

SENATE  
STATE OF MINNESOTA  
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1082

(SENATE AUTHORS: INGEBRIGTSEN, Gimse, Dibble and Limmer)

DATE	D-PG	OFFICIAL STATUS
04/04/2011	1155	Introduction and first reading Referred to Judiciary and Public Safety
05/02/2011	1602a 1610	Comm report: To pass as amended and re-refer to State Government Innovation and Veterans Withdrawn and re-referred to Transportation
05/09/2011	1800a 1846 3600	Comm report: To pass as amended Second reading Rule 47, returned to Transportation See SF1072, Sec.34-35

1.1A bill for an act

1.2relating to public safety; clarifying and conforming provisions regarding driver's

1.3license revocation periods for DWI convictions; expanding the ignition interlock

1.4device program to include certain violators of the criminal vehicular operation

1.5law; reducing the hard revocation period applicable to a limited license for

1.6certain violators of the criminal vehicular operation law; amending Minnesota

1.7Statutes 2010, sections 169A.54, subdivisions 1, 6; 171.30, subdivisions 1, 2,

1.82a; 171.306, subdivisions 1, 4; repealing Minnesota Statutes 2010, section

1.9169A.54, subdivision 5.

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

1.11Section 1. Minnesota Statutes 2010, section 169A.54, subdivision 1, is amended to

1.12read:

1.13Subdivision 1. **Revocation periods for DWI convictions.** Except as provided in

1.14subdivision 7, the commissioner shall revoke the driver's license of a person convicted

1.15of violating section 169A.20 (driving while impaired) or an ordinance in conformity

1.16with it, as follows:

1.17(1) not less than 30 days for an offense under section 169A.20, subdivision 1

1.18(driving while impaired crime); ~~not less than 30 days;~~

1.19(2) not less than 90 days for an offense under section 169A.20, subdivision 2 (refusal

1.20to submit to chemical test crime); ~~not less than 90 days;~~

1.21(3) not less than one year for:

1.22(i) an offense occurring within ten years of a qualified prior impaired driving

1.23incident; ~~or;~~

1.24(ii) an offense occurring after two qualified prior impaired driving incidents; ~~not~~

1.25~~less than one year;~~ ~~or if~~

(iii) an offense occurring when a person has an alcohol concentration of twice the legal limit or more as measured at the time, or within two hours of the time, of the offense and the person has no qualified prior impaired driving incident within ten years;

(4) not less than two years for an offense occurring under clause (3), item (i) or (ii), and the test results indicate an alcohol concentration of twice the legal limit or more, not less than two years and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169A.70 (chemical use assessments);

~~(4)~~ (5) not less than three years for an offense occurring within ten years of the first of two qualified prior impaired driving incidents or occurring after three qualified prior impaired driving incidents, ~~not less than three years, together and~~ with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established according to standards established by the commissioner; and

~~(5)~~ (6) not less than four years for an offense occurring within ten years of the first of three qualified prior impaired driving incidents, ~~not less than four years, together and~~ with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established according to standards established by the commissioner; or

~~(6)~~ (7) not less than six years for an offense occurring after four or more qualified prior impaired driving incidents, ~~not less than six years, together and~~ with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established according to standards established by the commissioner.

**EFFECTIVE DATE.** This section is effective July 1, 2011.

Sec. 2. Minnesota Statutes 2010, section 169A.54, subdivision 6, is amended to read:

Subd. 6. **Applicability of implied consent revocation.** (a) Any person whose license has been revoked pursuant to section 169A.52 (license revocation for test failure or refusal) as the result of the same incident, and who does not have a qualified prior impaired driving incident, is subject to the mandatory revocation provisions of subdivision 1, clause (1) or (2), in lieu of the mandatory revocation provisions of section 169A.52.

(b) Paragraph (a) does not apply to:

(1) a person whose license has been revoked under subdivision 2 (driving while impaired by person under age 21); or

(2) a person whose driver's license has been revoked for, or who is charged with, (i) an alcohol concentration of twice the legal limit or more as measured at the time, or within two hours, of the time of the offense; or (ii) a violation of section 169A.20 (driving

3.1 while impaired) with an aggravating factor described in section 169A.03, subdivision  
3.2 3, clause ~~(2)~~ or (3).

3.3 **EFFECTIVE DATE.** This section is effective July 1, 2011.

3.4 Sec. 3. Minnesota Statutes 2010, section 171.30, subdivision 1, is amended to read:

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

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

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

3.10 (i) 169.792;

3.11 (ii) 169.797;

3.12 (iii) 169A.52:

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

3.14 (B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section  
3.15 171.306;

3.16 (C) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an  
3.17 alcohol concentration of less than twice the legal limit;

3.18 (D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section  
3.19 171.306;

3.20 (iv) 171.17; or

3.21 (v) 171.172; or

3.22 (3) revoked, canceled, or denied under section 169A.54:

3.23 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration  
3.24 of less than twice the legal limit;

3.25 (ii) subdivision 1, clause (2);

3.26 (iii) subdivision 1, clause ~~(4)~~, (5), ~~or~~ (6), or (7), if in compliance with section  
3.27 171.306; or

3.28 (iv) subdivision 2, if the person does not have a qualified prior impaired driving  
3.29 incident as defined in section 169A.03, subdivision 22, on the person's record, and the test  
3.30 results indicate an alcohol concentration of less than twice the legal limit.

3.31 (b) The following conditions for a limited license under paragraph (a) include:

3.32 (1) if the driver's livelihood or attendance at a chemical dependency treatment or  
3.33 counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or

(3) if attendance at a postsecondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

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

(d) For purposes of this subdivision:

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

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

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

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

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

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

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

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

**EFFECTIVE DATE.** This section is effective July 1, 2011.

Sec. 4. Minnesota Statutes 2010, section 171.30, subdivision 2, is amended to read:

Subd. 2. **60-day waiting period.** A limited license shall not be issued for a period of 60 days to an individual whose license or privilege has been revoked or suspended for commission of the following offenses:

(1) any felony in the commission of which a motor vehicle was used; ~~or~~

(2) failure to stop and disclose identity as required under section 169.09, in the event of a motor vehicle accident resulting in the death or personal injury of another; or

(3) criminal vehicular operation under section 609.21, subdivision 1, clause (1), (2), item (ii) or (iii), (5), (6), (7), or (8), resulting in bodily harm or substantial bodily harm to another.

**EFFECTIVE DATE.** This section is effective July 1, 2011.

Sec. 5. Minnesota Statutes 2010, section 171.30, subdivision 2a, is amended to read:

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

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

(2) one year, to a person whose license or privilege has been revoked or suspended for: (i) committing manslaughter resulting from the operation of a motor vehicle; (ii) committing criminal vehicular homicide or injury under section 609.21; resulting in great bodily harm or death to another; or (iii) violating a statute or ordinance from another state in conformity with either of those offenses.

**EFFECTIVE DATE.** This section is effective July 1, 2011.

Sec. 6. Minnesota Statutes 2010, section 171.306, subdivision 1, is amended to read:

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

(b) "Ignition interlock device" or "device" means equipment that is designed to measure breath alcohol concentration and to prevent a motor vehicle's ignition from being

started by a person whose breath alcohol concentration measures 0.02 or higher on the equipment.

(c) "Program participant" means a person whose driver's license has been revoked, canceled, or denied under section 169A.52~~;~~ 169A.54~~, or~~ 171.04, subdivision 1, clause (10)~~;~~ or section 171.17, subdivision 1, paragraph (a), clause (1), based on a violation of section 609.21, subdivision 1, clause (2), item (i), (3), or (4), resulting in bodily harm or substantial bodily harm to another; and who has qualified to take part in the ignition interlock program under this section.

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

Sec. 7. Minnesota Statutes 2010, section 171.306, subdivision 4, is amended to read:

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

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

(2) the participant has insurance coverage on the vehicle equipped with the ignition interlock device. The commissioner shall require the participant to present an insurance identification card, policy, or written statement as proof of insurance coverage, and may require the insurance identification card provided be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

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

(c) A program participant whose driver's license has been revoked under section 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), ~~or~~ (3), or (4), may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction.

(d) A program participant whose driver's license has been revoked, canceled, or denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or subdivision 4, paragraph (a), clause (4), (5), or (6), ~~or~~ section 169A.54, subdivision 1, clause (4), (5), or (6), or (7); or section 171.17, subdivision 1, paragraph (a), clause (1), based on a violation of section 609.21, subdivision 1, clause (2), item (i), (3), or (4), resulting in bodily harm or substantial bodily harm to another, may apply for a limited license, subject to the ignition interlock restriction, if the program participant is enrolled in a licensed chemical dependency treatment or rehabilitation program as recommended in a chemical use assessment, and if the participant meets the other applicable requirements of section 171.30. After completing a licensed chemical dependency treatment or rehabilitation program and one year of limited license use without violating the ignition interlock restriction, the conditions of limited license use, or program guidelines, the participant may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction. If the program participant's ignition interlock device subsequently registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall cancel the driver's license, and the program participant may apply for another limited license according to this paragraph.

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

**EFFECTIVE DATE.** This section is effective July 1, 2011.

Sec. 8. **REPEALER.**

Minnesota Statutes 2010, section 169A.54, subdivision 5, is repealed.

**EFFECTIVE DATE.** This section is effective July 1, 2011.

APPENDIX  
Repealed Minnesota Statutes: S1082-2

**169A.54 DWI CONVICTIONS, ADJUDICATIONS; ADMINISTRATIVE  
PENALTIES.**

Subd. 5. **Violations involving alcohol concentration of twice the legal limit or more.**  
If the person has no qualified prior impaired driving incidents within the past ten years and is convicted of violating section 169A.20 (driving while impaired) while having an alcohol concentration of twice the legal limit or more as measured at the time, or within two hours of the time, of the offense, the commissioner shall revoke the person's driver's license for not less than one year.