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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2152

02/25/2014 Authored by McNamar

The bill was read for the first time and referred to the Committee on Transportation Policy

1.1 A bill for an act
1.2 relating to public safety; traffic regulations; authorizing use of traffic safety
1.3 pretrial diversion programs by local units of government for certain traffic
1.4 offenses; proposing coding for new law in Minnesota Statutes, chapter 169.
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [169.9991] PRETRIAL DIVERSION PROGRAM FOR CERTAIN
1.7 TRAFFIC OFFENSES.

1.8 Subdivision 1. Authority. (a) Except for peace officers employed by the state
1.9 patrol, prior to a peace officer issuing a citation under this section with a pretrial diversion
1.10 program option, the governing body for the local unit of government that employs the
1.11 peace officer must pass a resolution that:

1.12 (1) authorizes a traffic safety pretrial diversion program; and

1.13 (2) bars peace officers from offering the traffic safety pretrial diversion program
1.14 option in violation of this section.

1.15 (b) A peace officer may issue a citation that offers a traffic safety pretrial diversion
1.16 program option to a vehicle operator who:

1.17 (1) violates section 169.14, and the violation consists of a speed under 15 miles per
1.18 hour in excess of the lawful speed limit;

1.19 (2) fails to obey a stop line in violation of section 169.30; or

1.20 (3) operates a vehicle that is in violation of sections 169.46 to 169.68 and 169.69
1.21 to 169.75.

1.22 (c) The authority to issue a citation that offers a traffic safety pretrial diversion
1.23 program option is exclusively limited to those offenses listed in this subdivision.

(d) A peace officer who issues a citation that offers a traffic safety pretrial diversion program option for the infraction of speeding under 15 miles per hour over the speed limit must use the actual speed a violator's vehicle was traveling at the time of the infraction and may not reduce the recorded speed for purposes of qualifying the offense for a citation under this section. A citation issued for speeding under this section must list the actual speed the vehicle was traveling at the time of the infraction.

(e) A local unit of government shall notify the commissioner of public safety after it passes the resolution described in paragraph (a).

Subd. 2. **Officer's authority.** The authority to issue a citation that offers a traffic safety pretrial diversion program option is reserved exclusively to licensed peace officers. An officer may not be required by ordinance or otherwise to issue a citation under this section instead of a criminal citation.

Subd. 3. **Uniform citation.** (a) A peace officer who issues a citation that offers a traffic safety pretrial diversion program must provide the violator with a uniform traffic ticket under section 169.99 and a uniform supplemental traffic safety diversion program citation under paragraph (b).

(b) There must be a uniform supplemental traffic safety diversion program citation issued throughout the state by licensed peace officers for violations under this section. No other supplemental citation is authorized for violations under this section. The commissioner of public safety shall prescribe the detailed form of the uniform supplemental traffic safety pretrial diversion program citation and shall revise the uniform supplemental traffic safety pretrial diversion program citation on subsequent occasions as necessary.

Subd. 4. **Offender options; eligibility.** (a) An individual who is issued a citation that offers a traffic safety pretrial diversion program option may elect to:

(1) attend a traffic safety pretrial diversion program, as provided for by this section; or

(2) utilize the existing processes for administering and adjudicating traffic citations in this chapter and chapter 609, as appropriate.

(b) A peace officer is prohibited from issuing a citation that offers a traffic safety pretrial diversion program option to an individual with more than two violations under this section in a 12-month period, beginning on the date of the first violation.

Subd. 5. **Traffic safety course; contents.** The required traffic safety course offered as part of a duly authorized traffic safety pretrial diversion program must include, at a minimum, information and remedial instruction covering the traffic violations identified in subdivision 1 as eligible for a citation under this section.

Subd. 6. **Course fee; disbursement.** (a) A person who commits a violation under subdivision 1 must pay a course fee of up to \$100.

(b) Except as provided in paragraph (c), the course fee collected under this section must be credited to the general revenue fund of the local unit of government that employs the peace officer who issued the citation. A local unit of government receiving fine proceeds under this section must use at least one-half of the funds for law enforcement purposes. The funds must be used to supplement but not supplant any existing law enforcement funding.

(c) For fines collected under this section from traffic safety pretrial diversion program citations issued by State Patrol troopers, one-half must be credited to the general fund of the local unit of government or entity that collects the fine and one-half must be transferred to the commissioner of management and budget to be deposited in the state general fund.

Subd. 7. Commercial drivers' licenses and commercial vehicles; exceptions. A traffic safety pretrial diversion program citation may not be issued under this section to (1) the holder of a commercial driver's license, or (2) the driver of a commercial vehicle in which the violation was committed.

Subd. 8. Driving records. (a) A violation under this section may not be recorded by the Department of Public Safety on the violator's driving record and does not constitute grounds for revocation or suspension of the violator's driver's license.

(b) A violation under this section must be recorded in the comprehensive incident-based reporting system under section 299C.40, for the limited purpose of ensuring compliance with subdivision 4, paragraph (b).

Subd. 9. Administrative penalty reporting. (a) A local unit of government that employs peace officers who issue citations that offer a traffic safety pretrial diversion program and that collects course fees under this section must include that cumulative information and the amount collected as separate categories in any financial report, summary, or audit. A local unit of government is prohibited from including data on individuals as part of any report, summary, or audit under this paragraph.

(b) The state auditor shall annually report to the commissioner of public safety information concerning course fees assessed by local units of government under this section. Upon request, the commissioner of public safety shall report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over transportation or criminal justice policy and funding summarizing the reports the commissioner received under this paragraph.

Subd. 10. Local preemption. The authority to issue a citation under this section is exclusively limited to those offenses listed in subdivision 1. Notwithstanding any contrary charter provision or ordinance, no local unit of government may offer a traffic safety pretrial diversion program to enforce any other provision of this chapter.

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