

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-FIRST SESSION**

**S.F. No. 75**

(SENATE AUTHORS: OSMEK, Bigham, Cwodzinski, Jensen and Hall)

DATE	D-PG	OFFICIAL STATUS
01/10/2019	58	Introduction and first reading Referred to Transportation Finance and Policy
01/17/2019	119	Author added Jensen
01/28/2019	171	Comm report: To pass and re-referred to Judiciary and Public Safety Finance and Policy
	196	Author added Hall
02/07/2019	258a	Comm report: To pass as amended and re-refer to Finance
03/20/2019	1058a	Comm report: To pass as amended
	1059	Second reading
04/08/2019	2251	Special Order
	2252	Third reading Passed

- 1.1 A bill for an act
- 1.2 relating to public safety; increasing the penalties for texting while driving;
- 1.3 authorizing the suspension of driver's licenses; providing that certain texting while
- 1.4 driving crimes are not payable offenses; expanding the criminal vehicular operation
- 1.5 crime; requiring driver education and driver's manual to cover distracted driving;
- 1.6 amending Minnesota Statutes 2018, sections 169.475, subdivisions 1, 2; 171.0701,
- 1.7 subdivision 1; 171.0705, by adding a subdivision; 171.30, subdivision 1; 609.2111;
- 1.8 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions
- 1.9 1, 2.
- 1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.11 Section 1. Minnesota Statutes 2018, section 169.475, subdivision 1, is amended to read:
- 1.12 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following
- 1.13 terms have the meanings given.
- 1.14 (b) "Electronic message" means a self-contained piece of digital communication that is
- 1.15 designed or intended to be transmitted between physical devices. An electronic message
- 1.16 includes, but is not limited to, e-mail, a text message, an instant message, a command or
- 1.17 request to access a World Wide Web page, or other data that uses a commonly recognized
- 1.18 electronic communications protocol. An electronic message does not include voice or other
- 1.19 data transmitted as a result of making a phone call, or data transmitted automatically by a
- 1.20 wireless communications device without direct initiation by a person.
- 1.21 (c) "Voice-activated" or "hands-free mode" means an attachment, accessory, application,
- 1.22 wireless connection, or built-in feature of a wireless communications device or vehicle that
- 1.23 allows the person to use the device without the use of either hand except to activate or
- 1.24 deactivate a feature or function.

2.1 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to acts  
 2.2 committed on or after that date.

2.3 Sec. 2. Minnesota Statutes 2018, section 169.475, subdivision 2, is amended to read:

2.4 Subd. 2. **Prohibition on use; penalty.** (a) ~~No~~ When a motor vehicle is in motion or a  
 2.5 part of traffic, the person may operate a motor operating the vehicle while is prohibited  
 2.6 from using a wireless communications device to compose, read, or send an electronic  
 2.7 message, when the vehicle is in motion or a part of traffic. A court must require a person  
 2.8 who violates this paragraph to pay a fine of \$150.

2.9 (b) A person who violates paragraph (a) a second ~~or subsequent~~ time must be required  
 2.10 by the court to pay a fine of \$225, plus the amount specified in the uniform fine schedule  
 2.11 established by the Judicial Council \$300.

2.12 (c) A person who violates paragraph (a) within ten years of the first of two or more  
 2.13 violations of paragraph (a) must be required by the court to pay a fine of \$500.

2.14 Notwithstanding section 609.101, subdivision 4, the Judicial Council may not add a violation  
 2.15 of this paragraph to the Statewide Payables List.

2.16 (d) A person who violates this subdivision a third or subsequent time is guilty of a  
 2.17 misdemeanor.

2.18 (e) The commissioner of public safety must suspend, for a period of 30 days, the driver's  
 2.19 license of any person convicted of violating paragraph (c). A person whose license is  
 2.20 suspended under this paragraph is eligible for a limited license under section 171.30.

2.21 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to acts  
 2.22 committed on or after that date.

2.23 Sec. 3. Minnesota Statutes 2018, section 171.0701, subdivision 1, is amended to read:

2.24 Subdivision 1. **Driver education requirements.** (a) The commissioner shall adopt rules  
 2.25 requiring a minimum of 30 minutes of instruction, beginning January 1, 2007, relating to  
 2.26 organ and tissue donations and the provisions of section 171.07, subdivision 5, for persons  
 2.27 enrolled in driver education programs offered at public schools, private schools, and  
 2.28 commercial driver training schools.

2.29 (b) The commissioner shall adopt rules for persons enrolled in driver education programs  
 2.30 offered at public schools, private schools, and commercial driver training schools, requiring  
 2.31 inclusion in the course of instruction, by January 1, 2009, a section on awareness and safe  
 2.32 interaction with commercial motor vehicle traffic. The rules must require classroom

3.1 instruction and behind-the-wheel training that includes, but is not limited to, truck stopping  
 3.2 distances, proper distances for following trucks, identification of truck blind spots, and  
 3.3 avoidance of driving in truck blind spots.

3.4 (c) By January 1, 2012, the commissioner shall adopt rules for persons enrolled in driver  
 3.5 education programs offered at public schools, private schools, and commercial driver training  
 3.6 schools, requiring inclusion in the course of instruction of a section on carbon monoxide  
 3.7 poisoning. The instruction must include but is not limited to (1) a description of the  
 3.8 characteristics of carbon monoxide, (2) a review of the risks and potential speed of death  
 3.9 from carbon monoxide poisoning, and (3) specific suggestions regarding vehicle idling  
 3.10 practices.

3.11 (d) By January 1, 2020, driver education programs offered at public schools, private  
 3.12 schools, and commercial driver training schools must include instruction on distracted  
 3.13 driving. The instruction must include but is not limited to:

3.14 (1) the laws governing distracted driving and the related penalties; and

3.15 (2) the dangers of distracted driving.

3.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.17 Sec. 4. Minnesota Statutes 2018, section 171.0705, is amended by adding a subdivision  
 3.18 to read:

3.19 Subd. 11. **Distracted driving.** The commissioner must include in each edition of the  
 3.20 driver's manual a section on distracted driving that includes:

3.21 (1) the laws governing distracted driving and the related penalties; and

3.22 (2) the dangers of distracted driving.

3.23 **EFFECTIVE DATE.** This section is effective January 1, 2020.

3.24 Sec. 5. Minnesota Statutes 2018, section 171.30, subdivision 1, is amended to read:

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

3.28 (1) suspended under section 169.475, 171.18, 171.173, 171.186, or 171.187;

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

3.30 (i) 169.792;

- 4.1 (ii) 169.797;
- 4.2 (iii) 169A.52:
- 4.3 (A) subdivision 3, paragraph (a), clause (1) or (2);
- 4.4 (B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section
- 4.5 171.306;
- 4.6 (C) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an alcohol
- 4.7 concentration of less than twice the legal limit;
- 4.8 (D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section
- 4.9 171.306;
- 4.10 (iv) 171.17; or
- 4.11 (v) 171.172;
- 4.12 (3) revoked, canceled, or denied under section 169A.54:
- 4.13 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less
- 4.14 than twice the legal limit;
- 4.15 (ii) subdivision 1, clause (2);
- 4.16 (iii) subdivision 1, clause (5), (6), or (7), if in compliance with section 171.306; or
- 4.17 (iv) subdivision 2, if the person does not have a qualified prior impaired driving incident
- 4.18 as defined in section 169A.03, subdivision 22, on the person's record, and the test results
- 4.19 indicate an alcohol concentration of less than twice the legal limit; or
- 4.20 (4) revoked, canceled, or denied under section 171.177:
- 4.21 (i) subdivision 4, paragraph (a), clause (1) or (2);
- 4.22 (ii) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section
- 4.23 171.306;
- 4.24 (iii) subdivision 5, paragraph (a), clause (1) or (2), if the test results indicate an alcohol
- 4.25 concentration of less than twice the legal limit; or
- 4.26 (iv) subdivision 5, paragraph (a), clause (4), (5), or (6), if in compliance with section
- 4.27 171.306.
- 4.28 (b) The following conditions for a limited license under paragraph (a) include:
- 4.29 (1) if the driver's livelihood or attendance at a chemical dependency treatment or
- 4.30 counseling program depends upon the use of the driver's license;

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

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

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

5.13 (d) For purposes of this subdivision:

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

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

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

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

5.25 (g) If the person's driver's license or permit to drive has been revoked under section  
5.26 169.792 or 169.797, the commissioner may only issue a limited license to the person after  
5.27 the person has presented an insurance identification card, policy, or written statement  
5.28 indicating that the driver or owner has insurance coverage satisfactory to the commissioner  
5.29 of public safety. The commissioner of public safety may require the insurance identification  
5.30 card provided to satisfy this subdivision be certified by the insurance company to be  
5.31 noncancelable for a period not to exceed 12 months.

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

6.1 issue a limited license to a person who previously has been issued a limited license under  
6.2 section 171.186, subdivision 4.

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

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

6.6 Sec. 6. Minnesota Statutes 2018, section 609.2111, is amended to read:

6.7 **609.2111 DEFINITIONS.**

6.8 (a) For purposes of sections 609.2111 to 609.2114, the terms defined in this subdivision  
6.9 have the meanings given them.

6.10 (b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes  
6.11 attached trailers.

6.12 (c) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

6.13 (d) "Intoxicating substance" has the meaning given in section 169A.03, subdivision 11a.

6.14 (e) "Qualified prior driving offense" includes a prior conviction:

6.15 (1) for a violation of section 169A.20 under the circumstances described in section  
6.16 169A.24 or 169A.25;

6.17 (2) under section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1,  
6.18 clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114, subdivision 1,  
6.19 clauses (2) to (6); or 2, clauses (2) to (6);

6.20 (3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or

6.21 (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2,  
6.22 clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,  
6.23 clauses (2) to (6).

6.24 (f) "Hands-free mode" means an attachment, accessory, application, wireless connection,  
6.25 or built-in feature of a wireless communications device or vehicle that allows the person to  
6.26 use the device without the use of either hand except to active or deactivate a feature or  
6.27 function.

6.28 (g) "Wireless communications device" has the meaning given in section 169.011,  
6.29 subdivision 94.

7.1 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
7.2 committed on or after that date.

7.3 Sec. 7. Minnesota Statutes 2018, section 609.2112, subdivision 1, is amended to read:

7.4 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),  
7.5 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment  
7.6 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the  
7.7 person causes the death of a human being not constituting murder or manslaughter as a  
7.8 result of operating a motor vehicle:

7.9 (1) in a grossly negligent manner;

7.10 (2) in a negligent manner while under the influence of:

7.11 (i) alcohol;

7.12 (ii) a controlled substance; or

7.13 (iii) any combination of those elements;

7.14 (3) while having an alcohol concentration of 0.08 or more;

7.15 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
7.16 of the time of driving;

7.17 (5) in a negligent manner while under the influence of an intoxicating substance and the  
7.18 person knows or has reason to know that the substance has the capacity to cause impairment;

7.19 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
7.20 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
7.21 person's body;

7.22 (7) where the driver who causes the collision leaves the scene of the collision in violation  
7.23 of section 169.09, subdivision 1 or 6; ~~or~~

7.24 (8) where the driver had actual knowledge that a peace officer had previously issued a  
7.25 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
7.26 knowledge that remedial action was not taken, the driver had reason to know that the defect  
7.27 created a present danger to others, and the death was caused by the defective maintenance;  
7.28 or

7.29 (9) in a negligent manner while the driver is operating a wireless communications device  
7.30 in any manner other than using a hands-free mode.

8.1 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),  
 8.2 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory  
 8.3 maximum sentence of imprisonment is 15 years.

8.4 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
 8.5 committed on or after that date.

8.6 Sec. 8. Minnesota Statutes 2018, section 609.2113, subdivision 1, is amended to read:

8.7 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation  
 8.8 resulting in great bodily harm and may be sentenced to imprisonment for not more than five  
 8.9 years or to payment of a fine of not more than \$10,000, or both, if the person causes great  
 8.10 bodily harm to another not constituting attempted murder or assault as a result of operating  
 8.11 a motor vehicle:

8.12 (1) in a grossly negligent manner;

8.13 (2) in a negligent manner while under the influence of:

8.14 (i) alcohol;

8.15 (ii) a controlled substance; or

8.16 (iii) any combination of those elements;

8.17 (3) while having an alcohol concentration of 0.08 or more;

8.18 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
 8.19 of the time of driving;

8.20 (5) in a negligent manner while under the influence of an intoxicating substance and the  
 8.21 person knows or has reason to know that the substance has the capacity to cause impairment;

8.22 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
 8.23 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
 8.24 person's body;

8.25 (7) where the driver who causes the accident leaves the scene of the accident in violation  
 8.26 of section 169.09, subdivision 1 or 6; ~~or~~

8.27 (8) where the driver had actual knowledge that a peace officer had previously issued a  
 8.28 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
 8.29 knowledge that remedial action was not taken, the driver had reason to know that the defect  
 8.30 created a present danger to others, and the injury was caused by the defective maintenance;

8.31 or

9.1 (9) in a negligent manner while the driver is operating a wireless communications device  
 9.2 in any manner other than using a hands-free mode.

9.3 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
 9.4 committed on or after that date.

9.5 Sec. 9. Minnesota Statutes 2018, section 609.2113, subdivision 2, is amended to read:

9.6 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation  
 9.7 resulting in substantial bodily harm and may be sentenced to imprisonment for not more  
 9.8 than three years or to payment of a fine of not more than \$10,000, or both, if the person  
 9.9 causes substantial bodily harm to another as a result of operating a motor vehicle:

9.10 (1) in a grossly negligent manner;

9.11 (2) in a negligent manner while under the influence of:

9.12 (i) alcohol;

9.13 (ii) a controlled substance; or

9.14 (iii) any combination of those elements;

9.15 (3) while having an alcohol concentration of 0.08 or more;

9.16 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
 9.17 of the time of driving;

9.18 (5) in a negligent manner while under the influence of an intoxicating substance and the  
 9.19 person knows or has reason to know that the substance has the capacity to cause impairment;

9.20 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
 9.21 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
 9.22 person's body;

9.23 (7) where the driver who causes the accident leaves the scene of the accident in violation  
 9.24 of section 169.09, subdivision 1 or 6; ~~or~~

9.25 (8) where the driver had actual knowledge that a peace officer had previously issued a  
 9.26 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
 9.27 knowledge that remedial action was not taken, the driver had reason to know that the defect  
 9.28 created a present danger to others, and the injury was caused by the defective maintenance;  
 9.29 or

9.30 (9) in a negligent manner while the driver is operating a wireless communications device  
 9.31 in any manner other than using a hands-free mode.

10.1 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
10.2 committed on or after that date.

10.3 Sec. 10. Minnesota Statutes 2018, section 609.2113, subdivision 3, is amended to read:

10.4 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in  
10.5 bodily harm and may be sentenced to imprisonment for not more than one year or to payment  
10.6 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a  
10.7 result of operating a motor vehicle:

10.8 (1) in a grossly negligent manner;

10.9 (2) in a negligent manner while under the influence of:

10.10 (i) alcohol;

10.11 (ii) a controlled substance; or

10.12 (iii) any combination of those elements;

10.13 (3) while having an alcohol concentration of 0.08 or more;

10.14 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
10.15 of the time of driving;

10.16 (5) in a negligent manner while under the influence of an intoxicating substance and the  
10.17 person knows or has reason to know that the substance has the capacity to cause impairment;

10.18 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
10.19 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
10.20 person's body;

10.21 (7) where the driver who causes the accident leaves the scene of the accident in violation  
10.22 of section 169.09, subdivision 1 or 6; ~~or~~

10.23 (8) where the driver had actual knowledge that a peace officer had previously issued a  
10.24 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
10.25 knowledge that remedial action was not taken, the driver had reason to know that the defect  
10.26 created a present danger to others, and the injury was caused by the defective maintenance;  
10.27 or

10.28 (9) in a negligent manner while the driver is operating a wireless communications device  
10.29 in any manner other than using a hands-free mode.

10.30 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
10.31 committed on or after that date.

11.1 Sec. 11. Minnesota Statutes 2018, section 609.2114, subdivision 1, is amended to read:

11.2 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a  
11.3 person is guilty of criminal vehicular operation resulting in death to an unborn child and  
11.4 may be sentenced to imprisonment for not more than ten years or to payment of a fine of  
11.5 not more than \$20,000, or both, if the person causes the death of an unborn child as a result  
11.6 of operating a motor vehicle:

11.7 (1) in a grossly negligent manner;

11.8 (2) in a negligent manner while under the influence of:

11.9 (i) alcohol;

11.10 (ii) a controlled substance; or

11.11 (iii) any combination of those elements;

11.12 (3) while having an alcohol concentration of 0.08 or more;

11.13 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
11.14 of the time of driving;

11.15 (5) in a negligent manner while under the influence of an intoxicating substance and the  
11.16 person knows or has reason to know that the substance has the capacity to cause impairment;

11.17 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
11.18 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
11.19 person's body;

11.20 (7) where the driver who causes the accident leaves the scene of the accident in violation  
11.21 of section 169.09, subdivision 1 or 6; ~~or~~

11.22 (8) where the driver had actual knowledge that a peace officer had previously issued a  
11.23 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
11.24 knowledge that remedial action was not taken, the driver had reason to know that the defect  
11.25 created a present danger to others, and the injury was caused by the defective maintenance;  
11.26 or

11.27 (9) in a negligent manner while the driver is operating a wireless communications device  
11.28 in any manner other than using a hands-free mode.

11.29 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),  
11.30 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory  
11.31 maximum sentence of imprisonment is 15 years.

12.1 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
 12.2 committed on or after that date.

12.3 Sec. 12. Minnesota Statutes 2018, section 609.2114, subdivision 2, is amended to read:

12.4 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation  
 12.5 resulting in injury to an unborn child and may be sentenced to imprisonment for not more  
 12.6 than five years or to payment of a fine of not more than \$10,000, or both, if the person  
 12.7 causes the great bodily harm to an unborn child subsequently born alive as a result of  
 12.8 operating a motor vehicle:

12.9 (1) in a grossly negligent manner;

12.10 (2) in a negligent manner while under the influence of:

12.11 (i) alcohol;

12.12 (ii) a controlled substance; or

12.13 (iii) any combination of those elements;

12.14 (3) while having an alcohol concentration of 0.08 or more;

12.15 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
 12.16 of the time of driving;

12.17 (5) in a negligent manner while under the influence of an intoxicating substance and the  
 12.18 person knows or has reason to know that the substance has the capacity to cause impairment;

12.19 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
 12.20 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
 12.21 person's body;

12.22 (7) where the driver who causes the accident leaves the scene of the accident in violation  
 12.23 of section 169.09, subdivision 1 or 6; ~~or~~

12.24 (8) where the driver had actual knowledge that a peace officer had previously issued a  
 12.25 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
 12.26 knowledge that remedial action was not taken, the driver had reason to know that the defect  
 12.27 created a present danger to others, and the injury was caused by the defective maintenance;

12.28 or

12.29 (9) in a negligent manner while the driver is operating a wireless communications device  
 12.30 in any manner other than using a hands-free mode.

- 13.1 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
- 13.2 committed on or after that date.