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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1031**

02/11/2021 Authored by Stephenson, Long and Lee  
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy  
04/12/2021 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 commerce; establishing a biennial budget for certain Department of

1.3 Commerce activities; modifying various provisions governing and administered

1.4 by the Department of Commerce; establishing a prescription drug affordability

1.5 board and related regulations; modifying various provisions regulating insurance;

1.6 establishing a student loan borrower bill of rights; modifying and adding consumer

1.7 protections; modifying provisions governing collection agencies and debt buyers;

1.8 modifying requirements for real estate appraiser continuing education; modifying

1.9 fees; establishing penalties; requiring reports; appropriating money; amending

1.10 Minnesota Statutes 2020, sections 13.712, by adding a subdivision; 45.305,

1.11 subdivision 1, by adding a subdivision; 45.306, by adding a subdivision; 45.33,

1.12 subdivision 1, by adding a subdivision; 47.59, subdivision 2; 47.60, subdivision

1.13 2; 47.601, subdivisions 2, 6; 48.512, subdivisions 2, 3, 7; 53.04, subdivision 3a;

1.14 56.131, subdivision 1; 60A.092, subdivision 10a, by adding a subdivision;

1.15 60A.0921, subdivision 2; 60A.14, subdivision 1; 60A.71, subdivision 7; 61A.245,

1.16 subdivision 4; 62J.23, subdivision 2; 65B.15, subdivision 1; 65B.43, subdivision

1.17 12; 65B.472, subdivision 1; 79.55, subdivision 10; 80G.06, subdivision 1; 82.57,

1.18 subdivisions 1, 5; 82.62, subdivision 3; 82.81, subdivision 12; 82B.021, subdivision

1.19 18, by adding subdivisions; 82B.03, by adding a subdivision; 82B.11, subdivision

1.20 3; 82B.195, by adding a subdivision; 115C.094; 174.29, subdivision 1; 174.30,

1.21 subdivisions 1, 10; 216B.62, subdivision 3b; 221.031, subdivision 3b; 256B.0625,

1.22 subdivisions 10, 17; 308A.201, subdivision 12; 325E.21, by adding subdivisions;

1.23 325F.171, by adding a subdivision; 325F.172, by adding a subdivision; 332.31,

1.24 subdivisions 3, 6, by adding subdivisions; 332.311; 332.32; 332.33, subdivisions

1.25 1, 2, 5, 5a, 7, 8, by adding a subdivision; 332.34; 332.345; 332.355; 332.37;

1.26 332.385; 332.40, subdivision 3; 332.42, subdivisions 1, 2; 386.375, subdivision

1.27 3; 514.972, subdivisions 4, 5; 514.973, subdivisions 3, 4; 514.974; 514.977;

1.28 proposing coding for new law in Minnesota Statutes, chapters 60A; 62J; 62Q;

1.29 80G; 82B; 325E; 325F; 332; proposing coding for new law as Minnesota Statutes,

1.30 chapter 58B; repealing Minnesota Statutes 2020, sections 45.017; 45.306,

1.31 subdivision 1; 60A.98; 60A.981; 60A.982; 115C.13.

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

2.2 **ARTICLE 1**

2.3 **COMMERCE FINANCE**

2.4 Section 1. **APPROPRIATIONS.**

2.5 The sums shown in the columns marked "Appropriations" are appropriated to the agencies  
 2.6 and for the purposes specified in this article. The appropriations are from the general fund,  
 2.7 or another named fund, and are available for the fiscal years indicated for each purpose.

2.8 The figures "2022" and "2023" used in this article mean that the appropriations listed under  
 2.9 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.

2.10 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"  
 2.11 is fiscal years 2022 and 2023. If an appropriation in this act is enacted more than once in  
 2.12 the 2021 legislative session, the appropriation must be given effect only once.

	<b><u>APPROPRIATIONS</u></b>
	<b><u>Available for the Year</u></b>
	<b><u>Ending June 30</u></b>
	<b><u>2022</u>                      <u>2023</u></b>

2.17 Sec. 2. **DEPARTMENT OF COMMERCE**

2.18 <b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>27,603,000</u></b>	<b><u>\$</u></b>	<b><u>26,920,000</u></b>
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2.19 Appropriations by Fund

	<u>2022</u>	<u>2023</u>
2.20 <u>General</u>	<u>24,267,000</u>	<u>24,061,000</u>
2.21 <u>Special Revenue</u>	<u>2,570,000</u>	<u>2,093,000</u>
2.22 <u>Workers'</u>		
2.23 <u>Compensation Fund</u>	<u>766,000</u>	<u>766,000</u>

2.24 The amounts that may be spent for each  
 2.25 purpose are specified in the following  
 2.26 subdivisions.

2.28 <b><u>Subd. 2. Financial Institutions</u></b>		<b><u>1,923,000</u></b>		<b><u>1,941,000</u></b>
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2.29 Appropriations by Fund

2.30 <u>General</u>	<u>1,923,000</u>	<u>1,941,000</u>
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2.31 (a) \$400,000 each year is for a grant to Prepare  
 2.32 and Prosper to develop, market, evaluate, and  
 2.33 distribute a financial services inclusion  
 2.34 program that (1) assists low-income and

3.1 financially underserved populations to build  
 3.2 savings and strengthen credit, and (2) provides  
 3.3 services to assist low-income and financially  
 3.4 underserved populations to become more  
 3.5 financially stable and secure. Money  
 3.6 remaining after the first year is available for  
 3.7 the second year.

3.8 (b) \$254,000 each year is to administer the  
 3.9 requirements of Minnesota Statutes, chapter  
 3.10 58B.

3.11 **Subd. 3. Administrative Services** 9,346,000 8,821,000

3.12 (a) \$392,000 in the first year and \$401,000 in  
 3.13 the second year are for additional compliance  
 3.14 efforts with unclaimed property. The  
 3.15 commissioner may issue contracts for these  
 3.16 services.

3.17 (b) \$5,000 each year is for Real Estate  
 3.18 Appraisal Advisory Board compensation  
 3.19 pursuant to Minnesota Statutes, section  
 3.20 82B.073, subdivision 2a.

3.21 (c) \$353,000 each year is for system  
 3.22 modernization and cybersecurity upgrades for  
 3.23 the unclaimed property program.

3.24 (d) \$564,000 each year is for additional  
 3.25 operations of the unclaimed property program.

3.26 (e) \$832,000 in the first year and \$208,000 in  
 3.27 the second year are for IT system  
 3.28 modernization. The base in fiscal year 2024  
 3.29 and beyond is \$0.

3.30 **Subd. 4. Telecommunications** 3,443,000 3,183,000

3.31	<u>Appropriations by Fund</u>		
3.32	<u>General</u>	<u>1,073,000</u>	<u>1,090,000</u>
3.33	<u>Special Revenue</u>	<u>2,370,000</u>	<u>2,093,000</u>

4.1 \$2,370,000 in the first year and \$2,093,000 in  
4.2 the second year are from the  
4.3 telecommunications access Minnesota fund  
4.4 account in the special revenue fund for the  
4.5 following transfers:

4.6 (1) \$1,620,000 each year is to the  
4.7 commissioner of human services to  
4.8 supplement the ongoing operational expenses  
4.9 of the Commission of Deaf, DeafBlind, and  
4.10 Hard-of-Hearing Minnesotans. This transfer  
4.11 is subject to Minnesota Statutes, section  
4.12 16A.281;

4.13 (2) \$290,000 each year is to the chief  
4.14 information officer to coordinate technology  
4.15 accessibility and usability;

4.16 (3) \$410,000 in the first year and \$133,000 in  
4.17 the second year are to the Legislative  
4.18 Coordinating Commission for captioning  
4.19 legislative coverage. This transfer is subject  
4.20 to Minnesota Statutes, section 16A.281.

4.21 Notwithstanding any law to the contrary, the  
4.22 commissioner of management and budget must  
4.23 determine whether \$310,000 of the  
4.24 expenditures authorized under this clause for  
4.25 the first year are eligible uses of federal  
4.26 funding received under the Coronavirus State  
4.27 Fiscal Recovery Fund or any other federal  
4.28 funds received by the state under the American  
4.29 Rescue Plan Act, Public Law 117-2. If the  
4.30 commissioner of management and budget  
4.31 determines an expenditure is eligible for  
4.32 funding under Public Law 117-2, the amount  
4.33 of the eligible expenditure is appropriated  
4.34 from the account where the federal funds have  
4.35 been deposited and the corresponding

5.1 Telecommunications Access Minnesota Fund  
 5.2 amounts appropriated under this clause cancel  
 5.3 to the Telecommunications Access Minnesota  
 5.4 Fund; and  
 5.5 (4) \$50,000 each year is to the Office of  
 5.6 MN.IT Services for a consolidated access fund  
 5.7 to provide grants or services to other state  
 5.8 agencies related to accessibility of web-based  
 5.9 services.

5.10 **Subd. 5. Enforcement** 6,231,000 5,632,000

	<u>Appropriations by Fund</u>		
5.12	<u>General</u>	<u>5,825,000</u>	<u>5,426,000</u>
5.13	<u>Workers'</u>		
5.14	<u>Compensation</u>	<u>206,000</u>	<u>206,000</u>
5.15	<u>Special Revenue</u>		
5.16	<u>Fund</u>	<u>200,000</u>	<u>-0-</u>

5.17 (a) \$283,000 in the first year and \$286,000 in  
 5.18 the second year are for health care  
 5.19 enforcement.

5.20 (b) \$201,000 each year is from the workers'  
 5.21 compensation fund.

5.22 (c) \$5,000 each year is from the workers'  
 5.23 compensation fund for insurance fraud  
 5.24 specialist salary increases.

5.25 (d) Notwithstanding Minnesota Statutes,  
 5.26 section 297I.11, subdivision 2, \$200,000 in  
 5.27 the first year is from the auto theft prevention  
 5.28 account in the special revenue fund for the  
 5.29 catalytic converter theft prevention pilot  
 5.30 project. This balance does not cancel but is  
 5.31 available in the second year.

5.32 (e) \$190,000 in the first year is from the  
 5.33 general fund for the catalytic converter theft  
 5.34 prevention pilot project. This balance does not

6.1 cancel but is available in the second year. The  
 6.2 general fund base for the catalytic converter  
 6.3 theft prevention pilot project in fiscal year  
 6.4 2024 and fiscal year 2025 is \$92,000.

6.5 (f) \$300,000 in the first year is transferred  
 6.6 from the consumer education account in the  
 6.7 special revenue fund to the general fund.

6.8 \$300,000 in the first year is to the  
 6.9 commissioner of education to issue grants of  
 6.10 \$150,000 each year to the Minnesota Council  
 6.11 on Economic Education. This balance does  
 6.12 not cancel but is available in the second year.

6.13 **Subd. 6. Insurance** 6,660,000 7,343,000

	<u>Appropriations by Fund</u>						
6.14							
6.15	<u>General</u>	<u>6,100,000</u>		<u>6,783,000</u>			
6.16	<u>Workers'</u>						
6.17	<u>Compensation</u>	<u>560,000</u>		<u>560,000</u>			

6.18 (a) \$656,000 in the first year and \$671,000 in  
 6.19 the second year are for health insurance rate  
 6.20 review staffing.

6.21 (b) \$421,000 in the first year and \$431,000 in  
 6.22 the second year are for actuarial work to  
 6.23 prepare for implementation of principle-based  
 6.24 reserves.

6.25 (c) \$30,000 in the first year is to pay for two  
 6.26 years of membership dues for Minnesota to  
 6.27 the National Conference of Insurance  
 6.28 Legislators.

6.29 (d) \$428,000 in the first year and \$432,000 in  
 6.30 the second year are for licensing activities  
 6.31 under Minnesota Statutes, chapter 62W. Of  
 6.32 this amount, \$246,000 each year must be used  
 6.33 only for staff costs associated with two

- 7.1 enforcement investigators to enforce  
7.2 Minnesota Statutes, chapter 62W.
- 7.3 (e) \$560,000 each year is from the workers'  
7.4 compensation fund.
- 7.5 (f) \$197,000 in the first year is to establish the  
7.6 Prescription Drug Affordability Board under  
7.7 Minnesota Statutes, section 62J.87. Following  
7.8 the first meeting of the board and prior to June  
7.9 30, 2022, the commissioner shall transfer any  
7.10 funds remaining from this appropriation to the  
7.11 board.
- 7.12 (g) \$358,000 in the second year is to the  
7.13 Prescription Drug Affordability Board  
7.14 established under Minnesota Statutes, section  
7.15 62J.87, to implement the Prescription Drug  
7.16 Affordability Act.
- 7.17 (h) \$456,000 in the second year is to the  
7.18 attorney general's office to enforce the  
7.19 Prescription Drug Affordability Act.

7.20 **Sec. 3. CANCELLATION; FISCAL YEAR 2021.**

- 7.21 \$1,220,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First  
7.22 Special Session chapter 7, article 1, section 6, subdivision 3, is canceled.

7.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.24 **Sec. 4. DEPARTMENT OF COMMERCE; APPROPRIATION.**

- 7.25 (a) \$4,000 in fiscal year 2021 is appropriated from the workers' compensation fund to  
7.26 the commissioner of commerce for insurance fraud specialist salary increases.

7.27 (b) \$97,000 in fiscal year 2021 is appropriated from the general fund to the commissioner  
7.28 of commerce for enforcement.

7.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

## ARTICLE 2

## PRESCRIPTION DRUG AFFORDABILITY BOARD

Section 1. [62J.85] CITATION.

Sections 62J.85 to 62J.95 may be cited as the "Prescription Drug Affordability Act."

Sec. 2. [62J.86] DEFINITIONS.

Subdivision 1. **Definitions.** For the purposes of sections 62J.85 to 62J.95, the following terms have the meanings given them.

Subd. 2. **Advisory council.** "Advisory council" means the Prescription Drug Affordability Advisory Council established under section 62J.88.

Subd. 3. **Biologic.** "Biologic" means a drug that is produced or distributed in accordance with a biologics license application approved under Code of Federal Regulations, title 42, section 447.502.

Subd. 4. **Biosimilar.** "Biosimilar" has the meaning given in section 62J.84, subdivision 2, paragraph (b).

Subd. 5. **Board.** "Board" means the Prescription Drug Affordability Board established under section 62J.87.

Subd. 6. **Brand name drug.** "Brand name drug" has the meaning given in section 62J.84, subdivision 2, paragraph (c).

Subd. 7. **Generic drug.** "Generic drug" has the meaning given in section 62J.84, subdivision 2, paragraph (e).

Subd. 8. **Group purchaser.** "Group purchaser" has the meaning given in section 62J.03, subdivision 6, and includes pharmacy benefit managers, as defined in section 62W.02, subdivision 15.

Subd. 9. **Manufacturer.** "Manufacturer" means an entity that:

(1) engages in the manufacture of a prescription drug product or enters into a lease with another manufacturer to market and distribute a prescription drug product under the entity's own name; and

(2) sets or changes the wholesale acquisition cost of the prescription drug product it manufactures or markets.



9.1 Subd. 10. **Prescription drug product.** "Prescription drug product" means a brand name  
9.2 drug, a generic drug, a biologic, or a biosimilar.

9.3 Subd. 11. **Wholesale acquisition cost or WAC.** "Wholesale acquisition cost" or "WAC"  
9.4 has the meaning given in United States Code, title 42, section 1395W-3a(c)(6)(B).

9.5 Sec. 3. **[62J.87] PRESCRIPTION DRUG AFFORDABILITY BOARD.**

9.6 Subdivision 1. **Establishment.** The commissioner of commerce shall establish the  
9.7 Prescription Drug Affordability Board, which shall be governed as a board under section  
9.8 15.012, paragraph (a), to protect consumers, state and local governments, health plan  
9.9 companies, providers, pharmacies, and other health care system stakeholders from  
9.10 unaffordable costs of certain prescription drugs.

9.11 Subd. 2. **Membership.** (a) The Prescription Drug Affordability Board consists of nine  
9.12 members appointed as follows:

9.13 (1) seven voting members appointed by the governor;

9.14 (2) one nonvoting member appointed by the majority leader of the senate; and

9.15 (3) one nonvoting member appointed by the speaker of the house.

9.16 (b) All members appointed must have knowledge and demonstrated expertise in  
9.17 pharmaceutical economics and finance or health care economics and finance. A member  
9.18 must not be an employee of, a board member of, or a consultant to a manufacturer or trade  
9.19 association for manufacturers or a pharmacy benefit manager or trade association for  
9.20 pharmacy benefit managers.

9.21 (c) Initial appointments shall be made by January 1, 2022.

9.22 Subd. 3. **Terms.** (a) Board appointees shall serve four-year terms, except that initial  
9.23 appointees shall serve staggered terms of two, three, or four years as determined by lot by  
9.24 the secretary of state. A board member shall serve no more than two consecutive terms.

9.25 (b) A board member may resign at any time by giving written notice to the board.

9.26 Subd. 4. **Chair; other officers.** (a) The governor shall designate an acting chair from  
9.27 the members appointed by the governor. The acting chair shall convene the first meeting  
9.28 of the board.

9.29 (b) The board shall elect a chair to replace the acting chair at the first meeting of the  
9.30 board by a majority of the members. The chair shall serve for one year.

10.1 (c) The board shall elect a vice-chair and other officers from the board's membership as  
10.2 the board deems necessary.

10.3 Subd. 5. **Staff; technical assistance.** (a) The board shall hire an executive director and  
10.4 other staff, who shall serve in the unclassified service. The executive director must have  
10.5 knowledge and demonstrated expertise in pharmacoeconomics, pharmacology, health policy,  
10.6 health services research, medicine, or a related field or discipline. The board may employ  
10.7 or contract for professional and technical assistance as the board deems necessary to perform  
10.8 the board's duties.

10.9 (b) The attorney general shall provide legal services to the board.

10.10 Subd. 6. **Compensation.** The board members shall not receive compensation but may  
10.11 receive reimbursement for expenses as authorized under section 15.059, subdivision 3.

10.12 Subd. 7. **Meetings.** (a) Meetings of the board are subject to chapter 13D. The board shall  
10.13 meet publicly at least every three months to review prescription drug product information  
10.14 submitted to the board under section 62J.90. If there are no pending submissions, the chair  
10.15 of the board may cancel or postpone the required meeting. The board may meet in closed  
10.16 session when reviewing proprietary information, as determined under the standards developed  
10.17 in accordance with section 62J.91, subdivision 4.

10.18 (b) The board shall announce each public meeting at least two weeks prior to the  
10.19 scheduled date of the meeting. Any materials for the meeting shall be made public at least  
10.20 one week prior to the scheduled date of the meeting.

10.21 (c) At each public meeting, the board shall provide the opportunity for comments from  
10.22 the public, including the opportunity for written comments to be submitted to the board  
10.23 prior to a decision by the board.

10.24 Sec. 4. **[62J.88] PRESCRIPTION DRUG AFFORDABILITY ADVISORY COUNCIL.**

10.25 Subdivision 1. **Establishment.** The governor shall appoint a 12-member stakeholder  
10.26 advisory council to provide advice to the board on drug cost issues and to represent  
10.27 stakeholders' views. The members of the advisory council shall be appointed based on the  
10.28 members' knowledge and demonstrated expertise in one or more of the following areas: the  
10.29 pharmaceutical business; practice of medicine; patient perspectives; health care cost trends  
10.30 and drivers; clinical and health services research; and the health care marketplace.

10.31 Subd. 2. **Membership.** The council's membership shall consist of the following:

10.32 (1) two members representing patients and health care consumers;

- 11.1 (2) two members representing health care providers;  
11.2 (3) one member representing health plan companies;  
11.3 (4) two members representing employers, with one member representing large employers  
11.4 and one member representing small employers;  
11.5 (5) one member representing government employee benefit plans;  
11.6 (6) one member representing pharmaceutical manufacturers;  
11.7 (7) one member who is a health services clinical researcher;  
11.8 (8) one member who is a pharmacologist; and  
11.9 (9) one member with expertise in health economics representing the commissioner of  
11.10 health.

11.11 Subd. 3. **Terms.** (a) The initial appointments to the advisory council shall be made by  
11.12 January 1, 2022. The initial appointed advisory council members shall serve staggered terms  
11.13 of two, three, or four years determined by lot by the secretary of state. Following the initial  
11.14 appointments, the advisory council members shall serve four-year terms.

11.15 (b) Removal and vacancies of advisory council members is governed by section 15.059.

11.16 Subd. 4. **Compensation.** Advisory council members may be compensated according to  
11.17 section 15.059.

11.18 Subd. 5. **Meetings.** Meetings of the advisory council are subject to chapter 13D. The  
11.19 advisory council shall meet publicly at least every three months to advise the board on drug  
11.20 cost issues related to the prescription drug product information submitted to the board under  
11.21 section 62J.90.

11.22 Subd. 6. **Exemption.** Notwithstanding section 15.059, the advisory council does not  
11.23 expire.

11.24 Sec. 5. **[62J.89] CONFLICTS OF INTEREST.**

11.25 Subdivision 1. **Definition.** For purposes of this section, "conflict of interest" means a  
11.26 financial or personal association that has the potential to bias or have the appearance of  
11.27 biasing a person's decisions in matters related to the board, the advisory council, or in the  
11.28 conduct of the board's or council's activities. A conflict of interest includes any instance in  
11.29 which a person, a person's immediate family member, including a spouse, parent, child, or  
11.30 other legal dependent, or an in-law of any of the preceding individuals has received or could  
11.31 receive a direct or indirect financial benefit of any amount deriving from the result or findings

12.1 of a decision or determination of the board. For purposes of this section, a financial benefit  
12.2 includes honoraria, fees, stock, the value of the member's, immediate family member's, or  
12.3 in-law's stock holdings, and any direct financial benefit deriving from the finding of a review  
12.4 conducted under sections 62J.85 to 62J.95. Ownership of securities is not a conflict of  
12.5 interest if the securities are: (1) part of a diversified mutual or exchange traded fund; or (2)  
12.6 in a tax-deferred or tax-exempt retirement account that is administered by an independent  
12.7 trustee.

12.8 Subd. 2. **General.** (a) Prior to the acceptance of an appointment or employment, or prior  
12.9 to entering into a contractual agreement, a board or advisory council member, board staff  
12.10 member, or third-party contractor must disclose to the appointing authority or the board  
12.11 any conflicts of interest. The information disclosed shall include the type, nature, and  
12.12 magnitude of the interests involved.

12.13 (b) A board member, board staff member, or third-party contractor with a conflict of  
12.14 interest with regard to any prescription drug product under review must recuse themselves  
12.15 from any discussion, review, decision, or determination made by the board relating to the  
12.16 prescription drug product.

12.17 (c) Any conflict of interest must be disclosed in advance of the first meeting after the  
12.18 conflict is identified or within five days after the conflict is identified, whichever is earlier.

12.19 Subd. 3. **Prohibitions.** Board members, board staff, or third-party contractors are  
12.20 prohibited from accepting gifts, bequeaths, or donations of services or property that raise  
12.21 the specter of a conflict of interest or have the appearance of injecting bias into the activities  
12.22 of the board.

12.23 Sec. 6. **[62J.90] PRESCRIPTION DRUG PRICE INFORMATION; DECISION TO**  
12.24 **CONDUCT COST REVIEW.**

12.25 Subdivision 1. **Drug price information from the commissioner of health and other**  
12.26 **sources.** (a) The commissioner of health shall provide to the board the information reported  
12.27 to the commissioner by drug manufacturers under section 62J.84, subdivisions 3, 4, and 5.  
12.28 The commissioner shall provide this information to the board within 30 days of the date the  
12.29 information is received from drug manufacturers.

12.30 (b) The board shall subscribe to one or more prescription drug pricing files, such as  
12.31 Medispan or FirstDatabank, or as otherwise determined by the board.

12.32 Subd. 2. **Identification of certain prescription drug products.** (a) The board, in  
12.33 consultation with the advisory council, shall identify the following prescription drug products:

13.1 (1) brand name drugs or biologics for which the WAC increases by more than ten percent  
13.2 or by more than \$10,000 during any 12-month period or course of treatment if less than 12  
13.3 months, after adjusting for changes in the Consumer Price Index (CPI);

13.4 (2) brand name drugs or biologics that have been introduced at a WAC of \$30,000 or  
13.5 more per calendar year or per course of treatment;

13.6 (3) biosimilar drugs that have been introduced at a WAC that is not at least 15 percent  
13.7 lower than the referenced brand name biologic at the time the biosimilar is introduced; and

13.8 (4) generic drugs for which the WAC:

13.9 (i) is \$100 or more, after adjusting for changes in the Consumer Price Index (CPI), for:

13.10 (A) a 30-day supply lasting a patient for a period of 30 consecutive days based on the  
13.11 recommended dosage approved for labeling by the United States Food and Drug  
13.12 Administration (FDA);

13.13 (B) a supply lasting a patient for fewer than 30 days based on recommended dosage  
13.14 approved for labeling by the FDA; or

13.15 (C) one unit of the drug if the labeling approved by the FDA does not recommend a  
13.16 finite dosage; and

13.17 (ii) is increased by 200 percent or more during the immediate preceding 12-month period,  
13.18 as determined by the difference between the resulting WAC and the average of the WAC  
13.19 reported over the preceding 12 months, after adjusting for changes in the Consumer Price  
13.20 Index (CPI).

13.21 (b) The board, in consultation with the advisory council, shall identify prescription drug  
13.22 products not described in paragraph (a) that may impose costs that create significant  
13.23 affordability challenges for the state health care system or for patients, including but not  
13.24 limited to drugs to address public health emergencies.

13.25 (c) The board shall make available to the public the names and related price information  
13.26 of the prescription drug products identified under this subdivision, with the exception of  
13.27 information determined by the board to be proprietary under the standards developed by  
13.28 the board under section 62J.91, subdivision 4.

13.29 Subd. 3. **Determination to proceed with review.** (a) The board may initiate a cost  
13.30 review of a prescription drug product identified by the board under this section.

13.31 (b) The board shall consider requests by the public for the board to proceed with a cost  
13.32 review of any prescription drug product identified under this section.

14.1 (c) If there is no consensus among the members of the board with respect to whether or  
14.2 not to initiate a cost review of a prescription drug product, any member of the board may  
14.3 request a vote to determine whether or not to review the cost of the prescription drug product.

14.4 **Sec. 7. [62J.91] PRESCRIPTION DRUG PRODUCT REVIEWS.**

14.5 Subdivision 1. **General.** Once a decision by the board has been made to proceed with  
14.6 a cost review of a prescription drug product, the board shall conduct the review and make  
14.7 a determination as to whether appropriate utilization of the prescription drug under review,  
14.8 based on utilization that is consistent with the United States Food and Drug Administration  
14.9 (FDA) label or standard medical practice, has led or will lead to affordability challenges  
14.10 for the state health care system or for patients.

14.11 Subd. 2. **Review considerations.** In reviewing the cost of a prescription drug product,  
14.12 the board may consider the following factors:

14.13 (1) the price at which the prescription drug product has been and will be sold in the state;

14.14 (2) the average monetary price concession, discount, or rebate the manufacturer provides  
14.15 to a group purchaser in this state as reported by the manufacturer and the group purchaser  
14.16 expressed as a percent of the WAC for prescription drug product under review;

14.17 (3) the price at which therapeutic alternatives have been or will be sold in the state;

14.18 (4) the average monetary price concession, discount, or rebate the manufacturer provides  
14.19 or is expected to provide to a group purchaser in the state or is expected to provide to group  
14.20 purchasers in the state for therapeutic alternatives;

14.21 (5) the cost to group purchasers based on patient access consistent with the United States  
14.22 Food and Drug Administration (FDA) labeled indications;

14.23 (6) the impact on patient access resulting from the cost of the prescription drug product  
14.24 relative to insurance benefit design;

14.25 (7) the current or expected dollar value of drug-specific patient access programs that are  
14.26 supported by manufacturers;

14.27 (8) the relative financial impacts to health, medical, or other social services costs that  
14.28 can be quantified and compared to baseline effects of existing therapeutic alternatives;

14.29 (9) the average patient co-pay or other cost-sharing for the prescription drug product in  
14.30 the state;

14.31 (10) any information a manufacturer chooses to provide; and

15.1 (11) any other factors as determined by the board.

15.2 Subd. 3. **Further review factors.** If, after considering the factors described in subdivision  
15.3 2, the board is unable to determine whether a prescription drug product will produce or has  
15.4 produced an affordability challenge, the board may consider:

15.5 (1) manufacturer research and development costs, as indicated on the manufacturer's  
15.6 federal tax filing for the most recent tax year in proportion to the manufacturer's sales in  
15.7 the state;

15.8 (2) that portion of direct-to-consumer marketing costs eligible for favorable federal tax  
15.9 treatment in the most recent tax year that are specific to the prescription drug product under  
15.10 review and that are multiplied by the ratio of total manufacturer in-state sales to total  
15.11 manufacturer sales in the United States for the product under review;

15.12 (3) gross and net manufacturer revenues for the most recent tax year;

15.13 (4) any information and research related to the manufacturer's selection of the introductory  
15.14 price or price increase, including but not limited to:

15.15 (i) life cycle management;

15.16 (ii) market competition and context; and

15.17 (iii) projected revenue; and

15.18 (5) any additional factors determined by the board to be relevant.

15.19 Subd. 4. **Public data; proprietary information.** (a) Any submission made to the board  
15.20 related to a drug cost review shall be made available to the public, with the exception of  
15.21 information determined by the board to be proprietary.

15.22 (b) The board shall establish the standards for the information to be considered proprietary  
15.23 under paragraph (a) and section 62J.90, subdivision 2, including standards for heightened  
15.24 consideration of proprietary information for submissions for a cost review of a drug that is  
15.25 not yet approved by the FDA.

15.26 (c) Prior to the board establishing the standards under paragraph (b), the public shall be  
15.27 provided notice and the opportunity to submit comments.

15.28 Sec. 8. **[62J.92] DETERMINATIONS; COMPLIANCE; REMEDIES.**

15.29 Subdivision 1. **Upper payment limit.** (a) In the event the board finds that the spending  
15.30 on a prescription drug product reviewed under section 62J.91 creates an affordability

16.1 challenge for the state health care system or for patients, the board shall establish an upper  
16.2 payment limit after considering:

16.3 (1) the cost to administer the drug;

16.4 (2) the cost to deliver the drug to consumers;

16.5 (3) the range of prices at which the drug is sold in the United States according to one or  
16.6 more pricing files accessed under section 62J.90, subdivision 1, and the range at which  
16.7 pharmacies are reimbursed in Canada; and

16.8 (4) any other relevant pricing and administrative cost information for the drug.

16.9 (b) The upper payment limit shall apply to all public and private purchases, payments,  
16.10 and payer reimbursements for the prescription drug product that is intended for individuals  
16.11 in the state in person, by mail, or by other means.

16.12 Subd. 2. **Noncompliance.** (a) The failure of an entity to comply with an upper payment  
16.13 limit established by the board under this section shall be referred to the Office of the Attorney  
16.14 General.

16.15 (b) If the Office of the Attorney General finds that an entity was noncompliant with the  
16.16 upper payment limit requirements, the attorney general may pursue remedies consistent  
16.17 with chapter 8 or appropriate criminal charges if there is evidence of intentional profiteering.

16.18 (c) An entity who obtains price concessions from a drug manufacturer that result in a  
16.19 lower net cost to the stakeholder than the upper payment limit established by the board shall  
16.20 not be considered to be in noncompliance.

16.21 (d) The Office of the Attorney General may provide guidance to stakeholders concerning  
16.22 activities that could be considered noncompliant.

16.23 Subd. 3. **Appeals.** (a) A person affected by a decision of the board may request an appeal  
16.24 of the board's decision within 30 days of the date of the decision. The board shall hear the  
16.25 appeal and render a decision within 60 days of the hearing.

16.26 (b) All appeal decisions are subject to judicial review in accordance with chapter 14.

16.27 Sec. 9. **[62J.93] REPORTS.**

16.28 Beginning March 1, 2022, and each March 1 thereafter, the board shall submit a report  
16.29 to the governor and legislature on general price trends for prescription drug products and  
16.30 the number of prescription drug products that were subject to the board's cost review and



17.1 analysis, including the result of any analysis as well as the number and disposition of appeals  
17.2 and judicial reviews.

17.3 Sec. 10. **[62J.94] ERISA PLANS AND MEDICARE DRUG PLANS.**

17.4 (a) Nothing in sections 62J.85 to 62J.95 shall be construed to require ERISA plans or  
17.5 Medicare Part D plans to comply with decisions of the board, but are free to choose to  
17.6 exceed the upper payment limit established by the board under section 62J.92.

17.7 (b) Providers who dispense and administer drugs in the state must bill all payers no more  
17.8 than the upper payment limit without regard to whether or not an ERISA plan or Medicare  
17.9 Part D plan chooses to reimburse the provider in an amount greater than the upper payment  
17.10 limit established by the board.

17.11 (c) For purposes of this section, an ERISA plan or group health plan is an employee  
17.12 welfare benefit plan established by or maintained by an employer or an employee  
17.13 organization, or both, that provides employer sponsored health coverage to employees and  
17.14 the employee's dependents and is subject to the Employee Retirement Income Security Act  
17.15 of 1974 (ERISA).

17.16 Sec. 11. **[62J.95] SEVERABILITY.**

17.17 If any provision of sections 62J.85 to 62J.94 or the application of sections 62J.85 to  
17.18 62J.94 to any person or circumstance is held invalid for any reason in a court of competent  
17.19 jurisdiction, the invalidity does not affect other provisions or any other application of sections  
17.20 62J.85 to 62J.94 that can be given effect without the invalid provision or application.

17.21 **ARTICLE 3**

17.22 **INSURANCE**

17.23 Section 1. Minnesota Statutes 2020, section 60A.092, subdivision 10a, is amended to read:

17.24 Subd. 10a. **Other jurisdictions.** The reinsurance is ceded and credit allowed to an  
17.25 assuming insurer not meeting the requirements of subdivision 2, 3, 4, 5, ~~or 10~~, or 10b, but  
17.26 only with respect to the insurance of risks located in jurisdictions where the reinsurance is  
17.27 required by applicable law or regulation of that jurisdiction.

17.28 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to reinsurance  
17.29 contracts entered into or renewed on or after that date.

18.1 Sec. 2. Minnesota Statutes 2020, section 60A.092, is amended by adding a subdivision to  
18.2 read:

18.3 Subd. 10b. Credit allowed; reciprocal jurisdiction. (a) Credit shall be allowed when  
18.4 the reinsurance is ceded to an assuming insurer meeting each of the following conditions:

18.5 (1) the assuming insurer must have its head office in or be domiciled in, as applicable,  
18.6 and be licensed in a reciprocal jurisdiction. A "reciprocal jurisdiction" means a jurisdiction  
18.7 that is:

18.8 (i) a non-United States jurisdiction that is subject to an in-force covered agreement with  
18.9 the United States, each within its legal authority, or, in the case of a covered agreement  
18.10 between the United States and the European Union, is a member state of the European  
18.11 Union. For purposes of this subdivision, a "covered agreement" means an agreement entered  
18.12 into pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, United  
18.13 States Code, title 31, sections 313 and 314, that is currently in effect or in a period of  
18.14 provisional application and addresses the elimination, under specified conditions, of collateral  
18.15 requirements as a condition for entering into any reinsurance agreement with a ceding insurer  
18.16 domiciled in Minnesota or for allowing the ceding insurer to recognize credit for reinsurance;

18.17 (ii) a United States jurisdiction that meets the requirements for accreditation under the  
18.18 National Association of Insurance Commissioners (NAIC) financial standards and  
18.19 accreditation program; or

18.20 (iii) a qualified jurisdiction, as determined by the commissioner, which is not otherwise  
18.21 described in item (i) or (ii) and which meets the following additional requirements, consistent  
18.22 with the terms and conditions of in-force covered agreements:

18.23 (A) provides that an insurer which has its head office or is domiciled in such qualified  
18.24 jurisdiction shall receive credit for reinsurance ceded to a United States-domiciled assuming  
18.25 insurer in the same manner as credit for reinsurance is received for reinsurance assumed by  
18.26 insurers domiciled in such qualified jurisdiction;

18.27 (B) does not require a United States-domiciled assuming insurer to establish or maintain  
18.28 a local presence as a condition for entering into a reinsurance agreement with any ceding  
18.29 insurer subject to regulation by the non-United States jurisdiction or as a condition to allow  
18.30 the ceding insurer to recognize credit for such reinsurance;

18.31 (C) recognizes the United States state regulatory approach to group supervision and  
18.32 group capital, by providing written confirmation by a competent regulatory authority, in  
18.33 such qualified jurisdiction, that insurers and insurance groups that are domiciled or maintain

19.1 their headquarters in this state or another jurisdiction accredited by the NAIC shall be subject  
19.2 only to worldwide prudential insurance group supervision including worldwide group  
19.3 governance, solvency and capital, and reporting, as applicable, by the commissioner or the  
19.4 commissioner of the domiciliary state and will not be subject to group supervision at the  
19.5 level of the worldwide parent undertaking of the insurance or reinsurance group by the  
19.6 qualified jurisdiction; and

19.7 (D) provides written confirmation by a competent regulatory authority in such qualified  
19.8 jurisdiction that information regarding insurers and their parent, subsidiary, or affiliated  
19.9 entities, if applicable, shall be provided to the commissioner in accordance with a  
19.10 memorandum of understanding or similar document between the commissioner and such  
19.11 qualified jurisdiction, including but not limited to the International Association of Insurance  
19.12 Supervisors Multilateral Memorandum of Understanding or other multilateral memoranda  
19.13 of understanding coordinated by the NAIC;

19.14 (2) the assuming insurer must have and maintain, on an ongoing basis, minimum capital  
19.15 and surplus, or its equivalent, calculated according to the methodology of its domiciliary  
19.16 jurisdiction, on at least an annual basis as of the preceding December 31 or on the date  
19.17 otherwise statutorily reported to the reciprocal jurisdiction, in the following amounts:

19.18 (i) no less than \$250,000,000; or

19.19 (ii) if the assuming insurer is an association, including incorporated and individual  
19.20 unincorporated underwriters:

19.21 (A) minimum capital and surplus equivalents, net of liabilities, or own funds of the  
19.22 equivalent of at least \$250,000,000; and

19.23 (B) a central fund containing a balance of the equivalent of at least \$250,000,000;

19.24 (3) the assuming insurer must have and maintain, on an ongoing basis, a minimum  
19.25 solvency or capital ratio, as applicable, as follows:

19.26 (i) if the assuming insurer has its head office or is domiciled in a reciprocal jurisdiction  
19.27 defined in clause (1), item (i), the ratio specified in the applicable covered agreement;

19.28 (ii) if the assuming insurer is domiciled in a reciprocal jurisdiction defined in clause (1),  
19.29 item (ii), a risk-based capital ratio of 300 percent of the authorized control level, calculated  
19.30 in accordance with the formula developed by the NAIC; or

19.31 (iii) if the assuming insurer is domiciled in a Reciprocal Jurisdiction defined in clause  
19.32 (1), item (iii), after consultation with the reciprocal jurisdiction and considering any

20.1 recommendations published through the NAIC Committee Process, such solvency or capital  
20.2 ratio as the commissioner determines to be an effective measure of solvency;

20.3 (4) the assuming insurer must agree and provide adequate assurance in the form of a  
20.4 properly executed Form AR-1, Form CR-1, and Form RJ-1 of its agreement to the following:

20.5 (i) the assuming insurer must provide prompt written notice and explanation to the  
20.6 commissioner if it falls below the minimum requirements set forth in clause (2) or (3), or  
20.7 if any regulatory action is taken against the assuming insurer for serious noncompliance  
20.8 with applicable law;

20.9 (ii) the assuming insurer must consent in writing to the jurisdiction of the courts of  
20.10 Minnesota and to the appointment of the commissioner as agent for service of process. The  
20.11 commissioner may require that consent for service of process be provided to the  
20.12 commissioner and included in each reinsurance agreement. Nothing in this subdivision shall  
20.13 limit or in any way alter the capacity of parties to a reinsurance agreement to agree to  
20.14 alternative dispute resolution mechanisms, except to the extent such agreements are  
20.15 unenforceable under applicable insolvency or delinquency laws;

20.16 (iii) the assuming insurer must consent in writing to pay all final judgments, wherever  
20.17 enforcement is sought, obtained by a ceding insurer or its legal successor, that have been  
20.18 declared enforceable in the jurisdiction where the judgment was obtained;

20.19 (iv) each reinsurance agreement must include a provision requiring the assuming insurer  
20.20 to provide security in an amount equal to 100 percent of the assuming insurer's liabilities  
20.21 attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists  
20.22 enforcement of a final judgment that is enforceable under the law of the jurisdiction in which  
20.23 it was obtained or a properly enforceable arbitration award, whether obtained by the ceding  
20.24 insurer or by its legal successor on behalf of its resolution estate;

20.25 (v) the assuming insurer must confirm that it is not presently participating in any solvent  
20.26 scheme of arrangement which involves this state's ceding insurers, and agree to notify the  
20.27 ceding insurer and the commissioner and to provide security in an amount equal to 100  
20.28 percent of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer  
20.29 enter into such a solvent scheme of arrangement. The security shall be in a form consistent  
20.30 with sections 60A.092, subdivision 10, 60A.093, 60A.096, and 60A.097. For purposes of  
20.31 this section, the term "solvent scheme of arrangement" means a foreign or alien statutory  
20.32 or regulatory compromise procedure subject to requisite majority creditor approval and  
20.33 judicial sanction in the assuming insurer's home jurisdiction either to finally commute  
20.34 liabilities of duly noticed classed members or creditors of a solvent debtor, or to reorganize

21.1 or restructure the debts and obligations of a solvent debtor on a final basis, and which may  
21.2 be subject to judicial recognition and enforcement of the arrangement by a governing  
21.3 authority outside the ceding insurer's home jurisdiction; and

21.4 (vi) the assuming insurer must agree in writing to meet the applicable information filing  
21.5 requirements set forth in clause (5);

21.6 (5) the assuming insurer or its legal successor must provide, if requested by the  
21.7 commissioner, on behalf of itself and any legal predecessors, the following documentation  
21.8 to the commissioner:

21.9 (i) for the two years preceding entry into the reinsurance agreement and on an annual  
21.10 basis thereafter, the assuming insurer's annual audited financial statements, in accordance  
21.11 with the applicable law of the jurisdiction of its head office or domiciliary jurisdiction, as  
21.12 applicable, including the external audit report;

21.13 (ii) for the two years preceding entry into the reinsurance agreement, the solvency and  
21.14 financial condition report or actuarial opinion, if filed with the assuming insurer's supervisor;

21.15 (iii) prior to entry into the reinsurance agreement and not more than semiannually  
21.16 thereafter, an updated list of all disputed and overdue reinsurance claims outstanding for  
21.17 90 days or more, regarding reinsurance assumed from ceding insurers domiciled in the  
21.18 United States; and

21.19 (iv) prior to entry into the reinsurance agreement and not more than semiannually  
21.20 thereafter, information regarding the assuming insurer's assumed reinsurance by ceding  
21.21 insurer, ceded reinsurance by the assuming insurer, and reinsurance recoverable on paid  
21.22 and unpaid losses by the assuming insurer to allow for the evaluation of the criteria set forth  
21.23 in clause (6);

21.24 (6) the assuming insurer must maintain a practice of prompt payment of claims under  
21.25 reinsurance agreements. The lack of prompt payment will be evidenced if any of the  
21.26 following criteria is met:

21.27 (i) more than 15 percent of the reinsurance recoverables from the assuming insurer are  
21.28 overdue and in dispute as reported to the commissioner;

21.29 (ii) more than 15 percent of the assuming insurer's ceding insurers or reinsurers have  
21.30 overdue reinsurance recoverable on paid losses of 90 days or more which are not in dispute  
21.31 and which exceed for each ceding insurer \$100,000, or as otherwise specified in a covered  
21.32 agreement; or

22.1 (iii) the aggregate amount of reinsurance recoverable on paid losses which are not in  
22.2 dispute, but are overdue by 90 days or more, exceeds \$50,000,000, or as otherwise specified  
22.3 in a covered agreement;

22.4 (7) the assuming insurer's supervisory authority must confirm to the commissioner by  
22.5 December 31, 2021, and annually thereafter, or at the annual date otherwise statutorily  
22.6 reported to the reciprocal jurisdiction, that the assuming insurer complies with the  
22.7 requirements set forth in clauses (2) and (3); and

22.8 (8) nothing in this subdivision precludes an assuming insurer from providing the  
22.9 commissioner with information on a voluntary basis.

22.10 (b) The commissioner shall timely create and publish a list of reciprocal jurisdictions.  
22.11 The commissioner's list shall include any reciprocal jurisdiction as defined under paragraph  
22.12 (a), clause (1), items (i) and (ii), and shall consider any other reciprocal jurisdiction included  
22.13 on the NAIC list. The commissioner may approve a jurisdiction that does not appear on the  
22.14 NAIC list of reciprocal jurisdictions in accordance with criteria developed under rules issued  
22.15 by the commissioner. The commissioner may remove a jurisdiction from the list of reciprocal  
22.16 jurisdictions upon a determination that the jurisdiction no longer meets the requirements of  
22.17 a reciprocal jurisdiction, in accordance with a process set forth in rules issued by the  
22.18 commissioner, except that the commissioner shall not remove from the list a reciprocal  
22.19 jurisdiction as defined under paragraph (a), clause (1), items (i) and (ii). Upon removal of  
22.20 a reciprocal jurisdiction from the list, credit for reinsurance ceded to an assuming insurer  
22.21 which has its home office or is domiciled in that jurisdiction shall be allowed, if otherwise  
22.22 allowed pursuant to law.

22.23 (c) The commissioner shall timely create and publish a list of assuming insurers that  
22.24 have satisfied the conditions set forth in this subdivision and to which cessions shall be  
22.25 granted credit in accordance with this subdivision. The commissioner may add an assuming  
22.26 insurer to the list if an NAIC accredited jurisdiction has added the assuming insurer to a list  
22.27 of assuming insurers or if, upon initial eligibility, the assuming insurer submits the  
22.28 information to the commissioner as required under paragraph (a), clause (4), and complies  
22.29 with any additional requirements that the commissioner may impose by rule, except to the  
22.30 extent that they conflict with an applicable covered agreement.

22.31 (i) If an NAIC-accredited jurisdiction has determined that the conditions set forth in  
22.32 paragraph (a), clause (2), have been met, the commissioner has the discretion to defer to  
22.33 that jurisdiction's determination, and add such assuming insurer to the list of assuming  
22.34 insurers to which cessions shall be granted credit in accordance with this paragraph. The

23.1 commissioner may accept financial documentation filed with another NAIC-accredited  
23.2 jurisdiction or with the NAIC in satisfaction of the requirements of paragraph (a), clause  
23.3 (2);

23.4 (ii) When requesting that the commissioner defer to another NAIC-accredited  
23.5 jurisdiction's determination, an assuming insurer must submit a properly executed Form  
23.6 RJ-1 and additional information as the commissioner may require. A state that has received  
23.7 such a request will notify other states through the NAIC Committee Process and provide  
23.8 relevant information with respect to the determination of eligibility.

23.9 (d) If the commissioner determines that an assuming insurer no longer meets one or  
23.10 more of the requirements under this subdivision, the commissioner may revoke or suspend  
23.11 the eligibility of the assuming insurer for recognition under this subdivision in accordance  
23.12 with procedures set forth in rule. While an assuming insurer's eligibility is suspended, no  
23.13 reinsurance agreement issued, amended, or renewed after the effective date of the suspension  
23.14 qualifies for credit, except to the extent that the assuming insurer's obligations under the  
23.15 contract are secured in accordance with this section. If an assuming insurer's eligibility is  
23.16 revoked, no credit for reinsurance may be granted after the effective date of the revocation  
23.17 with respect to any reinsurance agreements entered into by the assuming insurer, including  
23.18 reinsurance agreements entered into prior to the date of revocation, except to the extent that  
23.19 the assuming insurer's obligations under the contract are secured in a form acceptable to  
23.20 the commissioner and consistent with the provisions of this section.

23.21 (e) Before denying statement credit or imposing a requirement to post security with  
23.22 respect to paragraph (d) or adopting any similar requirement that will have substantially the  
23.23 same regulatory impact as security, the commissioner shall:

23.24 (1) communicate with the ceding insurer, the assuming insurer, and the assuming insurer's  
23.25 supervisory authority that the assuming insurer no longer satisfies one of the conditions  
23.26 listed in paragraph (a), clause (2);

23.27 (2) provide the assuming insurer with 30 days from the initial communication to submit  
23.28 a plan to remedy the defect, and 90 days from the initial communication to remedy the  
23.29 defect, except in exceptional circumstances in which a shorter period is necessary for  
23.30 policyholder and other consumer protection;

23.31 (3) after the expiration of 90 days or less, as set out in clause (2), if the commissioner  
23.32 determines that no or insufficient action was taken by the assuming insurer, the commissioner  
23.33 may impose any of the requirements as set out in this paragraph; and

24.1 (4) provide a written explanation to the assuming insurer of any of the requirements set  
24.2 out in this paragraph.

24.3 (f) If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable,  
24.4 the ceding insurer, or its representative, may seek and, if determined appropriate by the  
24.5 court in which the proceedings are pending, may obtain an order requiring that the assuming  
24.6 insurer post security for all outstanding ceded liabilities.

24.7 (g) Nothing in this subdivision limits or in any way alters the capacity of parties to a  
24.8 reinsurance agreement to agree on requirements for security or other terms in the reinsurance  
24.9 agreement, except as expressly prohibited by applicable law or rule.

24.10 (h) Credit may be taken under this subdivision only for reinsurance agreements entered  
24.11 into, amended, or renewed on or after the effective date of this subdivision, and only with  
24.12 respect to losses incurred and reserves reported on or after the later of: (1) the date on which  
24.13 the assuming insurer has met all eligibility requirements pursuant to this subdivision; and  
24.14 (2) the effective date of the new reinsurance agreement, amendment, or renewal. This  
24.15 paragraph does not alter or impair a ceding insurer's right to take credit for reinsurance, to  
24.16 the extent that credit is not available under this subdivision, as long as the reinsurance  
24.17 qualifies for credit under any other applicable provision of law. Nothing in this subdivision  
24.18 shall authorize an assuming insurer to withdraw or reduce the security provided under any  
24.19 reinsurance agreement, except as permitted by the terms of the agreement. Nothing in this  
24.20 subdivision shall limit, or in any way alter, the capacity of parties to any reinsurance  
24.21 agreement to renegotiate the agreement.

24.22 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to reinsurance  
24.23 contracts entered into or renewed on or after that date.

24.24 Sec. 3. Minnesota Statutes 2020, section 60A.0921, subdivision 2, is amended to read:

24.25 Subd. 2. **Certification procedure.** (a) The commissioner shall post notice on the  
24.26 department's website promptly upon receipt of any application for certification, including  
24.27 instructions on how members of the public may respond to the application. The commissioner  
24.28 may not take final action on the application until at least 30 days after posting the notice.

24.29 (b) The commissioner shall issue written notice to an assuming insurer that has applied  
24.30 and been approved as a certified reinsurer. The notice must include the rating assigned the  
24.31 certified reinsurer in accordance with subdivision 1. The commissioner shall publish a list  
24.32 of all certified reinsurers and their ratings.

24.33 (c) In order to be eligible for certification, the assuming insurer must:



25.1 (1) be domiciled and licensed to transact insurance or reinsurance in a qualified  
25.2 jurisdiction, as determined by the commissioner under subdivision 3;

25.3 (2) maintain capital and surplus, or its equivalent, of no less than \$250,000,000 calculated  
25.4 in accordance with paragraph (d), clause (8). This requirement may also be satisfied by an  
25.5 association including incorporated and individual unincorporated underwriters having  
25.6 minimum capital and surplus equivalents net of liabilities of at least \$250,000,000 and a  
25.7 central fund containing a balance of at least \$250,000,000;

25.8 (3) maintain financial strength ratings from two or more rating agencies acceptable to  
25.9 the commissioner. These ratings shall be based on interactive communication between the  
25.10 rating agency and the assuming insurer and shall not be based solely on publicly available  
25.11 information. These financial strength ratings shall be one factor used by the commissioner  
25.12 in determining the rating that is assigned to the assuming insurer. Acceptable rating agencies  
25.13 include the following:

25.14 (i) Standard & Poor's;

25.15 (ii) Moody's Investors Service;

25.16 (iii) Fitch Ratings;

25.17 (iv) A.M. Best Company; or

25.18 (v) any other nationally recognized statistical rating organization; and

25.19 (4) ensure that the certified reinsurer complies with any other requirements reasonably  
25.20 imposed by the commissioner.

25.21 (d) Each certified reinsurer shall be rated on a legal entity basis, with due consideration  
25.22 being given to the group rating where appropriate, except that an association including  
25.23 incorporated and individual unincorporated underwriters that has been approved to do  
25.24 business as a single certified reinsurer may be evaluated on the basis of its group rating.  
25.25 Factors that may be considered as part of the evaluation process include, but are not limited  
25.26 to:

25.27 (1) certified reinsurer's financial strength rating from an acceptable rating agency. The  
25.28 maximum rating that a certified reinsurer may be assigned will correspond to its financial  
25.29 strength rating as outlined in the table below. The commissioner shall use the lowest financial  
25.30 strength rating received from an approved rating agency in establishing the maximum rating  
25.31 of a certified reinsurer. A failure to obtain or maintain at least two financial strength ratings  
25.32 from acceptable rating agencies will result in loss of eligibility for certification;

26.1	Ratings	Best	S&P	Moody's	Fitch
26.2	Secure - 1	A++	AAA	Aaa	AAA
26.3	Secure - 2	A+	AA+, AA, AA-	Aa1, Aa2, Aa3	AA+, AA, AA-
26.4	Secure - 3	A	A+, A	A1, A2	A+, A
26.5	Secure - 4	A-	A-	A3	A-
26.6	Secure - 5	B++, B-	BBB+, BBB, BBB-	Baa1, Baa2, Baa3	BBB+, BBB, BBB-
26.7					
26.8	Vulnerable - 6	B, B-C++, C+, C, C-, D, E, F	BB+, BB, BB-, B+, B, B-, CCC, CC, C, D, R	Ba1, Ba2, Ba3, B1, B2, B3, Caa, Ca, C	BB+, BB, BB-, B+, B, B-, CCC+, CC, CCC-, DD
26.9					
26.10					

26.11 (2) the business practices of the certified reinsurer in dealing with its ceding insurers,  
 26.12 including its record of compliance with reinsurance contractual terms and obligations;

26.13 (3) for certified reinsurers domiciled in the United States, a review of the most recent  
 26.14 applicable NAIC annual statement;

26.15 (4) for certified reinsurers not domiciled in the United States, a review annually of such  
 26.16 forms as may be required by the commissioner;

26.17 (5) the reputation of the certified reinsurer for prompt payment of claims under  
 26.18 reinsurance agreements, based on an analysis of ceding insurers' reporting of overdue  
 26.19 reinsurance recoverables, including the proportion of obligations that are more than 90 days  
 26.20 past due or are in dispute, with specific attention given to obligations payable to companies  
 26.21 that are in administrative supervision or receivership;

26.22 (6) regulatory actions against the certified reinsurer;

26.23 (7) the report of the independent auditor on the financial statements of the insurance  
 26.24 enterprise, on the basis described in clause (8);

26.25 (8) for certified reinsurers not domiciled in the United States, audited financial statements  
 26.26 (audited United States GAAP basis if available, audited IFRS basis statements are allowed,  
 26.27 but must include an audited footnote reconciling equity and net income to a United States  
 26.28 GAAP basis, or, with permission of the commissioner, audited IFRS statements with  
 26.29 reconciliation to United States GAAP certified by an officer of the company). Upon the  
 26.30 initial application for certification, the commissioner will consider audited financial  
 26.31 statements for the last ~~three~~ two years filed with its non-United States jurisdiction supervisor;

26.32 (9) the liquidation priority of obligations to a ceding insurer in the certified reinsurer's  
 26.33 domiciliary jurisdiction in the context of an insolvency proceeding;

27.1 (10) a certified reinsurer's participation in any solvent scheme of arrangement, or similar  
27.2 procedure, which involves United States ceding insurers. The commissioner must receive  
27.3 prior notice from a certified reinsurer that proposes participation by the certified reinsurer  
27.4 in a solvent scheme of arrangement; and

27.5 (11) other information as determined by the commissioner.

27.6 (e) Based on the analysis conducted under paragraph (d), clause (5), of a certified  
27.7 reinsurer's reputation for prompt payment of claims, the commissioner may make appropriate  
27.8 adjustments in the security the certified reinsurer is required to post to protect its liabilities  
27.9 to United States ceding insurers, provided that the commissioner shall, at a minimum,  
27.10 increase the security the certified reinsurer is required to post by one rating level under  
27.11 paragraph (d), clause (1), if the commissioner finds that:

27.12 (1) more than 15 percent of the certified reinsurer's ceding insurance clients have overdue  
27.13 reinsurance recoverables on paid losses of 90 days or more which are not in dispute and  
27.14 which exceed \$100,000 for each cedent; or

27.15 (2) the aggregate amount of reinsurance recoverables on paid losses which are not in  
27.16 dispute that are overdue by 90 days or more exceeds \$50,000,000.

27.17 (f) The assuming insurer must submit such forms as required by the commissioner as  
27.18 evidence of its submission to the jurisdiction of this state, appoint the commissioner as an  
27.19 agent for service of process in this state, and agree to provide security for 100 percent of  
27.20 the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding  
27.21 insurers if it resists enforcement of a final United States judgment. The commissioner shall  
27.22 not certify an assuming insurer that is domiciled in a jurisdiction that the commissioner has  
27.23 determined does not adequately and promptly enforce final United States judgments or  
27.24 arbitration awards.

27.25 (g) The certified reinsurer must agree to meet filing requirements as determined by the  
27.26 commissioner, both with respect to an initial application for certification and on an ongoing  
27.27 basis. All data submitted by certified reinsurers to the commissioner is nonpublic under  
27.28 section 13.02, subdivision 9. The certified reinsurer must file with the commissioner:

27.29 (1) a notification within ten days of any regulatory actions taken against the certified  
27.30 reinsurer, any change in the provisions of its domiciliary license, or any change in rating  
27.31 by an approved rating agency, including a statement describing such changes and the reasons  
27.32 therefore;

28.1 (2) an annual report regarding reinsurance assumed, in a form determined by the  
28.2 commissioner;

28.3 (3) an annual report of the independent auditor on the financial statements of the insurance  
28.4 enterprise, on the basis described in clause (4);

28.5 (4) an annual audited financial statement, regulatory filings, and actuarial opinion filed  
28.6 with the certified reinsurer's supervisor. Upon the initial certification, audited financial  
28.7 statements for the last ~~three~~ two years filed with the certified reinsurer's supervisor;

28.8 (5) at least annually, an updated list of all disputed and overdue reinsurance claims  
28.9 regarding reinsurance assumed from United States domestic ceding insurers;

28.10 (6) a certification from the certified reinsurer's domestic regulator that the certified  
28.11 reinsurer is in good standing and maintains capital in excess of the jurisdiction's highest  
28.12 regulatory action level; and

28.13 (7) any other relevant information as determined by the commissioner.

28.14 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to reinsurance  
28.15 contracts entered into or renewed on or after that date.

28.16 Sec. 4. Minnesota Statutes 2020, section 60A.14, subdivision 1, is amended to read:

28.17 Subdivision 1. **Fees other than examination fees.** In addition to the fees and charges  
28.18 provided for examinations, the following fees must be paid to the commissioner for deposit  
28.19 in the general fund:

28.20 (a) by township mutual fire insurance companies:

28.21 (1) for filing certificate of incorporation \$25 and amendments thereto, \$10;

28.22 (2) for filing annual statements, \$15;

28.23 (3) for each annual certificate of authority, \$15;

28.24 (4) for filing bylaws \$25 and amendments thereto, \$10;

28.25 (b) by other domestic and foreign companies including fraternal and reciprocal  
28.26 exchanges:

28.27 (1) for filing an application for an initial certification of authority to be admitted to  
28.28 transact business in this state, \$1,500;

28.29 (2) for filing certified copy of certificate of articles of incorporation, \$100;

28.30 (3) for filing annual statement, ~~\$225~~ \$300;

29.1 (4) for filing certified copy of amendment to certificate or articles of incorporation, \$100;

29.2 (5) for filing bylaws, \$75 or amendments thereto, \$75;

29.3 (6) for each company's certificate of authority, ~~\$575~~ \$750, annually;

29.4 (c) the following general fees apply:

29.5 (1) for each certificate, including certified copy of certificate of authority, renewal,  
29.6 valuation of life policies, corporate condition or qualification, \$25;

29.7 (2) for each copy of paper on file in the commissioner's office 50 cents per page, and  
29.8 \$2.50 for certifying the same;

29.9 (3) for license to procure insurance in unadmitted foreign companies, \$575;

29.10 (4) for valuing the policies of life insurance companies, ~~one cent~~ two cents per \$1,000  
29.11 of insurance so valued, provided that the fee shall not exceed ~~\$13,000~~ \$26,000 per year for  
29.12 any company. The commissioner may, in lieu of a valuation of the policies of any foreign  
29.13 life insurance company admitted, or applying for admission, to do business in this state,  
29.14 accept a certificate of valuation from the company's own actuary or from the commissioner  
29.15 of insurance of the state or territory in which the company is domiciled;

29.16 (5) for receiving and filing certificates of policies by the company's actuary, or by the  
29.17 commissioner of insurance of any other state or territory, \$50;

29.18 (6) for each appointment of an agent filed with the commissioner, \$30;

29.19 (7) for filing forms, rates, and compliance certifications under section 60A.315, \$140  
29.20 per filing, or \$125 per filing when submitted via electronic filing system. Filing fees may  
29.21 be paid on a quarterly basis in response to an invoice. Billing and payment may be made  
29.22 electronically;

29.23 (8) for annual renewal of surplus lines insurer license, ~~\$300~~ \$400.

29.24 The commissioner shall adopt rules to define filings that are subject to a fee.

29.25 Sec. 5. **[60A.985] DEFINITIONS.**

29.26 Subdivision 1. **Terms.** As used in sections 60A.985 to 60A.9857, the following terms  
29.27 have the meanings given.

29.28 Subd. 2. **Authorized individual.** "Authorized individual" means an individual known  
29.29 to and screened by the licensee and determined to be necessary and appropriate to have  
29.30 access to the nonpublic information held by the licensee and its information systems.

30.1 Subd. 3. **Consumer.** "Consumer" means an individual, including but not limited to an  
30.2 applicant, policyholder, insured, beneficiary, claimant, and certificate holder who is a resident  
30.3 of this state and whose nonpublic information is in a licensee's possession, custody, or  
30.4 control.

30.5 Subd. 4. **Cybersecurity event.** "Cybersecurity event" means an event resulting in  
30.6 unauthorized access to, or disruption or misuse of, an information system or nonpublic  
30.7 information stored on an information system.

30.8 Cybersecurity event does not include the unauthorized acquisition of encrypted nonpublic  
30.9 information if the encryption, process, or key is not also acquired, released, or used without  
30.10 authorization.

30.11 Cybersecurity event does not include an event with regard to which the licensee has  
30.12 determined that the nonpublic information accessed by an unauthorized person has not been  
30.13 used or released and has been returned or destroyed.

30.14 Subd. 5. **Encrypted.** "Encrypted" means the transformation of data into a form which  
30.15 results in a low probability of assigning meaning without the use of a protective process or  
30.16 key.

30.17 Subd. 6. **Information security program.** "Information security program" means the  
30.18 administrative, technical, and physical safeguards that a licensee uses to access, collect,  
30.19 distribute, process, protect, store, use, transmit, dispose of, or otherwise handle nonpublic  
30.20 information.

30.21 Subd. 7. **Information system.** "Information system" means a discrete set of electronic  
30.22 information resources organized for the collection, processing, maintenance, use, sharing,  
30.23 dissemination, or disposition of nonpublic electronic information, as well as any specialized  
30.24 system such as industrial or process controls systems, telephone switching and private  
30.25 branch exchange systems, and environmental control systems.

30.26 Subd. 8. **Licensee.** "Licensee" means any person licensed, authorized to operate, or  
30.27 registered, or required to be licensed, authorized, or registered by the Department of  
30.28 Commerce or the Department of Health under chapters 59A to 62M and 62Q to 79A.

30.29 Subd. 9. **Multifactor authentication.** "Multifactor authentication" means authentication  
30.30 through verification of at least two of the following types of authentication factors:

30.31 (1) knowledge factors, such as a password;

30.32 (2) possession factors, such as a token or text message on a mobile phone; or

31.1 (3) inherence factors, such as a biometric characteristic.

31.2 Subd. 10. **Nonpublic information.** "Nonpublic information" means electronic information  
31.3 that is not publicly available information and is:

31.4 (1) any information concerning a consumer which because of name, number, personal  
31.5 mark, or other identifier can be used to identify the consumer, in combination with any one  
31.6 or more of the following data elements:

31.7 (i) Social Security number;

31.8 (ii) driver's license number or nondriver identification card number;

31.9 (iii) financial account number, credit card number, or debit card number;

31.10 (iv) any security code, access code, or password that would permit access to a consumer's  
31.11 financial account; or

31.12 (v) biometric records; or

31.13 (2) any information or data, except age or gender, in any form or medium created by or  
31.14 derived from a health care provider or a consumer that can be used to identify a particular  
31.15 consumer and that relates to:

31.16 (i) the past, present, or future physical, mental, or behavioral health or condition of any  
31.17 consumer or a member of the consumer's family;

31.18 (ii) the provision of health care to any consumer; or

31.19 (iii) payment for the provision of health care to any consumer.

31.20 Subd. 11. **Person.** "Person" means any individual or any nongovernmental entity,  
31.21 including but not limited to any nongovernmental partnership, corporation, branch, agency,  
31.22 or association.

31.23 Subd. 12. **Publicly available information.** "Publicly available information" means any  
31.24 information that a licensee has a reasonable basis to believe is lawfully made available to  
31.25 the general public from: federal, state, or local government records; widely distributed  
31.26 media; or disclosures to the general public that are required to be made by federal, state, or  
31.27 local law.

31.28 For the purposes of this definition, a licensee has a reasonable basis to believe that  
31.29 information is lawfully made available to the general public if the licensee has taken steps  
31.30 to determine:

31.31 (1) that the information is of the type that is available to the general public; and

32.1 (2) whether a consumer can direct that the information not be made available to the  
32.2 general public and, if so, that such consumer has not done so.

32.3 Subd. 13. **Risk assessment.** "Risk assessment" means the risk assessment that each  
32.4 licensee is required to conduct under section 60A.9853, subdivision 3.

32.5 Subd. 14. **State.** "State" means the state of Minnesota.

32.6 Subd. 15. **Third-party service provider.** "Third-party service provider" means a person,  
32.7 not otherwise defined as a licensee, that contracts with a licensee to maintain, process, or  
32.8 store nonpublic information, or is otherwise permitted access to nonpublic information  
32.9 through its provision of services to the licensee.

32.10 **EFFECTIVE DATE.** This section is effective August 1, 2021.

32.11 Sec. 6. **[60A.9851] INFORMATION SECURITY PROGRAM.**

32.12 Subdivision 1. **Implementation of an information security program.** Commensurate  
32.13 with the size and complexity of the licensee, the nature and scope of the licensee's activities,  
32.14 including its use of third-party service providers, and the sensitivity of the nonpublic  
32.15 information used by the licensee or in the licensee's possession, custody, or control, each  
32.16 licensee shall develop, implement, and maintain a comprehensive written information  
32.17 security program based on the licensee's risk assessment and that contains administrative,  
32.18 technical, and physical safeguards for the protection of nonpublic information and the  
32.19 licensee's information system.

32.20 Subd. 2. **Objectives of an information security program.** A licensee's information  
32.21 security program shall be designed to:

32.22 (1) protect the security and confidentiality of nonpublic information and the security of  
32.23 the information system;

32.24 (2) protect against any threats or hazards to the security or integrity of nonpublic  
32.25 information and the information system;

32.26 (3) protect against unauthorized access to, or use of, nonpublic information, and minimize  
32.27 the likelihood of harm to any consumer; and

32.28 (4) define and periodically reevaluate a schedule for retention of nonpublic information  
32.29 and a mechanism for its destruction when no longer needed.

32.30 Subd. 3. **Risk assessment.** The licensee shall:



33.1 (1) designate one or more employees, an affiliate, or an outside vendor authorized to act  
33.2 on behalf of the licensee who is responsible for the information security program;

33.3 (2) identify reasonably foreseeable internal or external threats that could result in  
33.4 unauthorized access, transmission, disclosure, misuse, alteration, or destruction of nonpublic  
33.5 information, including threats to the security of information systems and nonpublic  
33.6 information that are accessible to, or held by, third-party service providers;

33.7 (3) assess the likelihood and potential damage of the threats identified pursuant to clause  
33.8 (2), taking into consideration the sensitivity of the nonpublic information;

33.9 (4) assess the sufficiency of policies, procedures, information systems, and other  
33.10 safeguards in place to manage these threats, including consideration of threats in each  
33.11 relevant area of the licensee's operations, including:

33.12 (i) employee training and management;

33.13 (ii) information systems, including network and software design, as well as information  
33.14 classification, governance, processing, storage, transmission, and disposal; and

33.15 (iii) detecting, preventing, and responding to attacks, intrusions, or other systems failures;  
33.16 and

33.17 (5) implement information safeguards to manage the threats identified in its ongoing  
33.18 assessment, and no less than annually, assess the effectiveness of the safeguards' key controls,  
33.19 systems, and procedures.

33.20 Subd. 4. **Risk management.** Based on its risk assessment, the licensee shall:

33.21 (1) design its information security program to mitigate the identified risks, commensurate  
33.22 with the size and complexity of the licensee, the nature and scope of the licensee's activities,  
33.23 including its use of third-party service providers, and the sensitivity of the nonpublic  
33.24 information used by the licensee or in the licensee's possession, custody, or control;

33.25 (2) determine which of the following security measures are appropriate and implement  
33.26 any appropriate security measures:

33.27 (i) place access controls on information systems, including controls to authenticate and  
33.28 permit access only to authorized individuals, to protect against the unauthorized acquisition  
33.29 of nonpublic information;

33.30 (ii) identify and manage the data, personnel, devices, systems, and facilities that enable  
33.31 the organization to achieve business purposes in accordance with their relative importance  
33.32 to business objectives and the organization's risk strategy;

- 34.1 (iii) restrict physical access to nonpublic information to authorized individuals only;
- 34.2 (iv) protect, by encryption or other appropriate means, all nonpublic information while  
34.3 being transmitted over an external network and all nonpublic information stored on a laptop  
34.4 computer or other portable computing or storage device or media;
- 34.5 (v) adopt secure development practices for in-house developed applications utilized by  
34.6 the licensee;
- 34.7 (vi) modify the information system in accordance with the licensee's information security  
34.8 program;
- 34.9 (vii) utilize effective controls, which may include multifactor authentication procedures  
34.10 for any authorized individual accessing nonpublic information;
- 34.11 (viii) regularly test and monitor systems and procedures to detect actual and attempted  
34.12 attacks on, or intrusions into, information systems;
- 34.13 (ix) include audit trails within the information security program designed to detect and  
34.14 respond to cybersecurity events and designed to reconstruct material financial transactions  
34.15 sufficient to support normal operations and obligations of the licensee;
- 34.16 (x) implement measures to protect against destruction, loss, or damage of nonpublic  
34.17 information due to environmental hazards, such as fire and water damage, other catastrophes,  
34.18 or technological failures; and
- 34.19 (xi) develop, implement, and maintain procedures for the secure disposal of nonpublic  
34.20 information in any format;
- 34.21 (3) include cybersecurity risks in the licensee's enterprise risk management process;
- 34.22 (4) stay informed regarding emerging threats or vulnerabilities and utilize reasonable  
34.23 security measures when sharing information relative to the character of the sharing and the  
34.24 type of information shared; and
- 34.25 (5) provide its personnel with cybersecurity awareness training that is updated as  
34.26 necessary to reflect risks identified by the licensee in the risk assessment.
- 34.27 Subd. 5. **Oversight by board of directors.** If the licensee has a board of directors, the  
34.28 board or an appropriate committee of the board shall, at a minimum:
- 34.29 (1) require the licensee's executive management or its delegates to develop, implement,  
34.30 and maintain the licensee's information security program;

35.1 (2) require the licensee's executive management or its delegates to report in writing, at  
35.2 least annually, the following information:

35.3 (i) the overall status of the information security program and the licensee's compliance  
35.4 with this act; and

35.5 (ii) material matters related to the information security program, addressing issues such  
35.6 as risk assessment, risk management and control decisions, third-party service provider  
35.7 arrangements, results of testing, cybersecurity events or violations and management's  
35.8 responses thereto, and recommendations for changes in the information security program;  
35.9 and

35.10 (3) if executive management delegates any of its responsibilities under this section, it  
35.11 shall oversee the development, implementation, and maintenance of the licensee's information  
35.12 security program prepared by the delegate and shall receive a report from the delegate  
35.13 complying with the requirements of the report to the board of directors.

35.14 Subd. 6. **Oversight of third-party service provider arrangements.** (a) A licensee shall  
35.15 exercise due diligence in selecting its third-party service provider.

35.16 (b) A licensee shall require a third-party service provider to implement appropriate  
35.17 administrative, technical, and physical measures to protect and secure the information  
35.18 systems and nonpublic information that are accessible to, or held by, the third-party service  
35.19 provider.

35.20 Subd. 7. **Program adjustments.** The licensee shall monitor, evaluate, and adjust, as  
35.21 appropriate, the information security program consistent with any relevant changes in  
35.22 technology, the sensitivity of its nonpublic information, internal or external threats to  
35.23 information, and the licensee's own changing business arrangements, such as mergers and  
35.24 acquisitions, alliances and joint ventures, outsourcing arrangements, and changes to  
35.25 information systems.

35.26 Subd. 8. **Incident response plan.** (a) As part of its information security program, each  
35.27 licensee shall establish a written incident response plan designed to promptly respond to,  
35.28 and recover from, any cybersecurity event that compromises the confidentiality, integrity,  
35.29 or availability of nonpublic information in its possession, the licensee's information systems,  
35.30 or the continuing functionality of any aspect of the licensee's business or operations.

35.31 (b) The incident response plan shall address the following areas:

35.32 (1) the internal process for responding to a cybersecurity event;

35.33 (2) the goals of the incident response plan;

- 36.1 (3) the definition of clear roles, responsibilities, and levels of decision-making authority;  
36.2 (4) external and internal communications and information sharing;  
36.3 (5) identification of requirements for the remediation of any identified weaknesses in  
36.4 information systems and associated controls;  
36.5 (6) documentation and reporting regarding cybersecurity events and related incident  
36.6 response activities; and  
36.7 (7) the evaluation and revision, as necessary, of the incident response plan following a  
36.8 cybersecurity event.

36.9 Subd. 9. **Annual certification to commissioner.** (a) Subject to paragraph (b), by April  
36.10 15 of each year, an insurer domiciled in this state shall certify in writing to the commissioner  
36.11 that the insurer is in compliance with the requirements set forth in this section. Each insurer  
36.12 shall maintain all records, schedules, and data supporting this certificate for a period of five  
36.13 years and shall permit examination by the commissioner. To the extent an insurer has  
36.14 identified areas, systems, or processes that require material improvement, updating, or  
36.15 redesign, the insurer shall document the identification and the remedial efforts planned and  
36.16 underway to address such areas, systems, or processes. Such documentation must be available  
36.17 for inspection by the commissioner.

36.18 (b) The commissioner must post on the department's website, no later than 60 days prior  
36.19 to the certification required by paragraph (a), the form and manner of submission required  
36.20 and any instructions necessary to prepare the certification.

36.21 **EFFECTIVE DATE.** This section is effective August 1, 2021. Licensees have one year  
36.22 from the effective date to implement subdivisions 1 to 5 and 7 to 9, and two years from the  
36.23 effective date to implement subdivision 6.

36.24 Sec. 7. **[60A.9852] INVESTIGATION OF A CYBERSECURITY EVENT.**

36.25 Subdivision 1. **Prompt investigation.** If the licensee learns that a cybersecurity event  
36.26 has or may have occurred, the licensee, or an outside vendor or service provider designated  
36.27 to act on behalf of the licensee, shall conduct a prompt investigation.

36.28 Subd. 2. **Investigation contents.** During the investigation, the licensee, or an outside  
36.29 vendor or service provider designated to act on behalf of the licensee, shall, at a minimum  
36.30 and to the extent possible:

36.31 (1) determine whether a cybersecurity event has occurred;

36.32 (2) assess the nature and scope of the cybersecurity event, if any;

37.1 (3) identify whether any nonpublic information was involved in the cybersecurity event  
37.2 and, if so, what nonpublic information was involved; and

37.3 (4) perform or oversee reasonable measures to restore the security of the information  
37.4 systems compromised in the cybersecurity event in order to prevent further unauthorized  
37.5 acquisition, release, or use of nonpublic information in the licensee's possession, custody,  
37.6 or control.

37.7 Subd. 3. **Third-party systems.** If the licensee learns that a cybersecurity event has or  
37.8 may have occurred in a system maintained by a third-party service provider, the licensee  
37.9 will complete the steps listed in subdivision 2 or confirm and document that the third-party  
37.10 service provider has completed those steps.

37.11 Subd. 4. **Records.** The licensee shall maintain records concerning all cybersecurity  
37.12 events for a period of at least five years from the date of the cybersecurity event and shall  
37.13 produce those records upon demand of the commissioner.

37.14 **EFFECTIVE DATE.** This section is effective August 1, 2021.

37.15 Sec. 8. **[60A.9853] NOTIFICATION OF A CYBERSECURITY EVENT.**

37.16 Subdivision 1. **Notification to the commissioner.** Each licensee shall notify the  
37.17 commissioner of commerce or commissioner of health, whichever commissioner otherwise  
37.18 regulates the licensee, without unreasonable delay but in no event later than three business  
37.19 days from a determination that a cybersecurity event has occurred when either of the  
37.20 following criteria has been met:

37.21 (1) this state is the licensee's state of domicile, in the case of an insurer, or this state is  
37.22 the licensee's home state, in the case of a producer, as those terms are defined in chapter  
37.23 60K and the cybersecurity event has a reasonable likelihood of materially harming:

37.24 (i) any consumer residing in this state; or

37.25 (ii) any part of the normal operations of the licensee; or

37.26 (2) the licensee reasonably believes that the nonpublic information involved is of 250  
37.27 or more consumers residing in this state and that is either of the following:

37.28 (i) a cybersecurity event impacting the licensee of which notice is required to be provided  
37.29 to any government body, self-regulatory agency, or any other supervisory body pursuant  
37.30 to any state or federal law; or

37.31 (ii) a cybersecurity event that has a reasonable likelihood of materially harming:

38.1 (A) any consumer residing in this state; or

38.2 (B) any part of the normal operations of the licensee.

38.3 Subd. 2. **Information; notification.** A licensee making the notification required under  
38.4 subdivision 1 shall provide the information in electronic form as directed by the  
38.5 commissioner. The licensee shall have a continuing obligation to update and supplement  
38.6 initial and subsequent notifications to the commissioner concerning material changes to  
38.7 previously provided information relating to the cybersecurity event. The licensee shall  
38.8 provide as much of the following information as possible:

38.9 (1) date of the cybersecurity event;

38.10 (2) description of how the information was exposed, lost, stolen, or breached, including  
38.11 the specific roles and responsibilities of third-party service providers, if any;

38.12 (3) how the cybersecurity event was discovered;

38.13 (4) whether any lost, stolen, or breached information has been recovered and, if so, how  
38.14 this was done;

38.15 (5) the identity of the source of the cybersecurity event;

38.16 (6) whether the licensee has filed a police report or has notified any regulatory,  
38.17 government, or law enforcement agencies and, if so, when such notification was provided;

38.18 (7) description of the specific types of information acquired without authorization.  
38.19 Specific types of information means particular data elements including, for example, types  
38.20 of medical information, types of financial information, or types of information allowing  
38.21 identification of the consumer;

38.22 (8) the period during which the information system was compromised by the cybersecurity  
38.23 event;

38.24 (9) the number of total consumers in this state affected by the cybersecurity event. The  
38.25 licensee shall provide the best estimate in the initial report to the commissioner and update  
38.26 this estimate with each subsequent report to the commissioner pursuant to this section;

38.27 (10) the results of any internal review identifying a lapse in either automated controls  
38.28 or internal procedures, or confirming that all automated controls or internal procedures were  
38.29 followed;

38.30 (11) description of efforts being undertaken to remediate the situation which permitted  
38.31 the cybersecurity event to occur;

39.1 (12) a copy of the licensee's privacy policy and a statement outlining the steps the licensee  
39.2 will take to investigate and notify consumers affected by the cybersecurity event; and

39.3 (13) name of a contact person who is familiar with the cybersecurity event and authorized  
39.4 to act for the licensee.

39.5 Subd. 3. **Notification to consumers.** (a) If a licensee is required to submit a report to  
39.6 the commissioner under subdivision 1, the licensee shall notify any consumer residing in  
39.7 Minnesota if, as a result of the cybersecurity event reported to the commissioner, the  
39.8 consumer's nonpublic information was or is reasonably believed to have been acquired by  
39.9 an unauthorized person, and there is a reasonable likelihood of material harm to the consumer  
39.10 as a result of the cybersecurity event. Consumer notification is not required for a  
39.11 cybersecurity event resulting from the good faith acquisition of nonpublic information by  
39.12 an employee or agent of the licensee for the purposes of the licensee's business, provided  
39.13 the nonpublic information is not used for a purpose other than the licensee's business or  
39.14 subject to further unauthorized disclosure. The notification must be made in the most  
39.15 expedient time possible and without unreasonable delay, consistent with the legitimate needs  
39.16 of law enforcement or with any measures necessary to determine the scope of the breach,  
39.17 identify the individuals affected, and restore the reasonable integrity of the data system.  
39.18 The notification may be delayed to a date certain if the commissioner determines that  
39.19 providing the notice impedes a criminal investigation. The licensee shall provide a copy of  
39.20 the notice to the commissioner.

39.21 (b) For purposes of this subdivision, notice required under paragraph (a) must be provided  
39.22 by one of the following methods:

39.23 (1) written notice to the consumer's most recent address in the licensee's records;

39.24 (2) electronic notice, if the licensee's primary method of communication with the  
39.25 consumer is by electronic means or if the notice provided is consistent with the provisions  
39.26 regarding electronic records and signatures in United States Code, title 15, section 7001;  
39.27 or

39.28 (3) if the cost of providing notice exceeds \$250,000, the affected class of consumers to  
39.29 be notified exceeds 500,000, or the licensee does not have sufficient contact information  
39.30 for the subject consumers, notice as follows:

39.31 (i) e-mail notice when the licensee has an e-mail address for the subject consumers;

39.32 (ii) conspicuous posting of the notice on the website page of the licensee; and

39.33 (iii) notification to major statewide media.

40.1 (c) Notwithstanding paragraph (b), a licensee that maintains its own notification procedure  
40.2 as part of its information security program that is consistent with the timing requirements  
40.3 of this subdivision is deemed to comply with the notification requirements if the licensee  
40.4 notifies subject consumers in accordance with its program.

40.5 (d) A waiver of the requirements under this subdivision is contrary to public policy, and  
40.6 is void and unenforceable.

40.7 **Subd. 4. Notice regarding cybersecurity events of third-party service providers.** (a)  
40.8 In the case of a cybersecurity event in a system maintained by a third-party service provider,  
40.9 of which the licensee has become aware, the licensee shall treat such event as it would under  
40.10 subdivision 1 unless the third-party service provider provides the notice required under  
40.11 subdivision 1.

40.12 (b) The computation of a licensee's deadlines shall begin on the day after the third-party  
40.13 service provider notifies the licensee of the cybersecurity event or the licensee otherwise  
40.14 has actual knowledge of the cybersecurity event, whichever is sooner.

40.15 (c) Nothing in this act shall prevent or abrogate an agreement between a licensee and  
40.16 another licensee, a third-party service provider, or any other party to fulfill any of the  
40.17 investigation requirements imposed under section 60A.9854 or notice requirements imposed  
40.18 under this section.

40.19 **Subd. 5. Notice regarding cybersecurity events of reinsurers to insurers.** (a) In the  
40.20 case of a cybersecurity event involving nonpublic information that is used by the licensee  
40.21 that is acting as an assuming insurer or in the possession, custody, or control of a licensee  
40.22 that is acting as an assuming insurer and that does not have a direct contractual relationship  
40.23 with the affected consumers, the assuming insurer shall notify its affected ceding insurers  
40.24 and the commissioner of its state of domicile within three business days of making the  
40.25 determination that a cybersecurity event has occurred.

40.26 (b) The ceding insurers that have a direct contractual relationship with affected consumers  
40.27 shall fulfill the consumer notification requirements imposed under subdivision 3 and any  
40.28 other notification requirements relating to a cybersecurity event imposed under this section.

40.29 (c) In the case of a cybersecurity event involving nonpublic information that is in the  
40.30 possession, custody, or control of a third-party service provider of a licensee that is an  
40.31 assuming insurer, the assuming insurer shall notify its affected ceding insurers and the  
40.32 commissioner of its state of domicile within three business days of receiving notice from  
40.33 its third-party service provider that a cybersecurity event has occurred.



41.1 (d) The ceding insurers that have a direct contractual relationship with affected consumers  
41.2 shall fulfill the consumer notification requirements imposed under subdivision 3 and any  
41.3 other notification requirements relating to a cybersecurity event imposed under this section.

41.4 (e) Any licensee acting as an assuming insurer shall have no other notice obligations  
41.5 relating to a cybersecurity event or other data breach under this section.

41.6 **Subd. 6. Notice regarding cybersecurity events of insurers to producers of record. (a)**  
41.7 In the case of a cybersecurity event involving nonpublic information that is in the possession,  
41.8 custody, or control of a licensee that is an insurer or its third-party service provider and for  
41.9 which a consumer accessed the insurer's services through an independent insurance producer,  
41.10 the insurer shall notify the producers of record of all affected consumers no later than the  
41.11 time at which notice is provided to the affected consumers.

41.12 (b) The insurer is excused from this obligation for those instances in which it does not  
41.13 have the current producer of record information for any individual consumer or in those  
41.14 instances in which the producer of record is no longer appointed to sell, solicit, or negotiate  
41.15 on behalf of the insurer.

41.16 **EFFECTIVE DATE.** This section is effective August 1, 2021.

41.17 **Sec. 9. [60A.9854] POWER OF COMMISSIONER.**

41.18 (a) The commissioner of commerce or commissioner of health, whichever commissioner  
41.19 otherwise regulates the licensee, shall have power to examine and investigate into the affairs  
41.20 of any licensee to determine whether the licensee has been or is engaged in any conduct in  
41.21 violation of sections 60A.985 to 60A.9857. This power is in addition to the powers which  
41.22 the commissioner has under section 60A.031. Any such investigation or examination shall  
41.23 be conducted pursuant to section 60A.031.

41.24 (b) Whenever the commissioner of commerce or commissioner of health has reason to  
41.25 believe that a licensee has been or is engaged in conduct in this state which violates sections  
41.26 60A.985 to 60A.9857, the commissioner of commerce or commissioner of health may take  
41.27 action that is necessary or appropriate to enforce those sections.

41.28 **EFFECTIVE DATE.** This section is effective August 1, 2021.

41.29 **Sec. 10. [60A.9855] CONFIDENTIALITY.**

41.30 Subdivision 1. Licensee information. Any documents, materials, or other information  
41.31 in the control or possession of the department that are furnished by a licensee or an employee  
41.32 or agent thereof acting on behalf of a licensee pursuant to section 60A.9851, subdivision

42.1 9; section 60A.9853, subdivision 2, clauses (2), (3), (4), (5), (8), (10), and (11); or that are  
42.2 obtained by the commissioner in an investigation or examination pursuant to section  
42.3 60A.9854 shall be classified as confidential, protected nonpublic, or both; shall not be  
42.4 subject to subpoena; and shall not be subject to discovery or admissible in evidence in any  
42.5 private civil action. However, the commissioner is authorized to use the documents, materials,  
42.6 or other information in the furtherance of any regulatory or legal action brought as a part  
42.7 of the commissioner's duties.

42.8 Subd. 2. **Certain testimony prohibited.** Neither the commissioner nor any person who  
42.9 received documents, materials, or other information while acting under the authority of the  
42.10 commissioner shall be permitted or required to testify in any private civil action concerning  
42.11 any confidential documents, materials, or information subject to subdivision 1.

42.12 Subd. 3. **Information sharing.** In order to assist in the performance of the commissioner's  
42.13 duties under this act, the commissioner:

42.14 (1) may share documents, materials, or other information, including the confidential and  
42.15 privileged documents, materials, or information subject to subdivision 1, with other state,  
42.16 federal, and international regulatory agencies, with the National Association of Insurance  
42.17 Commissioners, its affiliates or subsidiaries, and with state, federal, and international law  
42.18 enforcement authorities, provided that the recipient agrees in writing to maintain the  
42.19 confidentiality and privileged status of the document, material, or other information;

42.20 (2) may receive documents, materials, or information, including otherwise confidential  
42.21 and privileged documents, materials, or information, from the National Association of  
42.22 Insurance Commissioners, its affiliates or subsidiaries, and from regulatory and law  
42.23 enforcement officials of other foreign or domestic jurisdictions, and shall maintain as  
42.24 confidential or privileged any document, material, or information received with notice or  
42.25 the understanding that it is confidential or privileged under the laws of the jurisdiction that  
42.26 is the source of the document, material, or information;

42.27 (3) may share documents, materials, or other information subject to subdivision 1, with  
42.28 a third-party consultant or vendor provided the consultant agrees in writing to maintain the  
42.29 confidentiality and privileged status of the document, material, or other information; and

42.30 (4) may enter into agreements governing sharing and use of information consistent with  
42.31 this subdivision.

42.32 Subd. 4. **No waiver of privilege or confidentiality.** No waiver of any applicable privilege  
42.33 or claim of confidentiality in the documents, materials, or information shall occur as a result  
42.34 of disclosure to the commissioner under this section or as a result of sharing as authorized

43.1 in subdivision 3. Any document, material, or information disclosed to the commissioner  
43.2 under this section about a cybersecurity event must be retained and preserved by the licensee  
43.3 for the time period under section 541.05, or longer if required by the licensee's document  
43.4 retention policy.

43.5 Subd. 5. **Certain actions public.** Nothing in sections 60A.985 to 60A.9857 shall prohibit  
43.6 the commissioner from releasing final, adjudicated actions that are open to public inspection  
43.7 pursuant to chapter 13 to a database or other clearinghouse service maintained by the National  
43.8 Association of Insurance Commissioners, its affiliates, or subsidiaries.

43.9 Subd. 6. **Classification, protection, and use of information by others.** Documents,  
43.10 materials, or other information in the possession or control of the National Association of  
43.11 Insurance Commissioners or a third-party consultant pursuant to sections 60A.985 to  
43.12 60A.9857 are classified as confidential, protected nonpublic, and privileged; are not subject  
43.13 to subpoena; and are not subject to discovery or admissible in evidence in a private civil  
43.14 action.

43.15 **EFFECTIVE DATE.** This section is effective August 1, 2021.

43.16 Sec. 11. **[60A.9856] EXCEPTIONS.**

43.17 Subdivision 1. **Generally.** The following exceptions shall apply to sections 60A.985 to  
43.18 60A.9857:

43.19 (1) a licensee with fewer than 25 employees is exempt from sections 60A.9851 and  
43.20 60A.9852;

43.21 (2) a licensee subject to and in compliance with the Health Insurance Portability and  
43.22 Accountability Act, Public Law 104-191, 110 Stat. 1936 (HIPAA), is considered to comply  
43.23 with sections 60A.9851, 60A.9852, and 60A.9853, subdivisions 3 to 5, provided the licensee  
43.24 submits a written statement certifying its compliance with HIPAA;

43.25 (3) a licensee affiliated with a depository institution that maintains an information security  
43.26 program in compliance with the interagency guidelines establishing standards for  
43.27 safeguarding customer information as set forth pursuant to United States Code, title 15,  
43.28 sections 6801 and 6805, shall be considered to meet the requirements of section 60A.9851  
43.29 provided that the licensee produce, upon request, documentation satisfactory to the  
43.30 commission that independently validates the affiliated depository institution's adoption of  
43.31 an information security program that satisfies the interagency guidelines;

43.32 (4) an employee, agent, representative, or designee of a licensee, who is also a licensee,  
43.33 is exempt from sections 60A.9851 and 60A.9852 and need not develop its own information

44.1 security program to the extent that the employee, agent, representative, or designee is covered  
44.2 by the information security program of the other licensee; and

44.3 (5) an employee, agent, representative, or designee of a producer licensee, as defined  
44.4 under section 60K.31, subdivision 6, who is also a licensee, is exempt from sections 60A.985  
44.5 to 60A.9857.

44.6 Subd. 2. **Exemption lapse; compliance.** In the event that a licensee ceases to qualify  
44.7 for an exception, such licensee shall have 180 days to comply with this act.

44.8 **EFFECTIVE DATE.** This section is effective August 1, 2021.

44.9 Sec. 12. **[60A.9857] PENALTIES.**

44.10 In the case of a violation of sections 60A.985 to 60A.9856, a licensee may be penalized  
44.11 in accordance with section 60A.052.

44.12 **EFFECTIVE DATE.** This section is effective August 1, 2021.

44.13 Sec. 13. Minnesota Statutes 2020, section 61A.245, subdivision 4, is amended to read:

44.14 Subd. 4. **Minimum values.** The minimum values as specified in subdivisions 5, 6, 7, 8  
44.15 and 10 of any paid-up annuity, cash surrender or death benefits available under an annuity  
44.16 contract shall be based upon minimum nonforfeiture amounts as defined in this subdivision.

44.17 (a) The minimum nonforfeiture amount at any time at or prior to the commencement of  
44.18 any annuity payments shall be equal to an accumulation up to that time at rates of interest  
44.19 as indicated in paragraph (b) of the net considerations, as defined in this subdivision, paid  
44.20 prior to that time, decreased by the sum of clauses (1) through (4):

44.21 (1) any prior withdrawals from or partial surrenders of the contract accumulated at rates  
44.22 of interest as indicated in paragraph (b);

44.23 (2) an annual contract charge of \$50, accumulated at rates of interest as indicated in  
44.24 paragraph (b);

44.25 (3) any premium tax paid by the company for the contract and not subsequently credited  
44.26 back to the company, such as upon early termination of the contract, in which case this  
44.27 decrease must not be taken, accumulated at rates of interest as indicated in paragraph (b);  
44.28 and

44.29 (4) the amount of any indebtedness to the company on the contract, including interest  
44.30 due and accrued.

45.1 The net considerations for a given contract year used to define the minimum nonforfeiture  
45.2 amount shall be an amount equal to 87.5 percent of the gross considerations credited to the  
45.3 contract during that contract year.

45.4 (b) The interest rate used in determining minimum nonforfeiture amounts must be an  
45.5 annual rate of interest determined as the lesser of three percent per annum and the following,  
45.6 which must be specified in the contract if the interest rate will be reset:

45.7 (1) the five-year constant maturity treasury rate reported by the Federal Reserve as of a  
45.8 date, or average over a period, rounded to the nearest 1/20 of one percent, specified in the  
45.9 contract no longer than 15 months prior to the contract issue date or redetermination date  
45.10 under clause (4);

45.11 (2) reduced by 125 basis points;

45.12 (3) where the resulting interest rate is not less than ~~one~~ 0.15 percent; and

45.13 (4) the interest rate shall apply for an initial period and may be redetermined for additional  
45.14 periods. The redetermination date, basis, and period, if any, shall be stated in the contract.  
45.15 The basis is the date or average over a specified period that produces the value of the  
45.16 five-year constant maturity treasury rate to be used at each redetermination date.

45.17 (c) During the period or term that a contract provides substantive participation in an  
45.18 equity indexed benefit, it may increase the reduction described in clause (2) by up to an  
45.19 additional 100 basis points to reflect the value of the equity index benefit. The present value  
45.20 at the contract issue date, and at each redetermination date thereafter, of the additional  
45.21 reduction must not exceed the market value of the benefit. The commissioner may require  
45.22 a demonstration that the present value of the additional reduction does not exceed the market  
45.23 value of the benefit. Lacking such a demonstration that is acceptable to the commissioner,  
45.24 the commissioner may disallow or limit the additional reduction.

45.25 **EFFECTIVE DATE.** This section is effective the day following enactment.

45.26 Sec. 14. Minnesota Statutes 2020, section 62J.23, subdivision 2, is amended to read:

45.27 Subd. 2. **Restrictions.** (a) From July 1, 1992, until rules are adopted by the commissioner  
45.28 under this section, the restrictions in the federal Medicare antikickback statutes in section  
45.29 1128B(b) of the Social Security Act, United States Code, title 42, section 1320a-7b(b), and  
45.30 rules adopted under the federal statutes, apply to all persons in the state, regardless of whether  
45.31 the person participates in any state health care program.

46.1 (b) Nothing in paragraph (a) shall be construed to prohibit an individual from receiving  
46.2 a discount or other reduction in price or a limited-time free supply or samples of a prescription  
46.3 drug, medical supply, or medical equipment offered by a pharmaceutical manufacturer,  
46.4 medical supply or device manufacturer, health plan company, or pharmacy benefit manager,  
46.5 so long as:

46.6 (1) the discount or reduction in price is provided to the individual in connection with  
46.7 the purchase of a prescription drug, medical supply, or medical equipment prescribed for  
46.8 that individual;

46.9 (2) it otherwise complies with the requirements of state and federal law applicable to  
46.10 enrollees of state and federal public health care programs;

46.11 (3) the discount or reduction in price does not exceed the amount paid directly by the  
46.12 individual for the prescription drug, medical supply, or medical equipment; and

46.13 (4) the limited-time free supply or samples are provided by a physician, advanced practice  
46.14 registered nurse, or pharmacist, as provided by the federal Prescription Drug Marketing  
46.15 Act.

46.16 For purposes of this paragraph, "prescription drug" includes prescription drugs that are  
46.17 administered through infusion, injection, or other parenteral methods, and related services  
46.18 and supplies.

46.19 (c) No benefit, reward, remuneration, or incentive for continued product use may be  
46.20 provided to an individual or an individual's family by a pharmaceutical manufacturer,  
46.21 medical supply or device manufacturer, or pharmacy benefit manager, except that this  
46.22 prohibition does not apply to:

46.23 (1) activities permitted under paragraph (b);

46.24 (2) a pharmaceutical manufacturer, medical supply or device manufacturer, health plan  
46.25 company, or pharmacy benefit manager providing to a patient, at a discount or reduced  
46.26 price or free of charge, ancillary products necessary for treatment of the medical condition  
46.27 for which the prescription drug, medical supply, or medical equipment was prescribed or  
46.28 provided; and

46.29 (3) a pharmaceutical manufacturer, medical supply or device manufacturer, health plan  
46.30 company, or pharmacy benefit manager providing to a patient a trinket or memento of  
46.31 insignificant value.

47.1 (d) Nothing in this subdivision shall be construed to prohibit a health plan company  
47.2 from offering a tiered formulary with different co-payment or cost-sharing amounts for  
47.3 different drugs.

47.4 Sec. 15. [62Q.472] SCREENING AND TESTING FOR OPIOIDS.

47.5 (a) A health plan company shall not place a lifetime or annual limit on screenings and  
47.6 urinalysis testing for opioids for an enrollee in an inpatient or outpatient substance use  
47.7 disorder treatment program when the screening or testing is ordered by a health care provider  
47.8 and performed by an accredited clinical laboratory. A health plan company is not prohibited  
47.9 from conducting a medical necessity review when screenings or urinalysis testing for an  
47.10 enrollee exceeds 24 tests in any 12-month period.

47.11 (b) This section does not apply to managed care plans or county-based purchasing plans  
47.12 when the plan provides coverage to public health care program enrollees under chapter  
47.13 256B or 256L.

47.14 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to health  
47.15 plans offered, issued, or renewed on or after that date.

47.16 Sec. 16. Minnesota Statutes 2020, section 256B.0625, subdivision 10, is amended to read:

47.17 Subd. 10. **Laboratory and x-ray services.** (a) Medical assistance covers laboratory and  
47.18 x-ray services.

47.19 (b) Medical assistance covers screening and urinalysis tests for opioids without lifetime  
47.20 or annual limits.

47.21 **EFFECTIVE DATE.** This section is effective January 1, 2022.

47.22 Sec. 17. **REPEALER.**

47.23 Minnesota Statutes 2020, sections 60A.98; 60A.981; and 60A.982, are repealed.

47.24 **EFFECTIVE DATE.** This section is effective August 1, 2021.

## ARTICLE 4

## CONSUMER PROTECTION

48.1  
48.2  
48.3 Section 1. Minnesota Statutes 2020, section 13.712, is amended by adding a subdivision  
48.4 to read:

48.5 Subd. 7. **Student loan servicers.** Data collected, created, received, maintained, or  
48.6 disseminated under chapter 58B are governed by section 58B.10.

48.7 Sec. 2. Minnesota Statutes 2020, section 47.59, subdivision 2, is amended to read:

48.8 Subd. 2. **Application.** Extensions of credit or purchases of extensions of credit by  
48.9 financial institutions under sections 47.20, 47.21, 47.201, 47.204, 47.58, ~~47.60~~, 48.153,  
48.10 48.185, 48.195, 59A.01 to 59A.15, 334.01, 334.011, 334.012, 334.022, 334.06, and 334.061  
48.11 to 334.19 may, but need not, be made according to those sections in lieu of the authority  
48.12 set forth in this section to the extent those sections authorize the financial institution to make  
48.13 extensions of credit or purchase extensions of credit under those sections. If a financial  
48.14 institution elects to make an extension of credit or to purchase an extension of credit under  
48.15 those other sections, the extension of credit or the purchase of an extension of credit is  
48.16 subject to those sections and not this section, except this subdivision, and except as expressly  
48.17 provided in those sections. A financial institution may also charge an organization a rate of  
48.18 interest and any charges agreed to by the organization and may calculate and collect finance  
48.19 and other charges in any manner agreed to by that organization. Except for extensions of  
48.20 credit a financial institution elects to make under section 334.01, 334.011, 334.012, 334.022,  
48.21 334.06, or 334.061 to 334.19, chapter 334 does not apply to extensions of credit made  
48.22 according to this section or the sections listed in this subdivision. This subdivision does not  
48.23 authorize a financial institution to extend credit or purchase an extension of credit under  
48.24 any of the sections listed in this subdivision if the financial institution is not authorized to  
48.25 do so under those sections. A financial institution extending credit under any of the sections  
48.26 listed in this subdivision shall specify in the promissory note, contract, or other loan document  
48.27 the section under which the extension of credit is made.

48.28 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to consumer  
48.29 short-term loans and small loans originated on or after that date.

48.30 Sec. 3. Minnesota Statutes 2020, section 47.60, subdivision 2, is amended to read:

48.31 Subd. 2. **Authorization, terms, conditions, and prohibitions.** (a) ~~In lieu of the interest,~~  
48.32 ~~finance charges, or fees in any other law,~~ A consumer small loan lender may charge the  
48.33 ~~following:~~ interest, finance charges, and fees. The sum of any interest, finance charges, and



49.1 fees must not exceed an annual percentage rate, as defined in section 47.59, subdivision 1,  
49.2 paragraph (b), of 36 percent.

49.3 ~~(1) on any amount up to and including \$50, a charge of \$5.50 may be added;~~

49.4 ~~(2) on amounts in excess of \$50, but not more than \$100, a charge may be added equal~~  
49.5 ~~to ten percent of the loan proceeds plus a \$5 administrative fee;~~

49.6 ~~(3) on amounts in excess of \$100, but not more than \$250, a charge may be added equal~~  
49.7 ~~to seven percent of the loan proceeds with a minimum of \$10 plus a \$5 administrative fee;~~

49.8 ~~(4) for amounts in excess of \$250 and not greater than the maximum in subdivision 1,~~  
49.9 ~~paragraph (a), a charge may be added equal to six percent of the loan proceeds with a~~  
49.10 ~~minimum of \$17.50 plus a \$5 administrative fee.~~

49.11 (b) The term of a loan made under this section shall be for no more than 30 calendar  
49.12 days.

49.13 (c) After maturity, the contract rate must not exceed 2.75 percent per month of the  
49.14 remaining loan proceeds after the maturity date calculated at a rate of 1/30 of the monthly  
49.15 rate in the contract for each calendar day the balance is outstanding.

49.16 (d) No insurance charges or other charges must be permitted to be charged, collected,  
49.17 or imposed on a consumer small loan except as authorized in this section.

49.18 (e) On a loan transaction in which cash is advanced in exchange for a personal check,  
49.19 a return check charge may be charged as authorized by section 604.113, subdivision 2,  
49.20 paragraph (a). The civil penalty provisions of section 604.113, subdivision 2, paragraph  
49.21 (b), may not be demanded or assessed against the borrower.

49.22 (f) A loan made under this section must not be repaid by the proceeds of another loan  
49.23 made under this section by the same lender or related interest. The proceeds from a loan  
49.24 made under this section must not be applied to another loan from the same lender or related  
49.25 interest. No loan to a single borrower made pursuant to this section shall be split or divided  
49.26 and no single borrower shall have outstanding more than one loan with the result of collecting  
49.27 a higher charge than permitted by this section or in an aggregate amount of principal exceed  
49.28 at any one time the maximum of \$350.

49.29 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to consumer  
49.30 short-term loans and small loans originated on or after that date.

50.1 Sec. 4. Minnesota Statutes 2020, section 47.601, subdivision 2, is amended to read:

50.2 Subd. 2. **Consumer short-term loan contract.** (a) No contract or agreement between  
50.3 a consumer short-term loan lender and a borrower residing in Minnesota may contain the  
50.4 following:

50.5 (1) a provision selecting a law other than Minnesota law under which the contract is  
50.6 construed or enforced;

50.7 (2) a provision choosing a forum for dispute resolution other than the state of Minnesota;  
50.8 or

50.9 (3) a provision limiting class actions against a consumer short-term lender for violations  
50.10 of subdivision 3 or for making consumer short-term loans:

50.11 (i) without a required license issued by the commissioner; or

50.12 (ii) in which interest rates, fees, charges, or loan amounts exceed those allowable under  
50.13 section ~~47.59, subdivision 6, or 47.60, subdivision 2, other than by de minimis amounts if~~  
50.14 ~~no pattern or practice exists.~~

50.15 (b) Any provision prohibited by paragraph (a) is void and unenforceable.

50.16 (c) A consumer short-term loan lender must furnish a copy of the written loan contract  
50.17 to each borrower. The contract and disclosures must be written in the language in which  
50.18 the loan was negotiated with the borrower and must contain:

50.19 (1) the name; address, which may not be a post office box; and telephone number of the  
50.20 lender making the consumer short-term loan;

50.21 (2) the name and title of the individual employee or representative who signs the contract  
50.22 on behalf of the lender;

50.23 (3) an itemization of the fees and interest charges to be paid by the borrower;

50.24 (4) in bold, 24-point type, the annual percentage rate as computed under United States  
50.25 Code, chapter 15, section 1606; and

50.26 (5) a description of the borrower's payment obligations under the loan.

50.27 (d) The holder or assignee of a check or other instrument evidencing an obligation of a  
50.28 borrower in connection with a consumer short-term loan takes the instrument subject to all  
50.29 claims by and defenses of the borrower against the consumer short-term lender.

50.30 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to consumer  
50.31 short-term loans and small loans originated on or after that date.

51.1 Sec. 5. Minnesota Statutes 2020, section 47.601, subdivision 6, is amended to read:

51.2 Subd. 6. **Penalties for violation; private right of action.** (a) Except for a "bona fide  
51.3 error" as set forth under United States Code, chapter 15, section 1640, subsection (c), an  
51.4 individual or entity who violates subdivision 2 or 3 is liable to the borrower for:

51.5 (1) all money collected or received in connection with the loan;

51.6 (2) actual, incidental, and consequential damages;

51.7 (3) statutory damages of up to \$1,000 per violation;

51.8 (4) costs, disbursements, and reasonable attorney fees; and

51.9 (5) injunctive relief.

51.10 (b) In addition to the remedies provided in paragraph (a), a loan is void, and the borrower  
51.11 is not obligated to pay any amounts owing if the loan is made:

51.12 (1) by a consumer short-term lender who has not obtained an applicable license from  
51.13 the commissioner;

51.14 (2) in violation of any provision of subdivision 2 or 3; or

51.15 (3) in which interest, fees, charges, or loan amounts exceed the interest, fees, charges,  
51.16 or loan amounts allowable under ~~sections 47.59, subdivision 6, and section 47.60~~, subdivision  
51.17 2.

51.18 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to consumer  
51.19 short-term loans and small loans originated on or after that date.

51.20 Sec. 6. Minnesota Statutes 2020, section 48.512, subdivision 2, is amended to read:

51.21 Subd. 2. **Required information.** Before opening or authorizing signatory power over  
51.22 a transaction account, a financial intermediary shall require one applicant to provide the  
51.23 following information on an application document signed by the applicant:

51.24 (a) full name;

51.25 (b) birth date;

51.26 (c) address of residence;

51.27 (d) address of current employment, if employed;

51.28 (e) telephone numbers of residence and place of employment, if any;

51.29 (f) Social Security number;

52.1 (g) driver's license or identification card number issued pursuant to section 171.07. If  
52.2 the applicant does not have a driver's license or identification card, the applicant may provide  
52.3 an identification document number issued for identification purposes by any state, federal,  
52.4 or foreign government if the document includes the applicant's photograph, full name, birth  
52.5 date, and signature. ~~A valid Wisconsin driver's license without a photograph may be accepted~~  
52.6 ~~in satisfaction of the requirement of this paragraph until January 1, 1985;~~

52.7 (h) whether the applicant has had a transaction account at the same or another financial  
52.8 intermediary within 12 months immediately preceding the application, and if so, the name  
52.9 of the financial intermediary;

52.10 (i) whether the applicant has had a transaction account closed by a financial intermediary  
52.11 without the applicant's consent within 12 months immediately preceding the application,  
52.12 and if so, the reason the account was closed; and

52.13 (j) whether the applicant has been convicted of a criminal offense because of the use of  
52.14 a check or other similar item within 24 months immediately preceding the application.

52.15 A financial intermediary may require an applicant to disclose additional information.

52.16 An applicant who makes a false material statement that the applicant does not believe  
52.17 to be true in an application document with respect to information required to be provided  
52.18 by this subdivision is guilty of perjury. The financial intermediary shall notify the applicant  
52.19 of the provisions of this paragraph.

52.20 Sec. 7. Minnesota Statutes 2020, section 48.512, subdivision 3, is amended to read:

52.21 Subd. 3. **Confirm no involuntary closing.** (a) Before opening or authorizing signatory  
52.22 power over a transaction account, the financial intermediary shall attempt to verify the  
52.23 information disclosed for subdivision 2, clause (i). Inquiries made to verify this information  
52.24 through persons in the business of providing such information must include an inquiry based  
52.25 on the applicant's identification number provided under subdivision 2, clause (g).

52.26 (b) The financial intermediary may not open or authorize signatory power over a  
52.27 transaction account if (i) the applicant had a transaction account closed by a financial  
52.28 intermediary without consent because of issuance by the applicant of dishonored checks  
52.29 within 12 months immediately preceding the application, or (ii) the applicant has been  
52.30 convicted of a criminal offense because of the use of a check or other similar item within  
52.31 24 months immediately preceding the application. This paragraph does not apply to programs  
52.32 designed to expand access to financial services to individuals who do not possess a transaction  
52.33 account.

53.1 (c) If the transaction account is refused pursuant to this subdivision, the reasons for the  
53.2 refusal shall be given to the applicant in writing and the applicant shall be allowed to provide  
53.3 additional information.

53.4 Sec. 8. Minnesota Statutes 2020, section 48.512, subdivision 7, is amended to read:

53.5 Subd. 7. **Transaction account service charges and charges relating to dishonored**  
53.6 **checks.** (a) The establishment of transaction account service charges and the amounts of  
53.7 the charges not otherwise limited or prescribed by law or rule is a business decision to be  
53.8 made by each financial intermediary according to sound business judgment and safe, sound  
53.9 financial institution operational standards. In establishing transaction account service charges,  
53.10 the financial intermediary may consider, but is not limited to considering:

53.11 (1) costs incurred by the institution, plus a profit margin, in providing the service;

53.12 (2) the deterrence of misuse by customers of financial institution services;

53.13 (3) the establishment of the competitive position of the financial institution in accordance  
53.14 with the institution's marketing strategy; and

53.15 (4) maintenance of the safety and soundness of the institution.

53.16 (b) Transaction account service charges must be reasonable in relation to these  
53.17 considerations and should be arrived at by each financial intermediary on a competitive  
53.18 basis and not on the basis of any agreement, arrangement, undertaking, or discussion with  
53.19 other financial intermediaries or their officers.

53.20 (c) A financial intermediary may not impose a service charge in excess of ~~\$4~~ \$10 for a  
53.21 dishonored check on any person other than the issuer of the check.

53.22 Sec. 9. Minnesota Statutes 2020, section 53.04, subdivision 3a, is amended to read:

53.23 Subd. 3a. **Loans.** (a) The right to make loans, secured or unsecured, at the rates and on  
53.24 the terms and other conditions permitted under chapters 47 and 334. Loans made under this  
53.25 authority must be in amounts in compliance with section 53.05, clause (7). A licensee making  
53.26 a loan under this chapter secured by a lien on real estate shall comply with the requirements  
53.27 of section 47.20, subdivision 8. A licensee making a loan that is a consumer small loan, as  
53.28 defined in section 47.60, subdivision 1, paragraph (a), must comply with section 47.60. A  
53.29 licensee making a loan that is a consumer short-term loan, as defined in section 47.601,  
53.30 subdivision 1, paragraph (d), must comply with section 47.601.

54.1 (b) Loans made under this subdivision may be secured by real or personal property, or  
54.2 both. If the proceeds of a loan secured by a first lien on the borrower's primary residence  
54.3 are used to finance the purchase of the borrower's primary residence, the loan must comply  
54.4 with the provisions of section 47.20.

54.5 (c) An agency or instrumentality of the United States government or a corporation  
54.6 otherwise created by an act of the United States Congress or a lender approved or certified  
54.7 by the secretary of housing and urban development, or approved or certified by the  
54.8 administrator of veterans affairs, or approved or certified by the administrator of the Farmers  
54.9 Home Administration, or approved or certified by the Federal Home Loan Mortgage  
54.10 Corporation, or approved or certified by the Federal National Mortgage Association, that  
54.11 engages in the business of purchasing or taking assignments of mortgage loans and undertakes  
54.12 direct collection of payments from or enforcement of rights against borrowers arising from  
54.13 mortgage loans, is not required to obtain a certificate of authorization under this chapter in  
54.14 order to purchase or take assignments of mortgage loans from persons holding a certificate  
54.15 of authorization under this chapter.

54.16 (d) This subdivision does not authorize an industrial loan and thrift company to make  
54.17 loans under an overdraft checking plan.

54.18 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to consumer  
54.19 short-term loans and small loans originated on or after that date.

54.20 Sec. 10. Minnesota Statutes 2020, section 56.131, subdivision 1, is amended to read:

54.21 Subdivision 1. **Interest rates and charges.** (a) On any loan in a principal amount not  
54.22 exceeding \$100,000 or 15 percent of a Minnesota corporate licensee's capital stock and  
54.23 surplus as defined in section 53.015, if greater, a licensee may contract for and receive  
54.24 interest, finance charges, and other charges as provided in section 47.59.

54.25 (b) Notwithstanding paragraph (a), a licensee making a loan that is a consumer small  
54.26 loan, as defined in section 47.60, subdivision 1, paragraph (a), must comply with section  
54.27 47.60. A licensee making a loan that is a consumer short-term loan, as defined in section  
54.28 47.601, subdivision 1, paragraph (d), must comply with section 47.601.

54.29 ~~(b)~~ (c) With respect to a loan secured by an interest in real estate, and having a maturity  
54.30 of more than 60 months, the original schedule of installment payments must fully amortize  
54.31 the principal and interest on the loan. The original schedule of installment payments for any  
54.32 other loan secured by an interest in real estate must provide for payment amounts that are  
54.33 sufficient to pay all interest scheduled to be due on the loan.

55.1 ~~(e)~~ (d) A licensee may contract for and collect a delinquency charge as provided for in  
55.2 section 47.59, subdivision 6, paragraph (a), clause (4).

55.3 ~~(d)~~ (e) A licensee may grant extensions, deferments, or conversions to interest-bearing  
55.4 as provided in section 47.59, subdivision 5.

55.5 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to consumer  
55.6 short-term loans and small loans originated on or after that date.

55.7 Sec. 11. **[58B.01] TITLE.**

55.8 This chapter may be cited as the "Student Loan Borrower Bill of Rights."

55.9 Sec. 12. **[58B.02] DEFINITIONS.**

55.10 Subdivision 1. **Scope.** For purposes of this chapter, the following terms have the meanings  
55.11 given them.

55.12 Subd. 2. **Borrower.** "Borrower" means a resident of this state who has received or agreed  
55.13 to pay a student loan or a person who shares responsibility with a resident for repaying a  
55.14 student loan.

55.15 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of commerce.

55.16 Subd. 4. **Financial institution.** "Financial institution" means any of the following  
55.17 organized under the laws of this state, any other state, or the United States: a bank, bank  
55.18 and trust, trust company with banking powers, savings bank, savings association, or credit  
55.19 union.

55.20 Subd. 5. **Person in control.** "Person in control" means any member of senior  
55.21 management, including owners or officers, and other persons who directly or indirectly  
55.22 possess the power to direct or cause the direction of the management policies of an applicant  
55.23 or student loan servicer under this chapter, regardless of whether the person has any  
55.24 ownership interest in the applicant or student loan servicer. Control is presumed to exist if  
55.25 a person directly or indirectly owns, controls, or holds with power to vote ten percent or  
55.26 more of the voting stock of an applicant or student loan servicer or of a person who owns,  
55.27 controls, or holds with power to vote ten percent or more of the voting stock of an applicant  
55.28 or student loan servicer.

55.29 Subd. 6. **Servicing.** "Servicing" means:

56.1 (1) receiving any scheduled periodic payments from a borrower or notification of  
56.2 payments, and applying payments to the borrower's account pursuant to the terms of the  
56.3 student loan or of the contract governing servicing;

56.4 (2) during a period when no payment is required on a student loan, maintaining account  
56.5 records for the loan and communicating with the borrower regarding the loan, on behalf of  
56.6 the loan's holder; and

56.7 (3) interacting with a borrower, including activities to help prevent default on obligations  
56.8 arising from student loans, conducted to facilitate the requirements in clauses (1) and (2).

56.9 Subd. 7. **Student loan.** "Student loan" means a government, commercial, or foundation  
56.10 loan for actual costs paid for tuition and reasonable education and living expenses.

56.11 Subd. 8. **Student loan servicer.** "Student loan servicer" means any person, wherever  
56.12 located, responsible for the servicing of any student loan to any borrower, including a  
56.13 nonbank covered person, as defined in Code of Federal Regulations, title 12, section  
56.14 1090.101, who is responsible for the servicing of any student loan to any borrower.

56.15 **Sec. 13. [58B.03] LICENSING OF STUDENT LOAN SERVICERS.**

56.16 Subdivision 1. **License required.** No person shall directly or indirectly act as a student  
56.17 loan servicer without first obtaining a license from the commissioner.

56.18 Subd. 2. **Exempt persons.** The following persons are exempt from the requirements of  
56.19 this chapter:

56.20 (1) a financial institution;

56.21 (2) a person servicing student loans made with the person's own funds, if no more than  
56.22 three student loans are made in any 12-month period;

56.23 (3) an agency, instrumentality, or political subdivision of this state that makes, services,  
56.24 or guarantees student loans;

56.25 (4) a person acting in a fiduciary capacity, such as a trustee or receiver, as a result of a  
56.26 specific order issued by a court of competent jurisdiction;

56.27 (5) the University of Minnesota; or

56.28 (6) a person exempted by order of the commissioner.

56.29 Subd. 3. **Application for licensure.** (a) Any person seeking to act within the state as a  
56.30 student loan servicer must apply for a license in a form and manner specified by the  
56.31 commissioner. At a minimum, the application must include:



- 57.1 (1) a financial statement prepared by a certified public accountant or a public accountant;
- 57.2 (2) the history of criminal convictions, excluding traffic violations, for persons in control
- 57.3 of the applicant;
- 57.4 (3) any information requested by the commissioner related to the history of criminal
- 57.5 convictions disclosed under clause (2);
- 57.6 (4) a nonrefundable license fee established by the commissioner; and
- 57.7 (5) a nonrefundable investigation fee established by the commissioner.
- 57.8 (b) The commissioner may conduct a state and national criminal history records check
- 57.9 of the applicant and of each person in control or employee of the applicant.
- 57.10 Subd. 4. **Issuance of a license.** (a) Upon receipt of a complete application for an initial
- 57.11 license and the payment of fees for a license and investigation, the commissioner must
- 57.12 investigate the financial condition and responsibility, character, financial and business
- 57.13 experience, and general fitness of the applicant. The commissioner may issue a license if
- 57.14 the commissioner finds:
- 57.15 (1) the applicant's financial condition is sound;
- 57.16 (2) the applicant's business will be conducted honestly, fairly, equitably, carefully, and
- 57.17 efficiently within the purposes and intent of this chapter;
- 57.18 (3) each person in control of the applicant is in all respects properly qualified and of
- 57.19 good character;
- 57.20 (4) no person, on behalf of the applicant, has knowingly made any incorrect statement
- 57.21 of a material fact in the application or in any report or statement made pursuant to this
- 57.22 section;
- 57.23 (5) no person, on behalf of the applicant, has knowingly omitted any information required
- 57.24 by the commissioner from an application, report, or statement made pursuant to this section;
- 57.25 (6) the applicant has paid the fees required under this section; and
- 57.26 (7) the application has met other similar requirements as determined by the commissioner.
- 57.27 (b) A license issued under this chapter is not transferable or assignable.
- 57.28 Subd. 5. **Notification of a change in status.** An applicant or student loan servicer must
- 57.29 notify the commissioner in writing of any change in the information provided in the initial
- 57.30 application for a license or the most recent renewal application for a license. The notification

58.1 must be received no later than ten business days after the date of an event that results in the  
58.2 information becoming inaccurate.

58.3 Subd. 6. **Term of license.** Licenses issued under this chapter expire on December 31 of  
58.4 each year and are renewable on January 1.

58.5 Subd. 7. **Exemption from application.** (a) A person is exempt from the application  
58.6 procedures under subdivision 3 if the commissioner determines that the person is servicing  
58.7 student loans in this state pursuant to a contract awarded by the United States Secretary of  
58.8 Education under United States Code, title 20, section 1087f. Documentation of eligibility  
58.9 for this exemption shall be in a form and manner determined by the commissioner.

58.10 (b) A person determined to be eligible for the exemption under paragraph (a) shall, upon  
58.11 payment of the fees under subdivision 3, be issued a license and deemed to meet all of the  
58.12 requirements of subdivision 4.

58.13 Subd. 8. **Notice.** (a) A person issued a license under subdivision 7 must provide the  
58.14 commissioner with written notice no less than seven days after the date the person's contract  
58.15 under United States Code, title 20, section 1087f, expires, is revoked, or is terminated.

58.16 (b) A person issued a license under subdivision 7 has 30 days from the date the  
58.17 notification under paragraph (a) is provided to complete the requirements of subdivision 3.  
58.18 If a person does not meet the requirements of subdivision 3 within this time period, the  
58.19 commissioner shall immediately suspend the person's license under this chapter.

58.20 **Sec. 14. [58B.04] LICENSING MULTIPLE PLACES OF BUSINESS.**

58.21 A person licensed to act as a student loan servicer in this state is prohibited from servicing  
58.22 student loans under any other name or at any other place of business than that named in the  
58.23 license. Any time a student loan servicer changes the location of the servicer's place of  
58.24 business, the servicer must provide prior written notice to the commissioner. A student loan  
58.25 servicer may not maintain more than one place of business under the same license. The  
58.26 commissioner may issue more than one license to the same student loan servicer, provided  
58.27 that the servicer complies with the application procedures in section 58B.03 for each license.

58.28 **Sec. 15. [58B.05] LICENSE RENEWAL.**

58.29 Subdivision 1. **Term.** Licenses are renewable on January 1 of each year.

58.30 Subd. 2. **Timely renewal.** (a) A person whose application is properly and timely filed  
58.31 who has not received notice of denial of renewal is considered approved for renewal. The  
58.32 person may continue to act as a student loan servicer whether or not the renewed license

59.1 has been received on or before January 1 of the renewal year. An application for renewal  
59.2 of a license is considered timely filed if the application is received by the commissioner, or  
59.3 mailed with proper postage and postmarked, by the December 15 before the renewal year.  
59.4 An application for renewal is considered properly filed if the application is made upon forms  
59.5 duly executed, accompanied by fees prescribed by this chapter, and containing any  
59.6 information that the commissioner requires.

59.7 (b) A person who fails to make a timely application for renewal of a license and who  
59.8 has not received the renewal license as of January 1 of the renewal year is unlicensed until  
59.9 the renewal license has been issued by the commissioner and is received by the person.

59.10 Subd. 3. **Contents of renewal application.** An application for renewal of an existing  
59.11 license must contain the information specified in section 58B.03, subdivision 3, except that  
59.12 only the requested information having changed from the most recent prior application need  
59.13 be submitted.

59.14 Subd. 4. **Cancellation.** A student loan servicer ceasing an activity or activities regulated  
59.15 by this chapter and desiring to no longer be licensed shall inform the commissioner in writing  
59.16 and, at the same time, surrender the license and all other symbols or indicia of licensure.  
59.17 The licensee shall include a plan for the withdrawal from student loan servicing, including  
59.18 a timetable for the disposition of the student loans being serviced.

59.19 Subd. 5. **Renewal fees.** The following fees must be paid to the commissioner for a  
59.20 renewal license:

59.21 (1) a nonrefundable renewal license fee established by the commissioner; and

59.22 (2) a nonrefundable renewal investigation fee established by the commissioner.

59.23 **Sec. 16. [58B.06] DUTIES OF STUDENT LOAN SERVICERS.**

59.24 Subdivision 1. **Response requirements.** Upon receiving a written communication from  
59.25 a borrower, a student loan servicer must:

59.26 (1) acknowledge receipt of the communication in less than ten days from the date the  
59.27 communication is received; and

59.28 (2) provide information relating to the communication and, if applicable, the action the  
59.29 student loan servicer will take to either (i) correct the borrower's issue or (ii) explain why  
59.30 the issue cannot be corrected. The information must be provided less than 30 days after the  
59.31 date the written communication was received by the student loan servicer.

60.1 Subd. 2. **Overpayments.** (a) A student loan servicer must ask a borrower in what manner  
60.2 the borrower would like any overpayment to be applied to a student loan. A borrower's  
60.3 instruction regarding the application of overpayments is effective for the term of the loan  
60.4 or until the borrower provides a different instruction.

60.5 (b) For purposes of this subdivision, "overpayment" means a payment on a student loan  
60.6 that exceeds the monthly amount due.

60.7 Subd. 3. **Partial payments.** (a) A student loan servicer must apply a partial payment in  
60.8 a manner intended to minimize late fees and the negative impact on the borrower's credit  
60.9 history. If a borrower has multiple student loans with the same student loan servicer, upon  
60.10 receipt of a partial payment the servicer must apply the payments to satisfy as many  
60.11 individual loan payments as possible.

60.12 (b) For purposes of this subdivision, "partial payment" means a payment on a student  
60.13 loan that is less than the monthly amount due.

60.14 Subd. 4. **Transfer of student loan.** (a) If a borrower's student loan servicer changes  
60.15 pursuant to the sale, assignment, or transfer of the servicing, the original student loan servicer  
60.16 must:

60.17 (1) require the new student loan servicer to honor all benefits that were made available,  
60.18 or which may have become available, to a borrower from the original student loan servicer;  
60.19 and

60.20 (2) transfer to the new student loan servicer all information regarding the borrower, the  
60.21 account of the borrower, and the borrower's student loan, including but not limited to the  
60.22 repayment status of the student loan and the benefits described in clause (1).

60.23 (b) The student loan servicer must complete the transfer under paragraph (a), clause (2),  
60.24 less than 45 days from the date of the sale, assignment, or transfer of the servicing.

60.25 (c) A sale, assignment, or transfer of the servicing must be completed no less than seven  
60.26 days from the date the next payment is due on the student loan.

60.27 (d) A new student loan servicer must adopt policies and procedures to verify that the  
60.28 original student loan servicer has met the requirements of paragraph (a).

60.29 Subd. 5. **Income-driven repayment.** A student loan servicer must evaluate a borrower  
60.30 for eligibility for an income-driven repayment program before placing a borrower in  
60.31 forbearance or default.

61.1 Subd. 6. **Records.** A student loan servicer must maintain adequate records of each student  
61.2 loan for not less than two years following the final payment on the student loan or the sale,  
61.3 assignment, or transfer of the servicing.

61.4 **EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to student loan  
61.5 contracts executed on or after that date.

61.6 Sec. 17. **[58B.07] PROHIBITED CONDUCT.**

61.7 Subdivision 1. **Misleading borrowers.** A student loan servicer must not directly or  
61.8 indirectly attempt to mislead a borrower.

61.9 Subd. 2. **Misrepresentation.** A student loan servicer must not engage in any unfair or  
61.10 deceptive practice or misrepresent or omit any material information in connection with the  
61.11 servicing of a student loan, including but not limited to misrepresenting the amount, nature,  
61.12 or terms of any fee or payment due or claimed to be due on a student loan, the terms and  
61.13 conditions of the loan agreement, or the borrower's obligations under the loan.

61.14 Subd. 3. **Misapplication of payments.** A student loan servicer must not knowingly or  
61.15 negligently misapply student loan payments.

61.16 Subd. 4. **Inaccurate information.** A student loan servicer must not knowingly or  
61.17 negligently provide inaccurate information to any consumer reporting agency.

61.18 Subd. 5. **Reporting of payment history.** A student loan servicer must not fail to report  
61.19 both the favorable and unfavorable payment history of the borrower to a consumer reporting  
61.20 agency at least annually, if the student loan servicer regularly reports payment history  
61.21 information.

61.22 Subd. 6. **Refusal to communicate with a borrower's representative.** A student loan  
61.23 servicer must not refuse to communicate with a representative of the borrower who provides  
61.24 a written authorization signed by the borrower. The student loan servicer may adopt  
61.25 procedures reasonably related to verifying that the representative is in fact authorized to act  
61.26 on behalf of the borrower.

61.27 Subd. 7. **False statements and omissions.** A student loan servicer must not knowingly  
61.28 or negligently make any false statement or omission of material fact in connection with any  
61.29 application, information, or reports filed with the commissioner or any other federal, state,  
61.30 or local government agency.

62.1 Subd. 8. **Noncompliance with applicable laws.** A student loan servicer must not violate  
62.2 any other federal, state, or local laws, including those related to fraudulent, coercive, or  
62.3 dishonest practices.

62.4 Subd. 9. **Incorrect information regarding student loan forgiveness.** A student loan  
62.5 servicer must not misrepresent the availability of student loan forgiveness for which the  
62.6 servicer has reason to know the borrower is eligible. This includes but is not limited to  
62.7 student loan forgiveness programs specific to military borrowers, borrowers working in  
62.8 public service, or borrowers with disabilities.

62.9 Subd. 10. **Compliance with servicer duties.** A student loan servicer must comply with  
62.10 the duties and obligations under section 58B.06.

62.11 Sec. 18. **[58B.08] EXAMINATIONS.**

62.12 The commissioner has the same powers with respect to examinations of student loan  
62.13 servicers under this chapter that the commissioner has under section 46.04.

62.14 Sec. 19. **[58B.09] DENIAL; SUSPENSION; REVOCATION OF LICENSES.**

62.15 Subdivision 1. **Powers of commissioner.** (a) The commissioner may by order take any  
62.16 or all of the following actions:

62.17 (1) bar a person from engaging in student loan servicing;

62.18 (2) deny, suspend, or revoke a student loan servicer license;

62.19 (3) censure a student loan servicer;

62.20 (4) impose a civil penalty, as provided in section 45.027, subdivision 6;

62.21 (5) order restitution to the borrower, if applicable; or

62.22 (6) revoke an exemption.

62.23 (b) In order to take the action in paragraph (a), the commissioner must find:

62.24 (1) the order is in the public interest; and

62.25 (2) the student loan servicer, applicant, person in control, employee, or agent has:

62.26 (i) violated any provision of this chapter or a rule or order adopted or issued under this  
62.27 chapter;

62.28 (ii) violated a standard of conduct or engaged in a fraudulent, coercive, deceptive, or  
62.29 dishonest act or practice, including but not limited to negligently making a false statement

63.1 or knowingly omitting a material fact, whether or not the act or practice involves student  
63.2 loan servicing;

63.3 (iii) engaged in an act or practice that demonstrates untrustworthiness, financial  
63.4 irresponsibility, or incompetence, whether or not the act or practice involves student loan  
63.5 servicing;

63.6 (iv) pled guilty or nolo contendere to or been convicted of a felony, gross misdemeanor,  
63.7 or misdemeanor;

63.8 (v) paid a civil penalty or been the subject of a disciplinary action by the commissioner,  
63.9 order of suspension or revocation, cease and desist order, injunction order, or order barring  
63.10 involvement in an industry or profession issued by the commissioner or any other federal,  
63.11 state, or local government agency;

63.12 (vi) been found by a court of competent jurisdiction to have engaged in conduct  
63.13 evidencing gross negligence, fraud, misrepresentation, or deceit;

63.14 (vii) refused to cooperate with an investigation or examination by the commissioner;

63.15 (viii) failed to pay any fee or assessment imposed by the commissioner; or

63.16 (ix) failed to comply with state and federal tax obligations.

63.17 Subd. 2. **Orders of the commissioner.** To begin a proceeding under this section, the  
63.18 commissioner shall issue an order requiring the subject of the proceeding to show cause  
63.19 why action should not be taken against the person according to this section. The order must  
63.20 be calculated to give reasonable notice of the time and place for the hearing and must state  
63.21 the reasons for entry of the order. The commissioner may by order summarily suspend a  
63.22 license or exemption or summarily bar a person from engaging in student loan servicing  
63.23 pending a final determination of an order to show cause. If a license or exemption is  
63.24 summarily suspended or if the person is summarily barred from any involvement in the  
63.25 servicing of student loans pending final determination of an order to show cause, a hearing  
63.26 on the merits must be held within 30 days of the issuance of the order of summary suspension  
63.27 or bar. All hearings must be conducted under chapter 14. After the hearing, the commissioner  
63.28 shall enter an order disposing of the matter as the facts require. If the subject of the order  
63.29 fails to appear at a hearing after having been duly notified, the person is considered in default  
63.30 and the proceeding may be determined against the subject of the order upon consideration  
63.31 of the order to show cause, the allegations of which may be considered to be true.

63.32 Subd. 3. **Actions against lapsed license.** If a license or certificate of exemption lapses;  
63.33 is surrendered, withdrawn, or terminated; or otherwise becomes ineffective, the commissioner

64.1 may (1) institute a proceeding under this subdivision within two years after the license or  
64.2 certificate of exemption was last effective and enter a revocation or suspension order as of  
64.3 the last date on which the license or certificate of exemption was in effect, and (2) impose  
64.4 a civil penalty as provided for in this section or section 45.027, subdivision 6.

64.5 Sec. 20. [58B.10] DATA PRACTICES.

64.6 Subdivision 1. **Classification of data.** Data collected, created, received, maintained, or  
64.7 disseminated by the Department of Commerce under this chapter are governed by section  
64.8 46.07.

64.9 Subd. 2. **Data sharing.** To the extent data collected, created, received, maintained, or  
64.10 disseminated under this chapter are not public data as defined by section 13.02, subdivision  
64.11 8a, the data may, when necessary to accomplish the purpose of this chapter, be shared  
64.12 between:

64.13 (1) the United States Department of Education;

64.14 (2) the Office of Higher Education;

64.15 (3) the Department of Commerce;

64.16 (4) the Office of the Attorney General; and

64.17 (5) any other local, state, and federal law enforcement agencies.

64.18 Sec. 21. Minnesota Statutes 2020, section 65B.15, subdivision 1, is amended to read:

64.19 Subdivision 1. **Grounds and notice.** No cancellation or reduction in the limits of liability  
64.20 of coverage during the policy period of any policy shall be effective unless notice thereof  
64.21 is given and unless based on one or more reasons stated in the policy which shall be limited  
64.22 to the following:

64.23 1. nonpayment of premium; or

64.24 2. the policy was obtained through a material misrepresentation; or

64.25 3. any insured made a false or fraudulent claim or knowingly aided or abetted another  
64.26 in the presentation of such a claim; or

64.27 4. the named insured failed to disclose fully motor vehicle accidents and moving traffic  
64.28 violations of the named insured for the preceding 36 months if called for in the written  
64.29 application; or



65.1 5. the named insured failed to disclose in the written application any requested information  
65.2 necessary for the acceptance or proper rating of the risk; or

65.3 6. the named insured knowingly failed to give any required written notice of loss or  
65.4 notice of lawsuit commenced against the named insured, or, when requested, refused to  
65.5 cooperate in the investigation of a claim or defense of a lawsuit; or

65.6 7. the named insured or any other operator who either resides in the same household, or  
65.7 customarily operates an automobile insured under such policy, unless the other operator is  
65.8 identified as a named insured in another policy as an insured:

65.9 (a) has, within the 36 months prior to the notice of cancellation, had that person's driver's  
65.10 license under suspension or revocation because the person committed a moving traffic  
65.11 violation or because the person refused to be tested under section 169A.20, subdivision 1;  
65.12 or

65.13 (b) is or becomes subject to epilepsy or heart attacks, and such individual does not  
65.14 produce a written opinion from a physician testifying to that person's medical ability to  
65.15 operate a motor vehicle safely, such opinion to be based upon a reasonable medical  
65.16 probability; or

65.17 (c) has an accident record, conviction record (criminal or traffic), physical condition or  
65.18 mental condition, any one or all of which are such that the person's operation of an automobile  
65.19 might endanger the public safety; or

65.20 (d) has been convicted, or forfeited bail, during the 24 months immediately preceding  
65.21 the notice of cancellation for criminal negligence in the use or operation of an automobile,  
65.22 or assault arising out of the operation of a motor vehicle, or operating a motor vehicle while  
65.23 in an intoxicated condition or while under the influence of drugs; or leaving the scene of  
65.24 an accident without stopping to report; or making false statements in an application for a  
65.25 driver's license, or theft or unlawful taking of a motor vehicle; or

65.26 (e) has been convicted of, or forfeited bail for, one or more violations within the 18  
65.27 months immediately preceding the notice of cancellation, of any law, ordinance, or rule  
65.28 which justify a revocation of a driver's license; or

65.29 8. the insured automobile is:

65.30 (a) so mechanically defective that its operation might endanger public safety; or

65.31 (b) used in carrying passengers for hire or compensation, provided however that the use  
65.32 of an automobile for a car pool or a private passenger vehicle used by a volunteer driver,

66.1 as defined under section 65B.472, subdivision 1, paragraph (h), shall not be considered use  
66.2 of an automobile for hire or compensation; or

66.3 (c) used in the business of transportation of flammables or explosives; or

66.4 (d) an authorized emergency vehicle; or

66.5 (e) subject to an inspection law and has not been inspected or, if inspected, has failed  
66.6 to qualify within the period specified under such inspection law; or

66.7 (f) substantially changed in type or condition during the policy period, increasing the  
66.8 risk substantially, such as conversion to a commercial type vehicle, a dragster, sports car  
66.9 or so as to give clear evidence of a use other than the original use.

66.10 Sec. 22. Minnesota Statutes 2020, section 65B.43, subdivision 12, is amended to read:

66.11 Subd. 12. **Commercial vehicle.** "Commercial vehicle" means:

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

66.13 (b) any motor vehicle, other than a passenger vehicle defined in section 168.002,  
66.14 subdivision 24, which has a curb weight in excess of 5,500 pounds apart from cargo capacity,  
66.15 or

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

66.17 Commercial vehicle does not include a "commuter van," which for purposes of this  
66.18 chapter ~~shall mean~~ means (1) a motor vehicle having a capacity of seven to 16 persons  
66.19 which is used principally to provide prearranged transportation of persons to or from their  
66.20 place of employment or to or from a transit stop authorized by a local transit authority which  
66.21 vehicle is to be operated by a person who does not drive the vehicle as a principal occupation  
66.22 but is driving it only to or from the principal place of employment, to or from a transit stop  
66.23 authorized by a local transit authority or, for personal use as permitted by the owner of the  
66.24 vehicle, or (2) a private passenger vehicle driven by a volunteer driver.

66.25 Sec. 23. Minnesota Statutes 2020, section 65B.472, subdivision 1, is amended to read:

66.26 Subdivision 1. **Definitions.** (a) Unless a different meaning is expressly made applicable,  
66.27 the terms defined in paragraphs (b) through (g) have the meanings given them for the  
66.28 purposes of this chapter.

66.29 (b) A "digital network" means any online-enabled application, software, website, or  
66.30 system offered or utilized by a transportation network company that enables the  
66.31 prearrangement of rides with transportation network company drivers.

67.1 (c) A "personal vehicle" means a vehicle that is used by a transportation network company  
67.2 driver in connection with providing a prearranged ride and is:

67.3 (1) owned, leased, or otherwise authorized for use by the transportation network company  
67.4 driver; and

67.5 (2) not a taxicab, limousine, ~~or for-hire vehicle~~, or a private passenger vehicle driven  
67.6 by a volunteer driver.

67.7 (d) A "prearranged ride" means the provision of transportation by a driver to a rider,  
67.8 beginning when a driver accepts a ride requested by a rider through a digital network  
67.9 controlled by a transportation network company, continuing while the driver transports a  
67.10 requesting rider, and ending when the last requesting rider departs from the personal vehicle.  
67.11 A prearranged ride does not include transportation provided using a taxicab, limousine, or  
67.12 other for-hire vehicle.

67.13 (e) A "transportation network company" means a corporation, partnership, sole  
67.14 proprietorship, or other entity that is operating in Minnesota that uses a digital network to  
67.15 connect transportation network company riders to transportation network company drivers  
67.16 who provide prearranged rides.

67.17 (f) A "transportation network company driver" or "driver" means an individual who:

67.18 (1) receives connections to potential riders and related services from a transportation  
67.19 network company in exchange for payment of a fee to the transportation network company;  
67.20 and

67.21 (2) uses a personal vehicle to provide a prearranged ride to riders upon connection  
67.22 through a digital network controlled by a transportation network company in return for  
67.23 compensation or payment of a fee.

67.24 (g) A "transportation network company rider" or "rider" means an individual or persons  
67.25 who use a transportation network company's digital network to connect with a transportation  
67.26 network driver who provides prearranged rides to the rider in the driver's personal vehicle  
67.27 between points chosen by the rider.

67.28 (h) A "volunteer driver" means an individual who transports persons or goods on behalf  
67.29 of a nonprofit entity or governmental unit in a private passenger vehicle and receives no  
67.30 compensation for services provided other than the reimbursement of actual expenses.

68.1 Sec. 24. Minnesota Statutes 2020, section 174.29, subdivision 1, is amended to read:

68.2 Subdivision 1. **Definition.** For the purpose of sections 174.29 and 174.30 "special  
68.3 transportation service" means motor vehicle transportation provided on a regular basis by  
68.4 a public or private entity or person that is designed exclusively or primarily to serve  
68.5 individuals who are elderly or disabled and who are unable to use regular means of  
68.6 transportation but do not require ambulance service, as defined in section 144E.001,  
68.7 subdivision 3. Special transportation service includes but is not limited to service provided  
68.8 by specially equipped buses, vans, taxis, and volunteers driving private automobiles, as  
68.9 defined in section 65B.472, subdivision 1, paragraph (h). Special transportation service also  
68.10 means those nonemergency medical transportation services under section 256B.0625,  
68.11 subdivision 17, that are subject to the operating standards for special transportation service  
68.12 under sections 174.29 to 174.30 and Minnesota Rules, chapter 8840.

68.13 Sec. 25. Minnesota Statutes 2020, section 174.30, subdivision 1, is amended to read:

68.14 Subdivision 1. **Applicability.** (a) The operating standards for special transportation  
68.15 service adopted under this section do not apply to special transportation provided by:

68.16 (1) a public transit provider receiving financial assistance under sections 174.24 or  
68.17 473.371 to 473.449;

68.18 (2) a volunteer driver, as defined in section 65B.472, subdivision 1, paragraph (h), using  
68.19 a private automobile;

68.20 (3) a school bus as defined in section 169.011, subdivision 71; or

68.21 (4) an emergency ambulance regulated under chapter 144.

68.22 (b) The operating standards adopted under this section only apply to providers of special  
68.23 transportation service who receive grants or other financial assistance from either the state  
68.24 or the federal government, or both, to provide or assist in providing that service; except that  
68.25 the operating standards adopted under this section do not apply to any nursing home licensed  
68.26 under section 144A.02, to any board and care facility licensed under section 144.50, or to  
68.27 any day training and habilitation services, day care, or group home facility licensed under  
68.28 sections 245A.01 to 245A.19 unless the facility or program provides transportation to  
68.29 nonresidents on a regular basis and the facility receives reimbursement, other than per diem  
68.30 payments, for that service under rules promulgated by the commissioner of human services.

68.31 (c) Notwithstanding paragraph (b), the operating standards adopted under this section  
68.32 do not apply to any vendor of services licensed under chapter 245D that provides

69.1 transportation services to consumers or residents of other vendors licensed under chapter  
69.2 245D and transports 15 or fewer persons, including consumers or residents and the driver.

69.3 Sec. 26. Minnesota Statutes 2020, section 174.30, subdivision 10, is amended to read:

69.4 Subd. 10. **Background studies.** (a) Providers of special transportation service regulated  
69.5 under this section must initiate background studies in accordance with chapter 245C on the  
69.6 following individuals:

69.7 (1) each person with a direct or indirect ownership interest of five percent or higher in  
69.8 the transportation service provider;

69.9 (2) each controlling individual as defined under section 245A.02;

69.10 (3) managerial officials as defined in section 245A.02;

69.11 (4) each driver employed by the transportation service provider;

69.12 (5) each individual employed by the transportation service provider to assist a passenger  
69.13 during transport; and

69.14 (6) all employees of the transportation service agency who provide administrative support,  
69.15 including those who:

69.16 (i) may have face-to-face contact with or access to passengers, their personal property,  
69.17 or their private data;

69.18 (ii) perform any scheduling or dispatching tasks; or

69.19 (iii) perform any billing activities.

69.20 (b) The transportation service provider must initiate the background studies required  
69.21 under paragraph (a) using the online NETStudy system operated by the commissioner of  
69.22 human services.

69.23 (c) The transportation service provider shall not permit any individual to provide any  
69.24 service or function listed in paragraph (a) until the transportation service provider has  
69.25 received notification from the commissioner of human services indicating that the individual:

69.26 (1) is not disqualified under chapter 245C; or

69.27 (2) is disqualified, but has received a set-aside of that disqualification according to  
69.28 sections 245C.22 and 245C.23 related to that transportation service provider.

69.29 (d) When a local or contracted agency is authorizing a ride under section 256B.0625,  
69.30 subdivision 17, by a volunteer driver, as defined in section 65B.472, subdivision 1, paragraph

70.1 (h), and the agency authorizing the ride has reason to believe the volunteer driver has a  
70.2 history that would disqualify the individual or that may pose a risk to the health or safety  
70.3 of passengers, the agency may initiate a background study to be completed according to  
70.4 chapter 245C using the commissioner of human services' online NETStudy system, or  
70.5 through contacting the Department of Human Services background study division for  
70.6 assistance. The agency that initiates the background study under this paragraph shall be  
70.7 responsible for providing the volunteer driver with the privacy notice required under section  
70.8 245C.05, subdivision 2c, and payment for the background study required under section  
70.9 245C.10, subdivision 11, before the background study is completed.

70.10 Sec. 27. Minnesota Statutes 2020, section 221.031, subdivision 3b, is amended to read:

70.11 Subd. 3b. **Passenger transportation; exemptions.** (a) A person who transports  
70.12 passengers for hire in intrastate commerce, who is not made subject to the rules adopted in  
70.13 section 221.0314 by any other provision of this section, must comply with the rules for  
70.14 hours of service of drivers while transporting employees of an employer who is directly or  
70.15 indirectly paying the cost of the transportation.

70.16 (b) This subdivision does not apply to:

70.17 (1) a local transit commission;

70.18 (2) a transit authority created by law; or

70.19 (3) persons providing transportation:

70.20 (i) in a school bus as defined in section 169.011, subdivision 71;

70.21 (ii) in a Head Start bus as defined in section 169.011, subdivision 34;

70.22 (iii) in a commuter van;

70.23 (iv) in an authorized emergency vehicle as defined in section 169.011, subdivision 3;

70.24 (v) in special transportation service certified by the commissioner under section 174.30;

70.25 (vi) that is special transportation service as defined in section 174.29, subdivision 1,  
70.26 when provided by a volunteer driver, as defined in section 65B.472, subdivision 1, paragraph  
70.27 (h), operating a private passenger vehicle as defined in section 169.011, subdivision 52;

70.28 (vii) in a limousine the service of which is licensed by the commissioner under section  
70.29 221.84; or

70.30 (viii) in a taxicab, if the fare for the transportation is determined by a meter inside the  
70.31 taxicab that measures the distance traveled and displays the fare accumulated.

71.1 Sec. 28. Minnesota Statutes 2020, section 256B.0625, subdivision 17, is amended to read:

71.2 Subd. 17. **Transportation costs.** (a) "Nonemergency medical transportation service"  
71.3 means motor vehicle transportation provided by a public or private person that serves  
71.4 Minnesota health care program beneficiaries who do not require emergency ambulance  
71.5 service, as defined in section 144E.001, subdivision 3, to obtain covered medical services.

71.6 (b) Medical assistance covers medical transportation costs incurred solely for obtaining  
71.7 emergency medical care or transportation costs incurred by eligible persons in obtaining  
71.8 emergency or nonemergency medical care when paid directly to an ambulance company,  
71.9 nonemergency medical transportation company, or other recognized providers of  
71.10 transportation services. Medical transportation must be provided by:

71.11 (1) nonemergency medical transportation providers who meet the requirements of this  
71.12 subdivision;

71.13 (2) ambulances, as defined in section 144E.001, subdivision 2;

71.14 (3) taxicabs that meet the requirements of this subdivision;

71.15 (4) public transit, as defined in section 174.22, subdivision 7; or

71.16 (5) not-for-hire vehicles, including volunteer drivers, as defined in section 65B.472,  
71.17 subdivision 1, paragraph (h).

71.18 (c) Medical assistance covers nonemergency medical transportation provided by  
71.19 nonemergency medical transportation providers enrolled in the Minnesota health care  
71.20 programs. All nonemergency medical transportation providers must comply with the  
71.21 operating standards for special transportation service as defined in sections 174.29 to 174.30  
71.22 and Minnesota Rules, chapter 8840, and all drivers must be individually enrolled with the  
71.23 commissioner and reported on the claim as the individual who provided the service. All  
71.24 nonemergency medical transportation providers shall bill for nonemergency medical  
71.25 transportation services in accordance with Minnesota health care programs criteria. Publicly  
71.26 operated transit systems, volunteers, and not-for-hire vehicles are exempt from the  
71.27 requirements outlined in this paragraph.

71.28 (d) An organization may be terminated, denied, or suspended from enrollment if:

71.29 (1) the provider has not initiated background studies on the individuals specified in  
71.30 section 174.30, subdivision 10, paragraph (a), clauses (1) to (3); or

71.31 (2) the provider has initiated background studies on the individuals specified in section  
71.32 174.30, subdivision 10, paragraph (a), clauses (1) to (3), and:

72.1 (i) the commissioner has sent the provider a notice that the individual has been  
72.2 disqualified under section 245C.14; and

72.3 (ii) the individual has not received a disqualification set-aside specific to the special  
72.4 transportation services provider under sections 245C.22 and 245C.23.

72.5 (e) The administrative agency of nonemergency medical transportation must:

72.6 (1) adhere to the policies defined by the commissioner in consultation with the  
72.7 Nonemergency Medical Transportation Advisory Committee;

72.8 (2) pay nonemergency medical transportation providers for services provided to  
72.9 Minnesota health care programs beneficiaries to obtain covered medical services;

72.10 (3) provide data monthly to the commissioner on appeals, complaints, no-shows, canceled  
72.11 trips, and number of trips by mode; and

72.12 (4) by July 1, 2016, in accordance with subdivision 18e, utilize a web-based single  
72.13 administrative structure assessment tool that meets the technical requirements established  
72.14 by the commissioner, reconciles trip information with claims being submitted by providers,  
72.15 and ensures prompt payment for nonemergency medical transportation services.

72.16 (f) Until the commissioner implements the single administrative structure and delivery  
72.17 system under subdivision 18e, clients shall obtain their level-of-service certificate from the  
72.18 commissioner or an entity approved by the commissioner that does not dispatch rides for  
72.19 clients using modes of transportation under paragraph (i), clauses (4), (5), (6), and (7).

72.20 (g) The commissioner may use an order by the recipient's attending physician, advanced  
72.21 practice registered nurse, or a medical or mental health professional to certify that the  
72.22 recipient requires nonemergency medical transportation services. Nonemergency medical  
72.23 transportation providers shall perform driver-assisted services for eligible individuals, when  
72.24 appropriate. Driver-assisted service includes passenger pickup at and return to the individual's  
72.25 residence or place of business, assistance with admittance of the individual to the medical  
72.26 facility, and assistance in passenger securement or in securing of wheelchairs, child seats,  
72.27 or stretchers in the vehicle.

72.28 Nonemergency medical transportation providers must take clients to the health care  
72.29 provider using the most direct route, and must not exceed 30 miles for a trip to a primary  
72.30 care provider or 60 miles for a trip to a specialty care provider, unless the client receives  
72.31 authorization from the local agency.

72.32 Nonemergency medical transportation providers may not bill for separate base rates for  
72.33 the continuation of a trip beyond the original destination. Nonemergency medical



73.1 transportation providers must maintain trip logs, which include pickup and drop-off times,  
73.2 signed by the medical provider or client, whichever is deemed most appropriate, attesting  
73.3 to mileage traveled to obtain covered medical services. Clients requesting client mileage  
73.4 reimbursement must sign the trip log attesting mileage traveled to obtain covered medical  
73.5 services.

73.6 (h) The administrative agency shall use the level of service process established by the  
73.7 commissioner in consultation with the Nonemergency Medical Transportation Advisory  
73.8 Committee to determine the client's most appropriate mode of transportation. If public transit  
73.9 or a certified transportation provider is not available to provide the appropriate service mode  
73.10 for the client, the client may receive a onetime service upgrade.

73.11 (i) The covered modes of transportation are:

73.12 (1) client reimbursement, which includes client mileage reimbursement provided to  
73.13 clients who have their own transportation, or to family or an acquaintance who provides  
73.14 transportation to the client;

73.15 (2) volunteer transport, which includes transportation by volunteers using their own  
73.16 vehicle;

73.17 (3) unassisted transport, which includes transportation provided to a client by a taxicab  
73.18 or public transit. If a taxicab or public transit is not available, the client can receive  
73.19 transportation from another nonemergency medical transportation provider;

73.20 (4) assisted transport, which includes transport provided to clients who require assistance  
73.21 by a nonemergency medical transportation provider;

73.22 (5) lift-equipped/ramp transport, which includes transport provided to a client who is  
73.23 dependent on a device and requires a nonemergency medical transportation provider with  
73.24 a vehicle containing a lift or ramp;

73.25 (6) protected transport, which includes transport provided to a client who has received  
73.26 a prescreening that has deemed other forms of transportation inappropriate and who requires  
73.27 a provider: (i) with a protected vehicle that is not an ambulance or police car and has safety  
73.28 locks, a video recorder, and a transparent thermoplastic partition between the passenger and  
73.29 the vehicle driver; and (ii) who is certified as a protected transport provider; and

73.30 (7) stretcher transport, which includes transport for a client in a prone or supine position  
73.31 and requires a nonemergency medical transportation provider with a vehicle that can transport  
73.32 a client in a prone or supine position.

74.1 (j) The local agency shall be the single administrative agency and shall administer and  
74.2 reimburse for modes defined in paragraph (i) according to paragraphs (m) and (n) when the  
74.3 commissioner has developed, made available, and funded the web-based single administrative  
74.4 structure, assessment tool, and level of need assessment under subdivision 18e. The local  
74.5 agency's financial obligation is limited to funds provided by the state or federal government.

74.6 (k) The commissioner shall:

74.7 (1) in consultation with the Nonemergency Medical Transportation Advisory Committee,  
74.8 verify that the mode and use of nonemergency medical transportation is appropriate;

74.9 (2) verify that the client is going to an approved medical appointment; and

74.10 (3) investigate all complaints and appeals.

74.11 (l) The administrative agency shall pay for the services provided in this subdivision and  
74.12 seek reimbursement from the commissioner, if appropriate. As vendors of medical care,  
74.13 local agencies are subject to the provisions in section 256B.041, the sanctions and monetary  
74.14 recovery actions in section 256B.064, and Minnesota Rules, parts 9505.2160 to 9505.2245.

74.15 (m) Payments for nonemergency medical transportation must be paid based on the client's  
74.16 assessed mode under paragraph (h), not the type of vehicle used to provide the service. The  
74.17 medical assistance reimbursement rates for nonemergency medical transportation services  
74.18 that are payable by or on behalf of the commissioner for nonemergency medical  
74.19 transportation services are:

74.20 (1) \$0.22 per mile for client reimbursement;

74.21 (2) up to 100 percent of the Internal Revenue Service business deduction rate for volunteer  
74.22 transport;

74.23 (3) equivalent to the standard fare for unassisted transport when provided by public  
74.24 transit, and \$11 for the base rate and \$1.30 per mile when provided by a nonemergency  
74.25 medical transportation provider;

74.26 (4) \$13 for the base rate and \$1.30 per mile for assisted transport;

74.27 (5) \$18 for the base rate and \$1.55 per mile for lift-equipped/ramp transport;

74.28 (6) \$75 for the base rate and \$2.40 per mile for protected transport; and

74.29 (7) \$60 for the base rate and \$2.40 per mile for stretcher transport, and \$9 per trip for  
74.30 an additional attendant if deemed medically necessary.

75.1 (n) The base rate for nonemergency medical transportation services in areas defined  
75.2 under RUCA to be super rural is equal to 111.3 percent of the respective base rate in  
75.3 paragraph (m), clauses (1) to (7). The mileage rate for nonemergency medical transportation  
75.4 services in areas defined under RUCA to be rural or super rural areas is:

75.5 (1) for a trip equal to 17 miles or less, equal to 125 percent of the respective mileage  
75.6 rate in paragraph (m), clauses (1) to (7); and

75.7 (2) for a trip between 18 and 50 miles, equal to 112.5 percent of the respective mileage  
75.8 rate in paragraph (m), clauses (1) to (7).

75.9 (o) For purposes of reimbursement rates for nonemergency medical transportation  
75.10 services under paragraphs (m) and (n), the zip code of the recipient's place of residence  
75.11 shall determine whether the urban, rural, or super rural reimbursement rate applies.

75.12 (p) For purposes of this subdivision, "rural urban commuting area" or "RUCA" means  
75.13 a census-tract based classification system under which a geographical area is determined  
75.14 to be urban, rural, or super rural.

75.15 (q) The commissioner, when determining reimbursement rates for nonemergency medical  
75.16 transportation under paragraphs (m) and (n), shall exempt all modes of transportation listed  
75.17 under paragraph (i) from Minnesota Rules, part 9505.0445, item R, subitem (2).

75.18 Sec. 29. Minnesota Statutes 2020, section 325E.21, is amended by adding a subdivision  
75.19 to read:

75.20 Subd. 2b. **Purchase of catalytic converters.** (a) Any person who purchases or receives  
75.21 a catalytic converter must comply with this section.

75.22 (b) Every scrap metal dealer, including an agent, employee, or representative of the  
75.23 dealer, must create a permanent record, written in English and using an electronic record  
75.24 program, at the time of each catalytic converter purchase or acquisition. The record must  
75.25 include:

75.26 (1) the vehicle identification number of the vehicle from which the catalytic converter  
75.27 was removed; and

75.28 (2) the name of the person who removed the catalytic converter.

75.29 (c) A scrap metal dealer must make the information under paragraph (b) available for  
75.30 examination by a law enforcement agency or a person who has reported theft of a catalytic  
75.31 converter.

75.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

76.1 Sec. 30. Minnesota Statutes 2020, section 325E.21, is amended by adding a subdivision  
76.2 to read:

76.3 Subd. 2c. **Catalytic converter theft prevention pilot project.** (a) The catalytic converter  
76.4 theft prevention pilot project is created to deter the theft of catalytic converters by marking  
76.5 catalytic converters with vehicle identification numbers or other unique identifiers.

76.6 (b) The commissioner must establish a procedure to mark the catalytic converters of  
76.7 vehicles most likely to be targeted for theft with unique identification numbers using labels,  
76.8 engraving, theft deterrence paint, or other methods that permanently mark the catalytic  
76.9 converter without damaging the catalytic converter's function.

76.10 (c) The commissioner must work with law enforcement agencies, insurance companies,  
76.11 and scrap metal dealers to (1) identify vehicles that are most frequently targeted for catalytic  
76.12 converter theft, and (2) establish the most effective methods for marking catalytic converters.

76.13 (d) Materials purchased under this program may be distributed to dealers, as defined in  
76.14 section 168.002, subdivision 6, automobile repair shops and service centers, law enforcement  
76.15 agencies, and community organizations to arrange the catalytic converters of vehicles most  
76.16 likely to be targeted for theft to be marked at no cost to the vehicle owners.

76.17 (e) The commissioner may prioritize distribution of materials to areas experiencing the  
76.18 highest rates of catalytic converter theft.

76.19 (f) The commissioner must make educational information resulting from the pilot program  
76.20 available to law enforcement agencies and scrap metal dealers, and is encouraged to publicize  
76.21 the program to the general public.

76.22 (g) The commissioner must include a report on the pilot project in the report required  
76.23 under section 65B.84, subdivision 2. The report must describe the progress, results, and any  
76.24 findings of the pilot project including the total number of catalytic converters marked under  
76.25 the program, and, to the extent known, whether any catalytic converters marked under the  
76.26 pilot project were stolen and the outcome of any criminal investigation into the thefts.

76.27 Sec. 31. [325E.80] ABNORMAL MARKET DISRUPTIONS; UNCONSCIONABLY  
76.28 EXCESSIVE PRICES.

76.29 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms in this subdivision  
76.30 have the meanings given.

76.31 (b) "Abnormal market disruption" means a change in the market resulting from a natural  
76.32 or man-made disaster, a national or local emergency, a public health emergency, or an event

77.1 resulting in a declaration of a state of emergency by the governor; and occurs when  
77.2 specifically declared by the governor. The governor's declaration of an abnormal market  
77.3 disruption must note the geographic area to which this section applies. An abnormal market  
77.4 disruption terminates no later than 30 days after the end of the state of emergency for which  
77.5 the abnormal market disruption was activated.

77.6 (c) "Essential consumer good or service" means a good or service vital and necessary  
77.7 for the health, safety, and welfare of the public, including without limitation: food; water;  
77.8 fuel; gasoline; shelter; transportation; health care services; pharmaceuticals; and medical,  
77.9 personal hygiene, sanitation, and cleaning supplies.

77.10 (d) "Seller" means a manufacturer, supplier, wholesaler, distributor, or retail seller of  
77.11 goods or services.

77.12 (e) "Unconscionably excessive" means there is a gross disparity between the seller's  
77.13 price of a good or service offered for sale or sold in the usual course of business during the  
77.14 30 days immediately prior to the governor's declaration of an abnormal market disruption  
77.15 and the seller's price of the same or similar good or service after the governor's declaration  
77.16 of an abnormal market disruption, and the gross disparity is not substantially related to an  
77.17 increase in the cost of obtaining or selling the good or of providing the service. A gross  
77.18 disparity between the price of a good or service does not occur when the amount charged  
77.19 after the abnormal market disruption increased the price 30 percent or less.

77.20 Subd. 2. **Prohibition.** If the governor declares an abnormal market disruption a person  
77.21 is prohibited from selling or offering to sell an essential consumer good or service for an  
77.22 amount that represents an unconscionably excessive price.

77.23 Subd. 3. **Civil penalty.** A person who is found to have violated this section is subject  
77.24 to a civil penalty of not more than \$1,000 per sale or transaction, with a maximum penalty  
77.25 of \$10,000 per day.

77.26 Subd. 4. **Enforcement authority.** The attorney general may investigate an alleged  
77.27 violation of this section. The authority of the attorney general under this section includes  
77.28 but is not limited to the authority provided under section 8.31.

77.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

77.30 Sec. 32. Minnesota Statutes 2020, section 325F.171, is amended by adding a subdivision  
77.31 to read:

77.32 Subd. 5. **Enforcement.** This section may be enforced as provided under sections 325F.10  
77.33 to 325F.12, 325F.14 to 325F.16, and 45.027, subdivisions 1 to 6. The commissioner may

78.1 coordinate with the commissioner of the Pollution Control Agency and the commissioner  
78.2 of health to enforce this section.

78.3 Sec. 33. Minnesota Statutes 2020, section 325F.172, is amended by adding a subdivision  
78.4 to read:

78.5 Subd. 4. **Enforcement.** Sections 325F.173 to 325F.175 may be enforced as provided  
78.6 under sections 325F.10 to 325F.12, 325F.14 to 325F.16, and 45.027, subdivisions 1 to 6.  
78.7 The commissioner may coordinate with the commissioner of the Pollution Control Agency  
78.8 and the commissioner of health to enforce this section.

78.9 Sec. 34. **[325F.179] ENFORCEMENT.**

78.10 Sections 325F.177 and 325F.178 may be enforced as provided under sections 325F.10  
78.11 to 325F.12, 325F.14 to 325F.16, and 45.027, subdivisions 1 to 6. The commissioner may  
78.12 coordinate with the commissioner of the Pollution Control Agency and the commissioner  
78.13 of health to enforce this section.

78.14 Sec. 35. Minnesota Statutes 2020, section 514.972, subdivision 4, is amended to read:

78.15 Subd. 4. **Denial of access.** Upon default, the owner shall mail notice of default as provided  
78.16 under section 514.974. The owner may deny the occupant access to the personal property  
78.17 contained in the self-service storage facility after default, service of the notice of default,  
78.18 expiration of the date stated for denial of access, and application of any security deposit to  
78.19 unpaid rent. ~~The notice of default must state the date that the occupant will be denied access~~  
78.20 ~~to the occupant's personal property in the self-service storage facility and that access will~~  
78.21 ~~be denied until the owner's claim has been satisfied. The notice of default must state that~~  
78.22 ~~any dispute regarding denial of access can be raised by the occupant beginning legal action~~  
78.23 ~~in court. Notice of default must further state the rights of the occupant contained in~~  
78.24 ~~subdivision 5.~~

78.25 Sec. 36. Minnesota Statutes 2020, section 514.972, subdivision 5, is amended to read:

78.26 Subd. 5. **Access to certain items.** ~~The occupant may remove from the self-service storage~~  
78.27 ~~facility personal papers, health aids, personal clothing of the occupant and the occupant's~~  
78.28 ~~dependents, and personal property that is necessary for the livelihood of the occupant, that~~  
78.29 ~~has a market value of less than \$50 per item, if demand is made to any of the persons listed~~  
78.30 ~~in section 514.976, subdivision 1. The occupant shall present a list of the items, and may~~  
78.31 ~~remove them during the facility's ordinary business hours prior to the sale authorized by~~

79.1 ~~section 514.973. If the owner unjustifiably denies the occupant access for the purpose of~~  
79.2 ~~removing the items specified in this subdivision, the occupant is entitled to an order allowing~~  
79.3 ~~access to the storage unit for removal of the specified items. The self-service storage facility~~  
79.4 ~~is liable to the occupant for the costs, disbursements and attorney fees expended by the~~  
79.5 ~~occupant to obtain this order.~~ (a) Any occupant may remove from the self-storage facility  
79.6 personal papers and health aids upon demand made to any of the persons listed in section  
79.7 514.976, subdivision 1.

79.8 (b) An occupant who provides documentation from a government or nonprofit agency  
79.9 or legal aid office that the occupant is a recipient of relief based on need, is eligible for legal  
79.10 aid services, or is a survivor of domestic violence or sexual assault may remove, in addition  
79.11 to the items provided in paragraph (a), personal clothing of the occupant and the occupant's  
79.12 dependents and tools of the trade that are necessary for the livelihood of the occupant that  
79.13 has a market value not to exceed \$125 per item.

79.14 (c) The occupant shall present a list of the items and may remove the items during the  
79.15 facility's ordinary business hours prior to the sale authorized by section 514.973. If the  
79.16 owner unjustifiably denies the occupant access for the purpose of removing the items  
79.17 specified in this subdivision, the occupant is entitled to request relief from the court for an  
79.18 order allowing access to the storage space for removal of the specified items. The self-service  
79.19 storage facility is liable to the occupant for the costs, disbursements, and attorney fees  
79.20 expended by the occupant to obtain this order.

79.21 (d) For the purposes of this subdivision, "relief based on need" includes but is not limited  
79.22 to receipt of a benefit from the Minnesota family investment program and diversionary  
79.23 work program, medical assistance, general assistance, emergency general assistance,  
79.24 Minnesota supplemental aid, Minnesota supplemental aid housing assistance, MinnesotaCare,  
79.25 Supplemental Security Income, energy assistance, emergency assistance, Supplemental  
79.26 Nutrition Assistance Program benefits, earned income tax credit, or Minnesota working  
79.27 family tax credit. Relief based on need can also be proven by providing documentation from  
79.28 a legal aid organization that the individual is receiving legal aid assistance, or by providing  
79.29 documentation from a government agency, nonprofit, or housing assistance program that  
79.30 the individual is receiving assistance due to domestic violence or sexual assault.

79.31 Sec. 37. Minnesota Statutes 2020, section 514.973, subdivision 3, is amended to read:

79.32 Subd. 3. **Contents of notice.** The notice must include:

79.33 (1) a statement of the amount owed for rent and other charges and demand for payment  
79.34 within a specified time not less than 14 days after delivery of the notice;

80.1 (2) pursuant to section 514.972, subdivision 4, a notice of denial of access to the storage  
80.2 space, if this denial is permitted under the terms of the rental agreement;

80.3 (3) the date that the occupant will be denied access to the occupant's personal property  
80.4 in the self-service storage facility;

80.5 (4) a statement that access will be denied until the owner's claim has been satisfied;

80.6 (5) a statement that any dispute regarding denial of access can be raised by an occupant  
80.7 beginning legal action in court;

80.8 ~~(3)~~ (6) the name, street address, and telephone number of the owner, or of the owner's  
80.9 designated agent, whom the occupant may contact to respond to the notice;

80.10 ~~(4)~~ (7) a conspicuous statement that unless the claim is paid within the time stated in  
80.11 the notice, the personal property will be advertised for sale. The notice must specify the  
80.12 time and place of the sale; and

80.13 ~~(5)~~ (8) a conspicuous statement of the items that the occupant may remove without  
80.14 charge pursuant to section 514.972, subdivision 5, if the occupant is denied general access  
80.15 to the storage space.

80.16 Sec. 38. Minnesota Statutes 2020, section 514.973, subdivision 4, is amended to read:

80.17 Subd. 4. **Sale of property.** (a) A sale of personal property may take place no sooner  
80.18 than 45 days after default or, if the personal property is a motor vehicle or watercraft, no  
80.19 sooner than 60 days after default.

80.20 (b) After the expiration of the time given in the notice, the sale must be published once  
80.21 a week for two weeks consecutively in a newspaper of general circulation where the sale  
80.22 is to be held. The sale may take place no sooner than 15 days after the first publication. If  
80.23 the lien is satisfied before the second publication occurs, the second publication is waived.  
80.24 If there is no qualified newspaper under chapter 331A where the sale is to be held, the  
80.25 advertisement may be posted on an independent, publicly accessible website that advertises  
80.26 self-storage lien sales or public notices. The advertisement must include a general description  
80.27 of the goods, the name of the person on whose account the goods are being held, and the  
80.28 time and place of the sale.

80.29 (c) A sale of the personal property must conform to the terms of the notification.

80.30 (d) A sale of the personal property must be public and must be either:

80.31 (1) held via an online auction; or



81.1 (2) held at the storage facility, or at the nearest suitable place at which the personal  
81.2 property is held or stored.

81.3 Owners shall require all bidders, including online bidders, to register and agree to the rules  
81.4 of the sale.

81.5 (e) The sale must be conducted in a commercially reasonable manner. A sale is  
81.6 commercially reasonable if the property is sold in conformity with the practices among  
81.7 dealers in the property sold or sellers of similar distressed property sales.

81.8 Sec. 39. Minnesota Statutes 2020, section 514.974, is amended to read:

81.9 **514.974 ADDITIONAL NOTIFICATION REQUIREMENT.**

81.10 ~~Notification of the proposed sale of personal property must include a notice of denial~~  
81.11 ~~of access to the personal property until the owner's claim has been satisfied.~~ Any notice the  
81.12 owner is required to mail to the occupant under sections 514.970 to 514.979 shall be sent  
81.13 to:

81.14 (1) the e-mail address, if consented to by the occupant, as provided in section 514.973,  
81.15 subdivision 2;

81.16 (2) the mailing address and any alternate mailing address provided by the occupant in  
81.17 the rental agreement; or

81.18 (3) the last known mailing address of the occupant, if the last known mailing address  
81.19 differs from the mailing address listed by the occupant in the rental agreement and the owner  
81.20 has reason to believe that the last known mailing address is more current.

81.21 Sec. 40. Minnesota Statutes 2020, section 514.977, is amended to read:

81.22 **514.977 ~~DEFAULT~~ ADDITIONAL REMEDIES.**

81.23 Subdivision 1. **Default; breach of rental agreement.** If an occupant defaults in the  
81.24 payment of rent for the storage space or otherwise breaches the rental agreement, the owner  
81.25 may commence an ~~eviction~~ action under chapter 504B to terminate the rental agreement,  
81.26 recover possession of the storage space, remove the occupant, and dispose of the stored  
81.27 personal property. The action shall be conducted in accordance with the Minnesota Rules  
81.28 of Civil Procedure, except as provided in this section.

81.29 Subd. 2. **Service of summons.** The summons must be served at least seven days before  
81.30 the date of the court appearance as provided in subdivision 3.

82.1 Subd. 3. **Appearance.** Except as provided in subdivision 4, in an action filed under this  
82.2 section the appearance shall be not less than seven or more than 14 days from the day of  
82.3 issuing the summons.

82.4 Subd. 4. **Expedited hearing.** If the owner files a motion and affidavit stating specific  
82.5 facts and instances in support of an allegation that the occupant is causing a nuisance or  
82.6 engaging in illegal or other behavior that seriously endangers the safety of others, others'  
82.7 property, or the storage facility's property, the appearance shall be not less than three days  
82.8 nor more than seven days from the date the summons is issued. The summons in an expedited  
82.9 hearing shall be served upon the occupant within 24 hours of issuance unless the court  
82.10 orders otherwise for good cause shown.

82.11 Subd. 5. **Answer; trial; continuance.** At the court appearance specified in the summons,  
82.12 the defendant may answer the complaint, and the court shall hear and decide the action,  
82.13 unless it grants a continuance of the trial, which may be for no longer than six days, unless  
82.14 all parties consent to longer continuance.

82.15 Subd. 6. **Counterclaims.** The occupant is prohibited from bringing counterclaims in the  
82.16 action that are unrelated to the possession of the storage space. Nothing in this section  
82.17 prevents the occupant from bringing the claim in a separate action.

82.18 Subd. 7. **Judgment; writ.** Judgment in matters adjudicated under this section shall be  
82.19 in accordance with section 504B.345, paragraph (a). Execution of a writ issued under this  
82.20 section shall be in accordance with section 504B.365, paragraph (a).

82.21 **Sec. 41. THIRD-PARTY FOOD DELIVERY FEES; LIMITATION.**

82.22 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this  
82.23 subdivision have the meanings given.

82.24 (b) "Delivery fee" means a fee charged by a third-party food delivery service to a food  
82.25 and beverage establishment for a service that delivers food or beverages from the  
82.26 establishment to customers. Delivery fee does not include (1) any other fee that may be  
82.27 charged by a third-party food delivery service to a food and beverage establishment, including  
82.28 but not limited to fees for marketing, listing, or advertising the food and beverage  
82.29 establishment on the third-party food delivery service platform, or (2) fees related to  
82.30 processing an online order.

82.31 (c) "Food and beverage establishment" or "establishment" means a retail business that  
82.32 sells prepared food or beverages to the public.

83.1 (d) "Online order" means an order, including a telephone order, placed by a customer  
83.2 through or with the assistance of a platform provided by a third-party food delivery service.

83.3 (e) "Purchase price" means the total price of the items contained in an online order that  
83.4 are listed on the menu of the food and beverage establishment where the order is placed.  
83.5 Purchase price does not include taxes, gratuities, or other fees that may make up the total  
83.6 cost of a customer's online order.

83.7 (f) "Third-party food delivery service" means a platform offered through an  
83.8 online-enabled application, software, website, or other Internet service that offers or arranges  
83.9 for the sale of food and beverages prepared by, delivered by, or picked up from a food and  
83.10 beverage establishment.

83.11 Subd. 2. **Limitation on food delivery fees.** (a) A third-party food delivery service is  
83.12 prohibited from:

83.13 (1) charging a food and beverage establishment a delivery fee that totals more than ten  
83.14 percent of an online order's purchase price;

83.15 (2) charging a food and beverage establishment any fee, other than the delivery fee  
83.16 described in clause (1), to use the third-party delivery service that totals more than five  
83.17 percent of an online order's purchase price;

83.18 (3) charging a customer a purchase price that is higher than the price set by the food and  
83.19 beverage establishment or, if no price is set by the food and beverage establishment, the  
83.20 price listed on the establishment's menu; or

83.21 (4) reducing the compensation rates paid to third-party food delivery service drivers as  
83.22 a result of the limitations on fees instituted by this section.

83.23 (b) A food and beverage establishment may choose, but a third-party food delivery  
83.24 service is prohibited from requiring, an exemption for marketing or advertising the food  
83.25 and beverage establishment on the third-party food delivery service platform from the  
83.26 limitations in paragraph (a).

83.27 Subd. 3. **Enforcement by attorney general.** (a) The attorney general must enforce this  
83.28 section under Minnesota Statutes, section 8.31.

83.29 (b) In addition to the remedies otherwise provided by law, a person injured by a violation  
83.30 of subdivision 2 may bring a civil action and recover damages, together with costs and  
83.31 disbursements, including costs of investigation and reasonable attorney fees, and receive  
83.32 other equitable relief as determined by the court.

84.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
84.2 expires 60 days after the peacetime emergency declared by the governor in an executive  
84.3 order that relates to the infectious disease known as COVID-19 is terminated or rescinded.

## 84.4 **ARTICLE 5**

### 84.5 **COLLECTION AGENCIES AND DEBT BUYERS**

84.6 Section 1. Minnesota Statutes 2020, section 332.31, subdivision 3, is amended to read:

84.7 Subd. 3. **Collection agency.** "Collection agency" or "licensee" means ~~and includes any~~  
84.8 (1) a person engaged in the business of collection for others any account, bill, or other  
84.9 indebtedness, except as hereinafter provided; or (2) a debt buyer. It includes persons who  
84.10 furnish collection systems carrying a name which simulates the name of a collection agency  
84.11 and who supply forms or form letters to be used by the creditor, even though such forms  
84.12 direct the debtor to make payments directly to the creditor rather than to such fictitious  
84.13 agency.

84.14 Sec. 2. Minnesota Statutes 2020, section 332.31, subdivision 6, is amended to read:

84.15 Subd. 6. **Collector.** "Collector" is a person acting under the authority of a collection  
84.16 agency under subdivision 3 or a debt buyer under subdivision 8, and on its behalf in the  
84.17 business of collection for ~~others~~ an account, bill, or other indebtedness except as otherwise  
84.18 provided in this chapter.

84.19 Sec. 3. Minnesota Statutes 2020, section 332.31, is amended by adding a subdivision to  
84.20 read:

84.21 Subd. 8. **Debt buyer.** "Debt buyer" means a business engaged in the purchase of any  
84.22 charged-off account, bill, or other indebtedness for collection purposes, whether the business  
84.23 collects the account, bill, or other indebtedness, hires a third party for collection, or hires  
84.24 an attorney for litigation related to the collection.

84.25 Sec. 4. Minnesota Statutes 2020, section 332.31, is amended by adding a subdivision to  
84.26 read:

84.27 Subd. 9. **Affiliated company.** "Affiliated company" means a company that: (1) directly  
84.28 or indirectly controls, is controlled by, or is under common control with another company  
84.29 or companies; (2) has the same executive management team or owner that exerts control  
84.30 over the business operations of the company; (3) maintains a uniform network of corporate

85.1 and compliance policies and procedures; and (4) does not engage in active collection of  
85.2 debts.

85.3 Sec. 5. Minnesota Statutes 2020, section 332.311, is amended to read:

85.4 **332.311 TRANSFER OF ADMINISTRATIVE FUNCTIONS.**

85.5 The powers, duties, and responsibilities of the consumer services section under sections  
85.6 332.31 to 332.44 relating to collection agencies and debt buyers are hereby transferred to  
85.7 and imposed upon the commissioner of commerce.

85.8 Sec. 6. Minnesota Statutes 2020, section 332.32, is amended to read:

85.9 **332.32 EXCLUSIONS.**

85.10 (a) The term "collection agency" ~~shall~~ does not include ~~persons whose collection activities~~  
85.11 ~~are confined to and are directly related to the operation of a business other than that of a~~  
85.12 ~~collection agency such as, but not limited to~~ banks when collecting accounts owed to the  
85.13 banks and when the bank will sustain any loss arising from uncollectible accounts, abstract  
85.14 companies doing an escrow business, real estate brokers, public officers, persons acting  
85.15 under order of a court, lawyers, trust companies, insurance companies, credit unions, savings  
85.16 associations, loan or finance companies unless they are engaged in asserting, enforcing or  
85.17 prosecuting unsecured claims which have been purchased from any person, firm, or  
85.18 association when there is recourse to the seller for all or part of the claim if the claim is not  
85.19 collected.

85.20 (b) The term "collection agency" shall not include a trade association performing services  
85.21 authorized by section 604.15, subdivision 4a, but the trade association in performing the  
85.22 services may not engage in any conduct that would be prohibited for a collection agency  
85.23 under section 332.37.

85.24 Sec. 7. Minnesota Statutes 2020, section 332.33, subdivision 1, is amended to read:

85.25 Subdivision 1. **Requirement.** Except as otherwise provided in this chapter, no person  
85.26 shall conduct ~~within this state a collection agency or engage within this state in the business~~  
85.27 ~~of collecting claims for others~~ business in Minnesota as a collection agency or debt buyer,  
85.28 as defined in sections 332.31 to 332.44, without having first applied for and obtained a  
85.29 collection agency license. A person acting under the authority of a collection agency, debt  
85.30 buyer, or as a collector, must first register with the commissioner under this section. A  
85.31 registered collector may use one additional assumed name only if the assumed name is  
85.32 registered with and approved by the commissioner. A business that operates as a debt buyer

86.1 must submit a completed license application no later than January 1, 2022. A debt buyer  
86.2 who has filed an application with the commissioner for a collection agency license prior to  
86.3 January 1, 2022, and whose application remains pending with the commissioner thereafter,  
86.4 may continue to operate without a license until the commissioner approves or denies the  
86.5 application.

86.6 Sec. 8. Minnesota Statutes 2020, section 332.33, subdivision 2, is amended to read:

86.7 Subd. 2. **Penalty.** A person who carries on business as a collection agency or debt buyer  
86.8 without first having obtained a license or acts as a collector without first having registered  
86.9 with the commissioner pursuant to sections 332.31 to 332.44, or who carries on this business  
86.10 after the revocation, suspension, or expiration of a license or registration is guilty of a  
86.11 misdemeanor.

86.12 Sec. 9. Minnesota Statutes 2020, section 332.33, subdivision 5, is amended to read:

86.13 Subd. 5. ~~Collection agency License rejection.~~ On finding that an applicant for a  
86.14 ~~collection agency~~ license is not qualified under sections 332.31 to 332.44, the commissioner  
86.15 shall reject the application and shall give the applicant written notice of the rejection and  
86.16 the reasons for the rejection.

86.17 Sec. 10. Minnesota Statutes 2020, section 332.33, subdivision 5a, is amended to read:

86.18 Subd. 5a. **Individual collector registration.** A ~~licensed collection agency licensee~~, on  
86.19 behalf of an individual collector, must register with the state all individuals in the ~~collection~~  
86.20 ~~agency's licensee's~~ employ who are performing the duties of a collector as defined in sections  
86.21 332.31 to 332.44. The ~~collection agency licensee~~ must apply for an individual collection  
86.22 registration in a form prescribed by the commissioner. The ~~collection agency licensee~~ shall  
86.23 verify on the form that the applicant has confirmed that the applicant meets the requirements  
86.24 to perform the duties of a collector as defined in sections 332.31 to 332.44. Upon submission  
86.25 of the application to the department, the individual may begin to perform the duties of a  
86.26 collector and may continue to do so unless the ~~licensed collection agency licensee~~ is informed  
86.27 by the commissioner that the individual is ineligible.

86.28 Sec. 11. Minnesota Statutes 2020, section 332.33, subdivision 7, is amended to read:

86.29 Subd. 7. **Changes; notice to commissioner.** (a) A ~~licensed collection agency licensee~~  
86.30 must give the commissioner written notice of a change in company name, address, or  
86.31 ownership not later than ten days after the change occurs. A registered individual collector

87.1 must give written notice of a change of address, name, or assumed name no later than ten  
87.2 days after the change occurs.

87.3 (b) Upon the death of any ~~collection agency~~ licensee, the license of the decedent may  
87.4 be transferred to the executor or administrator of the estate for the unexpired term of the  
87.5 license. The executor or administrator may be authorized to continue or discontinue the  
87.6 collection business of the decedent under the direction of the court having jurisdiction of  
87.7 the probate.

87.8 Sec. 12. Minnesota Statutes 2020, section 332.33, subdivision 8, is amended to read:

87.9 Subd. 8. **Screening process requirement.** (a) Each ~~licensed collection agency~~ licensee  
87.10 must establish procedures to follow when screening an individual collector applicant prior  
87.11 to submitting an applicant to the commissioner for initial registration and at renewal.

87.12 (b) The screening process for initial registration must be done at the time of hiring. The  
87.13 process must include a national criminal history record search, an attorney licensing search,  
87.14 and a county criminal history search for all counties where the applicant has resided within  
87.15 the five years immediately preceding the initial registration, to determine whether the  
87.16 applicant is eligible to be registered under section 332.35. Each ~~licensed collection agency~~  
87.17 licensee shall use a vendor that is a member of the National Association of Professional  
87.18 Background Screeners, or an equivalent vendor, to conduct this background screening  
87.19 process.

87.20 (c) Screening for renewal of individual collector registration must include a national  
87.21 criminal history record search and a county criminal history search for all counties where  
87.22 the individual has resided during the immediate preceding year. Screening for renewal of  
87.23 individual collector registrations must take place no more than 60 days before the license  
87.24 expiration or renewal date. A renewal screening is not required if an individual collector  
87.25 has been subjected to an initial background screening within 12 months of the first registration  
87.26 renewal date. A renewal screening is required for all subsequent annual registration renewals.

87.27 (d) The commissioner may review the procedures to ensure the integrity of the screening  
87.28 process. Failure by a ~~licensed collection agency~~ licensee to establish these procedures is  
87.29 subject to action under section 332.40.

88.1 Sec. 13. Minnesota Statutes 2020, section 332.33, is amended by adding a subdivision to  
88.2 read:

88.3 Subd. 9. **Affiliated companies.** The commissioner must permit affiliated companies to  
88.4 operate under a single license and be subject to a single examination, provided that all of  
88.5 the affiliated company names are listed on the license.

88.6 Sec. 14. Minnesota Statutes 2020, section 332.34, is amended to read:

88.7 **332.34 BOND.**

88.8 The commissioner of commerce shall require each ~~collection agency~~ licensee to file and  
88.9 maintain in force a corporate surety bond, in a form to be prescribed by, and acceptable to,  
88.10 the commissioner, and in a sum of at least \$50,000 plus an additional \$5,000 for each  
88.11 \$100,000 received by the collection agency from debtors located in Minnesota during the  
88.12 previous calendar year, less commissions earned by the collection agency on those collections  
88.13 for the previous calendar year. The total amount of the bond shall not exceed \$100,000. A  
88.14 ~~collection agency~~ licensee may deposit cash in and with a depository acceptable to the  
88.15 commissioner in an amount and in the manner prescribed and approved by the commissioner  
88.16 in lieu of a bond.

88.17 Sec. 15. Minnesota Statutes 2020, section 332.345, is amended to read:

88.18 **332.345 SEGREGATED ACCOUNTS.**

88.19 A payment collected by a collector or collection agency on behalf of a customer shall  
88.20 be held by the collector or collection agency in a separate trust account clearly designated  
88.21 for customer funds. The account must be in a bank or other depository institution authorized  
88.22 or chartered under the laws of any state or of the United States. This section does not apply  
88.23 to a debt buyer, except to the extent the debt buyer engages in third-party debt collection  
88.24 for others.

88.25 Sec. 16. Minnesota Statutes 2020, section 332.355, is amended to read:

88.26 **332.355 AGENCY RESPONSIBILITY FOR COLLECTORS.**

88.27 The commissioner may take action against a ~~collection agency~~ licensee for any violations  
88.28 of debt collection laws by its debt collectors. The commissioner may also take action against  
88.29 the debt collectors themselves for these same violations.



89.1 Sec. 17. Minnesota Statutes 2020, section 332.37, is amended to read:

89.2 **332.37 PROHIBITED PRACTICES.**

89.3 (a) No collection agency, debt buyer, or collector shall:

89.4 (1) in collection letters or publications, or in any communication, oral or written threaten  
89.5 wage garnishment or legal suit by a particular lawyer, unless it has actually retained the  
89.6 lawyer;

89.7 (2) use or employ sheriffs or any other officer authorized to serve legal papers in  
89.8 connection with the collection of a claim, except when performing their legally authorized  
89.9 duties;

89.10 (3) use or threaten to use methods of collection which violate Minnesota law;

89.11 (4) furnish legal advice or otherwise engage in the practice of law or represent that it is  
89.12 competent to do so;

89.13 (5) communicate with debtors in a misleading or deceptive manner by using the stationery  
89.14 of a lawyer, forms or instruments which only lawyers are authorized to prepare, or  
89.15 instruments which simulate the form and appearance of judicial process;

89.16 (6) exercise authority on behalf of a ~~creditor~~ client to employ the services of lawyers  
89.17 unless the ~~creditor~~ client has specifically authorized the agency in writing to do so and the  
89.18 agency's course of conduct is at all times consistent with a true relationship of attorney and  
89.19 client between the lawyer and the ~~creditor~~ client;

89.20 (7) publish or cause to be published any list of debtors except for credit reporting  
89.21 purposes, use shame cards or shame automobiles, advertise or threaten to advertise for sale  
89.22 any claim as a means of forcing payment thereof, or use similar devices or methods of  
89.23 intimidation;

89.24 (8) refuse to return any claim or claims and all valuable papers deposited with a claim  
89.25 or claims upon written request of the ~~creditor~~ client, claimant or forwarder after tender of  
89.26 the amounts due and owing to ~~the~~ a collection agency within 30 days after the request;  
89.27 refuse or intentionally fail to account to its clients for all money collected within 30 days  
89.28 from the last day of the month in which the same is collected; or, refuse or fail to furnish  
89.29 at intervals of not less than 90 days upon written request of the claimant or forwarder, a  
89.30 written report upon claims received from the claimant or forwarder;

90.1 (9) operate under a name or in a manner which implies that the collection agency or debt  
90.2 buyer is a branch of or associated with any department of federal, state, county or local  
90.3 government or an agency thereof;

90.4 (10) commingle money collected for a customer with the collection agency's operating  
90.5 funds or use any part of a customer's money in the conduct of the collection agency's  
90.6 business;

90.7 (11) transact business or hold itself out as a debt ~~prorater~~ settlement company, debt  
90.8 management company, debt adjuster, or any person who settles, adjusts, prorates, pools,  
90.9 liquidates or pays the indebtedness of a debtor, unless there is no charge to the debtor, or  
90.10 the pooling or liquidation is done pursuant to court order or under the supervision of a  
90.11 creditor's committee;

90.12 (12) violate any of the provisions of the Fair Debt Collection Practices Act of 1977,  
90.13 Public Law 95-109, while attempting to collect on any account, bill or other indebtedness;

90.14 (13) communicate with a debtor by use of a recorded message utilizing an automatic  
90.15 dialing announcing device ~~unless the recorded message is immediately preceded by a live~~  
90.16 ~~operator who discloses prior to the message the name of the collection agency and the fact~~  
90.17 ~~the message intends to solicit payment and the operator obtains the consent of the debtor~~  
90.18 ~~to hearing the message~~ after the debtor expressly informs the agency or collector to cease  
90.19 communication utilizing an automatic dialing announcing device;

90.20 (14) in collection letters or publications, or in any communication, oral or written, imply  
90.21 or suggest that health care services will be withheld in an emergency situation;

90.22 (15) when a debtor has a listed telephone number, enlist the aid of a neighbor or third  
90.23 party to request that the debtor contact the licensee or collector, except a person who resides  
90.24 with the debtor or a third party with whom the debtor has authorized the licensee or collector  
90.25 to place the request. This clause does not apply to a call back message left at the debtor's  
90.26 place of employment which is limited to the licensee's or collector's telephone number and  
90.27 name;

90.28 (16) when attempting to collect a debt, fail to provide the debtor with the full name of  
90.29 the collection agency or debt buyer as it appears on its license or as listed on any "doing  
90.30 business as" or "d/b/a" registered with the Department of Commerce;

90.31 (17) collect any money from a debtor that is not reported to a ~~creditor or~~ client;

90.32 (18) fail to return any amount of overpayment from a debtor to the debtor or to the state  
90.33 of Minnesota pursuant to the requirements of chapter 345;

91.1 ~~(18)~~ (19) accept currency or coin as payment for a debt without issuing an original receipt  
 91.2 to the debtor and maintaining a duplicate receipt in the debtor's payment records;

91.3 ~~(19)~~ (20) attempt to collect any amount ~~of money, including any interest, fee, charge,~~  
 91.4 or expense incidental to the charge-off obligation, from a debtor ~~or unless the amount is~~  
 91.5 expressly authorized by the agreement creating the debt or is otherwise permitted by law;

91.6 (21) charge a fee to a ~~creditor~~ client that is not authorized by agreement with the client;

91.7 ~~(20)~~ (22) falsify any collection agency documents with the intent to deceive a debtor,  
 91.8 creditor, or governmental agency;

91.9 ~~(21)~~ (23) when initially contacting a Minnesota debtor by mail, fail to include a disclosure  
 91.10 on the contact notice, in a type size or font which is equal to or larger than the largest other  
 91.11 type of type size or font used in the text of the notice. The disclosure must state: "This  
 91.12 collection agency is licensed by the Minnesota Department of Commerce" or "This debt  
 91.13 buyer is licensed by the Minnesota Department of Commerce" as applicable; or

91.14 ~~(22)~~ (24) commence legal action to collect a debt outside the limitations period set forth  
 91.15 in section 541.053.

91.16 (b) Paragraph (a), clauses (6), (8), (10), (17), and (21), do not apply to debt buyers except  
 91.17 to the extent the debt buyer engages in third-party debt collection for others.

91.18 Sec. 18. Minnesota Statutes 2020, section 332.385, is amended to read:

91.19 **332.385 NOTIFICATION TO COMMISSIONER.**

91.20 The collection agency or debt buyer licensee shall notify the commissioner of any  
 91.21 employee termination within ten days of the termination if ~~it~~ the termination is based in  
 91.22 whole or in part based on a violation of this chapter.

91.23 Sec. 19. Minnesota Statutes 2020, section 332.40, subdivision 3, is amended to read:

91.24 Subd. 3. **Commissioner's powers.** (a) For the purpose of any investigation or proceeding  
 91.25 under sections 332.31 to 332.44, the commissioner or any person designated by the  
 91.26 commissioner may administer oaths and affirmations, subpoena collection agencies, debt  
 91.27 buyers, or collectors and compel their attendance, take evidence and require the production  
 91.28 of any books, papers, correspondence, memoranda, agreements or other documents or  
 91.29 records which the commissioner deems relevant or material to the inquiry. The subpoena  
 91.30 shall contain a written statement setting forth the circumstances which have reasonably

92.1 caused the commissioner to believe that a violation of sections 332.31 to 332.44 may have  
92.2 occurred.

92.3 (b) In the event that the collection agency, debt buyer, or collector refuses to obey the  
92.4 subpoena, or should the commissioner, upon completion of the examination of the collection  
92.5 agency, debt buyer, or collector, reasonably conclude that a violation has occurred, the  
92.6 commissioner may examine additional witnesses, including third parties, as may be necessary  
92.7 to complete the investigation.

92.8 (c) Any subpoena issued pursuant to this section shall be served by certified mail or by  
92.9 personal service. Service shall be made at least 15 days prior to the date of appearance.

92.10 Sec. 20. Minnesota Statutes 2020, section 332.42, subdivision 1, is amended to read:

92.11 Subdivision 1. **Verified financial statement.** The commissioner of commerce may at  
92.12 any time require a ~~collection agency~~ licensee to submit a verified financial statement for  
92.13 examination by the commissioner to determine whether the ~~collection agency~~ licensee is  
92.14 financially responsible to carry on a collection ~~agency~~ business within the intents and  
92.15 purposes of sections 332.31 to 332.44.

92.16 Sec. 21. Minnesota Statutes 2020, section 332.42, subdivision 2, is amended to read:

92.17 Subd. 2. **Record keeping.** The commissioner shall require the collection agency or debt  
92.18 buyer licensee to keep such books and records in the licensee's place of business in this  
92.19 state as will enable the commissioner to determine whether there has been compliance with  
92.20 the provisions of sections 332.31 to 332.44, unless the agency is a foreign corporation duly  
92.21 authorized, admitted, and licensed to do business in this state and complies with all the  
92.22 requirements of chapter 303 and with all other requirements of sections 332.31 to 332.44.  
92.23 Every collection agency licensee shall preserve the records of final entry used in such  
92.24 business for a period of five years after final remittance is made on any amount placed with  
92.25 the licensee for collection or after any account has been returned to the claimant on which  
92.26 one or more payments have been made. Every debt buyer licensee must preserve the records  
92.27 of final entry used in the business for a period of five years after final collection of any  
92.28 purchased account.

92.29 Sec. 22. **GARNISHMENT PROHIBITIONS ON COVID-19 GOVERNMENT**  
92.30 **ASSISTANCE.**

92.31 (a) Federal, state, local, and tribal governmental payments issued to relieve the adverse  
92.32 economic impact caused by the COVID-19 pandemic are exempt from all claims for

93.1 garnishments and levies of consumer debtors of debt primarily for personal, family, or  
93.2 household purposes governed by Minnesota Statutes, chapters 550, 551, and 571.

93.3 (b) Paragraph (a) does not apply to domestic support orders and obligations, including  
93.4 child support and spousal maintenance obligations, including but not limited to orders and  
93.5 obligations under Minnesota Statutes, chapters 518 and 518A.

93.6 (c) This section expires on December 31, 2022.

93.7 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
93.8 final enactment and applies to government assistance provided on or after March 13, 2020.

## 93.9 **ARTICLE 6**

### 93.10 **MISCELLANEOUS**

93.11 Section 1. Minnesota Statutes 2020, section 45.305, subdivision 1, is amended to read:

93.12 Subdivision 1. ~~Appraiser and Insurance Internet prelicense courses.~~ The design and  
93.13 delivery of ~~an appraiser prelicense education course or an insurance prelicense education~~  
93.14 course must be approved by the International Distance Education Certification Center  
93.15 (IDECC) before the course is submitted for the commissioner's approval.

93.16 Sec. 2. Minnesota Statutes 2020, section 45.305, is amended by adding a subdivision to  
93.17 read:

93.18 Subd. 1a. **Appraiser Internet prelicense courses.** The requirements for the design and  
93.19 delivery of an appraiser prelicense education course are the requirements established by the  
93.20 Appraiser Qualifications Board of the Appraisal Foundation and published in the most  
93.21 recent version of the Real Property Appraiser Qualification Criteria.

93.22 Sec. 3. Minnesota Statutes 2020, section 45.306, is amended by adding a subdivision to  
93.23 read:

93.24 Subd. 1a. **Appraiser Internet continuing education courses.** The requirements for the  
93.25 design and delivery of an appraiser continuing education course are the requirements  
93.26 established by the Appraiser Qualifications Board of the Appraisal Foundation and published  
93.27 in the most recent version of the Real Property Appraiser Qualification Criteria.

93.28 Sec. 4. Minnesota Statutes 2020, section 45.33, subdivision 1, is amended to read:

93.29 Subdivision 1. **Prohibitions.** In connection with an approved course, coordinators and  
93.30 instructors must not:

- 94.1 (1) recommend or promote the services or practices of a particular business;
- 94.2 (2) encourage or recruit individuals to engage the services of, or become associated with,  
94.3 a particular business;
- 94.4 (3) use materials, clothing, or other evidences of affiliation with a particular entity,  
94.5 except as provided under subdivision 3;
- 94.6 (4) require students to participate in other programs or services offered by the instructor,  
94.7 coordinator, or education provider;
- 94.8 (5) attempt, either directly or indirectly, to discover questions or answers on an  
94.9 examination for a license;
- 94.10 (6) disseminate to any other person specific questions, problems, or information known  
94.11 or believed to be included in licensing examinations;
- 94.12 (7) misrepresent any information submitted to the commissioner;
- 94.13 (8) fail to cover, or ensure coverage of, all points, issues, and concepts contained in the  
94.14 course outline approved by the commissioner during the approved instruction; and
- 94.15 (9) issue inaccurate course completion certificates.

94.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

94.17 Sec. 5. Minnesota Statutes 2020, section 45.33, is amended by adding a subdivision to  
94.18 read:

94.19 **Subd. 3. Exceptions.** In connection with an approved course, coordinators and instructors  
94.20 may:

- 94.21 (1) display a company or course provider's logo or branding;
- 94.22 (2) establish a trade-show or conference booth outside the classroom where the  
94.23 educational content is being delivered that is separate from a registration location used to  
94.24 track or facilitate student attendance;
- 94.25 (3) display the logo or branding associated with a particular entity to thank the entity as  
94.26 an organizational partner of the course provider during a scheduled and approved break in  
94.27 the delivery of course content. The display must be separate from a registration location  
94.28 used to track or facilitate student attendance; and
- 94.29 (4) display a third-party logo, promotion, advertisement, or affiliation with a particular  
94.30 entity as part of a course program or advertising for an approved course. For purposes of  
94.31 this subdivision, course program means digital or paper literature describing the schedule

95.1 of the events, presenters, duration, or background information of the approved course or  
95.2 courses. A course program may be made available in the classroom or at a registration  
95.3 location used to track or facilitate student attendance.

95.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

95.5 Sec. 6. Minnesota Statutes 2020, section 60A.71, subdivision 7, is amended to read:

95.6 Subd. 7. **Duration; fees.** (a) Each applicant for a reinsurance intermediary license shall  
95.7 pay to the commissioner a fee of \$200 for an initial two-year license and a fee of \$150 for  
95.8 each renewal. Applications shall be submitted on forms prescribed by the commissioner.

95.9 (b) Initial licenses issued under this chapter are valid for a period not to exceed 24 months  
95.10 and expire on October 31 of the renewal year assigned by the commissioner. Each renewal  
95.11 reinsurance intermediary license is valid for a period of 24 months. ~~Licensees who submit~~  
95.12 ~~renewal applications postmarked or delivered on or before October 15 of the renewal year~~  
95.13 ~~may continue to transact business whether or not the renewal license has been received by~~  
95.14 ~~November 1. Licensees who submit applications postmarked or delivered after October 15~~  
95.15 ~~of the renewal year must not transact business after the expiration date of the license until~~  
95.16 ~~the renewal license has been received.~~

95.17 (c) All fees are nonreturnable, except that an overpayment of any fee may be refunded  
95.18 upon proper application.

95.19 Sec. 7. Minnesota Statutes 2020, section 79.55, subdivision 10, is amended to read:

95.20 Subd. 10. **Duties of commissioner; report.** ~~The commissioner shall issue a report by~~  
95.21 ~~March 1 of each year, comparing the average rates charged by workers' compensation~~  
95.22 ~~insurers in the state to the pure premium base rates filed by the association, as reviewed by~~  
95.23 ~~the Rate Oversight Commission. The Rate Oversight Commission shall review the~~  
95.24 ~~commissioner's report and if the experience indicates that rates have not reasonably reflected~~  
95.25 ~~changes in pure premiums, the rate oversight commission shall recommend to the legislature~~  
95.26 ~~appropriate legislative changes to this chapter.~~

95.27 (a) By March 1 of each year, the commissioner must issue a report that evaluates the  
95.28 competitiveness of the workers' compensation market in Minnesota in order to evaluate  
95.29 whether the competitive rating law is working.

95.30 (b) The report under this subdivision must: (1) compare the average rates charged by  
95.31 workers' compensation insurers in Minnesota with the pure premium base rates filed by the  
95.32 association; and (2) provide market information, including but not limited to the number of

96.1 carriers, market shares, the loss-cost multipliers used by companies, and the residual market  
 96.2 and self-insurance.

96.3 (c) The commissioner must provide the report to the Rate Oversight Commission for  
 96.4 review. If after reviewing the report the Rate Oversight Commission concludes that concerns  
 96.5 exist regarding the competitiveness of the workers' compensation market in Minnesota, the  
 96.6 Rate Oversight Commission must recommend to the legislature appropriate modifications  
 96.7 to this chapter.

96.8 Sec. 8. Minnesota Statutes 2020, section 80G.06, subdivision 1, is amended to read:

96.9 Subdivision 1. **Surety bond requirement.** (a) Every dealer shall maintain a current,  
 96.10 valid surety bond issued by a surety company admitted to do business in Minnesota in an  
 96.11 amount based on the transactions conducted with Minnesota consumers (purchases from  
 96.12 and sales to consumers at retail) during the 12-month period prior to registration, or renewal,  
 96.13 whichever is applicable.

96.14 (b) The amount of the surety bond shall be as specified in the table below:

96.15	Transaction Amount in Preceding	Surety Bond Required
96.16	12-month Period	
96.17	<del>\$25,000</del> <u>\$0</u> to \$200,000	\$25,000
96.18	\$200,000.01 to \$500,000	\$50,000
96.19	\$500,000.01 to \$1,000,000	\$100,000
96.20	\$1,000,000.01 to \$2,000,000	\$150,000
96.21	Over \$2,000,000	\$200,000

96.22 Sec. 9. **[80G.11] NOTIFICATION TO COMMISSIONER.**

96.23 A dealer must notify the commissioner of any dealer representative termination within  
 96.24 ten days of the termination if the termination is based in whole or in part on a violation of  
 96.25 this chapter.

96.26 Sec. 10. Minnesota Statutes 2020, section 82.57, subdivision 1, is amended to read:

96.27 Subdivision 1. **Amounts.** The following fees shall be paid to the commissioner:

96.28 (a) a fee of \$150 for each initial individual broker's license, and a fee of \$100 for each  
 96.29 renewal thereof;

96.30 (b) a fee of \$70 for each initial salesperson's license, and a fee of \$40 for each renewal  
 96.31 thereof;



97.1 (c) a fee of \$85 for each initial real estate closing agent license, and a fee of \$60 for each  
97.2 renewal thereof;

97.3 (d) a fee of \$150 for each initial corporate, limited liability company, or partnership  
97.4 license, and a fee of \$100 for each renewal thereof;

97.5 (e) a fee for payment to the education, research and recovery fund in accordance with  
97.6 section 82.86;

97.7 (f) a fee of \$20 for each transfer;

97.8 ~~(g) a fee of \$50 for license reinstatement;~~

97.9 ~~(h)~~ (g) a fee of \$20 for reactivating a corporate, limited liability company, or partnership  
97.10 license; and

97.11 ~~(i)~~ (h) in addition to the fees required under this subdivision, individual licensees under  
97.12 clauses (a) and (b) shall pay, for each initial license and renewal, a technology surcharge  
97.13 of up to \$40 under section 45.24, unless the commissioner has adjusted the surcharge as  
97.14 permitted under that section.

97.15 Sec. 11. Minnesota Statutes 2020, section 82.57, subdivision 5, is amended to read:

97.16 Subd. 5. **Initial license expiration; fee reduction.** ~~If an initial license issued under~~  
97.17 ~~subdivision 1, paragraph (a), (b), (c), or (d) expires less than 12 months after issuance, the~~  
97.18 ~~license fee shall be reduced by an amount equal to one-half the fee for a renewal of the~~  
97.19 ~~license. An initial license issued under this chapter expires in the year that results in the~~  
97.20 ~~term of the license being at least 12 months, but no more than 24 months.~~

97.21 Sec. 12. Minnesota Statutes 2020, section 82.62, subdivision 3, is amended to read:

97.22 Subd. 3. **Timely renewals.** ~~A person whose application for a license renewal has not~~  
97.23 ~~been timely submitted and who has not received notice of approval of renewal may not~~  
97.24 ~~continue to transact business either as a real estate broker, salesperson, or closing agent~~  
97.25 ~~after June 30 of the renewal year until approval of renewal is received. Application for~~  
97.26 ~~renewal of a license is timely submitted if: all requirements for renewal, including continuing~~  
97.27 ~~education requirements, have been completed and reported pursuant to section 45.43,~~  
97.28 ~~subdivision 1.~~

97.29 ~~(1) all requirements for renewal, including continuing education requirements, have~~  
97.30 ~~been completed by June 15 of the renewal year; and~~

98.1 ~~(2) the application is submitted before the renewal deadline in the manner prescribed~~  
98.2 ~~by the commissioner, duly executed and sworn to, accompanied by fees prescribed by this~~  
98.3 ~~chapter, and containing any information the commissioner requires.~~

98.4 Sec. 13. Minnesota Statutes 2020, section 82.81, subdivision 12, is amended to read:

98.5 Subd. 12. **Fraudulent, deceptive, and dishonest practices. (a) Prohibitions.** For the  
98.6 purposes of section 82.82, subdivision 1, clause (b), the following acts and practices constitute  
98.7 fraudulent, deceptive, or dishonest practices:

98.8 (1) act on behalf of more than one party to a transaction without the knowledge and  
98.9 consent of all parties;

98.10 (2) act in the dual capacity of licensee and undisclosed principal in any transaction;

98.11 (3) receive funds while acting as principal which funds would constitute trust funds if  
98.12 received by a licensee acting as an agent, unless the funds are placed in a trust account.  
98.13 Funds need not be placed in a trust account if a written agreement signed by all parties to  
98.14 the transaction specifies a different disposition of the funds, in accordance with section  
98.15 82.82, subdivision 1;

98.16 (4) violate any state or federal law concerning discrimination intended to protect the  
98.17 rights of purchasers or renters of real estate;

98.18 (5) make a material misstatement in an application for a license or in any information  
98.19 furnished to the commissioner;

98.20 (6) procure or attempt to procure a real estate license for ~~himself or herself~~ the procuring  
98.21 individual or any person by fraud, misrepresentation, or deceit;

98.22 (7) represent membership in any real estate-related organization in which the licensee  
98.23 is not a member;

98.24 (8) advertise in any manner that is misleading or inaccurate with respect to properties,  
98.25 terms, values, policies, or services conducted by the licensee;

98.26 (9) make any material misrepresentation or permit or allow another to make any material  
98.27 misrepresentation;

98.28 (10) make any false or misleading statements, or permit or allow another to make any  
98.29 false or misleading statements, of a character likely to influence, persuade, or induce the  
98.30 consummation of a transaction contemplated by this chapter;

99.1 (11) fail within a reasonable time to account for or remit any money coming into the  
99.2 licensee's possession which belongs to another;

99.3 (12) commingle with ~~his or her~~ the individual's own money or property trust funds or  
99.4 any other money or property of another held by the licensee;

99.5 (13) a demand from a seller for a commission ~~to~~ or compensation to which the licensee  
99.6 is not entitled, knowing that ~~he or she~~ the individual is not entitled to the commission or  
99.7 compensation;

99.8 (14) pay or give money or goods of value to an unlicensed person for any assistance or  
99.9 information relating to the procurement by a licensee of a listing of a property or of a  
99.10 prospective buyer of a property (this item does not apply to money or goods paid or given  
99.11 to the parties to the transaction);

99.12 (15) fail to maintain a trust account at all times, as provided by law;

99.13 (16) engage, with respect to the offer, sale, or rental of real estate, in an anticompetitive  
99.14 activity;

99.15 (17) represent on advertisements, cards, signs, circulars, letterheads, or in any other  
99.16 manner, that ~~he or she~~ the individual is engaged in the business of financial planning unless  
99.17 ~~he or she~~ the individual provides a disclosure document to the client. The document must  
99.18 be signed by the client and a copy must be left with the client. The disclosure document  
99.19 must contain the following:

99.20 (i) the basis of fees, commissions, or other compensation received by ~~him or her~~ an  
99.21 individual in connection with rendering of financial planning services or financial counseling  
99.22 or advice in the following language:

99.23 "My compensation may be based on the following:

99.24 (a) ... commissions generated from the products I sell you;

99.25 (b) ... fees; or

99.26 (c) ... a combination of (a) and (b). [Comments]";

99.27 (ii) the name and address of any company or firm that supplies the financial services or  
99.28 products offered or sold by ~~him or her~~ an individual in the following language:

99.29 "I am authorized to offer or sell products and/or services issued by or through the  
99.30 following firm(s):

99.31 [List]

100.1 The products will be traded, distributed, or placed through the clearing/trading firm(s)  
100.2 of:

100.3 [List]";

100.4 (iii) the license(s) held by the person under this chapter or chapter 60A or 80A in the  
100.5 following language:

100.6 "I am licensed in Minnesota as a(n):

100.7 (a) ... insurance agent;

100.8 (b) ... securities agent or broker/dealer;

100.9 (c) ... real estate broker or salesperson;

100.10 (d) ... investment adviser"; and

100.11 (iv) the specific identity of any financial products or services, by category, for example  
100.12 mutual funds, stocks, or limited partnerships, the person is authorized to offer or sell in the  
100.13 following language:

100.14 "The license(s) entitles me to offer and sell the following products and/or services:

100.15 (a) ... securities, specifically the following: [List];

100.16 (b) ... real property;

100.17 (c) ... insurance; and

100.18 (d) ... other: [List]."

100.19 (b) **Determining violation.** A licensee shall be deemed to have violated this section if  
100.20 the licensee has been found to have violated sections 325D.49 to 325D.66, by a final decision  
100.21 or order of a court of competent jurisdiction.

100.22 (c) **Commissioner's authority.** Nothing in this section limits the authority of the  
100.23 commissioner to take actions against a licensee for fraudulent, deceptive, or dishonest  
100.24 practices not specifically described in this section.

100.25 Sec. 14. Minnesota Statutes 2020, section 82B.021, is amended by adding a subdivision  
100.26 to read:

100.27 Subd. 14a. **Evaluation.** "Evaluation" means an estimate of the value of real property,  
100.28 made in accordance with the Interagency Appraisal and Evaluation Guidelines provided to  
100.29 an entity regulated by a federal financial institution's regulatory agency, for use in a real  
100.30 estate-related financial transaction for which an appraisal is not required by federal law.

101.1 Sec. 15. Minnesota Statutes 2020, section 82B.021, is amended by adding a subdivision  
101.2 to read:

101.3 Subd. 16a. **Interagency Appraisal and Evaluation Guidelines.** "Interagency Appraisal  
101.4 and Evaluation Guidelines" means the appraisal and evaluation guidelines provided by a  
101.5 federal financial institution's regulatory agency, as provided by Federal Register, volume  
101.6 75, page 77450 (2010), as amended.

101.7 Sec. 16. Minnesota Statutes 2020, section 82B.021, subdivision 18, is amended to read:

101.8 Subd. 18. **Licensed real property appraiser.** "Licensed real property appraiser" means  
101.9 an individual licensed under this chapter to perform appraisals on noncomplex one-family  
101.10 to four-family residential units or agricultural property having a transactional value of less  
101.11 than \$1,000,000 and complex one-family to four-family residential units or agricultural  
101.12 property having a transactional value of less than ~~\$250,000~~ \$400,000.

101.13 Sec. 17. Minnesota Statutes 2020, section 82B.03, is amended by adding a subdivision to  
101.14 read:

101.15 Subd. 3. **Evaluation.** A licensed real estate appraiser may provide an evaluation. When  
101.16 providing an evaluation, a licensed real estate appraiser is not engaged in real estate appraisal  
101.17 activity and is not subject to this chapter. An evaluation by a licensed real estate appraiser  
101.18 under this subdivision must contain a disclosure that the evaluation is not an appraisal.

101.19 Sec. 18. Minnesota Statutes 2020, section 82B.11, subdivision 3, is amended to read:

101.20 Subd. 3. **Licensed residential real property appraiser.** A licensed residential real  
101.21 property appraiser may appraise noncomplex residential property or agricultural property  
101.22 having a transaction value less than \$1,000,000 and complex residential or agricultural  
101.23 property having a transaction value less than ~~\$250,000~~ \$400,000.

101.24 Sec. 19. Minnesota Statutes 2020, section 82B.195, is amended by adding a subdivision  
101.25 to read:

101.26 Subd. 5. **Evaluation.** When providing an evaluation, a licensed real estate appraiser is  
101.27 not required to comply with the Uniform Standards of Professional Appraisal Practice.

101.28 Sec. 20. **[82B.25] VALUATION BIAS.**

101.29 Subdivision 1. **Definition.** For the purposes of this section, "valuation bias" means to  
101.30 explicitly, implicitly, or structurally select data and apply that data to an appraisal

102.1 methodology or technique in a biased manner that harms a protected class, as defined by  
102.2 the Fair Housing Act of 1968, as amended.

102.3 Subd. 2. **Education.** Within two years of receiving a license under this chapter, and as  
102.4 required by the Appraiser Qualifications Board, a real property appraiser shall provide to  
102.5 the commissioner evidence of satisfactory completion of a continuing education course on  
102.6 the valuation bias of real property.

102.7 **EFFECTIVE DATE.** This section is effective September 1, 2021. A real property  
102.8 appraiser who has received their license prior to the effective date of this section must  
102.9 complete the course required by this section by August 31, 2023.

102.10 Sec. 21. Minnesota Statutes 2020, section 115C.094, is amended to read:

102.11 **115C.094 ABANDONED UNDERGROUND STORAGE TANKS.**

102.12 (a) As used in this section, an abandoned underground petroleum storage tank means  
102.13 an underground petroleum storage tank that was:

102.14 (1) taken out of service prior to December 22, 1988; ~~or~~

102.15 (2) taken out of service on or after December 22, 1988, if the current property owner  
102.16 did not know of the existence of the underground petroleum storage tank and could not have  
102.17 reasonably been expected to have known of the tank's existence at the time the owner first  
102.18 acquired right, title, or interest in the tank; or

102.19 (3) taken out of service and is located on property that is being held by the state in trust  
102.20 for local taxing districts under section 281.25.

102.21 (b) The board may contract for:

102.22 (1) a statewide assessment in order to determine the quantity, location, cost, and feasibility  
102.23 of removing abandoned underground petroleum storage tanks;

102.24 (2) the removal of an abandoned underground petroleum storage tank; and

102.25 (3) the removal and disposal of petroleum-contaminated soil if the removal is required  
102.26 by the commissioner at the time of tank removal.

102.27 (c) Before the board may contract for removal of an abandoned petroleum storage tank,  
102.28 the tank owner must provide the board with written access to the property and release the  
102.29 board from any potential liability for the work performed.

102.30 (d) If at the time of the forfeiture of property identified under paragraph (a), clause (3),  
102.31 the property owner or the owner's heirs, devisees, or representatives, or any person to whom

103.1 the right to pay taxes was granted by statute, mortgage, or other agreement, repurchases the  
103.2 property under section 282.241, the board's contracted costs for the underground storage  
103.3 tank removal project must be included as a special assessment included in the repurchase  
103.4 price, as provided under section 282.251, and must be returned to the board upon the sale  
103.5 of the property.

103.6 ~~(d)~~ (e) Money in the fund is appropriated to the board for the purposes of this section.

103.7 Sec. 22. Minnesota Statutes 2020, section 216B.62, subdivision 3b, is amended to read:

103.8 Subd. 3b. **Assessment for department regional and national duties.** In addition to  
103.9 other assessments in subdivision 3, the department may assess up to \$500,000 per fiscal  
103.10 year for performing its duties under section 216A.07, subdivision 3a. The amount in this  
103.11 subdivision shall be assessed to energy utilities in proportion to their respective gross  
103.12 operating revenues from retail sales of gas or electric service within the state during the last  
103.13 calendar year and shall be deposited into an account in the special revenue fund and is  
103.14 appropriated to the commissioner of commerce for the purposes of section 216A.07,  
103.15 subdivision 3a. An assessment made under this subdivision is not subject to the cap on  
103.16 assessments provided in subdivision 3 or any other law. For the purpose of this subdivision,  
103.17 an "energy utility" means public utilities, generation and transmission cooperative electric  
103.18 associations, and municipal power agencies providing natural gas or electric service in the  
103.19 state. ~~This subdivision expires June 30, 2021.~~

103.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

103.21 Sec. 23. Minnesota Statutes 2020, section 308A.201, subdivision 12, is amended to read:

103.22 Subd. 12. **Electric cooperative powers.** (a) An electric cooperative has the power and  
103.23 authority to:

103.24 (1) make loans to its members;

103.25 (2) prerefund debt;

103.26 (3) obtain funds through negotiated financing or public sale;

103.27 (4) borrow money and issue its bonds, debentures, notes, or other evidence of  
103.28 indebtedness;

103.29 (5) mortgage, pledge, or otherwise hypothecate its assets as may be necessary;

103.30 (6) invest its resources;

104.1 (7) deposit money in state and national banks and trust companies authorized to receive  
104.2 deposits; and

104.3 (8) exercise all other powers and authorities granted to cooperatives.

104.4 (b) A cooperative organized to provide rural electric power may enter agreements and  
104.5 contracts with other electric power cooperatives or with a cooperative constituted of electric  
104.6 power cooperatives to share losses and risk of losses to their transmission and distribution  
104.7 lines, transformers, substations, and related appurtenances from storm, sleet, hail, tornado,  
104.8 cyclone, hurricane, or windstorm. An agreement or contract or a cooperative formed to  
104.9 share losses under this paragraph is not subject to the laws of this state relating to insurance  
104.10 and insurance companies.

104.11 (c) An electric cooperative, an affiliate of the cooperative formed to provide broadband,  
104.12 or another entity pursuant to an agreement with the cooperative or the cooperative's affiliate  
104.13 may use the cooperative, affiliate, or entity's existing or subsequently acquired electric  
104.14 transmission or distribution easements for broadband infrastructure and to provide broadband  
104.15 service, which may include an agreement to lease fiber capacity. To exercise rights granted  
104.16 under this paragraph, the cooperative must provide to the property owner on which the  
104.17 easement is located written notice that the cooperative intends to use the easement for  
104.18 broadband purposes. The use of the easement for broadband services vests and runs with  
104.19 the land beginning six months after notice is provided under paragraph (d) unless a court  
104.20 action challenging the use of the easement for broadband purposes has been filed before  
104.21 that time by the property owner as provided under paragraph (e). The cooperative must also  
104.22 file evidence of the notice for recording with the county recorder.

104.23 (d) The cooperative's notice under paragraph (c) must be sent by first class mail to the  
104.24 last known address of the owner of the property on which the easement is located or by  
104.25 printed insertion in the property owner's utility bill. The notice must include the following:

104.26 (1) the name and mailing address of the cooperative;

104.27 (2) a narrative describing the nature and purpose of the intended easement use; and

104.28 (3) a description of any trenching or other underground work expected to result from  
104.29 the intended use, including the anticipated time frame for the work.

104.30 (e) A property owner, within six months after receiving notice under paragraph (d), may  
104.31 commence an action seeking to recover damages for an electric cooperative's use of an  
104.32 electric transmission or distribution easement for broadband service purposes.

104.33 Notwithstanding any other law to the contrary, the procedures and substantive matters set



105.1 forth in this subdivision govern an action under this paragraph and are the exclusive means  
105.2 to bring a claim for compensation with respect to a notice of intent to use a cooperative  
105.3 transmission or distribution easement for broadband purposes. To commence an action  
105.4 under this paragraph, the property owner must serve a complaint upon the electric cooperative  
105.5 as in a civil action and file the complaint with the district court for the county in which the  
105.6 easement is located. The complaint must state whether the property owner (1) is challenging  
105.7 the electric cooperative's right to use the easement for broadband services or infrastructure  
105.8 as authorized under paragraph (c), (2) is seeking damages as provided under paragraph (f),  
105.9 or (3) both.

105.10 (f) If the property owner is seeking damages, the electric cooperative may, at any time  
105.11 after answering the complaint (1) deposit with the court administrator an amount equal to  
105.12 the cooperative's estimate of damages or one dollar if damages are estimated to be not more  
105.13 than nominal, and (2) after making the deposit, use the electric transmission or service line  
105.14 easements for broadband purposes, conditioned on an obligation to pay the amount of  
105.15 damages determined by the court. If the property owner is challenging the electric  
105.16 cooperative's right to use the easement for broadband services or infrastructure as authorized  
105.17 under paragraph (c), after the electric cooperative answers the complaint the district court  
105.18 must promptly hold a hearing on the property owner's challenge. If the district court denies  
105.19 the property owner's challenge, the electric cooperative may proceed to make a deposit and  
105.20 make use of the easement for broadband service purposes, as provided under clause (2).

105.21 (g) In an action involving a property owner's claim for damages, the landowner has the  
105.22 burden to prove the existence and amount of any net reduction in the fair market value of  
105.23 the property, considering the existence, installation, construction, maintenance, modification,  
105.24 operation, repair, replacement, or removal of broadband infrastructure in the easement, as  
105.25 well as any benefit to the property from access to broadband service. Consequential or  
105.26 special damages must not be awarded. Evidence of revenue, profits, fees, income, or similar  
105.27 benefits to the electric cooperative, the cooperative's affiliate, or a third party is inadmissible.  
105.28 Any fees or costs incurred as a result of an action under this subdivision must be paid by  
105.29 the party that incurred the fees or costs.

105.30 (h) Nothing in this section limits in any way an electric cooperative's existing easement  
105.31 rights, including but not limited to rights an electric cooperative has or may acquire to  
105.32 transmit communications for electric system operations or otherwise.

105.33 (i) Placement of broadband infrastructure for use in providing broadband service under  
105.34 paragraphs (c) to (h) in any portion of an electric transmission or distribution easement  
105.35 located in the public right-of-way is subject to local government permitting and right-of-way

106.1 management authority under section 237.163, and the placement must be coordinated with  
106.2 the relevant local government unit to minimize potential future relocations. The cooperative  
106.3 must notify a local government unit prior to placing infrastructure for broadband service in  
106.4 an easement that is in or adjacent to the local government unit's public right-of-way.

106.5 (j) For purposes of this subdivision:

106.6 (1) "broadband infrastructure" has the meaning given in section 116J.394; and

106.7 (2) "broadband service" means broadband infrastructure and any services provided over  
106.8 the infrastructure that offer advanced telecommunications capability and Internet access.

106.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

106.10 Sec. 24. **[332.61] INFORMATIVE DISCLOSURE.**

106.11 A lead generator must prominently make the following disclosure on all print, electronic,  
106.12 and nonprint solicitations, including advertising on websites, radio, or television: "This  
106.13 company does not actually provide any of the credit services you are seeking. We ONLY  
106.14 refer you to companies that want to provide some or all of those services."

106.15 Sec. 25. Minnesota Statutes 2020, section 386.375, subdivision 3, is amended to read:

106.16 Subd. 3. **Consumer education information.** (a) A person other than the mortgagor or  
106.17 fee owner who transfers or offers to transfer an abstract of title shall present to the mortgagor  
106.18 or fee owner basic information in plain English about abstracts of title. This information  
106.19 must be sent in a form prepared and approved by the commissioner of commerce and must  
106.20 contain at least the following items:

106.21 (1) a definition and description of abstracts of title;

106.22 (2) an explanation that holders of abstracts of title must maintain it with reasonable care;

106.23 (3) an approximate cost or range of costs to replace a lost or damaged abstract of title;

106.24 and

106.25 ~~(4) an explanation that abstracts of title may be required to sell, finance, or refinance~~

106.26 ~~real estate; and~~

106.27 ~~(5)~~ (4) an explanation of options for storage of abstracts.

106.28 (b) The commissioner shall prepare the form for use under this subdivision as soon as  
106.29 possible. This subdivision does not apply until 60 days after the form is approved by the  
106.30 commissioner.

107.1 (c) A person violating this subdivision is subject to a penalty of \$200 for each violation.

107.2 Sec. 26. APPRAISER INTERNET COURSE REQUIREMENTS.

107.3 Notwithstanding Minnesota Statutes, sections 45.305, subdivision 1a, and 45.306,  
107.4 subdivision 1a, education providers may submit to the commissioner of commerce for  
107.5 approval a classroom course under Minnesota Statutes, section 45.25, subdivision 2a, clause  
107.6 (3), or a distance learning course, as defined in Minnesota Statutes, section 45.25, subdivision  
107.7 5a, that has not been approved by the International Distance Education Certification Center.

107.8 EFFECTIVE DATE. This section is effective the day following final enactment and  
107.9 expires after the peacetime emergency declared by the governor in an executive order that  
107.10 relates to the infectious disease known as COVID-19 is terminated or rescinded or December  
107.11 31, 2021, whichever is later.

107.12 Sec. 27. MINNESOTA COUNCIL ON ECONOMIC EDUCATION.

107.13 (a) The Minnesota Council on Economic Education, with funds made available through  
107.14 grants from the commissioner of education in fiscal years 2022 and 2023, must:

107.15 (1) provide professional development to Minnesota's kindergarten through grade 12  
107.16 teachers implementing state graduation standards in learning areas related to economic  
107.17 education;

107.18 (2) support the direct-to-student ancillary economic and personal finance programs that  
107.19 Minnesota teachers supervise and coach; and

107.20 (3) provide support to geographically diverse affiliated higher education-based centers  
107.21 for economic education, including those based at Minnesota State University Mankato,  
107.22 Minnesota State University Moorhead, St. Cloud State University, St. Catherine University,  
107.23 and the University of St. Thomas, as the centers' work relates to activities in clauses (1) and  
107.24 (2).

107.25 (b) By February 15 of each year following the receipt of a grant, the Minnesota Council  
107.26 on Economic Education must report to the commissioner of education on the number and  
107.27 type of in-person and online teacher professional development opportunities provided by  
107.28 the Minnesota Council on Economic Education or affiliated state centers. The report must  
107.29 include a description of the content, length, and location of the programs; the number of  
107.30 preservice and licensed teachers receiving professional development through each of these  
107.31 opportunities; and a summary of evaluations of professional opportunities for teachers.

108.1 (c) On August 15, 2021, the Department of Education must pay the full amount of the  
108.2 grant for fiscal year 2022 to the Minnesota Council on Economic Education. On August  
108.3 15, 2022, the Department of Education must pay the full amount of the grant for fiscal year  
108.4 2023 to the Minnesota Council on Economic Education. The Minnesota Council on Economic  
108.5 Education must submit its fiscal reporting in the form and manner specified by the  
108.6 commissioner. The commissioner may request additional information as necessary.

108.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

108.8 Sec. 28. **CONSUMER DEBT COLLECTION LANGUAGE BARRIER WORKING**  
108.9 **GROUP.**

108.10 Subdivision 1. **Establishment.** The commissioner of commerce shall convene a working  
108.11 group to review language barriers and the effect on creditors, debt collectors, and limited  
108.12 English proficient communities.

108.13 Subd. 2. **Membership.** The working group consists of the following members:

108.14 (1) the commissioner of commerce or a designee;

108.15 (2) one member appointed by the Attorney General's Office;

108.16 (3) two members of the public representing creditors or debt collectors, appointed by  
108.17 the industry and subject to approval by the commissioner of commerce;

108.18 (4) two members of the public representing consumer rights, appointed by consumer  
108.19 rights advocate organizations and subject to approval by the commissioner of commerce;

108.20 (5) one member appointed by the Council for Minnesotans of African Heritage;

108.21 (6) one member appointed by the Minnesota Council on Latino Affairs;

108.22 (7) one member appointed by the Council on Asian-Pacific Minnesotans;

108.23 (8) two members appointed by the Indian Affairs Council; and

108.24 (9) one member appointed by Mid-Minnesota Legal Aid.

108.25 Subd. 3. **Report.** (a) By January 1, 2022, the commissioner of commerce shall report  
108.26 to the chairs and ranking minority members of the house of representatives and senate  
108.27 committees with jurisdiction over commerce with the working group's recommendations  
108.28 to address language barriers between creditors, debt collectors, and consumers.

108.29 (b) The working group shall examine:

109.1 (1) current practices for communicating with consumers in the consumer's preferred  
109.2 language when attempting to collect a debt or enforce a lien;

109.3 (2) the availability of translation services or a written glossary of financial terms for  
109.4 consumers whose primary language is not English; and

109.5 (3) state and federal laws involving issues under clauses (1) and (2).

109.6 **Sec. 29. COLLECTION AGENCY EMPLOYEES; WORK FROM HOME.**

109.7 An employee of a collection agency licensed under Minnesota Statutes, chapter 332,  
109.8 may work from a location other than the licensee's business location if the licensee and  
109.9 employee comply with all the requirements of Minnesota Statutes, section 332.33, that  
109.10 would apply if the employee were working at the business location. The fee for a collector  
109.11 registration or renewal under Minnesota Statutes, section 332.33, subdivision 3, entitles the  
109.12 individual collector to work at a licensee's business location or a location otherwise acceptable  
109.13 under this section. An additional branch license is not required for a location used under  
109.14 this section. This section expires May 31, 2022.

109.15 **Sec. 30. REPEALER.**

109.16 Minnesota Statutes 2020, sections 45.017; 45.306, subdivision 1; and 115C.13, are  
109.17 repealed.

**45.017 MEDICAL MALPRACTICE INSURANCE REPORT.**

(a) The commissioner of commerce shall provide to the legislature annually a brief written report on the status of the market for medical malpractice insurance in Minnesota. The report must summarize, interpret, explain, and analyze information on that subject available to the commissioner, through annual statements filed by insurance companies, information obtained under paragraph (c), and other sources.

(b) The annual report must consider, to the extent possible, using definitions developed by the commissioner, Minnesota-specific data on market shares; premiums received; amounts paid to settle claims that were not litigated, claims that were settled after litigation began, and claims that were litigated to court judgment; amounts spent on processing, investigation, litigation, and otherwise handling claims; other sales and administrative costs; and the loss ratios of the insurers.

(c) Each insurance company that provides medical malpractice insurance in this state shall, no later than June 1 each year, file with the commissioner of commerce, on a form prescribed by the commissioner and using definitions developed by the commissioner, the Minnesota-specific data referenced in paragraph (b), other than market share, for the previous calendar year for that insurance company, shown separately for various categories of coverages including, if possible, hospitals, medical clinics, nursing homes, physicians who provide emergency medical care, obstetrician gynecologists, and ambulance services. An insurance company need not comply with this paragraph if its direct premium written in the state for the previous calendar year is less than \$2,000,000.

**45.306 CONTINUING EDUCATION COURSES OFFERED OVER THE INTERNET.**

Subdivision 1. **Appraiser Internet continuing education courses.** The design and delivery of an appraiser continuing education course must be approved by the International Distance Education Certification Center (IDECC) before the course is submitted for the commissioner's approval.

**60A.98 DEFINITIONS.**

Subdivision 1. **Scope.** For purposes of sections 60A.98 and 60A.981, the terms defined in this section have the meanings given them.

Subd. 2. **Customer.** "Customer" means a consumer who has a continuing relationship with a licensee under which the licensee provides one or more insurance products or services to the consumer that are to be used primarily for personal, family, or household purposes.

Subd. 3. **Customer information.** "Customer information" means nonpublic personal information about a customer, whether in paper, electronic, or other form, that is maintained by or on behalf of the licensee.

Subd. 4. **Customer information systems.** "Customer information systems" means the electronic or physical methods used to access, collect, store, use, transmit, protect, or dispose of customer information.

Subd. 5. **Licensee.** "Licensee" means all licensed insurers, producers, and other persons licensed or required to be licensed, authorized or required to be authorized, or registered or required to be registered pursuant to the insurance laws of this state, except that "licensee" does not include a purchasing group or an ineligible insurer in regard to the surplus line insurance conducted pursuant to sections 60A.195 to 60A.209. "Licensee" does not include producers until January 1, 2007.

Subd. 6. **Nonpublic financial information.** "Nonpublic financial information" means:

(1) personally identifiable financial information; and

(2) any list, description, or other grouping of consumers, and publicly available information pertaining to them, that is derived using any personally identifiable financial information that is not publicly available.

Subd. 7. **Nonpublic personal health information.** "Nonpublic personal health information" means health information:

(1) that identifies an individual who is the subject of the information; or

(2) with respect to which there is a reasonable basis to believe that the information could be used to identify an individual.

Subd. 8. **Nonpublic personal information.** "Nonpublic personal information" means nonpublic financial information and nonpublic personal health information.

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Subd. 9. **Personally identifiable financial information.** "Personally identifiable financial information" means any information:

- (1) a consumer provides to a licensee to obtain an insurance product or service from the licensee;
- (2) about a consumer resulting from a transaction involving an insurance product or service between a licensee and a consumer; or
- (3) the licensee otherwise obtains about a consumer in connection with providing an insurance product or service to that consumer.

Subd. 10. **Service provider.** "Service provider" means a person that maintains, processes, or otherwise is permitted access to customer information through its provision of services directly to the licensee.

**60A.981 INFORMATION SECURITY PROGRAM.**

Subdivision 1. **General requirements.** Each licensee shall implement a comprehensive written information security program that includes administrative, technical, and physical safeguards for the protection of customer information. The administrative, technical, and physical safeguards included in the information security program must be appropriate to the size and complexity of the licensee and the nature and scope of its activities.

Subd. 2. **Objectives.** A licensee's information security program must be designed to:

- (1) ensure the security and confidentiality of customer information;
- (2) protect against any anticipated threats or hazards to the security or integrity of the information; and
- (3) protect against unauthorized access to or use of the information that could result in substantial harm or inconvenience to any customer.

Subd. 3. **Examples of methods of development and implementation.** The following actions and procedures are examples of methods of implementation of the requirements of subdivisions 1 and 2. These examples are nonexclusive illustrations of actions and procedures that licensees may follow to implement subdivisions 1 and 2:

- (1) the licensee:
  - (i) identifies reasonably foreseeable internal or external threats that could result in unauthorized disclosure, misuse, alteration, or destruction of customer information or customer information systems;
  - (ii) assesses the likelihood and potential damage of these threats, taking into consideration the sensitivity of customer information; and
  - (iii) assesses the sufficiency of policies, procedures, customer information systems, and other safeguards in place to control risks;
- (2) the licensee:
  - (i) designs its information security program to control the identified risks, commensurate with the sensitivity of the information, as well as the complexity and scope of the licensee's activities;
  - (ii) trains staff, as appropriate, to implement the licensee's information security program; and
  - (iii) regularly tests or otherwise regularly monitors the key controls, systems, and procedures of the information security program. The frequency and nature of these tests or other monitoring practices are determined by the licensee's risk assessment;
- (3) the licensee:
  - (i) exercises appropriate due diligence in selecting its service providers; and
  - (ii) requires its service providers to implement appropriate measures designed to meet the objectives of this regulation, and, where indicated by the licensee's risk assessment, takes appropriate steps to confirm that its service providers have satisfied these obligations; and
- (4) the licensee monitors, evaluates, and adjusts, as appropriate, the information security program in light of any relevant changes in technology, the sensitivity of its customer information, internal or external threats to information, and the licensee's own changing business arrangements, such as

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mergers and acquisitions, alliances and joint ventures, outsourcing arrangements, and changes to customer information systems.

**60A.982 UNFAIR TRADE PRACTICES.**

A violation of sections 60A.98 and 60A.981 is considered to be a violation of sections 72A.17 to 72A.32.

**115C.13 REPEALER.**

Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04, 115C.045, 115C.05, 115C.06, 115C.065, 115C.07, 115C.08, 115C.09, 115C.093, 115C.094, 115C.10, 115C.11, 115C.112, 115C.113, 115C.12, and 115C.13, are repealed effective June 30, 2022.