

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3638

(SENATE AUTHORS: KORAN, Draheim and Bigham)

DATE	D-PG	OFFICIAL STATUS
03/21/2018	6860	Introduction and first reading Referred to Transportation Finance and Policy
03/22/2018	6941	Withdrawn and re-referred to Judiciary and Public Safety Finance and Policy
03/27/2018	7001a	Comm report: To pass as amended and re-refer to Environment and Natural Resources Policy and Legacy Finance
03/29/2018	7098	Comm report: To pass
	7117	Second reading
04/09/2018	7259	Author added Draheim
05/02/2018	8527	Special Order
	8527	Third reading Passed
05/03/2018	8698	Author added Bigham
05/17/2018	9262	Returned from House with amendment
	9262	Senate concurred and repassed bill
	9262	Third reading
		Presentment date 05/18/18

1.1 A bill for an act

1.2 relating to public safety; fully incorporating snowmobiles, all-terrain vehicles, and

1.3 motorboats in operation into the DWI law; amending Minnesota Statutes 2017

1.4 Supplement, sections 84.91, subdivision 1; 86B.331, subdivision 1; repealing

1.5 Minnesota Statutes 2016, section 169A.33, subdivision 1; Minnesota Statutes 2017

1.6 Supplement, section 169A.07.

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

1.8 Section 1. Minnesota Statutes 2017 Supplement, section 84.91, subdivision 1, is amended

1.9 to read:

1.10 Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control

1.11 of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person

1.12 knows or has reason to believe is under the influence of alcohol or a controlled substance

1.13 or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state

1.14 or on the ice of any boundary water of this state.

1.15 (b) No owner or other person having charge or control of any snowmobile or all-terrain

1.16 vehicle shall knowingly authorize or permit any person, who by reason of any physical or

1.17 mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain

1.18 vehicle anywhere in this state or on the ice of any boundary water of this state.

1.19 (c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle

1.20 anywhere in this state or on the ice of any boundary water of this state is subject to chapter

1.21 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted

1.22 of violating section 169A.20 or an ordinance in conformity with it ~~while operating a~~

1.23 ~~snowmobile or all-terrain vehicle~~, or who refuses to comply with a lawful request to submit

1.24 to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity

2.1 with it, shall be prohibited from operating a snowmobile or all-terrain vehicle for a period
 2.2 of one year. The commissioner shall notify the person of the time period during which the
 2.3 person is prohibited from operating a snowmobile or all-terrain vehicle.

2.4 (d) Administrative and judicial review of the operating privileges prohibition ~~is governed~~
 2.5 ~~by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving~~
 2.6 ~~conviction or prior license revocation, as defined in section 169A.03. Otherwise,~~
 2.7 ~~administrative and judicial review of the prohibition~~ is governed by section 169A.53 or
 2.8 171.177.

2.9 (e) The court shall promptly forward to the commissioner and the Department of Public
 2.10 Safety copies of all convictions and criminal and civil sanctions imposed under:

2.11 (1) this section and chapters;

2.12 (2) chapter 169 and relating to snowmobiles and all-terrain vehicles;

2.13 (3) chapter 169A relating to snowmobiles and all-terrain vehicles; and

2.14 (4) section 171.177.

2.15 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either
 2.16 of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain
 2.17 vehicle during the time period the person is prohibited from operating a vehicle under
 2.18 paragraph (c) is guilty of a misdemeanor.

2.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
 2.20 committed on or after that date.

2.21 Sec. 2. Minnesota Statutes 2017 Supplement, section 86B.331, subdivision 1, is amended
 2.22 to read:

2.23 Subdivision 1. **Acts prohibited.** (a) An owner or other person having charge or control
 2.24 of a motorboat may not authorize or allow an individual the person knows or has reason to
 2.25 believe is under the influence of alcohol or a controlled or other substance to operate the
 2.26 motorboat in operation on the waters of this state.

2.27 (b) An owner or other person having charge or control of a motorboat may not knowingly
 2.28 authorize or allow a person, who by reason of a physical or mental disability is incapable
 2.29 of operating the motorboat, to operate the motorboat in operation on the waters of this state.

2.30 (c) A person who operates or is in physical control of a motorboat on the waters of this
 2.31 state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A,
 2.32 a person who is convicted of violating section 169A.20 or an ordinance in conformity with

3.1 it ~~while operating a motorboat~~, shall be prohibited from operating a motorboat on the waters
 3.2 of this state for a period of 90 days between May 1 and October 31, extending over two
 3.3 consecutive years if necessary. If the person ~~operating the motorboat~~ refuses to comply with
 3.4 a lawful demand to submit to testing under sections 169A.50 to 169A.53 or 171.177, or an
 3.5 ordinance in conformity with it, the person shall be prohibited from operating a motorboat
 3.6 for a period of one year. The commissioner shall notify the person of the period during
 3.7 which the person is prohibited from operating a motorboat.

3.8 (d) Administrative and judicial review of the operating privileges prohibition ~~is governed~~
 3.9 ~~by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving~~
 3.10 ~~conviction or prior license revocation, as defined in section 169A.03. Otherwise,~~
 3.11 ~~administrative and judicial review of the prohibition~~ is governed by section 169A.53 or
 3.12 171.177.

3.13 (e) The court shall promptly forward to the commissioner and the Department of Public
 3.14 Safety copies of all convictions and criminal and civil sanctions imposed under: (1) this
 3.15 ~~section and chapters;~~ (2) chapter 169 and relating to motorboats; (3) chapter 169A relating
 3.16 ~~to motorboats;~~ and (4) section 171.177.

3.17 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either
 3.18 of them, is guilty of a misdemeanor.

3.19 (g) For purposes of this subdivision, a motorboat "in operation" does not include a
 3.20 motorboat that is anchored, beached, or securely fastened to a dock or other permanent
 3.21 mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

3.22 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 3.23 committed on or after that date.

3.24 Sec. 3. **REPEALER.**

3.25 (a) Minnesota Statutes 2017 Supplement, section 169A.07, is repealed.

3.26 (b) Minnesota Statutes 2016, section 169A.33, subdivision 1, is repealed.

3.27 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2018, and applies to crimes
 3.28 committed on or after that date. Paragraph (b) is effective August 1, 2018, and applies to
 3.29 offenses committed on or after that date.

169A.07 FIRST-TIME DWI VIOLATOR; OFF-ROAD VEHICLE OR BOAT.

A person who violates section 169A.20 (driving while impaired) while using an off-road recreational vehicle or motorboat and who does not have a qualified prior impaired driving incident is subject only to the criminal penalty provided in section 169A.25 (second-degree driving while impaired), 169A.26 (third-degree driving while impaired), or 169A.27 (fourth-degree driving while impaired); and loss of operating privileges as provided in section 84.91, subdivision 1 (operation of snowmobiles or all-terrain vehicles by persons under the influence of alcohol or controlled substances), or 86B.331, subdivision 1 (operation of motorboats while using alcohol or with a physical or mental disability), whichever is applicable. The person is not subject to the provisions of section 169A.275, subdivision 5 (submission to the level of care recommended in chemical use assessment for repeat offenders and offenders with alcohol concentration of 0.16 or more); 169A.277 (long-term monitoring); 169A.285 (penalty assessment); 169A.44 (conditional release); 169A.54 (impaired driving convictions and adjudications; administrative penalties); or 169A.54, subdivision 11 (chemical use assessment); the license revocation sanctions of sections 169A.50 to 169A.53 (implied consent law); or the plate impoundment provisions of section 169A.60 (administrative impoundment of plates).

169A.33 UNDERAGE DRINKING AND DRIVING.

Subdivision 1. **Definition.** As used in this section, "motor vehicle" does not include motorboats in operation or off-road recreational vehicles.