

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1941

(SENATE AUTHORS: LATZ)

DATE	D-PG	OFFICIAL STATUS
02/20/2023	919	Introduction and first reading Referred to Judiciary and Public Safety
03/13/2023	1686a	Comm report: To pass as amended
	1686	Second reading
	11498	Rule 47, returned to Judiciary and Public Safety See SF2909

1.1 A bill for an act

1.2 relating to public safety; allowing use of preliminary breath screening tool for

1.3 alcohol as court admissible evidence for drivers of commercial vehicles; amending

1.4 Minnesota Statutes 2022, section 169A.41, subdivisions 1, 2.

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

1.6 Section 1. Minnesota Statutes 2022, section 169A.41, subdivision 1, is amended to read:

1.7 Subdivision 1. **When authorized.** When a peace officer has reason to believe from the

1.8 manner in which a person is driving, operating, controlling, or acting upon departure from

1.9 a motor vehicle, or has driven, operated, or controlled a motor vehicle, that the driver may

1.10 be violating or has violated section 169A.20 (driving while impaired), 169A.31

1.11 (alcohol-related school bus or Head Start bus driving), ~~or~~ 169A.33 (underage drinking and

1.12 driving), 221.0314 (alcohol-related commercial driving), or 221.605 (alcohol-related

1.13 commercial driving), the officer may require the driver to provide a sample of the driver's

1.14 breath for a preliminary screening test using a device approved by the commissioner for

1.15 this purpose.

1.16 Sec. 2. Minnesota Statutes 2022, section 169A.41, subdivision 2, is amended to read:

1.17 Subd. 2. **Use of test results.** The results of this preliminary screening test must be used

1.18 for the purpose of deciding whether an arrest should be made and whether to require the

1.19 tests authorized in section 169A.51 (chemical tests for intoxication), but must not be used

1.20 in any court action except the following:

1.21 (1) to prove that a test was properly required of a person pursuant to section 169A.51,

1.22 subdivision 1;

- 2.1 (2) in a civil action arising out of the operation or use of the motor vehicle;
- 2.2 (3) in an action for license reinstatement under section 171.19;
- 2.3 (4) in a prosecution for a violation of section 169A.20, subdivision 2 (driving while
- 2.4 impaired; test refusal);
- 2.5 (5) in a prosecution or juvenile court proceeding concerning a violation of section
- 2.6 169A.33 (underage drinking and driving), or 340A.503, subdivision 1, paragraph (a), clause
- 2.7 (2) (underage alcohol consumption);
- 2.8 (6) in a prosecution under section 169A.31 (alcohol-related school or Head Start bus
- 2.9 driving), or 171.30 (limited license); ~~or~~
- 2.10 (7) in a prosecution for a violation of a restriction on a driver's license under section
- 2.11 171.09, which provides that the license holder may not use or consume any amount of
- 2.12 alcohol or a controlled substance; or
- 2.13 (8) in a prosecution for a violation of Code of Federal Regulations, title 49, part 392, as
- 2.14 adopted in sections 221.0314, subdivision 6, and 221.605.