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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1335**

03/07/2013 Authored by Rosenthal, Cornish, Schoen, Selcer, Erhardt and others

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

03/06/2014 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Policy

1.1 A bill for an act  
1.2 relating to public safety; traffic regulations; clarifying requirements pertaining to  
1.3 collisions; making a terminology change; amending Minnesota Statutes 2012,  
1.4 sections 169.09; 609.21, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2012, section 169.09, is amended to read:

1.7 **169.09 ~~ACCIDENTS~~ COLLISIONS.**

1.8 Subdivision 1. **Driver to stop for ~~accident~~ collision with individual.** The driver  
1.9 of any motor vehicle involved in ~~an accident resulting in immediately demonstrable~~  
1.10 ~~bodily injury to or death of any individual~~ a collision shall immediately stop the vehicle  
1.11 at the scene of the ~~accident~~ collision, or as close to the scene as possible ~~but shall then~~  
1.12 ~~return to~~, and reasonably investigate what was struck. If the driver knows or has reason  
1.13 to know the collision resulted in injury to or death of any individual, the driver in every  
1.14 event shall remain at the scene of the ~~accident~~, collision until the driver has fulfilled  
1.15 the requirements of this section as to the giving of information. The stop must be made  
1.16 without unnecessarily obstructing traffic.

1.17 Subd. 2. **Driver to stop for ~~accident to property~~ collision with attended vehicle.**

1.18 The driver of any motor vehicle involved in ~~an accident to a vehicle driven or attended~~  
1.19 ~~by any individual~~ a collision shall immediately stop the motor vehicle at the scene of the  
1.20 ~~accident~~ collision, or as close to the ~~accident~~ collision as possible ~~but shall forthwith~~  
1.21 ~~return to~~, and reasonably investigate what was struck. If the driver knows or has reason to  
1.22 know the collision involves damage to a vehicle driven or attended by an individual, the  
1.23 driver in every event shall remain at the scene of the ~~accident~~, collision until the driver has

fulfilled the requirements of this section as to the giving of information. The stop must be made without unnecessarily obstructing traffic.

Subd. 3. **Driver to give information.** (a) The driver of any motor vehicle involved in ~~an accident resulting~~ a collision the driver knows or has reason to know results in bodily injury to or death of any individual, or damage to any vehicle driven or attended by any individual, shall ~~stop and~~ give the driver's name, address, and date of birth and the registration plate number of the vehicle being driven. The driver shall, upon request and if available, exhibit the driver's license or permit to drive to the individual struck or the driver or occupant of or individual attending any vehicle collided with. The driver also shall give the information and upon request exhibit the license or permit to any peace officer at the scene of the ~~accident~~ collision or who is investigating the ~~accident~~ collision. The driver shall render reasonable assistance to any individual injured in the ~~accident~~ collision.

(b) If not given at the scene of the ~~accident~~ collision, the driver, within 72 hours after the accident, shall give, on request to any individual involved in the ~~accident~~ collision or to a peace officer investigating the ~~accident~~ collision, the name and address of the insurer providing vehicle liability insurance coverage, and the local insurance agent for the insurer.

Subd. 4. **Collision with unattended vehicle.** The driver of any motor vehicle ~~that collides with and damages any vehicle that is unattended~~ involved in a collision shall immediately stop the vehicle at the scene of the collision, or as close to the scene as possible, and reasonably investigate what was struck. If the driver knows or has reason to know the collision resulted in damage to any unattended vehicle, the driver must either locate and notify the driver or owner of the vehicle of the name and address of the driver and registered owner of the vehicle striking the unattended vehicle, ~~shall~~ report this same information to a peace officer, or ~~shall~~ leave in a conspicuous place in or secured to the vehicle struck, a written notice giving the name and address of the driver and of the registered owner of the vehicle doing the striking. The stop must be made without unnecessarily obstructing traffic.

Subd. 5. **Notify owner of damaged property.** If the driver of any vehicle involved in an accident resulting a collision knows or has reason to know the collision resulted only in damage to fixtures legally upon or adjacent to a highway, the driver shall take reasonable steps to locate and notify the owner or person in charge of the property of that fact, of the driver's name and address, and of the registration plate number of the vehicle being driven and shall, upon request and if available, exhibit the driver's license, and make report of the ~~accident~~ collision in every case. The report must be made in the same manner as a report made pursuant to subdivision 7.

3.1 Subd. 5a. **Driver deemed agent of owner.** Whenever any motor vehicle shall be  
3.2 operated within this state, by any person other than the owner, with the consent of the  
3.3 owner, express or implied, the operator thereof shall in case of ~~accident~~, a collision be  
3.4 deemed the agent of the owner of such motor vehicle in the operation thereof.

3.5 Subd. 6. **Notice of personal injury.** The driver of a vehicle involved in ~~an accident~~  
3.6 a collision resulting in bodily injury to or death of any individual shall, after compliance  
3.7 with this section and by the quickest means of communication, give notice of the  
3.8 ~~accident~~ collision to the local police department if the ~~accident~~ collision occurs within a  
3.9 municipality, to a State Patrol officer if the ~~accident~~ collision occurs on a trunk highway,  
3.10 or to the office of the sheriff of the county.

3.11 Subd. 7. **~~Accident~~ Collision report to commissioner.** (a) The driver of a vehicle  
3.12 involved in ~~an accident~~ a collision resulting in bodily injury to or death of any individual  
3.13 or total property damage to an apparent extent of \$1,000 or more, shall forward a written  
3.14 report of the ~~accident~~ collision to the commissioner of public safety within ten days of  
3.15 the ~~accident~~ collision. On the required report, the driver shall provide the commissioner  
3.16 with the name and policy number of the insurer providing vehicle liability insurance  
3.17 coverage at the time of the ~~accident~~ collision.

3.18 (b) On determining that the original report of any driver of a vehicle involved in ~~an~~  
3.19 ~~accident~~ a collision of which report must be made as provided in this section is insufficient,  
3.20 the commissioner of public safety may require the driver to file supplementary information.

3.21 Subd. 8. **Officer to report ~~accident~~ collision to commissioner.** A peace officer  
3.22 who, in the regular course of duty, investigates ~~an accident~~ a collision that must be  
3.23 reported under this section shall, within ten days after the date of the ~~accident~~ collision,  
3.24 forward an electronic or written report of the ~~accident~~ collision as prescribed by the  
3.25 commissioner of public safety.

3.26 Subd. 9. **~~Accident~~ Collision report format.** The commissioner of public safety  
3.27 shall prescribe the format for the ~~accident~~ collision reports required under this section.  
3.28 Upon request the commissioner shall make available the format to police departments,  
3.29 coroners, sheriffs, garages, and other suitable agencies or individuals. The electronic  
3.30 or written report to be completed by individuals involved in ~~accidents~~ collisions and  
3.31 by investigating peace officers must disclose the causes, existing conditions, and the  
3.32 individuals and vehicles involved.

3.33 Subd. 11. **Coroner to report death.** Every coroner or other official performing  
3.34 like functions shall report in writing to the commissioner of public safety the death of  
3.35 any individual within the coroner's jurisdiction as the result of ~~an accident~~ a collision

4.1 involving a vehicle and the circumstances of the ~~accident~~ collision. The report must  
4.2 be made within 15 days after the death.

4.3 In the case of drivers killed in vehicle ~~accidents~~ collisions and of the death of  
4.4 pedestrians 16 years of age or older, who die within four hours after ~~an accident~~ a collision,  
4.5 the coroner or other official performing like functions shall examine the body and shall  
4.6 make tests as are necessary to determine the presence and percentage concentration of  
4.7 alcohol, and drugs if feasible, in the blood of the victim. This information must be  
4.8 included in each report submitted pursuant to the provisions of this subdivision and shall  
4.9 be tabulated on a monthly basis by the commissioner of public safety. This information  
4.10 may be used only for statistical purposes that do not reveal the identity of the deceased.

4.11 Subd. 12. **Garage to report bullet damage.** The individual in charge of any  
4.12 garage or repair shop to which is brought any vehicle that shows evidence of having  
4.13 been struck by any bullet shall immediately report to the local police or sheriff and to  
4.14 the commissioner of public safety within 24 hours after the vehicle is received, giving  
4.15 the engine number if any, registration plate number, and the name and address of the  
4.16 registered owner or operator of the vehicle.

4.17 Subd. 13. **Reports confidential; evidence, fee, penalty, appropriation.** (a) All  
4.18 reports and supplemental information required under this section must be for the use of the  
4.19 commissioner of public safety and other appropriate state, federal, county, and municipal  
4.20 governmental agencies for accident analysis purposes, except:

4.21 (1) upon written request, the commissioner of public safety or any law enforcement  
4.22 agency shall disclose the report required under subdivision 8 to:

4.23 (i) any individual involved in the ~~accident~~ collision, the representative of the  
4.24 individual's estate, or the surviving spouse, or one or more surviving next of kin, or a  
4.25 trustee appointed under section 573.02;

4.26 (ii) any other person injured in person, property, or means of support, or who incurs  
4.27 other pecuniary loss by virtue of the ~~accident~~ collision;

4.28 (iii) legal counsel of a person described in item (i) or (ii); or

4.29 (iv) a representative of the insurer of any person described in item (i) or (ii);

4.30 (2) the commissioner of public safety shall, upon written request, provide the driver  
4.31 filing a report under subdivision 7 with a copy of the report filed by the driver;

4.32 (3) the commissioner of public safety may verify with insurance companies vehicle  
4.33 insurance information to enforce sections 65B.48, 169.792, 169.793, 169.796, and 169.797;

4.34 (4) the commissioner of public safety shall provide the commissioner of transportation  
4.35 the information obtained for each traffic ~~accident~~ collision involving a commercial motor  
4.36 vehicle, for purposes of administering commercial vehicle safety regulations;

(5) upon specific request, the commissioner of public safety shall provide the commissioner of transportation the information obtained regarding each traffic ~~accident~~ collision involving damage to identified state-owned infrastructure, for purposes of debt collection under section 161.20, subdivision 4; and

(6) the commissioner of public safety may give to the United States Department of Transportation commercial vehicle ~~accident~~ collision information in connection with federal grant programs relating to safety.

(b) ~~Accident~~ Collision reports and data contained in the reports are not discoverable under any provision of law or rule of court. No report shall be used as evidence in any trial, civil or criminal, or any action for damages or criminal proceedings arising out of ~~an accident~~ a collision. However, the commissioner of public safety shall furnish, upon the demand of any person who has or claims to have made a report or upon demand of any court, a certificate showing that a specified ~~accident~~ collision report has or has not been made to the commissioner solely to prove compliance or failure to comply with the requirements that the report be made to the commissioner.

(c) Nothing in this subdivision prevents any individual who has made a report under this section from providing information to any individuals involved in ~~an accident~~ a collision or their representatives or from testifying in any trial, civil or criminal, arising out of ~~an accident~~ a collision, as to facts within the individual's knowledge. It is intended by this subdivision to render privileged the reports required, but it is not intended to prohibit proof of the facts to which the reports relate.

(d) Disclosing any information contained in any ~~accident~~ collision report, except as provided in this subdivision, section 13.82, subdivision 3 or 6, or other statutes, is a misdemeanor.

(e) The commissioner of public safety shall charge authorized persons as described in paragraph (a) a \$5 fee for a copy of ~~an accident~~ a collision report. Ninety percent of the \$5 fee collected under this paragraph must be deposited in the special revenue fund and credited to the driver services operating account established in section 299A.705 and ten percent must be deposited in the general fund. The commissioner may also furnish an electronic copy of the database of ~~accident~~ collision records, which must not contain personal or private data on an individual, to private agencies as provided in paragraph (g), for not less than the cost of preparing the copies on a bulk basis as provided in section 13.03, subdivision 3.

(f) The fees specified in paragraph (e) notwithstanding, the commissioner and law enforcement agencies shall charge commercial users who request access to response or incident data relating to ~~accidents~~ collisions a fee not to exceed 50 cents per record.

"Commercial user" is a user who in one location requests access to data in more than five ~~accident~~ collision reports per month, unless the user establishes that access is not for a commercial purpose. Of the money collected by the commissioner under this paragraph, 90 percent must be deposited in the special revenue fund and credited to the driver services operating account established in section 299A.705 and ten percent must be deposited in the general fund.

(g) The fees in paragraphs (e) and (f) notwithstanding, the commissioner shall provide an electronic copy of the ~~accident~~ collision records database to the public on a case-by-case basis using the cost-recovery charges provided for under section 13.03, subdivision 3. The database provided must not contain personal or private data on an individual. However, unless the ~~accident~~ collision records database includes the vehicle identification number, the commissioner shall include the vehicle registration plate number if a private agency certifies and agrees that the agency:

(1) is in the business of collecting ~~accident~~ collision and damage information on vehicles;

(2) will use the vehicle registration plate number only for identifying vehicles that have been involved in ~~accidents~~ collisions or damaged, to provide this information to persons seeking access to a vehicle's history and not for identifying individuals or for any other purpose; and

(3) will be subject to the penalties and remedies under sections 13.08 and 13.09.

Subd. 14. **Penalties.** (a) The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the ~~accident~~ collision is punishable as follows:

(1) if the ~~accident~~ collision results in the death of any individual, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both;

(2) if the ~~accident~~ collision results in great bodily harm to any individual, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than two years, or to payment of a fine of not more than \$4,000, or both; or

(3) if the ~~accident~~ collision results in substantial bodily harm to any individual, as defined in section 609.02, subdivision 7a, the driver may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(b) The driver of any vehicle involved in ~~an accident~~ a collision not resulting in substantial bodily harm or death who violates subdivision 1 or 6 may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(c) Any person who violates subdivision 2, 3, 4, 5, 7, 8, 11, or 12 is guilty of a misdemeanor.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Subd. 14a. **Suspension of license for failure to report accident collision.** The commissioner may suspend the license, or any nonresident's operating privilege, of any person who willfully fails, refuses, or neglects to make report of a traffic accident collision as required by the laws of this state. A license suspension under this section is subject to the notice requirements of section 171.18, subdivision 2.

Subd. 15. **Defense.** (a) It is an affirmative defense to prosecution under subdivisions 1, 2, and 6 that the driver left the scene of the accident collision to take any individual suffering immediately demonstrable bodily injury in the accident collision to receive emergency medical care if the driver of the involved vehicle gives notice to a law enforcement agency as required by subdivision 6 as soon as reasonably feasible after the emergency medical care has been undertaken.

(b) When the collision involves a person or another vehicle, mistake as to what was struck is not a defense for failure to stop and investigate.

Subd. 16. **Commissioner as agent for service of process.** The use and operation by a resident of this state or the resident's agent, or by a nonresident or the nonresident's agent, of a motor vehicle within the state of Minnesota, is deemed an irrevocable appointment by the resident if absent from this state continuously for six months or more following ~~an accident~~ a collision, or by the nonresident at any time, of the commissioner of public safety to be the resident's or nonresident's true and lawful attorney upon whom may be served all legal process in any action or proceeding against the resident or nonresident or the executor, administrator, or personal representative of the resident or nonresident growing out of the use and operation of a motor vehicle within this state, resulting in damages or loss to person or property, whether the damage or loss occurs on a highway or on abutting public or private property. This appointment is binding upon the nonresident's executor, administrator, or personal representative. The use or operation of a motor vehicle by the resident or nonresident is a signification of agreement that any process in any action against the resident or nonresident or executor, administrator, or personal representative of the resident or nonresident that is so served has the same legal force and validity as if served upon the resident or nonresident personally or on the executor, administrator, or personal representative of the resident or nonresident. Service of process must be made by serving a copy thereof upon the commissioner or by filing a copy in the

commissioner's office, together with payment of a fee of \$20, and is deemed sufficient service upon the absent resident or the nonresident or the executor, administrator, or personal representative of the resident or nonresident; provided that notice of service and a copy of the process are sent by mail by the plaintiff within ten days to the defendant at the defendant's last known address and that the plaintiff's affidavit of compliance with the provisions of this chapter is attached to the summons.

Subd. 17. **Information access by vehicle owners.** If ~~an accident~~ a collision report has been prepared by a person involved in ~~an accident~~ a collision and no report has been prepared by a law enforcement officer, the owners of the vehicles involved in ~~an accident~~ a collision shall have the same access to information maintained by the Department of Public Safety, Driver and Vehicle Services Division, about the vehicles, their owners, and their drivers that would have been available to a law enforcement officer reporting on the ~~accident~~ collision.

Subd. 18. **Continuance of court proceeding; costs.** The court in which the action is pending may order a continuance as may be necessary to afford the defendant reasonable opportunity to defend the action, not exceeding 90 days from the date of filing of the action in that court. The fee of \$20 paid by the plaintiff to the commissioner at the time of service of the proceedings must be taxed in the plaintiff's cost if the plaintiff prevails in the suit. The commissioner shall keep a record of all processes so served, which must show the day and hour of service.

Sec. 2. Minnesota Statutes 2012, section 609.21, subdivision 1, is amended to read:

Subdivision 1. **Criminal vehicular homicide or operation; crime described.** A person is guilty of criminal vehicular homicide or operation and may be sentenced as provided in subdivision 1a, if the person causes injury to or the death of another as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
  - (i) alcohol;
  - (ii) a controlled substance; or
  - (iii) any combination of those elements;
- (3) while having an alcohol concentration of 0.08 or more;
- (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;



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

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

9.6 (8) where the driver had actual knowledge that a peace officer had previously issued  
9.7 a citation or warning that the motor vehicle was defectively maintained, the driver had  
9.8 actual knowledge that remedial action was not taken, the driver had reason to know that  
9.9 the defect created a present danger to others, and the injury or death was caused by the  
9.10 defective maintenance.