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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3356

03/05/2018 Authored by Zerwas, Lesch, Lohmer, Omar, Clark and others
The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy
03/15/2018 Adoption of Report: Placed on the General Register
Read for the Second Time
By motion, 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; modifying the commissioner of public safety's authority
1.3 to suspend drivers' licenses in certain situations; making technical changes;
1.4 amending Minnesota Statutes 2016, sections 169.92, subdivision 4; 171.16,
1.5 subdivisions 2, 3; 171.18, subdivision 1; 171.20, subdivision 4; repealing Minnesota
1.6 Statutes 2016, sections 171.171; 171.175.

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

1.8 Section 1. Minnesota Statutes 2016, section 169.92, subdivision 4, is amended to read:

1.9 Subd. 4. Suspension of driver's license. (a) Upon receiving a report from the court, or
1.10 from the driver licensing authority of a state, district, territory, or possession of the United
1.11 States or a province of a foreign country which has an agreement in effect with this state
1.12 pursuant to section 169.91, that a resident of this state or a person licensed as a driver in
1.13 this state did not appear in court in compliance with the terms of a citation, the commissioner
1.14 of public safety shall notify the driver that the driver's license will be suspended unless the
1.15 commissioner receives notice within 30 days that the driver has appeared in the appropriate
1.16 court or, if the offense is a petty misdemeanor for which a guilty plea was entered under
1.17 section 609.491, that the person has paid any fine imposed by the court. If the commissioner
1.18 does not receive notice of the appearance in the appropriate court or payment of the fine
1.19 within 30 days of the date of the commissioner's notice to the driver, the commissioner may
1.20 suspend the driver's license, subject to the notice requirements of section 171.18, subdivision
1.21 2. Notwithstanding the requirements in this section, the commissioner is prohibited from
1.22 suspending the driver's license of a person based solely on the fact that the person did not
1.23 appear in court in compliance with the terms of a citation for a petty misdemeanor or for a
1.24 violation of section 171.24, subdivision 1.

2.1 (b) The order of suspension shall indicate the reason for the order and shall notify the
2.2 driver that the driver's license shall remain suspended until the driver has furnished evidence,
2.3 satisfactory to the commissioner, of compliance with any order entered by the court.

2.4 (c) Suspension shall be ordered under this subdivision only when the report clearly
2.5 identifies the person arrested; describes the violation, specifying the section of the traffic
2.6 law, ordinance or rule violated; indicates the location and date of the offense; and describes
2.7 the vehicle involved and its registration number.

2.8 Sec. 2. Minnesota Statutes 2016, section 171.16, subdivision 2, is amended to read:

2.9 Subd. 2. **Commissioner shall suspend.** (a) The court may recommend the suspension
2.10 of the driver's license of the person so convicted, and the commissioner shall suspend such
2.11 license as recommended by the court, without a hearing ~~as provided herein.~~

2.12 (b) The commissioner is prohibited from suspending a person's driver's license if the
2.13 person was convicted only under section 171.24, subdivision 1 or 2.

2.14 Sec. 3. Minnesota Statutes 2016, section 171.16, subdivision 3, is amended to read:

2.15 Subd. 3. ~~**Suspension for Failure to pay fine.** When any court reports to~~ The
2.16 commissioner must not suspend a person's driver's license based solely on the fact that a
2.17 person: (1) has been convicted of violating a law of this state or an ordinance of a political
2.18 subdivision which regulates the operation or parking of motor vehicles, (2) has been
2.19 sentenced to the payment of a fine or had a surcharge levied against that person, or sentenced
2.20 to a fine upon which a surcharge was levied, and (3) has refused or failed to comply with
2.21 that sentence or to pay the surcharge, ~~notwithstanding the fact that the court has determined~~
2.22 ~~that the person has the ability to pay the fine or surcharge, the commissioner shall suspend~~
2.23 ~~the driver's license of such person for 30 days for a refusal or failure to pay or until notified~~
2.24 ~~by the court that the fine or surcharge, or both if a fine and surcharge were not paid, has~~
2.25 ~~been paid.~~

2.26 Sec. 4. Minnesota Statutes 2016, section 171.18, subdivision 1, is amended to read:

2.27 Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver
2.28 without preliminary hearing upon a showing by department records or other sufficient
2.29 evidence that the licensee:

2.30 (1) has committed an offense for which mandatory revocation of license is required upon
2.31 conviction;

3.1 (2) has been convicted by a court for violating a provision of chapter 169 or an ordinance
3.2 regulating traffic, other than a conviction for a petty misdemeanor, and department records
3.3 show that the violation contributed in causing an accident resulting in the death or personal
3.4 injury of another, or serious property damage;

3.5 (3) is an habitually reckless or negligent driver of a motor vehicle;

3.6 (4) is an habitual violator of the traffic laws;

3.7 (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

3.8 ~~(6) has permitted an unlawful or fraudulent use of the license;~~

3.9 ~~(7)~~ (6) has committed an offense in another state that, if committed in this state, would
3.10 be grounds for suspension;

3.11 ~~(8)~~ (7) has committed a violation of section 169.444, subdivision 2, paragraph (a), within
3.12 five years of a prior conviction under that section;

3.13 ~~(9)~~ (8) has committed a violation of section 171.22, except that the commissioner may
3.14 not suspend a person's driver's license based solely on the fact that the person possessed a
3.15 fictitious or fraudulently altered Minnesota identification card;

3.16 ~~(10)~~ (9) has failed to appear in court as provided in section 169.92, subdivision 4;

3.17 ~~(11)~~ (10) has failed to report a medical condition that, if reported, would have resulted
3.18 in cancellation of driving privileges;

3.19 ~~(12)~~ (11) has been found to have committed an offense under section 169A.33; or

3.20 ~~(13)~~ (12) has paid or attempted to pay a fee required under this chapter for a license or
3.21 permit by means of a dishonored check issued to the state or a driver's license agent, which
3.22 must be continued until the registrar determines or is informed by the agent that the
3.23 dishonored check has been paid in full.

3.24 However, an action taken by the commissioner under clause (2) or (5) must conform to the
3.25 recommendation of the court when made in connection with the prosecution of the licensee.

3.26 (b) The commissioner ~~may not suspend~~ is prohibited from suspending the driver's license
3.27 of an individual under paragraph (a) who was convicted of a violation of section 171.24,
3.28 subdivision 1, ~~whose license was under suspension at the time solely because of the~~
3.29 ~~individual's failure to appear in court or failure to pay a fine~~ or 2.

4.1 Sec. 5. Minnesota Statutes 2016, section 171.20, subdivision 4, is amended to read:

4.2 Subd. 4. **Reinstatement fee.** (a) Before the license is reinstated, (1) an individual whose
4.3 driver's license has been suspended under section 171.16, subdivisions 2 and 3; ~~171.175;~~
4.4 171.18; or 171.182, or who has been disqualified from holding a commercial driver's license
4.5 under section 171.165, and (2) an individual whose driver's license has been suspended
4.6 under section 171.186 and who is not exempt from such a fee, must pay a fee of \$20.

4.7 (b) Before the license is reinstated, an individual whose license has been suspended
4.8 under sections 169.791 to 169.798 must pay a \$20 reinstatement fee.

4.9 (c) When fees are collected by a licensing agent appointed under section 171.061, a
4.10 handling charge is imposed in the amount specified under section 171.061, subdivision 4.
4.11 The reinstatement fee and surcharge must be deposited in an approved state depository as
4.12 directed under section 171.061, subdivision 4.

4.13 (d) Reinstatement fees collected under paragraph (a) for suspensions under sections
4.14 171.16, subdivision 3, and 171.18, subdivision 1, paragraph (a), clause (10) (9), must be
4.15 deposited in the special revenue fund and are appropriated to the Peace Officer Standards
4.16 and Training Board for peace officer training reimbursement to local units of government.

4.17 (e) A suspension may be rescinded without fee for good cause.

4.18 Sec. 6. **REPEALER.**

4.19 Minnesota Statutes 2016, sections 171.171; and 171.175, are repealed.

171.171 SUSPENSION; ILLEGAL PURCHASE OF ALCOHOL OR TOBACCO.

The commissioner shall suspend for a period of 90 days the license of a person who:

(1) is under the age of 21 years and is convicted of purchasing or attempting to purchase an alcoholic beverage in violation of section 340A.503 if the person used a license, Minnesota identification card, or any type of false identification to purchase or attempt to purchase the alcoholic beverage;

(2) is convicted under section 171.22, subdivision 1, clause (2), or 340A.503, subdivision 2, clause (3), of lending or knowingly permitting a person under the age of 21 years to use the person's license, Minnesota identification card, or other type of identification to purchase or attempt to purchase an alcoholic beverage;

(3) is under the age of 18 years and is found by a court to have committed a petty misdemeanor under section 609.685, subdivision 3, if the person used a license, Minnesota identification card, or any type of false identification to purchase or attempt to purchase the tobacco product; or

(4) is convicted under section 171.22, subdivision 1, clause (2), of lending or knowingly permitting a person under the age of 18 years to use the person's license, Minnesota identification card, or other type of identification to purchase or attempt to purchase a tobacco product.

171.175 SUSPENSION; THEFT OF MOTOR FUEL OFFENSE.

Subdivision 1. **Theft of motor fuel.** The commissioner of public safety shall suspend for 30 days the license of any person convicted or juvenile adjudicated delinquent for theft of motor fuel under section 609.52, subdivision 2, clause (1) or (18).

Subd. 2. **Definition.** For the purposes of this section, "motor fuel" has the meaning given it in section 604.15, subdivision 1.