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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1199**

02/18/2021 Authored by Klevorn, Bahner, Huot, Edelson, Poston and others
The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy
03/11/2021 Adoption of Report: Amended and re-referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; providing for reinstatement of driving privileges with
1.3 ignition interlock; requiring manufacturers of ignition interlock device to pay for
1.4 operating malfunctions; amending Minnesota Statutes 2020, sections 169A.55,
1.5 subdivision 4; 171.306, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2020, section 169A.55, subdivision 4, is amended to read:

1.8 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose
1.9 driver's license has been revoked as a result of an offense listed under clause (2), shall not
1.10 be eligible for reinstatement of driving privileges without an ignition interlock restriction
1.11 until the commissioner certifies that either:

1.12 (1) the person did not own or lease a vehicle at the time of the offense or at any time
1.13 between the time of the offense and the driver's request for reinstatement, or commit a
1.14 violation of chapter 169, 169A, or 171 between the time of the offense and the driver's
1.15 request for reinstatement or at the time of the arrest for the offense listed under clause (2),
1.16 item (i), subitem (A) or (B), or (ii), subitem (A) or (B), as based on:

1.17 (i) a request by the person for reinstatement, on a form to be provided by the Department
1.18 of Public Safety;

1.19 (ii) the person's attestation under penalty of perjury; and

1.20 (iii) the submission by the driver of certified copies of vehicle registration records and
1.21 driving records for the period from the arrest until the driver seeks reinstatement of driving
1.22 privileges; or

2.1 (2) the person used the ignition interlock device and complied with section 171.306 for
2.2 a period of not less than:

2.3 (i) one year, for a person whose driver's license was revoked for:

2.4 (A) an offense occurring within ten years of a qualified prior impaired driving incident;

2.5 or

2.6 (B) an offense occurring after two qualified prior impaired driving incidents; or

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

2.8 (A) an offense occurring under clause (i), subitem (A) or (B), and the test results indicated
2.9 an alcohol concentration of twice the legal limit or more; or

2.10 (B) an offense occurring under clause (i), subitem (A) or (B), and the current offense is
2.11 for a violation of section 169A.20, subdivision 2.

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

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

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

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

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

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

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

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

3.1 Sec. 2. Minnesota Statutes 2020, section 171.306, subdivision 2, is amended to read:

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

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

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

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

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

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