

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1073

(SENATE AUTHORS: LATZ, Hall, Dibble and Osmek)

DATE	D-PG	OFFICIAL STATUS
02/23/2015	398	Introduction and first reading Referred to Judiciary
03/16/2015		Comm report: To pass as amended and re-refer to Transportation and Public Safety

A bill for an act
relating to public safety; lowering the alcohol concentration standard for
enhanced criminal penalties in the DWI law to match the existing standard for
enhanced civil DWI sanctions; applying license plate impoundment to all DWI
offenders and making other changes to the plate impoundment law; providing
that DWI offenders are not required to take a specified examination as a condition
of driver's license reinstatement; providing that certain participants in the DWI
ignition interlock program do not have to obtain a limited driver's license as a
condition of participating; allowing DWI offenders to pay their driver's license
reinstatement fees and surcharges in installments; specifying which DWI ignition
interlock program participants must present a noncancelable insurance certificate
as a prerequisite to participating in the program; amending Minnesota Statutes
2014, sections 169A.03, subdivision 3; 169A.07; 169A.275, subdivision 5;
169A.285, subdivision 1; 169A.46, subdivision 1; 169A.60, subdivisions 1, 2,
4, 5, 10, 11, 12, 13; 171.29, subdivisions 1, 2; 171.30, subdivision 1; 171.306,
subdivisions 4, 6; 609B.235, subdivision 2.

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

Section 1. Minnesota Statutes 2014, section 169A.03, subdivision 3, is amended to read:

Subd. 3. **Aggravating factor.** "Aggravating factor" includes:

(1) a qualified prior impaired driving incident within the ten years immediately
preceding the current offense;

(2) having an alcohol concentration of ~~0.20~~ 0.16 or more as measured at the time, or
within two hours of the time, of the offense; or

(3) having a child under the age of 16 in the motor vehicle at the time of the offense
if the child is more than 36 months younger than the offender.

EFFECTIVE DATE. This section is effective August 1, 2015, and applies to crimes
committed on or after that date.

Sec. 2. Minnesota Statutes 2014, section 169A.07, is amended to read:

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

A person who violates section 169A.20 (driving while impaired) while using an off-road recreational vehicle or motorboat and who does not have a qualified prior impaired driving incident is subject only to the criminal penalty provided in section 169A.25 (second-degree driving while impaired), 169A.26 (third-degree driving while impaired), or 169A.27 (fourth-degree driving while impaired); and loss of operating privileges as provided in section 84.91, subdivision 1 (operation of snowmobiles or all-terrain vehicles by persons under the influence of alcohol or controlled substances), or 86B.331, subdivision 1 (operation of motorboats while using alcohol or with a physical or mental disability), whichever is applicable. The person is not subject to the provisions of section 169A.275, subdivision 5, (submission to the level of care recommended in chemical use assessment for repeat offenders and offenders with alcohol concentration of ~~0.20~~ 0.16 or more); 169A.277 (long-term monitoring); 169A.285 (penalty assessment); 169A.44 (conditional release); 169A.54 (impaired driving convictions and adjudications; administrative penalties); or 169A.54, subdivision 11 (chemical use assessment); the license revocation sanctions of sections 169A.50 to 169A.53 (implied consent law); or the plate impoundment provisions of section 169A.60 (administrative impoundment of plates).

EFFECTIVE DATE. This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2014, section 169A.275, subdivision 5, is amended to read:

Subd. 5. **Level of care recommended in chemical use assessment.** Unless the court commits the person to the custody of the commissioner of corrections as provided in section 169A.276 (mandatory penalties; felony violations), in addition to other penalties required under this section, the court shall order a person to submit to the level of care recommended in the chemical use assessment conducted under section 169A.70 (alcohol safety program; chemical use assessments) if the person is convicted of violating section 169A.20 (driving while impaired) while having an alcohol concentration of ~~0.20~~ 0.16 or more as measured at the time, or within two hours of the time, of the offense or if the violation occurs within ten years of one or more qualified prior impaired driving incidents.

EFFECTIVE DATE. This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2014, section 169A.285, subdivision 1, is amended to read:

Subdivision 1. **Authority; amount.** When a court sentences a person who violates section 169A.20 (driving while impaired) while having an alcohol concentration of ~~0.20~~ 0.16 or more as measured at the time, or within two hours of the time, of the violation, the court may impose a penalty assessment of up to \$1,000. The court may impose this assessment in addition to any other penalties or charges authorized under law.

EFFECTIVE DATE. This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2014, section 169A.46, subdivision 1, is amended to read:

Subdivision 1. **Impairment occurred after driving ceased.** If proven by a preponderance of the evidence, it is an affirmative defense to a violation of section 169A.20, subdivision 1, clause (5); 1a, clause (5); 1b, clause (5); or 1c, clause (5) (driving while impaired, alcohol concentration within two hours of driving), or 169A.20 by a person having an alcohol concentration of ~~0.20~~ 0.16 or more as measured at the time, or within two hours of the time, of the offense, that the defendant consumed a sufficient quantity of alcohol after the time of the violation and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed the level specified in the applicable clause. Evidence that the defendant consumed alcohol after the time of the violation may not be admitted in defense to any alleged violation of section 169A.20, unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

EFFECTIVE DATE. This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2014, section 169A.60, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given in this subdivision.

(b) "Family or household member" has the meaning given in section 169A.63, subdivision 1.

(c) "Motor vehicle" means a self-propelled motor vehicle other than a motorboat in operation or an off-road recreational vehicle.

(d) "Plate impoundment violation" includes:

(1) a determination by a peace officer that probable cause exists for a violation of section 169A.20 (driving while impaired) or 169A.52 (license revocation for test failure or refusal), or an ordinance from this state or a statute or ordinance from another state in conformity with either of those sections, that results will result in the revocation of a

person's driver's license or driving privileges, ~~within ten years of a qualified prior impaired driving incident;~~

(2) a license disqualification under section 171.165 (commercial driver's license disqualification) resulting from a violation of section 169A.52 within ten years of a qualified prior impaired driving incident; or

~~(3) a violation of section 169A.20 or 169A.52 while having an alcohol concentration of twice the legal limit or more as measured at the time, or within two hours of the time, of the offense;~~

~~(4) a violation of section 169A.20 or 169A.52 while having a child under the age of 16 in the vehicle if the child is more than 36 months younger than the offender; or~~

~~(5) a violation of section 171.24 (driving without valid license) by a person whose driver's license or driving privileges have been canceled or denied under section 171.04, subdivision 1, clause (10) (persons not eligible for driver's license, inimical to public safety).~~

(e) "Violator" means a person who was driving, operating, or in physical control of the motor vehicle when the plate impoundment violation occurred.

EFFECTIVE DATE. This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2014, section 169A.60, subdivision 2, is amended to read:

Subd. 2. **Plate impoundment violation; impoundment order.** (a) The commissioner shall issue a registration plate impoundment order when:

(1) a person's driver's license or driving privileges are revoked for a plate impoundment violation; ~~or~~

(2) a person is arrested for or charged with a plate impoundment violation described in subdivision 1, paragraph (d), clause ~~(5)~~ (3); or

(3) a person is arrested based on probable cause for an impaired driving offense in violation of section 169A.20 (driving while impaired).

(b) The order must require the impoundment of the registration plates of the motor vehicle involved in the plate impoundment violation and all motor vehicles owned by, registered, or leased in the name of the violator, including motor vehicles registered jointly or leased in the name of the violator and another. The commissioner shall not issue an impoundment order for the registration plates of a rental vehicle, as defined in section 168.041, subdivision 10, or a vehicle registered in another state.

5.1 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
5.2 committed on or after that date.

5.3 Sec. 8. Minnesota Statutes 2014, section 169A.60, subdivision 4, is amended to read:

5.4 Subd. 4. **Peace officer as agent for notice of impoundment.** On behalf of the
5.5 commissioner, a peace officer issuing a notice of intent to revoke and of revocation for a
5.6 plate impoundment violation shall also serve a notice of intent to impound and an order of
5.7 impoundment. On behalf of the commissioner, a peace officer who is arresting a person
5.8 for or charging a person with a plate impoundment violation described in subdivision 1,
5.9 paragraph (d), clause ~~(5)~~ (3), shall also serve a notice of intent to impound and an order of
5.10 impoundment. If the vehicle involved in the plate impoundment violation is accessible
5.11 to the officer at the time the impoundment order is issued, the officer shall seize the
5.12 registration plates subject to the impoundment order. The officer shall destroy all plates
5.13 seized or impounded under this section. Alternatively, the officer may invalidate the plates
5.14 by affixing a permanent sticker on them. The officer shall send to the commissioner
5.15 copies of the notice of intent to impound and the order of impoundment and a notice that
5.16 registration plates impounded and seized under this section have been destroyed or have
5.17 been affixed with the permanent sticker.

5.18 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
5.19 committed on or after that date.

5.20 Sec. 9. Minnesota Statutes 2014, section 169A.60, subdivision 5, is amended to read:

5.21 Subd. 5. **Temporary permit.** If the motor vehicle is registered to the violator
5.22 and the plate impoundment violation is predicated on the results of a chemical test of
5.23 the violator's breath or on a refusal to submit to a chemical test, the officer shall issue a
5.24 temporary vehicle permit that is valid for ~~seven~~ 14 days when the officer issues the notices
5.25 under subdivision 4. The temporary permit is valid for 45 days if the violator submits to a
5.26 chemical test of the violator's blood or urine, or if the chemical test of the violator's breath
5.27 indicates an alcohol concentration of less than 0.08. If the motor vehicle is registered in the
5.28 name of another, the officer shall issue a temporary vehicle permit that is valid for 45 days
5.29 when the notices are issued under subdivision 3. The permit must be in a form determined
5.30 by the registrar and whenever practicable must be posted on the left side of the inside rear
5.31 window of the vehicle. A permit is valid only for the vehicle for which it is issued.

5.32 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
5.33 committed on or after that date.

6.1 Sec. 10. Minnesota Statutes 2014, section 169A.60, subdivision 10, is amended to read:

6.2 Subd. 10. **Petition for judicial review.** (a) Within ~~30~~ 45 days following receipt of
6.3 a notice and order of impoundment under this section, a person may petition the court
6.4 for review. The petition must include proof of service of a copy of the petition on the
6.5 commissioner. The petition must include the petitioner's date of birth, driver's license
6.6 number, and date of the plate impoundment violation, as well as the name of the violator
6.7 and the law enforcement agency that issued the plate impoundment order. The petition
6.8 must state with specificity the grounds upon which the petitioner seeks rescission of the
6.9 order for impoundment. The petition may be combined with any petition filed under
6.10 section 169A.53 (administrative and judicial review of license revocation).

6.11 (b) Except as otherwise provided in this section, the judicial review and hearing are
6.12 governed by section 169A.53 and must take place at the same time as any judicial review
6.13 of the person's license revocation under section 169A.53. The filing of the petition does
6.14 not stay the impoundment order. The reviewing court may order a stay of the balance of
6.15 the impoundment period if the hearing has not been conducted within 60 days after filing
6.16 of the petition upon terms the court deems proper. The court shall order either that the
6.17 impoundment be rescinded or sustained, and forward the order to the commissioner. The
6.18 court shall file its order within 14 days following the hearing.

6.19 (c) In addition to the issues described in section 169A.53, subdivision 3 (judicial
6.20 review of license revocation), the scope of a hearing under this subdivision is limited to:

6.21 ~~(1) if the impoundment is based on a plate impoundment violation described in~~
6.22 ~~subdivision 1, paragraph (d), clause (3) or (4), whether the peace officer had probable~~
6.23 ~~cause to believe the violator committed the plate impoundment violation and whether the~~
6.24 ~~evidence demonstrates that the plate impoundment violation occurred; and~~

6.25 ~~(2) for all other cases; whether the peace officer had probable cause to believe the~~
6.26 ~~violator committed the plate impoundment violation.~~

6.27 (d) In a hearing under this subdivision, the following records are admissible in
6.28 evidence:

6.29 (1) certified copies of the violator's driving record; and

6.30 (2) certified copies of vehicle registration records bearing the violator's name.

6.31 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
6.32 committed on or after that date.

6.33 Sec. 11. Minnesota Statutes 2014, section 169A.60, subdivision 11, is amended to read:

6.34 Subd. 11. ~~**Rescission of revocation and dismissal or acquittal;**~~ **New plates issued**
6.35 **without cost.** (a) If:

(1) the driver's license revocation that is the basis for an impoundment order is rescinded; and

(2) the charges for the plate impoundment violation have been dismissed with prejudice or the violator has been acquitted of the plate impoundment violation; then the registrar of motor vehicles shall issue new registration plates for the vehicle at no cost, when the registrar receives an application that includes a copy of the order rescinding the driver's license revocation and either the order dismissing the charges or the judgment of acquittal.

(b) The registrar of motor vehicles shall also issue new registration plates for the vehicle at no cost when the impoundment was based upon a probable cause determination described in subdivision 1, paragraph (d), clause (1), but the violator's driver's license was not revoked as a result of the violation.

EFFECTIVE DATE. This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2014, section 169A.60, subdivision 12, is amended to read:

Subd. 12. **Charge for reinstatement of plates in certain situations.** (a) Except as provided in paragraph (b), when the registrar of motor vehicles reinstates a person's registration plates after impoundment for reasons other than those described in subdivision 11, the registrar shall charge the person \$50 for each vehicle for which the registration plates are being reinstated.

(b) When the impoundment was based upon a probable cause determination described in subdivision 1, paragraph (d), clause (1), but the violator's driver's license was not revoked as a result of the violation, the registrar shall issue new registration plates for the vehicle at no cost.

EFFECTIVE DATE. This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 13. Minnesota Statutes 2014, section 169A.60, subdivision 13, is amended to read:

Subd. 13. **Special registration plates.** (a) At any time during the effective period of an impoundment order, a violator or registered owner may apply to the commissioner for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by traffic law enforcement officers. The commissioner may authorize the issuance of special plates if:

(1) the violator has a qualified licensed driver whom the violator must identify;

(2) the violator or registered owner has a limited license issued under section 171.30;
(3) the registered owner is not the violator and the registered owner has a valid or limited driver's license;

(4) a member of the registered owner's household has a valid driver's license; or

(5) the violator has been reissued a valid driver's license.

(b) The commissioner may not issue new registration plates for that vehicle subject to plate impoundment for a period of at least one year from the date of the impoundment order. In addition, if the owner is the violator, new registration plates may not be issued for the vehicle unless the person has been reissued a valid driver's license in accordance with chapter 171.

(c) A violator may not apply for new registration plates for a vehicle at any time before the person's driver's license is reinstated.

(d) The commissioner may issue the special plates on payment of a \$50 fee for each vehicle for which special plates are requested.

(e) Paragraphs (a) to (d) notwithstanding, the commissioner must issue upon request new registration plates for a vehicle for which the registration plates have been impounded if:

(1) the impoundment order is rescinded;

(2) the vehicle is transferred in compliance with subdivision 14; ~~or~~

(3) the vehicle is transferred to a Minnesota automobile dealer licensed under section 168.27, a financial institution that has submitted a repossession affidavit, or a government agency;

(4) the violator becomes a program participant in the ignition interlock program under section 171.306; or

(5) the violator does not have a qualified prior impaired driving incident within the past ten years and has obtained a limited license under section 171.30, subdivision 1, paragraph (a), clause (2), item (iii), subitem (B), or clause (3), item (i).

EFFECTIVE DATE. This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 14. Minnesota Statutes 2014, section 171.29, subdivision 1, is amended to read:

Subdivision 1. **Examination required.** (a) No person whose driver's license has been revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792 ~~or 169A.52~~ shall be issued another license unless and until that person shall have successfully

passed an examination as required by the commissioner of public safety. This subdivision does not apply to an applicant for early reinstatement under section 169.792, subdivision 7a.

(b) The requirement to successfully pass the examination described in paragraph (a) does not apply to a person whose driver's license has been revoked because of an impaired driving offense.

Sec. 15. Minnesota Statutes 2014, section 171.29, subdivision 2, is amended to read:

Subd. 2. Reinstatement fees and surcharges allocated and appropriated. (a) An individual whose driver's license has been revoked as provided in subdivision 1, except under section 169A.52, 169A.54, 609.2112, 609.2113, or 609.2114, or Minnesota Statutes 2012, section 609.21, must pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52, 169A.54, 609.2112, 609.2113, or 609.2114, or Minnesota Statutes 2012, section 609.21, must pay a \$250 fee plus a \$430 surcharge before the driver's license is reinstated, except as provided in paragraph (f). The \$250 fee is to be credited as follows:

(1) Twenty percent must be credited to the driver services operating account in the special revenue fund as specified in section 299A.705.

(2) Sixty-seven percent must be credited to the general fund.

(3) Eight percent must be credited to a separate account to be known as the Bureau of Criminal Apprehension account. Money in this account is annually appropriated to the commissioner of public safety and the appropriated amount must be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Five percent must be credited to a separate account to be known as the vehicle forfeiture account, which is created in the special revenue fund. The money in the account is annually appropriated to the commissioner for costs of handling vehicle forfeitures.

(c) The revenue from \$50 of the surcharge must be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. The revenue from \$50 of the surcharge on a reinstatement under paragraph (f) is credited from the first installment payment to the traumatic brain injury and spinal cord injury account. The money in the account is annually appropriated to the commissioner of health to be used as follows: 83 percent for contracts with a qualified community-based organization to provide information, resources, and support to assist persons with traumatic brain injury and their families to access services, and 17 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this paragraph, a "qualified community-based organization" is a private, not-for-profit organization of consumers of traumatic brain injury services and their family members.

The organization must be registered with the United States Internal Revenue Service under section 501(c)(3) as a tax-exempt organization and must have as its purposes:

(1) the promotion of public, family, survivor, and professional awareness of the incidence and consequences of traumatic brain injury;

(2) the provision of a network of support for persons with traumatic brain injury, their families, and friends;

(3) the development and support of programs and services to prevent traumatic brain injury;

(4) the establishment of education programs for persons with traumatic brain injury; and

(5) the empowerment of persons with traumatic brain injury through participation in its governance.

A patient's name, identifying information, or identifiable medical data must not be disclosed to the organization without the informed voluntary written consent of the patient or patient's guardian or, if the patient is a minor, of the parent or guardian of the patient.

(d) The remainder of the surcharge must be credited to a separate account to be known as the remote electronic alcohol-monitoring program account. The commissioner shall transfer the balance of this account to the commissioner of management and budget on a monthly basis for deposit in the general fund.

(e) When these fees are collected by a licensing agent, appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fees and surcharge must be deposited in an approved depository as directed under section 171.061, subdivision 4.

(f) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52 or 169A.54 ~~and who the court certifies as being financially eligible for a public defender under section 611.17~~, may choose to pay 50 percent and an additional \$25 of the total amount of the surcharge and 50 percent of the fee required under paragraph (b) to reinstate the person's driver's license, provided the person meets all other requirements of reinstatement. If a person chooses to pay 50 percent of the total and an additional \$25, the driver's license must expire after ~~two years~~ one year. Upon expiration, the person must pay an additional 50 percent less \$25 of the total to extend the license for an additional ~~two~~ three years, provided the person is otherwise still eligible for the license. After this final payment of the surcharge and fee, the license may be renewed on a standard schedule, as provided under section 171.27. A handling charge may be imposed for each installment payment. Revenue from the handling charge is credited to the driver services operating account in the special revenue fund and is appropriated to the commissioner.

(g) Any person making installment payments under paragraph (f), whose driver's license subsequently expires, or is canceled, revoked, or suspended before payment of 100 percent of the surcharge and fee, must pay the outstanding balance due for the initial reinstatement before the driver's license is subsequently reinstated. Upon payment of the outstanding balance due for the initial reinstatement, the person may pay any new surcharge and fee imposed under paragraph (b) in installment payments as provided under paragraph (f).

EFFECTIVE DATE. This section is effective July 1, 2015.

Sec. 16. Minnesota Statutes 2014, section 171.30, subdivision 1, is amended to read:

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

(1) suspended under section 171.18, 171.173, 171.186, or 171.187;

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

(i) 169.792;

(ii) 169.797;

(iii) 169A.52:

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

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

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

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

(iv) 171.17; or

(v) 171.172; or

(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); or

~~(iii) subdivision 1, clause (5), (6), or (7), 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:

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

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

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

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

12.15 (d) For purposes of this subdivision:

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

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

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

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

12.27 (g) If the person's driver's license or permit to drive has been revoked under
12.28 section 169.792 or 169.797, the commissioner may only issue a limited license to the
12.29 person after the person has presented an insurance identification card, policy, or written
12.30 statement indicating that the driver or owner has insurance coverage satisfactory to
12.31 the commissioner of public safety. The commissioner of public safety may require
12.32 the insurance identification card provided to satisfy this subdivision be certified by the
12.33 insurance company to be noncancelable for a period not to exceed 12 months.

12.34 (h) The limited license issued by the commissioner to a person under section
12.35 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner

13.1 must not issue a limited license to a person who previously has been issued a limited
13.2 license under section 171.186, subdivision 4.

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

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

13.6 Sec. 17. Minnesota Statutes 2014, section 171.306, subdivision 4, is amended to read:

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

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

13.14 (2) the participant has insurance coverage on the vehicle equipped with the ignition
13.15 interlock device.

13.16 If the participant has previously been convicted of violating section 169.791, 169.793,
13.17 or 169.797, or the participant's license has previously been suspended or canceled under
13.18 section 169.792 or 169.797, the commissioner shall require the participant to present an
13.19 insurance identification card, ~~policy, or written statement as proof of insurance coverage,~~
13.20 ~~and may require the insurance identification card provided be~~ that is certified by the
13.21 insurance company to be noncancelable for a period not to exceed 12 months.

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

13.29 (c) A program participant whose driver's license has been: (1) revoked under section
13.30 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph
13.31 (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), (3), or (4); or
13.32 (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended
13.33 under section 171.187, for a violation of section 609.2113, subdivision 1, clause (2), item
13.34 (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision 3,
13.35 clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2), item (i) or (iii),

(3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm, where the participant has fewer than two qualified prior impaired driving incidents within the past ten years or fewer than three qualified prior impaired driving incidents ever; may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction.

(d) A program participant whose driver's license has been: (1) revoked, canceled, or denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1, clause (5), (6), or (7); or (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended under section 171.187, for a violation of section 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm, where the participant has two or more qualified prior impaired driving incidents within the past ten years or three or more qualified prior impaired driving incidents ever; may apply for a limited conditional reinstatement of the driver's license, subject to the ignition interlock restriction, if the program participant is enrolled in a licensed chemical dependency treatment or rehabilitation program as recommended in a chemical use assessment, ~~and if the participant meets the other applicable requirements of section 171.30.~~ As a prerequisite to eligibility for eventual reinstatement of full driving privileges, a participant whose chemical use assessment recommended treatment or rehabilitation shall complete a licensed chemical dependency treatment or rehabilitation program and one year of limited license use without violating the ignition interlock restriction, the conditions of limited license use, or program guidelines, the participant may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction. If the program participant's ignition interlock device subsequently registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall ~~cancel the driver's license, and the program participant may apply for another limited license according to this paragraph~~ extend the time period that the participant must participate in the program until the participant has reached the required abstinence period described in section 169A.55, subdivision 4.

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

15.1 Sec. 18. Minnesota Statutes 2014, section 171.306, subdivision 6, is amended to read:

15.2 Subd. 6. **Penalties; tampering.** (a) A person who lends, rents, or leases a motor
15.3 vehicle that is not equipped with a functioning ignition interlock device certified by the
15.4 commissioner to a person with a license issued under this section knowing that the person
15.5 is subject to the ignition interlock restriction is guilty of a misdemeanor.

15.6 (b) A person who tampers with, circumvents, or bypasses the ignition interlock
15.7 device, or assists another to tamper with, circumvent, or bypass the device, is guilty of a
15.8 misdemeanor except when the action was taken for emergency purposes or for mechanical
15.9 repair, and the person limited to the use of an ignition interlock device does not operate
15.10 the motor vehicle while the device is disengaged.

15.11 (c) Notwithstanding section 609.101, subdivision 4, the Judicial Council may not
15.12 add a violation of this subdivision to the Statewide Payables List.

15.13 Sec. 19. Minnesota Statutes 2014, section 609B.235, subdivision 2, is amended to read:

15.14 Subd. 2. **Plate impoundment.** When a person is arrested for or charged with a plate
15.15 impoundment violation, the commissioner of public safety may issue an impoundment
15.16 order. Under section 169A.60, subdivision 1, paragraph (d), "plate impoundment
15.17 violation" includes:

15.18 (1) a determination by a peace officer that probable cause exists for a violation of
15.19 section 169A.20 or 169A.52 resulting that will result in revocation of a person's driver's
15.20 license within ten years of a qualified prior impaired driving incident;

15.21 (2) a license disqualification under section 171.165 resulting from violation of
15.22 section 169A.52 within ten years of a qualified prior impaired driving incident; or

15.23 (3) ~~a violation of section 169A.20 or 169A.52 while having an alcohol concentration~~
15.24 ~~of 0.20 percent or more measured at the time or within two hours of the time of offense;~~

15.25 (4) ~~a violation of section 169A.20 or 169A.52 while having a child under the age of~~
15.26 ~~16 in the vehicle if the child is more than 36 months younger than the offender; or~~

15.27 (5) a violation of section 171.241 by a person whose driver's license has been
15.28 canceled under section 171.04, subdivision 1, clause (10), inimical to public safety.

15.29 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
15.30 committed on or after that date.