

**CHAPTER 29—S.F.No. 462**

*An act relating to public safety; expanding the current DWI ignition interlock device pilot program by two years and applying it statewide; amending Minnesota Statutes 2008, sections 169A.275, subdivision 7; 171.306, subdivisions 1, 3.*

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

Section 1. Minnesota Statutes 2008, section 169A.275, subdivision 7, is amended to read:

Subd. 7. **Exception.** (a) A judge is not required to sentence a person as provided in this section if the judge requires the person as a condition of probation to drive only motor vehicles equipped with an ignition interlock device meeting the standards described in section 171.306.

(b) This subdivision expires July 1, ~~2009~~ 2011.

Sec. 2. Minnesota Statutes 2008, section 171.306, subdivision 1, is amended to read:

Subdivision 1. **Pilot project established; reports.** The commissioner shall conduct a statewide two-year ignition interlock device pilot project as provided in this section. ~~The commissioner shall select one metropolitan county and one rural county to participate in the pilot project.~~ The pilot project must begin on July 1, ~~2007~~ 2009, and continue until June 30, ~~2009~~ 2011. The commissioner shall submit ~~two~~ a preliminary reports report by February 1, ~~2008~~, and by ~~December 1, 2008~~ September 30, 2010, and a final report by September ~~1, 2009~~ 30, 2011, to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy and funding. The reports must evaluate the successes and failures of the pilot project, provide information on participation rates, and make recommendations on continuing the project.

Sec. 3. Minnesota Statutes 2008, section 171.306, subdivision 3, is amended to read:

Subd. 3. **Pilot project components.** (a) Under the pilot project, the commissioner shall issue a driver's license to an individual whose driver's license has been revoked under chapter 169A for ~~a repeat~~ an impaired driving incident if the person qualifies under this section and agrees to all of the conditions of the project.

(b) The commissioner must denote the person's driver's license record to indicate the person's participation in the program. The license must authorize the person to drive only vehicles having functioning ignition interlock devices conforming with the requirements of subdivision 2.

(c) Notwithstanding any statute or rule to the contrary, the commissioner has authority to and shall determine the appropriate period for which a person participating in the ignition interlock pilot program shall be subject to this program, and when the person is eligible to be issued:

- (1) a limited driver's license subject to the ignition interlock restriction;
- (2) full driving privileges subject to the ignition interlock restriction; and
- (3) a driver's license without an ignition interlock restriction.

(d) A person participating in this pilot project shall agree to participate in any treatment recommended by a chemical use assessment.

(e) The commissioner shall determine guidelines for participation in the project. A person participating in the project shall sign a written agreement accepting these guidelines and agreeing to comply with them.

(f) It is a misdemeanor for a person who is licensed under this section for driving a vehicle equipped with an ignition interlock device to drive, operate, or be in physical control of a motor vehicle other than a vehicle properly equipped with an ignition interlock device.

Presented to the governor April 27, 2009

Signed by the governor April 30, 2009, 4:19 p.m.