
CHAPTER 783-H.F.No.2188

[Coded in Part]

An act relating to transportation; authorizing release of certain traffic and motor vehicle law offenders upon written promise to appear in court, and specifying procedures upon nonappearance; providing for the suspension of driving privileges for violation of the written promise to appear; authorizing the commissioner of public safety to enter into reciprocal agreements; providing for automatic reinstatement of nonresident driving privilege in certain circumstances; providing limited protection to a resident whose driving privilege in another state has been suspended or revoked; amending Minnesota Statutes 1976, Sections 169.91, Subdivisions 1, 3, and by adding a subdivision; 169.92; 171.01, Subdivision 13; 171.15; 171.18; and Chapter 171, by adding a section.

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

Section 1. Minnesota Statutes 1976, Section 169.91, Subdivision 1, is amended to read:

169.91 **ARRESTS.** Subdivision 1. **PROCEDURE.** When any person is arrested for any violation of this chapter or any other law or ordinance relating to the operation or registration of vehicles punishable as a petty misdemeanor, misdemeanor, gross misdemeanor, or felony, the arrested person shall be taken into custody and immediately taken before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offenses and is nearest or most accessible with reference to the place where the arrest is made, in any of the following cases:

- (1) When a person arrested demands an immediate appearance before a magistrate;
- (2) When a person is arrested and charged with an offense under this chapter causing or contributing to an accident resulting in injury or death to any person;
- (3) When the person is arrested upon a charge of negligent homicide;
- (4) When the person is arrested upon a charge of driving or operating or being in actual physical control of any motor vehicle while under the influence of intoxicating liquor or drugs;
- (5) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;
- (6) When there is reasonable cause for believing that the person arrested may leave the state, except as provided in subdivision 4 of this section;
- (7) In any other event when the person arrested refused to give his written promise to appear in court, as hereinafter provided.

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Sec. 2. Minnesota Statutes 1976, Section 169.91, Subdivision 3, is amended to read:

Subd. 3. **NOTICE TO APPEAR.** When a person is arrested for any violation of this chapter or any other law relating to motor vehicles, their registration or the operation thereof, or the use of the highways, the arresting officer shall prepare; ~~in quadruplicate;~~ a written notice to appear in court. This place must be before a magistrate within the county in which the offense charged is alleged to have been committed who has jurisdiction and is nearest or most accessible with reference to the place of arrest.

In order to secure release, if the arrested person is eligible for release, without being taken into custody and immediately taken before a magistrate, as provided in this section, and acts amendatory thereof, the arrested person must give his written promise so to appear in court by signing; ~~in quadruplicate;~~ the written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver the copy thereof marked "SUMMONS" to the person arrested. Thereupon, the officer shall release the person arrested from custody.

Sec. 3. Minnesota Statutes 1976, Section 169.91, is amended by adding a subdivision to read:

Subd. 4. RECIPROCAL AGREEMENTS. The commissioner of public safety is hereby empowered to enter into and carry out reciprocal agreements with duly authorized representatives of other states, districts, territories and possessions of the United States and provinces of foreign countries having laws or compacts authorizing the release of residents of party jurisdictions upon personal recognizance following arrest for violation of a law or ordinance relating to the operation of a motor vehicle.

(a) When a reciprocal agreement is in effect, a law enforcement officer observing a violation of this chapter or any other traffic regulation by a resident of a party jurisdiction shall issue an appropriate citation and shall not, subject to the provisions of clause (b) of this subdivision, require the nonresident to post bond or collateral to secure appearance for trial but shall accept the nonresident's personal recognizance, except the nonresident has the right upon request to post bond or collateral in a manner provided by law and in that case the provisions of this subdivision do not apply.

(b) A nonresident shall not be entitled to be released on his personal recognizance if immediate appearance before a magistrate is required by subdivision 1 of this section or the offense is:

(1) One which, upon conviction, would result in the revocation of a person's drivers license under the laws of this state; or

(2) A violation of a highway weight limitation; or

(3) A violation of a law governing transportation of hazardous materials; or

(4) Driving a motor vehicle without a valid driver's license.

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Sec. 4. Minnesota Statutes 1976, Section 169.92, is amended to read:

169.92 FAILURE TO APPEAR. Subdivision 1. Any person wilfully violating his written promise to appear in court, given as provided in sections 169.90 to 169.95, is guilty of a misdemeanor, provided he is found guilty of the charge upon which he was originally arrested. A written promise to appear in court may be complied with by an appearance by counsel.

Subd. 2. When a nonresident is released upon his written promise to appear and he has not appeared in court or complied with other orders of the court regarding the appearance or proceedings, the court shall notify the commissioner of public safety of the nonappearance upon a form provided by the commissioner.

Subd. 3. Upon receipt of notice from the court that the nonresident did not appear in court following release from custody upon his written promise to appear, the commissioner of public safety shall forward a copy of the report to the driver licensing authority of the state, district, territory, possession or province of residence of the person.

Subd. 4. (a) Upon receiving a report from the driver licensing authority of a state, district, territory or possession of the United States or a province of a foreign country which has an agreement in effect with this state pursuant to section 169.91 that a resident of this state or a person licensed as a driver in this state did not appear in court following written promise to appear in the party jurisdiction, the commissioner of public safety shall notify the driver that his license will be suspended unless the commissioner receives notice within 30 days that the driver has appeared in the appropriate court of the other jurisdiction. If the commissioner does not receive notice of the appearance of the Minnesota resident in the appropriate court within 30 days of the date of the commissioner's notice to the driver, the commissioner may suspend the person's driver's license.

(b) The order of suspension shall indicate the reason for the order and shall notify the person that his license shall remain suspended until he has furnished evidence satisfactory to the commissioner that he has complied with any order entered by the court.

(c) Suspension shall be ordered under this subdivision only when the report from the other jurisdiction clearly identifies the person arrested; describes the violation, specifying the section of the traffic law, ordinance, rule or regulation violated; indicates the location and date of the offense; and describes the vehicle involved and its registration number.

Sec. 5. Minnesota Statutes 1976, Section 171.01, Subdivision 13, is amended to read:

Subd. 13. CONVICTION. The term "conviction" means a final conviction either after trial or upon a plea of guilty; also a forfeiture of cash or collateral deposited to guarantee a defendant's appearance in court, which forfeiture has not been vacated, or a breach of a condition of release without bail, including violation of a written promise to

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appear, is equivalent to a conviction.

Sec. 6. Minnesota Statutes 1976, Section 171.15, is amended to read:

171.15 NONRESIDENT'S DRIVING PRIVILEGE. Subdivision 1. The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to the suspension or revocation by the commissioner in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

The commissioner is further authorized, upon receiving a record of conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

Subd. 2. A nonresident's revoked or suspended driving privilege shall be reinstated automatically in the following circumstances:

(1) The nonresident's home state has, as a consequence of the acts leading to suspension or revocation of the nonresident's driving privilege, suspended or revoked the nonresident's driver's license; and

(2) The suspension period of the nonresident's driver's license has expired, or a new driver's license has been issued to the nonresident by the nonresident's home state.

For the purposes of this subdivision, the nonresident's "home state" means the state where the nonresident is a resident.

Sec. 7. Minnesota Statutes 1976, Section 171.18, is amended to read:

171.18 SUSPENSION. The commissioner shall have authority to and may suspend the license of any driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation of license is required upon conviction; or

(2) Has been convicted by a court of competent jurisdiction for violation of a provision of the highway traffic regulation act or an ordinance regulating traffic and where it appears from department records that the violation for which he was convicted contributed in causing an accident resulting in the death or personal injury of another, or serious property damage; or

(3) Is an habitually reckless or negligent driver of a motor vehicle; or

(4) Is an habitual violator of the traffic laws; or

(5) Is incompetent to drive a motor vehicle as determined and adjudged in a judicial proceeding; or

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(6) Has permitted an unlawful or fraudulent use of such license; or

(7) Has committed an offense in another state which, if committed in this state, would be grounds for suspension; or

(8) Has committed a violation of section 171.22, clause (4); or

(9) Has failed to appear in court as provided in section 169.92, subdivision 4.

Provided, however, that any action taken by the commissioner under subparagraphs (2) and (5) shall conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Upon suspending the license of any person, as hereinbefore in this section authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at his last known address, with postage prepaid thereon, and the licensee's written request shall afford him an opportunity for a hearing within not to exceed 20 days after receipt of such request in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner, or his duly authorized agent, may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license. The department shall not suspend a license for a period of more than one year.

Sec. 8. Minnesota Statutes 1976, Chapter 171, is amended by adding a section to read:

[171.181] RESIDENT DRIVING PRIVILEGE. Subdivision 1. When the commissioner revokes or suspends the driver license of a Minnesota resident as a result of a foreign state conviction, he shall notify that foreign state when the driver license is reinstated or a new license issued.

For the purposes of this section, "foreign state" means a state as defined in Minnesota Statutes, Section 171.01, Subdivision 15, excluding the state of Minnesota.

Subd. 2. When the commissioner receives notice that a foreign state has reinstated or issued a driver license to a resident of that state after a suspension or revocation which was the result of a conviction in Minnesota, the commissioner shall reinstate the driving privileges of the nonresident.

Approved April 5, 1978.

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