdiction over a road
76.35 on which the vehicle is operated, if required;

76.36 (7) must comply with the requirements of section 169.851, subdivision 4; and

77.1 (8) must have brakes on all wheels.

77.2 (b) The percentage allowances for exceeding gross weights if transporting unfinished
77.3 forest products under section 168.013, subdivision 3, paragraph (b), or for the first haul of
77.4 unprocessed or raw farm products or unfinished forest products under section 168.013,
77.5 subdivision 3, paragraph (d), clause (3), do not apply to a vehicle or combination of
77.6 vehicles operated under this section.

77.7 Subd. 5. **Deposit of revenues; appropriation.** (a) Revenue from the permits issued
77.8 under this section must be deposited:

77.9 (1) in fiscal years 2007 through 2010, in the bridge inspection and signing account
77.10 in the special revenue fund; and

77.11 (2) in fiscal year 2011 and subsequent years, in the trunk highway fund.

77.12 (b) The revenue in the bridge inspection and signing account under this section is
77.13 annually appropriated to the commissioner for:

77.14 (1) inspection of local bridges and identification of local bridges to be posted,
77.15 including contracting with a consultant for some or all of these functions; and

77.16 (2) erection of weight posting signs on local bridges.

77.17 Sec. 15. Minnesota Statutes 2006, section 169.87, subdivision 4, is amended to read:

77.18 Subd. 4. **Vehicle transporting milk.** ~~Until June 1, 2007,~~ A weight restriction
77.19 imposed under subdivision 1 by the commissioner of transportation or a local road
77.20 authority, or imposed by subdivision 2, does not apply to a vehicle transporting milk from
77.21 the point of production to the point of first processing if, at the time the weight restriction
77.22 is exceeded, the vehicle is carrying milk loaded at only one point of production. This
77.23 subdivision does not authorize a vehicle described in this subdivision to exceed a weight
77.24 restriction of five tons per axle by more than two tons per axle.

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

77.26 **ARTICLE 6**

77.27 **COMMERCIAL MOTOR VEHICLES**

77.28 Section 1. **[160.2721] COMMERCIAL VEHICLE DRIVERS AT REST AREAS.**

77.29 (a) The commissioner shall allow a commercial motor vehicle operator who is
77.30 subject to hours of service regulations under Code of Federal Regulations, title 49, part
77.31 395, to stop and park continuously, for a period of up to ten hours as necessary to comply
77.32 with the hours of service regulations, at any Department of Transportation safety rest area

78.1 or travel information center that has parking stalls designed to accommodate a commercial
 78.2 motor vehicle, as defined in section 169.01, subdivision 75.

78.3 (b) Any clause or provision in a lease or other agreement for the operation of a
 78.4 Department of Transportation safety rest area or travel information center that purports to
 78.5 limit the requirements under paragraph (a) is void and without effect.

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

78.7 Sec. 2. Minnesota Statutes 2006, section 168.013, subdivision 1e, is amended to read:

78.8 Subd. 1e. **Truck; tractor; combination; exceptions.** (a) On trucks and tractors
 78.9 except those in this chapter defined as farm trucks, on truck-tractor and semitrailer
 78.10 combinations except those defined as farm combinations, and on commercial zone
 78.11 vehicles, the tax based on total gross weight shall be graduated according to the Minnesota
 78.12 base rate schedule prescribed in this subdivision, but in no event less than \$120.

78.13 Minnesota Base Rate Schedule

78.14 Scheduled taxes include five percent
 78.15 surtax provided for in subdivision 14

78.16 TOTAL GROSS WEIGHT

| | | IN POUNDS | | | TAX |
|-------|---|-------------------------|---|--------------------------|-------|
| 78.17 | | | | | |
| 78.18 | A | 0 | - | 1,500 | \$ 15 |
| 78.19 | B | 1,501 | - | 3,000 | 20 |
| 78.20 | C | 3,001 | - | 4,500 | 25 |
| 78.21 | D | 4,501 | - | 6,000 | 35 |
| 78.22 | E | 6,001 | - | 9,000 10,000 | 45 |
| 78.23 | F | 9,001 10,001 | - | 12,000 | 70 |
| 78.24 | G | 12,001 | - | 15,000 | 105 |
| 78.25 | H | 15,001 | - | 18,000 | 145 |
| 78.26 | I | 18,001 | - | 21,000 | 190 |
| 78.27 | J | 21,001 | - | 26,000 | 270 |
| 78.28 | K | 26,001 | - | 33,000 | 360 |
| 78.29 | L | 33,001 | - | 39,000 | 475 |
| 78.30 | M | 39,001 | - | 45,000 | 595 |
| 78.31 | N | 45,001 | - | 51,000 | 715 |
| 78.32 | O | 51,001 | - | 57,000 | 865 |
| 78.33 | P | 57,001 | - | 63,000 | 1015 |
| 78.34 | Q | 63,001 | - | 69,000 | 1185 |
| 78.35 | R | 69,001 | - | 73,280 | 1325 |
| 78.36 | S | 73,281 | - | 78,000 | 1595 |
| 78.37 | T | 78,001 | - | 81,000 80,000 | 1760 |

79.1 (b) For purposes of the Minnesota base rate schedule, for vehicles with six or more
79.2 axles in the "S" and "T" categories, the base rates are \$1,520 and \$1,620 respectively.

79.3 (c) For each vehicle with a gross weight in excess of ~~81,000~~ 80,000 pounds an
79.4 additional tax of \$50 is imposed for each ton or fraction thereof in excess of ~~81,000~~
79.5 80,000 pounds, subject to subdivision 12.

79.6 (d) For purposes of registration identification, for vehicles registered in the "O"
79.7 category, the owner must declare at the time of registration whether the vehicle will carry
79.8 a weight of 55,000 pounds or more and therefore be subject to the federal heavy vehicle
79.9 use tax. For those owners who declare a weight less than 55,000 pounds, a distinctive
79.10 weight sticker must be issued and the owner is restricted to a gross vehicle weight of
79.11 less than 55,000 pounds.

79.12 (e) Truck-tractors except those herein defined as farm and commercial zone vehicles
79.13 shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the
79.14 combined gross weight of the truck-tractor and any semitrailer or semitrailers which the
79.15 applicant proposes to combine with the truck-tractor.

79.16 (f) Commercial zone trucks include only trucks, truck-tractors, and semitrailer
79.17 combinations which are:

79.18 ~~(1) used by an authorized local cartage carrier operating under a permit issued~~
79.19 ~~under section 221.296 and whose gross transportation revenue consists of at least 60~~
79.20 ~~percent obtained solely from local cartage carriage, and are operated solely within an area~~
79.21 ~~composed of two contiguous cities of the first class and municipalities contiguous thereto~~
79.22 ~~as defined by section 221.011, subdivision 17; or~~

79.23 ~~(2) operated by an interstate carrier registered under section 221.60, or by an~~
79.24 ~~authorized local cartage carrier or other carrier receiving operating authority under chapter~~
79.25 ~~221, and operated solely within a zone exempt from regulation pursuant to United States~~
79.26 ~~Code, title 49, section 13506.~~

79.27 (g) The license plates issued for commercial zone vehicles shall be plainly
79.28 marked. A person operating a commercial zone vehicle outside the zone or area in which
79.29 its operation is authorized is guilty of a misdemeanor and, in addition to the misdemeanor
79.30 penalty therefor, the registrar shall have revoke the registration of the vehicle as a
79.31 commercial zone vehicle ~~revoked by the registrar~~ and shall ~~be required to reregister~~
79.32 require that the vehicle be registered at 100 percent of the full annual tax prescribed in the
79.33 Minnesota base rate schedule, and no part of this tax ~~shall~~ may be refunded during the
79.34 balance of the registration year.

79.35 (h) On commercial zone trucks the tax shall be based on the total gross weight of
79.36 the vehicle and during each of the first eight years of vehicle life ~~shall be~~ is 75 percent of

80.1 the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life
80.2 the tax ~~shall be~~ is 50 percent of the Minnesota base rate schedule.

80.3 ~~(h)~~ (i) On trucks, truck-tractors and semitrailer combinations, except those defined
80.4 as farm trucks and farm combinations, and except for those commercial zone vehicles
80.5 specifically provided for in this subdivision, the tax for each of the first eight years of
80.6 vehicle life ~~shall be~~ is 100 percent of the tax imposed in the Minnesota base rate schedule,
80.7 and during the ninth and succeeding years of vehicle life, the tax ~~shall be~~ is 75 percent
80.8 of the Minnesota base rate prescribed by this subdivision.

80.9 ~~(i)~~ (j) For the purpose of registration, trailers coupled with a truck-tractor, semitrailer
80.10 combination are semitrailers.

80.11 Sec. 3. Minnesota Statutes 2006, section 169.781, is amended to read:

80.12 **169.781 ANNUAL COMMERCIAL VEHICLE INSPECTION; INSPECTORS,**
80.13 **FEE, PENALTY.**

80.14 Subdivision 1. **Definitions.** For purposes of sections 169.781 to 169.783:

80.15 (a) "Commercial motor vehicle":

80.16 (1) means a motor vehicle or combination of motor vehicles used to transport
80.17 passengers or property if the motor vehicle:

80.18 ~~(1) a commercial motor vehicle as defined in section 169.01, subdivision 75,~~
80.19 ~~paragraph (a), and (i) has a gross vehicle weight of more than 26,000 pounds;~~

80.20 ~~(2) each (ii) is a vehicle in a combination of more than 26,000 pounds;~~

80.21 ~~(iii) is a bus; or~~

80.22 ~~(iv) is of any size and is used in the transportation of hazardous materials that are~~
80.23 ~~required to be placarded under Code of Federal Regulations, title 49, parts 100-185; and~~

80.24 ~~"Commercial motor vehicle"~~

80.25 (2) does not include ~~(1)~~ (i) a school bus or Head Start bus displaying a certificate
80.26 under section 169.451, ~~(2)~~ or (ii) a bus operated by the Metropolitan Council or by a local
80.27 transit commission created in chapter 458A, ~~or (3) a motor vehicle that is required to be~~
80.28 ~~placarded under Code of Federal Regulations, title 49, parts 100-185.~~

80.29 (b) "Commissioner" means the commissioner of public safety.

80.30 (c) "Owner" means a person who owns, or has control, under a lease of more than 30
80.31 days' duration, of one or more commercial motor vehicles.

80.32 ~~(d) "Storage semitrailer" means a semitrailer that (1) is used exclusively to store~~
80.33 ~~property at a location not on a street or highway, (2) does not contain any load when~~
80.34 ~~moved on a street or highway, (3) is operated only during daylight hours, and (4) is marked~~
80.35 ~~on each side of the semitrailer "storage only" in letters at least six inches high.~~

81.1 ~~(c) "Building mover vehicle" means a vehicle owned or leased by a building mover~~
81.2 ~~as defined in section 221.81, subdivision 1, paragraph (a), and used exclusively for~~
81.3 ~~moving buildings.~~

81.4 Subd. 2. **Inspection required.** (a) It is unlawful for a person to operate or permit
81.5 the operation of:

81.6 (1) a commercial motor vehicle registered in Minnesota; or

81.7 (2) special mobile equipment as defined in section 168.011, subdivision 22, and
81.8 which is self-propelled, if it is mounted on a commercial motor vehicle chassis,

81.9 ~~unless the~~ in violation of the requirements of paragraph (b).

81.10 (b) A vehicle displays described in paragraph (a):

81.11 (1) must display a valid safety inspection decal issued by an inspector certified by
81.12 the commissioner; ~~or the vehicle carries (1); or~~

81.13 (2) must carry (i) proof that the vehicle complies with federal motor vehicle
81.14 inspection requirements for vehicles in interstate commerce, and ~~(2)~~ (ii) a certificate of
81.15 compliance with federal requirements issued by the commissioner under subdivision 9.

81.16 Subd. 3. **Inspector certification; suspension and revocation; hearing.** (a) An
81.17 inspection required by this section may be performed only by:

81.18 (1) an employee of the Department of Public Safety or Transportation who has
81.19 been certified by the commissioner after having received training provided by the State
81.20 Patrol; or

81.21 (2) another person who has been certified by the commissioner after having received
81.22 training provided by the State Patrol or other training approved by the commissioner.

81.23 (b) A person who is not an employee of the Department of Public Safety or
81.24 Transportation may be certified by the commissioner if the person is:

81.25 (1) an owner, or employee of the owner, of one or more commercial motor vehicles
81.26 that are power units;

81.27 (2) a dealer licensed under section 168.27 and engaged in the business of buying and
81.28 selling commercial motor vehicles, or an employee of the dealer; ~~or~~

81.29 (3) engaged in the business of repairing and servicing commercial motor vehicles; or

81.30 (4) employed by a governmental agency that owns commercial vehicles.

81.31 (c) Certification of persons described in paragraph (b), clauses (1) to ~~(3)~~ (4), is
81.32 effective for two years from the date of certification. The commissioner may require
81.33 biennial retraining of persons holding a certificate under paragraph (b) as a condition of
81.34 renewal of the certificate. The commissioner may charge a fee of not more than \$10
81.35 for each certificate issued and renewed. A certified person described in paragraph (b),

82.1 clauses (1) to ~~(3)~~ (4), may charge a reasonable fee for each inspection of a vehicle not
82.2 owned by the person or the person's employer.

82.3 (d) Except as otherwise provided in subdivision 5, the standards adopted by the
82.4 commissioner for commercial motor vehicle inspections under sections 169.781 to
82.5 169.783 ~~shall~~ must be the standards prescribed in Code of Federal Regulations, title 49,
82.6 section 396.17, and in chapter III, subchapter B, appendix G.

82.7 (e) The commissioner may classify types of vehicles for inspection purposes and
82.8 may issue separate classes of inspector certificates for each class. ~~The commissioner shall~~
82.9 ~~issue separate categories of inspector certificates based on the following classifications:~~

82.10 ~~(1) a class of certificate that authorizes the certificate holder to inspect commercial~~
82.11 ~~motor vehicles without regard to ownership or lease; and~~

82.12 ~~(2) a class of certificate that authorizes the certificate holder to inspect only~~
82.13 ~~commercial motor vehicles the certificate holder owns or leases.~~

82.14 ~~The commissioner shall issue a certificate described in clause (1) only to a person~~
82.15 ~~described in paragraph (b), clause (2) or (3).~~

82.16 (f) The commissioner, after notice and an opportunity for a hearing, may suspend a
82.17 certificate issued under paragraph (b) for failure to meet annual certification requirements
82.18 prescribed by the commissioner or failure to inspect commercial motor vehicles in
82.19 accordance with inspection procedures established by the State Patrol. The commissioner
82.20 shall revoke a certificate issued under paragraph (b) if the commissioner determines after
82.21 notice and an opportunity for a hearing that the certified person issued an inspection decal
82.22 for a commercial motor vehicle when the person knew or reasonably should have known
82.23 that the vehicle was in such a state of repair that it would have been declared out of service
82.24 if inspected by an employee of the State Patrol. Suspension and revocation of certificates
82.25 under this subdivision are not subject to sections 14.57 to 14.69.

82.26 Subd. 4. **Inspection report.** (a) A person performing an inspection under this
82.27 section shall issue an inspection report to the owner of the commercial motor vehicle
82.28 inspected. The report must include:

82.29 (1) the full name of the person performing the inspection, and the person's inspector
82.30 certification number;

82.31 (2) the name of the owner of the vehicle and, if applicable, the United States
82.32 Department of Transportation carrier number issued to the owner of the vehicle, or to the
82.33 operator of the vehicle if other than the owner;

82.34 (3) the vehicle identification number and, if applicable, the license plate number
82.35 of the vehicle;

82.36 (4) the date and location of the inspection;

83.1 (5) the vehicle components inspected and a description of the findings of the
83.2 inspection, including identification of the components not in compliance with federal
83.3 motor carrier safety regulations; and

83.4 (6) the inspector's certification that the inspection was complete, accurate, and in
83.5 compliance with the requirements of this section.

83.6 (b) The owner must retain a copy of the inspection report for at least 14 months at a
83.7 location in the state where the vehicle is domiciled or maintained. The inspector must
83.8 maintain a copy of the inspection report for a period of 14 months following the inspection
83.9 in a location in the state where the inspector conducts business. During this period the
83.10 report must be available for inspection by an authorized federal, state, or local official.

83.11 (c) The commissioner shall prescribe the form of the inspection report and revise it
83.12 as necessary to comply with state and federal law and regulations. The adoption of the
83.13 report form is not subject to the Administrative Procedure Act.

83.14 Subd. 5. **Inspection decal.** ~~(a)~~ A person inspecting a commercial motor vehicle
83.15 shall issue an inspection decal for the vehicle if each inspected component of the vehicle
83.16 complies with federal motor carrier safety regulations. The decal must state that in the
83.17 month specified on the decal the vehicle was inspected and each inspected component
83.18 complied with federal motor carrier safety regulations. The decal is valid for 12
83.19 months after the month specified on the decal. The commissioners of public safety and
83.20 transportation shall make decals available, at a fee of not more than \$2 for each decal,
83.21 to persons certified to perform inspections under subdivision 3, paragraph (b). Decals
83.22 are issued to inspectors by serial number and are not transferable unless approved by
83.23 the commissioner.

83.24 ~~(b) Minnesota inspection decals may be affixed only to:~~

83.25 ~~(1) commercial motor vehicles bearing Minnesota-based license plates; or~~

83.26 ~~(2) special mobile equipment, within the meaning of subdivision 2, clause (2).~~

83.27 ~~(c) Notwithstanding paragraph (a), a person inspecting (1) a vehicle of less~~
83.28 ~~than 57,000 pounds gross vehicle weight and registered as a farm truck, (2) a storage~~
83.29 ~~semitrailer, or (3) a building mover vehicle must issue an inspection decal to the vehicle~~
83.30 ~~unless the vehicle has one or more defects that would result in the vehicle being declared~~
83.31 ~~out of service under the North American Uniform Driver, Vehicle, and Hazardous~~
83.32 ~~Materials Out-of-Service Criteria issued by the Federal Highway Administration and the~~
83.33 ~~Commercial Vehicle Safety Alliance. A decal issued to a vehicle described in clause (1),~~
83.34 ~~(2), or (3) is valid for two years from the date of issuance. A decal issued to such a vehicle~~
83.35 ~~must clearly indicate that it is valid for two years from the date of issuance.~~

84.1 ~~(d) Notwithstanding paragraph (a), a commercial motor vehicle that (1) is registered~~
84.2 ~~as a farm truck, (2) is not operated more than 75 miles from the owner's home post office,~~
84.3 ~~and (3) was manufactured before 1979 that has a dual transmission system, is not required~~
84.4 ~~to comply with a requirement in an inspection standard that requires that the service brake~~
84.5 ~~system and parking brake system be separate systems in the motor vehicle.~~

84.6 Subd. 6. **Record review; random inspection; audit.** Employees of the State Patrol
84.7 and motor transportation representatives of the Department of Transportation may review
84.8 records required to be kept under subdivision 4, paragraph (b), and conduct random
84.9 vehicle inspections and audits at the facility of an owner of a commercial motor vehicle.

84.10 Subd. 7. **Disposition of revenues.** The commissioner shall pay all revenues received
84.11 under this section to the commissioner of finance for deposit in the trunk highway fund.

84.12 Subd. 8. **Violation; misdemeanor.** A violation of this section is a misdemeanor.

84.13 Subd. 9. **Proof of federal inspection.** An owner of a commercial motor vehicle
84.14 that is subject to and in compliance with federal motor vehicle inspection requirements
84.15 for vehicles in interstate commerce may apply to the commissioner for a certificate
84.16 of compliance with federal requirements. On payment of a fee equal to the fee for an
84.17 inspection decal under subdivision 5, ~~paragraph (a)~~, the commissioner shall issue the
84.18 certificate to the applicant. This subdivision only applies to Minnesota-licensed vehicles
84.19 that are not housed or maintained in Minnesota.

84.20 Subd. 10. **Exemption.** This section does not apply to a vehicle operated by a motor
84.21 carrier of passengers, as defined in section 221.011, subdivision 48, if the vehicle has
84.22 been inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within
84.23 the previous 12 months.

84.24 Sec. 4. Minnesota Statutes 2006, section 169.782, subdivision 1, is amended to read:

84.25 Subdivision 1. **Driver; daily inspection report.** (a) The driver of a commercial
84.26 motor vehicle shall report in writing at the completion of each day's work on each
84.27 commercial motor vehicle the driver has operated. A person who owns one or more
84.28 commercial motor vehicles and who employs drivers for those commercial motor vehicles
84.29 must require each driver to submit a written report as required ~~in~~ by this section. The
84.30 report must cover the following parts and accessories: service brakes, including trailer and
84.31 semitrailer brake connections; parking (hand) brake; steering mechanism; lighting devices
84.32 and reflectors; tires; horn; windshield wiper or wipers; rear vision mirror or mirrors;
84.33 coupling devices; wheels and rims; and emergency equipment.

84.34 (b) The report must identify the vehicle and list any defect or deficiency discovered
84.35 by or reported to the driver that would affect the safe operation of the vehicle or result in

85.1 its mechanical breakdown. If no defect or deficiency is discovered by or reported to the
 85.2 driver, the report must so indicate. The driver must sign the report after completing it. In
 85.3 the case of a commercial motor vehicle operated by two drivers, the signature of one of
 85.4 the drivers satisfies the requirements of this subdivision if both drivers agree concerning
 85.5 the defects or deficiencies. If a driver operates more than one commercial motor vehicle
 85.6 during a day's work, a report must be prepared for each vehicle operated.

85.7 (c) Before operating or allowing the operation of a commercial motor vehicle on
 85.8 which a report has been prepared under this subdivision, the owner of the vehicle or
 85.9 the owner's agent must repair defects or deficiencies listed on the report that would be
 85.10 ~~sufficient under inspection procedures established by the State Patrol to require the vehicle~~
 85.11 ~~to be declared out of service~~ likely affect the safe operation of the vehicle. Before allowing
 85.12 the commercial motor vehicle to be operated again, the owner or the owner's agent must
 85.13 certify, on the report listing the defect or deficiency, that the defect or deficiency has
 85.14 been corrected or that correction is unnecessary. A motor carrier must keep the original
 85.15 vehicle inspection report for at least three months after the date of inspection. The report
 85.16 must be available for inspection by an authorized federal, state, or local official at any
 85.17 time during this period.

85.18 (d) A copy of the vehicle inspection report, including a certification of corrections
 85.19 resulting from the report, must be carried in the commercial motor vehicle, or in the power
 85.20 unit of a commercial motor vehicle combination, at all times when the vehicle or power
 85.21 unit is operated until the next inspection report is completed under this subdivision. The
 85.22 copy must be made available on demand to: (1) a peace officer; (2) a person authorized
 85.23 under section 221.221; and (3) a person described in section 299D.06.

85.24 Sec. 5. Minnesota Statutes 2006, section 169.783, subdivision 1, is amended to read:

85.25 Subdivision 1. **Postcrash inspection.** (a) A peace officer responding to an accident
 85.26 involving a commercial motor vehicle must immediately notify the State Patrol if the
 85.27 accident results in death, personal injury, or property damage to an apparent extent of
 85.28 more than \$4,400.;

85.29 (1) a fatality;

85.30 (2) bodily injury to a person who, as a result of the injury, immediately receives
 85.31 medical treatment away from the scene of the accident; or

85.32 (3) one or more motor vehicles incurring disabling damage as a result of the
 85.33 accident, requiring the motor vehicles to be transported away from the scene by tow
 85.34 truck or other motor vehicle.

86.1 (b) It is a misdemeanor for a person to drive or cause to be driven a commercial
86.2 motor vehicle after such an accident unless the vehicle:

86.3 (1) has been inspected by a state trooper or other person authorized to conduct
86.4 inspections under section 169.781, subdivision 3, paragraph (a), who is an employee of
86.5 the Department of Public Safety or Transportation, and the person inspecting the vehicle
86.6 has determined that the vehicle may safely be operated; or

86.7 (2) a waiver has been granted under subdivision 2.

86.8 Sec. 6. Minnesota Statutes 2006, section 221.031, subdivision 6, is amended to read:

86.9 Subd. 6. **Vehicle identification rule.** (a) The following carriers shall display the
86.10 carrier's name ~~and address~~ on the power unit of each vehicle:

86.11 (1) motor carriers, regardless of the weight of the vehicle, except that this
86.12 requirement does not apply to a limousine as defined in section 168.011, subdivision 35,
86.13 that is equipped with "LM" license plates;

86.14 (2) interstate and intrastate private carriers operating vehicles with a gross vehicle
86.15 weight of more than 10,000 pounds; and

86.16 (3) vehicles providing transportation described in section 221.025 with a gross
86.17 vehicle weight of more than 10,000 pounds except those providing transportation
86.18 described in section 221.025, clauses (1), (3), and (4).

86.19 Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees
86.20 and have four or fewer axles are not required to comply with the vehicle identification
86.21 rule of the commissioner.

86.22 (b) Vehicles subject to this subdivision must show the name or "doing business as"
86.23 name of the carrier operating the vehicle ~~and the community and abbreviation of the state~~
86.24 ~~in which the carrier maintains its principal office or in which the vehicle is customarily~~
86.25 ~~based~~. If the carrier operates a leased vehicle, it may show its name and the name of the
86.26 lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person
86.27 other than the operating carrier appears on the vehicle, the words "operated by" must
86.28 immediately precede the name of the carrier.

86.29 (c) The name ~~and address~~ must be in letters that contrast sharply in color with the
86.30 background, be readily legible during daylight hours from a distance of 50 feet while
86.31 the vehicle is stationary, and be maintained in a manner that retains the legibility of the
86.32 markings. The name ~~and address~~ may be shown by use of a removable device if that
86.33 device meets the identification and legibility requirements of this subdivision.

86.34 Sec. 7. Minnesota Statutes 2006, section 221.0314, subdivision 9, is amended to read:

87.1 Subd. 9. **Hours of service of driver.** Code of Federal Regulations, title 49, part
87.2 395, is incorporated by reference, except that paragraphs (a), (c), (d), (f), (h), (i), (k), ~~(l)~~,
87.3 (m), and (n) of section 395.1 and section 395.13 of that part are not incorporated. In
87.4 addition, cross-references to sections or paragraphs not incorporated in this subdivision
87.5 are not incorporated by reference. The requirements of Code of Federal Regulations, title
87.6 49, part 395, do not apply to drivers of lightweight vehicles.

87.7 Sec. 8. Minnesota Statutes 2006, section 221.0314, is amended by adding a subdivision
87.8 to read:

87.9 Subd. 12. **Hazardous materials safety permits.** A person who transports the
87.10 hazardous materials designated in Code of Federal Regulations, title 49, section 385.403,
87.11 shall comply with this section and with the provisions of Code of Federal Regulations,
87.12 title 49, part 385, subpart E, which is incorporated by reference.

87.13 Sec. 9. Minnesota Statutes 2006, section 221.033, subdivision 2d, is amended to read:

87.14 Subd. 2d. **Age of driver under federal materials-of-trade regulation.** A driver
87.15 of a self-propelled or towed motor vehicle transporting no hazardous material other than
87.16 materials of trade, as defined in Code of Federal Regulations, title 49, section 171.8, when
87.17 engaged in intrastate transportation, must be at least 18 years of age. This subdivision
87.18 does not apply unless the transportation conforms to the requirements of Code of Federal
87.19 Regulations, title 49, section 173.6.

87.20 Sec. 10. Minnesota Statutes 2006, section 221.037, subdivision 1, is amended to read:

87.21 Subdivision 1. **Required to provide information.** A person who generates, stores,
87.22 treats, transports, disposes of, or otherwise handles or has handled hazardous materials,
87.23 hazardous substances, or hazardous waste shall (1) give to transportation representatives
87.24 and hazardous material specialists of the department information relating to the materials,
87.25 substances, or waste, or (2) permit them access to and copying of records and safety
87.26 permits relating to any or all of the materials, substances, or waste, ~~or both.~~

87.27 Sec. 11. Minnesota Statutes 2006, section 221.141, subdivision 1, is amended to read:

87.28 Subdivision 1. **Financial responsibility of carriers.** (a) No motor carrier and no
87.29 interstate carrier shall operate a vehicle until it has obtained and has in effect the minimum
87.30 amount of financial responsibility required by this section. Policies of insurance, surety
87.31 bonds, other types of security, and endorsements must be continuously in effect and must
87.32 remain in effect until canceled. Before providing transportation, the motor carrier or

88.1 interstate carrier shall secure and cause to be filed with the commissioner and maintain in
88.2 full effect, a certificate of insurance in a form required by the commissioner, evidencing
88.3 public liability insurance in the amount prescribed. The insurance must cover injuries and
88.4 damage to persons or property resulting from the operation or use of motor vehicles,
88.5 regardless of whether each vehicle is specifically described in the policy. This insurance
88.6 does not apply to injuries or death to the employees of the motor carrier or to property
88.7 being transported by the carrier.

88.8 (b) Notwithstanding any other provision of this chapter, the insurance required of
88.9 a motor carrier of passengers must be at least that amount required of interstate carriers
88.10 under Code of Federal Regulations, title 49, section 387.33, as amended.

88.11 (c) This section does not apply to a charitable organization exempt from taxation
88.12 under section 501(c)(3) of the Internal Revenue Code when the transportation furthers
88.13 the charitable organization's charitable mission. The charitable organization must comply
88.14 with the insurance requirements of section 65B.48.

88.15 Sec. 12. Minnesota Statutes 2006, section 221.231, is amended to read:

88.16 **221.231 RECIPROCAL AGREEMENT.**

88.17 The commissioner may enter into reciprocal agreements with the regulatory bodies
88.18 of other states and the provinces of the Dominion of Canada, ~~whereby the payment of the~~
88.19 ~~fees provided in section 221.60 may be waived in whole or in part for~~ regarding motor
88.20 carriers having an established place of business in that state or province; provided that
88.21 reciprocal privileges are extended under the agreement to motor carriers of this state.

88.22 Sec. 13. Minnesota Statutes 2006, section 221.60, subdivision 1, is amended to read:

88.23 Subdivision 1. **Procedure.** A motor carrier may transport persons or property for
88.24 hire in interstate commerce in Minnesota only if it first:

88.25 (1) complies with ~~section 221.141;~~

88.26 (2) ~~either registers with the commissioner the federal operating authority that it~~
88.27 ~~intends to exercise, or registers and describes the transportation it performs under an~~
88.28 ~~exemption contained in United States Code, title 49; and~~

88.29 (3) ~~purchases an interstate identification stamp or an interstate registration trip~~
88.30 ~~permit for each vehicle to be used in interstate transportation in Minnesota~~ the Unified
88.31 Carrier Registration Agreement authorized by United States Code, title 49, section
88.32 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal
88.33 regulations adopted thereunder.

89.1 Sec. 14. Minnesota Statutes 2006, section 221.60, is amended by adding a subdivision
89.2 to read:

89.3 Subd. 7. **Commissioner's authority.** The commissioner of transportation shall
89.4 take all necessary actions to enter into the Unified Carrier Registration Agreement when
89.5 it becomes effective. The commissioner shall implement and administer United States
89.6 Code, title 49, section 14504a, and the regulations adopted thereunder.

89.7 Sec. 15. **REPEALER.**

89.8 Minnesota Statutes 2006, sections 221.60, subdivisions 2, 3, 3a, 4, 5, and 6; 221.601;
89.9 and 221.602, are repealed.

89.10 ARTICLE 7

89.11 HOUSEHOLD GOODS MOVERS

89.12 Section 1. Minnesota Statutes 2006, section 221.011, is amended by adding a
89.13 subdivision to read:

89.14 Subd. 50. **Household goods mover.** (a) "Household goods mover" means a motor
89.15 carrier who engages in for-hire transportation service for moving household goods and
89.16 offers the services of:

89.17 (1) binding and nonbinding estimates;

89.18 (2) inventorying;

89.19 (3) protective packing and unpacking of individual items at a personal residence; or

89.20 (4) loading and unloading at a personal residence.

89.21 (b) Household goods mover does not include a carrier transporting property from a
89.22 factory or store to a personal residence.

89.23 Sec. 2. **[221.0253] HOUSEHOLD GOODS MOVERS; REGISTRATION.**

89.24 Subdivision 1. **Definition.** For purposes of this section, "registrant" means a person
89.25 applying for a certificate of registration as a household goods mover under this section.

89.26 Subd. 2. **Registration required.** No person may engage in the for-hire
89.27 transportation of household goods in Minnesota unless the person has been issued a
89.28 certificate of registration by the commissioner.

89.29 Subd. 3. **Registration statement.** A registrant shall file a complete and accurate
89.30 registration statement with the commissioner. A registration statement must be on a form
89.31 provided by the commissioner and include:

89.32 (1) the registrant's name, including an assumed or fictitious name used by the
89.33 registrant in doing business;

90.1 (2) the registrant's mailing address and business telephone number;

90.2 (3) the registrant's federal employer identification number, Minnesota business
90.3 identification number, and the identification number, if any, assigned to the registrant by
90.4 the United States Department of Transportation;

90.5 (4) the name, title, and telephone number of the individual who is principally
90.6 responsible for the operation of the registrant's transportation business;

90.7 (5) the principal location from which the registrant conducts its transportation
90.8 business and where the records required by this chapter will be kept;

90.9 (6) if different from clause (5), the location in Minnesota where the records required
90.10 by this chapter will be available for inspection and copying by the commissioner;

90.11 (7) whether the registrant's business is a corporation, partnership, limited liability
90.12 partnership, limited liability company, sole proprietorship, or other legal form;

90.13 (8) if the registrant is a foreign corporation authorized to transact business in
90.14 Minnesota, the state of incorporation and the name and address of its registered agent; and

90.15 (9) a record of each initial background check as required under subdivision 4.

90.16 Subd. 4. **Background check; denial of registration.** (a) The registrant shall
90.17 conduct, or cause to be conducted, an initial background check of any person employed by
90.18 the registrant, or with whom the registrant contracts, whose duties include operating a
90.19 vehicle used to transport household goods.

90.20 (b) Sections 299C.67; 299C.68, subdivisions 2 to 5; and 299C.71 apply to
90.21 background checks conducted under this subdivision. For purposes of this subdivision,
90.22 when used in sections 299C.67, 299C.68, and 299C.71, the term "owner" refers to the
90.23 registrant and the term "manager" refers to a driver.

90.24 (c) The commissioner may deny registration to any registrant who employs a driver
90.25 that the background check response shows has been convicted of a background check
90.26 crime, as defined in section 299C.67, subdivision 2, paragraph (a) or (b).

90.27 (d) The registrant shall conduct, or cause to be conducted, a subsequent background
90.28 check every three years. The registrant shall keep a record, identified by the employee's
90.29 name, of a background check conducted under this section. A record must be made
90.30 available to the commissioner upon request.

90.31 (e) This subdivision does not apply to a driver who holds a valid driver's license
90.32 with a school bus endorsement.

90.33 Subd. 5. **Signature required.** A corporate officer, general partner, or sole proprietor
90.34 must sign the registration statement and the vehicle and insurance statement.

90.35 Subd. 6. **Fee.** An initial fee of \$200 must be paid at the time of filing the registration
90.36 statement. It must be paid into the state treasury and credited to the trunk highway fund.

91.1 Subd. 7. **Certificate of registration; issuance.** (a) The commissioner shall issue a
91.2 certificate of registration to a registrant who does not have an unsatisfactory safety rating
91.3 and has met the requirements of this section.

91.4 (b) A certificate of registration must be numbered and bear an effective date.

91.5 (c) A certificate of registration must be kept at the registrant's principal place of
91.6 business.

91.7 Subd. 8. **Compliance with other laws.** A household goods mover shall comply
91.8 with sections 169.781 and 221.141.

91.9 Subd. 9. **Duration.** A certificate of registration is valid for for-hire transportation
91.10 of household goods throughout Minnesota, is not assignable or transferable, and is valid
91.11 until it is suspended, revoked, or canceled.

91.12 Subd. 10. **Obligation to keep information current.** A registrant shall notify the
91.13 commissioner in writing of any change in the information described in subdivision 3.

91.14 Subd. 11. **Suspension and cancellation of registration.** The commissioner
91.15 shall suspend or cancel, following the procedures for suspension or cancellation in
91.16 section 221.185, the registration of a household goods mover who fails to file with the
91.17 commissioner or maintain the insurance or bond required under section 221.141. A person
91.18 may not engage in the for-hire transportation of household goods in Minnesota while the
91.19 person's registration is under suspension or cancellation under this subdivision.

91.20 **Sec. 3. [221.027] HOUSEHOLD GOODS MOVERS; CONSUMER**
91.21 **PROTECTION.**

91.22 Subdivision 1. **Arbitration, price estimates, relinquishment of possession to**
91.23 **consumers.** Code of Federal Regulations, title 49, sections 375.209; 375.211; 375.401
91.24 through 375.409; 375.503; 375.505; 376.603; and 375.703 are incorporated by reference
91.25 and apply to household goods movers.

91.26 Subd. 2. **Investigation.** The attorney general shall investigate violations of laws
91.27 by household goods movers, including but not limited to violations relating to operation
91.28 without registration, misrepresentations, deceptive trade practices, theft, the provisions of
91.29 subdivision 1, and other crimes.

91.30 Subd. 3. **Contact information.** A household goods mover shall include contact
91.31 information for the Department of Transportation and the attorney general on all bills of
91.32 lading and estimates required under subdivision 1.

91.33 **Sec. 4. [221.028] HOUSEHOLD GOODS MOVERS; EXPIRATION AND**
91.34 **CONVERSION OF PERMITS.**

93.1 ~~with the commissioner for that purpose and to whomever the commissioner deems to be~~
93.2 ~~interested in the petition. The commissioner may grant or deny the request of the petition~~
93.3 ~~30 days after notice of the filing has been fully given.~~

93.4 (e) If the commissioner receives a written objection and notice of intent to appear at
93.5 a hearing to object to the petition from any person within 20 days of the notice having been
93.6 fully given, the request of the petition must be granted or denied only after a contested
93.7 case hearing has been conducted on the petition, unless the objection is withdrawn before
93.8 the hearing. The commissioner may elect to hold a contested case hearing if no objections
93.9 to the petition are received. If a timely objection is not received, or if received and
93.10 withdrawn, and the request of the petition is denied without hearing, the petitioner may
93.11 request within 30 days of receiving the notice of denial, and must be granted, a contested
93.12 case hearing on the petition.

93.13 Sec. 3. Minnesota Statutes 2006, section 174.66, is amended to read:

93.14 **174.66 CONTINUATION OF CARRIER RULES.**

93.15 (a) Orders and directives in force, issued, or promulgated under authority of chapters
93.16 174A, 216A, 218, 219, 221, and 222 remain and continue in force and effect until repealed,
93.17 modified, or superseded by duly authorized orders or directives of the commissioner of
93.18 transportation. To the extent allowed under federal law or regulation, rules adopted under
93.19 authority of the following sections are transferred to the commissioner of transportation
93.20 and continue in force and effect until repealed, modified, or superseded by duly authorized
93.21 rules of the commissioner:

93.22 (1) section 218.041 except rules related to the form and manner of filing railroad
93.23 rates, railroad accounting rules, and safety rules;

93.24 (2) section 219.40; and

93.25 (3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits
93.26 or certificates of convenience and necessity under section 221.031, subdivision 1;

93.27 ~~(4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest~~
93.28 ~~in a corporation holding authority to operate as a permit carrier as prescribed in section~~
93.29 ~~221.151, subdivision 1;~~

93.30 ~~(5) rules relating to rates, charges, and practices under section 221.161, subdivision~~
93.31 ~~4; and~~

93.32 ~~(6) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits~~
93.33 ~~under sections 221.121 and 221.151.~~

93.34 (b) The commissioner shall review the transferred rules, orders, and directives and,
93.35 when appropriate, develop and adopt new rules, orders, or directives.

94.1 Sec. 4. Minnesota Statutes 2006, section 221.011, subdivision 8, is amended to read:

94.2 Subd. 8. **Permit.** "Permit" means the license, or franchise, which may be issued to
94.3 motor carriers other than regular route common carriers of passengers, ~~class I common~~
94.4 ~~carriers, and petroleum carriers, and household goods movers~~ under the provisions of this
94.5 chapter, authorizing the use of the highways of Minnesota for transportation for hire.

94.6 Sec. 5. Minnesota Statutes 2006, section 221.025, is amended to read:

94.7 **221.025 EXEMPTIONS.**

94.8 The provisions of this chapter requiring a certificate ~~or permit~~ to operate as a motor
94.9 carrier do not apply to the intrastate transportation described below:

94.10 (1) the transportation of students to or from school or school activities in a school
94.11 bus inspected and certified under section 169.451 and the transportation of children or
94.12 parents to or from a Head Start facility or Head Start activity in a Head Start bus inspected
94.13 and certified under section 169.451;

94.14 (2) the transportation of solid waste, as defined in section 116.06, subdivision 22,
94.15 including recyclable materials and waste tires, except that the term "hazardous waste" has
94.16 the meaning given it in section 221.011, subdivision 31;

94.17 (3) a commuter van as defined in section 221.011, subdivision 27;

94.18 (4) authorized emergency vehicles as defined in section 169.01, subdivision 5,
94.19 including ambulances; and tow trucks equipped with proper and legal warning devices
94.20 when picking up and transporting (i) disabled or wrecked motor vehicles or (ii) vehicles
94.21 towed or transported under a towing order issued by a public employee authorized to
94.22 issue a towing order;

94.23 (5) the transportation of grain samples under conditions prescribed by the
94.24 commissioner;

94.25 (6) the delivery of agricultural lime;

94.26 (7) the transportation of dirt and sod within an area having a 50-mile radius from the
94.27 home post office of the person performing the transportation;

94.28 (8) the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix,
94.29 concrete blocks or tile and the mortar mix to be used with the concrete blocks or tile, or
94.30 crushed rock to or from the point of loading or a place of gathering within an area having a
94.31 50-mile radius from that person's home post office or a 50-mile radius from the site of
94.32 construction or maintenance of public roads and streets;

94.33 (9) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator
94.34 evergreens, wood chips, sawdust, shavings, and bark from the place where the products
94.35 are produced to the point where they are to be used or shipped;

95.1 (10) the transportation of fresh vegetables from farms to canneries or viner stations,
95.2 from viner stations to canneries, or from canneries to canneries during the harvesting,
95.3 canning, or packing season, or transporting sugar beets, wild rice, or rutabagas from the
95.4 field of production to the first place of delivery or unloading, including a processing
95.5 plant, warehouse, or railroad siding;

95.6 (11) the transportation of property or freight, other than household goods and
95.7 petroleum products in bulk, entirely within the corporate limits of a city or between
95.8 contiguous cities ~~except as provided in section 221.296~~;

95.9 (12) the transportation of unprocessed dairy products in bulk within an area having a
95.10 100-mile radius from the home post office of the person providing the transportation;

95.11 (13) the transportation of agricultural, horticultural, dairy, livestock, or other farm
95.12 products within an area having a 100-mile radius from the person's home post office and
95.13 the carrier may transport other commodities within the 100-mile radius if the destination
95.14 of each haul is a farm;

95.15 (14) the transportation of newspapers, as defined in section 331A.01, subdivision
95.16 5, telephone books, handbills, circulars, or pamphlets in a vehicle with a gross vehicle
95.17 weight of 10,000 pounds or less; and

95.18 (15) transportation of potatoes from the field of production, or a storage site owned
95.19 or otherwise controlled by the producer, to the first place of processing.

95.20 The exemptions provided in this section apply to a person only while the person is
95.21 exclusively engaged in exempt transportation.

95.22 Sec. 6. Minnesota Statutes 2006, section 221.026, is amended to read:

95.23 **221.026 MOTOR CARRIER OF PROPERTY; EXEMPTIONS.**

95.24 Subdivision 1. **Registration.** No person may engage in the for-hire transportation
95.25 of property, ~~other than household goods~~, in Minnesota unless the person has filed a
95.26 registration statement with the commissioner on a form the commissioner prescribes.

95.27 Subd. 2. **Exemptions from requirements.** Notwithstanding any other law, a motor
95.28 carrier of property is exempt from sections 221.021; 221.072; ~~221.121; 221.122; 221.123;~~
95.29 ~~221.131; 221.132; 221.151; 221.161;~~ 221.172, subdivisions 3 to 8; and 221.185, except as
95.30 provided in subdivision 4; ~~and 221.296~~. The exemptions in this subdivision do not apply
95.31 to a motor carrier of property while transporting household goods.

95.32 Subd. 3. **Safety regulations.** A motor carrier of property is subject to those federal
95.33 regulations incorporated by reference in section 221.0314, unless exempted from those
95.34 regulations by section 221.031.

96.1 Subd. 4. **Suspension and cancellation of registration.** The commissioner
96.2 shall suspend or cancel, following the procedures for suspension or cancellation in
96.3 section 221.185, the registration of a motor carrier of property who fails to file with the
96.4 commissioner or maintain the insurance or bond required under section 221.141. A person
96.5 may not engage in the for-hire transportation of property, ~~other than household goods,~~
96.6 in Minnesota while the person's registration is under suspension or cancellation under
96.7 this subdivision.

96.8 Subd. 5. **Local regulation.** Section 221.091 applies to registration statements under
96.9 this section to the same extent that it applies to certificates and permits issued by the board.

96.10 Sec. 7. Minnesota Statutes 2006, section 221.031, subdivision 1, is amended to read:

96.11 Subdivision 1. **Powers, duties, reports, limitations.** (a) This subdivision applies to
96.12 motor carriers engaged in intrastate commerce.

96.13 (b) The commissioner shall prescribe rules for the operation of motor carriers,
96.14 including their facilities; accounts; leasing of vehicles and drivers; service; safe operation
96.15 of vehicles; equipment, parts, and accessories; hours of service of drivers; driver
96.16 qualifications; accident reporting; identification of vehicles; installation of safety devices;
96.17 inspection, repair, and maintenance; and proper automatic speed regulators if, in the
96.18 opinion of the commissioner, there is a need for the rules.

96.19 (c) The commissioner shall direct the repair and reconstruction or replacement of
96.20 an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require
96.21 the construction and maintenance or furnishing of suitable and proper freight terminals,
96.22 passenger depots, waiting rooms, and accommodations or shelters in a city in this state or
96.23 at a point on the highway traversed which the commissioner, after investigation by the
96.24 department, may deem just and proper for the protection of passengers or property.

96.25 ~~(d) The commissioner shall require holders of household goods mover permits to file~~
96.26 ~~annual and other reports including annual accounts of motor carriers, schedules of rates~~
96.27 ~~and charges, or other data by motor carriers, regulate motor carriers in matters affecting~~
96.28 ~~the relationship between them and the traveling and shipping public, and prescribe other~~
96.29 ~~rules as may be necessary to carry out the provisions of this chapter.~~

96.30 ~~(e) A motor carrier subject to paragraph (d) but having gross revenues from for-hire~~
96.31 ~~transportation in a calendar year of less than \$200,000 may, at the discretion of the~~
96.32 ~~commissioner, be exempted from the filing of an annual report, if instead the motor carrier~~
96.33 ~~files an abbreviated annual report, in a form as may be prescribed by the commissioner,~~
96.34 ~~attesting that the motor carrier's gross revenues did not exceed \$200,000 in the previous~~
96.35 ~~calendar year. Motor carrier gross revenues from for-hire transportation, for the purposes~~

97.1 ~~of this subdivision only, do not include gross revenues received from the operation of~~
97.2 ~~school buses as defined in section 169.01, subdivision 6.~~

97.3 ~~(f)~~ The commissioner shall enforce sections 169.781 to 169.783.

97.4 Sec. 8. Minnesota Statutes 2006, section 221.036, subdivision 1, is amended to read:

97.5 Subdivision 1. **Order.** The commissioner may issue an order requiring violations
97.6 to be corrected and administratively assessing monetary penalties for a violation of (1)
97.7 section 221.021; (2) section 221.033, subdivision 2b; (3) ~~section 221.151; (4) section~~
97.8 ~~221.171; (5) section 221.141; or (6) (4)~~ rules of the commissioner relating to the
97.9 transportation of hazardous waste, motor carrier operations, or insurance, or tariffs and
97.10 ~~accounting~~. An order must be issued as provided in this section.

97.11 Sec. 9. Minnesota Statutes 2006, section 221.036, subdivision 3, is amended to read:

97.12 Subd. 3. **Amount of penalty; considerations.** (a) The commissioner may issue an
97.13 order assessing a penalty of up to \$5,000 for all violations ~~of section 221.021; 221.141;~~
97.14 ~~221.151; or 221.171, or rules of the commissioner relating to motor carrier operations;~~
97.15 ~~insurance, or tariffs and accounting; identified under subdivision 1, except for rules of the~~
97.16 commissioner relating to the transportation of hazardous waste or as otherwise provided
97.17 under paragraph (b), identified during a single inspection, audit, or investigation.

97.18 (b) The commissioner may issue an order assessing a penalty up to a maximum of
97.19 \$10,000 for all violations of section 221.033, subdivision 2b, identified during a single
97.20 inspection or audit.

97.21 (c) In determining the amount of a penalty, the commissioner shall consider:

97.22 (1) the willfulness of the violation;

97.23 (2) the gravity of the violation, including damage to humans, animals, air, water,
97.24 land, or other natural resources of the state;

97.25 (3) the history of past violations, including the similarity of the most recent violation
97.26 and the violation to be penalized, the time elapsed since the last violation, the number of
97.27 previous violations, and the response of the person to the most recent violation identified;

97.28 (4) the economic benefit gained by the person by allowing or committing the
97.29 violation; and

97.30 (5) other factors as justice may require, if the commissioner specifically identifies
97.31 the additional factors in the commissioner's order.

97.32 (d) The commissioner shall assess a penalty of not less than \$1,000 against a driver
97.33 who is convicted of a violation of an out-of-service order. The commissioner shall assess

98.1 a penalty of not more than \$10,000 against an employer who knowingly allows or requires
98.2 an employee to operate a commercial motor vehicle in violation of an out-of-service order.

98.3 Sec. 10. Minnesota Statutes 2006, section 221.131, is amended to read:

98.4 **221.131 ~~CARRIER ANNUAL VEHICLE REGISTRATION; FEES;~~**
98.5 **~~IDENTIFICATION CARD FOR MOTOR CARRIERS OF PASSENGERS.~~**

98.6 Subdivision 1. **Permit Registration renewal.** ~~Permits~~ Certificates of registration
98.7 ~~issued under section 221.121~~ to a motor carrier of passengers under section 221.0252 are
98.8 effective for a 12-month period. A permit certificate of registration holder must renew the
98.9 permit certificate annually by registration of the vehicles operated under authority of that
98.10 ~~permit as required by subdivision 2~~ certificate. A permit certificate holder has one annual
98.11 renewal date encompassing all of the permits certificates held by the holder.

98.12 Subd. 2. **Annual vehicle registration; fee.** (a) ~~This subdivision applies only to~~
98.13 ~~holders of household goods mover permits and motor carriers of passengers.~~

98.14 (b) A ~~permit holder or~~ motor carrier of passengers shall pay an annual registration
98.15 fee of \$75 on each vehicle, including pickup and delivery vehicles, operated by the carrier
98.16 under authority of the ~~permit or~~ certificate of registration during the 12-month period or
98.17 fraction of the 12-month period. Trailers and semitrailers used by a permit certificate
98.18 holder in combination with power units may not be counted as vehicles in the computation
98.19 of fees under this section if the permit holder pays the fees for power units.

98.20 (c) (b) The commissioner shall furnish a distinguishing annual identification card for
98.21 each vehicle or power unit for which a fee has been paid. The identification card must
98.22 at all times be carried in the vehicle or power unit to which it has been assigned. An
98.23 identification card may be reassigned to another vehicle or power unit upon application
98.24 of the carrier and payment of a transfer fee of \$10. An identification card issued under
98.25 this section is valid only for the period for which the ~~permit or~~ certificate of registration is
98.26 effective.

98.27 (d) (c) A fee of \$10 is charged for the replacement of an unexpired identification
98.28 card that has been lost.

98.29 (e) (d) The proceeds of the fees collected under this subdivision must be deposited in
98.30 the trunk highway fund.

98.31 Subd. 2a. **Vehicle identification.** ~~The permit holder must be identified on the~~
98.32 ~~power unit of each registered vehicle operated under the permit. Vehicles must show the~~
98.33 ~~name or the "doing business as" name of the permit holder operating the vehicle and~~
98.34 ~~the community and abbreviation of the state in which the permit holder maintains its~~
98.35 ~~principal office or in which the vehicle is customarily based. If the permit holder operates~~

99.1 ~~a leased vehicle, it may show its name and the name of the lessor on the vehicle, if the~~
99.2 ~~lease relationship is clearly shown. If the name of a person other than the operating permit~~
99.3 ~~holder appears on the vehicle, the words "operated by" must immediately precede the~~
99.4 ~~name of the permit holder. The name and address must be in letters that contrast sharply in~~
99.5 ~~color with the background, be readily legible during daylight hours from a distance of 50~~
99.6 ~~feet while the vehicle is stationary, and be maintained in a manner that retains the legibility~~
99.7 ~~of the markings. The name and address may be shown by use of a removable device if that~~
99.8 ~~device meets the identification and legibility requirements of this subdivision.~~

99.9 ~~Subd. 3. **Certificate carrier; annual vehicle registration.** Certificated passenger~~
99.10 ~~carriers shall pay an annual registration fee of \$40 for each vehicle, including pickup~~
99.11 ~~and delivery vehicles, operated during a calendar year. The commissioner shall issue~~
99.12 ~~distinguishing identification cards as provided in subdivision 2.~~

99.13 ~~Subd. 4. **Floater card; fee.** The department may issue to carriers subject to~~
99.14 ~~subdivision 2 ~~or 3~~ special "floater" identification cards up to a maximum of five per motor~~
99.15 ~~carrier. Floater cards may be freely transferred between vehicles that have evidence of~~
99.16 ~~being inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within~~
99.17 ~~the previous 12 months, or have a current Commercial Vehicle Safety Alliance decal, and~~
99.18 ~~that are used under short-term leases by the motor carrier. The motor carrier shall pay a~~
99.19 ~~fee of \$100 for each floater card issued.~~

99.20 ~~Subd. 5. **Limitation.** The provisions of this section are limited by applicable~~
99.21 ~~federal law.~~

99.22 ~~Sec. 11. Minnesota Statutes 2006, section 221.132, is amended to read:~~

99.23 ~~**221.132 PREPAID TEMPORARY VEHICLE IDENTIFICATION CARD.**~~

99.24 ~~For special or extraordinary events, the commissioner may issue a prepaid~~
99.25 ~~temporary vehicle identification card to a ~~permit or~~ certificate holder subject to section~~
99.26 ~~221.131, subdivision 2 ~~or 3~~, for a fee of \$5 per card. The card must be preprinted by the~~
99.27 ~~commissioner with the carrier's name, address, and ~~permit or~~ certificate number. The card~~
99.28 ~~may be used by the motor carrier to whom it is issued to identify a vehicle temporarily~~
99.29 ~~added to its fleet, if the vehicle has evidence of being inspected under section 221.0252,~~
99.30 ~~subdivision 3, paragraph (a), clause (2), within the previous 12 months, or has a current~~
99.31 ~~Commercial Vehicle Safety Alliance decal. The card must be executed by the motor carrier~~
99.32 ~~by dating and signing the card and describing the vehicle in which it will be carried. The~~
99.33 ~~identification card is valid for a period of ten days from the date the motor carrier places~~
99.34 ~~on the card when the card is executed. The card must be used within one year from the~~
99.35 ~~date of issuance by the commissioner. The card may not be used if the ~~permit or~~ certificate~~

100.1 is not in full force and effect. The card may not be transferred. The commissioner may not
100.2 refund the cost of unused prepaid temporary vehicle identification cards.

100.3 Sec. 12. Minnesota Statutes 2006, section 221.141, subdivision 4, is amended to read:

100.4 Subd. 4. **Household goods mover.** A household goods mover shall maintain
100.5 in effect cargo insurance or cargo bond in the amount of \$50,000 and shall file with
100.6 the commissioner a cargo certificate of insurance or cargo bond. A cargo certificate of
100.7 insurance must conform to Form H, Uniform Motor Cargo Certificate of Insurance,
100.8 described in Code of Federal Regulations, title 49, part 1023. A cargo bond must conform
100.9 to Form J, described in Code of Federal Regulations, title 49, part 1023. Both Form H and
100.10 Form J are incorporated by reference. The cargo certificate of insurance or cargo bond
100.11 must be issued in the full and correct name of the person, corporation, or partnership to
100.12 whom the household goods mover ~~permit~~ certificate of registration was issued and whose
100.13 operations are being insured.

100.14 Sec. 13. Minnesota Statutes 2006, section 221.185, is amended to read:

100.15 **221.185 OPERATING AUTHORITY; SUSPENSION, CANCELLATION.**

100.16 Subdivision 1. ~~Grounds~~ **Order for suspension.** Despite the provisions of section
100.17 221.021, a ~~household goods mover permit or a motor carrier~~ certificate of registration
100.18 issued under ~~section~~ sections 221.0251 or, 221.0252, or 221.0253 is suspended without a
100.19 hearing, by order of the commissioner, if the permit certificate holder or carrier fails to:
100.20 (1) maintain and file with the commissioner, the insurance or bond required by
100.21 section 221.141 and rules adopted under that section ~~or the carrier or permit holder fails to;~~
100.22 (2) pay annual vehicle registration fees ~~or renew permits~~ as required by section
100.23 221.131, ~~or the permit holder or carrier fails to;~~ or
100.24 (3) pay an administrative penalty under section 221.036.

100.25 Subd. 2. **Notice of suspension.** (a) Failure to file and maintain insurance, ~~renew~~
100.26 ~~permits under section 221.131;~~ or to pay annual vehicle registration fees ~~or renew~~
100.27 ~~permits under section 221.131 or 221.296, or to maintain in good standing a protective~~
100.28 ~~agent's or private detective's license required under section 221.121, subdivision 6, or~~
100.29 ~~221.153, subdivision 3,~~ suspends a motor carrier's ~~permit or~~ certificate two days after the
100.30 commissioner sends notice of the suspension by certified mail, return receipt requested, to
100.31 the last known address of the motor carrier.

100.32 (b) In order to avoid permanent cancellation of the ~~permit or~~ certificate, the motor
100.33 carrier must do one of the following within 45 days from the date of suspension:

101.1 (1) comply with the law by filing insurance or bond, ~~renewing permits~~, or paying
101.2 vehicle registration fees; or

101.3 (2) request a hearing before the commissioner regarding the failure to comply
101.4 with the law.

101.5 Subd. 2a. **Notice of suspension; effective date.** The commissioner shall issue a
101.6 notice of suspension if one of the conditions described in subdivision 1 occurs. The notice
101.7 must give the reason for suspension and must be sent to the last known address of the
101.8 carrier by certified mail, return receipt requested. A suspension is effective two days
101.9 after a notice is mailed.

101.10 Subd. 3. **Suspension rescission.** If the motor carrier complies with the requirements
101.11 of this chapter within 45 days after the date of suspension and pays the required fees,
101.12 including a late vehicle registration fee of \$5 for each vehicle registered, the commissioner
101.13 shall rescind the suspension unless the carrier's registration has expired. If a registered
101.14 carrier fails to comply within one year of the effective date of a suspension, the carrier's
101.15 registration is canceled.

101.16 Subd. 3a. **Hearing.** If the motor carrier requests a hearing within 45 days after the
101.17 date of suspension, the commissioner shall review the suspension and:

101.18 (1) determine that the carrier has complied with the law and rescind the suspension;

101.19 (2) for just cause, grant an extension which must not exceed 20 days; or

101.20 (3) schedule a hearing to ascertain whether the carrier has failed to comply with the
101.21 law. If it is determined after the hearing that the carrier has failed to comply with the law,
101.22 the commissioner shall cancel the carrier's suspended ~~permit or~~ certificate.

101.23 Subd. 4. **Grounds for cancellation.** Except as provided in subdivision 5a, failure to
101.24 comply with the requirements of ~~sections~~ section 221.141 ~~and 221.296~~ relating to bonds
101.25 and insurance, ~~221.131 relating to permit renewal~~, 221.131 ~~or 221.296~~ relating to annual
101.26 vehicle registration or ~~permit renewal~~, 221.121, ~~subdivision 6g~~, or 221.153, ~~subdivision 3,~~
101.27 ~~relating to protective agent or private detective licensure~~, or to request a hearing within 45
101.28 days of the date of suspension, is deemed an abandonment of the motor carrier's ~~permit or~~
101.29 certificate and the ~~permit or~~ certificate must be canceled by the commissioner.

101.30 Subd. 5. **Notice of cancellation.** The commissioner shall notify the motor carrier by
101.31 certified mail, return receipt requested, that the ~~permit or~~ certificate is canceled effective
101.32 on the date of mailing the notice of cancellation.

101.33 Subd. 5a. **Reinstatement after cancellation.** A motor carrier whose permit or
101.34 certificate is canceled for failure to comply with ~~sections~~ section 221.141 ~~and 221.296~~
101.35 relating to bonds and insurance may ask the commissioner to review the cancellation.
101.36 Upon review, the commissioner shall rescind the cancellation if (1) the motor carrier

102.1 presents evidence showing that before the effective date of the notice of cancellation
102.2 issued under subdivision 5, the motor carrier had obtained and paid for the insurance
102.3 required by ~~sections~~ section 221.141 and 221.296, and the rules of the commissioner, and
102.4 (2) the commissioner is satisfied that the motor carrier has complied with the requirements
102.5 of ~~sections~~ section 221.141 and 221.296 and the rules of the commissioner.

102.6 Subd. 9. **New petition.** If the holder of a canceled ~~permit or~~ certificate seeks
102.7 authority to operate as a motor carrier it shall file a petition with the commissioner ~~for a~~
102.8 ~~permit or certificate as provided in section 221.121 or 221.296, whichever is applicable.~~

102.9 Sec. 14. Minnesota Statutes 2006, section 221.221, subdivision 3, is amended to read:

102.10 Subd. 3. **Delegated powers.** Representatives of the department to whom authority
102.11 has been delegated by the commissioner for the purpose of enforcing sections 169.781 to
102.12 169.783 ~~and 221.171~~ and the rules, orders, or directives of the commissioner adopted or
102.13 issued under those sections, and for no other purpose, ~~shall~~ have the powers conferred
102.14 by law upon police officers. The representatives of the department have the power to
102.15 inspect records, logs, freight bills, bills of lading, or other documents, which may provide
102.16 evidence to determine compliance with sections 169.781 to 169.783 ~~and 221.171~~.

102.17 Sec. 15. Minnesota Statutes 2006, section 221.291, subdivision 4, is amended to read:

102.18 Subd. 4. **Operating without registration or permit.** A person who operates a
102.19 motor carrier without first registering under ~~section~~ sections 221.0251 or, 221.0252, or
102.20 ~~who operates as a household goods mover without having obtained the necessary permit~~
102.21 221.0253, is guilty of a misdemeanor, and upon conviction ~~shall~~ must be fined not less
102.22 than the maximum fine ~~which~~ that may be imposed for a misdemeanor for each violation.

102.23 Sec. 16. **REVISION OF RULES.**

102.24 The commissioner of transportation shall repeal, amend, and adopt revisions to rules
102.25 relating to household goods contained in Minnesota Rules, chapters 7800 and 7805, and
102.26 may use the expedited process for adopting rules under Minnesota Statutes, section 14.389.

102.27 Sec. 17. **INSTRUCTION TO REVISOR.**

102.28 The revisor of statutes shall change the phrase "sections 221.011 to 221.296" to
102.29 read "this chapter" where found in Minnesota Statutes, sections 221.021, subdivision
102.30 1; 221.022; and 221.091, subdivision 1.

102.31 Sec. 18. **REPEALER.**

103.1 Minnesota Statutes 2006, sections 174.65; 221.011, subdivisions 24, 25, 28, 29, 38,
103.2 41, 44, and 45; 221.0252, subdivision 7; 221.072; 221.111; 221.121, subdivisions 1,
103.3 2, 3, 4, 5, 6, 6a, 6c, 6d, 6e, 6f, and 7; 221.122; 221.123; 221.131, subdivisions 2a and
103.4 3; 221.141, subdivision 6; 221.151; 221.152; 221.153, subdivisions 1 and 2; 221.161;
103.5 221.171; 221.172, subdivisions 3, 4, 5, 6, 7, and 8; and 221.296, subdivisions 3, 4, 5,
103.6 6, 7, and 8, are repealed.

103.7 **ARTICLE 9**
103.8 **RAILROADS**

103.9 Section 1. Minnesota Statutes 2006, section 218.021, subdivision 1, is amended to read:

103.10 Subdivision 1. **Discriminatory practices.** It shall be unlawful for any common
103.11 carrier:

103.12 (1) to charge, demand, collect or receive for any service a greater or a lesser sum
103.13 than that fixed in its published schedules;

103.14 (2) to make or give any undue or unreasonable preference or advantage, or any undue
103.15 or unreasonable prejudice or disadvantage, to any person, company, firm, corporation,
103.16 transit point or locality or to any particular description of traffic;

103.17 (3) by any special rate, rebate, drawback or other device, directly or indirectly, to
103.18 charge, demand, collect or receive a greater or less compensation for any service rendered
103.19 in the transportation of any property within this state than the regular established schedule
103.20 of rates and charges for like and contemporaneous service for any other person, or for the
103.21 public generally; or, directly or indirectly, to offer or give any shipper, in connection with
103.22 or as an inducement or reward for receiving any property for transportation, any gift,
103.23 gratuity or free pass or any rate less than that offered to the public;

103.24 (4) except as expressly permitted, to charge a greater rate per ton or per ton mile for
103.25 a single carload of freight of any kind or class than for a greater number of carloads of the
103.26 same kind or class, to and from the same points of origin or destination;

103.27 (5) to charge or receive any greater compensation for the transportation of a quantity
103.28 of property for a shorter than for a longer distance over the same line, the shorter being
103.29 included within the longer, but this shall not be so construed as to authorize any carrier
103.30 to charge or receive as great compensation for a shorter as for a longer distance; or to
103.31 charge or receive any greater compensation per ton per mile for the contemporaneous
103.32 transportation of the same class of freight for a longer than for a shorter distance over the
103.33 same line in the same general direction, or from the same original point of departure or to
103.34 the same point of arrival, but this shall not be construed so as to authorize any carrier to
103.35 charge as high a rate per ton per mile for a longer as for a shorter distance;

104.1 (6) to charge or receive for the transportation of freight of any description for any
104.2 distance within this state a greater amount than is at the same time charged or received for
104.3 a like quantity of freight of the same class over a greater distance of the same railway;
104.4 or to charge or receive at any point upon its road a higher rate for receiving, handling or
104.5 delivering freight of the same class or quantity than it shall at the same time charge or
104.6 receive to any other point upon the same line; or to charge or receive for freight of any
104.7 description over its railway a greater amount than at the same time is charged or received
104.8 for the transportation of a like quantity of freight of the same class being transported over
104.9 any portion of the same railway of equal distance; or to charge or receive from any person
104.10 a greater amount than it shall at the same time charge or receive from any other person
104.11 for the same class and like quantity of freight at the same point upon its railway; or to
104.12 charge or receive from any person for the transportation of any freight upon its railway a
104.13 greater amount than it shall at the same time charge or receive from any other person for
104.14 the transportation of a like quantity of freight of the same class being transported from
104.15 the same point over an equal distance of the same railway; or to charge or receive from
104.16 any person for the use and transportation of any railway car upon its railroad for any
104.17 distance, a greater amount than is at the same time charged or received from any other
104.18 person for the use and transportation of any railway car of the same class or number for a
104.19 like purpose being transported over a greater distance of the same railway; or to charge or
104.20 receive from any person for the use and transportation of any railway car upon its railroad
104.21 a greater amount in the aggregate than it shall at the same time charge or receive from
104.22 any other person for the use and transportation of any railway car of the same class for a
104.23 like purpose being transported from the same original point of an equal distance of the
104.24 same railway; provided, however, where two or more railroads serve a common point one
104.25 having a shorter mileage than the other from a given point, the railroad having the longer
104.26 mileage may be authorized by the commissioner to meet the rate made by the shortest line;
104.27 (7) to charge or receive more for transporting a car of freight than is charged or
104.28 received per car for several cars of a like class of freight over the same railway for the
104.29 same distance; or to charge or receive more for transporting a ton of freight than is charged
104.30 or received per ton for more than a ton but less than a carload of like class over the same
104.31 railway for the same distance; or to charge or receive more for transporting one hundred
104.32 pounds of freight than is charged or received per hundred pounds above one hundred
104.33 pounds but less than a ton of like class over the same railway for the same distance;;
104.34 (8) to fail to provide local first responders with an emergency phone number that is
104.35 accessible at all times through which first responders can receive information regarding
104.36 the location of and materials involved in a hazardous materials accident;

105.1 (9) to fail, upon request, to provide local first responders with an annual listing of
105.2 hazardous materials transported by rail through their respective territories; and
105.3 (10) to fail to have annual training sessions as required under Code of Federal
105.4 Regulations, title 49, part 172(h), subpart (i), for all employees who may come in contact
105.5 with hazardous materials concerning the proper identification and response to accidents
105.6 involving hazardous materials.

105.7 Sec. 2. Minnesota Statutes 2006, section 218.041, subdivision 6, is amended to read:

105.8 Subd. 6. **Investigative powers.** In the exercise of powers granted in this chapter,
105.9 the commissioner may:

105.10 (1) subpoena books, papers, or accounts kept by any regulated business within or
105.11 without the state, or compel production of verified copies;

105.12 (2) prepare all forms or blanks for obtaining information that the commissioner
105.13 may deem necessary or useful for the proper exercise of the authority and duties of the
105.14 commissioner in connection with regulated businesses, and prescribe the time and manner
105.15 within which the blanks and forms must be completed and filed;

105.16 (3) inspect, at all reasonable times, and copy the books, records, memoranda,
105.17 correspondence, or other documents and records of any business under the commissioner's
105.18 jurisdiction; ~~and~~

105.19 (4) examine, under oath, any officer, agent, or employee of a business under the
105.20 commissioner's jurisdiction concerning any matter within the commissioner's jurisdiction;
105.21 and

105.22 (5) assess common carriers, administer the state rail safety inspection account, and
105.23 perform other duties on behalf of the state rail safety inspector under section 219.015.

105.24 Sec. 3. **[219.015] STATE RAIL SAFETY INSPECTOR.**

105.25 (a) The commissioner of transportation shall establish a position of state rail safety
105.26 inspector in the Office of Freight and Commercial Vehicle Operations of the Minnesota
105.27 Department of Transportation. The commissioner shall apply to the Federal Railroad
105.28 Administration (FRA) of the United States Department of Transportation to participate
105.29 in the Federal State Rail Safety Partnership Program for training and certification of
105.30 an inspector under authority of United States Code, title 49, sections 20103, 20105,
105.31 20106, and 20113, and Code of Federal Regulations, title 49, part 212. The state rail
105.32 safety inspector shall inspect mainline track, secondary track, and yard and industry track;
105.33 inspect railroad right-of-way, including adjacent or intersecting drainage, culverts, bridges,
105.34 overhead structures, and traffic and other public crossings; inspect yards and physical

106.1 plants; review and enforce safety requirements; review maintenance and repair records;
106.2 and review railroad security measures. To the extent delegated by the commissioner, the
106.3 inspector may issue citations for violations of this chapter, or to ensure railroad employee
106.4 and public safety and welfare.

106.5 (b) The commissioner shall annually assess railroad companies that are (1) defined
106.6 as common carriers under section 218.011, (2) classified by federal law or regulation as
106.7 Class I Railroads or Class I Rail Carriers, and (3) operating in this state, by a division of
106.8 equal proportion between carriers, assessed in equal amounts for 365 days of the calendar
106.9 year. The commissioner shall assess all start-up or re-establishment costs, and all related
106.10 costs of initiating the state rail safety inspector program beginning July 1, 2007. The state
106.11 rail inspector duties must begin and be assessed on January 1, 2008. The assessments must
106.12 be deposited in a special account in the special revenue fund, to be known as the state
106.13 rail safety inspection account. Money in the account is appropriated to the commissioner
106.14 and may be expended to cover the costs incurred for the establishment and ongoing
106.15 responsibilities of the state rail safety inspector.

106.16 (c) The commissioner may exempt a common carrier not federally classified as
106.17 Class I from violations for a period of up to two years if the common carrier applies for
106.18 participation in a work site safety coaching program, such as the "MNSharp" program
106.19 administered by the Minnesota Department of Labor and Industry, and the commissioner
106.20 determines such participation to be preferred enforcement for safety or security violations.

106.21 (d) Any person aggrieved by an assessment levied under this section may appeal
106.22 within 90 days any assessment, violation, or administrative penalty to the Office of
106.23 Administrative Hearings, with further appeal and review by the district court.

106.24 **Sec. 4. [219.371] DEFINITIONS.**

106.25 Subdivision 1. **Scope.** The terms used in sections 219.371 to 219.382 have the
106.26 meanings given them in this section and section 218.011.

106.27 Subd. 2. **Inside edge of a walkway.** "Inside edge of a walkway" means that edge of
106.28 a walkway closest to the nearest rail of the track for which the walkway is constructed.

106.29 Subd. 3. **Major repair.** "Major repair" means a repair that normally requires
106.30 greater than four hours of work to accomplish or involves the use of specialized tools and
106.31 equipment. Major repairs include such activities as coupler replacement, draft gear repair,
106.32 and repairs requiring the use of an air jack, but the term does not include changing wheels
106.33 on intermodal loading ramps either with or without an air jack.

107.1 Subd. 4. **Railroad shop or repair track.** "Railroad shop" or "repair track" means
107.2 a fixed repair facility or track that is regularly and consistently used to perform major
107.3 repairs, regardless of whether a mobile repair vehicle is used to conduct the repairs.

107.4 Subd. 5. **Structure.** "Structure" means any bridge or trestle on which a railroad
107.5 track is constructed.

107.6 Subd. 6. **Walkway.** "Walkway" means a pathway located alongside or in the
107.7 vicinity of a railroad track for the purpose of providing an area for railroad employees
107.8 to perform their normal trackside duties.

107.9 Subd. 7. **Yard.** "Yard" means a system of tracks other than main tracks and sidings
107.10 used for making up trains, storing cars, and other purposes including the inspection,
107.11 repair, and cleaning of cars.

107.12 **Sec. 5. [219.372] WALKWAYS ON BRIDGES AND TRESTLES.**

107.13 (a) Every railroad company shall construct and maintain, adjacent to at least one side
107.14 of its tracks, walkways on all newly constructed or reconstructed bridges and trestles.

107.15 (b) Every railroad company shall construct and maintain, adjacent to at least one
107.16 side of its tracks, walkways on all bridges and trestles designated by the commission
107.17 after a hearing. Except as provided in paragraph (c), walkways must be located so that
107.18 they will provide a minimum side clearance of eight feet from the center of the track to
107.19 the outside edge of the walkway.

107.20 (c) Compliance with the eight-foot requirement referred to in paragraph (b) is
107.21 waived with regard to all designated bridges and trestles that presently have minimum side
107.22 clearances of less than eight feet if the railroad company is able to show to the satisfaction
107.23 of the commissioner of transportation that compliance with the eight-foot requirement is
107.24 structurally or economically unfeasible.

107.25 (d) All walkways must be kept free from obstacles that would render them unsafe or
107.26 difficult to traverse on foot, except those facilities with minimum clearances prescribed
107.27 by other sections of this chapter.

107.28 (e) Walkways must be equipped with a securely attached handrail located on the side
107.29 of the walkway farthest from the track, except no handrails are required on through-girder
107.30 structures. Handrails must be located so as to comply with the clearance standards in
107.31 sections 219.45 to 219.53.

107.32 (f) Walkways on bridges and trestles must conform to the standards of width,
107.33 surface, and vertical placement for walkways alongside track set forth in section 219.373,
107.34 except that the inside edge of such a walkway may be placed closer than six feet from
107.35 the nearest rail when necessary.

108.1 (g) This section does not apply to culverts.

108.2 **Sec. 6. [219.373] WALKWAYS BY TRACK; GENERAL STANDARDS.**

108.3 (a) Consistent with section 219.50, every railroad company shall provide a walkway
108.4 alongside track that has a regular surface that is smooth and safe for use by railroad
108.5 employees and other persons who have duties in proximity to trains. The walkway
108.6 must be kept reasonably free of hazards and obstructions, including, but not limited to,
108.7 debris, litter, fuel, oil, sand, boulders, posts, tie materials, holes, ruts, potholes, grains,
108.8 grain products or byproducts, fertilizer products, chemical, chemical molten, steel, tin,
108.9 metallic products, solid raw minerals, palletized products, silica products, materials
108.10 spilled during revenue shipment, detached pieces or parts of railroad rolling stock or
108.11 track structure, and vegetation.

108.12 (b) Except as otherwise provided in paragraph (g) or otherwise exempted by other
108.13 law, a walkway alongside track that is required under sections 219.373 to 219.382 must be
108.14 constructed and maintained in conformity to the standards in sections 219.373 to 219.383.

108.15 (c) A walkway alongside track that is required pursuant to sections 219.373 to
108.16 219.382 must:

108.17 (1) provide a reasonably regular surface that is smooth and safe for use by railroad
108.18 employees and other persons who have duties in proximity to trains;

108.19 (2) be surfaced with crushed material, asphaltic concrete, planking, or other material
108.20 that does not compromise track drainage;

108.21 (3) unless the grade of the track is greater than one inch in eight inches, have a grade
108.22 that is less than one inch in eight inches;

108.23 (4) if the walkway is alongside track with a curve greater than 18 degrees, be not
108.24 less than one foot wider than otherwise required; and

108.25 (5) be kept reasonably free of hazards and obstructions listed in paragraph (a).

108.26 (d) Except as provided otherwise in this section or sections 219.374 to 219.379,
108.27 walkways located along main-line tracks and tracks where switching is regularly
108.28 performed more than twice in a seven-day period must be surfaced with crushed material
108.29 not to exceed American Railway Engineering and Maintenance-of-Way Association
108.30 (AREMA) standard number 4, 1-1/2 inches in size, or with asphalt, concrete, planking,
108.31 grating, or similar material.

108.32 (e) Walkways located along switching lead tracks, switches in yards, car spotting
108.33 areas, and railroad shop or repair tracks must be surfaced with crushed material not to
108.34 exceed AREMA standard number 5, three-fourths to one inch in size, or with asphalt,
108.35 concrete, planking, grating, or similar material.

109.1 (f) This section is temporarily suspended during periods of heavy rain or snow,
109.2 derailments, rocks and earth slides, and similar abnormal periods and for a reasonable
109.3 time thereafter to permit restoration work.

109.4 (g) Compliance with sections 219.372 to 219.379 is not a defense to any civil action
109.5 brought for the violation of a railroad safety law, regulation, rule, or order.

109.6 (h) The commissioner, after investigation, upon the commissioner's own motion,
109.7 or upon the petition of the aggrieved person, may determine that the safety of railroad
109.8 employees requires implementation of the applicable standards set forth in paragraphs (b)
109.9 to (e), for any walkway.

109.10 **Sec. 7. [219.374] WALKWAYS BY MAIN-LINE TRACK.**

109.11 Except as otherwise provided in section 219.375, 219.377, or 219.378, walkways
109.12 alongside main-line track, in addition to the requirements of section 219.373, must:

109.13 (1) be present on each side of the track within two miles in either direction of a
109.14 track-side train defect detector, with a total walkway length of not less than 300 feet at
109.15 each inspection location;

109.16 (2) be not less than two feet in width; and

109.17 (3) provide a minimum side clearance of 8-1/2 feet from the centerline of the track
109.18 to the outside edge of the walkway.

109.19 **Sec. 8. [219.375] WALKWAYS BY TRACK AT SIDING LOCATIONS.**

109.20 Walkways alongside main-line and branch-line track at siding locations, in addition
109.21 to the requirements of section 219.373, must:

109.22 (1) be present:

109.23 (i) on the outside of the main-line or branch-line track; and

109.24 (ii) on the outside of the siding track;

109.25 (2) be not less than two feet in width; and

109.26 (3) provide a minimum side clearance of 8-1/2 feet from the centerline of the track
109.27 to the outside edge of the walkway.

109.28 **Sec. 9. [219.3755] WALKWAYS BY TRACKS WHERE TRAIN CREWS SHIFT.**

109.29 Walkways alongside main-line and siding tracks at nonterminal locations that are
109.30 frequently used as train crew relief for boarding and debarking crews, in addition to
109.31 the requirements of section 219.373, must:

109.32 (1) be present:

109.33 (i) on the outside of the main-line or branch-line track; and

- 110.1 (ii) on the outside of the siding track;
110.2 (2) be not less than two feet in width;
110.3 (3) provide a minimum side clearance of 8-1/2 feet from the centerline of the track
110.4 to the outside edge of the walkway;
110.5 (4) be surfaced according to AREMA standard number 5 or with three-fourths inch
110.6 to one inch crushed material, asphalt, concrete, planking, or other material that does not
110.7 compromise track drainage; and
110.8 (5) run continuous from a road, walkway, or other right-of-way to 100 feet past the
110.9 designated stopping point for the train or locomotive.

110.10 Sec. 10. **[219.376] WALKWAYS BY TRACK IN YARDS, INDUSTRY**
110.11 **TURNOUTS, AND SPOTTING AREAS.**

110.12 Walkways alongside track in all yards and in advance thereof, wherever an
110.13 employee's assigned duties regularly require the employee to be present on the ground in
110.14 proximity to the track and, except as otherwise provided in section 219.377 or 219.378, in
110.15 industry turnouts and spotting areas, in addition to the requirements of section 219.373,
110.16 must:

- 110.17 (1) be present on each side of the track not less than 50 feet in advance of the turnout;
110.18 (2) be not less than two feet in width;
110.19 (3) provide a minimum side clearance of 8-1/2 feet from the centerline of the track
110.20 to the outside edge of the walkway; and
110.21 (4) if the track is in a yard where substantial switching is performed, be:
110.22 (i) present between tracks;
110.23 (ii) present alongside tracks bordering the yard or switching area; and
110.24 (iii) if the tracks are 17 feet apart or less, continuous between the tracks.

110.25 Sec. 11. **[219.377] WALKWAYS BY TRACK AT MAIN-LINE TURNOUTS**
110.26 **ENTERING YARDS OR SERVING INDUSTRY TRACKS.**

110.27 Except as otherwise provided in section 219.378 or 219.379, walkways alongside
110.28 track at main-line turnouts entering yards or serving industry tracks, in addition to the
110.29 requirements of section 219.373, must:

- 110.30 (1) be present on the switch stand side of the track from not less than 50 feet ahead
110.31 of each switch stand to not less than 25 feet beyond the 12-1/2 feet clearance point
110.32 behind the switch stand;
110.33 (2) if 20 feet or more from the switch stand, be not less than six feet in width;
110.34 (3) if less than 20 feet, but more than four feet from the switch stand:

- 111.1 (i) be not less than six feet in width;
- 111.2 (ii) have a straight outer edge; and
- 111.3 (iii) occupy a total area of not less than 120 square feet; and
- 111.4 (4) if less than four feet from the switch stand, be not less than three feet in width.

111.5 **Sec. 12. [219.378] WALKWAYS BY MAIN-LINE TRACK AT TURNOUTS FOR**
111.6 **SWITCHING CARS.**

111.7 Walkways alongside main-line track at turnouts used frequently for switching cars,
111.8 in addition to the requirements of sections 219.373 to 219.377, must:

111.9 (1) be present on the switch stand side of the track from not less than 125 feet
111.10 ahead of the switch stand to not less than 25 feet beyond the 12-1/2 feet clearance point
111.11 behind the switch stand;

111.12 (2) if 20 feet or more from the switch stand, be not less than six feet in width;

111.13 (3) if less than 20 feet, but more than four feet from the switch stand:

111.14 (i) be not less than six feet in width;

111.15 (ii) have a straight outer edge; and

111.16 (iii) occupy a total area of not less than 120 square feet; and

111.17 (4) if less than four feet from the switch stand, be not less than three feet in width.

111.18 **Sec. 13. [219.379] WALKWAYS BY TRACK AT OTHER TURNOUTS.**

111.19 Walkways alongside tracks at short-line and branch-line turnouts and, except as
111.20 otherwise provided in section 219.378, at all power-operated turnouts, in addition to
111.21 the requirements of section 219.373, must:

111.22 (1) be present on the switch stand side of the track from not less than 50 feet ahead
111.23 of the switch stand to not less than the 12-1/2 feet clearance point behind the switch stand;

111.24 (2) if ten feet or more from the switch stand, be not less than five feet in width;

111.25 (3) if less than ten feet, but more than four feet from the switch stand:

111.26 (i) be not less than five feet in width;

111.27 (ii) have a straight outer edge; and

111.28 (iii) occupy a total area of not less than 39 square feet; and

111.29 (4) if four feet or less from the switch stand, be not less than three feet in width.

111.30 **Sec. 14. [219.381] WALKWAY EXEMPTIONS.**

111.31 Subdivision 1. **Existing track.** (a) Section 219.373, paragraphs (b) to (g), and
111.32 sections 219.374 to 219.379 and 219.382 do not apply to track placed in revenue service
111.33 before the effective date of this section until the date and time track and supporting

112.1 structure are repaired, resurfaced, replaced, or as ordered by the commissioner of
112.2 transportation pursuant to paragraph (b).

112.3 (b) The commissioner of transportation shall issue an order requiring the construction
112.4 or maintenance of a walkway alongside track described in paragraph (a) on determining,
112.5 after notice and hearing, that the construction or maintenance of a walkway alongside the
112.6 track is necessary to eliminate an unsafe or hazardous condition.

112.7 Subd. 2. **Small business.** (a) Except as otherwise provided in paragraph (b), a small
112.8 business that owns or operates any track in this state is exempt from sections 219.373 to
112.9 219.382.

112.10 (b) On determining after notice and hearing that exempting a small business that
112.11 owns or operates any track in this state pursuant to paragraph (a) poses an unreasonable
112.12 threat of substantial harm to the public safety, the commissioner of transportation shall
112.13 order that business to eliminate any unsafe walkway condition.

112.14 (c) As used in this section, "small business" has the meaning given it in section
112.15 645.445.

112.16 Sec. 15. **[219.382] LIABILITY.**

112.17 Sections 219.371 to 219.379 do not preclude or preempt civil liability to an injured
112.18 party under state or federal laws for failure to provide a reasonably safe walkway.

112.19 Sec. 16. **SHORT TITLE.**

112.20 This article may be cited as the "Railroad Walkways Safety Act."

112.21 Sec. 17. **EFFECTIVE DATE.**

112.22 This article is effective July 1, 2007.

112.23 **ARTICLE 10**
112.24 **CONTRACTING**

112.25 Section 1. Minnesota Statutes 2006, section 16C.02, is amended by adding a
112.26 subdivision to read:

112.27 Subd. 4a. **Best value; construction.** For purposes of construction, building,
112.28 alteration, improvement, or repair services, "best value" describes the result determined by
112.29 a procurement method that considers price and performance criteria, which may include,
112.30 but are not limited to:

112.31 (1) the quality of the vendor's or contractor's performance on previous projects;

112.32 (2) the timeliness of the vendor's or contractor's performance on previous projects;

- 113.1 (3) the level of customer satisfaction with the vendor's or contractor's performance
113.2 on previous projects;
113.3 (4) the vendor's or contractor's record of performing previous projects on budget and
113.4 ability to minimize cost overruns;
113.5 (5) the vendor's or contractor's ability to minimize change orders;
113.6 (6) the vendor's or contractor's ability to prepare appropriate project plans;
113.7 (7) the vendor's or contractor's technical capacities;
113.8 (8) the individual qualifications of the contractor's key personnel; or
113.9 (9) the vendor's or contractor's ability to assess and minimize risks.
113.10 "Performance on previous projects" does not include the exercise or assertion of a
113.11 person's legal rights. This definition does not apply to sections 16C.32, 16C.33, 16C.34,
113.12 and 16C.35.

113.13 Sec. 2. Minnesota Statutes 2006, section 16C.02, is amended by adding a subdivision
113.14 to read:

113.15 Subd. 20. **Vendor.** "Vendor" means a business, including a construction contractor
113.16 or a natural person, and includes both if the natural person is engaged in a business.

113.17 Sec. 3. Minnesota Statutes 2006, section 16C.03, subdivision 3, is amended to read:

113.18 Subd. 3. **Acquisition authority.** The commissioner shall acquire all goods, services,
113.19 and utilities needed by agencies. The commissioner shall acquire goods, services, and
113.20 utilities by requests for bids, requests for proposals, reverse auctions as provided in
113.21 section 16C.10, subdivision 7, or other methods provided by law, unless a section of law
113.22 requires a particular method of acquisition to be used. The commissioner shall make all
113.23 decisions regarding acquisition activities. The determination of the acquisition method
113.24 and all decisions involved in the acquisition process, unless otherwise provided for by
113.25 law, shall be based on best value which includes an evaluation of price and may include
113.26 other considerations including, but not limited to, environmental considerations, quality,
113.27 and vendor performance. A best value determination must be based on the evaluation
113.28 criteria detailed in the solicitation document. If criteria other than price are used, the
113.29 solicitation document must state the relative importance of price and other factors. ~~Unless~~
113.30 ~~it is determined by the commissioner that an alternative solicitation method provided by~~
113.31 ~~law should be used to determine best value, a request for bid must be used to solicit~~
113.32 ~~formal responses for all building and construction contracts.~~ Any or all responses may
113.33 be rejected. When using the request for bid process, the bid must be awarded to the
113.34 lowest responsive and responsible bidder, taking into consideration conformity with

114.1 the specifications, terms of delivery, the purpose for which the contract or purchase is
114.2 intended, the status and capability of the vendor, and other considerations imposed in the
114.3 request for bids. The commissioner may decide which is the lowest responsible bidder
114.4 for all purchases and may use the principles of life-cycle costing, where appropriate, in
114.5 determining the lowest overall bid. The duties set forth in this subdivision are subject to
114.6 delegation pursuant to this section.

114.7 Sec. 4. Minnesota Statutes 2006, section 16C.03, is amended by adding a subdivision
114.8 to read:

114.9 Subd. 3a. **Acquisition authority; construction contracts.** For all building and
114.10 construction contracts, the commissioner shall award contracts pursuant to section 16C.28,
114.11 and "best value" shall be defined and applied as set forth in sections 16C.02, subdivision
114.12 4a and 16C.28, subdivision 1, paragraph (a), clause (2). The duties set forth in this
114.13 subdivision are subject to delegation pursuant to this section. The commissioner shall
114.14 establish procedures for developing and awarding best value requests for proposals for
114.15 construction projects. The criteria to be used to evaluate the proposals must be included in
114.16 the solicitation document and must be evaluated in an open and competitive manner.

114.17 Sec. 5. Minnesota Statutes 2006, section 16C.03, is amended by adding a subdivision
114.18 to read:

114.19 Subd. 18. **Training.** Users of best value procurement may be trained in the
114.20 request for proposals process for best value contracting for construction projects.
114.21 The commissioner may establish a training program for state and local officials and
114.22 employees, and vendors and contractors, on best value procurement for construction
114.23 projects, including those governed by section 16C.02, subdivision 4a. If the commissioner
114.24 establishes such a training program, the state may charge a fee for providing training.

114.25 Sec. 6. Minnesota Statutes 2006, section 16C.26, is amended to read:

114.26 **16C.26 COMPETITIVE BIDS OR PROPOSALS.**

114.27 Subdivision 1. **Application.** Except as otherwise provided by sections 16C.10,
114.28 16C.26 and 16C.27, all contracts for building and construction or repairs must be based on
114.29 competitive bids or proposals. "Competitive proposals" specifically refers to the method
114.30 of procurement described in section 16C.28, subdivision 1, paragraph (a), clause (2).

114.31 Subd. 2. **Requirement contracts.** Standard requirement price contracts for building
114.32 and construction must be established by competitive bids as provided in subdivision 1.
114.33 The standard requirement price contracts may contain escalation clauses and may provide

115.1 for a negotiated price increase or decrease based upon a demonstrable industrywide or
 115.2 regional increase or decrease in the vendor's costs or for the addition of similar products or
 115.3 replacement items not significant to the total value of existing contracts. The term of these
 115.4 contracts may not exceed five years including all extensions.

115.5 **Subd. 3. Publication of notice; expenditures over \$25,000.** If the amount of an
 115.6 expenditure is estimated to exceed \$25,000, bids or proposals must be solicited by public
 115.7 notice in a manner designated by the commissioner. To the extent practical, this must
 115.8 include posting on a state Web site. For expenditures over \$50,000, when a call for bids is
 115.9 issued the commissioner shall solicit sealed bids by providing notices to all prospective
 115.10 bidders known to the commissioner by posting notice on a state Web site at least seven
 115.11 days before the final date of submitting bids. All bids over \$50,000 must be sealed when
 115.12 they are received and must be opened in public at the hour stated in the notice. All
 115.13 proposals responsive to a request for proposals according to section 16C.28, subdivision 1,
 115.14 paragraph (a), clause (2), shall be submitted and evaluated in the manner described in the
 115.15 request for proposals, regardless of the dollar amount. All original bids and proposals and
 115.16 all documents pertaining to the award of a contract must be retained and made a part of a
 115.17 permanent file or record and remain open to public inspection.

115.18 **Subd. 4. Building and construction contracts; \$50,000 or less.** An informal bid
 115.19 may be used for building, construction, and repair contracts that are estimated at less than
 115.20 \$50,000. Informal bids must be authenticated by the bidder in a manner specified by the
 115.21 commissioner. Alternatively, a request for proposals may be issued according to section
 115.22 16C.28, subdivision 1, paragraph (a), clause (2), for such contracts.

115.23 **Subd. 5. Standard specifications, security.** Contracts must be based on the
 115.24 standard specifications prescribed and enforced by the commissioner under this chapter,
 115.25 unless otherwise expressly provided or as authorized under section 16C.28, subdivision 1,
 115.26 paragraph (a), clause (2). Each ~~bidder for a contract~~ vendor or contractor must furnish
 115.27 security approved by the commissioner to ensure the making of the contract being bid for.

115.28 **Subd. 6. Noncompetitive bids.** Agencies are encouraged to contract with small
 115.29 targeted group businesses designated under section 16C.16 when entering into contracts
 115.30 that are not subject to competitive bidding procedures.

115.31 **Sec. 7.** Minnesota Statutes 2006, section 16C.27, subdivision 1, is amended to read:

115.32 **Subdivision 1. Single source of supply.** Competitive bidding ~~is~~ or proposals are not
 115.33 required for contracts clearly and legitimately limited to a single source of supply, and the
 115.34 contract price may be best established by direct negotiation.

116.1 Sec. 8. Minnesota Statutes 2006, section 16C.28, is amended to read:

116.2 **16C.28 CONTRACTS; AWARD.**

116.3 Subdivision 1. ~~Lowest responsible bidder~~ **Award requirements.** (a) All state
116.4 building and construction contracts entered into by or under the supervision of the
116.5 commissioner or an agency for which competitive bids or proposals are required ~~must~~
116.6 ~~be awarded to the lowest responsible bidder, taking into consideration conformity with~~
116.7 ~~the specifications, terms of delivery, the purpose for which the contract is intended, the~~
116.8 ~~status and capability of the vendor, and other considerations imposed in the call for bids.~~
116.9 ~~The commissioner may decide which is the lowest responsible bidder for all contracts~~
116.10 ~~and may use the principles of life cycle costing, where appropriate, in determining the~~
116.11 ~~lowest overall bid. The head of the interested agency shall make the decision, subject~~
116.12 ~~to the approval of the commissioner. Any or all bids may be rejected. In a case where~~
116.13 ~~competitive bids are required and where all bids are rejected, new bids, if solicited, must~~
116.14 ~~be called for as in the first instance, unless otherwise provided by law.~~ may be awarded to
116.15 either of the following:

116.16 (1) the lowest responsible bidder, taking into consideration conformity with the
116.17 specifications, terms of delivery, the purpose for which the contract is intended, the status
116.18 and capability of the vendor or contractor, other considerations imposed in the call for
116.19 bids, and, where appropriate, principles of life-cycle costing; or

116.20 (2) the vendor or contractor offering the best value, taking into account the
116.21 specifications of the request for proposals, the price and performance criteria as set forth
116.22 in section 16C.02, subdivision 4a, and described in the solicitation document.

116.23 (b) The vendor or contractor must secure bonding, commercial general insurance
116.24 coverage, and workers' compensation insurance coverage under paragraph (a), clause
116.25 (1) or (2). The commissioner shall determine whether to use the procurement process
116.26 described in paragraph (a), clause (1), or the procurement process described in paragraph
116.27 (a), clause (2). If the commissioner uses the method in paragraph (a), clause (2), the head
116.28 of the agency shall determine which vendor or contractor offers the best value, subject to
116.29 the approval of the commissioner. Any or all bids or proposals may be rejected.

116.30 Subd. 1a. Establishment and purpose. (a) The state recognizes the importance of
116.31 the inclusion of a best value contracting system for construction as an alternative to the
116.32 current low-bid system of procurement. In order to accomplish that goal, state and local
116.33 governmental entities shall be able to choose the best value system in different phases.

116.34 (b) "Best value" means the procurement method defined in section 16C.02,
116.35 subdivision 4a.

116.36 (c) The following entities are eligible to participate:

117.1 (1) phase I: state agencies, counties, cities, and school districts with the highest 25
117.2 percent enrollment of students in the state, beginning on the effective date of this section;

117.3 (2) phase II: those entities included in phase I, counties with populations over
117.4 100,000, and school districts with the highest 50 percent enrollment of students in the
117.5 state, beginning two years from the effective date of this section; and

117.6 (3) phase III: all entities included in phases I and II, and all other counties, towns,
117.7 school districts, and political subdivisions in the state, beginning three years from the
117.8 effective date of this section.

117.9 (d) The commissioner or any agency for which competitive bids or proposals are
117.10 required may not use best value contracting as defined in section 16C.02, subdivision 4a,
117.11 for more than one project annually, or 20 percent of its projects, whichever is greater, in
117.12 each of the first three fiscal years in which best value construction contracting is used.

117.13 **Subd. 2. Alterations and erasures.** A bid containing an alteration or erasure of
117.14 any price contained in the bid which is used in determining the lowest responsible bid
117.15 must be rejected unless the alteration or erasure is corrected in a manner that is clear and
117.16 authenticated by an authorized representative of the responder. An alteration or erasure
117.17 may be crossed out and the correction printed in ink or typewritten adjacent to it and
117.18 initialed by an authorized representative of the responder.

117.19 **Subd. 3. Special circumstances.** The commissioner may reject the bid or proposal
117.20 of any ~~bidder~~ vendor or contractor who has failed to perform a previous contract with
117.21 the state. In the case of identical low bids from two or more bidders, the commissioner
117.22 may use negotiated procurement methods with the tied low bidders for that particular
117.23 transaction so long as the price paid does not exceed the low tied bid price. The
117.24 commissioner may award contracts to more than one ~~bidder~~ vendor or contractor in
117.25 accordance with subdivision 1, if doing so does not decrease the service level or diminish
117.26 the effect of competition.

117.27 **Subd. 4. Record.** A record must be kept of all bids or proposals, including names of
117.28 bidders, amounts of bids or proposals, and each successful bid or proposal. This record is
117.29 open to public inspection, subject to section 13.591 and other applicable law.

117.30 **Subd. 5. Preferences not cumulative.** The preferences under sections 16B.121,
117.31 16C.06, subdivision 7, and 16C.16 apply, but are not cumulative. The total percentage
117.32 of preference granted on a contract may not exceed the highest percentage of preference
117.33 allowed for that contract under any one of those sections.

117.34 **Sec. 9.** Minnesota Statutes 2006, section 103D.811, subdivision 3, is amended to read:

118.1 Subd. 3. **Awarding of contract.** (a) At a time and place specified in the bid notice,
118.2 the managers may accept or reject any or all bids and may award the contract to the lowest
118.3 responsible bidder. The bidder to whom the contract is to be awarded must give a bond,
118.4 with ample security, conditioned by satisfactory completion of the contract.

118.5 (b) Bids must not be considered which in the aggregate exceed by more than 30
118.6 percent the total estimated cost of construction or implementation.

118.7 (c) As an alternative to the procurement method described in paragraph (a), the
118.8 managers may issue a request for proposals and award the contract to the vendor or
118.9 contractor offering the best value as described in section 16C.28, subdivision 1, paragraph
118.10 (a), clause (2).

118.11 (d) The contract must be in writing and be accompanied by or refer to the plans and
118.12 specifications for the work to be done as prepared by the engineer for the watershed
118.13 district. The plans and specifications shall become a part of the contract.

118.14 ~~(d)~~ (e) The contract shall be approved by the managers and signed by the president,
118.15 secretary, and contractor.

118.16 Sec. 10. Minnesota Statutes 2006, section 103E.505, subdivision 5, is amended to read:

118.17 Subd. 5. **How contract may be awarded.** The contract may be awarded in one
118.18 job, in sections, or separately for labor and material and ~~must~~ may be let to the lowest
118.19 responsible bidder. Alternatively, the contract may be awarded to the vendor or contractor
118.20 offering the best value under a request for proposals as described in section 16C.28,
118.21 subdivision 1, paragraph (a), clause (2).

118.22 Sec. 11. Minnesota Statutes 2006, section 116A.13, subdivision 5, is amended to read:

118.23 Subd. 5. **How job may be let.** The job may be let in one job, or in sections, or
118.24 separately for labor and material, and ~~shall~~ may be let to the lowest responsible bidder or
118.25 bidders therefor. Alternatively, the contract may be awarded to the vendor or contractor
118.26 offering the best value under a request for proposals as described in section 16C.28,
118.27 subdivision 1, paragraph (a), clause (2).

118.28 Sec. 12. Minnesota Statutes 2006, section 123B.52, subdivision 1, is amended to read:

118.29 Subdivision 1. **Contracts.** A contract for work or labor, or for the purchase of
118.30 furniture, fixtures, or other property, except books registered under the copyright laws, or
118.31 for the construction or repair of school houses, the estimated cost or value of which shall
118.32 exceed that specified in section 471.345, subdivision 3, must not be made by the school
118.33 board without first advertising for bids or proposals by two weeks' published notice in the

119.1 official newspaper. This notice must state the time and place of receiving bids and contain
 119.2 a brief description of the subject matter.

119.3 Additional publication in the official newspaper or elsewhere may be made as the
 119.4 board shall deem necessary.

119.5 After taking into consideration conformity with the specifications, terms of delivery,
 119.6 and other conditions imposed in the call for bids, every such contract for which a call for
 119.7 bids has been issued must be awarded to the lowest responsible bidder, be duly executed
 119.8 in writing, and be otherwise conditioned as required by law. The person to whom the
 119.9 contract is awarded shall give a sufficient bond to the board for its faithful performance.
 119.10 Notwithstanding section 574.26 or any other law to the contrary, on a contract limited
 119.11 to the purchase of a finished tangible product, a board may require, at its discretion, a
 119.12 performance bond of a contractor in the amount the board considers necessary. A record
 119.13 must be kept of all bids, with names of bidders and amount of bids, and with the successful
 119.14 bid indicated thereon. A bid containing an alteration or erasure of any price contained in
 119.15 the bid which is used in determining the lowest responsible bid must be rejected unless the
 119.16 alteration or erasure is corrected as provided in this section. An alteration or erasure may
 119.17 be crossed out and the correction thereof printed in ink or typewritten adjacent thereto and
 119.18 initialed in ink by the person signing the bid. In the case of identical low bids from two or
 119.19 more bidders, the board may, at its discretion, utilize negotiated procurement methods
 119.20 with the tied low bidders for that particular transaction, so long as the price paid does not
 119.21 exceed the low tied bid price. In the case where only a single bid is received, the board
 119.22 may, at its discretion, negotiate a mutually agreeable contract with the bidder so long as
 119.23 the price paid does not exceed the original bid. If no satisfactory bid is received, the
 119.24 board may readvertise. Standard requirement price contracts established for supplies or
 119.25 services to be purchased by the district must be established by competitive bids. Such
 119.26 standard requirement price contracts may contain escalation clauses and may provide for a
 119.27 negotiated price increase or decrease based upon a demonstrable industrywide or regional
 119.28 increase or decrease in the vendor's costs. Either party to the contract may request that the
 119.29 other party demonstrate such increase or decrease. The term of such contracts must not
 119.30 exceed two years with an option on the part of the district to renew for an additional two
 119.31 years. Contracts for the purchase of perishable food items, except milk for school lunches
 119.32 and vocational training programs, in any amount may be made by direct negotiation
 119.33 by obtaining two or more written quotations for the purchase or sale, when possible,
 119.34 without advertising for bids or otherwise complying with the requirements of this section
 119.35 or section 471.345, subdivision 3. All quotations obtained shall be kept on file for a
 119.36 period of at least one year after receipt.

120.1 Every contract made without compliance with the provisions of this section shall be
120.2 void. Except in the case of the destruction of buildings or injury thereto, where the public
120.3 interest would suffer by delay, contracts for repairs may be made without advertising
120.4 for bids.

120.5 Sec. 13. Minnesota Statutes 2006, section 123B.52, is amended by adding a
120.6 subdivision to read:

120.7 Subd. 1b. **Best value alternative.** As an alternative to the procurement method
120.8 described in subdivision 1, a contract for construction, building, alteration, improvement,
120.9 or repair work may be awarded to the vendor or contractor offering the best value
120.10 under a request for proposals as described in section 16C.28, subdivision 1, paragraph
120.11 (a), clause (2).

120.12 Sec. 14. Minnesota Statutes 2006, section 160.17, is amended by adding a subdivision
120.13 to read:

120.14 Subd. 2a. **Best value alternative.** As an alternative to the procurement method
120.15 referenced in subdivision 2, counties or towns may issue a request for proposal and award
120.16 the contract to the vendor or contractor offering the best value as described in section
120.17 16C.28, subdivision 1, paragraph (a), clause (2).

120.18 Sec. 15. Minnesota Statutes 2006, section 160.262, is amended by adding a subdivision
120.19 to read:

120.20 Subd. 5. **Best value alternative.** As an alternative to the procurement method
120.21 described in subdivision 4, the commissioner may allow for the award of design-build
120.22 contracts for the projects described in subdivision 4 to the vendor or contractor offering
120.23 the best value under a request for proposals as described in section 16C.28, subdivision 1,
120.24 paragraph (a), clause (2).

120.25 Sec. 16. Minnesota Statutes 2006, section 161.32, is amended by adding a subdivision
120.26 to read:

120.27 Subd. 1f. **Best value alternative.** As an alternative to the procurement method
120.28 described in subdivisions 1a to 1e, the commissioner may issue a request for proposals
120.29 and award the contract to the vendor or contractor offering the best value as described in
120.30 section 16C.28, subdivision 1, paragraph (a), clause (2).

120.31 Sec. 17. [161.3206] **BEST VALUE CONTRACTING AUTHORITY.**

121.1 Notwithstanding sections 16C.25, 161.32, and 161.321, or any other law to the
121.2 contrary, the commissioner may solicit and award all contracts, other than design-build
121.3 contracts governed by section 161.3412, for a project on the basis of a best value selection
121.4 process as defined in section 16C.02, subdivision 4a. Section 16C.08 does not apply
121.5 to this section.

121.6 Sec. 18. Minnesota Statutes 2006, section 161.3412, subdivision 1, is amended to read:

121.7 Subdivision 1. **Best value selection for design-build contracts.** Notwithstanding
121.8 sections 16C.25, 161.32, and 161.321, or any other law to the contrary, the commissioner
121.9 may solicit and award a design-build contract for a project on the basis of a best value
121.10 selection process. Section 16C.08 does not apply to design-build contracts to which the
121.11 commissioner is a party.

121.12 Sec. 19. Minnesota Statutes 2006, section 161.38, subdivision 4, is amended to read:

121.13 Subd. 4. **Effects on other law of public contract with commissioner.** Whenever
121.14 the road authority of any city enters into an agreement with the commissioner pursuant
121.15 to this section, and a portion of the cost is to be assessed against benefited property,
121.16 the letting of a public contract by the commissioner for the work shall be deemed to
121.17 comply with statutory or charter provisions requiring the city (1) to advertise for bids
121.18 before awarding a contract for a public improvement, (2) to let the contract to the lowest
121.19 responsible bidder or to the vendor or contractor offering the best value, and (3) to require
121.20 a performance bond to be filed by the contractor before undertaking the work. The
121.21 contract so let by the commissioner and the performance bond required of the contractor
121.22 by the commissioner shall be considered to be the contract and bond of the city for the
121.23 purposes of complying with the requirements of any applicable law or charter provision,
121.24 and the bond shall inure to the benefit of the city and operate for their protection to the
121.25 same extent as though they were parties thereto.

121.26 Sec. 20. Minnesota Statutes 2006, section 365.37, is amended by adding a subdivision
121.27 to read:

121.28 Subd. 2a. **Best value alternative.** As an alternative to the procurement method
121.29 described in subdivision 2, a contract for construction, building, alteration, improvement,
121.30 or repair work may be awarded to the vendor or contractor offering the best value
121.31 under a request for proposals as described in section 16C.28, subdivision 1, paragraph
121.32 (a), clause (2).

122.1 Sec. 21. Minnesota Statutes 2006, section 374.13, is amended to read:

122.2 **374.13 TO ADVERTISE FOR BIDS.**

122.3 Subdivision 1. **Bidding process.** When the plans and specifications are completed
122.4 and approved by the city council and the county board, the commission shall, after notice
122.5 appropriate to inform possible bidders, obtain bids or proposals for all or any portion of
122.6 the work or materials, or both, to be done, performed, or furnished in the construction of
122.7 the building. All bids or proposals shall be sealed by the bidders or proposers and filed
122.8 with the commission at or before the time specified for the opening of bids or proposals.
122.9 At the time and place specified for the opening of bids or proposals, the commission shall
122.10 meet, open the bids or proposals, tabulate them, and award the contract or contracts to the
122.11 responsible bidder whose bid or proposal is the most favorable to the city or county, or
122.12 reject all bids and proposals. If all bids or proposals are rejected, the commission may,
122.13 after similar notice, obtain more bids or proposals or may modify or change the plans and
122.14 specifications and submit the modified plans and specifications to the city council and the
122.15 county board for approval. When the modified or changed plans and specifications are
122.16 satisfactory to both the city council and the county board, the plans and specifications
122.17 shall be returned to the commission and the commission shall proceed again, after similar
122.18 notice, to obtain bids or proposals. Any contract awarded by the commission shall be
122.19 subject to approval by the city council and the county board.

122.20 Subd. 2. **Best value alternative.** As an alternative to the procurement method
122.21 described in subdivision 1, the commission may issue a request for proposals and award
122.22 the contract to the vendor or contractor offering the best value as described in section
122.23 16C.28, subdivision 1, paragraph (a), clause (2).

122.24 Sec. 22. Minnesota Statutes 2006, section 375.21, is amended by adding a subdivision
122.25 to read:

122.26 Subd. 1b. **Best value alternative.** As an alternative to the procurement method
122.27 described in subdivision 1, a county board may award a contract for construction,
122.28 building, alteration, improvement, or repair work to the vendor or contractor offering the
122.29 best value under a request for proposals as described in section 16C.28, subdivision 1,
122.30 paragraph (a), clause (2).

122.31 Sec. 23. Minnesota Statutes 2006, section 383C.094, is amended by adding a
122.32 subdivision to read:

122.33 Subd. 1a. **Contracts in excess of \$500; best value alternative.** As an alternative to
122.34 the procurement method described in subdivision 1, the contract may be awarded to the

123.1 vendor or contractor offering the best value under a request for proposals as described in
123.2 section 16C.28, subdivision 1, paragraph (a), clause (2).

123.3 Sec. 24. Minnesota Statutes 2006, section 412.311, is amended to read:

123.4 **412.311 CONTRACTS.**

123.5 Subdivision 1. **Lowest responsible bidder.** Except as provided in sections 471.87
123.6 to 471.89, no member of a council shall be directly or indirectly interested in any contract
123.7 made by the council. Whenever the amount of a contract for the purchase of merchandise,
123.8 materials or equipment or for any kind of construction work undertaken by the city is
123.9 estimated to exceed the amount specified by section 471.345, subdivision 3, the contract
123.10 shall be let to the lowest responsible bidder, after notice has been published once in the
123.11 official newspaper at least ten days in advance of the last day for the submission of bids. If
123.12 the amount of the contract exceeds \$1,000, it shall be entered into only after compliance
123.13 with section 471.345.

123.14 Subd. 2. **Best value alternative.** As an alternative to the procurement method
123.15 described in subdivision 1, a contract for construction, building, alteration, improvement,
123.16 or repair work may be awarded to the vendor or contractor offering the best value
123.17 under a request for proposals as described in section 16C.28, subdivision 1, paragraph
123.18 (a), clause (2).

123.19 Sec. 25. Minnesota Statutes 2006, section 429.041, is amended by adding a subdivision
123.20 to read:

123.21 Subd. 2a. **Best value alternative.** As an alternative to the procurement method
123.22 described in subdivision 2, the council may issue a request for proposals and award the
123.23 contract to the vendor or contractor offering the best value as described in section 16C.28,
123.24 subdivision 1, paragraph (a), clause (2).

123.25 Sec. 26. Minnesota Statutes 2006, section 458D.21, is amended by adding a
123.26 subdivision to read:

123.27 Subd. 2a. **Contracts in excess of \$5,000; best value alternative.** As an alternative
123.28 to the procurement method described in subdivision 2, the board may issue a request for
123.29 proposals and award the contract to the vendor or contractor offering the best value as
123.30 described in section 16C.28, subdivision 1, paragraph (a), clause (2).

123.31 Sec. 27. Minnesota Statutes 2006, section 469.015, is amended by adding a subdivision
123.32 to read:

124.1 Subd. 1a. **Best value alternative.** As an alternative to the procurement method
124.2 described in subdivision 1, the authority may issue a request for proposals and award the
124.3 contract to the vendor or contractor offering the best value under a request for proposals as
124.4 described in section 16C.28, subdivision 1, paragraph (a), clause (2).

124.5 Sec. 28. Minnesota Statutes 2006, section 469.068, subdivision 1, is amended to read:

124.6 Subdivision 1. **Contracts; bids; bonds.** All construction work and every purchase
124.7 of equipment, supplies, or materials necessary in carrying out the purposes of sections
124.8 469.048 to 469.068, that involve the expenditure of \$1,000 or more, shall be awarded by
124.9 contract as provided in this subdivision or in subdivision 1a. Before receiving bids under
124.10 sections 469.048 to 469.068, the authority shall publish, once a week for two consecutive
124.11 weeks in the official newspaper of the port's city, a notice that bids will be received for the
124.12 construction work, or purchase of equipment, supplies, or materials. The notice shall state
124.13 the nature of the work, and the terms and conditions upon which the contract is to be let
124.14 and name a time and place where the bids will be received, opened, and read publicly,
124.15 which time shall be not less than seven days after the date of the last publication. After
124.16 the bids have been received, opened, read publicly, and recorded, the commissioners
124.17 shall award the contract to the lowest responsible bidder, reserving the right to reject
124.18 any or all bids. The contract shall be executed in writing and the person to whom the
124.19 contract is awarded shall give sufficient bond to the board for its faithful performance. If
124.20 no satisfactory bid is received, the port authority may readvertise, or, by an affirmative
124.21 vote of two of its commissioners in the case of a three-member commission, or five of
124.22 its members in the case of a seven-member commission, may authorize the authority
124.23 to perform any part or parts of any construction work by day labor under conditions it
124.24 prescribes. The commissioners may establish reasonable qualifications to determine
124.25 the fitness and responsibility of bidders, and require bidders to meet the qualifications
124.26 before bids are accepted. If the commissioners by a two-thirds or five-sevenths vote
124.27 declare that an emergency exists requiring the immediate purchase of any equipment or
124.28 material or supplies at a cost in excess of \$1,000, but not exceeding \$5,000, in amount,
124.29 or making of emergency repairs, it shall not be necessary to advertise for bids, but the
124.30 material, equipment, or supplies may be purchased in the open market at the lowest price
124.31 obtainable, or the emergency repairs may be contracted for or performed without securing
124.32 formal competitive bids. An emergency, for purposes of this section, is unforeseen
124.33 circumstances or conditions which result in the jeopardizing of human life or property.

125.1 In all contracts involving the employment of labor, the commissioners shall stipulate
125.2 conditions they deem reasonable, as to the hours of labor and wages and may stipulate as
125.3 to the residence of employees to be employed by the contractors.

125.4 Bonds shall be required from contractors for any works of construction as provided
125.5 in and subject to all the provisions of sections 574.26 to 574.31.

125.6 Sec. 29. Minnesota Statutes 2006, section 469.068, is amended by adding a subdivision
125.7 to read:

125.8 Subd. 1a. **Contracts; best value alternative.** As an alternative to the procurement
125.9 method described in subdivision 1, a contract may be awarded to the vendor or contractor
125.10 offering the best value under a request for proposals as described in section 16C.28,
125.11 subdivision 1, paragraph (a), clause (2).

125.12 Sec. 30. Minnesota Statutes 2006, section 471.345, is amended by adding a subdivision
125.13 to read:

125.14 Subd. 3a. **Contracts over \$50,000; best value alternative.** As an alternative to the
125.15 procurement method described in subdivision 3, municipalities may award a contract for
125.16 construction, alteration, repair, or maintenance work to the vendor or contractor offering
125.17 the best value under a request for proposals as described in section 16C.28, subdivision 1,
125.18 paragraph (a), clause (2).

125.19 Sec. 31. Minnesota Statutes 2006, section 471.345, is amended by adding a subdivision
125.20 to read:

125.21 Subd. 4a. **Contracts from \$10,000 to \$50,000; best value alternative.** As an
125.22 alternative to the procurement method described in subdivision 4, municipalities may
125.23 award a contract for construction, alteration, repair, or maintenance work to the vendor or
125.24 contractor offering the best value under a request for proposals as described in section
125.25 16C.28, subdivision 1, paragraph (a), clause (2).

125.26 Sec. 32. Minnesota Statutes 2006, section 471.345, subdivision 5, is amended to read:

125.27 Subd. 5. **Contracts less than \$10,000.** If the amount of the contract is estimated
125.28 to be \$10,000 or less, the contract may be made either upon quotation or in the open
125.29 market, in the discretion of the governing body. If the contract is made upon quotation
125.30 it shall be based, so far as practicable, on at least two quotations which shall be kept on
125.31 file for a period of at least one year after their receipt. Alternatively, municipalities may
125.32 award a contract for construction, alteration, repair, or maintenance work to the vendor or

126.1 contractor offering the best value under a request for proposals as described in section
126.2 16C.28, subdivision 1, paragraph (a), clause (2).

126.3 Sec. 33. Minnesota Statutes 2006, section 473.523, is amended by adding a subdivision
126.4 to read:

126.5 Subd. 1a. **Contracts over \$50,000; best value alternative.** As an alternative to
126.6 the procurement method described in subdivision 1, the council may issue a request for
126.7 proposals and award the contract to the vendor or contractor offering the best value
126.8 under a request for proposals as described in section 16C.28, subdivision 1, paragraph
126.9 (a), clause (2).

126.10 Sec. 34. Minnesota Statutes 2006, section 473.756, subdivision 12, is amended to read:

126.11 Subd. 12. **Contracts.** The authority may enter into a development agreement with
126.12 the team, the county, or any other entity relating to the construction, financing, and use of
126.13 the ballpark and related facilities and public infrastructure. The authority may contract
126.14 for materials, supplies, and equipment in accordance with sections 471.345 and 473.754,
126.15 except that the authority, with the consent of the county, may employ or contract with
126.16 persons, firms, or corporations to perform one or more or all of the functions of architect,
126.17 engineer, or construction manager with respect to all or any part of the ballpark and
126.18 public infrastructure. Alternatively, at the request of the team and with the consent of the
126.19 county, the authority shall authorize the team to provide for the design and construction
126.20 of the ballpark and related public infrastructure, subject to terms of Laws 2006, chapter
126.21 257. The construction manager may enter into contracts with contractors for labor,
126.22 materials, supplies, and equipment for the construction of the ballpark and related public
126.23 infrastructure through the process of public bidding, except that the construction manager
126.24 may, with the consent of the authority or the team:

126.25 (1) narrow the listing of eligible bidders to those which the construction manager
126.26 determines to possess sufficient expertise to perform the intended functions;

126.27 (2) award contracts to the contractors that the construction manager determines
126.28 provide the best value under a request for proposals as described in section 16C.28,
126.29 subdivision 1, paragraph (a), clause (2), which are not required to be the lowest responsible
126.30 bidder; and

126.31 (3) for work the construction manager determines to be critical to the completion
126.32 schedule, award contracts on the basis of competitive proposals or perform work with
126.33 its own forces without soliciting competitive bids if the construction manager provides
126.34 evidence of competitive pricing.

127.1 The authority shall require that the construction manager certify, before the contract is
127.2 signed, a fixed and stipulated construction price and completion date to the authority
127.3 and post a performance bond in an amount at least equal to 100 percent of the certified
127.4 price, to cover any costs which may be incurred in excess of the certified price, including
127.5 but not limited to costs incurred by the authority or loss of revenues resulting from
127.6 incomplete construction on the completion date. The authority may secure surety bonds
127.7 as provided in section 574.26, securing payment of just claims in connection with all
127.8 public work undertaken by it. Persons entitled to the protection of the bonds may enforce
127.9 them as provided in sections 574.28 to 574.32, and shall not be entitled to a lien on any
127.10 property of the authority under the provisions of sections 514.01 to 514.16. Contracts for
127.11 construction and operation of the ballpark must include programs, including Youthbuild,
127.12 to provide for participation by small local businesses and businesses owned by people of
127.13 color, and the inclusion of women and people of color in the workforces of contractors
127.14 and ballpark operators. The construction of the ballpark is a "project" as that term is
127.15 defined in section 177.42, subdivision 2, and is subject to the prevailing wage law under
127.16 sections 177.41 to 177.43.