

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 766

(SENATE AUTHORS: INGEBRIGTSEN)

| DATE | D-PG | OFFICIAL STATUS |
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| 02/04/2019 | 239 | Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy |

1.1 A bill for an act

1.2 relating to public safety; amending certain provisions relating to driving while

1.3 intoxicated; modifying ignition interlock device contract with manufacturer;

1.4 amending Minnesota Statutes 2018, sections 169A.24, subdivision 1; 169A.55,

1.5 subdivision 4; 171.30, subdivisions 1, 2a; 171.306, subdivisions 1, 2.

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

1.7 Section 1. Minnesota Statutes 2018, section 169A.24, subdivision 1, is amended to read:

1.8 Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while

1.9 impaired) is guilty of first-degree driving while impaired if the person:

1.10 (1) commits the violation within ten years of the first of three or more qualified prior

1.11 impaired driving incidents;

1.12 (2) has previously been convicted of a felony under this section; or

1.13 (3) has previously been convicted of a felony under:

1.14 (i) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury,

1.15 substance-related offenses), subdivision 1, clauses (2) to (6);

1.16 (ii) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,

1.17 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to

1.18 (6); subdivision 2a, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4,

1.19 clauses (2) to (6); ~~or~~

1.20 (iii) section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses

1.21 (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses (2) to (6); or 609.2114,

1.22 subdivision 1, clauses (2) to (6), or subdivision 2, clauses (2) to (6); or

2.1 (iv) a statute from this state or another state in conformity with any provision listed in
2.2 item (i), (ii), or (iii).

2.3 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
2.4 committed on or after that date.

2.5 Sec. 2. Minnesota Statutes 2018, section 169A.55, subdivision 4, is amended to read:

2.6 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose
2.7 driver's license has been revoked as a result of an offense listed under clause (1) or (2) shall
2.8 not be eligible for reinstatement of driving privileges without an ignition interlock restriction
2.9 until the commissioner certifies that the person has neither owned nor leased a vehicle, the
2.10 person has not transferred ownership of a vehicle to a family or household member, no
2.11 family or household member owns or leases a vehicle which the person has express or
2.12 implied consent to drive, and the person has not committed a violation of chapter 169A or
2.13 171 during the revocation period; or the person has used the ignition interlock device and
2.14 complied with section 171.306 for a period of not less than:

2.15 (1) one year, for a person whose driver's license was revoked for:

2.16 (i) an offense occurring within ten years of a qualified prior impaired driving incident;
2.17 or

2.18 (ii) an offense occurring after two qualified prior impaired driving incidents; or

2.19 (2) two years, for a person whose driver's license was revoked for:

2.20 (i) an offense occurring under clause (1), and where the test results indicated an alcohol
2.21 concentration of twice the legal limit or more; or

2.22 (ii) an offense occurring under clause (1), and where the current offense is for a violation
2.23 of section 169A.20, subdivision 2 (test refusal).

2.24 As used in this paragraph, "family or household member" has the meaning given in section
2.25 169A.63, subdivision 1, paragraph (f).

2.26 (b) A person whose driver's license has been canceled or denied as a result of three or
2.27 more qualified impaired driving incidents shall not be eligible for reinstatement of driving
2.28 privileges without an ignition interlock restriction until the person:

2.29 (1) has completed rehabilitation according to rules adopted by the commissioner or been
2.30 granted a variance from the rules by the commissioner; and

3.1 (2) has submitted verification of abstinence from alcohol and controlled substances
 3.2 under paragraph (c), as evidenced by the person's use of an ignition interlock device or other
 3.3 chemical monitoring device approved by the commissioner.

3.4 ~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the
 3.5 use of alcohol and controlled substances for a period of not less than:

3.6 (1) three years, for a person whose driver's license was canceled or denied for an offense
 3.7 occurring within ten years of the first of two qualified prior impaired driving incidents, or
 3.8 occurring after three qualified prior impaired driving incidents;

3.9 (2) four years, for a person whose driver's license was canceled or denied for an offense
 3.10 occurring within ten years of the first of three qualified prior impaired driving incidents; or

3.11 (3) six years, for a person whose driver's license was canceled or denied for an offense
 3.12 occurring after four or more qualified prior impaired driving incidents.

3.13 ~~(e) The commissioner shall establish performance standards and a process for certifying~~
 3.14 ~~chemical monitoring devices. The standards and procedures are not rules and are exempt~~
 3.15 ~~from chapter 14, including section 14.386.~~

3.16 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 3.17 committed on or after that date.

3.18 Sec. 3. Minnesota Statutes 2018, section 171.30, subdivision 1, is amended to read:

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

3.22 (1) suspended under section 171.18, 171.173, 171.186, or 171.187;

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

3.24 (i) 169.792;

3.25 (ii) 169.797;

3.26 (iii) 169A.52:

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

3.28 (B) subdivision 3, paragraph (a), clause (3), for a violation of section 169A.20,
 3.29 subdivision 1, clause (2), (3), (4), or (7);

4.1 (C) subdivision 3, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,
 4.2 subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;

4.3 (D) subdivision 3, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,
 4.4 subdivision 1, clause (2), (3), (4), or (7);

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

4.7 (F) subdivision 4, paragraph (a), clause (3), for a violation of section 169A.20, subdivision
 4.8 1, clause (2), (3), (4), or (7);

4.9 ~~(D)~~ (G) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section
 4.10 169A.20, subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;

4.11 (H) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,
 4.12 subdivision 1, clause (2), (3), (4), or (7); or

4.13 (iv) 171.17; or

4.14 (v) 171.172;

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

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

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

4.19 (iii) subdivision 1, clause (3) or (4), for a violation of section 169A.20, subdivision 1,
 4.20 clause (2), (3), (4), or (7);

4.21 (iv) subdivision 1, clause (5), (6), or (7), for a violation of section 169A.20, subdivision
 4.22 1, clause (1), (5), or (6), and if in compliance with section 171.306; or

4.23 (v) subdivision 1, clause (5), (6), or (7), for a violation of section 169A.20, subdivision
 4.24 1, clause (2), (3), (4), or (7); or

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

4.28 (4) revoked, canceled, or denied under section 171.177:

4.29 (i) subdivision 4, paragraph (a), clause (1) or (2);

5.1 (ii) subdivision 4, paragraph (a), clause (3), for a violation of section 169A.20, subdivision
 5.2 1, clause (2), (3), (4), or (7);

5.3 (iii) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,
 5.4 subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;

5.5 (iv) subdivision 4, paragraph (a), clause (4), (5), or (6), for a violation of section 169A.20,
 5.6 subdivision 1, clause (2), (3), (4), or (7);

5.7 ~~(iii)~~ (v) subdivision 5, paragraph (a), clause (1) or (2), if the test results indicate an
 5.8 alcohol concentration of less than twice the legal limit; or

5.9 (vi) subdivision 5, paragraph (a), clause (3), for a violation of section 169A.20,
 5.10 subdivision 1, clause (2), (3), (4), or (7);

5.11 ~~(iv)~~ (vii) subdivision 5, paragraph (a), clause (4), (5), or (6), for a violation of section
 5.12 169A.20, subdivision 1, clause (1), (5), or (6), and if in compliance with section 171.306;

5.13 or

5.14 (viii) subdivision 5, paragraph (a), clause (4), (5), or (6), for a violation of section
 5.15 169A.20, subdivision 1, clause (2), (3), (4), or (7).

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

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

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

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

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

5.31 (d) For purposes of this subdivision:

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

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

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

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

6.12 (g) If the person's driver's license or permit to drive has been revoked under section
6.13 169.792 or 169.797, the commissioner may only issue a limited license to the person after
6.14 the person has presented an insurance identification card, policy, or written statement
6.15 indicating that the driver or owner has insurance coverage satisfactory to the commissioner
6.16 of public safety. The commissioner of public safety may require the insurance identification
6.17 card provided to satisfy this subdivision be certified by the insurance company to be
6.18 noncancelable for a period not to exceed 12 months.

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

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

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

6.26 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
6.27 committed on or after that date.

6.28 Sec. 4. Minnesota Statutes 2018, section 171.30, subdivision 2a, is amended to read:

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

7.1 (1) 15 days, to a person whose license or privilege has been revoked or suspended for
 7.2 a first violation of section 169A.20, sections 169A.50 to 169A.53, section 171.177, or a
 7.3 statute or ordinance from another state in conformity with ~~either~~ any of those sections; or

7.4 (2) 90 days, to a person who submitted to testing under sections 169A.50 to 169A.53,
 7.5 section 171.177, or a statute or ordinance from another state in conformity with any of those
 7.6 sections, if the person's license or privilege has been revoked or suspended for a violation
 7.7 of section 169A.20, subdivision 1, clause (2), (3), (4), or (7), occurring within ten years of
 7.8 a qualified prior impaired driving incident, or after two qualified prior impaired driving
 7.9 incidents, for violations of section 169A.20, sections 169A.50 to 169A.53, section 171.177,
 7.10 or a statute or ordinance from another state in conformity with any of those sections; or

7.11 (3) 180 days, to a person who refused testing under sections 169A.50 to 169A.53, section
 7.12 171.177, or a statute or ordinance from another state in conformity with any of those sections,
 7.13 if the person's license or privilege has been revoked or suspended for a violation of section
 7.14 169A.20, subdivision 1, clause (2), (3), (4), or (7), occurring within ten years of a qualified
 7.15 prior impaired driving incident, or after two qualified prior impaired driving incidents, for
 7.16 violations of section 169A.20, sections 169A.50 to 169A.53, section 171.177, or a statute
 7.17 or ordinance from another state in conformity with any of those sections; or

7.18 (4) one year, to a person whose license or privilege has been revoked or suspended for
 7.19 committing manslaughter resulting from the operation of a motor vehicle, committing
 7.20 criminal vehicular homicide or injury under section ~~609.21~~ 609.2112, subdivision 1, clause
 7.21 (1), (2), item (ii), (5), (6), (7), or (8), committing criminal vehicular homicide under section
 7.22 ~~609.21~~ 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or violating a statute
 7.23 or ordinance from another state in conformity with either of those offenses.

7.24 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 7.25 committed on or after that date.

7.26 Sec. 5. Minnesota Statutes 2018, section 171.306, subdivision 1, is amended to read:

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

7.29 (b) "Ignition interlock device" or "device" means equipment that is designed to measure
 7.30 breath alcohol concentration and to prevent a motor vehicle's ignition from being started
 7.31 by a person whose breath alcohol concentration measures 0.02 or higher on the equipment.

7.32 (c) "Location tracking capabilities" means the ability of an electronic or wireless device
 7.33 to identify and transmit its geographic location through the operation of the device.

8.1 (d) "Program participant" means a person who has qualified to take part in the ignition
8.2 interlock program under this section, and whose driver's license has been:

8.3 (1) revoked, canceled, or denied under section 169A.52; or 169A.54; for a violation of
8.4 section 169A.20, subdivision 1, clause (1), (5), or (6);

8.5 (2) revoked, canceled, or denied under section 171.04, subdivision 1, clause (10); or
8.6 171.177; for a violation of section 169A.20, subdivision 1, clause (1), (5), or (6); or

8.7 ~~(2)~~ (3) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or
8.8 suspended under section 171.187, for a violation of section 609.2113, subdivision 1, clause
8.9 (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or
8.10 subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2),
8.11 item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily
8.12 harm.

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

8.15 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
8.16 committed on or after that date.

8.17 Sec. 6. Minnesota Statutes 2018, section 171.306, subdivision 2, is amended to read:

8.18 Subd. 2. **Performance standards; certification; manufacturer and provider**
8.19 **requirements.** (a) The commissioner shall establish performance standards and a process
8.20 for certifying devices used in the ignition interlock program, except that the commissioner
8.21 may not establish standards that, directly or indirectly, require devices to use or enable
8.22 location tracking capabilities without a court order.

8.23 (b) The manufacturer of a device must apply annually for certification of the device by
8.24 submitting the form prescribed by the commissioner. The commissioner shall require
8.25 manufacturers of certified devices to:

8.26 (1) provide device installation, servicing, and monitoring to indigent program participants
8.27 at a discounted rate, according to the standards established by the commissioner; ~~and~~

8.28 (2) include in an ignition interlock device contract a provision that a program participant
8.29 who voluntarily terminates participation in the program is only liable for servicing and
8.30 monitoring costs incurred during the time the device is installed on the motor vehicle,
8.31 regardless of whether the term of the contract has expired; and

9.1 (3) include in an ignition interlock device contract a provision that requires manufacturers
9.2 of certified devices to pay any towing or repair costs caused by device failure or malfunction,
9.3 or by damage caused during device installation, servicing, or monitoring.

9.4 (c) The manufacturer of a certified device must include with an ignition interlock device
9.5 contract a separate notice to the program participant regarding any location tracking
9.6 capabilities of the device.