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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **3959**

04/21/2016 Authored by Smith
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices
04/25/2016 Adoption of Report: Amended and re-referred to the Committee on Government Operations and Elections Policy
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
04/27/2016 Adoption of Report: Re-referred to the Committee on Government Operations and Elections Policy
05/02/2016 Adoption of Report: Amended and re-referred to the Committee on Transportation Policy and Finance
05/09/2016 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to transportation; authorizing and governing implementation of
1.3 requirements of the federal REAL ID Act; amending certain requirements
1.4 governing driver's licenses and Minnesota identification cards; amending certain
1.5 fees; requiring legislative reporting; requiring rulemaking; appropriating money;
1.6 amending Minnesota Statutes 2014, sections 171.01, by adding a subdivision;
1.7 171.017; 171.06, subdivisions 1, 3, by adding a subdivision; 171.07, subdivisions
1.8 1, 3, 4, 9a; 171.072; 171.12, by adding subdivisions; 171.27; proposing coding
1.9 for new law in Minnesota Statutes, chapter 171; repealing Laws 2009, chapter
1.10 92, section 1, as amended.

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

1.12 Section 1. Minnesota Statutes 2014, section 171.01, is amended by adding a
1.13 subdivision to read:

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

1.16 Sec. 2. Minnesota Statutes 2014, section 171.017, is amended to read:

1.17 **171.017 BACKGROUND INVESTIGATIONS; DEPARTMENT DRIVER'S**
1.18 **LICENSE AGENTS AND CERTAIN EMPLOYEES.**

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

1.23 (1) ~~the ability to~~ create or modify records of applicants for identification cards and
1.24 driver's licenses, including enhanced drivers' licenses under section 171.01, subdivision
1.25 31a, or and enhanced identification cards under section 171.01, subdivision 31b;

2.1 (2) ~~the ability to issue enhanced drivers' licenses under section 171.01, subdivision~~
2.2 ~~31a, or enhanced identification cards under section 171.01, subdivision 31b; or~~

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

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

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

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

2.21 (2) the employee or applicant for employment specified in subdivision 1, clause (3),
2.22 has a conviction of the type specified by Code of Federal Regulations, title 49, section
2.23 384.228(j).

2.24 (c) The superintendent shall recover the cost to the bureau of a background check
2.25 through a fee charged to the commissioner or the driver's license agent, as appropriate,
2.26 for the person on whom a background check is performed.

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

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

3.1 **EFFECTIVE DATE.** This section is effective July 1, 2017.

3.2 Sec. 3. **[171.019] REAL ID ACT CONFORMITY; LIMITATIONS.**

3.3 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms
3.4 have the meanings given them.

3.5 (b) "Federal change" means an appreciable modification or addition to REAL ID Act
3.6 requirements, made after the effective date of this act, with respect to: legal requirements;
3.7 processes; policies and procedures; or data collection, storage, and dissemination. Federal
3.8 change includes but is not limited to a modification:

3.9 (1) in what constitutes an official purpose under Code of Federal Regulations, title
3.10 6, part 37;

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

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

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

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

3.19 (c) "REAL ID Act" means the REAL ID Act of 2005, Public Law 109-13, Division B.

3.20 Subd. 2. **Federal conformity.** (a) For driver's licenses and Minnesota identification
3.21 cards under this chapter, the commissioner must meet the requirements of the REAL
3.22 ID Act as of the effective date of this act, including but not limited to documentation
3.23 requirements, administrative processes, electronic validation or verification of data, and
3.24 card design and marking.

3.25 (b) The requirements under paragraph (a) do not apply to an enhanced driver's
3.26 license or enhanced identification card.

3.27 Subd. 3. **Limitations; federal changes.** The commissioner may not take any action
3.28 to implement or meet the requirements of a federal change.

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

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

4.4 Sec. 4. Minnesota Statutes 2014, section 171.06, subdivision 1, is amended to read:

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

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

4.18 Sec. 5. Minnesota Statutes 2014, section 171.06, subdivision 3, is amended to read:

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

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

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

4.25 (3) state:

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

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

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

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

- 5.1 ~~(ii) a photographic identity document;~~
5.2 ~~(5) (4)~~ contain a space where the applicant may indicate a desire to make an
5.3 anatomical gift according to paragraph ~~(b)~~ (c);
- 5.4 ~~(6) (5)~~ contain a notification to the applicant of the availability of a living will/health
5.5 care directive designation on the license under section 171.07, subdivision 7; ~~and~~
5.6 ~~(7) (6)~~ contain a space where the applicant may request a veteran designation on
5.7 the license under section 171.07, subdivision 15, and the driving record under section
5.8 171.12, subdivision 5a; and
5.9 (7) as applicable, contain a space for a designation as provided under section 171.12,
5.10 subdivision 3c.
- 5.11 (b) An application must be accompanied by:
- 5.12 (1) satisfactory evidence demonstrating the applicant's identity, date of birth,
5.13 Social Security number or other documentation as applicable, and residence address or
5.14 designated address under section 5B.05;
- 5.15 (2) satisfactory evidence demonstrating the applicant's lawful status, as defined in
5.16 Code of Federal Regulations, title 6, section 37.3; and
- 5.17 (3) for an enhanced driver's license or enhanced identification card application:
- 5.18 (i) satisfactory evidence demonstrating the applicant's full legal name and United
5.19 States citizenship; and
- 5.20 (ii) a photographic identity document.
- 5.21 ~~(b) (c)~~ If the applicant does not indicate a desire to make an anatomical gift when
5.22 the application is made, the applicant must be offered a donor document in accordance
5.23 with section 171.07, subdivision 5. The application must contain statements sufficient to
5.24 comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift
5.25 Act, chapter 525A, so that execution of the application or donor document will make
5.26 the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a
5.27 desire to make an anatomical gift. The application must be accompanied by information
5.28 describing Minnesota laws regarding anatomical gifts and the need for and benefits of
5.29 anatomical gifts, and the legal implications of making an anatomical gift, including the
5.30 law governing revocation of anatomical gifts. The commissioner shall distribute a notice
5.31 that must accompany all applications for and renewals of a driver's license or Minnesota
5.32 identification card. The notice must be prepared in conjunction with a Minnesota organ
5.33 procurement organization that is certified by the federal Department of Health and Human
5.34 Services and must include:

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

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

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

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

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

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

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

6.14 Sec. 6. Minnesota Statutes 2014, section 171.06, is amended by adding a subdivision
6.15 to read:

6.16 Subd. 3b. **Information for applicants.** (a) The commissioner must develop
6.17 summary information on identity document options and must ensure distribution of the
6.18 information to all driver's license and Minnesota identification card applicants.

6.19 (b) The summary information must include the following information, expressed in
6.20 a clear and concise manner:

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

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

6.25 Sec. 7. Minnesota Statutes 2014, section 171.07, subdivision 1, is amended to read:

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

7.1 of the licensee. Every license must bear a colored photograph or an electronically
7.2 produced image of the licensee.

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

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

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

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

7.17 (e) A license must bear a distinguishing indicator, as determined by the commissioner.

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

7.20 Sec. 8. Minnesota Statutes 2014, section 171.07, subdivision 3, is amended to read:

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

7.33 (b) If the United States Postal Service will not deliver mail to the applicant's
7.34 residence address as listed on the Minnesota identification card, then the applicant shall
7.35 provide verification from the United States Postal Service that mail will not be delivered

8.1 to the applicant's residence address and that mail will be delivered to a specified alternate
8.2 mailing address. When an applicant provides an alternate mailing address under this
8.3 subdivision, the commissioner shall use the alternate mailing address in lieu of the
8.4 applicant's residence address for all notices and mailings to the applicant.

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

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

8.9 (e) A Minnesota identification card must bear a distinguishing indicator, as
8.10 determined by the commissioner.

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

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

8.17 Sec. 9. Minnesota Statutes 2014, section 171.07, subdivision 4, is amended to read:

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

8.22 (b) A Minnesota identification card issued to an applicant age 65 or older ~~shall be~~
8.23 ~~valid for the lifetime of the applicant, except that~~ expires on the birthday of the applicant
8.24 in the eighth year following the date of issuance of the card.

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

8.27 ~~(e)~~ (d) The expiration date for an Under-21 identification card is the cardholder's
8.28 21st birthday. The commissioner shall issue an identification card to a holder of an
8.29 Under-21 identification card who applies for the card, pays the required fee, and presents
8.30 proof of identity and age, unless the commissioner determines that the applicant is not
8.31 qualified for the identification card.

8.32 (e) The expiration date for an identification card issued to a person with temporary
8.33 lawful status is the last day of the person's legal stay in the United States.

8.34 Sec. 10. Minnesota Statutes 2014, section 171.07, subdivision 9a, is amended to read:

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

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

9.18 Sec. 11. Minnesota Statutes 2014, section 171.072, is amended to read:

9.19 **171.072 TRIBAL IDENTIFICATION CARD.**

9.20 (a) If a Minnesota identification card is deemed an acceptable form of identification
9.21 in Minnesota Statutes or Rules, a tribal identification card is also an acceptable form
9.22 of identification. ~~A tribal identification card is a primary document for purposes of~~
9.23 ~~Minnesota Rules, part 7410.0400, and successor rules.~~

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

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

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

10.4 Sec. 12. Minnesota Statutes 2014, section 171.12, is amended by adding a subdivision
10.5 to read:

10.6 Subd. 1a. **Driver and vehicle services information system; security and auditing.**

10.7 (a) The commissioner must establish written procedures to ensure that only individuals
10.8 explicitly authorized by law may enter, update, or access not public data collected, created,
10.9 or maintained by the driver and vehicle services information system. An authorized
10.10 individual's ability to enter, update, or access data in the system must be limited through
10.11 use of role-based access that corresponds to the official duties or training level of the
10.12 individual and the statutory authorization granting access for that purpose. All queries
10.13 and responses, and all actions in which data are entered, updated, accessed, shared, or
10.14 disseminated, must be recorded in a data audit trail. Data contained in the audit trail are
10.15 public to the extent the data are not otherwise classified by law.

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

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

10.31 Sec. 13. Minnesota Statutes 2014, section 171.12, is amended by adding a subdivision
10.32 to read:

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

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

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

11.9 (b) The commissioner must not retain a birth certificate if directed by an applicant,
11.10 licensee, or identification card holder under paragraph (a), clause (2), but must record
11.11 and retain data on the birth certificate required under Code of Federal Regulations, title
11.12 6, section 37.31(c).

11.13 Sec. 14. Minnesota Statutes 2014, section 171.27, is amended to read:

11.14 **171.27 EXPIRATION OF LICENSE; MILITARY EXCEPTION.**

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

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

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

11.30 (d) The expiration date for a license issued to a person with temporary lawful status
11.31 is the last day of the person's legal stay in the United States.

11.32 ~~(d)~~ (e) Any valid Minnesota driver's license issued to a person then or subsequently
11.33 serving outside Minnesota in active military service, as defined in section 190.05,
11.34 subdivision 5, in any branch or unit of the armed forces of the United States, or the
11.35 person's spouse, shall continue in full force and effect without requirement for renewal

12.1 until the date one year following the service member's separation or discharge from active
12.2 military service, and until the license holder's birthday in the fourth full year following
12.3 the person's most recent license renewal or, in the case of a provisional license, until the
12.4 person's birthday in the third full year following the renewal.

12.5 **Sec. 15. REAL ID ACT IMPLEMENTATION.**

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

12.8 **Subd. 2. Full implementation and conformity; deadline.** The commissioner
12.9 of public safety must implement the provisions of this act in a manner to ensure full
12.10 compliance and conformity with the requirements of the REAL ID Act, including the
12.11 ability to issue fully compliant driver's licenses and Minnesota identification cards, no
12.12 later than October 1, 2016.

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

12.19 **Subd. 4. Expedited rulemaking.** (a) The commissioner of public safety must
12.20 amend Minnesota Rules as expressly necessary to issue driver's licenses and Minnesota
12.21 identification cards that meet the requirements under this act and Minnesota Statutes,
12.22 chapter 171.

12.23 (b) The commissioner is authorized to use the expedited rulemaking process in
12.24 Minnesota Statutes, section 14.389.

12.25 (c) The authority to use the expedited rulemaking process under this subdivision
12.26 expires December 31, 2017.

12.27 **Subd. 5. Legislative reporting.** (a) The commissioner of public safety must
12.28 establish an implementation schedule for meeting the requirements under subdivision 2.
12.29 The schedule must include monthly implementation activity and milestones. On or before
12.30 the last business day of each month until full implementation and compliance is achieved,
12.31 the commissioner must submit a status update that provides details on the implementation
12.32 schedule, activity and accomplishments since the previous status update, identified risks to
12.33 implementation, and overall status.

12.34 (b) By March 15, 2017, the commissioner of public safety must submit a revision to
12.35 the report required under Laws 2016, chapter 83, section 2, subdivision 2.

13.1 (c) Each implementation status update under paragraph (a) and the report under
13.2 paragraph (b) must be submitted to the chairs and ranking minority members of the
13.3 legislative committees with jurisdiction over transportation policy and finance, public
13.4 safety, civil law, and data practices, and to the Legislative Commission on Data Practices
13.5 and Personal Data Privacy. The report must be submitted as required under Minnesota
13.6 Statutes, section 3.195, except that printed copies are not required.

13.7 (d) At a minimum, the report under paragraph (b) must provide (1) revised
13.8 information and analysis for each of the planning activities required for the 2016 report,
13.9 and (2) implementation status information.

13.10 **Sec. 16. APPROPRIATION.**

13.11 \$4,000,000 in fiscal year 2016 is appropriated from the driver services operating
13.12 account in the special revenue fund to the commissioner of public safety for
13.13 implementation and conformity with requirements of the REAL ID Act of 2005, Public
13.14 Law 109-13, Division B, as provided under this act. This is a onetime appropriation.
13.15 Notwithstanding Minnesota Statutes, section 16A.28, this appropriation is available for
13.16 one year after the year of appropriation.

13.17 **Sec. 17. REVISOR'S INSTRUCTION.**

13.18 The revisor of statutes shall renumber Minnesota Statutes, section 171.06,
13.19 subdivision 3, paragraphs (c) and (d), as Minnesota Statutes, section 171.06, subdivision
13.20 3b, paragraphs (c) and (d). The revisor shall also make any necessary cross-reference
13.21 changes consistent with the renumbering.

13.22 **Sec. 18. REPEALER.**

13.23 Laws 2009, chapter 92, section 1, as amended by Laws 2016, chapter 83, section
13.24 1, is repealed.

13.25 **Sec. 19. EFFECTIVE DATE.**

13.26 Except as specifically provided otherwise, sections 1 to 18 are effective the day
13.27 following final enactment. Sections 1 to 14 apply for application and issuance of driver's
13.28 licenses and Minnesota identification cards on and after the day following adoption of
13.29 administrative rules under section 15, subdivision 4.

APPENDIX
Repealed Minnesota Session Laws: H3959-3

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.