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State of Minnesota



# HOUSE OF REPRESENTATIVES

NINETIETH SESSION

# H. F. No. 3

01/05/2017 Authored by Smith, Torkelson, Layman, Kiel, Pelowski and others
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy
01/11/2017 Adoption of Report: Re-referred to the Committee on Transportation and Regional Governance Policy
01/12/2017 Adoption of Report: Amended and re-referred to the Committee on Transportation Finance
01/19/2017 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
01/26/2017 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

A bill for an act

relating to transportation; authorizing and governing implementation of requirements of the federal REAL ID Act; amending certain requirements governing driver's licenses and Minnesota identification cards; amending imposition of certain fees; requiring legislative reporting; amending Minnesota Statutes 2016, sections 171.01, by adding subdivisions; 171.017; 171.04, by adding a subdivision; 171.06, subdivisions 1, 2, 3, by adding a subdivision; 171.07, subdivisions 1, 3, 4, 9a; 171.071, subdivision 3; 171.072; 171.12, by adding subdivisions; 171.27; proposing coding for new law in Minnesota Statutes, chapter 171; repealing Laws 2009, chapter 92, section 1, as amended.

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

Section 1. Minnesota Statutes 2016, section 171.01, is amended by adding a subdivision to read:

Subd. 41a. **Noncompliant license; noncompliant identification card.** "Noncompliant license," "noncompliant identification card," or "noncompliant license or identification card," means a driver's license or Minnesota identification card issued under section 171.019, subdivision 2, paragraph (b).

Sec. 2. Minnesota Statutes 2016, section 171.01, is amended by adding a subdivision to read:

Subd. 45b. **REAL ID Act.** "REAL ID Act" means the REAL ID Act of 2005, Public Law 109-13, Division B.

Sec. 3. Minnesota Statutes 2016, section 171.01, is amended by adding a subdivision to read:

Subd. 48b. **Temporary lawful status.** "Temporary lawful status" has the meaning given in Code of Federal Regulations, title 6, section 37.3.

Sec. 4. Minnesota Statutes 2016, section 171.017, is amended to read:

**171.017 BACKGROUND INVESTIGATIONS; ~~DEPARTMENT~~ DRIVER'S LICENSE AGENTS AND CERTAIN EMPLOYEES.**

Subdivision 1. **Background checks authorized.** The commissioner ~~shall~~ must investigate the criminal history background of any driver's license agent and any current or prospective employees of the department or driver's license agent being considered for any position ~~with the department~~ that has or will have the ability to:

(1) ~~the ability to~~ create or modify records of applicants for identification cards and driver's licenses, including enhanced drivers' licenses ~~under section 171.01, subdivision 31a, or~~ and enhanced identification cards ~~under section 171.01, subdivision 31b~~;

(2) ~~the ability to~~ issue enhanced drivers' licenses ~~under section 171.01, subdivision 31a,~~ or enhanced identification cards ~~under section 171.01, subdivision 31b~~; or

(3) ~~the ability to~~ administer knowledge or skills tests under section 171.13 to an applicant for a commercial driver's license.

Subd. 2. **Procedure.** (a) The commissioner must request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all individuals specified in subdivision 1. A request under this section must be accompanied by an executed criminal history consent form, including fingerprints, signed by the agent or the current or prospective employee being investigated.

(b) After receiving a request under paragraph (a), the superintendent of the Bureau of Criminal Apprehension shall perform the background check required under subdivision 1. The superintendent shall retrieve criminal history data as defined in section 13.87, conduct a search of the national criminal records repository, and provide wants and warrant information from federal and state repositories. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent shall return the results of the background checks to the commissioner to determine whether:

(1) the agent, employee, or applicant for employment specified in subdivision 1, clause (1) or (2), has committed a disqualifying crime under Code of Federal Regulations, title 49, section 1572.103; or

(2) the employee or applicant for employment specified in subdivision 1, clause (3), has a conviction of the type specified by Code of Federal Regulations, title 49, section 384.228(j).

(c) The superintendent shall recover the ~~cost to the bureau of a~~ bureau's background check cost for the person on whom the background check is performed through a fee charged to the commissioner or the driver's license agent who requested the background check.

Subd. 3. **Notification by other criminal justice agencies.** Criminal justice agencies, as defined by section 13.02, subdivision 3a, shall provide the commissioner with information they possess and that the commissioner requires for the purposes of determining the employment suitability of current or prospective employees subject to this section.

Subd. 4. **Annual background checks in certain instances.** Consistent with Code of Federal Regulations, title 49, section 384.228, the commissioner shall request and the superintendent shall conduct annual background checks for the department employees specified in subdivision 1, clause (3). Annual background checks under this subdivision ~~shall~~ must be performed in a manner consistent with subdivisions 2 and 3.

Sec. 5. **[171.019] REAL ID ACT CONFORMITY; LIMITATIONS.**

Subdivision 1. **Definition.** For purposes of this section, "federal change" means a modification or addition to REAL ID Act requirements, made by the federal government after the effective date of this act, with respect to: legal requirements; processes; policies and procedures; or data collection, storage, and dissemination. Federal change includes but is not limited to a modification:

(1) in what constitutes an official purpose under Code of Federal Regulations, title 6, part 37;

(2) in the machine-readable technology standards for a license or Minnesota identification card;

(3) in the information provided on the face of the license or Minnesota identification card;

(4) that relates to dissemination of state-provided data to or among federal agencies, other states, organizations operating under agreement among the states, or private entities; or

(5) that imposes an identifiable cost for the state of Minnesota.

Subd. 2. **License and Minnesota identification card options.** (a) The commissioner must meet the requirements of the REAL ID Act for licenses and identification cards, including but not limited to documentation requirements, administrative processes, electronic validation or verification of data, and card design and marking, as provided under this chapter.

(b) The commissioner must establish a license and Minnesota identification card that does not meet all requirements of the REAL ID Act, including but not limited to section 171.12, subdivision 7b, as provided in this chapter.

(c) The commissioner must establish an enhanced driver's license or enhanced identification card as provided in this chapter.

Subd. 3. **Limitations.** Compliance under subdivision 2, paragraph (a), is limited to those requirements of the REAL ID Act in effect as of the effective date of this act. The commissioner may not take any action to implement or meet the requirements of a federal change.

Subd. 4. **Legislative notification.** (a) Upon identification of an impending or completed federal change, the commissioner must notify the chairs and ranking minority members of the legislative committees having jurisdiction over transportation policy and finance, public safety, and data practices, and the Legislative Commission on Data Practices and Personal Data Privacy. Notification must be submitted as required under section 3.195, except that printed copies are not required.

(b) Notification under this subdivision must include a review of the federal change, an initial analysis of data practices impacts, and any preliminary estimates of implementation costs, including the availability of additional federal funds.

Subd. 5. **Statutory construction.** (a) Unless specifically provided otherwise, a driver's license, instruction permit, or provisional license includes any noncompliant license. Unless specifically provided otherwise, a Minnesota identification card includes any noncompliant identification card.

(b) A noncompliant license does not include an enhanced driver's license, and a noncompliant identification card does not include an enhanced identification card.

Sec. 6. Minnesota Statutes 2016, section 171.04, is amended by adding a subdivision to read:

Subd. 5. **Temporary lawful admission.** The commissioner is prohibited from issuing a driver's license or Minnesota identification card to an applicant whose lawful temporary admission period, as demonstrated under section 171.06, subdivision 3, paragraph (b), expires within 30 days of the date of the application.

Sec. 7. Minnesota Statutes 2016, section 171.06, subdivision 1, is amended to read:

Subdivision 1. ~~**Forms of**~~ **Application format and requirements.** (a) Every application for a Minnesota identification card~~, for~~ including an enhanced identification card, or for a driver's license including ~~for~~ an instruction permit, ~~for~~ a provisional license, ~~for a driver's license, or for~~ and an enhanced driver's license, must be made in a format approved by the department~~, and~~. Every application must be accompanied by payment of the proper fee. ~~All first-time applications and change-of-status applications must be signed in the presence of the person authorized to accept the application, or the signature on the application may be verified by a notary public. All applications requiring evidence of legal presence in the United States or United States citizenship~~

(b) All applicants must sign the application and declare, under penalty of perjury, that the information and documentation presented in the application is true and correct. The application must be signed in the presence of the person authorized to accept the application, or the signature ~~on the application~~ may be verified by a notary public.

Sec. 8. Minnesota Statutes 2016, section 171.06, subdivision 2, is amended to read:

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

| | | | | |
|---|---|---|---|---|
| Classified Driver's License | D-$17.25 | C-$21.25 | B-$28.25 | A-$36.25 |
| Classified Under-21 D.L. | D-$17.25 | C-$21.25 | B-$28.25 | A-$16.25 |
| Enhanced Driver's License | D-$32.25 | C-$36.25 | B-$43.25 | A-$51.25 |
| Instruction Permit | | | | $5.25 |
| Enhanced Instruction Permit | | | | $20.25 |
| Commercial Learner's Permit | | | | $2.50 |
| Provisional License | | | | $8.25 |
| Enhanced Provisional License | | | | $23.25 |
| Duplicate License or duplicate identification card | | | | $6.75 |

| | |
|---|---|
| Enhanced Duplicate License or enhanced duplicate identification card | $21.75 |
| Minnesota identification card or Under-21 Minnesota identification card, other than duplicate, except as otherwise provided in section 171.07, subdivisions 3 and 3a | $11.25 |
| Enhanced Minnesota identification card | $26.25 |

In addition to each fee required in this paragraph, the commissioner shall collect a surcharge of: (1) $1.75 until June 30, 2012; and (2) $1.00 from July 1, 2012, to June 30, 2016. Surcharges collected under this paragraph must be credited to the driver and vehicle services technology account in the special revenue fund under section 299A.705.

(b) Notwithstanding paragraph (a), an individual who holds a provisional license and has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving violations, and (3) convictions for moving violations that are not crash related, shall have a $3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation" has the meaning given it in section 171.04, subdivision 1.

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

(d) In addition to the fee required under paragraph (a), a driver's license agent may charge and retain a filing fee as provided under section 171.061, subdivision 4.

(e) In addition to the fee required under paragraph (a), the commissioner shall charge a filing fee at the same amount as a driver's license agent under section 171.061, subdivision 4. Revenue collected under this paragraph must be deposited in the driver services operating account.

(f) An application for a Minnesota identification card, instruction permit, provisional license, or driver's license, including an application for renewal, must contain a provision that allows the applicant to add to the fee under paragraph (a), a $2 donation for the purposes of public information and education on anatomical gifts under section 171.075.

(g) The fees under paragraph (a) for a driver's license, instruction permit, provisional license, or Minnesota identification card are the same for a noncompliant license or identification card.

Sec. 9. Minnesota Statutes 2016, section 171.06, subdivision 3, is amended to read:

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

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

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

(3) state:

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

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

~~(4) in the case of an application for an enhanced driver's license or enhanced identification card, present:~~

~~(i) proof satisfactory to the commissioner of the applicant's full legal name, United States citizenship, identity, date of birth, Social Security number, and residence address; and~~

~~(ii) a photographic identity document;~~

~~(5) contain a space where the applicant may indicate a desire to make an anatomical gift according to paragraph (b);~~

~~(6)~~ (4) contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7; and

~~(7)~~ (5) contain ~~a space~~ spaces where the applicant may:

(i) request a veteran designation on the license under section 171.07, subdivision 15, and the driving record under section 171.12, subdivision 5a;

(ii) indicate a desire to make an anatomical gift under paragraph (d); and

(iii) as applicable, designate document retention as provided under section 171.12, subdivision 3c.

(b) Applications must be accompanied by satisfactory evidence demonstrating:

(1) identity, date of birth, and any legal name change if applicable;

(2) lawful status, as defined in Code of Federal Regulations, title 6, section 37.3; and

(3) for driver's licenses and Minnesota identification cards that meet all requirements of the REAL ID Act:

(i) principal residence address in Minnesota, including application for a renewal or change of address, unless the applicant provides a designated address under section 5B.05; and

(ii) Social Security number, or related documentation as applicable.

(c) An application for an enhanced driver's license or enhanced identification card must be accompanied by:

(1) satisfactory evidence demonstrating the applicant's full legal name and United States citizenship; and

(2) a photographic identity document.

~~(b)~~ (d) If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application must contain statements sufficient to comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift Act, chapter 525A, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application must be accompanied by information describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

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

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

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

(1) the effect of alcohol on driving ability;

(2) the effect of mixing alcohol with drugs;

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

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

Sec. 10. Minnesota Statutes 2016, section 171.06, is amended by adding a subdivision to read:

Subd. 3b. **Information for applicants.** (a) The commissioner must develop summary information on identity document options and must ensure availability of the information for driver's license and Minnesota identification card applicants. Renewal notifications mailed to license and identification card holders must include a department Web site address containing the summary information.

(b) The summary information must, at a minimum, identify:

(1) each available type of driver's license and Minnesota identification card, including a noncompliant license or identification card, an enhanced driver's license, and an enhanced identification card; and

(2) the official purposes of and limitations on use for each type of driver's license and Minnesota identification card.

(c) An applicant for a noncompliant license or identification card must sign an acknowledgment that the applicant understands the limitations on use of the license or card.

Sec. 11. **[171.0605] EVIDENCE OF IDENTITY AND LAWFUL PRESENCE.**

Subdivision 1. **Scope and application.** This section applies only to driver's licenses and Minnesota identification cards that meet all requirements of the REAL ID Act. Except as otherwise provided under this section, the requirements of Minnesota Rules, chapter 7410, or successor rules, apply.

Subd. 2. **Evidence; identity; date of birth.** (a) Only the following is satisfactory evidence of an applicant's identity and date of birth under section 171.06, subdivision 3, paragraph (b):

(1) a driver's license or identification card that:

(i) complies with all requirements of the REAL ID Act;

(ii) is not designated as temporary or limited term; and

(iii) is current or has been expired for five years or less;

(2) a valid, unexpired United States passport issued by the United States Department of State;

(3) a certified copy of a birth certificate issued by a government bureau of vital statistics or equivalent agency in the applicant's state of birth, which must bear the raised or authorized seal of the issuing government entity;

(4) a consular report of birth abroad, certification of report of birth, or certification of birth abroad, issued by the United States Department of State, Form FS-240, DS-1350, or FS-545;

(5) a valid, unexpired permanent resident card issued by the United States Department of Homeland Security or the former Immigration and Naturalization Service of the United States Department of Justice, Form I-551;

(6) a certificate of naturalization issued by the United States Department of Homeland Security, Form N-550 or Form N-570;

(7) a certificate of citizenship issued by the United States Department of Homeland Security, Form N-560 or Form N-56;

(8) an unexpired employment authorization document issued by the United States Department of Homeland Security, Form I-766 or Form I-688B;

(9) a valid, unexpired passport issued by a foreign country and a valid, unexpired United States visa accompanied by documentation of the applicant's most recent lawful admittance into the United States;

(10) a document as designated by the United States Department of Homeland Security under Code of Federal Regulations, title 6, part 37.11(c)(1)(x); or

(11) a document issued by a federal agency that demonstrates the applicant's lawful status.

(b) A document under paragraph (a) must be legible and unaltered.

Subd. 3. **Evidence; lawful status.** Only a form of documentation identified under subdivision 2 is satisfactory evidence of an applicant's lawful status under section 171.06, subdivision 3, paragraph (b).

Subd. 4. **Evidence; Social Security number.** The following is satisfactory evidence of an applicant's Social Security number or related documentation under section 171.06, subdivision 3, paragraph (b):

(1) a Social Security card;

(2) if a Social Security card is not available:

(i) a federal Form W-2;

(ii) a federal Form SSA-1099 or other federal Form 1099 having the applicant's Social Security number; or

(iii) a computer-printed United States employment pay stub with the applicant's name, address, and Social Security number; or

(3) for an applicant who provides a passport under subdivision 2, paragraph (a), clause (9), documentation demonstrating nonwork authorized status.

Subd. 5. **Evidence; residence in Minnesota.** Submission of two forms of documentation from the following is satisfactory evidence of an applicant's principal residence address in Minnesota under section 171.06, subdivision 3, paragraph (b):

(1) a home utility services bill issued no more than 90 days before the application, provided that the commissioner must not accept a United States home utility bill if two unrelated people are listed on the bill;

(2) a home utility services hook-up work order issued no more than 90 days before the application, provided that the commissioner must not accept a home utility services hook-up work order if two unrelated people are listed on the work order;

(3) United States financial information issued no more than 90 days before the application, with account numbers redacted, including:

(i) a bank account statement;

(ii) a canceled check; or

(iii) a credit card statement;

(4) a United States high school identification card with a certified transcript from the school, if issued no more than 180 days before the application;

(5) a Minnesota college or university identification card with a certified transcript from the college or university, if issued no more than 180 days before the application;

(6) an employment pay stub issued no more than 90 days before the application that lists the employer's name, address, and telephone number;

(7) a Minnesota unemployment insurance benefit statement issued no more than 90 days before the application;

(8) an assisted living or nursing home statement issued no more than 90 days before the application;

(9) a life, health, automobile, homeowner's, or renter's insurance policy issued no more than 90 days before the application, provided that the commissioner must not accept a proof of insurance card;

(10) a federal or state income tax return or statement for the most recent tax filing year;

(11) a Minnesota property tax statement for the current year that shows the applicant's principal residential address both on the mailing portion and the portion stating what property is being taxed;

(12) a Minnesota vehicle certificate of title, if issued no more than 12 months before the application;

(13) a filed property deed or title for current residence, if issued no more than 12 months before the application;

(14) a Supplemental Security Income award statement issued no more than 12 months before the application;

(15) mortgage documents for the applicant's principal residence;

(16) a residential lease agreement for the applicant's principal residence issued no more than 12 months before the application;

(17) a valid driver's license, including an instruction permit, issued under this chapter;

(18) a valid Minnesota identification card;

(19) an unexpired Minnesota professional license;

(20) an unexpired Selective Service card; or

(21) military orders that are still in effect at the time of application.

(b) A document under paragraph (a) must include the applicant's name and an address in Minnesota.

Subd. 6. **Exceptions process.** (a) The commissioner may grant a variance from the requirements of this section as provided under Minnesota Rules, part 7410.0600, or successor rules, for evidence of:

(1) identity or date of birth under subdivision 2;

(2) lawful status under subdivision 3, only for demonstration of United States citizenship;

(3) Social Security number under subdivision 4; and

(4) residence in Minnesota under subdivision 5.

(b) The commissioner must not grant a variance for an applicant having a lawful temporary admission period.

Sec. 12. Minnesota Statutes 2016, section 171.07, subdivision 1, is amended to read:

Subdivision 1. **License; contents and design.** (a) Upon the payment of the required fee, the department shall issue to every qualifying applicant a license designating the type or class of vehicles the applicant is authorized to drive as applied for. This license must bear: (1) a distinguishing number assigned to the licensee; (2) the licensee's full name and date of birth; (3) either ~~(1)~~ (i) the licensee's residence address, or ~~(2)~~ (ii) the designated address under section 5B.05; (4) a description of the licensee in a manner as the commissioner deems necessary; ~~and~~ (5) the usual signature of the licensee; and (6) designations and markings as provided in this section. No license is valid unless it bears the usual signature of the licensee. Every license must bear a colored photograph or an electronically produced image of the licensee.

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

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

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

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

(e) Except for an enhanced driver's license or a noncompliant license, a license must bear a distinguishing indicator for compliance with requirements of the REAL ID Act.

(f) A noncompliant license must:

(1) be marked "not for federal identification" on the face and in the machine-readable portion; and

(2) have a unique design or color indicator.

(g) A license issued to a person with temporary lawful status must be marked "temporary" on the face and in the machine-readable portion.

(h) A license must display the licensee's full name or no fewer than 39 characters of the name. Any necessary truncation must begin with the last character of the middle name and proceed through the second letter of the middle name, followed by the last character of the first name and proceeding through the second letter of the first name.

Sec. 13. Minnesota Statutes 2016, section 171.07, subdivision 3, is amended to read:

Subd. 3. **Identification card; content and design; fee.** (a) Upon payment of the required fee, the department shall issue to every qualifying applicant a Minnesota identification card. The department may not issue a Minnesota identification card to an individual who has a driver's license, other than a limited license. The department may not issue an enhanced identification card to an individual who is under 16 years of age, not a resident of this state, or not a citizen of the United States of America. The card must bear: (1) a distinguishing number assigned to the applicant; (2) a colored photograph or an electronically produced image of the applicant; (3) the applicant's full name and date of birth; (4) either ~~(1)~~ (i) the licensee's residence address, or ~~(2)~~ (ii) the designated address under section 5B.05; (5) a description of the applicant in the manner as the commissioner deems necessary; ~~and~~ (6) the usual signature of the applicant; and (7) designations and markings provided under this section.

(b) If the United States Postal Service will not deliver mail to the applicant's residence address as listed on the Minnesota identification card, then the applicant shall provide

verification from the United States Postal Service that mail will not be delivered to the applicant's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the applicant's residence address for all notices and mailings to the applicant.

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

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

(e) Except for an enhanced identification card or a noncompliant identification card, a Minnesota identification card must bear a distinguishing indicator for compliance with requirements of the REAL ID Act.

(f) A noncompliant identification card must:

(1) be marked "not for federal identification" on the face and in the machine-readable portion; and

(2) have a unique design or color indicator.

(g) A Minnesota identification card issued to a person with temporary lawful status must be marked "temporary" on the face and in the machine-readable portion.

(h) A Minnesota identification card must display the cardholder's full name or no fewer than 39 characters of the name. Any necessary truncation must begin with the last character of the middle name and proceed through the second letter of the middle name, followed by the last character of the first name and proceeding through the second letter of the first name.

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

Sec. 14. Minnesota Statutes 2016, section 171.07, subdivision 4, is amended to read:

Subd. 4. **Identification card expiration.** (a) Except as otherwise provided in this subdivision, the expiration date of a Minnesota identification ~~cards of applicants under the age of 65 shall be~~ card is the birthday of the applicant in the fourth year following the date of issuance of the card.

(b) ~~A Minnesota identification card issued to~~ For an applicant age 65 or older ~~shall be~~:

(1) the expiration date of a Minnesota identification card is the birthday of the applicant in the eighth year following the date of issuance of the card; or

(2) a noncompliant identification card is valid for the lifetime of the applicant~~, except that~~.

(c) For the purposes of ~~this~~ paragraph (b), "Minnesota identification card" does not include an enhanced identification card issued to an applicant age 65 or older.

~~(c)~~ (d) The expiration date for an Under-21 identification card is the cardholder's 21st birthday. The commissioner shall issue an identification card to a holder of an Under-21 identification card who applies for the card, pays the required fee, and presents proof of identity and age, unless the commissioner determines that the applicant is not qualified for the identification card.

(e) Notwithstanding paragraphs (a) to (d), the expiration date for an identification card issued to a person with temporary lawful status is the last day of the person's legal stay in the United States, or one year after issuance if the last day of the person's legal stay is not identified.

Sec. 15. Minnesota Statutes 2016, section 171.07, subdivision 9a, is amended to read:

Subd. 9a. **Security ~~for enhanced driver's license and identification card~~ features.** ~~An enhanced~~ (a) A driver's license or ~~enhanced~~ identification card must include reasonable security measures to: prevent forgery, alteration, reproduction, and counterfeiting; facilitate detection of fraud; prohibit the ability to superimpose a photograph or electronically produced image; and ~~to~~ protect against unauthorized disclosure of personal information ~~regarding residents of this state that is~~ contained in the ~~enhanced~~ driver's license or ~~enhanced~~ identification card. The ~~enhanced~~ driver's license must include the best available anticounterfeit laminate technology.

~~The~~ (b) An enhanced driver's license or enhanced identification card may include radio frequency identification technology that is limited to a randomly assigned number, which must be encrypted if agreed to by the United States Department of Homeland Security and does not include biometric data or any information other than the citizenship status of the license holder or cardholder. The commissioner shall ensure that the radio frequency identification technology is secure from unauthorized data access. An applicant must sign an acknowledgment of understanding of the radio frequency identification technology and its use for the sole purpose of verifying United States citizenship before being issued an enhanced driver's license or an enhanced identification card.

Sec. 16. Minnesota Statutes 2016, section 171.071, subdivision 3, is amended to read:

Subd. 3. ~~**Exception**~~ **Limitations.** Subdivision 1 applies only to a noncompliant license or identification card. Subdivisions 1 and 2 do not apply to the commissioner's requirements pertaining to a photograph or electronically produced image on an enhanced driver's license or an enhanced identification card.

Sec. 17. Minnesota Statutes 2016, section 171.072, is amended to read:

**171.072 TRIBAL IDENTIFICATION CARD.**

(a) If a Minnesota identification card is deemed an acceptable form of identification in Minnesota Statutes or Rules, a tribal identification card is also an acceptable form of identification. A tribal identification card is a primary document for purposes of Minnesota Rules, part 7410.0400, and successor rules, when an applicant applies for a noncompliant license or identification card.

(b) For purposes of this section, "tribal identification card" means an unexpired identification card issued by a Minnesota tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the legal name, date of birth, signature, and picture of the enrolled tribal member.

(c) The tribal identification card must contain security features that make it as impervious to alteration as is reasonably practicable in its design and quality of material and technology. The security features must use materials that are not readily available to the general public. The tribal identification card must not be susceptible to reproduction by photocopying or simulation and must be highly resistant to data or photograph substitution and other tampering.

(d) The requirements of this section do not apply ~~to~~: (1) except as provided in paragraph (a), to an application for a driver's license or Minnesota identification card under this chapter; or (2) to tribal identification cards used to prove an individual's residence for purposes of section 201.061, subdivision 3.

Sec. 18. Minnesota Statutes 2016, section 171.12, is amended by adding a subdivision to read:

Subd. 1a. **Driver and vehicle services information system; security and auditing.** (a) The commissioner must establish written procedures to ensure that only individuals authorized by law may enter, update, or access not public data collected, created, or maintained by the driver and vehicle services information system. An authorized individual's

ability to enter, update, or access data in the system must correspond to the official duties or training level of the individual and to the statutory authorization granting access for that purpose. All queries and responses, and all actions in which data are entered, updated, accessed, shared, or disseminated, must be recorded in a data audit trail. Data contained in the audit trail are public to the extent the data are not otherwise classified by law.

(b) The commissioner must immediately and permanently revoke the authorization of any individual who willfully entered, updated, accessed, shared, or disseminated data in violation of state or federal law. If an individual willfully gained access to data without authorization by law, the commissioner must forward the matter to the county attorney for prosecution.

(c) The commissioner must arrange for an independent biennial audit of the driver and vehicle services information system to determine whether data currently in the system are classified correctly, how the data are used, and to verify compliance with this subdivision. The results of the audit are public. No later than 30 days following completion of the audit, the commissioner must provide a report summarizing the audit results to the commissioner of administration; the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over transportation policy and finance, public safety, and data practices; and the Legislative Commission on Data Practices and Personal Data Privacy. The report must be submitted as required under Minnesota Statutes, section 3.195, except that printed copies are not required.

**EFFECTIVE DATE.** This section is effective on the date of implementation of the driver's license portion of the Minnesota licensing and registration system. The commissioner shall notify the revisor of statutes on the date of implementation.

Sec. 19. Minnesota Statutes 2016, section 171.12, is amended by adding a subdivision to read:

Subd. 3c. **Record retention; birth certificates.** (a) If the procedures established by the commissioner for driver's license or Minnesota identification card records include retention of a physical copy or digital image of a birth certificate, the commissioner must:

(1) notify a driver's license or identification card applicant of the retention procedure; and

(2) allow the applicant, licensee, or identification card holder to designate that the applicant, licensee, or identification card holder's birth certificate physical copy or digital image must not be retained.

(b) The commissioner must not retain a birth certificate if directed by an applicant, licensee, or identification card holder under paragraph (a), clause (2), but must record and retain data on the birth certificate required under Code of Federal Regulations, title 6, section 37.31(c).

Sec. 20. Minnesota Statutes 2016, section 171.12, is amended by adding a subdivision to read:

Subd. 7b. **Data privacy; noncompliant license or identification card.** (a) The commissioner is prohibited from, with respect to noncompliant licenses or identification cards:

(1) electronically disseminating outside the state data that is not disseminated as of the effective date of this act;

(2) utilizing any electronic validation or verification system accessible from or maintained outside of the state that is not in use as of the effective date of this act; or

(3) sharing any data the department maintains under section 171.07, subdivision 13.

(b) The limitations in paragraph (a) do not apply to the extent necessary to maintain compliance with the driver's license compact under section 171.50 and applicable federal law governing commercial driver's licenses.

(c) For purposes of this subdivision, "outside the state" includes federal agencies, states other than Minnesota, organizations operating under agreement among the states, and private entities.

Sec. 21. Minnesota Statutes 2016, section 171.27, is amended to read:

**171.27 EXPIRATION OF LICENSE; MILITARY EXCEPTION.**

(a) Except as otherwise provided in this section, the expiration date for each driver's license~~, other than under-21 licenses,~~ is the birthday of the driver in the fourth year following the date of issuance of the license. The birthday of the driver shall be as indicated on the application for a driver's license. A license may be renewed on or before expiration or within one year after expiration upon application, payment of the required fee, and passing the examination required of all drivers for renewal. Driving privileges shall be extended or renewed on or preceding the expiration date of an existing driver's license unless the commissioner believes that the licensee is no longer qualified as a driver.

(b) The expiration date for each under-21 license shall be the 21st birthday of the licensee. Upon the licensee attaining the age of 21 and upon the application, payment of the required fee, and passing the examination required of all drivers for renewal, a driver's license shall be issued unless the commissioner determines that the licensee is no longer qualified as a driver.

(c) The expiration date for each provisional license is two years after the date of application for the provisional license.

(d) Notwithstanding paragraphs (a) to (c), the expiration date for a license issued to a person with temporary lawful status is the last day of the person's legal stay in the United States, or one year after issuance if the last day of the person's legal stay is not identified.

~~(d)~~ (e) Any valid Minnesota driver's license issued to a person then or subsequently serving outside Minnesota in active military service, as defined in section 190.05, subdivision 5, in any branch or unit of the armed forces of the United States, or the person's spouse, shall continue in full force and effect without requirement for renewal until the date one year following the service member's separation or discharge from active military service, and until the license holder's birthday in the fourth full year following the person's most recent license renewal or, in the case of a provisional license, until the person's birthday in the third full year following the renewal.

Sec. 22. **REAL ID ACT IMPLEMENTATION.**

Subdivision 1. **Definition.** For purposes of this section, "REAL ID Act" means the REAL ID Act of 2005, Public Law 109-13, Division B.

Subd. 2. **Implementation; deadline.** The commissioner of public safety must begin issuing driver's licenses and Minnesota identification cards that fully comply with the REAL ID Act no later than October 1, 2018. The commissioner shall submit a notification of the specific full compliance implementation date to: the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance, public safety, and data practices; the revisor of statutes; and the Legislative Commission on Data Practices and Personal Data Privacy.

Subd. 3. **Mandatory reissuance prohibition.** When implementing the REAL ID Act requirements as provided in this act, the commissioner of public safety is prohibited from requiring renewal or reissuance of a driver's license or Minnesota identification card earlier than required under the regular issuance time period. Nothing in this subdivision prevents suspension, cancellation, or revocation as provided in Minnesota Statutes, chapter 171.

Subd. 4. **Optional early reissuance; fee exemption.** (a) For purposes of this subdivision, "full compliance date" means the date when full compliance with the REAL ID Act is required and no extensions are in effect for federal acceptance of Minnesota-issued licenses and identification cards for official purposes, as most recently specified by the United States Department of Homeland Security under Code of Federal Regulations, title 6, part 37.

(b) The commissioner of public safety and driver's license agents are prohibited from imposing fees or surcharges, as specified in paragraph (c), to issue a REAL ID-compliant driver's license or identification card for an applicant who:

(1) holds a valid Minnesota driver's license or Minnesota identification card that:

(i) was issued prior to the date Minnesota commenced issuing REAL ID-compliant licenses and Minnesota identification cards; and

(ii) either (A) has an expiration date that is on or after the full compliance date; or (B) does not have an expiration date as provided under Minnesota Statutes, section 171.07, subdivision 4;

(2) submits the license or identification card application no later than one year following the full compliance date; and

(3) is otherwise eligible to obtain the license or identification card under Minnesota Statutes, chapter 171.

(c) For the purposes of licenses and identification cards issued under this subdivision, the commissioner of public safety and driver's license agents are prohibited from imposing the fees and surcharges under: Minnesota Statutes, sections 171.06, subdivision 2; 171.061, subdivision 4; and 171.07, subdivisions 3 and 3a. Endorsement fees and fees for optional services, including expedited service fees under Minnesota Statutes, sections 171.06, subdivisions 2, paragraph (c), and 2a; 171.07, subdivision 11; and 171.13, continue to apply for applications as appropriate.

(d) The fee exemption requirements under this subdivision do not apply to:

(1) issuance of a new driver's license or Minnesota identification card;

(2) issuance or renewal of an enhanced driver's license or enhanced identification card; and

(3) reinstatement of a canceled, suspended, or revoked license.

Sec. 23. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall renumber Minnesota Statutes, section 171.06, subdivision 3, paragraphs (d) and (e), as Minnesota Statutes, section 171.06, subdivision 3b, paragraphs (d) and (e). The revisor shall also make any necessary cross-reference changes consistent with the renumbering.

Sec. 24. **REPEALER.**

Laws 2009, chapter 92, section 1, as amended by Laws 2016, chapter 83, section 1, is repealed.

Sec. 25. **EFFECTIVE DATE.**

Except as specifically provided otherwise, this act is effective the day following final enactment. Sections 1 to 22 apply for application and issuance of driver's licenses and Minnesota identification cards on and after the full compliance implementation date under section 22, subdivision 2.

***Laws 2009, chapter 92, section 1, as amended by Laws 2016, chapter 83, section 1***

Section 1. Laws 2009, chapter 92, section 1, is amended to read:

Section 1. **NONCOMPLIANCE WITH REAL ID ACT.**

The commissioner of public safety is prohibited from taking any action to implement those sections of Public Law 109-13 known as the Real ID Act.