

**SENATE  
STATE OF MINNESOTA  
EIGHTY-NINTH SESSION**

**S.F. No. 1209**

(SENATE AUTHORS: HOFFMAN)

DATE	D-PG	OFFICIAL STATUS
02/26/2015	448	Introduction and first reading Referred to Transportation and Public Safety

1.1 A bill for an act  
 1.2 relating to transportation; requiring an applicant for provisional license to possess  
 1.3 an instruction permit for 12 months; increasing number of required driving hours  
 1.4 to qualify for provisional license; amending Minnesota Statutes 2014, sections  
 1.5 171.04, subdivision 1; 171.041; 171.05, subdivision 2a; 171.055, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2014, section 171.04, subdivision 1, is amended to read:

1.8 Subdivision 1. **Persons not eligible.** The department shall not issue a driver's license:

1.9 (1) to any person under 18 years unless:

1.10 (i) the applicant is 16 or 17 years of age and has a previously issued valid license  
 1.11 from another state or country or the applicant has, for the 12 consecutive months  
 1.12 preceding application, held a provisional license and during that time has incurred (A) no  
 1.13 conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50  
 1.14 to 169A.53, (B) no conviction for a crash-related moving violation, and (C) not more  
 1.15 than one conviction for a moving violation that is not crash related. "Moving violation"  
 1.16 means a violation of a traffic regulation but does not include a parking violation, vehicle  
 1.17 equipment violation, or warning citation;

1.18 (ii) the application for a license is approved by (A) either parent when both reside  
 1.19 in the same household as the minor applicant or, if otherwise, then (B) the parent or  
 1.20 spouse of the parent having custody or, in the event there is no court order for custody,  
 1.21 then (C) the parent or spouse of the parent with whom the minor is living or, if subitems  
 1.22 (A) to (C) do not apply, then (D) the guardian having custody of the minor, (E) the foster  
 1.23 parent or director of the transitional living program in which the child resides or, in the  
 1.24 event a person under the age of 18 has no living father, mother, or guardian, or is married  
 1.25 or otherwise legally emancipated, then (F) the minor's adult spouse, adult close family

2.1 member, or adult employer; provided, that the approval required by this item contains a  
2.2 verification of the age of the applicant and the identity of the parent, guardian, adult  
2.3 spouse, adult close family member, or adult employer; and

2.4 (iii) the applicant presents a certification by the person who approves the application  
2.5 under item (ii), stating that the applicant has driven a motor vehicle accompanied by  
2.6 and under supervision of a licensed driver at least 21 years of age for at least ten hours  
2.7 during the period of provisional licensure;

2.8 (2) to any person who is 18 years of age or younger, unless the person has applied  
2.9 for, been issued, and possessed the appropriate instruction permit for a minimum of ~~six~~ 12  
2.10 months, and, with respect to a person under 18 years of age, a provisional license for a  
2.11 minimum of 12 months;

2.12 (3) to any person who is 19 years of age or older, unless that person has applied  
2.13 for, been issued, and possessed the appropriate instruction permit for a minimum of  
2.14 three months;

2.15 (4) to any person whose license has been suspended during the period of suspension  
2.16 except that a suspended license may be reinstated during the period of suspension upon  
2.17 the licensee furnishing proof of financial responsibility in the same manner as provided in  
2.18 the Minnesota No-Fault Automobile Insurance Act;

2.19 (5) to any person whose license has been revoked except upon furnishing proof  
2.20 of financial responsibility in the same manner as provided in the Minnesota No-Fault  
2.21 Automobile Insurance Act and if otherwise qualified;

2.22 (6) to any drug-dependent person, as defined in section 254A.02, subdivision 5;

2.23 (7) to any person who has been adjudged legally incompetent by reason of mental  
2.24 illness, mental deficiency, or inebriation, and has not been restored to capacity, unless  
2.25 the department is satisfied that the person is competent to operate a motor vehicle with  
2.26 safety to persons or property;

2.27 (8) to any person who is required by this chapter to take a vision, knowledge, or road  
2.28 examination, unless the person has successfully passed the examination. An applicant  
2.29 who fails four road tests must complete a minimum of six hours of behind-the-wheel  
2.30 instruction with an approved instructor before taking the road test again;

2.31 (9) to any person who is required under the Minnesota No-Fault Automobile  
2.32 Insurance Act to deposit proof of financial responsibility and who has not deposited the  
2.33 proof;

2.34 (10) to any person when the commissioner has good cause to believe that the  
2.35 operation of a motor vehicle on the highways by the person would be inimical to public  
2.36 safety or welfare;

3.1 (11) to any person when, in the opinion of the commissioner, the person is afflicted  
3.2 with or suffering from a physical or mental disability or disease that will affect the person  
3.3 in a manner as to prevent the person from exercising reasonable and ordinary control over  
3.4 a motor vehicle while operating it upon the highways;

3.5 (12) to a person who is unable to read and understand official signs regulating,  
3.6 warning, and directing traffic;

3.7 (13) to a child for whom a court has ordered denial of driving privileges under  
3.8 section 260C.201, subdivision 1, or 260B.235, subdivision 5, until the period of denial is  
3.9 completed; or

3.10 (14) to any person whose license has been canceled, during the period of cancellation.

3.11 Sec. 2. Minnesota Statutes 2014, section 171.041, is amended to read:

3.12 **171.041 RESTRICTED LICENSE FOR FARM WORK.**

3.13 Notwithstanding any provisions of section 171.04 relating to the age of an applicant  
3.14 to the contrary, the commissioner may issue a restricted farm work license to operate  
3.15 a motor vehicle to a person who has attained the age of 15 years and who, except for  
3.16 age, is qualified to hold a driver's license. The applicant is not required to comply with  
3.17 the ~~six-month~~ 12-month instruction permit possession provisions of sections 171.04,  
3.18 subdivision 1, clause (2), and 171.05, subdivision 2a, or with the 12-month provisional  
3.19 license possession provision of section 171.04, subdivision 1, clause (1), item (i). The  
3.20 restricted license shall be issued solely for the purpose of authorizing the person to whom  
3.21 the restricted license is issued to assist the person's parents or guardians with farm work.  
3.22 A person holding this restricted license may operate a motor vehicle only during daylight  
3.23 hours and only within a radius of 20 miles of the parent's or guardian's farmhouse; however,  
3.24 in no case may a person holding the restricted license operate a motor vehicle in a city of  
3.25 the first class. An applicant for a restricted license shall apply to the commissioner for the  
3.26 license on forms prescribed by the commissioner. The application shall be accompanied by:

3.27 (1) a copy of a property tax statement showing that the applicant's parent or guardian  
3.28 owns land that is classified as agricultural land or a copy of a rental statement or agreement  
3.29 showing that the applicant's parent or guardian rents land classified as agricultural land; and

3.30 (2) a written verified statement by the applicant's parent or guardian setting forth the  
3.31 necessity for the license.

3.32 Sec. 3. Minnesota Statutes 2014, section 171.05, subdivision 2a, is amended to read:

4.1 Subd. 2a. **Permit for ~~six~~ 12 months.** (a) An applicant who has applied for and  
4.2 received an instruction permit pursuant to subdivision 2 must possess the instruction  
4.3 permit for not less than ~~six~~ 12 months before qualifying for a driver's license.

4.4 (b) [Expired]

4.5 Sec. 4. Minnesota Statutes 2014, section 171.055, subdivision 1, is amended to read:

4.6 Subdivision 1. **Requirements for provisional license.** (a) The department may  
4.7 issue a provisional license, which must be distinctive in appearance from a driver's  
4.8 license, to an applicant who:

4.9 (1) has reached the age of 16 years;

4.10 (2) during the ~~six~~ 12 months immediately preceding the application for the  
4.11 provisional license has possessed an instruction permit and has incurred (i) no convictions  
4.12 for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53,  
4.13 (ii) no convictions for a crash-related moving violation, and (iii) no convictions for a  
4.14 moving violation that is not crash related;

4.15 (3) has successfully completed a course of driver education in accordance with  
4.16 department rules;

4.17 (4) completes the required application, which must be approved by (i) either parent  
4.18 when both reside in the same household as the minor applicant or, if otherwise, then (ii)  
4.19 the parent or spouse of the parent having custody or, in the event there is no court order for  
4.20 custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if  
4.21 items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor, (v) the  
4.22 foster parent or the director of the transitional living program in which the child resides  
4.23 or, in the event a person under the age of 18 has no living father, mother, or guardian, or  
4.24 is married or otherwise legally emancipated, then (vi) the applicant's adult spouse, adult  
4.25 close family member, or adult employer; provided, that the approval required by this  
4.26 clause contains a verification of the age of the applicant and the identity of the parent,  
4.27 guardian, adult spouse, adult close family member, or adult employer;

4.28 (5) submits a supervised driving log, in a format approved by the commissioner, that:

4.29 (i) states that the applicant has driven a motor vehicle accompanied by and under the  
4.30 supervision of a licensed driver at least 21 years of age, for no less than ~~40~~ 90 total hours  
4.31 or as provided in clause (6), item (i), at least ~~15~~ 30 of which were nighttime hours;

4.32 (ii) shows that, of the required driving hours a minimum of 25 hours, at least eight  
4.33 of which were nighttime hours, must have taken place within three months immediately  
4.34 prior to the application date;

4.35 (iii) identifies dates and lengths of driving time for each supervised driving trip; and

5.1 ~~(iii)~~ (iv) is signed by the primary driving supervisor, attesting that the applicant has  
5.2 met the requirements under ~~item (i)~~ items (i) and (ii);

5.3 (6) has:

5.4 (i) driven a motor vehicle in the manner required under clause (5) for no less than  
5.5 ten hours in addition to the total hours specified in clause (5), item (i); or

5.6 (ii) submitted a certification of supplemental parental curriculum under section  
5.7 171.05, subdivision 2, paragraph (b), for the primary driving supervisor under clause (5),  
5.8 as part of an application for an instruction permit; and

5.9 (7) pays the fee required in section 171.06, subdivision 2.

5.10 (b) For purposes of this section, "moving violation" has the meaning given it in  
5.11 section 171.04, subdivision 1.

5.12 (c) Notwithstanding paragraph (a), clause (2), the commissioner shall not issue a  
5.13 provisional license to a person who has ever incurred a conviction for violation of section  
5.14 169A.20, 169A.33, or 169A.35; a violation of a provision of sections 169A.50 to 169A.53;  
5.15 or a crash-related moving violation, and at the time of the conviction the person did not  
5.16 possess an instruction permit.

5.17 **Sec. 5. EFFECTIVE DATE.**

5.18 Sections 1 to 4 are effective July 1, 2015, and apply to applications for instruction  
5.19 permits, restricted licenses, and provisional licenses on and after that date.