

SENATE

STATE OF MINNESOTA

NINETY-THIRD SESSION

S.F. No. 1941

(SENATE AUTHORS: LATZ)		
DATE	D-PG	OFFICIAL STATUS
02/20/2023	919	Introduction and first reading Referred to Judiciary and Public Safety
03/13/2023	1686a	Comm report: To pass as amended
	1686	Second reading
	11498	Rule 47, returned to Judiciary and Public Safety See SF2909

1.1

A bill for an act

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relating to public safety; allowing use of preliminary breath screening tool for

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alcohol as court admissible evidence for drivers of commercial vehicles; amending

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Minnesota Statutes 2022, section 169A.41, subdivisions 1, 2.

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

1.6

Section 1. Minnesota Statutes 2022, section 169A.41, subdivision 1, is amended to read:

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Subdivision 1. **When authorized.** When a peace officer has reason to believe from the

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manner in which a person is driving, operating, controlling, or acting upon departure from

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a motor vehicle, or has driven, operated, or controlled a motor vehicle, that the driver may

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be violating or has violated section 169A.20 (driving while impaired), 169A.31

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(alcohol-related school bus or Head Start bus driving), ~~or~~ 169A.33 (underage drinking and

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driving), 221.0314 (alcohol-related commercial driving), or 221.605 (alcohol-related

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commercial driving), the officer may require the driver to provide a sample of the driver's

1.14

breath for a preliminary screening test using a device approved by the commissioner for

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this purpose.

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Sec. 2. Minnesota Statutes 2022, section 169A.41, subdivision 2, is amended to read:

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Subd. 2. **Use of test results.** The results of this preliminary screening test must be used

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for the purpose of deciding whether an arrest should be made and whether to require the

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tests authorized in section 169A.51 (chemical tests for intoxication), but must not be used

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in any court action except the following:

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(1) to prove that a test was properly required of a person pursuant to section 169A.51,

1.22

subdivision 1;

- 2.1 (2) in a civil action arising out of the operation or use of the motor vehicle;
- 2.2 (3) in an action for license reinstatement under section 171.19;
- 2.3 (4) in a prosecution for a violation of section 169A.20, subdivision 2 (driving while
- 2.4 impaired; test refusal);
- 2.5 (5) in a prosecution or juvenile court proceeding concerning a violation of section
- 2.6 169A.33 (underage drinking and driving), or 340A.503, subdivision 1, paragraph (a), clause
- 2.7 (2) (underage alcohol consumption);
- 2.8 (6) in a prosecution under section 169A.31 (alcohol-related school or Head Start bus
- 2.9 driving), or 171.30 (limited license); ~~or~~
- 2.10 (7) in a prosecution for a violation of a restriction on a driver's license under section
- 2.11 171.09, which provides that the license holder may not use or consume any amount of
- 2.12 alcohol or a controlled substance; or
- 2.13 (8) in a prosecution for a violation of Code of Federal Regulations, title 49, part 392, as
- 2.14 adopted in sections 221.0314, subdivision 6, and 221.605.