

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 2388

(SENATE AUTHORS: OSMEK)

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Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to public safety; requiring special license plates for risk level III predatory

1.3 offenders; authorizing rulemaking; amending Minnesota Statutes 2018, sections

1.4 243.166, subdivision 7; 299C.093; proposing coding for new law in Minnesota

1.5 Statutes, chapter 168.

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

1.7 Section 1. **[168.045] ADMINISTRATIVE IMPOUNDMENT OF PLATES; LEVEL**

1.8 **III PREDATORY OFFENDER.**

1.9 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms in this subdivision

1.10 have the meanings given.

1.11 (b) "Local law enforcement agency" means a sheriff's office or police department having

1.12 primary jurisdiction over the location where the offender resides.

1.13 (c) "Motor vehicle" means a self-propelled vehicle designed and originally manufactured

1.14 to operate primarily on highways. Motor vehicle does not include a motorboat in operation

1.15 or an off-road recreational vehicle.

1.16 (d) "Offender" means a risk level III predatory offender as determined under section

1.17 244.052.

1.18 (e) "Peace officer" means any member of a local law enforcement agency who has, by

1.19 law, the power of arrest.

1.20 Subd. 2. **Plate impoundment order.** (a) No later than five days from the date of receipt

1.21 of the information under section 243.166, subdivision 4a, the local law enforcement agency

1.22 shall provide to the commissioner the information the offender provided under section

243.166, subdivision 4a, paragraph (a), clauses (1) and (6). If the offender is the registered owner of a motor vehicle that does not have special plates under subdivision 11, the commissioner when notified by the local law enforcement agency must issue a registration plate impoundment order.

(b) The order must require the impoundment of the registration plates for the motor vehicle and all motor vehicles owned by, registered to, or leased in the name of the offender, and any motor vehicle registered jointly or leased in the name of the offender and another person.

Subd. 3. **Notice of impoundment.** An impoundment order is effective on the date the commissioner or a peace officer acting on behalf of the commissioner notifies the offender who is the registered owner of the motor vehicle of the intent to impound the registration plates and provide an order of impoundment. The notice must advise the offender of the duties and obligations under subdivision 6 and of the right to obtain administrative and judicial review. If mailed, the notice and order of impoundment is deemed received three days after the notice is mailed to the last known address of the offender.

Subd. 4. **Peace officer as agent for notice of impoundment.** A peace officer on behalf of the commissioner may serve a notice of intent to impound and an order of impoundment. If the vehicle involved in the plate impoundment is accessible to the peace officer at the time the impoundment order is issued, the peace officer must seize the registration plates subject to the impoundment order. The peace officer must destroy all plates seized or impounded under this section. The local law enforcement agency must send to the commissioner copies of the notice of intent to impound, the order of impoundment, and a notice that the registration plates impounded and seized under this section have been destroyed.

Subd. 5. **Temporary permit.** The peace officer must issue a temporary vehicle permit that is valid for seven days at the time the peace officer issues the notice under subdivision 3. The permit must be in a form determined by the registrar and must be posted on the left side of the inside rear window of the vehicle whenever practicable. A permit is valid only for the vehicle for which the permit is issued.

Subd. 6. **Surrender of plates.** No later than seven days after the date of receipt of the notice of impoundment and impoundment order, an offender who received the notice and order must surrender all registration plates subject to the impoundment order that were not seized by a peace officer under subdivision 4. Registration plates required to be surrendered under this subdivision must be surrendered to the local law enforcement agency with a copy

of the impoundment order. A law enforcement agency receiving registration plates under this subdivision must destroy the plates and notify the commissioner that the plates have been destroyed. The notification to the commissioner must also include a copy of the impoundment order.

Subd. 7. Vehicle not owned by offender. An offender may file a sworn statement with the commissioner no later than seven days after the date of receipt of an impoundment order containing any material information relating to the impoundment order, including whether the vehicle has been sold or destroyed, and the date, name, location, and address of the person or entity that purchased or destroyed the vehicle. The commissioner must rescind the impoundment order if the offender shows that the impoundment order was not properly issued.

Subd. 8. Commissioner review. At any time during the plate impoundment, a person may request in writing a review of the impoundment order by the commissioner. On receiving a request, the commissioner must review the order, the evidence upon which the order was based, and any other material information brought to the attention of the commissioner, and determine whether sufficient cause exists to sustain the order. The commissioner must report in writing the results of the review no later than 15 days after the date of receipt of the request. As a result of the review, the commissioner may authorize the issuance of new registration plates at no cost to the registered owner of the vehicle if the registered owner is not the offender. The review provided under this subdivision is not subject to the contested case provisions of chapter 14. The person may appeal the decision of the commissioner to the district court in Ramsey County no later than ten days after the date of receipt of the commissioner's decision under this subdivision.

Subd. 9. Petition for judicial review. (a) A person may petition the district court in Ramsey County for review no later than 30 days after the date of receipt of a notice and order of impoundment under this section. The petition must include proof of service of a copy of the petition on the commissioner; the petitioner's date of birth, driver's license number, and date of the plate impoundment violation; and the names of the offender and the local law enforcement agency that issued the plate impoundment order or the commissioner as applicable. The petition must state with specificity the grounds upon which the petitioner seeks rescission of the order for impoundment.

(b) The filing of the petition does not stay the impoundment order. The reviewing court may order a stay of the balance of the impoundment period if the hearing has not been conducted no later than 60 days after the filing date of the petition, upon terms the court deems proper. The court must order that the impoundment be rescinded or sustained, and

4.1 forward the order to the commissioner. The court must file its order no later than 14 days
4.2 following the hearing.

4.3 Subd. 10. **Charge for reinstatement of plates.** When the registrar of motor vehicles
4.4 reinstates a person's registration plates after impoundment for reasons other than those
4.5 described in subdivision 11, the registrar must charge the person \$50 per vehicle for which
4.6 the registration plates are being reinstated.

4.7 Subd. 11. **Special registration plates.** (a) At any time during the effective period of an
4.8 impoundment order, an offender may apply to the commissioner for new registration plates.

4.9 (b) Special registration plates issued under this subdivision must have a special series
4.10 of numbers or letters that are readily identified by law enforcement officers.

4.11 (c) The commissioner may issue the special plates upon payment of a \$50 fee for each
4.12 vehicle for which special plates are requested.

4.13 (d) Notwithstanding paragraphs (a) to (c), the commissioner must issue upon request
4.14 new registration plates for a vehicle with impounded registration plates if:

4.15 (1) the impoundment order is rescinded;

4.16 (2) the vehicle is transferred in compliance with subdivision 12; or

4.17 (3) the vehicle is transferred to a Minnesota automobile dealer licensed under section
4.18 168.27, a financial institution that has submitted a repossession affidavit, or a government
4.19 agency.

4.20 Subd. 12. **Sale of vehicle subject to impoundment order.** (a) An offender is prohibited
4.21 from selling or transferring a motor vehicle during the time its registration plates have been
4.22 ordered impounded or during the time its registration plates bear a special series number,
4.23 except when:

4.24 (1) the sale is for a valid consideration;

4.25 (2) the transferee and the offender are not family or household members;

4.26 (3) the transferee signs an acceptable sworn statement with the commissioner attesting:

4.27 (i) the transferee and offender are not family or household members; and

4.28 (ii) the transferee understands the vehicle is subject to an impoundment order; and

4.29 (4) all elements of section 168A.10 are satisfied.

4.30 (b) If the conditions of paragraph (a) are satisfied, the registrar may transfer the title to
4.31 the new owner upon proper application and issue new registration plates for the vehicle.

5.1 Subd. 13. **Acquiring another vehicle.** If the offender applies to the commissioner for
5.2 registration plates for any vehicle, the commissioner is prohibited from issuing registration
5.3 plates unless the plates issued are special plates described under subdivision 11.

5.4 Subd. 14. **Fees credited.** Fees collected from the sale or reinstatement of license plates
5.5 under this section must be paid into the state treasury and credited as follows:

5.6 (1) one-half to the vehicle services operating account in the special revenue fund under
5.7 section 299A.705; and

5.8 (2) one-half to the general fund.

5.9 Sec. 2. Minnesota Statutes 2018, section 243.166, subdivision 7, is amended to read:

5.10 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 7a or sections
5.11 244.052 and 299C.093, the data provided under this section is private data on individuals
5.12 under section 13.02, subdivision 12.

5.13 (b) The data may be used only by law enforcement and corrections agencies for law
5.14 enforcement and corrections purposes. Law enforcement may disclose the status of an
5.15 individual as a predatory offender to a child protection worker with a local welfare agency
5.16 for purposes of doing a family assessment under section 626.556.

5.17 (c) The commissioner of human services is authorized to have access to the data for:

5.18 (1) state-operated services, as defined in section 246.014, for the purposes described in
5.19 section 246.13, subdivision 2, paragraph (b); and

5.20 (2) purposes of completing background studies under chapter 245C.

5.21 (d) The commissioner of corrections may have access to the data under subdivision 4a,
5.22 paragraph (a), clauses (1) and (6), for the purposes of section 168.045.

5.23 Sec. 3. Minnesota Statutes 2018, section 299C.093, is amended to read:

5.24 **299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

5.25 The superintendent of the Bureau of Criminal Apprehension shall maintain a
5.26 computerized data system relating to individuals required to register as predatory offenders
5.27 under section 243.166. To the degree feasible, the system must include the data required to
5.28 be provided under section 243.166, subdivisions 4 and 4a, and indicate the time period that
5.29 the person is required to register. The superintendent shall maintain this data in a manner
5.30 that ensures that it is readily available to law enforcement agencies. This data is private data
5.31 on individuals under section 13.02, subdivision 12, but may be used for law enforcement

and corrections purposes. Law enforcement may disclose the status of an individual as a predatory offender to a child protection worker with a local welfare agency for purposes of doing a family assessment under section 626.556. The commissioner of human services has access to the data for state-operated services, as defined in section 246.014, for the purposes described in section 246.13, subdivision 2, paragraph (b), and for purposes of conducting background studies under chapter 245C. The commissioner of public safety has access to the data under section 243.166, subdivision 4a, paragraph (a), clauses (1) and (6), for the purposes of section 168.045.

Sec. 4. **RULEMAKING AUTHORITY.**

The commissioner of public safety shall adopt rules under chapter 14 for the issuance and use of special plates under section 1.