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State of Minnesota  
HOUSE OF REPRESENTATIVES  
NINETIETH SESSION

H. F. No. 1880

03/01/2017 Authored by Johnson, B.,  
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act  
1.2 relating to driving while impaired; modifying the ignition interlock program by  
1.3 requiring indigent program participants to submit a sworn statement regarding  
1.4 indigency and making submitting a false statement a crime, making ignition  
1.5 interlock crimes nonpayable offenses, specifying which program participants must  
1.6 present a noncancelable insurance certificate as a prerequisite to participating in  
1.7 the program, and providing for the reissuance of impounded plates for program  
1.8 participants; amending Minnesota Statutes 2016, sections 169A.60, subdivision  
1.9 13; 171.09, subdivision 1; 171.306, subdivisions 2, 4, 6.

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

1.11 Section 1. Minnesota Statutes 2016, section 169A.60, subdivision 13, is amended to read:

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

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

1.18 (2) the violator or registered owner has a limited license issued under section 171.30;

1.19 (3) the registered owner is not the violator and the registered owner has a valid or limited  
1.20 driver's license;

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

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

1.23 (b) The commissioner may not issue new registration plates for that vehicle subject to  
1.24 plate impoundment for a period of at least one year from the date of the impoundment order.

2.1 In addition, if the owner is the violator, new registration plates may not be issued for the  
 2.2 vehicle unless the person has been reissued a valid driver's license in accordance with chapter  
 2.3 171.

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

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

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

2.11 (1) the impoundment order is rescinded;

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

2.13 (3) the vehicle is transferred to a Minnesota automobile dealer licensed under section  
 2.14 168.27, a financial institution that has submitted a repossession affidavit, or a government  
 2.15 agency; or

2.16 (4) the violator becomes a program participant in the ignition interlock program under  
 2.17 section 171.306.

2.18 Sec. 2. Minnesota Statutes 2016, section 171.09, subdivision 1, is amended to read:

2.19 Subdivision 1. **Authority; violations.** (a) The commissioner, when good cause appears,  
 2.20 may impose restrictions suitable to the licensee's driving ability or other restrictions applicable  
 2.21 to the licensee as the commissioner may determine to be appropriate to assure the safe  
 2.22 operation of a motor vehicle by the licensee.

2.23 (b) Pursuant to Code of Federal Regulations, title 49, section 383.95, if an applicant for  
 2.24 a commercial driver's license either does not successfully complete the air brake component  
 2.25 of the knowledge test, or does not successfully complete the skills test in a vehicle equipped  
 2.26 with air brakes as such tests are prescribed in Code of Federal Regulations, title 49, part  
 2.27 384, the department shall indicate on the class C, class B, or class A commercial driver's  
 2.28 license, if issued, that the individual is restricted from operating a commercial motor vehicle  
 2.29 equipped with air brakes.

2.30 (c) The commissioner shall restrict the operating privileges of a holder of a class A, class  
 2.31 B, or class C commercial driver's license in accordance with Code of Federal Regulations,  
 2.32 title 49, sections 383.73 and 383.95.

3.1 (d) The commissioner may restrict the operating privileges of a holder of a class A, class  
 3.2 B, or class C commercial driver's license to the extent that the restrictions are authorized  
 3.3 by section 221.0314, subdivision 3 or 3a, or rules adopted under those subdivisions or  
 3.4 section 221.031.

3.5 (e) Upon receiving satisfactory evidence of any violation of the restrictions on the license,  
 3.6 the commissioner may suspend or revoke the license. A license suspension under this section  
 3.7 is subject to section 171.18, subdivisions 2 and 3.

3.8 (f) A person who drives, operates, or is in physical control of a motor vehicle while in  
 3.9 violation of the restrictions imposed in a restricted driver's license issued to that person  
 3.10 under this section is guilty of a crime as follows:

3.11 (1) if the restriction relates to the possession or consumption of alcohol or controlled  
 3.12 substances, the person is guilty of a gross misdemeanor; or

3.13 (2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

3.14 (g) It is a misdemeanor for a person who holds a restricted license issued under section  
 3.15 171.306 to drive, operate, or be in physical control of any motor vehicle that is not equipped  
 3.16 with a functioning ignition interlock device certified by the commissioner. Notwithstanding  
 3.17 section 609.101, subdivision 4, the Judicial Council may not add a violation of this paragraph  
 3.18 to the Statewide Payables List.

3.19 Sec. 3. Minnesota Statutes 2016, section 171.306, subdivision 2, is amended to read:

3.20 Subd. 2. **Performance standards; certification; manufacturer requirements.** (a) The  
 3.21 commissioner shall establish performance standards and a process for certifying devices  
 3.22 used in the ignition interlock program. The manufacturer of a device must apply annually  
 3.23 for certification of the device by submitting the form prescribed by the commissioner. The  
 3.24 commissioner shall require manufacturers of certified devices to:

3.25 (1) provide device installation, servicing, and monitoring to indigent program participants  
 3.26 at a discounted rate, according to the standards established by the commissioner; and

3.27 (2) include in an ignition interlock device contract a provision that a program participant  
 3.28 who voluntarily terminates participation in the program is only liable for servicing and  
 3.29 monitoring costs incurred during the time the device is installed on the motor vehicle,  
 3.30 regardless of whether the term of the contract has expired.

3.31 (b) The commissioner shall require a program participant seeking a reduced rate based  
 3.32 on indigency to submit a sworn statement affirming that the proof of the participant's

4.1 indigency is accurate. The commissioner shall notify the participant of the criminal penalty  
 4.2 in subdivision 6, paragraph (c), for submitting false information for this purpose. If the  
 4.3 commissioner determines that the statement contains false material information, the  
 4.4 commissioner shall deny the participant the discounted rate.

4.5 Sec. 4. Minnesota Statutes 2016, section 171.306, subdivision 4, is amended to read:

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

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

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

4.15 If the participant has previously been convicted of violating section 169.791, 169.793, or  
 4.16 169.797, or the participant's license has previously been suspended or canceled under section  
 4.17 169.792 or 169.797, the commissioner shall require the participant to present an insurance  
 4.18 identification card, ~~policy, or written statement as proof of insurance coverage, and may~~  
 4.19 ~~require the insurance identification card provided be~~ that is certified by the insurance  
 4.20 company to be noncancelable for a period not to exceed 12 months.

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

4.28 (c) A program participant whose driver's license has been: (1) revoked under section  
 4.29 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph  
 4.30 (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), (3), or (4); or  
 4.31 (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended  
 4.32 under section 171.187, for a violation of section 609.2113, subdivision 1, clause (2), item  
 4.33 (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision

5.1 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2), item (i) or  
5.2 (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm,  
5.3 where the participant has fewer than two qualified prior impaired driving incidents within  
5.4 the past ten years or fewer than three qualified prior impaired driving incidents ever; may  
5.5 apply for conditional reinstatement of the driver's license, subject to the ignition interlock  
5.6 restriction.

5.7 (d) A program participant whose driver's license has been: (1) revoked, canceled, or  
5.8 denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or  
5.9 subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1, clause  
5.10 (5), (6), or (7); or (2) revoked under section 171.17, subdivision 1, paragraph (a), clause  
5.11 (1), or suspended under section 171.187, for a violation of section 609.2113, subdivision  
5.12 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or  
5.13 (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2,  
5.14 clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or  
5.15 great bodily harm, where the participant has two or more qualified prior impaired driving  
5.16 incidents within the past ten years or three or more qualified prior impaired driving incidents  
5.17 ever; may apply for a limited license, subject to the ignition interlock restriction, if the  
5.18 program participant is enrolled in a licensed chemical dependency treatment or rehabilitation  
5.19 program as recommended in a chemical use assessment, and if the participant meets the  
5.20 other applicable requirements of section 171.30. After completing a licensed chemical  
5.21 dependency treatment or rehabilitation program and one year of limited license use without  
5.22 violating the ignition interlock restriction, the conditions of limited license use, or program  
5.23 guidelines, the participant may apply for conditional reinstatement of the driver's license,  
5.24 subject to the ignition interlock restriction. If the program participant's ignition interlock  
5.25 device subsequently registers a positive breath alcohol concentration of 0.02 or higher, the  
5.26 commissioner shall cancel the driver's license, and the program participant may apply for  
5.27 another limited license according to this paragraph.

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

6.1 Sec. 5. Minnesota Statutes 2016, section 171.306, subdivision 6, is amended to read:

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

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

6.11 (c) A program participant who knowingly submits false material information to an  
6.12 ignition interlock device manufacturer or the commissioner of public safety relating to the  
6.13 participant's eligibility for a discounted rate based on indigency is guilty of a misdemeanor.

6.14 (d) Notwithstanding section 609.101, subdivision 4, the Judicial Council may not add  
6.15 a violation of this subdivision to the Statewide Payables List.

6.16 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes  
6.17 committed on or after that date.