

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

1.2 Page 1, delete sections 1 and 2 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. 48b. **Temporary lawful status.** "Temporary lawful status" has the meaning
1.6 given in Code of Federal Regulations, title 6, section 37.3.

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

1.8 **171.017 BACKGROUND INVESTIGATIONS; DEPARTMENT DRIVER'S**
1.9 **LICENSE AGENTS AND CERTAIN EMPLOYEES.**

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

1.14 (1) ~~the ability to~~ create or modify records of applicants for identification cards and
1.15 driver's licenses, including enhanced drivers' licenses under section 171.01, subdivision
1.16 31a, or and enhanced identification cards under section 171.01, subdivision 31b;

1.17 (2) the ability to issue enhanced drivers' licenses ~~under section 171.01, subdivision~~
1.18 31a, or enhanced identification cards under section 171.01, subdivision 31b; or

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

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

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

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

2.12 (2) the employee or applicant for employment specified in subdivision 1, clause (3),
2.13 has a conviction of the type specified by Code of Federal Regulations, title 49, section
2.14 384.228(j).

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

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

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

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

2.29 Page 3, line 6, before "The" insert "(a) For driver's licenses and Minnesota
2.30 identification cards under this chapter,"

2.31 Page 3, after line 9, insert:

2.32 "(b) The requirements under paragraph (a) do not apply to an enhanced driver's
2.33 license or enhanced identification card."

2.34 Page 3, delete section 4 and insert:

2.35 "Sec. 4. Minnesota Statutes 2014, section 171.06, subdivision 1, is amended to read:

3.1 Subdivision 1. **Forms of Application format and requirements.** (a) Every
 3.2 application for a Minnesota identification card, ~~for including~~ an enhanced identification
 3.3 card, ~~or for a driver's license including~~ for an instruction permit, for a provisional license,
 3.4 ~~for a driver's license, or for~~ and an enhanced driver's license, must be made in a format
 3.5 approved by the department, ~~and~~. Every application must be accompanied by payment
 3.6 of the proper fee. All first-time applications and change-of-status applications must be
 3.7 signed in the presence of the person authorized to accept the application, or the signature
 3.8 on the application may be verified by a notary public. All applications requiring evidence
 3.9 of legal presence in the United States or United States citizenship

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

3.14 Page 6, line 17, before "(6)" insert "and"

3.15 Page 6, line 18, delete the new language and insert "as provided in this section"

3.16 Page 6, strike lines 30 to 32

3.17 Page 6, line 33, strike "(e)" and insert "(d)"

3.18 Page 6, after line 34, insert:

3.19 "(e) A license must bear a distinguishing indicator, as determined by the
 3.20 commissioner.

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

3.23 Page 7, line 12, before "(7)" insert "and"

3.24 Page 7, line 13, delete the new language and insert "section"

3.25 Page 7, after line 24, insert:

3.26 "(e) A Minnesota identification card must bear a distinguishing indicator, as
 3.27 determined by the commissioner.

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

3.30 Page 7, line 25, strike "(e)" and insert "(g)"

3.31 Page 8, delete line 12 and insert "lawful status is the last"

3.32 Page 8, line 17, after "forgery" insert ", alteration, reproduction," and after "fraud,"
 3.33 insert "prohibit the ability to superimpose a photograph or electronically produced image,"

3.34 Page 9, line 12, before "The" insert "(d)" and after "to" insert ": (1) application for a
 3.35 driver's license or Minnesota identification card under this chapter; or (2)"

3.36 Page 11, line 3, delete the comma and insert "is the last day of the"

4.1 Page 11, delete line 4

4.2 Page 13, line 2, before "Sections" insert "Except as specifically provided otherwise,"
4.3 and after the period insert "Sections 1 to 14 apply for application and issuance of driver's
4.4 licenses and Minnesota identification cards on and after the day following adoption of
4.5 administrative rules under section 15, subdivision 4."

4.6 Amend the title accordingly