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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3959

- 04/21/2016 Authored by Smith  
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices
- 04/25/2016 Adoption of Report: Amended and re-referred to the Committee on Government Operations and Elections Policy Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 8, re-referred to the Committee on Rules and Legislative Administration
- 04/27/2016 Adoption of Report: Re-referred to the Committee on Government Operations and Elections Policy
- 05/02/2016 Adoption of Report: Amended and re-referred to the Committee on Transportation Policy and Finance
- 05/09/2016 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- 05/12/2016 Adoption of Report: Placed on the General Register as Amended  
Read Second Time  
Referred to the Chief Clerk for Comparison with S. F. No. 3589
- 05/13/2016 Postponed Indefinitely

1.1 A bill for an act  
 1.2 relating to transportation; authorizing and governing implementation of  
 1.3 requirements of the federal REAL ID Act; amending certain requirements  
 1.4 governing driver's licenses and Minnesota identification cards; amending certain  
 1.5 fees; requiring legislative reporting; requiring rulemaking; appropriating money;  
 1.6 amending Minnesota Statutes 2014, sections 171.01, by adding subdivisions;  
 1.7 171.017; 171.04, by adding a subdivision; 171.06, subdivisions 1, 3, by adding a  
 1.8 subdivision; 171.07, subdivisions 1, 3, 4, 9a, by adding a subdivision; 171.071,  
 1.9 subdivision 3; 171.072; 171.12, by adding subdivisions; 171.27; proposing  
 1.10 coding for new law in Minnesota Statutes, chapter 171; repealing Laws 2009,  
 1.11 chapter 92, section 1, as amended.

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

1.13 Section 1. Minnesota Statutes 2014, section 171.01, is amended by adding a  
 1.14 subdivision to read:

1.15 Subd. 41a. **Noncompliant license; noncompliant identification card.**  
 1.16 "Noncompliant license," "noncompliant identification card," or "noncompliant license or  
 1.17 identification card," means a driver's license or Minnesota identification card issued under  
 1.18 section 171.019, subdivision 2, clause (2).

1.19 Sec. 2. Minnesota Statutes 2014, section 171.01, is amended by adding a subdivision  
 1.20 to read:

1.21 Subd. 45b. **REAL ID Act.** "REAL ID Act" means the REAL ID Act of 2005,  
 1.22 Public Law 109-13, Division B.

1.23 Sec. 3. Minnesota Statutes 2014, section 171.01, is amended by adding a subdivision  
 1.24 to read:

2.1           Subd. 48b. **Temporary lawful status.** "Temporary lawful status" has the meaning  
2.2 given in Code of Federal Regulations, title 6, section 37.3.

2.3           Sec. 4. Minnesota Statutes 2014, section 171.017, is amended to read:

2.4           **171.017 BACKGROUND INVESTIGATIONS; ~~DEPARTMENT~~ DRIVER'S**  
2.5 **LICENSE AGENTS AND CERTAIN EMPLOYEES.**

2.6           Subdivision 1. **Background checks authorized.** The commissioner shall ~~shall~~ must  
2.7 investigate the criminal history background of any driver's license agent and any current  
2.8 or prospective employees of the department or driver's license agent being considered for  
2.9 any position with the department that has or will have the ability to:

2.10           (1) ~~the ability to~~ create or modify records of applicants for identification cards and  
2.11 driver's licenses, including enhanced drivers' licenses under section 171.01, subdivision  
2.12 31a, or and enhanced identification cards under section 171.01, subdivision 31b;

2.13           (2) ~~the ability to~~ issue enhanced drivers' licenses under section 171.01, subdivision  
2.14 31a, or enhanced identification cards under section 171.01, subdivision 31b; or

2.15           (3) ~~the ability to~~ administer knowledge or skills tests under section 171.13 to an  
2.16 applicant for a commercial driver's license.

2.17           Subd. 2. **Procedure.** (a) The commissioner must request a criminal history  
2.18 background check from the superintendent of the Bureau of Criminal Apprehension on all  
2.19 individuals specified in subdivision 1. A request under this section must be accompanied  
2.20 by an executed criminal history consent form, including fingerprints, signed by the agent  
2.21 or the current or prospective employee being investigated.

2.22           (b) After receiving a request under paragraph (a), the superintendent of the Bureau  
2.23 of Criminal Apprehension shall perform the background check required under subdivision  
2.24 1. The superintendent shall retrieve criminal history data as defined in section 13.87,  
2.25 conduct a search of the national criminal records repository, and provide wants and  
2.26 warrant information from federal and state repositories. The superintendent is authorized  
2.27 to exchange fingerprints with the Federal Bureau of Investigation for purposes of the  
2.28 criminal history check. The superintendent shall return the results of the background  
2.29 checks to the commissioner to determine whether:

2.30           (1) the agent, employee, or applicant for employment specified in subdivision 1,  
2.31 clause (1) or (2), has committed a disqualifying crime under Code of Federal Regulations,  
2.32 title 49, section 1572.103; or

2.33           (2) the employee or applicant for employment specified in subdivision 1, clause (3),  
2.34 has a conviction of the type specified by Code of Federal Regulations, title 49, section  
2.35 384.228(j).

3.1 (c) The superintendent shall recover the cost to the bureau of a background check  
3.2 through a fee charged to the commissioner or the driver's license agent, as appropriate,  
3.3 for the person on whom a background check is performed.

3.4 Subd. 3. **Notification by other criminal justice agencies.** Criminal justice  
3.5 agencies, as defined by section 13.02, subdivision 3a, shall provide the commissioner  
3.6 with information they possess and that the commissioner requires for the purposes of  
3.7 determining the employment suitability of current or prospective employees subject to  
3.8 this section.

3.9 Subd. 4. **Annual background checks in certain instances.** Consistent with Code  
3.10 of Federal Regulations, title 49, section 384.228, the commissioner shall request and the  
3.11 superintendent shall conduct annual background checks for the department employees  
3.12 specified in subdivision 1, clause (3). Annual background checks under this subdivision  
3.13 ~~shall~~ must be performed in a manner consistent with subdivisions 2 and 3.

3.14 **EFFECTIVE DATE.** This section is effective July 1, 2017.

3.15 Sec. 5. **[171.019] REAL ID ACT CONFORMITY; LIMITATIONS.**

3.16 Subdivision 1. **Definition.** For purposes of this section, "federal change" means  
3.17 an appreciable modification or addition to REAL ID Act requirements, made after the  
3.18 effective date of this act, with respect to: legal requirements; processes; policies and  
3.19 procedures; or data collection, storage, and dissemination. Federal change includes but  
3.20 is not limited to a modification:

3.21 (1) in what constitutes an official purpose under Code of Federal Regulations, title  
3.22 6, part 37;

3.23 (2) in the machine-readable technology standards for a license or Minnesota  
3.24 identification card;

3.25 (3) in the information provided on the face of the license or Minnesota identification  
3.26 card;

3.27 (4) that relates to dissemination of state-provided data to or among federal agencies,  
3.28 other states, organizations operating under agreement among the states, or private entities;  
3.29 and

3.30 (5) that imposes an identifiable cost for the state of Minnesota.

3.31 Subd. 2. **License and Minnesota identification card options.** The commissioner  
3.32 must:

3.33 (1) except as provided in clauses (2) and (3), meet the requirements of the REAL ID  
3.34 Act for licenses and identification cards under this chapter, including but not limited to

4.1 documentation requirements, administrative processes, electronic validation or verification  
4.2 of data, and card design and marking;

4.3 (2) establish a license and Minnesota identification card that does not meet all  
4.4 requirements of the REAL ID Act, as provided in this chapter, including but not limited to  
4.5 section 171.12, subdivision 7b; and

4.6 (3) establish an enhanced driver's license or enhanced identification card, as  
4.7 provided in this chapter.

4.8 Subd. 3. **Limitations.** Compliance under subdivision 2, clause (1), is limited to  
4.9 those requirements of the REAL ID Act in effect as of the effective date of this act.  
4.10 The commissioner may not take any action to implement or meet the requirements of a  
4.11 federal change.

4.12 Subd. 4. **Legislative notification.** (a) Upon identification of an impending or  
4.13 completed federal change, the commissioner must notify the chairs and ranking minority  
4.14 members of the legislative committees having jurisdiction over transportation policy  
4.15 and finance, public safety, and data practices, and the Legislative Commission on Data  
4.16 Practices and Personal Data Privacy. Notification must be submitted as required under  
4.17 section 3.195, except that printed copies are not required.

4.18 (b) Notification under this subdivision must include a review of the federal  
4.19 change, an initial analysis of data practices impacts, and any preliminary estimates of  
4.20 implementation costs, including the availability of additional federal funds.

4.21 Subd. 5. **Statutory construction.** (a) Unless specifically provided otherwise, a  
4.22 driver's license, instruction permit, or provisional license includes any noncompliant  
4.23 license. Unless specifically provided otherwise, a Minnesota identification card includes  
4.24 any noncompliant identification card.

4.25 (b) A noncompliant license does not include an enhanced driver's license, and a  
4.26 noncompliant identification card does not include an enhanced identification card.

4.27 Sec. 6. Minnesota Statutes 2014, section 171.04, is amended by adding a subdivision  
4.28 to read:

4.29 Subd. 5. **Temporary lawful admission.** The commissioner must not issue a driver's  
4.30 license or Minnesota identification card to an applicant whose lawful temporary admission  
4.31 period, as demonstrated under section 171.06, subdivision 3, paragraph (b), expires within  
4.32 30 days of the date of the application.

4.33 Sec. 7. Minnesota Statutes 2014, section 171.06, subdivision 1, is amended to read:

5.1 Subdivision 1. ~~Forms of Application format and requirements.~~ (a) Every  
 5.2 application for a Minnesota identification card, ~~for including~~ an enhanced identification  
 5.3 card, ~~or for a driver's license including~~ for an instruction permit, for a provisional license,  
 5.4 ~~for a driver's license, or for~~ and an enhanced driver's license, must be made in a format  
 5.5 approved by the department, ~~and~~. Every application must be accompanied by payment  
 5.6 of the proper fee. ~~All first-time applications and change-of-status applications must be~~  
 5.7 ~~signed in the presence of the person authorized to accept the application, or the signature~~  
 5.8 ~~on the application may be verified by a notary public. All applications requiring evidence~~  
 5.9 ~~of legal presence in the United States or United States citizenship~~

5.10 (b) All applicants must sign the application and declare, under penalty of perjury,  
 5.11 that the information presented in the application is true and correct. The application  
 5.12 must be signed in the presence of the person authorized to accept the application, or the  
 5.13 signature ~~on the application~~ may be verified by a notary public.

5.14 Sec. 8. Minnesota Statutes 2014, section 171.06, subdivision 3, is amended to read:

5.15 Subd. 3. **Contents of application; other information.** (a) An application must:

5.16 (1) state the full name, date of birth, sex, and either (i) the residence address of the  
 5.17 applicant, or (ii) designated address under section 5B.05;

5.18 (2) as may be required by the commissioner, contain a description of the applicant  
 5.19 and any other facts pertaining to the applicant, the applicant's driving privileges, and the  
 5.20 applicant's ability to operate a motor vehicle with safety;

5.21 (3) state:

5.22 (i) the applicant's Social Security number; or

5.23 (ii) if the applicant does not have a Social Security number and is applying for a  
 5.24 Minnesota identification card, instruction permit, or class D provisional or driver's license,  
 5.25 that the applicant ~~certifies~~ verifies that the applicant ~~does not have~~ is not eligible for a  
 5.26 Social Security number;

5.27 ~~(4) in the case of an application for an enhanced driver's license or enhanced~~  
 5.28 ~~identification card, present:~~

5.29 ~~(i) proof satisfactory to the commissioner of the applicant's full legal name, United~~  
 5.30 ~~States citizenship, identity, date of birth, Social Security number, and residence address; and~~

5.31 ~~(ii) a photographic identity document;~~

5.32 ~~(5) contain a space where the applicant may indicate a desire to make an anatomical~~  
 5.33 ~~gift according to paragraph (b);~~

5.34 ~~(6)~~ (4) contain a notification to the applicant of the availability of a living will/health  
 5.35 care directive designation on the license under section 171.07, subdivision 7; and

6.1 ~~(7)~~ (5) contain a ~~space~~ spaces where the applicant may:

6.2 (i) request a veteran designation on the license under section 171.07, subdivision 15,  
6.3 and the driving record under section 171.12, subdivision 5a;

6.4 (ii) indicate a desire to make an anatomical gift under paragraph (d); and

6.5 (iii) as applicable, designate document retention as provided under section 171.12,  
6.6 subdivision 3c.

6.7 (b) All applications must be accompanied by satisfactory evidence demonstrating  
6.8 the applicant's:

6.9 (1) identity, date of birth, and Social Security number, or related documentation  
6.10 as applicable;

6.11 (2) principal residence address in Minnesota, including application for a renewal  
6.12 or change of address, unless the applicant provides a designated address under section  
6.13 5B.05; and

6.14 (3) lawful status, as defined in Code of Federal Regulations, title 6, section 37.3.

6.15 (c) An application for an enhanced driver's license or enhanced identification card  
6.16 must be accompanied by:

6.17 (1) satisfactory evidence demonstrating the applicant's full legal name and United  
6.18 States citizenship; and

6.19 (2) a photographic identity document.

6.20 ~~(b)~~ (d) If the applicant does not indicate a desire to make an anatomical gift when

6.21 the application is made, the applicant must be offered a donor document in accordance  
6.22 with section 171.07, subdivision 5. The application must contain statements sufficient to

6.23 comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift

6.24 Act, chapter 525A, so that execution of the application or donor document will make

6.25 the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a

6.26 desire to make an anatomical gift. The application must be accompanied by information

6.27 describing Minnesota laws regarding anatomical gifts and the need for and benefits of

6.28 anatomical gifts, and the legal implications of making an anatomical gift, including the

6.29 law governing revocation of anatomical gifts. The commissioner shall distribute a notice

6.30 that must accompany all applications for and renewals of a driver's license or Minnesota

6.31 identification card. The notice must be prepared in conjunction with a Minnesota organ

6.32 procurement organization that is certified by the federal Department of Health and Human

6.33 Services and must include:

6.34 (1) a statement that provides a fair and reasonable description of the organ donation

6.35 process, the care of the donor body after death, and the importance of informing family

6.36 members of the donation decision; and

7.1 (2) a telephone number in a certified Minnesota organ procurement organization that  
7.2 may be called with respect to questions regarding anatomical gifts.

7.3 (e) (e) The application must be accompanied also by information containing relevant  
7.4 facts relating to:

7.5 (1) the effect of alcohol on driving ability;

7.6 (2) the effect of mixing alcohol with drugs;

7.7 (3) the laws of Minnesota relating to operation of a motor vehicle while under the  
7.8 influence of alcohol or a controlled substance; and

7.9 (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests  
7.10 for alcohol-related violations.

7.11 Sec. 9. Minnesota Statutes 2014, section 171.06, is amended by adding a subdivision  
7.12 to read:

7.13 Subd. 3b. **Information for applicants.** (a) The commissioner must develop  
7.14 summary information on identity document options and must ensure distribution of the  
7.15 information to all driver's license and Minnesota identification card applicants.

7.16 (b) The summary information must include the following information, expressed in  
7.17 a clear and concise manner:

7.18 (1) a listing of each available type of driver's license and Minnesota identification  
7.19 card, including a noncompliant license or identification card, an enhanced driver's license,  
7.20 and an enhanced identification card;

7.21 (2) the official purposes of and limitations on use for each type of driver's license  
7.22 and Minnesota identification card;

7.23 (3) an overview of data shared outside the state, including through electronic  
7.24 validation or verification systems, as part of application and issuance of each type; and

7.25 (4) a statement notifying applicants that a driver's license or Minnesota identification  
7.26 card that meets the requirements of the REAL ID Act is not mandatory.

7.27 (c) An applicant for a noncompliant license or identification card must sign an  
7.28 acknowledgment of understanding of the limitations on its use.

7.29 Sec. 10. **[171.0605] EVIDENCE OF IDENTITY AND LAWFUL PRESENCE.**

7.30 Subdivision 1. **Scope and application.** This section only applies for application and  
7.31 issuance of driver's licenses and Minnesota identification cards that meet the requirements  
7.32 of the REAL ID Act. Except as otherwise provided under this section, the requirements of  
7.33 Minnesota Rules, chapter 7410, or successor rules, apply.

8.1 Subd. 2. Evidence; identity; date of birth. (a) Only the following is satisfactory  
8.2 evidence under section 171.06, subdivision 3, paragraph (b), of an applicant's identity and  
8.3 date of birth:

8.4 (1) a driver's license or identification card that (i) complies with the requirements of  
8.5 the REAL ID Act, (ii) is not designated as temporary or limited term, and (iii) is current  
8.6 or has been expired for five years or less;

8.7 (2) a valid, unexpired United States passport issued by the United States Department  
8.8 of State;

8.9 (3) a certified copy of a birth certificate issued by a government bureau of vital  
8.10 statistics or equivalent agency in the applicant's state of birth, which must bear the raised  
8.11 or authorized seal of the issuing government entity;

8.12 (4) a consular report of birth abroad, certification of report of birth, or certification of  
8.13 birth abroad, issued by the United States Department of State, Form FS-240, DS-1350,  
8.14 or FS-545;

8.15 (5) a valid, unexpired permanent resident card issued by the United States  
8.16 Department of Homeland Security or the former Immigration and Naturalization Service  
8.17 of the United States Department of Justice, Form I-551;

8.18 (6) a certificate of naturalization issued by the United States Department of  
8.19 Homeland Security, Form N-550 or Form N-570;

8.20 (7) a certificate of citizenship issued by the United States Department of Homeland  
8.21 Security, Form N-560 or Form N-56;

8.22 (8) an unexpired employment authorization document issued by the United States  
8.23 Department of Homeland Security, Form I-766 or Form I-688B;

8.24 (9) an unexpired passport that is not issued by a state and a valid, unexpired  
8.25 United States visa accompanied by documentation of the applicant's most recent lawful  
8.26 admittance into the United States; or

8.27 (10) a document as designated by the United States Department of Homeland  
8.28 Security under Code of Federal Regulations, title 6, part 37.11(c)(1)(x).

8.29 (b) A document under paragraph (a) must be legible and unaltered.

8.30 (c) A primary or secondary document under Minnesota Rules, part 7410.0400, is not  
8.31 satisfactory evidence unless provided under paragraph (a).

8.32 Subd. 3. Evidence; lawful status. Only a form of documentation identified under  
8.33 subdivision 2 is satisfactory evidence under section 171.06, subdivision 3, paragraph  
8.34 (b), of an applicant's lawful status.



9.1 Subd. 4. Evidence; Social Security number. The following is satisfactory evidence  
9.2 under section 171.06, subdivision 3, paragraph (b), of an applicant's Social Security  
9.3 number or related documentation:

9.4 (1) a Social Security card;

9.5 (2) if a Social Security card is not available:

9.6 (i) a federal Form W-2;

9.7 (ii) a federal Form SSA-1099 or other federal Form 1099 having the applicant's  
9.8 Social Security number; or

9.9 (iii) a computer-printed United States employment pay stub with the applicant's  
9.10 name, address, and Social Security number; or

9.11 (3) for an applicant who provides a passport under subdivision 2, paragraph (a),  
9.12 clause (9), documentation demonstrating nonwork authorized status.

9.13 Subd. 5. Evidence; residence in Minnesota. Two forms of documentation from  
9.14 among the following are satisfactory evidence under section 171.06, subdivision 3,  
9.15 paragraph (b), of an applicant's principal residence address in Minnesota:

9.16 (1) a home utility services bill issued no more than 90 days before the application,  
9.17 provided that the commissioner must not accept a United States home utility bill if two  
9.18 unrelated people are listed on the bill;

9.19 (2) a home utility services hook-up work order issued no more than 90 days before  
9.20 the application, provided that the commissioner must not accept a home utility services  
9.21 hook-up work order if two unrelated people are listed on the work order;

9.22 (3) United States financial information issued no more than 90 days before the  
9.23 application, with account numbers redacted, including:

9.24 (i) a bank account statement;

9.25 (ii) a canceled check; or

9.26 (iii) a credit card statement;

9.27 (4) a United States high school identification card with a certified transcript from the  
9.28 school, if issued no more than 180 days before the application;

9.29 (5) a Minnesota college or university identification card with a certified transcript  
9.30 from the college or university, if issued no more than 180 days before the application;

9.31 (6) an employment pay stub issued no more than 90 days before the application that  
9.32 lists the employer's name, address, and telephone number;

9.33 (7) a Minnesota unemployment insurance benefit statement issued no more than  
9.34 90 days before the application;

9.35 (8) an assisted living or nursing home statement issued no more than 90 days before  
9.36 the application;

10.1 (9) a life, health, automobile, homeowner's, or renter's insurance policy issued  
 10.2 no more than 90 days before the application, provided that the commissioner must not  
 10.3 accept a proof of insurance card;

10.4 (10) a federal or state income tax return or statement for the most recent tax filing year;

10.5 (11) a Minnesota property tax statement for the current year that shows the  
 10.6 applicant's principal residential address both on the mailing portion and the portion stating  
 10.7 what property is being taxed;

10.8 (12) a Minnesota vehicle certificate of title, if issued no more than 12 months before  
 10.9 the application;

10.10 (13) a filed property deed or title for current residence, if issued no more than 12  
 10.11 months before the application;

10.12 (14) a Supplemental Security Income award statement issued no more than 12  
 10.13 months before the application;

10.14 (15) mortgage documents for the applicant's principal residence;

10.15 (16) a residential lease agreement for the applicant's principal residence issued no  
 10.16 more than 12 months before the application;

10.17 (17) a valid driver's license, including an instruction permit, issued under this chapter;

10.18 (18) a valid Minnesota identification card;

10.19 (19) an unexpired Minnesota professional license;

10.20 (20) an unexpired Selective Service card; or

10.21 (21) military orders that are still in effect at the time of application.

10.22 (b) A document under paragraph (a) must include the applicant's name and an  
 10.23 address in Minnesota.

10.24 Subd. 6. **Exceptions process.** The commissioner must not grant a variance from  
 10.25 the requirements of this section under Minnesota Rules, part 7410.0600, for an applicant  
 10.26 having a lawful temporary admission period.

10.27 Sec. 11. Minnesota Statutes 2014, section 171.07, subdivision 1, is amended to read:

10.28 Subdivision 1. **License; contents and design.** (a) Upon the payment of the required  
 10.29 fee, the department shall issue to every qualifying applicant a license designating the  
 10.30 type or class of vehicles the applicant is authorized to drive as applied for. This license  
 10.31 must bear: (1) a distinguishing number assigned to the licensee; (2) the licensee's full  
 10.32 name and date of birth; (3) either ~~(1)~~ (i) the licensee's residence address, or ~~(2)~~ (ii) the  
 10.33 designated address under section 5B.05; (4) a description of the licensee in a manner as  
 10.34 the commissioner deems necessary; and (5) the usual signature of the licensee; and (6)  
 10.35 designations and markings as provided in this section. No license is valid unless it bears

11.1 the usual signature of the licensee. Every license must bear a colored photograph or an  
11.2 electronically produced image of the licensee.

11.3 (b) If the United States Postal Service will not deliver mail to the applicant's  
11.4 residence address as listed on the license, then the applicant shall provide verification from  
11.5 the United States Postal Service that mail will not be delivered to the applicant's residence  
11.6 address and that mail will be delivered to a specified alternate mailing address. When an  
11.7 applicant provides an alternate mailing address under this subdivision, the commissioner  
11.8 shall use the alternate mailing address in lieu of the applicant's residence address for  
11.9 all notices and mailings to the applicant.

11.10 (c) Every license issued to an applicant under the age of 21 must be of a  
11.11 distinguishing color and plainly marked "Under-21."

11.12 ~~(d) The department shall use processes in issuing a license that prohibit, as nearly as~~  
11.13 ~~possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a~~  
11.14 ~~photograph or electronically produced image on a license, without ready detection.~~

11.15 (e) A license issued to an applicant age 65 or over must be plainly marked "senior" if  
11.16 requested by the applicant.

11.17 (e) A license must bear a distinguishing indicator for compliance with requirements  
11.18 of the REAL ID Act, as determined by the commissioner.

11.19 (f) A license issued to a person with temporary lawful status must be marked  
11.20 "temporary" on the face and in the machine-readable portion of the license.

11.21 (g) A license must display the licensee's full name or no fewer than 39 characters of  
11.22 the name, with any truncation as necessary, beginning with the last character of the middle  
11.23 name and proceeding through the second letter of the middle name, followed by the last  
11.24 character of the first name and proceeding through the second letter of the first name.

11.25 Sec. 12. Minnesota Statutes 2014, section 171.07, is amended by adding a subdivision  
11.26 to read:

11.27 Subd. 1c. **Design for noncompliant licenses or identification cards.** A  
11.28 noncompliant license or identification card must:

11.29 (1) be printed with "Not for Federal Purposes" on the face;

11.30 (2) meet the requirements under Code of Federal Regulations, title 6, section 37.71;

11.31 and

11.32 (3) not bear a distinguishing indicator under subdivision 1, paragraph (e), or  
11.33 subdivision 3, paragraph (e).

11.34 Sec. 13. Minnesota Statutes 2014, section 171.07, subdivision 3, is amended to read:

12.1 Subd. 3. **Identification card; content and design; fee.** (a) Upon payment of  
12.2 the required fee, the department shall issue to every qualifying applicant a Minnesota  
12.3 identification card. The department may not issue a Minnesota identification card to an  
12.4 individual who has a driver's license, other than a limited license. The department may not  
12.5 issue an enhanced identification card to an individual who is under 16 years of age, not  
12.6 a resident of this state, or not a citizen of the United States of America. The card must  
12.7 bear: (1) a distinguishing number assigned to the applicant; (2) a colored photograph or an  
12.8 electronically produced image of the applicant; (3) the applicant's full name and date of  
12.9 birth; (4) either (1) (i) the licensee's residence address, or (2) (ii) the designated address  
12.10 under section 5B.05; (5) a description of the applicant in the manner as the commissioner  
12.11 deems necessary; and (6) the usual signature of the applicant; and (7) designations and  
12.12 markings as provided in this section.

12.13 (b) If the United States Postal Service will not deliver mail to the applicant's  
12.14 residence address as listed on the Minnesota identification card, then the applicant shall  
12.15 provide verification from the United States Postal Service that mail will not be delivered  
12.16 to the applicant's residence address and that mail will be delivered to a specified alternate  
12.17 mailing address. When an applicant provides an alternate mailing address under this  
12.18 subdivision, the commissioner shall use the alternate mailing address in lieu of the  
12.19 applicant's residence address for all notices and mailings to the applicant.

12.20 (c) Each identification card issued to an applicant under the age of 21 must be of a  
12.21 distinguishing color and plainly marked "Under-21."

12.22 (d) Each Minnesota identification card must be plainly marked "Minnesota  
12.23 identification card - not a driver's license."

12.24 (e) A Minnesota identification card must bear a distinguishing indicator for  
12.25 compliance with requirements of the REAL ID Act, as determined by the commissioner.

12.26 (f) A Minnesota identification card issued to a person with temporary lawful status  
12.27 must be marked "temporary" on the face and in the machine-readable portion of the card.

12.28 (g) A Minnesota identification card must display the cardholder's full name or no  
12.29 fewer than 39 characters of the name, with any truncation as necessary, beginning with  
12.30 the last character of the middle name and proceeding through the second letter of the  
12.31 middle name, followed by the last character of the first name and proceeding through  
12.32 the second letter of the first name.

12.33 (e) (h) The fee for a Minnesota identification card is 50 cents when issued to a  
12.34 person who is developmentally disabled, as defined in section 252A.02, subdivision 2; a  
12.35 physically disabled person, as defined in section 169.345, subdivision 2; or, a person with  
12.36 mental illness, as described in section 245.462, subdivision 20, paragraph (c).

13.1 Sec. 14. Minnesota Statutes 2014, section 171.07, subdivision 4, is amended to read:

13.2 Subd. 4. **Identification card expiration.** (a) Except as otherwise provided in this  
 13.3 subdivision, the expiration date of Minnesota identification cards ~~of~~ for applicants ~~under~~  
 13.4 ~~the age of 65 shall be~~ is the birthday of the applicant in the fourth year following the date  
 13.5 of issuance of the card.

13.6 (b) ~~A Minnesota identification card issued to~~ For an applicant age 65 or older ~~shall be:~~

13.7 (1) the expiration date is the birthday of the applicant in the eighth year following  
 13.8 the date of issuance of the card; or

13.9 (2) a noncompliant identification card is valid for the lifetime of the applicant;  
 13.10 except that.

13.11 (c) For the purposes of ~~this~~ paragraph (b), "Minnesota identification card" does not  
 13.12 include an enhanced identification card issued to an applicant age 65 or older.

13.13 ~~(e)~~ (d) The expiration date for an Under-21 identification card is the cardholder's  
 13.14 21st birthday. The commissioner shall issue an identification card to a holder of an  
 13.15 Under-21 identification card who applies for the card, pays the required fee, and presents  
 13.16 proof of identity and age, unless the commissioner determines that the applicant is not  
 13.17 qualified for the identification card.

13.18 (e) Notwithstanding paragraphs (a) to (d), the expiration date for an identification  
 13.19 card issued to a person with temporary lawful status is the last day of the person's legal  
 13.20 stay in the United States, or one year after issuance if the last day of the person's legal  
 13.21 stay is not identified.

13.22 Sec. 15. Minnesota Statutes 2014, section 171.07, subdivision 9a, is amended to read:

13.23 Subd. 9a. **Security for enhanced driver's license and identification card**

13.24 **features.** ~~An enhanced~~ (a) A driver's license or ~~enhanced~~ identification card must  
 13.25 include reasonable security measures to: prevent forgery, alteration, reproduction,  
 13.26 and counterfeiting; facilitate detection of fraud; prohibit the ability to superimpose  
 13.27 a photograph or electronically produced image; and ~~to~~ protect against unauthorized  
 13.28 disclosure of personal information ~~regarding residents of this state that~~ is contained in the  
 13.29 ~~enhanced~~ driver's license or ~~enhanced~~ identification card. The ~~enhanced~~ driver's license  
 13.30 must include the best available anticounterfeit laminate technology.

13.31 ~~The~~ (b) An enhanced driver's license or enhanced identification card may include  
 13.32 radio frequency identification technology that is limited to a randomly assigned number,  
 13.33 which must be encrypted if agreed to by the United States Department of Homeland  
 13.34 Security and does not include biometric data or any information other than the citizenship  
 13.35 status of the license holder or cardholder. The commissioner shall ensure that the radio

14.1 frequency identification technology is secure from unauthorized data access. An applicant  
14.2 must sign an acknowledgment of understanding of the radio frequency identification  
14.3 technology and its use for the sole purpose of verifying United States citizenship before  
14.4 being issued an enhanced driver's license or an enhanced identification card.

14.5 Sec. 16. Minnesota Statutes 2014, section 171.071, subdivision 3, is amended to read:

14.6 Subd. 3. **Exception Limitations.** Subdivision 1 applies only to a noncompliant  
14.7 license or identification card. Subdivisions 1 and 2 do not apply to the commissioner's  
14.8 requirements pertaining to a photograph or electronically produced image on an enhanced  
14.9 driver's license or an enhanced identification card.

14.10 Sec. 17. Minnesota Statutes 2014, section 171.072, is amended to read:

14.11 **171.072 TRIBAL IDENTIFICATION CARD.**

14.12 (a) If a Minnesota identification card is deemed an acceptable form of identification  
14.13 in Minnesota Statutes or Rules, a tribal identification card is also an acceptable form  
14.14 of identification. In application for a noncompliant license or identification card, a  
14.15 tribal identification card is a primary document for purposes of Minnesota Rules, part  
14.16 7410.0400, and successor rules.

14.17 (b) For purposes of this section, "tribal identification card" means an unexpired  
14.18 identification card issued by a Minnesota tribal government of a tribe recognized by the  
14.19 Bureau of Indian Affairs, United States Department of the Interior, that contains the legal  
14.20 name, date of birth, signature, and picture of the enrolled tribal member.

14.21 (c) The tribal identification card must contain security features that make it as  
14.22 impervious to alteration as is reasonably practicable in its design and quality of material  
14.23 and technology. The security features must use materials that are not readily available to  
14.24 the general public. The tribal identification card must not be susceptible to reproduction by  
14.25 photocopying or simulation and must be highly resistant to data or photograph substitution  
14.26 and other tampering.

14.27 (d) The requirements of this section do not apply to: (1) application for a driver's  
14.28 license or Minnesota identification card under this chapter except as provided in paragraph  
14.29 (a); or (2) tribal identification cards used to prove an individual's residence for purposes of  
14.30 section 201.061, subdivision 3.

14.31 Sec. 18. Minnesota Statutes 2014, section 171.12, is amended by adding a subdivision  
14.32 to read:

15.1 Subd. 1a. **Driver and vehicle services information system; security and auditing.**

15.2 (a) The commissioner must establish written procedures to ensure that only individuals  
15.3 explicitly authorized by law may enter, update, or access not public data collected, created,  
15.4 or maintained by the driver and vehicle services information system. An authorized  
15.5 individual's ability to enter, update, or access data in the system must be limited through  
15.6 use of role-based access that corresponds to the official duties or training level of the  
15.7 individual and the statutory authorization granting access for that purpose. All queries  
15.8 and responses, and all actions in which data are entered, updated, accessed, shared, or  
15.9 disseminated, must be recorded in a data audit trail. Data contained in the audit trail are  
15.10 public to the extent the data are not otherwise classified by law.

15.11 (b) The commissioner must immediately and permanently revoke the authorization  
15.12 of any individual who willfully entered, updated, accessed, shared, or disseminated data in  
15.13 violation of state or federal law. If an individual willfully gained access to data without  
15.14 explicit authorization by law, the commissioner must forward the matter to the county  
15.15 attorney for prosecution.

15.16 (c) The commissioner must arrange for an independent biennial audit of the driver  
15.17 and vehicle services information system to determine whether data currently in the system  
15.18 are classified, how the data are used, and to verify compliance with this subdivision. The  
15.19 results of the audit are public. No later than 30 days following completion of the audit, the  
15.20 commissioner must provide a report summarizing the audit results to the commissioner of  
15.21 administration; the chairs and ranking minority members of the committees of the house  
15.22 of representatives and the senate with jurisdiction over transportation policy and finance,  
15.23 public safety, and data practices; and the Legislative Commission on Data Practices  
15.24 and Personal Data Privacy. The report must be submitted as required under Minnesota  
15.25 Statutes, section 3.195, except that printed copies are not required.

15.26 **EFFECTIVE DATE.** This section is effective on the date of implementation of  
15.27 the driver's license portion of the Minnesota licensing and registration system. The  
15.28 commissioner shall notify the revisor of statutes regarding the date.

15.29 Sec. 19. Minnesota Statutes 2014, section 171.12, is amended by adding a subdivision  
15.30 to read:

15.31 Subd. 3c. **Record retention; birth certificates.** (a) If the procedures established  
15.32 by the commissioner for driver's license or Minnesota identification card records include  
15.33 retention of a physical copy or digital image of a birth certificate, the commissioner must:

15.34 (1) notify a driver's license or identification card applicant of the retention procedure;  
15.35 and

16.1 (2) allow the applicant, licensee, or identification card holder to designate that the  
16.2 applicant, licensee, or identification card holder's birth certificate physical copy or digital  
16.3 image must not be retained.

16.4 (b) The commissioner must not retain a birth certificate if directed by an applicant,  
16.5 licensee, or identification card holder under paragraph (a), clause (2), but must record  
16.6 and retain data on the birth certificate required under Code of Federal Regulations, title  
16.7 6, section 37.31(c).

16.8 Sec. 20. Minnesota Statutes 2014, section 171.12, is amended by adding a subdivision  
16.9 to read:

16.10 Subd. 7b. **Noncompliant license or identification card.** (a) The commissioner may  
16.11 not, with respect to a noncompliant license or identification card:

16.12 (1) electronically disseminate outside the state data that is not disseminated as of the  
16.13 effective date of this act;

16.14 (2) utilize any electronic validation or verification system accessible from or  
16.15 maintained outside of the state that is not in use as of the effective date of this act; or

16.16 (3) share any data the department maintains under section 171.07, subdivision 13.

16.17 (b) The limitations in paragraph (a) do not apply as necessary to maintain compliance  
16.18 with the driver's license compact under section 171.50.

16.19 (c) For purposes of this subdivision, "outside the state" includes federal agencies,  
16.20 states other than Minnesota, organizations operating under agreement among the states,  
16.21 and private entities.

16.22 Sec. 21. Minnesota Statutes 2014, section 171.27, is amended to read:

16.23 **171.27 EXPIRATION OF LICENSE; MILITARY EXCEPTION.**

16.24 (a) Except as otherwise provided in this section, the expiration date for each  
16.25 driver's license, ~~other than under-21 licenses,~~ is the birthday of the driver in the fourth  
16.26 year following the date of issuance of the license. The birthday of the driver shall be as  
16.27 indicated on the application for a driver's license. A license may be renewed on or before  
16.28 expiration or within one year after expiration upon application, payment of the required  
16.29 fee, and passing the examination required of all drivers for renewal. Driving privileges  
16.30 shall be extended or renewed on or preceding the expiration date of an existing driver's  
16.31 license unless the commissioner believes that the licensee is no longer qualified as a driver.

16.32 (b) The expiration date for each under-21 license shall be the 21st birthday of the  
16.33 licensee. Upon the licensee attaining the age of 21 and upon the application, payment  
16.34 of the required fee, and passing the examination required of all drivers for renewal, a



17.1 driver's license shall be issued unless the commissioner determines that the licensee is  
17.2 no longer qualified as a driver.

17.3 (c) The expiration date for each provisional license is two years after the date of  
17.4 application for the provisional license.

17.5 (d) Notwithstanding paragraphs (a) to (c), the expiration date for a license issued to a  
17.6 person with temporary lawful status is the last day of the person's legal stay in the United  
17.7 States, or one year after issuance if the last day of the person's legal stay is not identified.

17.8 (d) (e) Any valid Minnesota driver's license issued to a person then or subsequently  
17.9 -serving outside Minnesota in active military service, as defined in section 190.05,  
17.10 subdivision 5, in any branch or unit of the armed forces of the United States, or the  
17.11 person's spouse, shall continue in full force and effect without requirement for renewal  
17.12 until the date one year following the service member's separation or discharge from active  
17.13 military service, and until the license holder's birthday in the fourth full year following  
17.14 the person's most recent license renewal or, in the case of a provisional license, until the  
17.15 person's birthday in the third full year following the renewal.

17.16 Sec. 22. **REAL ID ACT IMPLEMENTATION.**

17.17 Subdivision 1. **Definition.** For purposes of this section, "REAL ID Act" means the  
17.18 REAL ID Act of 2005, Public Law 109-13, Division B.

17.19 Subd. 2. **Full implementation and conformity; deadline.** The commissioner  
17.20 of public safety must implement the provisions of this act in a manner to ensure full  
17.21 compliance and conformity with the requirements of the REAL ID Act, including the  
17.22 ability to issue fully compliant driver's licenses and Minnesota identification cards, no  
17.23 later than October 1, 2016.

17.24 Subd. 3. **Mandatory reissuance prohibition.** When implementing the REAL ID  
17.25 Act requirements under this act and Minnesota Statutes, chapter 171, the commissioner  
17.26 of public safety is prohibited from requiring renewal or reissuance of a driver's license  
17.27 or Minnesota identification card earlier than required under the regular issuance time  
17.28 period. Nothing in this subdivision prevents suspension, cancellation, or revocation as  
17.29 provided in Minnesota Statutes, chapter 171.

17.30 Subd. 4. **Legislative reporting.** (a) The commissioner of public safety must  
17.31 establish an implementation schedule for meeting the requirements under subdivision 2.  
17.32 The schedule must include monthly implementation activity and milestones. On or before  
17.33 the last business day of each month until full implementation and compliance is achieved,  
17.34 the commissioner must submit a status update that provides details on the implementation

18.1 schedule, activity and accomplishments since the previous status update, identified risks to  
18.2 implementation, and overall status.

18.3 (b) By January 15, 2017, the commissioner of public safety must submit a revision to  
18.4 the report required under Laws 2016, chapter 83, section 2, subdivision 2. At a minimum,  
18.5 the report must provide (1) revised information and analysis for each of the planning  
18.6 activities required for the 2016 report, and (2) implementation status information.

18.7 (c) Each implementation status update under paragraph (a) and the report under  
18.8 paragraph (b) must be submitted to the chairs and ranking minority members of the  
18.9 legislative committees with jurisdiction over transportation policy and finance, public  
18.10 safety, civil law, and data practices, and to the Legislative Commission on Data Practices  
18.11 and Personal Data Privacy. The report must be submitted as required under Minnesota  
18.12 Statutes, section 3.195, except that printed copies are not required.

18.13 **Sec. 23. APPROPRIATION.**

18.14 \$6,270,000 in fiscal year 2016 is appropriated from the driver services operating  
18.15 account in the special revenue fund to the commissioner of public safety for  
18.16 implementation and conformity with requirements of the REAL ID Act of 2005, Public  
18.17 Law 109-13, Division B, as provided under this act. This is a onetime appropriation.

18.18 **Sec. 24. REVISOR'S INSTRUCTION.**

18.19 The revisor of statutes shall renumber Minnesota Statutes, section 171.06,  
18.20 subdivision 3, paragraphs (d) and (e), as Minnesota Statutes, section 171.06, subdivision  
18.21 3b, paragraphs (c) and (d). The revisor shall also make any necessary cross-reference  
18.22 changes consistent with the renumbering.

18.23 **Sec. 25. REPEALER.**

18.24 Laws 2009, chapter 92, section 1, as amended by Laws 2016, chapter 83, section  
18.25 1, is repealed.

18.26 **Sec. 26. EFFECTIVE DATE.**

18.27 Except as specifically provided otherwise, this act is effective the day following final  
18.28 enactment. Sections 1 to 21 apply for application and issuance of driver's licenses and  
18.29 Minnesota identification cards on and after October 1, 2016.

APPENDIX  
Repealed Minnesota Session Laws: H3959-4

***Laws 2009, chapter 92, section 1, as amended by Laws 2016, chapter 83, section 1***

Section 1. Laws 2009, chapter 92, section 1, is amended to read:

Section 1. **NONCOMPLIANCE WITH REAL ID ACT.**

The commissioner of public safety is prohibited from taking any action to implement those sections of Public Law 109-13 known as the Real ID Act.