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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **2690**

03/08/2016 Authored by Kelly; Cornish; Johnson, B.; Rarick; Daniels and others

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

04/01/2016 Adoption of Report: Amended and re-referred to the Committee on Transportation Policy and Finance

1.1 A bill for an act
1.2 relating to impaired driving; requiring ignition interlock for repeat offenders to
1.3 reinstate driving privileges; limiting ignition interlock program to alcohol-related
1.4 offenses; amending Minnesota Statutes 2014, sections 169A.55, subdivision 4;
1.5 171.30, subdivisions 1, 2a; 171.306, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2014, section 169A.55, subdivision 4, is amended to read:

1.8 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person
1.9 whose driver's license has been revoked as a result of an offense listed under clause (1) or
1.10 (2) shall not be eligible for reinstatement of driving privileges without an ignition interlock
1.11 restriction until the commissioner certifies the person's use of the ignition interlock device
1.12 and compliance with section 171.306 for a period of not less than:

1.13 (1) one year, for a person whose driver's license was revoked for:

1.14 (i) an offense for a violation of section 169A.20, subdivision 1, clause (1), (5), or
1.15 (6), occurring within ten years of a qualified prior impaired driving incident; or

1.16 (ii) an offense for a violation of section 169A.20, subdivision 1, clause (1), (5), or
1.17 (6), occurring after two qualified prior impaired driving incidents; or

1.18 (2) two years, for a person whose driver's license was revoked for:

1.19 (i) an offense occurring under clause (1), and where the test results indicated an
1.20 alcohol concentration of twice the legal limit; or

1.21 (ii) an offense occurring under clause (1), and where the current offense is for a
1.22 violation of section 169A.20, subdivision 2 (test refusal).

1.23 (b) A person whose driver's license has been canceled or denied as a result of
1.24 three or more qualified impaired driving incidents, where the current offense is for a

2.1 violation of section 169A.20, subdivision 1, clause (1), (5), or (6), shall not be eligible for
2.2 reinstatement of driving privileges without an ignition interlock restriction until the person:

2.3 (1) has completed rehabilitation according to rules adopted by the commissioner or
2.4 been granted a variance from the rules by the commissioner; and

2.5 (2) has submitted verification of abstinence from alcohol ~~and controlled substances~~
2.6 under paragraph (c), as evidenced by the person's use of an ignition interlock device or
2.7 other chemical monitoring device approved by the commissioner.

2.8 ~~(b)~~ (c) The verification of abstinence must show that the person has abstained from
2.9 the use of alcohol ~~and controlled substances~~ for a period of not less than:

2.10 (1) three years, for a person whose driver's license was canceled or denied for an
2.11 offense occurring within ten years of the first of two qualified prior impaired driving
2.12 incidents, or occurring after three qualified prior impaired driving incidents;

2.13 (2) four years, for a person whose driver's license was canceled or denied for an
2.14 offense occurring within ten years of the first of three qualified prior impaired driving
2.15 incidents; or

2.16 (3) six years, for a person whose driver's license was canceled or denied for an
2.17 offense occurring after four or more qualified prior impaired driving incidents.

2.18 ~~(e)~~ (d) The commissioner shall establish performance standards and a process for
2.19 certifying chemical monitoring devices. The standards and procedures are not rules and
2.20 are exempt from chapter 14, including section 14.386.

2.21 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to
2.22 offenses committed on or after that date.

2.23 Sec. 2. Minnesota Statutes 2014, section 171.30, subdivision 1, is amended to read:

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

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

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

2.29 (i) 169.792;

2.30 (ii) 169.797;

2.31 (iii) 169A.52:

2.32 (A) subdivision 3, paragraph (a), clause (1) or (2);

2.33 (B) subdivision 3, paragraph (a), clause (3), for a violation of section 169A.20,
2.34 subdivision 1, clause (2), (3), (4), or (7);

- 3.1 (C) subdivision 3, paragraph (a), clause (4), (5), or (6), for a violation of section
 3.2 169A.20, subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;
- 3.3 (D) subdivision 3, paragraph (a), clause (4), (5), or (6), for a violation of section
 3.4 169A.20, subdivision 1, clause (2), (3), (4), or (7);
- 3.5 ~~(E)~~ (E) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an
 3.6 alcohol concentration of less than twice the legal limit;
- 3.7 (F) subdivision 4, paragraph (a), clause (3), for a violation of section 169A.20,
 3.8 subdivision 1, clause (2), (3), (4), or (7);
- 3.9 ~~(G)~~ (G) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section
 3.10 169A.20, subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;
- 3.11 (H) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section
 3.12 169A.20, subdivision 1, clause (2), (3), (4), or (7); or
- 3.13 (iv) 171.17; or
- 3.14 (v) 171.172; or
- 3.15 (3) revoked, canceled, or denied under section 169A.54:
- 3.16 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration
 3.17 of less than twice the legal limit;
- 3.18 (ii) subdivision 1, clause (2);
- 3.19 (iii) subdivision 1, clause (3) or (4), for a violation of section 169A.20, subdivision
 3.20 1, clause (2), (3), (4), or (7);
- 3.21 (iv) subdivision 1, clause (5), (6), or (7), for a violation of section 169A.20,
 3.22 subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306; or
- 3.23 (v) subdivision 1, clause (5), (6), or (7), for a violation of section 169A.20,
 3.24 subdivision 1, clause (2), (3), (4), or (7); or
- 3.25 ~~(iv)~~ (vi) subdivision 2, if the person does not have a qualified prior impaired driving
 3.26 incident as defined in section 169A.03, subdivision 22, on the person's record, and the test
 3.27 results indicate an alcohol concentration of less than twice the legal limit.
- 3.28 (b) The following conditions for a limited license under paragraph (a) include:
- 3.29 (1) if the driver's livelihood or attendance at a chemical dependency treatment or
 3.30 counseling program depends upon the use of the driver's license;
- 3.31 (2) if the use of a driver's license by a homemaker is necessary to prevent the
 3.32 substantial disruption of the education, medical, or nutritional needs of the family of
 3.33 the homemaker; or
- 3.34 (3) if attendance at a postsecondary institution of education by an enrolled student of
 3.35 that institution depends upon the use of the driver's license.

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

4.8 (d) For purposes of this subdivision:

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

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

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

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

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

4.27 (h) The limited license issued by the commissioner to a person under section
4.28 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner
4.29 must not issue a limited license to a person who previously has been issued a limited
4.30 license under section 171.186, subdivision 4.

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

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

4.34 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to
4.35 offenses committed on or after that date.

5.1 Sec. 3. Minnesota Statutes 2014, section 171.30, subdivision 2a, is amended to read:

5.2 Subd. 2a. **Other waiting periods.** Notwithstanding subdivision 2, a limited license
5.3 shall not be issued for a period of:

5.4 (1) 15 days, to a person whose license or privilege has been revoked or suspended
5.5 for a first violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or
5.6 ordinance from another state in conformity with either of those sections; or

5.7 (2) 90 days, to a person who submitted to testing under sections 169A.50 to 169A.53,
5.8 if the person's license or privilege has been revoked or suspended for a violation of section
5.9 169A.20, subdivision 1, clause (2), (3), (4), or (7), occurring within ten years of a qualified
5.10 prior impaired driving incident, or after two qualified prior impaired driving incidents,
5.11 for violations of section 169A.20, sections 169A.50 to 169A.53, or a statute or ordinance
5.12 from another state in conformity with either of those sections; or

5.13 (3) 180 days, to a person who refused testing under sections 169A.50 to 169A.53, if
5.14 the person's license or privilege has been revoked or suspended for a violation of section
5.15 169A.20, subdivision 1, clause (2), (3), (4), or (7), occurring within ten years of a qualified
5.16 prior impaired driving incident, or after two qualified prior impaired driving incidents,
5.17 for violations of section 169A.20, sections 169A.50 to 169A.53, or a statute or ordinance
5.18 from another state in conformity with either of those sections; or

5.19 (4) one year, to a person whose license or privilege has been revoked or suspended
5.20 for committing manslaughter resulting from the operation of a motor vehicle, committing
5.21 criminal vehicular homicide or injury under section 609.21, subdivision 1, clause (1),
5.22 (2), item (ii), (5), (6), (7), or (8), committing criminal vehicular homicide under section
5.23 609.21, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or violating a statute or
5.24 ordinance from another state in conformity with either of those offenses.

5.25 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to
5.26 offenses committed on or after that date.

5.27 Sec. 4. Minnesota Statutes 2014, section 171.306, subdivision 1, is amended to read:

5.28 Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision
5.29 have the meanings given them.

5.30 (b) "Ignition interlock device" or "device" means equipment that is designed to
5.31 measure breath alcohol concentration and to prevent a motor vehicle's ignition from being
5.32 started by a person whose breath alcohol concentration measures 0.02 or higher on the
5.33 equipment.

5.34 (c) "Program participant" means a person who has qualified to take part in the
5.35 ignition interlock program under this section, and whose driver's license has been:

6.1 (1) revoked, canceled, or denied under section 169A.52; or 169A.54, for a violation
6.2 of section 169A.20, subdivision 1, clause (1), (5), or (6); or

6.3 (2) revoked, canceled, or denied under section 171.04, subdivision 1, clause (10); or

6.4 ~~(2)~~ (3) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or
6.5 suspended under section 171.187, for a violation of section 609.2113, subdivision 1,
6.6 clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or
6.7 (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2,
6.8 clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or
6.9 great bodily harm.

6.10 (d) "Qualified prior impaired driving incident" has the meaning given in section
6.11 169A.03, subdivision 22.

6.12 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to
6.13 offenses committed on or after that date.