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# State of Minnesota

## HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

# H. F. No. 3612

02/20/2020 Authored by Dettmer

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act  
1.2 relating to public safety; expanding the criminal vehicular operation crime; requiring  
1.3 driver education and driver's manual to cover distracted driving; amending  
1.4 Minnesota Statutes 2018, sections 171.0701, subdivision 1; 171.0705, by adding  
1.5 a subdivision; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114,  
1.6 subdivisions 1, 2.

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

1.8 Section 1. Minnesota Statutes 2018, section 171.0701, subdivision 1, is amended to read:

1.9 Subdivision 1. **Driver education requirements.** (a) The commissioner shall adopt rules  
1.10 requiring a minimum of 30 minutes of instruction, beginning January 1, 2007, relating to  
1.11 organ and tissue donations and the provisions of section 171.07, subdivision 5, for persons  
1.12 enrolled in driver education programs offered at public schools, private schools, and  
1.13 commercial driver training schools.

1.14 (b) The commissioner shall adopt rules for persons enrolled in driver education programs  
1.15 offered at public schools, private schools, and commercial driver training schools, requiring  
1.16 inclusion in the course of instruction, by January 1, 2009, a section on awareness and safe  
1.17 interaction with commercial motor vehicle traffic. The rules must require classroom  
1.18 instruction and behind-the-wheel training that includes, but is not limited to, truck stopping  
1.19 distances, proper distances for following trucks, identification of truck blind spots, and  
1.20 avoidance of driving in truck blind spots.

1.21 (c) By January 1, 2012, the commissioner shall adopt rules for persons enrolled in driver  
1.22 education programs offered at public schools, private schools, and commercial driver training  
1.23 schools, requiring inclusion in the course of instruction of a section on carbon monoxide  
1.24 poisoning. The instruction must include but is not limited to (1) a description of the

characteristics of carbon monoxide, (2) a review of the risks and potential speed of death from carbon monoxide poisoning, and (3) specific suggestions regarding vehicle idling practices.

(d) By January 1, 2021, driver education programs offered at public schools, private schools, and commercial driver training schools must include instruction on distracted driving. The instruction must include but is not limited to:

(1) the laws governing distracted driving and the related penalties; and

(2) the dangers of distracted driving.

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

Sec. 2. Minnesota Statutes 2018, section 171.0705, is amended by adding a subdivision to read:

Subd. 11. **Distracted driving.** The commissioner must include in each edition of the driver's manual a section on distracted driving that includes:

(1) the laws governing distracted driving and the related penalties; and

(2) the dangers of distracted driving.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 3. Minnesota Statutes 2018, section 609.2112, subdivision 1, is amended to read:

Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b), a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of a human being not constituting murder or manslaughter as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of 0.08 or more;

(4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;

(6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;

(7) where the driver who causes the collision leaves the scene of the collision in violation of section 169.09, subdivision 1 or 6; ~~or~~

(8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the death was caused by the defective maintenance; or

(9) in a negligent manner while the driver is in violation of section 169.475.

(b) If a person is sentenced under paragraph (a) for a violation under paragraph (a), clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory maximum sentence of imprisonment is 15 years.

**EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2018, section 609.2113, subdivision 1, is amended to read:

Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation resulting in great bodily harm and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person causes great bodily harm to another not constituting attempted murder or assault as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

4.1 (3) while having an alcohol concentration of 0.08 or more;

4.2 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
4.3 of the time of driving;

4.4 (5) in a negligent manner while under the influence of an intoxicating substance and the  
4.5 person knows or has reason to know that the substance has the capacity to cause impairment;

4.6 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
4.7 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
4.8 person's body;

4.9 (7) where the driver who causes the accident leaves the scene of the accident in violation  
4.10 of section 169.09, subdivision 1 or 6; ~~or~~

4.11 (8) where the driver had actual knowledge that a peace officer had previously issued a  
4.12 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
4.13 knowledge that remedial action was not taken, the driver had reason to know that the defect  
4.14 created a present danger to others, and the injury was caused by the defective maintenance;  
4.15 or

4.16 (9) in a negligent manner while the driver is in violation of section 169.475.

4.17 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes  
4.18 committed on or after that date.

4.19 Sec. 5. Minnesota Statutes 2018, section 609.2113, subdivision 2, is amended to read:

4.20 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation  
4.21 resulting in substantial bodily harm and may be sentenced to imprisonment for not more  
4.22 than three years or to payment of a fine of not more than \$10,000, or both, if the person  
4.23 causes substantial bodily harm to another as a result of operating a motor vehicle:

4.24 (1) in a grossly negligent manner;

4.25 (2) in a negligent manner while under the influence of:

4.26 (i) alcohol;

4.27 (ii) a controlled substance; or

4.28 (iii) any combination of those elements;

4.29 (3) while having an alcohol concentration of 0.08 or more;

5.1 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
5.2 of the time of driving;

5.3 (5) in a negligent manner while under the influence of an intoxicating substance and the  
5.4 person knows or has reason to know that the substance has the capacity to cause impairment;

5.5 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
5.6 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
5.7 person's body;

5.8 (7) where the driver who causes the accident leaves the scene of the accident in violation  
5.9 of section 169.09, subdivision 1 or 6; ~~or~~

5.10 (8) where the driver had actual knowledge that a peace officer had previously issued a  
5.11 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
5.12 knowledge that remedial action was not taken, the driver had reason to know that the defect  
5.13 created a present danger to others, and the injury was caused by the defective maintenance;  
5.14 or

5.15 (9) in a negligent manner while the driver is in violation of section 169.475.

5.16 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes  
5.17 committed on or after that date.

5.18 Sec. 6. Minnesota Statutes 2018, section 609.2113, subdivision 3, is amended to read:

5.19 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in  
5.20 bodily harm and may be sentenced to imprisonment for not more than one year or to payment  
5.21 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a  
5.22 result of operating a motor vehicle:

5.23 (1) in a grossly negligent manner;

5.24 (2) in a negligent manner while under the influence of:

5.25 (i) alcohol;

5.26 (ii) a controlled substance; or

5.27 (iii) any combination of those elements;

5.28 (3) while having an alcohol concentration of 0.08 or more;

5.29 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
5.30 of the time of driving;

(5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;

(6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; ~~or~~

(8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance; or

(9) in a negligent manner while the driver is in violation of section 169.475.

**EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2018, section 609.2114, subdivision 1, is amended to read:

Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a person is guilty of criminal vehicular operation resulting in death to an unborn child and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of an unborn child as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of 0.08 or more;

(4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;

(6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; ~~or~~

(8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance; or

(9) in a negligent manner while the driver is in violation of section 169.475.

(b) If a person is sentenced under paragraph (a) for a violation under paragraph (a), clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory maximum sentence of imprisonment is 15 years.

**EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2018, section 609.2114, subdivision 2, is amended to read:

Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation resulting in injury to an unborn child and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person causes the great bodily harm to an unborn child subsequently born alive as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of 0.08 or more;

(4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;

8.1 (5) in a negligent manner while under the influence of an intoxicating substance and the  
8.2 person knows or has reason to know that the substance has the capacity to cause impairment;

8.3 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
8.4 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
8.5 person's body;

8.6 (7) where the driver who causes the accident leaves the scene of the accident in violation  
8.7 of section 169.09, subdivision 1 or 6; ~~or~~

8.8 (8) where the driver had actual knowledge that a peace officer had previously issued a  
8.9 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
8.10 knowledge that remedial action was not taken, the driver had reason to know that the defect  
8.11 created a present danger to others, and the injury was caused by the defective maintenance;  
8.12 or

8.13 (9) in a negligent manner while the driver is in violation of section 169.475.

8.14 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes  
8.15 committed on or after that date.