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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 3605**

February 28, 2008

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The bill was read for the first time and referred to the Transportation Finance Division

1.1 A bill for an act  
1.2 relating to drivers' licenses; regulating information on drivers' licenses and  
1.3 permits and Minnesota identification cards; requiring determination of citizenship  
1.4 status for obtaining a license; making technical changes; amending Minnesota  
1.5 Statutes 2006, sections 171.06, subdivision 3; 171.14; 171.22, subdivision 2;  
1.6 Minnesota Statutes 2007 Supplement, section 171.06, subdivision 2; proposing  
1.7 coding for new law in Minnesota Statutes, chapter 171.

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

1.9 Section 1. **[171.025] IDENTITY AND RESIDENCY REQUIREMENTS.**

1.10 Subdivision 1. **Definitions.** For purposes of this section, the following terms have  
1.11 the meaning given them:

1.12 (1) "license" means a driver's license, instruction permit, motorized bicycle  
1.13 instruction permit, motorized bicycle operator's permit, or provisional license;

1.14 (2) "lawful presence status" means lawful short-term admission to the United States,  
1.15 indefinite authorized presence status, permanent United States resident status, or United  
1.16 States citizenship; and

1.17 (3) "primary document" has the meaning given in Minnesota Rules, part 7410.0400,  
1.18 subpart 2, or successor rules.

1.19 Subd. 2. **Lawful residency required.** (a) Proof of lawful residency in the United  
1.20 States is required at the time of application for an initial license or Minnesota identification  
1.21 card, or renewal of a license or Minnesota identification card. The applicant is required to  
1.22 attest to a residence address in Minnesota.

1.23 (b) At the time of application for an initial license or Minnesota identification card,  
1.24 the applicant must demonstrate proof of lawful presence status.

2.1 (c) At the time of application for renewal of a license or Minnesota identification  
2.2 card, a person with lawful short-term admission to the United States must demonstrate  
2.3 proof of lawful short-term admission status.

2.4 (d) The department shall issue a license or Minnesota identification card only to an  
2.5 individual who has a residence address in the state at the time of application, as required  
2.6 under section 171.06, subdivision 3. An individual may have only one residence address  
2.7 where the individual is domiciled at any particular time.

2.8 Subd. 3. **Proof of identity and residency.** (a) At the time of application for a  
2.9 license or Minnesota identification card, the applicant must demonstrate proof of full  
2.10 name, date of birth, identity, and lawful presence status by presenting a Minnesota  
2.11 license or Minnesota identification card if one has been issued. The Minnesota license or  
2.12 identification card must be current or must not have expired more than:

2.13 (1) five years before it is presented if it has a color photograph or electronically  
2.14 produced or digitized image of the applicant; or

2.15 (2) one year before it is presented if it (i) does not have a color photograph or  
2.16 electronically produced or digitized image of the applicant, or (ii) is a temporary seven-day  
2.17 driver's license issued to a Minnesota-licensed driver by the state of Minnesota under  
2.18 section 169A.52, subdivision 7, paragraph (c), clause (2).

2.19 (b) If the applicant cannot provide a Minnesota license or Minnesota identification  
2.20 card as required under paragraph (a), the applicant must present one primary document  
2.21 and one secondary document as required under Minnesota Rules, part 7410.0400, subparts  
2.22 2 and 3, or successor rules.

2.23 Subd. 4. **Lawful short-term admission; status check date.** (a) If a lawful  
2.24 admission period is indicated on a federal primary document presented as proof of lawful  
2.25 presence status under subdivision 3, and it expires in more than 30 days from the date of  
2.26 application for a license or Minnesota identification card, the commissioner shall issue  
2.27 to the applicant a license or Minnesota identification card that includes a status check  
2.28 date indicating when the license or Minnesota identification card will be canceled. The  
2.29 status check date must coincide with the federal lawful admission period indicated on  
2.30 the federal primary document presented.

2.31 (b) The department shall not issue a license or Minnesota identification card if an  
2.32 individual has no lawful presence status or if the lawful short-term admission period  
2.33 expires in 30 days or less.

2.34 Subd. 5. **Applicability of status check date.** (a) Notwithstanding any other law to  
2.35 the contrary, the department shall ensure that a status check date is not placed on a license

3.1 or Minnesota identification card of an applicant having indefinite authorized presence  
3.2 status, permanent United States resident status, or United States citizenship.

3.3 (b) If the department issues a license or Minnesota identification card that contains a  
3.4 status check date to an applicant described under paragraph (a), it must issue a corrected  
3.5 duplicate license or identification card free of charge.

3.6 Subd. 6. **Reissuance.** (a) The commissioner shall reissue a license or Minnesota  
3.7 identification card with a new status check date if the applicant presents an employment  
3.8 authorization card or notice of action issued by the United States Department of Homeland  
3.9 Security that indicates an extension of the federal lawful admission period. The new status  
3.10 check date must coincide with the new federal lawful admission period indicated on  
3.11 the federal document presented.

3.12 (b) The commissioner shall reissue a license or Minnesota identification card with a  
3.13 new status check date if the applicant presents an accepted application from the United  
3.14 States Department of Homeland Security for an extension of or change in the federal  
3.15 lawful admission period. The new status check date must be a six-month extension from  
3.16 the date of the federal receipt of the application for an extension or change.

3.17 (c) The commissioner shall reissue a license or Minnesota identification card without  
3.18 a status check date if the applicant presents a subsequent federal document indicating  
3.19 permanent United States resident status, indefinite authorized presence status, or United  
3.20 States citizenship.

3.21 Subd. 7. **License or identification card from another jurisdiction.** (a) The  
3.22 presentation of a license or identification card from another jurisdiction or another state of  
3.23 the United States is not acceptable as proof of lawful presence status.

3.24 (b) If the applicant for a license or Minnesota identification card possesses a license  
3.25 or identification card from any other jurisdiction, the license or identification card from  
3.26 the other jurisdiction must be invalidated and returned to the individual.

3.27 Subd. 8. **Evidence required when name changed.** If there has been a change in  
3.28 the individual's legal full name as it appears on the presented document specified under  
3.29 subdivision 3, the individual must also present evidence of a change of name as required  
3.30 under rules established by the commissioner.

3.31 Subd. 9. **Incorporation of federal regulations.** As authorized by Public Law  
3.32 107-296, rules relating to identity and residency documentation standards adopted in Code  
3.33 of Federal Regulations by the United States Department of Homeland Security may be  
3.34 incorporated by reference by the commissioner. These rules may be subsequently amended  
3.35 by the commissioner under chapter 14 to administer the provisions of this chapter.

4.1 Subd. 10. **Non-English documents; translation.** All documents submitted to the  
 4.2 department in a language other than English must be accompanied by a translation of  
 4.3 that document into the English language.

4.4 Subd. 11. **Fees.** A holder of a license or Minnesota identification card with a status  
 4.5 check date must pay the following fees for reissuance or renewal:

4.6 (1) no fee for reissuance if there is no change to the address or name on the state  
 4.7 document and the state document holder applies for an extension of the status check  
 4.8 date before the state document is canceled;

4.9 (2) the fee for a duplicate as specified in section 171.06, subdivision 2, if there is  
 4.10 a change to the address or name on a license or Minnesota identification card, or if the  
 4.11 state document has expired and the applicant presents federal documentation indicating an  
 4.12 extension of or change in the federal lawful admission period;

4.13 (3) the fee for a renewal as specified in section 171.06, subdivision 2, if the license  
 4.14 or Minnesota identification card will expire before the status check date; and

4.15 (4) the fee for a duplicate as specified in section 171.06, subdivision 2, if the applicant  
 4.16 is being reissued a license or Minnesota identification card without a status check date.

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

4.18 Sec. 2. Minnesota Statutes 2007 Supplement, section 171.06, subdivision 2, is  
 4.19 amended to read:

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

4.22	Classified Driver's				
4.23	License	D-\$22.25	C-\$26.25	B-\$33.25	A-\$41.25
4.24	Classified Under-21 D.L.	D-\$22.25	C-\$26.25	B-\$33.25	A-\$21.25
4.25	Instruction Permit				\$10.25
4.26	Provisional License				\$13.25
4.27	Duplicate License or				
4.28	duplicate identification				
4.29	card				\$11.75
4.30	Minnesota identification				
4.31	card or Under-21				
4.32	Minnesota identification				
4.33	card, other than duplicate,				
4.34	except as otherwise				
4.35	provided in section				
4.36	171.07, subdivisions 3				
4.37	and 3a				\$16.25

4.38 (b) Notwithstanding paragraph (a), an individual who holds a provisional license and  
 4.39 has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33,

5.1 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving  
5.2 violations, and (3) convictions for moving violations that are not crash related, shall have a  
5.3 \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation"  
5.4 has the meaning given it in section 171.04, subdivision 1.

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

5.11 (d) The fees for renewal of a license or Minnesota identification card are the same as  
5.12 the fees for an initial license or Minnesota identification card under paragraph (a).

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

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

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

5.16 (1) state the applicant's full name, date of birth, sex, and residence address of the  
5.17 applicant in the state of Minnesota, by showing a residence number, street name, street  
5.18 type, directional if any, city, state, and zip code;

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

5.22 (3) state:

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

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

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

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

5.31 (b) If the applicant does not indicate a desire to make an anatomical gift when  
5.32 the application is made, the applicant must be offered a donor document in accordance  
5.33 with section 171.07, subdivision 5. The application must contain statements sufficient  
5.34 to comply with the requirements of the Uniform Anatomical Gift Act (1987), sections  
5.35 525.921 to 525.9224, so that execution of the application or donor document will make

6.1 the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a  
 6.2 desire to make an anatomical gift. The application must be accompanied by information  
 6.3 describing Minnesota laws regarding anatomical gifts and the need for and benefits of  
 6.4 anatomical gifts, and the legal implications of making an anatomical gift, including the  
 6.5 law governing revocation of anatomical gifts. The commissioner shall distribute a notice  
 6.6 that must accompany all applications for and renewals of a driver's license or Minnesota  
 6.7 identification card. The notice must be prepared in conjunction with a Minnesota organ  
 6.8 procurement organization that is certified by the federal Department of Health and Human  
 6.9 Services and must include:

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

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

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

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

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

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

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

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

6.24 Sec. 4. Minnesota Statutes 2004, section 171.14, is amended to read:

6.25 **171.14 CANCELLATION.**

6.26 Subdivision 1. Cancellation authority. The commissioner ~~shall have authority~~  
 6.27 ~~to~~ may cancel any driver's license or permit or Minnesota identification card upon  
 6.28 ~~determination~~ determining that the licensee or cardholder:

6.29 (1) was not entitled to the issuance thereof hereunder, or that the licensee of the  
 6.30 driver's license, permit, or Minnesota identification card;

6.31 (2) failed to give the required or correct information in the application, or;

6.32 (3) committed any fraud or deceit in making such application. ~~The commissioner~~  
 6.33 ~~may also cancel the driver's license of any person who; or~~

7.1 (4) at the time of the cancellation, would not have been entitled to receive a license  
7.2 under the provisions of section 171.04 this chapter.

7.3 Subd. 2. **Cancellation requirement.** The commissioner shall cancel a driver's  
7.4 license or permit or Minnesota identification card under this section or section 171.04  
7.5 on whichever date occurs first:

7.6 (1) on the status check date, if applicable, unless the state document holder presents  
7.7 federal proof of extension of the lawful admission period or a receipt from the United  
7.8 States Department of Homeland Security for an application for an extension or change in  
7.9 the lawful admission status; or

7.10 (2) upon the commissioner receiving notice from the United States Department of  
7.11 Homeland Security that the individual has been deported.

7.12 Subd. 3. **Warning of impending cancellation.** (a) If the status check date will  
7.13 occur in more than 60 days but less than 90 days, a notice warning the state document  
7.14 holder that the driver's license, permit, or Minnesota identification card will be canceled  
7.15 on the status check date must be sent by first class mail to the document holder's residence  
7.16 address on file with the department. If application is being made and the status check date  
7.17 would occur in 60 days or less from the date of application, the department shall directly  
7.18 issue to the applicant a general notice warning of cancellation on the status check date and  
7.19 send a follow-up notice as described in paragraphs (b) and (c).

7.20 (b) The notice must contain:

7.21 (1) the person's full name, date of birth, unique state document number, and current  
7.22 address from the department record; and

7.23 (2) the date the notice is mailed or directly issued.

7.24 (c) The notice must indicate that:

7.25 (1) the driver's license, permit, or Minnesota identification card will be canceled  
7.26 on the status check date;

7.27 (2) the driver's license, permit, or Minnesota identification card may be reissued if  
7.28 the document holder presents federal proof of extension of the lawful admission period or  
7.29 a receipt from the United States Department of Homeland Security for application for an  
7.30 extension or change of the lawful admission period; and

7.31 (3) the individual may request an administrative review of the possible cancellation  
7.32 under rules established by the commissioner.

7.33 Subd. 4. **Warning of cancellation order.** (a) At least seven days before the status  
7.34 check date, the commissioner shall issue to the document holder a cancellation order  
7.35 indicating that the driver's license, permit, or Minnesota identification card is being

8.1 canceled. A notice of the cancellation order must be sent by first class mail to the address  
8.2 shown on department records.

8.3 (b) The notice must contain:

8.4 (1) the person's full name, date of birth, unique state document number, and current  
8.5 address from the department record; and

8.6 (2) the date the order is mailed.

8.7 (c) The notice must indicate that:

8.8 (1) the individual may apply for a new driver's license, permit, or Minnesota  
8.9 identification card upon presenting proof to the department of current authorized legal  
8.10 presence in the United States; and

8.11 (2) the document holder may request an administrative review of the cancellation  
8.12 under rules established by the commissioner.

8.13 Subd. 5. **Administrative review.** Any administrative review of the cancellation  
8.14 of the state document or the denial to issue a state document under this section must be  
8.15 conducted under rules established by the commissioner.

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

8.17 Sec. 5. Minnesota Statutes 2004, section 171.22, subdivision 2, is amended to read:

8.18 Subd. 2. **Penalties.** Any person who violates subdivision 1, clause (4), (7),<sub>2</sub> or  
8.19 (8), is guilty of a gross misdemeanor. Any person who violates any other provision of  
8.20 subdivision 1 is guilty of a misdemeanor.

8.21 **EFFECTIVE DATE.** This section is effective August 1, 2008, and applies to crimes  
8.22 committed on or after that date.

8.23 Sec. 6. **REVISION OF RULES.**

8.24 The commissioner of transportation shall amend and adopt revisions to rules  
8.25 pertinent to the identity, residency, and cancellation requirements established in this act,  
8.26 under the good cause exemption as provided in Minnesota Statutes, section 14.388,  
8.27 subdivision 1, clause (3).

8.28 **EFFECTIVE DATE.** This section is effective August 1, 2008.