

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2145

02/08/2012 Authored by Mullery

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

1.1 A bill for an act
1.2 relating to public safety; amending insurance requirement for limited driver's
1.3 license and ignition interlock device program; amending Minnesota Statutes
1.4 2010, sections 171.30, subdivision 1; 171.306, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2010, section 171.30, subdivision 1, is amended to read:

1.7 Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited
1.8 license to the driver under the conditions in paragraph (b) in any case where a person's
1.9 license has been:

1.10 (1) suspended under section 171.18, 171.173, or 171.186;

1.11 (2) revoked, canceled, or denied under section:

1.12 (i) 169.792;

1.13 (ii) 169.797;

1.14 (iii) 169A.52:

1.15 (A) subdivision 3, paragraph (a), clause (1) or (2);

1.16 (B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section
1.17 171.306;

1.18 (C) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an
1.19 alcohol concentration of less than twice the legal limit;

1.20 (D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section
1.21 171.306;

1.22 (iv) 171.17; or

1.23 (v) 171.172; or

1.24 (3) revoked, canceled, or denied under section 169A.54:

(i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less than twice the legal limit;

(ii) subdivision 1, clause (2);

(iii) subdivision 1, clause (4), (5), or (6), if in compliance with section 171.306; or

(iv) subdivision 2, if the person does not have a qualified prior impaired driving incident as defined in section 169A.03, subdivision 22, on the person's record, and the test results indicate an alcohol concentration of less than twice the legal limit.

(b) The following conditions for a limited license under paragraph (a) include:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or

(3) if attendance at a postsecondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

(c) The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation, and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

(d) For purposes of this subdivision:

(1) "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents; and

(2) "twice the legal limit" means an alcohol concentration of two times the limit specified in section 169A.20, subdivision 1, clause (5).

(e) The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

(f) In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

(g) If the person's driver's license or permit to drive has been revoked under section 169.792 or 169.797, the commissioner may only issue a limited license to the

person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed ~~12~~ six months.

(h) The limited license issued by the commissioner to a person under section 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner must not issue a limited license to a person who previously has been issued a limited license under section 171.186, subdivision 4.

(i) The commissioner shall not issue a limited driver's license to any person described in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

(j) The commissioner shall not issue a class A, class B, or class C limited license.

Sec. 2. Minnesota Statutes 2010, section 171.306, subdivision 4, is amended to read:

Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class D driver's license, subject to the applicable limitations and restrictions of this section, to a program participant who meets the requirements of this section and the program guidelines. The commissioner shall not issue a license unless the program participant has provided satisfactory proof that:

(1) a certified ignition interlock device has been installed on the participant's motor vehicle at an installation service center designated by the device's manufacturer; and

(2) the participant has insurance coverage on the vehicle equipped with the ignition interlock device. The commissioner shall require the participant to present an insurance identification card, policy, or written statement as proof of insurance coverage, and may require the insurance identification card provided be certified by the insurance company to be noncancelable for a period not to exceed ~~12~~ six months.

(b) A license issued under authority of this section must contain a restriction prohibiting the program participant from driving, operating, or being in physical control of any motor vehicle not equipped with a functioning ignition interlock device certified by the commissioner. A participant may drive an employer-owned vehicle not equipped with an interlock device while in the normal course and scope of employment duties pursuant to the program guidelines established by the commissioner and with the employer's written consent.

(c) A program participant whose driver's license has been revoked under section 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), or (3), may

4.1 apply for conditional reinstatement of the driver's license, subject to the ignition interlock
4.2 restriction.

4.3 (d) A program participant whose driver's license has been revoked, canceled, or
4.4 denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or
4.5 subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1,
4.6 clause (4), (5), or (6), may apply for a limited license, subject to the ignition interlock
4.7 restriction, if the program participant is enrolled in a licensed chemical dependency
4.8 treatment or rehabilitation program as recommended in a chemical use assessment,
4.9 and if the participant meets the other applicable requirements of section 171.30. After
4.10 completing a licensed chemical dependency treatment or rehabilitation program and
4.11 one year of limited license use without violating the ignition interlock restriction, the
4.12 conditions of limited license use, or program guidelines, the participant may apply
4.13 for conditional reinstatement of the driver's license, subject to the ignition interlock
4.14 restriction. If the program participant's ignition interlock device subsequently registers
4.15 a positive breath alcohol concentration of 0.02 or higher, the commissioner shall cancel
4.16 the driver's license, and the program participant may apply for another limited license
4.17 according to this paragraph.

4.18 (e) Notwithstanding any statute or rule to the contrary, the commissioner has
4.19 authority to determine when a program participant is eligible for restoration of full driving
4.20 privileges, except that the commissioner shall not reinstate full driving privileges until the
4.21 program participant has met all applicable prerequisites for reinstatement under section
4.22 169A.55 and until the program participant's device has registered no positive breath
4.23 alcohol concentrations of 0.02 or higher during the preceding 90 days.