

recommendation of the commission must be made at a meeting of the commission unless a written recommendation is signed by all the members entitled to vote on the item, except that a recommendation under section 298.2213, subdivision 4, or section 298.296, subdivision 1, need only be signed by a majority of the members entitled to vote on the item.

Sec. 3. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor May 15, 1989

Signed by the governor May 16, 1989, 6:22 p.m.

CHAPTER 140—H.F.No. 218

An act relating to motor vehicles; defining terms; including station wagon and certain passenger-carrying vans as passenger automobiles for all purposes; providing for registration of certain vehicles; requiring commissioner of public safety to conduct background study on applicant for school bus endorsement; amending Minnesota Statutes 1988, sections 65B.001, subdivision 3; 65B.43, subdivision 12; 116.60, subdivision 7; 168.011, subdivisions 7, and 28; 168.012, subdivision 1; 168.017, subdivision 1; 168.12, subdivisions 2b and 2c; 168.124, subdivision 5; 168.125, subdivision 1; 168.126, subdivision 2; and 171.321, by adding a subdivision; repealing Minnesota Statutes 1988, sections 168.011, subdivision 23; and 168.101, subdivision 5.

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

Section 1. Minnesota Statutes 1988, section 65B.001, subdivision 3, is amended to read:

Subd. 3. "Private passenger vehicle" means a passenger automobile ~~or station wagon~~, as those terms are defined in section 168.011, or a jeep type automobile, ~~which vehicles are that~~ is not rented to others or used as a public or livery conveyance for passengers.

Sec. 2. Minnesota Statutes 1988, section 65B.43, subdivision 12, is amended to read:

Subd. 12. "Commercial vehicle" means:

(a) any motor vehicle used as a common carrier,

(b) any motor vehicle, other than a passenger vehicle ~~or a station wagon~~, as ~~these terms are~~ defined in section 168.011, ~~subdivisions~~ subdivision 7 and 23, which has a curb weight in excess of 5500 pounds apart from cargo capacity, or

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(c) any motor vehicle while used in the for-hire transportation of property.

Commercial vehicle does not include a "commuter van", which for purposes of this chapter shall mean a motor vehicle having a capacity of seven to 16 persons which is used principally to provide prearranged transportation of persons to or from their place of employment or to or from a transit stop authorized by a local transit authority which vehicle is to be operated by a person who does not drive the vehicle as a principal occupation but is driving it only to or from the principal place of employment, to or from a transit stop authorized by a local transit authority or for personal use as permitted by the owner of the vehicle.

Sec. 3. Minnesota Statutes 1988, section 116.60, subdivision 7, is amended to read:

Subd. 7. **MOTOR VEHICLE.** "Motor vehicle" means a passenger automobile, ~~station wagon~~, pickup truck, or van, as defined in section 168.011, licensed for use on the public streets and highways.

Sec. 4. Minnesota Statutes 1988, section 168.011, subdivision 7, is amended to read:

Subd. 7. **PASSENGER AUTOMOBILE.** "Passenger automobile" means any motor vehicle designed and used for the carrying of not more than ~~ten~~ 15 persons including ~~station wagons but excluding the driver.~~ "Passenger automobile" does not include motorcycles and motor scooters. For purposes of taxation only, "passenger automobile" includes pickup trucks and vans.

Sec. 5. Minnesota Statutes 1988, section 168.011, subdivision 28, is amended to read:

Subd. 28. **VAN.** "Van" means any vehicle of box-like design with no barrier or separation between the operator's area and the remainder of the ~~passenger-carrying or~~ cargo-carrying area, and with a manufacturer's nominal rated carrying capacity of three-fourths ton or less ~~and commonly known as a~~ van.

Sec. 6. Minnesota Statutes 1988, section 168.012, subdivision 1, is amended to read:

Subdivision 1. (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from such institutions;

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(3) vehicles owned by nonprofit charities and used exclusively to transport handicapped persons for educational purposes;

(4) vehicles owned and used by honorary consul or consul general of foreign governments.

(b) Vehicles owned by the federal government, municipal fire apparatus, police patrols and ambulances, the general appearance of which is unmistakable, shall not be required to register or display number plates.

(c) Unmarked vehicles used in general police work; and arson investigations, and passenger ~~vehicles, station wagons~~ automobiles, pickup trucks, and buses owned or operated by the department of corrections shall be registered and shall display ~~passenger vehicle classification~~ appropriate license number plates which shall be furnished by the registrar at cost. Original and renewal applications for these ~~passenger vehicle~~ license plates authorized for use in general police work and for use by the department of corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a department of corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) All other motor vehicles shall be registered and display tax exempt number plates which shall be furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax exempt number plates shall have the name of the state department or public subdivision on the vehicle plainly displayed on both sides thereof in letters not less than 2-1/2 inches high and one-half inch wide; except that each state hospital and institution for the mentally ill and mentally retarded may have one vehicle without the required identification on the sides of the vehicle. Such identification shall be in a color giving contrast with that of the part of the vehicle on which it is placed and shall endure throughout the term of the registration. The identification must not be on a removable plate or placard and shall be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision.

Sec. 7. Minnesota Statutes 1988, section 168.017, subdivision 1, is amended to read:

Subdivision 1. All passenger automobiles, ambulances, hearses, and pickup trucks; ~~and station wagons~~ shall be registered by the registrar according to the monthly series system of registration prescribed by this section.

Sec. 8. Minnesota Statutes 1988, section 168.12, subdivision 2b, is amended to read:

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Subd. 2b. **FIREFIGHTERS; SPECIAL LICENSE PLATE.** The registrar shall issue special license plates to any applicant who is both a member of a fire department receiving state aid under chapter 69 and an owner or joint owner of a passenger automobile, ~~station wagon,~~ van, or pickup truck, upon payment of a fee of \$10 and upon payment of the registration tax required by law for the vehicle and compliance with other laws of this state relating to registration and licensing of motor vehicles and drivers. In lieu of the identification required under subdivision 1, the special license plates shall be inscribed with a symbol of a Maltese Cross together with five numbers. No applicant shall receive more than two sets of plates for vehicles owned or jointly owned by the applicant.

Special plates issued under this subdivision may only be used during the period that the owner or joint owner of the vehicle is a member of a fire department as specified in this subdivision. When the person to whom the special plates were issued is no longer a member of a fire department or when the vehicle ownership is transferred, the special license plates shall be removed from the vehicle and returned to the registrar. Upon return of the special plates, the owner or purchaser of the vehicle is entitled to receive regular plates for the vehicle without cost for the remainder of the registration period for which the special plates were issued. Firefighter license plates issued pursuant to this subdivision may be transferred to another motor vehicle upon payment of \$5, which fee shall be paid into the state treasury and credited to the highway user tax distribution fund.

The commissioner of public safety may adopt rules under the administrative procedure act, sections 14.01 to 14.69, to govern the issuance and use of the special plates authorized in this subdivision. All fees from the sale of special license plates for firefighters shall be paid into the state treasury and credited to the highway user tax distribution fund.

Sec. 9. Minnesota Statutes 1988, section 168.12, subdivision 2c, is amended to read:

Subd. 2c. **NATIONAL GUARD; SPECIAL LICENSE PLATE.** The registrar shall issue special license plates to any applicant who is a regularly enlisted or commissioned member of the Minnesota national guard, other than an inactive or retired member, and is an owner or joint owner of a passenger automobile, ~~station wagon,~~ ~~or~~ van, or pickup truck included within the definition of a passenger automobile upon payment of a fee of \$10, payment of the registration tax required by law, and compliance with other laws of this state relating to registration and licensing of motor vehicles and drivers. The adjutant general shall design these special plates subject to the approval of the registrar. No applicant shall be issued more than two sets of plates for vehicles owned or jointly owned by the applicant. The adjutant general shall estimate the number of special plates that will be required and submit the estimate to the registrar.

Special plates issued under this subdivision may only be used during the period that the owner or joint owner of the vehicle is an active member of the

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Minnesota national guard as specified in this subdivision. When the person to whom the special plates were issued is no longer an active member of the Minnesota national guard, the special plates must be removed from the vehicle and returned to the registrar. Upon return of the special plates, the owner or purchaser of the vehicle is entitled to receive regular plates for the vehicle without cost for the remainder of the registration period for which the special plates were issued. While the person is an active member of the Minnesota national guard, plates issued pursuant to this subdivision may be transferred to another motor vehicle owned or jointly owned by that person upon payment of a fee of \$5.

All fees collected under the provisions of this subdivision shall be paid into the state treasury and credited to the highway user tax distribution fund.

The registrar may adopt rules under the administrative procedure act to govern the issuance and use of the special plates authorized by this subdivision.

Sec. 10. Minnesota Statutes 1988, section 168.124, subdivision 5, is amended to read:

Subd. 5. **MOTOR VEHICLE; SPECIAL DEFINITION.** For purposes of this section, "motor vehicle" means a vehicle for personal use, not used for commercial purposes, and may include a passenger automobile, ~~station wagon~~ van, pickup truck, motorcycle, or recreational vehicle.

Sec. 11. Minnesota Statutes 1988, section 168.125, subdivision 1, is amended to read:

Subdivision 1. **ISSUANCE AND DESIGN.** The registrar shall issue special license plates bearing the inscription "EX-POW" to any applicant who is both a former prisoner of war and an owner or joint owner of a motor vehicle upon the applicant's compliance with all the laws of this state relating to the registration and licensing of motor vehicles and drivers. The special license plates shall be of a design and size to be determined by the commissioner. Plates bearing the "EX-POW" inscription may be issued for only one motor vehicle per applicant.

Application for issuance of these plates shall be made at the time of renewal or first application for registration. The application shall include a certification by the commissioner of veterans affairs that the applicant was a member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States during a period of armed conflict.

The applicant shall pay, in addition to the registration tax required by law, a fee for the special license plates issued under this section, in an amount calculated by the commissioner to cover the cost of the license plates. The additional fee is payable only when the plates are issued and no additional fee is payable in any year in which tabs or stickers are issued in lieu of number plates. All fees from the sale of the special license plates shall be paid into the state treasury and credited to the highway user tax distribution fund.

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Notwithstanding the provisions of section 168.12, subdivision 1, the special license plates issued under this section may be transferred to another motor vehicle owned or jointly owned by the former prisoner of war upon the payment of a fee of \$5. This fee shall be paid into the state treasury and credited to the highway user tax distribution fund.

For purposes of this section, "motor vehicle" means a passenger automobile, ~~station wagon~~ van, pickup truck, motorcycle, or recreational vehicle.

Sec. 12. Minnesota Statutes 1988, section 168.126, subdivision 2, is amended to read:

Subd. 2. **LICENSE PLATES.** The registrar shall issue special license plates for a commuter van as defined in section 221.011, subdivision 22, ~~paragraph (4)~~ 27, upon the applicant's compliance with the laws of Minnesota relating to registration and licensing of motor vehicles and drivers.

Sec. 13. Minnesota Statutes 1988, section 171.321, is amended by adding a subdivision to read:

Subd. 3. STUDY OF APPLICANT. Before issuing or renewing a school bus endorsement, the commissioner shall conduct a criminal records check of the applicant. The commissioner may also conduct the check at any time while a person is so licensed. The check shall consist of a criminal records check of the state criminal records repository. If the applicant has resided in Minnesota for less than five years, the check shall also include a criminal records check of information from the state law enforcement agencies in the states where the person resided during the five years before moving to Minnesota, and of the national criminal records repository including the criminal justice data communications network. The applicant's failure to cooperate with the commissioner in conducting the records check is reasonable cause to deny an application or cancel a school bus endorsement. The commissioner may not release the results of the records check to any person except the applicant.

Sec. 14. **REPEALER.**

Minnesota Statutes 1988, sections 168.011, subdivision 23, and 168.101, subdivision 5, are repealed.

Sec. 15. **EFFECTIVE DATE.**

Sections 1 to 14 are effective January 1, 1990.

Presented to the governor May 15, 1989

Signed by the governor May 16, 1989, 6:24 p.m.

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