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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 192

01/12/2017 Authored by Heintzeman, Lueck, Pugh, Backer, Bliss and others
The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy
02/09/2017 Adoption of Report: Re-referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; enhancing penalties and establishing minimum fines for
1.3 repeat violations of driving without a valid license; amending Minnesota Statutes
1.4 2016, section 171.24.

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

1.6 Section 1. Minnesota Statutes 2016, section 171.24, is amended to read:

1.7 **171.24 VIOLATIONS; DRIVING WITHOUT VALID LICENSE.**

1.8 Subdivision 1. **Driving after suspension; misdemeanor.** Except as otherwise provided
1.9 in subdivision 5, a person is guilty of a misdemeanor if:

1.10 (1) the person's driver's license or driving privilege has been suspended;

1.11 (2) the person has been given notice of or reasonably should know of the suspension;

1.12 and

1.13 (3) the person disobeys the order by operating in this state any motor vehicle, the
1.14 operation of which requires a driver's license, while the person's license or privilege is
1.15 suspended.

1.16 Subd. 2. **Driving after revocation; misdemeanor.** Except as otherwise provided in
1.17 subdivision 5, a person is guilty of a misdemeanor if:

1.18 (1) the person's driver's license or driving privilege has been revoked;

1.19 (2) the person has been given notice of or reasonably should know of the revocation;

1.20 and

(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is revoked.

Subd. 3. **Driving after cancellation; misdemeanor.** Except as otherwise provided in subdivision 5, a person is guilty of a misdemeanor if:

(1) the person's driver's license or driving privilege has been canceled;

(2) the person has been given notice of or reasonably should know of the cancellation; and

(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled.

Subd. 4. **Driving after disqualification; misdemeanor.** Except as otherwise provided in subdivision 5, a person is guilty of a misdemeanor if the person:

(1) has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle;

(2) has been given notice of or reasonably should know of the disqualification; and

(3) disobeys the order by operating in this state a commercial motor vehicle while the person is disqualified to hold the license or privilege.

Subd. 5. **Gross misdemeanor violations.** (a) A person is guilty of a gross misdemeanor if:

(1) the person's driver's license or driving privilege has been canceled or denied under section 171.04, subdivision 1, clause (10);

(2) the person has been given notice of or reasonably should know of the cancellation or denial; and

(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled or denied.

(b) A person is guilty of a gross misdemeanor if the person violates this section and causes a collision resulting in substantial bodily harm or death to another.

(c) A person is guilty of a gross misdemeanor and is subject to the minimum penalty under subdivision 5a, paragraph (b), if the person violates this section within ten years of the first of two prior convictions under this section.

Subd. 5a. **Minimum penalties.** (a) A person who is convicted under this section a second time must, at a minimum, be sentenced to pay a fine of at least \$750. This paragraph does not apply to penalties under subdivision 5, paragraph (c).

(b) A person who is convicted under this section a third or subsequent time must, at a minimum, be sentenced to pay a fine of at least \$1,500.

(c) The court may order a person to perform community work service in lieu of all or a portion of the minimum fine required under this subdivision if the court makes specific findings on the record that the convicted person is indigent or that payment of the fine would create undue hardship for the convicted person or that person's immediate family.

Subd. 6. **Responsibility for prosecution.** (a) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section is also responsible for prosecution of gross misdemeanor violations of this section.

(b) Nothing in this section or section 609.035 or 609.04 shall limit the power of the state to prosecute or punish a person for conduct that constitutes any other crime under any other law of this state.

Subd. 7. **Sufficiency of notice.** (a) Notice of revocation, suspension, cancellation, or disqualification is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, cancellation, or disqualification would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur.

(b) It is not a defense that a person failed to file a change of address with the post office, or failed to notify the Department of Public Safety of a change of name or address as required under section 171.11.

Subd. 8. **Definition.** For the purposes of this section, "substantial bodily harm" has the meaning given in section 609.02, subdivision 7a.

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