

S.F. No. 3638 and H.F. No. 3905, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

The following document shows the differences between S.F. No. 3638, the first engrossment, and H.F. No. 3905, as introduced.

May 8, 2018

Patrick D. Murphy
Chief Clerk, House of Representatives

Explanation of Comparison Reports

When a Senate File is received from the Senate, it is given its first reading and must be referred to the appropriate standing committee or division under Rule 1.11.

But if the House File companion of that Senate File has already been reported out of Committee and given its second reading and is on the General Register, the Senate File must be referred to the Chief Clerk for comparison pursuant to Rule 1.15.

The Chief Clerk reports whether the bills were found to be identical or not identical. Once the bills have been compared and the differences have been reported, the Senate File is given its second reading and is substituted for the House File. The House File is then considered withdrawn.

Pursuant to rule 3.33, if the bills are not identical and the chief author of the bill wishes to use the House language, the chief author must give notice of their intent to substitute the House language when the bill is placed on the Calendar for the Day or the Fiscal Calendar. If the chief author of the bill wishes to keep the Senate language, no action is required.

1.1 A bill for an act
 1.2 relating to public safety; ~~revoking snowmobile or all-terrain vehicle privileges~~
 1.3 ~~following a conviction for driving under the influence~~; amending Minnesota
 1.4 Statutes 2017 Supplement, sections 84.91, subdivision 1; 169A.07.

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

1.6 Section 1. Minnesota Statutes 2017 Supplement, section 84.91, subdivision 1, is amended
 1.7 to read:

1.8 Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control
 1.9 of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person
 1.10 knows or has reason to believe is under the influence of alcohol or a controlled substance
 1.11 or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state
 1.12 or on the ice of any boundary water of this state.

1.13 (b) No owner or other person having charge or control of any snowmobile or all-terrain
 1.14 vehicle shall knowingly authorize or permit any person, who by reason of any physical or
 1.15 mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain
 1.16 vehicle anywhere in this state or on the ice of any boundary water of this state.

1.17 (c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle
 1.18 anywhere in this state or on the ice of any boundary water of this state is subject to chapter
 1.19 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted
 1.20 of violating section 169A.20 or an ordinance in conformity with it ~~while operating a~~
 1.21 ~~snowmobile or all-terrain vehicle~~, or who refuses to comply with a lawful request to submit
 1.22 to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity
 1.23 with it, shall be prohibited from operating a snowmobile or all-terrain vehicle for a period
 2.1 of one year. The commissioner shall notify the person of the time period during which the
 2.2 person is prohibited from operating a snowmobile or all-terrain vehicle.

2.3 (d) Administrative and judicial review of the operating privileges prohibition ~~is governed~~
 2.4 ~~by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving~~
 2.5 ~~conviction or prior license revocation, as defined in section 169A.03. Otherwise,~~
 2.6 ~~administrative and judicial review of the prohibition~~ is governed by section 169A.53 or
 2.7 171.177.

2.8 (e) The court shall promptly forward to the commissioner and the Department of Public
 2.9 Safety copies of all convictions and criminal and civil sanctions imposed under:

- 2.10 (1) ~~this section and chapters;~~
- 2.11 (2) ~~chapter 169 and relating to snowmobiles and all-terrain vehicles;~~
- 2.12 (3) ~~chapter 169A relating to snowmobiles and all-terrain vehicles;~~ and

1.1 A bill for an act
 1.2 relating to public safety; ~~fully incorporating snowmobiles, all-terrain vehicles, and~~
 1.3 ~~motorboats in operation into the DWI law~~; amending Minnesota Statutes 2017
 1.4 Supplement, sections 84.91, subdivision 1; ~~86B.331, subdivision 1~~; ~~repealing~~
 1.5 ~~Minnesota Statutes 2016, section 169A.33, subdivision 1; Minnesota Statutes 2017~~
 1.6 ~~Supplement, section 169A.07.~~

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

1.8 Section 1. Minnesota Statutes 2017 Supplement, section 84.91, subdivision 1, is amended
 1.9 to read:

1.10 Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control
 1.11 of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person
 1.12 knows or has reason to believe is under the influence of alcohol or a controlled substance
 1.13 or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state
 1.14 or on the ice of any boundary water of this state.

1.15 (b) No owner or other person having charge or control of any snowmobile or all-terrain
 1.16 vehicle shall knowingly authorize or permit any person, who by reason of any physical or
 1.17 mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain
 1.18 vehicle anywhere in this state or on the ice of any boundary water of this state.

1.19 (c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle
 1.20 anywhere in this state or on the ice of any boundary water of this state is subject to chapter
 1.21 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted
 1.22 of violating section 169A.20 or an ordinance in conformity with it ~~while operating a~~
 1.23 ~~snowmobile or all-terrain vehicle~~, or who refuses to comply with a lawful request to submit
 1.24 to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity
 2.1 with it, shall be prohibited from operating a snowmobile or all-terrain vehicle for a period
 2.2 of one year. The commissioner shall notify the person of the time period during which the
 2.3 person is prohibited from operating a snowmobile or all-terrain vehicle.

2.4 (d) Administrative and judicial review of the operating privileges prohibition ~~is governed~~
 2.5 ~~by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving~~
 2.6 ~~conviction or prior license revocation, as defined in section 169A.03. Otherwise,~~
 2.7 ~~administrative and judicial review of the prohibition~~ is governed by section 169A.53 or
 2.8 171.177.

2.9 (e) The court shall promptly forward to the commissioner and the Department of Public
 2.10 Safety copies of all convictions and criminal and civil sanctions imposed under:

- 2.11 (1) ~~this section and chapters;~~
- 2.12 (2) ~~chapter 169 and relating to snowmobiles and all-terrain vehicles;~~
- 2.13 (3) ~~chapter 169A relating to snowmobiles and all-terrain vehicles;~~ and
- 2.14 (4) section 171.177.

2.13 (4) section 171.177.

2.14 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either
2.15 of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain
2.16 vehicle during the time period the person is prohibited from operating a vehicle under
2.17 paragraph (c) is guilty of a misdemeanor.

2.18 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
2.19 committed on or after that date.

2.20 Sec. 2. Minnesota Statutes 2017 Supplement, section 169A.07, is amended to read:

2.21 **169A.07 FIRST-TIME DWI VIOLATOR; OFF-ROAD VEHICLE OR BOAT.**

2.22 A person who violates section 169A.20 (driving while impaired) while using an off-road
2.23 recreational vehicle or motorboat and who does not have a qualified prior impaired driving
2.24 incident is subject only to the criminal penalty provided in section 169A.25 (second-degree
2.25 driving while impaired), 169A.26 (third-degree driving while impaired), or 169A.27
2.26 (fourth-degree driving while impaired); and loss of operating privileges as provided in
2.27 section 84.91, subdivision 1 (operation of snowmobiles or all-terrain vehicles by persons
2.28 under the influence of alcohol or controlled substances), or 86B.331, subdivision 1 (operation
2.29 of motorboats while using alcohol or with a physical or mental disability), whichever is
2.30 applicable. The person is not subject to the provisions of section 169A.275, subdivision 5
2.31 (submission to the level of care recommended in chemical use assessment for repeat offenders
2.32 and offenders with alcohol concentration of 0.16 or more); 169A.277 (long-term monitoring);
3.1 169A.285 (penalty assessment); 169A.44 (conditional release); ~~169A.54 (impaired driving~~
3.2 ~~convictions and adjudications; administrative penalties); or 169A.54, subdivision 11~~
3.3 ~~(chemical use assessment); the license revocation sanctions of sections 169A.50 to 169A.53~~
3.4 ~~(implied consent law) or 171.177 (revocation; search warrant); or the plate impoundment~~
3.5 ~~provisions of section 169A.60 (administrative impoundment of plates).~~

3.6 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
3.7 committed on or after that date.

2.15 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either
2.16 of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain
2.17 vehicle during the time period the person is prohibited from operating a vehicle under
2.18 paragraph (c) is guilty of a misdemeanor.

2.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
2.20 committed on or after that date.

2.21 Sec. 2. Minnesota Statutes 2017 Supplement, section 86B.331, subdivision 1, is amended
2.22 to read:

2.23 Subdivision 1. **Acts prohibited.** (a) An owner or other person having charge or control
2.24 of a motorboat may not authorize or allow an individual the person knows or has reason to
2.25 believe is under the influence of alcohol or a controlled or other substance to operate the
2.26 motorboat in operation on the waters of this state.

2.27 (b) An owner or other person having charge or control of a motorboat may not knowingly
2.28 authorize or allow a person, who by reason of a physical or mental disability is incapable
2.29 of operating the motorboat, to operate the motorboat in operation on the waters of this state.

2.30 (c) A person who operates or is in physical control of a motorboat on the waters of this
2.31 state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A,

- 2.32 a person who is convicted of violating section 169A.20 or an ordinance in conformity with
 3.1 it ~~while operating a motorboat~~, shall be prohibited from operating a motorboat on the waters
 3.2 of this state for a period of 90 days between May 1 and October 31, extending over two
 3.3 consecutive years if necessary. If the person ~~operating the motorboat~~ refuses to comply with
 3.4 a lawful demand to submit to testing under sections 169A.50 to 169A.53 or 171.177, or an
 3.5 ordinance in conformity with it, the person shall be prohibited from operating a motorboat
 3.6 for a period of one year. The commissioner shall notify the person of the period during
 3.7 which the person is prohibited from operating a motorboat.
- 3.8 (d) Administrative and judicial review of the operating privileges prohibition ~~is governed~~
 3.9 ~~by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving~~
 3.10 ~~conviction or prior license revocation, as defined in section 169A.03. Otherwise,~~
 3.11 ~~administrative and judicial review of the prohibition is governed by section 169A.53 or~~
 3.12 ~~171.177.~~
- 3.13 (e) The court shall promptly forward to the commissioner and the Department of Public
 3.14 Safety copies of all convictions and criminal and civil sanctions imposed under: (1) this
 3.15 section ~~and chapters~~; (2) chapter 169 ~~and~~ relating to motorboats; (3) chapter 169A ~~relating~~
 3.16 ~~to motorboats~~; and (4) section 171.177.
- 3.17 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either
 3.18 of them, is guilty of a misdemeanor.
- 3.19 (g) For purposes of this subdivision, a motorboat "in operation" does not include a
 3.20 motorboat that is anchored, beached, or securely fastened to a dock or other permanent
 3.21 mooring, or a motorboat that is being rowed or propelled by other than mechanical means.
- 3.22 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 3.23 committed on or after that date.
- 3.24 Sec. 3. **REPEALER.**
- 3.25 (a) Minnesota Statutes 2017 Supplement, section 169A.07, is repealed.
- 3.26 (b) Minnesota Statutes 2016, section 169A.33, subdivision 1, is repealed.
- 3.27 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2018, and applies to crimes
 3.28 committed on or after that date. Paragraph (b) is effective August 1, 2018, and applies to
 3.29 offenses committed on or after that date.