

facility that is determined by the commissioner of human services or the federal health care financing administration to be an institution for mental diseases.

Subd. 2. COVERED SERVICES. For the period beginning January 1, 1989, and ending June 30, 1989, reimbursement under general assistance medical care includes, in addition to services covered under Minnesota Statutes 1988, section 256D.03, subdivision 4, the following services for a person who would be eligible for medical assistance except that the person resides in a facility that is determined by the commissioner of human services or the federal health care financing administration to be an institution for mental diseases:

- (1) case management services for a person with serious and persistent mental illness;
- (2) medical supplies and equipment; and
- (3) psychological services.

Subd. 3. EXCEPTION TO RESIDENTIAL FACILITY LIMITS. For the period beginning January 1, 1989, and ending June 30, 1989, a residential facility certified to participate in the medical assistance program, licensed as a boarding care home or nursing home, and determined by the commissioner of human services or the federal health care financing administration to be an institution for mental diseases is exempt from the maximum negotiated rate in Minnesota Statutes, section 256D.37. The rate for eligible individuals residing in these facilities is the individual's medical assistance rate using the individual's assigned case mix classification. Counties must be reimbursed for payments made between January 1, 1989, and June 30, 1989, to certified nursing homes and boarding care homes declared institutions for mental diseases by January 1, 1989, on behalf of persons otherwise eligible for medical assistance. The reimbursement must not exceed the state share of supplemental aid funds expended for each person at the appropriate medical assistance rate.

Sec. 9. EFFECTIVE DATE.

This article is effective the day after its final enactment.

Presented to the governor May 30, 1989

Signed by the governor May 30, 1989, 11:40 a.m.

CHAPTER 301—S.F.No. 139

An act relating to public safety; providing for special license plates for veterans who are owners of self-propelled recreational equipment; providing for disposition of POW plates to surviving spouses of former prisoners of war; defining physically handicapped person for purposes of parking privileges; prohibiting issuance of both a Minnesota identification card

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and a driver's license, other than an instruction permit, to the same person; providing for fees; changing driver's license classification from provisional to under-21 and changing expiration date to holder's 21st birthday; providing for license suspension for minors misrepresenting their age for purposes of purchasing alcoholic beverages and increasing suspension period; providing penalty for misuse of Minnesota identification card or driver's license; increasing penalty for counterfeiting driver's license or Minnesota identification card; prohibiting lending of form of identification for use by minor to purchase alcoholic beverage; clarifying application of carding defense for illegal sale of alcoholic beverage; amending Minnesota Statutes 1988, sections 168.123, subdivision 1; 168.125, subdivision 1; 169.345, subdivision 2; 171.02, subdivisions 1 and 3; 171.06, subdivision 2; 171.07, subdivisions 1 and 3; 171.171; 171.22; 171.27; 260.195, subdivision 3; 340A.503, subdivisions 2 and 6; and 340A.801, by adding a subdivision.

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

Section 1. Minnesota Statutes 1988, section 168.123, subdivision 1, is amended to read:

Subdivision 1. **GENERAL REQUIREMENTS; FEES.** The registrar shall issue special license plates to an applicant who served in the active military service in a branch of the armed forces of the United States, was discharged under honorable conditions, and is an owner or joint owner of a motor vehicle included within the definition of a passenger automobile or which is self-propelled recreational equipment, on payment of a fee of \$10 for each set of two plates, payment of the registration tax required by law, and compliance with other laws relating to registration and licensing of motor vehicles and drivers. The additional fee of \$10 is payable for each set of plates, is payable only when the plates are issued, and is not payable in a year in which tabs or stickers are issued instead of number plates. An applicant must not be issued more than two sets of plates for vehicles owned or jointly owned by the applicant.

The veteran shall have a certified copy of the veteran's discharge papers, indicating character of discharge, at the time of application.

Sec. 2. 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.

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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.

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.

Upon the death of a former prisoner of war, the registrar shall continue to issue, upon renewal, the special license plates to a vehicle owned by the surviving spouse of the former prisoner of war. Special license plates issued to a surviving spouse may be transferred to another vehicle owned by the surviving spouse as provided in this subdivision.

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

Sec. 3. Minnesota Statutes 1988, section 169.345, subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** For the purpose of this section, "physically handicapped person" means a person who:

- (1) because of disability cannot walk without significant risk of falling;
- (2) because of disability cannot walk 200 feet without stopping to rest;
- (3) because of disability cannot walk without the aid of another person, a walker, a cane, crutches, braces, a prosthetic device, or a wheelchair;
- (4) is restricted by a respiratory disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one meter;
- (5) has an arterial oxygen tension (PAO₂) of less than 60 mm/hg on room air at rest;
- (6) uses portable oxygen; ~~or~~
- (7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
- (8) has a disability that would be aggravated by walking 200 feet under normal environmental conditions to an extent that would be life threatening.

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Sec. 4. Minnesota Statutes 1988, section 171.02, subdivision 1, is amended to read:

Subdivision 1. No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon any street or highway in this state unless such person has a license valid under the provisions of this chapter for the type or class of vehicle being driven. No person shall receive a driver's license unless and until the person surrenders to the department all valid driver's licenses in possession issued to the person by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information that licensee is now licensed in new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time. No person may receive a driver's license, other than an instruction permit, unless the person surrenders to the department any Minnesota identification card issued to the person under section 171.07, subdivision 3.

Sec. 5. Minnesota Statutes 1988, section 171.02, subdivision 3, is amended to read:

Subd. 3. **MOTORIZED BICYCLES.** No motorized bicycle shall be operated on any public roadway by any person who does not possess a valid driver's license, unless the person has obtained a motorized bicycle operator's permit or motorized bicycle instruction permit from the commissioner of public safety. The operator's permit may be issued to any person who has attained the age of 15 years and who has passed the examination prescribed by the commissioner. The instruction permit may be issued to any person who has attained the age of 15 years and who has successfully completed an approved safety course and passed the written portion of the examination prescribed by the commissioner.

This course must consist of, but is not limited to, a basic understanding of:

- (1) motorized bicycles and their limitations;
- (2) motorized bicycle laws and rules;
- (3) safe operating practices and basic operating techniques;
- (4) helmets and protective clothing;
- (5) motorized bicycle traffic strategies; and
- (6) effects of alcohol and drugs on motorized bicycle operators.

The commissioner may promulgate rules prescribing the content of the safety course, examination, and the information to be contained on the permits. A person operating a motorized bicycle under a motorized bicycle permit is subject to the restrictions imposed by section 169.974, subdivision 2, on operation of a motorcycle under a two-wheel instruction permit.

The fees for motorized bicycle operator's permits are as follows:

- (a) Examination and operator's permit,
valid for one year

\$6

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(b) Duplicate	\$3
(c) Renewal permit before age 19 <u>21</u> and valid until age 19 <u>21</u>	\$9
(d) Renewal permit after age 19 <u>21</u> and valid for four years	\$15
(e) Duplicate of any renewal permit	\$4.50
(f) Written examination and instruction permit, valid for 30 days	\$6

Sec. 6. Minnesota Statutes 1988, 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 License	C-\$15	B-\$22.50	A-\$30
Classified Provisional <u>Under-21</u>	D.L. C-\$9	B-\$15	A-\$10
	<u>C-\$15</u>	<u>B-\$22.50</u>	
Instruction Permit			\$6
Duplicate Driver or Provisional <u>Under-21</u> License			\$4.50
Minnesota identification card, except as otherwise provided in section 171.07, subdivisions 3 and 3a			\$9

Sec. 7. Minnesota Statutes 1988, section 171.07, subdivision 1, is amended to read:

Subdivision 1. **LICENSE; CONTENTS.** The department shall, upon the payment of the required fee, issue to every applicant qualifying therefor a license designating the type or class of vehicles the applicant is authorized to drive as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address and permanent mailing address if different, a description of the licensee in such manner as the commissioner deems necessary, and a space upon which the licensee shall write the usual signature and the date of birth of the licensee with pen and ink. No license shall be valid until it has been so signed by the licensee. Except in the case of an instruction permit, every license shall bear thereon a colored photograph of the licensee. Every license issued to an applicant under the age of ~~19~~ 21 shall be of a distinguishing color and plainly marked "~~provisional~~ Under-21." The department shall use such process or processes in the issuance of licenses that prohibits as near as possible, the ability to alter or reproduce the licenses, or prohibit the ability to superimpose a photo on such licenses without ready detection. A license issued to an applicant of age 65 or over shall be plainly marked "senior" if requested by the applicant.

Sec. 8. Minnesota Statutes 1988, section 171.07, subdivision 3, is amended to read:

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Subd. 3. Upon payment of the required fee the department shall issue to every applicant therefor a Minnesota identification card. The department may not issue a Minnesota identification card to a person who has a driver's license, other than an instruction permit. The card must bear a distinguishing number assigned to the applicant, a colored photograph, the full name, date of birth, residence address, a description of the applicant in the manner as the commissioner deems necessary, and a space upon which the applicant shall write the usual signature and the date of birth of the applicant with pen and ink.

Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license." The fee for a Minnesota identification card issued to a person who is mentally retarded, as defined in section 252A.02, subdivision 2, is 50 cents.

Sec. 9. Minnesota Statutes 1988, section 171.171, is amended to read:

171.171 SUSPENSIONS; ILLEGAL PURCHASE OF ALCOHOLIC BEVERAGES.

The commissioner shall suspend for a period of ~~30~~ 90 days the license of a person who:

(1) is under the age of ~~19~~ 21 years ~~who~~ and is convicted of purchasing or attempting to purchase an alcoholic beverage in violation of section 340A.503 if the person used a drivers license or permit or Minnesota identification card to purchase or attempt to purchase the alcoholic beverage; or

(2) is convicted under section 171.22, subdivision 1, clause (2), or 340A.503, subdivision 2, clause (3), of lending or knowingly permitting a person under the age of 21 years to use the person's driver's license, permit or Minnesota identification card to purchase or attempt to purchase an alcoholic beverage.

Sec. 10. Minnesota Statutes 1988, section 171.22, is amended to read:

171.22 UNLAWFUL ACTS.

Subdivision 1. **ACTS.** It shall be unlawful for any person:

(1) to display, or cause or permit to be displayed, or have in possession, any canceled, revoked, suspended, fictitious, or fraudulently altered driver's license or Minnesota identification card;

(2) to lend the person's driver's license or Minnesota identification card to any other person or knowingly permit the use thereof by another;

(3) to display or represent as one's own any driver's license or Minnesota identification card not issued to that person;

(4) to fail or refuse to surrender to the department, upon its lawful demand, any driver's license or Minnesota identification card which has been suspended, revoked, or canceled;

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(5) to use a fictitious name or date of birth to any police officer or in any application for a driver's license or Minnesota identification card, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application;

(6) to alter any driver's license; ~~or to counterfeit or make any fictitious license or Minnesota identification card;~~

(7) to take any part of the driver's license examination for another or to permit another to take the examination for that person; ~~or~~

(8) to make a counterfeit driver's license or Minnesota identification card;
or

(9) to use the name and date of birth of another person to any police officer for the purpose of falsely identifying oneself to the police officer.

Subd. 2. **PENALTIES.** Any person who violates subdivision 1, clause (8) or (9), is guilty of a gross misdemeanor. Any person who violates any other provision of subdivision 1 is guilty of a misdemeanor.

Sec. 11. Minnesota Statutes 1988, section 171.27, is amended to read:

171.27 EXPIRATION OF LICENSES.

The expiration date for each driver's license, other than ~~provisional 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.

The expiration date for each ~~provisional under-21~~ license shall be the ~~19th~~ 21st birthday of the licensee. Upon the ~~provisional~~ licensee attaining the age of ~~19~~ 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 ~~if the commissioner deems the record of the provisional licensee to be satisfactory unless the commissioner determines that the licensee is no longer qualified as a driver.~~

The expiration date for each provisional license issued before August 1, 1989, is the 19th birthday of the licensee. When a holder of a provisional license attains the age of 19, requires a duplicate license, or wants to obtain an updated under-21 license, and upon the payment of a \$5 application fee and passing the examination required for renewal, an under-21 driver's license must be issued unless the commissioner believes that the licensee is no longer qualified as a driver. The expiration date of an under-21 license is the person's 21st birthday.

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Any valid Minnesota driver's license issued to a person then or subsequently on active duty with the Armed Forces of the United States, or the person's spouse, shall continue in full force and effect without requirement for renewal until 90 days after the date of the person's discharge from such service, provided that a spouse's license must be renewed if the spouse is residing within the state at the time the license expires or within 90 days after the spouse returns to Minnesota and resides within the state.

Sec. 12. Minnesota Statutes 1988, section 260.195, subdivision 3, is amended to read:

Subd. 3. **DISPOSITIONS.** If the juvenile court finds that a child is a petty offender, the court may require the child to:

- (a) Pay a fine of up to \$100;
- (b) Participate in a community service project;
- (c) Participate in a drug awareness program; or

(d) Order the child to undergo a chemical dependency evaluation and if warranted by this evaluation, order participation by the child in an inpatient or outpatient chemical dependency treatment program; or

(e) Perform any other activities or participate in any other treatment programs deemed appropriate by the court.

In all cases where the juvenile court finds that a child has purchased or attempted to purchase an alcoholic beverage in violation of section 340A.503, if the child has a driver's license or permit to drive, and if the child used a driver's license or permit or Minnesota identification card to purchase or attempt to purchase the alcoholic beverage, the court shall forward its finding in the case and the child's driver's license or permit to the commissioner of public safety. Upon receipt, the commissioner shall ~~revoke~~ suspend the child's license or permit for a period of ~~30~~ 90 days.

None of the dispositional alternatives described in clauses (a) to (e) shall be imposed by the court in a manner which would cause an undue hardship upon the child.

Sec. 13. Minnesota Statutes 1988, section 340A.503, subdivision 2, is amended to read:

Subd. 2. **PURCHASING.** It is unlawful for any person:

(1) to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age, except that a parent or guardian of a person under the age of 21 years may give or furnish alcoholic beverages to that person solely for consumption in the household of the parent or guardian;

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(2) under the age of 21 years to purchase or attempt to purchase any alcoholic beverage; or

(3) to induce a person under the age of 21 years to purchase or procure any alcoholic beverage, or to lend or knowingly permit the use of the person's driver's license, permit, Minnesota identification card, or other form of identification by a person under the age of 21 years for the purpose of purchasing or attempting to purchase an alcoholic beverage.

Sec. 14. Minnesota Statutes 1988, section 340A.503, subdivision 6, is amended to read:

Subd. 6. **PROOF OF AGE; DEFENSE.** (a) Proof of age for purchasing or consuming alcoholic beverages may be established only by a valid drivers license or Minnesota identification card, or in the case of a foreign national by a valid passport.

(b) In a prosecution under subdivision 2, clause (1), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in paragraph (a) in selling, bartering, furnishing, or giving the alcoholic beverage.

Sec. 15. Minnesota Statutes 1988, section 340A.801, is amended by adding a subdivision to read:

Subd. 3a. DEFENSE. The defense described in section 340A.503, subdivision 6, applies to actions under this section.

Sec. 16. **EFFECTIVE DATE.**

Sections 1 to 15 are effective August 1, 1989, except that the designation of driver's licenses of persons under age 21 as "Under-21" licenses is effective January 1, 1990.

Presented to the governor May 26, 1989

Signed by the governor May 26, 1989, 5:51 p.m.

CHAPTER 302—H.F.No. 564

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