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State of Minnesota

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607

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 2807

February 8, 2010

Authored by Hornstein and Champion

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

March 9, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Ways and Means

April 26, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act

1.2 relating to transportation; modifying or adding provisions relating to

1.3 transportation tax compliance and appropriations, transportation construction

1.4 impacts on business, rest areas, highways, bridges, special license plates, deputy

1.5 registrars, vehicles, impounds, towing, intersection gridlock, bus operation,

1.6 various traffic regulations, cargo tank vehicle weight exemptions, transportation

1.7 department goals and mission, a Minnesota Council of Transportation Access, a

1.8 Commuter Rail Corridor Coordinating Committee, railroad track safety, motor

1.9 carriers of railroad employees, airport authorities, property acquisition for

1.10 highways, transit, and town road interest extinguishment nullification; requiring

1.11 a report; making technical and clarifying changes; appropriating money;

1.12 amending Minnesota Statutes 2008, sections 161.14, by adding subdivisions;

1.13 165.14, subdivisions 4, 5; 168.002, by adding a subdivision; 168.123, by

1.14 adding a subdivision; 168.1293; 168.33, subdivision 2; 168B.06, subdivision

1.15 1; 168B.07, subdivision 3; 169.041, subdivision 5; 169.15; 169.306; 169.87,

1.16 by adding a subdivision; 174.01, subdivisions 1, 2; 174.02, subdivision 1a;

1.17 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by adding a subdivision;

1.18 360.061, subdivision 3; 473.167, subdivision 2a; 473.411, subdivision 5; 514.18,

1.19 subdivision 1a; Minnesota Statutes 2009 Supplement, sections 160.165; 161.14,

1.20 subdivision 62; 169.71, subdivision 1; 169.865, subdivision 1; Laws 2008,

1.21 chapter 287, article 1, section 122; Laws 2009, chapter 36, article 1, sections 1;

1.22 5, subdivisions 1, 3, 4; proposing coding for new law in Minnesota Statutes,

1.23 chapters 160; 174; 221; repealing Minnesota Statutes 2008, section 169.041,

1.24 subdivisions 3, 4.

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

1.26 ARTICLE 1

1.27 TRANSPORTATION TAX COMPLIANCE

1.28 Section 1. Laws 2009, chapter 36, article 1, section 1, is amended to read:

1.29 Section 1. SUMMARY OF APPROPRIATIONS.

1.30 The amounts shown in this section summarize direct appropriations, by fund, made  
1.31 in this article.

	<b>2010</b>	<b>2011</b>	<b>Total</b>
2.1			
2.2		<del>95,885,000</del>	<del>194,270,000</del>
2.3	General                    \$    98,385,000	\$ <u>95,897,000</u>	\$ <u>194,282,000</u>
2.4	Airports                      21,909,000	19,659,000	41,568,000
2.5	C.S.A.H.                      496,786,000	524,478,000	1,021,264,000
2.6	M.S.A.S.                      134,003,000	141,400,000	275,403,000
2.7		<del>49,038,000</del>	<del>98,076,000</del>
2.8	Special Revenue            49,038,000	<u>49,088,000</u>	<u>98,126,000</u>
2.9		<del>9,838,000</del>	<del>19,376,000</del>
2.10	H.U.T.D.                      9,538,000	<u>9,945,000</u>	<u>19,483,000</u>
2.11		<del>1,372,687,000</del>	<del>2,637,608,000</del>
2.12	Trunk Highway              1,264,921,000	<u>1,372,496,000</u>	<u>2,637,417,000</u>
2.13	<u>Transit Assistance</u> -0-	<u>72,000</u>	<u>72,000</u>
2.14		<del>2,212,985,000</del>	<del>4,287,565,000</del>
2.15	<b>Total                      \$    2,074,580,000</b>	<b>\$    <u>2,213,035,000</u></b>	<b>\$    <u>4,287,615,000</u></b>

2.16            **EFFECTIVE DATE.** This section is effective July 1, 2010.

2.17            Sec. 2. Laws 2009, chapter 36, article 1, section 5, subdivision 1, is amended to read:

2.18			<del>152,578,000</del>
2.19	Subdivision 1. <b>Total Appropriation</b>	\$ <b>152,478,000</b>	\$ <b><u>152,628,000</u></b>

2.20            Appropriations by Fund

	2010	2011
2.21		
2.22		<del>7,959,000</del>
2.23	General                      7,959,000	<u>7,971,000</u>
2.24		<del>49,038,000</del>
2.25	Special Revenue            49,038,000	<u>49,088,000</u>
2.26		<del>9,713,000</del>
2.27	H.U.T.D.                      9,413,000	<u>9,820,000</u>
2.28		<del>85,868,000</del>
2.29	Trunk Highway              86,068,000	<u>85,677,000</u>
2.30	<u>Transit Assistance</u> -0-	<u>72,000</u>

2.31            The amounts that may be spent for each  
2.32            purpose are specified in the following  
2.33            subdivisions.

2.34            **EFFECTIVE DATE.** This section is effective July 1, 2010.

2.35            Sec. 3. Laws 2009, chapter 36, article 1, section 5, subdivision 3, is amended to read:

2.36            Subd. 3. **State Patrol**

2.37			<del>71,522,000</del>
2.38	(a) <b>Patrolling Highways</b>	71,522,000	<u>71,331,000</u>

3.1	Appropriations by Fund		
3.2	General	37,000	37,000
3.3	H.U.T.D.	92,000	92,000
3.4			<del>71,393,000</del>
3.5	Trunk Highway	71,393,000	<u>71,202,000</u>

3.6 The base appropriation from the trunk  
 3.7 highway fund in fiscal years 2012 and 2013  
 3.8 is \$71,393,000 for each fiscal year.

3.9	<b>(b) Commercial Vehicle Enforcement</b>	7,996,000	7,796,000
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3.10 This appropriation is from the trunk highway  
 3.11 fund.

3.12 \$800,000 the first year and \$600,000 the  
 3.13 second year are for the Office of Pupil  
 3.14 Transportation Safety.

3.15	<b>(c) Capitol Security</b>	3,113,000	3,113,000
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3.16 This appropriation is from the general fund.

3.17 The commissioner may not: (1) spend  
 3.18 any money from the trunk highway fund  
 3.19 for capitol security; or (2) permanently  
 3.20 transfer any state trooper from the patrolling  
 3.21 highways activity to capitol security.

3.22 The commissioner may not transfer any  
 3.23 money: (1) appropriated for Department of  
 3.24 Public Safety administration, the patrolling of  
 3.25 highways, commercial vehicle enforcement,  
 3.26 or driver and vehicle services to capitol  
 3.27 security; or (2) from capitol security.

3.28	<b><u>(d) Vehicle Crimes Unit</u></b>	<u>-0-</u>	<u>191,000</u>
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3.29	<u>Appropriations by Fund</u>		
3.30	<u>General</u>	<u>-0-</u>	<u>12,000</u>
3.31	<u>Transit Assistance</u>	<u>-0-</u>	<u>72,000</u>
3.32	<u>H.U.T.D.</u>	<u>-0-</u>	<u>107,000</u>

3.33 This appropriation is to investigate  
 3.34 registration tax and motor vehicle sales tax

4.1 liabilities from individuals and businesses  
4.2 that currently do not pay all taxes owed and  
4.3 illegal or improper activity related to sale,  
4.4 transfer, titling, and registration of motor  
4.5 vehicles. This initiative is expected to result  
4.6 in new revenues for the biennium as follows:  
4.7 (1) \$114,000 for the highway user tax  
4.8 distribution fund;  
4.9 (2) \$75,000 for the transit assistance fund;  
4.10 and  
4.11 (3) \$13,000 for the general fund.  
4.12 The general fund appropriation for fiscal year  
4.13 2011 is a onetime appropriation.  
4.14 Notwithstanding the appropriation under  
4.15 Minnesota Statutes, section 16A.88,  
4.16 subdivision 2, \$65,000 of the amount  
4.17 appropriated in fiscal year 2011 is from the  
4.18 metropolitan area transit account in the transit  
4.19 assistance fund. The base appropriation from  
4.20 the metropolitan area transit account in fiscal  
4.21 years 2012 and 2013 is \$250,000 for each  
4.22 fiscal year.  
4.23 Notwithstanding the appropriation under  
4.24 Minnesota Statutes, section 16A.88,  
4.25 subdivision 1a, \$7,000 of the amount  
4.26 appropriated in fiscal year 2011 is from  
4.27 the greater Minnesota transit account  
4.28 in the transit assistance fund. The base  
4.29 appropriation from the greater Minnesota  
4.30 transit account in fiscal years 2012 and 2013  
4.31 is \$27,000 for each fiscal year.  
4.32 The base appropriation from the highway  
4.33 user tax distribution fund in fiscal years 2012  
4.34 and 2013 is \$416,000 for each fiscal year.

5.1 By February 1, 2015, the commissioner shall  
 5.2 submit a report to the house of representatives  
 5.3 and senate committees having jurisdiction  
 5.4 over transportation finance on the revenues  
 5.5 generated by the Vehicle Crimes Unit.

5.6 **EFFECTIVE DATE.** This section is effective July 1, 2010.

5.7 Sec. 4. Laws 2009, chapter 36, article 1, section 5, subdivision 4, is amended to read:

5.8 **Subd. 4. Driver and Vehicle Services**

5.9			<u>27,209,000</u>
5.10	(a) <b>Vehicle Services</b>	26,909,000	<u>27,259,000</u>

5.11	Appropriations by Fund		
5.12			<del>18,973,000</del>
5.13	Special Revenue	18,973,000	<u>19,023,000</u>
5.14	H.U.T.D.	7,936,000	8,236,000

5.15 The special revenue fund appropriation is  
 5.16 from the vehicle services operating account.

5.17 Of the appropriation for fiscal year 2011  
 5.18 from the special revenue fund, \$50,000 is  
 5.19 for assistance to the Vehicle Crimes Unit in  
 5.20 investigations as provided under subdivision  
 5.21 3, paragraph (d).

5.22	(b) <b>Driver Services</b>	28,712,000	28,712,000
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5.23	Appropriations by Fund		
5.24	Special Revenue	28,711,000	28,711,000
5.25	Trunk Highway	1,000	1,000

5.26 The special revenue fund appropriation is  
 5.27 from the driver services operating account.

5.28 **EFFECTIVE DATE.** This section is effective July 1, 2010.

6.1 **ARTICLE 2**6.2 **TRANSPORTATION POLICY**

6.3 Section 1. Minnesota Statutes 2009 Supplement, section 160.165, is amended to read:

6.4 **160.165 MITIGATING TRANSPORTATION CONSTRUCTION IMPACTS**  
6.5 **ON BUSINESS.**

6.6 Subdivision 1. **Definitions.** For the purposes of this section, the following terms  
6.7 have the meanings given:

6.8 (1) "project" means construction work to maintain, construct, reconstruct, or  
6.9 improve a street or highway or for a rail transit project;

6.10 (2) "substantial business impacts" means impairment of road access, parking, or  
6.11 visibility for one or more business establishments as a result of a project, for a minimum  
6.12 period of one month; and

6.13 (3) "transportation authority" means the commissioner, as to trunk highways; the  
6.14 county board, as to county state-aid highways and county highways; the town board, as to  
6.15 town roads; ~~and~~ statutory or home rule charter cities, as to city streets; the Metropolitan  
6.16 Council, for rail transit projects located entirely within the metropolitan area as defined in  
6.17 section 473.121, subdivision 2; and the commissioner, for all other rail transit projects.

6.18 Subd. 2. **Business liaison.** (a) Before beginning construction work on a project,  
6.19 a transportation authority shall identify whether the project is anticipated to include  
6.20 substantial business impacts. For such projects, the transportation authority shall designate  
6.21 an individual to serve as business liaison between the transportation authority and affected  
6.22 businesses.

6.23 (b) The business liaison shall consult with affected businesses before and  
6.24 during construction to investigate means of mitigating project impacts to businesses.  
6.25 The mitigation considered must include signage. The business liaison shall provide  
6.26 information to the identified businesses before and during construction, concerning project  
6.27 duration and timetables, lane and road closures, detours, access impacts, customer parking  
6.28 impacts, visibility, noise, dust, vibration, and public participation opportunities.

6.29 Subd. 3. **Exception.** This section does not apply to construction work in connection  
6.30 with the Central Corridor light rail transit line that will connect downtown Minneapolis  
6.31 and downtown St. Paul.

6.32 **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 2012. Subdivision 3 is  
6.33 effective July 1, 2010.

7.1 Sec. 2. **[160.2755] PROHIBITED ACTIVITIES AT REST AREAS.**

7.2 **Subdivision 1. Prohibited activities.** It is unlawful at rest areas to:

7.3 (1) dispose of travel-related trash and rubbish, except if depositing it in a designated  
7.4 receptacle;

7.5 (2) dump household or commercial trash and rubbish into containers or anywhere  
7.6 else on site; or

7.7 (3) drain or dump refuse or waste from any trailer, recreational vehicle, or other  
7.8 vehicle except where receptacles are provided and designated to receive the refuse or  
7.9 waste.

7.10 **Subd. 2. Penalty.** Violation of this section is a petty misdemeanor.

7.11 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to acts  
7.12 committed on or after that date.

7.13 Sec. 3. Minnesota Statutes 2009 Supplement, section 161.14, subdivision 62, is  
7.14 amended to read:

7.15 **Subd. 62. Clearwater County Veterans Memorial Highway.** (a) The following  
7.16 described route is designated the "Clearwater County Veterans Memorial Highway": that  
7.17 portion of Legislative Route No. 168, marked on August 1, 2009, as Trunk Highway 200,  
7.18 from its intersection with Clearwater County State-Aid Highway ~~37~~ 39 to its intersection  
7.19 with Legislative Route No. 169, marked on August 1, 2009, as Trunk Highway 92; and that  
7.20 portion of Route No. 169 to its intersection with Clearwater County State-Aid Highway 5.

7.21 (b) The commissioner shall adopt a suitable marking design to mark this highway  
7.22 and erect appropriate signs, subject to section 161.139.

7.23 Sec. 4. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision  
7.24 to read:

7.25 **Subd. 64. Veterans Memorial Highway.** Legislative Route No. 31, signed as  
7.26 Trunk Highway 200 as of the effective date of this section, from the border with North  
7.27 Dakota to the city of Mahnomen, is designated as the "Veterans Memorial Highway." The  
7.28 commissioner shall adopt a suitable design to mark this highway and erect appropriate  
7.29 signs, subject to section 161.139.

7.30 Sec. 5. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision  
7.31 to read:

7.32 **Subd. 65. Becker County Veterans Memorial Highway.** Marked Trunk Highway  
7.33 34, from its intersection with Washington Avenue in Detroit Lakes to its intersection with

8.1 County State-Aid Highway 39; and marked Trunk Highway 87, from its intersection  
8.2 with County State-Aid Highway 33 to its intersection with County State-Aid Highway  
8.3 39, is named and designated the "Becker County Veterans Memorial Highway." Subject  
8.4 to section 161.139, the commissioner shall adopt a suitable marking design to mark this  
8.5 highway and erect appropriate signs.

8.6 Sec. 6. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision  
8.7 to read:

8.8 Subd. 66. **Granite City Crossing.** The bridge over the Mississippi River on marked  
8.9 Trunk Highway 23 in St. Cloud is designated "Granite City Crossing." The commissioner  
8.10 of transportation shall adopt a suitable design to mark this bridge and erect appropriate  
8.11 signs, subject to section 161.139.

8.12 Sec. 7. Minnesota Statutes 2008, section 165.14, subdivision 4, is amended to read:

8.13 **Subd. 4. Prioritization of bridge projects.** (a) The commissioner shall classify all  
8.14 bridges in the program into tier 1, 2, or 3 bridges, where tier 1 is the highest tier. Unless  
8.15 the commissioner identifies a reason for proceeding otherwise, before commencing bridge  
8.16 projects in a lower tier, all bridge projects within a higher tier must to the extent feasible  
8.17 be selected and funded in the approved state transportation improvement program, at  
8.18 any stage in the project development process, solicited for bids, in contract negotiation,  
8.19 under construction, or completed.

8.20 (b) The classification of each tier is as follows:

8.21 (1) tier 1 consists of any bridge in the program that (i) has an average daily traffic  
8.22 count that is above 1,000 and has a sufficiency rating that is at or below 50, or (ii) is  
8.23 identified by the commissioner as a priority project;

8.24 (2) tier 2 consists of any bridge that is not a tier 1 bridge, and (i) is classified as  
8.25 fracture-critical, or (ii) has a sufficiency rating that is at or below 80; and

8.26 (3) tier 3 consists of any other bridge in the program that is not a tier 1 or tier 2 bridge.

8.27 (c) By June 30, 2018, all tier 1 and tier 2 bridges originally included in the program  
8.28 must be under contract for repair or replacement with a new bridge that contains a  
8.29 load-path-redundant design, except that a specific bridge may remain in continued service  
8.30 if the reasons are documented in the report required under subdivision 5.

8.31 (d) All bridge projects funded under this section in fiscal year 2012 or later must  
8.32 include bicycle and pedestrian accommodations if both sides of the bridge are located in a  
8.33 city or the bridge links a pedestrian way, shared-use path, trail, or scenic bikeway.

8.34 Bicycle and pedestrian accommodations would not be required if:



9.1 (1) a comprehensive assessment demonstrates that there is an absence of need for  
9.2 bicycle and pedestrian accommodations for the life of the bridge; or

9.3 (2) there is a reasonable alternative bicycle and pedestrian crossing within  
9.4 one-quarter mile of the bridge project.

9.5 All bicycle and pedestrian accommodations should enable a connection to any existing  
9.6 bicycle and pedestrian infrastructure in close proximity to the bridge. All pedestrian  
9.7 facilities must meet or exceed federal accessibility requirements as outlined in Title II of  
9.8 the Americans with Disabilities Act, codified in United States Code, title 42, chapter  
9.9 126, subchapter II, and Section 504 of the Rehabilitation Act of 1973, codified in United  
9.10 States Code, title 29, section 794.

9.11 (e) The commissioner shall establish criteria for determining the priority of bridge  
9.12 projects within each tier, and must include safety considerations as a criterion.

9.13 **EFFECTIVE DATE.** This section is effective July 1, 2010.

9.14 Sec. 8. Minnesota Statutes 2008, section 165.14, subdivision 5, is amended to read:

9.15 Subd. 5. **Statewide transportation planning report.** In conjunction with each  
9.16 update to the Minnesota statewide transportation plan, or at least every six years, the  
9.17 commissioner shall submit a report to the chairs and ranking minority members of the  
9.18 house of representatives and senate committees with jurisdiction over transportation  
9.19 finance. The report must include:

9.20 (1) an explanation of the criteria and decision-making processes used to prioritize  
9.21 bridge projects;

9.22 (2) a historical and projected analysis of the extent to which all trunk highway  
9.23 bridges meet bridge performance targets and comply with the accessibility requirements  
9.24 of Title II of the Americans with Disabilities Act of 1990, Public Law 101-336;

9.25 (3) a summary of bridge projects (i) completed in the previous six years or since the  
9.26 last update to the Minnesota statewide transportation plan, and (ii) currently in progress  
9.27 under the program;

9.28 (4) a summary of bridge projects scheduled in the next four fiscal years and included  
9.29 in the state transportation improvement program;

9.30 (5) a projection of annual needs over the next 20 years;

9.31 (6) a calculation of funding necessary to meet the completion date under subdivision  
9.32 4, paragraph (c), compared to the total amount of bridge-related funding available; and

9.33 (7) for any tier 1 fracture-critical bridge that is repaired but not replaced, an  
9.34 explanation of the reasons for repair instead of replacement.

10.1 Sec. 9. Minnesota Statutes 2008, section 168.002, is amended by adding a subdivision  
10.2 to read:

10.3 Subd. 31a. **Special plates.** Unless otherwise specified, "special plates" or "special  
10.4 plate" means plates, or a single motorcycle plate, that are designed with wording or  
10.5 graphics that differ from a regular Minnesota passenger automobile plate or motorcycle  
10.6 plate.

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

10.8 Sec. 10. Minnesota Statutes 2008, section 168.123, is amended by adding a subdivision  
10.9 to read:

10.10 Subd. 2b. **Eligibility; combat wounded plate.** A member of the United States  
10.11 armed forces who is serving actively in the military and who is a recipient of the purple  
10.12 heart medal is also eligible for the license plate under subdivision 2, paragraph (e). The  
10.13 commissioner of public safety shall ensure that information regarding the required proof  
10.14 of eligibility for any applicant under this subdivision who has not yet been issued military  
10.15 discharge papers is distributed to the public officials responsible for administering this  
10.16 section.

10.17 **EFFECTIVE DATE.** This section is effective August 1, 2010.

10.18 Sec. 11. Minnesota Statutes 2008, section 168.1293, is amended to read:

10.19 **168.1293 CERTAIN SPECIAL PLATES; AUTHORIZATION,**  
10.20 **DISCONTINUANCE.**

10.21 Subdivision 1. **Definition.** For purposes of this section ~~and section 168.1297,~~ the  
10.22 following terms have the meanings given them:

10.23 (1) "new special plate" or "proposed special plate" means a special plate authorized  
10.24 by sections 168.12, subdivisions 2b and 2c; 168.1235; and 168.129, to have wording and  
10.25 graphics that differ from a Minnesota passenger vehicle plate; that is not authorized under  
10.26 this chapter and for which legislation authorizing the plate, including but not limited to a  
10.27 bill or amendment, is introduced or presented to the legislature; and

10.28 (2) "proximate special plate" means a special plate (i) authorized under section  
10.29 168.12, subdivisions 2b and 2c; 168.1235; or 168.129; or (ii) authorized in law on or  
10.30 after August 1, 2010.

10.31 Subd. 1a. **Establishment of plate.** The commissioner may only establish a special  
10.32 plate as authorized under this chapter. This requirement does not apply to alternative  
10.33 or additional designs for a special plate.

11.1 Subd. 2. **Submissions to commissioner.** (a) A person, legal entity, or other  
11.2 requester, however organized, that plans to seek legislation establishing a new special  
11.3 plate, or is a proponent of a new special plate, shall submit the following information and  
11.4 fee to the commissioner:

11.5 (1) The requester shall submit a request for the special plate being sought, describing  
11.6 the ~~proposed~~ special plate in general terms, the purpose of the plate, and the proposed fee  
11.7 or minimum contribution required for the plate.

11.8 (2) The requester shall submit the results of a scientific sample survey of Minnesota  
11.9 motor vehicle owners that indicates that at least 10,000 motor vehicle owners intend  
11.10 to purchase the proposed plate with the proposed fee or minimum contribution. The  
11.11 requester's plan to undertake the survey must be reported to the commissioner before the  
11.12 survey is undertaken. The survey must be performed independently of the requester by  
11.13 another person or legal entity, however organized, that conducts similar sample surveys  
11.14 in the normal course of business.

11.15 (3) The requester shall submit an application fee of \$20,000, to cover the cost of  
11.16 reviewing the application for a new plate and developing the new special plate if authorized  
11.17 by law. State funds may not be used to pay the application fee. This requirement does not  
11.18 apply if legislation or a bill introduced to the legislature proposing the new special plate  
11.19 contains a mechanism by which all costs incurred by the commissioner for development  
11.20 and implementation of the plate are covered, provided that the application fee subsequently  
11.21 does apply if such a mechanism is not enacted in the law authorizing the new special plate.

11.22 (4) The requester shall submit a marketing strategy that contains (i) short-term and  
11.23 long-term marketing plans for the requested plate, and (ii) a financial analysis showing  
11.24 the anticipated revenues and the planned expenditures of any fee or contribution derived  
11.25 from the requested plate.

11.26 (b) The requester shall submit the information required under paragraph (a) to the  
11.27 commissioner at least 120 days before the convening of the next regular legislative session  
11.28 at which the requester will submit the proposal.

11.29 Subd. 2a. **Information for legislature.** (a) Within 15 days of the introduction of a  
11.30 bill proposing a new special plate, the commissioner shall submit a briefing to the chairs  
11.31 and ranking minority members of the house of representatives and senate committees to  
11.32 which the bill was referred. At a minimum, the briefing must:

11.33 (1) summarize the requirements for a special plate under this section; and

11.34 (2) identify which of the requirements have been met for the proposed special plate.

12.1 (b) If a proposed special plate is a topic of discussion at a legislative committee  
12.2 hearing, the commissioner shall make every reasonable effort to provide testimony. The  
12.3 testimony must include the information required in the briefing under paragraph (a).

12.4 (c) Notwithstanding section 3.195, the commissioner may submit the briefing under  
12.5 paragraph (a) by submitting an electronic version rather than a printed version.

12.6 Subd. 3. **Design; redesign.** (a) If the proposed ~~new~~ special plate sought by the  
12.7 requester is approved by law, the requester shall submit the proposed design for the plate  
12.8 to the commissioner as soon as practicable, but not later than 120 days after the effective  
12.9 date of the law authorizing issuance of the plate. The commissioner is responsible for  
12.10 selecting the final design for the special plate.

12.11 (b) The requester that originally requested a new special plate subsequently approved  
12.12 by law may not submit a new design for the plate within the five years following the date  
12.13 of first issuance of the plate unless the inventory of those plates has been exhausted.  
12.14 The requester may deplete the remaining inventory of the plates by reimbursing the  
12.15 commissioner for the cost of the plates.

12.16 Subd. 4. **Refund of fee.** If the special plate requested is not authorized in the  
12.17 legislative session at which authorization was sought, the commissioner shall, if  
12.18 applicable, refund \$17,500 of the application fee to the requester.

12.19 Subd. 5. **Discontinuance of plate.** (a) The commissioner shall discontinue the  
12.20 issuance or renewal of any proximate special plate ~~authorized by sections 168.12,~~  
12.21 ~~subdivisions 2b and 2c; 168.1235; and 168.129;~~ if (1) fewer than 1,000 sets of those  
12.22 plates are currently registered at the end of the first six years during which the plates are  
12.23 available, or (2) fewer than 1,000 sets of those plates are currently registered at the end of  
12.24 any subsequent two-year period following the first six years of availability.

12.25 (b) The commissioner shall discontinue the issuance or renewal of any proximate  
12.26 special plate ~~authorized by sections 168.12, subdivisions 2b and 2c; 168.1235;~~  
12.27 ~~and 168.129,~~ and distribution of any contributions resulting from that plate, if the  
12.28 commissioner determines that (1) the fund or requester receiving the contributions no  
12.29 longer exists, (2) the requester has stopped providing services that are authorized to be  
12.30 funded from the contribution proceeds, (3) the requester has requested discontinuance, or  
12.31 (4) contributions have been used in violation of subdivision 6.

12.32 (c) Nothing in this subdivision applies to plates issued under section 168.123,  
12.33 168.124, 168.125, 168.1251, or 168.1255.

12.34 (d) Upon commencing discontinuance of a proximate special plate under this  
12.35 subdivision, the commissioner (1) shall not issue the plate, including as a duplicate; and  
12.36 (2) shall allow retention of any existing plate for the regular period. For purposes of this

13.1 paragraph, "regular period" may be, as appropriate, the period specified under section  
13.2 168.12, subdivision 1; the time until issuance of a duplicate plate for that vehicle; or as  
13.3 otherwise provided by law.

13.4 Subd. 6. **Use of contributions.** Contributions made as a condition of obtaining a  
13.5 proximate special plate authorized by sections 168.12, subdivisions 2b and 2c, 168.1235,  
13.6 and 168.129, and interest earned on the contributions, may not be spent for commercial or  
13.7 for-profit purposes.

13.8 Subd. 7. **Deposit of fee; appropriation.** The commissioner shall deposit the  
13.9 application fee under subdivision 2, paragraph (a), clause (3), in the vehicle services  
13.10 operating account of the special revenue fund under section 299A.705. An amount  
13.11 sufficient to pay the department's cost in implementing and administering this section,  
13.12 including payment of refunds under subdivision 4, is appropriated to the commissioner.

13.13 Sec. 12. Minnesota Statutes 2008, section 168.33, subdivision 2, is amended to read:

13.14 Subd. 2. **Deputy registrars.** (a) The commissioner may appoint, and for cause  
13.15 discontinue, a deputy registrar for any statutory or home rule charter city as the public  
13.16 interest and convenience may require, without regard to whether the county auditor of  
13.17 the county in which the city is situated has been appointed as the deputy registrar for the  
13.18 county or has been discontinued as the deputy registrar for the county, and without regard  
13.19 to whether the county in which the city is situated has established a county license bureau  
13.20 that issues motor vehicle licenses as provided in section 373.32.

13.21 (b) The commissioner may appoint, and for cause discontinue, a deputy registrar  
13.22 for any statutory or home rule charter city as the public interest and convenience may  
13.23 require, if the auditor for the county in which the city is situated chooses not to accept  
13.24 appointment as the deputy registrar for the county or is discontinued as a deputy registrar,  
13.25 or if the county in which the city is situated has not established a county license bureau  
13.26 that issues motor vehicle licenses as provided in section 373.32. The individual appointed  
13.27 by the commissioner as a deputy registrar for any statutory or home rule charter city must  
13.28 be a resident of the county in which the city is situated.

13.29 (c) The commissioner may appoint, and for cause discontinue, the county auditor of  
13.30 each county as a deputy registrar.

13.31 (d) Despite any other provision, a person other than a county auditor or a director  
13.32 of a county license bureau, who was appointed by the registrar before August 1, 1976,  
13.33 as a deputy registrar for any statutory or home rule charter city, may continue to serve  
13.34 as deputy registrar and may be discontinued for cause only by the commissioner. The

14.1 county auditor who appointed the deputy registrars is responsible for the acts of deputy  
14.2 registrars appointed by the auditor.

14.3 (e) Each deputy, before entering upon the discharge of duties, shall take and  
14.4 subscribe an oath to faithfully discharge the duties and to uphold the laws of the state.

14.5 (f) If a deputy registrar appointed under this subdivision is not an officer or employee  
14.6 of a county or statutory or home rule charter city, the deputy shall in addition give bond to  
14.7 the state in the sum of \$10,000, or a larger sum as may be required by the commissioner,  
14.8 conditioned upon the faithful discharge of duties as deputy registrar.

14.9 (g) ~~Until January 1, 2012,~~ A corporation governed by chapter 302A or 317A  
14.10 may be appointed a deputy registrar. Upon application by an individual serving as a  
14.11 deputy registrar and the giving of the requisite bond as provided in this subdivision,  
14.12 personally assured by the individual or another individual approved by the commissioner,  
14.13 a corporation named in an application then becomes the duly appointed and qualified  
14.14 successor to the deputy registrar. ~~The appointment of any corporation as a deputy registrar~~  
14.15 ~~expires January 1, 2012. The commissioner shall appoint an individual as successor to~~  
14.16 ~~the corporation as a deputy registrar. The commissioner shall appoint as the successor~~  
14.17 ~~agent to a corporation whose appointment expires under this paragraph an officer of the~~  
14.18 ~~corporation if the officer applies for appointment before July 1, 2012.~~

14.19 (h) Each deputy registrar appointed under this subdivision shall keep and maintain  
14.20 office locations approved by the commissioner for the registration of vehicles and the  
14.21 collection of taxes and fees on vehicles.

14.22 (i) The deputy registrar shall keep records and make reports to the commissioner as  
14.23 the commissioner requires. The records must be maintained at the offices of the deputy  
14.24 registrar. The records and offices of the deputy registrar must at all times be open to the  
14.25 inspection of the commissioner or the commissioner's agents. The deputy registrar shall  
14.26 report to the commissioner by the next working day following receipt all registrations  
14.27 made and taxes and fees collected by the deputy registrar.

14.28 (j) The filing fee imposed under subdivision 7 must be deposited in the treasury of  
14.29 the place for which appointed or, if not a public official, a deputy shall retain the filing fee,  
14.30 but the registration tax and any additional fees for delayed registration the deputy registrar  
14.31 has collected the deputy registrar shall deposit by the next working day following receipt  
14.32 in an approved state depository to the credit of the state through the commissioner of  
14.33 management and budget. The place for which the deputy registrar is appointed through its  
14.34 governing body must provide the deputy registrar with facilities and personnel to carry out  
14.35 the duties imposed by this subdivision if the deputy is a public official. In all other cases,  
14.36 the deputy shall maintain a suitable facility for serving the public.

15.1 Sec. 13. Minnesota Statutes 2008, section 168B.06, subdivision 1, is amended to read:

15.2 Subdivision 1. **Written notice of impound.** (a) When an impounded vehicle is  
15.3 taken into custody, the unit of government or impound lot operator taking it into custody  
15.4 shall give written notice of the taking within five days to the registered vehicle owner  
15.5 and any lienholders.

15.6 (b) The notice must:

15.7 (1) set forth the date and place of the taking;

15.8 (2) provide the year, make, model, and serial number of the impounded motor  
15.9 vehicle, if such information can be reasonably obtained, and the place where the vehicle  
15.10 is being held;

15.11 (3) inform the owner and any lienholders of their right to reclaim the vehicle under  
15.12 section 168B.07;

15.13 (4) state that failure of the owner or lienholders to:

15.14 (i) exercise their right to reclaim the vehicle within the appropriate time allowed  
15.15 under section 168B.051, subdivision 1, 1a, or 2, and under the conditions set forth in  
15.16 section 168B.07, subdivision 1, constitutes a waiver by them of all right, title, and interest  
15.17 in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle  
15.18 pursuant to section 168B.08; or

15.19 (ii) exercise their right to reclaim the contents of the vehicle within the appropriate  
15.20 time allowed and under the conditions set forth in section 168B.07, subdivision 3,  
15.21 constitutes a waiver by them of all right, title, and interest in the contents and consent to  
15.22 sell or dispose of the contents under section 168B.08; and

15.23 (5) state that a vehicle owner who provides to the impound lot operator  
15.24 documentation from a government or nonprofit agency or legal aid office that the owner  
15.25 is homeless, receives relief based on need, or is eligible for legal aid services, ~~or has a~~  
15.26 ~~household income at or below 50 percent of state median income~~ has the unencumbered  
15.27 right to retrieve any and all contents without charge.

15.28 Sec. 14. Minnesota Statutes 2008, section 168B.07, subdivision 3, is amended to read:

15.29 Subd. 3. **Retrieval of contents.** (a) For purposes of this subdivision:

15.30 (1) "contents" does not include any permanently affixed mechanical or  
15.31 nonmechanical automobile parts; automobile body parts; or automobile accessories,  
15.32 including audio or video players; and

15.33 (2) "relief based on need" includes, but is not limited to, receipt of MFIP  
15.34 and Diversionary Work Program, medical assistance, general assistance, general  
15.35 assistance medical care, emergency general assistance, Minnesota supplemental aid,

16.1 MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy  
 16.2 assistance, emergency assistance, food stamps, earned income tax credit, or Minnesota  
 16.3 working family tax credit.

16.4 (b) A unit of government or impound lot operator shall establish reasonable  
 16.5 procedures for retrieval of vehicle contents, and may establish reasonable procedures to  
 16.6 protect the safety and security of the impound lot and its personnel.

16.7 (c) At any time before the expiration of the waiting periods provided in section  
 16.8 168B.051, a registered owner who provides documentation from a government or  
 16.9 nonprofit agency or legal aid office that the registered owner is homeless, receives relief  
 16.10 based on need, or is eligible for legal aid services, or has a household income at or below  
 16.11 ~~50 percent of state median income~~ has the unencumbered right to retrieve any and all  
 16.12 contents without charge and regardless of whether the registered owner pays incurred  
 16.13 charges or fees, transfers title, or reclaims the vehicle.

16.14 Sec. 15. Minnesota Statutes 2008, section 169.041, subdivision 5, is amended to read:

16.15 Subd. 5. **Towing prohibited.** ~~Unless the vehicle is described in subdivision 4, (a)~~ A  
 16.16 towing authority may not tow a motor vehicle because:

16.17 (1) the vehicle has expired registration tabs that have been expired for less than  
 16.18 90 days; or

16.19 (2) the vehicle is at a parking meter on which the time has expired and the vehicle  
 16.20 has fewer than five unpaid parking tickets.

16.21 (b) A towing authority may tow a motor vehicle, notwithstanding paragraph (a), if:

16.22 (1) the vehicle is parked in violation of snow emergency regulations;

16.23 (2) the vehicle is parked in a rush-hour restricted parking area;

16.24 (3) the vehicle is blocking a driveway, alley, or fire hydrant;

16.25 (4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking  
 16.26 is prohibited;

16.27 (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the  
 16.28 stop sign;

16.29 (6) the vehicle is parked in a disability transfer zone or disability parking space  
 16.30 without a disability parking certificate or disability license plates;

16.31 (7) the vehicle is parked in an area that has been posted for temporary restricted  
 16.32 parking (A) at least 12 hours in advance in a home rule charter or statutory city having  
 16.33 a population under 50,000, or (B) at least 24 hours in advance in another political  
 16.34 subdivision;



17.1 (8) the vehicle is parked within the right-of-way of a controlled-access highway or  
17.2 within the traveled portion of a public street when travel is allowed there;

17.3 (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to  
17.4 use by fire, police, public safety, or emergency vehicles;

17.5 (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul  
17.6 International Airport owned by the Metropolitan Airports Commission;

17.7 (11) a law enforcement official has probable cause to believe that the vehicle is  
17.8 stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is  
17.9 reasonably necessary to obtain or preserve the evidence;

17.10 (12) the driver, operator, or person in physical control of the vehicle is taken into  
17.11 custody and the vehicle is impounded for safekeeping;

17.12 (13) a law enforcement official has probable cause to believe that the owner,  
17.13 operator, or person in physical control of the vehicle has failed to respond to five or more  
17.14 citations for parking or traffic offenses;

17.15 (14) the vehicle is unlawfully parked in a zone that is restricted by posted signs  
17.16 to use by taxicabs;

17.17 (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked  
17.18 vehicle;

17.19 (16) the vehicle is parked, on a school day during prohibited hours, in a school zone  
17.20 on a public street where official signs prohibit parking; or

17.21 (17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section  
17.22 168B.011, and subject to immediate removal under chapter 168B.

17.23 Sec. 16. Minnesota Statutes 2008, section 169.15, is amended to read:

17.24 **169.15 IMPEDING TRAFFIC; INTERSECTION GRIDLOCK.**

17.25 **Subdivision 1. Impeding traffic; drive at slow speed.** No person shall drive a  
17.26 motor vehicle at such a slow speed as to impede or block the normal and reasonable  
17.27 movement of traffic except when reduced speed is necessary for safe operation or in  
17.28 compliance with law or except when the vehicle is temporarily unable to maintain a greater  
17.29 speed due to a combination of the weight of the vehicle and the grade of the highway.

17.30 **Subd. 2. Intersection gridlock; stop or block traffic.** (a) Except as provided  
17.31 in paragraph (b), a driver of a vehicle shall not enter an intersection controlled by a  
17.32 traffic-control signal until the driver is able to move the vehicle immediately, continuously,  
17.33 and completely through the intersection without impeding or blocking the subsequent  
17.34 movement of cross traffic.

17.35 (b) Paragraph (a) does not apply to movement of a vehicle made:

18.1 (1) at the direction of a city-authorized traffic-control agent or a peace officer;  
18.2 (2) to facilitate passage of an authorized emergency vehicle with its emergency  
18.3 lights activated; or

18.4 (3) to make a turn, as permitted under section 169.19, that allows the vehicle to  
18.5 safely leave the intersection.

18.6 (c) A violation of this subdivision does not constitute grounds for suspension or  
18.7 revocation of the violator's driver's license.

18.8 **EFFECTIVE DATE.** This section is effective January 1, 2011, and applies to acts  
18.9 committed on or after that date.

18.10 Sec. 17. Minnesota Statutes 2008, section 169.306, is amended to read:

18.11 **169.306 USE OF SHOULDERS BY BUSES.**

18.12 (a) The commissioner of transportation ~~may~~ is authorized to permit the use by transit  
18.13 buses and Metro Mobility buses of a shoulder, as designated by the commissioner, of a  
18.14 freeway or expressway, as defined in section 160.02, ~~in the seven-county metropolitan~~  
18.15 area in Minnesota.

18.16 (b) If the commissioner permits the use of a freeway or expressway shoulder by  
18.17 transit buses, the commissioner shall ~~also~~ permit the use on that shoulder of a bus (1) with  
18.18 a seating capacity of 40 passengers or more operated by a motor carrier of passengers,  
18.19 as defined in section 221.012, subdivision 26, while operating in intrastate commerce or  
18.20 (2) providing regular route transit service, as defined in section 174.22, subdivision 8, or  
18.21 Metro Mobility services, and operated by or under contract with the Metropolitan Council,  
18.22 a local transit authority, or a transit authority created by the legislature. Drivers of these  
18.23 buses must have adequate training in the requirements of paragraph (c), as determined by  
18.24 the commissioner.

18.25 (c) Buses authorized to use the shoulder under this section may be operated on the  
18.26 shoulder only when main-line traffic speeds are less than 35 miles per hour. Drivers of  
18.27 buses being operated on the shoulder may not exceed the speed of main-line traffic by  
18.28 more than 15 miles per hour and may never exceed 35 miles per hour. Drivers of buses  
18.29 being operated on the shoulder must yield to merging, entering, and exiting traffic and  
18.30 must yield to other vehicles on the shoulder. Buses operated on the shoulder must be  
18.31 registered with the Department of Transportation.

18.32 (d) For the purposes of this section, the term "Metro Mobility bus" means a motor  
18.33 vehicle of not less than 20 feet in length engaged in providing special transportation  
18.34 services under section 473.386 that is:

19.1 (1) operated by ~~the Metropolitan Council, or operated by~~ or under contract with a  
 19.2 public or private entity receiving financial assistance to provide transit services from the  
 19.3 Metropolitan Council or the commissioner of transportation; and

19.4 (2) authorized by the ~~council~~ commissioner to use freeway or expressway shoulders.

19.5 (e) This section does not apply to the operation of buses on dynamic shoulder lanes.

19.6 Sec. 18. Minnesota Statutes 2009 Supplement, section 169.71, subdivision 1, is  
 19.7 amended to read:

19.8 Subdivision 1. **Prohibitions generally; exceptions.** (a) A person shall not drive or  
 19.9 operate any motor vehicle with:

19.10 (1) a windshield cracked or discolored to an extent to limit or obstruct proper vision;

19.11 (2) any objects suspended between the driver and the windshield, other than:

19.12 (i) sun visors;

19.13 (ii) rearview mirrors;

19.14 (iii) driver feedback and safety-monitoring equipment when mounted immediately  
 19.15 behind, slightly above, or slightly below the rearview mirror;

19.16 ~~(iii)~~ (iv) global positioning systems or navigation systems when mounted or located  
 19.17 near the bottommost portion of the windshield; and

19.18 ~~(iv)~~ (v) electronic toll collection devices; or

19.19 (3) any sign, poster, or other nontransparent material upon the front windshield,  
 19.20 sidewings, or side or rear windows of the vehicle, other than a certificate or other paper  
 19.21 required to be so displayed by law or authorized by the state director of the Division of  
 19.22 Emergency Management or the commissioner of public safety.

19.23 (b) Paragraph (a), clauses (2) and (3), do not apply to law enforcement vehicles.

19.24 (c) Paragraph (a), clause (2), does not apply to authorized emergency vehicles.

19.25 Sec. 19. Minnesota Statutes 2009 Supplement, section 169.865, subdivision 1, is  
 19.26 amended to read:

19.27 Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit  
 19.28 authorizing a vehicle or combination of vehicles with a total of six or more axles to haul  
 19.29 raw or unprocessed agricultural products and be operated with a gross vehicle weight  
 19.30 of up to:

19.31 (1) 90,000 pounds; and

19.32 (2) 99,000 pounds during the period set by the commissioner under section 169.826,  
 19.33 subdivision 1.

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

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

20.6 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2008.

20.7 Sec. 20. Minnesota Statutes 2008, section 169.87, is amended by adding a subdivision  
20.8 to read:

20.9 Subd. 7. **Cargo tank vehicles.** (a) Weight restrictions imposed by the commissioner  
20.10 under subdivisions 1 and 2 do not apply to cargo tank vehicles with two or three permanent  
20.11 axles when delivering propane for heating or dyed fuel oil on seasonally weight-restricted  
20.12 roads if the vehicle is loaded at no more than 50 percent capacity of the cargo tank.

20.13 (b) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle  
20.14 used for propane must have an operating gauge on the cargo tank that shows the amount of  
20.15 propane as a percent of capacity of the cargo tank. Documentation of the capacity of the  
20.16 cargo tank must be available on the cargo tank or in the cab of the vehicle. For purposes of  
20.17 this subdivision, propane weighs 4.2 pounds per gallon.

20.18 (c) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle  
20.19 used for dyed fuel oil must utilize the forward two tank compartments and must carry  
20.20 documentation of the empty weight of the cargo tank vehicle from a certified scale in the  
20.21 cab of the vehicle. For purposes of this subdivision, dyed fuel oil weighs seven pounds  
20.22 per gallon.

20.23 (d) To the extent practicable, cargo tank vehicles that are exempt from weight  
20.24 restrictions under paragraph (a) shall complete deliveries on seasonally weight restricted  
20.25 roads by 12:00 p.m. and before the last week of April.

20.26 Sec. 21. Minnesota Statutes 2008, section 174.01, subdivision 1, is amended to read:

20.27 Subdivision 1. **Department created.** In order to provide ~~a balanced~~ an integrated  
20.28 transportation system, including of aeronautics, highways, motor carriers, ports, public  
20.29 transit, railroads, and pipelines, and including facilities for walking and bicycling, a  
20.30 Department of Transportation is created. The department is the principal agency of the  
20.31 state for development, implementation, administration, consolidation, and coordination of  
20.32 state transportation policies, plans, and programs.

20.33 Sec. 22. Minnesota Statutes 2008, section 174.01, subdivision 2, is amended to read:

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

21.3 (1) to ~~provide safe transportation~~ minimize fatalities and injuries for transportation  
 21.4 users throughout the state;

21.5 (2) to provide multimodal and intermodal transportation ~~that enhances mobility and~~  
 21.6 ~~economic development and provides access to all persons and businesses in Minnesota~~  
 21.7 ~~while ensuring that there is no~~ facilities and services to increase access for all persons and  
 21.8 businesses and to ensure economic well-being and quality of life without undue burden  
 21.9 placed on any community;

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

21.11 (4) to enhance economic development and provide for the economical, efficient, and  
 21.12 safe movement of goods to and from markets by rail, highway, and waterway;

21.13 (5) to encourage tourism by providing appropriate transportation to Minnesota  
 21.14 facilities designed to attract tourists and to enhance the appeal, through transportation  
 21.15 investments, of tourist destinations across the state;

21.16 (6) to provide transit services ~~throughout~~ to all counties in the state to meet the  
 21.17 needs of transit users;

21.18 (7) to promote ~~productivity~~ accountability through ~~system~~ systematic management  
 21.19 of system performance and productivity through the utilization of technological  
 21.20 advancements;

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

21.23 (9) to provide for and prioritize funding ~~for~~ of transportation investments that, ~~at a~~  
 21.24 ~~minimum, preserves the transportation infrastructure~~ ensures that the state's transportation  
 21.25 infrastructure is maintained in a state of good repair;

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

21.28 (11) to promote and increase the use of high-occupancy vehicles and low-emission  
 21.29 vehicles;

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

21.32 (13) to increase ~~transit~~ use of transit as a percentage of all trips statewide by giving  
 21.33 highest priority to the transportation modes with the greatest people-moving capacity and  
 21.34 lowest long-term economic and environmental cost;

21.35 (14) to promote and increase bicycling and walking as a percentage of all trips as ~~an~~  
 21.36 energy-efficient, nonpolluting, and ~~healthful form~~ healthy forms of transportation;

- 22.1 (15) to reduce greenhouse gas emissions from the state's transportation sector; and  
 22.2 (16) to accomplish these goals with minimal impact on the environment.

22.3 Sec. 23. Minnesota Statutes 2008, section 174.02, subdivision 1a, is amended to read:

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

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

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

22.10 (3) minimize the degradation of air ~~and~~, water quality, and the climate, including  
 22.11 reduction in greenhouse gas emissions;

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

22.14 (5) use technology where appropriate to increase agency productivity, improve  
 22.15 customer service, increase public access to information about government, and increase  
 22.16 public participation in the business of government;

22.17 (6) utilize constructive and cooperative labor-management practices to the extent  
 22.18 otherwise required by chapters 43A and 179A;

22.19 (7) report to the legislature on the performance of agency operations and the  
 22.20 accomplishment of agency goals in the agency's biennial budget according to section  
 22.21 16A.10, subdivision 1; and

22.22 (8) recommend to the legislature appropriate changes in law necessary to carry out  
 22.23 the mission and improve the performance of the department.

22.24 Sec. 24. **[174.285] MINNESOTA COUNCIL ON TRANSPORTATION ACCESS.**

22.25 Subdivision 1. **Council established.** A Minnesota Council on Transportation  
 22.26 Access is established to study, evaluate, oversee, and make recommendations to improve  
 22.27 the coordination, availability, accessibility, efficiency, cost-effectiveness, and safety of  
 22.28 transportation services provided to the transit public. "Transit public" means those persons  
 22.29 who utilize public transit and those who, because of mental or physical disability, income  
 22.30 status, or age are unable to transport themselves and are dependent upon others for  
 22.31 transportation services.

22.32 Subd. 2. **Duties of council.** In order to accomplish the purposes in subdivision  
 22.33 1, the council, following consultation with the legislative committees or divisions  
 22.34 with jurisdiction over transportation policy and budget, or with appropriate legislative

23.1 transportation subcommittees, shall adopt a biennial work plan that must incorporate  
23.2 the following activities:

23.3 (1) compile information on existing transportation alternatives for the transit public,  
23.4 and serve as a clearinghouse for information on services, funding sources, innovations,  
23.5 and coordination efforts;

23.6 (2) identify best practices and strategies that have been successful in Minnesota and  
23.7 in other states for coordination of local, regional, state, and federal funding and services;

23.8 (3) recommend statewide objectives for providing public transportation services  
23.9 for the transit public;

23.10 (4) identify barriers prohibiting coordination and accessibility of public  
23.11 transportation services and aggressively pursue the elimination of those barriers;

23.12 (5) recommend policies and procedures for coordinating local, regional, state, and  
23.13 federal funding and services for the transit public;

23.14 (6) identify stakeholders in providing services for the transit public, and seek input  
23.15 from them concerning barriers and appropriate strategies;

23.16 (7) recommend guidelines for developing transportation coordination plans  
23.17 throughout the state;

23.18 (8) encourage all state agencies participating in the council to purchase trips within  
23.19 the coordinated system;

23.20 (9) facilitate the creation and operation of transportation brokerages to match  
23.21 riders to the appropriate service, promote shared dispatching, compile and disseminate  
23.22 information on transportation options, and promote regional communication;

23.23 (10) encourage volunteer driver programs and recommend legislation to address  
23.24 liability and insurance issues;

23.25 (11) recommend minimum performance standards for delivery of services;

23.26 (12) identify methods to eliminate fraud and abuse in special transportation services;

23.27 (13) develop a standard method for addressing liability insurance requirements for  
23.28 transportation services purchased, provided, or coordinated;

23.29 (14) design and develop a contracting template for providing coordinated  
23.30 transportation services;

23.31 (15) recommend an interagency uniform contracting and billing and accounting  
23.32 system for providing coordinated transportation services;

23.33 (16) encourage the design and development of training programs for coordinated  
23.34 transportation services;

23.35 (17) encourage the use of public school transportation vehicles for the transit public;

24.1 (18) develop an allocation methodology that equitably distributes transportation  
 24.2 fun ds to compensate units of government and all entities that provide coordinated  
 24.3 transportation services;

24.4 (19) identify policies and necessary legislation to facilitate vehicle sharing; and

24.5 (20) advocate aggressively for eliminating barriers to coordination, implementing  
 24.6 coordination strategies, enacting necessary legislation, and appropriating resources to  
 24.7 achieve the council's objectives.

24.8 Subd. 3. **Coordination with legislative committees.** The council shall coordinate  
 24.9 its meeting schedule and activities pursuant to its work plan, to the extent practicable, with  
 24.10 legislative committees and divisions with jurisdiction over transportation budget and  
 24.11 policy, or with appropriate subcommittees. The chairperson of the council shall act as  
 24.12 a liaison with the chairs and ranking minority members of the legislative transportation  
 24.13 committees, divisions, and appropriate subcommittees, in carrying out these duties.

24.14 Subd. 4. **Membership.** (a) The council is composed of the following 13 members:

24.15 (1) one representative from the Office of the Governor;

24.16 (2) one representative from the Council on Disability;

24.17 (3) one representative from the Minnesota Public Transit Association;

24.18 (4) the commissioner of transportation or a designee;

24.19 (5) the commissioner of human services or a designee;

24.20 (6) the commissioner of health or a designee;

24.21 (7) the chair of the Metropolitan Council or a designee;

24.22 (8) the commissioner of education or a designee;

24.23 (9) the commissioner of veterans affairs or a designee;

24.24 (10) one representative from the Board on Aging;

24.25 (11) the commissioner of employment and economic development or a designee;

24.26 (12) the commissioner of commerce or a designee; and

24.27 (13) the commissioner of management and budget or a designee.

24.28 (b) All appointments required by paragraph (a) must be completed by August  
 24.29 1, 2010.

24.30 (c) The commissioner of transportation or a designee shall convene the first meeting  
 24.31 of the council within two weeks after the members have been appointed to the council.

24.32 The members shall elect a chairperson from their membership at the first meeting.

24.33 (d) The Department of Transportation and the Department of Human Services shall  
 24.34 provide necessary staff support for the council.

24.35 Subd. 5. **Report.** By January 15 of each year, beginning in 2012, the council shall  
 24.36 report its findings, recommendations, and activities to the governor's office and to the



25.1 chairs and ranking minority members of the legislative committees with jurisdiction  
 25.2 over transportation, health, and human services, and to the legislature as provided under  
 25.3 section 3.195.

25.4 Subd. 6. **Reimbursement.** Members of the council shall receive reimbursement  
 25.5 of expenses as provided in section 15.059, subdivision 3.

25.6 Subd. 7. **Expiration.** This section expires June 30, 2014.

25.7 Sec. 25. Minnesota Statutes 2008, section 174.86, subdivision 5, is amended to read:

25.8 **Subd. 5. Commuter Rail Corridor Coordinating Committee.** (a) A Commuter  
 25.9 Rail Corridor Coordinating Committee ~~shall be~~ is established to advise the commissioner  
 25.10 on issues relating to the alternatives analysis, environmental review, advanced corridor  
 25.11 planning, preliminary engineering, final design, implementation method, construction of  
 25.12 commuter rail, public involvement, land use, service, and safety. The Commuter Rail  
 25.13 Corridor Coordinating Committee shall consist of:

25.14 (1) one member representing each significant funding partner in whose jurisdiction  
 25.15 the line or lines are located;

25.16 (2) one member appointed by each county in which the corridors are located;

25.17 (3) one member appointed by each city in which advanced corridor plans indicate  
 25.18 that a station may be located;

25.19 (4) two members appointed by the commissioner, one of whom shall be designated  
 25.20 by the commissioner as the chair of the committee;

25.21 (5) one member appointed by each metropolitan planning organization through  
 25.22 which the commuter rail line may pass; ~~and~~

25.23 (6) one member appointed by the president of the University of Minnesota, if a  
 25.24 designated corridor provides direct service to the university; and

25.25 (7) two ex-officio members who are members of labor organizations operating  
 25.26 in, and with authority for, trains or rail yards or stations junctioning with freight and  
 25.27 commuter rail lines on corridors, with one member appointed by the speaker of the house  
 25.28 and the other member appointed by the senate Rules and Administration Subcommittee  
 25.29 on Committees.

25.30 (b) A joint powers board existing on April 1, 1999, consisting of local governments  
 25.31 along a commuter rail corridor, shall perform the functions set forth in paragraph (a) in  
 25.32 place of the committee.

25.33 (c) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

26.1 Sec. 26. Minnesota Statutes 2008, section 219.01, is amended to read:

26.2 **219.01 TRACK SAFETY STANDARDS; SAFETY TECHNOLOGY GRANTS.**

26.3 (a) The track safety standards of the United States Department of Transportation and  
26.4 Federal Railroad Administration apply to railroad trackage and are the standards for the  
26.5 determination of unsafe trackage within the state.

26.6 (b) The commissioner of transportation shall apply to the Federal Railroad  
26.7 Administration under Public Law 110-432, the Railroad Safety Enhancement Act of  
26.8 2008 (the act), for (1) railroad safety technology grant funding available under section  
26.9 105 of the act and (2) development and installation of rail safety technology, including  
26.10 provision for switch position indicator signals in nonsignalized main track territory,  
26.11 under section 406 of the act. The commissioner shall respond and make application to  
26.12 the Federal Railroad Administration notice of funds availability under the Rail Safety  
26.13 Assurance Act in a timely manner and before the date of the program deadline to assure  
26.14 full consideration of the application. The commissioner shall (i) prioritize grant requests  
26.15 for the installation of switch indicator signals on all segments of nonsignalized track  
26.16 where posted speeds are in excess of 20 miles per hour and (ii) apply for grant funding in  
26.17 each year after 2010 until all nonsignalized track territory in the state has switch indicator  
26.18 signals installed and in operation.

26.19 (c) Prior to applying for funds under paragraph (b), the commissioner shall solicit  
26.20 grant requests from all eligible railroads. The commissioner shall submit written notice to  
26.21 the chairs of the legislative committees with jurisdiction over transportation policy and  
26.22 finance of an acceptance by a class I or class II railroad of federal grant program funding  
26.23 for switch point indicator monitor systems.

26.24 (d) Participating railroads shall provide the 20 percent nonfederal match. Railroads  
26.25 shall provide all technical documentation requested by the commissioner and required by  
26.26 the Federal Railroad Administration for the applications under paragraph (b). Railroads  
26.27 are responsible for developing, acquiring, and installing all rail safety technology obtained  
26.28 under this section in accordance with requirements established by the Federal Railroad  
26.29 Administration.

26.30 Sec. 27. Minnesota Statutes 2008, section 221.012, is amended by adding a subdivision  
26.31 to read:

26.32 Subd. 27a. **Motor carrier of railroad employees.** "Motor carrier of railroad  
26.33 employees" means a motor carrier engaged in the for-hire transportation of railroad  
26.34 employees of a class I or II common carrier, as defined in Code of Federal Regulations,

27.1 title 49, part 1201, general instruction 1-1, under the terms of a contractual agreement with  
27.2 a common carrier, as defined in section 218.011, subdivision 10.

27.3 Sec. 28. Minnesota Statutes 2008, section 221.012, subdivision 38, is amended to read:

27.4 Subd. 38. **Small vehicle passenger service.** (a) "Small vehicle passenger service"  
27.5 means a service provided by a person engaged in the for-hire transportation of passengers  
27.6 in a vehicle designed to transport seven or fewer persons, including the driver.

27.7 (b) In the metropolitan area as defined in section 473.121, subdivision 2, "small  
27.8 vehicle passenger service" also includes for-hire transportation of persons who are certified  
27.9 by the Metropolitan Council to use special transportation service provided under section  
27.10 473.386, in a vehicle designed to transport not more than 15 persons including the driver,  
27.11 that is equipped with a wheelchair lift and at least three wheelchair securement positions.

27.12 (c) Small vehicle passenger service does not include a motor carrier of railroad  
27.13 employees.

27.14 Sec. 29. **[221.0255] MOTOR CARRIER OF RAILROAD EMPLOYEES.**

27.15 (a) A motor carrier of railroad employees must meet the requirements specified in  
27.16 this section, is subject to section 221.291, and is otherwise exempt from the provisions  
27.17 of this chapter.

27.18 (b) A vehicle operator for a motor carrier of railroad employees who transports  
27.19 passengers must:

27.20 (1) have a valid driver's license under chapter 171; and

27.21 (2) submit to a physical examination.

27.22 (c) The carrier must implement a policy that provides for annual training and  
27.23 certification of the operator in:

27.24 (1) safe operation of the vehicle transporting railroad employees;

27.25 (2) knowing and understanding relevant laws, rules of the road, and safety policies;

27.26 (3) handling emergency situations;

27.27 (4) proper use of seat belts;

27.28 (5) performance of pretrip and posttrip vehicle inspections, and inspection record  
27.29 keeping; and

27.30 (6) proper maintenance of required records.

27.31 (d) The carrier must:

27.32 (1) perform a background check or background investigation of the operator;

27.33 (2) annually verify the operator's driver's license;

28.1 (3) document meeting the requirements in this subdivision, and maintain the file  
28.2 at the carrier's business location;

28.3 (4) maintain liability insurance in a minimum amount of \$5,000,000 regardless  
28.4 of the seating capacity of the vehicle; and

28.5 (5) maintain uninsured and underinsured coverage in a minimum amount of  
28.6 \$1,000,000.

28.7 If a party contracts with the motor carrier on behalf of the railroad to transport the railroad  
28.8 employees, then the insurance requirements may be satisfied by either that party or the  
28.9 motor carrier, so long as the motor carrier is a named insured or additional insured under  
28.10 any policy.

28.11 (e) A person who sustains a conviction of violating section 169A.25, 169A.26,  
28.12 169A.27, or 169A.31, or whose driver's license is revoked under sections 169A.50 to  
28.13 169A.53 of the implied consent law, or who is convicted of or has their driver's license  
28.14 revoked under a similar statute or ordinance of another state, may not operate a vehicle  
28.15 under this subdivision for five years from the date of conviction. A person who sustains a  
28.16 conviction of a moving offense in violation of chapter 169 within three years of the first  
28.17 of three other moving offenses may not operate a vehicle under this subdivision for one  
28.18 year from the date of the last conviction. A person who has ever been convicted of a  
28.19 disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may  
28.20 not operate a vehicle under this subdivision.

28.21 (f) An operator who sustains a conviction as described in paragraph (e) while  
28.22 employed by the carrier shall report the conviction to the carrier within ten days of the  
28.23 date of the conviction.

28.24 (g) A carrier must implement a mandatory alcohol and controlled substance testing  
28.25 program as provided under sections 181.950 to 181.957 that consists of preemployment  
28.26 testing, postaccident testing, random testing, reasonable suspicion testing, return-to-duty  
28.27 testing, and follow-up testing.

28.28 (h) A motor carrier of railroad employees shall not allow or require a driver to drive  
28.29 or remain on duty for more than: ten hours after eight consecutive hours off duty; 15 hours  
28.30 of combined on-duty time and drive time since last obtaining eight consecutive hours of  
28.31 off-duty time; or 70 hours of on-duty and drive time in any period of eight consecutive  
28.32 days. After 24 hours off duty, a driver begins a new seven consecutive day period and  
28.33 on-duty time is reset to zero.

28.34 (i) An operator who encounters an emergency and cannot, because of that  
28.35 emergency, safely complete a transportation assignment within the ten-hour maximum  
28.36 driving time permitted under paragraph (h), may drive for not more than two additional

29.1 hours in order to complete that transportation assignment or to reach a place offering  
29.2 safety for the occupants of the vehicle and security for the transport motor vehicle, if the  
29.3 transportation assignment reasonably could have been completed within the ten-hour  
29.4 period absent the emergency.

29.5 (j) A carrier shall maintain and retain for a period of six months accurate time  
29.6 records that show the time the driver reports for duty each day; the total number of hours  
29.7 of on-duty time for each driver for each day; the time the driver is released from duty each  
29.8 day; and the total number of hours driven each day.

29.9 (k) For purposes of this subdivision, the following terms have the meanings given:

29.10 (1) "conviction" has the meaning given in section 609.02; and

29.11 (2) "on-duty time" means all time at a terminal, facility, or other property of a  
29.12 contract carrier or on any public property waiting to be dispatched. On-duty time includes  
29.13 time spent inspecting, servicing, or conditioning the vehicle.

29.14 **EFFECTIVE DATE.** Paragraph (d), clause (5), is effective July 1, 2011.

29.15 Sec. 30. Minnesota Statutes 2008, section 360.061, subdivision 3, is amended to read:

29.16 Subd. 3. **Municipality.** "Municipality" does not include a county unless the county  
29.17 owns or controls an airport, in which case such county may exercise all the powers  
29.18 granted by said sections to other municipalities. It specifically includes a town, an airport  
29.19 authority, the Metropolitan Airports Commission established and operated pursuant to  
29.20 chapter 473, and the state of Minnesota.

29.21 Sec. 31. Minnesota Statutes 2008, section 473.167, subdivision 2a, is amended to read:

29.22 Subd. 2a. **Hardship Loans for acquisition and relocation.** (a) The council may  
29.23 make ~~hardship~~ loans to acquiring authorities within the metropolitan area to purchase  
29.24 homestead property located in a proposed state trunk highway right-of-way or project,  
29.25 and to provide relocation assistance. Acquiring authorities are authorized to accept the  
29.26 loans and to acquire the property. Except as provided in this subdivision, the loans shall  
29.27 be made as provided in subdivision 2. Loans shall be in the amount of the fair market  
29.28 value of the homestead property plus relocation costs and less salvage value. Before  
29.29 construction of the highway begins, the acquiring authority shall convey the property to  
29.30 the commissioner of transportation at the same price it paid, plus relocation costs and less  
29.31 its salvage value. Acquisition and assistance under this subdivision must conform to  
29.32 sections 117.50 to 117.56.

29.33 (b) The council may make ~~hardship~~ loans only when:

30.1 (1) the owner of affected homestead property requests acquisition and relocation  
30.2 assistance from an acquiring authority;

30.3 (2) federal or state financial participation is not available;

30.4 (3) the owner is unable to sell the homestead property at its appraised market  
30.5 value because the property is located in a proposed state trunk highway right-of-way or  
30.6 project as indicated on an official map or plat adopted under section 160.085, 394.361, or  
30.7 462.359; and

30.8 (4) the council agrees to and approves the fair market value of the homestead  
30.9 property, which approval shall not be unreasonably withheld; and.

30.10 ~~(5) the owner of the homestead property is burdened by circumstances that constitute~~  
30.11 ~~a hardship, such as catastrophic medical expenses; a transfer of the homestead owner by~~  
30.12 ~~the owner's employer to a distant site of employment; or inability of the owner to maintain~~  
30.13 ~~the property due to physical or mental disability or the permanent departure of children~~  
30.14 ~~from the homestead.~~

30.15 (c) For purposes of this subdivision, the following terms have the meanings given  
30.16 them.

30.17 (1) "Acquiring authority" means counties, towns, and statutory and home rule  
30.18 charter cities in the metropolitan area.

30.19 (2) "Homestead property" means (i) a single-family dwelling occupied by the owner,  
30.20 and the surrounding land, not exceeding a total of ten acres; or (ii) a manufactured home,  
30.21 as defined in section 327B.01, subdivision 13.

30.22 (3) "Salvage value" means the probable sale price of the dwelling and other property  
30.23 that is severable from the land if offered for sale on the condition that it be removed from  
30.24 the land at the buyer's expense, allowing a reasonable time to find a buyer with knowledge  
30.25 of the possible uses of the property, including separate use of serviceable components and  
30.26 scrap when there is no other reasonable prospect of sale.

30.27 Sec. 32. Minnesota Statutes 2008, section 473.411, subdivision 5, is amended to read:

30.28 Subd. 5. **Use of public roadways and appurtenances.** The council may use for the  
30.29 purposes of sections 473.405 to 473.449 upon the conditions stated in this subdivision  
30.30 any state highway or other public roadway, parkway, or lane, or any bridge or tunnel or  
30.31 other appurtenance of a roadway, without payment of any compensation, provided the  
30.32 use does not interfere unreasonably with the public use or maintenance of the roadway or  
30.33 appurtenance or entail any substantial additional costs for maintenance. The provisions of  
30.34 this subdivision do not apply to the property of any common carrier railroad or common  
30.35 carrier railroads. The consent of the public agency in charge of such state highway or other

31.1 public highway or roadway or appurtenance is not required; except that if the council seeks  
31.2 to use a designated parkway for regular route service in the city of Minneapolis, it must  
31.3 obtain permission from and is subject to reasonable limitations imposed by a joint board  
31.4 consisting of two representatives from the council, two members of the board of park  
31.5 commissioners, and a fifth member jointly selected by the ~~representatives of the council~~  
31.6 ~~and the park~~ other members of the board. If the use is a designated Minneapolis parkway  
31.7 for regular route service adjacent to the city of Minneapolis, it must obtain permission  
31.8 from and is subject to reasonable limitations imposed by a joint board consisting of two  
31.9 representatives from the council, two members of the board of park commissioners, and a  
31.10 fifth member jointly selected by other members of the board. The joint board must include  
31.11 a nonvoting member appointed by the council of the city in which the parkway is located.

31.12 The board of park commissioners and the council may designate persons to sit on  
31.13 the joint board. In considering a request by the council to use designated parkways for  
31.14 additional routes or trips, the joint board consisting of the council or their designees,  
31.15 the board of park commissioners or their designees, and the fifth member, shall base its  
31.16 decision to grant or deny the request based on the criteria to be established by the joint  
31.17 board. The decision to grant or deny the request must be made within 45 days of the  
31.18 date of the request. The park board must be notified immediately by the council of any  
31.19 temporary route detours. If the park board objects to the temporary route detours within  
31.20 five days of being notified, the joint board must convene and decide whether to grant the  
31.21 request, otherwise the request is deemed granted. If the agency objects to the proposed  
31.22 use or claims reimbursement from the council for additional cost of maintenance, it may  
31.23 commence an action against the council in the district court of the county wherein the  
31.24 highway, roadway, or appurtenance, or major portion thereof, is located. The proceedings  
31.25 in the action must conform to the Rules of Civil Procedure applicable to the district courts.  
31.26 The court shall sit without jury. If the court determines that the use in question interferes  
31.27 unreasonably with the public use or maintenance of the roadway or appurtenance, it shall  
31.28 enjoin the use by the council. If the court determines that the use in question does not  
31.29 interfere unreasonably with the public use or maintenance of the roadway or appurtenance,  
31.30 but that it entails substantial additional maintenance costs, the court shall award judgment  
31.31 to the agency for the amount of the additional costs. Otherwise the court shall award  
31.32 judgment to the council. An aggrieved party may appeal from the judgment of the district  
31.33 court in the same manner as is provided for such appeals in other civil actions. The council  
31.34 may also use land within the right-of-way of any state highway or other public roadway  
31.35 for the erection of traffic control devices, other signs, and passenger shelters upon the  
31.36 conditions stated in this subdivision and subject only to the approval of the commissioner

32.1 of transportation where required by statute, and subject to the express provisions of other  
32.2 applicable statutes and to federal requirements where necessary to qualify for federal aid.

32.3 Sec. 33. Minnesota Statutes 2008, section 514.18, subdivision 1a, is amended to read:

32.4 Subd. 1a. **Towed motor vehicles.** A person who tows and stores a motor vehicle  
32.5 at the request of a law enforcement officer shall have a lien on the motor vehicle for the  
32.6 value of the storage and towing and the right to retain possession of the motor vehicle  
32.7 until the lien is lawfully discharged. This section does not apply to tows ~~authorized~~  
32.8 ~~in section 169.041, subdivision 4, clause (1) of vehicles parked in violation of snow~~  
32.9 emergency regulations.

32.10 Sec. 34. Laws 2008, chapter 287, article 1, section 122, is amended to read:

32.11 Sec. 122. **NULLIFICATION OF EXPEDITED TOWN ROAD**  
32.12 **EXTINGUISHMENT.**

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

32.15 (1) the interest was not recorded or filed with the county recorder but was recorded  
32.16 or filed with the county auditor prior to 1972;

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

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

32.20 (4) the extinguishment took place within the last ten years; and

32.21 (5) a person whose only access to property was lost because of the extinguishment  
32.22 files a petition of a nullification with the town board stating that the person's property  
32.23 became landlocked because of the extinguishment and that the road satisfies all of the  
32.24 requirements of paragraph (a), clauses (1) to (4). A copy of the road order found filed or  
32.25 recorded with the county auditor must be attached to the petition. The town shall file the  
32.26 petition with the county auditor and record it with the county recorder.

32.27 (b) Notwithstanding Minnesota Statutes, sections 164.08, subdivision 1, and  
32.28 541.023, for any nullification under paragraph (a), the affected road is hereby deemed to  
32.29 be a cartway. No additional damages or other payments may be required other than those  
32.30 paid at the time the fee interest was originally acquired and the order filed with the county  
32.31 auditor. A cartway created by this paragraph may be converted to a private driveway  
32.32 under Minnesota Statutes, section 164.08, subdivision 2.

32.33 (c) For purposes of this section, "affected road" means the road in which the town  
32.34 board extinguished its interest.



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

33.2 Sec. 35. **ADDITIONAL DEPUTY REGISTRAR OF MOTOR VEHICLES FOR**  
33.3 **CITY OF FARMINGTON.**

33.4 Notwithstanding Minnesota Statutes, section 168.33, and rules adopted by the  
33.5 commissioner of public safety, limiting sites for the office of deputy registrar based  
33.6 on either the distance to an existing deputy registrar office or the annual volume of  
33.7 transactions processed by any deputy registrar, the commissioner of public safety shall  
33.8 appoint a municipal deputy registrar of motor vehicles for the city of Farmington to  
33.9 operate a new full-service Office of Deputy Registrar, with full authority to function  
33.10 as a registration and motor vehicle tax collection bureau, at the city hall in the city of  
33.11 Farmington. All other provisions regarding the appointment and operation of a deputy  
33.12 registrar of motor vehicles under Minnesota Statutes, section 168.33, and Minnesota  
33.13 Rules, chapter 7406, apply to the office.

33.14 **EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day after  
33.15 the governing body of the city of Farmington and its chief clerical officer timely complete  
33.16 their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

33.17 Sec. 36. **REPEALER.**

33.18 Minnesota Statutes 2008, section 169.041, subdivisions 3 and 4, are repealed.

33.19 Sec. 37. **EFFECTIVE DATE.**

33.20 Except as otherwise provided, this article is effective August 1, 2010.

APPENDIX  
Article locations in h2807-2

ARTICLE 1	TRANSPORTATION TAX COMPLIANCE .....	Page.Ln 1.26
ARTICLE 2	TRANSPORTATION POLICY .....	Page.Ln 6.1

**169.041 TOWING AUTHORIZED.**

Subd. 3. **Four-hour waiting period.** In enforcing state and local parking and traffic laws, a towing authority may not tow, or allow or require the towing of, a motor vehicle from public property for a parking or traffic violation until four hours after issuance of the traffic ticket or citation, except as provided in this section or as provided for an unauthorized vehicle in section 168B.04.

Subd. 4. **Towing allowed.** A towing authority may tow a motor vehicle without regard to the four-hour waiting period if:

- (1) the vehicle is parked in violation of snow emergency regulations;
- (2) the vehicle is parked in a rush-hour restricted parking area;
- (3) the vehicle is blocking a driveway, alley, or fire hydrant;
- (4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;
- (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
- (6) the vehicle is parked in a disability transfer zone or disability parking space without a disability parking certificate or disability license plates;
- (7) the vehicle is parked in an area that has been posted for temporary restricted parking (i) at least 12 hours in advance in a home rule charter or statutory city having a population under 50,000, or (ii) at least 24 hours in advance in another political subdivision;
- (8) the vehicle is parked within the right-of-way of a controlled-access highway or within the traveled portion of a public street when travel is allowed there;
- (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
- (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the Metropolitan Airports Commission;
- (11) a law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
- (12) the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
- (13) a law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;
- (14) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs;
- (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle;
- (16) the vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking; or
- (17) the vehicle is a junk, abandoned, or unauthorized vehicle, as defined in section 168B.011, and subject to immediate removal under chapter 168B.