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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 1751

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The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division

1.1 A bill for an act
1.2 relating to drivers' licenses; permitting a driver's license or identification card
1.3 applicant to designate an emergency contact person; establishing procedures for
1.4 access to emergency contact data; amending Minnesota Statutes 2008, sections
1.5 13.69, subdivision 1; 171.06, subdivision 3; proposing coding for new law in
1.6 Minnesota Statutes, chapter 299A.

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

1.8 Section 1. Minnesota Statutes 2008, section 13.69, subdivision 1, is amended to read:

1.9 Subdivision 1. **Classifications.** (a) The following government data of the
1.10 Department of Public Safety are private data:

1.11 (1) medical data on driving instructors, licensed drivers, and applicants for parking
1.12 certificates and special license plates issued to physically disabled persons;

1.13 (2) other data on holders of a disability certificate under section 169.345, except that
1.14 data that are not medical data may be released to law enforcement agencies;

1.15 (3) Social Security numbers in driver's license and motor vehicle registration
1.16 records, except that Social Security numbers must be provided to the Department of
1.17 Revenue for purposes of tax administration, the Department of Labor and Industry for
1.18 purposes of workers' compensation administration and enforcement, and the Department
1.19 of Natural Resources for purposes of license application administration; and

1.20 (4) data on persons listed as a standby or temporary custodians custodian under
1.21 section 171.07, subdivision 11, or an emergency contact under section 299A.706, except
1.22 that the data must be released to:

1.23 (i) law enforcement agencies for the purpose of verifying that an individual is a
1.24 designated caregiver or emergency contact; or

2.1 (ii) law enforcement agencies who state that the license holder is unable to
 2.2 communicate at that time and that the information is necessary for notifying the designated
 2.3 caregiver of the need to care for a child of the license holder, or for notifying a designated
 2.4 emergency contact of a condition that causes a license or identification card holder to be
 2.5 unable to communicate independently with a law enforcement officer.

2.6 The department may release the Social Security number only as provided in clause
 2.7 (3) and must not sell or otherwise provide individual Social Security numbers or lists of
 2.8 Social Security numbers for any other purpose.

2.9 (b) The following government data of the Department of Public Safety are
 2.10 confidential data: data concerning an individual's driving ability when that data is received
 2.11 from a member of the individual's family.

2.12 Sec. 2. Minnesota Statutes 2008, section 171.06, subdivision 3, is amended to read:

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

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

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

2.19 (3) state:

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

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

2.24 (4) contain a space where the applicant may indicate a desire to make an anatomical
 2.25 gift according to paragraph (b); ~~and~~

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

2.28 (6) contain a space where the applicant may optionally designate up to two adult
 2.29 individuals to be contacted in an emergency, as provided in section 299A.706, along with
 2.30 an appropriate telephone number for each designated individual.

2.31 (b) If the applicant does not indicate a desire to make an anatomical gift when
 2.32 the application is made, the applicant must be offered a donor document in accordance
 2.33 with section 171.07, subdivision 5. The application must contain statements sufficient to
 2.34 comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift
 2.35 Act, chapter 525A, so that execution of the application or donor document will make

3.1 the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a
 3.2 desire to make an anatomical gift. The application must be accompanied by information
 3.3 describing Minnesota laws regarding anatomical gifts and the need for and benefits of
 3.4 anatomical gifts, and the legal implications of making an anatomical gift, including the
 3.5 law governing revocation of anatomical gifts. The commissioner shall distribute a notice
 3.6 that must accompany all applications for and renewals of a driver's license or Minnesota
 3.7 identification card. The notice must be prepared in conjunction with a Minnesota organ
 3.8 procurement organization that is certified by the federal Department of Health and Human
 3.9 Services and must include:

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

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

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

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

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

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

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

3.23 **Sec. 3. [299A.706] EMERGENCY CONTACT DATABASE.**

3.24 **Subdivision 1. Designation of emergency contacts.** (a) As provided in section
 3.25 171.06, subdivision 3, an applicant for a driver's license or Minnesota identification card
 3.26 may optionally designate up to two adult individuals to be contacted in the event of an
 3.27 emergency or other situation that causes the license or identification card holder to be
 3.28 unable to communicate independently with a law enforcement officer.

3.29 (b) An applicant for a driver's license or Minnesota identification card who is a
 3.30 minor and is not emancipated must be permitted to designate an emergency contact,
 3.31 provided that at least one of the designated contacts is a parent or guardian.

3.32 (c) A license or identification card holder may change or cancel an emergency
 3.33 contact designation by making a request, in writing, to the department. No fee may be
 3.34 charged for providing or modifying an emergency contact designation.

4.1 Subd. 2. **Database; release of information.** (a) The department shall maintain a
4.2 computerized records system of all individuals listed as an emergency contact by a driver's
4.3 license or identification card holder. The names of a license or card holder's emergency
4.4 contacts may only be released to an appropriate law enforcement agency, as provided in
4.5 section 13.69.

4.6 (b) The designation of an emergency contact does not prohibit law enforcement from
4.7 contacting other appropriate individuals as the circumstances require.

4.8 Subd. 3. **Civil immunity.** Notwithstanding sections 13.08, subdivision 1, and 13.69,
4.9 the department and department employees are conclusively presumed to be acting in good
4.10 faith when employees rely on statements made, in person or by telephone, by persons
4.11 purporting to be law enforcement personnel and subsequently release information as
4.12 provided in subdivision 2. The department, department employees, a licensed peace officer
4.13 as defined in section 626.84, and a law enforcement agency as defined in section 626.84 are
4.14 immune from all civil liability resulting from the release of emergency contact data made
4.15 consistent with the requirements of this section, and from a resulting contact or failure to
4.16 contact a designated emergency contact in an emergency or other appropriate situation.

4.17 Subd. 4. **Rights of designated contacts.** A designated emergency contact possesses
4.18 no additional rights, responsibilities, or duties related to the license or card holder as a
4.19 result of their designation as an emergency contact under this section.

4.20 **Sec. 4. MODIFICATION OF APPLICATION FORM; MAINTENANCE OF**
4.21 **DATA.**

4.22 The Department of Public Safety shall modify the application for a driver's license or
4.23 identification card as necessary to implement the requirements of this act. The Department
4.24 of Public Safety may use existing databases to store data required by this act, if feasible.

4.25 **Sec. 5. EFFECTIVE DATE.**

4.26 Sections 1 to 4 are effective January 1, 2010.