

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 1855

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DATE
02/28/2019

D-PG

580 Introduction and first reading

OFFICIAL STATUS

Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; consolidating various DWI provisions; modifying fine
1.3 distribution for certain DWIs committed in recreational vehicles; amending
1.4 Minnesota Statutes 2018, sections 84.83, subdivision 5; 86B.705, subdivision 2;
1.5 97A.065, subdivision 2; 169A.20, subdivision 1; repealing Minnesota Statutes
1.6 2018, section 169A.20, subdivisions 1a, 1b, 1c.

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

1.8 Section 1. Minnesota Statutes 2018, section 84.83, subdivision 5, is amended to read:

1.9 Subd. 5. **Fines and forfeited bail.** ~~The disposition of Fines and forfeited bail collected~~
1.10 ~~from prosecutions of violations of sections 84.81 to 84.91 or rules adopted thereunder, and~~
1.11 ~~violations of section 169A.20 that involve off-road recreational vehicles, as defined in~~
1.12 ~~section 169A.03, subdivision 16, are governed by section 97A.065 shall be deposited in the~~
1.13 state treasury. One-half of the receipts shall be credited to the state general fund. The other
1.14 one-half shall be transmitted to the commissioner of natural resources and credited to the
1.15 snowmobile trails and enforcement account in the natural resources fund.

1.16 **EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to crimes
1.17 committed on or after that date.

1.18 Sec. 2. Minnesota Statutes 2018, section 86B.705, subdivision 2, is amended to read:

1.19 Subd. 2. **Fines and bail money.** (a) All fines, installment payments, and forfeited bail
1.20 money collected from persons convicted of violations of this chapter or rules adopted
1.21 thereunder, ~~or of a violation of section 169A.20 involving a motorboat,~~ shall be deposited
1.22 in the state treasury.

2.1 (b) One-half of the receipts shall be credited to the general revenue fund. The other
 2.2 one-half of the receipts shall be transmitted to the commissioner of natural resources and
 2.3 credited to the water recreation account for the purpose of boat and water safety.

2.4 **EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to crimes
 2.5 committed on or after that date.

2.6 Sec. 3. Minnesota Statutes 2018, section 97A.065, subdivision 2, is amended to read:

2.7 Subd. 2. **Fines and forfeited bail.** ~~(a) Fines and forfeited bail collected from prosecutions~~
 2.8 ~~of violations of: the game and fish laws or rules adopted thereunder; sections 84.091 to~~
 2.9 ~~84.15 or rules adopted thereunder; sections 84.81 to 84.91 or rules adopted thereunder;~~
 2.10 ~~section 169A.20, when the violation involved an off-road recreational vehicle as defined~~
 2.11 ~~in section 169A.03, subdivision 16; chapter 348; and any other law relating to wild animals~~
 2.12 ~~or aquatic vegetation, must be paid to the treasurer of the county where the violation is~~
 2.13 ~~prosecuted. The county treasurer shall submit~~ deposited in the state treasury. One-half of
 2.14 the receipts shall be credited to the state general fund. The other one-half shall be transmitted
 2.15 ~~to the commissioner and credit the balance to the county general revenue fund except as~~
 2.16 ~~provided in paragraphs (b) and (c). In a county in a judicial district under section 480.181,~~
 2.17 ~~subdivision 1, paragraph (b), the share that would otherwise go to the county under this~~
 2.18 ~~paragraph must be submitted to the commissioner of management and budget for deposit~~
 2.19 ~~in the state treasury and credited to the general fund~~ credited to the game and fish fund
 2.20 under section 97A.055.

2.21 ~~(b) The county treasurer shall submit one-half of the receipts collected under paragraph~~
 2.22 ~~(a) from prosecutions of violations of sections 84.81 to 84.91 or rules adopted thereunder,~~
 2.23 ~~and 169A.20, except receipts that are surcharges imposed under section 357.021, subdivision~~
 2.24 ~~6, to the commissioner and credit the balance to the county general fund. The commissioner~~
 2.25 ~~shall credit these receipts to the snowmobile trails and enforcement account in the natural~~
 2.26 ~~resources fund.~~

2.27 ~~(c) The county treasurer shall indicate the amount of the receipts that are surcharges~~
 2.28 ~~imposed under section 357.021, subdivision 6, and shall submit all of those receipts to the~~
 2.29 ~~commissioner of management and budget.~~

2.30 **EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to crimes
 2.31 committed on or after that date.

3.1 Sec. 4. Minnesota Statutes 2018, section 169A.20, subdivision 1, is amended to read:

3.2 Subdivision 1. **Driving while impaired crime; ~~motor vehicle~~.** It is a crime for any
3.3 person to drive, operate, or be in physical control of any motor vehicle, ~~as defined in section~~
3.4 ~~169A.03, subdivision 15, except for motorboats in operation and off-road recreational~~
3.5 ~~vehicles~~, within this state or on any boundary water of this state when:

3.6 (1) the person is under the influence of alcohol;

3.7 (2) the person is under the influence of a controlled substance;

3.8 (3) the person is under the influence of an intoxicating substance and the person knows
3.9 or has reason to know that the substance has the capacity to cause impairment;

3.10 (4) the person is under the influence of a combination of any two or more of the elements
3.11 named in clauses (1) to (3);

3.12 (5) the person's alcohol concentration at the time, or as measured within two hours of
3.13 the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or
3.14 more;

3.15 (6) the vehicle is a commercial motor vehicle and the person's alcohol concentration at
3.16 the time, or as measured within two hours of the time, of driving, operating, or being in
3.17 physical control of the commercial motor vehicle is 0.04 or more; or

3.18 (7) the person's body contains any amount of a controlled substance listed in Schedule
3.19 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

3.20 **EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to crimes
3.21 committed on or after that date.

3.22 Sec. 5. **REVISOR INSTRUCTION.**

3.23 The revisor of statutes shall make necessary changes in statutory cross-references to
3.24 accommodate the changes made in sections 4 and 6. If necessary, the revisor shall prepare
3.25 a bill for introduction in the 2020 legislative session to make other necessary conforming
3.26 changes that are beyond the scope of the revisor's authority to make editorial changes under
3.27 this section or other law.

3.28 Sec. 6. **REPEALER.**

3.29 Minnesota Statutes 2018, section 169A.20, subdivisions 1a, 1b, and 1c, are repealed.

- 4.1 **EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to crimes
- 4.2 committed on or after that date.

169A.20 DRIVING WHILE IMPAIRED.

Subd. 1a. **Driving while impaired crime; motorboat in operation.** It is a crime for any person to operate or be in physical control of a motorboat in operation on any waters or boundary water of this state when:

- (1) the person is under the influence of alcohol;
- (2) the person is under the influence of a controlled substance;
- (3) the person is 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;
- (4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);
- (5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motorboat is 0.08 or more; or
- (6) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

Subd. 1b. **Driving while impaired crime; snowmobile and all-terrain vehicle.** It is a crime for any person to operate or be in physical control of a snowmobile as defined in section 84.81, subdivision 3, or all-terrain vehicle as defined in section 84.92, subdivision 8, anywhere in this state or on the ice of any boundary water of this state when:

- (1) the person is under the influence of alcohol;
- (2) the person is under the influence of a controlled substance;
- (3) the person is 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;
- (4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);
- (5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the snowmobile or all-terrain vehicle is 0.08 or more; or
- (6) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

Subd. 1c. **Driving while impaired crime; off-highway motorcycle and off-road vehicle.** It is a crime for any person to operate or be in physical control of any off-highway motorcycle as defined in section 84.787, subdivision 7, or any off-road vehicle as defined in section 84.797, subdivision 7, anywhere in this state or on the ice of any boundary water of this state when:

- (1) the person is under the influence of alcohol;
- (2) the person is under the influence of a controlled substance;
- (3) the person is 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;
- (4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);
- (5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the off-highway motorcycle or off-road vehicle is 0.08 or more; or
- (6) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.