

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES
EIGHTY-NINTH SESSION
H. F. No. 291

01/22/2015 Authored by Cornish

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

03/26/2015 Adoption of Report: Placed on the General Register as Amended

Read Second Time

05/18/2015 Pursuant to Rule 4.20, returned to the Committee on Public Safety and Crime Prevention Policy and Finance

04/15/2016 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to public safety; increasing fine for certain traffic violations around
1.3 school buses; enhancing penalties and establishing minimum fines for repeat
1.4 violations of driving without a license; allowing alcohol use by sensory testing
1.5 services; extending funding for avian influenza emergency response; providing
1.6 for a fund transfer from the correctional industries revolving fund to the general
1.7 fund; appropriating money; amending Minnesota Statutes 2014, sections
1.8 169.444, subdivision 2; 171.24; Laws 2015, chapter 65, article 1, section 18;
1.9 proposing coding for new law in Minnesota Statutes, chapter 325E.

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

1.11 Section 1. Minnesota Statutes 2014, section 169.444, subdivision 2, is amended to read:

1.12 Subd. 2. **Violations by drivers; penalties.** (a) A person who fails to stop a vehicle
1.13 or to keep it stopped, as required in subdivision 1, or who violates subdivision 1a, is guilty
1.14 of a misdemeanor punishable by a fine of not less than ~~\$300~~ \$500.

1.15 (b) A person is guilty of a gross misdemeanor if the person fails to stop a motor
1.16 vehicle or to keep it stopped, as required in subdivision 1, or who violates subdivision 1a,
1.17 and commits either or both of the following acts:

1.18 (1) passes or attempts to pass the school bus in a motor vehicle on the right-hand,
1.19 passenger-door side of the bus; or

1.20 (2) passes or attempts to pass the school bus in a motor vehicle when a school child is
1.21 outside of and on the street or highway used by the school bus or on the adjacent sidewalk.

1.22 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to
1.23 violations committed on and after that date.

Sec. 2. Minnesota Statutes 2014, section 171.24, is amended to read:

171.24 VIOLATIONS; DRIVING WITHOUT VALID LICENSE.

Subdivision 1. **Driving after suspension; 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 suspended;

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

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 suspended.

Subd. 2. **Driving after revocation; 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 revoked;

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

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, 2016, and applies to offenses committed on or after that date.

Sec. 3. **[325E.041] SENSORY TESTING RESEARCH.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "sensory testing firm" means a business that tests consumer reaction to physical aspects of products for a third-party client;

(2) "trained sensory assessors" means members of the public at least 21 years of age selected by sensory testing firms and trained for a minimum of one hour to test products;

(3) "sensory testing facility" means a facility specifically designed as a controlled environment for testing; and

(4) "department" means the Department of Public Safety.

Subd. 2. **Allowed activities.** Notwithstanding any law to the contrary, a sensory testing firm may possess and may purchase alcohol at retail or wholesale, and may allow consumption of that alcohol, by trained sensory assessors for testing purposes at their facility, provided that:

(1) the firm must comply with section 340A.409 and all other state laws that do not conflict with this section;

(2) firms choosing to serve alcohol must be licensed by the department, which may assess a fee sufficient to cover costs; and

(3) records of testing protocols must be retained by the firm for at least one year.

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

Sec. 4. Laws 2015, chapter 65, article 1, section 18, is amended to read:

Sec. 18. **AVIAN INFLUENZA EMERGENCY RESPONSE.**

Notwithstanding Minnesota Statutes, section 12.221, subdivision 6, ~~for fiscal years 2016 and 2017~~ through June 30, 2019,

5.1 only, the disaster contingency account,
5.2 under Minnesota Statutes, section 12.221,
5.3 subdivision 6, may be used to pay for costs of
5.4 ~~eligible avian influenza~~ emergency response
5.5 activities for avian influenza and any animal
5.6 disease emergency. By January 15, 2018, and
5.7 again by January 15, 2020, the commissioner
5.8 of management and budget must report to
5.9 the chairs and ranking minority members
5.10 of the senate Finance Committee and the
5.11 house of representatives Committee on Ways
5.12 and Means on any amount used for ~~avian~~
5.13 ~~influenza~~ the purposes authorized under this
5.14 section.

5.15 Sec. 5. **TRANSFER; APPROPRIATION.**

5.16 Notwithstanding Minnesota Statutes, section 241.27, the commissioner of
5.17 management and budget shall transfer \$1,000,000 in fiscal year 2017 from the Minnesota
5.18 correctional industries revolving fund to the general fund. This is a onetime transfer.