

1.1 Senator moves to amend S.F. No. 3589 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2014, section 171.01, is amended by adding a
1.4 subdivision to read:

1.5 Subd. 1a. **Acceptable for federal identification.** "Acceptable for federal
1.6 identification," used in reference to a driver's license or Minnesota identification card,
1.7 means in compliance with the requirements of the Real ID Act of 2005, Public Law
1.8 109-13, and acceptable for accessing federal facilities, boarding federally regulated
1.9 commercial aircraft, and entering nuclear power plants.

1.10 **EFFECTIVE DATE.** This section is effective January 1, 2018.

1.11 Sec. 2. Minnesota Statutes 2014, section 171.01, subdivision 37, is amended to read:

1.12 Subd. 37. **License.** "License" means any operator's license or any other license or
1.13 permit to operate a motor vehicle issued or issuable under the laws of this state by the
1.14 commissioner of public safety, irrespective of whether the license is acceptable for federal
1.15 identification, including:

- 1.16 (1) any temporary license, instruction permit, or provisional license;
- 1.17 (2) the privilege of any person to drive a motor vehicle whether or not the person
- 1.18 holds a valid license; and
- 1.19 (3) any nonresident's operating privilege.

1.20 **EFFECTIVE DATE.** This section is effective January 1, 2018.

1.21 Sec. 3. Minnesota Statutes 2014, section 171.017, is amended to read:

1.22 **171.017 BACKGROUND INVESTIGATIONS; DRIVER'S LICENSE**
1.23 **AGENTS AND DEPARTMENT EMPLOYEES.**

1.24 Subdivision 1. **Background checks authorized.** The commissioner shall
1.25 investigate the criminal history background of any driver's license agent and any current
1.26 or prospective employees of the department or driver's license agency being considered
1.27 for any position with the department or agency that has or will have:

- 1.28 (1) the ability to create or modify records of applicants for identification cards and
1.29 drivers' licenses, including enhanced drivers' licenses under section 171.01, subdivision
1.30 31a, or and enhanced identification cards under section 171.01, subdivision 31b;
- 1.31 (2) the ability to issue enhanced drivers' licenses under section 171.01, subdivision
1.32 31a, or enhanced identification cards under section 171.01, subdivision 31b; or

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

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

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

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

2.19 (2) the employee or applicant for employment specified in subdivision 1, clause (3),
2.20 has a conviction of the type specified by Code of Federal Regulations, title 49, section
2.21 384.228(j).

2.22 (c) The superintendent shall recover the cost to the bureau of a background check
2.23 through a fee charged to the commissioner.

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

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

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

2.35 Sec. 4. Minnesota Statutes 2014, section 171.06, subdivision 3, is amended to read:

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

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

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

3.7 (3) state:

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

3.9 (ii) if the applicant does not have a Social Security number and is applying for
3.10 a Minnesota identification card, instruction permit, or class D provisional or driver's
3.11 license, that the applicant certifies that the applicant ~~does not~~ is not eligible to have a
3.12 Social Security number;

3.13 (4) in the case of an application for a driver's license that is acceptable for federal
3.14 identification, include a space for a declaration that information on the application is true
3.15 and correct, together with information and documentation required by the commissioner;

3.16 (5) in the case of an application for an enhanced driver's license or enhanced
3.17 identification card, present:

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

3.20 (ii) a photographic identity document;

3.21 ~~(5)~~ (6) contain a space where the applicant may indicate a desire to make an
3.22 anatomical gift according to paragraph (b);

3.23 ~~(6)~~ (7) contain a notification to the applicant of the availability of a living will/health
3.24 care directive designation on the license under section 171.07, subdivision 7; and

3.25 ~~(7)~~ (8) contain a space where the applicant may request a veteran designation on
3.26 the license under section 171.07, subdivision 15, and the driving record under section
3.27 171.12, subdivision 5a.

3.28 (b) If the applicant does not indicate a desire to make an anatomical gift when
3.29 the application is made, the applicant must be offered a donor document in accordance
3.30 with section 171.07, subdivision 5. The application must contain statements sufficient to
3.31 comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift
3.32 Act, chapter 525A, so that execution of the application or donor document will make
3.33 the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a
3.34 desire to make an anatomical gift. The application must be accompanied by information
3.35 describing Minnesota laws regarding anatomical gifts and the need for and benefits of
3.36 anatomical gifts, and the legal implications of making an anatomical gift, including the

4.1 law governing revocation of anatomical gifts. The commissioner shall distribute a notice
4.2 that must accompany all applications for and renewals of a driver's license or Minnesota
4.3 identification card. The notice must be prepared in conjunction with a Minnesota organ
4.4 procurement organization that is certified by the federal Department of Health and Human
4.5 Services and must include:

4.6 (1) a statement that provides a fair and reasonable description of the organ donation
4.7 process, the care of the donor body after death, and the importance of informing family
4.8 members of the donation decision; and

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

4.11 (c) The application must be accompanied also by information containing relevant
4.12 facts relating to:

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

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

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

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

4.19 **EFFECTIVE DATE.** This section is effective January 1, 2018, and applies to
4.20 applications submitted on and after that date.

4.21 Sec. 5. Minnesota Statutes 2014, section 171.07, subdivision 1, is amended to read:

4.22 Subdivision 1. **License; contents.** (a) Upon the payment of the required fee, the
4.23 department shall issue to every qualifying applicant a license designating the type or
4.24 class of vehicles the applicant is authorized to drive as applied for. This license must
4.25 bear a distinguishing number assigned to the licensee; the licensee's full name and date
4.26 of birth; either (1) the licensee's residence address, or (2) the designated address under
4.27 section 5B.05; a description of the licensee in a manner as the commissioner deems
4.28 necessary; and the usual signature of the licensee. No license is valid unless it bears
4.29 the usual signature of the licensee. Every license must bear a colored photograph or an
4.30 electronically produced image of the licensee.

4.31 (b) If the United States Postal Service will not deliver mail to the applicant's
4.32 residence address as listed on the license, then the applicant shall provide verification from
4.33 the United States Postal Service that mail will not be delivered to the applicant's residence
4.34 address and that mail will be delivered to a specified alternate mailing address. When an
4.35 applicant provides an alternate mailing address under this subdivision, the commissioner

5.1 shall use the alternate mailing address in lieu of the applicant's residence address for
5.2 all notices and mailings to the applicant.

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

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

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

5.10 (f) A license that is acceptable for federal identification must bear a distinguishing
5.11 indicator, as required by the commissioner.

5.12 (g) A license that is not acceptable for federal identification must be marked "not for
5.13 federal identification" on the face of the license and in the machine-readable zone and
5.14 must have a unique design or color indicator, as required by the commissioner.

5.15 (h) A license that is acceptable for federal identification and is issued to a person
5.16 with temporary lawful status in the United States must be marked "temporary" on the face
5.17 of the license and in the machine-readable zone, as required by the commissioner.

5.18 **EFFECTIVE DATE.** This section is effective January 1, 2018, and applies to
5.19 licenses issued based on applications submitted on and after that date.

5.20 Sec. 6. Minnesota Statutes 2014, section 171.07, is amended by adding a subdivision
5.21 to read:

5.22 **Subd. 3b. Identification card markings.** (a) A Minnesota identification card that is
5.23 acceptable for federal identification must bear a distinguishing indicator, as required by
5.24 the commissioner.

5.25 (b) A Minnesota identification card that is not acceptable for federal identification
5.26 must be marked "not for federal identification" on the face of the card and in the
5.27 machine-readable zone and must have a unique design or color indicator, as required by
5.28 the commissioner.

5.29 (c) A Minnesota identification card that is acceptable for federal identification and
5.30 issued to a person with temporary lawful status in the United States must be marked
5.31 "temporary" on the face of the card and in the machine-readable zone, as required by
5.32 the commissioner.

5.33 **EFFECTIVE DATE.** This section is effective January 1, 2018, and applies to
5.34 identification cards issued based on applications submitted on and after that date.

6.1 Sec. 7. Minnesota Statutes 2014, section 171.07, subdivision 4, is amended to read:

6.2 Subd. 4. **Expiration.** (a) Except as otherwise provided in this subdivision, the
6.3 expiration date of a Minnesota identification cards of applicants under the age of 65 shall
6.4 be card is the birthday of the applicant in the fourth year following the date of issuance of
6.5 the card.

6.6 (b) A Minnesota identification card issued to an applicant age 65 or older ~~shall be~~
6.7 is valid for the lifetime of the applicant, except that for the purposes of this paragraph,
6.8 "Minnesota identification card" does not include: (1) an enhanced identification card
6.9 issued to an applicant age 65 or older; or (2) an identification card that is acceptable
6.10 for federal identification.

6.11 (c) The expiration date for an Under-21 identification card is the cardholder's 21st
6.12 birthday. The commissioner shall issue an identification card to a ~~holder of~~ qualified
6.13 applicant who holds an Under-21 identification card who, applies for the card, pays the
6.14 required fee, and presents proof of identity and age, unless the commissioner determines
6.15 that the applicant is not qualified for the identification card of 21 years or older.

6.16 (d) The expiration date for a Minnesota identification card issued to a person with
6.17 temporary lawful status is the last day of the person's lawful presence in the United States.

6.18 (e) Except as otherwise provided in paragraphs (b) and (c), the expiration date of a
6.19 Minnesota identification card issued after the effective date of this paragraph and before
6.20 January 1, 2018, is the birthday of the applicant in the second year following the date
6.21 of issuance of the card.

6.22 **EFFECTIVE DATE.** Paragraphs (a) to (d) are effective January 1, 2018, and apply
6.23 to Minnesota identification cards issued based on applications submitted on and after that
6.24 date. Paragraph (e) is effective the day following final enactment and is repealed June
6.25 30, 2018.

6.26 Sec. 8. Minnesota Statutes 2014, section 171.071, subdivision 3, is amended to read:

6.27 Subd. 3. **Exception Exceptions.** Subdivision 1 does not apply to a license or card
6.28 that is acceptable for federal identification. Subdivisions 1 and 2 do not apply to the
6.29 commissioner's requirements pertaining to a photograph or electronically produced image
6.30 on an enhanced driver's license or an enhanced identification card.

6.31 **EFFECTIVE DATE.** This section is effective January 1, 2018, and applies to
6.32 licenses and identification cards issued based on applications submitted on and after
6.33 that date.

7.1 Sec. 9. Minnesota Statutes 2014, section 171.072, is amended to read:

7.2 **171.072 TRIBAL IDENTIFICATION CARD.**

7.3 (a) If a Minnesota identification card is deemed an acceptable form of identification
7.4 in Minnesota Statutes or Rules, a tribal identification card is also an acceptable form
7.5 of identification. A tribal identification card is a primary document for purposes of
7.6 Minnesota Rules, part 7410.0400, and successor rules. This paragraph does not apply to
7.7 documentation of identification for a driver's license or Minnesota identification card
7.8 when the license or card is acceptable for federal identification.

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

7.13 (c) The tribal identification card must contain security features that make it as
7.14 impervious to alteration as is reasonably practicable in its design and quality of material
7.15 and technology. The security features must use materials that are not readily available to
7.16 the general public. The tribal identification card must not be susceptible to reproduction by
7.17 photocopying or simulation and must be highly resistant to data or photograph substitution
7.18 and other tampering. The requirements of this section do not apply to tribal identification
7.19 cards used to prove an individual's residence for purposes of section 201.061, subdivision 3.

7.20 **EFFECTIVE DATE.** This section is effective January 1, 2018, and applies to
7.21 applications submitted on and after that date.

7.22 Sec. 10. Minnesota Statutes 2014, section 171.12, subdivision 7, is amended to read:

7.23 Subd. 7. **Privacy of data.** (a) Data on individuals provided to obtain a driver's
7.24 license or Minnesota identification card shall be treated as provided by United States Code,
7.25 title 18, section 2721, as in effect on May 23, 2005, and shall be disclosed as required or
7.26 permitted by that section. The commissioner shall disclose the data in bulk form upon
7.27 request to an authorized recipient under United States Code, title 18, section 2721.

7.28 (b) An applicant for a driver's license or a Minnesota identification card may consent,
7.29 in writing, to the commissioner to disclose the applicant's personal information exempted
7.30 by United States Code, title 18, section 2721, to any person who makes a request for the
7.31 personal information. If the applicant so authorizes disclosures, the commissioner shall
7.32 implement the request and the information may be used.

7.33 (c) If authorized by an applicant for a driver's license or a Minnesota identification
7.34 card, as indicated in paragraph (b), the applicant's personal information may be used,

8.1 rented, or sold solely for bulk distribution by organizations for business purposes,
8.2 including surveys, marketing, or solicitation.

8.3 (d) An applicant for a driver's license, instruction permit, or Minnesota identification
8.4 card may request that the applicant's residence address be classified as "private data on
8.5 individuals," as defined in section 13.02, subdivision 12. The commissioner shall grant
8.6 the classification on receipt of a signed statement by the individual that the classification
8.7 is required for the safety of the applicant or the applicant's family, if the statement also
8.8 provides a valid, existing address where the applicant consents to receive service of
8.9 process. The commissioner shall use the service for process mailing address in place of the
8.10 residence address in all documents and notices pertaining to the driver's license, instruction
8.11 permit, or Minnesota identification card. The residence address and any information
8.12 provided in the classification request, other than the mailing address, are private data on
8.13 individuals and may be provided to requesting law enforcement agencies, probation and
8.14 parole agencies, and public authorities, as defined in section 518A.26, subdivision 18.

8.15 (e) Except as otherwise provided by applicable federal laws and regulations
8.16 concerning commercial drivers' licenses, in connection with the issuance of a driver's
8.17 license or identification card that is not acceptable for federal identification, the
8.18 commissioner shall not:

8.19 (1) electronically disseminate outside the state personally identifiable data that is
8.20 not disseminated as of January 1, 2018; or

8.21 (2) utilize any electronic validation or verification system accessible or maintained
8.22 outside the state that is not in use as of January 1, 2018.

8.23 **EFFECTIVE DATE.** This section is effective January 1, 2018.

8.24 Sec. 11. Minnesota Statutes 2014, section 171.27, is amended to read:

8.25 **171.27 EXPIRATION OF LICENSE; MILITARY EXCEPTION.**

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

9.1 (b) The expiration date for each under-21 license shall be the 21st birthday of the
9.2 licensee. Upon the licensee attaining the age of 21 and upon the application, payment
9.3 of the required fee, and passing the examination required of all drivers for renewal, a
9.4 driver's license shall be issued unless the commissioner determines that the licensee is
9.5 no longer qualified as a driver.

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

9.8 (d) The expiration date for a license issued to a person with temporary lawful status
9.9 is the last day of the person's lawful stay in the United States.

9.10 (e) Any valid Minnesota driver's license issued to a person then or subsequently
9.11 serving outside Minnesota in active military service, as defined in section 190.05,
9.12 subdivision 5, in any branch or unit of the armed forces of the United States, or the
9.13 person's spouse, shall continue in full force and effect without requirement for renewal
9.14 until the date one year following the service member's separation or discharge from active
9.15 military service, and until the license holder's birthday in the fourth full year following
9.16 the person's most recent license renewal or, in the case of a provisional license, until the
9.17 person's birthday in the third full year following the renewal.

9.18 (f) Except as otherwise provided in paragraphs (b), (c), and (e), the expiration date
9.19 of a Minnesota driver's license issued after the effective date of this paragraph and before
9.20 January 1, 2018, is the birthday of the applicant in the second year following the date of
9.21 issuance of the license.

9.22 **EFFECTIVE DATE.** Except for paragraph (f), this section is effective January 1,
9.23 2018, and applies to licenses issued based on applications submitted on and after that date.
9.24 Paragraph (f) is effective the day following final enactment and is repealed June 30, 2018.

9.25 Sec. 12. **IMPLEMENTATION AND RULEMAKING; REAL ID ACT.**

9.26 **Subdivision 1. Direction to implement.** The commissioner of public safety shall
9.27 implement those sections of Public Law 109-13, known as the Real ID Act, as provided
9.28 in this act.

9.29 **Subd. 2. Certification.** The commissioner shall comply with the certification
9.30 requirements under Code of Federal Regulations, title 6, section 37.55, as soon as
9.31 reasonably possible.

10.1 Subd. 3. **Extension of time to comply.** The commissioner shall seek one or more
10.2 extensions of time to comply with Real ID until the Secretary of Homeland Security has
10.3 finally certified this state to be in compliance with the Real ID Act.

10.4 Subd. 4. **Rulemaking.** The commissioner of public safety shall adopt rules and
10.5 amend existing Minnesota Rules to implement a two-tier license program under the Real
10.6 ID Act of 2005 and applicable state law to issue:

10.7 (1) drivers' licenses and Minnesota identification cards that are acceptable for federal
10.8 identification; and

10.9 (2) drivers' licenses and Minnesota identification cards that are not acceptable for
10.10 federal identification, but comply with Code of Federal Regulations, title 6, section 37.71,
10.11 state law, and applicable provisions of this act, and serve the public interest by promoting
10.12 public safety, compliance by the driving public with state traffic and insurance laws,
10.13 and data privacy.

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

10.15 Sec. 13. **REPEALER.**

10.16 Laws 2009, chapter 92, section 1, as amended by Laws 2016, chapter 83, section
10.17 1, is repealed.

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

10.19 Amend the title accordingly