

(d) The governor may be declared unable to discharge the powers and duties of the office if a declaration is signed by four out of five of the following persons and transmitted to the president of the senate and the speaker of the house of representatives: the chief justice of the supreme court, the lieutenant governor, the governor's chief of staff, the governor's personal physician, and a member of the governor's cabinet designated in advance by the governor. If no cabinet member has been designated, three out of four shall be sufficient. The lieutenant governor shall then discharge the powers and duties of the office of governor.

(e) The declaration remains in effect until the governor transmits to the president of the senate and the speaker of the house of representatives a written declaration that no inability exists, unless four out of five of the persons described in paragraph (d), or three out of four if no cabinet member has been designated, sign and transmit to the president of the senate and the speaker of the house of representatives within four days of the governor's declaration a declaration that the governor is unable to discharge the powers and duties of the office. In that event, the lieutenant governor shall continue to discharge the duties of the office until the legislature decides the issue, assembling within 48 hours for that purpose if not in session. If the legislature, within 21 days after receipt of the declaration that the governor is unable to discharge the powers and duties of the office or, if the legislature is not in session, within 21 days after being required to assemble, determines by two-thirds vote of both houses that the governor is unable to discharge the powers and duties of the office, the lieutenant governor shall continue to discharge the powers and duties of the office. Otherwise, the governor shall resume the powers and duties of the office.

Presented to the governor April 27, 1995

Signed by the governor April 28, 1995, 2:55 p.m.

CHAPTER 99—H.F.No. 464

An act relating to motor vehicles; limiting license plate impoundment provisions to self-propelled motor vehicles; amending Minnesota Statutes 1994, sections 168.041, subdivisions 1, 2, and 3; and 168.042, subdivisions 2, 3, 5, 13, and 14.

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

Section 1. Minnesota Statutes 1994, section 168.041, subdivision 1, is amended to read:

Subdivision 1. **DRIVING AFTER LICENSE INVALIDATED.** When a person is convicted of driving a self-propelled motor vehicle after the suspension, revocation, or cancellation of the person's driver's license or driving privileges, the court shall require the registration plates of the self-propelled motor vehicle involved in the violation owned by the person or registered in the per-

New language is indicated by underline, deletions by ~~strikeout~~.

son's name to be surrendered to the court. The court shall issue a receipt for the surrendered registration plates.

If the violator is not the owner of the self-propelled motor vehicle, the court shall require the registration plates of the motor vehicle to be surrendered to the court if the vehicle was used by the violator with the permission of the owner and the owner had knowledge of the fact that the violator's driver's license had been revoked or suspended prior to the commission of the offense.

Sec. 2. Minnesota Statutes 1994, section 168.041, subdivision 2, is amended to read:

Subd. 2. MOVING VIOLATION FOLLOWING PREVIOUS CONVICTION. If a person is convicted of violating a law or municipal ordinance, except a parking law or ordinance, regulating the operation of motor vehicles on the streets or highways, and the record of the person so convicted shows a previous conviction for driving after suspension or revocation of the person's driver's license or driving privileges, the court may direct the commissioner of public safety to suspend the driver's license of the person for a period not exceeding one year. The court may also require the registration plates of any self-propelled motor vehicle owned by the violator or registered in the violator's name to be surrendered to the court.

Sec. 3. Minnesota Statutes 1994, section 168.041, subdivision 3, is amended to read:

Subd. 3. OTHER CONVICTIONS. Except as otherwise provided in section 168.042, if a person is convicted of an offense that makes mandatory the revocation of the person's driver's license, or is convicted of driving a self-propelled motor vehicle without having a valid driver's license in force, the court may require the registration plates of any self-propelled motor vehicle owned by the person or ~~any motor vehicle~~ registered in the person's name to be surrendered to the court.

Sec. 4. Minnesota Statutes 1994, section 168.042, subdivision 2, is amended to read:

Subd. 2. VIOLATION; ISSUANCE OF IMPOUNDMENT ORDER. The commissioner shall issue a registration plate impoundment order when:

(1) a person's driver's license or driving privileges are revoked for a third violation, as defined in subdivision 1, paragraph (c), clause (1), within five years or a fourth or subsequent violation, as defined in subdivision 1, paragraph (c), clause (1), within 15 years;

(2) a person's driver's license or driving privileges are revoked for a violation of section 169.121, subdivision 3, paragraph (c), clause (4), within five years of one previous violation or within 15 years of two or more previous violations, as defined in subdivision 1, paragraph (c), clause (1); or

New language is indicated by underline, deletions by ~~strikeout~~.

(3) a person is arrested for or charged with a violation described in subdivision 1, paragraph (c), clause (2) or (3).

The order shall require the impoundment of the registration plates of the self-propelled motor vehicle involved in the violation and all self-propelled motor vehicles owned by, registered, or leased in the name of the violator, including self-propelled motor vehicles registered jointly or leased in the name of the violator and another. An impoundment order shall not be issued for the registration plates of a rental vehicle as defined in section 168.041, subdivision 10, or a vehicle registered in another state.

Sec. 5. Minnesota Statutes 1994, section 168.042, subdivision 3, is amended to read:

Subd. 3. **NOTICE OF IMPOUNDMENT.** An impoundment order is effective when the commissioner or a peace officer acting on behalf of the commissioner notifies the violator or the registered owner of the self-propelled motor vehicle of the intent to impound and order of impoundment. The notice must advise the violator of the duties and obligations set forth in subdivision 6 and of the right to obtain administrative and judicial review. The notice to the registered owner who is not the violator must include the procedure to obtain new registration plates under subdivision 8. If mailed, the notice and order of impoundment is deemed received three days after mailing to the last known address of the violator or the registered owner.

Sec. 6. Minnesota Statutes 1994, section 168.042, subdivision 5, is amended to read:

Subd. 5. **TEMPORARY PERMIT.** If the self-propelled motor vehicle is registered to the violator, the officer shall issue a temporary vehicle permit that is valid for seven days when the officer issues the notices under subdivision 4. If the self-propelled motor vehicle is registered in the name of another, the officer shall issue a temporary vehicle permit that is valid for 45 days when the notices are issued under subdivision 3. The permit must be in a form determined by the registrar and whenever practicable must be posted on the left side of the inside rear window of the vehicle. A permit is valid only for the vehicle for which it is issued.

Sec. 7. Minnesota Statutes 1994, section 168.042, subdivision 13, is amended to read:

Subd. 13. **SALE OF VEHICLE SUBJECT TO IMPOUNDMENT ORDER.** A registered owner may not sell a self-propelled motor vehicle during the time its registration plates have been ordered impounded or during the time its registration plates bear a special series number, unless:

(1) the sale is for a valid consideration;

(2) the transferee does not reside in the same household as the registered owner; and

New language is indicated by underline, deletions by ~~strikeout~~.

(3) all elements of section 168A.10 are satisfied.

The registrar may then transfer the title to the new owner upon proper application and issue new registration plates.

Sec. 8. Minnesota Statutes 1994, section 168.042, subdivision 14, is amended to read:

Subd. 14. **MISDEMEANOR OFFENSES.** A person is guilty of a misdemeanor who:

- (1) fails to comply with an impoundment order under this section;
- (2) files a false statement under subdivision 5 or 6;
- (3) operates a self-propelled motor vehicle on a street or highway when the vehicle is subject to an impoundment order issued under this section; or
- (4) fails to notify the commissioner of the impoundment order when requesting new plates.

Presented to the governor April 27, 1995

Signed by the governor April 28, 1995, 2:58 p.m.

CHAPTER 100—H.F.No. 1645

An act relating to commerce; specifying kinds of wood for certain exterior construction applications; amending Minnesota Statutes 1994, section 16B.61, subdivision 3.

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

Section 1. Minnesota Statutes 1994, section 16B.61, subdivision 3, is amended to read:

Subd. 3. **SPECIAL REQUIREMENTS.** (a) **SPACE FOR COMMUTER VANS.** The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) **SMOKE DETECTION DEVICES.** The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

(c) **DOORS IN NURSING HOMES AND HOSPITALS.** The state build-

New language is indicated by underline, deletions by ~~strikeout~~.