

1.1 moves to amend H.F. No. 3959, the second engrossment, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2014, section 171.017, is amended by adding a
1.4 subdivision to read:

1.5 Subd. 1a. **Employee background checks; federal designation.** The commissioner
1.6 shall investigate the criminal history background of any driver's license agent and any
1.7 current or prospective employees of the department or driver's license agent being
1.8 considered for any position having the ability to create or materially modify identity
1.9 information on records of applicants or holders of: (1) a driver's license that has a federal
1.10 designation under section 171.07, subdivision 19; or (2) a Minnesota identification card
1.11 that has a federal designation under section 171.07, subdivision 19.

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

1.13 Sec. 2. Minnesota Statutes 2014, section 171.017, subdivision 2, is amended to read:

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

1.19 (b) After receiving a request under paragraph (a), the superintendent of the Bureau
1.20 of Criminal Apprehension shall perform the background check required under subdivision
1.21 1. The superintendent shall retrieve criminal history data as defined in section 13.87,
1.22 conduct a search of the national criminal records repository, and provide wants and
1.23 warrant information from federal and state repositories. The superintendent is authorized
1.24 to exchange fingerprints with the Federal Bureau of Investigation for purposes of the

2.1 criminal history check. The superintendent shall return the results of the background
2.2 checks to the commissioner to determine whether:

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

2.6 (2) the employee or applicant for employment specified in subdivision 1, clause (3),
2.7 has a conviction of the type specified by Code of Federal Regulations, title 49, section
2.8 384.228(j).

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

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

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

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

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

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

2.20 (3) state:

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

2.22 (ii) if the applicant does not have a Social Security number and is applying for a
2.23 Minnesota identification card, instruction permit, or class D provisional or driver's license,
2.24 that the applicant certifies that the applicant does not have a Social Security number;

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

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

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

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

2.32 (6) (5) contain a notification to the applicant of the availability of a living will/health
2.33 care directive designation on the license under section 171.07, subdivision 7; and

2.34 (7) (6) contain a ~~space~~ spaces where the applicant may request;

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

3.3 (ii) a federal designation under section 171.07, subdivision 19; and

3.4 (iii) as applicable, document retention as provided under section 171.12, subdivision
3.5 3c.

3.6 (b) An application must be accompanied by:

3.7 (1) for an enhanced driver's license or enhanced identification card application:

3.8 (i) satisfactory evidence demonstrating the applicant's full legal name and United
3.9 States citizenship, identity, date of birth, Social Security number, and residence address; and

3.10 (ii) a photographic identity document; and

3.11 (2) for a license or Minnesota identification card with a federal designation under
3.12 section 171.07, subdivision 19:

3.13 (i) satisfactory evidence demonstrating the applicant's identity, date of birth,
3.14 Social Security number or other documentation as applicable, and residence address or
3.15 designated address under section 5B.05; and

3.16 (ii) satisfactory evidence demonstrating the applicant's lawful status, as defined in
3.17 Code of Federal Regulations, title 6, section 37.3.

3.18 ~~(b)~~ (c) If the applicant does not indicate a desire to make an anatomical gift when
3.19 the application is made, the applicant must be offered a donor document in accordance
3.20 with section 171.07, subdivision 5. The application must contain statements sufficient to
3.21 comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift
3.22 Act, chapter 525A, so that execution of the application or donor document will make
3.23 the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a
3.24 desire to make an anatomical gift. The application must be accompanied by information
3.25 describing Minnesota laws regarding anatomical gifts and the need for and benefits of
3.26 anatomical gifts, and the legal implications of making an anatomical gift, including the
3.27 law governing revocation of anatomical gifts. The commissioner shall distribute a notice
3.28 that must accompany all applications for and renewals of a driver's license or Minnesota
3.29 identification card. The notice must be prepared in conjunction with a Minnesota organ
3.30 procurement organization that is certified by the federal Department of Health and Human
3.31 Services and must include:

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

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

4.1 ~~(e)~~ (d) The application must be accompanied also by information containing relevant
4.2 facts relating to:

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

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

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

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

4.9 Sec. 4. Minnesota Statutes 2014, section 171.07, subdivision 1, is amended to read:

4.10 Subdivision 1. **License; contents.** (a) Upon the payment of the required fee, the
4.11 department shall issue to every qualifying applicant a license designating the type or class
4.12 of vehicles the applicant is authorized to drive as applied for. This license must bear: (1) a
4.13 distinguishing number assigned to the licensee; (2) the licensee's full name and date of
4.14 birth; (3) either ~~(1)~~ (i) the licensee's residence address, or ~~(2)~~ (ii) the designated address
4.15 under section 5B.05; (4) a description of the licensee in a manner as the commissioner
4.16 deems necessary; ~~and~~ (5) the usual signature of the licensee; and (6) designations and
4.17 markings as provided in this section. No license is valid unless it bears the usual signature
4.18 of the licensee. Every license must bear a colored photograph or an electronically
4.19 produced image of the licensee.

4.20 (b) If the United States Postal Service will not deliver mail to the applicant's
4.21 residence address as listed on the license, then the applicant shall provide verification from
4.22 the United States Postal Service that mail will not be delivered to the applicant's residence
4.23 address and that mail will be delivered to a specified alternate mailing address. When an
4.24 applicant provides an alternate mailing address under this subdivision, the commissioner
4.25 shall use the alternate mailing address in lieu of the applicant's residence address for
4.26 all notices and mailings to the applicant.

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

4.29 (d) Each license must be plainly marked "Not for Federal Purposes" and must meet
4.30 the requirements under Code of Federal Regulations, title 6, section 37.71.

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

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

5.1 Sec. 5. Minnesota Statutes 2014, section 171.07, subdivision 3, is amended to read:

5.2 Subd. 3. **Identification card; fee.** (a) Upon payment of the required fee, the
5.3 department shall issue to every qualifying applicant a Minnesota identification card. The
5.4 department may not issue a Minnesota identification card to an individual who has a
5.5 driver's license, other than a limited license. The department may not issue an enhanced
5.6 identification card to an individual who is under 16 years of age, not a resident of this
5.7 state, or not a citizen of the United States of America.

5.8 (b) The card must bear: (1) a distinguishing number assigned to the applicant;
5.9 (2) a colored photograph or an electronically produced image of the applicant; (3) the
5.10 applicant's full name and date of birth; (4) either (1) (i) the licensee's residence address, or
5.11 (2) (ii) the designated address under section 5B.05; (5) a description of the applicant in the
5.12 manner as the commissioner deems necessary; and (6) the usual signature of the applicant;
5.13 and (7) designations and markings as provided in this section.

5.14 ~~(b)~~ (c) If the United States Postal Service will not deliver mail to the applicant's
5.15 residence address as listed on the Minnesota identification card, then the applicant shall
5.16 provide verification from the United States Postal Service that mail will not be delivered
5.17 to the applicant's residence address and that mail will be delivered to a specified alternate
5.18 mailing address. When an applicant provides an alternate mailing address under this
5.19 subdivision, the commissioner shall use the alternate mailing address in lieu of the
5.20 applicant's residence address for all notices and mailings to the applicant.

5.21 ~~(e)~~ (d) Each Minnesota identification card issued to an applicant under the age of 21
5.22 must be of a distinguishing color and plainly marked "Under-21."

5.23 ~~(d)~~ (e) Each Minnesota identification card must be plainly marked "Minnesota
5.24 identification card - not a driver's license or for federal purposes;" and must meet the
5.25 requirements under Code of Federal Regulations, title 6, section 37.71.

5.26 ~~(e)~~ (f) The fee for a Minnesota identification card is 50 cents when issued to a
5.27 person who is developmentally disabled, as defined in section 252A.02, subdivision 2; a
5.28 physically disabled person, as defined in section 169.345, subdivision 2; or, a person with
5.29 mental illness, as described in section 245.462, subdivision 20, paragraph (c).

5.30 Sec. 6. Minnesota Statutes 2014, section 171.07, subdivision 4, is amended to read:

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

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

6.1 (1) a Minnesota identification card is valid for the lifetime of the applicant, except
6.2 that, or

6.3 (2) for a Minnesota identification card with a federal designation under subdivision
6.4 19, the expiration date is the birthday of the applicant in the eighth year following the date
6.5 of issuance of the card.

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

6.8 (e) (d) The expiration date for an Under-21 identification card is the cardholder's
6.9 21st birthday. The commissioner shall issue an identification card to a holder of an
6.10 Under-21 identification card who applies for the card, pays the required fee, and presents
6.11 proof of identity and age, unless the commissioner determines that the applicant is not
6.12 qualified for the identification card.

6.13 Sec. 7. Minnesota Statutes 2014, section 171.07, is amended by adding a subdivision
6.14 to read:

6.15 Subd. 19. **Federal designation.** (a) At the request of an eligible applicant, the
6.16 commissioner must issue, renew, or reissue to the applicant a driver's license or Minnesota
6.17 identification card as described in this subdivision.

6.18 (b) For a driver's license or Minnesota identification card under this subdivision, the
6.19 commissioner must meet the requirements of the REAL ID Act of 2005, Public Law 109-13,
6.20 Division B, including but not limited to documentation requirements, administrative
6.21 processes, electronic validation or verification of data, and card design and marking.

6.22 (c) A driver's license or Minnesota identification card under this subdivision must
6.23 bear a distinguishing indicator of federal compliance, as determined by the commissioner
6.24 subject to the requirements of Code of Federal Regulations, title 6, part 37. The marking
6.25 requirements for a license under subdivision 1, paragraph (d), do not apply. The marking
6.26 requirements for a Minnesota identification card under subdivision 3, paragraph (e), do
6.27 not apply, provided that the card must be plainly marked "Minnesota identification card
6.28 - not a driver's license."

6.29 Sec. 8. Minnesota Statutes 2014, section 171.072, is amended to read:

6.30 **171.072 TRIBAL IDENTIFICATION CARD.**

6.31 (a) If a Minnesota identification card is deemed an acceptable form of identification
6.32 in Minnesota Statutes or Rules, a tribal identification card is also an acceptable form of
6.33 identification. Except for application for a driver's license or Minnesota identification that

7.1 has a federal designation under section 171.07, subdivision 19, a tribal identification card is
7.2 a primary document for purposes of Minnesota Rules, part 7410.0400, and successor rules.

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

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

7.13 (d) The requirements of this section do not apply to tribal identification cards used to
7.14 prove an individual's residence for purposes of section 201.061, subdivision 3.

7.15 Sec. 9. Minnesota Statutes 2014, section 171.12, is amended by adding a subdivision
7.16 to read:

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

7.20 (1) notify a driver's license or identification card applicant who requests or has a
7.21 federal designation under section 171.07, subdivision 19, of the retention procedure; and

7.22 (2) allow the applicant, licensee, or identification card holder to designate that the
7.23 applicant, licensee, or identification card holder's birth certificate copy or digital image
7.24 must not be retained.

7.25 (b) The commissioner must not retain a birth certificate if directed by an applicant,
7.26 licensee, or identification card holder under paragraph (a), clause (2), but must record
7.27 and retain data on the birth certificate required under Code of Federal Regulations, title
7.28 6, section 37.31(c).

7.29 Sec. 10. Minnesota Statutes 2014, section 171.12, is amended by adding a subdivision
7.30 to read:

7.31 Subd. 5b. **Federal designation.** (a) The commissioner shall establish fully
7.32 separated storage and access of data on applicants and holders of a driver's license
7.33 or Minnesota identification card that has a federal designation under section 171.07,

8.1 subdivision 19. Fully separated includes but is not limited to electronically and physically
8.2 separate information system infrastructure.

8.3 (b) The commissioner and a driver's license agent shall maintain physically
8.4 separated storage of any copies of documents on applicants and holders of a driver's
8.5 license or Minnesota identification card that has a federal designation under section
8.6 171.07, subdivision 19.

8.7 **Sec. 11. REAL ID ACT IMPLEMENTATION.**

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

8.10 Subd. 2. **Implementation deadline.** The commissioner of public safety must
8.11 implement the provisions of this act in a manner that ensures ability to issue driver's
8.12 licenses and Minnesota identification cards that have a federal designation under
8.13 Minnesota Statutes, section 171.07, subdivision 19, in conformity with the requirements
8.14 of the REAL ID Act, no later than the date of implementation of the driver's license
8.15 portion of the Minnesota licensing and registration system.

8.16 Subd. 4. **Expedited rulemaking.** (a) The commissioner of public safety must
8.17 amend Minnesota Rules as necessary to issue driver's licenses and Minnesota identification
8.18 cards that have a federal designation under Minnesota Statutes, section 171.07, subdivision
8.19 19, as provided under this act and Minnesota Statutes, chapter 171.

8.20 (b) The commissioner is authorized to use the expedited rulemaking process in
8.21 Minnesota Statutes, section 14.389, and subject to subdivision 5 of that section.

8.22 (c) The authority to use the expedited rulemaking process under this subdivision
8.23 expires December 31, 2017.

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

8.25 **Sec. 12. REVISOR'S INSTRUCTION.**

8.26 The revisor of statutes shall renumber Minnesota Statutes, section 171.06,
8.27 subdivision 3, paragraphs (c) and (d), as Minnesota Statutes, section 171.06, subdivision
8.28 3b. The revisor shall also make any necessary cross-reference changes consistent with the
8.29 renumbering.

8.30 **Sec. 13. REPEALER.**

9.1 Laws 2009, chapter 92, section 1, as amended by Laws 2016, chapter 83, section
9.2 1, is repealed.

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

9.4 Sec. 14. **EFFECTIVE DATE.**

9.5 Except as specifically provided otherwise, this act is effective on the date of
9.6 implementation of the driver's license portion of the Minnesota licensing and registration
9.7 system, and applies for application and issuance of driver's licenses and Minnesota
9.8 identification cards on and after that date."

9.9 Amend the title accordingly