

A bill for an act

relating to public safety; requiring commissioner of public safety to revise the uniform traffic citation; authorizing local units of government to impose administrative fines for certain offenses; amending Minnesota Statutes 2008, sections 6.74; 169.985; 169.99, subdivision 1; 357.021, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Section 1. Minnesota Statutes 2008, section 6.74, is amended to read:

6.74 INFORMATION COLLECTED FROM LOCAL GOVERNMENTS.

The state auditor, or a designated agent, shall collect annually from all city, county, and other local units of government, information as to the assessment of property, collection of taxes, receipts from licenses and other sources including administrative fines assessed and collected pursuant to section 169.999, the expenditure of public funds for all purposes, borrowing, debts, principal and interest payments on debts, and such other information as may be needful. The data shall be supplied upon forms prescribed by the state auditor, and all public officials so called upon shall fill out properly and return promptly all forms so transmitted. The state auditor or assistants, may examine local records in order to complete or verify the information.

Sec. 2. Minnesota Statutes 2008, section 169.985, is amended to read:

169.985 TRAFFIC CITATION QUOTA PROHIBITED.

A law enforcement agency may not order, mandate, require, or suggest to a peace officer a quota for the issuance of traffic citations, including administrative citations authorized under section 169.999, on a daily, weekly, monthly, quarterly, or yearly basis.

Sec. 3. Minnesota Statutes 2008, section 169.99, subdivision 1, is amended to read:

Subdivision 1. **Form.** (a) Except as provided in subdivision 3, there shall be a uniform ticket issued throughout the state by the police and peace officers or by any other person for violations of this chapter and ordinances in conformity thereto. Such uniform traffic ticket shall be in the form and have the effect of a summons and complaint, except if the citation is issued for an administrative violation pursuant to section 169.999. Except as provided in paragraph (b) or if the ticket is for an administrative citation issued pursuant to section 169.999, the uniform ticket shall state that if the defendant fails to appear in court in response to the ticket, an arrest warrant may be issued. The uniform traffic ticket shall consist of ~~four~~ five parts, on paper sensitized so that copies may be made without the use of carbon paper, as follows:

(1) the complaint, with reverse side for officer's notes for testifying in court, driver's past record, and court's action, printed on white paper;

(2) the abstract of court record for the Department of Public Safety, which shall be a copy of the complaint with the certificate of conviction on the reverse side, printed on yellow paper;

(3) the police record, which shall be a copy of the complaint and of the reverse side of copy (1), printed on pink paper;

(4) the summons, with, on the reverse side, such information as the court may wish to give concerning the Traffic Violations Bureau, and a plea of guilty and waiver, printed on off-white tag stock; and

(5) a box for a peace officer to use to designate the citation as administrative pursuant to section 169.999 with accompanying space for local units of government to print specific instructions on how to pay and challenge administrative citations.

(b) If the offense is a petty misdemeanor, the uniform ticket must state that a failure to appear will be considered a plea of guilty and waiver of the right to trial, unless the failure to appear is due to circumstances beyond the person's control.

Sec. 4. [169.999] ADMINISTRATIVE CITATIONS FOR CERTAIN TRAFFIC OFFENSES.

Subdivision 1. **Authority.** (a) Except for peace officers employed by the state patrol, prior to a peace officer issuing an administrative citation under this section, the governing body for the local unit of government that employs the peace officer must pass a resolution that:

(1) authorizes issuance of administrative citations;

(2) obligates the local unit of government to provide a neutral third party to hear and rule on challenges to administrative citations; and

(3) bars peace officers from issuing administrative citations in violation of this section.

(b) A peace officer may issue an administrative citation to a vehicle operator who:

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

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

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

(c) The authority to issue an administrative citation is exclusively limited to those offenses listed in this subdivision.

(d) A peace officer who issues an administrative citation for the infraction of speeding under ten 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 an administrative citation. An administrative citation issued for speeding must list the actual speed the vehicle was traveling at the time of the infraction.

Subd. 2. **Officer's authority.** The authority to issue an administrative penalty 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. **Right to contest citation.** (a) A peace officer who issues an administrative citation must inform the vehicle operator that the person has the right to contest the citation.

(b) Except as provided in paragraph (c), the local unit of government that employs the peace officer who issues an administrative citation must provide a civil process for a person to contest the administrative citation. The person must be allowed to challenge the citation before a neutral third party. A local unit of government may employ a person to hear and rule on challenges to administrative citations or contract with another local unit of government or a private entity to provide the service.

(c) The state patrol may contract with local units of government or private entities to collect administrative fines and to provide a neutral third party to hear and rule on challenges to administrative citations. An administrative citation issued by a state patrol trooper must clearly state how and where a violator can challenge the citation.

Subd. 4. **Fines; disbursement.** (a) A person who commits an administrative violation under subdivision 1 must pay a fine of \$60.

4.1 (b) Except as provided in paragraph (c), two-thirds of a fine collected under this
4.2 section must be credited to the general revenue fund of the local unit of government
4.3 that employs the peace officer who issued the citation, and one-third must be transferred
4.4 to the commissioner of finance to be deposited in the state general fund. A local unit
4.5 of government receiving fine proceeds under this section must use at least one-half of
4.6 the funds for law enforcement purposes. The funds must be used to supplement but not
4.7 supplant any existing law enforcement funding.

4.8 (c) For fines collected under this section from administrative citations issued by
4.9 state patrol troopers, one-third shall be credited to the general fund of the local unit of
4.10 government or entity that collects the fine and provides a hearing officer and two-thirds
4.11 must be transferred to the commissioner of finance to be deposited in the state general fund.

4.12 Subd. 5. **Commercial driver's licenses; exception.** The holder of a commercial
4.13 driver's license may not be issued an administrative citation under this section.

4.14 Subd. 6. **Driving records.** A violation under this subdivision may not be recorded
4.15 by the Department of Public Safety on the violator's driving record and does not constitute
4.16 grounds for revocation or suspension of the violator's driver's license.

4.17 Subd. 7. **Administrative penalty reporting.** A county, city, or town that employs
4.18 peace officers who issue administrative citations and collects administrative fines under
4.19 this section must include that information and the amount collected as separate categories
4.20 in any financial report, summary, or audit.

4.21 Subd. 8. **Local preemption.** The authority to issue an administrative citation is
4.22 exclusively limited to those offenses listed in subdivision 1. Notwithstanding any contrary
4.23 charter provision or ordinance, no statutory or home rule charter city, county, or town may
4.24 impose administrative penalties to enforce any other provision of this chapter.

4.25 Sec. 5. Minnesota Statutes 2008, section 357.021, subdivision 6, is amended to read:

4.26 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided
4.27 in this paragraph, the court shall impose and the court administrator shall collect a \$75
4.28 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
4.29 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
4.30 parking, for which there shall be a \$4 surcharge. In the Second Judicial District, the
4.31 court shall impose, and the court administrator shall collect, an additional \$1 surcharge
4.32 on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty
4.33 misdemeanor offense, including a violation of a law or ordinance relating to vehicle
4.34 parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The
4.35 surcharge shall be imposed whether or not the person is sentenced to imprisonment or the

sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the commissioner of finance.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the commissioner of finance.

(f) The surcharge does not apply to administrative citations issued pursuant to section 169.999.

Sec. 6. COMMISSIONER OF PUBLIC SAFETY; REVISE UNIFORM CITATION.

(a) For any uniform traffic citations printed after the effective date of Minnesota Statutes, section 169.999, the commissioner of public safety shall revise the uniform traffic citation to include the information required by Minnesota Statutes, section 169.99, subdivision 1, clause (5), regarding administrative citations. The commissioner shall consult with representatives from the Sheriff's Association of Minnesota, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association on how the uniform traffic citation shall incorporate administrative citations.

(b) Within 60 days of enactment, the commissioner of public safety must publish an addendum to the uniform traffic citation that peace officers can use to issue administrative citations prior to the commissioner issuing a uniform traffic citation that incorporates administrative citations.