

and continuing education programs for persons who provide services to people with developmental disabilities.

Presented to the governor May 29, 1991

Signed by the governor June 1, 1991, 3:50 p.m.

CHAPTER 277—H.F.No. 244

An act relating to traffic regulations; regulating traffic safety concerning school buses and the safety of school children; providing penalties; requiring a study of the application of school bus requirements to head start transportation; amending Minnesota Statutes 1990, sections 169.01, subdivision 6; 169.45; 169.451; 171.07, by adding a subdivision; 171.17; and 171.18; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1990, sections 169.44; and 169.64, subdivision 7.

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

Section 1. **PURPOSE.**

It is the purpose of this act to enhance the safety of Minnesota's school children by reducing the number of violations of school bus safety laws through:

(1) increased education for motorists, school bus drivers, and law enforcement officials in school bus safety laws;

(2) cooperative efforts by school personnel, law enforcement, and prosecuting attorneys;

(3) increased civil and criminal penalties for violations of school bus safety laws;

(4) strengthened enforcement of school bus safety laws; and

(5) a consistent and vigorous response by the judiciary to punish violators and thereby deter future violations.

Sec. 2. Minnesota Statutes 1990, section 169.01, subdivision 6, is amended to read:

Subd. 6. **SCHOOL BUS.** "School bus" means a motor vehicle used to transport pupils to or from a school defined in section 120.101, or to or from school-related activities, by the school or a school district, or by someone under an agreement with the school or a school district. A school bus does not include a motor vehicle transporting children to or from school for which parents or guardians receive direct compensation from a school district, a motor coach operating under charter carrier authority, or a transit bus providing services as

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defined in section 174.22, subdivision 7. A school bus may be type I, type II, or type III as follows:

(a) A "type I school bus" means a school bus of more than 10,000 pounds gross vehicle weight rating, designed for carrying more than ten persons. [MN Rules, part 3520.3701, subp 1]

(b) A "type II school bus" is a bus with a gross vehicle weight rating of 10,000 pounds or less, designed for carrying more than ten persons. It must be outwardly equipped and identified as a school bus. [MN Rules, part 3520.3701, subp 2]

(c) Type III school buses are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of ten people, including the driver, and a gross vehicle weight rating of 10,000 pounds or less. In this subdivision, "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle. A "type III school bus" must not be outwardly equipped and identified as a school bus. [169.44, subd 15]

Sec. 3. [169.441] SCHOOL BUS IDENTIFICATION.

Subdivision 1. IDENTIFICATION AND SIGNAL REQUIREMENTS, GENERALLY. For purposes of sections 169.441 to 169.448, school bus means a motor vehicle that is outwardly equipped and identified as a school bus. A motor vehicle that satisfies the identification requirements of this section and the signal equipment requirements of section 169.442 is considered outwardly equipped and identified as a school bus. [169.44, subd 1a]

Subd. 2. COLOR REQUIREMENTS. (a) A new school bus must be painted national school bus glossy yellow if it is to be used in Minnesota as a school bus, and can seat more than ten people, including the driver.

(b) A school bus that is substantially repainted must be painted national school bus glossy yellow. [169.44, subd 1a]

(c) The roof of a school bus may be painted white.

Subd. 3. SIGN ON BUS; APPLICATION OF OTHER LAW. Sections 169.442, subdivisions 2 and 3; 169.443, subdivision 2; and 169.444, subdivisions 1, 4, and 5, apply only if the school bus bears on its front and rear a plainly visible sign containing the words "school bus" in letters at least eight inches in height.

The sign must be removed or covered when the vehicle is being used as other than a school bus. [169.44, subd 3]

Subd. 4. "MN" DESIGNATION IN BUS BODY SERIAL NUMBER. School bus bodies manufactured after December 31, 1991, and used on streets and highways in Minnesota must bear the designation "MN" within the bus body identification number. The "MN" designation may be made only by the

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manufacturer and must not be located on either end of the bus body identification number. The manufacturer of the school bus body certifies by the "MN" designation that the bus body has been manufactured to meet the minimum standards required of school bus bodies by law. A school bus body manufactured before January 1, 1992, that does not bear a current inspection sticker on July 1, 1992, may not be used on streets and highways in Minnesota after July 1, 1992, unless its manufacturer recertifies that the school bus body meets minimum standards required of school bus bodies by law. [169.44, subd 17]

Subd. 5. OPTIONAL MARKINGS; RULES. A school district or technical college may elect to show on the front and rear of the school buses that it owns or contracts for, a plainly visible, summary message explaining section 169.444, subdivisions 1 and 2. If the school district or technical college elects to display the message, it must conform with the rules of the commissioner of education. The commissioner shall adopt rules governing the size, type, design, display, and content of the summary message that may be shown.

Sec. 4. [169.442] SCHOOL BUS SIGNALS.

Subdivision 1. SIGNALS REQUIRED. A type I or type II school bus must be equipped with a stop signal arm, prewarning flashing amber signals, and flashing red signals. [169.44, subd 1a]

Subd. 2. FLASHING SIGNALS ON STOP ARM. A school bus stop signal arm may be equipped with alternately flashing red warning signals that are visible both to the front and to the rear of the bus. School buses manufactured after July 1, 1989, must be so equipped. [169.44, subd 14; MN Rules, parts 3520.5200, subs 7 and 8, and 7425.2100, subp 1, item II]

Subd. 3. APPROVAL OF SIGNALS. Flashing prewarning amber signals and flashing red signals must be of a type approved by the commissioner of public safety. The signals must be a complete system meeting minimum standards required by this section and state board of education rules. [169.44, subd 10]

Subd. 4. OPTIONAL WARNING SYSTEM. In addition to equipment required under subdivision 1, and notwithstanding section 169.64, a school bus may be equipped with a driver-activated, exterior student-control, warning system. The driver shall activate this system when the use of the stop signal arm and flashing red signals is required under section 169.443, subdivision 1. [169.44, subd 1d]

Subd. 5. WHITE STROBE LAMPS ON SCHOOL BUSES. Notwithstanding sections 169.55, subdivision 1; 169.57, subdivision 3, paragraph (b), or other law to the contrary, a school bus that is subject to and complies with the color and equipment requirements of sections 169.441, subdivision 1, and 169.442, subdivision 1, may be equipped with a 360-degree, flashing strobe lamp that emits a white light with a flash rate of 60 to 120 flashes a minute. The lamp may be used only as provided in this subdivision.

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The strobe lamp must be of a double flash type certified to the commissioner of public safety by the manufacturer as being weatherproof and having a minimum effective light output of 200 candelas as measured by the Blondel-Rey formula. The lamp must be permanently mounted on the longitudinal center line of the bus roof not less than two feet nor more than seven feet forward of the rear roof edge. It must operate from a separate switch containing an indicator lamp to show when the strobe lamp is in use.

The strobe lamp may be lighted only when atmospheric conditions or terrain restrict the visibility of school bus lamps and signals so as to require use of the bright strobe lamp to alert motorists to the presence of the school bus. A strobe lamp may not be lighted unless the school bus is actually being used as a school bus. [169.64, subd 7]

Sec. 5. [169.443] SAFETY OF SCHOOL CHILDREN; BUS DRIVER'S DUTIES.

Subdivision 1. USING BUS SIGNALS. A driver of a school bus shall activate the prewarning flashing amber signals of the bus before stopping to load or unload school children. The driver shall activate and continuously operate the amber signals for a distance of at least 100 feet before stopping in a speed zone of 35 miles per hour or less and at least 300 feet before stopping in a speed zone of more than 35 miles per hour. On stopping for this purpose, the driver shall extend the stop signal arm and activate the flashing red signals. The driver shall not retract the stop signal arm nor extinguish the flashing red signals until loading or unloading is completed, students are seated, and children who must cross the roadway are safely across. [169.44, subd 2, para (a)]

Subd. 2. USE OF STOP SIGNAL ARM. (a) The stop signal arm of a school bus must be used in conjunction with the flashing red signals only when the school bus is stopped on a street or highway to load or unload school children. [169.44, subd 1]

(b) A local authority, including the governing body of an Indian tribe, may by ordinance require that a school bus activate the stop signal arm and flashing red signals while stopped to unload school children at a location other than a location on a street or highway. The ordinance must designate each location where the requirement is imposed. The requirement is effective only if the local authority has erected signs at or near the location to provide adequate notice that other vehicles are required to obey section 169.444, subdivision 1, when those signals are activated.

Subd. 3. WHEN SIGNALS NOT USED. School bus drivers shall not activate the prewarning flashing amber signals or flashing red signals:

(1) in special school bus loading areas where the bus is entirely off the traveled portion of the roadway and where no other motor vehicle traffic is moving or is likely to be moving within 20 feet of the bus;

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(2) in residential or business districts of home rule or statutory cities when directed not to do so by the local school administrator;

(3) when a school bus is being used on a street or highway for purposes other than the actual transportation of school children to or from school or a school-approved activity;

(4) at railroad grade crossings; and

(5) when loading and unloading people while the bus is completely off the traveled portion of a separated, one-way roadway that has adequate shoulders. The driver shall drive the bus completely off the traveled portion of this roadway before loading or unloading people. [169.44, subd 2, para (b)]

Subd. 4. STREET CROSSINGS. Where school children must cross a roadway before getting on or after getting off the school bus, the driver of the school bus or a school bus patrol may supervise the crossing, using the standard school patrol flag or signal as approved and prescribed by the commissioner of public safety. Before moving the school bus, the driver of the bus shall visually determine that all children have crossed the roadway and that those who are to do so have boarded the school bus. [169.44, subd 2, para (c)]

Subd. 5. MOVING BUS AFTER CHILDREN UNLOADED. When children are getting off a school bus, the driver shall visually determine that they are a safe distance from the bus before moving the bus. [169.44, subd 2, para (e)]

Subd. 6. OTHER BUSES. The driver of a type III school bus shall load or unload school children only from the right-hand side of the vehicle, provided that on a one-way street the driver shall load or unload school children only from the curb side of the vehicle. When loading or unloading school children, the driver shall activate the vehicle's four-way hazard lights described in section 169.59, subdivision 4. [169.44, subd 2, para (d)]

Subd. 7. VIOLATION. A person who violates this section is guilty of a misdemeanor.

Sec. 6. [169.444] SAFETY OF SCHOOL CHILDREN; DUTIES OF OTHER DRIVERS.

Subdivision 1. CHILDREN GETTING ON OR OFF SCHOOL BUS. When a school bus is stopped on a street or highway, or other location where signs have been erected under section 169.443, subdivision 2, paragraph (b), and is displaying an extended stop signal arm and flashing red lights, the driver of a vehicle approaching the bus shall stop the vehicle at least 20 feet away from the bus. The vehicle driver shall not allow the vehicle to move until the school bus stop signal arm is retracted and the red lights are no longer flashing. [169.44, subd 1]

Subd. 2. VIOLATIONS BY DRIVERS; PENALTIES. (a) A person who fails to stop a vehicle or to keep it stopped, as required in subdivision 1, is guilty of a misdemeanor. [169.44, subd 1]

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(b) A person is guilty of a gross misdemeanor if the person fails to stop a motor vehicle or to keep it stopped, as required in subdivision 1, and commits either or both of the following acts:

(1) passes or attempts to pass the school bus in a motor vehicle on the right-hand, passenger-door side of the bus; or

(2) passes or attempts to pass the school bus in a motor vehicle when a school child is outside of and on the street or highway used by the school bus or on the adjacent sidewalk.

Subd. 3. PROSECUTOR. The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior convictions under this section from a court, the court must furnish the information without charge.

Subd. 4. EXCEPTION FOR SEPARATED ROADWAY. A person driving a vehicle on a street or highway with separated roadways is not required to stop the vehicle when approaching or meeting a school bus that is on a different roadway.

"Separated roadway" means a road that is separated from a parallel road by a safety isle or safety zone. [169.44, subd 4]

Subd. 5. CAUSE FOR ARREST. A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 1 within the past four hours. [169.44, subd 1c, para (1)]

Subd. 6. VIOLATION; PENALTY FOR OWNERS AND LESSEES. (a) If a motor vehicle is operated in violation of subdivision 1, the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor.

(b) The owner or lessee may not be fined under paragraph (a) if (1) another person is convicted for that violation, or (2) the motor vehicle was stolen at the time of the violation.

(c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle operator for violating subdivision 1.

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(e) A violation under paragraph (a) does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license. [169.44, subd 1c, para (2)]

Subd. 7. EVIDENTIARY PRESUMPTION. There is a rebuttable presumption that signals described in section 169.442 were in working order and operable when a violation of subdivision 1, 2, or 5 was allegedly committed, if the signals of the applicable school bus were inspected and visually found to be in working order and operable within 12 hours preceding the incident giving rise to the violation.

Subd. 8. SCHEDULING CASES. When necessary or desirable to ensure that a school bus driver who witnessed or otherwise can provide relevant information concerning a violation of this section is available to be present at a court proceeding held to determine an alleged violation of this section, the court administrator shall schedule the proceeding to be held between the hours of 10:00 a.m. and 2:00 p.m.

Sec. 7. [169.445] COOPERATION WITH LAW ENFORCEMENT; INFORMATION; RULES; REPORTS.

Subdivision 1. COOPERATION OF SCHOOL AUTHORITIES. The state board of education shall ensure that local authorities having jurisdiction over school buses shall cooperate with law enforcement and judicial authorities in reporting and prosecuting violators of sections 169.443 and 169.444.

Subd. 2. INFORMATION; RULES. The board shall compile information regarding violations, prosecutions, convictions or other disposition, and penalties imposed under sections 169.443 and 169.444. At the request of the board, local school authorities shall provide this information. The board may adopt rules governing the content and providing procedures for the school authorities to provide this information.

Subd. 3. LEGISLATIVE REPORT. The board shall submit a report to the legislature by March 1, 1992, summarizing the information compiled under subdivision 2 for the previous calendar year, listing its findings, and making recommendations it considers appropriate.

Sec. 8. [169.446] SAFETY OF SCHOOL CHILDREN; TRAINING AND EDUCATION RULES.

Subdivision 1. PEACE OFFICER TRAINING. The board of peace officer standards and training shall include sections 169.441 to 169.448 and the enforcement of sections 169.443, 169.444, 169.447, and 169.448 in the instruction for the professional peace officer education program. The board shall notify the chief law enforcement officer of each law enforcement agency in the state of these sections.

Subd. 2. DRIVER TRAINING PROGRAMS. The commissioner of public safety shall adopt rules requiring thorough instruction concerning section

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169.444 for persons enrolled in driver training programs offered at private and parochial schools and commercial driver training schools. The instruction must encompass at least the responsibilities of drivers, the content and requirements of section 169.444, and the penalties for violating that section.

Subd. 3. DRIVER EDUCATION PROGRAMS. The state board of education shall adopt rules requiring thorough instruction concerning section 169.444 for persons enrolled in driver education programs offered at public schools. The instruction must encompass at least the responsibilities of drivers, the content and requirements of section 169.444, and the penalties for violating that section.

Sec. 9. [169.447] SCHOOL BUS SAFETY.

Subdivision 1. PASSENGER SEATING. (a) The number of pupils or other authorized passengers transported in a school bus must not be more than the number of pupils or passengers that can be fully seated. Seating capacity must be adjusted according to each passenger's individual physical size, but not more than the manufacturers' rated seating capacity.

(b) No person shall stand in the school bus when the bus is in motion.
[169.44, subd 6]

Subd. 2. DRIVER SEAT BELTS. New school buses must be equipped with driver seat belts and seat belt assemblies of the type described in section 169.685, subdivision 3. School bus drivers must use these seat belts. [169.44, subd 9]

Subd. 3. RECAPPED TIRES. Recapped tires must not be used on the front wheels of a school bus. [169.44, subd 11]

Subd. 4. AISLE AND EXIT. The driver of a school bus shall keep the aisle and emergency exit of a school bus unobstructed at all times when children are being transported. [169.44, subd 12]

Subd. 5. TRAILER BEHIND SCHOOL BUS. A school bus may pull a trailer, as defined by section 169.01, subdivision 10, only when traveling to or from cocurricular or extracurricular activities, as defined in section 123.38. [169.44, subd 13]

Subd. 6. OVERHEAD BOOK RACKS. Types I and II school buses may be equipped with padded, permanent overhead book racks that do not hang over the center aisle of the bus. [169.44, subd 16]

Sec. 10. [169.448] OTHER BUSES.

Subdivision 1. RESTRICTIONS ON APPEARANCE; PENALTY. A bus that is not used as a school bus may not be operated on a street or highway unless it is painted a color significantly different than national school bus glossy yellow or Minnesota school bus golden orange.

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A bus that is not used as a school bus may not be operated if it is equipped with school bus-related equipment and printing.

A violation of this subdivision is a misdemeanor. [169.44, subd 8]

This subdivision does not apply to a school bus owned by or under contract to a school district operated as a charter or leased bus.

Subd. 2. SCHOOL MOTOR COACHES. (a) Neither a school district nor a technical college may acquire a motor coach for transportation purposes.

(b) A motor coach acquired by a school district or technical college before March 26, 1986, may be used by it only to transport students participating in school activities, their instructors, and supporting personnel to and from school activities. A motor coach may not be outwardly equipped and identified as a school bus. A motor coach operated under this subdivision is not a school bus for purposes of section 124.225. The state board of education shall implement rules governing the equipment, identification, operation, inspection, and certification of motor coaches operated under this subdivision.

(c) After January 1, 1998, neither a school district nor a technical college may own or operate a motor coach for any purpose. [169.44, subd 18]

Subd. 3. HEAD START VEHICLES. Notwithstanding subdivision 1, a vehicle used to transport students under Public Law Number 99-425, the Head Start Act, may be equipped as a school bus.

Sec. 11. Minnesota Statutes 1990, section 169.45, is amended to read:

169.45 SCHOOL BUSES BUS RULES, ENFORCEMENT.

Subdivision 1. BOARD OF EDUCATION RULES, ENFORCEMENT. Except as provided in subdivision 2 and section 169.451, the state board of education has sole and exclusive authority to adopt and enforce rules not inconsistent with this chapter to govern the design, color, and operation of school buses used for the transportation of school children, when owned and operated by a school or privately owned and operated under a contract with a school, and these rules must be made a part of that contract by reference. Each school, its officers and employees, and each person employed under the contract is subject to these rules.

Subd. 2. PENALTY; ENFORCEMENT. The operation of a school bus on the public streets or highways in violation of rules concerning the operation of school buses adopted by the board under subdivision 1 is a misdemeanor. The state patrol shall enforce rules adopted under subdivision 1 when a school bus is operated on a public street or highway.

Sec. 12. Minnesota Statutes 1990, section 169.451, is amended to read:

169.451 SCHOOL BUS INSPECTION; RULES; PENALTY.

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Subdivision 1. **ANNUAL REQUIREMENT.** The Minnesota state patrol shall inspect every school bus annually to ascertain whether its construction, design, equipment, and color comply with all provisions of law.

Subd. 2. **INSPECTION CERTIFICATE.** No person shall drive, or no owner shall knowingly permit or cause to be driven, any school bus unless there is displayed thereon a certificate issued by the commissioner of public safety stating that on a certain date, which shall be within 13 months of the date of operation, a member of the Minnesota state patrol inspected the bus and found that on the date of inspection the bus complied with the applicable provisions of state law relating to construction, design, equipment, and color. ~~The commissioner of public safety shall provide by rule for the issuance and display of distinctive inspection certificates.~~

Subd. 3. **RULES OF COMMISSIONER.** (a) The commissioner of public safety shall provide by rule for the issuance and display of distinctive inspection certificates.

(b) The commissioner of public safety shall provide by rule a point system for evaluating the effect on safety operation of any variance from law detected during school bus inspections conducted pursuant to subdivision 1.

Subd. 4. **VIOLATIONS; PENALTY.** The state patrol shall enforce subdivision 2. A violation of subdivision 2 is a misdemeanor.

Sec. 13. Minnesota Statutes 1990, section 171.07, is amended by adding a subdivision to read:

Subd. 8. CERTIFICATION; SCHOOL BUS SAFETY LAWS. Before a driver's license may be issued or renewed, an applicant for a driver's license or renewal shall certify by signature that the applicant is aware of the duties and responsibilities required of drivers under section 169.444 to guard against jeopardizing the safety of school children around school buses and the penalties for violating that section. A failure to make this certification does not bar a prosecution for violation of section 169.444.

Sec. 14. Minnesota Statutes 1990, section 171.17, is amended to read:

171.17 **REVOCATION.**

Subdivision 1. OFFENSES. The department shall ~~forthwith~~ immediately revoke the license of ~~any a~~ driver upon receiving a record of ~~such the~~ driver's conviction of ~~any of the following offenses:~~

(1) manslaughter or criminal vehicular operation resulting from the operation of a motor vehicle;

(2) any a violation of section 169.121 or 609.487;

(3) any a felony in the commission of which a motor vehicle was used;

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(4) failure to stop and disclose identity and render aid, as required under the laws of this state, in the event of a motor vehicle accident, resulting in the death or personal injury of another;

(5) perjury or the making of a false affidavit or statement to the department under any law relating to the ownership or operation of a motor vehicle;

(6) except as this section otherwise provides, conviction, plea of guilty, or forfeiture of bail not vacated, upon three charges of violating, within a period of 12 months, any of the provisions of chapter 169; or of the rules or municipal ordinances enacted in conformance ~~therewith~~ with chapter 169, for which the accused may be punished upon conviction by imprisonment;

(7) conviction of two or more violations, within five years, of the misdemeanor offense described in section 169.444, subdivision 2, paragraph (a);

(8) conviction of the misdemeanor offense described in section 169.443, subdivision 7, or the gross misdemeanor offense described in section 169.444, subdivision 2, paragraph (b);

(9) conviction of an offense in another state ~~which~~ that, if committed in this state, would be grounds for ~~the revocation of~~ revoking the driver's license.

Subd. 2. OFFENSES BY JUVENILES. When ~~any judge~~ of a juvenile court, judge or any of its duly authorized ~~agents, agent~~ agent determines under a proceeding held under chapter 260 that ~~any a~~ a person under the age of 18 years has committed ~~any an~~ an offense defined in this section, ~~such the~~ the judge; or ~~duly~~ duly authorized agent; shall immediately report this determination to the department, and the commissioner shall immediately revoke the person's driver's license of that person.

Subd. 3. NOTICE. Upon ~~revoking the license of any person, as hereinbefore in a driver's license under~~ this chapter authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at the licensee's last known address, with postage prepaid ~~thereon.~~

Sec. 15. Minnesota Statutes 1990, section 171.18, is amended to read:

171.18 SUSPENSION.

Subdivision 1. OFFENSES. The commissioner ~~shall have authority to and~~ may suspend the license of ~~any a~~ a driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) has committed an offense for which mandatory revocation of license is required upon conviction; ~~or~~

(2) has been convicted by a court of ~~competent jurisdiction for violation of~~ violating a provision of the ~~highway traffic regulation act~~ chapter 169 or an ordi-

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nance regulating traffic and ~~where it appears from~~ department records show that the violation ~~for which the licensee was convicted~~ contributed in causing an accident resulting in the death or personal injury of another, or serious property damage; ~~or~~

(3) is an habitually reckless or negligent driver of a motor vehicle; ~~or~~

(4) is an habitual violator of the traffic laws; ~~or~~

(5) is incompetent to drive a motor vehicle as determined ~~and adjudged~~ in a judicial proceeding; ~~or~~

(6) has permitted an unlawful or fraudulent use of ~~such~~ the license; ~~or~~

(7) has committed an offense in another state ~~which~~ that, if committed in this state, would be grounds for suspension; ~~or~~

(8) has committed a violation of section 169.444, subdivision 2, paragraph (a);

(9) has committed a violation of section 171.22; ~~or~~

~~(9)~~ (10) has failed to appear in court as provided in section 169.92, subdivision 4; ~~or~~

~~(10)~~ (11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges.

~~Provided, However, that any~~ an action taken by the commissioner under clauses clause (2) ~~and or~~ (5) shall must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Subd. 2. NOTICE. Upon suspending ~~the a~~ a driver's license ~~of any person, as hereinbefore in~~ under this section ~~authorized,~~ the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at the licensee's last known address, with postage prepaid ~~thereon, and.~~

Subd. 3. HEARING. (a) ~~The licensee's written~~ licensee may request, in writing, a hearing. ~~The department~~ shall afford the requesting licensee an opportunity for a hearing within ~~not to exceed~~ 20 days after receipt of ~~such~~ the request in the county ~~wherein~~ where the licensee resides, unless the department and the licensee agree that ~~such~~ the hearing may be held in some other county.

(b) ~~Upon such~~ For the hearing, the commissioner ~~or~~ duly authorized agent may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee.

(c) ~~Upon such~~ Following the hearing, the department shall either rescind its order of suspension or, for good cause appearing therefor shown, may extend the suspension of ~~such~~ the license or revoke ~~such~~ the license.

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(d) The department shall not suspend a license for a period of more than one year.

Sec. 16. **STUDY.**

The commissioner of public safety, in consultation with the commissioners of jobs and training and education and other affected parties, shall study the application of school bus requirements to head start vehicles and drivers and shall report on the results of the study to the chairs of the transportation committees of the house and senate by February 1, 1992.

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

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>124.225, subd. 1</u>	<u>169.44, subd. 15</u>	<u>169.01, subd. 6, para. (c)</u>
<u>169.01, subd. 75</u>	<u>169.44, subd. 15</u>	<u>169.01, subd. 6, para. (c)</u>
<u>169.32</u>	<u>169.44</u>	<u>169.441 and 169.442, subd. 1</u>
<u>171.01, subd. 22</u>	<u>169.44, subd. 15</u>	<u>169.01, subd. 6, para. (c)</u>

Sec. 18. **REPEALER.**

Minnesota Statutes 1990, sections 169.44; and 169.64, subdivision 7, are repealed.

Sec. 19. **EFFECTIVE DATE.**

Sections 5, 6, and 10, subdivision 1, are effective August 1, 1991, and apply to violations occurring on or after that date.

Presented to the governor May 29, 1991

Signed by the governor June 1, 1991, 3:51 p.m.

CHAPTER 278—H.F.No. 106

An act relating to towns; providing for money from town road account to be distributed to towns by March 1, annually; amending Minnesota Statutes 1990, section 162.081, subdivisions 3 and 4.

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

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